



1. TITLE OF RULE FILING:

**Vermont Criminal Justice Council Rules**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

24P 045

3. ADOPTING AGENCY:

Vermont Criminal Justice Council

4. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Kim McManus

Agency: Vermont Criminal Justice Council Mailing

Address: 317 Academy Rd, Pittsford VT 05763

Telephone: 802-483-2741 Fax:

E-Mail: kim.mcmanus@vermont.org

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://vcjc.vermont.gov/council/rules>

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name:

Agency:

Mailing Address:

Telephone: Fax:

E-Mail:

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

20 VSA 2355 and 20 VSA 2352 (3)

**EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

Pursuant to 20 V.S.A 2355(a), the Vermont Criminal Justice Council is required to create and maintain rules for governing the training and certification of law enforcement officers in the State of Vermont.

Specifically for this filing, 20 V.S.A.

2355(a)(13) requires the Council to adopt rules with respect to: "Advanced Roadside Impaired Driving Enforcement training programs and requirements for Levels I, II, and III law enforcement certification, including minimum hours of training, prerequisites, and time periods for completion," and 20

8. VSA 2355(a)(11) requires rules with respect to "the contents and application of the Law Enforcement Officer's Code of Conduct."
9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
12. THE AGENCY HAS NOT INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
13. THE AGENCY HAS NOT INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
14. **CONCISE SUMMARY (150 WORDS OR LESS):**

The proposed amendments contain four additions to our Rule. The first addition is the training requirement for law enforcement officers regarding Advanced Roadside Impaired Driving Enforcement (ARIDE) and a mechanism to apply for an indefinite waiver for officers who do not regularly engage in traffic enforcement duty such as the head of a law enforcement agency. (Rule 22(b) and 23). The second addition are rules for the content, implementation and modification of the newly legislated Law Enforcement Officers' Code of Conduct (Act 124). (Rule 28). The third addition is

the Council's clarification that it conducts its meetings per Robert's Rules of Order. (Rule 4a). Lastly, the fourth amendment clarifies that the entity that "reviews" a waiver is the same entity that "approves" the waiver within the Council's training waiver rule. (Rule 23)

**15. EXPLANATION OF WHY THE RULE IS NECESSARY:**

The Legislature removed ARIDE requirements from the Council's training legislation and mandated that the Council create rules for ARIDE training in 2023. The Code of Conduct and the mandate that the Council create Rules for the Code of Conduct was enacted in June of 2024 (Act 124) and will go into effect January 1, 2025. The edition of the Robert's Rules language to Rule 4 and the edits to the training waivers process in Rule 23 is to ensure that the Council processes are clear to Council members and to the public.

**16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

The Rule and its sub-parts are written so that they are understandable to the public and the Rule is based on facts that can either be derived from statute or from our procedures.

**17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

Dept of Public Safety, Vt League of Cities and Towns, Dept. of State's Attorneys and Sheriffs, Municipal Law Enforcement Agencies, Dept of Liquor Control, DMV, OPR, Attorney General's Office, VT Homeland Security Unit, Board of Medical Practice (Investigators with law enforcement certification) and County Special Investigation Units.

**18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

It is anticipated that the proposed rule changes will not have an economic impact on the VCJC's budget and a minimal economic impact on the public; specifically, law enforcement agencies. The additional training requirement for ARIDE will fall within an officer's mandated annual training. Therefore, while there is a cost to the training, this cost will be subsumed by the department's pre-existing budget for annual mandated training. The other proposed

amendments will not economically impact the law enforcement community or the public.

The public will benefit from the overall efficiency of having the appropriate officers identified who should be trained with the advanced DUI detection training. The public will also benefit from the new Law Enforcement Officers' Code of Conduct which will provide the public and law enforcement with clear expectations for the professional standards for law enforcement professionals.

19. A HEARING WAS NOT HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

11/15/2024

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE  
SEARCHABILITY OF THE RULE NOTICE ONLINE).

Criminal Justice Council

law enforcement Training

ARIDE

Advanced Roadside Impaired Driving Enforcement

Law enforcement officers' Code of Conduct

law enforcement professional regulation



**Criminal Justice Council**  
**Vermont Police Academy**  
317 Academy Road  
Pittsford, VT 05763  
[www.vejc.vermont.gov](http://www.vejc.vermont.gov)

[phone] 802-483-6228  
[fax] 802-483-2343

*Office of the Assoc. General Cou*

November 20, 2024

Legislative Committee on Administrative Rules  
Vermont State House  
115 State Street  
Montpelier, VT 05633-5301

RE: Criminal Justice Council's Proposed Final Rule Submission

Dear Chair Squirrel,

As promised last spring, the Criminal Justice Council is back before your committee with four Rule revisions; two sections that are required by statute and two sections that needed some small clarifications.

The body of our Rule revisions has not changed since our proposed filing. As outlined in our Public Input Maximization strategy, the bulk of our public input took place prior to our proposed filing. The public and council members were provided an additional opportunity to provide feedback or comment on the proposed Rules revisions at the November 6, 2024 Council meeting. No feedback or comments were provided at that time, and no feedback or comments were submitted during the public comment period.

In between the proposed filing and the proposed final filing, one non-substantive change was made to the Council Rules. "Rule 28 – Law Enforcement Officers' Code of Conduct" was added to our Rules Table of Contents.

Our Final Proposed Filing coversheet has been edited to fix two problems noted by the APA Coordinator in its October 16, 2024 memorandum. The Council's zip code was added to section four, and the enabling legislation was updated in section seven.

Please let me know if you need anything further to assist the Committee in reviewing our proposed filing. Thank you for your time and attention to this matter.

Sincerely,

*Kim McManus*

Kim McManus  
Associate General Counsel  
Vermont Criminal Justice Council  
[Kim.mcmanus@vermont.gov](mailto:Kim.mcmanus@vermont.gov)



## Adopting Page

### **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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2. ADOPTING AGENCY:

Vermont Criminal Justice Council

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

24-016, Vermont Criminal Justice Council, June 1, 2024





## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** October 14, 2024, virtually via Microsoft Teams

**Members Present:** Chair Sean Brown, Jared Adler, Jennifer Mojo, John Kessler, Michael Obuchowski, Natalie Weill, and Nicole Dubuque

**Members Absent:** Diane Sherman

**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the August 12, 2024 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages to follow.
  1. Updates to the Hazard Communication Standard, Department of Labor, page 2
  2. Administrative Rules of the Board of Dental Examiners, Secretary of State, Office of Professional Regulation, page 3
  3. Council Rules, Vermont Criminal Justice Council, page 4
  4. Critical Incident Management System – Home and Community-Based Services, Agency of Human Services, page 5
  5. Person-centered Planning – Home and Community-Based Services, Agency of Human Services, page 6
- Next scheduled meeting is Friday, November 15, 2024 at 1:00 p.m.
- 3:04 p.m. meeting adjourned.

**Proposed Rule: Council Rules, Vermont Criminal Justice Council**

**Presented By:** Kim McManus

Motion made to accept the rule by Sean Brown, seconded by Mike Obuchowski, and passed unanimously with the following recommendations:

1. Rule Title: Confirm the full name of the proposed rule and update throughout the proposed rule and filing if necessary.
2. Proposed Filing – Coversheet:
  - a. #12: Include any beneficial aspects of the proposed rule. Quantify “minimal” and “de minimus”.
  - b. #16: Spell out “ARIDE”.
  - c. Public Input #4: Clarify the connection between the Office of Racial Equity and the Racial Equity Advisory Panel.

DRAFT

# Economic Impact Analysis

## **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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### 3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

Law Enforcement agencies - municipal, county, state and executive branch. The only potential economic impact is the cost of additional training. This cost is expected to be minimal as it will fall within a law enforcement agency's pre-existing departmental budget for annually mandated training.

### 4. IMPACT ON SCHOOLS:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

The is no anticipated impact on public schools.

5. **ALTERNATIVES:** *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Since there is no anticipated impact on public schools, no alternatives were considered.

6. **IMPACT ON SMALL BUSINESSES:**

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

There is no anticipated impact on small businesses.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

There is no anticipated burden for small businesses that needed to be reduced.

8. **COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

Since there is no anticipated impact on small businesses, no alternatives were considered.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The additional training requirements will fall within an officer's annually mandated training and therefore have a minimal economic impact on the officer's and/or their department's budget. This analysis and estimate of economic impact is based on information available to the Vermont Criminal Justice Council.



# Environmental Impact Analysis

## **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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### 3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

No Impact anticipated

### 4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

No Impact anticipated

### 5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

No Impact anticipated

### 6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

No Impact anticipated

7. *CLIMATE: EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No Impact anticipated

8. *OTHER: EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No Impact anticipated

9. *SUFFICIENCY: DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

In reviewing the operations of the Council and the Vermont Police Academy, none of the proposed rules would change our day to day operations in a manner that would impact the environment differently than our current operation.

## Public Input Maximization Plan

### **Instructions:**

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

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3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The process to create the proposed rules went through two VCJC subcommittees - the Act 56 subcommittee and the Rules subcommittee. The subcommittee meetings were held in accordance with Open Meeting Law. Law Enforcement Agency Heads were invited to a Q and A with the Act 56 Subcommittee on August 20, 2024 to discuss the Code of Conduct. An informational session was held for law enforcement agency heads a week later on August 27, 2024. Approximately forty participants attended the informational meeting.

The Office of Racial Equity (represented on the Council and on the act 56 subcommittee) forwarded the Code of Conduct and the rules for the Code of Conduct to the Racial Disparities in the Criminal and Juvenile Justice Systems Advisory Panel (RDAP). RDAP discussed the Code of Conduct and the proposed Rules as an agenda item on September 10, 2024. Feedback and comments made during that meeting were collected and forwarded to the Act 56 subcommittee for review.



## Public Input

The process for, and the creation of, the proposed Rules was discussed at several VCJC meetings with the Council approving that the proposed amendments to its rules move forward to the rulemaking process on Sept 17, 2024. All members of the Council were encouraged to share the rules with their constituents prior to the vote on September 17, 2024.

The Council will hold one more public meeting on November 8, 2024 to capture any additional feedback.

#### 4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Council is comprised of representatives from the following organizations (all have been, and will continue to be, encouraged to inform their respective organization of the proposed rule change): Dept. of Public Safety, Dept. of Corrections, Dept. of Motor Vehicles, Dept. of Fish and Wildlife, Dept. of Mental Health, Attorney General's Office, Dept of State's Attorneys and Sheriffs, Dept. of Racial Equity, VT Troopers Association, VT Police Association, VT Chief Association, VT Sheriff's Association, VT State Employee Association, VT League of Cities and Towns, Center for Crime Victims Services, Human Rights Commission, the VT Network against Domestic Violence and Sexual Assault, and seven governor appointed community members of whom one is a mental health crisis worker, one is a person who has lived experience with a mental health condition or psychiatric disability and at least one person who was nominated from one of the VT chapters of the NAACP.



