
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 56 (H.22). Public safety; law enforcement officers; Vermont Criminal Justice Training Council; professional regulation

An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council

This act sets forth new provisions for the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council. These new provisions are scheduled to take effect on July 1, 2018. Under current law's 20 V.S.A. § 2355(a), the Council only has the authority to decertify officers, and decertification is only available if an officer has been convicted of a felony subsequent to certification, or if an officer fails to comply with in-service training requirements. Pursuant to the act's 20 V.S.A. § 2406, the Council will have the authority to warn, suspend, or revoke an officer's certification for a range of unprofessional conduct, described in the act's 20 V.S.A. § 2401 as Category A (regarding specified crimes), Category B (regarding gross professional misconduct), and Category C (regarding misconduct pertaining to Council processes or operations).

The act also requires each law enforcement agency to adopt an effective internal affairs program to manage complaints regarding the agency's officers, to investigate unprofessional conduct complaints about the agency's officers in most cases, and to report to the Council alleged unprofessional conduct in specified circumstances.

In addition, beginning on July 1, 2017, prior to hiring an officer who is no longer employed at his or her last agency, a potential hiring agency is obligated to 1) require the officer to execute a written waiver explicitly authorizing his or her former agency to disclose the reason the officer is no longer employed there; and 2) contact that former agency to determine that reason. An officer who refuses to execute the written waiver would be prohibited from being hired by the potential hiring agency. The act provides a transitional provision in Sec. 2(c) to exempt former agencies from this required disclosure if there is a binding nondisclosure agreement in effect on July 1, 2017 that prohibits this disclosure.

Furthermore, the act requires the Executive Director of the Council to provide the General Assembly with his or her analysis and recommendations regarding the act, and also requires the Council and the Office of Professional Regulation to file a legislative report regarding a proposal for the Office to perform duties related to the professional regulation of officers.

Multiple effective dates, beginning on June 5, 2017