



**STATE OF VERMONT
CRIMINAL JUSTICE COUNCIL
Rules**

Table of Contents

Chapter 1: Organization

- Rule 1 Authority, Prior Regulations Repealed, Severability
- Rule 2 Description of Organization
- Rule 3 Distribution of Rules
- Rule 4 Meetings
- Rule 5 Officers
- Rule 6 Executive Director

Chapter 2: Rules of General Applicability

- Rule 7 Definitions
- Rule 8 Rule Waivers
- Rule 9 Appeals

Chapter 3: Training

- Rule 10 Council Training Programs
- Rule 11 Establishment of Fee Schedule
- Rule 12 Minimum Training, Equipment, and Facility Standards for Law Enforcement Certification Courses
- Rule 13 Standards for Instructors for Approved Law Enforcement Certification Courses
- Rule 14 Entry Standards for Basic Training
- Rule 15 Basic Training Standards for Level I Law Enforcement Officers
- Rule 16 Scope of Practice for Level I Law Enforcement Officers
- Rule 17 Basic Training Standards for Level II Law Enforcement Officers
- Rule 18 Scope of Practice for Level II Law Enforcement Officers
- Rule 19 Basic Training Standards for Level III Law Enforcement Officers
- Rule 20 Regional Training
- Rule 21 Alternative Routes to Certification
- Rule 22 Mandatory Annual In-Service Training for Law Enforcement Officers
- Rule 23 Recertification of Law Enforcement Officers
- Rule 24 Specialized Training Standards; Certification
- Rule 25 Training Waivers

Chapter 4: Professional Regulation

- Rule 26 Violations While Attending Training
- Rule 27 Suspensions, Decertifications, and Revocations
- Rule 28 Professional Regulation Committee
- Rule 29 Council Hearings

Chapter 1: Organization

Rule 1 AUTHORITY, PRIOR REGULATIONS REPEALED, SEVERABILITY

- a. The Vermont Criminal Justice Council adopts these rules pursuant to the authority granted to it by 20 V.S.A. Ch. 151 and the requirements in 3 V.S.A. Ch. 25, Subch. 3. These rules

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

- b. All other prior rules shall automatically be repealed when these rules become effective. All other prior practices, procedures, policies, guidance documents, and Memorandums of Agreement, either informal or formal, shall be repealed when these rules become effective, but only to the extent they are inconsistent with these rules.
- c. The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any persons or circumstances is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.
- d. The Council may, pursuant to 3 V.S.A. § 835, adopt procedures and guidance documents to supplement and clarify the provisions of these rules. All such procedures and guidance documents shall be available on the Council's website.

Rule 2 DESCRIPTION OF ORGANIZATION

- a. The purpose and definition of the Council is derived from 20 V.S.A. § 2351.
- b. The composition of the Council is derived from 20 V.S.A. § 2352.
- c. The statutory authority for the Council is derived from 20 V.S.A., Chapter 151 as amended.

Rule 3 DISTRIBUTIONS OF RULES

- a. All rules and procedures of the Council related to training requirements and professional regulation shall be made available to each law enforcement agency head and to the public. Each trainee of any training program shall be provided with a copy of all rules and procedures of the Council pertinent to the training program the trainee is attending. Distribution may be made electronically or in printed form.

Rule 4 MEETINGS

- a. The Council shall hold regular meetings, at least quarterly as required in 20 V.S.A. § 2354. The date, time, and location of such meetings shall be noticed as provided in this rule.
- b. 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 meetings shall be noticed as provided in this rule.
- c. Notice of any regular or special meeting shall be given by the Executive Director to each Council member. 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.
- d. 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.

- e. 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).
- f. A Council member may appoint a person to act as the Council member's proxy in the Council member's absence. Such proxies shall be appointed by letter to the Chair, presented at or prior to the meeting.
- g. A quorum of thirteen (13) Council members, or their duly appointed proxies, shall be required for conducting business, except as noted below. The concurrence of a majority of the Council members and proxies authorized to vote shall be required to take binding action on Council business.
 - i. A quorum of nine (9) Council members, or their duly appointed proxies, shall be required for council hearings pertaining to unprofessional conduct.
- h. The Chair shall preside over all Council meetings. In the absence of the Chair, one of the Vice-Chairs selected by the Chair shall preside. In the event that neither the Chair nor a Vice-Chair is present at a meeting, the Council may elect, from its members present, a Chair pro-tem who shall preside at that meeting.
- i. 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 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.
- j. Any Council meeting may be recessed or adjourned on a majority vote of the members or proxies, subject at all times to the requirements of law.
- k. The presiding officer at a meeting shall not vote unless there is a tie vote of the other Council members and proxies present and voting.

