October 2, 2024

10:00 AM

Teams Meeting and 317 Academy Rd. Pittsford, VT 05763

**Members in Attendance Public Session:**

Bill Clements – Governor Appointed

Daniel Guerra – Governor Appointed

Shawn Pratt - Governor Appointed

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

Glenn Boyde – Proxy for Commissioner Nick Deml, Dept. of Corrections

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

Wade Cochran – Proxy for Commissioner Wanda Minoli, DMV

Lori Vadakin – Proxy for Commissioner Emily Hawes, DMH

Domenica Padula – Proxy for Attorney General Charity Clark

Justin Stedman – Proxy for Commissioner Chris Herrick, VTFW

Xusana Davis –Executive Director, Office of Racial Equity

Tom Chenette – Vermont Police Association

Jennifer Frank – Vermont Chiefs Association

Mike O’Neil – Proxy for VT Troopers Association

Mark Anderson – Vermont Sheriff’s Association

Amanda Garces – Proxy for Human Rights Commission

Jennifer Poehlmann – Executive Director, Vermont Center for Crime Victim Services

Sadie Donovan - Executive Director, Vermont Center for Crime Victim Services

Karen Tronsgard Scott – ED Vermont Network Against Domestic & Sexual Violence

**Other Attendees:**

Christopher Brickell – Vermont Criminal Justice Council

Kim McManus – Vermont Criminal Justice Council

Lindsay Thivierge – Vermont Criminal Justice Council

Kenneth Hawkins - Vermont Criminal Justice Council

Austin Bach – Vermont Criminal Justice Council

Matthew Romei – Norwich Police Department

David Fox – Rutland County Sheriff’s Department

Michael Arbogast – Dover Police Department

Maurice Lamothe – St. Albans Police Department

Braedon Vail – Barre City Police Department

Paul Talley - St. Albans Police Department

**Call to Order:**  *VCJC Chair Bill Clements* 10:00 AM

**Additions or Deletions to the Agenda:**  *VCJC Chair Bill Clements –* An addition to the agenda for Executive Session pursuant to 1 VSA 313(7).

**Meeting Minutes:** *VCJC Chair Bill Clements* – Amanda Garces made a motion to accept the minutes from September 17th, second by Tim Lueders-Dumont, no discussion, all in favor (*Sadie Donovan abstained due to not being in attendance*).

**Rule Waivers: Request for Rule 14**: *VCJC Associate General Counsel, Kim McManus*

A review was given of the waiver request for Rule 14 – the entry standard of a High School Diploma/GED. A review was given of the documentation for both candidates which included transcripts for High School education but no diploma.

*Jennifer Frank made a motion to accept both candidates’ documentation, seconded by Karen Tronsgard Scott, no discussion, all in favor.*

**Code of Conduct for Council Approval**: *VCJC Associate General Counsel, Kim McManus*

A review was given of the timeline for Code of Conduct creation, feedback, and presentation to the Council. The Code of Conduct supplied to the Council for this meeting is the final draft for approval. *Mark Anderson made a motion to approve the Code of Conduct, seconded by Amanda Garces, all in favor.*

*Comments:* Chief Frank thanked the Council and all partners for their collaboration during this process. The neighboring state of Maine recently passed a code of conduct that was not approved by their Union. This further highlights the collaborative efforts of the Council during this process.

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

Federal Law Enforcement Authority training review – In 1999 legislation was passed that afforded Federal law enforcement officers, Vermont law enforcement authority due to border towns having less law enforcement available. Border Patrol and ICE are often working partners with local law enforcement, and they are sometimes in the position of being first on scene. This training was developed so that Federal law enforcement partners would understand some of the restrictions around offences they frequently ran across such as DUI, domestic assaults and they also have to understand Rule 3, Vermont criminal procedures. The training has only been used for a handful of federal agents.

The process is: you have to be a federal law enforcement officer in a working capacity, you have to attend the training that the VCJC sponsors and then you are sworn in by the Commissioner of Public Safety (which is where you get your authority). When your employment ends with that federal agency you no longer automatically have that enforcement authority.

On review of current training criteria, the content included DUI, DRE, and Vermont Criminal Law for a total of 8 hours. The training does not include fair and impartial policing.

*Discussion Ensued:*

*Amanda Garces –* How many officers have this authority currently?

*Chris Brickell –* In 2021 there were 11 people who received the training.

*Amanda Garces –* There should be a FIP and Domestic Violence component. What happens if Border Patrol violates some of our policies what sort of accountability is there? If they have authority throughout most of the State how does that work with local law enforcement agencies, do they contract? How does the partnership work?

*Chris Brickell –* They would be held to the same standard as a Vermont law enforcement officer. If they violated a State policy, then it would go through the professional regulation process. If an arrest is made, they are statutorily required to report that arrest without delay to the nearest Vermont State Police barracks.

*Mark Anderson –* We don’t do a lot of work with Border Patrol, but we do work with the U.S. Marshals, and I could see this as a valuable tool if we were searching for a fugitive, it is within their federal jurisdiction. If we identify a person who is impaired, and they don’t have this Vermont authority then they would have to detain and wait for a Vermont law enforcement officer to come.

*James Whitcomb –* We generally see in the North a response where VSP is on the way to a case and because of the time frame we may see a Federal partner arrive first and then they handoff to us. We have partnerships with federal agencies for the immediacy of public safety.

*Timothy Lueders-Dumont –* Border Patrol has a 100-mile jurisdictional scope in the state of Vermont that is 157 miles long. So, they have jurisdictional scope whether or not we give them this training.

*James Whitcomb –* Do you have any information available about which agencies participated in the 2021 training?

*Christopher Brickell –* We do not track the agency because they are not certified officers, it’s a different record-keeping, but I believe the majority of them were border patrol.

*Amanda Garces –* Is there going to be a process where there is a timeline on how they get their certification removed if they leave an agency?

*Christopher Brickell –* We would have to conduct audits to verify the status of an officer at that agency.

*Bill Clements –* What is the administrative process around the training and the certification?

*Kim McManus –* That is what we will have to figure out. We need to look into this further, decide what we need to do on our end as the way the statute is worded it says we have to provide the training not that we can’t have parameters.

*Karen Tronsgard Scott –* Does this statutory language operate in opposition to what we just passed for the Fair and Impartial Policing policy? I appreciate Amanda’s comment to include Domestic Violence, and I hope that we can come up with a training that also comports with the Code of Conduct.

*Chris Brickell -* We will have work with Border Patrol to get an idea on the necessity and number of officers needing training and what federal agencies they are coming from. I will also remind them that we have to update the training to ensure it is accurate.

**Executive Session: 1 VSA 313(7):** *VCJC Chair, Bill Clements*

Executive Session was entered pursuant to 1 VSA 313(7) to discuss the academic records or suspension or discipline of students. All voting members were present. No action was taken. Public session resumed.

**General Discussion:** *VCJC Chair, Bill Clements*

* The legislative season is beginning, and our budget meeting is happening at the beginning of November. There are a number of new needs we are hoping for.
* I have been out meeting members and new constituents and law enforcement organizations the last few weeks and I will continue that effort; my goal is to connect with everyone before the end of the year.
* We would like to identify a strategic direction and align resources.

*Amanda Garces made a motion to adjourn the meeting, seconded by Xusana Davis, no discussion, all in favor.* Meeting adjourned.11:12.