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OFFICE OF THE CHITTENDEN COUNTY STATE'S ATTORNEY

RACIAL EQUITY POLICY

Guiding
Principle

The Chittenden County State's Attorney's Office recognizes:

- The United States is currently in an era of mass incarceration,¹ between 1980 and 2009, the number of people incarcerated in Vermont's unified corrections system rose by 363 percent;²
- African American Vermonters made up just 1 percent of the state's adult population in 2017 but accounted for 8 percent of admissions to correctional facilities that year.³
- The impacts of institutional racism and racial bias are real, painful, and lead to disparate outcomes for the BIPOC community in criminal and juvenile justice systems;⁴
- Discretion is a cornerstone of the criminal justice system. In light of racial disparity in the application of the law, implicit bias impacts decisions made by prosecutors;⁵
- Prosecutors have a duty to recognize the root of racial inequity to help create essential systemic change towards a truly just system.⁶

Directives

Deputy State's Attorneys shall:

- Recommend non-incarceration resolutions when appropriate.
- Consider and mitigate collateral consequences in charging, sentencing, and appellate resolutions, for example: immigration status, access to public resources, and participation in civic life.
- Promote access to data for meaningful and measurable racial and criminal justice reform.
- Complete robust anti-bias and anti-racism training.
- Not seek cash bail for any criminal charge.
- For all non-detention eligible cases under 13 V.S.A. §7553, 7553a, and 7575, support releasing individuals with the least restrictive conditions necessary to protect the public and mitigate the risk of flight.
- Exercise discretion to decline a larger portion of cases - particularly for criminalized behavior related to poverty, substance use, and mental health.
- Promote specialized courts for individuals with significant mental health issues, housing insecurity, and those with substance use disorders.
- Be evaluated on criteria unrelated to the number of charges brought, incarcerative sentences received, convictions gained, or the defense of convictions on appeal. Examples include successful diversion and careful consideration of the impact of their decisions on the community at large.

(June 9, 2021)

¹ Jennifer Ray Taylor, *A History of Tolerance for Violence Has Laid the Groundwork for Injustice Today*, americanbar.org, https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/black-to-the-future/tolerance-for-violence/.

² ACLU VERMONT, Vermont's Prison Population, aclu.org, <https://www.acluvt.org/en/vermonts-prison-population>.

³ ACLU, *Blueprint for Smart Justice: Vermont*.

⁴ *Report of the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel* (Dec. 19, 2020), <https://legislature.vermont.gov/assets/Legislative-Reports/Report-of-the-Racial-Disparities-in-the-Criminal-and-Juvenile-Justice-System-Advisory-Panel-12.4.19.pdf>.

⁵ *Id.*

⁶ *Id.*