

SHAWN GARVEY

Testimony to Vermont House Judiciary Committee

January 15, 2025

Good afternoon.

I want to start by thanking the Vermont House Judiciary Committee for asking my family here today and recognize your groundbreaking efforts here to help bring peace and resolution to those victimized by the actions and policies of the state.

I am Scott Garvey's older brother, Shawn Garvey. I'm 60 years old, the father of two daughters—Skyler and Emma—and my son Evan. I am the founder and CEO of several companies, and a long time ago—25 years—I co-founded the Green Mountain Film Festival in Montpelier Vermont.

This is a rough and difficult message for me to deliver this morning, and it may be for those in the audience to hear. You may or may not choose to stop listening, or even leave, and if you do, I will not be offended.

However, I need to tell the truth of this experience, no matter how grisly at times, so that those who need to hear it can help change the state's approach to those suffering mental illness, and reform the absolutely inhumane approach the state bureaucracy has to handling the harms and injuries that are caused in its name.

Today marks 131 days since our brother's MURDER as a direct result of the actions of the Vermont State Police. I know, it's a brutal word to use—murder—but Scott's death HAS been ruled a homicide by the Vermont State Coroner because of multiple gunshot wounds, so I think we should call it what it was, even if its

uncomfortable. He didn't just die; he was the victim of homicide by the very people he was calling to for help.

On July 7, my brother was during a mental health crisis. He was scared and frightened. He required the assistance of mental health professionals, and he reached out many times to numerous agencies in the days leading up to his death. He did so despite the abject fear he had of law enforcement. He had seen too many others suffering similarly with mental health, who would also wind-up dead because of the actions of law enforcement. We even talked about several of those cases right here in Vermont, as we made the long drive from Memphis to Putney only 10 days before.

I think often of his courage, picking up the phone to reach out to someone, scared that he's going to see police knocking at the door, instead of a nurse or counsellor.

I think of the irony that he foresaw his own death in such a vivid manner, and that this story is so common that my brother could guess the outcome with such ease.

At approximately 434 PM on July 7, a young, inexperienced Vermont State Trooper barely out of Trooper School entered my brother's home and shot him multiple times at close range. My brother was pronounced dead at 521 PM on the floor of his own home.

I can't get the images out of my head of my little brother—who I had played baseball with, who used to stutter, and who sat with me for hours upon hours writing down the songs we heard as we spun the radio dial—laid out on the floor of his living room, the same room I had moved him into just a week before—bleeding out for 47 minutes.

Was he conscious? What was he thinking as he lay there receiving care from the very people he feared most? Did he feel his life slipping slowly out of his body? Was he thinking of my mom? His drums? Of his dog Vinnie? Of me? Was he angry with me that I had insisted he reach out for help here, only to find himself dying at the hands of his supposed helpers?

The Trooper was one of a half dozen or so that had been gathered at my brother's home for more than 5 hours that day, while inside Scott had—effectively—a nervous breakdown. For whatever reason, it was decided at that moment that they needed to enter his home, and someone decided to send in **one of the youngest and least experienced amongst them**.

The initial investigation report shows that the Trooper thought Scott had a rifle. While they scoured the apartment, there was no rifle, nor a firearm of any type, to be found. To be honest, I imagine they were disappointed.

The idea that with that much time to think through what to do next that Troopers ultimately invaded the home of an unarmed mentally and physically disabled 55-year-old man guns drawn, is in our minds one tragic failure of many. No gas, no beanbag guns, no pepper spray. Just a gun, in the hands of an inexperienced state trooper, who shouldn't have ever been allowed or instructed to break into Scott's home in the first place.

Frankly, we believe his death was a command failure and a systems failure, and while we hold the Trooper responsible for pulling the trigger, we also hold the command at Vermont State Police accountable, who appear to have violated numerous state policies and directives in the handling of this situation, including turning away my mother and sister and not allowing them to assist Scott, taking control of the scene away from the mental health

professionals, and breaking into his home despite no immediate threat to other people or neighbors.

While there is an investigation ongoing for which we await the results, we do not hold out ANY hope for justice from that process because, UNBELIEVABLY in this day and age, the Vermont State Police have found EVERY shooting by a State Trooper over the past 50 years to be "justified" since they've been keeping records.

