

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

1 Council's model fair and impartial policing policy. Such agencies and
2 constables may include additional restrictions on agency members'
3 communication and involvement with federal immigration authorities or
4 communications regarding citizenship or immigration status. Agencies and
5 constables may not adopt a policy that allows for greater communication or
6 involvement with federal immigration authorities than is permitted under the
7 model policy.

8 (2) On or before ~~October 1, 2018,~~ and January 1 of every even-
9 numbered year ~~thereafter~~, the Criminal Justice Training Council, in
10 consultation with others, including the Attorney General and the Human
11 Rights Commission, shall review and, if necessary, update the model fair and
12 impartial policing policy. If the policy is updated, the Council, in consultation
13 with the Office of the Attorney General, shall follow the procedure set forth in
14 subsection (b) of this section and shall have six months after January 1 to
15 complete that procedure.

16 (b) ~~To encourage consistent fair and impartial policing practices statewide,~~
17 ~~the~~ The Criminal Justice Training Council, in consultation with the Office of
18 the Attorney General, shall review the policies of law enforcement agencies
19 and constables required to adopt a policy pursuant to subsection (a) of this
20 section, to ensure those policies ~~establish each component of the model policy~~
21 ~~on or before April 15, 2018~~ comply with subdivision (a)(1) of this section. If

1 the Council, in consultation with the Office of the Attorney General, finds that
2 a policy does not ~~meet each component of the model policy~~ comply with
3 subdivision (a)(1) of this section, it shall work with the law enforcement
4 agency or constable to bring the policy into compliance. If, after consultation
5 with ~~its attorney or with~~ the Council and the office of the Attorney General, ~~or~~
6 ~~with both~~, the law enforcement agency or constable fails to adopt a policy that
7 ~~meets each component of the model policy~~ complies with subdivision (a)(1) of
8 this section on or before July 1, 2019, that agency or constable shall be
9 deemed to have adopted, and shall follow and enforce, the model policy issued
10 by the Council. A finding of compliance with subdivision (a)(1) shall not
11 constitute a finding of compliance with any other applicable law.

12 * * *

13 (d) Annually, on ~~April~~ or before July 1, the Criminal Justice Training
14 Council shall report to the House and Senate Committees on Judiciary
15 regarding which departments and officers have adopted a fair and impartial
16 policing policy and whether officers have received training on fair and
17 impartial policing.

18 * * *

19 ~~Sec. 2. EFFECTIVE DATE~~

20 ~~This act shall take effect on passage.~~

~~Sec. 2. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE.~~

CIVIL RIGHTS WORKING GROUP- REPORT

(a) During the 2019 legislative interim, the Office of the Attorney General shall convene and facilitate a working group of representatives from the Human Rights Commission, the Vermont chapter of the American Civil Liberties Union, the Criminal Justice Training Council, Migrant Justice, the Vermont Police Association, the Vermont Sheriffs' Association, the Vermont Association of Chiefs of Police, and the Vermont State Police. The working group shall collaboratively establish an outreach and education strategy to inform Vermonters of the resources available to protect civil rights pursuant to State laws that prohibit discrimination, including the right to file a complaint with the Human Rights Commission, the Civil Rights Unit of the Office of the Attorney General, law enforcement agencies, and the Criminal Justice Training Council.

(b) On or before November 1, 2019, the working group established pursuant to this section shall report to the Joint Legislative Justice Oversight Committee and the House and Senate Committees on Judiciary and on Government Operations on their work pursuant to subsection (a) of this section and recommendations for legislative action to protect marginalized populations in Vermont.

Sec. 2. HUMAN RIGHTS COMMISSION; DIRECTOR OF POLICY,

EDUCATION, AND OUTREACH POSITION

Of the funds appropriated to the Human Rights Commission in FY2020, in Sec. B.236 of 2019 H.542, an act relating to making appropriations for the support of government, \$85,000.00 is allocated to fund the position of Director of Policy, Education, and Outreach.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.