

April 16, 2019

To: Senator Richard Sears, Chair
Senate Committee on Judiciary

From: Richard Gauthier, Executive Director, VT Criminal Justice Training Council

Re: Agency Compliance with FIP Policy

On Thursday, April 11, Migrant Justice presented testimony that they contacted every law enforcement agency in the state to obtain a copy of their FIP policy, and found thirteen agencies out of compliance. They then provided the committee with copies of the policies they believed were non-compliant (I would note here that, though they testified that these policies were collected early this year, at no point did anyone from Migrant Justice contact me to help bring these agencies into compliance).

The next morning, I got copies of all thirteen policies and started contacting the agency heads directly. Results below:

Caledonia County Sheriff's Department: MJ presented a copy of the AG's proposed Bias-Free Policing Policy as being the CCSD policy. I contacted Sheriff Shatney, who advised that his agency had already adopted the Council policy dated 12-17-17 (the current one) after downloading it off our website. He couldn't say when he adopted it, but it was before I called him.

Lyndonville Police Department: The LPD had copied the pre-2019 VSP policy, believing that the policy was consistent with the Council policy. I spoke with Chief Harris and advised that policy was no longer believed to be in compliance. He adopted the Council policy immediately, and confirmed this by email.

Windsor County Sheriff's Department: MJ presented a 2011 Bias Policing policy as the current WCSD policy. I spoke with Sheriff Chamberlain, who advised that when he received a call in February asking for a copy of their policy, that was indeed the one in effect. But in early March of this year, his agency adopted the current Council policy verbatim.

Orleans County Sheriff's Department: OCSO was using the 2014 VSP policy and believed that was compliant with the law. I spoke with Sheriff Martin and explained that version was not correct. He immediately adopted the current Council policy verbatim and sent me email confirmation.



Franklin County Sheriff's Department: Sheriff Langevin is the newly-elected leader of the FCSD, and would not have assumed the position until late January. I spoke with Sheriff Langevin, and he advised he was going through the entire policy manual, which included the FIP policy. He wasn't aware of the specifics of the law, and when I explained them to him, he opted to immediately adopt the Council policy verbatim.

Ludlow Police Department: The LPD was operating under a very old policy. I spoke with Chief Billings about the changes in the policy, and he immediately adopted the Council policy verbatim.

Shelburne Police Department: SPD was using an older version of the VSP policy, believing it was compliant. I spoke with Chief Noble and advised him the older VSP version was no longer compliant, and he immediately adopted the current Council policy.

Manchester Police Department: According to MJ, MPD was using the 2016 essential elements version of the FIP policy. I spoke with Chief Hall on Monday, and he advised that he was going to immediately adopt the current Council policy verbatim.

University of VT Police Department: MJ noted that the UVMPD was from 2011 and had no mention of immigration. Chief Tuomey sent me an email advising they had submitted their policy to the AG's Office for review.

Barre City Police Department: MJ noted the BCPD policy was the essential elements version from 2016. I contacted Chief Bombardier, who advised he had submitted it to the AG's Office for review and, hearing nothing, believed the policy was compliant. He adopted the current Council policy verbatim.

Middlebury Police Department: MJ noted that MPD was using the 2016 essential elements version, but it was actually more than that. Chief Hanley had incorporated some elements from the current version, and didn't include others, i.e., internal investigations, because that language was in a different MPD policy. Other elements, such as the section on border crossings, he didn't incorporate, because his community isn't on a border. He made some revisions to his policy and it was submitted to the AG's Office for review.

Burlington Police Department: MJ noted that the BDP policy was "missing confidentiality component-insufficient" but made no other notes on the policy. I spoke with Deputy Chief Murad, who was unable to determine what MJ meant, but he was going to have in-house staff review it.

Colchester Police Department: MJ provided the 2016 essential elements version of the policy and claimed it was current CPD policy. Chief Allen flatly denied this, and provided confirmation that CPD adopted the current Council policy on March 1, 2018. He didn't know why MJ was claiming that was their current policy, nor could anyone on his staff have provided them with the older version.