



# Vermont Criminal Justice Council

## RULES COMMITTEE: Minutes

March 28, 2023

March 28, 2023

1:00 PM

Teams Meeting

### **Members in Attendance:**

Cassandra Burdyslaw

Christopher Louras

Brian Searles

Bill Sorrell

Sheriff Mark Anderson

### **Members Absent:**

### **Other Attendees:**

Kim McManus – Attorney, Vermont Criminal Justice Council

### **Call to order:**

Burdyslaw called the meeting to order at 9:01 AM

### **Motion to Approve the Minutes from the March 15, 2023 Committee Meeting:**

Sorrell moved to approve the minutes. Burdyslaw seconded. Anderson abstained. The minutes were approved.

### **Discussion of proposed rules:**

#### 1. Proposed Rule 14 Entry Standards for Basic Training

Committee members discussed the suggestion to specify what happens if issues listed under subsection f ii are identified before a candidate undergoes a polygraph examination. Anderson stated that it is the current practice to exclude a candidate from basic training if the conduct is identified outside of a polygraph examination. Burdyslaw will add subsection iii stating that a candidate will be excluded from basic training if any of the previous conduct is identified during the background and character check.

Committee members discussed the suggestion to provide a more specific definition of “distribution of controlled substances.” Committee members agreed that the concern brought up by a Council member that the existing definition may unnecessarily exclude candidates is currently addressed in the rules through the opportunity to seek a waiver. Anderson stated that relying on the waiver process may deter a candidate because information about the candidate’s waiver request would be available to the public. Sorrell stated that the Council has the option to go into executive session to discuss waiver decisions. McManus will inform Burdyslaw if she finds information that the Council does not have the opportunity to go into executive session to discuss waiver options.



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### 2. Proposed Rule 13 Standards for Instructors for Approved Law Enforcement Certification Courses

Committee members discussed the suggestion to change subsection iv B to subsection e to reflect application of the subsection to any instructor instead of only to Field Training Officers. Burdyshaw will include the change in the proposed rules.

Committee members discussed the suggestion to have the Council certify instructors instead of the Executive Director. Committee members agreed that certification of instructors should be done by Council staff and not by the Council. Committee members agreed to insert language stating that the Executive Director may make certification decisions in consultation with training staff and subject matter experts in the field. Burdyshaw will include the language in the proposed rules.

Committee members agreed to insert language stating that all certification decisions shall be issued in writing. Burdyshaw will include the language in the proposed rules.

### 3. Proposed Rule 9 Appeals

Committee members agreed to consult the Executive Director about what actions may be appealed.

#### **Next meeting:**

#### **Potential Future Agenda Items:**

#### **Motion to Adjourn:**

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

The meeting adjourned at 2:04 PM.