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Adopted:

Pursuant to 20 V.S.A. Chapter 151, the following rules are adopted to govern the conduct of the Vermont Criminal Justice Training Council (hereinafter called the Council) meetings, to establish the quorum of members attending meetings required to permit the conduct of business, and to generally govern the affairs of the Council.

### **Rule 1 DESCRIPTION OF ORGANIZATION**

The purpose and definition of the Council is derived from 20 V.S.A. § 2351.

The composition of the Council is derived from 20 V.S.A. § 2352.

The statutory authority for the Council is derived from 20 V.S.A., Chapter 151 as amended.

### **Rule 2 DEFINITIONS**

The definitions of 3 V.S.A. § 801 and 20 V.S.A. § 2351a are hereby made applicable to these rules and regulations unless they are inconsistent with the Council's Act or with these rules.

For the purposes of these rules:

"Criminal justice personnel" is defined as including, but not limited to, law enforcement officers, communications personnel, correctional employees, prosecution and defense personnel, and educators in the criminal justice field.

### **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.

### **Rule 4 MEETINGS**

The Council shall hold regular quarterly meetings as required in 20 V.S.A. § 2354. The date, time, and location of such meetings shall be noticed as provided in this rule.

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 meeting shall be noticed as provided in this rule.

Notice of any regular or special meeting shall be given by the Executive Director to each member of the Council. 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.

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.

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).

Council members may appoint a person to act as his or her proxy in their absence. Such proxies shall be appointed by letter to the Chair, presented at or prior to the meeting.

A quorum of seven (7) members, or their duly appointed proxies, shall be required for the conduct of business. The concurrence of a majority of the members and proxies authorized to vote shall be required to take binding action on Council business.

The Chair shall preside over all Council meetings. In the absence of the Chair, the Vice-Chair shall preside. In the event that neither the Chair or Vice-Chair are present at a meeting, the Council may elect from its members present, a Chair pro-tem who shall preside at that meeting.

All regular and special meetings shall be governed by Robert's Rules of Order.

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 which are 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.

Any Council meeting may be recessed or adjourned on the majority vote of the members or proxies, subject at all times to the requirements of law.

The presiding officer at a meeting shall not vote unless there is a tie vote of the other members and proxies present and voting.

### **Rule 5 OFFICERS**

The general conduct of the duties and responsibilities of the Council shall be vested in its Chair who shall preside over all 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.

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-Chair.

The Chair and Vice-Chair shall be elected for a term of one (1) year upon a vote of the members or their proxies present at the regular meeting of the last quarter of the calendar year. Nominations for Chair or 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 person receiving the most votes of the members or their proxies present and voting shall be declared the Chair and Vice-Chair respectively.

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 him or her for Council membership, or upon unavailability for any reason for a period of six (6) months.

In the event the position of Chair becomes vacant, the balance of that officer's term shall be discharged by the Vice-Chair. A new Vice-Chair shall be elected at the next regular or special meeting in the manner prescribed for normal elections and shall serve for the balance of the term. Should both the Chair and Vice-Chair be vacant, a new election for both positions shall be conducted at the next regular or special meeting. The term of office shall be for the balance of the unexpired term.

### **Rule 6 EXECUTIVE DIRECTOR**

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.

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.

The Executive Director shall have full administrative 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 therefore. The Executive Director shall be responsible for the preparation of the Council's budget and its presentation before the General Assembly.

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.

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.

### **Rule 7a 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, but no less than fifty-eight (58) hours, in the following areas including but not limited to:

1. Criminal Law
2. Police Liability
3. Firearms Training and Qualification
4. Role of the Police
5. Patrol Procedures
6. Field Note-Taking and Report Writing
7. Motor Vehicle Law
8. Ethics and Discretion
9. Any other course required by law or approved by the Council

Upon successful completion of the Academy Course described above, the Level I enforcement officer will be issued a provisional 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 law enforcement officer.

During the 12-month period following 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, but no fewer than fifty (50) hours. These courses may be offered at the Academy and at various field locations around the state.

Core courses must include but are not limited to:

1. First Aid (First aid, CPR, and/or AED)
2. Crime Scene Investigation
3. Use of Force & Tactics
4. Domestic Violence Response
5. Hazardous Materials Awareness
6. Bloodborne Pathogens

7. Incident Command/NIMS
8. Search and Rescue
9. Interacting with People Experiencing a Mental Health Crisis
10. Fair & Impartial Policing
11. Any other course required by law or approved by the Council

During the same 12-month period the officer must satisfactorily complete 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 hours, on performance of pertinent tasks observed and evaluated by a Council-certified Field Training Officer who attests to successful completion of those tasks.

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 7b SCOPE OF PRACTICE FOR LEVEL I LAW ENFORCEMENT OFFICERS**

1. Security details, including courtroom security;
2. Transports;
3. Vehicle escorts;
4. Traffic control;
5. 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 8a BASIC TRAINING STANDARDS FOR LEVEL II LAW ENFORCEMENT OFFICERS**

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, but no less than eighty (80) hours, in the following areas including but not limited to:

1. Criminal Law
2. Police Liability
3. Firearms
4. Role of the Police
5. Patrol Procedures
6. Field Note-Taking and Report Writing
7. Motor Vehicle Law
8. Ethics and Discretion

Upon successful completion of the Academy Course described above, the Level II law enforcement officer will be issued a provisional 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.

