

1 H.482

2 Introduced by the 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 proposes to repeal the  
7 fixed hours of training required for fair and impartial policing training and  
8 require the Vermont Criminal Justice Council to report by January 15, 2024,  
9 on its efforts to update and implement fair and impartial policing training. It  
10 will repeal the Advanced Roadside Impaired Driving Enforcement training  
11 requirements and direct the Vermont Criminal Justice Council to adopt rules  
12 pertaining to Advanced Roadside Impaired Driving Enforcement training  
13 requirements. The bill will require law enforcement agencies to collect data  
14 for the date, time, and location of roadside stops. It will require an executive  
15 law enforcement officer when hiring a law enforcement officer to contact all  
16 of the applicant's former law enforcement agencies. The bill will extend the  
17 deadline for the Vermont Criminal Justice Council to adopt rules regarding  
18 alternate routes to law enforcement officer certification.

19 An act relating to Vermont Criminal Justice Council recommendations for  
20 law enforcement officer training

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

2 ~~\*\*\* Fair and Impartial Policing Training; Advanced Roadside Impaired~~

3 Driving Enforcement Training \*\*\*

4 Sec. 1. PURPOSE

5 The purpose of this act is, in part, to amend the laws of Vermont regarding  
6 law enforcement officer training to emphasize achieving increased competency  
7 over prescribed minimum hours of training in fair and impartial policing. The  
8 change to a focus on skills and competency is meant to align with the goals of  
9 increasing transparency and accountability to historically stigmatized  
10 communities.

11 Sec. 2. 20 V.S.A. § 2358 is amended to read:

12 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

13 \* \* \*

14 (e)(1) The criteria for all minimum training standards under this section  
15 shall include anti-bias training approved by the Vermont Criminal Justice  
16 Council and training on the State, county, or municipal law enforcement  
17 agency's fair and impartial policing policy, adopted pursuant to subsection  
18 2366(a) of this title.

19 (2) ~~On or before December 31, 2018, law enforcement officers shall~~  
20 ~~receive a minimum of four hours of training as required by this subsection.~~

21 ~~[Repealed.]~~

1 ~~(2) In order to remain certified, law enforcement officers shall receive a~~  
2 ~~refresher course on the training required by this subsection during every odd-~~  
3 ~~numbered year in a program approved by the Vermont Criminal Justice~~  
4 ~~Council designed to demonstrate achieved law enforcement officer~~  
5 ~~competency in fair and impartial policing.~~

6 \* \* \*

7 ~~(f) The criteria for all minimum training standards under this section shall~~  
8 ~~include Advanced Roadside Impaired Driving Enforcement training as~~  
9 ~~approved by the Vermont Criminal Justice Council. On or before December~~  
10 ~~31, 2021, law enforcement officers shall receive a minimum of 16 hours of~~  
11 ~~training as required by this subsection. [Repealed.]~~

12 \* \* \*

13 Sec. 3. FAIR AND IMPARTIAL POLICING TRAINING; REPORT

14 On or before January 15, 2024, the Vermont Criminal Justice Council shall  
15 report to the House Committee on Government Operations and Military  
16 Affairs and the Senate Committee on Government Operations on its efforts to  
17 update and implement fair and impartial policing training and whether the  
18 integrity of training standards has been maintained in the transition from using  
19 improved competency rather than fixed hours of training as a measure of  
20 completed training.

1 Sec. 4. 20 V.S.A. § 2355 is amended to read:

2 § 2355. COUNCIL POWERS AND DUTIES

3 (a) The Council shall adopt rules with respect to:

4 \* \* \*

5 (13) Advanced Roadside Impaired Driving Enforcement training  
6 programs and requirements for Levels I, II, and III law enforcement  
7 certification, including minimum hours of training, prerequisites, and time  
8 periods for completion.

9 \* \* \*

10 \* \* \* Roadside Stop Data Collection \* \* \*

11 Sec. 5. 20 V.S.A. § 2366 is amended to read:

12 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL  
13 POLICING POLICY; RACE DATA COLLECTION

14 \* \* \*

15 (e)(1) On or before September 1, 2014, every State, county, and municipal  
16 law enforcement agency shall collect roadside stop data consisting of the  
17 following:

18 (A) the age, gender, and race of the driver;

19 (B) the grounds for the stop;

20 (C) the grounds for the search and the type of search conducted, if

21 any,

1 ~~(D) the evidence located, if any;~~

2 (E) the date, time, and location of the stop; and

3 (F) the outcome of the stop, including whether physical force was  
4 employed or threatened during the stop; and, if so, the type of force employed  
5 and whether the force resulted in bodily injury or death, and whether:

6 \* \* \*

7 \* \* \* Duty to Contact Current or Former Agencies When Hiring Law  
8 Enforcement Officer \* \* \*

9 Sec. 6. 20 V.S.A. § 2362a is amended to read:

10 § 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT  
11 CURRENT OR FORMER ~~AGENCY~~ AGENCIES

12 (a)(1) Prior to hiring a law enforcement officer, the executive officer of a  
13 potential hiring law enforcement agency shall:

14 (A) require that officer to execute a written waiver that explicitly  
15 authorizes ~~the officer's~~:

16 (i) the officer's current law enforcement agency employer to  
17 disclose its analysis of the officer's performance at that agency, if the officer is  
18 still employed at that agency; or

19 (ii) ~~last any previous~~ law enforcement agency employer

20 ~~employers to disclose their analysis of the officer's performance at that agency~~

1 ~~and the reason that officer is no longer employed by that agency, if regardless~~  
2 ~~of whether or not the officer is not currently employed at an agency; and~~

3 (B) ~~contact that agency~~ all known previous law enforcement agencies  
4 ~~to obtain that disclosure~~ the disclosures described in subdivisions (A)(i) and  
5 (ii) of this subdivision (1) and provide to that the previous law enforcement  
6 agency a copy of that the officer's written waiver.

