

No. 163. An act relating to a report on racial equity and bias in the Department of Corrections.

(S.24)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. DEPARTMENT OF CORRECTIONS; RACIAL EQUITY AND
BIAS; PLAN AND REPORT

(a) Findings. The General Assembly finds that:

(1) The State's Department of Corrections is a department within the Agency of Human Services with the stated purpose in 28 V.S.A. § 1 of developing and administering a rehabilitative correctional program and plays an important role in determining the quality of an individual's sentence and ability for a successful return to and participation in the community.

(2) The Department does not serve in a law enforcement capacity and its role is to provide security and ensure racial and social equity to employees and to persons under the custody of the Commissioner.

(3) The General Assembly passed 2018 Acts and Resolves No. 9 (Act 9), which created within the Executive Branch the position of Executive Director of Racial Equity "to identify and work to eradicate systemic racism within State Government."

(4) In order to "implement a program of continuing coordination and improvement of activities in State government in order to combat systemic racial disparities and measure progress toward fair and impartial governance," the Executive Director of Racial Equity is charged in statute with:

(A) “overseeing a comprehensive organizational review to identify systemic racism in each of the three branches of State government and inventory systems in place that engender racial disparities;”

(B) “managing and overseeing the statewide collection of race-based data to determine the nature and scope of racial discrimination within all systems of State government;” and

(C) “developing a model fairness and diversity policy and reviewing and making recommendations regarding the fairness and diversity policies held by all State government systems.”

(5) The Executive Director of Racial Equity is also responsible for working “collaboratively with State agencies and departments to gather relevant existing data and records necessary to carry out the purpose of 3 V.S.A. chapter 68 and to develop best practices for remediating systemic racial disparities throughout State government.”

(b) Intent. It is the intent of the General Assembly:

(1) to address systemic racism and bias to achieve racial and social equity for employees of the Department of Corrections and persons under the custody of the Commissioner; and

(2) to recruit, train, and retain a diverse and high-quality workforce in the Department.

(c) Plan. The Commissioner of Corrections shall submit for approval to the Executive Director of Racial Equity a strategy and long-term plan to address

systemic racism and bias and promote diversity and inclusion in the Department of Corrections.

(1) The scope of the plan shall address the Department's employment practices and supervision of persons under the custody of the Commissioner both in State facilities and in the community.

(2) The plan shall include a timeline and process for the following:

(A) evaluating Department hiring practices, training, supervision, professional development, and competency standards to inform the basis of performance evaluation and promotion of employees;

(B) identifying the resources and funding needed to complete the plan, including upgraded technology, consultant support, and required data; and

(C) identifying a list of stakeholders and a process for how the Department will engage with the Department's employees, the persons under the custody of the Commissioner, and the broader community.

(d) Report. On or before December 31, 2020, the Commissioner of Corrections shall submit the draft plan described in subsection (c) of this section to the Executive Director of Racial Equity for review and approval. Upon approval, but not later than January 31, 2021, the Executive Director of Racial Equity and the Commissioner of Corrections shall submit the approved plan to the House Committee on Corrections and Institutions and the Senate Committee on Judiciary.

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Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: October 7, 2020