

Laurie Emerson, Executive Director  
National Alliance on Mental Illness of Vermont  
June 23, 2020

Madam Chair Copeland Hanzas, Madam Chair Grad, Members of the House Government Operations Committee and Members of the House Judiciary,

Thank you for allowing NAMI Vermont to provide comment on Bills S.119 and S.219.

NAMI Vermont is the independent Vermont chapter of the National Alliance on Mental Illness. We are a statewide, non-profit, 501c3, grassroots, volunteer organization comprised of people who live with a mental health condition, family members, and advocates. As our mission, NAMI Vermont supports, educates and advocates so that all communities, families, and individuals affected by mental illness or mental health challenges can build better lives.

NAMI Vermont's comments will focus on mental health and interactions with law enforcement. We agree that systemic racism must be addressed to change the culture and make reparations. It should be a continuous process lead by the black community and leaders.

Bills S.219 and S.119 are of great importance to NAMI Vermont and our community of individuals and families living with a mental health condition. Law enforcement officers are one of the first responders with mental health crises. We need to hold law enforcement to a higher standard and be accountable for their actions. It first needs to start with governance, policies, and training – all leading to more accountability. We also need to look at alternative systems to prevent crises.

1. Accountability/Misconduct:

- a. Establish a statewide Civilian/Community Governance Oversight Committee with the responsibility to review all policies and misconduct incidents. The committee should consist of a diversity of people impacted by police interactions.
- b. Establish process to address officer misconduct.
  - i. Create a registry of officer misconduct.
  - ii. Officers with misconduct leave one department and hired elsewhere.
  - iii. More transparency in sharing transfer recommendations and misconduct incidents.
- c. Body cameras for all law enforcement that includes public accessibility to footage.
  - i. Cameras should remain on with interactions.
  - ii. Review and monitor footage by Civilian Governance Committee where force is used.
- d. Many families and friends do not want to call the police with a mental health crisis. Just the presence of law enforcement can escalate a situation – resulting in our loved ones being charged with a criminal offense – or worse the use of deadly force – when all that was needed was to keep our loved one safe due to suicidal ideation and attempts.

2. Policies

- a. Consistency/standardization of polices throughout the state with the ability to improve and share best practices. Starting with a baseline of requirements.
- b. Ensure there is a Crisis Intervention Policy.

- c. NAMI Vermont supports the collection of data to inform fact-based decision-making and to ensure accountability as addressed in S.219. We would also recommend tracking data as to the number of mental health calls police receive to justify the need for community preventive measures.
3. Training:
- a. More consistent and required training that focuses on trauma informed education, de-escalation, decision-making, conflict resolution, using proper tactics, scenario role-playing – such as Team Two training.
  - b. Continuously review and improve trainings. Involve a diverse representation of stakeholders to review trainings – such as the Civilian Governance Committee.
  - c. Include trainings by individuals/professionals with lived experience such as: mental health conditions, developmental disabilities, autism, Alzheimer’s, brain injuries, to name just a few – not just the VT Criminal Justice Training Council.
    - i. NAMI Vermont trainings build empathy, reduce stigma through our lived experience with "NAMI In Our Own Voice" presentations for all new recruits and police departments, sheriff departments, state police. Include lived experience stories from family members who have been involved with law enforcement interactions with their loved ones.
  - d. **ALL** police should be trained to handle mental health crises or heightened states of emotional dysregulation. At this time, they receive only 8 hours of mental health training at the academy plus one refresher training – this is not enough.
4. Recruitment – Staffing - Partnerships:
- a. Law enforcement should have access to their own mental health support system and promoted internally – such as anonymous support groups or mentors facilitated by other law enforcement personnel.
  - b. Building collaborative community partnerships and intensive training will help improve responses and resources for individuals and families that may have a mental health crisis. We encourage law enforcement to work closely with NAMI Vermont, Vermont Psychiatric Survivors, and the Mental Health Designated Agencies within each community.
  - c. Allocate more Resources on Prevention and Alternative systems:
    - i. Embed mental health mobile crisis workers/social workers and/or peer support specialists (all shifts) in police departments and paid for with police funding. The mental health system is underfunded.
    - ii. Best practices:
      - 1. HCRS – Social Workers embedded within law enforcement.
      - 2. HowardCenter - Street Outreach Team and Community Outreach Program with 6 towns in Chittenden County

Comments on wording in the bills:

S.219:

1. Page 7, line 5 - Section 2407: NAMI Vermont disagrees that first offenses be dismissed or ignored. There should be at the very least a correction action plan for any misconduct. Here is the statement: “...Category B conduct, the Council shall take no action” .... On page 6 line 17 it states “... willful failure to comply with a state-required policy or substantial deviation from professional conduct...” How can any organization not take action with a law enforcement officer does not comply with policies or deviates from professional conduct. This language in the bill should be addressed. Officers need to be held to a higher standard and be accountable for their actions.
2. Sec. 7, page 9: NAMI Vermont recommends adding public accessibility to video recordings that should also be monitored by a Civilian Governance Committee. In addition, policies should support the use of video cameras that we heard are not currently in place.

3. NAMI Vermont agrees that chokeholds should be a prohibited restraint and to make this a criminal offense and charges filed without qualified immunity.

S.119:

1. Section 2368, c, (2) page 4: The statement “When feasible, a law enforcement officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a law enforcement officer and to warn that deadly force may be used”..... Is not appropriate language to de-escalate a situation. Approaching a situation from this perspective is not helpful and will only escalate a situation with a fight or flight response.
2. There are multiple instances of wording in the bill with “necessary” or “reasonable” use of force. Without a definition of “necessary” - any use of force could be necessary. There is great concern that these words create a qualified immunity to any officer. I agree with previous testimony to add a definition of what “necessary” means.

Thank you for listening to our comments.

Respectfully Submitted,



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NAMI Vermont