

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,

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

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

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

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

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

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

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

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

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

Sec. 4. EFFECTIVE DATES

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