

Vermont Interfaith Action

# A Vermont Guide to Community Engagement with Local Police Departments

April 6, 2022



## **A Vermont Guide to Community Engagement with Local Police Departments**

### **Background**

People of faith and good will have, with horror, watched scenes on the news of police across the country using excessive force on people of color, leading to death and serious injury, as well as trauma and humiliation. Leaders in Vermont Interfaith Action, following our community organizing model, have been conducting extensive research to understand what is needed for police in Vermont to treat all individuals in their jurisdictions equitably, with respect and dignity, and to provide true public safety to everyone.

The criteria below are meant as a guide for concerned groups in local communities to evaluate the organizational culture of their police departments and work with the leadership of these departments and the towns in which they are located to ensure that all persons whom they serve and with whom they interact are treated fairly and equitably.

### **The Case for Civilian Oversight of Law Enforcement**

In December, 2013, the President’s Task Force on 21<sup>st</sup> Century Policing was established after police uses of force in Ferguson, MO; Cleveland, OH, and New York City and resulting protests across the United States. In May, 2015, the Task Force delivered a final report containing 156 recommendations and action items for law enforcement agencies and the federal government. These were organized within six “pillars”:

- Building Trust and Legitimacy,
- Policy and Oversight,
- Technology and Media,
- Community Policing and Crime Reduction,
- Officer Training and Education, and
- Officer Safety and Wellness.

As part of Building Trust and Legitimacy, the Final Report’s recommendation 2.8 reads:

***“Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.”***

Much of the literature and research on civilian oversight of law enforcement is focused on large municipalities (for example, the ACLU’s manual on fighting police abuse<sup>1</sup>). Often, the models described are not appropriate for the needs of Vermont communities,

---

<sup>1</sup> <https://www.aclu.org/other/fighting-police-abuse-community-action-manual>

which are typically small and unlikely to have a budget for a separate elected or appointed Civilian Oversight Agency (COA). Some towns rely completely on the civilian oversight provided by officials who serve in other capacities as well, specifically Town or City Managers and Selectboards or City Councils.

While the leaders of some law enforcement departments welcome oversight efforts by bodies focused only on police, some do not. Whether a group is officially mandated or informally gathered from among community activists, it is important that the group's presence creates a form of accountability for the leaders of law enforcement departments. Jonathan A. Fox describes this as a combination of "voice" and "teeth", where one is not effective in creating change without the other<sup>2</sup>. Once both are present, however, studies have demonstrated that the President's Task Force on 21<sup>st</sup> Century Policing was correct; COA's of differing types can reduce racial disparities and police violence over time<sup>3</sup>.

The goal of this document is: 1) to provide a brief overview of the structure of how policing is conducted in Vermont and 2) to suggest a series of questions that can be used by a locally based community group to engage with their own municipal police force. Our vision is that local groups will use this resource to chart their own path in talking with, evaluating, and holding accountable the police who serve them in their own local settings.

All the information in this document is the result of ongoing research, so this should be considered a work in progress. Our research so far has consisted of face-to-face interviews and discussions with Vermont State Police; the Police Chiefs of Burlington, South Burlington, Winooski, and Williston; the Team Lead of the Burlington Outreach program; the Executive Director of the NAACP Windham branch; the Defender General member of the Racial Disparities Advisory Panel; the Executive Director of the Vermont Racial Justice Alliance; a member of the Vermont Racial Equity Panel, the Executive Director of the Vermont Criminal Justice Council, the Commissioner of Vermont's Department of Public Safety, and several Vermont state legislators.

