

House Judiciary 01/24/19 Hearing on Fair and Impartial Policing

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About VSP

The Vermont State Police provides primary policing services to 200 towns across 90% of Vermont's land mass. We serve approximately 50% of the population. Our specialized resources support local and county policing partners in times of need. Our 334 sworn members, 60 emergency dispatchers, and several civilian support staff work to make a difference in the safety of Vermonters and visitors every day.

The Vermont State Police is committed to a mission to individually and collectively serve and protect by providing the highest quality of professional policing services. Our vision is to be leaders in policing with an emphasis on fairness, compassion and service.

Our department is comprised of three divisions: Field Force Division, encompassing first responders who work from the 10 statewide barracks and other safety response services. The Criminal Division encompasses the array of investigative functions such as the Major Crime Unit and the Special Investigations Unit. The Support Services Division, which encompasses the operational support for the department and includes recruiting, training, professional standards, internal investigations, the vehicle fleet, our two dispatch centers, buildings, vehicles and contracts.

History and Strategy for VSP Fair and Impartial Policing (FIP)

Our work in the area of what we call fair and impartial policing began in 2004 with examining and addressing racial disparities. It began under the leadership of then Col. James Baker. The work began before the highly publicized shootings of unarmed black men by

police across the United States; Before legislative mandates to collect traffic stop data; before mandates for fair and impartial policing policy; before mandated training about unconscious forms of bias; before the release of the Vermont Advisory Committee to the United States Commission on Civil Rights *Briefing on Racial Profiling in Vermont* in 2009, and before the release of President Obama's report on 21st Century Policing in 2012.

Specifically, in 2004 the Vermont Partnership for Fairness & Diversity (then ALANA) published results of a survey of 95 respondents of color in Brattleboro and learned that 81% felt "racial profiling" was either a serious or very serious problem.

Rather than challenge the finding, the motives, and methodology of that survey, the Colonel saw an opportunity and went to Brattleboro to ask the Director of Vermont Partnership for Fairness and Diversity ***What can VSP do to improve trust between Vermont communities of color and state police?***

VSP recognized that people of color, immigrants, LGBTQ people, and members of other groups that are marginalized are far less likely to engage state-based systems than are white, middle class Vermonters. ***Our work has to be about ensuring that all Vermonters can access safety services.***

These are the questions VSP continues to answer at every level in our department.

In 2004, Colonel Baker and the director of the Partnership, Curtiss Reed, spent the next 3-4 years working with leadership at VSP on unconscious bias and community engagement through formal training and coaching. ***Our colonel became an ambassador to marginalized communities in ways not seen in our agency before.***

He brought VSP into discussions where we began engaging community leaders without the need for any **precipitating critical incident forcing a confrontation**.

A new narrative was sought by VSP leadership – one immersed in public safety versus just “law enforcement.” We also sought to increase community member trust through listening and making changes based on community input.

Because racial, ethnic and other disparities foster mistrust of the criminal justice system, of which police are a part, the ability for police to promote public safety can be hindered. VSP’s work goes beyond addressing racial disparity, and is a comprehensive commitment to ensure access to safety services to all communities. It is to raise our awareness and responsiveness to those who are otherwise hesitant to call police.

One very small, but significant example of moving toward a public safety narrative from a law enforcement narrative was our decision many years ago to abandon the *“Do you know why I stopped you?”* question at car stops. Instead, the trooper introduces him/herself, states why the motorist was pulled over; e.g. *“I stopped you because of your speed. Is there a reason for you to drive at that speed today?”* We came to better understand how the old way of doing things left people feeling uneasy and robbed of their dignity while the new way created a dialogue and allowed VSP to communicate a larger message about public safety.

In 2008 VSP began half-day trainings about “unconscious bias”-- the concept that as humans we have unconscious associations about one other, based on race, gender, income status, sexual orientation, and other personal characteristics and aspects. These types of associations are unsound, and can potentially and unethically inform decision-making and discretion.

We believe strongly that this is essential awareness for all public officials. This training was and still is mandatory during the post-basic phase for all new state troopers.

Eventually all troopers in our department participated in unconscious bias awareness training, but the strategy was first the presence of a well-trained senior leadership team cultivating successive classes of new troopers. **This work started to create the desired cultural shift in our department.**

As you are well aware, in 2010 we began collecting data every time we issued a ticket or warning at a motor vehicle stop. The data pertained to comparing the perceived race of motorists to the outcomes from car stops, in an attempted to determine if we had unwarranted patterns in our decision-making with regard to race as it relates to outcomes in car stops. It later became state law for all police agencies to collect these types of data.

We commissioned a nationally recognized expert (Dr. Jack McDevitt) to analyze years of raw data, and we benefitted from a local economics professor's analysis - Dr. Stephanie Seguino. The analysis of our data was an eye-opening experience, as well as a learning experience to all of our members, about which I have spoken many times publically, with this committee, and others.

Each colonel who followed Col. Baker has broadened and deepened this strategy and taken it to new levels. Over time, any troopers resistant to growth and learning would retire or not advance, or be replaced with new troopers, as we changed and evolved. Leadership receives ongoing training in how to supervise for bias.

This work materially shapes our organization.

In 2016 Colonel Birmingham created the first Director of FIP, a command position in which I had the pleasure to serve, to spearhead

VSP efforts to ensure FIP practices at every level within the VSP. – by *every level* I am referring to our recruitment and hiring practices through our community engagement efforts and everything in between.

