



Vermont Truth & Reconciliation Commission (VTRC)
133 State Street
Montpelier VT 05633-8160
vtrc.vermont.gov

To: House Committee on Judiciary
House Committee on Human Services
House Committee on Corrections and Institutions
House Committee on Health Care

From: Commissioners, Mia Schultz, Melody Mackin, and Amanda Garcés, Vermont Truth and Reconciliation Commission

Date: April 28, 2026

Re: Testimony from the Vermont Truth and Reconciliation Commission regarding S.193, an act relating to establishing a forensic facility for certain criminal justice-involved persons

The Vermont Truth and Reconciliation Commission was created, in part, because apology alone was not enough.

The State of Vermont has already acknowledged a history of eugenics and state-sanctioned harm, yet acknowledgment without transformation leaves the conditions for harm intact. Our mandate calls us not only to remember what happened, but to examine how systems of power continue to shape who is controlled, who is confined, who is believed dangerous, and who is deemed less worthy of freedom, care, and dignity. It is from that responsibility that we offer concern and ask for reconsideration regarding this legislation.

We recognize the State's duty to address safety, competency, mental health, and the needs of families and communities. The question before lawmakers is not whether Vermont should respond. The question is how Vermont responds, through what kind of system, and under whose authority.

We therefore urge lawmakers to reconsider placing this response under the Department of Corrections, to consider a model led by an agency better positioned to center treatment, and human dignity, and to ensure that strong independent oversight and transparent public accountability are built into that system that moves forward.

This state has a documented history of using law, medicine, institutions, to control the lives of people deemed unfit, dangerous, burdensome, or outside the boundaries of who belonged. Vermont's history of eugenics was not only about rhetoric. It was about state power. It was about who was classified, who was segregated, who was institutionalized, and who was denied full humanity in the name of progress, order, and protection. That history requires more from us now than caution in language. It requires caution in design.

Even when described as therapeutic, a locked setting operated by corrections carries the weight, culture, and logic of a punitive system. In a state with Vermont's history, that choice is not neutral. When the people at issue are individuals found incompetent to stand trial or not guilty by reason of insanity, the State should be especially careful not to locate

their care inside a framework that is more closely associated with custody, control, and punishment than with healing, and dignity.

This is not a question of symbolism, but of structure. Systems shape practice. The agency chosen to lead this work will influence how people are assessed, how risk is understood, how treatment is delivered, how staff are trained, how families and advocates are engaged, and whether the overall environment feels more like care or more like incarceration. A correctional framework may be able to contain people, but containment alone is not care.

As the Vermont Department of Disabilities Council has testified, Vermont does have viable alternatives. These include community-based competency restoration, the use of specialized forensic providers, and models led by mental and human services systems rather than corrections. The question before the State is not whether options exist, but whether it will choose a structure that centers care, treatment and human dignity over custody and control.

We are also concerned that the structure proposed here leaves too much room for bias to shape decision-making. Judgments about dangerousness, compliance, restoration, readiness for release, are not made in a vacuum; they are shaped by human systems, and those systems carry racial, disability, and class bias. These risks are particularly acute for people with psychiatric disabilities, intellectual disabilities, trauma histories, or limited resources, who may already be navigating systems that misunderstand them. Vermont's history makes clear that processes can appear neutral on paper while producing unequal outcomes in practice. Safeguards against bias must therefore be central to the design of this system, not an afterthought.

For that reason, independent oversight and accountability should be built into this framework from the beginning. If the State moves forward with any secure forensic model, oversight should sit meaningfully outside the Department of Corrections and be strong enough to evaluate operations, equity, treatment quality, use of involuntary interventions, and whether the least restrictive alternatives are truly being pursued.

That Oversight should include clear public accountability measures. At a minimum, Vermont should require transparent reporting on who is being placed in the facility, for how long, under what conditions, with what treatment, with what use of involuntary medication or other coercive interventions, and with what outcomes. That reporting should be disaggregated in ways that allow the State and the public to identify racial, disability, gender-based, and other disparities. A system that cannot see its own disparities cannot honestly claim to be just.

We also believe that impacted communities should have a stronger role in shaping whatever system is created. That includes psychiatric survivors, disability advocates, families, culturally grounded care providers, and people who understand firsthand the harms of institutionalization. Meaningful accountability and truth and reconciliation require not only expertise, but transparency and responsiveness to those most affected.

Our concern is not that Vermont should do nothing. Our concern is that Vermont may respond to one systems failure by building the solution within another system not best equipped to carry it humanely. In light of this state's history, we do not believe that question can be brushed aside as a matter of administrative convenience. It is a matter of moral and historical consequence.

The work of truth and reconciliation requires more than remembering past harms. It requires interrupting the conditions that allow them to return in updated form. If Vermont has learned anything from its history of eugenics, it should be this: when the State designs systems for people it considers impaired, dangerous, dependent, or difficult to manage, it must do so with extraordinary care, deep humility, and an unwavering commitment to humanity and dignity.

An apology for eugenics was never meant to be a closing statement.

It was meant to be a warning.

It was meant to remind us that legality is not morality, that state systems can become engines of harm while calling themselves humane, and that the line between care and control has been crossed before in this state.

Vermont should not place people with mental health related disabilities into a system led by corrections unless it is fully prepared to explain why a punitive structure is the right vessel for care. Given this state's legacy, that burden should be high. Truth and reconciliation require Vermont not only to remember past harm, but to refuse to rebuild its logic in modern form.