



VERMONT TROOPERS' ASSOCIATION, INC.

7 BALDWIN STREET • P.O. BOX 1474 • MONTPELIER, VT 05601

EXECUTIVE BOARD

SETH LOOMIS, PRESIDENT
OWEN BALLINGER, VICE PRESIDENT
TODD STACKHOUSE, TREASURER
DAN TROTTIER, SECRETARY

EXECUTIVE DIRECTOR

MICHAEL O'NEIL

January 13, 2022

Senator Becca Balint, President Pro Tempore
Senator Dick Sears, Chair Senate Committee on Judiciary
Senator Philip Baruth, Senate Committee on Judiciary
Senator Janette White, Senate Committee on Judiciary
Senator Alice Nitka, Senate Committee on Judiciary
Senator Joe Benning, Senate Committee on Judiciary

Dear Senators,

On behalf of law enforcement officers in Vermont, we write to express our concern and perceived lack of support from our elected leaders resulting from proposed language contained in draft request 22-0215 – draft 3.1 an act relating to creating a private right of action against law enforcement officers for violating rights established under Vermont law. Vermont law enforcement officers proudly serve our communities with honor and we have built long term relationships with you by working together to resolve issues that have made a difference in the lives of those you represent. Without your continued support and collaboration it will become increasingly difficult to provide high quality public safety services to the people of Vermont.

Law enforcement officers are beginning to feel abandoned, and forgotten by many people who no longer acknowledge the risks and dedication that the men and women of our profession provide to every Vermonter. We are committed to ensuring law enforcement officers are held accountable for misconduct when acting under color of the law. We have worked collaboratively with the General Assembly to pass Act 56 and continue to develop systems to ensure accountability at all levels and in every community.

Law enforcement leaders in Vermont have worked hard to professionalize our career, develop fair and impartial policing practices and hold police accountable for misconduct. Specifically, many agencies have developed and implemented comprehensive programs and training to ensure fair and impartial policing practices at all levels of law enforcement within Vermont. These efforts include building relationships of trust with the communities of color and other marginalized communities, diversifying our workforce and improving our cultural awareness as the State of Vermont becomes more diverse.

This proposed legislation appears to be an overreaction that will cause harm to our profession and ultimately the public. This legislation appears to be intentionally punitive to law enforcement. Qualified immunity balances two important interests- the need to hold public officials accountable when they exercise power irresponsibly and the need to

VERMONT TROOPERS' ASSOCIATION, INC.

7 BALDWIN STREET • P.O. BOX 1474 • MONTPELIER, VT 05601

shield government officials from harassment, distraction, and liability when they perform their duties reasonably. (Pearson v. Callahan, 555 U.S. 223 (2009)) All government employees are afforded the protections of qualified immunity so that they are able to make legal, good faith decisions, without fear of personal civil liability.

This bill will do nothing to achieve the level of accountability that supporters claim. True accountability comes in the form of oversight, hiring practices, policy development, training, discipline, termination, de-certification and leadership. There is nothing in this bill to help invest in or improve our profession in any of these areas.

Law enforcement agencies in Vermont are currently experiencing unprecedented challenges recruiting and retaining qualified candidates and officers. The scope of this issue is beyond what we have ever experienced. We are in a staffing crisis driven in part by a lack of public support for police officers. The lack of public support is driven by a variety of factors. This decay of confidence could eventually lead to an erosion in hiring practices, reduced capabilities and a rapid degradation of police professionalism.

We understand that you have a responsibility to fulfill your oath of office to protect and defend the lives of all citizens, however law enforcement officers also deserve and expect their elected leaders to support and defend them as well. We know from experience, if those who fail to understand the dangers of our profession create policy or statute without hearing our perspective it risks diminishing the ability of our law enforcement agencies to provide high quality public safety services.

Vermont's law enforcement leaders have issued a joint memorandum regarding facts surrounding qualified immunity. We encourage you to read that memo and let us know if there are questions that arise.

Respectfully,

Michael O'Neil

Michael O'Neil, Executive Director
Vermont Troopers Association, Inc

Sgt. Seth Loomis, President
Vermont Troopers Association, Inc

Seth P. Loomis

Commissioner Michael Schirling
Vermont Department of Public Safety



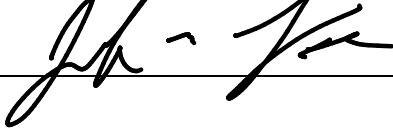
Colonel Matthew Birmingham, Director
Vermont State Police

Matthew Birmingham

VERMONT TROOPERS' ASSOCIATION, INC.

7 BALDWIN STREET • P.O. BOX 1474 • MONTPELIER, VT 05601


Chief Jennifer Frank, President
Vermont Association of Chiefs of Police



Sheriff Mark Anderson, President
Vermont Sheriffs' Association



Kevin Blongy, President
Vermont Police Association



Corporal Joe Corrow, President
Burlington Police Officers Assn.
FOP Lodge 21



Jack Parlon, Labor Services
National Fraternal Order of Police



Christopher Hoar, Executive Vice President
New England Police Benevolent Association
Affiliate organizations:

United Federation of Police Officers
International Union of Public Employees