

VERMONT CRIMINAL JUSTICE TRAINING COUNCIL
September 12, 2017
PITTSFORD, 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
Stephen Benard, Vermont Sheriff's Association
David Scherr, Vermont Attorney General's Office
Heather Simons, Proxy for Commissioner Lisa Menard, Vermont Department of Corrections
Gary Moore, Public Seat
Greg Eckhardt, for George Scribner Vermont Dept of Fish & Wildlife
Timothy Gould, Vermont Trooper's Association
Silas Loomis, Vermont Constables Association
Mike Major, Vermont Police Association

Other Attendance

Gail Williams, Vermont Police Academy
Michael O'Neil, Vermont State Police
Ingrid Jonas, Vermont State Police
Jacob Humbert, Attorney General's Office
Michael Hall, Manchester Police Department
Cindy Taylor-Patch, Vermont Police Academy
Glen Button, Vermont Highway Safety Alliance
Drew Bloom, Vermont Police Academy
Chris Winters, Office of Professional Regulation
Ann Schroeder, ACLU People Power
Marcia Daovdi, ACLU People Power
Abel Luon, Migrant Justice
Will Lambek, Migrant Justice

Chief Brickell: Called the meeting to order at 9:11.

Introductions: Chief Brickell asked for introductions to be made.

Approval of Prior Minutes: Motion to accept minutes made by Gary Moore, second by Stephen Benard.
No discussion, motion passed.

Training Report:

- Cindy asked the Council for feedback on the FTO update process as to whether it should continue to be required every two years. Chris Brickell, Steve Benard, and Mike Major all feel it should be kept the same and will ask the opinion of others from their associations.
- Cindy let the Council know about the Academy's newest employee, Chris Conway, gave an overview of his background, and what classes he will be coordinating.

Motion was made to accept the training report by Mike Major, second by Gary Moore. No further discussion. Motion passed.

Executive Director's Report:

- **Rules review:** Richard Gauthier gave an overview of the rules revision and updates. The updates are needed due to the changes in policies and language changed in Legislature, i.e. part-time and full-time to Level II and Level III. Also changes in the rules clear up that a polygraph is required as part of the background check for any individual wishing to be a certified law enforcement officer.

Motion was made to approve the rules as enhanced to meet the Legislative requirements by Gary Moore, second by Steve Benard. No further discussion. Motion passed.

- **Fair and Impartial Policing Policy review:** Richard Gauthier summarized the AG's draft of the model policy. He asked for the Council to take this opportunity to look at the draft and give feedback. The goal is to bring the final policy draft to the December meeting. Chief Hall questioned the legality of the Legislative involvement with setting policies. Will Lambek from Migrant Justice commented on section IV subsection e. Chris Brickell explained to Will that the policy is for law enforcement to use as a guide line.

Motion was made by Gary Moore to accept the AG's draft policy that was handed out, second by Steve Benard. All were in favor, motion passed.

- **Act 56 – Internal Investigation Policy:** Richard Gauthier gave an overview of the policy and announced he will be bringing it to the December Council meeting for approval for its implementation in 2018. Discussion ensued.

Motion was made by Si Loomis on the proposed policy so the Council can write and adopt the policy to be used by agencies, second by Steve Benard. Motion passed.

Break from 10:00 – 10:15

- **Office of Professional Regulation (OPR) Discussion:** Richard Gauthier explained how he has been working with OPR to see how the Council and OPR could work together and how it would work. Officers would get their certification through the Council which would be used to get a license through OPR. If an action was brought against an officer it would be against his/her license. Chris Winters, Deputy Secretary of State, talked to the Council and gave an overview of the process that is followed when a complaint is received, and the steps used in an investigation. Discussion ensued. Mike Major asked about having a list of the process for agencies. Richard Gauthier was tasked by the Council to come up with the flow chart and guidelines.
- **Entrance testing:** The existing test and an example test edited by Burlington PD were compared by Dr. Flemming, who believes the edits were cosmetic and should not affect the pass/fail rate. Cindy Taylor-Patch explained where there seems to be difficulty, the edits that had been made, and that the statistics will be looked at again once enough people have tested. Richard Gauthier asked for the hard copies of the two tests be turned back in and all electronic copies be destroyed.
- **Polygraph discussion:** contains two components

- 1) Asking the Council to adopt a polygraph for waiver students. Discussion revolved around how the results are handled/reported, letting the agencies decide if an applicant passes, and the proposal to use the VCJTC Pre-Employment Polygraph Report Form. Richard Gauthier was asked to acquire polygrapher's advice on the first part of the form.
- 2) Requests to waive the polygraph for out of state waivers officers, an officer going from Level II to Level III certification, and out of state Chief's coming into Chief's positions in Vermont.

Break for lunch: 11:55-12:35

Polygraph discussion continued. Jacob Humbert explained how the roll call voting process works. Council members voted on behalf of their organizations by a roll call vote of eight (8) to one (1). Those in favor included William Sheets, Heather Simons, Michael Major, Steven Benard, Gary Moore, Timothy Gould, William Elovirta, and Greg Eckhardt. Those opposed include Christopher Brickell.

Motion made by Gary Moore to accept the vote requiring anyone applying to VCJTC for certification be required to complete a polygraph given by a Vermont licensed polygrapher, second by Steve Benard. No further discussion. Motion passed.

Richard Gauthier has agreed to work on the polygraph form and get clarification as needed.

Glen Button: Vermont Highway Safety Alliance (VHSA), presented to the staff the Vermont Strategic Highway Safety Plan 2017-2021 written based on crash data. He spoke to the Council on the bill H511 primary seatbelt law. Talked of Chris Conway's work that he will be doing on outreach training, SFST refreshers, ARIDE, and DRE trainings. Spoke of working on agencies contracting with their local EMT's for blood tests on drivers under the influence. Glen also told the Council of the upcoming VHSA conference, what will be covered at the conference, and the presentations.

New Business:

- Council meeting dates for 2018 were set to be the second Tuesday of March, June, September, and December.
- Governor's executive order no 15-17 is forming a committee to talk about the legalization of marijuana. The Council was asked to appoint a member to be on the committee. Motion was made by Chris Brickell to appoint Mike Major. Mike expressed his interest in being on the committee, second was made by Steve Benard. All were in favor. Motion passed.
- Drew Bloom introduced himself to the Council, gave his back ground in Use of Force, and spoke of the importance of the use of force training be mandatory for out of state waiver officers. The training is a basic use of force training and is a three-day class, along with one day of baton and four hours of OC training if required at his/her agency, The waiver officers have the option to train with a VCJTC certified instructor off site and to test with specific instructors that do the use of force testing if they choose to do so, or can attend the training at the Police Academy that is offered throughout the year. Motion to approve by Gary Moore for any law enforcement from other states seeking certification must be VCJTC certified in the VCJTC use of force program prior to certification effective immediately, second by Mike Major. Motion passed.
- Steve Benard sincerely thanked Major Sheets not only for his law enforcement services but also for his role on the Council. Steve nominated Heather Simons as vice chair to

replace Major Sheets upon his retirement, second by Bill Sheets. Heather happily accepted, all approved. Motion passed.

- Heather Simons thanked the Council members and shared her appreciation of each Council member and all they bring to the table.
- Heather congratulated Ingrid Jonas in her promotion in taking over for Major Sheets upon his retirement.

Motion to adjourn made by Chris Brickell, second by Silas Loomis. Motion passed

Meeting adjourned at 1:40.