

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 171  
3 entitled “An act relating to Attorney General investigations into a law  
4 enforcement officer’s use of a firearm” respectfully reports that it has  
5 considered the same and recommends that the bill be amended by striking out  
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. OFFICER-INVOLVED SHOOTING PROTOCOL

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

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

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

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

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

20          Sec. 2. EFFECTIVE DATE

21          This act shall take effect on passage.

1       and that after passage the title of the bill be amended to read: “An act relating  
2       to criminal justice agency protocols for an officer-involved shooting”

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6       (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE