



BURLINGTON CITY COUNCIL AD HOC COMMITTEE RE THE WELCOMING CITY RESOLUTION 1/10/2017

Minutes of Ad Hoc Committee re: Welcoming City Resolution

January 10, 2017

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

Staff: Justin St. James (JSJ) and Eileen Blackwood (EB), City Attorney's Office;

Chief Brandon Del Pozo (Chief DP), Police Department

The meeting was called to order by JK at 5:40 pm.

1.01 Agenda: Amended to put Public Forum (move from 3.01 to 4.01) after Committee Discussion (move from 4.01 to 3.01). JS moved to adopt; DH seconded. Unanimous.

2.01 Minutes: JS moved to approve minutes of Dec. 13, 2016. DH seconded. Unanimous.

3.01 Committee Discussion. EB explained the documents that were put online ahead of the meeting and then handed out a draft of a Fair and Impartial Policing Policy that the BPD and City Attorney's Office developed by going line by line through the model state policy and the existing BPD directive and merging them together. Chief DP explained that 8 USC §1373 prohibits preventing or restricting an officer from sending or receiving information from ICE about immigration status and that some of the state language seems to do that, so there are a few modifications.

Chief DP walked the committee through the proposed policy. He pointed out some of the optional portions, deleted portions, and added portions. He particularly noted that section V.D. was added to reconcile city policy with federal policy. EB explained that Burlington believes this policy meets the essential elements of the state law. Chief DP reiterated that the goal is to balance the City's principles with regard to fair and impartial treatment of undocumented individuals, but not to in advance make a commitment to contradict federal law.

JS asked: The main focus is dealing with day to day situations where people run afoul of the law, but there are also situations where you have serious criminal activity—e.g., an immigrant who set fire to the church. What happens with someone who is a real public safety threat? Chief DP responded that this policy offers that person no additional protection than any other person accused of a crime. Any court process applies. This doesn't give sanctuary to criminals. Evidence is collected regardless of immigration status. JS: Does this change anything from how we do things today? Chief DP: No. We don't run a jail. But if a person makes bail or gets a citation, we would not use a civil detainer to hold onto them. We would let them go. This continues that process.

DH asked: Have there been any complaints about harassment or BPD's targeting people based on their immigration status? Chief DP: No. But this to ensure that there will not be in the future. DH: Have you talked to state folks about the differences with our policy. Do they interpret it the same as we do? Chief DP: When the model policy was adopted last summer, folks weren't that concerned about this federal law, but the political climate has changed and now we have to be conscious of the contradiction.

4.01 Public Forum:

Abel Luna, Migrant Justice—The FIP (Fair and Impartial Policing Policy) was developed because there was a lot of



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cooperation between local police and border patrol where a person going to get food was pulled over and deported. Vermont is not safe; deportations are happening. This also involved women and youth of color. We have in place one of the strongest FIP policies in the country. Burlington is a safe city and it's important to protect all people. With new political climate, this is important. We don't want to use state resources to support federal immigration policy, and it's important to be sanctuary city and have the same rights as all other people.

Jay Diaz, ACLU—We didn't receive much of a response from the City to our letter. It would have been nice to be involved in developing the policy. We worked with the state for many months and came up with the compromise model policy. The goals were to ensure due process and protect vulnerable populations, and Burlington's draft policy doesn't do this; it guts the state's policy. Victims and witnesses who want help will not be reported to immigration. That's the one that's most important. 1373 refers only to sharing of information concerning immigration status. We are concerned most with information about family members being shared with immigration officials. Will Burlington say yes, Pres. Trump, we'll help you? We want people who are picked up for crimes to get Vermont justice, not immigration consequences. If Burlington thinks it can be welcoming without adopting a lot more of the model policy, it's kidding itself.

Mr. Hill—This structure is flawed. The policy is directed at people who aren't in the room. He heard about this from a collaborative partner. Every time he hears about New Americans, they aren't in the room. His whole concern is the language around this, but it's not written in plain English for people who have trouble understanding English to understand. The training section is the smallest section of the policy. We aren't being welcoming.

Mark from Cabot spoke: The policy was represented as being broader than just undocumented immigrants. What about those of us who were born here? There are a lot of stakeholders who have not had a chance to contribute. Who are the stakeholders? Who has been consulted to date? There was an open process for the state Criminal Justice Training Council, and this is not that. It's not welcoming. We should consider that we have serious issues because of race data stop information. We should back up and talk about how we make this process more open. We reached out to Chief DP ahead of time. It feels as though you're oppressing the community. You're moving forward with this without our input.

JS explained this is the beginning of the process. Staff just presented a draft to begin the process.

Chief DP explained that City Attorney and Chief of Police sat down and tried to reconcile the model policy with the City's policy, and we are trying to resolve the tension between the federal and state policy. This is the beginning of the process. Let him know what's important.

Mark from Cabot said: You don't expect anyone to look at this and analyze it here.

DH said: We really want to do this right, and when we have people gather, we need to have respect for everyone.

5.01 Next steps and future meetings: Jan. 24 is the next scheduled meeting, which conflicts with the Police Commission meeting at 6 pm. **JS moved to refer the Fair and Impartial Policing Policy to the Police Commission for review on a timetable that works for the Commission, but to ask that they expedite as much as they can.** DH seconded, but reminded folks that our charge is welcoming cities. JK clarified that the committee needs to hear back from the Police Commission soon. **Unanimous.**

JS: Suggested the committee wait to meet again until we get a report back from Police Commission. DH emphasized that the Police Commission is to address the immigration issue that was referred to this committee first. There might be additional questions, but this is what the committee needs to hear about.

Next meeting to be determined. We will allocate more time for public comment at that meeting.

Motion to adjourn by DH, second by JS. Unanimous. The meeting was adjourned at 7 pm.



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