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**Report to  
The Vermont Legislature**

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Act 164 Section 6: Incarceration Rates of People of Color

**Submitted to:** House Committee on Corrections and Institutions; House Judiciary Committee;  
Senate Committee on Institutions Senate Judiciary Committee.

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## EXECUTIVE SUMMARY

This report is submitted pursuant to Act 163, Section 6: Incarceration Rates of people of Color Study Committee Report. It is the objective of this report to provide the Vermont Legislature with a preliminary, but comprehensive, examination of the demographic background of people of color who are incarcerated in Vermont. This report includes data from incarcerated individuals (including Vermont detainees, but excluding federal detainees) who entered a correctional facility in 2017. The analyses<sup>1</sup> included in this report describe:

- 1) The racial composition of Vermont's inmate population;
- 2) The gender composition of Vermont's inmate population;
- 3) Trends as they relate to age and Vermont's inmate population;
- 4) The geographic composition of Vermont's inmate population (operationalized as inmates' county of residence); and
- 5) Trends related to the crimes and sentence lengths of Vermont inmates.

Importantly, this report also includes comparative analyses between white and non-white inmates. While these analyses are preliminary, they offer insight into the areas in which the Vermont Department of Corrections (DOC) is excelling and areas where process improvement may be implemented. One such area the department has identified as having potential for improvement is in inmate data collection methodology. The DOC has plans to refine the current data collection process as it relates to inmates' race, specifically. Planned changes to the data collection process include:

- 1) Moving towards a model of self-identification for inmates' race(s), ethnicity and citizenship;
- 2) Updating the Offender Management System (OMS) to allow for the input of more than one race, if applicable; and
- 3) Updating OMS to include a more comprehensive array of input categories for inmates' ethnicity.

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<sup>1</sup> It should be noted that analyses were based on existing data records only. The scope of the analyses, therefore, was limited. Limitations on the data are discussed when relevant.

## INTRODUCTION

Act 163, Section 6 instructed the Commissioner of the Department of Corrections, the Commissioner of the Department of Public Safety, the Attorney General, the Executive Director of the Department of State's Attorneys and Sheriffs, and the Director of the Vermont State Police to meet during the 2018 legislative interim to examine data regarding people of color who are incarcerated in Vermont. The Committee was additionally instructed, to the extent possible, to review data regarding people of color incarcerated in Maine and New Hampshire. On or before October 15, 2018, the committee was instructed to report to the Joint Legislative Justice Oversight Committee on:

- a. Demographic information about the inmate, including race, ethnicity, and all known places of residence;
- b. Crime(s) for which inmates are serving a sentence or being detained;
- c. The length of sentences being served by inmates;
- d. Sentence length comparisons between white and non-white inmates who committed the same offense; and
- e. Comparing data among Vermont, Maine and New Hampshire regarding sentence lengths and incarceration rates of people of color

Representatives to the committee were:

Lisa Menard, Commissioner, Department of Corrections

James Pepper, The Department of State's Attorneys and Sheriffs David Scherr, The Attorney General's Office

Lt. Gary Scott, The Department of Public Safety, Vermont State Police

Monica Weeber, Administrative Services Director

Elizabeth Scharnetzki, Corrections Research Analyst

The following report provides the data and analysis from the committee.

**SECTION I: ANALYSIS OF INMATE POPULATION DEMOGRAPHICS**

The analyses included in Section I aim to give a comprehensive overview of Vermont’s inmate population. Data utilized in Section I includes all incarcerated individuals, including Vermont detainees (and excluding federal detainees), in 2017.

Table 1 depicts all inmates who entered a correctional facility in 2017. The majority of inmates (85.1%) incarcerated in 2017 identified as white. 10% (569) of the total inmate population identify as people of color; 86% of this group identify as Black. In general, these race trends in 2017 were consistent with the current demographics of Vermont’s incarcerated population.

Table 1. Inmate Population by Race

Race	Number of Inmates in Racial Category	Percentage of Inmate Population
White	4909	85.1
Black	488	8.5
Hispanic	9	.2
Asian	34	.6
Native American/Native Alaskan	37	.6
Middle Eastern	1	.0
Unknown	291	5
<b>Total</b>	<b>5,769</b>	<b>100</b>

As part of the Committee’s examination of the demographic background of Vermont inmates, a cross-tabulation of inmates’ reported county of residence by inmates’ race was conducted (see Table 2a below). The greatest proportion of Vermont’s inmate population in 2017 resided in Chittenden County (20%; 1172).

- 17% (201) of the Chittenden County inmate population identified as people of color; and
  - 4% (168) identified as Black.
- 9% (510) of the total inmate population are from Franklin County.
  - 7% (35) of the Franklin County inmate population identify as people of color; and
    - 83% (29) of this group identify as Black.
- 11% (649) of the total inmate population are from out-of-state.
  - 15% (99) of the out-of-state inmate population identify as people of color; and
    - 92% (91) of this group identify as Black.
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Table 2: Inmate Population by County

