

VERMONT CRIMINAL JUSTICE TRAINING COUNCIL
January 30, 2019
PITTSFORD, VERMONT
9:00 AM

Members in Attendance

Chief Christopher Brickell, Chair, Vermont Association of Chiefs of Police
Dennis Amsden, Proxy for Commissioner Louis Porter, VT Dept of Fish & Wildlife
Michael Major, Vermont Police Association
Captain James Whitcomb, Vermont State Police
Erica Marthage, Bennington County State's Attorney
Colonel William Elovirta, Proxy for Interim Commissioner Wanda Minoli, Vermont Dept of Motor Vehicles
Silas Loomis, VT Constables Association
Sheriff Stephen Benard, Vermont Sheriff's Association
Gary Moore, Public Seat

Missing

Heather Simons, Vice Chair, Proxy for Commissioner Lisa Menard, Vermont Department of Corrections
Sergeant Timothy Gould, Vermont Trooper's Association
David Scherr, Proxy for Attorney General TJ Donovan, Vermont Attorney General's Office

Other Attendance

Executive Director Richard Gauthier, Vermont Criminal Justice Training Council
Jacob Humbert, Attorney General's Office
Trevor Whipple, Vermont Leagues of Cities and Towns
Gail Williams, Vermont Police Academy
Cynthia Taylor-Patch, Vermont Police Academy
Chief Frank Koss – Hinesburg Police Dept

Chief Brickell: Called the meeting to order at 9:09.

Vote for Chair and Vice Chair: Gary Moore more made a motion to keep the current Chair and Vice Chair in the same positions, second by Sheriff Benard. All in favor, motion passed.

Approval of Prior Minutes: Mike Major made a motion to accept prior minutes. Captain Whitcomb asked for clarification, on Ingrid's behalf about the DRE discussion regarding funding. Ingrid's recollection was that the funding was going to stay with GHSP and be administered and managed by the Council. Minutes will be updated to reflect: the movement is for the Academy to take over the DRE position, the funding staying with GHSP at this time, with the caveat of it transitioning to a state funded position. Mike Major motioned to accept the minutes with the correction, second by Silas Loomis. All in favor, motion passed.

Additions or Deletions to Agenda: Addition under Executive Director's Report to talk about an out of state waiver. Addition 10 a. Update on the updated written test.

Executive Director's Report:

- Legislative Update:
 - Director Gauthier reported to the Senate & House Gov Ops on the work being done on S273 around the alternate path to Level III certification and ability to transition from Level II to Level III without going to the full-time academy. It was pointed out the Council has created a working

committee that is addressing these alternate paths. The initial work is not quite done due to Champlain Colleges proposal that threw a delay into it, but the committee is hoping to have a more complete report by the middle of February.

- It is Director Gauthiers understanding from talking to Senate Gov Ops they intend to resurrect S273 which talks of changing the structure of the Council.
- House Gov Ops have taken up a couple of pieces lost in the bill. The first piece regards certified officers working for the Council to have law enforcement powers and not having to be affiliated with another law enforcement agency. The second piece would give the Council the ability to designate its hearing function to a hearing officer.
- During the budget hearing Director Gauthier was asked to prioritize the Academy's lists of asks and spent time talking about the needs of the Academy.
- Testified regarding the Councils model police on Fair & Impartial Policing (FIP) explaining that the Council struck the best compromise it could to comply with the law and the need for public safety. Agencies are required to check off their agency adopted and maintains a FIP policy.
- Has submitted the mandatory Act 56 report. At this time there is one criminal case being tracked and two category B first time offenses.
- Burlington free press has asked for a list and all the information of Category B offenses. At this time there is not a list yet, but Drew and James are working on putting together a separate page for these on the Academy's website.
- Contract update: Both contracts for the training assessment and the investigation of the Burlington PD complaint have been executed. IADLEST will be sending someone to the Academy to investigate the training complaint.
- DRE update: Information from IACP on DRE coordinator duties, roles, and responsibilities along with a page from Vermont was handed out. Jim Roy and John Flannigan both say they do about half of the things on these lists which made it clear a full-time position is needed. Continued funding is being pursued through GHSP. It was made clear to appropriations that the funding will run out and the State would need to decide on the value of the program and if they would continue funding it. Director Gauthier will have an update on this at the next Council Meeting.
- Alternate path working group report: Due to some of the requirements of 273 the Council put together a working group to examine the issues and come back to the Council with recommendations. The group consists of Chief Brickell, Chief Koss, Chief Kilcullen, Sheriff Marcoux, and Chief Merkel. A survey had been sent out to agency heads to get a sense of what was wanted.
(Director Gauthier's broke to allow for the Interview & Interrogation proposal)

Interview & Interrogation Proposal: Lt. Burnham and Sgt. Trottier spoke to the Council and gave a background of the training currently used why State Police suggest changing the training given in the basic classes. Sgt. Trottier explained the reason for the change to a new model, what this new model is, and how the new model works. The training for the basic class is typically a three-day training but has been cut back to the two days allowed in the basic schedule. The new proposed teaching model is called PEACE. It is based on research and science. Instructors anticipate rolling out this training state wide. Discussion continued and questions were asked about part-time officers, if there will be any instructor trainer classes, about the adoption of the policy by State Police, if the training will be lecture or scenario based. Chief Brickell asked for a copy of the curriculum to be taught. Lt. Burnham and Sgt. Trottier are asking for recommendations from the Council on teaching this new method starting with the new class coming in (107th). Gary Moore moved effective with the February class to introduce this new training model, second by Sheriff Benard.

Break 10:30 – resumed at 10:42

Executive Directors report cont:

- The results from the alternate path survey were split fairly evenly with the majority of the votes for an alternate path. There are three options for an alternate path. 1) post model, 2) academic model, and 3)

police discipline model non-residential. Approximately half favored the third option. The working group recommended some sort of alternate path from Level II to Level III, possibly a block training program through the Academy. There was discussion in the working group on what would get lost in training if an alternate path was approved to include the comradery of the students, mentorship in the evenings, state, municipal, sheriffs all working together. Vermont State Police will not be participating in any alternate path which will create an instructor problem. Captain Whitcomb asked for an executive summary to include data and numbers of the work done by the group. Director Gauthier is going to ask for funding for further exploration of the alternate path. Mike Major made a motion to allow the working group to go forward and continue research on an alternate path to full-time status and from Level II to Level III and report their findings to the Council, second by Sheriff Benard. All in favor, motion passed.

- o Dennis Amsden abstained from voting.

Lunch break 11:40-12:17

- Waiver: The Council had set a waiver standard of three years employment as a law enforcement officer out of state to be able to qualify for a waiver. Drew Bloom received an out of state waiver request on an officer that had one year as a part-time certified officer in VT before moving out of state and having two more years. The Council was asked for permission to grant an out of state waiver to this person. Gary Moore moved to go into executive session for legal advice, second by Silas Loomis.

12:23 – 12:37 Executive session

Council asked Director Gauthier to gather more information.

Heather Simons was not at meeting to address the agenda items CRI-TAC update, DOC defensive weapon update, and NECCD affiliation update.

Level II-E Discussion: Chief Brickell reported the Chief's understanding was that it would go away and agree that Level II-E should go away as of today except for anyone already in the process. Silas Loomis moved to remove the Level II-E process as of today, second by Gary Moore. All in favor, motion passed.

Updated Test: Captain Whitcomb explained to the Council the State Police would like and update of the testing results since the test was changed and an additional 30 minutes was added to the testing time. They will use the results to decide if they are going to continue using this test. Director Gauthier said he would get the results to them. Council discussed the results of the testing and other testing options.

Sheriff Benard made a motion to adjourn, second by Mike Major

Meeting adjourned at 1:04