**Vermont Criminal Justice Council**

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

**August 9, 2023**

**Members:**

1. Christopher Louras
2. Erin Jacobsen
3. Tucker Jones
4. Chris Brickell
5. Kim McManus
6. Sheriff Mark Anderson
7. Chief James Pontbriand
8. Lt. Col. James Whitcomb
9. Mike O’Neil
10. Trevor Whipple
11. Karen Tronsgard-Scott
12. Chief Jennifer Frank
13. Mike Major
14. Motion to approve 7/26/23 minutes by O’Neil, seconded by Whitcomb Passed unanimously. 10-0-1 Anderson abstained
15. Discussion regarding whether current statutes pertaining to unprofessional conduct in 20 V.S.A.§ 2401-2411 should be amended to apply to all off-duty conduct of law enforcement officers.

Reviewed memo from US DOJ. <https://www.justice.gov/d9/pages/attachments/2018/03/30/off-duty_conduct0002_-_accessible.pdf>
16. Discussion regarding potential issue to flag for “other recommendations to Act 56.”

PII/Addresses:
Chief Frank suggested removing certain PII from Act 56 documents retrospective to the Supreme Court ruling on Stowe. Public records exemptions may/should apply. Louras asked if this should be directed to VCJC Rules, or statutory change, or both? Tronsgard-Scott raised Professional Regulation Subcommittee (PRS) generally deals with public trust and wants to support a place of balancing public awareness and confidentiality. McManus advised that VCJC can address and the PRS could bring that change forward. Discussion regarding confidentiality provisions and how to address that in relation to

Voluntary Decertification
O’Neil suggested Council Rules should contemplate a voluntary decertification process that bypasses a standard Act 56 process requiring stipulations, hearings, etc.

Certifications
McManus discussed issues experienced regarding finding officers subject to act 56. Whipple & Anderson suggested an expiration of certifications, similar to a driver’s license. McManus advised there may be a need for statutory change due to laws regarding the state taking away professional licenses. Louras asked if OPR should be consulted regarding that? Brickell raised concern with the concept of expirations and considers certification wholly different than licensing.

1. Discussion by Louras if we should extend length of next meeting to 90 minutes in lieu of meeting weekly?

Motion by Anderson to extend future meetings to 90 minutes. Second by Whipple. Motion passed unanimously 11-0
2. Motion to adjourn by Jacobsen. Second by O’Neil. Passed unanimously.

Minutes record by: M. Anderson