

Dear Judiciary Committee members,

Thank you for taking testimony on the Fair and Impartial Policing Policy. I know you have very full days and I appreciate, greatly, the work you do. I have just two thoughts I'd like to share.

It is clearly stated, in the legislation, that every law enforcement agency "shall adopt a fair and impartial policing policy that includes, at a minimum, the elements of the Criminal Justice Training Council model policy." One thing that was not made clear in the legislation is who will determine whether an agency's policy does or does not include all the elements of the model policy. Whoever ends up tasked with this job will have their hands full if agencies are allowed to write them in a variety of ways.

My understanding is that the intent of this legislation was, in part, to standardize the language across agencies so that no one has to compare apples to oranges. However, that was not made explicit in the law. Because you do not have anyone already named to take on the onerous task of evaluating whose policies conform to the model policy, and because that would be a nearly-impossible job to do objectively, it would be sensible that you require standardized language from all agencies. I do not know enough about the process you are undertaking to know how you would make that happen. I hope it is possible.

My second thought is a hope that you will clarify that any agency that has not proactively adopted a policy is now under the guidelines of the entirety of the model policy - essential and non-essential elements. The idea of essential and non-essential elements emerged in the writing of the policy, not in the legislation that preceded it. Thus, when the law states that they "shall be deemed to have adopted the model policy," I take that to mean the entire policy. This is something that would be helpful to have clarified and I hope you see it the way that I do.

[From 20 V.S.A. § 2366: If a law enforcement agency or constable that is required to adopt a policy pursuant to subsection (a) of this section fails to do so on or before July 1, 2016, that agency or constable shall be deemed to have adopted, and shall follow and enforce, the model policy issued by the Criminal Justice Training Council.]

Thank you again for your hard work.

Peace,

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