February 13, 2024

12:00 PM

Zoom Meeting

**Members in Attendance:**

Amanda Garces – Chair – Human Rights Commission

Gregg Jager – South Burlington Police Department

Glenn Boyde – Department of Corrections

Justin Stedman – Department of Fish and Wildlife

*Proxy – Jason Gravelle – Department of Fish and Wildlife*

Karen Tronsgard Scott – Vermont Network for DOMV/Sexual Violence

Xusana Davis – Office of Racial Equity

Lance Burnham – Vermont State Police

Dan Bennett – Vermont State Police

Tim Lueders Dumont – Vermont State’s Attorney and Sheriff’s

Other Attendees:

Will Lambek – Migrant Justice

Chris Brickell – Vermont Criminal Justice Council

Lindsay Thivierge – Vermont Criminal Justice Council

Kim McManus – Vermont Criminal Justice Council

Addie Lentzer – Student Advocate

Jennifer Frank – Association of Chief’s of Police

Ann Schroeder – Member of the Public

**Call to Order:**  Fair and Impartial Policing Chair, Amanda Garces 12:00 PM

**Additions or Deletions to the Agenda:** Xusana made a motion to add public comment to the agenda, second by Karen Tronsgard Scott, all in favor.

**Public Comment:** Members of the public were given the opportunity to speak.

*Addie Lentzner* – student advocate – vocalized support for the FIP policy and the importance of moving forward.

*Ann Schroeder* – vocalized concerns of the delay resulting from the chief’s concerns and encouraged the subcommittee to pass the policy with the migrant justice recommendations.

*Chief Frank* gave a timeline review of when Chiefs were first given a copy of the FIP policy to review. Given the time limitations the Chiefs tried to gather all input and provide it for consideration. The intent was never to delay.

**Chiefs Comments Review:** *Amanda Garces* –Proposal on how to move forward – small group of stakeholders and legal entities review feedback for things that have not been resolved such as Tim’s comments. This would then go back to the Council after a resolution.

*Kim McManus* – When the FIP subcommittee finished the FIP report it was sent to the Council with the understanding that legal would need to review the policy first before voting. (Council timeline review) - The first council meeting Amanda gave an overview to the Council of what was in the report and the final policy. The second meeting we had the opportunity for Will Lambeck of Migrant Justice and Erin Jacobsen from the Attorney General’s Office to give a presentation because two of the five points had not reached a majority vote. The council had not had a full discussion yet. Now that we have the opportunity to have this come back to the subcommittee, I want you all to hear what I will be saying to the Council.

The statewide model policy is going to be the baseline of what will be accepted and expected of law enforcement within the state. Our governing statute for the FIP policy Title 20 section 2366 allows local agencies to go above and beyond to add and restrict communication between local agencies and federal officers. As a state agency the Council can not mandate to local agencies to potentially violate federal law. The subcommittee highlighted the five proposals and there were other changes in the policy. Since the Council as a whole has not reviewed this policy from front to back there are other comments within my analysis that there may be word choices, additions or footnotes that may address some of the Chiefs concerns.

*Justin Stedman* – Are you saying your recommendation will be to put forward the model policy that the Attorney General put forward?

*Kim McManus –* My recommendation will be to adopt some of the Attorney Generals suggestions, and I will be explaining that.

*Karen Tronsgard Scott –* I recommend that we include Xusana Davis in the group to be involved in the stakeholder group that reviews the Chiefs and Tim’s comments [that was proposed by Amanda]. Xusana Davis would welcome that opportunity.

*Chief Jennifer Frank* –Comments, questions, concerns from law enforcement were compiled and sent to the Council after their review of the policy. Some officers feel it’s a no-win situation. If they go by the policy, it’s a violation of federal law if they don’t go by the policy, it’s an act 56 violation. It’s not that officers don’t want to work to come up with a solution, they just aren’t sure. The second document that was sent was speaking some of those concerns in the federal statute. Some was built around a conversation with the Attorney Generals office and the insurance company to see what protections there are. The other concerns were around actionable concerns that are law enforcement on border towns where there closest backup may be a federal border patrol agent.

*Erin Jacobsen –* I don’t think the subcommittee should have to vote again. Much of this involves legal wordsmithing and making sure we have an understanding of the legal aspects that play in any given proposal. Some things we may not have to consider at this point. I am ready, willing, and able to help with coming back to the council and to work together with all of the folks listed to craft collectively. In many regards we are all on the same page, let’s get a clear presentation together for the council so they can vote.

*Will Lambek –* Certainly willing to have those conversations. I would hope that we will be able to schedule meetings expeditiously to make sure we have enough time to have meaningful discussions before it goes to the full council.

*Falko Schilling –* ACLU – Happy to be a part of the conversations.

*Will Lambek –* Would like to open up the opportunity to Vermont Law and Graduate Schools Center for Justice Reform attorneys there have taken an interest in this matter. They will be submitting something to the council in writing, but I think it would be useful to have their perspective in the stakeholder meeting as well.

*Tim Lueders Dumont –* I want to applaud everyone for the work being done and the engagement that is happening. I don’t believe this is a two-sided issue, there is nuance and interesting factual scenarios that go into this and in my capacity when I get called by an officer or constituent about this; being able to explain it to a person that has never engaged with this topic is really important factor. The overriding principle is that this needs to make sense to someone who is just out of the academy who is up at the border, and it needs to make sense to someone at the border in Vermont as well.

*Karen Tronsgard Scott* – I am very appreciative of the attorney’s willingness to come together. As a non-attorney some of the conversations were completely confounding with no frame of reference. I am also cognizant that for the past two years everyone has come together to dig through and create this policy. I would like the ad-hoc subcommittee to please bring your recommendations back here before going to the Council just so we can have an idea going into the meeting what is being recommended. I would also suggest we create a timeline so that we are working transparently. I understand the frustration with how long this has taken but I think it’s important to have a timeline we can stick to that gives us space and time to get it right. Meaning we make it possible and understandable. I appreciate Chief Franks comments that we are all working together.

*Discussion Ensued:*

It was discussed that we make this ad-hoc a public meeting at the suggestion of Wilda White. This group will not be looking at the five points that the subcommittee already voted on. This smaller group would be looking at the comments on the overall policy. Deadline to bring the final recommendations to the full council during the April meeting.

*Motion made by Karen Tronsgard Scott* to create a small stakeholder group charged with going through the final proposed FIP policy and to create some recommendations based on the input from interest groups and impacted people. That group is comprised of Chief Frank, Will Lambek, Erin Jacobsen, Falko Schilling, Xusana Davis, and Amanda Garces. The meetings of the small group are public, and that group bring the recommendations to the March Fair and Impartial policing subcommittee meeting, and they are prepared to bring those recommendations to the full council for its April meeting. Second by Justin Stedman, all in favor.

*Karen Tronsgard Scott make a motion to adjourn*, second by Justin Stedman, all in favor, meeting adjourned 1:02 PM