

1 H.753

2 Introduced by Representatives Lippert of Hinesburg and Sweaney of Windsor

3 Referred to Committee on

4 Date:

5 Subject: Public safety; Vermont Criminal Justice Training Council; law

6 enforcement officer regulation

7 Statement of purpose of bill as introduced: This bill proposes to make

8 miscellaneous amendments to provisions regarding the Vermont Criminal

9 Justice Training Council and law enforcement officer regulation.

10 An act relating to law enforcement officer regulation

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 20 V.S.A. § 2351 is amended to read:

13 § 2351. PURPOSE; DEFINITION

14 (a) In order to promote and protect the health, safety, and welfare of the

15 public, it is in the public interest to provide for the creation of ~~“the the~~

16 Vermont Criminal Justice Training ~~Council.”~~ Council.

17 (b) The Council is created to encourage and assist municipalities, counties,

18 and governmental agencies of this State in their efforts to improve the quality

19 of law enforcement and citizen protection by maintaining a uniform standard

20 of recruit and in-service training for law enforcement officers, including

1 members of the Department of Public Safety, capitol police officers, municipal
2 police officers, constables, correctional officers, prosecuting personnel, motor
3 vehicle inspectors, State investigators employed on a full-time basis by the
4 Attorney General, fish and game wardens, sheriffs and their deputies who
5 exercise law enforcement powers pursuant to the provisions of 24 V.S.A.
6 §§ 307 and 311, ~~and~~ railroad police commissioned pursuant to 5 V.S.A.
7 chapter 68, subchapter 8, and police officers appointed to the University of
8 Vermont's Department of Police Services.

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

11 (d) It is the responsibility of the Council to encourage the participation of
12 local governmental units in the program and to aid in the establishment of
13 adequate training facilities.

14 Sec. 2. 20 V.S.A. § 2355 is amended to read:

15 § 2355. POWERS AND DUTIES

16 (a) The ~~council~~ Council shall adopt rules with respect to:

17 (1) ~~The~~ the approval, or revocation thereof, of law enforcement officer
18 training schools;

19 (2) ~~Minimum~~ minimum courses of study, attendance requirements, and
20 equipment and facilities to be required at approved law enforcement officer
21 training schools;

- 1 (3) ~~Minimum~~ minimum qualifications for instructors at approved law
2 enforcement officer training schools;
- 3 (4) ~~Minimum~~ minimum basic training for law enforcement officers;
- 4 (5) ~~Minimum~~ minimum basic training in order to retain their status for
5 law enforcement officers who are appointed on a permanent basis, and the time
6 within which that basic training shall be completed following appointment;
- 7 (6) ~~Minimum~~ minimum annual in-service training requirements for law
8 enforcement officers;
- 9 (7) ~~Minimum~~ minimum courses of training for other criminal justice
10 personnel;
- 11 (8) ~~Categories~~ categories or classifications of advanced in-service
12 training programs and minimum courses of study and attendance requirements
13 with respect to those categories or classifications;
- 14 (9) ~~Recertification~~ recertification of persons who have not been
15 employed as law enforcement officers for a three-year period or who have had
16 their law enforcement officer certification suspended or revoked;
- 17 (10) ~~A~~ a definition of criminal justice personnel and criminal justice
18 training for purposes of this title; and
- 19 (11) ~~Decertification of persons who have been convicted of a felony~~
20 ~~subsequent to their certification as law enforcement officers~~; [Repealed.]

1 (12) ~~Decertification~~ decertification of persons who have not complied
2 with in-service training requirements, provided that the ~~council~~ Council,
3 through its ~~executive director~~ Executive Director, may grant a 60-day waiver
4 to a ~~police~~ law enforcement officer who has failed to meet his or her annual in-
5 service training requirements but who is able to complete those training
6 requirements within that 60-day period.

7 (b) The ~~council~~ Council shall conduct and administer training schools and
8 offer courses of instruction for law enforcement officers and other criminal
9 justice personnel. The ~~council~~ Council may also offer the basic officer's
10 course for pre-service students.

11 (c)(1) The ~~council~~ Council shall appoint, subject to the approval of the
12 ~~governor~~ Governor, an ~~executive director~~ Executive Director who shall be an
13 exempt ~~state~~ State employee, and who shall hold office during the pleasure of
14 the ~~council~~ Council.

15 (2) ~~He or she~~ The Executive Director shall perform such duties as may
16 be assigned by the ~~council~~ Council. ~~The executive director is entitled to~~
17 ~~compensation, as established by law, and reimbursement for the expenses~~
18 ~~within the amounts available by appropriation.~~ The ~~executive director~~
19 Executive Director may appoint officers, employees, agents, and consultants as
20 he or she may deem necessary, and prescribe their duties, with the approval of
21 the ~~council~~ Council.

1 (3) The Executive Director is entitled to compensation, as established by
2 law, and reimbursement for the expenses within the amounts available by
3 appropriation.

4 (d) The ~~council~~ Council may, in addition:

5 (1) ~~Accept~~ accept and administer under this chapter and for its purposes
6 contributions, capital grants, gifts, services, and other financial assistance from
7 any individual, association, corporation, or other organization having an
8 interest in criminal justice training, and from this ~~state~~ State and the United
9 States and any of their agencies and instrumentalities, corporate or
10 otherwise; and

11 (2) ~~Perform~~ perform such other acts as may be necessary or appropriate
12 to carry out the purposes of this chapter.

13 (e) Any agency or department of ~~state government, municipality or State,~~
14 county, or municipal government may, notwithstanding any provision of this
15 chapter, engage in and pay for, from sums appropriated for that purpose,
16 training activities for employees in addition to any minimum training required
17 by the ~~council~~ Council.

18 (f) The ~~council~~ Council shall charge participants or employers of
19 participants in law enforcement training programs as follows:

1 (1) The tuition fee for basic training required under section 2358 of this
2 ~~title chapter~~ shall be \$6,417.00. This fee shall not be charged for persons
3 employed by police agencies at the time of training.

4 (2) The tuition fees for training not required under section 2358 of this
5 ~~title chapter~~ shall be set to reflect the actual costs for operation of the particular
6 programs offered, with an additional \$30.00 entrance exam fee.

7 (g) The ~~criminal justice training council~~ Council shall develop and
8 maintain a comprehensive drug training program ~~by July 1, 1988~~.

9 Sec. 3. 20 V.S.A. § 2356 is added to read:

10 § 2356. UNPROFESSIONAL CONDUCT; PROCEDURE

11 (a) In addition to any other provision of law, the following conduct by a
12 law enforcement officer constitutes unprofessional conduct. When that
13 conduct is by an applicant or person who later becomes an applicant, it may
14 constitute grounds for denial of law enforcement officer certification or other
15 disciplinary action. Any one of the following items, or any combination of
16 items, whether or not the conduct at issue was committed within or outside the
17 State, shall constitute unprofessional conduct:

18 (1) fraudulent or deceptive procurement or use of a license;

19 (2) failing to comply with provisions of federal or State law governing
20 the practice of law enforcement;

1 (3) failing to comply with an order of the Council or violating any term
2 or condition of a certification issued by the Council;

3 (4) practicing as a law enforcement officer when medically or
4 psychologically unfit to do so;

5 (5) willfully making or filing false reports or records, willfully impeding
6 or obstructing the proper making or filing of reports or records, or willfully
7 failing to file the proper reports or records in the practice of law enforcement;

8 (6) conviction of a crime related to the practice of law enforcement or
9 conviction of a felony, whether or not related to the practice of law
10 enforcement;

11 (7) failure to report the conviction of a crime related to the practice of
12 law enforcement or of any felony;

13 (8) habitual intemperance or addiction to the use of habit-forming drugs;

14 (9) engaging in conduct of a character likely to deceive, defraud, or
15 harm the public;

16 (10) engaging in the use of excessive force in the practice of law
17 enforcement; and

18 (11) inability to practice law enforcement competently by reason of any
19 cause.

20 (b) The Council shall establish by rule a discipline process based on this
21 chapter and the Administrative Procedure Act as set forth in 3 V.S.A.

1 chapter 25, which may include the summary suspension of a law enforcement
2 officer's certification pending disciplinary proceedings if the Council finds that
3 the public health, safety, or welfare imperatively requires emergency action
4 and incorporates a finding to that effect in its summary suspension order.

5 (c) Upon a finding of unprofessional conduct, the Council may issue a
6 warning or reprimand or condition, suspend, or revoke a law enforcement
7 officer's certification.

8 (d) Any person aggrieved by any action of the Council under this section
9 may appeal as provided in 3 V.S.A. § 815.

10 (e) A person shall not be liable in a civil action for damages resulting from
11 the good faith reporting of information to the Council about alleged
12 incompetent, unprofessional, or unlawful conduct of a law enforcement officer
13 or applicant.

14 Sec. 4. 20 V.S.A. § 2362 is amended to read:

15 § 2362. REPORTS

16 (a) Within five working days:

17 (1) Town, village, and city clerks shall notify the ~~council~~ Council, on a
18 form provided by the ~~council~~ Council, of the election, appointment to fill a
19 vacancy under 24 V.S.A. § 963, expiration of term, or reelection of any
20 constable.

1 (2) The legislative body of a municipality or its designee shall notify the
2 ~~council~~ Council of the appointment or removal of a constable or police chief.

3 (3) A police chief appointed under 24 V.S.A. § 1931 shall notify the
4 ~~council~~ Council of the appointment or removal of a police officer under the
5 police chief's direction and control.

6 (4) The appointing authority of a ~~state~~ State agency employing law
7 enforcement officers shall notify the ~~council~~ Council of the appointment or
8 removal of a law enforcement officer employed by that agency.

9 (5) A sheriff shall notify the ~~council~~ Council of the appointment or
10 removal of a deputy or other law enforcement officer employed by that
11 sheriff's department.

12 (b)(1) Notification required by this section shall include the name of the
13 constable, police chief, police officer, deputy, or other law enforcement officer,
14 the date of appointment or removal, and the term of office or length of
15 appointment, if any.

16 (2) The notification shall specifically indicate the reason for the removal
17 of the law enforcement officer.

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on July 1, 2014.