February 7, 2024

10:00 AM

Zoom Meeting

**Members in Attendance Public Session:**

William Sorrell, Chair – Governor Appointed

Brian Searles – Governor Appointed

Karim Chapman (Life Intervention) – Governor Appointed

Scott LaValley - Governor Appointed

Shawn Pratt (Bennington Martens) - Governor Appointed

Daniel Guerra - Governor Appointed

Christopher Louras – Governor Appointed

James Whitcomb –Proxy for Commissioner Jennifer Morrison, Dept. of Public Safety

Glenn Boyde – Proxy for Commissioner Nick Deml, Dept. of Corrections

Christopher Herrick – Commissioner, VT Fish & Wildlife

Scott Davidson – Proxy for Commissioner Wanda Minoli, DMV

Erin Jacobsen – Proxy for Attorney General Charity Clark

Lori Vadakin – Proxy for Commissioner Emily Hawes, Department of Mental Health

John Campbell – Executive Director, States Attorney & Sheriff’s

Timothy Lueders- Dumont – Proxy for Executive Director John Campbell, SAS

Xusana Davis –Executive Director, Office of Racial Equity

Kelly Price (982 iPhone 12)– Vermont State Employees Association

Mike O’Neil – VT Troopers Association

Mike Major (iPhone) – Vermont Police Association

Trevor Whipple – VT League of Cities and Towns

Karen Tronsgard Scott – Executive Director, VT Network DOMV/Sexual Violence

Sadie Donovan – Proxy for Jennifer Poehlmann, Center for Crime Victim Services

Cassandra Burdyshaw – VT Human Rights Commission

Amanda Garces – Proxy for Cassandra Burdyshaw, Human Rights Commission

**Other Attendees:**

Heather Simons – Vermont Criminal Justice Council

Christopher Brickell – Vermont Criminal Justice Council

Kim McManus – Vermont Criminal Justice Council

Lindsay Thivierge – Vermont Criminal Justice Council

Jamielee Bedard – Vermont Criminal Justice Council

Jennifer Firpo – Vermont Criminal Justice Council

Kenneth Hawkins – Vermont Criminal Justice Council

Jennifer Hier – Vermont Criminal Justice Council

Austin Bach – Vermont Criminal Justice Council

Will Lambek – Migrant Justice

Matthew Birmingham – Colonel, Vermont State Police

Jason Covey – Chief of Police, Middlebury Police Department

Loretta Stalnaker – Chief of Police Royalton Police Department

Enrique Balcazar – Migrant Justice

Abel Luna – Migrant Justice

Rachel – Migrant Justice

Maya Tsukazaki – CJR Clinic at VLGS

Mike Donoghue – VT Daily Chronicle

Nacho Justicia Migrante

Center for Justice Reform

Audi – VT Digger

Ann Schroeder

Elizabeth Ramirez

Rozlyn Calderon

Bob Cloud

Lili Platt

Zach Pyle

Jose Diaz

Roz

Kike

Cristian

Rachel

Sherry

EG

**Call to Order:**  VCJC Chair Bill Sorrell 10:00

**Additions or Deletions to the Agenda:** Proposed deletion (with apologies) of Fair and Impartial Policing Policy Review. The Chiefs had filed a two-page document with the Council during the January 16th meeting regarding concerns with the FIP policy. After review of the Chiefs document, it was noticed that there were significant issues that would not be optimum or efficient to take up before the full Council before the FIP committee had reviewed the Chiefs concerns. If the Policy is unable to be taken up at the next Council meeting, we will propose a new time frame at that time.

*Bill Sorrell moved to delete Fair and Impartial Policing Policy Review from the agenda, second for debate from Chris Louras, discussion ensued.*

*Chris Louras –* Is it possible that issues today could be raised for those prepared to speak about the policy? It would be grossly inefficient to send the Chiefs concerns to the Fair and Impartial Policing Subcommittee for review only to have more concerns arise that have to go back before the subcommittee before coming to the full council. Maybe there are more concerns that could be taken up at a later time.

*Public comment will be available during general discussion.*

***Vote:*** *Brian Searles – Yes, Karim Chapman – abstain (lack of clarification on how it supports immigrants)[verbally voted yes then changed vote to abstain in the chat], Scott LaValley – yes, Daneil Guerra – yes, Chris Louras – yes, Shawn Pratt – yes, James Whitcomb – yes, Glenn Boyde – yes, Chris Herrick – yes, Lori Vadakin – yes, Erin Jacobsen – yes, Timothy Lueders-Dumont – yes, Xusana Davis – abstain (This is what we talked about not doing last month), Mike O’Neil – yes, Michale Major – yes, Lorretta Stalnaker – yes, Kelly Price – yes, Trevor Whipple – yes, Sadie Donovan – yes, Cassandra Burdyshaw – no.*

***Total Vote: 17 yes, 2 abstain, 1 no***

*An additional request was made by Executive Director Simons to move General Discussion up on the agenda. Moved by Bill Sorrell, seconded by Cassandra Burdyshaw. Discussion on the motion: language interpretation was reviewed by Will Lambek. All in favor, motion passed.*

**General Discussion:**

*Amanda Lucia Garces* – Understands concerns and the wish to bring this policy back to the FIP subcommittee but also expressed reluctance in receiving this news. In reviewing the document from the Chiefs, it was respectfully noted that immigration seems to be viewed by many as peripheral to the concept of fair and impartial policing. However, the FIP committee and its predecessors firmly believe in the importance of building trust with all communities, including those marginalized individuals who are integral parts of the workforce and communities we serve in Vermont. Regardless of the documentation these folks, often of diverse backgrounds, deserve our attention and support and they have waited a long time for this policy. All comments of this sort should go to the FIP subcommittee so this work can move along quickly.

*Will Lambek –* This is a very disappointing development in a long and frustrating saga to engage with the Council members and committees to improve this essential policy. You have the report from the FIP committee that gives an overview of the history and debate around this policy. The ad hoc committee put amendments to the policy forward to the council in December of 2021 and received a similar response. It has taken this long to come before the Council again I hope the same thing doesn’t happen. Although we haven’t received the Chiefs concerns, we did reach out to Chief Frank no fewer than three times after the January meeting to discuss the concerns, but we did not hear back.

*Enrique Balcazar –* Like my colleagues I am expressing sadness because we are unable to continue to move forward with this. While we wait, our families continue to be at risk of being separated, we are a community in Vermont that is doing some of the hardest jobs and it is inhumane to live with fear day to day. I hope that we can move forward fast and soon.

*José Ignacio* – I have been in Vermont for 8 years; I worked on a farm for 5 years and never left that farm. *Translator lost connection – Amanda Garces continued translation.* Every time I drive, I am scared that police are there. Our community works hard. Here is the construction I have been doing the past three years and the solar panels I am building right now. I am hopeful you will pass the policy that will support me and my friends.

*Eduardo –* We are waiting to make sure this happens; we cannot continue to wait. To many, waiting a long time may feel normal but for us it feels very different. In our everyday life the reality of dealing with the police is different. We don’t want to be afraid of being sick because sometimes we aren’t even afraid of going to the Doctor or dying, we are afraid of going to the Doctor and people calling immigration on us. So, we want to make sure our communities feel safe.

*Michael Major –* You are fucking here illegally, and you are worried about being safe, oh yea, unreal.

*Bill Sorrell* – Whoever is stating that opinion it is not welcome and wait your turn and don’t interrupt please. The gentleman who was speaking, the floor is yours, sir.

*Eduardo –* I want to make sure everyone supports this, while we wait a lot of things can happen. Immigration can be called on us, our families can be separated, and that is not just and that is not humane, and we don’t want to be put in the situation where law enforcement may call immigration. We work hard jobs, different jobs, at all different hours and we work hard to make sure that we have food on our family’s table and are able to take care of our families.

*José Diaz –* I am currently living in Vermont working in the Newport area on a dairy farm. I am on my work hour taking time to be on this meeting. I see this the same as my colleagues, zero collaboration, we are afraid of going to some of the stores to buy our food. Sometimes we have to buy food enough for two weeks, we don’t want to be looking over our shoulder or being afraid someone is going to call immigration on us. We want to leave our homes safe and come back to our homes safe. We cannot visit relatives that are only a half hour away because we are afraid of leaving our house or the farm so in this way there is also family separation.

*Bill Sorrell –* Any other comments from the general public before moving on to council members? I saw a request that if we have the ability to identify who interrupted with earlier remarks that it be reflected in the minutes.

*Mike Major* – The remarks were from me; they were not directed toward the discussion I was having a discussion with my daughter. I apologize for it, extremely, and it should not be reflected on the person that was talking at the time.

*Bill Sorrell* – For the sake of the general public, Mike Major is a member of the Council representing the Vermont Police Association. What he has explained is that those remarks were not intended to be a part of general discussion but that there was a mistake on his part, and he was talking to a family member.

*Ann Schroeder –* I am on the Windham No Mas Polimigra group I am also chair of the Windham NAACP Criminal Justice Committee. This delay seems to me like it is a bias in favor of law enforcement. They had their chance in the FIP subcommittee, would we have delayed this vote if Migrant Justice or another organization on the other side of the issue decided to add additional information? I have been working on this issue since 2017, I was there in Pittsford when they changed the policy because of Trump. I am extremely frustrated, and my heart just breaks every day for what these undocumented people are going through. Thank you.

*Erin Jacobsen –* I feel really discouraged, disturbed, and saddened by that comment, Mike Major. Is Mike Major a member of this Council? *Bill Sorrell – yes* Even more disturbing. Those kinds of comments have no place in this kind of forum. It’s especially damaging when we are here discussing a fair and impartial policing policy and the point of view that you just raised calls into question community trust of law enforcement. I am outraged by your comments. I don’t find it credible that you said you were talking to your daughter. Your comment, if you were talking to your daughter, is quite a coincidence that it seemed in direct response to one of our community members expressing the fear they feel every day and exhibiting courage to come here and express that. And then to have to hear that kind of comment is offensive to everybody out there who is trying to live freely in our communities and to police fairly and impartially. I don’t understand how your comments like that help the credibility of this body or the credibility of the work and I question your membership on the council at this point.

*Karim Chapman –* Thank you for that Erin, I just want to say on behalf of the Council, I want to apologize to Jose, EG, and Nacho for that comment. It was hurtful and even more hurtful that you’re talking to your daughter about this in this way. Which is why we are here, right? I want to also say this feels like racial profiling. As a black man in America, feeling the fear of being pulled over and being treated in that way. So, this really hits home for me and really close to my heart that people who try to come to America to have a better life, to do the right thing, we can’t even consider with dignity and respect, if they’re at least trying? I know that the issue with folks coming in not the right way, but we should give them a chance. And I don’t see any clarity around the document that reflects what the Chiefs believe, even today even if we were to vote I really had a lot of questions around what that really looks like. Because it appears that it is in favor of law enforcement and not for the people who are trying to do the right thing on our soil. And that comment by Mike Major, a council member, is the reason we’re here, it’s the reason why there is a conflict between law enforcement and advocates and people on the ground that see working families every day working and doing the right thing and they get a blanket stigma that everyone is illegal, and everyone shouldn’t be on our soil. Again, I feel so embarrassed as a member to have another council member say that and I just want to apologize for that.

*Wilda White –* I am speaking as a member of the public and I feel compelled to speak because that comment by Mike Major made me feel unsafe here and I can’t even sit still. I’m so upset by it, so any apology needs to be extended to everybody who was present. It was hostile, it was offensive, it was strange [your explanation] and I’m just heartbroken and can’t be silent about it and there needs to be further action because this is not a safe place when somebody on this council makes a comment like that and expects us to believe he was talking to his daughter. Give us the respect of at least owning what you said and apologizing to every member present. I just couldn’t be silent, thank you.

*Bill Sorrell –* In the midst of this meeting, I don’t want to say that this comment, that this matter is necessarily over but I need to think more as to an appropriate council response to what has happened relating to that comment this morning. Obviously, it’s nothing to be condoned and I’m just going to leave it there. But I want to make clear that this is not the end of that matter.

*Tim Lueders-Dumont –* I appreciate that we are trying to move on to the next thing, but I did want to say on behalf of the department, we think that Mike Major should consider resigning from the Council and that comment and explanation is not plausible as to the justification why. If an officer had said that to me as a deputy state’s attorney, I would immediately consider a Brady Giglio letter given the context of the individual speaking. My heart is racing right now because I was so shocked by the comment and as someone that has spent hours of my life on the fair and impartial policing subcommittee, led by Amanda and the others on this group, I want everyone that has thoughts on this to show up and be a part of that process that we have gone through for many hours. To be clear individuals in Vermont should be able to call the police without fear, on the other hand police officers need to be able to understand the policy as well, its that balance. At the start of this conversation, it was about the merits of creating clarity, etc. Amanda, your comments were appreciated, I appreciated you leading us through lots of hours of discussion which in my opinion was not one side or the other. There was nuance to our conversations at the subcommittee level and lots of excellent work. I just want to reiterate from the Department of States Attorney and Sheriff’s I hope that Mike Major considers resigning on this own accord, and I appreciate the response that Council members have had in responding to that comment.

*Shawn Pratt* - I just wanted to say that I’m really not surprised but it was very disrespectful for Mike Major to come out that way. We are on here trying to make all of this better, trying to do better and then you have someone on here that makes a comment like that, it’s just disrespectful. It makes law enforcement look bad; it makes all of us look bad. Why are we here? You have someone on the Council that’s doing something like that. I’m in agreement with everyone else that it’s just not good.

*Chris Louras –* I am pretty disgusted, and I am just trying to gather my thoughts. I am going to present my questions not for answers today. FIP committee only take them up if you find them of value. Why are there no references to 1373 and 1644 within the proposed policy? VT statute 2366(2)(F) which is the statute that guides the updates for the Fair and Impartial statewide policy, does the policy comport with its guiding statute?

*Bill Sorrell –* When I read the Chiefs comments and was unpleasantly surprised by the fact that we were scheduled to take action at today’s meeting, but I decided to delay the vote and saw the appropriateness of seeking advice from legal counsel. I was in touch with Erin Jacobsen and mindful of the fact that this would give our own counsel time to take a deeper dive and to advise the fair and impartial policing subcommittee but then the full council when we are back at this as an action item. Going back to earlier comments by Will Lambek, he said he was disappointed. I want to make clear my own disappointment in this delay. I didn’t see it coming, I didn’t realize the Chief’s comments existed, but I want to put the Council’s time to most effective and efficient use. And so, if there is anything that this meeting today, and some of its unfortunate aspects, underscored the importance of our expeditiously addressing this policy and getting it back for the full council for action and any undue delays will be unacceptable and I wish to make my personal commitment as the chair to get this addressed as expeditiously as reasonably possible.

*A request was made for a verbal summary of the Chiefs comments, Kim McManus provided a summary.*

*Discussion ensued with comments from Erin Jacobsen and Brian Searles about the delay provides more time for the Council to review the complexity of the issues and underscored the importance of getting the policy right for community members.*

*Kelly Price –* I was contacted by the President of the Vermont Police Association, I am one of the Vice Presidents and we want to address everyone and express our extreme disapproval of the statement that was made earlier, we do not condone this nor should it represent the VPA and from our standpoint, it will be handled on our end. I want to be clear with all the members how we feel about this and wanted to voice that.

*Mike Major –* I just wanted to apologize again to the Council, I have heard everything the Council has said, and I will be resigning my position with the Council effective immediately. I cannot apologize enough for that. It was not directed at the speaker or any member of the Council. I just want to apologize again, I’m sorry.

*Bill Sorrell –* Perhaps this has all been a teaching moment for any number of council members and others. Sometimes teaching moments though painful and unfortunate are important to have. We’re redoubled to attending to this policy issue forthwith.

**Executive Director Updates**: *Vermont Criminal Justice Council Executive Director Heather Simons*

***Legislative Updates*** *from Chris Brickell and Kim McManus*

* *Chris Brickell –* S184 is a Senate Transportation Bill relative to the enforcement of traffic safety within work zones and potentially other places using ATLE and ALPR system (license plate readers and cameras with radar devices). Certification to use the devices may be required but likely by a third-party vendor.
* House Government Operations has not commented on the work of the Act 56 work group yet.
* S285 which is a juvenile interrogation bill. Senator Sears was very succinct in a couple of areas of the bill that he wanted to rediscuss.
	+ Thank you to Tucker Jones from DPS who prefaced his comments by noting for the committee that this was a lot of work and the VCJC had been given a position in prior testimony for a policy director.
* *Kim McManus* –S285 areas of discussion include the age of the juvenile and what is the definition of targeted deception.
* Proposition 1- constitutional amendment to add qualifications to county officials, it was voted out of Senate Government Operations approximately January 26th. It did not go to the floor for a vote, it went to the Senate Judiciary, I believe they are taking testimony on Friday.

*Bill Sorrell –* Chair Sorrell expressed disappointment that the Council did not take a stance on the Proposition 1 Constitutional amendment on the January 16th council meeting. A vote for or against with the option to abstain should have occurred. Chair Sorrell hopes to have a motion to reconsider the issues of the proposed constitutional amendment at a future meeting that is properly warned.

*Heather Simons – Comments regarding Mike Major -* As the Executive Director I do have something to say about what Mike did, how I feel about it and what I intend to do but I want to acknowledge that there is always an opportunity to repair harm, but also nobody is in the mood for you to do that today.

The damage you have caused today, I am certain that you don’t understand, for people who are trying to move in the direction of progress and kindness.

You are not welcome at the Academy. If you need training, I will direct you to the people that you need to see. Just saying I’m sorry doesn’t fix anything. The Council, the VPA, and all of your colleagues in law enforcement are going to participate in repairing the harm that you caused. Repairing that harm takes a long time and it’s not a guarantee.

The fact that Karim apologized to folks attending from the community and how many times they have had to come and wait to see if their agenda item is getting addressed only to hear that comment. This is a tragic day for process and for showcasing the progress we are making. This is the time for leaders to step up and for us to hold each other accountable and to be careful when we say law enforcement. We are all working with officers and leaders in law enforcement that I am sure do not even know what to say at this point. You end up having to defend yourself due to someone else’s poor actions. At the academy we are trying to train, mentor and inspire. No matter what happens we have to find a way to take the example of the painful thing that just happened and figure out how to deliver that message in a way that we don’t do this again to each other or to anybody else.

* Moving forward we are moving my report out to the front of the agenda.
* Concern in the last ten days to two weeks while we were getting ready for day 1. We are seeing different participant abilities physically.
* Consulted with a company regarding safety, liability, and physical safety during the academy. They focus on evaluating culture, nutrition, sleep, stress, trauma, multigenerational recruit success, and physical wellness programs (including physical training and therapy). We have had them on site with fitness assessments.
* A chance to look at how entrance testing should be from a fitness perspective.

*James Whitcomb* – Thanked the Academy for including VSP OPD in the process and appreciates working together to have the best physically and mentally prepared officers.

*Chris Louras* – Expressed concerns about the level of liability and legal exposure due to injury. Also expressed concern with some issues being brought up quickly (certification waivers, MMPI), hoping there are no systemic issues in keeping up with requirements on the back end as was articulated through the audit.

*Scott LaValley* – What is the specific type of candidate you mentioned?

Heather Simons – Three different levels of physical fitness and we cannot build three different programs. There are not enough people to monitor at every level, staff do a lot of tutoring, remedial training, and extra hours of practice. We need a much more accurate and wholesome look at their physical life coming in because we won’t be able to bring them along for their whole career.

*Bill Sorrell moves to adjourn, seconded by Shawn Pratt, no discussion, all in favor.*

Meeting adjourned: 12:15