

No. 41. An act relating to fair and impartial policing.

(H.518)

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

Sec. 1. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
POLICING POLICY; RACE ~~DATE~~ 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, ~~at a minimum,~~ each component of the Criminal Justice Training 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 ~~October 1, 2018,~~ and January 1 of every even-numbered year ~~thereafter,~~ the Criminal Justice Training 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) To encourage consistent fair and impartial policing practices statewide,~~
~~the~~ The Criminal Justice Training 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 establish each component of the model policy on or before April 15, 2018 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 ~~meet each component of the model policy~~ 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 its attorney or with the Council~~ and the office of the Attorney General, ~~or with both,~~ the law enforcement agency or constable fails to adopt a policy that ~~meets each component of the model policy~~ 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.

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(d) Annually, on ~~April~~ or before July 1, the Criminal Justice Training 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.

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Sec. 2. HUMAN RIGHTS COMMISSION; DIRECTOR OF POLICY,
EDUCATION, AND OUTREACH POSITION

Of the funds appropriated to the Human Rights Commission in FY2020, in Sec. B.236 of 2019 H.542, an act relating to making appropriations for the support of government, \$85,000.00 is allocated to fund the position of Director of Policy, Education, and Outreach.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: May 30, 2019