

VERMONT DEPARTMENT OF PUBLIC SAFETY
LAW ENFORCEMENT ADVISORY BOARD



SUMMARY REPORT 2004

ADVISING THE COMMISSIONER OF PUBLIC SAFETY, THE GOVERNOR, THE GENERAL ASSEMBLY ON ISSUES THAT AFFECT THE COOPERATION AND COORDINATION OF MORE THAN ONE LAW ENFORCEMENT AGENCY.

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Francis X. Aumand III, Chair
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SUMMARY REPORT 2004

INTRODUCTION

The 2004 Vermont General Assembly passed, as part of the appropriations act, language that authorized the creation of a law enforcement advisory board with the Department of Public Safety. Its purpose is to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies which exercise law enforcement responsibilities. The members of this board are stipulated by the legislation and are listed in appendix A.

The law enforcement advisory board of the Department of Public Safety was convened on September 9th, 2004. As mandated by statute, a Chair and Vice Chair was elected by the members present. The membership in the ensuing meetings developed a business plan for 2004 and 2005 and held several meetings. Meetings were held on September 9th, September 22nd, November 3rd, December 1st of 2004 and January 5th, 2005.

The following topics were identified as issues that should be discussed by the Board;

1. Datamaster Infrared Replacement – Machines need replacement
2. Loss of Federal Funding and its impact on law enforcement.
3. Vermont Forensic Lab – the need to maintain accreditation.
4. Police officer recruitment, retention and retirement.
5. Adequate Funding levels for the Vermont Police Academy – Basic training costs.
6. Law Enforcement Information sharing – bringing disparate systems together.
7. Prison Overcrowding – What is the impact?
8. Dispatching Issues and costs
9. Criminal Justice Integration System (CJIS) – Development
10. Computer Crimes and Statewide computer forensics.
11. In car camera use – mandatory policy
12. Rural law enforcement

The Board identified the following as goals they should be working towards:

- Given monies available, the Board shall review *policies* and *practices* in an effort to develop a *comprehensive approach* to providing the best policing services to Vermonters.
- The Board shall also provide *educational resources* to Vermonters about public safety challenges in the state.
- The Board shall develop *policies and recommendations* for law enforcement priority.

During the first months of this work effort the Board heard testimony on the following issues:

- Datamaster Infrared Replacement – Machines need replacement
- Loss of Federal Funding and its impact on law enforcement.
- Adequate funding for the Vermont Police Academy – Basic training costs.
- Law Enforcement Information sharing – bringing disparate systems together.
- Prison Overcrowding – What is the impact?
- Recruitment, Retention and Retirement
- Rural law enforcement

This report will focus on these issues. A continued discussion on these matters and others will be the focus of the Boards work in 2005

DATAMASTER INFRARED REPLACEMENT – MACHINES NEED REPLACEMENT

The State of Vermont has established that a person with a blood alcohol concentration (BAC) of .08 or higher shall not operate a motor vehicle. The application of this law requires Vermont to maintain the ability to reliably and accurately measure BAC. The method Vermont has decided to use to establish and maintain this capability is the Infrared (IR) breath testing technology.

Vermont has 77 units in a network of IR machines throughout the state. There are currently 63 active permanent testing sites in police agencies across Vermont. Additionally, there are four in mobile breath alcohol testing vehicles (BATmobiles) and six at the police academy for training.

There is no formal strategy or plan for regular replacement or enhancement of the DataMaster inventory. Purchase history has been based upon availability of “windfall” federal highway safety funds. (“Windfall” defined as funds not required for ongoing highway safety activities and eligible for this purpose.) It is reasonable to expect that any equipment that runs 24 hours per day for more than ten or fifteen years will eventually wear out. The Department of Health reports that twenty units are in need of immediate replacement, then 6 to 10 per year to maintain turnover and cull out frequent services needs.

The BAC DataMaster breath testing instruments currently used for evidential testing are aging and replacing them with new units will address issues of increased out-of-service time and repair/maintenance costs, as well as reduce the maintenance load on the Department of Health technician responsible for maintaining the inventory in working order. Currently, the State has

instruments from several manufacturing series in place, with the oldest dating back to 1988. As the instruments age, the frequency and extent of maintenance and repairs also increases.

Vermont Infrared Purchase History

40 between 1980 and 1993

30 in 1995-96

2 in 1997 for mobile units

4 in 2000 for Batmobiles

In addition to maintaining existing equipment in order to minimize repair expense and down time, it may be advisable to add to the current inventory so that police agency personnel shortages do not impede DUI processing. In these times of police officer position vacancies statewide, it is not economically feasible to authorize off-duty police, or officers doing directed patrols, to come in off the road to let another officer in to use the DataMaster in a building without any officers on duty.

The cost per datamaster unit is estimated to be:

1-10 units	\$6,253.00
11-20 units	\$6,100.00
21 + units	\$5,998.00

With no end in sight for police staffing shortages, it behooves the state to maximize the efficiency of the DUI process. The cost of a DataMaster is significantly less than the cost of adding police hours (*if* they were available) for DUI enforcement. By placing DataMasters in more police agencies, travel time will be reduced for suspected impaired operators, resulting in fewer police hours and more successful prosecution. Both the arresting officer's time will be reduced, and it will not be necessary to call in an off-duty or otherwise working officer just to make the DataMaster available.

Recommendation:

It was decided that a history of the datamaster, what it means to the criminal justice community and a recommendation to replace all the machines over a 3 year period using TEA 21 funds (164 penalty funds) would be included in the board's first report.

"It is reasonable to expect that any equipment that runs 24 hours per day for more than ten or fifteen years will eventually wear out. The Department of Health reports that twenty units are in need of immediate replacement, then 6 to 10 per year to maintain turnover and cull out frequent services needs".

Action Needed:

The replacement of the datamaster's requires legislative action to determine an appropriate funding source.

LOSS OF FEDERAL FUNDING AND ITS IMPACT ON LAW ENFORCEMENT.

