

**VERMONT CRIMINAL JUSTICE TRAINING COUNCIL**  
**December 12, 2017**  
**PITTSFORD, VERMONT**  
**9:00 AM**

**Members in Attendance**

Chief Christopher Brickell, Chair, Vermont Association of Chiefs of Police  
Heather Simons, Vice Chair, Proxy for Commissioner Lisa Menard, Vermont Department of Corrections  
Major Ingrid Jonas, Proxy for DPS Commissioner, Vermont State Police  
Executive Director Richard Gauthier, Vermont Criminal Justice Training Council  
Colonel William Elovirta, Proxy for Commissioner Robert Ide, Vermont Dept of Motor Vehicles  
Sheriff Stephen Benard, Vermont Sheriff's Association  
David Scherr, Proxy for Attorney General TJ Donovan, Vermont Attorney General's Office  
Gary Moore, Public Seat  
Major George Scribner, Proxy for Commissioner Louis Porter, Vermont  
Dept of Fish & Wildlife  
Sergeant Timothy Gould, Vermont Trooper's Association  
Captain Mike Major, Vermont Police Association

**Other Attendance**

Gail Williams, Vermont Police Academy  
Chief Joe Szarejko, Wilmington Police Dept  
Michael Hall, Manchester Police Department  
Cindy Taylor-Patch, Vermont Police Academy  
Chief George Merkel, Vergennes Police Dept  
Lt. Gary Scott, Vermont State Police  
Chief Jennifer Morrison, Colchester Police Dept  
Will Lambeck, Migrant Justice  
Tabitha Pohl-Moore, Neiko, Jay Diaz, Alan Keays, Veronica Ciambra, Christie Sumner, Robert Wright,  
Sylvia Knight, Barbara Eledale, along with other advocates and people from Migrant Justice.

**Chief Brickell:** Called the meeting to order at 9:15.

**Introductions:** Chief Brickell asked for introductions to be made.

**Approval of Prior Minutes:** Motion to accept minutes made by Sheriff Benard, second by Captain Major. No discussion, motion passed.

**Fair and Impartial Policing Policy:**

- Using a PowerPoint presentation Director Gauthier explained the policy highlights, goals, gave background, and talked about changes made to the policy. Ingrid Jonas provided a detailed timeline on the process and progress for the work being done on the policy. Using the PowerPoint, David Scherr spoke about the remaining points of the policy where there are still disagreements, and gave a comparison of the 2016 policy to the 2017 policy which includes a victim and witness piece. Chief Brickell let the law enforcement and advocates know that there

have been many open and honest meetings and he felt it was important for them to know the Council has not responded to, but have been frustrated with, quotes in the media such as “making sweeping cuts”, “weakening protection”, refusing to adopt”, and “gutting” because they are strong mischaracterizations of what the meetings were or what took place at the meetings. Advocates have been invited to these meetings, so they would understand the full context of the discussion. Prior to today’s Council meeting advocates had the opportunity to send in anything they thought was important for the Council to read, understand, or know about, and nothing was received.

- Jay Diaz spoke on his concerns with the policy. He feels protection is being weakened and wants it clear information will not be shared with feds, and is concerned with areas of discretion including confidentiality. He thinks the Council can do better and would like more time.
- Will Lambeck translated for one migrant worker about his experiences since coming to Vermont as a teenager. Will would like to keep the policy strong and would like the Council to think carefully before they make a decision. He recognizes the work that has been done on this process but believes the Council needs more time to talk to other people that have been affected. He feels there needs to be more time and clear guidelines.

Break 10:30 – 10:45

- Elizabeth wants the strongest policy possible and requests extra time that would take to make it the strongest.
- Nancy Wolfe hopes the work will continue.
- Laura said the policy needs to be clear and strong.
- Barry Kade from Franklin county suggested it would be helpful if at the head of the exceptions there was a reminder that inquiry to immigration status is not permitted.
- Tabitha Pole-Moore talked an issue that keeps coming up is discretionary or required. She asks if the Council could vote to see if Legislature would push out the deadline for more time to work out some of the language pieces. She also sees issues with training and hopes the Council looks at how to support training.
- Sylvia is concerned with protecting identity and the rights of all residents in Vermont.
- Anna Stevens believes the 2016 policy embraced more than the 2017 police, and we should push forward as a state with bold action.
- Chief Morrison spoke on why FIP needs to be separated from immigration. FIP is crucial to policing and should stay consistent. Although the two issues will continue to comingle, immigration needs to be separated.
- Chief Hall has been against immigration being part of the FIP policy. It strips officers the ability to do their job. He encourages the Council to hand it back to Legislature and let them set the laws on immigration.
- Chief Brickell suggested the Council members continue with discussion. Motion was made to look at the draft policy, and vote to meet the January Legislative deadline, and advocates can go to Legislature with any concerns they still have.
  - Motion was made by Gary Moore to accept this motion, second by Sheriff Benard.
  - Vote was made by roll call:
    - Chief Brickell – voted yes to adopt the draft policy
    - Heather Simons - voted yes to adopt the draft policy
    - Major Jonas - voted yes to adopt the draft policy
    - Major Scribner - voted yes to adopt the draft policy
    - David Scherr - voted yes to adopt the draft policy
    - Gary Moore - voted yes to adopt the draft policy

- Sheriff Benard - voted yes to adopt the draft policy
- Sergeant Gould - voted yes to adopt the draft policy
- Captain Major - voted yes to adopt the draft policy
- Colonel Elovirta - voted yes to adopt the draft policy

Break for lunch 11:30 – 12:15

**Training report:** Cindy Taylor-Patch went over the training report with Council members. Leslie Bodette is helping to educate the recruits on where they fall on the standards and how they can get to a higher level. She informed the Council on our newest training coordinator Chris Conway and what his role and background is. Col. Elovirta asked about if Chris would be a good source to help out with Legislature in regard to oral swabbing. Cindy talked about the positive feedback on our new Interview and Interrogation class taught by Ed Twohig. Col. Elovirta talked about an Interview and Interrogation class DMV is putting together for non-sworn employees. Cindy talked about the lack of support and personnel that is a problem at the Academy. Heather asked Cindy to put on paper what would make training manageable. Cindy notified the Council of Jason Williams resigning from the Academy, the extra work that puts on the current staff, and the worries of replacing him with another training coordinator that will be able to fill all the duties Jason has.

**Executive Directors Report:**

- **OPR:** The flow chart was created and sent out to Council Members. Met with Chris Winter and Colin Benjamin to work out the language. The report was submitted to legislature. What it looks like from a statutory perspective is anywhere in policy it says, “report to Council”, “Council having disciplinary action”, or “Council having hearing” is replaced with OPR. Items of concern with agencies investigating their own first offence category B, is still in there and reports will be made to OPR. The understanding is there will be a licensing fee of \$100 or \$200 every two years. The internal investigation policy kicks in on January 1, 2018 (or April 1), the rest of the regulations kick in on July 1, 2018. Col. Elovirta inquired if the licensing fee is on the individual or the agency. Chief Brickell believes there is a phasing of the fee schedule. The Academy will report annually to OPR on Rule 13 compliance.
- **Senate Government Operation:** SGO took testimony around the state and developed a list of recommendations based on nothing in the meetings. They sent a request for feedback on many issues to DPS, LEAB, Chiefs, Sheriffs, Training, Council function, who to contract with for extra coverage and not allowing VSP to contract. Concerns with increasing Training Council capacity, most likely regarding class sizes. They talked about a third session, or the Council creating an offsite nonresidential certification class, and about moving E911 and regional dispatch.
- **Entrance Testing:** The Council talked about the failure rate for people of color. The highest difficulty is the vocabulary section followed by reading comprehension. There was discussion about bearing down in these areas to identify disparity issues, and finding out what else is out there nationally. Cindy talked about the failure rate and grads vs. how they do in the basic class. Chief Brickell asked Director Gauthier to reach out to IADLEST and see what tests are being used, the validation, and the success rate of graduating for states that do not require a written entrance test. Testing discussion will be brought back to the March Council meeting.

**Department of Corrections request:** Heather explained the DOC commissioner is requesting information on certifying 44 community correctional officers to be armed. Director Gauthier suggested developing a curriculum containing comparable training to the firearms training in the Level III class, UOD, Criminal Law, and de-escalation. The training would probably be 160-200 hours. The officers will

be required to take a polygraph. The curriculum would have to be taken to the TAC. TAC would then make recommendations to bring to the Council. Col. Elovirta asked if this would also include BGS security. Director Gauthier has informed VSEA the Academy would not be able to entertain this without more staffing and funding.

**New Business:** No new business

Motion to adjourn made by Captain Major, second by Colonel Elovirta. Motion passed

Meeting adjourned at 1:53.