

Suggested Changes to S.124 from Windham NAACP,

testimony by Ann Schroeder, member of their Criminal Justice Committee

1.

*S.124, Sec. 10a. "(7) Military equipment. After an opportunity for community involvement and feedback, the Law Enforcement Advisory Board shall recommend a statewide policy on law enforcement officers' use of military equipment."*

Could this be improved to be something like NY S08508:

"Prohibits state or local police from accepting military surplus equipment from the federal government."

2.

Following that, would it be possible to add something like this:

*(8) Invasive surveillance technologies. After an opportunity for community involvement and feedback, the Law Enforcement Advisory Board shall recommend a statewide policy on law enforcement officer's use of surveillance technologies, advanced or autonomous weaponry, facial recognition software, and predictive policing policies.*

This is from #5 of the ACLU/NAACP plan.

Here's a relevant example from Mass. S.2800, Section 65(c):

"There shall be a special commission to study the use of facial recognition by the department of transportation and law enforcement agencies."

Also:

1/14/20. In step with Somerville and Brookline, Cambridge has banned the use of face surveillance technology.

7/23/20. The New York Legislature has passed a two-year moratorium on the use of facial recognition in schools.

3.

In Section 906, Emergency Medical Training, would it be possible to add diversity training to or after 1):

(1) Developing and implementing minimum standards for training emergency medical personnel in basic life support and advanced life support, and licensing emergency medical personnel according to their level of training and competence.

I recently read of a woman of color who had a blood clot and tried to get help at an emergency room and they kicked her out, called the police, and she died in a police car.

Other items I would like added to S.124.

4.

End qualified immunity

On 6/19/20, the Governor of Colorado signed #SB217 into law ending qualified immunity.

5.

Removing police from schools

On 7/7/20, The D.C. Council moved to remove police from city schools Tuesday by voting 8 to 5 to disapprove of the city's school security contract.

6. Limit police involvement in low-level offenses:

6/5/20 SAN MARCOS, Texas – Low-level offenses in San Marcos are now being punished with a citation instead of an arrest. San Marcos is now the first city in Texas to implement a cite-and-release ordinance, making it a law for officers to issue citations for certain crimes. The statute will limit San Marcos police from arresting for misdemeanors like possession of small amounts of marijuana or driving with an invalid license.

And a question:

7. Sec. 9. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE The requirement of a current law enforcement agency to disclose its analysis of its law enforcement officer's performance at the agency as set forth in 20 V.S.A. § 2362a in Sec. 8 of this act shall not apply if there is a binding nondisclosure agreement prohibiting that disclosure that was executed prior to the effective date of that section.

What if the law officer's performance is against the law or very troubling? Does the nondisclosure agreement still hold? This seems to give too much wiggle room.

And here are some things to think about for later bills on police reform:

8. The Law Enforcement Advisory Board mentioned in #1 and #2 above is too heavily police-oriented.

<https://dps.vermont.gov/committees-boards/leab/members>

I would like to see this board constituted more like Massachusetts' suggested independent police officer standards and accreditation committee.

Mass. S.2800, Section 221 is proposing an independent police officer standards and accreditation committee within the executive office of public safety and security consisting of: 13 members, including from the ACLU, NAACP (2), Black and Latino Legislative Caucus, etc

9.

Also the Council Advisory Committee mentioned in Section 10a.(5) about access to complaint information is too small and according to the website, the terms of the members have expired:

<https://governor.vermont.gov/content/cjtc-advisory-committee>

I would like to see this committee constituted more like Massachusetts' suggested independent police officer standards and accreditation committee mentioned above.

10.

Another section of S.124, 10a.(4) says that different agencies and interested parties will consult "to identify a central point for reporting allegations of law enforcement officer misconduct, which may be the Council or another entity, and how those allegations should be handled."

Here again, I would like this central point to be something like the independent police officer standards and accreditation committee proposed by Massachusetts.

"This [Massachusetts] committee shall have the power to receive complaints of officer misconduct from any person, request an officer's appointing authority to conduct an investigation of a complaint of officer misconduct and conduct independent investigations and adjudications of complaints of officer misconduct, and more."

11.

*S.124, Sec. 10a. (3) Models of civilian oversight. The Office of Attorney General shall consult with the Council, the Human Rights Commission, the Vermont League of Cities and Towns, and other interested parties to recommend one or more models of civilian oversight of law enforcement.*

Here again, something like Mass.'s police officer standards and accreditation committee would give voting rights to social justice organizations rather than just consulting with them.

Ann Schroeder, Member, Windham NAACP Criminal Justice Committee

Dummerston

802-257-7686