

AGENDA
Police Community Advisory Board
Regular Meeting Agenda
Tuesday, June 18, 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 05212024
- 6. BUSINESS ITEMS**
 - a. Essex Public Safety and Racial Data Summary – Discussion
 - b. State / EPD Fair and Impartial Policing Policy – Brief Discussion
 - c. Fy25 Expectations for Police Community Advisory Board
- 7. READING FILE**
 - a. Essex Public Safety and Racial Justice Data Summary
 - b. PCAB Draft Minutes 05212024
 - c. Fair and Impartial Policing Policy
- 8. ADJOURN**

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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)?



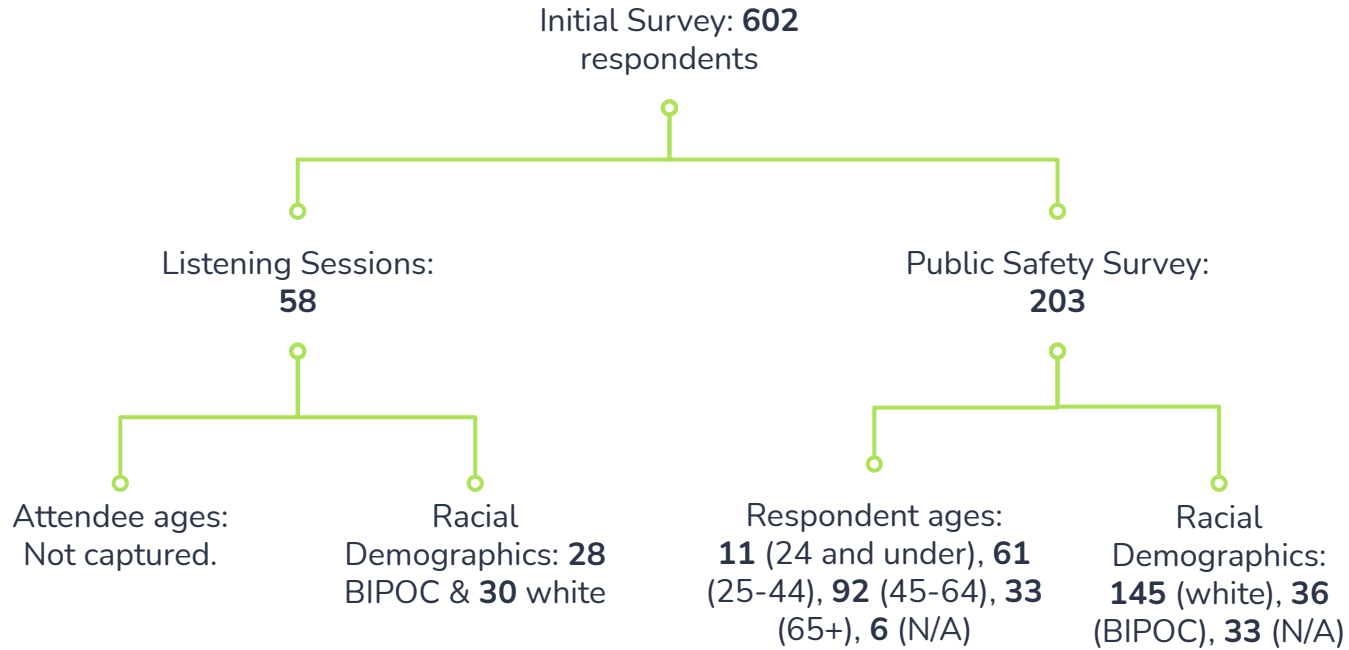
What are people's experiences with public safety and policing in Essex?




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

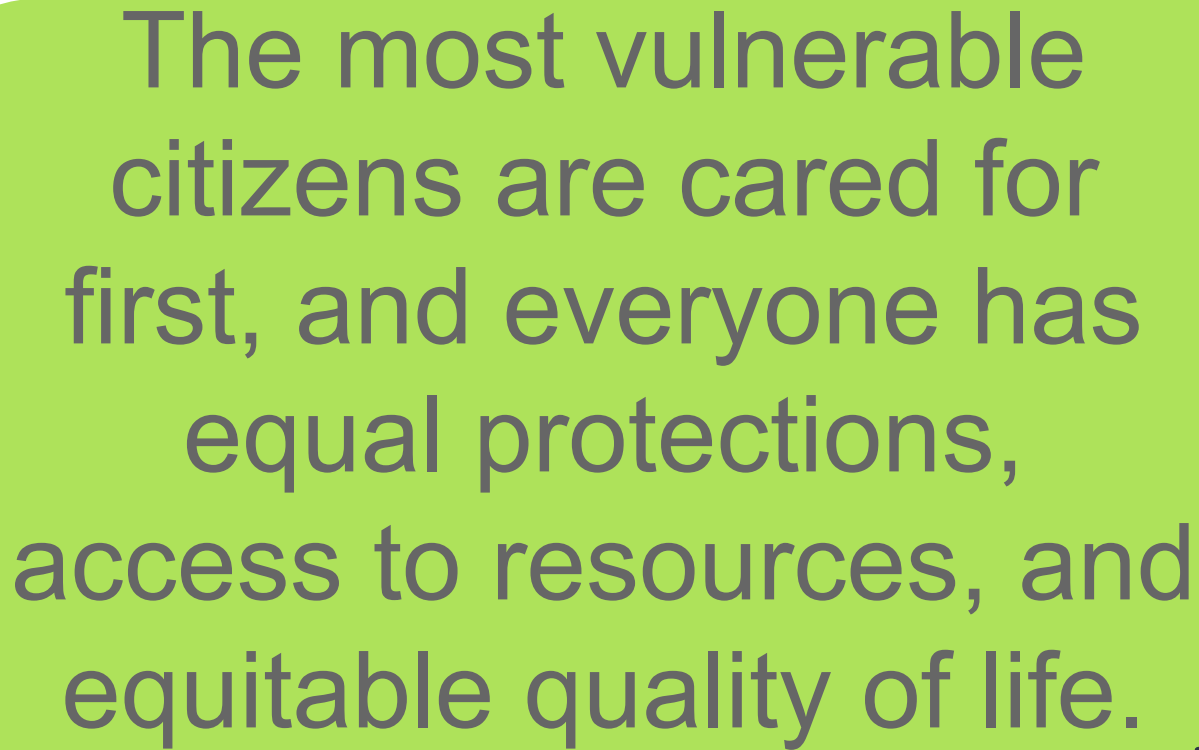
WHAT IS PUBLIC SAFETY?



