

Bristol Town Administrator

From: Abigail Friedman <afriedman@vlct.org>
Sent: Wednesday, September 4, 2019 3:35 PM
To: Bristol Town Administrator
Cc: Trevor Whipple
Subject: RE: Selectboard agenda >> updated Police Dept policies

Hi Valerie,

I hope this information is still timely, per 20 VSA 2366(a)(1) municipal law enforcement agencies must adopt a fair and impartial policing policy. Here's a link to the statute <https://legislature.vermont.gov/statutes/section/20/151/02366>. This would be the police chief, not the selectboard. Generally, per 24 VSA 1931(b), the police chief is vested with direction and control of the entire police force except as otherwise provided. <https://legislature.vermont.gov/statutes/section/24/055/01931>

We agree with Trevor's information and advice.

Sincerely,
 - Abby

From: Trevor Whipple <twhipple@vlct.org>
Sent: Friday, August 30, 2019 12:15 PM
To: townadmin@bristolvt.org
Cc: Abigail Friedman <afriedman@vlct.org>
Subject: FW: Selectboard agenda >> updated Police Dept policies

Valerie,

The draft you sent appears to be an exact copy of our model policy. This has been vetted and meets the legislative requirements. I certainly recommend this as the policy for VT police departments.

As far as the procedural question, I do not know of any legal mandate for police policies to be adopted or reviewed by the legislative body. As chief in two cities I did not follow this process. However, it could be good practice for the body to be aware of policies and to be certain they meet, or in some cases, exceed, existing Town policies. I am aware that some jurisdictions have the board approve and/or review the police policies. If the Town does move to have polices reviewed or approved by the Board I would caution that some components of them may be elements that would be unwise or unsafe to have be made public. The VT Public Records Act does provide an exemption for some law enforcement records under 1§317 (c)(5)(A)(v) [*would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law*].

**In the interest of you receiving sound legal guidance I have copied Abbey Friedman from our Municipal Assistance Center. I am sure a member of the MAC team can weigh in as well.

My best,
 Trevor



Trevor Whipple
Law Enforcement Consultant
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From: Bristol Town Administrator <townadmin@bristolvt.org>
Sent: Friday, August 30, 2019 10:29 AM
To: Trevor Whipple <twhipple@vlct.org>
Subject: FW: Selectboard agenda >> updated Police Dept policies

Hi Trevor,

I have a procedural question: should policies like the one attached be ADOPTED / APPROVED by the Selectboard? Bruce seems to be reluctant to structure the upcoming updated policies to be "approved" by the Selectboard. I suppose the alternative would be "reviewed by ..." I am not exactly sure why, other than to maintain a distinction between a policy and a procedure. The Selectboard has approved such policies in the past.

Bruce said the attached policy was adapted from VLCT's model. Does it look OK to you?

THANKS,

--Valerie

Valerie Capels, Town Administrator
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From: Nason, Bruce <Bruce.Nason@vermont.gov>
Sent: Thursday, August 29, 2019 2:22 PM
To: Bristol Town Administrator <townadmin@bristolvt.org>
Subject: Re: Selectboard agenda

Sorry for delay,

Please find attached Fair & Impartial Policy

As we finalize and review, I will forward them to you.

We should discuss the type of wording used related to selectboard review.

There is a potential for confusion related to adoption.

There may be a delay between completion/implementation if they require adoption/approval.

It may also create confusion with regard to an employee following policy when a procedure related to a policy changes.

All policies we will be adopting now and in the future would have been vetted by an attorney.

This particular policy is per statute and wording required for same.

It was written for VLCT.

All VLCT model policies are reviewed (most yearly, others every two years).

Bruce Nason, Chief of Police

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From: Bristol Town Administrator <townadmin@bristolvt.org>

Sent: Thursday, August 29, 2019 10:20:28 AM

To: Nason, Bruce <Bruce.Nason@vermont.gov>

Subject: Selectboard agenda

Hi Bruce,

Any policies ready for Monday or shall we aim for Sept. 16? I need to finalize the agenda soon.

Thanks!

--Valerie

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