

VERMONT CRIMINAL JUSTICE TRAINING COUNCIL
September 8, 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
Joe Damiata, Vermont League of Cities & Town (Public Seat)
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
Major George Scribner, Proxy for Colonel Jason Batchelder, Vermont
Department of Fish & Wildlife

Other Attendance

Jacob Humbert, VT Attorney General's Office
Alan Cormier, Vermont Department of Corrections
Wesley Lawrence, Legal Counsel to the Council
Cindy Taylor-Patch, Vermont Police Academy
John Gonyea, Vermont Police Academy
Gail Williams, Vermont Police Academy
TJ Anderson, Vermont Police Academy
Frank Wilk, Rutland County Sheriff's Department
Mike Major, Chittenden County Sheriff's Department
Devon Duquette, Shadowing John Gonyea

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 Constable Loomis, to approve the June 9, 2015, meeting minutes. There was no discussion, motion passed.

Committee Reports: Use of Force, Canine, and Domestic Violence. No questions or comments.

Training Advisory Committee Report: The Committee had a meeting on September 2nd regarding a couple of issues being worked on; the job task analysis and specific Use of Force training. Level I training has not been established yet. An eight hour block of training had been referred by the Council back to the

Use of Force Committee for further review. The TAC Committee has recommended the full 36 hour training for each certification level, with the exception of pepper spray and impact weapon. If the agency does not issue pepper spray or impact weapons the officer would only need to attend the first 24 hours of the training. A motion to accept this recommendation was made by Captain Elovirta, seconded by Major Scribner. No discussion. Motion carries.

Decertification hearing: Officer Gary Harrington, Officer Tyler Kinney, and Officer Nick Moen did not show up for their scheduled hearings. The hearings proceeded without them in attendance. David Fenster and Chief Brickell recused themselves from the hearing for Officer Harrington based on past relationships with the officer. John Treadwell recused himself from the hearing for Officer Moen based on the AG's prosecution of the case. John Gonyea was questioned as the witness for the state in the three decertification hearings. After the hearings concluded Gary Moore motioned for the Council to go into Executive Session. The motion was seconded by Constable Loomis. No discussion. Motion passed.

By unanimous vote of the Council members, it was voted to decertify Officer Gary Harrington for a felony conviction subsequent to certification as a law enforcement officer.

By unanimous vote of the Council members, it was voted to decertify Officer Tyler Kinney for a felony conviction subsequent to certification as a law enforcement officer.

By unanimous vote of the Council members, it was voted to decertify Officer Nick Moen for a felony conviction subsequent to certification as a law enforcement officer.

Strategic Plan: John Gonyea announced there were two primary discussion points at the recent meeting. The first issue was regarding how we are using or not using the mobile app. The second issue is the Strategic Plan it is on task with the primary remaining issue to resolve the specific language for the performance objective under Goal One. This language should be resolved as the Governance Committee works through their discussions.

Governance Committee Meeting: Director Gauthier gave an overview of the members of committee and informed the Council that he is the Chair. Director Mike Desrochers of VT Fire Safety is the Vice Chair. The initial meeting focused on the goals of the Committee, and what has to be done to accomplish these objectives. The report is due to Legislature by February 2016, in regards to moving forward with policy and usage issues. The next meeting is Oct 8th. In the meantime the Chair and Vice Chair will be doing work on making sure they have everything lined up for the Legislative report.

Executive Directors Report:

- Director Gauthier explained the Level II-E Expansion summary form that was emailed to the Council, and any special considerations that were present. Representatives of the Bristol Police Department were going to be at the Council Meeting to appeal the decision, but had been able to provide further documentation to the Director to get the request approved for their officer. With the exception of Officer Michael Tarbell there were no further questions. Motion was made to ratify the Executive Director's provisional approvals by Gary Moore, seconded by Captain Elovirta. No discussion. Motion Carries.
- Legislative outreach tour was very successful. 15-16 people attended mostly from House Government Operations with a few from Judiciary and Appropriations. The attendees expressed

how they all thought it was time well spent and had been a good idea as they had not been familiar on how the Academy trains police officers. Four Legislative members took up the Academy's offer to participate in the driving exercise and try the new firearms simulator. After lunch most of the members also chose to participate in a follow-up tour to view some of the challenges at the Academy with the wiring, space, temperatures in the building and sleeping areas, etc.

Level II-E Appeal: Lt. Frank Wilk from the Rutland County Sheriff's Department came in to challenge the denial decision from Director Gauthier on Officer Michael Tarbell. The denial was based on the fact that Officer Tarbell did not have the required amount of hours. Lt. Wilk gave the background history on Officer Tarbell's employment and training. Lt. Wilk agreed that Officer Tarbell did not reach the 3,000 hour requirement for Level II-E, but was only short 741.5 hours. Lt. Wilk asked the Council to consider the hours and training Officer Tarbell has received in his full-time job with the Rutland Regional Ambulance Service. Sheriff Benard informed the Council the primary duties of Officer Tarbell at the department is patrol work. Questions were asked about his training and certifications. Lt. Wilk confirmed that Officer Tarbell is certified in DUI, has training in handling hazardous materials, operation of emergency vehicles, has attended ARIDE training, and has experience in dealing with individuals under the influence of alcohol and drugs as well as individuals with mental health problems. Constable Loomis motioned for the Council to go into Executive Session; this was seconded by Sgt. Mozzer.

- The Council directed Sheriff Benard and Lt. Wilk to get more specific details on the type of training received in Officer Tarbell's full-time position, and how it relates to his law enforcement position.

Training Report: Cindy Taylor-Patch reported the demand for Canine teams is high, and the program is over taxed due to the number of teams we currently have and the demand for more teams. The Use of Force and Tactics simulator is up and running for use in the 100th Basic class. The simulator was used by the Department of Motor Vehicles for an in-service training day. At the June Council meeting it was discussed if the Mental Health First Aid training would be considered equivalent to the Act 80 Interacting With People Experiencing a Mental Health Crisis. The Act 80 Committee does not meet until October so this issue needs to be tabled until the next Council meeting. TJ Anderson would like to talk to the Council about the 2016 Domestic Violence Training to get thoughts and approval later in the meeting.

TAC Committee Report: Cindy Taylor-Patched explained to the Council this is a change in the process for the Academy.

- Issue #1 on the TAC report is about the debate on what training is considered training and what is training an officer would be issued certification for. Some things to consider would be if an office has to take a test and show proficiency. Similar to what is already being done in DUI, Radar, and Fingerprint. Given the fact that Legislature has required the Academy to issue certification for CEW's, the TAC Committee was asked to look at other things along the Use of Force spectrum. The TAC Committee has recommended Defensive Tactics, OC, Baton all be considered classes an officer would be certified in.
- Issue #2 on the TAC report in regards to the Basic Crime Scene Investigation. In the past it has been required that part-time or Level II officers attend a collection of evidence training. It

has been up to the agencies as to what this training has been. Due to issues and inconsistencies in the field, the TAC Committee recommends that the Academy's eight hour Basic Crime Scene course be considered as the mandatory training.

- Issue #3 was to inform the Council on the work the TAC Committee has been doing related to the job task analysis and the Basic Academy's curriculum.

Motion to approve Issue #1 and Issue #2 was made by Heather Simons, seconded by Major Scribner. No discussion. Motion carries.

Executive Directors Report:

- Rules Proposal: Changes in the rules reflect the decisions made by the Council over the last year, particularly with what the results of the polygraph show and streamlining the recertification process to three years. Additional language has been added to clean up what was left over from the previous rules changes. The specific language to clarify the decertification process still needs to be finalized. Another pending issue is Legislation has required the Council to clarify what security, escort, and traffic control is as defined by rule. Until these are clarified there is no Level I certification. Work will continue on this to get it included into the Rules. The other issue is that language around the question on the polygraph of being under the influence of a substance preceding the test needs to be extracted or clarified. Cruelty to Animals has been included.
- Decertification is not yet flushed out in the rules due to concerns of the standards being too broad, lacking definition, and/or wasn't a clear process in Legislation. The piece about the Academy becoming a law enforcement agency, and the piece about officers holding the rank of Sergeant and above being Level III certified, were also both removed when the decertification issue was not considered for further action.

Domestic Violence 2016: TJ Anderson asked the Council for final approval of the 2016 DV training. The training will include photography, evidence collection, trauma informed interviewing. It has been decided to go forward with the training as a webinar based training, in three modules, for a total of three hours. There was discussion on how the training would work being that it is web based. Motion to approve the plan was made by Constable Loomis, seconded by Sheriff Benard. No discussion. Motion passed.

New Business:

- Heather Simons introduced her colleague Alan Cormier to the Council. Heather and Alan gave a presentation on Prison Rape Elimination Act (PREA), and what Corrections is doing to be in compliance, as well as the audit process for the Department of Corrections.
- Director Button announced his resignation from the Chair effective immediately given his upcoming retirement from state government.
- Major Sheets has moved from the Vice Chair into the Chair's position immediately as outlined within Council Rules.
- Chief Brickell was nominated as Vice Chair. Motion to accept the nomination of Chief Brickell was made by Gary Moore, seconded by Constable Loomis. No other nominations were made. Motion carries.
- Director Button was presented an award for his services to the Council.

- Major Sheets talked to the Council about Fair & Impartial Policing, collections of data, and what will be happening with the data collected. There has been dialogue in terms of the role of the Council and the Academy on minority groups in recruiting and how to help them.

Motion to adjourn was made by Sgt. Mozzer, seconded by Director Button.