

Rutland City Police Commission
February 13, 2023

Present: Chairman Sean Sargeant, Commissioners Tony Romeo, Alis Headlam, Luther Brown and *Peg Flory.

Also attending: Chief Kilcullen, Commanders Sam Delpha and Matt Prouty, Crime Analyst Nathan Thibodeau, SRO LaGuardia, Mayor Allaire, Atty. Bloomer, Det. Billings, Det. Lucia, Corporal Heter, Officer Rice, Det. Maguire, SRO LaGuardia, Staff Operations Specialist Brady, Communications Operator Leinoff and ACO Tim Jones.

Call to order by Chairman Sargeant at 6 pm.

Approval of Minutes

Commissioner Romeo moved to approve the minutes of January 8, 2023 with the name change of Kurt Matzke. Commissioner Headlam seconded. Motion carried 4-0.

*Peg Flory arrived.

Communications from the Union

Chairman Sargeant discussed an email from Officer Rice regarding the proposed PT policy. Chairman Sargeant explained that the proposed changes to the policy were not take it or leave it. He added that the existing policy wasn't working because it had an improper balance between carrot and stick. Chairman Sargeant said in his 10 years on the Commission, it and the City have never failed to support the officers 100% of the time. He added that taking time for testing is made available, but Officer Rice said there is nothing in the proposed policy that says it has to be made available. Chairman Sargeant debated that, at no cost to the officers, the City has made alternate physical fitness facilities available through the PBA gym, Rutland Recreation Community Center and the college gymnasium at Spartan Area, and the City and Commission has done their best to make a fourth gymnasium available. Officer Rice rebutted that Spartan's hours are limited and equipment there needs repair, the Rec gym is on City property and the community and high schoolers interrupt officers' workouts, and the PBA workout room is small. The proposal by the officers is to use Vermont Sport & Fitness. Chairman Sargeant said his biggest concern with the email is the claim that the RPD knows the job hazards are increased in the field and if someone gets injured, they could make the claim that the RPD is not prepared for the hazards by not having a PT standard. The implication is that there are potential liability issues for the City and employees not having a standard. He said Directive 305 was suspended while working with the Union to try to get a 305 that worked for everyone. Chairman Sargeant said it sounds like there needs to be more cooperative discussion. Chief Kilcullen said if the policy goes from mandatory to voluntary then any injury sustained during training would not be workman's comp, it would be covered by the officers' BCBS. Individuals see increased liability on their part and everyone is an advocate for themselves. Officer

Rice said it is not the desire of the Union to go to arbitration process, but the proposal has no common ground. Chairman Sargeant disagreed that there is no common ground. The two test periods a year came from the Union. Chairman Sargeant suggested that the Commission take a vote to reinstate Directive 305 as it exists instead of the proposal. Commissioner Flory said some discussion could help both sides be equally "unhappy" and if reinstating Directive 305 avoids liability then that is what should be done. Officer Rice asked if the Commission had seen the original proposal by the Union. Chairman Sargeant said he did not believe they all had. Commissioner Romeo said he was concerned that the two candidates who failed the PT at the Academy was somehow related to not having a policy in place. Chief Kilcullen said that is not true, those officers had not participated in the PT at the Academy. He added that the standard at the Academy is not the run, it is the row.

Detective Lucia said he there needs to be a PT test, but it needs to be modernized for every body type. He said it is a personal responsibility to be in shape for a job that requires it.

Detective Billings discussed cops needing to be physically fit for both their physical and mental health for this job. His issue with the proposed PT policy is all liability fell on the city employee. He added that with taking the test twice a year, if he did well on the first test, but suffered an injury before the second test there is no benefit to having already passed it in the spring. Atty. Bloomer said the twice testing was to create a balance between those who were participating and those who needed to participate. He suggested a compromise between Directive 305 and what is proposed and to consider whether the participation in the PT test is worth the risk and liability to the City.

Chief Kilcullen discussed the PT test consisting of both the row and run and the state's determination that the row is the PT test. Detective Billings said he is in favor of the obstacle course as it fits the work being done. He also discussed the difference between being covered under workman's comp for trainings that are optional vs. preparing for the PT test. Atty. Bloomer said it wasn't the intention to change the policy to lessen the City's liability.