**STATE OF VERMONT  
CRIMINAL JUSTICE COUNCIL  
Rules**

Table of Contents

Chapter 1: Organization

- Rule 1 Authority, Prior Regulations Repealed, Severability
- Rule 2 Description of Organization
- Rule 3 Distribution of Rules
- Rule 4 Meetings
- Rule 5 Officers
- Rule 6 Executive Director

Chapter 2: Rules of General Applicability

- Rule 7 Definitions
- Rule 8 Rule Waivers
- Rule 9 Appeals

Chapter 3: Training

- Rule 10 Council Training Programs
- Rule 11 Establishment of Fee Schedule
- Rule 12 Minimum Training, Equipment, and Facility Standards for Law Enforcement Certification Courses
- Rule 13 Standards for Instructors for Approved Law Enforcement Certification Courses
- Rule 14 Entry Standards for Basic Training
- Rule 15 Basic Training Standards for Level I Law Enforcement Officers
- Rule 16 Scope of Practice for Level I Law Enforcement Officers
- Rule 17 Basic Training Standards for Level II Law Enforcement Officers
- Rule 18 Scope of Practice for Level II Law Enforcement Officers
- Rule 19 Basic Training Standards for Level III Law Enforcement Officers
- Rule 20 Mandatory Annual In-Service Training for Law Enforcement Officers
- Rule 21 Recertification of Law Enforcement Officers
- Rule 22 Specialized Training Standards; Certification
- Rule 23 Training Waivers

Chapter 4: Professional Regulation

- Rule 24 Violations While Attending Training
- Rule 25 Suspensions, Decertifications, and Revocations
- Rule 26 Professional Regulation Committee
- Rule 27 Council Hearings
- Rule 28 Law Enforcement Officers' Code of Conduct

## Chapter 1: Organization

### Rule 1 AUTHORITY, PRIOR REGULATIONS REPEALED, SEVERABILITY

- a. The Vermont Criminal Justice Council adopts these rules pursuant to the authority granted to it by 20 V.S.A. Ch. 151 and the requirements in 3 V.S.A. Ch. 25, Subch. 3. These rules shall become effective fifteen (15) days after adoption is complete. All prior certificates and approvals issued on behalf of the Council shall continue in full force and effect, except as otherwise provided in these rules.
- b. All other prior rules shall automatically be repealed when these rules become effective. All other prior practices, procedures, policies, guidance documents, and Memorandums of Agreement, either informal or formal, shall be repealed when these rules become effective, but only to the extent they are inconsistent with these rules.
- c. The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any persons or circumstances is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.
- d. The Council may, pursuant to 3 V.S.A. § 835, adopt procedures and guidance documents to supplement and clarify the provisions of these rules. All such procedures and guidance documents shall be available on the Council's website.

### Rule 2 DESCRIPTION OF ORGANIZATION

- a. The purpose and definition of the Council is derived from 20 V.S.A. § 2351.
- b. The composition of the Council is derived from 20 V.S.A. § 2352.
- c. The statutory authority for the Council is derived from 20 V.S.A., Chapter 151 as amended.

### Rule 3 DISTRIBUTIONS OF RULES

- a. All rules and procedures of the Council related to training requirements and professional regulation shall be made available to each law enforcement agency head and to the public. Each trainee of any training program shall be provided with a copy of all rules and procedures of the Council pertinent to the training program the trainee is attending. Distribution may be made electronically or in printed form.

### Rule 4 MEETINGS

- a. The Council shall hold regular meetings, at least quarterly as required in 20 V.S.A. § 2354. The date, time, and location of such meetings shall be noticed as provided in this rule. Unless otherwise specified in Council Rule, the most recent version of Robert's Rules of Order shall govern all meetings of the Council except when in conflict with the law.

- b. Special meetings may be called at any time by the Chair or upon written notice of six (6) Council members. The date, time, and location of such meetings shall be noticed as provided in this rule.
- c. Notice of any regular or special meeting shall be given by the Executive Director to each Council member. The notice shall include the date, time, and location of the meeting and an agenda, if one has been established. Copies of supporting documentation for agenda items shall be included.
- d. Notice of any regular or special meeting shall be posted and distributed to comply with specific requirements of Vermont's Open Meeting law. Notice of all meetings shall be provided to the Agency of Administration by the Executive Director to comply with 1 V.S.A. § 312.
- e. The agenda of any regular or special meeting of the Council shall be prepared by the Executive Director with advice of the Chair. Additional agenda items may be added at any regular meeting by any member present or by a member's proxy as the first order of business at the meeting pursuant to 1 V.S.A. § 312(d)(3)(A).
- f. A Council member may appoint a person to act as the Council member's proxy in the Council member's absence. Such proxies shall be appointed by letter to the Chair, presented at or prior to the meeting.
- g. A quorum of thirteen (13) Council members, or their duly appointed proxies, shall be required for conducting business, except as noted below. The concurrence of a majority of the Council members and proxies authorized to vote shall be required to take binding action on Council business.
  - i. A quorum of nine (9) Council members, or their duly appointed proxies, shall be required for council hearings pertaining to unprofessional conduct.
- h. The Chair shall preside over all Council meetings. In the absence of the Chair, one of the Vice-Chairs selected by the Chair shall preside. In the event that neither the Chair nor a Vice-Chair is present at a meeting, the Council may elect, from its members present, a Chair pro-tem who shall preside at that meeting.
- i. All meetings shall be open to the public unless an executive session is invoked under 1 V.S.A. § 313. Minutes of each meeting shall be kept and made part of the public record, except portions of such minutes exempted by law. The Executive Director shall be responsible for the recording of minutes and the dissemination of those minutes to Council members following each meeting.
- j. Any Council meeting may be recessed or adjourned on a majority vote of the members or proxies, subject at all times to the requirements of law.
- k. The presiding officer at a meeting shall not vote unless there is a tie vote of the other Council members and proxies present and voting.

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## **Rule 5 OFFICERS**

- a. The officers of the Council shall consist of a Chair and two Vice-Chairs.
- b. The general conduct of the duties and responsibilities of the Council shall be vested in its Chair, who shall preside over all Council meetings. The Chair shall have the authority to act on behalf of the Council in all matters which have previously been approved by a vote of its members.
- c. In the event that the Chair is unable for any reason to discharge the duties of that office, such matters shall be discharged by the Vice-Chairs.
- d. Pursuant to 20 V.S.A. § 2352(a)(3), the Chair shall be appointed by the Governor. The Vice-Chairs shall be elected for a term of one (1) year upon a vote of the members or their proxies present at a duly noticed meeting of the Council whenever a vacancy is created. Nominations for Vice-Chair may be made from the floor or by letter of any Council member filed with the Executive Director on or before the date of such election. A nomination in either manner shall require a second prior to the election. The persons receiving the most votes of the members or their proxies present and voting shall be declared the Vice-Chairs. One Vice-Chair shall be a representative of a law enforcement agency and the other Vice-Chair shall not be a representative of a law enforcement agency.
- e. A vacancy is created when either the Chair or Vice-Chair ceases to be a member of the Council, ceases to hold the position which initially qualified that person for Council membership, upon unavailability for any reason for a period of six (6) months, or upon expiration of the term of office.
- f. In the event the position of Chair becomes vacant, the balance of that officer's term shall be discharged by the Vice-Chairs until the Governor appoints a new Chair.

## **Rule 6 EXECUTIVE DIRECTOR**

- a. Subject to Council supervision and the provisions of the Council rules, the Executive Director is empowered to act on behalf of the Council as to those matters enumerated in 20 V.S.A. § 2357 and to generally assist the Council in the discharge of its duties under Title 20 V.S.A. Chapter 151.
- b. The Executive Director shall be responsible for obtaining compliance with matters enacted by the Council, within the period of time set by the Council or, otherwise, by law.
- c. The Executive Director shall have full administrative and operational responsibility for the direction and control of Council employees, agents, instructional staff, and consultants appointed under the provisions of 20 V.S.A. § 2355(c). The Executive Director shall be responsible for the use of all property belonging to or assigned to the Council and shall maintain necessary records thereof.
- d. The Executive Director shall be responsible for the preparation of the Council's budget and its presentation before the General Assembly.

- e. The Executive Director shall report either verbally or in writing at each Council meeting as to the discharge of duties and the conduct of Council business.
- f. In the Executive Director's absence, the Deputy Executive Director may exercise the authority granted to the Executive Director.
- g. The Executive Director shall have the authority to establish committees, and to appoint members as needed or necessary by these rules, to assist in carrying out the duties of the Executive Director and the Council. The Executive Director shall seek the input of the Chair prior to exercising this authority.

## **Chapter 2: Rules of General Applicability**

### **Rule 7 DEFINITIONS**

- a. The definitions of 3 V.S.A. § 801 and 20 V.S.A. § 2351a are hereby made applicable to these rules and regulations.
- b. For the purposes of these rules:
  - i. "Council" shall mean the Criminal Justice Council established pursuant to 20 V.S.A. Ch. 151.
  - ii. "Criminal justice personnel" is defined as including, but not limited to, law enforcement officers, communications personnel, and correctional employees.
  - iii. "Criminal justice training" is defined as that training that is required or permitted pursuant to these rules.

### **Rule 8 RULE WAIVERS**

- a. This rule applies to requests to waive any requirement of these rules, including but not limited to training waiver requests made pursuant to Rule 25.
- b. The Council may waive any requirement of these rules if the individual requesting the waiver demonstrates to the Council's satisfaction that an alternative method will provide equal or greater support for the purposes of these rules, the Council's enabling legislation (20 V.S.A. Ch. 151) and the Council's program missions and goals.
- c. All waiver requests shall be on forms approved by the Council.
- d. The Executive Director may refer any waiver request to the Waiver Committee for review and the preparation of a recommendation to the Council.
- e. The Council may delegate, in writing, to the Waiver Committee the authority to issue decisions on waiver requests. Any such written delegation shall specify the types of waivers the Waiver Committee has the authority to decide. The Waiver Committee may refer any

waiver request it has the authority to decide to the Council.

- f. All waiver decisions shall be in writing. Copies of written decisions shall be provided to the individual requesting the waiver.

**Rule 9 APPEALS**

- a. Any written decision by the Executive Director or a Committee of the Council, which the Executive Director or Committee is authorized by statute or these rules to make, may be appealed to the Council within thirty (30) days of the decision by any party to the proceeding in which the decision was issued.
- b. Any appeal pursuant to this rule shall be taken by filing a written notice of appeal, expressed in simple terms, with the Executive Director prior to the expiration of the thirty (30) day appeal period.

**Chapter 3: Training**

**Rule 10 COUNCIL TRAINING PROGRAMS**

- a. Council training programs for law enforcement officers and other criminal justice personnel shall comply with the standards and requirements of these rules.
- b. The conduct of all Council training shall be under the direction of the Executive Director. Standards of conduct for such programs shall be approved by the Council.
- c. Courses offered and participating instructors shall be evaluated at the conclusion of instruction by attending students, as directed by the Executive Director.

**Rule 11 ESTABLISHMENT OF FEE SCHEDULE**

- a. No later than at its last regular meeting held in any fiscal year, the Council shall establish a base tuition rate and fee schedule for the fiscal year next commencing on July 1.
- b. Such rate shall not apply to basic training.
- c. Prior to establishing a base tuition rate pursuant to subdivision (a) of this rule, the Executive Director shall report, in writing, to the Council members all cost information required to be considered in the base tuition rate under 20 V.S.A. § 2355(f)(1) for training required under 20 V.S.A. § 2358.
- d. The Council shall adopt the base tuition rate under 20 V.S.A. § 2355(f)(1) through formal rulemaking pursuant to the Administrative Procedure Act (3 V.S.A., Chapter 25).
- e. Tuition fees for training not required under 20 V.S.A. § 2358 shall be set pursuant to 32 V.S.A. § 603(3) to reflect the actual costs for operation of the particular programs offered,

with an additional thirty dollar (\$30.00) entrance exam fee. These fees need not be adopted through formal rulemaking pursuant to the Administrative Procedures Act (3 V.S.A., Chapter 25) and may become effective immediately upon vote of the Council.

**Rule 12 MINIMUM TRAINING, EQUIPMENT, AND FACILITY STANDARDS FOR LAW ENFORCEMENT CERTIFICATION COURSES**

- a. The Executive Director shall certify those law enforcement officers who have successfully completed the basic law enforcement certification course (Levels I, II, and III courses). In order to qualify for certification, each trainee shall:
  - i. Comply with all regulations and guidelines promulgated by the Council; and
  - ii. Participate in all courses and classes, unless absences are authorized by the Executive Director because of exigent circumstances.
- b. All law enforcement officers issued a certificate under this section shall also be assigned a unique certification number. The certification numbers shall be of a format approved by the Executive Director.
- c. Equipment and facilities available for use at each approved training location shall comply with the requirements of any procedures approved by the Council.

**Rule 13 STANDARDS FOR INSTRUCTORS FOR APPROVED LAW ENFORCEMENT CERTIFICATION COURSES**

- a. All instructors who teach a curriculum approved by the Vermont Criminal Justice Council must be certified by the Executive Director. The Executive Director may make certification decisions in consultation with training staff and subject matter experts in the field.
- b. Applicants for certification as an instructor must be approved by their sponsoring agency head. As part of an instructor's application, they must have a letter from their agency head who endorses the applicant's competency in professionalism and the applicant's capacity for working respectfully with a variety of individuals in a learning environment.
- c. Applicants for certification as an instructor must meet the following criteria:
  - i. Applicant is a certified law enforcement officer or a subject matter expert;
  - ii. If the applicant is a law enforcement officer, the applicant must be compliant with their annual in-service training;
  - iii. Applicant completes an instructor development course approved by the Council; and
  - iv. Applicant completes any pre-requisite "train-the-trainer" or subject matter course work as required by the Executive Director.
- d. To apply for an instructor certification, an applicant must submit a resume or curriculum vitae to the Executive Director. The resume or C.V. shall include:



- i. The proposed area of instruction that the applicant is seeking to be certified to teach;
- ii. The applicant's professional experience, including both law enforcement experience and any other relevant professional experience;
- iii. Any law enforcement training certifications, including past instructor certifications; and
- iv. Two professional references.
  - 1. The referrer should have first person knowledge of the applicant's expertise and/or experience in the subject matter and/or the applicant's ability to communicate effectively in a learning environment.
- e. An individual may apply for certification in more than one (1) area of instruction.
- f. Instructor Recertification
  - i. Certified Instructors will be required to complete certification in their relevant training area and in instructor development training as required by the Executive Director.
- g. Field Training Officer. Application for this position may be made by any Level II or Level III law enforcement officer who has completed the Field Training Officer Certification Course approved by the Council.
  - i. To be eligible for recertification, the FTO must attend and satisfactorily complete a Council approved FTO update/refresher. In addition, the applicant for recertification must document the instructor's active participation as an instructor and any additional training received, pertinent to the subject for which they are certified as an instructor, since their last certification. Failure to attend and successfully complete the required update/refresher within the certification period will render the instructor ineligible for recertification as a field training officer.
- h. The Executive Director may immediately suspend an instructor verbally and have the instructor removed from the Vermont Police Academy, or remote classroom, for cause. The Executive Director will provide the suspended instructor with written notice as outlined in subsection (i) below within ten (10) days of the verbal suspension.
- i. The Executive Director may suspend or revoke the certification of any instructor for cause, after providing notice in writing to the instructor outlining the facts or conduct justifying the intended action and providing an opportunity for the instructor to show compliance with all lawful requirements to retain such certification. Cause shall include any failure to: (1) meet general standards of competency or professionalism; (2) perform the minimum number of trainings per year required by the Council; (3) attend any periodic refresher course mandated by the Council; (4) maintain the requisite law enforcement officer certification; or created an unsafe training or workplace environment.
- j. All certification decisions shall be in writing.

#### **Rule 14 ENTRY STANDARDS FOR BASIC TRAINING**

The following minimum entry standards for basic training have been adopted by the Council. All individuals seeking entry to basic training courses for Level I, Level II, and Level III law enforcement officers, unless otherwise noted, shall meet the minimum standards as set forth below:

- a. **Age.** Candidate must be at least eighteen (18) years of age at the time of application for acceptance into basic training.
- b. **Education.** At the time of application, each candidate must - as a minimum standard - be a high school graduate or possess a high school equivalency diploma (G.E.D. certificate).
- c. **Medical Examination.**
  - i. A comprehensive medical examination (conducted no more than six (6) months prior to the date of entry). The examination - to be performed by a licensed physician, physician's assistant, APRN or RN - is to reflect that the candidate is free of any disease or disability which would interfere with the candidate's physical performance in basic training. The report from a licensed physician, physician's assistant, APRN or RN must state that the candidate is physically capable of undergoing a rigorous physical exercise program.
  - ii. At the discretion of the Executive Director, upon reasonable cause or concern for the trainee's health, a candidate must submit to reexamination by a licensed physician, physician's assistant, APRN or RN chosen by the Council. Failure to pass such reexamination will render a person ineligible for entry to basic training.
- d. **Written Examination.** Each candidate for the Vermont Police Academy must achieve a passing score on the current Vermont Police Academy entrance examination as a prerequisite to acceptance into basic training. The content of the examination and the passing score for the examination shall be approved by the Council. This examination shall be administered in accordance with a policy approved by the Executive Director.
- e. **Physical Fitness Assessment.** Each candidate for the Vermont Police Academy must satisfactorily complete a physical fitness test and attain a minimum level of fitness as prescribed by the Council, prior to entry to any basic training course.
- f. **Background and Character Check**
  - i. Each candidate must successfully undergo a thorough, comprehensive background and character check conducted by the candidate's prospective agency. Those individuals convicted of any felony, a misdemeanor involving injury to another, or under any order prohibiting the possession of a firearm will not be considered.

Academy staff must have documentation confirming the candidate successfully meets this requirement. The background investigation shall include the submission of the candidate's fingerprints to the Federal Bureau of Investigation to ascertain if a criminal history record exists. All fingerprint cards submitted to the FBI shall be routed through the fingerprint section of the Vermont Criminal Information Center (VCIC).

- ii. The background investigation will include a polygraph examination. A candidate will be excluded from attending basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
  - 1. Domestic assault and/or related conduct (stalking, APO violations);
  - 2. Sex offenses;
  - 3. Victimized children or vulnerable adults;
  - 4. Fraud or related offenses involving an attempt to deceive for financial gain;
  - 5. Violation of court orders; or
  - 6. Any other conduct that would be deemed unbecoming of a police professional.
- iii. A candidate will be excluded from basic training if any of the previous conduct is identified during the background and character check.
- iv. A candidate may be excluded from basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
  - 1. Distribution of controlled substances;
  - 2. Under the influence of controlled substances, not lawfully possessed, within a year prior to the proposed training session entry date.
- g. **Psychological Inventory.** Each candidate's prospective department must have submitted to the Council documentation confirming the candidate has been psychologically evaluated through the use of a reliable and valid assessment procedure, approved by the Executive Director, and a written certification that, in the reasonable opinion of the hiring agency, the candidate is presently emotionally suited for law enforcement work.

#### **Rule 15 BASIC TRAINING STANDARDS FOR LEVEL I LAW ENFORCEMENT OFFICERS**

No person, unless exempted by statute, shall exercise law enforcement powers as a Level I law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council on an annual basis dependent on the core

competency curriculum for Level I's scope of practice. The core competency curriculum will include any statutorily required training. The Council will post the training dates for the following year by September 1st.

- a. Upon successful completion of the Academy Course described above, a Level I enforcement officer will be issued a provisional twelve (12) month certification granting law enforcement authority, but only under the direct supervision and control of a fully certified Level I, II, or III law enforcement officer.
- b. During the twelve (12) month period of the provisional certification, an officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by the Council on an annual basis based on evidence-based best practices of 21st Century policing. These courses may be offered at the Academy and at various field locations around the state.
- c. During the same twelve (12) month period the officer must satisfactorily complete Phase III - a Council-certified Field Training and Evaluation Program. This may be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no fewer than sixty hours, on performance of pertinent tasks observed and evaluated by a Council-certified Field Training Officer who attests to successful completion of those tasks.
- d. Upon successful completion of all three phases of training, the Executive Director shall issue a Level I officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(1)(B))

**Rule 16 SCOPE OF PRACTICE FOR LEVEL I LAW ENFORCEMENT OFFICERS**

- a. Security details, including courtroom security;
- b. Transports;
- c. Vehicle escorts;
- d. Management of traffic flow;
- e. Conduct authorized by 20 V.S.A. § 2358(b)(1)(B)(i)(I)-(IV), subject to the limitation in 20 V.S.A. § 2358(b)(1)(B)(ii).

**Rule 17 BASIC TRAINING STANDARDS FOR LEVEL II LAW ENFORCEMENT OFFICERS**

- a. No person, unless exempted by statute, shall exercise law enforcement powers as a Level II law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council on an annual basis dependent on the core competency curriculum for Level II's Scope of Practice. The core competency curriculum will

include any statutorily required training. The Council will post on its website the training dates for the following year by September 1st.

- b. Upon successful completion of the Academy Course described above, the Level II law enforcement officer will be issued a provisional twelve (12) month certification that grants law enforcement authority but only under the direct supervision and control of a fully certified Level II or Level III officer.
- c. During the twelve (12) month period of the provisional certification, the officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by the Council on an annual basis based on evidence based, best practices of 21st Century policing. These courses may be offered at the Academy and at various field locations around the state.
- d. During the same twelve (12) month period the officer must satisfactorily complete Phase III - a Council certified Field Training and Evaluation Program. This can be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no fewer than sixty (60) hours, on performance of pertinent tasks observed and evaluated by a Council certified Field Training Officer who attests to successful completion of those tasks.
- e. Upon successful completion of all three phases of training, the Executive Director shall issue a Level II officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(2)(B))

#### **Rule 18 SCOPE OF PRACTICE FOR LEVEL II LAW ENFORCEMENT OFFICERS**

The scope of practice of a Level II law enforcement officer shall be in accordance with 20 V.S.A. § 2358 or as otherwise authorized by law.

#### **Rule 19 BASIC TRAINING STANDARDS FOR LEVEL III LAW ENFORCEMENT OFFICERS**

No person, unless exempted by statute, shall exercise law enforcement powers as a Level III law enforcement officer in any municipality, county, or state law enforcement agency before completing the basic training course at the Police Academy or at another approved facility (or completing a course of instruction and training which is equal to Vermont's Basic Training Course for Level III Law Enforcement Officers, outside of Vermont). The basic course shall consist of instruction required by law and/or approved by the Council with a curriculum that is rooted in evidenced-based, best practices of 21st Century policing, which shall be posted to the Council's website and made available to the public upon request. The minimum number of hours allotted each major topic category of the basic training course shall be specified by the Executive Director and approved by the Council, but the entire basic training course shall consist of a minimum number of hours of training as established by the Council on an annual basis. The Council will post on its website the training dates for the following year by September 1st.

**Rule 20 MANDATORY ANNUAL IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS**

- a. The calendar year following certification as a law enforcement officer, and every calendar year thereafter, each certified law enforcement officer shall participate in a minimum number of hours of training as established by the Council.
- b. Each law enforcement agency head shall submit to the Executive Director a report summarizing the in-service training received by members of that agency during the previous calendar year. Said report shall be submitted prior to March 1st of every year, and shall be in a format approved by the Executive Director. The Council may require specific training to be obtained by all officers as part of their annual in-service training in a given year. The Council may also require individual officers to obtain specified training. Notice of the training requirement must be given to all law enforcement agency heads by December 1 of the prior calendar year.
- c. The Executive Director may temporarily suspend an officer's certification if an officer fails to meet the minimum hours of in-service training as established by the Council or fails to complete any mandatory annual training.
  - i. Prior to a temporary suspension under this rule, an officer will receive:
    - 1. A letter from the Executive Director or designee outlining what training is required for the officer to regain compliance with their annual in-service requirement;
    - 2. A thirty to sixty (30-60) day grace period, depending on the amount of training needed, to complete the required training before the temporary suspension goes into effect; and
    - 3. Notice of the officer's right to request an appeal to the Council.
  - ii. The Executive Director will rescind the temporary suspension when the officer completes the required training and submits proof of the same to the Council.
- d. A law enforcement officer who intentionally or willfully fails to complete their annual in-service training within a calendar year, or within a waiver period previously granted, may be subject to an unprofessional conduct Category C complaint.
- e. The agency's training records shall be available for review by a representative of the Council staff upon reasonable notice.

**Rule 21 RECERTIFICATION OF LAW ENFORCEMENT OFFICERS**

- a. Any certified law enforcement officer who has not been employed as a law enforcement officer in Vermont or as a Training Coordinator for the Vermont Police Academy for a period of three consecutive years or more shall be deemed to have an expired certification.
- b. Any certified law enforcement officer whose certification has expired pursuant to this Rule, whose certification has been revoked pursuant to 20 V.S.A. § 2406, or who has voluntarily

surrendered a certification pursuant to 20 V.S.A. § 2406 shall not exercise any law enforcement authority until the officer successfully satisfies the certification requirements applicable to new law enforcement officers or the officer is recertified pursuant to subsection (c) of this Rule.

- c. Any individual prohibited from exercising law enforcement authority pursuant to this Rule may submit a request for re-certification in writing to the Executive Director. The Executive Director shall review such request and may grant re-certification following the requester's satisfactory completion of training the Executive Director has determined is necessary for re-certification and following the requester showing the ability to function effectively in the exercise of law enforcement authority. The Executive Director will issue a decision about such request in writing.

## **Rule 22 SPECIALIZED TRAINING STANDARDS; CERTIFICATION**

### a. Canine Teams:

The Council shall provide for the basic and advanced training and certification of police canine teams. Standards for selection of canine teams, basic and in-service canine training (to include program entry requirements), certification and recertification, and canine instructor certification shall be developed by the Canine Committee and must be approved by the Council. The "Canine Committee" is established for the purposes outlined herein and members shall be appointed by the Executive Director, pursuant to standards approved by the Council.

### b. Advanced Roadside Impaired Driving Enforcement:

Any law enforcement officer who completes the NHTSA DUI/SFST class shall successfully complete Advanced Roadside Impaired Driving Enforcement ("ARIDE") within three years of completion from the DUI/SFST class. Any law enforcement officer who has successfully completed Drug Recognition Expert ("DRE") training, or the equivalent training, is not required to take ARIDE.

- ~~a-c.~~ The Council may, on its own or through the establishment of one or more Committees, adopt procedures and guidance documents setting forth specialized training standards and certification requirements for specific types of investigations such as death and internal affairs investigations.

## **Rule 23 TRAINING WAIVERS**

- a. The Council's Waiver Committee shall have the authority to review and approve requests for waivers from annual in-service requirements over sixty (60) days in duration.
- b. The Executive Director shall have the authority to review and approve requests for waivers from annual in-service requirements under sixty (60) days in duration, as well as all other training-related waiver requests.
- c. An individual receiving an annual in-service training waiver from the Executive Director may request that the Waiver Committee extend the waiver to longer than sixty (60) days in

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duration.

- d. The Waiver Committee and Executive Director may refer a waiver request to the Council for its approval review.
- e. Waivers of training may be partial, complete, or conditional and shall only be granted on the basis of equivalent training that the individual applicant has successfully completed.
- f. An individual seeking a waiver must also comply with any process for entry to training as approved by the Council.
- g. An individual requesting a waiver of minimum basic law enforcement training shall also demonstrate current competency in:
  - i. De-escalation and Use of Force & Tactics;
  - ii. Fair and Impartial Policing;
  - iii. Response to Domestic & Sexual Violence;
  - iv. Mental Health Crisis Response;
  - v. Firearm Safety; and
  - vi. Any other subject matter that the Council deems necessary taking into consideration the scope of law enforcement work the individual requesting the waiver will be engaged in.
- h. Any waiver may be conditioned on the satisfactory completion of any supplemental or remedial training deemed necessary to equate previous training with current Council training standards. An individual receiving a conditional waiver shall complete any required supplemental or remedial training within the time established in the written conditional waiver decision.
- i. The Council's Waiver Committee may, in limited circumstances, approve an officer an indefinite waiver. Upon issuing an indefinite waiver, the Waiver Committee must outline the circumstances that support the granting of an indefinite waiver, and the Waiver Committee must inform an officer what circumstances would void an indefinite waiver. The Waiver Committee will provide the Council an annual report of the indefinite waivers granted in a calendar year.

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#### Chapter 4: Professional Regulation

##### Rule 24 VIOLATIONS WHILE ATTENDING TRAINING

- a. Violation of any of the policies or regulations of the Council, while attending training, may be grounds for discipline and/or expulsion from any program conducted by the



Council.

- b. Expulsion may be imposed on a trainee after receipt of a written notice of violation and a hearing before the Council. The Executive Director may suspend any trainee from any training program, pending a hearing on expulsion by the Council.

**Rule 25 SUSPENSIONS, DECERTIFICATIONS, AND REVOCATIONS**

- a. In addition to the authority set forth in 20 V.S.A. Ch. 151, Subch. 2, the Council shall have the authority to suspend or revoke the certification of any person for the following reasons:
  - i. Conviction of a felony;
  - ii. Failure to comply with in-service training requirements;
  - iii. A finding that the person's certification was issued as the result of fraud;
  - iv. A finding that the person's certification was issued as a result of error; or
  - v. For any other reasons for which decertification is specifically authorized by statute.
- b. Any decision to suspend or revoke a person's certification shall be made in writing.

**Rule 26 PROFESSIONAL REGULATION COMMITTEE**

- a. The Council shall establish a Professional Regulation Subcommittee which shall recommend to the Council procedures governing how unprofessional conduct reports and complaints are received, reviewed, investigated, and referred to the Council for further action.
- b. Upon adoption by the Council, such procedures shall apply to all unprofessional conduct reports and complaints.

**Rule 27 COUNCIL HEARINGS**

- a. Proceedings before the Council pertaining to unprofessional conduct reports and complaints shall be conducted in accordance with both the requirements in the Administrative Procedures Act relating to contested cases (3 V.S.A. §§ 809-816) and any procedures the Council may adopt regarding unprofessional conduct hearings. In the event of a conflict between the Administrative Procedures Act and the Council's procedure, the former shall govern.
- b. When the Professional Regulation Committee makes a finding that a law enforcement officer has committed a Category B, first offense, the Committee shall:
  - i. Notify the officer of the Committee's finding within thirty (30) days, in writing;
  - ii. Inform the officer that a Category B first offense finding by the Committee may be used as evidence before the Council if the officer has a future hearing before the Council

based on a Category B, second or subsequent offense;

- iii. Provide the officer the opportunity to provide additional evidence and/or testimony before a Council-designated committee to contest the finding of the Category B, first offense, violation; and
  - iv. Inform the officer that if they do not request a hearing to contest the Category B, first offense, finding within ten (10) days of receiving his/her violation letter, or after the Council-designated committee affirms the Professional Regulation Committee's finding, then they waive the right to contest the Category B, first offense, violation findings.
- c. The Council shall take no action to sanction a law enforcement officer who is alleged to have committed a first offense of Category B conduct that is not listed in 20 V.S.A. § 2407 (a).

Rule 28 Law Enforcement Officers' Code of Conduct

a. The Vermont Criminal Justice Council's Law Enforcement Officers' Code of Conduct outlines the expectations for behavior and values for all certified law enforcement officers in the state of Vermont.

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b. This Code is designed to uphold the integrity and professionalism of law enforcement officers while ensuring that conduct standards align with state legislation and the expectations of the Vermont Criminal Justice Council.

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c. As of January 1, 2025, all certified officers are required to adhere to this Code of Conduct, which is established under 20 V.S.A. § 2371(a) and serves as a statewide policy.

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d. Content of Code: The Code includes any conduct categories mandated by the legislature and sets certification standards but does not replace employment discipline or agency-specific employment standards.

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i. Scope and Applicability: The Code applies to both on-duty and off-duty behaviors unless specifically exempted. For off-duty conduct, any sanctions imposed by the Council must be linked to how the behavior affects the officer's ability to perform their duties or represent their agency effectively.

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ii. Nexus Requirement for Off-Duty Behavior: For off-duty behavior to be subject to sanctions as unprofessional conduct, there must be a clear connection to the officer's professional responsibilities or representation of their agency.

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iii. Disciplinary Actions: The Code itself does not outline specific disciplinary actions or penalties for violations. Instead, it serves as a standard for certification and professional conduct, leaving the determination of disciplinary actions to individual agencies or other relevant authorities.

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e. Annual Review: The Council's Code of Conduct is reviewed annually by the professional regulation subcommittee, with any recommended changes presented to the full Council.

**f. Modification of the Code requires a Two-Motion Process:**

The following process is designed to ensure thorough consideration of any modification to the Code of Conduct. The process provides mechanisms for stakeholders to provide valuable input about any proposed modifications to the Code and allow thoughtful review by the Council of the proposed modification and any stakeholder feedback. The process is intentionally designed to promote transparency and careful deliberation before implementing changes to the Code of Conduct.

**i. First Motion:**

- 1. Purpose:** To consider a modification to the Code of Conduct.
- 2. Requirements:** Must comply with notice requirements under 1 V.S.A. 312.
- 3. Vote:** Requires a two-thirds (2/3) majority of the entire Council to pass.
- 4. Outcome if Passed:** A special meeting is scheduled no sooner than 60 days to consider the final approval of the modification.

**a. Special Meeting for Final Approval:**

- i. Notice:** Must meet notice requirements under 1 V.S.A. 312 and include a contact person for collecting questions and comments.
- ii. Collection of Input:** Comments and questions are collected and provided to the Council 30 days before the final vote.

**ii. Second Motion:**

- 1. Purpose:** For final approval of the Code of Conduct modification.
- 2. Vote:** Requires a two-thirds (2/3) majority of the entire Council to pass.

**iii. Handling New Information:**

- 1. If new questions or comments arise within 30 days of the special meeting, a Council member may request a delay of no more than 15 days to review this new information before the final vote.**

**iv. Effective Date:** If approved, the modification will take effect no sooner than 90 days from the date of approval.

**v. Amendments:**

- 1. If the motions are amended (and the amendments are not friendly amendments), notice periods restart to ensure stakeholders and Council members have time to provide feedback.**

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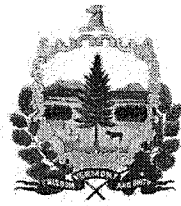
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**STATE OF VERMONT  
CRIMINAL JUSTICE COUNCIL  
Rules**

Table of Contents

Chapter 1: Organization

- Rule 1 Authority, Prior Regulations Repealed, Severability
- Rule 2 Description of Organization
- Rule 3 Distribution of Rules
- Rule 4 Meetings
- Rule 5 Officers
- Rule 6 Executive Director

Chapter 2: Rules of General Applicability

- Rule 7 Definitions
- Rule 8 Rule Waivers
- Rule 9 Appeals

Chapter 3: Training

- Rule 10 Council Training Programs
- Rule 11 Establishment of Fee Schedule
- Rule 12 Minimum Training, Equipment, and Facility Standards for Law Enforcement Certification Courses
- Rule 13 Standards for Instructors for Approved Law Enforcement Certification Courses
- Rule 14 Entry Standards for Basic Training
- Rule 15 Basic Training Standards for Level I Law Enforcement Officers
- Rule 16 Scope of Practice for Level I Law Enforcement Officers
- Rule 17 Basic Training Standards for Level II Law Enforcement Officers
- Rule 18 Scope of Practice for Level II Law Enforcement Officers
- Rule 19 Basic Training Standards for Level III Law Enforcement Officers
- Rule 20 Mandatory Annual In-Service Training for Law Enforcement Officers
- Rule 21 Recertification of Law Enforcement Officers
- Rule 22 Specialized Training Standards; Certification
- Rule 23 Training Waivers

Chapter 4: Professional Regulation

- Rule 24 Violations While Attending Training
- Rule 25 Suspensions, Decertifications, and Revocations
- Rule 26 Professional Regulation Committee
- Rule 27 Council Hearings
- Rule 28 Law Enforcement Officers' Code of Conduct

## **Chapter 1: Organization**

### **Rule 1 AUTHORITY, PRIOR REGULATIONS REPEALED, SEVERABILITY**

- a. The Vermont Criminal Justice Council adopts these rules pursuant to the authority granted to it by 20 V.S.A. Ch. 151 and the requirements in 3 V.S.A. Ch. 25, Subch. 3. These rules shall become effective fifteen (15) days after adoption is complete. All prior certificates and approvals issued on behalf of the Council shall continue in full force and effect, except as otherwise provided in these rules.
- b. All other prior rules shall automatically be repealed when these rules become effective. All other prior practices, procedures, policies, guidance documents, and Memorandums of Agreement, either informal or formal, shall be repealed when these rules become effective, but only to the extent they are inconsistent with these rules.
- c. The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any persons or circumstances is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.
- d. The Council may, pursuant to 3 V.S.A. § 835, adopt procedures and guidance documents to supplement and clarify the provisions of these rules. All such procedures and guidance documents shall be available on the Council's website.

### **Rule 2 DESCRIPTION OF ORGANIZATION**

- a. The purpose and definition of the Council is derived from 20 V.S.A. § 2351.
- b. The composition of the Council is derived from 20 V.S.A. § 2352.
- c. The statutory authority for the Council is derived from 20 V.S.A., Chapter 151 as amended.

### **Rule 3 DISTRIBUTIONS OF RULES**

- a. All rules and procedures of the Council related to training requirements and professional regulation shall be made available to each law enforcement agency head and to the public. Each trainee of any training program shall be provided with a copy of all rules and procedures of the Council pertinent to the training program the trainee is attending. Distribution may be made electronically or in printed form.

### **Rule 4 MEETINGS**

- a. The Council shall hold regular meetings, at least quarterly as required in 20 V.S.A. § 2354. The date, time, and location of such meetings shall be noticed as provided in this rule. Unless otherwise specified in Council Rule, the most recent version of Robert's Rules of Order shall govern all meetings of the Council except when in conflict with the law.

- b. Special meetings may be called at any time by the Chair or upon written notice of six (6) Council members. The date, time, and location of such meetings shall be noticed as provided in this rule.
- c. Notice of any regular or special meeting shall be given by the Executive Director to each Council member. The notice shall include the date, time, and location of the meeting and an agenda, if one has been established. Copies of supporting documentation for agenda items shall be included.
- d. Notice of any regular or special meeting shall be posted and distributed to comply with specific requirements of Vermont's Open Meeting law. Notice of all meetings shall be provided to the Agency of Administration by the Executive Director to comply with 1 V.S.A. § 312.
- e. The agenda of any regular or special meeting of the Council shall be prepared by the Executive Director with advice of the Chair. Additional agenda items may be added at any regular meeting by any member present or by a member's proxy as the first order of business at the meeting pursuant to 1 V.S.A. § 312(d)(3)(A).
- f. A Council member may appoint a person to act as the Council member's proxy in the Council member's absence. Such proxies shall be appointed by letter to the Chair, presented at or prior to the meeting.
- g. A quorum of thirteen (13) Council members, or their duly appointed proxies, shall be required for conducting business, except as noted below. The concurrence of a majority of the Council members and proxies authorized to vote shall be required to take binding action on Council business.
  - i. A quorum of nine (9) Council members, or their duly appointed proxies, shall be required for council hearings pertaining to unprofessional conduct.
- h. The Chair shall preside over all Council meetings. In the absence of the Chair, one of the Vice-Chairs selected by the Chair shall preside. In the event that neither the Chair nor a Vice-Chair is present at a meeting, the Council may elect, from its members present, a Chair pro-tem who shall preside at that meeting.
- i. All meetings shall be open to the public unless an executive session is invoked under 1 V.S.A. § 313. Minutes of each meeting shall be kept and made part of the public record, except portions of such minutes exempted by law. The Executive Director shall be responsible for the recording of minutes and the dissemination of those minutes to Council members following each meeting.
- j. Any Council meeting may be recessed or adjourned on a majority vote of the members or proxies, subject at all times to the requirements of law.
- k. The presiding officer at a meeting shall not vote unless there is a tie vote of the other Council members and proxies present and voting.

## **Rule 5 OFFICERS**

- a. The officers of the Council shall consist of a Chair and two Vice-Chairs.
- b. The general conduct of the duties and responsibilities of the Council shall be vested in its Chair, who shall preside over all Council meetings. The Chair shall have the authority to act on behalf of the Council in all matters which have previously been approved by a vote of its members.
- c. In the event that the Chair is unable for any reason to discharge the duties of that office, such matters shall be discharged by the Vice-Chairs.
- d. Pursuant to 20 V.S.A. § 2352(a)(3), the Chair shall be appointed by the Governor. The Vice-Chairs shall be elected for a term of one (1) year upon a vote of the members or their proxies present at a duly noticed meeting of the Council whenever a vacancy is created. Nominations for Vice-Chair may be made from the floor or by letter of any Council member filed with the Executive Director on or before the date of such election. A nomination in either manner shall require a second prior to the election. The persons receiving the most votes of the members or their proxies present and voting shall be declared the Vice-Chairs. One Vice-Chair shall be a representative of a law enforcement agency and the other Vice-Chair shall not be a representative of a law enforcement agency.
- e. A vacancy is created when either the Chair or Vice-Chair ceases to be a member of the Council, ceases to hold the position which initially qualified that person for Council membership, upon unavailability for any reason for a period of six (6) months, or upon expiration of the term of office.
- f. In the event the position of Chair becomes vacant, the balance of that officer's term shall be discharged by the Vice-Chairs until the Governor appoints a new Chair.

## **Rule 6 EXECUTIVE DIRECTOR**

- a. Subject to Council supervision and the provisions of the Council rules, the Executive Director is empowered to act on behalf of the Council as to those matters enumerated in 20 V.S.A. § 2357 and to generally assist the Council in the discharge of its duties under Title 20 V.S.A. Chapter 151.
- b. The Executive Director shall be responsible for obtaining compliance with matters enacted by the Council, within the period of time set by the Council or, otherwise, by law.
- c. The Executive Director shall have full administrative and operational responsibility for the direction and control of Council employees, agents, instructional staff, and consultants appointed under the provisions of 20 V.S.A. § 2355(c). The Executive Director shall be responsible for the use of all property belonging to or assigned to the Council and shall maintain necessary records thereof.
- d. The Executive Director shall be responsible for the preparation of the Council's budget and its presentation before the General Assembly.

- e. The Executive Director shall report either verbally or in writing at each Council meeting as to the discharge of duties and the conduct of Council business.
- f. In the Executive Director's absence, the Deputy Executive Director may exercise the authority granted to the Executive Director.
- g. The Executive Director shall have the authority to establish committees, and to appoint members as needed or necessary by these rules, to assist in carrying out the duties of the Executive Director and the Council. The Executive Director shall seek the input of the Chair prior to exercising this authority.

## **Chapter 2: Rules of General Applicability**

### **Rule 7 DEFINITIONS**

- a. The definitions of 3 V.S.A. § 801 and 20 V.S.A. § 2351a are hereby made applicable to these rules and regulations.
- b. For the purposes of these rules:
  - i. "Council" shall mean the Criminal Justice Council established pursuant to 20 V.S.A. Ch. 151.
  - ii. "Criminal justice personnel" is defined as including, but not limited to, law enforcement officers, communications personnel, and correctional employees.
  - iii. "Criminal justice training" is defined as that training that is required or permitted pursuant to these rules.

### **Rule 8 RULE WAIVERS**

- a. This rule applies to requests to waive any requirement of these rules, including but not limited to training waiver requests made pursuant to Rule 25.
- b. The Council may waive any requirement of these rules if the individual requesting the waiver demonstrates to the Council's satisfaction that an alternative method will provide equal or greater support for the purposes of these rules, the Council's enabling legislation (20 V.S.A. Ch. 151) and the Council's program missions and goals.
- c. All waiver requests shall be on forms approved by the Council.
- d. The Executive Director may refer any waiver request to the Waiver Committee for review and the preparation of a recommendation to the Council.
- e. The Council may delegate, in writing, to the Waiver Committee the authority to issue decisions on waiver requests. Any such written delegation shall specify the types of waivers the Waiver Committee has the authority to decide. The Waiver Committee may refer any



waiver request it has the authority to decide to the Council.

- f. All waiver decisions shall be in writing. Copies of written decisions shall be provided to the individual requesting the waiver.

### **Rule 9 APPEALS**

- a. Any written decision by the Executive Director or a Committee of the Council, which the Executive Director or Committee is authorized by statute or these rules to make, may be appealed to the Council within thirty (30) days of the decision by any party to the proceeding in which the decision was issued.
- b. Any appeal pursuant to this rule shall be taken by filing a written notice of appeal, expressed in simple terms, with the Executive Director prior to the expiration of the thirty (30) day appeal period.

## **Chapter 3: Training**

### **Rule 10 COUNCIL TRAINING PROGRAMS**

- a. Council training programs for law enforcement officers and other criminal justice personnel shall comply with the standards and requirements of these rules.
- b. The conduct of all Council training shall be under the direction of the Executive Director. Standards of conduct for such programs shall be approved by the Council.
- c. Courses offered and participating instructors shall be evaluated at the conclusion of instruction by attending students, as directed by the Executive Director.

### **Rule 11 ESTABLISHMENT OF FEE SCHEDULE**

- a. No later than at its last regular meeting held in any fiscal year, the Council shall establish a base tuition rate and fee schedule for the fiscal year next commencing on July 1.
- b. Such rate shall not apply to basic training.
- c. Prior to establishing a base tuition rate pursuant to subdivision (a) of this rule, the Executive Director shall report, in writing, to the Council members all cost information required to be considered in the base tuition rate under 20 V.S.A. § 2355(f)(1) for training required under 20 V.S.A. § 2358.
- d. The Council shall adopt the base tuition rate under 20 V.S.A. § 2355(f)(1) through formal rulemaking pursuant to the Administrative Procedure Act (3 V.S.A., Chapter 25).
- e. Tuition fees for training not required under 20 V.S.A. § 2358 shall be set pursuant to 32 V.S.A. § 603(3) to reflect the actual costs for operation of the particular programs offered,

with an additional thirty dollar (\$30.00) entrance exam fee. These fees need not be adopted through formal rulemaking pursuant to the Administrative Procedures Act (3 V.S.A., Chapter 25) and may become effective immediately upon vote of the Council.

**Rule 12 MINIMUM TRAINING, EQUIPMENT, AND FACILITY STANDARDS FOR LAW ENFORCEMENT CERTIFICATION COURSES**

- a. The Executive Director shall certify those law enforcement officers who have successfully completed the basic law enforcement certification course (Levels I, II, and III courses). In order to qualify for certification, each trainee shall:
  - i. Comply with all regulations and guidelines promulgated by the Council; and
  - ii. Participate in all courses and classes, unless absences are authorized by the Executive Director because of exigent circumstances.
- b. All law enforcement officers issued a certificate under this section shall also be assigned a unique certification number. The certification numbers shall be of a format approved by the Executive Director.
- c. Equipment and facilities available for use at each approved training location shall comply with the requirements of any procedures approved by the Council.

**Rule 13 STANDARDS FOR INSTRUCTORS FOR APPROVED LAW ENFORCEMENT CERTIFICATION COURSES**

- a. All instructors who teach a curriculum approved by the Vermont Criminal Justice Council must be certified by the Executive Director. The Executive Director may make certification decisions in consultation with training staff and subject matter experts in the field.
- b. Applicants for certification as an instructor must be approved by their sponsoring agency head. As part of an instructor's application, they must have a letter from their agency head who endorses the applicant's competency in professionalism and the applicant's capacity for working respectfully with a variety of individuals in a learning environment.
- c. Applicants for certification as an instructor must meet the following criteria:
  - i. Applicant is a certified law enforcement officer or a subject matter expert;
  - ii. If the applicant is a law enforcement officer, the applicant must be compliant with their annual in-service training;
  - iii. Applicant completes an instructor development course approved by the Council; and
  - iv. Applicant completes any pre-requisite "train-the-trainer" or subject matter course work as required by the Executive Director.
- d. To apply for an instructor certification, an applicant must submit a resume or curriculum vitae to the Executive Director. The resume or C.V. shall include:

- i. The proposed area of instruction that the applicant is seeking to be certified to teach;
- ii. The applicant's professional experience, including both law enforcement experience and any other relevant professional experience;
- iii. Any law enforcement training certifications, including past instructor certifications; and
- iv. Two professional references.
  - 1. The referrer should have first person knowledge of the applicant's expertise and/or experience in the subject matter and/or the applicant's ability to communicate effectively in a learning environment.
- e. An individual may apply for certification in more than one (1) area of instruction.
- f. Instructor Recertification
  - i. Certified Instructors will be required to complete certification in their relevant training area and in instructor development training as required by the Executive Director.
- g. Field Training Officer. Application for this position may be made by any Level II or Level III law enforcement officer who has completed the Field Training Officer Certification Course approved by the Council.
  - i. To be eligible for recertification, the FTO must attend and satisfactorily complete a Council approved FTO update/refresher. In addition, the applicant for recertification must document the instructor's active participation as an instructor and any additional training received, pertinent to the subject for which they are certified as an instructor, since their last certification. Failure to attend and successfully complete the required update/refresher within the certification period will render the instructor ineligible for recertification as a field training officer.
- h. The Executive Director may immediately suspend an instructor verbally and have the instructor removed from the Vermont Police Academy, or remote classroom, for cause. The Executive Director will provide the suspended instructor with written notice as outlined in subsection (i) below within ten (10) days of the verbal suspension.
- i. The Executive Director may suspend or revoke the certification of any instructor for cause, after providing notice in writing to the instructor outlining the facts or conduct justifying the intended action and providing an opportunity for the instructor to show compliance with all lawful requirements to retain such certification. Cause shall include any failure to: (1) meet general standards of competency or professionalism; (2) perform the minimum number of trainings per year required by the Council; (3) attend any periodic refresher course mandated by the Council; (4) maintain the requisite law enforcement officer certification; or created an unsafe training or workplace environment.
- j. All certification decisions shall be in writing.

## **Rule 14 ENTRY STANDARDS FOR BASIC TRAINING**

The following minimum entry standards for basic training have been adopted by the Council. All individuals seeking entry to basic training courses for Level I, Level II, and Level III law enforcement officers, unless otherwise noted, shall meet the minimum standards as set forth below:

- a. **Age.** Candidate must be at least eighteen (18) years of age at the time of application for acceptance into basic training.
- b. **Education.** At the time of application, each candidate must - as a minimum standard - be a high school graduate or possess a high school equivalency diploma (G.E.D. certificate).
- c. **Medical Examination.**
  - i. A comprehensive medical examination (conducted no more than six (6) months prior to the date of entry). The examination - to be performed by a licensed physician, physician's assistant, APRN or RN - is to reflect that the candidate is free of any disease or disability which would interfere with the candidate's physical performance in basic training. The report from a licensed physician, physician's assistant, APRN or RN must state that the candidate is physically capable of undergoing a rigorous physical exercise program.
  - ii. At the discretion of the Executive Director, upon reasonable cause or concern for the trainee's health, a candidate must submit to reexamination by a licensed physician, physician's assistant, APRN or RN chosen by the Council. Failure to pass such reexamination will render a person ineligible for entry to basic training.
- d. **Written Examination.** Each candidate for the Vermont Police Academy must achieve a passing score on the current Vermont Police Academy entrance examination as a prerequisite to acceptance into basic training. The content of the examination and the passing score for the examination shall be approved by the Council. This examination shall be administered in accordance with a policy approved by the Executive Director.
- e. **Physical Fitness Assessment.** Each candidate for the Vermont Police Academy must satisfactorily complete a physical fitness test and attain a minimum level of fitness as prescribed by the Council, prior to entry to any basic training course.
- f. **Background and Character Check**
  - i. Each candidate must successfully undergo a thorough, comprehensive background and character check conducted by the candidate's prospective agency. Those individuals convicted of any felony, a misdemeanor involving injury to another, or under any order prohibiting the possession of a firearm will not be considered.

Academy staff must have documentation confirming the candidate successfully meets this requirement. The background investigation shall include the submission of the candidate's fingerprints to the Federal Bureau of Investigation to ascertain if a criminal history record exists. All fingerprint cards submitted to the FBI shall be routed through the fingerprint section of the Vermont Criminal Information Center (VCIC).

- ii. The background investigation will include a polygraph examination. A candidate will be excluded from attending basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
  - 1. Domestic assault and/or related conduct (stalking, APO violations);
  - 2. Sex offenses;
  - 3. Victimizing children or vulnerable adults;
  - 4. Fraud or related offenses involving an attempt to deceive for financial gain;
  - 5. Violation of court orders; or
  - 6. Any other conduct that would be deemed unbecoming of a police professional.
- iii. A candidate will be excluded from basic training if any of the previous conduct is identified during the background and character check.
- iv. A candidate may be excluded from basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
  - 1. Distribution of controlled substances;
  - 2. Under the influence of controlled substances, not lawfully possessed, within a year prior to the proposed training session entry date.
- g. **Psychological Inventory.** Each candidate's prospective department must have submitted to the Council documentation confirming the candidate has been psychologically evaluated through the use of a reliable and valid assessment procedure, approved by the Executive Director, and a written certification that, in the reasonable opinion of the hiring agency, the candidate is presently emotionally suited for law enforcement work.

#### **Rule 15 BASIC TRAINING STANDARDS FOR LEVEL I LAW ENFORCEMENT OFFICERS**

No person, unless exempted by statute, shall exercise law enforcement powers as a Level I law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council on an annual basis dependent on the core

competency curriculum for Level I's scope of practice. The core competency curriculum will include any statutorily required training. The Council will post the training dates for the following year by September 1st.

- a. Upon successful completion of the Academy Course described above, a Level I enforcement officer will be issued a provisional twelve (12) month certification granting law enforcement authority, but only under the direct supervision and control of a fully certified Level I, II, or III law enforcement officer.
- b. During the twelve (12) month period of the provisional certification, an officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by the Council on an annual basis based on evidence-based best practices of 21st Century policing. These courses may be offered at the Academy and at various field locations around the state.
- c. During the same twelve (12) month period the officer must satisfactorily complete Phase III - a Council-certified Field Training and Evaluation Program. This may be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no fewer than sixty hours, on performance of pertinent tasks observed and evaluated by a Council-certified Field Training Officer who attests to successful completion of those tasks.
- d. Upon successful completion of all three phases of training, the Executive Director shall issue a Level I officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(1)(B))

#### **Rule 16 SCOPE OF PRACTICE FOR LEVEL I LAW ENFORCEMENT OFFICERS**

- a. Security details, including courtroom security;
- b. Transports;
- c. Vehicle escorts;
- d. Management of traffic flow;
- e. Conduct authorized by 20 V.S.A. § 2358(b)(1)(B)(i)(I)-(IV), subject to the limitation in 20 V.S.A. § 2358(b)(1)(B)(ii).

#### **Rule 17 BASIC TRAINING STANDARDS FOR LEVEL II LAW ENFORCEMENT OFFICERS**

- a. No person, unless exempted by statute, shall exercise law enforcement powers as a Level II law enforcement officer in any municipal, county or state law enforcement agency before satisfactorily completing a basic training course consisting of a minimum number of hours of training (Phase I) as established by the Council on an annual basis dependent on the core competency curriculum for Level II's Scope of Practice. The core competency curriculum will

include any statutorily required training. The Council will post on its website the training dates for the following year by September 1st.

- b. Upon successful completion of the Academy Course described above, the Level II law enforcement officer will be issued a provisional twelve (12) month certification that grants law enforcement authority but only under the direct supervision and control of a fully certified Level II or Level III officer.
- c. During the twelve (12) month period of the provisional certification, the officer must satisfactorily complete a program of core and elective courses approved by the sponsoring law enforcement agency totaling a minimum number of hours (Phase II) as established by the Council on an annual basis based on evidence based, best practices of 21st Century policing. These courses may be offered at the Academy and at various field locations around the state.
- d. During the same twelve (12) month period the officer must satisfactorily complete Phase III - a Council certified Field Training and Evaluation Program. This can be accomplished concurrently with the completion of Phase II training and must include a minimum number of hours as established by the Council, but no fewer than sixty (60) hours, on performance of pertinent tasks observed and evaluated by a Council certified Field Training Officer who attests to successful completion of those tasks.
- e. Upon successful completion of all three phases of training, the Executive Director shall issue a Level II officer certification to replace the provisional certification, thereby granting full law enforcement authority for a limited scope of practice. (20 V.S.A. § 2358(b)(2)(B))

#### **Rule 18 SCOPE OF PRACTICE FOR LEVEL II LAW ENFORCEMENT OFFICERS**

The scope of practice of a Level II law enforcement officer shall be in accordance with 20 V.S.A. § 2358 or as otherwise authorized by law.

#### **Rule 19 BASIC TRAINING STANDARDS FOR LEVEL III LAW ENFORCEMENT OFFICERS**

No person, unless exempted by statute, shall exercise law enforcement powers as a Level III law enforcement officer in any municipality, county, or state law enforcement agency before completing the basic training course at the Police Academy or at another approved facility (or completing a course of instruction and training which is equal to Vermont's Basic Training Course for Level III Law Enforcement Officers, outside of Vermont). The basic course shall consist of instruction required by law and/or approved by the Council with a curriculum that is rooted in evidenced-based, best practices of 21st Century policing, which shall be posted to the Council's website and made available to the public upon request. The minimum number of hours allotted each major topic category of the basic training course shall be specified by the Executive Director and approved by the Council, but the entire basic training course shall consist of a minimum number of hours of training as established by the Council on an annual basis. The Council will post on its website the training dates for the following year by September 1st.

## **Rule 20 MANDATORY ANNUAL IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS**

- a. The calendar year following certification as a law enforcement officer, and every calendar year thereafter, each certified law enforcement officer shall participate in a minimum number of hours of training as established by the Council.
- b. Each law enforcement agency head shall submit to the Executive Director a report summarizing the in-service training received by members of that agency during the previous calendar year. Said report shall be submitted prior to March 1st of every year, and shall be in a format approved by the Executive Director. The Council may require specific training to be obtained by all officers as part of their annual in-service training in a given year. The Council may also require individual officers to obtain specified training. Notice of the training requirement must be given to all law enforcement agency heads by December 1 of the prior calendar year.
- c. The Executive Director may temporarily suspend an officer's certification if an officer fails to meet the minimum hours of in-service training as established by the Council or fails to complete any mandatory annual training.
  - i. Prior to a temporary suspension under this rule, an officer will receive:
    1. A letter from the Executive Director or designee outlining what training is required for the officer to regain compliance with their annual in-service requirement;
    2. A thirty to sixty (30-60) day grace period, depending on the amount of training needed, to complete the required training before the temporary suspension goes into effect; and
    3. Notice of the officer's right to request an appeal to the Council.
  - ii. The Executive Director will rescind the temporary suspension when the officer completes the required training and submits proof of the same to the Council.
- d. A law enforcement officer who intentionally or willfully fails to complete their annual in-service training within a calendar year, or within a waiver period previously granted, may be subject to an unprofessional conduct Category C complaint.
- e. The agency's training records shall be available for review by a representative of the Council staff upon reasonable notice.

