



REPORT OF THE ATTORNEY GENERAL
REGARDING LAW ENFORCEMENT MENTAL HEALTH TRAININGS
PURSUANT TO SECTION 34, ACT NO. 79 OF THE 2011-12 GENERAL ASSEMBLY

March 13, 2017

INTRODUCTION

This Report is required by Section 34 of Act. No. 79 of the 2011 – 2012 General Assembly which appropriated to the Office of Attorney General funds to continue a training program for law enforcement officers in their interactions with persons exhibiting mental health conditions. Pursuant to Section 34, the Office shall provide a progress report as to the expenditure of the funds and the status of the training effort. The Report shall be submitted to the Secretary of Administration and the House and Senate Committees on Appropriations. The Act 79 appropriation was a continuation of the funding provided in Section 13 of Act No. 80 funding appropriated in the 2003 -2004 General Assembly for the same training purpose.

LEGISLATIVE AUTHORITY

Pursuant to Act No. 79 of the 2011- 2012 General Assembly, the Attorney General's Office was assigned the following responsibilities and appropriation:

Sec. 34. Protection to persons and property - Attorney general

(a) Of the above general fund appropriation, \$20,000.00 is appropriated to the office of the attorney general to establish a training program for selected law enforcement officers to assist them, during the performance of their duties, in their interactions with persons exhibiting mental health conditions.

(1) The office of the attorney general shall, in consultation with the Vermont coalition for disability rights and other organizations, design and implement this training program.

(2) By January 15 of each year and until funds are fully expended, the attorney general shall submit to the secretary of administration and the house and senate committees on appropriations a report summarizing how the funds have been used and how the trainings have progressed.

(3) Unexpended funds shall be carried forward and used for the purpose of this subsection in future years.

ACTIONS TAKEN

In response to the original Act No. 80, the Attorney General's Office (AGO) initially consulted with the Vermont Criminal Justice Training Council (VCJTC), the Vermont Coalition for Disability Rights (VCDR) and the Vermont Department of Mental Health. These groups created the Act 80 Advisory Group to design and implement the training program. The Act 80 Advisory Group is a multi-disciplinary group that includes state employees, law enforcement, non-profit organizations, mental health professionals, advocates and members of the public. We recognize and honor each partner's unique and valuable expertise and contribution to this training partnership and thank them for their dedication to this effort. These same partners will continue to act as the Act 80/Act 79 Advisory Group.

The Advisory Group meetings are coordinated by the Attorney General's Office and a list of the members of the Act 80/Act 79 Advisory Group is attached as Appendix A.

The original Act 80 Advisory Group also created a Curriculum Committee, which was charged with the task of drafting the training curriculum, and designing and implementing the training plan. The members of the original Curriculum Committee are listed as Appendix B. This Committee completed the curriculum in 2006 and trainings commenced in May of that year. Since that time, the Curriculum Committee has not met. The Act 80 Group thanks the Curriculum Committee members for their critical contribution to these trainings.

Since May of 2006, the basic awareness training "Interacting with People Experiencing a Mental Health Crisis" has been offered to all Vermont law enforcement. Originally the course was 6 hours. In 2009, full-time certified officers began receiving an expanded course (8 hours). In 2013, the in-service offering was also expanded to 8 hours. In 2014, the training became mandatory for Vermont law enforcement and specifically required as a prerequisite to becoming certified in operation of a Conducted Electrical Weapon (CEW). All officers who currently possess a CEW have until December 31, 2016 to attend the training.

As of January 25, 2017, 91% of Vermont law enforcement agencies' certified personnel have attended the course. Approximately 147 officers still needed to receive Act 80 training. They are expected to receive training by the summer of 2017. A total of 1524 officers have been trained since the Act 80 program began, although some of these officers have since left law enforcement and only currently active officers are included in data accompanying this report. In addition, since 2006, many dispatchers and several constables, federal officers and crisis screeners have attended the training. One law enforcement agency, the Hartford Police Department, received approval to implement Crisis Intervention Team training. The officers who received CIT training are not counted in these statistics. The VCJTC will be working with Vermont agencies to complete training of their personnel. See Appendix C for a breakdown of attendance by police agency.

It should be noted that since Act 80 was first implemented, there has been a cultural shift among law enforcement agencies that supports training for officers on mental health crises. One experienced law enforcement executive observed that officers now speak differently about mental health crises, and that the change in language reflects changing attitudes about how best to respond to situations involving mental health crises. Most departments around the state have taken the initiative to sponsor officers to receive trainings in addition to the required Act 80 training. These trainings include, most prominently, Team Two training, as well as other local trainings.

