

AGENDA
Police Community Advisory Board
Regular Meeting Agenda
Tuesday, May 21, 2024 – 6:00 pm
81 Main St., Essex Junction, VT 05452

This meeting will be in person and online. Available options to watch or join the meeting:

- [Join online: Microsoft Teams ID: 267 751 285 914; Passcode: H7ukvs](#)
- [Join calling: \(toll free audio only\): 1-802-377-3784; Phone Conference ID: 213 057 884#](#)

Welcome –

1. CALL TO ORDER

2. AGENDA ADDITIONS/CHANGES

3. APPROVE AGENDA

4. PUBLIC TO BE HEARD

- a. Comments from the public on items not on the agenda.

5. CONSENT ITEMS

- a. PCAB Draft Minutes 04162024

6. BUSINESS ITEMS

- a. Essex Community Justice Center – Jill, Stacey, Susanna
- b. Statewide Domestic Violence Policy for LEO's – Discussion
- c. Essex Public Safety and Racial Justice Data Summary – Discussion

7. READING FILE

- a. Statewide Domestic Violence Policy for LEO's
- b. Essex Public Safety and Racial Justice Data Summary
- c. PCAB Draft Minutes 04162024
- d. Work Rules Fair and Impartial Policing 2024 – To be discussed in June

8. ADJOURN

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ESSEX POLICE DEPARTMENT
Department Directive



Date Issued: 07/01/2024	Number: 2.11.2
DOMESTIC VIOLENCE Involving Law Enforcement or Individuals in Positions of Power	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amends <input type="checkbox"/> Rescinds
Authorized Signature: _____ Chief of Police	
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Date Implemented:	Review Date:

1.0. Purpose

1.1. The purpose of this policy is to establish agency guidelines, and procedures to be followed by Essex Police Department employees in response to calls for service involving domestic violence involving a law enforcement officer or individuals in positions of power or influence are involved.

2.0 Policy

2.1 It is the policy of the Essex Police Department to provide a proactive, victim-centered approach when responding to domestic violence. Additionally, it is the policy of the Essex Police Department to take a position of zero tolerance on domestic violence. Any domestic violence incident will be thoroughly investigated, to include when law enforcement officers or individuals in positions of power or influence are involved.

3.0 Definitions

3.1 **Law enforcement agency employee:** Civilian employees and sworn law enforcement officers employed by a law enforcement agency as defined in 20 V.S.A. § 2351a.

3.2 **Domestic violence:** Attempting to cause or causing physical harm to a family or household member, or placing a family or household member in fear of imminent serious physical harm, while on or off duty.

3.3 **Executive officer:** The highest-ranking law enforcement officer of a law enforcement agency.

4.0 **Hiring Practices**

4.1 Law enforcement agencies shall adhere to the following best practices:

4.1.1 Agencies shall ask applicants if they have engaged in or been investigated for domestic violence, including any past arrests, suspended sentences, diversion programs, and convictions.

4.1.2 Agencies shall ask applicants if they have ever been served a protective order related to domestic violence, elder abuse, child abuse, sexual assault and/or stalking.

4.1.3 The agency shall conduct thorough background investigations of all applicants. Applicants will be screened out as necessary regarding any affirmative answers to the above inquiries. Agencies shall not hire applicants with demonstrated histories of committing violence, including convictions for domestic violence, child abuse, elder abuse, stalking, animal cruelty, and/or sexual assault. Agencies shall also comply with the provisions of 20 V.S.A. § 2362a.

4.1.4 Agencies shall inform prospective employees of an agency's position of zero-tolerance concerning domestic violence committed by employees.

4.1.5 Agencies shall adhere to the entry standard rules for uncertified applicants set forth by the Vermont Criminal Justice Training Council for Basic Training.

5.0 **Early Warning and Intervention**

5.1 Early warning and intervention best practices are set forth in this policy specific to domestic violence, but these best practices may apply to other emerging behavioral issues as well. Agencies may have additional policies that apply to early warning and intervention steps related to emerging behavioral issues. Employees should also be cognizant of behaviors of co-workers that are indications of victimization or perpetration of domestic violence.

5.1.1 Agencies shall support programming for the mental and physical wellbeing of their employees, including Employee Assistance Programs. In response to

observed warning signs or at the request of an employee, intimate partner, or other family member, Agencies shall strive to provide assistance/make a referral before an act of domestic violence occurs.

- 5.1.2 Agencies shall inform employees of the procedure for seeking referrals to confidential counseling services.
- 5.1.3 A disclosure by any person to an agency employee that an employee has personally engaged in domestic violence or threatened to engage in domestic violence may result in referrals for assistance or the initiation of an internal or criminal investigation as appropriate.

5.2 Supervisor Responsibilities:

- 5.2.1 Supervisors should be cognizant of any pattern of abusive behavior potentially indicative of domestic violence, including but not limited to the following:

- 5.2.1.1 Aggressiveness or changes in mood:

- 5.2.1.1.1 Excessive and/or increased use of force on the job
- 5.2.1.1.2 Stalking and inappropriate surveillance activities
- 5.2.1.1.3 Unusually high incidences of physical altercations and verbal disputes
- 5.2.1.1.4 Citizen and fellow employee complaints of unwarranted aggression and verbal abuse
- 5.2.1.1.5 On- or off-duty employee injuries
- 5.2.1.1.6 Apparent emotional instability
- 5.2.1.1.7 Changes in mood or appearance

- 5.2.1.2 Domestic Violence-Related Issues:

- 5.2.1.2.1 Monitoring and controlling any family member or intimate partner through such means as excessive phone calls or contact by other means.
- 5.2.1.2.2 Stalking any intimate partner or family member
- 5.2.1.2.3 Threatening behavior directed at a partner or family member.

- 5.2.2 If the supervisor notes a pattern of problematic or early warning behavior, the supervisor shall:

- 5.2.2.1 Address the behaviors through a review or other contact with the employee and ensure that pertinent facts and circumstances are documented.

- 5.2.2.2 Make referrals for programming for the mental and physical wellbeing of their employees, including Employee Assistance Programs, as appropriate.

5.3 Employee Responsibilities:

- 5.3.1 Employees are encouraged to take personal responsibility in seeking confidential referrals and assistance from their agency to prevent a problem from escalating. Best practices discourage couple counseling when domestic violence is suspected because it may compromise victim safety. A Domestic Violence Accountability Program is a recommended tool.
- 5.3.2 Employees are responsible for the following actions. Failure to abide by these responsibilities may be considered misconduct and result in discipline up to and including termination.
 - 5.3.2.1 Employees shall report knowledge of abuse or violence involving a fellow employee.
 - 5.3.2.2 Employees shall cooperate with an internal investigation of an employee domestic violence case (except in the case where the employee is the victim).
 - 5.3.2.3 Employees shall not interfere with criminal or internal investigations involving themselves or other employees by intimidating or coercing witnesses or victims, surveillance, harassment, stalking, threatening, or false reporting.
 - 5.3.2.4 Employees shall not threaten, harass, or abuse another using agency resources.
 - 5.3.2.5 Employees who are arrested, charged, or know they are the subject of a criminal investigation or response by any law enforcement agency related to domestic violence, shall promptly report this information to their supervisor, and, if applicable, provide notice of the court dates, times, appearances, and proceedings.
 - 5.3.2.6 Employees who learn they are the subject of any protective order proceeding, regardless of jurisdiction and whether the order is issued, shall promptly notify their supervisor and provide a copy of the order, if applicable.

6.0 Incident Response Protocol

6.1 Documentation:

- 6.1.1 Agencies shall accept, document in writing, and preserve all calls or reports, including anonymous reports, regarding allegations of domestic violence committed by an individual known to be an employee of any law enforcement agency in the same manner as allegations against members of the public.

6.2 Communications:

- 6.2.1 Emergency communications dispatchers shall notify a supervisor as soon as practicable of any call involving allegations of domestic violence committed by an individual known to be an employee of any law enforcement agency.
- 6.2.2 Emergency communications dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 recordings, in the same manner as the preservation of information relating to allegations against members of the public.

6.3 Responding Officer Responsibilities:

- 6.3.1 Upon arrival to the scene of a call or incident involving allegations of domestic violence involving a law enforcement agency employee, the responding officer(s) shall promptly notify dispatch and request the on-duty supervisor in charge report to the scene, regardless of the involved employee's jurisdiction.
- 6.3.2 Law enforcement officers shall respond and investigate allegations of domestic violence against individuals known to be employees of any law enforcement agency in the same manner as responses and investigations of allegations against members of the public. In the circumstance of an arrest, weapons controlled by individuals known to be employees of any law enforcement agency shall be seized in the same manner as weapons controlled by members of the public.
- 6.3.3 *Law Enforcement officers should perform a Lethality assessment Program (LAP) which is a two-pronged intervention process that features research-based lethality screening questionnaire and an accompanying protocol referral that provide direction for law enforcement to initiate appropriate action based upon the results of the screening process.*

6.4 On-Scene Supervisor Response:

- 6.4.1 A supervisor shall report to the scene of any domestic violence incident involving an individual known to be an employee of any law enforcement agency. Efforts shall be made for an on-scene response by a supervisor who is

of equal or greater rank to the involved employee.

- 6.4.2 The supervisor shall inform their executive officer, or designee, of any domestic violence incident involving an individual known to be an employee of any law enforcement agency.
- 6.4.3 The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all evidence is collected in the same manner as responses to incidents involving members of the public. Written reports, including incidents in which no arrests are made, shall be completed in the same manner as incidents involving members of the public.
- 6.4.4 The on-scene supervisor or the supervisor's executive officer shall promptly notify the involved employee's executive officer of the incident. All notifications and attempts to notify shall be documented.

6.5 Department Follow-up:

- 6.5.1 In a timely manner, the involved employee's executive officer, or designee, shall debrief all employees who responded to a domestic violence incident involving an individual known to be an employee of any law enforcement agency. The debriefing shall include the following:
 - 6.5.1.1 A review of agency expectations regarding the confidentiality of investigations relating to witnesses and victims;
 - 6.5.1.2 An order prohibiting discussion of the incident outside of the official inquiry; and,
 - 6.5.1.3 A clear delineation of assignments.
- 6.5.2 Ongoing investigations of any domestic violence incident involving an individual known to be an employee of any law enforcement agency shall be conducted in the same manner as investigations involving members of the public, including but not limited to potential violations of active abuse protection orders and/or applicable state and federal firearm laws.
- 6.5.3 If the incident involves allegations of domestic violence committed by the executive officer of their own law enforcement agency, the supervisor shall notify the agency's governing body and the Vermont Criminal Justice Council.
- 6.5.4 If the incident involves allegations of domestic violence committed by the executive officer of another law enforcement agency, the supervisor's executive officer, or designee, shall notify the agency's governing body and the Vermont Criminal Justice Council.

- 6.5.5 Internal investigations of any domestic violence incident involving an employee of a law enforcement agency shall be conducted in the same manner as other internal investigations, including determining potential violations of the reporting provisions of this policy. Internal investigations shall still be conducted even if a protection order expires or is vacated.
- 6.5.6 Efforts shall be made to serve protective orders and arrest warrants involving domestic violence committed by law enforcement agency employees by at least two officers of equal or greater rank to the involved employee.
- 6.5.7 Following any domestic violence incident involving an employee of a law enforcement agency, the investigating agency shall strive to provide the following services to reported victims:
 - 6.5.7.1 Designate a command staff employee to:
 - 6.5.7.1.1 Act as a principal point of contact to keep the victim apprised of all developments;
 - 6.5.7.1.2 Offer safety planning to the victim;
 - 6.5.7.1.3 Report the findings of the safety planning to the executive officer who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused employee.
 - 6.5.7.1.4 Refer the victim to the community-based victim advocates and advocacy groups.
 - 6.5.7.1.5 Assist the victim and children in safety planning and caution the victim to be alert to stalking activities and provide instructions regarding the need to report any concerning behavior or conduct.

