

**Vermont Criminal Justice Training Council**  
**Report to General Assembly**  
**Act No 56 of 2017**

**An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council**

20 V.S.A. Sec. 2402(f) states:

*Annual report of Executive Director. Annually, on or before January 15, beginning in the year 2019 and ending in the year 2022, the Executive Director of the Vermont Criminal Justice Training Council shall report to the General Assembly regarding the Executive Director's analysis of the implementation of this act and any recommendations he or she may have for future legislative action.*

Report: The Act has been in effect for six months, and agency heads are striving to ensure their compliance with the new law. I've answered a number of questions regarding reporting requirements for all three categories of offenses, but most commonly Category B offenses (Gross Professional Misconduct). First Category B offenses that have occurred after July 1<sup>st</sup> have been appropriately reported to the Council, though the Council will take no action unless the officer commits second and subsequent offenses.

The Council is currently tracking one instance of Category A (crimes committed) misconduct, and is ensuring that the officer involved is not practicing law enforcement while the criminal process is underway. Given that there doesn't appear to be the likelihood of imminent threat to the public, the Council will wait until the criminal case is adjudicated before taking action.

Regarding recommendations for further legislative action, I would suggest that the legislature revisit Sec. 1, V.S.A. 2362a Potential Hiring Agency; Duty to Contact Former Agency. Subsection (a)(1) starts "*Prior to hiring a law enforcement officer who is no longer employed at his or her last law enforcement agency...*" This restricts mandated background checks with the former hiring agency to those officers no longer employed by an agency. The loophole created here is that this duty to contact the previous agency doesn't apply to officers currently employed, and could potentially allow an officer to leave an agency ahead of a report of or investigation into misconduct.

Respectfully submitted,

Richard B. Gauthier, Executive Director  
Vermont Criminal Justice Training Council