## **Rule 21 RECERTIFICATION OF LAW ENFORCEMENT OFFICERS**

- a. Any certified law enforcement officer who has not been employed as a law enforcement officer in Vermont or as a Training Coordinator for the Vermont Police Academy for a period of three consecutive years or more shall be deemed to have an expired certification.
- b. Any certified law enforcement officer whose certification has expired pursuant to this Rule, whose certification has been revoked pursuant to 20 V.S.A. § 2406, or who has voluntarily



surrendered a certification pursuant to 20 V.S.A. § 2406 shall not exercise any law enforcement authority until the officer successfully satisfies the certification requirements applicable to new law enforcement officers or the officer is recertified pursuant to subsection (c) of this Rule.

- c. Any individual prohibited from exercising law enforcement authority pursuant to this Rule may submit a request for re-certification in writing to the Executive Director. The Executive Director shall review such request and may grant re-certification following the requester's satisfactory completion of training the Executive Director has determined is necessary for re-certification and following the requester showing the ability to function effectively in the exercise of law enforcement authority. The Executive Director will issue a decision about such request in writing.

## **Rule 22 SPECIALIZED TRAINING STANDARDS; CERTIFICATION**

- a. **Canine Teams:**  
The Council shall provide for the basic and advanced training and certification of police canine teams. Standards for selection of canine teams, basic and in-service canine training (to include program entry requirements), certification and recertification, and canine instructor certification shall be developed by the Canine Committee and must be approved by the Council. The "Canine Committee" is established for the purposes outlined herein and members shall be appointed by the Executive Director, pursuant to standards approved by the Council.
- b. **Advanced Roadside Impaired Driving Enforcement:**  
Any law enforcement officer who completes the NHTSA DUI/SFST class shall successfully complete Advanced Roadside Impaired Driving Enforcement ("ARIDE") within three years of completion from the DUI/SFST class. Any law enforcement officer who has successfully completed Drug Recognition Expert ("DRE") training, or the equivalent training, is not required to take ARIDE.
- c. The Council may, on its own or through the establishment of one or more Committees, adopt procedures and guidance documents setting forth specialized training standards and certification requirements for specific types of investigations such as death and internal affairs investigations.

## **Rule 23 TRAINING WAIVERS**

- a. The Council's Waiver Committee shall have the authority to review and approve requests for waivers from annual in-service requirements over sixty (60) days in duration.
- b. The Executive Director shall have the authority to review and approve requests for waivers from annual in-service requirements under sixty (60) days in duration, as well as all other training-related waiver requests.
- c. An individual receiving an annual in-service training waiver from the Executive Director may request that the Waiver Committee extend the waiver to longer than sixty (60) days in

duration.

- d. The Waiver Committee and Executive Director may refer a waiver request to the Council for its approval..
- e. Waivers of training may be partial, complete, or conditional and shall only be granted on the basis of equivalent training that the individual applicant has successfully completed.
- f. An individual seeking a waiver must also comply with any process for entry to training as approved by the Council.
- g. An individual requesting a waiver of minimum basic law enforcement training shall also demonstrate current competency in:
  - i. De-escalation and Use of Force & Tactics;
  - ii. Fair and Impartial Policing;
  - iii. Response to Domestic & Sexual Violence;
  - iv. Mental Health Crisis Response;
  - v. Firearm Safety; and
  - vi. Any other subject matter that the Council deems necessary taking into consideration the scope of law enforcement work the individual requesting the waiver will be engaged in.
- h. Any waiver may be conditioned on the satisfactory completion of any supplemental or remedial training deemed necessary to equate previous training with current Council training standards. An individual receiving a conditional waiver shall complete any required supplemental or remedial training within the time established in the written conditional waiver decision.
- i. The Council's Waiver Committee may, in limited circumstances, approve an officer an indefinite waiver. Upon issuing an indefinite waiver, the Waiver Committee must outline the circumstances that support the granting of an indefinite waiver, and the Waiver Committee must inform an officer what circumstances would void an indefinite waiver. The Waiver Committee will provide the Council an annual report of the indefinite waivers granted in a calendar year.

## **Chapter 4: Professional Regulation**

### **Rule 24 VIOLATIONS WHILE ATTENDING TRAINING**

- a. Violation of any of the policies or regulations of the Council, while attending training, may be grounds for discipline and/or expulsion from any program conducted by the Council.

- b. Expulsion may be imposed on a trainee after receipt of a written notice of violation and a hearing before the Council. The Executive Director may suspend any trainee from any training program, pending a hearing on expulsion by the Council.

**Rule 25 SUSPENSIONS, DECERTIFICATIONS, AND REVOCATIONS**

- a. In addition to the authority set forth in 20 V.S.A. Ch. 151, Subch. 2, the Council shall have the authority to suspend or revoke the certification of any person for the following reasons:
  - i. Conviction of a felony;
  - ii. Failure to comply with in-service training requirements;
  - iii. A finding that the person's certification was issued as the result of fraud;
  - iv. A finding that the person's certification was issued as a result of error; or
  - v. For any other reasons for which decertification is specifically authorized by statute.
- b. Any decision to suspend or revoke a person's certification shall be made in writing.

**Rule 26 PROFESSIONAL REGULATION COMMITTEE**

- a. The Council shall establish a Professional Regulation Subcommittee which shall recommend to the Council procedures governing how unprofessional conduct reports and complaints are received, reviewed, investigated, and referred to the Council for further action.
- b. Upon adoption by the Council, such procedures shall apply to all unprofessional conduct reports and complaints.

**Rule 27 COUNCIL HEARINGS**

- a. Proceedings before the Council pertaining to unprofessional conduct reports and complaints shall be conducted in accordance with both the requirements in the Administrative Procedures Act relating to contested cases (3 V.S.A. §§ 809-816) and any procedures the Council may adopt regarding unprofessional conduct hearings. In the event of a conflict between the Administrative Procedures Act and the Council's procedure, the former shall govern.
- b. When the Professional Regulation Committee makes a finding that a law enforcement officer has committed a Category B, first offense, the Committee shall:
  - i. Notify the officer of the Committee's finding within thirty (30) days, in writing;
  - ii. Inform the officer that a Category B first offense finding by the Committee may be used as evidence before the Council if the officer has a future hearing before the Council based on a Category B, second or subsequent offense;

- iii. Provide the officer the opportunity to provide additional evidence and/or testimony before a Council-designated committee to contest the finding of the Category B, first offense, violation; and
  - iv. Inform the officer that if they do not request a hearing to contest the Category B, first offense, finding within ten (10) days of receiving his/her violation letter, or after the Council-designated committee affirms the Professional Regulation Committee's finding, then they waive the right to contest the Category B, first offense, violation findings.
- c. The Council shall take no action to sanction a law enforcement officer who is alleged to have committed a first offense of Category B conduct that is not listed in 20 V.S.A. § 2407 (a).

#### Rule 28 Law Enforcement Officers' Code of Conduct

- a. The Vermont Criminal Justice Council's Law Enforcement Officers' Code of Conduct outlines the expectations for behavior and values for all certified law enforcement officers in the state of Vermont.
- b. This Code is designed to uphold the integrity and professionalism of law enforcement officers while ensuring that conduct standards align with state legislation and the expectations of the Vermont Criminal Justice Council.
- c. As of January 1, 2025, all certified officers are required to adhere to this Code of Conduct, which is established under 20 V.S.A. § 2371(a) and serves as a statewide policy.
- d. **Content of Code:** The Code includes any conduct categories mandated by the legislature and sets certification standards but does not replace employment discipline or agency-specific employment standards.
  - i. **Scope and Applicability:** The Code applies to both on-duty and off-duty behaviors unless specifically exempted. For off-duty conduct, any sanctions imposed by the Council must be linked to how the behavior affects the officer's ability to perform their duties or represent their agency effectively.
  - ii. **Nexus Requirement for Off-Duty Behavior:** For off-duty behavior to be subject to sanctions as unprofessional conduct, there must be a clear connection to the officer's professional responsibilities or representation of their agency.
  - iii. **Disciplinary Actions:** The Code itself does not outline specific disciplinary actions or penalties for violations. Instead, it serves as a standard for certification and professional conduct, leaving the determination of disciplinary actions to individual agencies or other relevant authorities.
- e. **Annual Review:** The Council's Code of Conduct is reviewed annually by the professional regulation subcommittee, with any recommended changes presented to the full Council.

**f. Modification of the Code requires a Two-Motion Process:**

The following process is designed to ensure thorough consideration of any modification to the Code of Conduct. The process provides mechanisms for stakeholders to provide valuable input about any proposed modifications to the Code and allow thoughtful review by the Council of the proposed modification and any stakeholder feedback. The process is intentionally designed to promote transparency and careful deliberation before implementing changes to the Code of Conduct.

**i. First Motion:**

1. **Purpose:** To consider a modification to the Code of Conduct.
2. **Requirements:** Must comply with notice requirements under 1 V.S.A. 312.
3. **Vote:** Requires a two-thirds (2/3) majority of the entire Council to pass.
4. **Outcome if Passed:** A special meeting is scheduled no sooner than 60 days to consider the final approval of the modification.

**a. Special Meeting for Final Approval:**

- i. **Notice:** Must meet notice requirements under 1 V.S.A. 312 and include a contact person for collecting questions and comments.
- ii. **Collection of Input:** Comments and questions are collected and provided to the Council 30 days before the final vote.

**ii. Second Motion:**

1. **Purpose:** For final approval of the Code of Conduct modification.
2. **Vote:** Requires a two-thirds (2/3) majority of the entire Council to pass.

**iii. Handling New Information:**

1. If new questions or comments arise within 30 days of the special meeting, a Council member may request a delay of no more than 15 days to review this new information before the final vote.

**iv. Effective Date:** If approved, the modification will take effect no sooner than 90 days from the date of approval.

**v. Amendments:**

1. If the motions are amended (and the amendments are not friendly amendments), notice periods restart to ensure stakeholders and Council members have time to provide feedback.

# The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

**NOTE:** The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

## **Title 20 : Internal Security and Public Safety**

### **Chapter 151 : Vermont Criminal Justice Council**

#### **Subchapter 001 : GENERAL PROVISIONS**

(Cite as: 20 V.S.A. § 2355)

#### **§ 2355. Council powers and duties**

(a) The Council shall adopt rules with respect to:

(1) the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs, which shall include rules to identify and implement alternate routes to certification aside from the training provided at the Vermont Police Academy;

(2) minimum courses of study, attendance requirements, and equipment and facilities to be required at approved law enforcement officer training schools and off-site training programs;

(3) minimum qualifications for instructors at approved law enforcement officer training schools and off-site training programs;

(4) minimum basic training for law enforcement officers in each level of law enforcement officer certification and the time within which that training shall be completed;

(5) [Repealed.]

(6) minimum annual in-service training requirements for law enforcement officers in each level of law enforcement officer certification;

(7) minimum courses of training for other criminal justice personnel;

(8) categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to those categories or classifications;

(9) recertification of persons who have not been employed as law enforcement officers for a three-year period;

(10) a definition of criminal justice personnel and criminal justice training for purposes of this title;

(11) the contents and application of the Law Enforcement Officers' Code of Conduct;

(12) permitting its Executive Director to grant up to a 60-day waiver to a law enforcement officer who has failed to meet the officer's annual in-service training requirements but who is able to complete those training requirements within the time period permitted by the Executive Director; and

(13) Advanced Roadside Impaired Driving Enforcement training programs and requirements for Levels I, II, and III law enforcement certification, including minimum hours of training, prerequisites, and time periods for completion.

(b)(1) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council shall offer courses of instruction for law enforcement officers in different areas of the State and shall strive to offer nonovernight courses whenever possible.