7 (2) An officer who refuses to execute the written waiver shall not be  
8 hired by the potential hiring agency.

9 \* \* \*

10 \* \* \* Rule Adoption Deadline Modification \* \* \*

11 Sec. 7. REPEAL

12 2020 Acts and Resolves No. 166, Sec. 8(b) (Rules) is repealed.

13 Sec. 8. RULE ADOPTION DEADLINE

14 On or before July 1, 2025, the Vermont Criminal Justice Council shall adopt  
15 the rules regarding alternate routes to the certification required by 20 V.S.A. §  
16 2355(a)(1).

17 \* \* \* Effective Date \* \* \*

18 Sec. 9. EFFECTIVE DATE

19 ~~This act shall take effect on passage.~~

*\* \* \* Fair and Impartial Policing Training; Advanced Roadside Impaired*

*Driving Enforcement Training \* \* \**

*Sec. 1. PURPOSE*

*The purpose of this act is, in part, to amend the laws of Vermont regarding law enforcement officer training to emphasize achieving increased competency over prescribed minimum hours of training in fair and impartial policing. The change to a focus on skills and competency is meant to align with the goals of increasing transparency and accountability to historically stigmatized communities.*

*Sec. 2. 20 V.S.A. § 2358 is amended to read:*

*§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS*

*\* \* \**

*(e)(1) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Council and training on the State, county, or municipal law enforcement agency's fair and impartial policing policy, adopted pursuant to subsection 2366(a) of this title.*

*(2) ~~On or before December 31, 2018, law enforcement officers shall receive a minimum of four hours of training as required by this subsection.~~*  
*[Repealed.]*

*(3) In order to remain certified, law enforcement officers shall receive a refresher course on the training required by this subsection during every odd-numbered year in a program approved by the Vermont Criminal Justice*

*Council designed to demonstrate achieved law enforcement officer competency in fair and impartial policing.*

\* \* \*

*(f) The criteria for all minimum training standards under this section shall include Advanced Roadside Impaired Driving Enforcement training as approved by the Vermont Criminal Justice Council. On or before December 31, 2021, law enforcement officers shall receive a minimum of 16 hours of training as required by this subsection. [Repealed.]*

\* \* \*

*Sec. 3. FAIR AND IMPARTIAL POLICING TRAINING; REPORT*

*On or before January 15, 2024, the Vermont Criminal Justice Council shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on its efforts to update and implement fair and impartial policing training and whether the integrity of training standards has been maintained in the transition from using improved competency rather than fixed hours of training as a measure of completed training. The report shall describe how competency is being measured in fair and impartial policing and include precise metrics.*

*Sec. 4. 20 V.S.A. § 2355 is amended to read:*

*§ 2355. COUNCIL POWERS AND DUTIES*

*(a) The Council shall adopt rules with respect to:*

\* \* \*

(13) Advanced Roadside Impaired Driving Enforcement training programs and requirements for Levels I, II, and III law enforcement certification, including minimum hours of training, prerequisites, and time periods for completion.

\* \* \*

\* \* \* *Roadside Stop Data Collection* \* \* \*

*Sec. 5. 20 V.S.A. § 2366 is amended to read:*

*§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL  
POLICING POLICY; RACE DATA COLLECTION*

\* \* \*

*(e)(1) ~~On or before September 1, 2014, every~~ Every State, county, and municipal law enforcement agency shall collect roadside stop data consisting of the following:*

*(A) the age, gender, and race of the driver;*

*(B) the grounds for the stop;*

*(C) the grounds for the search and the type of search conducted, if any;*

*(D) the evidence located, if any;*

*(E) the date, time, and location of the stop; and*

*(F) the outcome of the stop, including whether physical force was*

*employed or threatened during the stop; and, if so, the type of force employed and whether the force resulted in bodily injury or death, and whether:*

\* \* \*

*\* \* \* Duty to Contact Current or Former Agencies When Hiring Law*

*Enforcement Officer \* \* \**

*Sec. 6. 20 V.S.A. § 2362a is amended to read:*

*§ 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT  
CURRENT OR FORMER ~~AGENCY~~ AGENCIES*

*(a)(1) Prior to hiring a law enforcement officer, the executive officer of a potential hiring law enforcement agency shall:*

*(A) require that officer to execute a written waiver that explicitly authorizes ~~the officer's~~:*

*(i) the officer's current law enforcement agency employer to disclose its analysis of the officer's performance at that agency, if the officer is still employed at that agency; or*

*(ii) last any previous law enforcement agency employer employers to disclose their analysis of the officer's performance at that agency and the reason that officer is no longer employed by that agency, if regardless of whether or not the officer is not currently employed at an agency; and*

*(B) contact ~~that agency~~ all known previous law enforcement agencies to obtain that disclosure the disclosures described in subdivisions (A)(i) and*

*(ii) of this subdivision (1) and provide to ~~that~~ the previous law enforcement agency a copy of ~~that~~ the officer's written waiver.*

*(2) An officer who refuses to execute the written waiver shall not be hired by the potential hiring agency.*

\* \* \*

*\* \* \* Rule Adoption Deadline Modification \* \* \**

*Sec. 7. REPEAL*

*2020 Acts and Resolves No. 166, Sec. 8(b) (Rules) is repealed.*

*Sec. 8. RULE ADOPTION DEADLINE*

*On or before July 1, 2025, the Vermont Criminal Justice Council shall adopt the rules regarding alternate routes to the certification required by 20 V.S.A. § 2355(a)(1).*

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

*Sec. 9. EFFECTIVE DATE*

*This act shall take effect on passage.*