

1 H.476

2 An act relating to miscellaneous changes to law enforcement officer training  
3 laws

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

5 \* \* \* Domestic Violence Involving Law Enforcement Model Policy \* \* \*

6 Sec. 1. 20 V.S.A. § 2365 is amended to read:

7 § 2365. DOMESTIC VIOLENCE TRAINING; DOMESTIC VIOLENCE

8 INVOLVING LAW ENFORCEMENT MODEL POLICY

9 \* \* \*

10 (d)(1) On or before July 1, 2024, every State, county, and municipal law  
11 enforcement agency shall adopt the Domestic Violence Involving Law  
12 Enforcement Model Policy issued by the Vermont Law Enforcement Advisory  
13 Board.

14 (2) On or before July 1, 2024, every constable who exercises law  
15 enforcement authority pursuant to 24 V.S.A. § 1936a and is certified pursuant  
16 to section 2358 of this title shall adopt the Domestic Violence Involving Law  
17 Enforcement Model Policy issued by the Vermont Law Enforcement Advisory  
18 Board.

19 (3) Agencies and constables referenced in subdivisions (1) and (2) of  
20 this subsection shall adopt any updated Domestic Violence Involving Law  
21 Enforcement Model Policy issued by Vermont Law Enforcement Advisory  
22 Board within six months following the issuance.

1       Sec. 2. DOMESTIC VIOLENCE INVOLVING LAW ENFORCEMENT

2                   MODEL POLICY REVISION

3           (a) On or before January 1, 2024, the Vermont Law Enforcement Advisory  
4       Board, after receiving input from interested stakeholders, shall issue an  
5       updated Domestic Violence Involving Law Enforcement Model Policy.

6           (b) The updated Domestic Violence Involving Law Enforcement Model  
7       Policy shall:

8           (1) address domestic violence survivors' needs and leverage best  
9       practices in awareness, prevention, and investigation of domestic violence;

10          (2) identify existing support offered to any law enforcement agency  
11       employee or officer who is the victim of or the person who committed  
12       domestic violence;

13          (3) identify new means of supporting law enforcement agency  
14       employees or officers who are the victims of or the persons who committed  
15       domestic violence;

16          (4) develop processes to protect the privacy of agency employees and  
17       officers who are the victims of domestic violence and to maintain the  
18       confidentiality of any information shared by these individuals; and

19          (5) amend or replace language found in 2010 Domestic Violence  
20       Involving Law Enforcement Model Policy, section 3.8 (Member  
21       Responsibilities), subdivision (4) to require a law enforcement agency

1 employee or officer subject to a final relief from abuse order pursuant to  
2 15 V.S.A. § 1103 to immediately surrender all service weapons.

3 \* \* \* Officer Misconduct and Transparency of Information \* \* \*

4 Sec. 3. 20 V.S.A. § 2401 is amended to read:

5 § 2401. DEFINITIONS

6 As used in this subchapter:

7 \* \* \*

8 (2) “Category B conduct” means gross professional misconduct  
9 amounting to actions on duty or under authority of the State, or both, that  
10 involve willful failure to comply with a State-required policy, or substantial  
11 deviation from professional conduct as defined by the law enforcement  
12 agency’s policy or if not defined by the agency’s policy, then as defined by  
13 Council policy, and shall include:

14 \* \* \*

15 (H) while on duty or off duty, attempting to cause or causing physical  
16 harm to a family or household member, or placing a family or household  
17 member in fear of imminent serious physical harm; or

18 (I) while on duty or off duty, a violation of the Domestic Violence  
19 Involving Law Enforcement Model Policy adopted pursuant to section 2365 of  
20 this title.

21 \* \* \*

1 Sec. 4. 20 V.S.A. § 2407 is amended to read:

2 § 2407. LIMITATION ON COUNCIL SANCTIONS ~~FIRST OFFENSE OF~~  
3 ~~CATEGORY B CONDUCT~~

4 (a) ~~Category B conduct; first offense. If a law enforcement agency~~  
5 ~~conducts a valid investigation of a complaint alleging that a law enforcement~~  
6 ~~officer committed a first offense of Category B conduct, the Council shall take~~  
7 ~~no action, except that the Council may take action for a first offense under~~  
8 ~~subdivision 2401(2)(C) (excessive use of force under authority of the State),~~  
9 ~~2401(2)(F) (placing a person in a chokehold), or 2401(2)(G) (failing to~~  
10 ~~intervene and report to a supervisor when an officer observes another officer~~  
11 ~~placing a person in a chokehold or using excessive force) of this chapter.~~  
12 Council sanctions; first offense of Category A and certain Category B conduct.  
13 After a valid investigation of Category A and Category B conduct made  
14 pursuant to section 2404 of this title concludes, the Council may impose a  
15 sanction for a first offense of:

16 (1) Category A conduct as defined in subdivision 2401(1) of this title; or

17 (2) the following instances of Category B conduct as defined in  
18 subdivision 2401(2) of this title:

19 (A) sexual harassment involving physical contact pursuant to  
20 subdivision 2401(2)(A) of this title;

1           (B) excessive use of force under authority of the State pursuant to  
2           subdivision 2401(2)(C) of this title;

3           (C) placing a person in a chokehold pursuant to subdivision  
4           2401(2)(F) of this title;

5           (D) failing to intervene and report to a supervisor when an officer  
6           observes another officer placing a person in a chokehold or using excessive  
7           force pursuant to subdivision 2401(2)(G) of this title;

8           (E) attempting to cause or causing physical harm to a family or  
9           household member, or placing a family or household member in fear of  
10          imminent serious physical harm pursuant to subdivision 2401(2)(H) of this  
11          title; or

12          (F) a violation of the Domestic Violence Involving Law Enforcement  
13          Model Policy adopted pursuant to section 2365 of this title pursuant to  
14          subdivision 2401(2)(I) of this title.

15          (b) Council action; second or subsequent offense of certain other Category  
16          B conduct. After a valid investigation of Category B conduct made pursuant to  
17          section 2404 of this title concludes, the Council may impose a sanction for an  
18          offense of Category B conduct not specified in subdivision (a)(2) of this  
19          section only for the second or subsequent offense.

20          (c) “Offense” defined. As used in this section, an “offense” means any  
21          offense committed by a law enforcement officer during the course of ~~his or her~~

1 the law enforcement officer's certification, and includes any offenses  
2 committed during employment at a current or previous law enforcement  
3 agency.

4 Sec. 4a. VERMONT CRIMINAL JUSTICE COUNCIL AUTHORITY;

5 REPORT

6 On or before December 15, 2023, the Vermont Criminal Justice Council, in  
7 consultation with the Department of Human Resources, the Office of  
8 Professional Regulation, and a nationally recognized organization that is a  
9 subject matter expert in the field of law enforcement professional regulation,  
10 shall report to the House Committee on Government Operations and  
11 Military Affairs and the Senate Committee on Government Operations on the  
12 following:

13 (1) whether the current statutes pertaining to unprofessional conduct in  
14 20 V.S.A. §§ 2401–2411 should be amended to apply to all off-duty conduct of  
15 law enforcement officers;

16 (2) whether the current statutes pertaining to unprofessional conduct in  
17 20 V.S.A. §§ 2401–2411 should be amended to adjust the scope of Category B  
18 conduct that the Vermont Criminal Justice Council may take action on for a  
19 first offense; and

20 (3) any other recommendations as deemed appropriate by the Vermont  
21 Criminal Justice Council.

1 Sec. 5. 20 V.S.A. § 2409 is amended to read:

2 § 2409. ACCESSIBILITY AND CONFIDENTIALITY

3 \* \* \*

4 (g)(1) The Council shall collect aggregate data on the number of:

5 (A) complaints received that involve domestic or sexual violence;

6 and

7 (B) the number of complaints for Category A and B conduct

8 involving domestic or sexual violence that resulted in the filing of charges or

9 stipulations or the taking of disciplinary action.

10 (2) The Council shall provide a report of the aggregate data collected

11 pursuant to subdivision (1) of this subsection to the House Committees on

12 Judiciary and on Government Operations and Military Affairs and the Senate

13 Committees on Judiciary and on Government Operations annually on or before

14 January 15.

15 \* \* \* Vermont Criminal Justice Council Domestic Violence

16 Training Position Funding \* \* \*

17 Sec. 5a. 20 V.S.A. § 2365 is amended to read:

18 § 2365. DOMESTIC VIOLENCE TRAINING

19 \* \* \*

20 (c) The Vermont Police Academy shall employ a domestic violence trainer

21 for the sole purpose of training Vermont law enforcement and related

1 practitioners on issues related to domestic violence. ~~Funding for this position~~  
2 ~~shall be transferred by the Center for Crime Victim Services from the~~  
3 ~~Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360.~~

4 Sec. 5b. 13 V.S.A. § 5360 is amended to read:

5 § 5360. DOMESTIC AND SEXUAL VIOLENCE SPECIAL FUND

6 A Domestic and Sexual Violence Special Fund is established, to be  
7 managed in accordance with 32 V.S.A. chapter 7, subchapter 5 and  
8 administered by the Center for Crime Victim Services created in section 5361  
9 of this title. The revenues of the Fund shall consist of that portion of the  
10 additional surcharge on penalties and fines imposed by section 7282 of this  
11 title deposited in the Domestic and Sexual Violence Special Fund and that  
12 portion of the town clerks' fee for issuing and recording civil marriage or civil  
13 union licenses in 32 V.S.A. § 1712(1) deposited in the Domestic and Sexual  
14 Violence Special Fund. The Fund may be expended by the Center for Crime  
15 Victim Services for budgeted grants to the Vermont Network against Domestic  
16 and Sexual Violence ~~and for the Criminal Justice Training Council position~~  
17 ~~dedicated to domestic violence training, pursuant to 20 V.S.A. § 2365(e).~~

18 \* \* \* Effective Date \* \* \*

19 Sec. 6. EFFECTIVE DATE

20 This act shall take effect on passage.