7.0 Victim Safety and Protection

- 7.1 The command staff employee designated as principal contact for the victim shall inform the victim of confidentiality policies and their limitations and attempt to ensure that confidentiality is maintained throughout the case.
- 7.2 All employees should be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner.
- 7.3 If an employee suspect's intimidation or coercion of the victim/witness is occurring, the employee shall prepare a written report to be delivered promptly to the investigator in charge of the case and the employee's supervisor through the chain of command.

- 7.3.1 In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information if available.
- 7.3.2 Investigators should be aware that intimidation and coercion may increase the risk of recanted statements or non-participation of a victim in court proceedings and should seek and preserve supplemental evidence.
- 7.3.3 Victim should be referred to a victim advocate or to the 24-hour community-based advocacy groups.
- 7.4 Law enforcement agencies shall comply with 21 V.S.A. § 472c and ensure that law enforcement agency employees who are victims of domestic violence may attend relevant court hearings as set forth in that statute.
- 7.5 Agency employees will not accompany employee suspects to any domestic related court proceedings while on duty unless subpoenaed to appear or ordered to do so by their chain of command.
 - 7.5.1 If appearing while off duty they will not carry or display any agency equipment, including assigned firearms(s) or insignias on their person. They must be aware of the fact that their mere presence in domestic violence related actions may appear intimidating to the victims.
- 7.6 Law enforcement agency employees shall not use agency resources including but not limited to computer aided dispatch and record management systems, work phones, emails, or other means to: obtain information about a victim without authorization or to threaten, harass, or abuse another.
 - 7.6.1 Violations of this provision may be considered misconduct and result in disciplinary action up to and including termination.

8.0 Post-Incident Administrative and Criminal Decisions

- 8.1 Law enforcement agencies are responsible for ensuring the integrity of internal investigations and criminal investigations related to domestic violence involving agency employees.
- 8.2 The agency will adhere to and observe all necessary protocols to ensure accused employee's departmental, union, and legal rights are upheld during the administrative and criminal investigations.
- 8.3 Where sufficient evidence exists, the agency shall take immediate administrative action against the accused employee that may include removal of credentials and

service weapons, reassignment, discipline, or termination as appropriate.

- 8.4 When an investigation of an incident reveals an employee failed to report information required by this policy or sought to interfere with any investigation, the agency shall investigate the employee(s) and take disciplinary action as appropriate.
- 8.5 If an agency determines through an internal investigation that an employee violated agency policy, the agency may employ the full range of administrative sanctions regardless of the disposition of any criminal proceedings.
- 8.6 Any employee determined through an administrative investigation to have committed domestic violence shall be subject to discipline up to and including termination.

9.0 Firearm Relinquishment

- 9.1 Law enforcement officers shall relinquish agency-issued firearms to their agency if the officer:
 - 9.1.1 is the subject of a final relief from abuse order issued pursuant to 15 V.S.A. § 1103;
 - 9.1.2 is the subject of a final order against stalking issued pursuant to 12 V.S.A. § 5133 if the order prohibits the person from possessing a firearm; or,
 - 9.1.3 has been convicted in any court of a misdemeanor crime of domestic violence.
- 9.2 See 13 V.S.A. § 4017a; 18 U.S.C. §§ 922(d)(9) and 925(a)(1).
- 9.3 Agencies are advised that there may be additional scenarios under which firearms relinquishment is appropriate, including pursuant to relevant statutory prohibitions, court orders, and/or conditions of release.



PUBLIC SAFETY & RACIAL
JUSTICE IN ESSEX:
A DATA SUMMARY

OVERVIEW

INITIAL SURVEY

Prior to engaging in any data collection process, the Essex community was surveyed asking people to **weigh in on how to proceed**. Respondents prioritized a survey, listening sessions, affinity space for BIPOC, and a collaborative planning process.

LISTENING SESSIONS

Five listening sessions were held, including an affinity group for BIPOC residents and one for members of the Nepali community and two general sessions. Each session had a facilitator and a scribe. Sessions were 2-hours long.

PUBLIC SAFETY SURVEY

A **public safety survey** designed to capture similar information was designed and disseminated electronically. The survey remained open for three weeks.



OVERVIEW

Key Questions

Listening sessions and Public Safety Survey were designed to answer the following key questions:

How do people envision public safety (what does it mean and what does it include)?



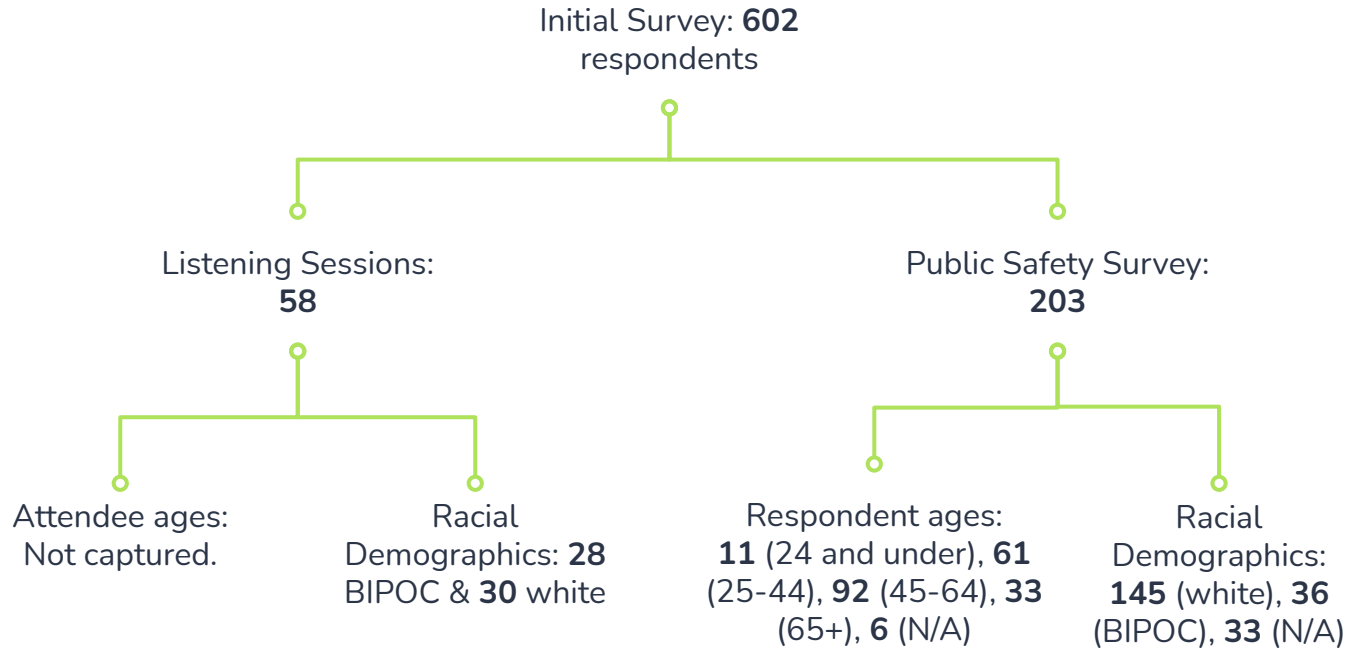
What are people's experiences with public safety and policing in Essex?




How do people want to make Essex a safer place to live and work?



DEMOGRAPHICS





261

TOTAL NUMBER OF PARTICIPANTS IN LISTENING
SESSIONS & SAFETY SURVEY



64-175-33

DISAGGREGATED RACIAL DEMOGRAPHICS OF ALL PARTICIPANTS

8.6-91.6-0

RACIAL DEMOGRAPHICS OF THE ESSEX COMMUNITY
AS PERCENTAGE

22.3-65.4-12.3

RACIAL DEMOGRAPHICS OF THE PARTICIPANTS AS
PERCENTAGE



1

ENVISIONING PUBLIC SAFETY

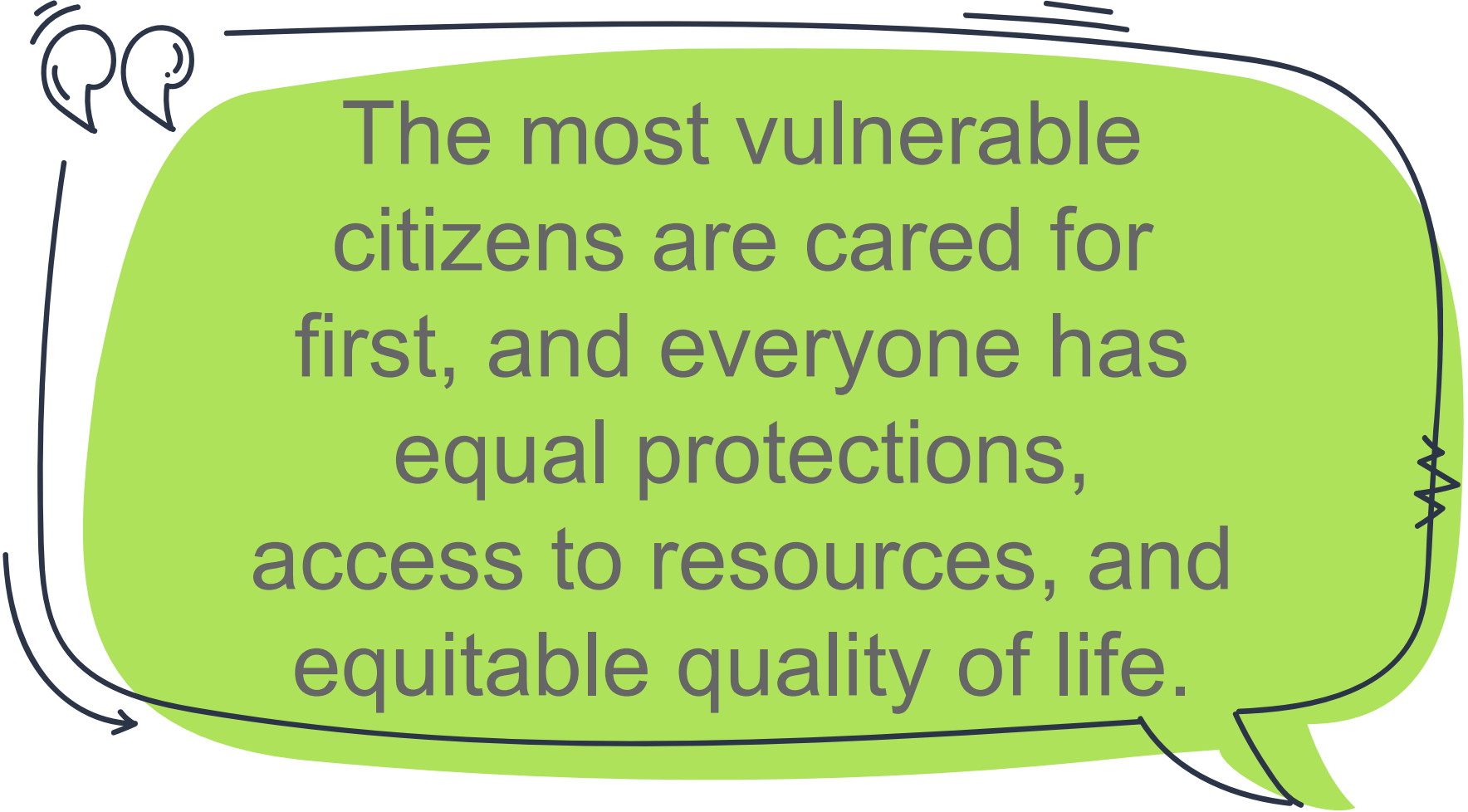
WHAT IS PUBLIC SAFETY?



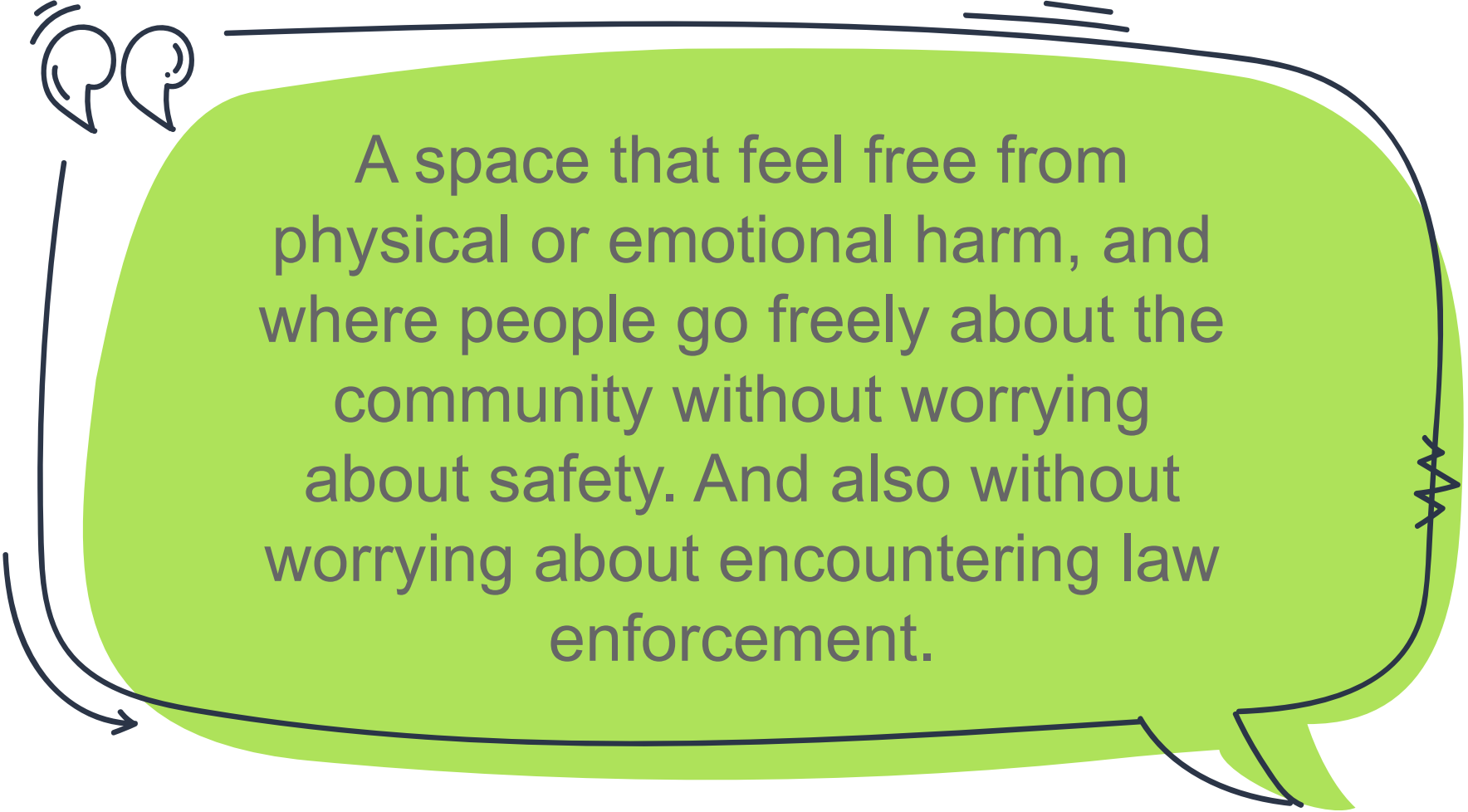
It's a collective commitment
and obligation we have to
care for each other.



People's basic needs are getting met (including housing, food, transportation, child care)



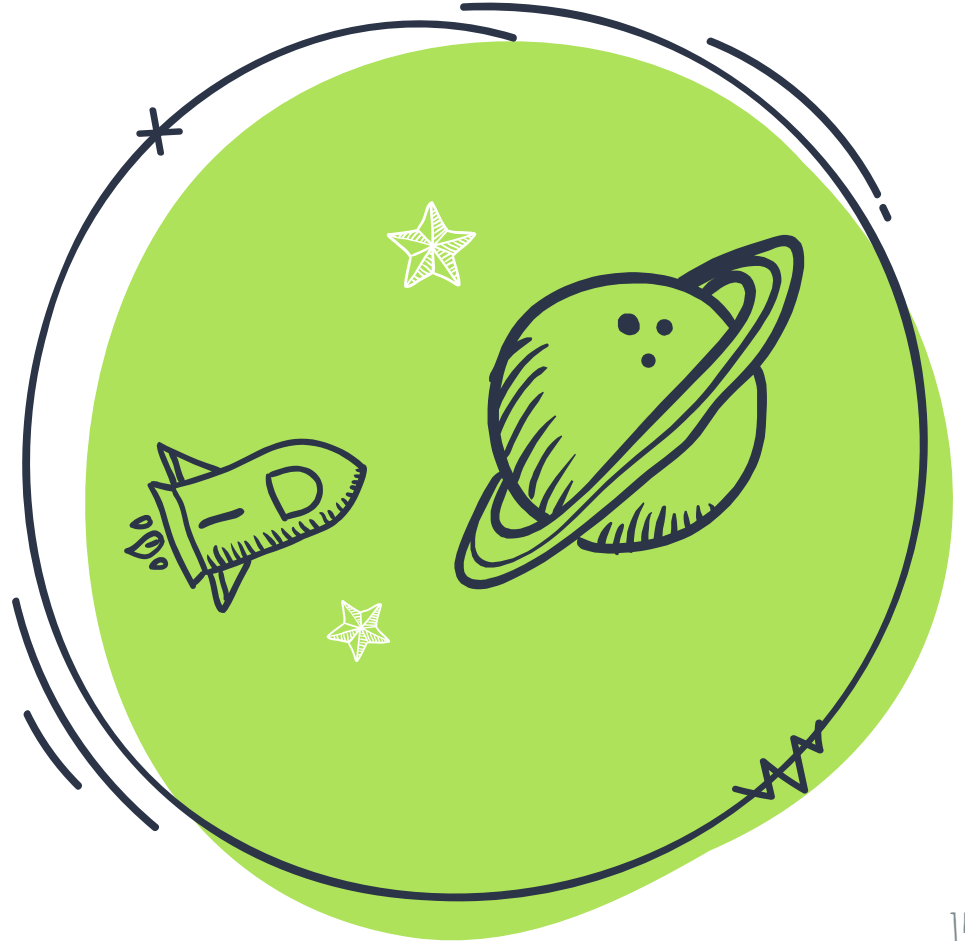
The most vulnerable citizens are cared for first, and everyone has equal protections, access to resources, and equitable quality of life.



A space that feel free from physical or emotional harm, and where people go freely about the community without worrying about safety. And also without worrying about encountering law enforcement.

BIG CONCEPTS

- X Public safety is everyone's responsibility.
- X It includes responsive services, well-maintained roadways and public spaces.
- X Public safety means that all people feel comfortable in every public space.





2

EXPERIENCES LIVING IN ESSEX

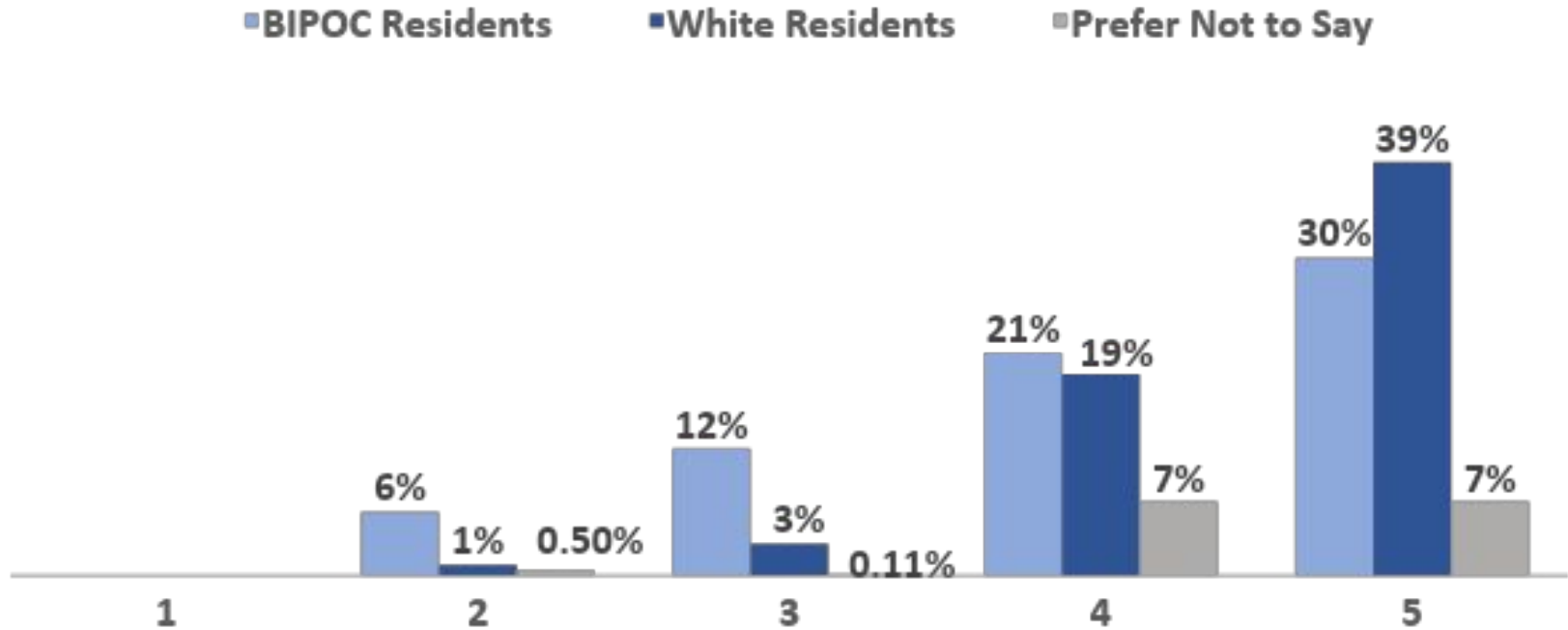
RELATED TO PUBLIC SAFETY



I love living in Essex. It's not perfect, but the community feels welcoming and safe. We just have to keep the conversation going and recognize and fix where we fall down.

HOW SAFE DO YOU FEEL LIVING IN ESSEX?

(1 feeling the least safe and 5 feeling extremely safe)

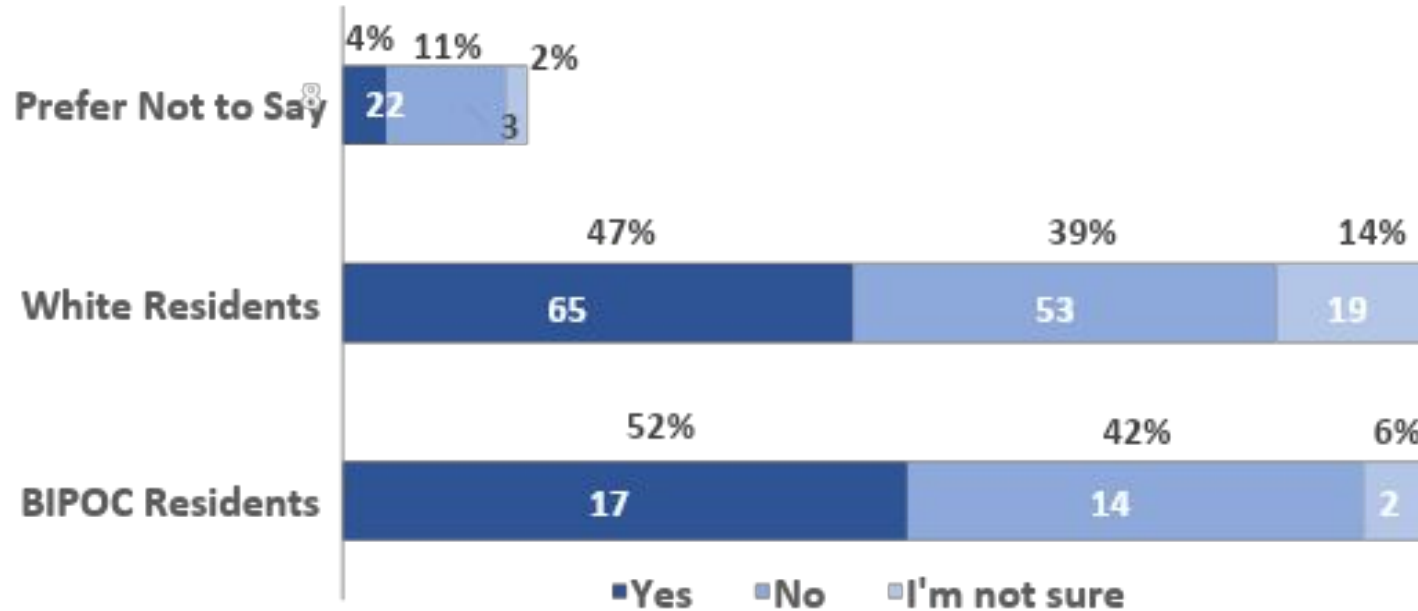




I feel safe as a white member of the Essex society, which I am unsure if my black and brown neighbors feel similarly about. I do not however, feel there are enough establishments that allow me, as a woman to feel safe and without harassment.

HAVE YOU EXPERIENCED OR OBSERVED RACISM IN ESSEX?

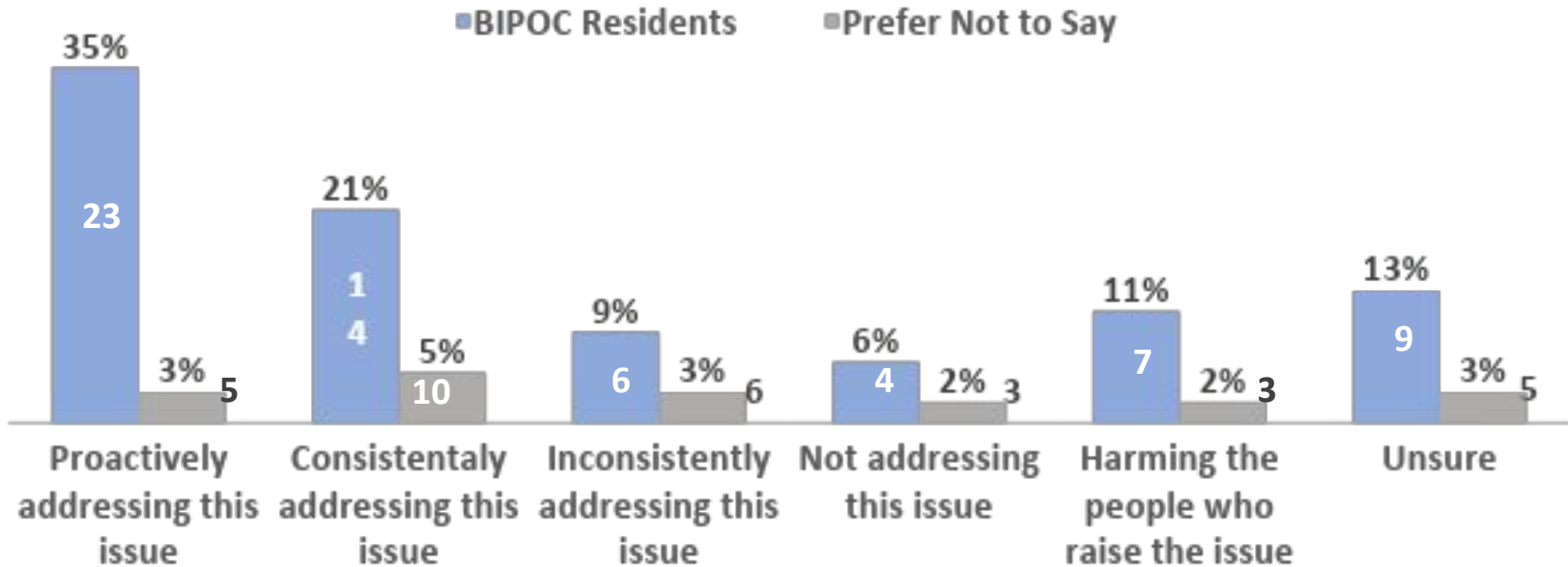
By Race





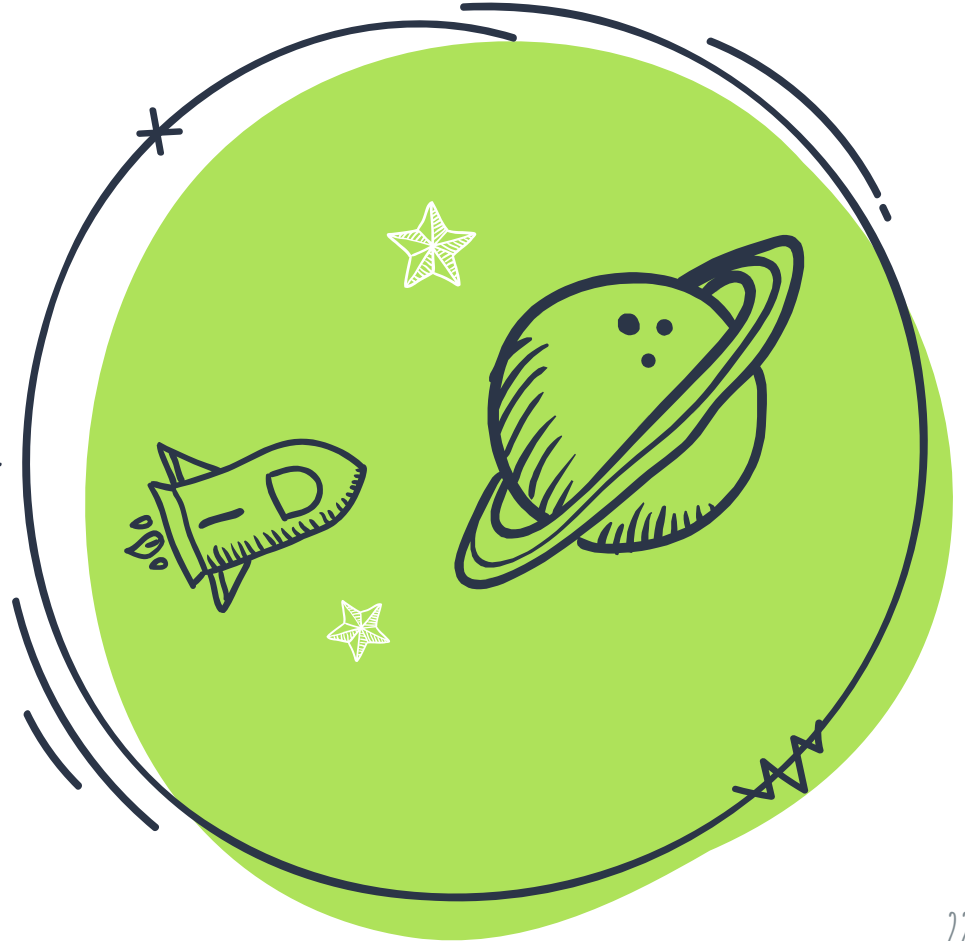
There is a false ideal about Essex being a great place to live that any instance of issues being brought up is seen as bringing in issues that aren't there

HOW WELL ARE LOCAL LEADERS ADDRESSING RACISM?



BIG CONCEPTS

- x While white and BIPOC people feel that Essex is a safe place to live overall, BIPOC have experiences that make them feel less safe in Essex.
- x Experiences of racial harassment/inequity pervade many areas of community including policing, education, municipal government, and other public spaces.



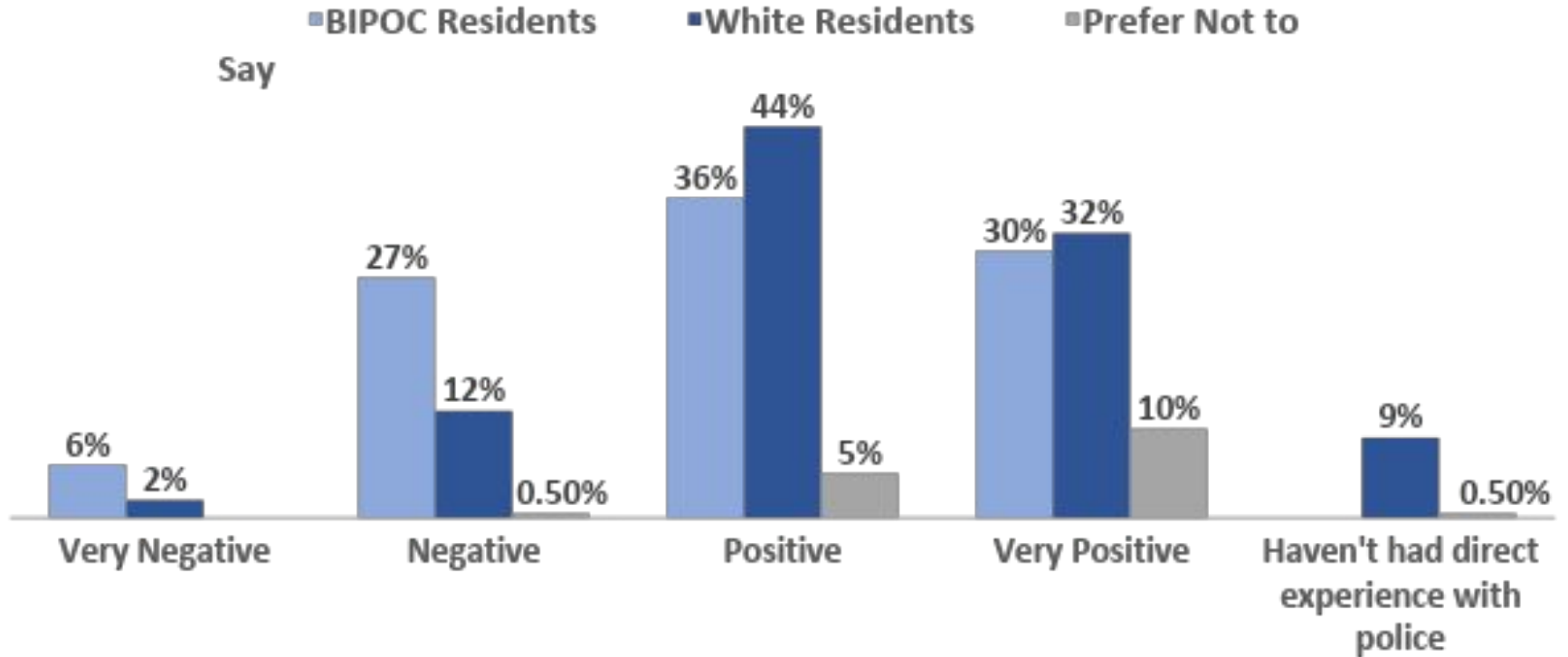


2A

EXPERIENCES WITH POLICE

WHAT PEOPLE WERE WILLING TO SHARE

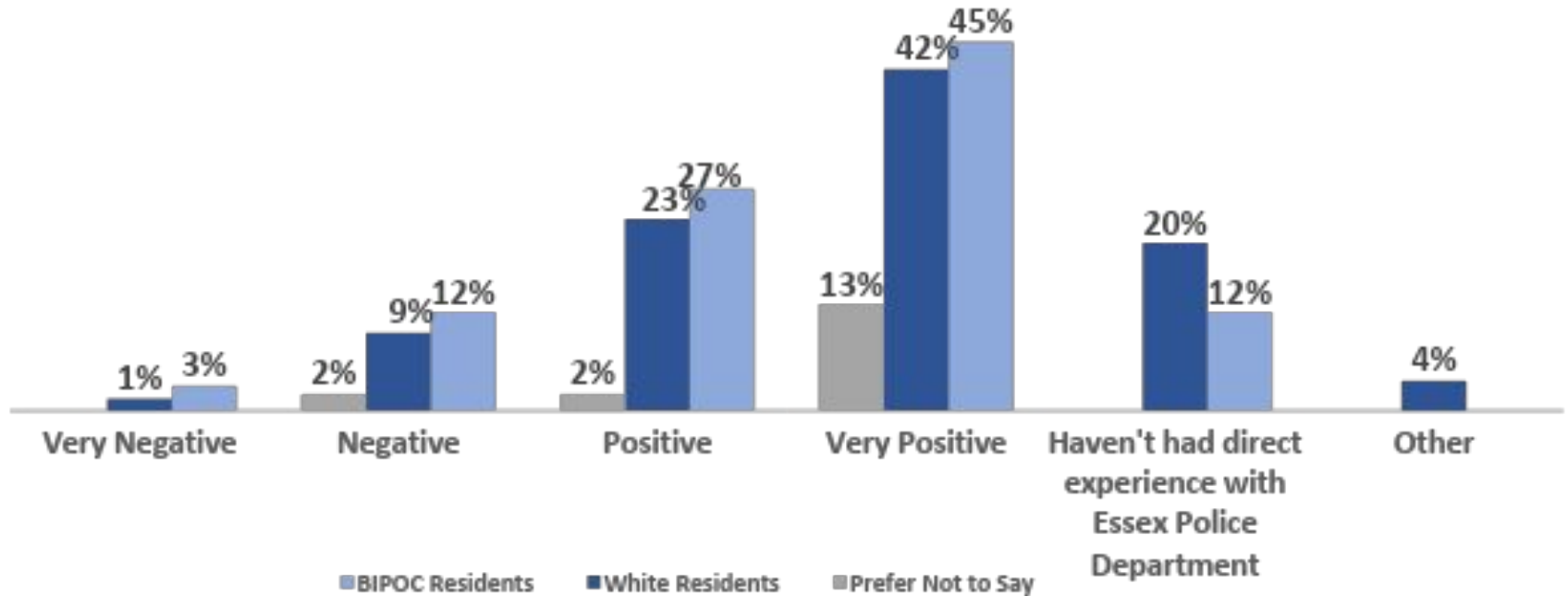
OVERALL EXPERIENCE WITH POLICE

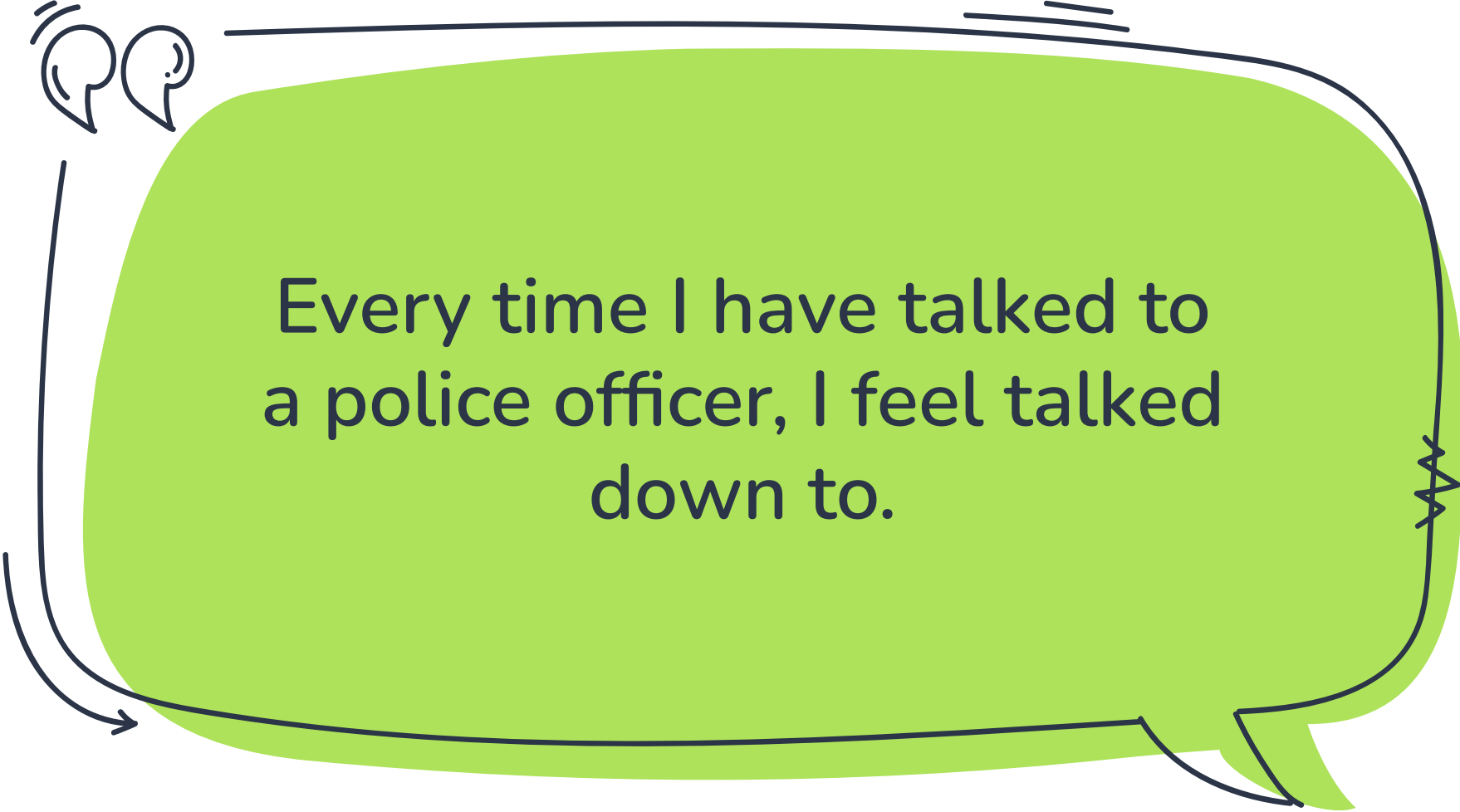




We are lucky to have a police department like Essex. They are professional and dedicated public servants.

EXPERIENCE WITH THE ESSEX POLICE DEPARTMENT

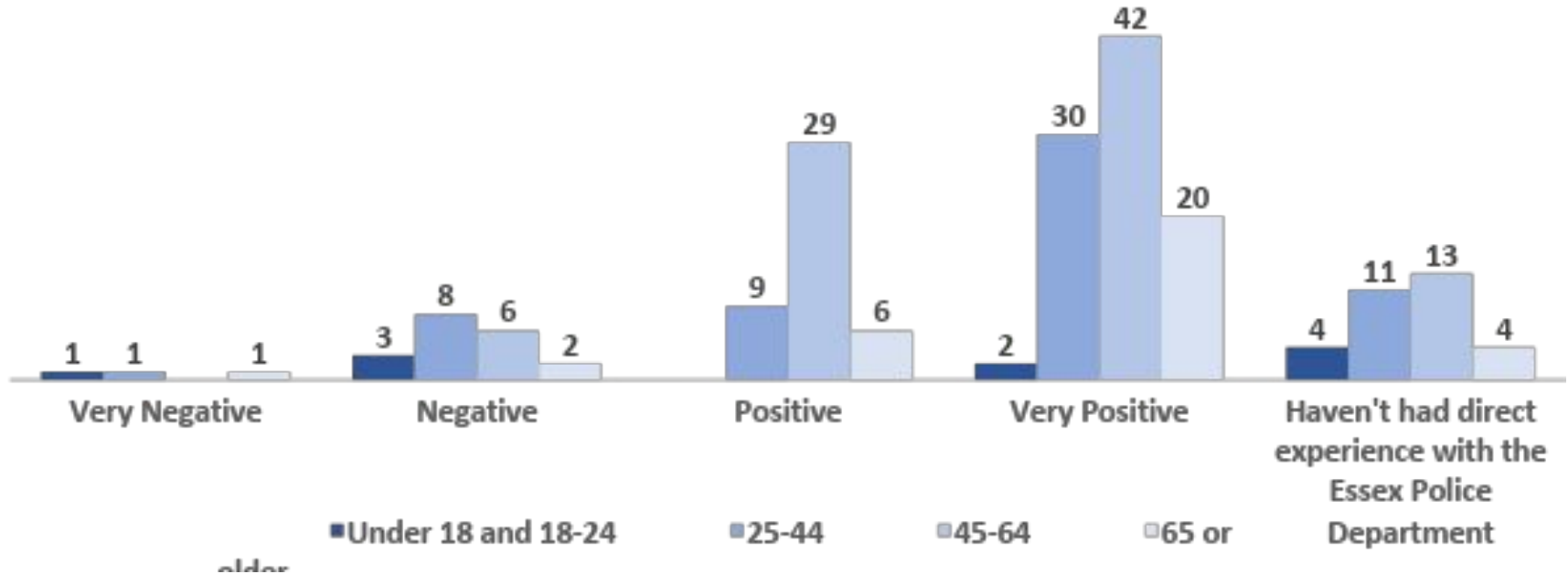


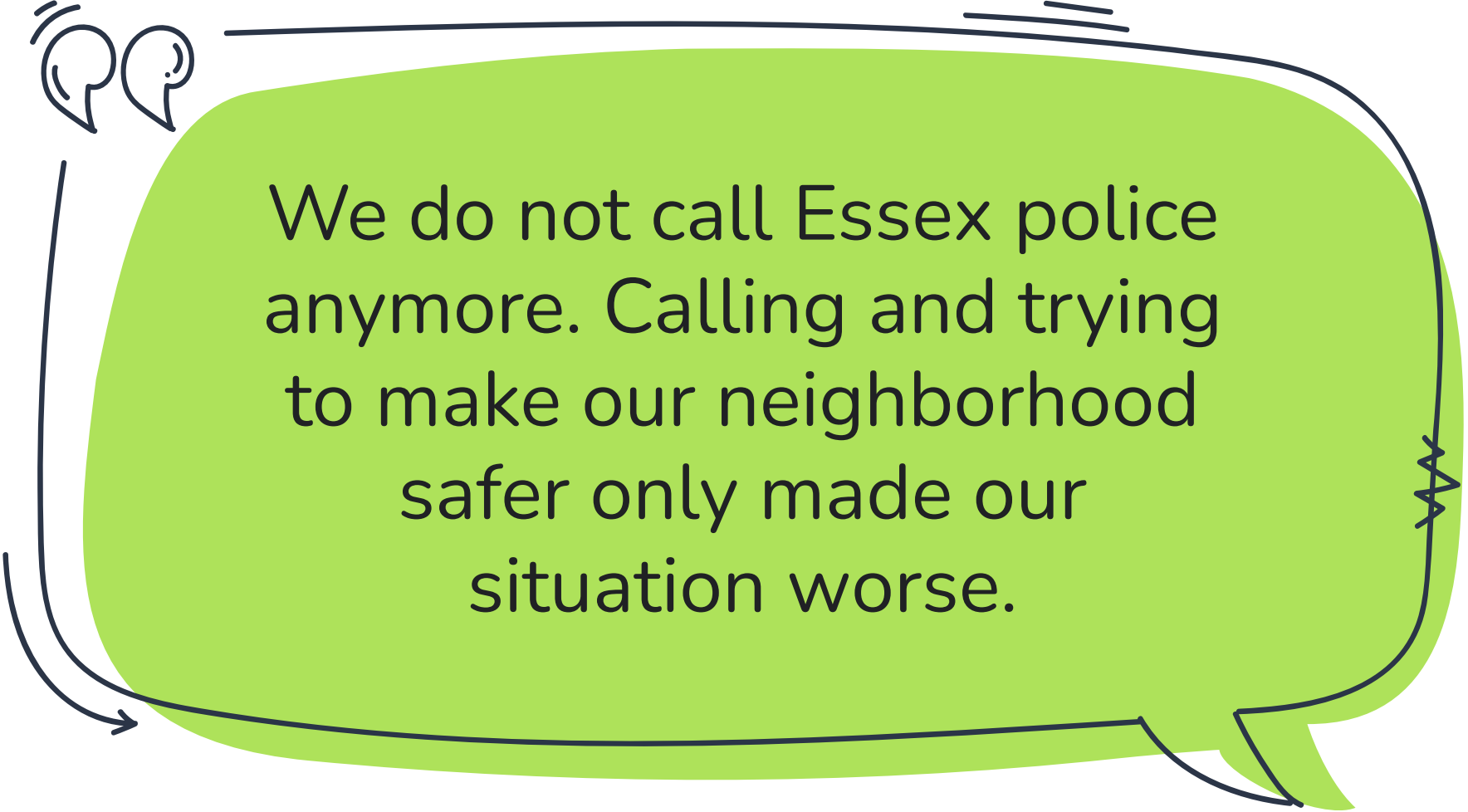


Every time I have talked to
a police officer, I feel talked
down to.