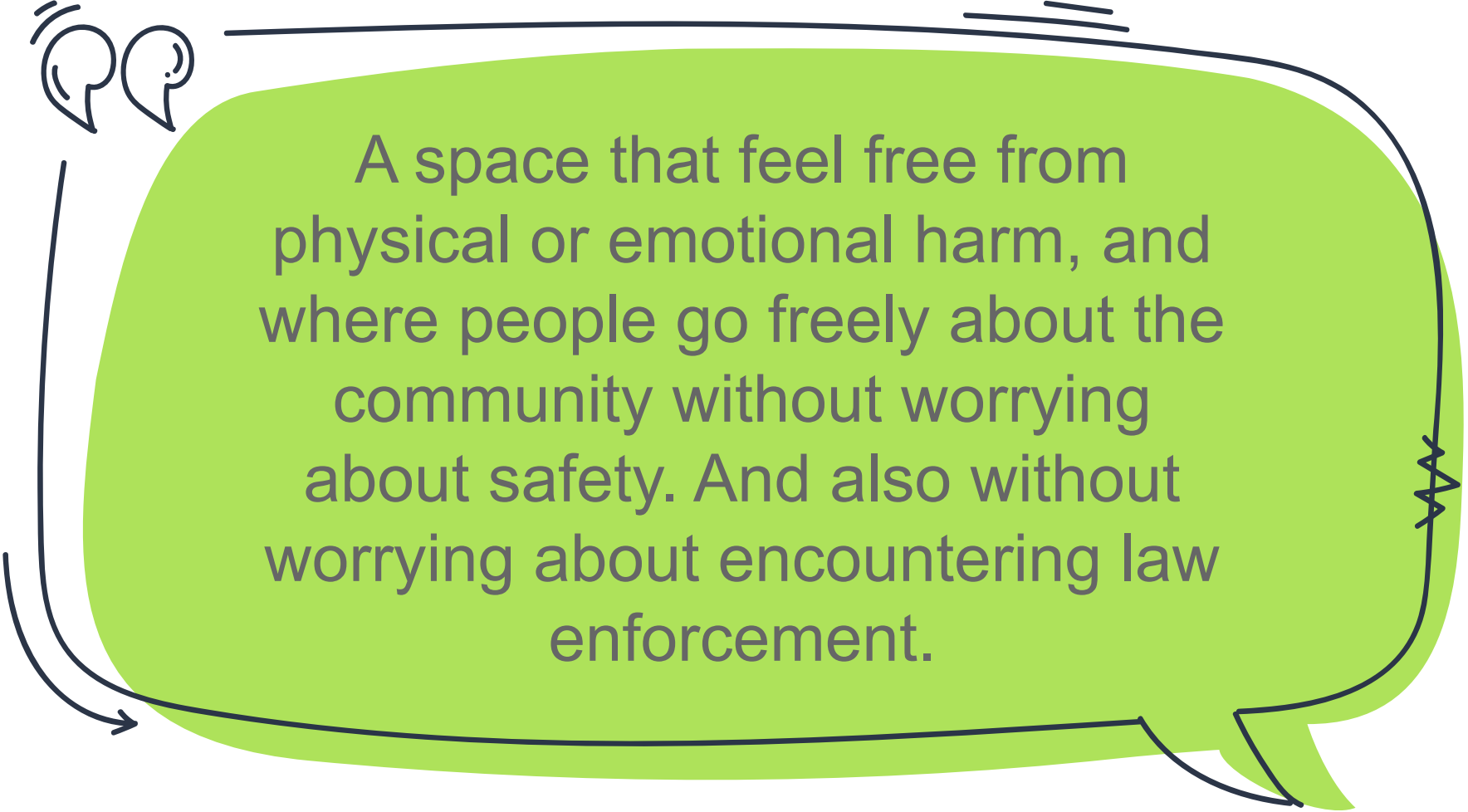
It's a collective commitment
and obligation we have to
care for each other.



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



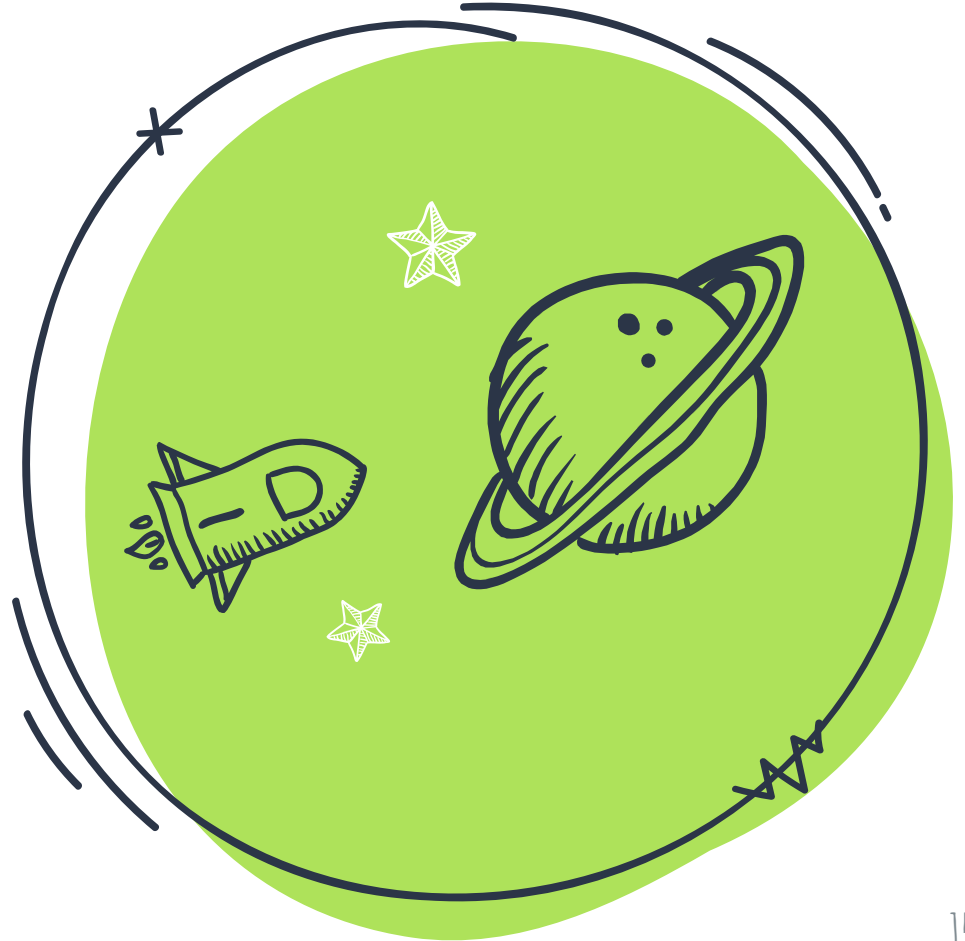
The most vulnerable citizens are cared for first, and everyone has equal protections, access to resources, and equitable quality of life.



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

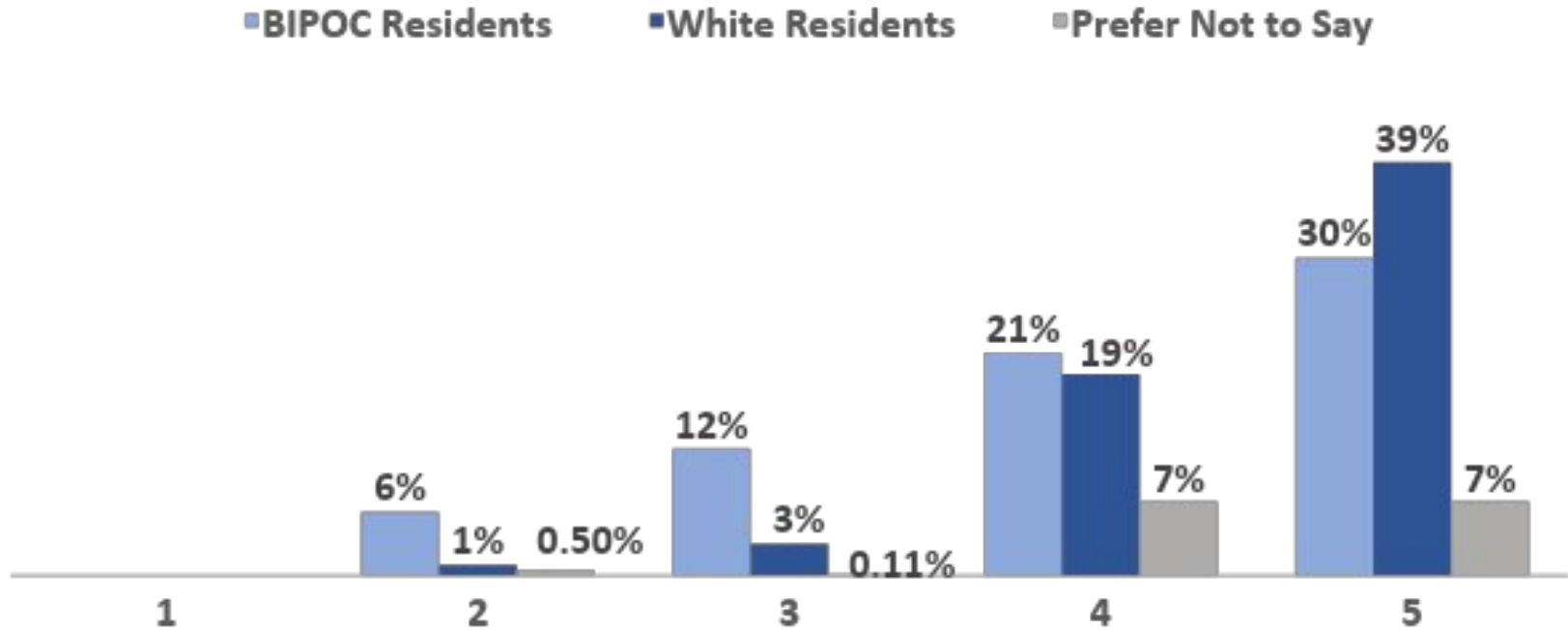
RELATED TO PUBLIC SAFETY



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)

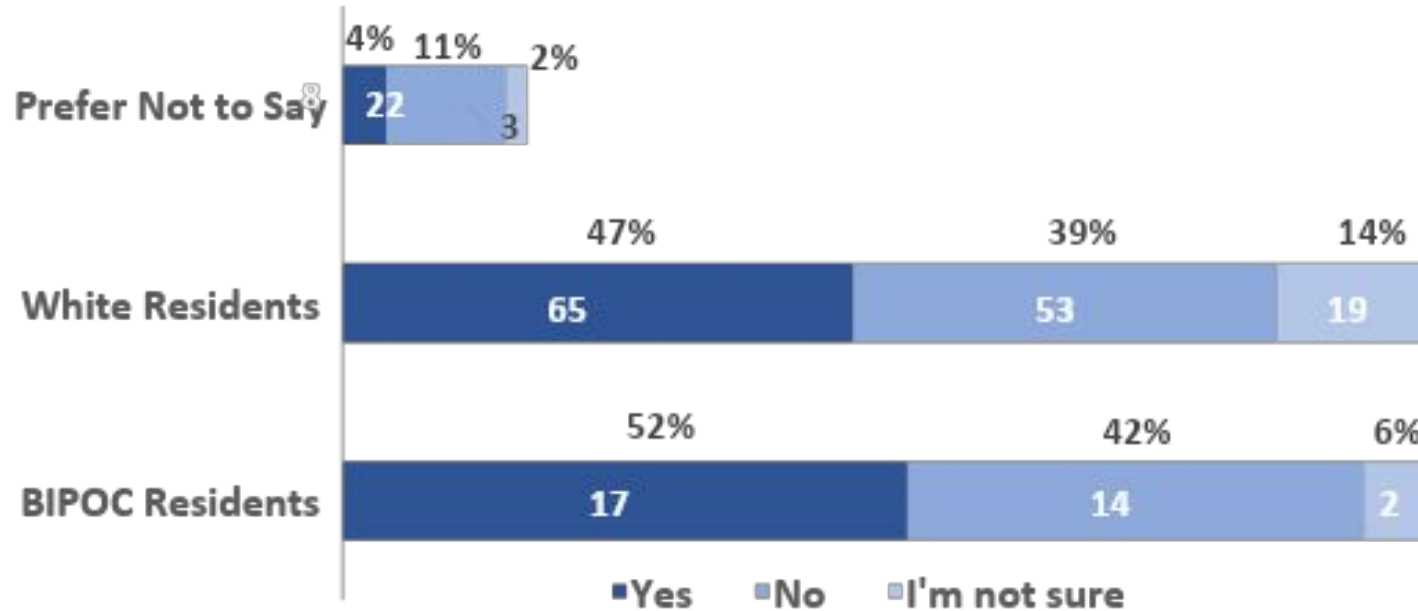




I feel safe as a white member of the Essex society, which I am unsure if my black and brown neighbors feel similarly about. I do not however, feel there are enough establishments that allow me, as a woman to feel safe and without harassment.

HAVE YOU EXPERIENCED OR OBSERVED RACISM IN ESSEX?

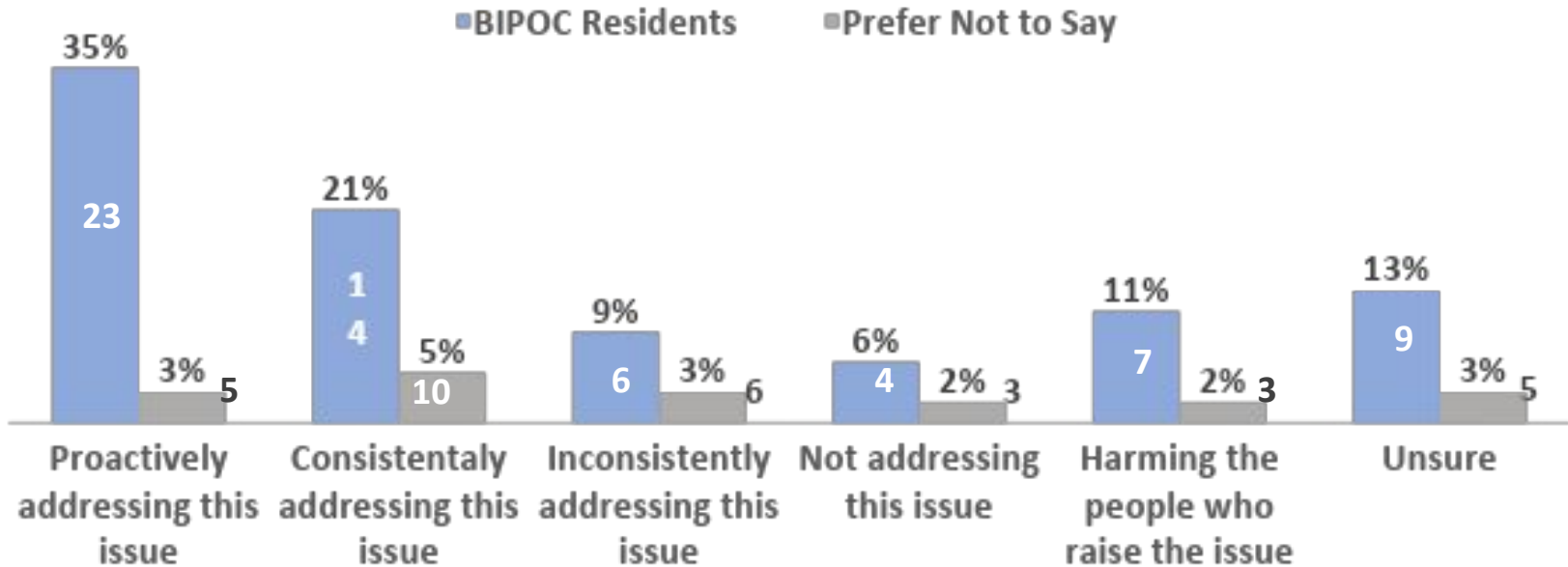
By Race





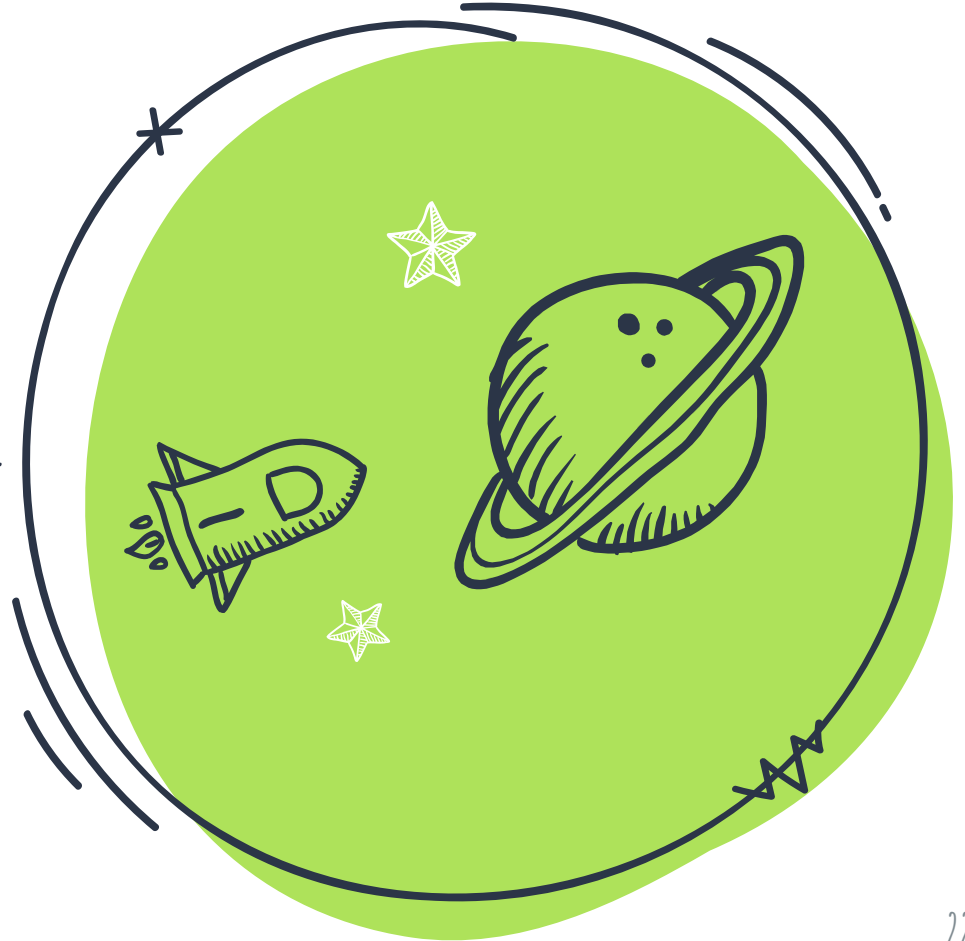
There is a false ideal about Essex being a great place to live that any instance of issues being brought up is seen as bringing in issues that aren't there

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.



