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Office of the Assoc. General Counsel

April 10, 2024

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

RE: Criminal Justice Council's Modifications to Final Rule Submission

Dear Chair Squirrel,

After reviewing Attorney Devlin's feedback to the Council's proposed final Rule filing, the Council requests that the Legislative Committee on Administrative Rules accepts the following modifications to the proposed filing of 23-P40/Council Rules:

1. Rule 14, section (d), Written Examination: As currently written, the proposed rule is not clear as to who will set the passing score. The following modification is proposed to clarify that the Council is responsible for approving the passing score for the entrance written exam:
 - 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 *and the passing score for the examination* shall be approved by the Council. This examination shall be administered in accordance with a policy approved by the Executive Director.
2. Rule 15, section (b), Basic Training Standards for Level I Law Enforcement Officers: As currently written, the word "following" in the first sentence may cause some confusion as to when the 12-month period exists. The following modification is proposed:
 - b. During the twelve (12) month period ~~following~~ *of* 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.



3. Rule 15, section (c), Basic Training Standards for Level I Law Enforcement Officers: The current language does not distinguish that section c is the third phase of the Field training program. The following modification is proposed to clarify:
 - c. During the same twelve (12) month period the officer must satisfactorily complete *Phase III* - 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.

4. Rule 17, sections (c) and (d), Basic Training Standards for Level II Law Enforcement Officers: The same issues in Rule 15 appear in our current proposed Rule 17. The following modifications are suggested to provide greater clarity:
 - c. During the twelve (12) month period ~~following~~ *of* 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 *Phase III* - 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.

5. Rules 20 and 21, Regional Training and Alternative Routes to Certification: Legislative Counsel has advised that creating a “space holder” for future rules is not generally permitted. The Council requests that **the headings for Rule 20 and Rule 21 be struck from our proposed final filing**, and that the subsequent rules be renumbered as follows:
 - ~~Rule 22~~ Rule 20 Mandatory Annual In-Service Training for Law Enforcement Officers;
 - ~~Rule 23~~ Rule 21 Recertification of Law Enforcement Officers;
 - ~~Rule 24~~ Rule 22 Specialized Training Standards; Certification;
 - ~~Rule 25~~ Rule 23 Training Waivers;
 - ~~Rule 26~~ Rule 24 Violations while Attending Training
 - ~~Rule 27~~ Rule 25 Suspensions, Decertifications, and Revocations
 - ~~Rule 28~~ Rule 26 Professional Regulation Committee; and

- ~~Rule 29~~ Rule 27 Council Hearings

Please let me know if you need anything further prior to tomorrow's meeting. I look forward to meeting you then.

Sincerely,

Kim McManus

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