

February 12, 2019

Written testimony to Senate Judiciary Committee re 19-0898 Draft 1.1

Senator Sears and Committee Members,

Thank you for this opportunity to testify regarding this proposed bill. The VT Criminal Justice Training Council and the VT Association of Chiefs of Police have a number of observations we'd like to share.

First, we'd like to state that we support the overall objective of the bill, and would be more than happy to serve on the proposed Bias Incident Reporting Working Group. Bias- and hate-motivated incidents have no place in a healthy Vermont.

One concern with the bill is the Council needing the specific approval of the Attorney General for all minimum training standards and all in-service training. This concern has a number of components:

1. The Council is autonomous for a reason and has had sole authority for determining appropriate training, and the make-up of the Council includes virtually every criminal justice entity in the state. The profession is well-represented at the Council table.
2. The Attorney General already has a seat on the Council. This proposed legislation would have the effect of making the AG a sort of 'super' member, able to nullify the rest of the votes of the entire Council with regards to trainings in this area. This could potentially have an adverse impact on the Council's autonomy.
3. The Council already has, and will be expanding, a Fair and Impartial Policing subcommittee tasked with reviewing minimum standards and determining necessary and appropriate in-service training topics.

We would also recommend that that the term "refresher course" in Sec. 3 (e)(3) be removed and replaced by language referencing desired outcomes. As examples, but certainly not limited to:

- 1) *Identify bias incidents and hate crimes, and intervene and/or investigate according to relevant agency policy;*
- 2) *Agencies will ensure that officers describe and communicate concepts of human bias both within their agency, and the communities they serve;*
- 3) *Agency leaders will support the necessary education, practice and accountability required of LE to demonstrate the skills needed to communicate with communities and victims;*
- 4) *VCJTC – with stakeholders develop training best practices necessary to ensure LE officers*



*are responding and investigating issues of concern utilizing trauma informed, bias free, culturally competent, communication skills.*

*5) Other topics as identified by the VCJTC*

We don't necessarily suggest that this sort of specificity be added to the bill, but it does give the committee an idea on how training topics would be identified and evolve, particularly with in-service trainings.

And finally, once again, let me repeat my request for a full time FIP Training Coordinator. The below is a list, already provided to House Appropriations, of what this position would entail and why it needs to be full time, just as the Domestic Violence Training Coordinator position is:

*Duties of the 1 FTE position:*

- Must be a subject matter expert in FIP and FIP-related topics*
  - Must continue to maintain and further develop SME*
  - Recruit, train, and supervise adjunct faculty members as FIP and Blue Courage instructors*
  - Develop lesson plans, curriculum and continually update coursework materials*
  - Acts as academy/Council liaison to law enforcement agencies, working groups, task forces, and community groups*
  - Participate in the VSP FIP committee*
  - Will become the academy's designee to the Racial Disparity Panel and will be responsible for all Council participation*
  - May act as expert witness if called upon*
  - Continue working on AG's Task Force Report*
  - Participate in scenario-based training as an evaluator*
  - Provide classroom instruction for all levels of certification*
  - Along with the FIP subcommittee and other stakeholders, develop curriculum for mandated in-service trainings as well as continually monitor basic training to ensure that it is current with best practices*
  - Develop cadre of regional instructors to present mandated trainings*
  - Assist other staff in managing the Level II and Level III basic training classes*
  - Coordinate other trainings as tasked by the Director of Training or the Executive Director*
- In addition to the above, the FIP TC is expected to have a college degree and some related job experience.*

Thank you again for this opportunity to provide written testimony, and I'm happy to answer any questions.

Respectfully submitted,

Richard B. Gauthier, Executive Director  
Vermont Criminal Justice Training Council