

No. 45. An act relating to establishing the Mental Health Crisis Response Commission.

(H.145)

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

Sec. 1. 18 V.S.A. § 7257a is added to read:

§ 7257a. MENTAL HEALTH CRISIS RESPONSE COMMISSION

(a) There is created the Mental Health Crisis Response Commission within the Office of the Attorney General for the following purposes:

(1) to conduct reviews of law enforcement interactions with persons acting in a manner that created reason to believe a mental health crisis was occurring and resulted in a fatality or serious bodily injury to any party to the interaction;

(2) to identify where increased or alternative supports or strategic investments within law enforcement, designated agencies, or other community service systems could improve outcomes;

(3) to educate the public, service providers, and policymakers about strategies for intervention in and prevention of mental health crises;

(4) to recommend policies, practices, and services that will encourage collaboration and increase successful interventions between law enforcement and persons acting in a manner that created reason to believe a mental health crisis was occurring;

(5) to recommend training strategies for public safety, emergency, or other crisis response personnel that will increase successful interventions; and

(6) to make recommendations based on the review of cases before the Commission.

(b)(1) Each incident involving an interaction between law enforcement and a person acting in a manner that created reason to believe a mental health crisis was occurring that results in a death or serious bodily injury to any party shall be referred to the Office of the Attorney General by the relevant law enforcement agency for review, analysis, and recommendations within 60 days of the incident. Interactions not resulting in death or serious bodily injury may be referred for optional review to the Commission, including review of interactions with positive outcomes that could serve to provide guidance on effective strategies. A law enforcement officer or mental health crisis responder involved in such an interaction is encouraged to refer it to the Commission.

(2) The review process shall not commence until any criminal prosecution arising out of the incident is concluded or the Attorney General and State's Attorney provide written notice to the Commission that no criminal charges shall be filed.

(c)(1) The Commission shall comprise the following members:

(A) the Attorney General or designee from a division other than that investigating the interaction;

(B) the Commissioner of Mental Health or designee;

(C) a member of the Vermont State Police, appointed by the Commissioner of Public Safety;

(D) a representative of frontline local law enforcement, appointed by the Vermont Association of Chiefs of Police;

(E) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(F) a representative of the designated agencies, appointed by Vermont Care Partners;

(G) the director of Disability Rights Vermont or designee;

(H) an individual who has a personal experience of living with a mental illness or psychiatric disability, appointed by Vermont Psychiatric Survivors;

(I) a family member of an individual who experienced or is experiencing a mental condition or psychiatric disability, appointed by the Vermont chapter of the National Alliance on Mental Illness; and

(J) two regionally diverse at-large members, appointed by the Governor, who are not representative of subdivisions (A)–(G) of this subdivision (c)(1), such as an emergency dispatcher, specialist in interactions between law enforcement and individuals with a perceived mental condition, or a representative of the Vermont Human Rights Commission or Vermont Legal Aid.

(2) The members of the Commission specified in subdivision (1) of this subsection shall serve two-year terms. Any vacancy on the Commission shall be filled in the same manner as the original appointment. The replacement member shall serve for the remainder of the unexpired term.

(3) Members who are part of an organization involved in an interaction under review shall recuse themselves from that review and shall not access any information related to it. The Commission may appoint an interim replacement member to fill the category represented by the recused member for review of that interaction.

(d)(1) The Attorney General or designee shall call the first meeting of the Commission to occur on or before September 30, 2017.

(2) The Commission shall select a chair and vice chair from among its members at the first meeting, and annually thereafter.

(3) The Commission shall meet at such times as may reasonably be necessary to carry out its duties, but at least once in each calendar quarter.

(e) In any case under review by the Commission, upon written request of the Commission, a person who possesses information or records that are necessary and relevant to review an interaction shall, as soon as practicable, provide the Commission with the information and records. The Commission may subpoena information or records necessary and relevant to the review of an interaction from any person who does not provide information or records in his or her possession to the Commission upon receiving an initial written

request. A person who provides information or records upon request of the Commission is not criminally or civilly liable for providing information or records in compliance with this section.

(f) The proceedings and records of the Commission are confidential and are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. The Commission shall not use the information, records, or data for purposes other than those designated by subsections (a) and (i) of this section.

(g) To the extent permitted under federal law, the Commission may enter into agreements with nonprofit organizations and private agencies to obtain otherwise confidential information.

(h) Commission meetings are confidential and shall be exempt from 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law). Commission records are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(i) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its conclusions and recommendations to the Governor, General Assembly, and Chief Justice of the Vermont Supreme Court as the Commission deems necessary, but no less frequently than once per calendar year. The report shall disclose individually identifiable health information only to the extent necessary to convey the Commission's conclusions and recommendations, and any such disclosures shall be limited to information already known to the

public. The report shall be available to the public through the Office of the Attorney General.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Date Governor signed bill: May 23, 2017