



**Testimony to:
House Judiciary April 4, 2017 3:30 PM on
H.494; Racial Justice Oversight Board**

**Mark A. Hughes, Justice For All, Executive
Director**

Acknowledging the Chair, the Vice, the ranking member the bill sponsor and the remainder of the committee. Understanding that the work you have done thus far in this session has been difficult but necessary.

My name is Mark Hughes and I created H.492. I am the Vermont Democratic Party Affirmative Action Chair and the Cabot Town Chair as well as a member of the Platform Committee. I am the cofounder and Executive Director of Justice for All, A racial justice organization with a mission to pursue racial justice within Vermont's criminal justice system through advocacy, education, and relationship-building

I bring with me many stakeholders from across the state who have testified and literally hundreds of people who have reached out to members of this committee and the rest of the assembly



expressing the importance of racial justice reform in Vermont. There are thousands more who have shown support of this bill by way of petition and dozens of organizations from across the state who collectively are called the Racial Justice Reform Coalition stand in support of this bill.

I mentioned the Vermont Advisory Committee to the Civil Rights Commission reports filed on “Racial Harassment in Vermont Public Schools” and “Racial Profiling in Vermont” as background to my initial testimony. As you recall, I informed you that recommendations from the latter report over ten years ago included policy, training, body cams, community partnerships, illegalizing racial profiling and the “commissioning of an oversight board”.

I also indicated in my first testimony that neither racial justice reform nor the concept of it beginning in the criminal justice system is new in Vermont. Act 134 in 2012; **“Racial Disparities in the Criminal Justice System”** was a bill that focused on racism from an institutional (implicit) perspective. It addressed sentencing, policy, data collection, training, the complaints process and other justice system workers. Unfortunately, the



approach was walked back over the last five years to focus primarily on law enforcement.

Today there has been no further action taken on the sentencing report; there remains uncertainty surrounding the policy statewide; we continue to struggle with data collection; completion of statewide training and the introduction of In-service training on Implicit-bias is still a couple years out; a unified complaint process has not been established and little or no attention has been given to the remainder of the criminal justice system to address the racial disparities.

Today one in 14 African American males are incarcerated in Vermont (leading the nation). We all know that African Americans continue to be stopped and searched at disproportionate rates across the state. We learned this year that over 15% of the use of force cases reported by Burlington involve African Americans (3.8% population). We learned during these proceedings that black youth have been on average 340% more likely to go to Woodside over the past four years! Further, we have learned last year from reports from Dr. Stephanie Sequino of UVM, Dr. Jack McDevett of North Eastern



University and Ashley Nellis (The Color of Justice) of the Sentencing project further support this fact while suggesting that the problem in Vermont has worsened over the past five years.

Through work with the State Police, it seems that we have discovered hope in this data driven approach in addressing racial disparities in the criminal justice system. It was with that hope that that the Racial Justice Oversight Board would be used as an apparatus by the legislature and responsibilities would include; providing advise on addressing institutionalized racism to the legislature; monitoring (with legislative authority) the ongoing progress of law enforcement rollout of policy, training, data collection and oversight, and; monitoring and advising on the rollout of these processes across the remainder of the criminal justice system. The longer-term goals of this board have always been envisioned as providing recommendations on the implementation of these strategies across employment, housing, education and health services.

Understanding now the history of racial justice reform in Vermont, it is my hope that the



committee would see more clearly our (and and coalition members) concern with decoupling the Fair and Impartial Policing component from H.492. Also, the fact that the revised bill turns the focus from the criminal justice system to an initial focus on these other systems as well creates an unwieldy and overly ambitious approach. (as expressed by the ACLU Vermont). It is also important to note that the inclusion of language that would seek to require community members of color to be “experts” could potentially create a counterproductive outcome by severely limiting the otherwise pool of qualified candidates. Finally, the removal of most all of the language that would enable the legislature to realize transparency (through the implementation of this board) into this law enforcement processes is severely diminished by the removal of language that addresses:

- 1) Use of Force
- 2) Data Collection
- 3) Monitoring of Training
- 4) Recommendations for Civilian Oversight
- 5) Monitoring for Compliance - 20 V.S.A. § 2366



All this being said, the historical significance of this bill cannot be understated. All of Vermont must acknowledge that the time for racial justice reform is now. People of color in Vermont are being arrested, serving as targets of use of force and incarcerated disproportionately on a daily basis and it is destroying lives and families EVERY DAY. The impact of stigma and trauma that the criminal justice system places on our people is life long and spans generations.

I respectfully implore the committee to allow this unprecedented Racial Justice Reform Bill to advance to the full house for debate. I ask that you stand on the right side of history as the Judiciary committee that made the controversial and highly political decision to advance racial justice reform as an issue for our state to see and our legislature to debate.

As racial disparities in our criminal justice system in Vermont worsen, the president has issued three executive orders announcing yet another “tough on crime” agenda. Now today, Attorney General Sessions announced a review of consent decrees across the nations as being in the interest of “...actively developing strategies to support the



thousands of law enforcement agencies across the country that seek to prevent crime and protect the public...,”

Now more than ever, people of color in Vermont call upon our state to protect us!

In closing I will leave you with two quotes:

“The word should go out to every Vermonter that the folks that work under this dome will stand up and fight for everybody in this state regardless of who you are, where you’re from, where you live or who you love,”

T.J. Donovan, Vermont Attorney General

“I’m going to do everything I can to protect the rights of all Vermonters and the human rights of all people — that includes standing up to executive orders from Washington that cross legal, ethical and moral lines that have distinguished America from the rest of the world for generations,”

Phil Scott, Vermont Governor

Vermont’s Governor and Attorney General said these words this year in the defense of S.79, an immigration bill that was signed into law last week. I asked at my initial testimony and I ask you again – Please approach H.492 with the same moral compass



and sense of urgency that was displayed with the Immigration Bill. All of us in Vermont want this state to be known as a place where there is Justice for All!

Respectfully,

Mark A. Hughes
Justice For All, Executive Director