

Good morning Senator White,

I'd like to mention a few concerns regarding section 5 and 7 of S.250. Not knowing if you will continue to take testimony on this section I will outline my concerns here:

Sec. 5 creates new language and a new process around independent investigations by a 3 member panel of the Council regarding "Officer Involved Death or Serious Bodily Injury" then report out to the Council. If no basis to prosecute, the report goes to the public.

Concerns: Independent investigations of law enforcement involved in serious bodily injury or death are already investigated independently. The AG's office, VSP or newly created regional IA investigative teams, and the County prosecutor all investigate uses of force in officer involved death or serious bodily injury reports. A 3 member panel of the Council would be tasked to investigate these incidents, while having no background or training to investigate criminal conduct. Council members are also non paid appointed volunteers who would not have the time to devote to such investigations. The report out to the Council would happen if there is a finding an officer used force not consistent with T20 vsa 2368 but would only be able to make recommendations towards certification. The Council has no authority to recommend criminal sanctions though that ask is not clear in the legislation. There should also be privacy concerns addressed in the release of any proposed report which are not addressed in the legislation.

Intent: I believe the intent is to have an outside entity investigate officers who use force outside of their statutory authority, separate from the law enforcement entities that already exist who investigate the same concerns for potential criminal conduct.

Proposal: The Council already has a subcommittee who reviews / investigates all police related misconduct. Born of enabling legislation (Act 56) on July 1, 2018, now codified in T20 vsa 2401 "Unprofessional Conduct". A simple solution would be to eliminate Section 5 of S.250 and add a section T20 vsa 2401 (1) **(D)** "An action committed while on duty or under authority of the state resulting in the death or serious bodily injury of another". This would be an addition to Category A of unprofessional conduct and could result in officer decertification by the Council after a hearing. Any such action by the Council would also be public information that would be reported out as is currently done on the academy's website but could also be listed other public places.

Additionally I would ask for removal of the 3 member panel created in section 7 and leave as created.

Thank you for your consideration.

Christopher Brickell
Deputy Director
Vermont Criminal Justice Council
317 Academy Road
Pittsford, VT 05763
(802) 483-2739
(802) 345-8047 (cell)