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H.361

Introduced by Representative Christie of Hartford

Referred to Committee on

Date:

Subject: Government operations; law enforcement; civilian oversight

Statement of purpose of bill as introduced: This bill proposes to create municipal and regional civilian oversight bodies to receive, investigate, and address complaints against a law enforcement agency or officer within its jurisdiction. A board’s investigation is in addition to the investigations that may be conducted by a law enforcement agency and the Vermont Criminal Justice Council. Each board is empowered to hire or contract with staff to assist with its functions. Each board is authorized to draft a public report after a substantiated investigation and its recommendations can be given deference by the Vermont Criminal Justice Council in its adjudication of unprofessional conduct complaints against law enforcement officers. Each board is also authorized to monitor law enforcement trends, make law enforcement training recommendations to the Vermont Criminal Justice Council, and participate in the collective bargaining process of the law enforcement agency within its jurisdiction.

1 An act relating to creating municipal and regional civilian oversight of law  
2 enforcement

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

4 Sec. 1. 20 V.S.A. § 2351a is amended to read:

5 § 2351a. DEFINITIONS

6 As used in this chapter:

7 \* \* \*

8 (5) “Community police oversight board” has the same meaning as in  
9 24 V.S.A. chapter 56.

10 Sec. 2. 20 V.S.A. § 2358 is amended to read:

11 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

12 \* \* \*

13 (b) The Council shall offer or approve basic training and annual in-service  
14 training for each of the ~~following~~ three levels of law enforcement officer  
15 certification outlined in this subsection in accordance with the scope of  
16 practice for each level, and shall determine by rule the scope of practice for  
17 each level in accordance with this section. A community police oversight  
18 board may make recommendations to the Council concerning basic training  
19 and annual in-service training requirements for the Council to offer or approve.  
20 If the Council does not adopt a community police oversight board’s  
21 recommendation, it shall provide the board with its reasons in writing. The

1 training requirements for the three levels of law enforcement officer  
2 certification are as follows:

3 \* \* \*

4 (g) The Council shall not offer or approve, and a community police  
5 oversight board shall not recommend, any training on the use of a chokehold as  
6 defined in section 2401 of this chapter, except for training designed to identify  
7 and prevent the use of chokeholds.

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

9 § 2401. DEFINITIONS

10 As used in this subchapter:

11 \* \* \*

12 (4) “Effective internal affairs program” means that a law enforcement  
13 agency does all of the following:

14 \* \* \*

15 ~~(E) Civilian review. Provides for review of officer discipline by~~  
16 ~~civilians, which may be a selectboard or other elected or appointed body, at~~  
17 ~~least for the conduct required to be reported to the Council under this~~  
18 ~~subchapter~~ Community police oversight board investigation. Promptly report  
19 all complaints pursuant to subdivision (4)(A) of this section to the community  
20 police oversight board having jurisdiction. The agency shall permit and fully

1 cooperate with any action the community police oversight board may  
2 undertake pursuant to its authority.

3 \* \* \*

4 Sec. 4. 20 V.S.A. § 2403 is amended to read:

5 § 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

6 (a)(1) The executive officer of a law enforcement agency or the chair of the  
7 agency's civilian review board shall report to the Council and the community  
8 police oversight board having jurisdiction within 10 business days if any of the  
9 following occur in regard to a law enforcement officer of the agency:

10 (A) Category A.

11 (i) There is a finding of probable cause by a court that the officer  
12 committed Category A conduct.

13 (ii) There is any decision or findings of fact or verdict regarding  
14 allegations that the officer committed Category A conduct, including a judicial  
15 decision and any appeal from a decision.

16 (iii) The agency receives a credible complaint against the officer  
17 that alleges that the officer committed Category A conduct.

18 \* \* \*

19 (2) As part of ~~his or her~~ the executive officer's report, the executive  
20 officer of the agency or the chair of the civilian review board shall provide to  
21 the Council and the community police oversight board having jurisdiction a

1 copy of any relevant documents associated with the report, including any  
2 findings, decision, and the agency's investigative report.

3 (b) The Council and the community police oversight board having  
4 jurisdiction shall provide a copy of any report and the relevant documents  
5 provided with it to the Council Advisory Committee, which shall recommend  
6 any appropriate action to take in regard to a law enforcement officer who is the  
7 subject of that report. The Council Advisory Committee shall give deference  
8 to any appropriate action recommended by the community police oversight  
9 board.

10 (c) The Executive Director of the Council and the Chair of the community  
11 police oversight board having jurisdiction shall report to the Attorney General  
12 and the State's Attorney of jurisdiction any allegations that an officer  
13 committed Category A conduct.

14 Sec. 5. 20 V.S.A. § 2410 is amended to read:

15 § 2410. COUNCIL ADVISORY COMMITTEE

16 (a) Creation. There is created the Council Advisory Committee to provide  
17 advice to the Council regarding its duties under this subchapter.

18 (1) The Committee shall specifically advise and assist the Council in  
19 developing procedures to ensure that allegations of unprofessional conduct by  
20 law enforcement officers are investigated fully and fairly, and to ensure that  
21 appropriate action is taken in regard to those allegations. The Committee shall

1 consider any report submitted by a community police oversight board in the  
2 exercise of its duties under this section.

3 \* \* \*

4 (c) Assistance. The Executive Director of the Council or designee shall  
5 attend Committee meetings as a resource for the Committee. The Chair of a  
6 community police oversight board shall attend Committee meetings if the  
7 Committee is advising and assisting with an incident within the jurisdiction of  
8 the community police oversight board.

9 \* \* \*

10 Sec. 6. 24 V.S.A. chapter 56 is added to read:

11 CHAPTER 56. COMMUNITY POLICE OVERSIGHT BOARDS

12 § 1944. DEFINITIONS

13 As used in this chapter:

14 (1) “BIPOC” means Black, Indigenous, and other Persons of Color.

15 (2) “Community police oversight board” means a board created pursuant  
16 to section 1945 of this chapter.

17 (3) “Law enforcement agency” means a municipal police department, a  
18 sheriff’s department, the provider of law enforcement services pursuant to an  
19 intermunicipal services agreement under section 1938 of this title, or the  
20 provider of law enforcement services for a union municipal district pursuant to  
21 section 4866 of this title.

1           (4) “Law enforcement officer” means a member of a law enforcement  
2           agency.

3           (5) “Legislative body” means the mayor or other chief executive officer  
4           and board of alderman of a city, the selectboard of a town, the trustees of a  
5           village, or the designated representatives of a region as defined in subdivision  
6           (8) of this section.

7           (6) “Municipal” or “municipality” means a city, town, or incorporated  
8           village.

9           (7) “Officer-involved death or serious bodily injury” means the death or  
10          serious bodily injury of an individual that results directly from an action of a  
11          law enforcement officer while the law enforcement officer is on duty or while  
12          the law enforcement officer is off duty but performing activities that are within  
13          the scope of the officer’s law enforcement duties.

14          (8) “Region” or “regional” means the political subdivisions subject to an  
15          intermunicipal police services agreement pursuant to section 1938 of this title  
16          or participating in a union municipal district pursuant to section 4866 of this  
17          title.

18          (9) “Serious bodily injury” has the same meaning as in 13 V.S.A.  
19          § 1021.

20          (10) “Unprofessional conduct” has the same meaning as in 20 V.S.A.  
21          § 2401

1     § 1945. CREATION AND PURPOSE

2           (a) In order to promote and protect the health, safety, and welfare of the  
3     public, it is in the public interest to provide for the creation of municipal and  
4     regional community police oversight boards.

5           (b) Community police oversight boards are law enforcement oversight  
6     mechanisms that shall receive and investigate all complaints against municipal  
7     and regional law enforcement agencies and officers and publish public reports  
8     of its investigations and any recommended sanctions for consideration and  
9     adjudication by the Vermont Criminal Justice Council.

10          (c) Community police oversight boards shall offer to the Vermont Criminal  
11     Justice Council continuing programs of instruction in up-to-date methods of  
12     law enforcement and the administration of criminal justice.

13          (d) It is the responsibility of community police oversight boards to engage  
14     with its municipal or regional community on an ongoing basis regarding issues  
15     of community policing and strategies to improve policing in its jurisdiction.

16          (e) Community police oversight boards shall participate in the negotiation  
17     of collective bargaining agreements involving its municipal or regional law  
18     enforcement officers.

19     § 1946. COMMUNITY POLICE OVERSIGHT BOARD MEMBERSHIP

20          (a) Each community police oversight board shall consist of an odd number  
21     of at least seven members appointed and approved by the legislative body of



1 the municipality or region. Each legislative body shall create a procedure for  
2 appointment and approval of a board's membership in accordance with the  
3 law. The members of the board shall serve for terms of three years.

4 (b) A legislative body shall solicit recommendations for board members  
5 with diverse and historically marginalized backgrounds within its municipality  
6 or region. A legislative body may appoint not more than one active or retired  
7 law enforcement officer to the board. No member listed in subdivisions (1)–  
8 (5) of this subsection shall have a spouse, domestic partner, parent, child, or  
9 sibling who is a current or former law enforcement officer. Each board shall  
10 include:

11 (1) at least one individual from the BIPOC community;

12 (2) at least one individual with a lived experience directly impacted by  
13 law enforcement, which includes involvement with the criminal justice system  
14 combined with homelessness, physical or psychiatric disability, mental health  
15 condition, or a substance use disorder;

16 (3) at least one representative from a civil rights organization or its  
17 designee;

18 (4) at least one individual with expertise in the fields of mental health,  
19 juvenile justice, civil liberties, or disability rights; and

20 (5) at least one State-licensed attorney with experience civil or human  
21 rights violations.

1       (c) A legislative body shall appoint a chair of the board within its  
2       jurisdiction from among the members set for in subdivision (b)(1) of this  
3       section.

4       (d) Membership on a board does not constitute the holding of an office for  
5       any purpose, and members of a board shall not be required to take and file  
6       oaths of office before serving on a board.

7       (e) The members of a board shall be entitled to receive per diem  
8       compensation and reimbursement of expenses as permitted from monies  
9       appropriated by each municipality or region.

10       (f) A member of a board shall not be disqualified from holding any public  
11       office or employment and shall not forfeit any office or employment, by reason  
12       of the member's appointment to a board, notwithstanding any statute,  
13       ordinance, or charter to the contrary.

14       § 1947. MEETINGS

15       (a) Each board shall meet at least once each quarter of each year. Special  
16       meetings may be called by the chair of a board or upon the written request of a  
17       majority of a board's members.

18       (b) Each board shall adopt rules as to quorum and procedures with respect  
19       to the conduct of its meetings and other affairs.

20       (c)(1) A member of a board may designate in writing a person within the  
21       member's agency or association to attend a meeting or meetings of the

1 member's board. The designation shall be filed with the chair of the member's  
2 board.

3 (2) A person so designated shall have the same voting rights and  
4 responsibilities as the member at such meeting or meetings, but that designee  
5 shall not automatically assume the member's place as an officer of the  
6 member's board.

7 § 1948. POWERS AND DUTIES

8 (a) Notwithstanding the provisions of 20 V.S.A. chapter 151, each board  
9 shall receive, investigate, and address:

10 (1) all grievances and complaints filed by members of the public against  
11 a law enforcement agency within its municipality or region;

12 (2) all complaints of unprofessional conduct;

13 (3) all incidents in which a law enforcement officer acting within the  
14 scope of authority of the law enforcement agency in its municipality or region  
15 in which the officer uses physical force upon another person that results in  
16 death or serious bodily injury to the person;

17 (4) all incidents that result in an officer-involved death; and

18 (5) all incidents of alleged ill-treatment or misconduct that come to the  
19 attention of the board, regardless of whether those cases are the subject of any  
20 specific formal complaint or grievance.

1       (b) Each board may contract with or hire an attorney licensed by the State  
2       to provide legal services. Legal services may include the proper conduct of its  
3       affairs, assistance to a board in the lawful and orderly conduct of its open  
4       meetings, and other nondisciplinary business, such as making procedural and  
5       parliamentary rulings. Each board may contract with or hire an attorney  
6       licensed by the State to assist with conducting investigations or drafting  
7       reports.

8       (c) Each board may contract with or hire investigators who have  
9       successfully met the standards of training for a Level III law enforcement  
10       officer under 20 V.S.A. chapter 151. An investigator contracted or hired by a  
11       board shall not have previously been affiliated with or employed by a law  
12       enforcement agency within a board's jurisdiction.

13       (d) Each board may hire or contract with staff to assist in administrative,  
14       secretarial, or any other services a board may deem necessary.

15       (e) Each board may analyze policing trends across the State based on  
16       cumulative complaints, lawsuits, law enforcement incidents resulting in serious  
17       bodily harm, and all other reporting deemed relevant. A board may collaborate  
18       with boards from other jurisdictions within the State, the Vermont Criminal  
19       Justice Council, or any other entities it deems appropriate to compile, analyze,  
20       and publish such data. The data may be used to offer training  
21       recommendations to the Vermont Criminal Justice Council.

1        (f) Each board may, in addition:

2            (1) accept and administer under this chapter and for its purposes  
3        contributions, capital grants, gifts, services, and other financial assistance from  
4        any individual, association, corporation, or other organization having an  
5        interest in law enforcement accountability, and from its municipality, region,  
6        state, and the United States and any of their agencies and instrumentalities,  
7        corporate or otherwise;

8            (2) adopt rules to implement the provisions of this chapter; and

9            (3) perform such other acts as may be necessary or appropriate to carry  
10        out the purposes of this chapter.

11        § 1949. INVESTIGATIONS

12        For the purpose of carrying out an investigation pursuant to this section, a  
13        board shall have the authority to:

14            (1) Request and receive any assistance and information from a law  
15        enforcement agency or officer that a board deems necessary for the discharge  
16        of its duties and responsibilities.

17            (2) Notwithstanding any other provision of law, inspect and examine all  
18        law enforcement agency records and documents, including law enforcement  
19        officer personnel records, documents, and body camera footage, that a board  
20        deems relevant to any matter being investigated by a board.

1           (3) Administer oaths and issue subpoenas to compel the attendance or  
2           testimony of a witness or the production of any relevant evidence, including  
3           books, papers, documents, records, photographs, recordings, reports, and  
4           tangible objects maintained by a law enforcement agency within its  
5           municipality or region. If a witness refuses to attend, testify, or produce  
6           materials as required by the subpoena, a board or its designee may compel the  
7           witness to comply by petition to the Superior Court of proper jurisdiction  
8           pursuant to Rule 37 of the Vermont Rules of Civil Procedure.

9           (4) Contract with and designate external organizations to assist with or  
10          conduct investigations.

11          § 1950. DISPOSITION OF COMPLAINTS; REPORTS

12          (a) A board may summarily dismiss a grievance or complaint filed by a  
13          member of the public pursuant to subdivision 1948(a)(1) of this chapter only  
14          when a board determines that:

15               (1) the complainant's interest is not sufficiently related to the subject  
16               matter of the grievance or complaint;

17               (2) the grievance or complaint is trivial, frivolous, irrelevant, without  
18               merit, or in bad faith;

19               (3) resources are insufficient for an adequate investigation of the  
20               grievance or complaint; or

1           (4) the grievance or complaint is the subject of undue delay to justify an  
2           examination of its merit.

3           (b) A board shall issue a public report detailing its findings at the  
4           conclusion of an investigation of any matter within the authority of the board.  
5           The report shall articulate findings of fact relative to the matter, including any  
6           disciplinary decisions and personnel changes made by the law enforcement  
7           agency, and recommendations relating to the disposition of the matter and any  
8           associated sanction. A board's report shall be given deference by the Vermont  
9           Criminal Justice Council in its adjudication of an unprofessional conduct  
10           complaint and any related sanction pursuant to 20 V.S.A. chapter 151,  
11           subchapter 2.

12           (1) An investigation concluding that a complaint or grievance against a  
13           law enforcement agency or officer pursuant to section 1948 of this chapter  
14           could not be substantiated shall detail the underlying reasons for the conclusion  
15           in the public report. The investigation shall be closed but shall be archived and  
16           may be used as an aggravating factor in any subsequent investigation by a  
17           board of similar conduct by the same law enforcement agency or officer that is  
18           substantiated.

19           (2) An investigation substantiating a complaint or grievance against a  
20           law enforcement agency or officer pursuant to section 1948 of this chapter  
21           shall articulate the nature of any substantiated conduct, identify the underlying

1 deficiencies of the conduct, and contain the board’s sanction recommendation  
2 to be considered by the Vermont Criminal Justice Council pursuant to this  
3 subsection.

4 (c) Notwithstanding the provisions of 1 V.S.A. § 317, the content of any  
5 investigation, including the identity of a witness or victim, any procedure,  
6 testimony taken, document or other tangible evidence produced, or any answer  
7 made under this section is confidential and not subject to disclosure as a public  
8 record or public document unless and until:

9 (1) confidentiality is waived by the person upon whom the investigative  
10 demand is made;

11 (2) disclosure is authorized by a Superior Court; or

12 (3) disclosure is made by a federal court or federal agency.

13 Sec. 7. 21 V.S.A. chapter 22 is amended to read:

14 CHAPTER 22. VERMONT MUNICIPAL LABOR RELATIONS ACT

15 \* \* \*

16 § 1722. DEFINITIONS

17 As used in this chapter:

18 \* \* \*

19 (13) “Municipal employer” means a city, town, village, fire district,  
20 lighting district, consolidated water district, housing authority, union municipal  
21 district, community police oversight board as used in 24 V.S.A. chapter 56 or



1 its designee, or any of the political subdivisions of the State of Vermont that  
2 employs five or more employees as defined in this section.

3 \* \* \*

4 § 1725. COLLECTIVE BARGAINING PROCEDURE

5 \* \* \*

6 (b) The municipal employer shall be represented in the bargaining by its  
7 legislative body or its designated representative or representatives. If the  
8 municipal employer is a supervisory district or supervisory union, it shall be  
9 represented by the school board negotiations council, and the bargaining unit  
10 shall be represented by the school employees' negotiations council. If the  
11 bargaining unit includes a municipal public safety employee, as defined in  
12 subdivision 1722(22)(C) of this chapter, the municipal employer shall include  
13 representation from the relevant community police oversight board as used in  
14 24 V.S.A. chapter 56 or its designee.

15 \* \* \*

16 Sec. 8. EFFECTIVE DATE

17 This act shall take effect on July 1, 2025.