



RICHMOND POLICE DEPARTMENT

RICHMOND TOWN CENTER

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Acting Chief Kyle Kapitanski

January 26, 2021

LETTER TO THE RICHMOND SELECT BOARD REGARDING THE RESOLUTION IN SUPPORT OF THE PROPOSED FAIR AND IMPARTIAL POLICING POLICY

Over the past several months, the Richmond Police Department and the Town of Richmond have been engaged in conversation with the Richmond Racial Equity group and Migrant Justice about the Fair and Impartial Policing policy (FIPP) currently in place. The conversation was prompted by the desire of Richmond Racial Equity group for the Richmond Police Department to adopt a FIPP that was endorsed by Migrant Justice. The desired FIPP purported to make undocumented people feel safer in contacting/being contacted by the Richmond Police, by strengthening restrictions on the communication that officers can have with federal immigration authorities in reference to the undocumented person.

The concern that I had, and still have, with the proposed FIPP is that it causes the Town of Richmond to violate federal law. Specifically, 8 U.S.C. §§ 1373 and 1644. Both statutes prohibit local governments from restricting communication between local officers and federal authorities regarding citizenship and immigration status. Vermont law is also clear in 20 V.S.A. § 2366(a)(1) that "On or before March 1, 2018, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt a fair and impartial policing policy that includes each component of the Criminal Justice Council's model fair and impartial policing policy. Such agencies and constables may include additional restrictions on agency members' communication and involvement with federal immigration authorities or communications regarding citizenship or immigration status..." However, 20 V.S.A. § 2366(f) states "...To the extent any State or local law enforcement policy or practice conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, that policy or practice is, to the extent of the conflict, abolished." Therefore, Vermont law provides the ability for agencies to adopt a policy which further restricts officer's ability to communicate with federal authorities, but is also explicit that any portion of the policy that is in conflict with federal law is abolished and, as a result, unable to be enforced.

That said, it is my responsibility as the current leader of the Richmond Police Department to ensure that we are policing in a way that is desirable to the residents of Richmond. The Select Board is comprised of members of the community who were elected by their constituents to represent the best interest of the people. Therefore, a resolution by the members of the Select Board in support of the proposed FIPP leads me to the conclusion that the adoption of the proposed FIPP is the will of the community at large.



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As such, The Richmond Police Department will submit the proposed FIPP to the Vermont Attorney General's Office, as required by 20 V.S.A. § 2366(b), no later than February 1, 2021. Upon receipt of notification from the Vermont Attorney General's Office that the proposed FIPP is in compliance with the provisions of 20 V.S.A. § 2366 (a)(1), the Richmond Police Department will immediately adopt it into policy. Further, The Richmond Police Department will not seek to revert back to the model FIPP or any other version without first notifying the Select Board. In the event that there is a legislative mandate that requires a change to the FIPP, the change will occur by the deadline. The Select Board will be notified of the mandate and the date that the policy changed or was scheduled to change.

In closing, I would like to emphasize that I am not opposed to the principles and intended effect of the proposed FIPP. In fact, quite the opposite is true. I firmly believe in the separation of duties between state and federal officials. It is not the role nor the desire of the Richmond Police Department to investigate or enforce immigration law violations. It is our duty, our responsibility, and our moral obligation to provide non-biased police services to ALL residents and visitors to the Town of Richmond. Thank you.

Respectfully,

Acting Chief Kyle Kapitanski