

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.434 Name of Bill: LE and FS Training Safety

Agency/Dept: DPS-VSP Author of Bill Review: Lt. Jeffrey R. Danoski

Date of Bill Review: 3/13/15 Related Bills and Key Players: VCJTC-VT Police Academy, DPS-VT Fire Academy

Status of Bill: (check one)

Upon Introduction As passed by 1st body As passed by both bodies

Recommended Position:

Support Oppose Remain Neutral Support with modifications identified in # 8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** This bill proposes to establish a Training Safety Council to make recommendations regarding training safety at the Vermont Police Academy and the Vermont Fire Academy, and to require the Executive Director of the Vermont Criminal Justice Training Council and the Chief Fire Service Training Officer of the Fire Service Training Council to annually report to legislative committees regarding training safety at those academies.

2. **Is there a need for this bill?** No. A study was completed in 2014 Per Section 58 of Act 199, The Vermont Department of Labor (VDOL) and the Office of Risk Management (ORM), in consultation with the Vermont League of Cities and Towns (VLCT), and any other interested parties, shall conduct a study to analyze existing and frequently occurring injuries suffered by individuals while attending the Vermont Police Academy, analyze preventive measures to avoid injuries, recommend who should bear the financial burden of the workers' compensation premiums, and recommend preventive measures necessary to reduce injuries. For the purposes of this study the group focused on the Vermont Criminal Justice Training Council (VCJTC), also known as the Vermont Police Academy. Those results can be found on-line at: <http://legislature.vermont.gov/assets/Legislative-Reports/Robert-H.-Wood-Criminal-Justice-and-Training-Center-VDOL.pdf>

VFA advised that there is no need for this bill as there exist a Vermont Fire Service Training Council under 20 V.S.A., Chapter 179 §3152. Fire Service Training Council is created. The Council shall consist of 12 members. The Commissioner of Labor, the Commissioner of Public The Vermont Safety, the Director of Fire

Safety, the Commissioner of Forests, Parks and Recreation, the Secretary of Education, and the Commissioner of Health, or their designees, shall serve as ex officio members of the Council. Six members shall be appointed by the Governor for three-year terms. Of the appointed members, the Governor shall appoint one member who during incumbency is a representative of the Vermont Career Fire Chiefs Association; one member who, at the time of appointment, is a representative of the Professional Firefighters of Vermont; one member, who, at the time of appointment, is a representative of the Vermont Fire Chiefs Association and who is a fire chief of a volunteer fire department; one member who, at the time of appointment, is a representative of the Vermont State Firefighters Association and who is a volunteer firefighter; one member who during incumbency is an employee, officer, or director of an insurance company domiciled in this State and subject to the assessment under 32 V.S.A. § 8557; and one member of the public who is not involved in fire service. To the extent possible, appointments shall be geographically representative.

- There is a bill proposal in the House (H.348) which proposes a Governance structure for the Robert H. Wood Jr. Criminal Justice and Fire Service Training Center.
- There is no safety related issue at the Academy.

The Vermont Fire Academy:

- Uses all current and applicable National Fire Protection Association (NFPA) (nationally accepted) consensus standards for operations, facility maintenance and curriculum development. We currently utilize 12 NFPA Standards #: 472, 1000, 1001, 1002, 1006, 1021, 1031, 1041, 1402, 1403, 1500, 1670 to ensure the safety of firefighting students throughout the development and delivery of our programming AND after course completion. We also follow applicable OSHA standards: i.e. Respiratory protection and Child Labor guidance.
- Vermont Occupational Safety and Health Administration is represented on the Vermont Fire Service Training Council.
- Our firefighter / fire officer certification programming is nationally accredited through the National Board of Fire Service Professional Qualifications (NBFSPQ) “Pro-Board”, and as such, is accepted across the country by other state fire training systems.
- The Vermont Fire Service Training Council is our safety advocate.
- This is an unfunded mandate and we have no money.