In 2016, the Act 80 Advisory Group engaged in ongoing discussion and review of the content of Act 80 training and its relationship to similar trainings offered. Specifically, the group discussed the "Team Two" training and training occurring at hospitals, in order to

ensure consistency, eliminate contradictory messages, and cross-coordinate training locations and scheduling. Team Two training is a scenario-based training to promote collaboration between law enforcement, dispatchers and mental health crisis clinicians. Act 80 training is a prerequisite for law enforcement officers who participate in Team Two. The Act 80 Advisory Group also discussed “Crisis Intervention Team” training, a 40-hour training to which some agencies have sent their personnel. In comparing trainings, the Act 80 Advisory Group recognized the need for training to consist of substance that officers can easily operationalize in a law enforcement setting, as opposed to information that may be more useful for clinicians and medical practitioners.

During the meetings in 2016, the Act 80 Advisory Group discussed the scope of cooperation between law enforcement and mental health service providers in responding to critical incidents involving individuals who are experiencing mental health crises. For the most part, there is excellent cooperation among law enforcement and mental health agencies. Some Advisory Group members expressed concern about whether the degree of cooperation between law enforcement and other service providers is consistent throughout the state. The Advisory Group discussed a perception that the level of engagement with law enforcement personnel from service-provider partners varies from region to region. Mental health responders are not available statewide on a 24-hour basis. There was concern that law enforcement personnel who have been trained to involve mental health service-providers in resolving a critical incident would not be able to count on support being available. In this situation, the intent behind requiring all officers to have such training would be frustrated. The Advisory Group discussed various reasons for such a situation, such as a lack of resources, mobility issues, or inconsistent levels of awareness.

The Attorney General’s Office continues to act as the delegated authority for the management of \$20,000.00 appropriated in Sec. 34 of Act 79 of the 2012 Legislative Session. These funds are to be used for assisting law enforcement officers during the performance of their duties in their interactions with persons exhibiting mental health conditions. In light of this objective, the Act 80 Advisory Group decided to contract in 2015 with the Crime Research Group, Inc., to design and carry out an evaluation of the effectiveness of the Act 80 training. The Attorney General’s Office executed a contract with Crime Research Group, Inc. for this purpose and tracked all expenditures for this appropriation. In 2015, \$14,754 was spent under the terms of the contract with Crime Research Group. Sec. 34 provides authorization to carry the balance of the amount forward in order for it to be used for the implementation of the appropriate training programs. No funds were expended in 2016; \$4,965.55 remain.

In 2017, the VCJTC will plan, present and administer the final required trainings. The Attorney General’s Office will continue to coordinate and assist the Act 80 Advisory Group in its role in support of those trainings.

TRAINING PLAN

The goal of the Act 80/Act 79 project is to improve police officers' competency in responding to people with mental illness by providing high quality, comprehensive, affordable and convenient training.

OBJECTIVES

1. Continue to identify evolving specific training needs.
2. Evaluate and refine the current comprehensive curriculum.
3. Continue to offer high quality training that is affordable and convenient to all police officers in Vermont.
4. Continue to support a model training program which is now part of the VCJTC standard in-service course offerings.

Current Comprehensive Curriculum

The eight-hour training program is aimed at meeting the following training goals:

- to increase officers' awareness of issues regarding interaction with people who have psychiatric and/or developmental disabilities.
- to provide officers with tools to assist them in de-escalating people in crisis. The following issues are emphasized:
 - maximize officer and civilian safety,
 - increase the officer's effectiveness,
 - increase the officer's professionalism, and
 - decrease civilian complaints and civil liability issues.
- Recognizing that a person's credibility is sometimes questioned based on his or her disability, this training is designed to increase an officer's awareness of the issues around stereotypes and stigma. Verbal and non-verbal communication skills are stressed (demonstrating active listening skills; being clear and concise; thinking of alternative ways to communicate with people who may have temporary or permanent cognitive difficulty; etc.).
- To also train officers on:
 - mental health conditions/disorders,
 - recognition of a disability,
 - Vermont laws related to mental health treatment and voluntary and involuntary hospitalization procedures,
 - Americans with Disabilities Act of 1990, as amended in 2009
 - the roles of the mental health system and the police, and
 - state and local resources.

The leaders of this project felt strongly that stakeholders with a wide array of perspectives should participate and that individuals who have been diagnosed with a psychiatric disability must be included in order for the training to be of the highest quality. These individuals' perspectives on issues such as stereotypes, stigma, involuntary treatment and legal issues are invaluable. The involvement of Peer Education Program Staff from Washington County Mental Health Services has been very well received. The Staff present on their experiences with mental illness and how it has affected their lives, any positive or negative experience they have had with police, suggestions for how to have the most positive interactions, and also answer any questions that students have. We are tremendously grateful for the peer educators' participation and their perspective has been crucial to the success of these trainings.

The Act 80/Act 79 Advisory Groups are very appreciative of the support and commitment demonstrated by the VCJTC and the law enforcement community to these critical trainings.

RECOMMENDATIONS

In 2016, the Act 80 Advisory Group met in January, April, August, and December. While the Advisory Group's mission will be complete upon the completion of the training mandate in 2017, the Advisory Group anticipates an ongoing need to engage with the challenges posed by critical incidents involving people experiencing mental health crises. Advisory Group members agreed that there is a need for a holistic, statewide assessment of the degree of cooperation between law enforcement and other service providers. The group discussed the creation of an entity that would review outcomes from such incidents and contribute to the ongoing development of best practices. An analogy was made to the entities that review child fatalities and domestic violence incidents. An entity that reviewed outcomes from incidents involving mental health crises would not necessarily be limited to fatalities or to incidents involving interaction with law enforcement.

CONCLUSION

The Office of the Attorney General and the Vermont Criminal Justice Training Council have been honored by the opportunity to administer these critical trainings and funds. We welcome advice from the Administration, the Legislature, and the public on the development and implementation of these trainings.

APPENDIX A

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APPENDIX B

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APPENDIX C

Vermont Officers by Agency Who Have Received Act 80 Training

Please note: This does not include individuals trained who have left Vermont law enforcement, nor does it include officers who have received mental health response training elsewhere. This information is current as of January 25, 2017.

AGENCY	Total Trained	Total # of Level II & III Employees	
Addison CSD	14	14	100%
Bennington CSD	27	28	96%
Caledonia CSD	15	19	79%
Chittenden CSD	28	29	97%
Essex CSD	11	13	85%
Franklin CSD	18	34	53%
Grand Isle CSD	6	14	43%
Lamoille CSD	36	36	100%
Orange CSD	24	30	80%
Orleans CSD	13	23	57%
Rutland CSD	32	34	94%
Washington CSD	36	37	97%
Windham CSD	26	36	72%
Windsor CSD	9	24	38%
Barre City PD	32	33	97%
Barre Town PD	15	15	100%
Bellows Falls PD	6	16	38%
Bennington PD	25	25	100%
Berlin PD	11	12	92%
Bradford PD	4	4	100%
Brandon PD	9	9	100%
Brattleboro PD	25	25	100%
Brighton PD	1	1	100%
Bristol PD	5	5	100%
Burlington PD	100	104	96%
Canaan PD	1	1	100%
Castleton PD	10	10	100%
Chester PD	5	7	71%
Colchester PD	27	27	100%
Dover PD	7	7	100%
Essex PD	25	32	78%

Fair Haven PD	12	13	92%
Hardwick PD	9	9	100%
Hartford PD	21	23	91%
Hinesburg PD	8	8	100%
Killington PD	2	2	100%
Ludlow PD	7	7	100%
Lyndonville PD	3	3	100%
Manchester PD	14	15	93%
Middlebury PD	14	14	100%
Milton PD	19	19	100%
Montpelier PD	15	18	83%
Mount Tabor PD	2	2	100%
Morristown PD	11	12	92%
Newport PD	16	16	100%
Northfield PD	8	9	89%
Norwich PD	5	6	83%
Pittsford PD	9	9	100%
Randolph PD	10	10	100%
Richmond PD	6	6	100%
Royalton PD	3	3	100%
Rutland City PD	33	34	97%
Rutland Town PD	5	5	100%
St. Albans PD	22	22	100%
St. Johnsbury PD	15	15	100%
Shelburne PD	16	16	100%
South Burling. PD	40	40	100%
Springfield PD	16	18	89%
Stowe PD	26	26	100%
Swanton PD	11	14	79%
Thetford PD	4	5	80%
UVM Police	25	25	100%
Vergennes PD	9	10	90%
Waterbury PD	4	8	50%
Weathersfield PD	4	6	67%
Williston PD	8	14	57%
Wilmington PD	5	7	71%
Windsor PD	7	12	58%

Winhall PD	10	11	91%
Winooski PD	22	22	100%
Woodstock PD	10	11	91%
VT F&W	42	43	98%
VT DMV- Enforcement	26	27	96%
VT DLC	11	15	73%
VT AG	3	4	75%
VT SOS	5	5	100%
VSP	343	343	100%
Capital Police	5	5	100%
	1524	1671	91%