June 20, 2023

9:00 AM

Teams Meeting

**Members in Attendance Public Session:**

William Sorrell, Chair – Governor Appointed

Brian Searles – Governor Appointed

Rachel Lawler – Governor Appointed

Karim Chapman – Governor Appointed

Christopher Louras – Governor Appointed

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

Glenn Boyde – Proxy for Commissioner Nicholas Deml, Dept of Corrections

Scott Davidson – Proxy for Commissioner Wanda Minoli, Dept. of Motor Vehicles

Chris Herrick – Commissioner, VT Fish & Wildlife

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

Kathleen Hentcy – Proxy for Commissioner Emily Hawes, Department of Mental Health

Erin Jacobsen – Proxy for Attorney General Charity Clark

Willa Farrell – Proxy for Attorney General Charity Clark

Timothy Lueders-Dumont – Proxy for Executive Director John Campbell, Dept. of SAS

Xusana Davis –Executive Director, Office of Racial Equity

Mike O’Neil – Proxy for Erin Hodges VSEA

Michael Major – Vermont Police Association

Jennifer Frank – VT Chief’s Association

Trevor Whipple – VT League of Cities and Towns

Kelly Price – VT State Employees Association

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:**

Heather Simons – Vermont Criminal Justice Council

Christopher Brickell – Vermont Criminal Justice Council

Lindsay Thivierge – Vermont Criminal Justice Council

Kim McManus – Vermont Criminal Justice Council

Wesley Lawrence – Theriault & Joslin

James Whitcomb – Major, Vermont State Police

**Call to Order:**  *Vermont Criminal Justice Council Chair, William Sorrell* 9:00.

**Additions or deletions to Agenda:**  After professional regulation session add a welcome to any new members. During the committee and work groups report out a report-out from Rules is requested. Add Chief Frank presentation before committee work groups and after legislative updates.

**Docket Number 20207XO -** *Associate General Counsel Kim McManus*

Former officer Sean Smith was with the Springfield Police Department. Summary of allegations include on numerous occasions he was not where he needed to be or said that he was.

There was also an allegation of his use of his personal Facebook account on a computer and he was sending messages of a sexual nature that a number of officers read.

The stipulated agreement called for Mr. Smith's permanent revocation of his certification.

He was willing to admit that if the evidence were presented at a hearing, the Council could make a finding that he violated three Springfield Police Department policies: reporting for duty, neglect of duty, and social networking policies.

*Questions ensued: Bill Sorrell* - What was the alleged conduct or policy violation on the first category B violation that's referenced?

*Kim McManus* - On April 19th, 2021, the subcommittee found that he [Corporal Smith] had violated Springfield's policy regarding knowledge of laws and regulation, it was a B1 first offense at the time. No action was taken, however, he received notice of that violation and that a future B violation or A or C would allow the Council to take action.

Brian Searles moves the approval of the stipulated agreement calling for the permanent revocation of former officer Smith's certification as a law enforcement officer in the state. Chris Herrick second, no discussion, all in favor.

**VCJC Member Introduction** - *Vermont Criminal Justice Council, Chair, Bill Sorrell*

Mike O'Neil - Executive Director of the Vermont Troopers Association, proxy for Erin Hodges Retired trooper and spent 28 years with the State Police.

Kathleen Hentcy - Director of mental health and healthcare integration for the Department of Mental Health, proxy for Commissioner Emily Hawes.

Scott Davidson- Department of Motor Vehicles, proxy for Wanda Minoli, Commissioner of Motor Vehicles. Was in law enforcement a little over 30 years, retired from the city of Burlington in 2015. Previously was the Chief of the Governor's Hwy safety program.

Kelly Price – Representative for the VSEA. He has been in the warden service for over 20 years.

Willa Ferrell - AGO proxy with Erin Jacobsen. Willa oversees all of the diversion and pretrial services programs in Vermont, and she is the Co-director of the Community Justice Unit.

**VCJC Minutes:**  *Vermont Criminal Justice Council Chair, Bill Sorrell*

Erin Jacobsen motion to approve the minutes of the May 3, 2023, Council meeting second Cassie Burdyshaw, no discussion, all in favor.

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

S17 –Sheriff's reform - requires that the Council in conjunction with the Department of States Attorneys and Sheriffs while consulting with the Auditor of Accounts, Judges, the Chiefs, Superior Court judge, and the Sheriff's Association; have recommended policies and best practices for sheriff's departments. These policies and best practices will increase the efficiency and equity of delivered services and compensation structure for sheriff's deputies.

* States attorneys and sheriffs to provide oversight while creating of a sustainable funding model for sheriff's departments.
* The VCJC and the Department of State's attorneys and sheriffs will partake in that report that is due November 15th. We will have a draft report in August for the Council to review.

*Questions Ensued: Timothy Lueders-Dumont* –There is a position we are hiring for sheriff's operations that will be essential. Once that person is on board, they will be helpful in this work.

*Sorrell, William -* If The Deputy State’s Attorney and Sheriff’s will not meet that timeline, please let us know when to expect that report by the August meeting.

S482 – Fair and impartial policing training - moving from an hourly requirement to an increased competency-based training and it will also include antibias training.

*Questions Ensued: Bill Sorrell*- When do we expect to have the proposed curriculum revision in the fair and impartial training?

*Brickell, Christopher –* That is the beginning phase of the three-year process of our curriculum review. Our report is due by January of 2024.

*Simons, Heather -* The report requires that we show how we're going to measure completion and competency. It doesn't necessarily require that we show all the content for the training.

The report will be a work in progress, certainly with our positions and the FIP Committee.

*Sorrell, William -* We have to get authorization from the Department of Human Relations and get position numbers and everything before we can be officially trying to the solicit applications and fill those Fair and Impartial positions.

*Brickell, Christopher -* S482 changes the statutory requirement that we had for ARIDE (Advanced Roadside Impaired Driving Enforcement). The statutory requirement for all law enforcement officers to be trained in ARIDE is now being moved to Council rules so that we can decide who is best to receive DUI and ARIDE training.

* Race data collection we asked for a change to add to the contents of the items that are collected on roadside stops - date, time, and the location of the stop. Most law enforcement agencies are already collecting that data, but it was not mandated in the legislation.
* Act 56 - Law enforcement agency executives will have to reach back to any prior law enforcement agency prior to hiring them, and the officer also has to sign a waiver that authorizes the release of that information.

476 - The bill on the *domestic violence involving law enforcement* model policy, the LEAB is going to review and modify the last policy from 2010. They are going to create a new mandatory model policy. The policy will include ‘while on duty or off duty’, ‘attempting to cause or causing final physical harm to a family or household member’, or ‘placing a family or household member in fear of imminent serious bodily harm’ and/or (while on duty or off duty) violation of a domestic violence, involving the law enforcement model policy pursuant to this section. When this new policy is adopted and there is a violation of the domestic violence policy, that will be actionable by the Council as a category B first offense.

* The Council will consult with stakeholders and is required to reproduce a report for both House and Senate Government Operations by December 15th of 2023.
* Members that were hoping to take place in the group that will review Act 56 we have a meeting scheduled that begins on June 28th. Current members are Chris Brickell, Kim McManus, Tucker Jones from DPS, Commissioner Morrison, Sheriff Mark Anderson, Erin Jacobsen, Mike O’Neil, Trevor Whipple, Chief Jennifer Frank, Chris Louras, and Karen Tronsgard Scott. These meetings will be bi-weekly and will end in mid-August.
* Reach out to Chris to join this group.

476 - The Council must now start aggregating information within Act 56 of how many violations involving domestic violence actions and whether they involve law enforcement as the actor or as the victim.

*Bill Sorrell –* In the February meeting we discussed the issue of the Council having the authority to take action on a first category B offense outside the enumerated exceptions.

We raised this issue in a meeting and no Council members responded negatively to having the Council’s role expanded. During legislative testimony representatives of certain organizations on this Council stated their opposition to the Council having that expanded authority.

Come prepared to meetings. It's important for us to hear all voices and silence can easily be taken as approval or not disapproval. It wasn't enjoyable for me to hear in a legislative meeting that obviously the Council's in “disarray”. Do your jobs on the council come prepared and speak up, representing your personal and or your organization's position. It can only function effectively when you come prepared, and you articulate your concerns if you have them.

* This group will be soliciting input from other interested stakeholders on issues relating to allegations of police professional misconduct, and what responses are appropriate, not just relating to category B.

*Christopher Louras –* Is there an in-person option for anybody that's close to the Academy?

*Brickell, Christopher* - We can certainly make that option available for anybody that wants to come here and participate in that meeting.

*Lueders-Dumont, Timothy -* Has PowerPoints and PDF's compiled about legislative summaries available to share with anybody including staff council and law enforcement.

**LIIE to LIII Presentation:**  *Windsor Police Department, Chief Jennifer Frank*

VACOP and VSA created a joint proposal to transition Level IIE’s and Out of State Waiver candidates into a Level III certification.

Law enforcement is struggling to fill vacancies and the legislature has requested we find alternate paths to certification. *Summary of Level II, Level IIE, and Level III.*

There are about 14-15 Level IIE’s in the state of Vermont, we propose to have these candidates fulfill a training prescription where they will sit in with the Level III class during those assigned courses. When they have completed that they would take the basic Academy final examination.

