**Vermont Criminal Justice Council**

**Working Group for Act 56 review (per H.476)   
Location: via Microsoft Teams**

**November 29, 2023**

**Members:**

1. Christopher Louras, Chair
2. Chris Brickell
3. Kim McManus
4. Mike O’Neil
5. Trevor Whipple
6. Lt. Col. James Whitcomb - Proxy for DPS Commissioner
7. Tucker Jones
8. Michael Major
9. Erin Jacobsen
10. Sheriff Mark Anderson

**Others:**

1. Kevin Rushing, OPR
2. Meeting called to order @ 13:08
3. Motion by Louras to approve 11/21/23 minutes, second by O’Neil; Passed unanimously 9-0-1 (Anderson abstaining)
4. Continuing prior meeting’s work
   1. Code of Conduct v7
      1. Section 5: Lots of dialogue
         1. General agreement to:  
            "While on duty or under authority of the State, I shall adhere to the Statewide Use of Force Policy and 20 V.S.A. § 2368, including with the duty to intervene as provided therein."
      2. Section 7: Lots of dialogue
         1. Discussion to establish a VCJC Sexual Misconduct model policy
         2. Discussion addressing areas identified by Professional Regulation Subcommittee
         3. Discussion of [Model Policy Resource: Law Enforcement Sexual Misconduct Prevention and Accountability](https://evawintl.org/wp-content/uploads/2020-02_TB-Model-Policy-Resource-LESM-Prevention-and-Accountability-1.pdf#:~:text=Prohibited%20behaviors%20may%20include%2C%20but,not%20limited%20to%2C%20the%20following%3A&text=Any%20criminal%20conduct%20of%20a,%2C%20sexual%20battery%2C%20rape%29.&text=Exposing%20any%20uncovered%20genitalia%2C%20buttocks,the%20community%20or%20co%2Dworker)
         4. Continue reworking;
         5. Reflecting on Prohibited Conduct in Model Policy resource with discussion of bullet points landing the following columns:

|  |  |  |
| --- | --- | --- |
| On-duty | Off-duty | Either On/Off-Duty |
|  |  | * Any criminal conduct of a sexual nature as defined by state, federal, or tribal laws |
| * Exposing any uncovered genitalia, buttocks, or breasts to a member of the community or co-worker. **Needs more work** (normal versus inappropriate locker room behavior) |  |  |
| * Engaging in sexual acts or behavior while on-duty |  |  |
| * Possessing or sending sexually inappropriate material while on-duty, unless the employee can demonstrate a legitimate agency interest in the activity, for example as part of an investigation into criminal activity or employee misconduct. |  |  |
|  |  | * Using a law enforcement position, badge, or identification card to solicit, initiate, or coerce sexual contact with anyone. |
| * Unnecessary contacts that are nonprofessional and sexually motivated that exploit a power dynamic More work needed |  |  |
|  |  | * Inappropriate and unauthorized use of agency resources or information systems (e.g., obtaining telephone numbers or addresses of community members), for purposes that are nonprofessional, sexually motivated, or as part of a pattern of domestic violence and/or stalking behaviors. |
| * Voyeuristic acts committed against community members for sexually motivated purposes …. More work needed * Voyeuristic acts committed against detainees, including invasions of privacy that are unrelated to official duties (e.g., peering at an arrestee using a toilet; requiring an arrestee to expose his/her buttocks, genitals, or breasts; or taking images of all or part of an arrestee's naked body or of an arrestee performing bodily functions). * More work needed |  |  |
| * Gratuitous physical contact with suspects or detainees |  |  |

1. Next meeting on 12/11/23 @ 14:00 hours;
2. Following meeting on 12/13/23 @ 13:00 hours
3. Motion to adjourn by Louras. Second by Anderson. Passed unanimously.

Minutes record by: M. Anderson