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H.464

Introduced by Representatives Cina of Burlington, Christie of Hartford,
Colston of Winooski, Cordes of Lincoln, Gonzalez of
Winooski, and Lippert of Hinesburg

Referred to Committee on

Date:

Subject: Government operations; law enforcement training; systemic racism

Statement of purpose of bill as introduced: This bill proposes to require:

1) the collection and distribution of data regarding the use of force used in a
traffic stop; 2) the Criminal Justice Training Council to develop a model policy
regarding the use of force, de-escalation, and cross-cultural awareness, and for
law enforcement agencies to adopt a policy containing each component of the
model policy; and 3) the Criminal Justice Training Council to report to the
Executive Director of Racial Equity regarding trainings on the model policy
and race based data collection.

An act relating to law enforcement training on appropriate use of force, de-
escalation tactics, and cross-cultural awareness

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

2 Sec. 1. 20 V.S.A. § 2366 is amended to read:

3 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
4 POLICING POLICY; RACE DATA COLLECTION

5 * * *

6 (e)(1) On or before September 1, 2014, every State, county, and municipal
7 law enforcement agency shall collect roadside stop data consisting of the
8 following:

9 (A) the age, gender, and race of the driver;

10 (B) the reason for the stop;

11 (C) the type of search conducted, if any;

12 (D) the evidence located, if any; and

13 (E) the outcome of the stop, including the type of force employed to
14 effectuate the stop or during the stop, if any, and whether:

15 (i) a written warning was issued;

16 (ii) a citation for a civil violation was issued;

17 (iii) a citation or arrest for a misdemeanor or a felony occurred; or

18 (iv) no subsequent action was taken.

19 (2) Law enforcement agencies shall work with the Executive Director of
20 Racial Equity, the Criminal Justice Training Council, and a vendor chosen by
21 the Council with the goals of collecting uniform data, adopting uniform storage

1 methods and periods, and ensuring that data can be analyzed. Roadside stop
2 data, as well as reports and analysis of roadside stop data, shall be public.

3 (3) On or before September 1, 2016 and annually thereafter, law
4 enforcement agencies shall provide the data collected under this subsection to
5 the vendor chosen by the Criminal Justice Training Council under
6 subdivision (2) of this subsection or, in the event the vendor is unable to
7 continue receiving data under this section, to the ~~Council~~ Executive Director of
8 Racial Equity. Law enforcement agencies shall provide the data collected
9 under this subsection in an electronic format specified by the receiving entity.

10 (4) The data provided pursuant to subdivision (3) of this subsection shall
11 be posted electronically in a manner that is analyzable, user-friendly, and
12 accessible to the public on the receiving agency's website.

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

1 Sec. 2. 20 V.S.A. § 2368 is added to read:

2 § 2368. APPROPRIATE USE OF FORCE, DE-ESCALATION, AND
3 CROSS-CULTURAL AWARENESS POLICY

4 (a) On or before October 1, 2019, the Criminal Justice Training Council, in
5 consultation with stakeholders, including the Vermont League of Cities and
6 Towns, the Vermont Human Rights Commission, and the Executive Director
7 of Racial Equity shall create a model use of force, de-escalation tactics, and
8 cross-cultural awareness policy. On or before January 1, 2020, every State,
9 local, county, and municipal law enforcement agency and every constable who
10 exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is
11 trained in compliance with section 2358 of this title shall adopt a use of force,
12 de-escalation tactics, and cross-cultural awareness policy that includes, at a
13 minimum, the elements of the Criminal Justice Training Council's model
14 policy.

15 (b) If a law enforcement agency or constable that is required to adopt a
16 policy pursuant to subsection (a) of this section fails to do so on or before
17 January 1, 2020, that agency or constable shall be deemed to have adopted, and
18 shall follow and enforce, the model policy issued by the Criminal Justice
19 Training Council.

20 (c) On or before September 15, 2020, and annually thereafter as part of
21 their annual training report to the Council, every law enforcement agency and

1 constable required to adopt a policy pursuant to subsection (a) of this section
2 shall report to the Council on whether the agency or officer has adopted a use
3 of force, de-escalation tactics, and cross-cultural awareness policy in
4 accordance with subsections (a) and (b) of this section. The Criminal Justice
5 Training Council shall determine, as a part of the Council's annual certification
6 of training requirements, whether current officers have received training on the
7 use of force, de-escalation tactics, and cross-cultural awareness policy as
8 required by subsection 2358(f) of this title.

9 (d) On or before October 15, 2020, and annually thereafter on April 1, the
10 Criminal Justice Training Council shall report to the House and Senate
11 Committees on Judiciary regarding which departments and officers have
12 adopted a use of force, de-escalation tactics, and cross-cultural awareness
13 policy and whether officers have received training on the policy.

14 (e) On or before October 1, 2021, and every odd-numbered year thereafter,
15 the Criminal Justice Training Council, in consultation with others, including
16 the Attorney General and the Human Rights Commission, shall review and, if
17 necessary, update the model use of force, de-escalation tactics, and cross-
18 cultural awareness policy.

1 Sec. 3. 20 V.S.A. § 2358 is amended to read:

2 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

3 (a) Unless waived by the Council under standards adopted by rule, and
4 notwithstanding any statute or charter to the contrary, no person shall exercise
5 law enforcement authority as a law enforcement officer without completing a
6 basic training course and annual in-service training within a time and manner
7 prescribed by the Council by rule.

8 * * *

9 (e)(1) The criteria for all minimum training standards under this section
10 shall include anti-bias training approved by the Vermont Criminal Justice
11 Training Council; ~~and~~ training on the State, county, or municipal law
12 enforcement agency's fair and impartial policing policy, adopted pursuant to
13 subsection 2366(a) of this title; and training on the appropriate use of force, de-
14 escalation tactics, and cross-cultural awareness policy, adopted pursuant to
15 subsection 2368(a) of this title.

16 (2) On or before December 31, 2018, law enforcement officers shall
17 receive a minimum of four hours of training as required by this subsection. On
18 or before March 31, 2020, law enforcement officers shall receive a minimum
19 of four hours of training as required by this subsection.

20 (3) In order to remain certified, law enforcement officers shall receive a
21 refresher course on the training required by this subsection during every odd-

1 numbered year in a program approved by the Vermont Criminal Justice
2 Training Council.

3 (4) The Criminal Justice Training Council shall, on an annual basis,
4 report to the Racial Disparities in the Criminal and Juvenile Justice System
5 Advisory Panel regarding:

6 (A) the adoption and implementation of the Panel's recommended
7 data collection methods and trainings and policies pursuant to 3 V.S.A.
8 § 168(f)(2) and (3);

9 (B) the incorporation of implicit bias training into the requirements of
10 basic training pursuant to this subsection; and

11 (C) the implementation of all trainings as required by this
12 subsection (e).

13 Sec. 4. EFFECTIVE DATE

14 This act shall take effect on passage.