1	TO THE HOUSE OF REPRESENTATIVES:		
2	The Committee on Government Operations to which was referred Senate		
3	Bill No. 250 entitled "An act relating to law enforcement data collection and		
4	interrogation" respectfully reports that it has considered the same and		
5	recommends that the House propose to the Senate that the bill be amended by		
6	striking out all after the enacting clause and inserting in lieu thereof the		
7	following:		
8	Sec. 1. 20 V.S.A. § 2366 is amended to read:		
9	§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL		
10	POLICING POLICY; RACE DATA COLLECTION		
11	* * *		
12	(e)(1) On or before September 1, 2014 2022, every State, county, and		
13	municipal law enforcement agency shall collect all data concerning law		
14	enforcement encounters, including roadside stop data consisting of the		
15	following:		
16	(A) the age, gender, and race of the driver individual;		
17	(B) the grounds for the stop;		
18	(C) the grounds for the search and the type of search conducted, if		
19	any;		
20	(D) the evidence located, if any;		

1	(E) the outcome of the stop including whether physical force was
1	(E) the outcome of the stop, including whether physical force was
2	employed or threatened during the stop, and if so, the type of force employed
3	and whether the force resulted in bodily injury or death, and whether:
4	(i) a written warning was issued;
5	(ii) a citation for a civil violation was issued;
6	(iii) a citation or arrest for a misdemeanor or a felony occurred; or
7	(iv) no subsequent action was taken.
8	(2) Law enforcement agencies shall work with the Executive Director of
9	Racial Equity, the Criminal Justice Council, and a vendor chosen by the
10	Council with the goals of collecting uniform data, adopting uniform storage
11	methods and periods, and ensuring that data can be analyzed. Roadside stop
12	data, as well as reports and analysis of roadside stop data, shall be public.
13	(3) On or before September July 1, $2016 2023$ and annually thereafter,
14	law enforcement agencies shall provide all data collected by the agency,
15	including the data collected under this subsection, to the Executive Director of
16	Racial Equity and the vendor chosen by the Criminal Justice Council under
17	subdivision (2) of this subsection or, in the event the vendor is unable to
18	continue receiving data under this section, to the Council. Law enforcement
19	agencies shall provide the data collected under this subsection in an electronic
20	format specified by the receiving entity.

1	(4) The data provided pursuant to subdivision (3) of this subsection shall	
2	be posted electronically in a manner that is analyzable and accessible to the	
3	public on the receiving agency's website and clear and understandable. The	
4	receiving agency shall also report the data annually to the General Assembly.	
5	(5) <u>Annually, on or before July 1, all law enforcement agencies shall</u>	
6	report the data collected pursuant to subdivision (3) of this subsection to the	
7	House and Senate Committees on Government Operations and on Judiciary.	
8	The report shall detail how the data is collected, how the data is accessible,	
9	how the data is used by the law enforcement agency, a review of the data to	
10	determine if additional data criteria is needed, and any recommendations to	
11	improve data collection and use.	
12	(6) As used in this subsection, "physical force" shall refer to the force	
13	employed by a law enforcement officer to compel a person's compliance with	
14	the officer's instructions that constitutes a greater amount of force than	
15	handcuffing a compliant person.	
16	* * *	
17	Sec. 2. GIGLIO DATABASE; STUDY COMMITTEE; REPORT	
18	(a) Creation. There is created the Giglio Database Study Committee to	
19	study the appropriate structure and process to administer a database designed	
20	to catalogue potential impeachment information concerning law enforcement	
21	agency witnesses or affiants to enable a prosecutor to disclose such	

1	information consistently and appropriately under the obligations of Giglio v.		
2	United States, 405 U.S. 150 (1972), and its progeny.		
3	(b) Membership. The Giglio Database Study Committee shall be		
4	composed of the following members:		
5	(1) Two current members of the House of Representatives, not from the		
6	same political party, who shall be appointed by the Speaker of the House;		
7	(2) Two current members of the Senate, not from the same political		
8	party, who shall be appointed by the President Pro Tempore;		
9	(3) the Commissioner of the Department of Public Safety or designee;		
10	(4) the Executive Director of the Vermont Criminal Justice Council or		
11	designee;		
12	(5) the President of the Vermont Sheriffs' Association or designee;		
13	(6) the President of the Vermont Association of Chiefs of Police or		
14	designee;		
15	(7) the Executive Director of the Vermont Office of Racial Equity;		
16	(8) the Attorney General or designee; and		
17	(9) the Executive Director of the Department of State's Attorneys and		
18	Sheriffs or designee.		
19	(c) Powers and duties. The Giglio Database Study Committee shall study		
20	the appropriate structure and process to administer a law enforcement officer		
21	information database designed to facilitate the disclosure of potential		

1	impeachment information by prosecutors pursuant to legal obligations. The		
2	Committee shall study the following:		
3	(1) the appropriate department or agency to manage and administer the		
4	database;		
5	(2) the type and scope of information maintained in the database;		
6	(3) any gatekeeping functions used to review information before it is		
7	entered into the database;		
8	(4) any due process procedures to dispute information entered into the		
9	database		
10	(5) how to securely maintain the database;		
11	(6) the appropriate access to the database;		
12	(7) the confidentiality of the information maintained in, or accessed		
13	from, the database; and		
14	(8) the resources necessary to effectively administer and maintain the		
15	database.		
16	(d) Report. On or before December 1, 2022, the Committee shall submit a		
17	written report with legislative recommendations to the House and Senate		
18	Committees on Government Operations.		
19	(e) Assistance. The Giglio Database Study Committee shall have the		
20	administrative, technical, and legal assistance of the Vermont Criminal Justice		
21	Council and any other stakeholders interested in assisting with the report.		

1	(f) Meetings.
2	(1) The Executive Director of the Office of Racial Equity or designee
3	shall call the first meeting of the Committee to occur on or before July 15,
4	<u>2022.</u>
5	(2) The Executive Director of the Office of Racial Equity shall select a
6	chair from among its members at the first meeting.
7	(3) The Committee shall meet six times.
8	(4) A majority of the membership shall constitute a quorum.
9	(5) The Giglio Database Study Committee shall cease to exist on
10	<u>December 15, 2022.</u>
11	(g) Compensation and reimbursement. For attendance at meetings during
12	adjournment of the General Assembly, a legislative member of the Giglio
13	Database Study Committee shall be entitled to per diem compensation
14	pursuant to 2 V.S.A. § 23 for not more than six meetings. These payments
15	shall be made from monies appropriated to the General Assembly.
16	Sec. 3. 13 V.S.A. § 5585 is amended to read as follows:
17	§ 5585. ELECTRONIC RECORDING OF A CUSTODIAL
18	INTERROGATION
19	(a) As used in this section:
20	(1) "Custodial interrogation" means any interrogation:

1	(A) involving questioning by a law enforcement officer that is			
2	reasonably likely to elicit an incriminating response from the subject; and			
3	(B) in which a reasonable person in the subject's position would			
4	consider himself or herself the person to be in custody, starting from the			
5	moment a person should have been advised of his or her the person's Miranda			
6	rights and ending when the questioning has concluded.			
7	* * *			
8	(3) "Place of detention" means a building or a police station that is a			
9	place of operation for the State police, a municipal police department, county			
10	sheriff department, or other law enforcement agency that is owned or operated			
11	by a law enforcement agency at which persons are or may be questioned in			
12	connection with criminal offenses or detained temporarily in connection with			
13	criminal charges pending a potential arrest or citation.			
14	(4) "Statement" means an oral, written, sign language, or nonverbal			
15	communication.			
16	(b)(1) A custodial interrogation that occurs in a place of detention			
17	concerning the investigation of a felony or misdemeanor violation of chapter			
18	53 (homicide) or 72 (sexual assault) of this title shall be electronically recorded			
19	in its entirety. Unless impracticable, a custodial recording occurring outside a			
20	place of detention concerning the investigation of a felony or misdemeanor			
21	violation of this title shall be electronically recorded in its entirety.			

1	(2) In consideration of best practices, law enforcement shall strive to
2	record simultaneously both the interrogator and the person being interrogated.
3	(c)(1) The following are exceptions to the recording requirement in
4	subsection (b) of this section:
5	(A) exigent circumstances;
6	(B) a person's refusal to be electronically recorded;
7	(C) interrogations conducted by other jurisdictions;
8	(D) a reasonable belief that the person being interrogated did not
9	commit a felony or misdemeanor violation of chapter 53 (homicide) or 72
10	(sexual assault) of this title and, therefore, an electronic recording of the
11	interrogation was not required;
12	(E) the safety of a person or protection of his or her the person's
13	identity; and
14	(F) equipment malfunction.
15	* * *
16	Sec. 4. STUDY ON DECEPTIVE AND COERCIVE METHODS OF LAW
17	<b>ENFORCEMENT INTERROGATION; REPORT</b>
18	(a) The Joint Legislative Justice Oversight Committee shall study the use
19	of deceptive and coercive interrogation tactics employed by law enforcement
20	in the State of Vermont. In particular, the study shall consider:

1	(1) when providing false facts about evidence to a suspect during an			
2	interview conducted after the commission of a crime results in an involuntary			
3	confession or admission to the crime;			
4	(2) when confessions or admissions to crimes procured by providing a			
5	defendant with false facts should be inadmissible;			
6	(3) the appropriate age and circumstances to prohibit coercive			
7	techniques in cases involving juveniles;			
8	(4) the use of the interrogation and interviewing techniques, including			
9	the Reid Technique of Investigative Interviews and Advanced Interrogation			
10	Techniques, by law enforcement; and			
11	(5) legislation, initiatives, or programs for the General Assembly and			
12	law enforcement to consider to improve current practices.			
13	(b) The Committee shall have the administrative and technical assistance of			
14	the Office of Legislative Counsel. The Committee shall have the legal			
15	assistance of the American Civil Liberties Union of Vermont and any other			
16	stakeholders interested in assisting with the study and report. The Committee			
17	shall submit a report on the study in the form of proposed legislation on or			
18	before December 1, 2022.			
19	Sec. 5. 20 V.S.A. § 2222 is amended to read:			
20	§ 2222. FEDERAL LAW ENFORCEMENT OFFICERS; POWER OF			
21	ARREST FOR VERMONT CRIMES			

1	(a) For purposes of this section, "a certified federal law enforcement			
2	officer" means a federal law enforcement officer who:			
3	(1) is employed as a law enforcement officer of the federal government			
4	as:			
5	(A) a special agent, border patrol agent, or immigration inspector of			
6	the Immigration and Naturalization Service, U.S. Department of Justice; or			
7	(B) an officer or inspector of the U.S. Customs Service of the			
8	Department of the Treasury; and or			
9	(C) a special agent, inspector, or member of the police service of the			
10	U.S. Department of Veterans Affairs; and			
11	(2) has satisfactorily completed a course of study in Vermont laws and			
12	criminal procedures approved by the Vermont Criminal Justice Council, at the			
13	expense of the officer's agency;			
14	(3) has been certified by the Commissioner of Public Safety pursuant to			
15	subsection (b) of this section; and			
16	(4) has taken an oath administered by the Commissioner of Public Safety			
17	or by the Commissioner's designee to uphold the Constitution of the State of			
18	Vermont.			
19	* * *			
20	Sec. 6. EFFECTIVE DATE			
21	This act shall take effect on July 1, 2022.			

1		
2	(Committee vote:)	
3		
4		Representative
5		FOR THE COMMITTEE
6		