

JAMES DUFF LYALL  
EXECUTIVE DIRECTOR

JIM MORSE  
PRESIDENT



August 28, 2017

Dear Members of the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel,

I am writing to congratulate you on your appointment to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel and to thank you for your service. The ACLU of Vermont is excited about the positive impact this panel is positioned to make in addressing pervasive and continuing racial bias and racial disparities in Vermont. Please know that we stand ready to support you in your work however we can, and we hope that you will not hesitate to consult with us if we can be of any assistance.

Clearly, there is a wide range of issues involving racial injustice in Vermont that this panel can and should examine.<sup>1</sup> Among those issues, one that we would encourage you to prioritize at the outset is the lack of data collection and analysis concerning persistent racial disparities within Vermont's criminal justice system.

Currently, Vermont's criminal justice system does not collect, aggregate, or analyze data in a manner that allows for an assessment of important trends, including pronounced racial disparities. Vermont's Department of Corrections collects some relevant data, but does not regularly or consistently analyze it.<sup>2</sup> If we are going to address racial bias or any other problems in Vermont's justice system, access to data will be essential. That includes data on bail decisions

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<sup>1</sup> These issues include the large racial disparities in Vermont's incarcerated population and in traffic stops. See Ashley Nellis, The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (2016), <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>; Stephanie Seguino and Nancy Brooks, *Driving While Black and Brown in Vermont* (2017), [http://www.uvm.edu/giee/pdfs/SeguinoBrooks\\_PoliceRace\\_2017.pdf](http://www.uvm.edu/giee/pdfs/SeguinoBrooks_PoliceRace_2017.pdf).

<sup>2</sup> The Department of Corrections has yet to issue a 2016 or 2017 annual report. The FY2016 and 2017 Department of Corrections budget presentations do not include detailed data on the incarcerated population, and the data that is included is from 2014 and 2015. *Vermont Department of Corrections FY2016 Budget Presentation* (2016), [http://www.leg.state.vt.us/jfo/appropriations/fy\\_2016/Department%20Budgets/FY2016%20Budget%20-%20-%20Corrections%20-%20Narrative.pdf](http://www.leg.state.vt.us/jfo/appropriations/fy_2016/Department%20Budgets/FY2016%20Budget%20-%20-%20Corrections%20-%20Narrative.pdf); *Vermont Department of Corrections FY2017 Budget Presentation* (2017), [http://www.leg.state.vt.us/jfo/appropriations/fy\\_2017/Department%20Budgets/Corrections%20-%20FY2017%20Budget%20Presentation.pdf](http://www.leg.state.vt.us/jfo/appropriations/fy_2017/Department%20Budgets/Corrections%20-%20FY2017%20Budget%20Presentation.pdf).

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and amounts, charging and plea offers, and information concerning sentencing, probation, furlough, and other outcomes, along with associated demographic information. Without access to this data, meaningful racial and criminal justice reform will be much harder to achieve—Vermont cannot solve a problem it is not looking for. We therefore encourage this panel to prioritize more robust data collection and analysis as a key first step.

The ACLU also encourages this panel to support regular and robust racial bias training within the criminal justice system. Like all of us, prosecutors, public defenders, corrections officers, and others in Vermont's justice system regularly deal with situations in which hidden or unintentional racial biases can play a major role. Nonetheless, to our knowledge, those officials do not receive consistent anti-bias training. Particularly in light of the extreme racial disparities that pervade every level of Vermont's criminal justice system, we believe ongoing bias training should be mandated for all state officials who work in that system, and we would welcome the opportunity to assist in compiling and recommending resources Vermont government could draw from in designing any such trainings.

These initial recommendations are not exhaustive, and we look forward to working with you on additional strategies for making progress towards a more just and equitable state. Again, we congratulate you on your appointment and this important opportunity to advance racial justice in Vermont.

Sincerely,

A handwritten signature in cursive script that reads "Chloé White".

Chloé White  
Policy Director  
ACLU of Vermont