County		Race							Total
		White	Black	Hispanic	Asian	Native American/Native Alaskan	Middle Eastern	Unknown	
Addison	% within County	94.0%	2.4%	0.0%	0.6%	0.0%	0.0%	3.0%	100.0%
Bennington	% within County	89.2%	5.8%	0.0%	0.0%	1.1%	0.0%	3.9%	100.0%
Caledonia	% within County	92.2%	3.9%	0.0%	0.4%	0.0%	0.0%	3.5%	100.0%
Chittenden	% within County	79.9%	14.3%	0.4%	1.8%	0.6%	0.0%	3.0%	100.0%
Essex	% within County	95.0%	2.5%	0.0%	0.0%	0.0%	0.0%	2.5%	100.0%
Franklin	% within County	91.2%	5.7%	0.0%	0.0%	1.0%	0.2%	2.0%	100.0%
Grand Isle	% within County	90.9%	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Lamoille	% within County	86.7%	7.8%	0.0%	0.0%	0.0%	0.0%	5.5%	100.0%
Orange	% within County	92.8%	4.3%	0.0%	0.0%	0.0%	0.0%	2.9%	100.0%
Orleans	% within County	90.2%	5.2%	0.3%	0.5%	0.5%	0.0%	3.3%	100.0%

Rutland	% within County	88.0%	7.1%	0.0%	0.3%	0.5%	0.0%	4.1%	100.0%
Washington	% within County	92.0%	4.9%	0.0%	0.5%	0.0%	0.0%	2.7%	100.0%
Windham	% within County	88.5%	6.4%	0.2%	0.0%	1.0%	0.0%	3.9%	100.0%
Windsor	% within County	85.5%	5.8%	0.4%	0.0%	1.9%	0.0%	6.4%	100.0%
Unknown Vermont	% within County	78.4%	19.6%	0.0%	0.0%	0.0%	0.0%	2.0%	100.0%
Out-of-State	% within County	69.2%	14.0%	0.0%	0.8%	0.5%	0.0%	15.6%	100.0%

\*For a comprehensive table outlining the racial composition of the Vermont incarcerated population by race, see Appendix A. The 2017 general population demographics for Vermont counties, for reference, can be found in Appendix B.

Chi-square goodness of fit tests were conducted to determine whether the observed proportion of incarcerated Black individuals in Chittenden, Rutland, and Franklin counties differ from Hypothesized<sup>2</sup> county distributions. Statistically significant differences are flagged in Table 2b with an asterisk. For Chittenden County, the observed number of incarcerated Black individuals was lower than hypothesized by the county distribution (see Appendix A for county proportions). For Franklin County, the observed number of incarcerated Black individuals was higher than hypothesized by the county distribution (see Appendix A for county proportions).

Table 2b. Relative Proportions

	Incarcerated		Non-Incarcerated		$\chi^2$
	Observed Frequency (Proportion of County)	Hypothesized Frequency	Observed Frequency (Proportion of County)	Hypothesized Frequency	
<b>Chittenden County</b>	168 (14.3%)	603.6	4053	3617.4	$\chi^2(1) = 366.82, p < .001^*$
<b>Rutland County</b>	45 (7.1%)	37.7	486	493.3	$\chi^2(1) = 1.52, p = .217.$
<b>Franklin County</b>	29 (5.7%)	19.6	314	323.4	$\chi^2(1) = 4.84, p = .028^*$

<sup>2</sup> *Hypothesized* in this analytic context is a calculated number that is based on the proportion of incarcerated Black individuals relative to the overall general county proportions and does not reflect an actual subset of people. For a breakdown of the general population of Vermont counties, see Appendix B.

\*Note: For these analyses, the non-incarcerated population in each county was calculated by subtracting incarcerated Black individuals in each county from the total number of Black residents in each county.

The gender composition of Vermont’s inmate population was also examined. Table 3 depicts a cross-tabulation of inmates’ reported gender and race. As with all analyses in Section 1, data in Table 3 includes all incarcerated individuals, including Vermont detainees (and excluding federal detainees), in 2017.

- 83% (4,758) of the total inmate population identify as male.
  - 11% (524) of the male inmate population identify as people of color.
    - 87% of this group identify as Black.
- 17% (984) of the total inmate population identify as female.
  - 4% (41) of the female inmate population identify as people of color.
    - 73% (30) of this group identify as Black.
- 0.3% (22) of the total inmate population identify as transgender.
  - 18% (4) of the transgender inmate population identify as people of color.
    - 25% (1) of this group identify as Black.

Table 3. Inmate Gender by Race

Race	Gender			Total
	Male	Female	Transgender	
White	4,004	883	18	4,905
Black	456	30	1	487
Hispanic	8	1	0	9
Asian	29	5	0	34
Native American/Native Alaskan	30	5	2	37
Middle Eastern	1	0	0	1
Unknown	230	60	1	291
<b>Total</b>	<b>4,758</b>	<b>984</b>	<b>22</b>	<b>5,764</b>



The Committee examined age trends as they related to the racial composition of Vermont’s inmate population (see Table 4). The average age of inmates in 2017 was 37.21 years old (*SD* = 11.69 years). This average is consistent with the general population of Vermont. According to 2017-2018 data from the U.S. Census Bureau, the median age of Vermonters is 41 years old.

The largest proportion of Vermont’s inmate population (35%) is between 30 and 39 years old.

- 12% (250) of inmates who are between 30 and 39 years old identify as people of color; and
  - 87% (217) of this group identify as a Black.

Only 14% of Vermont’s inmate population in 2017 were 25 years old or younger.

- 12% (94) of inmates 25 years old or younger identify as people of color; and
  - 87% (82) of this group identify as Black.

An independent samples t-test was conducted to determine whether there was a significant difference in age between White and Black inmates. On average, White inmates were older ( $M = 37.54, SD = 11.65$ ) than Black inmates ( $M = 34.47, SD = 9.26$ ),  $t(650.79) = 6.81, p < .001, d = 0.29$ . Levene’s test indicated unequal variances ( $F = 46.33, p < .001$ ), so degrees of freedom were adjusted from 5,395 to 650.79. While this is a statistically significant difference, as captured by the Cohen’s *d* measure of effect size, the age difference between White and Black inmates is a statistical effect that is small in magnitude.

