Introduced by Representatives Grad of Moretown, LaLonde of South Burlington, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, and Colston of Winooski

Referred to Committee on

Date:

Subject: Criminal procedures; Executive branch; Bureau of Racial Justice Statistics; Bureau of Racial Justice Statistics Advisory Panel

Statement of purpose of bill as introduced: This bill proposes to establish the Bureau of Racial Justice Statistics and the Bureau of Racial Justice Statistics Advisory Panel to collect and analyze criminal justice data in order to identify and address racial bias in the criminal justice system.

An act relating to establishing the Bureau of Racial Justice Statistics and the Bureau of Racial Justice Statistics Advisory Panel

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

Sec. 1. 3 V.S.A. Chapter 68 is amended to read:

Chapter 68. EXECUTIVE DIRECTOR OF RACING EQUITY; RACIAL JUSTICE STATISTICS

Subchapter 1. Executive Director of Racial Equity

* * *
Subchapter 2. Racial Justice Statistics

§ 5101. Bureau of Racial Justice Statistics

(a) There is created within the Executive Branch the Bureau of Racial Justice Statistics to collect and analyze data related to systemic racial bias and disparities within the criminal and juvenile justice systems.

(b) The Bureau shall work collaboratively with, and have the assistance of, all State and local agencies and departments for purposes of collecting all data related to systemic racial bias and disparities within the criminal and juvenile justice systems.

(c) The Bureau shall collect the following data related to systemic racial bias and disparities within the juvenile justice system:

(1) demographic data for offenders, parents or guardians of offenders, attorneys, judges, guardians ad litem, Department of Children and Families (DCF) and law enforcement officers, and witnesses;

(2) data regarding offenders’ encounters with law enforcement officers, DCF staff, mandatory reporters, school staff, and school resource officers, including:

(A) the location of the encounter and with whom it occurred;

(B) whether initial encounters resulted in release, citations, or custodial arrests;

(C) the basis for initial arrests;
(D) the level and length of detention prior to the initial court appearance;

(E) reports by mandated reporters; and

(F) data regarding particular schools’ encounters with justice-involved youth;

(3) pre- and post-charge diversion and community justice program data, including:

(A) referral rates and the entity making the referral;

(B) acceptance and rejection data;

(C) the length of the program and completion and failure rates; and

(D) the type, location, and outcomes for any risk assessment tools used;

(4) delinquency petition data, including initial and amended charges, challenges to charges, and pre-merits dispositions by the court;

(5) defense counsel data, including the counsel’s legal experience and the offender’s access to and assignment of defense counsel during all stages of the proceeding;

(6) data regarding pretrial detention, release, and discharge from custody, including custody status; conditions of release; level, place, and duration of detentions; custody reviews; status changes; and the number of placement changes:
(7) plea agreement data, including offers made, total numbers of agreements entered into, and elements of final agreements;

(8) disposition data, including:

(A) length of time until final disposition;

(B) minimum and maximum sentences; location and level of detentions; fines, fees, and restitution; probation terms and conditions; and other disposition alternatives; and

(9) data regarding sanctions and disciplinary actions against juvenile justice system participants, including law enforcement officers, prosecutors, defense counsel, judges, and Department of Corrections (DOC) and DCF officers.

(d) The Bureau shall collect the following data related to systemic racial bias and disparities within the adult criminal justice system:

(1) demographic data for defendants, attorneys, judges, jurors, DOC and law enforcement officers, and witnesses;

(2) Pre-charge data, including:

(A) initial encounters with law enforcement officers resulting in release, citation, or custodial arrests;

(B) custodial arrests resulting in bail or conditions of release; and

(C) length of pre-arraignent detentions;
(3) diversion and community justice program data, including the number of cases eligible for referral, the number of cases referred, and acceptance and completion rates;

(4) charging data, including the circumstances around the charges, initial and amended charges filed, challenges to charges, and pre-trial dispositions relating to charges;

(5) defense counsel data, including the counsel’s legal experience and the offender’s access to and assignment of defense counsel during all stages of the proceeding;

(6) post charge diversion and treatment program data, including:

(A) referral rates and the entity making the referral;

(B) acceptance and rejection data;

(C) the length of the program and completion and failure rates; and

(D) the type, location, and outcomes for any risk assessment tools used;

(7) pretrial detention and release data, including:

(A) conditions of release, bail amounts, and defendants held without bail;

(B) bail reviews and changes to pre-trial detention status or conditions of release; and

(C) revocation of bail or conditions of release;
(8) plea agreement data, including offers made, total numbers of agreements entered into, and elements of final agreements;

(9) sentencing data, including:

(A) length of time until final sentence;

(B) minimum and maximum sentences; location and level of detentions; fines, fees, and restitution; probation terms and conditions; and other disposition alternatives; and

(10) data regarding sanctions and disciplinary actions against juvenile justice system participants, including law enforcement officers, prosecutors, defense counsel, judges, and DOC and DCF officers.

