
VT Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301
<http://hrc.vermont.gov>

[Phone] 802-828-2480
[fax] 802-828-2481
[tdd] 877-294-9200 Roll
free) 1-800-416-2010

Bor Yang Executive Director
and Legal Counsel Direct line:
(802) 828-2493
Bor.Yang@vermont.gov

March 20, 2019

The Honorable Richard Sears Jr., Chair
Senate Committee on Judiciary
Vermont Legislature
State House
Montpelier, Vermont

RE: S.132 — An act relating to hate crimes and bias incidents

Dear Chair Sears and Members of the Committee:

Thank you for this opportunity to provide written testimony to the Committee on this very important bill. My name is Bor Yang and I'm the Executive Director and Legal Counsel for the Vermont Human Rights Commission. As you know, our mission as an agency is to promote full civil and human rights in Vermont. The Commission enforces the laws over which it has jurisdiction through investigations, conciliations and litigation, as well as providing education and training. It develops and advances policies and legislation relating to the protection of the most vulnerable Vermonters - those belonging in protected categories including women, children, persons of color, new Americans, persons with disabilities and members of our LGBTQIA community. Thus, S.132 has the potential to significantly increase and impact the work of the Commission.

The Commission would like to acknowledge the honorable intent behind S.132 and recognize the hard work this Committee has devoted to this bill thus far. Generally, the Commission believes in and supports the establishment of a system of uniform reporting of hate and bias incidents throughout the State of Vermont and mandatory training for law enforcement officers on how to address these crimes and incidents. The Commission strongly agrees that it is the responsibility of the Attorney General's Office to collect this data and publicly share it with our lawmakers and community members alike. It is only through accurate and thorough data collection and the public dissemination of this data, that we can truly begin the hard work to strategically and effectively address hate and bias in our State.

However, a process that is hurried or does not take into full consideration the concerns of those members of our community who are directly impacted by the bill has the potential to create a system of practices that is more harmful to that community and will ultimately fail to realize the legislative intent.

The current language in the bill separates members of the "working group," comprised mostly of law enforcement entities, from "consultants," comprised mostly of advocacy groups and individuals impacted by hate crimes and bias incidents. The duties of defining bias, identifying or developing best practices, establishing a method to standardize the system and establishing codes for bias incidents and ensuring that accurate data about bias incidents is collected and tracked, all fall to the working group. The current bill presumes that law enforcement entities are in the best position to answer questions about bias and develop best practices on how to address it. This is contrary to statistics that show us that it is sometimes law enforcement entities that are blind to, or guilty of, discriminatory practices.

I acknowledged in my oral testimony to this Committee and do so again today that having too large a working group could compromise the working group's ability to reach consensus. I also testified that this working group does not require representation from every, protected category. While people with disabilities and women are subjected to discrimination in housing, public accommodations and employment, they do not experience hate crimes at nearly the same rate as other protected classes. Most importantly, I shared with this Committee my concern that the working group lacks representation from those who are deeply impacted by hate crimes and bias incidents. They are people of color. They are members of our LGBTQIA community. They are New Americans, Muslims and Jews.

The proposed amendment offered by Senator Ruth Hardy, which eliminates some law enforcement entities and adds the Human Rights Commission and the new Executive Director of Racial Equity to the working group, is a significant step in the right direction. The Commission does not oppose adding more stakeholders in lieu of or in addition to the Human Rights Commission. Having said this, the Commission would also like to reiterate the points made in the Coalition of Civil Rights and Community Stakeholders' letter to the Vermont Legislature and raise the following question: Does S.132 misallocate resources and attention that might be better invested in existing entities already doing this work, such as the Human Rights Commission, the Executive Director of Racial Equity, the Civil Rights Unit of the Attorney General's Office and the Racial Disparities in the Criminal and Juvenile Justice Advisory Panel?

Thank you for your time and consideration.

Sincerely,



Bor Yang

Executive Director and Legal Counsel