

1 H.743

2 Introduced by Representatives Lippert of Hinesburg, Morris of Bennington,
3 Burke of Brattleboro, Chesnut-Tangerman of Middletown
4 Springs, Gonzalez of Winooski, Grad of Moretown, Pearson of
5 Burlington, Sibia of Dover, Stevens of Waterbury, Toleno of
6 Brattleboro, and Zagar of Barnard

7 Referred to Committee on

8 Date:

9 Subject: Law enforcement; fair and impartial policing

10 Statement of purpose of bill as introduced: This bill proposes to require law
11 enforcement to provide roadside stop data to the Criminal Justice Training
12 Council and Human Rights Commission, and mandate in-service fair and
13 impartial policing training for law enforcement.

14 An act relating to fair and impartial policing

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

16 ~~Sec. 1. 20 V.S.A. § 2358 is amended to read:~~

17 ~~§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS~~

18 ~~* * *~~

19 ~~(e)(1) The criteria for all minimum training standards under this section~~
20 ~~shall include anti-bias training approved by the Vermont Criminal Justice~~

1 ~~Training Council and training on the State, county, or municipal law~~
2 ~~enforcement agency's fair and impartial policing policy, adopted pursuant to~~
3 ~~subdivision 2366(a) of this title.~~

4 ~~(2) On or before December 31, 2016, law enforcement officers shall~~
5 ~~receive a minimum of four hours of training as required by this subsection and~~
6 ~~shall receive retraining every two years in a program approved by the Vermont~~
7 ~~Criminal Justice Training Council in order to remain certified.~~

8 ~~(3) A list of officers who have completed the fair and impartial policing~~
9 ~~training and the dates of the completion shall be public.~~

10 Sec. 2. 20 V.S.A. § 2366 is amended to read:

11 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
12 POLICING POLICY; RACE DATA COLLECTION

13 ~~(a)(1) Except as provided in subdivision (2) of this subsection, on or before~~
14 ~~September 1, 2014, every State, local, county, and municipal law enforcement~~
15 ~~agency, and every constable who exercises law enforcement authority pursuant~~
16 ~~to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of~~
17 ~~this title, shall adopt a fair and impartial policing policy. The policy shall~~
18 ~~contain substantially the same elements of either the current Vermont State~~
19 ~~Police fair and impartial policing policy or the most current model policy~~
20 ~~issued by the Office of the Attorney General.~~

1 ~~(2) On or before January 1, 2016, the Criminal Justice Training Council,~~
2 in consultation with stakeholders, including the Vermont League of Cities and
3 Towns, the Vermont Human Rights Commission, and Migrant Justice, shall
4 ~~adopt~~ create a model fair and impartial policing policy. On or before July 1,
5 2016, every State, ~~local~~, county, and municipal law enforcement agency,
6 and every constable who exercises law enforcement authority pursuant to
7 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this
8 title, shall adopt a fair and impartial policing policy that includes, at a
9 minimum, the elements of the Criminal Justice Training Council model policy.

10 (b) If a law enforcement agency or constable that is required to adopt a
11 policy pursuant to subsection (a) of this section fails to do so on or before
12 ~~September 1, 2014~~ July 1, 2016, that agency or constable shall be deemed to
13 have adopted, and shall follow and enforce, the model policy issued by the
14 ~~Office of the Attorney General~~ Criminal Justice Training Council.

15 (c) On or before September 15, 2014, and annually thereafter as part of
16 their annual training report to the Council, every State, ~~local~~, county, and
17 municipal law enforcement agency, and every constable who exercises law
18 enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in
19 compliance with section 2358 of this title, shall report to the Council whether
20 the agency or officer has adopted a fair and impartial policing policy in
21 accordance with subsections (a) and (b) of this section ~~and which policy has~~

1 ~~been adopted. The Criminal Justice Training Council shall determine, as part~~
2 of the Council's annual certification of training requirements, if current
3 officers have received training on fair and impartial policing as required by
4 20 V.S.A. § 2358(e).

5 (d) On or before October 15, 2014, and annually thereafter on April 1, the
6 Criminal Justice Training Council shall report to the House and Senate
7 Committees on Judiciary which departments and officers have adopted a fair
8 and impartial policing policy, ~~which policy has been adopted~~, and whether
9 officers have received training on fair and impartial policing. The list of
10 officers who have completed training on fair and impartial policing and the
11 dates of completion shall be public.

