

H.308: (formerly H.492 & H.523)
section by section

Sec. 1. 3 V.S.A. § 168. Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

This section establishes a Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel within the Office of the Attorney General, comprised of 13 members.

Members include:

- 5 members appointed by the AG to represent the interests of communities of color.
- Executive Director of Criminal Justice Training Council
- Attorney General
- Defender General
- Executive Director of the State's Attorneys and Sheriffs
- Chief Superior Judge
- Commissioner of Corrections
- Commissioner of Public Safety
- Commissioner for Children and Families

The Panel shall consult with:

- Vermont Police Association
- Vermont Human Rights Commission
- Vermont ACLU
- Sheriff's Association
- Association of Chiefs of Police
- others

Terms

Members serve for four year terms, nut not to exceed two consecutive terms. Members who are not state employees or who are not otherwise paid by their employment or association are entitled to per diem compensation and reimbursement of expenses. The office of the Attorney General shall provide professional and administrative support.

Responsibilities of the Panel:

- Review and provide recommendations to address systemic racial disparities in statewide systems of criminal and juvenile justice. The Panel shall:
 - Continually reviewing the traffic stop data required by the 20 V.S.A. § 2366 to monitor progress towards a fair and impartial system of law enforcement
 - Providing recommendations to the Criminal Justice Training Council and the Vermont Bar Association on trainings for law enforcement, judges, correctional officers, and attorneys to address implicit bias
 - Providing recommendations to the Council on a model training and policy on the use of force in policing

- Educate and engage with communities, businesses, educational institutions, State and local governments, and the general public about the nature and scope of racial discrimination and on State progress toward racial justice
- Monitoring progress on recommendations from 2016 report of the Attorney General's Working Group on Law Enforcement Community Interactions
- Report to the General Assembly on recommendations to address systemic implicit bias, including:
 - How to institute a public complaint process to address perceived implicit bias across all systems of State government
 - Whether to prohibit racial profiling
 - Whether to expand law enforcement race-based data collection to include data on non-traffic stops by law enforcement

Sec. 2. Minimum Training Standards

The section requires that the Criminal Justice Training Council regularly report to the Panel on:

- the adoption and implementation of the Panel's recommended implicit bias trainings for law enforcement, judges, correctional officers, and attorneys
- incorporation of implicit bias training into the requirements of minimum training standards for law enforcement
- the implementation of the statutorily-required trainings for law enforcement

Sec. 3. Attorney General & HRC Proposal

Requires the Attorney General and Human Rights Commission, along with interested stakeholders, to develop a strategy to address racial disparities within the State systems of education, labor and employment, access to housing and healthcare, and economic development, and report on the proposal to the Justice Oversight Committee in November of this year.

Sec. 4. (Takes effect on passage) 20 V.S.A. § 2366(f)

- In effect, abolishes any law enforcement policy that conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, the federal immigration statutes.

Sec. 5. Criminal Justice Training Council; Fair and Impartial Policing Policy

- Requires the Council and the Attorney General to modify the model policy to bring it into compliance with federal immigration law by October 1, 2017.
- Requires the Council, in consultation with stakeholders, to update the model policy to provide one cohesive policy for law enforcement to adopt pursuant to 20 V.S.A. § 2366 by January 1, 2018.

Sec. 6. (Takes effect March 1, 2018) 20 V.S.A. § 2366

- 2366(a)(1): Requires law enforcement to adopt a fair and impartial policing policy that includes, at a minimum, each component of the Criminal Justice Training Council's model policy by March 1, 2018.
- 2366(a)(2): Requires the Council, in consultation with others, to review and – if necessary – update the model policy every other year, beginning in 2018.
- 2366(b): Requires the Council and the Attorney General to review the law enforcement policies to ensure they comply with the model policy by April 15, 2018. The Council must work with law enforcement to correct any non-compliant policies. If a law enforcement agency does not adopt a policy that meets each component of the model policy, it is deemed to have adopted the model policy.
- 2366(c) and (d): technical changes are made to these sections to remove the old dates. Annual reporting is still required.

Sec. 6a. Repeal

Sunsets the Advisory Panel after three years, in July, 2020.

Sec. 7. Effective dates

- Bill takes effect on passage, except for Sec. 6, which takes effect March 1, 2018.