EXPERIENCE WITH THE ESSEX POLICE DEPARTMENT

By Age

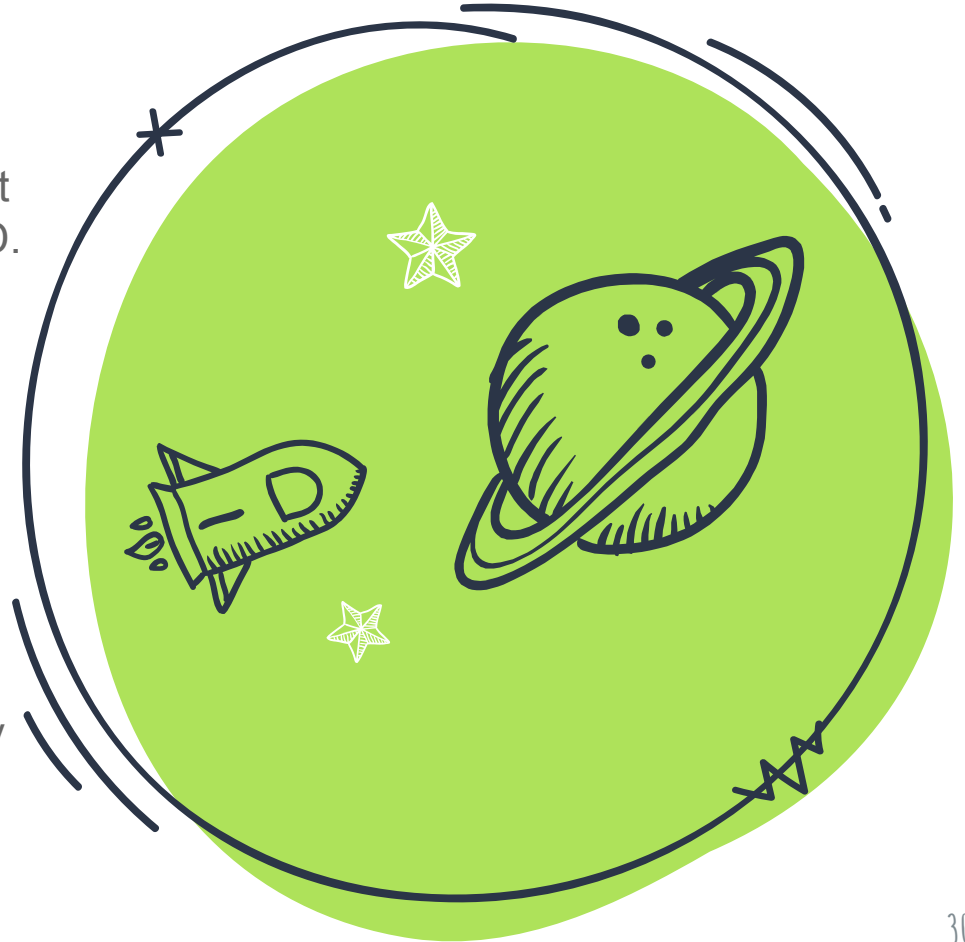




We do not call Essex police anymore. Calling and trying to make our neighborhood safer only made our situation worse.

BIG CONCEPTS

- X More than 70% of total participants report positive/very positive experiences of EPD. This changes based on race, but the majority of BIPOC participants still report positive experiences AND negative.
- X BIPOC respondents were more likely to report negative experiences with EPD.
- X Police have been weaponized against BIPOC community members.
- X Racial targeting by police and community members happens in Essex.

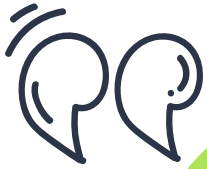




3

ACTIONS & IDEAS

CREATING A SAFER, MORE JUST ESSEX



Listen to community members, believe their stories & respond. Add more mental health and addiction treatment for repeat troubled households. A community board of some sort so police aren't policing themselves.

MUNICIPAL

- X Ensure that community leadership is representative of the population
- X Improvements to Education system (i.e. curriculum changes)

COMMUNITY

- X Build shared agreement and commitment to an inclusive, equitable future through ongoing **community conversations, education and training**

POLICING

- X Consider a range of strategies to improve policing,

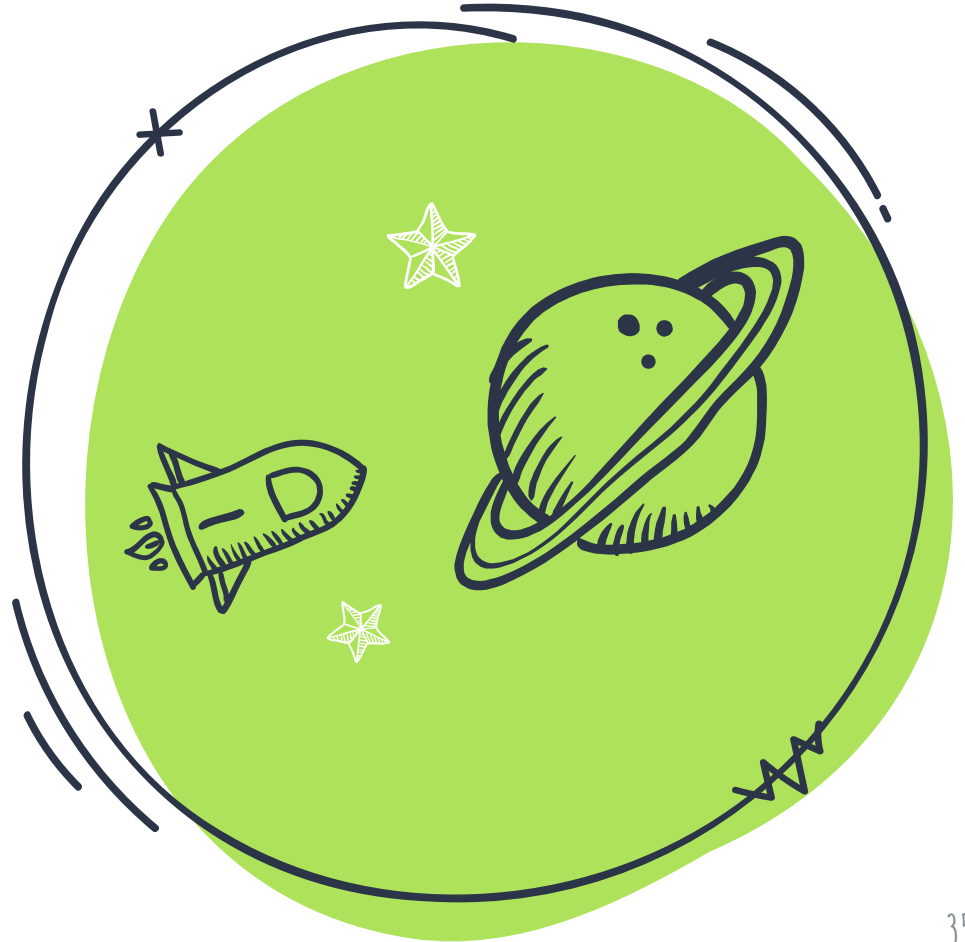


There should be some sort of way that the Black community can connect with the police department. Many people of color do not trust the police and they should be feel that their safety matters in our community and that they too can call the police and not feel that harm will come to them in doing so.

BIG CONCEPTS

The four most popular ideas for improving policing and public safety in Essex are:

- X Community Policing/Relationship Building
- X Citizen Oversight of Police
- X Training
- X Reforms





Citizen oversight board - Much deeper transparent data gathering - Sexism is gravely missing from discussion - Regular rigorous de-escalation training - Require college degrees for police - Help police by allocating certain calls to mental health experts hired by our town



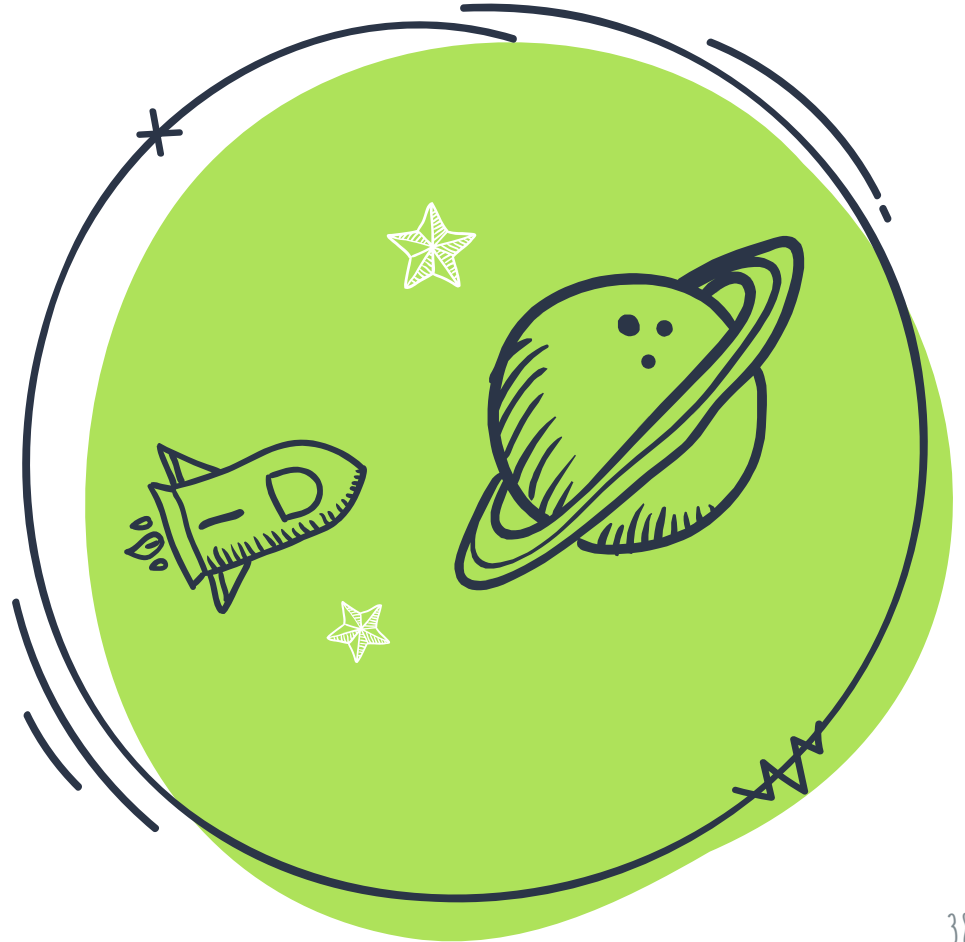
Community policing so residents feel confident and comfortable calling for help. Social worker backup to assist the police with mental health calls/emergencies. They can't do it all.

