

Valcour Gov Board

4/13/2022

Attendees: Adam Cohen, Jen Beane, Mark Anderson, Ryan Brady, Vegar Boe, Eric Shepard, Betty Wheeler, Robert McKenna, Steve Laroche, Craig Gardner, Michael Manley (guest), Justin Stedman, Matt Sullivan, Nathan Harvey, Amy Messier, (Meeting Guest), Mark Belisle (guest), Christopher Brickell, Kim Prior, Mallory Staskus, Darwin Thompson, Tammy Lacourse, Larry Eastman

Missing: Michelle Hunt, Lori Malloy

Call to order

1000

Approve minutes

Motion by Vegar, seconded by Eric

Passed unanimously

Sponsorship policy – vote

Vegar – motion to adopt sponsorship policy as written

Seconded by Eric

Discussion: Vegar – seems straightforward. Mark – formalizes present practices

Passed unanimously

Access requests

VCJC request

Academy looking at two perspectives, working with VCIC to get ORI but they fit into weird corner of FBI's definition and VCIC not sure where FBI will fall on decision. It's a new occurrence that makes them more likely to qualify.

Nothing requires that users have ORIs but VGB has historically gone by that, VCIC requires access is for a valid reason under CJIS policy. Trying to determine if they fall under the valid reason or not. Academy looking for Valcour access only for professional regulation violations. Academy potentially also wondering if there can be a Valcour training option at the Academy since most agencies are using it now – may be worth looking into.

Is anyone else from OPR given access? No, but Professional Regulation Standard is separate from OPR. Most investigation done at council level subcommittee.

Complaints against agency heads, can't be internal affairs, instead has to be through the professional regulations subcommittee.

Professional Regulation Subcommittee is confidential by nature. There have been times that Professional Regulations has learned of through alternative sources, like media or officers at other agencies. The subcommittee is made up of 5 members: 2 public, 1 former LEO. Taking the time to understand policies and look at internal affairs investigation policies. Right now relying on agencies' internal investigations but would like to be able to access and gather own information, contact needed witnesses, etc, without having to go through other agencies.

Could you specify the request only be for the two members, Chris Brickell (overseer of the subcommittee) and the one investigator of the subcommittee – that was the intention only those two members. Mirror the VT Guard limited access of the two members after the law changed and made them a LEA.

Motion – Eric – Designate President of VGB to work with Academy to come to agreement for specific users having limited access to Valcour

Seconded by Justin

Passed unanimously

Constables request

Mark Belisle – constables are required to have ORI to meet CJIS requirements. Currently three constables have ORIs but others are working to get them. Mark Belisle is the president of the constables and requesting on all their behalf. Some constables are granted ORI numbers but do not have same access as other LEAs with ORI numbers. Issues around ensuring race data collection and all other legislature-required data selection. Issues around CJIS security training and certifications. Issue that some constables are elected and not sworn. Eric – need an ORI.

Betty – what happens if a constable has an ORI but the next constable takes over, do they still have an ORI? VCIC and VGB both would need to take on a review process. Adam – if responsibility lies on ORI holder, how do you monitor and prevent some access? Constables report to the Criminal Justice Council when positions change.

If a constable violates something who is responsible because there is no chief? Chris Brickell – no, Academy is not responsible, town is responsible. Professional Regulation would be responsible if they knew about unauthorized access.

Part of agencies having access to CJIS is ability to audit infrastructures. Do constables have formal offices that can be audited through VCIC. Currently all constables that have ORIs are officers at other departments. Towns would have to own computers that constables use even if they are using the computer in a secure department.

Given that each mentioned constable is working for other LEAs they could potentially be sponsored by their employer, may be a potential route to explore.

Constables need a way to capture race data information. The mandated reporting causes issues because they don't have access to a RMS. They also do animal cruelty investigations and a RMS would be helpful for that.

Current ORIs

Three constabularies, four individuals: Bethel (two), Pultney (one), and Grandville (Mark Belisle)

Motion by Betty – If Constabulary meet requirements set forth by VCIC to establish ORI and can answer questions of devices supplied and maintained by the town including site and device security then they would be granted access to Valcour.

(Device has to be owned by the town.)

Seconded by Steve

Further Discussion – Adam - make sure there is an audit trail and criteria is adhered to. Mark – Is there a potential path forward that VGB and Academy could establish that both would know transfers in the position. Chris – maybe but have to rely upon the town managers. Steve – whoever sets up Valcour in the system, could they set up an expiration for the term limit? Mark

– Not sure that that functionality exists or could exist. We could make it like a mutual aid agreement or sponsorship route.

Valcour has to be used on a department device. Even if the constable is using their employer's department device for constable work.

Amy – What happens if the next constable doesn't work for an agency, how will they have device access? Need to make sure VCIC is notified of transitions. Amy and Adam – Need to make sure someone is accountable for shutting off access as needed. Not going to be easy to track all this. