

Law Enforcement Advisory Board (LEAB)

Chief Shawn P. Burke – Chair Vermont LEAB

Good afternoon, thank you for the continued opportunity to provide testimony on Committee Bill 23-0907. For the record, my name is Shawn Burke and I have the privilege of serving as the Police Chief in the City of South Burlington. I also serve as the Chair of the Vermont Law Enforcement Advisory Board. The initial testimony on this bill led to a thoughtful stakeholder conversation about the intersect of the Domestic Violence Fatality Review Commission's recommendations and the law enforcement professional regulations as outlined in Title 20.

The Law Enforcement Advisory Board is prepared to begin work on the model domestic violence policy immediately. The proposed effective date of July 1, 2024 will allow the LEAB sufficient time to do this work.

The Vermont law enforcement community is supportive of the proposed revisions brought forward by the Network and the Attorney General's Office that you are reviewing today. As a profession we are still concerned with the placement of the proposed "off duty" language in subparagraph (2) of Title 20 VSA §2401.

If "off duty" is added to this section there is little definition as to what substantial deviation from professional conduct as defined by individual Vermont law enforcement agencies would include. Both the State-model internal affairs policy and the Council Professional Regulations Sub Committee Procedures have definitions related to unprofessional conduct which are more clear – both of these policies rely on the statutory framework of Section 2401 for their definitions.

To offer an agency example of how this is confusing, the South Burlington Police Department's Rules and Regulations have forty-one different conduct standards. Of these forty-one standards there are eleven which could easily be subject to internal affairs investigation and potential reporting to the Council regardless of duty status. Such examples include; conduct unbecoming an officer, criminal conduct on the part of an officer, and improper use of one's official position.

The remaining conduct standards would not fall into the intent of Title 20 as it was originally engineered, nor should these standards be applied to officers while off-duty; standards related to tobacco use, reporting defects to City owned property, political activities, or recommending private services.

The law enforcement community wants to see either clear statutory language directly aimed at making domestic violence-related conduct actionable as Category B first offense violations - regardless of duty status. Or, reliance on the model policy language as the statute currently provides. If there is broader interest in opening Category B conduct for potential professional regulation review then a fulsome evaluation and rewrite of the statute would likely be needed.

Again, thank you for this opportunity and I am happy to answer any questions you may have.

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