Table 4. Inmate age by inmate race

Race	Age Ranges								Total
	17-20	21-25	26-29	30-39	40-49	50-59	60-69	70+	
White	72	576	777	1,699	930	625	176	54	4,909
Black	15	67	73	217	79	31	6	0	488
Hispanic	0	0	2	4	3	0	0	0	9
Asian	1	8	4	16	2	2	0	1	34
Native American/Native Alaskan	1	1	2	13	9	6	4	1	37
Middle Eastern	0	1	0	0	0	0	0	0	1
Unknown	17	45	54	81	49	32	8	5	291
<b>Total</b>	<b>106</b>	<b>698</b>	<b>912</b>	<b>2,030</b>	<b>1,072</b>	<b>696</b>	<b>194</b>	<b>61</b>	<b>5,769</b>

## SECTION II: CRIME AND SENTENCE LENGTH DATA

The analyses included in Section II were conducted with the goal of examining:

- a. Crime(s) for which inmates were serving a sentence or being detained;
- b. The length of sentences being served by inmates; and
- c. Sentence length comparisons between white and non-white inmates who committed the same offense.

Data included in this section is preliminary. At the time this report was prepared, the Committee did not have access to sentence length data from 2017, specifically. The data included in Section II, with the exception of Table 8 (see Tables 5, 6 and 7), spans an inmates' total time under supervision. For the purposes of the requested analyses, for each inmate the most severe charge or charge with the longest sentence length was used. In most instances, the most severe charge and the charge with the longest sentence was the same, however there were exceptions to this given the span of time encapsulated by this subset of data. Sentence length computations for data analysis purposes are another area that the DOC has identified as having potential for improvement.

Using the subset of data containing inmates most severe charge/charge with the longest sentence, Table 5 depicts the twelve most commonly issued charges for Vermont inmates, cross-tabulated by inmate race. In Appendix D, there is a complete list of all charges from this subset of data.

- Burglary accounted for 17% (104) of the most frequently issued charges.
  - 15% (16) of burglary charges were issued to people of color.
    - 69% (11) of burglary charges issued to people of color were issued to Black inmates.

A Chi square test of independence was conducted to determine whether the frequency of charges (listed in the Table 5) issued to White and Black inmates differed. No significant interaction was found; thus, there was no significant difference in the frequency of charges issued to White and Black inmates,  $\chi^2(10) = 5.76, p = .835$ .

Table 5. Most Frequent Charges by Inmate Race (see Appendix D for a complete list of charges by inmate race)

Charge	White	Black	Hispanic	Asian	Native American/Alaskan	Unknown	Total
BURGLARY	87	11	2		3	1	104
DRIVING UNDER INFLUENCE-2ND	70	7				3	80
DOMESTIC ASSAULT	54	5		1	1	2	63
DRIVING UNDER INFLUENCE-3RD	52	5					57
AGGRAVATED DOMESTIC ASSAULT 1	41	3			1		45
DRIVING UNDER INFLUENCE-4TH	37	1			1	1	40
AGGRAVATED DOMESTIC ASSAULT 2	33	4		1			38
LEWD & LASCIVIOUS W/CHILD	33	4	1				38
SIMPLE ASSAULT	31	1			2	1	35
DRIVING UNDER INFLUENCE	28	4				1	33
SEXUAL ASSAULT ON MINOR	30	1			1		32
GRAND LARCENY	25	1		1	2	1	30
<b>Total Number of Charges per Racial Category</b>	<b>521</b>	<b>47</b>	<b>3</b>	<b>3</b>	<b>11</b>	<b>10</b>	<b>595</b>

The Committee also examined the frequency of drug charges issued to Vermont inmates, cross-tabulated by inmate race (see Table 6). The data used in Table 6 includes inmates most severe charge/charge with the longest sentence. It was found that the greatest proportion of drug charges, 88% (107), were issued to White inmates.

- 11% of drug charges (13) were issued to inmates who identify as people of color.
  - 92% (12) of these charges were issued to Black inmates.
- Sale of heroin accounted for 22% (22) of drug charges.
  - 95% (21) of sale of heroin charges were issued to White inmates.
- Possession of heroin (F) accounted for 16% (20) of drug charges.
  - 85% (21) of sale of heroin charges were issued to White inmates.

A Chi square test of independence was conducted to determine whether the frequency of drug charges issued to White and Black inmates differed. No significant interaction was found; thus, there was no significant difference in the frequency of drug charges issued to White and Black inmates,  $\chi^2(21) = 14.85$ ,  $p = .831$ .

