

**ACLU**

Vermont

2017-2018  
ANNUAL REPORT

# WE THE PEOPLE



## DEAR FRIENDS,

Over the past year, Americans have faced unprecedented threats to our civil liberties and to our democratic system of government. Those threats are real and they have not subsided. But the overwhelming response in Vermont and nationwide has shown that the American people are ready for this fight, and that together we are stronger than we've ever been.

In 2017, millions of people looked to the ACLU as a bulwark against an onslaught of dangerous and damaging policies at the federal, state, and local levels. In Vermont, our membership quadrupled in size; for the first time in our 50-year history, we are now more than 8,000 strong, and growing.

Together, we've stood united on many fronts, defending the rights of immigrants in the midst of endless attacks; advancing criminal justice reform and rejecting the failed war on drugs; and fighting for racial justice in the face of an administration whose tacit embrace of white supremacy offends all that we stand for as a nation.

And thanks to your support, the ACLU's impact in Vermont has continued to grow. In 2017, we added a policy director, community organizer, and communications director, significantly expanding our statewide presence. Our court docket is busier than ever; we have a full-time presence in the statehouse; and we're partnering with organizations from St. Albans to Brattleboro to drive powerful coalitions for change—including efforts to halt Governor Scott's private prison proposal, challenge racial profiling by police, and defend the dignity of Vermont's homeless residents.

This year we fought to preserve our most basic rights and freedoms, and that fight continues. Thank you for joining us in daring to believe that we the people can defend civil liberties and work to create a more perfect union.



A handwritten signature in black ink that reads "Julie Kalish".

Julie Kalish  
*President*



A handwritten signature in black ink that reads "James Duff Lyall".

James Duff Lyall  
*Executive Director*

## 2017–2018 YEAR IN REVIEW

APRIL 2017

ACLU-VT and affiliates nationwide file lawsuit to obtain records related to implementation of the Trump administration's Muslim ban

Working in coalition, ACLU-VT helps to pass historic racial justice legislation, establishing a racial justice oversight panel and advancing a statewide Fair and Impartial Policing policy

ACLU-VT and co-counsel file lawsuit to uncover records of politically motivated arrests of immigrant rights leaders

ACLU-VT, City of Burlington settle lawsuit on unconstitutional eviction policy

Federal judge allows ACLU-VT racial profiling case against Bennington PD to go forward

ACLU-VT demands—and wins—immediate end to illegal DMV facial recognition program

ACLU-VT celebrates 50th Anniversary

ACLU-VT files class action lawsuit to stop homeless camp evictions in Burlington

Working in coalition, ACLU-VT helps eliminate Vermont Medicaid's unlawful restrictions on patient access to Hepatitis C treatment

**JANUARY 2018**

**APRIL 2018**

ACLU-VT launches Smart Justice Vermont to reduce state prison population by 50% and eliminate severe racial disparities in Vermont's incarceration rate

ACLU-VT and coalition of journalists push for open government reforms

ACLU-VT sues Burlington PD for withholding police bodycam footage

ACLU-VT joins other affiliates in demanding that Greyhound stop allowing Border Patrol to raid its buses

ACLU-VT and allies win concessions for a stronger Fair & Impartial Policing Policy and continue advocating for improvements

Vermont becomes first state to legalize marijuana via legislation

ACLU-VT settles public records lawsuit with Agency of Education to obtain data on bullying and harassment

ACLU-VT reminds Vermont schools to respect the rights of students protesting gun violence

ACLU-VT submits arguments to Vermont Supreme Court in racial profiling case



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## Standing with Vermont's Immigrant Communities

**T**he Trump administration has stepped up attacks on immigrants nationwide, separating families, ignoring due process, and retaliating against those who resist or speak out. That has included targeted arrests and detention of multiple Migrant Justice leaders here in Vermont.

Migrant Justice works to build the voice, capacity, and power of Vermont's immigrant farmworkers, advocating to protect farmworkers' rights and advance economic justice. In 2017, the historic Milk with Dignity campaign led to a groundbreaking agreement with Ben and Jerry's to ensure fair working conditions on Vermont farms.

In apparent retaliation for that outspoken advocacy, ICE has targeted at least seven Migrant Justice activists since April 2016. Some of the arrests occurred immediately following demonstrations, or en route from Migrant Justice headquarters. During one arrest, federal agents warned that they would be back to apprehend another Migrant Justice leader.

The ACLU of Vermont is representing Migrant Justice in a Freedom of Information Act lawsuit to obtain records showing that the Trump administration targeted Migrant Justice in retaliation for its activism, part of a disturbing nationwide trend of politically motivated arrests of immigrant rights leaders. The First Amendment applies to everyone, regardless of immigration status. The ACLU continues to stand with immigrant communities in Vermont and around the country fighting for their voices to be heard and for their rights to be respected.

**“We are a nation of immigrants, and local policymakers should be able to embrace and defend that tradition without fear of reprisal.”**

– ACLU staff attorney Lia Ernst

## Advocating for Fair and Impartial Policing

**T**he ACLU, in coalition with Migrant Justice, Justice for All, and other civil rights groups, has advocated for years to keep local police out of the deportation business. Those efforts paid off in 2017, when the legislature passed historic racial justice legislation that included a statewide Fair and Impartial Policing Policy (FIP). The FIP is designed to protect all Vermonters from biased policing. It also limits local police entanglement in immigration enforcement.

This statewide policy is more important than ever given the Trump administration’s extreme anti-immigrant agenda, including threats to withhold funding from so-called “sanctuary” jurisdictions like Vermont and the City of Burlington that have refused to force local police to work with ICE.

The ACLU and its allies will continue working to strengthen the FIP and support the communities resisting Trump’s attacks on immigrants.



PHOTO: TAYLOR DOBBS FOR SEVEN DAYS



## Protecting Vermonters' Privacy

### Victory! ACLU Ends Illegal DMV Program

**W**hen the Vermont DMV implemented facial recognition technology in 2012, they assured Vermonters it would be used to fight identity theft, and not for other law enforcement purposes. A 2017 investigation by the ACLU discovered, however, that the DMV was offering up 2.7 million images of Vermont ID applicants to outside law enforcement agencies upon request.

This program violated a 2004 state law that forbid the DMV from using biometric identifiers. Lawmakers had foreseen exactly what ended up happening: Vermonters' images became part of a perpetual police lineup. DMV records obtained by the ACLU showed that outside agencies, including the U.S. State Department, ICE, and the Missouri Department of Revenue used the facial recognition database at least 118 times, and that the DMV never denied an outside agency's request to access Vermonters' personal information.

In May of 2017 the ACLU of Vermont blew the whistle, demanding an immediate end to the DMV program. Two days later, Governor Scott suspended the program for review, and in July the Attorney General announced that the unlawful facial recognition program would be shut down.

## Fighting for Police Accountability

In June, Burlington resident Reed Doyle witnessed a disturbing altercation between Burlington police and a group of children. Mr. Doyle says he saw an officer threatening to pepper spray the children, and another officer pushing a child as he backed away with his hands in the air. The child protested and was then arrested.

Mr. Doyle filed a complaint and asked to view bodycam footage of the incident. The Burlington Police Department repeatedly denied him access to the video, then demanded hundreds of dollars to redact the footage. The ACLU along with cooperating attorney Anthony Iarrapino filed suit on behalf of Mr. Doyle in February of 2018.



# SMART JUSTICE

Vermont

[www.acluvt.org/SmartJusticeV](http://www.acluvt.org/SmartJusticeV)

**Bill Cobb, Deputy Director of national ACLU's Campaign for Smart Justice speaking at the launch of Smart Justice Vermont.**



## Advancing Smart Justice

In January 2018, the ACLU launched Smart Justice Vermont, a statewide campaign with the goal of reducing Vermont’s incarcerated population by 50% and reversing shameful racial disparities in Vermont’s criminal justice system through legislative reform, public education, community organizing, and strategic litigation. Here’s how we’re going to do it:

**BAIL REFORM.** Our cash bail system means that there are Vermonters in jail who have not been convicted of a crime and are only there because they can’t afford bail. No one should be incarcerated because they are poor.

**SENTENCING REFORM.** Lack of uniform sentencing standards has led to a patchwork system of justice in Vermont.

**ENDING THE WAR ON DRUGS.** Locking people up is not a solution to the public health crisis of addiction, and only makes matters worse for individuals, their families, and communities.

**HOLDING PROSECUTORS ACCOUNTABLE.** State’s attorneys are the most powerful figures in Vermont’s criminal justice system. We’re going to ensure more voters know who their local state’s attorney is and start holding these elected officials accountable.



