

Laurie Emerson, Executive Director
National Alliance on Mental Illness of Vermont
September 9, 2020

Madam Chair Grad and Members of the House Judiciary Committee,

Thank you for allowing NAMI Vermont to provide comment on Bill S.119.

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.

We appreciate the committee's work to repeal the statute of justifiable homicide and provide very specific guidelines with deadly use of force and use of force. NAMI Vermont's comments will focus on mental health and interactions with law enforcement.

Bill S.119 is of great importance to NAMI Vermont and our community of individuals and families living with a mental health condition. Many families and friends do not want to call the police when a mental health crisis occurs. Just the presence of law enforcement can escalate a situation – resulting in our loved ones being traumatized, 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. We need to seek alternative collaborative approaches to prevent and respond to crises and we need to decriminalize our responses to mental health crises. However, if there is an encounter, law enforcement needs the right training to know how to respond to de-escalate a situation – with de-escalation of a situation as a number one priority.

Comments on wording in the bills:

S.119:

1. Page 2, (B) Support this amendment with the language change. The previous language was stigmatizing and archaic.
2. Page 3, (3) It will be important to have a diversity of community stakeholders review agency policies to make recommendations on a standard use of force policy for the state.
3. Page 4 (4) : Need more clarification here as to whether this is the evaluation process after an incident of use of force.
4. Page 4, 7A: Suggest putting emphasis on this entire paragraph to set the context to use alternative approaches as a first step.
5. Page 5 (B) This section would require training for law enforcement on these determinations. We support training of officers, however they are not subject matter experts to

“determine” these factors, we recommend wording change that they should “consider” the factors listed.

6. Page 6, (3) From the perspective of a mental health crisis – “all force” – not just deadly force should be ceased upon compliance of the person.
7. Page 6 (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 from someone in an elevated state.
8. Page 7, (6) Support this amendment. The previous statement was confusing and negates the purpose of not using a prohibited restraint. The ultimate goal is to eliminate the use of prohibited restraints.

We need to invest in better recruitment and training of all officers. Building collaborative community partnerships and intensive training will help improve responses and resources for individuals and families that may have a mental health crisis.

NAMI Vermont trainings build empathy and reduce stigma through our lived experience with "NAMI In Our Own Voice" presentations for all new recruits, police departments, sheriff departments, and state police. Trainings also need to include lived experience stories from family members who have been involved with law enforcement interactions with their loved ones. NAMI Vermont has worked with the Vermont Police Academy and Team Two to provide speakers as part of the training and want to continue to be a consistent resource.

One of NAMI’s Signature Programs, Family-to-Family is an 8-week evidence-based intensive training program that helps family members better communicate and support their loved one’s recovery process. Law enforcement (and correctional officers) need similar trainings to know how to respond with empathy and compassion.

We encourage law enforcement to work closely with NAMI Vermont and other advocacy organizations within each community.

Thank you for listening to our comments.

Respectfully Submitted,



Laurie Emerson, Executive Director
NAMI Vermont