

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 518
3 entitled “An act relating to fair and impartial policing” respectfully reports that
4 it has considered the same and recommends that the Senate propose to the
5 House that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

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

8 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
9 POLICING POLICY; RACE ~~DATE~~ DATA COLLECTION

10 (a)(1) On or before March 1, 2018, every State, county, and municipal law
11 enforcement agency and every constable who exercises law enforcement
12 authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with
13 section 2358 of this title shall adopt a fair and impartial policing policy that
14 includes, ~~at a minimum,~~ each component of the Criminal Justice Training
15 Council’s model fair and impartial policing policy. Such agencies and
16 constables may include additional restrictions on agency members’
17 communication and involvement with federal immigration authorities or
18 communications regarding citizenship or immigration status. Agencies and
19 constables may not adopt a policy that allows for greater communication or
20 involvement with federal immigration authorities than is permitted under the
21 model policy.

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

9 (b)(1) ~~To encourage consistent fair and impartial policing practices~~
10 ~~statewide, the~~ The Criminal Justice Training Council, in consultation with the
11 Office of the Attorney General, shall review the policies of law enforcement
12 agencies and constables required to adopt a policy pursuant to subsection (a) of
13 this section, to ensure those policies ~~establish each component of the model~~
14 ~~policy on or before April 15, 2018~~ comply with subdivision (a)(1) of this
15 section. If the Council, in consultation with the Office of the Attorney
16 General, finds that a policy does not ~~meet each component of the model policy~~
17 comply with subdivision (a)(1) of this section, it shall work with the law
18 enforcement agency or constable to bring the policy into compliance. If, after
19 consultation with ~~its attorney or with~~ the Council and the office of the Attorney
20 General, ~~or with both,~~ the law enforcement agency or constable fails to adopt a
21 policy that ~~meets each component of the model policy~~ complies with

1 subdivision (a)(1) of this section on or before July 1, 2019, that agency or
2 constable shall be deemed to have adopted, and shall follow and enforce, the
3 model policy issued by the Council. A finding of compliance with subdivision
4 (a)(1) shall not constitute a finding of compliance with any other applicable
5 law.

6 (2) For purposes of ensuring fair and impartial policing and ensuring
7 compliance with the provisions of this section, the Governor or the mayor or
8 any selectboard member of a town or municipality may request the Human
9 Rights Commission to conduct an inspection of the law enforcement agency or
10 constable of the town or municipality to determine if it is in compliance with
11 this section. The Commission may also initiate an inspection at its own
12 discretion. The Commission or its designee may, within a reasonable time
13 frame, inspect the records, policies, procedures, and training materials related
14 to the law enforcement agency or constable's fair and impartial policing
15 policy, unless such inspection would impede or compromise a pending
16 litigation or criminal prosecution. Any records obtained by the Commission
17 that are exempt from public inspection and copying under the Public Records
18 Act shall remain exempt and shall be kept confidential to the extent required
19 by law. Following an inspection pursuant to this subsection, the Human Rights
20 Commission shall notify the agency or constable of the results of the
21 inspection, including any issues or deficiencies identified, and shall identify

1 available resources and technical assistance to the agency or constable to
2 address such issues or deficiencies.

3 * * *

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

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10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on passage.

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18 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE