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Adopted:

Pursuant to [20 V.S.A. Chapter 151, Title 20, of the Vermont Statutes Annotated, as amended by Act No. 57 of the 1979 Session of the General Assembly](#), the following rules are adopted to govern the conduct of the Vermont Criminal Justice Training Council (hereinafter called the Council) meetings, to establish the quorum of members attending meetings required to permit the conduct of business, and to generally govern the affairs of the Council.

### **Rule 1 DESCRIPTION OF ORGANIZATION**

The purpose and definition of the Council is derived from [Title 20 V.S.A., § 2351](#).

The composition of the Council is derived from [Title 20 V.S.A., § 2352](#).

The statutory authority for the Council is derived from [Title 20 V.S.A., Chapter 151](#) as amended.

### **Rule 2 DEFINITIONS**

The definitions of [Title 3 V.S.A. § 801](#) and [Title 20 V.S.A. § 2358\(c\)51a](#) are hereby made applicable to these rules and regulations unless they are inconsistent with the Council's Act or with these rules.

For the purposes of these rules ~~and Chapter 151~~:

~~"Certified or certifiable in-service training" means training which benefits the law enforcement officer in the performance of their employment, as determined by their agency head.~~

"Criminal justice personnel" is defined as including, but not limited to, law enforcement officers, communications personnel, correctional employees, prosecution and defense personnel, and educators in the criminal justice field.

~~"Criminal justice training" is defined as any course of study which has as its primary purpose, the development or enhancement of skills to function effectively in a profession or occupation related to law enforcement or the criminal justice system of Vermont.~~

~~"Law enforcement officer training schools" shall mean an approved part-time or full-time Level I, Level II, or Level III basic training course for law enforcement officers, or an approved basic training course for canine teams, which results in the certification or recertification of law enforcement officers or canine teams.~~

~~"Part-time Level I or Level II basic training course" means an approved course of study that will provide for training and certification of part-time Level I and Level II law enforcement officers or for full-time Level III certified law enforcement officers seeking recertification as provided in the rules.~~

### **Rule 3 DISTRIBUTIONS OF RULES; VIOLATIONS WHILE ATTENDING TRAINING**

All rules, policies, and regulations of the Council shall be made available to each trainee of any training programs prior to enrollment, to each law enforcement agency head, and to the public. Distribution may be made electronically or in printed form.

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.

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.

Hearings shall be conducted by the Council in accordance with 3 V.S.A. §§ 809, 809a, 809b, and 810. Hearing decisions shall comply with the requirements of 3 V.S.A. § 812. Judicial review of the final decisions of the Council is available pursuant to 3 V.S.A. § 815.

### **Rule 4 MEETINGS**

The Council shall hold regular quarterly meetings as required in ~~¶~~20 V.S.A. § 2354. The date, time, and location of such meetings shall be noticed as provided in this rule.

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 meeting shall be noticed as provided in this rule.

Notice of any regular or special meeting shall be given by the Executive Director to each member of the Council. 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.

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 ~~Title 1~~ V.S.A. § 312.

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).

Council members may appoint a person to act as his or her proxy in their absence. Such proxies shall be appointed by letter to the Chair, presented at or prior to the meeting.

A quorum of seven (7) members, or their duly appointed proxies, shall be required for the conduct of business. The concurrence of a majority of the members and proxies present at a meeting authorized to vote shall be required to take binding action on Council business.

The Chair shall preside over all Council meetings. In the absence of the Chair, the Vice-Chair shall preside. In the event that neither the Chair or Vice-Chair are present at a meeting, the Council may elect from its members present, a Chair pro tem who shall preside at that meeting.

All regular and special meetings shall be governed by Robert's Rules of Order.

All meetings shall be open to the public unless an executive session is invoked under Title 1 V.S.A. § 313 Chapter 5, Subchapter 2. Minutes of each meeting shall be kept and made part of the public record, except portions of such minutes which are 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.

Any Council meeting may be recessed or adjourned on the majority vote of the members or proxies present, subject at all times to the requirements of law.

The presiding officer at a meeting shall not vote unless there is a tie vote of the other members and proxies present and voting.

