



# Vermont Criminal Justice Council

## Council Meeting Minutes

June 30, 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 Vermont Troopers Association  
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:**

### **Minutes from May 3, 2023, meeting minutes:**

Motion to approve minutes from May, 2023, meeting by Brian Searles, second by Erin Jacobsen, no discussion on the motion, all in favor.



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**Legislative Updates:** *Vermont Criminal Justice Council Executive Director, Heather Simons, Vermont Criminal Justice Council Deputy Director Christopher Brickell, and Associate General Counsel Kim McManus*

H482 – Proposed language submitted to House Government Operations on changes to be made to legislation that weren't working well for the Council.

1. Minimum training standards on anti-bias training moved away from the hourly requirement (4 hours) to a competency-based training that will be developed.
2. Report due on or before Jan 15, 2024, to House and Senate Government Operations on how competency is being measured to include precise metrics.
3. Council was given authority to adopt rules for how ARIDE training will be conducted.

*Questions Ensued: Chris Louras* – what happens if an officer continues to not meet the standard or demonstrate competency? Will they lose certification?

*Bill Sorrell*- Does this include basic certifications and continuing education requirements?

*Heather Simons* – Yes. Basic training is already competency based in most subjects.

*Chris Louras* – If any individual fails to meet the competencies in fair and impartial policing during their career, they do not need to be law enforcement officers anymore. When can we decide on this process where the whole council can weigh in? Hours do not work; they should not be the standard however moving to competency based we need to have a mechanism in place to remove people from the profession.

*Heather Simons*– It's bigger than one answer today. For example, we need to define what fair and impartial policing is first, what does it look like on the job? Aim high and establish standards tied to all areas of training.

*Chris Louras* – Once that process is gone through and if there is a member of any agency who still does not demonstrate competency be what will the potential steps be, will there be remedial training, will individuals be certified, its just as complex when someone fails as a process. We need to be just as mindful as what we are going to do after the competency-based training is done, just as we need to be understanding of what happens during a failure of the current hourly standard.

*Mark Anderson*– I believe we already have that in place through waivers, changing to competency will not disrupt that process.

*Discussion Ensued on Fair and Impartial Policing (FIP) Training - Heather Simons* –There is a need to have a base level of introduction of what FIP is within Basic Training and there is a need to explain differences in sex and gender, race and ethnicity, and protected classes, which we are still finding deficiencies in as seen in data collection. Are we integrating race data into curriculum, and can we focus there or have its own module?

*Xusana Davis*- If you are not demonstrating competencies, you should not be a law enforcement officer in 2023 recognizing that there is a need for numbers and the ranks are shrinking. But this piece is too important to compromise on it. FIP as its own module or in separate module – it is both. We should have a thorough understanding of the concept so that people can explain it but so they can also apply the knowledge.

*Mark Anderson*–Bloom's Taxonomy –We need more than basic competencies for FIP, but we are better measuring that in skills that it pertains to, such as applying force or conducting motor vehicle stops.

*Bill Sorrell*–If we have a trainee who clearly does not demonstrate minimal competencies or behaviors, do we decertify, would that be considered a Category B offense and if there is no prior



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violation would we be able to take action on certification status for an officer who doesn't meet our minimum expected levels of standards in the FIP arena?

*Mark Anderson*— it could be a Category B or failure to meet in-service requirements. There are recourses currently available.

*Karen Tronsgard Scott*—I am heartened to hear our LEO partners are in support of this, and this pivot towards competencies is revolutionary. This has the potential to allow us to recruit the very best people and train them in ways that position them to step into this difficult position fully prepared. I think that Xusana is right on track with the idea of “yes and” in terms of how we approach FIP.

*Bill Sorrell* –Hopefully the legislature continues to approve the two new FIP positions so that by early next year we would be more equipped in this arena than we currently are.

*Chris Louras*—Does the FIP position replace current trainers in this arena?

*Heather Simons*— Etan is irreplaceable we will keep him as long as VSP will share him. He will help shape those positions.

