

Susan,

This is a follow up on the FIPP information and guidance that you have provided over the past year. We have been discussing this in more detail in the past couple of months and I'm hoping that you can answer an interesting question that came up.

- Should a revised FIPP such as Winooski's be adopted by a town, and should a lawsuit be brought by a town employee (such as a police officer) because s/he was restricted in their communication process with a federal agency, against whom would the lawsuit be brought? The town or the agent who authorized the policy? Or both?

Thanks for any guidance that you can provide on this topic.

Josh Arneson

Town Manager
Town of Richmond
P.O. Box 285
Richmond, VT 05477
(802) 434-5170

Hi Josh,

It's important for me to note that anyone can sue anyone else, for any reason but that does not mean the lawsuit will be successful. I have attached a **draft** Official Immunity Info Sheet that I think will provide lots of useful information; please do note that this is still in **draft** form and has not been made available for wide release. As such, please use it for internal purposes only at this time.

We also have prepared a Sovereign Immunity Info Sheet which is online [here](#). This is the other "piece" to the immunity issue and should also provide useful information. The VLCT Board of Directors issued a statement/perspective on police reform, which you can find [here](#).

Finally, I would recommend contacting PACIF Law Enforcement Consultant Trevor Whipple if you have not already. He is a former Chief and can provide his advice, model policies PACIF has developed, and maybe any additional elements on the topic for the department and town's consideration. He can be reached at twhipple@vlct.org and is always happy to help members. It might also be worth checking in with PACIF Underwriting to see what they say about coverage for any such lawsuit.

I hope this helps.

Sincerely,
Susan

Note: Due to COVID-19, the VLCT Municipal Assistance Center (MAC) is experiencing a high number of legal questions and therefore it may take longer than usual for MAC to respond. Please also understand that if your question is unrelated to COVID-19 or is not an urgent matter, our response time will be extended. If you have an urgent matter and you haven't received a response from MAC, please contact your municipal attorney.

In light of concerns about COVID-19 I am currently working remotely. Addressing member concerns and questions remains a high priority for all VLCT staff. We appreciate your patience as we adapt to virtual communications. Visit <https://www.vlct.org/coronavirus> for recommendations and resources from VLCT and links to the CDC and VT Dept. Health.

Susan E. Senning, Esq.
Staff Attorney I, Municipal Assistance Center
89 Main Street, Suite 4
Montpelier, VT 05602-2948
1-800-649-7915
www.vlct.org