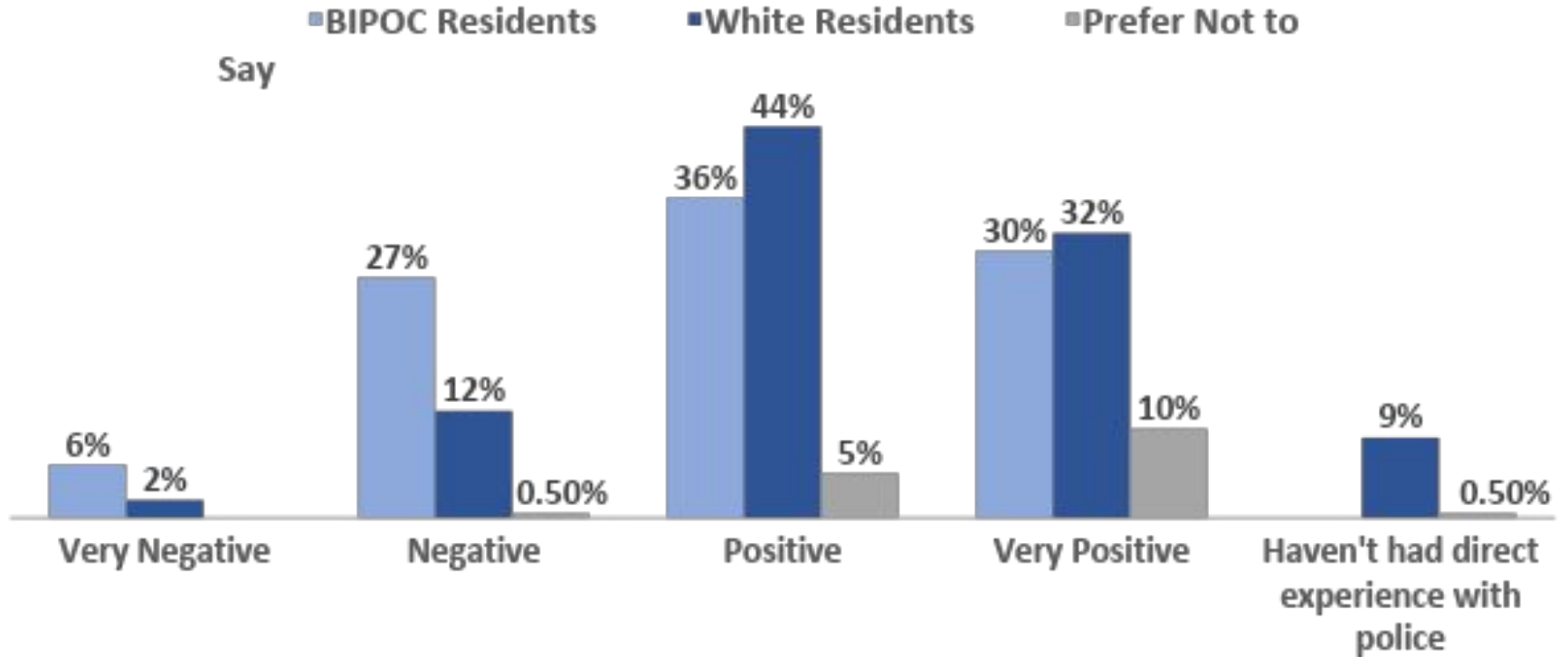


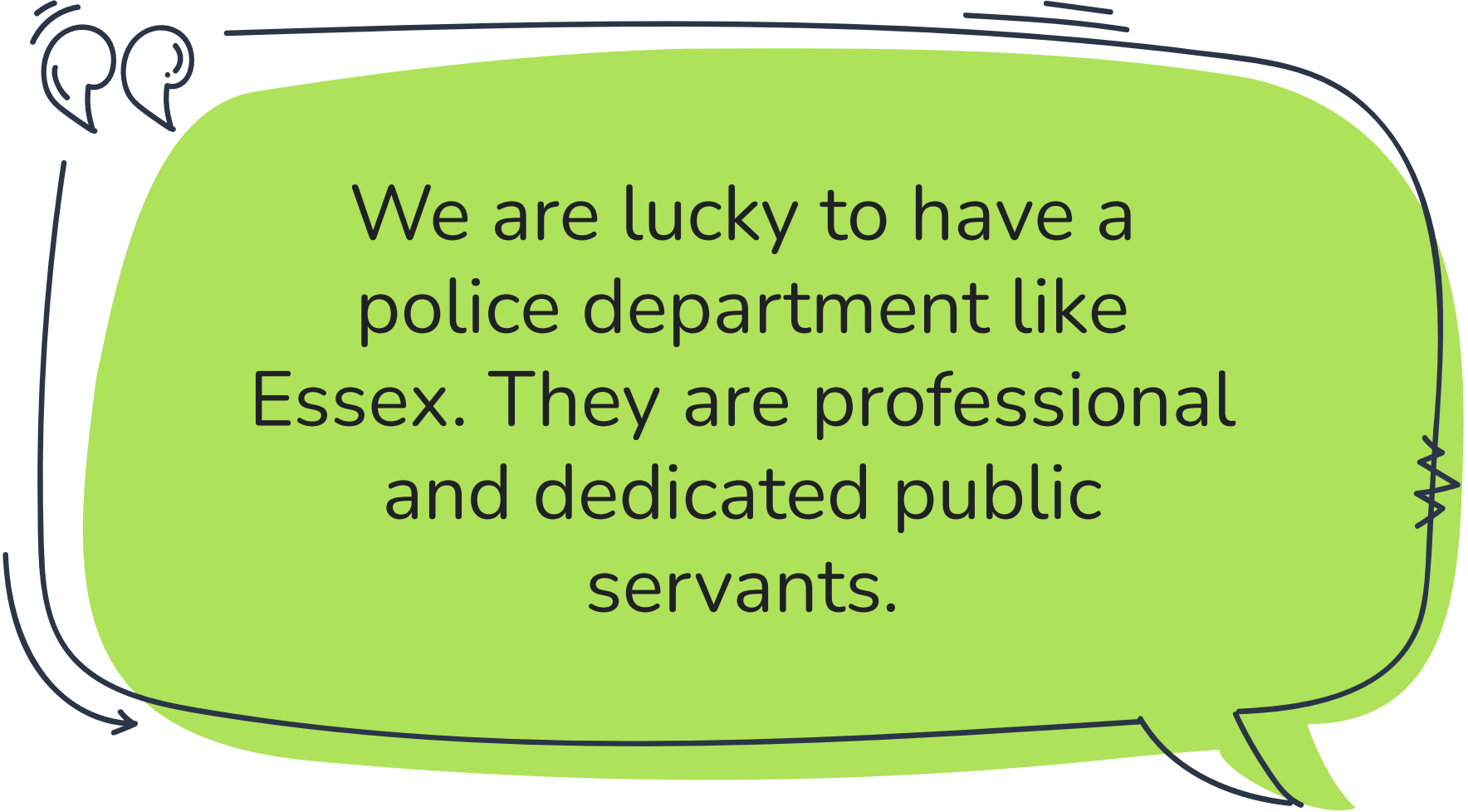
2A

EXPERIENCES WITH POLICE

WHAT PEOPLE WERE WILLING TO SHARE

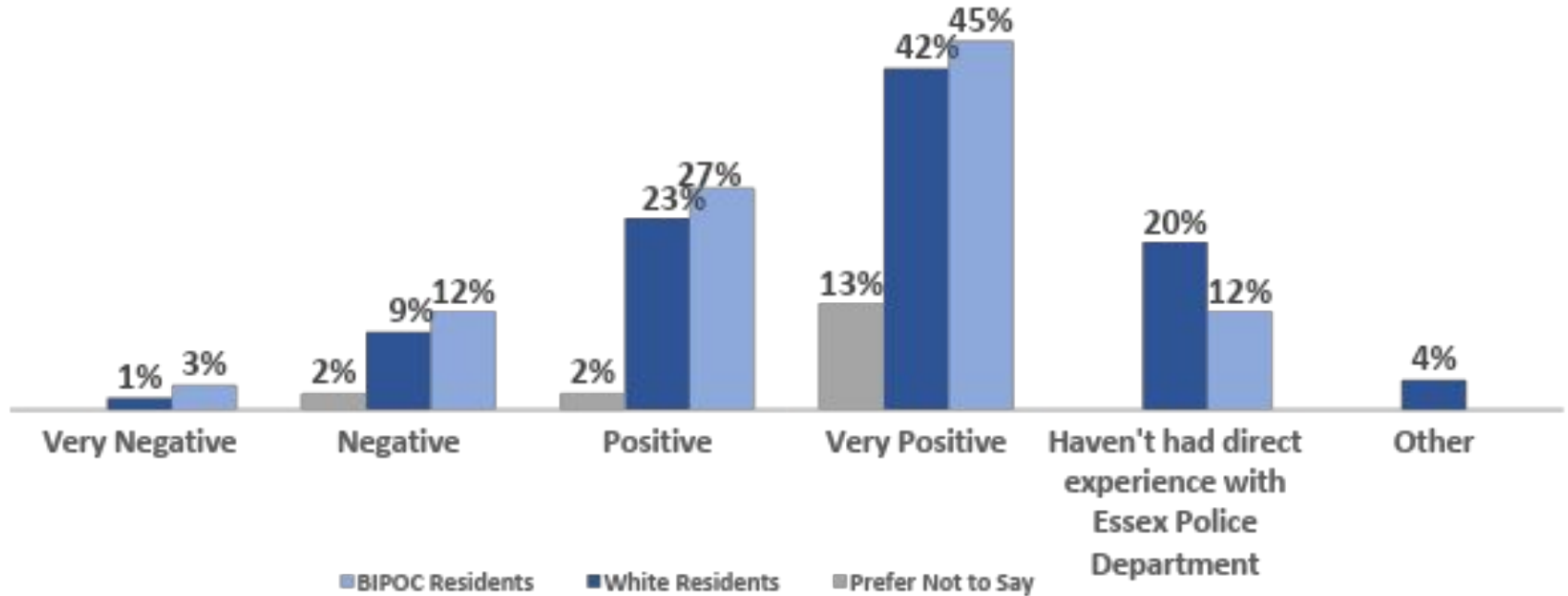