4. Roadside stop data collection – the only change is the initial language of “on or before September 2014...”, that date has been removed. Under mandatory fields there was the addition of date, time, and location of stop. Almost all Law Enforcement agencies were collecting this information already.
5. Potential hiring agency – duty to contact former agency is now former agencies.
6. New deadline for the Council to adopt rules extended to July 1 of 2025.

S6 – Law Enforcement Interrogation Policies- Requires the council to draft a policy with partners on interrogation methods. Senate Judiciary added a Policy Director for the academy to the bill, for this development, in an appropriation of 150k. When it went to appropriation it was stripped out, when it went to house it went back in and passed.

Another bill related to scrap metal processors - Added language that requires the council at the conclusion of each session of the general assembly make available materials or training concerning new or amended state law that affects law enforcement activities including changes to civil, criminal, administrative violations, procedures, penalties, and enforcement.

*Discussion Ensured: Bill Sorrell* – Legislative Council or the AGO should be getting this together for the Council rather than the Academy.

*Trevor Whipple*—It makes sense for it to be the Council, but it is under-resourced, if this came with a position and an appropriation it would be a wonderful idea.

*Chris Louras* – Have legislative members or staff been reaching out to include the CJC when we are being considered? There are several that are required and VCJC must play a role and I am hoping someone lets you know.

*Chris Brickell* – not necessarily a bill into a report but we do get outreach with questions.

*Brian Searles* – There are two tasks, one is compiling information and the other is distributing. The Council might the best place for distribution but not compilation maybe that's the feedback we should provide.

*Bill Sorrell* – Chris Brickell will get the message out and thank the chair of senate gov ops for raising the issue with us.



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*Kim McManus*– H476 An act relating to miscellaneous changes to law enforcement officer training laws – This bill asks for the creation of a model Domestic Violence (DV) policy and adds DV behavior violations on or off duty to Category B1 actionable by the council. The funding source for the DV trainer is moving to the general fund and will not longer be paid through special fund. All stakeholders that presented testimony supported the bill there was discussion as to whether the LEAB or the council should be drafting the policy, but everyone decided that since the LEAB drafted the model policy in 2010 it made sense for the LEAB to do the update. Must be completed by Jan 1, 2024, and adopt by July 1 of 2024.

There was a robust conversation in the legislature if the Council should have broader discretion to take more action on all or more of category B 1<sup>st</sup> offenses. This bill added two more discreet categories to Category B actionable offenses.

There was an acknowledgement by everyone that Act56 needs to be reexamined. This conversation led to two amendments –

1. Section 2407 limitation on council sanctions (Cat B1 offenses) stylistic change - list of actionable 1<sup>st</sup> offenses is in the affirmative instead of as actionable.
2. Council is to prepare a report due December 15<sup>th</sup> to address whether the current statues related to unprofessional misconduct should be amended to apply to all off-duty conduct. This review and report need to be done in consultation with DHR, OPR and nationally recognized expert in LEO regulation.

*Discussion Ensued - Erin Jacobsen* – How will it be decided who the subject matter expert will be?

*Heather Simons*–IADLEST holds the NDI and technical assistance with professional regulation. They could look at the whole thing regarding technology, timeliness, clarity of roles for committee members and anything else we would like to discuss or consider changing in the future. Commissioner Morrison asked if it would be limited to just this or can we expand our recommendation. I would like the Council to consider IADLEST doing an audit for which we would have to do a small RFP and find out who the other experts are. An audit is not required that is just something that could continue on after the deadline.

*Bill Sorrell*– If anyone is interested in being in the work group be in touch by the end of the week and have a planning session before the end of the month to set goals and timing.

*Kim McManus*– Acknowledged council members who worked to get these changes started and the Domestic Violence changes to Title 20. The changes are important.

*Karen Tronsgard Scott*– In my 30-year career in this movement it was wonderful to hear Law Enforcement lead with “we fully support the DV provisions”. Grateful for everyone’s support.

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

Kim, Heather, and Chris have done an additional review of the proposed draft rules we circulated. We will be meeting as the rules committee to discuss additional changes. We have met and addressed regarding comments from the previous CJC meeting.

**Professional Regulation:** *Vermont League of Cities and Towns, Chair PRS, Trevor Whipple* Committee reviewed concerns on a Category B1 lack of due process, but we have now made that available. Tomorrow will be the first time we will review an officer can present additional



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information. It will be a 30-minute time frame to present in executive session then the Professional Regulation Subcommittee will revisit the case to make an additional determination. We have been successful in getting quorum processing 2-4 cases per meeting. Appreciate the effort provided by staff.

*Mark Anderson* – There is a need to create a process in our rules or procedures for a rocket docket. There are times we need to be nimbler as a council and be mindful of the ability to have due process but also balance the ability to act accordingly in emergency situations.

**Director of Training Updates:** *Vermont Criminal Justice Council, Director of Training, Kenneth Hawkins*

Current schedule of events:

- Two-week FTO school and 22 new FTO's trained – they work with newly certified officers to ensure they are following best practices.
- 115<sup>th</sup> basic – started in February – First class where we restructured the first phase to include officer wellness, foundations & legitimacy, Fair and impartial, mental health, crisis intervention, core values, liability, first aid & CPR to make sure these are in the forefront of their mind before they start applied scenarios.
- We have 59 separate classes in the basic program with over 100 instructors and role-players.
- Graduation June 2<sup>nd</sup>.
- March LII class graduated 18 and started providing what they need for phase 2 of their training after they graduate the two-week school.
- Completed a two-week driver instructor school.
- Two one-week DUI schools.
- SFST instructor school.
- 2 ARIDE classes.
- DRE instructor school.
- Canine schools.
- Firearms instructor school for may
- Use of Force Instructor school
- Level II school

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

Grateful for everyone at the Academy that continue to train, coach, and show up while making time to come to the meetings.

Although the Council has been around for a couple of years it feels new when you count the meetings and the amount of information we must learn, communication can be tricky. I also understand that getting information out is difficult and not always timely.

This year it felt like legislators and committee members were trying to pull us in to everything they could. People are incredibly flexible, and I appreciate that.



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What we are trying to do is special and we have opportunities to be leading in the areas we can get right, then we are models for other states.

### *Upcoming:*

- FIP Director shaped around inclusion will work with programs like K9 to integrate concepts and competencies into the curriculum.
- Impaired driving- recruiting instructors is difficult for all the same recruitment problems as agencies have, there aren't enough. The position here is federally funded so it limits what the Training Coordinator can do. Its not unusual to have DRE programs pay \$40,000 for training for four participants is there more or different things we can do, including instructor capacity.
- FIP policy draft is close to being able to present for the July meeting. They have put an enormous amount of work.
- Law enforcement memorial is usually in May (National Police Week) it is being moved to September. We host it but we don't plan it, but it is important, and we would like to do better to market that.
- Conversation LII to LIII – potential funding from Bernie Sander's office around a more formal planning with a university is being steered by DPS.
  - Chief Frank is leading a small work group to propose some ideas for bringing people along individually to assist agencies which would add on training for LII that may need something specific.
  - Brian Searles – waiver committee – Lateral Transfers and waivers in general affect the long term and there are immediate changes we can make.

*Discussion Ensured: Bill Sorrell*– what do you envision for the retreat on the 7<sup>th</sup>?

*Heather Simons*– We want to take a look at everything and develop an immediate plan, a long-term plan, and efficiencies.

### **General Discussion:**

*Chris Louras* – The TAC did a lot of work on LII to LIII do you know if the Chiefs are taking into consideration those recommendations made by Chair Covey's committee?

*Heather Simons* – I think this is a short-term solution that will be presented.

*Chris Louras* – Mark Anderson you have been working on S17 there is a Nov 15 report due by the states attorney and sheriffs that says in consultation with VCJC, is that something the council should plan to play a very active role, or will you be headlining that so its not a heavy lift for the council?

*Mark Anderson*– There is a desire by house government operations for the council to have a voice, I don't think it's a policy that the council has the depth to work on it, we recommended DHR.

*Brian Searles* – excited for in person meeting but also support IADLEST this is where best practices come from.



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**Motion to adjourn** made by Mark Anderson and seconded by Erin Jacobsen, no discussion, all in favor.

**Meeting Adjourned 11:58.**