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Office of the Executive Director

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To: Maida Townsend, Chair
House Government Operations Committee

From: Rick Gauthier, Executive Director
VT Criminal Justice Training Council

Subject: Response to Sheriff Bohnyak's E-mail

Madam Chair and Committee Members,

I've just seen Sheriff Bohnyak's e-mail to the Committee dated February 26 regarding H.12, and, for the written record, I wanted to offer a counterpoint to some of his assertions about transport deputies and training coordinators.

I would agree that transport deputies go through the same basic Level III training as every other officer, but I would point out that Level III certification isn't required in order to conduct transports. That ability is included in Level II certification and proposed for Level I certification. The Level III requirement appears to be linked to Group C retirement eligibility rather than a need for that level of certification in order to conduct transports. I would also point out that the Department of Corrections is seeking to assume responsibility for prisoner transport, and none of their staff are Level III certified. This would seem to argue against transport being a primary law enforcement activity.

Sheriff Bohnyak notes that transport deputies may be required to work long hours, but it's in the performance of transport duties and the requirement that they stay with the prisoner throughout whatever process required the prisoner's transportation.

I would also agree that, for the most part, training coordinators are in a 'controlled environment', but I would argue that picking up someone to be transported from a hospital or prison, bringing them to court or to another hospital, and then either returning that person or leaving them where they are, is also operating in a controlled environment.

Sheriff Bohnyak is correct when he states that not all transport deputies (or chief deputies) are in Group C. However, this is a function of the "grandfathering" process rather than a policy decision at the retirement office. Sheriff Bohnyak advised me that all eligible deputies hired after a given date must go into Group C.



Sheriff Bohnyak is also correct in that some transport deputies also work patrol shifts and respond to calls. However, that's an optional activity and is not required in the Transport Deputy job description. It's worth pointing out the likely difference in experience levels between transport deputies and officers working the road on a regular basis. An officer working the road on a regular basis will perform that function for at least 2000 hours annually, the transport deputy most likely less than 20% of that. And the difference in exposure to various situations will be significant. At the five-year mark, the difference will be insurmountable.

None of this is meant to denigrate transport deputies, but rather, should be viewed as a rebuttal to Sheriff Bohnyak's arguments.

I do understand the concerns about the wording "primary law enforcement activity" in the statute, and about the slippery slope argument following that. I would suggest that the solution would perhaps be changing the wording around 'primary law enforcement activity' to 'required to have and maintain Level III certification as a condition of employment', or similar language. That would have the effect of allowing eligible training coordinators into Group C retirement without any slipping on the slope. And the number of eligible training coordinator positions is currently three. The Director of Administration and I are Level III certified, but neither of us is required to maintain that certification as a condition of employment.

I'm happy to testify further on this at the committee's convenience.

Respectfully submitted,

Rick Gauthier, Executive Director
VT Criminal Justice Training Council