

1 Introduced by Committee on Judiciary

2 Date:

3 Subject: Law enforcement; fair and impartial policing

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

7 An act relating to fair and impartial policing

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

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

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

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

16 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL

17 POLICING POLICY; RACE DATA COLLECTION

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

1 ~~create a model fair and impartial policing policy.~~ On or before ~~July 1, 2016~~
2 January 15, 2018, every State, local, county, and municipal law enforcement
3 agency and every constable who exercises law enforcement authority pursuant
4 to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of
5 this title shall adopt a fair and impartial policing policy that includes, at a
6 minimum, the elements of the Criminal Justice Training Council model fair
7 and impartial policing policy.

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

12 ~~(b) If a law enforcement agency or constable that is required to adopt a~~
13 ~~policy pursuant to subsection (a) of this section fails to do so on or before~~
14 ~~July 1, 2016, that agency or constable shall be deemed to have adopted, and~~
15 ~~shall follow and enforce, the model policy issued by the Criminal Justice~~
16 ~~Training Council. [Repealed.]~~

17 ~~(c) On or before September 15, 2014, and annually thereafter~~ Annually, as
18 part of their annual training report to the Council, every State, county, and
19 municipal law enforcement agency and every constable who exercises law
20 enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in
21 compliance with section 2358 of this title shall report to the Council whether

1 the agency or officer has adopted a the fair and impartial policing policy in
2 accordance with ~~subsections~~ subdivision (a)(1) and (b) of this section. The
3 Criminal Justice Training Council shall determine, whether:

4 (1) any law enforcement agency or constable that is required to adopt a
5 policy pursuant to subsection (a) of this section adopts the Criminal Justice
6 Training Council model policy; and

7 (2) as part of the Council’s annual certification of training requirements,
8 whether current officers have received training on fair and impartial policing as
9 required by 20 V.S.A. § 2358(e).

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

15 * * *

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

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

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

8 Sec. 4. EFFECTIVE DATE

9 This act shall take effect on passage, except that Sec. 2 (law enforcement
10 agencies; fair and impartial policing policy; race data collection) shall take
11 effect on January 15, 2018.