

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 S.124

2 [Sponsoring individual SGO members] move that the bill be amended as
3 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.~~

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

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 employee of the Vermont Center for Crime Victim Services,
13 appointed by the Executive Director of the Center; and

14 (L) three public members who shall not be law enforcement officers
15 or have a spouse, parent, child, or sibling who is a law enforcement officer,
16 current legislators, or otherwise be employed in the criminal justice system,
17 one of whom shall be appointed by the Speaker of the House, one of whom
18 shall be appointed by the Senate Committee on Committees, and one of whom
19 shall be appointed by the Governor.

20 (2) A member’s term shall be three years.

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DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

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

* * *

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

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

12 § 2359. RECRUIT BASIC TRAINING CONTINGENT ON AGENCY

13 COMPLIANCE

14 (a) An agency shall be prohibited from sponsoring a recruit for basic
15 training if the agency is not in compliance with the requirements for collecting
16 roadside stop data under section 2366 of this chapter or the requirement to
17 adopt, follow, or enforce any policy required under this chapter.

18 (b) The Council shall adopt procedures to enforce the requirements of this
19 section.

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

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

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

3 § 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERAS

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

9 (b) The Council shall incorporate the provisions of this section into basic
10 and annual in-service training.

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

14 § 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

15 (a)(1) The executive officer of a law enforcement agency or the chair of the
16 agency's civilian review board shall report to the Council within 10 business
17 days if any of the following occur in regard to a law enforcement officer of the
18 agency:

19 (A) ~~Category (A).~~

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

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

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

4 (B) Category B.

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

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

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

11 (II) any decision or findings, including findings of fact or
12 verdict, regarding allegations that the officer committed Category B conduct,
13 including a hearing officer decision, arbitration, administrative decision, or
14 judicial decision, and any appeal therefrom.

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

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

19 (2) As part of his or her report, the executive officer of the agency or the
20 chair of the civilian review board shall provide to the Council a copy of any

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 relevant documents associated with the report, including any findings,
2 decision, and the agency’s investigative report.

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

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

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

11 **Sec. 10a. LAW ENFORCEMENT RECOMMENDATIONS**

12 In order to further the goal of defining law enforcement officers not as
13 warriors but as community guardians, the following entities shall report to the
14 Senate and House Committees on Government Operations on or before
15 January 15, 2021 on their progress in regard to the following topics, including
16 any recommendations for legislative action:

17 (1) Law enforcement officer qualifications.

18 (A) The Law Enforcement Advisory Board shall recommend
19 statewide standards for interviewing and hiring new law enforcement officers
20 in order to recognize applicant qualities that are desirable and those that are

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 not. The Board shall specifically recommend standards that should apply to
2 officers in a supervisory role.

3 (B) The Criminal Justice Training Council (Council) shall consult
4 with the Human Rights Commission, ACLU, and other relevant organizations
5 in reviewing the current law enforcement recruit written, oral, and
6 psychological examinations for cultural sensitivities and appropriateness.

7 (2) Law enforcement officer training.

8 (A) The Council, in consultation with the Racial Disparities in the
9 Criminal and Juvenile Justice System Advisory Panel, Human Rights
10 Commission, ACLU, and other relevant stakeholders, shall review the current
11 requirements for basic and annual in-service training in order to determine
12 whether appropriate training is provided in the areas of cultural awareness,
13 implicit bias, de-escalation, and mental health conditions, and whether that
14 training is embedded into training on other policing policies such as traffic
15 stops and searches.

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

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

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

4 (i) the Police Academy should be relocated to a different area of
5 the State; and

6 (ii) there should be more flexibility in the residential and field
7 training required of recruits, including whether recruits should be able to
8 satisfy some aspects of basic training through an internship with outside
9 entities such as a mental health agency.

10 (3) Regional civilian review boards. The Office of Attorney General
11 shall consult with the Council, Human Rights Commission, and other
12 interested parties to recommend the manner in which regional civilian review
13 boards could be appointed to oversee the discipline imposed on a law
14 enforcement officer by the officer’s agency or the sanctions the Council
15 imposes on an officer’s certification, or both, and the recommended powers
16 and duties of such a board.

17 (4) Reporting allegations of law enforcement misconduct. The Office of
18 Attorney General shall consult with the Council, Human Rights Commission,
19 ACLU, and other interested parties in order to identify a central point for
20 reporting allegations of law enforcement officer misconduct, which may be the
21 Council or another entity, and how those allegations should be handled.

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 (5) Access to complaint information. The Council shall consult with the
2 ACLU and interested media associations in reviewing the public records
3 request policy related to allegations of law enforcement officer misconduct and
4 substantiations of those allegations in order to recommend any changes to
5 current practice.

6 (6) Body cameras.

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

10 (ii) After consulting with the ACLU and interested media
11 associations, the Board shall specifically recommend policies for responding to
12 public records requests for body camera footage, including any recommended
13 timelines to respond and how and what footage should be redacted.

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

19 (7) Military equipment. The Law Enforcement Advisory Board shall
20 recommend a statewide policy on law enforcement officers' use of military
21 equipment.