

To: The Senate Judiciary Committee
From: Falko Schilling, Advocacy Director, ACLU of Vermont
Re: H.546 An Act Relating to Racial Justice Statistics
Date: 4-12-22

Dear Members of the Judiciary Committee,

I am writing today regarding H.546 an Act Relating to Racial Justice Statistics. The ACLU of Vermont strongly supports the goals of this legislation and appreciates the Committee prioritizing this important bill. Comprehensive data collection across the criminal legal system has long been a priority of the ALCU of Vermont. Efforts like Justice Reinvestment have shown how valuable this information can be in helping us create a smarter criminal legal system and to address racial disparities head on.



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James Duff Lyall
Executive Director

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As you have heard, improved data collection and analysis capabilities have been a top recommendation for numerous groups looking at our criminal legal system including the Council of State Governments, the Justice Reinvestment Working Group, and the Racial Disparities Advisory Panel (RDAP). Specifically, RDAP has called for collection and analysis of high discretion high impact decision points throughout the system in three separate reports.

Speaking to the bill itself, we are supportive of creating a Division of Racial Justice Statistics within the Office of Racial Equity as outlined in the bill. Eliminating racial disparities should be a top priority for the state and it is appropriate for this to be the focus of this new body and this legislation. We also recognize that this data will be helpful in addressing a range of issues, not all involving racial disparities.

One area where we believe the bill should be improved is by enumerating initial data that needs to be collected and reported to the Division. This bill does not incorporate language found in S.108 that sets a baseline of data that needs to be collected and analyzed. The language in S.108 and its companion House bill H.317 were based on recommendations from a wide range of stakeholders. The required data points in these bills represent necessary information that should be required to be collected and reported under statute so that entities will begin taking the necessary steps to compile this information on passage of the bill, and not wait for directives from the yet to be formed Division.

Enumerating a baseline of data to be collected will protect against unnecessary delays in the process and get policy makers necessary information sooner. Under this legislation the timeline for actual data collection an analysis is unclear and would not start until the Division is staffed and they establish the data to be collected to carry out their duties. We support giving the Division rulemaking authority to require data collection not enumerated in statute, but we should not create an unnecessary delay in collecting data we already know we need.

Another way the bill can be improved would be to ensure that law enforcement agencies comply with requests from the Division by modifying 9 V.S.A. §2359. 9 V.S.A. §2359 is a key component of Act 166 of 2020 that prohibited law enforcement agencies from having their law enforcement applicants or officers trained by the Police Academy or from otherwise using the services of the Criminal Justice Council if they did not comply with enumerated data collection and reporting requirements. We ask the committee to add the requirement that law enforcement agencies comply

with requests from the Division to the list of collection and reporting requirements currently found under 9 V.S.A. §2359. As the committee has already discussed, this would provide a mechanism for enforcing compliance with data requests from the Division. It would also put information necessary to address racial justice on par with existing reporting requirements.

In conclusion, The ACLU of Vermont is very supportive of the goals of this legislation and hopes the committee will support the bill. We ask the committee to make the changes outlined above and continue the process of building the state's capacity to collect and analyze comprehensive data from across our criminal legal system.



Sincerely,
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