

1 Introduced by the Committee on Government Operations and Military Affairs

2 Date:

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

5 Statement of purpose of bill as introduced: It will require law enforcement
6 agencies and constables who exercise law enforcement authority to adopt the
7 2010 Domestic Violence Involving Law Enforcement Model Policy and any
8 future updates to the Policy as well as require the Vermont Law Enforcement
9 Advisory Board to update the Domestic Violence Involving Law Enforcement
10 Model Policy. The bill will include the issuance of a relief from abuse order as
11 Category A conduct and include a violation of the Domestic Violence by Law
12 Enforcement Model Policy as Category B conduct, as well as require the
13 Vermont Criminal Justice Council to collect and annually report aggregate data
14 regarding domestic and sexual violence and complaints of Category A and B
15 conduct resulting in the filing of charges or stipulations or the taking of
16 disciplinary action.

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

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

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

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

2 § 2365. DOMESTIC VIOLENCE TRAINING; DOMESTIC VIOLENCE
3 INVOLVING LAW ENFORCEMENT MODEL POLICY

4 * * *

5 (d)(1) On or before July 1, 2024, every State, county, and municipal law
6 enforcement agency shall adopt the 2010 Domestic Violence Involving Law
7 Enforcement Model Policy issued by the Vermont Law Enforcement Advisory
8 Board.

9 (2) On or before July 1, 2024, every constable who exercises law
10 enforcement authority pursuant to 24 V.S.A. § 1936a and is certified pursuant
11 to section 2358 of this title shall adopt the 2010 Domestic Violence Involving
12 Law Enforcement Model Policy issued by the Vermont Law Enforcement
13 Advisory Board.

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

18 Sec. 2. DOMESTIC VIOLENCE INVOLVING LAW ENFORCEMENT
19 MODEL POLICY REVISION

1 (a) On or before January 1, 2025, the Vermont Law Enforcement Advisory
2 Board, after receiving input from interested stakeholders, shall issue an
3 updated Domestic Violence Involving Law Enforcement Model Policy.

4 (b) The updated Domestic Violence Involving Law Enforcement Model
5 Policy shall:

6 (1) address domestic violence survivors’ needs and leverage best
7 practices in awareness, prevention, and investigation of domestic violence;

8 (2) identify existing support offered to any law enforcement agency
9 employee or officer who is experiencing domestic violence;

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

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

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

20 * * * Officer Misconduct and Transparency of Information * * *

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

1 § 2401. DEFINITIONS

2 As used in this subchapter:

3 (1) “Category A conduct” means:

4 * * *

5 (D) Issuance of a relief from abuse order pursuant to 15 V.S.A. § 1103.

6 * * *

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

13 * * *

14 (G) failing to intervene and report to a supervisor when the officer
15 observes another officer placing a person in a chokehold or using excessive
16 force;

17 (H) a violation of the Domestic Violence by Law Enforcement Model
18 Policy adopted pursuant to section 2365 of this title.

19 * * *

20 Sec. 4. 20 V.S.A. § 2409 is amended to read:

21 § 2409. ACCESSIBILITY AND CONFIDENTIALITY

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* * *

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

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

and

(B) the number of complaints for Category A and B conduct that resulted in the filing of charges or stipulations or the taking of disciplinary action.

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

* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.