



In 2012, Act 134 spread Bias-Free-Policing through Vermont!

It's 2014 and now we need to enforce the law because our communities cannot wait for equality!

Please amend Act 134 to define consequences for non-compliance with bias-free policing

Background

The 2012 Vermont legislature enacted ACT134, which was the product of years and years of Vermont communities working to make visible and deal with the reality of bias in policing. Amongst other actions, Act134 said:

"Sec. 2. 20 V.S.A. § 2366 is added to read:

(a) No later than January 1, 2013, every state, local, county, and municipal law enforcement agency that employs one or more certified law enforcement officers shall adopt a bias-free policing policy. The policy shall contain the essential elements of such a policy as determined by the Law Enforcement Advisory Board after its review of the current Vermont State Police Policy and the most current model policy issued by the office of the attorney general."

(The "essential elements" were later defined in the LEAB 2012 annual report on pages 40-41:
[http://dps.vermont.gov/sites/dps/files/2012 LEAB Annual Report Final.pdf](http://dps.vermont.gov/sites/dps/files/2012%20LEAB%20Annual%20Report%20Final.pdf)

So, it's 2014. Now what?

Act 134 was a good step forward to reduce biased policing in Vermont and yet there is much that ACT 134 did not define. Now, the legislature has an opportunity to continue on this road to equality and justice for all!

What did ACT 134 do? It required that all police:

- Collect race data
- Engage in bias-free police training
- And enact bias-free policing policies

What didn't ACT 134 do? It did not clearly define the mechanisms for oversight, monitoring and consequences for those departments that do not comply with the above state laws.

So, why do we need to define police accountability? What's happening on the ground?

The State Police, for example, had a strong and clear bias-free-policing policy before ACT 134 and has since also increased commitments to bias-free trainings and significant progress has been made on the ground affecting police culture. Now, many leaders from communities of color know that they have something to work with to hold the State Police accountable as well should a possible violation of the policy occur.

However, since there was no clear oversight to ensure that Bias-Free-Policing-Policies were being adopted Vermont really doesn't know where many police departments stand. Furthermore, a simple comparison of the 'essential elements' as defined by the LEAB with the actual bias-free policies of the State Police and Attorney General that they were tasked to review suggests that the "essential elements" themselves are not truly representative of many of the strongest points in the policies.

Regardless, even with the LEAB's "essential elements" that is much weaker than both the AG recommended policy and the State Police policy there are examples of clear violations of ACT134. For example, the Franklin County Sheriff has not updated their "Bias Policing Policy" since 2003 and that their current policy does

not meet these watered down 'essential elements' as defined by state law (available here: <http://goo.gl/cJIm5g>).

How do we know this?

Specifically, the two recent incidents have brought Migrant Justice here today which led us to the Franklin County Sheriff's outdated bias free policy:

- At about 8 p.m. on April 6, 2013 an employer from a Sheldon farm was driving a farmworker from the farm to his nearby house. The employer was pulled over by a Franklin County Sheriff's deputy for a broken taillight. Looking into the car, the officer saw the farmworker and asked him for ID. Upon discovering that the passenger was an undocumented worker, the deputy called Border Patrol. A number of Border Patrol vehicles came to the scene; the farmworker was handcuffed and detained one of the vehicles. Border Patrol then proceeded to the farmworker's address, where an agent knocked on the front door while a second agent went around the back of the house and entered without permission, finding two more undocumented workers. All three undocumented farmworkers were then taken away to the Richford BP station and are now in deportation proceedings.
- On July 1, 2013, at about 9 p.m., a Mexican national was driving on Center Road in Sheldon and was pulled over by a Franklin County Sheriff's deputy for a loud muffler. After asking for the driver's ID, the deputy looked at the other two passengers, both brown-skinned individuals, and asked for their ID. The driver asked why the deputy was asking for their ID and the deputy stated that he did that at every stop. One passenger produced a valid ID from Mexico. The other passenger did not have ID. Both said that they had passports at home. The deputy said he was calling for backup. The Border Patrol arrived shortly afterward and took all three to the Richford station; the two undocumented passengers are now in jail somewhere in southern New England awaiting deportation.

Concerned Franklin County residents followed up from these incidents asking the Sheriff to meet and requesting a copy of their Bias-Free-Policy (see the letter here: <http://goo.gl/pDsxIs>). The policy the Sheriff produced was crafted in 2003 and clearly does not comply with the LEAB's "essential elements". A group of concerned Franklin County residents met with the Sheriff in September 2013 and he said he'd "take a look at it". His department is now been violating state law for over 1 year.

So, what is the mechanism Vermont communities have to hold accountable departments that do not adopt a bias-free policing policy in accordance with state law? Where does a group of concerned residents turn in order to ensure that their police department has a bias-free-policy in accordance with state law?

Our goal is to ensure that every Police Department in Vermont has a Bias-Free-Policing Policy and is in full compliance with ACT134, legislation already passed in 2012, so that all of our residents can feel safe working to ensure that these policies are helping to reduce bias in policing.

This is a tremendous opportunity to pass an amendment to ensure that those law enforcement departments who have not complied with state law are held accountable.

For more information contact Abel Luna or Brendan O'Neill at 802-658-6770 or info@migrantjustice.net

Migrant Justice
294 N. Winooski Ave
Burlington VT 05401