

Statement to House Government Operations  
January 24, 2019  
Mark Hughes  
Burlington

Copeland-Hanzas and House Government Operations Committee,

As per article 5 and 6 of the Vermont State Constitution and Rule 25 of the House Rules, please conduct public hearings to address civilian oversight of Vermont law enforcement. Also, please use all instruments at your disposal resolve the conflicts of interest presented by the Attorney General's membership on the Vermont Criminal Justice Council and Nancy Sheahan's participation on the State Police Advisory Commission.

Here are some of the some of the challenges

### **The Fair and Impartial Policing Policy (FIPP)**

As you know, Act 54, updated Title 20, 2366 to requires the Vermont Criminal Justice Training Council (VCJTC) and the Attorney General's (AG) Office to bring the existing FIPP into compliance with immigration law and the VCJTC to create a cohesive FIPP. The FIPP was negotiated and revised, **reviewed by the AG (to ensure compliance with federal immigration statutes)**, revised again and adopted by the Vermont Criminal Justice Training Council. As of March 2018, all agencies have been under legislative mandate to adopt all components of the Council FIPP. Finally, Act 54 requires that the AG and the VCJTC review the FIPP of all agencies, no later than 15 April 2018.

### ***Poor FIPP Implementation***

- 1) Inconstant with Act 54, and **after the AG's review verifying compliance with federal immigration statute** (November 2017), the VCJTC changed the FIPP without consulting the Human Rights Commission (US Attorney General Sessions threats to withhold 500K grant).
- 2) Vermont State police have failed to adopt the FIPP, as required by law.

### ***State Police Advisory Commission***

Nancy Sheahan, a partner at the Burlington firm McNeil Leddy & Sheahan a go-to lawyer for Vermont police who have been accused of misconduct is the Chair of the SPAC. This is a clear conflict of interest!

- 1) Seven Days reported conflict of interest Spring of 2018.

- 2) Assistant Attorney was informed of conflict of interest in September 2017.
- 3) Governor Scott reappointed Nancy Sheahan to Chair the SPAC.

### ***Training***

- 1) Act 147 (2016) updated Title 20, 2358, requires all law enforcement to attend anti-bias training by December 2018. The training has not started.
- 2) In early December 2018, it was discovered that the State Police were scheduled to attend a program that brings local law enforcement to Israel for training with the Israeli military, police and secret service. Local activists organized and petitioned and the state police pulled back on their plans to attend.
- 3) There remains no consistent appropriate use of force, de-escalation and cross-cultural awareness training across the 79 agencies in Vermont.
- 4) VTDigger.org reported Monday (January 7, 2019) that an investigation by the Burlington Police Department found that Officer Erin Bartle and two others sustained injuries such as concussions and hearing loss during an academy drill known as the “hitchhiker scenario.” A fourth officer was knocked unconscious. During the drill, instructors punched recruits in the head without warning.er

I implore you to immediately conduct public hearings for civilian oversight of law enforcement in Vermont. Public safety depends upon the cooperation that results in the trust that is derived from the standards of transparency and accountability that hold law enforcement to and the principles of commitment to equal protection under the law and justice for all.

I offer a petition for civilian oversight of law enforcement, signed by nearly 300 Vermont citizens.

Thank you for your service.

Respectfully,

Mark Hughes  
Executive Director, Justice For All