

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 492  
3 entitled “An act relating to Racial Justice Oversight Board” respectfully reports  
4 that it has considered the same and recommends that the bill be amended by  
5 striking out all after the enacting clause and inserting in lieu thereof the  
6 following:

7 Sec. 1. 3 V.S.A. § 168 is added to read:

8 § 168. RACIAL JUSTICE OVERSIGHT BOARD

9 (a) The Racial Justice Oversight Board is established. The Board shall be  
10 organized and have the duties and responsibilities as provided in this section.  
11 The Board shall be organized within the Office of the Attorney General, and  
12 members of the Board shall be drawn from throughout the State and from  
13 diverse racial, ethnic, religious, age, sexual orientation, and socioeconomic  
14 backgrounds, and shall have had experience working to implement racial  
15 justice reform.

16 (b) The Board shall comprise the following 15 members:

17 (1) five members to represent the interests of communities of color  
18 throughout the State, appointed by the Attorney General, including:

19 (A) a member with expertise in implicit bias;

20 (B) a member with expertise in education;

21 (C) a member with expertise in labor and employment;

1           (D) a member with expertise in health care; and

2           (E) a member with expertise in economic development;

3           (2) the Executive Director of the Vermont Criminal Justice Training  
4 Council or designee;

5           (3) the Attorney General or designee;

6           (4) the Defender General or designee;

7           (5) the Executive Director of the State’s Attorneys and Sheriffs or  
8 designee;

9           (6) the Chief Superior Judge or designee;

10          (7) the Commissioner of Corrections or designee;

11          (8) the Commissioner of Public Safety or designee;

12          (9) a representative of the Vermont Police Association;

13          (10) the Executive Director of the Vermont Human Rights Commission  
14 or designee; and

15          (11) the Executive Director of the Vermont chapter of the ACLU or  
16 designee.

17          (c) The terms of members shall be four years. As terms of currently  
18 serving members expire, appointments of successors shall be in accord with  
19 the provisions of subsection (b) of this section. Appointments of members to  
20 fill vacancies or expired terms shall be made by the authority that made the

1 initial appointment to the vacated or expired term. Members of the Board shall  
2 be eligible for reappointment.

3 (d) Members of the Board shall elect biennially by majority vote the Chair  
4 of the Board. Members of the Board shall receive no compensation for their  
5 services, but shall be entitled to reimbursement for expenses in the manner and  
6 amount provided to employees of the State.

7 (e) Seven members shall constitute a quorum of the Board. Once a quorum  
8 has been established, the vote of a majority of the members present at the time  
9 of the vote shall be an act of the Board.

10 (f) The Board shall undertake an ongoing formal review of racial justice  
11 reform across the State, including within the systems of criminal and juvenile  
12 justice, education, labor and employment, housing, health care, and economic  
13 development, by monitoring the collection and publication of race-based data,  
14 recommending policies and trainings to address systemic implicit bias, and  
15 evaluating racial justice policies, practices, and results statewide, including  
16 determining whether there is variation across the State and the cause of any  
17 such variation. In furtherance of that responsibility, the Board shall:

18 (1) review and make recommendations regarding statewide criminal and  
19 juvenile justice reform, including:

1           (A) continually reviewing the data collected pursuant to 20 V.S.A.  
2           § 2366 to measure State progress toward a fair and impartial system of law  
3           enforcement;

4           (B) providing recommendations to the Criminal Justice Training  
5           Council and the Vermont Bar Association, based on the latest social science  
6           research and best practices in law enforcement and criminal and juvenile  
7           justice, on model trainings and policies for law enforcement, prosecutors,  
8           public defenders, judges, and correctional officers to recognize and address  
9           implicit bias; and

10           (C) providing recommendations to the Criminal Justice Training  
11           Council, based on the latest social science research and best practices in law  
12           enforcement, on a model training and policy on the use of force in policing;

13           (2) review and make recommendations to address persistent racial  
14           disparities in statewide systems of education, labor and employment, economic  
15           development, health care, and housing;

16           (3) educate and engage with communities, businesses, educational  
17           institutions, State and local governments, and the general public about the  
18           nature and scope of racial discrimination and the systemic and institutionalized  
19           nature of race-based bias, and on progress made towards racial justice;

1           (4) advise and consult with the Executive and Legislative Branches  
2           of State government on the assessment of racial impact of policies and  
3           legislation; and

4           (5) on or before January 15, 2018, and annually thereafter, report to the  
5           General Assembly, and provide as a part of that report recommendations to  
6           address systemic implicit bias in Vermont, including:

7                   (A) a public complaint process to address perceived implicit bias  
8                   across all systems of State government;

9                   (B) prohibiting racial profiling, including any associated penalties;

10                   (E) expanding law enforcement race data collection practices to  
11           include data on non-traffic stops by law enforcement; and

12                   (F) amending the Vermont Constitution to clarify that slavery in any  
13           form is prohibited.

14           Sec. 2. CRIMINAL JUSTICE TRAINING COUNCIL; REPORTING TO  
15           RACIAL JUSTICE BOARD

16           The Criminal Justice Training Council shall, on a regular and ongoing basis,  
17           report to the Racial Justice Oversight Board regarding:

18                   (1) the adoption and implementation of the Board's recommended  
19           implicit bias trainings and policies pursuant to 3 V.S.A. § 168 (f)(1)(B);

20                   (2) the incorporation of implicit bias training into the requirements of  
21           basic training pursuant to 20 V.S.A. § 2358;

1           (3) the implementation of the refresher trainings as required by 20  
2           V.S.A. § 2358(e); and  
3           (4) the Council’s efforts to establish methods of oversight and  
4           professional regulation of the systems for criminal and juvenile justice,  
5           including a statewide program for civilian oversight of law enforcement.

6           Sec. 3. EFFECTIVE DATE

7           This act shall take effect on passage.

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14           (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE