

**VCJC Fair and Impartial Policing Subcommittee**

**Minutes January 13, 2022 10:00-Noon**

**Meeting Date:** 13-Jan-23 10:00 a.m.-12:00 p.m.

**Participants**

In Attendance Firpo, Jennifer

In Attendance Lindsay Thivierge

In Attendance Stedman, Justin

In Attendance Garces, Amanda

In Attendance Davis, Xusana

In Attendance Tabitha Pohl-Moore

In Attendance Gregg Jager

In Attendance Karen Tronsgard-Scott

In Attendance Park, James

In Attendance Boyde, Glenn

In Attendance Kessler, Barbara

In Attendance Rachel Lawler

In Attendance Simons, Heather

In Attendance Thompson, Julio

In Attendance Jacobsen, Erin

In Attendance Rachel Lawler

In Attendance Shawn Burke

In Attendance Will Lambek, Migrant Justice

In Attendance Madeline Sharrow, Migrant Justice

In Attendance Rossy Alfaro, Migrant Justice

In Attendance Emilio Morales, Migrant Justice

Meeting begins at 10:04 a.m.

Meeting notes recorded by Xusana Davis

**Agenda**

1. Call to Order: Interim Chair Garces
2. Introductions
3. Approval of Prior Meeting Minutes
4. Public Comment
5. FIP Policy Discussion and invited guests
6. Biennial Training Update
7. Next Steps
8. Motion to adjourn

**Review & Approve Meeting Notes**

* Notes from the previous meeting are not available because the notes recorder is not present. The group will review them alongside the notes from this meeting at the next meeting.

**Selection of Permanent Chairperson**

* The group has operated with an interim Chairperson, Amanda GARCES, for several months. The group will now select a permanent Chairperson.
  + Motion: Karen TRONSGARD-SCOTT nominates GARCES to be Chair.

Second: Erin JACOBSEN

Vote Outcome: All vote aye.

Result: Motion passes and GARCES will continue as Chair.

* Selection of additional roles: To provide support to the Chair, the group agrees to distribute additional meeting tasks. JACOBSEN volunteers to be note-taker going forward.

**Public Comment**

* No members of the public were present to provide comment.

**FIP Policy Discussion**

* Members of Migrant Justice were invited to join the group to discuss their proposed updates to the Fair and Impartial Policing policy. Chiefs and Sheriffs who have implemented the updates were also invited to discuss their experiences.
* The group has had previous conversations about this proposal and has done a side-by-side review comparing the group's draft policy update from October 2021 and the Migrant Justice-proposed update. Overall, members are concerned about the extended timing of this work and are anxious to reach a final proposal that is prompt but thoughtfully-considered.
* The group agrees that the only remaining questions to resolve are those pertaining to immigration policy. There are no other legal questions remaining to consider as part of the policy update.
  + The Attorney General's Office will be discussing this policy in the coming weeks, and asks if Migrant Justice will be available for follow up questions and dialogue.
    - Will LAMBEK confirms that Migrant Justice will continue to be available for further exploration of the proposed modifications.
  + Additionally, Timothy Lueders-Dumont from the Office of the State's Attorneys and Sheriffs will be joining the group's next meeting to assist with reviewing the proposals.
* Based on this timeline, the group expects to have a completed recommendation ready for the broader Criminal Justice Council by March.
* Chief Shawn BURKE of the South Burlington Police Department joins the group to discuss South Burlington's experiences with implementation of the updated FIP policy reflecting Migrant Justice's proposed changes.
  + BURKE: "I'm very comfortable with where our policy landed." The Chief notes there are different needs in communities that are more rural or that are landlocked versus in those that are denser enclaves, and that a policy needs to adapt to meet those needs.
  + The Chief notes there are complications with the policy, namely that there are several competing "model policies" coming from the legislature, which makes it more challenging for local jurisdictions to adapt those model policies to fit their communities. When the call goes out for help in a border town, everyone shows up. Policies like this one make it challenging to regulate which entities are deployed.
  + TRONSGARD-SCOTT: Is there value in the concept of "strength in numbers," where if more departments implement this policy it will be more successful across the board? Also, please discuss the relationship between implementation of this policy and the "defunding" that is often discussed from entities who oppose it.
    - BURKE: Some of the money that had been threatened for removal was not money that we critically relied on, but in general, the federal government has not been sympathetic to departments who have this policy or a similar policy even if it is a statewide model policy. Simultaneously, our department was one of the ones selected for the State Auditor's audit of the VCJC, so we were made to explain why our policy did not match other policies word-for-word. There is a lot of scrutiny from all directions.
* Members of Migrant Justice provide additional information and personal accounts of the challenges experienced by undocumented Vermonters with respect to the current fair and impartial policing policy.
  + Rossy ALFARO: If I experience harm on a farm as a woman, I would usually just keep it to myself and not report it because I am too afraid to report it. We live with this fear all the time, and we spend every minute thinking and worrying about police. I and my children live with constant worry.
  + Emilio MORALES: If we are experiencing car trouble and are stuck on the road, we are too afraid to call the police because of the immigration implications.
  + Barb KESSLER: This is the trouble with the policy--our policy states we can't call immigration officials, but we can't punish someone for making a bad call or a mistake. The federal laws need to change, but we can't implement policy that directly contradicts federal law.
  + TRONSGARD-SCOTT: These accounts are important, because these are people who have come to Vermont and enrich our lives through their labor, and are essentially prisoners in their own home. The fear they experience affects their quality of life, and it also affects our ability to accurately report data because using Rossy's example of violence against women, this is a clear scenario in which these incidents would not be captured in our reported data and that, therefore, we don't know if happening.
  + LAMBEK: What we're highlighting here isn't just a question of some police officers violating the policy. This does sometimes happen, but we are really pointing to many incidents of police using loopholes in the currently policy's language to collaborate with ICE. Current policy enables that, so if we are serious about improving these outcomes, we need to close those loopholes.
  + JACOBSEN: The state legislature did pass a law last session that makes it illegal for ICE to arrest people using civil immigration warrants at courthouses in VT. The AGO was supportive of the policy and we are aware that we will have to defend the policy against challenges from the federal government. We do, however, want to ensure we're making policy that is constitutional and defensible.

**Training**

* The group is still considering how the fair and impartial policing policy should interact with officer training. GARCES will meet with the Executive Director of the Council to discuss further. The group acknowledges there was a lot of discussion and concern last year about how the curriculum had been determined and who were the contractors providing training, and that the Council needs clarity about what its process will be going forward.

**Professional Regulation**

* TRONSGARD-SCOTT makes a recommendation that this subcommittee request that the Professional Regulation subcommittee develop a methodology that complies with Act 56 but offers the public more information about investigations and outcomes.

**Adjourn**

Motion to adjourn: KESSLER

Second: GARCES

Vote Outcome: All vote aye.

Result: Meeting adjourns at 11:38 a.m.

*Next meeting: February 10, 2023*