

H.130

An act relating to law enforcement, 911 call taking, dispatch, and training safety

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Law Enforcement Officer Regulation Study Committee * * *

Sec. 1. LAW ENFORCEMENT OFFICER REGULATION; STUDY
COMMITTEE; REPORT

(a) Creation. There is created a Law Enforcement Officer Regulation Study Committee to make recommendations to the General Assembly regarding law enforcement officer regulation.

(b) Membership. The Committee shall be composed of the following eight members:

(1) the Commissioner of Public Safety or designee;

(2) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(3) one sheriff appointed by the Executive Committee of the Vermont Sheriffs' Association;

(4) the President of the Vermont Troopers' Association or designee;

(5) one member of the law enforcement officers represented by the Vermont State Employees' Association, appointed by the President of the Association;

(6) one chief of a municipal police department, appointed by the Chiefs of Police Association of Vermont;

(7) one law enforcement officer appointed by the Vermont Police Association; and

(8) a representative of the Vermont League of Cities and Towns, appointed by the Executive Director of the League.

(c) Issue to study. The Committee shall study the current regulation of law enforcement officers' certification and how that regulation should change, including:

(1) the number of hours that should be required for Level II basic training and the physical fitness that should be required for Level II basic training and annual in-service training;

(2) whether each law enforcement agency should be required to have an effective internal affairs program and, if so, what should be included in that program;

(3) when and under what circumstances a law enforcement agency should report alleged unprofessional conduct to the Vermont Criminal Justice Training Council;

(4) when the Council should be able to investigate and take further action on reports of alleged law enforcement officer unprofessional conduct, including the Council's ability to summarily suspend an officer; and

(5) what types of discipline the Council should be able to impose on a law enforcement officer's certification.

(d) Report. On or before December 1, 2016, the Committee shall report to the House and Senate Committees on Government Operations with its findings and recommendations for legislative action. The report may be in the form of proposed legislation.

(e) Meetings.

(1) The Commissioner of Public Safety shall call the first meeting of the Committee, to occur on or before August 1, 2016.

(2) At its first meeting, the Committee shall elect a chair from among its members.

(3)(A) A majority of the membership shall constitute a quorum.

(B) Notwithstanding 1 V.S.A. § 172, an action may be taken by the Committee with the assent of a majority of the members attending, assuming a quorum.

(4) The Committee shall cease to exist on December 2, 2016.

(f) Reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five meetings.

* * * E-911, Dispatch, and Call-taking Services * * *

Sec. 2. E-911; DISPATCH; WORKING GROUP

(a) Creation and duties of working group.

(1) A working group shall be formed to study and make recommendations regarding:

(A) the most efficient, reliable, and cost-effective means for providing statewide call-taking operations for Vermont's 911 system; and

(B) the manner in which dispatch services are currently provided and funded, including funding disparity, and whether there should be any changes to this structure.

(2) Among other things, the group shall make findings related to the financing, operations, and geographical location of 911 call-taking services. In addition, the group's findings shall include a description of the number and nature of calls received, and an evaluation of current and potential State and local partnerships with respect to the provision of such services.

(3) The group shall take into consideration the "Enhanced 9-1-1 Board Operational and Organizational Report," dated September 4, 2015.

(4) The group's recommendations shall strive to achieve the best possible outcome in terms of ensuring the health and safety of Vermonters and Vermont communities.

(b) Membership. Members of the working group shall include a representative from each of the following entities: the Enhanced 911 Board; the Department of Public Safety; the Vermont State Employees' Association; the Vermont League of Cities and Towns; the Vermont State Firefighters' Association; the Vermont Ambulance Association; the Vermont Association of Chiefs of Police; the Vermont Police Association; and the Vermont Sheriffs' Association.

(c) Meetings. The representative from the E-911 Board shall convene the first meeting of the working group, at which the group shall elect a chair and vice chair from among its members. The group shall meet as needed, and shall receive administrative and staffing support from the Department of Public Safety, and may request relevant financial information from the Joint Fiscal Office.

