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H.284

Introduced by Representatives Colburn of Burlington, LaLonde of South
Burlington, Christie of Hartford, Cina of Burlington, Gonzalez
of Winooski, Hashim of Dummerston, Rachelson of Burlington,
and Townsend of South Burlington

Referred to Committee on

Date:

Subject: Criminal justice data collection

Statement of purpose of bill as introduced: This bill proposes to require the
Judiciary, the Center for Crime Victim Services, the Department of State's
Attorneys and Sheriffs, and the Department of Corrections to collect and
publicly post criminal justice data.

An act relating to data collection in the criminal justice system

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

Sec. 1. SHORT TITLE

This act may be cited as "The Vermont Justice Transparency Act."

1 Sec. 2. 4 V.S.A. § 40 is added to read:

2 (a)(1) Beginning on August 1, 2022 and quarterly thereafter, the Judiciary
3 shall issue a report on all of the following data from the previous year relating
4 to:

5 (A) pretrial release determination for individuals, including the
6 amount of bail set and nonmonetary conditions of release, if any;

7 (B) sentence type and length imposed by the court, including
8 minimum and maximum sentence imposed, and conditions of probation or
9 other supervision or resolution; and

10 (C) the number of cases diverted from prosecution.

11 (2) All data required by subdivision (1) of this subsection shall identify
12 the county of the proceeding, the presiding judge, the charge or charges, and
13 the individual's age, race, gender, and state of last residence.

14 (b) The Judiciary shall post the report electronically on its website in a
15 manner that is easily understandable and accessible to the public.

16 Sec. 3. 20 V.S.A. § 2057 is amended to read:

17 § 2057. INFORMATION

18 (a) From time to time but at least annually, the ~~center~~ Center shall publish
19 information relating to criminal activity, arrests, convictions, and such other
20 information as the ~~commissioner~~ Commissioner deems relevant. At a

1 minimum, the Center shall issue a report on arrest data from each state, county,
2 and municipal law enforcement agency from the previous year relating to:

3 (1) the age, race, gender, and state of residence of individuals who
4 are arrested;

5 (2) reported incidents of use of force, identified by type of force
6 used;

7 (3) arrests categorized by legal basis for the arrest; and

8 (4) results of searches conducted pursuant to arrests.

9 (b) Each state, county, and municipal law enforcement agency shall
10 provide the information required in subsection (a) of this section to the Center
11 in a time frame and manner established by the Center.

12 Sec. 4. 24 V.S.A. § 368 is added to read:

13 § 368. REPORTING DATA

14 (a) Beginning on January 31, 2020 and annually thereafter, the Department
15 of State's Attorneys and Sheriffs shall issue a report consisting of data from
16 each of the State's Attorneys on the following:

17 (1) the number and percentage of cases a State's Attorney declines to
18 prosecute, the rationale for declining to prosecute in each instance, the alleged
19 criminal violation, and the age, race, gender, and state of last residence of the
20 individual referred for prosecution;

1 (2) the number and percentage of cases that result in accepted pleas to
2 lesser charges, identified by original charge and charge pled to by the
3 individual, and the age, race, gender, and state of last residence of the
4 individual;

5 (3) the number and percentage of cases in which a State's Attorney
6 sought the maximum sentence, identified by the charge, and the age, race,
7 gender, and state of last residence of the individual;

8 (4) the number and percentage of cases recommended by a State's
9 Attorney for the individual to be released on his or her own recognizance, cash
10 bail, or no bail, identified by charge, bail amount, and the age, race, gender,
11 and state of last residence of the individual; and

12 (5) the number and percentage of cases in which a State's Attorney
13 sought an alternative to incarceration, the types of alternatives chosen, the
14 charges in each case in which an alternative was sought, and the age, race,
15 gender, and state of last residence of the individual.

16 (b) Each State's Attorney shall provide the information required in
17 subsection (a) of this section to the Center in a time frame and manner
18 established by the Center.

19 (c) The Department shall post the reports created electronically in a manner
20 that is accessible to the public on the Department's website.

1 Sec 5. 28 V.S.A. § 123 is added to read:

2 § 123. REPORTING DATA

3 (a) Beginning on August 5, 2020, and on the first Monday of every month
4 thereafter, the Department shall issue a report on Vermont's incarcerated
5 population on the provisions identified in subdivisions (1)–(2) of this
6 subsection.

7 (1) Inmate data as follows:

8 (A) The number and characteristics of the inmate population. Data
9 shall include offenses, length of longest sentence, and an inmate's age, race,
10 gender, county of sentencing, and state of last residence.

11 (B) The number and percentage of inmates held past their minimum
12 release date. Data shall include offenses and the inmate's age, race, gender,
13 state of last residence, and reason why the inmate was held beyond the
14 minimum release date.

15 (C) The number and percentage of inmates who have been held in
16 solitary confinement in the previous month and the number of days of that
17 confinement. Data shall include the inmate's age, race and gender, the reason
18 for segregation, and whether or not the inmate is classified as having a serious
19 functional impairment.

20 (D) The number and percentage of inmates who have screened
21 positive for opioid use disorder, have requested medication-assisted

1 treatment (MAT), and are receiving MAT. Data shall include the inmate's age,
2 race, gender, county of sentencing, and state of last residence.

3 (2) Detainee data as follows:

4 (A) A monthly update of Vermont's detainee population. The update
5 shall include data on offenses charged, the county where charges are filed, the
6 length of detention if the detainee is held for more than one day, bail amount,
7 and the inmate's age, race, gender, and state of last residence.

8 (B) The number and percentage of detainees who have screened
9 positive for opioid use disorder, who have requested medication-assisted
10 treatment (MAT), and who are receiving MAT. Data shall include the county
11 where charges are filed and the inmate's age, race, gender, and state of last
12 residence.

13 (b) Beginning on January 31, 2020, and annually thereafter, the
14 Department shall issue a report on the incarcerated population as follows:

15 (1) Data from the previous year on the total number of people
16 incarcerated. Data shall include offenses and length of longest sentence by the
17 inmate's age, race, gender, county of sentencing, and state of last residence.

18 (2) Data from the previous year on the 12 most frequent charges. Data
19 shall include the offenses, and the inmate's age, race, gender, county of
20 sentencing, and state of last residence.

1 (3) Data from the previous year on mean and median sentence length for
2 the 12 most frequent charges. Data shall include the offenses, and the inmate's
3 age, race, gender, county of sentencing, and state of last residence.

4 (4) Data from the previous year on revocation of probation, parole,
5 furlough, or other community supervision. Data shall include the original
6 offenses, violations, the county where the person was supervised and the
7 violation occurred, whether the person was reincarcerated, and the person's
8 age, race, gender, and state of last residence.

9 (5) Data on the recidivism rate, as defined in 28 V.S.A. § 4, identified
10 by the new offense charged and the county in which it was charged, and the
11 person's age, race, gender.

12 (6) Data from the previous year on the number and percentage of
13 inmates who have been screened for developmental disabilities, mental health
14 conditions, and substance use disorders.

15 (c) The Department shall post the report electronically on its website in a
16 manner that is easily understandable and accessible to the public.

17 Sec. 6. EFFECTIVE DATE

18 This act shall take effect July 1, 2019.