

Vermont's New Immigration Policy for State Police

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On Friday, November 4, 2011, Vermont Governor Peter Shumlin and the Department of Public Safety issued a new policy for the Vermont State Police which impacts when the State Police are allowed to question a person's immigration status.

The policy makes clear that State Police cannot inquire into a person's immigration status during a civil investigation, such as a routine traffic stop. The new policy explains it is not the law enforcement priority for the Vermont State Police to detect or apprehend individuals whose only violation is that they are in the U.S. without authorization. Further, the policy provides that in a criminal investigation, State Police can only inquire into a person's immigration status if it is relevant to the criminal investigation or the person is under arrest.

The new policy, designed to reaffirm the Vermont State Police's commitment to unbiased policing, stemmed from an incident in September of this year where a State Police officer questioned a passenger in a car about his immigration status during a routine traffic stop. The passenger in the car was a Mexican farm worker who has since been detained as a suspected illegal immigrant. The detainment of this migrant farm worker prompted protest from the migrant worker community, who believed that the state trooper should not have questioned the passenger about his immigration status during a routine traffic stop.

In a television interview following the incident, Vermont Gov. Shumlin said, "Vermont farmers can't survive without workers from outside America. That's just the way it is. We've got to keep our dairy farms strong, we've always had a policy in Vermont where we kind of 'look the other way' as much as we can."

Although it was determined that the state trooper's action was proper, Gov. Shumlin stated that "we owe it to our troopers to provide them clear guidance about state law enforcement priorities and parameters." The new policy for State Police clarify the circumstances under which an individual's immigration status may be considered by the State Police.

Vermont's new policy to the State Police is yet another example of how states are continuing to enact immigration-related legislation and policy. Despite state policy, it is still the Federal Government's job to enforce our nation's immigration laws, and the U.S. Immigration and Customs Enforcement (ICE) continues to audit the I-9 forms of employers across the nation. Will Vermont's new policy act as an invitation for ICE to investigate employers in the state, especially dairy farmers, regarding the immigration status of their workers?