June 26, 2024

9:00 AM

Teams Meeting and Vermont Fire Academy

**Members in Attendance Public Session:**

Bill Sorrell – Governor Appointed

Scott LaValley - Governor Appointed

Shawn Pratt - Governor Appointed

Daniel Guerra – Governor Appointed

James Whitcomb –Proxy for Commissioner Jennifer Morrison, Dept. of Public Safety

Tim Lueders-Dumont – Proxy for Director Campbell, States Attorney and Sheriffs

Justin Stedman – Proxy for Commissioner Herrick, Department of Fish and Wildlife

Lori Vadakin – Proxy for Commissioner Hawes, Department of Mental Health

Mark Anderson – Windham County Sheriff’s Department

Tom Chenette – Vermont Police Association

Domenica Padula – Proxy for Attorney General Charity Clark

Mike O’Neil – VT Troopers Association

Cassandra Burdyshaw – Human Rights Commission

Jennifer Frank – VT Chiefs Association

Trevor Whipple – VT League of Cities and Towns

Jennifer Poehlmann, ED, Center for Crime Victim Services

**Other Attendees:**

Christopher Brickell – Vermont Criminal Justice Council

Kim McManus – Vermont Criminal Justice Council

Lindsay Thivierge – Vermont Criminal Justice Council

Austin Bach – Vermont Criminal Justice Council

Nick Stewart – Vermont Criminal Justice Council

Jamielee Bedard – Vermont Criminal Justice Council

Jennifer Firpo– Vermont Criminal Justice Council

Brock Marvin – Vermont Criminal Justice Council

Kevin Lane – Vermont Criminal Justice Council

Matthew Romei – Norwich Police Department

Steve Laroche – Milton Police Department

Patrick Owens – Manchester Police Department

Patrick Foley – Williston Police Department

Brandon King - Department of Liquor and Lottery

Michael Arbogast – Dover Police Department

Brian Kilcullen – Rutland City Police Department

James Blanchard – Manchester Police Department

Brian Kilcullen – Rutland Police Department

Pierre Gomez – Northfield Police Department

Maurice Lamothe – St Albans Police Department

Braedon Vail – Barre City Police Department

Justin Huizenga – Winooski Police Department

Laura Carter – Office of Racial Equity

Nicole Dernier – Norwich Police Department

John Poleway – Capitol Police Department

Debra Munson – Vermont State Police

Tabitha Moore – Intentional Evolution

Etan Nasreddin-Longo – Vermont State Police

Cam Smith – WCAX

Val Lubens – IADLEST

Jon Blum – IADLEST

Brian Grisham - IADLEST

**Call to Order:**  VCJC Chair Bill Sorrell 9:07 AM

**Additions or Deletions to the Agenda:** We will be moving the acting executive director updates to be presented after the IADLEST presentation.

**IADLEST Presentation:** *VCJC Contractor Kevin Lane –*Kevin Lane introduced Val Lubens and Jon Blum from IADLEST to the Council.

* In 2023 Governor Scott supported the VCJC’s efforts to move to best practices in law enforcement training in the 21st century by funding the Curriculum Review project with IADLEST.
* Goals of the project: increase the number of highly skilled law enforcement officers in Vermont with job specific training, develop and implement new curriculum, and work towards national accreditation of the Vermont Police Academy.
* Three phase plan – Phase 1: JTA, Phase 2: curriculum development, Phase 3 piloting.
* Background on Level 1, Level II, and Level III certifications in Vermont.
* Current basic trainings offered at the Vermont Police Academy
* Analysis of certification levels in Vermont
  + Level II Officers:
    - Constables 64%
    - Sheriff’s Departments 54%
    - Police Departments 18%
    - State law enforcement departments 2.8%
* Job Task Analysis – two-pronged approach – develop the survey and convene an expert panel. The JTA was validated and 416 tasks out of 878 were identified that should be included in an entry-level patrol officer’s certification course.
* IADLEST conducted an in-depth analysis of all existing VPA Level II and Level III training materials to determine content validity, legal defensibility, and consistency with best practices for curriculum development.
  + The current curriculum content being taught at the VPA is current and consistent with industry best practices. However, it is likely not legally defensible, or content validated.
* Curriculum and needs assessment results:
  + Level III course covers 98.7% of those tasks identified in the JTA
  + Level II course covers 55.7% of those tasks identified in the JTA
  + Many critical concepts covered in Level II are broad concepts
  + Level II exclusion of 623 training hours is obvious.
* Two main issues were identified:
  + Level II certification is high risk of liability, to a level it may reach the legal definition of Failure to Train.
  + Current curriculum content (Level II or III) is not validated, nor is the testing and is likely not legally defensible.
* Moving forward:
  + A new contract has been secured with IADLEST to develop a new evidence-based, 21st century policing curriculum delivered with adult learning models that is legally defensible.
  + Action item: develop a Curriculum Advisory Group to work with IADLEST to steer this group.
  + Action item: Form a new subcommittee to study the levels of Law Enforcement Certification.
* Rough timeline was presented to be potentially completed piloting by December of 2027.

