

Use of Force Committee Special Meeting 10 February, 2015

Held at the Addison County Sheriff's Office
Middlebury, Vermont

Prepared by: Jason Williams, Training Coordinator

Members Present: Sheriff Donald Keeler, Captain Drew Bloom, Chief Christopher Brickell, Corporal Michael Akerlind, Lieutenant Michael Henry, Sergeant George Crowe, Lieutenant Robin Hollwedel, Officer Scott Fisher

Other persons present: Lieutenant Matthew Sullivan, Burlington PD

Academy Representatives: Executive Director Richard Gauthier, Training Coordinator Jason Williams

Members Absent: Chief Lianne Tuomey, Warden Specialist Russell Shopland, Sergeant Matthew Murano

Meeting called to order: 10:00

Business

This special meeting of the Use of Force Committee was called by the Executive Director of the Vermont Criminal Justice Training Council to discover what some of the recommendations would be of the Committee in regards to the Model Policy for the Use of Conducted Electrical Weapons that was developed by the Law Enforcement Advisory Board and the Director's report to the House and Senate Committees on Government Operations and Judiciary on the progress made on developing CEW Certification Training.

The Executive Director explained that the model policy, hereinafter referred to as the policy, would be required to be adopted by, or a mirror of the policy must be adopted by, all law enforcement agencies state wide. The question was raised during the meeting as to whether agencies that do not carry or use CEW's would also have to adopt the policy. The Executive Director stated he would look into this. The Executive Director



also stated that the policy is to be reviewed annually by the LEAB, and that any changes that were suggested should be sent to T.C. Williams for submission to the Executive Director for the 2016 review. The Executive Director has indicated that the next review of the policy will not take place until April 2016.

A lengthy discussion ensued amongst members with the Executive Director regarding their opinions on future modifications to the existing policy when it is reviewed again.

Members of the Committee also discussed what components should be added or deleted to the curriculum for CEW certification.

Members agreed that the state should follow the CEW manufacturers recommendations that each person fire two cartridges during training every year to maintain their certification, as well as firing two cartridges to obtain their initial certification.

Members agreed that all training should include some scenario based curriculum, with no minimum number of scenarios imposed upon the trainee. Members agree that the number of scenarios should be at the discretion of the individual instructors.

Members also discussed whether there should be "Act 80" training and de-escalation training techniques in the certification program. Members agreed that the de-escalation training portion should be replaced with the "Act 80" training, and being that all law enforcement officers are currently required to attend that training, the requirement would be successfully met.

A question was also raised concerning the initial certifications of CEW users, and whether all initial certifications would have to be done at the Academy. The Executive Director stated that similar to initial firearms qualifications, all initial CEW certifications would also be conducted under the supervision of Academy personnel.

A question was also raised about currently certified instructors having the additional training requirements provided to them so that they would be able to continue recertifying their users with the CEW each year under the new rules.

Lieutenant Henry entered a motion to recommend accepting the policy and report with the stated amendments.

Captain Bloom seconded the motion.

Motion passed unanimously.

Meeting Adjourned: 11:51

Respectfully submitted,

Jason Williams
Training Coordinator
Vermont Police Academy

ADDENDUM TO THE USE OF FORCE COMMITTEE MINUTES
 DATED
 10 FEBRUARY, 2015
 IN RE: RECCOMENDATIONS TO THE TRAINING ADVISORY
 COMMITTEE ON THE MODEL POLICY FOR CONDUCTED ELECTRICAL
 WEAPONS

Recommendations: (In the order which they were introduced)

SECTION	RECCOMMENDATION
2.2	Wording within this section appears to be too specific. Under current wording, an agency who discovers that they have a CEW that is not functioning properly would be required to send the defective CEW “for repair”, and would not have the option to remove the CEW from service permanently or to dispose of it.
2.8	Use of the word “coercive” within this section was construed to limit an officer’s option to display a CEW without deployment in order to gain lawful compliance from an offender. Members agreed that any time that a CEW is displayed under these circumstances it could be construed as being used in a coercive manner.
2.7	The word “minimum” in this section should be replaced with “reasonable” as it refers to the number of cycles used to take an offender into custody. Historically, the use of such words as “minimum,” “necessary” and “least” have been limited when discussing or mandating use of force related issues. After discussion amongst the members it appears that the wording for this section comes directly from learning materials provided by manufacturers of CEW’s.
1.5 and 2.4.1.2	A concern was raised that these two sections contradict one another. Wherein the first section, under the definition of “active resistance”, it is stated that “...but the subject’s actions would <i>not</i> lead a reasonable officer to perceive a risk of injury to himself, etc.” In the second mentioned section, it states that “A subject actively resisting in a manner that, in the officer’s judgment, is likely to result in injury to the subject, etc.”
1.2.2	Appears to be a typo. Change “...actions of follow directions” to “...actions or follow directions.”
1.2.4	Concerns were raised over the language specifically used to describe persons within special populations. Members were curious as to how certain special populations were chosen, and why there was an age specified of 18 and over 65. It was mentioned that the officer who was deploying the CEW should report their perception of whether a person fell within the classification of a special population. It was mentioned that members would like to see language indicating “obviously pregnant” rather than simply “pregnant”. Members would like to see language about “low body mass” included in accordance with manufacturer’s recommendations.
1.3.2	Concern was raised with the wording of this section specifically as to how it relates to deployment of an CEW “near water”. A subject being near water is vague and can be misconstrued.
3.3	Wording in this section restricts an officer to seeking medical attention at a medical facility only. Under certain circumstances it may be more reasonable

	for medical attention to be summoned to the location where the person upon whom the ECW has been deployed is located.
3.1	A suggestion was made to modify the wording of "...risk of impairing a subject's respiration" to "...risk of positional asphyxia" consistent with current teaching practices. A suggestion was also made to add the word "controlled" after "restrained in the second sentence of this section.
3.7	A question was raised about adding in an exception to reporting for cartridges deployed during training.
3.9	A question was raised about the practicality or necessity for collecting AFIDs after a deployment of more than one CEW.
4.4.10	Members do not believe that annual training on dealing with persons experiencing a mental health crisis is necessary.
3.7.10	Concern was raised about an officer estimating the distance from which a CEW is deployed. Officers commonly perceive threats to be a great deal closer to them than they actually are. Members suggested that this be changed to report the distance that the probes were spread when they made contact with the body upon whom the CEW is discharged.
3.4.6	A discussion was raised about whether the wording of this section should be changed to reflect a person experiencing "acute psychotic disorder" in accordance with current training practices. A discussion ensued wherein it was discussed that officers are not trained to diagnose such disorders when making a decision about whether to deploy a CEW or not.

Respectfully submitted,
Jason Williams
Training Coordinator
Vermont Police Academy