Perspectives on Police Reform

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Vermont League of Cities and Towns

Board of Directors

Perspectives on Police Reform

As our state and country grapple with the future of police work, it is imperative that our municipal police departments conduct themselves in a manner that reflects the values of diversity, equity, and inclusion and that inspire public confidence.

On behalf of the Vermont League of Cities and Towns, which comprises all 246 cities and towns in Vermont, the Board of Directors offers the following perspectives on police reform:

Support 21st Century Policing

VLCT encourages all members to adopt the principles and practices of 21st Century Policing. The **founding principles** are endorsed by the Vermont League of Cities and Towns.

1. Hire the right person for the community.

One of the more important affirmations of the "21st Century Policing" findings was the critical step of selecting the right person for the role of police officer. VLCT encourages implementing national best practices in the selection process. Recruitment materials should reflect community values, interview committees should involve civilians and citizens as well as command staff, and background investigations should be rigorous. Investigations should include:

- medical examination and verification of all qualifying credentials
- criminal records check in all cities of residence, employment, and education
- computer inquiries of motor vehicle records and licensing records
- FBI check and under all known identities
- Interstate Identification Index (Triple I) records check

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- interviews of three personal references and two investigator developed references, such as neighbors, ex-spouses, landlords, members of social organizations, etc.
- psychological and emotional fitness assessments using valid job-related criteria and a psychological screen for psychopathology such as the MMPI.
- in depth interview by the investigator
- polygraph examination by a professionally trained examiner that probes alcohol and drug use, marital status, sexual activity, physical and mental health, and other areas designed to evaluate the character of the applicant.

Many departments will lack the internal capacity and expertise for this effort and the League encourages entities to contract with qualified external investigators. We acknowledge the added expense to the department, but we have also seen the impact of hiring the wrong officer.

2. Resident Involvement.

Local elected officials such as selectboards and city councils should continue to provide the primary citizen oversight function of police departments. Typically, this occurs through a city or town manager or another chief administrative officer.

However, some communities may choose to create a police advisory board, particularly where the board's mission is to help the department connect with vulnerable communities and those who are in regular contact with their services. The inclusionary values of 21st Century Policing emphasize relationships over force with the acknowledgement that relationships will not be developed overnight. The onus is on us as civic leaders to create these opportunities. One of the best opportunities for citizen involvement – particularly citizens that represent vulnerable communities – is the hiring process. Engaging citizens at this critical juncture demonstrates to the department why they exist and offers insight into the traits and suitability of the

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candidates for the community they will be serving.

However, the League does not support direct resident oversight of police departments; that is a fundamental responsibility of the selectboard or city council. It is not a place to involve volunteers or dilute the lines of authority and accountability.

3. Transform training and certification requirements and opportunities for police officers.

It is time for a thorough review of the content and process used to train police officers at the Vermont Police Academy. Too many of our departments are struggling with issues of excessive force, use of de-escalation strategies, and understanding the perspective of marginalized communities when interacting with police. We also need to expand the pathways one can travel to become a police officer in Vermont. The difficulty in getting training for aspiring officers creates the wrong incentives for hiring the right personnel and holding wayward officers accountable.

The League calls for the following enhancements to the police officer training program:

a. There should be a required number of training hours that officers receive in diversity, equity, unconscious bias, and inclusion, as well as annual continuing education hours. Training should be conducted by qualified individuals, preferably those with lived experience. The League supports continuing education requirements in diversity, equity, and inclusion as well.

b. Create an alternative non-residential training program. A non-residential program can attract officers who may have a family, may be transitioning from another career, or may be transitioning from another state. This diversity is essential as we seek to develop police officers who are community- and guardian-centric.

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c. Enhance the curriculum to cultivate guardians, not warriors. It is clear that police officers need a more widely diverse skill set than they did ten years ago. Today's police officers spend more time confronting social challenges such as mental illness, addiction, de-escalating situations, and deploying alternatives to force rather than wrestling drunks in a bar. While defensive tactics remain critically important, the curriculum and the instructors need to reflect a shift in community desires and values.

d. Seek opportunities to partner with higher education. In most other professions, – from teachers to doctors, from lawyers to engineers, we allow qualified higher education resources to offer training and expertise. The policing profession can benefit greatly by diverse training opportunities and be better prepared to respond to the needs of the community. There is an opportunity to confront the dual crises facing higher education and municipal police departments by enabling a more academic path to law enforcement. Many municipalities would be willing to invest financial resources towards this effort if they could have more access to training and the training focused on diversity, equity, and inclusion.

4. Create a Vermont-based law enforcement accreditation process and encourage voluntary accreditation of law enforcement agencies.

5. Increase reporting, data sharing, and experience sharing.

Many police departments instinctively adopt insular practices. That is understandable given the nature of their operations. Yet now is the time when we need more information sharing, not less. The League calls on municipal police departments to make data sharing and public reporting a regular practice. A monthly presentation at a selectboard meeting, monthly publication of incident data, analysis of trends in the type and frequency of incidents, and regular sharing of department anecdotes with the community can build trust and reduce barriers. Police data such as recreation and housing violations can also be used to guide the work of other departments. From

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body cameras to after-incident reports, the large amounts of information that police departments have access to can be used to enrich the public conversation about what it means to be a police officer. Some of this information will be part of ongoing investigations or require redactions or blurring for privacy reasons, but we encourage departments to adopt an outward facing transparent posture with the community as a whole.

6. Invest in Transparency and Accountability.

The League encourages all members to adopt policies that reflect national best practices regarding the investigation of complaints against officers as well as the department. All complaints, even anonymous ones, must be investigated. Serious complaints, such as excessive force or civil rights violations, often need to be investigated independently or by outside qualified personnel. The findings of any investigation should generally be publicly released, including the name of the complainant, the nature of the allegation, and the name of the officer(s), unless there are statutory exemptions that apply, such as victim's rights or protection of minors.

Many departments will lack the internal capacity and expertise for this effort and the League encourages them to utilize qualified external investigators as needed. This is another area where we acknowledge the added expense to the department, but it is important to have the ability to independently investigate significant complaints, otherwise the department loses credibility. This should be approached as an opportunity to increase confidence in the department through the professional handling of a difficult situation.

Thorough and accurate investigations often require the ability to remain private, and a police officer's personnel file should always remain confidential unless a release has been signed. While as humans we all make mistakes, we need police officers with a sense of empathy and humility and who have the capacity to learn and constantly

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improve.

7. Hold Officers Accountable, but Preserve Qualified Immunity,

The public is justifiably concerned when they view excessive force videos and incidents of police brutality. Most police officers are as well. As employers, it is our responsibility to provide the training officers need, ensure that training reflects our values and best practices, and accept responsibility when harm is done. Accepting responsibility and offering restitution for any harm done to individuals and the community as a whole is an institutional or organizational obligation, not an individual obligation. Police officers are not contractors; they are employees.

Vermont cities and towns are well positioned to hold officers accountable for excessive force incidents and poor performance through independent investigations of complaints and the regular disclosure of the results. In addition, Act 56 of 2017 requires substantial disclosures of performance issues by police officers to the Vermont Criminal Justice Training Council. Eliminating qualified immunity would do little to improve accountability of police officers or recovery options in litigation. But it could have some very real unintended consequences.

All public officials – from school board members to selectboard members, from police officers to fire fighters – have qualified immunity. Qualified immunity protects all state and local officials from individual liability unless the official violated a "clearly established" constitutional right. That is an important foundation for a state like ours that champions civic involvement and public service. If one's personal assets were at risk, nobody would serve.

Police officers already are subject to much greater risk than other public servants by the nature of the profession and the additional transparency and accountability provisions discussed above. Ending qualified immunity for police officers would immediately require cities and towns to indemnify them via contract, placing us back

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in the same situation. Removing qualified immunity would do little to accomplish the goals of 21st Century Policing and racial and economic justice. But it may make it even more difficult to attract the type of officer who has the skills, temperament, and character to accomplish these goals.

In conclusion, this is a watershed moment for Vermont law enforcement, and substantive enhancements are poised to be implemented. Police officers ultimately work for the elected representatives of the community. It is imperative that elected officials engage in the transformative process to ensure Vermont's police professionals reflect community values, that they receive the necessary training needed to implement those values, and that we develop processes for handling complaints that inspire confidence from both the public and the law enforcement profession.

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