## Rule 5 OFFICERS

The general conduct of the duties and responsibilities of the Council shall be vested in its Chair who shall preside over all 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.

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-Chair.

The Chair and Vice-Chair shall be elected for a term of one (1) year upon a vote of the members or their proxies present at the regular meeting of the last quarter of the calendar year. Nominations for Chair or 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 person receiving the most votes of the members or their proxies present and voting shall be declared the Chair and Vice-Chair respectively.

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 him or her for Council membership, or upon unavailability for any reason for a period of six (6) months.

In the event the position of Chair becomes vacant, the balance of that officer's term shall be discharged by the Vice-Chair. A new Vice-Chair shall be elected at the next regular or special meeting in the manner prescribed for normal elections and shall serve for the balance of the term. Should both the Chair and Vice-Chair be vacant, a new election for both positions shall be conducted at the next regular or special meeting. The term of office shall be for the balance of the unexpired term.

## Rule 6 EXECUTIVE DIRECTOR

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 Title 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.

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.

The Executive Director shall have full administrative responsibility for the direction and control of Council employees, agents, instructional staff, and consultants appointed under the provisions of Title 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 therefore.

The Executive Director shall be responsible for the preparation of the Council's budget and its presentation before the General Assembly.

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.

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.

## Rule 7a 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, but no less than fifty-eight (58) hours, in the following areas including but not limited to:

1. Criminal Law
2. Police Liability
3. Firearms Training and Qualification
4. Role of the Police
5. Patrol Procedures
6. Field Note-Taking and Report Writing

7. Motor Vehicle Law
8. Ethics and Discretion

Upon successful completion of the Academy Course described above, the Level II enforcement officer will be issued a provisional 12-month certification that grants law enforcement authority, but only under the direct supervision and control of a fully certified Level II or Level II law enforcement officer.

During the 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, but no fewer than fifty (50) hours. These courses may be offered at the Academy and at various field locations around the state.

Core courses must include but are not limited to:

1. First Aid (First aid, CPR, and/or AED)
2. Crime Scene Investigation
3. Use of Force & Tactics
4. Domestic Violence Response
5. Hazardous Materials Awareness
6. Bloodborne Pathogens
7. Incident Command/NIMS
8. Search and Rescue
9. Interacting with People Experiencing a Mental Health Crisis
10. Fair & Impartial Policing

During the same 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 hours, on performance of pertinent tasks observed and evaluated by a Council-certified Field Training Officer who attests to successful completion of those tasks.

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 7b SCOPE OF PRACTICE FOR LEVEL I LAW ENFORCEMENT OFFICERS**

1. Security details, including courtroom security;
2. Transports;
3. Vehicle escorts;
4. Traffic control;
5. 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 8a7 BASIC TRAINING STANDARDS FOR PART-TIME LEVEL II LAW ENFORCEMENT OFFICERS**

No person, unless exempted by statute, shall exercise law enforcement powers as a part-time 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, but no less than eighty (80) ~~fifty-eight (58)~~ hours, in the following areas including but not limited to:

1. Laws of Arrest
2. Search and Seizure
3. Introduction to Criminal Law
4. Police Liability
5. Firearms
6. Role of the Police
7. Patrol Procedures
8. Note-taking and Report Writing
9. Juvenile Law
10. Motor Vehicle Law

#### 11. Ethics and Discretion

1. Criminal Law
2. Police Liability
3. Firearms
4. Role of the Police
5. Patrol Procedures
6. Field Note-Taking and Report Writing
7. Motor Vehicle Law
8. Ethics and Discretion

Upon successful completion of the Academy Course described above, the ~~part-time~~Level II law enforcement officer will be issued a provisional 12-month certification that grants law enforcement authority but only under the direct supervision and control of a fully certified ~~full-or-part-time~~Level II or Level III officer.

During the 12-month period following the provisional certification, the officer must ~~satisfactorily complete~~enroll in 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, but no fewer than fifty (50) hours. These courses may be offered at the Academy and at various field locations around the state.

Core courses must include but are not limited to:

4. 1. First Aid (First aid, CPR, and/or AED)
2. ~~Collection and Preservation of Evidence~~Crime Scene Investigation
2. 3. ~~Non-Lethal~~Use of Force/~~Control & Restraint~~Tactics
3. 4. Domestic Violence Response
4. 5. Hazardous Materials Awareness
6. Bloodborne Pathogens
7. Incident Command/NIMS
8. Search and Rescue
5. 9. ~~Interacting W~~with People Experiencing a Mental Health Crisis
10. Fair & Impartial Policing

~~Elective Courses may include but are not limited to:~~

1. Traffic Crash Investigation
- Civil Process Service
2. Criminal Investigation
2. Prisoner Transportation
2. Marine Enforcement
2. Fish and Wildlife Enforcement
2. Interviews and Interrogations
2. Courtroom Demeanor
2. Use of Police Baton
2. Child Physical and Sexual Abuse
2. Identification of Substance Abuse
2. Sexual Assault
2. Bias-Free Policing

During the same 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.

Upon successful completion of all three phases of training, the Executive Director shall issue a ~~part-time~~Level II officer certification to replace the provisional certification, thereby granting full law enforcement authority ~~for~~on a limited ~~work~~ ~~schedules~~scope of practice. (20 V.S.A. § 2358(b)(2)(B)-(c)-(3))

### **Rule 8b 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 98 BASIC TRAINING STANDARDS FOR FULL-TIME LEVEL III LAW ENFORCEMENT OFFICERS

~~Any sworn, commissioned member of a municipal police department, county sheriff's office, state law enforcement agency or political subdivision thereof who is paid on a full-time basis and has authority, except where exempted by statute, to enforce the criminal laws of this state as a law enforcement officer as defined in Title 20, Chapter 154. 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 must completing the basic training course at the Police Academy or at another approved facility (or completed a course of instruction and training which is equal to Vermont's Basic Training Course for Level III Full-Time Law Enforcement Officers, outside of Vermont). The basic course shall consist of instruction approved by the Council and shall be completed by full-time officers within six (6) months of their date of appointment. Notwithstanding the foregoing, no person shall be permitted to exercise law enforcement powers before satisfactorily completing the training as provided in Rule 7.~~ 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, but in no case shall it be less than 792 hours.

Said instruction shall minimally consist of the following subjects:

- Introduction to Criminal Justice
- Basic Law
- Human Values and Problems
- Police Procedures
- Police Skills
- Physical Conditioning and Training
- Firearms Training and Qualification
- Electives

## Rule 9 DETERMINATION OF FULL-TIME OR PART-TIME STATUS

~~The Council for purposes of determining whether a person is a full-time or part-time officer, under the minimum training standards established by 20 V.S.A. 2358, may investigate the full circumstances of employment.~~

~~Based upon such investigation and any other available evidence, the status of a person shall be determined by a majority vote of the Council members or proxies present at a meeting duly warned for such purpose.~~

~~The vote of the Council shall constitute a final administrative ruling for the purposes of appeal.~~

## Rule 10 STANDARDS FOR CERTIFICATION OF PART-TIME REGIONAL LAW ENFORCEMENT CERTIFICATION COURSES

~~Upon application, on approved forms, for a part-time regional law enforcement certification course, approval of such a course will be made on the basis of on-site inspections, intended curriculum and instructor review, and demonstrated need, conducted by the Executive Director or designee.~~

~~The applicant requesting approval of a part-time regional law enforcement certification course will indicate the approximate number of candidates and the agencies or departments they represent.~~

~~a. Approval or disapproval of the part-time regional law enforcement certification course will be furnished in writing to the applicant within thirty (30) days of receipt of the request by the Council.~~

~~b. In the event approval of a part-time regional law enforcement certification course is denied by the Executive Director, a written appeal may be made within thirty (30) days to the Council. The appeal will be heard at the next regularly scheduled meeting of the Council or within thirty (30) days of the date of the appeal whichever occurs first. The decision of the Council is final for purposes of appeal.~~

~~c. Approval of part-time regional law enforcement officer training schools offering one time training programs shall be for a specific course and shall be issued for a definite period of time not to exceed one (1) year. A renewal may be granted by the Executive Director.~~

~~d. It is the responsibility of the applicant to appropriately notify officers enrolled in such a course whether the course has been approved by the Council.~~

~~e. All approved part-time regional law enforcement certification courses shall conduct a Council approved firearms proficiency course. Students are required to qualify with a firearm comparable in make, style, and function to that utilized during their on-duty hours.~~

~~f. Upon completion of an approved part-time regional law enforcement certification course, the applicant shall furnish to the Council, within three (3) business days of completing the course, a list of those law enforcement officers who satisfactorily completed the course and a list of those who did not, along with a summary of scores and all original course documents and student records.~~

~~g. The Executive Director or designee shall visit and inspect each approved course at least once during any course. These inspections shall include, but not be limited to, the following areas:~~

~~1. Course outlines~~

~~Class schedules~~

~~2. Lesson objectives~~

~~2. Maintenance of records~~

~~2. Rules and Regulations~~

~~2. Firearms, facilities and equipment~~

~~2. Inspection of teaching methods~~

~~j. Unsatisfactory conditions found in any of the areas of inspection as set out above, shall be subject to corrective action by order of the Executive Director. Failure on the part of the applicant to take the necessary action or failure on the part of the instructor to take corrective action may result in the immediate revocation of the course approval.~~

~~k. Failure on the part of the participants to comply with Part-time Officers Field Training Guidelines (See Appendix A), issued to each participant, may result in non-certification of the individual as a law enforcement officer.~~

~~l. Basic and in-service courses conducted at the Vermont Police Academy are subject to inspection by the Executive Director or designee at any time.~~

~~m. All approved basic training schools shall be certified by the Executive Director. Failure at any time to comply with these rules may result in revocation of certification. Training shall include:~~

~~1. A basic training program for new employees in the law enforcement field and retention of previously appointed law enforcement officers which shall consist of courses established by the Council rules.~~

~~n. Students shall be required to attend all classes. Certification shall not be granted unless absences are made up by attending classes in the same course in another approved training program and evidence of compliance is presented to the Executive Director.~~

~~o. Agencies desiring certification of courses in basic law enforcement training programs, for themselves or other agencies, shall submit a proposed course curriculum, lesson plans, and a list of certified instructors at least thirty (30) days prior to the commencement of training. Communications with the Council during the early planning stages of such programs will facilitate planning and avoid duplication.~~

## **Rule 101 MINIMUM TRAINING, EQUIPMENT, AND FACILITY STANDARDS FOR LAW ENFORCEMENT CERTIFICATION COURSES**

The Executive Director shall certify those law enforcement officers who have successfully completed the basic law enforcement certification course (~~both full and part-time~~ Levels I, II, and III courses). In order to qualify for certification, each trainee shall:

1. Satisfactorily complete the ~~full-time~~ Level I, II, or III ~~basic or part-time~~ officer basic training course approved by the Council by demonstrating to the satisfaction of each instructor a knowledge, understanding, and proficiency necessary to meet the objectives of each subject;
2. Satisfactorily complete an approved firearms training program;
3. Comply with all regulations and guidelines promulgated by the Council; and,
4. Participate in all courses and classes, unless absences are authorized by the Executive Director because of exigent circumstances.

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.

Equipment and facilities such as audiovisual aids, space, seating, lighting, climate control, restrooms, parking, and the like, must be available for use at each approved training location to allow for a suitable environment for teaching and learning.

The minimum standards for facilities within which approved training courses shall be conducted are:

An approved firing range shall be available to the school. The range must have at least five (5) firing points with a minimum firing distance of twenty-five (25) yards. The range shall be within a reasonable traveling distance from the school.

Non-certification by the Executive Director, at the completion of the training course, may be appealed to the Council. A notice of appeal, expressed in simple terms, must be filed with the Executive Director within three (3) business days of the denial of certification. The Council must meet to review the appeal and issue a decision within 90 days.

## **Rule 112 STANDARDS FOR INSTRUCTORS FOR APPROVED LAW ENFORCEMENT CERTIFICATION COURSES**

Instructors in a ~~full-time or part-time~~ **Level I, Level II, or Level III** basic training program must be certified as such by the Council. Field Training Officers (FTO's) who are evaluating officers following a basic training program must be certified as such by the Council. Firearms instructors providing firearms training in a **Level I, II, or III** ~~full-time or part-time~~ basic training program or for annual firearms training as required by Council rules must be certified by the Council.

- a. ~~Application for certification as an instructor shall be made on a form supplied by the Council at the discretion of the Executive Director consistent with these Rules.~~
- b. ~~The appropriate sections of the applications shall be completed and signed by the applicant and filed with the Executive Director. Applicants for certification as an instructor must be approved by their sponsoring agency head.~~
- c. ~~The appropriate section shall be completed and signed by the applicant's department/agency head, where applicable.~~
- d. An individual may apply for certification in more than one (1) of the areas of instruction. ~~This may be done by completing one (1) application form for each instructor certification sought.~~
- e. ~~Approval or denial of certification for any instructor upon application may be made by the Executive Director.~~ In cases where an instructor application is denied by the Executive Director, the applicant may appeal the decision to the Council within 30 calendar days. The Council's decision shall be final.
- f. ~~Initial instructor certifications will be for a period of time not to exceed one (1) year. Recertification shall be for a period of time not to exceed two (2) years.~~
- g. Applicants for certification as instructor shall must meet the following criteria:

### **1. Instructor of Law Enforcement Skills.**

Application for this position may be made by a **Level II or Level III** certified law enforcement officer with a minimum of two (2) years of law enforcement experience; and has:

- A. completed an instructor development course approved by the Council; and
- B. completed any pre-requisite "train-the-trainer" or subject specific required courses; and
- C. has demonstrated professional skills.

Instructors may be required to document specific refresher or update training prior to recertification.

### **2. Instructor of General Subjects.**

Applications for this position may be made by any person who possesses training or expertise in any subject offered as part of an approved program or course. These instructors are viewed as having knowledge in a specific topic or subject matter, and usually provide small blocks of narrowly focused training.

Instructors may be required to document specific refresher or update training prior to recertification.

### **3. Use of Force & Tactics and/or Firearms Instructor.**

Application for this position may be made by any person who has completed a police firearms instructor's course or use of force instructor's course approved by the Council.

**A1.** A "Use of Force" Committee consisting of use of force and firearms instructors representing municipal, state, and county law enforcement agencies, and other criminal justice personnel shall be appointed by the Executive Director.

**B2.** To be eligible for recertification, the use of force & tactics and/or firearms instructor must attend and satisfactorily complete a Council-approved use of force & tactics and/or firearms instructor update/refresher. In addition, the application 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/refresher within the certification period will render the instructor ineligible for recertification as a use of force & tactics and/or firearms instructor.

#### 4. Field Training Officer.

A. 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.

AB. To be eligible for recertification, the FTO must attend and satisfactorily complete a Council-approved FTO update/refresher. 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/refresher within the certification period will render the instructor ineligible for recertification as a field training officer.

5. The Executive Director may suspend or revoke the certification of any instructor for cause, after providing notice by mail to the instructor of the facts or conduct justifying the intended action and 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; and (4) maintain the requisite law enforcement officer certification.

### Rule 12 RECERTIFICATION OF LAW ENFORCEMENT OFFICERS

a. Any Level III law enforcement officer who has not been employed as a Level III law enforcement officer in Vermont or as a training coordinator for the Vermont Police Academy for a period of more than three (3) consecutive years shall be deemed to have an expired certification and shall not exercise law enforcement authority until s/he successfully completes the Level III Basic Training program and is re-certified as a Level III law enforcement officer. Further, prior to being re-certified as a Level III law enforcement officer, said individual must successfully complete any mandatory specialized training that was instituted during the time s/he was not employed as a law enforcement officer in Vermont or as a training coordinator for the Vermont Police Academy.

b. Any Level II law enforcement officer who has not been employed as a Level II law enforcement officer in Vermont for a period of more than three (3) consecutive years shall be deemed to have an expired certification and shall not exercise law enforcement authority until s/he successfully completes the Level II Basic Training program and is re-certified as a Level II law enforcement officer.

c. Any Level I law enforcement officer who has not been employed as a Level I law enforcement officer in Vermont for a period of more than three (3) consecutive years shall be deemed to have an expired certification and shall not exercise law enforcement authority until s/he successfully completes the Level I Basic Training program and is re-certified as a Level I law enforcement officer.

d. Any Level I, II or III law enforcement officer who has been decertified pursuant to Rule 19, has not been employed in law enforcement for a period of three (3) years or less and is eligible for recertification, shall submit his/her 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's showing that s/he has the ability to function effectively in the exercise of law enforcement authority.

### **Rule 13 MANDATORY ANNUAL IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS**

a. The calendar year following certification as a full-time law enforcement officer, and every calendar year thereafter, each full-time certified law enforcement officer shall participate in a minimum of twenty-fivethirty (3025) hours of certified or certifiable in-service training. Such training shall include firearms re-qualification under the supervision of a Council-certified firearms instructor, four (4) hours of use of force & tactics refresher training under the supervision of a Council-certified use of force & tactics instructor and first aid training unless currently certified in first aid.

~~b. The calendar year following certification as a part-time law enforcement officer, and every calendar year thereafter, each part-time law enforcement officer shall participate in a minimum of thirty (30) hours of certified or certifiable in-service training. Such training shall include firearms re-qualification and first aid unless currently certified in first aid.~~

be. 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.

cd. The Council may require specific training to be obtained by alleach officers as part of theirhis/her annual in-service training in a given year. The Council may also require individual officers to obtain specified training. Notice must be given to all law enforcement agency heads by December 1 of the prior calendar year.

de. The agency's training records shall be available for review by a representative of the Council staff upon reasonable notice.

## Rule 14 RECERTIFICATION OF LAW ENFORCEMENT OFFICERS

~~a. Any full-time law enforcement officer who has not been engaged as a law enforcement officer for more than three (3) years, but less than five (5) years, must successfully complete Phase I of the part-time law enforcement officer's training program prior to being re-certified as a law enforcement officer. Further, said person shall take any mandatory specialized training that was instituted during the time he or she was not employed as a law enforcement officer.~~

~~b. Those full-time law certified law enforcement officers who have not been engaged as law enforcement officers for more than five (5) years shall be required to successfully complete the basic training course offered at the Vermont Police Academy within six (6) months of employment.~~

~~c. Part-time certified law enforcement officers who have not been engaged in law enforcement for more than five (5) years must complete a part-time law enforcement course (Phase I), prior to employment.~~

~~d. Full or part-time law enforcement officers, who have been decertified pursuant to Rule 20, have been inactive in law enforcement for a period of three (3) years or less, and are eligible for recertification, shall submit their request in writing to the Executive Director. The Director shall review the request and may grant recertification following satisfactory completion of prescribed training as determined by the Director.~~

## Rule 145 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. Standardized rules 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 156 ESTABLISHMENT OF FEE SCHEDULE

a. At its last regular meeting held in any fiscal year above, 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 the Council meeting established by 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 ~~Title 20 V.S.A. § 2355(f)(1)(i)(3)~~ for training required under 20 V.S.A. § 2358.

d. The Council shall adopt ~~such the~~ base tuition rate under 20 V.S.A. § 2355(f)(1) and direct by vote that it be duly promulgated pursuant to through formal rulemaking pursuant to the Administrative Procedure Act (3 V.S.A., Chapter 25), to become effective on the next ensuing July 1st.

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 \$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.

ef. All receipts from the base tuition rate shall be received by the Executive Director and paid over promptly to the Treasurer for deposit in the Criminal Justice Training Council revolving fund.

fg. At each regular meeting of the Council, the Executive Director shall report on the budgetary and financial status of the Criminal Justice Training Council.

## Rule 167 ENTRY STANDARDS FOR BASIC TRAINING

The following minimum entry standards for basic training have been adopted by the ~~Vermont Criminal Justice Training Council~~. All ~~individuals~~ ~~students~~ seeking entry to basic training courses for ~~Level I, Level II, and Level III~~ ~~both full-time and part-time~~ 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~~ ~~before for~~ acceptance into basic training. ~~Maximum age will depend upon any existing mandatory retirement plans of hiring agency.~~

### 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

1. 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, ~~APRN or RN~~ - is to reflect that the candidate is free of any disease or disability which would interfere with his/~~her~~ physical performance in basic training. The physicians report must state that the candidate is physically capable of undergoing a rigorous physical exercise program.

2. At the discretion of the Executive Director, upon reasonable cause or concern for the trainee's health, a candidate must submit to reexamination by ~~the Council's~~ a physician, ~~APRN or RN chosen by the Council~~. Failure to pass such reexamination will render a person ineligible for entry to basic training. Appeal of the determination must be filed in three (3) business days.

### d. Written Examination

Each candidate for the Vermont Police Academy must achieve a minimum passing score of seventy (70) 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 by ~~the~~ Council staff. ~~At a minimum, the examination shall consist of the following subjects:~~

- ~~1. Arithmetic;~~
- ~~2. Reading Comprehension and Judgment;~~
- ~~3. Observation and Retention; and~~
- ~~4. Vocabulary.~~

~~Requests for reasonable accommodations must be filed in writing with the Executive Director or designee prior to testing.~~

### 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 ~~full-time~~ basic training course.

### f. Background and Character Check

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 is under any order prohibiting the possession of a firearm~~ will not be considered. Academy staff must have documentation that the candidate successfully meets this requirement. The background investigation shall include the submission of the applicant'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).

~~The background investigation will include a polygraph exam. A candidate will be excluded from attending basic training if any of the following conduct is identified during a polygraph examination:~~

- ~~a. Domestic assault and/or related conduct (stalking, APO violations)~~
- ~~b. Sex offenses~~
- ~~c. Victimizing children or vulnerable adults~~
- ~~d. Distribution of controlled substances~~
- ~~e. Under the influence of controlled substances, not lawfully possessed, within a year prior to the proposed training session entry date~~
- ~~f. Fraud or related offenses involving an attempt to deceive for financial gain~~
- ~~g. Violation of court orders~~
- ~~h. Any other conduct that would be deemed unbecoming a police professional.~~

The VCJTC, in the case of tuition students, shall request from the VCIC criminal history record information for any person applying to be a law enforcement officer. The request shall be in writing and shall be accompanied by a release signed by the applicant.

The VCJTC through the VCIC shall request criminal history record information from the appropriate state criminal repositories in all states in which the VCJTC has reason to believe the applicant has resided or been employed. If no disqualifying record is identified at the state level, the VCJTC through the VCIC shall request from the Federal Bureau of Investigation a national criminal history record check of the applicant's criminal history. The request to the FBI shall be accompanied by a set of the applicant's fingerprints and a fee established by the VCIC. The VCIC shall send the VCJTC the criminal history record from any state repository and the FBI of an applicant about whom a request is made under this subsection or inform the VCJTC that no record exists. The VCJTC shall promptly provide a copy of the criminal history record, if any, to the applicant and shall inform the applicant that he or she has the right to appeal the accuracy and completeness of the record through the VCIC. Upon completion of the applicant process under this section, the applicant's fingerprint card(s) shall be destroyed.

#### **g. Psychological Testing Inventory**

Each candidate's prospective department must have submitted to the Council, documentation that the candidate has been psychologically tested/evaluated through the use of a reliable and valid testing/assessment procedure and a written certification that, in the reasonable opinion of the hiring agency, the candidate is presently emotionally suited for law enforcement work.

## **Rule 178 CANINE TRAINING STANDARDS; CERTIFICATION**

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.

## **Rule 189 WAIVERS**

a. A requirement of these rules or portion thereof may be waived by the Council upon a reasonable showing that an alternative method will not substantially defeat provide equal or greater support for the purposes of these rules, the Council's enabling legislation (20 V.S.A. Chapter 151) Act and the Council's Pprogram missions and goals.

~~b. The waiver of an individual training process shall be administered by the "Waiver Committee" appointed by the Executive Director subject to Council approval.~~

~~c. The chair shall report the committee findings to the Council in writing for action on the individual's application for waiver of training. The vote of the Council shall be required to grant a waiver of training. The Executive Director may approve waiver requests on a temporary basis, pending review by, and approval of, the Council at their next regular or special meeting.~~

~~d. Waivers of training may be partial or complete and shall only be granted on the basis of equivalent training that the individual applicant has successfully completed. The law enforcement officer requesting such a waiver shall comply with Rule 134 herein and shall submit school transcripts, training certificates, and other documentation indicating completed equivalent training to accompany the application for a waiver of the law enforcement officer's minimum training. The application shall be on a form approved by the Council. Each applicant for a Level III waiver must submit a letter, certifying under the pains and penalty of perjury, that s/he had successfully completed his/her original probationary period with his/her out-of-state employing law enforcement agency. Each applicant must also comply with any process for entry to training as approved by the Council.~~

~~c. Individuals certified as full-time law enforcement officers in another jurisdiction who have not been employed as a law enforcement officer for more than three (3) years will be ineligible for a Level III waiver and will be required to attend either Level II or Level III training depending on the level of certification sought. Individuals certified as full-time law enforcement officers in another jurisdiction who have been employed as a law enforcement officer for at least three (3) years, but who have not been employed as a law enforcement officer in the preceding three (3) years may qualify for a Level II waiver.~~

~~e. Each applicant for waiver of minimum basic law enforcement training shall also demonstrate that he or she has successfully completed and is currently proficient in:~~

Vermont Motor Vehicle Law,  
Vermont Criminal Law;  
Vermont Juvenile Law;  
Use of Force & Tactics  
The use of firearms and current practices on application of force; and

Any other courses that the Council deems necessary.

~~fe.~~ The Council may establish, as a condition of certification under this section, any supplementary or remedial training necessary to equate previous training, with current Council standards.

~~gf.~~ If the Council determines that the applicant meets the requirements of these rules, the Executive Director shall issue such certificates as appropriate. If the Council determines that the applicant does not meet these rules, the Executive Director shall notify the applicant, setting forth the reasons for such denial. Notice of the Council's determination shall be issued no later than ten (10) business days following either the grant or denial of the waiver.

## Rule ~~1920~~ DECERTIFICATION

The Council shall have the authority to ~~suspend or~~ revoke the certification of any person for the following reasons:

1. Conviction of a felony subsequent to certification as a law enforcement officer;
2. Failure to comply with in-service training requirements after being provided reasonable notice and timeframe for remediation of deficiency;
3. A finding that the person's certification was issued as the result of fraud; ~~or,~~
4. A finding that the person's certification was issued as a result of error; ~~or~~
5. For any other reason for which decertification is specifically authorized by statute.

Prior to ~~suspension or~~ revocation of any person's certification, written notice ~~and opportunity for hearing~~ shall be provided to that person. ~~The notice shall inform that person that he or she may in writing request a hearing to contest revocation within ten (10) business days of receipt of notice.~~

Hearings shall be conducted by the Council in accordance with 3 V.S.A. §§ 809, 809a, 809b, and 810. Hearing decisions shall comply with the requirements of 3 V.S.A. § 812. Judicial review of the final decisions of the Council is available pursuant to 3 V.S.A. § 815.

## Rule ~~201~~ PRIOR REGULATIONS; REPEAL

All other prior rules, regulations, Statements of Policy, and Memorandums of Agreement, either formal or informal, are hereby repealed to the extent they are inconsistent with these rules.

## Rule ~~212~~ SEVERABILITY

The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any person or circumstances is invalid, the invalidity shall not affect other provisions for applications which can be given effect without the invalid provision or application.

### EFFECTIVE DATE:

These rules shall become effective ~~fifteen (15) days after adoption is complete, September 1, 2007.~~ All prior certificates and approvals issued on behalf of the Vermont Law Enforcement Training Council and the Vermont Criminal Justice Training Council shall continue in full force and effect except as otherwise provided in these rules.

### ADOPTION:

~~I, Michael R. McCarthy, as Chair of the Vermont Criminal Justice Training Council,~~ do hereby certify that the foregoing rules were adopted by said Council pursuant to 20 V.S.A. § 23545, and promulgated under the Vermont Administrative Procedures Act (~~3 V.S.A. Chapter 25~~).

DATED: ~~July 26, 2007~~

~~Michael R. McCarthy~~

Chair

Vermont Criminal Justice Training Council

\_\_\_\_\_  
(Signed)