*Discussion Ensued: Bill Sorrell –* It’s nice to see the IADLEST report confirming what the TAC has advised. This is a project that will not be done overnight. We will be looking for volunteers from the Council for the two working groups. One group for overall curriculum revision and the other group is looking intensely at the Level II curriculum. Communicate with Chris and Kevin if you have question about what the groups entail and/or willingness to serve in the working groups with a deadline of a week from today. Time is of the essence to the extent that if we need support from the legislature, we are going to need to be making those requests late this fall.

*Mark Anderson –* What percentage of our law enforcement currently performs patrol out of the 1400 certified?

*Chris Brickell –* We don’t know specifically what agencies assign their folks once they get their initial certification.

*Mark Anderson –* Do we have a sense of what other functions are performed outside of patrol by Vermont law enforcement?

*Kevin Lane –* Those were some of the functions that were identified in the Job Task Analysis.

*A summary was given regarding how the questions for the JTA are determined.*

*Val Lubens –* The purpose of the JTA was to look at what the tasks are that are performed by entry level personnel. That was the basis for creating the raw task list that the technical committee should be presenting to all of law enforcement about what tasks may or may not be performed by entry level law enforcement personnel. Standard methodology is to identify a sample of entry level personnel organized by units of analysis (small, medium and large PD’s) a series of questions are asked for entry level, mid-level, and executives. Generally, participation is around 40-50%, it was pretty clear that we were not getting the participation, so we organized an expert panel to review the questions. The data was then analyzed between the expert panel and the JTA and the results were the same. We did not have data on the differences between II’s and III’s.

*Mark Anderson –* The concern I raised for the JTA initially was that it dialed in to entry level patrol officer. The recommendation about the high liability risk of Level II officers from a patrol perspective that may never be on patrol. I would like to caution the council that as we consider changes to Level II how are we impacting roughly 300 people performing jobs today that are not patrolling.

*Val Lubens* – We had tasks related to those functions defined in the JTA *(Mark Anderson – under the lens of patrol)*. The purpose of the study was to define the content of entry level law enforcement.

*Further discussion ensued regarding the challenges of low participation, feedback from agencies, expected answers and outcomes, and focus groups for curriculum content development.*

*Chris Brickell –* What do the two focus groups look like? They will require a lot of time and commitment because this is important work. They will need to have outside voices to be a part of these groups. What are the typical size numbers for these groups?

*Jon Blum* – Typical size is between 10 and 20, and we do want differing opinions about what is being done. To make the curriculum effective there has to be buy-in from a diverse set of people that sit at the table and make decisions based on what the curriculum is, how they are being taught, what they will be tested on and how that works. These groups remain steadfast and rotate terms every three years.

*Chris Brickell –* The two groups would be one group working specifically on the Level III curriculum and the other group that looks at the Level II and Level I process and how to identify the gaps there.

*Justin Stedman –* I hope the TAC will be involved in the Level II discussion because they did a tremendous amount of work and are an incredible resource (*Kevin Lane – Jason Covey has agreed to be on the group).*

*Bill Sorrell –* There was a statement earlier that our curriculum is not legally defensible, could you explain that?

*Brian Grisham-* The lack of documentation underscores the fact that you may be teaching the right thing, but you can’t get your hands on it, and you can’t defend something you can’t get your hands on. The overarching issue the Council will have to deal with, and it is a nationwide issue, is where are we going to draw the line on where the standards are? When you have a JTA that states people should be trained at a much higher level, and you are not training to that level, that is where the training is not legally defensible.

*Jon Blum –* From our perspective of ‘failure to train’ we look at the content itself you want to be able to show a lesson plan that has learning objectives, and the learning objectives are directly related to the task. The lesson plan is designed by the subject matter experts panel, it has sources materials, its referenced, it tests specifically (in writing cognitively of physical skill) through rubrics. Vermont does not have this right now, but this is a problem nationwide not just in Vermont. Academies are typically understaffed and under resourced. Generally, a lot of time is spent training content with no vehicle in place to deliver it. Delivering and developing content are two separate skill sets.

*Bill Sorrell –* So, might this be an example of positions that could be requested at the legislature?

*Jon Blum* – Absolutely, ideally one position for basic training and one position for in-service. I’m not sure there are any other states that all law enforcement come through one academy. I think it’s a blessing, I come from North Carolina, and we have 55 academies. There is standardized curriculum, but it’s all delivered a little bit differently at each academy. It is critical to have feedback from the stakeholders to make sure they are helping with the development and have constant input.

*A discussion was held on entry standards and pre-employment standards. This is outside of the scope of the IADLEST project. Nationwide IADLEST is finding that as curriculum is revised more students are failing because as a nation there is a teaching to tests. An Academy should be designed to train and weed out those that cannot effectively perform the tasks.*

*Alternate paths were discussed – the curriculum needs to be developed and implemented then we can start having discussions about where else it can be delivered.*

**Executive Director Update**: *Acting Executive Director Chris Brickell*

* I have met with law enforcement partners to discuss ongoing priorities, and what needs to be taken care of. The feedback was positive. There will be a monthly reach out with all of those partners.
* Canine – we shared the canine assessment at the last meeting. We have contracted with a head trainer (Rich Slusser, retired VSP) who will conduct a patrol and a narcotics school. His teaching methodology is in line with the canine assessment recommendations. Moving forward we will need to request a position for a canine head trainer for the Academy.
* Over the last four or five classes we have had no cap. Typically we have graduating class numbers in the mid to high 30’s which is a large class to get through scenarios, firearms, EVOC, and Use of Force but it is not ideal for the amount of instructors we have. Currently we have 71 completed packets for this next class. The maximum space we have available in our facility is 62. We need AC upgrades and food and supplies, none of which is budgeted for and so we are working through our options. Agencies have been extremely supportive but there are some things we just can’t do and it becomes an issue of safety.
* We just did the three-day course of mandatory Domestic Violence training for law enforcement. We had 102 attend the training in person, 323 online. That will continue in an online format until everyone is trained. The feedback we got was phenomenal.
* Core and elective classes are upcoming that agencies may need so please keep an eye out for the class postings.
* We are working on a contract for officer wellness and physically and mentally preparing individuals for training. This will help with injury reduction and prevention.
* We have two fair and impartial policing positions. The Community Inclusion Director position is through the initial stages of HR, hopefully within two weeks we will be able to advertise for that position.

*Discussion Ensued: Mark Anderson –* Having 71 people in the building what effect does that have on in-service offerings? Sheriffs may be able to support by offering regionalized locations for training to be able to accommodate more people for Level III and in-service training. Is the Fire Academy available to us?

*Chris Brickell –* This is part of the conversation –If available, the Fire Academy east cottage is still space we would have to pay for with money that we don’t have which is equivalent to upgrading the spaces upstairs to accommodate the additional numbers. We also have issues getting that many in the dining hall which means now shift meals and an extension of time.

*Mark Anderson –* We could have conversations about having a cap going forward. We could also think about changing the delivery to run consecutive academies.

*Chris Brickell* – I am very open minded, and we take all things into consideration.

*Tom Chenette –* Can you speak about the status of the firearms instructor program?

*Chris Brickell –* The firearms instructor program is currently ongoing, and we are about halfway through that program. We have very experienced and qualified firearms instructors here, but we do not have one person dedicated to a firearms program.

**Code of Conduct -** *Associate General Counsel Kim McManus and Acting Executive Director Chris Brickell –* We provided a brief overview at our last meeting of the work the Council needs to do now that House bill 872 was signed by the Governor. This bill created a statewide code of conduct. The Council now needs to create rules regarding the content of that code, the application of the code and how the code is modified in the future. The code of conduct will provide law enforcement with a clear list of professional expectations. The big change to our Act 56 statute is that a willful failure to comply with the law enforcement officer code of conduct could be the basis for a Category B unprofessional conduct complaint.

*A summary of council responsibilities in the statute as it pertains to the code of conduct.*

The suggestion to the Council is that the Act 56 working group be reengaged, reconvened, examine the draft that it proposed in December, before finalizing the draft. The group would then bring a draft of the Code of Conduct to the Council and simultaneously to the Rules committee. Ideally, we would like rules submitted to ICAR before their September 9th meeting which would mean that the Council would need to approve the rules at our August meeting. We need to replace Chris Louras’s position on the Act 56 committee and add any other members as needed. We would also need to replace Brian Searles on the Rules committee. If any council members are interested in joining either group, please reach out to the Executive Director.

**Act 133 -** *Associate General Counsel Kim McManus*

* We are not an advisory body
* All meetings must be held in a hybrid manner
* We must electronically record our meetings and post in a designated location. Recordings need to remain posted for 30 days after the approval and posting of the official minutes.
* The Chair must attend an annual training (*will get back to the council on whether or not subcommittee chairs also have to attend the training*).

**ARIDE –** *Acting Executive Director Chris Brickell*

We have to decide how we deliver ARIDE (Advanced Roadside Impaired Drivers Enforcement) in Council rule. There was a requirement that all law enforcement have annual or biannual training for ARIDE but there are a lot of law enforcement officers who don’t do highway work. The recommendation sent out to Council members was from our contractor who delivers ARIDE and runs the DRE program, John Flannigan.

*A summary was given of what ARIDE training consists of and who typically gets trained in ARIDE.*

We would like to have a larger discussion about a recommendation that is realistic, attainable, and something that everyone feels is necessary so as not to minimize this program.

*A summary was given of the progression from DUI training to ARIDE and DRE’s.*

**General Discussion –** *Vermont Criminal Justice Council, Chair, Bill Sorrell –* No general discussion topics.

*Mark Anderson made a motion to adjourn the meeting, seconded by Justin Stedman, no discussion, all in favor.* Meeting adjourned.