

PHILIP B. SCOTT
GOVERNOR



State of Vermont
OFFICE OF THE GOVERNOR

October 7, 2020

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State House
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Today, I am allowing S.119, *An act relating to a statewide standard and policy for law enforcement use of force* to become law without my signature.

I share the goals and recognize the importance of, and need for, strengthening our use of force policy to protect our citizens and law enforcement officers alike.

I also know the law enforcement community includes some of the best among us – those who are willing to risk their own safety to protect others, and who often run toward danger when many of us would run from it. And I believe, by and large, our law enforcement officers and leaders are committed to the reform work necessary to achieve racial equity and helping to develop policies and training that ensure equal treatment, protection, and safety for all.

Vermont has been working hard to address racial disparities in policing. It was the Vermont State Police that led the State in the development of Fair and Impartial Policing policy. To continue to move this work forward, my Commissioner of Public Safety, who is committed to progressive policing, presented a framework for modernizing law enforcement in January which we will continue to pursue. In the budget, the Legislature supported my initiative to embed mental health workers in every barracks, an approach which has proven effective in pilots throughout the State. But there is clearly much more work to do.

2020 has reminded us that systemic racism is deeply rooted in our nation's institutions. In many parts of the country we continue to see cases of racial discrimination in law enforcement and disproportionate use of force on BIPOC communities, persons with disabilities, and other vulnerable populations. Again, we have acted in this area, but Vermont is not immune, and we must do more.

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I know we can do better and be an example for the nation, as we have in so many other areas.

I understand the pandemic and remote work made it difficult for the Legislature this year. This may be why the bill was hastily crafted with insufficient opportunity for the full Legislature to understand the concerns and opportunities offered by both historically disadvantaged communities and public safety officials. For example, there are important terms which remain undefined and there are gaps in the legislation that raise questions about the Legislature's intent.

For Vermont to be a leader in setting a modernized and enhanced standard for law enforcement use of force, we must work together to do so in a way that is clear and can be implemented fully and effectively in the field.

I believe with more time – and more testimony from all impacted communities – this bill can be improved before it goes into effect. Specifically, let's work to define more clearly the "necessary and proportional" terms that guide this standard, revise the standard to consider all uses of force for more consistency, and reevaluate the timeline and provide resources to ensure proper implementation and training.

While the need for action, and for change, is vital, I want to emphasize again that the vast majority of our law enforcement officers are committed to this important work. I also understand the requirements of this law, and the uncertainty it creates, may feel overwhelming to them; and that they are frustrated it was passed without consideration of the time and resources needed for training. I hear those concerns, and – again – I ask lawmakers to work with me to improve this bill in January.

In the words of Ruth Bader Ginsburg, let's work together to "fight for the things (we) care about, but do it in a way that will lead others to join (us)." I believe we can do just that with this legislation. But that requires all voices to be at the table. That is how we will achieve meaningful change. I'm committed to doing so, I hope you are too.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip B. Scott". The signature is stylized and includes a long horizontal flourish extending to the right.

Philip B. Scott
Governor

PBS/kp