

TO: **Representative Michael McCarthy, Chair, House Committee on Government Operations**
Senator Ruth Hardy, Chair, Senate Committee on Government Operations
Representative Martin LaLonde, Chair, House Committee on Judiciary
Senator Nader Hashim, Vice Chair, Senate Committee on Judiciary
Xusana Davis, Executive Director of Racial Equity

FROM: **Christopher Brickell, Executive Director, Vermont Criminal Justice Council**

RE: **Race Data Collection report**

DATE: **December 10, 2024**

Introduction: Title 20 V.S.A. § 2366 Sec. 1. 20 V.S.A. § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL POLICING POLICY; RACE DATA COLLECTION (4) The data provided pursuant to subdivision (3) of this subsection shall be posted electronically in a manner that is analyzable and accessible to the public on the receiving agency's website and clear and understandable. The receiving agency shall also report the data annually, on or before **December 1**, to the House Committee on Government Operations and Military Affairs, the Senate Committee on Government Operations, the House and Senate committees on Judiciary, and the Executive Director of Racial Equity. The report shall detail how the data is collected, how the data is accessible, how the data is used by the law enforcement agency, a review of the data to determine if additional data criteria is needed, and any recommendations to improve data collection and use.

Background: T20 V.S.A. §2366 (e)(1) every State, county, and municipal law enforcement agency shall collect roadside stop data consisting of the following:

- (A) the age, gender, and race of the driver;
- (B) the grounds for the stop;
- (C) the grounds for the search and the type of search conducted, if any;
- (D) the evidence located, if any;
- (E) *the date, time, and location of the stop; and*
- (F) the outcome of the stop, including whether physical force was employed or threatened during the stop, and if so, the type of force employed and whether the force resulted in bodily injury or death, and whether:

- (i) a written warning was issued;
- (ii) a citation for a civil violation was issued;



- (iii) a citation or arrest for a misdemeanor or a felony occurred; or
- (iv) no subsequent action was taken.

(2) Law enforcement agencies shall work with the Executive Director of Racial Equity, the Criminal Justice Council, and a vendor chosen by the Council with the goals of collecting uniform data, adopting uniform storage methods and periods, and ensuring that data can be analyzed. Roadside stop data, as well as reports and analysis of roadside stop data, shall be public.

The Vermont Criminal Justice Council had previously worked with a chosen vendor, with the goal of collecting uniform data, adopting uniform storage methods and periods, and ensuring that data can be analyzed. Roadside stop data, as well as reports and analysis of roadside stop data continue to be made public on the VCJC website. While the data was collected and reported, easy access by the general public to understand the data continued to be problematic. Efforts were made by multiple stakeholders to provide the data in a way that was easily accessed and analyzed.

After a bidding process the VCJC entered into a contract on October 1, 2021, with National Police Foundation, later known as National Police Institute (NPI). The National Police Institute (NPI) collected the data, convened with numerous stakeholders, and reviewed collection methods to better understand and report on the identified topics.

The report from NPI was delayed due to an internal process to improve data quality. A variety of researchers and subject matter experts throughout the Institute peer reviewed the report, the methodology, and the analyses, while also providing critiques that require revisions. A series of recommendations were provided through an initial report and discussions for future pathways were discussed at the Council level. The Original NPI report included recommendations to develop data integrity, establish a uniform data collection system, and provide statewide training to law enforcement agencies. The NPI summary included data points for review and potential pathways forward, but big issues included the lack of data, or missing data submitted by agencies. NPI was examining how to correct the submission process and incorporate some elements outside of the legislative mandate.

Council feedback included the need for qualitative data. Without community involvement and benchmark data there is critical information that is missing, and individuals will be unable to glean the true core information that impacts community members.

Looking Ahead:

Currently, the Council is not contracting with NPI or any other vendor to conduct the collection of race data or analysis of traffic stops, due to grant funding that no longer exists. The Council continues to collect the data and post it on our website, ensuring that all submissions from agencies and constables who are required to submit data have in fact submitted the data. **As a result, all agencies are in compliance with the**



2023 traffic stop race data reporting requirement, two constabularies are not but the VCJC is continuing outreach to gain compliance.

In November 2024, the Council hired a Community Inclusion Director and is currently looking to hire a Fair and Impartial Policing Instructor. Both positions will be responsible for developing and supporting long term strategies for data collection, analysis, and reporting as it relates to law enforcement traffic stop race data, including the 2023 data. Additionally, these positions will work closely with statewide and community partners, specifically the Office of Racial Equity's data division, to fulfill the legislative mandates regarding traffic stop race data in Vermont.

Respectfully submitted,



Christopher Brickell

