

Minutes

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6-8 PM, Tuesday 8 October 2019

Room 312, Hartford Municipal Building, 171 Bridge Street, White River Junction, VT

Welcome – Introductions

John Campell, Garry Scott, Rebecca Turner, Etan Nasreddin-Longo, Shela Linton, Jenn Firpo, Monica Weeber, David Scherr, Xusanna Davis, Geoffrey Davis

Announcements

Etan:

Etan met with ACLU about draft of report. ACLU stated that at this time their main policy emphasis is about data collection. We need to know what's really happening here. They also backed the position that CRG should not be holding the data. There should be a publicly-oriented body holding the data—state government. ACLU feels there needs to be an overarching system of data collection and retention that is centralized and standardized. Agencies submit data to central pool. Also feel that some sort of legislation is needed to force state actors to use the data in ways that are productive.

Proposed timeline for this report: All outstanding work must be submitted by October 29. Etan will produce proposed final by 5 November. We will be responsible for getting it approved and returned by the meeting.

Minutes – Changes, Addenda, Approval or Disapproval of minutes for 10 September 2019 meeting

John Campbell moves approval of minutes as drafted, Garry Scott seconds. Panel approves.

Discussion of Panel's Upcoming Report –

Copy from the Data Collection subcommittee

David: this is a 30,000 foot overview, understood that details matter in the execution, but for this report we need to present the big priorities to steer the legislature agenda and let the legislature work out the details. Monica presents additional paragraph re: aggregation of data.

Ken: align data collection and coordinate with federal requirements. Rebecca: we need to make sure we are including agency responsibility explicitly—DOC and DCF.

Action Item: David will add language about DOC and DCF discretion, and needing to include them in data collection.

Copy from the Prohibition of Racial Profiling subcommittee

John presents the supervisory training piece, sent by Pepper on Friday, October 4. Should have standardized, statewide training addressing cultural competency issues for supervisors. Need consistency statewide, including from small departments.

John also presents point about community policing: law enforcement needs to be communicating with all their communities and all members of their communities. Need to get out of their cars and meet community members—if the resources aren't there, we need to provide them.

Shela: concerned about focusing only on management, not the whole force. We need to make sure that community members have input into the system and decisions on how training and interaction is done. What is the training currently? Who has input into designing it? Is it insufficient? What is the accountability for ensuring people behave in accordance with training?

John: we need a solid foundation in the form of strong supervisors in order to establish the change we need on these issues.

Jenn: we have a four-hour training at basic training in the academy. After that there is a training every two years. If officers don't do it they could lose their certification to be law enforcement officers. We have a number of community partners in designing this—including NAACP and others.

Shela: who holds officers accountable for this?

Garry: we don't really have an accountability system. Our hope is that the supervisor training will improve this: review traffic stop data, complaints, etc. in order to hold frontline cops accountable as needed.

John: we can look nationwide for examples on this.

Xusanna: I am working on creating a statewide unified system for training around bias across state government. This will likely be produced in the next calendar year.

Etan: we will get a chance to have input on this in front of committees in order to flesh these issues out that aren't in the proposed report.

John: let's work together to get a list together of what we need to do here.

Shela: we shouldn't just give testimony to something that is not in the document. That's not powerful. We need to have it in the document that we should expand training.

Community comment: we should add collaborative discussions to the bias trainings that would include community groups and others.

Etan Proposal: we should have simple, straightforward language that addresses: accountability and transparency, community input, and adequate training for all officers. Add juvenile justice staff to this as well. No objection to this from panel.

Action Item: John, Garry, Shela will produce a few sentences that address accountability and transparency, community input, and adequate training for all officers. This will be added to the report.

Discussion regarding Rebecca Turner's proposal's re: prohibiting racial bias issue.

Rebecca: With respect to concerns about whether the healthcare-related proposals (paragraphs 1 and 2 in Rebecca's document) addresses racial bias issues--Many of the times we are realistically dealing with co-occurring issues that aren't only about race, but these issues intersect when you work with the specific individuals involved.

Jenn: we should also add language that we support existing response teams, because we already have some in various places.

Rebecca: proposals 3 and 4 more directly address remedies for police action animated by racial bias.

John: concerned about overturning very significant bodies of law. Possibly outside of the panel's purview. Also we would dismissing cases, possibly serious cases, that we know happened.

Judge Grearson: this would be a dramatic change. Not sure what "immediate" means. How quickly would the court process commence? If truly immediate, not feasible.

Rebecca: by "immediate" just meant early in the normal court process. Also, this is also not that dramatic, return to subjective standard that existed up until about 50 years ago.

Shela: this is exactly what we're talking about on this panel and I fully support it. We need clear accountability and we need to be able to make these big systemic changes if we are going to have change here.

Jessica: let's note that the exclusionary rule already allows for dismissal of cases where we know criminal activity happened. So that should not stop us from adopting these avenues for dismissal.

Rebecca: what we're really trying to do here is allow the criminal system to address these issues plainly. We sometimes speak around them when we have motions to suppress and/or dismiss, but have no opportunity to address what's really happening.

Etan: we have a time crunch here.

Etan proposal: a subcommittee will iron out how to draft this and put some stuff in a non-consensus report that will be included at the back, and put the rest in the main body of the report. Panel agrees with the proposal.

Action Item: David, Rebecca, John, possibly Judge Grearson will sit down and produce language that can go in the consensus report (the main body of the report) and the language that will go in the non-consensus report. This must be done in no more than 2 weeks from tonight.

Copy from Karen Vastine regarding Juvenile Justice

Ken: it is important to state this stuff in this report—we largely already do these things but we want this in the report to note what is happening, the problems we are addressing, and what we need to do.

Panel accepts for inclusion in this report this copy.

Copy regarding term “white supremacy”

Etan: there was a great deal of pushback when I originally proposed including this term in the report and we could instead use the term institutionalized racism. But I would propose that these terms are not commensurate. So I put in the quote in order to explain it better, hopefully. What are we talking about when we talk about white supremacy? With the definition people will hopefully understand and appreciate the term and the issue more clearly.

John: I have concerns that people will simply shut down if we use this language and will dismiss the report. This is an important report that needs attention.

Jessica: we need to be able to state plainly what the issue is.

Judge: does the term white privilege provide an equivalent? Etan does not agree that it does.

Jenn: initially had angst about this. But I got over that and understand where we are coming from. If I can do it I believe we can expect the same of our audience.

Ken: I also had concerns about this initially, but after reflection I really appreciate what Etan has done in terms of adding a specific definition and believe we should move forward with this.

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

Alicia Barrow Maddox: I am a racial justice advocate in this community and a mom of 5 children of color who have to deal with issues that they should not have to deal with.

New Business

Next Meeting – 12 November 2019

Adjournment