

**Overview of Senate Government Operation Committee’s Amendment to H.476,  
an act relating to miscellaneous changes to law enforcement officer training laws**

This is an overview of the Senate Government Operations (“SGO”) Committee’s strike-all amendment of H.476, an act relating to miscellaneous changes to law enforcement officer training laws. H.476 implements recommendations from the [Domestic Violence Fatality Review Commission 2022 report](#). These recommendations would be incorporated into [Title 20 \(Internal Security and Public Safety\), Chapter 151 \(Vermont Criminal Justice Council\)](#).

**\*\*\* Domestic Violence Involving Law Enforcement Model Policy \*\*\***

Sec. 1 amends [20 V.S.A. § 2365](#) (the section heading will now read “Domestic Violence Training; Domestic Violence Involving Law Enforcement Model Policy.”) and will require law enforcement agencies and ‘constables who exercise law enforcement authority’ to adopt the Domestic Violence Involving Law Enforcement Model Policy and any future updates to the Policy.

- Note: SGO did not change this section.
- Note: [Here is a link](#) to the 2010 Model Policy as posted on the Vermont Law Enforcement Advisory Board’s webpage. Note that it appears to still be in draft form.

Sec. 2 is session law and will require the Vermont Law Enforcement Advisory Board to update the Domestic Violence Involving Law Enforcement Model Policy by January 1, 2024, to reflect various DVFRC recommendations.

- Note: SGO changes some terminology.
- Note: the Vermont Law Enforcement Advisory Board is codified in [20 V.S.A. § 1818](#). More information about the Board can be found on its [webpage](#).

**\*\*\* Officer Misconduct and Transparency of Information \*\*\***

Sec. 3 amends [20 V.S.A. § 2401](#) (Definitions), which applies pertains to law enforcement officer certification and the Vermont Criminal Justice Council (“VCJC”), to include as Category B conduct two additional items: (H) “attempting to cause or causing physical harm to a family or household member, or placing a family or household member in fear of imminent serious physical harm,” and (I) violation of the ‘Domestic Violence by Law Enforcement Model’ Policy. These new types of conduct qualify regardless of happening

on or off duty; this is a departure from other types of Category B conduct which apply only “to actions on duty or under authority of the State, or both.” Also, for reference, Category B conduct entails various types of gross professional misconduct and not following protocols and policies.

- Note: SGO did not change this section.

Sec. 4 amends [20 V.S.A. § 2407](#) (Limitation on Council Sanctions; First Offense of Category B Conduct) to:

- 1) re-write the section to clarify which types of conduct the VCJC may take action on for a first offense; and
- 2) enable the VCJC to take action for a first offense of conduct added in Sec. 3 ((H) and (I)), as well as for sexual harassment involving physical contact.

- Note: For context, the VCJC may sanction a law enforcement officer for a first offense of Category A conduct (felonies and numerous misdemeanors), but by default may only take action on a second offense of Category B conduct, unless otherwise provided.

Sec. 4a requires the VCJC to report back on:

1. whether current statutes pertaining to law enforcement officer unprofessional conduct should be amended to apply to all off-duty conduct;
2. whether these statutes should be amended to adjust the scope of conduct that VCJC may take action on for a first offense; and
3. any other recommendations as deemed appropriate by the VCJC.

Sec. 5 amends [20 V.S.A. § 2409 \(Accessibility and Confidentiality\)](#) and will require the Vermont Criminal Justice Council to collect and annually report aggregate data regarding domestic and sexual violence and complaints of Category A and B conduct involving domestic or sexual violence resulting in the filing of charges or stipulations or the taking of disciplinary action.

\*\*\* Vermont Criminal Justice Council Domestic Violence Training  
Position Funding \*\*\*

Secs. 5a and 5b together removing two references in statute that provide funding for the VCJC’s Domestic Violence Training Position from the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360. Testimony provided to SGO indicated that this position is now entirely funded by General Funds to VCJC.

Sec. 5a amends [20 V.S.A. § 2365 \(domestic violence training\)](#) to delete the reference to funding the VCJC's domestic violence trainer from the Domestic and Sexual Violence Special Fund.

Sec. 5b amends [13 V.S.A. § 5360 \(domestic and sexual violence special fund\)](#) to delete the reference to funds from the Domestic and Sexual Violence Special Fund to be able to be expended on VCJC's domestic violence trainer.

\* \* \* Effective Date \* \* \*

Sec. 6 sets the effective date to be on passage.