OVERALL EXPERIENCE WITH POLICE

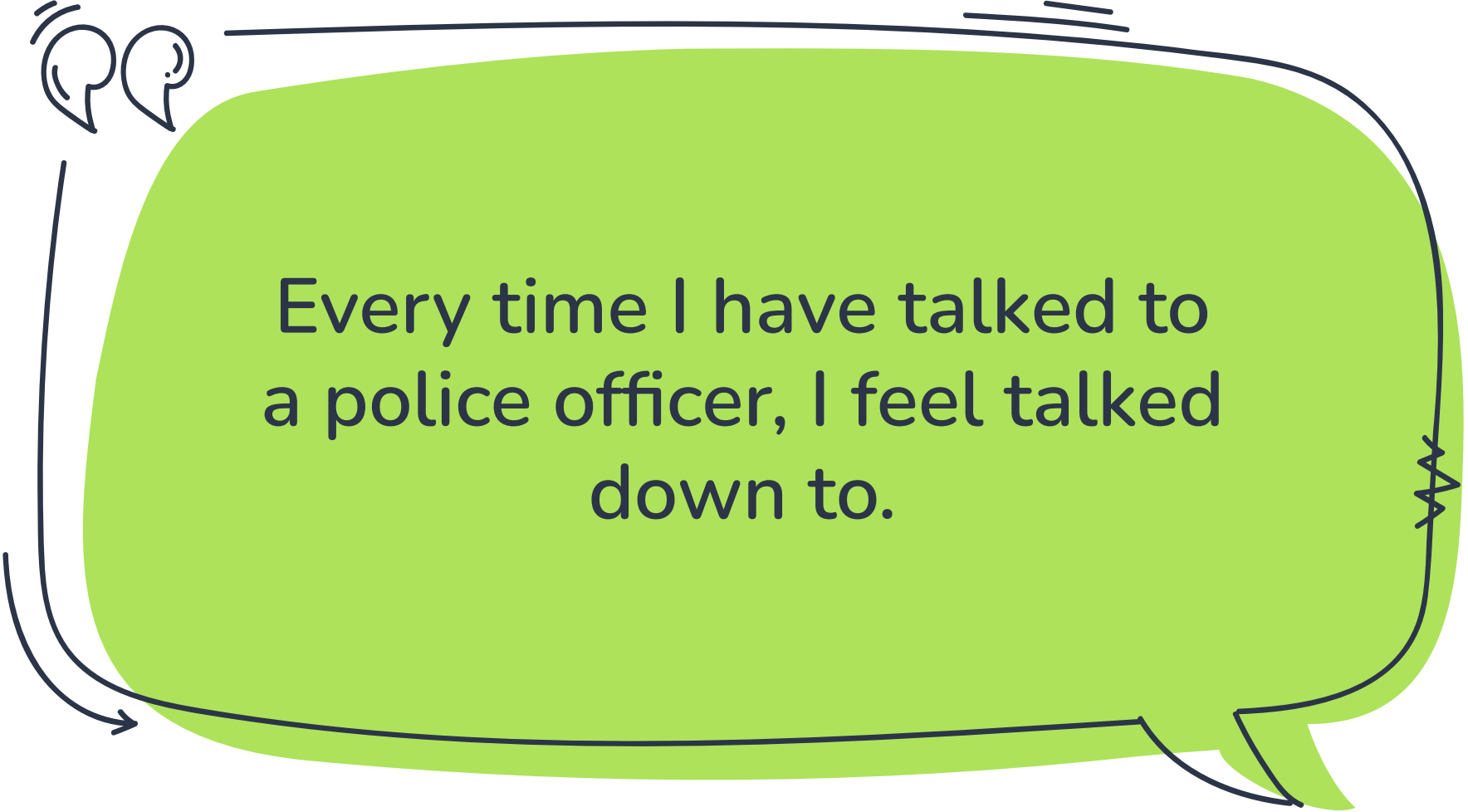




We are lucky to have a police department like Essex. They are professional and dedicated public servants.

