

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6 – 8 PM on Tuesday, March 8, 2022

Location: Teams

Link to Orca Media's recording of meeting:

<https://www.orcamedia.net/show/march-8-2022-rdap>

MEETING MINUTES

Attendance List

Etan Nasreddin-Longo, Chair

Tyler Allen

Wichie Artu

Jessica Brown

Xusana Davis

Jennifer Firpo

Mark Hughes

Geoffrey Jones

Barb Kessler

Shela Linton

Christopher Loures

Rep. Martin LaLonde

Elizabeth Morris

Evan Meenan

Tracy Nichols

Qing Ren

Lorretta Sackey

Shalini Suryanarayana

Julio Thompson

Rebecca Turner

Monica Weber

Judge Thomas Zonay

ORCA Media

Welcome and Introduction:

- Brief intros by all in attendance
- Happy International Women's Day wishes offered by several attendees

Announcements:

- It's cross-over in the legislature, so unlikely to go to 8:00, but feel free to add anything at New Business. (We practically did go to 8:00!)

Presentation/Discussion

I. Xusana Davis: Developments with *H.546 - An act relating to Racial Justice Statistics*

- Voted out of House Judiciary (unanimous approval), skipped House Gov Ops after straw poll indicating it would pass easily. Then to Appropriations where Reps Christie and LaLonde reported on the bill and Chair of Approp's indicated strong support and acknowledged pervasive racism in Vermont and the need to track and report on it.
- Regarding appointments to the Advisory Council: down to 7 members—6 members with lived experience—with government agency designees to meet with the council and participate as needed. The work of the new Advisory Council will not be folded into the currently-existing Racial Equity Advisory Panel. That Panel is in the gov's office and so

not independent and also does not have the staffing or substantial lived experience to support the work of the Advisory Council.

- Staffing for the Bureau of Racial Justice Stats: 3 members—one project manager, one data steward, one data analyst
- Witchie: so who is in charge of building the data warehouse? Need an engineer.
 - Xusana: ADS testified about specifics
- Mark: Is “systemic racial bias and disparities” defined in the bill? And where did the conversation land on this entity being responsible for racial equity data across all social determinants
 - Xusana: there is a piece in the bill where they can request any data they deem relevant, so that could include upstream social determinants.
 - Wichie: when we talk about data infrastructure and data collection and bringing about equity, and an ethical framework for that, we need to think about whose data is being collected and analyzed, so that’s where the Advisory Council comes in. There is a toolkit for this.
 - Etan: the toolkit did not make it into the bill.
 - Evan: if the current iteration of the bill passes, the Bureau would have rulemaking authority and that is where they can flesh out some of these details and conversations and resolve some of these issues
- Etan: look at the bill and reach out to sponsors (Christie, LaLonde, Grad, Colston) if you have any objections. Thank you Xusana for your helpful updates.

II. General discussion of RDAP’s future directions

- Etan: Rebecca and Jennifer forming a subcommittee to take a look at our past work product and our statutory charge to then determine possible future directions. Tonight we have the work that Evan put together after a conversation with Etan, Evan, and Heather Simons. Evan sent along several related documents to RDAP this week.
- Evan: the only doc I want to mention in particular is our enabling statute, 3 VSA 168 and subsection (f) outlines the items we should be addressing (and its many). One of those items is to make rec’s to the CJC on trainings for law enforcement officers, including on de-escalation and use of force, which the CJC is also currently reviewing and seeking recommendations from other committees on the CJC. Heather Simons thinks it is time for the Academy to do a curricular review and overhaul, both at certification stage and in-service stage. She has asked for an appropriation for a consultant to do this review, but this will take some time to do, as she doesn’t even have an approp yet. Heather was very open to RDAP’s advice on the consultant, the review, the curriculum, and community engagement. But we have time. One thing we could do is to take a look at the current curriculum and then consider whether this is something we want to tackle and if so, how.
 - Wichie: when I’ve talked about these issues in connection to community safety roundtables in Windham Cty, it seems like part of the problem is that despite best efforts on reform, policing culture can undermine. We should talk to folks in communities who might have insight into this problem.
 - Shela: I am invested in this topic, and I agree that we need to engage with community members and impacted folks from the beginning, for example, on how an RFP is crafted for the hiring of a consultant. Need to consider grass roots consultants and not just folks embedded in the criminal justice system. This

same notion applies to considering best practices in social justice research. We need to consider from the perspectives and systems in which these practices arise—white supremacy?—we’re working on a culture shift and on systems change.