BIG CONCEPTS

There were major differences in whether people had negative/positive experiences with police and whether people thought we need to make changes.

These differences fall clearly along the lines of race

REWORD





We do need social services to continue to support communities who are victims of social imbalance/inequality.

Defunding social services and underpaying its employees only hurts the community, not the town's fiscal bottom line.



Analyze police call data & redirect police funding to more appropriate services such as social/psychological/family support. Add this support number to 911 & keep it separate just as fire & ambulance are separate physically & organizationally from police. Increase the number of people of color & women in law enforcement & provide a welcoming environment for them.

FORWARD TOGETHER

GATHER DATA & PREPARE LEADERS

Identify details to discuss issues of race, public safety, and policing.

Prepare public leaders/EPD for process.

Hold listening sessions/Disseminate survey

Summarize data from listening sessions and surveys

DEVELOP CORE TEAM

Convene a group of volunteers that includes:

Community members
Public officials
Law enforcement
Youth

They will review the data and make recommendations for next steps

ESTABLISH WORK PLAN

Based on data review, the core team will:

Rank proposed actions based on the community responses

Identify resources needed

Develop goals and timeline for action plan



CREATIVE DISCOURSE THANKS

- ✕ All the Essex community members who participated in the listening sessions and responded to the surveys.
- ✕ The core planning team of municipal staff who helped to support and implement this work: *Greg Duggan, Jill Evans, Ron Hoague, Erin Maguire, Owiso Makuko, Evan Tiech*

Presentation template by [SlidesCarnival](#)



THANKS FOR
LISTENING!

Any questions?



POLICE COMMUNITY ADVISORY BOARD
April 16, 2024

POLICE COMMUNITY ADVISORY BOARD
REGULAR MEETING
MINUTES OF MEETING - DRAFT
April 16, 2024

POLICE COMMUNITY ADVISORY BOARD: Co-chair Christina Hagestad, Gwendolyn Evans, Dan Maguire and Vince Cuciti

Absent: Chair, Leo Duque, Ron Hoague (Chief); Ta-Tanisha Redditta (Advisor), Jody Kamon (Advisor)

STAFF: Anthony Jackson-Miller (Community Affairs Liaison-Essex Police Department)

ADMINISTRATION: Lt. Rob Kissinger, (EPD)

OTHERS PRESENT: None.

1. CALL TO ORDER

Co-chair Christina Hagestad called the meeting to order at 6:05pm.

2. AGENDA ADDITIONS/CHANGES

No additions or changes to the Agenda.

3. AGENDA APPROVAL

Agenda Approved. Minutes from March 19, 2024 were approved.

4. PUBLIC TO BE HEARD

No members of the public were heard.

5. BUSINESS ITEMS

a. *The board welcomed new member of the board Vince Cuciti. Vince, a town resident, was appointed to a two-year term. Welcome Vince!*

b. *Community engagement.*

Anthony Jackson-Miller led a discussion focused on community engagement designed to reach the underserved populations in our community. He discussed National Night Out, Coffee with a Cop, Citizen's Academy and Ideal, VT.

- The board determined it would have a presence/booth at the National Night Out held at EHS August 6, 2024.

- Gwendolyn reported on her first class with the Citizen's Academy. She was both informed and challenged and looks forward to the next class!

- Ideal, VT – from the Office of Racial Equity adopted by the Town of Essex. An initiative advancing diversity, equity and inclusion.

c. *The board continued to develop its work plan. Survey: The board determined it would review the past survey ("Essex Best") to develop a "smart goals plan".*

d. *The board will hear from the Essex Community Justice Center at the next meeting.*

e. *Co-chair Christina Hagestad advised that she attended the Selectboard last evening as two EPD officers were honored for life saving efforts.*

6. CONFIRMATION OF TOPICS FOR NEXT MEETINGS AGENDA

The board will hear from the Essex Community Justice Center. The board will continue its Work Plan as well as to continue to monitor the efforts to fill the empty seat on the board.

7. ADJOURN

A motion to adjourn was made and unanimously seconded by the Board. The meeting adjourned at 7:30pm.

Respectfully submitted,
Dan Maguire
CAB Secretary

ESSEX POLICE DEPARTMENT
Department Directive



Date Issued: November 19, 2003 September 1, 2014 July 1, 2016 October 23, 2019 March 31, 2023 July 1, 2024	Number: 1.3.3
<p>Work Rules Fair and Impartial Policing</p>	<p style="text-align: center;">New</p> <p style="text-align: center;">▶ Amends</p> <p style="text-align: center;">Rescinds</p>
Authorized Signature: _____ Chief of Police	
<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
Date Implemented: <p style="text-align: center;">07/01/2024</p>	Review Date: <p style="text-align: center;">12/31/2026</p>

1.0 PURPOSE

1.1 The purpose of this policy is to require that all members of the Essex Police Department conduct policing in a fair and impartial manner, to clarify the circumstances in which officers can consider personal characteristics or citizenship or immigration status when making law enforcement decisions and to reinforce processes and procedures that enable us to provide services and enforce laws in an equitable and impartial way. Essex Police is required to adopt each component of the Vermont Criminal Justice Council's model fair and impartial policing policy. Essex Police may adopt additional components.

2.0 INTRODUCTION

2.1 Employees are prohibited from engaging in biased policing. This means no member of the Essex Police shall take actions based on any personal characteristics or citizenship or immigration status, except as described below, in

the services our employees provide to the community in connection with our law enforcement activities.

- 2.2 Because partnership with Vermont residents is the most effective way to ensure public safety, maintaining the public's trust is a primary concern. To secure this trust, personal characteristics or citizenship or immigration status should have no adverse bearing on an agency's interactions with an individual. Enforcement of civil immigration law is a federal responsibility, and agencies should not engage in such enforcement except as otherwise outlined in this policy. Vermont residents are more likely to engage with law enforcement and other officials by reporting emergencies, crimes, and acting as witnesses; to participate in economic activity; and to be engaged in civic life if they can be assured they will not be singled out for scrutiny on the basis of their personal characteristics or citizenship or immigration status.
- 2.3 To achieve these objectives Essex Police Department will implement a combination of best practices in areas including but not limited to: hiring, in-service training, policy development, supervision, reporting and investigative processes, appropriate discipline, and community outreach/partnerships.

3.0 POLICY

3.1 Definitions

- 3.1.1 **Biased policing:** is conduct by law enforcement officers motivated by an individual's actual or perceived or self-identified personal characteristics.
- 3.1.2 **Personal characteristics:** May include but is not limited to actual or perceived identity, race, ethnicity, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, age, religion and socio-economic status.
- 3.1.3 **Citizenship or Immigration status:** Generally refers to the legal rights, if any, of a non-citizen to enter or remain in this country, or to exercise certain rights (e.g., vote in federal elections). Examples of status include, without limitation, "lawful permanent resident," "temporary worker," "refugee," and "undocumented."
- 3.1.4 **Reasonable suspicion:** Suspicion, for which an officer can articulate factual reasons, does not need to rise to the level of probable cause.
- 3.1.5 **Probable cause:** Facts or circumstances that would lead a reasonable person to believe that a crime has been committed, or is being committed, or is about to occur.

3.1.6 **Member or employee:** any employee employed by Essex Police Department, regardless of their assigned tasks or duties.

3.1.7 **Federal immigration authorities:** federal agencies, departments, or employees or contractors thereof, tasked with enforcement of immigration law and border entry, including without limitation the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP).

3.2 Policing Impartially

3.2.1 As required by law, all law enforcement actions by law enforcement officers, such as investigations, detentions, traffic stops, arrests, searches and seizures, etc., must be based on reasonable suspicion, probable cause or relevant exigent circumstances, supported by articulable facts, circumstances, and conclusions that support the given action.

3.2.2 Essex Police members may take into account reported race, ethnicity or other personal characteristics of persons based on credible, reliable, locally relevant, temporally specific information that links a person of specific description to particular criminal incidents or other matters under investigation and is combined with other identifying information.

3.2.3 Personal characteristics shall not be used as a reason to arrest someone instead of citing them and shall not impact the decision on whether to seek continued custody pursuant to Vermont Rule of Criminal Procedure 3.

3.2.4 Citizenship or immigration status shall not be used as reason to arrest someone instead of citing them and shall not impact the decision on whether to seek continued custody pursuant to Vermont Rule of Criminal Procedure 3, except that criminal liability for offenses where one's citizenship, or immigration status, is an essential element is a factor that may be considered in a Rule 3 determination.

3.2.4.1 Example: An individual convicted of a violent felony is removed by immigration authorities after serving their sentence. Unlawful re-entry by that individual may result in substantial prison time – 10 years or more. Those factors may be considered because the prospect of long incarceration can be relevant to case-by-case evaluation of flight risk.

3.2.4.2 Note that per Section 6.0 of this Policy, Essex Police do not have authority to investigate civil immigration laws and that Essex Police

members shall not ask about or investigate a person's citizenship or immigration status unless information regarding citizenship or immigration status is an essential element of a crime.

3.2.5 Personal characteristics and/or citizenship or immigration status, including the existence of a civil immigration detainer, shall not affect the detainee's ability to participate in pre-charge or police-initiated pre-court processes such as referral to diversion or a Community Justice Center.

3.2.6 Under federal and state law, law enforcement agencies are required to provide qualified interpretation services, either in person or telephonically, to any person in need of it.

4.0 Community Relations

4.1 To cultivate and foster transparency and trust with all communities, each Essex Police member shall do the following when conducting pedestrian and vehicle stops or otherwise interacting with members of the public unless circumstances indicate it would be unsafe to do so:

4.1.1 Be courteous and professional;

4.1.2 Introduce themselves to the person (providing name and agency affiliation), and state the reason for the stop as soon as practicable unless providing this information will compromise officer or public safety or a criminal investigation;

4.1.3 Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense and the Essex Police member conveys the purpose of the reasonable delays;

4.1.4 Provide Essex Police member's name verbally when requested. Essex Police members may also provide the information in writing or on a business card;

4.1.5 In addition to the above, officers should answer relevant questions the person may have if doing so will not compromise safety and/or the investigation.

5.0 Establishing Identity

5.1 An individual shall not be stopped or detained solely for the purpose of establishing identity. However, if the individual has already been stopped for a lawful purpose, the individual may be subject to objectively reasonable additional

detention in order to establish identity (e.g., inquiry into identity during the course of a lawful traffic stop).

- 5.2 Absent reasonable suspicion of unlawful activity, department members shall not require that passengers in motor vehicles provide identification or other documents. If requesting such documents, Essex Police members will state that passengers are not required to provide them. A passenger not providing identification does not constitute reasonable suspicion of unlawful activity. In no instance shall the enforcement of civil immigration law be a reason to request identification or other documents (See Section 6.0).
- 5.3 In instances when a standardized form has a field requesting an individual's social security number, Essex Police members may request such information for the purposes of establishing identity. An individual not providing a social security number does not on its own constitute reasonable suspicion of unlawful activity. The absence of a social security number is not indicative of citizenship or immigration status. In no instance shall the enforcement of civil immigration law be a reason to request a social security number.
- 5.4 Acceptable forms of identification, which must include a photograph of the individual, include, but are not limited to, *driver's licenses from any U.S. state or foreign country, government-issued IDs by a U.S. jurisdiction, foreign passports, and consular ID cards*. All identification is subject to reasonable scrutiny and follow-up for authentication consistent with the provisions of this policy. Any contact with federal immigration authorities to determine an individual's identity must comply with guidance regarding interactions with Federal Immigration Officers in Section 7.0.

