1   H.518

2   Introduced by Committee on Judiciary

3   Date:

4   Subject: Law enforcement; minimum training standards; fair and impartial

5   policing

6   Statement of purpose of bill as introduced: This bill proposes to allow law

7   enforcement agencies to keep information regarding citizenship and

8   immigration status confidential to a greater extent than the model fair and

9   impartial policing policy requires.

10   An act relating to fair and impartial policing

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

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

13   § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL

14   POLICING POLICY; RACE ~~DATE~~ DATA COLLECTION

15   (a)(1) On or before March 1, 2018, every State, county, and municipal law

16   enforcement agency and every constable who exercises law enforcement

17   authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with

18   section 2358 of this title shall adopt a fair and impartial policing policy that

19   includes~~, at a minimum,~~ each component of the Criminal Justice Training

20   Council's model fair and impartial policing policy. Such agencies and

1   constables may include additional restrictions on agency members'

2   communication and involvement with federal immigration authorities or

3   communications regarding citizenship or immigration status. Agencies and

4   constables may not adopt a policy that allows for greater communication or

5   involvement with federal immigration authorities than is permitted under the

6   model policy.

7   (2) On or before ~~October 1, 2018, and~~ January 1 of every even-

8   numbered year ~~thereafter~~, the Criminal Justice Training Council, in

9   consultation with others, including the Attorney General and the Human Rights

10   Commission, shall review and, if necessary, update the model fair and

11   impartial policing policy. If the policy is updated, the Council, in consultation

12   with the Office of the Attorney General, shall follow the procedure set forth in

13   subsection (b) of this section and shall have six months after January 1 to

14   complete that procedure.

15   (b) ~~To encourage consistent fair and impartial policing practices statewide,~~

16   ~~the~~ The Criminal Justice Training Council, in consultation with the Office of

17   the Attorney General, shall review the policies of law enforcement agencies

18   and constables required to adopt a policy pursuant to subsection (a) of this

19   section, to ensure those policies ~~establish each component of the model policy~~

20   ~~on or before April 15, 2018~~ comply with subdivision (a)(1) of this section. If

21   the Council, in consultation with the Office of the Attorney General, finds that

1   a policy does not ~~meet each component of the model policy~~ comply with

2   subdivision (a)(1) of this section, it shall work with the law enforcement

3   agency or constable to bring the policy into compliance. If, after consultation

4   with ~~its attorney or with~~ the Council and the office of the Attorney General, ~~or~~

5   ~~with both,~~ the law enforcement agency or constable fails to adopt a policy that

6   ~~meets each component of the model policy~~ complies with subdivision (a)(1) of

7   this section on or before July 1, 2019, that agency or constable shall be deemed

8   to have adopted, and shall follow and enforce, the model policy issued by the

9   Council. A finding of compliance with subdivision (a)(1) shall not constitute a

10   finding of compliance with any other applicable law.

11   * * *

12   (d) Annually, on ~~April~~ or before July 1, the Criminal Justice Training

13   Council shall report to the House and Senate Committees on Judiciary

14   regarding which departments and officers have adopted a fair and impartial

15   policing policy and whether officers have received training on fair and

16   impartial policing.

17   * * *

18   Sec. 2. EFFECTIVE DATE

19   This act shall take effect on passage.