During the 12-month period following 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, but no fewer than fifty (50) hours. These courses may be offered at the Academy and at various field locations around the state.

Core courses must include but are not limited to:

1. First Aid (First aid, CPR, and/or AED)
2. Crime Scene Investigation
3. Use of Force & Tactics
4. Domestic Violence Response
5. Hazardous Materials Awareness
6. Bloodborne Pathogens
7. Incident Command/NIMS
8. Search and Rescue
9. Interacting with People Experiencing a Mental Health Crisis
10. Fair & Impartial Policing
11. Any other course required by law or approved by the Council

During the same 12-month period the officer must satisfactorily complete 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.

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 8b 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 9 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 completed 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, 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, but in no case shall it be less than 792 hours.

## **Rule 10 MINIMUM TRAINING, EQUIPMENT, AND FACILITY STANDARDS FOR LAW ENFORCEMENT CERTIFICATION COURSES**

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:

1. Satisfactorily complete the Level I, II, or III officer basic training course approved by the Council by demonstrating to the satisfaction of each instructor a knowledge, understanding, and proficiency necessary to meet the objectives of each subject;
2. Satisfactorily complete an approved firearms training program;
3. Comply with all regulations and guidelines promulgated by the Council; and,
4. Participate in all courses and classes, unless absences are authorized by the Executive Director because of exigent circumstances.

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.

Equipment and facilities such as audiovisual aids, space, seating, lighting, climate control, restrooms, parking, and the like, must be available for use at each approved training location to allow for a suitable environment for teaching and learning.

The minimum standards for facilities within which approved training courses shall be conducted are:

An approved firing range shall be available to the school. The range must have at least five (5) firing points with a minimum firing distance of twenty-five (25) yards. The range shall be within a reasonable traveling distance from the school.

Non-certification by the Executive Director, at the completion of the training course, may be appealed to the Council. A notice of appeal, expressed in simple terms, must be filed with the Executive Director within three (3) business days of the denial of certification. The Council must meet to review the appeal and issue a decision within 90 days.

## **Rule 11 STANDARDS FOR INSTRUCTORS FOR APPROVED LAW ENFORCEMENT CERTIFICATION COURSES**

Instructors in a Level I, Level II, or Level III basic training program must be certified as such by the Council. Field Training Officers (FTOs) who are evaluating officers following a basic training program must be certified as such by the Council. Firearms instructors providing firearms training in a Level I, II, or III basic training program or for annual firearms training as required by Council rules must be certified by the Council.

a. Certification as an instructor shall be made at the discretion of the Executive Director consistent with these Rules.

b. Applicants for certification as an instructor must be approved by their sponsoring agency head.

c. An individual may apply for certification in more than one (1) of the areas of instruction.

d. In cases where an instructor application is denied by the Executive Director, the applicant may appeal the decision to the Council within 30 calendar days. The Council's decision shall be final.

e. Applicants for certification as instructor must meet the following criteria:

**1. Instructor of Law Enforcement Skills.**

Application for this position may be made by a Level II or Level III certified law enforcement officer with a minimum of two (2) years of law enforcement experience; and has:

- A. completed an instructor development course approved by the Council; and
- B. completed any pre-requisite "train-the-trainer" or subject specific required courses; and
- C. has demonstrated professional skills.

Instructors may be required to document specific refresher or update training prior to recertification.

**2. Instructor of General Subjects.**

Applications for this position may be made by any person who possesses training or expertise in any subject offered as part of an approved program or course. These instructors are viewed as having knowledge in a specific topic or subject matter, and usually provide small blocks of narrowly focused training.

Instructors may be required to document specific refresher or update training prior to recertification.

**3. Use of Force & Tactics and/or Firearms Instructor.**

Application for this position may be made by any person who has completed a police firearms instructor's course or use of force instructor's course approved by the Council.

A. A "Use of Force" Committee consisting of use of force and firearms instructors representing municipal, state, and county law enforcement agencies, and other criminal justice personnel shall be appointed by the Executive Director.

B. To be eligible for recertification, the use of force & tactics and/or firearms instructor must attend and satisfactorily complete a Council-approved use of force & tactics and/or firearms instructor update/refresher. In addition, the application 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 use of force & tactics and/or firearms instructor.



#### **4. Field Training Officer.**

A. 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.

B. 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.

5. The Executive Director may suspend or revoke the certification of any instructor for cause, after providing notice by mail to the instructor of the facts or conduct justifying the intended action and 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; and (4) maintain the requisite law enforcement officer certification.

#### **Rule 12 RECERTIFICATION OF LAW ENFORCEMENT OFFICERS**

a. Any Level III law enforcement officer who has not been employed as a Level III law enforcement officer in Vermont or as a training coordinator for the Vermont Police Academy for a period of more than three (3) consecutive years shall be deemed to have an expired certification and shall not exercise law enforcement authority until s/he successfully completes the Level III Basic Training program and is re-certified as a Level III law enforcement officer. Further, prior to being re-certified as a Level III law enforcement officer, said individual must successfully complete any mandatory specialized training that was instituted during the time s/he was not employed as a law enforcement officer in Vermont or as a training coordinator for the Vermont Police Academy.

b. Any Level II law enforcement officer who has not been employed as a Level II law enforcement officer in Vermont for a period of more than three (3) consecutive years shall be deemed to have an expired certification and shall not exercise law enforcement authority until s/he successfully completes the Level II Basic Training program and is re-certified as a Level II law enforcement officer.

c. Any Level I law enforcement officer who has not been employed as a Level I law enforcement officer in Vermont for a period of more than three (3) consecutive years shall be deemed to have an expired certification and shall not exercise law enforcement authority until s/he successfully completes the Level I Basic Training program and is re-certified as a Level I law enforcement officer.

d. Any Level I, II or III law enforcement officer who has been decertified pursuant to Rule 19, has not been employed in law enforcement for a period of three (3) years or less and is eligible for recertification, shall submit his/her 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's showing that s/he has the ability to function effectively in the exercise of law enforcement authority.

### **Rule 13 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 of thirty (30) hours of certified or certifiable in-service training. Such training shall include firearms re-qualification under the supervision of a Council-certified firearms instructor, four (4) hours of use of force & tactics refresher training under the supervision of a Council-certified use of force & tactics instructor and first aid training unless currently certified in first aid.
- 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.
- c. 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 must be given to all law enforcement agency heads by December 1 of the prior calendar year.
- d. The agency's training records shall be available for review by a representative of the Council staff upon reasonable notice.

### **Rule 14 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. Standardized rules 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 15 ESTABLISHMENT OF FEE SCHEDULE**

- a. At its last regular meeting held in any fiscal year above, 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 the Council meeting established by 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), to become effective on the next ensuing July 1st.

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 \$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.

f. All receipts from the base tuition rate shall be received by the Executive Director and paid over promptly to the Treasurer for deposit in the Criminal Justice Training Council revolving fund.

g. At each regular meeting of the Council, the Executive Director shall report on the budgetary and financial status of the Criminal Justice Training Council.

### **Rule 16 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**

1. 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, APRN or RN - is to reflect that the candidate is free of any disease or disability which would interfere with his/her physical performance in basic training. The physicians report must state that the candidate is physically capable of undergoing a rigorous physical exercise program.

2. 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 physician, APRN or RN chosen by the Council. Failure to pass such reexamination will render a person ineligible for entry to basic training. Appeal of the determination must be filed in three (3) business days.

#### **d. Written Examination**

Each candidate for the Vermont Police Academy must achieve a minimum passing score of seventy (70) on the current Vermont Police Academy entrance examination as a prerequisite to acceptance into basic training. The content of the examination shall be approved by the Council. This examination shall be administered by Council staff.

#### **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**

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 is under any order prohibiting the possession of a firearm will not be considered. Academy staff must have documentation that the candidate successfully meets this requirement. The background investigation shall include the submission of the applicant'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).

The background investigation will include a polygraph exam. A candidate will be excluded from attending basic training if any of the following conduct is identified during a polygraph examination:

- a. Domestic assault and/or related conduct (stalking, APO violations)
- b. Sex offenses
- c. Victimized children or vulnerable adults
- d. Distribution of controlled substances
- e. Under the influence of controlled substances, not lawfully possessed, within a year prior to the proposed training session entry date
- f. Fraud or related offenses involving an attempt to deceive for financial gain
- g. Violation of court orders
- h. Any other conduct that would be deemed unbecoming a police professional.

#### **g. Psychological Inventory**

Each candidate's prospective department must have submitted to the Council documentation that the candidate has been psychologically evaluated through the use of a reliable and valid assessment procedure and a written certification that, in the reasonable opinion of the hiring agency, the candidate is presently emotionally suited for law enforcement work.

#### **Rule 17 CANINE TRAINING STANDARDS; CERTIFICATION**

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.

#### **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.

c. 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**

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.

**Rule 20 PRIOR REGULATIONS; REPEAL**

All other prior rules, regulations, Statements of Policy, and Memorandums of Agreement, either formal or informal, are hereby repealed to the extent they are inconsistent with these rules.

**Rule 21 SEVERABILITY**

The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any person or circumstances is invalid, the invalidity shall not affect other provisions for applications which can be given effect without the invalid provision or application.

**EFFECTIVE DATE:**

These rules shall become effective fifteen (15) days after adoption is complete. All prior certificates and approvals issued on behalf of the Vermont Law Enforcement Training Council and the Vermont Criminal Justice Training Council shall continue in full force and effect except as otherwise provided in these rules.

**ADOPTION:**

I do hereby certify that the foregoing rules were adopted by said Council pursuant to 20 V.S.A. § 2355, and promulgated under the Vermont Administrative Procedure Act (3 V.S.A. Chapter 25).

DATED: \_\_\_\_\_ (Signed)

Chair  
Vermont Criminal Justice Training Council