

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

H.171

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. 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;

- 1           (3) delineate the process for informing the AGO and DSAS of an OIS;  
2           (4) identify the general steps for law enforcement investigations into an  
3           OIS;  
4           (5) describe the process for prosecutorial assessment of the investigative  
5           materials, including dual independent assessments and the role of victim  
6           advocates;  
7           (6) evaluate the process of investigation and prosecutorial review of an  
8           OIS to ensure timely criminal charging determinations, and identify and  
9           address existing barriers to timely criminal charging determinations; and  
10           (7) outline the final outcome of an investigation and assessment of an  
11           OIS, such as clearing a law enforcement officer or filing criminal charges.  
12           (d) To inform their efforts to develop a protocol, the entities shall examine  
13           other jurisdictions' protocols for an OIS investigation to determine best  
14           practices.  
15           (e) On or before December 1, 2026, the entities shall submit one written  
16           report to the House and Senate Committees on Judiciary detailing their work,  
17           an agreed-upon protocol for an OIS investigation, and any legislative changes  
18           necessary, including appropriations, to effectuate the protocol.

19           Sec. 2. EFFECTIVE DATE

20           This act shall take effect on passage.