July 6, 2022

10:00 AM

Teams Meeting

**Members in Attendance:**

William Sorrell, Chair – Governor Appointed

Shawn Pratt – Governor Appointed

Christopher Louras – Governor Appointed

Major Kevin Lane – Vice Chair, Proxy for Commissioner Michael Schirling, Public Safety

Glen Boyde – Proxy for Nicholas Deml, Dept of Corrections

Anthony Facos – Proxy for Commissioner Wanda Minoli, Public Motor Vehicles

Chris Herrick – Commissioner for VT Fish and Wildlife

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

Evan Meenan - Proxy for John Campbell, Executive Director, States Attorney & Sheriff’s

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

Erin Hodges – VT Trooper’s Association

Michael Major – VT Police Association

Jennifer Frank – VT Chief’s Association

Mark Anderson – VT Sheriff’s Association

Erin Jacobsen – Proxy for Attorney General Susanne Young

Trevor Whipple – Vermont Leagues of Cities and Towns

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

Cassandra Burdyshaw – VT Human Rights Commission

**Other Attendees:**

Heather Simons – Vermont Police Academy

Christopher Brickell – Vermont Police Academy

Lindsay Thivierge – Vermont Police Academy

Jennifer Hier – Vermont Police Academy

Arthur Smith – Vermont Police Academy

Jacob Humbert – Assistant Attorney General

Amanda Garces - Director of Policy, Education and Outreach for the Human Rights Commission

Jon Murad – Chief of Police Burlington Police Department

**Call to Order:**  Vermont Criminal Justice Council Chair, William Sorrell 10:02

**Additions or deletions to Agenda:**  No additions or deletions

**Approval of prior minutes**: Motion to approve minutes from 6.15.22 meeting, Trevor Whipple, second by Cassandra Burdyshaw. All in favor.

**Welcome New Council Members:**

Introduction of Erin Jacobsen, AGO Representation on the Council.

Introduction of Jennifer Morrison, Interim Commissioner of Public Safety.

**Rules Committee Presentation:** *State’s Attorney and Sheriffs, Deputy State’s Attorney, and Rules Subcommittee Chair Evan Meenan*

*Presentation of Re-organization of Rules and adjustments to Rules:*

As a note: Rules subcommittee did not make substantive changes to training requirements for levels of certification, annual in-service, or entrance testing. Further input is needed from other committees, working groups and subject matter experts.

Underlined changes are not necessarily new, they have just changed location in the Rules.

* Rule 12 (existing rule 10) – eliminated specific language and made generalized (firearms training; facilities and equipment). Eliminated appeal language because it is present in Rule 9.
* Rule 13 (existing Rule 11) – Eliminated appeal language that is present in Rule 9. Committee refrained from making substantive changes.
* Rules 14-19 (Existing 16 and 7a-9) – Entry Standards – Committee refrained from making substantive changes.
* Rules 20-21- Regional training and alternative routes to certification – placeholder should the Council decide to move in this direction.
* Rule 22 (Existing Rule 13) – Mandatory Annual In-Service - Committee refrained from making substantive changes.
* Rule 23 (Existing Rule 12) – Recertification of Law Enforcement Officers- Simplified the rule: all certification levels lapse if the officer hasn’t been employed for three years.
	+ Existing rule requires an officer to recomplete basic training if certification has lapsed. Proposed rule includes the option for the Executive Director to determine what is necessary.
	+ Modified decertification provisions due to new professional regulation statutes (20 VSA §§ 2401-2411).
* Rule 24 (Existing Rule 17) – Specialized training standards and certification
	+ Contains canine standards but is no longer restricted to only canine standards.
	+ Permits the Council to adopt procedures and guidance documents for other forms of specialized training standards and certifications.
* Rule 26 (Existing Rule 3) – Violations while attending training – refer more generally to the Administrative Procedures Act.
* Rule 27 (Existing Rule 19) Suspensions and Revocations
	+ Retains grounds for decertification and states additional statutory grounds for discipline of certified officers.
	+ Necessary to address conduct that occurs prior to but not discovered until after certification.
* Rule 28 (New) – Professional Regulation Committee:
	+ Defines the role in proceedings, require procedures for investigating complaints (completed).
	+ Eliminates statutory mandate to provide reports to Council Advisory Committee as it no longer exists.
	+ *Should there be procedures for how the Council will hear complaints?*
* Rule 29 (New) -Council Hearings:
	+ Requires professional regulation hearings to be conducted pursuant to the Administrative Procedures Act and any procedure the Council adopts.
	+ *The Council should decide whether to adopt procedures.*

*Outstanding Question: Does the Council want to wait and make all changes at once in the Rule Making process to include areas that have not been reviewed for substantive changes? Or does the Council want to move forward with the changes that have been proposed and then go through the rule making process a second time.*

*Outstanding Issues:*

* Substantive changes to existing basic and annual in-service training requirements
	+ What mandatory subjects should be included in Rule
	+ Corrections Officers (Act 56, 2021)?
	+ ARIDE and SFST Refreshers
* Waivers for chiefs and other leaders in departments coming to VT from other states.
* Substantive changes to existing standards for approved law enforcement certification courses.
* Regional training and alternative routes to certification.
* Substantive changes to basic training entry standards.
* Adopt procedures per APA to govern professional regulation hearings.
* Continued use of Roberts Rules of Orders during VCJC meetings.
* Who should be included in the definition of “criminal justice personnel”?
* Whether individuals not sponsored by a law enforcement agency should be permitted to attend the Police Academy.

*Discussion Ensued:*

* Rule 9 appeals – Currently the Professional Regulation subcommittee does not have an appeals process when there is a finding of a Category B first offense. Is this section applicable to a Category B first offense?
* Page 9 Instructors – include the wording “continues to demonstrate”
* Page 10 – Medical examination – Does this exclude PA on list of physicians?
* Page 11 – Background Checks – (ii) distribution of controlled substances – in polygraph if candidate admits to the distribution of controlled substances, they would be excluded from attending training – should this be included?
* Page 14 (new rule 19) – Include language about Level III OOJ waiver candidates.
* Polygraph – it does not say it has to be passed just that it has to be taken.
* Entrance Testing – written exam and council staff to administer the test – there had been discussion that departments could administer that on their own.
* Fundamental shift from subcommittees getting appointed by the ED and now the Chair.
	+ Currently the subcommittees work for the Council. Previously the subcommittees worked for the ED and the ED would report to the Council. There are two different models that would be a good discussion point.
* Existing rule has Academy staff and Council staff listed – perhaps the Council could benefit from a conversation about the inter-relationship between the Council, the Academy, the Staff, and the Subcommittees.
* If we retain Roberts Rules and we have to use them for a special meeting (such as a hearing) and they aren’t used properly, does that give the aggrieved party an opportunity to argue that the ruling is null and void due to incorrect process?
* The Council should consider giving this more time to look at these rules and see how they will impact policing before making the changes.
	+ We will not be having this as an action item. Any concerns or questions, bring up now so that the subcommittees can address them at the next meeting.
	+ This is a daunting process and there should be time to reflect on how each change affects operations and the profession.

*Next action step:* Reconvene Rules Subcommittee and discuss questions and bring responses back to the Council. If there are more questions to be raised, please send them to the Executive or Deputy Director.

**Entrance Test Working Group:** *Burlington Police Department Chair, Chief Jon Murad*

* Written Entrance Test vendor selected
* Standards are physical fitness requirement – purpose is to make sure candidate has requisite fitness of the Academy and we have heard that there may be issues with that. Met with Texas DPS, which was a key component of our initial recommendation, we will be making another recommendation to update the standard from row to include another element.
* New psychological inventory – Currently up to the Chief to determine what the appropriate psychological inventory is for their agency but in practice everyone uses the MMPI-2 available at the Academy and that is reviewed by Dr. Bartol.
	+ Current standard leaves ambiguity and allows agencies to have any psychological evaluation including their own. The submitted language for change would make the MMPI-2RF or updated versions the standard.

The Entrance Test Working Group will provide the Council with an analysis for the MMPI-2RF with the recommendation

There are racial disparities in law enforcement we need to make sure that we are looking into this more and acknowledging they exist.

Rules Subcommittee will discuss Rule 16 for language for the psychological evaluation.

* Written Entrance Test – PSI – to be discussed and approved by the Council at the next meeting.
	+ The process to be initiated with the vendor is as follows: After the completion of the contract the vendor will do a survey/job task analysis, checking parameters for all agencies to ensure that the cognitive and academic portions align for scoring purposes to reduce disparity, ensure success in the academy, and success as a Vermont law enforcement officer.
	+ Implementation timeline will be a month to a month and a half after contract signing.

**Executive Director Updates:** *Vermont Criminal Justice Council Executive Director, Heather Simons*

*Welcome to new staff members –* Jennifer Hier, Administrative Services Coordinator; Arthur Smith, Staff Attorney; and Ken Hawkins, Director of Training.

Open TC position will be posted soon. The Investigator position is going through an RFR prior to posting.

Graduation is next Friday at 10 o’clock. A lot of people in a small space – Covid is still present. Livestreaming will also be available. Keynote speaker is Commissioner Schirling. 41 prepared to graduate. The next class numbers are projected at 47 at this time. August 22 is day one for the 114th.

Culture change reflected in the awards – We would like awards being presented to reflect skill level graduating from the Academy as well as Council perspective, to clearly link to the mission and sentiment around the work.

FIP Committee – Amanda Garces is the Chair and will report out to the Council. The Committee will be doing some work on the FIP policy and evaluating the decision-making process within the committee. There will also be an established regular feedback loop between the Chair and the Executive Director.

* IADLEST- (International Association of Directors of Law Enforcement Standards and Training) Entity that does research, assessments in training, and the holder of the National Decertification Index.
	+ How we connect professionalism, professional regulation, and training.
* IADLEST affiliates with IACP and CRITECH, there are grant and training opportunities. We have an opportunity to do a full review of the Academy curriculum with them in partnership with our stakeholders.
* There will be a more in-depth review at the next meeting with a potential action item.

Motion to adjourn Evan Meenan, second Christopher Louras – all in favor.

Meeting Adjourned 12:00