

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

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

5 * * *

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

11 * * *

12 Sec. 2. HUMAN RIGHTS COMMISSION; OFFICE OF THE ATTORNEY
13 GENERAL; CRIMINAL JUSTICE TRAINING COUNCIL; EDUCATION
14 AND OUTREACH REGARDING FAIR AND IMPARTIAL POLICING
15 REQUIREMENTS

16 On or before September 1, 2019, the Human Rights Commission, Office of
17 the Attorney General, and Criminal Justice Training Council shall:

18 (1) develop an outreach and education strategy to ensure elected public
19 officials of Vermont towns and municipalities and all law enforcement
20 agencies and constables are provided with information regarding:

1 (A) the resources available for training and technical assistance on
2 implementing a fair and impartial policing policy as required by 20 V.S.A.
3 § 2366; and

4 (B) the process to file a complaint with the Human Rights
5 Commission and the Civil Rights Unit of the Office of the Attorney General
6 regarding noncompliance with the fair and impartial policing requirements set
7 forth in 20 V.S.A. § 2366.

8 (2) report to the Joint Legislative Justice Oversight Committee regarding
9 the outreach plan, including:

10 (A) the timeline by which elected public officials, law enforcement
11 agencies, and constables shall be provided with the information required by
12 subsection (1) of this section;

13 (B) a summary of the information, technical assistance, and training
14 available to elected public officials, law enforcement agencies, and constables
15 to assist with compliance with 20 V.S.A. § 2366; and

16 (C) measures the Commission and Civil Rights Unit will take in
17 response to any complaints filed regarding a law enforcement agency or
18 constable that is out of compliance with the requirements of 20 V.S.A. § 2366.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on passage.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE