

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

Bill Number: S.182 Name of Bill: An act relating to the disclosure of a grand jury decision involving actions committed by a law enforcement officer

Agency/Dept: VSP Author of Bill Review: Lt. Jeffrey R. Danoski

Date of Bill Review: 1/21/2016 Related Bills and Key Players: Sen. Dick Sears

Status of Bill: (check one)

☒ Upon Introduction ☐ As passed by 1<sup>st</sup> body ☐ As passed by both bodies

Recommended Position:

☐ Support ☐ Oppose ☒ Remain Neutral ☐ Support with modifications identified in # 8 below

**Analysis of Bill**

1. **Summary of bill and issue it addresses.** This Bill proposes to permit disclosure of the decision when a grand jury does not return a true bill in a matter involving actions committed by a law enforcement officer.
2. **Is there a need for this bill?** Under the current Public Records Laws and current Grand Jury Rules and Laws of Procedure, it cannot be disclosed when a grand jury delivers a no true bill.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** None.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** None.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** None.
6. **Other Stakeholders:**

6.1 Who else is likely to support the proposal and why?

I reached out to the Vermont Association of Chiefs of Police for their input and position on this Bill over a week ago. I received no response.

I reached out the Vermont Sheriff's Association to get their input and position over a week ago. I have received no response from them.

I reached out to the Director of the Vermont Department of State's Attorneys and Sheriff's. The Director, David Cahill, advised the following: My recommendation is that you reach out to AG Criminal Division Chief John Treadwell. We as State's Attorneys don't do a large number of grand juries in officer-involved shootings (the main topic of this bill) because of the potential for conflict of interest, or at least the appearance of a conflict. As a result the AG Criminal Division handles most of the cases that this bill would cover. I suspect they were involved in the drafting of this bill.

I spoke with Assistant Attorney General, John Treadwell, who is Chief of the Vermont Attorney General's Criminal Division. Treadwell advised that the Attorney General supports this Bill and the language contained in the Bill. He advised that they actually proposed the language in the Bill several years ago. Treadwell further advised that under the current Public Records Laws and the current Grand Jury Rules and Laws of Procedure, it cannot be disclosed when the grand jury delivers a "No True Bill" in these cases. Treadwell went on to advise that public interest is great in these areas and this Bill would assist in advising the public. It should be noted that Treadwell advised that all that would be disclosed under this Bill is the outcome. None of the testimony or what happened in the grand jury would be disclosed. That information would remain confidential.

**6.2 Who else is likely to oppose the proposal and why?** None.

- 7. Rationale for recommendation:** Under the current laws, this information cannot be released. There is great public interest in these matters. It would further "transparency" under the FOIA and Public Records Laws. This Bill would aid in informing the public and establishing public confidence in the process, while maintaining the integrity of the grand jury process and keeping confidential the testimony and what actually happened in the grand jury.
- 8. Specific modifications that would be needed to recommend support of this bill?** N/A
- 9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** N/A

**Secretary/Commissioner has reviewed this document**



**Date:** 2/1/16