

The Vermont Statutes Online

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Title 20 : Internal Security and Public Safety

Chapter 151 : Vermont Criminal Justice Council

Subchapter 001 : GENERAL PROVISIONS

(Cite as: 20 V.S.A. § 2366)

§ 2366. Law enforcement agencies; fair and impartial policing policy; race data collection

(a)(1) On or before March 1, 2018, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt a fair and impartial policing policy that includes each component of the Criminal Justice Council's model fair and impartial policing policy. Such agencies and constables may include additional restrictions on agency members' communication and involvement with federal immigration authorities or communications regarding citizenship or immigration status. Agencies and constables may not adopt a policy that allows for greater communication or involvement with federal immigration authorities than is permitted under the model policy.

(2) On or before January 1 of every even-numbered year, the Criminal Justice Council, in consultation with others, including the Attorney General and the Human Rights Commission, shall review and, if necessary, update the model fair and impartial policing policy. If the policy is updated, the Council, in consultation with the Office of the Attorney General, shall follow the procedure set forth in subsection (b) of this section and shall have six months after January 1 to complete that procedure.

(b) The Criminal Justice Council, in consultation with the Office of the Attorney General, shall review the policies of law enforcement agencies and constables required to adopt a policy pursuant to subsection (a) of this section, to ensure those policies comply with subdivision (a)(1) of this section. If the Council, in consultation with the Office of the Attorney General, finds that a policy does not comply with subdivision (a)(1) of this section, it shall work with the law enforcement agency or constable to bring the policy into compliance. If, after consultation with the Council and the Office of the Attorney

General, the law enforcement agency or constable fails to adopt a policy that complies with subdivision (a)(1) of this section on or before July 1, 2019, that agency or constable shall be deemed to have adopted, and shall follow and enforce, the model policy issued by the Council. A finding of compliance with subdivision (a)(1) shall not constitute a finding of compliance with any other applicable law.

(c) Annually, as part of their annual training report to the Council, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall report to the Council whether the agency or officer has adopted a fair and impartial policing policy in accordance with subsections (a) and (b) of this section. The Criminal Justice Council shall determine, as part of the Council's annual certification of training requirements, whether current officers have received training on fair and impartial policing as required by subsection 2358(e) of this title.

(d) Annually on or before July 1, the Criminal Justice Council shall report to the House and Senate Committees on Judiciary regarding which departments and officers have adopted a fair and impartial policing policy and whether officers have received training on fair and impartial policing.

(e)(1) Every State, county, and municipal law enforcement agency shall collect roadside stop data consisting of the following:

(A) the age, gender, and race of the driver;

(B) the grounds for the stop;

(C) the grounds for the search and the type of search conducted, if any;

(D) the evidence located, if any;

(E) the date, time, and location of the stop; and

(F) the outcome of the stop, including whether physical force was employed or threatened during the stop, and if so, the type of force employed and whether the force resulted in bodily injury or death, and whether:

(i) a written warning was issued;

(ii) a citation for a civil violation was issued;

(iii) a citation or arrest for a misdemeanor or a felony occurred; or

(iv) no subsequent action was taken.

(2) Law enforcement agencies shall work with the Executive Director of Racial Equity, the Criminal Justice Council, and a vendor chosen by the Council with the goals of collecting uniform data, adopting uniform storage methods and periods, and ensuring that data can be analyzed. Roadside stop data, as well as reports and analysis of roadside stop data, shall be public.

(3) On or before September 1, 2016 and annually thereafter, law enforcement agencies shall provide the data collected under this subsection to the Executive Director of Racial Equity and the vendor chosen by the Criminal Justice Council under subdivision (2) of this subsection or, in the event the vendor is unable to continue receiving data under this section, to the Council. Law enforcement agencies shall provide the data collected under this subsection in an electronic format specified by the receiving entity.

(4) The data provided pursuant to subdivision (3) of this subsection shall be posted electronically in a manner that is analyzable and accessible to the public on the receiving agency's website and clear and understandable. The receiving agency shall also report the data annually, on or before December 1, to the House Committee on Government Operations and Military Affairs, the Senate Committee on Government Operations, the House and Senate Committees on Judiciary, and the Executive Director of Racial Equity. The report shall detail how the data is collected, how the data is accessible, how the data is used by the law enforcement agency, a review of the data to determine if additional data criteria is needed, and any recommendations to improve data collection and use.

(5) As used in this subsection, "physical force" shall refer to the force employed by a law enforcement officer to compel a person's compliance with the officer's instructions that constitutes a greater amount of force than handcuffing a compliant person.

(f) Nothing in this section is intended to prohibit or impede any public agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644. To the extent any State or local law enforcement policy or practice conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, that policy or practice is, to the extent of the conflict, abolished. (Added 2011, No. 134 (Adj. Sess.), § 2; amended 2013, No. 193 (Adj. Sess.), § 3, eff. June 17, 2014; 2015, No. 147 (Adj. Sess.), § 26, eff. May 31, 2016; 2017, No. 54, § 4, eff. May 31, 2017; 2017, No. 54, § 6, eff. March 1, 2018; 2017, No. 113 (Adj. Sess.), § 141; 2019, No. 41, § 1, eff. May 30, 2019; 2019, No. 147 (Adj. Sess.), § 4, eff. July 13, 2020; 2021, No. 161 (Adj. Sess.), § 1, eff. July 1, 2022; 2023, No. 75, § 5, eff. June 19, 2023.)