

1. TITLE OF RULE FILING:

Council Rules

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P 040

3. ADOPTING AGENCY:

Vermont Criminal Justice Council

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Kim McManus

Agency: Vermont Criminal Justice Council

Mailing Address: 317 Academy Road

Telephone: 483-2741 Fax:

E-Mail: kim.mcmanus@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://vcjc.vermont.gov/council/rules>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name:

Agency:

Mailing Address:

Telephone: Fax:

E-Mail:

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

20 VSA 2351 (Creation and Purpose of Council) and 20 VSA 2352(3) (Council Membership, Chair)

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Pursuant to 20 VSA 2355, the Vermont Criminal Justice Council is required to create and maintain rules for governing the training and certification of law enforcement officers in the State of Vermont.

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

The VCJC Rules require multiple revisions due to statutory changes to 20 VSA 2352 and 2355 in 2018, 2020 and 2023. These statutory amendments changed the composition of the Council and the Council's powers and duties. The proposed Rule changes align the Council's Rules and regulations with our current governing statutory language in Title 20, Chap. 151. In addition, there are proposed amendments to the Rule sections for Instructor and Basic Training. These changes are proposed to allow the Council to be adaptable and responsive to training changes as the Council moves into a three-year curriculum review for law enforcement training.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The existing Rule was adopted in 2018. Since that time, there have been several statutory changes to our governing statute. Our current rules are no longer consistent with our governing statute, Title 20, Chap.151. In addition, now that we have been operating

for a few years, we have a better understanding of our procedures and practices which is reflected in the proposed Rule(s). The proposed Rule is a) reorganized so that it is easier to understand for law enforcement and the public; b) is current with the law; and c) reflects current Council practice.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The Rule and its sub-parts are written so that they are understandable to the public and the Rule is based on facts that can either be derived from statute or from our procedures.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Dept of Public Safety, Vt League of Cities and Towns, Dept. of State's Attorneys and Sheriffs, Municipal Law Enforcement Agencies, Dept of Liquor Control, DMV, OPR, Attorney General's Office, VT Homeland Security Unit, Board of Medical Practice (Investigators with law enforcement certification) and County Special Investigation Units.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

It is anticipated that the proposed rule changes will not have an economic impact on the VCJC's budget and a minimal economic impact on the public; specifically, law enforcement agencies. The majority of the rule changes are procedural changes that ensure that our rules are consistent with our governing statute. The rule changes regarding training are procedural changes as to how and when the Council decides annual training requirements. The only economic impact that the VCJC anticipates is that VCJC Instructors will be required to attend additional trainings to become certified instructors and to remain certified instructors. However, the additional training requirements will likely fall within an officer's annually mandated training and therefore have a de minimus economic impact on the officer's and/or their department's budget.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 11/28/2023

Time: 11:00 AM

Street Address: 317 Academy Rd, Pittsford, VT

Zip Code: 05763

URL for Virtual: <https://vcjc.vermont.gov/council/rules>

Date: 12/4/2023

Time: 03:00 PM

Street Address: 317 Academy Rd, Pittsford, VT

Zip Code: 05763

URL for Virtual: <https://vcjc.vermont.gov/council/rules>

Date: 12/12/2023

Time: 07:00 PM

Street Address: 317 Academy Rd, Pittsford, VT

Zip Code: 05763

URL for Virtual: <https://vcjc.vermont.gov/council/rules>

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

12/20/2023

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Criminal Justice Council

law enforcement training

law enforcement professional regulation

**Criminal Justice Council
Vermont Police Academy**
317 Academy Road
Pittsford, VT 05763
www.vcje.vermont.gov

[phone] 802-483-6228
[fax] 802-483-2343

Office of the Assoc. General Counsel

March 15, 2024

Legislative Committee on Administrative Rules
Vermont State House
115 State Street
Montpelier, VT 05633-5301

RE: Criminal Justice Council's Proposed Final Rule Submission

Dear Chair Squirrel,

On behalf of the Criminal Justice Council, I am very excited to present to you, and your committee, a long-overdue proposed revision to our Rule for your review.

The Council's Rules subcommittee worked on the revision for over a year and half before presenting it for final approval to the Council last August. When I started to attend meetings last summer, the strike through version that the Rules committee was working with was in the proposed filings reorganized format. There was no longer any reference to the 2018 rule nor a working copy of a strike through of the 2018 Rule.

In lieu of a strike-through version of the original, I am submitting an annotated copy that utilizes comments to reference the changes within our proposed filing. I noted where the proposed rule (sub rule) existed in the 2018 rule and noted any changes to the rule. Any new additions to our rules are flagged in the annotated comments as well. I hope that this submission will be sufficient for your review, and I apologize for any extra work this format may create for you, and your committee.

Lastly, the Council understands that we have additional rules that we need to create and submit to the rulemaking process. You will be seeing a fair number of submissions from us in the months ahead.

Please let me know if you need anything further from us to assist in reviewing our proposed filing.

Sincerely,

Kim McManus

Kim McManus
Associate General Counsel
Vermont Criminal Justice Council
Kim.mcmanus@vermont.gov



Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Council Rules

2. ADOPTING AGENCY:

Vermont Criminal Justice Council

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

17P055, 17-055, Vermont Criminal Justice Training Council Rules and Regulations, December 20, 2017.



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: October 9, 2023, virtually via Microsoft Teams
Members Present: Chair Sean Brown, Jared Adler, Jennifer Mojo, Diane Sherman, Michael Obuchowski, and Nicole Dubuque
Members Absent: John Kessler and Brendan Atwood
Minutes By: Melissa Mazza-Paquette

- 2:01 p.m. meeting called to order.
- Review and approval of minutes from the September 11, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note: The following emergency rules were supported by ICAR Chair Brown:
 - 'Emergency Administrative Rules for Notaries Public and Remote Notarization' by the Office of Professional Regulation, on 09/19/23
 - OPR seeks to renew the emergency rules to ensure notaries can provide remote notary public services while the permanent rules go through the APA rulemaking process. More permanent rules to implement Act 171 are drafted.
 - These Emergency Rules allow an individual to satisfy the "personal appearance" requirement for the performance of notarial acts by appearing before a notary public through a secure communication link using specific protocols and standards.
 - 'PUC Emergency Rule 2.500 COVID-19 Emergency Procedures' by the VT Public Utility Commission, on 09/25/23
 - Risk of exposure for members of the public and state agency staff to the COVID-19 virus established as a global pandemic by the World Health Organization as of March 11, 2020.
 - This emergency rule amends various filing and procedural requirements and provides alternative procedures to reduce or eliminate in-person contact between members of the public and Commission staff or other members of the public to reduce the risk of exposure to the COVID-19 virus. This is the seventh extension of the emergency rule filed in April 2020. A number of measures included in this revised emergency rule have proven beneficial to those who appear before and interact with the Commission. The Commission is undertaking a process of adopting policies and promulgating permanent rules, where appropriate, so that the remaining measures in this revised emergency rule could either be phased out or incorporated into permanent rules. The revisions in this version reflect adoption of permanent Commission Rule 2. Two other Commission rules modified by this rule have entered formal rulemaking. The provisions in this revised emergency rule will be superseded when the permanent rules take effect.
- No public comments.

- Presentation of Proposed Rules on pages 3-12 to follow:
 1. Residential Care Home and Assisted Living Residence Licensing Regulations, Agency of Human Services, Department of Disabilities, Aging, and Independent Living, page 3
 2. Independent School Program Approval Rules, State Board of Education, page 4
 3. Vermont Low Emission Vehicle and Zero Emission Vehicle Rules, Agency of Natural Resources, page 5
 4. Investigation and Remediation of Contaminated Properties Rule (IRule), Agency of Natural Resources, page 6
 5. Children's Personal Care Services, Agency of Human Services, Department of Health, page 7
 6. Rules of the Board of Medical Practice, Agency of Human Services, Department of Health, page 8
 7. Crisis Fuel Assistance Rules, Agency of Human Services, Department for Children and Families, Economic Services Division, page 9
 8. Seasonal Fuel Assistance Rules, Agency of Human Services, Department for Children and Families, Economic Services Division, age 10
 9. Rule Governing the Prescribing of Opioids for Pain, Agency of Human Services, Department of Health, page 11
 10. Council Rules, Vermont Criminal Justice Council, page 12
- No other business
- Next scheduled meeting is November 13, 2023 at 2:00 p.m.
- 3:54 p.m. meeting adjourned.

Proposed Rule: Council Rules, Vermont Criminal Justice Council
Presented By: Kim McManus

Motion made to accept the rule by Sean Brown, seconded by Diane Sherman, and passed unanimously, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Include what's being changed including specific examples as to what it's aligning with.
 - b. #12: Include reasoning.
2. Economic Impact Analysis, #9: Include justification.

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Council Rules

2. ADOPTING AGENCY:

Vermont Criminal Justice Council

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Law Enforcement agencies - municipal, county, state and executive branch. The only potential economic impact is the cost of additional instructor training. This cost is expected to be de minimus as it will likely not exceed departmental budgets for annually mandated training.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

The is no anticipated impact on public schools.

5. *ALTERNATIVES: CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Since there is no anticipated impact on public schools, no alternatives were considered.

6. *IMPACT ON SMALL BUSINESSES:*

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

There is no anticipated impact on small businesses.

7. *SMALL BUSINESS COMPLIANCE: EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

There is no anticipated burden for small businesses that needed to be reduced.

8. *COMPARISON:*

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Since there is no anticipated impact on small businesses, no alternatives were considered.

9. *SUFFICIENCY: DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The only economic impact that the VCJC anticipates is that VCJC Instructors will be required to attend additional trainings to become certified instructors and to remain certified instructors under the proposed rules. However, the additional training requirements will likely fall within an officer's annually mandated training and therefore have a de minimus economic impact on the officer's and/or their department's budget. This analysis and estimate of economic impact

is based on information available to the Vermont
Criminal Justice Council.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

No Impact anticipated

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

No impact anticipated

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

No impact anticipated

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

No impact anticipated

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No impact anticipated

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No impact anticipated

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

In reviewing the operations of the Council and the Vermont police Academy, none of the proposed rules would change our day to day operations in a manner that would impact the environment in any way differently than our current operation.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Council Rules

2. ADOPTING AGENCY:

Vermont Criminal Justice Council

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The proposed rule(s) were developed over a year and half by the Rules subcommittee of the Criminal Justice Council. The subcommittee brought various drafts to the Council over that 18 month time period, received feedback from the Council, and requested that Council members share the proposed rules with the entities that the Council members represent. The Council approved the proposed rule changes unanimously on August 2, 2023.

The proposed rules were shared with all law enforcement agency heads throughout the State. We have requested that feedback either be sent directly to us or that agency heads provide feedback at the three public hearings that will be calendared in late November, early December of this year.

We will host three public hearings which may be attended in person or virtually. Hearing dates will be posted to our website, shared directly with the entities that we directly work with and for, and with Council members. We will request that Council members

Public Input

share the hearing dates with their respective organization and encourage attendance at the public meetings.

In addition, the hearing dates will be posted publicly by the Secretary of State's Office.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Council is comprised of representatives from the following organizations (all have been, and will continue to be, encouraged to inform their respective organization of the proposed rule change): Dept. of Public Safety, Dept. of Corrections, Dept. of Motor Vehicles, Dept. of Fish and Wildlife, Dept. of Mental Health, Attorney General's Office, Dept of State's Attorneys and Sheriffs, Dept. of Racial Equity, VT Troopers Association, VT Police Association, VT Chief Association, VT Sheriff's Association, VT State Employee Association, VT League of Cities and Towns, Center for Crime Victims Services, Human Rights Commission, the VT Network against Domestic Violence and Sexual Assault, and seven governor appointed community members of whom one is a mental health crisis worker, one is a person who has lived experience with a mental health condition or psychiatric disability and at least one person who was nominated from one of the VT chapters of the NAACP.

Vermont Criminal Justice Council
Final Proposed Filing
Responsiveness Summary

The Vermont Criminal Justice Council solicited feedback from its staff at the Vermont Police Academy and from law enforcement agency heads. In addition, we hosted three public meetings. All feedback received occurred orally.

The feedback was gathered by the VCJC's counsel and relayed to the Council's Rule Subcommittee. The Rules subcommittee found that the points raised were all of interest but not changes that needed to occur prior to the submittal of this final proposed rules revision. The feedback generally highlighted further details that could be added in future rule amendments.

The Rules subcommittee and the Council is aware that its Rulesmaking work will be ongoing.

| Rule # | Issue | Rules Committee Response |
|-------------------------|---|---------------------------------|
| Rule 11: | to remove the \$30 and replace it with language that says something like any "statutorily mandated fees if any" just in case the specific fee amount is removed from the statute in the future? | leave as is for now |
| Rule 13: instructors | Should there be an annual teaching requirement? | further discussion required |
| Rule 13: | Ability to suspend or revoke an instructor's instructor cert if act 56 complaint is filed without violating confidentiality clause | this requires more conversation |

| | | |
|---------------------------|--|--|
| Rule 13 and Rule 24a | inconsistency between "all instructors" certified by ED and canine standards stating instructor certification developed by canine committee and approved by council? | issue resolved by amending canine certification standards to align with proposed rules |
| Rule 14 – entry standards | add: "or equivalent" | more discussion needed |
| Rule 17 | Rules do not address pathway for Level II to become Level III | Whether there should be a pathway from Level II to Level III w/o attending Level III basic training is an ongoing discussion - Council is not ready to create rules on this topic yet. |
| Rule 19 | can we add valid driver's license to entry standards? | for discussion for next round of Rule updates |
| Rule 20 and 21 – | feedback was that officer wished this section was further along | |

| Staff feedback | Response | Public Session #1 11.28.2023. no attendees | Response | Public Session #2 12.04.2023. one attendee Officer Jackson-Miller | Response | Public Session #3 no attendees | Response |
|---|---|--|----------|--|---|--------------------------------|----------|
| Rule 14 - entry standards, add "or equivalent" | review with the rules committee. | | | Off duty behavior being considered for professional conduct violations | Explained that this issue is being addressed in a different forum; invited officer to attend Act 56 working group meeting | | |
| Rule 10: to remove the \$50 and replace it with language that says something like any "statutorily mandated fees if any" just in case the specific fee amount is removed from the statute in the future or updated in statute | review with rules subcommittee; suggest that this is not needed now but something to consider for the future | | | Rule 17 Rules do not address pathway for Level II to become Level III | Council is still considering possible paths from level II to Level III that do not require level III basic training | | |
| (Rule 25) should we take out specific number and reward as statutorily required? | review with rules committee suggest- we should leave as is as the Council is tasked with creating rules specific to the 60 day waiver per statute | | | Rule 20 and 21 - supports both, wishing both occurred sooner | | | |
| Rule 13 Instructors Should there be an annual teaching requirement? | review with rules subcommittee | | | | | | |
| Rule 18 Instructors - Ability to suspend instructor cert if act 56 complaint is filed without violating confidentiality clause | review with rules subcommittee | | | | | | |
| Rule 19 - basic training standard- can we add valid driver's license | review with rules subcommittee | | | | | | |

Current
Rule

Council Rules

Rules and Regulations

Effective March 13 2018

These Rules are under revision by the VCJC and its Rules Subcommittee

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Adopted:

Pursuant to 20 V.S.A. Chapter 151, the following rules are adopted to govern the conduct of the Vermont Criminal Justice Training Council (hereinafter **Criminal Justice Council**)

MENU

An Official Vermont Government Website

Rule 1 DESCRIPTION OF ORGANIZATION

The purpose and definition of the Council is derived from 20 V.S.A. § 2351. The composition of the Council is derived from 20 V.S.A. § 2352.

The statutory authority for the Council is derived from 20 V.S.A., Chapter 151 as amended.

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Rule 2 DEFINITIONS

The definitions of 3 V.S.A. § 801 and 20 V.S.A. § 2351a are hereby made applicable to these rules and regulations unless they are inconsistent with the Council's Act or with these rules.

For the purposes of these rules:

"Criminal justice personnel" is defined as including, but not limited to, law enforcement officers, communications personnel, correctional employees, prosecution and defense personnel, and educators in the criminal justice field.

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Rule 3 DISTRIBUTIONS OF RULES; VIOLATIONS WHILE ATTENDING TRAINING

All rules, policies, and regulations of the Council shall be made available to each trainee of any training programs prior to enrollment, to each law enforcement agency head, and to the public. Distribution may be made electronically or in printed form.

Violation of any of the policies or regulations of the Council, while attending training, may be grounds for discipline and/or expulsion from any program conducted by the Council.

Expulsion may be imposed on a trainee after receipt of a written notice of violation and a hearing before the Council. The Executive Director may suspend any trainee from any training program, pending a hearing on expulsion by the Council.

Hearings shall be conducted by the Council in accordance with 3 V.S.A. §§ 809, 809a, 809b, and 810. Hearing decisions shall comply with the requirements of 3 V.S.A. § 812. Judicial review of the final decisions of the Council is available pursuant to 3 V.S.A. § 815.

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Rule 4 MEETINGS

The Council shall hold regular quarterly meetings as required in 20 V.S.A. § 2354. The date, time, and location of such meetings shall be noticed as provided in this rule.

Special meetings may be called at any time by the Chair or upon written notice of six (6) Council members. The date, time, and location of such meeting shall be noticed as provided in this rule.

Notice of any regular or special meeting shall be given by the Executive Director to each member of the Council. The notice shall include the date, time, and location of the meeting, and an agenda, if one has been established. Copies of supporting documentation for agenda items shall be included.

Notice of any regular or special meeting shall be posted and distributed to comply with specific requirements of Vermont's Open Meeting law. Notice of all meetings shall be provided to the Agency of Administration by the Executive Director to comply with 1 V.S.A. § 312.

The agenda of any regular or special meeting of the Council shall be prepared by the Executive Director with advice of the Chair. Additional agenda items may be added at any regular meeting by any member present or by a member's proxy as the first order of business at the meeting pursuant to 1 V.S.A. § 312(d)(3)(A).

Council members may appoint a person to act as his or her proxy in their absence. Such proxies shall be appointed by letter to the Chair, presented at or prior to the meeting.

A quorum of seven (7) members, or their duly appointed proxies, shall be required for the conduct of business. The concurrence of a majority of the members and proxies authorized to vote shall be required to take binding action on Council business.

The Chair shall preside over all Council meetings. In the absence of the Chair, the Vice-Chair shall preside. In the event that neither the Chair or Vice-Chair are present at a meeting, the Council may elect from its members present, a Chair pro-tem who shall preside at that meeting.

All regular and special meetings shall be governed by Robert's Rules of Order.

All meetings shall be open to the public unless an executive session is invoked under 1 V.S.A. § 313. Minutes of each meeting shall be kept and made part of the public record, except portions of such minutes which are exempted by law. The Executive Director shall be responsible for the recording of minutes and the dissemination of those minutes to Council members following each meeting.

Any Council meeting may be recessed or adjourned on the majority vote of the members or proxies, subject at all times to the requirements of law.

The presiding officer at a meeting shall not vote unless there is a tie vote of the other members and proxies present and voting.

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Rule 5 OFFICERS

The general conduct of the duties and responsibilities of the Council shall be vested in its Chair who shall preside over all meetings. The Chair shall have the authority to act on behalf of the Council in all matters which have previously been approved by a vote of its members.

In the event that the Chair is unable for any reason to discharge the duties of that office, such matters shall be discharged by the Vice-Chair.

The Chair and Vice-Chair shall be elected for a term of one (1) year upon a vote of the members or their proxies present at the regular meeting of the last quarter of the calendar year. Nominations for Chair or Vice-Chair may be made from the floor or by letter of any Council member filed with the Executive Director on or before the date of such election. A nomination in either manner shall require a second prior to the election. The person receiving the most votes of the members or their proxies present and voting shall be declared the Chair and Vice-Chair respectively.

A vacancy is created when either the Chair or Vice-Chair ceases to be a member of the Council, ceases to hold the position which initially qualified him or her for Council membership, or upon unavailability for any reason for a period of six (6) months.

In the event the position of Chair becomes vacant, the balance of that officer's term shall be discharged by the Vice-Chair. A new Vice-Chair shall be elected at the next regular or special meeting in the manner prescribed for normal elections and shall serve for the balance of the term. Should both the Chair and Vice-Chair be vacant, a new election for both positions shall be conducted at the next regular or special meeting. The term of office shall be for the balance of the unexpired term.

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Rule 6 EXECUTIVE DIRECTOR

Subject to Council supervision and the provisions of the Council. Rules, the Executive Director is empowered to act on behalf of the Council as to those matters enumerated in 20 V.S.A. § 2357 and to generally assist the Council in the discharge of its duties under Title 20 V.S.A. Chapter 151.

The Executive Director shall be responsible for obtaining compliance with matters enacted by the Council, within the period of time set by the Council or, otherwise, by law.

The Executive Director shall have full administrative responsibility for the direction and control of Council employees, agents, instructional staff, and consultants appointed under the provisions of 20 V.S.A. § 2355(c). The Executive Director shall be responsible for the use of all property belonging to or assigned to the Council and shall maintain necessary records therefore.

The Executive Director shall be responsible for the preparation of the Council's budget and its presentation before the General Assembly.

The Executive Director shall report either verbally or in writing at each Council meeting as to the discharge of duties and the conduct of Council business.

The Executive Director shall have the authority to establish committees, and to appoint members as needed or necessary by these rules, to assist in carrying out the duties of the Executive Director and the Council.

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Rule 7a BASIC TRAINING STANDARDS FOR LEVEL I LAW ENFORCEMENT OFFICERS

No person, unless exempted by statute, shall exercise law enforcement powers as a Level I law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council, but no less than fifty-eight (58) hours, in the following areas including but not limited to:

1. Criminal Law
2. Police Liability
3. Firearms Training and Qualification
4. Role of the Police
5. Patrol Procedures
6. Field Note-Taking and Report Writing
7. Motor Vehicle Law
8. Ethics and Discretion
9. Any other course required by law or approved by the Council

Upon successful completion of the Academy Course described above, the Level I enforcement

officer will be issued a provisional 12-month certification that grants law enforcement authority, but only under the direct supervision and control of a fully certified Level II or Level III law enforcement officer.

During the 12-month period following the provisional certification, the officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by the Council, but no fewer than fifty (50) hours. These courses may be offered at the Academy and at various field locations around the state.

Core courses must include but are not limited to:

1. First Aid (First aid, CPR, and/or AED)
2. Crime Scene Investigation
3. Use of Force & Tactics
4. Domestic Violence Response
5. Hazardous Materials Awareness
6. Bloodborne Pathogens
7. Incident Command/NIMS
8. Search and Rescue
9. Interacting with People Experiencing a Mental Health Crisis
10. Fair & Impartial Policing
11. Any other course required by law or approved by the Council

During the same 12-month period the officer must satisfactorily complete a Council-certified Field Training and Evaluation Program. This can be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no fewer than sixty hours, on performance of pertinent tasks observed and evaluated by a Council-certified Field Training Officer who attests to successful completion of those tasks.

Upon successful completion of all three phases of training, the Executive Director shall issue a Level I officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(1)(B))

Rule 7b SCOPE OF PRACTICE FOR FOR LEVEL I LAW ENFORCEMENT OFFICERS

1. Security details, including courtroom security;
2. Transports;
3. Vehicle escorts;
4. Traffic control;
5. Conduct authorized by 20 V.S.A. § 2358(b)(1)(B)(i)(I)-(IV), subject to the limitation in 20 V.S.A. § 2358(b)(1)(B)(ii).

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Rule 8a BASIC TRAINING STANDARDS FOR LEVEL II LAW ENFORCEMENT OFFICERS

No person, unless exempted by statute, shall exercise law enforcement powers as a Level II law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council, but no less than eighty (80) hours, in the following areas including but not limited to:

1. Criminal Law
2. Police Liability
3. Firearms
4. Role of the Police
5. Patrol Procedures
6. Field Note-Taking and Report Writing
7. Motor Vehicle Law
8. Ethics and Discretion

Upon successful completion of the Academy Course described above, the Level II law enforcement officer will be issued a provisional 12-month certification that grants law enforcement authority but only under the direct supervision and control of a fully certified Level II or Level III officer.

During the 12-month period following the provisional certification, the officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by the Council, but no fewer than fifty (50) hours. These courses may be offered at the Academy and at various field locations around the state.

Core courses must include but are not limited to:

1. First Aid (First aid, CPR, and/or AED)
2. Crime Scene Investigation
3. Use of Force & Tactics
4. Domestic Violence Response
5. Hazardous Materials Awareness
6. Bloodborne Pathogens
7. Incident Command/NIMS
8. Search and Rescue
9. Interacting with People Experiencing a Mental Health Crisis
10. Fair & Impartial Policing
11. Any other course required by law or approved by the Council

During the same 12-month period the officer must satisfactorily complete a Council Certified Field Training and Evaluation Program. This can be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no

fewer than sixty (60) hours, on performance of pertinent tasks observed and evaluated by a Council Certified Field Training Officer who attests to successful completion of those tasks.

Upon successful completion of all three phases of training, the Executive Director shall issue a Level II officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(2)(B))

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Rule 8b BASIC TRAINING STANDARDS FOR LEVEL II LAW ENFORCEMENT OFFICERS

The scope of practice of a Level II law enforcement officer shall be in accordance with 20 V.S.A. § 2358 or as otherwise authorized by law.

Rule 9 BASIC TRAINING STANDARDS FOR LEVEL III LAW ENFORCEMENT OFFICERS

No person, unless exempted by statute, shall exercise law enforcement powers as a Level III law enforcement officer in any municipality, county, or state law enforcement agency before completing the basic training course at the Police Academy or at another approved facility (or completed a course of instruction and training which is equal to Vermont's Basic Training Course for Level III Law Enforcement Officers, outside of Vermont). The basic course shall consist of instruction required by law and/or approved by the Council, which shall be posted to the Council's website and made available to the public upon request. The minimum number of hours allotted each major topic category of the basic training course shall be specified by the Executive Director and approved by the Council, but the entire basic training course shall consist of a minimum number of hours of training as established by the Council, but in no case shall it be less than 792 hours.

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Rule 10 MINIMUM TRAINING, EQUIPMENT, AND FACILITY STANDARDS FOR LAW ENFORCEMENT CERTIFICATION COURSES

The Executive Director shall certify those law enforcement officers who have successfully completed the basic law enforcement certification course (Levels I, II, and III courses). In order to qualify for certification, each trainee shall:

1. Satisfactorily complete the Level I, II, or III officer basic training course approved by the Council by demonstrating to the satisfaction of each instructor a knowledge, understanding, and proficiency necessary to meet the objectives of each subject;
2. Satisfactorily complete an approved firearms training program;
3. Comply with all regulations and guidelines promulgated by the Council; and,
4. Participate in all courses and classes, unless absences are authorized by the Executive Director because of exigent circumstances.

All law enforcement officers issued a certificate under this section shall also be assigned a unique certification number. The certification numbers shall be of a format approved by the Executive Director.

Equipment and facilities such as audiovisual aids, space, seating, lighting, climate control, restrooms, parking, and the like, must be available for use at each approved training location to allow for a suitable environment for teaching and learning.

The minimum Standards for facilities within which approved training courses shall be conducted are:

An approved firing range shall be available to the school. The range must have at least five (5) firing points with a minimum firing distance of twenty-five (25) yards. The range shall be within a reasonable traveling distance from the school.

Non-certification by the Executive Director, at the completion of the training course, may be appealed to the Council. A notice of appeal, expressed in simple terms, must be filed with the Executive Director within three (3) business days of the denial of certification. The Council must meet to review the appeal and issue a decision within 90 days.

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Rule 11 STANDARDS FOR INSTRUCTORS FOR APPROVED LAW ENFORCEMENT CERTIFICATION COURSES

Instructors in a Level I, Level II, or Level III basic training program must be certified as such by the Council. Field Training Officers (FTOs) who are evaluating officers following a basic training program must be certified as such by the Council. Firearms instructors providing firearms training in a Level I, II, or III basic training program or for annual firearms training as required by Council rules must be certified by the Council.

1. Certification as an instructor shall be made at the discretion of the Executive Director consistent with these Rules.
2. Applicants for certification as an instructor must be approved by their sponsoring agency head.
3. An individual may apply for certification in more than one (1) of the areas of instruction.
4. In cases where an instructor application is denied by the Executive Director, the applicant may appeal the decision to the Council within 30 calendar days. The Council's decision shall be final.
5. Applicants for certification as instructor must meet the following criteria:

Instructor of Law Enforcement Skills.

Application for this position may be made by a Level II or Level III certified law enforcement officer with a minimum of two (2) years of law enforcement experience; and has:

- completed an instructor development course approved by the Council; and
- completed any pre-requisite "train-the-trainer" or subject specific required courses; and
- has demonstrated professional skills.

Instructors may be required to document specific refresher or update training prior to recertification.

Instructor of General Subjects.

Applications for this position may be made by any person who possesses training or expertise in any subject offered as part of an approved program or course. These instructors are viewed as having knowledge in a specific topic or subject matter, and usually provide small blocks of narrowly focused training.

Instructors may be required to document specific refresher or update training prior to recertification.

Use of Force & Tactics and/or Firearms Instructor.

Application for this position may be made by any person who has completed a police firearms instructor's course or use of force instructor's course approved by the Council.

1. A "Use of Force" Committee consisting of use of force and firearms instructors representing municipal, state, and county law enforcement agencies, and other criminal justice personnel shall be appointed by the Executive Director.
2. To be eligible for recertification, the use of force & tactics and/or firearms instructor must attend and satisfactorily complete a Council-approved use of force & tactics and/or firearms instructor update/refresher. In addition, the application for recertification must document the instructor's active participation as an instructor and any additional training received pertinent to the subject for which they are certified as an instructor, since their last

certification. Failure to attend and successfully complete the required update/refresher within the certification period will render the instructor ineligible for recertification as a use of force & tactics and/or firearms instructor.

Field Training Officer.

1. Application for this position may be made by any Level II or Level III law enforcement officer who has completed the Field Training Officer Certification Course approved by the Council.
2. To be eligible for recertification, the FTO must attend and satisfactorily complete a Council approved FTO update/refresher. In addition, the applicant for recertification must document the instructor's active participation as an instructor and any additional training received, pertinent to the subject for which they are certified as an instructor, since their last certification. Failure to attend and successfully complete the required update/refresher within the certification period will render the instructor ineligible for recertification as a field training officer.

The Executive Director may suspend or revoke the certification of any instructor for cause, after providing notice by mail to the instructor of the facts or conduct justifying the intended action and an opportunity for the instructor to show compliance with all lawful requirements to retain such certification. Cause shall include any failure to: (1) meet general standards of competency or professionalism; (2) perform the minimum number of trainings per year required by the Council; (3) attend any periodic refresher course mandated by the Council; and (4) maintain the requisite law enforcement officer certification.

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Rule 12 RECERTIFICATION OF LAW ENFORCEMENT OFFICERS

1. Any Level III law enforcement officer who has not been employed as a Level III law enforcement officer in Vermont or as a training coordinator for the Vermont Police Academy for a period of more than three (3) consecutive years shall be deemed to have an expired certification and shall not exercise law enforcement authority until s/he successfully completes the Level III Basic Training program and is re-certified as a Level III law enforcement officer. Further, prior to being re-certified as a Level III law enforcement officer, said individual must successfully complete any mandatory specialized training that was instituted during the time s/he was not employed as a law enforcement officer in Vermont or as a training coordinator for the Vermont Police Academy.
2. Any Level II law enforcement officer who has not been employed as a Level III law enforcement officer in Vermont for a period of more than three (3) consecutive years shall be deemed to have an expired certification and shall not exercise law enforcement authority until s/he successfully completes the Level II Basic Training program and is re-certified as a Level II law enforcement officer.
3. Any Level I law enforcement officer who has not been employed as a Level I law enforcement officer in Vermont for a period of more than three (3) consecutive years shall be deemed to have an expired certification and shall not exercise law enforcement authority until s/he successfully completes the Level I Basic Training program and is re-certified as a Level I law enforcement officer.

4. Any Level I, II or III law enforcement officer who has been decertified pursuant to Rule 19, has not been employed in law enforcement for a period of three (3) years or less and is eligible for recertification, shall submit his/her request for re-certification in writing to the Executive Director. The Executive Director shall review such request and may grant re-certification following the requester's satisfactory completion of training the Executive Director has determined is necessary for re-certification and following the requester's showing that s/he has the ability to function effectively in the exercise of law enforcement authority.

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Rule 13 MANDATORY ANNUAL IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS

1. The calendar year following certification as a law enforcement officer, and every calendar year thereafter, each certified law enforcement officer shall participate in a minimum of thirty (30) hours of certified or certifiable in-service training. Such training shall include firearms requalification under the supervision of a Council-certified firearms instructor, four (4) hours of use of force & tactics refresher training under the supervision of a Council-certified use of force & tactics instructor and first aid training unless currently certified in first aid.
2. Each law enforcement agency head shall submit to the Executive Director a report summarizing the in-service training received by members of that agency during the previous calendar year. Said report shall be submitted prior to March 1st of every year and shall be in a format approved by the Executive Director.
3. The Council may require specific training to be obtained by all officers as part of their annual in-service training in a given year. The Council may also require individual officers to obtain specified training. Notice must be given to all law enforcement agency heads by December 1 of the prior calendar year.
4. The agency's training records shall be available for review by a representative of the Council staff upon reasonable notice.

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Rule 14 COUNCIL TRAINING PROGRAMS

1. Council training programs for law enforcement officers and other criminal justice personnel shall comply with the standards and requirements of these rules.
2. The conduct of all Council training shall be under the direction of the Executive Director. Standardized rules of conduct for such programs shall be approved by the Council.

3. Courses offered and participating instructors shall be evaluated at the conclusion of instruction by attending students, as directed by the Executive Director.

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Rule 15 ESTABLISHMENT OF FEE SCHEDULE

1. At its last regular meeting held in any fiscal year above, the Council shall establish a base tuition rate and fee schedule for the fiscal year next commencing on July 1.
2. Such rate shall not apply to basic training.
3. Prior to the Council meeting established by subdivision (a) of this rule, the Executive Director shall report, in writing, to the Council members all cost information required to be considered in the base tuition rate under 20 V.S.A. § 2355(f)(1) for training required under 20 V.S.A. § 2358.
4. The Council shall adopt the base tuition rate under 20 V.S.A. § 2355(f)(1) through formal rulemaking pursuant to the Administrative Procedure Act (3 V.S.A., Chapter 25), to become effective on the next ensuing July 1st.
5. Tuition fees for training not required under 20 V.S.A. § 2358 shall be set pursuant to 32 V.S.A. § 603(3) to reflect the actual costs for operation of the particular programs offered, with an additional \$30.00 entrance exam fee. These fees need not be adopted through formal rulemaking pursuant to the Administrative Procedures Act (3 V.S.A., Chapter 25) and may become effective immediately upon vote of the Council.
6. All receipts from the base tuition rate shall be received by the Executive Director and paid over promptly to the Treasurer for deposit in the Criminal Justice Training Council revolving fund.
7. At each regular meeting of the Council, the Executive Director shall report on the budgetary and financial status of the Criminal Justice Training Council.

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Rule 16 ENTRY STANDARDS FOR BASIC TRAINING

The following minimum entry standards for basic training have been adopted by the Council. All individuals seeking entry to basic training courses for Level I, Level II, and Level III law enforcement officers, unless otherwise noted, shall meet the minimum standards as set forth below:

1.Age

Candidate must be at least eighteen (18) years of age at the time of application for acceptance into basic training.

2.Education

At the time of application, each candidate must - as a minimum standard - be a high school graduate or possess a high school equivalency diploma (G.E.D. certificate).

3.Medical Examination

1. A comprehensive medical examination (conducted no more than six (6) months prior to the date of entry). The examination - to be performed by a licensed

physician, APRN or RN - is to reflect that the candidate is free of any disease or disability which would interfere with his/her physical performance in basic training. The physicians report must state that the candidate is physically capable of undergoing a rigorous physical exercise program.

2. At the discretion of the Executive Director, upon reasonable cause or concern for the trainee's health, a candidate must submit to reexamination by a physician, APRN or RN chosen by the Council. Failure to pass such reexamination will render a person ineligible for entry to basic training. Appeal of the determination must be filed in three (3) business days.

4. Written Examination

Each candidate for the Vermont Police Academy must achieve a minimum passing score of seventy (70) on the current Vermont Police Academy entrance examination as a prerequisite to acceptance into basic training. The content of the examination shall be approved by the Council. This examination shall be administered by Council staff.

5. Physical Fitness, Assessment

Each candidate for the Vermont Police Academy must satisfactorily complete a physical fitness test and attain a minimum level of fitness as prescribed by the Council, prior to entry to any basic training course.

6. Background and Character Check

Each candidate must successfully undergo a thorough, comprehensive background and character check conducted by the candidate's prospective agency. Those individuals convicted of any felony, a misdemeanor involving injury to another, or is under any order prohibiting the possession of a firearm will not be considered. Academy staff must have documentation that the candidate successfully meets this requirement. The background investigation shall include the submission of the applicant's fingerprints to the Federal Bureau of Investigation to ascertain if a criminal history record exists. All fingerprint cards submitted to the FBI shall be routed through the fingerprint section of the Vermont Criminal Information Center (VCIC).

The background investigation will include a polygraph exam. A candidate will be excluded from attending basic training if any of the following conduct is identified during a polygraph examination:

1. Domestic assault and/or related conduct (stalking, APO violations)
2. Sex offenses
3. Victimized children or vulnerable adults
4. Distribution of controlled substances
5. Under the influence of controlled substances, not lawfully possessed, within a year prior to the proposed training session entry date
6. Fraud or related offenses involving an attempt to deceive for financial gain
7. Violation of court orders
8. Any other conduct that would be deemed unbecoming a police professional.

7. Psychological Inventory

Each candidate's prospective department must have submitted to the Council documentation that the candidate has been psychologically evaluated through the use of a reliable and valid assessment procedure and a written certification that, in the reasonable opinion of the hiring agency, the candidate is presently emotionally suited for law enforcement work.

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Rule 17 CANINE TRAINING STANDARDS; CERTIFICATION

The Council shall provide for the basic and advanced training and certification of police canine teams. Standards for selection of canine teams, basic and in-service canine training (to include program entry requirements), certification and recertification, and canine instructor certification shall be developed

by the Canine Committee and must be approved by the Council. The "Canine Committee" is established for the purposes outlined herein and members shall be appointed by the Executive Director, pursuant to standards approved by the Council.

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Rule 18 WAIVERS

1. A requirement of these rules or portion thereof may be waived by the Council upon a reasonable showing that an alternative method will provide equal or greater support for the purposes of these rules, the Council's enabling legislation (20 V.S.A. Chapter 151) and the Council's program missions and goals.
2. Waivers of training may be partial or complete and shall only be granted on the basis of equivalent training that the individual applicant has successfully completed. The law enforcement officer requesting such a waiver shall comply with Rule 13 herein and shall submit school transcripts, training certificates, and other documentation indicating completed equivalent training to accompany the application for a waiver of the law enforcement officer's minimum training. The application shall be on a form approved by the Council. Each applicant for a Level III waiver must submit a letter, certifying under the pains and penalty of perjury, that s/he had successfully completed his/her original probationary period with his/her out-of-state employing law enforcement agency. Each applicant must also comply with any process for entry to training as approved by the Council.
3. Individuals certified as full-time law enforcement officers in another jurisdiction who have not been employed as a law enforcement officer for more than three (3) years will be ineligible for a Level III waiver and will be required to attend either Level II or Level III training depending on the level of certification sought. Individuals certified as full-time law enforcement officers in another jurisdiction who have been employed as a law enforcement officer for at least three (3) years, but who have not been employed as a law enforcement officer in the preceding three (3) years may qualify for a Level II waiver.
4. Each applicant for waiver of minimum basic law enforcement training shall also demonstrate that he or she has successfully completed and is currently proficient in:
 - Vermont Motor Vehicle Law,
 - Vermont Criminal Law;
 - Vermont Juvenile Law;
 - Use of Force & Tactics, Firearms; and
 - Any other courses that the Council deems necessary.
5. The Council may establish, as a condition of certification under this section, any supplementary or remedial training necessary to equate previous training, with current Council standards.
6. If the Council determines that the applicant meets the requirements of these rules, the Executive Director shall issue such certificates as appropriate. If the Council determines that the applicant does not meet these rules, the Executive Director shall notify the applicant, setting forth the reasons for such denial. Notice of the Council's determination shall be issued no later than ten (10) business days following either the grant or denial of the waiver.

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Rule 19 DECERTIFICATION

The Council shall have the authority to suspend or revoke the certification of any person for the following reasons:

1. Conviction of a felony subsequent to certification as a law enforcement officer;
2. Failure to comply with in-service training requirements after being provided reasonable notice and timeframe for remediation of deficiency;
3. A finding that the person's certification was issued as the result of fraud;
4. A finding that the person's certification was issued as a result of error; or
5. For any other reason for which decertification is specifically authorized by statute.

Prior to suspension or revocation of any person's certification, written notice and opportunity for hearing shall be provided to that person. Hearings shall be conducted by the Council in accordance with 3 V.S.A. §§ 809, 809a, 809b, and 810. Hearing decisions shall comply with the requirements of 3 V.S.A. § 812. Judicial review of the final decisions of the Council is available pursuant to 3 V.S.A. § 815.

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Rule 20 PRIOR REGULATIONS; REPEAL

All other prior rules, regulations, Statements of Policy, and Memorandums of Agreement, either formal or informal, are hereby repealed to the extent they are inconsistent with these rules.

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Rule 21 SEVERABILITY

The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any person or circumstances is invalid, the invalidity shall not affect other provisions for applications which can be given effect without the invalid provision or application.

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Contact Information

Vermont Criminal Justice Council

317 Academy Road - Main Building

Pittsford, VT 05763

Phone: 802.483.6228

Fax: 802.483.2343

[General Information E-mail](#)

[Webmaster E-mail](#)

Send Public Information Requests to: [Kim McManus](#)

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*Amended
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**STATE OF VERMONT
CRIMINAL JUSTICE COUNCIL
Rules**

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Chapter 1: Organization

Rule 1 AUTHORITY, PRIOR REGULATIONS REPEALED, SEVERABILITY

- a. The Vermont Criminal Justice Council adopts these rules pursuant to the authority granted to it by 20 V.S.A. Ch. 151 and the requirements in 3 V.S.A. Ch. 25, Subch. 3. These rules

shall become effective fifteen (15) days after adoption is complete. All prior certificates and approvals issued on behalf of the Council shall continue in full force and effect, except as otherwise provided in these rules.

- b. All other prior rules shall automatically be repealed when these rules become effective. All other prior practices, procedures, policies, guidance documents, and Memorandums of Agreement, either informal or formal, shall be repealed when these rules become effective, but only to the extent they are inconsistent with these rules.
- c. The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any persons or circumstances is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.
- d. The Council may, pursuant to 3 V.S.A. § 835, adopt procedures and guidance documents to supplement and clarify the provisions of these rules. All such procedures and guidance documents shall be available on the Council's website.

Rule 2 DESCRIPTION OF ORGANIZATION

- a. The purpose and definition of the Council is derived from 20 V.S.A. § 2351.
- b. The composition of the Council is derived from 20 V.S.A. § 2352.
- c. The statutory authority for the Council is derived from 20 V.S.A., Chapter 151 as amended.

Rule 3 DISTRIBUTIONS OF RULES

- a. All rules and procedures of the Council related to training requirements and professional regulation shall be made available to each law enforcement agency head and to the public. Each trainee of any training program shall be provided with a copy of all rules and procedures of the Council pertinent to the training program the trainee is attending. Distribution may be made electronically or in printed form.

Rule 4 MEETINGS

- a. The Council shall hold regular meetings, at least quarterly as required in 20 V.S.A. § 2354. The date, time, and location of such meetings shall be noticed as provided in this rule.
- b. Special meetings may be called at any time by the Chair or upon written notice of six (6) Council members. The date, time, and location of such meetings shall be noticed as provided in this rule.
- c. Notice of any regular or special meeting shall be given by the Executive Director to each Council member. The notice shall include the date, time, and location of the meeting and an agenda, if one has been established. Copies of supporting documentation for agenda items shall be included.
- d. Notice of any regular or special meeting shall be posted and distributed to comply with

specific requirements of Vermont's Open Meeting law. Notice of all meetings shall be provided to the Agency of Administration by the Executive Director to comply with 1 V.S.A. § 312.

- e. The agenda of any regular or special meeting of the Council shall be prepared by the Executive Director with advice of the Chair. Additional agenda items may be added at any regular meeting by any member present or by a member's proxy as the first order of business at the meeting pursuant to 1 V.S.A. § 312(d)(3)(A).
- f. A Council member may appoint a person to act as the Council member's proxy in the Council member's absence. Such proxies shall be appointed by letter to the Chair, presented at or prior to the meeting.
- g. A quorum of thirteen (13) Council members, or their duly appointed proxies, shall be required for conducting business, except as noted below. The concurrence of a majority of the Council members and proxies authorized to vote shall be required to take binding action on Council business.
 - i. A quorum of nine (9) Council members, or their duly appointed proxies, shall be required for council hearings pertaining to unprofessional conduct.
- h. The Chair shall preside over all Council meetings. In the absence of the Chair, one of the Vice-Chairs selected by the Chair shall preside. In the event that neither the Chair nor a Vice-Chair is present at a meeting, the Council may elect, from its members present, a Chair pro-tem who shall preside at that meeting.
- i. All meetings shall be open to the public unless an executive session is invoked under 1 V.S.A. § 313. Minutes of each meeting shall be kept and made part of the public record, except portions of such minutes exempted by law. The Executive Director shall be responsible for the recording of minutes and the dissemination of those minutes to Council members following each meeting.
- j. Any Council meeting may be recessed or adjourned on a majority vote of the members or proxies, subject at all times to the requirements of law.
- k. The presiding officer at a meeting shall not vote unless there is a tie vote of the other Council members and proxies present and voting.

Rule 5 OFFICERS

- a. The officers of the Council shall consist of a Chair and two Vice-Chairs.
- b. The general conduct of the duties and responsibilities of the Council shall be vested in its Chair, who shall preside over all Council meetings. The Chair shall have the authority to act on behalf of the Council in all matters which have previously been approved by a vote of its members.
- c. In the event that the Chair is unable for any reason to discharge the duties of that office,

such matters shall be discharged by the Vice-Chairs.

- d. Pursuant to 20 V.S.A. § 2352(a)(3), the Chair shall be appointed by the Governor. The Vice-Chairs shall be elected for a term of one (1) year upon a vote of the members or their proxies present at a duly noticed meeting of the Council whenever a vacancy is created. Nominations for Vice-Chair may be made from the floor or by letter of any Council member filed with the Executive Director on or before the date of such election. A nomination in either manner shall require a second prior to the election. The persons receiving the most votes of the members or their proxies present and voting shall be declared the Vice-Chairs. One Vice-Chair shall be a representative of a law enforcement agency and the other Vice-Chair shall not be a representative of a law enforcement agency.
- e. A vacancy is created when either the Chair or Vice-Chair ceases to be a member of the Council, ceases to hold the position which initially qualified that person for Council membership, upon unavailability for any reason for a period of six (6) months, or upon expiration of the term of office.
- f. In the event the position of Chair becomes vacant, the balance of that officer's term shall be discharged by the Vice-Chairs until the Governor appoints a new Chair.

Rule 6 EXECUTIVE DIRECTOR

- a. Subject to Council supervision and the provisions of the Council rules, the Executive Director is empowered to act on behalf of the Council as to those matters enumerated in 20 V.S.A. § 2357 and to generally assist the Council in the discharge of its duties under Title 20 V.S.A. Chapter 151.
- b. The Executive Director shall be responsible for obtaining compliance with matters enacted by the Council, within the period of time set by the Council or, otherwise, by law.
- c. The Executive Director shall have full administrative and operational responsibility for the direction and control of Council employees, agents, instructional staff, and consultants appointed under the provisions of 20 V.S.A. § 2355(c). The Executive Director shall be responsible for the use of all property belonging to or assigned to the Council and shall maintain necessary records thereof.
- d. The Executive Director shall be responsible for the preparation of the Council's budget and its presentation before the General Assembly.
- e. The Executive Director shall report either verbally or in writing at each Council meeting as to the discharge of duties and the conduct of Council business.
- f. In the Executive Director's absence, the Deputy Executive Director may exercise the authority granted to the Executive Director.
- g. The Executive Director shall have the authority to establish committees, and to appoint members as needed or necessary by these rules, to assist in carrying out the duties of the Executive Director and the Council. The Executive Director shall seek the input of the

Chair prior to exercising this authority.

Chapter 2: Rules of General Applicability

Rule 7 DEFINITIONS

- a. The definitions of 3 V.S.A. § 801 and 20 V.S.A. § 2351a are hereby made applicable to these rules and regulations.
- b. For the purposes of these rules:
 - i. “Council” shall mean the Criminal Justice Council established pursuant to 20 V.S.A. Ch. 151.
 - ii. “Criminal justice personnel” is defined as including, but not limited to, law enforcement officers, communications personnel, and correctional employees.
 - iii. “Criminal justice training” is defined as that training that is required or permitted pursuant to these rules.

Rule 8 RULE WAIVERS

- a. This rule applies to requests to waive any requirement of these rules, including but not limited to training waiver requests made pursuant to Rule 25.
- b. The Council may waive any requirement of these rules if the individual requesting the waiver demonstrates to the Council’s satisfaction that an alternative method will provide equal or greater support for the purposes of these rules, the Council’s enabling legislation (20 V.S.A. Ch. 151) and the Council’s program missions and goals.
- c. All waiver requests shall be on forms approved by the Council.
- d. The Executive Director may refer any waiver request to the Waiver Committee for review and the preparation of a recommendation to the Council.
- e. The Council may delegate, in writing, to the Waiver Committee the authority to issue decisions on waiver requests. Any such written delegation shall specify the types of waivers the Waiver Committee has the authority to decide. The Waiver Committee may refer any waiver request it has the authority to decide to the Council.
- f. All waiver decisions shall be in writing. Copies of written decisions shall be provided to the individual requesting the waiver.

Rule 9 APPEALS

- a. Any written decision by the Executive Director or a Committee of the Council, which the Executive Director or Committee is authorized by statute or these rules to make, may be appealed to the Council within thirty (30) days of the decision by any party to the proceeding

in which the decision was issued.

- b. Any appeal pursuant to this rule shall be taken by filing a written notice of appeal, expressed in simple terms, with the Executive Director prior to the expiration of the thirty (30) day appeal period.

Chapter 3: Training

Rule 10 COUNCIL TRAINING PROGRAMS

- a. Council training programs for law enforcement officers and other criminal justice personnel shall comply with the standards and requirements of these rules.
- b. The conduct of all Council training shall be under the direction of the Executive Director. Standards of conduct for such programs shall be approved by the Council.
- c. Courses offered and participating instructors shall be evaluated at the conclusion of instruction by attending students, as directed by the Executive Director.

Rule 11 ESTABLISHMENT OF FEE SCHEDULE

- a. No later than at its last regular meeting held in any fiscal year, the Council shall establish a base tuition rate and fee schedule for the fiscal year next commencing on July 1.
- b. Such rate shall not apply to basic training.
- c. Prior to establishing a base tuition rate pursuant to subdivision (a) of this rule, the Executive Director shall report, in writing, to the Council members all cost information required to be considered in the base tuition rate under 20 V.S.A. § 2355(f)(1) for training required under 20 V.S.A. § 2358.
- d. The Council shall adopt the base tuition rate under 20 V.S.A. § 2355(f)(1) through formal rulemaking pursuant to the Administrative Procedure Act (3 V.S.A., Chapter 25).
- e. Tuition fees for training not required under 20 V.S.A. § 2358 shall be set pursuant to 32 V.S.A. § 603(3) to reflect the actual costs for operation of the particular programs offered, with an additional thirty dollar (\$30.00) entrance exam fee. These fees need not be adopted through formal rulemaking pursuant to the Administrative Procedures Act (3 V.S.A., Chapter 25) and may become effective immediately upon vote of the Council.

Rule 12 MINIMUM TRAINING, EQUIPMENT, AND FACILITY STANDARDS FOR LAW ENFORCEMENT CERTIFICATION COURSES

- a. The Executive Director shall certify those law enforcement officers who have successfully completed the basic law enforcement certification course (Levels I, II, and III courses). In order to qualify for certification, each trainee shall:

- i. Comply with all regulations and guidelines promulgated by the Council; and
 - ii. Participate in all courses and classes, unless absences are authorized by the Executive Director because of exigent circumstances.
- b. All law enforcement officers issued a certificate under this section shall also be assigned a unique certification number. The certification numbers shall be of a format approved by the Executive Director.
 - c. Equipment and facilities available for use at each approved training location shall comply with the requirements of any procedures approved by the Council.

Rule 13 STANDARDS FOR INSTRUCTORS FOR APPROVED LAW ENFORCEMENT CERTIFICATION COURSES

- a. All instructors who teach a curriculum approved by the Vermont Criminal Justice Council must be certified by the Executive Director. The Executive Director may make certification decisions in consultation with training staff and subject matter experts in the field.
- b. Applicants for certification as an instructor must be approved by their sponsoring agency head. As part of an instructor's application, they must have a letter from their agency head who endorses the applicant's competency in professionalism and the applicant's capacity for working respectfully with a variety of individuals in a learning environment.
- c. Applicants for certification as an instructor must meet the following criteria:
 - i. Applicant is a certified law enforcement officer or a subject matter expert;
 - ii. If the applicant is a law enforcement officer, the applicant must be compliant with their annual in-service training;
 - iii. Applicant completes an instructor development course approved by the Council; and
 - iv. Applicant completes any pre-requisite "train-the-trainer" or subject matter course work as required by the Executive Director.
- d. To apply for an instructor certification, an applicant must submit a resume or curriculum vitae to the Executive Director. The resume or C.V. shall include:
 - i. The proposed area of instruction that the applicant is seeking to be certified to teach;
 - ii. The applicant's professional experience, including both law enforcement experience and any other relevant professional experience;
 - iii. Any law enforcement training certifications, including past instructor certifications; and
 - iv. Two professional references.

1. The referrer should have first person knowledge of the applicant's expertise and/or experience in the subject matter and/or the applicant's ability to communicate effectively in a learning environment.
- e. An individual may apply for certification in more than one (1) area of instruction.
- f. Instructor Recertification
 - i. Certified Instructors will be required to complete certification in their relevant training area and in instructor development training as required by the Executive Director.
- g. Field Training Officer. Application for this position may be made by any Level II or Level III law enforcement officer who has completed the Field Training Officer Certification Course approved by the Council.
 - i. To be eligible for recertification, the FTO must attend and satisfactorily complete a Council approved FTO update/refresher. In addition, the applicant for recertification must document the instructor's active participation as an instructor and any additional training received, pertinent to the subject for which they are certified as an instructor, since their last certification. Failure to attend and successfully complete the required update/refresher within the certification period will render the instructor ineligible for recertification as a field training officer.
- h. The Executive Director may immediately suspend an instructor verbally and have the instructor removed from the Vermont Police Academy, or remote classroom, for cause. The Executive Director will provide the suspended instructor with written notice as outlined in subsection (i) below within ten (10) days of the verbal suspension.
- i. The Executive Director may suspend or revoke the certification of any instructor for cause, after providing notice in writing to the instructor outlining the facts or conduct justifying the intended action and providing an opportunity for the instructor to show compliance with all lawful requirements to retain such certification. Cause shall include any failure to: (1) meet general standards of competency or professionalism; (2) perform the minimum number of trainings per year required by the Council; (3) attend any periodic refresher course mandated by the Council; (4) maintain the requisite law enforcement officer certification; or created an unsafe training or workplace environment.
- j. All certification decisions shall be in writing.

Rule 14 ENTRY STANDARDS FOR BASIC TRAINING

The following minimum entry standards for basic training have been adopted by the Council. All individuals seeking entry to basic training courses for Level I, Level II, and Level III law enforcement officers, unless otherwise noted, shall meet the minimum standards as set forth below:

- a. **Age.** Candidate must be at least eighteen (18) years of age at the time of application for acceptance into basic training.

- b. **Education.** At the time of application, each candidate must - as a minimum standard - be a high school graduate or possess a high school equivalency diploma (G.E.D. certificate).
- c. **Medical Examination.**
 - i. A comprehensive medical examination (conducted no more than six (6) months prior to the date of entry). The examination - to be performed by a licensed physician, physician's assistant, APRN or RN - is to reflect that the candidate is free of any disease or disability which would interfere with the candidate's physical performance in basic training. The report from a licensed physician, physician's assistant, APRN or RN must state that the candidate is physically capable of undergoing a rigorous physical exercise program.
 - ii. At the discretion of the Executive Director, upon reasonable cause or concern for the trainee's health, a candidate must submit to reexamination by a licensed physician, physician's assistant, APRN or RN chosen by the Council. Failure to pass such reexamination will render a person ineligible for entry to basic training.
- d. **Written Examination.** Each candidate for the Vermont Police Academy must achieve a passing score on the current Vermont Police Academy entrance examination as a prerequisite to acceptance into basic training. The content of the examination shall be approved by the Council. This examination shall be administered in accordance with a policy approved by the Executive Director.
- e. **Physical Fitness Assessment.** Each candidate for the Vermont Police Academy must satisfactorily complete a physical fitness test and attain a minimum level of fitness as prescribed by the Council, prior to entry to any basic training course.
- f. **Background and Character Check**
 - i. Each candidate must successfully undergo a thorough, comprehensive background and character check conducted by the candidate's prospective agency. Those individuals convicted of any felony, a misdemeanor involving injury to another, or under any order prohibiting the possession of a firearm will not be considered. Academy staff must have documentation confirming the candidate successfully meets this requirement. The background investigation shall include the submission of the candidate's fingerprints to the Federal Bureau of Investigation to ascertain if a criminal history record exists. All fingerprint cards submitted to the FBI shall be routed through the fingerprint section of the Vermont Criminal Information Center (VCIC).
 - ii. The background investigation will include a polygraph examination. A candidate will be excluded from attending basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
 - 1. Domestic assault and/or related conduct (stalking, APO violations);

2. Sex offenses;
 3. Victimizing children or vulnerable adults;
 4. Fraud or related offenses involving an attempt to deceive for financial gain;
 5. Violation of court orders; or
 6. Any other conduct that would be deemed unbecoming of a police professional.
- iii. A candidate will be excluded from basic training if any of the previous conduct is identified during the background and character check.
 - iv. A candidate may be excluded from basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
 1. Distribution of controlled substances;
 2. Under the influence of controlled substances, not lawfully possessed, within a year prior to the proposed training session entry date.
- g. **Psychological Inventory.** Each candidate's prospective department must have submitted to the Council documentation confirming the candidate has been psychologically evaluated through the use of a reliable and valid assessment procedure, approved by the Executive Director, and a written certification that, in the reasonable opinion of the hiring agency, the candidate is presently emotionally suited for law enforcement work.

Rule 15 BASIC TRAINING STANDARDS FOR LEVEL I LAW ENFORCEMENT OFFICERS

No person, unless exempted by statute, shall exercise law enforcement powers as a Level I law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council on an annual basis dependent on the core competency curriculum for Level I's scope of practice. The core competency curriculum will include any statutorily required training. The Council will post the training dates for the following year by September 1st.

- a. Upon successful completion of the Academy Course described above, a Level I enforcement officer will be issued a provisional twelve (12) month certification granting law enforcement authority, but only under the direct supervision and control of a fully certified Level I, II, or III law enforcement officer.
- b. During the twelve (12) month period following the provisional certification, an officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by

the Council on an annual basis based on evidence-based best practices of 21st Century policing. These courses may be offered at the Academy and at various field locations around the state.

- c. During the same twelve (12) month period the officer must satisfactorily complete a Council-certified Field Training and Evaluation Program. This may be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no fewer than sixty hours, on performance of pertinent tasks observed and evaluated by a Council-certified Field Training Officer who attests to successful completion of those tasks.
- d. Upon successful completion of all three phases of training, the Executive Director shall issue a Level I officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(1)(B))

Rule 16 SCOPE OF PRACTICE FOR LEVEL I LAW ENFORCEMENT OFFICERS

- a. Security details, including courtroom security;
- b. Transports;
- c. Vehicle escorts;
- d. Management of traffic flow;
- e. Conduct authorized by 20 V.S.A. § 2358(b)(1)(B)(i)(I)-(IV), subject to the limitation in 20 V.S.A. § 2358(b)(1)(B)(ii).

Rule 17 BASIC TRAINING STANDARDS FOR LEVEL II LAW ENFORCEMENT OFFICERS

- a. No person, unless exempted by statute, shall exercise law enforcement powers as a Level II law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council on an annual basis dependent on the core competency curriculum for Level II's Scope of Practice. The core competency curriculum will include any statutorily required training. The Council will post on its website the training dates for the following year by September 1st.
- b. Upon successful completion of the Academy Course described above, the Level II law enforcement officer will be issued a provisional twelve (12) month certification that grants law enforcement authority but only under the direct supervision and control of a fully certified Level II or Level III officer.
- c. During the twelve (12) month period following the provisional certification, the officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by the Council on an annual basis based on evidence based, best practices of

21st Century policing. These courses may be offered at the Academy and at various field locations around the state.

- d. During the same twelve (12) month period the officer must satisfactorily complete a Council certified Field Training and Evaluation Program. This can be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no fewer than sixty (60) hours, on performance of pertinent tasks observed and evaluated by a Council certified Field Training Officer who attests to successful completion of those tasks.
- e. Upon successful completion of all three phases of training, the Executive Director shall issue a Level II officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(2)(B))

Rule 18 SCOPE OF PRACTICE FOR LEVEL II LAW ENFORCEMENT OFFICERS

The scope of practice of a Level II law enforcement officer shall be in accordance with 20 V.S.A. § 2358 or as otherwise authorized by law.

Rule 19 BASIC TRAINING STANDARDS FOR LEVEL III LAW ENFORCEMENT OFFICERS

No person, unless exempted by statute, shall exercise law enforcement powers as a Level III law enforcement officer in any municipality, county, or state law enforcement agency before completing the basic training course at the Police Academy or at another approved facility (or completing a course of instruction and training which is equal to Vermont's Basic Training Course for Level III Law Enforcement Officers, outside of Vermont). The basic course shall consist of instruction required by law and/or approved by the Council with a curriculum that is rooted in evidenced-based, best practices of 21st Century policing, which shall be posted to the Council's website and made available to the public upon request. The minimum number of hours allotted each major topic category of the basic training course shall be specified by the Executive Director and approved by the Council, but the entire basic training course shall consist of a minimum number of hours of training as established by the Council on an annual basis. The Council will post on its website the training dates for the following year by September 1st.

Rule 20 REGIONAL TRAINING

The substance of this rule is to be determined pending curriculum revision.

Rule 21 ALTERNATIVE ROUTES TO CERTIFICATION

The substance of this rule is to be determined pending curriculum revision.

Rule 22 MANDATORY ANNUAL IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS

- a. The calendar year following certification as a law enforcement officer, and every

calendar year thereafter, each certified law enforcement officer shall participate in a minimum number of hours of training as established by the Council.

- b. Each law enforcement agency head shall submit to the Executive Director a report summarizing the in-service training received by members of that agency during the previous calendar year. Said report shall be submitted prior to March 1st of every year, and shall be in a form approved by the Executive Director. The Council may require specific training to be obtained by all officers as part of their annual in-service training in a given year. The Council may also require individual officers to obtain specified training. Notice of the training requirement must be given to all law enforcement agency heads by December 1 of the prior calendar year.
- c. The Executive Director may temporarily suspend an officer's certification if an officer fails to meet the minimum hours of in-service training as established by the Council or fails to complete any mandatory annual training.
 - i. Prior to a temporary suspension under this rule, an officer will receive:
 - 1. A letter from the Executive Director or designee outlining what training is required for the officer to regain compliance with their annual in-service requirement;
 - 2. A thirty to sixty (30-60) day grace period, depending on the amount of training needed, to complete the required training before the temporary suspension goes into effect; and
 - 3. Notice of the officer's right to request an appeal to the Council.
 - ii. The Executive Director will rescind the temporary suspension when the officer completes the required training and submits proof of the same to the Council.
- d. A law enforcement officer who intentionally or willfully fails to complete their annual in-service training within a calendar year, or within a waiver period previously granted, may be subject to an unprofessional conduct Category C complaint.
- e. The agency's training records shall be available for review by a representative of the Council staff upon reasonable notice.

Rule 23 RECERTIFICATION OF LAW ENFORCEMENT OFFICERS

- a. Any certified law enforcement officer who has not been employed as a law enforcement officer in Vermont or as a Training Coordinator for the Vermont Police Academy for a period of three consecutive years or more shall be deemed to have an expired certification.
- b. Any certified law enforcement officer whose certification has expired pursuant to this Rule, whose certification has been revoked pursuant to 20 V.S.A. § 2406, or who has voluntarily surrendered a certification pursuant to 20 V.S.A. § 2406 shall not exercise any law enforcement authority until the officer successfully satisfies the certification requirements applicable to new law enforcement officers or the officer is recertified pursuant to subsection (c) of this Rule.

- c. Any individual prohibited from exercising law enforcement authority pursuant to this Rule may submit a request for re-certification in writing to the Executive Director. The Executive Director shall review such request and may grant re-certification following the requester's satisfactory completion of training the Executive Director has determined is necessary for re-certification and following the requester showing the ability to function effectively in the exercise of law enforcement authority. The Executive Director will issue a decision about such request in writing.

Rule 24 SPECIALIZED TRAINING STANDARDS; CERTIFICATION

- a. The Council shall provide for the basic and advanced training and certification of police canine teams. Standards for selection of canine teams, basic and in-service canine training (to include program entry requirements), certification and recertification, and canine instructor certification shall be developed by the Canine Committee and must be approved by the Council. The "Canine Committee" is established for the purposes outlined herein and members shall be appointed by the Executive Director, pursuant to standards approved by the Council.
- b. The Council may, on its own or through the establishment of one or more Committees, adopt procedures and guidance documents setting forth specialized training standards and certification requirements for specific types of investigations such as death and internal affairs investigations.

Rule 25 TRAINING WAIVERS

- a. The Council's Waiver Committee shall have the authority to review requests for waivers from annual in-service requirements over sixty (60) days in duration.
- b. The Executive Director shall have the authority to review requests for waivers from annual in-service requirements under sixty (60) days in duration, as well as all other training-related waiver requests.
- c. An individual receiving an annual in-service training waiver from the Executive Director may request that the Waiver Committee extend the waiver to longer than sixty (60) days in duration.
- d. The Waiver Committee and Executive Director may refer a waiver request to the Council for its review.
- e. Waivers of training may be partial, complete, or conditional and shall only be granted on the basis of equivalent training that the individual applicant has successfully completed.
- f. An individual seeking a waiver must also comply with any process for entry to training as approved by the Council.
- g. An individual requesting a waiver of minimum basic law enforcement training shall also demonstrate current competency in:

- i. De-escalation and Use of Force & Tactics;
 - ii. Fair and Impartial Policing;
 - iii. Response to Domestic & Sexual Violence;
 - iv. Mental Health Crisis Response;
 - v. Firearm Safety; and
 - vi. Any other subject matter that the Council deems necessary taking into consideration the scope of law enforcement work the individual requesting the waiver will be engaged in.
- h. Any waiver may be conditioned on the satisfactory completion of any supplemental or remedial training deemed necessary to equate previous training with current Council training standards. An individual receiving a conditional waiver shall complete any required supplemental or remedial training within the time established in the written conditional waiver decision.

Chapter 4: Professional Regulation

Rule 26 VIOLATIONS WHILE ATTENDING TRAINING

- a. Violation of any of the policies or regulations of the Council, while attending training, may be grounds for discipline and/or expulsion from any program conducted by the Council.
- b. Expulsion may be imposed on a trainee after receipt of a written notice of violation and a hearing before the Council. The Executive Director may suspend any trainee from any training program, pending a hearing on expulsion by the Council.

Rule 27 SUSPENSIONS, DECERTIFICATIONS, AND REVOCATIONS

- a. In addition to the authority set forth in 20 V.S.A. Ch. 151, Subch. 2, the Council shall have the authority to suspend or revoke the certification of any person for the following reasons:
 - i. Conviction of a felony;
 - ii. Failure to comply with in-service training requirements;
 - iii. A finding that the person's certification was issued as the result of fraud;
 - iv. A finding that the person's certification was issued as a result of error; or
 - v. For any other reasons for which decertification is specifically authorized by statute.
- b. Any decision to suspend or revoke a person's certification shall be made in writing.

Rule 28 PROFESSIONAL REGULATION COMMITTEE

- a. The Council shall establish a Professional Regulation Subcommittee which shall recommend to the Council procedures governing how unprofessional conduct reports and complaints are received, reviewed, investigated, and referred to the Council for further action.
- b. Upon adoption by the Council, such procedures shall apply to all unprofessional conduct reports and complaints.

Rule 29 COUNCIL HEARINGS

- a. Proceedings before the Council pertaining to unprofessional conduct reports and complaints shall be conducted in accordance with both the requirements in the Administrative Procedures Act relating to contested cases (3 V.S.A. §§ 809-816) and any procedures the Council may adopt regarding unprofessional conduct hearings. In the event of a conflict between the Administrative Procedures Act and the Council's procedure, the former shall govern.
- b. When the Professional Regulation Committee makes a finding that a law enforcement officer has committed a Category B, first offense, the Committee shall:
 - i. Notify the officer of the Committee's finding within thirty (30) days, in writing;
 - ii. Inform the officer that a Category B first offense finding by the Committee may be used as evidence before the Council if the officer has a future hearing before the Council based on a Category B, second or subsequent offense;
 - iii. Provide the officer the opportunity to provide additional evidence and/or testimony before a Council-designated committee to contest the finding of the Category B, first offense, violation; and
 - iv. Inform the officer that if they do not request a hearing to contest the Category B, first offense, finding within ten (10) days of receiving his/her violation letter, or after the Council-designated committee affirms the Professional Regulation Committee's finding, then they waive the right to contest the Category B, first offense, violation findings.
- c. The Council shall take no action to sanction a law enforcement officer who is alleged to have committed a first offense of Category B conduct that is not listed in 20 V.S.A. § 2407 (a).

Dated: _____ (Signed)

Chair
Criminal Justice Training Council



**STATE OF VERMONT
CRIMINAL JUSTICE COUNCIL
Rules**

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Chapter 1: Organization

Rule 1 AUTHORITY, PRIOR REGULATIONS REPEALED, SEVERABILITY

- a. The Vermont Criminal Justice Council adopts these rules pursuant to the authority granted to it by 20 V.S.A. Ch. 151 and the requirements in 3 V.S.A. Ch. 25, Subch. 3. These rules

shall become effective fifteen (15) days after adoption is complete. All prior certificates and approvals issued on behalf of the Council shall continue in full force and effect, except as otherwise provided in these rules.

- b. All other prior rules shall automatically be repealed when these rules become effective. All other prior practices, procedures, policies, guidance documents, and Memorandums of Agreement, either informal or formal, shall be repealed when these rules become effective, but only to the extent they are inconsistent with these rules.
- c. The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any persons or circumstances is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.
- d. The Council may, pursuant to 3 V.S.A. § 835, adopt procedures and guidance documents to supplement and clarify the provisions of these rules. All such procedures and guidance documents shall be available on the Council's website.

Rule 2 DESCRIPTION OF ORGANIZATION

- a. The purpose and definition of the Council is derived from 20 V.S.A. § 2351.
- b. The composition of the Council is derived from 20 V.S.A. § 2352.
- c. The statutory authority for the Council is derived from 20 V.S.A., Chapter 151 as amended.

Rule 3 DISTRIBUTIONS OF RULES

- a. All rules and procedures of the Council related to training requirements and professional regulation shall be made available to each law enforcement agency head and to the public. Each trainee of any training program shall be provided with a copy of all rules and procedures of the Council pertinent to the training program the trainee is attending. Distribution may be made electronically or in printed form.

Rule 4 MEETINGS

- a. The Council shall hold regular meetings, at least quarterly as required in 20 V.S.A. § 2354. The date, time, and location of such meetings shall be noticed as provided in this rule.
- b. Special meetings may be called at any time by the Chair or upon written notice of six (6) Council members. The date, time, and location of such meetings shall be noticed as provided in this rule.
- c. Notice of any regular or special meeting shall be given by the Executive Director to each Council member. The notice shall include the date, time, and location of the meeting and an agenda, if one has been established. Copies of supporting documentation for agenda items shall be included.
- d. Notice of any regular or special meeting shall be posted and distributed to comply with

specific requirements of Vermont's Open Meeting law. Notice of all meetings shall be provided to the Agency of Administration by the Executive Director to comply with 1 V.S.A. § 312.

- e. The agenda of any regular or special meeting of the Council shall be prepared by the Executive Director with advice of the Chair. Additional agenda items may be added at any regular meeting by any member present or by a member's proxy as the first order of business at the meeting pursuant to 1 V.S.A. § 312(d)(3)(A).
- f. A Council member may appoint a person to act as the Council member's proxy in the Council member's absence. Such proxies shall be appointed by letter to the Chair, presented at or prior to the meeting.
- g. A quorum of thirteen (13) Council members, or their duly appointed proxies, shall be required for conducting business, except as noted below. The concurrence of a majority of the Council members and proxies authorized to vote shall be required to take binding action on Council business.
 - i. A quorum of nine (9) Council members, or their duly appointed proxies, shall be required for council hearings pertaining to unprofessional conduct.
- h. The Chair shall preside over all Council meetings. In the absence of the Chair, one of the Vice-Chairs selected by the Chair shall preside. In the event that neither the Chair nor a Vice-Chair is present at a meeting, the Council may elect, from its members present, a Chair pro-tem who shall preside at that meeting.
- i. All meetings shall be open to the public unless an executive session is invoked under 1 V.S.A. § 313. Minutes of each meeting shall be kept and made part of the public record, except portions of such minutes exempted by law. The Executive Director shall be responsible for the recording of minutes and the dissemination of those minutes to Council members following each meeting.
- j. Any Council meeting may be recessed or adjourned on a majority vote of the members or proxies, subject at all times to the requirements of law.
- k. The presiding officer at a meeting shall not vote unless there is a tie vote of the other Council members and proxies present and voting.

Rule 5 OFFICERS

- a. The officers of the Council shall consist of a Chair and two Vice-Chairs.
- b. The general conduct of the duties and responsibilities of the Council shall be vested in its Chair, who shall preside over all Council meetings. The Chair shall have the authority to act on behalf of the Council in all matters which have previously been approved by a vote of its members.
- c. In the event that the Chair is unable for any reason to discharge the duties of that office,

such matters shall be discharged by the Vice-Chairs.

- d. Pursuant to 20 V.S.A. § 2352(a)(3), the Chair shall be appointed by the Governor. The Vice-Chairs shall be elected for a term of one (1) year upon a vote of the members or their proxies present at a duly noticed meeting of the Council whenever a vacancy is created. Nominations for Vice-Chair may be made from the floor or by letter of any Council member filed with the Executive Director on or before the date of such election. A nomination in either manner shall require a second prior to the election. The persons receiving the most votes of the members or their proxies present and voting shall be declared the Vice-Chairs. One Vice-Chair shall be a representative of a law enforcement agency and the other Vice-Chair shall not be a representative of a law enforcement agency.
- e. A vacancy is created when either the Chair or Vice-Chair ceases to be a member of the Council, ceases to hold the position which initially qualified that person for Council membership, upon unavailability for any reason for a period of six (6) months, or upon expiration of the term of office.
- f. In the event the position of Chair becomes vacant, the balance of that officer's term shall be discharged by the Vice-Chairs until the Governor appoints a new Chair.

Rule 6 EXECUTIVE DIRECTOR

- a. Subject to Council supervision and the provisions of the Council rules, the Executive Director is empowered to act on behalf of the Council as to those matters enumerated in 20 V.S.A. § 2357 and to generally assist the Council in the discharge of its duties under Title 20 V.S.A. Chapter 151.
- b. The Executive Director shall be responsible for obtaining compliance with matters enacted by the Council, within the period of time set by the Council or, otherwise, by law.
- c. The Executive Director shall have full administrative and operational responsibility for the direction and control of Council employees, agents, instructional staff, and consultants appointed under the provisions of 20 V.S.A. § 2355(c). The Executive Director shall be responsible for the use of all property belonging to or assigned to the Council and shall maintain necessary records thereof.
- d. The Executive Director shall be responsible for the preparation of the Council's budget and its presentation before the General Assembly.
- e. The Executive Director shall report either verbally or in writing at each Council meeting as to the discharge of duties and the conduct of Council business.
- f. In the Executive Director's absence, the Deputy Executive Director may exercise the authority granted to the Executive Director.
- g. The Executive Director shall have the authority to establish committees, and to appoint members as needed or necessary by these rules, to assist in carrying out the duties of the Executive Director and the Council. The Executive Director shall seek the input of the

Chair prior to exercising this authority.

Chapter 2: Rules of General Applicability

Rule 7 DEFINITIONS

- a. The definitions of 3 V.S.A. § 801 and 20 V.S.A. § 2351a are hereby made applicable to these rules and regulations.
- b. For the purposes of these rules:
 - i. “Council” shall mean the Criminal Justice Council established pursuant to 20 V.S.A. Ch. 151.
 - ii. “Criminal justice personnel” is defined as including, but not limited to, law enforcement officers, communications personnel, and correctional employees.
 - iii. “Criminal justice training” is defined as that training that is required or permitted pursuant to these rules.

Rule 8 RULE WAIVERS

- a. This rule applies to requests to waive any requirement of these rules, including but not limited to training waiver requests made pursuant to Rule 25.
- b. The Council may waive any requirement of these rules if the individual requesting the waiver demonstrates to the Council’s satisfaction that an alternative method will provide equal or greater support for the purposes of these rules, the Council’s enabling legislation (20 V.S.A. Ch. 151) and the Council’s program missions and goals.
- c. All waiver requests shall be on forms approved by the Council.
- d. The Executive Director may refer any waiver request to the Waiver Committee for review and the preparation of a recommendation to the Council.
- e. The Council may delegate, in writing, to the Waiver Committee the authority to issue decisions on waiver requests. Any such written delegation shall specify the types of waivers the Waiver Committee has the authority to decide. The Waiver Committee may refer any waiver request it has the authority to decide to the Council.
- f. All waiver decisions shall be in writing. Copies of written decisions shall be provided to the individual requesting the waiver.

Rule 9 APPEALS

- a. Any written decision by the Executive Director or a Committee of the Council, which the Executive Director or Committee is authorized by statute or these rules to make, may be appealed to the Council within thirty (30) days of the decision by any party to the proceeding

in which the decision was issued.

- b. Any appeal pursuant to this rule shall be taken by filing a written notice of appeal, expressed in simple terms, with the Executive Director prior to the expiration of the thirty (30) day appeal period.

Chapter 3: Training

Rule 10 COUNCIL TRAINING PROGRAMS

- a. Council training programs for law enforcement officers and other criminal justice personnel shall comply with the standards and requirements of these rules.
- b. The conduct of all Council training shall be under the direction of the Executive Director. Standards of conduct for such programs shall be approved by the Council.
- c. Courses offered and participating instructors shall be evaluated at the conclusion of instruction by attending students, as directed by the Executive Director.

Rule 11 ESTABLISHMENT OF FEE SCHEDULE

- a. No later than at its last regular meeting held in any fiscal year, the Council shall establish a base tuition rate and fee schedule for the fiscal year next commencing on July 1.
- b. Such rate shall not apply to basic training.
- c. Prior to establishing a base tuition rate pursuant to subdivision (a) of this rule, the Executive Director shall report, in writing, to the Council members all cost information required to be considered in the base tuition rate under 20 V.S.A. § 2355(f)(1) for training required under 20 V.S.A. § 2358.
- d. The Council shall adopt the base tuition rate under 20 V.S.A. § 2355(f)(1) through formal rulemaking pursuant to the Administrative Procedure Act (3 V.S.A., Chapter 25).
- e. Tuition fees for training not required under 20 V.S.A. § 2358 shall be set pursuant to 32 V.S.A. § 603(3) to reflect the actual costs for operation of the particular programs offered, with an additional thirty dollar (\$30.00) entrance exam fee. These fees need not be adopted through formal rulemaking pursuant to the Administrative Procedures Act (3 V.S.A., Chapter 25) and may become effective immediately upon vote of the Council.

Rule 12 MINIMUM TRAINING, EQUIPMENT, AND FACILITY STANDARDS FOR LAW ENFORCEMENT CERTIFICATION COURSES

- a. The Executive Director shall certify those law enforcement officers who have successfully completed the basic law enforcement certification course (Levels I, II, and III courses). In order to qualify for certification, each trainee shall:

- i. Comply with all regulations and guidelines promulgated by the Council; and
 - ii. Participate in all courses and classes, unless absences are authorized by the Executive Director because of exigent circumstances.
- b. All law enforcement officers issued a certificate under this section shall also be assigned a unique certification number. The certification numbers shall be of a format approved by the Executive Director.
 - c. Equipment and facilities available for use at each approved training location shall comply with the requirements of any procedures approved by the Council.

Rule 13 STANDARDS FOR INSTRUCTORS FOR APPROVED LAW ENFORCEMENT CERTIFICATION COURSES

- a. All instructors who teach a curriculum approved by the Vermont Criminal Justice Council must be certified by the Executive Director. The Executive Director may make certification decisions in consultation with training staff and subject matter experts in the field.
- b. Applicants for certification as an instructor must be approved by their sponsoring agency head. As part of an instructor's application, they must have a letter from their agency head who endorses the applicant's competency in professionalism and the applicant's capacity for working respectfully with a variety of individuals in a learning environment.
- c. Applicants for certification as an instructor must meet the following criteria:
 - i. Applicant is a certified law enforcement officer or a subject matter expert;
 - ii. If the applicant is a law enforcement officer, the applicant must be compliant with their annual in-service training;
 - iii. Applicant completes an instructor development course approved by the Council; and
 - iv. Applicant completes any pre-requisite "train-the-trainer" or subject matter course work as required by the Executive Director.
- d. To apply for an instructor certification, an applicant must submit a resume or curriculum vitae to the Executive Director. The resume or C.V. shall include:
 - i. The proposed area of instruction that the applicant is seeking to be certified to teach;
 - ii. The applicant's professional experience, including both law enforcement experience and any other relevant professional experience;
 - iii. Any law enforcement training certifications, including past instructor certifications; and
 - iv. Two professional references.

1. The referrer should have first person knowledge of the applicant's expertise and/or experience in the subject matter and/or the applicant's ability to communicate effectively in a learning environment.
- e. An individual may apply for certification in more than one (1) area of instruction.
 - f. Instructor Recertification
 - i. Certified Instructors will be required to complete certification in their relevant training area and in instructor development training as required by the Executive Director.
 - g. Field Training Officer. Application for this position may be made by any Level II or Level III law enforcement officer who has completed the Field Training Officer Certification Course approved by the Council.
 - i. To be eligible for recertification, the FTO must attend and satisfactorily complete a Council approved FTO update/refreshers. In addition, the applicant for recertification must document the instructor's active participation as an instructor and any additional training received, pertinent to the subject for which they are certified as an instructor, since their last certification. Failure to attend and successfully complete the required update/refreshers within the certification period will render the instructor ineligible for recertification as a field training officer.
 - h. The Executive Director may immediately suspend an instructor verbally and have the instructor removed from the Vermont Police Academy, or remote classroom, for cause. The Executive Director will provide the suspended instructor with written notice as outlined in subsection (i) below within ten (10) days of the verbal suspension.
 - i. The Executive Director may suspend or revoke the certification of any instructor for cause, after providing notice in writing to the instructor outlining the facts or conduct justifying the intended action and providing an opportunity for the instructor to show compliance with all lawful requirements to retain such certification. Cause shall include any failure to: (1) meet general standards of competency or professionalism; (2) perform the minimum number of trainings per year required by the Council; (3) attend any periodic refresher course mandated by the Council; (4) maintain the requisite law enforcement officer certification; or created an unsafe training or workplace environment.
 - j. All certification decisions shall be in writing.

Rule 14 ENTRY STANDARDS FOR BASIC TRAINING

The following minimum entry standards for basic training have been adopted by the Council. All individuals seeking entry to basic training courses for Level I, Level II, and Level III law enforcement officers, unless otherwise noted, shall meet the minimum standards as set forth below:

- a. **Age.** Candidate must be at least eighteen (18) years of age at the time of application for acceptance into basic training.

- b. **Education.** At the time of application, each candidate must - as a minimum standard - be a high school graduate or possess a high school equivalency diploma (G.E.D. certificate).
- c. **Medical Examination.**
 - i. A comprehensive medical examination (conducted no more than six (6) months prior to the date of entry). The examination - to be performed by a licensed physician, physician's assistant, APRN or RN - is to reflect that the candidate is free of any disease or disability which would interfere with the candidate's physical performance in basic training. The report from a licensed physician, physician's assistant, APRN or RN must state that the candidate is physically capable of undergoing a rigorous physical exercise program.
 - ii. At the discretion of the Executive Director, upon reasonable cause or concern for the trainee's health, a candidate must submit to reexamination by a licensed physician, physician's assistant, APRN or RN chosen by the Council. Failure to pass such reexamination will render a person ineligible for entry to basic training.
- d. **Written Examination.** Each candidate for the Vermont Police Academy must achieve a passing score on the current Vermont Police Academy entrance examination as a prerequisite to acceptance into basic training. The content of the examination shall be approved by the Council. This examination shall be administered in accordance with a policy approved by the Executive Director.
- e. **Physical Fitness Assessment.** Each candidate for the Vermont Police Academy must satisfactorily complete a physical fitness test and attain a minimum level of fitness as prescribed by the Council, prior to entry to any basic training course.
- f. **Background and Character Check**
 - i. Each candidate must successfully undergo a thorough, comprehensive background and character check conducted by the candidate's prospective agency. Those individuals convicted of any felony, a misdemeanor involving injury to another, or under any order prohibiting the possession of a firearm will not be considered. Academy staff must have documentation confirming the candidate successfully meets this requirement. The background investigation shall include the submission of the candidate's fingerprints to the Federal Bureau of Investigation to ascertain if a criminal history record exists. All fingerprint cards submitted to the FBI shall be routed through the fingerprint section of the Vermont Criminal Information Center (VCIC).
 - ii. The background investigation will include a polygraph examination. A candidate will be excluded from attending basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
 - 1. Domestic assault and/or related conduct (stalking, APO violations);

2. Sex offenses;
 3. Victimizing children or vulnerable adults;
 4. Fraud or related offenses involving an attempt to deceive for financial gain;
 5. Violation of court orders; or
 6. Any other conduct that would be deemed unbecoming of a police professional.
- iii. A candidate will be excluded from basic training if any of the previous conduct is identified during the background and character check.
 - iv. A candidate may be excluded from basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
 1. Distribution of controlled substances;
 2. Under the influence of controlled substances, not lawfully possessed, within a year prior to the proposed training session entry date.
- g. **Psychological Inventory.** Each candidate's prospective department must have submitted to the Council documentation confirming the candidate has been psychologically evaluated through the use of a reliable and valid assessment procedure, approved by the Executive Director, and a written certification that, in the reasonable opinion of the hiring agency, the candidate is presently emotionally suited for law enforcement work.

Rule 15 BASIC TRAINING STANDARDS FOR LEVEL I LAW ENFORCEMENT OFFICERS

No person, unless exempted by statute, shall exercise law enforcement powers as a Level I law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council on an annual basis dependent on the core competency curriculum for Level I's scope of practice. The core competency curriculum will include any statutorily required training. The Council will post the training dates for the following year by September 1st.

- a. Upon successful completion of the Academy Course described above, a Level I enforcement officer will be issued a provisional twelve (12) month certification granting law enforcement authority, but only under the direct supervision and control of a fully certified Level I, II, or III law enforcement officer.
- b. During the twelve (12) month period following the provisional certification, an officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by

the Council on an annual basis based on evidence-based best practices of 21st Century policing. These courses may be offered at the Academy and at various field locations around the state.

- c. During the same twelve (12) month period the officer must satisfactorily complete a Council-certified Field Training and Evaluation Program. This may be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no fewer than sixty hours, on performance of pertinent tasks observed and evaluated by a Council-certified Field Training Officer who attests to successful completion of those tasks.
- d. Upon successful completion of all three phases of training, the Executive Director shall issue a Level I officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(1)(B))

Rule 16 SCOPE OF PRACTICE FOR LEVEL I LAW ENFORCEMENT OFFICERS

- a. Security details, including courtroom security;
- b. Transports;
- c. Vehicle escorts;
- d. Management of traffic flow;
- e. Conduct authorized by 20 V.S.A. § 2358(b)(1)(B)(i)(I)-(IV), subject to the limitation in 20 V.S.A. § 2358(b)(1)(B)(ii).

Rule 17 BASIC TRAINING STANDARDS FOR LEVEL II LAW ENFORCEMENT OFFICERS

- a. No person, unless exempted by statute, shall exercise law enforcement powers as a Level II law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council on an annual basis dependent on the core competency curriculum for Level II's Scope of Practice. The core competency curriculum will include any statutorily required training. The Council will post on its website the training dates for the following year by September 1st.
- b. Upon successful completion of the Academy Course described above, the Level II law enforcement officer will be issued a provisional twelve (12) month certification that grants law enforcement authority but only under the direct supervision and control of a fully certified Level II or Level III officer.
- c. During the twelve (12) month period following the provisional certification, the officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by the Council on an annual basis based on evidence based, best practices of

21st Century policing. These courses may be offered at the Academy and at various field locations around the state.

- d. During the same twelve (12) month period the officer must satisfactorily complete a Council certified Field Training and Evaluation Program. This can be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no fewer than sixty (60) hours, on performance of pertinent tasks observed and evaluated by a Council certified Field Training Officer who attests to successful completion of those tasks.
- e. Upon successful completion of all three phases of training, the Executive Director shall issue a Level II officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(2)(B))

Rule 18 SCOPE OF PRACTICE FOR LEVEL II LAW ENFORCEMENT OFFICERS

The scope of practice of a Level II law enforcement officer shall be in accordance with 20 V.S.A. § 2358 or as otherwise authorized by law.

Rule 19 BASIC TRAINING STANDARDS FOR LEVEL III LAW ENFORCEMENT OFFICERS

No person, unless exempted by statute, shall exercise law enforcement powers as a Level III law enforcement officer in any municipality, county, or state law enforcement agency before completing the basic training course at the Police Academy or at another approved facility (or completing a course of instruction and training which is equal to Vermont's Basic Training Course for Level III Law Enforcement Officers, outside of Vermont). The basic course shall consist of instruction required by law and/or approved by the Council with a curriculum that is rooted in evidenced-based, best practices of 21st Century policing, which shall be posted to the Council's website and made available to the public upon request. The minimum number of hours allotted each major topic category of the basic training course shall be specified by the Executive Director and approved by the Council, but the entire basic training course shall consist of a minimum number of hours of training as established by the Council on an annual basis. The Council will post on its website the training dates for the following year by September 1st.

Rule 20 REGIONAL TRAINING

The substance of this rule is to be determined pending curriculum revision.

Rule 21 ALTERNATIVE ROUTES TO CERTIFICATION

The substance of this rule is to be determined pending curriculum revision.

Rule 22 MANDATORY ANNUAL IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS

- a. The calendar year following certification as a law enforcement officer, and every

calendar year thereafter, each certified law enforcement officer shall participate in a minimum number of hours of training as established by the Council.

- b. Each law enforcement agency head shall submit to the Executive Director a report summarizing the in-service training received by members of that agency during the previous calendar year. Said report shall be submitted prior to March 1st of every year, and shall be in a format approved by the Executive Director. The Council may require specific training to be obtained by all officers as part of their annual in-service training in a given year. The Council may also require individual officers to obtain specified training. Notice of the training requirement must be given to all law enforcement agency heads by December 1 of the prior calendar year.
- c. The Executive Director may temporarily suspend an officer's certification if an officer fails to meet the minimum hours of in-service training as established by the Council or fails to complete any mandatory annual training.
 - i. Prior to a temporary suspension under this rule, an officer will receive:
 - 1. A letter from the Executive Director or designee outlining what training is required for the officer to regain compliance with their annual in-service requirement;
 - 2. A thirty to sixty (30-60) day grace period, depending on the amount of training needed, to complete the required training before the temporary suspension goes into effect; and
 - 3. Notice of the officer's right to request an appeal to the Council.
 - ii. The Executive Director will rescind the temporary suspension when the officer completes the required training and submits proof of the same to the Council.
- d. A law enforcement officer who intentionally or willfully fails to complete their annual in-service training within a calendar year, or within a waiver period previously granted, may be subject to an unprofessional conduct Category C complaint.
- e. The agency's training records shall be available for review by a representative of the Council staff upon reasonable notice.

Rule 23 RECERTIFICATION OF LAW ENFORCEMENT OFFICERS

- a. Any certified law enforcement officer who has not been employed as a law enforcement officer in Vermont or as a Training Coordinator for the Vermont Police Academy for a period of three consecutive years or more shall be deemed to have an expired certification.
- b. Any certified law enforcement officer whose certification has expired pursuant to this Rule, whose certification has been revoked pursuant to 20 V.S.A. § 2406, or who has voluntarily surrendered a certification pursuant to 20 V.S.A. § 2406 shall not exercise any law enforcement authority until the officer successfully satisfies the certification requirements applicable to new law enforcement officers or the officer is recertified pursuant to subsection (c) of this Rule.

- c. Any individual prohibited from exercising law enforcement authority pursuant to this Rule may submit a request for re-certification in writing to the Executive Director. The Executive Director shall review such request and may grant re-certification following the requester's satisfactory completion of training the Executive Director has determined is necessary for re-certification and following the requester showing the ability to function effectively in the exercise of law enforcement authority. The Executive Director will issue a decision about such request in writing.

Rule 24 SPECIALIZED TRAINING STANDARDS; CERTIFICATION

- a. The Council shall provide for the basic and advanced training and certification of police canine teams. Standards for selection of canine teams, basic and in-service canine training (to include program entry requirements), certification and recertification, and canine instructor certification shall be developed by the Canine Committee and must be approved by the Council. The "Canine Committee" is established for the purposes outlined herein and members shall be appointed by the Executive Director, pursuant to standards approved by the Council.
- b. The Council may, on its own or through the establishment of one or more Committees, adopt procedures and guidance documents setting forth specialized training standards and certification requirements for specific types of investigations such as death and internal affairs investigations.

Rule 25 TRAINING WAIVERS

- a. The Council's Waiver Committee shall have the authority to review requests for waivers from annual in-service requirements over sixty (60) days in duration.
- b. The Executive Director shall have the authority to review requests for waivers from annual in-service requirements under sixty (60) days in duration, as well as all other training-related waiver requests.
- c. An individual receiving an annual in-service training waiver from the Executive Director may request that the Waiver Committee extend the waiver to longer than sixty (60) days in duration.
- d. The Waiver Committee and Executive Director may refer a waiver request to the Council for its review.
- e. Waivers of training may be partial, complete, or conditional and shall only be granted on the basis of equivalent training that the individual applicant has successfully completed.
- f. An individual seeking a waiver must also comply with any process for entry to training as approved by the Council.
- g. An individual requesting a waiver of minimum basic law enforcement training shall also demonstrate current competency in:

- i. De-escalation and Use of Force & Tactics;
 - ii. Fair and Impartial Policing;
 - iii. Response to Domestic & Sexual Violence;
 - iv. Mental Health Crisis Response;
 - v. Firearm Safety; and
 - vi. Any other subject matter that the Council deems necessary taking into consideration the scope of law enforcement work the individual requesting the waiver will be engaged in.
- h. Any waiver may be conditioned on the satisfactory completion of any supplemental or remedial training deemed necessary to equate previous training with current Council training standards. An individual receiving a conditional waiver shall complete any required supplemental or remedial training within the time established in the written conditional waiver decision.

Chapter 4: Professional Regulation

Rule 26 VIOLATIONS WHILE ATTENDING TRAINING

- a. Violation of any of the policies or regulations of the Council, while attending training, may be grounds for discipline and/or expulsion from any program conducted by the Council.
- b. Expulsion may be imposed on a trainee after receipt of a written notice of violation and a hearing before the Council. The Executive Director may suspend any trainee from any training program, pending a hearing on expulsion by the Council.

Rule 27 SUSPENSIONS, DECERTIFICATIONS, AND REVOCATIONS

- a. In addition to the authority set forth in 20 V.S.A. Ch. 151, Subch. 2, the Council shall have the authority to suspend or revoke the certification of any person for the following reasons:
 - i. Conviction of a felony;
 - ii. Failure to comply with in-service training requirements;
 - iii. A finding that the person's certification was issued as the result of fraud;
 - iv. A finding that the person's certification was issued as a result of error; or
 - v. For any other reasons for which decertification is specifically authorized by statute.
- b. Any decision to suspend or revoke a person's certification shall be made in writing.

Rule 28 PROFESSIONAL REGULATION COMMITTEE

- a. The Council shall establish a Professional Regulation Subcommittee which shall recommend to the Council procedures governing how unprofessional conduct reports and complaints are received, reviewed, investigated, and referred to the Council for further action.
- b. Upon adoption by the Council, such procedures shall apply to all unprofessional conduct reports and complaints.

