



STATE OF VERMONT
CRIMINAL JUSTICE COUNCIL
Rules

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Chapter 1: Organization

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Rule 3 DISTRIBUTIONS OF RULES; VIOLATIONS WHILE ATTENDING TRAINING

All rules, policies, and regulations of the Council shall be made available to each trainee of any training programs prior to enrollment, to each law enforcement agency head, and to the public. Distribution may be made electronically or in printed form.

~~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.~~

~~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.~~

~~Hearings shall be conducted by the Council in accordance with 3 V.S.A. §§ 809, 809a, 809b, and 810. Hearing decisions shall comply with the requirements of 3 V.S.A. § 812. Judicial review of the final decisions of the Council is available pursuant to 3 V.S.A. § 815.~~

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Chapter 4: Professional Regulations

Rule 25 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.
- c. Hearings shall be conducted in accordance with 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.

Rule 26 PROFESSIONAL REGULATION SUBCOMMITTEE

- 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.
- c. The Professional Regulation Subcommittee shall, as part of its role in receiving, reviewing, and investigating unprofessional conduct reports and complaints provide a copy of any report receives pursuant to 20 V.S.A. § 2403 to the Council Advisory Committee. When referring an unprofessional conduct report or complaint to the Council, the Professional Regulation Subcommittee shall include any recommendation made by the Council Advisory Committee.

Rule 18 WAIVERS

- a. ~~A requirement of these rules or portion thereof may be waived by the Council upon a reasonable showing 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. Chapter 151) and the Council's program missions and goals.~~
- b. ~~Waivers of training may be partial or complete and shall only be granted on the basis of equivalent training that the individual applicant has successfully completed. The law enforcement officer requesting such a waiver shall comply with Rule 13 herein and shall submit school transcripts, training certificates, and other documentation indicating completed equivalent training to accompany the application for a waiver of the law enforcement officer's minimum training. The application shall be on a form approved by the Council. Each applicant for a Level III waiver must submit a letter, certifying under the pains and penalty of perjury, that s/he had successfully completed his/her original probationary period with his/her out-of-state employing law enforcement agency. Each applicant must also comply with any process for entry to training as approved by the Council.~~
- e. ~~Individuals certified as full-time law enforcement officers in another jurisdiction who have not been employed as a law enforcement officer for more than three (3) years will be ineligible for a Level III waiver and will be required to attend either Level II or Level III training depending on the level of certification sought. Individuals certified as full-time law enforcement officers in another jurisdiction who have been employed as a law enforcement officer for at least three (3) years, but who have not been employed as a law enforcement officer in the preceding three (3) years may qualify for a Level II waiver.~~
- d. ~~Each applicant for waiver of minimum basic law enforcement training shall also demonstrate that he or she has successfully completed and is currently proficient in:

Vermont Motor Vehicle Law;
Vermont Criminal Law;
Vermont Juvenile Law;
Use of Force & Tactics
Firearms; and
Any other courses that the Council deems necessary.~~
- e. ~~The Council may establish, as a condition of certification under this section, any~~

~~supplementary or remedial training necessary to equate previous training, with current Council standards.~~

~~f. If the Council determines that the applicant meets the requirements of these rules, the Executive Director shall issue such certificates as appropriate. If the Council determines that the applicant does not meet these rules, the Executive Director shall notify the applicant, setting forth the reasons for such denial. Notice of the Council's determination shall be issued no later than ten (10) business days following either the grant or denial of the waiver.~~

Rule ~~19~~ DECERTIFICATION 27 COUNCIL HEARINGS

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.

The Council shall have the authority to suspend or revoke the certification of any person for the following reasons:

- ~~1. Conviction of a felony subsequent to certification as a law enforcement officer;~~
- ~~2. Failure to comply with in-service training requirements after being provided reasonable notice and timeframe for remediation of deficiency;~~
- ~~3. A finding that the person's certification was issued as the result of fraud;~~
- ~~4. A finding that the person's certification was issued as a result of error; or~~
- ~~5. For any other reason for which decertification is specifically authorized by statute.~~

~~Prior to suspension or revocation of any person's certification, written notice and opportunity for hearing shall be provided to that person. Hearings shall be conducted by the Council in accordance with 3 V.S.A. §§ 809, 809a, 809b, and 810. Hearing decisions shall comply with the requirements of 3 V.S.A. § 812. Judicial review of the final decisions of the Council is available pursuant to 3 V.S.A. § 815.~~