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H.476

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

4 The Senate proposes to the House to amend the bill by striking out all after
5 the enacting clause and inserting in lieu thereof the following:

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

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

8 § 2365. DOMESTIC VIOLENCE TRAINING; DOMESTIC VIOLENCE

9 INVOLVING LAW ENFORCEMENT MODEL POLICY

10

* * *

11

(d)(1) On or before July 1, 2024, every State, county, and municipal law

12

enforcement agency shall adopt the Domestic Violence Involving Law

13

Enforcement Model Policy issued by the Vermont Law Enforcement Advisory

14

Board.

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(2) On or before July 1, 2024, every constable who exercises law

16

enforcement authority pursuant to 24 V.S.A. § 1936a and is certified pursuant

17

to section 2358 of this title shall adopt the Domestic Violence Involving Law

18

Enforcement Model Policy issued by the Vermont Law Enforcement Advisory

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Board.

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(3) Agencies and constables referenced in subdivisions (1) and (2) of

21

this subsection shall adopt any updated Domestic Violence Involving Law

1 Enforcement Model Policy issued by Vermont Law Enforcement Advisory
2 Board within six months following the issuance.

3 Sec. 2. DOMESTIC VIOLENCE INVOLVING LAW ENFORCEMENT
4 MODEL POLICY REVISION

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

8 (b) The updated Domestic Violence Involving Law Enforcement Model
9 Policy shall:

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

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

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

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

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

6 * * * Officer Misconduct and Transparency of Information * * *

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

8 § 2401. DEFINITIONS

9 As used in this subchapter:

10 * * *

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

17 * * *

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

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

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

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

7 (C) placing a person in a chokehold pursuant to subdivision
8 2401(2)(F) of this title;

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

12 (E) attempting to cause or causing physical harm to a family or
13 household member, or placing a family or household member in fear of
14 imminent serious physical harm pursuant to subdivision 2401(2)(H) of this
15 title; or

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

19 (b) Council action; second or subsequent offense of certain other Category
20 B conduct. After a valid investigation of Category B conduct made pursuant to
21 section 2404 of this title concludes, the Council may impose a sanction for an

1 offense of Category B conduct not specified in subdivision (a)(2) of this
2 section only for the second or subsequent offense.

3 (c) “Offense” defined. As used in this section, an “offense” means any
4 offense committed by a law enforcement officer during the course of ~~his or her~~
5 the law enforcement officer’s certification, and includes any offenses
6 committed during employment at a current or previous law enforcement
7 agency.

8 Sec. 4a. VERMONT CRIMINAL JUSTICE COUNCIL AUTHORITY;
9 REPORT

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

17 (1) whether the current statutes pertaining to unprofessional conduct in
18 20 V.S.A. §§ 2401–2411 should be amended to apply to all off-duty conduct of
19 law enforcement officers;

20 (2) whether the current statutes pertaining to unprofessional conduct in
21 20 V.S.A. §§ 2401–2411 should be amended to adjust the scope of Category B

1 conduct that the Vermont Criminal Justice Council may take action on for a
2 first offense; and

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

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

6 § 2409. ACCESSIBILITY AND CONFIDENTIALITY

7 * * *

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

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

10 and

11 (B) the number of complaints for Category A and B conduct
12 involving domestic or sexual violence that resulted in the filing of charges or
13 stipulations or the taking of disciplinary action.

14 (2) The Council shall provide a report of the aggregate data collected
15 pursuant to subdivision (1) of this subsection to the House Committees on
16 Judiciary and on Government Operations and Military Affairs and the Senate
17 Committees on Judiciary and on Government Operations annually on or before
18 January 15.

1 * * * Vermont Criminal Justice Council Domestic Violence Training Position

2 Funding * * *

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

4 § 2365. DOMESTIC VIOLENCE TRAINING

5 * * *

6 (c) The Vermont Police Academy shall employ a domestic violence trainer
7 for the sole purpose of training Vermont law enforcement and related
8 practitioners on issues related to domestic violence. ~~Funding for this position~~
9 ~~shall be transferred by the Center for Crime Victim Services from the~~
10 ~~Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360.~~

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

12 § 5360. DOMESTIC AND SEXUAL VIOLENCE SPECIAL FUND

13 A Domestic and Sexual Violence Special Fund is established, to be
14 managed in accordance with 32 V.S.A. chapter 7, subchapter 5 and
15 administered by the Center for Crime Victim Services created in section 5361
16 of this title. The revenues of the Fund shall consist of that portion of the
17 additional surcharge on penalties and fines imposed by section 7282 of this
18 title deposited in the Domestic and Sexual Violence Special Fund and that
19 portion of the town clerks' fee for issuing and recording civil marriage or civil
20 union licenses in 32 V.S.A. § 1712(1) deposited in the Domestic and Sexual
21 Violence Special Fund. The Fund may be expended by the Center for Crime

1 Victim Services for budgeted grants to the Vermont Network against Domestic
2 and Sexual Violence ~~and for the Criminal Justice Training Council position~~
3 ~~dedicated to domestic violence training, pursuant to 20 V.S.A. § 2365(e).~~

4 * * * Effective Date * * *

5 Sec. 6. EFFECTIVE DATE

6 This act shall take effect on passage.