I know. It's jaw-dropping. No ability for self-improvement because apparently in their own opinion they do everything right, all the time, since forever. Every and any shooting has been "justified." (If you have a difficult time swallowing this, as I initially did, feel free to see their own report posted proudly on their website.

This is my opinion: the state investigatory process is essentially a farce, designed to prolong the time so much that a victim's family just gives up out of sadness and resignation and the public's initially justifiable horror to such a murder by the state just fades away into the noise of so many other injustices.

As many of you know, since that time it's been one really shocking and hurtful experience after another, almost as if someone had designed a process to test as even more.

As my wife and I raced across the country to be by my mother's side, we had to raise our daily credit limit after my mother was told by the state that his body WOULD NOT be released for his funeral without a \$2,000 payment. Yes, you heard that right: we had to pay to get my dead brother's cremated remains so he could attend his own funeral.

A week later, my mother was told she would need to pay to clean up Scott's remains from walls and floors of their apartment. You

will be amazed that the law does NOT require cleanup of a state murder by the Vermont State Police but DOES require professional cleanup by the victim's family.

Mom was told she would need to pay to repair numerous bullet holes left behind in the walls and ceilings by the Vermont State Police.

She even had to pay her own moving expenses because she clearly would never be able to return to her home with those horrific images of her now dead son on the floor of the living room burned into her mind.

My mom has had to pay for her own grief counseling, for therapy for our entire shocked family, for her own travel to attend his funeral and **even to come here to speak to you today.**

Finally, the realization that the "Victim's Services" offered by the state does ANYTHING but serve victims, when the perpetrator is the state itself and they are on the payroll of the very law enforcement agency that we are victims of (yup, this is for real.)

When Victim's Services told mom that her home was "released" for her to return, they gave us NO WARNING that we would open the broken back door—which they had left unsecured for 10 days to the neighbors and their children— to what looked like the movie-version of a cartel murder.

They gave us no warning that we would have to walk on floors sticky and tacky from drying pools of my brother's blood, that we'd have to avoid bumping the walls for fear of brushing against his bodily fluids. That we'd have to wade through upturned boxes of all Scott and mom's worldly possessions, dispose of bags of bloody medical waste strewn throughout their home, and ultimately have to find my brother's treasured Red Sox hat (that

he and I had bought together on Opening Day at Fenway), crumpled, and bloodstained, and hidden unceremoniously between the couch and wall.

We've made every effort to communicate this to Vermont's political leadership. We've attempted dozens of times to reach out to the Governor's office—by mail, phone message, and email— but my brother's murder, and our subsequent experience, apparently isn't worth the time of even an assistant simply telling us "no". Nothing. Just silence.

If this experience sounds harsh it's because, in my opinion, it has been brutal and inhumane. It is a dark mark on the integrity of the Vermont State Police, and it should be an embarrassment to every good citizen of the beautiful state of Vermont.

If it weren't for the strength of our family, and the help and support from our friends, we would not still be standing here today because the process **would eat alive any other family with less love and resources than us.**

Based on our experiences, my family and I developed a detailed list of recommendations so that no other family will have to experience what we have endured. For these purposes, I'll summarize them and submit a more detailed version in writing as well:

- **Codify State Directives into Statute.** Vermont's directives for law enforcement response to individuals in mental health crises were designed to prioritize de-escalation, time, and care over force. These directives are currently not enforceable by law—they are policies without statutory weight. Their violation carries no formal consequence.
- **Training and Certification of Law Enforcement** needs to be dramatically expanded to prioritize de-escalation, trauma-

informed care, and use of force policies specific to mental health.

- **Establish an Independent victim advocacy office**, separate from the law enforcement agency under review, to eliminate the inherent conflicts of interest and help families navigate trauma, not interrogate them.
- **Crime scene standards** that require professional biohazard cleanup by law enforcement, timely property return, and housing support so families aren't penalized for damages caused by law enforcement actions.
- **Timely, cost-free release of a loved one's body**, along with state-funded burial or cremation services when the state is responsible for the death.
- **Mandatory, trauma-informed death notification protocols** and assignment of an independent family liaison—someone not employed by the agency involved in the death.
- **Guaranteed access to grief counseling and emergency stipends from the Vermont Victim Compensations Fund**, especially for next of kin, who are often responsible for navigating aftermath logistics.
- **Disclosure timelines for investigative findings**, with at least 72-hour advance family notice before public release.
- And finally, a **right to know what scene a victim's family are walking into**. In our case, we were told Scott's apartment was "cleared." We found blood, bandages, bullet holes, and unlocked doors. No one should be retraumatized like that.

Before I close, I want to make sure that we acknowledge those people and organizations that have been so helpful to us—hopeful examples of success in an otherwise bleak story. We are deeply grateful for:

- Wilda White and Mad Freedom Advocates

- Willoughby Carlo, Peer Support Specialist at Health Care and Rehabilitative Services
- Elizabeth Bridgewater, Executive Director of the Windham/Windsor Housing Trust, who gave my mother and brother a beautiful home at Putney Landing
- Legislators Michelle Bos Lun, Hashim Nader, and Leslie Goldman, who reached out to help and talk about ways to help Vermont change
- Shea Witzo, an independent advocate and activist who helped our family in innumerable ways.
- And the 322 people from around the country who paid to help cremate and bury my brother by contributing to my mother's GoFundMe.

I want you all to know: I live each day with the horrific guilt that I, literally and figuratively, drove my brother to his own murder. We spent 3 days together on our trek from Memphis two weeks before, talking about his enthusiasm for spending holidays with our sister again, his hope of finding a new band to play with, and his desire to find love with a girlfriend.

And in our very last conversation, I pleaded with him—no, I insisted—that he reach out for help here, that he was no longer in Memphis, that he was someplace safe.

He did just that.

And four days later, he was dead. The drumbeat of Scott's life had come to an end.

Recommended policies presented to Vermont Truth and Reconciliation Commission.

1. Codify State Directives into Statute.

Problem: Vermont's directives for law enforcement response to individuals in mental health crises were designed to prioritize de-escalation, time, and care over force. These principles were developed in part following the 2016 police killing of Phil Grenon in Burlington, a case that led to widespread calls for reform. The Vermont State Police adopted key directives, instructing officers to: (1) avoid forced entry unless there is an imminent risk to others (2) use time, distance, and containment to reduce confrontation, (3) allow mental health professionals to lead crisis engagement when present, (4) involve natural supports such as family or known contacts to calm the individual, and (5) center every tactical decision on the sanctity of life. These guidelines are considered national best practices and are supported by the Vermont Criminal Justice Council's use-of-force policies. Each of these directives appear to have been violated, in all or in part, in the case of Scott Garvey.

These directives are not enforceable by law—they are policies without statutory weight. Their violation carries no formal consequence unless incorporated into state statute or subject to external review, which is why codifying them is important.

Proposal:

- Convert the existing mental health crisis response directives into **statutory law**.
- Establish **legal accountability** for any law enforcement agency or officer that violates these statutes.

- Require documentation and external review if force is used in a manner that deviates from these protocols.

2. Mandatory Mental Health Crisis Training and Certification

Problem: Officers often lack adequate training to recognize or humanely manage a mental health crisis. Their orientation toward **compliance over care** often-times makes them ill-suited as primary responders in such cases. They spend more time being trained in traffic ticket management than in handling mental health crises

Proposal:

- Enhance and mandate annual, **certified training** for all law enforcement in:
 - De-escalation
 - Disability justice
 - Trauma-informed care
 - Use-of-force policy specific to mental health
- Include **first-person experience voices** in curriculum development.

3. Independent Victim Advocacy and Grief Ethics Protections

Problem: The designated Victim Advocate in Scott's case was **employed by the State Police**—the very agency responsible for his death. She attempted to get my mother and sister to give statements in the middle of the night immediately after finding out about his homicide. She took notes during trauma-filled conversations to inform the investigation and **withheld services** once the family considered legal action. She communicated to the family that the home was “clear” for the 84-year-old mother to return, knowingly withholding information as to the extent of her son's blood and bodily fluids on the floors and walls, multiple bullet holes, and a ransacked apartment. She was in a highly

conflicted position and entirely unable to provide the Victim Advocate services that are meant to be delivered, a violation of basic trauma-informed standards.

