

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel
6 – 8 PM on Tuesday, June 11th, 2024
Location: Zoom Meetings

- ORCA Media recording of the live meeting:
 - o <https://www.orcamedia.net/show/june-11-2024-rdap>
 - o <https://youtu.be/ztHwrQlOr4g?si=eSkHMMecViHP-Gem>

- Introductions
 1. Dr. Etan Nasreddin-Longo – Chair of the Racial Disparities Advisory Panel
 2. Elizabeth Morris – Juvenile Justice Coordinator at the Department for Children and Families
 3. Shalini Suryanarayana – Education & Outreach Associate at the Vermont Office of Racial Equity
 4. Julio Thompson – Assistant Attorney General and Civil Rights Unit Co-Director
 5. Geoffrey Jones – Former Vermont State Police Trooper
 6. Karen Vastine – Chair of the Vermont Council for Equitable Youth Justice
 7. Dan Bennet – Vermont State Police, Deputy Director of Fair and Impartial Policing
 8. Jessica Brown – Professor at Vermont Law and Graduate School
 9. Laura Carter – Data Analyst in the Division of Racial Justice Statistics
 10. Shela Linton – Executive Director of the ROOT Social Justice Center
 11. Rebecca Turner – Head of the Public Division at the Office of the Defender General
 12. Grant Taylor – Minute taker for the panel
 13. Chris Louras – Public Observer from Rutland
 14. Tiffany North-Reid – Data Manager with the Division of Racial Justice Statistics
 15. Christine Hughes – Director of the Richard Kemp Center in Burlington
 16. Derek Miodownik – Community and Restorative Justice Executive with the Department of Corrections
 17. ORCA Media

- Revised Agenda

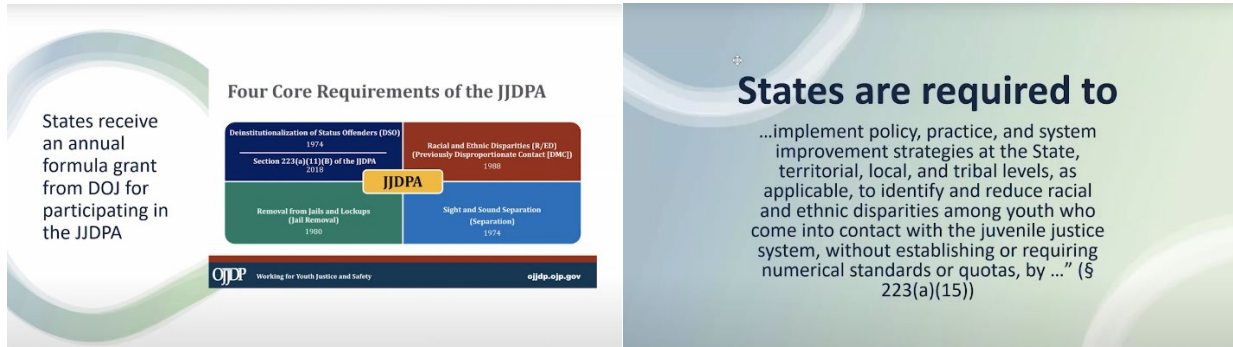
Etan: They will start with a discussion of the Council for Equitable Youth Justice and its relation to this Panel. That will begin with some slides and then Karen Vastine will take questions.

Elizabeth: Began sharing a presentation.



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The Council for Equitable Youth Justice has long been around the state, for decades. Previously the Children and Family Council for Prevention Programs. The Council is mostly charged with upholding the Juvenile Justice and Delinquency Prevention Act and supporting the Department for Children and Family in upholding the 33 core requirements. The Act was passed 50 years ago.



States receive an annual formula grant from DOJ for participating in the JJDP Act

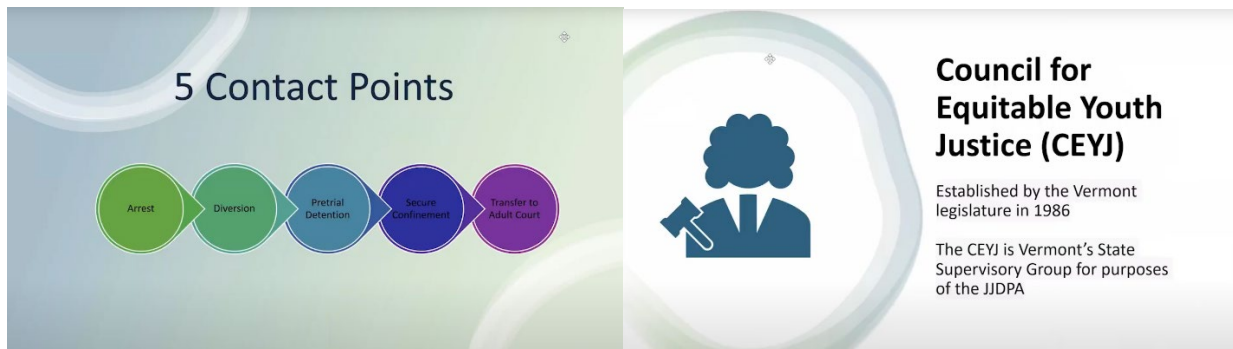
Four Core Requirements of the JJDP Act

Deinstitutionalization of Status Offenders (DSO) 1974	Racial and Ethnic Disparity (R/ED) (Previously Disproportionate Contact (DMC)) 1988
Section 223(a)(11)(B) of the JJDP Act 2018	JJDP Act
Removal from Juails and Lockups (Bill Removal) 1980	Sight and Sound Separation (Separation) 1974

Working for Youth Justice and Safety | ojdp.ojp.gov

States are required to
...implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by ..." (§ 223(a)(15))

Slide 4 is a little more information about racial and ethnic disparity focus. This is from federal law.



5 Contact Points

Arrest → Diversion → Pretrial Detention → Secure Confinement → Transfer to Adult Court

Council for Equitable Youth Justice (CEYJ)
Established by the Vermont legislature in 1986
The CEYJ is Vermont's State Supervisory Group for purposes of the JJDP Act

The Department of Justice is focused on 5 contact points with the highest level of disparities nationwide. This is the data they are charged with gathering and providing to the Department of Justice.

Karen: The name change for the council was to make it easier to remember and say and represent the work they are doing better. With the most recent reauthorization of the Juvenile Justice and Delinquency Prevention Act in 2018 there was a big shift in how the Act envisioned what kind of prevention work it would support through these formula grants. They are working specifically on preventing contact with the juvenile justice system which is different from their previous charge 40 years ago.



