

## **Minutes:**

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6-8 PM, Tuesday 12 June

Panel Member attendance:

- Attorney General Appointments: Jessica Brown, Geoffrey Jones, Shela Linton, Etan Nasreddin-Longo, Chief Don Stevens
- Executive Director of VT Criminal Justice Training Council: Rick Gauthier
- Attorney General or designee: David Scherr
- Defender General or designee: Rebecca Turner
- Executive Director of State's Attorneys and Sheriffs Department or designee: James Pepper
- Chief Superior Judge: Judge Brian Grearson
- Commissioner of Corrections or designee: absent
- Commissioner of Public Safety or designee: Lt. Gary Scott
- Commissioner of Department of Children and Families or designee: Ken Schatz and designee Karen Vastine

### **Welcome – Introductions**

**Approval of minutes** – 5/22 meeting

Judge Grearson moves, Stevens seconds. Panel approves.

Discussion: Do we want summary minutes or more detailed?

Shela: Some important discussion was left out of the minutes, there should be more in them.

Motion: Shela moves that Shela will head up work on making meetings more accessible, and further that we will strive to have meetings in community rooms/libraries/town halls. Gary Scott seconds, motion passes. Etan volunteers to assist. Shela has already reached out to ORCA to video the meetings. Will look into the possibility of live streaming.

### **Announcements**

Shela: let's make sure we have a note of who isn't here from the panel. Action item: from now we will list the entities who are part of the panel and note which entities don't have representation.

Shela: Let's have operating norms. Such as step-up/step back. We can collectively decide what our norms are. Don: I want to be cooperative, but I'm hesitant about laying out too much red tape.

Motion: Geoffrey moves that chair can impose 5 minute speaking limit as necessary. Rebecca seconds. Motion carries.

### **Discussion of adoption of Robert's Rules of Order**

Motion: Chief Stevens moves we follow Robert's Rules but in a modified way, with leeway to move through the meeting with flexibility—follow the spirit, not the absolute letter. Friendly amendment by Judge Gearson: we could call it Bobby's rules of order. Seconded by James Pepper. Motion carries.

**Question from Etan**: Does the governor's Executive Order regarding the new racial disparities panel and position make our panel irrelevant?

Discussion:

David: No, as we discussed last week and came to consensus this panel still has a specific role to play regarding criminal and juvenile justice. Chief Stevens: doesn't believe the executive branch intended to override this panel. Judge Gearson: agreed that we still have a specific role, and some of our role could be taken on by the new entity. Rebecca: agreed that we have a role, it may not be a precise overlap with the new entity. We should cooperate with this person and board. Etan: let's reach out when this person is appointed and invite them.

### **Discussion of Panel's Report of March 2, 2018:**

Judge Gearson: we should have a specific vote that this is not the panel's report. Rebecca agrees.

Motion: Judge Gearson moves that the panel go on record stating the report as published by Christine and Mark on March 2, 2018 is not the report of the panel. Geoffrey Jones seconds. Motion carries with the following vote:

- For: Etan Nasreddin-Longo, Geoffrey Jones, Ken Schatz, Judge Gearson, Gary Scott, Rebecca Turner, Don Stevens, David Scherr, Rick Gauthier, James Pepper
- Against: Shela Linton
- Abstain: Jessica Brown

Etan: do we need to do anything to follow up on this vote?

Etan will send a letter to the speaker and pro tem notifying them of this decision.

- Discussion of likes and dislikes of the panel report:

Stevens: Liked: HR Commission should be watchdog, should be expanded data collection. Other observations: there were a lot of personal comments, not always based on data. Some of this didn't seem completely objective. Was uncomfortable with the suggestion to push funds to the CJs because this could be perceived as a conflict of interest given the fact that the prior panel chair works for them. Questions about utility of new system if there's already reporting for each department—but not opposed to new system. Didn't agree with making racial profiling a crime.

Rebecca: Chief Stevens stated a lot of concerns I had. Rebecca noted that there was really only point where we achieved consensus: using HRC as reporting destination for complaints.

Ken: the report didn't follow statutory structure.

Judge Grearson: we should use statutory structure as template and salvage what we can from report.

Shela: don't understand how this report isn't aligned with the statute. Also we did discuss all the things in the report, even if they weren't voted on. I do agree with many things in the report. Part of this comes from not coming from the same operating assumptions and using the same language, having the same baseline, using the same norm.

Etan: the stat about things worsening in Chittenden County in 2016 is not supported by evidence.

Shela: takes offense at comment that recommending CJs as reporting destination could be self-serving. This was part of the discussion.

Chief Stevens: Didn't intend to offend, just was pointing out how it might have been perceived by someone who wasn't on the panel.

Etan: after listening to this discussion I have concluded there is too much emotion about this report. We will start from the beginning.

- Discussion on how to move forward:

James: we should get into subcommittees and start working on the specific areas.

Ken: we're not that big, let's not get into subcommittees. Let's take each subject area and do it one at a time as a full panel.

Stevens: let's not get too hung up on deadlines, let's take the time we need to get it right.

Motion: Etan moves that we start with subsection (6)(A) of the panel's statutory charge for our first discussion next week. Rebecca seconds. Motion carries.

Karen Vastine: Human Rights Commission Executive Director Karen Richards might be a helpful person to bring into this discussion of (6)(A).

Shela: we should be doing education in between meetings. Assessments or tests or readings. Operating norms. Should we be assigning ourselves homework.

Rebecca: chief Stevens sent around sentencing project report, I plan to read that.

### **Scheduling of next meeting**

Next meeting will be second Tuesday in July. July 10, 6-8pm.

### **Public Commentary**

None.

## **New Business**

The Sentencing Project Report – next steps. Stevens contacted sentencing project report, he did get permission to print it (from a Casey Anderson), but we would need permission to distribute more widely than the panel. Josh Rosner at sentencing project dot org. One of the key takeaways in the report: the inequities build on themselves through the process, it compounds as you go through.

Judge Grearson also recommends the panel look at the Race and Sentencing in Vermont report submitted 2014 and revised 2015.

Shela: I'd like assistance in learning where to find all the data out there so we can understand what's there and what we still need. It's difficult to access, to read, and to understand. Lt. Scott agrees this is an area the state needs to work on.

Discussion on scheduling:

Also, how do we want to move forward in terms of scheduling? Panel agrees on one subject per month and second Tuesday of every month. Etan: let's not saddle ourselves now with strict timeline, let's do the work. Karen: The statute has a biennial report requirement, so we can fit this new report into that statutory schedule.

## **Adjournment**