January 12, 2022

10:00 AM

Teams Meeting

**Members in Attendance:**

William Sorrell, Chair – Governor Appointed

Mark Anderson, VT Sheriff’s Association

Xusana Davis, Vice-Chair – E.D. Racial Equity

Glen Boyde – Proxy for Nicholas Deml, Dept of Corrections

Sadie Donovan – Proxy for Jennifer Poehlmann, Center for Crime Victim Services

Erin Hodges - Vermont Troopers Association

Trevor Whipple – Vermont Leagues of Cities and Towns

Michael Major – VT Police Association

Chris Herrick, Commissioner, VT Fish & Wildlife

Jason Batchelder - Proxy for Commissioner Chris Herrick, VT Fish & Wildlife

Justin Stedman - Proxy for Commissioner Chris Herrick, VT Fish & Wildlife

Kevin Lane – Proxy for Michael Schirling, Commissioner of Public Safety

Cassandra Burdyshaw – VT Human Rights Commission

Shawn Pratt – Governor Appointed

John Federico – VT State Employee Association

Anthony Facos- Proxy for Wanda Minoli, Commissioner of Public Motor Vehicles

Karen Tronsgard Scott – E.D. VT Network DOMV/Sexual Violence

**Other Attendees:**

Heather Simons –Vermont Police Academy

Christopher Brickell – Vermont Police Academy

Lindsay Thivierge – Vermont Police Academy

Cindy Taylor-Patch – Vermont Police Academy

Jacob Humbert – Assistant Attorney General

Jason Covey – Sergeant, Middlebury Police Department, Chair of T.A.C.

Thomas Mozzer – Lieutenant, Vermont State Police, Office of Professional Development

Jon Murad – Chief, Burlington Police Department, Chair of ETWG

**Call to Order:**  Vermont Criminal Justice Council Chair, William Sorrell 10:04

**Changes to Agenda:** There is a possible action item for the Body Worn Camera revisions that will be added to the agenda.

**Approval of prior minutes**: Commissioner Chris Herrick moved to accept the minutes from December 15th as written. Second by Major Kevin Lane. All in favor. Motion passed.

**Vermont Criminal Justice Council Chair Updates:**

* Welcome and Introduction of new Deputy Director Christopher Brickell – Former Chief of Brandon Police Department, former representative of Vermont Chiefs of Police Association on the Council, and former chair of the Professional Regulation Subcommittee.
* Trevor Whipple is the new chair for the Professional Regulation Subcommittee – He is honored to chair the subcommittee and to work with the other members of the group in this important work. Open to thoughts, comments, and suggestions from the Council.
* Newest member of the Council will be the new Vermont Chiefs of Police Association representative Jennifer Frank (Windsor Police Chief), who was also appointed to the Professional Regulation Subcommittee.

**Subcommittees:**

*Training Advisory Committee (TAC)* – Sgt. Jason Covey, Chair of TAC, updated the council on progress in the Committee. They are meeting bi-weekly since last summer. The current task has been a comprehensive review of LII certification program, they are almost finished, and an official recommendation is forthcoming.

A curriculum review was conducted to include instructor testimony, and the TAC was able to identify areas of disparity between the levels of certification. The recommendation to be brought forward will require more training; the current system is not sufficient.This is a tough issue to tackle because of the implications on agencies that rely on Level II training.

Looking at Level III and Instructor Program as tasks coming up with the group.

*Entrance Test Working Group (ETWG)* – Chief Jon Murad, Chair of ETWG, updated the council on progress in the working group. They are putting forth a recommendation on the Physical Fitness standard for Level III recruits to change to a rower. Agencies can add additional training; this recommendation is only the minimum requirement for incoming candidates to show that they are capable of making it through the Academy. The group looked at various options such as Cooper, JST, and Rower.

The rower will be available widely throughout the State at various agencies. We are only stating that we recommend the move from the Cooper model to the Rower model.

The Academy could have the rower ready for the standard in the next class.

Discussion ensued around Cooper standards and why they are no longer being used. It was discussed that we need the run for endurance, fitness, and stamina but the time standards are not fair. Running will be a part of Academy life, but the group thinks that the run standard can be accomplished with just the rower.

Staff are ready to transition, we need a new form and what the standards are for Vermont.

Motion to approve transition as outlined by Chief Murad made by John Federico, 2nd by Mike Major. A need was expressed for equity and availability for everyone to have a list of available locations that the rower is available in. All in favor.

