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S.285

Senator Brock moves that the report of the Committee on Judiciary be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT; LAW ENFORCEMENT

INTERROGATION POLICIES

It is the intent of the General Assembly to prevent false confessions and wrongful convictions of individuals subject to law enforcement interrogation and to ultimately improve trust between Vermont’s communities and law enforcement. To achieve these objectives, it is the further intent of the General Assembly to create a minimum set of law enforcement interrogation standards that incorporate evidence-based best practices by:

(1) addressing the use of deception during custodial interviews of juveniles; and

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

1 Sec. 2. VERMONT CRIMINAL JUSTICE COUNCIL; MODEL
2 INTERROGATION POLICY

3 (a) On or before October 1, 2024, the Law Enforcement Advisory Board
4 and the Office of the Attorney General shall collaborate to create a model
5 interrogation policy that applies to juveniles subject to custodial interrogation.

6 Such a model policy shall include the following:

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

11 (2) The model interrogation policy shall also address the use of
12 deception during the custodial interviews of juveniles.

13 (b)(1) On or before December 1, 2024, the Law Enforcement Advisory
14 Board shall submit the model interrogation policy to the Joint Legislative
15 Justice Oversight Committee and testify before the Committee.

16 (2) On or before January 1, 2025, the Vermont Criminal Justice Council,
17 in consultation with stakeholders, including the Agency of Human Services,
18 the Vermont League of Cities and Towns, and the Vermont Human Rights
19 Commission, shall update the Law Enforcement Advisory Board’s model
20 interrogation policy to establish one cohesive model policy for law

1 enforcement agencies and constables to adopt, follow, and enforce as part of
2 the agency's or constable's own interrogation policy.

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

4 § 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

5 COMPLIANCE; GRANT ELIGIBILITY

6 (a) On and after January 1, 2022, a law enforcement agency shall be
7 prohibited from having its law enforcement applicants or officers trained by
8 the Police Academy or from otherwise using the services of the Council if the
9 agency is not in compliance with the requirements for collecting roadside stop
10 data under section 2366 of this chapter, the requirement to report to the Office
11 of Attorney General death or serious bodily injuries under 18 V.S.A.
12 § 7257a(b), or the requirement to adopt, follow, or enforce any policy required
13 under this chapter.

14 (b) On and after April 1, 2025, a law enforcement agency shall be
15 prohibited from receiving grants, or other forms of financial assistance, if the
16 agency is not in compliance with the requirement to adopt, follow, or enforce
17 the model interrogation policy established by the Council pursuant to section
18 2371 of this title.

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

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

2 § 2371. STATEWIDE POLICY; INTERROGATION METHODS

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

4 (1) “Custodial interrogation” has the same meaning as in 13 V.S.A.
5 § 5585.

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

7 (b) Model policy contents. The Vermont Criminal Justice Council shall
8 establish a model interrogation policy that applies to juveniles subject to
9 custodial interrogation. Such a model policy shall include the following:

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

14 (2) The model interrogation policy shall also address the use of
15 deception during the custodial interviews of juveniles.

16 (c) Policy adoption and updates.

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

1 each law enforcement officer or constable who exercises law enforcement
2 authority shall comply with the provisions of an agency's or a constable's
3 policy.

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

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

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

3 (f) Reporting.

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

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

17 Sec. 5. EFFECTIVE DATES

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