

S.24 (Act 163)
Racial Equity & Bias Draft Plan
Vermont Department of Corrections



Executive Summary

As a nation and as a state, we find ourselves at a unique historical intersection. The high-profile deaths of George Floyd, Breonna Taylor, and the countless other people of color whose deaths have gone unreported and unrecognized by the mainstream media have triggered an overdue national awareness of the existence of inherent injustice and biases throughout the law enforcement and judicial communities, leading to a resounding call for social justice and actionable reform at all levels of government. The sense of urgency in addressing these matters comes from the fact that for too long, far too little has been done to right these systemic wrongs. This awareness is fueling an increased commitment to address the challenges we face in criminal justice reform. At the same time, it provides myriad opportunities to create a justice system which fully embodies diversity, equality, inclusion, respect, and equity – from the makeup of staff to the training of staff to the treatment of people in our care.

The Vermont legislature enacted Act 163 in 2020 to specifically address and correct these ongoing historic inequities. The Vermont Department of Corrections (VTDOC) is seizing this opportunity for improvement by developing a long-term strategy to identify and address systemic racism and bias as well as creating plans to promote diversity and inclusion within the Department. The Vermont Department of Corrections is mindful of the fact that we are but one department in the criminal justice system that interfaces with and impacts a broad spectrum of stakeholders. Our activities are intended to bolster and support the ongoing reform efforts of law enforcement and other state agencies. There are several long-term goals which can be accomplished through partnership – but the need to do so is immediate.

The Vermont Department of Corrections understands this is a multi-faceted approach that will incorporate but not rely solely on training. Staff, whether preservice or active service, all own part of this. This is a commitment to change department wide. We do not have – nor will we give succor to arguments that we have centuries to fix this. This inequity and imbalance in incarceration has existed for centuries. Now is the time. These changes are long overdue.

Strategic Plan

Several activities are already underway:

- The Chittenden Regional Correctional Facility (CRCF) Report, by Downs Rachlin Martin PLLC, has been completed and publicly released. As a result of this report corrective action items will be developed.
- A “Friends and Family Communication System” has been developed and implemented which has dramatically improved VTDOC’s responsiveness to concerns relating to people in our care.
- VTDOC Constituency Services has been critical during the Covid-19 pandemic, as contact and visitation is more complicated both within state facilities and with the Vermont out-of-state population. This incorporates an expanded platform of outreach to families of people in our care and impacted corrections’ staff.
- Reviewing retention rates for female staff to help determine ways in which we can best support and develop women in our workforce.
- Conducting exit interviews to gather basic themes for separating from employment. Data collection dedicated solely to tracking workforce challenges will be recommended. This will allow us to measure absences, training gaps, middle-level leadership challenges, promotions and other factors that determine workplace engagement and overall job satisfaction.
- Actively recruiting individuals who have an interest in becoming involved in strategies that positively impact the Department’s recruitment and inclusion processes. This will bolster creation of a VTDOC-specific Recruitment and Inclusion Committee focused on enhancing inclusivity to foster healthy Department functioning.

Strategic Plan

Another major initiative is the creation of the Office of Professional Standards (OPS) which has been tasked with oversight and/or development and implementation of a broad array of policies and processes that are critical to VTDOC's work. For employees, it encompasses all aspects of staff experience from recruitment to retirement including hiring, training, support, safety, professional development, and accountability. For our people in our care, it is ensuring staff are responsive, respectful to one another and to our population, and are culturally competent and trauma informed.



To ensure this office has the appropriate framework and support structure and to provide a baseline for plan development, VTDOC engaged the assistance of The Moss Group (TMG), a highly experienced correctional consulting agency based in Washington, DC. The Moss Group began their work with an "environmental scan" of the Department, working collaboratively with VTDOC staff to discern and evaluate internal and external priorities while considering related initiatives and stakeholders. While their efforts are ongoing and will expand to include listening sessions with community stakeholders as well as the people in our care and their families, their work has assisted us in developing initial strategies that align with and impact the scope of this plan required by Act 163.

In accordance with Act 163, VTDOC submits this report outlining our long-term plan to identify and address key areas defined within the mandate of the law: hiring and promotional practices, and supervision of community members.

Strategic Plan

A primary goal of the new Office of Professional Standards (OPS) is the recruitment and retention of high functioning, engaged and motivated staff. Evaluation of hiring practices, training, supervision, professional development, and competency standards to inform the basis of employee performance evaluations and promotions are all critical to this effort. The Vermont Department of Corrections recognizes that to meet this goal, we must create a culture that intentionally seeks to develop a diverse workforce in which all employees are valued, engaged, and respected and where personal and professional growth is fostered and encouraged. To that end, we are committed to the following proposed strategies:

- Conduct a holistic review of recruitment strategies and initiate an outreach interview process. This work will require the establishment of panels and developing hiring procedures to include a targeted recruitment plan which will align with industry best practices.
- Statistical collection and analysis of the following data related to hiring, staff exits, and promotional practices.
 - Implement a framework for data tracking and review processes to identify demographic patterns related to targeted recruitment efforts and outcomes, hiring process and outcomes, promotional process and outcomes, staff discipline process and outcomes and staff retention processes. Specifically, the VTDOC will disaggregate data by self-reported perceived race, gender, ability, and age. The Vermont Department of Corrections cannot legally require a candidate or employee to disclose such information, so VTDOC will track both voluntarily self-reported and/or perceived identifiers, as implicit bias is action on perception.
- Strategically assess the VTDOC's need to strengthen accountability and remove the threat of retaliation so corrective action processes and investigations address and eliminate the core issues within the Department.
- Redesign current hiring process to incorporates a hiring rubric that includes and promotes diversity, equity, and inclusion.
- Assess current experiences of employees to define and address retention needs.
- Evaluation of training opportunities for staff at all levels and establishment of on-going and consistent professional development training (both live and online).

Strategic Plan

- Incorporate annual training that is disseminated to command, line staff, and VTDOC Academy facility management.
- Expansion of the VTDOC Academy to accommodate for additional bias and equity training, as well as an overall assessment of content and sequencing that will embed principles and practices that support and promote a diverse and inclusive Department.
- Assessing the VTDOC promotional process to ensure it is clear, fair, and objective. Ensuring job descriptions are appropriately defined and that minimum qualifications and standards for each position are developed and adhered to.
- Assessing performance evaluations to ensure they reflect the essential functions of each position as well as embedding the core values of inclusion, equity, diversity, and respect.
- Providing multi-faceted training and support for all staff (both field and facility) in the areas of equity and diversity awareness, inclusion, and emotional intelligence to help develop and grow interpersonal skills of all staff.
- Fully assessing VTDOC policies and procedures, both for content and structure to ensure clarity, consistency, and relevance as well as confirming they reflect and reinforce the mission and vision of VTDOC. Policies will reflect VTDOC commitment to equity both in employment practices and the Departments' best practices.
- Recognizing the unique and sophisticated competencies required for departmental investigations (e.g., trauma informed, race/gender/LGTBQ informed and the impact of power imbalance) assess best practices for investigator training and investigative processes.
- Solidify a reporting system that outlines a clear process to address systemic racism and other forms of discrimination.
- Develop a community involvement structure and process that will inform and influence VTDOC operations.

Training

The purpose and scope of these trainings are to level-set the Vermont Department of Corrections regarding diversity, equity, and inclusion (DEI) with specific attention to the topic of racial equity. These trainings will be provided with the support of The Moss Group, Tabitha Pohl-Moore, and other consultants as deemed necessary. The goals are to offer base-level understandings of history, concepts, language, and tools that will promote and improve VTDOC employee knowledge and implementation of practices designed to disrupt, address, and extinguish systemic racism in the Department.

I. Alphabet Soup: What is DEI and Why Does it Matter?

Description: This two-hour training introduces the concepts of diversity, equity, and inclusion (DEI). Participants explore the relevance of DEI in their daily work and review Department policies, guidance, and expectations for ensuring that employees and people in our care are treated with respect and dignity.

II. We Didn't Start the Fire

Description: This two-to-four-hour training covers the historical and contextual background of racial inequities that uphold and promote a culture of white supremacy in the Department. Participants learn how racism has created the current national climate of racial discord and explore how the Department has been used to enforce and promote systemic racism. We all play a role in perpetuating or dismantling these systems of supremacy and oppression. In order to understand how to stop it, we must first understand how it began.

III. The Roots of Violence

Description: This two-hour training defines the roots of and explores the connection between systemic inequities and violence. Participants will learn what it takes to create an environment and culture that mitigates and decreases the likelihood of violent behavior.

IV. Interrupting ISMS

Description: This two-hour training focuses on tools for interrupting discriminatory behavior. Participants will learn and practice Hardy's VCR Model, HONDA and Calling In/Calling Out as methods for addressing racism (and other isms) in the moment.

Training

V. **Complexities of Oppression: Privileged and Subjugated Selves**

Description: This two-hour training addresses the complexity of dimensions of identity and explains how a person can be both privileged *and* subjugated (oppressed). The intersection of identities can make it difficult for people to understand how oppression works and what their role is in recognizing, interrupting, and ending it in the workplace.

VI. **Back to the Future: Anti-racist Practice in the Workplace**

Description: Once participants have a firm understanding of the roots of systemic oppression and the role of corrections in perpetuating it, they are ready to explore how to do something about it. Given the current climate and urgency to address racism in all its forms, it is no longer enough to not be racist. Departmental personnel must learn to be anti-racist. This training delineates the two and invites participants to identify practices and behaviors that they can incorporate in their everyday work.

Technology

- The level of technology upgrades needed are unclear at this time. The Vermont Department of Corrections is in the process of implementing Guardian Tracking performance management system as a pilot program at Chittenden Regional Correctional Facility with the expectation that this will dramatically increase supervisor/staff engagement. This system will need to be assessed on an on-going basis. On a larger scale, the VTDOC propose convening a staff work group to do a holistic assessment of the capabilities of our existing technology and ascertain the potential of system integration so that incidents, grievances, and performance systems are all within one system. There is also a significant need for data development. At a minimum, we would anticipate engaging a data resource consultant to provide experienced guidance on industry best practices, alternatives, and options. The VTDOC also anticipates the need for additional staffing within these areas as we enhance data development and technology.

Consultation

- Consultant support at varying levels will be critical for the next two-to-five years. Diversity, equity, and inclusion training will be an on-going need along with ensuring DEI practices are embedded within and supported throughout all policies and procedures. Holistic policy review and development is also a high-priority need requiring consultant expertise. During the development and implementation of these immense and multi-faceted strategies, the need for the assistance and expertise of trusted, objective partners cannot be overstated. Having the technical assistance to ensure this work is done collaboratively with stakeholders, staff and leadership and is fully embedded into the structure and culture of VTDOC will be necessary. We expect the utilization of technical assistance to expand and diminish as needed.

Organizational Resources

Stakeholder Support

- Development of a list of stakeholders and a process for how the Department will engage with the Department's employees, the persons under in the care of the Commissioner and the broader community, and our various partners, including but not limited to the Vermont State Employees Association (VSEA) and Racial Equity Consultant Tabitha Pohl-Moore. The VTDOC sees our stakeholders as including every individual that touches the criminal justice system, their families, friends, advocates, employers, and communities at large. We recognize that what we do has a ripple effect throughout our state and beyond. Our goal is to engage more effectively with all stakeholders, especially with people of color and minorities. The VTDOC has already commenced a process of listening to employees and will broaden this process by listening to stakeholders and working together to design the best plans and processes for meaningful engagement.

Our initial and critical focus will be on assessing all our operational functions, especially those with a discretionary component to identify where bias and unjust outcomes may be occurring and address these areas first. For people in our care these areas include (but are not limited to) discipline, classification, use of force, housing, access to medical care, and grievances. For staff, it includes (but is not limited to) recruitment, hiring, promotions and disciplines. These efforts cannot be done in a vacuum and assessment will need the input of all stakeholders and partner agencies.