

Initial Call Information - [Assist - Public] 12/21/21 18:14 : 2 Educational Dr, Essex Junction Village, VT

Incident Number: 21ES008210
Call Time: 2021-12-21 18:14:23 -0500
Call Type: Assist - Public
Primary Ofc.: M395: Hoague, Ronald

Call Type Assist - Public	Call Priority In Progress	Call Origin Phone	Date & Time of Call 12/21/2021 18:14	Location of Call 2 Educational Dr, Essex Junction Village, VT, 05452
Area Village	Team	Incident Number 21ES008210	<input type="checkbox"/> Flag For Roll Call	<input type="checkbox"/> Call Cancelled By Complainant
				Owner: M417: Garey, Rick
				Incident Codes Common Call Type Assist

Drugs Involved

<input type="checkbox"/> Opiate blocker	<input type="checkbox"/> Mental Health	<input type="checkbox"/> DOMV	<input type="checkbox"/> Cargo theft	Alarm Number	Incident flags
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Witness List

Person Type Caller	<input type="checkbox"/>	Name	DOB	Primary Phone	Address
	Bus.				

Responding Officers

Officer name M395: Hoague, Ronald	<input checked="" type="checkbox"/>	Dispatched 12/21/21 18:19:25	Enroute 12/21/21 18:37:34	OnScene 12/21/21 18:37:35	Cleared 12/21/21 18:37:36	Secondary Loc.
	Primary					
Officer name M417: Garey, Rick	<input type="checkbox"/>	Dispatched 12/21/21 18:38:38	Enroute 12/21/21 18:38:40	OnScene 12/21/21 18:38:41	Cleared 12/21/21 18:38:42	Secondary Loc.
	Primary					

Narrative Type *Officer*
 Supplemental M417: Garey,
Confidential

Narrative

Essex Police Department
 Supplemental Report
 21ES008210

On October 28, 2021 the complainant sent an email to Chief Hoague requesting that the Essex Police conduct a criminal investigation into a book at the Essex High School Library called "Gender Queer". The complainant believes that this book being at the Essex High School library available to students violates Vermont criminal obscenity laws. The complainant specifically requested to remain anonymous for fear of "myself or my child targeted for reporting this". The complainant reported that her child had checked out the book and that she (complainant) now had it in her possession. The complaint specifically reported that she believed that the pictures and verbal content were a violation(s) of Vermont Obscenity laws.

The Chief contacted the Chittenden State Attorney's Office on this matter and provided the details of the complaint and requested if their office would consider this case for criminal prosecution. Representatives from the Chittenden County SA's office contacted the Chief back and reported they would not take this case as a criminal charge.

The Chief then contacted the complainant and advised them that the Chittenden SA's office would not support a criminal charge with the facts that had been provided relative to a violation of Vermont Obscenity laws. The complainant brought the book back to Essex PD and our staff returned the book back to the Essex High School.

No further action at this time.

END OF REPORT

Rick Garey

<i>Offense Suspect</i>	<i>Offense Victim</i>	<i>IBR Victim-Offender</i>		<i>Bias/Motivation (anti)</i>
<i>V. was LEO</i>	<i>V was LEO Assignment</i>		<i>Other ORI</i>	<i>LEOKA Narrative</i>

Ron Hoague

From: Ron Hoague
Sent: Monday, November 1, 2021 10:56 AM
To: [REDACTED]
Subject: RE: Reporting complain against High School

Hello [REDACTED]

I wanted to let you know that I have an answer from the State Attorney and also thank you for dropping off the book for me. I shared your email and attachment with their office Friday morning. The State's Attorney has informed me that they will not prosecute on this matter. They believe that it would be difficult to satisfy the definition of "harmful to minors" as that is defined by the statute. 'The material has to appeal to the prurient, shameful or morbid interest of minors, be patently offensive to the prevailing standards of the adult community as a whole and lack serious literary, artistic value.' This is a high standard and would be difficult to meet. Therefore, the police department will not investigate nor become involved further in this.

The course of action I would suggest would be to lodge a complaint with the school board and raise the concerns you have. They ultimately control what is provided to students and would be the likely starting place for this. I will be returning the book to the district office as it is their property. Thank you for the concern and bring this to my attention. Please let me know if you have questions.



