

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6 – 8 PM on Tuesday, Apr 9th, 2024

Location: Zoom Meetings

- ORCA Media recording of the live meeting:
 - <https://www.orcamedia.net/show/april-9-2024-rdap>
 - <https://youtu.be/ZP1BM8QbUSg?si=y6lVj0qvzpbFGqVA>

- Introductions
 1. Etan Nasreddin-Longo – Chair of the Racial Disparities Advisory Panel
 2. Rebecca Turner – Head of the Public Division at the Office of the Defender General
 3. Julio Thompson – Assistant Attorney General and Civil Rights Unit Co-Director
 4. Geoffrey Jones – Former Vermont State Police Trooper
 5. Farzana Leyva – Orleans County State’s Attorney
 6. Chief Don Stevens of the Nulhegan Band of the Coosuk, Abenaki Nation
 7. Jessica Brown – Professor at Vermont Law and Graduate School
 8. Superior Judge Mary Morrissey – Judiciary Representative on the Panel
 9. Elizabeth Morris – Juvenile Justice Coordinator at the Department for Children and Families
 10. Jennifer Poehlmann – Executive Director for the Vermont Center for Crime Victim Services
 11. Grant Taylor – Minute taker for the Panel
 12. Dan Bennet – Vermont State Police, Deputy Director of Fair and Impartial Policing
 13. Shela Linton – Executive Director of the ROOT Social Justice Center
 14. Laura Carter – Data Analyst in the Division of Racial Justice Statistics
 15. Representative Angela Arsenault – Serves on House Judiciary
 16. Jacq Rose – Health Equity Director at the Department of Corrections
 17. Tiffany North-Reid – Data Manager with the Division of Racial Justice Statistics
 18. Reverend Mark Hughes – Executive Director of the Vermont Racial Justice Alliance
 19. Tyler Allen – Adolescent Services Director with the Department for Children and Families
 20. Derek Miodownik – Community and Restorative Justice Executive with the Department of Corrections
 21. Representative Kevin “Coach” Christie

- Approval of minutes

Shela: Move to approve minutes from February.

Rebecca: Seconded.

Minutes passed.

Shela: Move to approve minutes from March.

Julio: Seconded.

Minutes passed.

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel
6 – 8 PM on Tuesday, Apr 9th, 2024
Location: Zoom Meetings

- Announcements

Etan: Erin Jacobsen has changed roles, Julio is here. Wichie and Tsing would like to do exit interviews. Panel members should email him with interest in exit interviews.

Tyler: Be mindful of questions that are asked during exit interviews. Maybe a group could take them on?

Etan: Yes, but he's looking for someone to take charge of the exit interview process.

Shela: She suggests a racially diverse subcommittee to come up with the process and to do the exit interviews.

Etan, Dan, and Tyler volunteer to help with exit interviews.

15 minutes

- Responses to the Letter

Etan: The Panel needs a staff person and funding for the position. Possibly a vice-chair also for a broader discussion later.

Rebecca: We have asked for a staff member in the past. We have no time for grant writing.

Chief Don: Are we allowed to receive grants or hold funding as a Panel?

- Discussion about a youth facility

Shela: As Executive Director for The Root Social Justice Center, they have programming. One program is Youth for Change Families United. Families United is a peer-based program for families interacting with the Department for Children and Families. Youth for Change is a peer led group of youth who take on initiatives or issues they are passionate about. They have had some meetings at The Root. "Rest Stops" are temporary housing for youth with a direct connection to police. There are concerns they will promote racial disparities and disproportionately affect youth of color.

Tyler: He brought this discussion to his Deputy Commissioner, and they would like to be part of this discussion.

Etan: That will be at the top of the Agendum for the next meeting when everyone can attend.

Tiffany: She suggests an information gathering report on this issue. Gather data about what's been done in other states.

30 minutes

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel
6 – 8 PM on Tuesday, Apr 9th, 2024
Location: Zoom Meetings

Rebecca: She supports Shela bringing this issue to the Panel. The Office of the Defender General has this on their agenda and can provide historical information. What existed before and why it doesn't exist now, referring to Woodside. How do we ensure that what happens next incorporates the voices of the youth? Marshall Pahl from the Office of the Defender General has data on this topic.

Etan: What form is the data in? Is it a report?

Rebecca: She won't claim to know all the data that Marshall has on this subject or what form it's in.

Etan: Tiffany, is that the sort of thing you would like?

Tiffany: Anything that would aid what you're trying to do here we would want to support. We can support listening sessions and promote what comes next.

Tyler: We have a great deal of resources available within this group. A great deal of the data that Marshall has may come from Elizabeth Morris and the Department for Children and Families. There is a difference between the development of secure treatment programming, of psychiatric/mental health programming, there's several levels of systems of care that we're talking about. That is distinct from the idea of the "rest stop", that's something we all want to step away from. There might be two discussions in there.

Etan: We could do this over 2 months, over 2 meetings. We can have Department for Children and Families Deputy Commissioner Aryka Radke join us at next month's meeting.

Rebecca: She will ask Marshall Pahl to join us for June.

- Functional pipeline between the legislature and this Panel

Etan: We spoke about this at the last meeting and about writing letters to House and Senate Judiciary. Representative Martin LaLonde mentioned discussing this with the Panel this summer. Legislators cannot take this on soon.

Rebecca: We have a structural problem being able to respond to legislation in real time. Do we want to create a subcommittee for this?

Etan: Racial Equity Impact Assessments are not being used because they are voluntary.

45 minutes

Tiffany: How can we get the word out about the Assessment Tool provided by the Office of Racial Equity?

Tyler: He's aware of a racial equity impact assessment for bill reviews moving up in the Executive branch; is that a different tool than what we're talking about here?

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel
6 – 8 PM on Tuesday, Apr 9th, 2024
Location: Zoom Meetings

Representative Christie: There are 2 assessment tools, the Social Equity Caucus has a tool as well. Neither is being used enough. We'd be making better strides with a combination of the 2.

Etan: We should look at both.

Rebecca: Other state legislatures have passed equity impact assessment laws, so it's not voluntary. There is an opportunity for the subcommittee to dive deeper into what other states have done.

Etan: Do we want to make a subcommittee now, or wait until after we hear presentations? We can hear presentations about the available tools over the next couple of meetings.

Representative Christie: We could get folks who actively use the Social Equity Caucus assessment tool to present. House general uses it actively.

Etan: Let's present the Office of Racial Equity's assessment tool next month.

Representative Christie: Go to the Social Equity Caucus website, their assessment tool is there somewhere.

Tiffany: The link for the Social Equity Caucus tool is the same as the link for the Office of Racial Equity tool. They are the same assessment.

Representative Christie: There are two separate assessments. The Office of Racial Equity tool is a little more detailed step by step. The Social Equity Caucus tool is more global.

Etan: Please look through the assessments so we can have a substantive conversation next month. This is something he would raise with the Attorney General. A reason for this Panel to have a staff member is to make sure that committees are using the assessments.

1 hour

Representative Christie: Fear is used to control the masses.

Etan: He's been doing some research and things are not quite what they seem to be. A bill that mandates equity impact assessments is needed. See what the Attorney General says about a staff member for the Panel.

Rebecca: We should decide as a Panel whether we want to do anything immediately. Instead of asking the chairs of various committees to come and speak with us it could be a letter from the Panel to the chairs.

Derek: Could you clarify the scope of what is referenced in the reforms? Is that any legislation that's sat in the legal space that is making its way through this legislative session? Or a defined set of bills?

Rebecca: She is going to throw these questions back to the Panel. Do we want to turn this into a major priority item? We haven't formalized what we're doing next after the Report.

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel
6 – 8 PM on Tuesday, Apr 9th, 2024
Location: Zoom Meetings

Derek: Last week H.645 was in front of the Senate Judiciary and there wasn't an invitation for the Office of Racial Equity to add their comments. They had language in the beginning of the letter that made this same point. All too often reforms in this space unless they are explicit about the equity component.

Etan: If we're saying the Racial Justice Alliance is concerned about something, and the Office of Racial Equity is concerned about something, and the Panel is concerned about something then that thing needs specific attention.

1 hour 15 minutes

Tiffany: We get requests that we need to turn around the same day.

Laura: Every single bill right now has a racial equity element; the Office of Racial Equity is trying to keep up with them all.

Etan: Who do we want to send this letter to? Joint judicial oversight, both House judiciary and Senate judiciary?

Rebecca: Those are all good suggestions.

Derek: There's nothing that comes through the legislative branch that doesn't call into question equity. It is about the fundamental structures through which we regulate, allocate resources, and constitute ourselves as individuals and communities. He doesn't want to reify this notion that racial equity is only the purview of the criminal legal system.

Reverend Hughes: When we first envisioned this Panel in H.496 in House Judiciary in 2017, the thought process was oversight of the criminal justice system. It was all about racial disparities in the criminal system, that's what this Panel was envisioned for. Post-reconstruction we know the blowback after 1877, how we fell back as a nation in white lash. We saw the same thing happen post-civil rights in 1968, when we elected Nixon and began the war on drugs. This is the 3rd white lash right now. Let's pay attention to what's going on. While this is going on, we have a constitutional amendment for equal protection, and there have been no comments from this Panel or the Attorney General.

Etan: Who is doing testimony on this so far?

Reverend Hughes: The Office of Racial Equity testified, the American Civil Liberties Union testified, and others.

Etan: He would like to draft the letter to legislators and share it with the group, does that break any open meeting laws?

Julio: He will figure that out with his coworkers in the Attorney General's office.

Etan: Next meeting is May 14th. He will send around a draft letter before then.

Adjournment