Law Enforcement Advisory Board (LEAB)

Chief Shawn P. Burke – Chair Vermont LEAB

Good afternoon, thank you for the opportunity to provide testimony on the proposed bill related to domestic violence involving law enforcement employees.

The Vermont law enforcement community has a strong appetite for a mandatory Domestic Violence Involving Law Enforcement Employees Model Policy – currently, many agencies have key tenets of the 2010 model policy in place.

Given the passage of time and other relevant legislative changes, the 2010 model policy is due for an update. The Law Enforcement Advisory Board would welcome the opportunity to hear from stakeholders who could best inform a revision of the policy with specific focus on:

- addressing survivors needs,
- leveraging best practices in awareness, prevention, and investigation,
- identifying existing support mechanisms for employees,
- identifying new means of supporting employees who are experiencing domestic violence,
- developing processes and practices which protect effected employee privacy interests,
- providing clear policy guidance related to firearm surrender for employees who are defendant's in protection orders.

The model policy in its current form is not ready for publication. The Law Enforcement Advisory Board would appreciate the opportunity to revise the model policy in 2023 with a legislative mandate for adoption in 2024.

The Vermont law enforcement community also believes in accountability and professional regulation. Designating the Domestic Violence Involving Law Enforcement Employees policy as a State-required policy would in turn create accountability - violations would become "Category B" conduct as defined in Title 20 § 2401. By virtue of this designation there would be no need to

expand the language of Category B violations to include on and off duty conduct as this would be inherent via the model policy.

Category B violations require agencies to conduct a valid internal investigation. Violations of the State-required domestic violence policy would necessitate a report to the Vermont Criminal Justice Council as defined in Title 20 § 2403. This process would afford the due process employers and employees need and leverages potential sanction by the Vermont Criminal Justice Council as it pertains to State certification.

The draft bill includes language that would expand Category A conduct to include issuance of a final relief from abuse order. Category A conduct was specifically created to address criminal behavior. The intent of this language could be better served by explicitly calling out any sustained violation of the Domestic Violence Involving Law Enforcement Policy as reportable to the Council under Category B.

In closing, there is strong support across law enforcement for this draft bill. To ensure that this draft bill is effective and consistently interpreted, consideration should be given to the policy development work and reliance on the accountability measures currently in statute. Criminal violations are more unique from both an intent and evidentiary standard, Category A conduct does not need to be expanded in order to achieve the intent of this bill.