The potential loss of federal funding was discussed by the board. The board members heard from Captain Marc Metayer, Vermont State Police, with regard to the impact the justice assistance program (JAG) will have on Vermont. The Bureau of Justice Statistics provided a chart of potential funding allocations that will be distributed via the JAG model. The following is a comparison on using existing BYRNE and local law enforcement block grant (LLEBG) award amounts for FFY 04.

FY 04 BYRNE Award to the State	\$2,067,462
FY 04 LLEBG	<u>\$ 286,882</u>
Total	\$2,354,344

Using the JAG distribution model, the awards would be as follows:

Awarded to the State	\$874,918
Awarded directly to locals	<u>\$583,278</u>
Total	\$1,458,196
Net Loss to the State of Vermont	(\$896,148)

The board felt the potential impact on the re-direction of funds and the loss of funds to the State of Vermont will be significant. With more funds being directly awarded to local communities, the challenges of coordinating a statewide or systematic use of the money will be increased. The Federal Bureau of Justice Assistance is promoting a community based planning process to properly plan for the spending of these federal dollars. The board feels this should be undertaken in Vermont as well. Further, the loss of \$896,148 in federal law enforcement support will have an adverse impact on statewide programs such as drug enforcement and forensic lab support. It was difficult for the board

to offer any recommendations for this report. The Board feels that the potential loss of federal funds needs to be closely monitored.

Recommendation:

Identify the loss of federal funding as a significant issue and provide information, but offer no recommendation. Continue to monitor the loss and impact these losses will have on Vermont's law enforcement community and support the community planning model. We will need to find ways to share resources as the resources shrink.

Action needed:

The loss of federal funding will have to be monitored and the criminal justice system will have to react accordingly.

ADEQUATE FUNDING FOR THE VERMONT POLICE ACADEMY

There are three significant issues currently facing the Criminal Justice Training Council (CJTC) that have a global impact on Vermont's law enforcement community. These issues are defense and indemnification of volunteer instructors, recruitment and retention of instructors, and capital improvements to the facility.

Defense and Indemnification of Volunteer Instructors:

The last year saw a serious scare with the threat of losing a significant portion of our volunteer adjunct faculty. This issue arose following a civil suit that was filed, which named not only the Academy, but several volunteer instructors as well. The State, through the Attorney General, declined to defend or provide indemnification for the non-state employees in this matter. This prompted some agencies, which have for years supplied instructors at no cost to the State, to reconsider their position.

There are several potential solutions to be considered. One option would be adequately funding the CJTC to provide the basic training that is mandated by law. This would include funding instructor reimbursement for time and mileage. The model currently used by the Fire Service Training would result in hiring the instructors as temporary state employees. This would clearly bring these instructors under the State's umbrella for protection in civil matters and relieve the sending agencies of this concern. This would also allow the CJTC to better control the curriculum

and ensure that instructional materials are current and complete. This option comes with an estimated price tag of between \$272,897 and \$321,056 per year (based on 2 full-time basic academy classes/year @ 6,958 hours/class, and 5 part-time basic classes/year @ 58 hours/class, and ranging between \$19.21-\$22.60/hour). It is clear that the State could provide the instructional staff at substantially less cost than is currently being “shouldered” by the local communities (a savings of about 34%).

A second option would be funding the CJTC at a level to provide sufficient full-time staffing resources to provide the necessary instruction for basic training. The largest impediment to this option is cost, followed very closely by the value lost in not having the years of experience and variety of styles from the field that the new officers so benefit from during their basic training.

A third option would be legislation to ensure defense and indemnification by the State of those personnel who are teaching or assisting in a CJTC program.

Recruitment and Retention of Instructors:

Demands on policing agencies are making it more and more difficult to get officers assigned as instructors. Staffing issues, recruitment and retention challenges, military deployments, and local budget constraints are all contributing to this problem. It’s very realistic to believe that, even with new protections in place regarding civil suits, we will likely be near a critical instructor shortage within the next 12-18 months if the current trends continue.

Capital Improvements:

The interior of the facility housing the police academy is now in need of attention. The academy is also in need of additional classroom and dormitory space. With the growth in staff and the increase in demands for training, space has become a big problem. Some 12-15 beds have been lost to make way for a computer lab (library relocated to second floor), additional office space, and adjust for areas where suitable heating could not be maintained (porch rooms now being used for study spaces, Firearms Training Simulator, storage, etc.). The majority of the furnishings are now at a stage where they need immediate replacement. A current estimate for replacement of necessary furnishings for both floors (35 rooms) is \$71,118.00.

Recommendation:

The board recommends the first option as the best solution to the problem. The model currently used by the Fire Service Training would result in hiring the instructors as temporary state employees. This would create a solution to the indemnification problem as they are now state employees and it would offer compensation to instructors and thus encourage instructor participation. The State also needs to look at providing capital funds to meet the needed improvements at the police academy.

Action Needed:

Legislative Action is needed with regards to funding.

LAW ENFORCMENT INFORMATION SHARING – BRINGING DISPARATE SYSTEMS TOGETHER

The Vermont Incident Based Reporting System (VIBRS) network delivers a variety of services to the Vermont’s law enforcement community. The VIBRS network is now much more than a Spillman, CAD/RMS and NIBRS compliant reporting system. It includes Internet Access, E-mail, shared calendar and e-mail directory, State wide Police Intelligence Network (SPIN), Vermont Law Enforcement Telecommunications Network (VLETS) and a variety of other individual databases. Board members heard from Lt. Bruce Parizo who is Chair of the VIBRS Advisory Board. He advised that users have had complaints about obtaining information from the Spillman system. These complaints can be resolved if users seek additional training. “It is a sound software system”, Parizo said. Users need to make a commitment to learn the new capabilities. Lt. Parizo also told the board that adequate staffing levels needs to be in place in the information technology section of the Division of Criminal Justice Services to support the needs of the end user.

Over the past couple of years some agencies have left the statewide computer aided records management (CAD/RM) system due to the need for added functionality and more control over their own system. The greatest value of a statewide CAD/RM system is to be able to share information in a cost effective and timely way. Failing a statewide system, we need to ensure that our various systems can talk to each other.

Members of the Department of Public Safety, Information Technology Section spoke of the need to do a better job at planning. They mentioned to the board that their recommendation was to

conduct a needs assessment regarding what it is the law enforcement community needs for information technology services.

The board agreed that a needs assessment was a useful endeavor. They also agreed that a guiding principle for information technology issues and sharing of information should be that “Any member of the justice or public safety community can access the information they need to do their job, at the time they need it, in a form that is useful, regardless of the location of the data.”

This board will continue to discuss these issues and there should be IT input at every meeting. The board agreed that an IT needs assessment should be conducted. They further agreed that there is a need to share information among all law enforcement agencies. A subcommittee should be formed that includes executive level members as well as user’s with technical knowledge. The VIBRS Advisory Board should also play an important role in determining the information technology needs of the user’s. Non Spillman agencies need to be included as well.

Recommendation:

The board recommends that technology be developed that is consistent with the guiding principle “Any member of the justice or public safety community can access the information they need to do their job, at the time they need it, in a form that is useful, regardless of the location of the data.” Further, they feel a needs assessment should be conducted using technical persons and also using the advisory board to establish IT needs.

<p><i>“Any member of the justice or public safety community can access the information they need to do their job, at the time they need it, in a form that is useful, regardless of the location of the data.”</i></p>
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Action Needed:

The Division of Criminal Justice Services should pursue a needs assessment identifying the technology needs of law enforcement and report back to the law enforcement advisory board. The board should play a leadership role in assisting in the decision making process of technology needs in the future.

PRISON OVERCROWDING – WHAT IS THE IMPACT?

The advisory board discussed the “Report and Recommendations of the The Governor’s Commission on Corrections Overcrowding”. The general concern from the board members is the impact that releasing 20% of detainees into the community will have on local law enforcement and the community at large. The use of technology was briefly discussed as a means of releasing persons back into the community. The advisory board concluded that adequate supervision of released prisoners would need to occur.

The Federal representatives on the board also mentioned that the lack of bed space for Federal detainees is a problem for the U. S. Marshals Service. The board discussed at length how the Federal problem impacts Vermont law enforcement and it was agreed unanimously that it has a large impact on the lack of availability of the Marshals Service to assist Vermont law enforcement. The criminal justice community in Vermont has always engaged in a cooperative relationship with our Federal counterparts. We rely on each other to efficiently work the apprehension, prosecution and detention of people engaged in criminal behavior. Therefore, any adverse impact on the Federal criminal justice system in Vermont adversely affects the Vermont criminal justice system. Specifically, the example given was the U.S. Marshals Service at one time had helped Vermont law enforcement in fugitive “roundups”. This has not occurred in some time due to the Marshals’ having to transport Federal detainees great distances from where they are lodged outside Vermont.

Recommendation:

The advisory board is concerned with the wholesale unsupervised release of prisoners back into communities. This type of release would place a hardship on police services, the community and the criminal justice system as a whole. Therefore, any solution to the prison overcrowding issue that entails releasing of large numbers of prisoners into communities must include the proper and adequate supervision of those people.

Action Needed:

Administration and legislative action is needed.

RECRUITMENT, RETENTION AND RETIREMENT

This board reviewed a number of articles related to this topic, which has been under discussion for most members' tenure, throughout their law enforcement careers. All three areas are interrelated and the board feels that the overall goal in Vermont is to recruit, train and retire law enforcement professionals in Vermont, rather than losing our valued employees to other states. The short summary that follows is a compilation of resource materials that make the point, rather than an exhaustive study on the subject.

Nationally (NIJ Research: Hiring and Keeping Police Officers), more than 50% of the Nation's police agencies grew in officer strength during the 1990s, however about 20% of mostly smaller police agencies declined, often as a result of fiscal or recruitment problems. Most agencies receiving Federal hiring funds keep the positions after the grants expire.

A list of concerns in 1999 where more than half of actively hiring agencies had difficulty finding enough qualified applicants are: a strong economy luring good candidates into better paying jobs; increasing educational requirements especially in larger agencies may restrict the number of recruits; attrition rates as "baby boomers" retire; negative publicity related to such issues as racial profiling or excessive use of force may discourage some; increased hiring during the 1990s may have contributed to the shortage today.

The screening and training of new officers take on average 8 to 11 months. Since 1995, training time has increased up to 3 weeks. Some reasons for this increased training include community policing requirements to learn new skills such as structured problem solving that were not traditionally part of law enforcement training. Overall nationally, nine out of ten recruits fail in the training academy, rather than in the field according to the NIJ study.

After graduation (in 1999), many officers who leave their agencies serve for only a few years, two-thirds serve less than 5-years, and many leave one law enforcement agency for another. About 55% who leave small agencies and 76% who leave large agencies do not continue in law enforcement work. Historically, small agencies have more difficulty retaining staff than large agencies.

In 1990, the Vermont Criminal Justice Center undertook a study entitled, "Why Police Officers Resign: A Look at the Turnover of Police Officers in Vermont." At that time, the number one

reason cited for leaving was salary, benefits and job satisfaction. The report stated, “benefits and retirement appear to be two of the most important reasons, both for leaving a job and for determining who takes another job in law enforcement...It is clear that municipal departments are losing many of these officers to other law enforcement agencies.” Typically, officers who were happy in law enforcement usually took another position in the field. Clearly, compensation (pay and benefits, including retirement) was the most important factor, followed by characteristics of the department, which provide a low stress, challenging job.