Elizabeth: The Council recently put out a request for proposals for a juvenile justice domestic violence accountability study, looking at intimate partner violence. They will be working with a consultant this summer on anti-racism training. A lot of the recommendations in the Juvenile Justice section of the Panel’s recent report to the legislature came from the Council.

15 minutes

Karen: There are lots of opportunities for the Council to work with this Panel. They fully support raising the age of juvenile jurisdiction to 13 and addressing the lack of race/ethnicity data. Would like to work together on a letter to Representative Martin LaLonde about these initiatives. Are there any questions?

Shela: So, the Council is incentivized by a grant to follow the laws, right? Through that is this Council and they want to work with this Panel. Who is on the youth council? Are there young people involved? People of color? What’s the demographics of the council?

Karen: Not all states choose to be a part of the Juvenile Justice and Delinquency Prevention Act. Texas has elected not to be a part of it. Connecticut only recently rejoined. It is important for them to have folks with direct experience on the Council. Including family members of youths who are affected. There is representation from nonprofit organizations and volunteers. Also, the defense bar, and victim advocates. Also, someone with mental health and/or substance use disorder treatment background. They are very welcome to new members joining as well.

Elizabeth: There is an application process for the Council.

Karen: They have a one-pager they use when doing outreach and it has some information it would be helpful for this Panel to have. There is a pie chart showing whose who and how people are represented on the council.

Shela: Is there a certain amount of youth that are required to be on the Council?

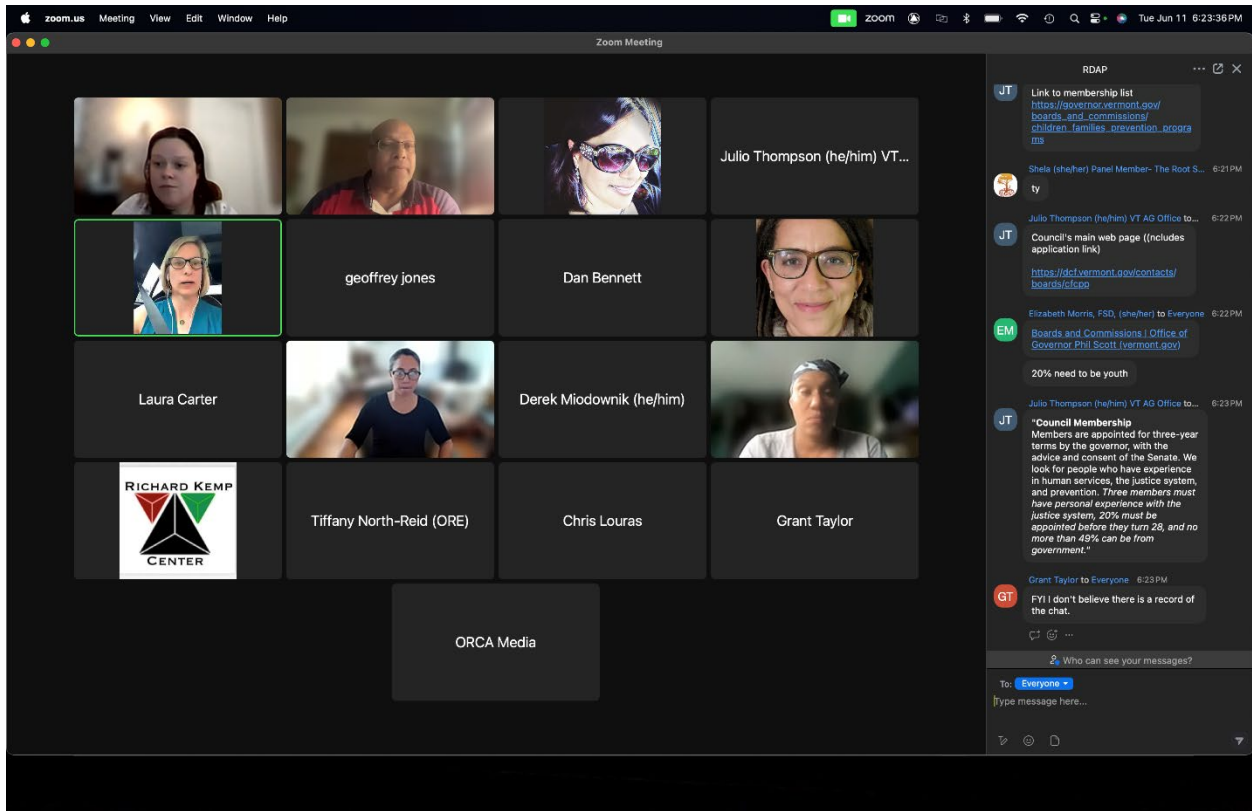
Karen: They do need a certain number of youths on the Council and it depends on the size of the council, 20% needs to be youth.

Christine: What age range does youth refer to?

Karen: Up to 28.

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- Screenshot record of the group chat



Etan: Is the letter to Representative LaLonde written yet?

Karen: It is.

Etan: He would like to share it with the Panel. There were a lot of bills impacting racial equity this past session and the Panel saw no communication. So, the Panel will be reaching out to him also.

Karen: They would be open to working with this Panel. There was 100% alignment with the recommendations in the report!

Etan: It's become very clear to him that there needs to be more collaboration to get legislators to listen.

Rebecca: Is there Defender General's office representation on the council?

Karen: Yes, Paul Groce. It has been great to have someone to help them read the limited amount of data they have.