EXPERIENCE WITH THE ESSEX POLICE DEPARTMENT

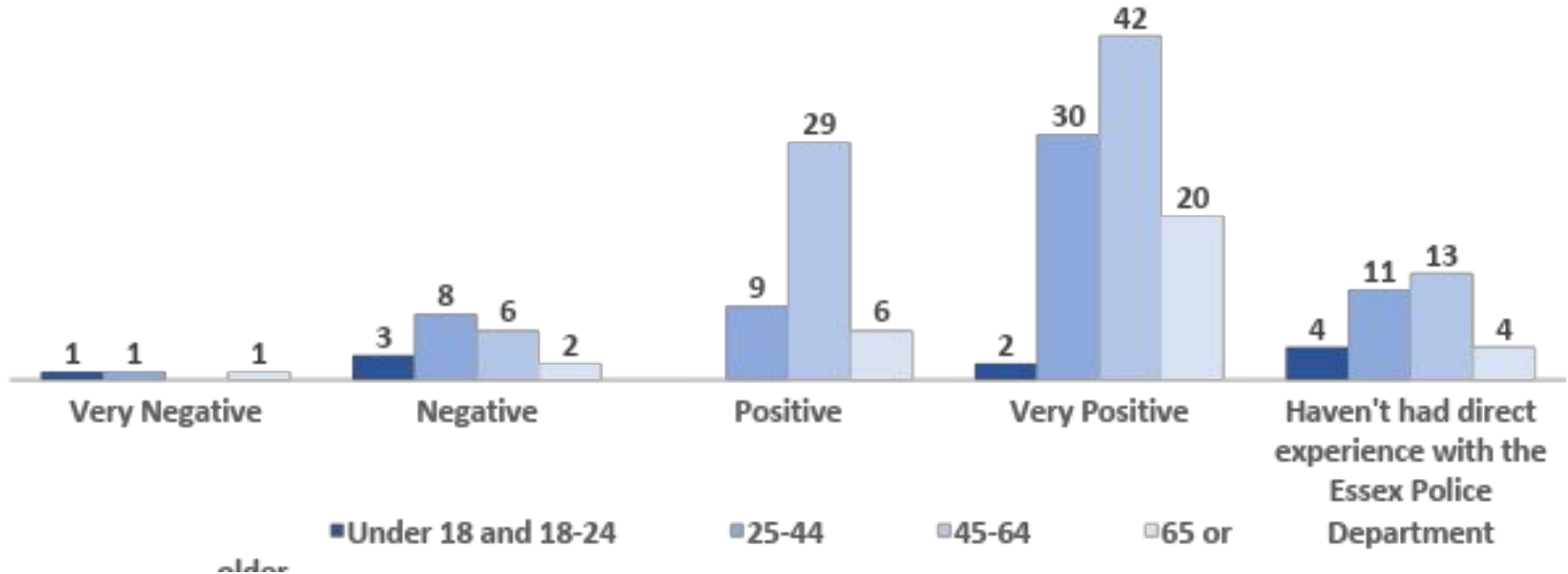




Every time I have talked to
a police officer, I feel talked
down to.

EXPERIENCE WITH THE ESSEX POLICE DEPARTMENT

By Age

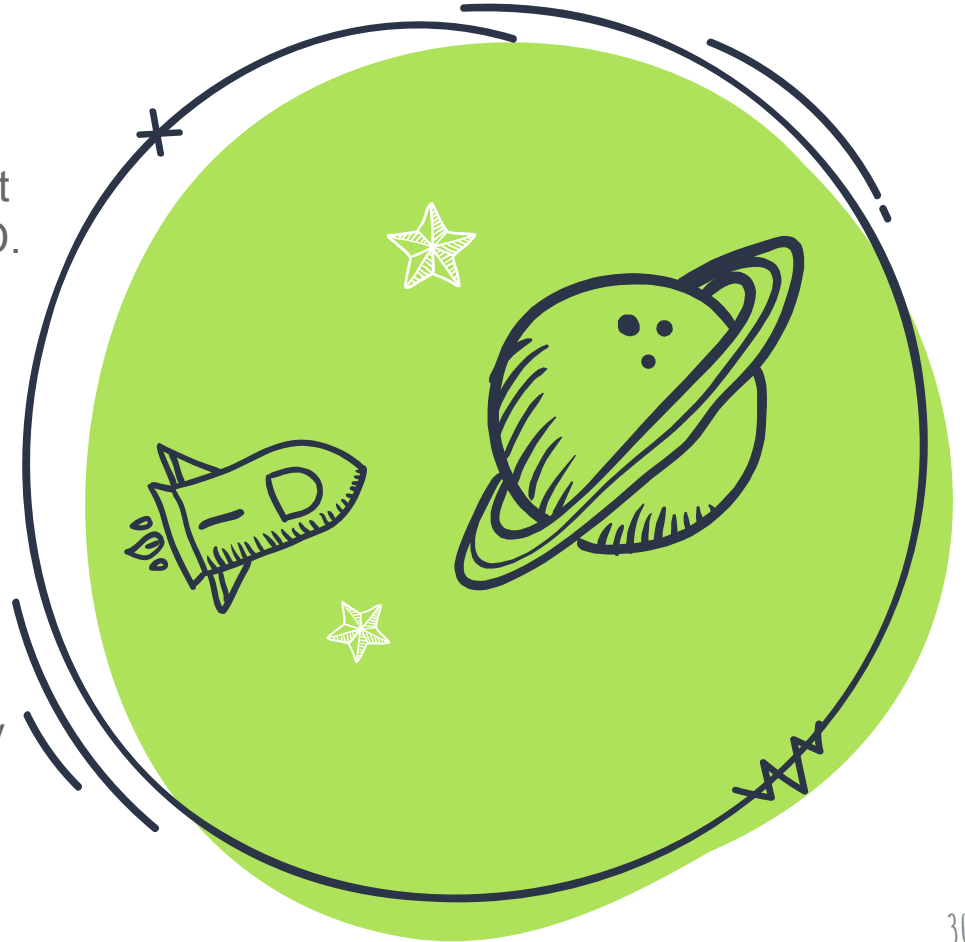




We do not call Essex police anymore. Calling and trying to make our neighborhood safer only made our situation worse.

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,

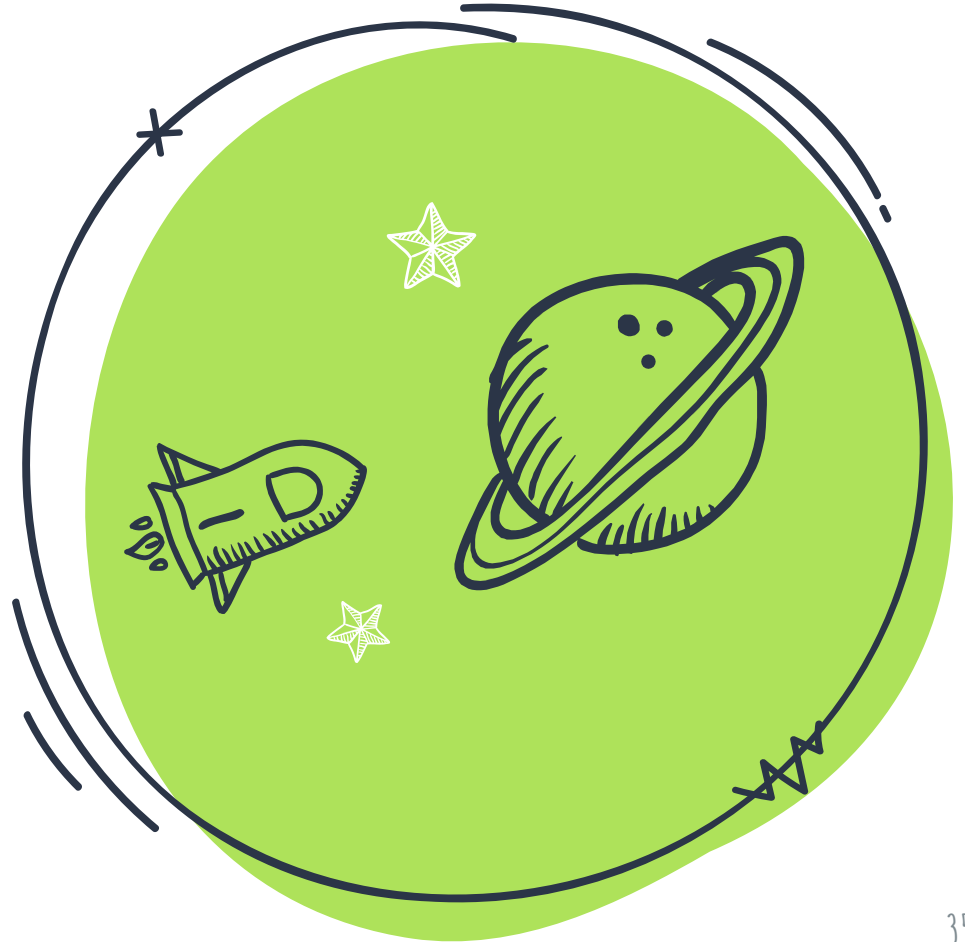


There should be some sort of way that the Black community can connect with the police department. Many people of color do not trust the police and they should be feel that their safety matters in our community and that they too can call the police and not feel that harm will come to them in doing so.

