

**Criminal Justice Council
Vermont Police Academy**
317 Academy Road
Pittsford, VT 05763
www.vcjc.vermont.gov

[phone] 802-483-6228
[fax] 802-483-2343

Office of the Executive Director

To: Law Enforcement Agencies
Fr: Vermont Criminal Justice Council
Re: Mental Health Calls and the Use of Force Policy
Date: July 11, 2023

The Statewide Policy on Police Use of Force has been in effect for 20 months. Last month, the Council updated language in Appendix D¹ to align with statutory requirements. Over the past few months, we have received feedback from our community mental health partners regarding the policy, and how the Use of Force Policy may be impacting law enforcement's response to mental health calls.

Emergency Services Directors from Vermont designated community mental health agencies have reported to the Department of Public Safety that some municipal law enforcement agencies have adopted "blanket policies" to not respond if the crisis involves a person with a mental health condition or an intellectual or developmental disability. The Emergency Services Directors found this to be a significant change from the joint law enforcement and mental health responses that they had experienced prior to the implementation of the Statewide Policy on Police Use of Force. According to the Emergency Services Directors, the agencies have cited the statewide Use of Force Policy as justification for denying a response to calls for service involving mental health issues.

Other than the prohibition of lethal force "against a person who is only posing a threat to their own life and no other²," the Use of Force policy does not restrict in anyway an agency's, or officer's, response to a call involving a person with a mental health condition or an intellectual or developmental disability. Appendix D of the Use of Force Policy provides guidelines for interacting with persons experiencing mental impairment. The guidance is focused on balancing any known information regarding a person's mental state and the appropriate use of force, if needed, given the totality of the circumstances.

The Statewide Use of Force Policy does not prescribe what type of calls merit a law enforcement response. Each call is unique and should be addressed based on the particular facts and circumstances of the incident. When appropriate, agencies are encouraged to consider a joint response to calls for service with other first responders, including EMTs and mental health crisis specialists.

¹ Statewide Policy on Police Use of Force, Appendix D, Section VI Special Situations, pg. 31.

² Statewide Policy on Police Use of Force, Section 4: Lethal Force, Lethal Force Restrictions, pg. 11.



We encourage all agencies to discuss your concerns, if any, to responding to mental health calls with your respective mental health services partners.

It is important to note that a policy or practice to not respond to calls for service because of an individual's perceived mental health condition or developmental disability may violate the Americans with Disabilities Act (ADA).

This information is not legal advice and is not a substitute for the advice of an attorney. If you require legal or other expert advice regarding this topic, you should seek the services of a competent attorney or other professional.

This information is a guide only and shall not be construed as creating any substantive or procedural rights enforceable at law by any party in any civil, criminal, or administrative matter. This information shall not be construed as creating a higher legal standard of care with respect to third party claims.