August 17, 2022

10:00 AM

Teams Meeting

**Members in Attendance:**

William Sorrell, Chair – Governor Appointed

Brian Searles – Governor Appointed

Maira Tungatarova – Governor Appointed

Shawn Pratt – Governor Appointed

Christopher Louras – Governor Appointed

Major Kevin Lane – Vice Chair, Proxy for Commissioner Michael Schirling, Public Safety

Glen Boyde – Proxy for Nicholas Deml, Dept of Corrections

Anthony Facos – Proxy for Commissioner Wanda Minoli, Public Motor Vehicles

Chris Herrick – Commissioner for VT Fish and Wildlife

Justin Stedman - Proxy for Commissioner Chris Herrick, VT Fish & Wildlife

Evan Meenan - Proxy for John Campbell, Executive Director, States Attorney & Sheriff’s

Xusana Davis, Vice-Chair – E.D. Racial Equity

Erin Hodges – VT Trooper’s Association

Michael Major – VT Police Association

Jennifer Frank – VT Chief’s Association

Mark Anderson – VT Sheriff’s Association

Erin Jacobsen – Proxy for Attorney General Susanne Young

Trevor Whipple – Vermont Leagues of Cities and Towns

Thomas Mozzer – VT State Employee Association

Sadie Donovan – Proxy for Jennifer Poehlmann, Center for Crime Victim Services

Cassandra Burdyshaw – VT Human Rights Commission

Jennifer Poehlmann – Crime Victim Services

Karen Tronsgard Scott – ED VT Network DOMV/Sexual Violence

**Other Attendees:**

Heather Simons – Vermont Police Academy

Christopher Brickell – Vermont Police Academy

Lindsay Thivierge – Vermont Police Academy

Jacob Humbert – Assistant Attorney General

Amanda Garces - Director of Policy, Education, & Outreach for the Human Rights Commission

Jamielee Bedard – Vermont Police Academy

Tim Gould – Vermont State Police

Jason Covey – Middlebury Police Department

Barbara Kessler – Vermont State Police

Peter Mantello – Castleton Police Department

Matthew Romei – Vermont Capitol Police

Peter Hull- Colchester Police Department

James Pontbriand – Berlin Police Department

Teresa Randall – Vermont State Police

Shawn Burke – South Burlington Police Department

David Fox – Rutland County Sheriff’s Department

Jennifer Harlow – Orleans County Sheriff’s Department

Maurice Lamothe – St. Albans Police Department

Michael Scruggs – Thetford Police Department

Kevin Geno – Rutland County Sheriff’s Department

Derrick Tienken – Winhall Police & Rescue

Robert Montgomery – Killington Police Department

William Humphries – Fair Haven Police Department

Stephen Laroche – Milton Police Department

**Call to Order:**  Vermont Criminal Justice Council Chair, William Sorrell 10:01

**Additions or deletions to Agenda:**  No additions or deletions

Chris Louras – requested the addition of the topics of training and staffing.

* The Council should weigh in on regional dispatch standardized training for the new dispatchers, training on mental health wellness, and some Bureau of Justice assistance-funded training around the state for members of the public with respect to Active Shooter and those needing mental health services.
* The Council had discussed briefly viewing exit interviews in executive session so we know what we are doing well and how we could build on our standards.
* Bill Sorrell – The Executive Director or Deputy Director will make referrals to the Training and Advisory Committee for suggestions related to training purposes. The issues for Council discussion we will look to get on the agenda for next month’s meeting.

A discussion was had around the use of titles. A past Council decision was made to not use titles when addressing each other to create an equitable status among members, it was brought up for a conversation on holding ourselves accountable.

Shawn Burke and Barb Kessler requested to add Body Worn Camera to the agenda – to discuss proposed changes due to issues in implementing the policy in the field.

**Approval of prior minutes**: Motion to approve minutes from 7.6.22 meeting, Michael Major, second by Chris Louras. All in favor.

**Entrance Test Working Group Update**

* The Entrance Test Working Group (ETWG) recommends to the Vermont Criminal Justice Council that the Council accept the response to the request for proposal regarding the Police Academy Entrance Exam that was submitted by PSI Services LLC/Talogy. A summary of what the test contains was sent around to Council members.
* This vendor presented a testing option that actively works to reduce disparate impacts and provides a digital platform; the test is available at the Academy and VCJC designated test administration sites.
* A testing study booklet is also provided to candidates prior to the test.

*Discussion ensued: What are the substantive differences between the previous test and the one proposed?*

The previous written entrance test was created specifically for the Vermont Police Academy by professors at Vermont universities. There was a scoring database and validity tests were done over time as needed. Questions would be adjusted if there were high discrepancies in scoring. We didn’t collect data outside of Vermont or outside of our candidates. This test has set questions with cognitive and biodata information collected by Vermont law enforcement candidates to weigh scores through a job task analysis. The national data they have currently has shown that the test has a low disparate impact.

*Were other vendors considered by the committee?*

* The committee went through a Request for Information (RFI) and Request for Proposal (RFP) process and identified and reached out to up to 7 different testing vendors. There was one other vendor liked by the working group, but they did not move forward with the RFP. Out of the two respondents to the RFP one did not have an immediate solution and it did not have the data to back up the limited disparate impact claim.
* The Entrance Test Working Group was unanimous with their recommendation to this vendor.
* PSI/Talogy has a history of working with law enforcement entities. The other interested party was new to the work and had a significant buildup time which would impact the time period to have the written entrance test.

*Funding for this option*?

* The test is equivalent in pricing to agencies. The fee for the Council will not be a problem.
* Trevor Whipple moves to accept the recommendation to approve PSI/Talogy as the testing mechanism for the Vermont Police Academy moving forward. Mark Anderson seconds. No discussion on the motion, all in favor.

**Audit Update:** *Vermont Criminal Justice Council Chair, Bill Sorrell and Vermont Criminal Justice Council Executive Director, Heather Simons*

* A draft report has been sent out by the Auditor’s office.
* The period of the audit was for 2019 and 2020 before the current council came into being.
* The audit will be helpful to our work and given the small staff at the Academy and the range of responsibilities, the audit is seen as a way to be helpful when we go to the legislature to request resources.
* One of the findings in the audit is that the Council has not approved the current curriculum as stated in Council rule.
* The audit allows us to save time by identifying the specifics behind each issue.
* The action item relating to the audit response is a request to approve what we are doing now. It has been over 10 years since the Council voted on the curriculum hours.
* The content and instructional methods will change over time as we move through the bigger project of training.
* There were twelve recommendations to the Executive Director and two to the legislature. All of the recommendations were tightening up what we’re supposed to be doing already. That requires resources and the compliance on our end is mostly human error. There are things we could clean up with software and mechanisms for double checking how we identify what training is, how we define it, and what we mean when we put hours to training.
* We have been working with the auditors and for the most part we have corrected anything that was identified, the corrective action period already started before we discussed the formal paper. We will continue to make changes as we go forward and defining what will and will not be accepted for training. This will be a dynamic process and nothing we can’t manage.
* In regard to resources these are things that help us identify how to be better and how to move forward on initiatives like a full curriculum do over. It takes about 30 hours to develop one hour of high liability training and that’s in person. Once you get to eLearning and webinars it goes up to about 40-50 hours. We may find through this process that the basic need of certification reduces hours, and we are better able to see which skill sets are required and necessary to start the job.
* What we are considering today is a list of topics and hours for the curriculum. In the future we may want to focus on drilling down for learning outcomes or exams and reading lesson plans but today we are just reviewing what we already know.

*Discussion ensued: What is the auditor’s office asking us to approve?*

* We are being asked to approve the curriculum summary but why does the auditor think this is important to vote on?
* It is in Rule 9 which focuses on the minimum number of hours allotted.
* For example, how many hours go into firearms training as opposed to de-escalation or fair and impartial versus driving. The vote to approve doesn’t mean that these issues are cast in concrete and can be subject to revision by Council Action. The Council can also give the authority to the Executive Director to make various tweaks in the curriculum and that will be up to the Council to decide what issues we want to retain ourselves for discussion and formal approval actions. It empowers the Executive Director and upper-level staff at the Academy to make periodic reports to the Council.

*Has the Training and Advisory Committee (TAC) done any work on this?*

* The TAC has been reviewing Level II curriculum, they should be involved in Level III as well. Nothing new is being proposed.

*Were there changes during Covid?*

* There were changes during COVID the TAC has not reviewed.
* The Council hasn’t been approving the curriculum, and it should have been. There is a class starting Monday.
* The curriculum is under the authority of the Council. This is a recommendation from the auditors. This is not a reflection on the ongoing workings of the TAC.

*Concern was expressed over reducing the number of hours of Level III training.*

* Through the accreditation process and a curriculum needs assessment, hours may reduce as outcomes become more skill based. The curriculum becomes more efficient without taking anything away. Any Job Task Analysis done would be steered by Vermont law enforcement.
* Shortening an academy in the current climate is hopefully not a response to get bodies on the road. We need trained people not just people on the road to do the job.
* The training model through accreditation is a model in which we introduce the skills necessary and are able to describe what is being done. For example, in Level II and Level III, there is a vast difference in the training, but to the general public law enforcement personnel all look the same, and it is assumed they have the same training. This will allow us to standardize, measure competencies, and request resources that will allow for an efficient student-to-instructor ratio.
* S124 created the new Council and part of the responsibility of the Council is to consider ways to increase remote learning and alternative learning paths, which underscores the idea of more efficient instructional techniques not necessarily less instruction.

*Discussion continued over the proposed curriculum vote*

* There was a proposal to respond to the auditors that we are changing Rule 9.
* Hesitation was expressed on approving something that hasn’t been seen and could take some time to review.
* The curriculum has not been approved by the Council for over nine years, and concern was expressed that some members did not feel prepared to vote.
* Clarity was expressed that the Council that not being asked to do anything that hasn’t been reviewed by any committees. The Council is only approving what we are currently doing in our curriculum summary.

Brian Searles moved for the approval of the current curriculum and it should be a recurring item in the future for this council and we revisit what it looks like and what the TAC is discussing. Second by Kevin Lane, Vote:

* ***In favor (7)****:* Brian Searles, Kevin Lane, Glenn Boyde, Anthony Facos, Erin Jacobsen, Evan Meenan, Trevor Whipple, Tom Mozzer.

***Against (6)****:* Chris Louras, Justin Stedman, Mike Major, Mark Anderson (lack of familiarity), Sadie Donovan, Xusana Davis (lack of familiarity).

***Abstain (4)****:* Erin Hodges, Jennifer Frank, Jennifer Poehlmann, Cassandra Burdyshaw.

***Not present (2)****:* Shawn Pratt, Maira Tungatarova

*The chair would have voted yes if needed for a tie. The vote did not pass.*

*Discussion continued on the vote*

* Concern was expressed that if Rule 9 states that the full Council voted no on the approval of the minimum number of hours required for basic training would the council be able to offer a curriculum, would the Academy starting on Monday be able to continue, and what would that do to the other curriculums that were not approved.
* Rule 9 contemplates that the Council approves a basic course of instruction. The minimum number of hours shall be specified by the Executive Director and approved by the Council. The entire basic training course shall consist of a minimum number of hours of training as established by the Council but in no case shall it be less than 792 hours.
* Legal would need to research the implications of not voting or not passing the vote for the current curriculum.
* When the new Council started there was a vote to adopt the prior rules. A question was asked if that adoption would have included accepting the curriculum.
* It was proposed that the Council does not accept the auditor’s finding in this instance.
* A motion to go forward with the training curriculum currently in existence for this new training class with those number of hours and the number to be allocated within the total as deemed appropriate by the Executive Director was revisited. Erin Jacobsen amended the motion so that moving forward on a regular basis we meet to do a full review of the substantive curriculum and not just the number.
  + *Further discussion on curriculum review-* It was determined that the Council does not have the time or desire to go that deeply into curriculum work and that the Council will rely on Academy staff to make the best and most efficient use of delivery of instructional services to the candidates for law enforcement and ongoing training of law enforcement officers.
* The motion was revisited. Mark Anderson moved to have the Council delegate responsibility for the approval of the Academy’s curriculum (hour distribution) to the executive director, with the intention of revisiting upon the passage of our new set of rules. Bill Sorrell made an amendment that the Council would retain ongoing authority over the curriculum as it evolves going forward. Second was made by Brian Searles
  + Vote: ***In favor (13)*** Brian Searles, Kevin Lane, Glenn Boyde, TF, Erin Jacobsen, Xusana Davis, Jennifer Frank, Mark Anderson, Tom Mozzer, Trevor Whipple, Sadie Donovan, Cassandra Burdyshaw, Karen Tronsgard Scott

***Against (3)*** Justin Stedman, Erin Hodges, Evan Meenan

***Not Present:*** Chris Louras, Maira Tungatarova, Shawn Pratt, Mike Major. ***Vote passed.***

**Fair and Impartial Policing Committee Update:** *Director of Policy, Education, & Outreach for the Human Rights Commission Amanda Garces*

* The FIP committee for the past few months has been working on the curriculum for the next training that’s coming up which will be hate crimes.
* The FIP Policy – Two years ago there was a committee that was formed with the Human Rights Commission, the ACLU, Migrant Justice, and the AG’s office. The policy went from that Committee to the VCJC FIP Committee, and then to the Council. After the VCJC reviewed the policy with the recommended changes, in October of last year, nothing else happened.
* The FIP Committee feels it is important to go back through the policy more thoroughly and then bring it back to the Council in the next few months.

**Rules Committee Update:** *Vermont States Attorney and Sheriffs – Evan Meenan*

* The Rules Committee reviewed feedback from the full council, VSP, and will be meeting with the entrance test working group.
* Minutes were circulated; they are organized so each piece of feedback is listed, and the committee response follows. After the entrance test working group meeting, we will have to have another Rules committee meeting so that we can make a recommendation to the full council.
* After a full rules revision highlights will show the changes the rules committee made.

**Executive Director Updates** *Vermont Criminal Justice Council Executive Director, Heather Simons*

* We have 32 recruits as of today for the 114th
* We have a hearing date set for September 13th.

**Body Worn Camera –** *Vermont State Police, Captain Barbara Kessler; South Burlington Police Department Chief Shawn Burke; and Vermont State Police Sergeant Tim Gould*

* Upon implementation there have been problems identified with the Body Worn Camera policy. The 30 seconds of pre-video and audio being on is problematic for privacy issues and it causes storage issues.
* Retention issues – Current retention for videos is one year then automatically purged. Anything to be adjudicated would have to be manually checked to prevent purge. Someone would have to go back in after it was adjudicated to uncheck the box and allow the video to go back to the retention schedule. It’s extremely voluminous and not something that there is the capacity for.
* Would be better to retain too long. Troopers on the road have to make decisions on how to tag the video in the field and removing that time period would improve the quality of the information we are getting from them.
* Passive recording leads to more chances for human error.
* Cases that have to be maintained indefinitely like use-of-force, officer-involved shootings, and major incidents, (mass arrests, serious felony cases, homicides, and active missing person cases) have to be marked to prevent purge, which is very hard to do. The software can’t tell if it’s something that needs to be retained indefinitely. We already have a problem tracking the tagging. This will lead to officer error.
* Warrants and exigent circumstances are listed as exceptions to the need for consent within a place where a reasonable expectation of privacy exists. It’s not clear how exigency applies to the anticipated use of force when trying to protect someone’s privacy.
* BWC is meant to protect citizens and assist in investigations and we are losing valuable information.

*Additional issues addressed by Windham County Sheriff Mark Anderson*

* Rewrite number 1 in the Policy and establish clearly when recordings shall be made and then second when recording shall not be made and then delegate specific responsibilities that are more enterprise-wide rather than everyone the same.

Revisions are being written and will go back through the LEAB before being presented again at the Council level. Any input or assistance is welcome in drafting the revisions.

**General Discussion:**

There is a dispatch study committee that is focusing on regionalized dispatching. There has been a discussion on governance and who is the entity that represents that. I would like to caution the Council in becoming involved with a regionalized or statewide dispatching model as it could present conflicts with Fire and EMS organizations such as the Fire Council and other entities.

Motion to adjourn Glenn Boyde, second Evan Meenan – all in favor.

Meeting Adjourned 11:58