

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 or under authority of the State, or both, that involve willful
16 failure to comply with a State-required policy₂ or substantial deviation from
17 professional conduct as defined by the law enforcement agency’s policy or if
18 not defined by the agency’s policy, then as defined by Council policy, and
19 shall include:

20 ***

1 pursuant to section 2404 of this title concludes, the Council may impose a
2 sanction for a first offense of:

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

4 (2) the following instances of Category B conduct as defined in
5 subsection 2401(2) of this title:

6 (A) sexual harassment involving physical contact pursuant to
7 subdivision 2401(2)(A) of this title;

8 (B) excessive use of force under authority of the State pursuant to
9 subdivision 2401(2)(C) of this title;

10 (C) placing a person in a chokehold pursuant to subdivision
11 2401(2)(F) of this title;

12 (D) failing to intervene and report to a supervisor when an officer
13 observes another officer placing a person in a chokehold or using excessive
14 force pursuant to subdivision 2401(2)(G) of this title;

15 (E) attempting to cause or causing physical harm to a family or
16 household member, or placing a family or household member in fear of
17 imminent serious physical harm pursuant to subdivision 2401(2)(H) of this
18 title; or

19 (F) a violation of the Domestic Violence Involving Law Enforcement
20 Model Policy adopted pursuant to section 2365 of this title pursuant to
21 subdivision 2401(2)(I) of this title.

1 (b) Council action; second or subsequent offense of certain other Category
2 B conduct. After a valid investigation of Category B conduct made pursuant to
3 section 2404 of this title concludes, the Council may impose a sanction for an
4 offense of Category B conduct not specified in subdivision (a)(2) of this
5 section only for the second or subsequent offense.

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

11 **Sec. 4a. VERMONT CRIMINAL JUSTICE COUNCIL AUTHORITY;**

12 **REPORT**

13 On or before December 15, 2023, the Vermont Criminal Justice Council, in
14 consultation with the Department of Human Resources, the Office of
15 Professional Regulation, and a nationally recognized organization that is a
16 subject matter expert in the field of law enforcement professional regulation,
17 shall report to the House Committee on Government Operations and
18 Military Affairs and the Senate Committee on Government Operations on
19 whether the current statutes pertaining to unprofessional conduct in 20 V.S.A.
20 §§ 2401–2411 should be amended to apply to all off-duty conduct of law

1 enforcement officers and to adjust the scope of Category B conduct that the
2 Vermont Criminal Justice Council may take action on for a first offense.

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

4 § 2409. ACCESSIBILITY AND CONFIDENTIALITY

5 * * *

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

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

8 and

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

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

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

17 * * * Vermont Criminal Justice Council Domestic Violence Training Position

18 Funding * * *

19 Sec. 5a. 20 V.S.A. § 2365 is amended to read:

20 § 2365. DOMESTIC VIOLENCE TRAINING

21 * * *

1 (c) The Vermont Police Academy shall employ a domestic violence trainer
2 for the sole purpose of training Vermont law enforcement and related
3 practitioners on issues related to domestic violence. ~~Funding for this position~~
4 ~~shall be transferred by the Center for Crime Victim Services from the~~
5 ~~Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360.~~
6 Sec. 5b. 13 V.S.A. § 5360 is amended to read:
7 § 5360. DOMESTIC AND SEXUAL VIOLENCE SPECIAL FUND
8 A Domestic and Sexual Violence Special Fund is established, to be
9 managed in accordance with 32 V.S.A. chapter 7, subchapter 5 and
10 administered by the Center for Crime Victim Services created in section 5361
11 of this title. The revenues of the Fund shall consist of that portion of the
12 additional surcharge on penalties and fines imposed by section 7282 of this
13 title deposited in the Domestic and Sexual Violence Special Fund and that
14 portion of the town clerks' fee for issuing and recording civil marriage or civil
15 union licenses in 32 V.S.A. § 1712(1) deposited in the Domestic and Sexual
16 Violence Special Fund. The Fund may be expended by the Center for Crime
17 Victim Services for budgeted grants to the Vermont Network against Domestic
18 and Sexual Violence ~~and for the Criminal Justice Training Council position~~
19 ~~dedicated to domestic violence training, pursuant to 20 V.S.A. § 2365(e).~~

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* * * Effective Date * * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE