

Defending Democracy, Advancing Justice



James Duff Lyall
Executive Director



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HIS ELECTION YEAR WILL test our country like never before and the ACLU and our supporters are prepared to meet the moment with everything we have.

Through our Battleground State Initiative, the ACLU's network of advocates is engaged in voting rights battles in Wisconsin, Michigan, Nevada, Pennsylvania, and other key states where election outcomes may have an outsized impact.

That includes challenging gerrymandered voting maps, defeating voter suppression tactics, and protecting access to the ballot for millions of people—so that everyone's voting rights are respected on election day and beyond.

Our rights are on the line in Vermont too, where we face crucial decisions on emergency housing, harm reduction strategies, criminal law reform, and economic and racial justice—policies that will impact the direction and character of our state for years to come.

At a time when the Scott administration is calling for the mass unsheltering of hun-

dreds of people and families, and more of the failed "tough on crime" strategies of the past, we and our partners are advancing humane and effective solutions. When we ensure that peoples' basic needs are met, we can have more vibrant communities and build a better state for all of us.

This year and every year, we know that civic engagement is essential to our democracy. We've been traveling the state to connect with new supporters and longstanding members alike. We've organized online trainings and letter writing parties to help people engage directly with their elected representatives and make an impact.

And we're rolling out a robust voter education and engagement effort, reminding people to vote like their rights depend on it—because they do.

Locally and nationally, the ACLU is uniquely prepared to defend our democracy and hold our government accountable this election year. None of this would be possible without committed ACLU supporters like you who continue to demand a more just, inclusive, and equitable future for everyone.

Thank you for joining us.

STATE HOUSE



It is a critical time to make your voice heard. Join us in telling your lawmakers to advance essential reforms like the ones detailed here, and to invest in people, not prisons.

Take action at acluvt.org/act.

2024 LEGISLATIVE UPDATES

Our communities are struggling. We all know it and we can all feel it. That's why we need leadership that prioritizes justice, equity, and compassion.

This year, while the Scott administration and some lawmakers propose more criminalization and incarceration, we are urging legislators to address the root causes of the complex challenges facing our communities, and to invest in meeting people's basic needs.

PRISON EXPANSION

The legislature is debating whether to spend millions of dollars to begin construction on a new women's prison in Vermont. With an estimated price tag of more than \$80 million, this prison would be far bigger and more restrictive than Vermont needs. We continue to oppose this proposal and advocate for policies—like bail reform, “second-look” legislation, and drug decriminalization—to reduce our overreliance on incarceration and invest in people over prisons.

SMARTER STOPS

Vermont drivers are stopped at a much higher rate than the national average, with severe racial disparities impacting Black and Latinx drivers. Through our Smarter Stops campaign, we are calling on legislators to allow traffic stops for serious safety violations only, not for minor equipment and administrative

violations like a broken taillight or obscured license plate. Our goal is to reduce discriminatory practices, improve community safety, and better define the role of law enforcement in our communities.

HOUSING FIRST

Everyone should be able to access housing without preconditions or restrictions. Building on our ongoing advocacy to defend the rights of unhoused people, we are urging lawmakers to pursue a “Housing First” model for new housing policy reforms and investments.

We are also working with partners to support the extension and expansion of the state's motel voucher program, so that hundreds of people are not pushed into homelessness when the program lapses later this year. Join us in telling your legislators to make sure that everyone in Vermont who needs housing has it.

HARM REDUCTION

In the midst of a worsening overdose epidemic, we are pursuing strategies that can save lives today. We applaud House lawmakers for resoundingly passing a bill that would enable the development of overdose prevention centers (OPCs), where people can receive vital medical services if necessary and be connected to treatment. And we are pushing back against the Scott administration's attempts to undermine the establishment of this life-saving program.

We continue urging lawmakers to advance additional measures this year that would treat substance use as a public health issue, decriminalize the personal possession of drugs, connect people with essential resources, and build new pathways to recovery.

ECONOMIC JUSTICE

The ACLU of Vermont supports the Fair Share for Vermont proposal to ensure that the wealthiest Vermonters are paying their fair share in taxes. As an organization that works to remedy deeply entrenched sources of inequality, economic justice is central to our vision for a more just and equitable state and a healthy, vibrant democracy.

With your support, we will continue working with our elected representatives to advance the rights and liberties of everyone who calls this state home.



A LEGACY of LIBERTY

A supporter like Betty Clark doesn't come around every day.

A founding member of the Vermont affiliate, Betty has backed the ACLU financially and with her time, insight, and friendship for over 50 years. We recognized Betty in 2017 with our highest honor, the David W. Curtis Civil Liberties Award, and are continually grateful for her commitment to our mission.

Betty is also a member of the DeSilver Legacy Society—made up of ACLU supporters who have provided a future gift through their will, trust, charitable gift annuity, or other lasting arrangement. To explore ways to give, contact Development Director Tori Jones at 802-223-6304 x117 vjones@acluvt.org or visit www.acluvt.org/give.



“Some years ago, I established a small annuity with the ACLU. This gave me great pleasure to leave a lasting legacy to my favorite organization. The process for signing up was easy and continues to provide me with a little income in my retirement. The ACLU is staffed by such effective leaders, both nationally and locally.

I really don't understand why everyone isn't a member!

Betty Clark



NO FAMILY

SHOULD GO THROUGH THIS

WE'RE SUING BURLINGTON FOR DISCRIMINATION AND EXCESSIVE FORCE AGAINST A 14-YEAR-OLD

NESTLED IN A HISTORIC Burlington neighborhood, Cathy Austrian's light-filled home features photos of her child, J.A., in almost every corner, interspersed with artwork the pair has created over the years. Tacked up above the kitchen table is a hand-written poster that outlines the family's house rules—to help others, to listen, to be safe, and to treat people with respect. Nearby lies another poster made by J.A., which reads: "The most powerful force in the universe is our love, always joining us together."

On a Saturday in May 2021, this family's safe haven became the site of a life-altering injustice against then-fourteen-year-old J.A., when Burlington police and paramedics needlessly escalated what should have been a routine call for support into a nightmarish event.

Over the course of a brief encounter with city officials, J.A. was verbally threatened, physically restrained with excessive force, injected with ketamine (a powerful and potentially deadly tranquilizer), and removed from his home in a stretcher bag as his mother watched in horror.

When we advocate for police oversight and accountability, it's to prevent cases like this one from ever happening. That's why, in January, we filed a lawsuit in January on behalf of J.A.'s parent against the City of Burlington.



Cathy Austrian and J.A. as a child

BURLINGTON POLICE WERE NOT CALLED TO A CRISIS—THEY CREATED ONE.

J.A., a Black teenager with a history of complex trauma and both intellectual and behavioral disabilities, was having an especially hard time in the weeks leading up to that day in May. In part, he was adjusting to a change in his attention deficit/hyperactivity disorder (ADHD) medication and had recently been acting out of character.

When J.A.'s mother Cathy learned that he had taken several vape pens from a local gas station earlier that day, she was concerned. She called the police for support and two Burlington Police Department officers arrived at their home.

Cathy believed and expected that a conversation with the officers would help J.A., then a middle school student, better understand

the impact of his actions. She immediately informed the officers of her child's disabilities, ongoing medical issues, and the fact that he had recently undergone an MRI of his heart.

When BPD officers entered J.A.'s room, he was sitting calmly on his bed and voluntarily relinquished all but one of the vape pens. Although J.A. presented no danger to the officers or to himself—and despite their knowledge of J.A.'s disabilities and recent medical history—the officers quickly lost patience, threatening to handcuff and arrest J.A. if he did not produce the final item.

Officers then abandoned Burlington Police Department policies and de-escalation techniques as they grabbed J.A., wrenched his arms behind his back, and took the last pen out of his hands. When J.A. started to panic, the officers did not disengage. They handcuffed J.A., pushed him back onto his bed, and ultimately pinned him to the floor, where the frightened teen screamed and twisted his body in distress.

"I COULD NOT KEEP MY CHILD SAFE, EVEN IN MY OWN HOME."

Police summoned paramedics, who did not adequately discuss with Ms. Austrian or BPD J.A.'s disabilities or health needs. Instead, the paramedics proceeded to wrap J.A.'s head with an opaque mesh bag, or a "spit hood," further terrifying him. Officials labeled J.A.'s distress as "excited delirium," an illegitimate diagnosis rejected by the medical community yet often applied to victims of police violence, especially Black men and boys.

Paramedics then injected J.A. with ketamine—a powerful, fast-acting anesthetic used to induce loss of consciousness and approved for restraint use on adults only—contrary to established protocols. Ms. Austrian watched, horrified, as officials carried her unconscious child from his room in a stretcher bag and took him to the hospital. J.A. was discharged the next day—bruised, disoriented, and traumatized.

IN SEARCH OF ACCOUNTABILITY—AND A CALL FOR CHANGE

After J.A.'s experience, Cathy Austrian filed an official complaint against the Burlington Police Department for unwarranted and excessive force used against her child. After reviewing



her complaint, as well as body camera footage and the confidential results of BPD's internal investigation, the Burlington Police Commission made several recommendations to then-acting police chief Jon Murad.

Chief Murad did not accept the Commission's recommendations in full and concluded that the BPD officers' actions constituted an appropriate use of force. He told Cathy that his officers had not violated any department rules, even though they had.

Rather than accept responsibility for the incident, Burlington sought to refer J.A. to the Burlington Community Justice Center for assault. But the Center rejected the charge, determining J.A. was not at fault, and it was never pursued.

Cathy then filed a lawsuit in Vermont state court on behalf of her child, who is still a minor, with representation from the ACLU of Vermont and Latham & Watkins LLP, and strategic support from the MacArthur Justice Center.

The Burlington Police Department has a long record of racial bias and failing to accommodate people with disabilities. By filing this lawsuit, Cathy hopes the City of Burlington will address bias in its first response units and implement better policies to ensure that something like this never happens to anyone else.



Learn more about the case—and Burlington's long history of discriminatory practices—at acluvt.org/JA.

A Victory for Education Equity

In December 2021, the ACLU filed a complaint with the Vermont Human Rights Commission (HRC) against Twin Valley Middle High School in Windham County. We alleged that school administrators took no meaningful action to protect C.B.—the only Black student in the school at the time—from derogatory racial slurs, references to white supremacy, and threats of physical violence.

Fearing for her safety, C.B. did not participate in school sports, her grades declined, and she developed anxiety and depression. Ultimately, C.B. was forced to transfer schools, just weeks before the school year ended.

At the end of 2023, the ACLU and Twin Valley School District settled our complaint on the heels of a parallel investigation of Twin Valley by the U.S. Department of Justice (DOJ), which led to a comprehensive settlement agreement addressing the culture and climate at Twin Valley.

While the DOJ settlement focused on transforming Twin Valley for its current and future students, the HRC settlement emphasized acknowledging and redressing the harms C.B. had suffered from peer racial harassment while there.

Taken together, both settlements are a major win for our client, for Vermont students, and for everyone working for racial justice and more equitable schools. School administrators have a responsibility to protect students' rights to an education free of discrimination, and we hope this case provides additional guidance for doing that.

In the meantime, identity-based bullying and harassment continue to affect students across the state. The ACLU is part of a coalition of organizations that launched Vermont Narratives for Change last October to collect stories from students who have been subject to hazing, bullying, or harassment in Vermont schools. We look forward to working with partners to inform policy changes that protect the right to a fair, equitable education.

Challenging the War on Drugs

Rutland resident Ivo Skoric has a State-issued medical cannabis card to treat a debilitating condition. He lost his job as a bus fueler and washer for a regional transit authority because federal Department of Transportation regulations required his employer to terminate him after he tested positive for cannabis.

When Mr. Skoric then applied for state-

based unemployment, the Vermont Department of Labor denied him a portion of his benefits. In its view, Mr. Skoric had engaged in alleged “misconduct” under state law—even though he had tested positive only because he used state-approved medical cannabis pursuant to a valid prescription.

In an amicus brief filed at the Vermont Supreme Court in February, the ACLU argues that even if an employer has a policy against marijuana, off-duty use of State-authorized marijuana to treat debilitating conditions like Mr. Skoric’s should not count as “misconduct”

that disqualifies someone from unemployment benefits.

We assert that penalizing someone for using a substance they have a legal right to use—often to treat chronic medical conditions and disabilities—makes no sense. **The federal government may still be fighting the failed war on drugs, but that doesn’t mean Vermont should be.**

We thank our partners Vermonters for Criminal Justice Reform and Disability Rights Vermont for signing onto this brief. Stay tuned for updates.

For more litigation updates, visit our website at acluvt.org/cases.

Ivo Skoric



Board Happenings

New Board Members

We’re pleased to welcome several new faces to our Board of Directors. **Claudia Becker** of Warren, **Kate Jerman** of Burlington, **Julie Kalish** of Norwich, and **Arnold Thomas** of Jericho joined this year, each bringing a unique perspective and set of expertise to our organization.

Nick Ward of Calais is our new Board President.

Thank you for your service!

Annual Meeting

Since our last newsletter, we gathered for our annual meeting at Barr Hill Distillery in Montpelier with staff, Board, and a vibrant community of ACLU supporters. We outlined legislative priorities for 2024 and honored **Brenda Siegel** for her tireless work advocating for people dealing with homelessness and housing insecurity.

Heartfelt thanks to everyone who attended. Until next time, stay tuned for upcoming events—in person and virtual—by visiting acluvt.org.





ACLU of Vermont

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JOIN!

THE ACLU-VT ACTION TEAM



Your voice is critical in our work to defend and advance civil rights and liberties in Vermont. Our Action Team is a group of volunteers who provide the “People Power” we need to make our ambitious agenda a reality.

Learn more and sign up today at acluvt.org/team. Thank you for being a valued member of the ACLU community!

www.acluvt.org

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