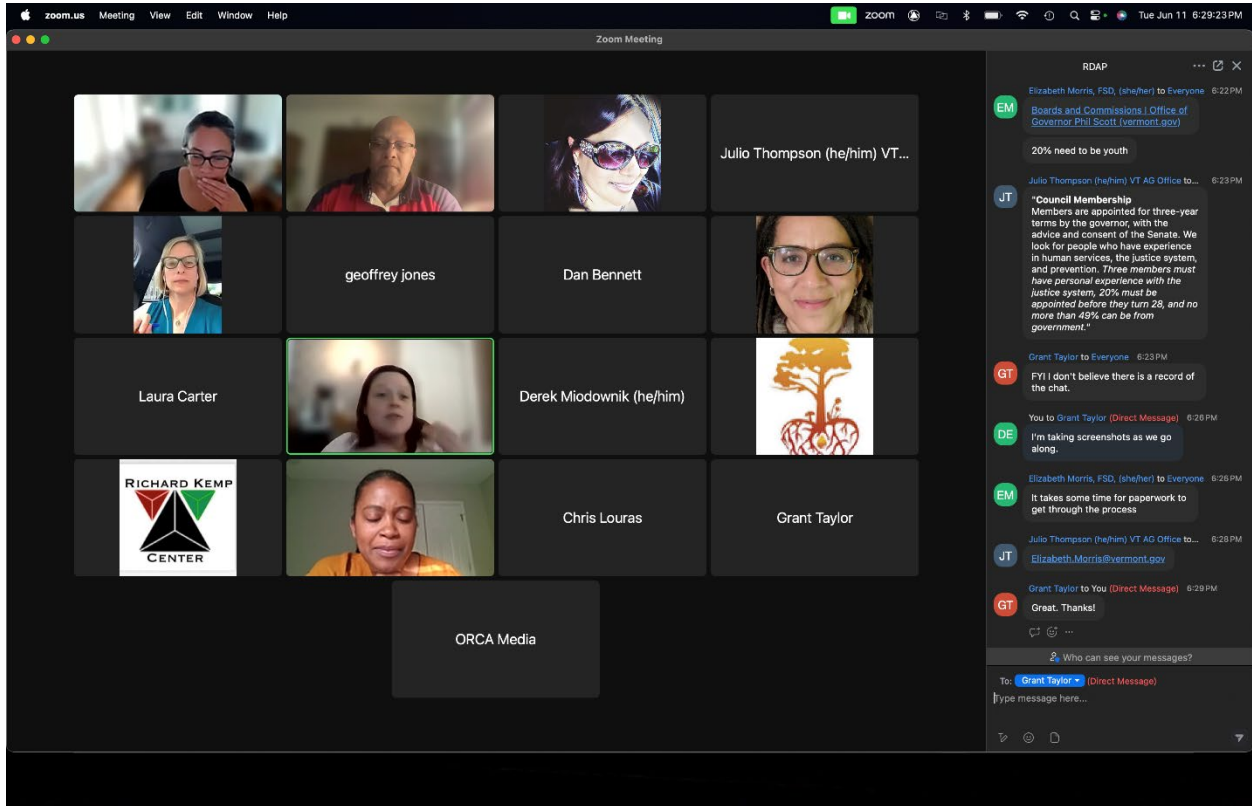
Tiffany: Do you have a timeframe for the collection of the race and ethnicity data? The Office of Racial Equity is funded to work with state partners to strengthen the data infrastructure around these issues. Are your meetings open to learn more about your process?

Karen: Yes, their meetings are open to the public.

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Elizabeth: There is a presentation that includes all the race and ethnicity data. The feds require an annual plan and they have to report on the 5 contact points in that annual plan. Having ¼ of the data blank is not only ethically problematic but also legally they are required to be gathering the data.

- Screenshot record of the group chat



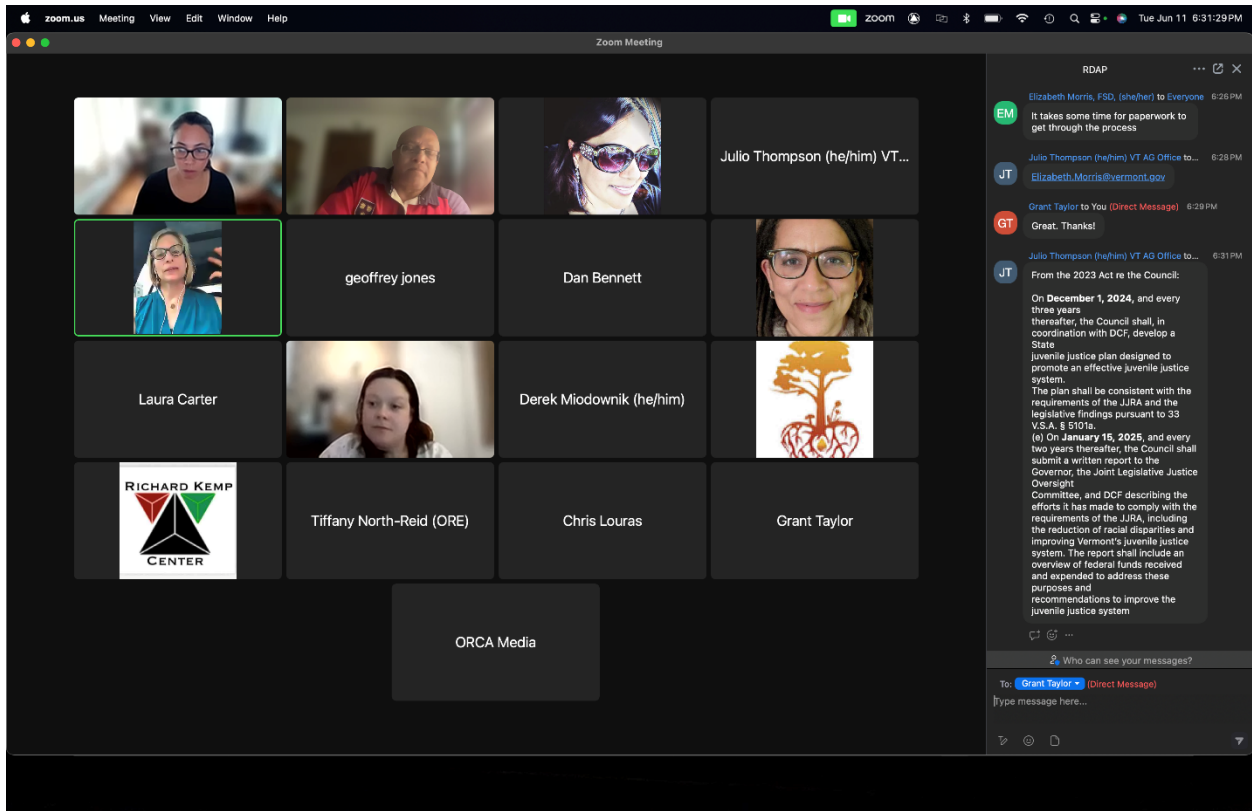
30 minutes

Tiffany: They have a wonderful team at the Office of Racial Equity, and they have a strong relationship with this Panel.

Karen: The Council typically meets on the 3rd Thursday of each month. They will meet next on June 20th. There will be a break in meetings for a couple of months. Regular meetings will begin again in September.

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Etan: The Panel will be sending lots of requests to Representative LaLonde. He is displeased with the lack of consultation with the Panel from legislators. Representative LaLonde has promised to work on it this summer.

- Approval of last month's minutes

Jessica: Moved to approve the May minutes.

Seconded. Rebecca abstained. Minutes passed.

- Announcements

Etan: Chief Stevens isn't at the meeting tonight. Judge Morrisey had a previous engagement.

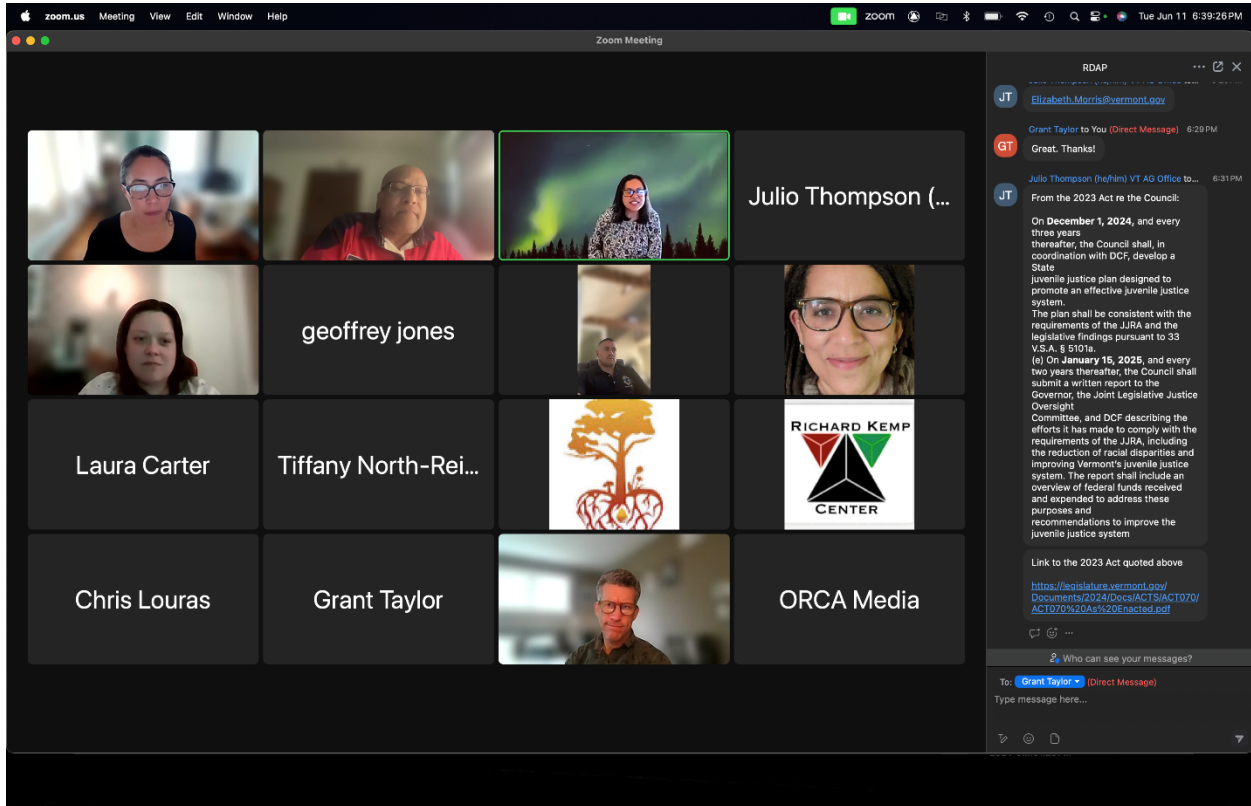
Christine: There is an Open House at the Richard Kemp Center on Saturday, June 15.

- Equity Impact Assessment tools

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Etan: There are 2 equity impact assessment tools in Vermont. One is provided by the Office of Racial Equity. The tools aren't being used by the legislature. Representative Arsenault has mentioned that she would be interested in supporting legislation to require the use of equity impact tools. Shalini Suryanarayana from the Office of Racial Equity will introduce the tool they have available now.

- Screenshot record of the group chat



Shalini: She began by sharing some background about the Office of Racial Equity assessment tool. It began as the Equity Impact Assessment tool but has been revised to the Policy Impact Assessment tool. It includes a checklist of considerations for developing policy. She began sharing a presentation.



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THREE ORE VALUES

Process Equity
 ...and outcomes equity

Structural Solutions
 ...for structural problems

Transformative Change
 ...over transactional change (adaptive over technical change)

DO THE ENDS JUSTIFY THE MEANS?

4 TYPES OF RACISM
 INTERPERSONAL
 INSTITUTIONAL
 SYSTEMIC
 CULTURAL

Transactional or technical change is usually black and white, a yes no. Something that needs to be designed a certain way. Versus adaptive or transformative change which involves your gut and your heart. These kinds of decisions and changes are much broader and more inclusive or many aspects of decision making.

45 minutes

Equality VS Equity

VERMONT OFFICE OF RACIAL EQUITY

She wants to mention that their Impact Assessment Tool is really all about equity even though it's not in the name. This is the most known image of equality versus equity. Does anybody know what is wrong with the way this image is presented?

Shela: Consider there doesn't have to be a fence.

Shalini: It's a problem with how the people are represented. It makes it look like they can't see over the fence because they are shorter, but that's not why we have a disparity in who gets to see over the fence.

This image is the new version, and notice ground gets lower. This has to do with obstacles that are put in people's way that external to them. They are shooting for equity in everything they do. That means getting the right things in place to meet people where they're at knowing that different people have very different needs.

Equality VS Equity

VERMONT OFFICE OF RACIAL EQUITY

the
are

Impact & Intent: Policymaking

VERMONT OFFICE OF RACIAL EQUITY

INTENT VS IMPACT

"THE STING OF INTENTIONAL PAIN"

- Participants received equally strong electric shocks.
- Those who thought the shocks were administered intentionally actually experienced them as being more painful than those who thought they were administered by accident.

"INTENTIONAL HARMS ARE WORSE, EVEN WHEN THEY'RE NOT"

- Participants read about a CEO who cost his employees part of their paychecks through a bad investment, either because (a) he intentionally wanted them to work harder, or (b) he simply made an unfortunate mistake.
- People assigned the CEO more blame in the former condition, and participants saw the loss as "more damaging" to employees and their families in the latter scenario, even though the employees suffered the exact same objective financial loss in both cases.

Impact & Intent: Performance

VERMONT OFFICE OF RACIAL EQUITY

For policies and programs to be successful, we must **define and fully understand the problem** we are trying to address before developing a proposal. This means clearly identifying how the proposal will result in the desired outcomes for Vermont residents and visitors.

Performance accountability is essential for running effective programs. We should not create programs and policies and then revisit performance accountability years down the road—we must consider performance at the start.

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Impact & Intent: Equity

Historically, policy has been made based on the needs and preferences of people in dominant groups, which has created disparate impacts for marginalized groups. If we fail to protect our most vulnerable from the impact of our policies and programs, we are only hurting ourselves.

