

PHILIP B. SCOTT  
Governor



State of Vermont  
OFFICE OF THE GOVERNOR

July 13, 2020

Vermont General Assembly  
115 State Street  
Montpelier, Vermont 05633

Dear Legislators:

Today, I signed S. 219, *An act relating to addressing racial bias and excessive use of force by law enforcement*. Exactly eight weeks ago today, this country watched the murder of George Floyd under the knee of an officer who was supposed to serve and protect all people. Tragically, this is something we have seen far too many times. But this time Americans from all walks of life have come together to say, “enough is enough.”

And while Vermont has committed to fair and impartial policing for years, there is clearly more work to be done.

This is a pivotal moment for meaningful change and legislative action needed to occur quickly. I know it was difficult to take on these complex issues under the time constraints during this unprecedented pandemic, and with the understanding that we must continue to strengthen and refine this bill.

With this in mind, I ask the Legislature to do more, by revisiting and refining parts of this now-enacted law, including:

- Enhance Section 2 to limit access to criminal justice training, as well as grants, when law enforcement agencies and constables fail to comply with race data and use of force reporting requirements, to ensure robust accountability.
- Clarify language in Section 5 regarding the circumstances under which certain conduct could result in disciplinary action by the Criminal Justice Training Council.
- Revisit Section 6 and the new crime it creates. The language passed creates strict criminal liability without regard for legitimate circumstances in which lethal force may be necessary. Vermonters should understand neck restraints are not currently part of a law enforcement officer’s training and are prohibited as a matter of policy in Vermont.
- Revisit Section 7 to conform with the details and scope of the body camera program now fully under way within the Department of Public Safety and Vermont State Police. As written, the provision is unclear in its intent with reference to “video-recording devices,” as well as overly-broad, requiring cameras to be worn by many personnel not providing street-level or uniformed emergency response, such as undercover officers or officers interviewing juvenile sex crimes victims.

Vermont General Assembly  
July 13, 2010  
Page Two

For our part, the Administration will also do more and continue to advance additional proposals we have put forward.

In January, for example, the Department of Public Safety put forth an outline for modernizing policing and public safety in Vermont, which is based, in part, on more than 50 years of studies, reports, and legislative drafts. In June, together with law enforcement and community leaders, the Department drafted a comprehensive 10-part strategy to accelerate progress not only in the areas this bill intends to address, but also the organization of state law enforcement operations, modernizing our data collection and reporting technology; expanding alternative crisis response methodologies such as field mental health workers; providing enhanced statewide model policies in key areas; modernizing hiring practices, training and supervisor selection; developing community oversight models; and more.

In the weeks ahead, we will partner with communities, seeking input and participation to achieve the goals outlined in the 10-part strategy, and move forward on these initiatives. It is especially important these efforts be informed and co-led by communities, particularly those communities that have been historically marginalized or harmed by policing, to work towards equitable processes that ensure equitable outcomes.

It is my hope in the coming months you will also take up, and ultimately present to me, some of the items included in S.124, which did not make it to my desk, such as:

- Additional training modernization;
- Updates to the makeup of the Law Enforcement Advisory Board;
- Additional statewide policy reviews and updates including, but not limited to, use of force and use of body worn cameras; and
- Models of community oversight for law enforcement agencies.

To further expedite this timely and important work, my team is contemplating whether executive authority may be a faster path to accomplish many of the modernization initiatives we have proposed.

Thank you for your work on these important issues.

Sincerely,



Philip B. Scott  
Governor

PBS/kp

c: The Honorable Mitzi Johnson, Speaker of the House  
The Honorable Tim Ashe, President Pro Tempore  
The Honorable David Zuckerman, Lt. Governor  
The Honorable William MaGill, Clerk of the Vermont House of Representatives  
The Honorable John Bloomer, Secretary of the Vermont Senate