Before the Vermont General Assembly, Senate Committee on Judiciary
Statement of Kai Wiggins, Policy Analyst, Arab American Institute
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Chairman Sears, Vice Chairwoman Nitka, and fellow members of the committee, thank you for once again having us speak on this important issue.

My name is Kai Wiggins and I am a policy analyst at the Arab American Institute (AAI). Last month we had the opportunity to acquaint this committee with our work on hate crime prevention. We also provided two recommendations for legislation that would promote an improved response to hate crime and bias incidents in the state of Vermont. Before I revisit those recommendations, I will first "reacquaint" this committee with the work of AAI.

About AAI

As a national civil rights organization founded in 1985, AAI promotes the political and civic empowerment of Arab Americans and supports similar efforts of other communities across the United States. As recent high-profile cases of persistent racial harassment in Vermont have shown, bias incidents can disrupt the democratic process and intimidate individuals and their communities from participating in political and civic affairs. When these incidents rise to the level of criminal activity, and therefore become what we call "hate crimes," the effects can be even more damaging.

Beginning in 2017, and in response to a nationwide increase of reported hate crime incidents, AAI conducted a comprehensive study of laws and policies designed to prevent and address hate crime in each state and the District of Columbia, the findings of which we published in a 2018 report.[1] Since then, we have continued our research into the quality and accuracy of government hate crime data,[2] and with the 116th Congress and nearly all state legislatures now in session, we are also tracking legislation related to hate crime in most states. Later this year, AAI will publish an updated "Hate Crime Index" based on this continued research.

Recommendations

Last week, we received draft legislation from the Office of Legislative Council relating to hate crime and bias incidents in the state of Vermont. As proposed, the legislation would expand the authority of the Attorney General to investigate bias-motivated incidents and enforce civil penalties, create a working group to establish a system of uniform reporting of bias-motivated incidents, require minimum training standards for law enforcement officers to include trainings on hate crimes and bias incidents, and require the Attorney General to report annually to the General Assembly on hate crimes and bias incidents.

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[1] Arab American Institute Foundation, Underreported, Under Threat: Hate Crime in the United States and the Targeting of Arab Americans (2018), *available at* http://www.aaiusa.org/hate-crimes.

[2] Maya Berry and Kai Wiggins, "FBI Stats on Hate Crime Are Scary. So Is What's Missing," CNN (Nov. 14, 2018), https://www.cnn.com/2018/11/14/opinions/fbi-hate-crimes-data-whats-missing-berry-wiggins/index.html. *See also* Maya Berry, "Charlottesville Won't Show Up in Federal Hate Crime Stats," Wash. Post (Sept. 21, 2018), https://www.washingtonpost.com/outlook/2018/09/24/charlottesville-wont-show-up-federal-hate-crimestats/?utm_term=.dd95493762e4.

We are encouraged with the draft legislation as proposed, but we recommend this committee consider two potential improvements. First, the legislation should require law enforcement agencies to report hate crimes to the Vermont Crime Information Center (VCIC) through the uniform reports specified in 20 V.S.A. § 2054. Second, the legislation should ensure stakeholder participation in the process by which the Vermont Criminal Justice Training Council (VCJTC) and Attorney General approve the hate crime and bias incident training required under Section 3 of the draft legislation.

Law Enforcement Reporting

Regarding the first recommendation, the legislation as proposed creates an innovative and promising framework for improving the reporting of bias-motivated incidents in Vermont. The committee could strengthen this legislation with provisions requiring law enforcement reporting of hate crimes through the Uniform Crime Reports (UCR) system. As the state repository for crime reporting, the VCIC collects UCR data from law enforcement agencies through the National Incident-Based Reporting System (NIBRS), and forwards the data to the Federal Bureau of Investigation.[3]

National hate crime data are collected through the UCR system, whether through NIBRS or the traditional Summary Reporting System (SRS), under the Hate Crime Statistics Act (HCSA, 28 U.S.C. 534 note).[4] While participation in the UCR is voluntary, 23 states have laws requiring law enforcement reporting and data collection of hate crimes.[5]

In draft legislation we submitted to the Office of Legislative Council following the Jan. 18 hearing, law enforcement agencies would be required to report hate crimes to the VCIC in the form of the uniform reports specified in 20 V.S.A. § 2054. The VCIC would in turn be required to submit an annual report to the Attorney General based on the information contained in the uniform reports received under this section.

With the proposed creation of a Bias Incident Reporting Working Group, this committee has taken steps toward improving the reporting of bias-motivated incidents in Vermont. We recommend the committee get a head-start and strengthen the legislation with requirements for hate crime reporting.

Stakeholder Participation

Regarding the second recommendation, the legislation as proposed incorporates hate crime and bias incident training, which must be approved by the Vermont Criminal Justice Training Council (VCJTC) and Attorney General, into the criteria for all minimum training standards under 20 V.S.A. § 2358. The addition of these requirements is critical and has our utmost support. The committee could strengthen this legislation with provisions ensuring stakeholder participation in the development and approval of the required training.

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[3] Vermont Dep't of Public Safety, Vermont Crime Information Center, Programs, https://vcic.vermont.gov/about-us/programs.

[4] Fed. Bureau of Investigation, Criminal Justice Information Services Division, Hate Crime Statistics, https://www.fbi.gov/services/cjis/ucr/hate-crime.

[5] Arab American Institute Foundation, Underreported, Under Threat: Hate Crime in the United States and the Targeting of Arab Americans (2018), *supra* note 1.

A potential approach rests in the creation of a working group like that proposed in H.3 - "An act relating to ethnic and social equity studies standards for public schools." This bill would create an Ethnic and Social Equity Standards Advisory Working Group, which would consist of eight members from specific communities identified in the legislation.

Communities that are especially vulnerable to hate crime and bias incidents have a stake in the training that law enforcement receive to ensure their safety. That many victims choose not to report hate crimes because of fear or distrust of law enforcement further substantiates this point.[6] When it comes to hate crime and bias incident training for law enforcement, this committee should strive to create a framework that ensures stakeholders have a seat at the table.

Conclusion
I appreciate the opportunity to share these recommendations, and I commend this committee for working to improve the response to hate crime and bias incidents in Vermont. Thank you.

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[6] Madeline Masucci & Lynn Langton, *Hate Crime Victimization, 2004-2015,* U.S. Dep't of Justice, Bureau of Justice Statistics (Jun. 29, 2017), https://www.bjs.gov/content/pub/pdf/hcv0415.pdf.