



BURLINGTON CITY COUNCIL AD HOC COMMITTEE RE THE WELCOMING CITY RESOLUTION 5/31/2017

DRAFT Minutes of Ad Hoc Committee re: Welcoming City Resolution

5/31/17

Committee Members Present: Jane Knodell (JK), Joan Shannon (JS), David Hartnett (DH)

Staff: Eileen Blackwood (EB), Justin St. James (JSJ), City Attorney's Office; Deputy Chief Shawn Burke (SB), Police Department

The meeting was called to order by JK at 5:18pm.

1. Agenda: JS moved to adopt, JK seconded. Unanimous.
2. Minutes: JS moved to approve minutes of January 10, 2017. DH seconded. Unanimous.

3.01 Public Forum- John Patterson spoke in favor of the Police Commission recommendations. Public Forum closed at 5:22pm

4.01 Committee Discussion, Letter from Police Commission:

JK gave a summary of the history of the ad hoc committee's work. The last meeting was January 10, 17 and then the Police Commission did work on the policy, held multiple forums and heard from the community. The Commission's work culminated in a report on public forums to the Ad Hoc Committee. In that report, the Police Commission recommended the draft policy, with its recommended changes, be adopted by City Council. Since January 2017, a revised version was created by the City Attorney's Office with input and collaboration from Migrant Justice and the ACLU. That version was sent to the Police Commission and was the basis for their work.

DH made a motion to accept the letter from the Police Commission, seconded by JS. Unanimous.

4.02- Discuss current state policy and new Fair and Impartial Policing legislation:

EB-H.308 signed by Governor Scott today. Portions of Racial Justice Board are the first part of the law and the second part concerns the state model Fair and Impartial Policing Policy (FIPP). Section 5 on page 6, sets October 1, 2017 as the new deadline for the Criminal Justice Training Council, in consultation with AG, to review and modify the model FIPP to assure compliance with current federal laws. A deadline of January 1, 2018 was set to review the FIPP with certain named stakeholders and by March 1, 2018, all police agencies in Vermont must be in compliance. Once the new model policy is updated, the City Attorney's office will make sure City's policy is compliant with state law.

Will Lambek from Migrant Justice stated current model FIPP will be foundation for new document and there may or may not be changes to it throughout this process.

4.03- Report on new developments at the federal level:

EB- explains and walks through memorandum by Attorney General Sessions. It says that the Department of Justice will not expand the prohibition on sanctuary jurisdictions receipt of federal funding to include federal non-law enforcement grants. Burlington does receive JAG and COPS grants, which are included in those that will not be provided to sanctuary jurisdictions. The City has signed documents as part of receiving these grants acknowledging compliance with 8 USC 1373. The Sessions memo also clarifies that the definition of sanctuary jurisdiction will refer only to jurisdictions that don't comply with 8 USC 1373. This is greatly narrowed from the language proposed in an earlier Executive Order from President Trump.



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4.04- Review of BTV Policy w/Police Commission edits:

The Committee then began to specifically review the changes proposed by the Police Commission into the draft FIPP.

1. Article 5, paragraph D- The Committee agreed to strike the language.
2. Article 8, (A)(3). EB- Police Commission asked for this language to be struck, but did Migrant Justice want it deleted? It could apply to victims applying for visas. (SK) Commission looked at places where it was not allowed for officers to communicate immigration information. For instance, a trafficking victim could require signed documentation by police and would not want to prevent that from happening. Will Lambek- Any confusion could be made clear through training and he was not concerned about striking it. The Committee agreed to strike the language.
3. Article 8, E, 1. This language was captured by the revised savings clause.
4. Savings Clause- EB- City Attorney's Office wanted specific language quoted from 1373 and 1644 to be reflected here. Both of these federal laws contain a restriction on the maintaining and sharing of information related to citizenship and we wanted to make sure it wasn't broader than it needed to be. This clause is focused on immigration status and citizenship separately, mirroring the language in both statutes.
5. Single Point of Contact: SK explains process for developing this recommendation and explains that BPD officers who attended the forums helped to suggest language. SB- single point of contact will be officer in charge, so it will be different for each shift. SB explains how process would work and that officers on shift would inform the officer in charge if they were contacted by federal immigration authorities. DH- how does it work with federal authorities currently? SB- interactions are generally internet related, not immigration related. BPD provides input to federal authorities of how to make sure community would be safe if they are conducting an operation. Federal law enforcement does not have to notify BPD of operations that occur in Burlington. JK- Could information about requests made to the officer in charge from federal authorities be communicated to the Police Commission? SK- next recommended change speaks to that process.
6. Departmental Communications Review- JK- this appears to be focused on outgoing communications. SK- prior one is incoming, so the idea is that the Chief would review both of those and report findings to the Police Commission.

JK- proposes hypothetical scenario where a victim of crime doesn't have documentation, will a BPD officer ask them about their immigration status while investigating the crime? SB- No. There is no data field or place to input that information and officers are not trained to request it. BPD does also not ask about immigration status if someone is arrested.

Will Lambek- To clarify, if the suspected crime involves something such as human trafficking or another criminal issue, BPD officers could ask about immigration status if relevant to crime.

JK- When would a BPD officer share info about someone with federal immigration authorities? SB- BPD officers are not trained to report information to federal authorities, so it is unlikely to happen. In the hypothetical human trafficking example, information could be communicated if it was relevant to the crime or investigation of the crime.

5.01 Next steps and next meeting or report to Council:

Motion- JS- Adopt BTV Police's FIPP as amended by Police Commission w/rec adoption to CC. 2nd by JK. Discussion- DH will not vote for it and will wait for final adoption of policy from the state and then review. JS- can't see reason to not adopt it. We have the guidance from the state. If we need to make any changes in the future to come into compliance, then we can do that at that point. JK- have had practices before, but not a formal policy. It is important to have clarity and we might revisit this policy based on what state does. Vote on motion- JS, JK in favor, DH oppose. 2-1 carried.

The City Attorney's Office will prepare a resolution for CC and bring it on June 12th.



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DH motion to adjourn, JK second. Meeting adjourned 6:08pm