(d) Report. On or before January 15, 2017, the group shall report its findings and recommendations to the House Committees on Commerce and Economic Development, on Government Operations, on Appropriations, and on Ways and Means and to the Senate Committees on Finance, on Government Operations, on Appropriations, and on Economic Development, Housing and General Affairs, and to the Governor.

(e) Reimbursement. Members of the working group who are not employees of the State of Vermont and who are not otherwise compensated or

reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five meetings.

Sec. 3. DEPARTMENT OF PUBLIC SAFETY; 911 CALL-TAKING

The Department of Public Safety shall continue to provide 911 call-taking services unless otherwise directed by legislative enactment.

* * * Law Enforcement Officers; Training and Scope of Practice * * *

Sec. 4. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

* * *

(b) The Council shall offer or approve basic training and annual in-service training for each of the following three levels of law enforcement officer certification in accordance with the scope of practice for each level, and shall determine by rule the scope of practice for each level in accordance with the provisions of this section:

(1) Level I certification.

* * *

(B)(i) The scope of practice of a Level I law enforcement officer shall be limited to security, transport, vehicle escorts, and traffic control, as those terms are defined by the Council ~~by rule~~, except that a Level I officer

may react in the following circumstances if the officer determines that it is necessary to do any of the following:

* * *

(2) Level II certification.

* * *

(B)(i) Except as provided in subdivisions (ii) and (iii) of this subdivision (B), the scope of practice of a Level II law enforcement officer shall be limited to investigating the following matters:

(I) 7 V.S.A. § 657 (person under 21 years of age misrepresenting age procuring, possessing, or consuming alcoholic beverages; third or subsequent offense);

(II) 7 V.S.A. § 658 (sale or furnishing to minors; enabling consumption by minors);

~~(H)~~(III) 13 V.S.A. chapter 7 (advertisements);

~~(H)~~(IV) 13 V.S.A. chapter 8 (humane and proper treatment of animals);

~~(V)~~(V) 13 V.S.A. §§ 505 (fourth degree arson), 508 (setting fires), and 509 (attempts);

~~(V)~~(VI) 13 V.S.A. chapter 19, subchapter 1 (riots);

~~(V)~~(VII) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023 (simple assault), 1025 (recklessly endangering another person), 1026

(disorderly conduct), 1026a (aggravated disorderly conduct), 1027 (disturbing peace by use of telephone or other electronic communications), 1030 (violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child), 1031 (interference with access to emergency services), 1042 (domestic assault), and 1062 (stalking);

~~(VII)~~(VIII) 13 V.S.A. chapter 35 (escape);

~~(VIII)~~(IX) 13 V.S.A. chapter 41 (false alarms and reports);

~~(IX)~~(X) 13 V.S.A. chapter 45 (flags and ensigns);

~~(X)~~(XI) 13 V.S.A. chapter 47 (frauds);

~~(XI)~~(XII) 13 V.S.A. chapter 49 (fraud in commercial transactions);

~~(XII)~~(XIII) 13 V.S.A. chapter 51 (gambling and lotteries);

~~(XIII)~~(XIV) 13 V.S.A. chapter 57 (larceny and embezzlement), except for subchapter 2 (embezzlement);

~~(XIV)~~(XV) 13 V.S.A. chapter 67 (public justice and public officers);

~~(XV)~~(XVI) 13 V.S.A. chapter 69 (railroads);

~~(XVI)~~(XVII) 13 V.S.A. chapter 77 (trees and plants);

~~(XVII)~~(XVIII) 13 V.S.A. chapter 81 (trespass and malicious injuries to property);

~~(XVIII)~~(XIX) 13 V.S.A. chapter 83 (vagrants);

~~(XIX)~~(XX) 13 V.S.A. chapter 85 (weapons);

(XXI) 13 V.S.A. § 7559(d), (e), and (f) (violating condition of release);

~~(XX)~~(XXII) 18 V.S.A. §§ 4230(a), 4230c, and 4230d (marijuana possession);

~~(XXI)~~(XXIII) 18 V.S.A. § 4231(a) (cocaine possession);

~~(XXII)~~(XXIV) 18 V.S.A. § 4232(a) (LSD possession);

~~(XXIII)~~(XXV) 18 V.S.A. § 4233(a) (heroin possession);

~~(XXIV)~~(XXVI) 18 V.S.A. § 4234(a) (depressant, stimulant, or narcotic drug possession);

~~(XXV)~~(XXVII) 18 V.S.A. § 4234a(a) (methamphetamine possession);

~~(XXVI)~~(XXVIII) 18 V.S.A. § 4235(b) (hallucinogenic drug possession);

~~(XXVII)~~(XXIX) 18 V.S.A. § 4235a(a) (ecstasy possession);

~~(XXVIII)~~(XXX) 18 V.S.A. § 4476 (drug paraphernalia offenses);

(XXXI) 20 V.S.A. § 3132 (firework prohibitions);

~~(XXXIX)~~(XXXII) 21 V.S.A. § 692(c)(2) (criminal violation of stop-work order);

~~(XXX)~~(XXXIII) any misdemeanor set forth in Title 23 of the Vermont Statutes Annotated, except for 23 V.S.A. chapter 13, subchapter 13 (drunken driving), 23 V.S.A. § 3207a (snowmobiling under the influence), 23 V.S.A. § 3323 (boating under the influence), or 23 V.S.A. § 3506(b)(8) (operating an all-terrain vehicle under the influence);

~~(XXXI)~~(XXXIV) any motor vehicle accident that includes property damage and injuries, as permitted by the Council by rule;

~~(XXXII)~~(XXXV) any matter within the jurisdiction of the Judicial Bureau as set forth in 4 V.S.A. § 1102;

~~(XXXIII)~~(XXXVI) municipal ordinance violations;

~~(XXXIV)~~(XXXVII) any matter within the jurisdiction of a game warden or deputy game warden as set forth in 10 V.S.A. chapter 103, subchapter 4 (game wardens); and

~~(XXXV)~~(XXXVIII) any matter within the scope of practice of a Level I law enforcement officer.

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* * * Electronic Control Devices; Policy Requirement * * *

Sec. 5. 20 V.S.A. § 2367 is amended to read:

§ 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES;
REPORTING

* * *

(b) On or before January 1, 2015, the Law Enforcement Advisory Board shall establish a statewide policy on the use of and training requirements for the use of electronic control devices. ~~On or before January 1, 2016~~ Prior to any use of or intent to use an electronic control device, every State, ~~local~~, county, ~~and~~ municipal, or other law enforcement agency and every constable who is not employed by a law enforcement agency shall adopt this policy. If a law enforcement agency or officer ~~that is~~ was required to adopt a policy pursuant to this subsection ~~fails~~ but failed to do so on or before January 1, 2016, that agency or officer shall be deemed to have adopted, and shall follow and enforce, the model policy established by the Law Enforcement Advisory Board. The policy shall include the following provisions:

* * *

(c) The Criminal Justice Training Council shall adopt rules and develop training to ensure that the policies and standards of this section are met. The Criminal Justice Training Council shall ensure that a law enforcement officer

receives appropriate and sufficient training before becoming authorized to carry or use an electronic control device.

(d) On or before June 30, 2017, every State, ~~local~~, county, ~~and~~ municipal, or other law enforcement agency that employs one or more certified law enforcement officers shall ensure that all officers have completed the training established in 2004 Acts and Resolves No. 80, Sec. 13(a), and every constable who is not employed by a law enforcement agency shall have completed this training.

