

VERMONT CRIMINAL JUSTICE TRAINING COUNCIL MEETING

March 11, 2014

Montpelier Police Department

Montpelier, Vermont

10:00AM

Members in Attendance:

Sheriff Stephen Benard, Chair, Rutland County Sheriff's Department
Executive Director Richard Gauthier, Vermont Criminal Justice Training Council
David Fenster, Addison County State's Attorney
Major Dennis Reinhardt, Vermont Department of Fish & Wildlife
Joe Damiata, Vermont League of Cities & Towns
Sergeant Thomas Mozzer, Vermont Trooper's Association
Heather Simons, Vermont Department of Corrections
Director Glen Button, Vermont Department of Motor Vehicles.
Gary Moore
Major William Sheets, Vermont State Police
Captain William Elovirta, Vermont Department of Motor Vehicles
Chief Stephen McQueen, Winooski Police Department
John Treadwell

Other Attendance:

Program Services Clerk Deb Tyminski, Vermont Police Academy
Sheriff Samuel Hill, Washington County Sheriff's Office

Call to order: Meeting called to order at 10:05 by Sheriff Benard.

Victim's Rights Document: Crime victims group has reviewed it. Looking to have it ready to go out by April. Director Button made a motion that the council adopts and endorses this form and the Executive Director arranges to have it put on the Council's website. Second to the motion was made by Chief McQueen. There was no discussion. Motion passed, and Gary Moore abstained from the vote.

Canine Report: Director Button spoke about the canine report. He thought that it seemed to make up the bulk of the packet this time and he inquired as to if we are seeing more canine teams. E.D. Gauthier advised the Council that the numbers are growing slightly, and that we have a little bit more demand for some of the training at this time. Council member asked if our resources are adequate to provide the training. E.D. Gauthier explained they are not necessarily adequate, but he has been shot down at budget time when he tries to get additional help. He explained that we rely on volunteers and trainers from other departments. What he was looking to do was hire a training coordinator that would split their duties between the full-time class and canine or to seek funding to get contract a canine training coordinator. He explained that he was unable to get that funding two years in a row. This should be on the Council's radar for the future.

E.D. Gauthier explained that it has been a busy legislative year. He has spent twice as much time in Montpelier than normal. Two of the big items that will have an impact are as follows:

H.765 – Part-Time Certification: The version that was given to the council was the last one created, and is based on input from people involved in the project. This fast tracks the process we have been working on in regards to certification levels.

- Level I Certification: Is really basic, fundamentals. This is meant for courtroom security, escorts, traffic control, etc.
- Level II Certification: This would be the equivalent of our current part-time certification program.
- Level III Certification: This would be the equivalent of our current full-time certification program.

This bill is not scheduled until July 2015, so the immediate challenge for the Council is what restrictions do we place on the scope of activity for officers certified at Level II? There is language that gives council responsibility for that.

The other piece that the council needs to vote on is the curriculum change. Pre-requisites that recruits need prior to entering whichever program they decide to enter. This could be ICS, First aid, other non-law enforcement skills or generic training.

With this set-up, everyone would attend week one of training. After that week, the person would either veer off into Level I certification, which would mainly be for sheriff's departments, or stay on track for the part-time certification and end up taking week two of phase one and then going into whatever phase two and three are at that point. There are going to be adjustments because of the use of force curriculum and the firearms curriculum will look different from what it is now. Phase Three, which is the FTO phase, is for Level I certified officers, and will look significantly different from the current program. Phase Three for Level I certified officers would have to be more task appropriate than what it currently is. Phase Three for Level II certified officers would be similar to what we are doing now. If H.765 goes through, we will need to establish the pre-requisites. This will involve tweaking the curriculum for part-time. We need to ensure that everyone gets fundamental skills in week one of training. There was discussion about what would happen if a Level I certified officer came across a crime, or if a Level II certified officer came across something that fell beyond their scope. E.D. Gauthier explained that what we have been saying is that we plan on training to the level of allowing an officer to take immediate action in exigent circumstances to protect life and preserve a crime scene while waiting for someone who has the proper scope of authority to take over. If a court officer is approached by someone that wants to report an incident, unless it is something that officer needs to address because of a safety issue right away, that officer can call his or her agency to get a higher certified officer to handle the report. What H.765 did do, was maintains Council autonomy to develop curriculum, establish scope of authority and practice, and to make determination in regards to where an officer would go for specialized certifications. E.D. Gauthier further explained that there is a grandfathering clause for current officers that are part-time certified. Initially the bill allowed currently certified part-time officer to simply choose to become full-time certified after the bill went into effect. E.D. Gauthier disagreed with this, and it has since been scaled back. Current part-time certified officer, after July 2015, would transfer to Level II

Certification. E.D. Gauthier wanted the Council to make sure they were comfortable with the three levels and accompanying responsibility regarding scope of practice as well as making sure our autonomy was not being impeded on. Jacob Humbert looked at this and does not see a problem with it as it is consistent with what discussions have been.

Captain Elovirta discussed the issue of additional training and the ability to provide some of the training online or on weekends to become Level II certified or even for Level I certification. He explained that Level I certification is only one week and that should not be a problem, but the general public only has two weeks of vacation time, and he was not certain that they would want to commit those two weeks to this training. E.D. Gauthier explained that the other piece to this is the Council has to drill down a little and identify what are specific law enforcement skills as opposed to general training. The academy staff discussed that those things that are law enforcement specific skills should be completed at the academy so we can oversee. General subject training can be provided off-site. We will provide regional training at request; we just have not been requested often. Further discussion ensued in regards to what level of certification instructors would need. Director Button asked if with this set-up, would we no longer be concerned about the number of hours per year a part-time certified officer was working, but rather focus on task-oriented certification. E.D. Gauthier explained that was correct.

Director Button brought up a point about the document provided in regards to the definition of law enforcement. He explained that it seems like a mix and match, where he is not sure if it makes sense. He thinks it might be better off if we list every person that could fall under law enforcement in one place. He further discussed when they talk about fees, on page 6 - \$30.00 entrance exam fee. Is that adequate, should that be changed? E.D. Gauthier thinks \$30.00 is adequate. He would rather see actual cost listed for tuition rates, rather than a dollar amount in the rule. This would be better, that way, if the rate changes, they do not need to change the rule.

E.D. Gauthier discussed more about page 6 and the tuition fees section. Tuition fees for any basic training or annual in-service training required, will be set forth. The sentence after that says that these fees shall not be charged for person employed by police agencies at the time of training. E.D. Gauthier wants to strike annual in-service from that because depending on the vendor, we have to charge tuition fees. Further discussion ensued regarding this topic.

CEW Bill: E.D. Gauthier explained that the LEAB was tasked to develop essential components of what a model policy would include, which the Council accepted. We are forging ahead, and have had a couple of public hearings and things went well. We agreed to have more public hearings, but we continued with the model policy that we had and the essential elements that we had, and brought this up to House Government Operations two weeks ago. Initially, it looked like House Government Operations was going to take the policy and initiate it. Because of time constraints, E.D. Gauthier could not get back in front of the committee. He sent an email afterwards and suggested that the committee might want to consider doing the same thing with this that they did with non-bias, and that they mandate agencies have a policy and that the policy at a minimum contains the essential elements as identified by the LEAB. Representative Sweaney thought that was a better way to go, so some language was created after that took H.225 and kept most of it, but took tasers out of the deadly force category and put the onus back on the LEAB to continue and finish identifying the components. We are having another public

hearing in Derby on the 20th. He is also trying to schedule a Saturday morning hearing in the Bennington area.

Decertification Bill: This will not be an active bill. The Council will have time to develop decertification criteria.

Budget: We are able to maintain. It did deny us the ability to hire an additional coordinator. Domestic Violence Coordinator position is still unclear. E.D. Gauthier would like to have the position included in our regular roster here and not through Crime Victims Services.

97th Basic: We started with 46 recruits, and are down to 43 possibly. There was a lot of concern about the size of the class, but as a group, we had agencies step up with training assistants and role players, which made a huge difference. Class as a group seems to be forming well. We conducted the first round of practical scenarios, which were two weeks ago, and we were done by 10:30PM, which is a function of performing well and having adequate role players and evaluators.

New Business: None

Old Business: Director Button inquired about how they rule 13 reporting has been coming. E.D. Gauthier explained that about 85% of agencies have reported. He has sent an email to agencies a week ago that there would be a report to the Council on the number of reports. We will follow up with the exact numbers at the end of this week. We will follow-up after that then send out letters for those not submitted that the decertification process would begin.

Prior Minutes: Sheriff Benard inquired if Council Members had a chance to review the minutes from the prior meeting. Gary Moore made a motion to approve the prior minutes. A second to the motion was made by Captain Elovirta. Motion passed.

Search and Rescue Training: This training was prompted by statute. A motion made by Chief McQueen to approve the curriculum as presented. A second to the motion was made by Gary Moore. Motion passed.

Committee Reports: a waiver report and a domestic violence report were not submitted this quarter. A motion was made by Gary Moore to approve the committee reports with the exception of the non-existent domestic violence report. A second to the motion was made by William Elovirta. Motion passed.

Executive Session: Not needed.

Waiver Committee Report: Chief McQueen asked if there was a waiver committee report. There is not.

Election of Officers: Chief McQueen made a motion to nominate Director Button as Chair. A second to the motion was made by Captain Elovirta. No other nominations. No discussion. Motion passed. Chief McQueen made a motion to nominate Major Sheets as Vice-Chair. A

second to the motion was made by Gary Moore. No other nominations. No discussion. Motion passed.

Awards: The Council presented an award for Cindy Maguire. She was not in attendance but Sheriff Benard and/or Director Button will present it to her. Director Button explained Cindy would have had 16 years on the Council in April, and we were fortunate to have her here. A second award was given to Sheriff Stephen Benard for his time on the Council and his contributions to the Academy. He took over the Council during a very difficult time and provided great leadership.

Director Button informed the Council that the next scheduled meeting is on June 10, and will be in Pittsford. He further advised the Council Members that he would like to see attendance at the graduation ceremony and that reminders would be sent to members.

Sheriff Benard made a motion to adjourn. A second to the motion was made by Chief McQueen.

Meeting adjourned at 10:45.