

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House Bill
3 No. 225 entitled “An act relating to a statewide policy on the use of and
4 training requirements for electronic control devices” respectfully reports that it
5 has considered the same and recommends that the bill be amended by striking
6 out all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 20 V.S.A. § 2367 is added to read:

8 § 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES;

9 REPORTING

10 (a) On or before January 1, 2015, the Law Enforcement Advisory Board
11 shall establish a statewide policy on the use of and training requirements for
12 electronic control devices. On or before January 1, 2016, every State, local,
13 county, and municipal law enforcement agency that employs one or more
14 certified law enforcement officers shall adopt this policy. The policy shall
15 include the following provisions:

16 (1) Electronic control devices are less-lethal alternatives to lethal force.

17 (2)(A) Officers may deploy an electronic control device:

18 (i) in response to an actively resistant subject, if there is reason to
19 believe that using another compliance technique will result in a greater risk of
20 injury to the officer, the subject, or a third party; and

1 (ii) in response to an assaultive subject when lethal force does not
2 appear to be objectively reasonable.

3 (B) Neither an officer, a subject, or a third party has to actually suffer
4 an injury before an officer is permitted to use an electronic control device, and
5 officers are not required to use alternatives that increase the danger to
6 themselves or the public.

7 (C) When it is safe to do so, officers should attempt to deescalate
8 situations by their presence or through the use of verbal persuasion, and should
9 provide a warning prior to deploying an electronic control device.

10 (3) Electronic control devices shall not be used in a punitive or coercive
11 manner and shall not be used to awaken, escort, or gain compliance from
12 passively resistance subjects. The act of fleeing or destroying evidence, in and
13 of itself, does not justify the use of an electronic control device.

14 (4) The use of electronic control devices shall comply with all
15 recommendations by manufacturers for the reduction of risk of injury to
16 subjects, including situations where a subject's physical susceptibilities are
17 known.

18 (5) The use of electronic control devices shall include recognition of the
19 potential additional risks that can result from situations in which subjects have
20 cognitive disabilities or are in emotional crises that interfere with the ability to
21 understand consequences of action. Special consideration should be given to

1 whether other types of force are reasonably available to effectuate custody of
2 or facilitate control over a member of one of these special populations while
3 still preserving the safety of that person, third parties, and the responding
4 officer.

5 (6) Electronic control devices shall not be used on animals unless
6 necessary to deter vicious or aggressive animals that threaten the safety of
7 officers or others.

8 (b) The Criminal Justice Training Council shall adopt rules and develop
9 training to ensure that the policies and standards of this section are met. The
10 Criminal Justice Training Council shall ensure that a law enforcement officer
11 receives appropriate and sufficient training before becoming authorized to
12 carry or use an electronic control device.

13 (c) The Criminal Justice Training Council shall coordinate training
14 initiatives with the Department of Mental Health related to law enforcement
15 interventions, training for joint law enforcement and mental health crisis team
16 responses, and enhanced capacity for mental health emergency responses.

17 (d) Every State, local, county, and municipal law enforcement agency that
18 employs one or more certified law enforcement officers shall report all
19 incidents involving the use of an electronic control device to the Criminal
20 Justice Training Council in a form to be determined by the Council.

21 (e) As used in this section:

1 (1) “Electronic control device” means a device primarily designed to
2 disrupt an individual’s central nervous system by means of deploying electrical
3 energy sufficient to cause uncontrolled muscle contractions and override an
4 individual’s voluntary motor responses.

5 (2) “Law enforcement officer” means a sheriff, deputy sheriff,
6 constable, police officer, state’s attorney, capitol police officer, state game
7 warden, state police officer, or certified law enforcement officer of the
8 Department of Motor Vehicles, the Agency of Natural Resources, or the
9 Department of Liquor Control.

10 Sec. 2. REPORTS

11 (a) On or before December 15, 2015, the Criminal Justice Training Council
12 shall report to the House and Senate Committees on Government Operations
13 and Judiciary on the progress made implementing the rules, training, and
14 certification standards required by this act.

15 (b) On or before December 15, 2015, the Department of Mental Health
16 shall report to the House and Senate Committees on Government Operations
17 and Judiciary on the adequacy of funding to support the requirements of this
18 act.

19 (c) On March 15, 2016, and annually thereafter, the Criminal Justice
20 Training Council shall report to the House and Senate Committees on
21 Government Operations and Judiciary all incidents involving the use of an

1 electronic control device, a review of compliance with standards, the adequacy
2 of training and certification requirements, and the adequacy of funding for
3 mental health collaboration.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on passage.

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7 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE