

# Vermont Criminal Justice Training Council

## Quarterly Meeting Minutes

September 8, 2009

10:00 AM

*Vermont Police Academy – Pittsford, VT*

Present: Captain Todd Shepard, VT Police Association (Chair); Sheriff Stephen Benard, VT Sheriffs' Association; Director Glen Button, Proxy for Commissioner Robert Ide, DMV; SSgt. Gary Genova, VT Troopers' Foundation; Barry Mulcahy, Proxy for Commissioner Andrew Pallito, DOC (arrived at 10:02); Captain Edward Miller, Proxy for Commissioner Tom Tremblay, DPS; Mr. Joseph Damata, VLCT (Public Member); Pietro Lynn, Esq., Public Member; Col. David LeCours, F&W, Proxy for Commissioner Wayne LaRoche; AAG Cindy Maguire, Proxy for Attorney General William Sorrell (arrived 10:07 AM); and, Chief Steve McQueen, VT Association of Chiefs of Police (arrived at 10:03).

Absent: S.A. Keith Flynn, Dept of State's Attorneys;

Also present: Executive Director R.J. Elrick; Gail Billings, Financial Specialist, CJTC; Training Coordinator Robert Ryan, CJTC; and Sgt. Linda Elrick, Rutland 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 June 16, 2009 meeting. Motion **PASSED**.

### 3. Old Business

#### Assessing Fees for Post-Basic Courses

Director Elrick followed up on previous discussion (June 16<sup>th</sup>, 2009 meeting) regarding the potential of charging those who attend the certification courses and post-basic training, using the approved fee schedule. The courses in question include DUI Enforcement, Basic Fingerprinting, VIN Verification, RADAR, LIDAR, and all other classes offered as part of the full-time post-basic program. This change in practice would net an estimated \$12,000/year in additional revenue. Discussion around the impact to agencies and the intent that these types of courses are "basic" in nature and should be offered tuition/fee free as basic training is currently. There was no motion on this matter. Consensus of the

Council members present was that we not pursue charging for these courses at this time. No formal action taken.

#### Letter from Attorney General – Rule 13 Interpretation

Director Elrick called attention to the letter from the Attorney General's Office in response to the Council's request for legal interpretation on Rule 13. Specifically, the Council had inquired about the potential for pro-rating in-service training requirements for a given year.

The Chair pointed out that the Council has taken a proactive approach to identifying agencies and/or officers who are not in compliance and have indicated intent to initiate decertification procedures where applicable. AAG Maguire asked about the potential to levy fees for those who are not in compliance and are seeking recertification. A fee for waiver requests is already in place as of July 1, 2009. Director Elrick was asked to inquire of IADLEST members to see what the standard is across the country with regard to such fees and report back at the next meeting. Further, the Council asked that we explore the ability to generate reports which show non-compliance on the fly so that agencies can be notified of the potential for decertification with time remaining to come into compliance.

#### 4. Committee Reports

##### Canine

The Chair asked to amend the order of business and allow Canine Training Coordinator Robert Ryan and Sgt. Linda Elrick, Rutland PD, and Chair of the CJTC Canine Committee, to brief the Council on proposed changes to the canine standards. SSgt. Genova asked that TC Ryan and Sgt. Elrick just outline the proposed changes for the Council. During the review, there were several minor amendments made to the proposed document.

Motion by Chief McQueen and second by Sheriff Benard to approve the canine standards as amended and proposed (see attached). Motion **PASSED**.

Director Button pointed out that an average officer provides 2,080 hours of available work in a year. Training requirements significantly impact the available work hours when combined with vacation, sick leave, etc.

SSgt. Genova asked a question about the legal or liability impacts to the Council in reviewing documentation of canine bites. It was suggested that documentation is better than not having the documentation.

TC Ryan and Sgt. Elrick departed the meeting at 11:13AM.

## 5. Executive Session

Chair asked that the Council enter executive session to discuss an investigation involving the Academy. Motion by AAG Maguire and second by Chief McQueen to enter Executive Session as requested. Motion **PASSED**. Entered executive session at 11:14 AM. Director Elrick and Ms. Billings left the meeting. On a motion by AAG Maguire and second by Chief McQueen, the Council left executive session at 11:20 AM with no action taken. Director Elrick and Ms. Billings re-joined the meeting.

## 6. New Business

Prior to beginning with new business, the Captain Shepard announced that he would not be seeking re-election as the Vt Police Association representative to the Council when the Association meets in November. He will be stepping down from the Council. He recognized the work that the Council had undertaken and accomplished during his time as a member. Members present thanked Captain Shepard for his service and contributions to the Council.

The Chair then departed the meeting and the Vice-Chair (Sheriff Benard) presided over the remainder of the meeting.

### Council Rule Amendments

Director Elrick informed the Council that he would be assembling a work group of staff members to review the Council rules and propose any needed amendments. Those amendments would then be vetted through the various user groups (i.e. Chiefs, Sheriffs, and other agency heads). They would then come to the Rules Committee which currently is comprised of Captain Shepard, AAG Maguire, and Director Button. A replacement will be needed for Captain Shepard. Thereafter, any proposed changes will be brought from the Rules Committee to the full Council for review and approval before beginning the Administrative Procedures Act procedure.

### Electronic Stunning Devices

Director Elrick asked the Council to reconsider their prior decision to not deliver or certify trainers and end-users in electronic stunning devices. Several agencies have indicated a need for in-state training, especially with the increase in the number of agencies who are purchasing these devices.

There was no motion on this matter. The consensus of those present was to have the Council coordinate with vendor(s) who wished to provide such training. The Council should help to promote the "train-the-trainer" courses on this topic but

should not be in a position to endorse the use of electronic stunning devices nor any particular vendor/manufacturer or device.

#### 2009 Report on Racial Profiling

AAG Maguire pointed out to the Council that the report contained two recommendations that impact the Council's training. Recommendation # 4 (found on page 29 of the report) and recommendation # 2 (found on page 28 of the report) pertains specifically to training. Discussion revolved around the data collection being undertaken by some law enforcement agencies and the training currently being delivered by the Council. Currently, the Council's syllabus documents two hours of training pertaining to cultural diversity, in a total program of approx. 900 hours. Director Elrick pointed out that the theme of "bias free policing" prevails throughout the basic training program, and perhaps it's more a case of needing to better document through objectives. Director Elrick will coordinate with staff to get a more accurate sense of the time already devoted to bias free policing as part of the overall curriculum. The Council will then be better able to assess whether additional training is needed in this area during basic training.

#### Faculty Standards of Conduct

Director Elrick presented the newly drafted standards for faculty conduct, seeking the Council's approval. Motion by AAG Maguire and second by Mr. Mulcahy to approve as proposed. Motion **PASSED**.

#### Physical Fitness Entry Standards

Director Elrick briefed the Council on a new project undertaken to review current fitness standards for entry to full-time basic training. Both staff and adjunct faculty will be involved in this review. This review will also include a review of what other states are currently doing to ensure we are keeping with national trends as well. A report will be provided to the Council at a later date.

#### Driver Training Pad Rules

Director Elrick presented the newly drafted Driver Training Pad Rules, seeking the Council's approval. He added that these rules were drafted based on best practices and policies in effect in Michigan and Maryland. Motion by Mr. Mulcahy and second by AAG Maguire to approve as proposed. Motion **PASSED**.

#### Scenario Building Rules

Director Elrick presented the rules for use of the scenario building and non-lethal use of force training which has been in place for some time as a guideline, seeking the Council's approval. This document was based on similar programs and

policies in effect at FLETC and in the State of Massachusetts. Motion by Chief McQueen and second by Col. LeCours to approve as proposed. Motion **PASSED.**

Student Rules and Regulations (Full-time basic, part-time basic, and in-service)

Director Elrick presented the rules of conduct for the full-time class, part-time class, and all in-service training programs which have been in place for an extended period of time, seeking the Council's approval. Motion by Director Button and second by Mr. Mulcahy to approve as proposed. Motion **PASSED.**

**7. Budget Reports**

FY10 Status

Director Elrick provided the Council with a current snapshot of the budget status (attached). The report is somewhat confusing as all of our special fund accounts have been rolled into one as of July 1, 2009. We were allowed to carry forward \$409 from leftover FY09 general fund dollars. We had a \$43K rescission already in FY10 which has resulted in our inability to fill a vacant Training Coordinator position. We carried forward an estimated \$44K in FY09 payables to be paid in FY10. We are also still awaiting final approval for sub-grant funding from DPS (\$65K) to cover another staff position which was planned to be eliminated in FY10 do to budgetary reductions.

**8. Committee Reports**

Canine Committee

Canine activity report submitted. Canine standards were addressed earlier in this meeting.

Training Advisory & Instructor Committee (TAC)

No report provided.

Use of Force (UOF)

Director Elrick reviewed the minutes of the August 12, 2009 Use of Force committee meeting. No action was taken. Issue surrounding electronic stunning devices addressed earlier in the meeting.

**Waiver Committee**

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

**Tyler Trombley, Windsor Police Department**

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

**Charles Brown, Milton Police Department**

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

**James Learned, Winooski Police Department**

Motion by SSgt. Genova and second by Director Button to approve the waiver as recommended by the Committee. Motion **PASSED**. Chief McQueen abstained.

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

**Dale Kerber, Fair Haven Police Department**

Motion by AAG Maguire and second by SSgt. Genova to **DENY** the waiver as recommended by the Committee. Motion **PASSED** to **DENY** waiver.

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

**Randall Johnson, Dover Police Department**

Motion by Chief McQueen and second by Col. LeCours to approve the waiver request. Motion **PASSED**.

**Robert Gorruso, Rutland City Police Department**

No action taken as officer has not yet returned to duty.

**Ben Couture, St. Albans City Police Department**

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

**Joe Thomas, St. Albans City Police Department**

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

**Howard McGuire, St. Albans City Police Department**

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

**Keith McMahon, St. Albans City Police Department**

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

**Frank McCarty, St. Albans City Police Department**

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

**Jason Wetherby, St. Albans City Police Department**

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

**Sean Bourgeois, St. Albans City Police Department**

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

**Holly Moore, St. Albans City Police Department**

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

**Dustin Abell, St. Albans City Police Department**

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

**Judy Dunn, St. Albans City Police Department**

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

**Gary Taylor, St. Albans City Police Department**

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

**Dominic Eтли, Berlin PD**

Motion by Chief McQueen and second by AAG Maguire that the Director notify Officer Eтли 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**.

**Michael Keefe, Bellows Falls PD**

Motion by Chief McQueen and second by AAG Maguire that the Director notify Officer Keefe 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**.

**Dave Yustin, Bellows Falls PD**

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

**Doug Lynn, Bellows Falls PD**

Motion by AAG Maguire and second by Col. LeCours that the Director notify Officer Lynn 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**.

**Mark Herrick, Bellows Falls PD**

Motion by AAG Maguire and second by Col. LeCours that the Director notify <sup>Herrick</sup> Officer Lynn 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**.

**Thomas Hanley, Middlebury PD**

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

**Donald Sweet, Middlebury PD**

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

**Scott Fisher, Middlebury PD**

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

**William Austin, Middlebury PD**

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

**George Barclay, Middlebury PD**

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

**Jeff Billings, Bellows Falls PD**

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

**John Gaudet, Bellows Falls PD**

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

**Pamela Barney-Hango, Grand Isle County SD**

Motion by SSgt. Genova and second by Mr. Mulcahy to approve the waiver as recommended by the Committee. Motion **PASSED**. Mr. Lynn abstained.

**Shawn Demore, South Burlington PD**

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

**Trevor Colby, Orleans County SD**

Motion by Mr. Mulcahy and second by Chief McQueen that the Director notify Deputy Colby 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**. Mr. Lynn abstained.

**Clement Dussault, Orange County SD**

No action taken at this time.

**Peter Eley, Stowe PD**

Motion by Chief McQueen and second by AAG Maguire to approve the waiver as recommended by the Committee. Motion **PASSED**. Further, the Director shall write a letter to Chief Kaplan, stressing the importance of complying with timelines once a waiver has been granted.

**David Anderson, Stowe PD**

Motion by AAG Maguire and second by Mr. Mulcahy that the Director notify Officer Anderson 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**.

**David Tetrault, Windham County SD**

Motion by Chief McQueen and second by AAG Maguire to approve the waiver as recommended by the Committee. Motion **PASSED**. Mr. Lynn abstained.

**Youth Services Committee**

Informational report provided; no action required.

**9. Facility Reports / Capital Budget**

Director Elrick updated the Council on pending projects on campus. "Road Range" is expected to be delivered in November. We will seek balance of funding for range improvements as part of FY11 Capital Construction budget.

**10. Updates**

**Homeland Security**

Informational report provided; no action required.

**In-Service Training Report**

Informational report provided; no action required.

**Domestic Violence Project Update**

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.

Prior to adjourning, Captain Miller shared with the group that Commissioner Tremblay (DPS) wanted the Council to know that VSP would be starting a data collection project and providing training both in post-basic and during in-service regarding bias free policing. He also expressed that we need to move the domestic training forward in collaboration with the advocacy groups and does not support the use of an 8-hour video to meet this training requirement, but rather that the training should be dynamic in nature and include local advocacy groups as well.

On a motion by AAG Maguire and second by Chief McQueen, the meeting was **ADJOURNED** at 12:39 PM.

Respectfully submitted,

R. J. Elrick  
Executive Director

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Meeting Agenda

September 8, 2009  
10:00 AM

Vermont Police Academy – Pittsford, VT

1. Call to Order
2. Approval of minutes of June 16, 2009 Council Meeting
3. Old Business
  - a. Assessing fees for post-basic courses
  - b. Letter from Attorney General – Rule 13 Interpretation
4. New Business
  - a. Council Rule Amendments
  - b. Electronic Stunning Devices
  - c. 2009 Report on Racial Profiling in VT and the recommendation for additional LE training
  - d. Faculty Standards – Request for Approval
  - e. Physical Fitness Entry Standards – Work Group
  - f. Driver Training Pad Rules – Request for Approval
  - g. Scenario Building Rules/SOP-Request for Approval
  - h. Student Rules and Regulations (Full-time/Part-time, and In-Service) – Request for Approval
5. Budget Reports
  - a. FY10 Budget Status
6. Committee Reports
  - a. Canine
    - i. Sgt Linda Elrick / TC Bob Ryan re: Proposed Standards changes
  - b. Training Advisory & Instructor
  - c. Use of Force & Firearms
  - d. Waiver
  - e. Youth services – report provided
7. Facility projects update / Capital budget
8. Updates
  - a. Staff
  - b. Basic training
  - c. Homeland Security – report provided



- d. In-Service training update – report provided
- e. Domestic violence training update – report provided
- f. Training activity summary – report provided
- g. IADLEST Motorcycle Grant Update – report provided
- h. Part-Time Compliance Project – Update

*In accordance with Vermont's Open Meeting Law, a copy of this agenda has been forwarded to the office of the Secretary of Administration.*

**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. Elick; 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 18<sup>th</sup> 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 1<sup>st</sup>.

### 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 84<sup>th</sup>-87<sup>th</sup> 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 87<sup>th</sup> 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 87<sup>th</sup> 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.

DRAFT

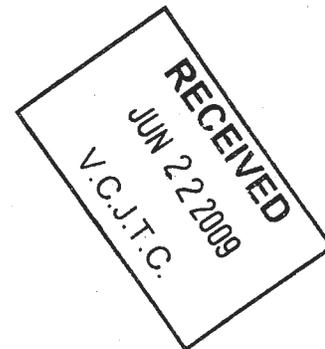
**WILLIAM H. SORRELL**  
ATTORNEY GENERAL  
**JANET C. MURNANE**  
DEPUTY ATTORNEY GENERAL  
**WILLIAM E. GRIFFIN**  
CHIEF ASST. ATTORNEY  
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STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001



June 19, 2009

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

Re: Request for Statutory Interpretation

Dear Mr. Elrick:

I am writing in response to your letter to Attorney General Sorrell dated March 11, 2009.

You have requested an opinion concerning the following questions:

1. If a Vermont law enforcement officer works for a period that does not encompass an entire calendar year, is that officer still required to meet the total annual in-service training hours required by 20 VSA Section 2358 and Council Rule 13? Does that officer need all 25 hours (full-time certified) or 30 hours (part-time certified) or can those hours be per-rated?
2. If that officer fails to meet the minimum in-service training requirements in a given calendar year and and/or leaves employment prior to the end of the calendar year, can he/she re-enter law enforcement and still be certified?

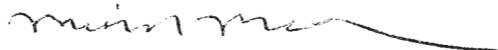
Our opinion is as follows:

1. Neither 20 VSA Section 2358 nor Rule 13 directly addresses this question. However, the Council can be guided by the underlying purpose of the training requirements. That is to "promote and protect the safety and welfare of the public". (20 VSA Section 2351) Prorating is not consistent with that goal because it will result in persons exercising law enforcement functions without the level of training that the Council has established as adequate by rule.

2. Allowing an officer who has failed to meet the in-service training requirement in a calendar year and who leaves employment prior to the end of the year to remain certified would also be inconsistent with the purpose stated in 20 VSA Section 2351.

I hope that this is responsive to your concerns.

Very truly yours,



Michael McShane  
Assistant Attorney General

cc: file

# **Racial Profiling in Vermont**

Briefings Before  
the Vermont Advisory Committee to the  
United States Commission on Civil Rights

Briefing Report

## Letter of Transmittal

Vermont Advisory Committee to  
the U.S. Commission on Civil Rights

### Members of the Commission

Gerald A. Reynolds (Chairman)  
Abigail Thernstrom (Vice-Chairman)  
Todd F. Gaziano  
Gail Heriot  
Peter N. Kirsanow  
Arlan D. Melendez  
Ashley L. Taylor, Jr.  
Michael Yaki

Martin Dannenfelser, *Staff Director*

The Vermont State Advisory Committee submits this report, *Racial Profiling in Vermont*, as part of its responsibility to advise the Commission on civil rights issues in Vermont. The Committee approved this report in a vote of 17 to 0.

In June and July 2008, the Committee invited law enforcement representatives, government officials, scholars, advocacy group representatives, community representatives, and the public to participate in the briefings. The Committee learned that there remains a strong perception, particularly among persons of color, that actual or perceived race, ethnicity, or national origin is used as the basis for law enforcement decision-making for traffic and pedestrian stops. At the same time the Committee learned that the leadership of many of Vermont's law enforcement agencies is committed to addressing this issue head-on.

The Committee recognizes that issues of racial profiling and bias-based policing have long been challenging ones for law enforcement, policy-makers, and the public. Discussions about racial profiling often concentrate exclusively on the presence or absence of racial animus in conducting traffic stops. A focus on this aspect of racial profiling often does not lead to constructive dialogue or effective solutions and may only result in some members of the public asserting, and police denying, that racial profiling occurs. The Committee, therefore, wanted the dialogue to move past perception, rhetoric, and accusation to a comprehensive approach that includes law enforcement and the community working together to build trust. Thirty percent of Vermont's population growth between 1990 and 2006 is attributed to ethnic and racial minorities, including immigrants. The Committee is concerned that inaction or ineffective action with regard to racial profiling will breed greater distrust between law enforcement and persons of color as Vermont's population grows more multiracial, multiethnic, and multilingual.

Based on the briefings, the Committee offers the enclosed report and recommendations:

- The Vermont State Police should promptly begin collection traffic stop data collection. State officials testified that they have been developing a system for race data collection

and have committed to collect traffic stop data statewide. The Committee makes this recommendation because the State Police are Vermont's largest law enforcement service provider, have the highest volume of interactions with vehicle drivers, and are in the best position to collect significant statistical data. Other Vermont law enforcement agencies should voluntarily collect traffic stop data in order to ensure transparency and build public confidence in their integrity, fairness, and professionalism.

- The Vermont Attorney General, in consultation with local, county and state law enforcement agencies and other stakeholders, should develop and issue a model bias-free policing policy that defines professional standards and expectation, establishes an early intervention system for complaints and concerns, and provides remedial steps, including disciplinary action as appropriate, for policy violations. All law enforcement agencies should adopt a version of the model policy. Law enforcement agencies should also develop a visible and readily accessible complaint redress system responsive to individual bias-complaints.
- Mandatory comprehensive training on anti-bias policing should be expanded at the police academy for officer certification and continue by means of in-service training throughout a police officer's career.
- Video cameras should be installed in all front-line patrol vehicles and used to record all motor vehicle stops. The equipment must be properly maintained and recordings retained for an appropriate period of time.
- Police departments should strive to develop police-community partnerships, such as the Uncommon Alliance, that promote bias-free law enforcement practices and mutual understanding and respect between the police and the public.
- The Vermont Legislature should consider legislation that prohibits profiling of motorists and pedestrians solely on the basis of actual or perceived race, ethnicity, or national origin. The Legislature should further consider convening and appropriately empowering an oversight commission charged with monitoring local and statewide initiatives to address racial profiling.

The Committee's findings and recommendations are detailed in the accompanying report.

The Committee believes this report will enhance public understanding of the challenges racial profiling poses for law enforcement and the public, particularly persons of color, and identify steps that might be taken by law enforcement agencies to improve accountability measures, increase the effectiveness of law enforcement practices, and build trust between the community and law enforcement agencies.

Sincerely,

Curtiss Reed, Jr., *Chairperson*  
Vermont Advisory Committee

**Vermont Advisory Committee to  
the U.S. Commission on Civil Rights**

**Curtiss Reed Jr., *Chairman***  
West Brattleboro

**Francine T. Bazluke**  
Essex Junction

**John H. Bloomer**  
Wallingford

**Luther M. Brown**  
Rutland

**Ellen Mercer Fallon**  
Middlebury

**Ann Hagman Cardinal**  
Morrisville

**Leslie Ann Holman**  
Burlington

**Gary A. Kowalski**  
Burlington

**Terrance D. Martin**  
Brattleboro

**Marion Milne**  
West Topsham

**Cheryl W. Mitchell**  
New Haven

**Tara A. O'Brien**  
Brattleboro

**Eric D. Sakai**  
Randolph

**Stefanie L. Sidortsova**  
Westford

**Diane B. Snelling**  
Hinesburg

**Tracey H. Tsugawa**  
Williston

**R. Stewart Wood**  
Quechee

**Acknowledgments**

The Vermont Advisory Committee thanks the briefing participants. It also thanks Trevor Whipple, Police Chief of South Burlington, for his assistance with this report; Thomas D. Mercurio for copyediting the report; and Lia Garvin for designing the cover. The Committee expresses its appreciation to Barbara de La Viez for her assistance in planning and holding the briefings and in drafting and producing the report and to members Francine Bazluke and Eric D. Sakai for their assistance with the drafting of the report.

The Committee gratefully acknowledges the University of Vermont for assistance in convening the June 12, 2008, briefing.

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## Introduction

An African American graduate student was here in Vermont for a year. During that year, he was stopped 13 times by the police, never given a traffic ticket, never arrested for anything. Apparently he was violating no laws, yet he was regularly subjected to stops.

On his first day in Vermont, he was stopped twice. What message are we sending to people?<sup>1</sup>

The topic of racial profiling – the use of race as the basis for law enforcement decision-making – has been a prominent, provocative, and sensitive issue for many years. In February 2001, President Bush called for an end to racial profiling, stating “It’s wrong, and we will end it in America.”<sup>2</sup> President Obama wants to “ban racial profiling by federal law enforcement agencies and provide federal incentives to state and local police departments to prohibit the practice.”<sup>3</sup>

In addition to being “wrong,” racial profiling is an ineffective law enforcement practice steeped in racial and cultural stereotypes and erroneous assumptions about the propensity of people of color to commit particular types of crimes. Many people of color have experienced the humiliation of being unfairly targeted while driving, flying, shopping, or even walking.

In 2001, the “End Racial Profiling Act of 2001” was introduced in the United States Senate.<sup>4</sup> The bill recognized that “statistical evidence from across the country demonstrates that racial profiling is a real and measurable phenomenon.” The bill was not passed that year, or when it was reintroduced in 2004 and 2007.

In Vermont, in 2001, House Representative Michael Kainen introduced a bill acknowledging that “the practice of ‘racial profiling,’ the disparate treatment of any person on the basis of race or ethnic origin by a law enforcement officer acting in an official capacity, has become a significant problem in many areas of the country.”<sup>5</sup> He noted that Vermont continues to become more racially and ethnically diverse and recommended the creation of a task force to examine the issue of racial profiling to allow “officials [to] assess the extent of racial profiling in Vermont so that if

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<sup>1</sup> Anna Saxman, testimony before the Vermont State Advisory Committee to the U.S. Commission on Civil Rights, briefing, Montpelier, VT, July 17, 2008, transcript, p. 34.

<sup>2</sup> “President George W. Bush, Address before A Joint Session of the Congress on Administration Goals,” 37 WEEKLY COMP. PRES. DOC. 9 (Feb. 27, 2001). Attorney General John Ashcroft stated he agreed with President Bush and that “[u]sing race... as a proxy for potential criminal behavior is unconstitutional, and it undermines law enforcement by undermining the confidence that people can have in law enforcement.” United States Department of Justice, Fact Sheet, [http://www.usdoj.gov/opa/pr/2003/June/racial\\_profiling\\_fact\\_sheet.pdf](http://www.usdoj.gov/opa/pr/2003/June/racial_profiling_fact_sheet.pdf) (last accessed Apr. 27, 2009). Despite the admission that racial profiling was “wrong,” the administration subsequently used racial profiling in public policies such as the National Security Entry/Exit Registration System, which required male visitors over age 16 from 24 Arab and Muslim countries and North Korea to register and submit to interrogation.

<sup>3</sup> “The White House, Civil Rights Agenda,” [http://www.whitehouse.gov/civil\\_rights/](http://www.whitehouse.gov/civil_rights/) (last accessed May 27, 2009).

<sup>4</sup> “End Racial Profiling Act of 2001,” S. 989, 107th Cong. (2001).

<sup>5</sup> “An Act Relating to the Establishing of a Racial Profiling Task Force,” H. 407, Gen. Assem., Gen. Sess. (Vt. 2001), available at <http://www.leg.state.vt.us/DOCS/2002/BILLS/INTRO/H-407.HTM> (last visited May 27, 2009).

racial profiling is found to be occurring, remedies can be fashioned to address it promptly and effectively.<sup>6</sup> The task force was not established, nor has the state enacted a law that specifically bans racial profiling.<sup>7</sup>

In June and July 2008, the Vermont State Advisory Committee (“Committee”) held two public briefings to hear from law enforcement representatives, governmental officials, scholars, advocacy group representatives, community representatives, and others about possible profiling problems in Vermont and to explore possible solutions. The first briefing primarily focused on police stops and possible racial profiling. After the briefing concluded, the Committee decided to convene another briefing to invite state officials, additional members of law enforcement, and members of advocacy groups to continue the discussion about racial profiling. The Committee wanted to learn more about potential bias throughout the criminal justice system, starting with the possible over-identification of people of color for traffic stops and continuing through to post-arrest and post-detention decisions.

### **Chapter One: Background on Racial Profiling – The National Context**

In the early 1990s, and through the start of the new century, complaints of racial profiling or “driving while black” gained national attention.<sup>8</sup> A number of states, including New Jersey, Maryland, Pennsylvania, Florida, Colorado, and Connecticut, were parties to civil actions resulting from complaints of racial profiling.<sup>9</sup> As a result of the litigation, some law enforcement agencies were placed under consent decrees, while other jurisdictions passed legislation relating to racial profiling; in addition, other agencies voluntarily developed and entered into data

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<sup>6</sup> See *id.*

<sup>7</sup> The Bill was referred to the Government Operations Committee; no action was taken. Vermont State Legislature, “The Vermont Legislative Bill Tracking System. Current Status of a Specific Bill or Resolution 2001-2002 Legislative Session.” <http://www.leg.state.vt.us/database/status/summary.cfm?Bill=H.0407&Session=2002>.

<sup>8</sup> The issue of racial profiling is not limited to traffic stops. There are many venues distinct from law enforcement in which concerns about the use of racial profiling are expressed, such as surveillance of persons in retail shops and traveler searches. For example, in 2000 the General Accounting Office found that African American women were nine times more likely than white women to be subjected to x-ray searches by U.S. Customs officials. U.S. GOV'T ACCOUNTABILITY OFFICE, U.S. CUSTOMS SERVICE: BETTER TARGETING OF AIRLINE PASSENGERS FOR PERSONAL SEARCHES COULD PRODUCE BETTER RESULTS, GGD-00-38 (2000).

<sup>9</sup> There were cities alleged to engage in racial profiling as well. For example, in Cincinnati, Ohio, the Department of Justice (“DOJ”) joined a lawsuit filed by the ACLU and the Cincinnati Black United Front, alleging that police used excessive and deadly force against African Americans more often than against non-minority citizens. DOJ subsequently negotiated a Memorandum of Agreement that settled the suit. In Columbus, Ohio, DOJ investigated the allegation that the city and the law enforcement office of Columbus engaged in a practice of racial profiling and using excessive force against minority citizens at a higher rate than against non-minority citizens. DOJ subsequently accepted a proposal by the Columbus mayor that included a promise to implement significant changes and improvements to the police department’s policies and procedures. In Illinois, the City of Highland Park entered into a consent decree after “the policies, practices, and customs of the Highland Park Police Department were found to target persons on the basis of race or ethnicity for surveillance, stops, detentions, interrogations, requests for consent to search, and searches.” Data Collection Resource Center at Northeastern University, Legislation and Litigation: DOJ Investigations,” <http://www.racialprofilinganalysis.neu.edu/legislation/doj.php> (last accessed May 29, 2009).

collection projects to assess the extent of the problem. A broad and diverse spectrum of political leaders, the courts, and the public “condemned” racial profiling.<sup>10</sup>

Concerns about racial profiling increased after the destruction of the World Trade Center towers and the launch of “the war on terror,” which resulted in an expansion of police powers and the erosion of constitutional protections for many individuals, especially immigrants from predominantly Muslim countries. The most sweeping of the federal initiatives are the USA PATRIOT ACT<sup>11</sup> and the REAL ID Act.<sup>12</sup>

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<sup>10</sup> “Racial profiling” is variously defined, and the definition is itself controversial. Vermont Attorney General William Sorrell stated as follows: “Racial profiling, in the narrow sense, refers to a police practice of consciously or unconsciously identifying a particular racial or ethnic group as being more likely than others to be guilty of, or more prone to, committing criminal acts.” William Sorrell, testimony before the Vermont State Advisory Committee to the U.S. Commission on Civil Rights, briefing, Montpelier, VT, July 17, 2008, transcript, p. 28 (hereafter cited as Briefing Transcript). This definition is consistent with that of the Congressional Research Service, which defines racial profiling as “the practice of targeting individuals for police or security interdiction, detention, or other disparate treatment based primarily on their race or ethnicity, in the belief that certain minority groups are more likely to engage in unlawful behavior.” Library of Congress, Congressional Research Service, “Racial Profiling: Issues and Federal Legislative Proposals,” available at <https://www.policyarchive.org/handle/10207/1937> (last accessed May 27, 2007). Perhaps most revealing of the acceptance of the concept of racial profiling is that, in 1999, the Oxford American Dictionary provided a definition of racial profiling for the first time: “Racial profiling: an alleged police policy of stopping and searching vehicles driven by people from particular racial groups.”

Generally, as used in this report, the term concerns “the invidious use of race or ethnicity as a criterion in conducting stops, searches and other law enforcement investigative procedures. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity.” Civil Rights Division, Department of Justice, Guidance Regarding the Use of Race by Federal Law Enforcement Agencies, 2003, available at [http://www.usdoj.gov/crt/split/documents/guidance\\_on\\_race.php](http://www.usdoj.gov/crt/split/documents/guidance_on_race.php) (last accessed May 27, 2009). Another definition is found in a paper that explores under what, if any, circumstances race may be used legitimately by law enforcement officials: “any police-initiated action that relies on the race, ethnicity, or national origin and not merely the behavior of an individual.” Mathias Risse, Racial Profiling: A Response to Two Critics 2 (John F. Kennedy School of Government, Harvard University, Faculty Research Working Papers Series, RWP06-042 Sept. 2006), available at [http://ksgnotes1.harvard.edu/Research/wpaper.nsf/rwp/RWP06-042/\\$File/rwp\\_06\\_042\\_risse\\_SSRN.pdf](http://ksgnotes1.harvard.edu/Research/wpaper.nsf/rwp/RWP06-042/$File/rwp_06_042_risse_SSRN.pdf) (last accessed May 27, 2009).

<sup>11</sup> Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56, 115 Stat. 272 (2001).

<sup>12</sup> Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, Pub. L. No. 109-13, 119 Stat. 231 (2005). Additionally, in September 2008, Attorney General Michael Mukasey significantly expanded the authority of the FBI to use intrusive investigative techniques to collect information about innocent Americans. See Department of Justice, THE ATTORNEY GENERAL'S GUIDELINES FOR DOMESTIC FBI OPERATIONS, <http://www.justice.gov/ag/readingroom/guidelines.pdf> (last access June 9, 2009). In the past, “the FBI could use these techniques – tasking informants, pretext interviews, and physical surveillance – only when it had some suspicion of criminal activity or a threat to national security relating to a specific individual or a group.” CDT Policy Post 14.16: Investigative Guidelines Cement FBI Role as Domestic Intelligence Agency, <http://www.mail-archive.com/cdt-announcements@cdt.org/msg00556.html> (last accessed July 14, 2009). Because the Guidelines allow investigations without particularized suspicion, they may “increase the risk that agents will substitute for evidence of crime their own assumptions and even prejudices about who should be investigated, thus increasing the risk of racial profiling.” *Id.*

In June 2003, acting on President Bush's directive, the Department of Justice issued guidance that "bar[red] federal law enforcement officials from engaging in racial profiling – even where such profiling would otherwise be permitted by the Constitution and laws. Specifically, the guidance provides that in making routine law enforcement decisions – such as deciding which motorists to stop for traffic infractions – consideration of the driver's race or ethnicity is absolutely forbidden."<sup>13</sup> Federal agencies, rather than state and local law enforcement agencies, are the front-line responders to national security threats.

The primary relevance of "racial profiling" in the state and local context involves the use of race as a factor in the description and/or apprehension of persons suspected of violating state or local laws.<sup>14</sup> This use of race occurs in the context not only of detaining a single individual but, in some situations, of creating a "dragnet" that implicates many innocent persons.

The argument advanced against the use of racial profiling in state and local law enforcement identifies both moral and pragmatic considerations. As the Department of Justice Guidance on racial profiling observes:

Racial profiling in law enforcement is ... ineffective. Race-based assumptions in law enforcement perpetuate negative racial stereotypes that are harmful to our rich and diverse democracy, and materially impair our efforts to maintain a fair and just society. ... The use of race as the basis for law enforcement decision-making clearly has a terrible cost, both to the individuals who suffer invidious discrimination and to the Nation, whose goal of 'liberty and justice for all' recedes with every act of such discrimination.<sup>15</sup>

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<sup>13</sup> Department of Justice, "Justice Department Issues Policy Guidance to Ban Racial Profiling," available at [http://www.usdoj.gov/opa/pr/2003/June/03\\_crt\\_355.htm](http://www.usdoj.gov/opa/pr/2003/June/03_crt_355.htm) (last accessed June 22, 2009).

<sup>14</sup> Despite the common themes that underlie the use of any racial profiling, a distinction has been drawn in many quarters between national security and other law enforcement activities. For example, in a 2003 policy statement, DOJ sanctioned its use in national security defense, but restricted its use in other types of domestic law enforcement. See "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies," *supra* note 10 ("The above standards do not affect current Federal policy with respect to law enforcement activities and other efforts to defend and safeguard against threats to national security or the integrity of the Nation's borders, to which the following applies:

In investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security), or in enforcing laws protecting the integrity of the Nation's borders, Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States").

<sup>15</sup> *Id.* Tim Bombardier, Chief of the Barre Police Department and former Captain and Assistant Commander of the Criminal Division of the Vermont State Police, made precisely this point in a Barre-Montpelier Times Argus article covering racial profiling. The Chief stated that the best reason for avoiding racial profiling, "other than that it's wrong" is that it does not reflect good police work: officers must examine the 'totality of the circumstances' when conducting investigations, including traffic stops and focusing on race interferes with an officer's ability to detect more pertinent information. Peter Hirschfeld, "Vermont Police Accused of Racial Bias," Barre-Montpelier Times Argus, June 15, 2008. See also Michael Mello, written testimony to Vermont State Advisory Committee to the U.S. Commission on Civil Rights, June 12, 2008, pp. 4-5 ("Racial profiling is profoundly wrong. It is racism unworthy of the United States and of Vermont. Racial profiling corrodes the community trust essential to police work. It

A focus on efficacy may ultimately provide the most cogent arguments for change in law enforcement practices involving racial profiling. For example:

- Although overt racism is declining in this country, studies demonstrate the continuing prevalence of racial biases, including those that may be subconsciously motivated.<sup>16</sup> These biases affect eyewitness suspect descriptions; which influence law enforcement activity. In addition, individual law enforcement officers may harbor biases when responding to or acting independently of eyewitness reports.
- The creation of accurate suspect descriptions is essential to effective investigations. The quality of the training that law enforcement officers receive about conducting witness interviews may not be adequate; one research team recommended that formal training should encompass medico-scientific advances in memory and cognition skills.<sup>17</sup>
- Studies demonstrate that law enforcement officers use race in surveillance and when conducting traffic stops. These practices have a disproportionate impact on persons of color, resulting in their increased distrust of the law enforcement and criminal justice systems.<sup>18</sup> Perhaps as compelling from a law enforcement standpoint, hit rate data emanating from several studies suggest that race-based stops and searches of minorities yielded fewer hits on a percentage basis than traditional, behavior-based stops of whites, giving rise to the question of whether using racial and ethnic profiles is, in fact, an effective crime-fighting tool.<sup>19</sup>

In sum, when police use race as a proxy for criminal suspicion, not only is it ineffective but it puts the general public at risk. If law enforcement officials focus on race while other significant and relevant features go overlooked and unnoticed, it makes it more likely that a criminal who does not “fit the profile” will not be identified and apprehended. Additionally, it is clear that

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relegates some Vermonters to second-class citizen status. It sows distrust of all police and breeds contempt for the rule of law....”).

<sup>16</sup> Priyamvada Sinha, *Police Use of Race in Suspect Descriptions: Constitutional Considerations*, 31 N.Y.U. REV. L. & SOC. CHANGE 131, 132 (2006).

<sup>17</sup> Ronald P. Fisher, R. Edward Geiselman & David S. Raymond, *Critical Analysis of Police Interviewing Techniques*, 15 J. POLICE SCI. & ADMIN. 177, 185 (1987). *See also* remarks of Dr. Laura Fishman in Chapter Three of this report.

<sup>18</sup> As one expert observed, “While no one can know the motivation of each individual trooper in conducting a traffic stop, the statistics ... representing a broad and detailed sample of highly appropriate data, show without question a racially discriminatory impact on blacks. ... The disparities are sufficiently great that, taken as a whole, they are consistent and strongly support the assertion that [police] targeted the community of black motorists for stop, detention, and investigation.” Report of Dr. John Lamberth (plaintiff’s expert), *Wilkins v. Md. State Police* (D. Md. 1993) (Civ. No. MJG 93-468) (cited in David A. Harris, *Profiles in Injustice: Why Racial Profiling Cannot Work* 62 (2002)).

<sup>19</sup> David A. Harris, *Symposium: New Approaches to Ensuring the Legitimacy of Police Conduct: Racial Profiling Redux*, 22 ST. LOUIS U. PUB. L. REV. 73, 82-83 (2003). For a sophisticated analysis of the complexity of racial profiling issues – including interpreting “hit rates” – and a discussion of the Harris thesis, see Bernard E. Harcourt, *Rethinking Racial Profiling: A Critique of the Economics, Civil Liberties, and Constitutional Literature of Criminal Profiling More Generally*, 71 U. CHI. L. REV. 1275 (2004).

using race as the sole or a primary factor adversely impacts the relationship between law enforcement agencies and persons of color in the community, undermining trust and cooperation in law enforcement efforts. Finally, reliance on race in the identification of suspects may compromise the efficacy of investigations and ultimately the integrity of the criminal justice system.

## **Chapter Two: Background on Racial Profiling - The Vermont Context**

As of 2009, the Vermont population was estimated to be 621,270, an increase of 2.0 percent over the 2000 census. The U.S. Census Bureau reported the following race/ethnicity data: White: 96.5 percent; Asian: 1.2 percent; Hispanic or Latino origin: 1.3 percent; persons reporting two or more races: 1.1 percent; Black: 0.8 percent; American Indian and Alaska Natives: 0.4 percent; foreign-born persons (year 2000): 3.8 percent.<sup>20</sup> Among those foreign-born is a significant and growing refugee population comprised of persons from various and diverse countries, including Bosnia, Bhutan, Burma, Burundi, China, the Congo, Iraq, Russia and former Soviet Union republics, Somalia, Sudan, Togo, and Vietnam.

Several initiatives sought to identify and address challenges faced by the small but growing populations of persons of color in Vermont.

- During the 2001-2002 Legislative Session, H.407, as noted above, was introduced. Its sponsor sought to create a task force to examine racial profiling and disparate treatment of persons on the basis of race or ethnic origin by any law enforcement officer acting in an official capacity in Vermont. The bill envisioned that the task force would report its findings and recommendations to the General Assembly and the Governor. The legislative effort did not succeed.
- In 2002, the Burlington Police Department adopted a “bias-free” policing policy. The policy affirmed the department’s commitment to unbiased policing, prohibiting officers, except in limited circumstances, from considering race, ethnicity, gender, or other potentially improper criteria when making law enforcement decisions.
- In 2002, the Vermont Advisory Committee to the U.S. Commission on Civil Rights embarked upon a review of initiatives taken in response to its 1999 report, *Racial*

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<sup>20</sup> U.S. Census Bureau: State and County QuickFacts (last rev. Jan. 2, 2008). These data contrast starkly with the following 2006 U.S. race/ethnicity data: White: 80.1 percent; Hispanic/Latin: 14.8 percent; Black: 12.8 percent; Asian: 4.4 percent; American Indian/Alaska Native: 1.0 percent; foreign-born persons (year 2000): 11.1 percent. Similar data appear in a Demographic and Economic Profile on Vermont updated by the Rural Policy Research Institute, Truman School of Public Affairs, University of Missouri-Columbia in November 2006: State population of 623,050 in July 2005 (up 2.3 percent from the 2000 Census); White: 96.9 percent ; Hispanic: 1.1 percent; Asian: 1.0 percent; African-American: 0.6 percent. The latter study notes that many areas in Vermont have experienced significant growth in the number of Hispanic residents during past 15 years; in nine counties, the Hispanic population more than doubled between 1990 and 2005. Studies also show that, except for Native Americans, non-White residents overwhelming reside in Chittenden County. Center for Rural Studies, Vermont Center for Geographic Information, Vt. Indicators Online (last rev. Aug. 18, 2006).

*Harassment in the Vermont Public Schools.* The Committee issued a follow-up report in October 2003, the result of which was the enactment of statutory provisions, effective July 1, 2004, that addressed harassment in Vermont schools and incidents based on or motivated by a student or student's family's actual or perceived status, including race, creed, color, or national origin.

- In 2003, the Vermont Center for Justice Research conducted research on disparities in the criminal justice system and issued a report titled "Exploring the Dynamics of Race and Crime Using Vermont NIBRS Data."<sup>21</sup> The report concluded that in Vermont "Blacks experienced a significantly higher likelihood of arrest than whites or other minorities for all offense types except crimes against society."<sup>22</sup>
- In 2003, the U.S. Customs and Border Patrol, a subdivision of the Department of Homeland Security, instituted traffic "checkpoints" on I-91 south of White River Junction, generating inquiries and complaints about racial profiling to the Vermont American Civil Liberties Union. A Vermont ACLU advisory noted that, although the Border Patrol denied engaging in racial profiling, "anecdotally it appears that Caucasians of European descent are rarely detained for extensive questioning, while people of color, Hispanics, Middle Easterners, and Asians are singled out. Op-Ed pieces in *The Boston Globe* and other papers characterized the I-91 stop 'The Whiteness Checkpoint.'"<sup>23</sup>
- In 2003, the Burlington Anti-Racism Coalition (BARC) was founded, stating it would focus its efforts on legislation, action, and "study circles." It became active in lobbying for anti-racial harassment legislation governing public schools. It asked merchants in the major municipal retail district, Church Street Marketplace, to sign a "Statement of Goodwill," affirming their intent to treat all customers with fairness and dignity and to refrain from targeting persons for special surveillance on the basis of their color, creed, or national origin. Over 55 merchants cooperated with the request.
- Also in 2003, BARC, assisted by the Connecticut-based Study Circles Resources Center, planned and delivered a series of "study circles" on racism. A wide array of community groups and persons (representing grassroots activists, the school district, local and state officials, United Way, the Center for Community and Neighborhoods, local media, and others), totaling approximately 250 individuals, participated in 20 circles. The initiative resulted in the creation of action groups to address schools; businesses; housing; media;

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<sup>21</sup> William Clements, VERMONT CENTER FOR JUSTICE RESEARCH, EXPLORING THE DYNAMICS OF RACE AND CRIME USING VERMONT NIBRS DATA: EXECUTIVE SUMMARY (Jan. 2003), available at [http://www.jrsainfo.org/ibrrc/background-status/Vermont/vermont\\_race.pdf](http://www.jrsainfo.org/ibrrc/background-status/Vermont/vermont_race.pdf) (last visited May 27, 2009). Examples of crimes against society include drug and drug equipment violations, weapons law violations, gambling, pornography, and prostitution offenses.

<sup>22</sup> *Id.*

<sup>23</sup> ACLU of Vermont, Border Patrol Stops, [http://www.aclvt.org/issues/border\\_patrol\\_stops.php](http://www.aclvt.org/issues/border_patrol_stops.php) (last accessed May 27, 2009). See also Testimony of Leslie Holman, Esq., immigration attorney, Vermont Advisory Committee Hearing, Montpelier, Vermont, March 31, 2006 (disproportionate detention of minority persons).

government and civic participation; community resources; community awareness and education; and celebrations, arts and culture.

- In 2004, the ALANA Community Organization, located in Brattleboro, Vermont, disseminated a survey designed to examine the nature of the interactions between ethnic, racial, and linguistic minority households and the Brattleboro Police Department (“BPD”).<sup>24</sup> It found, that the statistical data supported anecdotal evidence of disproportionate contact between those households and the BPD, and that over 80 percent of the respondents felt that racial profiling was occurring (with 52.4 percent characterizing it as a “serious problem”). ALANA initiated the survey in response to a BPD survey of voters at the polls in March 2003, the results of which, the BPD maintained, demonstrated the adequacy of Departmental policies and procedures. The Police Chief questioned the focus of the survey on police misconduct that allegedly occurred two years prior and noted that the Department had since adopted a bias-free policy. Controversy persisted as to whether a Civilian Police Communications Committee, established to address complaints against police officers, had adequate investigative powers and whether data were available to track concerns regarding disparate treatment based on minority status.
- In 2005, an initiative known as the “Uncommon Alliance” started in Chittenden County. The Alliance engages community activists and residents, clergy, the State’s Attorney’s office, legislators, the Vermont Human Rights Commission, the Vermont State Police, refugees, neighboring police department personnel, and others on issues relating to the experiences of African Americans, African refugees, and other ethnic minorities with respect to law enforcement, with a special focus on racial profiling. The group established a steering committee comprised of racial, ethnic, religious, and national minorities whose members provide guidance to Uncommon Alliance committees and who also report back to Alliance participants on developments. The committees address data collection (planning and collaborating on a race data collection pilot program; data collection commenced on January 1, 2009); outreach; training (working collaboratively with law enforcement officials to design training for officers that improves their ability to provide bias-free policing); legislation; youth; and identification (assisting persons whose primary language is not English in interactions with police).
- In 2006, the Vermont Advisory Committee to the U.S. Commission on Civil Rights convened a briefing to examine issues affecting immigrants and refugees in Vermont. Although the Committee focused on the adequacy of social services and other resources available, including health care, education, housing, employment, and legal representation, especially for those who have limited English proficiency, it heard testimony that Mexican farm workers were subjected to discrimination and the constant fear of deportation or intimidation by local authorities. The Committee also heard testimony that individuals are often “targeted based on their race or ethnicity because they are members of a certain minority group and are supposedly more likely to engage in unlawful behavior or be present in the U.S. illegally.”

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<sup>24</sup> ALANA stands for African, Latino, Asian, Native American.

- During the spring of 2007, the Burlington Police Department, Burlington City Council officials, two state legislators, moderator T.J. Donovan (Chittenden County State's Attorney), and the Executive Director of the Vermont Human Rights Commission met with approximately 50 members of the public – one-quarter of whom were described by a local weekly as recent immigrants and local established residents of color – to discuss race and law enforcement issues. A media report stated that Attorney Donovan convened the meeting in response to a *Burlington Free Press* Op-Ed piece in which Hal Colston, Director of NeighborKeepers, a non-profit, anti-poverty organization in Burlington, described his experience of “driving while black.” One of the state representatives expressed his intention to introduce a bill during the upcoming legislative session that would generate data for analysis of racial profiling issues.<sup>25</sup>
- On June 6, 2008, the Uncommon Alliance issued a press release announcing the first of a series of public forums to advise the community of the initiative of four local police departments – Burlington, South Burlington, Winooski, and the University of Vermont – to have law enforcement officers collect drivers' race data during motor vehicle stops. The stated objective of the data collection process was to assist law enforcement agencies in analyzing whether individual officers are engaging in stops that may be based on racial bias instead of observed conduct and thus “to promote accountability and transparency of law enforcement officers, especially when dealing with members of minority communities.” An editorial that appeared in the *Burlington Free Press* on June 12, 2008, commended the initiative, noting the inadequacy of “anecdotal” information and the need for data that either validates or dispels racial profiling concerns. The editorial urged commencement of a state-wide program. The supervising attorney in the Chittenden County Public Defender's Office agreed with the call for a state-wide program, commenting that race bias infiltrates all levels of the criminal justice system, from initial traffic stops to bail hearings to sentencing.<sup>26</sup>
- On June 12 and July 17, 2008, this Committee convened briefings to hear more from law enforcement representatives, governmental officials, scholars, advocacy group representatives, community representatives, and members of the public about racial profiling issues in Vermont.

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<sup>25</sup> Mike Ives, “Burlington Officials Address Discrimination, Again,” *Seven Days, Local Matters*, May 30, 2007, available at <http://www.7dvt.com/2007/Burlington-officials-address-discrimination-again> (last accessed May 27, 2009).

<sup>26</sup> Peter Hirschfeld, *Vermont Police Accused of Racial Bias*, *Barre-Montpelier Times Argus*, June 15, 2008. The article also quotes Robert Appel, Executive Director of the Vermont Human Rights Commission, as citing racial disparities in imprisonment and stating that African-American men are represented in the inmate population in Vermont at a rate 12.5 times greater than their presence in the general Vermont population.

## Chapter Three: Summary of Racial Profiling Briefing Participants

### **Racial Profiling Briefing, June 12, 2008, Burlington, Vermont**

The Vermont Advisory Committee invited public officials, law enforcement personnel, scholars, community representatives, and the public to present on the topic of racial profiling. The first panel included three police chiefs, the executive director of the Human Rights Commission, and a public defender; the second panel included scholars and community representatives; and the third panel was open for members of the public to make statements to the Committee.

#### *Panel One*

##### Michael Schirling, Chief of Police, City of Burlington

Chief Schirling acknowledged that racial profiling was a deliberate police practice in the 1980s, only later to be found ineffective. He also observed that racial profiling exists both in reality and perception. Chief Schirling noted that his predecessor, Thomas Tremblay, the current Commissioner of the Vermont Department of Public Safety, launched initiatives designed to identify the presence and impact of racial profiling. Chief Schirling expressed his own commitment to addressing racial bias in police activity and his recognition of the importance of trust-building and transparency as his Department undertakes steps to do so. He outlined the following priorities: examine, through data collection and analysis, law enforcement practices such as traffic stops; screen officer candidates intensively; hire personnel who do not manifest overt racial bias; identify supervisory officers who can promote interracial understanding and good race relations with and in the community; and offer effective training and education for officers on a continuing basis.

##### Col. James W. Baker, Director, Vermont State Police

Colonel Baker advised that the Vermont State Police is the largest law enforcement agency in the state. It provides primary police services to approximately 45 percent of the population, and also operates emergency communication answering and dispatching services that review and process approximately 75 percent of the emergency calls in Vermont. These services, and the agency's coverage of about 80 percent of the state land mass, bring State Police into contact with a large segment of residents of, as well as visitors to, Vermont. Colonel Baker observed that the state population is today more diverse than it was a decade ago, and that this trend is likely to continue.

Colonel Baker is responsible for the rules, regulations, policies, practices, and processes that govern the conduct of State Police officers. He said that he supports statements that make clear to all that bias in policing is unacceptable; he also noted that it is an ongoing process to render the Vermont State Police a "culturally competent" organization.

Colonel Baker then outlined actions that have been implemented and are designed to address racial bias concerns: (1) issuance of a statement of vision and expectation that all persons be treated with respect and dignity, and without the influence of bias; (2) adoption of a Non-Bias Policing policy; (3) installation of video cameras in State Police cars and requiring their use for all traffic stops; (4) appointment of a standing committee to audit traffic stops that result in

vehicle searches (5) operation of an Internal Affairs process, per statute and policy, that is overseen by an Advisory Commission whose members are appointed by the Governor;<sup>27</sup> and (6) commencement of an enhanced training program this fall.

Robert Appel, Executive Director, Vermont Human Rights Commission

Mr. Appel focused his remarks on the question of racial disparity in the administration of criminal justice. Citing data from the U.S. Sentencing Commission project, he stated that Vermont ranks second only to Iowa in racial disparity in incarceration rates, with African Americans imprisoned at a rate 1,250 percent more per 100,000 residents than Whites. These data, Mr. Appel noted, are corroborated by data published by the Vermont Department of Corrections, which show that 10.1 percent of inmates incarcerated in Vermont on June 1, 2006, were African American (up 20 percent from the previous year's 8.4 percent), a rate more than 12 times greater than the state's percentage of African American residents.

Mr. Appel said that the question whether the discriminatory exercise of discretion by criminal justice personnel causes these racial disparities "remains largely unanswered." He observed that issues relating to stops and investigations of persons of color (including Mexican farm workers) had been discussed in several contexts in Vermont during the past year, including at an immigration forum held in Montpelier in October 2006; relative to the I-91 (Hartford/White River area) Border Patrol Checkpoint's alleged disproportionate detention of non-White travelers; in "study circles" on race convened in several Vermont communities; and through the Uncommon Alliance. In addition to the data collection started by the police departments participating in the Alliance, Mr. Appel indicated that the Alliance has produced several informational brochures, including a publication designed to inform community members of their rights and responsibilities in interacting with law enforcement officers and a brochure intended to assist officers in understanding Muslim customs.

Mr. Appel said that the success of efforts to have state law enforcement agencies adopt "meaningful" anti-bias policing policies has been mixed. He cited a U.S. Department of Justice policy with respect to racial profiling as a "best practice" insofar as it directs officers not to rely on race as a motivating factor to a stop unless there is information available on the race of an identified suspect.

Finally, Mr. Appel stated that racial profiling is a concern and priority of the Vermont Human Rights Commission. In addition to law enforcement and criminal justice issues, he described complaints involving housing and public accommodations, retail and shopping mall surveillance practices, and harassment in the schools. He mentioned that Commission staff and Commissioners are seeking to broaden their own understanding of the "latent characteristics" of racial bias through education and training programs.

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<sup>27</sup> Colonel Baker stated that cases in which racial profiling or bias is alleged or suspected are referred to the Internal Affairs Director for investigation, and those findings are subsequently reviewed by the Advisory Commission, thus ensuring citizen oversight. He also noted that the Commission is comprised in a manner responsive to state demographics.

Gary Margolis, Chief of Police, University of Vermont Police Services

Chief Margolis explained that the University of Vermont ("UVM") Police Services unit is one of the largest full-service law enforcement agencies in the state and that its accreditation from the Commission on Accreditation for Law Enforcement Agencies ("CALEA") is in part dependent upon its adoption of policies that address racial profiling.

He reviewed the history of a 2003 incident during which a UVM officer drew a gun on an African American student the officer mistakenly believed to be a suspect in a robbery. The Department terminated the officer, and the Chief initiated intensive officer training regarding racial profiling, enlisting the advice of expert Jack McDevitt of the Racial Profiling Data Collection Center at Northeastern University.

Chief Margolis stated that he was involved in the development of an anti-bias policy statement that now serves as a model for law enforcement agencies throughout the state. He also shared his belief that, notwithstanding potential shortfalls associated with data collection processes and analysis, undertaking data collection is an important basis for "open dialogue" between law enforcement officials and community members. He predicted that the Uncommon Alliance, in which he is participating, will serve as a model for other Vermont municipalities, enhancing the awareness of law enforcement personnel of racial profiling issues.

Margaret Jansch, Chittenden County Public Defender

Ms. Jansch advised the Committee that her office handles 5,000-6,000 criminal cases annually. The office is the largest public defender unit in the state, and Burlington has the largest minority population in Vermont. With respect to racial profiling and criminal justice, Ms. Jansch indicated that her information is anecdotal and that, in her view, data collection is essential. She offered strong support for the use of video cameras in officer vehicles, but commented that the videotapes are not always available or produced upon the request of defense counsel.

Ms. Jansch expressed concern about the prevalence of traffic stops involving young African American men and said that many of her office's cases are drug prosecutions arising out of these traffic stops. She stated that young African American males in late-model cars are at high risk of a traffic stop and that she has filed motions to dismiss cases on the ground that the rationale offered for stops was pretextual. She also expressed her view that race-based sentencing disparities existed.

*Panel One: Questions and Answers*

In response to a Committee question, the two police chiefs and Colonel Baker reported rising success in the recruitment of female officers but continuing challenges with respect to recruitment of non-White officers.

Discussion next turned to model policies. One of the panelists stated that many policies prohibit stops based solely on an individual's membership in a protected class. Mr. Appel again favorably cited the 2003 U.S. Department of Justice guidance statement, reiterating his belief that limiting the prohibition to stops based "solely" on race is unduly restrictive. He also criticized the

absence of a legally mandatory link between policy and training. A panel member noted that there is no central repository in Vermont for adopted policies.

*Panel Two*

Hal Colston, Executive Director, NeighborKeepers

Mr. Colston is presently Executive Director of *NeighborKeepers*, a non-profit, anti-poverty organization in Burlington, Vermont. He observed that, although Vermont demographics are changing, the state is "a generation behind" in learning about race bias issues, including racial profiling. He characterized racial profiling as being "epidemic," and stated that he has known people who have left the state due to racial climate concerns. He also indicated that he and his sons, as African Americans, have been subjected to law enforcement action based on racial profiling.

Mr. Colston characterized the Uncommon Alliance as a forum within which to discuss racial profiling issues and to identify solutions, citing the imminent data collection project. The objective of this grassroots and law enforcement leadership effort is, he said, to make Vermont a safe and inclusive place for all. He reminded the panel of Martin Luther King's statement that "whatever affects one directly, affects all indirectly."

Laura Fishman, Associate Professor, Department of Sociology, University of Vermont

Dr. Fishman, who identified her areas of expertise as sociology and criminality, stated that she has done work in the Vermont prison system since the 1970s. When she first began her studies, she said, there were no persons of color incarcerated; now, inmate demographics resemble those of a major urban area.

She urged that one must examine policy, and not only the actions of individual officers, when considering race bias issues. She also called attention to the general racial climate, including the influence on it of media perpetuation of stereotypes.

Robert Walsh, author and adjunct faculty member

Mr. Walsh initially completed a career in the U.S. Marine Corps, retiring with the rank of Lieutenant Colonel. During the years 1980-95, he taught African American history at South Burlington High School in Vermont and was a member of the Vermont House of Representatives from 1983-89. He is currently a member of the adjunct faculty of the University of Vermont.

Mr. Walsh is the author of "Through White Eyes: Color and Racism in Vermont" and is engaged in a Vermont African American history project that includes teacher training. He observed that, in general, traditional approaches to American history do not adequately address the African American experience. Without an adequate education about this experience, Mr. Walsh stated, on graduation Americans enter the workforce influenced by stereotypes. He posited that law enforcement officers' attitudes about race are affected by this educational deficit and, in particular, their inadequate understanding of the root causes of discrimination. Mr. Walsh noted that data collection will not itself address this shortfall, and recommended that the state Police Academy add African American history to its training curriculum.

Sherwood Smith, Lecturer, Integrated Professional Studies Department, College of Education and Social Services, and Director, Center for Cultural Pluralism, University of Vermont

Dr. Smith testified that he teaches courses in human development, including cultural influences. He noted that people working for change are in "different developmental places," and that one challenge in addressing racial profiling is that it can be engaged in by officers who are not conscious of their own bias (as compared with "conscious racial bigots").

Dr. Smith then observed that an officer can find a factually valid reason to stop virtually anyone; thus, the question is not whether a stop is justified but rather what motivated it. He urged that care be used in the design of data collection studies, including consideration of the use of both qualitative and quantitative information.

Training is critical to change behavior and to "experiment with new behaviors," Dr. Smith stated. He underscored the importance of forums where issues such as racial bias can be aired to raise awareness and to identify obstacles to change.

*Panel Two: Questions and Answers*

Dr. Fishman amplified her remarks, underscoring the importance of recognizing class and gender as well as race issues, and distinctions between immigrant and non-immigrant minorities, particularly insofar as newer residents may have English language difficulties. With respect to law enforcement officer training, Dr. Fishman identified receptiveness as critical to training effectiveness, commenting, "people will only change when they are receptive to doing so." She emphasized a special need for training law enforcement officers in witness identification, as studies have shown that officers are generally no more accurate than members of the public. She observed that this skill is pivotal in data collection work as well.

Dr. Smith stated that, although training is useful, people must recognize that the entities offering training may themselves be affected by systemic bias, or maybe so perceived by others. He suggested that understanding "White racial identity" is vital in training. Dr. Smith added that quality relationships between law enforcement officials and the people whom they serve are important (citing the community policing approach in Burlington as a positive example); law enforcement officers, he said, must have a presence in the community for more than law enforcement purposes.

Mr. Colston observed that the increasing demographic diversity of the state is not well-reflected in the ranks of state leaders and until that changes, change will not come. Specifically, he expressed concern that leaders make decisions affecting people of color without experience and familiarity with them.

*Public Comment*

Andy Santiago, Member of the Public

Mr. Santiago, a Brooklyn native raised in Hawaii, testified that he has lived in Vermont for three years. He is of Puerto Rican descent. He moved to Vermont in search of a better life for his three-year-old daughter who has disabilities. He stated that he loves Vermont, but believes he has

been the target of racial profiling and racist comments. He described perceived bias-driven incidents in many aspects of his daily life, including driving, shopping, engaging in recreational activity, and his housing situation.

Susanna McCandless, Lecturer, Department of Geography, College of Arts and Sciences, University of Vermont, and Farm Worker Assistance

Ms. McCandless testified that she works with Latino and Mexican farm workers. She said that these workers live in isolation and fear because their visibility in small towns and their illegal status renders them unable to leave the farms on which they work to engage in the most basic human activities. Ms. McCandless acknowledged that the unavailability of visas under present immigration policy is a matter that can only be resolved at the federal level.

Antoinette Bennett-Jones, Member of the Public

Ms. Bennett-Jones, a pregnant African American woman, advised that she had recently relocated to Burlington from Florida to have her baby. She testified that she was the victim of an allegedly racially motivated traffic stop and physical assault by a Williston police officer. The officer, she said, directed that she pull her vehicle over in the parking lot of a Williston Wal-Mart, where she and her sister planned to pick up diapers for their nephew. Ms. Bennett-Jones charged that the officer failed to cite a legitimate reason for the stop, although he told her that the car inspection sticker was peeling. A newspaper article stated that she received a \$314 ticket for "disobedience to a police officer," but no traffic citation. The newspaper also reported that, after Ms. Bennett-Jones left the scene, she was diagnosed with a sprained wrist, according to discharge papers from Fletcher Allen Medical Center.<sup>28</sup> Tonya Bennett, Ms. Bennett-Jones' sister, offered corroborating testimony to the panel.

Ron Redmond, Executive Director, Church Street Marketplace

Mr. Redmond described an advocacy effort by the Peace and Justice Center in Burlington relating to racial profiling by merchants. Specifically, Church Street Marketplace merchants were asked to sign a "Statement of Goodwill" affirming their intent to treat all customers with fairness and dignity and to refrain from targeting persons of color for special surveillance.

Mr. Redmond further stated that he has been approached by persons of color who report perceived racial profiling activity; within the past few years, he recalled three instances in which he was asked to intercede with a merchant. He shared his belief that it is important to educate businesspeople about "White privilege" issues.

*Written Comments Submitted by Public*

Allen Gilbert, Executive Director, American Civil Liberties Union of Vermont

Mr. Gilbert submitted written testimony to the Committee, attached as Appendix A. His statement advised that the Vermont chapter of the American Civil Liberties Union has tracked the racial profiling issue for a number of years, including consideration of data collection. He observed that without hard data it is impossible to determine whether, and to what extent, racial

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<sup>28</sup> Hirschfeld, *supra* note 26.

profiling exists in Vermont. His organization receives a number of related complaints annually regarding the law enforcement activities of officers at the local, state, and federal level.

Mr. Gilbert commended the Burlington-area police departments that are slated to begin data collection. He noted that some criminal justice experts believe that such efforts are most effective when, as in this instance, they are undertaken voluntarily; however, he said that, eventually, the practice may need to be mandated by statute if comprehensive data collection is the goal.

The issue of police accountability needs to be addressed more generally, Mr. Gilbert stated. He recommended establishing complaint avenues independent of the law enforcement agencies and the bodies that oversee them, including the State Attorney General's office. He shared his view that the results of internal police investigations should be publicly disclosed.

Mr. Gilbert noted that the vast majority of Vermont law enforcement officers are fair, effective and professional in the exercise of their duties. He stated that all officers suffer when there is a public perception of the presence of a few "bad actors" who are not held accountable. He urged the creation of an independent agency, ombudsperson, or civil rights officer to whom members of the public can turn as an alternative to civil litigation.

#### **Racial Profiling Briefing, July 17, 2008, Montpelier, Vermont**

After its June briefing, the Vermont Advisory Committee determined that it needed to hear from additional speakers on the issue of racial profiling. At its second briefing, perspectives were offered by additional public officials, law enforcement personnel, scholars, and community representatives. The Deputy Consul from the Mexican Consulate spoke on the first panel; the Vermont Attorney General, a State's attorney, and a public defender spoke on the second panel. The third panel included two police chiefs, a representative from a sheriffs' department, and a trainer from the police academy. Finally, the briefing concluded with a law professor, two community representatives, and the chair of the New Jersey Police Advisory Committee on Police Standards.

##### *Panel One*

##### Amparo Anguiano, Deputy Counsel, Mexican Consulate

Ms. Anguiano is assigned to the Boston office of the Mexican Consulate. The office covers all New England states with the exception of Connecticut, which has the highest concentration in New England of Mexican residents.

Ms. Anguiano indicated that, since the 2000 Census, when approximately 36,600 Mexicans were identified in the region, the number of residents of Mexican origin has increased dramatically, nearing 50,000 by the end of 2005. Over half of this population, she said, is in Maine; approximately 2,000 persons of Mexican origin are believed to be in Vermont. Some Mexicans come to New England from Mexico; others migrate from locations in the U.S. Many have U.S.-born children, and some were born in the U.S. The population includes people in lawful immigration status and those without documentation.

Ms. Anguiano commented that many Mexicans in New England live in isolated, homogeneous settings. Because they are highly visible in public, she believes that members of this population are “highly vulnerable” – although not necessarily subject – to racial profiling. The Mexican Consulate has initiated a mobile visits program to provide services to Mexicans in rural areas; however, participation rates vary, with higher Vermont participation in Addison County than Franklin County during recent outreach attempts.

Regarding immigration law enforcement, Ms. Anguiano said that the nature and extent of participation by state and local officials is highly variable throughout the region. In Rhode Island, for example, the Governor issued an Executive Order requiring compliance with immigration law eligibility verification on the part of state agencies and contractors. By contrast, in 2008, the Governor of Massachusetts announced an initiative to integrate immigrants and refugees into communities throughout the state.

In Vermont, Ms. Anguiano testified, the State Police and the Department of Corrections are expected to provide secondary assistance, such as detention or transport services, to federal agencies, including the U.S. Border Patrol and Immigration and Customs Enforcement (“ICE”). She noted that Vermont recorded the highest number of arrests of Mexicans in the region (82) – a statistic she called “striking” in a state that has so few Mexican residents. Ms. Anguiano added, however, that arrest statistics are compiled by the Border Patrol and ICE, which transmit the data to the Consulate, and it is unclear whether other states were underreporting this information.

She commended the Middlebury Police Department policy on undocumented foreign nationals, which she characterized as a “balanced and pragmatic approach” that recognizes basic rights of foreign nationals, such as access to consular services.

#### *Panel Two*

#### William Sorrell, Attorney General, State of Vermont

Mr. Sorrell first offered that “racial profiling, in the narrow sense, refers to a police practice of consciously or unconsciously identifying a particular racial or ethnic group as being more likely than others to be guilty of, or more prone to, committing criminal acts.” He noted that such identification can result in relatively high levels of traffic stops and/or increased levels of suspicion of wrongdoing when police interact with members of the particular racial or ethnic group.

Mr. Sorrell explained the jurisdiction of the Attorney General’s Office, noting that because neither the Vermont State Police nor the Vermont State Attorneys report to the Attorney General, he would address the more general issue of racial bias in the criminal justice system instead of the specific question of racial profiling.

Mr. Sorrell observed that Vermont has some of the most expansive anti-discrimination laws in the country; Vermont courts have reinforced the principle of equal rights for all citizens; the Vermont Human Rights Commission is active; and the Vermont Supreme Court has a Committee on Fairness and Equal Access to Justice. He nevertheless cautioned that “vigilance is

warranted.” He noted that, although African Americans comprise approximately one percent of the population of Vermont, 2007 State Department of Corrections data reflected that African Americans constituted approximately 10 percent of persons incarcerated, and Mr. Sorrell characterized as “legitimate” questions arising from these data. Among the issues presented, he suggested, is whether, based on similar facts, Vermont prosecutors charge African Americans at higher rates than other potential defendants. He also recommended for study the relative conviction rates and sentencing of African American and non-African American defendants.

In closing, Mr. Sorrell stated that he has not heard compelling or convincing allegations of racial bias in the post-arrest criminal justice system in Vermont; however, to ensure that equal rights and justice are being accorded to all, he looked forward to participating in any study that seeks answers to the questions identified as well as others reasonably posed.

Anna Saxman, Deputy Defender General, Office of the Defender General

Ms. Saxman identified herself as the former chair of the Racial and Ethnic Bias Subcommittee of the Vermont Supreme Court Access to Justice Committee. She stated that the nature and extent of racial profiling in the state should be investigated because there is only anecdotal – and not statistical – information available.

Much of what is happening, Ms. Saxman observed, is “invisible” insofar as it may involve surveillance in addition to detention and arrest activity. She cited possible differential treatment of persons stopped for suspicion of routine infractions, such as speeding. She emphasized the importance of knowing how prevalent differential treatment is, if it exists, because the state will be adversely impacted if it has a reputation for racial harassment of visitors and residents. She commended the voluntary data collection initiative in Chittenden County.

Ms. Saxman believes that examination of racial profiling should encompass all aspects of the criminal justice system, including the types of charges; criteria for bail-setting, including community ties and flight risk; and sentencing. She urged that steps be taken to increase minority representation in jury pools, and she identified pretrial detention as an area in need of study, due to its effect on the ability of detainees to make effective use of defense counsel. Ms. Saxman cited as an important concern the examination of issues of race in the juvenile justice system. Finally, she noted that the Public Defender’s Office provides training to attorneys and investigators regarding racial bias and cross-cultural competency.

T.J. Donovan, State’s Attorney, Chittenden County

Mr. Donovan stated that racial profiling concerns have been a priority of his since his election to office in November 2006. He convened a community forum in May 2007, addressing “Race in the Criminal Justice System.” The impetus for the forum was Mr. Colston’s “My Turn” piece in the *Burlington Free Press*, in which Mr. Colston recounted a personal experience of profiling. Mr. Donovan is also participating in the Uncommon Alliance, an initiative that he characterized as successfully bringing together members of the minority community and law enforcement officials to discuss “openly and honestly” the issue of race and law enforcement accountability.

Commending the voluntary decision of the police departments of Burlington, South Burlington, Winooski and University of Vermont to begin data collection, Mr. Donovan said that the

outcome will “not only increase the transparency of the criminal justice system, but serve as a valuable internal management tool for the police.” He called it “remarkable” that community partners, in a grassroots effort, created this commitment, observing that the goal was accomplished by an acknowledgement that “change, while difficult, can occur when an incremental approach is taken.”

Mr. Donovan urged that this work extend beyond police departments to prosecutors, who he believes should be accountable to the public and make decisions based on public safety considerations. He stated that race should never be a factor in their decisions, although it is nonetheless important to understand the role that both race and poverty have played in our society and the criminal justice system. Finally, Mr. Donovan commented that prosecutors’ offices should be staffed in a manner that reflects the communities they serve, and he shared his progress to date toward that goal.

#### *Panel Two: Questions and Answers*

A Committee member asked Mr. Sorrell to elaborate upon his comment that racial bias has not been found in the judicial system. Mr. Sorrell replied that he has not encountered compelling or convincing allegations from defense counsel, juries, or judges that persons of color are being prosecuted at higher rates than Whites. He acknowledged, however, that incarceration data raise questions. He also mentioned previous legislative consideration of data collection, but recalled that some persons expressed personal privacy concerns when an initiative was under consideration.

Ms. Saxman commented that it is extremely problematic to accuse a judge of racial bias, stating that no allegation “will upset a judge more.” She also noted that bias is difficult to prove. She has, however, seen judicial comments in trial transcripts that caused her concern.

In responding to a question regarding the juvenile justice system, Ms. Saxman cited the absence of data collection and the prevalence of anecdotal evidence. She mentioned one study that found differential referral rates of minority youth to diversion programs. She also noted that minority children in detention appear to be less likely to be sent home due to perceptions of increased risk in their home environments.

A Committee member asked the panel whether it supported or opposed mandatory data collection. Mr. Donovan stated that he does not believe that data collection should be mandated, because the police departments participating voluntarily in Chittenden County will become the best advocates of the practice with other state law enforcement agencies. He also expressed concern about an unfunded mandate.

Attorney General Sorrell stated that it would be helpful if the Legislature appropriated funds to support data collection, including experts as necessary. He also said that law enforcement agencies will face staffing challenges associated with the need to do in-depth analysis of massive records, particularly if a study were to cover post-arrest proceedings in addition to traffic stops. He asked whether a prospective study might be more productive, insofar as it may improve prospects for ensuring the best quality data.

Ms. Saxman agreed that a prospective approach would be best, advising that the Honorable Justice Denise Johnson, Associate Justice of the Vermont Supreme Court, has led an initiative designed to examine these issues. She said that many states have done similar criminal justice system studies. She characterized as important the collection of data from the courts as well as law enforcement agencies, stating that a well-designed study that is devised by qualified sociologists and statisticians would be valuable. Mr. Sorrell expressed support for such an endeavor.

A Committee member inquired about constraints on the ability or willingness of possible victims of racial bias to come forward with their concerns. Ms. Saxman identified some of the avenues available, such as the Vermont Human Rights Commission and defense counsel in criminal cases. She noted, however, that municipal police departments do not typically have citizens' review boards. Mr. Sorrell replied that, in Vermont, police commissions are intended to function in a role similar to citizens' review boards, and that the State Department of Public Safety has a statutorily mandated Advisory Committee comprised of civilians.

### *Panel Three*

#### Thomas Hanley, Chief, Middlebury Police Department

Chief Hanley described Middlebury Police Department policy governing law enforcement and foreign nationals, attached as Appendix B. The policy recognizes that, when undocumented foreign nationals come to the police department for help or to make reports, full priority should be given to public safety and justice rather than rigid enforcement of immigration regulations, that latter which is a federal responsibility. He added that the written policy formalized how his department had been dealing with the issue for many years, commenting that in fact, the policy dovetails with the policy his department adopted eight years before, "which specifically dealt with the issue of racial profiling, specifically prohibiting it as a means of police work."

#### Trevor Whipple, Chief, South Burlington Police Department

Chief Whipple has been in his position for two years, coming into a department that is facing charges of racial bias. He has participated actively in the Uncommon Alliance, and characterized it as a model for other communities, working to the mutual benefit of community members and law enforcement and inclusive of persons of color as well as law enforcement agency personnel. He cited as among its benefits not only the exchange of information and perspectives, but relationship- and trust-building. He strongly supports the data collection initiative that is slated to begin shortly.

Chief Whipple identified challenges his department faces in the recruitment of a diverse complement of officers, noting that he has expanded recruitment to the Boston area. Efforts to date have yielded substantial progress with respect to the hiring of female officers, but not persons of color, although three officers of color are now on staff. He also underscored the importance of effective candidate screening for bias and compliance with the non-bias policy as a criterion to consider in promotions.

W. Sam Hill, Sheriff, Washington County Sheriff's Department

Sheriff Hill reported that 13 (county-based) sheriff's departments helped to prepare him for the briefing. He spoke with personnel from each county and believes that sheriffs throughout the state take seriously the issue of bias-free policing.

Estimating that approximately 50 percent of the sheriff departments have anti-bias policies, he said that departments are not seeing problems with, or receiving complaints of, racial bias. One sheriff's department, he noted, has an ethics policy that it believes, with training, is adequate.

Sheriff Hill stated that he believes that, if there were racial bias concerns and complaints, his department would be aware of them, as there are many local channels of communication, including town offices, constables, board members, and the department itself. He emphasized the importance of effective training to ensure that department personnel discharge their responsibilities appropriately.

The Sheriff described the scope of departmental operations: departments typically have contracts with specific municipalities within the county to perform either discrete or comprehensive patrol services. He cited highway safety as a major area of service. Another function of the departments is to transport juveniles, mental health patients, and others from places of detention to the courts – a highly stressful task, for which they receive training.

Cindy Taylor-Patch, Training & Curriculum Coordinator,  
Vermont Criminal Justice Training Council

Ms. Taylor-Patch described the general scope of services the Council provides, which involves curriculum development and recruitment and in-service training for Vermont law enforcement personnel. She explained that the two-hour recruit training program on racial awareness encompasses racial profiling and that this is the only segment in the initial training devoted to bias prevention.

*Panel Three: Questions and Answers*

Committee members asked questions regarding the extent to which state and local law enforcement agencies engage in immigration enforcement. Sheriff Hill replied that sheriffs on full patrol respond to complaints in the same manner as municipal police officers; thus, if a sheriff believed that a situation posed a national security threat, ICE or another federal agency with jurisdiction would be contacted. Chief Whipple stated that his department has no regular interactions with ICE and does not "police at the federal level." He said that, if an individual is under suspicion for an offense that is within the jurisdiction of his department and the suspect is believed to be undocumented, contact would be made with ICE or the U.S. Border Patrol. Chief Hanley commented that if an undocumented person is brought into custody, the appropriate consulate is notified so that it can render services, and then a transfer is made to federal authorities or a holding facility.

Committee members questioned Ms. Patch-Taylor about the adequacy of the racial awareness training. She acknowledged that the two-hour block did not provide a substantial training opportunity, and stated that additional training could be offered as part of in-service

programming, but that there are financial and staffing challenges with respect to curriculum development and the availability of qualified and effective trainers. She also explained that the recruit training program has pre-established minimum requirements.

A Committee member asked the panel whether it favored data collection and cruiser videotape mandates. Chief Whipple observed that a mandate could be viewed as evidence of distrust, and he expressed concern that it would engender resistance from law enforcement officers. He stated that he believes that a model such as the Uncommon Alliance is preferable, and that Alliance participants have offered suggestions regarding data collection and analysis, including inquiry into what circumstances precipitated a stop. He offered a cautionary note about the legislative process, noting that legislative outcomes do not always best reflect the intent of those seeking legislative action. In conclusion, Chief Whipple recommended that the Chittenden County initiative be viewed as a pilot program from which experience can be gained for future endeavors, including legislation should that prove necessary. He urged that models be implemented that foster relationship-building and nurture trust.

In response to the same question, Sheriff Hill expressed concern about an unfunded mandate. He identified budget constraints and the contract-revenue model that generates financial support for sheriff's office operations. Chief Hanley echoed concerns about mandates and noted that raw data can be manipulated to generate various outcomes; instead, he said, he favors good recruitment and candidate screening practices that include vetting for racial bias. Chief Hanley identified various informal channels through which he, with years of Middlebury Police Department experience, receives feedback on the performance of individual officers and his department; he also proactively seeks information from migrant workers and the Mexican Consulate. Finally, Chief Hanley stated, although the department uses videotaping in its patrol cars, there are resource constraints affecting its ability to ensure system operation and maintenance.

A Committee member inquired about the availability of effective means to publicize complaint channels. Chief Whipple commented that individuals may be reluctant to come forward due to the perceived power differential between a law enforcement agency and members of the public; he has, however, worked with the Refugee Resettlement Program and Uncommon Alliance participants to keep channels of communication open. He said that he has also met with refugees to explain individual rights as well as to identify complaint mechanisms. He views the Vermont Human Rights Commission as a neutral agency whose role is to provide an avenue for expression of concerns and complaints. He underscored that it is important to have options rather than a single channel for redress.

A Committee member re-opened discussion of the interface between federal Homeland Security initiatives and the work of state and local law enforcement agencies. Chief Hanley commented that no one is legally required to carry identification unless driving a vehicle, but that such information is requested when police are investigating a suspected crime. If an undocumented person is believed to have committed a crime, Chief Hanley added, the Middlebury Police Department will contact an appropriate federal agency. He also noted that his department refers occasional anonymous tips about "illegal aliens" to a federal agency. Chief Hanley clarified, however, that all possible violations of federal law are referred to an appropriate federal agency,

including, for example, suspicion of counterfeiting, because local law enforcement agencies lack jurisdiction over such matters.

Sheriff Hill observed that if, in the course of a vehicle stop, a driver is asked for and cannot produce a license, registration, and proof of insurance, the absence of appropriate documentation may result in a federal agency contact. He noted that the sheriff's office lacks access to a federal database to determine if someone is documented.

Chief Whipple stated that ICE can direct a local law enforcement agency to detain an individual for suspected violation of federal law.

#### *Panel Four*

##### James Johnson, Chair, New Jersey Advisory Committee on Police Standards

Mr. Johnson, who is a partner in the law firm of Debevoise & Plimpton, LLP, began his comments with a brief description of the events that led to the establishment of the New Jersey Advisory Committee on Police Standards ("Advisory Committee on Police Standards"). Pursuant to a consent decree, the New Jersey State Police were directed to identify and implement steps to eliminate the fact, appearance, and risk of racial profiling in the performance of duties. The many initiatives undertaken in New Jersey over the several years since the decree are comprehensively documented in the New Jersey Advisory Committee on Police Standards report.

Mr. Johnson derived a number of conclusions from the work of the Advisory Committee on Police Standards. First, while recognizing the nobility of their public service, he noted the tendency of law enforcement agencies to be self-protective – sometimes to an extent not in their self-interest – and observed that "oversight ensures accountability." Second, he underscored the importance of transparency. Law enforcement, he said, serves best when functioning as part of its community; if community members are unclear why certain law enforcement decisions or tactics are used, or where to direct concerns and complaints, they will lack trust, a key component of effective law enforcement.

Mr. Johnson explained that the Advisory Committee on Police Standards held six hearings and took testimony from a wide array of witnesses – community members as well as experts – and derived findings from this comprehensive briefing process. The resulting recommendations were reached by consensus and included steps such as data collection and use of video-cameras in patrol cars. These data, he explained, not only protect officers from physical harm and unfounded charges of misconduct, but provide an excellent self-study foundation for officer counseling and management. The New Jersey outcome, Mr. Johnson believes, was a good one, and he commended the Advisory Committee on Police Standards for the quality of its work.

##### Michele Jenness, Vermont Refugee Assistance

Ms. Jenness urged that clear boundaries be maintained between the enforcement of criminal law and the enforcement of immigration law. She noted that local police department policies that bar officers from seeking to enforce federal immigration requirements are consistent with federal

policy. She also commented that enforcement of immigration law needs to remain a federal responsibility to allow local police to focus on their primary duties.

Observing that immigrants and refugees confront racial and xenophobic biases, Ms. Jenness stated that when local law enforcement officers ask those whom they have detained and who "look like immigrants" about their status, this activity raises serious civil rights concerns. Based upon anecdotal reports, Ms. Jenness said, this activity occurs with enough frequency to raise concerns about a pattern and practice of racial profiling. She also identified serious public safety issues arising out of the fact that immigrants are hesitant to use police emergency services, even to report crimes, for fear that they or family members could be deported.

Since 1992, Ms. Jenness testified, Vermont Refugee Assistance has provided legal counsel to immigrants being held in the custody of what is now the U.S. Department of Homeland Security. It provides weekly presentations to male immigrants held in the Franklin County jail in St. Albans and, on a needs basis, to female immigrants held in Dale Correctional Facility in Waterbury. The great majority of these immigrants, she said, are in civil removal proceedings.

Naweza Muderhwa, Program Specialist, Association of Africans Living in Vermont

Ms. Muderhwa told the Committee that she immigrated to Vermont in 1996, when she was 13 years old. She described an altercation arising out of a racial slur that her brother had as a young child, and the insensitive, if not hostile, treatment from the Burlington police officer who responded. She stated she lost confidence in the police as a result. In addition, she observed, many persons of color in the community have had similar experiences and lack trust in local law enforcement. Ms. Muderhwa stated that immigrants view the United States as a country that engenders hope, and commented that she and others should not be struggling here because they are immigrants or persons of color.

Michael Mello, Professor of Law, Vermont Law School

Professor Mello noted that the Committee heard considerable testimony about needed data, but there is, nevertheless, significant anecdotal reports of racial profiling and bias. He has heard similar stories over 20 years at the law school from international students, especially after 9/11. He also cited the Brattleboro ALANA Organization study addressing interactions between the Brattleboro-area persons of color and the Brattleboro Police Department, characterizing it the next best thing to "hard data."

Professor Mello commented on the stark contrast between the comments offered by law enforcement officials and those of civilians with respect to the issue of racial profiling. He said that, although he believes that both are being honest in their descriptions, the only way to "bridge the reality divide" is to collect and analyze data. Professor Mello urged consideration of a state-wide data collection mandate, observing that voluntary data collection initiatives are rare.

Professor Mello recommended several actions: collect data on traffic stops; video and audio-tape all vehicle stops; provide anti-bias training for all Vermont law enforcement officers; establish and fund an oversight committee similar to the New Jersey Advisory Committee on Police Standards, which report he described as a model; and conduct a comprehensive study of racial profiling in the state of Vermont

*Panel Four: Questions and Answers*

The Committee advanced questions regarding any connection between the climate in Vermont public schools and racial profiling issues. Professor Mello, who discussed the 1999 and 2003 reports of the Vermont Advisory Committee in his written testimony, found a direct link between problems with the racial climate in Vermont schools and concerns about racial profiling, observing that Vermont law enforcement officers are likely products of Vermont schools. Ms. Muderhwa said that American students should be educated about the refugee experience – and, in particular, what compels refugees to flee their countries – as a means of heightening awareness and understanding.

Professor Mello noted that Mr. Sorrell carefully distinguished between police activity that leads to arrests (*e.g.*, stops) and post-arrest processing through the criminal justice system (stages including the exercise of prosecutorial discretion, plea bargaining, trials, and sentencing). Professor Mello reiterated his recommendation that a comprehensive study be conducted to examine the nature and extent, if any, of racial profiling and/or bias in both law enforcement and the criminal justice system as a whole.

Mr. Johnson posited that racial bias in law enforcement be scrutinized through both study of data on police behavior during stops and other enforcement activity and review of public policy decisions, such as the relative priority of law enforcement and prosecution of types of criminal conduct, such as drug-dealing, and their relationship to policing activities. He emphasized that accountability and transparency help to build trust and facilitate discussions between law enforcement agencies and the community. He also clarified that the New Jersey consent decree applied only to the New Jersey State Police, not to county or municipal police entities, although the New Jersey Report does recommend data collection and videotaping as best practices for all law enforcement agencies.

citizen input mechanisms. The Committee endorses the process used by the New Jersey Advisory Committee on Police Standards as a model for the development of recommendations regarding racial profiling issues.

### **Finding 2: Policy Development**

For there to be accountability, there must be clear law enforcement agency anti-bias policies. The anti-bias policies among Vermont law enforcement agencies differ substantially. The Burlington Police Department has a directive that commits to unbiased policing and assures the public that it is "providing service and enforcing laws in an equitable and impartial way." Likewise, a Middlebury Police Department policy recognizes that public safety and justice are preferred over the "rigid enforcement of immigration regulations" and intends, in part, to mitigate fears among community members of police prosecution or potential deportation based on actual or perceived national origin. There are, however, law enforcement agencies in the state that do not have anti-bias policies.

### **Recommendation 2:**

The Committee recommends that the Vermont Attorney General, in consultation with local and state law enforcement agencies and other stakeholders, develop and issue a policy template addressing anti-bias policing. The policy used by the Burlington Police Department, "Racially Biased Policing: A Principled Response," attached as Appendix C, and the Directive of the New Jersey Attorney General, "Official Statewide Policy Defining and Prohibiting the Practice of 'Racially-Influenced Policing,'" attached as Appendix D, are useful models. All Vermont law enforcement agencies are strongly encouraged to adopt such policies.

The policies must clearly define and prohibit discriminatory profiling and state that law enforcement activity must be based on a reasonable suspicion that the person being detained committed an offense. The definition of bias-policing found in the South Burlington Police Department's "Bias Free Policing Policy," attached as Appendix E, provides an example of a comprehensive description of prohibited police conduct.

An effective policy will also establish expectations for conduct and disciplinary procedures for officers who engage in inappropriate profiling and will provide complaint channels for persons who believe they have been the target of inappropriate profiling.

### **Finding 3: Legislation**

Vermont does not have a specific state statute that bans racial profiling. However, the use of race or ethnicity as the sole factor in deciding to stop, question, or arrest an individual – unless race or ethnicity is part of an identifying description of a specific suspect for a specific crime – violates the civil rights of that individual.

Many states have laws that ban racial profiling of motorists and pedestrians; many of these laws, however, are inadequate because they fail to fully define the problem.

### **Recommendation 3:**

The Committee recommends that the Vermont Legislature consider legislation that prohibits profiling of motorists and pedestrians solely on the basis of actual or perceived race, ethnicity, or

national origin. The above-mentioned anti-bias policies developed by local law enforcement agencies provide a useful starting point; in addition, the Texas statute prohibiting racial profiling, attached as Appendix F, is a comprehensive law on which legislation could be modeled.

**Finding 4: Training of law enforcement personnel**

As a part of the initial certification process for law enforcement personnel, the total number of hours for basic training at the police academy is over 900 hours, including 100 hours of post-basic instruction. The time allotted for cultural awareness training is only two hours. The Committee recognizes that there are resource constraints that affect the curriculum provided by the Vermont Criminal Justice Training Council for police candidates, but also concludes that the number of hours allocated to, and the content of, racial awareness training are insufficient. There is also inconsistent post-academy training across law enforcement agencies regarding anti-bias training and cultural awareness.

The Committee concludes that racial and ethnic differences generate complex emotions and reactions, both conscious and unconscious, arising out of a lifetime of experience and socialization. For that reason, awareness training cannot be effectively conducted in a single-session format as part of an officer certification program, particularly one that has demonstrated resource and time constraints. The Committee also finds that continuing in-service training is necessary in light of fast-changing Vermont demographics, because awareness of the diverse cultures of incoming residents and visitors will improve the ability of law enforcement officers to engage in bias-free policing and ultimately to advance public safety.

**Recommendation 4:**

The Committee recommends that educational and training measures be designed to address racial profiling in law enforcement and that law enforcement agencies emphasize the prohibition on racial and ethnic profiling to recruits and experienced officers. These agencies also need to ensure that their officers understand agency policy on anti-bias policing, have copies of the policy, and follow the procedures established by the policy.

Adequate training is the first step in the process of creating awareness and establishing performance expectations. Comprehensive training must begin in the academy and continue throughout a police officer's career. The Committee also recommends that the Vermont Criminal Justice Training Council expand the number of hours dedicated to anti-bias and cultural awareness training required for initial certification. The Committee recommends that a mandated minimum number of in-service training hours be devoted to bias-related training and that it be over a specified time period, such as at two-year intervals, for officers to retain their certification.

The Committee further recommends that programs offer awareness training on ethnic, racial, and cultural sensitivity issues with which officers are required to deal when interacting with the general public and that the training use a variety of strategies, including videos, real-life scenarios of police contacts and stops, and interactive sessions. Training must provide feedback to officers. Additional training sessions should be provided to officers whose conduct has been identified by supervisors to be problematic on this issue.

It is recommended that the Vermont Criminal Justice Training Council certify these programs and their instructors to ensure high-quality training consistent with best practices nationally. Ultimately, anti-bias training must be designed to address the assumptions, perceptions, and bias issues encountered in police work and must also provide law enforcement officers with training on stop, search, and seizure issues as they relate to bias in police work, including cultural differences.

**Finding 5: Data Collection**

Because Vermont does not mandate race data collection, and only a few law enforcement agencies are collecting data voluntarily, it is not possible to assess statistically the extent of the problem of racial profiling in Vermont. Instead, the public and the Committee have anecdotal evidence that, while important, better reflects beliefs about racial profiling than statistically demonstrable facts.

The Committee concludes that the collection of race data for traffic stops by all law enforcement agencies will lead to more effective policing. Race data collection would provide valuable information as to the nature and extent of any problem that might exist. In particular, data collection could provide law enforcement agencies with early warning systems that identify racial profiling behavior and deter inappropriate conduct. Data collection could also enhance community confidence and reduce misperceptions about the nature and extent of profiling activity that some members of the community hold.

**Recommendation 5:**

The Committee strongly endorses the practice of data collection, and it considered at length whether data collection should be mandatory or voluntary. The Committee found no simple answer to this question. A law mandating collection could standardize the types of data collected and provide consistency in data collection, input, analysis, and reporting, thus promoting more accurate and statistically significant comparisons. A mandate would also promote transparency on an issue of great concern to many community members regarding an important aspect of law enforcement activity. A mandatory system would be cost-effective insofar as it avoids the pitfalls associated with comparing different collection, input, analysis and reporting methods, and using different services for data analysis. It would also ensure consistency in the quality of the data collected. Requiring all law enforcement agencies to collect race data for traffic stops would be the most consistent and fair approach and provide optimal data control and reliability.

Disadvantages to mandatory data collection include the perceived implication that Vermont law enforcement officers engage in discriminatory policing methods and therefore cannot be relied upon to institute appropriate voluntary monitoring. In addition, a single approach to data collection may not fit the needs of all local law enforcement agencies, particularly those of small or rural communities.

The primary advantage of voluntary data collection is that it is more likely to gather the support, and therefore cooperation, of rank-and-file officers who are required to use it. Those who engage in programs voluntarily may be more inclined to feel invested in them and are therefore more likely to support and follow applicable protocols. The Committee heard testimony that when the

police devise their own data collection systems they tend to include more variables than those present in mandatory systems.

There are, however, disadvantages to voluntary data collection. Agencies may choose not to institute the practice, even if doing so is in the best interests of the agency and the community. It is a reasonable concern that law enforcement agencies most likely to engage in profiling may be least likely to collect data voluntarily. In addition, voluntary data collection often results in law enforcement agencies collecting different information, which makes statistically significant comparisons and analysis of the data difficult or impossible. Without participation by all agencies, and without a data collection system used consistently across agencies, the data collected cannot yield a full understanding of the extent of racial profiling in the state, thus compromising its usefulness in assessing how best to address the problem. There is also the possibility that persons of color will assume that agencies that do not participate in voluntary data collection do not take civil rights concerns seriously.

After weighing the advantages and disadvantages of mandatory data collection, the Committee recommends a multi-level approach. First, it recommends that the Vermont State Police be required to collect this data. The State Police provide primary police services to approximately 45 percent of the state's population, covering 80 percent of its landmass. The agency processes approximately 75 percent of the emergency calls in Vermont. Also, the majority of interactions between Vermont state troopers and the community involve highway stops. Because the State Police are Vermont's largest law enforcement service provider and have the highest volume of interactions with vehicle drivers, the State Police are in the best position to collect significant statistical data. It should be noted that the State Police already have video cameras in all front-line patrol cars for the purpose of protecting troopers from personal danger and from unfounded claims of inappropriate conduct.

Second, the Committee recommends that all other law enforcement agencies in the state be strongly encouraged to voluntarily collect race data. Again, implementing the practice of data collection will assist both law enforcement agencies and the public in understanding the nature and scope of alleged bias-based policing. This step may instill public confidence, creating a foundation for optimally effective law enforcement.

While the Committee believes that it is good public policy to support grassroots, community-based initiatives that generate data collection efforts such as those currently undertaken by four of Vermont's police agencies, it is concerned that many law enforcement agencies may not collect data collection voluntarily. Although the Committee believes that it is preferable for law enforcement agencies to take the lead, giving them the opportunity to customize the process in a manner responsive to local conditions and to be perceived by the community as proactive with respect to profiling issues, the concern remains that voluntary data collection may be inadequate to address the issue. Additionally, waiting until data collection is mandated may force the agencies into a defensive position that might be hard to overcome. Nonetheless, if all law enforcement agencies in the state have not voluntarily instituted data collection by 2012, the Committee recommends that the Vermont Legislature mandate data collection, or minimally, refer this recommendation to a state oversight commission, were one to be established. Such a requirement will ensure control of and confidence in the data and be fair and consistent both to law enforcement agencies and the public.

**Finding 6: Equipment**

Video camera recording devices are valuable tools to protect public safety and the personal safety and credibility of law enforcement officers. The public's confidence in law enforcement is boosted when it knows that police-public contacts during traffic stops are being recorded. Video recording can directly demonstrate an officer's actions as well as those of the person being detained or transported; it can show that officers are not engaging in proscribed behavior, and in the event of such behavior provide necessary documentation to facilitate supervisory measures. Recordings can also enhance officer safety and provide exonerating evidence when an officer is falsely accused of misconduct. Routine review of the tapes allows supervisors to monitor conduct and identify and improve officer interactions with the public.

All front-line cruisers for Vermont State Police have video equipment. The cameras are used to audit traffic stops and motor vehicle searches to provide professional feedback and corrective action for officers as well as corroborate citizen reports of trooper conduct during traffic stops. As a result, the cameras are used to hold troopers accountable to State Police policies and its code of conduct.

Many local Vermont police department vehicles, however, do not have cameras. And even where vehicles do have video cameras, the video recordings are not necessarily properly preserved or readily available.

**Recommendation 6:**

The Committee recommends that video cameras be installed in all front-line patrol vehicles and that the equipment receives adequate routine maintenance to ensure consistent operation. The Committee recognizes that the costs of video camera installation and maintenance are significant, but believes that they will remain a good investment when balanced against the protection they provide both to police and to the public.

As video recording is instituted, law enforcement agencies should develop policies and procedures to safeguard patrol car videotape evidence and ensure that the videotapes are preserved.

## Conclusion

The Vermont Advisory Committee first looked at the issue of racial profiling at its March 2006 briefing. At that time, it learned that some members of the community felt targeted by law enforcement because of their race or nationality. As a result of these findings, the Committee convened additional briefings to gather more information about the extent of racial profiling in Vermont and to consider remedies to address the problem. The Committee learned that there remains a strong perception, particularly among persons of color, that police use racial profiling when making traffic and pedestrian stops. This perception extends also to how criminal matters are handled at other stages of the Vermont criminal justice system. At the same time, the Committee learned that many chief officers of Vermont's law enforcement agencies are committed to addressing this issue proactively and effectively.

Racial profiling and the public perception of racial profiling undermine the trust and cooperation that must exist between law enforcement agencies and the communities they serve. Preventing both actual and perceived profiling are equally important goals.

There appears to be a broad consensus that racial profiling, defined by Vermont's Attorney General as the "police practice of consciously or unconsciously identifying a particular racial or ethnic group as being more likely than others to be guilty of, or more prone to, committing criminal acts," has no place in law enforcement. A police officer does not engage in racial profiling every time he or she stops a person of color. But if the conscious or unconscious motive for the stop is the individual's race, color, or ethnic background, there is cause for concern that racial profiling has tainted police practice. There is ample evidence that racial profiling is not an effective law enforcement method and that in fact it distracts from the critical focus: stemming actual criminal behavior.

Discussions about racial profiling, however, often concentrate exclusively on the presence or absence of racial animus in conducting traffic stops; the focus is often on whether police officers are motivated by bias. These discussions often do not lead to solutions and may only result in some members of the public asserting, and police denying, that racial profiling occurs. Additionally, whether racial profiling is a matter of perception or reality may not ultimately matter if there is widespread belief that it occurs. Therefore, the dialogue must move past perception, rhetoric, and accusation and to comprehensive action that includes law enforcement officers and members of the community working together to build trust. A perception of cooperation and fairness can do much to counter, and perhaps eliminate, a perception of bias. In turn, that perception will strengthen community trust in law enforcement, encourage true cooperation, and allow and assist law enforcement to achieve its central and necessary goal, protecting the public.

In Vermont, a few law enforcement agencies have been working toward creating and implementing effective solutions. While jurisdictions around the country have been forced, through lawsuits and consent decrees, to collect data on traffic stops, four Vermont jurisdictions have voluntarily begun a program to collect data. This program grew out of the grassroots efforts of the Uncommon Alliance, an organization comprised of local citizens working in association with the Burlington, South Burlington, University of Vermont, and Winooski police

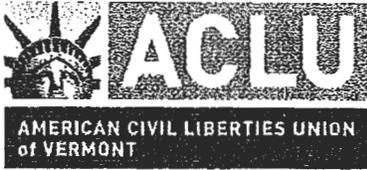
departments, the Chittenden County State's Attorney, and the Vermont State Police. The stated purpose of the Uncommon Alliance is to improve the interactions between police officers and members of racial and ethnic and religious communities. The next step will be to look at the data and understand what they mean. According to the South Burlington police chief, however, already there has been a "huge improvement in our relationship with the community of color just from having the discussion, not to mention actually putting the plan in motion." This is further proof of the effectiveness of perception in addressing matters of bias.

Collecting data on police traffic stops, however, does not address all aspects of racial profiling concerns – it is instead a starting point on the continuum of examining how persons progress through Vermont's criminal justice system. If people of color are disproportionately subject to traffic and pedestrian stops by police, disparities also may be occurring at other stages of the criminal justice system. The Committee learned that these disparities do, in fact, exist. Although the Committee briefings focused mostly on the issue of racial profiling with respect to surveillance and detention, there was discussion of the larger problem of racial bias and disparities in the criminal justice system, including the juvenile justice system and extending to criminal charging decisions, bail determinations, and sentencing. Officers of the court are not necessarily immune from preconceived notions concerning race and may make assumptions, consciously or unconsciously, as a result of cultural bias or misunderstanding.

The Attorney General suggested that there should be further inquiry into prosecution decisions, jury function, and sentencing outcomes. Specifically, he suggested that we need to ask whether, given similar evidence of the commission of a crime, prosecutors in Vermont charge African Americans and other persons of color at higher rates than white defendants; whether defendants of color who choose to go to trial are convicted at higher rates than white criminal defendants; and whether defendants of color are systematically treated more harshly than Caucasian defendants at sentencing. The Committee agrees that these questions warrant further inquiry. Until there is careful examination of patterns of traffic stops, prosecution decisions, and the other discretionary points in our criminal justice system, we will not have a full understanding of the nature and extent of any racial bias in the administration of justice in Vermont.

Our lawmakers, public officials, and law enforcement agencies must work together to develop policies, laws, and accountability measures that effectively combat both active racial profiling and perceived bias. In the end, the issue is one of safety, equity, and fairness – for both law enforcement officials and the members of the public they are charged to serve and protect.

## Appendix: A



**Testimony From Allen Gilbert, ACLU-VT executive director  
To Vermont Advisory Committee, U.S. Commission On Civil Rights,  
Burlington, Vt., June 12, 2008**

The American Civil Liberties Union of Vermont has tracked the issue of possible racial profiling in Vermont for a number of years. We have been involved in discussions around the issue and around the question of collection of racial data.

Without statistics it is impossible to determine whether, and to what extent, racial profiling exists in Vermont. Anecdotally, the ACLU-VT receives a number of racial profiling complaints every year. The complaints concern law enforcement officers on the local, state, and federal level.

We applaud the recent decision of some Burlington area police departments to begin, voluntarily, to collect racial data when making stops. Some criminal justice experts believe data collection efforts are most effective when undertaken voluntarily, as opposed to a mandate through statute. However, we know that to have a fuller picture of any racial profiling, we need data from departments around the state. Eventually, statutory requirements may have to be put in place if comprehensive data collection is the goal.

We believe there is an issue concerning law enforcement that is beyond possible racial profiling and which Vermont needs to face. That is the issue of police accountability generally. Vermont does not license police officers, so there is not the oversight that is applied to most professionals in the state. Citizens have no place to file complaints, other than with the departments themselves or with the local bodies that oversee them. These avenues of redress are often seen by citizens as less-than-neutral. The Attorney General's Office is similarly not seen as a neutral arbiter or investigator, since it is part of the law enforcement community. Additionally, at times law enforcement has attempted to erect barriers to disclosure of internal police investigations, as happened this year in the Vermont Legislature.

We believe that the vast majority of Vermont law enforcement officers are fair, effective, and professional. However, all officers suffer when there is a public perception that the few bad actors are not held accountable and sanctioned. Currently in Vermont, citizens must usually resort to civil litigation when they complain of mistreatment. This has certainly been true in the area of use of force, where oversight of the use of weapons such as Tasers has been inadequate. There should be some agency, ombudsman, or civil rights officer to which members of the public can turn for redress.

# Appendix: B

## Middlebury Police Department General Order

**Subject:** Undocumented Foreign Nationals

**Number:** 2.48

**Effective Date:** 10-30--07

**Approved & Ordered:** \_\_\_\_\_  
Chief of Police

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### **I. Policy – Undocumented Foreign Nationals**

The Middlebury Police Department exists to provide equality of service to all persons regardless of race, creed, nationality, sexual orientation, gender, or ethnic background. The Department operates within the scope of its jurisdiction and authority as granted by the State of Vermont and the charter of the Town of Middlebury.

The Department provides services consistent with its mission to all persons regardless of citizenship status, that is, the reduction of crime and disorder, improving highway safety, and assisting those in need.

It is essential to the mission of the Middlebury Police Department that victims report crimes and fully cooperate in investigations; that witnesses come forward and provide testimonial evidence; that persons report suspicious activity and other information to reduce crime and disorder; and that help is summoned when needed. These activities must be undertaken without hesitation and without fear that the victim, witness, or reporting person will be subject to prosecution or deportation for no reason other than immigration status.

Therefore, Department employees will act first and foremost in the best interests of our community and our mission when dealing with undocumented foreign nationals who come to the department for help or to make reports, giving full priority to public safety and justice concerns in preference over rigid enforcement of immigration regulations.

With respect to contact with undocumented foreign nationals, the department will act and refer undocumented foreign nationals to the respective Federal agency only when:

- A. The person is known to have committed a crime against the statutes of the State of Vermont or is sought for prosecution by another jurisdiction; or
- B. The person is suspected of conduct or conspiracy that is criminal in nature [other than that person's own immigration status] or which undermines homeland security; or

- C. On incidental contact should the officer have reason to believe human trafficking or other criminal activity is afoot, or when the officer would otherwise have cause to seek identification and the person has no credible means of identification nor any U.S. citizen or consular official to provide identification, country of citizenship, residence, and purpose for their presence in the U.S.

## **II. Mexican Citizens**

### **A. Matricula Consular de Alta Seguridad (Mexican Consular ID Card)**

The government of Mexico provides a means of documenting, registering, and identifying Mexican nationals living and working outside of Mexico. The Middlebury Police Department accepts the validated Mexican Consular ID card, or "Matricula Card" as proof of identity and documentation.

## **III. Complaints / Information**

### **A. Referral to Federal Agency**

On receipt of a third-party complaint or information of undocumented foreign nationals, in the absence of any other criminal activity, log the information in the department dispatch records and refer the information to the Bureau of Immigration and Customs Enforcement.

### **B. Investigation**

On receipt of a complaint or information of undocumented foreign national(s) suspected of criminal activity, assign an officer to investigate with a follow-up report to the Bureau of Immigration and Customs Enforcement or other applicable law enforcement agency.

## **IV. Consular Notification**

The provisions of the U.S. Department of State publications "*Diplomatic and Consular Immunity*" and "*Consular Notification and Access*" are adopted by this department as procedures for managing foreign nationals.

### **A. Rights of Foreign Nationals**

1. Whenever a foreign national is arrested or detained, advise the foreign national of the right to consular notification and access.

2. In some cases, consular notification is mandatory and the officer must make the notification. In other cases, once advised, the foreign national has the option as to whether or not to notify the consulate. This is dependent on the agreement between the US Government and the particular country. Refer to the list of mandatory notification countries found in the document "Consular Notification and Access" by the US Department of State.

a. Non-mandatory notification

- Offer, without delay, to notify the foreign national's consular officials of the arrest/detention. Suggested statements and translations are found in Part 4 of "Consular Notification and Access"
- On request, notify the nearest consular officials of the foreign national's country without delay. Part 6 of "Consular Notification and Access" contain consulate and embassy contact information.

b. Mandatory notification

- Notify the foreign national's nearest consular officials, without delay, of the arrest/detention. Part 6 of "Consular Notification and Access" contains contact information. Sample FAX notification forms are in that document as well.
- Tell the foreign national you are making the notification.

3. Provide the foreign national with access to embassy or consular officials without delay when notification is mandatory or requested by either the foreign national or embassy/consular officials.

**B. Documentation**

Make a written record of the notification or offer of notification and actions taken. Include this record with the incident report.

**V. Assist to Other Agencies**

The Middlebury Police Department will provide mutual aid assistance, in a support role, on request to other law enforcement agencies in the investigation of immigration violations within the scope of department policies. In the absence of criminal activity or homeland security concerns, the department will not intercede without the active presence of the requesting law enforcement agency.



- B. Investigative detentions, traffic stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
- C. Except as provided in I–D, officers shall not:
  - 1. consider race, ethnicity, gender, or other potentially improper criteria in establishing either reasonable suspicion or probable cause;
  - 2. consider race, ethnicity, gender, or other potentially improper criteria in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- D. Officers may take into account the reported race, ethnicity, gender or other potentially improper criteria of a specific suspect or suspects based on relevant information that links a person or persons of a specific race, ethnicity, gender or other potentially improper criteria to a particular unlawful incident(s). **Race, ethnicity, gender or other potentially improper criteria can never be used as the sole basis for probable cause or reasonable suspicion or motivating factors in making law enforcement decisions.**

## II. PREVENTING PERCEPTIONS OF BIASED POLICING

In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following when conducting pedestrian and vehicle stops:

- A. Be courteous and professional
- B. Introduce him/herself to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. In vehicle stops, the officer shall provide this information before asking the driver for his or her license and registration.
- C. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays.
- D. Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant.

- E. Provide officer's name and badge number verbally, when requested. Officers may also provide the information in writing or on a business card.
- F. Apologize and/or explain if the officer determines that the reasonable suspicion was unfounded (e.g. after an investigatory stop).

### **III. COMPLIANCE**

The Burlington Police Department is committed to providing periodic cultural competency training for its officers. It is the goal of this department to ensure that all employees are sensitive to, and aware of, cultural diversity issues and what constitutes biased policing.

The Burlington Police Department is committed to the vigorous investigation of complaints of this nature and violations of this policy shall result in disciplinary action as set forth in the Department's Rules and Regulations (10-DD06.04) and Discipline (02-DD06.12).

### **IV. SUPERVISION AND ACCOUNTABILITY**

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.

### **V. CANCELLATION**

This directive rescinds 01-DD02-01 dated March 3, 2002.

### **VI. SOURCE**

Racially Biased Policing: A Principled Response, from Police Executive Research Forum and COPS Office.

International Association of Chiefs of Police website

### **VII. CONTRIBUTORS**

Chief Thomas R. Tremblay

Nancy Goss Sheahan, Esq.

Janet Murnane, Esq.

Deputy Chief Walter C. Decker

Deputy Chief Stephen J. Wark

Lieutenant Kathleen P. Stubbing

Cpl. Stephen Dixon

Captain Lianne M. Tuomey, UVMPS

Chief Alana M. Ennis, resigned

# Appendix: D

## ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2005-1

### ESTABLISHING AN OFFICIAL STATEWIDE POLICY DEFINING AND PROHIBITING THE PRACTICE OF "RACIALLY-INFLUENCED POLICING"

**WHEREAS**, selective enforcement, the discredited practice that is commonly referred to as "Racial Profiling," is a longstanding criminal justice issue that needs to be addressed by every police agency in every jurisdiction throughout the nation; and

**WHEREAS**, it is the sworn duty of every police agency and officer to protect the civil rights of all persons, and to safeguard the inalienable right to the equal protection of the laws; and

**WHEREAS**, if a police officer were to rely upon a person's race or ethnicity when making decisions and exercising law enforcement discretion, the result would be to undermine public confidence in the fairness and integrity of the criminal justice system, alienate significant segments of our society, foster disrespect for law enforcement authority and the institutions of government, and ultimately erode public support for law enforcement efforts to investigate and deter crime; and

**WHEREAS**, the law of selective enforcement under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution is complex and evolving. While judicial decisions interpreting the Constitution serve as important guideposts for the law enforcement community, the courts are not the sole guardians of the Constitution; the Executive Branch is equally sworn to uphold it. Furthermore, in New Jersey the Attorney General may establish law enforcement policies designed to safeguard civil rights that go beyond the requirements of federal and State constitutional law. It is, therefore, appropriate to promulgate a uniform and comprehensive statewide policy that explains in clear terms when and under what circumstances police officers are permitted to consider, and are prohibited from considering, a person's race or ethnicity; and

**WHEREAS**, the documented success of the New Jersey State Police in addressing the racial profiling issue by establishing a clear nondiscrimination policy, and by providing state-of-the-art training and effective management to all State Police members can and should serve as a model to be followed by other law enforcement agencies in New Jersey and throughout the nation; and

**WHEREAS**, the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., provides that it is the responsibility of the Attorney General, as the chief law enforcement officer of the State, to ensure the uniform and efficient enforcement of the criminal laws;

**NOW, THEREFORE, I, PETER C. HARVEY**, Attorney General of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., do hereby **DIRECT** the following:

1. Official State Policy Prohibiting Discriminatory Policing

a. No police agency or sworn officer or civilian employee of a police agency, while operating under the authority of the laws of the State of New Jersey, shall engage in or tolerate any practice or act constituting "racially-influenced policing" as described in Section 2 of this Law Enforcement Directive.

b. Every police agency operating under the authority of the laws of the State of New Jersey shall, within 60 days of the effective date of this Directive, promulgate and enforce a Rule, Regulation, Standing Operating Procedure, Directive or Order, in a form as may be appropriate given the customs and practices of the agency, which shall prohibit all sworn officers and civilian employees of the agency from engaging in or tolerating any practice or act constituting racially-influenced policing as described in Section 2 of this Law Enforcement Directive. Such Rule, Regulation, Standing Operating Procedure, Directive, or Order shall be consistent with the provisions of this Law Enforcement Directive, and with the training materials distributed by the Division Criminal of Justice in the Attorney General's Office, pursuant to Section 3a of this Directive, and shall provide that any sworn officer or civilian employee of the agency who knowingly violates the agency's Rule, Regulation, Standing Operating Procedure, Directive or Order shall be subject to discipline.

2. Conduct Constituting Racially-Influenced Policing

a. A sworn officer or civilian employee of a police agency acting under the authority of the laws of the State of New Jersey shall not consider a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be involved in criminal activity, or as a factor in exercising police discretion as to how to stop or otherwise treat the person; except when responding to a suspect-specific or investigation-specific "Be on the Lookout" (B.O.L.O.) situation as described both in this Directive and in training materials developed by the Division of Criminal Justice pursuant to Section 3a of this Law Enforcement Directive.

b. Nothing in this Law Enforcement Directive shall be construed in any way to prohibit a police agency or sworn officer or civilian employee from taking into account a person's race or ethnicity when race or ethnicity is used to describe physical characteristics that identify a particular individual or individuals who is/are the subject of a law enforcement investigation, or who is/are otherwise being sought by a law enforcement agency in furtherance of a specific investigation or prosecution.

3. Development and Dissemination of Training Materials and Curricula

a. The Division of Criminal Justice shall within 30 days of the effective date of this Law Enforcement Directive develop and disseminate initial training materials, which shall consist of a video presentation in a DVD format and accompanying written reference materials (a Companion Guide and Skills Assessment), that explain and discuss the nondiscrimination policy set forth in this Law Enforcement Directive. A copy of these initial training materials shall be provided without cost to every police agency operating under the authority of the laws of the State of New Jersey. The Division of

Criminal Justice may periodically review and update these training materials to account for new developments in the law.

b. The Division of Criminal Justice shall within 90 days of the effective date of this Law Enforcement Directive develop curricula on the subject of racially-influenced policing for use in the pre-service training of police recruits. The Division shall submit this curricula to the Police Training Commission for its approval for use at all Police Academies that are subject to the jurisdiction of the Police Training Commission.

c. In order to institutionalize and build upon the successful reforms that have already been undertaken by the New Jersey State Police, the Division of State Police shall include the curricula developed by the Division of Criminal Justice on the subject of racially-influenced policing in the pre-service training of Trooper recruits in the State Police Training Academy. This comprehensive training on racially-influenced policing shall be included for all recruits who attend the State Police Academy in any class beginning on or after September 1, 2005.

4. Confirmation of Initial In-Service Training

a. Every police officer operating under the authority of the laws of the State of New Jersey, regardless of rank or duty assignment, shall participate in the training program developed by the Division of Criminal Justice within 180 days of the employing agency's receipt of the training materials described in Section 3a of this Law Enforcement Directive. The Chief Executive of every police agency operating under the authority of the laws of the State of New Jersey shall also designate those civilian employees of the agency (e.g., dispatchers) who will participate in this initial training program. A person shall be deemed to have participated in the training program by viewing the entire video presentation developed by the Division of Criminal Justice, or by reading the entire contents of the Companion Guide. The viewing of the video presentation may be done at such location(s) or time(s) as may be approved by the Chief Executive of the law enforcement agency, and may be accomplished in multiple sessions at which one or more employees view a selected portion of the video presentation during any one session.

b. Within 180 days of receiving a copy of the training materials described in Section 3a of this Law Enforcement Directive, the Chief Executive of every police agency operating under the authority of the laws of the State of New Jersey shall confirm in writing to the Attorney General that all sworn personnel and all appropriate civilian employees of the agency have either viewed the video presentation or read the entire Companion Guide. The Division of Criminal Justice shall prepare and disseminate forms to facilitate the confirmation process for State, county and local police agencies.

5. Notification of Criminal Investigations and Prosecutions for Official Deprivation of Civil Rights.

Whenever a law enforcement agency conducts a criminal investigation into possible commission of the crime of official deprivation of civil rights in violation of N.J.S.A. 2C:30-6, or pattern of official misconduct in violation of N.J.S.A. 2C:30-7 which is based on two or more violations of N.J.S.A. 2C:30-6, the law enforcement agency shall promptly notify the Director of the Office of Government Integrity, and shall provide such information as the Office of Government Integrity may require. Whenever a prosecuting authority files a complaint, accusation or indictment charging a violation of N.J.S.A. 2C:30-6, or N.J.S.A. 2C:30-7 which is based on two or more violations of N.J.S.A. 2C:30-6, the prosecuting authority shall promptly notify the Director of the Office of Government Integrity, and shall forward a copy of the charging documents to the Director. When the Director is notified of a criminal investigation or the filing of a criminal charge, the Office of Government Integrity shall promptly review the matter, and take such action as it determines to be appropriate. The Office of Government Integrity, in consultation with the Division of Criminal Justice and the County Prosecutors, may issue standards and procedures for these notifications and for its review of the offenses covered under this Section.

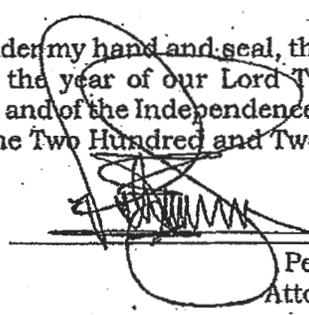
6. Questions and Controversies

All questions concerning the interpretation, implementation or enforcement of this Law Enforcement Directive shall be addressed to the Attorney General or his designee.

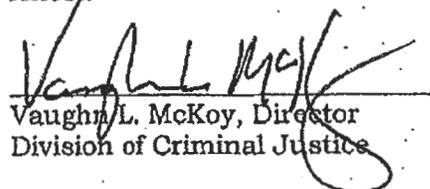
7. Effective Date

This Law Enforcement Directive shall take effect immediately and shall remain in full force and effect unless and until repealed, amended, or superceded by Order of the Attorney General.

Given under my hand and seal, this 28th day of June, in the year of our Lord Two Thousand and Five, and of the Independence of the United States, the Two Hundred and Twenty-Ninth.

  
Peter C. Harvey  
Attorney General

Attest:

  
Vaughn L. McKoy, Director  
Division of Criminal Justice

# Appendix: E

## General Order: PR-346 South Burlington Police Department

### *Biased Free Policing*

The purpose of this written directive is to establish the department's policy prohibiting bias policing, reaffirm the department's commitment to unbiased policing, and to reinforce procedures that will secure our commitment and serve to assure the public that our department is providing services and enforcing laws in a manner that is equitable.

#### Definition of Bias Policing

The stopping, detaining, searching, seizing, questioning, arresting, of any person, based solely upon the race, religious beliefs, sex, age, national origin, sexual orientation, disability; or, the failure to adequately investigate, enforce or respond to a violation of law or complaint based solely on race, religious beliefs, sex, age, national origin, sexual orientation or disability; or, the failure to treat a person in a respectful or professional manner based solely upon race, religious beliefs, sex, age, national origin, sexual orientation, or disability.

#### 346.1.0 Policy

- A. No member of this agency shall engage in bias policing. Such practices are in violation of law, department policy, and/or law enforcement ethics, and are strictly prohibited.
- B. Notwithstanding the above, race, religious beliefs, sex, age, national origin, sexual orientation, or disability may in some combination with each other or with other descriptors, facts and circumstances, form the basis of reasonable suspicion or probable cause. Race, religious beliefs, sex, age, national origin, sexual orientation, or disability may, in some combination with each other or with other descriptors, facts and circumstances, serve to identify a person. All enforcement action must be authorized by law. For example, one standard for stopping and detaining a person, or continuing the detention of a person, is articulable, reasonable suspicion that the person has committed, is committing, or is about to commit a violation of the law.
- C. All employees are expected to be diligent in the execution of their duties that may include investigating suspicious persons, vehicles, and circumstances, enforcing the laws, and, where appropriate, lawful stopping, detaining, questioning, searching, seizing and/or arresting a person.
- D. Employees will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of unbiased policing. These techniques and strategies include, but are not limited to:
  - 1. Be courteous, polite, and professional.

**General Order: PR-346**  
**South Burlington Police Department**

2. During an encounter, provide the employee's name and agency affiliation to citizens who are the subject of the action; or, answer questions posed by the citizen.
3. Ensure that the lengths of traffic stops, investigative detentions, field contacts, etc., are no longer than is reasonably necessary to take appropriate action.
4. Requesting the presence of supervisory or administrative ranked officers, or providing the name and contact information for the supervisor, to allow citizens to voice their field contact or enforcement related concerns
5. Notwithstanding the above, an officer should not offer any or all of the above if she believes that to do so may result in harm to property or to a person, including herself; or, if doing so is impractical; or, is prohibited by law, contract, policy; or, may jeopardize or prejudice an investigation, prosecution or legal/ personnel/ disciplinary action.

**346.2.0 Training**

- A. Each member shall receive training on biased based issues as they relate to performing legitimate police duties. Topics included in the training will be making field/traffic contacts, asset seizures, and property forfeitures (Note: See Appendix on page 4 for DEA Adoption Guidelines regarding asset seizures).
- B. It will be the responsibility of the Office of Professional Standards to ensure that members will be given the chance to receive annual training on related issues. The annual training will include a review of the department's policy on biased based profiling and any applicable legal updates that relate to this issue.

**346.3.0 Policy Compliance**

- A. Violations of this policy may result in corrective action, and/or disciplinary action pursuant to the Department's Rules and Regulations. Disciplinary action may include letter of reprimand or warning, probation, transfer, demotion, suspension, and dismissal.
- B. Supervisors shall ensure that all personnel in their command are familiar with the content of this policy. Supervisors should randomly review records such as reports of video/audio recordings, or otherwise monitor the conduct of the officers in their command for the purpose of ensuring compliance with this policy and to identify training issues.
- C. Upon request, officers will explain how a person should make a complaint regarding an officer's conduct.

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- D. All sworn employees are required to report allegations, complaints, or knowledge of a suspected violation of this policy to their Chief or his designee. Failure to report a violation in accordance with policy, and the Department's Rules and Regulations shall be considered a separate violation of this policy.
- E. The Department shall investigate reports of violations of this policy in accordance with its policies and procedures regarding investigations of police conduct.

**346.4.0 Administrative Review**

- A. An ongoing administrative review will take place by the Prevention Services Division Manager.
- B. The PSD Manager will include in his/her monthly report to the Chief of Police a summary of any biased based complaints that were received and the actions taken during the previous month.
- C. During the annual review of citizen's complaints by the Administrative Services Division Manager he/she will make note of any patterns that suggest a need for further investigation and/or additional training. These results will be included in the annual report by the ASD Manager.

**Approved By:** Chief Trevor Whipple

**Date Approved:** April 30, 2007

## Appendix: F

### Appendix: F Texas Code of Criminal Procedure, Articles 2.131 to 2.138

#### Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

#### Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

**Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS.**

(a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop;

and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

**Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.**

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

- (c) A report required under Subsection (b) must include:
  - (1) a comparative analysis of the information compiled under Article 2.133 to:
    - (A) determine the prevalence of racial profiling by peace officers employed by the agency; and
    - (B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and
  - (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
- (d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).
- (e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.
- (f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

**Art. 2.136. LIABILITY.**

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

**Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.**

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

**Art. 2.138. RULES.**

The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.



STANDARDS  
Of  
CONDUCT  
For  
FACULTY

Vermont Criminal Justice  
Training Council

Effective: September 8, 2009

## STANDARDS of CONDUCT for FACULTY

### DEFINITIONS

Faculty: shall include adjunct faculty, instructors, contractors, evaluators, role players, coaches, training assistants, and any person assisting with the delivery of training on behalf of the Council, including but not limited to the Director, Assistant Director, and/or Training Coordinators. Faculty shall include both employees (paid) of the Council, contractors, and those volunteering/donating their time and/or being paid by another employer at no cost to the Council.

Council: shall mean the Criminal Justice Training Council

Director: shall mean the Executive Director of the Criminal Justice Training Council.

Staff: shall include all paid employees of the Criminal Justice Training Council.

### STANDARDS of CONDUCT for FACULTY

The Council has established the highest standards of conduct to guide the performance of faculty in each course. The responsibility to train officers to be respected and effective public servants is of paramount importance within the law enforcement profession. Because faculty members are perceived as role models, they must exemplify a commitment to public service with honor. They must personify the law enforcement core values of honesty, integrity, courage, compassion, fairness and respect. Faculty is expected to set a positive example for the trainees to emulate. The Council is committed to ensuring that each trainee receives comprehensive instruction from a competent, dedicated and professional cadre of faculty.

The Council expects all faculty to set an example in terms of appearance, competence, courtesy, knowledge, dignity, integrity, and professional bearing for the trainees entrusted to their care and control.

The standards of conduct set forth in this document have been adopted by the Vermont Criminal Justice Training Council (VCJTC) to define the expected and prohibited behavior for every faculty member. This code of conduct establishes the foundation of responsible faculty bearing and demeanor for those who train new officers as well as experienced officers.

## STANDARDS of CONDUCT for FACULTY

### **BASIC REQUIREMENTS**

Faculty shall exhibit the highest standards of professional, moral, and ethical conduct while teaching or interacting with trainees.

Faculty shall remain current in all refresher training required by statute or the Council in order to maintain certification to teach the subject matter. Faculty shall maintain current instructor certification as required by the Council.

