

**VERMONT CRIMINAL JUSTICE TRAINING COUNCIL**  
**MEETING AGENDA**  
**April 5, 2018**  
**Vermont Fire Academy**  
**93 Davison Drive**  
**PITTSFORD, VT 05763**  
**10:00 AM**

**Members in Attendance**

Chief Christopher Brickell, Chair, Vermont Association of Chiefs of Police  
Heather Simons, Vice Chair, Proxy for Commissioner Lisa Menard, Vermont Department of Corrections  
Colonel William Elovirta, Proxy for Commissioner Robert Ide, Vermont Dept of Motor Vehicles  
Sheriff Stephen Benard, Vermont Sheriff's Association  
David Scherr, Proxy for Attorney General TJ Donovan, Vermont Attorney General's Office  
Gary Moore, Public Seat  
Major George Scribner, Proxy for Commissioner Louis Porter, Vermont  
Dept of Fish & Wildlife  
Erica Marthage, State's Attorneys & Sheriff's Office  
Captain Mike Major, Vermont Police Association  
Silas Loomis, VT Constables Association  
Sgt. Timothy Gould, VT Trooper's Foundation

**Other Attendance**

Executive Director Richard Gauthier, Vermont Criminal Justice Training Council  
Director Cindy Taylor-Patch, Vermont Police Academy  
AAG Jacob Humbert, Attorney General's Office  
Officer Jason Williams, Rutland Police Department  
Chief Timothy Bombardier, Barre City Police Department  
Officer Paula Russell, Barre Town Police  
Brooke Dingledine, Esq., Attorney VDM Law  
Chief William Dodge, Barre Town Police  
Gail Williams, Vermont Police Academy  
  
Wesley Lawrence, Hearing Officer

**Chief Brickell:** Called the meeting to order at 10:18.

**Approval of Agenda:** Motion to accept agenda made by Heather Simons, second by Silas. No discussion, motion passed.

**Russell Hearing:**

- Attorney Dingledine stated her concern that documents were provided to Council Members in advance of the hearing. She objects to the distribution of these documents.

- AAG Jacob Humbert stated his position that the documents wouldn't taint Council Members opinions. He posed no objection to requiring Council Members to return what that had received and state what materials that had reviewed previously.
- Hearing Officer Wesley Lawrence noted that Attorney Dingleline had passed out a packet of information that Council Members were looking at. He queried Council Members regarding what they had previously reviewed and if they believed they could be fair given that they had possessed this information prior to the start.
  - Chief Brickell - opened two, has not reviewed documents.
  - Director Simons – impartial, looked at material.
  - Colonel Elovirta – Did not have time to read, thumbed through.
  - Sgt. Gould- reviewed a few attachments from email and thumbed through.
  - AAG Scherr - Briefly review a couple documents.
  - Gary Moore - Has read emailed packet and read hand out spiral binder
  - Sheriff Benard - Only read case notes from Cindy (was asked how he knew).
  - Constable Loomis- Browsed some attachments and spiral packet.
  - Major Scribner - glanced through attachment and through spiral-bound documents.
  - Captain Major- Looked at attachments and through spiral-bound documents.
  - SA Erica Marthage - Has not looked at any materials.
- Dingleline asked that any emailed materials be disregarded and collected.
- Gould disclosed he is a crash instructor during the 104<sup>th</sup> Basic. No objection from anyone regarding his participation.
- Dingleline noted some documents were never seen before.
- Recruit Murphy – proper heading with different recruits' work, not sure why provided Russell Report (has nothing to do with case).
- Email from Russell to Cindy Taylor-Patch
- AAG Humbert email and Russell Report will not be offered into 1055.
- AAG Humbert presented case of Russell's suspension from 104<sup>th</sup> due to four failures (61% Motor Vehicle Law Quiz, Firearms standard, 55% on Motor Vehicle Quiz #6 and failure of Patrol Procedures Final Scenario #3).
  - Council Rule #2 and academic failure policy in the Recruit Manual outline the grounds for suspension from Basic Training. Council needs to ratify expulsion, not ratify and impose remedial action.
  - State asking to ratify suspension and temporary expulsion, lasting a defined period of time.
- State called Director Taylor-Patch as witness. Testimony was provided.

Break for lunch 1:10 – 1:45

- State called Executive Director Gauthier as witness. Testimony was provided.
- State called Officer Jason Williams as witness. Testimony was provided.
- Dingleline requested that Russell return for final scenarios and have opportunity to test.
- Dingleline called Chief Dodge to testify. Testimony was provided
- Dingleline called Paula Russell to testify. Testimony was provided.
- Dingleline called Chief Bombardier to testify. Testimony was provided.
- Dingleline moved to admit exhibits 1-5,6,7,10,11,12 into evidence.
- Exhibits 2,3,4,5,6,9,10, admitted for the State.
- No more witnesses

- No rebuttal witnesses.
- Dingedine requested that the Council deliberate as soon as possible.
- AAG Humbert reported that the State would like findings.

At 4:52 PM Colonel Elovirta moved that members go into executive session, seconded by Sheriff Benard.

Executive session ended at 5:19 PM

- Council would like findings submitted by April 15, 2018. Council will convene at the end of the month to deliberate further.
- Chief Brickell stated that he felt the Council received a lot of information and would like time to consider the facts, ask any questions that come up and get answers if needed.
- Director Simons explained questions on process. There is a lot to consider, wants to do right by process and do right by Russell. SA Marthage agreed with Director Simons.

Motion to adjourn made by Colonel Elovirta at 5:32. Seconded by Constable Loomis. Motion carried.

Meeting adjourned at 5:32.