
Vermont State Auditor's Office

December 29, 2023

Performance Audit
Recommendations and
Corrective Actions for Audit:
22-05

Vermont Criminal Justice
Council (VCJC):

VCJC Did Not Confirm That Law
Enforcement Officers Met Training
Requirements

Dated: September 2, 2022

Overview

The State Auditor's Office (SAO) makes recommendations designed to improve the operations of state government. For our work to produce benefits, auditees or the General Assembly must implement these recommendations, although we cannot require them to do so. Nevertheless, a measure of the quality and persuasiveness of our performance audits is the extent to which these recommendations are accepted and acted upon. The greater the number of recommendations that are implemented, the more benefit will be derived from our audit work.

In 2010, the SAO began to follow-up on the recommendations issued in our performance audits. Experience has shown that it takes time for some recommendations to be implemented. For this reason, we perform our follow-up activities one and three years after the calendar year in which the audit report is issued. Our annual performance reports summarize whether we are meeting our recommendation implementation targets.

<http://auditor.vermont.gov/about-us/strategic-plans-and-performance-reports>

This report addresses the requirements of Act 155 (2012) to post the results of our recommendation follow-up work on our website. The report does not include follow-up on recommendations issued as part of the state's financial statement audit and the federally mandated Single Audit, which are performed by a contractor. However, our current contract for this work requires the contractor to provide the results of its recommendation follow-up.

Recommendations to VCJC

Rec #	Recommendation	Follow-Up Year	Status	SAO Review Comments
1	Obtain approval of the Level III basic training curriculum as required by Rule 9.	2023	Not Implemented	VCJC stated that it anticipates the council will vote to approve the Level III basic training curriculum at its January 2024 meeting.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.
2	As part of verifying whether Level II candidates and Out-of-Jurisdiction (OOJ) waiver applicants meet certification requirements, obtain documentation to verify that they attended all the training classes required to obtain final certification.	2023	Implemented	VCJC provided examples documenting that individuals completed the required training classes. For classes taken outside of the academy there were certificates to support the completion of the class.
3	For future Level III basic training, document the results of makeup exams that prove that a candidate for certification passed all exams.	2023	Implemented	VCJC provided the grade book from the most recent academy class, which included both the original scores and the makeup scores, which demonstrated that candidates had passed all exams.
4	As part of developing OOJ waiver applicant training plans, document the results of their analysis of the applicants' training history and whether they meet Vermont standards.	2023	Implemented	VCJC provided documentation for three OOJ candidates that documented VCJC's review of their prior training, which was compared with Vermont's standards.
5	Identify and contact every town with a constable and determine whether the constable is performing duties that require that the constable be certified as a law enforcement officer.	2023	Partially Implemented	VCJC sent letters and surveyed towns requesting information on the name, certification level, and duties of their constables. VCJC reported that it plans to take additional steps to ensure compliance with statute.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.

Rec #	Recommendation	Follow-Up Year	Status	SAO Review Comments
6	Develop and implement a plan to verify that law enforcement officers are meeting the Rule 13 in-service training requirements. Such a process could include, for example, requiring that law enforcement agencies submit supporting documentation along with their affidavits or reviewing a sample of supporting documentation annually.	2023	Partially Implemented	VCJC reported that they required 24 sample law enforcement agencies to provide documentation of their officer's training in 2023. We reviewed the submissions by five agencies and confirmed that VCJC verified that they met the Rule 13 requirements. VCJC also provided law enforcement departments with a training submittal form that includes information on the course and instructor and requires students and departments to verify attendance. VCJC reported that this form will be required in 2024.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.
7	Issue Rule 13 guidance to law enforcement agencies that addresses, at a minimum, (1) the type of training that is valid, (2) how training hours should be counted, (3) what constitutes valid training documentation, and (4) how to document the usage of authorized instructors in the courses in which they are required.	2023	Partially Implemented	VCJC took initial steps towards implementing this recommendation. For example, VCJC created a template to be used when an officer attends an in-service course that provides guidance on documenting training and instructors. VCJC did not provide evidence that it had provided guidance on what constitutes valid training nor how to count training hours.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.
8	Evaluate the feasibility of developing an automated process for recording all law enforcement officer training, which should include contacting other State organizations that perform similar tasks.	2023	Partially Implemented	In July 2023, VCJC contracted with a vendor to create a new record management system. According to VCJC, they plan to launch a pilot of the new system in March 2024.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.
9	Adopt written procedures to apply the prohibitions of law enforcement agencies' use of VPA training and other services under 20 V.S.A. §2359, including how it will reach decisions on when and under what circumstances the prohibitions will be enforced and lifted. VCJC should communicate this information to law enforcement agencies and begin to immediately apply their procedures.	2023	Not Implemented	VCJC has not yet taken steps to implement this recommendation.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.
10	Adopt written practices to explicitly confirm whether law enforcement agencies have adopted the policies required by Title 20 Chapter 151 currently and whenever the agencies policies are changed.	2023	Not Implemented	VCJC required law enforcement agencies to submit the required policies but has not yet conducted a compliance review.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.

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11	Adopt practices to explicitly identify whether law enforcement agencies are complying with statutory requirements to collect and report roadside stop data.	2023	Partially Implemented	VCJC notified the law enforcement agencies and constables that did not submit traffic stop data of their obligation to provide such data. VCJC also contracted with the National Policing Institute to assess the feasibility of analyzing traffic stop data provided to VCJC from 2016 to 2020. The contractor found that the traffic stop data is unreliable and inaccurate. The contractor provided recommendations to improve the quality of the data.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.
12	Expediently require law enforcement agencies to obtain Advanced Roadside Impaired Driving Enforcement (ARIDE) training for all officers or seek to amend the statute to require only Level III officers to obtain such training.	2023	Partially Implemented	At VCJC's request, the legislature passed Act 75 (2023), which deleted the statutory requirement for law enforcement officers to obtain a specific number of ARIDE training hours. Instead, this Act tasked the VCJC with adopting rules associated with ARIDE training. These rules have not yet been adopted.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.

Recommendations to the Legislature

Rec #	Recommendation	Follow-Up Year	Status	SAO Review Comments
1	Consider modifying 20 V.S.A. §2358(c) to require that candidates for law enforcement certification take a minimum of four hours of Fair and Impartial Policing (FIP) training.	2023	Not Applicable	Act 75 of 2023 amended 20 V.S.A. §2358 to remove the four-hour FIP training requirement for certification and did not add such a requirement for candidates. Instead, Act 75 required VCJC to submit a report to the Legislature in January 2024 on its efforts to update its FIP training and to describe how competency is being measured.
2	Consider requiring VCJC to review and assess whether law enforcement agencies have adopted the policies required by Title 20, Chapter 151 for current policy versions and whenever an agency makes a change.	2023	Not Implemented	The legislature has not implemented this recommendation.
		2025		The three-year recommendation follow-up for this audit will be conducted in 2025.