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H.171

Introduced by Representative Burditt of West Rutland

Referred to Committee on

Date:

Subject: Attorney General; law enforcement; investigation

Statement of purpose of bill as introduced: This bill proposes to create investigatory requirements for the Attorney General when investigations are commenced relating to law enforcement officers who unholster a firearm in the performance of the officer's official duties.

~~An act relating to Attorney General investigations into a law enforcement officer's use of a firearm~~

An act relating to criminal justice agency protocols for an officer-involved shooting

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

~~Sec. 1. 3 V.S.A. § 153a is added to read:~~

§ 153a. LAW ENFORCEMENT OFFICERS; OFFICER-INVOLVED

SHOOTINGS; INVESTIGATION

(a) As used in this section:

(1) "Law enforcement agency" has the same meaning as in 20 V.S.A.

~~§ 2351a.~~

1 ~~(2) "Law enforcement officer" has the same meaning as in 20 V.S.A.~~
2 ~~§ 2-51a.~~

3 ~~(b) The Attorney General may commence an investigation into any law~~
4 ~~enforcement officer who unholsters a firearm in the performance of the~~
5 ~~officer's official duties.~~

6 ~~(c)(1) Any investigation commenced pursuant to this section shall be~~
7 ~~completed within 90 days after initiation by the Attorney General.~~

8 ~~(2) An investigation may exceed 90 days when the incident investigated~~
9 ~~involves multiple individuals who were either shot or physically injured by the~~
10 ~~law enforcement officer's use of a firearm.~~

11 ~~(d) During the course of an investigation pursuant to this section, the~~
12 ~~Attorney General shall prepare and submit a written report to the officer who~~
13 ~~is the subject of the investigation and the law enforcement agency that~~
14 ~~employs the officer. The report shall include:~~

15 ~~(1) a statement of facts;~~

16 ~~(2) a detailed analysis and conclusion of each investigatory issue; and~~

17 ~~(3) any recommendations concerning the filing of criminal charges and~~
18 ~~proposed changes to any law enforcement policies at issue.~~

19 ~~(e) The Attorney General shall adopt rules pursuant to chapter 25 of this~~
20 ~~title to implement this section. The rules adopted shall include.~~

1 ~~(1) the standard of review for any investigation commenced pursuant to~~
2 ~~this section;~~

3 ~~(2) timelines to review each incident investigated;~~

4 ~~(3) ensuring public access to information concerning the procedure and~~
5 ~~timelines for any investigation commenced pursuant to this section; and~~

6 ~~(4) any other considerations that the Attorney General deems necessary.~~

7 Sec. 2. EFFECTIVE DATE

8 ~~This act shall take effect on July 1, 2025.~~

Sec. 1. OFFICER-INVOLVED SHOOTING PROTOCOL

(a) The General Assembly finds it is in the best interests of victims and law enforcement officers to efficiently and thoroughly conduct independent investigations of any officer-involved shooting (OIS) in Vermont. It is the intent of the General Assembly to facilitate cooperation amongst the entities responsible for investigating an OIS so there is a well-understood protocol for addressing an OIS that instills public trust in such investigations and resolves investigations in a timely manner to provide certainty to all parties involved.

(b) The Attorney General's Office (AGO), the Department of State's Attorneys and Sheriffs (DSAS), the Department of Public Safety, and the Vermont Association of Chiefs of Police shall work collaboratively to identify a protocol and best practices for independent investigations of an OIS.

(c) A protocol for interagency cooperation in an OIS investigation shall:

(1) define “officer-involved shooting” and what types of incidents trigger an investigation;

(2) define “conflict of interest” and identify the appropriate steps to manage any conflicts for law enforcement and prosecutors;

(3) delineate the process for informing the AGO and DSAS of an OIS;

(4) identify the general steps for law enforcement investigations into an OIS;

(5) describe the process for prosecutorial assessment of the investigative materials, including dual independent assessments;

(6) evaluate the process of investigation and prosecutorial review of an OIS to ensure timely criminal charging determinations, and identify and address existing barriers to timely criminal charging determinations; and

(7) outline the final outcome of an investigation and assessment of an OIS, such as clearing a law enforcement officer or filing criminal charges.

(d) To inform their efforts to develop a protocol, the entities shall examine other jurisdictions’ protocols for an OIS investigation to determine best practices.

(e) On or before December 1, 2026, the entities shall submit one written report to the House and Senate Committees on Judiciary detailing their work, an agreed-upon protocol for an OIS investigation, and any legislative changes necessary, including appropriations, to effectuate the protocol.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.