

VERMONT CRIMINAL JUSTICE TRAINING COUNCIL
June 9, 2015
PITTSFORD, VERMONT
9:00AM

Members in Attendance

Director Glen Button, Chair, Vermont Department of Motor Vehicles.
Major William Sheets, Vice Chair, Vermont State Police
Executive Director Richard Gauthier, Vermont Criminal Justice Training Council
Captain William Elovirta, Vermont Police Association
Fred Satink, Proxy for Joe Damiata, Vermont League of Cities & Town
John Treadwell, Vermont Attorney General's Office
David Fenster, Vermont State's Attorney & Sheriffs' Office
Heather Simons, Proxy for Commissioner Pallito, Vermont Department of Corrections
Chief Christopher Brickell, Vermont Association of Chiefs of Police
Constable Silas Loomis, Vermont Constable Association
Sheriff Stephen Benard, Vermont Sheriff's Association
Sergeant Thomas Mozzer, Vermont Troopers Association
Gary Moore, Public Seat

Other Attendance

Jacob Humbert, Attorney General's Office
Mariana Boulas, Law Clerk, Attorney General's Office
Wesley Lawrence, Counsel to the Council
Cindy Taylor-Patch, Vermont Police Academy
John Gonyea, Vermont Police Academy
Gail Williams, Vermont Police Academy
Chief Frank Koss, Hinesburg Police Department
Robert Giolito, Vermont Department of Motor Vehicles
TJ Anderson, Vermont Police Academy
Lt. Michael Henry, Vermont State Police
Jason Williams, Vermont Police Academy
Curtiss Reed Jr., Executive Director of VT Partnership for Fairness & Diversity

Director Button: Called the meeting to order at 0900 and asked members to introduce themselves.

Approval of Prior Minutes: A motion was made by Gary Moore, and seconded by Sergeant Mozzer, to approve the March 10, 2015, meeting minutes. There was no discussion, motion passed.

Strategic Plan: John Gonyea went over the strategic plan with the Council. He reported that there has not been much movement lately, and talked about the upcoming improvements and issues that need fixing at the Academy. Director Button suggested getting the sub committees together to get this moving. John brought up the question of licensing vs. certification and how to move ahead with the new tiers. John Treadwell gave his view of the Leadership in Police Organization (LPO) course that he had just attended.

Southern NH University has met with Director Gauthier to talk about the possibility of adding an MOU to give credits for the Basic program. At this time Norwich, SVC, and Lyndon State all give credits for the training. Chief Frank Koss discussed looking at recruiting problems and how to fix it.

- **Committee Reports:** Use of Force, Canine. No questions or comments.
- **Domestic Violence:** TJ Anderson reported to the Council that the DV subcommittee is working on the next curriculum for 2016. It will be a minimum of three hours, anticipated as an online class, and will likely cover subjects for creating stronger cases. She asked if there were any suggestions for this next training, and was asked about making the forms uniform throughout the state.

Decertification and suspension hearing: Officer Kenneth Markwell Jr., Officer Micheal Heller, and Recruit Derocher did not show up for the hearings. The hearings proceeded without them in attendance. John Gonyea was questioned as the witness in the two decertification hearings. Cindy Taylor-Patch and Director Gauthier were both questioned as witnesses in the suspension hearing. After the hearing Constable Loomis motioned for the Council to go into Executive Session, this was seconded by Captain Jake Elovirta.

By unanimous vote of the Council members, it was voted to decertify Officer Kenneth Markwell Jr. for failure to complete annual mandatory training for years 2010, 2011, 2012, and 2013.

By unanimous vote of the Council members, it was voted to decertify Officer Michael Heller for a felony conviction of embezzlement.

By unanimous vote of the Council members, it was voted to permanently suspend Recruit Brittany Derocher for violation of the code of conduct.

Use of Force: Lt. Mike Henry, senior trainer from the Vermont State Police, spoke to the Council about the UOF training for Level I certification. He is working with Drew Bloom to come up with a condensed course that will consist of defensive tactics only. This training would be an eight hour course and would not include baton or OC training. There was no objection to this new training, but Director Button suggested it be vetted through the UOF Committee.

Guest Speaker: Curtiss Reed, Executive Director of Vermont Partnership for Fairness and Diversity, spoke to the Council about his plan to make Vermont “the epicenter of inclusive thought and practice”. Curtiss spoke of the importance of bias free policing and the economic impact it has on tourism in Vermont.