**Executive Director Updates:**

* Skeleton crew of staff which is the same as everyone right now.
* Class has been brought back twice due to Covid. Mitigation plans are being made daily.
* VSP has assisted in gaining access to rapid tests. Monitoring symptoms and tests. There has never been a better time for Law Enforcement interactions with the community and that is done through scenario-based training at the Academy. Some academies have gone fully remote, we are trying to remain open. We are trying to support communities as well as our new adult leaders. Students are learning through remediation and online platforms.
* Thank you to all of the Directors and TC’s for keeping the momentum.
* New Deputy Director on legislative testimony on House Government Operations for race data and how this data will drive training and the needs of training. The Executive Director expects the needs of the Council to be broached and will keep the Council updated.
* Impressed with the amount of work the Chairs of subcommittees are doing. Training needs assessment is a large project and something that is needed before any training changes in Level II or Level III.
* Asking Governance Safety Subcommittee to add covid as a portion of the legislative report as it’s the new injury to report in this current learning climate.
* There is a recruit with a concussion, they fell while running, sometimes accidents happen but it is good to always be aware of what is happening and how we can make our environments safe.
* The Safety Committee is a subcommittee of Governance, they will be asked to testify at House Corrections institution soon that is led by Director Desrochers from the Division of Fire Safety which will include a report out of the Feasibility study on building and property needs.
* There has been a lot of assistance from Captain Manley and BGS on getting some projects done including getting our walls painted.
* We will be planning a future Council retreat at the Academy, so members have a chance to interact, see how trainings occur and ask questions.

**Body Worn Camera Model Policy:**

Karen Tronsgard Scott – submitted after the December meeting recommendations for changes from the VT Network. Language will be sent to Council staff and the Council will consider the language at the next meeting.

Mark Anderson – These proposals for changes have been run through the appropriate channels and have been brought to the attention of the Council in prior meetings. An explanation of proposed changes and where the basis of the changes originated, were presented.

* Anderson’s Proposed Section 1(e)(9)- Recordings are not expected during some unique operations such as routine regulatory functions that are unique to specialized law enforcement agencies which are carried out by the Vermont Department of Fish and Wildlife Wardens Service, Vermont Department of Motor Vehicles Enforcement and Safety Division, and the Vermont Department of Liquor and Lottery Division of Liquor Control. Other unique operations would include the execution of a search warrant for evidence of child pornography where capturing recordings of such material and uploading them to a third party vendor’s storage would constitute a crime and transports conducted pursuant to a transport order or where a cruiser camera is enabled and captures the individual being transported.
* Anderson’s Proposed Section 2(j) - Agency heads are responsible for ensuring that, subject to technological limitations, all BWCs that are equipped with a “buffering” feature have such feature activated and set to record and retain at least the most recent 30 seconds of video and audio prior to an officer’s activation of the BWC.

Mark Anderson motion to adopt first proposal, 2nd by Major Kevin Lane

Discussion ensued around the limitations in certain situations and what would happen if the Body Worn Camera policy with these suggested changes were not able to be adopted today. Concerns were raised from council members on what options Sheriff Anderson is left with if the policy is not voted on today and how that impacts the community and their relationship with law enforcement.

Vote to approve first proposal – all in favor

Mark Anderson motion to adopt second proposal, 2nd by Michael Major

No discussion on the motion. All in favor

Question on if Chris Louras’ s proposed language was incorporated as well and if not, could it be brought up with the other suggestions at the next meeting.

**Professional Regulation Subcommittee:** The Subcommittee has been discussing next steps in hearings and the option of stipulation agreements. Stipulation agreements would be used as a mechanism to conclude a finding of an Act56 violation more quickly.

Jacob Humbert is working on a framework to present to the Council.

The purpose behind these agreements: If the subcommittee were to find a Category B2 or a B that falls under an exception, or Category A, the request would be to enter into discussions with the officer to talk about how we may best settle the complaint. Can we figure out what would be included in the agreement. After a resolution the agreement would be public and placed on the public facing registry.

Operations of the professional regulation Subcommittee are laid out in their established set of procedures for the Council. Members can refer to this to develop any questions on how the Subcommittee operates and in what circumstances a stipulation agreement would be made.

**Meeting Dates:** Proposal for meeting dates for 2022 to be held on the 2nd and 4th Wednesdays of the month. A conflict was cited so alternate dates of 1st and 3rd Wednesdays of the month were proposed.Mark Anderson made motion to approve meeting schedule for 1st and 3rd Wednesday of the month knowing that some may be council hearing dates.

**Open Discussion:** Concerns were brought forward on crimes being committed but the perpetrator is still walking around and that is very frustrating. Deputy Brickell offered to help address and guide those concerns in this matter.

Motion to adjourn moved by Mike Major, second by Trevor Whipple All in favor.

Meeting adjourned: 11:52