

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

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

To: Senate Committee on Government Operations
From: Vermont Criminal Justice Council
Re: H. 476; VCJC's proposed language regarding Category B conduct, first offense.
Date: April 13, 2023

20 V.S.A. § 2407 - Limitation on Council sanctions; first offense of Category B conduct

Council's suggestions

Proposed language in the bill currently before the Senate Committee

Option One:

Strike 20 V.S.A. § 2407 in its entirety.

Striking the language of 20 V.S.A. § 2407 would allow the Council to use its discretion to act on any Category B violations, first offense or otherwise.

Option Two:

Add a clause within the current proposed legislation that provides the Council discretion to act on a Category B, first offense when the Council deems that the facts warrant a sanction.

20 V.S.A. § 2407(a): "Category B conduct; first offense. If a law enforcement agency conducts a valid investigation of a complaint alleging that a law enforcement officer committed a first offense of Category B conduct, the Council shall take no action, except that the Council may take action for a first offense **when the Council finds that the conduct is of such an egregious nature that action is warranted, or** under subdivision 2401(2)(C) (excessive use of force under authority of the State), 2401(2)(F) (placing a person in a chokehold), or 2401(2)(G) (failing to intervene and report to a supervisor when an officer observes another officer placing a person in a chokehold or using excessive force) 2401(2)(G) (failing to intervene and report to a supervisor when an officer observes another officer placing a person in a chokehold or using excessive force), **2401(2)(H) (while on duty or off duty, attempting to cause or causing physical harm to a family or household member, or placing a family or household member in fear of imminent serious physical harm), or 2401(2)(I) (while on duty or off duty, a violation of the Domestic Violence Involving Law Enforcement Model Policy adopted pursuant to section 2365 of this title) of this chapter."**

