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**Notes from editor (not for publication):**

Tom, this is brilliant and exactly what I had hoped would come from our conversation. I added a couple of bits and pieces of reporting from our coverage of the Garvey case. I added a bridge to clarify Michelle's circuit court reference. Please feel free to adapt or enhance your bio, which I picked up from a previous piece, which I recall was more of a literary bent. Happy to address or negotiate any edits I've done here, of course — I want this process to be transparent and collaborative. Hope you find it worth the wait. I do. —Jeff

HEADLINE ELEMENTS:

####BEGIN HED####

1 When policing policy lacks the force of law

####END HED####

####BEGIN SUBHED####

2 After Vermont officers aided a federal immigration raid

3 and another mental-health crisis ended in a fatal shooting,

4 lawmakers and advocates are asking whether training and

5 recommended standards provide enough accountability

####END SUBHED####

6 TEXT BODY:

####BEGIN TEXT####

7           ON FEB. 19 of 2024, seven Windham County citizens  
8 published an [opinion piece in VTDigger](#) exhorting Vermont  
9 residents to “stand with immigrants and call on your legislators to  
10 urge the Criminal Justice Council to vote on the proposed policy  
11 without further delay!”

12           The policy they were concerned about was Vermont’s  
13 Fair and Impartial Policing Policy (FIPP), which defines the state’s  
14 minimal standards for law enforcement’s behavior surrounding  
15 issues of bias in policing.

16           And it was being tinkered with again.

17           The seven authors were part of a Migrant Justice ad hoc  
18 statewide campaign — No Más Polimigra — seeking to limit  
19 collaboration between Vermont law enforcement and federal  
20 immigration authorities.

21           Their essay noted that during Donald Trump’s (first) term  
22 as president, the 2016-model state policy was re-evaluated and  
23 the current policy reflected the rollback of safeguards for  
24 immigrants that were in the original policy.

25           They also mentioned that, a little over a week earlier, at a  
26 meeting of the Vermont Criminal Justice Council, when an  
27 undocumented farmworker spoke about his fear of leaving the  
28 farm because of law enforcement’s continued cooperation with  
29 federal immigration enforcement agents (la migra), a part-time  
30 police officer and deputy sheriff had uttered an obscenity on a  
31 hot mic. (The officer hastily resigned his position on the Criminal  
32 Justice Council and from his police duties.)

33           If this was not enough, the Criminal Justice Council  
34 delayed its vote on revisions to the FIPP in order to consider last-  
35 minute suggestions from the Vermont Association of Chiefs of  
36 Police.

37           But exactly three months later, Migrant Justice published  
38 a news release proclaiming “Victory! Vermont strengthens ‘No  
39 Polimigra’ protections.”

40           The policy had been strengthened once again.

41           \* \* \*

42 THE FIPP HAS TRAVELED a twisted and tortured path in its  
43 relatively short history. It's an issue that won't go away, like a  
44 pesky mother-in-law or the neighbor's barking dog.

45 On June 17, the town of Putney's Equity and Inclusion  
46 Advisory Committee hosted a forum billed as "a community  
47 conversation about Vermont's Fair and Impartial Policing Policy."  
48 The panelists invited to speak were Windham County Sheriff  
49 Mark Anderson, State Police Sergeant Tyler Noyes, Dr. Cliff  
50 Wood, chair of the Windham County Sheriff's Advisory  
51 Committee, and State Sen. Nader Hashim, a former state trooper,  
52 all individuals with some relationship to law enforcement.

53 There was no representation from organizations like  
54 Migrant Justice, which had played such a major role in the  
55 creation of the FIPP.

56 The panelists, for the most part, appeared to want to talk  
57 about almost anything except the policy. Ann Schroeder, a retired  
58 librarian, representative of the NAACP, resident of Dummerston,  
59 and one of the seven signers of the aforementioned op-ed,  
60 commented afterwords: "It was very disappointing. They didn't  
61 talk about the FIPP at all; there was so much that wasn't  
62 covered."

63 \* \* \*

64 THE TUMULTUOUS EVENTS that transpired in South  
65 Burlington on March 11 may have been the motivation behind  
66 the Putney forum, and those events will probably continue to  
67 haunt Vermont law enforcement, legislators, and regular citizens  
68 for months to come.

69 What began as a thwarted attempt by Immigration and  
70 Customs Enforcement (ICE) agents to apprehend a person in a  
71 vehicle around 7:30 a.m. escalated to the involvement of officers  
72 from three federal agencies and three Vermont law enforcement  
73 agencies: the Vermont State Police (VSP), Burlington Police, and  
74 the South Burlington Police.

75 ICE agents ultimately broke into a house on Dorset  
76 Street, aided by Vermont law enforcement, and they detained  
77 three people, soon released by the federal courts.

78 By 8:30 that morning, Migrant Justice had alerted its  
79 rapid response network that ICE was at the Dorset Street house,  
80 and within a few hours over 100 “protectors” had gathered there.

81 More ICE officers had arrived from New Hampshire,  
82 making about 20 on the scene, and the Burlington police were  
83 staging by the South Burlington City Hall. Around 5:25 p.m.,  
84 according to testimony provided by Burlington Interim Police  
85 Chief Shawn Burke at a City Council meeting on March 23, an  
86 ICE Special Response Team, escorted by at least eight Vermont  
87 State Patrol vehicles, arrived at the house.

88 A Critical Action Team (state patrol) arrived in a black  
89 van, and these officers cleared the crowd so the ICE agents could  
90 bust down the door.

91 \* \* \*

92 AT A Joint House-Senate Judicial Committee hearing at  
93 the State House on March 31, which lasted over two hours,  
94 people were allotted two minutes each to testify about their  
95 experiences in South Burlington during the ICE raid.

96 Jess Shapiro of Burlington told lawmakers that she was  
97 choked and strangled by a Vermont state trooper, who also  
98 threatened to break her fingers, until she became unconscious  
99 and was dragged out of the crowd.

100 Sean O’Hearn of Ferrisburgh said he was assaulted five  
101 times, including once when he was choked so forcefully that he  
102 pulled a metal railing out of the concrete foundation on the  
103 Dorset Street porch. He had trouble testifying because his trachea  
104 was bruised.

105 O’Hearn said he couldn’t identify the officers who  
106 assaulted him because they wore masks and removed their  
107 identification.

108 “Our democracy is hanging on a thread,” he said as he  
109 finished his testimony.

110           Among the 60 or so people who spoke, many reported  
111 being shoved, hit, choked, thrown into the street and having  
112 clothes ripped off. Later on that day, ICE used flash-bang  
113 grenades and fired pepper spray and chemical agents into the  
114 crowd.

115           Cynthia Cook, from Burlington, a professional mediator  
116 and facilitator with degrees from Yale and the Vermont Law  
117 School, testified that the morning was peaceful and she thought  
118 the South Burlington Police did a good job.

119           “Everything changed when the State Police arrived,” she  
120 said.

121           “The community members who came out in support of  
122 our neighbors, and I imagine the residents who were being  
123 besieged, did not feel the least bit protected,” Cook said. “We felt  
124 threatened. We felt confronted.”

125           “If the only thing you have is a hammer,” she continued,  
126 “everything looks like a nail.”

127           The troops arrived “with a lot of hammers,” she said.

128           “They didn’t arrive with a single peacekeeping skill set,”  
129 Cook said. “They demonstrated a significant need for intensive  
130 training in peacekeeping and de-escalation.”

131           \* \* \*

132           ONE OF THE TABLE of legislators who listened to this  
133 testimony in Montpelier was Sen. Tanya Vyhovsky, who sits on  
134 the Senate Judiciary Committee. She was also probably the only  
135 state legislator who was there that day in South Burlington.

136           “Like many, I was pretty horrified by what happened on  
137 March 11,” she said when I talked to her recently. “I’ve been  
138 calling for the strengthening of the FIPP, and actually for signing it  
139 into law, for years. Violating a policy doesn’t come with the same  
140 implications as violating the law.

141           “As I saw it and as I read the FIPP, even as it stands now,  
142 it appeared quite clear to me that our state and local law had  
143 violated it. They had a joint command center, they cleared the

144 way for them [ICE] to get in, they helped take people out of the  
145 building when only one person had a warrant,” Vyhovsky said.