Ron Hoague | Chief of Police
ESSEX POLICE DEPARTMENT
145 Maple Street | Essex Jct., VT 05452
Ph. 802-857-0093

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From: [REDACTED]
Sent: Thursday, October 28, 2021 8:34 PM
To: Ron Hoague <rhoague@essex.org>
Subject: Reporting complain against High School

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST


Hello Chief,

I am contacting to report a complaint against Essex High School for making obscene, pornographic material available to minors in its library. In particular, the book Gender Queer. I am attaching word doc containing the

images and text within the book from the Essex High School Library shelf. Can you investigate? I have the book in my possession.

I believe these images and its verbal content violate Vermont's Obscenity laws.

I prefer my name to remain anonymous because I do not want myself or my child targeted for reporting this. But this is not okay and is against Vermont laws. So if they think it's acceptable to break the Vermont laws linked below, what others do they break? They are being negligent in their duty of care of minors they are supposed to be educating.



<https://legislature.vermont.gov/statutes/section/13/063/02802a>

<https://legislature.vermont.gov/statutes/section/13/063/02804b>

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From: George, Sarah <Sarah.George@vermont.gov>
Sent: Friday, October 29, 2021 11:09 AM
To: Ron Hoague <rhoague@essex.org>
Cc: Jiron, Justin <Justin.Jiron@vermont.gov>
Subject: RE: Reporting complain against High School

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST

Hi Chief,

Thanks for reaching out on this. We would absolutely not prosecute this. I don't think it meets the criteria, I do not think its harmful to minors, and as you stated, there is not an individual displaying it. She could report her concerns to the school board if she wishes but I think its great that the school is recognizing this super common confusion amongst teens and providing information to them about what it may mean. I have a lot more I could say about it but I'll leave it at that.

Hope that helps.
Sarah

From: Ron Hoague <rhoague@essex.org>
Sent: Friday, October 29, 2021 10:59 AM
To: George, Sarah <Sarah.George@vermont.gov>
Cc: Jiron, Justin <Justin.Jiron@vermont.gov>
Subject: FW: Reporting complain against High School

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning! I received the below email last night. Before I give her a response and decide how we should handle this, I was hoping you could have one of the attorneys look at this and tell me if this meets the statute and the likelihood of prosecution. My initial inclination is no to both as the statutes include the wording 'which is harmful to minors' (open to interpretation) in addition to there not being an individual person who is displaying or distributing the material but rather an institution.

I know you all have many other priorities so please give this the attention it deserves. Thanks for everything.



Ron Hoague | Chief of Police
ESSEX POLICE DEPARTMENT
145 Maple Street | Essex Jct., VT 05452
Ph. 802-857-0093

Ron Hoague

From: Ron Hoague
Sent: Friday, October 29, 2021 2:08 PM
To: Jiron, Justin; George, Sarah
Subject: RE: Reporting complain against High School

Thanks Justin. I agree with that fully. Have a nice weekend.



Ron Hoague | Chief of Police
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From: Jiron, Justin <Justin.Jiron@vermont.gov>
Sent: Friday, October 29, 2021 12:04 PM
To: Ron Hoague <rhoague@essex.org>; George, Sarah <Sarah.George@vermont.gov>
Subject: RE: Reporting complain against High School

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST

It would be difficult to satisfy the definition of "harmful to minors" as that is defined by the statute. The material has to appeal to the prurient, shameful or morbid interest of minors, be patently offensive to the prevailing standards of the adult community as a whole and lack serious literary, artistic value. Pretty high bar to meet.

From: Ron Hoague <rhoague@essex.org>
Sent: Friday, October 29, 2021 10:59 AM
To: George, Sarah <Sarah.George@vermont.gov>
Cc: Jiron, Justin <Justin.Jiron@vermont.gov>
Subject: FW: Reporting complain against High School

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Good morning! I received the below email last night. Before I give her a response and decide how we should handle this, I was hoping you could have one of the attorneys look at this and tell me if this meets the statute and the likelihood of prosecution. My initial inclination is no to both as the statutes include the wording 'which is harmful to minors' (open to interpretation) in addition to there not being an individual person who is displaying or distributing the material but rather an institution.

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