

1 H.523

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Law enforcement; fair and impartial policing

5 Statement of purpose of bill as introduced: This bill proposes to require law  
6 enforcement to adopt the Criminal Justice Training Council's model fair and  
7 impartial policing policy.

8 An act relating to fair and impartial policing

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

10 Sec. 1. 20 V.S.A. § 2366(f) is added to read:

11 (f) Nothing in this section is intended to prohibit or impede any public  
12 agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and  
13 1644. To the extent any State or local law enforcement policy or practice  
14 conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, said  
15 policy or practice is, to the extent of such conflict, abolished.

16 Sec. 2. 20 V.S.A. § 2366 is amended to read:

17 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL  
18 POLICING POLICY; RACE DATA COLLECTION

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

1 ~~Towns, the Vermont Human Rights Commission, and Migrant Justice, shall~~  
2 ~~create a model fair and impartial policing policy.~~ On or before ~~July 1, 2016~~  
3 March 1, 2018, every State, local, county, and municipal law enforcement  
4 agency and every constable who exercises law enforcement authority pursuant  
5 to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of  
6 this title shall adopt a fair and impartial policing policy that includes, at a  
7 minimum, ~~the elements~~ each component of the Criminal Justice Training  
8 ~~Council~~ Council's model fair and impartial policing policy.

9 (2) On or before October 1, 2018, and every even-numbered year  
10 thereafter, the Criminal Justice Training Council, in consultation with others,  
11 including the Attorney General and the Human Rights Commission, shall  
12 review and, if necessary, update the model fair and impartial policing policy.

13 (b) To encourage consistent fair and impartial policing practices statewide,  
14 the Criminal Justice Training Council, in consultation with the Office of the  
15 Attorney General, shall review the policies of law enforcement agencies and  
16 constables required to adopt a policy pursuant to subsection (a) of this section  
17 to ensure those policies establish each component of the model policy on or  
18 before April 15, 2018. If a the Council finds that a policy does not meet each  
19 component of the model policy, it shall work with the law enforcement agency  
20 or constable to bring the policy into compliance. If, after consultation with its  
21 attorney, the Council, or both, the law enforcement agency or constable that is

1 ~~required to adopt a policy pursuant to subsection (a) of this section~~ fails to do  
2 ~~so~~ adopt a policy that meets each component of the model policy on or before  
3 ~~July 1, 2016~~, that agency or constable shall be deemed to have adopted, and  
4 shall follow and enforce, the model policy issued by the ~~Criminal Justice~~  
5 ~~Training~~ Council.

6 (c) ~~On or before September 15, 2014, and annually thereafter~~ Annually, as  
7 part of their annual training report to the Council, every State, county, and  
8 municipal law enforcement agency and every constable who exercises law  
9 enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in  
10 compliance with section 2358 of this title shall report to the Council whether  
11 the agency or officer has adopted a fair and impartial policing policy in  
12 accordance with subsections (a) and (b) of this section. The Criminal Justice  
13 Training Council shall determine, as part of the Council's annual certification  
14 of training requirements, whether current officers have received training on fair  
15 and impartial policing as required by 20 V.S.A. § 2358(e).

16 (d) ~~On or before October 15, 2014, and annually thereafter~~ Annually on  
17 April 1, the Criminal Justice Training Council shall report to the House and  
18 Senate Committees on Judiciary which departments and officers have adopted  
19 a fair and impartial policing policy, and whether officers have received training  
20 on fair and impartial policing.

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1       Sec. 3. CRIMINAL JUSTICE TRAINING COUNCIL; FAIR AND  
2                    IMPARTIAL POLICING POLICY

3           (a) On or before October 1, 2017, the Criminal Justice Training Council, in  
4           consultation with the Attorney General, shall review and modify the model fair  
5           and impartial policing policy to the extent necessary to bring the policy into  
6           compliance with 8 U.S.C. §§ 1373 and 1644.

7           (b) On or before January 1, 2018, the Criminal Justice Training Council, in  
8           consultation with stakeholders, including the Vermont League of Cities and  
9           Towns, the Vermont Human Rights Commission, and Migrant Justice, shall  
10          update its model fair and impartial policing policy to provide one cohesive  
11          model policy for law enforcement agencies and constables to adopt as a part of  
12          the agency or constable's own fair and impartial policing policy pursuant to  
13          20 V.S.A. § 2366(a)(1).

14       Sec. 4. EFFECTIVE DATES

15          This act shall take effect on passage, except that Sec. 2 (law enforcement  
16          agencies; fair and impartial policing policy; race data collection) shall take  
17          effect on March 1, 2018.