

**Law Enforcement Advisory Board**  
**November 15<sup>th</sup>, 2021 – Minutes**

**1. Call to Order**

Members present included Michael Schirling, Shawn Burke, Anthony Facos, Jennifer Harlow, Jason Batchelder, John Campbell, Matt Valerio, Heather Simons, John Federico, John Campbell, Gwynn Zakov, and George Merkel.

Also present - DPS Deputy Commissioner Jennifer Morrison and Ultan Doyle of the Vermont Attorney General's Office.

The Law Enforcement Advisory Board meeting was held via the Microsoft Teams application due to the COVID-19 pandemic. The in-person option for this meeting was held in the Robert Miller Community Room – 19 Gregory Drive South Burlington, Vermont.

**2. Agenda Additions**

Director Facos of DMV requested that an agenda item be added regarding the model body worn camera policy.

**3. June 21<sup>st</sup>, 2021 Minutes**

Matt Valerio made a motion to approve the June 21<sup>st</sup> minutes which was seconded by Sherriff Harlow – no further discussion.

**4. Update on Use of Force Policy Training - Deputy Commissioner Morrison**

Deputy Commissioner Morrison reported that the Vermont Criminal Justice Training Council offered training on the State Use of Force Policy both in person and a voice over slide deck. The VCJC has indicated that upward of 1,000 officers have been trained and that 100% of Vermont law enforcement agencies have reported adopting the policy.

There was follow up discussion among the board about some of the challenges associated with co-response of EMS / law enforcement related to Appendix D – mental health crisis related calls. There discussion around bringing law enforcement and EMS together to discuss better practices – VCJC is working on this objective.

**5. Body Worn Camera Model Policy Considerations – Director Facos**

Director Facos on behalf of the Department of Motor Vehicles, Department of Liquor Control, and the Department of Fish & Wildlife brought forward a policy consideration. These entities would like the model policy to have a provision to allow their personnel to not record instances when they are engaging in routine regulatory functions; inspecting the undercarriage of commercial vehicles, conducting random foot patrols in the woods, meeting with licensees in the course of regular business.

The Attorney General's Office, specifically Ultan Doyle and Commander Matt Raymond spoke about the need for similar considerations for officers conducting Internet Crimes Against Children operations.

The board discussed that the authority to change this policy lies with the Vermont Criminal Justice Council. Deputy Commissioner Morrison advised that she would add draft language to the model policy and send it to the VCJC for their consideration.

#### **6. Update on model pursuit policy – Deputy Commissioner Morrison**

There has been little advancement on this project given the time devoted to the use of force policy and training. Deputy Commissioner Morrison advised that there are vast differences in philosophy and policy surrounding pursuits in Vermont. An area of consensus on this project might be establishing common reasons to pursue a motor vehicle.

#### **7. Membership as defined by Title 20 VSA §1818**

The board discussed the membership given the change in roles during the 2021 calendar year. The board came to consensus that the following list is current and matches the statutory requirements:

Chief Shawn Burke, Vermont Association of Chiefs of Police  
Director Anthony Facos, Vermont Department of Motor Vehicles  
Commissioner Michael Schirling, Commissioner of the Department of Public Safety  
Colonel Matthew Birmingham, Director of the Vermont State Police  
Colonel Jason Batchelder, Director of Vermont Fish & Game  
Gwynn Zakov, Municipal Policy Advocate, Vermont League of Cities and Towns  
Domenica Padula, Attorney General's Office  
John Campbell, Executive Director, State's Attorney & Sheriff's Office  
Kraig LaPorte, U. S. Attorney's Office  
Matthew Valerio, Defender General's Office  
Michael O'Neil, Vermont Troopers Association Representative  
Constable Nelson Tift, Vice-President, Vermont Constable Association  
Chief George Merkel, Vermont Police Association Representative  
Chief Matthew Romei, Capitol Police  
John Federico, Vermont State Employees Association  
Director Heather Simmons, Vermont Criminal Justice Training Council  
Sheriff Jennifer Harlow, Orleans County Sheriff, Vermont Sheriff's Association

#### **8. Proxy membership question**

Tabled, the Vermont Attorney General's Office will provide an opinion on this question.

#### **9. Next meeting date**

January 24<sup>th</sup>, 2022 at 0930 hours – Teams / In person at 19 Gregory Drive South Burlington, VT

#### **10. Meeting adjourned**