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The Honorable Maxine Grad
Chair, House Judiciary Committee
Vermont Legislature
Montpelier, Vermont

RE: H.743 Law Enforcement: fair and impartial policing

Dear Chair Grad and Members of the Committee:

Thank you for the opportunity to provide information to the Committee on this important bill. As most of you recall, this Committee last year passed H.561 which became part of S.184 and was eventually signed into law as Act 193. The Act accomplished important policy goals with regard to fair and impartial policing (FIP). The Act:

- Required collection of stop data related to protected categories and the outcomes of those stops by all law enforcement agencies;
- Made this data public;
- Required all law enforcement agencies to adopt a FIP policy that contained all of the essential elements of either the current Vermont State Police or the Attorney General FIP policy (or be deemed to have adopted the model policy developed by the Attorney General) and required that the Vermont Criminal Justice Training Council (VCJTC) adopt a single model policy by 1/1/16 that all agencies would be required to adopt the essential elements of by 7/1/16;
- Required officers and agencies to report to VCJTC in their annual training reports which policy was adopted and whether its officers had received FIP training;
- Required VCJTC to report to the legislature on or before 10/1/14 and annually in April on the above thereafter.

The above items have been accomplished with the exception of the model policy which is in progress. The issue that this bill, H.743, seeks to address is one that was left more ambiguous last year. Act 193 also required that law enforcement agencies work with the VCJTC with the "goals of collecting uniform data, adopting uniform storage methods and periods and ensuring that the data can be analyzed." [emphasis added]. These goals have proven more elusive.

At the moment, to the best of our knowledge all law enforcement agencies are collecting the required data. That is a great first step but in order for the data to be useful in informing agencies and communities about progress in FIP (or lack thereof), the data must be available for public analysis. Secondly, while 20 V.S.A. §2358(e),

since 2013, has required that basic training for all officers include training on FIP, there is no requirement for officers who completed basic training prior to 2013 to undergo FIP training and no requirement for on-going FIP training after basic training. Learning to police impartially is not a one-stop session. In order to be successful at reducing implicit or unconscious bias, officers need on-going, periodic training on this topic.

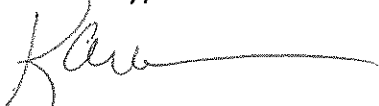
This bill is aimed at accomplishing these two important goals. First it requires all law enforcement officers to receive a minimum of four hours of training or retraining in FIP every two years and makes the information regarding who received this information public.

Second, it requires all agencies to annually provide the collected data to the VCJTC and to the Human Rights Commission (HRC) in an electronic format specified. This data would then be posted electronically in a manner that is accessible to the public. Many other states collect this data and make it public upon request (Rhode Island, Illinois, Maryland, Nebraska, Missouri) and two, Connecticut, North Carolina provide this information in a searchable database.¹ Presently in Vermont, an individual or entity seeking this information would need to do Freedom of Information Act (FOIA) requests to each and every law enforcement agency in the state in order to analyze statewide data!

Collecting data for the sake of collecting data helps no one. In order to make progress on this important civil rights issue, it is necessary to bring a greater level of transparency to police stops and the outcomes of those stops vis a vis protected groups. And continued training on FIP is vital to reducing racial profiling. The HRC has had two reasonable grounds findings in racial profiling cases in the last few months, one against a sheriff's department and the other against the Department of Motor Vehicles based in part on actions taken by their law enforcement officers. Communities of color in this state will tell you that profiling is alive and well and cases filed with the HRC support that anecdotal information. We need to do more. This bill is a step in the right direction.

Thank you for your attention to this important matter.

Sincerely,



Karen L. Richards
Executive Director

¹ <http://ctrp3.ctdata.org/> (Connecticut) <http://trafficstops.ncdoj.gov/> (North Carolina).