

1 H.430

2 Introduced by Representatives Rachelson of Burlington and Ram of

3 Burlington

4 Referred to Committee on

5 Date:

6 Subject: Public safety; investigation of serious injury or death caused by law

7 enforcement

8 Statement of purpose of bill as introduced: This bill proposes to require

9 independent investigations when law enforcement action results in death or

10 serious injury.

11 An act relating to independent investigation of a death or serious injury  
12 involving a law enforcement officer

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

14 Sec. 1. 20 V.S.A. § 2368 is added to read:

15 § 2368. INDEPENDENT INVESTIGATIONS

16 (a) As used in this section:

17 (1) “Law enforcement agency” means the Vermont State Police, a  
18 municipal police department, or a sheriff’s department.

19 (2) “Law enforcement officer” shall have the same meaning as in  
20 section 2358 of this title.

1           (3) “Officer-involved death or serious bodily injury” means the death or  
2           serious bodily injury of an individual that results directly from an action of a  
3           law enforcement officer while the law enforcement officer is on duty or while  
4           the law enforcement officer is off duty but performing activities that are within  
5           the scope of his or her law enforcement duties.

6           (4) “Serious bodily injury” shall have the same meaning as in 13 V.S.A.  
7           § 1021.

8           (b) Each law enforcement agency shall have a written policy regarding the  
9           investigation of officer-involved deaths or serious bodily injuries that involve a  
10           law enforcement officer employed by the law enforcement agency.

11           (1) Policies shall require that investigations be conducted by at least two  
12           investigators. Neither investigator shall be employed by a law enforcement  
13           agency that employs a law enforcement officer involved in the officer-involved  
14           death or serious bodily injury.

15           (2) Policies may allow an internal investigation into the officer-involved  
16           death or serious bodily injury if the internal investigation does not interfere  
17           with any independent investigation conducted pursuant to subdivision (1) of  
18           this subsection.

19           (c)(1) The investigators conducting an investigation pursuant to subdivision  
20           (b)(1) of this section shall provide a report to the Attorney General as soon as  
21           practicable after the incident.

1           (2) If the Attorney General determines there is no basis to prosecute the  
2           law enforcement officer or officers involved in the officer-involved death or  
3           serious bodily injury, the investigators conducting the investigation pursuant to  
4           subdivision (b)(1) of this section shall release the report to the public.

5           Sec. 2. EFFECTIVE DATE

6           This act shall take effect on passage.