



Vermont Criminal Justice Council

Council Meeting Minutes

December 19, 2023

9:00 AM

Teams Meeting

Members in Attendance:

William Sorrell, Chair – Governor Appointed

Brian Searles – Governor Appointed

Karim Chapman – Governor Appointed

Shawn Pratt – Governor Appointed

Christopher Louras – Governor Appointed

James Whitcomb – Vice Chair, Proxy for Commissioner Jennifer Morrison, Public Safety

Glenn Boyde – Proxy for Nicholas Deml, Dept of Corrections

Wade Cochran – Proxy for Commissioner Wanda Minoli, Motor Vehicles

Chris Herrick – Commissioner for VT Fish and Wildlife

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

Erin Jacobsen – Proxy for Attorney General Charity Clark

Tim Lueders-Dumont - Proxy for John Campbell, Executive Director, States Attorney & Sheriff's

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

Michael O'Neil – Proxy for VT Trooper's Association

Jennifer Frank – Vice Chair, VT Chief's Association

Kelly Price – Vermont State Employees Association

Mark Anderson – VT Sheriff's Association

Trevor Whipple – Vermont Leagues of Cities and Towns

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

Cassandra Burdyshaw – VT Human Rights Commission

Karen Tronsgard Scott – ED VT Network DOMV/Sexual Violence

Other Attendees:

Heather Simons – Vermont Criminal Justice Council

Christopher Brickell – Vermont Criminal Justice Council

Lindsay Thivierge – Vermont Criminal Justice Council

Kim McManus – Vermont Criminal Justice Council

Jennifer Firpo – Vermont Criminal Justice Council

Ken Hawkins – Vermont Criminal Justice Council

Brock Marvin – Vermont Criminal Justice Council

Dan Pennington – Vermont Criminal Justice Council

Jamielee Bedard – Vermont Criminal Justice Council

Nick Stewart – Vermont Criminal Justice Council

Austin Bach – Vermont Criminal Justice Council

Jennifer Hier – Vermont Criminal Justice Council

Amanda Garces – Human Rights Commission

Ann Schroeder

Kevin Lane

Ron Hoague

Dom Amato

Cam Smith



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Laura Ullman

Call to Order: Vermont Criminal Justice Council Vice Chair, Jennifer Frank 9:00

Additions or Deletions to the Agenda: None

Fair and Impartial Policing (FIP) Report – *Human Rights Commission Director of Policy, Education, and Outreach and Chair, Fair and Impartial Subcommittee*

- *Review of FIP policy status and preparation for next meeting.*
- Report the Council received states the history of the Subcommittee.
- By statute the policy must be reviewed by the Council on the 1st of the year, every 2 years.
- A couple of years ago there was an ad-hoc committee that was created by the Council to look at this policy and make changes that would make the policy clearer for officers and members of the community that have been asking for this. The committee went through many membership changes and a period of uncertainty but began working on the document in August of last year.
- A lot of collaboration and conversation went into this document. We couldn't have done this without Erin Jacobsen and Julio Thompson from the AG's office who worked really hard with Migrant Justice and the ACLU. This document is really three years' worth of hard work. I would like to highlight the importance of having the community members come to our meetings and I hope that we continue to have that communication with them. They are not here today but they are ready to have more dialogue.

Justin Stedman – There has been tremendous work by the subcommittee, and it's gone on for a long time. Amanda wouldn't say this, but she has been the little engine that would not stop moving this along and getting this over the finish line.

Act 56 Working Group Report: *Vermont Criminal Justice Council, Act56 Chair, Chris Louras*

We gave an update in November. There were issues identified over the last couple of years since Act56 went into effect. Issues included whether or not the statute as written provided enough guidance for the council to act in all instances of officer behaviors within category B misconduct.

The draft code of conduct which we hope will replace category B violations should provide much more clarity for the Council and the professional regulation subcommittee in dealing with sanctions including amendments for Category B offenses.

One of the key points we focused on for off duty conduct was that there should be a nexus between job responsibilities and off duty behaviors. The concept behind the draft code of conduct was to incorporate language that would provide guidance with the nexus to duties with each of the standards outlined in the code of conduct.



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There were a number of issues that were brought up that were not related to category B or first offenses. They were brought up broadly to be sure the legislature heard them and could see future considerations for change including a model statewide policy for sexual misconduct for law enforcement officers.

This report will create more clarity around misconduct issues and remove the ambiguity that was in Act 56.

Kim McManus: We are asking the council to approve the concept that the committee has come up with regarding the code of conduct. If the legislature thinks that is a good idea, then it would come back to the Council and allow members to dig in and make sure the code of conduct catches the behavior that the council wants to catch, and we are providing law enforcement clarity on what behavior will potentially bring them in front of the Council.

Chris Louras: We also understood the need to be mindful to not conflate disciplinary action within an agency with council sanctions. We used the Vermont State Police code of conduct as our template as it has been tested and has been recognized as being effective in FIP and discrimination for behaviors.

Chris Brickell: The last legislative session there were two pieces of language that were added to Category B (*While on or off duty attempting to cause or causing physical harm to a family or household member or placing a family or household member in fear of imminent serious physical harm.*), (*While on duty a violation of domestic violence involving law enforcement model policy.*) While we are suggesting that we replace Category B language, everything including those two additions from the last legislative session were captured within that code of conduct. The committee had many differing opinions, we took seriously the employment side vs the council side on actions of certification and union representation.

Mark Anderson – Motion for the Council to endorse the general sentiment of the Act 56 Committees work, second by Karen Tronsgard Scott. All in favor.

Professional Regulation Updates *Vermont Criminal Justice Council Executive Deputy Director, Christopher Brickell*

Informative report – The Council is required to provide a report under Act 74 of H476 that will encapsulate all of the complaints that we receive that involve domestic and sexual violence, and the number of complaints of Category A and B conduct involving domestic and sexual violence that resulted in the filing of charges or stipulations or the taking of disciplinary action. This is a cumulative report that was asked of the council from the inception of Act 56 on July 1 of 2018 to its current date. I foresee this report being an annual report as a result of this legislation after that moving forward.

This report was created in collaboration with the VT Network on Domestic and Sexual violence and the VT Attorney General's office. They helped define the terms domestic and/or sexual violence.



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Domestic violence is defined as: violence, abuse, harassment, stalking of a household member. Sexual violence is defined as: sexual assault, sexual harassment, gender-based discrimination by law enforcement towards women or LGBTQ individuals.

Household members are defined by statute.

A written report will be provided for the council's review at our January 3rd meeting. This report is due to the legislature on January 15th.

From 2018 to our current date the total amount of domestic and sexual violence reported cases through Act 56 has been 32. We started the reporting in July of 2018. In 2018 there were no reports, 1 in 2019, 12 in 2020, 11 in 2021, 4 in 2022, and 4 so far in 2023.

The number of complaints of Category A and B conduct that involve domestic and sexual violence totaled 17 Category A complaints from 2018 to 2023 and a total of 19 Category B complaints from 2018 to 2023.

An addition was made to the report that was not required - incidences of reports where RFA's are granted and also reports of sexual misconduct that don't fit into domestic or sexual violence.

The addition was made because there are some acts of clear sexual misconduct that have been reported that don't fit into the definition of domestic or sexual violence yet clearly erode the public trust in law enforcement. From 2018-2023 we have had a total of 6 RFA's that were granted even though they were not required to be reported on and a total of 16 reports of sexual misconduct outside of domestic and sexual violence.

Karen Tronsgard Scott: I think it's really important for us to include those numbers in the report and I think it's important for us to understand not only what's happening out in our communities but also for us to view domestic violence with the lens that takes into account the ways that the profession presents a perfect storm for some officers in their intimate partner relationships. My hope is that we can continue to work on ways that interrupt the possibility of domestic violence before it happens within this profession. I think those numbers are important because we need to have the full scope.

Chris Brickell: The Council sees a lot of work from the professional regulation subcommittee and a lot of work has been done to clean up past cases. You have had stipulated agreements, you have had one contested hearing, and it seems as though everything that comes before the Council is for a decertification. That is really far from the truth of the work of that committee. I feel it's important for law enforcement to know that sometimes this appears that this is a committee set out to find wrongdoing when really, they try to craft something that has officer accountability and not just a sanction along with it.

2024 Meeting Dates - Vermont Criminal Justice Council Executive Director, Heather Simons



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- Dates presented in a document. -the first column are business meeting dates (the first Wednesday of each month), the second column (third Tuesday of every month) are hearing dates. The approved dates will go out to the council via digital calendar invites.
- Alternate date possibilities were discussed.
- Trevor Whipple - Motion to accept the 2024 meeting dates with the proposed alternations March 6th would be moved to March 7th, July 3rd would stay as is the April 16th date would move to April 23rd. Second by Erin Jacobsen, all in favor.

Executive Director Updates *Vermont Criminal Justice Council Director of Administration and Compliance, Lindsay Thivierge*

- *Bill Sorrell* – As a result of an angiogram two Fridays ago I had bypass surgery last Tuesday, I should be released this afternoon.
- I have met with the chairs for the legislative committees on the timeline for the Act56 committee and in general how we will approach this upcoming session and what we need to do for any housekeeping bills. A priority for me is that we do all the planning to ensure that the Academy is in support of our customers (chiefs, sheriffs, command at VSP). Our priority is also to get folks into and through the Academy. Academy staff have managed pretty big classes, I don't think we can appreciate that enough and I can't thank them enough. There has been a large amount of communication between Chris and Ken and agency heads around their recruits, there is a partnership between decisions made around someone's performance at that Academy. That will come into play when we move forward in our planning for competencies and curriculum review.
- Two new staff members – Officer Nick Stewart from Middlebury as a Training Coordinator. Austin Bach will be doing what James Park was doing as well as other expertise. He will help with marketing, messaging, and the website and data.
- Kevin Lane – Contractor – Project Director for a larger initiative with IADLEST, Job Task Analysis, Curriculum Review. Big projects require at least one dedicated person and that is a responsibility that I have been carrying for some months, that will relieve workload. We are going to schedule a specific meeting to cover those initiative updates for Chiefs and Sheriffs to make sure everyone has the information that they need.
- We are still responding to the auditor's office. There has been audit guidance that has gone out from the Academy to agency heads. My goal is to not inundate agency heads with a ton of direction and lots of forms. We are trying to pace ourselves.
- I attended the Chiefs and Sheriffs meeting last week to spend time talking about what we are working on and where I am focused. We are going to redirect based on candid and honest feedback on what folks really need to know, I was missing the mark and too much in the 10,000th foot. I am working to get that squared away so I can make sure to get that information out in person, or in writing, in conjunction with the other mandates we have. I have a lot of information and things to think about. Instructor development is



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another area. Some of the things we are doing now are in anticipation of a direction we are headed, which is to be accredited and nationally certified.

- I had a meeting with Attorney General Clark and DHR Commissioner Fastiggi, this is about making sure we are paying attention to what the climate is, the policies, and that we are communicating the way we should.
- Commissioner Fastiggi sent out a revised Bulletin 3.5. There have been updates made in contracting including updates to performance objectives and how we work with contractors. I would ask those contractors that we work with to read the policy.
- *Kim McManus – Rules update* – There were three public sessions hosted for Rules feedback. I had one person attend. I also had feedback from staff as they have been working on logistics. I will also be reaching out to the Rules subcommittee to review that feedback to see if there are changes to bring to the council before we present it to the legislative committee. There is still time to provide feedback on the Rules.
- Current Rule and Proposed rule require the Council to approve the Level III basic training course. The Executive Director needs to present it to the Council for the year ahead and the Council needs to approve that, it is an audit requirement. It didn't happen as clearly as it could have in August, so we want to start the new year off right.
- *Heather Simons* – when we say curriculum review what are we referring to?
- *Kim McManus* – The rule does not specify that is a question for the Council. Schedule, topics, and description would be the baseline. If the Council needs more than that would need to be expressed.
- *Heather Simons* - The vote last time was to make the curriculum the responsibility of the Executive Director, which is also an option.
- *Kim McManus* – That is the problem, last time we said whatever the Executive Director decides but the rule states that the Executive Director specifies the curriculum and then the Council approves that.
- *Jennifer Frank* – I recommend that we are presented with topics for approval.
- *Erin Jacobsen* – I agree and if at the January meeting council members have specific follow up questions that could be asked. Does the Council have to approve every curriculum change or is it the annual approval process?
- *Kim McManus* – Curriculum forecasting would be presented to the Council to plan for the next year for law enforcement. That's where that approval process would happen, not day to day teaching changes. A large change would be presented and need to be approved per our rules.
- *Mark Anderson* – Curriculum changes ultimately start in the subcommittee. You would be relying on the committee's work, staff, and professionals in the subject matter. If council members are interested in weighing in on curriculum changes, I would encourage them to join the subcommittees responsible. Committees should be relied on so the council can focus on broader issues.
- *Bill Sorrell* – I agree with Chief Frank.



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- *Jim Whitcomb* – I would like to highlight t where the changes are made, I find value in seeing where the trends and hours are going. Highlighting those changes as they are happening so we can have some thoughtful change. I anticipate next month we will review some of those changes.

General Discussion:

Bill Sorrell – I was pleased and impressed by the Council during the hearing. I think this was a healthy opportunity for the Council and to have members physically meeting as well as the online environment. We tried to hear from everyone, I believe everyone felt free to express what they thought. It was an organic experience culminating in a big statement. Of those eligible to vote unanimously it was that there was a violation of the states use of force policy. The fact that we had the 15-1 vote. That one vote was an important vote as the legislature, by creating this council, was to have more voices. That vote was from the perspective of the VSEA.

Kelly Price – It was overwhelming to say the least to get inundated by the media for my one dissenting vote. That being said Mr. Sorrell is correct, I gave a response in writing that was available to the public.

Karen Tronsgard Scott –Do we have a policy that would protect us all as to who speaks for the Council to the media? I want to say how much I agree with Chair Sorrell on how important that dissenting vote is. Also, do we have any policies on unity of voice and what happens when a decision is made. Lastly, I would encourage us as a council to think about the trainings we are asking our officers to go to, and we want to encourage our officers not to multitask. The FIP training is one of those that we should be paying really close attention to.

Motion to adjourn Bill Sorrell, second Mark Anderson – all in favor.

Meeting Adjourned 11:42