



Vermont Criminal Justice Council

Council Meeting Minutes

May 19, 2021
10:00 AM
Zoom Meeting

Members in Attendance:

William Sorrell, Chair – Governor Appointed
Tammy Boudah – Governor Appointed
Maira Tungatarova - Governor Appointed
Glenn Boyde – proxy for Interim Commissioner James Baker, Dept of Corrections
Chief Christopher Brickell – Vermont Chiefs’ Association
Sheriff Mark Anderson – Vermont Sheriffs’ Association
Trevor Whipple – Vermont League of Cities and Towns
Cassandra Burdyshaw - Vermont Human Rights Commission
Michael Major - Vermont Police Association
John Federico – Vermont State Employee Association
Shawn Pratt – Governor Appointed
Col. Jason Batchelder - proxy for Commissioner Louis Porter, VT Fish & Wildlife
David Scherr – proxy for Thomas Donovan, Attorney General’s Office
Brian Searles – Governor Appointed
Karim Chapman – Governor Appointed
Anthony Facos – proxy for Wanda Minoli, Dept of Motor Vehicles
Erin Hodges – Vermont Troopers Association
Michael Major – Vermont Police Association
Michael Schirling – Commissioner of Public Safety
Evan Meenan – proxy for John Campbell, States Attorney & Sheriff’s

Other Attendees:

Heather Simons – Executive Director Vermont Police Academy
Major Justin Stedman – proxy for Commissioner Louis Porter, VT Fish & Wildlife
Gail Williams - Vermont Police Academy
Cindy Taylor-Patch - Vermont Police Academy
Lindsay Thivierge - Vermont Police Academy
Jacob Humbert – Assistant Attorney General
Christopher Conway – Vermont Police Academy
John Flannigan - guest
Steven Coote – Vermont State Police
David Dewey – Colchester Police Dept
Robert Ryan – Vermont Police Academy
Two public guests



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Call to Order: VCJC Chair Bill Sorrell 10:01

Chief Brickell made a motion to accept the minutes from April 21, 2021. Second by Sheriff Anderson. All in favor. Motion passed.

Chair Sorrell welcomed Evan Meenan to the Council replacing Erica Marthage as the proxy for John Campbell, States Attorney & Sheriff's. Evan introduced himself and gave a brief background. Chair Sorrell has asked Evan to be on the Rules Committee working group.

Legislative Update, Chair Sorrell:

- We have been successful on the House side in our request for funding of two positions, one attorney and one investigator. It is now on the Senate side.
- There was a one-time request for \$150,000 to hire an expert to revise the entrance testing process, and \$100,000 for a new state of the art training simulator. Senate appropriations has appointed Senator Sears from Bennington County to look into our proposal, who has told us the one-time funding is in the Senate appropriations version of the big bill.
- Having trouble confirming, with all the moving parts, the \$150,000 is in appropriations. There is hope it is included and the House goes along with the Senate and leaves the money in there. We should know within a month.

Executive Director Update, Heather Simons:

- It has been an extraordinary transition with the pace and support.
- Council members are encouraged to come to the Academy for a visit any time.
- There have been a few operational challenges with the infrastructure where things happen automatically at the Police Academy and Heather would like to get a sense of what staff is doing to make these things happen, the impact of the sub-committees and working groups, and how all the foundations are embedded into the trainings.
- Is feeling the pressure to keep business moving, implement change, and do some aggressive strategic planning about what this next year is going to look like.
- Chair Sorrell asked how the Academy staff was feeling and reacting with the increased demands, responsibilities, and new Council to work for. He was informed it has been a much-needed change, change can be difficult, but the staff is ready and can shift gears.



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Training Update, Cindy Taylor-Patch

- The 111th basic class is in week 3 of 16. All applicants that were signed up to attend got in. It started with 25 recruits, and all are still here. They are doing well and moving along. So far the Academy is managing ok with adjunct facility and training assistants but we have hearing concerns due to staffing issues at the agencies and potential availability going forward.
- We continue with hygiene protocol. The requirement for wearing masks has been removed. The entire class has been vaccinated.
- Looking forward to reopening and being able to hold more trainings.
- Hearing from agencies they are having a hard time with recruiting and retention, so agencies are having a hard time getting people they can register for the next class.
- There are two vacancies at the Academy currently. One is the Training Coordinator (TC) position we are working on filling, and the other we are in the interview process for is a half time Program Services Clerk.
- The 112th basic class is in the planning process. We are weighing the need, support from adjunct faculty, other factors, committee work, instructor development that needs to happen, etc. to come up with a solid start date.

Administration Update, Lindsay Thivierge

- Rule 13 audits have been completed. We are continuing to check waivers for training extensions.
- The new website is in a holding pattern, so we have continued to work on the backside to get information flow how we want it to be as we build it out. For now, we are waiting for ADS to make the change over.
- Building of the divider wall in the computer lab to convert it into two offices is set to be completed mid-June.
- We are looking at updating our records management system with the possibility of agencies having viewing authority for their officers.
- On May 10th we had a Law Enforcement Memorial to honor fallen VT law enforcement officers. This is held every spring. The Memorial went well. There are pictures on our Facebook page for anyone who wishes to see them.
- BGS has identified problems, structural issues, and deficiencies at the Academy, but so far there is nothing in the works to address them. Wiring is one thing that needs updating and is being done one room at a time. We will be doing a feasibility study.

Sub-committees/Working group updates:

- Professional Regulation sub-committee, Chief Brickell: Sub-committee started meeting on Feb 16th with a back log of 57 cases. So far 25 of those cases have been reviewed



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during the meetings held on Mondays for an hour and a half each week. 15 cases have been voted out as Category B first offenses, four were Category B second violations, and two were determined to be Category C violations. Two were sent back for further information from the investigating officer and two sent back for clarification. Notices will be sent to each individual and his/her agency, and to the Council for hearings when necessary.

This sub-committee requires a lot of work from the members and is estimated to be 15-20 hours a week staff is working on this. The two new positions will be critical in this process. During Council discussion it was suggested to consider a one-year rotation to cycle people through this sub-committee.

- Entrance Exams working group, Heather Simons: So far this group had a lot of leg work going backwards. A schedule of meetings will be put out next week. It is anticipated to be equal to the number of hours work as the professional regulations sub-committee, at least in the beginning. Anyone interested in being on this working group is encouraged to reach out to Heather.
- Canine sub-committee, Robert Ryan: May is recert month for patrol and tracking. Each officer must pass an annual PT test to stay in the program. This year's schedule of classes was gone over, and the trainings were explained to the Council.
- Use of Force sub-committee, Cindy Taylor Patch: This topic gets a lot of media attention. H145, Act 27 has now passed. There will be a statewide policy coming out. Jenn Morrison has done a tremendous amount of work on it. One of the primary pieces of the bill was the prohibition of choke holds. They would only be allowed under law in circumstances where it was used in place of deadly force, which is consistent with the training at the Academy over the last few decades. October 1st is the deadline for the policy. The sub-committee will be working on this to get recommendations to the Council for approval.
- Traffic Safety sub-committee, Christopher Conway and John Flannigan: The sub-committee continues working on impaired driving and is developing a standardized curriculum on a driving education program to be used in high schools. The sub-committee has been working on trying to measure Covid's impact on highway safety, current level of operation from agencies, and what the next steps should be to strategize a path back to normal levels of operation. John Flannigan updated the Council on Drug Recognition Evaluators (DRE). There are currently 49 DRE's in Vermont, in 2020 the traffic activities were down but the overall drug evaluations were up about 50% which was about 425 evaluations throughout the state. The program lost seven DRE's last year. A DRE class is scheduled for August, but there is concern on the recruiting for these positions with only one applicant so far. In 2015 Council mandated that all new certified officers be trained in Advanced Roadside Impaired Driving Enforcement (ARIDE) within three years. Cindy Taylor-Patch explained the four areas of training for impaired drive.



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Baseline which includes Driving Under the Influence (DUI) training required by all Level III officers, ARIDE, DRE, and refresher trainings as needed. Last fall Statute passed in the cannabis bill mandating all officers have ARIDE training by December 31, 2021. Not all officers are required to even take DUI so not all officers would need this training and it is impossible to meet this deadline. Legislature understood the deadline issue and have moved made the new deadline 2026. Due to the difficulty, it would be to carve out who would or would not need ARIDE training the Council was asked if they supported putting in a proposal to Legislature to let the Council have the authority to decide which officers will need the training. Chair Sorrell suggested keeping a list of topics we would like to address in legislature and relook at this list at the Sep-Oct meeting and agreed it should be suggested the Council should have the authority.

- Domestic Violence, Cindy Taylor Patch: Jennifer Firpo has been working with the sub-committee a survey that was sent to agencies to get recommendations of trainings officers feel would be most needed.
- Fair and Impartial Policing (FIP), Cindy Taylor Patch: The sub-committee has been working on reviewing the training in the basic class that involves FIP and continues working on this year's mandatory FIP training. Interviews will begin this week on the two RFP's received for race data collection.
- Council Rules sub-committee, Chair Sorrell: Council Rules are outdated and relate to the old Training Council. Any number of provisions are directly contrary to S124. Other than due processes related to professional regulation are ignored. The sub-committee is looking at the substance of the Rules and will format a draft for approval. Rule change is a long process. It will need to go to legislature, administration, public review, etc and could take up to 180 days to complete. Staff at the Academy and Council members have been asked to look at the Rules and prioritize which ones should be worked on first. The sub-committee will meet once a month or more to get this process going.

Open discussion:

Sheriff Anderson talked about H421 the bill to improve animal cruelty investigations. The bill has good intents but there are also concerns. It creates a dynamic where the Animal Cruelty Investigation Advisory Board (ACIAB) is developing and improving a curriculum to give to the Council to approve. The Council may have concerns on the Constitutional Law that the ACIAB would disagree with potentially creating a block in the pipeline. Currently the Council does not certify non law enforcement officers. It allows for humane society employees who have received some trainings to conduct animal cruelty investigations which are criminal investigations. The curriculum does not contemplate things like Constitutional Law, criminal law, scene management, search warrants and execution of them, evidence collection and custody, FIP or anti-bias training. Sheriff Anderson encouraged Council members to review H421 and believes more work needs to be done. Chair Sorrell suggests putting this topic on the list for fall.



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No further discussion.

Evan Meenan made a motion to adjourn. Second by Michael Major.

Meeting adjourned 11:44

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