

Town of Brattleboro

Implementation Table for Community Safety Review Team's Recommendations of 12/31/2020

Prepared by Town Staff for Selectboard Meeting on 3/2/2021

Acknowledge and Reckon with Harm Caused		Town Unilaterally?	Notes
1	Seriously, thoughtfully, immediately and ongoingly consider the community experiences, data, findings, and recommendations articulated in this report. (FY2021)	Yes	This has begun. The Selectboard can formalize this commitment by adopting the acknowledgement that Town Manager Elwell expressed on behalf of Town staff in his cover memo to this table. We recognize that the commitment is just the beginning and that our fulfillment of that commitment will be judged based on the degree to which this acknowledgement and reckoning show up in our work on the rest of the recommendations.
2	Publicly acknowledge and accept the experiences of racism, discrimination, intimidation, fear, terror, and harm detailed in this report, in our public forums, and in our community. (FY2021)	Yes	Same as #1
3	Publicly commit as a Town, including the Selectboard, to acknowledge and address systemic racism/white supremacy, ableism and sanism, homophobic and transphobic discrimination, and classism in an ongoing way. (FY2021)	Yes	Same as #1
4	Operationalize this commitment in budgets, time commitments, and work tasks as part of the town's ongoing regular practices to avoid a return to "business as usual," which is hurting people. (FY2021)	Yes	Same as #1

Increase Accountability		Town Unilaterally?	Notes
5	Improve data integrity in collection and analysis: Address gap in reporting race data in traffic stops and all data collection. (FY2021)	No	Town staff commits to increasing and improving our <i>analysis and use</i> of data. This may require additional resources. The data <i>collection</i> parts of this will be dependent, at least in part, upon improvements in the Statewide and Nationwide databases used by law enforcement agencies. The State of Vermont is actively working on such improvements.
6	Improve data integrity in collection and analysis: Address gap in graphic mapping data—obtain functionality to map police contacts and develop a plan to capture and review these data to better analyze and be accountable to geographic data to reduce over-policing of identified neighborhoods. (FY2022)	No	Same as #5
7	Disband the CPCC and hold a process centering and compensating people of color leadership to determine the best mechanisms for systemic accountability. (FY2022)	Yes	Systemic <i>accountability</i> is codified in Vermont Statutes. Alternative models of public <i>oversight</i> are possible. Establishing an alternative model of oversight would be a policy decision to be made by the Selectboard.
8	Suspend the use of paid administrative leave for police under investigation for acts of harm and for police charged with violent crime through change in policy. (FY2021)	No	The Town cannot implement this recommendation because the 14th Amendment of the United States Constitution (and the case law that has interpreted it) requires all public sector employers to provide due process to their employees before imposing disciplinary action (and administrative leave without pay is an unpaid suspension, which is the level of disciplinary action that is just one step below termination of employment).
9	Withhold pensions and do not rehire police who are involved in excessive force violations. (FY2021)	No	The Town conducts rigorous background checks on all prospective police officers and does not hire anyone who has been fired (or resigned while under investigation) for excessive use of force. The Town cannot implement the part of this recommendation related to pensions because the Vermont Legislature and the Vermont Municipal Employees Retirement System (VMERS) Board of Trustees have jurisdiction over the rules that apply to when and how employees receive pensions from VMERS.
10	Freeze all increases to the training budget and focus on effective and efficient utilization of current training budget. (FY2021)	Yes	The Selectboard approved this recommendation for FY22. Future decisions on this recommendation also will be subject to policy direction from the Selectboard.

11	In preparing a training plan, include an assessment of each supervisor and officer training needs and level of receptivity and readiness, and paid consultation with local content experts from impacted communities to develop accountable and effective training plans with demonstrable and measurable outcomes. (FY2022 and ongoing)	Yes	Staff is committed to improving training in collaboration with impacted individuals and groups in our community. Some training is required by Vermont Statutes or other higher authorities, but we will approach planning for future discretionary training in the manner envisioned in this recommendation.
12	Avoid trainings that have been specifically identified by impacted communities as particularly harmful. These include Mental Health First Aid, NAMI training, umatter, and others. Connect with (and pay well) local content experts from impacted communities (BIPOC, psychiatric survivors, people living with homelessness and poverty, people who use drugs) to inform training choice and implementation. If these groups will not work with police, determine why. Begin the long arc of reparation of those relationships, which begins with acknowledging harm, ending that harm, and taking responsibility, and NOT meet and greets and increased casual police contact with those communities, which those communities often experience as harmful. (FY2021 and ongoing)	Yes	Same as #11

Meet People's Basic Needs + Build Up Alternatives to Policing + Police-Like Safety Responses		Town Unilaterally?	Notes
13	Prioritize spending on safe housing for all, food shelves, free meals, community gardens, land trusts that allow marginalized people to take ownership of food production for their communities, and spaces for belonging and connection in neighborhoods for all community members, centering those most in need. (FY2022 and ongoing)	Yes	This will involve policy decisions to be made by the Selectboard and Representative Town Meeting. Implementation could include an increase in direct Town programming (such as the existing community garden program overseen by the Recreation and Parks Department), an increase in financial support for organizations that provide these types of services (such as occurs through RTM's existing Human Services funding process), or the establishment of more formal partnerships between the Town and the service providers.
14	Invest resources in new and existing programs that respondents identified as the most helpful to their safety, such as mutual aid support networks, BIPOC run programs, local organizations that provide voluntary support, and places for belonging and connection that are decoupled from policing. (FY2022 and ongoing)	Yes	This will involve policy decisions to be made by the Selectboard and Representative Town Meeting. Implementation could include an increase in financial support provided through RTM's existing Human Services funding process for organizations that provide these types of services or the establishment of more formal partnerships between the Town and the service providers.
15	Review and consider models for totally voluntary and noncoercive supports run by the communities they are designed to support, in the form of neurodivergent, psychiatrically labeled, psychiatrically disabled, mad, and psychiatric survivor led mobile ready response, a crisis/freak out space, and unlocked, homelike crisis beds. Work collaboratively toward implementation of alternative mental health supports. (Start in FY 2022 and ongoing) (Implement alternatives by FY2025)	No	Funding for this work would be similar to what is described for #13 and #14 above. Implementation would be more complex. Town staff has received initial information about programs of this type that exist in other communities and is prepared to work with the Brattleboro area community to further explore the possibilities.
16	Invest in community sponsored mutual aid and skill sharing. (FY 2022 and ongoing)	Yes	Same as #14
17	Invest in restorative justice practices at all levels, especially at the neighborhood level. (FY2022 and ongoing) (Implement neighborhood RJ Initiatives by FY2023).	Yes	Same as #14
18	Review and consider models for neighborhood and community training around de-escalation, holding space, and directly supporting those in distress, NOT training that advocates for calling in authorities or assessors or that bring people into more contact with police or mental health crisis response. Invest in neighborhood and community groups developing these skills. (FY2022 and ongoing)	No	Same as #15

Reduce Police Presence and the Role of Policing		Town Unilaterally?	Notes
19	Continue Brattleboro PD's commitment to refuse militarized equipment. (FY2021 and ongoing)	Yes	This is within Town staff's control and we will continue this commitment.

20	Continue Brattleboro PD's commitment to Fair and Impartial Policing, and strengthen that commitment by adopting No Mas Polimigras Fair and Impartial Policing Policy, which limits police collaboration with ICE. Recommended changes to policy are listed below. See Appendix E for more information. (FY2021 and ongoing)	Yes	This is within Town staff's control. We will continue the current practice and will strengthen the wording of the written policy by incorporating the recommended language.
21	No Discrimination in Detention Centers (VIII,f) "...personal characteristics and/or immigration status shall not be used as criteria for citation, arrest, or continued custody." This ensures that determinations are not based on perceived identity or immigration status. (FY2021 and ongoing)	Yes	Same as #20
22	Close the Border Crossing Pretext (IX) "... members shall not make warrantless arrests or detain individuals on suspicion of 'unlawful entry' unless the suspect is apprehended in the process of entering the U.S. without inspection." This ensures that officers cannot use "unlawful entry" as a way of investigating immigration status unless the suspect is actually apprehended entering the U.S. unlawfully. (FY2021 and ongoing)	Yes	Same as #20
23	Protect Victims and Witnesses (X,d) "... members shall not share information about crime victims/witnesses with federal immigration authorities, unless it is with the individual's consent." This ensures protection for victims and witnesses. (FY2021 and ongoing)	Yes	Same as #20
24	Protect Confidentiality (XI,a) "No information about an individual shall be shared with federal immigration authorities unless necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law." This restricts information sharing to serious criminal investigations. (FY2021 and ongoing)	Yes	Same as #20
25	Due Process for Detainees (XI,d) "Unless ICE or CBP agents have a judicially-issued criminal warrant, or members have a legitimate law enforcement purpose exclusive of the enforcement of civil immigration laws, members shall not grant ICE or CBP agents access to individuals in [Agency] custody." This protects due process and equal protection under the law. (FY2021 and ongoing)	Yes	Same as #20
26	Relation to Federal Immigration Law. Remove all references to 8 U.S. Code § 1373 and 1644 throughout the policy, which block laws that restrict police cooperation with immigration authorities. Add to the "PURPOSE" section: "Nothing in this policy is intended to violate federal law." (FY2021 and ongoing)	Yes	Same as #20
27	Deeply review Project Care impact and outcomes. Move Project Care funding to COSU or out of the PD, and have a transparent, accountable process around its function and any associated hiring. (FY2022)	No	Project Care could move to a non-profit organization. It was created by BPD only to fill a vacuum and to create a collaborative approach to helping people get into treatment. If the program moves to another organization, BPD will participate (if that is beneficial) or will step away (if that is better). Continued Town funding for this program to be administered outside of BPD would be a policy decision to be made by the Selectboard and Representative Town Meeting, as described in #14 above.
28	Increase accountability around harm, ineffectiveness and inefficiency of use of police resources for traffic stops. (FY2021 and ongoing)	Yes	This will be included in our implementation of #5 above.
29	Deeply analyze racial disparities in traffic stop data. (FY2022)	Yes	This will be a particular focus of our implementation of #5 above.
30	Consider steps to decouple traffic safety management from the police. This will reduce officer workload. (Development of a non-police, unarmed traffic safety management division by FY2025)	No	Vermont Statutes currently restrict traffic enforcement activity to law enforcement. Town staff has begun to learn about examples of how this activity has been decoupled from law enforcement in other states. We are open to learning more and to considering operational alternatives if they become legal in Vermont.

