January 25, 2023

9:00 AM

Teams Meeting

**Members in Attendance:**

Cassandra Burdyshaw

Christopher Louras

Brian Searles

Bill Sorrell

**Members Absent:**

Sheriff Mark Anderson

**Other Attendees:**

Christopher Brickell – Deputy Executive Director Vermont Police Academy

**Call to order:**

Burdyshaw called the meeting to order at 9:05 AM

**Motion to Approve the Minutes from the January 18, 2023 Committee Meeting:**

Sorrell moved to approve the minutes. Louras seconded. The minutes were approved.

**Discussion of current draft of rules:**

*Right to Appeal Category B Violation*

Brickell stated that he received legal advice that Council’s current process of sending a letter is sufficient for due process concerns. The letter gives the opportunity for the recipient to provide more information but not to have a hearing. He also stated that sending a letter is not a sanction.

Sorrell disagrees with the legal advice that the current process is sufficient to meet due process concerns. He stated that, even if the letter is not a sanction, it has ramifications. Searles stated that sending the letter is an action. Louras states that his past experience with the Loudermill process demonstrated to him the importance of having sufficient process in place. Burdyshaw stated that adding an appeal process could reduce legal risk.

*Reducing the Quorum for Professional Regulation Hearings*

Sorrell stated that it can be difficult to reach quorum for Professional Regulation hearings because the members of the Professional Regulation Committee cannot participate. Louras asked why Professional Regulation Committee members cannot participate. Sorrell stated that they cannot participate because they may have had access to prejudicial evidence that would be inadmissible such as hearsay.

Sorrell recommended that the Council reduces the number of individuals required to participate in Professional Regulation hearings. Sorrell stated that it is important to make sure that non-profit and community participants in the hearings are not outnumbered by law enforcement participants. Burdyshaw stated that an earlier draft changed the requirement from 13 individuals to three individuals, which Burdyshaw believes would be too few. Sorrell stated that the number of individuals required could be seven or nine. Burdyshaw will share draft language with Sorrell and Louras.

*Review of Potential Outstanding Rule Revisions from Meenan Presentation to Council on June 15, 2022*

Searles stated that Rules Committee does not need to address the training issues mentioned on Meenan’s list because Council Staff is currently working on training issues that will impact the rules.

Louras stated that there may be potential legislative language related to automatic waivers for agency heads.

Sorrell and Burdyshaw will arrange a call to make minor, clerical edits to the draft proposed rules.

Sorrell stated that he has a question about proposed rule 16 and the scope of traffic control. Searles stated that the Rules Committee can confirm the scope at the next meeting with Sheriff Anderson.

Louras stated that the Rules Committee decided that we should create a right of appeal for Category B first offenses but did not state what action the Committee members would take. Burdyshaw stated that the language could be changed in the Professional Regulation Committee’s Unprofessional Conduct Complaint and Investigation Procedures. Sorrell stated that the change should occur in the Council Rules. Brickell stated that we could change the language in both the Procedures and the Rules.

**Next meeting:**

February 1, 2023

**Potential Future Agenda Items:**

To be determined

**Motion to Adjourn:**

Sorrell moved to adjourn the meeting. Searles seconded the motion. The motion passed unanimously.

The meeting adjourned at 9:53 AM.