

1 Sec. 1. LEGISLATIVE INTENT; LAW ENFORCEMENT

2 INTERROGATION POLICIES

3 It is the intent of the General Assembly to prevent false confessions and
4 wrongful convictions of individuals subject to law enforcement interrogation;
5 to progress towards a total prohibition of the use of deception in all forms of
6 interrogation, and to ultimately improve trust between Vermont’s communities
7 and law enforcement. To achieve these objectives, it is the further intent of the
8 General Assembly to create a minimum set of law enforcement interrogation
9 standards that incorporate evidence-based best practices by:

10 (1) prohibiting law enforcement’s use of threats, physical harm, and
11 deception during interrogations of all persons consistent addressing the use of
12 deception during custodial interviews of juveniles; and

13 (2) mandating that the Vermont Criminal Justice Council develop,
14 adopt, and enforce a statewide model interrogation policy that applies to all
15 Vermont law enforcement agencies and constables exercising law enforcement
16 authority pursuant to 24 V.S.A. § 1936a.

17 Sec. 2. VERMONT CRIMINAL JUSTICE COUNCIL; MODEL

18 INTERROGATION POLICY

19 (a) On or before October 1, 2024, the Law Enforcement Advisory Board, in
20 consultation with and the Office of the Attorney General, shall collaborate to
21 create a model interrogation policy that applies to all persons juveniles subject

1 to ~~various forms of custodial~~ interrogation, ~~including the following~~. Such a
2 ~~model policy shall include the following~~:

3 ~~(1) custodial interrogations occurring in a place of detention; At a~~
4 ~~minimum, the model interrogation policy shall define “deception” as the~~
5 ~~knowing communication of false facts about evidence or unauthorized~~
6 ~~statements regarding leniency by a law enforcement officer to a subject of~~
7 ~~custodial interrogation.~~

8 ~~(2) custodial interrogations occurring outside a place of detention; The~~
9 ~~model interrogation policy shall also address the use of deception during the~~
10 ~~custodial interviews of juveniles.~~

11 ~~(3) interrogations that are not considered custodial, regardless of~~
12 ~~location; and~~

13 ~~(4) the interrogation of individuals with developmental, intellectual, and~~
14 ~~psychiatric disabilities; substance use disorder; and low literacy levels.~~

15 ~~(b) The model interrogation policy shall prohibit the use of physical harm,~~
16 ~~threats, and deception during custodial interrogations of all persons.~~

17 ~~(1) At a minimum, the model interrogation policy shall define~~
18 ~~“deception” as the knowing communication of false facts about evidence or~~
19 ~~unauthorized statements regarding leniency by a law enforcement officer to a~~
20 ~~subject of custodial interrogation.~~

1 ~~(2) The model interrogation policy shall also address other forms of~~
2 ~~interrogation involving persons under 20 years of age wherein the use of~~
3 ~~deception is prohibited.~~

4 ~~(c) The model interrogation policy shall prohibit any training of law~~
5 ~~enforcement officers that employs the use of deception, including the REID~~
6 ~~Technique of Investigative Interviewing and Advanced Interrogation~~
7 ~~Techniques.~~

8 ~~(d)(b)(1) On or before December 1, 2024, the Law Enforcement Advisory~~
9 ~~Board shall submit the model interrogation policy to the Joint Legislative~~
10 ~~Justice Oversight Committee and testify before the Committee.~~

11 (2) On or before January 1, 2025, the Vermont Criminal Justice Council,
12 in consultation with stakeholders, including the Agency of Human Services,
13 the Vermont League of Cities and Towns, and the Vermont Human Rights
14 Commission, shall update the Law Enforcement Advisory Board’s model
15 interrogation policy to establish one cohesive model policy for law
16 enforcement agencies and constables to adopt, follow, and enforce as part of
17 the agency’s or constable’s own interrogation policy.

18 Sec. 3. 20 V.S.A. § 2359 is amended to read:

19 § 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

20 COMPLIANCE; GRANT ELIGIBILITY

1 (a) On and after January 1, 2022, a law enforcement agency shall be
2 prohibited from having its law enforcement applicants or officers trained by
3 the Police Academy or from otherwise using the services of the Council if the
4 agency is not in compliance with the requirements for collecting roadside stop
5 data under section 2366 of this chapter, the requirement to report to the Office
6 of Attorney General death or serious bodily injuries under 18 V.S.A.
7 § 7257a(b), or the requirement to adopt, follow, or enforce any policy required
8 under this chapter.

9 (b) On and after April 1, 2025, a law enforcement agency shall be
10 prohibited from receiving grants, or other forms of financial assistance, if the
11 agency is not in compliance with the requirement to adopt, follow, or enforce
12 the model interrogation policy established by the Council pursuant to section
13 2371 of this title.

14 (c) The Council shall adopt procedures to enforce the requirements of this
15 section, which may allow for waivers for agencies under a plan to obtain
16 compliance with this section.

17 Sec. 4. 20 V.S.A. § 2371 is added to read:

18 § 2371. STATEWIDE POLICY; INTERROGATION METHODS

19 (a) Definitions. As used in this section:

20 (1) “Custodial interrogation” has the same meaning as in 13 V.S.A.

21 § 5585.

1 (2) “Place of detention” has the same meaning as in 13 V.S.A. § 5585.

2 (b) Model policy contents.

3 ~~(1)~~ The Vermont Criminal Justice Council shall establish a model
4 interrogation policy that applies to all persons juveniles subject to various
5 forms of custodial interrogation, including the following. Such a model policy
6 shall include the following:

7 ~~(A)(1) custodial interrogations occurring in a place of detention;~~ At a
8 minimum, the model interrogation policy shall define “deception” as the
9 knowing communication of false facts about evidence or unauthorized
10 statements regarding leniency by a law enforcement officer to a subject of
11 custodial interrogation.

12 ~~(B)(2) custodial interrogations occurring outside a place of detention;~~
13 The model interrogation policy shall also address the use of deception during
14 the custodial interviews of juveniles.

15 ~~(C) interrogations that are not considered custodial, regardless of~~
16 location; and

17 ~~(D) the interrogation of individuals with developmental, intellectual, and~~
18 psychiatric disabilities; substance use disorder; and low literacy levels.

19 ~~(2) The model interrogation policy shall prohibit the use of physical harm,~~
20 threats, and deception during custodial interrogations of all persons.

1 ~~(A) At a minimum, the model interrogation policy shall define~~
2 ~~“deception” as the knowing communication of false facts about evidence or~~
3 ~~unauthorized statements regarding leniency by a law enforcement officer to a~~
4 ~~subject of custodial interrogation.~~

5 ~~(B) The model interrogation policy shall also address other forms of~~
6 ~~interrogation involving persons under 20 years of age wherein the use of~~
7 ~~deception is prohibited.~~

8 ~~(3) The model interrogation policy shall prohibit any training of law~~
9 ~~enforcement officers that employs the use of deception, including the REID~~
10 ~~Technique of Investigative Interviewing and Advanced Interrogation~~
11 ~~Techniques.~~

12 (c) Policy adoption and updates.

13 (1) On or before April 1, 2025, each law enforcement agency and every
14 constable who exercises law enforcement authority pursuant to 24 V.S.A.
15 § 1936a and who is trained in compliance with section 2358 of this title shall
16 adopt, follow, and enforce an interrogation policy that includes each
17 component of the model interrogation policy established by the Council, and
18 each law enforcement officer or constable who exercises law enforcement
19 authority shall comply with the provisions of an agency’s or a constable’s
20 policy.

1 (2) On or before October 1, 2025, and every odd-numbered year
2 thereafter, the Vermont Criminal Justice Council, in consultation with others,
3 including the Office of the Attorney General, the Agency of Human Services,
4 and the Human Rights Commission, shall review and, if necessary, update the
5 model interrogation policy.

6 (d) Compliance. To encourage fair and consistent interrogation methods
7 statewide, the Vermont Criminal Justice Council, in consultation with the
8 Office of the Attorney General, shall review the policies of law enforcement
9 agencies and constables required to adopt a policy pursuant to subsection (c) of
10 this section to ensure that those policies establish each component of the model
11 policy on or before April 15, 2025. If the Council finds that a policy does not
12 meet each component of the model policy, it shall work with the law
13 enforcement agency or constable to bring the policy into compliance. If, after
14 consultation with its attorney or with the Council, or with both, the law
15 enforcement agency or constable fails to adopt a policy that meets each
16 component of the model policy, that agency or constable shall be deemed to
17 have adopted and shall follow and enforce the model policy established by the
18 Council.

19 (e) Training. The Council shall incorporate the provisions of this section
20 into the training it provides.

21 (f) Reporting.

1 (1) Annually, as part of their training report to the Council, every law
2 enforcement agency and every constable who exercises law enforcement
3 authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with
4 section 2358 of this title shall report to the Council whether the agency or
5 constable has adopted an interrogation policy in accordance with subsections
6 (c) and (d) of this section. The Vermont Criminal Justice Council shall
7 determine, as part of the Council’s annual certification of training
8 requirements, whether current officers have received training on interrogation
9 methods as required by subsection (e) of this section.

10 (2) Annually, on or before July 1, the Vermont Criminal Justice Council
11 shall report to the House and Senate Committees on Judiciary regarding which
12 law enforcement agencies and officers have received training on interrogation
13 methods.

14 Sec. 5. EFFECTIVE DATES

15 This act shall take effect on July 1, 2024, except that Secs. 3 (council
16 services contingent on agency compliance; grant eligibility) and 4 (statewide
17 policy; interrogation methods) shall take effect on April 1, 2025.