

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel  
6 – 8 PM on Tuesday, Feb 13<sup>th</sup>, 2024  
Location: Zoom Meetings

- ORCA Media recording of the live meeting:
  - <https://www.orcamedia.net/show/january-9-2024-rdap>
  - <https://youtu.be/Zn5gRcM8DFY?si=xWPTZTGdEGyWmZrw>
  
- Introductions
  1. Etan Nasreddin-Longo – Chair of the Racial Disparities Advisory Panel
  2. Erin Jacobsen – Codirector of the Community Justice Division at the Attorney General’s Office
  3. Chief Don Stevens of the Nulhegan Band of the Coosuk, Abenaki Nation
  4. Grant Taylor – Minute taker for the panel
  5. Rebecca Turner – Head of the Public Division at the Office of the Defender General
  6. Tyler Allen – Adolescent Services Director with the Department for Children and Families
  7. Laura Carter – Data Analyst in the Division of Racial Justice Statistics within the Office of Racial Equity
  8. Jessica Brown – Assistant Professor at Vermont Law and Graduate School
  9. Dan Bennet – Vermont State Police, Deputy Director of Fair and Impartial Policing
  10. Elizabeth Morris – Juvenile Justice Coordinator at the Department for Children and Families
  11. Shela Linton – Executive Director of the ROOT Social Justice Center
  12. Farzana Leyva – Orleans County State’s Attorney
  13. Zoe Hart – Concerned Citizen
  14. Tiffany North-Reid – Data Manager in the Division of Racial Justice Statistics within the Office of Racial Equity
  15. Transcription service
  16. Xusana Davis – Executive Director of Racial Equity for Vermont
  17. Chris Louras – Research Associate with Crime Research Group
  18. Jacq Rose – Health Equity Director at Department of Corrections
  19. Reverend Mark Hughes – Executive Director of the Vermont Racial Justice Alliance
  20. Lindsay Thivierge – Vermont Criminal Justice Council
  21. ORCA Media
  22. Derek Miodownik – Community and Restorative Justice Executive with the Department of Corrections
  23. Tim Lueders-Dumont – The Department of State’s Attorneys and Sheriffs
  24. Geoffrey Jones – Former Vermont State Police Trooper

Etan: Report is done now, no more litigating. Little things are fine. If you don’t like it vote NO.

Elizabeth: Will be keeping track of the votes. As we do roll call, she will tally votes.

Etan: Minutes from January.

Erin: Move to approve.

Shela: Second.

Passed.

Etan: We will go through the spreadsheet, and vote.

Elizabeth: Starting with

## Second Look

### **First Vote – Second look legislation should remain focused on addressing and correcting racial disparities.**

Erin: The Attorney General's office does not support Second Look legislation currently. However, if there is any Second Look legislation then vote yes that any Second Look legislation should remain focused on addressing racial disparities.

Chief Stevens: Should we include why we vote yes or no in our answer?

Etan: I don't think that's important right now.

15 minutes

Shela: I think it would be helpful for the public if we explain why we are voting NO.

Rebecca: I think that would be helpful for the public during this meeting, but those reasons don't need to be in the report.

1. Geoffrey – YES
2. Shela – YES
3. Etan – YES
4. Chief Stevens – YES
5. Wichie – ABSENT
6. Tyler – ABSTAIN
7. Xusana – YES
8. Lindsay (Jennifer Firpo) – YES
9. Erin – NO
10. Dan – YES
11. Tim – NO
  - i. Has shared the report with the Executive Committee of State's Attorneys and the Executive Committee would like to note to the RDAP and the public that its reasoning for voting no on Second Look is detailed in the attached memorandum, included in the RDAP report.
12. Derek – ABSTAIN
13. Judge Morrissey – ABSTAIN
14. Jessica – YES
15. Rebecca – YES

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**Second Vote - Second Look legislation should be guided by science and data relating to recidivism, racial disparities, the age of the person when the crime was committed, the age of the person at time of sentence review, and any other relevant factor supported by science and data.**

1. Geoffrey – YES
2. Shela – YES
3. Etan – YES
4. Chief Stevens – YES
5. Wichie – ABSENT
6. Tyler – ABSTAIN
7. Jessica – YES
8. Xusana – YES
  - i. Sometimes data and the sciences can be weaponized against people from historically marginalized groups, so we want to be careful about it.
9. Lindsay (Jennifer Firpo) – YES
10. Erin – YES
11. Dan – YES
12. Tim – NO – for the aforementioned reason.
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Third Vote - Second Look legislation should commit to sentence reconsideration laws that apply to all persons sentenced to imprisonment without carveout offenses or age limitations and that do not perpetuate racial disparities.**