Rule 29 COUNCIL HEARINGS

- a. Proceedings before the Council pertaining to unprofessional conduct reports and complaints shall be conducted in accordance with both the requirements in the Administrative Procedures Act relating to contested cases (3 V.S.A. §§ 809-816) and any procedures the Council may adopt regarding unprofessional conduct hearings. In the event of a conflict between the Administrative Procedures Act and the Council's procedure, the former shall govern.
- b. When the Professional Regulation Committee makes a finding that a law enforcement officer has committed a Category B, first offense, the Committee shall:
 - i. Notify the officer of the Committee's finding within thirty (30) days, in writing;
 - ii. Inform the officer that a Category B first offense finding by the Committee may be used as evidence before the Council if the officer has a future hearing before the Council based on a Category B, second or subsequent offense;
 - iii. Provide the officer the opportunity to provide additional evidence and/or testimony before a Council-designated committee to contest the finding of the Category B, first offense, violation; and
 - iv. Inform the officer that if they do not request a hearing to contest the Category B, first offense, finding within ten (10) days of receiving his/her violation letter, or after the Council-designated committee affirms the Professional Regulation Committee's finding, then they waive the right to contest the Category B, first offense, violation findings.
- c. The Council shall take no action to sanction a law enforcement officer who is alleged to have committed a first offense of Category B conduct that is not listed in 20 V.S.A. § 2407 (a).

Dated: 9/7/23

/s/ William Sorrell (Signed)
Chair
Criminal Justice Training Council

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 20 : Internal Security and Public Safety

Chapter 151 : Vermont Criminal Justice Council

Subchapter 001 : General Provisions

(Cite as: **20 V.S.A. § 2351**)

§ 2351. Creation and purpose of Council

(a) In order to promote and protect the health, safety, and welfare of the public, it is in the public interest to provide for the creation of the Vermont Criminal Justice Council.

(b) The Council is created to:

(1) encourage and assist municipalities, counties, and governmental agencies of this State in their efforts to improve the quality of law enforcement and citizen protection by maintaining a uniform standard of basic training for law enforcement applicants and in-service training for law enforcement officers; and

(2) maintain statewide standards of law enforcement officer professional conduct by accepting and tracking complaints alleging officer unprofessional conduct, adjudicating charges of unprofessional conduct, and imposing sanctions on the certification of an officer who the Council finds has committed unprofessional conduct.

(c) The Council shall offer and approve continuing programs of instruction in up-to-date methods of law enforcement and the administration of criminal justice.

(d) It is the responsibility of the Council to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities. (Added 1967, No. 189, § 1, eff. April 17, 1967; amended 1973, No. 225 (Adj. Sess.), § 1; 1979, No. 57, § 1; 1981, No. 104, § 2; 2011, No. 103 (Adj. Sess.), § 3; 2013, No. 141 (Adj. Sess.), § 1, eff. July 1, 2015; 2017, No. 56, § 1; 2019, No. 166 (Adj. Sess.), § 3, eff. Oct. 1, 2020.)

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Title 20 : Internal Security and Public Safety

Chapter 151 : Vermont Criminal Justice Council

Subchapter 001 : General Provisions

(Cite as: 20 V.S.A. § 2352)

§ 2352. Council membership

(a)(1) The Vermont Criminal Justice Council shall consist of:

(A) the Commissioners of Public Safety, of Corrections, of Motor Vehicles, of Fish and Wildlife, and of Mental Health;

(B) the Attorney General;

(C) the Executive Director of the Department of State's Attorneys and Sheriffs;

(D) the Executive Director of Racial Equity;

(E) a member of the Vermont Troopers' Association or its successor entity, elected by its membership;

(F) a member of the Vermont Police Association, elected by its membership;

(G) a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;

(H) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;

(I) a law enforcement officer, appointed by the President of the Vermont State Employees Association;

(J) an employee of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;

(K) an individual appointed by the Executive Director of the Center for Crime Victim Services;

(L) an individual appointed by the Executive Director of the Human Rights Commission;

(M) an individual appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence; and

(N) seven public members, appointed by the Governor, who shall not be law enforcement officers or have a spouse, parent, child, or sibling who is a law enforcement officer, current legislators, or otherwise be employed in the criminal justice system.

(i) At least one of these members shall be a mental health crisis worker.

(ii) At least one of these members shall be an individual with a lived experience of a mental health condition or psychiatric disability.

(iii) At least two of these members shall be chosen from among persons nominated by the Vermont chapters of the NAACP, and each of these members shall represent a different Vermont NAACP chapter. In order to assist the Governor in making these appointments, each Vermont chapter of the NAACP shall nominate at least three individuals for these gubernatorial appointments.

(2) A member's term shall be three years.

(3) The Governor shall appoint the Chair of the Council from among the members set forth in subdivisions (1)(D) and (K)-(N) of this subsection.

(b) Membership on the Council does not constitute the holding of an office for any purpose, and members of the Council shall not be required to take and file oaths of office before serving on the Council.

(c) The members of the Council shall be entitled to receive per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.

(d) A member of the Council shall not be disqualified from holding any public office or employment, and shall not forfeit any office or employment, by reason of his or her appointment to the Council, notwithstanding any statute, ordinance, or charter to the contrary. (Added 1967, No. 189, § 2, eff. April 17, 1967; amended 1971, No. 120, § 46(a); 1973, No. 225 (Adj. Sess.), § 2; 1979, No. 57, § 2; 1983, No. 72; 2003, No. 119 (Adj. Sess.), § 1; 2013, No. 141 (Adj. Sess.), § 2; 2017, No. 56, § 1; 2019, No. 166 (Adj. Sess.), § 4, eff. Dec. 1, 2020.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: Dec 20, 2023

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

Rule Details

| | |
|------------------|--|
| Rule Number: | 23P040 |
| Title: | Council Rules. |
| Type: | Standard |
| Status: | Proposed |
| Agency: | Vermont Criminal Justice Training Council. |
| Legal Authority: | 20 V.S.A. § 2355 |
| Summary: | The Vermont Criminal Justice Council (VCJC) Rules require multiple revisions due to statutory changes to 20 VSA 2352 and 2355 in 2018, 2020 and 2023. These statutory amendments changed the composition of the Council and the Council's powers and duties. The proposed Rule changes align the |

Council's Rules and regulations with our current governing statutory language in Title 20, Chap. 151. In addition, there are proposed amendments to the Rule sections for Instructor and Basic Training. These changes are proposed to allow the Council to be adaptable and responsive to training changes as the Council moves into a three-year curriculum review for law enforcement training.

Persons Affected:

Dept of Public Safety, Vt League of Cities and Towns, Dept. of State's Attorneys and Sheriffs, Municipal Law Enforcement Agencies, Dept of Liquor Control, DMV, OPR, Attorney General's Office, VT Homeland Security Unit, Board of Medical Practice (Investigators with law enforcement certification) and County Special Investigation Units.

Economic Impact:

It is anticipated that the proposed rule changes will not have an economic impact on the VCJC's budget and a minimal economic impact on the public; specifically, law enforcement agencies. The majority of the rule changes are procedural changes that ensure that our rules are consistent with our governing statute. The rule changes regarding training are procedural changes as to how and when the Council decides annual training requirements. The only economic impact that the VCJC anticipates is that VCJC Instructors will be required to attend additional trainings to become certified instructors and to remain certified instructors. However, the additional training requirements will likely fall within an officer's annually mandated training and therefore have a de minimus economic impact on the officer's and/or their department's budget.

Posting date:

Oct 25,2023

Hearing Information

Information for Hearing # 1

Hearing date:

11-28-2023 11:00 AM [ADD TO YOUR CALENDAR](#)

Location:

Vermont Criminal Justice Council

Address:

317 Academy Road

City:

Pittsford, VT

State:

VT

Zip:

05763

Hearing Notes:

Information for Hearing # 2

Hearing date: 12-04-2023 3:00 PM [ADD TO YOUR CALENDAR](#)
Location: Vermont Criminal Justice Council
Address: 317 Academy Road
City: Pittsford, VT
State: VT
Zip: 05763
Hearing Notes:

Information for Hearing # 3

Hearing date: 12-12-2023 7:00 PM [ADD TO YOUR CALENDAR](#)
Location: Vermont Criminal Justice Council
Address: 317 Academy Road
City: Pittsford, VT
State: VT
Zip: 05763
Hearing Notes:

Contact Information**Information for Primary Contact**

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary
Name: Kim McManus
Agency: Vermont Criminal Justice Training Council.
Address: 317 Academy Road
City: Pittsford, VT
State: VT
Zip: 05763
Telephone: 802-483-2741
Fax:
Email: kim.mcmanus@vermont.gov

[SEND A COMMENT](#)

Website Address: <https://vcjc.vermont.gov/council/rules>

[VIEW WEBSITE](#)**Keyword Information**

Keywords:

Criminal Justice Council
law enforcement training
law enforcement professional regulation

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| | The Islander (islander@vermontislander.com) | Tel: 802-372-5600 FAX: 802-372-3025 |
| | Vermont Lawyer (hunter.press.vermont@gmail.com) | Attn: Will Hunter |

FROM: APA Coordinator, VSARA

Date of Fax: October 23, 2023

RE: The "Proposed State Rules " ad copy to run on

November 2, 2023

PAGES INCLUDING THIS COVER MEMO:

3

***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/> . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Rules of the Board of Medical Practice.

Vermont Proposed Rule: 23P039

AGENCY: Agency of Human Services, Department of Health

CONCISE SUMMARY: The proposed rulemaking primarily responds to statutory changes, but also reflect revisions to Board policy. 1) 26 V.S.A. § 3061 creates two new forms of health care credentials, telehealth license and telehealth registration. This rulemaking implements these new credentials. 2) The public health emergency disrupted access to the testing required to become a Vermont physician. Delayed access caused some applicants to exceed established time limitations. This rulemaking extends the time limit for applicants affected by the disruption. 3) Act 38 (2023) revised supervision and practice location requirements for radiologist assistants (RAs). This rulemaking aligns the rule with statutory changes. 4) 26 V.S.A. § 1377 authorizes the Board, through rulemaking, to offer licensees a nondisciplinary financial penalty option for a violation of purely an administrative nature (e.g., failure to maintain a current address with the Board). 5) Modifies the rule for clarity and consistency with Board practices.

FOR FURTHER INFORMATION, CONTACT: Natalie Weill, Vermont Department of Health, 108 Cherry Street, Burlington, VT 05401 Tel: 802-863-7280 Fax: 802-951-1275 E-Mail: ahs.vdhrules@vermont.gov. URL: <https://www.healthvermont.gov/laws-regulations/laws/public-comment>.

FOR COPIES: Brendan Atwood, Vermont Department of Health, 108 Cherry Street, Burlington, VT 05401 Tel: 802- 863-7280 Fax: 802-951-1275 E-Mail: ahs.vdhrules@vermont.gov.

Council Rules.

Vermont Proposed Rule: 23P040

AGENCY: Vermont Criminal Justice Training Council

CONCISE SUMMARY: The Vermont Criminal Justice Council (VCJC) Rules require multiple revisions due to statutory changes to 20 VSA 2352 and 2355 in 2018, 2020 and 2023. These statutory amendments changed the composition of the Council and the Council's powers and duties. The proposed Rule changes align the Council's Rules and regulations with our current governing statutory language in Title 20, Chap. 151. In addition, there are proposed amendments to the Rule sections for Instructor and Basic Training. These changes are proposed to allow the Council to be adaptable and responsive to training changes as the Council moves into a three-year curriculum review for law enforcement training.

FOR FURTHER INFORMATION, CONTACT: Kim McManus, Vermont Criminal Justice Training Council, 317 Academy Road, Pittsford, VT 05763 Tel: 802-483-2741 Email: kim.mcmanus@vermont.gov. URL: <https://vcjc.vermont.gov/council/rules>.

Rule Governing the Prescribing of Opioids for Pain.

Vermont Proposed Rule: 23P041

AGENCY: Agency of Human Services, Department of Health

CONCISE SUMMARY: This rulemaking replaces "naloxone" with "opioid antagonist" to allow for a broader range of medications that can be co-prescribed with opioids when required.

FOR FURTHER INFORMATION, CONTACT: Natalie Weill, Vermont Department of Health, 108 Cherry Street, Burlington, VT 05401 Tel: 802-863-7280 Fax: 802-951-1275 E-Mail: ahs.vdhrules@vermont.gov. URL: <https://www.healthvermont.gov/laws-regulations/laws/public-comment>.

FOR COPIES: Brendan Atwood, Vermont Department of Health, 108 Cherry Street, Burlington, VT 05401 Tel: 802-863-7280 Fax: 802-951-1275 E-Mail: ahs.vdhrules@vermont.gov.

Investigation and Remediation of Contaminated Properties Rule (IRule).

Vermont Proposed Rule: 23P042

AGENCY: Agency of Natural Resources

CONCISE SUMMARY: The primary reason for updating the Rule is to codify the interim PCB indoor air standards as final prior to their expiration in February 2024. Other changes include updating definitions to be consistent with other Rules, including a requirement that the DEC be notified prior to conducting any earth disturbance work at an active or closed hazardous site, include updated numerical standards for regulated environmental media, add additional clarity for expected outcomes of site specific risk assessments, additional clarity for allowing partial corrective action plans, and additional requirements for the evaluation of corrective action alternatives (ECAA) report which focus on the objectives of the remediation and detailed justification for the selected remedy.

FOR FURTHER INFORMATION, CONTACT: Lynda Provencher, Agency of Natural Resources, 1 National Life Drive, Davis 1, Montpelier VT 05620 Tel: 802-249-5562 Email: lynda.provencher@vermont.gov URL: <https://dec.vermont.gov/waste-management/contaminated-sites>.

FOR COPIES: Shawn Donovan, Agency of Natural Resources, 1 National Life Drive, Davis 1, Montpelier VT 05620 Tel: 802-522-5683 Email: shawn.donovan@vermont.gov.