**“We are advancing a vision for Vermont that rejects mass incarceration, and instead invests in helping individuals, families, and communities thrive and succeed.”**

– James Lyall, Executive Director



Smart Justice Vermont Coalition Partners:

Justice for All

Rights & Democracy

The Root Social Justice Center—Brattleboro

Rutland Area NAACP

Vermonters for Criminal Justice Reform

Windham County NAACP

ACLU and allies announcing  
launch of Smart Justice  
Vermont at State House.

**Muslim Girls Making Change perform at launch of Smart Justice Vermont.**



PHOTO: ALAN J. KEANS / VTDIGGER

**Smart Justice in the Courts**

Racial profiling is fueling extreme racial disparities in Vermont’s prisons. Police data shows that Black drivers are two to four times more likely to have their cars searched by police than white drivers, while they are less likely to have contraband.

The ACLU is currently litigating two challenges to unconstitutional police practices, including *Zullo v. Vermont*, a challenge to pretextual police stops now pending at the Vermont Supreme Court.

**1 in 14**

The rate at which Vermont incarcerates Black men

**\$142 Million**

FY 2017 Vermont Department of Corrections expenditures

**\$6.57 Million**

Annual cost to hold 250 Vermont prisoners out of state

**1,700**

Vermont incarcerated population in January 2018

**“I can’t express how grateful I am to the organizations and individuals who stood up for me. I’m so glad they are out there making sure that situations like mine are not swept under the rug and supporting people who could use a hand. I also want to thank the City for agreeing to change. Burlington is my home and I care about it.”**

– ACLU client Joseph Montagno

## **Victory! City of Burlington Must Stop Unlawful Evictions**

**T**hanks to a lawsuit on behalf of ACLU client Joseph Montagno, who was classified as a “public nuisance” and evicted for calling the police for help “too frequently,” Burlington has agreed to pay a settlement and change its ordinances to better protect tenants’ rights. The ACLU has successfully challenged similar nuisance ordinances nationwide, which disproportionately target victims of crime, particularly survivors of domestic violence, and people suffering from addiction or mental illness. We are still working in the community to ensure the new ordinances fully reflect the City’s promises.



## Defending Burlington's Most Vulnerable Residents

**F**or years, Burlington has used its “No Trespass” statute to harass, displace, and seize the property of homeless individuals sleeping on public land, even when the City knows that shelters are full and that homeless residents have nowhere else to go.

In 2017, the ACLU of Vermont, with cooperating attorney Jared Carter, filed a class action lawsuit challenging the City’s practices. The case is pending, but in response Burlington has already improved some of its policies, including new protocols for the treatment of seized property.

### Standing Against Criminalization of Poverty

This year, Burlington faced a coordinated effort to make civil “quality of life” infractions—like littering or urinating in public—into crimes. These initiatives would funnel more people living in poverty into the criminal justice system without addressing root causes. Thanks to advocacy from the ACLU, the homeless community, and others, Burlington is now exploring better alternatives.

**ACLU staff attorneys with cooperating counsel Jared Carter, outside federal courthouse in Rutland.**





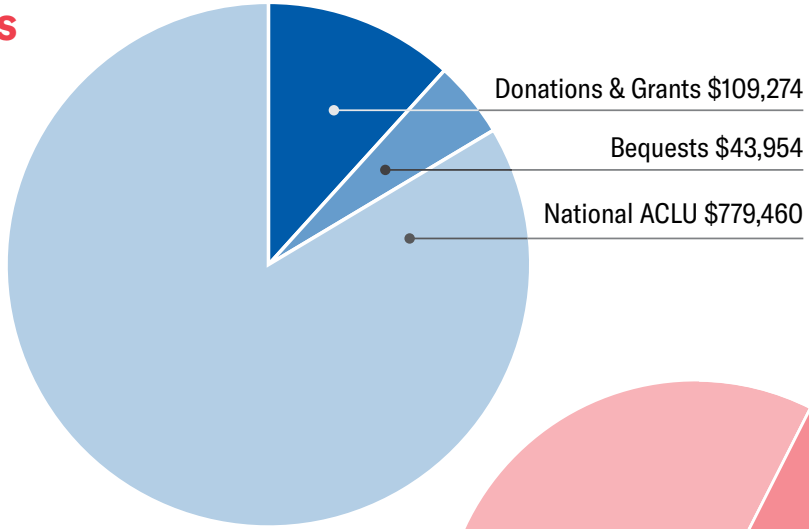
## How You Can Help

- **DONATE** online at [www.acluvt.org](http://www.acluvt.org) or by mailing a check to PO Box 277, Montpelier, VT 05601.
- **GIVE THE GIFT** of an ACLU Membership to a friend or loved one. Learn more at [www.aclu.org/giftmembership](http://www.aclu.org/giftmembership).
- **INCLUDE** the ACLU in your will, leaving a legacy of liberty for generations to come. Learn more at [www.aclu.org/legacy](http://www.aclu.org/legacy).
- **SIGN UP** for free ACLU email Action Alerts at [www.acluvt.org](http://www.acluvt.org).
- **VOLUNTEER** your time and expertise in defense of civil liberties. Fill out our volunteer survey at [www.acluvt.org/volunteer](http://www.acluvt.org/volunteer).
- **READ** ACLU news updates and Know Your Rights information online at [www.acluvt.org](http://www.acluvt.org) and share with your loved ones.
- **FOLLOW** [ACLU.Vermont](https://www.facebook.com/ACLU.Vermont) on Facebook and [@ACLU\\_VT](https://twitter.com/ACLU_VT) on Twitter. Help us spread the word.

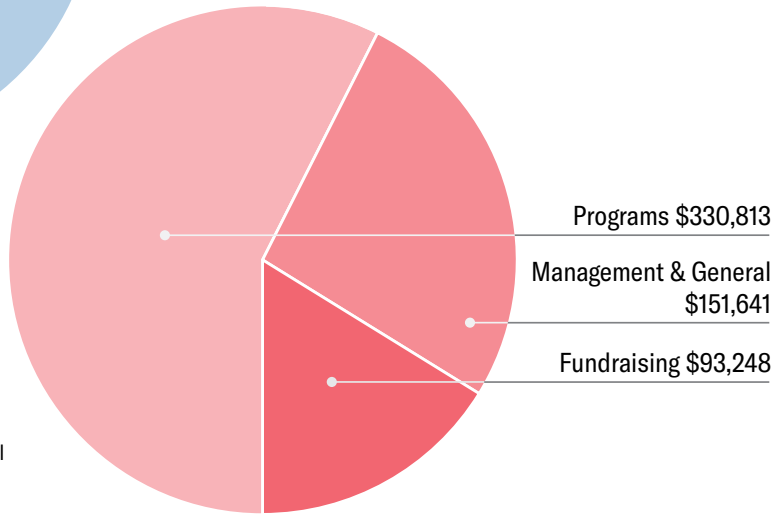


# Financials

## Revenue



## Expenses



Combined ACLU-VT and ACLU Foundation of VT financials shown are based on FY17 audited financial statements prepared by independent auditors.



ACLU



## ACLU of Vermont Staff

Nico Amador, community organizer

Kate Connizzo, communications director

Jay Diaz, staff attorney

Lia Ernst, staff attorney

James Lyall, executive director

Barbara McAndrew, senior development director

Andrea Warnke, associate director

Chloé White, policy director

## Cooperating Attorneys

*These individuals donated pro bono legal services to ACLU of Vermont clients in 2017 and 2018.*

Jared Carter

Anthony Iarrapino

Gary Sarachan

Emily Tredeau

David Williams

## 2018 Board of Directors

Julie Kalish, president – *Norwich*

Tony Pyle, vice-president – *Stowe*

Roz Whitaker-Heck, secretary – *Burlington*

Bernie Lambek, treasurer – *Montpelier*

Peter Asch – *Burlington*

Denise Bailey – *Montpelier*

David Goodman – *Waterbury Center*

Traci Griffith – *Colchester*

Geoffrey Jones – *Monkton*

Kim Jordan – *Winooski*

Pam Marsh – *New Haven*

James Morse – *Charlotte*

Brad Myerson – *Manchester Center*

Susie Posner-Jones – *Williston*

David Putter – *Panton*

Barbara Rachelson – *Burlington*

William Sayre – *Bristol*

Abe Sender – *Essex Junction*



The ACLU of Vermont's sustained advocacy is made possible by the commitment of our members, donors, volunteers, and allies. Thank you for standing with us in our efforts to realize Vermont's promise of justice and equality for all.

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