



Vermont Police Association
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www.vtvpa.org

Benjamin Herrick
President

May 3, 2023

Re: S.6, An act relating to law enforcement interrogation policies

Senator Sears,

Please accept this letter on behalf of the Vermont Police Association (VPA) and its members across the State of Vermont with regards to S.6.

While we understand the original intent behind S.6, we feel the bill has become progressively worse and has reached a place where the VPA must oppose it. We understand the outsized impacts deception can have on younger individuals, and we take no issue with the prohibition against using such techniques on those under the age of 18. However, at this point the bill has gone too far and would only serve to further hinder law enforcement, allow many more crimes to go without consequence, and be a further disservice to victims. This proposal has morphed from its noble origin as a bill that would seek to prevent false convictions to a bill that is most likely to cause further trauma to victims of crime.

In the House committee there was discussion of this bill as being based in "brain-development science." This led to the perceived need for a rebuttable presumption that evidence acquired through the use of a ruse during interrogations of persons 18-21 years old would be inadmissible. The statement on brain development was expanded on to say that the legislature would need to look at many other laws and contemplate changing expectations for this same group of adults should we consider them to be "less than developed" in this context. We want young people to take responsibility for their actions, yet this bill now seems to ascribe them little or no responsibility for violating the law. This is the wrong message. Unfortunately, this is also an age group where bad decisions are disproportionately made. Those decisions can have real impacts on victims - victims who deserve closure.

Other Executive Committee Members

Secretary: Diane Shortsleeve (Ret.) Treasurer: Michael Major Sergeant-at-Arms: Tom Chennette
Executive Vice-Presidents: Chief George Merkel (Ret.), Christopher R. Hoar, Daniel B. Shea, Daniel J. Gilbert



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This legislature proposes with S.6 to address an injustice, but we must do so thoughtfully. The use of ruses when obtaining information from suspects has standing in case law. Any officer on the street will tell you that ruses can be an invaluable tool, often equalizing the playing field when a bad actor freely lies and misleads. Law enforcement must disclose when ruses are utilized, and the Judiciary has full oversight to decide if the statements can be used in a Court of Law. With custodial interviews already recorded, and that evidence available to the courts for their deliberation, the pitfalls of this legislation as passed by the House Judiciary Committee clearly outweigh the benefits your bill initially sought to provide.

The process of crafting this bill seems to have created a haphazard document that would do far more harm than good. As such, the Vermont Police Association asks you to use your authority to fix the problems now in this bill before allowing it to move to passage. The issue itself has merit, but we need every tool available to serve justice to victims of crime, especially violent crimes. They cannot be left behind by this legislation.

Respectfully,

Executive Board
Vermont Police Association

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