



Vermont Criminal Justice Council

Fair and Impartial Policing Sub-Committee Meeting Minutes

October 10, 2021
9:00 AM
Zoom Meeting

Members in Attendance:

Major Justin Stedman, Chair – Vermont Fish & Wildlife
Xusana Davis, Vice-Chair – Executive Director, Racial Equity
Christopher Louras – Governor Appointed VCJC Member
Karen Tronsgard-Scott – Executive Director, Vermont Network Against Domestic and Sexual Violence
Amanda Garces – Director of Policy, Human Rights Commission
Lt. Gregg Jager – South Burlington Police
Captain Barbara Kessler – Vermont State Police

Other Attendees:

Heather Simons – Executive Director, Vermont Police Academy
AAG Jacob Humbert – Vermont Attorney General's Office
Jennifer Firpo – Vermont Police Academy
Julio Thompson – Director of Civil Rights Unit, Vermont Attorney General's Office
Lia Ernst – Legal Director, ACLU-VT
Will Lambek – Migrant Justice
Madeline Sharrow – Migrant Justice
Enrique - Migrant Justice
Rossy – Migrant Justice
Olga Cruz – Migrant Justice
Ann Schroeder – Guest

Call to Order: Sub-Committee Chair Justin Stedman 9:22

Approval of prior minutes: None. Minutes from last meeting not sent to committee prior to this meeting

New Business: None

Discussion of proposed update to the Statewide Fair and Impartial Policing Model Policy:

Chair Stedman: Provided a description of the history of the responsibilities of the FIP Subcommittee. Provided an overview of the development of the Vermont Statewide FIP Model



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Policy, as well as a brief description of recent subcommittee discussions on the proposed updates to the FIP Model Policy. Chair Stedman also shared the input of Vice Chair Nasreddin-Longo who was unable to attend. His suggestion was that the subcommittee pass the model policy, any concerns of the subcommittee and the suggested changes from Migrant Justice to the larger VCJC to allow for input from a body with the largest number of stakeholder participants.

The subcommittee elected to continue their discussion of the proposed updates to the model policy and the suggested changes from Migrant Justice.

Input was provided by Julio Thompson from the Attorney General's Office regarding any potential legal or federal conflicts with the suggestions from Migrant Justice.

Members of Migrant Justice provided testimony in support of their suggested changes.

After discussion the subcommittee supports the updated model policy to move to the larger VCJC. Additionally, they voted as follows on Migrant Justice's suggested changes (Migrant Justice suggested language below):

Suggestion 1: Unanimously supported this moving the suggestion to the council for further clarification/clarification there.

Suggestion 2: Amanda Garces, Karen Tronsgard-Scott and Chris Louras accept this language and move it forward to the larger Council. Justin Stedman, Barb Kessler, and Gregg Jager do not support this language. Note: Those opposed feel that there is need for greater clarification in the language before they could support it.

Suggestion 3: Barb Kessler abstained; the rest of the committee votes to move this language to the larger Council for clarification/consideration.

Suggestion 4: Did not discuss/vote on this suggestion, no longer had a quorum

Suggestion 5: Did not discuss/vote on this suggestion, no longer had a quorum

No further questions, comments, or suggestions.

Motion to adjourn: None, no longer had a quorum, unable to vote.

Meeting ended: 1:00



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Migrant Justice FIP Model Policy Language Suggestions:

- 1) [Agency members] shall not **grant**

ICE or CBP agents access to individuals in [Agency's] custody, unless agents have a judicially-issued criminal warrant or [Agency members] have a legitimate law enforcement purpose exclusive of the enforcement of civil immigration laws. [emphasis added]

- 2) Federal criminal immigration law is not an enforcement priority for [Agency.] Accordingly, [Agency members] shall not expend agency resources on the investigation of "unlawful entry" or "unlawful reentry" offenses unless [Agency member] directly witnesses the commission of the crime. [Agency members] shall not make warrantless arrests, detain individuals, or facilitate the detention of individuals on suspicion of such offenses unless the suspect is apprehended in the process of entering the United States without inspection.

- 3) Personal characteristics and/or immigration status shall not be used as a reason to arrest someone instead of citing them, and personal characteristics and/or immigration status shall not impact the decision on whether to seek continued custody pursuant to Vermont Rule of Criminal Procedure 3.



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4) No information about an individual shall be shared with federal immigration authorities unless necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law.

5) Nothing in this policy is intended to violate federal law.

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