A similar process is already used for waiver candidates.

*Questions Ensued: Heather Simons -* It's a good idea to discuss at the Council level there's been some complicated dialogue around how to fill the gap short term while we build competency-based programs. I completely support any ideas that we can come up with that can supplement the workforce and get people on the road as long as we can measure that competency and we keep working ahead towards the larger goal around job task analysis etc. We just need to be careful because when we get creative, some might interpret that as lowering standards.

The idea for today is to start the discussion. We have 56 recruits potentially in the next class.

*Christopher Louras –* Was there an opportunity to look at the work that the Training Advisory Committee had done regarding developing a strategy to move everyone from level 2 to Level 3? That is still in front of the Council. I think we should develop a strategy as a Council to come to a resolution on the proposal by the Chiefs and the sheriffs it may dovetail in with the work of the level II versus Level III initiated by the TAC instead of just IIE.

*Frank, Jennifer -* We did, and we thought that this would be a good test trial moving forward. The difference between the IIE to III and the II to III is the significant amount of material that would have to be covered. IIE to III is minimal, and so this was a way to just get those few classes covered, and it was also something that had some unanimous acceptance among the groups. We also considered the challenge for the Academy. I will submit the report to the Director and then when Director Simons feels it's appropriate to send out, I'm certain she'll forwarded accordingly.

*Searles, Brian -* My concerns and my question were exactly what was brought forward so articulately by Chris Louras.

*Sorrell, William -* Any further discussion or comments on Chief Frank's proposal? I share Chris Louras’s sentiments that we should try to expedite a response to the proposal, so hopefully that can be on the agenda for next month's meeting. The instructional staff and the hierarchy at the Academy will discuss it internally. They will present feasibility at the next meeting.

*Simons, Heather -* I just want us to be careful with all of the expectations and make sure that no one is leaving frustrated. But if you want people to be prepared, then we need to be patient with how we go about this.

*Sorrell, William -* You and the other hierarchy at the Academy needs some time to take a deep dive. It's a serious request let's do our due diligence and respond as expeditiously as we can.

**Council Rules Update:**  *Human Rights Commission, Council Rules Chair, Cassandra Burdyshaw*

We will be having a meeting after this; we are close to sharing it with the full council.

*Kim McManus –* Some of the Rules are too specific and others too broad, this afternoon we will be reviewing the last set of language changes so hopefully we can move on from there.

*Bill Sorrell –* Kim and Cassie have done great work and it is much appreciated.

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

* Part of the Governor's recommend was for a job task analysis and a full curriculum review. We want to be finished with the JTA with a report by November 1st.
* A job task analysis looks at a point in time at what the job of a law enforcement officer that has been in service for 1-5 years and they examine and assess what the skills are that are needed to graduate from the Academy. The results will be measured, and a report will be given back to us, and we'll be able to see how the job is evaluated at all levels. That in turn will influence the curriculum content.
* We will put together a technical review team, which should be that'll be approximately 12-15 subject matter experts that will review the survey and make sure that it is relevant and specific to Vermont. We will have an additional supplementary survey that includes council members, stakeholders, and community members.
* The timeline for this is early August and we were pushing for the end of July for the Technical Review Committee to meet. When the report comes out in November, we will have selected a vendor for the curriculum review. The work on the curriculum starts right away, but the completed project and the kickoff for a full overhaul is, February 25.
* In the meantime, there will be able to look at level 2, how we intend to manage waivers. Our goal is to become internationally certified, not just accredited.
* Council retreat September – We met with facilitators, and we will focus on strategic planning and the mission of the Council. We will be sending out a survey that focuses on communication and expectations of the Council.
* Recruits for the 116th - 56 incoming.
* We will be posting RFPs to give us some assistance with a marketing plan, that will also become part of the Council retreat agenda. Do we want to consider a committee for a website development?
* James Park IT/Admin– his last day was Friday.
* Bobby Ryan canine training coordinator has retired. He's out on medical leave and he'll finish up the last several weeks until his official exit, he was there for over 18 years. There is a lot to manage with the canine program, I'm looking to do an assessment of the program. Impaired driver, canine, DV and FIP, those will all be considerations for any incoming director position or manager position our goal is to get that at a lot more streamlined and community focused.
* I testified at HCI House Corrections Institutions several months ago about the design differences. There's been a number of feasibility studies around what to do with the structure.

*Sorrell, William –* August 15th we will have a contested hearing, please check your email for further information, August is a busy month.

**Motion to adjourn** made by Brian Searles and seconded by Cassandra Burdyshaw, no discussion, all in favor.

**Meeting Adjourned** 11:58.