

Richmond Police Department

Fair and Impartial Policing Policy — History and Status Update

Purpose of This Update

This memo provides the Town Manager and Select Board with a summary of the history of Richmond Police Department's Fair and Impartial Policing (FIP) Policy, including its review by the Vermont Criminal Justice Council (VCJC), and the outcome of a recent meeting held to resolve outstanding compliance questions. The goal is to keep the Town informed and to confirm the path forward for the Department.

Background and Timeline

October–December 2024: Initial Policy Review

In late 2024, Richmond PD submitted a draft revision of its FIP Policy to the VCJC for review, as required under 20 V.S.A. § 2366. On October 31, 2024, VCJC Associate General Counsel Kim McManus identified one substantive concern: an edit to Section VI(d)(7) that, as drafted, would have placed the policy in conflict with two federal statutes, 8 U.S.C. §§ 1373 and 1644. She noted that the Department's other proposed edits were permissible.

The Department shared this feedback with the Town Manager, and on December 9, 2024, VCJC followed up with a formal letter providing additional legal background on the federal statutes and Vermont's own information-sharing law, 20 V.S.A. § 4651(d), and how they applied to the draft policy.

May 2026: Updated Compliance Review

On May 21, 2026, VCJC Associate General Counsel Christopher Perkett completed a fresh compliance review of Richmond PD's FIP Policy. This review identified several sections where language required under the statewide model policy had been omitted, most notably provisions addressing what factors alone cannot establish reasonable suspicion, the statutory basis for voluntary communication with federal immigration authorities, and guidance for officers interacting with those authorities regarding individuals in custody. VCJC requested a response by June 26, 2026, and noted that until the policy was brought into compliance, the Department would be deemed to have adopted the statewide model policy in the interim.

June 25, 2026: Meeting with VCJC and the Attorney General's Office

Chief Matthew Cohen met remotely with Christopher Perkett (VCJC) and Assistant Attorney General Julio Thompson to work through the compliance questions raised in the May letter. The discussion covered:

- The specific differences between Richmond PD's FIP Policy and the statewide model policy, and how those differences would affect officers' day-to-day decision-making.
- The requirements of 8 U.S.C. §§ 1373 and 1644, and why compliance with these federal statutes matters. The group referenced *New York v. United States Department of Justice*, 951 F.3d 84 (2d Cir. 2020), in which the Second Circuit addressed the enforceability of these statutes against state and local governments.

- Vermont's statutory requirement that law enforcement agencies adopt the Council's model policy, and that any agency deviation must still include every element of the model policy — deviations may add restrictions but may not omit required components.
- The practical consequences of maintaining a non-compliant policy, including potential loss of accreditation with the Vermont Police Academy, disciplinary actions against officers not being recognized (with resulting exposure to litigation against the Department or Town), risk to federal funding eligibility, and potential referral to the Attorney General's Office. The group also noted that, under state law, any policy found out of compliance is automatically superseded by the model policy.

Current Status and Decision

Acting in the best interest of the Town and the Department, Chief Cohen has adopted the VCJC's model Fair and Impartial Policing Policy. This resolves the outstanding compliance concerns and ensures Richmond PD's policy aligns with both state law and federal statutory requirements.

Next Steps

Any future changes to Richmond PD's FIP Policy will be discussed with, reviewed by, and approved by the VCJC and Attorney General's Office prior to adoption. This collaborative approach will help the Department maintain compliance while preserving the flexibility to tailor the policy to Richmond's needs going forward.

Chief Cohen is glad to answer any questions from the Town Manager or Select Board.