



**WINDHAM COUNTY  
VERMONT NAACP**

We, the undersigned, submit this letter of testimony regarding S. 4, An act relating to reducing crimes of violence associated with juveniles and dangerous weapons:

Members of the House Judiciary Committee,

As we have just become aware of bill S.4, we have had to work fervently over the last 36 hours to connect, learn, and develop a comprehensive response to a behemoth bill that seeks to cover quite a few areas related to youth violence.

Before we go into detail, we must note our concern about how and whether our testimony will be received, digested, and taken into consideration. After watching the reception of Marshall Pahl's testimony in both the senate and the house judiciary committees, we have reason to fear that our testimony will be similarly dismissed as "lectures" rather than the evidence-based and factual presentation that it is. As such, we have included questions for your consideration.

Our concern is further exacerbated by the lack of effort to be inclusive in your invitations for testimony, despite your keen awareness of racial disparities in Vermont's criminal and juvenile justice system. With that, we are grateful for the significant effort put forth by Mr. Pahl to make Dr. Etan Nassreddin-Longo aware of this bill and its threat to juvenile justice, and similarly grateful to Dr. Nassreddin-Longo for his deep and persistent efforts to gather as much information from members of the RDAP committee prior to his testimony yesterday.

Regarding the content of the proposed legislation:

We, the undersigned, are in favor of section 9, which seeks *"to establish a grant program permitting communities suffering from an increase in violence associated with illegal drug use, gang activity, or human trafficking to obtain financial assistance to support community outreach and intervention, violence prevention, and reducing the demand for illegal drugs.* Best practice indicates that targeted intervention that "

The Biden-Harris Administration's directive (2021) on [gun violence reduction focuses on five key strategies](#), three of which can be supported by the financial investment presented in S. 4:

- Invest in evidence-based community violence interventions;
- Expanding summer programming, employment opportunities, and other services and supports for teenagers and young adults; and
- Help formerly incarcerated individuals successfully reenter their communities.

Even the International Association of Chiefs of Police (IACP) [support educational programming and community oriented policing \(COPS\) approach to reducing gun violence](#). And any time that the IACP and racial justice leaders agree on an approach, you're likely headed in an equitable direction.

**At the same time, it is noteworthy that there is not one credible source of evidence in best practice guidance literature or community strategy studies that supports what is proposed in section 1 of this bill.** As Marshall Pahl attempted to explain, the proposed legislation also rejects the scientific evidence that the State of Vermont has adopted and from which our own juvenile justice system operates. As you also know, in 2019 the legislature voted to raise the age at which youth offenses should be handled in family court because [every bit of evidence indicates that youth brains are not fully developed until the age of 25, and therefore the prefrontal cortex responsible for decision-making is not operating as a fully functional adult's would](#).

Regarding section 1, which seeks to “to require that proceedings against persons 14–21 years of age originate in the Criminal Division of the Superior Court if the person is charged with human trafficking, trafficking a regulated drug, or carrying a dangerous weapon while committing a felony” we have serious concerns about both the spirit of the bill and the criteria described therein.

Related to the following: *(1) the maturity of the child as determined by consideration of the child's age, home, and environment; emotional, psychological, and physical maturity; and relationship with and adjustment to school and the community;*

There is a significant body of literature that reveals staggering racial bias on the part of judges, educators and other adults who serve and assess youth. While judges are more likely to [send Black and brown youth to criminal court \(Thomas, 2018\)](#), we also know that the school-to-prison pipeline is also causing a problem for youth of color. As early

as the age of 5, Black and brown children are both assessed as being older than their true age, [deemed more willfully defiant, and considered to be in control of their actions and are treated as such](#). The American Psychological Association has also provided extensive evidence indicating that [police officers overestimate the age and maturity of Black youth](#) (2014).

Given these realities and coupled with [Vermont's own troubling statistics with racial disparities in overpolicing and overcharging of Black and brown people](#) as described in the 2022 Justice Reinvestment Act report, we have every reason to believe that any interpretation of the legislation proposed in S.4 would only serve to further exacerbate said racial disparities and lead to further criminalization of Black and brown youth.

The recent testimony offered by law enforcement in the Senate Judiciary Committee included a PowerPoint presentation in support of the proposed legislation. To those of us paying attention, that presentation serves as a “canary in the coal mine”, as the children paraded in front of the committee as examples of why this bill should pass were Black and brown. Despite the JRI reports debunking the myth that Black and brown out-of-state youth are responsible for Vermont’s drug and gun crime, this myth appears to be alive and well, and present at the heart of the proposed legislation.

We the undersigned cannot and will not support this deadly and racist mythology as its champions seek to reinforce and legislate patently false practices. We ask the following questions:

- How will you justify going against [scientific evidence](#) and [best practice](#) related to gun and drug-related violence?
- How does the proposed legislation align with state efforts to decarcerate and best practice in child welfare?
- How will you explain your decision to funding partners such as the Annie E. Casey Foundation, who consistently put out [research](#) detailing the [harm of adultifying youth who commit delinquency](#)? How would you compensate for lost funding because this decision is directly [opposed to best practice](#)?
- How will you mitigate the racial bias of those making determinations about 12-19 year olds? We know that racial bias training alone is not sufficient. Are you prepared to fund the mandate necessary to prevent exacerbation of racial disparities?

While we fully support avenues to address gun and drug-related violence, we ask that you consider best practices in developing a comprehensive strategy that attends to the Social Determinants of Health and relies on scientific research as guidance. We further

request that you include those most likely to be harmed by any legislation related to juvenile and criminal justice reform bills both in a study committee regarding the present bill and any future bills that arise.

Respectfully,

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Rutland Area Branch of the NAACP

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