

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 476 entitled “An act relating to miscellaneous changes to law  
4 enforcement officer training laws” respectfully reports that it has considered  
5 the same and recommends that the Senate propose to the House that the bill be  
6 amended by striking out all after the enacting clause and inserting in lieu  
7 thereof the following:

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

9 Sec. 1. 20 V.S.A. § 2365 is amended to read:

10 § 2365. DOMESTIC VIOLENCE TRAINING; DOMESTIC VIOLENCE  
11 INVOLVING LAW ENFORCEMENT MODEL POLICY

12 \* \* \*

13 (d)(1) On or before July 1, 2024, every State, county, and municipal law  
14 enforcement agency shall adopt the Domestic Violence Involving Law  
15 Enforcement Model Policy issued by the Vermont Law Enforcement Advisory  
16 Board.

17 (2) On or before July 1, 2024, every constable who exercises law  
18 enforcement authority pursuant to 24 V.S.A. § 1936a and is certified pursuant  
19 to section 2358 of this title shall adopt the Domestic Violence Involving Law  
20 Enforcement Model Policy issued by the Vermont Law Enforcement Advisory  
21 Board.

1           (3) Agencies and constables referenced in subdivisions (1) and (2) of  
2           this subsection shall adopt any updated Domestic Violence Involving Law  
3           Enforcement Model Policy issued by Vermont Law Enforcement Advisory  
4           Board within six months following the issuance.

5           Sec. 2. DOMESTIC VIOLENCE INVOLVING LAW ENFORCEMENT

6                   MODEL POLICY REVISION

7           (a) On or before January 1, 2024, the Vermont Law Enforcement Advisory  
8           Board, after receiving input from interested stakeholders, shall issue an  
9           updated Domestic Violence Involving Law Enforcement Model Policy.

10           (b) The updated Domestic Violence Involving Law Enforcement Model  
11           Policy shall:

12                   (1) address domestic violence survivors' needs and leverage best  
13                   practices in awareness, prevention, and investigation of domestic violence;

14                   (2) identify existing support offered to any law enforcement agency  
15                   employee or officer who is the victim of or the person who committed  
16                   domestic violence;

17                   (3) identify new means of supporting law enforcement agency  
18                   employees or officers who are the victims of or the persons who committed  
19                   domestic violence;

1           (4) develop processes to protect the privacy of agency employees and  
2           officers who are the victims of domestic violence and to maintain the  
3           confidentiality of any information shared by these individuals; and  
4           (5) amend or replace language found in 2010 Domestic Violence  
5           Involving Law Enforcement Model Policy, section 3.8 (Member  
6           Responsibilities), subdivision (4) to require a law enforcement agency  
7           employee or officer subject to a final relief from abuse order pursuant to  
8           15 V.S.A. § 1103 to immediately surrender all service weapons.

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

10          Sec. 3. 20 V.S.A. § 2401 is amended to read:

11          § 2401. DEFINITIONS

12                 As used in this subchapter:

13   \* \* \*

14                 (2) “Category B conduct” means gross professional misconduct amounting  
15                 to actions on duty or under authority of the State, or both, that involve willful  
16                 failure to comply with a State-required policy, or substantial deviation from  
17                 professional conduct as defined by the law enforcement agency’s policy or if  
18                 not defined by the agency’s policy, then as defined by Council policy, and  
19                 shall include:

20   \* \* \*

1           (H) while on duty or off duty, attempting to cause or causing physical  
2           harm to a family or household member, or placing a family or household  
3           member in fear of imminent serious physical harm; or

4           (I) while on duty or off duty, a violation of the Domestic Violence  
5           Involving Law Enforcement Model Policy adopted pursuant to section 2365 of  
6           this title.

7   \* \* \*

8           Sec. 4. 20 V.S.A. § 2407 is amended to read:

9           § 2407. ~~LIMITATION ON COUNCIL SANCTIONS~~ **FIRST OFFENSE OF**  
10   **CATEGORY B CONDUCT**

11           ~~(a) Category B conduct; first offense. If a law enforcement agency~~  
12           ~~conducts a valid investigation of a complaint alleging that a law enforcement~~  
13           ~~officer committed a first offense of Category B conduct, the Council shall take~~  
14           ~~no action, except that the Council may take action for a first offense under~~  
15           ~~subdivision 2401(2)(C) (excessive use of force under authority of the State),~~  
16           ~~2401(2)(F) (placing a person in a chokehold), or 2401(2)(G) (failing to~~  
17           ~~intervene and report to a supervisor when an officer observes another officer~~  
18           ~~placing a person in a chokehold or using excessive force) of this chapter.~~

19           Council sanctions; first offense of Category A and certain Category B conduct.

20           After a valid investigation of Category A and Category B conduct made

1 pursuant to section 2404 of this title concludes, the Council may impose a  
2 sanction for a first offense of:

3 (1) Category A conduct as defined in subsection 2401(1) of this title; or

4 (2) the following instances of Category B conduct as defined in  
5 subsection 2401(2) of this title:

6 (A) sexual harassment involving physical contact pursuant to  
7 subdivision 2401(2)(A) of this title;

8 (B) excessive use of force under authority of the State pursuant to  
9 subdivision 2401(2)(C) of this title;

10 (C) placing a person in a chokehold pursuant to subdivision  
11 2401(2)(F) of this title;

12 (D) failing to intervene and report to a supervisor when an officer  
13 observes another officer placing a person in a chokehold or using excessive  
14 force pursuant to subdivision 2401(2)(G) of this title;

15 (E) attempting to cause or causing physical harm to a family or  
16 household member, or placing a family or household member in fear of  
17 imminent serious physical harm pursuant to subdivision 2401(2)(H) of this  
18 title; or

19 (F) a violation of the Domestic Violence Involving Law Enforcement  
20 Model Policy adopted pursuant to section 2365 of this title pursuant to  
21 subdivision 2401(2)(I) of this title.

1           (b) Council action; second or subsequent offense of certain other Category  
2 B conduct. After a valid investigation of Category B conduct made pursuant to  
3 section 2404 of this title concludes, the Council may impose a sanction for an  
4 offense of Category B conduct not specified in subdivision (a)(2) of this  
5 section only for the second or subsequent offense.

6           (c) “Offense” defined. As used in this section, an “offense” means any  
7 offense committed by a law enforcement officer during the course of ~~his or her~~  
8 the law enforcement officer’s certification, and includes any offenses  
9 committed during employment at a current or previous law enforcement  
10 agency.

11 Sec. 4a. VERMONT CRIMINAL JUSTICE COUNCIL AUTHORITY;

12           REPORT

13           On or before December 15, 2023, the Vermont Criminal Justice Council, in  
14 consultation with the Department of Human Resources, the Office of  
15 Professional Regulation, and a nationally recognized organization that is a  
16 subject matter expert in the field of law enforcement professional regulation,  
17 shall report to the House Committee on Government Operations and  
18 Military Affairs and the Senate Committee on Government Operations on **the**  
19 **following:**

1 (1) whether the current statutes pertaining to unprofessional conduct in  
2 20 V.S.A. §§ 2401–2411 should be amended to apply to all off-duty conduct of  
3 law enforcement officers;

4 (2) whether the current statutes pertaining to unprofessional conduct in  
5 20 V.S.A. §§ 2401–2411 should be amended to adjust the scope of Category B  
6 conduct that the Vermont Criminal Justice Council may take action on for a  
7 first offense; and

8 (3) any other recommendations as deemed appropriate by the Vermont  
9 Criminal Justice Council.

10 Sec. 5. 20 V.S.A. § 2409 is amended to read:

11 § 2409. ACCESSIBILITY AND CONFIDENTIALITY

12 \* \* \*

13 (g)(1) The Council shall collect aggregate data on the number of:

14 (A) complaints received that involve domestic or sexual violence;

15 and

16 (B) the number of complaints for Category A and B conduct  
17 involving domestic or sexual violence that resulted in the filing of charges or  
18 stipulations or the taking of disciplinary action.

19 (2) The Council shall provide a report of the aggregate data collected  
20 pursuant to subdivision (1) of this subsection to the House Committees on  
21 Judiciary and on Government Operations and Military Affairs and the Senate

1 Committees on Judiciary and on Government Operations annually on or before  
2 January 15.

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

4 Funding \* \* \*

5 Sec. 5a. 20 V.S.A. § 2365 is amended to read:

6 § 2365. DOMESTIC VIOLENCE TRAINING

7 \* \* \*

8 (c) The Vermont Police Academy shall employ a domestic violence trainer  
9 for the sole purpose of training Vermont law enforcement and related  
10 practitioners on issues related to domestic violence. ~~Funding for this position~~  
11 ~~shall be transferred by the Center for Crime Victim Services from the~~  
12 ~~Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360.~~

13 Sec. 5b. 13 V.S.A. § 5360 is amended to read:

14 § 5360. DOMESTIC AND SEXUAL VIOLENCE SPECIAL FUND

15 A Domestic and Sexual Violence Special Fund is established, to be  
16 managed in accordance with 32 V.S.A. chapter 7, subchapter 5 and  
17 administered by the Center for Crime Victim Services created in section 5361  
18 of this title. The revenues of the Fund shall consist of that portion of the  
19 additional surcharge on penalties and fines imposed by section 7282 of this  
20 title deposited in the Domestic and Sexual Violence Special Fund and that  
21 portion of the town clerks' fee for issuing and recording civil marriage or civil



1 union licenses in 32 V.S.A. § 1712(1) deposited in the Domestic and Sexual  
2 Violence Special Fund. The Fund may be expended by the Center for Crime  
3 Victim Services for budgeted grants to the Vermont Network against Domestic  
4 and Sexual Violence ~~and for the Criminal Justice Training Council position~~  
5 ~~dedicated to domestic violence training, pursuant to 20 V.S.A. § 2365(e).~~

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

7 Sec. 6. EFFECTIVE DATE

8 This act shall take effect on passage.

9

10

11

12 (Committee vote: \_\_\_\_\_)

13

\_\_\_\_\_

14

Senator \_\_\_\_\_

15

FOR THE COMMITTEE