

Professional Regulation subcommittee – Report date November 18, 2022

In 2017, the Vermont Legislature voted into law, Act 56, which addresses professional regulation of law enforcement officers, specifically unprofessional conduct as outlined in 20 V.S.A. § 2401. With the creation of Act 56, the Vermont Criminal Justice Council also created the Professional Regulation Sub-Committee (PRSC) who are responsible for taking the lead on the creation of procedural ground rules and assisting the Executive Director with the guidance and investigation of professional regulation matters. The PRSC consists of five members who represent a wide range of disciplines, backgrounds, and voices:

- Chair: Trevor Whipple, Law Enforcement Consultant, Vermont League of Cities and Towns, Vermont Criminal Justice Council Member
- Vice Chair: Karen Tronsgard-Scott, Executive Director, Vermont Network Against Domestic and Sexual Violence, Vermont Criminal Justice Council Member
- Jennifer Frank, Chief of Police, VT Association of Chiefs of Police, Vermont Criminal Justice Council Member
- Karim Chapman, Executive Director, Vermont Psychiatric Survivors, Governor Appointed Vermont Criminal Justice Council Member
- Shawn Pratt, Member of the Public, Governor Appointed Vermont Criminal Justice Council Member

During the last calendar year, the professional regulations sub-committee reviewed 124 cases, which were comprised of more than 1,400 documents containing nearly 12,000 pages worth of investigative material, in addition to an examination of 335 audio and video evidentiary submissions. In an effort to make certain that due diligence occurred, and each case received a thorough and comprehensive review, committee members spent greater than one-thousand hours examining evidence and discussing and reviewing investigative findings.

While each case is unique, the below outline depicts the typical process a case would follow:

1. Officer commits an act that may be in violation of professional conduct standards.
2. The Chief executive officer of the accused offending officer's agency initiates an internal affairs investigation.
3. Notification of the allegation of professional misconduct is made to the Vermont Criminal Justice Council.
4. The alleged offending officer is notified of the allegation.
5. The allegation of professional misconduct and accompanying investigative materials and evidence are reviewed by the five member PRSC, who make recommendations to the Council prosecutor regarding category violations and sanction considerations. This review involves an intensive examination of evidence provided, and often

- requires a request for additional supporting documents to clarify the involved elements.
6. The prosecutor for the council reviews the case and accompanying PRSC recommendations and determines whether the officers' actions rise to the level of professional misconduct.
 7. If it is determined that professional misconduct occurred, a stipulation agreement may be discussed with the involved officer and the matter is referred to the Council for a hearing process.
 8. At the hearing, the accused officer is given the opportunity to present a defense. Hearing outcomes can include a variety of impositions to include a finding of no fault, a written warning, suspension, police officer certification revocation with the option of recertification at the Council's discretion, or permanent revocation.

The professional Regulations sub-committee members recognize the significance of the mission which they have been charged with and the importance of their work. In May of 2015, the President's Task Force on 21st Century Policing identified best practices in policing, which offered recommendations on how those practices can promote effective crime reduction while building public trust. Trust between law enforcement and the agencies they are called to "protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services." Recognizing this, the Task Force identified policing recommendations which have come to be known as the six pillars of law enforcement, the first two of which are:

Pillar 1 — Building trust and legitimacy

Pillar 2 — Policy and oversight

Building trust and legitimacy is foundational to a positive relationship between law enforcement and the communities they serve. That trust can only be forged when there is belief that officers are acting legitimately, in good faith within the scope of their authority. The PRSC serves as a check and balance, reviewing officer engagement and activities to make certain that they are reflective of identified best practices and established professional conduct expectations. This pillar does not stand alone, it is supported by the second pillar, which addresses policy and oversight. The PSRC provides oversight by reviewing allegations of misconduct or variances from accepted professional standards and forwarding finding recommendations to the council for review.

The Professional regulations sub-committee works tirelessly in conjunction with the staff of the Vermont Police Academy, as guardians, to make certain that officers who fail to meet the professional expectations established by state law, best practices, and council rules and regulations, are held accountable for their actions, while concurrently ensuring that due process

is afforded to all involved parties. Accountability takes several different forms, carefully considering harm done to involved individuals, the societal harm created by a breach of trust, restitution, and rehabilitation. The PRSC is a vital component of the statewide efforts to increase transparency and accountability among government officials, specifically those who serve in a law enforcement capacity within the state of Vermont.