

**Vermont Department of Public Safety Law
Enforcement Advisory Board**

SUMMARY REPORT

2023

The Law Enforcement Advisory Board advises the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies and constables that exercise law enforcement responsibilities.

Prepared by: Law Enforcement Advisory Board

Date: January 10th, 2024

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Law Enforcement Advisory Board Members

Chair

- Chief Shawn Burke, Vermont Association of Chiefs of Police

Vice-Chair

- Anthony Facos, United States Attorney's Office

Members

- Commissioner Jennifer Morrison, Department of Public Safety
- Colonel Matthew Birmingham, Director of the Vermont State Police
- Colonel Justin Stedman, Director of Vermont Fish & Game
- Trevor Whipple, Vermont League of Cities and Towns
- Domenica Padula, Chief – Criminal Division, Vermont Attorney General's Office
- John Campbell, Executive Director, State's Attorney & Sheriff's Office
- Wade Cochran, Vermont Department of Motor Vehicles
- Matthew Valerio, Defender General's Office
- Michael O'Neil, Vermont Troopers Association Representative
- Constable Mark Belisle, Vermont Constable Association
- Ben Herrick, Vermont Police Association Representative
- VACANT, Capitol Police
- VACANT, Vermont State Employees Association
- Director Heather Simons, Vermont Criminal Justice Council
- Sheriff Jennifer Harlow, Orleans County Sheriff, Vermont Sheriff's Association

SUMMARY REPORT 2023

In 2004, the Vermont General Assembly created a Law Enforcement Advisory Board (LEAB) of the Department of Public Safety with authorizing language contained in 20 V.S.A. §1818.

The purpose of the Board is to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies that exercise law enforcement authority in the State of Vermont. Membership of the board is set by statute.

Each year the board is tasked with identifying issues that are of importance to the law enforcement community and then takes testimony on these matters and offers recommendations to advance the issues. Annually, the board prepares a written report outlining the work that has been accomplished. The board uses a collaborative approach in its work, creating working groups from a variety of stakeholders, organizations and subject matter experts.

In recent years the Vermont Legislature has directed the LEAB to revise state model policies. The LEAB is not resourced in a way that allows for the construct of policy. This work is subsequently taken on by the Department of Public Safety policy development and legal team which competes with other demands. A related observation – there is little predictability as to which policies are directed to the LEAB or the Vermont Criminal Justice Council for action. The LEAB feels that there should be more coordination in this regard in addition to an assessment of the resources needed to sustain consistent model policy moving forward.

In 2023, the LEAB addressed the following:

- Statewide Model Policy – Domestic Violence Involving Law Enforcement Employees
- LEAB Model Policy – Crimes Against Health Care Workers and EMS Personnel

As always, LEAB members would welcome an opportunity to offer testimony and answer any questions regarding any subject in this report.

Respectfully submitted,

Shawn P. Burke, Chief of Police
South Burlington Police Department
2023 Chair, LEAB

Statewide Model Policy – Domestic Violence Involving Law Enforcement Employees

The LEAB had last published a model domestic violence policy in 2010. There was not a statutory mandate that agencies adopt a version or essential elements of the model policy in 2010. During the 2023 session the Committee on Government Operations and Military Affairs took up H. 476 to address an array of policy concerns related to domestic violence involving law enforcement employees . The bill as passed required the LEAB to update the model policy by January 1, 2024 and that all law enforcement agencies and constables who exercise law enforcement authority adopt the model policy by July 1st, 2024.

The LEAB assembled a group of stakeholders who identified new policy language aimed to improve the following areas as directed by H. 476:

1. Address domestic violence survivors' needs and leverage best practices in awareness, prevention, and investigation of domestic violence;
2. Identify existing support offered to any law enforcement agency employee or officer who is experiencing domestic violence;
3. Identify new means of supporting law enforcement agency employees or officers who are experiencing domestic violence;
4. Develop processes to protect the privacy of agency employees and officers experiencing domestic violence and to maintain the confidentiality of any information shared by these individuals;
5. Amend or replace language found in 2010 Domestic Violence Involving Law Enforcement Model Policy, section 3.8 (Member 19 Responsibilities), subdivision (4) to require a law enforcement agency employee or officer subject to a final relief from abuse order pursuant to 15 V.S.A. § 1103 to immediately surrender all service weapons.

The process produced a comprehensive model policy that was presented to the LEAB in December of 2023, the LEAB unanimously approved the policy. The Vermont Police Academy will be developing a training curriculum which will be delivered to all law enforcement officers as part of the 2024 required in-service training.

LEAB Model Policy – Crimes Against Health Care Workers and EMS Personnel

In 2011 the legislature passed Act No. 26 which imposed enhanced penalties for convictions of simple or aggravated assaults against health care workers and emergency medical personnel while the health care workers or emergency medical personnel are performing a lawful duty.

The act also directed the law enforcement advisory board to adopt a model policy to address enforcement of the criminal code as it relates to assaults against health care workers while they are engaged in their official duties providing patient care – by all appearances this was never done.

In 2023, the law enforcement advisory board took up this work with stakeholders from the Vermont Association of Hospitals and Health Systems. The model policy process developed guidance to law enforcement officers about warrantless arrests for non-witnessed misdemeanor crimes against health care workers, including the procedures for law enforcement officers to follow when arresting or removing individuals from hospitals and outlined procedures for law enforcement officers who are called to investigate incidents involving when someone interferes with a health care workers provision of services.

The stakeholder group was unable to engage with representatives of the emergency medicine community during the 2023 policy development process. The group aims to engage with the EMS community in early 2024 to gain their perspective before publishing a policy for the LEAB to consider.