In 1989, the typical person leaving a position in Vermont municipal law enforcement was age 35, married, male, educated with some college and held the rank of patrol officer. Officers, who left came from the bottom rank, were younger and probably had less experience than those who stayed. Referring to anything of financial value (pay, fringe benefits and retirement), higher amounts of pay will probably be associated with lower amounts of turnover. The literature at the time suggested that larger organizations may have had fewer turnovers due to more opportunities and better pay; it appeared that turnover was higher in smaller departments. Almost 75% of officers who left voluntarily and were happy in their positions were looking for another job with superior compensation. Vermont born officers were more likely to stay in Vermont than those born out-of-state.

Today, state police cite problems with retention (which usually means troopers leaving the state) as they compete with other New England states, and New York. Municipal agencies report recruiting competition with state police, New Hampshire, New York and with each other. The state of Vermont is presently enjoying the lowest unemployment in the nation, added to previous demographic projections and economic guesses that suggest the years ahead will be characterized by a shrinking supply of workers and low unemployment.

Throughout Municipal and Sheriffs' law enforcement circles in the state of Vermont, the issues remain and are usually captured in discussions about equal risk of life, equal exercise of law enforcement authority to protect the public and the challenges of communicating/negotiating a compensation package that is both affordable for the municipality or other authority and fair for the law enforcement officer and family. Inevitably, the discussion will focus on the disparities in law enforcement related to compensation packages, especially the different retirement packages, which exist.

Salaries, benefits and retirement were clearly the primary reasons for departure from municipal law enforcement in Vermont. Salaries, benefits and retirement are largely the province of the municipalities served by these law enforcement agencies. Increasingly, however, states have established statewide retirement systems for municipal and state law enforcement officers, which establish standardized requirements for eligibility for retirement (e.g. retirement at a standardized percentage of pay after a set number ((usually. 20)) of years). The overall reference has been to the New Hampshire model or the present state law enforcement retirement (VSRS, Group C).

In 1990, this study proposed that Vermont should closely examine the relative advantages and disadvantages of developing such a plan as a statewide retirement system, which permits retirement after a set number of years and at a level which would permit former officers to continue living in Vermont at something above the poverty level. These same concerns exist today.

What are the implications for policy and practice? Our Nation's new concern with security is likely to create new personnel needs for all – local, state and federal. The overall strategy cited is to assess the effectiveness of recruiting methods and find ways to make working in Vermont law enforcement agencies more attractive. At the top of the list is improving pay and benefits. Other subsequent challenges may include recruiting officers with the right skills for community policing, changing job roles to enhance officers' satisfaction and improving career development.

Recommendation:

What is needed is a way of understanding turnover, which encourages employees to leave when appropriate but provides the conditions necessary to encourage the right employees to stay. The board proposes to use budgeted monies to update the 1990 Vermont study with the goal of clearly identifying the problem(s) related to the 3-Rs (recruitment, retention and retirement) today and to prioritize possible solutions and next steps.

Action Needed:

The chair and vice-chair will meet with Bill Clements from the Center for Justice Research in an effort to determine what should be included in the scope of work for a new study that would build off of the 1990 study. This new study will not only help define the problem but also offer solutions to the identified issues.

RURAL LAW ENFORCEMENT

Commissioner Sleeper raised the issue of how we provide law enforcement services to rural communities that currently do not have police agencies and want to provide some law enforcement services but also do not have the funds to start a full time police department. A subcommittee of the board was tasked with identifying and examining some of the challenges of providing law enforcement services to under served communities. To that end, several options were discussed, along with their pros and cons.

Options

1. Mutual Aid Agreement--Communities enter into agreements to share law enforcement resources.
2. Vermont State Police--Increase the number of uniform troopers in the VSP. This increase would allow for an increased presence of troopers in rural communities. Another option would be to create a Resident Trooper Program used by other state police agencies (Ct.)
3. Contractual Basis--Communities contract law enforcement officers for a predetermined number of hours from either a sheriff's department, a municipal police department, or the state police.
4. Municipal Police Agreements--Communities jointly form law enforcement agencies
5. Use of Constables
6. Regionalization
7. Maintain Status Quo

Issues

This subcommittee agreed unanimously that almost every option identified involved an increase in costs for those communities wanting more law enforcement services; either that, or money would have to be diverted from other areas. The level of funding necessary would obviously depend on the level of law enforcement and local control a community desired.

Two issues stood out: The first was that communities would probably want to retain as much local control as possible, and the second was that communities were most likely much more concerned with "quality of life" issues on a daily basis than with major crimes, which are already handled by the state police.

One concern this subcommittee identified was that communities might not be aware of the full range of options and their associated advantages and disadvantages, or they might be operating under

a misperception of same, especially with regards to certification, training, liability issues, etc. In other words, they may not know that they don't know.

Recommendation:

This subcommittee discussed developing a 'menu' of options for communities seeking an increase in law enforcement. Communities would be able to make better informed decisions and tailor their resources to their needs. To facilitate the process for them, a pool of law enforcement professionals could be developed and resource panels sent to those communities asking for help in making decisions.

Action Needed:

The law enforcement advisory board will work on developing a "menu" of options for communities seeking an increase in law enforcement and develop a plan to communicate and educate local communities on these options.

APPENDIX A

List of Advisory Board Members

Name	Department	Address	State, City, Zip
Kerry L. Sleeper Commissioner	Department of Public Safety	103 South Main Street	Waterbury, Vermont 05671-2101
Colonel Thomas A. Powlovich	Vermont State Police	103 South Main Street	Waterbury, Vermont 05671-2101
Francis X. Aumand, III Director CHAIR	Criminal Justice Services	103 South Main Street	Waterbury, Vermont 05671-2101
Matt Valerio, Defender General	Office of Defender General	14-16- Baldwin Street	Montpelier, Vermont 05602-3301
US Attorney David Kirby James Leene, alternate	Office of the US Attorney	P. O. Box 570	Burlington, Vermont 05402
John Treadwell Assist A.G.	Office of the Attorney General	109 State Street	Montpelier, Vermont 05609-1001
Sheriff Kevin McLaughlin Vermont Sheriff's Association	Chittenden county Sheriff's Office	PO Box 1426	Burlington, Vermont 05402
Capt Scott Tucker Vermont Police Association VICE-CHAIR	Rutland Police Department	108 Wales Street	Rutland, Vermont 05701
Susan Spaulding	Vermont League of Cities & Towns	89 Main Street, Suite 4	Montpelier, Vermont 05602-2948
Bob Simpson, Esq. Dept of State's Attorney & Sheriffs	Chittenden County State's Attorney	32 Cherry Street, Suite 305	Burlington VT 05401
Chief Rick Gauthier Chief of Police Assoc.	Bennington Police Department	P. O. Box 1563	Bennington, Vermont 05201
R. J. Elrick, Exec. Director	Vt Criminal Justice Training Council	317 Sanitorium Road	Pittsford, Vermont 05763

APPENDIX B

**Vermont Department of Public Safety
Law Enforcement Advisory Board
Business Plan**

PURPOSE – What is our purpose?

