

VERMONT CRIMINAL JUSTICE TRAINING COUNCIL
March 10, 2015
MONTPELIER, VERMONT
9:00AM

Members in Attendance

Director Glen Button, Chair, Vermont Department of Motor Vehicles.
Major William Sheets, Vice Chair, Vermont State Police
Executive Director Richard Gauthier, Vermont Criminal Justice Training Council
Captain William Elovirta, Vermont Police Association
Joe Damiata, Vermont League of Cities & Town
John Treadwell, Vermont Attorney General's Office
David Fenster, Vermont State's Attorney & Sheriffs' Office
Jim Rice, Proxy for Commissioner Pallito, Vermont Department of Corrections
Jason Batchelder, Proxy for Commissioner Louis Porter, Vermont
Department of Fish and Wildlife
Thomas Mozzer, Vermont Troopers Association
Gary Moore, Public Seat

Other Attendance

Gail Williams, Vermont Police Academy
Margie Klark, Vermont Department of Public Safety
Pat McManamon, Dept. of Motor Vehicles
Garry Scott, Vermont State Police
Executive Director Mike Desrochers, Vermont Fire Academy

Call to order: Meeting was called to order by Director Button at 9:00.

Director Button:

- Asked members to introduce themselves.
- Margie Klark was introduced to the Council as a guest speaker for the Governance Structure Project.

Margie Clark:

- Explained to the Council that Governance Structure Project was started about a year ago, on how to give everyone in Pittsford fair and equal use of the facility. It is recognized there are a lot of capital improvements that need to be done in Pittsford to get it where it needs to be. The Legislature authorized hiring a third party consultant, Mike Walker from Berkshire Advisors of Ohio, came in and interview stake holders. They put together a study with findings and recommendations that was presented to the Legislature in January. The study showed for the most part resources are used and shared pretty well, but at times when conflicts do arise they are hard to resolve because there is no one person overseeing the complex. Berkshire Advisors proposed a new Government structure be created to oversee the facility management at the complex, be responsible for the financial integrity,

and be the single voice for when capital improvements need to be made. The key to accomplish all of this was recommended there would be an Administrative position such as an Executive Director that would be independent of the Fire Academy and Police Academy, that would report directly to the Council, and would be responsible for the linen contracts, food service contracts, scheduling of classroom space and dorm space, provide reports to stakeholders and Legislature about facility utilization, and would be responsible for conflict resolution. This has all been presented to House Institutions a couple times and it seems pretty supportive. Representative Shaw introduced bill H.348 that takes the findings of this study and is proposing some legislative language to create this new Council. The sticking point is there is no money to have this Administrator at this time.

- There was discussion around the table in regards to positive outcome this new governance council would have, and there is concern the Legislature is going to say this is good and going to happen, then we need to be prepared to function with no position and we will have to figure out who is going to do the tracking. Legislature does recognize the need, but no one really knows the exact need and numbers for classroom usage, dorm space, etc. The governance council needs to get a handle on the true need and data to back this up to bring to the Legislature.
- Director Button suggested that Fire Service partner with the Police Academy in their Facility Management Subcommittee as a first step.

Director Button:

- Gave an update on the A.R.I.D.E. presentation from Jim Roy at the December Council Meeting. Lt. John Flannigan will be having a meeting with NHTSA to update them on the Council's interest in the A.R.I.D.E. program.
- Announced at the June Council Meeting Curtis Reed will be attending to do a presentation on Bias Free Policing.
- Introduced Pat McManamon and Garry Scott, and gave a brief introduction for the need of their presentation.

Pat McManamon and Garry Scott:

- Gave a presentation on a new training they are working on about Diminished Driving Skills. This new training is being developed due to the increased age of our population and the lack of a standardized approach at traffic stops by officers. They are seeing inconsistent write ups and are working on a set of questions that can be used when needed at stops, much like what is used for DUI stops. They both have been working on statistics and the development of a curriculum they can begin teaching with the current basic class (99th). They anticipate the training to be two hours, and will be using two hours during the motor vehicle class to teach this. They are hoping to do regional trainings for seasoned officers, and possibly adding on a section for specialized vehicles which would make this a five hour training. They talked about the possibility of making the training a web based training. Pat spoke of the training at the law enforcement focus group for Highway Safety, the Constable's Association, and Washington County Sheriff's Dept, who are all interested in sponsoring the training.

Director Button explained the agenda for the meeting had been changed. The officer decertification's and officer suspension have been postponed until the June meeting.

Approval of Prior Minutes: A motion was made by Jake Elovirta, and seconded by Major Sheets, to approve the December 9, 2014 meeting minutes. There was no discussion, motion carried.

Old Business:

- **Strategic Plan:** The Strategic Plan has been finalized. The challenge now is to stay on top of it. At the June Council Meeting John Gonyea will walk through this to let the Council know the status, what areas have been advanced, and what areas need to be focused on.
- **A.R.I.D.E.:** Jacob Humbert, our attorney, was questioned about the Council mandating this training because there are two ways to go about it. One way is to make it a rule and incorporate it into certification training for everyone that would follow a rules process. The second way would be to put it an individual recruit's prescription over the next two years following graduation. Jacob said it is up to the Council which way they wanted to do this to accomplish the goal of every officer getting the A.R.I.D.E. training. The problem there may not be enough instructors to certify all officers for this training, so we needed to come up with an instructor pool to accomplish this. To become an instructor they would have to be an expert in everything DUI related and trained beyond the DRE level. At this time there are only approximately 4-6 state and local officers qualified to become instructors. It was recommended by Director Gauthier that A.R.I.D.E. be made part of the training prescription for continued certification, and the officer needs to complete the Council approved course.
 - Motion was made by Dave Fenster, and seconded by Gary Moore to advance the A.R.I.D.E. training and make it mandatory for officers to complete the Council approved training within 36 months of graduation, commencing with the 99th graduating class on May 22, 2015. There was no discussion, motion carried.
- **Committee Reports:**
 - Use of Force – Patrol Rifle course had issues around training and issues around when the course is required, these have been resolved, but would like the course of fire reviewed. There was a question if it would be a mandated by the Council for agencies that carry patrol rifles. The UOF Committee recommended the Council require specific training, and have made changes to the language. It was also recommend by the UOF Committee the firearms training in the basic class be increased by four hours and touch on deadly force issues. The council was asked to accept the recommendation that certification be annually, the Academy will set up standards for that certification, and students will take the training from an instructor approved by the Council. Motion was made by Gary Moore, and seconded by Jake Elvortia. Discussion ensued, motion carried.
 - Use of Force – An issue they are facing is offering certification or qualification to retired law enforcement officers. Federal law requires officers seeking it take the course with their agency or a state approved course. The UOF Committee is recommending the Council incorporate that into a LEOSA offering. The requirement for the officer requesting this is they be retired from full-time duty and they pass a course administered by their agency where they retired or by a state sanctioned course. This would solely be

for Vermont officers. The officer will not be getting certified, but it would be documented the officer has satisfactorily completed the course. This would allow retired officers to carry a concealed weapon anywhere in the nation. The training would be held once a year unless there is a demand for more training. Motion was made to accept the recommendation by Tom Mozzer, and seconded by Jake Elovirta. There was no discussion, motion carried.

- **Act 180 (CEW):** The draft has been written for the certification training course. UOF Committee and the TAC Committee have both approved the training course. The Academy is looking at adding the 2-3 day training on to the post-basic classes. Motion for the Council to accept the certification training course as outlined in the report was made by John Treadwell, and seconded by Dave Fenster. No discussion, motion passed.
- **Quarterly Training Report:** Nothing unusual to report, no questions from the Council.

Director Gauthier:

Has met with House and Senate, Judiciary, and Gov Ops on H.765 and rule changes to give them a heads up on what we were expecting, they were very receptive and positive. Betsy Ann Wrask, Legislative council, has been tasked with drafting the recommendations.

Director Button informed the Council House bill H.130 was introduced to make the Department of Public Safety into the Agency of Public Safety. The Criminal Justice Training Council would become a component. The Senate bill S.279 was introduced about officers wearing body cameras. Bill H.206 was introduced in regards to notary and updating the notary statutes.

Director Gauthier gave the Council an update on the current basic-class. We are down to 29 students in the class and will be moving into phase II, no disciplinary issues, there are some recruits that have military experience.

New Business:

- Want to make subcommittees (Facility and Grounds, Rules, Strategic Planning) report their activities to the Council for their meetings.
- Working on a process for tracking use of the Police Academy and opportunities lost.
- Director Gauthier explained the Academy would like to do recognition of John Sonnick at the May 22nd graduation for his years of dedicated service.
- Director Button invited the Council Members to join the Academy for graduation on May 22nd, and to stop by the Academy any time they had time to see what goes on.

Motion to adjourn meeting made by Joe Damiata, seconded by Jake Elovirta. Motion approved, meeting adjourned approximately 1115.