(e) The Bureau shall analyze the data collection pursuant to this section in order to:

(1) identify the stages of the criminal and juvenile justice systems at which racial bias and disparities are most likely to occur; and

(2) organize and synthesize the data in a cohesive and logical manner so that it can be best presented and understood.

(f) The Bureau shall:

(1) develop a system to standardize the data collected pursuant to this section;
(2) propose methods to permit sharing and communication of the data
between the State and local agencies and departments that collect and retain it;

and

(3) recommend evidence-based practices and standards for collection
and retention of racial justice data.

(g) The Bureau shall maintain a public-facing website and dashboard that
maximizes the transparency of the Bureau’s work and assures the ability of the
public and historically impacted communities to review and understand the
data collected by the Bureau and its analysis.

(h)(1) On or before December 15, 2021 and monthly thereafter, the Bureau
shall report its data, analyses, and recommendations to the Panel.

(2) On or before January 15, 2022 and annually thereafter, the Bureau
shall report its data, analyses, and recommendations to the House and Senate
Committees on Judiciary and on Government Operations.

§ 5102. BUREAU OF RACIAL JUSTICE STATISTICS ADVISORY PANEL

(a) The Bureau of Racial Justice Statistics Advisory Panel is established.

The Panel shall be organized and have the duties and responsibilities as
provided in this section. The Panel shall have the administrative, legal, and
technical support of the Agency of Administration.

(b)(1) The Panel shall consist of five members, as follows:
(A) one member appointed by the Committee on Committees who shall not be a current legislator;

(B) one member appointed by the Speaker of the House who shall not be a current legislator;

(C) one member appointed by the Chief Justice of the Supreme Court who shall not be a current legislator;

(D) one member appointed by the Governor who shall not be a current legislator; and

(E) one member appointed by the Human Rights Commission who shall not be a current legislator.

(2) Members shall be drawn from diverse backgrounds to represent the interests of communities of color and other historically disadvantaged communities throughout the State, have experience working to implement racial justice reform, and, to the extent possible, represent geographically diverse areas of the State.

(3) The term of each member shall be three years, except, so that the term of one regular member expires in each ensuing year of the members first appointed, one shall serve a term of one year, to be appointed by the Human Rights Commission; two years, to be appointed by the Governor; three years, to be appointed by the Speaker of the House; four years, to be appointed by the Committee on Committees; and five years, to be appointed by the Chief Justice.
of the Supreme Court. As terms of currently serving members expire,
appointments of successors shall be in accord with the provisions of this
subsection. Appointments of members to fill vacancies or expired terms shall
be made by the authority that made the initial appointment to the vacated or
expired term. Members shall serve until their successors are elected or
appointed. Members shall serve not more than three consecutive terms in any
capacity.

(4) Members of the Panel shall elect by majority vote the Chair of the
Panel, who shall serve for a term of three years after the implementation
period. Members of the Panel shall be appointed on or before September 1,
2021 in order to prepare as they deem necessary for the establishment of the
Panel, including the election of the Chair of the Panel. Terms of members
shall officially begin on January 1, 2022.

(c) The Panel shall have the following duties and responsibilities:

(1) work with and assist the Executive Director of the Bureau of Racial
Justice Statistics to implement the requirements of section 5001 of this title;

(2) advise the Executive Director to ensure ongoing compliance with the
purpose of this chapter;

(3) evaluate the data and analyses received from the Bureau pursuant to
subdivision 5001(f)(1) of this title and make recommendations to the Bureau as
a result of the evaluations; and
(4) on or before January 15, 2022 and annually thereafter, report to the
House and Senate Committees on Judiciary and on Government Operations on:

(A) its findings regarding systemic racial bias and disparities within
the criminal and juvenile justice systems based upon the data and analyses the
Panel receives from the Bureau pursuant to subdivision 5001(f)(1) of this title;
and

(B) a status report on progress made and recommendations for further
action, including legislative proposals, to address systemic racial bias and
disparities within the criminal and juvenile justice systems.

(d) Each member of the Panel shall be entitled to per diem compensation
and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

Sec. 2. BUREAU OF RACIAL JUSTICE STATISTICS; POSITIONS

The following new permanent positions are created in the Bureau of Racial
Justice Statistics:

(1) one full-time, exempt Executive Director of the Bureau, who shall be
an Information Technology Data Analyst;

(2) two full-time, exempt Information Technology Data Analysts; and

(3) one full-time, classified Administrative Assistant.

Sec. 3. APPROPRIATION

In fiscal year 2022, $539,960.00 is appropriated from the General Fund to
the Bureau of Racial Justice Statistics in the Agency of Administration.
Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.