Break for lunch

Bias Free Policing: Cindy Taylor-Patch explained the training model the Academy uses for training, there was recently a train the trainer class, and training of officers going through the full-time and part-time academy. She is looking forward to a more aggressive training schedule to get training to seasonal officers.

VCJTC Training Reports: Cindy Taylor-Patch announced the Firearms Training System (FATS) machine has been purchased, and that two staff members have been trained to use the machine. It is in the process of being installed in the scenario building. The Academy has had a few new courses, along with the regular ones. Mindset for Survival, Cooper (physical fitness) training, and the FBI was just at the Academy teaching Crisis Negotiation Course that was attended by officers from VT, Corrections, as well as from other states, it was very well received and an intense training. The FBI is also working with us on an Emotional Survival Techniques class coming up in August. ARIDE courses have had low attendance. Cindy also talked about the facility issues for classes. We end up having to use the Fire Academy classroom as opposed to the Police Academy classrooms for some classes because of the costs charged for the facility use and classroom size.

Director Button acknowledged the staff for the great presentation at graduation. Cindy Taylor-Patch asked if any of the Council members had thoughts or ideas to make the 100th graduation special.

Executive Directors report: Director Gauthier gave an update on H.105 (H.765), which did not make the cross over this year. The bill was too controversial with the decertification process so was stripped back to just the scope of practice, where it missed cross over again. The bill then went to the Senate Rules Committee to get a waiver. A waiver was granted so it was put back into the process where it got attached to the H.105 bill. At this point we are just waiting for signature. Application forms have been drafted up for the Level II scope of practice and Specific Level III authority, as well as some frequently asked questions that have been put on the VCJTC website.

Decertification bill has been drafted that lays out the criteria. This has been controversial in the language and where the Council's authority falls relative to the local control to the agencies. Representative Sweaney, from House Gov Ops who wants everything added back as a committee bill for January. Language will be drafted in the new bill to keep everyone as happy as possible. We are looking to have a new bill that incorporates all the things that got stripped out of the old bill back into House Gov Ops, which is Decertification and the designation of making the Academy a law enforcement agency.

Director Gauthier told the Council that the House Gov Ops wants to come see the facility and get a better sense of what we do here, the conditions under which we provide training, the resources available to us. It is very clear to the Director that they do not have a clear understanding of what we do/don't do, or can/can't do. To try and clear up misconceptions, over the next few months the Director wants to meet with legislative committees and do an educational outreach to talk about what we do, some of the challenges, and address concerns they may have. Director Button suggested picking a day and send out invitations.

Director Gauthier talked about tier certification and what the process should be. He explained the application process for agencies to apply for Level II-E and Level III specific scope of practice. At this point the Director is doing provisional approval pending final approval by the Council. He asked the Council what the process should be. There was discussion on the anticipated expectation of applications, and if officers will be issued cards with their level of certification listing their level of authority. Discussion ensued further in regards to the level of authority for the Executive Director. It was decided at this time that the Director has authority to provisionally grant/deny the requested certification, and to work with the AG's office to draft a rule to clarify the authority of the Executive Director. Motion to approve made by John Treadwell, seconded by Captain Jake Elovirta. No discussion, motion passed.

Each of the applications for the expansion to level IIe and level III were reviewed by the Council. Motion was made by Captain Jake Elovirta to accept the decisions for Grand Isle CSD officers, seconded by John Treadwell.

The motion was made by John Treadwell to accept the decision for the Chester PD and Weathersfield PD officers, and to table the decision for more clarification for the officers from St. Johnsbury PD and Pittsford PD.

Motion was made by John Treadwell and seconded by Chief Brickell. Discussion ensued. Motion passed.

Motion was made to accept the decision for Hinesburg PD by John Treadwell and seconded by Captain Jake Elovirta. Motion passed.

New business:

- Heather Simons announced a conference being co-hosted by the Dept of Corrections. It is open to all agencies that are involved with criminal justice. She would like to see people attend to educate them on what each agency does. The theme of the conference is courage, confidence, and compassion. Heather asked if there are any ideas or suggestions of what kind of training others would like to see.
- Cindy asked the Council for a decision to a training happening in the field called Mental Health First Aid. This regional training has a lot of the same information currently being taught as the Act 80 training. The Act 80 training is a 8 hour training, whereas this is a 12 hour training. It is being asked the Council recognize this new training for officers in place of the Act 80 training. This training is based on the national curriculum. Cindy supports this Mental Health First Aid training. Council suggested this be brought to the TAC Committee first.

Adjournment: A motion to adjourn was made by John Treadwell, motion was seconded. Meeting adjourned at 1430.