Detective Maguire said the proposal wasn't brought to the staff's attention until about a month ago and he apologized if they are coming across as aggressive. He said the majority of union members are in support of testing twice a year, and it would be beneficial to the department and new recruits to continue the standard following the academy. He also thanked ACO Tim Jones for all he does for officers to help them pass the PT tests. The proposal eliminates the non-union members, civilian staff, to any benefits of the policy. He believes there is common ground between the policies and agreement can be made.

Commissioner Headlam said there are some key points in Officer Rice's email that need to be revisited. She said there needs to be a buy-in for officers so they feel respected

and their concerns are being heard. Commission Headlam said she is in favor of a standard that everyone has to meet as it makes more sense. Officer Rice said the Union wants an overall theme of wellness within the department that takes into consideration physical and mental wellness, employee satisfaction and employee work product that all employees can buy into throughout the year. Chief Kilcullen agreed that the wellness offerings need to be better communicated and used in recruitment.

Commander Prouty said under Directive 305 non-sworn employees did participate in all PT tests but did not receive an award, but they did get paid. Scores went up with non-sworn employees participating. He is in favor of two testing periods. Det. Maguire said it would be helpful to clarify how injuries are covered while working out.

Chairman Sargeant said he is not going to accept a motion tonight on Proposed 305 based on the discussion. He asked if a Commissioner would volunteer to take the lead on a subcommittee to work with the Union to get Proposed 305 on more common ground. Commissioner Flory volunteered and exchanged contact information with Officer Rice.

Chairman Sargeant said he would accept a motion to reauthorize former Policy 305 to cover the liability concerns and to motivate us to get proposed 305 where it needs to be. He suggested that former Policy 305 be reauthorized through Dec. 31, 2023 with the hope that if the proposed 305 is ready before then, it can be instituted. Commissioner Headlam said she would recuse herself from a vote. Atty. Bloomer suggested just reinstating the policy with no end date. Commissioner Flory confirmed that if the new proposal is done before Dec. 31, the Commission has the ability to make the change. Commissioner Romeo moved to reinstate Policy 305 through Dec. 31, 2023. Commissioner Brown seconded. Motion was approved 4-0 with Commissioner Headlam abstaining.

Vaping in Schools

SRO LaGuardia gave a PowerPoint presentation regarding the use of vaping in the Rutland Public Schools. The presentation covered what he has seen over the past 5 years with vaping in the high school, middle school, fifth graders and a third grader. Vaping is prevalent because it is easy to access through the internet, storeowners selling to underage kids and taking from parents who are vaping. The biggest myth of vaping is that it's better than smoking. Officer LaGuardia said one vape pod is equivalent to 20 cigarettes and it's highly addictive. The nicotine level is extremely higher. He added that very little, 2.7% in tobacco court settlements, is being spent on teen prevention. To combat vaping in schools the state has a \$25 ticket if a user is 21 years of age or younger. Rutland City has Rutland Safe School tickets and the fine is a minimum of \$150 and treated like a traffic ticket with the potential to have their license revoked and up to a \$500 fine. Commissioner Headlam asked if the tickets are only issued on school property. SRO LaGuardia said yes and that includes a 500 ft. radius of the school as well. Commissioner Romeo asked if parents are contacted. SRO LaGuardia

said yes, he brings the parents in, explains what happened, they have a right to appeal. Commissioner Headlam asked about the affects of vaping on the students. SRO LaGuardia said the habitual users come to school sick if they don't get the fix. He knows of two 17-year-olds who were hospitalized with lung issues. Parents who are vapers are convinced there is nothing wrong. Commissioner Headlam asked how much a vape costs. SRO LaGuardia said \$35 and up. He believes the vapes are targeted to kids and some are disguised as a pen, inhaler, battery charger or candy. He also has seen kids use USB cables to heat the oil which could lead to them being electrocuted. The marijuana oil vapes are 80-90% pure. Since the state legalized marijuana, vaping marijuana has increased dramatically. Chairman Sargeant asked what the Police Commission could do to help with this issue. SRO LaGuardia said help with awareness regarding the health issues related to vaping. Commissioner Romeo suggested making this presentation to the School Board and getting Gordon from the Herald to write an article. Commissioner Headlam asked if the increased vaping takes away from the role of the SRO. SRO LaGuardia says he uses the ticket process as a teaching tool to work with the students. Commissioner Brown thanked SRO LaGuardia for the eye-opening presentation.

