

VERMONT CRIMINAL JUSTICE TRAINING COUNCIL
December 8, 2015
PITTSFORD, VERMONT
10:00AM

Members in Attendance

Major William Sheets, Chair, Proxy for DPS Commissioner, Vermont State Police
Chief Christopher Brickell, Vermont Association of Chiefs of Police
Executive Director Richard Gauthier, Vermont Criminal Justice Training Council
Captain William Elovirta, Vermont Police Association
Joe Damiata, Vermont League of Cities & Town (Public Seat)
John Treadwell, Vermont Attorney General's Office
David Fenster, Vermont State's Attorney & Sheriffs' Office
Heather Simons, Proxy for Commissioner Pallito, Vermont Department of Corrections
Constable Silas Loomis, Vermont Constable Association
Sheriff Stephen Benard, Vermont Sheriff's Association
Sergeant Thomas Mozzer, Vermont Troopers Association
Gary Moore, Public Seat
Paul Gaudreau, Proxy for Colonel Jason Batchelder, Vermont Department
of Fish & Wildlife
Commissioner Robert Ide, Vermont Department of Motor Vehicles

Other Attendance

Jacob Humbert, VT Attorney General's Office
Cindy Taylor-Patch, Vermont Police Academy
John Gonyea, Vermont Police Academy
Gail Williams, Vermont Police Academy Frank Wilk,
Rutland County Sheriff's Department Mike Major,
Chittenden County Sheriff's Department
Mike O'Neil, Representative for Vermont Troopers Association

Major Sheets: Called the meeting to order at 1002.

Approval of Prior Minutes: A motion was made by Gary Moore, and seconded by Captain Elovirta, to approve the September 8, 2015, meeting minutes. There was no discussion, motion passed.

Election of Officers:

- Chief Brickell was nominated as Council Chair by Constable Loomis, and seconded by Captain Elovirta. All were in favor. Motion carried.
- Major Sheets was nominated as Council Vice Chair by Constable Loomis, and seconded by Gary Moore. All were in favor. Motion carried.

The council meeting was turned over to Chief Brickell, Council Chair.

Decertification Process: Director Gauthier gave an overview of the historical background. Jacob Humbert talked to the Council about his concerns with the language, the nature of the administrative procedure, and how best to utilize the process. He had recommended a more fully formed notice of hearing. Mike O'Neil attended the Council meeting on behalf of the Vermont Troopers Association to talk about the proposal, the Council's authority, how to protect the local control of agencies in making decisions on how to discipline their officers, but protect the appeal rights of the members and the officer involved. Major Sheets asked the question on how to vet agencies to make sure they are meeting these criteria or similar criteria set out by the Council. Director Gauthier suggested developing a model police for agencies to follow if desired. The Criminal Justice Training Council will function as the body to conduct this investigation in some instances. Finance and Management has been asked for funds to contract an internal investigation when needed which they were fine with. The questions to the Council is does the Council want to give up some of its authority to the results of an agency internal investigation and does the Council want to modify the definition? Discussion ensued about the process. Director Gauthier envisions the Council not being involved in many Category A offenses, not involved with Category B offenses unless it is a second offence or there is a termination, and the Council should be involved with Category C offenses from the beginning, although there are not a lot of these issues. Jacob's concerns were recognized by the Council members. A working group has been set up to continue work on this process. Mike volunteered to continue working on the process with Director Gauthier, John Treadwell, Jacob Humbert, and Chief Brickell. They will be working on getting the draft done by January 8th. Gary Moore made a motion to accept this process, seconded by Sergeant Mozzer. All were in favor. Motion carried.

Committee Reports:

- The Canine Committee has asked the council to approve discontinuing training new dogs on marijuana detection in anticipation of the legalization of marijuana. There were some concerns for the Department of Motor Vehicles and Department of Corrections due to their policies. Discussion continued and a motion was made by Gary Moore to eliminate training the dogs on detecting marijuana for the 2016 classes, unless specifically requested by an agency, until the decision is made by Legislation in regards to legalization, seconded by Captain Elovirta. No further discussion. Motion carried.
- Motion to accept the Use of Force Committee report was made by Commissioner Ide, seconded by Constable Loomis. No discussion. Motion carried.
- Motion to accept the Domestic Violence report was made by Gary Moore, seconded by Joe Damiata. No discussion. Motion carried.
- Motion to approve the Training Advisory Committee report was made by Gary Moore, seconded by Major Sheets. No discussion. Motion carried.
- Motion to approve the VCJTC Quarterly Training report was made by Commissioner Ide, seconded by Sergeant Mozzer. No discussion. Motion carried.

Rules Proposal: Director Gauthier gave an overview of the polygraph criteria. There was discussion on concerns, procedures for inconclusive results, and the cost effect. The Director from the Maine Academy will be invited to speak at the next Council meeting about their process. A subcommittee consisting of Director Gauthier, David Fenster, Gary Moore, and Sheriff Benard will work on writing up polygraph standards.

Meeting adjourned for lunch 1135

Meeting back in session 1213

Chief Brickell recommended and made a motion to have a larger working group set up to work on the standardization of the polygraph and look at disqualifiers. Motion was seconded by Constable Loomis. No further discussion. Motion carried.

Executive Directors Report:

Director Gauthier explained the Level II-E Expansion summary form that was emailed to the Council, and any special considerations that were present. Motion to approve the Level II-E certifications was made by Constable Loomis, seconded by Sheriff Benard. No further discussion. Motion carried.

Lt. Frank Wilk from the Rutland County Sheriff's Dept provided to the Council the breakdown and clarification of hours from Rutland Regional Ambulance for Michael Tarbell, that were requested from the last Council meeting to determine his approval for Level II-E certification. A motion was made by Constable Loomis to accept these hours, and seconded by Sergeant Mozzer. No further discussion. Motion carried.

Update on Building Status: John Gonyea gave an overview of the two most recent projects. The first project is the project started on December 9th to update the bathrooms near classroom one. This project has an end date of January 10th. The second is in regards to a structural concern. Walls were not built on top of each other for support so many are separating and cracking. It has been proposed to take the second floor bedrooms (over the lobby by the computer lab) and the third floor bedroom above them off line for wiring issues and allow the engineer to see just how bad these rooms are to determine how long it would take to fix them, the costs, etc. Taking these rooms off line will affect how much bed space is available for the basic academy, fire cadet academy, in-service, as well as other agency usage.

Governance Committee Meeting report: Heather Simons gave an update. The committee has met twice since the last Council meeting. They participated in a committee activity on November 9th, they visited the Department of Corrections Academy in Lyndonville and the facility in St. Johnsbury. They were able to discuss the structural building capacity. They were able to observe the classroom, recruits, trainers, and tour the facility. The committee will be meeting on December 23rd to outline the executive summary, the goal of the executive summary, and to have a discussion around beds and buildings, and to design a report on the barriers and challenges that are currently being faced.

Major Sheets reported the committees were supposed to demonstrate that we all get along, and he believes this has been proven. Also, the Guard is having a massive exercise using a collapsed structure. This training will be coming to Vermont. It is anticipated 2,000 public safety officers will be trained, so the need for a facility where this structure would be located demonstrates the need for a facility for all to use, but also shows that there are not rooms to accommodate these trainings.

Major Sheets told the Council there is a ten-year mineral lease with BGS and Casella for mineral rights. There is ten acres on the Pittsford property that states that if Casella gets "x" amount of loads out of this property, they would owe the State of Vermont a significant amount of money.

Director Gauthier explained to the Council the application process for Level III basic training is being changed due to the perception of the process we currently have. The new process will allow agencies placement in the class with all the paperwork other than the polygraph and medical packets to hold their seats. There will be a deadline for submitting the medical. If an agency does not submit by that date they will lose their placement and/or would be moved to a stand-by list if the class is full.

Director Gauthier explained the CEW requirement. By January 1, 2016 agencies must have a CEW Policy. They can use the LEAB policy or another policy with the essential components. All agencies have to adopt a policy regardless if they carry Tasers. The Council has been tasked with certifying officers and to certify, an officer must take the manufacturer's course as well as have an overview of the policy, how to successfully fill in the CEW report form, and participate in a Use of Force training aid with Mental Health scenarios. The Council's piece is to add this training on to post-basic.

Motion was made by Constable Loomis to go into Executive Session, seconded by Joe Damiata at 1345. Meeting resumed at 1410.

Major Sheets said traffic stop analysis for the last five years has been sent in and are starting to be sent it to independent folks for analysis. He has recently attended Curtis Reed's two-day Diversity Conference with Heather Simons that was outstanding and recommends attending. He has already made reservations for next year and believes two Council members should attend. There was discussion among the Council members about the posting of traffic stop information.

Director Gauthier gave everyone the proposed bill by Senator White to keep it fresh and for everyone to take a look at some of the provisions. Specifically, in regards to municipal officers.

Major Sheets asked members to take a look at the Committees to keep them up to date. Which ones are beneficial, which ones can be disbanded, and more importantly putting representatives from each group on these committees for the committees to have an impact.

Director Gauthier shared requests from agency heads to make additions to Level II certification.

- Violations of conditions of release

- Title 7 alcohol beverages

- Aiding in the commission of a felony

- Arson

- Cruelty to Children

- Explosive and Fireworks

And he has a few more minor things he will be adding.

Council Meeting dates for 2016 have been set as the following dates with a start time of 0900:

- March 8th

- June 14th

- September 13th

- December 13th

Motion to adjourn was made by Commissioner Ide, seconded by Sergeant Mozzer.
Meeting adjourned at 1430