Recruitment:

It is no secret that recruiting for police nationwide suffers from low numbers of qualified applicants for many reasons. Our stated goal for many years has been to diversify our membership by race, ethnicity, gender and life experience, and in 2017 we re-developed and restructured our recruitment efforts to form a dedicated team which finds innovative ways to reach a wider base of qualified applicants.

Community engagement:

The VSP's Fair and Impartial Policing Committee is now beyond its eleventh year and continues to meet quarterly. This committee is comprised of Vermonters from diverse backgrounds, expertise and experience who serve to advise senior leaders in the VSP on matters of fairness and equity in service. The committee is co-chaired by a senior commander from the department, and a long-time member of the committee who is a civilian. The committee directly influences practices and policies in our department. Attendance has grown, particularly over the last three years.

- 1. The FIP Committee meetings are regularly attended by students of color attending Vermont Law School, where we hold the meetings. Not just attending, but actively participating in the dialog and subcommittee work.*
- 2. Engagement of marginalized communities is now part of each VSP commander's annual strategic plans and performance*

evaluations. A commander's success is now measured in part by their own leadership and ownership of these efforts.

- 3. Our participation in the annual Vermont Vision for a Multi-Cultural Future conferences has led to more community members joining the FIP Committee and generally breaking down barriers between police and citizens.*
- 4. Community groups now promote a variety of VSP efforts through their own social media.*
- 5. We continue to engage the LGBTQ community through partnering with the Pride Center and other groups to hold barracks level awareness-raising discussions between road troopers and the LGBTQ communities.*
- 6. We are visible and in attendance at a wide variety of community events across Vermont where we want to break barriers between our members and those we serve.*

Policy Development:

At the end of 2017, per Act 54, we were part of a group of stakeholders to aid the VCJTC, in consultation with the Attorney General, to review and modify the statewide model fair and impartial policing policy to the extent necessary to bring the policy into compliance with federal laws 8 U.S.C. §§ 1373 and 1644. The goal was for one cohesive model policy for law enforcement agencies to adopt or incorporate as a part of their own fair and impartial policing policy, pursuant to 20 V.S.A. § 2366.

After working with the AG and many stakeholders, the VCJTC voted in favor of the final version of a model policy in 12/2017. It is important to acknowledge that although they were consulted throughout policy process, there was strong protest about certain

aspects of the final version of the model policy from members of Migrant Justice and the ACLU. But after the Council sought reassurance from the Attorney General's office that we had, in fact, succeeded in creating a protective, fair and lawful policy, there was a unanimous vote by the Council in favor of what is now the statewide model policy.

After that process and after receiving input from members of the VSP FIP committee and other stakeholders, VSP realized that our own department's FIP policy, once a model for other agencies, needed to be updated in a few key areas, in order to meet all the components of the new statewide model policy.

Act 54 states that the Attorney General, "shall review the policies of law enforcement agencies to ensure the policies establish each component of the model policy."

Our policy updates have since been completed and were reviewed by the AG's office, per statute. In early January (01-10-19) we received AG verification that our final policy draft was in compliance with all the components of the statewide model policy.

I acknowledge that the process took some time, but the work is now complete. The new policies are in the process of being distributed to the entire membership and will replace the old policies.

Receipt of Complaints about Misconduct:

The citizens and visitors of the state of Vermont have an expectation that the conduct of those who have the responsibility of enforcing the laws of the state are held to the highest standards. Within VSP's structure, it is the Office of Internal Affairs' mission to assure that the Vermont State Police uphold conduct standards. We believe this ensures preservation of the trust of the citizens we serve. Complaints about members will be addressed either by a

commander in the area where the incident occurred, or through a formal investigation conducted by the Office of Internal Affairs at the direction of the commissioner of public safety. The commissioner is responsible for the assignment of cases to the Office of Internal Affairs.

Vermont State Police has three options for citizens or visitors to file a compliment or complaint: Online, using our on-line compliment/complaint form; through e-mail by submitting a compliment or complaint to the Vermont State Police Internal Affairs Unit; or, by a visit to the barracks. A person may file a verbal or written compliment or complaint with any station commander at one of the 10 stations.

All allegations of improper conduct by State Police officers are given to the State Police Advisory Commission for review. By statute, the State Police Advisory Commission is comprised of Vermont citizens appointed by the Governor. The State Police Advisory Commission provides advice and counsel to the Commissioner of Public Safety in carrying out his or her responsibilities for the management, supervision and control of the Vermont State Police. The Commission also advises the Commissioner regarding rules concerning promotions, grievances, transfers, internal investigations and discipline.

In 2018 we had no allegations of biased policing.

In 2017 we had two allegations of biased policing. Both were opened by the commissioner for IA investigation and both were unfounded.

Closing comments:

In closing, I will touch upon the vital role of leadership in this mission, particularly in police agency structure, which is typically hierarchical and similar to the military:

1. We have sent consistent messaging from our leadership over the span of many colonels about the importance of fair policing practices as a concept that builds a more effective policing agency, and then we've followed this with concrete action.
2. We subscribe to the viewpoint that system changes must occur at all levels-- in recruitment, training, professional development, and community engagement. It is not enough to tack-on a training module and "check the box."
3. Our approach is not crisis-driven. We have successfully engaged in greater community involvement over the years – involvement that has influenced policy, practice, and is not reactionary or defensive in posture.
4. VSP leadership does not rest on its laurels. We are not here for a "pat on the back." We know there is much work to be done and the work is never finished. As long as we serve people, we must always be listening and growing in our awareness and our work to truly reach people where they are.

I am happy to clarify anything mentioned today, or answer questions.