

REPORT TO THE VERMONT LEGISLATURE
HATE/BIAS MOTIVATED CRIMES
January 1 – December 31, 2008

March 10, 2009

Introduction

This is the Attorney General's annual report to the Senate and House Judiciary Committees on the implementation of 13 V.S.A. §1455-1466, the Vermont statutes prohibiting bias/hate-motivated crimes and providing civil injunctive relief to victims of bias/hate crimes.

Complaints to the Attorney General's Office and Prevention Order Assistance

During the period from January 1 through December 31, 2008, 10 individuals contacted the Attorney General's Office seeking assistance regarding bias/hate motivated crimes. The office provided referral information to 1 individual and conducted investigations of 9 complaints. Of the 9 complaints investigated, the allegations covered the following protected categories¹: race/color (5); disability (2); sexual orientation (1); ancestry (1), and gender (1). Complaints were received from across the state.

There were no civil injunction actions filed after conducting the investigations. In two cases the complainants sought no further assistance following the investigation. In the remaining cases, either the conduct did not clearly establish criminal activity motivated by hate or bias, the perpetrator could not be sufficiently identified to provide injunctive relief, or the complainant had unlawfully involved himself in the incident. In three of the reported incidents, local law enforcement was also involved and criminal charges were presented to the County State's Attorney for review.

Over the past four years the Civil Rights Unit has noticed a decrease in referrals and calls regarding hate/ bias motivated incidents. Although incidents still occur, the Civil Rights Unit recognizes several factors that have contributed to this decline in requests for assistance. The first factor is the implementation of harassment policies and procedures in Vermont's schools which address bias/hate motivated conduct occurring in schools. The second factor is the comprehensive hate crimes training and education of all Vermont certified law enforcement personnel. Law enforcement personnel are now active in the investigation and deterrence of bias incidents. Law enforcement community policing

¹ In one instance the complaint covered two protected categories.

programs result in greater awareness of community tensions and allow law enforcement to be proactive. The third factor is the increase in education and awareness conducted by community support groups representing targeted populations. Increased awareness leads to individual and community action promoting and supporting diversity and acceptance.

Law Enforcement Data²

Law enforcement data involving bias/hate motivated crimes are generated by the Vermont Department of Public Safety, Vermont Criminal Information Center. Vermont Crime Online (VCON) is the first Vermont law enforcement reporting system that fully complements the National Incident Based Reporting System (NIBRS). The system provides detailed information on reported crimes occurring throughout the State. The VCON system permits a detailed picture of bias/hate-motivated crimes.

Please see Attachments 1 to 4 for the breakdown of the law enforcement and criminal justice statistics.

Law Enforcement Training and Outreach

The Attorney General's Office has worked since 1999 with representatives of the Criminal Justice Training Council, law enforcement, and advocacy groups to develop a team of qualified trainers to train law enforcement on the unique issues hate crimes present. The team is currently made up of: John Gonyea, Training Director, Vermont Police Academy; Sandi Everitt, Assistant Attorney General and Director of the Civil Rights Unit; Amy Farr, Victim's Advocate for the Criminal Division at the Attorney General's Office; Keith Goslant and Ann Atkins, representatives from victim advocacy groups; and a representative from the U.S. Attorney's office. In 2008 two full-day bias/hate crimes investigation and prevention trainings were offered during basic training for law enforcement personnel at the Vermont Criminal Justice Training Council facility in Pittsford.

In other initiatives, the staff of the Civil Rights Unit has been active in the Central Vermont Anti-Racism Study Circles, participated in the Cyber-bullying Legislative Study Committee, and participated in community focus forms on the topics of diversity and protection from hate motivated crimes. The Civil Rights Unit regularly provides information, training and assistance to schools and communities about bias/hate-motivated crimes.

² Over the past several years, it has been difficult to gather the relevant criminal statistical information on bias/hate motivated crimes for the year prior to the due date of this report. The complete law enforcement statistics for each year become available approximately six-months after the close of the year. Therefore, to make this report complete and reliable, this year's report contains the complete law enforcement data for 2007. Next year's report will include the complete law enforcement data for 2008.

We welcome feedback or questions about this report from interested legislators or members of the public. The Civil Rights Unit can be reached at (802) 828-5511, or toll free in Vermont at (888) 745-9195.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra Everitt". The signature is written in black ink and is positioned above a horizontal line.

Sandra Everitt
Assistant Attorney General
Director, Civil Rights Unit

Hate/Bias Motivated Crimes Reported 2004-2007

Victim Data	2004	2005	2006	2007
Bias Motivations	Number of Reports	Number of Reports	Number of Reports	Number of Reports
Anti-White	0	3	1	
Anti-African American	18	10	9	10
Anti-American Indian/Alaskan Native	0	0	2	
Anti-Asian/Pacific Islander	5	1	0	
Anti-Multiracial Group	0	3	3	1
Anti-Hispanic	4	1	1	
Anti-Other Ethnicity/National Origin	6	1	1	
Anti-Jewish	6	0	0	11
Anti-Other Religion	2	1	1	1
Anti-Male Homosexual	0	3	3	4
Anti-Female Homosexual	0	0	0	
Anti-Homosexual	14	8	6	3
Anti-Heterosexual	0	1	0	1
Anti-Bisexual	0	1	1	
Anti-Physical Disability	0	0	0	
Anti-Mental Disability	0	3	5	3
Other	1	0	0	
Total	56	41	33	34

Source: 2005-2007 Data: Vermont Crime Information System
2004 Data: Collected from individual reports

Reported Bias Motivated Crimes

In 2007 there were 34 reports of bias/hate motivated crimes. Of the 34 bias crimes reported: 12 (35%) involved religion; 11 (32%) involved race; 8 (24%) involved sexual orientation; and 3 (9%) involved disability. There was a significant increase in religious incidents reported in 2007.

Reported Hate/Bias Motivated Crimes By County (2007)

	County	Addison	Bennington	Caledonia	Chittenden	Franklin	Orange	Rutland	Washington	Windham
Bias Motivations	Total Number of Reports									
Racial Bias	11		1	1	5			3	1	
Ethnicity/National Origin Bias	0									
Religion Bias	12	1			9				2	
Sexual Orientation Bias	8				4	2	1			1
Disability Bias	3				3					
Total	34	1	1	1	21	2	1	3	3	1

**2007 Data: Vermont Crime Information System
Vermont Crime On-line (VCON)**

Reported Bias Motivated Crimes by County

In 2007, 9 counties reported hate/bias motivated crimes. Law enforcement agencies in Chittenden County reported the highest number with 21, followed by Washington and Rutland Counties with 3 each, Franklin with 2, and Addison, Bennington, Caledonia, Orange and Windham, each with 1 reported incident.

2007 Bias Motivation and Type of Criminal Act

Victim Data Attachment 3 Bias Motivations	Total Reports	Aggravated Assault	Simple Assault	Intimidation	Arson	Burglary/B&E	Destruction of Property/Vandalism	Larceny
Anti-White								
Anti-African American	10		3				6	1
Anti-American Indian/Alaskan Native								
Anti-Multiracial Group	1						1	
Anti-Hispanic								
Anti-Jewish	11					2	9	
Anti-Protestant	1						1	
Anti-Male Homosexual	4						4	
Anti-Homosexual	3		1				2	
Anti-Heterosexual	1					1		
Anti-Mental Disability	3	1						2
Total	34	1	4	0	0	3	23	3

**2007 Data: Vermont Crime Information System
Vermont Crime On-line (VCON)**

Types of Crimes

In 2007 5 crimes or 15% of the bias crimes were crimes against a person and 29 crimes or 85% were crimes against property. Five types of criminal conduct account for the 34 hate/bias motivated crimes reported in 2007. Destruction of property and vandalism and assaults make up the majority (82%) of the criminal acts. This is consistent with the incidents reported in 2006 and 2005, although destruction of property crimes surpassed assaults for the first time. (Compare: Assaults: 18 in 2006, 14 in 2005 and Destruction of property: 7 in 2006, 13 in 2005).

Hate/Bias Motivated Criminal Charges (2002-2007)

	Year					
	2002	2003	2004	2005	2006	2007
Charges Filed	5	15	4	1	1	1
Misdemeanors	5	14	3	1	1	1
Felonies	0	1	1	0	0	0
Charges Resolved	4	12	8	2	1	1
Originally Charged with Hate Crime Enhancement	4	11	8	2	1	1
Charges Resolved with Hate Crime Enhancement	4	9	4	1	1	0
Misdemeanor Convictions	3	7	4	1	1	1
Felony Convictions	0	1	1	0	0	0
Dismissed	1	4	3	1	0	0

Source: Vermont Center of Justice Research
January 2008

Criminal Court Hate Crime Charges Filed and Resolved

There was a decrease in both the number of hate/bias motivated criminal charges filed and disposed of through the legal system over the past four years. This downward decline reflects the decline in the number of incidents reported. In 2007 only one hate/bias motivated criminal charge was filed and resolved.