

In re: Claim of Tim Bernier against the Vermont State Police and Paul Mosher

Settlement Agreement

The parties agree that the dispute between them, which arose from April 6, 2011 incident in which Mr. Bernier was tased, be and it hereby is settled on the following terms and conditions:

1. The Vermont State Police agree to change its policy on Electronic Control Devices ("ECD") as follows:

a. Persons with cognitive impairments shall be included within "special populations" identified as requiring special consideration before being subjected to the use of an ECD.

b. For the purposes of the policy, a person with cognitive impairments shall be as an individual that the officer, based on training, experience, and other available information, perceived to be a person with a disability detrimentally impacting the ability to communicate, move voluntarily, understand or comply with directions.

c. ECD use shall be authorized if a person with a cognitive impairment has a weapon or presents an articulable, imminent risk of harm to self or others.

d. If not, EDC use shall only be authorized if there are no other reasonable alternatives to maintaining safety or taking a subject into custody.

2. In addition, Vermont State Police training will include the idea that for persons with a cognitive impairment, pulling away is not necessarily indicative of a risk of harm.

3. The Vermont State Police will pay the sum of \$7,000 to Mr. Bernier's guardian for Tim Bernier's benefit, within 45 days.

4. Mr. Bernier's guardian, for herself and on behalf of Mr. Bernier, will execute and deliver a general release for the benefit of the State of Vermont, the Vermont Department of Public Safety and Trooper Paul Mosher.

6. No litigation has or will be filed in connection with this claim. The complaint filed with the Vermont Human Rights Commission will be dismissed. withdrawn, JEB (P)

7. The State of Vermont, the Vermont State Police and Trooper Paul Mosher, deny all liability in connection with this claim, but agree to this settlement to avoid litigation and improve the practices of the Vermont State Police with respect to the use of ECD and persons with cognitive impairments.

5. The parties will promptly agree upon a joint press statement announcing this settlement to be issued within 10 days.

Dated at Montpelier, Vermont, this 11th day of October, 2011.

Francis Bernier

Francis Bernier,
Individually and as
Guardian of Tim Bernier

Vermont State Police

Thomas L'Esperance

Col. Thomas L'Esperance