



VCJC Fair and Impartial Policing Subcommittee Minutes April 14, 2023, 10:00-Noon

Meeting Date: 14-Apr-23 10:00

Location: Microsoft Teams Meeting

Participants

-  [Firpo, Jennifer](#)
-  [Davis, Xusana](#)
-  [Garces, Amanda](#)
-  [Tabitha Pohl-Moore](#)
-  [Gregg Jager](#)
-  [Karen Tronsgard-Scott](#)
-  [Park, James](#)
-  [Boyde, Glenn](#)
-  [Kessler, Barbara](#)
-  [Rachel Lawler](#)
-  [Simons, Heather](#)
-  [Thompson, Julio](#)
-  [Jacobsen, Erin](#)
-  [Lueders-Dumont, Timothy](#)
-  [Madeleine Sharrow](#)
-  [Will Lambek](#)
-  [Ann Schroeder](#)
-  [Justin Stedman](#)
-  [Jose Ignacio](#)
-  [Rosy Alfaro](#)
-  [Kim Mcmanus](#)

Meeting notes recorded by Xusana Davis.

Meeting called to order at 10:06 a.m.

Acronyms used: ACLU - American Civil Liberties Union-VT. AGO/AG - Attorney General's Office/Attorney General. FIP - Fair and Impartial Policing. LEA - Law enforcement agency. LEO - Law enforcement officer. MJ - Migrant Justice. VCJC - VT Criminal Justice Council.

Agenda

1. Call to Order: Chair Garces
2. Introductions
3. Approval of Meeting Minutes of March 10, 2023
4. Public Comment
5. FIP Policy AG's office, ACLU, and Migrant Justice Recommendations
6. FIP Policy – Next Steps
7. Motion to adjourn

Approval of March 10, 2023 Minutes

- Motion to approve: Barb KESSLER
- Second: Gregg JAGER
- Vote Outcomes: All vote aye. Result: Minutes approved.

Public Comment

- Rossy ALFARO: We view this update as progress, but we also acknowledge this is not the full scope of the changes needed. It's important to hold LEOs accountable for adhering to this policy; if I have a rule I must follow at my job, I'll follow it. If I don't, it's because I don't want to and I have made a choice to violate it. The same level of accountability should exist for enforcement of this policy too.

FIP Policy Feedback and Recommendations

Continued review of proposed policy changes:

- **Section VI.f.**
 - MJ/ACLU and AGO agree to new language that states that when someone is held in a secure facility at a police station, the local LEA can firmly deny access to federal agents seeking access to the person being held. This comports with law in other states like California and New York. Unless carveouts are satisfied (judicial warrant, offenses unrelated to immigration law, etc), access is denied. For roadside scenarios, they agreed to add "or otherwise facilitate" to current language and also clarified that this section should not be construed to mean the LEO must physically block the federal agent to prevent access, and the LEO is permitted to request the federal agent permit the officer to complete the traffic stop first unless doing so would be unlawful.
 - JAGER: Where did the "unless it would be lawful" language come from?
 - Will LAMBEK: That was inserted by the AGO so it would be better for them to explain their reasoning. We assume it is a protective clause in case federal law changes and puts LEOs at risk of liability for denying immediate access to federal agents.
 - Rachel LAWLER: Formatting appears off in this document. Will that be corrected?
 - LAMBEK: Yes, that is being corrected.
 - LAMBEK: Can we change the language of the LEO requesting to complete the traffic stop to read something akin to the LEO stating an intent to complete the stop?
 - Erin JACOBSEN: Yes.
- **Section II.c - Rule 3 determinations**
 - MJ/ACLU and AGO agree to new language that addresses the following: Personal characteristics cannot be taken into account and used as reasons to arrest someone versus citing the person. In the past, immigration status was removed from the list of personal characteristics. The newly agreed upon language re-inserts it into the list, but adds a provision allowing for it to be taken into consideration when a person's criminal liability for offenses where the person's immigration status is an essential element.

Update on Appropriations

- Heather SIMONS: The VCJC has been given an appropriations for two FIP staff people. The structure of the roles and selection process should be community-driven. We are also doing a 3-year project to review training and examine a competency-based model. This project will be related to the job specifications for the FIP staff.

Next Steps

- A draft document outlining the subcommittee's recommendations and findings is being formed. GARCES will complete the draft and share with the group on May 5 for feedback and edits. This is one week before the next meeting on May 12.
- The group agrees to review the draft and to return comments to the Chair by the date of the May 12 meeting, and will vote on the proposed policy update at that meeting.

Adjourn

- Motion to adjourn: DAVIS
- Second: Glenn BOYD
- Vote Outcomes: All vote aye. Meeting adjourned at 11:33 a.m.
- Next Meeting Date: May 12, 2023 (10:00-12:00)

Materials Shared/Presented

- AGO/MJ collaborative revisions to FIP policy

- Text of Rule 3: [Rule 3](#)

DRAFT