

Law Enforcement Advisory Board Meeting  
DPS Headquarters, Lab Classroom, Waterbury VT  
Minutes of Meeting  
December 22, 2016

- Vice-Chairman Rick Gauthier called the meeting to order at 1:00 pm with Jim Whitcomb, VSP; Jim Hughes, State's Attorney; John Treadwell, Attorney General; Jason Batchelder, Fish & Wildlife; Jake Elovirta, DMV; Kevin Lane, VSP; and Suellen Royea, DPS/CJS present and phone participants: Kraig LaPorte, US Attorney Office; Sheriff Bohnyak, and Michael Major. The quorum requirements were met.
- **Review of Minutes from June 15, 2016 and November 17, 2016 Meeting:** Jim Hughes moved to accept the minutes. Jim Whitcomb seconded the motion. The minutes were accepted.
- **Old Business:**
  - **Body Warn Camera Report:** Rick Gauthier gave an update on the proposed report, which was due December 15, 2016. He noted that he participated in a phone conference with ACLU and Network who objected to the draft model policy. The ACLU submitted a lengthy document opposing officers being able to review recordings. The Network requested that officers must turn cameras off as soon as practical in order not to get statements/record people without their consent. It was noted that the parameters on when to record people has previously been established. In addition, Rick received a letter from Chief del Pozo where he pushed back on the prohibition of officers reviewing footage and made some suggestions for the model policy. The ACLU letter was discussed, which included that there are valid points on the public records piece, there was a strong opposition to their provisions on reviewing footage prior to writing reports almost to the point of possible entrapment issues, concern about trying to include two (2) different scenarios into one (1) request, and that this goes against Domestic Violence training officers are receiving. The Networks' request that officers must ask as soon as practical for the victim's consent to be recorded with no distinction on place was reviewed. It was noted that if an officer is in a person's home, there is a need to request consent. However, if in a public place, there is no obligation. It was thought that the public records act could help. The model policy was reviewed. A suggestion was made that it be easily applied over a variety of circumstances and clear as to when to turn on and off recording. The suggestions from Chief del Pozo were reviewed. It was thought his suggestion on reviewing footage should not be included, the suggestion on public places is strongly worded, but states the law and should be incorporated into the model policy, our wording regarding overriding requests to stop filming victims or in private places is good, and the analytics suggestion was handled under using the videos as training tools. A discussion was held regarding the Officer Responsibilities section as there was some confusion about the circumstances (in a

room with fixed equipment or on a scene with multiple officers present). It was suggested to include an example. **Rick will add an example and then submit it to the Committees and include it in the annual report.**

- **Annual Report:** The Annual Report will include the Body Worn Camera report. Jim Whitcomb suggested including something about Vermont State Police's work on License Plate Readers. Rick asked Jim Whitcomb and Kevin Lane to write a small piece for the report. Jim Whitcomb shared their report is due January 15<sup>th</sup> and will include statistics, cost analysis and some challenges in reporting as some of the data is not available.
- **New Business:**
  - **Meeting Schedule for 2017:** Rick noted that the group seems to be underutilized and proposes setting a firm schedule for 2017 (second Thursday of even months) and to use the first meeting to develop a detailed business plan. A question was asked about reviewing the members of the group to include DMV and Fish & Wildlife. Rick shared the history of past bills to include them and the new bill specifies adding a representative from DMV and Fish and Wildlife.
  - **Summary:** Rick will include a piece about LPRs in the annual report noting that we need more time to finish researching the matter. A question was asked about sharing the Body Worn Camera report with the press. It was thought that once the report is sent to the Committees, it would be okay to send to VPR.

A question was asked about what topics may be addressed by the Legislature in 2017. Possible topics that may be on the Legislative Agenda include: the 2007 Study, reviewing regionalization, and the public safety issue. It was noted that our challenge is being able to research topics before legislation is enacted.

- **Adjournment:** Jim Whitcomb made a motion to adjourn. Michael Major thanked Rick and Suellen for filling in the last couple of months while he was unavailable. Michael Major seconded the motion to adjourn. Meeting adjourned at 1:54 pm.