

**VERMONT CRIMINAL JUSTICE TRAINING COUNCIL
DECEMBER 13, 2016
MONTPELIER, VERMONT
9:00 AM**

Members in Attendance

Chief Christopher Brickell, Chair, Vermont Association of Chiefs of Police
Major William Sheets, Vice Chair, Proxy for DPS Commissioner, Vermont State Police
Executive Director Richard Gauthier, Vermont Criminal Justice Training Council
Colonel William Elovirta, Proxy for Commissioner Robert Ide, Vermont Dept of Motor Vehicles
John Treadwell, Vermont Attorney General's Office
David Fenster, Vermont State's Attorney & Sheriffs' Office
Heather Simons, Proxy for Commissioner Lisa Menard, Vermont Department of Corrections
Gary Moore, Public Seat
Colonel Jason Batchelder, Vermont Department of Fish & Wildlife
Sheriff Steven Benard, Vermont Sheriff's Association
Thomas Mozzer, Vermont Trooper's Association
Joe Damiata, Vermont Leagues of Cities and Towns
Jacob Humbert, Vermont Attorney General's Office

Other Attendance

Gail Williams, Vermont Police Academy
Ingrid Jonas, Vermont State Police
James Whitcomb, Vermont State Police
Matthew Birmingham, Vermont State Police
Dee Barbic, Vermont State Police
Rosemary Gretkowsky
William Sorrell, Vermont Attorney General's Office
Karen Richards, Human Rights Commission
Curtiss Reed, Vermont Partnership for Fairness and Diversity
Paul McManus
Zachary Chen, Attorney General's Office
Jay Diaz
Ed Miller, Vermont State Police
Mike O'Neil, Vermont State Police
Cara Cookson

Chief Brickell: Called the meeting to order at 9:06.

Attorney General's Report: Attorney General William Sorrell thanked the Council, the members of the advisory group, and Agencies for their participation and willingness to address the issues on implicit bias. He gave an overview of the report and recommendations created by the advisory group. He talked about the importance of community involvement and the ongoing training for officers after the basic class. The advisory group would like to see the implicit test as a recommendation for incoming recruits to the

Academy, as well as expanding the training during the basic class to one or two days and incorporating implicit bias into the scenarios. The group would like to see more train the trainer classes demographically. They encourage agencies to hire more diversity. The group is questioning the written entrance test and recommend the questions be relevant to policing, have language skills for cross cultural, and would like the Council to better prepare applicants for the written test.

Karen Richards spoke to the Council, explained how she has got involved, and her work on getting implicit bias out to the public. She talked of the three-step process 1) acknowledge you have bias, 2) care about why you want to overcome bias, and 3) understand bias and where it came from to do something about it. She agrees that police are only one part of the criminal justice system and there are other parts of the criminal justice system that needs to work on bias as well.

Curtiss Reed spoke to the Council about the 40-year plan of repopulating the State by attracting people of color. He talked of the experience people of color experience in Vermont, the differences in traffic stops for people of color compared to white people, and the need for bias training in education, human services, the business community, not just police.

Chief Brickell thanked the committee for their work. He agrees it is critical that there is a pre-examination of people prior to them attending the Academy. He explained that the Academy teaches core values and gives the foundation of good training for the recruits to take with them. Cost of training at the Academy, was talked about and training outside the Academy regionally. Chief Brickell talked about the analysis of the data and the importance of why that data is there, what it means, why is it happening.

Discussion continued. It was suggested that a subcommittee be created to work with the TAC Committee on how we are going to incorporate more training, follow up with action items, and to take these actions and suggestions to legislature this year.

Major Sheets made the motion to create a subcommittee comprised of representatives from the Council that will be required to create this time line and action items based on the working groups report by Jan 15th, second by Gary Moore. Motion passed.

Break 1045-11:00

Executive Director's report: Executive Director Gauthier went over the Law Enforcement Working Group 4.1 draft, item by item.

- Page 6, line 12: The intent is to step down from the Academy becoming a law enforcement agency, but says if an officer works for the Council at the Academy that officer does not need to work for another agency to keep their law enforcement certification. This will be presented at the Chief's and Sheriff's meeting Thursday. Another reason for this is in recruitment for employees. By continuing to raise the bar on training we need to raise the bar for trainers.
- Page 9, line 17: Proposed to stop bad officers from jumping from agency to agency. This is based on Colorado law.
- Page 11, line 15: This is for level B offenses; Col. Birmingham was concerned that different agencies would interpret this differently and suggested adding language to prevent confusion. The agencies would have to have a policy defining level B offenses or would have to adopt the Council policy.
- Page 12, line 6: movement from category B to category C offenses.
- Page 14, line 12: proposed to be removed
- Page 15, line 5-7: change highlighted text to Probable cause. Line 19: who makes the report. Change line 19-21 as it conflicts with Page 28 line 12. Change line 2-4 to include Civilian Oversight Board.

- Page 16, line 8: for criminal conduct only. There is a problem around the word “complete” ,which may need to be changed to “completed as much as possible”.
- Page 17, line 6: need to clarify the Councils role is for category C offenses, a sentence or two needs to be added to make this clear. Change the word discipline to warning.
- Page 18, line 7: change the word discipline to warning
- Page 23, line 6: change the word adopt to create
- Page 28, was resolved with the added language of civilian oversight

The plan from here is for the E.D. Gauthier to talk to Jacob and to talk to Betsy Anne, try to get a revised version for Thursday’s Chief’s and Sheriff’s meeting. Once the input is entered from the meeting on Thursday the draft will go out to the Council for a final vote. The deadline is January 28th.

Level II-E Ratification: Motion by Gary Moore to accept the approval, second by Joe Damiata to approve Level II-E certification for George Butler from Newport PD and for Philip Frasier from Bennington CSD., motion passed

Entrance Exam: Captain Jonas, Captain Whitcomb, Chief del Pozo, and E.D. Gauthier met about the entrance exam. Chief experts disagree with analysis. The test needs a question by question and section by section analysis. More information is being gathered for another meeting after the holidays. E.D Gauthier explained that the test was designed to measure whether a person will succeed in an academic atmosphere and is used to measure critical thinking. The test was vetted by an outside agency and Dr. Bartol.

IADLEST: Offers an accreditation service that the Academy can use. It is still in the exploratory stage but we are looking at going in this direction.

Lunch: 12:10 – 12:44

Election of Officers: Council members discussed and agreed that Chief Brickell and Major Sheets have done a good job. Major sheets made it clear that if he was to continue as Vice Chair that it would only be for two meetings in 2017 due to his retirement. After those first two meetings in 2017 someone would have to be appointed as Vice Chair for the remainder of the year.

Chief Brickell was nominated as the Chair by Sheriff Bernard, second Director Elovirta.

Major Sheets was nominated as Vice Chair by Sheriff Benard, second by Chief Brickell.

Discussion was had in regards to the time line of public seats on the Council.

All were in favor, motion passed.

Approval of Prior Minutes: A motion was made by Joe Damiata, second by Director Elovirta, to approve the September 13, 2016, meeting minutes, motion passed.

Training Reports: Clarification was asked on the patrol rifle qualification course, it was explained by E.D. Gauthier that it was to advise the Council and not action was needed.

Motion was made to accept the UOF, Canine, and Training reports as submitted by Director Elovirta, second by Joe Damiata, motion passed

Executive Session: 12:51-1:11

Motion was made by Director Elovirta to reaffirm the expectations by the Council of the Executive Directors duties, which include the daily operation of the Police Academy as well as the hiring and firing decisions, the Executive Director will consult regularly with the Chair and Vice Chair, and will report to the Council at each meeting on what is happening at the Academy. Motion was second by Joe Damiata, all were in favor, motion passed.

New Business: Council talked about the need for a citizen advisory group made up of volunteers of representatives of the Council, to work on the implicit bias report and recommendations point by point, and to write up a reply stating this is what we have, this is what we can do, and have a plan to bring all of this to the Legislative session. The working group will be headed by E.D. Gauthier, John Treadwell, Zach Chin and Captain Jonas will be asked to join. It was suggested that Police Academy staff be involved.

Council members talked about how to bring diversity to the Council, as well as the things that the Council has been doing to work on the implicit bias, and how to get it out to the public. There was talk of how to promote what the Council does and things it is working on.

The question of who the Council reports to has come up. The Council is a standalone body in state government. It was suggested to add to the agenda items citizen participation.

Motion to adjourn was made by Director Elovirta, seconded by Joe Damiata.

Meeting adjourned 1:45.