

Vermont Criminal Justice Training Council

Quarterly Meeting Minutes

June 16, 2009

10:00 AM

Vermont Police Academy – Pittsford, VT

Present: Captain Todd Shepard, VT Police Association (Chair); Sheriff Stephen Benard, VT Sheriffs' Association (arrived 10:08 AM); Director Glen Button, Proxy for Commissioner Bonnie Rutledge, DMV; SSgt. Gary Genova, VT Troopers' Foundation; Barry Mulcahy, Proxy for Commissioner Andrew Pallito, DOC; S.A. Keith Flynn, Dept of State's Attorneys; Captain Raymond Keefe, Proxy for Commissioner Tom Tremblay, DPS; Mr. Joseph Damiata, VLCT (Public Member); Col. David LeCours, F&W, Proxy for Commissioner Wayne LaRoche; AAG Cindy Maguire, Proxy for Attorney General William Sorrell (arrived 11:00 AM); and, Chief Steve McQueen, VT Association of Chiefs of Police.

Absent: Pietro Lynn, Public Member

Also present: Executive Director R.J. Elrick; Sr. Training Coordinator John Gonyea; Phil Cykon (BISHCA); Heather Simons, DOC; Chris Bradley (arrived 11:00 AM).

1. Call to Order

Captain Shepard, Chair called meeting to order at 10:00 AM.

2. Welcome New Council Member

Captain Shepard formally welcomed Mr. Joseph Damiata to the Council as the newest Public Member. Introductions of other members present followed.

3. Approval of Minutes

Motion by Director Button and second by SSgt Genova to approve the minutes of the March 10, 2009 meeting. Motion **PASSED**.

4. Old Business

Chief Jeffrey Shaw, Northfield Police Department

Mr. Cykon briefed the Council and referenced a proposed settlement and consent order from Chief Jeffrey Shaw of the Northfield Police Department as well as a response submitted by AAG Jacob Humbert and recommended that the Council enter executive session for the purpose of deliberating on the proposed settlement.

Motion by Chief McQueen and second by Captain Keefe to enter executive session, to include Mr. Cykon and Director Elrick, for the purpose of deliberation. Motion **PASSED**. Council went into executive session at 10:06 AM. The Council left executive session at 10:58 AM.

Motion by Chief McQueen, seconded by Sheriff Benard to accept the proposed settlement and consent order as proposed by Chief Shaw. Motion **PASSED** with SA Flynn in opposition.

Motion by Chief McQueen, seconded by Sheriff Benard to authorize the Chair to sign the order on the Council's behalf. Motion **PASSED** with AAG Maguire abstaining.

5. Public Comment

Mr. Chris Bradley of Northfield, VT addressed the Council regarding the Chief Jeffrey Shaw matter. Mr. Bradley read a prepared statement (attached). Mr. Bradley questioned whether the Council's Rule # 20 was subject to Ex Post Facto. Captain Shepard advised Mr. Bradley that he would consult with legal counsel and provide a response to his question. Mr. Bradley also asked about reporting capabilities with existing reports to accurately show training hours for a particular officer in a given year. Director Elrick explained that there is not currently an "audit report" but that our system will allow us to query the database for a given officer and have all reported information available for our review.

6. New Business

FY-2010 Fee Schedule

Director Elrick presented the proposed fee schedule (attached) to take effect July 1, 2009 and reminded the Council that we are required by law to recover actual expenses incurred in connection with delivery of in-service programming.

Motion by Director Button and second by Col. LeCours to approve the proposed fee schedule. Captain Keefe expressed concern over non-law enforcement groups using the facility and inquired as to rules that might be in place to control these groups. Director Elrick explained that our standard rules for in-service students would apply. Captain Keefe asked that we proceed with caution in this area. Sheriff Benard asked about overnight staff coverage costs and Director Elrick explained that on most nights, we already have staff coverage for other programming. Motion **PASSED**.

Physical Fitness Testing

Director Elrick asked the Council to consider expanding the time frame allowed for physical fitness testing as an entry requirement from the current 30 days prior

to Day One of a full-time academy, to a 45-day period, with a 30 day window between the two testings to remain. This is needed to provide enough time to order student-specific materials (PT gear, name tags, etc.) before the class starts. It was the consensus of the Council that all potential students for a given full-time basic training class should be required to attend the initial fitness testing day and that those who fail be given the 30 days to prepare/remediate and attend the second testing day to re-test.

Motion by Chief McQueen and second by Captain Keefe to expand from 30 days to 45 days, the time period in which a candidate for a full-time class must take and pass the physical fitness test and that the Director shall notify agency heads of this change. Motion **PASSED**.

7. Budget Reports

FY09 Status

Director Elrick provided the Council with a current snapshot of the budget status (attached). In essence, we are out of money with some 15 days remaining. There is sufficient funding to cover the one remaining payroll on June 18th and there will be a need to carry all remaining accounts payable into FY10. The current bills held total approx. \$25,000 being held until July 1, plus any additional bills we receive between now and July 1st.

FY10 Update

The FY10 budget as approved will likely result in a deficit. We have preserved all current staff positions. An additional appropriation from the Victim's Fund will allow us to continue the Domestic Violence position and funding in a sub-grant from DPS will preserve the other (undetermined) position which would have been eliminated based on the budget passed by the Legislature. While staffing will be stable moving into FY10, the operating budget has essentially been cut to bare minimums. No funding will be available for normal replacement plans (equipment), travel, etc.

8. Committee Reports

Canine Committee

No Committee report provided. An informational Canine Training report was provided. The Council had requested that the Committee Chair (Sgt. Linda Elrick, Rutland City PD) and TC Ryan attend the meeting to further discuss the proposed canine training standard changes but their schedules did not allow their attendance. They will be invited to the next Council meeting.

Training Advisory & Instructor Committee (TAC)

The Chair reminded the Council that there was a need for discussion regarding the Field Training Officer (FTO) curriculum and the need to approve the curriculum. Members of the Council were provided with the curriculum for review. The curriculum had previously been reviewed by the TAC and recommended for approval by the Council. There was discussion about the need to pay closer attention to the packets coming in and to address perceived deficiencies and reject those packets not deemed to be sufficient or in compliance. Further, recurring themes should be addressed as part of the FTO updates. The Council felt that an e-mail should go out to FTO's and agency heads informing them that we will be holding them to the established standards and returning paperwork that does not meet the standards. Sheriff Benard and Captain Keefe both spoke in support of the new curriculum and recommended approval based on their involvement and familiarity with it.

Motion by Captain Keefe and second by Director Button to approve the Field Training Officer (FTO) curriculum. Motion **PASSED** with Sheriff Benard abstaining.

TC Anderson briefed the Council on the new Domestic Violence (DV) curriculum and provided the Council with two summary documents (attached). This curriculum has been presented to the Training Advisory Committee and has been recommended for approval. Mr. Mulcahy praised the approach and suggested that it might include reporting issues as well (i.e. suspicious activity). TC Anderson explained that she had attempted to gain access to review reports of domestic violence in the Spillman/VIBRS system but that request was denied. A question was raised by Chief McQueen regarding who would have to attend this eight (8) hour training and who would not. Those who have attended the DV training since the DV omnibus bill took effect (July 2008) would NOT have to attend the training again. TC Anderson explained that several delivery mechanisms are being considered to include the use of VIT, Train-the-Trainer, CD/DVD, and traditional classroom delivery.

Motion by Chief McQueen and second by Sheriff Benard to approve the Domestic Violence curriculum as proposed. Motion **PASSED**.

Council recessed for lunch at 12:05 PM and reconvened at 12:42 PM.

Sr. TC Gonyea provided a written outline (attached) and briefed the Council on the proposed Driver Training curriculum and plan for delivery. The program is intended for full-time basic candidates initially, to be followed by those in the 84th-87th Basic who did not get driver training as part of their academy class, and then as an in-service. An instructor training course has been scheduled for late August. Director Button asked how large an instructor cadre would be necessary and Sr. TC Gonyea estimated 8-10 at a minimum.

Motion by Captain Keefe and second by AAG Maguire to approve the Driver Training curriculum and delivery plan as proposed. Motion **PASSED**.

Director Elrick reviewed the minutes of the February 24, 2009 TAC meeting (attached). The leadership training pilot received positive reviews from those in attendance. A decision had been made to move O.C. Certification from the full-time basic class to a post-basic elective. Following the 87th Basic, it has been returned to the basic class. Director Elrick also reviewed the minutes of the June 2, 2009 TAC meeting (attached). No action required by the Council as a result of either meeting, beyond the curriculum approvals already addressed.

Use of Force (UOF)

Director Elrick reviewed the minutes of the May 27, 2009 Use of Force committee meeting. The draft range management plan (attached) was provided by the UOF Committee for review. Director Elrick suggested that the report be reviewed but need not be acted upon until the range improvements are complete and the plan is finalized and recommended by the UOF Committee. The Council was briefed on the \$800,000 FY10 capital appropriation for range modifications/improvements with a plan for remaining funding in FY11 to finish the work. The UOF Committee also recommended that those firearms instructors who teach in either the VCJTC full or part-time basic programs be exempt from the requirement to attend the firearms instructor updates. There were questions about what they might be missing if they did not attend the updates and Sr. TC Gonyea reviewed content of the updates with the Council.

Motion by Chief McQueen and second by Mr. Mulcahy to table the draft range management plan, pending range improvements. Motion **PASSED** to **TABLE**.

Motion by SSgt. Genova and second by Col. LeCours to exempt firearms instructors from the mandatory firearms instructor update if they have taught firearms in a VCJTC full or part-time basic training program during the year. Motion **PASSED**.

Waiver Committee

Rule 7 (Basic Training Standards for Part-Time Officers)

James Hernandez, Vernon Police Department

Motion by AAG Maguire and second by Sheriff Benard to **DENY** the waiver request. Motion **PASSED** to **DENY** waiver.

Rule 8 (Basic Training Standards for Full-Time Officers - 6 Month Rule)

Paul Larochele, Chester Police Department

Motion by Sheriff Benard and second by Captain Keefe to approve the waiver as recommended by the Committee. Motion **PASSED**.

Rule 8 (Basic Training Standards for Full-Time Officers - Out of State)

Thomas Dougherty, Windham County SD

Motion by AAG Maguire and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Rule 13 (Annual Mandatory In-Service Training for Officers)

Jeffrey L. Shaw, Northfield Police Department (*previously tabled*)

Motion by Chief McQueen and second by Sheriff Benard to remove previously tabled waiver requests for Jeffrey Shaw, Chad Bassette, and Stephen Clark from the table for action. Motion **PASSED** with AAG Maguire abstaining.

Motion by Captain Keefe and second by Sheriff Benard to DENY waiver request. Issues at foundation of the waiver request have been addressed by a Settlement and Consent Order of the Council, addressed earlier in the meeting. Motion **PASSED** to DENY waiver with AAG Maguire abstaining.

Chad J. Bassette, Northfield Police Department (*previously tabled*)

Motion by Chief McQueen and second by Sheriff Benard to approve the waiver request with recognition that the deficiencies serving as the foundation for the waiver request have since been remedied by Officer Bassette's completion of the 87th Basic full-time training program. Motion **PASSED** w/AAG Maguire abstaining.

Stephen J. Clark, Northfield Police Department (*previously tabled*)

Motion by Director Button and second by Sheriff Benard to approve the waiver request. Motion **PASSED** w/AAG Maguire abstaining.

Todd Prevost, Fair Haven Police Department

Motion by AAG Maguire and second by Sheriff Benard that the Director notify Officer Prevost of the Council's intent to initiate decertification for failure to meet in-service training requirements if the remedial training plan recommended by the Committee is not completed prior to 12/31/09. Motion **PASSED**.

Ronald A. DeVincenzi, Barre City PD.

Motion by AAG Maguire and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Elizabeth Rankin, Stowe PD

Motion by Mr. Mulcahy and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

William Frank, Chester PD

Motion by Mr. Mulcahy and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Vegar Boe, Middlebury PD

Motion by Sheriff Benard and second by SSgt. Genova to approve the waiver as recommended by the Committee. Motion **PASSED**.

Andrew Todd, Rutland City PD

Motion by SSgt. Genova and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Robert Walters, Rutland City PD

Motion by SSgt. Genova and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Gary Tobin, Rutland City

Motion by SSgt. Genova and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

James Downing, Orange County SD

Motion by SSgt. Genova and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Kyle Walker, Stowe PD

Motion by AAG Maguire and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

John Ducharme, Orange County SD

Motion by Mr. Mulcahy and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Dean Marthers, Lamoille County SD

Motion by Mr. Mulcahy and second by Sheriff Benard that the Director notify Officer Marthers of the Council's intent to initiate decertification for failure to meet in-service training requirements if the remedial training plan recommended by the Committee is not completed prior to 12/31/09. Motion **PASSED**.

Peter Eley, Stowe PD

Motion by Mr. Mulcahy and second by AAG Maguire to approve the waiver as recommended by the Committee. Motion **PASSED**.

Shane Harris, Bellows Falls PD

Motion by AAG Maguire and second by Mr. Mulcahy that the Director notify Officer Harris of the Council's intent to initiate decertification for failure to meet in-service training requirements if the remedial training plan recommended by the Committee is not completed prior to 07/01/09. Motion **PASSED**.

Michael Keefe, Bellows Falls PD

Motion by Mr. Mulcahy and second by Sheriff Benard to TABLE and send back to Committee for follow-up review and recommendation. Motion **PASSED** to **TABLE**.

Allison Forney, Bellows Falls PD

Motion by AAG Maguire and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Mike Chesanek, Bellows Falls PD

Motion by AAG Maguire and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Osburn Glidden, Franklin County SD

Motion by Mr. Mulcahy and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

David Benson, Rutland County SD

Motion by Mr. Mulcahy and second by Captain Keefe to approve the waiver as recommended by the Committee. Motion **PASSED** w/Sheriff Benard abstaining..

Henry Giddings, Rutland County SD

Motion by Mr. Mulcahy and second by Captain Keefe to approve the waiver as recommended by the Committee. Motion **PASSED** w/Sheriff Benard abstaining..

Rule 14 (Re-certification of Officers)

Peter Mantello, Woodstock Police Department

Motion by SSgt. Genova and second by Sheriff Benard to approve the waiver as recommended by the Committee. Motion **PASSED**.

Sr. TC Gonyea briefed the Council on progress to date with the compliance audits for part-time officers. Presently, approx. 50% of the State has been done but have not done any follow-ups with those agencies.

Director Elrick reviewed the status on officers previously notified of the Council's intent to initiate decertification for in-service training deficiencies (attached).

Youth Services

Informational report provided; no action required.

Part-Time Study Committee

No report

9. Facility Reports / Capital Budget

Director Elrick briefed the Council on pending projects underway to include painting, grease trap for the food service, completion of the kennel, and landscaping. Range update provided previously in meeting.

10. Updates

Homeland Security

Informational report provided; no action required.

Training Activity Summary

Informational report provided; no action required.

IADLEST Motorcycle Grant Project

Informational report provided; no action required.

Director Elrick informed the Council that we have taken delivery of the new driver training simulator and entered into a partnership with VLCT where they have provided us with a trailer to make the simulator a mobile unit. Simulator purchased with funding obtained by Sen. Bernie Sanders.

Director Elrick inquired of the Council whether fees should be assessed to those who attend such classes as DUI Enforcement, RADAR, fingerprinting, VIN Verification, or other programs that are provided in a “post-basic” setting. It is estimated that this would result in approx. \$12,000 per year in additional revenue in a time when dollars are very tight. Director Elrick stated that not making a change in this area would likely result in reductions in other program or service areas in the future. Director Button inquired if this meant that we would anticipate a deficit in the coming year and Director Elrick advised that it would. Following a brief discussion regarding the donated value of volunteer adjunct faculty, statutorily mandated training, and cost shifting, the issue was deemed to be worthy of further discussion at another time.

There was a brief discussion about the need to revisit Council rules and perhaps reconvene the Rules Committee for this purpose. The Chair advised this would be placed on the agenda for the next meeting.

11. Executive Session

The Director requested that the Council enter executive session to discuss a personnel matter and pending litigation. Motion by AAG Maguire and second by Chief McQueen to do so. Motion **PASSED** and Council entered executive session at 2:18 PM. On a motion by Chief McQueen and second by Mr. Mulcahy, the Council left executive session at 2:28 PM with no action taken.

On a motion by Chief McQueen and second by Mr. Mulcahy, the meeting was **ADJOURNED** at 2:28 PM.

Respectfully submitted,

R. J. Elrick
Executive Director.

**State of Vermont**

**Criminal Justice Training Council
Vermont Police Academy**

317 Academy Road
Pittsford, VT 05763

www.vejtc.state.vt.us

Office of Executive Director

[phone] 802-483-6228
[fax] 802-483-2343

Vermont Criminal Justice Training Council**Quarterly Meeting Minutes**

March 10, 2009

10:00 AM

Montpelier Police Department – Montpelier, VT

Present: Captain Todd Shepard, VT Police Association (Chair), Sheriff Samuel Hill Proxy for VT Sheriffs' Association (Steve Benard); Director Glen Button, Proxy for Commissioner Bonnie Rutledge, DMV; SSgt. Gary Genova, VT Troopers' Foundation; Barry Mulcahy, Proxy for Commissioner Andy Pallito, DOC; S.A. Keith Flynn, Dept of State's Attorneys; Captain Raymond Keefe, Proxy for Commissioner Tom Tremblay, DPS (arrived at 10:05 AM and departed at 1:13 PM) and, Chief Steve McQueen, Proxy for VT Association of Chiefs of Police (Tony Bossi).

Absent: Pietro Lynn, Public Member; Attorney General William Sorrell; and, Commissioner Wayne LaRoche, Fish & Wildlife.

Also present: Executive Director R.J. Elrick; Sr. Training Coordinator John Gonyea; Phil Cykon (BISHCA); Captain Drew Bloom (DMV); and, Officer Jesse Sawyer, Essex PD.

1. Call to Order

Captain Shepard, Chair called meeting to order at 10:00 AM.

2. Approval of Minutes

Motion by Director Button and second by SSgt Genova to approve the minutes of the January 27, 2009 special meeting. Motion **PASSED**.

(Captain Keefe joined the meeting at 10:05AM)

Chair then announced that he wished to adjust the agenda and to allow Captain Drew Bloom (VT DMV) to address the Council regarding the "Groundfighting" course as a matter of old business. Director Elrick refreshed the Council on prior discussions around this curriculum and the recommendation of the Use of Force Committee that the curriculum be permitted as an in-service program and that it be left to individual agencies to decide whether to permit the techniques to be used as taught in this course and whether to send officers to this program. Captain Bloom then provided the Council with a brief overview of his background as an instructor and the course itself. The neck restraint technique is taught in the course and attendees are told repeatedly that it can be construed



as use of deadly force and therefore must only be used as a last resort when the use of deadly force would otherwise be warranted. Captain Shepard requested assurance that the attendees are reminded to follow departmental policy and Captain Bloom affirmed this to be the case. Mr. Mulcahy asked if there was an instructor recertification requirement similar to other use of force curriculums and Captain Bloom confirmed. With no further questions from the Council, Captain Bloom and Officer Sawyer left the meeting at this time. After discussion, the Council took **no action** as there is no requirement for in-service training to be approved by the Council or for in-service instructors to be certified by the Council.

Director Button moved to again modify the agenda and move to item# 8, in executive session, for the purpose of discussing a personnel matter and pending litigation. Mr. Cykon and Sr. Training Coordinator Gonyea were invited to remain. Motion seconded by Mr. Mulcahy. Motion **PASSED**. Entered executive session at 10:22 AM. Council left executive session at 11:36 AM. Motion by Director Button, second by Captain Keefe, to assign Phil Cykon as legal counsel to the Council in the matter of Chief Jeffrey Shaw. Motion **PASSED**. Mr. Cykon departed the meeting.

3. Committee Reports

- **Canine** – Written report, committee minutes, and proposed changes in standards provided. SSgt. Genova expressed concern that the proposed changes in the canine standards were quite involved and specifically that the change in training days from 23 to 41, the required bite reporting, and the restrictions on “vendor” dogs needed further discussion. Motion by SSgt. Genova to table the canine report, Canine Committee minutes, and proposed canine standards changes and to invite the Chair (or designee) to the next meeting to better explain the proposed changes. Also requested any feedback from agencies on proposed changes. Second by Chief McQueen. Motion **PASSED to TABLE**.
- **Training Advisory & Instructor** – No report
- **Use of Force & Firearms** – Written report provided; no action items. Range management plan on hold until we determine exactly what we will be doing for range improvements.
- **Waiver** – Committee minutes provided. Chair opted to hold discussion and action on Waiver Committee report until later in the meeting.
- **Youth Services** – Director Elrick informed the Council that Captain Fabricius had been reassigned within the Guard and that Sgt. John Herriman has been selected to assume the Youth Services Coordinator role at the Academy. A brief written report of activities was provided; no action items.
- **Part-Time Study** – No report.

4. Budget Reports

- **FY09**- Handouts given to Council. Director Elrick provided briefing on fiscal status and reported that we are still on track at this point for the FY09 budget. Watching expenditures very closely.
- **FY10** - Director Elrick updated the Council on the status of FY10. Testimony went well in House Appropriations. Cautiously optimistic that the DV Training Coordinator position will be reclassified as a permanent full-time position rather than a limited service position. This has been included in the budget adjustment bill which has already passed the House and is now in the Senate. This will address one of the two positions slated to be eliminated with the FY10 proposal. The second position will require funding adjustment by the Legislature to survive. This has not yet been accomplished. Director Elrick shared that Vermont can expect between 15-22 new full-time officers as a result of new COPS Hiring monies as part of the stimulus package. There are NO training dollars attached to this grant. The Council cannot absorb that level of additional training mandate without additional funding (est. at between \$112-160K) and restoration of the position slated for elimination.

- **Facility projects update / Capital Budget**

Director Elrick briefed the Council on the sole objective in the FY10 Capital Construction Budget; improvements to the firing range. Testimony next week in both House and Senate Institutions Committees. BGS supports plan to refurbish half of the range as an outdoor range and the purchase of a mobile indoor range (3 lanes) to supplement the reduction in outdoor lanes.

5. Updates

- **Staff** – no updates
- **Basic training** – no written report. Director Elrick shared that the current class is in week 6 with 30 candidates. Class started with 31 and one was terminated by the sending agency.
- **Homeland Security** – written report provided; no action
- **Training Activity Summary** – written report provided; numbers increased slightly over last quarter and over same time last year. No action.
- **IADLEST Motorcycle Grant** – written report provided; no action.

6. Old Business

- **Part-Time Compliance Auditing Project** – Chair asked to delay this report to coincide with Waiver Committee report later in the meeting.
- **VT WETF Grant** – Director Elrick shared that a new grant from VT Department of Labor had been received for workforce development training. Sr. Trng. Coordinator John Gonyea was then asked to brief the Council as the author of the grant. In short, another \$53K has been received to continue our leadership

training, distance learning, and computer-based training initiatives. In addition, the grant provides funding to train a cadre of Communications Training Officer (CTO) Master Trainers (San Jose, CA) and a cadre of Driver Training Master Instructors (Michigan State Police Academy). These two groups will then develop both curriculum and a "Train the Trainers" course in-house to build an instructor base for both subjects and develop self-sustaining program delivery.

- **Regional Testing** – Director Elrick updated the Council on a pilot project involving VCJTC, Burlington PD, and Champlain College. The project is designed to allow on-line, on-the-spot entrance testing at Burlington PD to enhance their recruitment efforts. Staff has been working through security concerns and is currently developing a written agreement/MOU. Council inquired if the on-line testing would be made more widely available after the pilot project. Director advised that the results of the pilot would be carefully reviewed and shared with the Council before widespread application is considered.
- **Part-Time Compliance Auditing Project** – Sr. Trng. Coordinator Gonyea briefed the Council on the results of the part-time officer audit that he is conducting. He is approximately half-way through the project (excluding Constables) with most of the mid-north part of the State complete. There are five general themes or issues emerging:
 - Lack of documentation
 - Officers working for more than one agency; exceeding permitted hours in the aggregate and not knowing which agency is primary and who will report/maintain training documents.
 - General education – best practices for documentation, interpretation of rules governing training and employment.
 - Specific positions (i.e. animal control) – full-time or part-time?
 - "On-Call" status – counts or doesn't count?

The Chair expressed the Council's thanks for the work done to date on this project. Project needs to continue.

- **Waiver Committee**

Chief McQueen and Sr. Trng. Coordinator Gonyea began to review the reports of the Waiver Committee from their February 25th, 2009 meeting.

Rule 7:

Michael Von Recklinghausen, Waterbury PD – motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended. **Approved.**

Rule 8 (6-month Rule):

Dale Kerber, Fair Haven PD – motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended. **Approved.**

Caleb Casco, Vergennes PD – Chief McQueen explained that in reviewing the matter relevant to Caleb Casco, the Waiver Committee discussed at length whether the Committee should be involved in “repairing the harm” requests, primarily coming from the audit underway. In many cases, waivers were being submitted solely to patch past wrongs and check off the boxes. There was discussion amongst the Council on what sanctions might be available in a case like Casco where the rules were clearly violated in the past. The consensus was that decertification is the only remedy currently available under statute and rule. Also discussed was the balance of responsibility between the agency and the individual officer and who was responsible for reporting training versus getting the training. The Chair asked that the Waiver Committee continue to review such requests and that if they feel the waiver isn’t appropriate, make the appropriate recommendation. Motion by Sheriff Hill and second by SSgt Genova to take **no action** on the waiver and to have Director Elrick send a letter outlining the issues and potential sanctions. Motion **PASSED** w/Chief McQueen abstaining.

Tobias Bernier, Barre City PD – Motion by Mr. Mulcahy and second by Sheriff Hill to take **no action** on the waiver and to have Director Elrick send a letter outlining the issues and potential sanctions. Motion **PASSED** w/Chief McQueen abstaining.

Steven Tursi, Williston PD – Motion by SSgt Genova and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Mat Chin, Randolph PD - Motion by Mr. Mulcahy and second by SSgt Genova to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Rule 8 (Out-of-State Training)

Daniel Leonard, Burlington PD – Motion by Mr. Mulcahy, second by SSgt. Genova to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Kristine Bowdish, Middlebury PD – Motion by Mr. Mulcahy, second by SSgt. Genova to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Andrew Hunt, Bennington PD – Motion by Mr. Mulcahy, second by SSgt. Genova to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Rule 13:

Jeffrey L. Shaw, Northfield PD – motion by Director Button and second by Mr. Mulcahy to continue to table waiver request pending conclusion of hearing process on decertification. Motion passed to TABLE w/Chief McQueen abstaining.

Chad J. Bassette, Northfield PD – motion by Director Button and second by Mr. Mulcahy to continue to table waiver request pending conclusion of hearing process on Chief Shaw's decertification. Motion passed to TABLE w/Chief McQueen abstaining.

Stephen D. Clark, Northfield PD – motion by Director Button and second by Mr. Mulcahy to continue to table waiver request pending conclusion of hearing process on Chief Shaw's decertification. Motion passed to TABLE w/Chief McQueen abstaining.

Julie Hammond, Vermont State Police – motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

William Harkness, Vermont State Police – motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Gary Margolis, UVM Police Services – motion by SSgt Genova and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Mary Beth Hebert, Vernon PD – motion by SSgt. Genova and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Jason Hewitt, Swanton PD – no action taken. Waiver request rescinded as officer has resigned.

Timothy Gibbard, Fair Haven PD – motion by Director Button and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Stephen Holbrook, Lamoille County SD – motion by Director Button and second by SSgt Genova to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Bruce Gauld, Vernon PD – motion by Mr. Mulcahy and second by Director Button to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

David Anderson, Stowe PD – discussion around whether waiver is necessary. Officer Anderson has not been decertified, so was legally certified at the time of re-hire. It was the consensus of the Council that a waiver was not necessary in this case. Motion by S.A. Flynn and second by Director Button to TABLE and to direct the Executive Director to request an Attorney General's statutory opinion/interpretation regarding required in-service training. Specifically, if an officer works only part of a given calendar year, are they required to complete all of the mandatory in-service hours in that year? And if they don't, are they still considered "certified"? Motion **PASSED**.

Motion by Director Button, second by Mr. Mulcahy, to TABLE all remaining waiver requests where the Committee took a "Referred to Council for action" position. Motion **PASSED**. (Includes waiver requests for Flynn, Rousseau, Lowe, Almquist, Casco, Fairbanks, and Prevost).

Aaron Mangan, VT Dept. of Fish & Wildlife – motion by Director Button and second by Sheriff Hill to approve as recommended by the Committee.
APPROVED w/Chief McQueen abstaining.

Edward Page, Berlin PD – motion by Director Button and second by Mr. Mulcahy to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Chad Bassette, Berlin PD – motion by Mr. Mulcahy and second by SSgt. Genova to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Patrick Greenslet, Vergennes PD – motion by Mr. Mulcahy and second by SSgt. Genova to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Philippe LaPerle, Vergennes PD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

John Tetreault, Vergennes PD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

William Wager, Vergennes PD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Robert Worley, Vergennes PD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Steven Rounds, Barre City PD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Randall Tucker, Barre City PD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Tobias Bernier, Barre City PD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Kevin Galway, Barre City PD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Ginger Radke, Washington County SD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Rule 14 (FT Re-Certification):

Ethan Thibault, Burlington PD - motion by Mr. Mulcahy and second by Sheriff Hill to approve as recommended by the Committee. **APPROVED** w/Chief McQueen abstaining.

Other:

Motion by Mr. Mulcahy and second by Chief McQueen to remove waiver requests for Flynn and Rousseau from the table. Motion **PASSED**.

Motion by Mr. Mulcahy, second by Director Button, to have the Director send a letter of non-compliance and intent to initiate decertification proceedings, absent completion of an approved remedial training plan to Flynn and Rousseau. Motion **PASSED**.

Motion by Chief McQueen and second by Sheriff Hill to remove waiver requests for Lowe from the table. Motion **PASSED**.

Motion by Mr. Mulcahy, second by Chief McQueen, to have the Director send a letter of non-compliance and intent to initiate decertification proceedings, absent completion of an approved remedial training plan to Lowe. Motion **PASSED**.

Motion by Sheriff Hill and second by Chief McQueen to remove waiver requests for Almquist from the table. Motion **PASSED**.

Motion by Sheriff Hill to approve the waiver request for Almquist as submitted. Motion FAILED for lack of a second.

Motion by Chief McQueen, second by Mr. Mulcahy, to have the Director send a letter of non-compliance and intent to initiate decertification proceedings, absent completion of an approved remedial training plan to Almquist. Motion **PASSED**.

Motion by Chief McQueen and second by Mr. Mulcahy to remove waiver requests for Casco and Fairbanks from the table. Motion **PASSED**.

Motion by Chief McQueen, second by Mr. Mulcahy, to have the Director send a letter of non-compliance and intent to initiate decertification proceedings, absent completion of an approved remedial training plan to Casco and Fairbanks. Motion **PASSED**.

Motion by Sheriff Hill and second by Chief McQueen to remove waiver requests for Papineau and Lavalla from the table. Motion **PASSED**.

Motion by Chief McQueen, second by Mr. Mulcahy, to have the Director send a letter of non-compliance and intent to initiate decertification proceedings, absent completion of an approved remedial training plan to Papineau. Motion **PASSED**.

Motion by Mr. Mulcahy, second by Sheriff Hill, to have the Director send a letter of non-compliance and intent to initiate decertification proceedings, absent completion of an approved remedial training plan to Lavalla. Motion **PASSED**.

Motion by Chief McQueen, seconded by Mr. Mulcahy, to authorize the Executive Director to review and approve remedial plans as referenced in Rule 20, on behalf of the Council. Motion **PASSED**.

Mr. Mulcahy commented that it was his belief that the audits of agencies and training records should continue, and further that an audit instrument should be designed, training conducted, and a peer review process be implemented to sustain this work in the long term.

7. New Business

- No new business brought to the Council

Motion to adjourn by Mr. Mulcahy and seconded by SSgt. Genova. Meeting adjourned at 2:50 PM.

Respectfully submitted,

R. J. Elrick
Executive Director

FEE SCHEDULE

Effective July 1, 2009

Individual Fees

Breakfast meal	\$5.00
Lunch meal	\$8.00
Dinner meal	\$10.50
Facility Use (per day/per person; includes space and beverages)	\$8.00 (7.00)
Range Use (per day/per person – includes facility use fee)	\$13.00 (12.00)
Ropes Course Use (per day/per person – includes facility use fee)	\$15.50 (12.00)
Computer Lab Use (per day/per person – includes facility use fee)	\$23.00 (12.00)
Overnight (with linen – per night/per person)	\$20.00 (15.00)

Combination Fees (fees are per day, per person with facility fee included)

Commuter Rate – (Lunch & facility fee)	\$16.00 (15.00)
Breakfast & Lunch	\$21.00 (20.00)
Lunch, Dinner & Overnight	\$46.50 (40.50)
Breakfast, Lunch, Dinner & Overnight	\$51.50 (45.50)

Weekly Fees (fees are per person)

Commuting student (5 days, 5 lunches)	\$80.00 (75.00)
Overnight student (5 days/4 nights stay w/applicable meals included)	\$222.00(197.00)

Outside Group Facility Rates (per day)

Council Room (flat rate)	\$50.00
Computer Lab (flat rate)	\$275.00
Classroom 1 (up to 25 people; \$8/person/day over 25)	\$200.00
Classroom 2 (up to 15 people; \$8/person/day over 15)	\$120.00
Classroom 3 (up to 35 people; \$8/person/day over 35)	\$280.00
Gymnasium (flat rate)	\$250.00
Dining Hall (flat rate for non-food service functions)	\$100.00

Special Services Fees

Waiver Processing Fee (Out-of State/Other)	\$50.00 / \$15.00
Entrance Examination (payable by candidate)	\$30.00
Transcripts (one free following Basic Class for Full-Time Police)	\$5.00
Ropes Course Instructor Fee (per day if needed)	\$250.00
Firearms Training Simulator (FATS) Placement (Per week-up to 7 days)	\$150.00
Simunitions/Red Handle Equipment Use (Per week-up to 7 days)	\$35.00
Driver Training Simulator	\$_____
Certification Manuals - DWI Manuals, RADAR manuals; each	\$10.00
Copy costs per page (per state contract in place at current time, subject to change)	\$0.05
Tuition Student Package	\$10.00
Tuition Student Application – Basic Class (**non-refundable - includes all testing, background, psychological and oral boards, etc.)	\$555.00***
Tuition for Accepted Tuition Student – Basic Class (Due upon acceptance and invoice)	\$6,417.00****

****Note: The \$6,417.00 tuition fee will be refunded on a pro-rated basis if student is hired by a Vermont Police Agency during the 16 week Full-Time Basic Class (prior to graduation day), or is required to leave the class due to an injury/illness. No refund will be made if student resigns during the class after completion of week # 4 or is removed from the class for cause at any time.

CANINE TRAINING REPORT

SCHOOLS: Matt Prouty, canine Otto Rutland City Police, Mark Redmond, canine Kaiser, Eugene Duplissis, and canine Argus all completed their six week drug detection school. Matt Prouty was the primary instructor which brings him up to an assistant instructor level for detection.

June 01 thru 05 Officers Labrecque and Martin from the Burlington Police Department, Officer Bingham Newport Police and Officer Perkins from Lebanon New Hampshire Police Department all attended the 40 hour urban trailing class here.

Decoy class: this three day class is still on for June 5,6,7.

June 15 thru 19 Officer Dewy from Colchester Police Department and I will be teaching the urban trailing class to New Hampshire handlers at the Pease Air Base in Portsmouth New Hampshire.

Patrol School: There are four teams signed up for this at this time.

Patrol re-certs: Twenty six patrol teams passed their re-certs in May. There are three teams out on injuries and two teams scheduled for June 12 to re-cert.

Hall of Fame: Sgt. Albright and canine Luca Vermont State Police, Officer Michael Glodgett and canine Onde Newport Police and Andy Holbrook Vermont Police Academy were all inducted on May 22nd.

Canine Standards: Sgt. Elrick from Rutland City Police will be available to discuss the changes in the canine standards.

Respectfully submitted

Robert Ryan canine training coordinator



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

[phone] 802-483-6228
[fax] 802-483-2343

Office of the Executive Director

Training Advisory Committee Meeting 24 Feb 2009

Prepared by: TC Cynthia Taylor-Patch

Members Present: Sgt. David Lertola, Chief Doug Johnston, Sgt. James Tarbell, Chief Chris Brickell, Sheriff Keith Clark, Mr. Wade Johnson, and Lt. Paul Gaudreau.

Members Absent: Lt. Andy Thibault, Sgt. Mike Stowell, Sheriff Kevin McLaughlin, Lt. Kathy Stubbing and Cpt. Ray Keefe.

Observers/Presenters Present: TC Kevin Almquist, TC TJ Anderson, Sr. TC John Gonyea

Meeting called to order: 1308

ISSUE 1: TC Taylor-Patch introduced Lt. Paul Gaudreau, VT Fish & Wildlife Department, who is replacing Lt. Doug Lawrence on the TAC committee.

ISSUE 2: Sheriff Kevin McLaughlin was nominated to continue in his role as Chair of the TAC. Motion approved unanimously. Sgt. Jamie Tarbell was nominated to continue in his role as Vice-Chair of the TAC. Motion approved unanimously.

ISSUE 3: Gonyea presented a new Leadership Training program planned to begin in April that is designed to provide the foundational framework necessary to equip new and existing supervisors in the skills required to properly lead and manage the officers under their supervision. The topics covered are designed to elicit a national perspective on police leadership while providing a VT focus. The material will be presented in a variety of formats including lecture and discussion, as well as individual and group practical exercises.

ISSUE 4: Almquist informed the members of changes made in the full-time Basic Training program: OC certification has been moved to the post-basic phase.

ISSUE 5: Anderson presented the proposed plan for initiating mandatory Domestic



Violence training that must be completed by December 31, 2010. She will present a detailed outline of the curriculum and implementation plan at the next TAC meeting.

ISSUE 6: Taylor-Patch asked for suggestions for upcoming training, to be held at the Academy or regionally. The difficulty getting part-time officers through all required Phase 2 training in short order was discussed. The Academy can schedule courses immediately following Phase 1. However, we find that many part-time officers cannot commit to trainings that are packed too closely together (i.e. can't take 3 – 4 weeks in a row off from their regular job). Members were assured that Phase 2 requirements and scheduling will be taken into consideration when staff are developing the training schedule.

No further business.

Meeting adjourned: approx. 1445.

Respectfully Submitted,

Cynthia Taylor-Patch
Training Coordinator



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

[phone] 802-483-6228
[fax] 802-483-2343

Office of the Executive Director

Training Advisory Committee Meeting 2 Jun 2009

Prepared by: TC Cynthia Taylor-Patch

Members Present: Sheriff Kevin McLaughlin, Sgt. David Lertola, Chief Chris Brickell, Mr. Wade Johnson, Lt. Andy Thibault, Lt. Paul Gaudreau, Captain Ray Keefe. Lt. Kathy Stubbing joined via conference call.

Members Absent: Chief Doug Johnston, Sgt. Mike Stowell, Sgt. James Tarbell, and Sheriff Keith Clark.

Presenters Present: TC TJ Anderson, Sr. TC John Gonyea

Meeting called to order: 1312

ISSUE 1: Anderson presented the proposed implementation plan for mandatory Domestic Violence training that must be completed by December 31, 2010, along with a detailed outline of the curriculum. The mode of delivery was discussed in relation to the number of people who will need to attend this training. A combination of Vermont Interactive Television, a training video, and in-service classes are being examined as possibilities. A Train-the-Trainer program will be provided as well. Captain Keefe made a motion to approve the curriculum outline as presented; Seconded by Chief Brickell; Motion approved unanimously.

ISSUE 2: Gonyea presented an overview for a Driver Training program:

Classroom Instruction:

Classroom blocks of instruction will be given in the areas and order as outlined below. These will commence on Monday night of week 3 of each full-time basic program and continue weekly until week 8 of the program. It is planned that we will cover two topics on each night with a total instructional time of 2-3 hours per night.

1. Defensive Driving



2. Vehicle Maintenance
3. Vehicle Dynamics
4. Night Driving
5. Turns
6. Skid Control
7. Civil Liability
8. Performance Driving
9. Pursuit Driving

A written test of the material covered will also be administered during the evening of the first day of training in week 8. If required, students will be allowed one re-test per current VCJTC policies.

Practical Exercises:

The hands-on components of the program will occur over a three day period of instruction during Monday – Wednesday of week 8 in basic training. To maximize the training experience students will be separated into four teams. Three teams will be assigned to each of the three vehicle/driving instructor teams and the fourth team will be assigned to the simulator. Teams will rotate one position approximately every two hours such that team 1 of driving will rotate to the simulator while team 4 will rotate from the simulator to one of the driving teams, etc.

Exercises will be conducted with the instructor giving the students an overview of the exercise – to include its purpose, a “walk thru” explanation drive, followed by demonstration at full speed appropriate for the exercise. Each student will then have approximately 20-30 minutes to practice the exercise prior to their evaluation phase. Student drivers will then switch. If a student fails any exercise they will be given one hour of one on one remedial training/practice with a driving instructor (time to be coordinated with the full-time basic TC) prior to re-testing. Failure of the retest results in a failure of the overall driving block.

Practical exercises to be covered include:

1. 25 mph serpentine – forward
2. Serpentine – reverse
3. Controlled braking (with and without ABS)
4. Precision maneuvering
5. Evasive maneuvering
6. Off-road recovery
7. Turns – “U”, left and right side road and “Y” (conducted off Academy grounds)
8. Cumulative skills assessment

Simulator Training:

The decision-making applications will be accomplished through the use of the Academy's driver training simulator from MPRI. This training will be completed during the same time as the practical exercises in week 8 as noted above. Emphasis will be

placed on decision making. Students will be exposed to scenarios which reflect police driving under non-emergency, emergency and pursuit situations.

Motion made by Lt. Thibault; Seconded by Captain Keefe to accept curriculum as presented. Motion approved unanimously.

No further business.

Meeting adjourned: approx. 1455.

Respectfully Submitted,

Cynthia Taylor-Patch
Training Coordinator

Use of Force Committee Meeting

May 27, 2009

Prepared by: Kevin A. Almquist, TC

Members Present: 1SG Keeler, Chief Hanley, Cpt Bloom, Lt Stebbins, Warden Shopland, Cpt Fitzgerald, Sgt Chamberlain and TC Almquist

Members Absent: Sgt Call, Deputy Sisino, LT Kalinowski, LT Hollwedel, , Warden Shopland, Sgt Sullivan, LT Doucette, Cpt Tuomey

Meeting called to order: 1019 hours

ISSUE 1: Discussed Range Management Plan: Shopland passed out copies of the completed rough draft to the members. Members approved sending the draft forward to the council for their review and comments. Plan will be discussed during the next UOF Committee meeting. (Range Management Plan Attached)

ISSUE 2: Committee was given an update on the range and plans for the range.

ISSUE 3: Committee discussed the possibility of exempting firearms instructors who teach during any of the VCJTC programs from attending firearms updates. Stebbins motioned the UOF Committee waive attendance in the firearms update for instructors who participate and train as an instructor in a VCJTC basic part or full-time program as approved by the senior firearms instructors retroactive from January 1, 2009. Motion seconded by Hanley. Motion passed unanimously.

ISSUE 4: Committee discussed two applicants for exemption from the firearms instructor school. The individuals will send their paperwork to Almquist and contact TC Gonyea on attending 3 days during week 2 of the firearms instructor school.

Meeting adjourned: 1144 hours

Respectfully Submitted,

Kevin A. Almquist
Training Coordinator

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- II. ENVIRONMENTAL STEWARDSHIP PLAN**
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 - B. GROUNDWATER**
 - C. SOIL pH**
 - D. GREEN AMMUNITION POLICY**
 - E. LEAD SAFETY**
 - RECLAMATION**
 - INSTRUCTION**
 - FENCING / POSTING**
- III. SAFETY**
 - A. RANGE OPERATIONS**
 - B. MEDICAL / INJURY RESPONSE**
 - C. SAFETY BREACHES AND RESPONSE**
 - D. MSDS**
- IV. POLICY FOR USE**
- V. MAINTENANCE**

INTRODUCTION

Training Vermont's law enforcement professionals is expensive, both in terms of money and effort. However, failing to train these officers in the duties they must perform would amount to deliberate indifference to the constitutional rights of the citizens they have been called to serve.

From a strictly financial perspective, the investment in training is vastly preferable to the consequences of failing to train, or conducting inadequate training. Awards in such cases have often been in the millions of dollars.

I. Vermont statutory requirements for training

A. The statutory requirements for law enforcement training in Vermont are found in Title 20 V.S.A. ss 2358. This section requires basic training and annual in-service training for both full and part time officers in Vermont.

§ 2358. Minimum training standards

(a) Unless waived by the council under standards adopted by rule, and notwithstanding any statute or charter to the contrary, no person shall exercise law enforcement authority:

(1) as a part-time law enforcement officer without completing a basic training course within a time prescribed by rule of the council; or

(2) as a full-time law enforcement officer without either:

(A) completing a basic training course in the time and manner prescribed by the council; or

(B) having received, before July 1, 1968, permanent full-time appointment as a law enforcement officer, and completing a basic training course before July 1, 1982.

(3) as a full or part-time law enforcement officer without completing annual in-service training requirements as prescribed by the council.

(b) All programs required by this section shall be approved by the council. Completion of a program shall be established by a certificate to that effect signed by the executive director of the council.

(c) For the purposes of this section:

(1) "Law enforcement officer" means a member of the department of public safety who exercises law enforcement powers, a member of the state police, a municipal police officer, a constable who exercises law enforcement powers, a motor vehicle inspector, an

employee of the department of liquor control who exercises law enforcement powers, an investigator employed by the secretary of state, board of medical practice investigators employed by the department of health, attorney general or a state's attorney, a fish and game warden, a sheriff, or deputy sheriff who exercises law enforcement powers, or a railroad police officer commissioned pursuant to 30 V.S.A. chapter 45, subchapter 8.

(2) "Full-time law enforcement officer" means a law enforcement officer with duties of a predictable and continuing nature which require more than 32 hours per week and more than 25 weeks per year.

(3) "Part-time law enforcement officer" means a law enforcement officer who is not employed full time.

B. The Executive Director of the Criminal Justice Training Council is granted the authority, in 20 V.S.A. 2357, to determine what training is required under sec. 2358:

§ 2357. Powers and duties of the executive director (In part)

The executive director of the council, on behalf of the council, shall have the following powers and duties, subject to the supervision of the council and to be exercised only in accordance with rules adopted under this chapter:

- (1) To approve, on applications made in advance, criminal justice personnel training programs and their lesson plans and instructors, to issue certificates of approval to those programs, and to revoke those approvals or certificates;
- (2) To certify, as qualified, instructors at approved criminal justice personnel training schools and to issue appropriate certificates to those instructors;
- (3) To certify criminal justice personnel who have satisfactorily completed approved training programs and to issue appropriate certificates to them

C. Rule thirteen of the Vermont Criminal Justice Training Council's Rules and Regulations is where the requirement for annual firearms training can be found:

Rule 13 MANDATORY ANNUAL IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS

- a. The calendar year following certification as a full-time law enforcement officer, and every calendar year thereafter, each full-time certified law enforcement officer shall participate in a minimum of twenty-five (25) hours of certified or certifiable in-service

training. Such training shall include firearms re-qualification under the supervision of a Council certified firearms instructor and first aid training unless currently certified in first aid.

b. The calendar year following certification as a part time law enforcement officer, and every calendar year thereafter, each part-time law enforcement officer shall participate in a minimum of thirty (30) hours of certified or certifiable in-service training. Such training shall include firearms re-qualification and first aid unless currently certified in first aid.

II. CASE LAW

Inadequate training can lead to the injury or death of an officer, a suspect or an uninvolved person, likely resulting in criminal and/or civil litigation against the officer, the trainer and the employing agency. A comprehensive training program will enhance the safety of officers as well as the citizens they serve.

The Federal Civil Rights Act of 1871 (42 U.S.C. Sec. 1983) is frequently cited in "failure to train" cases. This act prohibits the deprivation of federally protected rights by any person acting under color of state law. Claims under this section typically involve allegations that:

1. Officers were not trained to sufficient proficiency in vital areas
2. The training was obsolete or dangerous
3. There was deliberate policy of improper training

Canton v. Harris, 489 U.S. 378 (1989) established that liability is determined by "the adequacy of the training program in relation to the tasks the officers must perform." Simply stated; officers must be trained at their core tasks. Therefore, "the critical nature of shooting incidents, not the statistical probability of their occurrence, makes firearms training important" (F.B.I. Law Enforcement Bulletin by John C. Hall).

Law Enforcement firearms trainers look to several key cases for guidance in developing comprehensive training programs. Among them are:

- Tuttle v. Oklahoma 471 U.S. 808 (1985)
- Popow v. Margate 476 F. Supp. 1237 (D.N.J. 1979)
- Zuchel v. Denver 997F.2d 730 (10th Cir.1993)

The lessons learned from these cases are that firearms training should incorporate instruction in the following areas:

- Decision making under stress
- Skills improvement
- Shooting in reduced light
- Shooting around bystanders
- Moving targets
- Shooting in populated areas
- Reality-based “shoot / don’t shoot” scenarios

Graham v. Connor, 490 U.S. 386, 396-397 (1989) acknowledged the strenuous demands faced by law enforcement officers in critical incidents: “... police officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

It is through participation in comprehensive use of force and firearms training programs that officers learn, practice, and improve their skills and abilities in such situations.

FIREARMS TRAINING SOUND MEASUREMENTS

Measurements of the sound generated by routine firearms training at the Vermont Police Academy range were conducted on October 10, 2008. The measurements were taken using a decibel meter. The weather was sunny and clear, temperature in the mid-sixties with a five to ten mile per hour wind. Two series of measurements were taken: the first with only one shooter firing, and the second series was with twenty shooters firing simultaneously. The shooters were firing handguns during both series, with the majority of the shooters firing .40 caliber. All measurements were taken during mid morning to mid afternoon.

In addition, other sounds from normal activities in the area were measured: a car door slamming, a school bus, a vehicle driving on a paved road, etc. These results are listed here for comparison:

- Pickup truck on blacktop at 35 mph, 20 feet: 74 dB
- School bus on blacktop, 20 feet: 84.9 dB
- Slamming car door, 5 feet: 85.1dB
- Hammer pounding nail, 5 feet: 116.5 dB

Also for comparison: (Taken from NRA RDOC Workbook)

- Average office: 50 dB
- Busy dining room: 60 dB
- Normal conversation: 63 – 65 dB
- City street: 70 dB
- Clapping in conference room: 80 dB
- Shotgun firing: 90 dB
- Busy woodworking shop: 100 dB
- Pistol firing: 110 dB
- Rifle firing: 120 dB
- Threshold of pain: 125 dB
- Hearing damage, loss: 130 dB
- Loudest possible sound: 194 dB

MEASUREMENT SERIES ONE (ONE SHOOTER) MAP 1

These sound measurements and the GPS waypoint Markers are shown on the accompanying map.

1. Center of firing range, shooter at front of range: 100.3 dB
2. Range parking lot: 78.2 dB
3. MK 1 (fire tower): 61.8 dB
4. MK 2 (parking lot by gym): 58.9 dB
5. MK 3 (K-9 building): 57.9 dB
6. MK 4 (back gate, north of range): 60.2 dB
7. MK 5 (house #1117 Billings Plains Rd): 52.9 dB (equal to ambient)
8. MK 6 (house #1457 Billings plains RD): 54.3 dB

In addition, a sample was attempted at the community recreation field, but a reliable measurement could not be taken because of the sounds generated by six – eight small children playing nearby (approx. 50 yards away). The sound of the children playing was louder than the sound of the gunfire from the Academy range.

MEASUREMENT SERIES TWO (TWENTY SHOOTERS SIMULTANEOUSLY) MAP 2

1. Inside Range: 124.5 dB
2. Range parking lot: 103.8 dB
3. MK 2 (parking lot by gym): 67.9 dB
4. MK 3 (K-9 building): 61.7 dB
5. MK 4 (back gate, north of range): 66.6 dB

MAP 3 shows, in larger scale, the locations of the sampling sites

EVALUATION OF RESULTS

Sound travels in pressure waves which follow predictable properties and patterns. Among these patterns is the Inverse Square Law which states that for every doubling of the distance, the sound pressure levels will be reduced by 6 decibels. For example;

Distance in feet	Decibel level
20	110
40	104
80	98 (NRA RDOC Workbook)

In addition we need to understand that sound is not doubled arithmetically, but must be added logarithmatically. For example, two identical sounds measured at 116 dB cannot be added together to form a total sound of 232 dB. Instead, the total increase of the sound would be only 3 dB which would yield 119 dB when the two are combined.