Table 6. Drug Charges by Inmate Race

Charge	Race				Total
	White	Black	Native American/Alaskan	Unknown	
Possession of Heroin - F	17	3	0	0	20
Sale of Heroin	21	1	0	0	22
Possession Regulated Drug - M	8	0	0	0	8
Sale of Cocaine	12	2	0	1	15
Pass Reg Drug to Minor	1	0	0	0	1
Possession of Cocaine - F	5	0	0	0	5
Possession of Cocaine - M	3	1	0	0	4
Cultivating Marijuana - F	1	0	0	0	1
Sale of Regulated Drug - M	1	0	0	0	1
Possession of Heroin -M	7	1	0	0	8
Possession of Marijuana	3	0	0	0	3
Sale/Del/Dispense Reg Drug - F	8	0	0	0	8
Delivery of Heroin - F	8	2	1	0	11
Possess Hallucinogen - M	1	0	0	0	1
Sale/Dispense Reg Drug - Death	2	0	0	0	2
Heroin - Trafficking	1	1	0	0	2
Sale of Marijuana - M	1	1	0	0	2
Heroin Possession <200MG	1	0	0	0	1
Drugs to Minor - Delivery	1	0	0	0	1
Depressant/Stimulant/Narcotic Possession <100x Dose	3	0	0	0	3
Cocaine Sale or Delivery <2.5GM	1	0	0	0	1
Possess LSD - M	0	0	0	1	1
Sale/Delivery of Marijuana - F	1	0	0	0	1
<b>Total</b>	<b>107</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>122</b>

Table 7 depicts the average sentence lengths for the twelve most frequently issued charges (see Table 5 for reference), cross-tabulated by inmate race. Please see Appendix C for a comprehensive cross-tabulation of overall sentence length averages and inmate race.

Table 7. Average sentence length (in years) for Most Frequent Charges by Inmate Race.

\*Note: For this analysis, data included inmate’s most severe charge/charge with the longest sentence length<sup>3</sup>.

Charge	White		Black		Hispanic		Asian		Native American/ Alaskan		Unknown	
	Mean Sentence	Standard Deviation	Mean Sentence	Standard Deviation	Mean Sentence	Standard Deviation	Mean Sentence	Standard Deviation	Mean Sentence	Standard Deviation	Mean Sentence	Standard Deviation
Burglary	6.66	4.50	5.23	4.40	2.06	2.90	7.57	2.40	7.57	2.40	3	
DUI – 2 <sup>nd</sup>	0.33	0.67	0.35	0.73							1.62	0.56
Domestic Assault	0.91	0.61	0.47	0.33			0.33		0.02		0.76	1
DUI – 3 <sup>rd</sup>	7.02	27.68	1.63	2.29								
Aggravated Domestic Assault 1	7.05	5.44	4.65	6.12					10			
DUI – 4 <sup>th</sup>	4.32	2.60	8.77						9.32		7.29	
Aggravated Domestic Assault 2	3.12	1.67	4.32	1.29			4.74					
Lewd & Lascivious w/Child	20.13	46.57	7.82	5.76	10							
Simple Assault	0.52	0.69	1						0.22	0.29	0.05	
DUI	0.71	0/82	0.88	1.72							0.01	
Sexual Assault on Minor	9.74	6.56	1.70						18.44			
Grand Larceny	6.58	6.07	3.09				13.59		4.70	0.37	2.90	

<sup>3</sup> Blank standard deviation cells alongside a reported mean imply that there was only a single individual with the corresponding charge/racial identification; thus, there is no variability to report.

An independent samples t-test was conducted to examine potential differences in sentence length between Black and White inmates, an. Results demonstrated that there was no significant difference in sentence length between Black and White inmates,  $t(186.78) = 1.84, p = .07$ . Levene's test indicated a trending effect for unequal variances between groups ( $F = 3.71, p = .054$ ); thus, degrees of freedom were adjusted from 1376 to 186.78.

A one-way Analysis of Variance was conducted to examine whether sentence lengths varied significantly by inmate race across the 6 observed racial categories. No significant difference in sentence length was found between the six racial categories,  $F(5, 1419) = .728, p = .602$ .

The Committee additionally examined the frequency of disciplinary reports issued to incarcerated inmates, cross-tabulated by inmate race (see Table 8). Major A violations are the most serious violations. These constitute violent acts or a serious threat to personal security (e.g., arson). Major B violations are serious instances of a lesser extent than Major A violations (e.g., stealing, taking another's property without consent or being in possession of stolen property)<sup>4</sup>. Data utilized in this analysis includes all incarcerated individuals, including Vermont detainees (and excluding federal detainees), in 2017.

- 53% (315) of DRs in 2017 were Major B violations.
  - 10% (30) of Major B DRs were issued to people of color.
    - 93% (28) of these DRs were issued to Black inmates.
- 47% (284) of DRs in 2017 were Major A violations.
  - 13% (36) of Major A DRs were issued to people of color.
    - 89% (32) of these DRs were issued to Black inmates.

A Chi square test of independence was conducted to determine whether the frequency of DRs issued to White and Black inmates differed. No significant interaction was found; thus, there was no significant difference in the frequency of DRs issued to White and Black inmates,  $\chi^2(1) = .895, p = .344$ .

Table 8. 2017 Disciplinary reports by type and inmate race

Race		DR Type	
		Major A	Major B
White	Count	241	273
	% of Total	40.2%	45.6%
Black	Count	32	28
	% of Total	5.3%	4.7%
Asian	Count	2	0
	% of Total	0.3%	0.0%
Native American/Native Alaskan	Count	2	2
	% of Total	0.3%	0.3%
Unknown	Count	7	12
	% of Total	1.2%	2%
<b>Total</b>	<b>Count</b>	<b>284</b>	<b>315</b>
	<b>% of Total</b>	<b>47.4%</b>	<b>52.6%</b>

<sup>4</sup> Disciplinary reports are currently discussed in the 410 directive that is out for public comment; thus, definitions and examples are subject to change.