6.0 State / Local Enforcement Authority / Priorities and Federal Immigration Law

- 6.1 The trust and cooperation of immigrant communities is essential to prevent and solve crimes and maintain the safety and security of all. The U.S. Constitution's Fourth Amendment and the Vermont Constitution's Article 11 rights against unreasonable search and seizure apply equally to all individuals in Vermont.
 - 6.1.1 Essex Police members do not have authority to enforce federal civil immigration law. Mere presence in the United States without authorization – for example, residing in the country with an expired visa – is a civil violation and may not be subject to investigation.
 - 6.1.2 Though Essex Police members have authority to enforce federal criminal law, enforcement of federal criminal immigration law is generally not a priority for Essex Police. Accordingly, Essex Police members should not make warrantless arrests, detain individuals, facilitate the detention of

individuals, or otherwise expend resources investigating or enforcing unlawful entry or unlawful reentry cases unless such actions are (1) necessary to ensure public safety or officer safety (imminent risk of physical injury to subject, officer, or third party) or (2) integral to the investigation of criminal offenses unrelated to immigration law.

6.1.2.1 Comment: Some individuals crossing the border outside of an authorized checkpoint may be seeking asylum and receive federal permission to remain in the United States. Because it is often difficult to determine whether someone is crossing the border to obtain safety and lawful status, Essex Police members should not presume that unauthorized border crossing implicates Vermont, as opposed to federal interests. Essex Police enforcement of alleged “unlawful entry” may create the misconception that the Agency is involved in immigration enforcement and undermine partnerships with local communities.

6.1.3 The following do not on their own establish reasonable suspicion of a criminal offense and are not sufficient to warrant an investigation:

6.1.3.1 Personal characteristics, including Limited English Proficiency

6.1.3.2 Citizenship or Immigration status,

6.1.3.3 Presence in the United States without authorization or formal documentation, and

6.1.3.4 Proximity to the border.

6.2 These elements in combination with others may contribute to reasonable suspicion. As noted in Section 3.2.2, personal characteristics may be taken into account only where there is credible, reliable, locally relevant, temporally specific information that links a person of specific description to particular criminal incidents and is combined with other identifying information.

6.2.1 In interacting with all people,* including suspects, crime victims, and witnesses, Essex Police members shall **not**:

6.2.1.1 Ask about or investigate a person’s citizenship or immigration status unless information regarding citizenship or immigration status is an essential element of the crime (such as human trafficking).

6.2.1.1.1 In so doing, Essex Police members will never use individual personal characteristics to ask about, investigate, or presume citizenship or immigration status. For example, they cannot ask someone about

citizenship or immigration status merely on the basis of race, color, or perceived national origin.

6.2.1.2 Initiate or prolong stops for the purpose of enforcing civil immigration matters.

6.2.1.3 *As explained in Section 7.0 below, federal immigration law permits a narrow category of voluntary communications with federal immigration authorities — i.e., those regarding citizenship or immigration status.

6.2.2 Essex Police members will ensure that individual immigrants and immigrant communities understand that full victim services are available to documented and undocumented victims/witnesses. Essex Police members may, in appropriate situations, advise an individual that, if they are undocumented, they may be eligible for a temporary visa. For example, an individual might qualify for a U, S, or T visa if they are a victim or material witness to certain serious offenses.

7.0 Interactions with Federal Immigration Officers

7.1 Limited Application of Federal Immigration Law.

7.1.1 Essex Police members have no legal obligation to communicate with federal immigration authorities.

7.1.2 However, two federal statutes, 8 U.S.C. §§ 1373 and 1644, provide that local and state agencies and officials may not prevent or restrict their employees from communicating with federal immigration authorities regarding an individual's citizenship or immigration status.

7.1.3 As noted in Section 3.1.3 above, information regarding "citizenship or immigration status" refers **only** to an individual's legal rights, if any, to enter or remain in this country, or to exercise certain rights (e.g., vote in federal elections).

7.1.4 As a result, Sections 1373 and 1644 permit state and local authorities to decide whether or when to limit communications with federal immigration authorities regarding **other** types of information about individuals, such as:

<ul style="list-style-type: none"> • Physical appearance; 	<ul style="list-style-type: none"> • Vehicle / license plate information;
<ul style="list-style-type: none"> • Current whereabouts; 	<ul style="list-style-type: none"> • SSN or lack thereof;
<ul style="list-style-type: none"> • Places of residence, work, or education; 	<ul style="list-style-type: none"> • Family relationships; or
<ul style="list-style-type: none"> • Telephone number; 	<ul style="list-style-type: none"> • Custody status, release date/time; or court dates

7.1.5 In this light, Essex Police has determined that certain legally-permitted restrictions on interactions with federal immigration officers will aid in its mission to serve all Vermonters, including immigrant communities, and ensure trust and cooperation. Those lawful restrictions are described below:

7.1.5.1 Restricted Access to Essex Police facility. Unless federal immigration agents have a judicially-issued criminal warrant or a legitimate law enforcement purpose exclusive of the enforcement of civil immigration laws, Essex Police members shall not:

7.1.5.1.1 grant immigration authorities access to individuals located in otherwise-restricted portions of an Essex Police facility absent a court-approved search or arrest warrant relating to alleged crimes;
or

7.1.5.1.2 permit immigration authorities to use Essex Police facilities for investigative interviews.

7.1.5.2 Restricted Access to individuals outside of Essex Police facility. Unless federal immigration agents have a judicially-issued criminal warrant or a legitimate law enforcement purpose exclusive of the enforcement of civil immigration laws, department members who have an individual in their custody shall not grant or otherwise facilitate immigration authorities' access to the individual.

7.1.5.2.1 However, this section shall not be construed to require members to affirmatively interfere with a federal official's lawful authority to interview, detain, or arrest (with or without a warrant) an individual — e.g., by using force or physically blocking the official.

- 7.1.5.2.2 Instead, Essex Police, members asked to grant access to an individual in their custody (e.g., requests made during a traffic stop) shall respond to the official that they intend to complete their stop first, without interruption – unless it would be unlawful for them to provide that response (e.g., making such statements in an effort to intentionally facilitate an escape of a person subject to lawful arrest).
- 7.1.5.2.3 Essex Police members who are unsure how to proceed in a given situation should immediately contact a supervisor (if available) for guidance, provided they do not unreasonably prolong the stop.
- 7.1.5.3 Comment: As noted above, the Essex Police Department does not participate in civil immigration enforcement and expects its members to try to swiftly and safely complete their law enforcement duties (e.g., issue a traffic citation) and move on, leaving immigration enforcement to the appropriate authorities. Maintaining focus on state or local enforcement serves to build and maintain community confidence in the Essex Police Department.
- 7.1.5.4 Additional Restrictions. In addition, Essex Police members shall not:
 - 7.1.5.4.1 Initiate or prolong stops to allow federal immigration authorities to investigate suspected civil immigration violations.
 - 7.1.5.4.2 Hold people for, or transfer people to, federal immigration agents, unless the agents provide a judicial warrant for arrest.
 - 7.1.5.4.3 Stop, detain, arrest, or transfer someone on the basis of requests from federal immigration agents such as "administrative warrants" and "immigration detainers." Such requests have not been issued or reviewed by a neutral magistrate and do not have the authority of a judicial warrant. They do not meet the probable cause requirements of the Fourth Amendment and Article 11 of the Vermont Constitution and are therefore not a lawful basis to arrest or detain anyone.

7.1.5.4.4 Request or accept assistance from federal immigration authorities for interpretation services, unless a clear emergency requires it and qualified interpretation services are not available through any other means.

7.1.5.4.5 Conduct or participate in enforcement activities intended to locate and detain undocumented immigrants without reasonable suspicion or probable cause of a crime, unless acting in partnership with a federal agency as part of a formal agreement entered into by the governor.

7.1.5.4.6 Facilitate the detention of individuals by federal immigration authorities for suspected civil immigration violations.

7.1.5.4.7 Share any information (other than information regarding citizenship or immigration status) about an individual with federal immigration authority, unless

7.1.5.4.7.1 Public safety or officer safety (articulable risk or physical injury to subject, officer, or third party), and state and local authorities are unable to provide urgent assistance in time; or

7.1.5.4.7.2 Law enforcement needs that are not related to the enforcement of federal civil immigration law (e.g., individual may be a human trafficking victim, a crime victim, or witness entitled to a T, U, or S visa).

7.1.6 Prior to providing such information, Essex Police members shall consult with a supervisor if available, unless doing so would unreasonably extend the individual's custodial detention.

7.1.6.1 Contact federal immigration authorities to determine an individual's identity, unless the individual does not present an acceptable form of identification and an Essex Police member has reason to believe that such authorities will be able to verify the individual's identity.

7.1.6.1.1 The individual's personal characteristics are not a reason to believe that federal authorities will be able to verify the individual's identity.

7.1.6.1.2 Essex Police members shall not provide any information except information necessary to establish identity. For example, a department member shall not provide the location of the individual.

7.1.6.2 Accept requests by federal immigration authorities to support or assist in civil immigration enforcement.

7.1.7 **Essex Police members should understand that disclosures regarding citizenship and immigration status, when unnecessary for state/local law enforcement purposes, may compromise the Essex Police's ability to cultivate and maintain trust with community members and foster positive relationships benefiting all Vermonters.

8.0 Responding to Bias-Based Reports or Reports Regarding Bias from the Community

8.1 If any Essex Police member or employee receives a call for service that appears to be based solely on an individual's perceived personal characteristics or citizenship or immigration status, the Essex Police member will attempt to ascertain if there are other circumstances or facts that would constitute reasonable suspicion or probable cause. If the complainant can offer no further information, the complainant will be advised that the shift supervisor will be in contact at the first opportunity.

8.2 The shift supervisor should attempt to familiarize the caller with the Essex Police's Fair and Impartial Policing policy. If the caller is concerned about the person's perceived citizenship or immigration status, the caller should be advised that Essex Police does not have authority to investigate or enforce civil immigration law.

8.3 At the conclusion of the call, the shift supervisor will document the contact using Essex Police's incident report system.

8.4 If an Essex Police member receives a report of a potentially biased or hate-motivated incident, Essex Police shall either dispatch an officer to evaluate the complaint or refer the caller to the officer in charge.

9.0 Training

- 9.1 The Essex Police will ensure that, at a minimum, all members and employees are compliant with Council and legislative requirements regarding fair and impartial policing training.
 - 9.2 Additional trainings may include but not be limited to instruction on anti-bias, power and privilege, non-English speaking communities, undocumented communities, and victim/witness services.
- 10.0 Accountability and Compliance
- 10.1 The process for making a complaint shall be readily available to the public. Reasonable efforts should be made to accommodate language barriers.
 - 10.2 All Essex Police members are required to promptly report allegations, complaints or knowledge of biased policing or suspected violations of this policy to their supervisor and the department's internal investigation function. Where appropriate, employees are required to intervene at the time the biased policing incident occurs.
 - 10.3 State law requires all Vermont law enforcement agencies to conduct valid investigations of alleged biased law enforcement, even if the named member or employee resigns. Effective July 1, 2018, the Essex Police is required to report to the Criminal Justice Council instances in which officers have willfully engaged in biased law enforcement or substantially deviated from policies prohibiting such enforcement. The Vermont Criminal Justice Council may, in turn, impose sanctions up to revocation of officers' certification. [VT Act 56 (2016), *codified in* 20 V.S.A. § 2401(2)(D) (biased enforcement as Category B unprofessional conduct), § 2403 (duty to report to Council), § 2404 (duty to investigate), and § 2406 (Council-issued sanctions)]
 - 10.4 Violations of the policy shall result in appropriate disciplinary action as set forth in the Essex Police's rules and regulations. Supervisors shall ensure that all employees in their command are familiar and in compliance with the content of this policy. Supervisors will be alert for and respond to indications of potential biased policing.
- 11.0 This Fair and Impartial Policing policy was approved by the Vermont Criminal Justice Training Council on April 23, 2024.