

May 19, 2023

To the Selectboard of Windham-

On or about May 11, 2023, my wife (Ellen, the Town Clerk) noticed that Mr. Lawler, our appointed Constable, came into the Town Office wearing a holster and firearm. She indicated that he came in to check on the status of the dog registrations, so one can assume that he was there on official business. Ellen didn't think too much of it, but when she recalled it and mentioned it to me earlier this week, I was completely stunned and extremely dismayed. It has always been my impression that constables in Vermont never wear sidearms, nor do they carry concealed weapons when performing their duties. That traditional approach is there for a multitude of good reasons- not the least of which is the liability that a town would face for allowing an individual to carry a lethal weapon in the performance of their duties as a constable who doesn't have law-enforcement certification or even a vetted background history.

Since I am not an expert on law enforcement matters, I immediately reached out to two retired law enforcement officers, a retired Vermont constable, as well as the Training Director at the Vermont Police Academy (Ken Hawkins) to hopefully allay my concerns over the town's potential liability. To put it simply- they did not allay my fears, at all.

With no exceptions, everyone I spoke with responded to me with- "Do you know what the liability a town assumes when it allows a constable to carry a weapon?" If their gun is discharged for any reason, in the presence of people, innocent or otherwise, it's pretty much unlimited. They were also unanimous in expressing their dismay that any constable in Vermont would want, or feel the need, to interact with their constituents while wearing a handgun at their side. Doing so immediately creates a confrontational atmosphere which is the very thing constables should be wanting to avoid in the first place. In the unanimous opinions of the officials I spoke with, allowing a constable to carry a firearm, concealed or otherwise, is a really bad mistake- for doing so will create far more trouble than it will ever prevent. Once again, everyone I spoke with reiterated in no uncertain terms that "In Vermont, constables should not carry any sidearms because they cannot legally enforce the law, nor should they be expected to do so by anyone in town." That is not in their job description. If an issue arises within families or between neighbors to the point to where someone feels threatened by another, that needs to be elevated to the proper law-enforcement officials who have the training, certification (including proper indemnification) to deal with the situation. Why would we ever want to send an individual into that type of situation who isn't fully vetted, certified, or adequately insured? It is asking for disaster, especially if that individual is carrying a weapon in the name of the town they represent.

Of course, in this state, I'm aware that Mr. Lawler has the right to carry a weapon, open or concealed. That is his right as a private citizen of Vermont, and I don't have a problem with that- so long as he is not carrying a weapon in the performance of his duties as a constable. The obvious flaw with that logic is that Mr. Lawler is our constable 24-hours a day. So how does an ordinary citizen he encounters know whether he's on duty or not, and whether he is carrying a concealed weapon? The simple answer to both questions is they can't, and I suspect many people will likely feel intimidated or even scared while in his presence. Consequently, I would beseech Mr. Lawler to refrain from carrying a weapon in this town for as long as he serves as our constable, unless it's simply to shoot a deer or other animal he is authorized to put down. If he is unwilling or unable to do that, then I hope he is willing to offer his resignation in the best interests of the town. If an agreement or resignation isn't

forthcoming, I will expect the Select Board to directly inform him of a no-carry policy and ask for his resignation if he can't comply with it.

I have heard that Mr. Lawler is a veteran and may even have a background in military police work. I admire him for his service and sacrifice for all of us, but his credentials in the military are but a small snapshot in the vetting process that's absolutely necessary to become a certified law-enforcement officer in Vermont. And please note that the vetting process is the total responsibility of the Selectboard to initiate and execute, prior to giving any serious thought of sending Mr. Lawler to "training" that will ultimately certify him to act in the capacity of a law enforcement officer. But be forewarned that background checks and vetting for law enforcement candidates is an expensive and prolonged process that the town will have to bear.

Your expedited attention to this matter is appreciated. With all of the town meetings I've heard about where people resort to rude and childlike behavior because someone across the table simply doesn't agree with them, I welcome the presence of a constable at Town Meeting who's primary responsibility is to escort those out the door who can't control themselves; it's just that I don't want that constable to be armed and I suspect a large majority of people in this town are in agreement with me.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip McDuffie". The signature is fluid and cursive, with a large initial "P" and "M".

Philip McDuffie

Town Resident and Justice of the Peace in Windham