

1 S.119

2 Introduced by Senators Ingram, Pearson and Pollina

3 Referred to Committee on

4 Date:

5 Subject: Government operations; law enforcement training; systemic racism

6 Statement of purpose of bill as introduced: This bill proposes to require 1) the  
7 collection and distribution of data regarding the use of force used in a traffic  
8 stop; 2) the Criminal Justice Training Council to develop a model policy  
9 regarding the use of force, de-escalation, and cross-cultural awareness, and for  
10 law enforcement agencies to adopt a policy containing each component of the  
11 model policy; and 3) the Criminal Justice Training Council to report to the  
12 Executive Director of Racial Equity regarding trainings on the model policy  
13 and race based data collection.

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

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

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

18 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL  
19 POLICING POLICY; RACE DATA COLLECTION

20 \* \* \*

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

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

5 (B) the reason for the stop;

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

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

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

10 (i) a written warning was issued;

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

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

13 (iv) no subsequent action was taken.

14 (2) Law enforcement agencies shall work with the Executive Director of  
15 Racial Equity, the Criminal Justice Training Council, and a vendor chosen by  
16 the Council and the Executive Director with the goals of collecting uniform  
17 data, adopting uniform storage methods and periods, and ensuring that data can  
18 be analyzed. Roadside stop data, as well as reports and analysis of roadside  
19 stop data, shall be public.

20 (3) On or before September 1, 2016 and annually thereafter, law  
21 enforcement agencies shall provide the data collected under this subsection to

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

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

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

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

15 § 2368. APPROPRIATE USE OF FORCE, DE-ESCALATION, AND

16 CROSS-CULTURAL AWARENESS POLICY

17 (a) On or before October 1, 2019, the Criminal Justice Training Council, in  
18 consultation with stakeholders, including the Vermont League of Cities and  
19 Towns, the Vermont Human Rights Commission, and the Executive Director  
20 of Racial Equity shall create a model use of force, de-escalation tactics, and  
21 cross-cultural awareness policy. On or before January 1, 2020, every State,

1 local, county and municipal law enforcement agency and every constable who  
2 exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is  
3 trained in compliance with section 2358 of this title shall adopt a use of force,  
4 de-escalation tactics, and cross-cultural awareness policy that includes, at a  
5 minimum, the elements of the Criminal Justice Training Council model policy.

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

11 (c) On or before September 15, 2020, and annually thereafter as part of  
12 their annual training report to the Council, every law enforcement agency and  
13 constable required to adopt a policy pursuant to subsection (a) of this section  
14 shall report to the Council on whether the agency or officer has adopted a use  
15 of force, de-escalation tactics, and cross-cultural awareness policy in  
16 accordance with subsections (a) and (b) of this section. The Criminal Justice  
17 Training Council shall determine, as a part of the Council's annual certification  
18 of training requirements, whether current officers have received training on the  
19 use of force, de-escalation tactics, and cross-cultural awareness policy as  
20 required by subsection 2358(f) of this title.

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

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

11       (f) To encourage consistent fair and impartial policing practices statewide,  
12       the Criminal Justice Training Council, in consultation with the Office of the  
13       Attorney General, shall review the policies of law enforcement agencies and  
14       constables required to adopt a policy pursuant to subsection (a) of this section,  
15       to ensure those policies establish each component of the model policy on or  
16       before April 15, 2021. If the Council finds that a policy does not meet each  
17       component of the model policy, it shall work with the law enforcement agency  
18       or constable to bring the policy into compliance. If, after consultation with its  
19       attorney or with the Council, or with both, the law enforcement agency or  
20       constable fails to adopt a policy that meets each component of the model

1 policy, that agency or constable shall be deemed to have adopted, and shall  
2 follow and enforce, the model policy issued by the Council.

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

4 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

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

10 \* \* \*

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

18 (2) On or before December 31, 2018, law enforcement officers shall  
19 receive a minimum of four hours of anti-bias training as required by this  
20 subsection. On or before March 31, 2020, law enforcement officers shall  
21 receive a minimum of four hours of training on the appropriate use of force,

1 de-escalation tactics, and cross-cultural awareness policy as required by this  
2 subsection.

3 (3) In order to remain certified, law enforcement officers shall receive a  
4 refresher course on the training required by this subsection during every odd-  
5 numbered year in a program approved by the Vermont Criminal Justice  
6 Training Council.

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

10 (A) the adoption and implementation of the Panel's recommended  
11 data collection methods and trainings and policies pursuant to 3 V.S.A.  
12 § 168(f)(2) and (3);

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

15 (C) the implementation of all trainings as required by this  
16 subsection (e).

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on passage.