TO THE HOUSE OF REPRESENTATIVES:

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

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

§ 168. RACIAL JUSTICE OVERSIGHT ADVISORY BOARD

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

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

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

(A) a member with expertise in implicit bias;

(B) a member with expertise in education;

(C) a member with expertise in labor and employment;
(D) a member with expertise in health care; and

(E) a member with expertise in economic development;

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

(3) the Attorney General or designee;

(4) the Defender General or designee;

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

(6) the Chief Superior Judge or designee;

(7) the Commissioner of Corrections or designee;

(8) the Commissioner of Public Safety or designee;

(9) a representative of the Vermont Police Association;

(10) a representative of the Vermont Sheriffs’ Association;

(11) a representative of the Vermont Chiefs of Police Association;

(12) the Executive Director of the Vermont Human Rights Commission or designee; and

(c) The terms of members shall be four years. As terms of currently serving members expire, appointments of successors shall be in accord with the provisions of subsection (b) of this section. Appointments of members to
fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term. Members of the Board shall be eligible for reappointment.

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

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

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

(1) determine to what extent there exists review and make recommendations to address persistent racial disparities in statewide systems.
of education, labor and employment, economic development, health care, and housing:

(2) review and make recommendations regarding statewide criminal and juvenile justice reform, including:

(A) continually reviewing the data collected pursuant to 20 V.S.A. § 2366 and make recommendations based on such review; to measure State progress toward a fair and impartial system of law enforcement;

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

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

(3) educate and engage with communities, businesses, educational institutions, State and local governments, and the general public about the nature and scope of racial discrimination and the systemic and institutionalized nature of race-based bias, and on progress made towards racial justice;
at the Board’s discretion, provide the Executive and Legislative Branches of State government with an assessment of the potential disparate racial impact of a proposed policy or legislation; and

on or before January 15, 2018, and biannually thereafter, report to the General Assembly, and provide as a part of that report recommendations to address systemic identified implicit bias in Vermont, including:

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

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

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

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

Sec. 2. CRIMINAL JUSTICE TRAINING COUNCIL; REPORTING TO THE RACIAL JUSTICE OVERSIGHT ADVISORY BOARD

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

(1) the adoption and implementation of the Board’s recommended implicit bias trainings and policies pursuant to 3 V.S.A. § 168 (f)(2)(B);

(2) the incorporation of implicit bias training into the requirements of basic training pursuant to 20 V.S.A. § 2358;
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(3) the implementation of the refresher trainings as required by

20 V.S.A. § 2358(e); and

(4) the Council's efforts to establish methods of oversight and

professional regulation of the systems for criminal and juvenile justice,

including a statewide program for civilian oversight of law enforcement.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: ___________)

_______________________
Representative ___________
FOR THE COMMITTEE

Commented [A6]: This provision appears beyond the statutory authority of the VCJT as set forth in 20 VSA §§ 2351 and 2355. These statutory provisions limit the powers and duties of the VCJT to the regulation and qualifications of law enforcement officers. Establishing “methods of oversight and professional regulation of the systems for criminal and juvenile justice” is a far broader mandate and could include the courts, the State’s Attorneys, Public Defenders, and Probation and Parole. There also does not seem to be any statutory authority for the VCJT to create or even make recommendations regarding civilian oversight of law enforcement.