### SECTION III: INTERSTATE COMPARISON DATA

The Committee was asked to compare data among Vermont, Maine and New Hampshire regarding sentence lengths and incarceration rates of people of color. The analyses in Section III aims to provide a preliminary examination of Vermont inmates' sentence lengths. Section I provides data on the demographic breakdown of Vermont's incarcerated population. Data from New Hampshire regarding sentence length by inmate race was unavailable (see Appendix E for correspondence from New Hampshire's Department of Corrections). Data from Maine's Department of Corrections includes the average sentence length (in years) for all 2017 intakes, cross-tabulated by inmate race. Because data from Vermont regarding sentence length by inmate race was calculated using inmates' most severe charge/longest sentence (and thereby are considered different samples, analytically), Vermont and Maine have incomparable data.

Using data reflecting Vermont inmates' most severe charge/longest sentence length, the average sentence length was 9.16 years ( $SD=30.87^5$ ).

- The average sentence length for White Vermont inmates' most severe crime/longest sentence was 9.39 years ( $SD=31.28$ ).
- The average sentence length for Black Vermont inmates' most severe crime/longest sentence was 5.73 years ( $SD=19.65$ ).

To examine potential differences in sentence length between Black and White Vermont inmates, an independent samples t-test was conducted. Results demonstrated that there was no significant difference in sentence length between Black and White inmates,  $t(186.78) = 1.84$ ,  $p = .07$ . Levene's test indicated a trending effect for unequal variances between groups ( $F = 3.71$ ,  $p = .054$ ); thus, degrees of freedom were adjusted from 1376 to 186.78.

A one-way Analysis of Variance was conducted to examine whether sentence lengths for Vermont inmates varied significantly by inmate race across the 6 observed racial categories in. No significant difference in sentence length was found between the six racial categories,  $F(5, 1419) = .728$ ,  $p = .602$ .

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<sup>5</sup> Please note that the variability in Vermont inmates' sentence lengths is significantly larger than the average. This suggests that the Vermont inmates have a very diverse distribution of sentence lengths, likely because of the variety of charges included in this subset of data.

Table 9 includes data from Maine’s Department of Corrections and depicts the average length of stay for all intakes in 2017, in years.

Table 9. Sentence lengths for people of color in Maine

Race	Average Length of Stay in Years
Asian	3.4
Black or African American	2.4
Native American	1.4
Native Hawaiian or Pacific Islander	0.9
Two or More Races	1.2
White	2.0

Appendix A. County of residence for Vermont Inmates by Inmate Race

County		Race							Total
		White	Black	Hispanic	Asian	Native American/Native Alaskan	Middle Eastern	Unknown	
Addison	Count	157	4	0	1	0	0	5	167
	% within County	94.0%	2.4%	0.0%	0.6%	0.0%	0.0%	3.0%	100.0%
	% of Total	2.7%	0.1%	0.0%	0.0%	0.0%	0.0%	0.1%	2.9%
Bennington	Count	323	21	0	0	4	0	14	362
	% within County	89.2%	5.8%	0.0%	0.0%	1.1%	0.0%	3.9%	100.0%
	% of Total	5.6%	0.4%	0.0%	0.0%	0.1%	0.0%	0.2%	6.3%
Caledonia	Count	213	9	0	1	0	0	8	231
	% within County	92.2%	3.9%	0.0%	0.4%	0.0%	0.0%	3.5%	100.0%
	% of Total	3.7%	0.2%	0.0%	0.0%	0.0%	0.0%	0.1%	4.0%
Chittenden	Count	936	168	5	21	7	0	35	1172
	% within County	79.9%	14.3%	0.4%	1.8%	0.6%	0.0%	3.0%	100.0%
	% of Total	16.2%	2.9%	0.1%	0.4%	0.1%	0.0%	0.6%	20.3%
Essex	Count	38	1	0	0	0	0	1	40
	% within County	95.0%	2.5%	0.0%	0.0%	0.0%	0.0%	2.5%	100.0%
	% of Total	0.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.7%
Franklin	Count	465	29	0	0	5	1	10	510
	% within County	91.2%	5.7%	0.0%	0.0%	1.0%	0.2%	2.0%	100.0%
	% of Total	8.1%	0.5%	0.0%	0.0%	0.1%	0.0%	0.2%	8.9%
Grand Isle	Count	10	1	0	0	0	0	0	11



	% within County	90.9%	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
	% of Total	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%
Lamoille	Count	111	10	0	0	0	0	7	128
	% within County	86.7%	7.8%	0.0%	0.0%	0.0%	0.0%	5.5%	100.0%
	% of Total	1.9%	0.2%	0.0%	0.0%	0.0%	0.0%	0.1%	2.2%
Orange	Count	128	6	0	0	0	0	4	138
	% within County	92.8%	4.3%	0.0%	0.0%	0.0%	0.0%	2.9%	100.0%
	% of Total	2.2%	0.1%	0.0%	0.0%	0.0%	0.0%	0.1%	2.4%
Orleans	Count	330	19	1	2	2	0	12	366
	% within County	90.2%	5.2%	0.3%	0.5%	0.5%	0.0%	3.3%	100.0%
	% of Total	5.7%	0.3%	0.0%	0.0%	0.0%	0.0%	0.2%	6.4%
Rutland	Count	557	45	0	2	3	0	26	633
	% within County	88.0%	7.1%	0.0%	0.3%	0.5%	0.0%	4.1%	100.0%
	% of Total	9.7%	0.8%	0.0%	0.0%	0.1%	0.0%	0.5%	11.0%
Washington	Count	378	20	0	2	0	0	11	411
	% within County	92.0%	4.9%	0.0%	0.5%	0.0%	0.0%	2.7%	100.0%
	% of Total	6.6%	0.3%	0.0%	0.0%	0.0%	0.0%	0.2%	7.1%
Windham	Count	361	26	1	0	4	0	16	408
	% within County	88.5%	6.4%	0.2%	0.0%	1.0%	0.0%	3.9%	100.0%
	% of Total	6.3%	0.5%	0.0%	0.0%	0.1%	0.0%	0.3%	7.1%
Windsor	Count	413	28	2	0	9	0	31	483
	% within County	85.5%	5.8%	0.4%	0.0%	1.9%	0.0%	6.4%	100.0%

	% of Total	7.2%	0.5%	0.0%	0.0%	0.2%	0.0%	0.5%	8.4%
Unknown Vermont	Count	40	10	0	0	0	0	1	51
	% within County	78.4%	19.6%	0.0%	0.0%	0.0%	0.0%	2.0%	100.0%
	% of Total	0.7%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.9%
Out-of-State	Count	449	91	0	5	3	0	101	649
	% within County	69.2%	14.0%	0.0%	0.8%	0.5%	0.0%	15.6%	100.0%
	% of Total	7.8%	1.6%	0.0%	0.1%	0.1%	0.0%	1.8%	11.3%
Total	Count	4909	488	9	34	37	1	282	5760
	% within County	85.2%	8.5%	0.2%	0.6%	0.6%	0.0%	4.9%	100.0%
	% of Total	85.2%	8.5%	0.2%	0.6%	0.6%	0.0%	4.9%	100.0%

Appendix B. 2017 Vermont Counties Population by Race

<b>County</b>	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Native America/Alaskan</b>
Addison	94.8%	1.2%	2.3%	1.8%	0.2%
Bennington	95.9%	1.2%	2.0%	1.1%	0.3%
Caledonia	96.1%	0.8%	1.6%	1.0%	0.5%
Chittenden	90.6%	2.6%	2.3%	4.3%	0.3%
Essex	96.5%	0.6%	1.5%	0.6%	0.5%
Franklin	95.2%	0.7%	1.6%	0.8%	1.0%
Grand Isle	94.5%	0.7%	2.1%	0.4%	1.3%
Lamoille	96%	1%	1.9%	0.7%	0.4%
Orange	96.8%	0.6%	1.5%	0.6%	0.4%
Orleans	96.4%	0.8%	1.4%	0.4%	0.6%
Rutland	95.8%	0.9%	1.7%	1.7%	0.1%
Washington	95.9%	1%	2%	0.9%	0.3%
Windham	94.8%	1.4%	2.3%	1.2%	0.3%
Windsor	96.1%	0.9%	1.6%	1%	0.3%

Source: US 2017 Census Bureau (July, 1, 2017)

Appendix C. Overall Average Sentence Length by Inmate Race

Race	Total Number of Charges in Racial Category	Mean Sentence Length (in years)	SD	Minimum Sentence Length	Maximum Sentence Length
White	1256	9.39	31.28	.00	200.00
Black	122	5.73	19.65	.00	200.00
Hispanic	6	2.52	3.98	.01	9.99
Asian	4	4.70	6.30	.13	13.59
Native American/Alaskan	15	19.16	49.90	.01	198.40
Unknown	22	11.36	41.67	.01	197.60
<b>Total</b>	<b>1425</b>	<b>9.16</b>	<b>30.78</b>	<b>.00</b>	<b>200.00</b>

Appendix D. Complete List of Charges by Inmate Race

Charge	White	Black	Hispanic	Asian	Native American/ Alaskan	Unknown	Total
ABANDONMENT/ EXPOSURE OF BABY	1						1
ACCESS ASSAULT & ROBBERY	1						1
ACCESSORY - MURDER	1						1
ACCESSORY AFTER THE FACT	1						1
ACCESSORY TO BURGLARY- UNOCCUP.	1						1
AGG ASSAULT DOMESTIC 2ND W/INJ	1						1
AGG ASSAULT ON LAW ENFORCE/CO	2	1					3
AGG DOMESTIC ASSAULT1 W/WEAPON	5				1		6
AGG OPER VEHICLE W/O CONSENT	6	2					8
AGG SEX ASSAULT LESS THAN 10YR	1						1
AGG SEX ASSAULT REPEATED	4						4
AGGRAVATED ASSAULT	19	1					20
AGGRAVATED CRUELTY TO ANIMALS	2						2
AGGRAVATED DOMESTIC ASSAULT 1	41	3			1		45
AGGRAVATED DOMESTIC ASSAULT 2	33	4		1			38
AGGRAVATED SEXUAL ASSAULT	13						13
AIDING COMMISSION OF FELONY	2						2
ALCOHOL- SALE/FURNISH TO MINOR	1						1
ARSON - 4TH DEGREE	2						2

ARSON- 1ST DEGREE	3						3
ASSAULT - AGG WEAPON	10	1					11
ASSAULT & ROBBERY	18	1					19
ASSAULT & ROBBERY W/ WEAPON	21	2					23
ASSAULT & ROBBERY WITH INJURY	9						9
ASSAULT-AGG DOMESTIC-2ND DEG PRIOR DOMESTIC ASSAULT	1						1
ASSAULT-AGG DOMESTIC-2ND DEG PRIOR VAPO	1						1
ASSAULT-AGG WITH WEAPON	1	1					2
ASSAULT-SIMPLE LE OFFICER	5						5
ASSAULT-SIMPLE WITH FLUIDS, LE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL PERSONNEL, HEALTH CARE WORKER	1						1
ASSAULT-SIMPLE WITH FLUIDS, LE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL PERSONNEL, HEALTH CARE WORKER- ATTEMPT	1						1
ASSAULT-SIMPLE- CORRECTIONAL OFFICER/ BODILY FLUIDS			1				1
ASSAULT-SIMPLE- MUTUAL AFFRAY	2						2
ASSAULT-SIMPLE LE OFFICER- BODILY INJURY	1						1
ATTEMPTED ARMED ROBBERY	1						1
ATTEMPTED ASSAULT &	3						3

