

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

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

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

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

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

1 § 2365. DOMESTIC VIOLENCE TRAINING; DOMESTIC VIOLENCE
2 INVOLVING LAW ENFORCEMENT MODEL POLICY

3 * * *

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

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

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

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

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

1 (2) “Category B conduct” means gross professional misconduct amounting
2 to actions on or off duty or under authority of the State, ~~or both~~, that involve
3 abuse of a family or household member, willful failure to comply with a State-
4 required policy, or substantial deviation from professional conduct as defined
5 by the law enforcement agency’s policy or if not defined by the agency’s
6 policy, then as defined by Council policy, and shall include:

7 * * *

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

11 (H) attempting to cause or causing physical harm to a family or
12 household member, or placing a family or household member in fear of serious
13 imminent physical harm.

14 * * *

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

16 § 2407. LIMITATION ON COUNCIL SANCTIONS; FIRST OFFENSE OF
17 CATEGORY B CONDUCT

18 (a) Category B conduct; first offense. If a law enforcement agency
19 conducts a valid investigation of a complaint alleging that a law enforcement
20 officer committed a first offense of Category B conduct, the Council shall take
21 no action, except that the Council may take action for a first offense under

1 subdivision 2401(2)(C) (excessive use of force under authority of the State),
2 2401(2)(F) (placing a person in a chokehold), ~~or~~ 2401(2)(G) (failing to
3 intervene and report to a supervisor when an officer observes another officer
4 placing a person in a chokehold or using excessive force), or 2401(2)(H)
5 (attempting to cause or causing physical harm to a family or household
6 member, or placing a family or household member in fear of serious imminent
7 physical harm) of this chapter.

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

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

14 § 2409. ACCESSIBILITY AND CONFIDENTIALITY

15 * * *

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

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

18 and

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

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

21 action.

