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S.184

Senator Sears on behalf of the Committee on Judiciary moves that the Senate concur in the House proposal of amendment with further proposal of amendment by striking Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; ~~BIAS-FREE~~ FAIR AND IMPARTIAL POLICING POLICY; RACE DATA COLLECTION

(a)(1) ~~No later than January 1, 2013~~ Except as provided in subdivision (2) of this subsection, on or before September 1, 2014, every State, local, county, and municipal law enforcement agency ~~that employs one or more certified law enforcement officers, and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title,~~ shall adopt a ~~bias-free~~ fair and impartial policing policy. The policy shall contain ~~the following essential~~ substantially the same elements of such a ~~policy as determined by the Law Enforcement Advisory Board after its review of either~~ the current Vermont State Police Policy and fair and impartial policing policy or the most current model policy issued by the Office of the Attorney General.

(2) On or before January 1, 2016, the Criminal Justice Training Council, in consultation with stakeholders, including the Vermont League of Cities and

1 Towns, the Vermont Human Rights Commission, and Migrant Justice, shall
2 adopt a model fair and impartial policing policy. On or before July 1, 2016,
3 every State, local, county, and municipal law enforcement agency, and every
4 constable who exercises law enforcement authority pursuant to 24 V.S.A.
5 § 1936a and who is trained in compliance with section 2358 of this title, shall
6 adopt a fair and impartial policing policy that includes, at a minimum, the
7 elements of the Criminal Justice Training Council policy.

8 (b) ~~The policy shall encourage ongoing bias-free law enforcement training~~
9 ~~for State, local, county, and municipal law enforcement agencies~~ If a law
10 enforcement agency or constable that is required to adopt a policy pursuant to
11 subsection (a) of this section fails to do so on or before September 1, 2014, that
12 agency or constable shall be deemed to have adopted, and shall follow and
13 enforce, the model policy issued by the Office of the Attorney General.

14 (c) On or before September 15, 2014, and annually thereafter as part of
15 their annual training report to the Council, every State, local, county, and
16 municipal law enforcement agency, and every constable who exercises law
17 enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in
18 compliance with section 2358 of this title, shall report to the Council whether
19 the agency or officer has adopted a fair and impartial policing policy in
20 accordance with subsections (a) and (b) of this section and which policy has
21 been adopted. The Criminal Justice Training Council shall determine, as part

1 of the Council's annual certification of training requirements, if current
2 officers have received training on fair and impartial policing.

3 (d) On or before October 15, 2014, and annually thereafter on April 1, the
4 Criminal Justice Training Council shall report to the House and Senate
5 Committees on Judiciary which departments and officers have adopted a fair
6 and impartial policing policy, which policy has been adopted, and whether
7 officers have received training on fair and impartial policing.

8 (e)(1) On or before September 1, 2014, every State, local, county, and
9 municipal law enforcement agencies that employ one or more certified law
10 enforcement officers are encouraged to work with the Vermont Association of
11 Chiefs of Police to extend the collection of roadside stop race data uniformly
12 throughout state law enforcement agencies, with the goal of obtaining uniform
13 roadside stop race data for analysis agency shall collect roadside stop data
14 consisting of the following:

15 (A) the age, gender, and race of the driver;

16 (B) the reason for the stop;

17 (C) the type of search conducted, if any;

18 (D) the evidence located, if any; and

19 (E) the outcome of the stop, including whether:

20 (i) a written warning was issued;

21 (ii) a citation for a civil violation was issued;

1 (iii) a citation or arrest for a misdemeanor or a felony occurred; or

2 (iv) no subsequent action was taken.

3 (2) Law enforcement agencies shall work with the Criminal Justice

4 Training Council with the goals of collecting uniform data, adopting uniform

5 storage methods and periods, and ensuring that data can be analyzed.

6 Roadside stop data, as well as reports and analysis of roadside stop data, shall

7 be public.