Proposal:

- Create and fund an **independent victim advocacy office**. In no case should the agency responsible for a homicide be providing Victim Advocacy services.
- Require guaranteed access to state-funded resources from the **Vermont Victim Compensation Fund** regardless of legal intent. Currently, the victim's family is being told that the state's Victim Compensation Fund will be unavailable for them unless an "unjustified" finding is declared (which has never occurred in VSP history.)
- Develop a victims' "grief ethics" code (no midnight interviews, no investigative notetaking during acute trauma, no services withdrawn due to potential litigation).
- Authorize a dedicated navigator to help families access benefits, workplace leave, disability supports, and civil legal resources.

4. State Responsibility for Crime Scene Cleanup in State-Involved Deaths

Problem: Scott Garvey's family returned to find his home covered in blood, bodily fluids, bloody clothing, his dentures, used gauze and bandages, and multiple bullet holes—despite being told it was "cleared" and available to re-entry by Scott's mother. VSP failed to secure the scene of the homicide, leaving the back door broken and unlocked, with a still-wet and blood-filled scene and multiple prescription drugs—and all Scott and his mother's possessions—open to the neighbors. The family had to enter the scene on their own to retrieve medicine and other items in anticipation of the funeral and had to pay for the legally required biologic cleanup themselves (\$5,000) and were threatened with

loss of their security deposit (\$800) as the result of multiple bullet holes left by VSP.

Proposal:

- Require that the **State of Vermont fund and coordinate professional crime scene cleanup** within 48 hours following any fatal use of force by law enforcement in a private residence.
- Require the state to **inform the victim's family what they will confront** when re-entering their home and prohibit declaring a home "clear" until it is safe and professionally remediated at the direction of the law enforcement agency that is responsible.
- **State-funded biohazard cleanup** and repairs within 48 to 72 hours; include decontamination, bullet-hole repair, and repainting.
- Housing protections: a **Relocation & Restoration Fund** to cover rent during remediation; lease termination without penalty, security-deposit replacement, and moving/storage costs. Landlords barred from passing law-enforcement-caused damages to tenants; landlords compensated by the state fund.

5. State-Funded Cremation and Burial for Victims of State-Involved Homicide

Problem: The Garvey family had to raise credit card limits and were told by their Victim Advocate to mount a GoFundMe to raise funds to claim and cremate their son's body, which would not be released without payment—despite no wrongdoing on his part.

Proposal:

- Mandate that the **State of Vermont pay for burial or cremation** in all cases where an unarmed civilian is killed

during a mental health crisis by state law enforcement, with rapid-release vouchers so families aren't front costs.

- Right to an independent autopsy (state-funded, including transport) and a consultation to explain ME findings in plain language.
- Timelines: autopsy and toxicology completion and family disclosure windows (e.g., preliminary within 7–10 days; final within 30–60 days, absent documented cause to extend).

6. Legislative Oversight and Independent Investigations

Problem: Current investigations are entirely internal or conducted by the Attorney General, with delayed public accountability. Families can be left without independent recourse or information for months or years.

Proposal:

- Pass a **joint resolution** to launch an **independent legislative investigation** into the killing of Scott Garvey.
- Empower a legislative committee to review compliance by VSP with Vermont's de-escalation directives and recommend additional statewide reforms to prevent additional law enforcement shootings.

7. Timely Notice and Transparency for Victims

Problem: The circumstances of Scott's murder are currently under investigation. We have been told that this investigation will take between 6 and 18 months. Our formal requests to have 72-hour notice prior to the announcement of these findings have gone unanswered. VSP currently hold my mother's cell phone in evidence—she was unable to access medical prescriptions, doctors phone numbers, or members of her and Scott's family.

Proposal:

- Fast-track disclosure to next of kin: body-worn camera footage (with a private viewing right), 911 calls, CAD logs, affidavits/warrants, and key reports, with presumptive deadlines (e.g., 30 days) and a narrow, reviewable exception process.
- Public transparency clock: publish dates for each release milestone (footage, reports) on a state site; missed deadlines automatically trigger legislative notice.
- Enact a family right to be notified before any evidence is destroyed and 72-hour notice of any announcements or media releases by the state.
- Personal property inventory/return: documented chain of custody; decontamination or replacement of contaminated items; fixed timelines for returns not held as evidence.