

Vermont Criminal Justice Training Council
Report to General Assembly
Act No 56 of 2017
Report for Calendar Year 2019

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

20 V.S.A. Sec. 2402(f) states:

Annual report of Executive Director. Annually, on or before January 15, beginning in the year 2019 and ending in the year 2022, the Executive Director of the Vermont Criminal Justice Training Council shall report to the General Assembly regarding the Executive Director's analysis of the implementation of this act and any recommendations he or she may have for future legislative action.

Report: For the calendar year 2019, there was one fully adjudicated Category A (criminal conduct) violation and five fully adjudicated Category B (gross professional misconduct) reports. There were no Category C (offenses against the Council process) reports. Additionally, the Council is tracking two Category A incidents that should resolve later this year and will be included in the 2020 report. The officers involved are not practicing law enforcement, so the Council will wait until the cases are adjudicated before deciding on an appropriate course of action.

Regarding recommendations for further legislative action, I would suggest that the legislature revisit Sec. 1, V.S.A. 2362a Potential Hiring Agency; Duty to Contact Former Agency. Subsection (a)(1) starts "*Prior to hiring a law enforcement officer who is no longer employed at his or her last law enforcement agency...*" This restricts mandated background checks with the former hiring agency to those officers no longer employed by an agency. The loophole created here is that this duty to contact the previous agency doesn't apply to officers currently employed, and could potentially allow an officer to leave an agency ahead of a report of or investigation into misconduct without the hiring agency being aware of it. The Council recommends that the requirement to contact a previous employer be made mandatory in all instances, and the potential hiring agency be required to contact all previous employers.

The Council would also recommend that agencies be required to report first instance of use of excessive force to the Council and the Council have the option to address it. Currently, the Council can act only on third and subsequent use of excessive force complaints.

All recommendations are made based on real life incidents that served to highlight areas where the Act can be improved.

Respectfully submitted,

Richard B. Gauthier, Executive Director
Vermont Criminal Justice Training Council