

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 476 entitled “An act relating to miscellaneous changes to law
4 enforcement officer training laws” respectfully reports that it has considered
5 the same and recommends that the Senate propose to the House that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

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

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

10 § 2365. DOMESTIC VIOLENCE TRAINING; DOMESTIC VIOLENCE
11 INVOLVING LAW ENFORCEMENT MODEL POLICY

12 * * *

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

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

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

5 Sec. 2. DOMESTIC VIOLENCE INVOLVING LAW ENFORCEMENT

6 MODEL POLICY REVISION

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

10 (b) The updated Domestic Violence Involving Law Enforcement Model
11 Policy shall:

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

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

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

- 1 (4) develop processes to protect the privacy of agency employees and
2 officers who are the victims of domestic violence and to maintain the
3 confidentiality of any information shared by these individuals; and
4 (5) amend or replace language found in 2010 Domestic Violence
5 Involving Law Enforcement Model Policy, section 3.8 (Member
6 Responsibilities), subdivision (4) to require a law enforcement agency
7 employee or officer subject to a final relief from abuse order pursuant to
8 15 V.S.A. § 1103 to immediately surrender all service weapons.

9 * * * Officer Misconduct and Transparency of Information * * *

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

11 § 2401. DEFINITIONS

12 As used in this subchapter:

13 * * *

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

20 * * *

1 (H) attempting to cause or causing physical harm to a family or
2 household member, or placing a family or household member in fear of
3 imminent serious physical harm; or

4 (I) a violation of the Domestic Violence Involving Law Enforcement
5 Model Policy adopted pursuant to section 2365 of this title.

6 * * *

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

8 § 2407. LIMITATION ON COUNCIL SANCTIONS **FIRST OFFENSE OF**
9 **CATEGORY B CONDUCT**

10 (a) **Category B conduct; first offense. If a law enforcement agency**
11 **conducts a valid investigation of a complaint alleging that a law enforcement**
12 **officer committed a first offense of Category B conduct, the Council shall take**
13 **no action, except that the Council may take action for a first offense under**
14 **subdivision 2401(2)(C) (excessive use of force under authority of the State);**
15 **2401(2)(F) (placing a person in a chokehold), or 2401(2)(G) (failing to**
16 **intervene and report to a supervisor when an officer observes another officer**
17 **placing a person in a chokehold or using excessive force) of this chapter.**
18 **Council sanctions; first offense of Category A and certain Category B conduct.**
19 **After a valid investigation of Category A and Category B conduct made**
20 **pursuant to section 2404 of this title concludes, the Council may impose a**
21 **sanction for a first offense of:**

1 (1) Category A conduct as defined in subsection 2401(1) of this title; or

2 (2) the following instances of Category B conduct as defined in

3 subsection 2401(2) of this title:

4 (A) sexual harassment involving physical contact pursuant to

5 subdivision 2401(2)(A) of this title;

6 (B) excessive use of force under authority of the State pursuant to

7 subdivision 2401(2)(C) of this title;

8 (C) placing a person in a chokehold pursuant to subdivision

9 2401(2)(F) of this title;

10 (D) failing to intervene and report to a supervisor when an officer

11 observes another officer placing a person in a chokehold or using excessive

12 force pursuant to subdivision 2401(2)(G) of this title;

13 (E) attempting to cause or causing physical harm to a family or

14 household member, or placing a family or household member in fear of

15 imminent serious physical harm pursuant to subdivision 2401(2)(H) of this

16 title; or

17 (F) a violation of the Domestic Violence Involving Law Enforcement

18 Model Policy adopted pursuant to section 2365 of this title pursuant to

19 subdivision 2401(2)(I) of this title.

20 (b) Council action; second or subsequent offense of certain other Category

21 B conduct. After a valid investigation of Category B conduct made pursuant to

1 section 2404 of this title concludes, the Council may impose a sanction for an
2 offense of Category B conduct not specified in subdivision (a)(2) of this
3 section only for the second or subsequent offense.

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

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

10 § 2409. ACCESSIBILITY AND CONFIDENTIALITY

11 * * *

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

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

14 and

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

16 involving domestic or sexual violence that resulted in the filing of charges or
17 stipulations or the taking of disciplinary action.

18 (2) The Council shall provide a report of the aggregate data collected
19 pursuant to subdivision (1) of this subsection to the House Committees on
20 Judiciary and on Government Operations and Military Affairs and the Senate

1 Committees on Judiciary and on Government Operations annually on or before
2 January 15.

3 * * * Effective Date * * *

4 Sec. 6. EFFECTIVE DATE

5 This act shall take effect on passage.

6

7

8

9 (Committee vote: _____)

10

11

Senator _____

12

FOR THE COMMITTEE