* * *

(f) Every State, ~~local~~, county, ~~and~~ municipal, or other law enforcement agency and every constable who is not employed by a law enforcement agency shall report all incidents involving the use of an electronic control device to the Criminal Justice Training Council in a form to be determined by the Council.

(g) The Law Enforcement Advisory Board shall:

(1) study and make recommendations as to whether officers authorized to carry electronic control devices should be required to wear body cameras; and

(2) establish a policy on the calibration and testing of electronic control devices;

~~(3) on or before January 15, 2015, report to the House and Senate Committees on Government Operations and on Judiciary concerning the~~

~~recommendations and policy developed pursuant to subdivisions (1) and (2) of this subsection; and~~

~~(4) on or before April 15, 2015, ensure that all electronic control devices carried or used by law enforcement officers are in compliance with the policy established pursuant to subdivision (2) of this subsection.~~

* * * Intentionally Injuring or Killing Law Enforcement Animals * * *

Sec. 6. 13 V.S.A. § 352a is amended to read:

§ 352a. AGGRAVATED CRUELTY TO ANIMALS

A person commits the crime of aggravated cruelty to animals if the person:

- (1) kills an animal by intentionally causing the animal undue pain or suffering; ~~or~~
- (2) intentionally, maliciously, and without just cause tortures, mutilates, or cruelly beats an animal; or
- (3) intentionally injures or kills an animal that is in the performance of official duties while under the supervision of a law enforcement officer.

Secs. 7–11. [Deleted.]

* * * Training Safety Subcommittee * * *

Sec. 12. 29 V.S.A. § 842 is added to read:

§ 842. TRAINING SAFETY SUBCOMMITTEE; RECOMMENDATIONS;

GOVERNANCE COMMITTEE REPORT

(a) Subcommittee creation. There is created as a subcommittee of the Training Center Governance Committee the Training Safety Subcommittee to make recommendations regarding training safety at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont (Training Center).

(b) Subcommittee membership. The Subcommittee shall be composed of seven members.

(1) Four of these members shall be members of the Training Center Governance Committee, appointed by the Committee as follows:

(A) two shall represent the Vermont Police Academy; and

(B) two shall represent the Vermont Fire Academy.

(2) The remaining three members shall be as follows:

(A) the Commissioner of Labor or designee;

(B) the Risk Management Manager of the Office of Risk Management within the Agency of Administration; and

(C) one employee of the Vermont League of Cities and Towns who specializes in risk management, appointed by the Executive Director of the League.

(c) Subcommittee recommendations. The Subcommittee shall annually:

(1) on or before February 1, review the safety records of the Training Center; and

(2) on or before July 1, submit to the Training Center Governance Committee its recommendations regarding how training safety at the Training Center could be improved.

(d) Governance Committee review and report.

(1) The Training Center Governance Committee shall review and consider the recommendations made by the Subcommittee under subsection (c) of this section.

(2) Annually, on or before January 15, the Governance Committee shall report to the General Assembly regarding:

(A) any training safety issues it has discovered at the Training Center and any steps it has taken to remedy those issues; and

(B) whether the Governance Committee has instituted any of the Subcommittee's recommendations for training safety and if not, the reasons therefor.

(3) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report required to be made under this subsection.

Sec. 13. INITIAL TRAINING SAFETY SUBCOMMITTEE MEETING AND
INITIAL TRAINING CENTER GOVERNANCE COMMITTEE
REPORT

(a) The Chair of the Training Center Governance Committee shall call the initial meeting of the Training Safety Subcommittee set forth in 29 V.S.A. § 842 in Sec. 12 of this act to be held on or before February 1, 2017.

(b) The Training Center Governance Committee shall make its initial report to the General Assembly described in 29 V.S.A. § 842(d) in Sec. 12 of this act on or before January 15, 2018.

* * * Effective Dates * * *

Sec. 14. EFFECTIVE DATES

This act shall take effect on passage, except Sec. 6 (13 V.S.A. § 352a) shall take effect on July 1, 2016.