

1 S.124

2 Senators White, Bray, Clarkson, Collamore, and Pollina move that the bill  
3 be amended as follows:

4 First: By striking out Sec. 2, 20 V.S.A. § 2352 (Council membership) in its  
5 entirety and inserting in lieu thereof the following:

6 Sec. 2. 20 V.S.A. § 2352 is amended to read:

7 § 2352. COUNCIL MEMBERSHIP

8 (a)(1) The Vermont Criminal Justice Training Council shall consist of:

9 (A) the Commissioners of Public Safety, of Corrections, of Motor  
10 Vehicles, ~~and~~ of Fish and Wildlife, and of Mental Health;

11 (B) the Attorney General;

12 (C) the Executive Director of the Department of State's Attorneys  
13 and Sheriffs;

14 (D) the Executive Director of Racial Equity;

15 (E) a member of the Vermont Troopers' Association or its successor  
16 entity, elected by its membership;

17 ~~(F)~~ (F) a member of the Vermont Police Association, elected by its  
18 membership; ~~and~~

19 ~~(G)~~ (G) ~~five additional members appointed by the Governor.~~

20 (i) ~~The Governor's appointees shall provide broad representation~~  
21 ~~of all aspects of law enforcement and the public in Vermont on the Council.~~

1           ~~(ii) The Governor shall solicit recommendations for appointment~~  
2           ~~from the Vermont State's Attorneys Association, the Vermont State's Sheriffs~~  
3           ~~Association, the Vermont Police Chiefs Association, and the Vermont~~  
4           ~~Constables Association~~ a member of the Chiefs of Police Association of  
5           Vermont, appointed by the President of the Association;

6           (H) a member of the Vermont Sheriffs' Association, appointed by the  
7           President of the Association;

8           (I) a law enforcement officer, appointed by the President of the  
9           Vermont State Employees Association;

10           (J) an employee of the Vermont League of Cities and Towns,  
11           appointed by the Executive Director of the League;

12           (K) an individual appointed by the Executive Director of the Center  
13           for Crime Victim Services;

14           (L) an individual appointed by the Executive Director of the Human  
15           Rights Commission;

16           (M) an individual appointed by the Executive Director of the  
17           Vermont Network Against Domestic and Sexual Violence; and

18           (N) three public members, appointed by the Governor, who shall not  
19           be law enforcement officers or have a spouse, parent, child, or sibling who is a  
20           law enforcement officer, current legislators, or otherwise be employed in the  
21           criminal justice system.

1 (2) A member's term shall be three years.

2 \* \* \*

3 (c) The public members of the Council set forth in subdivision (a)(1)(N) of  
4 this section shall be entitled to receive ~~no~~ per diem compensation for their  
5 services, but the other members of the Council shall not be entitled to such  
6 compensation; provided, however, that all members of the Council shall be  
7 allowed their actual and necessary entitled to receive reimbursement of  
8 expenses incurred in the performance of their duties. Per diem compensation  
9 and reimbursement of expenses under this subsection shall be made as  
10 permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.

11 \* \* \*

12 Second: By adding a Sec. 6a to read as follows:

13 Sec. 6a. 20 V.S.A. § 2359 is added to read:

14 § 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

15 COMPLIANCE

16 (a) On and after January 1, 2022, a law enforcement agency shall be  
17 prohibited from having its law enforcement applicants or officers trained by  
18 the Police Academy or from otherwise using the services of the Council if the  
19 agency is not in compliance with the requirements for collecting roadside stop  
20 data under section 2366 of this chapter or the requirement to adopt, follow, or  
21 enforce any policy required under this chapter.

1        (b) The Council shall adopt procedures to enforce the requirements of this  
2        section, which may allow for waivers for agencies under a plan to obtain  
3        compliance with this section.

4        Third: By adding a Sec. 9a to read as follows:

5        Sec. 9a. 20 V.S.A. § 2368 is added to read:

6        § 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERAS

7        (a) On or before January 1, 2022, each law enforcement agency shall adopt,  
8        follow, and enforce the Model Body Worn Camera (BWC) Policy established  
9        by the Law Enforcement Advisory Board pursuant to 2016 Acts and Resolves  
10       No. 163, and each law enforcement officer shall comply with the provisions of  
11       that policy.

12       (b) The Council shall incorporate the provisions of this section into training  
13       it provides.

14       Fourth: In Sec. 10, 20 V.S.A. chapter 151, subchapter 2 (Council;  
15       unprofessional conduct), by striking out section 2403 (law enforcement  
16       agencies; duty to report) in its entirety and inserting in lieu thereof the  
17       following:

18       § 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

19       (a)(1) The executive officer of a law enforcement agency or the chair of the  
20       agency's civilian review board shall report to the Council within 10 business

1 days if any of the following occur in regard to a law enforcement officer of the  
2 agency:

3 (A) Category ~~(A)~~.

4 (i) There is a finding of probable cause by a court that the officer  
5 committed Category A conduct.

6 (ii) There is any decision or findings of fact or verdict regarding  
7 allegations that the officer committed Category A conduct, including a judicial  
8 decision and any appeal therefrom.

9 (B) Category B.

10 (i) The agency receives a credible complaint against the officer  
11 ~~that, if deemed credible by the executive officer of the agency as a result of a~~  
12 ~~valid investigation,~~ alleges that the officer committed Category B conduct.

13 (ii) The agency receives or issues any of the following:

14 (I) a report or findings of a valid investigation finding that the  
15 officer committed Category B conduct; or

16 (II) any decision or findings, including findings of fact or  
17 verdict, regarding allegations that the officer committed Category B conduct,  
18 including a hearing officer decision, arbitration, administrative decision, or  
19 judicial decision, and any appeal therefrom.

20 (C) Termination. The agency terminates the officer for Category A  
21 or Category B conduct.

1 (D) Resignation. The officer resigns from the agency while under  
2 investigation for unprofessional conduct.

3 (2) As part of his or her report, the executive officer of the agency or the  
4 chair of the civilian review board shall provide to the Council a copy of any  
5 relevant documents associated with the report, including any findings,  
6 decision, and the agency’s investigative report.

7 (b) The Council shall provide a copy of any report and the relevant  
8 documents provided with it to the Council Advisory Committee, which shall  
9 recommend any appropriate action to take in regard to a law enforcement  
10 officer who is the subject of that report.

11 (c) The Executive Director of the Council shall report to the Attorney  
12 General and the State’s Attorney of jurisdiction any allegations that an officer  
13 committed Category A conduct.

14 Fifth: By adding a Sec. 10a to read as follows:

15 Sec. 10a. LAW ENFORCEMENT RECOMMENDATIONS

16 In order to further the goal of defining law enforcement officers as  
17 community guardians, the following entities shall report to the Senate and  
18 House Committees on Government Operations on or before January 15, 2021  
19 on their progress in regard to the following topics, including any  
20 recommendations for legislative action:

21 (1) Law enforcement officer qualifications.

1           (A) The Law Enforcement Advisory Board shall recommend  
2           universal standards for interviewing and hiring new law enforcement officers  
3           in order to recognize applicant qualities that are desirable and those that are  
4           not. The Board shall specifically recommend standards that should apply to  
5           officers in a supervisory role.

6           (B) The Criminal Justice Training Council (Council) shall consult  
7           with the Human Rights Commission, the American Civil Liberties Union, and  
8           other relevant organizations and individuals in reviewing law enforcement  
9           applicants' current written, oral, and psychological examinations for cultural  
10          sensitivities and overall appropriateness.

11           (2) Law enforcement officer training.

12           (A) The Council, in consultation with the Racial Disparities in the  
13           Criminal and Juvenile Justice System Advisory Panel, the Human Rights  
14           Commission, the American Civil Liberties Union, and other relevant  
15           stakeholders, shall review the current requirements for basic and annual in-  
16           service training in order to determine whether appropriate training is provided  
17           in the areas of cultural awareness, implicit bias, de-escalation, and recognition  
18           of and appropriately responding to individuals with a mental condition, and  
19           whether that training is embedded into training on other policing policies such  
20           as traffic stops and searches.

1           (B) In consideration of its analysis in subdivision (A) of this  
2           subdivision (2), and in reviewing current training requirements and how that  
3           training is used in practice, the Council shall recommend any amendments to  
4           statutorily required training that may not be necessary for all officers.

5           (C) The Council, Law Enforcement Advisory Board, and Department  
6           of Public Safety shall consult with the Vermont League of Cities and Towns  
7           and other interested stakeholders to determine whether:

8                   (i) the Council should be reestablished within a State agency or  
9                   other oversight entity;

10                   (ii) the Police Academy should be relocated to a different area of  
11                   the State; and

12                   (iii) there should be more flexibility in the residential and field  
13                   training required of law enforcement applicants, including whether applicants  
14                   should be able to satisfy some aspects of basic training through experiential  
15                   learning.

16           (3) Models of civilian oversight. The Office of Attorney General shall  
17           consult with the Council, the Human Rights Commission, the Vermont League  
18           of Cities and Towns, and other interested parties to recommend one or more  
19           models of civilian oversight of law enforcement.

20           (4) Reporting allegations of law enforcement misconduct. The Office of  
21           Attorney General shall consult with the Council, the Human Rights



1 Commission, the American Civil Liberties Union, and other interested parties  
2 in order to identify a central point for reporting allegations of law enforcement  
3 officer misconduct, which may be the Council or another entity, and how those  
4 allegations should be handled.

5 (5) Access to complaint information. The Council Advisory Committee  
6 shall consult with the Secretary of State, the Human Rights Commission, the  
7 American Civil Liberties Union, and other interested parties in reviewing  
8 public access to records related to allegations of law enforcement officer  
9 misconduct and substantiations of those allegations in order to recommend any  
10 changes to current practice.

11 (6) Body cameras.

12 (A)(i) The Law Enforcement Advisory Board shall report any  
13 changes it deems necessary to the Model Body Worn Camera (BWC) Policy  
14 that it established pursuant to 2016 Acts and Resolves No. 163.

15 (ii) After consulting with the Secretary of State, the Human Rights  
16 Commission, the American Civil Liberties Union, and other interested parties,  
17 the Board shall specifically recommend policies for responding to public  
18 records requests for body camera footage, including any recommended  
19 timelines to respond, how and what footage should be redacted, length of  
20 footage retention, and storage.

1           (B) The Department of Public Safety shall consult with the Law  
2           Enforcement Advisory Board to investigate the possibility of a statewide group  
3           purchasing contract for law enforcement body cameras and of central storage  
4           locations. If the Department recommends such a group, it shall detail its  
5           recommended structure and operation.

6           (7) Military equipment. After an opportunity for community  
7           involvement and feedback, the Law Enforcement Advisory Board shall  
8           recommend a statewide policy on law enforcement officers' use of military  
9           equipment.