Systemic problems require systemic solutions, not individual ones. Shaping our policies and budgets to advance equity is the correct approach, not expecting individuals to defy odds to avoid negative outcomes or access resources.

Impact & Intent: Equity

Equity is foundational to our work. We do not create programs and policies and then sprinkle equity in as an add-on—we must begin with justice first.

One crucial defense against disparate impacts of policies and programs is to conduct equity impact assessments prior to budgetary or programmatic decisions that will impact communities.

Impact & Intent: Equity

WHAT	WHY	HOW	WHO	WHEN
<ul style="list-style-type: none"> Complete and submit a questionnaire that focuses on the equity and continuous improvement implications of a proposed budget or policy proposal. 				
<p>GETTING IT RIGHT: Have a clear process that is uniform, including protocols for non-compliance.</p>	<p>Clarity</p> <p>Announce the requirement to all staff, even those not directly involved in policy or budget processes (roles may change, also it's helpful to understand broader team workloads). Train & refresh regularly.</p>	<p>Inconsistency</p> <p>Teams & staff feel disconnected when requirements are enforced for some departments & not others. Know in advance how to handle exceptions & non-compliance. Seek quality, not speed.</p>		

Impact & Intent: Equity

WHAT	WHY	HOW	WHO	WHEN
<ul style="list-style-type: none"> The State's racial equity Vision and Values include <ul style="list-style-type: none"> Pursuing systemic solutions for systemic problems, and Transforming systems so that justice is built into everything we do. Decisions that are equitable and efficient create cost savings, higher morale, and smoother operations. 				
<p>GETTING IT RIGHT: Demonstrate how and why an IA process aligns with the organization's values. Provide feedback to demonstrate utility.</p>	<p>Show the value</p> <p>Show how this process complements and enhances the overall mission. Show staff their analyses are valuable by following up with examples/data of how the analyses have impacted policy and programs.</p>	<p>"Because I said."</p> <p>Staff are not motivated by meaningless mandates and are less likely to put forth good faith effort if they believe the work is just performative or compliance-oriented.</p>		

Impact & Intent: Equity

WHAT	WHY	HOW	WHO	WHEN
<ul style="list-style-type: none"> IA Tool is a fillable PDF with instructions, glossary, contact information, and reference/resource links. Staff submit IA tool alongside any new budget or policy proposal. Follows standard review process all the way to the Governor's Office. Short form option for first-pass review; full form required for final Governor approval. 				
<p>GETTING IT RIGHT: Create a process that is easy to understand and follow, for staff or any external people who will have access to the end product.</p>	<p>Accessible format</p> <p>Fillable forms, online portals, secure folders... Consider the ways in which staff most easily collaborate and share information. Consider desktop, tablet, and mobile friendliness of each tool.</p>	<p>Clunky process</p> <p>Staff are less likely to embrace processes that add unnecessary burdens or steps. Thread IA processes into existing ones for a more seamless transition.</p>		

Impact & Intent: Equity

WHAT	WHY	HOW	WHO	WHEN
<ul style="list-style-type: none"> Budget or policy staff complete the form, and often work in teams to collaboratively complete it. Equity Liaisons serve as points of contact or assistance to their colleagues. Office of Racial Equity, Governor's Office, and Chief Performance Office are available for support. 				
<p>GETTING IT RIGHT: Provide multiple opportunities to learn how to conduct an IA process. Bring in wide swath of relevant staff, not just a few token roles.</p>	<p>Support & Train</p> <p>Even with a training, staff may not fully understand what's being asked of them. Provide regular opportunities to learn & improve. Consider role transitions. Provide model answers to set expectations.</p>	<p>Siloing/Burying</p> <p>Equity & justice work is not effective if it is seen as the responsibility of one person or unit. Ensure this workload is properly distributed. Cross-train where appropriate.</p>		

Impact & Intent: Equity

WHAT	WHY	HOW	WHO	WHEN
<ul style="list-style-type: none"> IA tool is submitted any time a new proposal is made, but volume increases in the fall and winter when developing legislative priorities and proposals for the Jan-May legislative session. Some flexibility is built in with the short-form/long-form option to manage workload. 				
<p>GETTING IT RIGHT: Adjust timelines to allow high-quality, well-researched analyses. If disparity is identified, withdraw or amend the proposal—that's the point of the IA.</p>	<p>Long runways</p> <p>Broadly give staff sufficient time to adjust to this new practice—don't introduce it 2 weeks before major deadlines. In all cases, build in time to address disparities surfaced by the tool.</p>	<p>Rush & Push</p> <p>Adjust budget & policy timelines to allow thorough completion of tool. This may include state gathering or community feedback. If disparity is identified, don't push it through.</p>		

Impact Assessment Overview

- This tool is intended to serve as a systematic examination of:
 - The theory of change, and the assumptions therein, embedded within the proposal;
 - How different marginalized groups will be affected by a proposed action or decision; and
 - The degree to which we can measure, track, and align our proposals with overarching goals.
- Use this tool to:
 - Minimize unanticipated adverse consequences in proposed policies, institutional practices, programs, plans, and budgetary decisions.
 - Maximize investments and staffing by anticipating needs, benefits, and harms.
- These analyses are best conducted during the decision-making process, prior to enacting new proposals.

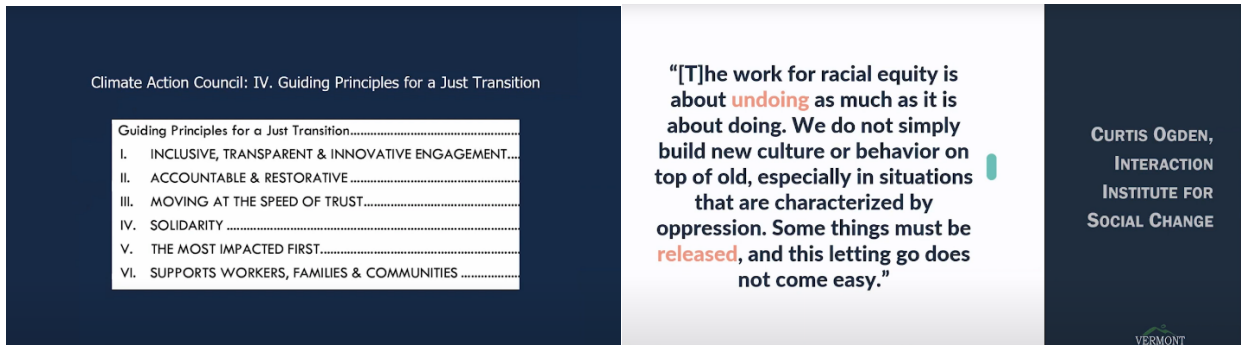
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- Screenshot record of the group chat

1 hour

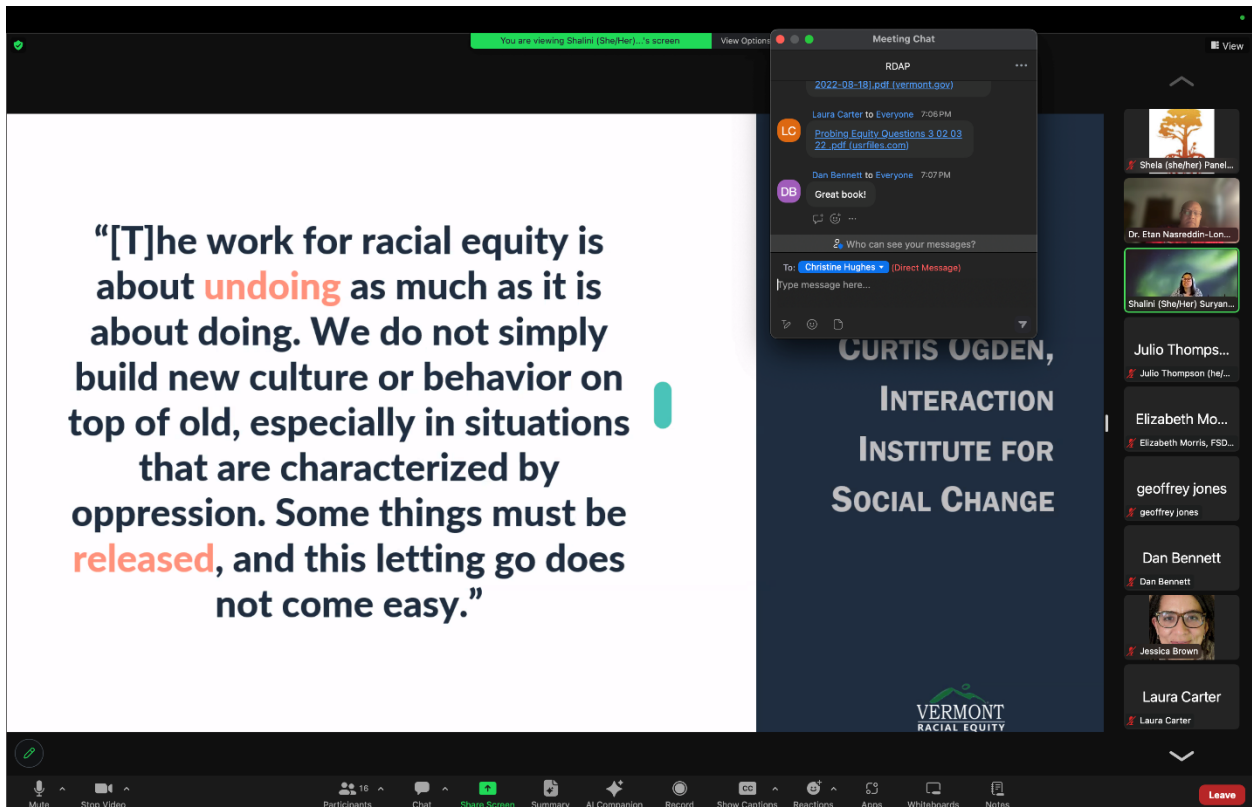
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It doesn't take a lot of time to do an Impact Assessment report. The more it gets used, the easier it is to use. As proposals are developed Impact Assessments become part of the process. Consistently requiring the use of the tool will build peoples' equity muscles. The Social Equity Caucus also has Probing Equity Questions that function in much the same way as the Impact Assessment tool.



In State government many systems are designed to protect the status quo and to preserve the status quo. If we want to think about equity in the work we do, it's about changing things in ways that will be met with resistance. Using the tool also reduces the need for advocates to speak up individually. Right now, the Office of Racial Equity only has 5 employees, so please use the tool!

- Screenshot record of the group chat



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Laura: She shared some of the links from the presentation in the chat for everyone.

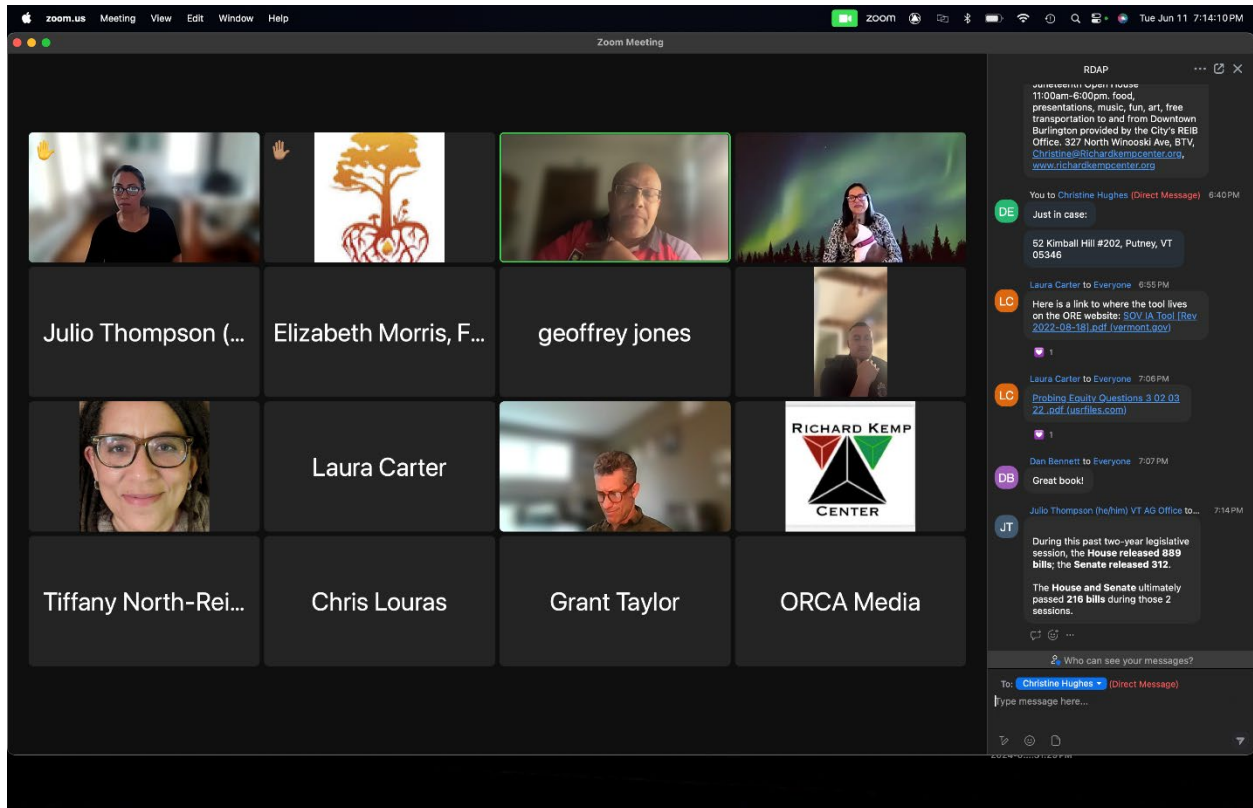
Etan: How many bills from legislators have come across your desk?

Shalini: We get invited to participate by almost all the committees. So at some point in the process we are asked to participate in one aspect or more of the development of bills and legislation. Not necessarily at a good time of the process. Not all suggestions are implemented. They have been included, but not really. The tool is not being used. It needs to be. The tool is only required in certain legislation.

Etan: Where do the results of the Assessment go?

Shalini: They go to the Governor's office. The requirement of using the tool would position equity into the process.

- Screenshot record of the group chat



1 hour 15 minutes

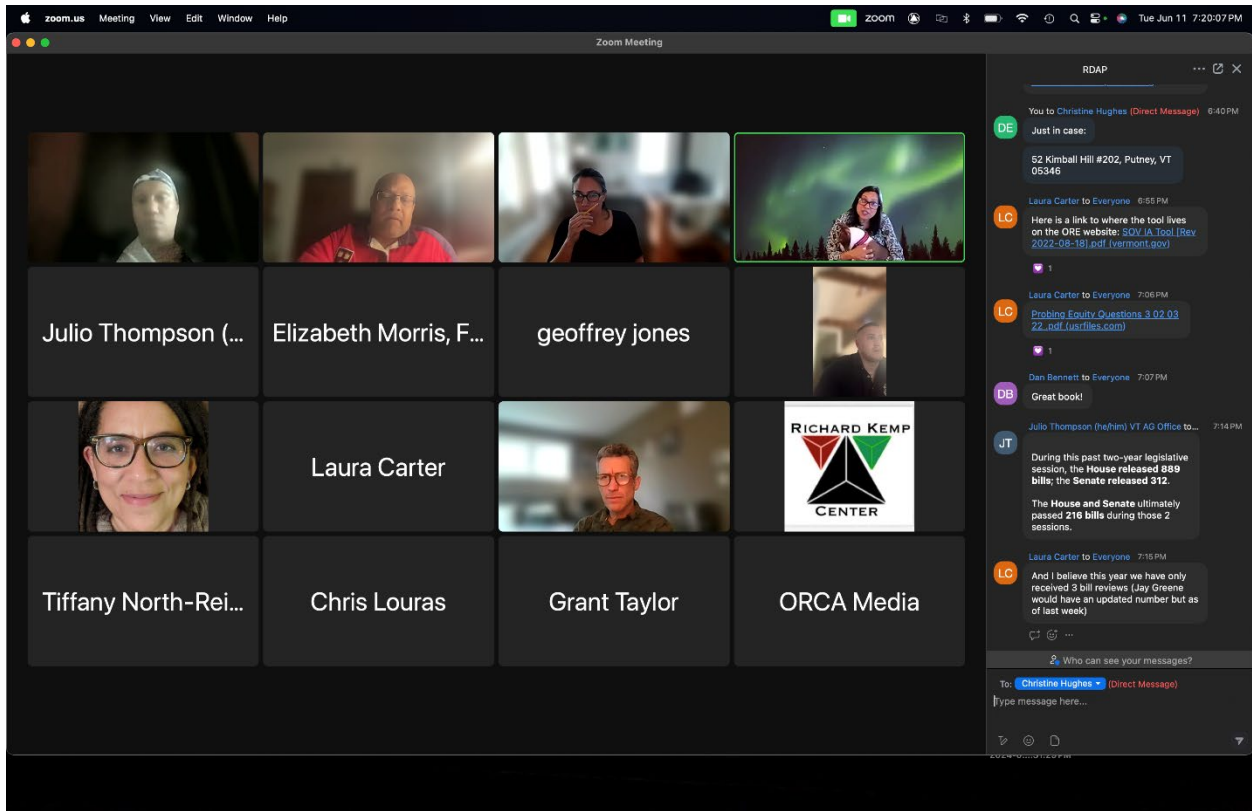
Rebecca: 216 bills passed over the last two sessions. How many times has the tool been used?

Shalini: She will get that number, but it's not a lot.

Shela: Are there any legislators that are champions in using the tool? How do we support passing a requirement to use the tool on bills?

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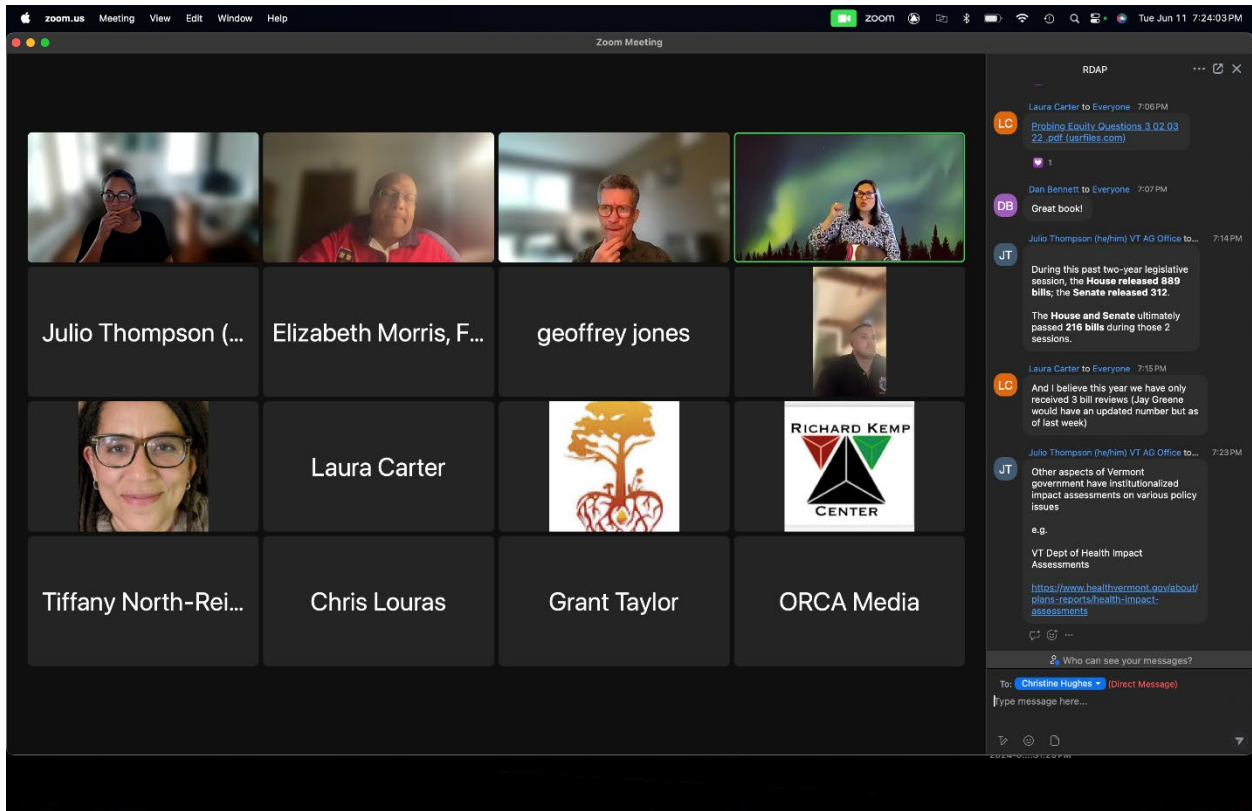
Rebecca: She noticed a change that no one was interested in this topic this session.

Shalini: When they are invited to participate it is a good sign.

Etan: Does the Office of Racial Equity have the people to review all these bills?

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Shalini: This is where they would like the model to be designed so it doesn't rely on us doing the review. The proposal is that legislators do their own review as they go. A requirement to include Impact Assessment reports with their bills as they go.

Shela: Does Vermont have a policy for the legislature that they need to go through training every year?

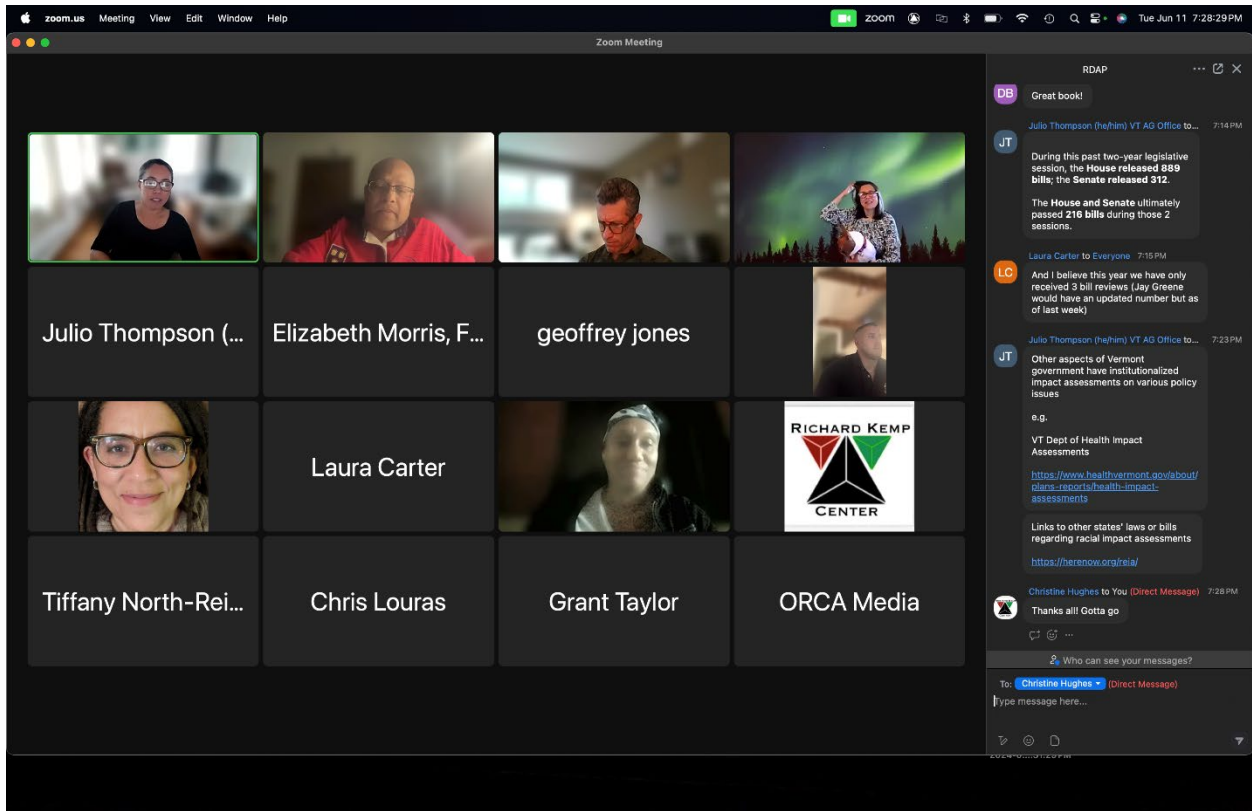
Shalini: There is an orientation for new legislators.

Rebecca: She feels like this topic is on the Agendum because the Panel is being made irrelevant. What does this Panel exist for if it's not being asked to weigh in? Is there a model state out there doing this right?

Shalini: Many states require the use of an Impact Assessment tool.

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1 hour 30 minutes

Shela: It takes time to do the Impact Assessment, time is money, then more resources to be allocated, which leads into class and capitalism, which leads to white supremacy culture. A mandate is necessary.

Etan: Is there a quick reference for the Impact Assessment tool?

Shalini: There is a webinar explaining the tool. It's getting an upgrade. This tool is scary for a lot of people because it requires change, work, resources, and more.

Etan: The legislature may balk at having more to do.

Shela: It's about quality not quantity. Let's all call our representatives and ask them what's up!?

Shalini: They believe in this Panel and the work it does.

Etan: Reverend Hughes has been very concerned with the number of bills that went through this last session without any input from social justice groups.

Etan: The Panel is required to work with the ACLU. They will be included in the development process. Contacting our legislators is a great idea!

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1 hour 45 minutes

Shela: She will ask her legislators to ask other legislators.

Etan: We have a path; it involves starting with these letters.

Laura: She attended the Vermont Community Restorative Justice conference. During the opening speakers there was an equity assessment consulting firm.

Derek: There is a restorative justice bill up for changes. H.645

Etan: Meetings will be online until January 2025.