As defined in the 24 V.S.A. § 1939 and by the members of the Law Enforcement Advisory Board the mission of the group is as follows;

To advise and report to the Commissioner of Public Safety, the Governor, the General Assembly on issues that affect the cooperation and coordination of more than one law enforcement agency.

GOAL – What are we working towards?

Given monies available, the Board shall review *policies* and *practices* in an effort of developing a *comprehensive approach* to providing the best policing services to Vermonters.

The Board shall also provide *educational resources* to Vermonters about public safety challenges in the state.

The Board shall develop *policies and recommendations* for law enforcement priority needs.

TASKS – What should the Board review?

Statutorily mentioned tasks include;

- Retirement benefits,
- Recruitment of officers,
- training needs,
- homeland security issues,
- dispatching, and
- Comprehensive drug enforcement.

Other tasks deemed important by the Board should also be reviewed. It is expected that issues or tasks may arise at any time and may be brought before the Board for resolution.

OUTCOMES – What are we going to produce?

The Board shall hold a formal review process to meet the above goals and tasks. A *report* shall be produced in brief summary to the General Assembly and Governor annually by January 15th. A *formal review process* shall include testimony from interested parties, if deemed necessary by the Board, or a thorough discussion of the issues/tasks followed by a recommendation made and voted on by the Board.

ORGANIZATION– What is the make up of the Board and how does it operate?

The Board is made up of the following;

- Commissioner of the Department of Public Safety (DPS)
- Director of the Vermont State Police (VSP)

- Director of the DPS/ Division of Criminal Justice Services (CJS)
- A member of the Vermont Association of Chiefs of Police appointed by the president.
- A member of the Vermont Sheriffs' Association appointed by the president
- A representative from the Vermont Leagues of Cities and Towns (VLCT) appointed by the Executive Director.
- A member of the Vermont Police Association appointed by the president.
- The Attorney General or his/her designee.
- A state's attorney appointed by the Executive Director of the Department of State's Attorneys and Sheriffs.
- The U.S. Attorney or his/her designee.
- The Executive Director of the Vermont Criminal Justice Training Council (VCJTC).
- The Defender General or his/her designee.

The Board shall elect a chair and vice-chair who will serve for two years.

A quorum shall consist of 6 members.

Decisions of the Board shall require a majority vote.

Action Plan for 2004-2005

The Board shall meet three (4) times in 2004 and a minimum of six (6) times in 2005.

The Board shall begin discussing the following issues with the outcome being to document the issue and offer recommendations to help solve the problem. These issues are in priority order.

- 1) Datamaster Infrared Replacement – Machines need replacement
- 2) Loss of Federal Funding and its impact on law enforcement.
- 3) Rural Law Enforcement issues
- 4) Police officer recruitment, retention and retirement.
- 5) Adequate Funding levels for the Vermont Police Academy – Basic training costs.
- 6) Law Enforcement Information sharing – bringing disparate systems together.
- 7) Prison Overcrowding – What is the impact?
- 8) Dispatching Issues and costs
- 9) Criminal Justice Integration System (CJIS) – Development
- 10) Computer Crimes and Statewide computer forensics.
- 11) In car camera use – mandatory policy
- 12) Vermont Forensic Lab – the need to maintain accreditation.
- 13) Other issues of importance that are brought to our attention

APPENDIX C

Sec. 85e. 24 V.S.A. § 1939 is added to read:

§ 1939. LAW ENFORCEMENT ADVISORY BOARD

(a) A law enforcement advisory board is created within the department of public safety to advise the commissioner of public safety, the governor, and the general assembly on issues involving the cooperation and coordination of all agencies which exercise law enforcement responsibilities. The board shall review any matter which affects more than one law enforcement agency. The board shall comprise the following members:

- (1) the commissioner of the department of public safety;
- (2) the director of the Vermont state police;
- (3) the director of the Vermont criminal justice support division;
- (4) a member of the Vermont association of chiefs of police appointed by the president of the association;
- (5) a member of the Vermont sheriffs' association appointed by the president of the association;
- (6) a representative appointed by the Vermont league of cities and towns appointed by the executive director;
- (7) a member of the Vermont police association appointed by the president of the association;
- (8) the attorney general or his or her designee;
- (9) a state's attorney appointed by the executive director of the department of state's attorneys and sheriffs;
- (10) the U.S. attorney or his or her designee;
- (11) the executive director of the Vermont criminal justice training council; and
- (12) the defender general or his or her designee.

(b) The board shall elect a chair and a vice chair which shall rotate among the various member representatives. Each member shall serve a term of two years. The board shall meet at the call of the chair. A quorum shall consist of six members, and decisions of the board shall require the approval of a majority of those members present and voting.

(c) The board shall undertake an ongoing formal review process of law enforcement policies and practices with a goal of developing a comprehensive approach to providing the best services to Vermonters, given monies available. The board shall also provide educational resources to Vermonters about public safety challenges in the state.

(d) The board shall meet no fewer than six times a year to develop policies and recommendations for law enforcement priority needs, including retirement benefits, recruitment of officers, training needs, homeland security issues, dispatching, and comprehensive drug enforcement. The board shall present its findings and recommendations in brief summary to the general assembly and the governor annually by January 15.

APPENDIX D

INFRARED BREATH TEST EQUIPMENT REPLACEMENT PLAN

The State of Vermont has established that a person with a blood alcohol concentration (BAC) of .08 or higher shall not operate a motor vehicle. The application of this law requires Vermont to maintain the ability to reliably and accurately measure BAC. The method Vermont has decided to establish and maintain this capability is the Infrared (IR) breath testing technology.

Vermont has 77 units in a network of IR machines throughout the state. There are currently 63 active permanent testing sites in police agencies across Vermont. Additionally, there are four in mobile breath alcohol testing vehicles (BATmobiles) and six at the police academy for training. There are also 2 units in the Department of Health lab for repairs (which, when repaired, will be used to replace units in the field requiring more work than can be accomplished on-site), and the remaining two are useful only to supply parts for repair of other units. Some repair parts are no longer available from the manufacturer, such as printers and simulators, which are the most frequent service calls.

DataMaster placement is based on geographic distribution and population coverage. When the plan was originally developed, every effort was made to ensure that police officers did not need to transport a test subject more than 45 minutes to a testing site. In order to qualify to host a DataMaster, a police agency needed to be accessible to all enforcement officers (not just their own agency's officers) 24 hours per day and 7 days per week, and provide a DataMaster Supervisor (a staff member trained to do routine maintenance). Since that time, several factors have evolved that have not been reflected in the DataMaster distribution plan.

1. Several police departments have been created that did not exist when DataMasters were originally placed (Montgomery, North Troy, Lyndonville, Bradford, Danville).
2. State Police barracks previously accessible 24/7 are now locked at 4:30 due to consolidated dispatching. Access to the DataMasters in non-PSAP locations varies around the state.
3. With the advent of State Act 117 DUI grants and OJJDP START funds, and the Administration's focus on impaired driving, more alcohol enforcement than ever is being conducted by all departments.
4. Police agencies statewide are experiencing staffing shortages, and overtime grant funds often go unused because there are not enough officers to do the work. DUI enforcement is one of the more time-consuming tasks police officers execute, and reducing travel time and access issues improves effectiveness of limited police resources.

There is no formal strategy or plan for regular replacement or enhancement of the DataMaster inventory. Purchase history has been based upon availability of “windfall” federal highway safety funds. (“Windfall” defined as funds not required for ongoing highway safety activities and eligible for this purpose.)

The BAC DataMaster breath testing instruments currently used for evidential testing are aging and replacing them with new units will address issues of increased out-of-service time and repair/maintenance costs, as well as reduce the maintenance load on the Department of Health technician responsible for maintaining the inventory in working order. Currently, the State has instruments from several manufacturing series in place, with the oldest dating back to 1988. As the instruments age, the frequency and extent of maintenance and repairs also increases.

Vermont Infrared Purchase History

40 between 1980 and 1993

30 in 1995-96

2 in 1997 for mobile units

4 in 2000 for Batmobiles

While our annual preventive maintenance program has been successful in reducing the number of service calls for maintenance and repair, the reasonable equipment lifetime is being pressed to the limit. We are removing instruments from regular service at an increasing rate and will soon deplete our inventory of reliable replacements. It is reasonable to expect that any equipment that runs 24 hours per day for more than ten or fifteen years will eventually wear out. The Department of Health reports that twenty units are in need of immediate replacement, then 6 to 10 per year to maintain turnover and cull out frequent services needs.

In addition to maintaining existing equipment in order to minimize repair expense and down time, it may be advisable to add to the current inventory so that police agency personnel shortages do not impede DUI processing. In these times of police officer position vacancies statewide, it is not economically feasible to authorize off-duty police, or officers doing directed patrols, to come in off the road to let another officer in to use the DataMaster in a building without any officers on duty.

With no end in sight for police staffing shortages, it behooves the state to maximize efficiency of the DUI process. The cost of a DataMaster is significantly less than the cost of adding police hours (if they were available) for DUI enforcement. By placing DataMasters in more police agencies, travel time will be reduced for suspected impaired operators, resulting in fewer police hours and more successful prosecution. Both the arresting officer’s time will be reduced, and it will not be necessary to call in an off-duty or otherwise working officer just to make the DataMaster available.

Several options for implementing a DataMaster replacement program have been discussed. Department of Health, the Governor's Highway Safety Program, States Attorneys, Vermont Chiefs of Police, Sheriffs Association and Vermont State Police participated in the discussions as part of an informal infrared breath testing advisory committee. The options discussed include: phased purchase, mass purchase and perpetual replacement purchase programs.

1. Phased Purchase. To purchase 80 units to replace current models and add units in remote locations to cut police officer travel time, Vermont would purchase a set number of units for

a set number of years. Twenty per year for four years would replace all of our aging units and provide equipment for new locations. The numbers and span of years would be determined by funding source and scheme.

2. Mass Purchase. Eighty units would be purchased on one order.
3. Perpetual replacement purchase. Vermont would commit to purchase 5 to 10 units per year. This would create an ever-rotating inventory of units without requiring a large, one-time layout of funds.

The approach favored by many, but not all, discussion members is mass purchase of a large (i.e. 75-80) number of new DataMaster instruments at one time. Advantages in taking this approach are to assure consistency of equipment used for BAC testing (same design in one manufacturing series); simplify any training updates that may be needed when newer (different) models are installed, and reduce the cost per unit based on volume purchase (i.e. a savings up to \$35,000). It would take approximately a year for the manufacturer to deliver the total number of instruments and 18-24 months to for laboratory staff to certify and install them in the field. This schedule is expected to be compatible with current staffing resources. Those instruments placed into service between 1989 and 1995 would be the first to be replaced with a focus on those that have had a higher rate of need for service.