Commanders' Report

Commander Delpha said of the four applicants who entered the Academy, we lost two. However for all of the 2022 applicants who made it through the interview portion, 92% went to background and we ended up hiring 11% of all people interviewed. He hopes those numbers keep going up. He said we continue to get more and more applications. Chairman Sargeant asked if the Academy still has suspended their written test of general knowledge. Commander Delpha said yes, it is just the PT now.

Commander Prouty commended the officers dealing with the recent homicide on Water Street. He requested an AAR, After Action Review, be conducted and Sgt. Whitehead is taking the lead on that. Commander Prouty also discussed assigning Officer Plemmons with repairing relationships with the hospital. He has done the same with Sgt. Dickerson for Corrections. The last two VISION meetings have been getting back to basics with connectivity, public safety and police department outreach. Commissioner Headlam said she is impressed with how Commander Prouty has made significant changes for the past two meetings and how the round table format was powerful. Commander Prouty added that Night to Shine was held last Friday and he and Officers Rosario and Jones attended and had a great time.

Commissioner Romeo suggested that in regard to the young man who lost his life as a result of the recent homicide, a letter could be drafted on behalf of the City to the Legislature stating that their lax rules failed this young man. He said if the laws and regulations were different on how certain crimes are treated, maybe the outcome would have been different and his life wouldn't have ended. Commissioner Romeo will be organizing a meeting to draft the letter. Commander Prouty suggested including the Board of Aldermen. Atty Bloomer asked if there are statistics regarding recidivism that

could be included in the letter to make it more powerful. Commander Prouty said a similar letter should be sent to Commissioner Brown and Department of Corrections because of their short-sighted policies. Chief Kilcullen provided an example of how the policies are a cost to the community.

Mapping Update

Nate Thibodeau discussed the call volume analysis compared to actual case volume. January predicted calls were 923, actual 928; February forecast was 869 and actual is 761 with a 28 case average per day. Forecasted for the end of quarter 2 is 6,000 calls, a 10% increase and quarter 4 end 13,639 calls, a 14% increase. The year to date call volume comparison is at 928, a 23% increase from last year. When added all together the total is 1,056 calls, a 37% increase from last year. Surface data breaks down to 100 initial call code types in 12 categories with the largest being NCI at 25% followed by Traffic Related at 19%. Commissioner Headlam though Retail Theft would be higher. Nate said some retail theft has decreased.

Nate continued with the January 2023 crime comparison saying: Homicide in 2023 is 0, Robbery 2023 – 0, five-year avg. 1.8, 2022- 3, Aggravated Assault 2023 - 5, five-year avg. 2.4, 2022-2, Burglary 2023 – 4, five-year avg.- 3.2, 2022- 1. He continued Larceny Comparison: Automobile 2022 – 8, five-year avg.- 22, 2023 - 4, larceny from motor vehicle 2022- 27, five-year avg.- 8.8, 2023- 15, larceny from buildings 2022-3, five-year avg.- 2.2, 2023- 4. Retail theft 2022 - 3, five-year avg.- 6.8, 2023-26. Nate said he starting collecting data from Rutland Town as well for gun theft 2021 – 1, 2022 – 2 and 2023 – 1 and the method has been unlocked vehicle. The total number of guns stolen for Rutland City and Rutland Town is 64 over 3 years. Commander Prouty said there were two unsuccessful gun thefts last night from Black Dog and Seiple's. Nate said theft of guns is mostly likely to sell for drugs. Catalytic converters are stolen for the precious metals, rhodium, 2021 – 4, 2022 – 11, 2023 – 3 from mainly businesses and the hotels. The total number of cases for catalytic converters stolen since 2021 is 90 and the total stolen is 143. The ID rate for retail theft is 33%, 33% of individuals stolen multiple times and 100% are known narcotics users. Larceny from Automobile is slightly down in 2021 – 12, 2022 – 27, 2023 – 15 with this occurring throughout the City.

Nate said for Narcotics related information: substance use overdose comparison 2021 – 9, 2022 -7 and 2023 – 10 with 7 non-fatal and 3 fatal. Commissioner Headlam asked when is Narcan ineffective. Nate said the person may have overdosed on something else, time elapsed and other multiple factors. Commissioner Romeo asked if this is only City data. Nate said this is just the RCP data. Commander Prouty added that it does not include Regional Ambulance data. Narcan was administered in 75% of the cases and all refused transport which has been a trend over the past two years.

Nate said the police completed two Narcotics Operations this year and seized \$4,539, 15.6 grams, 2 weapons and six arrests. Operations since 2022 completed 11, 31 arrests, 12 weapons seized and 1.37 kilograms seized.

Commissioner Romeo asked if Rutland Town would share their overdose information at the hotels. Commander Prouty said he would be concerned with their data quality. Nate said Valcour makes it difficult because everyone has their own codes. Commander Prouty talked about the Overdose Referral System that has not been working well because they can't get accurate contact information on individuals. There needs to be a plan in place for individuals based on their drug use and this is being discussed in the Community Policing Subcommittee. Commissioner Flory asked for information on repeat Narcan users. Commissioner Headlam thanked Nate for the incredible and detailed graphics.

Budget Report

Chief Kilcullen reported that at 58% into this year's budget and expenses are at 55%.

Chief's Report

Chief Kilcullen discussed communication with the hospital's general council regarding the RPD responses to dealing with intoxicated individuals and whether there is criminal intent. Ian put together a training regarding culpable mental states that officers will attend. He said the RutStat meetings are held every couple weeks. Staff Operations Specialist Brady is working on the HVAC systems Phase II and a vendor has been selected. Brady is also working on funding for efficiency upgrades to replace 20-year-old windows. Chief Kilcullen will attend a webinar on Friday, hosted by Sen. Sanders, regarding directed spending project applications. On Thursday the Chief was invited to the Allen Street campus to participate in their basketball game.

Chief Kilcullen discussed personnel issues including the two candidates who dropped out of the Academy. Additional internal personnel issues are: Kyle Dawson, a former dispatcher, has been hired for the CRS position vacated by Commander Prouty, Crystal Murray, former records clerk, has been hired for the Dispatch position at a date to be determined, and the records clerk position will be posted internally before being posted externally. Chief Kilcullen said Detective Maguire is looking to go back to patrol and Officer Menjivar will be going to B.C.I. A former employee who is looking to come back as a Detective assigned to CFAC, Child First Advocacy Center, is being processed. The Chief provided some history on how the CFAC was formerly staffed. The dispatch console bids were accepted today by the Board of Finance and the contract was awarded to redo the workstations in dispatch. There will be a separate bid for the carpeting.

Trainings

Jan. 9-Feb. 17 - Officer Rajda and Nash have been at Canine Drug Detection Course

January - Chief Kilcullen and Officer Blanchard attended ARIDE Training

Jan. 17-20 – Officer Blanchard attended Field Training Officer class

Feb. 6-10 – Cpl. Rose attended FBI Law Enforcement Executive Development Association Training in Hartford, VT.

Upcoming - All sworn personnel – Domestic Violence Training with State's Atty's office

March 1 – Putting “T” back in Field Training Officer Course

Upcoming - Det. Billings will be attending an Open Source Intelligence Course in Manchester Vt

March 13 - Det. Lucia will be attending Human Trafficking for First Responders Training

June 5 -9 – Cpl. Tavares will attend a Supervisory Leadership Institute Training

Executive Session

At 8:17 pm Commissioner Romeo moved to go into executive session under I VSA section 313 paragraph 1A to discuss contracts where premature general knowledge would place the City body at a significant disadvantage with the Chief, Commanders and City Attorney invited to participate. Commissioner Flory seconded. Motion was approved 5-0.

Executive session exited at 8:52 pm.

Adjournment

Commissioner Flory moved to adjourn. Commissioner Romeo seconded. Motion passed 5-0.

Meeting called to a close at 8:52 pm.

Submitted by: Barbara Spaulding

cc: Chief Brian Kilcullen
Mayor David Allaire
Police Commission
City Clerk Henry Heck
Board of Aldermen
Union President Rick Caravaggio