

VERMONT CRIMINAL JUSTICE TRAINING COUNCIL
MEETING AGENDA
December 4, 2012
VERMONT POLICE ACADEMY
PITTSFORD, VT.
10:00AM

Members in Attendance:

Sheriff Stephen Benard, Chair, Rutland County Sheriff's Department
Director Glen Button, Vice Chair, Vermont Department of Motor Vehicles
Sergeant Thomas Mozzer, Vermont State Police
David Fenster, Addison County State's Attorney
Captain William (Jake) Elovirta, Vermont Department of Motor Vehicles
Major Dennis Reinhardt, Vermont Department of Fish & Wildlife
Cindy Maguire, Vermont Attorney General's Office
Pietro Lynn, Lynn, Lynn, & Blackman
Executive Director Richard Gauthier, Vermont Police Academy
Commissioner Keith Flynn, Department of Public Safety
Chief Chris Brickell, Brandon Police Department (Proxy for Chief McQueen)
Joe Damiata, Vermont League of Cities & Towns
Commissioner Andy Pallito, Department of Corrections (via phone)
Director of Training Cindy Taylor-Patch, Vermont Police Academy
Administrative Services Coordinator Emily Leinoff, Vermont Police Academy

- Call to Order at 10:00 by Sheriff Benard.
- Approval of Prior Minutes
 - Motion made by Director Button to approve the minutes of the September 4, 2012 meeting, 2nd by Major Reinhardt. Motion carried, minutes approved.
- Committee Reports
 - Canine Committee – no comments
 - Domestic Violence Committee – no comments
 - Homeland Security – no comments
- Motion made by Director Button to approve the Canine, Domestic Violence, and Homeland Security reports. Second to the motion was made by Captain Elovirta. Motion passed.
- Use of Force Committee
 - Director Gauthier mentioned a couple topics from the UoF Committee report. He spoke about the UoF Committee wanted to extend the instructor certification periods from two years to three years; discussion ensued about whether this would open discussion for all instructor certifications. Motion was made by Director Button that without further information, the Council would not act on this request. A second to the motion was made by Captain Elovirta. Motion carried.
 - Director Gauthier also brought discussion to the Council in reference to an individual that has submitted an instructor application with the approval of their “secondary agency”. This person’s “primary agency” had decided against using this person as an instructor. Discussion from the Council ensued on whose responsibility to maintain the certification it would be. Ultimately it was agreed that if the instructor met the

Academy's requirements for certification, than it was not a Council issue. If an agency does not want to use the officer as an instructor, than they do not need to.

- Motion was made by Cindy Maguire to move out of the order of the agenda to hear from two guests. A second to the motion was made by Captain Elovirta. Motion carried.
 - Two guests were present to speak to the Council about their re-certification process. Michael McCarthy and Leeland Graham both presented information as far as their re-certification process. Both individuals had close to 30-37 years of experience before retiring as Chiefs in Vermont. Both are attempting to come back into law enforcement. McCarthy is under the five year mark, but Graham is over the five year mark. Both are currently enrolled in the part-time academy. Graham's re-certification request was voted on by the Waiver Committee to deny the request as he had been out of law enforcement for over 5 years. Graham explained that while he was not associated with a law enforcement agency for those 5 years, he was involved with the law enforcement profession while working at Governor's Highway Safety. McCarthy had also been active in the law enforcement profession while he was out for just under five years. Both were looking to the Council to consider using discretion in interpretation of the five year rule. McCarthy explained that with the amount of knowledge both officers had gained in their career, if they were looking to come back as full-time administrators for a police agency, they did not feel they should have to complete the entire full-time academy. McCarthy further explained that he did not feel it was necessary for both of them to sit through the part-time academy training as they had enough experience and they did not feel it was valuable training.
 - Discussion from the Council ensued about the re-certification rule, but it was ultimately decided that if they allow this interpretation of the rule and to waive the five year rule, it would open a door for all officers to request the rule to be waived. The Council agreed that they would consider modifying the rule so that if this situation comes up again, there is a set prescription in place for them to adhere to. The Council decided to wait to vote on Graham's waiver with the rest of the waivers.
- Youth Services – report was not submitted
- Waiver Committee
 - The only discussion of waiver listed on the Waiver Committee report was in reference to Graham's waiver request. Discussion was in regards to what the appeal process would be, which would be to go through Superior Court.
 - Motion was made by Director Button to approve the recommendation of the Waiver Committee on all the waivers listed in their report. A second to the motion was made by Commissioner Flynn. Motion carried.
- VCJTC Training Report – no comments
 - Motion was made by Director Button to approve the report. A second to the motion was made by Cindy Maguire. Motion carried.
- Executive Director's Report
 - Director Gauthier spoke with the Council regarding the fact that the LEAB was soliciting input from the Council prior to submitting a report that involved the Council, and that it was the intent of the LEAB to recommend that the Council be empowered to make the changes rather than the LEAB telling the Council what it needed to do. The report concerning S. 132 had already been submitted to the LEAB, because Sheriff Benard and Cindy Maguire had already reviewed it and offered input. The report on S. 248 has not yet been submitted to the LEAB. Cindy Maguire advised that the report was an LEAB document, and the LEAB was fulfilling their mandate

