

**Act No. 193 (S.184). Crimes and criminal procedures; public safety**

**An act relating to law enforcement policies on eyewitness identification and bias-free policing and on recording of custodial interrogations in homicide and sexual assault cases**

This act addresses law enforcement policies on the issues of eyewitness identification, bias-free policing, and custodial interrogations.

On or before January 1, 2015, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with 20 V.S.A. § 2358 is required to adopt an eyewitness identification policy with essential elements identified by the Law Enforcement Advisory Board. If a law enforcement agency does not adopt a policy by January 1, 2015 in accordance with this act, the model policy issued by the Law Enforcement Advisory Board shall become the policy of that law enforcement agency or constable. The Vermont Criminal Justice Training Council is required to report to the General Assembly on or before April 15, 2015 regarding law enforcement's adoption of eyewitness policies.

On or before September 1, 2014, every State, local, county, and municipal law enforcement agency, and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with 20 V.S.A. § 2358, is required to adopt a fair and impartial policing policy. The policy shall contain substantially the same elements of either the current Vermont State Police fair and impartial policing policy or the most current model policy issued by the Office of the Attorney General. On or before January 1, 2016, the Criminal Justice Training Council, in consultation with stakeholders, including the Vermont League of Cities and Towns, the Vermont Human Rights Commission, and Migrant Justice, is required to adopt a model fair and impartial policing policy. On or before July 1, 2016, all law enforcement must ensure its fair and impartial policing policy includes, at a minimum, the elements of the Criminal Justice Training Council policy. On or before October 15, 2014, and annually thereafter on April 1, the Criminal Justice Training Council shall report to the House and Senate Committees on Judiciary which departments and officers have adopted a fair and impartial policing policy, which policy has been adopted, and whether officers have received training on fair and impartial policing.

On or before September 1, 2014, every law enforcement agency shall collect roadside stop data. Law enforcement agencies are to work with the Criminal Justice Training Council with the goals of collecting uniform data, adopting uniform storage methods and periods, and ensuring that data can be analyzed. Roadside stop data, as well as reports and analysis of roadside stop data, will be public.

Finally, the act requires a custodial interrogation that occurs in a place of detention concerning the investigation of a homicide or sexual assault to be electronically recorded in its entirety. The Law Enforcement Advisory Board is required to develop a plan for the implementation of the recording provisions of the act and report its recommendations on or before October 1, 2014 to the Senate and House Committees on Judiciary.

Multiple effective dates, beginning on June 17, 2014