Faculty shall present training material in accordance with the Council approved performance objectives in the appropriate curriculum. Instructional material or commentary that is in conflict with the curriculum requirements shall not be presented. Instructional material or commentary used for enhancement or illustrative purposes is permitted to the extent that it does not conflict with the curriculum requirements.

Staff shall be responsible for assigning all faculty in given training programs, for evaluating the performance of all faculty, and for enforcing the provisions of the *Standards of Conduct for Faculty* within their respective programs.

### **SAFETY ISSUES**

Faculty shall reasonably ensure the safety of trainees under their immediate control and supervision. Faculty must be constantly alert for evidence that a trainee may be experiencing a medical, physical, psychological or emotional problem that affects health and/or performance. When necessary, faculty shall intervene and take immediate action to mitigate the problem, including, if appropriate, notification of emergency medical services. Any faculty or staff who observe or respond to medical issues shall document their observations and actions on approved forms and provide said documentation to the Director.

Trainees are subject to a variety of environmental conditions during the various courses of training, including but not necessarily limited to cold, heat, humidity, wind and precipitation. Faculty shall exercise sound judgment when conducting training under adverse environmental conditions, and shall discontinue training, or relocate to a safe area when conditions could reasonably be expected to be harmful to the trainees.

**If at any time a trainee reports an illness, or that they have been injured, or shows signs of physical distress, appropriate attention shall be provided.**

## STANDARDS of CONDUCT for FACULTY

Faculty shall reasonably ensure that trainees receive adequate rest, water, and scheduled meals during all phases of training.

Faculty shall reasonably ensure that training for trainees is only conducted in safe facilities (indoors and outdoors) at locations which have been approved by staff. Faculty shall reasonably ensure that equipment used during training is safe, and in proper working condition.

During the course of instruction, trainees may be required to walk, run, sit, exercise, or engage in specific body positions, stances or movements to learn physical conditioning and/or defensive tactics. Faculty shall not impose any physical requirement that is not justified by a specific curriculum based instructional purpose.

### COMMUNICATION

Faculty shall communicate with trainees in a clear, understandable and professional tone of voice that is appropriate for the type of instruction being presented.

Faculty shall not use profane, vulgar, disparaging, hostile or inappropriate threatening language or gestures when communicating with a trainee, except as otherwise allowed in this document. Faculty shall not intentionally humiliate, insult, or demean a trainee.

Faculty shall only communicate criticism toward a trainee in a clear, unambiguous, constructive manner, with the goal of eliminating unacceptable performance, behavior, or action, and encouraging proper performance or demonstration of a task by a trainee. Criticism that is not performance based, and/or that includes but is not necessarily limited to references about age, gender, ethnicity, religion, political affiliation, or similar protected status, is strictly prohibited.

Faculty shall not discriminate against trainees on the basis of race, color, religion, creed, ancestry, sex, marital status, age, national origin, disability, sexual orientation, or any other factor that is prohibited by law. Sexual harassment is a form of discrimination on the basis of sex and is, therefore, prohibited.

Faculty shall refrain from physical contact with recruits/trainees unless such contact is necessary to ensure the safety of a trainee, to provide emergency first-aid, or for a legitimate instructional purpose, such as teaching a curriculum based skill, demonstrating correct technique, or correcting improper

## STANDARDS of CONDUCT for FACULTY

performance of a required skill. Physical contact for non-training purposes is strictly prohibited. Whenever possible, both male and female Faculty should be present to provide physical contact instruction to classes that include both male and female trainees.

### CONFLICT OF INTEREST

Faculty shall not engage in any action, activity, business or other conduct that could reasonably be perceived by a trainee or any other person to constitute a conflict of interest, be inappropriately coercive, impose inappropriate influence, or require inappropriate compliance by a trainee.

Faculty shall not suggest, solicit, require, or accept anything of value from a trainee that could reasonably be perceived by the trainee or any other person to constitute a personal benefit to the faculty member or someone else. This shall not preclude the Director from accepting an unsolicited gift to the Academy/Council from a class of trainees, given for the purpose of expressing the collective appreciation of the class for the instructional efforts of the school faculty.

Faculty shall not suggest, solicit, require or allow a trainee to purchase any property, goods or services in which the instructor has a direct or indirect personal financial interest.

Faculty shall not refer trainees to a specific vendor, nor refer a vendor to trainees for the purchase, procurement or rental of items used during training, unless the vendor has been authorized and approved by the Director as an official source (approved vendor) for such equipment. Inquiries from a trainee about equipment required but not provided by the Council shall be referred to the employing agency.

Faculty shall not suggest, solicit, or require a trainee to endorse any product or service.

### DISCIPLINE

Faculty shall set an example in appearance, competence, courtesy, knowledge, dignity, and professional bearing for the trainees entrusted to their care and control. Faculty shall endeavor to instill confidence and self-discipline in trainees whom they supervise.

## STANDARDS of CONDUCT for FACULTY

Faculty shall enforce all rules, regulations, policies, and procedures of the Council.

Faculty shall ensure that any and all injuries, illnesses, or damage to State or personal property during training programs are reported to staff immediately.

Faculty shall document any violations of the rules and any discipline imposed.

Faculty shall not engage in any action that could be reasonably perceived as providing favored or preferential treatment to one or more trainees.

### INAPPROPRIATE ACTS

Faculty shall not participate in any form of hazing nor allow any trainee or person under their supervision, to participate in any form of hazing. Hazing is defined as subjecting an individual to unnecessary and/or excessive abuse, humiliation, or physical danger, or by committing any act, action, or causing any situation that recklessly or intentionally endangers mental or physical health or involves the forced consumption of any substance, alcohol, or other drug.

While recognizing the need to demonstrate authority and control over trainees, faculty shall observe the rights and reasonably protect the well-being of trainees in their charge.

Faculty shall not fraternize or engage in any form of personal relationship with trainees in a full-time or part-time basic training course during training hours nor during off duty hours, at the Academy or elsewhere, for the duration of the basic training program. Such contact is prohibited in person, in writing, or through electronic or any other means. This prohibition does not apply to situations where a faculty member and a trainee are related. Faculty shall notify the Director in writing whenever a family member or other individual with whom a personal relationship exists is enrolled as a trainee in a basic training program which the faculty member is involved to any degree. This policy is not intended to prevent interaction in a professional relationship (i.e. interaction or contact with co-workers, etc.).

Faculty shall not possess, display, distribute, or otherwise share materials or comment in a way which may be deemed as offensive or vulgar, while at the Academy or while participating in any Council training program. This may include, but is not limited to, pornographic or hate motivated materials, discriminatory comments or actions, off-color jokes, etc. Necessary exceptions for role-playing, quotations, and practical scenarios are acceptable. Use or

## STANDARDS of CONDUCT for FACULTY

possession of pornographic materials may be approved on a case-by-case basis by the Director for a given training program.

### REPORTING MISCONDUCT

Any conduct or behavior by any faculty member that is illegal, unethical, or contrary to Council Rules, law, or these standards of conduct shall immediately be brought to the Director's attention, verbally and in writing in a timely fashion. Misconduct can be reported to any staff member who shall inform the Director. Failure to report known violations is deemed misconduct on its own merit.

### PENALTIES

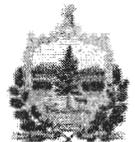
Violations of the standards of conduct for faculty contained herein shall be investigated as necessary and resolved by the Director. Violations involving staff members who are classified members of a collective bargaining unit shall be handled in accordance with State of Vermont policies and the prevailing collective bargaining agreement.

The penalties for the discipline of faculty who violate any provision(s) of these standards of conduct shall range from counseling to revocation of instructor certification, as determined by the Director. The appointing authority of any faculty member who is disciplined for violation of these standards shall be notified. Faculty may appeal a decision of the Director to the Criminal Justice Training Council.

## **VT Criminal Justice Training Council Driver Training Pad Rules**

**It is important that the following list of rules be followed at all times to ensure the safety of all participants as well as the instructors. By following these rules, a safe and efficient program will be presented. A violation of any rule shall be grounds for immediate dismissal from the program. There will be no tuition refunded to a participant who has been dismissed from a program for violation of a rule.**

1. While the driving pad is in operation both safety gates for the two access roads shall be closed to prevent unauthorized vehicles from entering the course.
2. Possession and/or consumption of alcohol or other drugs are prohibited on the driver training pad. In addition, any alcohol or other drug consumption occurring during non-program hours shall not be evident either at the beginning of, nor during a training session. Program instructors reserve the right to administer a test to any participant who exhibits any indication of alcohol/drug use. Refusal to submit to test for prohibited substances shall be grounds for immediate dismissal.
3. Participants shall comply with medical accommodation requirements including prescribed corrective lenses. Participants shall report any issues that may affect their performance, including fatigue, prior to using the driver training pad.
4. The directions of the program instructors shall be followed at all times, under all circumstances. There will be no debate as to the validity of the instructions. Should a conflict arise, the instructor's decision shall be carried out and complaints registered with the VCJTC staff at an appropriate time.
5. Participants shall stay in the training area at all times unless accompanied by an instructor or directed otherwise by an instructor.
6. Only vehicles approved by the instructor as training vehicles may be used on the driver training pad during driver training programs.
7. At no time shall a participant exceed a maximum designated speed without prior approval of an instructor.



8. Emergency lights (when available) shall be activated when actively participating in a designated course.
9. There shall be no pedestrian traffic in the area of the driving pad unless accompanied by the instructor or at the express direction of an instructor. Vehicles will be operating on the course, often at speeds that could cause *serious injury or death* if someone were to walk into their path of travel. Instructors will designate safe areas for bystanders to remain during training evolutions.
10. Seatbelts and any other provided safety equipment shall be worn at all times by all occupants of the training vehicle.
11. Use of cell phones, pagers and other electronic communication devices are prohibited on the driving pad during training evolutions. Such devices shall be placed in a "vibrate" or "quiet" mode during driver training.
12. Any crash or damage to a training vehicle or the driver training equipment, and/or any injury shall be reported immediately to the instructor, who shall notify the Director as soon as possible.

I have read the above rules regarding my participation in the VCJTC sponsored driving program. I have had the opportunity to seek clarification and have my questions answered. By signing below I acknowledge my willingness to abide by these rules throughout the duration of the driving program.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Department

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Instructor

## POLICY AND STANDARD OPERATING PROCEDURE FOR LESS THAN LETHAL TRAINING (WEAPONS & AMMUNITION)

- I. **PURPOSE** – The purpose of this Policy is to establish a Standard Operating Procedure (SOP) and Safety Guidelines for the use of Scenario Building by the Vermont Criminal Justice Training Council (VCJTC or referred to as Council) and any users approved by the VCJTC.
- II. **SCOPE** – This Policy and Standard Operating Procedure (SOP) are applicable to all personnel using the Scenario Building in training sponsored or authorized by the Council.
- III. **REFERENCES**
- The Massachusetts Criminal Justice Training Council and the Academy Director Manual.
  - The Massachusetts Police Training Committee
  - Federal Law Enforcement Training Center Standard Operating Procedure for Non-Lethal Training Ammunition dated July 2001.
  - Federal Law Enforcement Training Center Instructor Techniques for Non –Lethal Training Ammunition Manual.
- IV. **POLICY STATEMENT** – The VCJTC Policy mandates that all simulation training be conducted with converted or inert weapons that cannot fire live ammunition. All VCJTC Staff and VCJTC certified instructors using the scenario building will ensure that the participants are aware of this Training Policy and that the safety rules and procedures outlined are strictly enforced. The possibility of serious physical injury or death exists if the proper safety rules and procedures are not followed. Since this type of training often requires the participants to engage and shoot at interacting human targets the use of protective safety equipment (VCJTC approved full-face headgear) is mandatory if projectiles are in use. Impacts from the training ammunition may cause a temporary stinging sensation and/or reddening/minor bruising of the skin. These are acceptable conditions of the training. The breaking of skin, long-term bruising and other injuries caused by improper procedures must be prevented.
- V. **RESPONSIBILITIES**
- a. **EXECUTIVE DIRECTOR**– The Executive Director is responsible for ensuring compliance with this Policy and Standard Operating Procedure (SOP). To ensure compliance, the Academy Director or designee will review and approve all training scenarios prior to implementation.



- b. **TRAINING SAFETY OFFICER (TSO)** – The Training Safety Officer is the ONE person whose **SOLE** responsibility is to insure the safety of all scenario personnel (staff, students, role-players, observers, etc.). The TSO is responsible for immediately reporting all injuries and/or damage of equipment to the instructor and VCJTC Director's Office.
- c. **INSTRUCTOR** - This person is in charge of establishing (setting-up) and running the training scenarios. The instructor must be certified or approved by the VCJTC.
- d. **STUDENT OFFICERS** – The students involved in this training are responsible for coming into the training session with a good positive attitude about the learning process and the Force-on-Force scenario training. Student Officers as well as all personnel involved in this training are required to insure that no prohibited items are brought into the training area. Student officers are also required to wear the mandatory protective safety equipment during this training.
- e. **ROLE-PLAYER** – The Role-Player has possibly the greatest influence on whether the training is successful or not. Role-Players must follow the instructions of the Instructor and TSO during training scenarios. Role-Players must also wear the mandated protective safety equipment during training scenarios.

## **VI. TRAINING SAFETY OFFICER (TSO) RESPONSIBILITIES:**

The Training Safety Officer will serve as the overall safety officer for the training. The TSO will ensure compliance with the Policy and will remain on-site for the duration of the training. Specific duties of the (TSO) include:

- Issuance of all training weapons and ammunition to ensure they are safe to use for live target engagement.
- Conducts the safety briefing prior to each scenario.
- Establishes a safe staging area for the Student Officers.
- Conducts a safety walk-thru inspection in the areas of responsibility (interior facilities, exterior sites and all vehicles used as training props) prior to the start of training.
- Receives the Student Officers from the staging area.
- Checks the Student Officers for proper protective equipment and prohibited items.
- Conducts a safety check for prohibited items by requiring the students to perform a self-inspection of all personal equipment, gear and pockets checking for prohibited items.

**NOTE:** Prohibited items include, but are not limited to, "Live" weapons and ammunition, and knives and other edged weapons. Impact, electronic, and chemical weapons are prohibited unless otherwise directed by the Instructor. Prohibited items are not permitted in the training environment and must be removed and secured away from the training site. If for any reason the items cannot be stored safely off-site they should be turned over to the (TSO) for direct control and safekeeping for the duration of the training.

- Conducts a final walk thru of the training area prior to the commencement of the exercise.
- The TSO is responsible for the training area security.
- The TSO is the only person that will designate the area **HOT** to begin the exercise and **COLD** to end the exercise.

## **VII. CANINE TRAINING WEAPONS and AMMUNITION:**

Often K-9 handlers will train with normal police duty gear to include live weapons. This training may be conducted in the scenario building, but only when there are no other simulation training exercises in progress. Upon written request, the Executive Director may permit other uses of the scenario building with police duty gear to include live weapons but only when there are no other simulation training exercises in progress.

## **VIII. PROTECTIVE EQUIPMENT: (Mandatory)**

The equipment identified is designed to prevent injury to the vital zones (head, face and eyes), and minimize bruising to the non-vital zones (torso, arms, hands and legs). Protection for non-vital zone areas may allow the participants to experience a temporary stinging sensation and/or a minor welt/bruising of the skin as acceptable conditions of training. Long term bruising or other abrasions should be avoided. All protective equipment must be inspected and approved by the VCJTC.

**NOTE:** The protective gear identified is mandatory due to the velocity of the simulated ammunition. In addition, it is only designed to guard against impacts.

1. Student Protective Equipment
  - a) Head gear/face mask able to defeat the projectile.
  - b) Gloves (Optional)
  - c) Protection for exposed skin, e.g., Raid jacket, flight suit, BDU's or similar outer garment. (Optional)

2. Role Player Protective Equipment:

At a minimum, role players must wear the same protective equipment as the students (items A-C identified above). Since Role Players will be engaged in shooting situations considerably more often than the responding officers, additional protection may also be worn to minimize bruising (e.g., forearm protectors, padded suits or additional clothing).

3. TSO/OIC/Observer(s) Safety Protective Equipment:

The amount of safety equipment needed depends on the individual(s) function and their proximity to the action. Interior exercises at a minimum, requires full headgear/facemask and a throat guard; additional equipment is optional. Observers on overhead viewing platforms must wear safety glasses/goggles at a minimum and additional protective gear as deemed necessary by the Instructor. Outside exercises are more flexible and may only require the use of safety glasses. In all cases, instructor judgment/discretion is advised.

**IX. PROTECTIVE EQUIPMENT MAINTENANCE and CLEANING PROCEDURES:**

Cleaning, sanitizing and inspecting the equipment is essential before and after each class.

Both students and staff should visually check the equipment for safety and serviceability.

1. Students and role players should clean and sanitize the inside of their issued face mask prior to the commencement of training with the cleaning solution or antiseptic wipes provided by the VCJTC. These wipes should not be used to clean the goggle lens. Goggles should be cleaned with multipurpose cleaner and dried with a non-abrasive paper towel or other soft cloth.
2. At the conclusion of each training session, students and role players will wipe down all protective gear to remove paintball goop, sweat or other marking and dirt. Once cleaned, velcro straps should be closed and the items returned to the proper location in a neat and orderly fashion.

**X. TRAINING SCENARIOS:**

1. Scenario staffing, goals, and objectives should be clearly defined. Scenarios and staffing levels must be approved by VCJTC staff prior to implementation.
2. Scenarios should be designed to be winnable through the proper application of appropriate techniques.

3. Scenario designers and role players should consider the probable location(s) of the participants when confrontations are scripted to occur and adjust as necessary to maintain the proper safety gap.

## **SCENARIO BUILDING CHECKLIST**

1. Designate and maintain a controlled training environment by establishing a perimeter checkpoint for entry and exit.
2. Conduct "Physical" inspections for "Live" weapons, ammunition and other prohibited items before training. All participants (trainees, role players, observers, instructors, and the TSO) are subject to search for prohibited items at any time at the direction of the Instructor and/or TSO. Live Weapons and ammunition must be removed from the training environment! Inspections should be conducted in pairs and include the following:
  - a. Each person must inspect themselves and all their equipment prior to entry.
  - b. The TSO may then conduct an inspection of personnel and equipment. When vehicles, buildings or other facilities are used they must also be inspected for prohibited items.
3. Instructors must visually inspect and confirm that only designated training weapons have been properly converted for use.
4. Conduct a final student safety briefing (see attachment) and check each person for proper wear of the required safety equipment.
5. Insure that everyone observing, evaluating, or video-taping scenarios is wearing the designated protective gear while training is in progress.
6. Conduct debriefing

## SCENARIO BUILDING BRIEFING

The possibility of serious injury exists if the following safety rules and procedures are not followed. These rules must be explained to each group before each training session using Less-than-Lethal training equipment.

- NO "LIVE WEAPONS, LIVE AMMUNITION, or EDGED WEAPONS ARE PERMITTED IN THE TRAINING AREA."**
- NO impact, chemical, or electronic devices are permitted.**
- Treat the weapons with same degree of seriousness and responsibility afforded a "live" weapon and ammunition. Indiscriminate firing is prohibited
- Unsafe or frivolous behavior will not be tolerated.
- All participants must wear approved safety equipment and the equipment must remain in place until an instructor ends the exercise.
- If equipment becomes dislodged, damaged, or any injury occurs during an exercise, immediately protect your eyes and face then begin shouting "**OUT OF ROLE**".
- Upon hearing "**OUT OF ROLE**" or other designated signal (whistle), stop all activity immediately.
- Anyone can stop the action at any time if they perceive an unsafe situation by shouting "**OUT OF ROLE**".
- Shoot center of mass, when possible. Do not shoot closer than 3 feet.
- Do not give up or quit until stopped by an instructor. Injury or unsafe situations are exceptions.
- Report all injuries to the instructor, **immediately**.

**Vermont Criminal Justice Training Council  
Pittsford, Vermont**

**VERMONT POLICE ACADEMY**

**STAFF**

R. J. Elrick  
Executive Director

June F. Kelly -----Assistant Director  
John A. Gonyea-----Senior Training Coordinator  
TJ Anderson-----Training Coordinator  
Cynthia Taylor-Patch -----Training Coordinator  
Dave McMullen-----Training Coordinator  
Robert Ryan-----Training Coordinator  
Ken Hawkins-----Training Coordinator  
Lynn O. James-----Administrative Services  
Coordinator  
Gail Billings-----Financial Specialist II  
Denise Anderson -----Site Coordinator  
Patricia Anderson-----Administrative Services  
SSG John Herriman -----Youth Services Coordinator

## Staff Biography

### **R. J. ELRICK, B.S. – EXECUTIVE DIRECTOR**

Director Elrick has served as the Executive Director since October of 2004. He is a graduate of the FBI National Academy (162<sup>nd</sup> Session), and received his BS degree in Business Management from the College of St. Joseph in Rutland.

From 1996 to 2004, he served as the Sheriff of Rutland County. From 1988 to 1996, he was employed by the VT Criminal Justice Training Council (VCJTC) and was involved in the coordination and delivery of training at both the basic and in-service levels. He held the positions of Training Instructor, Training Coordinator, and Assistant Director. He was employed by the Rutland City Police Department from 1980-1988, serving in positions of Dispatcher through Sergeant.

### **June Kelly, Assistant Director, Vermont Criminal Justice Training Council**

June Kelly is assistant director of the Vermont Criminal Justice Training Council (VCJTC) also known as the Vermont Police Academy. The Council is responsible for basic training, certification, and in-service training of all state, county and local law enforcement in Vermont. She has worked in her current position for 9 years and has been involved in policing and police training in various capacities for over 29 years in Vermont and brings over 19 years of supervisory experience. Prior to her current position, she served for 20 years as a certified full-time law enforcement officer in Vermont as a police officer, deputy sheriff and sergeant. June served with the Vermont Air National Guard for 20 years. In 2005, she retired from the Vermont Air National Guard 158<sup>th</sup> Fighter Wing at the rank of Master Sergeant.

June has recently been honored with serving as the 2009 President of the FBI National Academy Associated New England Chapter, and she was the first woman representing Vermont to attend the FBI National Academy in Quantico, Virginia for 11 weeks in 1993, as a Sergeant for the Chittenden County Sheriff's Department. June holds associates in applied science in aircraft maintenance technology from the Community College of the Air Force, a bachelor of art's degree from Trinity College in Sociology and Criminal Justice. She is working on completely her master's degree in education at St. Michael's College.

June is a certified motorcycle instructor for the Vermont Rider Education Program. In her space time, she teaches motorcycle training for the state.

**John Gonyea, Senior and Curriculum Development Coordinator**

John Gonyea started his VT Policing Career at UVM Police Services in 1987 after obtaining his Bachelor's Degree at UVM in Medical Technology. In Aug 1989 he went to work at the Essex Police Department where among his normal patrol duties he developed the Town's first computer wide network and website. During his tenure at Essex he also served as one of their Firearms instructors as well as a member of the adjunct faculty at the academy as both a Training Assistant and Firearms instructor.

John came to the academy in September of 1998 as a Training Coordinator with joint responsibilities between basic and in-service training. From 1999-2002 he coordinated a review and update of the full-time Basic Training program evolving it into the police discipline – performance based model that currently exists. He holds certifications in the Use of Force, Patrol Procedures, Firearms, Report Writing and Hate Crimes Investigation. John is a member of IALEFI (International Association of Firearms Instructors) and ASLET (American Society of Law Enforcement Trainers).

In 2005 he was promoted to Senior Training Coordinator with responsibilities to mentor the training staff, as well as oversee the academy training curriculums, college accreditation and instructor development. John's additional assignments currently include: development and oversight of the academy leadership programs, firearms, compliance project as well as providing IT support.

John also serves as the staff member assigned to work with the Council's Waiver Committee.

**TJ Anderson, Training and Curriculum Development Coordinator – Domestic Violence**

TJ joined the VT Police Academy in March of 2000. Previous to working at the Police Academy, she worked for nearly ten years as a full-time police officer for Rutland City Police Department. Approximately half her tenure with the RCPD she was the Department's Child Abuse and Family Violence Investigator.

TJ has been training police, locally, nationally, and internationally, on how to respond to domestic violence incidents and other domestic violence related subjects, since 1997. She has testified on legislative matters, advised on Vermont statute changes and sits on many domestic violence related statewide committees. TJ has been deemed an expert witness in Vermont District Court on battered women syndrome. She has also been an adjunct professor with Community College of Vermont teaching Family Violence.

While employed by the Academy, for nine years, TJ also oversaw the Vermont's Part-Time Officer process and police entrance testing. She has run the State's Field Training Officer Program and continues to train Vermont's newest FTOs.

She has a Bachelor of Arts from the University of Vermont (UVM) in Zoology with a concentration in Psychology. She also attended UVM's Graduate Counseling Program, completing a year. TJ did not complete her Master's Degree as her professional career goals changed.

### **Dave McMullen, Training Coordinator - Homeland Security & Counter-Terrorism**

Dave joined the Academy in May of 2005 as the Training Coordinator for Homeland Security and Counter-Terrorism. Dave received his BA in Psychology from the College of St. Joseph in Rutland. Before joining the Academy he was employed by the Vermont Department of Corrections for 16 years. During that time Dave worked in several positions including as a Correctional Officer, Probation Officer, and Trainer as well as a Security and Operations Supervisor. Dave currently works on a part time basis with High 5 Adventure working as a facilitator on challenge courses. He is also employed by the Vergennes Police Department as a part-time Officer.

Dave lives in Cornwall with his wife Jean and their two children Makenzie and Casey.

### **Bob Ryan, Canine Training & Curriculum Development Coordinator**

Bob Ryan joined the staff in February 2005 as the canine training coordinator. Bob worked for the Town of Barre Police Department as a full time officer for five years after working approx. five years for them as a part time officer. He then worked for the City of Barre Police Department for over 19 years. The majority of those years were spent as the second shift sergeant. He still continues to work part time as a patrol officer. Bob has been a canine handler since 1982. He is currently working with his forth canine, Jake.

Bob enjoys spending time with his family, hunting, fishing and riding motorcycles.

Bob lives in Barre with his wife Patty, daughter Anna, son Robert, canine Jake and at last count five cats. They also share their backyard with deer, turkeys and occasionally a black bear.

### **Ken Hawkins, Training and Curriculum Coordinator - Full Time Basic**

Ken spent 4 years with the US Navy (1989-1991), as a Master at Arms and is currently a member of the VT Air National Guard as a Security Forces member. Ken attended the Part Time Basic Academy in 1999, while as the Assistant

Director of Security at Champlain College. Ken started working as a part-time police officer for the Middlebury Police Department in 2000, before becoming a full-time officer in 2001 and attending the 73<sup>rd</sup> Basic Academy. While at Middlebury, he was certified as a Firearms Instructor, Field Training Officer, At-Scene Traffic Crash Investigation and Basic Data Recovery & Analysis. Ken also served as the department's Terminal Agency Controller, National White Collar Crime Commission representative and the department's network administrator.

**Lynn James,            Administrative Services Coordinator I**

Lynn joined the Academy staff in February 2001 as the Administrative Assistant and in 2006 was promoted to Administrative Services Coordinator I. Responsibilities include maintaining up to date training records and certifications, monitoring annual mandatory training of Law Enforcement officers to ensure they are maintaining certification, issuing certificates of completion and attendance for training through the Academy, handling transcript requests, producing letters for mailings for the Director, the Council and the Council Committees. Additional duties involve Human Resource for the staff, interactive communication with police agencies, law offices, town officials and the public, supervising Financial Specialist 1 and Program Clerk, and providing support for all staff as needed.

**Gail Billings,            Financial Specialist II**

Joined the Academy staff in January 2005 as the Program Services Clerk and in 2006 was promoted to Accountant, which is presently called Financial Specialist II. Main responsibility is accounting. Other duties include the oversight of academic course registrations, tracking and maintaining of course information, entering of training hours for courses taken, ordering materials and supplies needed, and being primary point of contact for persons calling the Academy as well as support for all co-workers when and where needed.

## **Basic Training Course Adjunct Faculty**

Dr. Steven Adams, MD, Medical Examiners Office  
Mark P. Galle, S/Trp, Vermont State Police  
Keith Goslant, Consultant  
Robin J. Hollwedel, LT, Essex Police Department  
Donald Keeler, 1SGT, Addison County Sheriff's Department  
Bradley J. LaRose, LT, Essex Police Department  
Michael J. Roj, SGT, Vermont State Police  
Max Schlueter, Ph.D., VCIC, VT Dept. of Public Safety  
Robert W. Stebbins, III, Sgt., Chittenden County Sheriff's Department  
John Sonnicks, Consultant  
Steven Waldo, Investigator, Vermont Department of Liquor Control  
Don Isabell, SGT, Vermont Department of Fish and Wildlife  
Kris Carlson, Detective, Burlington Police Department  
Robert Edwards, Chief, Dover Police Department  
James Leene, US Attorney's Office  
Gene Douillard, SGT, Vermont State Police  
Ed Shanks, CO3, Dept. of Corrections  
Eric Dodge, Officer, Morristown Police Dept.  
Pat McManamon, Inspector, VT Department of Motor Vehicles  
Rod Pulsifer, LT, Brandon Police Department  
Chrissy Bales, Private Consultant  
Evan Eastman, Warden, VT Fish & Wildlife  
Drew Bloom, CPT, Dept. of Motor Vehicles  
Peter Bottino, Investigator, VT Dept. of Motor Vehicles  
Bart Chamberlain, SGT, Williston Police Dept.  
Michelle LaBerge, Training Coordinator, Governors Highway Safety Program  
Jeff Fontaine, SGT, Colchester Police Dept.  
David Yustin, SSG, VT State Police  
James Cruise, SGT, VT State Police  
Michael Ackerlind, Officer, Colchester Police Department  
Sam Hill, Sheriff, Washington County Sheriffs Department  
Patrick Greenslet, Sgt., Vergennes Police Department  
Sandi Everitt, Esquire, VT Attorney Generals Office  
Mark Carignan, Officer, Brattleboro PD  
Lianne Tuomey, CPT., UVM Police Services  
Justin Couture, Officer, Burlington PD  
Peggy McCabe, Dispatcher, Essex PD  
Scott Goodhue, SGT, Rutland County Sheriffs Department  
James Baril, Cpl, Barre City PD  
Derrick Kendrew, University of Vermont Police Services

John Klauzenberg, Investigator, VT DLC  
David Jacobs, Investigator, VT DLC  
Andy Thibault, LT, VT DLC  
Mike Sisino, CPL, VT State Police  
Honorable David Suntag, Judge, VT Judicial System  
Jeff Barton, LT, Colchester PD  
Tom Curran, Investigator, VT DLC  
James Roy, SGT, Colchester PD  
John Flannigan, SGT, VT State Police  
Keith Clarke, Sheriff, Windham County SD  
Ed Ledo, LT, VT State Police  
Amy Farr, Victim Advocate, VT Attorney General's Office  
Emily St. Peter, Consultant  
Paul Doucette, LT, Bennington Police Department  
Mark Heberts, Inspector, VT DMV  
Tom Oliver, LT, Franklin County Sheriffs Department  
Matthew Bellmay, LT, VT State Police  
Ted Wimpey, VT Tenants Incorporated  
Drew Palcsik, Esq., VT Legal Aid  
Mark Loevy-Reyes, Esq., VT Legal Aid  
John Treadwell, Esq., VT Attorney Generals Office  
Greg Eckhardt, Warden, VT Fish & Wildlife Department  
Gary Johnson, Training Coordinator, VT Fire Academy  
Chris Morrell, Chief, Hinesburg Community Police  
Melanie Boutin, Investigator, VT DLC  
Wade Labrecque, OFC, Burling Police Department  
Mark Francis, DET SGT, Vermont State Police  
Ed Twohig, DET SGT, Vermont State Police  
Warren Whitney, LT, Vermont State Police  
Eric Albright, SGT, Vermont State Police

## **Training Assistants**

Deputy Stephan Russell, Orleans County Sheriff's Department  
Officer Kye Richter, Colchester Police Department  
Capt. Michael Fitzgerald, Brattleboro Police Department  
Deputy Mark Anderson, Windham County Sheriff's Department  
LT Robert Kalinowski, VT State Police  
SGT William Sullivan III, Winooski Police Department  
S/Tpr. Christopher W. Burnett, Vermont State Police  
S/Tpr. Cari Crick, Vermont State Police  
Inspector Jay Clark, Department of Liquor Control  
SGT Robert Kissinger, Essex Police Department  
SGT Scott Frennier, UVM Police Services  
Officer Jeff White, Brandon Police Department  
Officer Randy Tucker, Williston Police Department  
Investigator Thomas Curran, VT Department of Liquor Control  
Director William Goggins, VT Department of Liquor Control  
Officer Merkel, Middlebury Police Department  
Sheriff Kevin McLaughlin, Chittenden County Sheriff's Department  
Officer Jason Bellevance, UVM Police Services

# **MISSION STATEMENT**

## **BASIC TRAINING FOR FULL-TIME POLICE PROFESSIONALS**

We believe that to create the most professional, highly trained Vermont police professional we must create an environment that challenges, empowers, and promotes discipline, respect, teamwork, and fitness. Fitness is a term that reflects both the mind and body. It is our mission to provide academic challenges that sharpen the intellect while reconditioning the body for a lifetime of health. Through quality instruction, hands on application and curriculum, we will provide the resources for officers to gain technical proficiency in foundational police subjects.

To earn the public's trust and respect, and that of our peers, officers must live by the highest ethical standards. It is our mission to provide an environment that stresses integrity and morality in the service of our communities and ourselves. In that police professionals are community leaders, it is our mission to provide the training and skills necessary to enable officers to facilitate community growth, develop leadership/followership abilities, and reinforce positive values. We will create an atmosphere that fosters a degree of humility and an optimistic attitude toward the potential in each of us.

Thus, in creating this environment, the goal of the Vermont Police Academy is to produce a highly dedicated and service oriented Vermont police professional.

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## **ACADEMY POLICIES**

### A. WEAPONS

1. Candidates shall maintain proper decorum when in possession of their firearm. **Absolutely no horseplay, grabbing, etc., is permitted and if present, can be grounds for dismissal.** Any candidate asked to surrender their weapon shall do so immediately to any Training Coordinator, his/her designee, or in his/her absence, the Training Assistant. Firearms, when stored, will be placed in the armory.
2. **No** live ammunition is allowed in the possession of a candidate at any time unless authorized by the training staff.
3. **No** live Oleoresin Capsicum (O.C.) or other chemical weapons are allowed in the possession of a candidate at any time unless authorized by the training staff.
4. **No** impact weapons are allowed in the possession of, or to be displayed by a candidate at any time unless authorized by the training staff.

### B. BULLETIN BOARD (LOCATED ACROSS FROM THE ELEVATOR)

1. Directives, notices, schedules, messages, and special announcements will be posted and each student will be responsible for familiarization with information provided. If there are questions, use the chain of command.
2. Notices, schedules, and special announcements will not be removed except by training staff or permission.
3. Students will not mark or destroy notices.

### C. FIRE DRILLS

1. Fire drills may be conducted at any time.
2. When the alarm sounds, leave the building by the best-designated route and gather by the hedgerow adjacent to the K-9 training area as quickly as possible unless otherwise directed by training staff or fire personnel.
3. NO candidates are to re-enter the building until authorized to do so by either the training staff or fire personnel.

#### D. FIRING RANGE

1. All students are required to wear safety glasses, ball caps, and ear protection. When magnum ammunition is being used on the firing line, all candidates on line will wear **double ear protection**.
2. Failure of any candidate to follow this rule will mean immediate removal from the range.
3. The Executive Director may dismiss, in accordance with procedures described in this manual (and in conjunction with the rules of the VCJTC), any candidate who is considered by the firearms staff a danger to himself/herself, and/or others on the firing range.

#### E. GRIEVANCE/COMPLAINT PROCEDURE

The VCJTC also has an "open door" policy for bringing complaints forward. If any candidate is concerned that a member of the training staff will not respond to their complaint appropriately, either due to involvement in the complaint and/or due to a conflict of interest, that candidate is authorized to bypass the Chain of Command and immediately seek redress by speaking with the staff member at the next highest level. (i.e. if a Training Coordinator were the subject of the grievance, the candidate is authorized to bypass this step and speak directly with the Senior Training Coordinator.)

Any candidate who wishes to file a grievance/complaint regarding the administration or conduct of any training program or personnel shall immediately contact a staff member. Depending on the nature of the grievance/complaint, the candidate may be required to submit the grievance/complaint in writing. If the candidate is not satisfied with the action taken by a Training Coordinator, he/she may then appeal to the Executive Director. Grievances/complaints handled outside the guidelines established herein may constitute insubordination.

#### F. LAUNDRY AND CLEANING

1. Students will be responsible for laundering and cleaning of personal items and issued uniform items.
2. Uniforms issued will be shirts and pants.
3. Sheets and pillowcases will be issued on a weekly basis, and linen to be laundered will be turned in on Friday mornings.
4. Blankets may be cleaned at home using proper cleaning directions, but must be returned the next duty day.

### G. LIBRARY

1. All library materials must be returned in good, clean condition.
2. **Overnight use:** library books may be taken to the students quarters for overnight use provided that permission is obtained from the Training Coordinator or their designee.

### H. MAIL

1. Throughout the training period, all incoming mail will be addressed to the student as follows:

**Candidate (name)**  
**Vermont Police Academy**  
**317 Academy Rd**  
**Pittsford, Vermont 05763**

2. Outgoing mail will be left in the mail basket in the Administrative Services Coordinator's office and will be mailed daily (Monday – Friday). Under normal circumstances student's mail will be picked up by 11:00 a.m. daily.
3. The training staff will conduct a daily mail call.

### I. OFF-LIMIT AREAS

The following areas are **off limits** to all students unless the training staff has granted permission:

***Staff sleeping quarters***  
***Basement***  
***Copy room***  
***Arms Room***  
***Supply room***  
***Elevator***  
***East and West Wing***  
***All outbuildings***  
***Academy staff offices***  
***Third Floor***

The Academy is the location for constant basic and in-service canine training programs. Candidates are not to approach these canine teams at any time unless authorized by staff, and all canine training areas are off limits. This includes the third floor, basement, white house and outside training areas.

### J. PRIVATE VEHICLES

Students will park their vehicles in the student parking lot at the far-west side of the Academy building. These vehicles will be locked at all times. Vehicles are off-limits during the week unless authorized by a training staff member.

### K. REFRESHMENT AREA

1. Keep area clean.
2. Place all refuse in waste container.
3. Vending machines are off limits to candidates unless authorized by the training staff.

### L. REPORTS

1. Reports **will be required** for the following:

***Injury***

***Illness***

***Failure to Report for Formation***

***Tardiness***

***Violation of other items contained in these rules***

2. Reports will be submitted in writing to the requesting training staff member within the prescribed time limit.
3. Reports will be submitted either type-written, computer generated or legibly hand-printed following the proper report guidelines.
4. For the purpose of this training program, reports will be submitted in memorandum form in the following format:

**To:** (Name of receiving training staff member)

**From:** Candidate (Full Name)

**Date:**

**Subject:** (Reason for report)

### M. TOBACCO PRODUCTS

Smoking and chewing tobacco is prohibited.

### N. TELEPHONE CALLS

1. No telephone calls will be made to the Academy by spouses, parents, friends or relatives of the candidate during the training period, **except in an emergency.**
2. Telephone calls of an **emergency nature** will be accepted at the Academy at 802.483.6228 and relayed to the candidate.
3. Candidates will be permitted to use personal cell phones, after duty hours, or at other times as authorized by the Training Staff.
4. Cell phones and pagers are **NOT** permitted for use by candidates without prior approval of a Training Coordinator or their designee.

#### O. VISITORS

1. Visits from persons not directly connected with the Academy are **PROHIBITED** and will not be allowed unless previously arranged through, and approved by the Training Staff.
2. Relatives and friends should be notified of the visiting restrictions.

#### P. VCJTC HOT AND COLD WEATHER POLICY

This policy is designed to give mandatory instruction to the basic training program on the type of training, duration of training and hydration during severe weather periods, and give guidelines to all other personnel training at the Vermont Police Academy regarding severe weather periods.

1. Hot Weather
  - a. Hot Weather Categories/Colors
    - i. Using the attached chart (Attachment A), there are 5 heat categories which will be displayed by colored signs adjacent to the Gymnasium entrance.
    - ii. The attached chart (attachment A) also shows the water intake in quarts per hour that is recommended for that Category/Color.
    - iii. Also shown is the amount of work that should be done in relation to rest in that particular Category/Color. Keeping in mind, that physical training, depending on the exertion, will be in the moderate to hard work category.
    - iv. The guidelines used in this particular chart are also used assuming the individual performing the exercise has acclimated for two (2) weeks.
  - b. Warning Signs and Symptoms of Heat Casualty and Immediate Actions

- i. Common Signs – Stop training, rest in shade, loosen clothing, sip water, call for medical personnel
    1. Dizziness
    2. Headache
    3. Nausea
    4. Unsteady
    5. Weakness/fatigue
    6. muscle cramps
  - ii. Serious Signs – Lay person down in shade with feet elevated, undress, apply ice and cold water and fan, give sips of water, call for medical personnel
    1. Hot Body/High Temperature
    2. Confusion
    3. Vomiting
    4. Involuntary Bowel Movement
    5. Convulsions
    6. Weak or Rapid Pulse
    7. Unresponsiveness, Coma
2. Cold Weather
- a. Cold Weather Categories/Colors
    - i. Using the attached chart (Attachment B), there are 4 cold weather categories which will be displayed by colored signs adjacent to the Gymnasium entrance.
    - ii. These categories correlate to exposure time to temperature and frostbites. Keep in mind, these times are for exposed skin, but longer times in a below freezing temperature can also result in frostbite.
  - b. Warning Signs and Symptoms of Cold Weather Injury and Immediate Actions.
    - i. Chilblain – Repeated exposure of exposed skin for prolonged periods 20 – 60 °F
      1. Swollen red skin, tender hot skin, itchiness.
      2. Warm skin with direct body heat
    - ii. Hypothermia – Prolonged cold exposure and body heat loss. May occur at temperatures above freezing.
      1. Shivering, drowsiness, mental slowness, lack of coordination, irregular heartbeat.
      2. Immediate to medical facility, warn victim in blankets with another person.
    - iii. Frostbite – Freezing of exposed skin.
      1. Numbness in affected area, tingling, blistered, swollen areas, pale, yellowish, waxy looking skin, frozen tissue that feels wooden to the touch.

2. Immediate to medical facility, warm with direct body heat, do not rub, massage or wet the area

## ***VERMONT CRIMINAL JUSTICE TRAINING COUNCIL RULES AND REGULATIONS***

### ***THE HONOR SYSTEM:***

**HONOR** is the guiding principle of every endeavor involving the police profession. Integrity is the accepted basic attribute of every **POLICE PROFESSIONAL**. Dishonesty is inexcusable, and will not be tolerated. Consistent with the principles of honesty and integrity, therefore, it is assumed that at all times your work and reports are true, correct and your own work. Every candidate is expected to live to the highest honorable practices. Any action or conduct contrary to those principles will be considered conduct unbecoming a police professional, and will result in disciplinary action.

