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§ 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT 9

(a)(1) The executive officer of a law enforcement agency or the chair of the ~~10~~ agency's civilian review board shall report to the Council within 10 business ~~11~~ days if any of the following occur in regard to a law enforcement officer of the ~~12~~ agency: ~~13~~

(A) ~~There is a finding of probable cause by a court that an officer has committed Category A conduct.~~

~~(i) Any decision or findings, including findings of fact or verdict, regarding allegations that the officer committed Category A conduct, including a judicial decision or any appeal therefrom.~~

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~~(B) The agency receives a complaint against the officer that, if ~~14~~ deemed credible by the executive officer of the agency as a result of a valid ~~15~~ investigation, alleges that the officer committed Category B unprofessional conduct. ~~16~~~~

~~(C) The agency receives or issues any of the following: ~~17~~~~

~~(i) a report or findings of an valid investigation into allegations finding that the ~~18~~ officer committed Category A or Category B conduct or; ~~19~~~~

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~~(ii) any decision or findings, including findings of fact or verdict, ~~20~~ regarding allegations that the officer committed Category A or Category B ~~21~~ conduct, including a hearing officer decision, arbitration, administrative ~~1~~ decision, or judicial decision, and any appeal therefrom; or ~~2~~~~

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~~conduct, including a hearing officer decision, arbitration, administrative ~~1~~ decision, or judicial decision, and any appeal therefrom; or ~~2~~~~

~~(iii) a finding of probable cause that the officer committed ~~3~~ Category A conduct. ~~4~~~~

~~(D) The agency terminates the officer based on a finding of probable cause by a court that the officer committed for Category A conduct or based on a valid investigation, an agency makes a finding that the officer committed or Category B ~~5~~ conduct. ~~6~~~~

~~(E) The officer resigns from the agency while under investigation for ~~7~~ unprofessional conduct. ~~8~~~~

(2) As part of his or her report, the executive officer of the agency or the ~~9~~ chair of the civilian review board shall provide to the Council a copy of any ~~10~~ relevant documents associated with the report, including any findings, ~~11~~ decision, and the agency's investigative report. ~~12~~

(b) The Executive Director of the Council shall report to the Attorney ~~13~~ General and the State's Attorney of jurisdiction any allegations that an officer ~~14~~ committed Category A conduct. ~~15~~

§ 2404. INVESTIGATIONS ~~16~~

(a) Agency investigations of Category A and B conduct. ~~17~~

(1)(A) Each law enforcement agency shall conduct a valid investigation ~~18~~ of any complaint alleging that a law enforcement officer employed by the ~~19~~ agency committed Category A or Category B conduct. An agency shall ~~20~~ conclude its investigation even if the officer resigns from the agency during the ~~1~~ course of the investigation.

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~~conclude its investigation even if the officer resigns from the agency during the 1 course of the investigation. 2~~

(B) Notwithstanding the provisions of subdivision (A) of this ~~3~~ subdivision (1), a law enforcement agency shall refer to the Council any ~~4~~ unprofessional conduct complaints made against a law enforcement officer ~~5~~ who is the executive officer of that agency. ~~6~~

(2)(A) The Council shall accept from any source complaints alleging a ~~7~~ law enforcement officer committed unprofessional conduct and, if the ~~8~~ Executive Director of the Council deems such a complaint credible, he or she ~~9~~ shall refer any complaints regarding Category A or Category B conduct to the ~~10~~ executive officer of the agency who employs that officer, and that agency shall ~~11~~ conduct a valid investigation. ~~12~~

(B) Notwithstanding the provisions of subdivision (A) of this ~~13~~ subdivision (2), the Council shall cause to be conducted an alternate course of ~~14~~ investigation if the allegation is in regard to a law enforcement officer who is ~~15~~ the executive officer of the agency. ~~16~~

(b) Exception to an agency's valid investigation. Notwithstanding a law ~~17~~ enforcement agency's valid investigation of a complaint, the Council may ~~18~~ investigate that complaint or cause the complaint to be investigated if the ~~19~~ officer resigned before a valid investigation had begun or was completed. ~~20~~

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(c) Council investigations of Category C conduct. The Council shall ~~4~~ investigate allegations of Category C conduct. ~~2~~

§ 2405. COUNCIL SANCTION PROCEDURE ~~3~~

Except as otherwise provided in this subchapter, the Council shall conduct ~~4~~ its proceedings in accordance with the Vermont Administrative Procedure Act. ~~5~~ This includes the ability to summarily suspend the certification of a law ~~6~~ enforcement officer in accordance with 3 V.S.A. § 814(c). ~~7~~

§ 2406. PERMITTED COUNCIL SANCTIONS ~~8~~

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

(a) If the agency retains the officer the Council may issue:

(1) a written warning; ~~12~~ or

(2) a suspension, but to run concurrently with the length and time of any ~~13~~ suspension imposed by a law enforcement agency with an effective internal ~~14~~ affairs program, which shall amount to suspension for time already served if an ~~15~~ officer has already served a suspension imposed by his or her agency with such ~~16~~ a program; ~~17~~

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(b) If the agency does not retain the officer or if the officer resigns, the Council may order:

(3) revocation with the option of recertification at the discretion of the ~~18~~ Council; or ~~19~~

(4) permanent revocation.

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