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March 21, 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;
Comments re Proposed Amendments

Dear Chair Sears and Members of the Committee:

Thank you for providing me a copy of Senator Hardy's proposed amendments to S.132 and the opportunity to offer comments. Thank you as well for your prior invitations to consider the prior drafts of this bill and to offer the perspective of our office's Civil Rights Unit.

As you know, representatives of many communities have asked for the opportunity to be heard on these and related issues — a view our office has shared from the outset of this legislative session. At the same time, I understand the Committee has a proposed amendment before it and thus I will turn directly to it.

Broadly speaking, we are encouraged to see an opportunity to once again consider including community voices in the proposed S. 132 working group. However, as noted below, we do not think adding new voices requires removing others from the working group. In addition, we think the bill would benefit from a broader community perspective than currently proposed. Our two recommendations are:

1. Retain S. 132's original working group members. The proposed amendment would remove the Vermont Sheriffs Association (VSA) and the Vermont Police Association (VPA) from the original working group approved by the Committee. We support retaining the original working group members, including the VSA and VPA.

One goal of H. 132 is to identify law enforcement best practices for responding to, documenting, and reporting hate crimes and bias incidents. As the Committee previously recognized, VSA and

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VPA membership in the working group would help identify practical constraints or logistical challenges requiring attention or remediation.

2. Broader Stakeholder Representation. As noted above, the proposed amendment laudably proposes to add community representatives to the working group — a feature we supported from the outset. We support the amendment's proposal to add the Executive Director of the Human Rights Commission (HRC).

We also support a broader range of community perspectives than the proposed amendment offers. You may recall that prior to the introduction of S. 132, our office had supported (along with representatives of the HRC, Rutland NAACP, ACLU, VSP, and VPA) the recommendation that the working group not only would include a representative of the HRC, but also:

- a. The Executive Director of the Ethnic and Social Equity Standards Advisory Working Group (or a representative of the Ethnic Studies Coalition if H. 3 is not signed); and
- b. A representative of the Interfaith Council.

Our office continues to support that original recommendation. As noted in prior testimony, the Ethnic Studies Coalition consists of representatives from a broad range of communities, including: (i) people of color from various racial and ethnic groups; (ii) anti-poverty and disability rights advocates; and (iii) LGBTQIA advocates. In addition, the Interfaith Council provides a valuable perspective from a cross-section of faith communities that feel no less threatened by acts of hatred.

We look forward to hearing other perspectives on the subject and remain committed to working collaboratively with our government and community partners in the future. Thank you again for your time and attention to these important matters.

Very truly yours,

/s/

Julio A. Thompson
Assistant Attorney General
Director, Civil Rights Unit