Cost per unit on current Vermont contract:

1-10 units	\$6,253.00
11-20 units	\$6,100.00
21 + units	\$5,998.00

It must be noted that if a graduated replacement plan is implemented, it will likely result in some differences among the instruments in use throughout the state. These differences will not affect the status of recognition by National Highway Traffic Safety Administration on their “Conforming Products” list nor change the way breath samples are analyzed. These differences will create the need for an increased parts inventory.

The group also discussed various funding options.

1. New state dollars – due to budget situation in Vermont, no new funds are anticipated to be available.
2. Current federal highway safety funds – the current and anticipated federal highway safety funds (~ \$720,000/year) for the foreseeable future are committed to on-going public education and law enforcement programs.
3. Penalty transfer funds – The current TEA 21 § 164 penalty provisions cause ~\$2,400,000 to be transferred to the highway safety program from the Vermont FHWA highway fund. The Vermont legislature utilizes a provision in TEA 21 to direct those funds to the Agency of Transportation for hazard elimination projects.

The informal committee addressing this growing problem has no authority to designate a funding source for IR replacement. Our goal is to bring information to State managers so this looming problem can be addressed in a thoughtful, considered manner before it becomes a crisis.

DRAFT BUDGET FOR IR REPLACEMENT:

80	DataMaster units @ \$6,000-7,000	\$480,000-\$560,000
80	External printers @\$100	\$8,000
20	Install phone lines for data download @ \$125	\$2,500
	Repair & replace DOH Lab shop repair equipment: \$4,000 Oscilloscope \$600 Multimeters \$400 Tools for field \$300 PDA \$25,000 Dedicated service vehicle \$3,000 Computerized set up for e m prompts	\$33,300
	3-year parts & supplies inventory for new DMs	\$30,000
8	Officer & DM supervisor regional training & updated materials Interactive computer based training and manual updates	\$12,000
	TOTAL	\$565,800 \$645,800

APPENDIX E



STATE OF VERMONT
CRIMINAL JUSTICE TRAINING COUNCIL
VERMONT POLICE ACADEMY
317 SANATORIUM ROAD
PITTSFORD, VERMONT 05763

TEL: (802) 483-6228
FAX: (802) 483-2343

DECEMBER 1, 2004

ISSUES FACING THE CRIMINAL JUSTICE TRAINING COUNCIL

There are three significant issues currently facing the Criminal Justice Training Council (CJTC) that have a global impact on Vermont's law enforcement community. These issues are defense and indemnification of volunteer instructors, recruitment and retention of instructors, and capital improvements to the facility.

Defense and Indemnification of Volunteer Instructors:

While the largest issue facing the CJTC during the past few years has typically been attached to budget woes and doing more with less, the last year saw a serious scare with the threat of losing a significant portion of our volunteer adjunct faculty. This issue arose following a civil suit that was filed, which named not only the Academy, but several volunteer instructors as well. The State, through the Attorney General, refused to defend or provide indemnification for the non-state employees in this matter. This prompted some agencies, which have for years supplied instructors at no cost to the State, to reconsider their position. In some cases, the decisions were being made by local government officials to limit or discontinue their support based on potential liability. Most saw the work that the volunteers are doing as "the State's work". The majority of the municipal agencies involved are insured through the VLCT/PACIF and have been told that they will be covered by that insurance pool for services provided at the Academy. The reality is that, despite the assurance of coverage, a claim will still have an impact and will likely affect their local budgets in the long-term. This "band-aid" approach is just that: a temporary fix until such time as a long-term and acceptable alternative is reached. The VLCT/PACIF coverage only applies to those municipalities that are enrolled in VLCT. It does nothing for the Sheriff's Department employees or employees of other than municipal agencies. State employees continue to be covered as state employees. With the understanding that VLCT/PACIF would provide coverage as outlined herein, most agencies have agreed to continue services with the understanding that a better solution must be found.

To better illustrate the potential impact on basic training, should municipal agencies pull their instructors, the attached spreadsheet provides current values for donated services, based on an estimated average of \$35/hour. In many cases, officers who are at the Academy teaching must be replaced on shift at overtime rates. In addition, expenses such as vehicles and mileage are also borne by their respective agencies. Those costs are not reflected here.

There are several potential solutions to be considered. One option would be adequately funding the CJTC to provide the basic training that is mandated by law. This would include funding instructor reimbursement for time and mileage. The model currently used by the Fire Service Training would result in hiring the instructors as temporary state employees. This would clearly bring these instructors under the State's umbrella for protection in civil matters and relieve the sending agencies of this concern. This would also allow the CJTC to better control the curriculum and ensure that instructional materials are current and complete. This option comes with an estimated price tag of between \$272,897 and \$321,056 per year (based on 2 full-time basic academy classes/year @ 6,958 hours/class, and 5 part-time basic classes/year @ 58 hours/class, and ranging between \$19.21-\$22.60/hour). It is clear that the State could provide the instructional staff at substantially less cost than is currently being "shouldered" by the local communities (a savings of about 34%).

A second option would be funding the CJTC at a level to provide sufficient full-time staffing resources to provide the necessary instruction for basic training. The largest impediment to this option is cost, followed very closely by the value lost in not having the years of experience and variety of styles from the field that the new officers so benefit from during their basic training.

A third option would be legislation to ensure defense and indemnification by the State of those personnel who are teaching or assisting in a CJTC program.

Recruitment and Retention of Instructors:

While the solution to the defense/indemnification issues will certainly be of benefit to all who rely on the Academy to train their personnel, we are also facing a growing problem in recruiting and maintaining instructors in general. Demands on policing agencies are making it more and more difficult to get officers assigned as instructors. Staffing issues, recruitment and retention challenges, military deployments, and local budget constraints are all contributing to this problem. It's very realistic to believe that, even with new protections in place regarding civil suits, we will likely be near a critical instructor shortage within the next 12-18 months if the current trends continue. This is yet further justification to be seeking additional budget allocations and moving towards the temporary employee model in hopes of attracting off-duty law enforcement personnel when agencies cannot make them available on regular or overtime duty status.

