



Vermont Children's Alliance

Every Child, Every Time

Providing Support and Advocacy for Vermont's Child Advocacy Centers

Dear Legislators:

In February (2024) the Vermont Children's Alliance submitted support and concerns for S. 285 that represented voices from more than 230 sworn police officers and deputies and all of the Child Advocacy Centers/Special Investigation Units in Vermont. At this time, we maintain the original questions and concerns for how this bill, if passed, will directly and negatively impact the work for law enforcement and crime victim survivors.

We are happy to support elements of Bill S.285 including the implementation of a new interview modality that is legally sound and evidence-based, that will allow law enforcement to obtain permissible, voluntary confessions. It is important that threats and physical harm are not part of any interview or interrogation.

Banning deceptive techniques at this stage, without implementing a new interview modality, leaves a large gray area that needs to be addressed prior to passing this element of the bill.

- Would police be able to conduct undercover work, online or in-person, if they are banned from using deception and a person asks, "are you a police officer?"
- Will police be able to suggest falsehoods or misrepresent information such as, "if there is a rape kit, will your DNA be present?" If they know there is not a rape kit?
- When does a situation become custodial in a school if an officer asks a child about vaping, suggests they know the child had done it (even though the officer was just guessing and the child isn't under arrest) but the child then confesses?

We collectively urge consideration for alternatives or exceptions that can be applied for sex crimes (or perhaps the Big 12), as Vermont has successfully demonstrated the use of deceptive techniques in several cases including *State v. Kolts (2018)*. Moreover, Vermont already practices suppressing confessions that are problematic.

We are you to consider taking necessary steps to implement an improved interview practice, prior to banning deceptive techniques. We advocate to include the following:

1. Identify and create an alternative interview technique(s) with a committee that includes qualified interviewers in Vermont, nationwide and international practices that are legally sound, and evidence-based, by December 2024.
2. Mandate statewide training for the technique by December 2025.
3. Create a committee to identify techniques for deception or misrepresentation that may be considered permissible and determine what, if any, additional legislative action is needed by July 2025.
4. Include the Child Advocacy Centers and Special Investigation Units throughout the process.

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Patti Randall, Executive Director, Vermont Children's Alliance

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DocuSigned by:

Samantha Prince, Windham County

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DocuSigned by:

Rebecca Duranleau, Executive Director, Washington County CAC/SIU

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DocuSigned by:

Julie Gaudette, Director Windsor County CAC/SIUs (2)

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DocuSigned by:

Ryan Bjerke, Executive Director, Orleans CAC/SIU

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DocuSigned by:

Executive Director Addison County CAC/SIU

Justin Castine, Executive Director, Bennington County CAC/SIU

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DocuSigned by:

Tracy Patnoe, Executive Director, Lamoille County CAC/SIU

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DocuSigned by:

Christopher St Cyr

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Christopher St. Cyr, Executive Direction, Caledonia SIU/CCAC

DocuSigned by:

Donna

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