



VERMONT MENTAL HEALTH CRISIS RESPONSE COMMISSION

2021 Report to the Governor, General Assembly and Chief Justice, Vermont
Supreme Court



February 18, 2022

The Mental Health Crisis Response Commission (MHCRC or Commission) is responsible for conducting reviews of law enforcement interactions that resulted in death or serious bodily injury and involved persons acting in a manner that created reason to believe a mental health crisis was occurring. 18 V.S.A. §7257(a)

The Commission is required to make recommendations based on its review of cases and to report its conclusions and recommendations to the Governor, General Assembly and Chief Justice of the Vermont Supreme Court.

The onset of the COVID-19 pandemic required many Commission members to focus efforts elsewhere in our daily work. However, we attempted to meet as a body, using the Zoom platform, on several occasions. Meetings of the Commission are outlined below:

March 12, 2021

April 23, 2021

May 14, 2021

June 11, 2021

July 12, 2021

September 10, 2021

October 8, 2021

The pandemic and subsequent state of emergency required many state employees to not be in their offices, which slowed down our ability to receive scanned, secure files on potential cases to review. Additionally, we rely on the presence of a representative from the Vermont Attorney General's Office (AGO) to assist in procuring investigative files, issue correspondence to counsel representing mental health agencies, law enforcement agencies and other entities, as well as issue subpoenas and request evidence should that become necessary. 2021 saw a gap in an AGO representative, due to a leave of absence of the former Assistant Attorney General assigned to this Commission, and then his subsequent resignation from the AGO in August, 2021. In December 2021, the AGO hired Erin Jacobsen as an Assistant Attorney General (AAG) and in January, 2022, appointed Erin Jacobsen to fill the role of AGO designee to the MHCRC.

Statutory Authority

18 V.S.A. § 7257a (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. (Added 2017, No. 45, § 1; amended 2017, No. 113 (Adj. Sess.), § 99.)

In late February, 2021, the AGO provided the Commission with police reports and other materials on four separate cases where individuals were killed by police intervention. After review of the materials provided on those cases, we were able to identify one case in particular to review that we believe falls in our purview under the statute governing the Commission. This individual was killed by police in 2019. Since March of 2021, the Commission has attempted to procure additional records related to this event; however, COVID-related delays and the lack of an AAG on the Commission truly slowed down this process. As of October 1, 2021, we have received the bulk of the records we need for our review.

2021 also saw some changes in the Commission make up. Ed Paquin, of Disability Rights Vermont (DRV), retired in May and was replaced on the Commission by AJ Ruben. Mr. Ruben attended two meetings, and then was replaced by Lindsey Owen. Mourning Fox previously held the position dedicated to the Department of Mental Health (DMH), but he departed DMH in August. DMH Commissioner Emily Hawes took his place in October.

Current Members of the Commission

Cindy Taylor Patch, Chair, VT Criminal Justice Council
Kristin Chandler, Team Two, Vice-Chair (at large appointee)
Anthony Cambridge, Vermont Association of Chiefs of Police
John Campbell, State's Attorneys and Sheriffs (at large appointee)
Laurie Emerson, National Alliance on Mental Illness of Vermont
Anthony French, Vermont State Police
Emily Hawes, Department of Mental Health
Tom Johnston, Vermont Psychiatric Survivors
Kate Lamphere, Healthcare and Rehabilitation Services
Lindsey Owen, Disability Rights Vermont
Erin Jacobsen, Attorney General's Office (as of January, 2022)

Respectfully submitted this 30th day of December, 2021,
Members of the Mental Health Crisis Response Commission