

Criminal Justice Training Council
Vermont Police Academy
317 Academy Road
Pittsford, VT 05763
www.vcjtc.state.vt.us

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Office of the Executive Director

Council Meeting Attendance

Tuesday March 13, 2012

Emily Lenoff, VPA.
William Sheets, VSP
Dennis Reinhardt, FTW
William (Jake) Florvick, DMV VPA rep.
GLEN BUTTON - DMV
STEVE BOWMAN RASD
Cindy Maguire





State of Vermont
Department of Public Safety
103 South Main Street
Waterbury, Vermont 05671-2101
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March 8, 2012

Richard Gauthier
Criminal Justice Training Council
Vermont Police Academy
317 Sanatorium Road
Pittsford, Vermont 05763

RE: CRIMINAL JUSTICE TRAINING COUNCIL

To Whom It May Concern:

As I will be unable to attend the Criminal Justice Training Council meeting being held on March 13, 2012, at 10:00 AM due to testimony at the Legislature, I am appointing Major William Sheets as my proxy for this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith W. Flynn".

Keith W. Flynn
Commissioner

KWF/ddg



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Office of the Executive Director

Vermont Criminal Justice Training Council
Meeting Minutes
March 13, 2012

Present:

Sheriff Stephen Benard, Chair, Rutland County Sheriff's Department
Director Glen Button, Vice-Chair, Vermont Department of Motor Vehicles
Captain William Elovirta, Vermont Department of Motor Vehicles
Cindy Maguire, Vermont Attorney General's Office
Major Dennis Reinhardt, Vermont Dept. of Fish & Wildlife
Major William Sheets, Acting as proxy for Commissioner Flynn
Executive Director Richard Gauthier, Vermont Police Academy
Administrative Services Coordinator Emily Leinoff, Vermont Police Academy

10:14: Meeting is called to order by Chair, Sheriff Stephen Benard. Sheriff Benard explained that there were not enough Council Members present for voting purposes so there would be a follow-up conference call schedule at a later point to hear points that need to be voted upon.

Prior Minutes: no comments

Canine Report: no comments

Domestic Violence Report: Sheriff Benard explained that there was 1 officer in the state that did not complete the mandatory domestic violence training and that was Gregory Lewis from Rutland County Sheriff's Department. Director Button asked Executive Director Gauthier if the Academy had any numbers on agencies that were planning on enacting the training that came out of the Domestic Violence Summit in December. Director Gauthier advised Director Button that he would look into getting those numbers.

Homeland Security: the Academy's new Homeland Security Training Coordinator, Lissa Stark, is doing a good job with setting up trainings; she has been getting good reviews of the trainings. There was an issue with Vermont Emergency Management scheduling courses without Lissa knowing about them, then trying to bill the course to the Homeland Security grant. That issue has been resolved, and all trainings being scheduled will go through Lissa.

TAC Committee: The TAC Committee voted in February not to change the term "use of force" to "responding to resistance". Lieutenant Hollwedel is resigning from the Use of Force Committee. As he has been a part of this committee for several years, the Council should recognize him in some manner for his service. Sergeant John Young with the State Police was added to the committee as well.

Use of Force Report: Chief McQueen suggested that the Use of Force Committee discuss a name change to Response to Resistance. Along with changing the name, have the committee review its policies as well. Council would like TC Burnett present to the committee the idea of modifying the use of force continuum to more of a matrix. Chief McQueen explained that many



people are thinking that they have to go through each step of the continuum, when in fact they should be responding in a particular way depending on the circumstances. Sheriff Benard would like this topic of the Use of Force continuum and policies to be a separate bulleted item for next meeting.

Youth Services Report: no comments

Waiver Committee Report: Director Gauthier explained that most of the waivers that need to be heard are fairly straight forward. There were not enough members present to vote on the waivers, so a follow-up phone conference will have to be scheduled and announced. Director Gauthier explained that Justin Szarejko's is the only waiver he really wanted to discuss before voting. Szarejko had failed the physical test for the 92nd and 93rd Basic Trainings and has been working full-time on a part-time certification for roughly 13 months without an approved waiver. The Waiver Committee recommended approving a one-time waiver; however the Academy Staff feel that this waiver should not be granted due to the length of time he has already worked full-time without a waiver. The Council will review this during the conference call and decide then.

Director Gauthier spoke to the Council about how this waiver requests prompts a larger discussion of whether we should continue using a Waiver Committee, or if the decisions should be made in-house at the Academy then reviewed by the Council. This would allow for shorter time frames to approve or deny a waiver request.

Cindy Maguire suggested an idea of considering having a phone conference every two months to review waivers if there are complicated waivers that need to be reviewed. Director Gauthier was tasked with creating a matrix of how we would set-up phone conferences.

Director Gauthier mentioned that another waiver, Donald Hull, was fairly straight forward, however the Waiver Committee recommended adding Mental Health training to his standard prescription, and Director Cindy Taylor-Patch reviewed his previous training in that field, and he would not need to complete anything beyond what he has already completed.

Josh Otey needed 2011 hours, but records show those are already completed and he is only missing first aid.

St. Albans requested waivers for several officers for either first aid or firearms that were not completed due to scheduling conflicts. All the officers, except for Chief Taylor have since completed the necessary training.

Training Report: no comments

Director's Report: Executive Director Gauthier presented to the Council:

There is a debate about whether the Academy should still accept tuition students into the Full-Time Basic Training Course. They can be very problematic because a proper background check cannot be completed on them since they are not considered an applicant. The background check now simply consists of checking CAD, and cannot include a fingerprint supported background. In the past we have had tuition students that get into the training and are unsuccessful, which some can be weeded out by doing a proper background check. For an example, one of the recent



not. Director Gauthier also explained that the training needed could also be provided by the Academy if an agency does not have a firearms instructor. Sheriff Benard said this decision to enact this checklist would be the Executive Director's decision.

The Academy is hosting an Eyewitness Identification TOT on April 2nd and attendance is still low, so Director Gauthier encouraged Council Members to go back to the agency and try to register more students.

The IADLEST Regional Conference is scheduled at the Academy for April 25th-27th.

Enclosed with the Council packet is the final version of the Fire Academy and Police Academy. A few changes were made as far as who is the principle entity for responsibility over the structure. Director Gauthier just wanted the Council to review before it was signed.

The Law Enforcement Advisory Board is taking up the bills that involve either doing away with council all together or re-working membership. Bill seeking is increased accountability and a better method for taking bad cops out of the pool (decertification). LEAB has created a sub-committee to do this. Other sub-committee LEAB created was that every policing agency has to have a non-bias policing policy in effect January 1st and that policy has to contain the essential elements as identified by the LEAB. Director will be seeking to push deadline to July 1. Legislature is saying they want the policies in effect with departments by January 1st. Cindy Maguire advised that there will be push back because this has been around for a long time and many agencies already have policies in effect. Director Gauthier will not attempt to push the deadline back.

The Academy is in the process to develop the new entrance test. Dr. Fleming is working with Director Gonyea and the end date is July 2012. There is a voluntary consent form that was created to obtain more data on test takers.

Technology Grant moves forward. We realized a real savings of not having to use consultants that we can extend wireless into OPD and the Fire Service Dorms area. Current procedure is to decide I-Pad or laptops. I-Pad is far cheaper and more portable, but we would need to buy docking stations to write reports. Major Sheets explained that there were cases that contain Bluetooth and keyboard for \$65.00. This information will be given to Director Gonyea. The Academy is looking into purchasing 50 I-Pads for the students.

The Academy is also looking at getting smart boards for the classrooms; they are hoping to get those by summer.

The facility assessment is complete and a presentation was given a few weeks ago with security needs. It was placed on the shared drive and also provided a copy to Fire Service. The Academy cannot request money through Homeland Security to re-key the doors with limiting access.

Jason Pinard has reviewed our budget and there is a projected \$235K carryover. After backing our furniture for the classrooms, the dishwasher, and the Training Coordinator Position, there will be between a \$150K and \$160K carryover. Spending plans are already being drafted for this.



tuition students from Connecticut moved to Vermont for this training. We could not do a complete background check, and he only lasted about 5 weeks in the training. He was given an offer of employment from an agency, but turned down the offer because the salary was not enough. During training, he was bit by a canine, and it was determined that none of the parties involved acting wrongly, and the bite was not severe. He was brought to the hospital to be checked out, but he did not miss any training time. Shortly after the incident, he resigned from the Academy. Director Gauthier completed an exit interview, as well as the training staff talking with him and trying to convince him to stay in training. The recruit explained he was leaving because of family reasons. About a month later the Academy received notice from a lawyer that the recruit felt compelled to leave the Academy. Many problems can arise from not completing a thorough background check. Tuition students also take much more time to set-up than sponsored students, and tuition students are the first ones to be taken off the class list if the size of the class cannot accommodate all of the sponsored students. It was suggested to do away with the tuition students that are not sponsored by a college that we have an agreement with.

Talk has also come up about capping the class size, but this is bound to have repercussions to agencies that need to fill a slot and cannot wait until the next class.

Cindy Maguire explained that the tuition student process was originally enacted because our class sizes were too small and it was a way to bring in revenue to the Academy. Now we have much larger classes, and expect to continue with the larger classes, especially since many agencies will be facing significant drops in employment with resignation and retirement within the next 5 years.

Director Button suggested having a 12 month moratorium on tuition students that are not affiliated with a college so it can be reviewed.

Cindy Maguire would like the Academy to research the success rates of tuition students as far as employment after the Academy.

The Academy is in the process of reviewing the curriculum. Some classes have decreased in hours while some have increased.

During the conference call, the Council will decide on the tuition student moratorium and capping the class size.

Director Gauthier presented an issue with the part-Time Basic Training. Currently students in the course complete their firearms portion on the last day. The Academy has created a firearms proficiency checklist that they would like to be enacted as a requirement prior to attending the Part-Time Academy. This would ensure that each student is already familiar in basic information with regards to their firearm. Sheriff Benard explained that for some agencies this would need to be a condition of employment, as some agencies do not hire the officer until they complete the Part-Time Academy. An idea was also mentioned that maybe doing the proficiency during the Part-Time Academy then requiring that the first training in Phase II much be to go to the range with a Council Firearms Instructor. Director Gauthier also explained that originally the proficiency checklist was presented as being 8 hours. There may not be a need to create a mandatory time frame as some new officers already know how to use their firearms and some do



Applicants for the In-Service Training Coordinator position have been coming in. There was an error in the advertisement that listed a specific degree, which was taken off so it was re-posted. Out of the first batch there were 8 applicants and 4 were unacceptable. Interviews will hopefully begin next week. At a later point the Full-Time Basic Training Coordinator position will be advertised.

Constables are having difficulty with FTO Programs. It is difficult for them to find someone to provide FTO because of liability reasons. Currently the FTO forms have the FTO sign off that the Constable should be certified. This creates liability for that FTO. The Academy would like to change the form so it reflects that the FTO is signing off that the Constable has successfully completed the FTO Program then the Academy accepts liability for certifying them. There would have to be clear guidelines created that define what successful completion means. Director Gauthier will follow up with Jacob on this matter.

There is a new organizational chart that moved the Administrative Assistance position from the training portion to the administrative portion.

The Academy was informed that the DUI Certification School, which involves a controlled drinking exercise, is in violation of State Law. The Academy is currently asking for legislation change to exempt the Academy. In the meantime, we will continue the controlled drinking, because if we don't, we would be certifying officers in DUI without them having the practical exercise piece.

Director Gauthier explained to the Council that he would like to re-visit the strategic plan in the fall, which was discussed when it was put out.

Middlebury PD is requesting a donation of money to put together an explorer program. This request was denied.

No new or old business

Council Moved into Executive Session at 11:45.



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Office of the Executive Director

Vermont Criminal Justice Training Council
Meeting Minutes – Conference Call
March 16, 2012

Present via Phone:

Sheriff Stephen Benard, Chair, Rutland County Sheriff's Department
Commissioner Keith Flynn, Vermont Department of Public Safety
Commissioner Andy Pallito, Vermont Department of Corrections
Commissioner Robert Ide, Vermont Department of Motor Vehicles
Captain William Elovirta, Vermont Department of Motor Vehicles
Cindy Maguire, Vermont Attorney General's Office
Sergeant Thomas Mozzer, Vermont State Police
Joe Damiata, VT League of Cities and Towns
Executive Director Richard Gauthier, Vermont Police Academy

12:00: Meeting is called to order by Chair, Sheriff Stephen Benard.

Waiver Committee:

- **Justin Szarejko**, Castleton Police Department. Chief Sherwin is requesting a waiver of the six month rule to allow Szarejko to work as a full-time officer on a part-time certification through the start of the 94th Basic Class. Szarejko failed the PT test on both attempts to gain entrance to the 92nd & 93rd Basic Classes. According to Academy records Szarejko completed the part-time certification process on 3/2/2010. Szarejko was appointed to full-time status on 1/4/2011. His six month period to work full-time hours on a part-time certification expired on 7/4/2011. Director Gonyea spoke with Chief Sherwin and informed him that until a waiver was approved by the Council, Szarejko immediately needed to revert to part-time officer status as he has been in violation of the Council rules since 7/5/2011. Chief Sherwin indicates in his waiver request that he did not request a waiver after Szarejko failed the PT test for the 92nd Basic as he was certain he would pass the test for the 93rd Basic. If approved it would mean that Szarejko would have worked full-time hours on a part-time certification from 7/5/2011 – 2/23/2012 without an approved waiver, and from the date of approval on this request to 8/6/2012 (start of the 94th Basic) with an approved waiver. The total time worked full-time on a part-time certification would be approximately 13 months. I informed the Chief that his request would be presented to the committee and Council for further discussion.
 - **Action: Motion** made by Isabelle to approve as a onetime waiver with the condition if he does not pass the next PT test for the full-time class he will not be granted another waiver, 2nd by Humphries. No further discussion. MOTION – passed, 5-0

Motion made by Commissioner Ide to deny the waiver request. Second by Joe Damiata.
Motion carried, waiver denied.



- **Donald Hull**, Stowe Police Department. Town Manager Charles Safford requests a waiver to allow Hull to transfer his full-time certification in Connecticut to VT. Hull has been appointed as the new Police Chief with an effective date of 27 Feb 2012. Hull attended the Connecticut Basic Peace Officer Academy and graduated on 11/18/1981. Hull left policing in 2012 in order to accept the new position in VT. Hull is scheduled to attend phase 1 of the VT part-time basic program in March 2012. Between basic training, continuing education, special unit assignments and supervisory experience during his time as a police officer Hull has significant hours of training in excess of our basic training requirements. In addition to the standard prescription, identified deficiencies between Hull's basic and in-service training as compared to the VT full-time basic program are; 2010 Mandatory DV training and DUI Enforcement.

 - **Action: Motion** made by Isabelle to approve as presented plus add training for persons with developmental disabilities, 2nd by Humphries. No further discussion. MOTION –passed, 5-0\

- **William Daniels**, Springfield Police Department. Chief Johnston requests a waiver to Rule 13 for Daniels based on a medical issue. According to the request Daniels was on medical leave between 10/3/2011 – 1/3/2012. Prior to going on medical leave Chief Johnston reports that Daniels had completed a total of 11.5 hours of training which included his mandatory first aid component. Chief Johnston proposes that the remaining 13.5 hours of training will be completed by 3/1/2012. Chief Johnston was contacted to provide documentation of training that had been completed which was received on 2/23/2012. Gonyea provided 30 minutes of driver training on the driving simulator on 2/17/2012 at the PD. Documentation demonstrates 31 hours of training has been completed between 3/23/2011 – 1/19/2012, including firearms but not including first aid.

 - **Action: Motion** made by Humphries to approve as presented, 2nd by Chamberlain. No further discussion. MOTION –passed, 5-0

- **Joshua Otey**, Bristol Police Department. Chief Gibbs requests that Otey be re-certified as a full-time VT Officer based on his previous training and experience in VT, combined with his continued function as a police officer in Illinois after leaving VT. Chief Gibbs did not report Otey's Rule 13 hours for 2008 after he resigned to become an officer in Illinois. Chief Gibbs did include documentation of those hours in his waiver request application. The only documentation missing for 2008 was proof that Otey had re-qualified with his firearm. Otey did qualify with his weapon in Illinois as part of his certification process in 2008 which is included with the enclosed documentation. Chief Gibbs provided documentation that Otey completed 67 hours of in-service training in Illinois during 2011 prior to returning to VT. Otey attended the 2010 Mandatory DV training at the VT Police Academy on 12/27/2011. On 2/10/2012 I received an e-mail from Officer Crowe indicating that he had taken Otey to the range to qualify with his firearm. Chief Gibbs was notified via e-mail on 2/10/2012 that Otey had an approved waiver pending review by the committee and Council.

 - **Action: Motion** made by Humphries to approve as presented, dependent upon completion of 25 hours of required training for 2011 no later than July 1, 2012, 2nd by Isabelle. No further discussion. MOTION –passed, 5-0



- **Heather Lanagan**, Hinesburg Community Police. Chief Koss is requesting that Lanagan be re-certified as a full-time officer based on her previous full-time certification, recent training and job performance. Lanagan completed the full-time basic training course on 5/27/2005. Her Rule 13 was in compliance during her tenure with VSP, except for 2009 which is the year she resigned on 5/8/2009. Lanagan was out of policing until she was hired by Hinesburg in 2011. Chief Koss supplied documentation indicating that Lanagan completed a total of 118 hours of training in 2011, which included first aid and firearms re-qualification. Chief Koss is requesting that Lanagan be reinstated as a full-time officer and that any deficiencies with her Rule 13 requirements in 2009 be made up with by hours she completed in 2011. Enclosed with the packet is an e-mail from an Academy staff member on 10/6/2010 informing Lanagan that then Asst. Director June Kelly had determined that Lanagan would need to complete a total of 24 hours of training, which would include first aid and the firearms re-qualification.
 - **Action: Motion** made by Chamberlain to approve as presented, 2nd by Humphries. No further discussion. MOTION –passed, 5-0

- **Courtney Sojka**, Vernon Police Department. Chief Hebert's requests a waiver to Rule 13 for Sojka based on a medical issue. Chief Hebert's included a note from Sojka's physician which verifies his medical condition, recommends surgery - but does not include a projected medical end date. Sojka is reported to have been on medical leave since 11/15/2010. Based on provided documentation and Academy records Sojka has completed 10 hours of Rule 13 training in 2011.
 - Staff recommendation: Waiver be approved with the conditions that Sojka not be allowed to exercise police powers until he has been medically cleared, successfully re-qualified with his duty firearm and completed his remaining 20 hours of training for 2011.

- **Benjamin Couture**, St. Albans City Police Department. Chief Taylor requests a waiver to Rule 13 for Couture based on a scheduling issue to attend firearms re-qualification in 2011. Chief Taylor indicates in his request that the training would be completed by the end of March 2012. Based on Academy records Couture has completed 6 hours of Rule 13 training in 2011. Chief Taylor did not report Couture's Rule 13 hours on his agency roster due to this waiver request.
 - Staff recommendation: Waiver be approved with the conditions that the training is completed no later than the end of March 2012 and include a warning that outside of extenuating circumstances (i.e. military deployment, documented medical condition, extended family emergency) all Rule 13 training must be completed within the calendar year for which it is required.

- **Judy Dunn**, St. Albans City Police Department. Chief Taylor requests a waiver to Rule 13 for Dunn based on a scheduling issue to attend firearms re-qualification in 2011. Chief Taylor indicates in his request that the training would be completed by the end of March 2012. Based on Academy records Dunn has completed 6 hours of Rule 13 training in 2011. Chief Taylor did not report Dunn's Rule 13 hours on his agency roster due to this waiver request.



- Staff recommendation: Waiver be approved with the conditions that the training is completed no later than the end of March 2012 and include a warning that outside of extenuating circumstances (i.e. military deployment, documented medical condition, extended family emergency) all Rule 13 training must be completed within the calendar year for which it is required.

- **William Furnari**, St. Albans City Police Department. Chief Taylor requests a waiver to Rule 13 for Furnari based on a scheduling issue to attend 1st Aid in 2011. Chief Taylor indicates in his request that the training would be completed by the end of March 2012. Based on Academy records Furnari has completed 339.5 hours of Rule 13 training in 2011 (includes reported 259.5 hours for completing part-time certification process in Feb 2011). Chief Taylor did not report Furnari's Rule 13 hours on his agency roster due to this waiver request.
 - Staff recommendation: Waiver be approved with the conditions that the training is completed no later than the end of March 2012 and include a warning that outside of extenuating circumstances (i.e. military deployment, documented medical condition, extended family emergency) all Rule 13 training must be completed within the calendar year for which it is required.

- **Gary Taylor**, St. Albans City Police Department. Chief Taylor requests a waiver to Rule 13 for himself based on a scheduling issue to attend firearms re-qualification in 2011. Chief Taylor indicates in his request that the training would be completed by the end of March 2012. Based on Academy records Taylor has completed zero hours of Rule 13 training in 2011. Chief Taylor did not report his Rule 13 hours on his agency roster due to this waiver request.
 - Staff recommendation: Waiver be approved with the conditions that the training is completed no later than the end of March 2012 and include a warning that outside of extenuating circumstances (i.e. military deployment, documented medical condition, extended family emergency) all Rule 13 training must be completed within the calendar year for which it is required.

Motion made by Cindy Maguire to accept the recommendations for the rest of the waivers presented. Second by Commissioner Flynn. Discussion followed about the rules and statutes surrounding the waiver process, authority of the Council and Director. It was decided, after a review of the rules and the statutes that the Council had the ability to allow Executive Director Gauthier to review the waiver and issue temp waivers.

Basic Class Size: Decision reached that the Council would survey departments to see what the turnover expectations would be for the next five years and plan accordingly. The Council would issue a moratorium on tuition students (except college agreements) for the next year.

Prior Minutes: Approval of the minutes of the December meeting. Motion made by Cindy Maguire to accept the minutes. Second by Captain Elovirta. Motion passed, minutes approved. Motion made to adjourn by Cindy Maguire, second by Joe Damiata.

Meeting Adjourned at 12:38.

