September 4, 2024

10:00 AM

Teams Meeting and 317 Academy Rd. Pittsford, VT 05763

**Members in Attendance Public Session:**

Bill Clements – Governor Appointed

Scott LaValley - Governor Appointed

Shawn Pratt - Governor Appointed

James Whitcomb –Proxy for Commissioner Jennifer Morrison, Dept. of Public Safety

Glenn Boyde – Proxy for Commissioner Nick Deml, Dept. of Corrections

Tim Lueders-Dumont – Proxy for Director Campbell, States Attorney and Sheriffs

Wade Cochran – Proxy for Commissioner Wanda Minoli, DMV

Lori Vadakin – Proxy for Commissioner Emily Hawes, DMH

Domenica Padula – Proxy for Attorney General Charity Clark

Justin Stedman – Proxy for Commissioner Chris Herrick, VTFW

Jay Greene –Proxy for Executive Director, Office of Racial Equity

Tom Chenette – Vermont Police Association

Jennifer Frank – Vermont Chiefs Association

Mike O’Neil – Proxy for VT Troopers Association

Mark Anderson – Vermont Sheriff’s Association

Amanda Garces – Proxy for Human Rights Commission

Trevor Whipple – VT League of Cities and Towns

**Other Attendees:**

Christopher Brickell – Vermont Criminal Justice Council

Kim McManus – Vermont Criminal Justice Council

Lindsay Thivierge – Vermont Criminal Justice Council

Ken Hawkins – Vermont Criminal Justice Council

Jennifer Firpo– Vermont Criminal Justice Council

Jennifer Hier – Vermont Criminal Justice Council

Jamielee Bedard – Vermont Criminal Justice Council

Loretta Stalnaker – Royalton Police Department

Matthew Romei – Norwich Police Department

Jeffrey Burnham – Springfield Police Department

Patrick Owens – Manchester Police Department

Patrick Foley – Williston Police Department

Travis Bingham – Newport Police Department

Michael Arbogast – Dover Police Department

Brian Kilcullen – Rutland City Police Department

Pierre Gomez – Northfield Police Department

Roger Marcoux – Lamoille County Sheriff’s Department

Paul Talley – St. Albans Police Department

David Fox – Rutland County Sheriff’s Department

Mike Thomas – Shelburne Police Department

Jason Covey – Middlebury Police Department

James Blanchard – Manchester Police Department

John Grismore – Franklin County Sheriff's Department

Robert Montgomery – Killington Police Department

Ron Hoague – Essex Police Department

Braedon Vail – Barre City Police Department

Trevor Colby – Essex County Sheriff’s Department

Skyler Genest – Department of Liquor and Lottery

**Call to Order:**  *VCJC Chair Bill Clements* 10:05 AM

**Additions or Deletions to the Agenda:**  *VCJC Chair Bill Clements –* No additions or deletions to the agenda.

**Meeting Minutes:** *VCJC Chair Bill Clements* – Trevor Whipple made a motion to accept the minutes from August 7th, second by Tom Chenette, all in favor *Jennifer Frank, and Amanda Garces abstained due to not being in attendance).* An amendment was requested to remove proxy status from Executive Director Xusana Davis, all in favor.

**Executive Director Updates**: *Acting Executive Director Chris Brickell*

* The 118th is currently at 47 recruits (11 females and 36 male recruits) we started with 54. Of the 7 resignations 6 are male and 1 female, 2 for personal reasons, 1 was withdrawn and 4 due to medical concerns. Currently they are in week 5, they have had their first scenario night that went well. Special thank you to volunteers.
  + All recruits have had access to the O2X app with access to resources to include nutrition on weekends and recovery tools. There are 8 recruits that have had previous injuries or existing that have gotten personalized rehab and preventative exercises.
  + If recruits can’t perform in PT activities, they are given a new plan so that they can engage in PT. They have all undergone their readiness assessment (what nutrition, physical activity, and stress individually) and this will be measured again by graduation so we can see where they have been improved. Jason from O2X has seen 3-4 recruits a day for the first two weeks and now it is down to 1 per day.
  + By next meeting we will have the pre-academy PT plan.
* Positions – We have concluded our interviews for the TC position for in-service training and are working through the HR process. We have interviews scheduled for the Investigator position on Thursday. Our Community Inclusion Director interviews are scheduled for September 27th at the Academy. We hope to have a recommendation from the hiring panel.
* Race Data Reporting – This is a requirement by all agencies, statutorily required to submit the data to the Academy and the Office of Racial Equity. Currently there is one agency and four constables who have not reported their data. There is the potential that the Constables are reporting through an agency but that has not been confirmed. Outreach occurred pre and post deadline.
  + Any agency that does not report that will be denied access to services to the Academy. We want to work in collaboration with agencies especially those that are struggling. We will work to get everyone in compliance.
* We have seven Out of Jurisdiction officers currently in the process. There were two up for review with the waiver subcommittee but one withdrew. The waiver subcommittee meeting will take place on September 10th at 12:30.
* Canine has three teams that will certify in Tracking/Trailing and two more will continue on with the Patrol School.
* FIP Policy – Reminder we have 13 agencies that still have not submitted their policies for review to the Council.
* Committee Outreach – In the last couple of weeks we have reached out to committee chairs to get feedback on operations. We were looking for a response by September 3rd and we heard from four committee chairs. We have 10 active and 6 inactive and 1 that needs to be reactivated. By the end of next week, I will have the opportunity to reach out to chairs to make sure the process is working for them and determine what needs to change for specific committees.
  + *Chair Clements* – I appreciate the time that people spend on committees and the work that occurs. I would like us to be sure that we have the right committees for the work that needs to be done. Moving forward there may be other initiatives that need council perspective. How can we incorporate our Council Members in some level on those committees.

**Rule Updates**: *VCJC Associate General Counsel, Kim McManus*

The Rules Committee is working on the ARIDE recommendation which will come before the council soon. Today we will provide an update on the Code of Conduct rule which was discussed in previous meetings. We are required by Act 124 to create a code of conduct and to create rules in regard to content, implementation and potential future modifications. This language was shared with Council Members on August 21st for any feedback. The Rules subcommittee will meet on this issue until language is ready to be presented to the Council for approval. The goal is to have prior to the September 17th meeting so the rules can be presented for approval at that meeting. We anticipate one stipulation and consent order for review on the 17th as well. Please reach out prior to the meeting so that we may discuss and vote on the 17th. Once the Council approves the Code of Conduct rules, I will begin the formal rule making process with the Secretary of State Interagency and Legislative Committees on Administrative Rules. This process takes between two and three months and we need to have the Rules adopted by December 31st. Rules Committee has a meeting today at 1PM and there will be a detailed discussion on the Code of Conduct rule.

* The Act 56 subcommittee had solicited feedback from law enforcement, non-law enforcement and council members regarding the Code of Conduct (not the rule). The Committee also invited Law Enforcement to a Q and A, in addition, and with a much higher attendance, Sheriff Anderson and Chief Frank held a Code of Conduct meeting on August 27th for law enforcement. There were approximately 40 attendees. They are accepting feedback until September 20th then the subcommittee will finalize the code of conduct to be presented to the Council.

**FIP Policy Updates:** *VCJC Associate General Counsel, Kim McManus*

Title 20, 2366 we are required to review the updated the Fair and Impartial Policing policies for all law enforcement and constables throughout the state. We have 6 months from the time the model policy was updated to do that review. The Council updated the Policy at the end of April in 2024 and has until about the end of October of 2024 to review and work with any agencies whose policy fails to comply. We asked that agencies submit their policies by August 1st to allow for review time. Of the policies submitted (well over 85%) there are only 3 or 4 agencies that will require follow-up, 2 of which are clerical errors. These agencies will receive a letter from the council in the next 10-14 days advising them how to bring their policy into compliance.

We are waiting for about 12 agencies to submit their policies this includes constables and a few agencies waiting for input from the municipalities.

Some municipalities have meetings scheduled in September to discuss whether to adopt the model policy or some or all of an alternative policy that Migrant Justice has circulated. The alternate policy has been reviewed in consultation with the Attorney Generals office. A number of suggested edits in the alternative policy do not deviate from an agencies responsibility to meet the components of the Council model policy as required by statute however there is one section in the alternate policy that would cause that section of the policy to be noncompliant (Section 6D7 remove parenthetical not in compliance). If an agency submits the policy with the carve out language the policy will be returned to them, and we will work with them to obtain compliance. There will be a final report in November regarding the policy review. If you have not submitted the policy due to a town review but you have an expected date, please let us know.

*Discussion Ensued: Mark Anderson –* If an agency does not submit a policy, then they by default adopt the Council policy. Kim McManus –Yes, also, if an agency is not compliant in a section and they have been informed but choose not to bring the policy into compliance then they would by default be held to the model policy.

**General Discussion:**

Comments from Chair Clements – looking forward to learning more about the Council, members and looking forward to committee works. Priorities are:

* Staffing at the Academy
* Council fiscal needs
* Committee structure, work, and involvement
* Outreach to council members to get to know everyone
* Visit the academy

Looking ahead to a strategic view – where would we like to see the council go? What does the 3–5-year outlook look like? What things are happening in the environment and how do we plan forward? There are a lot of good things happening with curriculum and I plan on being involved with that.

Acting Executive Director Chris Brickell thanked those who have made the trip to the academy, he also reinforced that a lot happens at the Academy and Council level, and things take time. Director’s Hawkins and Thivierge accompanied Executive Director Brickell to the New Hampshire Academy. It was very interesting, we run things very similarly, but they are staffed with 36 people which effects what they can do.

Jay Greene – Offered resource materials from the Office of Racial Equity Language Access Report. Appendix G includes cost structure for translating State of Vermont documents, as we move into budget requests, we should consider this for outreach and communication especially events and costs for interpreters in meetings.

*Amanda Garces made a motion to adjourn the meeting, seconded by Scott LaValley, no discussion, all in favor.* Meeting adjourned.10:48