

STATE OF VERMONT

SUPERIOR COURT
Washington Unit

CIVIL DIVISION
Docket No. _ - _ - _

MARINA BROWN – VTLEAKS.ORG,
Plaintiff,
V.
VERMONT STATE POLICE,
STATE OF VERMONT DEPARTMENT
OF PUBLIC SAFETY
JENNIFER MORRISON – COMMISSIONER
STATE OF VERMONT DEPARTMENT
OF PUBLIC SAFETY ET AL.
Defendants.

COMPLAINT

The plaintiff, Marina Brown, is the main person running the transparency site ‘vtleaks.org’ which seeks to promote governmental transparency by filing pertinent public records requests and publishing the results for all to see. Plaintiff filed 2 related Public Records Requests (PRR’s) on March 12 2026 which were denied in full in violation of the Public Records Act 1 V.S.A. §§ 315-320.

PARTIES

1) Marina Brown is the person who made the public records requests while residing in Orleans County Vermont. Most of the public records requests made by Ms Brown are posted to <https://vtleaks.org>.

2) The STATE OF VERMONT DEPARTMENT OF PUBLIC SAFETY is an agency within the State Government as defined by 1 V.S.A. § 317(a)(2). This agency may be referred to as DPS or VSP (Vermont State Police) in the remainder of this complaint.

3) JENNIFER MORRISON is the commissioner of the Department of Public Safety for the state of Vermont at whose directions all decisions regarding public records are made.

JURISDICTION AND VENUE

4) The Court's jurisdiction over this matter arises from 1 V.S.A. § 319. Venue in Washington County Superior Court is established by statute. Id.

FACTUAL ALLEGATIONS

5) On 12 Mar 2026 the plaintiff filed a public records request (Exhibit 1) regarding the inventory of less lethal crowd control munitions and devices (also referred to as crowd control munitions or crowd control) held by the Vermont State Police, purchase orders to usual sources of materiel, and documentation of acquisition from other sources, of less lethal munitions and crowd control equipment from March 11 2025 to March 30 2026 (or the date this request is fulfilled if before March 30 2026)¹

6) Later in the day the plaintiff followed up with an additional Public Records Request adding LRADS (Long Range Acoustic Devices) (Exhibit 2). Plaintiff asked for inventory, correspondence regarding acquisition of these munitions and vendors.²

1 A true and correct copy of the request is attached as Exhibit-1-PUBLIC-RECORDS-REQUEST--VERMONT-STATE-POLICE--NON-LETHAL-MUNITIONS.pdf

2 A true and correct copy of the request is attached as Exhibit-2-PUBLIC-RECORDS-REQUEST--VERMONT-STATE-POLICE--SONIC-WEAPONS.pdf

7) On April 21 2026 plaintiff received an email from Sam Weaver stating that the 2 Public Record Requests (PRR's) were denied (Exhibit 3).³

8) On 22 Apr 2026 Plaintiff appealed the first denial by sending an email to Sam Weaver (Exhibit 4).⁴

9) On 30 April 2026 plaintiff received a blanket denial of all requested information from Jennifer Morrison Commissioner Vermont Department of Public Safety. (Exhibit 5)⁵

PUBLIC RECORDS ACT

10) Article Six of the Vermont Constitution provides that, because power is “originally inherent in and co[n]sequently derived from the people,” all government officials are “at all times, in a legal way, accountable to them.”⁶ The Vermont Public Records Act was created to allow the public to exercise its right to oversee and hold government officials accountable.⁷ The purpose of the Act, stated in 1 V.S.A. § 315, is as follows:

“It is the policy of this subchapter to provide for free and open examination of records consistent with Chapter I, Article 6 of the Vermont Constitution. Officers of government are trustees and servants of the people and it is in the public interest to enable any person to review and criticize their decisions even though such examination may cause inconvenience or embarrassment. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Consistent with these principles, the General Assembly hereby declares that certain public records shall be made available to any person as hereinafter provided. To that end, the provisions of this subchapter shall be liberally construed to implement this policy, and the burden of proof shall be on the public agency to sustain its action.”⁸

11) The Vermont Supreme Court has repeatedly stated that the PRA must be construed

3 A true and correct copy of the denial is attached as Exhibit-3-PRA-Request-re-Less-Lethal-Munitions-and-Crowd-Control-Equipment.pdf

4 A true and correct copy of this email is attached as Exhibit-4-Re_PRA-Request-re-Less-Lethal-Munitions-and-Crowd-Control-Equipment1.pdf

5 A true and correct copy of this denial is attached as Exhibit-5-04-30-26 Brown Appeal Response-1.pdf .

6 Vt. Const. ch. I, art. 6.

7 1 V.S.A. § 315(a)

8 1 V.S.A. § 315(a)

liberally in favor of disclosure.⁹ Exceptions to disclosure must be construed “strictly against the custodians of the records and any doubts should be resolved in favor of disclosure.”¹⁰ The agency bears the burden of justifying withholding the requested records.¹¹ One such exception allows public officials to withhold records that are relevant to litigation to which the public agency is a party of record.¹² A broad interpretation of this exemption severely harms the public’s right to review and criticize government officials by cutting off “valuable information not only to the parties to the litigation, but to all Vermonters[.]”^{13 14}

12) The Public Records Act derives its authority from the First Amendment

“Although we base our decision in this case upon statutory rather than constitutional grounds, we are operating in the shadow of the First Amendment. Pursuant to the First Amendment, it is generally recognized that the public and the media have a constitutional right of access to information relating to the activities of law enforcement officers and to information concerning crime in the community. See, e.g., *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186 (Tex.Ct. App. 1975).”¹⁵

13) Quis custodiet ipsos custodes? —Juvenal, Satire VI, lines 347—48

As stated in *The Stowe Reporter, LLC v. Town of Stowe*:

“The undercurrent to the present legal analysis is captured in Mr. Calvin and the Stowe Reporters’ filings concerning the need for the public to have information regarding the conduct, administration, and performance of local government and local government agencies. As stated above, the Mr. Calvin’s and the Stowe Reporters’ position is: Who watches the watchmen? They would posit that it is openness, public awareness, and access to information for the benefit of the general public that does this work by dispelling rumor, myth, conjecture, and conspiracy with the cold hard facts of objective reporting and good government process.”

The tradition since the ending of the secret “Star Chamber” Courts in Britain has been towards increasing transparency as the light of day sterilizes many of the ills related to the abuse of power.¹⁶

⁹ See, e.g., *Price v. Town of Fairlee*, 2011 VT 48, ¶ 13

¹⁰ 1 V.S.A. § 315(a).

¹¹ 1 V.S.A. § 315(a).

¹² 1 V.S.A. § 317(c)(14).

¹³ *Shlansky v. City of Burlington*, 2010 VT 90, ¶ 12.

¹⁴ Much of this section is from Vermont Journalism Trust 2020

¹⁵ *Caledonian Record Publishing Co v. Walton* 1990

¹⁶ *The Stowe Reporter, LLC v Town of Stowe*

14) It is in the public's interest to know how much is spent on various munitions as they are taxed in order to pay for this materiel.

15) It is in the public's interest to know with whom the state is doing business.

16) The Public Records Act defaults towards openness and transparency. As was argued in *The Stowe Reporter, LLC v Town of Stowe*:

"The Vermont Supreme Court has repeatedly stated that the PRA must be construed liberally in favor of disclosure.¹⁷ Exceptions to disclosure must be construed "strictly against the custodians of the records and any doubts should be resolved in favor of disclosure." The agency bears the burden of justifying withholding the requested records. One such exception allows public officials to withhold records that are relevant to litigation to which the public agency is a party of record.¹⁸ A broad interpretation of this exemption severely harms the public's right to review and criticize government officials by cutting off "valuable information not only to the parties to the litigation, but to all Vermonters[.]"¹⁹

Claims

Count I.

Violation of Vermont Public Records Law, 1 V.S.A. §§ 315–320

17) This section incorporates all the information set forth above.

18) The defendant issued a blanket denial of plaintiff's public record request when it was legally mandated to release some or all of the requested information.

19) The Vermont Department of Public Safety also known as Vermont State Police has public records in its possession including but not limited to: inventory records and emails regarding the acquisition of crowd control tools it could make accessible to the public by inspection or copying.

¹⁷ See, e.g., *Price v. Town of Fairlee*, 2011 VT 48, ¶ 13.

¹⁸ 1 V.S.A. § 317(c)(14).

¹⁹ *Shlansky v. City of Burlington*, 2010 VT 90, ¶ 12.

20) Sam Weaver for the VSP made the following erroneous claim:

“1 V.S.A. § 317(c)(32), which provides that records are exempt from public release and copying if public disclosure of "the information contained in the record would present a substantial likelihood of jeopardizing the safety of persons or the security of public property";”

It is hard to imagine how informing the public of the details of munitions that were openly seen on videos the VSP released would jeopardize the safety of persons or the security of public property. It is not a secret how these tools are used. There are no patented ‘7 herbs and spices’ in the application of force in crowd suppression.

21) Sam Weaver for the VSP made the following erroneous claim:

“1 V.S.A. § 317(c)(25), which provides that "passwords, access codes, user identifications, security procedures, and similar information, the disclosure of which would threaten the safety of persons or the security of public property" are exempt from public release.”

Plaintiff did not request passwords, access codes or user identifications. Additionally, plaintiff did not request security procedures, only information regarding the purchase of these crowd control munitions. It is a big stretch to claim that knowing the exact details about well known munitions would threaten the safety of persons or the security of public property. Plaintiff would not object to redaction on these grounds but the bulk of the Public Records Request would not be effected by this exemption.

22) Upon appeal to the Commissioner she denied the request citing Government Accountability Project v. Central Intelligence Agency, 548 F.Supp.3d 140 (D.D.C. 2021). Government Accountability Project v. Central Intelligence Agency regards a confirm or deny request regarding Nuclear cooperation in the Middle East. Vermont State Police well known purchases of pepper spray and pepper balls hardly rise to the relevancy of nuclear devices and if the VSP possesses nuclear devices this would be a major concern for the public not only in Vermont but in neighboring territories. A Glomar Response is not appropriate when regarding petty crowd control munitions.

23) The Commissioner also cited Levinthal v. Federal Election Commission which addresses a public records request for a document that assesses the vulnerabilities of election software. Plaintiff is not asking for any software or software vulnerabilities, nor is she asking for details of how crowd control munitions are stored or used. The way these munitions are used is common knowledge. There is no secret sauce with regards to crowd control munitions. Revealing the models is no risk as these munitions have been carried openly. Revealing the vendors is in the public interest to know with whom the state is doing business. Revealing the cost per unit and the total cost is in the public's interest as the public pays taxes to purchase these devices. Plaintiff will accept redaction of documents with training information or strategy.

Remedies

Wherefore, Plaintiff Marina Brown respectfully requests:

A) That the Court order Jennifer Morrison and The Vermont Department of Public Safety to provide promptly copies free of charge or access to all records responsive to Ms Brown's request;

B) That the Court order Jennifer Morrison and The Vermont Department of Public Safety to post copies of all records responsive to Ms Brown's request on their website in a way that is accessible to the public;

C) That the Court order Jennifer Morrison and The Vermont Department of Public Safety to pay all costs and attorney's fees with interest Marina Brown incurred in pursuing this action including but not limited to postage, copy fees and car mileage for travel required to copy and file this complaint;

D) That the Court provide whatever other legal or equitable relief it deems appropriate.

E) That the court order the VSP to deal with further Public Records Requests in good faith.

Dated at Charleston, Vermont this 9th day of June, 2026.

BY – Marina Brown
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