### **Brief overview of policing in Vermont**

These types of entities comprise Vermont's policing services:

- 1) Vermont State Police
- 2) Municipal police forces
- 3) County Sheriffs

---

<sup>2</sup> Fox, Jonathan A. "Social Accountability: What Does the Evidence Really Say?", *World Development* Vol 72, pp 346-361, 2015. (retrieved from Elsevier:

<https://www.sciencedirect.com/science/article/pii/S0305750X15000704?via%3Dihub>

<sup>3</sup> See, for example, Ali, Mir and Pirog, Maureen, *Social Accountability and Institutional Change: The Case of Citizen Oversight of Police* (November 17, 2019). Available at SSRN:

<https://ssrn.com/abstract=3488575> or <http://dx.doi.org/10.2139/ssrn.3488575>

#### 4) Specialty services, like University or Campus police

All “sworn officers” who work in each of these kinds of forces are required to complete basic training at the Vermont Police Academy located in Pittsford, Vermont. Some forces, such as the Vermont State Police, require additional training at the Academy as well, and many forces conduct periodic in-house trainings on different subjects throughout the year.

In addition to their initial training, sworn officers must also complete a minimum of 30 hours annually. Within those 30 hours are trainings on First Aid/CPR, Firearms Certification, Use of Force including De-Escalation techniques, and Hazmat. There are also mandated bi-annual trainings in the areas of Domestic Violence response and Fair and Impartial Policing.

Some forces have access to social workers to assist with calls that feature mental health or substance use disorder issues, and a few have outreach workers embedded in their force. The idea is for the social workers to help police compassionately de-escalate the situation and refer those involved to the appropriate state and community providers for further assistance.

Local police chiefs generally answer to a town’s Mayor or City Manager with additional review and input from the City Council or Selectboard. The Vermont State Police answer to the Commissioner of Public Safety at the state level. Sheriffs operate at the county level and can perform duties for municipalities. What sheriffs do varies greatly by region in Vermont. In some places, like Chittenden County, sheriffs transport those awaiting trial between detention centers and court, and they monitor road construction and repair sites. In other parts of the state, sheriffs investigate crimes and enforce laws in lieu of municipal police forces.

An important part of Vermont’s law enforcement structure is the presence of 14 Community Justice Centers (CJCs) throughout the state. These CJCs are run by paid staff with volunteer community members serving on panels that review low level criminal incidents. The goal is to divert those with first offenses, who are young, and/or who have committed misdemeanors, from the criminal court and prison system into one that employs restorative justice practices. These practices sometimes result in bringing the offender together in a controlled setting with those they have harmed in order to understand the impact of their actions. Even where this interaction does not occur, the CJC process helps the offender accept responsibility for the pain they have caused, and accept consequences decided upon jointly by themselves and community members. These consequences are drawn up in a contract that the responsible party agrees to fulfill, and the CJC works with the responsible party to ensure that they remain fully engaged in accountability and repair.

Police forces in Vermont are usually encouraged by state’s attorneys at the county level to divert cases to CJCs whenever they can and still preserve public safety.

## Informal evaluation

This guide is intended to focus not on the entirety of the law enforcement or criminal justice system, but to concentrate specifically on policing. Through our own experience, VIA leaders have come to identify the following elements as those that contribute to creating a respectful organizational culture toward all persons.

Our research suggests one of the most important determinants of this culture is *leadership*. Therefore, we strongly recommend that to obtain the answers to the questions below, local community members meet face-to-face in a small group with the Police Chief, to foster a conversational exchange.

These are not meant to be an exhaustive list of criteria by which to rate any municipal police force; instead, they are intended to be *a first step in opening up dialogue between the police and concerned members of the community they serve.*

1. Awareness of explicit and implicit bias
  - What has the department done to ensure that officers understand the difference between explicit and implicit bias?
  - What tools have officers been given to become more aware of their own personal implicit biases and mitigate against them when dealing with the public?
2. Training in de-escalation practices
  - Besides the basic training at the Vermont Police Academy, what additional training have officers received in de-escalating potentially volatile situations?
  - Have all officers received training in de-escalation tactics?
  - Is periodic retraining expected or required?
  - What alternate methods of dealing with uncooperative individuals, not including the use of force, have officers been trained in?
3. Performance expectations
  - How do supervisors establish and reinforce performance expectations?
  - How do supervisors assure that all persons with whom officers come in contact are treated with respect and dignity?
  - Is there a clear message that violent tactics, violent language, and disrespectful attitudes are not appropriate and will not be tolerated?
  - Have policies been changed to help officers avoid situations in which unacceptable behaviors might occur – e.g., mailing a ticket to instead of stopping a driver whose taillight is broken?
4. Officer performance review
  - Does the Chief review and evaluate officer performance on a regular basis (at least annually)?
  - What are the tools and processes used for performance review?
  - Is performance information solicited from parties outside the police dept?
  - Does the Chief examine department activity data (such as traffic stops, arrests,

