

1 H.174

2 Introduced by Representatives Jerman of Essex, Baker of West Rutland,
3 Canfield of Fair Haven, Donaghy of Poultney, Evans of Essex,
4 McDonald of Berlin, Morrissey of Bennington, Myers of Essex,
5 Waite-Simpson of Essex and Wright of Burlington

6 Referred to Committee on

7 Date:

8 Subject: Public safety; law enforcement; internal procedures

9 Statement of purpose: This bill proposes to make confidential records of
10 internal investigations of certain law enforcement officers except under
11 specific conditions.

12 An act relating to confidentiality of law enforcement internal investigation
13 records

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

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

16 § 2366. INTERNAL INVESTIGATIONS; CONFIDENTIALITY

17 (a) Records of internal investigation of a law enforcement officer

18 performed by or on behalf of the law enforcement officer's employer are

19 confidential. These records may be released only pursuant to an order from a

20 court of competent jurisdiction with terms and conditions imposed by the

1 court. The order shall be based on a clear showing that the records are relevant
2 to a current legal proceeding involving the law enforcement officer who is the
3 subject of the investigation, and that no other method is available to access the
4 information in the records. This section does not apply to law enforcement
5 employees of the public safety department or state police whose records are
6 subject to the provisions of section 1923 of this title.

7 (b) Notwithstanding subsection (a) of this section, the employer of the law
8 enforcement officer may report to appropriate authorities or to the public, or
9 both, to ensure that proper action is taken in each internal investigation.

10 (c) The employer of the law enforcement officer shall report all allegations
11 that involve a violation of a criminal statute to the state's attorney in the county
12 in which the incident under investigation took place. The employer shall also
13 report the disposition of all cases previously reported to the state's attorney.