1. Geoffrey – YES
2. Shela – YES
3. Etan – YES
4. Chief Stevens – NO
  - i. Always exceptions to any rule.
5. Wichie – ABSENT
6. Tyler – ABSTAIN
7. Jessica – YES
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – YES
10. Erin – NO
11. Dan – YES
12. Tim – NO – for the aforementioned reason.
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

30 minutes

**Fourth Vote - Second Look legislation should integrate restorative justice principles that are inclusive of reentry supports for both offenders and victims.**

1. Geoffrey – ABSTAIN
2. Shela – YES
3. Etan – YES
4. Chief Stevens – YES
  - i. As long as it doesn't cause further harm to the victim.
5. Wichie – ABSENT
6. Tyler – ABSTAIN
7. Jessica – YES
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – YES
10. Erin – YES
11. Dan – YES
12. Tim – NO – for the aforementioned reason.
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

Erin: The Attorney General's Office reason for voting NO is included in the report.

Shela: Requests everyone voting have their camera turned on.

## Juvenile Justice

**Fifth Vote – Raising the Minimum Age of Juvenile Court Jurisdiction in Vermont: RDAP recommends that the minimum age of juvenile court jurisdiction increase from 10 to at least 12 years and that any decision to raise minimum age of jurisdiction be data and science driven.**

1. Jessica – YES
2. Geoffrey – YES
3. Shela – YES
4. Etan – YES
5. Chief Stevens – YES
  - i. Not sure about cases of murder.
6. Wichie – ABSENT
7. Tyler – YES
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – YES
10. Erin – YES
11. Dan – YES
12. Tim – YES
  - i. The point of Title 33 is to engage persons with services and rehabilitation.

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13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Sixth Vote – Race and Ethnicity Data in the Judiciary's Database: RDAP recommends that at a minimum there be a statutory requirement that race/ethnicity data following arrests and citations be uniformly filled out on the Judiciary's Form 101.**

1. Jessica – YES
2. Geoffrey – YES
3. Shela – YES
4. Etan – YES
5. Chief Stevens – YES
6. Wichie – ABSENT
7. Tyler – YES
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – YES
10. Erin – YES
11. Dan – YES
12. Tim – YES
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

Chief Stevens: Would like clarification about the next vote. Reads where it says row 4, 5, or 6. So we're only picking 1 out of the 3 correct?

Elizabeth: There's essentially 3 different options for what we could go with, and we had a robust discussion about it.

45 minutes

**Seventh Vote – CHOOSE ONE -- Use Best Practices for Gathering Race/Ethnicity Data: 1) RDAP recommends that both Law Enforcement perception and Court perception of the youth is gathered, OR 2) RDAP recommends that Law Enforcement perception and self-identification of the youth is gathered at a later time, OR 3) RDAP recommends that only Law Enforcement perception of youth is gathered at this time.**

1. Jessica – 2
2. Geoffrey – 2
3. Shela – 2
4. Etan – 1
5. Chief Stevens – 2
  - i. We haven't talked about native issues much. Identification is important.
6. Wichie – ABSENT

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7. Tyler – 2
8. Xusana – 2
9. Lindsay (Jennifer Firpo) – 1
10. Erin – 2
11. Dan – 1
12. Tim – 2
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – 1

## Community Safety

**Eighth Vote – Training should include a readiness assessment. Who is ready to receive training that contextualizes racism in themselves and in the industry?**

1. Jessica – YES
2. Geoffrey – ABSTAIN
3. Shela – YES
  - i. This is meant to assess a person’s readiness to receive the training. It doesn’t exclude them from the training.
4. Etan – NO
5. Chief Stevens – NO
  - i. It’s subjective and training should be for everyone. I think I read in the draft that if someone was deemed not ready to receive the training, they would not receive the training.
6. Wichie – ABSENT
7. Tyler – ABSTAIN
8. Xusana – NO
  - i. If someone is deemed not ready, is there a mechanism for them to become ready?
9. Lindsay (Jennifer Firpo) – ABSTAIN
10. Erin – ABSTAIN
11. Dan – NO
12. Tim – ABSTAIN
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

1 hour

**Ninth Vote – Training should include the origins of policing in America. Provide a view of the founding of policing in different areas of the country and its change in function through time.**

1. Jessica – YES

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2. Geoffrey – YES
3. Shela – YES
4. Etan – YES
5. Chief Stevens – ABSTAIN
6. Wichie – ABSENT
7. Tyler – ABSTAIN
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – YES
10. Erin – ABSTAIN
11. Dan – NO
12. Tim – YES
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Tenth Vote – Training should include an overview of the many policies that have criminalized people of color (and intersecting identities) which contextualizes the use of policing over time in America.**

