

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 285
3 entitled “An act relating to law enforcement interrogation policies” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. VERMONT CRIMINAL JUSTICE COUNCIL; MODEL
8 INTERROGATION POLICY

9 (a) On or before October 1, 2024, the Vermont Criminal Justice Council, in
10 consultation with the Office of the Attorney General, shall collaborate and
11 create a model interrogation policy that applies to all persons subject to various
12 forms of interrogation, including the following:

13 (1) custodial interrogations occurring in a place of detention;
14 (2) custodial interrogations occurring outside a place of detention;
15 (3) interrogations that are not considered custodial, regardless of
16 location; and

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

19 (b) On or before January 1, 2025, the Vermont Criminal Justice Council, in
20 consultation with stakeholders, including the Agency of Human Services, the
21 Vermont League of Cities and Towns, the Vermont Human Rights

1 Commission, and the Innocence Project, shall update its model interrogation
2 policy to establish one cohesive model policy for law enforcement agencies
3 and constables to adopt, follow, and enforce as part of the agency's or
4 constable's own interrogation policy.

5 Sec. 2. 20 V.S.A. § 2359 is amended to read:

6 § 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

7 COMPLIANCE; GRANT ELIGIBILITY

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

14 § 7257a(b), or the requirement to adopt, follow, or enforce any policy required
15 under this chapter.

16 (b) On and after April 1, 2025, a law enforcement agency shall be
17 prohibited from receiving grants, or other forms of financial assistance, if the
18 agency is not in compliance with the requirement to adopt, follow, or enforce
19 the model interrogation policy established by the Council pursuant to section
20 2371 of this title.

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

4 Sec. 3. 20 V.S.A. § 2371 is added to read:

5 § 2371. STATEWIDE POLICY; INTERROGATION METHODS

6 (a) As used in this section:

7 (1) “Custodial interrogation” has the same meaning as in 13 V.S.A.
8 § 5585.

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

10 (b) The Council shall establish a model interrogation policy that applies to
11 all persons subject to various forms of interrogation, including the following:

12 (1) custodial interrogations occurring in a place of detention;

13 (2) custodial interrogations occurring outside a place of detention;

14 (3) interrogations that are not considered custodial, regardless of
15 location; and

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

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

1 component of the model interrogation policy established by the Council, and
2 each law enforcement officer or constable who exercises law enforcement
3 authority shall comply with the provisions of an agency's or constable's
4 policy.

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

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

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

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

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

16 Sec. 4. EFFECTIVE DATES

17 This act shall take effect on July 1, 2024, except that Secs. 2 (council
18 services contingent on agency compliance; grant eligibility) and 3 (statewide
19 policy; interrogation methods) shall take effect on April 1, 2025.

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1 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE