

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

3 (a) Findings. The General Assembly finds that:

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

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

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

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

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

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

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

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

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

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

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

18 (3) to enhance a human services approach to the State correctional
19 program that will require the Department of Corrections to undertake a
20 thorough review and revision of its policies, administrative directives, and
21 interim procedures and memos.

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

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

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

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

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

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

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

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

23

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on passage.

3 and that after passage the title of the bill be amended to read: “An act

4 relating to a report on racial equity and bias in the Department of Corrections”