

1 H.476

2 Introduced by Committee on Government Operations and Military Affairs

3 Date:

4 Subject: Internal security and public safety; Vermont Criminal Justice Council;
5 law enforcement officer training

6 Statement of purpose of bill as introduced: This bill will require law
7 enforcement agencies and constables who exercise law enforcement authority
8 to adopt the Domestic Violence Involving Law Enforcement Model Policy and
9 any future updates to the Policy as well as require the Vermont Law
10 Enforcement Advisory Board to update the Domestic Violence Involving Law
11 Enforcement Model Policy. The bill will include on duty or off duty abuse of
12 a family or household member and on duty or off duty violation of the
13 Domestic Violence Involving Law Enforcement Model Policy as Category B
14 conduct. The bill will require the Vermont Criminal Justice Council to collect
15 and annually report aggregate data regarding domestic and sexual violence and
16 complaints of Category A and B conduct resulting in the filing of charges or
17 stipulations or the taking of disciplinary action.

18 An act relating to miscellaneous changes to law enforcement officer
19 training laws

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

2 * * * Domestic Violence Involving Law Enforcement Model Policy * * *

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

4 § 2365. DOMESTIC VIOLENCE TRAINING; DOMESTIC VIOLENCE
5 INVOLVING LAW ENFORCEMENT MODEL POLICY

6 * * *

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

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

16 (3) Agencies and constables referenced in subdivisions (1) and (2) of
17 this subsection shall adopt any updated Domestic Violence Involving Law
18 Enforcement Model Policy issued by Vermont Law Enforcement Advisory
19 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 experiencing domestic violence;

12 (3) identify new means of supporting law enforcement agency
13 employees or officers who are experiencing domestic violence;

14 (4) develop processes to protect the privacy of agency employees and
15 officers experiencing domestic violence and to maintain the confidentiality of
16 any information shared by these individuals; and

17 (5) amend or replace language found in 2010 Domestic Violence
18 Involving Law Enforcement Model Policy, section 3.8 (Member
19 Responsibilities), subdivision (4) to require a law enforcement agency
20 employee or officer subject to a final relief from abuse order pursuant to
21 15 V.S.A. § 1103 to immediately surrender all service weapons.

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), 2401(2)(H) (while
12 on duty or off duty, attempting to cause or causing physical harm to a family
13 or household member, or placing a family or household member in fear of
14 imminent serious physical harm), or 2401(2)(I) (while on duty or off duty, a
15 violation of the Domestic Violence Involving Law Enforcement Model Policy
16 adopted pursuant to section 2365 of this title) of this chapter.

17 (b) “Offense” defined. As used in this section, an “offense” means any
18 offense committed by a law enforcement officer during the course of ~~his or her~~
19 the law enforcement officer’s certification, and includes any offenses
20 committed during employment at a current or previous law enforcement
21 agency.

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 that

8 resulted in the filing of charges or stipulations or the taking of disciplinary

9 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 * * * Effective Date * * *

16 Sec. 6. EFFECTIVE DATE

17 This act shall take effect on passage.