ROBBERY							
ATTEMPTED BURGLARY- OCCUPIED	1						1
ATTEMPTED BURGLARY- UNOCCUPIED	1						1
ATTEMPTED FALSE PRETENSE	1						1
ATTEMPTED KIDNAPPING	1						1
ATTEMPTED MURDER	6						6
ATTEMPTED MURDER 2ND DEGREE	2						2
ATTEMPTED SEXUAL ASSAULT	1						1
ATTEMPTED SIMPLE ASSAULT	1						1
ATTEMPTING TO ELUDE	3						3
BAD CHECK	2						2
BIG GAME VIOLATION		1					1
BURGLARY	87	11	2		3	1	104
BURGLARY - OCCUPIED	19	1				3	23
BURGLARY INTO AN OCCUPIED DWELLING	2						2
BUY,RECEIVE,SELL, POSSESS, CONCEAL STOLEN PROPERTY \$900 OR LESS	1						1
CARELESS & NEGLIGENT DRIVING-M	11	2					13
COCAINE-SALE OR DELIVERY <2.5 GM	1						1
COMPUTER- ALTER/DAMAGE/ I NTERFER 1ST OFFENSE <\$500						1	1
CONSPIRACY - DRUG	2						2
CONTRIBUT TO JUVENILE DELINQUE	1						1
COUNTERFEIT	1						1

CREDIT CARD FRAUD	6						6
CRUELTY TO ANIMALS	2		1				3
CRUELTY TO CHILDREN	1						1
CULTIVATING MARIJUANA-F	1						1
CUSTODIAL INTERFERENCE-F	1						1
DELIVERY OF HEROIN-F	8	2			1		11
DEPRESSANT/STIMULANT/NARCOTIC-POSSESSION < 100X DOSE	3						3
DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT CONSENT	1						1
DISORDERLY CONDUCT	10	1					11
DISSEMINATE INDECENT MATERIAL	1						1
DISTURB PEACE BY PHONE	1						1
DOMESTIC ASSAULT	54	5		1	1	2	63
DRIVING LICENSE SUSPENDED	22	3	1	1		1	28
DRIVING LICENSE SUSPENDED- 5+	1						1
DRIVING LICENSE SUSPENDED-2ND	6						6
DRIVING LICENSE SUSPENDED-3RD	3						3
DRIVING LICENSE SUSPENDED-5TH	1						1
DRIVING UNDER INFLUENCE	28	4				1	33
DRIVING UNDER INFLUENCE-2ND	70	7				3	80
DRIVING UNDER INFLUENCE-3RD	52	5					57
DRIVING UNDER INFLUENCE-4TH	37	1			1	1	40
DRIVING UNDER INFLUENCE-DEATH	4						4
DRIVING UNDER INFLUENCE-INJURY	5						5



DRIVING UNDR INFLUENCE- REFUSAL	2						2
DRUGS TO MINORS-DELIVERY	1						1
DUI #2 >LEGAL LIMIT		1					1
DUI #2-INFLUENCE	4						4
DUI #2- INFLUENCE/TEST REFUSAL	5						5
DUI #3 OR SUBSEQUENT- INFLUENCE	1						1
DUI #4 OR SUBSEQUENT/INFL UENCE	1						1
DUI3 TEST REFUSAL	3	1					4
ELUDE LE OFFICER/NO GNO	5					1	6
ELUDING LAW ENFORCEMENT OFFICER	4	1					5
EMBEZZLEMENT	3	2					5
EMBEZZLEMENT - MORE THAN \$100		1					1
EMBEZZLEMENT- OFFICIAL CAPACITY	1						1
ESCAPE	3						3
ESCAPE FROM OFFICER - F	1						1
ESCAPE OR WALKAWAY - F	14	1					15
FALSE INFO TO POLICE OFFICER	6						6
FALSE PERSONATION - F	1						1
FALSE PRETENSES- F	9						9
FALSE PRETENSES- M	7						7
FIRST DEGREE MURDER (PREMED)	6	1					7
FORGERY	4						4
GRAND LARCENY	25	1		1	2	1	30
GROSS NEG. OPERATION, DEATH	2	2					4

GROSS NEG. OPERATION, INJURY	3						3
GROSSLY NEGLIGENT OPERATION	13	2					15
HEROIN-POSSESSION < 200 MGM	1						1
HEROIN-TRAFFICKING	1	1					2
HOME IMPROVEMENT FRAUD	1						1
HOME IMPROVEMENT FRAUD-MISD.	1						1
IDENTITY THEFT	5						5
INCITING TO COMMIT FELONY	1						1
INTERFERE W/EMERGENCY SERVICES	2						2
KIDNAPPING OR FORC. CONFIN.	4						4
KIDNAPPING-BODILY INJURY OR FEAR	1						1
KIDNAPPING-SEXUAL ASSAULT OR FEAR	1						1
LARCENY FROM PERSON	8	1					9
LEAVING SCENE ACCIDENT - F	1						1
LEAVING SCENE ACCIDENT-INJURY	1						1
LEAVING SCENE OF ACCIDENT-M	6						6
LEWD & LASCIVIOUS BEHAVIOR	11	1					12
LEWD & LASCIVIOUS W/CHILD	33	4	1				38
MANSLAUGHTER	7						7
MURDER	4						4
MURDER - 2ND DEGREE	13	2			1	1	17
OBSTRUCTION OF JUSTICE	7						7

OPERATING VEHICLE W/O CONSENT	5	3					8
PASS REG DRUG TO MINOR	1						1
PERJURY OR FALSE SWEARING	2						2
PETIT LARCENY	13	1					14
PETTY LARCENY	4	1					5
POSSESS CHILD PORNOGRAPH	1						1
POSSESS CHILD PORNOGRAPHY-FEL	3						3
POSSESS HALLUCINOGEN - M	1						1
POSSESS LSD - M						1	1
POSSESSION OF COCAINE - F	5						5
POSSESSION OF COCAINE - M	3	1					4
POSSESSION OF HEROIN-F	17	3					20
POSSESSION OF HEROIN-M	7	1					8
POSSESSION OF MARIJUANA	3						3
POSSESSION REGULATED DRUG -M	8						8
POSSESSION STOLEN PROPERTY -F	10	1				1	12
POSSESSION STOLEN PROPERTY -M	5	1					6
PRESCRIPTION DRUG FRAUD	2	1					3
PROHIBITED ACTS - M	5	3					8
PROMOTE SEXUAL RECORDING-VISUA	3						3
RECEIVING STOLEN PROPERTY - M	1						1
RECKLESS DRIVING		1					1
RECKLESS ENDANGERMENT	3	1	1				5
REGULATED DRUG-NOT MJ/MANUFACTUR	1						1

E							
RESISTING ARREST	5	1					6
RETAIL THEFT \$900 OR LESS	1						1
RETAIL THEFT- F	2						2
RETAIL THEFT- M	16	2				1	19
SALE OF COCAINE	12	2				1	15
SALE OF HEROIN	21	1					22
SALE OF MARIJUANA-M	1	1					2
SALE OF REGULATED DRUG-M	1						1
SALE/DELIV/DISPENSE REG DRUG-F	8						8
SALE/DELIVERY OF MARIJUANA-F	1						1
SALE/DISPENSE REG DRUG - DEATH	2						2
SEX INMATE REGISTRY VIOLAT-F	2						2
SEX INMATE REGISTRY VIOLAT-M	1						1
SEXUAL ASSAULT - COERCION	1						1
SEXUAL ASSAULT - NO CONSENT	6	2			1		9
SEXUAL ASSAULT - PARENTAL ROLE	4						4
SEXUAL ASSAULT ON CHILD	7						7
SEXUAL ASSAULT ON MINOR	30	1			1		32
SEXUAL ASSAULT-VICTIM <16 YRS	2	2					4
SEXUAL EXPLOIT OF MINOR - M	1						1
SEXUAL EXPLOITATION OF CHILD	2						2
SEXUAL EXPLOITATION-LURING CHILD/ATTEMPTED LURING	2						2
SIMPLE ASSAULT	31	1			2	1	35
SIMPLE ASSAULT CORR/LE OFFICER	4					1	5
STALKING-AGG	1						1

COURT ORDER VIOLA							
THEFT OF SERVICE >\$500	1						1
UNLAWFUL MISCHIEF - F	1						1
UNLAWFUL MISCHIEF > \$250	1						1
UNLAWFUL MISCHIEF -M	4	2					6
UNLAWFUL RESTRAINT 1ST DEGREE	4						4
UNLAWFUL RESTRAINT 2ND DEGREE	7						7
UNLAWFUL TRESPASS - F	2						2
UNLAWFUL TRESPASS- M	6						6
UNLAWFUL TRESPASS OCCUPIED	3	2					5
UNLAWFUL TRESPASS- RESIDENCE/OCCUPIED/ATTEMPT	1						1
USE CHILD IN SEX. PERFORMANCE	1						1
UTTERING FORGED INSTRUMENT	9	1					10
VEHICLE OPERATION- LICENSE SUSPENDED #1 FOR DUI	3						3
VEHICLE OPERATION- LICENSE SUSPENDED #2 FOR DUI	1						1
VEHICLE OPERATION- LICENSE SUSPENDED #3 FOR DUI	2						2
VEHICLE OPERATION- LICENSE SUSPENDED #4 FOR DUI	3						3
VEHICLE	1						1

OPERATION- RECKLESS OR GROSS NEGLIGENCE/ #1							
VIOLATING ABUSE PREVENTION ORD	15	2					17
VIOLATION CONDITIONS OF RELEAS	7	1					8
VOYEURISM	2	1					3
VUL. ADULT FINANCIAL EXPLOIT F	3						3
VULNERABLE ADULT/SEXUAL ABUSE	2						2
<b>Grand Total</b>	<b>1256</b>	<b>122</b>	<b>6</b>	<b>4</b>	<b>15</b>	<b>22</b>	<b>1425</b>

## Appendix E. Correspondence with New Hampshire DOC Summary

On July 18, 2017 Elizabeth Scharnetzki (VT DOC Research Analyst) contacted The Public Information Officer at the NH DOC and was informed that information regarding the length of stay for people of color under their supervision is not currently tracked. On August 1, 2018, the Chief Information Officer at NH DOC confirmed that sentence length data is not being collected in this way. In the event that this data becomes available in the future, NH DOC will share this data with VT DOC.