

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6 – 8 PM on Tuesday, Sep 12<sup>th</sup>, 2023

Location: Zoom Meetings

ORCA Media recording of the live meeting:

- <https://www.orcamedia.net/show/september-12-2023-rdap>
- <https://youtu.be/4KpTqtXU1MM?si=5GMo8exjb5INpnaZ>

Introductions:

1. Erin Jacobsen – Codirector of the Community Justice Division at the Attorney General’s Office
  2. Matthew Bernstein – Child, Youth, and Family Advocate for the State of Vermont
  3. Superior Judge Mary Morrissey – Judiciary Representative on the Panel
  4. Christine Hughes – Director of the Richard Kemp Center in Burlington
  5. Chris Louras – Research Associate with Crime Research Group
  6. Dan Bennet – Vermont State Police
  7. Derek Miodownik – Community and Restorative Justice Executive with the Department of Corrections
  8. Elizabeth Morris – Juvenile Justice Coordinator at the Department for Children and Families
  9. Emily Megas-Russell – Brattleboro Community Safety Review
  10. Jennifer Firpo – Vermont Police Academy
  11. Jennifer Poehlmann – Executive Director for the Vermont Center for Crime Victim Services
  12. Angela Arsenault – State Representative from Williston
  13. Rebecca Turner – Head of the Public Division at the Office of the Defender General
  14. Geoffrey Jones – Former Vermont State Police Trooper
  15. Reverend Mark Hughes – Executive Director of the Vermont Racial Justice Alliance
  16. Shela Linton – Executive Director of the ROOT Social Justice Center
  17. Shea Witzberger – Brattleboro Community Safety Review
  18. Tyeastia Green – Former Director of Racial Equity, Inclusion and Belonging at the City of Burlington
  19. Laura Carter – Data Analyst with the Division of Racial Justice Statistics
  20. Tyler Allen – Adolescent Services Director with the Department for Children and Families
  21. Wichie Artu – Health Equity and Data Systems Consultant
  22. Winston Longmore – Director of Outreach and Wellness
  23. Isaac Owusu – Director of Community Engagement and Support with Vermont Racial Justice Alliance
  24. Jessica Brown – Assistant Professor at the Vermont Law and Graduate School
  25. Chief Don Stevens – of the Nulhegan Band of the Coosuk, Abenaki Nation
  26. ORCA Media
- Announcements

Erin: Etan isn’t here tonight. Please make no big decisions without the chair present. There will be reports back from the subcommittees on the work they are doing. Keep in mind the report due in January.

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel  
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15 minutes

Shela: Today is the 10<sup>th</sup> anniversary of the ROOT Social Justice Center! They are kicking off their 10-year fundraising campaign at their 10-year anniversary party on October 7<sup>th</sup>. Inviting people from statewide, there will be a parade, and a farm visit. Everyone is invited!

Matthew: They will be cohosting a webinar on youth homelessness Tuesday, September 19<sup>th</sup>. They have an awesome panel of speakers, people with lived experience, and some policy people.

Elizabeth: Funding opportunities for Youth Drop-In Centers across the state, and another for Court Adjudicated or At-Risk emerging adults programming around partner violence.

Mark: They are in their last days of hosting the 1619 Travelling Exhibit at the Richard Kemp Center in Burlington. Stop by and see. They have a new art exhibit too!

- Approval of minutes from last meeting

Wichie: Moved to accept the minutes from the August 2023 meeting.

Tyler: Seconded.

2 abstentions. Motion passed.

- Community Safety Review subcommittee report back with Shela and Wichie

Wichie: Thanks Shea and Tyeastia for coming to speak about community safety reviews. The subcommittee consists of Wichie, Shela, and Tsing.

Tyeastia: In 2021 they did a functional and operational assessment of the Burlington Police Department. That was led by the Racial Equity, Inclusion, and Belonging office. The assessment was created by the City Council after a resolution, there was a community-based focus group. They were appointed by the resolution to manage the process.

Wichie: Was there any emphasis on assessing the needs of communities of color?

30 minutes

Tyeastia: The entire resolution was focused on communities of color. Shortly after the murder of George Floyd there were 2 resolutions. One was focused on attrition in the police department, they put a 74-person cap on the police department, down from 115. One of the key findings of the assessment says the City of Burlington should only have 72-75 sworn officers. Yes, it was focused on communities of color.

Wichie: What kind of positive impacts have we seen in communities of color?

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6 – 8 PM on Tuesday, Sep 12<sup>th</sup>, 2023

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Tyeastia: The implementation of Community Service Officers and Community Service Liaisons came with the resolutions. A good change that came with the report but was initiated well before the report. They were sent out to deal with houselessness, drug addiction, and mental health crises.

Wichie: Can you share with us some of the biggest challenges that came into the creation of this report or implementing the recommendations?

Tyeastia: The biggest challenge was the police department, they refused for months to give up any data. Two reports were done, 1 at the end of August 2021, and the other at the end of September. The police department was the biggest hindrance in this process, along with the mayor's office which didn't step in to make sure the police department were doing what they needed to do.

Wichie: Just to clarify, the data did not get reported to the state?

Tyeastia: Yes, just data that was local to the Burlington Police Department.

Wichie: If you could pick 2 or 3 recommendations to be sent to the legislature as state policies, what would they be?

Tyeastia: 1. Consider instituting a citizen review board, to review internal and external investigations. They think this is incredibly important to black and brown people across Vermont. Per capita, Vermont incarcerates more people of color than any other state in the country. A citizen review board would help Vermont figure out why they are incarcerating people of color at such a high rate. 2. Implicit bias training courses for all officers, though there should be no training necessary to treat someone like a human being. Training people to understand where racism comes in, and understand that they have been taught racism, and understand that racism is part of the fabric of the United States of America, we can start there.

Wichie: Police were invented to catch slaves and hunt indigenous folks in the first place. It's worth examining the history as we talk about the history of criminal justice in this country.

Shea: They were co-authors and co-facilitator of the Brattleboro Safety Review project.

45 minutes

Emily: They are a trauma therapist in private practice, they were also a co-facilitator to the Brattleboro Safety Review project.

Shea: The genesis of the Brattleboro Safety Review was similar and different from Burlington. There was a larger cultural impetus with the murder of George Floyd and more people in Brattleboro getting involved. It was sort of an ad hoc community coming together, lots of multiracial organizing, to try and put pressure on the selectboard to make some change.

Emily: The Burlington report was created by a resolution, but it was different in Brattleboro. Specifically, Covid disrupted a town meeting where the budget was supposed to be voted on. There was no backup

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6 – 8 PM on Tuesday, Sep 12<sup>th</sup>, 2023

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for that, and the beginning of the fiscal year was approaching. The Select Board in Brattleboro ended up passing an emergency budget, including a significant increase to the police budget. That became a huge factor in local organizing. Public outcry led to the creation of the Brattleboro Safety Review project.

Shea: The project was 2-fold. 1 part was listening to black members of the community and disabled people. They listened to about 250 different people altogether.

Emily: They did an anonymous survey, had small listening groups, collaborated with organizations, and held public forums to participate and gather some information. Not only about people's lived experience with harm, but also about their visions for safety.

Shea: On top of that, they also spoke with people who work in these systems. They talked to the police, people who work at the Department for Children and Families, folks who work in the mental health system about their perspective on how things were going on the inside.

Wichie: They want to ask about the impacts of the work, maybe speak to impacts on the community that came from that report?

Emily: Right after the report came out, one of the main areas of study had to do with the coupling of police and mental health response. One of the greatest impacts they saw after this report was a real stepping on the brakes of that moving train. A large amount of the use of force charges were in response to welfare checks, not actual criminal activity. They haven't seen a lot of the recommendations implemented.

1 hour

They've had a lot of turnovers in the leadership of the police department, the town manager, and the selectboard. This project really provided a place to coalesce around fighting white supremacy and racism.

