

**VLCT Proposal To Improve Municipal Policing**  
**11/10/22**

*This proposal was approved by the VLCT Board of Directors at their November 10, 2022 board meeting.*

In the Summer of 2020, VLCT issued its “Perspectives on Police Reform” in an effort to frame a wholistic approach to addressing challenges facing municipal law enforcement agencies across the state. Since that document was published, municipal law enforcement agencies have felt increased pressures that remain unaddressed. VLCT encourages state policy makers, municipal governing bodies, and public safety leadership to consider that Vermont municipal policing is in crisis today. Unlike many areas of the country, Vermont has enacted progressive police accountability measures, including implementing state-wide use of force standards, legislation modernizing the Vermont Criminal Justice Council, and aggressive data collection and interpretation. But focusing only on police accountability today ignores the crisis our municipal police agencies and their officers face right now: difficulty retaining and recruiting the kind of officers we want, an increase in criminal behavior partially linked to pandemic judicial contingencies, an increase in gun-related crimes and an increase in mental health related incidents.

While our highest priority is ensuring our municipal police departments conduct themselves in a manner that reflects the values of diversity, equity, and inclusion and inspire public confidence, VLCT is concerned that the Vermont debate on policing ignores what’s happening in the 52 municipal law enforcement agencies across the state.

VLCT proposes the following actions to ensure accountability and effectiveness in municipal policing.

**Assessment**

In order to reform municipal policing, policy makers must understand what’s happening in municipal police forces across Vermont. To help inform the debate, VLCT will conduct an assessment of municipal policing that aims to identify the best practices of municipal policing. This assessment will include evaluations of:

- Best recruitment and retention practices
- Best practices integrating mental health services into community policing
- Obstacles to effectively combatting drug and gun crimes
- Policing in underserved areas and rural intermunicipal/contracted policing efforts

**Recruitment, Retention and Training**

Police staffing in Vermont is at a crisis level. Departments are operating below minimal staffing, reducing patrols and prioritizing calls to reduce officer responses. Morale of officers is at a

record low, as officers grapple with the crimes committed by police officers in other parts of the country, the political reaction to those crimes, calls to defund the police and to end qualified immunity ([see VLCT's policy brief on qualified immunity](#)), and the increasingly complex work involving mental health emergencies and crimes involving use of guns. In Vermont, these recruitment and retention issues are exacerbated by a police certification and training program that has not adapted to the hiring and retention crisis. These challenges are exacerbated by a chronically under-resourced police academy unable to meet existing training needs and requirements. Alternative training models are necessary to ensure municipalities can meet mandated training requirements. As such, VLCT recommends the following actions:

- Modernize reciprocity
  - Authorize the Criminal Justice Council to provisionally provide reciprocity upon application for officers who have obtained certification from another state
  - Allow for immediate provisional certification of chiefs of police upon authorization of the Criminal Justice Council
- Provide the Vermont Police Academy / Criminal Justice Council with additional resources
  - Provide an adequate number of full-time trainers to reduce reliance on adjunct trainers
  - Fund the Academy and the VCJC at levels proportionate to municipal policing's statutory duties, roles and legislative mandates
- Revision, synchronize and schedule trainings more deliberately
  - Continue offering the academy for new recruits twice a year, including at least one offering that starts in June of each year to capture new graduates from criminal justice programs
  - Offer courses needed to meet requirements of mandatory certification (including reciprocity) on a schedule, at least twice a year, to allow law enforcement agencies to plan
  - For statutory mandated training, the Academy should establish and archive curriculum.
- Conduct the legislatively-mandated study aimed at identifying how to conduct new recruit training using a non-residential system, including:
  - Embedding elements of the academy curriculum in the curriculums of undergraduate criminal justice programs to shorten the required residential program
  - Providing a hybrid program of residential and non-residential training
  - Partnering with local colleges and tech centers to offer portions of the training

- Provide resources to municipal departments to partner with mental health organizations to provide better resourced mental health crisis support
- Offer additional annual required mental health response training to officers

### **Increasing Accountability**

As our state and country grapple with the future of police work, it is imperative that our municipal police departments conduct themselves in a manner that reflects the values of diversity, equity, and inclusion and that inspire public confidence. Vermont has led the nation in progressive police accountability policies, including the modernization of the Criminal Justice Council capable of revoking an officer's certification, the creation of a statewide use of force policy, and aggressive data collection and interpretation tools. VLCT believes the following changes should be made to increase police accountability and provide law enforcement officers with due process in those accountability processes:

- The Executive Director of the Council should be directed to develop and deliver training to all law enforcement executive officers related to unprofessional conduct, as defined, and the duties associated with conducting effective investigations and making reports to the VCJC. The training should be mandatory for the chief executive officer of each agency.
- Giglio / Brady Letters should be added to Category B conduct as defined in Title 20 V.S.A. §2401 explicitly and require that the agency conduct a valid investigation as Defined in Title 20 V.S.A. §2404.
- Violation of Title 20 V.S.A. §2362a Potential hiring agency; duty to contact current or former agency should be added to Category C conduct as defined in Title 20 V.S.A. §2401. In addition, failure to disclose information to a requesting agency should be added to Category C conduct. The chief of a department shall be held responsible.
- Category B Conduct should be reviewed for its effectiveness and potential expansion to address professional misconduct which was not initially contemplated.
- Title 20 V.S.A. §2401 (2) (c) – Excessive force is not defined. Excessive force should be defined consistent with the State-wide model Use Of Force Policy.
- Increase investigative staffing of the Criminal Justice Council
  - The backlog of complaints must be dealt with in a more expedited manner. This will require additional positions.
- Increase pay of investigator position staffed at the Criminal Justice Council to attract qualified candidates.
  - The existing investigator position has remained vacant. VLCT believes this is in part to an inadequate pay scale. Investigating officers is unpopular work

that takes a special talent and skill set. Those qualifications deserve a higher pay than has been accounted for.

**Increase Financial Support of Municipal Policing Recruitment, Training and Accountability**

- Dedicate revenue from the possible legalization of sports betting to provide the Criminal Justice Council with additional resources to recruit, train and hold law enforcement accountable.
- Reallocate a portion of cannabis revenues to support law enforcement professionalization, accountability, and training.

**Safer Communities**

Perhaps the largest obstacle to municipal policing is the complexity of policing in an environment where gun crimes are on the rise, mental health related emergencies are sky rocketing, and drug related crime is rising. VLCT has heard from several municipal law enforcement leaders that Vermont's present judicial system too often creates a revolving door of criminal activity perpetrated by a familiar group of criminals. VLCT has heard stories of law enforcement refusing to charge suspects under Vermont criminal statutes, and instead only charging federal statutes. As such, VLCT encourages policy makers to consider strengthening state statutes surrounding crimes involving the use of violence or presence of guns, drug crimes involving entrepreneurial drug dealers trafficking large amounts of illegal drugs for profit, and re-evaluating the law and procedure for bail to allow consideration of deterring future crimes, especially for crimes related to or involving violence.