complaints, use of force incidents) down to the individual officer level to probe for performance concerns?

How are performance deficiencies and training needs handled?

How often are officers given routine evaluations of the performance of their duties and their general conduct? What methodology is used in these evaluations? Is there an attempt to collect feedback from community members?

#### 5. Accountability

How can complaints against specific officers be submitted by a member of the public?

What is the process of investigation of complaints?

Is there any provision for independent investigation?

What response is provided to the complainant?

Does the Chief have a process to record and track troublesome performance?

Who decides the consequences for unacceptable behavior and/or a repeated pattern of such behavior?

What are those consequences, and are they clear and consistent?

Is there a possibility for meaningful citizen input regarding the consequences?

#### 6. Data collection

Does the department collect and record data on all key department activities (e.g. traffic stops, searches, arrests, uses of force)?

Is the data reviewed regularly for accuracy and quality?

Is the data analyzed and compiled in a published report at least annually?

Is the data used to probe for potential concerns such as racial bias, gender bias, excessive use of force, or over policing?

Does the department collect traffic stop data, arrest data, and other information about incidents? If so, what kind of methodology do they employ? How is this data recorded and accumulated? Can it be disaggregated by race?

#### 7. Data analysis

Does someone who is well-versed in understanding the implications of such data help in interpreting it for the department?

Does the Chief share both the data and the interpretations with the officers, town leadership, and the general public?

#### 8. Hiring/discipline/firing policies

Is the department seeking to recruit people of color as officers and other staff?

What methods does the department use to advertise and recruit for staff openings?

What behaviors trigger a disciplinary action?

Is violation of de-escalation policies or demonstration of bias an offense that one can be fired for?

9. Community involvement

Are there ways for civilians to weigh in on interpreting traffic stop, arrest, and other data? What are these ways? Do civilians have the opportunity to provide substantive input rather than superficial interactions with officers or the chief? Does the Town or City have a Police Commission?

10. Mental health issues

Have officers received any training in understanding serious mental illness? Is there an outreach worker from a local designated agency or specialized service agency that police can call on when a situation necessitates it? Is there a more formal embed system? Is the funding for this adequate and sustainable?

11. Substance use disorders (SUDs)

Is there an outreach worker for assistance with individuals who have SUDs, especially those who chronically have interactions with the police because of their SUD? Are there clear steps outlined to get the individual the assistance they need?

### **Willingness to acknowledge challenges the police face**

We understand from our research that although our policing system is broken in many ways, which lays open the possibility that inequities will and do occur frequently, there are nonetheless police officers who sincerely seek to understand their own bias and who try to do the best for their communities. We have heard that often the challenges of the job also create personal trauma for the police officers as well. To build a rapport and a relationship with the police, we recommend asking some questions about this aspect of their work as well.

1. Positive stories

Are there stories of officers on the job assisting community members in a positive way that you would like to share with us?  
 Are there particular officers whose behavior and performance you think have been exemplary that you want to highlight?  
 Are there examples of times when an incident could have taken a turn for the worse where an officer's good conduct led to a much better outcome?  
 In what ways does the department support officers' well-being or promote a culture where self-care is valued?

2. Challenges of police work

Are there stories of a particularly difficult and/or dangerous situation that you'd like to share with us so that we get a sense of what an officer might face on a day-to-day basis?  
 How would you describe the effects of this job over time on the emotional and physical well-being of an officer?

What consequences does this job have for the families and friends of the officers as they seek to manage its demands?

What outright trauma have any of your officers experienced?

3. Motivations for the work

How would you describe the most prevalent reasons that officers decide to get into police work in the first place?

What do you think keeps officers in the work?

How have you seen individual officers grow and mature in their understanding of their communities?

How have you seen officers improve in their impact on their communities?

## **Beginning the Work**

After this initial research, it is possible that there will be areas of concern. Depending on the context and the extent of the problems, a citizen oversight effort might want to work more closely with the Police Chief or may feel compelled to address these concerns at the city governance level (Selectboard, Town Manager, etc).

In either case, there is the question of how to be the “voice” – that is, clearly signaling the need for oversight, and the “teeth” – the path by which oversight results in change. Moving forward, your group might want to consider some of the following questions:

1. If we have concerns based on this research, how do we make them known? Are the problems serious enough to get the press involved, to organize rallies or protests, or to go to Town leadership? (“voice”)
2. How do we get the Chief and other leaders to address any problems we see right now? What sorts of structures need to be put in place to create meaningful change and who has the authority to establish those? (“teeth”)
3. How do we set up monitoring of conditions or data over time?
4. Do we want to be an ad hoc group of community members or do we want to seek more formal recognition by the Selectboard, Town Manager, or Police Chief?
5. Are there problems better solved through relationship-building between the police and community members, and/or through forums with town neighborhoods or groups?

## **Resources**

Executive Summary of Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing

*The President’s Task Force on 21<sup>st</sup> Century Policing Implementation Guide: Moving from Recommendations to Action* (Washington, DC, Office of Community Oriented Policing Services, US DOJ, 2015)



*State and Local Spending on Public Safety, Report to the Governor and the General Assembly*, Douglas R. Hoffer, Vermont State Auditor, 2017

*Vermont ACLU Action Plan to Reimagine Public Safety (2020)*

signees include Justice for All, Migrant Justice, Outright Vermont, Pride Center of Vermont, Rights and Democracy, VT Branches of the NAACP, VT Businesses for Social Responsibility, VT Center for Independent Living, Vermonters for Criminal Justice Reform, VT Human Rights Commission, Vermont Legal Aid, Vermont Public Interest Research Group, Women's Justice and Freedom Initiative

*Sensible Alternatives to Fatal Escalation (S.A.F.E) Policing Plan*, Brattleboro Community Safety Review Committee, 2019

*Trends in Racial Disparities in Vermont Traffic Stops, 2014-19*, Stephanie Seguino and Nancy Brooks, Jan/2021.

*Law Enforcement Modernization in Vermont, A Partial Roadmap and Commitment by Law Enforcement Agencies to Work with Our Communities* (draft update 8/12/20), Dept of Public Safety, Office of the VT Attorney General, VT Association of Chiefs of Police, VT Criminal Justice Training Council, and the VT Sheriff's Association

*Vermont Criminal Justice Training Council Fair and Impartial Policing Policy*, 12/7/17

*The Winooski Police Department and 21<sup>st</sup> Century Policing*, Chief Rick Hebert, 7/28/20

*Winooski Police Department Community Policing Strategic Plan*, FY 2019-21

## **Websites**

- NACOLE website (<https://www.nacole.org/>)
- CAHOOTS (a coordinated response team for mental health crises working with law enforcement in Eugene, OR. (<https://whitebirdclinic.org/cahoots/>))
- VT State Police (<https://vsp.vermont.gov/>)
- Racial Disparities in the Criminal and Juvenile Justice Systems Advisory Panel (R-DAP) <https://www.orcamedia.net/series/racial-disparities-advisory-panel>
- VT Racial Justice Alliance (<https://www.vtracialjusticealliance.org/>)
- NAACP chapters in Rutland (<https://naacprutland.org/>) and Windham (<https://windhamnaacp.org/>) counties
- Criminal Justice Centers in Vermont <http://cjnvt.org/>