from Senate Gov Ops. There was a lengthy discussion on what is involved in rule changes, and how we should make sure we go after making all the necessary changes at one time, since it was a prolonged process that involved a fee as well. The report on S. 248 was constructed using Dr. Roger Goldman's document outlining best practices for law enforcement accountability and duties of training councils. There was some discussion about using a summer study to address the issues in depth.

- Director Gauthier explained of a situation that occurred at the Academy last Tuesday where a recruit failed four of the final scenarios. It was the opinion of the staff and the evaluators that the recruit lacked the ability to make quick decisions in emergent situations. Director Gauthier spoke with the recruit and suspended their further participation in the training course. Director Gauthier explained that he only has the authority to suspend training that the Council would have to vote to expel a recruit. The recruit was provided a letter regarding the suspension of training and after the recruit spoke with their Chief, the Chief spoke with Director Gauthier and informed him that the recruit had been terminated. The recruit has 10 days from the date of suspension to appeal the decision, and there has been no indication of an appeal as of today. The Council stated that if this occurred when a meeting was going to be schedule for months later that it would be appropriate to call an emergency meeting. Pietro Lynn suggested that the Academy send the recruit a letter on the 10th day just reaffirming the suspension and stating that since we have not heard from her regarding an appeal we are going to proceed on the premise that she withdrew from the academy.
- Director Gauthier and Joe Damiata met with Max Schlueter about creating an evidence based policing and training seminar. It was decided that the Academy as well as a few other agencies would split the cost of this.
- The Job Task Analysis survey yielded only 35% response rates which were lower than expected. Since they extended the deadline to complete, the final product was also extended into January or February.
- Wireless internet is up and running at the Academy as well as iPads for staff and students. We are in the process of ordering smartboards as well.
- Budget: Commissioner Reardon approved the request to allow the Academy to purchase vehicles rather than leasing. This will save a significant amount of money.
- Council broke for lunch at 12:36 and returned at 1:09.
 - Staffing: Director Gauthier explained that he is trying to get approval to extend the temporary program services clerk position into a full-time position as well as adding another training coordinator position. Director Gauthier submitted an application to the position pool but has not yet heard from them. Commissioner Flynn gave Director Gauthier the names of two other people to contact to check on the progress. We are finishing up the technology grant and we have a contract in place with Gary Margolis to create a mobile application.
 - There is about \$15,000 left in the tech grant and the deadline was extended for 6 months.
 - Director Gauthier explained that he received a rather unusual request for reasonable accommodations for entrance testing. The individual request unlimited time, use of a calculator, private room, and someone to read the questions. The Director explained that he spoke with legal counsel regarding this request and they suggested that the Director speak with the individual and find out what accommodations he is looking for. The Council discussed this issue at length regarding what would be considered

reasonable in reference to being able to complete the full-time academy. Ultimately it was decided that this is a legal matter.

- Director Gauthier spoke with the Council about developing a statement of essential functions for full-time recruits. This also led into a discussion about how the Academy does not have an exit standard. Legal counsel stated that we can mandate recruits to pass a “maintaining PT standard” which may be more than the entrance standard as long as it is documented that a higher degree of PT is required to continue in the course. The Council was informed that if a higher level of PT was not passed by a recruit, they would not immediately be suspended from training, they would be provided remedial training.
- Director Gauthier also brought up a point about entry backgrounds. Director Gauthier as well as many Council members agree that a polygraph be included in the background check. After a lengthy discussion it was determined that this would involve a rule change. Director Button suggested that the Academy contact the Chiefs and Sheriffs and inform them of their intent to change the rules and in the interim it is suggested and encouraged to use polygraphs.
- Motion made by Cindy Maguire and seconded by Commissioner Flynn to move into executive session at 1:45.
- Executive Session (Personnel Issues/Contract)
- Adjournment