
State of Vermont
Department of Public Safety
45 State Drive
Waterbury, Vermont 05671-2101

To: Representative Maxine Grad
Chair, House Judiciary Committee

From: Thomas D. Anderson
Commissioner of Public Safety

Subject: H.492

Date: March 23, 2017

I write to express the Department of Public Safety's (DPS) concerns regarding H.492. This bill would create the "Racial Justice Oversight Board," which would "manage and oversee the implementation of racial justice reform across the State." This legislation was introduced on February 24, 2017 and first taken up by the House Judiciary Committee on March 22, 2017. Thus, the public, affected stakeholders, and law enforcement have only had a matter of days to review and consider this important piece of legislation – legislation that would create a new board with broad, plenary powers to place mandates and requirements on the Vermont Criminal Justice Training Council (VCJTC) and law enforcement throughout the state.

Robust and successful racial justice reform has been ongoing in Vermont for many years. In fact, the Fair and Impartial Policing Committee, which was created by the Vermont State Police (VSP) in 2007 and is made up of leaders of diverse communities, has been spearheading this effort and has developed expertise in the areas of community policing, race data collection, and best practices in fair and impartial policing. Yet, to my knowledge, this committee was not consulted or requested to provide input on the drafting of this important legislation. Likewise, to my knowledge, no one in DPS, the VCJTC or the VSP, including the Director of the VSP Office of Fair and Impartial Policing and Community Affairs, was consulted on this legislation while it was being drafted.

As to the bill itself, it is internally inconsistent, vague, and may raise significant separation of powers issues. In my view, the bill needs to be significantly revised and rewritten.

In light of the importance of this issue, prudence demands a thorough and careful approach that includes all stakeholders. Accordingly, DPS recommends that the House Judiciary Committee not vote on this bill at this juncture but rather refer the bill for further study.¹ This will allow for all stakeholders and those with expertise in this area to work with members of the Judiciary Committee to more clearly articulate the goals of the legislation and then work collaboratively toward legislation that meets those goals. This would obviously delay further consideration of this legislation until the next legislative session. However, the end product would be improved and may enjoy broader support.

I would ask that this memorandum be made part of the record and shared with the other members of the House Judiciary Committee.

¹ DPS has consulted with the VCJTC, Vermont Sheriffs' Association and the Vermont Chiefs of Police Association and they concur in this recommendation.