

AUDIT OF VERMONT CRIMINAL JUSTICE COUNCIL

Oversight of Law Enforcement Training and Policies



What We Audited

- Whether and how VCJC ensures a person exercising law enforcement powers has met the State's *initial* certification requirements
- Whether VCJC ensures law enforcement officers meet the *annual* in-service training requirements
- Whether VCJC has established processes to effectively implement 20 V.S.A. §2359



20 V.S.A. § 2359

Council services contingent on agency compliance

(a) On and after January 1, 2022, a law enforcement agency shall be prohibited from having its law enforcement applicants or officers trained by the Police Academy or from otherwise using the services of the Council if the agency is not in compliance with the requirements for collecting roadside stop data under section 2366 of this chapter, the requirement to report to the Office of Attorney General death or serious bodily injuries under 18 V.S.A. § 7257a(b), or the requirement to adopt, follow, or enforce any policy required under this chapter.

(b) The Council shall adopt procedures to enforce the requirements of this section, which may allow for waivers for agencies under a plan to obtain compliance with this section.



Why We Did This Audit

- Vermont's law enforcement training and policy requirements exist for a reason – to make sure officers are continuously trained to deliver the highest level of public service, and to protect the rights of Vermonters.
- To monitor VCJC compliance with recent Legislative and Executive Branch priorities



Recent Year Additions

- Fair and Impartial Policing – training, policy
- Body Cameras – training, policy
- Conducted Electrical Weapons (“tasers”) – training, policy
- Use of Force – new statute affecting training
- Internal Affairs – policy



Recent Year Additions (cont.)

- Traffic Stop Data – Annual Reporting
- 20 V.S.A. § 2359 – VCJC Services contingent on agency compliance with reporting and policy adoption
- 3 V.S.A. § 2222(k) - The Administration shall approve grants to LEAs only if they comply with race data and death or serious bodily injury reporting requirements.



What We Found – Overall

- VCJC's Documentation of Its Certification of New Officers Had Shortcomings
- VCJC Did Not Ensure that Law Enforcement Officers Met Annual In-Service Training Requirements
- VCJC Has Not Established Procedures to Prohibit Use of its Services by Agencies That Have Not Adopted Required Policies or Reported Roadside Stop Data



What We Found – Policies

- Agencies supposed to be prohibited from receiving VCJC services if policies not in place. No process in place to determine if adopted policies are acceptable, no ongoing review, no process for reviewing changes to policies.
- No effective VCJC procedures to determine if traffic stop data has been reported. We found instances in which the data was NOT reported.



What We Found – Annual Training

- Self-certification by officers and LEAs, no documentation submitted
- VCJC didn't follow up when affidavits indicated training wasn't satisfied
- VCJC didn't effectively require departments to have proof on-site - VCJC says training records have to be available for review at each agency, but offered little guidance about how to do so.
- 21 of 60 officers didn't have documentation proving they had taken the number or type of required classes in the time period audited



What We Found – Annual Training (cont.)

- Same course listed as different number of hours for different officers
- Some classes taken in less than 5 minutes incl. FIP
- Unapproved instructors taught use-of-force
- Affidavit doesn't require agencies to say who carries CEW so impossible to know if they are out of compliance



What We Found – Initial Training

- Some missing documentation that some officers passed required classes
- Lack of clarity about how many hours of FIP training need to be provided



Legislative Considerations

- Consider modifying 20 V.S.A. §2358(c) to require that candidates for law enforcement certification take a minimum of four hours of FIP training.
- Consider requiring VCJC to review and assess whether law enforcement agencies have adopted the policies required by Title 20, Chapter 151 for their current policy versions *and* whenever an agency makes a change.
- General Oversight of VCJC Progress on Audit Recommendations



Legislative Considerations (cont.)

- All officers are supposed to have received 16 hours of ARIDE training by Dec 31, 2021. VCJC guidance appears to contradict the law, which will need to be addressed either by VCJC requiring compliance or seeking a change to the law.

