

1 S.108

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; Executive branch; Bureau of Racial Justice

6 Statistics; Bureau of Racial Justice Statistics Advisory Panel

7 Statement of purpose of bill as introduced: This bill proposes to establish the
8 Bureau of Racial Justice Statistics and the Bureau of Racial Justice Statistics
9 Advisory Panel to collect and analyze criminal justice data in order to identify
10 and address racial bias in the criminal justice system.

11 An act relating to establishing the Bureau of Racial Justice Statistics and the
12 Bureau of Racial Justice Statistics Advisory Panel

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 3 V.S.A. Chapter 68 is amended to read:

15 Chapter 68. EXECUTIVE DIRECTOR OF RACIAL EQUITY; RACIAL

16 JUSTICE STATISTICS

17 Subchapter 1. Executive Director of Racial Equity

18 * * *

1 Subchapter 2. Racial Justice Statistics

2 § 5101. Bureau of Racial Justice Statistics

3 (a) There is created within the Executive Branch the Bureau of Racial
4 Justice Statistics to collect and analyze data related to systemic racial bias and
5 disparities within the criminal and juvenile justice systems.

6 (b) The Bureau shall work collaboratively with, and have the assistance of,
7 all State and local agencies and departments for purposes of collecting all data
8 related to systemic racial bias and disparities within the criminal and juvenile
9 justice systems.

10 (c) The Bureau shall collect the following data related to systemic racial
11 bias and disparities within the juvenile justice system:

12 (1) demographic data for offenders, parents or guardians of offenders,
13 attorneys, judges, guardians ad litem, Department of Children and Families
14 (DCF) and law enforcement officers, and witnesses;

15 (2) data regarding offenders' encounters with law enforcement officers,
16 DCF staff, mandatory reporters, school staff, and school resource officers,
17 including:

18 (A) the location of the encounter and with whom it occurred;

19 (B) whether initial encounters resulted in release, citations, or
20 custodial arrests;

21 (C) the basis for initial arrests;

1 (D) the level and length of detention prior to the initial court
2 appearance;
3 (E) reports by mandated reporters; and
4 (F) data regarding particular schools' encounters with justice-
5 involved youth;
6 (3) pre- and post-charge diversion and community justice program data,
7 including:
8 (A) referral rates and the entity making the referral;
9 (B) acceptance and rejection data;
10 (C) the length of the program and completion and failure rates; and
11 (D) the type, location, and outcomes for any risk assessment tools
12 used;
13 (4) delinquency petition data, including initial and amended charges,
14 challenges to charges, and pre-merits dispositions by the court;
15 (5) defense counsel data, including the counsel's legal experience and
16 the offender's access to and assignment of defense counsel during all stages of
17 the proceeding;
18 (6) data regarding pretrial detention, release, and discharge from
19 custody, including custody status; conditions of release; level, place, and
20 duration of detentions; custody reviews; status changes; and the number of
21 placement changes;

1 (7) plea agreement data, including offers made, total numbers of
2 agreements entered into, and elements of final agreements;

3 (8) disposition data, including:

4 (A) length of time until final disposition;

5 (B) minimum and maximum sentences; location and level of
6 detentions; fines, fees, and restitution; probation terms and conditions; and
7 other disposition alternatives; and

8 (9) data regarding sanctions and disciplinary actions against juvenile
9 justice system participants, including law enforcement officers, prosecutors,
10 defense counsel, judges, and Department of Corrections (DOC) and DCF
11 officers.

12 (d) The Bureau shall collect the following data related to systemic racial
13 bias and disparities within the adult criminal justice system:

14 (1) demographic data for defendants, attorneys, judges, jurors, DOC and
15 law enforcement officers, and witnesses;

16 (2) Pre-charge data, including:

17 (A) initial encounters with law enforcement officers resulting in
18 release, citation, or custodial arrests;

19 (B) custodial arrests resulting in bail or conditions of release; and

20 (C) length of pre-arraignment detentions;

1 (3) diversion and community justice program data, including the number
2 of cases eligible for referral, the number of cases referred, and acceptance and
3 completion rates;

4 (4) charging data, including the circumstances around the charges, initial
5 and amended charges filed, challenges to charges, and pre-trial dispositions
6 relating to charges;

7 (5) defense counsel data, including the counsel's legal experience and
8 the offender's access to and assignment of defense counsel during all stages of
9 the proceeding;

10 (6) post charge diversion and treatment program data, including:

11 (A) referral rates and the entity making the referral;

12 (B) acceptance and rejection data;

13 (C) the length of the program and completion and failure rates; and

14 (D) the type, location, and outcomes for any risk assessment tools
15 used;

16 (7) pretrial detention and release data, including:

17 (A) conditions of release, bail amounts, and defendants held without
18 bail;

19 (B) bail reviews and changes to pre-trial detention status or
20 conditions of release; and

21 (C) revocation of bail or conditions of release;

1 (8) plea agreement data, including offers made, total numbers of
2 agreements entered into, and elements of final agreements;

3 (9) sentencing data, including:

4 (A) length of time until final sentence;

5 (B) minimum and maximum sentences; location and level of
6 detentions; fines, fees, and restitution; probation terms and conditions; and
7 other disposition alternatives; and

8 (10) data regarding sanctions and disciplinary actions against juvenile
9 justice system participants, including law enforcement officers, prosecutors,
10 defense counsel, judges, and DOC and DCF officers.

11 (e) The Bureau shall analyze the data collection pursuant to this section in
12 order to:

13 (1) identify the stages of the criminal and juvenile justice systems at
14 which racial bias and disparities are most likely to occur; and

15 (2) organize and synthesize the data in a cohesive and logical manner so
16 that it can be best presented and understood.

17 (f) The Bureau shall:

18 (1) develop a system to standardize the data collected pursuant to this
19 section;

1 (2) propose methods to permit sharing and communication of the data
2 between the State and local agencies and departments that collect and retain it;
3 and

4 (3) recommend evidence-based practices and standards for collection
5 and retention of racial justice data.

6 (g) The Bureau shall maintain a public-facing website and dashboard that
7 maximizes the transparency of the Bureau’s work and assures the ability of the
8 public and historically impacted communities to review and understand the
9 data collected by the Bureau and its analysis.

10 (h)(1) On or before December 15, 2021 and monthly thereafter, the Bureau
11 shall report its data, analyses, and recommendations to the Panel.

12 (2) On or before January 15, 2022 and annually thereafter, the Bureau
13 shall report its data, analyses, and recommendations to the House and Senate
14 Committees on Judiciary and on Government Operations.

15 § 5102. BUREAU OF RACIAL JUSTICE STATISTICS ADVISORY

16 PANEL

17 (a) The Bureau of Racial Justice Statistics Advisory Panel is established.
18 The Panel shall be organized and have the duties and responsibilities as
19 provided in this section. The Panel shall have the administrative, legal, and
20 technical support of the Agency of Administration.

21 (b)(1) The Panel shall consist of five members, as follows:

1 (A) one member appointed by the Committee on Committees who
2 shall not be a current legislator;

3 (B) one member appointed by the Speaker of the House who shall not
4 be a current legislator;

5 (C) one member appointed by the Chief Justice of the Supreme Court
6 who shall not be a current legislator;

7 (D) one member appointed by the Governor who shall not be a
8 current legislator; and

9 (E) one member appointed by the Human Rights Commission who
10 shall not be a current legislator.

11 (2) Members shall be drawn from diverse backgrounds to represent the
12 interests of communities of color and other historically disadvantaged
13 communities throughout the State, have experience working to implement
14 racial justice reform, and, to the extent possible, represent geographically
15 diverse areas of the State.

16 (3) The term of each member shall be three years, except, so that the
17 term of one regular member expires in each ensuing year of the members first
18 appointed, one shall serve a term of one year, to be appointed by the Human
19 Rights Commission; two years, to be appointed by the Governor; three years,
20 to be appointed by the Speaker of the House; four years, to be appointed by the
21 Committee on Committees; and five years, to be appointed by the Chief Justice

1 of the Supreme Court. As terms of currently serving members expire,
2 appointments of successors shall be in accord with the provisions of this
3 subsection. Appointments of members to fill vacancies or expired terms shall
4 be made by the authority that made the initial appointment to the vacated or
5 expired term. Members shall serve until their successors are elected or
6 appointed. Members shall serve not more than three consecutive terms in any
7 capacity.

8 (4) Members of the Panel shall elect by majority vote the Chair of the
9 Panel, who shall serve for a term of three years after the implementation
10 period. Members of the Panel shall be appointed on or before September 1,
11 2021 in order to prepare as they deem necessary for the establishment of the
12 Panel, including the election of the Chair of the Panel. Terms of members
13 shall officially begin on January 1, 2022.

14 (c) The Panel shall have the following duties and responsibilities:

15 (1) work with and assist the Executive Director of the Bureau of Racial
16 Justice Statistics to implement the requirements of section 5001 of this title;

17 (2) advise the Executive Director to ensure ongoing compliance with the
18 purpose of this chapter;

19 (3) evaluate the data and analyses received from the Bureau pursuant to
20 subdivision 5001(f)(1) of this title and make recommendations to the Bureau as
21 a result of the evaluations; and

1 (4) on or before January 15, 2022 and annually thereafter, report to the
2 House and Senate Committees on Judiciary and on Government Operations on:

3 (A) its findings regarding systemic racial bias and disparities within
4 the criminal and juvenile justice systems based upon the data and analyses the
5 Panel receives from the Bureau pursuant to subdivision 5001(f)(1) of this title;
6 and

7 (B) a status report on progress made and recommendations for further
8 action, including legislative proposals, to address systemic racial bias and
9 disparities within the criminal and juvenile justice systems.

10 (d) Each member of the Panel shall be entitled to per diem compensation
11 and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

12 Sec. 2. BUREAU OF RACIAL JUSTICE STATISTICS; POSITIONS

13 The following new permanent positions are created in the Bureau of Racial
14 Justice Statistics:

15 (1) one full-time, exempt Executive Director of the Bureau, who shall be
16 an Information Technology Data Analyst;

17 (2) two full-time, exempt Information Technology Data Analysts; and

18 (3) one full-time, classified Administrative Assistant.

19 Sec. 3. APPROPRIATION

20 In fiscal year 2022, \$539,960.00 is appropriated from the General Fund to
21 the Bureau of Racial Justice Statistics in the Agency of Administration.

1 Sec. 4. EFFECTIVE DATE

2 This act shall take effect on July 1, 2022.