Rule 5 OFFICERS

- a. The officers of the Council shall consist of a Chair and two Vice-Chairs.
- b. The general conduct of the duties and responsibilities of the Council shall be vested in its Chair, who shall preside over all Council 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.
- c. 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-Chairs.

- d. Pursuant to 20 V.S.A. § 2352(a)(3), the Chair shall be appointed by the Governor. The Vice-Chairs shall be elected for a term of one (1) year upon a vote of the members or their proxies present at a duly noticed meeting of the Council whenever a vacancy is created. Nominations for 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 persons receiving the most votes of the members or their proxies present and voting shall be declared the Vice-Chairs. One Vice-Chair shall be a representative of a law enforcement agency and the other Vice-Chair shall not be a representative of a law enforcement agency.
- e. 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 that person for Council membership, upon unavailability for any reason for a period of six (6) months, or upon expiration of the term of office.
- f. In the event the position of Chair becomes vacant, the balance of that officer's term shall be discharged by the Vice-Chairs until the Governor appoints a new Chair.

Rule 6 EXECUTIVE DIRECTOR

- a. 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.
- b. 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.
- c. The Executive Director shall have full administrative and operational 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 thereof.
- d. The Executive Director shall be responsible for the preparation of the Council's budget and its presentation before the General Assembly.
- e. 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.
- f. In the Executive Director's absence, the Deputy Executive Director may exercise the authority granted to the Executive Director.
- g. 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. The Executive Director shall seek the input of the

Chair prior to exercising this authority.

Chapter 2: Rules of General Applicability

Rule 7 DEFINITIONS

- a. The definitions of 3 V.S.A. § 801 and 20 V.S.A. § 2351a are hereby made applicable to these rules and regulations.
- b. For the purposes of these rules:
 - i. “Council” shall mean the Criminal Justice Council established pursuant to 20 V.S.A. Ch. 151.
 - ii. “Criminal justice personnel” is defined as including, but not limited to, law enforcement officers, communications personnel, and correctional employees.
 - iii. “Criminal justice training” is defined as that training that is required or permitted pursuant to these rules.

Rule 8 RULE WAIVERS

- a. This rule applies to requests to waive any requirement of these rules, including but not limited to training waiver requests made pursuant to Rule 25.
- b. The Council may waive any requirement of these rules if the individual requesting the waiver demonstrates to the Council’s satisfaction 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. Ch. 151) and the Council’s program missions and goals.
- c. All waiver requests shall be on forms approved by the Council.
- d. The Executive Director may refer any waiver request to the Waiver Committee for review and the preparation of a recommendation to the Council.
- e. The Council may delegate, in writing, to the Waiver Committee the authority to issue decisions on waiver requests. Any such written delegation shall specify the types of waivers the Waiver Committee has the authority to decide. The Waiver Committee may refer any waiver request it has the authority to decide to the Council.
- f. All waiver decisions shall be in writing. Copies of written decisions shall be provided to the individual requesting the waiver.

Rule 9 APPEALS

- a. Any written decision by the Executive Director or a Committee of the Council, which the Executive Director or Committee is authorized by statute or these rules to make, may be appealed to the Council within thirty (30) days of the decision by any party to the proceeding

in which the decision was issued.

- b. Any appeal pursuant to this rule shall be taken by filing a written notice of appeal, expressed in simple terms, with the Executive Director prior to the expiration of the thirty (30) day appeal period.

Chapter 3: Training

Rule 10 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. Standards 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 11 ESTABLISHMENT OF FEE SCHEDULE

- a. No later than at its last regular meeting held in any fiscal year, 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 establishing a base tuition rate pursuant to 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).
- 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 thirty dollar (\$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.

Rule 12 MINIMUM TRAINING, EQUIPMENT, AND FACILITY STANDARDS FOR LAW ENFORCEMENT CERTIFICATION COURSES

- a. 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:

- i. Comply with all regulations and guidelines promulgated by the Council; and
 - ii. Participate in all courses and classes, unless absences are authorized by the Executive Director because of exigent circumstances.
- b. 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.
- c. Equipment and facilities available for use at each approved training location shall comply with the requirements of any procedures approved by the Council.

Rule 13 STANDARDS FOR INSTRUCTORS FOR APPROVED LAW ENFORCEMENT CERTIFICATION COURSES

- a. All instructors who teach a curriculum approved by the Vermont Criminal Justice Council must be certified by the Executive Director. The Executive Director may make certification decisions in consultation with training staff and subject matter experts in the field.
- b. Applicants for certification as an instructor must be approved by their sponsoring agency head. As part of an instructor's application, they must have a letter from their agency head who endorses the applicant's competency in professionalism and the applicant's capacity for working respectfully with a variety of individuals in a learning environment.
- c. Applicants for certification as an instructor must meet the following criteria:
- i. Applicant is a certified law enforcement officer or a subject matter expert;
 - ii. If the applicant is a law enforcement officer, the applicant must be compliant with their annual in-service training;
 - iii. Applicant completes an instructor development course approved by the Council; and
 - iv. Applicant completes any pre-requisite "train-the-trainer" or subject matter course work as required by the Executive Director.
- d. To apply for an instructor certification, an applicant must submit a resume or curriculum vitae to the Executive Director. The resume or C.V. shall include:
- i. The proposed area of instruction that the applicant is seeking to be certified to teach;
 - ii. The applicant's professional experience, including both law enforcement experience and any other relevant professional experience;
 - iii. Any law enforcement training certifications, including past instructor certifications; and
 - iv. Two professional references.

1. The referrer should have first person knowledge of the applicant's expertise and/or experience in the subject matter and/or the applicant's ability to communicate effectively in a learning environment.
- e. An individual may apply for certification in more than one (1) area of instruction.
 - f. Instructor Recertification
 - i. Certified Instructors will be required to complete certification in their relevant training area and in instructor development training as required by the Executive Director.
 - g. Field Training Officer. 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.
 - i. To be eligible for recertification, the FTO must attend and satisfactorily complete a Council approved FTO update/refreshers. 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/refreshers within the certification period will render the instructor ineligible for recertification as a field training officer.
 - h. The Executive Director may immediately suspend an instructor verbally and have the instructor removed from the Vermont Police Academy, or remote classroom, for cause. The Executive Director will provide the suspended instructor with written notice as outlined in subsection (i) below within ten (10) days of the verbal suspension.
 - i. The Executive Director may suspend or revoke the certification of any instructor for cause, after providing notice in writing to the instructor outlining the facts or conduct justifying the intended action and providing 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; (4) maintain the requisite law enforcement officer certification; or created an unsafe training or workplace environment.
 - j. All certification decisions shall be in writing.

Rule 14 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.**
 - i. 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, physician's assistant, APRN or RN - is to reflect that the candidate is free of any disease or disability which would interfere with the candidate's physical performance in basic training. The report from a licensed physician, physician's assistant, APRN or RN must state that the candidate is physically capable of undergoing a rigorous physical exercise program.
 - ii. 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 licensed physician, physician's assistant, APRN or RN chosen by the Council. Failure to pass such reexamination will render a person ineligible for entry to basic training.
- d. **Written Examination.** Each candidate for the Vermont Police Academy must achieve a passing score 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 in accordance with a policy approved by the Executive Director.
- 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**
 - i. 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 under any order prohibiting the possession of a firearm will not be considered. Academy staff must have documentation confirming the candidate successfully meets this requirement. The background investigation shall include the submission of the candidate'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).
 - ii. The background investigation will include a polygraph examination. A candidate will be excluded from attending basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
 - 1. Domestic assault and/or related conduct (stalking, APO violations);

2. Sex offenses;
 3. Victimizing children or vulnerable adults;
 4. Fraud or related offenses involving an attempt to deceive for financial gain;
 5. Violation of court orders; or
 6. Any other conduct that would be deemed unbecoming of a police professional.
- iii. A candidate will be excluded from basic training if any of the previous conduct is identified during the background and character check.
 - iv. A candidate may be excluded from basic training if any of the following conduct is identified during a polygraph examination or during the background and character check:
 1. Distribution of controlled substances;
 2. Under the influence of controlled substances, not lawfully possessed, within a year prior to the proposed training session entry date.
- g. **Psychological Inventory.** Each candidate's prospective department must have submitted to the Council documentation confirming the candidate has been psychologically evaluated through the use of a reliable and valid assessment procedure, approved by the Executive Director, and a written certification that, in the reasonable opinion of the hiring agency, the candidate is presently emotionally suited for law enforcement work.