Shea: Most of the positive impacts that they've heard about are not at the selectboard level, or the police department level. They are at organizational levels. Some things are on their way to being implemented but a lot have not been yet. Some things can't be implemented because they aren't at the town level.

Shela: This was very impactful for the youth in the community. They were a large part of the listening sessions. They also realized the connection between school and community.

Rebecca: Are there recommendations from the follow up meetings as to how these local government organizations can be held more accountable?

Emily: The formal meetings are starting soon because there have been several ad hoc reactive meetings so far. One of the greatest challenges they faced was the turnover in the town. The leadership in the police department, the town manager, and the selectboard are all positions which can hold accountability for the town. The implementation timeline is heavily contested by the new people in

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those positions of power. One of the largest recommendations has to do with investing and supporting community responses to safety and harm. Community perceptions of safety have to do with commerce and the downtown area.

Tyeastia: They see some parallels between the work that's happening in Brattleboro and what happened in Burlington.

1 hour 15 minutes

The group that does community oversight of police in Burlington has no authority, so one of the recommendations is to give that group authority. That passed the City Council, but the mayor vetoed it. When they left the City of Burlington, none of the more than 100 recommendations had been implemented.

Wichie: Are there recommendations that this Panel should include for the state legislature?

Emily: Addressing traffic stop related racial disparities has huge implications, and probably needs to be taken up at the state level.

Shea: Can we decouple anything from the police? Are there ways for people to engage totally voluntarily in supports? People are finding safety in the community, totally voluntary, community led supports. Black people are finding safety at the ROOT Social Justice Center, more than with the police.

Emily: How do we get police officers ready to do antiracism work? Let's have that conversation. It's a huge cultural shift that we aren't going to get in an 8-hour training.

Don: No law enforcement ever asked for cultural competency from the indigenous community. They've done a lot of cultural competency in the prisons, because they want to deal with cultural practices once someone is incarcerated. All kinds of things never trickle down to the indigenous community. Indigenous people are often marginalized.

1 hour 30 minutes

Geoffrey: They were the first black police officer in Vermont, they were a state trooper. They think the strongest area to have impact over the long term is to put appropriate people on the hiring panels, you can't train a bad horse.

Tyeastia: They want to talk about safety. We can look across the country and see neighborhoods deemed safe and unsafe. It all boils down to social determinants of health. They would love the country to move away from police systems.

Shea: Completely reimagining what safety means is important work that can be done.

- Second Look subcommittee report back with Rebecca

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6 – 8 PM on Tuesday, Sep 12<sup>th</sup>, 2023

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Rebecca: They wanted to think about recommendations that address racial disparities for people who are already convicted and sentenced, already subjected to the criminal and juvenile systems. Second Look is a generalized idea of legislation that's been passed in various states, and they have a pending bill introduced last session. It's about creating an opportunity to review unreviewable cases. There are plans for a Second Look Conference on November 3<sup>rd</sup>, in partnership with Vermont Law School.

1 hour 45 minutes

Jessica: It will be an in-person conference, with speakers from around the country.

Erin: Continue to think about what we want in our report in January. We need to come up with a way to keep track of all the events we hear about.

Don: We all know that convictions follow a person for life. Has anybody ever thought about coming up with a process or procedure that, after a certain length of time, after being convicted, you might be able to get some of that expunged or not open to record checks?

Erin: In Vermont we have sealing and expungement laws that allow for record clearance, but it's not the whole list of offenses in our criminal code. There are a lot of parameters around what can be cleared. There's an ongoing effort to update those laws. That is an important factor in having people move on from those mistakes, and not having them follow around for life.

Jessica: Some of those expungements are supposed to be automatic. Part of the Center for Justice Reform is a clinic where they provide expungement services for people. Some people don't know when they are eligible for expungement.

Shela: The ROOT Social Justice center has been providing expungement services in the Brattleboro area.

Erin: The Attorney General's office also has expungement clinics throughout the state, the next one will be in Washington County.

Jessica: Motion to adjourn.

Wichie: Seconded.

Adjournment