May 18, 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

Trevor Whipple – Vermont Leagues of Cities and Towns

Michael Major – VT Police Association

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

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

Brian Searles – Governor Appointed

Christopher Louras – Governor Appointed

Jennifer Frank – VT Chief’s Association

Michael Schirling – Commissioner, Public Safety

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

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

John Federico – VT State Employee Association

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

Shawn Pratt – Governor Appointed

**Other Attendees:**

Christopher Brickell – Vermont Police Academy

Lindsay Thivierge – Vermont Police Academy

Jacob Humbert – Assistant Attorney General

Thomas Mozzer – Lieutenant, Vermont State Police

James Pontbriand – Chief, Berlin Police Department

Jason Covey – Sergeant, Middlebury Police Department

Guest - 266696687

**Call to Order:**  Vermont Criminal Justice Council Chair, William Sorrell 10:02

**Changes to Agenda:**  Add discussion of council subcommittees and leadership. Motion to accept Chris Louras, seconded by Kevin Lane. All in favor.

Chris Louras made a motion to discuss VCJC-sponsored training on the web, amended by Chair Sorrell to have the discussion in an added agenda item under general discussion second by Cassandra Burdyshaw, all in favor.

**Approval of prior minutes**: Motion to approve minutes, Trevor Whipple, second by Chris Louras. All in favor.

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

* Our Executive Director is not participating in the meeting today after a medical procedure.
* Budget approval: 150K was requested in one-time funds, and the 100K for the Simulator was approved. 50K for an expert for the Entrance Exam was not approved. The next budget season we will revisit one-time funding on the general curriculum review request.
* *Legislation upcoming:* Giglio letter database: The VCJC will be part of a committee conducting a study that will review the process, standards, and storing of Giglio letters.
  + Chair Sorrell gave an overview of what the Giglio letters are and what issues exist. The report is due by the end of December.
  + The new council staff attorney should be on board by then to assist with the committee.
  + There is also a study being done on the Deceptive Methods of Interrogation. The Joint Legislative Oversight Committee will study that and may have the assistance of the VCJC in drafting the report.
* Subcommittee chair nomination/appointment will be revisited on July 1, 2022. Chairs should come forward if they would like to remain in their role or take on a different role. Others should also voice their interest in any subcommittee changes they would like.
  + Notify Chair Sorrell and leadership by June 1 if you would like any changes.

**Deputy Director Updates:** *Vermont Criminal Justice Council Deputy Director, Chris Brickell speaking on behalf of Executive Director Heather Simons*

* *Staffing updates:* Staff Attorney – Conducted Interviews and had 3-4 candidates that would fit the position well, we are in discussions with those identified and hope to have an offer soon.
  + Director of Training: 12 candidates, interviews completed, hope to have an offer fairly soon (all hiring is dependent on the DHR process).
    - In the meantime, Interim Director of Training Ken Hawkins is doing a phenomenal job on top of all of his other duties.
  + Law Enforcement Training Coordinator position – Fewer applicants but we have had discussions with candidates and program partners for this position.
  + Investigator Position –Due to the audit we have decided to recraft the position to include compliance.
    - Currently we have a contract position with Retired VSP Ingrid Jonas she is working on Category C violations.
  + Administrative Services Coordinator position – 29 applicants, we have made an offer and we are just waiting on the background.
* *Joint Chiefs and Sheriff’s meeting:* Heather reached out to Chiefs and Sheriffs to update everyone on what is happening at the Academy and the Council. Also, to dispel myths on if Level II is going to go away or VSP is taking over. Well-attended meeting and well received, and we will have additional meetings going forward.
* *Rules Committee:* Future meeting is June 9th and they will finalize their recommendations for a July report-out.
  + Chair Sorrell spoke about Rules revision and the work that has been done to date.

**Level II Presentation:** *Training and Advisory Committee Chair, Middlebury Police Department Sgt. Jason Covey*

* Vermont has three levels of law enforcement training, two of which are in use.
  + Level III is considered full-time career law enforcement; they attend the residential academy and have full enforcement authority.
  + Level I was never put into place, has a very restrictive scope.
  + Level II (part-time) is not meant for full-time use. 80 Hour commuter academy.
    - Level II curriculum was a little bit longer than Level I with a greater scope of authority, so it got used more.
* Tasked with reviewing Level II - Issue is the scope of authority vs the training received.
  + A Level II officer in VT has complete law enforcement authority with the exclusion of violent felonies but their training is substantially different than the Level III recruits.
    - 80 hours of initial training for Level II and 792 hours for Level III.
    - Subject matter expert instructors talked to the TAC about the differences in curriculum content. Stark differences in Use of Force, patrol procedures, and firearms. Other disparities in Criminal law and MV law.
    - Lack of scenario-based training in Level II as opposed to Level III.
      * Scenario-baseded training is recognized as an effective training method in the Bureau of Justice Statistics Report.
* When this program was designed it was initially just people wanting to help out in the community on a part-time basis. With recruitment and retention problems being what they are, Level II’s are probably being used beyond that capacity.
  + If this is true, then the training is not defensible and needs to be expanded.
  + In the survey that was sent out, and those that responded, 93% use their Level II in a patrol capacity (responding to emergency calls for service).
    - Their scope of authority does not allow them to respond to everything and their training does not prepare them for everything. For example, no de-escalation or applied scenarios for de-escalation.
  + The recommendation provided to the Council was generic- wanted to ensure that the Council agrees that there is an issue before continuing into solution options. There are staffing obstacles to overcome so planning may take time but willing and able to find solutions.
* Differences in Level II and Level III training also diverge in other areas such as physical training requirements, Level II has no requirements, TAC believes this should change.
* As of March 10th, there were 230 Level II in the state and 1105 Level III officers. Current Level III Academy has 43 recruits.

*Discussion and questions ensued:*

* We are only one of 12 states in the country that have not tackled the issue of insufficient training in part-time officers. Are the other 38 doing only one kind of training? More specific information can be provided at a later date.
* TAC was unanimous in the recommendation, currently no pushback, but expects pushback from Agencies that need those officers on the road or use their officers in a limited capacity.
  + May need to revisit Level I.
  + Other issues include Academy’s ability to deliver
  + Agencies need coverage with the low level of Level III applicants.
  + We want a defensible program
* Discussion was had around how agencies are using their Level II officers.
* Enhanced training means more time and resources for the Academy, there could be some legislative pushback due to increased cost to taxpayers.
* What would additional training look like, how do we build capacity, and what changes need to be made to answer the call of the modern law enforcement officer?
* Does TAC have a recommendation of what the next steps would be in the way of resources, equipment, and expansion?
* Does this apply to future Level II, or will there be additional training for current Level II?
* Anything we start new should be retroactive. The next steps would involve working with the Academy and instructors to see what is needed. How are competencies established and how are they tested? Would also look further into how Level II’s are being utilized.
* A discussion was had around how much violent felony training is in the Level III curriculum and why the two Levels are so different. *(No scenario-based training in Level II and no physical Component in Level II.)*
* If Level II does incorporate some level of physical fitness training into the level II structure it would not be as in-depth as level III.
* Should we develop a Level I specific training or just a job-specific task?
* Given staffing shortages, it’s likely agencies are using Level II outside of scope which is a professional regulation violation, and that impacts the public.
* If there is an expansion the appropriate need has to be balanced with staff resources.
* Currently there are two part-time classes in a year and about 45 students total.
* Consideration of expansion could include training Level II and III simultaneously.
* Take this discussion up again in the June Council meeting.
* This topic will be added to the Chiefs and Sheriff’s meetingin the 1600-1700 time slot then arrange for something more in-depth down the road.

**General Discussion:**

* Request for protocols for posting training opportunities on the web specific to for-private for-profit entities. We own any content on the web and we need to be mindful of how the council is being portrayed.
  + Will be discussed at the June meeting in more detail.
* There is a federal grant opportunity for wellness for officers through BOJ
* Request for Council members to have access to any information on rumors. Would also like exit interviews available to the council in relation to rumors.

*Discussion on requests:*

* + DHR protocols around confidentiality and personnel issues. A request was made for a warned executive session to discuss exit interviews.
  + Rumor has a bad connotation Chiefs and Sheriffs’ meeting was an opportunity for increased communication, evidence of transparency, and a display of cooperation.
  + Discussion on the role of the council and the information that gets shared.

Motion to adjourn Chris Louras, second Anthony Facos – all in favor.

Meeting Adjourned 11:50