

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 250 entitled “An act relating to enhanced administrative and judicial
4 accountability of law enforcement officers” respectfully reports that it has
5 considered the same and recommends that

6 Sec. 1. 20 V.S.A. § 2366 is amended to read:

7 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARITAL
8 POLICING POLICY; ~~RACE~~ DATA COLLECTION

9 * * *

10 (e)(1) On or before September 1, ~~2014~~ 2022, every State, county, and
11 municipal law enforcement agency shall collect all data concerning law
12 enforcement encounters, including roadside stop data consisting of the
13 following:

14 (A) the age, gender, and race of the driver;

15 (B) the grounds for the stop;

16 (C) the grounds for the search and the type of search conducted, if
17 any;

18 (D) the evidence located, if any;

19 (E) the outcome of the stop, including whether physical force was
20 employed or threatened during the stop, and if so, the type of force employed
21 and whether the force resulted in bodily injury or death, and whether:

- 1 (i) a written warning was issued;
- 2 (ii) a citation for a civil violation was issued;
- 3 (iii) a citation or arrest for a misdemeanor or a felony occurred; or
- 4 (iv) no subsequent action was taken.

5 (2) Law enforcement agencies shall work with the Executive Director of
6 Racial Equity, the Criminal Justice Council, and a vendor chosen by the
7 Council with the goals of collecting uniform data, adopting uniform storage
8 methods and periods, and ensuring that data can be analyzed. Roadside stop
9 data, as well as reports and analysis of roadside stop data, shall be public.

10 (3) On or before ~~September~~ July 1, 2016 2023 and annually thereafter,
11 law enforcement agencies shall provide all data collected by the agency,
12 including the data collected under this subsection, to the Executive Director of
13 Racial Equity and the vendor chosen by the Criminal Justice Council under
14 subdivision (2) of this subsection or, in the event the vendor is unable to
15 continue receiving data under this section, to the Council. Law enforcement
16 agencies shall provide the data collected under this subsection in an electronic
17 format specified by the receiving entity.

18 (4) The data provided pursuant to subdivision (3) of this subsection shall
19 be posted electronically in a manner that is analyzable and accessible to the
20 public on the receiving agency's website and clear and understandable. ~~The~~
21 ~~receiving agency shall also report the data annually to the General Assembly.~~

1 (5) Annually, on or before July 1, all law enforcement agencies shall
2 report the data collected pursuant to subdivision (3) of this subsection to the
3 House Committee on Government Operations and the House and Senate
4 Committees on Judiciary. The report shall detail how the data is collected;
5 how the data is accessible; how the data is used by the law enforcement
6 agency; a review of the data to determine if additional data criteria is needed;
7 and any recommendations to improve data collection and use.

8 ~~(5)~~(6) As used in this subsection, “physical force” shall refer to the force
9 employed by a law enforcement officer to compel a person’s compliance with
10 the officer’s instructions that constitutes a greater amount of force than
11 handcuffing a compliant person.

12 * * *

13 Sec. 3. 13 V.S.A. § 5585 is amended to read:

14 § 5585. ELECTRONIC RECORDING OF A CUSTODIAL
15 INTERROGATION

16 (a) As used in this section:

17 (1) “Custodial interrogation” means any interrogation:

18 (A) involving questioning by a law enforcement officer that is
19 reasonably likely to elicit an incriminating response from the subject; and

20 (B) in which a reasonable person in the subject’s position would
21 consider ~~himself or herself~~ the person to be in custody, starting from the

1 moment a person should have been advised of ~~his or her~~ the person's Miranda
2 rights and ending when the questioning has concluded.

3 * * *

4 (b)(1) A custodial interrogation that occurs in a place of detention
5 concerning the investigation of a felony violation of ~~chapter 53 (homicide) or~~
6 ~~72 (sexual assault)~~ of this title shall be electronically recorded in its entirety.

7 (2) In consideration of best practices, law enforcement shall strive to
8 record simultaneously both the interrogator and the person being interrogated.

9 (c)(1) The following are exceptions to the recording requirement in
10 subsection (b) of this section:

11 (A) exigent circumstances;

12 (B) a person's refusal to be electronically recorded;

13 (C) interrogations conducted by other jurisdictions;

14 (D) a reasonable belief that the person being interrogated did not
15 commit a felony violation of ~~chapter 53 (homicide) or 72 (sexual assault)~~ of
16 this title and, therefore, an electronic recording of the interrogation was not
17 required;

18 (E) the safety of a person or protection of his or her identity; and

19 (F) equipment malfunction.

20 * * *

1 Sec. 9. STUDY ON DECEPTIVE AND COERCIVE METHODS OF LAW
2 ENFORCEMENT INTERROGATION; REPORT

3 (a) The Joint Legislative Justice Oversight Committee shall in its discretion,
4 select an organization, to submit a written report studying the use of deceptive
5 and coercive interrogation tactics employed by law enforcement in the State of
6 Vermont. In particular, the report shall study and provide recommendations:

7 (1) concerning when providing false facts about evidence to a suspect
8 during an interview conducted after the commission of a crime results in an
9 involuntary confession or admission to the crime;

10 (2) regarding when confessions or admissions to crimes procured by
11 providing a defendant with false facts should be inadmissible;

12 (3) concerning the appropriate age and circumstances to prohibit coercive
13 techniques in cases involving juveniles;

14 (4) concerning the use of the interrogation and interviewing techniques,
15 including the Reid Technique of Investigative Interviews and Advanced
16 Interrogation Techniques, by law enforcement; and

17 (4) and legislation, initiatives, or programs for the General Assembly and
18 law enforcement to consider to improve current practices.

19 (b) In preparation of the report, the Committee shall have the
20 administrative, technical, and legal assistance of its selected entity, the

1 Vermont Criminal Justice Council, the Council of State Government, and any
2 other stakeholders interested in assisting with the report.

3 Sec. 10. EFFECTIVE DATES

4 This act shall take effect on July 1, 2022.

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9 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE