

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 22 entitled “An act relating to the professional regulation of law  
4 enforcement officers by the Vermont Criminal Justice Training Council”  
5 respectfully reports that it has considered the same and recommends that the  
6 bill be amended as follows:

7 First: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice  
8 Training Council), in § 2362a (potential hiring agency; duty to contact former  
9 agency), in subdivision (a)(1), following “Prior to hiring a law enforcement  
10 officer who” by striking out the words “has been employed at another” and  
11 inserting in lieu thereof the words “is no longer employed at his or her last”

12 Second: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice  
13 Training Council), in § 2401 (definitions), in subdivision (4) (“effective  
14 internal affairs program”), in subdivision (E) (civilian review), following  
15 “which may be a selectboard or other elected” by inserting the words “or  
16 appointed”

17 Third: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice  
18 Training Council), in § 2403 (law enforcement agencies; duty to report), by  
19 striking out subdivision (a)(1) in its entirety and inserting in lieu thereof a new  
20 subdivision (a)(1) to read as follows:

1        (a)(1) The executive officer of a law enforcement agency or the chair of the  
2        agency’s civilian review board shall report to the Council within 10 business  
3        days if any of the following occur in regard to a law enforcement officer of the  
4        agency:

5                (A) Category A.

6                    (i) There is a finding of probable cause that the officer committed  
7        Category A conduct.

8                    (ii) There is any decision or findings of fact or verdict regarding  
9        allegations that the officer committed Category A conduct, including a judicial  
10       decision and any appeal therefrom.

11                (B) Category B.

12                    (i) The agency receives a complaint against the officer that, if  
13        deemed credible by the executive officer of the agency as a result of a valid  
14        investigation, alleges that the officer committed Category B conduct.

15                    (ii) The agency receives or issues any of the following:

16                    (I) a report or findings of a valid investigation finding that the  
17        officer committed Category B conduct; or

18                    (II) any decision or findings, including findings of fact or  
19        verdict, regarding allegations that the officer committed Category B conduct,  
20        including a hearing officer decision, arbitration, administrative decision, or  
21        judicial decision, and any appeal therefrom.

1           (C) Termination. The agency terminates the officer for Category A  
2           or Category B conduct.

3           (D) Resignation. The officer resigns from the agency while under  
4           investigation for unprofessional conduct.

5           Fourth: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice  
6           Training Council), by striking out § 2406 (permitted Council sanctions) in its  
7           entirety and inserting in lieu thereof a new § 2406 to read as follows:

8           § 2406. PERMITTED COUNCIL SANCTIONS

9           The Council may impose the following sanctions on a law enforcement  
10           officer’s certification, upon its finding that a law enforcement officer  
11           committed unprofessional conduct:

12           (1) If the officer’s law enforcement agency retains the officer, the  
13           Council may issue:

14           (A) a written warning; or

15           (B) a suspension, but to run concurrently with the length and time of  
16           any suspension imposed by a law enforcement agency with an effective  
17           internal affairs program, which shall amount to suspension for time already  
18           served if an officer has already served a suspension imposed by his or her  
19           agency with such a program.

20           (2) If the officer’s law enforcement agency does not retain the officer,  
21           the Council may order:

1                    (A) revocation with the option of recertification at the discretion of  
2                    the Council; or

3                    (B) permanent revocation.

4                    Fifth: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice  
5                    Training Council), in § 2409 (accessibility and confidentiality), in subdivision  
6                    (c)(2)(A), following “the name and business address of the law enforcement  
7                    officer” by striking out the words “and the complainant”

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10                  (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE