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Act No. 166 (S.124). Public safety; law enforcement officers; Vermont Criminal Justice Council; State outcomes and indicators; Vermont Crime Information Center; Law Enforcement Advisory Board; Department of Public Safety; dispatch fees; emergency medical services; Department of Health; public safety planning; regional planning commissions

An act relating to governmental structures protecting the public health, safety, and welfare

This act proposes miscellaneous amendments in the areas of law enforcement, State data collection and analysis, dispatch, emergency medical services, and public safety planning.

In regard to law enforcement, the act covers the following issues:

- *Vermont Criminal Justice Council (Council).*
 - The act renames the Vermont Criminal Justice Training Council to be the Vermont Criminal Justice Council, since the Council not only trains law enforcement officers but also professionally regulates them.
 - Sec. 4 amends the membership of the Council and requires the Governor to appoint the Chair from among the members who do not have a law enforcement connection.
 - Secs. 6 and 7 require the Council to provide different training options for officers, including the requirement to provide for a transition from Level II to Level III certification.
 - Sec. 9 makes Council services contingent on a law enforcement agency's compliance with existing requirements for collecting roadside stop data, for reporting to the Attorney General when an officer responds to a mental health crisis that results in death or serious bodily injury, and for complying with Council policies.
- *Potential hiring agency duty to contact current agency.* Sec. 11 requires a potential hiring agency to contact an officer's current agency about the officer's performance there and requires the current agency to provide a written disclosure of its analysis of that performance.
- *Permitted use of body cameras.* Sec. 13 provides that on January 1, 2022, if a law enforcement agency authorizes its officers to use body cameras, the use of body cameras must be in compliance with a model

policy that will be adopted by the Council. Until that date, officers using body cameras must comply with the Law Enforcement Advisory Board's model body camera policy.

- *Moratorium on facial recognition technology.* Sec. 14 provides a moratorium on law enforcement officers' use of facial recognition technology until the General Assembly authorizes its use.
- *Allegations of unprofessional conduct.* Sec. 15 requires law enforcement agencies to report to the Council credible complaints of alleged Category B conduct (which relates to professional misconduct), instead of reporting to the Council after the agency has conducted a valid investigation of such a complaint. This section also requires the Council to provide to the Council Advisory Committee—which is a five-member board comprising four public members and one retired law enforcement officer—a copy of any reported allegations of officer unprofessional conduct and the agency's investigative documents, and requires the Committee to recommend any appropriate actions to take regarding an officer who is the subject of that report.
- *Recommendations.* Sec. 16 requires specified entities to report to the Committees on Government Operations with recommendations on the following topics: law enforcement officer qualifications and training, models of civilian oversight, reporting allegations of officer misconduct, access to complaint information, body cameras, a policy for acquiring military equipment, and any proposed use of facial recognition technology.
- *Law Enforcement Advisory Board (LEAB).* Secs. 21–23 relate to recodifying the LEAB in law, adding to its membership and accordingly updating its quorum, and making other technical corrections. Sec. 24 requires the LEAB to specifically recommend ways for towns to increase access to law enforcement services.

In regard to State data collection and analysis, the act covers the following issues:

- *State outcomes and indicators.* Sec. 17 requires the Government Accountability Committee to approve population-level indicators for Vermonters who are Black, Indigenous, or People of Color as those relate to the State's outcomes set forth in 3 V.S.A. § 2311(c). Relatedly, Sec. 18 further describes the purpose of the State's outcomes and indicators.
- *State grants to law enforcement agencies.* Sec. 19 amends 3 V.S.A. § 2222(k), which was added pursuant to 2020, Acts and Resolves No. 147 (S.219). That subsection makes State grants to law enforcement agencies contingent on existing law's roadside stop data reporting requirements, and this Sec. 19 amendment adds the contingency that the agency must also be in compliance with the existing requirement

to report to the Attorney General when a law enforcement officer responds to a mental health crisis that results in death or serious bodily injury.

- *Law enforcement officers; reporting crime data.* Sec. 20 requires the Vermont Crime Information Center to establish and provide training on a uniform list of definitions for law enforcement officers to use in entering data into their agency's system of records, and requires every officer to use those definitions when entering that data.

In regard to dispatch, Secs. 25 and 26 eliminate the Department of Public Safety's authority to charge for dispatch fees until the General Assembly establishes in law a dispatch fee structure for those charges.

Secs. 27–31 are in regard to emergency medical services (EMS). Sec. 27 substitutes the Department of Health for the State Board of Health as the entity that divides the State into EMS districts and issues licenses for ambulance services and first responder services. It also requires ambulance service licensees to provide their services in a nondiscriminatory manner.

Sec. 28 requires the State's Health Resource Allocation Plan to identify priorities regarding EMS resources and needs. Sec. 29 requires there to be three levels of EMS instructors; allows an alternative for testing the psychomotor skills of emergency medical responders and emergency medical technicians; requires the creation of an entry-level Vermont EMS first responder certification; requires the Department of Health to conduct periodic reviews of the continuing competency requirements for EMS personnel; and establishes an EMS Education Council.

Finally, in regard to public safety planning, Sec. 32 requires each regional planning commission to create one inventory identifying the public safety resources of each town within its jurisdiction and to report that inventory to all of its towns by December 31, 2021 for the purpose of enabling towns to better understand the public safety resources that are available to them and how those resources may be shared on a regional basis.

Multiple effective dates, beginning on October 1, 2020