January 4, 2023

10:00 AM

Teams Meeting

**Members in Attendance Public Session:**

William Sorrell, Chair – Governor Appointed

Brian Searles – Governor Appointed

Rachel Lawler – Governor Appointed

Maira Tungatarova – 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, Department of Motor Vehicles

Chris Herrick, Commissioner, VT Fish & Wildlife

Erin Jacobsen – Proxy for Attorney General Susanne Young

Xusana Davis –Executive Director, Office of 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

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 – Executive Director VT Network DOMV/Sexual Violence

**Other Attendees:**

Christopher Brickell – Vermont Police Academy

Lindsay Thivierge – Vermont Police Academy

Ken Hawkins – Vermont Police Academy

Jennifer Hier – Vermont Police Academy

Jennifer Firpo – Vermont Police Academy

Jamielee Bedard – Vermont Police Academy

Amanda Garces – Director of Policy, Education, and Outreach, HRC, FIP Chair

Bill Humphries – Chief, Fair Haven Police Department

Jeffrey Burnham – Chief, Springfield Police Department

Travis Bingham – Chief, Newport Police Department

Michael Scruggs – Chief, Thetford Police Department

Ann Schroeder – Windham NAACP

802-318-6516 – Unknown

Doug Allen – Chief, Colchester Police Department

Robin Engel, PhD – Senior Vice President, National Policing Institute

Christine Johnson, M.S. – National Policing Institute

Megan Novak – Crime Research Group

Michael Thomas – Chief, Shelburne Police Department

Nicole Dernier – Winhall Police & Rescue

Jason Lawson – Lt., Burlington Police Department

Jennifer Cherkauskas – Sr. Research Associate, National Policing Institute

Jennifer Zeunik, MPA – Director of Local Programs, National Policing Institute

Jason Covey – Sgt., Middlebury Police Department, Chair TAC

Guest – N/A

Skyler Genest – Sr. Dir. Of Licensee Operations, Department of Liquor and Lottery

Loretta Stalnaker – Chief, Royalton Police Department

Kevin Geno – Lt., Rutland County Sheriff’s Department

**Call to Order:**  Vermont Criminal Justice Council Chair, William Sorrell 10:00

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

**Minutes from December 7, 2022, meeting minutes**:

Motion to approve minutes from December 7, 2022, meeting by Chris Louras, second by Trevor Whipple, no discussion on the motion, all in favor.

**National Policing Institute – Traffic Stop Race Data:**  Senior Vice President, Robin S. Engel, NPI.

A summary was given on the legislative mandate for traffic stop race data collection and the work done by the National Police Institute (NPI).

* NPI – The National Policing Institute is formally the National Police Foundation that started in the 1970s and is committed to science and innovation and improving law enforcement. They are non-profit, non-partisan, and non-membership.
* Introductions were made by the team at National Policing Institute.
* They study statistical patterns and trends. There is no statistical analysis that can be done that can show if an officer is racially profiling and biased. Use patterns and trends to identify disparities and what may be causing those disparities.
* NPI Project Goals:
  + Produce a uniform traffic stop dataset for the open data portal.
  + Assess the feasibility of using common analytical methods for assessing whether racial disparities exist in traffic stops and outcomes.
  + Develop recommendations to improve traffic stop data quality.
* NPI received 95 different data files representing over 700,000 records (2016-2020).
  + 52 different file schemas
  + Siloed by year – inconsistent date, time, and location indicators; inconsistent agency identifiers.
  + Limited or missing data.
    - Legislatively mandated variables - total missing data ranged from 13.4-21.6%
      * Recommended- no more than 10% missing data from the Police Executive Research Forum and other groups. NPI strives for 5%.
      * Data also does not show a downward trend which suggests that feedback is not being given to law enforcement agencies directly to make corrections and see improvement in the quality of data.
    - Other information needed for data analysis: date, time, and location.
      * Percent of missing data goes up over time.
        + Date, time, and location are important variables when studying trends and patterns within law enforcement traffic stops.
    - Every record should have a unique identifier, nearly 20% of records were missing a unique identifier or there were duplicates.
      * In 2020 there was a big jump in missing identification numbers and incident numbers.
      * Analysts need to find out why there is missing information to decide how to treat that data.
        + NPI is going in case by case to give a better report on what percent of stops are involved in each type of outcome.

More time is needed.

* NPI’s plan to address delay in report:
  + Provide preliminary supplemental report with agency-by-agency descriptions of data quality issues requiring further examination. – 1/16/2023
  + Meet with agencies to discuss the preliminary report and receive input on data questions – 1/17/2023 – 2/4/2023.
  + Final supplemental report and delivery of uniform dataset – 2/28/2023
* NPI identified promising practices and recommendations:
  + 7 agencies were interviewed (Bennington, Essex, Windsor CSD, Rutland CSD, Williston, Windham CSD, VSP)
    - VSP collects more data fields than required and therefore can analyze the data better. Data audits and various phases of data.
    - Data Integrity – all other interviewed agencies indicated at least some type of data quality check and follow-up.
      * NPI can work with small agencies that do not have the personnel or expertise to get clean data.
    - Racial Disparities – VSP conducts disparity analyses and provides monthly reports to barracks commanders, Williston PD provides annual community presentations on traffic stop data, Windham CSD analyzes data to identify disparities and root causes.
    - Traffic Stop Data Training – VSP developed training on legislation, data collection policies/procedures, and definitions. Bennington PD sought out VSP’s training, Williston PD compiled a series of traffic stop data trainings for officers.
* A series of recommendations were provided in the original report.
  + Data Integrity:
    - VCJC should develop policies to govern agency-level data auditing protocols.
    - Vermont LEAs should conduct data audits and provide feedback to officers as needed.
    - VCJC should establish its own data audit process for received data and provide feedback to LEAs on data quality.
    - Necessary corrections to agency data should be made before VCJC publishes data on the open data portal.
  + Establish a uniform data collection structure.
    - Require additional fields necessary for analyses (stop date/time, location)
    - Include unique incident numbers that identify the agency, year, sequence number.
    - Standardize data field names and response options.
    - Determine how to handle stops with multiple outcomes and/or multiple individuals.
  + Training
    - VCJC should provide statewide training (how to collect traffic stop demographic data, when traffic stop data collections is required, standardized definitions for key terms, data audit processes)
  + Data reporting and publication
    - Develop policy for submitting traffic stop data to VCJC, including responsible party, frequency, and submission process.
    - VT open data portal should be more accessible to members of the public (e.g., include data dictionary).
* *Discussion ensued:*
  + *Bill Sorrell Q:* Do you have a recommendation as to whether a legislative mandate in terms of altering reporting behavior is more effective than advisory?
    - *NPI A:* Because the legislature has required data collection and identified other variables it is strongly suggested these variables are included.
  + *Bill Sorrell Q:* Will we have the results of individual agencies in the February report, or will it be an aggregate?
    - *NPI A:* There will be different types of analyses and that will depend on the quality of the data.
    - *NPI A:* When looking at the data and trying to understand racial and ethnic disparities, patterns and trends can be identified but we cannot analytically identify officer bias.
  + *Xusana Davis:* Office of Equity was pulled in very late in the game after a lot of the work was done which made us question our role from an equity lens.

Some concerns identified early on included the benchmark data that were being used and tying arrest data to traffic stop data. For example, who is more likely to own a car and be commuting, are the numbers already predicting certain things that we will be looking at in arrest rates?

Disparate policing leads to greater numbers that are reflective of over policing in certain communities, not necessarily an accurate representation between communities.

Another issue was qualitative data and being able to do community engagement. NPI had let us know that collecting qualitative data was not in the scope of work for this project. I respect the bounds of the contract but that also means the information we glean from this will be deeply flawed. There is so much context around the numbers that without qualitative data it is very difficult to understand the social impact that some of this has.

There was also a question in early meetings on whether some jurisdictions have been seeing odd results based on tying benchmark data (arrest and traffic stop) together. There is discomfort with language used and how we frame these discussions around crime and criminal. Misconduct and inequity from the system leads us to believe that the issue isn’t criminals as the noun but rather the ways in which we think about community safety and who is painted as a bad actor and who is not.

I hope with the added time NPI will be able to do more to address these things or at the very least create a path forward to supplement this work and make it more well-rounded.

* + - *NPI A:* I agree with you. Benchmark data issues was an analytical technique that started in the 90’s with very little thought. What was done here with qualitative approach there was not that added scope of work. NPI encourages that piece and the mixed methods approach is the best way to understand the patterns and trends, but more importantly, if our goal is to reduce racial and ethnic disparities in law enforcement actions, the only way we can do that is to have a holistic approach to understand those patterns and trends.
      * Part of the earlier decisions that were made with the earlier project team members, unable to even to benchmarking data because of the limiting amounts of missing data. After Robin came on it was discovered that was a problematic approach to use the arrest data.
      * In the report there is a lot of discussion around various analytical approaches and clarity around the challenges that Robin mentioned. We have to get this data right to begin the path forward.
  + *Mark Anderson:* Thank you to NPI for the work done. The scope of this work was 2016-2020, we are now in 2023. Some of the practices identified have received continual improvement. Joint Chiefs and Sheriffs meeting in 2020 agreed to expand the fields collected and reported on, mandates would not be unwelcome. Almost all agencies are now using Valcour and align data practices which reduces the number of data sources that Robin mentioned early on. We do have three years of lessons learned and more standardized practices. The biggest step in improving practices will be improved education and practices.
  + *Chris Louras:* I work for CRG and Dr. Robin Joy. Thank you for all of your work. The missingness of the data creates challenges for analysis. We need to do something to get Dr. Engel’s team to get in front of the appropriate committees of jurisdiction in the legislature. Qualitative analysis – Could you share with us any previous analysis that were done, similar to what the Finn Group did in Schenectady five years ago, for the Council to review as a resource? Is there any value in testing the larger agencies by themselves to see if those patterns of missing data are lower for larger agencies? A lot of wonderful recommendations, is there any way to prioritize those?
    - *NPI A:* 1. Give immediate feedback to law enforcement, NPI can teach agencies how to do that. First Line Supervisors, make sure the information is complete. 2. Percent missing for larger agencies, we will know that based on information given back to agencies, every agencies will be able to see their data and whether or not they are getting better. 3. Can certain analysis be done for larger agencies, yes. Things such as the veil of darkness or other analytical techniques that can be used to look at patterns and trends over time. 4. The qualitative data gives you context and it is so important and getting the community and law enforcement perspective to see how things happen. Robin did testimony in Pennsylvania at the legislature in 2002 and much more since then and would be happy to speak in front of anyone.
  + Previous analysis done for the state of Vermont based on the pure data and the missingness of those data would you qualify those as being suspect or simply because you cannot determine the viability due to the missing data. How would you qualify any previous studies that the legislature used to create policy?
    - *NPI A:* I am familiar with analysis and previous reports to better understand techniques and methods used. I would suggest that many of the reports that came out of VT were problematic for methodological and statistical reasons. If you have problematic data coming in, then you have problematic data going out. We are working to understand what the data limitations are to move forward.
  + *Bill Sorrell Q:* What is the state of the 2021 and 2022 data? When are departments required to submit their 2022 data? How readily available is the 2021 data for analysis to see if there is any marked change?
    - *Mark Anderson A:* Agencies are required to submit the data prior to September 1. 2021 data should be available. The process now includes a unified records management reporting system done in one single data submission which drastically reduces reporting errors.

**Legislative Updates:**  Vermont Criminal Justice Council, Chair, Bill Sorrell

* Heather Simons has been experiencing covid related challenges for the past 8 weeks or longer. She is improving and we look forward to her continued improvement and being back with us.
* We had an internal presentation to the Commissioner of Finance that was rescheduled multiple times, we ended up going forward without Heather’s involvement. Chris Brickell and Lindsay worked hard to get us ready, and we did the best we could late in the game.
* Our ask is big, bigger than it has been, for continuing monies. We made some one-time requests which would not be recurring.
* We will have new chairs in both government operations committees. Ruth Hardy will chair Senate Government Operations, we should find out later today who the House government operations chair will be.
* We should be hearing soon from them soon to tell them about the Academy and the Council and any legislative mandates. We will also update them on the report today from NPI and the expected February report.

**Training Advisory Committee:**  *Sgt. Jason Covey, Middlebury Police Dept., Chair TAC*

* + In August the TAC was tasked with developing a process by statute for a Level II officer to transition to a Level III certification without attending the traditional Level III basic training academy. This process is required by statute and was required to be implemented by July 1, 2021.
  + The report contains information done by the prior subcommittee in 2019. TAC updated the existing information.
  + The process is pretty revolutionary and has not existed in Vermont and maybe not even nationally. This will not be easy to accomplish for a Level II officer.
    - Levels of certification were explained:
      * Level II – part time – 80-hour commuter academy, training prescription in a 12-month period followed by FTO. They can investigate all crimes other than violent felonies.
      * Level III residential 917.5 hours training full law enforcement authority.
  + Requirements for this Level II to Level III would not have to attend Level III but would submit a portfolio of learning and the following requirements:
    - Five consecutive years of experience
    - Minimum of 1500 hours manually doing actual patrol work
      * Unsure where hours determination came from
    - Polygraph (not currently required for Level II)
    - They must take all the tests that a Level III officer takes.
    - Additional training hours consisting of 482 documented hours in specific topic areas. 435 ½ hours short of current Level III hours.
    - A subcommittee would vet these portfolios.
    - This process would be of interest to a handful of officers and it would require a large amount of administrative and staff time for scenario based & practicals training.
  + *Cassie Burdyshaw* – Concerned that part of the Level III training that would be required doesn’t include hours of training related to things that the Human Rights Commission has a special interest in, is that accurate and has it been discussed on how that could change?
    - Hardest problem to solve - which topics are included?
      * How do we rectify that they have 435 hours less training and how do we choose which training to exclude. If these 435 hours are not deemed critical for this process, then are these 435 hours critical for the Level III process?
      * The nation calls for more training. How do we exclude a particular topic? This procedure relies on these applicants on the job exposure but is that analogous to formal training?
      * Additionally, the TAC looked at the Level II program in its entirety and recommended that if it’s to be continued should be expanded significantly. The existing Level II program is so lacking that it is not defensible in its current form.
  + *Bill Sorrell:* Most police response does not involve violent felonies. A survey was done to see what assignments were being given to Level II officers. A number of Level II officers are essentially being used as Level III officers with the exceptions of violent felonies. Should we be taking a much harder look at the basic training for those Level II officers?
  + *Major Lane:* Has the TAC discussed Scope of Authority? Is that appropriate?
    - *Jason Covey:* TAC did own survey *–* 53 respondent agencies, those that have Level II, 93% are used for patrol work.
    - Should we return to the Level I conversation, and restrict Level II?
  + *Mark Anderson* – If we say that Level II’s are being used as Level III it does give the impression that there is a professional regulation issue. This should be worded as agencies are using Level II’s in a patrol capacity.
  + When we look at staffing issues across the state, if a person does not have the required number of training hours are we not going to respond? Burglaries are also not in Level II scope and some agencies give insurance information and say we are not going to respond, and I think that is fundamentally wrong. I don’t think its in the best interest of the state or the people we serve.
    - Professional regulation in April 2022 out of 116 reported PR cases, 104 were Level III officers.
    - What are we trying to accomplish by changing the Level II program?
    - Did the TAC consider trades programs?
  + *Jason Covey*: We did not look to trades because the statutory language asks for portfolio based learning and the only familiarity I have is with Academia. The main concern of the TAC is are we preparing Level II’s for what we are asking them to do?
  + *Discussion was had on scope of authority, certification levels, and supervisory roles.*
    - Is the Level II and Level III concept outdated. Should you be qualified for something if you have been trained for that.
    - I understand the legislative intent, but it feels premature. Why are we doing this when we haven’t resolved Level II.

**Director Updates:**  Vermont Criminal Justice Council, Deputy Director, Christopher Brickell

* Possible legislative changes were proposed in the Professional Regulation Subcommittee document.
* Schedule of meeting dates for Hearings
  + Motion to approve the schedule of hearing dates for Council for 2023 made by Brian Searles, Michael Major second, all in favor, motion passed.
* Rules committee will be rejuvenated, we need to fill Evan’s spot on the committee, Cassie Burdyshaw is the new chair. Communicate with Chris or Lindsay if you have a willingness to step up and be on the Rules committee.
* Brock Marvin is our newest Training Coordinator from Burlington PD. He served there about five years and has a lot of experience in community relations and de-escalation. He will be working on escalation curriculum and also with the Fair and Impartial Policing Committee.
* We are in the second round of interviews with the Attorney’s position.

**General Discussion:** None

Motion to adjourn made by Chris Louras and seconded by Kevin Lane, all in favor.

Meeting Adjourned 12:01.