The Vermont Police Academy: There is no need for this bill as there exists a Vermont Criminal Justice Training Council under 20 VSA Chapter 151, section 2351. The Vermont Criminal Justice Training Council shall consist of the Commissioners of Public Safety, of Corrections, of Motor Vehicles, and of Fish and Wildlife, the Attorney General, a member of the Vermont State Police bargaining unit of the Vermont State Employees' Association or its successor entity, elected by its membership, and a member of the Vermont Police Association, elected by its membership. The Governor shall appoint five additional members so as to provide broad representation of all aspects of law enforcement and the public in Vermont on the Council. The Governor shall solicit recommendations for appointment from the Vermont State's Attorneys Association, the Vermont State's Sheriffs Association, the Vermont Police Chiefs Association, and the Vermont Constables Association. Their term shall be three years. The Council shall adopt rules with respect to:
(1) the approval, or revocation thereof, of law enforcement officer training schools; (2) minimum courses of study, attendance requirements, and equipment and facilities to be required at approved

law enforcement officer training schools; (3) minimum qualifications for instructors at approved law enforcement officer training schools; (4) minimum basic training for law enforcement officers; (5) minimum basic training in order to retain their status for law enforcement officers who are appointed on a permanent basis, and the time within which that basic training shall be completed following appointment; (6) minimum annual in-service training requirements for law enforcement officers; (7) minimum courses of training for other criminal justice personnel; (8) categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to those categories or classifications; (9) recertification of persons who have not been employed as law enforcement officers for a three-year period; (10) a definition of criminal justice personnel and criminal justice training for purposes of this title; (11) decertification of persons who have been convicted of a felony subsequent to their certification as law enforcement officers; (12) decertification of persons who have not complied with in-service training requirements, provided that the Council, through its Executive Director, may grant a 60-day waiver to a police officer who has failed to meet his or her annual in-service training requirements but who is able to complete those training requirements within that 60-day period. (b) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council may also offer the basic officer's course for pre-service students. (c) The council shall appoint, subject to the approval of the Governor, an Executive Director who shall be an exempt State employee, and who shall hold office during the pleasure of the Council. He or she shall perform such duties as may be assigned by the Council. The Executive Director is entitled to compensation, as established by law, and reimbursement for the expenses within the amounts available by appropriation. The Executive Director may appoint officers, employees, agents, and consultants as he or she may deem necessary, and prescribe their duties, with the approval of the Council. (d) The council may, in addition: (1) accept and administer under this chapter and for its purposes contributions, capital grants, gifts, services, and other financial assistance from any individual, association, corporation, or other organization having an interest in criminal justice training, and from this State and the United States and any of their agencies and instrumentalities, corporate or otherwise; and (2) perform such other acts as may be necessary or appropriate to carry out the purposes of this chapter. (e) Any agency or department of State government, municipality, or county may, notwithstanding any provision of this chapter, engage in and pay for, from sums appropriated for that purpose, training activities for employees in addition to any minimum training required by the Council. (f) The Council shall charge participants or employers of participants in law enforcement training programs as follows: (1) The tuition fee for basic training required under section 2358 of this title shall be \$6,417.00. This fee shall not be charged for persons employed by police agencies at the time of training. (2) The tuition fees for training not required under section 2358 of this title shall be set to reflect the actual costs for operation of the particular programs offered, with an additional \$30.00 entrance exam fee. (g) The Criminal Justice Training Council shall develop a comprehensive drug training program by July 1, 1988.

Effective July 1, 2015:

(a) The Council shall adopt rules with respect to: (1) the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs; (2) minimum courses of study, attendance requirements, and equipment and facilities to be required at approved law enforcement officer training schools and off-site training programs; (3) minimum qualifications for instructors at approved law enforcement officer training schools and off-site training programs; (4) minimum basic training for law enforcement officers in each level of law enforcement officer certification and the

time within which that training shall be completed; (5) [Repealed.] (6) minimum annual in-service training requirements for law enforcement officers in each level of law enforcement officer certification; (7) minimum courses of training for other criminal justice personnel; (8) categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to those categories or classifications; (9) recertification of persons who have not been employed as law enforcement officers for a three-year period; (10) a definition of criminal justice personnel and criminal justice training for purposes of this title; (11) decertification of persons who have been convicted of a felony subsequent to their certification as law enforcement officers; (12) decertification of persons who have not complied with in-service training requirements, provided that the Council, through its Executive Director, may grant a 60-day waiver to a law enforcement officer who has failed to meet his or her annual in-service training requirements but who is able to complete those training requirements within that 60-day period. (b) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council may also offer the basic officer's course for pre-service students. (c)(1) The Council shall appoint, subject to the approval of the Governor, an Executive Director who shall be an exempt State employee, and who shall hold office during the pleasure of the Council. (2)(A) The Executive Director shall perform such duties as may be assigned by the Council. (B) The Executive Director may appoint officers, employees, agents, and consultants as he or she may deem necessary and prescribe their duties, with the approval of the Council. (3) The Executive Director is entitled to compensation as established by law and reimbursement for expenses within the amounts available by appropriation. (d) The Council may, in addition: (1) accept and administer under this chapter and for its purposes contributions, capital grants, gifts, services, and other financial assistance from any individual, association, corporation, or other organization having an interest in criminal justice training, and from this State and the United States and any of their agencies and instrumentalities, corporate or otherwise; and (2) perform such other acts as may be necessary or appropriate to carry out the purposes of this chapter. (e) Any agency or department of State, county, or municipal government may, notwithstanding any provision of this chapter, engage in and pay for, from sums appropriated for that purpose, training activities for employees in addition to any minimum training required by the Council. (f) The Council shall charge participants or employers of participants in law enforcement training programs as follows: (1) The tuition fees for any of the basic training or annual in-service training required under section 2358 of this chapter shall be set forth in rules adopted by the Council. The tuition fees shall be set to reflect the actual costs for operation of the particular programs offered. The fees for basic training shall not be charged for persons employed by police agencies at the time of training. (2) The tuition fees for training not required under section 2358 of this chapter shall be set to reflect the actual costs for operation of the particular programs offered, with an additional \$30.00 entrance exam fee. (g) The Council shall develop and maintain a comprehensive drug training program. The VCJTC-VPA has the following committees: Buildings & Grounds Committee, Canine Committee, Domestic Violence Subcommittee, Rules Committee, Training & Advisory, Use of Force Committee, Waiver Committee. Several of these committees duties are to review, update and research training standards and best safety practices.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