Rule 15 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 on an annual basis dependent on the core competency curriculum for Level I's scope of practice. The core competency curriculum will include any statutorily required training. The Council will post the training dates for the following year by September 1st.

- a. Upon successful completion of the Academy Course described above, a Level I enforcement officer will be issued a provisional twelve (12) month certification granting law enforcement authority, but only under the direct supervision and control of a fully certified Level I, II, or III law enforcement officer.
- b. During the twelve (12) month period following the provisional certification, an 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 on an annual basis based on evidence-based best practices of 21st Century policing. These courses may be offered at the Academy and at various field locations around the state.

- c. During the same twelve (12) month period the officer must satisfactorily complete a Council-certified Field Training and Evaluation Program. This may 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.
- d. 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 16 SCOPE OF PRACTICE FOR LEVEL I LAW ENFORCEMENT OFFICERS

- a. Security details, including courtroom security;
- b. Transports;
- c. Vehicle escorts;
- d. Management of traffic flow;
- e. 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 17 BASIC TRAINING STANDARDS FOR LEVEL II LAW ENFORCEMENT OFFICERS

- a. 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 on an annual basis dependent on the core competency curriculum for Level II's Scope of Practice. The core competency curriculum will include any statutorily required training. The Council will post on its website the training dates for the following year by September 1st.
- b. Upon successful completion of the Academy Course described above, the Level II law enforcement officer will be issued a provisional twelve (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.
- c. During the twelve (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 on an annual basis based on evidence based, best practices of

21st Century policing. These courses may be offered at the Academy and at various field locations around the state.

- d. During the same twelve (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.
- e. 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 18 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 19 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 completing 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 with a curriculum that is rooted in evidenced-based, best practices of 21st Century policing, 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 on an annual basis. The Council will post on its website the training dates for the following year by September 1st.

Rule 20 REGIONAL TRAINING

The substance of this rule is to be determined pending curriculum revision.

Rule 21 ALTERNATIVE ROUTES TO CERTIFICATION

The substance of this rule is to be determined pending curriculum revision.

Rule 22 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 number of hours of training as established by the Council.

- 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. 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 of the training requirement must be given to all law enforcement agency heads by December 1 of the prior calendar year.
- c. The Executive Director may temporarily suspend an officer's certification if an officer fails to meet the minimum hours of in-service training as established by the Council or fails to complete any mandatory annual training.
 - i. Prior to a temporary suspension under this rule, an officer will receive:
 - 1. A letter from the Executive Director or designee outlining what training is required for the officer to regain compliance with their annual in-service requirement;
 - 2. A thirty to sixty (30-60) day grace period, depending on the amount of training needed, to complete the required training before the temporary suspension goes into effect; and
 - 3. Notice of the officer's right to request an appeal to the Council.
 - ii. The Executive Director will rescind the temporary suspension when the officer completes the required training and submits proof of the same to the Council.
- d. A law enforcement officer who intentionally or willfully fails to complete their annual in-service training within a calendar year, or within a waiver period previously granted, may be subject to an unprofessional conduct Category C complaint.
- e. The agency's training records shall be available for review by a representative of the Council staff upon reasonable notice.

Rule 23 RECERTIFICATION OF LAW ENFORCEMENT OFFICERS

- a. Any certified law enforcement officer who has not been employed as a law enforcement officer in Vermont or as a Training Coordinator for the Vermont Police Academy for a period of three consecutive years or more shall be deemed to have an expired certification.
- b. Any certified law enforcement officer whose certification has expired pursuant to this Rule, whose certification has been revoked pursuant to 20 V.S.A. § 2406, or who has voluntarily surrendered a certification pursuant to 20 V.S.A. § 2406 shall not exercise any law enforcement authority until the officer successfully satisfies the certification requirements applicable to new law enforcement officers or the officer is recertified pursuant to subsection (c) of this Rule.

- c. Any individual prohibited from exercising law enforcement authority pursuant to this Rule may submit a 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 showing the ability to function effectively in the exercise of law enforcement authority. The Executive Director will issue a decision about such request in writing.

Rule 24 SPECIALIZED TRAINING STANDARDS; CERTIFICATION

- a. 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.
- b. The Council may, on its own or through the establishment of one or more Committees, adopt procedures and guidance documents setting forth specialized training standards and certification requirements for specific types of investigations such as death and internal affairs investigations.

Rule 25 TRAINING WAIVERS

- a. The Council's Waiver Committee shall have the authority to review requests for waivers from annual in-service requirements over sixty (60) days in duration.
- b. The Executive Director shall have the authority to review requests for waivers from annual in-service requirements under sixty (60) days in duration, as well as all other training-related waiver requests.
- c. An individual receiving an annual in-service training waiver from the Executive Director may request that the Waiver Committee extend the waiver to longer than sixty (60) days in duration.
- d. The Waiver Committee and Executive Director may refer a waiver request to the Council for its review.
- e. Waivers of training may be partial, complete, or conditional and shall only be granted on the basis of equivalent training that the individual applicant has successfully completed.
- f. An individual seeking a waiver must also comply with any process for entry to training as approved by the Council.
- g. An individual requesting a waiver of minimum basic law enforcement training shall also demonstrate current competency in:

- i. De-escalation and Use of Force & Tactics;
 - ii. Fair and Impartial Policing;
 - iii. Response to Domestic & Sexual Violence;
 - iv. Mental Health Crisis Response;
 - v. Firearm Safety; and
 - vi. Any other subject matter that the Council deems necessary taking into consideration the scope of law enforcement work the individual requesting the waiver will be engaged in.
- h. Any waiver may be conditioned on the satisfactory completion of any supplemental or remedial training deemed necessary to equate previous training with current Council training standards. An individual receiving a conditional waiver shall complete any required supplemental or remedial training within the time established in the written conditional waiver decision.

Chapter 4: Professional Regulation

Rule 26 VIOLATIONS WHILE ATTENDING TRAINING

- a. 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.
- b. 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.

Rule 27 SUSPENSIONS, DECERTIFICATIONS, AND REVOCATIONS

- a. In addition to the authority set forth in 20 V.S.A. Ch. 151, Subch. 2, the Council shall have the authority to suspend or revoke the certification of any person for the following reasons:
 - i. Conviction of a felony;
 - ii. Failure to comply with in-service training requirements;
 - iii. A finding that the person's certification was issued as the result of fraud;
 - iv. A finding that the person's certification was issued as a result of error; or
 - v. For any other reasons for which decertification is specifically authorized by statute.
- b. Any decision to suspend or revoke a person's certification shall be made in writing.

Rule 28 PROFESSIONAL REGULATION COMMITTEE

- a. The Council shall establish a Professional Regulation Subcommittee which shall recommend to the Council procedures governing how unprofessional conduct reports and complaints are received, reviewed, investigated, and referred to the Council for further action.
- b. Upon adoption by the Council, such procedures shall apply to all unprofessional conduct reports and complaints.

Rule 29 COUNCIL HEARINGS

- a. Proceedings before the Council pertaining to unprofessional conduct reports and complaints shall be conducted in accordance with both the requirements in the Administrative Procedures Act relating to contested cases (3 V.S.A. §§ 809-816) and any procedures the Council may adopt regarding unprofessional conduct hearings. In the event of a conflict between the Administrative Procedures Act and the Council's procedure, the former shall govern.
- b. When the Professional Regulation Committee makes a finding that a law enforcement officer has committed a Category B, first offense, the Committee shall:
 - i. Notify the officer of the Committee's finding within thirty (30) days, in writing;
 - ii. Inform the officer that a Category B first offense finding by the Committee may be used as evidence before the Council if the officer has a future hearing before the Council based on a Category B, second or subsequent offense;
 - iii. Provide the officer the opportunity to provide additional evidence and/or testimony before a Council-designated committee to contest the finding of the Category B, first offense, violation; and
 - iv. Inform the officer that if they do not request a hearing to contest the Category B, first offense, finding within ten (10) days of receiving his/her violation letter, or after the Council-designated committee affirms the Professional Regulation Committee's finding, then they waive the right to contest the Category B, first offense, violation findings.
- c. The Council shall take no action to sanction a law enforcement officer who is alleged to have committed a first offense of Category B conduct that is not listed in 20 V.S.A. § 2407 (a).

Dated: 9/7/23

 (Signed)

Chair
Criminal Justice Training Council