12 (e)(1) On or before September 1, 2014, every State, ~~local~~, county, and
13 municipal law enforcement agency shall collect roadside stop and accident
14 data consisting of the following:

- 15 (A) the age, gender, and race of the driver;
- 16 (B) the reason for the stop or the type of accident;
- 17 (C) the type of search conducted, if any;
- 18 (D) the evidence located, if any; and
- 19 (E) the outcome of the stop, including whether:
- 20 (i) a written warning was issued;
- 21 (ii) a citation for a civil violation was issued;

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

2 (iv) no subsequent action was taken.

3 (2) Law enforcement agencies shall work with the Criminal Justice
4 Training Council with the goals of collecting uniform data, adopting uniform
5 storage methods and periods, and ensuring that data can be analyzed.

6 Roadside stop data, as well as reports and analysis of roadside stop data, shall
7 be public.

8 (3) On or before September 1, 2016 and annually thereafter, law
9 enforcement agencies shall provide the data collected under this subsection to
10 the Criminal Justice Training Council and the Human Rights Commission in
11 the electronic format specified by the agencies.

12 (4) The data provided pursuant to subdivision (3) of this subsection shall
13 be posted electronically in a manner that is accessible to the public on the
14 Criminal Justice Training Council's website.

15 (5) On or before October 15, 2016, and annually thereafter on April 1,
16 the Criminal Justice Training Council shall report to the House and Senate
17 Committees on Judiciary on the departments and officers that have and have
18 not provided the data required by subdivision (3) of this subsection. The list of
19 officers, agencies, or departments that have and have not provided the data in
20 accordance with subdivision (3) of this subsection shall be public.

1 ~~Sec. 3. EFFECTIVE DATE~~

2 ~~This act shall take effect on passage.~~

Sec. 1. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

** * **

(e)(1) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Training Council and training on the State, county, or municipal law enforcement agency's fair and impartial policing policy, adopted pursuant to subdivision 2366(a) of this title.

(2) On or before December 31, 2018, law enforcement officers shall receive a minimum of four hours of training as required by this subsection and shall receive a refresher course every two years in a program approved by the Vermont Criminal Justice Training Council in order to remain certified.

(3) A list of officers who have completed the fair and impartial policing training and the dates of the completion shall be public and posted on the Vermont Criminal Justice Training Council's website.

Sec. 2. 20 V.S.A. § 2366 is amended to read:

*§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
POLICING POLICY; RACE DATA COLLECTION*

~~(a)(1) Except as provided in subdivision (2) of this subsection, on or before September 1, 2014, every State, local, 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. The policy shall contain substantially the same elements of either the current Vermont State Police fair and impartial policing policy or the most current model policy issued by the Office of the Attorney General.~~

~~(2) On or before January 1, 2016, the Criminal Justice Training Council, in consultation with stakeholders, including the Vermont League of Cities and Towns, the Vermont Human Rights Commission, and Migrant Justice, shall ~~adopt~~ create a model fair and impartial policing policy. On or before July 1, 2016, every State, ~~local,~~ 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, at a minimum, the elements of the Criminal Justice Training Council model policy.~~

~~(b) If a law enforcement agency or constable that is required to adopt a policy pursuant to subsection (a) of this section fails to do so on or before September 1, 2014 July 1, 2016, that agency or constable shall be deemed to~~

have adopted, and shall follow and enforce, the model policy issued by the ~~Office of the Attorney General~~ Criminal Justice Training Council.

(c) On or before September 15, 2014, and annually thereafter as part of their annual training report to the Council, every State, ~~local~~, 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 ~~and which policy has been adopted~~. The Criminal Justice Training Council shall determine, as part of the Council's annual certification of training requirements, if current officers have received training on fair and impartial policing as required by 20 V.S.A. § 2358(e).

(d) On or before October 15, 2014, and annually thereafter on April 1, the Criminal Justice Training Council shall report to the House and Senate Committees on Judiciary which departments and officers have adopted a fair and impartial policing policy, ~~which policy has been adopted~~, and whether officers have received training on fair and impartial policing.

(e)(1) On or before September 1, 2014, every State, ~~local~~, 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 reason for the stop;*
- (C) *the type of search conducted, if any;*
- (D) *the evidence located, if any; and*
- (E) *the outcome of the stop, including 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 Criminal Justice Training Council and the Crime Research Group of Vermont 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 Crime Research Group of Vermont or, in the event the Crime Research Group of Vermont is unable to continue receiving data under this section, to the Criminal Justice Training Council. Law enforcement agencies shall

provide the data collected under this subsection in an electronic format specified by the receiving agency.

(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.

(5) On or before April 1, 2017, and annually thereafter, the Criminal Justice Training Council shall report to the House and Senate Committees on Judiciary on the departments and officers that have and have not provided the data required by subdivision (3) of this subsection. The list of officers, agencies, or departments that have and have not provided the data in accordance with subdivision (3) of this subsection shall be public.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.