31	Eliminate police social work liaison program. (FY2022)	Yes	Town staff will review this recommendation with community members, HCRS (which funds and places the social worker within BPD), and others to consider whether this program should be modified or eliminated. Also, we understand that implementation of some of the other recommendations may affect the determination of whether elimination of this program is appropriate or necessary.
32	Use funding to invest in noncoercive supports as alternatives to police and police-like interventions in mental and emotional health, housing, and access to family support as detailed above. (FY2022)	No	Same as #15
33	Work to decouple police from welfare checks. (Start in FY2021)	No	Same as #15
34	Work toward the alternatives listed above that do not use force, coercion, or (psychiatric) incarceration to support individual and community mental health and wellness. This will reduce officer workload. (Start in FY2021)	No	Same as #15
35	Reduce and work towards eliminating public relations/community policing initiatives such as public speaking engagements, which disproportionately alienate marginalized people and do not create safety. This will reduce officer workload. (Start in FY2021)	Yes	Town Staff plans to explore this further with the community. Currently, most of BPD's community relations work is at the request of people and organizations in the community. Also, community policing and relationship building between police and community members is a best practice recommended nationally as recently as by the 21st Century Policing initiative of the Obama administration. Nevertheless, we understand clearly from the CSRT's report that this activity is a concern in our community and that some people find it harmful. We plan to explore with the community whether it might be possible to achieve better engagement rather than implementing disengagement.
36	Remove community engagement quota for officers. The best way to improve community relations is to focus on acknowledging, reducing, and eliminating harm. (Start in FY2021)	Yes	Implementation of this recommendation will be directly dependent upon the outcome of #35 above.
37	Disarm police for nonresponsive tasks like community speaking, meetings, and community events. (Start in FY2021)	Yes	Town staff is committed to learning more about how and where this has been implemented in other jurisdictions. We are not committed to implementing this change at this time.
38	Adopt Brattleboro Common Sense's S.A.F.E. policing policy and review impact/outcomes. See Appendix E. (by FY2025)	Yes	Implementation of this recommendation will be directly dependent upon the outcome of #37 above.
39	Decouple responses to animal problems from the police. (FY2022)	Yes	Town staff will develop a plan for accomplishing this. Having the Animal Control Officer report to non-police supervision is straightforward, but it will be more complicated to provide non-police backup to our single ACO for addressing animal problems that occur when the ACO is unavailable. We will learn how other communities have addressed this, will consider alternative models within the Town staff, and will confer with potential community partners. If we find an obviously better model for animal control operations, then we will recommend it to the Selectboard. If all alternative models involve some degree of continued police activity and/or some significant upside/downside tradeoffs, then we will return to the Selectboard to discuss alternatives.
40	Commit to no more budget increases for policing (beyond a cost of living increase). (FY2022 and ongoing)	Yes	This is a policy decision to be made by the Selectboard.
41	Reduce overtime budget and usage and work towards reducing the size of the police force over time, as alternative approaches to community safety are created, funded, and implemented. (by FY2025)	Yes	This is a policy decision to be made by the Selectboard. As noted in the recommendation, the decision regarding implementation of this recommendation will flow from the impacts of our implementation actions on other recommendations.