### ***DISCIPLINARY ACTIONS:***

Any infraction of the rules, regulations or standard operating procedures of the Vermont Police Academy/VCJTC, by a candidate, may be subject to disciplinary action administered by the staff. It is the intention of the training staff to administer any required disciplinary methods in a progressive manner. However, that shall not prevent the training staff from using more serious forms of discipline as a first step if deemed appropriate.

### ***MINOR INFRACTIONS: (IMPOSED BY TA'S & INSTRUCTORS)***

Violations including but not limited to failure to complete assigned task or homework, loss/intentional damage of personal equipment, lack of participation/effort during physical training and/or preparation for inspection, etc.

1. Assignment of additional tasks and/or duties.
2. *Counseling*. A meeting between the candidate and staff in which problem areas are noted and requirements for improvement are stated. **Note:** All counseling sessions will be documented. A candidate's signature on a counseling statement is merely acknowledgement that the session took place and does not necessarily constitute an agreement on the part of the candidate with the information contained therein.

*VIOLATIONS: (IMPOSED BY COUNCIL STAFF; (I.E. TRAINING COORDINATORS, ASSISTANT DIRECTOR, EXECUTIVE DIRECTOR)*

A violation, but not limited to Conduct Unbecoming a Police professional is one example. The same disciplinary steps as above may be followed and the following disciplinary actions may be taken if necessary.

1. A written reprimand; copy to sponsoring agency.
2. Suspension from Basic Training pending a Council hearing.
3. Expulsion from Basic Training.
4. Criminal and/or civil action.

*PERFORMANCE COUNSELING (P/C)*

Phase counseling sessions will be provided by the staff to show the accumulative performances for each candidate. The training staff will assess each candidate according to their performance throughout the training program. Starting in Phase II each candidate will begin to assist the training staff with self-assessments. The system serves as a method of grading the student's ability to recognize and adhere to high performance standards, self-discipline and ethics.

1. P/C may be conducted by the training staff to include Training Assistants.
2. P/C will be used as one of the components in the selection of the graduation award recipients.
3. Each candidate will keep an assessment report with them at all times so the staff can maintain the accountability and credibility of each report.
4. Candidates will not leave the counseling session until the training staff member(s) conducting the counseling have dismissed them.

*CANDIDATE ASSESSMENT FORM:*

Candidates are issued assessment forms every week starting week one of the Academy. Each form has a rating scale from 1 to 7 (low to high respectively) and the training staff imposes the rating of each category of the assessment during week 1 of Phase I. This allows the Staff to model the evaluation for the candidates. The modeling process continues for approximately two weeks after that the staff supervises the candidate's self-assessments.

A candidate who receives a rating of 1 – 2 in any of the categories will be instructed to make "on the spot corrections" (if time allows for it). A candidate who receives a rating of 1 –2 in more than (5) categories will meet with a

Training Coordinator for a formal and written counseling session. The results of the counseling session will be forwarded to the candidate's department and placed in the candidate's permanent file. After each counseling session, a written plan of action to improve performance will be outlined for the candidate in order to assist him/her to succeed.

A candidate who accumulates more than six formal counseling sessions (referring to poor performance) will meet with the Executive Director and may be recommended for expulsion for poor performance by the training staff.

The Training Staff may require a memorandum of explanation for improper conduct at any time if deemed appropriate.

At the end of the basic training program the candidates P/C's may be provided to the Executive Director as one of the components used to select the Director's Award.

#### Guidelines for Assessment Form

<b>Category</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Hat</b>	No standards met			Clean, worn correctly, serviceable			Crisp, worn properly, free from strings, tears, etc., always worn properly
<b>Hygiene</b>	No standards met			Meets standards outlined in manual			hair exceeds regs, body clean, teeth brushed,
<b>Uniform</b>	No standards met			Clean, pressed, serviceable, all assigned equipment			Highly starched, creased, military tuck, use of shirt stays
<b>Duty Belt</b>	No standards met			Clean, serviceable, equipment placed per department regs			All brass polished, proper gig line, free from dust or dirt, polished, completely serviceable
<b>Footwear</b>	No standards met			Clean, spit shined, eyelets black, edge dressing applied			Toes & heel at "mirror" finish, remaining boot highly polished, fresh edge dressing, no dirt, scuffs

<b>Living Quarters</b>	No standards met			Meets standards outlined in manual			No deficiencies found with current standards re: buttons, drawers, etc.
<b>Common Areas</b>	No standards met			Meets standards outlined in manual			No deficiencies found with current standards re: stairs, latrines, etc.
<b>Character &amp; Ethics</b>	No standards met			No negative spot reports			Always respectful of peers and superiors, highly motivated, displays constant teamwork, ability to follow instructions and chain of command
<b>Leadership</b>	No standards met			Ensures all assigned tasks completed per standards and on time			Highly motivated, leadership by example, delegates and spot checks as needed, clearly communicates tasks to classmates

# Candidate Assessment Report

<b>1. Name:</b>	<b>2. 86<sup>TH</sup> Basic Class</b>	<b>3. Training Week:</b>							
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <i>Unsatisfactory</i>    <math>\longrightarrow</math>    <i>Satisfactory</i>    <math>\longrightarrow</math>    <i>Superior</i> </div>									
<b>4. Performance Rating: 1 - 2 - 3 - 4 - 5 - 6 - 7</b>									
<b>Category</b>	<b>Offense List</b>								
<b>1. Academy Hat</b>	(a) Condition	(b) Serviceability	(c) Location	(d) Wear	(e) Inside	(f) Outside			
<b>2. Hygiene</b>	(a) Sideburns length	(b) Mustache length	(c) Hair length	(d) Hair Accessories		(e) Face			
<b>3. Uniform</b>	(a) Name Tag	(b) Buttons	(c) Iron-pressed	(d) Hole(s)	(e) Stains		(f) Alignment		
<b>4. Duty Belt</b>	(a) Condition/cleanliness	(b) Brass	(c) Holster security	(d) Edge dressing	(e) Handcuffs/Storage				
<b>5. Footwear</b>	(a) Shine	(b) Cleanliness	(c) Leather condition	(d) Laces	(e) Edge dressing	(f) Lace/eyelets			
<b>6. Living Quarters</b>	(a) Dust	(b) Bed	(c) Footwear	(d) Desk uniformity	(e) Wall locker uniformity	(f) Floor	(g) uniformity		
<b>7. Common Areas</b>	(a) Trash	(b) Floor	(c) Brass	(d) Stairs	(e) Latrines	(f) Mirrors			
<b>8. Character &amp; Ethics</b>	(a) Respect	(b) Motivation	(c) Follow instructions	(d) Language	(e) Attitude	(f) Chain of Command			
	(g) Integrity								
<b>9. Leadership (only for student leaders)</b>	(a) Lead by Example		(b) Delegation		(c) Follow-up to details		(d) Motivational Skills		
	(e) Communication		(f) Supervision						
<i>Day</i>	Cat. #1 Rating	Cat. #2 Rating	Cat. #3 Rating	Cat. #4 Rating	Cat. #5 Rating	Cat. #6 Rating	Cat. #7 Rating	Cat. #8 Rating	Cat. #9 Rating
<i>Monday</i>									
<i>Tuesday</i>									
<i>Wednesday</i>									
<i>Thursday</i>									
<i>Friday</i>									
<i>Total Ave.</i>									
<b><u>Candidate Signature:</u></b>			<b><u>Date:</u></b>			<b><u>Training Staff Signature:</u></b>			

***STANDARD OF CONDUCT:******CONDUCT UNBECOMING A POLICE PROFESSIONAL***

- A. Any candidate participating in basic training who commits any act that can be considered conduct unbecoming a police professional, while a member of the basic training class, **in or out of the Academy**, may be expelled from the Academy. Conduct may be one of the determining factors in whether you graduate from the Academy. Candidates must conduct themselves in a manner that will not bring discredit to themselves, their sponsoring organization or the Vermont Police Academy. Loud, boisterous conduct will not be tolerated nor will conduct that infringes upon the rights of others. Where appropriate, candidates are also subject to applicable criminal and civil penalties.

Examples of conduct held to be unbecoming include, but are not limited to:

1. Placing unauthorized posters, signs, pictures, etc. in the Academy.
2. Lying to staff members, TA's or instructors.
3. Illegal possession of a regulated drug.
4. Possession or consumption of alcohol on academy grounds. (Unless with the permission of the Executive Director or their designee as part of an approved police training course.)
5. Possession, display or use of pornographic material or hate literature. (Unless with the permission of the Executive Director or their designee as part of an approved police training course.)
6. Failure to cooperate with any internal investigations.
7. Tampering with, altering or unauthorized inspection of official Academy documents.
8. Insubordination. (as defined by Webster's dictionary is "not submitting to authority, disobedience")
9. Plagiarism. (as defined by Webster's dictionary is "to take ideas, writings from another and pass them off as ones own")
10. Service of a protection order (as a defendant).

11. Physical contact between candidates (i.e. fighting) of any nature. (outside of approved training scenarios)
12. Discrimination, including but not limited to race, gender, religion, sexual orientation, etc.
13. Sexual harassment (refer to State of VT policy)
14. Use of defamatory language or written communication referring to a persons race, religion, gender or sexual orientation.
15. *Contact, sexual in nature, between candidates on Academy grounds. Contact, sexual in nature, between candidates and training staff throughout the training program on/off academy grounds.*

### ATTITUDE/APPEARANCE

All rooms, closets, and drawers will be subject to inspections and/or searches. Candidate's application for admission and subsequent acceptance into the basic academy shall be construed as an implied consent to all investigations, questionings, interrogations and searches.

Candidates shall:

- A. Perform all duties in a thorough and conscientious manner.
- B. Carry out all lawful orders, commands and instructions given by authorized student leaders or staff personnel.
- C. Students shall comply with the Basic Training rules and regulations pertaining to shaves and haircuts.
  1. **Male:** Hair shall be worn short and off the ears and neck, and well groomed. Sideburns and mustaches will be well trimmed. Sideburns shall be as short as possible and no longer than the middle of the ear. Mustaches will not extend beyond the edge of the mouth and will be neatly trimmed (Not below the top lip).
  2. **Female:** The hair shall be well groomed, and short in length. Or, if long, shall be rolled up to be as short as possible and will not touch the collar and will be out of the face.
- D. Uniform will be worn in the prescribed manner.
  1. Academy Uniform
    - a) Cap (Academy Issue)

- b) Uniform pants and shirt (Academy Issue)
- c) Black boots (owned by candidate)
- d) Black socks (owned by candidate)
- e) Departmental Jackets shall be worn as directed by staff. Collar brass and rank insignia are prohibited during the basic training program.

Shirts shall be kept buttoned except at the collar, and tucked into pants. Nametags will be worn above the right pocket along the top of the pocket and centered. If candidate is a team leader or class leader the broussard will be worn on the left shoulder. Weapons belt and shoes and any brass worn shall be highly polished. During the basic training program, candidates will never appear with toothpicks, match sticks, or other similar objects protruding from the mouth.

## 2. Department Uniforms

- a) When worn will be in accordance with the candidate's sponsoring agency Standard Operating Procedures.
- b) NO candidates will wear their department uniform during basic training unless authorized to do so by the training staff.

## 3. Physical Fitness Uniforms (Purchased by Candidate or Agency)

- (1) **Three** 88<sup>th</sup> Basic T-shirts
- (2) **Two** running shorts
- (3) **One pair** 88<sup>th</sup> Basic sweatpants & sweatshirt
- (4) White athletic socks
- (5) Good pair of sneakers (Running **and** Court sneakers preferred)

## E. Jewelry

- 1. Candidates will be allowed to wear a wristwatch and a wedding band throughout the training program as well as a Medic Alert ID if one is needed. **NOTE:** If a candidate chooses to wear an engagement ring they do so at their own risk.

2. Every other form of jewelry to include rings, bracelet, anklets, necklaces, neck chains, earrings, and any other adornments will not be worn during basic training.

F. Make-up

The use of facial paint and/or make-up is not allowed without permission of the Training Staff. Only Clear fingernail OR toenail polish is allowed.

## **ACADEMICS**

### CLASSROOM

- A. In keeping with adult learning concepts, anytime candidates are in a classroom setting it shall be considered a learning environment. Instructors will conduct their lessons in a manner that maximizes the learning experience. Phase 1 Training Assistants shall be prohibited from participating in the class unless they are the instructor(s) and/or requested by the instructor to participate.
- B. All candidates will be prompt in reporting to their assigned classes.
- C. Seating arrangements in the classrooms will be assigned and changed only with permission of the Training Staff.
- D. All candidates will stand at attention, directly behind their chairs until the instructor has given permission to sit.
- E. Thirty (30) minutes will be set aside each mid-morning and mid-afternoon. A portion of this time may be used as staff time and a portion of this time may be allotted as a class break. Other breaks are at the instructor's discretion.
- F. Chewing gum is not allowed.
- G. To ask or answer a question in class, candidates will raise their hand. When recognized by the instructor, the student will address the instructor by his/her proper title, (or Sir/Ma'am), or title prescribed by the instructor.
- H. Classrooms will be kept neat and orderly at all times.
- I. All candidates are required to take complete and legible notes on all subjects.
- J. Each candidate will bring the necessary books, notes and handouts, and any other equipment to class for the scheduled subject.

- K. At the end of the period of instruction candidates shall not leave their seats until released by either the training staff or the instructor if no one from the training staff is available.

EXAMINATIONS, PROJECTS, PAPERS, PRACTICAL ASSESSMENTS

- A. Examinations and unannounced quizzes will be given periodically. A minimum passing score of 70% is required on all graded examinations, projects, papers, Practical Skills Assessments (PSA) and/or quizzes. In the case of certification exams, that are graded on a pass/fail basis (i.e. OC, Impact Weapon, MDTs, Defensive Driving), failure to pass the initial testing will count as a failure as when a minimum score of 70% is required.
- B. Final exams and/or projects will be given in each of the following subject areas:
1. Criminal Law
  2. Motor Vehicle Law
  3. Crash Investigation
  4. Patrol Procedures (to include community policing project)
  5. Police Driving
  6. Sexual Assault / Child Abuse
  7. Report Writing
  8. Defensive Tactics
  9. Firearms
  10. Domestic Violence
  11. A Final Cumulative exam
- C. If a candidate fails a quiz, examination, assessment (PSA), or project he/she will be counseled, placed on academic probation, and given **one** make up test.
- D. An accumulative final written exam will be given in week 15, which will cover all subject material. If a candidate does not pass the initial test and fails to successfully pass the re-test of the final exam –**they will not be certified and will be required to retake the entire basic training program.**

Candidates should be aware that under such circumstances both the Executive Director and the agency head of their sponsoring agency will be notified of the failure. (each occurrence)

1. If the individual is successful on the make-up quiz/test/exam or project, he/she will receive a score of 70%, regardless of the actual "raw" score and removed from academic probation.
  2. The original, failing grade, will not be included in determining the individual's course average.
  3. If the make-up test is failed the candidate may be subject to expulsion from basic training.
  4. After the first failure the Basic Training Coordinator will counsel the individual.
  5. After the second failure the Senior Training Coordinator will counsel the individual.
  6. After the third failure the Assistant Director will counsel the individual.
  7. If a candidate fails **four** or more exams, quizzes, practical skills assessments (to include final patrol procedures PSA, MEB, MDTs and OC certification testing) and/or projects, even after successfully completing the make-up he/she may be subject to expulsion and will be counseled by the Executive Director.
- E. Candidates should be aware that although not all blocks of instruction administer a quiz, exam and/or project – **ALL** courses provide testable material and at least one question from every block of instruction will appear on the final cumulative exam.
- F. Candidates will not cheat, attempt to cheat, copy, plagiarize or crib during any written examination, project, assignment, or practical exercise. Doing so is considered grounds for suspension and/or expulsion.
- G. During an examination or quiz, candidates may leave the classroom when finished if authorized by the instructor and stay in designated break area. Candidates will not leave this designated break area (except to use the latrine) unless authorized to do so by a training staff member. Candidates will refrain from causing noise or other disturbances that could distract fellow classmates from finishing their quiz/exam.

- H. Failure to successfully complete a major course of instruction as identified in paragraph (A) will result in non-certification. The candidate will be required to retake the entire subject in the next basic class to obtain certification as a full-time law enforcement officer. The Academy training staff, in conjunction with the sponsoring agency will make the determination whether the candidate remains in basic training for the remainder of the program.

### NOTEBOOKS

- A. Candidates are required to take complete notes on all subjects and these notes will be transcribed and placed in a permanent binder, which is furnished to each candidate. Notes may be typed (typewriter or computer) or printed legibly by hand.
- B. Handout material and manuals will be maintained in subject order in the notebook.
- C. Notebooks may be checked at any time and each candidate will be held accountable for the completeness, legibility and quality of his/her notes.
- D. The notebooks will be the candidate's own work and will reflect on individual application.
- E. Notebooks may be checked for:
  - 1. Content, thoroughness, accuracy, effort, completeness and permanent value.
  - 2. Organization, neatness, legibility and spelling.
  - 3. Evidence of rule violations.

### SCHEDULE

- A. Each candidate will be furnished a class schedule. This schedule is subject to change and revisions will be announced as soon as possible.
- B. Candidates are required to read and study all handouts.
- C. Work assignments, oral presentations and/or reading assignments will be completed as scheduled.

### PHYSICAL TRAINING

- A. The Vermont Criminal Justice Training Council shall designate a qualified trainer to administer the physical fitness assessment to determine the physiological capacity of a candidate to learn and perform the essential job functions of an entry-level police officer. Such test shall be administered within **45 days** prior to entry to the Basic Training Program for Full-time Police Officers.
- B. There are (5) Elements of the assessment. Although these elements may not be directly representative of essential job functions to be performed by an entry-level police officer, such elements do measure the candidate's physiological capacity to learn and perform the essential job functions. The minimum scores for entry into the Academy as set forth below represent the fortieth (40<sup>th</sup>) percentile of fitness for each of the elements of the assessment (meaning they are as fit as at least the lower 40<sup>th</sup> percentile of the population of that gender and age). If a candidate does not successfully pass all initial elements **and** score to the 40<sup>th</sup> percentile of fitness in the 1.5 mile run, then the candidate shall not be deemed to have successfully completed the physical fitness assessment. Nothing shall preclude the administrator of substituting an element of the test battery, which the administrator has determined and validated to accurately assess the candidate's physiological capacity to learn and perform essential job functions. The 1.5-mile run shall only be administered to candidates who have successfully completed the required initial elements of the test battery.
1. **1.5 mile run** - Cardiovascular capacity and aerobic power, it requires nearly exhaustive effort. It takes place on an indoor or outdoor track or other suitable, relatively level running area, and is measured with a stopwatch.
  2. **One repetition maximum bench press** - Absolute strength test involves forcing a muscle group to exert a maximum force, using Dynamic Variable Resistance (DVR) protocol. The score indicated is a ratio of weight pressed divided by body weight. Equipment to be utilized will be a universal weight machine to record the weight of the repetition. Candidate will start off with warm-up repetitions of ½ body weight and increasing the weight in 5 or 10 pound increments until the candidate has successfully reached the 40<sup>th</sup> percentile.

3. **One minute of bent knee sit-ups** - This event tests muscular endurance of the abdominal area, and hip flexors, which is the ability to contract the muscle repeatedly over a period of time. The candidate lies on his/her back, knees bent, heels flat on the floor, hands cupped around ears or behind head and with a partner holding the feet down, then does as many sit-ups in correct form as possible in one minute. In the "up" position, candidates must touch their elbows to their knees, and both shoulders must touch the surface in the "down" position. The up position is the only rest position allowed.
  4. **One minute of push-ups** - This event tests muscular endurance of the upper body (anterior deltoid, pectoralis major, triceps). The candidate starting in the "up" position where the hands are placed about shoulder width apart, elbows fully extended, legs and back are kept straight, and knees off the ground at all times, and lower him/her self until their chest is approximately "3" inches from the surface thus completing one repetition. The only rest position allowed is arching the back upward. No hands or feet shall be moved off the surface while conducting the event. Qualified trainers shall be responsible for the score of correct push-ups.
  5. **Sit and Reach test** - This event measures flexibility of the upper and lower trunks of the body, specifically lower back, hips, and hamstring muscle groups. The test requires a metal or wooden box, and a yardstick with a 15" mark at the edge or an engraved pre-measured box with the 15" mark on the box. The candidate warms up slowly, and then he/she removes their shoes. The candidate sits on the floor with legs extended, feet placed squarely against the box, and reach forward with arms extended; hands placed on top of each other with fingers extended and joined, and reach out slowly forward with both hands as far as possible, and hold position momentarily. The distance reached on the yardstick or on the box by the fingertips in inches in the best of 3 trials, is the flexibility score.
- B. Physical fitness evaluations will be administered during the basic training program. Fitness evaluations will consist of bench press, push-ups, sit-ups, sit and reach, and 1.5 mile run.
  - C. Injured candidates will actively participate in a physical training program designed specifically for them. The nature of the injury may in some circumstances impact the decision made by the training staff as to whether the candidate may continue their involvement in basic training.

**Physical Assessment Minimum Standards: 40th Percentile Requirements**

<u>MALE</u>	<u>Flexibility</u>	<u>Bench Press</u>	<u>Sit-ups</u>	<u>Push-Ups</u>	<u>1.5 mile run</u>
20-29	16.5	.99	38	29	12:29
30-39	15.5	.88	35	24	12:53
40-49	14.3	.80	29	18	13:50
50-59	13.3	.71	24	13	15:14
<u>FEMALE</u>	<u>Flexibility</u>	<u>Bench Press</u>	<u>Sit-ups</u>	<u>Push-Ups</u>	<u>1.5 mile run</u>
20-29	19.3	.59	32	15	15:05
30-39	18.3	.53	25	11	15:56
40-49	17.3	.50	20	9	17:11
50-59	16.8	.44	14	7	19:10

**Physical Assessment Minimum Standards: 50th Percentile Requirements**

<u>MALE</u>	<u>Flexibility</u>	<u>Bench Press</u>	<u>Sit-ups</u>	<u>Push-Ups</u>	<u>1.5 mile run</u>
20-29	17.5	1.06	40	33	11:58
30-39	16.5	.93	36	27	12:25
40-49	15.3	.84	31	21	13:05
50-59	14.5	.75	26	15	14:33
<u>FEMALE</u>	<u>Flexibility</u>	<u>Bench Press</u>	<u>Sit-ups</u>	<u>Push-Ups</u>	<u>1.5 mile run</u>
20-29	20.0	.65	35	18	14:15
30-39	19.0	.57	27	14	15:14
40-49	18.0	.52	22	11	16:13
50-59	17.9	.46	17	n/a	18:05

D. All candidates must participate in physical fitness training.

## **GENERAL**

### ABSENCES

- A. Only the Executive Director or his/her designee may excuse a candidate from any classes. If a student has been excused he/she will notify his/her class leadership. Missed time may be made up, dependant upon the availability of instructors. If a candidate fails to participate in 40 hours or more of training, the candidate may not receive certification.
- B. Absence from training will only be authorized for family emergencies or major illness/injury to a candidate (i.e. sickness or injury of a candidate at or away from the Academy, or a death of an immediate family member {i.e. mother, father, spouse, child, civil union partner, brother, sister, grandmother, grandfather} or a major illness of a family member). All absences must be approved by the Executive Director or his/her designee.
- C. Candidates must present subpoenas in order to be excused from Basic Training for court related activities. Candidates **will not** be released for Traffic Court appearances.
- D. All candidates must sign out when leaving the Academy for other than class related matters. Upon returning to the Academy, candidates must sign in.
- E. All candidates will be granted weekend leave. Candidates must sign in no later than 0650 hours on Monday mornings, (unless otherwise noted in the training schedule) and be in formation at 0700 hours prepared for inspection and/or training.

### AGENTS AND SALESPEOPLE

- A. No agents, salespersons or other personnel shall canvass, display or sell any product to the students and no student or staff member may act in any capacity as a representative of a business without permission of the Executive Director.

### WHITHDRAWAL/EXPULSION

- A. Candidates may withdraw from basic training at any time.
- B. A candidate must notify training staff if he/she is withdrawing.
- C. A candidate must submit a letter of resignation to the Executive Director or his/her designee.

- D. Should a candidate choose to resign from basic training they will comply with the following standard operating procedure (S.O.P.) The candidate will notify at least one of the training coordinators either via the chain of command or directly. Once the candidate has met with the training coordinator(s) they will then meet with the Executive Director or his designee for a final exit interview. Candidates will not leave the exit interview until the staff member(s) conducting the exit interview dismisses them.
- E. Candidates may be expelled from the Academy or dismissed by their sponsoring agencies for failing grades, violations of the Council's rules and regulations for basic training, or other deficiencies.
1. All handout materials, manuals, state equipment, state uniform articles, texts, linen, or other equipment and articles received will be returned to a member of the Academy Training Staff.
  2. Candidates will return all department issued uniforms and equipment as directed by their agency's representative.
  3. **The Executive Director reserves the authority to suspend a candidate from the Academy pending an investigation and/or hearing.** Expulsion from basic training may only be imposed on a candidate after receipt of a written notice of the charges, and a hearing (if requested) before the Vermont Criminal Justice Training Council.

### EQUIPMENT

- A. All athletic equipment will be handled with care and safety.
- B. Loss or damaged equipment will be reported immediately to a training staff member.
- C. Equipment will be cleaned and returned to its proper storage position when candidates are finished.
- D. Candidates may be held responsible for any equipment negligently damaged, destroyed or lost.
- E. Unauthorized use or theft of any Academy property or that of any other person may result in expulsion, and may also result in criminal prosecution.

COURTESY

- A. Basic Training candidates are preparing for careers in an environment demanding discipline and manners. Therefore, certain aspects of professional courtesy and bearing will be stressed during the training period.
- B. The training staff will explain the application of this area of the regulations during phase 1. (See Pg. 34 for chain of command)

RESIDENCE HALLS

- A. Each candidate will be assigned to living quarters upon reporting to the Academy. These living quarters may be changed at any time during the training period.
- B. Candidates will not be permitted to change their assigned room without approval from the training staff.
- C. All beds will be made in the prescribed manner. (See appendix)
- D. All footwear will be clean and aligned in the proper manner under the bed when not in use. When footwear is removed from under the bed a space will be left where the footwear was. (See appendix)
- E. No articles of dress will be hung on chairs, bureaus, or other items of furniture. All clothing will be kept in proper order and aligned in wall lockers. (See appendix) Wall lockers and desks will be kept neat at all times.
- F. Candidates will be held responsible for all items in their assigned rooms. No additional furniture or equipment will be added to or removed from any room without permission from the training staff.
- G. Appropriate clothing (minimum of tee-shirt, shorts and footgear) must be worn at **all** times when in or passing through common areas.
- H. Food and beverages (other than water) are not allowed in the dormitory rooms.
- I. The baggage room will be kept clean and neat at all times.
- J. Rooms are subject to inspection at any time.
- K. Male candidates are not allowed alone with female candidates in their sleeping rooms, and vice-versa. Male and female candidates are only allowed in each other's quarters in groups of at least three (3), and the door shall remain open at all times.

DINING ROOM

- A. After obtaining their food, Candidates will commence seating at the farthest end of the dining hall.
- B. Candidates will stand at the position of parade rest while standing in line.
- C. Talking is not allowed while standing in line unless the Training Staff provides other instructions.
- D. No food or utensils shall leave the dining area unless authorized by the Training Staff.

FORMATIONS

- A. Formations will be held daily at designated times and locations (see schedule of training)
- B. Candidates will stand at attention once called to attention. Silence and immobility are demanded. There will be no talking while in formation.

FLAG DETAIL

- A. A flag detail will be assigned during week one to raise and lower the flag(s).
- B. The flag will be folded properly and stored as assigned when not being flown.

IN-SERVICE STUDENTS AND OTHER ACADEMY VISITORS

- A. Upon the approach of a "veteran" police professional or other official visitor to the academy, candidates are required to "make-way." Candidates will always ensure that the walkway is clear and if not, shall always yield the right of way.
- B. Conversations with "veteran" police professionals and/or other personnel not directly connected with the Academy training staff are not allowed, unless permitted by the Training Staff. This does not imply that candidates shall be rude in their interactions. Candidates will always greet Academy visitors using an appropriate salutation or greeting. Example: "Good morning ma'am/sir." This

rule exists to maintain order as candidates move through the facility on breaks and other training related activities.

### INSPECTIONS

- A. Personal inspections will be held most mornings during basic training.
- B. Candidates are responsible for the following during inspections:
  - 1. Uniform (to include shoes and brass)
  - 2. Appearance (Haircuts, shave and general cleanliness)
  - 3. Living quarters, assigned classroom, and any other area so designated by training staff. (note: Individuals and dormitory are subject to inspections at any time).

### REPORTING

- A. Chain of Command:
  - Team Leader
  - Class Leader
  - Training Assistant
  - Training Coordinators
  - Senior Training Coordinator
  - Assistant Director
  - Executive Director
- B. A candidate, when reporting to any staff member's office, will stand at attention to one side of the door way, knock once at the office door and wait for permission to enter.
- C. The candidate, upon entering the room, will stand at attention and say, "Candidate (name) reporting as ordered sir/ma'am."
- D. The candidate will answer all questions and complete his/her statement with the proper title, for example: "Sir", "Ma'am".
- E. Candidates will not leave the area they reported to (office, hallway, dayroom, etc.) until dismissed by the training staff member.

REGULATED DRUGS AND/OR ALCOHOLIC BEVERAGES

- A. Possession of any regulated drug without a doctor's prescription and/or alcoholic beverages on the grounds of the Vermont Criminal Justice Training Facility is strictly forbidden.
- B. At no time shall any candidate be found to have an odor of intoxicating beverages on his/her breath while on the grounds.
- C. Violation will result in expulsion from basic training and/or criminal charges.
- D. Any candidate required to take a regulated drug prescribed by a physician, will report this to the Executive Director upon reporting for "Day 1" of training. If medication is prescribed to a candidate during basic training this information will be reported, in writing, to the Executive Director as soon as possible. Due to confidentiality the chain of command in this instance starts with the training assistant.

SICK CALL

- A. Sickness, illness or injury must be reported immediately to the training staff.
- B. Medication of any type that is required or prescribed to a candidate will be reported, in writing, to the Training Staff upon arrival at the Academy.
- C. Arrangements will be made for transportation to the doctor or hospital as required.
- D. A written report will be submitted by the candidate for any injury or sickness to the training staff as soon as practicable.
- E. In accordance with state law the Academy/VCJTC has the right to specify the location of the initial medical visit by a candidate who becomes sick or injured during the basic training program.

VIOLATION OF STATE OR FEDERAL LAWS

- A. Candidates of the basic training class shall not violate any state or federal laws, or any city, village or town ordinances.
- B. Any candidate who is arrested, issued a citation/ticket/traffic complaint, or is involved in any criminal investigation for any offense shall report this to the Training Coordinator immediately upon his/her return to the Academy.
- C. Violations could result in expulsion from the basic training program.

## ***BASIC TRAINING COURSE OBJECTIVES***

### **COMMUNICATION:**

#### **COURTROOM DEMEANOR**

The objective of this program is to instruct the law enforcement candidate in special skills required to present evidence in a courtroom setting. The candidate will learn how to sit, speak, dress and present themselves as police professionals. Topics to be covered include: attire, preparation and review of testimony, understanding the roles of the prosecutor and defense attorney's – and how the officer should interact within those roles, understanding the limitations of the prosecutor and defense attorney's and how to properly answer questions posed by either counsel.

#### **CONFLICT RESOLUTION**

To familiarize the candidate with the concept of Iatrogenic Violence (IV) – both within themselves as well as situations they encounter as police professionals, as well as strategies to properly resolve this violence when encountered. Topics to be covered include: the definition of IV, identify instances within themselves that could result or increase IV, and identify strategies to counter IV identified within themselves, their agency and/or the situations they encounter.

#### **INTERPERSONAL COMMUNICATION**

To familiarize the candidate with the special responsibilities that are placed on all police professionals in their communication with members of their communities whether as a victim, violator or a citizen with a question. Identify oral and physical communication responses conducive to effectively interviewing or responding to questions.

#### **MEDIA/POLICE RELATIONS**

To clarify the relationship between the law enforcement officer and the media, considering both common agency policy and the legitimate needs of the media.

#### **NOTETAKING AND STUDY HABITS**

To assist the candidate with identifying both the manner in which they primarily learn, familiarize them with the challenges that the academy environment will present and to assist them with identifying strategies that will maximize their academic success. Topics to be covered include: learning types, learning

preferences, challenges faced in the academy environment for each learning style, and strategies that can be used to overcome these pitfalls.

### REPORT WRITING

To familiarize the candidate with police report and affidavit writing. Topics to be covered include: police report versus affidavit, essentials of an effective report, including elements of the crime in an affidavit, as well as practical exercises in writing affidavits for common offenses encountered by an entry level officer.

### **LAW:**

#### CRIMINAL LAW

To provide the candidate with knowledge of the U.S. Constitution and Civil Rights Amendments applicable to the rights of citizens to be protected from arbitrary government actions, review of court decisions affecting criminal justice procedures, application of Vermont Statutes to practical problems, and the definition of legal terms applicable to criminal law. Topics to be covered include: reasonable suspicion, probable cause, the exclusionary rule, warrantless arrest and searches, arrest warrants and summons, search warrants, exceptions to the search warrant requirement, non-testimonial orders, Miranda, and protective custody.

#### MOTOR VEHICLE LAW

To provide the candidates with an understanding of the Vermont State Statutes applicable to the operation of motor vehicles. Topics to be covered include: efficient use of Title 23 V.S.A., motor vehicle law definitions, VT Civil Violation Complaint system, point system, registration, licensing, speed enforcement, major motor vehicle sections, occupant protection, equipment, and truck enforcement.

#### OCCUPANT PROTECTION USAGE AND ENFORCEMENT

Safety Belts- their purpose and effect. To make the candidate aware of the need for safety belts. Purpose- to show how safety belts increase ridedown, protect occupants from striking objects, spreads of force, prevents occupants from hitting each other, prevents ejection and helps drivers maintain control.

#### HAZARDOUS MATERIALS AWARENESS

An introduction course, acquainting candidates with identification methods, where to locate assistance, and how to protect themselves and assist in

emergency situations. Proper use of the HAZMAT guide will also be covered and practiced.

### INTRODUCTION TO FISH AND WILDLIFE LAWS

To familiarize the candidate with the special requirements of Fish and Wildlife laws and the responsibility of the Department of Fish and Wildlife in protecting its unique environment.

### ALCOHOL SERVICES EDUCATION

To familiarize the candidate with Title 7, its requirements, application of the rules, and their enforcement. Topics to be covered include: overview of structure of the VT DLC, Title 7, alcohol services act, underage drinking, providing alcohol to minors, tobacco violations, controlled party dispersal and resources such as the START team.

### INTRODUCTION TO FEDERAL AGENCIES

To familiarize the candidate with the federal resources available to assist them with criminal investigations. Agencies that are represented include: U.S. Attorney's Office, FBI, DEA and BATF.

### JUVENILE LAW AND PROCEDURE

To familiarize the candidate with the statutes applicable to juveniles. Topics to be covered include: juvenile code, definitions, custody, Miranda concerns, release of juveniles in custody, case law, juvenile incarceration, juvenile records, fingerprint and photograph issues specific to juveniles, mandatory reporting, child abuse and neglect, missing persons and parental notification.

### POLICE LIABILITY

To familiarize the candidate with the legal responsibilities placed on police professionals in the performance of their duties. Topics to be covered include: legal definitions, civil court process, general theories of liability and categories of torts, standard of conduct or care that an officer is held to in connection with a negligence situation, Sovereign Immunity and "Respondent Superior", preventative measures to civil liability and defenses available to officers in connection with a civil law suit.

### LANDLORD & TENANT LAW

To familiarize the candidate with the unique aspects of handling landlord-tenant disputes. Topics to be covered include: criminal and civil aspects of such incidents, rights of the landlord, rights of the tenant, eviction process, and legal resources available to assist landlords and tenants.

### USE OF VERMONT STATUTES

To familiarize the candidate with the construction, contents and the use of the Vermont Statutes Annotated.

### **INVESTIGATIVE PROCEDURES:**

#### CRASH INVESTIGATION

To provide the candidate with the theory of, as well as provide practical experience in the investigation of highway collisions. Topics covered include: crash investigation management, the human element, vehicle dynamics, environmental concerns, field sketches & measurements, and diagramming. Additional information is presented on evidence necessary for criminal charges, techniques applicable to the investigation of managing the scene, interviewing witnesses and operators, and the preservation of evidence found at the scene. Candidates also are instructed in the completion of the crash report form.

#### COLLECTION AND PRESERVATION OF EVIDENCE

Lecture and practical exercise for implementation of problems in using search and seizure, collection and preservation of evidence, interviews and interrogation and investigative techniques in case preparation, along with providing testimony in court. Topics covered include: role of the first responder at a crime scene, techniques for recognizing, preserving and packaging forensic evidence, obtaining latent prints, obtaining tire and foot impressions, and capturing tool marks.

#### DEATH INVESTIGATION

To provide the candidate with a basic understanding of the issues related to non criminal death scene investigation as a first responder. Topics include; learning how to make a death notification properly, understanding frequent emotional reactions in the grieving process, practice making a death notification, to familiarize the candidate with the unique situations presented to police personnel when responding to untimely "crib death", and to familiarize the candidate with

the special problems in dealing with unexpected death and special responsibility placed on law enforcement officers in handling this type of investigation.

### DOMESTIC VIOLENCE RESPONSE

To provide the candidate with a working knowledge of Vermont's domestic abuse laws, an introduction to crisis theory as it relates to families, a knowledge of services available to the victims and an opportunity to learn and practice crisis intervention skills.

### DRUG IDENTIFICATION AND INVESTIGATION

Candidates will be trained in identification and field testing of illicit drugs. Candidates will also be familiarized with packaging, units of measure, street jargon, physical and psychological effect, and cost of illicit drugs.

Candidates will be introduced to investigative techniques including sources of information, cooperating witnesses, undercover operations, evidence handling and surveillance techniques.

### INTERVIEW AND INTERROGATIONS

To instruct the candidate in the fundamentals of interviewing, types of suspects and offenses; how to deal with the suspect in order to acquire the relevant data; the proper procedures of interrogation; advisement of rights and procedural rules.

### SEXUAL ASSAULT

To introduce to crisis theory, victimology, rape trauma syndrome and rape myths. This course will also explain investigative issues, medical examination and interviewing of victims, the law and its application and psychology of the offender.

### CHILD PHYSICAL AND SEXUAL ABUSE

To introduce the candidate to child abuse issues including the current laws, investigative issues, interviewing skills, psychology of the offenders, existing services and other issues pertinent to the treatment of children as victims of crime.

### HATE CRIMES INVESTIGATION

To familiarize the candidate with the concept of hate biased crimes. Topics to be covered include: history of hate crimes, state and federal statutes, types of offenders, investigative techniques, evidence collection, victimology and community strategies.

### TERRORISM

To familiarize the candidate with the concept of terrorism at the state, national and international levels. Topics to be covered include: history of terrorism, common groups associated with terrorist activities, indicators of terrorist and/or terrorism event for the first responder, safety concerns for the responding officer, and investigative resources available to assist in a terrorism investigation.

### INTRODUCTION TO N.C.I.C./V.C.I.C.

Candidates will receive introductory information to the National Crime Information Center (NCIC) and become familiar with the protocol and proper use of the database.

### VICTIM ASSISTANCE PROGRAM

To explain Vermont's Victim Assistance Program and to examine the law enforcement role in the support of crime victims.

### COURT DIVERSION

To understand Vermont's court diversion system and its application to case resolution and disposition.

### **PROFESSIONAL DEMEANOR:**

#### SEXUAL HARASSMENT

To familiarize the candidate with the concepts associated with sexual harassment complaints. Topics to be covered include: history of sexual harassment, legal implications, employer and employee responsibilities, quid pro quo, and a review of the State of VT policy on Sexual Harassment.

#### STRESS MANAGEMENT

To familiarize the candidate with the role of stress in their profession. Topics to be covered include: the possible impact of extreme stressors, namely; (Life

threatening situations, Fear of making a serious mistake, Facing death), to understand that stress is normal, to recognize the signs of stress, to understand that the results of stress - painful, negative feelings can have a lasting impact on work performance, personal and social life, to learn ways and means of coping with stress successfully.

### CORE VALUES & LEADERSHIP TRAINING

To familiarize the candidate with both the core values associated with the modern police professional as well as the leadership role that candidates will carry out within their communities upon graduation. Topics to be covered include: academy core values, generation X, generation Y, and leadership traits expected of the modern police professional.

### CULTURAL DIVERSITY

To familiarize the candidate with the concept of cultural diversity. Topics to be covered include: cultural values, beliefs and behaviors, individual biases, and legislation related to cultural diversity.

### POLICE ETHICS AND DISCRETION

To teach the candidate the importance of ethical decisions and values in policing. The course will examine the Law Enforcement Code of Ethics and identify practices and philosophies that exemplify the standards and morals of the police profession.

### ROLE OF POLICING IN SOCIETY

Candidates will gain a general understanding of the history, organization, and behavior of American policing. The candidate will understand the role of the individual police professional in fostering positive community perceptions, and the importance of a service aspect in policing.

### TEAMBUILDING & PROBLEM SOLVING

To provide the candidate with the problem and decision making skills required of the modern police professional. Through the use of experiential learning methods (ROPES course), candidates will experience numerous challenges to overcome as both individuals and members of different sized teams.

**PHYSICAL FITNESS & NUTRITION:****TRAINING**

1. To make the candidate aware of the significance of being physically fit and how their job performance is directly related to that end.
2. To introduce a physical training program by which the participating candidate will acknowledge personal progress during the 16 weeks.
3. To initiate a concept of lifelong fitness.

**NUTRITION**

To educate the candidate to the importance of proper nutrition and it's role in maintaining health. To introduce the candidate to the systems through which the body utilizes nutrients during exercise.

**PATROL TECHNIQUES:****POLICE DRIVING COURSE**

The defensive driving course is designed to teach the candidate to react to hazardous situations when operating his/her vehicle. It affords the candidate the opportunity to avoid potentially dangerous situations when driving, by learning new techniques. It also gives the candidate the opportunity to realize the potential of the vehicle being operated, by using the suspension and steering, as an aid in maneuvering the vehicle in traffic and around hazardous objects.

This course is not to be considered as a pursuit course. Its function is to reduce crashes through avoidance and by the candidate being made aware of both their own as well as the vehicle capabilities.

**BLOODBORNE PATHOGENS AWARENESS**

To realistically identify the threat of bloodborne pathogens to the law enforcement officer and identify sound preventative measures to be taken when dealing with potential carriers.

**INTRODUCTION TO CRIME PREVENTION**

This course emphasizes elementary techniques, simple mechanical devices and referral services available to law enforcement officers.

### COMMUNITY POLICING

To familiarize the candidate with the concept of community policing. Candidates will perform a minimum of a 10 hour community policing project based upon a real problem assigned to them by their agency. Candidates will research the problem, identify possible solutions and present them to their agency head for possible implementation.

### POLICE PATROL PROCEDURES

To familiarize the candidate with the multiple issues required to safely, efficiently and professionally provide assorted services to the members of the community they serve. Topics to be covered include: preparation for duty, observation and perception, patrol techniques, radio communications, prisoner transport, simulation training, arrest paperwork, unknown risk motor vehicle stop techniques, crimes in progress calls, room and building search techniques, police K9 operations, handling the emotionally disturbed, dealing with the deaf and hard of hearing, and dealing with the physically challenged. The candidates will spend time engaging in assorted practical exercises that vary in complexity, intensity and assorted skill/knowledge sets from throughout the basic training curriculum.

### FIREARMS TRAINING

To familiarize the candidate with the concepts of handgun safety, use of deadly force and low light shooting concerns. Topics to be covered include: handgun safety, maintenance, shooting stances, grip, draw, point shoulder versus combat shooting, basic marksmanship, AOJ, PEDAs, Fleeing Felon, Necessity, and low light shooting techniques. Discussions in tactical considerations will also occur. Candidates will participate in an intensive week of practical firearms range exercises which include experience in basic marksmanship, shooting positions, qualification, stress, and night fire courses. Candidates will also be required to write a paper based upon their agencies policy on the use of deadly force.

### NON LETHAL USE OF FORCE

Instruction and practice in self defense, police control and restraint techniques, and straight baton; unarmed methods of overcoming physical resistance to arrest.

### IMPACT WEAPON

To familiarize, train and certify the candidate in the impact weapon carried by their agency – straight baton, MEB or PR-24.

### OLEORESIN CAPSICUM CERTIFICATION

To provide basic certification in the use of OC Spray for defensive tactics purposes. Candidates will revisit the escalation of force protocol and understand proper cleansing procedures for subjects introduced to oleoresin capsicum.

### **POST BASIC COURSES:**

#### D.W.I. ENFORCEMENT

Thorough understanding of driving under the influence, detection, apprehension, chemical testing and arrest.

#### VEHICLE IDENTIFICATION NUMBER CERTIFICATION

To train the candidate to look for Vehicle Identification Numbers that have been tampered with, plates that have been altered, to recognize fraudulent titles, and to ascertain that the vehicle has proper documentation.

#### BASIC FINGERPRINTING TECHNIQUES

Lecture and practical exercise in taking classifiable fingerprints from an individual. Familiarize the candidate with the equipment used in obtaining fingerprints. Insure that candidates can determine whether a fingerprint is classifiable.

#### DOPPLER RADAR OPERATION CERTIFICATION

To provide the candidate with the basic knowledge of the Doppler principle and the basic physics involved in the operation of radar units in speed detection.

#### FIRST AID AND C.P.R.

To provide the candidate with enough basic life support theory and skills so he/she may sustain life and prevent further injury of the sick and injured prior to the arrival of an ambulance or rescue team. This will include training in cardiopulmonary resuscitation, hemorrhage control and fractures.

(Course objectives updated 11/2004)

**BASIC TRAINING CURRICULUM Summary**

	<b>HOURS</b>	<b>% OF TIME</b>
<b><u>COMMUNICATION</u></b>		
Courtroom Demeanor	8	
Conflict Resolution	4	
Interpersonal Communication	4	
Media/Police Relations	2	
Report Writing	32	
<b>TOTAL</b>	<b>50</b>	<b>6%</b>

**LAW**

Criminal Law	54	
Motor Vehicle Law	44	
Occupant Protection Usage and Enforcement	2	
Hazardous Material Recognition	8	
Introduction to Fish & Wildlife Law	2	
Alcohol Services Education & Alcohol Services Act	10	
Introduction to Federal Agencies	2	
Juvenile Law & Procedure	8	
Police Liability	4	
Landlord & Tenant Law	2	
Use of Vermont Statutes	2	
<b>TOTAL</b>	<b>138</b>	<b>17%</b>

**INVESTIGATIVE PROCEDURES**

Crash Investigation	40	
Case Problems and Evidence Collection	24	
Death Investigation	4	
Domestic Violence Response Training	12	
Drug Identification & Investigation	8	
Interview & Interrogation Techniques	16	
Illegal Document Recognition	6	
Sexual Assault Investigation	12	
Sexual/Physical Abuse of Children	12	
Hate Crimes Investigation	8	
Terrorism	4	
NCIC/VCIC	4	

Victims Assistance Program	2	
Court Diversion	2	
NIMS/ICS	8	
Vulnerable Adult Abuse	2	
Stalking	2	
Animal Cruelty	2	
<b>TOTAL</b>	<b>168</b>	<b>21%</b>

**PROFESSIONAL DEMEANOR**

Sexual Harassment Policy	2	
Stress Management	8	
Core Values & Leadership Training	4	
Cultural Diversity	2	
Police Ethics	8	
History and Principles of Policing	6	
Teambuilding & Problem Solving	14	
<b>TOTAL</b>	<b>44</b>	<b>5%</b>

**PHYSICAL FITNESS**

Nutrition Information	2	
Physical Assessment	4	
Physical Training	96	
<b>TOTAL</b>	<b>102</b>	<b>13%</b>

**POLICE PATROL TECHNIQUES**

Defensive Driving	8	
Bloodborne Pathogens	2	
Crime Prevention	2	
Community Policing	6	
Community Policing Project	10	
Patrol Procedures Classroom:		
Preparation for Duty	3	
Observation & Perception	2	
Patrol Techniques	4	
Radio Communications	2	
Prisoner Transport	2	
Simunition Safety Training	1	
Arrest Paperwork	1	
Unknown Risk MV Stops	4	
Crimes in Progress	8	
Police K9 Operations	2	
Dealing w./ the Mentally Ill	6	
Communicating with the Deaf & Hard	2	

of Hearing		
Dealing with the Physically Challenged	2	
Traffic Control	2	
Patrol Procedures Scenarios:		
Practice Scenarios	54	
Final Scenarios	32	
Firearms	56	
Searches	2	
Non-Lethal Use of Force	42	
Impact Weapon	4	
Oleoresin Capsicum Certification	4	
Field Experience at Agency	16	
<b>TOTAL</b>	<b>279</b>	<b>35%</b>

**OTHERS**

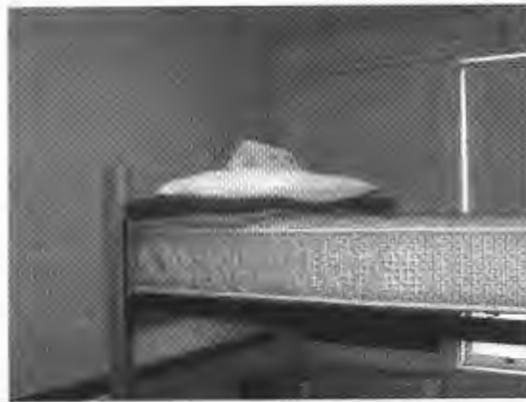
Administrative/Staff Time	8	
Drill and Ceremony	10	
FINAL EXAMINATION	2	
<b>TOTAL</b>	<b>20</b>	<b>2%</b>

**TOTAL HOURS FOR BASIC 801 100%**

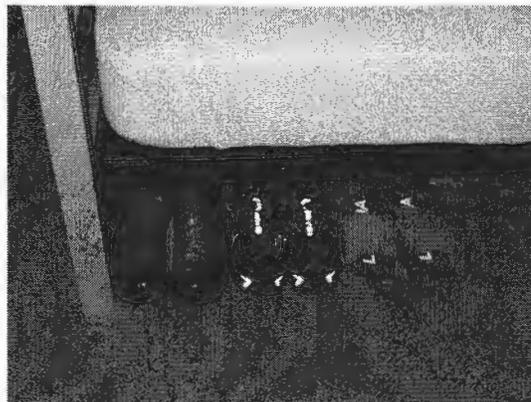
**POST BASIC INSTRUCTION**

D.U.I./DRE Enforcement	40
V.I.N. Verification	4
Basic Fingerprinting Techniques	4
Doppler Radar Operation	8
First Aid	4
CPR	12
Spillman Training (optional)	12
Shotgun Training (optional)	8
LIDAR (Laser) (optional)	8
Computer/Internet Crimes (optional)	8

# ***APPENDIX***

*PROPER BED SET-UP*

- 45° ANGLE ON CORNERS
  - 24 INCH DUST COVER
  - NAME PLATES: centered and touching the dust cover
  - 12" of sheet under pillow, 6" collar over blanket – total 18" under dust cover
- Hospital corners on **ALL** sheets and blankets

**ALIGNMENT OF FOOTWEAR:**

Laces tied and tucked  
Edge of shoes touching  
ORDER: Duty Boots, Running Shoes, Sneakers & Shower Shoes (space left for footwear currently being worn)

WALL LOCKER SETUP



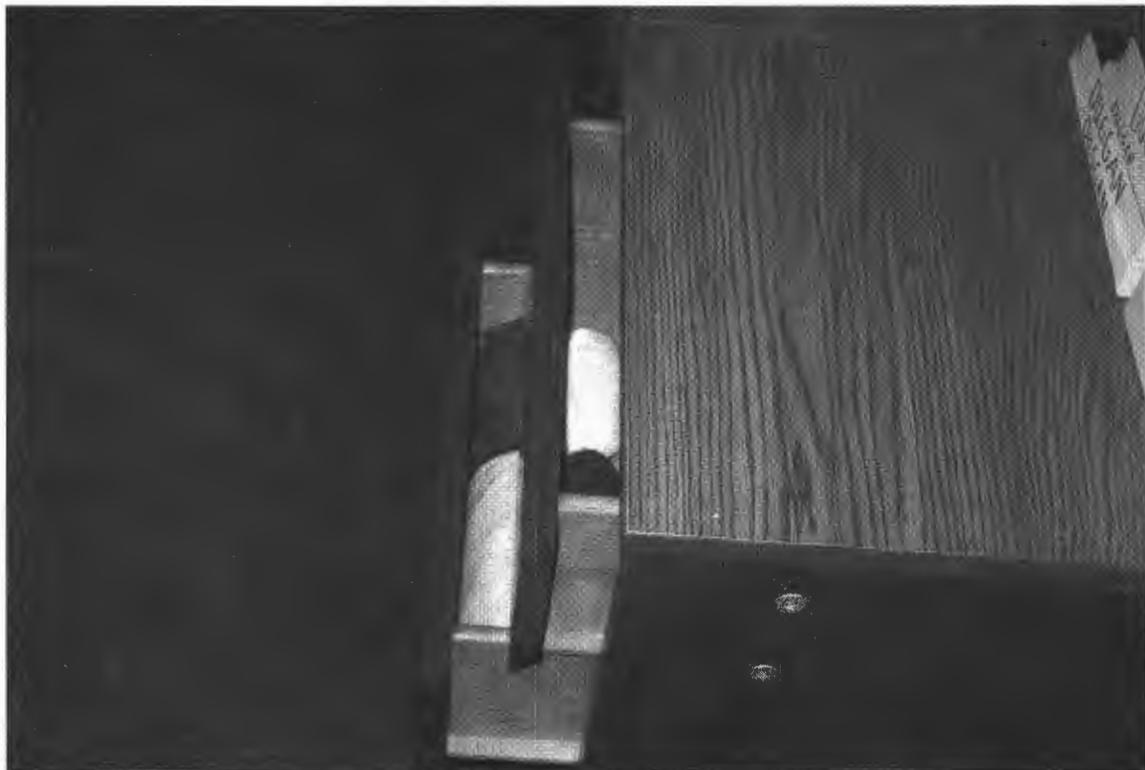
- A. ITEMS WILL BE PLACED IN LOCKER AS LISTED, STARTING AT THE CENTER PARTITION AND MOVING TOWARDS THE OUTSIDE WALL.
- B. OUTERWEAR, AND JACKETS, WILL BE FULLY BUTTONED OR ZIPPED AND THE BACKS OF THESE ITEMS WILL BE POSITIONED TOWARD THE CENTER PARTITION.
- C. ITEMS ON THE UPPER SHELF WILL BE EVENLY SPACED WITH THE OUTER ITEMS TOUCHING THE LOCKER WALL. NAMETAG WILL BE VELCROED, CENTERED, TO THE UPPER SHELF.
  - 1. POLISHING BRUSH, SHOE POLISH, RAZOR, SOAP DISH, DEODERANT, AND SHAVING CREAM. (from center of locker out, mirrored on opposite sides)
  - 2. RAINCOAT, FIELD JACKET (WHEN ISSUED), ACADEMY TROUSERS & ACADEMY SHIRTS (on same hanger), ROAD GUARD VESTS. (from center of locker out, facing the center of the locker)
    - A. THE WAISTBAND OF TROUSERS WILL BE POSITIONED TOWARD THE OUTSIDE OF THE LOCKER AND BUTTONED AS IF BEING WORN (front zipper facing out, waist and hem of equal length).
    - B. THE SHIRT WILL BE BUTTONED AS IF BEING WORN, WITH THE BUTTONS FACING THE OUTER PARTITION OF THE LOCKER.
  - 3. SWEATSUIT (ON HANGER WITH THE FRONT OF THE SWEAT SHIRT TOWARDS THE OUTSIDE PARTITION, HOOD TUCKED IN, SWEATPANTS UNDERNEATH).
  - 4. THE BOTTOM OF THE WALL LOCKER WILL BE USED FOR STORING FLASHLIGHT, IMPACT WEAPON, LAPTOP, ETC. PER STANDARDS ESTABLISHED DURING THE PROGRAM.

DRESSERS



- Binders and books lined as pictured above from outside in
- If two sets of books are displayed on desk – they are mirrored

DRAWERS



- Drawers will be displayed "two fingers" from above starting with the top drawer
- Standards for interior will be established by staff

### DOORS



- PT SHIRT & SHORTS DISPLAYED ON TOP HOOK. ACADEMY SEAL FACING OUT, SHORTS FOLDED INSIDE OF SHIRT.
- PT SHIRT AND SHORTS HUNG ON TOP HOOK WITH HANGER OPENING FACING THE SAME WAY
- TOWEL WILL BE TRI-FOLDED AND EVENLY FOLDED OVER THE HANGER. HANGER OPENINGS WILL FACE THE SAME WAY.



## VERMONT CRIMINAL JUSTICE TRAINING COUNCIL

Vermont Police Academy  
88<sup>th</sup> Basic Class Course Calendar  
August 10<sup>th</sup> – December 4<sup>th</sup>, 2009

August 2009	10 Monday	11 Tuesday	12 Wednesday	13 Thursday	14 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800		Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945		Orientation	Nutrition	Stress Management	Police Liability
1015 – 1200		Phase Training Concept	Introduction to Modern Policing	Stress Management	Police Liability
1200 – 1230		Lunch	Lunch	Lunch	Lunch
1230 – 1415	<b>DAY 1</b>	Core Value & Leadership Training	Introduction to Modern Policing	Stress Management	Police Liability
1445 – 1630	<b>(1400)</b>	Core Value & Leadership Training	Introduction to Modern Policing	Stress Management	Patrol Procedures
1630 - 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1900 – 2200		Drill & Ceremony	Drill & Ceremony	Drill & Ceremony	

Week #1 Training Assistant: Officer Richter

August 2009	17 Monday	18 Tuesday	19 Wednesday	20 Thursday	21 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Patrol Procedures	Patrol Procedures	Non Lethal Use of Force	Patrol Procedures	Ethics
1015 – 1200	Patrol Procedures	Patrol Procedures	Non Lethal Use of Force	Patrol Procedures	Ethics
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	Patrol Procedures	Patrol Procedures	Non Lethal Use of Force	Patrol Procedures	Ethics
1445 – 1630	Patrol Procedures	Patrol Procedures	Non Lethal Use of Force	Communicati ng with the HOH	Ethics
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1900 – 2200	Drill & Ceremony	Class Officer Elections (optional)			

Week #2 Training Assistant: Deputy Russell, Deputy Allen

August 2009	24 Monday	25 Tuesday	26 Wednesday	27 Thursday	28 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Conflict Resolution	Crash Investigation	Non Lethal Use of Force	Criminal Law	Motor Vehicle Law
1015 – 1200	Conflict Resolution	Crash Investigation	Non Lethal Use of Force	Criminal Law	Motor Vehicle Law
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	IPC Skills	Crash Investigation	Non Lethal Use of Force	Criminal Law	Report Writing
1445 – 1630	IPC Skills	Crash Investigation	Non Lethal Use of Force	Criminal Law	Report Writing
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1900 – 2200	Driver Training Classroom	Computer Lab (optional)			

Week #3 Training Assistant:

Capt. Fitzgerald, Officer Bellavance, Deputy Anderson

August/September 2009	31 Monday	01 Tuesday	02 Wednesday	03 Thursday	04 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Interview and Interrogation Day 1	Crash Investigation	Non Lethal Use of Force	Criminal Law	Motor Vehicle Law
1015 – 1200	Interview and Interrogation	Crash Investigation	Non Lethal Use of Force	Criminal Law	Motor Vehicle Law
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	Interview and Interrogation	Use of Deadly Force	Non Lethal Use of Force	Domestic Violence	Handgun Safety
1445 – 1630	Interview and Interrogation	Use of Deadly Force	Non Lethal Use of Force	Domestic Violence	Handgun Safety
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1900 – 2200	Driver Training Classroom	Skills Practice Session 1830-2300	Criminal Law Review (optional)	Motor Vehicle Law review (optional)	

Week #4 Training Assistant:  
Officer Merkel, Officer Whitehead

September 2009	07 Monday	08 Tuesday	09 Wednesday	10 Thursday	11 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	LABOR DAY	Crash Investigation	Impact Weapon	Criminal Law	Motor Vehicle Law
1015 – 1200	HOLIDAY	Crash Investigation	Impact Weapon	Criminal Law	Motor Vehicle Law
1200 – 1230		Lunch	Lunch	Lunch	Lunch
1230 – 1415	LABOR DAY	Traffic Control	O.C. Certification	Use of VT Statutes	Report Writing
1445 – 1630	HOLIDAY	Dealing with the Physically Challenged	O.C. Certification	K9 Operations	Report Writing
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1805		Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830		Dinner	Dinner	Dinner	
1900 – 2200		Driver Training Classroom	Criminal Law Review (optional)	Motor Vehicle Law review (optional)	

Week #5 Training Assistant:

Sgt. Sullivan, S/Tpr. Burnett

September 2009	14 Monday	15 Tuesday	16 Wednesday	17 Thursday	18 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Patrol Procedure	Crash Investigation	Non lethal Use of Force	Domestic Violence	Juvenile Law
1015 – 1200	Patrol Procedure	Crash Investigation	Non lethal Use of Force	Domestic Violence	Juvenile Law
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	Patrol Procedure	Domestic Violence	Non lethal Use of Force	Report Writing	Juvenile Law
1445 – 1630	Patrol Procedure	Domestic Violence	Non lethal Use of Force	Report Writing	Juvenile Law
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1900 – 2200	Driver Training Classroom				

Week #6 Training Assistant:  
S/Tpr. Crick / Officer R. Tucker

September 2009	21 Monday	22 Tuesday	23 Wednesday	24 Thursday	25 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Patrol Procedure Practical	Crash Investigation	Non Lethal Use of Force	Criminal Law	Motor Vehicle Law
1015 – 1200	Patrol Procedure Practical	Crash Investigation	Non Lethal Use of Force	Criminal Law	Motor Vehicle Law
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	Patrol Procedure Practical	VT DLC Alcohol Education	Non Lethal Use of Force	Criminal Law	Report Writing
1445 – 1630	Patrol Procedure Practical	VT DLC Alcohol Education	Non Lethal Use of Force	Criminal Law	Report Writing
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1900 – 2200	Driver Training Classroom	Skills Practice Session – 1830-2300	Criminal Law Review (optional)	Motor Vehicle Law review (optional)	

Week #7 Training Assistant:

Tpr. Maurice

September/ October 2009	28 Monday	29 Tuesday	30 Wednesday	01 Thursday	02 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	K9 Operations	Patrol Procedures (DLC Scenario) Felony Car Stop Scenarios	Patrol Procedures (DV Scenario) High Risk Building Search	Criminal Law	Motor Vehicle Law
1015 – 1200	Contact Cover	Patrol Procedures (DLC Scenario) Felony Car Stop Scenarios	Patrol Procedures (DV Scenario) High Risk Building Search	Criminal Law	Motor Vehicle Law
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	Tactical Movement	Patrol Procedures (DLC Scenario) Felony Car Stop Scenarios	Patrol Procedures (DV Scenario) High Risk Building Search	Criminal Law	Report Writing
1445 – 1630	Building Searches	Patrol Procedures (DLC Scenario) Felony Car Stop Scenarios	Patrol Procedures (DV Scenario) High Risk Building Search	Criminal Law	Report Writing
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Mid Cycle PT Test***	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1900 – 2200	Driver Training Classroom		Criminal Law Review (optional)	Motor Vehicle Law review (optional)	

Week #8 Training Assistant:  
Officer White / Insp. Curran

# Firearms Week

October 2009	05 Monday	06 Tuesday	07 Wednesday	08 Thursday	09 Friday
0600 hours	<b>WAKE-UP</b>				
0605 - 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				
0700 - 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 - 0945	A- Range	A- Range	A- Range	A- Range	A- Range
1015 - 1200	B- Driving	B- Driving	B- Driving	B- Driving	B- Driving
1200 - 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 - 1415	B- Range	B- Range	B- Range	B- Range	B- Range
1445 - 1630	A - Driving	A - Driving	A - Driving	A - Driving	A - Driving
1630 - 1640	<b>Prep for P.T.</b>				
1640 - 1800	<b>Teambuilding &amp; Problem Solving</b>				1715 Release from Training
1800 - 1830	Dinner	Dinner	Dinner	Dinner	
1830 - 2200		Low Light Classroom	Night Fire Training	Night Fire Training	

Week #9 Training Assistant:

Sgt. Kissinger / Sgt. Frennier / Insp. Clark

October 2009	12 Monday	13 Tuesday	14 Wednesday	15 Thursday	16 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800		Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	COLUMBUS	Crash Investigation (Measurements)	Crash Investigation (Mock crash)	Criminal Law	Motor Vehicle Law
1015 – 1200	DAY	Crash Investigation (Measurements)	Crash Investigation (Mock crash)	Criminal Law	Motor Vehicle Law
1200 – 1230	HOLIDAY	Lunch	Lunch	Lunch	Lunch
1230 – 1415		Crash Investigation	Report Writing	Criminal Law	Motor Vehicle Law
1445 – 1630		Crash Investigation	Report Writing	Landlord & Tenant Law	Motor Vehicle Law
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800		Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830		Dinner	Dinner	Dinner	
1830 – 2200			Criminal Law Review (optional)	Motor Vehicle Law Review (optional)	

Week #10 Training Assistant:  
Lt. Kalinowski / Sgt. Faden

October 2009	19 Monday	20 Tuesday	21 Wednesday	22 Thursday	23 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Hate Crimes Investigation	Crash Investigation	Interaction with the Emotionally Challenged	Criminal Law	Motor Vehicle Law
1015 – 1200	Hate Crimes Investigation	Crash Investigation	Interaction with the Emotionally Challenged	Criminal Law	Motor Vehicle Law
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	Hate Crimes Investigation	Victim's Assistance Program	Interaction with the Emotionally Challenged	Death Investigation	Report Writing
1445 – 1630	Hate Crimes Investigation	Court Diversion	Interaction with the Emotionally Challenged	Death Investigation	Report Writing
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1830 – 2200		Skills Practice Session – 1830-2300	Criminal Law Review (optional)	Motor Vehicle Law Review (optional)	

Week #11 Training Assistant:

S/Tpr. Boynton

October 2009	26 Monday	27 Tuesday	28 Wednesday	29 Thursday	30 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building Exercises
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Case Problems & Evidence Collection	Case Problems & Evidence Collection	Case Problems & Evidence Collection	Crash Investigation	Motor Vehicle Law
1015 – 1200	Case Problems & Evidence Collection	Case Problems & Evidence Collection	Case Problems & Evidence Collection	Crash Investigation	Motor Vehicle Law
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	Case Problems & Evidence Collection	Case Problems & Evidence Collection	Case Problems & Evidence Collection	Patrol Procedures	Report Writing
1445 – 1630	Case Problems & Evidence Collection	Case Problems & Evidence Collection	Case Problems & Evidence Collection	Patrol Procedures	Report Writing
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1830 – 2200			Family Night #2 (Optional)	Motor Vehicle Law review (optional)	

Week #12 Training Assistant:  
Officer Gully

November 2009	02 Monday	03 Tuesday	04 Wednesday	05 Thursday	06 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Courtroom Demeanor	Interview & Interrogation #2	Criminal Law (mock trial)	Criminal Law	Motor Vehicle Law
1015 – 1200	Courtroom Demeanor	Interview & Interrogation #2	Criminal Law (mock trial)	Criminal Law Final	Motor Vehicle Law Final
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	Courtroom Demeanor	Interview & Interrogation #2	Criminal Law (mock trial)	T.O.P.S.	NCIC/VCIC
1445 – 1630	Courtroom Demeanor	Interview & Interrogation #2	Criminal Law (mock trial)	Bloodborne Pathogens	NCIC/VCIC
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1830 – 2200			Criminal Law Review (optional)	Motor Vehicle Law Review (optional)	

Week #13 Training Assistant:

Sgt. Witherbee / Sgt. Rowland

November 2009	09 Monday	10 Tuesday	11 Wednesday	12 Thursday	13 Friday
0600 hours	<b>WAKE-UP</b>				
0605 - 0645	<b>Personal Hygiene &amp; Cleaning Details</b>				
0650 - 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	HOT BREAKFAST	HOT BREAKFAST	NO BREAKFAST	NO BREAKFAST	NO BREAKFAST
0830 - 0945	Vulnerable Adult Abuse	Kids Apart DOC	VETERAN'S	Field Experience	Field Experience
1015 - 1200	Stalking/ Voyeurism	Animal Cruelty	DAY	Field Experience	Field Experience
1200 - 1230	Lunch	Lunch	HOLIDAY		
1230 - 1415	Death Notification	Terrorism Training		Field Experience	Field Experience
1445 - 1630	Media Relations	Terrorism Training	VETERAN'S	Field Experience	Field Experience
1630 - 1640	Prep for PT	Release from Training	DAY		
1640 - 1800	Physical Training				
1800 - 1830	DINNER				
1830 - 2200					

Week #14 Training Assistant:

Director Goggins

November 2009	16 Monday	17 Tuesday	18 Wednesday	19 Thursday	20 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				Team Building
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	HAZMAT	Sexual Assault Investigation	Sexual Assault Investigation	Sexual Assault Investigation	Fraudulent Document
1015 – 1200	HAZMAT	Sexual Assault Investigation	Sexual Assault Investigation	Sexual Assault Investigation	Fraudulent Document
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1415	HAZMAT	Sexual Assault Investigation	Sexual Assault Investigation	Sexual Assault Investigation	Fraudulent Document
1445 – 1630	HAZMAT	Sexual Assault Investigation	Sexual Assault Investigation	Sexual Assault Investigation	NLUOF Refresher
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Physical Training	Physical Training	Physical Training	Physical Training	1715 Release from Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	
1830 – 2200		Skills Practice Session – 1830-2300			

Week #15 Training Assistant:  
S/Tpr. Wilkins / Officer Erwin

November 2009	23 Monday	24 Tuesday	25 Wednesday	26 Thursday	27 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Drug Investigation & ID	Community Policing	Intro to VT Fish & Wildlife	Thanks- giving	Thanksgiving
1015 – 1200	Drug Investigation & ID	Community Policing	Intro to Federal Agencies	HOLIDAY	HOLIDAY
1200 – 1230	Lunch	Lunch	Lunch		
1230 – 1415	Drug Investigation & ID	Community Policing	Final Exam	BREAK	BREAK
1445 – 1630	Drug Investigation & ID	Final PT Test			
1630 – 1640	<b>Prep for P.T.</b>				
1640 – 1800	Graduation Practice	Crime Prevention			
1800 – 1830	Dinner	Dinner			
1830 – 2200	Graduation Practice	Staff vs. Class B- Ball			

Week #16 Training Assistant:  
Chief Gauthier

November/ December 2008	30 Monday	01 Tuesday	02 Wednesday	03 Thursday	04 Friday
0600 hours	<b>WAKE-UP</b>				
0605 – 0655	<b>Personal Hygiene &amp; Cleaning Details</b>				
0700 – 0725	<b>Personal Inspection &amp; Colors Presentation</b>				
0730 - 0800	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 0945	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	Class Photo
1015 – 1200	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	<b>88<sup>th</sup> Basic Graduation!</b>
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Dismissal
1230 – 1415	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	
1445 – 1630	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	Patrol Procedure Practical Skills Assessment	
1630 – 1640	<b>Graduation practice</b>				
1640 – 1805	<b>Graduation practice</b>				
1830 – 1900	Dinner	Dinner	Dinner	Dinner	
1900 – 2200	Graduation Practice	PT Challenge - 1600	Dining – In (1730 start, 1800 dinner)	BBQ (1800)	

Week #17 Training Assistant: Sheriff McLaughlin / Chief McQueen

## 88<sup>th</sup> POST-Basic Week #1

December 2009	07 Monday	08 Tuesday	09 Wednesday	10 Thursday	11 Friday
0630 hours	WAKE-UP				
0635 - 0730	Personal Hygiene				
0730 - 0800		Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 - 1000	First Aid & CPR	Computer Internet Crimes	Fingerprint Certification	RADAR	LIDAR
1000 - 1200	First Aid & CPR	Computer Internet Crimes	Fingerprint Certification	RADAR	LIDAR
1200 - 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 - 1430	First Aid & CPR	Computer Internet Crimes	VIN Certification	RADAR	LIDAR
1430 - 1630	First Aid & CPR	Computer Internet Crimes	VIN Certification	RADAR	LIDAR
1800 - 1830	Dinner	Dinner	Dinner	Dinner	

## 88<sup>th</sup> POST-Basic Week #2

December 2009	14 Monday	15 Tuesday	16 Wednesday	17 Thursday	18 Friday
0630 hours	<b>WAKE-UP</b>				
0635 – 0730	<b>Personal Hygiene</b>				
0730 - 0800		Hot Breakfast	Hot Breakfast	Hot Breakfast	Hot Breakfast
0800 – 1000	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training
1000 – 1200	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training
1200 – 1230	Lunch	Lunch	Lunch	Lunch	Lunch
1230 – 1430	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training
1430 – 1630	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training	DWI Enforcement Training
1800 – 1830	Dinner	Dinner	Dinner	Dinner	

## 88<sup>th</sup> Post Basic Week #3

December 2009	21 Monday	22 Tuesday	23 Wednesday	24 Thursday	25 Friday
0630 hours	<b>WAKE-UP</b>				
0635 - 0730	<b>Personal Hygiene</b>				
0730 - 0800		Hot Breakfast	Hot Breakfast	Hot Breakfast	
0800 - 1200	Spillman Training - Municipal Shotgun- VSP	Spillman Training - Municipal	Spillman Training VSP  Shotgun- Municipal	Spillman Training VSP	
0800 - 1200	Spillman Training - Municipal Shotgun- VSP	Spillman Training - Municipal	Spillman Training VSP  Shotgun- Municipal	Spillman Training VSP	
1200 - 1230	Lunch	Lunch	Lunch	Lunch	
1230 - 1630	Spillman Training - Municipal Shotgun- VSP	Spillman Training - Municipal	Spillman Training VSP  Shotgun- Municipal	Spillman Training VSP	
1230 - 1630	Spillman Training - Municipal Shotgun- VSP	Spillman Training - Municipal	Spillman Training VSP  Shotgun- Municipal	Spillman Training VSP	
1800 - 1830	Dinner	Dinner	Dinner	NO DINNER	



## **RULES AND REGULATIONS**

### **58-HOUR BASIC TRAINING COURSE FOR THE PART-TIME POLICE PROFESSIONAL**

#### **The Honor System**

Honor is the guiding principle of every endeavor involving the police profession. Integrity is the accepted basic attribute of every police officer. Dishonesty is inexcusable... and will not be tolerated.

Consistent with the principles of honesty and integrity, therefore, it is assumed that at all times your work and reports are true and correct. Everyone is expected to live up to honorable practices; that is particularly true of all police officers. Any action or conduct contrary to those principles will be considered conduct unbecoming a police officer, and will result in disciplinary action.

#### **Standard of Conduct:**

##### Conduct Unbecoming a Police Officer

Any individual participating in the Part-time Basic Training Course who commits any act that can be considered conduct unbecoming a police officer, while a member of the Part-time training class, in or out of the Vermont Police Academy (hereinafter referred to as the Academy), may be dismissed from the Academy.

Examples of conduct held to be unbecoming a police officer, include:

- Lying to Academy staff members or instructors.
- Insubordination
- Illegal possession of a regulated drug.
- Failure to cooperate with any internal investigations.
- Tampering with or unauthorized inspection of official Academy records.
- Contact, sexual in nature, between trainees on Academy grounds.
- Placing unauthorized posters, signs, pictures, etc. in the Academy.

### Attitude/ Appearance

Trainees must conduct themselves in a manner that will not bring discredit to themselves, their sponsoring agency or to the Academy. Failure by the trainee to conduct him/herself properly may be one of the determining factors in whether a trainee successfully completes Phase 1 of the part-time officer process.

Trainees will perform all duties in a thorough and conscientious manner.

Trainees will carry out all reasonable orders, commands and instructions given by authorized personnel.

Overly loud and boisterous behavior or conduct that infringes upon the rights of others will not be tolerated.

All rooms, closets and drawers will be subject to inspections and/or searches. A trainee's application for admission and subsequent acceptance into the basic part-time academy shall be construed as an implied consent to all investigations, questionings, interrogations and searches.

### Academics

#### Classroom Expectations:

- All trainees will be prompt in reporting to class.
- Each trainee will be given a class binder. Trainees are expected to handle their binders respectfully.
- The trainee will bring their binder, Title 23s and/or any other required item to class for the scheduled subject.
- All trainees are required to take complete notes on all subjects.
- Breaks are at the instructor's discretion.
- Seating arrangements in the classroom will be changed only with permission of the training staff.
- Classrooms will be kept neat and orderly at all times.

#### Schedule:

- Each trainee will be given a class schedule. This schedule is subject to change. Any changes will be announced as soon as possible.

#### Assessment tools:

- A minimum passing score of 70% is required on all assessment tools (firearms' quiz, range qualification and final exam).
- Trainees will not cheat, attempt to cheat, copy or crib during any written assessment.
- Failure to pass the final exam will result in course failure.
- There are no re-tests on final exam failures.

## General

### Absences

- Absences are allowed for emergency situations only and only an Academy staff member may excuse a trainee from class.
- All trainees must sign out when leaving the Academy for other than class related matters. Upon returning to the Academy, trainees must sign in.

### Agents and Salespersons

- No agents, salespersons or other personnel shall canvass, display or sell any product to trainees, and no trainee or staff member may act in any capacity as a representative of a business without permission of the Executive Director.

### Dismissal

- Trainees may withdraw from the part-time basic training at any time.
  - The trainee must notify training staff if he/she is withdrawing.
  - The trainee must submit a letter of resignation to the Executive Director.
- Trainees may be dismissed from the Academy for failing grades, violations of Rules and Regulations, or other deficiencies.
- All materials handed out, state equipment, articles, texts, linen or other equipment and articles received will be returned to a staff member.
- Expulsion from the Academy may only be imposed on a trainee after receipt of a written notice of the charges, and a hearing before the Vermont Criminal Justice Training Council.

### Academy Equipment

- All athletic equipment will be handled with care and safety.
- Loss or damaged equipment will be reported immediately.
- Equipment will be cleaned and returned to its proper storage position when candidates are finished.
- Candidates may be held responsible for any equipment negligently damaged, destroyed or lost.
- Unauthorized use or theft of any Academy property or that of any other person shall result in dismissal and may also result in criminal prosecution.

## Professional Courtesy

### Classroom

At the end of the period of instruction, candidates shall not leave their seats until released by either the training staff or the instructor if no one from the training staff is available.

### Dormitory

- Each candidate will be assigned to quarters upon reporting to the Academy.
- Candidates will not be permitted to change his/her assigned room without approval from the training staff.
- All beds will be neatly made.
- All footwear will be clean and aligned neatly under the foot of the bed.
- No articles of dress will be hung on chairs, bureaus or other items of furniture. Sweats will only be hung on side of locker. All clothing will be kept neatly in wall lockers. Wall lockers and desks will be kept neat at all times
- Candidates will be held responsible for all items in their assigned rooms. No additional furniture or equipment will be added to or removed from any room without permission from the training staff.
- Appropriate clothing must be worn at all times when in or passing through common areas.
- Smoking or chewing of tobacco is not allowed in the residential rooms.
- Rooms are subject to inspection at any time.

### Dining room

- Candidates will commence seating at the farthest end of the dining hall.
- No food or utensils shall leave the dining area unless authorized by the training staff.

### In-Service Students and other Academy Visitors

- Upon the approach of a "veteran" law enforcement officer or other official visitor to the academy, candidates are required to "make-way". Candidates will always ensure that the walkway is clear and, if not shall always yield the right of way.

### Inspections

- Dormitory inspections will be held daily during the part time basic training course.
- Dormitories are subject to inspections at any time.

### Regulated Drugs and/or alcoholic beverages

- Possession of any regulated drug without a doctor's prescription and/or alcoholic beverages on the grounds of the Vermont Criminal Justice Training Facility is strictly forbidden.
- At no time shall any candidate be found to have an odor of intoxicating beverages on his/her breath while on the grounds.
- Violation will result in dismissal from the part time basic training course.

#### Sick Call

- Sickness, illness or injury must be reported immediately to the training staff.
- Medication of any type that is required by a candidate will be reported, in writing, to the Training Staff upon arrival at the Academy.
- Arrangements will be made for transportation to the doctor or hospital as required.
- The candidate for any injury or sickness to the training staff will submit a written report as soon as possible.
- First Report of Injury forms must be submitted and filed with your department.

#### Violation of State or Federal Laws

- Candidates of the part time basic training class shall not violate any state or federal laws or any city, village or town ordinances.
- Any candidate who is arrested or issued a citation/ticket for any offense shall report to the Training Coordinator immediately upon his/her return to the Academy.
- Violation could result in dismissal from the part time basic training program.

Program Title: \_\_\_\_\_ Date: \_\_\_\_\_

Location: \_\_\_\_\_ Breakfast: \_\_\_\_\_ Lunch: \_\_\_\_\_ Dinner: \_\_\_\_\_

## VERMONT CRIMINAL JUSTICE TRAINING COUNCIL RULES AND REGULATIONS FOR TRAINING PROGRAMS

### Meals

- Meals are served on a fixed schedule and you must be present at the assigned times. Please check off the class meal roster in the dining room for all meals taken.**

### Dress Code

- Classroom attire (0700-1700) is business casual, which includes slacks and collared shirt or uniform.

### Conduct

- Unprofessional or unethical behavior such as: cheating during exams or disruptive behavior in the classroom is a violation that may lead to dismissal from this course.
- All classes are not on the same schedule-when on break, please be quiet in the hallways.
- Alcohol and nonprescription drugs are strictly prohibited in the Academy or on the grounds.
- Please place all cell phones, watches and pagers in a quiet mode.
- The Basic Academy is now in session. Please do not enter the residential areas occupied by the Basic Training Class, or Classroom 3 and refrain from interaction with the candidates unless coordinated through a TC or TA.

### Firearms

- DO NOT** leave your weapons unattended in your assigned room. You **MUST** secure it on your person, in your vehicle, or we will be glad to secure it in the armory. This includes OC, baton, etc.

### Tobacco Use

- Smoking is prohibited in the Academy building. The designated smoking area for students is outside the student entrance and AWAY from doors/windows. There are receptacles for cigarette butts – please use them!
- The use of chewing tobacco is prohibited in the cafeteria, classrooms, and dormitory rooms.

### Fire Safety

- Fire alarms may be sounded at any time. Please leave the building through the closest designated exit-**point out exit**- and congregate as a class by the green buildings on Range Road.
- No door of an unoccupied room is to be held open by any artificial means. Doing so is a violation of State law.

### Telephone Usage/ Messages

- Please do not use staff phones without permission. Calls may be made from one of the pay phones located throughout the Academy.
- Non-emergency messages will be left on the message board by the elevator. It is your responsibility to check this board while you are here. In case of an emergency call, a staff member will personally notify you.

### Commuting/Overnight/Waiver Students

- If you are a current waiver student please note this on the class roster with a "W" next to the C/O column.
- A staff member will make room assignments. Any changes in room assignments are to be made **only** after staff knowledge and approval. We are co-ed; please keep this in mind when passing through common areas.
- Do not move any furnishings without prior staff approval. Any damage to Academy property should be reported to a staff member immediately. Items missing from rooms may be charged to your agency at replacement cost!
- A staff member will issue bed linens. At the end of your stay, please place sheets and pillowcases in the laundry cart located on the west bridge. Blankets and pillows are to remain in your assigned rooms.
- Food and beverages are not allowed in residential areas – except day rooms.
- If you indicate on the roster that you will be staying overnight, you or your agency will be charged for the appropriate meals per day and overnight costs for the entire class. Commute status includes lunch only.
- FOR YOUR SAFETY ALL DOORS TO THE COMPLEX WILL BE LOCKED BETWEEN 1700 and 0700 HOURS. There is a mandatory quiet time between these hours. You will need a code to gain entry after 1700 hours.**

### Parking

- Student Parking is at the rear of the Academy buildings. If you have parked elsewhere, please move your vehicle on the first break. STAFF: \_\_\_\_\_ LOCK CODE: \_\_\_\_\_

Return form to: VCJTC, 317 Academy Road, Pittsford, VT 05763

Amended: 08 Jul 2008

CRIMINAL JUSTICE TRAINING COUNCIL  
 FY10 - Fiscal Status Report  
 As of: 9/4/2009

Fund	Description	Budget	Encum	Expended	Balance	Special Fund Revenues 9/04/09	Diff
10000	General Fund* (GF)	\$1,454,162.39	\$10,462.00	\$263,913.47	\$1,179,786.92		
21115	Revenue, Testing, Non-Fed Grants, Surcharge (SF)	\$534,343.00	\$862.00	\$97,075.37	\$436,405.63	\$25,492.57	-\$8,385.43
21500	Interdepartmental Transfers (IDT)	\$373,323.00		\$36,680.00	\$336,643.00		
22005	Federal Grant(s)	\$13,516.34		\$210.00	\$13,306.34		
	Sub-total:	\$2,375,344.73			\$1,966,141.89		-\$8,385.43
	*Includes \$409.39 carryforward (FY09)						
						A/R Outstanding:	
						TSF's Outstanding:	
	Remaining spending authority FY09:				\$1,193,093.26		-\$8,385.43
	Payrolls remaining (X)						
	Monthly expenses						
	Projected expenses:				\$0.00		
	Spending Authority remaining: (not incl 21500 or 21115/22005 grant funds)				\$1,193,093.26		

8/18/09

## CANINE TRAINING REPORT

**SCHOOLS:** Cpl. Matt Prouty from the Rutland City Police Dept. Eugene Duplissis, Derek Rolandini and Justin Busby from the Vermont State Police, and Anthony Moriglioni from the Springfield Police Dept. are attending the basic patrol school. Stephen Majeski from the VT Dept. of Fish and Wildlife. is doing the tracking school. Matt Prouty will be the primary instructor which will bring him up to an assistant instructor level for patrol training.