Capital Improvements:

The facility at Pittsford is in dire need of capital infusion. In recent years, efforts have been undertaken to bring the building to ADA compliance, to meet fire code, and to make necessary improvements to the building's exterior, roof, and the firing range. While this

work has been essential to the facility, the interior is now in need of attention. We are in need of additional classroom and dormitory space. With the growth in staff and the increase in demands for training, space has become a big problem. Some 12-15 beds have been lost to make way for a computer lab (library relocated to second floor), additional office space, and adjust for areas where suitable heating could not be maintained (porch rooms now being used for study spaces, Firearms Training Simulator, storage, etc.). Very little has been done to update the basic furnishings in the dormitory spaces (dressers, beds, wardrobes, mattresses, etc). The majority of the furnishings are now at a stage where they need immediate replacement. A current estimate for replacement of necessary furnishings for both floors (35 rooms) is \$71,118.00 (\$43,718 for the second floor and \$27,400 for the third floor).

A 5-year capital construction plan has been submitted which will address the projected needs for classroom and training space, additional dormitory space, and security. (See attachment) A priority on this list continues to be the construction of a driver-training pad. While the Department of Buildings and General Services has indicated that they do not support constructing this at the Academy, the CJTC has received notification that \$500,000 in federal funding has been approved to support this project. We continue to rely on the use of state airport runways, but have been told consistently that this will not be an option at some point in the future.

These are issues that have an impact on all Vermont law enforcement agencies. Failure to address these needs in the near future will in fact compromise the training that can be provided to those we serve.

Cost estimate of services provided by volunteer Instructors & Training
 Assistants
 Full-time Basic Training

Performance-Based Program (effective with the 73rd Basic Class)

Course/Topic	Hours	Number of Instructors used	Rate of Pay (estimated average)	Total Cost (projected)
Courtroom Testimony	8	1	\$35/hour	\$280
Handling the Emotionally Disturbed	4	1	\$35/hour	\$140
Interpersonal Communication	8	1	\$35/hour	\$280
Conflict Resolution	8	1	Contract***	n/a
NCIC/VCIC	4	1	\$35/hour	\$140
Police Ethics	8	2	\$35/hour	\$560
Sexual Harassment Policy	2	1	Contract***	n/a
Report Writing	32	3	\$35/hour	\$3,360
Stress Management	8	1	Contract***	n/a
Core Value & Leadership Training	4	1	\$35/hour	\$140
	86			
Criminal Law	48	3	\$35/hour	\$5,040
Introduction to Fish & Wildlife Law	2	1	\$35/hour	\$70
VT DLC Alcohol Education	4	2	\$35/hour	\$280
Introduction to Federal Agencies	2	2	\$35/hour	\$140
Juvenile Law & Procedure	8	2	\$35/hour	\$560
Police Liability	4	1	Contract***	n/a
Use of VT Statutes	2	1	\$35/hour	\$70
	70			
Firearms (classroom & range)	56	10	\$35/hour	\$19,600
Non-Lethal Use of Force	40	10	\$35/hour	\$14,000
Impact Weapon Training	4	6	\$35/hour	\$840
O.C. Certification	4	3	\$35/hour	\$420
	104			
Accident Investigation	36	3	\$35/hour	\$3,780
Case Problems/ Preparation	24	3	\$35/hour	\$2,520
Domestic Violence Response Training	12	3	\$35/hour	\$1,260
Drug Identification & Investigation	8	2	\$35/hour	\$560
Interview & Interrogation Techniques	16	3	\$35/hour	\$1,680
Sexual Assault Investigation	12	3	\$35/hour	\$1,260
Sexual/Physical Abuse of Children	12	3	\$35/hour	\$1,260
Death Investigation	4	3	\$35/hour	\$420

Victims Assistance Program	2	1	\$35/hour	\$70
Court Diversion	2	1	\$35/hour	\$70
Hate Crimes Investigation	8	4	\$35/hour	\$1,120
	136			
Motor Vehicle Law	40	2	\$35/hour	\$2,800
Hazardous Material Recognition	8	1	\$35/hour	\$280
	48			
Nutrition Information	2	1	\$35/hour	\$70
Physical Assessment	6	3	\$35/hour	\$630
Physical Training	96	2	\$35/hour	\$6,720
	104			
Advanced Defensive Driving	24	4	Contract***	n/a
Bloodborne Pathogens	2	1	\$35/hour	\$70
Crime Prevention	2	2	\$35/hour	\$140
Community Policing Concepts	8	1	\$35/hour	\$280
Teambuilding & Problem Solving	32	2	\$35/hour	\$2,240
Community Policing Projects	10	Student	n/a	n/a
Patrol Procedures	136	4	\$35/hour	\$19,040
Occupant Protection Usage & Enforcement	4	2	\$35/hour	\$280
	218			
Administrative & Staff Time	8	N/a	n/a	N/a
Drill & Ceremony	10	N/a	n/a	N/a
Note taking & Study Habits	2	1	\$35/hour	\$70
History & Principles of Policing	6	2	\$35/hour	\$420
Final Examination	2	N/a	n/a	N/a
	28			
DWI Enforcement	32	4	\$35/hour	\$4,480
VIN Verification	4	1	\$35/hour	\$140
Basic Fingerprinting Techniques	4	1	\$35/hour	\$140
Doppler RADAR Operation	8	4	\$35/hour	\$1,120
1 st Aid	4	1	\$35/hour	\$140
CPR	12	1	\$35/hour	\$420
Spillman Computer Training (optional)	12	1	\$35/hour	\$420
Shotgun Training (optional)	8	4	\$35/hour	\$420
Total Hours - Post Basic	76			\$7,280
Total Hours - Program	870			\$171,990

* There are two Training Assistants/week who average 50 hours/week which totals an additional \$56,000.

** There are approximately 5 role players/practical exercise and there are approximately 15 practical exercises with an average length of six hours each which equals \$15,750.

It is important to note that these figures do NOT account for expenses such as mileage.

APPENDIX F
Available upon request in hard copy