

Dear Senators:

I recently sent each of you an email urging you to support S.208 and S.209. I write now to urge you to include language in each of these bills that will provide protection for our fellow residents who are Black and Native American, along with other communities of color in Vermont. Folks of color are at much higher risk of being targeted by law enforcement and thus need specific, additional protections clearly stated in these bills.

You likely have seen language that addresses these concerns but if needed, suggested language is included in the attached document.

Thank you.

Sincerely,

Pat Shine

Anti-Racial Profiling and Non-Discrimination Protections for S.208

Notwithstanding any other provision of law, all law enforcement officers, including federal immigration enforcement personnel operating in the State of Vermont, shall maintain and enforce policies that prohibit racial profiling in all identification, stop, detention, or enforcement actions. “Racial profiling” means any action taken by law enforcement including questioning, investigation, detainment, arrest, or search based in whole or in substantial part on an individual’s actual or perceived race, color, national origin, ethnicity, or membership in a protected class, rather than on credible, non-racially based evidence or reasonable suspicion of unlawful conduct.

Law enforcement agencies shall provide training, reporting mechanisms, and clear remedies for individuals who believe they have been subjected to racial profiling. This section shall apply to all state, local, and federal law enforcement personnel interacting with Vermont residents while enforcing the laws of this State.

Disparate enforcement against Black, Indigenous, or other communities of color, including Latinx and other historically marginalized communities, is prohibited under this section.

This provision shall be enforceable through appropriate administrative, civil, or injunctive remedies available under Vermont law.

2. Proposed Racial Profiling Protection Clause for S.209

(An act relating to prohibiting civil arrest in sensitive locations)

Anti-Racial Profiling and Equal Treatment Clause

Notwithstanding any other provision of law, no law enforcement officer, including any federal immigration enforcement official, shall engage in or cause to be engaged in racial profiling when executing or attempting to execute any civil arrest, administrative detention, or other enforcement action in sensitive locations as defined in this Act. “Racial profiling” includes any law enforcement action based on an individual’s race, color, ethnicity, national origin, or actual or perceived membership in a protected class, absent credible, specific, and articulable evidence of unlawful conduct.

The protections in this section are intended to safeguard all persons from discriminatory enforcement practices, with particular recognition of the historical and ongoing impacts of racial profiling on Black, Indigenous, and other communities of color. Any law enforcement agency that violates this provision in the execution of civil arrest authority in sensitive locations shall be subject to appropriate oversight, reporting obligations, and remedies under Vermont civil rights law.

This section shall not be construed to limit protections or relief otherwise available under law for victims of unlawful discriminatory enforcement actions.
