

To the esteemed members of the 2021-2022 Vermont General Assembly:

As we enter a new biennium, we want to congratulate you on your election and welcome you to the 2021 legislative session. We also want to acknowledge and celebrate the important progress the legislature made in the last biennium to protect the civil liberties of all Vermonters, while working under extraordinarily difficult circumstances.

Looking forward, we know that the COVID-19 pandemic will continue to present unprecedented challenges and we are committed to working with all of you to ensure that equity and liberty concerns are addressed in the state's response. Below are some of the ACLU of Vermont's priorities that we hope to work with you to address in the 2021 legislative session.



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Racial Justice Fund the recommendations of the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel (RDAP) and other racial justice initiatives: The pandemic has exposed and exacerbated systemic inequities that exist both in Vermont and around the country. When it comes to Vermont's criminal legal system, we know that Black people are more likely to be stopped and searched than white people, and seven times more likely to be incarcerated by the state. These disparities are unacceptable and need to be addressed, and for that to happen we must start with the data.

Vermont currently lacks the data necessary to understand and address the racial disparities that pervade our criminal legal system. This year, the RDAP was tasked with identifying the data and infrastructure needed to do just that. [The RDAP report delivered to the legislature on December 1st, 2020 lays out a comprehensive plan for data collection](#), and we ask the legislature to fully fund the panel's recommendations. Outside of the criminal legal system, we ask you to fund other important racial justice initiatives such as additional staffing for the office of the Executive Director of Racial Equity, addressing equity and reparations in Vermont's retail marijuana law, and promoting land access for people who are Black, Indigenous, and people of color.

Police Reform Advance the 10-point plan to reimagine policing in Vermont: As part of a nationwide reckoning over police brutality and demands for greater accountability, the [ACLU of Vermont joined with more than a dozen partner organizations to advance a ten-point plan to reimagine policing in our state](#). Last year, the legislature passed some of the strongest police reforms in the country, increasing oversight and accountability when officers use force and prohibiting the use of facial recognition technology. In the coming year, we hope the legislature will build on those accomplishments, such as eliminating qualified immunity, removing police from schools, and strengthening community oversight of law enforcement.

Criminal Law Reform Vermont has made significant progress toward creating a criminal legal system that is more just, equitable, and rooted in community-based solutions. Since 2019, we reduced our prison population by [more than 450 people \(roughly 25%\)](#), passed legislation to overhaul our broken community supervision system, and began the work of addressing persistent racial disparities in our criminal legal system. As we start a new biennium, it is essential that we continue this progress.

Safely reduce the number of incarcerated Vermonters: As of December 24th, 2020, 1,290 people were incarcerated by the state of Vermont, the fewest in more than 20 years. It is important to recognize that the most recent reductions were not the result of new legislation; rather, they were achieved by creative thinking and better uses of discretion within the criminal legal system. Moving forward, we ask the legislature to identify and consider how these reductions were achieved and how they can be built upon.

Even with the passage of Justice Reinvestment in 2020, there is still much more we can do to create a smarter criminal legal system here in Vermont ([outlined in our Blueprint for Smart Justice](#)). That includes continued work on important policies that were advancing just prior to the pandemic, such as increasing Vermont's felony threshold; ending the use of cash bail; eliminating life without parole; decriminalizing sex work; and allowing older people to apply for compassionate release.

Fund the recommendations of the Justice Reinvestment Working group: For the last year and a half, the Justice Reinvestment Working Group has evaluated how we support people involved in our criminal legal system, and where that support is lacking. The group's topline recommendations include creation of a data collection and analysis infrastructure to enable informed, data-driven policy decisions; adequate housing for people reentering their communities; and better preventive services and supports for people with substance abuse disorder and mental health conditions. We ask the legislature to fund the Working Group's recommendations to address the needs of all Vermonters who become justice involved.

Voting Make vote by mail permanent: One of the few positive changes brought by 2020 and the global pandemic was the implementation of universal vote by mail in Vermont. Our last election saw more Vermonters vote than ever before, all while protecting the health and safety of everyone involved in the process. We appreciate the legislature's commitment to upholding Vermonters' right to safely access the ballot box, and we look forward to working with you to ensure that universal vote by mail becomes a permanent fixture in our elections.

Reproductive Liberty Pass Proposition 5: This proposed amendment to the Vermont Constitution will guarantee the right to personal reproductive liberty for all Vermonters, making Vermont the first state in the country to explicitly protect reproductive freedom in its constitution. The Vermont legislature passed Prop 5 in 2019, and we are calling on the Vermont legislature to pass it again so that it can go to Vermont voters in 2022. In light of new and continuing threats to reproductive healthcare across the country, it is critical that we act now to guarantee reproductive liberty for all Vermonters.

We thank the legislature for all the progress that has been made on these important issues over this past year, and we look forward to working with you to continue to improve the lives of everyone who calls Vermont home.

Sincerely,
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