

Bill Overview

H.476:

An act relating to miscellaneous changes to law enforcement officer training laws ("Domestic Violence Fatality Review Commission recommendations")

This bill implements recommendations from the [Domestic Violence Fatality Review Commission 2022 report](#). These recommendations would be incorporated into [Title 20 \(Internal Security and Public Safety\), Chapter 151 \(Vermont Criminal Justice Council\)](#).

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

Sec. 1 amends [20 V.S.A. § 2365](#) (the section heading will now read "Domestic Violence Training; Domestic Violence Involving Law Enforcement Model Policy.") and will require law enforcement agencies and 'constables who exercise law enforcement authority' to adopt the Domestic Violence Involving Law Enforcement Model Policy and any future updates to the Policy.

- Note: [Here is a link](#) to the 2010 Model Policy as posted on the Vermont Law Enforcement Advisory Board's webpage. Note that it appears to still be in draft form.

Sec. 2 is session law and will require the Vermont Law Enforcement Advisory Board to update the Domestic Violence Involving Law Enforcement Model Policy by January 1, 2024, to reflect various DVFRC recommendations.

- Note: the Vermont Law Enforcement Advisory Board is codified in [20 V.S.A. § 1818](#). More information about the Board can be found on its [webpage](#).

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

Sec. 3 amends [20 V.S.A. § 2401](#) (Definitions), which applies pertains to law enforcement officer certification and the Vermont Criminal Justice Council (“VCJC”), to include as Category B conduct two additional items: (H) “attempting to cause or causing physical harm to a family or household member, or placing a family or household member in fear of imminent serious physical harm,” and (I) violation of the ‘Domestic Violence by Law Enforcement Model’ Policy. These new types of conduct qualify regardless of happening on or off duty; this is a departure from other types of Category B conduct which apply only “to actions on duty or under authority of the State, or both.” Also, for reference, Category B conduct entails various types of gross professional misconduct and not following protocols and policies.

Sec. 4 amends [20 V.S.A. § 2407](#) (Limitation on Council Sanctions; First Offense of Category B Conduct) so that the Vermont Criminal Justice Council (“VCJC”) may take action for a first offense involving the new types of Category B conduct added in Sec. 3, (H) and (I). For context, the VCJC may sanction a law enforcement officer for a first offense of Category A conduct (felonies and numerous misdemeanors), but by default may only take action on a second offense of Category B conduct, unless otherwise provided. Sec. 4 also amends the definition of “offense,” as used in §2407, to clarify that conduct during a certified law enforcement officer’s *current* job is subject to this section.

Sec. 5 amends [20 V.S.A. § 2409 \(Accessibility and Confidentiality\)](#) and will require the Vermont Criminal Justice Council to collect and annually report aggregate data regarding domestic and sexual violence and complaints of Category A and B conduct resulting in the filing of charges or stipulations or the taking of disciplinary action.

Sec. 6 sets the effective date to be on passage.