

To: Senate Government Operations & Senate Judiciary Committees
From: James Lyall, Executive Director ACLU of Vermont
Re: Divesting from Law Enforcement to Address Systemic Racism, Support Vermont Communities
Date: 6-11-2020

The ACLU of Vermont respectfully submits the following testimony for consideration.



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We are in a historic moment. The police murder of George Floyd in Minneapolis, the continued police killings of Black men and women across the country, and the wanton brutality exhibited by police officers in response to nationwide protests underscore the urgent need to meaningfully curtail police power, combat systemic racism, and end white supremacy in this country.

State and local governments currently allocate over \$100 billion a year to law enforcement, delegating enormous power and authority with little meaningful accountability, particularly in over-policed communities of color. The same holds true here in Vermont, where year after year, Black motorists are [stopped and searched at disproportionate rates](#), our prisons have some of the [worst racial disparities in the country](#), [images of police brutality appear regularly](#) on [video recordings](#), and the number of police killings is [steadily increasing](#).

Despite decades of work to curb police violence and address systemic racism, Vermonters and millions of other Americans are now insisting on bold, new approaches to end racialized police brutality, **with an emphasis on fundamentally reimagining the role of law enforcement in our society and reprioritizing investments away from policing**. The ACLU fully supports those efforts, in solidarity with the communities most directly impacted by over-policing who have been insisting on this shift in priorities for years.

It is now abundantly clear that if we hope to address police abuse and advance racial justice in Vermont, the role of law enforcement must be smaller, more circumscribed, and less funded with taxpayer dollars. Instead, we must prioritize programs and services that promote public health and safety, particularly in low income communities and communities of color.

That is what “defunding the police” means: redirecting limited resources away from law enforcement budgets and towards critical programs and services that do more to promote community well-being. This is not a radical concept; rather, it is a rational, fiscally responsible, and long overdue approach to better support our communities and end the crisis of racialized police violence.



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For the foregoing reasons, we call on the Vermont legislature to advance this non-exhaustive list of priorities as rapidly as possible. We understand the realities of the current legislative timeline; however, at a minimum we encourage you to advance the pending legislation listed below, and to take up additional measures at the earliest opportunity. We and our members and supporters look forward to assisting in this essential work.

I. Pending Police Accountability and Racial Justice Legislation

We urge the legislature to strengthen and advance the following House bills as quickly as possible:

- **H.808** – to create a statewide policy for the use of deadly force by law enforcement.
- **H.464** – relating to law enforcement training on appropriate use of force, de-escalation tactics, and cross-cultural awareness.
- **H.284** – to collect and analyze system-wide criminal justice data, to identify the source of and remedy for pervasive racial disparities.
- **H.478** – to establish a task force to study and consider a state apology and proposal for reparations for the institution of slavery and make recommendations on appropriate remedies.
- **H.937** – to support the work of the Executive Director of Racial Equity.
- **S.219** – to require law enforcement to comply with race data reporting requirements in order to receive State grant funding.

Finally, we thank you for your work to pass S.338 (Justice Reinvestment), another important steps towards creating a smarter criminal justice system in Vermont. We would emphasize that the sound logic underlying that legislation—**reducing the number of justice-involved Vermonters and investing the savings in programs that better contribute to safe and healthy communities**—applies with equal force to police divestment proposals at the local, state, and federal levels.

II. Additional Policies to Curb Police Violence and Advance Racial Justice

In the weeks and months ahead, we urge you to take up the following additional proposals:



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1. **Investment in Appropriate Services:** Vermont must fund alternatives to police response for people who are unhoused, experiencing mental health crises, exposed to intimate partner or community violence, and/or struggling with substance use disorder. Local law enforcement officials acknowledge that they are ill-equipped to respond to people in these situations—Vermont should take them at their word and ensure those who are qualified to support vulnerable community members are the ones responding to them. This also means an end to enforcement of petty, low-level offenses, preventing unnecessary police interactions which disproportionately impact people of color.
2. **Limiting Use of Force:** Building off of H.808, Vermont should set a statewide standard for **all** use of force by police, along with a host of other reforms related to use of force, including but not limited to a prohibition on strangleholds; de-escalation requirements; duty to intervene; mandatory reporting; a stronger complaint review system; and enforceable statewide data collection requirements.
3. **Taking Police Out of Schools:** Vermont must end the use of police in schools (so-called school resource officers or SROs), and instead provide funding for educational support services. Currently, very little is tracked or published about the use of SROs in Vermont and what impact they have across the state. However, nationwide data shows that SROs contribute to the “school to prison pipeline” that disproportionately impacts students of color and students with disabilities.
4. **Additional Reforms:** There is far more work to do to address police practices that result in over-policing and disproportionately target people of color and people with disabilities, including but not limited to:



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- Limit police discretion to cite or arrest for low-level offenses (including “disorderly conduct”) and prohibit consent-based searches.
- Ban the use of military-grade equipment and prohibit the use of abusive “crowd control” techniques, including use of pepper spray, rubber bullets, and “kittling.”
- Require civilian authority over internal police disciplinary decisions and end confidentiality for officer disciplinary records.
- Ban collective bargaining agreement provisions that permit police disciplinary record expungement.
- End qualified immunity.
- Prohibit the use of predictive policing technologies, new surveillance technologies, and advanced or autonomous weaponry.
- Require appointment of independent counsel outside of State’s Attorneys and Attorney General’s office to review police misconduct.
- Increase legislative oversight of police, state’s attorneys, parole board, and Department of Corrections practices impacting racial disparities at the county and statewide levels.

Again, this is by no means an exhaustive list and we look forward to providing additional information and recommendations.

Thank you.