Decoy Training: Steve Mackenzie did a two and a half day class on the proper way to decoy dogs. This involved a lot of hands on training with the dogs. He also spoke about reading dogs behavior so the decoys would know how to approach and work with the dogs.

Dave Dewey, Mike Akerland and Briana Clark from Colchester Police Dept, Chief Morrell from Hinesburg Police Dept, and Jori Fairbanks a civilian who has been helping out for years attended.

Dave Dewey and I went to Portsmouth New Hampshire for a week in June to teach some of their patrol teams how to do urban trails. Their head trainer was present and the school was a success. We made some new friends and learned a lot from each other.

**Canine Standards,** Sgt. Elrick from Rutland City Police Dept. and I will be present to discuss the changes that the canine committee feels we need to make at the Sept meeting.

Respectfully submitted,

Robert Ryan  
Canine Training Coordinator

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Vermont Police Canine Program  
Canine Policies and Standards  
Revision Date: 20 August 2009  
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**SECTION I**      **MISSION STATEMENT**

The mission of the Vermont Police Canine Training Program is to develop canine teams that are useful and effective tools for their respective Police agencies. The program provides basic and in-service level courses which are certified by the Vermont Criminal Justice Training Council.

All training provided is based upon practical, realistic, field-related circumstances. Performance is monitored through formal training sessions and field observation sessions to ensure that remedial training is available when needed.

The expertise of the instructional staff is available to all law enforcement agencies interested in developing or improving a canine program.

**SECTION II**      **DEFINITIONS**

- 1) Canine or Canine Team - Dog and Handler
- 2) Head Trainer - a Canine Training and Curriculum Development Coordinator, designated by the Executive Director as the lead trainer for the statewide canine program.
- 3) Certified or Certification – Satisfactory performance by a canine team who has successfully completed the requirements of a canine training program approved by the Vermont Criminal Justice Training Council.
- 4) Cross-trained Dog – Certified patrol canine teams with a secondary certified specialty.
- 5) Explosive Dog – A certified canine team in explosive detection.
- 6) Powder Detection Dog – A certified canine team in black powder detection.
- 7) Narcotic Dog – A certified canine team in narcotic detection.
- 8) Patrol Dog – A certified canine team in patrol.
- 9) Tracking/Trailing Dog – A certified canine team in tracking/trailing.
- 10) Advanced Tracking Dog – A certified canine team in advanced & aged tracking/trailing.
- 11) SAR Area Searching/Air Scent – A certified canine team in wilderness area searching.
- 12) Secondary Specialty – certification in one of the following: narcotics, explosives, powder detection, air-scent, or advanced tracking.
- 13) V.C.J.T.C or Council – Vermont Criminal Justice Training Council.
- 14) Certification Period – is a maximum of 1.5 years and is applicable to teams who graduate from a basic course prior to annual recertification.
- 15) Bite and Hold – A canine apprehends a suspect on location.
- 16) Bark and Hold – A canine barks and does not apprehend a suspect on location unless otherwise dictated by the circumstances.
- 17) Outside Teams - Those teams not trained within the Vermont Police Canine Training Program.

**SECTION III CANINE CERTIFICATION COMMITTEE**

- 1) The Executive Director of the Vermont Criminal Justice Training Council shall name members of the certification committee based on recommendations by seated members. The Executive Director shall serve as an ex-officio member or designate the Head Trainer or a Senior Committee Member to preside for the purpose of conducting meetings, participating in discussions, and voting in case of a tie.
- 2) There shall be a minimum of five (5) members of the Certification Committee who shall function as the Review Team for the purpose of certification and annual recertification. These members shall be individuals who are, or have been, part of a working canine team for a minimum of five (5) years.
- 3) Members of the Certification Committee, who are applying for certification, or are part of a working canine team and applying for the annual recertification, shall be certified and recertified in accordance with these procedures. They shall not participate in the decision-making process during their own certification or re-certification.
- 4) Committee Duties:
  - a) Members shall attend eight (8) hours of Instructor/Evaluator update annually.
  - b) Attend scheduled quarterly meetings.
  - c) Assist with evaluating / reviewing a minimum of four (4) certifications or annual re-certifications.
  - d) Assist the Committee, when available, with other special program needs or demands.
- 5) Members that fail to maintain active participation may be removed from the committee.
- 6) Members in good standing shall serve indefinitely.

## SECTION IV CANINE TEAM CERTIFICATION AND RECERTIFICATION

### 1. Certification Outline

A) Each canine team shall complete a Basic Training Program, approved by the Vermont Criminal Justice Training Council, to be eligible for certification.

- 1) The Basic Training Program for Patrol Canine Teams shall be a minimum of 544 hours.
- 2) The Basic Training Program for Narcotics, Powder, and Explosives Detection Canine Teams shall be a minimum of 240 hours for each program.
- 3) The Basic Training program for Tracking Canine Teams shall be a minimum of 160 hours.
- 4) The Basic Training program for Advanced Tracking and Search and Rescue Area Search/ Air-Scenting Canine Teams shall be a minimum of 80 hours.

### 2. Certification Review

A) The Certification Committee will conduct a review of the canine team upon completion of training, for the purpose of certification. The Council may grant certification for a period of no more than fourteen (14) months.

B) Canine teams must meet all criteria required by these standards and satisfactorily complete all testing to be eligible for recertification. The annual recertification will involve no more than six (6) teams at one time. The Council may grant recertification for a period of no more than fourteen (14) months.

C) The Canine Certification Committee shall review all requests for waivers and/or extensions or appeals of these Standards, and their recommendations forwarded to the Vermont Criminal Justice Training Council for final determination.

### 3. Alternatively-Trained Teams

Canine teams not trained through the Vermont Police Canine Training Program may seek certification through the Vermont Criminal Justice Training Council in the following manner.

A) Full Waiver Request – Certification Challenge

1) A written application to the Executive Director of the Vermont Criminal Justice Training Council for canine training certification. The head of the sponsoring law enforcement agency on behalf of the applying team must submit the application.

2) He/ She ***must*** provide the ***Head Trainer and*** Canine Certification Committee with written documentation of successful completion of a canine training program that approximates, or exceeds, Vermont Criminal Justice Training Council standards. The documentation shall include the program lesson plan, training logs, and results or written and/ or proficiency tests for the applying team. ***The documentation must be provided prior to acceptance into the Program.***

3) The applying team must be a certified law enforcement officer.

4) The applying team is required to meet the existing physical fitness standards for handlers, as well as the minimum performance standards for dogs.

5) The applying team is required to train with the Canine Training Coordinator for two (2) weeks consisting of 80 consecutive training hours. At the completion of this two week training period, the Canine Training Coordinator will recommend to the Canine Committee that the team is, or is not ready, for the one-day evaluation.

6) Demonstration of abilities of the applying canine team will be evaluated during a one day evaluation, designed to meet the current certification standards. Satisfactory completion will result in a six (6) month provisional certification. Unsatisfactory completion will require the canine team to attend the appropriate Vermont Training program for certification, or result in outright rejection of the team, whichever is appropriate as recommended by the Canine Certification Committee, and determined by the Executive Director of the Vermont Criminal Justice Training Council.

7) The six-month provisional certification will permit the canine team to attend monthly in-service training sessions. The trainer(s) will evaluate team performance during the in-service sessions, as well as through field training and observation periods.

8) The Canine Certification Committee will conduct a one-(1) day review of the canine team's skills when the team has completed the six-month provisional period. Successful completion of this review will result in certification of the canine team until the next scheduled annual performance review in the following calendar year.

B) Limited – Request to Train

Canine teams that are not certified by the Vermont Criminal Justice Training Council and wish to train with the Canine Program to prepare for certification may do so providing the following provisions are met:

1) A written request to be evaluated must be filed with the Head Trainer of the Program, by the Agency Head of the sponsoring Law Enforcement Agency on behalf on the applying teams.

2) The applying team must be a certified law enforcement officer.

3) The applying team is required to meet the existing physical fitness standards for handlers.

4) The Head Trainer (or his/her designee) will evaluate the team to determine the current level of the team. The evaluation will review the following:

- (a) Temperament and health of canine consistent with Section VI
- (b) Physical fitness of handler, as described in Section IV and X
- (c) Current level of team overall
- (d) Training and performance records.

5) After evaluation of the team, the Head Trainer will recommend if the applying team shall:

- (a) Attend a full time basic school.
- (b) Challenge the waiver process as described in Subsection 3, A (Full Waiver Request).
- (c) Be assigned to a Team Specific Program, as described in Subsection 3, C.

6) If the applying team disagrees with the Head Trainer's evaluation or recommendation, he or she may still request a Full Waiver and challenge the certification, as described in Subsection 3, A.

C) Team Specific Program

A Team Specific Program is intended to allow applying teams the opportunity to train with the canine program on a part time basis while preparing for certification. A training outline will be developed on behalf of the applying team to further advance their skills and knowledge to meet the certification standards.

1) Once enrolled in a Team Specific Program the team shall follow the Training Outline set by the Head Trainer.

2) Failure to comply with required training will result in the team not being allowed to continue training with the program.

3) After successful completion of the program, the Head Trainer will submit the team for certification. If the team does not successfully pass certification, the Head

Trainer will determine if the team will be allowed to attend remedial training and re-test, or if the Team will be required to attend the appropriate full-time Training Program for certification.

4. Recertification Review

A) Patrol Recertifications will be held annually in May.

B) Narcotics Recertifications will be held annually in December.

C) Trailing/Tracking Recertifications will be held annually in May.

D) All other Specialty Recertifications will be held at the direction of the Head Trainer.

E) All handlers shall participate in the physical fitness assessment during the annual May recertification.

1. Handlers who joined the Canine Program after January 1, 2007, are required to pass the physical fitness assessment during the annual May recertification.

F) Yearly training documentation and deployment statistics shall be provided to the Head Trainer on the team's recertification or in-service training day in December of each year.

1. Single discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.

2. Cross-trained/multi-discipline teams are required to document sixteen (16) hours of inservice training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.

**SECTION V**                    **INSTRUCTOR CERTIFICATION**

1)     Approved Canine Instructor

- A)     He/She must be a police officer within the State of Vermont and possess current full time officer certification from the Vermont Criminal Justice Training Council; or is or has been a full time certified police officer in either Vermont or in another state and be certifiable as a police officer by the Council.
- B)     He/She must have a minimum of four (4) years experience as a police canine handler.
- C)     He/ She must attend, as soon as practical, an instructor development course recognized by the Vermont Criminal Justice Training Council. This requirement, because of potential course availability problems, will not be used as the sole reason for denial of approved instructor status. Good faith efforts must be undertaken to enroll in and complete this course.
- D)     Nothing herein shall prohibit the use of canine instructors-in-training that may be identified to assist approved instructors with related duties.
- E)     Nothing shall preclude the use of training specialists approved by the Certification Committee.

2)     Instructor Levels

- A)     Head Trainer: Administration and coordinates the Vermont Police Canine Training Program.
- B)     Assistant Trainer:     He/She must be a Council-certified in-service instructor. He/she must co-instruct with the Head Trainer a minimum of one entire Basic Patrol Dog program or one entire specialty program to receive approval to supervise a class independently. The Head Trainer will determine if extended time is required before independent class supervision is permitted. The co-instruction need not be completed all at once, but may be spread out over several basic classes.
- C)     In-Service Instructor: This is an entry-level canine instructor position. A three-day class for canine in-service instructors must be successfully completed, which will include one day of classroom lecture (including but not be limited to orientation, administration and paperwork, objectives, and problem solving) and two days of observation in the field with the Head Trainer. Teaching a minimum of five (5) in-service training days under the supervision of the Head Trainer will then be required. The Head Trainer will make the final determination if extended training time is required before independent in-service class supervision is permitted.

3) Canine Instructors-in-Training

Canine handlers identified as potential instructors but do not meet the above criteria, will be known as instructors-in-training. These handlers may not meet the established requirements for approved instructor status, but possess appropriate knowledge and ability to assist in the canine training program. They will work under the supervision of an approved instructor until such time as they meet the requirements for full time instructor designation. An instructor-in-training is not allowed to conduct in-service level or basic canine training unless supervised by an approved instructor.

4) Instructor Certification: Yearly Training Update

Instructors will be required to attend eight (8) hours of training each year to maintain instructor status. Training will be provided on a quarterly basis in four (4) hour increments. It will be the responsibility of each instructor to schedule the training with the Head Trainer and complete the scheduled training to fulfill the 8-hour training requirement. Instructors who fail to attend these training updates will not be eligible for recertification as an instructor.

## SECTION VI TEAM SELECTION

### A) Handler Requirements

1. A canine handler shall have a minimum of three (3) years of law enforcement experience before entering the canine program.
2. A canine handler must be a certified law enforcement officer.
- 3. A canine handler who enters the program after January 1, 2007, is required to meet minimum fitness requirements as defined in Section X.**
4. Part-time officers will be considered for acceptance into the program on a case-by-case basis.

### B) Handler Interviews

1. The Canine Certification Committee is available upon request to conduct interviews for departments who have the desire to identify potential handlers for the program.
2. It is recommended that police administrators use this service for new handler selection.

### C) Canine Evaluations

Canines must be evaluated prior to entry into the Program. All canines shall be approved by the Head Trainer or his/her designee. The Head Trainer may request a review by member(s) of the Canine Committee for the purpose of determining suitability of any canine.

### D) Code of Conduct

1. By application and acceptance into the Vermont Canine Training Program, it is understood that handlers will conduct themselves by the Standard of Conduct as defined for Police Professionals who undergo Basic Training at the Vermont Police Academy.
2. The Head Trainer can recommend that any team, whether handler or canine, who becomes a detriment to the Program or who disrupts the training thereof, be dismissed from the Vermont Canine Training Program. The Head Trainer will make said recommendation to the Executive Director.

**SECTION VII DOCUMENTATION OF TRAINING DEFICIENCIES**

- 1) The performance of each canine team will be evaluated by the trainer(s) at each training session. The handler training record shall make note of any training deficiencies. The trainer will make note of any remedial training that is required.
- 2) Performance Deficiencies
  - A) Performance deficiencies will require remedial instruction by a trainer. The performance deficiencies will be documented, and an action plan and anticipated time period for successful completion will be prescribed.
  - B) The canine team will be given the opportunity to demonstrate performance. The Canine Committee will evaluate said performance and make a recommendation to the Head Trainer.
  - C) If the performance deficiency is still present after Committee evaluation, the canine team will no longer meet certification standards and the Head Trainer will notify the Executive Director.
3. Failure to Train
  - A) Canine teams must meet all training criteria required by these standards.
  - B) If a canine team fails to attend two or more consecutive in-service training sessions for any reason, a written notice will be sent to the Executive Director of the Council, the Agency Head, and the canine team requiring immediate training.
  - C) The canine team will be given a prescribed period of time to remediate the training deficiency. The Head Trainer will notify the Executive Director if the appropriate improvement occurred within the prescribed time period.
  - D) If the training deficiencies are still present after the prescribed time, the canine team will no longer meet certification standards and the Head Trainer will notify the Executive Director.
  - E) The canine team will not be permitted to train until enrolled in a Team Specific Program, as defined in Section IV Subsection 3, C.
4. This section relates specifically to recurring performance problems. It is recognized that canine teams may have occasional "off" days. This section addresses chronic performance problems.

**SECTION VIII PERFORMANCE STANDARDS and PROGRAM OUTLINES**

**1) Patrol Dogs: Original Certification (Maximum 14 Months)**

A) A canine team must successfully complete testing to include:

- a) A trail, one and one half (1.5) miles in length, one-half hour old, with or without a scent article
- b) Building Search locating both low and high suspects
- c) Sit-Watch (Officer Protection)
- d) Recall (Call-Back); Distance Apprehension
- e) Multi-Person Apprehension.
- f) Apprehension from a Vehicle.
- g) Tactical Obedience and Gunfire Apprehension
- h) Obedience and Agility
- i) Evidence/Article Recovery

B) Handler

The handler must successfully pass a written examination. The examination will ensure that each handler is proficient in the areas of:

- \* GPS
- \* Land Navigation, Map and Compass
- \* Search Tactics
- \* Probability of Detection, and Deployment Debriefing
- \* Man Tracking
- \* Incident Command System
- \* Use of Force, and Canine Case Law
- \* Canine Care and First Aid
- \* Report Writing and Record Keeping
- \* Training Philosophy and Techniques

C) A minimum of three (3) members of the Certification Committee will review the canine team for Original Certification.

D) Certification Elements Described

a) Trail

The team will have a scent article available at the start of the track. The team must locate the track-layer and identify the individual by a canine alert, which is identifiable by the handler. The track will cover at least three (3) different terrain features. The exercise will have a maximum time limit of two (2) hours. At least one member of the Certification Committee Review Team will run with the team or be the track-layer.

b) Building Search

This exercise will consist of locating both low (floor level – up to 5 feet high) and high (over 5 feet and up to 12 feet high) subjects. At least one subject will be totally concealed. The building must be approximately 1000 square feet. The subjects must remain passive and not cue the canine during the search.

Prior to releasing the canine, the handler should make an announcement stating that the canine will be used to make an apprehension, (Robinette v. Barnes). This announcement is not only made to protect the handler but also to allow any person(s) legitimately within the building the opportunity to exit. If any announcement is made, this announcement should be made when prudent, with regard to officer safety. A reasonable amount of time will be afforded to those within the building to respond to this announcement. The canine must locate and alert with a bark or apprehension based on the team's training discipline. The handler shall demonstrate search tactics to avoid compromising team safety.

c) Sit-Watch (Officer Protection)

1) Sit-Watch Non-Aggressive

The canine must demonstrate a sit-watch while the handler conducts a pat-down of the subject. The canine must stay in a sit or down position during the exercise.

2) Sit-Watch Handler Assault

The canine must stay in a sit or down position until the subject makes an aggressive action towards the handler during the pat-down. The canine must then apprehend the suspect.

d) Recall (Call-Back) – Distance Apprehension

1) Recall- Surrender

At a distance of approximately 50 yards a subject will run from the canine team. Upon a command, the canine will be sent to apprehend the subject. The subject will turn and surrender. On command, the canine will terminate pursuit and return to the handler.

2) Recall- Continued Flee

At a distance of approximately 50 yards, a subject will run from the canine team. Upon command, the canine will be sent to apprehend the subject. The subject will continue to flee. On command, the canine will terminate pursuit and return to the handler.

3) Distance Apprehension

At a distance of approximately 50 yards, a subject will run from the canine team. Upon command, the canine will be sent to apprehend the fleeing subject.

e) Multi-Person Apprehension

This element demonstrates the canine's ability to apprehend multi-subjects on command, who show aggressive action towards the handler. During a sit-watch (handler assault, or other similar exercise), the canine will be commanded to apprehend a subject. While the canine is apprehending the first subject, a second individual will assault the handler. On command, the canine will disengage and apprehend the second subject.

f) Apprehension from a Vehicle

The canine team in a patrol vehicle will pursue a subject's vehicle with emergency lights and siren activated. The subject will exit his vehicle and assault the handler. The canine will demonstrate its ability to exit the patrol vehicle and protect the handler by apprehending the subject.

g) Tactical Obedience and Gunfire Apprehension

1) General Tactical Obedience

A canine team will demonstrate the ability to advance or retreat in a tactical manner from a position of cover to cover without compromising team safety. The course will consist of six stations and will be approximately 50 yards in length. The handler advances through the course with the canine by staying the canine and advancing independently to each cover, then calling in the canine. The handler is not permitted to leave a position of cover to correct canine performance.

2) Tactical Obedience and Gunfire

A canine team will demonstrate the ability to move in a tactical manner from a position of cover to cover during a simulated combat situation without compromising team safety. The combat course will consist of six stations and will be approximately 50 yards in length. The handler advances through the course by staying the canine and advancing independently to each cover, then calling the canine. While negotiating the course the team will be exposed to blank gunfire from a decoy. The handler and decoy will be required to fire a minimum of three (3) rounds; at least one of the decoy rounds will be fired while the canine is in motion. The canine should remain under control during the exercise. The handler is not permitted to leave a position of cover to correct canine performance. The canine will apprehend the decoy on command.

h) Obedience and agility

1) Obedience

Canine teams will demonstrate proficiency off leash in the following areas:

Sit, Down, Stay, Heel, Come, Stay at a distance, 5 Minute Stay, using voice and/or hand signals.

2) Agility

Canines will perform all elements of an agility/obstacle course off leash.

Obstacles will include but are not limited to a six (6) foot wall, jumps of varying heights, low crawl culverts, pipes or tunnels, catwalks, planks, and stairs.

i) Evidence/Article Recovery

This element demonstrates the canine's ability to locate articles/evidence and indicate the location of that article to the handler. It also evaluates the handler's ability to direct the canine to search within a specific area effectively.

The area shall be a minimum of 50 yards square and shall contain sufficient vegetation to conceal the articles. A minimum of three (3) articles of different materials shall be utilized in the search. The articles may be from the following list, except that one article will be an expended shotgun shell. The remaining two (2) articles may be leather, canvas, nylon, plastic, cloth, or metal. It is suggested that one article be metal. The handler will be directed to an area in which articles have been placed. The canine must indicate the location of the articles in a clearly decisive manner by a passive alert, wherein the canine smells the article and then sits. This exercise must be completed within a reasonable amount of time. Retrieval of the articles is not required and is at the discretion of the handler/trainer.

E) Certification Provisions

1) Fully Operational Patrol Team

A canine team that meets all the above certification requirements (a-i) at the time of Original Certification will be considered a Fully Operational Team (Patrol Certification) for the purposes of field intervention.

2) Limited Operational Patrol Team

Canine patrol teams are required to meet a wide variety of certification criteria. It is understood that at the time of certification a team may demonstrate a shortcoming in one or more of the above certification criteria, but possess viable trained capabilities useful in the law enforcement field. Those teams that fail to meet all the above criteria at the time of certification testing will not achieve certification status. These teams can achieve a Limited Operational Patrol Team status, provided the following criteria are met:

- a) The team must demonstrate at least a basic and measurable capability in each criteria.
- b) No more than two (2) certification criteria can receive an unsuccessful rating, not withstanding conflict with Subsection c).
- c) No team will achieve Limited Operational Status when that team demonstrates any form of uncontrollable aggression. Uncontrollable aggression is defined as forward canine aggressive behavior that cannot be remedied by the handler independent of the Head Trainer.
- d) An Objective and Plan of Action is implemented by the Head Trainer to remedy any shortcoming(s), and that the plan is captured in the form of a performance evaluation as referenced in Section VII (2).
- e) The team's Agency Head is informed of the Limited Operational status and agrees to comply with all the remedial training requirements.
- f) The team actively maintains participation in remedial training. If the canine team fails to stay current in training, the team will no longer meet the Limited Operational Patrol Team status, and the Head Trainer shall notify the Executive Director.
- g) A Limited Operational Patrol Team status, as defined in this section, must remedy any shortcoming(s) during a period not to exceed six (6) months, providing that the team continues to actively participate in the identified special training.
- h) The team will be evaluated by the Certification Committee within six (6) months from the time of the Original Certification attempt.
- i) If after a period of six (6) months any shortcoming(s) is/are not remedied, Limited Operational status will expire and the team will not be considered certified.

- 3) Under no circumstances will Outside Teams requesting a certification waiver pursuant to Section IV Subsection 3 be granted a Limited Operational status as defined in Section VII, E, 2.

2) **Patrol Dogs: Annual Recertification (Maximum 14 Months)**

A) A canine team is required to attend a minimum of eleven (11) in-service training sessions (once each month). If a canine team fails to meet the minimum monthly requirements, the team may not attend more than two (2) makeup training sessions in one month.

- a) The 11 in-service training sessions with a Council-approved instructor are required prior to the 3-day recertification.
- b) The recommended number of hours for an in-service training day is eight (8) hours.
- c) If a canine team fails to attend two or more consecutive in-service training sessions for any reason, remedial training shall be made available at the discretion of the Head Trainer and/or the Certification Committee. Cases shall be handled on a case-by-case basis.

**B) *Single discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.***

C) A canine team is required to attend an annual three (3) day recertification training session.

D) A canine team must complete recertification testing successfully to include:

- 1) A trail one and one half (1.5) miles in length, one-half hour old, with or without a scent article.
- 2) Building search locating hidden suspect(s).
- 3) Sit-Watch (Officer Protection)
- 4) Recall (Call Back); Distance Apprehension.
- 5) Multi-person Apprehension,
- 6) Tactical Obedience and Gunfire Apprehension.
- 7) Evidence/Article Recovery
- 8) Obedience and agility.
  - a. Canines older than six (6) years are exempt from the Agility Course.
- 9) **Handlers must successfully pass a written examination.**
- 10) **New handlers who entered the program as of January 1, 2007, must pass the annual fitness test on the first day of the recertification training session. If the handler does not meet the minimum fitness requirement as defined in Section X, the handler will be sent home. Arrangements can be made to retake the test.**

E) A minimum of two (2) members of the Certification Committee will review the canine teams for the annual recertification.

F) In the event that a canine team does not demonstrate their proficiency to the Certification Committee Review Team at either the time of the Original Certification or the Annual Recertification, the Committee shall recommend to the Head Trainer and the Vermont Criminal Justice Training Council that the canine team be removed from active duty for inadequate performance and failure to maintain standards.

G) It shall be the responsibility of the canine team's agency to make arrangements with the Head Trainer for remedial training to bring the canine team to minimum standards.

3) **Narcotics Detection Dogs: Original Certification (Maximum 14 Months)**

A) A canine team must successfully complete testing to locate seven (7) drugs (marijuana, hashish, cocaine, crack, heroin, methamphetamine, and ecstasy) hidden at different heights; (0-18 inches, 18-36 inches, 36 inches – 6 feet), in a building, in a simulated residence, and on a vehicle.

B) If a canine team is being trained solely as a Narcotics Detection Dog, the canine must be fully trained and proficient in obedience prior to enrolling in a narcotics detection class. A demonstration of the canine's obedience will be required acceptance prior to into the program.

C) In the event that a canine is unable to demonstrate obedience proficiency, obedience training may be offered in the form of one in-service training day per week, for four weeks, to assist the canine team in meeting the obedience requirement.

D) Handlers must successfully pass a written examination.

E) A minimum of three (3) members of the Certification Committee will review the canine team for original certification.

4) **Narcotics Detection Dogs: Annual Recertification (Maximum 14 Months)**

A) A narcotics detection canine team is required to attend eleven (11) in-service narcotics detection training sessions (once each month) prior to the two-day recertification training session.

B) **Single discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.**

C) All narcotics detection canine teams are required to attend an annual two-day recertification training session.

- D) All narcotics detection canine teams must successfully complete recertification testing to include location of all seven (7) types of drugs (marijuana, hashish, cocaine, crack, heroin, methamphetamine, and ecstasy) hidden at different heights (0-18 inches, 18-36 inches, 36 inches – 6 feet) in a building, in a simulated residence, and on a vehicle, and in different amounts.
- E) Handlers must successfully pass a written examination.
- F) A minimum of two (2) members of the Certification Committee will review the canine teams for the annual Narcotics Detection recertification.
- G) In the event that a Narcotics Detection canine team does not demonstrate their proficiency to the Certification Committee Review Team at either the time of the original certification, or the annual recertification, the Committee shall recommend to the Head Trainer and the Vermont Criminal Justice Training Council that the canine team be removed from active duty for inadequate performance and failure to maintain standards.
- H) It shall be the responsibility of the canine team's department to make arrangements with the Head Trainer for remedial training to bring the canine team to minimum standards.

**5) Explosive Detection Dogs: Original Certification (Maximum 14 Months)**

- A) A canine team must successfully complete testing to locate seven (7) different explosives hidden at different heights; (0-18 inches, 18-36 inches, 36 inches – 6 feet), in a building, in a simulated residence, a vehicle, an exterior search and in different amounts.
- B) If a canine team is being trained solely as a Explosives Detection Dog, the canine must be fully trained and proficient in obedience prior to enrolling in a explosives detection class. A demonstration of the canine's obedience will be required prior to acceptance into the program
- C) In the event that a canine is unable to demonstrate obedience proficiency, obedience training may be offered in the form of one in-service training day per week, for four weeks, to assist the canine team in meeting the obedience requirement.
- D) Handlers must pass a written examination.
- E) A minimum of three (3) members of the Certification Committee will review the canine team for original certification.

**6) Explosive Detection Dogs: Annual Recertification: (Maximum 14 Months)**

- A) Any explosive detection canine team is required to attend twenty-two (22) in-service explosives detection-training sessions (twice every month) prior to the annual two-day recertification training and testing.
- B) All explosive detection canine teams are required to attend an annual two-day recertification training and testing.
- C) All explosive detection canine teams must successfully complete annual recertification testing to include location of at least five (5) different types of explosives hidden at different heights (0-18 inches, 18-36 inches, 36 inches – 6 feet), in a building, in a simulated residence, a vehicle, an exterior search and in different amounts.
- D) Handlers must pass a written examination.
- E) A minimum of two (2) members of the Certification Committee will review the canine team for annual recertification.
- F) In the event an Explosive Detection canine team does not demonstrate their proficiency to the Certification Committee Review team at either the time of original certification or recertification, the Committee shall recommend to the Head Trainer and Vermont Criminal Justice Training Council that the canine team be removed from active duty for inadequate performance and failure to maintain minimum standards.
- G) It shall be the responsibility of the canine team's department to make arrangements with the Head Trainer for additional training to bring the team to minimum standards.

**7) Powder Detection: Original Certification (Maximum 14 Months)**

- A) A canine team must successfully complete testing to locate four (4) articles which contain the component of black powder, or smokeless powder, and/or pryrodex, hidden at different heights; (0-18 inches, 18-36 inches, 36 inches – 6 feet), in a building, in a simulated residence, a vehicle, an exterior search (field and woods) and in different amounts.
- B) If a canine team is being trained solely as a Powder Detection Dog, the canine must be fully trained and proficient in obedience prior to enrolling in a black powder detection class. A demonstration of the canine's obedience will be required prior to acceptance into the program
- C) In the event that a canine is unable to demonstrate obedience proficiency, obedience training may be offered in the form of one in-service training day per week, for four weeks, to assist the canine team in meeting the obedience requirement.

- D) Handlers must pass a written examination.
- E) A minimum of three (3) members of the Certification Committee will review the canine team for original certification

**8) Powder Detection Dogs: Annual Recertification (Maximum 14 Months)**

A) A Powder Detection canine team is required to attend eleven (11) in-service explosives detection-training sessions (once each month) prior to the annual two-day recertification training and testing.

B) *Single discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.*

C) All Powder Detection canine teams are required to attend an annual two-day recertification training and testing.

D) All Powder Detection canine teams must successfully complete annual recertification testing to include location of at least five (3) different articles which contain the component of black powder, or smokeless powder, and/or pryrodex, hidden at different heights; (0-18 inches, 18-36 inches, 36 inches – 6 feet), in a warehouse, a simulated residence, a vehicle, an exterior search (field and woods) and in different amounts.

E) Handlers must pass a written examination.

F) A minimum of two (2) members of the Certification Committee will review the team for annual recertification.

G) In the event an powder detection canine team does not demonstrate their proficiency to the Certification Committee Review team at either the time of original certification or recertification, the Committee shall recommend to the Head Trainer and Vermont Criminal Justice Training Council that the canine team be removed from active duty for inadequate performance and failure to maintain minimum standards.

H) It shall be the responsibility of the canine team's department to make arrangements with the Head Trainer for additional training to bring the team to minimum standards.

**9) Tracking/Trailing Dogs: Original Certification (Maximum 14 Months)**

A) A canine team must successfully track or trail a subject for approximately two miles on a 60 minutes aged trail.

- B) If a canine team is being trained solely as a tracking/trailing dog, the canine must be fully trained and proficient in obedience prior to enrolling in a tracking class. A demonstration of the canine's obedience will be required prior to acceptance into the program
- C) In the event that a canine is unable to demonstrate obedience proficiency, obedience training may be offered in the form of one in-service day per week, for four weeks, to assist the canine team in meeting the obedience requirement.
- D) Handlers must successfully pass a written examination.
- E) A minimum of two (2) members of the Certification Committee will review the canine team for original certification.

**10) Tracking/Trailing Dogs: Annual Recertification (Maximum 14 Months)**

- A) A tracking/trailing canine team is required to attend eleven (11) in-service tracking training sessions (once each month) prior to the two-day recertification training session.
- B) **Single discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.**
- C) All tracking/trailing canine teams are required to attend an annual two-day recertification training and testing.
- D) All tracking/trailing canine teams must successfully track/trail a subject for approximately two miles on a 60 minutes aged trail with or without a scent article.
- E) Handlers must pass a written examination.
- F) A minimum of two (2) members of the Certification Committee will review the canine teams for the annual Tracking/Trailing Recertification.
- G) In the event a tracking canine team does not demonstrate their proficiency to the Certification Committee Review team at either the time of original certification or recertification, the Committee shall recommend to the Head Trainer and Vermont Criminal Justice Training Council that the canine team be removed from active duty for inadequate performance and failure to maintain minimum standards.
- H) It shall be the responsibility of the canine team's department to make arrangements with the Head Trainer for additional training to bring the team to minimum standards.

**11) Advanced Tracking/Trailing: Original Certification (Maximum 14 Months)**

- A) Any canine team that attends the Advanced Tracking/Trailing Course is required to have a certified patrol dog or a certified tracking dog as a prerequisite.
- B) A canine team must successfully track or trail a subject for approximately two miles on a six (6) hour aged trail with or without a scent article. At a minimum the trail should have at least one terrain change (i.e. wooded, open field, roadway, etc.) with several turns, along with one or more obstacles (i.e. water crossing, fencing, adverse weather conditions, or other obstruction).
- C) Handlers must pass a written examination.
- D) A minimum of two (2) members of the Certification Committee will review the canine team for original certification.

**12) Advanced Tracking/Trailing: Annual Recertification: (Maximum 14 Months)**

- A) An advanced tracking/trailing canine team is required to attend eleven (11) in-service tracking training sessions (once each month) prior to the annual two day recertification session.
- B) **Single discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.**
- C) All tracking/trailing canine teams are required to attend an annual two day recertification training and testing.
- D) All tracking canine teams must successfully track a subject for approximately two miles on a six (6) hour aged trail with or without a scent article. At a minimum the trail should have at least one terrain change (i.e. wooded, open field, roadway, etc.) with several turns, along with one or more obstacles (i.e. water crossing, fencing, adverse weather conditions, or other obstruction).
- E) Handlers must successfully pass a written examination.
- F) A minimum of two (2) members of the Certification Committee will review the canine teams for the annual Tracking Certifications.
- G) In the event a tracking canine team does not demonstrate their proficiency to the Certification Committee Review team at either the time of original certification or recertification, the Committee shall recommend to the Head Trainer and Vermont

Criminal Justice Training Council that the canine team be removed from active duty for inadequate performance and failure to maintain minimum standards.

H) It shall be the responsibility of the canine team's department to make arrangements with the Head Trainer for additional training to bring the team to minimum standards.

**13) Search & Rescue Area Searching / Air-Scenting: Original Certification**  
**(Maximum 14 Months)**

A) A canine team must demonstrate ability and proficiency in searching designated areas to locate a lost or missing person(s) when the P.L.S. (Point Last Seen) is unknown. This search will be conducted either on or off leash and when is made, the canine will alert in a manner obvious to the handler.

B) A canine team shall be proficient in the following areas: Incident Command System, Search Tactics, Advanced Land Navigation, Man-Tracking, and Canine First Aid.

C) Canine Teams shall possess all required equipment as defined on the Patrol/Tracking Equipment List.

D) If a canine team is being trained solely in Area Searching/ Air Scent, the canine must be fully trained and proficient in obedience. A demonstration of the canine's obedience will be required prior to acceptance into the program.

E) If a canine team is patrol certified, the team will meet the following certification and operational provisions.

1) Certification review will be conducted by a minimum of two (2) members of the Canine Certification Committee and by at least one current supervising member of the Search and Rescue (i.e. Vermont State Police Search and Rescue).

2) Designated SAR personnel will be actively involved in the training and development of the team as it relates to SAR.

3) Patrol Teams will adhere and not deviate from prescribed training techniques.

4) Patrol Teams will conduct searching on leash unless circumstances dictate otherwise.

F) Handlers must achieve a passing score on the written examination.

G) Any team certified in Patrol, Tracking, or Advanced Tracking may apply for a waiver of the 80-hour course, provided the applying team proficiently demonstrates all other practical aspects of air scent certification and passes the written examination.

H) Test Areas

There will be at least two (2) test areas, the combined area of which shall not exceed one-quarter square mile. There will be anywhere from zero to two "victims" in each search area. The victim(s) location will be unknown to the canine team. The victim(s) can be moving or hidden, but in neither case will agitate, make any noises, or movements to get the canine's attention. The team will be given grid co-ordinates to plot on a topographical map, and will search according to the terrain and current weather conditions. The search will be conducted off leash and when a find is made, the canine will alert in a manner obvious to the handler. The maximum time for both areas to be cleared will be two hours. The area to be searched will be of mixed terrain with a number of terrain changes and obstacles, either man made or natural.

I) Test will be given on a team pass/ fail basis. The handler and dog will be considered as a team and it is the team that will be certified. A minimum of two (2) members of the Certification Committee will review the canine team for original certification.

**14) Search & Rescue Area Searching/Air Scenting: Annual Recertification:  
(Maximum 14 Months)**

A) An Area Searching / Air Scent team is required to attend eleven (11) in-service training sessions (once each month) prior to the annual three day recertification session.

B) **Single discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.**

C) All canine teams are required to attend an annual three day recertification training and testing.

D) Test Areas

There will be at least two (2) test areas, the combined area of which shall not exceed one-quarter square mile. There will be anywhere from zero to two "victims" in each search area. The victim(s) location will be unknown to the canine team. The victim(s) can be moving or hidden, but in neither case will agitate, make any noises, or movements to get the canine's attention. The team will be given grid coordinates to plot on a topographical map, and will search according to the terrain and current weather conditions. The search will be conducted off leash and when a find is made, the canine will alert in a manner obvious to the handler. The maximum time for both areas to be cleared will be two hours. The area to be searched will be of mixed terrain with a number of terrain changes and obstacles, either man made or natural.

- E) Handlers must successfully pass a written examination.
- F) A minimum of two (2) members of the Certification Committee will review the canine teams for the annual recertifications.
- G) In the event a canine team does not demonstrate their proficiency to the Certification Committee Review Team at either the time of original certification or recertification, the Committee shall recommend to the Head Trainer and the Vermont Criminal Justice Training Council that the canine team be removed from active duty for inadequate performance and failure to maintain minimum standards.
- H) It shall be the responsibility of the canine team's department to make arrangements with the Head Trainer for additional training to bring the team to minimum standards.

**15) Cross-trained Dogs: Original Certification (Maximum of 14 Months)**

- A) All cross-trained teams must successfully complete the Patrol Team Training Program and one of the Specialty Detection Programs and obtain certifications in each discipline.
- B) A canine team is not considered a cross-trained team with two specialty detection certifications.

**16) Cross-trained Dogs: Annual Recertification (Maximum 14 Months)**

- A) A cross-trained canine team is required to attend eleven (11) in-service patrol training sessions and six (6) in-service specialty detection training sessions (once every two months) prior to recertification testing.

**B) *Cross-trained/multi-discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.***

- C) All cross-trained teams must successfully complete a three (3) day annual recertification session for Patrol Dog Recertification and a two (2) day annual recertification session for the Specialty Detection Recertification.
- D) Handlers must successfully pass a written examination.
- E) A minimum of two (2) members of the Certification Committee will review the canine teams for the annual recertification.

**SECTION IX: PROGRAM DOCUMENTATION REQUIREMENTS**

**A) Canine handlers are required to use the Canine Records Management System to document all canine training and canine deployments.**

**B) All canine training shall be documented.**

**1. Single discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.**

**2) Cross-trained/multi-discipline teams are required to document sixteen (16) hours of in-service training per month, of which eight (8) training hours per month must be completed under a VCJTC certified instructor.**

**C) All canine deployments shall be documented.**

**D) All canine bites shall be documented and reported to the Head Trainer, who will notify the Canine Certification Committee.**

**E) All canine bites shall be reviewed by the Canine Certification Committee for training purposes, to address training problems and improve program training.**

**F) Yearly training documentation and deployment statistics shall be provided to the Head Trainer on the team's recertification or in-service training day in December of each year.**

**a) If said documentation and statistics are not provided, the team will not be recertified.**

## **SECTION X: HANDLER FITNESS REQUIREMENTS**

A) The canine program is a physically demanding program. The purpose of establishing minimum handler physical requirements is to assure that prospective handlers are able to meet minimum standards to demonstrate endurance, strength, and flexibility. A Physical Fitness Assessment will be given to all prospective handlers. Minimum physical fitness standards, as described in Section X, must be completed prior to acceptance into the program. A Physician's Statement (as shown in Section X) must be completed prior to the physical fitness assessment.

B) The minimum physical fitness standards are defined in Section X, including a description of the fitness assessment procedure. These standards apply to handlers for each dog entered into the canine program.

C) All program handlers shall participate in the physical assessment during recertification.

1. Starting January 1, 2007, all new teams will be required to maintain the minimum fitness standards defined in Section X to remain in the Vermont Canine Training Program.

2. *The fitness test will be administered at the beginning of the first recertification training day in May. If a handler does not pass the fitness test, the team will be sent home. Arrangements can be made to retake the fitness test.*

3. *If a handler participates only in the December recertification process, he or she will participate in the annual physical assessment during the May in-service training day.*

**SECTION XI: PHYSICAL FITNESS PERFORMANCE EVALUATION**

A) Procedures

All officers interested in canine handler positions shall undergo a physical fitness assessment. All officers must be found physically able, with or without reasonable accommodations, to perform the enhanced job functions of canine handler.

The qualified physician shall assess each officer on a case-by-case basis to determine whether the officer can, with or without reasonable accommodations, perform the essential functions of a canine handler.

Upon the conclusion of the medical review, such physician shall render his/her medical opinion to the Vermont Criminal Justice Training Council as to whether the officer can perform the essential functions of a canine handler.

B) Reasonable Accommodations:

It shall be the affirmative responsibility of each employing police agency to assess the type(s) of reasonable accommodations which may be necessary to allow the officer to perform the enhanced functions of a police canine handler for such agency, and to provide the necessary reasonable accommodations to a qualified officer with a disability, provided that if doing so will not impose an undue hardship or a direct threat to the safety of himself/ herself or others.

C) Elements of the Assessment:

1. **1.5 Mile Run** – Cardiovascular capacity and aerobic power, it requires nearly exhaustive effort. It takes place on an indoor or outdoor track or other suitable, relatively level running area, and is measured with a stopwatch.

2. **One (1) Repetition Maximum Bench Press** – Absolute strength test involves forcing a muscle group to exert a maximum force, using Dynamic Variable Resistance (DVR) protocol. The score indicating is a ratio of weight presses divided by body weight. Equipment to be utilized will be a universal weight machine to record the weight of the repetition. The officer will start off with warm-up repetitions of ½ body weight and increasing the weight in 5 or 10 pound increments until the officer has successfully reached the 50<sup>th</sup> percentile.

3. **One (1) Minute of Bent Knee Sit-ups** – This event tests muscular endurance of the abdominal area, and hip flexors, which is the ability to contract the muscle repeatedly over a period of time. The officer lies on his/her back, knees bent, heels flat on the floor, hands cupped around the ears or behind the head and with a partner holding the feet down, then does as many sit ups in correct form as possible in one minute. In the “up” position, officers must touch their elbows to their knees, and both shoulders must touch the surface in the “down” position.

4. **One (1) Minute of Push-ups** – This event tests muscular endurance of the upper body (anterior deltoid, pectorals major, triceps). The officer starting in the “up” position where the hands are placed about shoulder width apart, elbows fully extended, legs and back are kept straight, and knees off the ground at all times, and lower him/her self until their chest is approximately “3” inches from the surface thus completing one repetition. The modified push-up is performed on the hands and knees with the back straight and hands slightly ahead of the shoulders in the up position. Female officers will be allowed to use the modified push-up. The officer continues until he/she has completed as many repetitions as possible in one minute.

5. **Sit and Reach Test** – This event measures flexibility of the upper and lower trunks of the body, specifically lower back, hips, and hamstring muscle groups. The test requires a metal or wooden box, and a yardstick with a 15’ mark at the edge or an engraved pre-measured box with the 15” mark on the box. The officer warms up slowly, and then he/ she remove their shoes. The officer sits on the floor with legs extended, feet placed squarely against the box, and reach forward with arms extended and joined, and reach out slowly forward with both hands as far as possible, and hold position momentarily. The distance reached on the yardstick or on the box by the fingertips in inches in the best of three (3) trials, is the flexibility score.

**Physical Assessment Minimum Standards: 50th Percentile Requirements**

<b><u>MALE</u></b>	<b><u>Flexibility</u></b>	<b><u>Bench Press</u></b>	<b><u>Sit-ups</u></b>	<b><u>Push-Ups</u></b>	<b><u>1.5 mile run</u></b>
<b>20-29</b>	17.5	1.06	40	33	11:58
<b>30-39</b>	16.5	.93	36	27	12:25
<b>40-49</b>	15.3	.84	31	21	13:05
<b>50-59</b>	14.5	.75	26	15	14:33
<b><u>FEMALE</u></b>	<b><u>Flexibility</u></b>	<b><u>Bench Press</u></b>	<b><u>Sit-ups</u></b>	<b><u>Push-Ups</u></b>	<b><u>1.5 mile run</u></b>
<b>20-29</b>	20.0	.65	35	18	14:15
<b>30-39</b>	19.0	.57	27	14	15:14
<b>40-49</b>	18.0	.52	22	11	16:13
<b>50-59</b>	17.9	.46	17	n/a	18:05

Vermont Police Canine Program  
Canine Policies and Standards  
Revision Date: 20 August 2009  
D R A F T - pending VCJTC Approval  
**PHYSICIAN'S STATEMENT**

Name: \_\_\_\_\_ SSN: \_\_\_\_\_

Department: \_\_\_\_\_

The Vermont Criminal Justice Training Council requires each Canine Officer/Handler submit a statement secured by a licensed physician that he/she is in apparent general good health, that he/she has no amputations which would inhibit physical performance as a Canine Handler; and that he/she is of sufficient physical condition to undergo a Physical Fitness Assessment.

Attached to this form is Section X, Physical Fitness Performance Evaluation which describes the physical fitness assessment the officer/handler must go undergo. We ask that your evaluation be based upon these criteria.

On \_\_\_\_\_ I examined \_\_\_\_\_  
(Date) (Name)

**I find him/ her:**

1. To be in general good health.
2. To not possess any amputations or abnormalities which would prevent him/her from performing the duties of a canine handler.
3. To be of sufficient physical conditioning to participate in the described Physical Fitness Assessment.

Comments (if any): \_\_\_\_\_

\_\_\_\_\_  
(Signature) (Date)

(Please Type or Print)  
Physicians Name: \_\_\_\_\_

Address: \_\_\_\_\_

# Use of Force Committee Meeting

## 12 Aug 2009

Prepared by: Ken Hawkins  
Training Coordinator, VCJTC

**Members Present:** 1Sgt Keeler, Deputy Chief Chamberlain, Sgt. Sisino, Capt. Fitzgerald, Chief Hanley, Off Fisher, Lt. Stebbins, S/TC Gonyea (observer), TC Hawkins

**Members Absent:** Warden Eastman (pending retirement), Lt. Hollwedel

**Observers Present:** None

**Meeting called to order:** 1012 hours

**ISSUE 1: Range Management** - Currently on hold pending Council review. Recommendation to the council was made to keep the Road Range trailer at the pole site as a cost savings measure and to preserve the existing size of the current range as an operational necessity. Motion made by Chief Hanley and seconded by Dep. Chief Chamberlain.

**ISSUE 2: Firearms Instructor List** - Concern was expressed over the handling of Firearms instructor re-certifications. Discussion was held in reference to expiration simplification with the possible submission of a single annual expiration date. This matter will be reviewed during the 5-9 Oct 2009 Firearms week.

**ISSUE 3: Use of Force Committee Officers** - To remain as assigned.

Issue 4: Best Practices - TC Gonyea presented a recommendation to create a statewide boiler plate template outlining the best practices for use of force training that could be tailored by each agency. Liability discussed, TC Gonyea will forward recommendation to the Council.

Issue 5: Updated Firearms manual - Manual to be reviewed by Use of Force members, and draft copy to be presented at next meeting.

Issue 6: Lt. Stebbins raised and advocated the NRA Patrol Rifle Instructor course, along with Lt. Sisino, both of whom have attended same. Lt. Stebbins proposed the debate of and outside qualification versus an in-house course. Of discussion are cost, location and interest in agencies to send personnel to this type of training. 1Sgt. Keeler recommended reaching out to agency and department heads to gauge interest in Instructor Trainer or Patrol Rifle instructor.

Issue 7: Sr/TC Gonyea made a recommendation that Shotgun be a separate instructor certification

be a separate certification from Firearms Instructor, was tabled until the next meeting. Issue 8: **(Re-visited issue)** Stowe Police Department and Burlington Police Department via written letter introduced the possibility of the VPA conducting TASER training or letting individual departments conduct the training if needed. Chief Hanley recommended that the manufacturer conduct the training to the departments if needed, which was echoed by Lt. Stebbins and Off. Fisher. Chief Hanley motioned the following:

1. The academy should not train students on TASER as not all departments have or will have TASERS. This is also an optional carry item and training should be initiated at the department level with an instructor from the manufacturer or other resource.

The motion was seconded by Lt. Stebbins and voted on unanimously for approval by the committee.

Issue 9: Recommendation by TC Gonyea that the Use of Force Manual currently used be vetted by the Vermont Attorney General's Office. Gonyea stated that as the AG is the body that will investigate, defend or prosecute matters regarding the Use of Force, it would make sense to have that body review and recommend changes. Unanimous approval to have the new manual reviewed.

12:02 Chief Hanley leaves the meeting.

Issue 10: Review of requested Firearms Recertification requests. Both have recently returned to policing after absences.

- A. Williams, needs to complete Firearms Instructor Week #2. (Out of policing since joining Dynacorp for 3yrs).
- B. Mantello, needs to complete Firearms Instructor Week #2. (Out of policing for 5 years).

**Meeting adjourned: 1216hours**

Respectfully Submitted,

Ken Hawkins  
Training Coordinator

**Waiver Committee - AGENDA**  
**August 26<sup>th</sup>, 2009**

**Members:** Glenn Cutting (proxy to CPT Patch), James Krakoweicki (Vice-Chair), Don Patch, William Humphries, and Doug Lawrence

**Members Absent:** Mike Chamberlain, Donald Isabelle, Trevor Whipple

**Staff:** John Gonyea, Sr. Training Coordinator

**Observers:** Dale Kerber

**Meeting called to order at: 1000 hrs.**

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

*None for this quarter.*

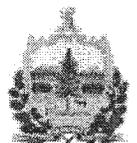
**2. Rule 8 (Basic Training Standards for FT LEOs - 6 Month Rule)**

**Tyler Trombley**, Windsor Police Department. Chief Soares is requesting a waiver of the six month rule. Chief Soares indicates that Officer Trombley was hired as a full-time employee on Mar 1, 2009. Under current Council rules Trombley could work in this capacity until Aug 1, 2009. Chief Soares indicates in his letter that Trombley failed the PT test required for entry into the 88<sup>th</sup> Basic. Chief Soares is requesting a waiver to allow Trombley to work from ~~May 3~~, 2009 until February 2010, when the 89<sup>th</sup> Basic Class starts. *Sept 1*

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Patch. No further discussion. MOTION passed 5-0.

**Charles Brown**, Milton Police Department. Chief Van Noordt is requesting a waiver of the six month rule. Chief Van Noordt indicates that Officer Brown was elevated to full-time hours on Mar 23, 2009. Under current Council rules Brown could work in this capacity until Sep 23, 2009. Chief Van Noordt indicates in his letter that Brown failed the PT test required for entry into the 88<sup>th</sup> Basic. Chief Van Noordt is requesting a waiver to allow Brown to work from Sep 24, 2009 until February 2010, when the 89<sup>th</sup> Basic Class starts.

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Patch. No further discussion. MOTION passed 5-0.



**James Learned**, Winooski Police Department. Chief McQueen is requesting a waiver of the six month rule. Chief McQueen indicated in his letter that Learned was hired on 7/5/09 to "backfill" a position for an employee who has been activated by the military. According to Council rules Learned could work until 1/5/10. Chief McQueen indicated that Learned will be scheduled to attend the 89<sup>th</sup> Basic Class. Chief McQueen is requesting a waiver to allow Learned to work from Jan 6, 2010 until February 2010, when the 89<sup>th</sup> Basic Class starts.

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Patch. No further discussion. MOTION passed 5-0.

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

**Dale Kerber**, Fairhaven Police Department. Chief Humphries requests a waiver to grant Kerber his full-time status based on his completion of the Minnesota Academy in 1978, as well as his continued experience as a part-time officer in the State of VT. Chief Humphries indicates in his request that he is open to a significant prescription but is hopeful it will fall short of a denial and requirement for Kerber to attend the 89<sup>th</sup> Basic Class. Chief Humphries has been invited to attend the meeting to present his case in person.

**Action: Motion** made by Lawrence to DENY request, 2<sup>nd</sup> by Cutting. There was a lengthy discussion which included presentations by Chief Humphries and Officer Kerber as well as discussions by the members. Humphries indicated that he was not attempting to circumvent the full-time basic with this request. Humphries indicated that he believes this is a unique case where Kerber was initially full-time certified in 1978 and although he left policing for a significant time has been active in VT Policing as a part-time certified officer since 1998. Kerber explained to the members that he also wants to be clear he is not trying to circumvent the certification process but added that based upon numerous letters of recommendation (to include from SA Mongeon) he believes this is a unique circumstance. Kerber also emphasized that had he known he was going to re-enter policing he would not have allowed his original certification to lapse for such an extended period of time. Lawrence spoke to his concerns surrounding the significant differences between the two full-time programs as well as the approximately 16 years that Kerber was not involved in policing. Krakoweicki affirmed the concerns cited by Lawrence adding he was especially concerned over the lengthy separation from policing. Patch added that he personally knows that Kerber does great police work, but added that when compared to the rules he does not believe it meets the requirements to grant the waiver. MOTION passed 4-0 to DENY the waiver request with Humphries abstaining from the vote.

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

**Randall Johnson**, Dover PD. Chief Edwards indicated that due to an oversight Johnson was 3.5 hours short of completing his required Rule 13 training in 2008. Chief Edwards indicates that Johnson has thus far completed 28.5 hours of training in 2009 and is requesting 3.5 hours be applied to his 2008 requirements to bring him into compliance. Chief Edwards further indicates in his letter that he will ensure Johnson completes a minimum of 28.5 hours in 2009 to be certain Johnson meets his requirements for 2009.

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Robert Gorruso**, Rutland City PD. Chief Bossi is indicated in his application that Gorruso has been on medical leave due to an injury since 4/12/2008 and as a result did not complete his required firearms requalification as required. Ms. James verified that as of 8/17/2009 Gorruso has not returned to duty. Other requirements for 2008 were completed based on academy records.

**Action: Motion** made by Patch to TABLE request until such time as Gorruso is cleared to return to duty, 2<sup>nd</sup> by Cutting. No discussion. MOTION passed 5-0.

**Ben Couture**, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Joe Thomas**, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Howard McGuire**, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Keith McMahon**, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Frank McCarty**, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Jason Wetherby**, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Sean Bourgeois**, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Holly Moore**, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Dustin Abell**, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor

provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

*Judy Dunn*, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

*Gary Taylor*, St. Alban's City PD. Chief Taylor is requesting a waiver for Rule 13 in 2008. Chief Taylor indicates in his letter that due to a change in personnel at the agency the majority of his officers did not complete their first aid requirement as required in 2008. Chief Taylor provided a listing of his officers which includes the date they have since completed the 1<sup>st</sup> Aid requirement.

**Action: Motion** made by Lawrence to APPROVE as presented with notice to Chief Taylor that the involved officers must also complete their required 1<sup>st</sup> Aid training for 2009, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

*Dominic Etli*, Berlin PD. Chief Wolfe is requesting a waiver for Rule 13 in 2007. Chief Wolfe indicated in his letter that as a result of a recent audit it was discovered that Etli had not completed his required training for that year while employed by another agency. Chief Wolfe further indicated that of the training Etli did receive in 2007 he will only accept three hours of 1<sup>st</sup> Aid training as police related and as such he is 27 hours short for 2007. Etli did complete his required training in 2008. Based on these records Etli will need to complete at least 57 hours of training prior to the conclusion of 2009 which also must include 1<sup>st</sup> Aid and Firearms requalification.

**Action: Motion** made by Patch to APPROVE as presented, 2<sup>nd</sup> by Lawrence. No discussion. MOTION passed 5-0.

*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 2008. Based on Academy records Keefe did not work in policing in 2007 and is therefore not required to have completed Rule 13 that year. Academy records further show that Keefe completed 5 hours of training in 2006 and 13 hours of training in 2008. Keefe will need to complete at least 57 hours of training, including 1<sup>st</sup> Aid and Firearms requalification by the end of 2009.

**Action: Motion** made by Patch to APPROVE as presented, 2<sup>nd</sup> by Lawrence. Krakoweicki expressed concern over fairness of training required to rectify his training requirements in comparison to what others have been required to do. MOTION passed 5-0.

**Dave Yustin**, Bellows Falls PD. Chief Lake is requesting a waiver for Rule 13 in 2008. Chief Lake indicated in his letter that Yustin retired from VSP and has been working for a private security company since then. According to Academy records Yustin retired in Jul 2008 as a full-time certified officer. Yustin will need to complete at least 50 hours of training, including 1<sup>st</sup> Aid and Firearms requalification by the end of 2009.

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Patch. No discussion. MOTION passed 5-0.

**Doug Lynn**, Bellows Falls PD. Chief Lake is requesting a waiver for Rule 13 in 2007 & 2008. Chief Lake indicated in his letter that Lynn left VSP and has been working for a private security company since then. According to Academy records Lynn left VSP in Jul 2007 as a full-time certified officer. Lynn will need to complete at least 75 hours of training, including 1<sup>st</sup> Aid and Firearms requalification by the end of 2009.

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Patch. No discussion. MOTION passed 5-0.

**Mark Herrick**, Bellows Falls PD. Chief Lake is requesting a waiver for Rule 13. Chief Lake indicated in his letter that Herrick left the Windham County SD in 2007. According to Academy records Herrick went through the process to regain his full-time certification in 2001. Academy records further show that Herrick did not meet his Rule 13 requirements for 2006-2008. Herrick will need to complete at least 100 hours of training, including 1<sup>st</sup> Aid and Firearms requalification by the end of 2009.

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Cutting. No discussion. MOTION passed 5-0.

**Thomas Hanley**, Middlebury PD. Sgt. Christopher is requesting a waiver for Rule 13. Sgt. Christopher indicated in his letter that several officers did not complete the required 1<sup>st</sup> Aid training in 2008. Sgt. Christopher provided a list of the officers that were affected as well as an additional list of dates the training was completed by these officers.

**Action: Motion** made by Patch to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Donald Sweet**, Middlebury PD. Sgt. Christopher is requesting a waiver for Rule 13. Sgt. Christopher indicated in his letter that several officers did not complete the required 1<sup>st</sup> Aid training in 2008. Sgt. Christopher provided a list of the officers that were affected as well as an additional list of dates the training was completed by these officers.

**Action: Motion** made by Patch to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

*Scott Fisher*, Middlebury PD. Sgt. Christopher is requesting a waiver for Rule 13. Sgt. Christopher indicated in his letter that several officers did not complete the required 1<sup>st</sup> Aid training in 2008. Sgt. Christopher provided a list of the officers that were affected as well as an additional list of dates the training was completed by these officers.

**Action: Motion** made by Patch to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

*William Austin*, Middlebury PD. Sgt. Christopher is requesting a waiver for Rule 13. Sgt. Christopher indicated in his letter that several officers did not complete the required 1<sup>st</sup> Aid training in 2008. Sgt. Christopher provided a list of the officers that were affected as well as an additional list of dates the training was completed by these officers.

**Action: Motion** made by Patch to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

*George Barclay*, Middlebury PD. Sgt. Christopher is requesting a waiver for Rule 13. Sgt. Christopher indicated in his letter that several officers did not complete the required 1<sup>st</sup> Aid training in 2008. Sgt. Christopher provided a list of the officers that were affected as well as an additional list of dates the training was completed by these officers.

**Action: Motion** made by Patch to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

*Jeff Billings*, Ludlow PD. Chief Billings is requesting a waiver for 2008. Chief Billings indicated that he was required to have two separate back surgeries in 2008 and as a result was unable to complete the required training. Chief Billings initially made this request prior to the waiver committee meeting in June 2009 but did not provide the proper documentation. Chief Billings has since provided documentation verifying that he had completed the 1<sup>st</sup> Aid (Nov 2007 – valid for 2 years) and Firearms requalification components (Nov 2008), and the time documented for firearms training also made

**Action: Motion** made by Patch to APPROVE as presented, 2<sup>nd</sup> by Lawrence. No discussion. MOTION passed 5-0.

*John Gaudet*, Ludlow PD. Chief Billings is requesting a waiver for 2008. Chief Billings indicated that he was required to have two separate back surgeries in 2008 and as a result Gaudet was unable to complete the required training while covering his shifts. Chief Billings initially made this request prior to the waiver committee meeting in June 2009 but did not provide the proper documentation. Chief Billings has since provided documentation verifying Gaudet had completed the 1<sup>st</sup> Aid (Nov 2007 – valid for 2 years) and Firearms requalification components (Nov 2008), as well as one hour of other training provided by the town. According to academy records Gaudet has completed 3.5 hours of training for 2009. Between Ludlow and academy records it equates to 7.5 hours of completed training. Gaudet should complete 42.5 hours of training in 2009, including firearms requalification and 1<sup>st</sup> aid.

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Pamela Barney-Hango**, Grand Isle County SD. Sheriff Allen requests a waiver for Rule 13. Sheriff Allen indicated that Barney-Hango previously worked for VSP until June 2008. Sheriff Allen indicates that during that time Barney-Hango completed 36 hours of training, but did not complete the required 1<sup>st</sup> Aid component.

**Action: Motion** made by Cutting to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Shawn Demore**, South Burlington PD. Sgt. Stowell is requesting a waiver for Rule 13. Sgt. Stowell indicated in his request that Demore was injured in the line of duty and unable to complete the 1<sup>st</sup> Aid training requirement until he was medically cleared to return to duty. Sgt. Stowell indicated that Demore completed this training on Apr 14, 2009 and would like it applied to meet Demore's 1<sup>st</sup> Aid required for 2008.

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Trevor Colby**, Orleans County SD. Chief Deputy Brooks is requesting a Rule 13 waiver. Colby was hired by the department in 2008 after leaving the Essex County SD in Dec 2006. Colby has no documentation he completed any required training in 2006. Colby should complete at least 60 hours of training in 2009, to include the 1<sup>st</sup> Aid and firearms re-qualification components.

**Action: Motion** made by Patch to APPROVE as presented, 2<sup>nd</sup> by Lawrence. No discussion. MOTION passed 5-0.

**Clement Dussault**, Orange County SD. CPT Welch is requesting a Rule 13 waiver. CPT Welch indicated that Dussault has been working out of state for the past year and did not complete his 1<sup>st</sup> Aid training. According to academy records Dussault has 14 hours of training which includes a firearms refresher. Additional information was requested from CPT Welch but was not received prior to the meeting.

**Action: Motion** made by Patch to TABLE request until additional information requested by staff was received. 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**Peter Eley**, Stowe PD. Chief Kaplan has submitted a request for a Rule 13 waiver. This is based upon a previously approved waiver that Eley complete a firearms re-qualification by Jul 1, 2009. Chief Kaplan indicated that due to scheduling issues Eley did not complete the requirement as outlined. Chief Kaplan further indicated that Eley did complete this requirement on 8/2/09.

**Action:** The members chose not to act on this request indicating the original request had been approved at the previous meeting. The members also expressed considerable concern that the timeline for an approved waiver was not met. The members also requested that the Council consider sending Chief Kaplan a letter advising him that failure to meet the requirements of previously approved waiver requests would be taken into consideration with future requests.

**David Anderson**, Stowe PD. Chief Kaplan has submitted a request for a Rule 13 waiver. Anderson left employment in Aug 2007 but was re-hired in Aug 2008. As a result of leaving

employment Anderson had not completed all of his required training. Anderson was rehired in 2008. During a recent audit it was discovered that Anderson was not compliant for 2007. Chief Kaplan provided documentation Anderson has since completed 22 hours of training in 2009 to complete his requirements for 2007. In total Anderson will need to complete 52 hours of training by December 31, 2010, to include 1<sup>st</sup> Aid and Firearms to bring him into compliance.

**Action: Motion** made by Lawrence to APPROVE as presented, 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

**David Tetrault**, Windham County SD. CPT Lakin submitted a request for a Rule 13 waiver. CPT Lakin indicated that Tetrault had not completed his required 1<sup>st</sup> Aid component in 2008. According to academy records Tetrault has no training documented. Staff requested additional information from CPT Lakin to verify all training for 2008 was completed except the 1<sup>st</sup> Aid. This documentation was not received prior to the meeting.

**Action: Motion** made by Patch to TABLE request until additional information requested by staff was received. 2<sup>nd</sup> by Humphries. No discussion. MOTION passed 5-0.

#### **5. Rule 14 (Re-certification of LEOs)**

*No requests this quarter.*

#### **6. Rule 19 (Other waivers)**

*No requests this quarter.*

#### **7. Old Business:**

Update on compliance project by Gonyea advising members that based on current staffing and budgetary issues the Director will be recommending to the Council at their September meeting this project be put on hold.

Election of Committee Chair/Vice Chair. Nomination of CPT Patch for Chair by Krakoweicki. Seconded by Humphries. Patch accepted. No other nominations. Patch elected Chair 5-0. Lawrence nominated Krakoweicki as Vice Chair. Seconded by Patch. Krakoweicki accepted. No other nominations. Krakoweicki elected Vice Chair 5-0.

#### **8. New Business:**

- Discussion on timeline as well as required paperwork to submit waiver requests. Gonyea requested input from members regarding ongoing issues with paperwork being submitted less than two weeks prior to meetings, incomplete documentation and/or on incorrect forms. Members advised that staff should use their discretion on a case by case basis in conjunction with their current workload to determine if these types of requests should be acted on.
- Briefing to members on new fee schedule for waiver requests.

- Gonyea requested members to consider if any rule changes should be suggested to Council rules. Members unanimously indicated that they believe anyone who does not complete the required firearms requalification should be required to make-up any that were missed due to the importance of the training. No other recommendations for rule changes.

**9. Adjournment - Meeting adjourned at: 1146 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 06/31/10. (conclusion of the 89<sup>th</sup> Basic Class)

**Youth Services Activity Report  
April - June, 2009**

Team Challenges	7
Stay On Track Classes	13
Tobacco Presentations	8
Counter Drug Aviation	8
Camp Meetings	7
Misc. Presentations	6
Legion Camp	6/21-6/26
Guard Drills	3
Annual Training	6/6-6/14
DARE Officer Training Application	1

John Herriman  
Youth Services Coordinator

### **Homeland Security Council Report**

During the summer the VCJTC sponsored two Homeland Security based trainings. The first was AWR 148 Crisis Management for School Based Incidents June 30 in Montpelier attended by over 40 people representing schools, police, fire, and representative of emergency planning commissions. The second training was in July at the Colchester Regional Training Institute at Camp Johnson. This program had 25 representatives from Police, Fire and EMS throughout the state.

We are starting to schedule ICS classes for the fall. Currently we have programs scheduled in Berlin, and Burlington with several other agencies looking to come into compliance with their ICS 200 and 300 requirements.

Current projects include the final development of the Environmental Design for Safety and Security program. Although program content is not changing based on the current economic climate in State government agencies are waiting to see what happens with the new potential round of layoffs before they decide who will be attending the program. Also the Department of Health has stated that in order for their staff to attend they would like to wait until the H1N1 anti-virals are disbursed. This fall we will also be getting the IED identification program running. The goal would be for a short in-service training which helps first responders identify the components and materials involved in IED building and design.

#### **Future Trainings:**

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

- EDSS November 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

## **In-Service Training Update**

The standard in-service programs continue as usual.

At the request of the Rutland County Sheriff's Department, we offered a "night class" of "Interacting with People Experiencing a Mental Health Crisis." The modified schedule, two evening sessions, assisted them in getting as many personnel as possible to the training. We had a great turnout! At the end of the first evening, as they were literally pulling out of the Academy driveway, they received an emergency call to respond to an individual in crisis. They spoke about how unique it was to have discussed these issues, symptoms, behaviors, etc., in the classroom and then immediately get the chance to see it in the real world. What a great learning opportunity! I am working closely with the VT State Police, Office of Professional Development, to continue working toward their goal of getting all personnel to this training as well.

Collaborating with the DEA, an 80-hour Basic Narcotics Investigation course was offered at the Academy in June. I worked with Agent Clint Aldrich out of the Boston DEA office to coordinate this badly needed, but seldom offered program. Agents from various New England states traveled here to teach various blocks and Cathy Norman, Assistant Attorney General, who handles drug cases in the Northern section of Vermont, presented a block on related legal issues from a local perspective. A Vermont-based Agent discussed the major problem of prescription drug diversion that he is battling here. It was a great opportunity for attendees to network in addition to all they learned. The class was packed!

In addition, we worked with the Department of Motor Vehicles to offer Commercial Motor Vehicle Enforcement (Weights & Measures) training regionally to make it more convenient for Chittenden County agencies. DUI Checkpoint Supervisor training was also offered. This course is part classroom and part hands-on, with a real live checkpoint set up in the city of Rutland. Governor Douglas was one of the motorists who happened to travel through!

Our pilot On-line Academy Entrance Exam project has taken off. Burlington PD has tested five applicants using this modality and so far they are pleased with the results. The system has worked smoothly, with no technological or procedural glitches arising. I am able to log-in securely and achieve the exam results at the Academy, seeing how the individual answered each question and retaining a copy of that for the individual's record. Despite the low number of uses thus far, this program seems quite promising.

Cindy Taylor-Patch  
Training & Curriculum Development Coordinator

**Domestic Violence Report,  
September, 2009**

**Mandated Domestic Violence Training**

The domestic violence training that has been mandated by the legislature has overcome one of the major hurdles required by statute. The Council approved the curriculum at the meeting on June 16<sup>th</sup>.

In a meeting on July 16<sup>th</sup>, the DV Sub-committee discussed delivery of the training. The committee seems to be divided. Those representing the police community want the training to be delivered in a manner that would least impact their training dollars and scheduling... i.e. a training video. The non policing community wants the training to be delivered more in a manner that would allow interaction amongst participants (following adult learning theory concepts) and encourage interaction with participants and local resources.

It has been proposed to convene a meeting with stakeholder leaders and see if a satisfactory resolve to all can be reached.

**Other Issues**

You may recall in my previous Council report, I was declared by Judge Ben Joseph to be an expert in battered women syndrome on May 5<sup>th</sup>. On August 10<sup>th</sup> I was declared by Judge Patricia Zimmerman an expert in police response to domestics and victims' behavior regarding the response, investigation and prosecution of domestic violence related charges. This as another important step in the establishment of the credibility regarding this position and domestic violence training at the Police Academy.

I wrote and have included on VCJTC's website information explaining the "Vermont Automated Notification Service" which is a service being offered by the Victim Services division of the Vermont Department of Corrections. It was officially launched this August.

I have been asked to participate in the creation of a State model policy regarding police involved domestic violence and protection order trainings to be put on by VCIC specifically for holding stations (this in addition to the county trainings proposed by the Protective Order Service Task Force).

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

Subject	Location	Start	End	Duration	Students	Total Students
BRHS Tour	VPA	Wed 4/1/2009	Thu 4/2/2009	1 day	11	11
VT Animal Cruelty Task Force	Classroom 1	Thu 4/2/2009	Fri 4/3/2009	1 day	19	19
VT Animal Cruelty Task Force	Council Room	Fri 4/3/2009	Sat 4/4/2009	1 day	6	6
Biannual Mtg. of the VT Constables Assoc.	Classroom 1	Fri 4/3/2009	Fri 4/3/2009	9 hours	51	51
87TH BASIC - WEEK TEN	CLASSROOM	Mon 4/6/2009	Sat 4/11/2009	5 days	30	150
FTO Certification Course	Classroom 1	Mon 4/6/2009	Sat 4/11/2009	5 days	32	160
Fingerprint Certification Class	Classroom 2	Mon 4/6/2009	Mon 4/6/2009	3.5 hours	27	27
VIN Verification Class	Classroom 2	Mon 4/6/2009	Mon 4/6/2009	4 hours	26	26
TESTING	GYM & C1	Tue 4/7/2009	Wed 4/8/2009	1 day	50	50
MDTS Recert	Classroom 2 /	Wed 4/8/2009	Thu 4/9/2009	1 day	18	18
DOC Cert Team	Gym, Sceanric	Thu 4/9/2009	Sat 4/11/2009	2 days	19	38
FUNDAMENTALS OF EFFECTIVE LEADERS	CLASSROOM	Mon 4/13/2009	Tue 4/14/2009	1 day	22	22
87TH BASIC - WEEK ELEVEN	CLASSROOM	Mon 4/13/2009	Sat 4/18/2009	5 days	30	150
Vocational Schools Overnight	Classroom 2	Tue 4/14/2009	Thu 4/16/2009	2 days	28	56
Testing	Computer Lab	Fri 4/17/2009	Fri 4/17/2009	3 hours	1	1
VSP Entrance Testing		Sat 4/18/2009	Sun 4/19/2009	1 day	47	47
87TH BASIC - WEEK TWELVE	CLASSROOM	Mon 4/20/2009	Sat 4/25/2009	5 days	30	150
Commercial Motor Vehicle Enforcement	Burlington Poli	Mon 4/20/2009	Tue 4/21/2009	1 day	10	10
FTO Update	Hartford PD	Mon 4/20/2009	Tue 4/21/2009	1 day	29	29
Spillman - Officer Training	Computer Lab	Mon 4/20/2009	Wed 4/22/2009	2 days	4	8
VSP Entrance Testing	Gym	Wed 4/18/2009	Thu 4/13/2009	1 day	55	55
Spillman - Dispatcher Training	Computer Lab	Wed 4/22/2009	Fri 4/24/2009	2 days	7	14
VACOP E-Board Meeting	Council Room	Thu 4/23/2009	Thu 4/23/2009	3 hours	7	7
BRC -	Driver Training	Fri 4/24/2009	Fri 4/24/2009	4 hours	14	14
Jump In Leadership	Classroom 1	Fri 4/24/2009	Fri 4/24/2009	3 hours	8	8
Pittsford Senior Luncheon	Cafeteria	Thur 4/23/09	Thur 4/23/09	3 hours	38	38
Teen Dance - "Spring Fling"	Gym	Fri 4/24/2009	Fri 4/24/2009	3 hours	154	154
Jump In Leadership	Gymnasium	Sat 4/25/2009	Mon 4/27/2009	2 days	40	80
BRC -	Driver Training	Sun 4/26/2009	Sun 4/26/2009	10 hours	14	14
87TH BASIC - WEEK THIRTEEN	CLASSROOM	Mon 4/27/2009	Sat 5/2/2009	5 days	30	150
FTO Update	Mallets Bay-C	Mon 4/27/2009	Tue 4/28/2009	1 day	39	39
DUI Enforcement Certification	Classroom 1	Mon 4/27/2009	Sat 5/2/2009	5 days	22	110
PT TEST for DOC CERT BASIC RECRUITS	GYM & Scena	Tue 4/28/2009	Tue 4/28/2009	3 hours	10	10
			<b>APRIL TOTAL</b>		<b>928</b>	<b>1722</b>



# INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW ENFORCEMENT STANDARDS AND TRAINING

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

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### APRIL to JULY 2009 – Progress Report

#### Summary of activities and accomplishments

During the month of April, the work continued 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. Each month progress and fiscal reports were completed for April through July. A wish list of educational video resource materials was sent to NHTSA at the end of January and checks on the status of materials advised that that I would have them soon. I proceeded with the field evaluation classes scheduled in May with the current resolution videos that I have.

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 motorcycle safety 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.

During the month of May, the work continued on the training materials, instructor manual, power point and handout materials getting ready for the field evaluation trainings (TTT and workshops) scheduled at the end of the month. I was invited to participate in an "All The Gear, All The Time" public service announcement (PSA) video filming on May 13<sup>th</sup> for the Vermont Governor's Highway Safety Office. I will provide a copy of the PSA for the grant training to use as an example of public education efforts.

Field evaluation trainings were planned in Vermont and New York. A one day field evaluation of the "Motorcycle Safety & Enforcement Training" was first held at the Chittenden County Sheriff's Office in South Burlington, VT. The class was attended by state, county and local law enforcement officers, Department of Motor Vehicles representatives, a Governor's Highway

Office representative, a Driver's Education, rider education program instructors and New York State Division of Criminal Justice Service Training staff. A total of 16 students attended providing evaluations. The evaluations were very positive and are available for review. The course was well received and the evaluations highlighted how long overdue this class is.

The New York State Division of Criminal Justice Service Training was contacted and I spoke to Scott Neff, one of their training coordinators. We set up a training class in New York. With the help of the New York State Division of Criminal Justice Service Training Coordinators Scott Neff and Josh Vinehout, New York State hosted a field evaluation prior to the Americade Motorcycle Rally on May 27-28, 2009, at the Holiday Inn in Saratoga Springs. We had 26 students attend the day one workshop with 17 student instructors staying on day two for the train-the-trainer field evaluation and feedback session. Evaluations were conducted for both days and feedback was excellent. Some state specific issues came up in the feedback, i.e. problems with loud exhaust/illegal exhaust systems in New York and wanting more information and what motorcycle safety grants are available.

At the request of NHTSA, I traveled to Alabama for the Section IV Highway Safety Meeting to do a presentation on the training project and motorcycle safety resources. The event was the Colonial's Conference covering highway safety issues and training. I presented with fellow subject matter expert (SME) Richard Davis, Arkansas State Police on June 23 at 2 pm. I surveyed those attending for their interest in hosting training(s), providing an overview of the motorcycle grant training, research, and resources. I received business cards from those interested in hosting the training during the roll-out.

Surveys were distributed at the IADLEST Conference in June to get feedback on who can host, the level of support they can provide for training, and the next phase of training classes across the country. A budget proposal was worked on and updated to address the training needed for year two of the grant. The updated budget proposal was submitted the first week of June. The goal of year two is to address all the training roll-out needed for the grant.

The month of June was very busy with speaker preparations, training conference events and travel. The following events occurred during the month:

June 14-19: IADLEST Conference – report to attendees progress on grant so far and conducted survey of academies interested in hosting training. Survey also sent out in the IADLEST Newsletter for the quarter.

June 22-24: Colonel's Conference in Birmingham, AL. NHTSA Region IV Meeting conducted presentation with Richard Davis, Arkansas State Police. There were approximately 38 state police command staff from the region in attendance. I fielded questions on the training program and motorcycle resources. I had requests for further information and three state patrol/state training academies interested in hosting the training.

June 29 – July 2: FBI National Academy Associates New England Chapter Training Conference. As Chapter President for 2009, I was responsible with the help of a great conference committee coordinated the annual training conference. During the conference, a motorcycle safety booth/table top was conducted on June 30<sup>th</sup> on motorcycle helmet safety for the 51 member attendees. Several conference attendees from law enforcement from all over New England visited the table to obtain information on compliant helmets. Vermont Governor's Highway Office helped me to staff the table. Several compliant and non-compliant helmets

were on display.

During the month of June and July, the survey for training roll-out and police academies interested in hosting the train-the-trainer have been coming in via email from the IADLEST Conference and newsletter request. The survey specifically asks potential host agencies to define what level of support they can give.

The "All The Gear, All The Time" public service announcement (PSA) video is out being played on local television stations. During July, I received a copy of the Governor's Highway Safety Office's PSA for the grant training to use as an example of public education efforts.

The month of July was very busy catching up from being out of the office due to the previous month's presentation requests, training conference events and associated travel. The completed surveys of IADLEST member academies interested in hosting training were filtering in by email, regular mail and I received several phone inquiries about the survey sending out more and asking for participants to email back. The requested deadline for survey feedback from surveys distributed at IADLEST Conference and those posted in the IADLEST Newsletter was July 15, 2009. After the deadline, the survey feedback was compiled into a spread sheet for scheduling and tracking. A total of 36 inquiries for training were received from the survey and other email requests.

During July, I took vacation leave on July 6, and July 22 through July 29. We also had our annual police academy staff retreat held on July 9 and 10.

I spent the month compiling the survey results, responding to inquiries for information and planning the training roll-out. I also have been working on the curriculum modules breakouts and edited the manual based on evaluation feedback which I had not time to do last month. Field evaluation feedback asked for resources on addressing motorcycle theft, motorcycle theft prevention and what to look for as far as engine serial numbers, frame numbers and vehicle identification numbers. I will research that to add a resource link to the material for train-the-trainers.

I was asked to assist and met with the VT Governor's Highway representatives on July 15 and 16, to seek my input on the future of training law enforcement on motorcycle safety issues. We talked about grant opportunities and training needs. The meeting on July 16 was held with GHSP, DMV, VSP and VCJTC (police academy) participating to determine motorcycle law updates, issues surrounding enforcement and getting the new motorcycle helmet law language just passed out to law enforcement along with public education efforts. The state will be implementing training using the modules from the Motorcycle Safety and Enforcement Training (MSET) and working to get additional officers trained in Vermont.

Additional field training classes are currently being scheduled for Washington DC and Virginia to continue with the final evaluative process and for NHTSA representatives to attend.

### **Challenges, significant problems encountered or anticipated**

The challenges faced during April were insuring the materials are organized to complete the editing work and completing materials for training roll-out training trials of the 8 hour training program for an invited police and motorcycle safety audience feedback and evaluation. The next step is organizing the 16 hour train-the-trainer/instructor class.

The challenges faced during May were organizing materials needed for the classes, the necessary train-the-trainer (TTT) manuals, making copies of DVDs, copying the instructor [Train-The-Trainer] resource materials CD, finalize power point and complete pending editing work and the challenge for all training roll-out trials will be completing materials for each class as they are scheduled, incorporating feedback from the evaluations and ensure current improved materials are distributed. The next step is roll-out training in a state that has no helmets laws and how the training is received.

John Young, TX DPS Motorcycle Training Unit resigned his further participation as a subject matter expert (SME) for this project due to his inability to offer time in reviewing materials sent to him. He apologized due to being so busy to assist further with this grant training project.

The budget was adjusted by moving monies from the training line item to salaries & benefits line item to cover projected costs of this grant until September 30, 2009. This was due to a shortfall on anticipated benefits that were left out of the initial budget proposal total costs. Next years budget has been corrected to reflect this.

The challenges faced during June were the conference preparation and time spent out of the office.

A budget proposal for year two was updated and submitted the first week of June. The goal of year two is to address all the training roll-out needs for year two of the grant. We are still waiting to hear if budget proposal approved. In the meantime the Memorandum of Understanding for the grant was resigned by the current IADLEST President Mike Crews and VCJTC Executive Director RJ Elrick during the month.

**The following tasks on the grant work plan action list were completed during the months of September 2008 to July 2009:**

Task 1 – Selection of Project Director and Project Manager – September 2008 completed – On September 26, 2008, Mike Becar was appointed IADLEST Contract/Grants Manager and the point person as Project Director on this motorcycle grant.

Task 2 – Develop and submit a work plan draft and updated plan & timeline–completed.

Task 3 – Conduct Initial Project Meeting – IADLEST and NHTSA Representatives met during September 2008. The Project Manager completed a conference call on 10/2/08 with NHTSA representatives Earl Hardy, William Cosby, IADLEST Project Director Mike Becar.

Task 4 – Reporting Requirements – Completed invoice, monthly progress and financial reports.

Task 5 – Travel

In January, I traveled to our SME Meeting in Austin, Texas for the curriculum development review of the lesson plan draft.

On March 30<sup>th</sup>, I traveled to the Lifesavers Conference in Nashville, TN, to present during a workshop scheduled for April 1, 2009. The workshop is entitled “Motorcycle and Enforcement”.

Task 6 – Meetings Management – SME meeting held January 18-19, 2009 in Austin, TX.

Task 7 – Communication with Membership, Law Enforcement Leaders and Colleagues.

- Project Director – weekly emails or call as needed.
- Completed an article update on the motorcycle grant for the upcoming IADLEST newsletter
- Updated the Motorcycle Grant brochure
- Attended Lifesaver's Conference March 30 to April 1, 2009 and met with law enforcement leaders and colleagues.
- Scheduled to conduct workshop presentation at Lifesaver's on April 1, 2009.
- Attended IADLEST Conference in June 14 - 18 2009, and presented on grant progress.
- June 23, 2009, presented motorcycle safety resources and grant training project information at the Colonel's Conference held in Birmingham, AL.
- June 30, 2009, coordinated and assisted with helmet law information session on compliant versus non-compliant helmets at the FBI National Academy Annual Training Conference in South Burlington, Vermont.
- July 15, 2009 survey IADLEST membership agencies for training roll-out.

Task 8 - Convene a subject matter expert (SME)/work group – The work group met January 18-19, 2009 in Austin, Texas.

Implement Training:

Task 9 – Law Enforcement Motorcycle Training Program – field evaluation training held on May 21, 2009 in South Burlington, VT.

Task 10 – Train-the-Trainer – field evaluation date held on May 27-28, 2009 in Saratoga Springs, New York.

End of April to July 2009 – Council Report.  
*JFK 08-20-09*

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