Sound is absorbed by some substances and reflected by others. For example, sound is reduced by

- 5 to 10dB for every 250 meters of grass it travels,
- up to 23dB for every 100 meters of shrubs (six to eight feet high),
- 3dB for every 100 meters of bare trees,
- 23dB for every 100 meters of dense evergreen trees,
- 15 to 20dB by buildings.
- Also, a range that is below ground level by twelve feet will have a reduction in sound by 7 to 10dB at all distances. (NRA RDOC Workbook).

This information is reinforced by our results. In the first series of tests, the sound measurement on the range was 100.3dB, which dropped to 78.2dB in the parking lot, a difference of 22.1dB. These two locations were only fifty yards apart (approximately), but are separated by a simple wooden wall which created a significant reduction in sound pressure levels.

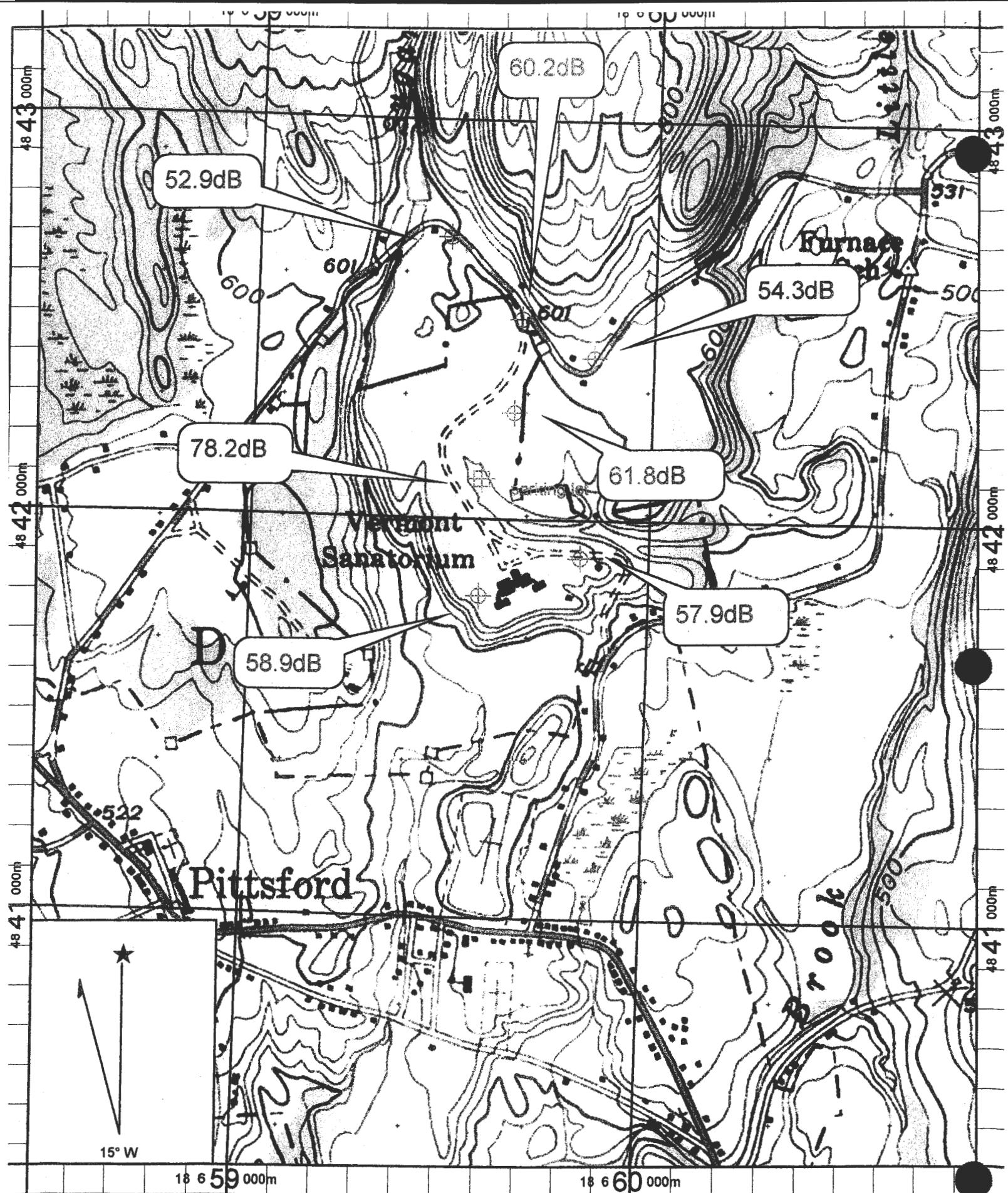
In looking at the attached maps from this sound measurement program, we can clearly see what is happening to the sound as it leaves the police Academy firing range. The loudest sound recorded on 10-10-08 was the simultaneous firing of twenty handguns at a distance of ten yards. That sound was 124.5 dB. However, once on the other side of the wooden wall which separates the range from the parking lot, that same sound was measured at 103.8dB. It is very interesting to note that the parking lot measurement (with twenty shooters firing) was not the second-highest sound measurement of the day, as one would think. The second-highest

sound was measured nearby, and was that of a hammer hitting a nail, 116.5 dB.

The results show that the sound of one person firing a handgun on the range leaves the property at the back gate by Billings Plains Rd at 60.2dB. With Twenty shooters firing it is 66.6dB. Both of these measurements are less than the sound of a pickup truck traveling on that same road at thirty-five miles per hour, (74dB).

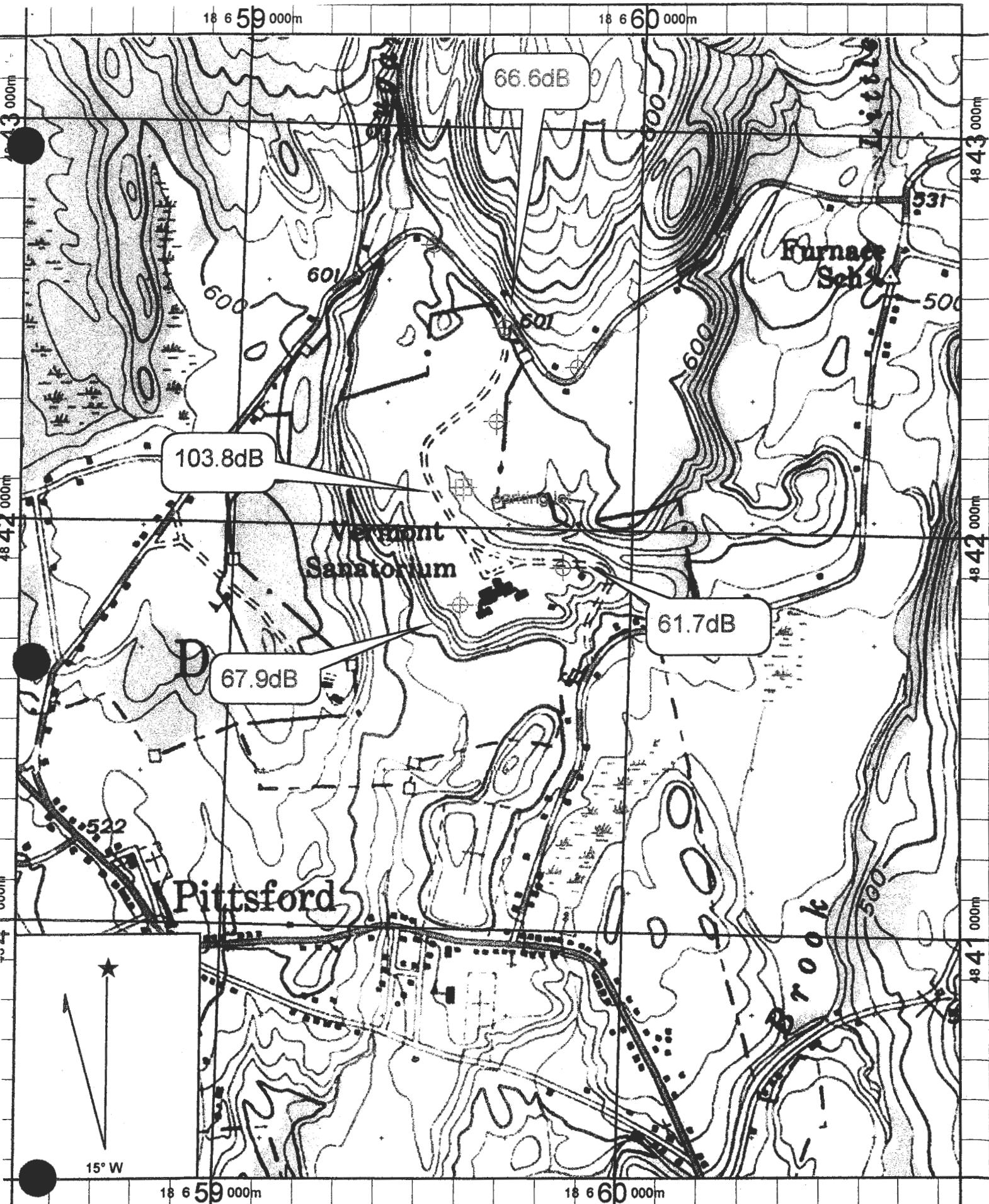
RECOMMENDATIONS

- Purchase a decibel meter.
- Continue to monitor sound levels periodically, under different atmospheric conditions, at different times of the year, etc. Build and maintain a database of results.
- Consider monitoring sound levels in response to complaints. (As soon as possible, preferably immediately after the complaint while the training is in progress).
- Consider the placement of wooden fencing or conifer trees to further reduce sound pressure levels leaving the property.



Name: PROCTOR
Date: 10/29/2008
Scale: 1 inch equals 1000 feet

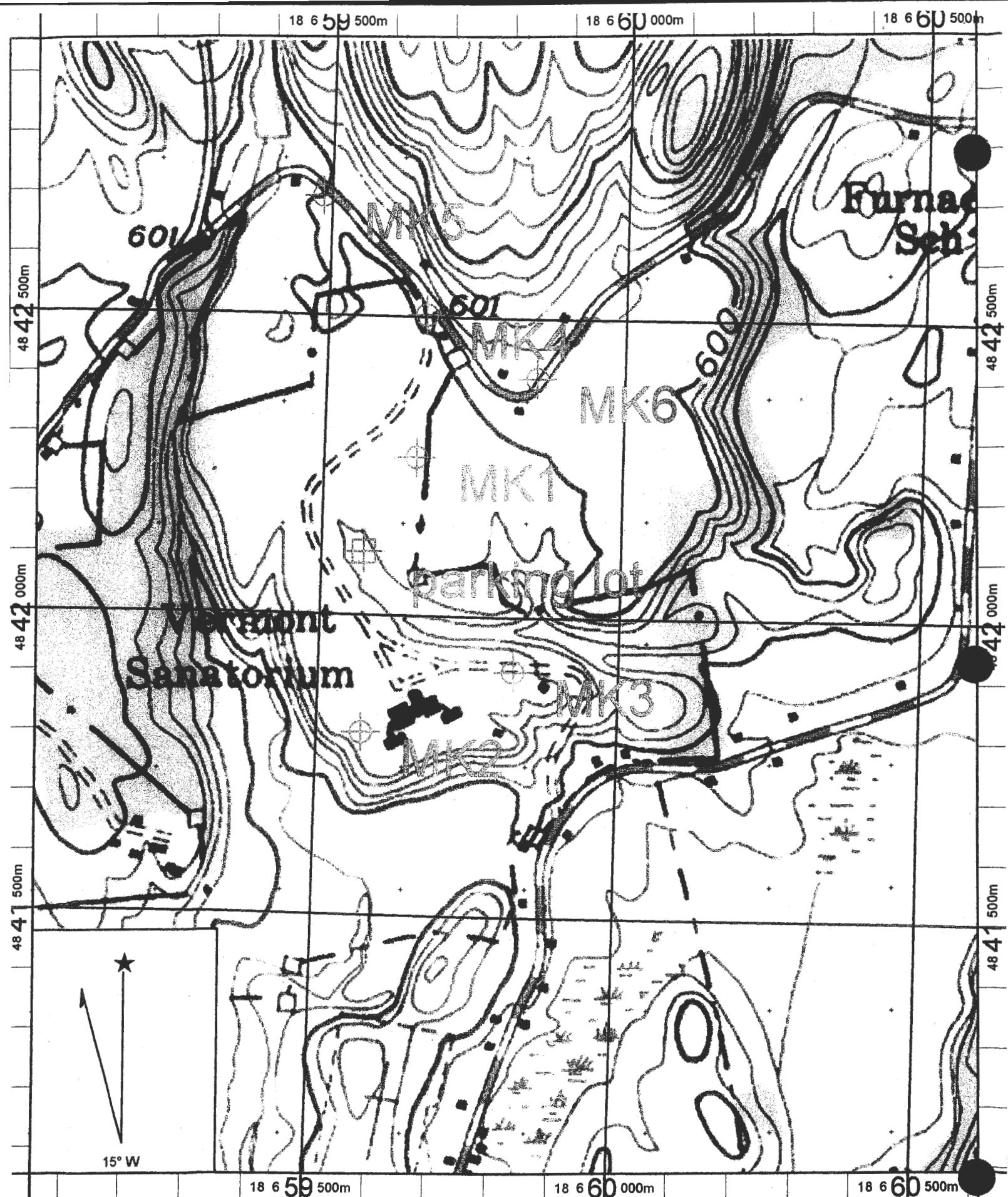
Location: 18 0659648 E 4841805 N
Caption: ONE SHOOTER
100.3 dB AT RANGE



Name: PROCTOR
Date: 10/29/2008
Scale: 1 inch equals 1000 feet

Location: 18 0659648 E 4841805 N
Caption: TWENTY SHOOTERS
124.5dB AT RANGE

MAP 2



Name: PROCTOR
Date: 10/29/2008
Scale: 1 inch equals 667 feet

Location: 18 0659808 E 4842022 N
Caption: GPS MARKERS
MEASUREMENT LOCATIONS

MAP 3

B. GROUNDWATER

The range is located in a ground depression. It does not appear that there is runoff water leaving the range.

The Academy and all associated buildings are supplied by town water; therefore no well testing is required.

The movement of water on the range should be closely monitored and if at any time it is determined that water is leaving the range (due to construction, disturbance, etc) efforts will be taken to prevent lead migration.

C. SOIL pH

The acidity of the soil at a range is one of the most important factors that determine how environmentally active lead will be at that range. Acidic soils speed the breakdown of lead, increasing the potential for migration. Acidity is measured in units called pH. Lead has very low environmental activity in soil with pH between 6.5 and approximately 8.5 By maintaining soil pH, the environmental activity of lead can be minimized.

Soil samples should be taken and analyzed periodically, with a minimum of at least once per year. If testing reveals a pH outside of acceptable levels, the Academy will take action to correct those levels.

The affects of acidic soils can be mitigated through the application of lime.

D. GREEN AMMUNITION POLICY

It is the policy of the Vermont Police Academy that all ammunition fired on the range will be non-lead and frangible.

E. LEAD SAFETY

RECLAMATION:

There is a potential that lead which has not been reclaimed for a long period of time will be considered effectively abandoned, and therefore a hazardous waste subject to the provisions of The Resources Conservation and Recovery Act (RCRA).

However, lead which is periodically reclaimed and recycled is not considered hazardous waste.

Therefore, the Police Academy will reclaim and recycle the existing lead on the firing range within five years.

This combined with the green ammunition policy will greatly reduce the potential risks from lead accumulation and migration.

INSTRUCTION:

Lead is deposited on a firing range in many forms. The most obvious is the projectile in the backstop. Lead powder is also discharged from primers. This lead lays on the surface of the range and is stirred up when disturbed. Lead on an outdoor firearms range has a half life of approximately twenty years.

Lead on the firing range can contaminate people through inhalation, absorption and ingestion. The human body stores lead in the bones in place of calcium. The half life of lead in human bones is approximately three to thirty years. Lead in the soft body tissues and blood has a half life of approximately forty-five days. Significant accumulations of lead in the human body can cause health problems.

Therefore, the Academy will establish a training program for all firearms instructors and range users regarding the potential hazards of lead contamination in humans.

FENCING / POSTING

Because of the concerns stated above, the Academy will maintain a fence around the range, with a gate, to restrict access from unauthorized users. Signs stating "Firing Range No Trespassing" will be posted along the fence at regular intervals.

Section III: Safety

PURPOSE: The purpose of this section is to provide guidelines for range safety and response to medical situations.

A. RANGE OPERATIONS:

1. Instructors will be responsible to review the VCJTC Range safety checklist and responsibilities with all personnel on the range at the beginning of each session.
2. Range Masters will be responsible to have an academy radio and assure it is working and located in a designated place should anyone need to access it
3. Range Masters will be responsible to assure the range sign indicates the range is active
4. Range Masters will be responsible to assure the range road barrier is pulled across Range Rd. at Sgt. Dorfener Dr.
5. Range Master will assure the berm is walked and cleared of people
6. Range Master will assure all shooting is done on targets placed against the sand pit area under the eyebrow
7. No one should be with the range firing area without protective eyewear, ballistic vest and hearing protection during live firing
8. Instructor will be responsible to review the VCJTC Range Safety Rules (See attached) with every participant and obtain signed form from each. Return signed form(s) to designated academy staff person.

B. Medical/ Injury Response:

1. Range Master will identify medically trained personnel on the range and, if present, will assign that trained individual to care for people in need of medical assistance.
2. Another person will assigned as the communications officer and in the event of need for medical assistance will be responsible to radio for assistance.
 - i. The communications officer should be able to relate basic medical information to assure appropriate medical response – number of patients, status (Conscious/unconscious, unresponsive, breathing/not), cause of medical emergency – trauma – (specific type and intensity if known) medical – seizure, severe allergic response or know allergen exposure, etc... Specific location of patient and what medical aid has been rendered.
3. Range Master will assure a medical jump kit is available at the range during all live fire exercises

C. Safety Breaches and Response:

1. Every officer is a safety officer – anyone observing unsafe actions or breaches of the safety rules is required to bring that observation to the attention of an instructor when it is safe to do so
2. Anyone violating the safety procedures outlined will be removed from the range
3. Anyone observing unsafe actions that creates imminent danger shall call for a cease fire
4. It is the responsibility of the Range Master to assure compliance with the safety procedures of all persons on the range and to remove any persons in violation of those rules and/or procedures.

D. MSDS

Per OSHA requirements, Material Safety Data Sheets for all chemicals, solvents, ammunition, etc. in use on the range will be collected and stored on site. A copy of them will be prominently displayed and easily accessible for all range users.

MSDS sheets are available from vendors or manufacturers by request.

POLICY FOR USE

In an effort to provide for safety, and minimize any potential bullet escapement, any person or group of people who wish to use the Police Academy Firing Range must submit a written course of fire or lesson plan to the academy staff prior to using the range. These lesson plans must be reviewed and accepted by the academy staff prior to the training date.

Any person or group of people who arrive at the range to train, but have not completed the process listed above may be allowed to use the range, but will be required to use a lesson plan supplied by the academy.

A copy of the range rules (attachment #1) will be provided to and signed by every shooter. The signature on the form will constitute the shooters agreement to abide by the rules and regulations.

MAINTENANCE

(To be determined once the overall design and construction of the range is finalized.)

This section will have an itemized list of physical structures and their required inspection / maintenance needs.



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

[phone] 802-483-6228
[fax] 802-483-2343

Office of the Executive Director

Waiver Committee - AGENDA
June 3rd, 2009

Members: Glenn Cutting (e-mail proxy to Chamberlain), Don Patch, Mike Chamberlain, Gary Forrest, Stephen McQueen (Chair)

Members Absent: Donald Isabelle, James Krakoweicki (Vice-Chair), Trevor Whipple

Staff: John Gonyea, Sr. Training Coordinator

Meeting called to order at: 1015 hrs.

1. Rule 7 (Basic Training Standards for PT LEOs)

James Hernandez, Vernon Police Department. Chief Turnley is requesting an extension of the provisional one year certification to allow Hernandez to complete his requirements for Phase 2 and Phase 3 of the program. According to Chief Turnley, Hernandez missed two DUI classes (for phase 2) – one that was canceled by the academy, the other due to an accident Hernandez was involved with on the way to the academy. Chief Turnley submitted a plan to have Hernandez complete DUI on 4/26/09 (took the course but failed the final – must retake and pass to complete the course), DV on 5/4/09, Basic Crime Scene on 5/8/09 and Control & Restraint on 5/2/09. Chief Turnley also indicated in his plan that Hernandez will complete Phase 3 requirements no later than Jun 22, 2009.

Action: Motion made by Gary Forrest to DENY the request, 2nd by Doug Lawrence. Discussion centered on the concepts that there was more than enough time to complete the process and Hernandez should repeat Phase 1. MOTION to deny passed 6-0.

2. Rule 8 (Basic Training Standards for FT LEOs - 6 Month Rule)

Paul Larochelle, Chester Police Department. Chief Cloud is requesting a waiver of the six month rule. Chief Cloud indicates that Officer Larochelle was hired as a full-time employee on Nov 2, 2008. Chief Cloud indicates in his letter that he was unable to complete the process to get Larochelle into the 87th Basic in time. Chief Cloud is requesting a waiver to allow Larochelle to work from May 3, 2009 until August 2009, when the 88th Basic Class starts.

Action: Motion made by Dough Lawrence to APPROVE the request for an extension until the start of the 88th Basic, 2nd by Don Patch. No further discussion. MOTION passed 6-0.



3. Rule 8 (Basic Training Standards for FT LEOs - Out of State LEOs)

Thomas Dougherty, Windham County SD. Sheriff Clark is requesting a waiver to allow Dougherty to transfer his full-time police certification from New York to Vermont. Sheriff Clark is making this request in consideration of Dougherty's academy training, in-service training and 20 years of work experience as a police officer.

Action: Motion made by Gary Forrest to APPROVE the request as presented. Training requirements include the standard prescription PLUS Patrol Procedures, Sexual Assault Investigation and Crash Investigation, 2nd by Mike Chamberlain. No further discussion. MOTION passed 6-0.

4. Rule 13 (Annual Mandatory In-Service Training for LEOs)

Rule 13 Audit - Northfield Police Department, The following waiver requests from Northfield PD were tabled by Council at their last meeting:

Jeffrey L. Shaw, Northfield Police Department. Chief Shaw requests in-service training waiver for himself for first aid since 2002..., firearms training for 2004 and 2006. See waiver request attached. His plan to complete requirements is to complete firearms twice in 2008 and he attended first aid training in April and May 2008.

Action: Motion made by _____ to _____

2nd by _____, MOTION - _____ PASSED / NOT PASSED.

Chad J. Bassette, Northfield Police Department. Chief Shaw requests in-service training waiver for Bassette for first aid training requirements for ____ 2007.

Action: Motion made by _____ to _____

2nd by _____, MOTION - _____ PASSED / NOT PASSED.

Stephen J. Clark, Northfield Police Department. Chief Shaw requests a Rule 13 waiver for in-service training for first aid training requirement for 2007 for Clark. Officer Clark is scheduled to complete first aid training on May 24, 2008.

Action: Motion made by _____ to _____

2nd by _____, MOTION - _____ PASSED / NOT PASSED
.....

Todd Prevost, Fairhaven PD. Chief Humphries is requesting a waiver for Prevost on his missing Rule 13 training for 2003 & 2007 to bring him into compliance. Prevost has completed his 1st

Aid and firearms training as required for 2009. Based on documentation of training received for the years 2003, 2007, 2009 Director Elrick recommended that Prevost be required to attend 49.5 hours of additional training prior to 12/31/09 which might include 43.5 hours of training as approved by the Chief and six hours of Response to Mental Health training.

Action: **Motion** made by Don Patch to APPROVE Director Elrick's recommendation with the change that Prevost "shall" attend the Mental Health Training and complete the additional 43.5 hours of training, 2nd by Glenn Cutting. No further discussion. MOTION passed 6-0.

Ronald A. DeVincenzi, Barre City PD. Chief Bombardier is requesting a waiver for Rule 13 in 2008. Chief Bombardier indicates in his letter that DeVincenzi is 13 hours short of meeting his required training in 2008 due to his assignment on the Joint Terrorism Task Force which ended in July 2008. Chief Bombardier further indicates in his letter that he anticipates this training will be completed within the next "3-4 weeks".

Action: **Motion** made by Don Patch to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Mike Chamberlain. No further discussion. MOTION passed 6-0.

Elizabeth Rankin, Stowe PD. Chief Kaplan is requesting a waiver for Rule 13 in 2007. Chief Kaplan references that during a recent audit documentation indicating that Rankin had completed the mandatory 1st Aid component could not be located. Chief Kaplan indicates that in their further review of this issue it was discovered that Rankin had been out of work on medical leave when this training was offered. Chief Kaplan indicates that Rankin completed this training on Mar 18, 2009 and records verifying this are on file at his agency.

Action: **Motion** made by Doug Lawrence to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Gary Forrest. No further discussion. MOTION passed 6-0.

William Frank, Chester PD. Chief Cloud is requesting a waiver of the required minimum hours in 2008. Frank was short of his required minimum by 14 hours in 2008, but did complete the required 1st Aid and Firearms components. Chief Cloud anticipates that Frank will accumulate approximately 75 hours of in service training in 2009.

Action: **Motion** made by Gary Forrest to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Don Patch. No further discussion. MOTION passed 6-0.

Vegar Boe, Middlebury PD. Sgt. Christopher is requesting a waiver for Rule 13 in 2008. Sgt. Christopher indicates that Boe was on medical leave and unable to complete all of his required training. According to Sgt. Christopher when Boe returned to work it was too late in the calendar year for them to get this training completed and as a result he is one hour short. According to academy records Boe completed 24 hours of training, including firearms – but is one hour short and is missing documentation he completed the required 1st Aid component.

Action: Motion made by Doug Lawrence to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Mike Chamberlain. No further discussion. MOTION passed 6-0.

Andrew Todd, Rutland City PD. Chief Bossi is requesting a waiver for Rule 13 in 2008. Chief Bossi indicates that Todd was on medical leave and unable to complete all of his required training. According to Chief Bossi Todd did not get cleared to return to work until 2009. Chief Bossi indicates that Todd has completed 28 hours of training in Jan and Feb 2009 and would like these hours applied to his 2008 requirements. According to academy records Todd completed 28 hours of training as reported. Chief Bossi also certifies in his letter that Todd completed the required firearms and 1st Aid components.

Action: Motion made by Mike Chamberlain to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Glenn Cutting. No further discussion. MOTION passed 6-0.

Robert Walters, Rutland City PD. Chief Bossi is requesting a waiver for Rule 13 in 2008. Chief Bossi indicates that Walters completed 16 hours of training in Jan and Feb 2009 and would like these hours applied to his 2008 requirements. According to academy records Walters completed 16 hours of training as reported. Chief Bossi also certifies in his letter that Walters completed the required firearms and 1st Aid components.

Action: Motion made by Gary Forrest to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Don Patch. No further discussion. MOTION passed 6-0.

Gary Tobin, Rutland City PD. Chief Bossi is requesting a waiver for Rule 13 in 2008. Chief Bossi indicates that Tobin was unable to complete his required training in 2008 with no specific reason given. Chief Bossi indicates that Tobin has completed 10 hours of training in Jan 2009 and would like these hours applied to his 2008 requirements. According to academy records Tobin completed 19.75 hours of training, not 16.75 hours as reported. Additional documentation from department records was provided showing Tobin completed 3.5 hours of training for a total of 23.25 hours. Chief Bossi is requesting the hours completed in Jan 2009 be applied to 2008. Chief Bossi also certifies in his letter that Todd completed the required firearms and 1st Aid components.

Action: Motion made by Doug Lawrence to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Gary Forrest. No further discussion. MOTION passed 6-0.

James Downing, Orange County SD. CPT Welch is requesting a waiver for Downing in 2008. CPT Welch reports that Downing was unable to complete the required 1st Aid component in 2008. CPT Welch provided documentation that Downing completed four hours of 1st Aid training on 2/21/09 and is requesting this training be applied to 2008 with the understanding Downing will also need to attend 1st Aid training again in 2009. According to academy records Downing only needs 1st Aid to complete his requirements for 2008.

Action: Motion made by Don Patch to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Glenn Cutting. No further discussion. MOTION passed 6-0.

Kyle Walker, Stowe PD. Chief Kaplan is requesting a waiver for Rule 13 in 2008. Chief Kaplan indicates that Walker had not completed the mandatory 1st Aid component.

Action: Motion made by Doug Lawrence to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Don Patch. No further discussion. MOTION passed 6-0.

John Ducharme, Orange County SD. Sheriff Bohnyak is requesting a waiver for Ducharme in 2008. Sheriff Bohnyak reports that it was believed Ducharme had completed his required training for 2008 until it was discovered there had been a calculation error and he was actually three hours short. According to academy records Ducharme has completed the required components and does need three hours to complete his requirements for 2008. Sheriff Bohnyak indicates this training will be completed no later than 5/1/09 and is requesting those hours be applied to complete Ducharme's 2008 requirements.

Action: Motion made by Don Patch to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Gary Forrest. No further discussion. MOTION passed 6-0.

Dean Marthers, Lamoille County SD. Sheriff Marcoux is requesting a waiver for Marthers in 2008. Sheriff Marcoux reports that he hired Marthers on 12/30/08 and the training hours reported were completed in 2009. Sheriff Marcoux is requesting these hours be applied to 2008. Sheriff Marcoux further indicated that Marthers received firearms and 1st Aid training in late Jan 2009. According to academy records Marthers was on the roster for St. Johnsbury PD in Jan 2006, however no Rule 13 hours were reported. Marthers has completed a total of 12.5 hours of training thus far in 2009. Therefore Marthers will need to complete an additional 77.5 hours of annual training for 2006, 2008 and 2009 by 12/31/09 to correct the deficiencies.

Action: Motion made by Don Patch to APPROVE the request requiring Marthers to complete 77.5 hours of training by 12/31/09 which shall include the Response to Mental Health training, 2nd by Gary Forrest. No further discussion. MOTION passed 6-0.

Peter Eley, Stowe PD. Chief Kaplan is requesting a waiver for Rule 13 in 2008. Chief Kaplan indicated in his letter that Eley did not complete the required firearms and 1st Aid components for 2008. Chief Kaplan submitted a plan to have this training completed by 5/15/09. According to academy records Eley did not complete any training in 2008.

Action: Motion made by Don Patch to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Doug Lawrence. No further discussion. MOTION passed 6-0.

Shane Harris, Bellows Falls PD. Chief Lake is requesting a waiver for Rule 13 in 2007. Chief Lake indicated in his letter that Harris did not complete the required 1st Aid component for 2007. According to academy records Harris completed 24 hours of training in 2007 – which did not

include firearms or 1st Aid. Chief Lake indicates in his letter that Harris completed the firearms component in June 2007 with the Southern VT Drug Task Force.

Action: Motion made by Don Patch to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Mike Chamberlain. No further discussion. MOTION passed 6-0.

Michael Keefe, Bellows Falls PD. Chief Lake is requesting a waiver for Rule 13 in 2008. Chief Lake indicated in his letter that Keefe did not complete his training due to work and family issues. According to academy records Keefe is missing Rule 13 requirements for 2006 and already has an existing approved waiver for 2008.

Action: Motion made by Don Patch to DENY the second waiver request as presented, 2nd by Doug Lawrence. Discussion focused on reason given not acceptable and concern over the fact that Keefe has not yet completed an existing waiver. MOTION passed 6-0.

Allison Forney, Bellows Falls PD. Chief Lake is requesting a waiver for Rule 13 in 2008. Chief Lake indicated in his letter that Forney was unable to attend the required firearms training due to scheduling issues.

Action: Motion made by Doug Lawrence to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Mike Chamberlain. No further discussion. MOTION passed 6-0.

Mike Chesanek, Bellows Falls PD. Chief Lake is requesting a waiver for Rule 13 in 2008. Chief Lake indicated in his letter that Chesanek was unable to attend the required firearms training due to scheduling issues. According to Academy records Chesanek is five hours short of the required minimum hours including firearms.

Action: Motion made by Don Patch to APPROVE the application as presented with the requirements he document that he has completed at least five hours of training, including firearms, and that the training be completed no later than 7/1/09, 2nd by Gary Forrest. No further discussion. MOTION passed 6-0.

Jeff Billings, Ludlow PD. Chief Billings is requesting a waiver for Rule 13 in 2008. Chief Billings indicated in his letter that he was unable to attend the required training due to two separate back surgeries. As a result he is eight hours short of the required minimum training. According to Academy records Gonyea informed the members that Billings is one hour short and there is no documentation he completed the required 1st Aid and Firearms components. Gonyea indicated he had contacted the Chief but had yet to receive additional documentation as requested.

Action: Motion made by Don Patch to TABLE the application as presented until the documentation was provided for review, 2nd by Mike Chamberlain. No further discussion. MOTION passed 6-0.

John Gaudet, Ludlow PD. Chief Billings is requesting a waiver for Rule 13 in 2008. Chief Billings indicated in his letter that Gaudet was unable to attend the required training due to

scheduling conflicts while he covered shifts during the Chief's medical leave. As a result he is 16 hours short of the required minimum training. According to Academy records Gonyea informed the members that Gaudet is three hours short and there is no documentation he completed the required 1st Aid and Firearms components. Gonyea indicated he had contacted the Chief but had yet to receive additional documentation as requested.

Action: Motion made by Don Patch to TABLE the application as presented until the documentation was provided for review, 2nd by Mike Chamberlain. No further discussion. MOTION passed 6-0.

Osburn Glidden, Franklin County SD. Sheriff Norris is requesting a waiver for Rule 13 in 2008. Sheriff Norris indicates in his letter that Glidden did not complete the required 1st Aid component as well as that he is five hours short of the minimum requirement. Sheriff Norris further indicated in his letter that the training would be completed by the end of March 2009. According to Academy records Glidden had not completed five hours of training, as well as both 1st Aid and firearms. Gonyea informed the members that he had requested additional documentation to verify the training was completed. Gonyea further advised that he received an e-mail from LT Oliver indicating that Glidden had completed the firearms training on 6/25/08, two hours of hazmat training and four hours of 1st Aid training on 3/27/09. LT Oliver requested that the hazmat and 1st Aid training from March 2009 be applied to 2008.

Action: Motion made by Don Patch to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Mike Chamberlain. No further discussion. MOTION passed 6-0.

David Benson, Rutland County SD. Sheriff Benard is requesting a waiver for 2008. Sheriff Benard indicates that Benson was unable to complete his required firearms training because he was out of the county for an extended period of time. Sheriff Benard provided a copy of a letter from a VCJTC Firearms Instructor indicating that Benson completed this training on 3/16/09 and is requesting this be applied to his 2008 records.

Action: Motion made by Doug Lawrence to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Gary Forrest. No further discussion. MOTION passed 6-0.

Henry Giddings, Rutland County SD. Sheriff Benard is requesting a waiver for 2008. Sheriff Benard indicates that Giddings was unable to complete his required training because he was out of the county for an extended period of time. Sheriff Benard indicated that Giddings is three hours short of his required minimum hours which were verified by Academy records.

Action: Motion made by Doug Lawrence to APPROVE the application as presented with the requirement the training be completed no later than 7/1/09, 2nd by Gary Forrest. No further discussion. MOTION passed 6-0.

5. Rule 14 (Re-certification of LEOs)

Peter Mantello, Woodstock Police Department. Chief Kelly is requesting a waiver to recertify Mantello as a full-time officer. Mantello became full-time certified in May 1990. He continued



working full-time until 2002 when he left the VCJTC as a TC. He was listed on the roster for the Brandon Police Department until Oct 2004. Per Council rules Mantello has until 10/1/09 before he will have been out of policing for 5 years or more. Mantello is tentatively slotted to attend the part-time basic school in June 2009.

Action: Motion made by Mike Chamberlain to APPROVE the request with the requirement that Mantello be required to attend Phase 1 of the part-time basic program and any courses which require recertification such as fingerprinting, 2nd by Don Patch. No further discussion. MOTION passed 6-0.

6. Rule 19 (Other waivers)

No requests this quarter.

7. Old Business:

Update on compliance project by John

8. New Business:

Chief McQueen informed the members that he would be stepping down as Chair as well as leaving the committee to become the Chief's representative on the Council. Gonyea told the members that the Director was currently considering who would replace McQueen and that the new Chair would be elected at the next meeting.

9. Adjournment - Meeting adjourned at: 1237 hrs.

John A. Gonyea
Sr. Training Coordinator

Standard prescription: [i.e. Phase I Basic Training for Part-Time Officers Course, Criminal Law, Motor Vehicle Law, Juvenile Law Course, Domestic Violence Response Training Program, Basic Fingerprint Techniques Certification Course, VIN Verification Certification, DUI Enforcement Certification Course, and Doppler Radar Certification. The Criminal and Motor Vehicle Law Courses can either be taken in full or the final examinations can be challenged (documentation received at the Academy) before the Basic Class begins, and, if successfully passed, the course work would be waived] with the next Full-Time Basic Training Course for Police Professionals. The proposed deadline for completion of recommended prescription is by 12/31/09. (conclusion of the 88th Basic Class)



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

[phone] 802-483-6228
[fax] 802-483-2343

Office of Executive Director

March 11, 2009

Attorney General Bill Sorrell
109 State Street
Montpelier VT 05609-1001

Re: Request for Statutory Interpretation

Mr. Sorrell,

On behalf of the Criminal Justice Training Council, I am seeking a statutory interpretation and opinion on the following:

"If a Vermont law enforcement officer works for a period which does not encompass an entire calendar year, is that officer still required to meet the total annual in-service training hours required under T23 VSA 2358 and Council Rule 13?. Does the officer need all 25 hours (full-time certified) or 30 hours (part-time certified) or can those hours be pro-rated?"

"If that officer fails to meet the minimum in-service training requirements in a given calendar year and/or leaves employment prior to the end of the calendar year, can s/he re-enter law enforcement and still be certified?"

I appreciate your considering this matter and am happy to provide any information necessary to assist in resolution.

Sincerely,

R. J. Elrick
Executive Director



**SSG John Herriman
Youth Services Coordinator
Quarterly Report
January - March**

Stay On Track classes for Christ the King School, Poultney Middle School, Wells Village School

Counter Drug Aviation Class for LEA's

Summer Camp Meetings with Rutland & Bennington Police Departments, Windham Sheriffs Department and American Legion

Several Team Challenges with local schools

DARE Graduation Danby Elementary

Learning the job of the Youth Services Coordinator for the VCJTC

Homeland Security Council Report

Recently the Homeland Security Training Coordinator for the Vermont Fire Academy began an up to two-year deployment with the Vermont Guard. Currently the Fire Academy is advertising for an interim person to fill this slot.

We have recently been working on developing the training schedule for the rest of the calendar year. As always we continue to deliver ICS 200 & 300 on demand. Most classes at this point are scheduling for the fall.

We continue to struggle to fill any non-mandatory Homeland Security programs due to an over abundance of required trainings. The Federal Government is starting to address this issue by delivering programs through the Rural Domestic Preparedness Consortium. This group is delivering one and two day classes for first responders in rural areas with a lower mandatory minimum enrollment. They also work to deliver these programs on the weekends when volunteer responders can attend them.

On a positive note more first responders are beginning to attend the free training at the Center for Domestic Preparedness in Anniston Alabama. In fact the Brattleboro Police Department is making every effort to have their entire force trained in the latest protestor device dismantling program.

Other Homeland Security based training is as follows:

Recent Trainings:

Mission Critical Dispatch Training this training was delivered at the Police Academy by Public Safety Training Consultants with approximately 20 attendees. Dispatchers from throughout the state all attendees were very pleased with the program and in fact requested that we look at delivering another program in October which will also be scheduled at the academy.

Future Trainings:

The following is a list of currently scheduled trainings in Vermont.

- AWR 148 Crisis Management for School Based Incidents June 30 – Montpelier
- FLETC – First Responder Training – Colchester July 21-23
- EDSS July 09 – Train the trainer
- AWR 147 Rail Car Incident Response – Middlebury Sept 19, WRJ Sept. 20
- PER 280 Emergency Response: Strengthening Cooperative Efforts Among Public Safety and Private Sector Entities – October 09 – 2 Sites
- Mission Critical Dispatch Training October 6-8, Vermont Police Academy
- Fraudulent Documents Class (multiple Offerings throughout the state)

Respectfully Submitted,

Dave McMullen II

Subject	Location	Start	End	Duration	Students	Total
Pittsford Rec - Family Fun Night	Gym	Fri 1/2/2009 7:00 AM	Fri 1/2/2009 10:30 AM	3 hours	40	40
VSP Recruit Family Orientation	Classroom 3	Sat 1/3/2009 9:00 AM	Sat 1/3/2009 1:30 PM	3 hours	43	43
Computer & Internet Crimes	Classroom 3	Mon 1/5/2009 1:00 PM	Tue 1/6/2009 1:00 PM	1 day	19	19
25th Canine Drug Detection Sch	White House	Mon 1/5/2009 1:00 PM	Tue 1/6/2009 1:00 PM	1 day	2	2
VSP	Firing Range	Wed 1/7/2009 1:00 PM	Thu 1/8/2009 1:00 PM	1 day	13	13
Rutland Area LE Meeting	Classroom 2	Thu 1/8/09	Thur 1/8/09	1 day	6	6
NCIC Full Service Terminal Ope	Classroom 3	Fri 1/9/2009 12:00 PM	Sat 1/10/2009 1:00 PM	1 day	36	36
VSFA Executive Board Meeting	Classroom 3	Sun 1/11/2009	Mon 1/12/2009	1 day	23	23
VSP Pre-Basic	Classroom 3	Mon 1/12/2009	Tue 1/13/2009	5 day	13	61
Spillman - Officer Training	Computer Lab	Mon 1/12/2009	Wed 1/14/2009	2 days	6	12
25th Canine Drug Detection Sch	White House	Mon 1/21/09	Fri 1/06/09	5 days	2	10
VSP - Crowd Control Training	Gym	Tue 1/13/2009	Tue 1/13/2009	5 hours	17	17
Spillman - Dispatcher Training	Computer Lab	Wed 1/14/2009	Fri 1/16/2009	2 days	5	10
25th Canine Drug Detection Sch	White House	Mon 1/19/09	Fri 1/23/09	5 days	2	10
Disaster Land Training / Vermon	Computer Lab	Tue 1/20/2009	Wed 1/21/2009	1 day	21	21
Control & Restraint Class	Classroom 1/2	Tue 1/20/2009	Sat 1/24/2009	4 days	5	20
TESTING	Gymnasium	Tue 1/20/2009	Wed 1/21/2009	1 day	19	19
Federal Motor Carrier Safety Tra	Classroom 2	Wed 1/21/2009	Thu 1/22/2009	1 day	9	9
DMT Supervisor Course	Burlington, Ct	Thu 1/22/2009	Fri 1/23/2009	1 day	1	1
Motor Vehicle Drug Interdiction	Holiday Inn - I	Thu 1/22/2009	Sat 1/24/2009	2 days	9	18
Web Crash Training	Computer Lab	Thu 1/22/2009	Thu 1/22/2009	2.5 hours	6	6
DOC-CERT Team	Scenario Build	Thu 1/22/2009	Fri 1/23/2009	8.16 hours	23	46
Pittsford Senior Luncheon	Cafeteria	Thu 1/22/09	Thu 1/22/09	3 hours	40	40
DMT Supervisor Course	VDH Toxicolo	Fri 1/23/2009 11:00 AM	Sat 1/24/2009	1 day	12	12
OC Instructor Recert	Classroom 1	Fri 1/23/2009 11:00 AM	Sat 1/24/2009	1 day	3	3
Radar Class	Classroom 1	Sat 1/24/2009 11:00 AM	Sun 1/25/2009	1 day	8	8
VSP Pre-Basic	Range/Scena	Mon 1/26/2009	Sat 1/31/2009	5 days	12	60
25th Canine Drug Detection Sch	White House	Mon 1/26/09	Fri 1/30/09	5 days	2	10
Disaster Land Training / Vermon	Computer Lab	Tue 1/27/2009	Wed 1/28/2009	1 day	20	20
Special Council Meeting	Council Room	Tue 1/27/2009	Tue 1/27/2009	2 hours	9	9
Orientation for 87th	Classroom 3	Tues 1/27/09	Thur 1/27/09	2 hours	31	31
EMT Testing	Computer Lab	Wed 1/28/2009	Thu 1/29/2009	1 day	7	7
Training Assistant Seminar	Classroom 1	Wed 1/28/2009	Thu 1/29/2009	1 day	3	3
Training Assistant Briefing	Classroom 1	Thu 1/29/2009	Thu 1/29/2009	3.5 hours	15	15
Instructor Briefing	Classroom 1	Thu 1/29/2009	Thu 1/29/2009	3.5 hours	40	40
K-9 In-service	White House	Thur 1/1/09	Fri 1/30/09	30 days	24	24
				January Totals	546	724

Subject	Location	Start	End	Duration	Students	Total
87th BASIC - WEEK ONE	CLASSROOM	Mon 2/2/2009 11:00 AM	Sat 2/7/2009 1:00 PM	5 days	31	155
MDT Subcommittee Meeting	Council Room	Mon 2/2/2009 11:00 AM	Mon 2/2/2009	2 hours	9	9
25th Canine Drug Detection Sch	White House	Mon 2/2/09	Fri 2/6/09	5 days	2	10
Pittsford Rec - Family Fun Night	Gym	Fri 2/6/2009 7:00 AM	Fri 2/6/2009 10:30 AM	3 hours	100	100
Basic Crash	Classroom 2	Mon 2/9/2009 11:00 AM	Wed 2/11/2009	2 days	9	18
87TH BASIC - WEEK TWO	CLASSROOM	Mon 2/9/2009 11:00 AM	Sat 2/14/2009	5 days	31	155
TESTING	Gymnasium	Mon 2/9/2009 11:00 AM	Tue 2/10/2009	1 day	18	18
Spillman - Officer Training	Computer Lab	Mon 2/9/2009 11:00 AM	Wed 2/11/2009	2 days	5	10
25th Canine Drug Detection Sch	White House	Mon 2/9/09	Fri 2/13/09	5 days	2	10
Spillman - Dispatcher Training	Computer Lab	Wed 2/11/2009	Fri 2/13/2009	2 days	8	16
Rutland Area LE Meeting	Classroom 2	Thu 2/12/09	Thu 2/12/09	2 hours	12	12

Subject	Location	Start	End	Duration	Students	Total
Teen Dance - "Valentine's Day"	Gym	Fri 2/13/2009 7:	Fri 2/13/2009 13 hours		152	152
87TH BASIC - WEEK THREE	CLASSROOM	Tue 2/17/2009 1	Sat 2/21/2009	4 days	31	155
Fingerprint Certification Class	Classroom 1	Tue 2/17/2009 1	Tue 2/17/2009	3.5 hours	11	11
VIN Verification Class	Classroom 1	Tue 2/17/2009	Tue 2/17/2009	4 hours	13	13
UOF Committee Mtg.	Council Room	Wed 2/18/2009	Wed 2/18/2009	2 hours	4	4
FBI SWAT Training	Scenario Bldg	Thu 2/19/2009	Sat 2/21/2009	2 days	9	18
VSP -	Firing Range	Thu 2/19/2009	Thu 2/19/2009	30 minutes	3	3
K-9 Meeting	Classroom 1	Fri 2/20/2009 1	Sat 2/21/2009	1 day	31	31
ICS-200 CLASS	CLASSROOM	Sat 2/21/2009 1	Mon 2/23/2009	2 days	16	32
87TH BASIC - WEEK FOUR	CLASSROOM	Mon 2/23/2009	Sat 2/28/2009	5 days	31	154
TAC Mtg.	Council Room	Tue 2/24/2009	Tue 2/24/2009	2 hours	7	7
DMT Supervisor Course	Burlington, Co	Tue 2/24/09	Tues 2/24/09	4 hours	3	3
Waiver Mtg. 2009	Council mtg.	Wed 2/25/2009	Wed 2/25/2009	3 hours	9	9
Homeland Security Training Mee	Council Room	Wed 2/25/2009	Wed 2/25/2009	2 hours	10	10
Pittsford Senior Luncheon	Cafeteria	Thu 2/26/2009	Thu 2/26/2009	3 Hours	33	33
Counter Drug Interviews	Council Room	Fri 2/27/2009 1	Fri 2/27/2009	24 hours	4	4
K-9 In-service	White House	Mon 2/09	Fri 2/27/09	27 days	21	21
				February Totals	615	1173

Subject	Location	Start	End	Duration	Students	Total
87TH BASIC - WEEK FIVE	CLASSROOM	Mon 3/2/2009 1	Sat 3/7/2009 1	5 days	30	150
26th K-9 Drug Detection Course	White House	Mon 3/2/2009 1	Fri 3/6/09	5 days	3	15
VOSHA Training	Classroom 2	Wed 3/4/2009 1	Thu 3/5/2009	1 day	10	10
Basic Domestic Violence Respo	Classroom 1	Thu 3/5/2009 1	Fri 3/6/2009 12	1 day	16	16
NHTSA Laser Operator Certifica	Classroom 2	Fri 3/6/2009 8:0	Fri 3/6/2009 4:	8.5 hours	10	10
VSP - Crowd Control Training	Gym	Fri 3/6/2009 9:0	Fri 3/6/2009 2:	5 hours	18	18
Pittsford Rec - Family Fun Night		Fri 3/6/2009 7:0	Fri 3/6/2009 10:3	hours	180	180
ICS Instructor Meeting	Classroom 1	Mon 3/9/2009 1	Tue 3/10/2009	1 day	6	6
NREMT Testing	Computer Lab	Mon 3/9/2009 1	Tue 3/10/2009	1 day	2	2
87TH BASIC - WEEK SIX	CLASSROOM	Mon 3/9/2009 1	Sat 3/14/2009	5 days	30	150
26th K-9 Drug Detection Course	White House	Mon 3/9/09	Fri 3/13/09	5 days	3	15
Spillman - Dispatcher Training	Computer Lab	Wed 3/11/2009	Fri 3/13/2009	2 days	4	8
DMT Supervisor Course	Burlington, Co	Wed 3/11/09	Wed 3/11/09	4 hours	2	2
State's Attorney Meeting	Classroom 1	Fri 3/13/2009 1	Sat 3/14/2009	1 day	17	17
VSP Entrance testing	Classroom 3/	Sat 3/14/2009 1	Sun 3/15/2009	1 day	45	45
87TH BASIC - WEEK SEVEN	CLASSROOM	Mon 3/16/2009	Fri 3/20/2009	4 days	30	150
E-911 Call-Taker Certification C	Classroom 2	Mon 3/16/2009	Fri 3/20/2009	4 days	6	24
26th K-9 Drug Detection Course	White House	Mon 3/16/09	Fri 3/20/09	5 days	3	15
START Coordinator's Meeting	Classroom 1	Wed 3/18/2009	Wed 3/18/2009	4 hours	16	16
Methamphetamine Training	Classroom 1	Fri 3/20/2009 1	Sat 3/21/2009	1 day	25	25
E-911 Call-Taker Certification C	Computer Lat	Fri 3/20/2009 1	Sat 3/21/2009	1 day	6	6
87TH BASIC - WEEK EIGHT	CLASSROOM	Mon 3/23/2009	Sat 3/28/2009	5 days	30	150
Part-Time Basic - Phase I	Classroom 1	Mon 3/23/2009	Sat 3/28/2009	5 days	21	105
26th K-9 Drug Detection Course	White House	Mon 3/23/09	Fri 3/27/09	5 days	3	15
SFST Refresher & DUI Law Upd	Bennington Fi	Tue 3/24/2009	Wed 3/25/2009	1 day	12	12
Executive Leadership Steering G	Council Room	Tue 3/24/2009	Tue 3/24/2009	2 hours	2	2
Forensic Interview & Interrogatio	Classroom 2	Wed 3/25/2009	Fri 3/27/2009	2 days	17	34
ICS 300		Wed 3/25/09	Fri 3/27/09	3 days	13	39
Senior Luncheon	Cafeteria	Thur 3/26/09	Thur 3/26/09	3 hours	37	37
Firearms Instructor Update	Classroom 2	Fri 3/27/2009 1	Sat 3/28/2009	1 day	36	36

Subject	Location	Start	End	Duration	Students	Total
VSFA Executive Board Meeting	Classroom 1	Sun 3/29/2009	Mon 3/30/2009	1 day	29	29
87TH BASIC - WEEK NINE	CLASSROOM	Mon 3/30/2009	Tue 3/31/09	2 days	30	60
FTO Update	Classroom 1	Mon 3/30/2009	Tue 3/31/2009	1 day	33	33
26th K-9 Drug Detection Course	White House	Mon 3/30/09	Tue 3/31/09	2 days	3	6
On-line training meeting	Classroom 2	Tue 3/31/09	Tue 3/31/09	4 hours	7	7
K-9 In-service	White House	Mon 3/2/09	Tue 3/31/09	31 days	29	29
			March Totals		764	1474
			JanTotals		546	724
			Feb Totals		615	1173
			Mar Totals		764	1474
			Jan-Mar Totals		1925	3371
Average Students Per Day	3371 students/70 training days= 48.15 AVERAGE STUDENTS PER DAY					
Average Students Per Day	48.15	Jan-Mar 2009				
	71.76	Oct-Dec 2008				
	63.6	July-Sept. 2008				
	64.8	April-June 2008				
	57	Jan-Mar 2008				
	68.6	Oct-Dec 2007				
	69.3	July-Sept 2007				
	62.1	April-June 2007				
	41.8	Jan-Mar. 2007				



INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW ENFORCEMENT STANDARDS AND TRAINING

Monthly Progress Report Enforcement of Motorcycle Laws DTNH22-07-H-00160/0003

Project Director: Michael N. Becar, Contract/Grants Manager, IADLEST

POC: June Kelly, Assistant Director & Grant Project Manager

Vermont Criminal Justice Training Council / Vermont Police Academy, 317 Academy Road, Pittsford, VT 05763

Email: June.Kelly@state.vt.us / office telephone (802)483-2733 / fax (802)483-2343

Web: <http://www.vcetc.state.vt.us>

APRIL 2009 – MONTHLY Progress Report

Summary of activities and accomplishments

During the month of April, the work continues on the training materials, instructor manual, power point and handout materials. The eight module training program reorganization of the order of the instructor manual format was completed. As editing continues, so does the formatting of the material along with the page indexing the table of contents. The monthly and quarterly progress and fiscal reports were completed for April and January through March respectively. A wish list of educational resource materials was sent to Bill Cosby, NHTSA at the end of January and he advised that he was working on the list. I checked on the status of materials and Bill Cosby advised he will have it completed soon. I am proceeding with the field evaluation classes scheduled in May with the current resolution videos that I have.

During last month, I participated in the Lifesavers Conference in Nashville, TN, which was held March 29 to April 1. I participated as a panelist on the Law Enforcement Track and presented on a workshop with panelists Lt. Jim Halvorsen, New York State Police and Deputy Sheriff Randy Wiessinger of Dane County Sheriff's Office, Madison, Wisconsin. The workshop was entitled "Motorcycle and Enforcement" and we had about 40 people attend our presentation. I received business cards from a handful of attendees wanting more information about the grant training roll-out and if they can be added to the list of interested hosts to receive email.

Field evaluation trainings were in the works for Vermont and New York. I set up a one day field evaluation of the "Motorcycle Safety & Enforcement Training" to be held at the Chittenden County Sheriff's Office in South Burlington, VT. The class is being advertised to law enforcement officers and I invited a handful of officers and rider education instructors to preview.

I then contacted the New York State Division of Criminal Justice Services. I spoke to Scott Neff, one of their training coordinators. New York State is willing to host the 1998 National Motorcycle Rally. Dates selected are May 15-17, 1998. We tried to get a nearby hotel.

I was asked if I would like to give a presentation at the rally. I accepted and called it "Motorcycle Safety."

To
co
Con
grants

Task 2
completed.

Task 3 – Complete a report during September 1997 meeting with NHTSA and the Motorcyclists' Safety Council.

Task 4 – Report on motorcycle safety research reports.

Task 5 – Travel
In January, I attended a motorcycle safety development review meeting in Washington, D.C. On March 30th, I presented a paper on motorcycle safety research at a workshop titled "Motorcycle and Enforcement: A National Conference." I also gave a presentation on motorcycle safety research at the 1997 National Conference on Motorcycles and Law Enforcement.

Task 6 – Meetings Management

Dear Council –

It would be my hope that my name is not unknown to you, and I come before you all with the respect that you have each rightfully earned to be in the position you are now.

I became involved with the case of Northfield Police Chief Jeffrey Shaw because I believed, and still believe, that this whole case was handled, to say the very least, inappropriately.

To begin with, I would ask that this Council do something I do not believe it has ever done before – either in rendering its original decision to de-certify Chief Shaw or even subsequently: I would ask that this Council examine each of the six training forms that are the crux of this whole outrageous situation.

Are these submitted reports in the format that is in the precise requested format as demonstrated on the VCJTC's website?

The answer is no, these forms are not in the requested format as they do not appropriately show all the data the VCJTC requested be shown.

Since the forms the Chief submitted were not in the correct format and did not contain the correct data: Upon receipt of these training forms that were in non-standard format, did the VCJTC ever once notify Chief Shaw that there were errors on his forms?

Again: The answer is no, the Chief was never told that there were any problems or missing data items on his reports until early 2008.

The fact is that even the quickest glance at Chief Shaw's Training Report submissions show that the forms he submitted, while in the general format requested, did not contain all of the requested data elements.

This is important – because Chief Shaw was hung out to dry over errors in his training reporting – when, if the Council had been providing any modicum of oversight over the content of these forms, the problems with Chief Shaw's forms could have been identified as early as 2002, with appropriate corrective action quietly taken to correct the situation. Or maybe that could have occurred in 2003. Or maybe that could have happened in 2004, or 2005, or 2006, or 2007.

Unfortunately that never happened. What did happen is that a tip was given to the VCJTC that errors existed on Chief Shaw's Training Forms, and thus an investigation/audit was launched to get to the bottom of something that the VCJTC should have already known and offered corrective action and guidance over.

As an ironic aside to this – the individual who was pivotal in making that initial tip, the individual who was so upset at training lapses, was himself not in compliance with training for 2008 – but that of course was let go with a waiver.

Anyway: In the first weeks of the investigation/audit, Chief Shaw, upon reviewing his records at the request of an investigator, openly admitted his errors in a letter to Director Elrick. He did not attempt to

hide the fact that he had apparently missed critical training, he immediately took steps to correct the problem, and he immediately applied for a waiver per VCJTC Rules.

Now: In all similar or even worse cases that have been uncovered subsequent to Chief Shaw's case – the VCJTC has apparently followed its rules when confronted with an Officer who is clearly out-of-compliance with VCJTC Training Requirements. Specifically: You took action to notify the Officer involved about the deficiency, in this letter you request that a corrective training plan be developed, and you serve notice to the officer that if this plan is not followed: You will decertify.

Yet: You did not do this with Chief Shaw, you threw the book at him, and I have really struggled to understand why there was such an obvious over-reaction to what seemed a fairly trivial, but admittedly important, training / reporting error.

It occurred because the AG hopes to (and I quote) "set an example" (end quote), with Chief Shaw.

In that the AG's letter of January 22nd, a letter in which he clearly makes an example of Chief Shaw himself, the AG then specifically turns the matter over to the VCJTC and the Town of Northfield for any further action, and publicly indicates that his office would not pursue it further.

In truth however, the AG's office NEVER backed out of this case.

No. Subsequent to publicly stating that his office would not waste time in pursuing anything further against Chief Shaw, the AG inserted one of his top Legal Counsels into the process to insure that prosecution still did occur indirectly, with this Counselor taking a very active part in what amounted to settlement discussions between not two but three lawyers, each with three very different agendas.

So who wins when lawyers start wrangling?

The answer is the one with the deepest pockets, and in this case two of the three lawyers were paid by the state – even when one isn't supposed to be there.

In one corner you have a Chief who is willing to accept some reasonable punishment for his mistakes / errors, but who clearly sees the injustice of unequal treatment for similar infractions, yet is in fear that his whole career hangs in the balance.

In another you have a Counsel representing the Council.

In the third corner you have a counselor representing the will of the AG, with the AG being on record as saying he is willing to take this case to the Supreme Court (again, even after publicly saying that his office would not pursue this further), and even threatening to dredge up other charges.

Needless to say, I believe it is very telling that in the agreement that the Chief obviously signed willingly so that he could stop the financial hemorrhaging and gain something akin to solid footing, there will undoubtedly be verbiage that prevents him from ever being able to sue this Council for any of their actions.

In summary, there is no justice in "setting an example" unless the punishment given in that example is consistent with the punishment given to the same or worse infractions. Different treatment under law is the very epitome of injustice - and by statute - you are required to be uniform in handling training.

I leave this council with two questions.

1. Under the US Constitution, there is a rule of law known as Ex Post Facto. As the Council's records will show, Rule 20 only formally became a VCJTC Rule on September 1st, 2007. Yes or no: Is your Rule 20 subject to Ex Post Facto?
2. With the new remote entry system that the Council has adopted to help track training, is there the ability to utilize an existing report to accurately show the training hours of a any given officer for a previous year?

As a vermont citizen, I am not in any way proud of what was accomplished by your handling of the Chief's case. I am ashamed by the travesty that was allowed to unfold, and this council was pivotal in allowing to continue,

Across the months that case spanned, it is my belief that this Council has heard from a number of prominent citizens from Northfield in support of Chief Shaw - and these people all believe that the handling of this case was unfair and unjust. For whatever it is worth - I have with me petitions from over 400 Northfield citizens that also agree that the handling was unfair.

All of these views however account for nothing where the will of the AG is concerned.

Statewide Domestic Violence Police Training Curriculum

8 HOURS

* Blue indicates shorter amount of time spent on subject specific matters

Section 1: Dynamics

THIS IS THE WHY

- 1) Officers will learn how domestic violence is defined.
 - a) The importance of determining the context in which the violence occurs.
- 2) Officers will be given a snap shot of domestic violence in Vermont
 - a) The toll of domestic violence on our economy... health care system, employers, criminal justice system
 - b) Statistics
 - i) Homicides
 - ii) Arrests
 - iii) Corrections
 - iv) Advocacy
 - v) Police involved shootings
- 3) Officers will be given a brief review of...
 - a) The Power and Control Wheel
 - b) The Cycle of Violence
 - c) The fact that the use of violence in the home is a choice, which requires intervention and accountability
 - d) Issues surrounding leaving an abusive relationship

Section 2: Vermont Law

- 1) To know, understand, and be able to identify Vermont state legal definitions related to DV.... Discuss case law as needed.
 - a) Family Member
 - b) Household Member
 - c) Bodily Injury
 - d) Serious Bodily Injury
 - e) Deadly Weapon

- 2) To know, understand, and be able to identify the elements of State statutes related to DV.... Discuss related case law as needed.
 - a) Domestic Assault
 - b) Second Degree Aggravated Domestic Assault
 - c) First Degree Aggravated Domestic Assault
 - d) Interference with Access to Emergency Services
 - e) Offense Committed Within the Presence of a Child
 - f) Attempted Murder
- 3) Other related statutes... Discuss related case law as needed.
 - a) Stalking
 - b) Aggravated Stalking
 - c) Sexual Assault
 - d) Aggravated Sexual Assault
 - e) Statutes of Limitation
 - f) Crimes Committed Partly Outside the State
 - g) Unlawful Mischief

Section 3: Protection Orders

- 1) To know, understand, and be able to identify Vermont's protection orders Discuss related case law as needed.
 - a) Family Court Orders
 - i) Title 15 Relief from Abuse Orders
 - ii) Title 33 Relief from Abuse, Neglect and Exploitation
 - iii) Title 33 Juvenile Protection Orders
 - b) Superior Court Orders
 - i) Title 12 Orders Against Stalking or Sexual Assault
 - ii) Title 13 Hate Crime Injunction Orders
 - iii) Civil Injunction Orders
 - c) District Court Orders
 - i) Conditions of Release
 - ii) Conditions of Probation
- 2) Full-Faith and Credit
 - a) Foreign Abuse Prevention Orders

- 3) Service of Protection Orders. Discuss related case law as needed.
- 4) Holding Stations
- 5) NCIC Protection Order Database
- 6) To know, understand, and be able to identify the elements of state statutes related to violation of protection orders.... Discuss related case law as needed.

Section 4: Federal Laws

- 1) Interstate Domestic Violence
- 2) Interstate Stalking
- 3) Interstate Violation of Protection Order
- 4) Firearms
 - a) Possession of firearms and ammunition prohibitions
 - i) While subject to a qualifying protection order
 - ii) After conviction of a qualifying misdemeanor crime of domestic violence
 - iii) Others
 - b) Delivery of firearms and ammunition to prohibit persons
 - c) Seizure and return of Firearms

Section 5: Responding to a Domestic

- 1) Officers will know what information they should obtain while en route to a domestic.
- 2) Officers will be able to explain how to safely arrive and approach the scene of a domestic.
- 3) Officers will understand how they can legally and safely make entry into the residence where a domestic is or has occurred.
- 4) Officers will learn what to initially do when you've successfully entered the residence where a domestic is or has occurred.
 - a) Assess
 - b) Stabilize
 - c) Diffuse
 - d) Briefly Interview
- 5) Officers will learn what officer safety related first questions should be asked during the initial brief interview.
- 6) Officers will learn when it is important to obtain medical treatment even if the

victim has refused.

Section 6: The Arrest Decision

- 1) Officers will be reminded that Vermont agencies are pro-arrest (lodging) when battering is involved.
 - a) Rule 3 domestic violence related exceptions
- 2) Officers will learn the concept of dominant aggressor and be given the tools on how to determine the dominant aggressor at a domestic violence incident.
- 3) Officers will learn to recognize self-defense.
- 4) Officers will understand the problem of dual arrests.

Section 7: Creating the best case to send to the prosecutor/ the investigation

- 1) Officers will learn how to investigate a domestic violence related offense based on the principle of evidence-based prosecution. To include...
 - a) How to most effectively and safely interview victims of domestic violence, their children, witnesses and the batterers immediately after the incident.
 - b) The importance of photographs,
 - c) Physical evidence,
 - d) Excited utterances, and
 - e) Documentation of medical treatment obtained.
- 2) Officers will learn what are some of the current issues with affidavits
- 3) Officers will learn the importance of doing a risk assessment and documenting same.

Section 8: Post Arrest

- 1) Officers will learn the statutory requirements of providing crime victims with information regarding their rights under Vermont law.
- 2) Officers will learn the statutory requirements of mandatory reporting of:
 - a) Child abuse
 - b) Vulnerable adult abuse.
- 3) Officers will learn what should be done if no crime has occurred.
 - a) Assisting in transporting persons.
 - b) Notification of community resources.
 - c) Notification of protection orders.

- 4) Officers will learn the importance of doing at least one follow up visit to the victim of the abuse after an arrest has occurred.
- 5) Officers will be reminded of their potential civil liability for not properly responding to domestic violence incidents.

Section 9: Advocacy/ Resources

- 1) Officers will learn the importance of providing victims of interpersonal violence access to advocacy services and other available resources.
- 2) To give officers basic information/services about the 16 programs under the umbrella of the Vermont Network Against Domestic and Sexual Violence.
- 3) To assist officers in understanding the different roles of the victim advocates (community based vs. state based).
- 4) To acquaint officers with the domestic violence, sexual violence, and other resources available in the Vermont.
- 5) Officers will be given a copy of Vermont's Model protocol of "Law Enforcement Response to Children at the Scene of a Domestic Violence Incident".

**Domestic Violence Report,
June, 2009**

The domestic violence training that has been mandated by the legislature has advanced significantly in the last few months. The DV sub-committed has met multiple times and developed the curriculum subject matter. This curriculum, by statute, has to be approved by the Council and the Network. The Network has formed a committee of interested and knowledgeable advocates/stakeholders and they have reviewed the curriculum and had an opportunity to ask me questions and express any concerns they have with it in a meeting, via a conference call, on May 20th. Although they are holding off approving the curriculum, the result of telephone meeting was that they were pleased with it and had no concerns. The TAC committee met on June 2nd, and approved the curriculum. It is now hoped that the Council will approve it on June 16th. A timeline has been created for the development and roll out of this training. The means of delivering this training is still being discussed.

I was declared by Judge Ben Joseph to be an expert in battered women syndrome on May 5th. I see this as an important step in the credibility of this position and the domestic violence training delivered by the Police Academy.

I was invited to view the Bennington County Domestic Violence Court which was very interesting. I will also be doing a training for them this July.

I was invited to attend a national training on protection orders and possession of firearms as they relate to domestic violence in February. I was the only representative from Vermont and gathered a lot of important information that I have been sharing with other stakeholders.

Amy Holloway, Director of Victim Services, Vermont Department of Corrections, has requested assistance from the Academy in getting out information to Vermont officers on the "Vermont Automated Notification Service". VANS will be come available to Vermont victims of crime in July.

I am coordinating a teen dating violence course in August, a sexual assault investigation course in October and a police involved domestic violence course for supervisors in November,

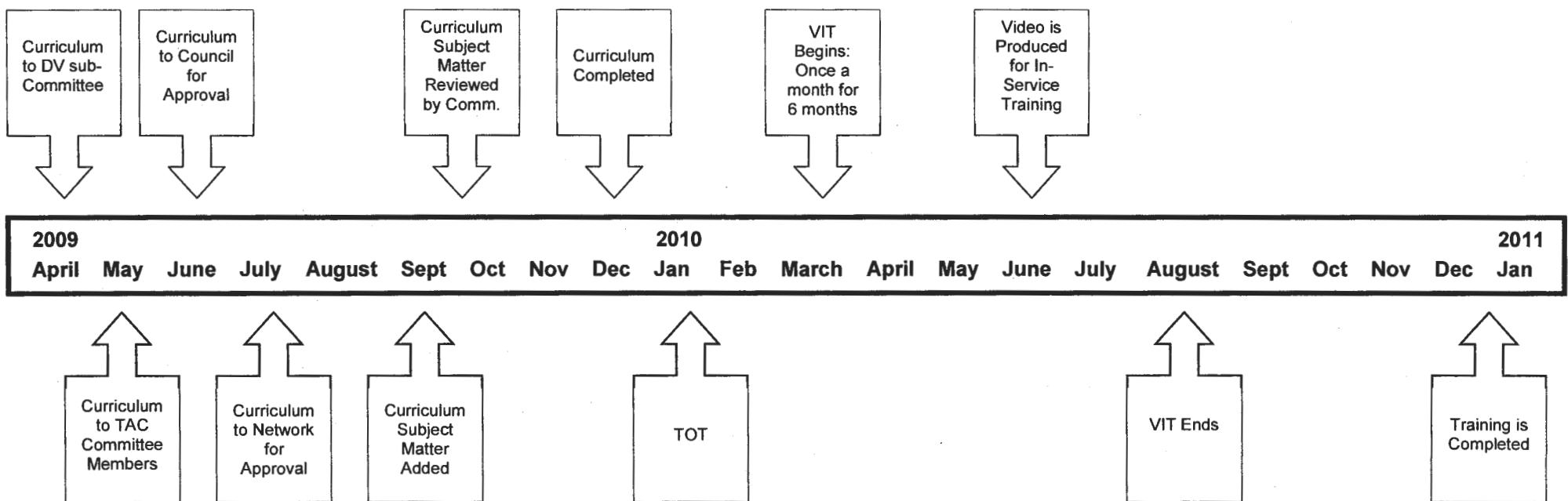
I continue to be an active participant on a number of State DV related groups, to include, the DV Council, the DV Fatality Review Board, and the Protective Order Service Task Force.

Respectively Submitted,

Terrell J. Jones Anderson
Training and Curriculum Development Coordinator – Domestic Violence

STATEWIDE DOMESTIC VIOLENCE TRAINING FOR POLICE TIMELINE

APRIL, 2009 TO JANUARY, 2011



Overview of Proposal:

This proposal seeks to not only reinstitute driver training to the police academy, but significantly enhance the training previously given. This will be accomplished utilizing a coordinated and focused approach of classroom, practical exercises and simulator training. Additionally the ultimate goals of this new program are to expand the training outside of basic training to each of the additional target audiences: police in-service, fire & rescue personnel and teens.

All instruction to students will be conducted by a driver trainer that has successfully completed the following:

- Simulator – must have completed instructor course provided by MPRI
- Practicals & Classroom – must have completed Michigan State Police Precision Driving Instructor Course, or the VCJTC Driving Instructor Course (once implemented)

Classroom Instruction:

Classroom blocks of instruction will be given in the areas and order as outlined below. These will commence on Monday night of week 3 of each full-time basic program and continue weekly until week 8 of the program. It is planned that we will cover two topics on each night with a total instructional time of 2-3 hours per night.

1. Defensive Driving
2. Vehicle Maintenance
3. Vehicle Dynamics
4. Night Driving
5. Turns
6. Skid Control
7. Civil Liability
8. Performance Driving
9. Pursuit Driving

A written test of the material covered will also be administered during the evening of the first day of training in week 8. If required, students will be allowed one re-test per current VCJTC policies.

Practical Exercises:

The hands-on components of the program will occur over a three day period of instruction during Monday – Wednesday of week 8 in basic training. To maximize the training experience students will be separated into four teams. Three teams will be assigned to each of the three vehicle/driving instructor teams and the fourth team will be assigned to the simulator. Teams will rotate one position approximately every two hours

such that team 1 of driving will rotate to the simulator while team 4 will rotate from the simulator to one of the driving teams, etc.

Exercises will be conducted with the instructor giving the students an overview of the exercise – to include its purpose, a “walk thru” explanation drive, followed by demonstration at full speed appropriate for the exercise. Each student will then have approximately 20-30 minutes to practice the exercise prior to their evaluation phase. Student drivers will then switch. If a student fails any exercise they will be given one hour of one on one remedial training/practice with a driving instructor (time to be coordinated with the full-time basic TC) prior to re-testing. Failure of the retest results in a failure of the overall driving block.

Practical exercises to be covered include:

1. 25 mph serpentine – forward
2. Serpentine – reverse
3. Controlled braking (with and without ABS)
4. Precision maneuvering
5. Evasive maneuvering
6. Off-road recovery
7. Lines of travel (onsite apex's)
8. Turns – “U”, left and right side road and “Y” (conducted off Academy grounds)
9. Cumulative skills assessment

Simulator Training:

The decision-making applications will be accomplished through the use of the Academy’s driver training simulator from MPRI. This training will be completed during the same time as the practical exercises in week 8 as noted above. Emphasis will be placed on decision making. Students will be exposed to scenarios which reflect police driving under non-emergency, emergency and pursuit situations.

CRIMINAL JUSTICE TRAINING COUNCIL

FY08 - Fiscal Status Report

As of: 6/15/2009

Based on figures available 6/15/2009.

Council Report
June, 2009

The Part Time Basic Academy has just concluded its June class, and as with the March class, continues to grow in size. This most recent class graduated 23 students, thanks in large part to the adjunct faculty whose time is generously donated to seeing this class succeed.

This quarter has also seen 5, two day Spillman Officer courses, 2, two day Spillman Dispatcher courses, 2 Field Training Update courses, Basic Crash Investigation, a combined Introduction to Law Enforcement 2 day overnight with Burlington Technical School and Windham Regional Career Center that included 52 students. Through grant funded resources, two instructors were sent to and completed the San Jose Communications Training Officer program that will result in an overhaul of the existing CTO program, bringing it in line with San Jose FTO model currently in use.

We have been working with Champlain College to develop a secure, on-line Entrance Exam for police officer applicants. Burlington Police Department will be the subject of a pilot project using this program. After a period of approximately twelve months, we will evaluate the viability of this as an alternative option to the standard written exam typically taken at the Academy. This would give departments greater flexibility in scheduling potential candidates for the exam.

DMV Enforcement Officers partnered with us to offer "Foreign Commercial Motor Vehicle Awareness," a program developed by the Federal Motor Carrier Safety Administration (FMCSA) and the International Association of Chiefs of Police (IACP). The training assists officers in understanding the basic operating requirements of foreign-based motor carriers, vehicles, and drivers and encompassed officer safety, Mexican CDL, Canadian CDL, vehicle safety and security, and operating authority.

The Supervisor's training series for the new DataMaster (DMT) machines was completed in collaboration with the VT Department of Health Toxicology Lab. All agencies who house a DMT must have someone on staff who is trained to oversee the machine.

A Department of Justice (DOJ) – Community-Oriented Policing program entitled, "Methamphetamine Awareness" was held at the Academy on March 20th. DOJ contractors chose Vermont to beta test their training based on the State's proactive and innovative work already accomplished in this area.

Status – Intent to Decertify

Papineau, Gerald – Waterbury PD

- No firearms in 1996
- 10 hours short in 2000
- 7.5 hours short in 2008

Plan: Officer Papineau will attend the part-time basic (Phase I) in June of 2009. This will bring him into compliance to date as well as fulfill Rule 13 requirements for 2009, with the exception of the first aid component. **Completed Phase 1 on June 12, 2009.**

Casco, Caleb – Shelburne PD

- No first aid training in 2007

Plan: Officer Casco will attend the first aid training and provide documentation of same by April 30, 2009. This will bring Officer Casco into compliance through 12/31/08. Documentation of current CPR certification rec'd on 4/07/09. This will bring Officer Casco into compliance through 12/31/08.

Lavalla, Charles – Windham County SD

- No firearms training in 2007

Plan: Deputy Lavalla attended 33.5 hours of in-service training in 2007 but was unable to participate in firearms requalification for medical reasons (doctor's verification letter provided). Deputy Lavalla did in fact participate in firearms requalification on 01/21/08. This will bring Deputy Lavalla into compliance through 12/31/07.

Flynn, Joseph – Grand Isle County SD

- Short 21 hours of training for 2007

Plan: Documentation received to show Deputy Flynn attended sixty-two (62) hours of in-service training in 2007 and 2008 combined, which included first and firearms requalification each year. This will bring Deputy Flynn into compliance through 12/31/08.

Rousseau, Robin – Grand Isle County SD

- Short 10 hours of training for 2007

Plan: Documentation received to show Deputy Rousseau attended eighty-eight (88) hours of in-service training in 2007 and 2008 combined, which included first aid and firearms requalification each year. This will bring Deputy Rousseau into compliance through 12/31/08.

Lowe, Michael –Vergennes PD

- No in-service training documented in 2007
- No in-service training documented in 2008

Plan: Documentation received to show Chief Lowe has attended 77 hours of training between 2/03/09 – 4/21/09. Training included first aid/CPR, two separate firearms requalifications, and 56 hours of Leadership Training. In addition, Chief Lowe is registered to attend an additional 32 hours of leadership/supervisory training between May-December of 2009. This will bring his anticipated in-service training hours to 109 hours for 2009; well beyond the 75 hours needed over a three year period (2007-2009). In addition, the emphasis on leadership training should prevent the reoccurrence of issues around poor documentation of training in the future. Chief Lowe is now in compliance through 12/31/08 with the training he has now documented.

Fairbanks, Jori –Vergennes PD (formerly)

- No in-service training documented in 2007

Plan: Received call on 6/16/09. Officer Fairbanks has located documentation for 32 hours of training, including firearms requalification, received in 2007 and will forward for review.

Almquist, Kevin –Vergennes PD

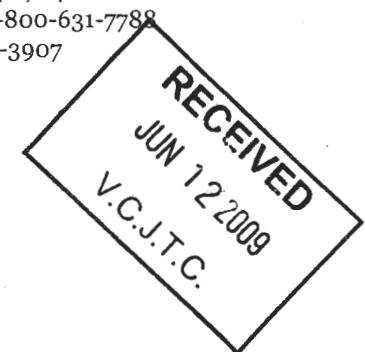
- No firearms requalification documented in 2007
- No first aid training documented in 2008

Plan: Documentation received from Mike Sisino for firearms requalification on 10/04/07. Documentation received from Pat McManamon for first aid training attended at the Academy in 2008. Based on this documentation, Officer Almquist is in compliance through 12/31/2008.



State of Vermont
Department of Banking, Insurance,
Securities and Health Care Administration
89 Main Street
Montpelier, VT 05620-3101
www.bishca.state.vt.us

Consumer Assistance Only:
Insurance: 1-800-964-1784
Health Care Admin.: 1-800-631-7788
Securities: 1-877-550-3907



June 10, 2009

R.J. Elrick, Executive Director
Vermont Criminal Justice Training Council
317 Academy Road – Main Building
Pittsford, VT 05763

Re: Chief Shaw Proposed Settlement

R.J.:

Enclosed is the original Proposed Settlement and Consent Order that Chief Shaw has signed.
Please file with the Council. Let me know if you have any questions.

Sincerely,

Phillip J. Cykon

Enclosure



Banking
802-828-3307

Insurance
802-828-3301

Captive Insurance
802-828-3304

Securities
802-828-3420

Health Care Admin.
802-828-2900

**STATE OF VERMONT
VERMONT CRIMINAL JUSTICE TRAINING COUNCIL**

IN RE: JEFFREY L. SHAW) Revocation of Law
Enforcement) Certification Proceeding
)
)

PROPOSED SETTLEMENT AND CONSENT ORDER

The Vermont Criminal Justice Training Council (the "Council") is responsible for administering Vermont law as it pertains to the in-service training requirements, certification, and decertification of law enforcement officers. Respondent has been previously notified by the Council that the Council would hold a contested hearing to consider certain alleged violations of 20 V.S.A. §§ 2355 and 2358, and *Council Rules and Regulations*, Rules 13 (formerly 32) and 20. Respondent submits this Proposed Settlement to resolve the above captioned matter, and consents to the imposition of a Consent Order based upon the terms of the Proposed Settlement, all as set forth below.

PROPOSED FINDINGS OF FACT

1. Respondent is a law enforcement officer certified in Vermont and is currently employed as the Chief of Police of Northfield, Vermont.
2. Respondent was required to complete certain required in-service requirements, including annual first aid training and firearms re-qualification.
3. Respondent failed to comply with the required first aid training and firearms re-qualification requirements.
4. In order to resolve the above-captioned matter, Respondent agrees to stipulate to the following:
 - a. Respondent admits the jurisdiction of the Council and expressly consents

to the entry by the Commissioner of a Consent Order based upon the facts presented in this Proposed Settlement;

b. Respondent agrees and elects to permanently waive his right to a hearing and appeal before the Council and all other procedures otherwise available under 20 V.S.A., Chapter 151; 3 V.S.A., Chapter 25, the Vermont Administrative Procedure Act; the rules, regulations, and orders of the Council; and any right he may have to judicial review by any court by way of suit, appeal, or extraordinary remedy with respect to the facts that form the basis of this Proposed Settlement and Consent Order;

c. Respondent does not contest the Findings of Fact and Conclusions of Law contained in the Proposed Settlement and Consent Order, except that Respondent admits jurisdiction of the Council. Respondent further agrees to the imposition of a Consent Order based upon the Findings of Facts and Conclusions of Law set forth in the Proposed Settlement; and

d. Respondent recognizes, accepts and agrees that a condition of this Proposed Settlement and Consent Order is that Respondent may not take any action, or make or permit to be made any public statement, including any statement in regulatory filings or otherwise, that denies, directly or indirectly, any allegation in this Proposed Settlement and the Consent Order or creates the impression that the Consent Order is without factual basis. Nothing in this provision affects Respondent's: (i) testimonial obligations in the context of compulsory testimony; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Council is not a party.

PROPOSED CONCLUSIONS OF LAW

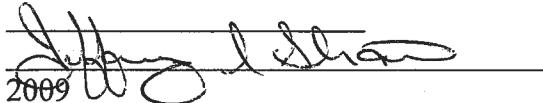
1. The Council has jurisdiction over this matter pursuant to 20 V.S.A., Chapter 151.
2. 20 V.S.A. § 2355 authorizes the Council to adopt rules with respect to minimum annual in-service training requirements for law enforcement officers and the decertification of persons who have not complied with in-service training requirements.
3. *Council Rules and Regulations*, Rule 20, Section 2, authorizes the Council to revoke the certification of any person for "Failure to comply with in-service training requirements after being provided reasonable notice and timeframe for remediation of deficiency."

4. 3 V.S.A. § 809(d) authorizes the Council to resolve a contested case by stipulation and consent order.

PROPOSED ORDER

On the basis of the Proposed Findings of Fact and Conclusions of Law, Respondent proposes that he will consent to the Council issuing a Consent Order provided that it imposes the following conditions:

1. Respondent's law enforcement certification shall be revoked for a period of twenty-one (21) days;
2. Respondent, within 120 days from the date of the Consent Order issued pursuant to this Proposed Settlement, shall complete the following:
 - a. attendance at a briefing conducted by Council staff on the rules and procedures pertaining to Vermont's training requirements for law enforcement officers and the rules and procedures associated with training attendance and documentation;
 - b. attendance and documentation of additional law enforcement officer training including, at a minimum, the topics of vicarious liability, delegation of authority, professional ethics, and general management principles - to be pre-approved by the Council's Executive Director based upon course curriculum; and
 - c. compliance with all in-service training requirements under Council Rule 13; and
3. Respondent's failure to comply with any term or provision of an Order issued pursuant to this Proposed Settlement may constitute grounds for further administrative action by the Council.


2009
JEFFREY SHAW, Respondent

6/10/09,
Date

Approved as to form:

2009

Oreste V. Valsangiacomo, Jr.

Council for Respondent

Date

June 10, 09,

**CONSENT BY JEFFREY SHAW, RESPONDENT, TO THE ENTRY OF AN
ORDER BY THE COUNCIL RESOLVING THE ABOVE-CAPTIONED MATTER
AND IMPOSING AN ORDER BASED ON THE CONDITIONS SET FORTH IN
THE PROPOSED SETTLEMENT**

1. Respondent hereby admits the jurisdiction of the Council over the subject matter of this proceeding, and solely, with respect to this matter, knowingly and voluntarily waives any and all rights to a hearing before the Council and all other procedures otherwise available under 20 V.S.A., Chapter 151, and any successor act, or the rules, regulations, and orders of the Council. Respondent also waives compliance with the provisions of 3 V.S.A., Chapter 25 regarding contested cases. Respondent acknowledges that the Consent Order constitutes a valid order duly rendered by the Council.
2. Respondent voluntarily and knowingly waives any rights he may have to judicial review by any court by way of suit, appeal, or extraordinary remedy resulting from the facts that form the basis of the Consent Order.
3. Respondent acknowledges and agrees that the Proposed Settlement and Consent Order is entered into freely and voluntarily and that no promise was made, nor was any coercion used, to induce the Respondent to enter into the Consent Order.
4. Respondent acknowledges his understanding of all terms, conditions, and obligations contained in the Consent Order and further acknowledges that should he fail to comply with any and all provisions of the Consent Order, the Council may impose additional sanctions and seek other appropriate relief subject to the Respondents' right to a hearing pursuant to Vermont law.

5. Respondent does not contest the Proposed Findings of Fact and Conclusions of Law (except he admits to jurisdiction) but consents to the issuance of the Consent Order and agrees to be fully bound by its terms and conditions set forth in the Proposed Settlement.

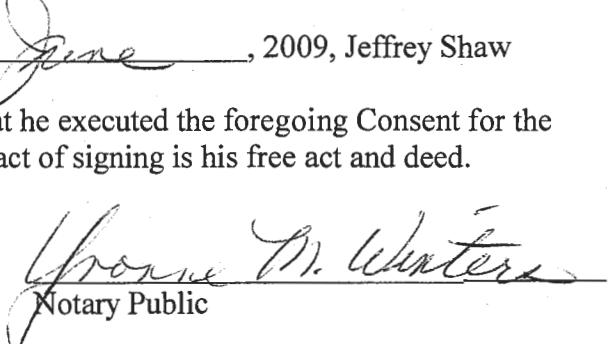
6. Respondent agrees that he shall not challenge the validity of the Findings of Fact and Conclusions of Law in any present or future administrative proceedings before the Council or any other branch of state government concerning the denial or issuance of any certification, license, or registration required by the State in order to engage in the practice of any business or profession. Nothing in this provision affects Respondent's: (i) testimonial obligations in the context of compulsory testimony; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Council is not a party.



JEFFREY SHAW

Date: June 10 2009

BEFORE ME this 10th day of June, 2009, Jeffrey Shaw personally appeared and acknowledges that he executed the foregoing Consent for the purposes therein contained, and that such act of signing is his free act and deed.



Shane D. Winters
Notary Public

My Commission expires: 2-10-16.