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 17	An act relating to miscellaneous changes to law enforcement officer training 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	(b) The updated Domestic Violence Involving Law Enforcement Model
2	Policy shall:
3	(1) address domestic violence survivors' needs and leverage best
4	practices in awareness, prevention, and investigation of domestic violence;
5	(2) identify existing support offered to any law enforcement agency
6	employee or officer who is experiencing domestic violence;
7	(3) identify new means of supporting law enforcement agency
8	employees or officers who are experiencing domestic violence;
9	(4) develop processes to protect the privacy of agency employees and
10	officers experiencing domestic violence and to maintain the confidentiality of
11	any information shared by these individuals; and
12	(5) amend or replace language found in 2010 Domestic Violence
13	Involving Law Enforcement Model Policy, § 3.8 (Member Responsibilities),
14	subsection (4) to require a law enforcement agency employee or officer subject
15	to a final relief from abuse order pursuant to 15 V.S.A. § 1103 to immediately
16	surrender all service weapons.
17	* * * Officer Misconduct and Transparency of Information * * *
18	Sec. 3. 20 V.S.A. § 2401 is amended to read:
19	§ 2401. DEFINITIONS
20	As used in this subchapter:
21	* * *

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 <u>; or</u>
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 <u>current or</u> 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.

- 1 (2) The Council shall provide a report of the aggregate data collected
- 2 <u>pursuant to subdivision (1) of this subsection to the House Committees on</u>
- 3 Judiciary and on Government Operations and Military Affairs and the Senate
- 4 <u>Committees on Judiciary and on Government Operations annually on or before</u>
- 5 January 15.
- 6 *** Effective Date ***
- 7 Sec. <u>6</u>. EFFECTIVE DATE
- 8 <u>This act shall take effect on passage.</u>