



Justice For All

Testimony to Vermont House Judiciary Committee - 22 March, 2017 9:20 AM
Statehouse Room 11

Recognizing the chair and members of the committee who are charged with the responsibility of creating a framework that keeps us all safe, thank you for an opportunity to appear before the committees today.

I am Mark Hughes, Executive Director and cofounder of Justice For All, a Vermont based racial justice organization. I am also the VDP town chair of Cabot, a VDP Platform Committee member and the VDP Chair of the Affirmative Action Committee.

I ask for the latitude of the Chair in that we may need to make last minute modifications or changes to those who may testify. We have worked hard to be responsive to the rapid and unpredictable pace of the Committee. Many stakeholders across that state have had to very little time to prepare to testify due to their vulnerable positions. They can't afford to take the time required to be a part of this process. Many can't afford to take an hour, let alone a day off from work to engage in this important discussion. Literally hundreds of people have however reached out members of this committee from across the state to express the importance of racial justice reform in Vermont. Our petitions record hundreds more who are in support of this bill. The coalition consists of dozens of organizations across that state, many of whom are represented in this room. I want to acknowledge the President of Champlain Valley NAACP, Mary Guillroy Brown.

I would like to acknowledge Christine Longmore, Vice Chair of Board of Commissioners at Burlington Police Department.

Background

The Vermont Advisory Committee to the Vermont Civil Rights Advisory filed a report "Racial Harassment in Vermont Public Schools" complaining of racial harassment in our schools in 1999. Their progress report, filed in 2003 showed no progress. The Vermont Advisory Committee to the Vermont Civil Rights Advisory filed a Briefing report "Racial Profiling in Vermont", based upon briefings from 2008. Recommendations from this report included policy, training, body cams, community partnerships, illegalizing racial profiling and the "commissioning of an oversight commission".

The data collection was initiated by the Uncommon Alliance, a diverse group of Burlington are community members, law enforcement and local and state officials led to Act 134 in 2012; "Racial Disparities in the Criminal Justice System" here in Vermont. This was an approach that focused on racism from an institutional



perspective. It sought to address sentencing, policy, data collection, training, the complaints process and other justice system workers.

This approach was walked back to focus on law enforcement and 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.

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.

Much progress has been made with addressing racial disparities in the law enforcement system and advancements can be made with funding and oversight. I respectfully implore the committee to return to the focus of addressing racial disparities across the entire criminal justice system. Further, we must acknowledge the work that must be done to address institutionalized racism in employment, education, housing, health services and the political process.

I do want to be clear that there are limitations under which this bill is submitted. We were informed that to submit any bill that would require funding would cause the bill to be dead on arrival at Appropriations Committee. I think that we all know that this bill being unfunded severely limits our ability to really get things done. This is a shame. Particularly in light of the fact that there has only been 20K spent to address racial justice in Vermont history. That was spent towards the Sentencing Report that had been buried since it was published although it has left many questions unanswered. Funding and oversight are required for effective implementation of a systematic approach that seeks to mitigate racial disparities in the criminal justice system.

I also want to note the overwhelming coordination and cooperation we have had with law enforcement since before such time as this bill was drafted. I have great relationships with law enforcement throughout the state and want to highlight discussions that I have had with Mike O'Neil, our own Tony Facos, Brandon Del Pozo and others across the state. In particular, I want to acknowledge the collaboration that I have had with my friend Rick Gauthier, the Executive Director of the Vermont Criminal Justice Training Council.

It is important that I address a concern that was previously made surrounding the composition of the Board. In discussions yesterday with Rick and Mike, it was brought to my attention that there were concerns surrounding representation on



the Board. We agreed that the Addition of the Commissioner of Public Safety and the President of the Vermont State Police Association would be appropriate.

I also, would with due respect to Mr. Scherr like to correct the record and make it clear that the 2018 deadline that has been stated as aggressive is the timeline that was stated in Act 147, 2016 and is currently in Statute VSA 20 Section 2366. We initially requested a more aggressive timeline but reluctantly reverted back to the original date.

In closing, I would like to share a note that was submitted to the committee by the Research coordinator of Justice For All:

I am writing to express my support for H.492 (S.116). I am a resident of Woodbury, Vermont and a professor at a college in Vermont. Higher education should be a conduit that brings young talented people into the state and I have been continually impressed by the impact that my institution has had historically on the culture and community of central Vermont. Alums from past decades are entrepreneurs, public servants, and community leaders throughout the region. As our student body becomes increasingly diverse, however, I have become aware that students of color, coming to rural Vermont from elsewhere in the country do not feel safe leaving campus. They are fearful of a state that sees itself as uniquely and distinctly progressive and does not acknowledge or address its racism and biases. They fear being targeted because of the color of their skin and the recent traffic stop data that analyzed by Stephanie Seguino and Nancy Brooks confirms that *their fears are warranted*.

Implicit bias makes this state unwelcoming and dangerous for people of color who are more likely to be pulled over, more likely to be searched, and more likely to be arrested. One result of this (alongside the racial disparities in incarceration rates) is that the state does not become more diverse and the implicit biases in institutions, public service, and communities goes unchecked. The Vermont legislature has known about this for a long time and has made efforts to address it:

In 2008, the Vermont Advisory Committee to the US Commission on Civil Rights recommended the collection of traffic stop data, and the development and implementation of bias-free policing policies and training, as well as police-community partnerships. Act 134 in 2012 put these recommendations into law and Act 193 (2014) and Act 147 (2016) implemented them through Vermont Criminal Justice Training Council and the development of a model Fair and Impartial Policing policy. It is clear, however, from the data being collected as a result of these earlier acts, that the existing legislation is insufficient to effectively redress racial bias in the state.

H.492 (S.116) adds an essential component by constituting a Racial Justice Oversight Board, tasked with analyzing and reviewing data pertaining to race and



the criminal justice system, updating policy in accordance with current best practices, and proactively facilitating partnerships between law enforcement and the communities impacted by it. H.492 creates a sustained and adaptive mechanism to address systemic racism in the state. This is essential for community trust in law enforcement and by extension for the health, growth, and sustainability of the state in an increasingly diverse United States. The need is real and urgent. Justice for *all* Vermonters impacts all Vermonters. Thank you for your interest and concern and please support this bill and make it

I refer the committee to my testimony and supporting documentation submitted to this body on February 8th, 2017 for specific Fair and Impartial Policing background and recommendations. A summary of the recommendations put forward at that time is put forward for the record:

- 1) Refine legislative impact review
- 2) Enhance policy and training
- 3) Expand Data Collection and reporting
- 4) Extend enhanced citizens oversight
- 5) Establish a standing Independent
- 6) Expedite addressing the professional regulation of all law enforcement in the state as soon as possible.
- 7) Clarify citizen-reporting processes

Respectfully,

Mark A. Hughes,
Co-founder and Executive Director
Justice For All