March 2, 2022

10:00 AM

Teams Meeting

**Members in Attendance:**

William Sorrell, Chair – Governor Appointed

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

Glen Boyde – Proxy for Nicholas Deml, Dept of Corrections

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

Erin Hodges - Vermont Troopers Association

Trevor Whipple – Vermont Leagues of Cities and Towns

Michael Major – VT Police Association

Chris Herrick, Commissioner, VT Fish & Wildlife

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

Jason Batchelder - Proxy for Commissioner Chris Herrick, VT Fish & Wildlife

Cassandra Burdyshaw – VT Human Rights Commission

Carol Brochu – Center for Crime Victims Services

Shawn Pratt – Governor Appointed

Evan Meenan – Stats Attorney & Sheriff’s

Sadie Donovan – Center for Crime Victims Services

Karen Tronsgard Scott – E.D. VT Network DOMV/Sexual Violence

Brian Searles – Governor Appointed

Christopher Louras – Governor Appointed

Jennifer Frank – VT Chief’s Association

**Other Attendees:**

Heather Simons –Vermont Police Academy

Christopher Brickell – Vermont Police Academy

Lindsay Thivierge – Vermont Police Academy

Cindy Taylor-Patch – Vermont Police Academy

Jacob Humbert – Assistant Attorney General

Jon Murad – Chief, Burlington Police Department

Teresa Randall – Captain, Vermont State Police

Thomas Mozzer – Lieutenant, Vermont State Police

Lisa Ryan – VT Network DOMV/Sexual Violence

Ann Schroeder – Member of the public

802-318-6516 – Member of the public

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

**Changes to Agenda:** There are no proposed changes to the agenda.

**Approval of prior minutes**: Minutes to be amended under legislative updates. “Approved in concept by Senate appropriations but ultimately did not result in approval of the funding.

Motion to accept minutes as amended, Karen Tronsgard-Scott, second by Chris Louras. All in favor.

**Vermont Criminal Justice Council Chair Updates:** *Vermont Criminal Justice Council Chair, William Sorrell*

* We are two weeks until crossover, halfway through the legislative session.
* S.250 in Senate Government Operations doesn’t look like it will pass in its entirety, there are some controversial revisions.
	+ The Council would be called upon to investigate or have cause for investigation any uses of deadly force in law enforcement.
	+ There is a provision for the Council to become the repository for those letters.
		- Consistent with the Council’s responsibilities under professional regulation.
		- If the Council takes it up there should be a strong consideration on setting a standard for what triggers a letter to be sent.
* *Discussion ensued:* States Attorney’s office has not been active in weighing in on S.250 only monitoring. Due to public records requests, they have collected some Brady Giglio letters, and from 2007 to date, they have 56.
	+ (Brady Giglio refers to US Supreme Court cases – those two cases collectively say that a criminal defendants’ due process right to potentially exculpatory information includes the right to have information related to a law enforcement officer’s truthfulness and any information that may show their bias in the case not necessarily related to their truthfulness.)
	+ Legislature can say the Council is the repository but there is an outstanding question if the legislature has the authority to augment federal decisions on standards.
	+ States Attorneys are going to continue to issue these letters as they think is required by those US Supreme Court Cases, by professional standards, and the VT Constitution. If prosecutors have to present letters to the Council, they will. If the Legislature were to set a lower standard, prosecutors would continue to operate at the higher standards.
* No opposition to taking on these letters, but would want to make sure the systems and staff are available to do that.
* The repository is in line with the Council’s work with Professional Regulation but would prefer that the language is clearer on what is contained in those letters and making sure the Council is not responsible for making sure those reports are made to us. The repository makes a lot of sense.

**Equity Impact Assessment Tool:** *Vermont Criminal Justice Council Vice-Chair, and Executive Director for Racial Equity, Xusana Davis*

* The Fair and Impartial Committee is in a bit of a transition in its charge and its role, not just in itself but its impacts on other committees and the broader work that is being done.
* Fair and Impartial policing is a lifestyle in this profession, and in the work we are doing. How do we make it more than just a policy or checklist, how do we genuinely embed it in everything we are doing?
* Equity Impact Assessment Tool in State Government Overview: Policy tends to be made by people who are in dominant groups or people in power. Because decisions are made by people in dominant groups, they are usually made for people in dominant groups. This has created disparate impacts for marginalized groups. Although policies can be well-meaning and neutral, they often have disparate negative impacts for groups with heightened vulnerability.
* In 2013 federal government added a level of analysis that looked at intent and impact of a policy. In Vermont, we want to adhere to policies not just because of what we thought they would do but what they actually ended up doing, and if there are negative impacts, they can be adjusted we would like to adjust them. The Equity Impact Assessment (EIA) is a questionnaire conducted at the decision-making phase prior to budgetary or programmatic decisions that will impact communities. The assessment allows us to anticipate and avoid negative outcomes or mitigate them while making decisions.
	+ Examples: EIA not used: Tobacco 21 legislation and impacts on indigenous communities – could have had religious carveouts. EIA used – Minority Women-owned Business Enterprises and access to grant Covid funds.
* Uses: EIA can be used in each of these phases: recruitment & hiring, training, supervision and accountability, outreach to diverse communities, traffic stop data collection, assessment of institutional practices, and policy.

*Discussion Ensued:* How can this be integrated?

* What is the mechanism in law enforcement training or any others that impact the Council and how the tool should be considered going forward? (Inter-agency or multi-sectoral collaboration)
* Before bringing an idea to the Council do an EIA?
* Internal staff process?
* Support was given to use this tool across everything that we do in the Council and as staff and even within our stakeholders’ organizations.
* Diversity of groups in committees could utilize this tool.
	+ Having a seat at the table is very important and the FIP Committee has a good model of council members and community stakeholders.
	+ Shouldn’t just be the same people coming to the table we need to get more people; how do we do that?
	+ Racism is a white person’s problem; we have a job to do as white Vermonters that impact members of the BIPOC community.
	+ Members were interested to hear what impacts we are seeing with the current FIP training and how we can, in relation, use the Equity Impact Assessment training and make real improvements, not just check the box.
		- If we use this for everything it can’t be just a check of the box.
	+ Discussion around training and engagement: Concern was expressed during the FIP training about how students are not engaging or resisting. Credit should not be given when people are not participating in them the affects how we track and credit training during the audit process.
	+ A request was made for the FIP trainer to present to the Council (content as well as perceptions on how training is being received).

Using EIA: Could we create models of how we review our policies and have agencies sign off as a way to put this tool into practice. Especially when looking at recruiting/hiring.

* Human Rights Commission Bor Yang does follow-up work with organizations to take those next steps in implementing this into policies. If there is interest from organizations or a broader discussion is requested with the council let Cassie Burdyshaw know.

**Professional Regulation Subcommittee:** *Vermont League of Cities and Towns, PRS Chair, Trevor Whipple*

The group is now meeting twice a month. Since the last council meeting, we have reviewed four new cases and have brought two back for resolution. With two cases we took no action.

* Some complaints may be no action because the timeframe falls outside of the Act 56 timeline.
* We have some stipulation and consent agreements ready to go.
* Some open case files are due to incomplete packages, additional outreach necessary, or waiting on adjudication.
* This is not a perfect process, and it is concerning to hear people say that the current process does not work. Although some people may be unhappy because nothing has come to the full Council, there is a lot of work being done.
* Investigator position posted and closes soon. The staff attorney position is also closed.

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

* Training direction - focus on accreditation and the potential opportunity to get some assistance including reviewing how we:
	+ Approve/add to content with regards to training
	+ How often training is being requested and what is being requested.
	+ Evaluations of training by what we want to see at the end of the training, not hours.
		- What are we training to? How do we train to the competencies?
* The final graduating number of the 112th was 31.
* March 21st is the beginning date for the 113th and there are 49 coming into the new class.
* Changes that we have made such as the Entrance test – some people are saying these decisions are lowering standards, we are supporting law enforcement, not deciding what it is. The Council voted to change the way we test, not how agencies hire candidates. We are not participating in lowering the standards, we are supporting agencies.
* What this council is trying to do is raise standards and change the dynamic of optics.
	+ A comment in response: There is nothing stopping Chiefs from adding more standards. The Council already does so much if Chiefs want more, they should make it happen.

**Entrance Test Working** **Group**: *Burlington Police Department, Chief, ETWG Chair, Jon Murad*

* We had a single respondent to the RFP for a written examination and had a long discussion around what was being proposed. The group ultimately decided it does not meet what we are looking for.
* We would like to reissue this RFP and focus on a historically fair and defensible testing instrument without such an emphasis on remote testing.
* We had a good respondent from the RFI that did not apply for the RFP.
* We do not see our decisions as a reduction in standards. Chiefs can make additional standards on top of what the Council provides. Including the psychological component and setting those standards. We just need a fair and defensible instrument in regard to academic standards.

**Motion to Adjourn:** Moved by Brian Searles, second by Cassandra Burdyshaw, no discussion, all in favor. Meeting adjourned 11:59.