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



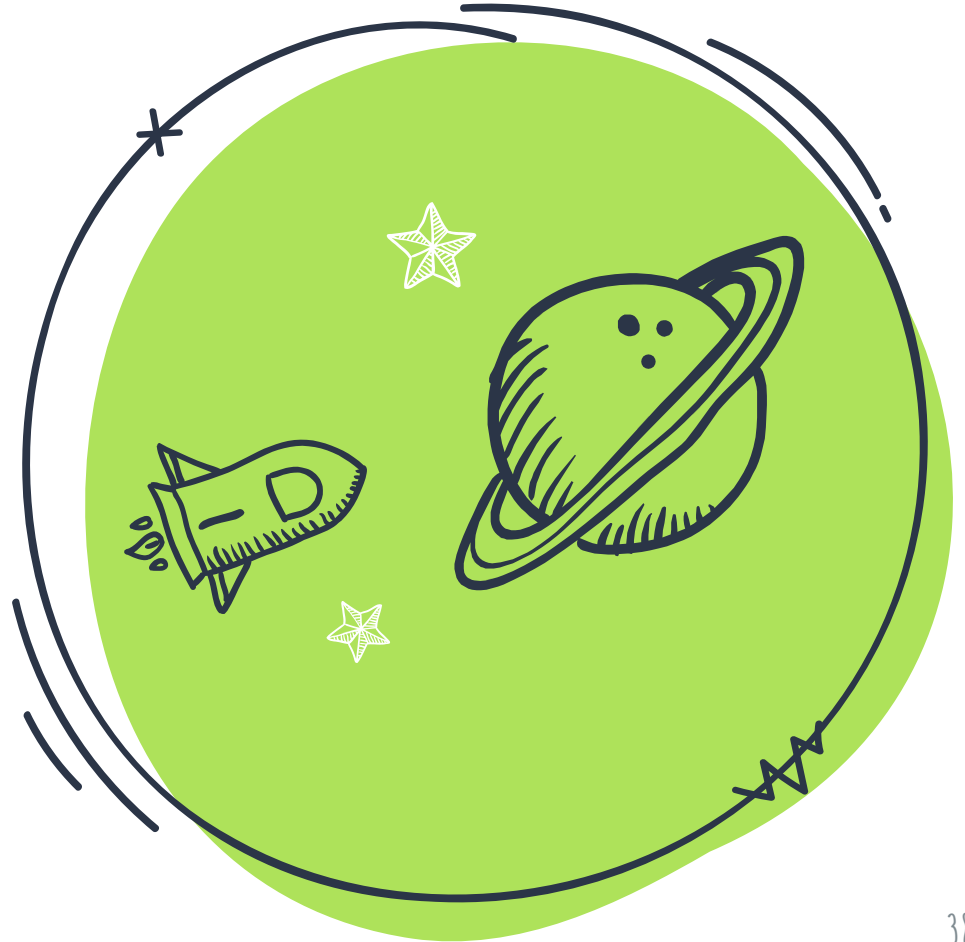
Community policing so residents feel confident and comfortable calling for help. Social worker backup to assist the police with mental health calls/emergencies. They can't do it all.

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?



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 align="center">New</p> <p align="center">▶ Amends</p> <p 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 align="center">07/01/2024</p> | Review Date: <p 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.

POLICE COMMUNITY ADVISORY BOARD
REGULAR MEETING
MINUTES OF MEETING - DRAFT
May 21, 2024

POLICE COMMUNITY ADVISORY BOARD: Chair, Leo Duque, Gwendolyn Evans, Dan Maguire, Vince Cuciti and Jody Kamon (Advisor)

Absent: Co-chair Christina Hagestad, Ron Hoague (Chief); Ta-Tanisha Redditta (Advisor), Anthony Jackson-Miller (Community Affairs Liaison-Essex Police Department)

STAFF: Lt. Rob Kissinger, (EPD)

ADMINISTRATION: Det. Sgt. Paul Courtois, (EPD)

OTHERS PRESENT: Essex Community Justice Center

1. CALL TO ORDER

Chair Leo Duque called the meeting to order at 6:00pm.

2. AGENDA ADDITIONS/CHANGES

No additions or changes to the Agenda.

3. AGENDA APPROVAL

Agenda Approved. Minutes from April 16, 2024 were approved.

4. PUBLIC TO BE HEARD

No members of the public were heard.

5. CONSENT ITEMS

a. Agenda Approved. Minutes from April 16, 2024 were approved.

6. BUSINESS ITEMS

a. Essex Community Justice Center

The Board heard from Jill Evans, Director as well as coordinators Susanna Weller, Essex Restorative Justice Panel Coordinator and Stacy Jones, Community Connections Coordinator. The Board learned that the ECJC, which serves Essex, Colchester, Milton, Jericho, Underhill and Westford, is a Vermont forerunner of restorative justice. The ECJC envisions safe, expansive and resilient communities in which response to conflict and crime is restorative and healing, enhances community and reduces further harms. A video presentation explained in plain terms what restorative justice is all about. Director Evans and the coordinators explained the referral process and detailed the various services and programs offered to both crime victims and offenders. The ECJC is funded by the Department of Corrections and a significant majority of their cases are via law enforcement referral. Some concern was expressed that referral numbers have recently dropped. In 2022, 50 referrals were made to the ECJC. In 2023 that number had dropped to 40 referrals. So far in 2024 there have been 24 referrals. The Board was concerned that should a declining trend continue how might that be reversed.

It was made clear, the success of ECJC can be attributed to its volunteers who make it all go. The Board was encouraged to visit their website: <https://essexjc.org/>

b. Statewide Domestic Violence Policy for LEO's – Discussion

The Board revisited the proffered DV policy and anticipates that EPD will adopt the new policy.

c. Essex Public Safety and Racial Justice Data Summary – Discussion

The Board tabled this important discussion as meeting time was running out. It will be taken up at the next meeting.

6. CONFIRMATION OF TOPICS FOR NEXT MEETINGS AGENDA

Essex Public Safety and Racial Justice Data Summary – Discussion

Jody Kamon (Advisor) discussed the Board's "work plan" and the utility of a new survey to build upon the Essex Best survey several years ago. The Board was receptive, and the discussion will be continued.

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