1. Jessica – YES
2. Geoffrey – YES
3. Shela – YES
4. Etan – YES
5. Chief Stevens – ABSTAIN
6. Wichie – ABSENT
7. Tyler – ABSTAIN
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – YES
10. Erin – ABSTAIN
11. Dan – YES
12. Tim – YES
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Eleventh Vote – Training should include cultural competency. Norms and behaviors show up differently in different cultures. Law enforcement should be familiar with cultures of different ethnic groups in Vermont and how they may intersect with policing.**

1. Jessica – YES
2. Geoffrey – ABSTAIN
3. Shela – YES
4. Etan – ABSTAIN
5. Chief Stevens – YES
6. Wichie – ABSENT

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7. Tyler – ABSTAIN
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – YES
10. Erin – ABSTAIN
11. Dan – ABSTAIN
12. Tim – YES
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Twelfth Vote – Citizens Review Boards should have independence. All board members must be free of relational and financial conflicts of interest with law enforcement.**

1. Jessica – YES
2. Geoffrey – NO
3. Shela – YES
  - i. It’s just related to familial ties.
4. Etan – YES
5. Chief Stevens – ABSTAIN
  - i. What is meant by relational? Do we mean familial? Or all relationships?
6. Wichie – ABSENT
7. Tyler – ABSTAIN
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – ABSTAIN
10. Erin – ABSTAIN
11. Dan – ABSTAIN
12. Tim – YES
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Thirteenth Vote – Citizens Review Boards should have authority. A board should be able to review internal and external investigations and hold law enforcement leaders accountable.**

1. Jessica – YES
2. Geoffrey – YES
3. Shela – YES
4. Etan – YES
5. Chief Stevens – ABSTAIN
6. Wichie – ABSENT
7. Tyler – ABSTAIN
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – YES
10. Erin – ABSTAIN



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11. Dan – ABSTAIN
12. Tim – YES
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Fourteenth Vote – Decoupling mental health. Addressing mental health should be explicitly separated from law enforcement practice. Instead, solutions for emergency mental health services should be explored. Local and external organizations are already exploring and attempting to implement them. Exploration of these solutions coupled with political and financial commitment to these alternatives should be considered.**

1. Jessica – YES
2. Geoffrey – YES
3. Shela – YES
4. Etan – YES
5. Chief Stevens – ABSTAIN
6. Wichie – ABSENT
7. Tyler – ABSTAIN
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – YES
10. Erin – ABSTAIN
11. Dan – ABSTAIN
12. Tim – ABSTAIN
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

1 hour 15 minutes

**Fifteenth Vote – Eliminate SROs. Eliminating SROs is not new to the VT legislature. Bills during the 2021-2022 session were introduced (h.453, s.63). The VT legislature should explicitly incentivize schools that replace their SROS programs with student social services such as nurses, counselors, clubs, emotional/mental health education, etc.**

1. Jessica – YES
2. Geoffrey – ABSTAIN
3. Shela – YES
4. Etan – YES
5. Chief Stevens – YES
6. Wichie – ABSENT
7. Tyler – ABSTAIN
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – ABSTAIN

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10. Erin – ABSTAIN
11. Dan – NO
12. Tim – ABSTAIN
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Sixteenth Vote – Limit officer quantity based on population. In a state with one of the lowest crime rates in the country, there may not be a need to have a quantity of law enforcement officers higher than the national average. The VT legislature should set a guideline to limit the amount of law enforcement officers in each regional scope per its relative population in relation to the national average.**

1. Jessica – YES
2. Geoffrey – YES
3. Shela – YES
4. Etan – NO
  - i. There are unforeseen operational issues that impact the number of officers necessary.
5. Chief Stevens – NO
  - i. Hiring more officers can reduce the work load per officer.
6. Wichie – ABSENT
7. Tyler – ABSTAIN
8. Xusana – NO
  - i. Issues are more related to quality and not necessarily quantity.
9. Lindsay (Jennifer Firpo) – NO
10. Erin – ABSTAIN
11. Dan – NO
12. Tim – NO
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Seventeenth Vote – Reinvest in Human Services/Community Centered Responses. The savings earned by limiting law enforcement officer quantity should be reinvested in community-centered response initiatives and human services. Addressing criminality and especially the disparities that already exist must be a multi-pronged effort.**

1. Jessica – YES
2. Geoffrey – ABSTAIN
3. Shela – YES
4. Etan – ABSTAIN
5. Chief Stevens – ABSTAIN
6. Wichie – ABSENT

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7. Tyler – ABSTAIN
8. Xusana – YES
  - i. Even if there's no savings from reducing the number of officers, we should still do this.
9. Lindsay (Jennifer Firpo) – ABSTAIN
10. Erin – ABSTAIN
11. Dan – ABSTAIN
12. Tim – YES
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

