

1 TO THE HONORABLE SENATE:

2 Senators Sears, Baruth, Benning, Nitka and White move that the Senate
3 concur with the House proposal of amendment with further amendment as
4 follows:

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

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

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

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

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

20 (4) In order to “implement a program of continuing coordination and
21 improvement of activities in State government in order to combat systemic

1 racial disparities and measure progress toward fair and impartial governance,”

2 the Executive Director of Racial Equity is charged in statute with:

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

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

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

12 (5) The Executive Director of Racial Equity is also responsible for
13 working “collaboratively with State agencies and departments to gather
14 relevant existing data and records necessary to carry out the purpose of
15 3 V.S.A. chapter 68 and to develop best practices for remediating systemic
16 racial disparities throughout State government.”

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

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

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

3 (c) Plan. The Commissioner of Corrections shall submit for approval to the
4 Executive Director of Racial Equity a strategy and long-term plan to address
5 systemic racism and bias and promote diversity and inclusion in the
6 Department of Corrections.

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

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

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

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

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

20 (d) Report. On or before December 31, 2020, the Commissioner of
21 Corrections shall submit the draft plan described in subsection (c) of this

1 section to the Executive Director of Racial Equity for review and approval.
2 Upon approval, but not later than January 31, 2021, the Executive Director of
3 Racial Equity and the Commissioner of Corrections shall submit the approved
4 plan to the House Committee on Corrections and Institutions and the Senate
5 Committee on Judiciary.

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on passage.

8 and that after passage the title of the bill be amended to read: “An act
9 relating to a report on racial equity and bias in the Department of Corrections”

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15 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE