

Law Enforcement Advisory Board Meeting
DPS Headquarters, 3rd Floor Conference Room, Waterbury VT
Minutes of Meeting
October 16, 2014

- Chairman Rick Gauthier called the meeting to order at 1:03 pm by conference call with the following present: John Treadwell, Attorney General's Office; Roger Marcoux, Vermont Sheriff's Association (by conference call); Nelson Tift, Vermont Constable Association; James Leene, U.S. Attorney Office-VT; Lt. Colonel Matt Birmingham, VSP; and Suellen Royea, Criminal Justice Services Admin. It was noted that a quorum was not present. Michael O'Neil and James Hughes joined the meeting around 1:10 pm.

- **Review of Minutes from September 18, 2014 Meeting:** The minutes were tabled until the next meeting. There was some discussion about the CEW Policy and how the model policy would be distributed. It was noted that the policy should be dated January 1, 2015. The model policy will be put into final policy format and titled as a Model Policy. It will be posted on the website and distributed to agencies.

- **Old Business:**
 1. **Finalize acceptance of CEW Report Form:** Rick Gauthier reviewed the corrections suggested at the last meeting, which was distributed a couple of days after the meeting. He noted that the only response was from Jen Morrison, who noted that it was difficult to read with the comments. Lt. Colonel Matt Birmingham noted that there was still a signature area that needed to be removed. There was some discussion about agency head reviews. Lt. Colonel Birmingham shared the Vermont State Police process, which will include a chain of command review. John Treadwell inquired about whether or not operating a vehicle would be a noteworthy detail to be included as an option to Question 19. There was agreement to include "subject was operating a vehicle" as an option to Question 19. Once the addition to Question 19 and the removal of the signature block are made, this will be the official LEAB CEW Report Form.
 2. **Report submitted on October 1, 2014:** Rick Gauthier reported that at the last meeting it was suggested that the October 1, 2014 report talk about where we were and where we are headed with regards to Electronic Recording of a Custodial Interrogation, which is what Rick tried to follow. In addition, he spoke with Rebecca Brown from Project Innocence and asked if there were any changes. She indicated that it was about the same and did not have any concerns with the LEAB's proposed model policy going out. Based on that, Rick thought the model policy on our website is adequate. A question was asked about the results of the survey. Rick Gauthier reviewed some of the results which included: there were 14 responses, all of the State Police barracks were included in the same response; most of the agencies that responded had both audio and video

equipment; one had only audio in the cruiser; it was about a 50/50 split on which policy was adopted; one agency noted their policy left it up to the officer to decide whether or not to use it; and the common media type was digital. He added that he is currently working on some research for some alternate funding for agencies to get caught up with equipment. The survey results will be included in our annual report to the Legislature. Rick Gauthier noted that the Academy has 20 body cameras that could be used as a pilot project and felt that the LEAB should review whether or not officers with CEWs should be wearing a body camera. There was some discussion about body cameras and whether they would comply with the §5581(B)2. It was suggested to further research this area.

- **New Business:**

1. **Annual report to the Legislature:** Rick Gauthier noted that the LEAB Annual Report is due January 15, 2015. Some of the items suggested for inclusion were: the report on Electronic Recording of a Custodial Interrogation from October 1, 2014; the final CEW Report Form; the model policy for CEWs; and the model policy for eyewitness identification. Another policy reviewed was the Bias-free policy. Rick Gauthier noted that he has a report on Bias-free policing and will distribute a copy to the LEAB Members for review. A question was asked if there was anything that has not been asked for that we want to include. It was noted that officer certification and licensing started out as an LEAB report and then went to the Council. Rick Gauthier gave a review regarding the requirement of S.184 for agencies to begin uniform collecting roadside stop data and recommendations on storage of the data so it could be analyzed and accessible to the public. He reviewed that he spoke with Spillman and Valcour users (Brian Miller, Dave Dutcher, and Mike Schirling), who indicated exporting data from the systems was doable, although Spillman was a little difficult. In addition, Rick met with the VIBRS Advisory Board. It was his understanding that a model policy for Spillman users to use to export the data was created. At this time, the recording period is still up in the air. An offer was made by the Academy to host the roadside stop data to make sure the data is posted. At the VIBRS meeting, posting the data on VT Crimes online and to have a link to each agency's data/website were also suggested. Some agencies thought that just collecting the data and putting it in an envelope in a file cabinet met the requirement. Other agencies are still waiting for a recommendation. There was some discussion about the term "shall be public" and what that meant. Lt. Colonel Matt Birmingham noted that the Vermont State Police plan to treat it as a public record request as work needs to be done to get the data out. He felt that the Academy would need some sort of infrastructure and additional resources to take on posting the data. It was noted that some clarification about the "shall be public" language was needed, which will be worked on at the next council meeting.

2. Roger Marcoux inquired about whether anything should be noted in the report about the drug issues law enforcement deals with every day/to reinforce law enforcement's stand regarding drugs. The Law Enforcement Advisory Board's role was reviewed. It was noted that the drug problem continues to expand and a suggestion was made to request a mobile treatment facility. The question was thought to be a good question. How the Law Enforcement Advisory Board works on topics was reviewed. Another suggestion was to note in the report that we are aware of the situation. It was suggested that the business plan for 2015 include this topic, which was acceptable to those present.
- **Review of Minutes from September 18, 2014 Meeting:** It was noted that a quorum had been reached since the beginning of the meeting. Constable Nelson Tift made a motion to accept the minutes. Lt. Colonel Matt Birmingham seconded the motion. The motion carried.
 - **Adjournment:** Lt. Colonel Matt Birmingham made a motion to adjourn. Constable Nelson Tift seconded the motion. The motion carried. Meeting adjourned at 1:55 pm.