- Jen Firpo. I appreciate that. We have a saying at the police academy, “culture eats training for breakfast.” If agency culture doesn’t support the training new recruits receive, that training goes away pretty quickly. Jen provided link to Academy website and called attention to training summary for Level III officers. Lots of non-sworn trainers at academy, we’re not all sworn officers, and we’re open to community input.
- Julio: I could connect RDAP with the head of the NAACP’s Legal Defense Fund policing project, either to talk about community engagement or a potential RFP process
- Shela: I always here about police training discussed in terms of numbers of hours. I’ve never heard it referred to any other way. Are we meeting the hours? Or are we meeting a need? What does completion of training mean? How is this assessed?
- Jen: I’m so glad you brought up hours versus skills. There is a bill that would determine a certain number of hours required to train on FIP. We don’t object that it’s more hours, but nor do we like simply having to fill an arbitrary number of hours. Academy would prefer to train to the competency and train to the topic. We assess in a variety of ways.
- Qing: might be helpful to do an inventory of the assessment tools regarding FIP. Regarding cultural change--in education settings, we often use a logic model to help figure out what needs to be changed and how to go about doing so.
- Rebecca: Looking at RDAP’s enabling legislation, providing recommendations on training is not just to law enforcement and the council, but also the bar, judges, prosecutors, defenders. Important to note that there is also a judiciary commission charged with doing trainings on bias and overlapping issues to RDAP’s work. We shouldn’t get too narrowly focused on trainings just for law enforcement and should be thinking about groups outside of law enforcement.
- Mark: Just an FYI, CNA did a report on Burlington Police Dep’t with a lot of community engagement. As well, in addition to looking at our enabling legislation, we can look to our past reports for recommendations on trainings and do some follow-up.
- Etan: perhaps we should invite speakers to come to RDAP. And I love Qing’s idea that we need to do an inventory.
- Evan: appreciate Rebecca’s point about broadening training beyond law enforcement. Just saw now as a good opportunity to work on CJC trainings. And happy to hear specific suggestions about inventorying and substantive training ideas.
 - Jen: these suggestions could go to Heather.
- Rebecca: instead of lining up speakers about council trainings now, perhaps we should continue thinking about next steps for RDAP first. We already have some reports and recommendations and we should vote about next directions. Not sure providing recommendations on trainings is a significant priority of this panel at this time.
- Etan: I think we decided we could take a multi-pronged approach?
 - Rebecca: I would support a multi-pronged approach, but I’m not sure we’ve decided on which ones.

- Etan: Agree, I don't think we have. Maybe we wait to invite speakers until Rebecca and Xusana and Jessica's subcommittee has suggestions. We can discuss their work at our next meeting and discuss. I don't think we'll get behind the council's work if we don't work on the trainings piece right away.
- Rebecca: sounds good. We can review our own reports, and Jess and Xusana and I can meet and report next month. And if anyone wants to join our subcommittee let me know.
- Julio: if people do want to consider speakers at some point, perhaps we could invite Puneet Cheema from LDF. I would not want tonight's discussion to crowd out the possibility of RDAP working on the issue of police training.
- Erin: Just want to make sure we're on the same page here—we know we're not doing data this year, but are we then to focus on those items we have to report on to the legislature per 3 VSA 168(f)(6)(A)-(C)? Besides data, that would be about complaint processes for bias incidents and ways to prohibit racial profiling.
 - Rebecca: RDAP's charge is broader than what we need to report on per those provisions. 3 VSA 168(f) indicates that "The Panel shall review and provide recommendations to address systemic racial disparities in statewide systems of criminal and juvenile justice..." and then provides a non-exclusive list of ways to do this.
- Etan: I don't want to lose track of some of the gems that have come up here. For example, Qing's point about inventorying. Even if we aren't going to work on these things right away.
 - Erin: Noted. And noting that in terms of inventorying, it's not just about curricular changes but also a culture-shift.
- Julio: an additional point on timing of training, we should note the national demand for experts on community-driven training. So while maybe we have time in Vermont to work on this vis a vis the VCJC's schedule, we might want to consider the demand nation-wide and the long wait times. We could consider an interim step of just doing a brainstorming call with LDF, for example. This could provide a quick start to figuring out our next steps—folks like LDF engage in these issues as their full-time jobs and would be happy to share their insights and ideas and provide feedback about ours.
 - Etan: why don't we consider connecting with LDF and in the meantime, hear what Rebecca and Xusana and Jess recommend
 - Erin: if we're going to invite national experts, should we invite others to the table beyond just this group.
 - Qing: would be good to invite community organizations who can weigh in on Vermont-specific work
- Etan: In terms of next steps for RDAP, I look forward to hearing what the other subcommittee says and people can join in and participate as they are able and interested in contributing.
 - I anticipate that our subcommittee will bring forward a few ideas for discussion and we can decide by a vote or consensus.

III. New Business

- None raised

IV. Meeting adjourned around 7:45 pm on motion by Tyler Allen and as seconded by Rebecca Turner.

[Next Meeting – Tuesday, April 12, 6-8 pm on Teams]