
Report to
The Vermont Legislature

**Report of the Racial Disparities in the Criminal and Juvenile
Justice System Advisory Panel Submitted in accordance with
3 V.S.A § 168(f)(6)**

Submitted to: The Vermont General Assembly

Submitted by: Racial Disparities in the Criminal & Juvenile Justice System Advisory Panel

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Introduction

Since the last report from the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel ("RDAP" or "the Panel"), much has changed and yet we find ourselves in much the same place. The past two years have seen broad—if not fully grounded—attacks on the value of racial equity, on expanded diversity as a hallmark of progress, and a retrenchment in certain quarters to policies that use race and ethnicity as a proxy for criminality. Closer to home, we have seen some continued, if gradual, progress in Vermont. While the challenges remain daunting, what remains clear is the paramount necessity of continuing to center racial equity and community voice within the context of our work.

As with previous reports, the RDAP considers this report and the recommendations herein as a continuation of the work that the Panel has already submitted to the Legislature in its annual reports from 2019 through 2024. The Legislature has acted on several important recommendations from the Panel's previous reports, and the RDAP calls for increased work and refocused attention on addressing racial disparities in the justice system that still remain. The current climate, exacerbated by the federal administration's actions, highlights the need for renewed attention and thoughtful action.

This report is divided into three sections. The first section highlights previous legislative action on past RDAP recommendations. The second provides a restatement and renewed emphasis on several recommendations from our past reports, areas that demand continued engagement by our legislative partners and others. The third section

lists one further recommendation for the Legislature to consider in the coming session, one that has the support of the RDAP: implementation of a racial equity impact assessment tool for all future legislative proposals.

I. Implemented Recommendations

In 2021, following Act 65 (2021), the RDAP produced a report on “the creation of a data entity to aggregate and analyze data related to systemic racial bias and disparities within the criminal and juvenile justice systems.” [This report](#) recommended the establishment of an “Office of Racial Justice Statistics.” The report concluded:

The mission of the Office of Racial Justice Statistics is to collect and analyze data relating to racial disparities with the intent to center racial equity throughout these efforts. Further, the mission is to create, promote, and advance a system and structure that provides access to appropriate data and information assuring that privacy interests are protected, and principles of transparency and accountability are clearly expressed.

Report of the Racial Disparities in the Criminal and Juvenile Justice Systems Advisory Panel concerning Act 65 (2021), at 5.

Following this report, the Legislature passed Act 142 (2022), establishing the Division for Racial Justice Statistics (“DRJS”), within the Office of Racial Equity. Title 3, Chapter 68 of the Vermont Statutes requires that the Division monitor and report on the impact of racial bias across law enforcement, the judicial system, and other sectors, with the aim of supporting policy reform and enhancing equity. The Panel regularly relies on the work of the DRJS and views its creation as an important step in fulfilling the RDAP’s mandate.

Similarly, in the [2024 RDAP Report](#), the Panel recommended “that the minimum age of juvenile court jurisdiction increase from 10 to at least 12 years and that any

decision to raise minimum age of jurisdiction be data and science driven.” *Report of the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel*, submitted Feb. 20, 2024 (“2024 RDAP Report”), at 5. Again, the Legislature engaged on this topic and enacted [H.2/Act 4 in 2025](#),¹ amending 33 V.S.A. § 5102’s definition of “child” to increase the minimum age of juvenile court jurisdiction, in line with the RDAP’s recommendation.

The Panel recognizes and appreciates these areas of legislative partnership, and hopes, with the (re)submission of additional recommendations in this report, to continue to engage with the Legislature on addressing pressing issues of systemic racial inequalities and inequities in our juvenile and criminal justice systems to generate meaningful progress, together.

II. Renewed Recommendations

Reflecting on the areas where legislative action arose from the RDAP’s recommendations, and recognizing that the below remain areas of significant concern, the Panel highlights the following recommendations from [the 2024 RDAP Report](#). This report provided seven recommendations, including those listed below. While these recommendations were not all unanimously supported, they remain areas of concern and are available at the link below.²

¹ Act 4 (2025) included additional statutory changes not part of the RDAP recommendation.

² For a detailed accounting of the positions of each Panel member on each proposal in 2024, see [2024 RDAP Report](#), at 25-38.

Improved and Expanded Data Collection

1. Race and Ethnicity data in the Vermont Judiciary Database: The RDAP recommended that at a minimum there be a statutory requirement that race/ethnicity data following arrests and citations be uniformly filled out on the Judiciary's Form 101.³
2. Use best practices for gathering race/ethnicity data in incidents of arrest with youth: The Panel recommended that law enforcement perception of the race/ethnicity of youth (ideally at the time of arrest) and self-identification by the youth be collected if their case is filed with the Judiciary.⁴

Community Safety Recommendations

3. Effectiveness of Law Enforcement Trainings: The RDAP recommended any law enforcement training include a trainee readiness assessment and a focus on the historical context of policing in America, past and current policies that criminalize people of color, and cultural sensitivity awareness.⁵
4. Public Oversight: The Panel recommended the Legislature create a model policy for Citizen Review Boards that includes a requirement that board members be independent and have authority to review internal and external investigations.⁶
5. Reallocation of Responsibilities: The RDAP recommended legislation that would implement decoupling mental health services from law enforcement engagement, elimination of school resources officers, placing a limit on law enforcement officer

³ [2024 RDAP Report](#), at 6.

⁴ [2024 RDAP Report](#), at 7.

⁵ [2024 RDAP Report](#), at 10-11.

⁶ [2024 RDAP Report](#), at 11.

numbers based on population, investing in community centered responses to crime, and permitting municipalities to decouple traffic stops from law enforcement.⁷

III. New Recommendation – Legislative Racial Impact Assessment Process

Much of the Panel's time and energy over the past two years has focused on reviewing pending criminal and juvenile justice legislation to discuss, if not thoroughly assess, its impact on Vermonters, particularly Vermonters of color. This has proven a challenging endeavor. With the significant support of the DRJS, this past session the Panel walked through pending bills, sharing perspectives on the relative flaws and merits of more than a dozen proposals. Rapidly, it became clear that the Panel lacked sufficient meeting time to provide meaningful input in the legislative process on a timeline that could assist legislators. The relative speed and focus of Montpelier moved at a pace that always outstripped a monthly two-hour meeting. And it was equally clear that the Panel would be unlikely to generate a consensus view on many pieces of legislation, given the varied perspectives of the members, especially those representing state officials.

Consistent with the RDAP's mandate, **the Panel has chosen to recommend that the Legislature undertake a formal process to ensure a racial equity impact assessment tool is performed for all pending legislation, prior to a final vote.** With support from key legislators, the RDAP has drafted a proposal to carry out this goal and will actively advocate for legislative action. The Panel formally voted to

⁷ [2024 RDAP Report](#), at 12.

provide this proposal to the Legislature at our December 2025 meeting. The full proposal is attached to this report.

Conclusion

As Dr. King recognized “the arc of the moral universe is long but it bends toward justice.” So, too, the work to identify and address racial disparities and elements of systemic racism in Vermont moves more slowly than we may hope—and faces stronger head-winds today than in years past—yet still it moves. We look forward to continuing our work with renewed energy and focus in the coming year.

In closing this report, we wish to recognize the years of service, dedication, and passion **Dr. Etan Nasreddin-Longo** provided to the State of Vermont as Chair of the RDAP; he resigned from this position in the summer of 2025. Long a trusted resource for the Legislature, Etan regularly served as the public voice of the RDAP. He guided the Panel for nearly a decade, bringing his unique blend of humor, curiosity, urgency, and intellect to our work. We miss him and wish him the best.

* New Community Panel Members were appointed to the RDAP, as of January 1, 2026: Flor Diaz-Smith, Maggie Ganguly, Mia Schultz, and Karen Vastine. Panel Member Dale Manning stepped off the Panel following the December 2025 RDAP meeting, and we thank him for his service to the Panel.

**Racial Disparities in the Criminal and
Juvenile Justice System Advisory Panel's Recommendation:
Racial Equity Impact Assessment Legislation**

Purpose: The Advisory Panel on Racial Disparities in the Criminal and Juvenile Justice System (hereafter “the Panel”) considers this recommendation as a continuum of the work that it has already submitted to the Legislature in its annual reports from 2019 through 2024. The recommendation herein is consistent with the central and underlying principles previously identified in these reports, including recognizing and addressing known racial inequities in Vermont’s criminal and juvenile justice systems. In preparing this recommendation, the Panel continues to be guided by centering racial equity and community voice, while ensuring transparency and accountability of Vermont governmental entities. The Panel remains concerned that the Legislature is not taking sufficient measures to identify, address, and correct these problems. The recommended legislation serves as a proactive tool to assist the Legislature to identify and address the racial equity impact of proposed legislation *before* it becomes law.

A racial equity impact assessment tool is needed to enhance governmental accountability and integrity. To be effective, the tool should include the following:

- ✓ The tool should have universal scope and mandate to address inequities. This mandate must be broad because many ostensibly unrelated areas of legislative work—such as housing and education—impact juvenile and criminal justice outcomes.
- ✓ The legislation should require the use of a racial equity impact assessment tool for all bills, ensuring uniform assessment of legislation and its potential disparate impacts.
- ✓ The bill must explicitly include the term “racial equity” as part of the assessment tool as the purpose of the bill is to proactively address proposed legislation that would have disparate racial impact.
- ✓ If the Legislature determines that a pilot program of the tool is necessary, it could initially focus on bills relating to criminal and juvenile justice for the first year of its enactment.

Additionally, the Panel has identified fundamental principles and the core features of what should be included in equity impact assessment legislation in Vermont:

1. The purpose of the racial equity impact assessment tool is to enhance institutional accountability, transparency and integrity.

- The process relies on the core value that the branch of government proposing policy and new laws must be aware and accountable for the potentially harmful and beneficial impacts those bills might cause.
- Transparency and timeliness: The goal is for an initial assessment to be completed when the committee of jurisdiction begins work on the bill. Before a bill is reported out of committee, an updated racial equity assessment should be done if the bill has substantially changed since the previous assessment.
- If the bill moves out of committee, the dates that all risk assessments were completed should be included in any formal reporting on the bill in the House of Representatives or the Senate. If a bill is voted out of committee, the results of the equity impact assessment must be included in the bill report. It would also be important to note at what point(s) in the bill development process the assessment was completed.
- If the bill is reviewed by another committee or when it crosses over to the other chamber of the Legislature, the same process set forth above should be followed.
- Committee chairs and vice chairs should be given annual training on what the racial equity assessment tool serves to achieve and how to apply it to their committee.
- Structural integrity: The legislative framework must strive for high integrity and include design features to prevent the process from being weaponized. This is critical to ensure that the equity analysis is insulated from conflicts of interest related to advancing the bill.
- Staffing and resources: Best practices indicate that quality assessments require dedicated staff who can focus on this highly skilled work. However, lack of dedicated staff or resources should not prevent the racial equity impact assessment tool from being used.
- Committee members are expected to engage in the work of ensuring that the racial equity assessment is done. The Legislature has several resources available to it, including the ability to invite experts from the community and other witnesses to provide the analysis needed.

Additionally, the bill's sponsors can work ahead of its introduction to engage in a preliminary equity impact assessment.

- Whether a bill has gone through the equity impact assessment analysis should be marked accordingly and reported out along with the bill before the chamber takes a vote. If a bill moves forward unchanged despite negative impacts being identified through the impact assessment, this inaction should also be noted in any bill report and recorded in the chamber's journal in advance of any vote.

2. The racial equity impact assessment tool should facilitate equity lens thinking.

- The proposed racial equity impact assessment tool, structured as a questionnaire focused on equity and continuous improvement, must embody true equity analysis, which requires more than just summarizing data.
- Stakeholder engagement: The assessment should be captured in writing and include meaningful engagement and consideration of stakeholders, particularly from underrepresented communities.
- Root cause analysis: Effective equity analysis requires not only assessing baseline outcome trends but also applying an equity lens to understand the root causes of those trends. This involves contextualizing data by discussing how past policies and practices have affected present outcome disparities.
- The tool should accomplish four main goals:
 1. Identify potential disparate impacts, supported by relevant data when available;
 2. List culturally appropriate and accessible responses to identified disparate impacts;
 3. Include active and robust engagement with community members and stakeholders; and
 4. Identify measures of equitable impact wherever possible.

Jurisdictions having similar tools currently in place:

Washington, D.C. ¹	Requires Racial Equity Impact Assessments (REIAs) for nearly all proposed legislation. Established the Council Office of Racial Equity (CORE) with dedicated full-time staff to conduct the assessments. According to the Council Period 26 Rules, "where a Racial Equity Impact Assessment identifies a negative impact on racial equity, the bill may be placed on the non-consent agenda."	Racial Equity Achieves Results (REACH) Amendment Act of 2020 (Law 23-181) and the implementing statute DC ST § 2-1471.03.
Colorado ²	Broad Scope: Permits analysis for any policy area. Dedicated staff is resourced.	House Bill 19-1184 (72d Gen. Assemb., Reg. Sess.) and COLO. REV. STAT. § 2-2-322.5.
New Jersey ³	Automatically requires a statement for bills or rules affecting the criminal justice system.	N.J.S.A. 52:11-57.1 and N.J.S.A. 2C:48B-1.

¹ Washington D.C. law, available at <https://code.dccouncil.gov/us/dc/council/code/sections/47-308.01> and other useful resources: <https://www.dcracialequity.org/racial-equity-impact-assessments>

² Colorado law, available at <https://law.justia.com/codes/colorado/title-2/general-assembly/article-2/part-3/section-2-2-322-5/> and <https://leg.colorado.gov/bills/hb19-1184>

³ New Jersey law, available at <https://law.justia.com/codes/new-jersey/title-52/section-52-11-57-1/>
and <https://law.justia.com/codes/new-jersey/title-2c/section-2c-48b-1/>