DPS-VFA advised the following: Fiscal: The per diem and mileage costs added to the already shrinking budget we cannot take any more budget hikes. **VCJTC advised the same fiscal concerns.**

Programmatic: Time spent at meetings, time spent with developing and delivering reports for 6 legislative committees on information that can be requested and provided on demand. It is estimated that these efforts will conservatively take 2 weeks of the Chiefs time to fulfill, in addition to existing duties and issues. Time would be much better spent on planning for the ramifications of a further shrinking budget and personnel (the academy has lost 2 positions in the past 14 months a 22% reduction in personnel). Additionally, we are struggling with increasing customer needs/demands and researching emerging technologies and trends in fire behavior, technical rescue, hazmat (crude oil issues) etc. **Programmatic implications for the VCJTC:** Time spent at meetings, time spent with developing and delivering reports for 6 legislative committees on information that can be requested and provided on demand. It is estimated that these efforts will conservatively take weeks of the Director or designees time to fulfill, in addition to existing duties and issues.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

Does not affect other departments.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? *(for example, public, municipalities, organizations, business, regulated entities, etc.*

VFA-Advised, there would be little, if any. Our stakeholders are represented on the Training Council and are already aware of all our issues as they arise.

VCJTC-VPA-Advised, there would be little, if any. Our stakeholders are represented on the Training Council and are already aware of all our issues as they arise.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Unknown

6.2 Who else is likely to oppose the proposal and why?

Unknown

7. Rationale for recommendation:

1. The VFA is part of the Division of Fire Safety, Department of Public Safety and reports to the Division Director and/or Commissioner.
2. The Director of the VPA reports and answers to the VCJTC.
3. The Chief Fire service Training Officer has intimate knowledge of all of the NFPA standards mentioned above. No one else on the proposed committee will, does or is expected to have similar knowledge. That knowledge coupled with the depth of the fire suppression industry standards works well. We pay strict attention to the health and safety of our firefighting students by ensuring these standards are represented in the curriculums we approve. This also can be applied to the Director of the VPA and his training staff, but from a law enforcement perspective.
4. We utilize NFPA standards for fire training and ensure our operating practices are also in compliance with the current accepted standard of care and industry operating standards.
5. We have a seat for VOSHA representation on the Fire Training Council. The VPA works in conjunction with the Dept. of Labor, Risk Management, VOSHA and the Vermont League of Cities and Towns when necessary.
6. For the proposed time spent on reporting we could be spending valuable time teaching first responders critical life safety skills.
7. Safety of personnel is why we have law enforcement and fire training in the first place. It Safety is the foundation of our daily efforts and is the sole purpose of providing training using nationally recognized and accredited curriculum including certified instructors.
8. A Fire Service Training Council and Vermont Criminal Justice Training Council already exist so is there a need to duplicate this effort.
9. This bill will not increase law enforcement officer or fire fighter safety.

8. Specific modifications that would be needed to recommend support of this bill:

There are no modifications that would prove to be beneficial and this bill is not supported.

9. Gubernatorial appointments to board or commission? n/a

Secretary/Commissioner has reviewed this document

A handwritten signature in blue ink, appearing to be 'K. ...', is written over a faint circular stamp.

Date: 4/6/15