(2) The Council may also offer the basic officer's course for preservice students and educational outreach courses for the public, including firearms safety and use of force.

(c)(1) The Council shall appoint, subject to the approval of the Governor, an Executive Director who shall be an exempt State employee and who shall hold office during the pleasure of the Council.

(2)(A) The Executive Director shall perform such duties as may be assigned by the Council.

(B) The Executive Director may appoint officers, employees, agents, and consultants as he or she may deem necessary and prescribe their duties, with the approval of the Council.

(3) The Executive Director is entitled to compensation as established by law and reimbursement for expenses within the amounts available by appropriation.

(d) The Council may, in addition:

(1) accept and administer under this chapter and for its purposes contributions, capital grants, gifts, services, and other financial assistance from any individual, association, corporation, or other organization having an interest in criminal justice training, and from this State and the United States and any of their agencies and instrumentalities, corporate or otherwise; and

(2) perform such other acts as may be necessary or appropriate to carry out the purposes of this chapter.

(e) Any agency or department of State, county, or municipal government may, notwithstanding any provision of this chapter, engage in and pay for, from sums

appropriated for that purpose, training activities for employees in addition to any minimum training required by the Council.

(f) The Council shall charge participants or employers of participants in law enforcement training programs as follows:

(1) The tuition fees for any of the basic training or annual in-service training required under section 2358 of this chapter shall be set forth in rules adopted by the Council. The tuition fees shall be set to reflect the actual costs for operation of the particular programs offered. The fees for basic training shall not be charged for persons employed by police agencies at the time of training.

(2) The tuition fees for training not required under section 2358 of this chapter shall be set to reflect the actual costs for operation of the particular programs offered, with an additional \$30.00 entrance exam fee assessed on all training, except educational outreach courses for the public.

(g) The Council shall develop and maintain a comprehensive drug training program. (Added 1967, No. 189, § 5, eff. April 17, 1967; amended 1971, No. 120, § 46(b), (c); 1973, No. 225 (Adj. Sess.), § 4; 1979, No. 57, § 4; 1987, No. 34, §§ 1, 2; 1993, No. 210 (Adj. Sess.), § 68; 1997, No. 61, § 70; 1999, No. 49, § 185; 2005, No. 72, § 6; 2007, No. 153 (Adj. Sess.), § 11; 2013, No. 141 (Adj. Sess.), § 3, eff. July 1, 2015; 2017, No. 56, § 1; 2019, No. 166 (Adj. Sess.), § 6, eff. Oct. 1, 2020; 2023, No. 75, § 4, eff. June 19, 2023; 2023, No. 124 (Adj. Sess.), § 1, eff. May 29, 2024.)



# The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

**NOTE:** The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

## **Title 20 : Internal Security and Public Safety**

### **Chapter 151 : Vermont Criminal Justice Council**

#### **Subchapter 001 : GENERAL PROVISIONS**

(Cite as: 20 V.S.A. § 2352)

#### **§ 2352. Council membership**

(a)(1) The Vermont Criminal Justice Council shall consist of:

(A) the Commissioners of Public Safety, of Corrections, of Motor Vehicles, of Fish and Wildlife, and of Mental Health;

(B) the Attorney General;

(C) the Executive Director of the Department of State's Attorneys and Sheriffs;

(D) the Executive Director of Racial Equity;

(E) a member of the Vermont Troopers' Association or its successor entity, elected by its membership;

(F) a member of the Vermont Police Association, elected by its membership;

(G) a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;

(H) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;

(I) a law enforcement officer, appointed by the President of the Vermont State Employees Association;

(J) an employee of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;

(K) an individual appointed by the Executive Director of the Center for Crime Victim Services;

(L) an individual appointed by the Executive Director of the Human Rights

Commission;

(M) an individual appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence; and

(N) seven public members, appointed by the Governor, who shall not be law enforcement officers or have a spouse, parent, child, or sibling who is a law enforcement officer, current legislators, or otherwise be employed in the criminal justice system.

(i) At least one of these members shall be a mental health crisis worker.

(ii) At least one of these members shall be an individual with a lived experience of a mental health condition or psychiatric disability.

(iii) At least two of these members shall be chosen from among persons nominated by the Vermont chapters of the NAACP, and each of these members shall represent a different Vermont NAACP chapter. In order to assist the Governor in making these appointments, each Vermont chapter of the NAACP shall nominate at least three individuals for these gubernatorial appointments.

(2) A member's term shall be three years.

(3) The Governor shall appoint the Chair of the Council from among the members set forth in subdivisions (1)(D) and (K)-(N) of this subsection.

(b) Membership on the Council does not constitute the holding of an office for any purpose, and members of the Council shall not be required to take and file oaths of office before serving on the Council.

(c) The members of the Council shall be entitled to receive per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.

(d) A member of the Council shall not be disqualified from holding any public office or employment, and shall not forfeit any office or employment, by reason of his or her appointment to the Council, notwithstanding any statute, ordinance, or charter to the contrary. (Added 1967, No. 189, § 2, eff. April 17, 1967; amended 1971, No. 120, § 46(a); 1973, No. 225 (Adj. Sess.), § 2; 1979, No. 57, § 2; 1983, No. 72; 2003, No. 119 (Adj. Sess.), § 1; 2013, No. 141 (Adj. Sess.), § 2; 2017, No. 56, § 1; 2019, No. 166 (Adj. Sess.), § 4, eff. Dec. 1, 2020.)



# Proposed Rules Postings

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#### Deadline For Public Comment

Deadline: Nov 15, 2024

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

#### Rule Details

|                  |   |
|------------------|---|
| Rule Number:     | 24P045  |
| Title:           | Vermont Criminal Justice Council Rules.   |
| Type:            | Standard  |
| Status:          | Proposed  |
| Agency:          | Vermont Criminal Justice Council.   |
| Legal Authority: | 20 V.S.A. § 2355 and 20 VSA 2351 and 20 VSA 2352(3)   |
| Summary:         | The proposed amendments contain four additions to our Rule. The first addition is the training requirement for law enforcement officers regarding Advanced Roadside Impaired Driving Enforcement (ARIDE) and a mechanism to apply for an indefinite |

waiver for officers who do not regularly engage in traffic enforcement duty such as the head of a law enforcement agency.(Rule 22(b) and 23). The second addition are rules for the content, implementation and modification of the newly legislated Law Enforcement Officers' Code of Conduct (Act 124). (Rule 28). The third addition is the Council's clarification that it conducts its meetings per Robert's Rules of Order. (Rule 4a). Lastly, the fourth amendment clarifies that the entity that "reviews" a waiver is the same entity that "approves" the waiver within the Council's training waiver rule.(Rule 23)

Persons Affected:

Dept of Public Safety, Vt League of Cities and Towns, Dept. of State's Attorneys and Sheriffs, Municipal Law Enforcement Agencies, Dept of Liquor Control, DMV, OPR, Attorney General's Office, VT Homeland Security Unit, Board of Medical Practice (Investigators with law enforcement certification) and County Special Investigation Units.

Economic Impact:

It is anticipated that the proposed rule changes will not have an economic impact on the VCJC's budget and a minimal economic impact on the public; specifically, law enforcement agencies. The additional training requirement for ARIDE will fall within an officer's mandated annual training. Therefore, while there is a cost to the training, this cost will be subsumed by the department's pre-existing budget for annual mandated training. The other proposed amendments will not economically impact the law enforcement community or the public. The public will benefit from the overall efficiency of having the appropriate officers identified who should be trained with the advanced DUI detection training. The public will also benefit from the new Law Enforcement Officers' Code of Conduct which will provide the public and law enforcement with clear expectations for the professional standards for law enforcement professionals.

Posting date:

Oct 23,2024

## Hearing Information

There are not Hearings scheduled for this Rule

## Contact Information

### Information for Primary Contact

**PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.**

Level: Primary  
 Name: Kim McManus  
 Agency: Vermont Criminal Justice Council.  
 Address: 317 Academy Road  
 City: Pittsford, VT  
 State: VT  
 Zip: 05763  
 Telephone: 802-483-2741  
 Fax:  
 Email: kim.mcmanus@vermont.gov

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Website Address: <https://vcjc.vermont.gov/council/rules>

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## Keyword Information

Keywords:

Criminal Justice Council  
 law enforcement training  
 ARIDE  
 Advanced Roadside Impaired Driving Enforcement  
 Law enforcement Officers' Code of Conduct  
 law envornmcement professional regulation

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|            | St. Albans Messenger<br>Legals ( <a href="mailto:legals@samessenger.com">legals@samessenger.com</a> ; <a href="mailto:cfoley@orourkemediagroup.com">cfoley@orourkemediagroup.com</a> )  | Tel: 524-9771 ext. 117 FAX: 527-1948<br>Attn: Legals       |
|            | The Islander<br>( <a href="mailto:islander@vermontislander.com">islander@vermontislander.com</a> )  | Tel: 802-372-5600 FAX: 802-372-3025                        |
|            | Vermont Lawyer<br>( <a href="mailto:hunter.press.vermont@gmail.com">hunter.press.vermont@gmail.com</a> )  | Attn: Will Hunter  |

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**FROM:** APA Coordinator, VSARA

**Date of Fax:** October 24, 2024

**RE:** The "Proposed State Rules " ad copy to run on

**October 31, 2024**

**PAGES INCLUDING THIS COVER MEMO:**

**2**

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If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail [sos.statutoryfilings@vermont.gov](mailto:sos.statutoryfilings@vermont.gov), Thanks.

PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Administrative Rules of the Board of Dental Examiners.

Vermont Proposed Rule: 24P044

AGENCY: Board of Dental Examiners (via SOS).

CONCISE SUMMARY: These rules generally update standards for dentists, dental hygienists, and dental assistants. The standards specify scope of practice and licensing standards for dental therapists (a new license type since the last rule update), and for public-health dental hygienists; update practice requirements for the use of anesthesia; incorporate fast-track licensure and uniform processes for licensure of internationally educated dentists; creates standards for the use of new non-invasive techniques by dental hygienists.

FOR FURTHER INFORMATION, CONTACT: Emily Tredeau, Esq., Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier, VT 05602 Tel: 802-828-1505 Email: [Emily.B.Tredeau@vermont.gov](mailto:Emily.B.Tredeau@vermont.gov).

URL: <https://sos.vermont.gov/dental-examiners/statutes-rules-resources/>.

FOR COPIES: Gina Hruban, Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier, VT 05602 Tel: 802-828-1505 Email: [Gina.Hruban@vermont.gov](mailto:Gina.Hruban@vermont.gov).

Vermont Criminal Justice Council Rules.

Vermont Proposed Rule: 24P045

AGENCY: Vermont Criminal Justice Council

CONCISE SUMMARY: The proposed amendments contain four additions to our Rule. The first addition is the training requirement for law enforcement officers regarding Advanced Roadside Impaired Driving Enforcement (ARIDE) and a mechanism to apply for an indefinite waiver for officers who do not regularly engage in traffic enforcement duty such as the head of a law enforcement agency. (Rule 22(b) and 23). The second addition are rules for the content, implementation and modification of the newly legislated Law Enforcement Officers' Code of Conduct (Act 124). (Rule 28). The third addition is the Council's clarification that it conducts its meetings per Robert's Rules of Order. (Rule 4a). Lastly, the fourth amendment clarifies that the entity that "reviews" a waiver is the same entity that "approves" the waiver within the Council's training waiver rule. (Rule 23)

FOR FURTHER INFORMATION, CONTACT: Kim McManus, Vermont Criminal Justice Council, 317 Academy Rd, Pittsford, VT 05763 Tel: 802-483-2741 E-Mail: [kim.mcmanus@vermont.org](mailto:kim.mcmanus@vermont.org) URL:

<https://vcjc.vermont.gov/council/rules>.