

Minutes

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6 – 8 PM. Tuesday 10 September 2019

Map Room, Debevoise Hall, Vermont Law School, S. Royalton VT

Present: Etan Nasreddin-Longo, Garry Scott, Karen Vastine, Shela Linton, David Scherr, James Pepper, Geoffrey Jones, Monica Weeber, Rebecca Turner, Jessica Brown

Stephanie Seguino is present as well.

Welcome – Introductions

Announcements

Shela: Race Against Racism happening on September 22 in Montpelier, raising money for Ethnic Studies Coalition. Please donate even if you cannot attend.

Minutes - for 13 August meeting

Monica moves to approve, Garry seconds, Minutes are approved.

Shela abstains because minutes were posted late and did not have time to fully review them. Shela states that we need to get the minutes out in a timely manner for panel members to have time to review, and for the public to be able to know what is happening. David says that he will work to have minutes out in a timely manner.

Presentation – Dr. Stephanie Sequino, Department of Economics, UVM/Member, Racial Equity Advisory Panel.

Please refer to written version of presentation included with these minutes.

The thrust of this presentation is about what we may need to do to revise the Vermont data collection statute and get better data. Two goals of collecting data: 1. we need to understand what we're really doing—self-perceptions about stops are not necessarily accurate, we need to know facts. 2. This is also about community trust—people need to know what's happening and know that there is public accountability.

Recommends adding use of force data to the statute.

There needs to be additional information data reported publicly. Much of this data is collected but not publicly reported:

- Date, time and day of stop
- Incident numbers
- Date of birth of driver
- Vehicle year and state of vehicle registration
- Duration of traffic stop
- Officer level data (anonymized)
- Type of contraband found
- Type of violation (e.g., speeding, seat belt, etc.)

Stephanie gives explanations about why various data points can be informative. For example, vehicle registration can help understanding whether out-of-state drivers account for racial disparities. See attached documents at the end of the minutes for more information.

Are there disparities with respect to the type of contraband found? Is drug trafficking really driving traffic stops?

There needs to be accountability and oversight to ensure data quality. The major problems:

- 1) **Missing data** on race and other
- 2) **Data not submitted and posted in timely manner**
- 3) **Failure to record a stop**
- 4) **Quality & consistency of data**

In response to questions, Stephanie believes the lack of data on race could be white discomfort with recognizing race, and also lack of prioritization of this on the part of agencies.

Garry talks about what VSP does: quarterly audits to make sure every piece of data that should be collected is collected. Where it was not collected they send it back to the trooper to correctly input the data. The race data can be checked by video.

Essentially no ability to correct issues. Also there really hasn't been any follow up by the Crime Research Group or training council.

Some agencies are now refusing to provide data that isn't technically required by statute—even when they formerly did provide that data.

Most importantly: We need data consistency above all else. Everything needs to be recorded consistently using the same notations.

Recommendations:

- **Shift responsibility to the state (e.g., AG's Office),** instead of outsourcing data management & reporting
- Require data to be submitted to AG at least twice a year (monthly is better).
 - Delays now mean the data is not useful to law enforcement as management tool

- Most agencies lack resources to manage and analyze data

Should the state—specifically AGO—be the entity doing this? Are they sufficiently impartial? Seguino believes that as long as the raw data is available it is ok, and importantly it is the state’s responsibility to gather and compile this.

- State should post data within 30 days and produce semi-annual reports (by agency and the entire state) using a prescribed format (e.g., modified VSP report—available with materials included at the end of these minutes).
- If state continues to use outside vendor, legislation should:
 - Define a prescribed format for reports
 - Include some type of regular evaluation of vendor’s work
 - Define a transparent process for identifying a vendor, in event of change

Seguino runs through examples from other states. North Carolina already has data up through July, 2019. Vermont has not completed 2018 data.

Missouri: already has 2018 data available.

Use of force data:

We need to collect use of force data. FBI and IAPC recommend collection and reporting of this data. VSP does this and BPD has done it.

Examples of data collected in other parts of the country:

- Officer justification for use of force
- Age, sex, race, ethnicity of subject
- Injury/death of subject(s)
- Type(s) of force used
- Type of resistance
- Impairment (mental health/alcohol/drugs/unknown)
- Years of service as a law enforcement officer
- Officer injury information

Seguino does not recommend that we do this monthly, maybe once every 6 months.

H.284 provides a possible way forward.

But H.284 doesn’t include kids. It should—we need to be collecting info about juvenile system as well.

One thing that we should do is include data about school suspension data as well—how that corresponds to people involved in delinquencies.

H.284 may have similar problems with respect to consistency as the current traffic stop data. We need to have consistent terminology and information coming from every department. H.284 would likely require refinement before it is workable.

Brief Comments – Etan Nasreddin-Longo

We may want to make it the job of somebody on this panel to attend the meetings of the Racial Equity Advisory Panel. We can consider this further at a future date, we have other pressing business at the moment.

We are asked by Act 54 to get feedback from the ACLU on our draft. Etan will be meeting with James Lyall.

Etan reported his appearance at Joint Legislative Justice Oversight committee.

Senator Sears gave us an effective due date of November 13. Day after our scheduled November meeting. That leaves us 9.5 weeks. Not too much time, realistically. The organicism of the report process has been great so far, but we need to have some more focus going forward.

We also need to figure out how to move forward with respect to producing the report. Should we utilize the bullet points? It didn't really yield a particularly fruitful product. It may be better to move forward with Etan's draft and add the suggestions that have come up.

Discussion – Draft of Panel's Report

Pepper: we need to have a draft that answers the questions in Act 54. We need to have a draft that is concise and usable for legislature.

We need to answer, per Act 54:

- Public complaint process
- Whether and how to prohibit racial profiling-including what associated penalties.
- How to track non-traffic stop data

Karen: we should have a recommendation around making sure the traffic stop data is public.

Monica: we also need to have a recommendation about how it's really going to work—this means time and resources.

Rebecca Turner: We need to have someone with real oversight on data, even if doubtful about that being the AGO.

Let's look to CT which just passed a law about prosecutors collecting data.

Garry: the resources aren't there to begin with when it comes to data collection. Agencies simply don't have the ability to do this properly. We need to start with the basics.

Pepper: Supervisory training should be a part of this—and it would be a part of better data collection.

Geoffrey: One suggestion would be a common, simple ticket that would be geared to simplifying data collection. Uniform paper work for the entire state.

Shela: we should add those data pieces that Stephanie suggested. Uniform ticket is a good idea that would help with that. Make sure all data is public. Resources are essential—put money where our mouths are. We need to use the words oversight and accountability. We need to have the oversight and accountability to get the data we need. We need juvenile justice recommendations. We need to re-center our youth in these discussions. We need to view these things as a whole continuum from youth involvement with school discipline all the way to adult criminal justice system. Does not agree with having the AGO be the entity that oversees data collection. Wants a clear decision on whether we are having an inside or outside entity oversee data collection. Also we should not cut down on our report just to please the legislature, that could be viewed as part of the white supremacy culture. We did an enormous amount of work and discussion that should be seen.

Etan motion: continue with draft. Have an executive summary in addition. Add onto it the 3 pieces required by Act 54. Rebecca addition: have a subcommittee that helps with drafting. Data issues will be a part of this—David will help with this. David mentions that there does appear to be high-level agreement on importance of data, even if details are not ironed out. But it is not our role to do the details.

Racial profiling prohibition section will be spearheaded by Rebecca.

Public Commentary – Meeting is opened to the public. Those wishing to speak will be limited to five-minute periods.

None.

New Business

None.

Next Meeting – 8 October 2019

Adjournment