



Vermont Criminal Justice Council

RULES COMMITTEE: Minutes

December 23, 2021

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9:00 AM

Teams Meeting

Members in Attendance:

Sheriff Mark Anderson

Cassandra Burdyslaw

Evan Meenan

Brian Searles

Bill Sorrell

Members Absent:

None

Other Attendees:

Jacob Humbert – Attorney General’s Office

Call to order:

Meenan called the meeting to order at 9:01 AM

Motion to Approve the Minutes:

Searles moved to approve the minutes. Burdyslaw seconded the motion. The motion passed unanimously.

Review of comprehensive rewrite of rules:

The Committee first reviewed new proposed Rule 9 regarding Appeals. Humbert flagged that whether the Administrative Procedure’s Act would apply to all appeals may depend upon whether the proceeding appealed from meets the definition of a contested case in that Act.

Regarding proposed Rule 13 (existing Rule 11) and proposed Rule 14 (existing Rule 16), Humbert explained that the Council’s enabling legislation provides the Council with flexibility regarding the substantive contents of these rules. The Committee affirmed its recommendation to have the Training Advisory Committee make recommendations regarding proposed Rule 13 and Entrance Testing Committee make recommendations regarding proposed Rule 14.

Regarding proposed Rules 20 and 21, the Committee decided it would be advantageous to hear from subject matter experts, Simons, Chief Brickell, Commissioner Schirling, and Deputy Commissioner Morrison. Anderson said that the Training Advisory Committee has a working group that is reviewing these topics.



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Regarding proposed Rule 23 (existing Rule 12), Searles reiterated the Training Advisory Committee's recommendations regarding the three-year period in the existing waiver rules. Humber flagged that 20 V.S.A. § 2355(a)(9) requires the Council to adopt rules regarding "recertification of persons who have not been employed as law enforcement officers for a three-year period." Meenan will redraft the Rule to consolidate the first three subsections and apply the same substantive standard from the fourth subsection to both recertifications after a lapse in certification and decertification. Meenan will also update the reference to existing Rule 19 to reflect the new statutory professional regulation process.

The Committee was comfortable with proposed Rule 24 (existing Rule 17).

Agenda for January 6 Meeting:

Review the revisions to proposed Rule 23 (existing Rule 12).

Inventory the subjects for which the Committee has asked for recommendations from other committees.

Inventory the policy decisions the Committee has suggested the full Council consider.

Potential Future Agenda Items:

To be determined.

Motion to Adjourn:

Anderson moved to adjourn the meeting. Meenan seconded the motion. The motion passed unanimously.

The meeting adjourned at 9:46 a.m.