**Eighteenth Vote – Decoupling traffic stops. Vermont statutes currently restrict traffic enforcement activity to law enforcement; traffic laws are still laws that would require enforcing. However, the reports identify traffic stops as a negative interaction between police and the community that exacerbates disparities and furthers the divide in the community-law enforcement relationship -- especially with people of color. The legislature should make an exception to towns seeking to explore alternative ways to enforce traffic laws. In example, the Town of Brattleboro has made a commitment to "considering operational alternatives if they become legal in Vermont."**

1. Jessica – YES
2. Geoffrey – ABSTAIN
3. Shela – YES
4. Etan – YES
5. Chief Stevens – ABSTAIN
  - i. Traffic tickets should not be used to pay for the coverage of the police force. That provides the wrong incentive for officers.
6. Wichie – ABSENT
7. Tyler – ABSTAIN
8. Xusana – YES
9. Lindsay (Jennifer Firpo) – ABSTAIN
10. Erin – ABSTAIN
11. Dan – ABSTAIN
12. Tim – NO
13. Derek – ABSTAIN
14. Judge Morrissey – ABSTAIN
15. Rebecca – YES

1 hour 30 minutes

Etan: I will need a copy of the votes tally. The 2019 report included a non-consensus section. Something the legislature will notice is that community members were behind most of the work that was done. I will fix it up tomorrow, and make the small changes required.

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Tim: Thanked the Chair for his work in gathering information and organizing members in preparation for submitting the RDAP report. On behalf of the Executive of State's Attorneys, he thanked the Chair for an exceedingly fair process, including allowance of adequate time for the Executive Committee of State's Attorneys to read and review the report, in advance.

Chief Stevens: Is it important to include the per capita incarceration rate for minorities in Vermont? Maybe we should attach it to the report.

Etan: We will include that data with the report. I would like it by noon on the 15<sup>th</sup>.

- Discussion of the staffing of another legislative body.

Xusana: She was contacted for assistance finding people who could be appointed to the Parole Board. She is passing along that request to this Panel. Requesting a culture-add as opposed to a culture-fit.

Shela: Can you share what the asks are of this board? How often do they meet? Etc.

1 hour 45 minutes

- Discussion concerning recent events in Burlington.

Reverend Hughes: Concerning the ACLU litigation. 2 or 3 years ago a white mother called the police on her mixed-race child for shoplifting. He ended up being sedated and was carried out of his home. There are multiple layers to this story. Where are our challenges and where can we make room to make changes, so we don't have to see this again?

Etan: That makes me think of the report where it talks about citizen review boards.

Rebecca: Let's remember this when planning our initiatives for 2024.

Zoe: Doesn't hear anything about escalation and de-escalation in the report. Wants to bring attention to the use of Ketamine as a sedative also.

Reverend Hughes: This child was removed from his home when he was 5 months old, and his siblings were dispersed throughout the state. It's a sad story. How can we provide safety nets for some of the black and brown youth being raised in white homes? As well as assistance to the parents in these situations.

Etan: There are two bills this Panel is being asked to testify on.

Tim: H.645 and H.534.

Etan: They are putting off the vote until they get feedback from this Panel. Can you all give me the information you'd like me to share about these two bills.

2 hours

Xusana: She is alarmed at the number of relevant bills this Panel has not been asked to testify on. There's S.195 talking about the big 12 expansion and about ankle monitors. We should be represented on both

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these bills as well as a plethora of others. I don't think that our parallel individual presence is the same as the unified Panel's presence.

Chief Stevens: If they want this Panel to do a lot of testimony they should allow for some staff on the Panel.

Tim: This Panel is limited in the number of times it can meet in a year.

Reverend Hughes: The members of this Panel that represent state agencies already have people in their offices going out to testify on these bills. If we can't push out to them from this Panel, then at least bring back what they're testifying to this body.

Erin: This is a tricky problem that we need to solve. How do we get the Panel's voice to the legislature? This Panel doesn't have the resources to move as quickly as the legislature does. We need a fair process to weigh in.

Rebecca: Proposes we introduce bills as far ahead of time as possible.

Etan: If anyone finds a bill that we should look at then please share it with us all through email.

Chief Stevens: If they are holding up a vote until they get feedback from us, then we want to make sure we're not used as a scapegoat for not getting things done.

Tim: Is currently tracking over 190 bills that interact with the criminal and juvenile justice system. Is limited in his ability to freely communicate.

2 hours 15 minutes

Jessica: Motion to adjourn.

Chief Stevens: Seconded.

Meeting adjourned.