146 “I think there are lots of points that our existing policy  
147 didn’t do what we hoped it would do,” she continued. “So I think  
148 it needs to be strengthened and codified into law, which then  
149 opens the door for different types of investigations.”

150 Vyhovsky thinks “it’s always problematic to ask anyone  
151 to be the arbiter of whether they broke the law. We ask our police  
152 to police themselves; we would never ask the public to do that.”

153 \* \* \*

154 WHEN WILL LAMBEK, a Migrant Justice leader, testified at  
155 the hearing, he said: “Throughout the day on March 11, police  
156 collaborated with ICE in clear violation of Vermont’s Fair and  
157 Impartial Policing Policy. The policy explicitly prohibits police  
158 from “accepting requests by federal immigration authorities to  
159 support or assist in civil immigration enforcement” and from  
160 “facilitating the detention of individuals by federal immigration  
161 authorities for suspected civil immigration violations.”

162 When I talked with Lambek recently, he noted that each  
163 Vermont police agency had completed its after-action reports.

164 “Not surprising to me,” he said, “they all exonerated  
165 themselves. Police aren’t capable of policing themselves, so that’s  
166 why we need independent oversight power and an independent  
167 investigation into the police-ICE raid of March 11.”

168 The Legislature subsequently took action to empower the  
169 Vermont Human Rights Commission to conduct an investigation,  
170 “and we are hopeful that they will do so,” Lambek said.

171 “At the same time, we’re focused on not just  
172 accountability for the events of March 11 but on making sure  
173 these events don’t repeat themselves in the future,” he continued.

174 “Efforts to strengthen FIPP predate March 11,” Lambek  
175 added. “Our work now revolves around issues unrelated to  
176 March 11. The provisions in the FIPP that prohibit ICE and Border  
177 Patrol and other immigration enforcement activities have been in

178 the policy, more or less, for a decade and they're actually quite  
179 clear."

180 Lambek stressed that the model Vermont Fair and  
181 Impartial Policing policy created by the Vermont Criminal Justice  
182 Council is "the floor but not the ceiling." Migrant Justice has been  
183 encouraging communities around the state to adopt stronger,  
184 more protective measures than the minimal state standards.

185 \* \* \*

186 AMONG THE TOWNS that have taken action and passed  
187 stronger local versions of the Fair and Impartial Policing Policy  
188 are Winooski, Burlington, Brattleboro, Hartford, and Norwich.

189 At their Annual Town Meetings in March 2022, three  
190 Windham County communities — Putney, Dummerston, and  
191 Marlboro — overwhelmingly passed non-binding resolutions to  
192 strengthen their respective FIPs based on language proposed by  
193 No Más Polimigra.

194 Windham County Sheriff Anderson had written an open  
195 letter on Feb. 1 saying that the department was open to the  
196 discussion and evaluation of the policy and had engaged in  
197 discourse with the Windham County Sheriff's Advisory  
198 Committee, selectboards, town managers, lawmakers, the state  
199 attorney general, No Más Polimigra, the ACLU, Migrant Justice,  
200 and various other organizations.

201 The sheriff listed some concerns with the proposed  
202 changes, including that some of the language could violate state  
203 or federal law and that less than 10% of agencies in Vermont had  
204 adopted the proposed language, "creating a patchwork of  
205 expectations across the state."

206 Sheriff Anderson used data from a report on trends in  
207 [racial disparities in Vermont traffic stops \(2014-2019\)](#) to bolster  
208 his case. The disparity index (DI) used a measure where anything  
209 over 1 indicated a greater likelihood of a reported population to  
210 be stopped.

211 Among towns that had adopted the No Más Polimigra  
212 language, Brattleboro had a 1.6 DI, Burlington had 1.74 DI,

213 South Burlington had 2.07 DI and Winooski 3.3 DI. The  
214 Windham County Sheriff's Office scored a mere 0.28 DI.  
215 In his letter, Anderson indicated that for the last eight  
216 years his department had not been involved in any civil  
217 immigration enforcement, not shared information or contacted  
218 federal immigration authorities regarding any investigation, not  
219 found any indication of explicit or implicit bias enforcement in  
220 traffic stop and race data reports, and not conducted any border  
221 enforcement or provided federal immigration officials access to  
222 people in the department's custody. He noted that minority  
223 populations were stopped so infrequently that his agency's  
224 activity fell below the threshold for statistical significance.

225 \* \* \*

226 OF COURSE, the immigrant and refugee population in  
227 southern Vermont has probably increased considerably since  
228 Anderson penned his open letter in 2022.

229 I met with Joe Wiah, the director of the Ethiopian  
230 Community Development Council's new refugee resettlement site  
231 in Brattleboro, which opened its doors in early fall of 2021. Wiah  
232 is a refugee himself, having fled war in his former home of  
233 Liberia. He eventually found his way to Vermont and Brattleboro,  
234 where he first worked as a housing case manager in Windham  
235 County.

236 Since he started with ECDC, the program has settled 526  
237 refugees in southern Vermont: 379 in Brattleboro and Guilford,  
238 121 in Bennington, and most of the rest in Springfield. The new  
239 refugees come from Afghanistan, Syria, Iraq, El Salvador,  
240 Venezuela, Eritrea, and a few other countries. Sheriff Anderson  
241 has scored big points with Wiah by developing a drivers  
242 education program for his refugee clients.

243 Wiah has not seen any discrimination or targeting of his  
244 clients since the program began. When the refugees arrive, part  
245 of their orientation is a "cultural orientation," where they learn  
246 about the role of law enforcement and whom to call in case they  
247 encounter trouble.

248           The challenge for Wiah and his clients is that many of  
249 them come from countries where law enforcement resembles a  
250 paramilitary force.

251           “The people we work with are different culturally,” he  
252 explained. “There is a fear of engagement with law enforcement  
253 because of their experience in their country of origin. Our folks  
254 are coming from countries where they don’t have trust in law  
255 enforcement. We don’t want them to continue with that lack of  
256 trust.”

257           He is hoping for more engagement between the  
258 Brattleboro police and his clients so that they can “break that  
259 taboo” of viewing law enforcement as something to fear.

260           “It’s very hard for our folks to distinguish between ICE  
261 and the police,” he said.

262           \* \* \*

263           BRATTLEBORO’S POLICE CHIEF, Jeremy Evans, was  
264 appointed chief this past April, after Norma Hardy retired. He  
265 became assistant chief three years earlier and has been with the  
266 force since 1998.

267           A few months prior to becoming chief he joined the  
268 Vermont Criminal Justice Council’s Fair and Impartial Policing  
269 Committee.

270           “I feel it’s important,” he told me.

271           “I think the policy we have right now has been built over  
272 the last several years,” Chief Evans said. “It’s pretty well  
273 grounded. It’s been tweaked a little over the years. It’s difficult.  
274 You want to build a policy that’s all encompassing, but also  
275 understandable, translatable, and something that a police officer  
276 at 1 o’clock in the morning can easily incorporate into what  
277 they’re doing.

278           “I think the policy helps and guides,” Evans said. “The  
279 goal is to support [officers] to do positive and professional work.  
280 Right now I think the policy does that pretty well.”

281 As long as he's been a police officer, Evans said, "we  
282 haven't put a priority, there never was a priority, on trying to  
283 identify people who were here legally or not."

284 He said he hasn't paid much attention to immigration  
285 status because "it's important that when we're building  
286 community trust [...] we need that trust to be with the whole  
287 community. We don't want someone who is undocumented here  
288 being victimized by someone else then not reporting it because  
289 they're undocumented."

290 Chief Evans does not think that making the FIPP policy  
291 into law is a good idea. He feels that going through the legislative  
292 process — through the committee structure and the House and  
293 Senate and special interest groups — to create a law, and then  
294 needing to repeat the process to change or update it, would be  
295 too cumbersome and restrictive.

296 Evans feels that with the Brattleboro Retreat in town, the  
297 community is subject to higher levels of mental health issues than  
298 other communities. This had led to emphasizing more training for  
299 officers and collaboration between Health Care and  
300 Rehabilitation Services (HCRS). Over the past few years, this  
301 program to embed social workers with police liaisons to address  
302 health care issues has been expanded considerably.

303 \* \* \*

304 REP. MICHELLE BOS-LUN of Westminster, who represents  
305 Westminster, Rockingham, and Brookline in the state Legislature,  
306 is another public official who is deeply concerned about mental  
307 health and its relationship to the criminal justice system.

308 When I talked to her on the phone, she was still  
309 disturbed about Scott Garvey, the 55-year-old man who moved to  
310 Putney from Memphis a little over a year ago in hopes of finding  
311 better mental health care. Scott had struggled with bipolar  
312 disorder and schizophrenia for most of his adult life. His younger  
313 sister, Kara Garvey-Knapp, a teacher in Dummerston, started to  
314 make calls to HCRS to get Scott connected to treatment and  
315 counseling.

316           Instead, barely a week in Vermont, Scott Garvey's  
317 treatment plan was abruptly aborted when he was shot dead in  
318 his new apartment by a young state trooper on the evening of July  
319 7, 2025.

320           The day before, as reported by the media and  
321 corroborated by the Vermont State Police's own timeline, Scott  
322 was paranoid and fearful, and his behavior started to escalate. A  
323 mental health screener spoke to Scott on the phone, and he  
324 spoke about "suicide by cop," so the VSP did not send any  
325 troopers that evening.

326           The next day, Kara brought her mother to the house and  
327 Scott was "still very afraid," she told Vermont Public. Both Kara  
328 and Scott called the HCRS hotline that morning.

329           The situation escalated hour by hour throughout the day.

330           Kara returned to the Putney Landing apartment around 2  
331 p.m. to give police the key to the apartment but told the troopers  
332 at the scene that Scott was "deathly afraid of you." When she  
333 asked the troopers if she could talk to her brother through the  
334 door, they refused.

335           About 4 p.m., Kara got a call from Scott and he told her  
336 a woman was going to come talk to him, without cops, and she  
337 was going to bring him coffee and cigarettes.

338           "I think it's gonna be OK," he said.

339           But 15 minutes later a judge approved a request for state  
340 police to check the house and arrest Scott for criminal threats and  
341 disorderly conduct.

342           About 4:30 the troopers entered the apartment and,  
343 when the young trooper shined his light on Scott, he thought he  
344 had a rifle. The trooper fired seven shots and three of them hit  
345 Garvey.

346           (The family had previously informed the police that Scott  
347 did not own guns or weapons and was physically disabled and  
348 used a walker.)

349 Police accounts describe Scott as holding a “metal pole,”  
350 which the trooper believed in good faith to be a rifle. Scott’s  
351 brother, Shawn Garvey, has pointed out that it was Scott’s cane.

352 \* \* \*

353 SCOTT GARVEY’S DEATH was the most recent in a string of  
354 Vermont police shootings involving people experiencing mental  
355 health crises.

356 Nationally, nearly a quarter of all police shootings  
357 involve a person with mental or behavioral health conditions,  
358 according to a recent study by the John Hopkins Center for Gun  
359 Violence Solutions and Vanderbilt University. Research found  
360 that 67% of all shootings involving someone suffering a mental  
361 health crisis were fatal.

362 “A lot of police calls involve people who are being  
363 impacted by their mental health,” Rep. Bos-Lun told me. “Ideally,  
364 the police are not the right people to respond to those calls.”

365 “We have some really great models like a crisis team  
366 model, where two people will go to a crisis scene and work with  
367 an individual and help to de-escalate them and often that can  
368 happen without the police needing to be involved at all,” she  
369 said.

370 “We have those crisis workers all over the state but we  
371 don’t have them 24/7,” Rep. Bos-Lun added. “Sometimes the  
372 police will make a decision that supersedes the crisis team or  
373 whoever has been managing the situation.”

374 A related issue that Rep. Bos-Lun brought to my attention  
375 is that the Vermont Criminal Justice Council has a statewide use-  
376 of- force policy “which is a de-escalation policy particularly  
377 relevant for individuals experiencing a mental health crisis.”

378 “So this policy is a recommended policy but it’s not in  
379 statute,” she said. “So when an officer or series of officers take a  
380 situation and don’t follow the use-of-force policy, it’s not as easy  
381 to hold people accountable.”

382 Rep. Bos-Lun filed a bill, H.613, that would have put that  
383 policy into statute, which “would have given a higher level of  
384 accountability to follow that policy.”

385 Time ran out in the last legislation session before the bill  
386 could be adequately considered. Rep. Bos-Lun plans to introduce  
387 it again in the next session but break it into two bills.

388 In terms of Sen. Vyhovsky’s goal to codify the FIPP, Rep.  
389 Bos-Lun thinks “it would be a good idea.”

390 “I think there are many times in government where we  
391 spend an awful lot of time researching best practices and best  
392 policies and what has worked well in other states and then we  
393 never get around to applying it in our state in a formal way,” she  
394 said. “Making a recommendation is not the same as putting  
395 something into statute, and I think taking an important idea like  
396 Fair and Impartial Policing or de-escalation in the use of force  
397 policy, I think these deserve to be in statute so they have a higher  
398 level of being taken seriously.”

399 The most important thing, she continued, “is that our  
400 police officers are trained well so that they’re going to have the  
401 best decision-making capacity when they are meeting a crisis of  
402 whatever kind. And a lot of their work is going to involve crisis, it  
403 comes with the job.”

404 \* \* \*

405 ALTHOUGH Rep. Bos-Lun and Chief Evans both cited the  
406 critical nature of the mental health issue and the importance of  
407 officer training, they do have a different perspective.

408 “Vermont is tied for last with a couple of states — it  
409 might be three other states — [...] for the lowest number of hours  
410 for training regarding mental health and de-escalation for police  
411 agencies, which is eight hours,” she said.

412 “The average number of training hours that is required in  
413 other states is 15. There are states that do as many as 40 hours,  
414 and honestly I think that 40 hours would provide us with the  
415 best-prepared officers, because these are issues that are going to  
416 be impacting their performance almost every single day.

417 "One single crisis where an officer shoots and it turns out  
418 the person ends up dying, it's bad for everybody," she  
419 emphasized.

420 When the legislative session started this past January,  
421 Bos-Lun said, the two most important bills for her were this  
422 mental health and policing and victims service bill and the  
423 masking and identification bill for police officer.

424 "Many, many people wanted that masking bill to pass,"  
425 she stressed. "When I had a constituent meeting, the week before  
426 the final processing of the bill, 100% of the people in the room  
427 wanted us to move forward with the most intensive interpretation  
428 of the masking policy, which means both feds and state and local  
429 officers would be impacted. Because it was very much a  
430 unanimous feeling that we do not want this kind of behavior  
431 happening in our state."

432 Rep. Bos-Lun said that "we want to prevent it in  
433 whatever way we can."

434 "And we don't know if it will work, but we need to try,  
435 and we need to send the message that [...] this is not acceptable  
436 to us," she said.

437 The masking bill was scaled back after the U.S. Court of  
438 Appeals for the Ninth Circuit blocked California from enforcing a  
439 similar anti-mask rule against federal agencies.

440 As more states pass similar laws, "the more circuit courts  
441 that hear it, it may be that a different circuit court will have a  
442 different decision," Rep. Bos-Lun said.

443 "So I absolutely think that we will move forward early in  
444 the session to try to get this kind of policy in place and at all  
445 levels of policing because I believe we shouldn't have our local  
446 officers or state officers or our federal officers operating in  
447 secrecy."

448 On the Senate side, Tanya Vyhovsky is also looking  
449 forward to the next session with determination and conviction.

450 "I think this year we made some important strides  
451 forward, but I think there's a lot more we can do to protect

452 people,” she said. “And I do think that we need to codify FIPP  
453 into law. Also, I think we need more of an outside oversight of  
454 police.”

455 “What we’re seeing at the federal government is more  
456 and more willingness to trample on people’s rights and  
457 willingness to deploy fear and chaos,” she said. “It is  
458 irresponsible to assume it can’t happen everywhere. I think we  
459 need to be preparing for it everywhere.”

####END TEXT####

BIO/COATTAIL:

####BEGIN BIO/COATTAIL####

460 **TOM BOSWELL** is a lifelong community organizer,  
461 journalist, and award-winning poet.

####END BIO/COATTAIL####

LAST ISSUE IN WHICH THIS FILE CAN BE RUN:

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LINKS:

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VIDEO:

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LOGLINE (SOCIAL MEDIA):

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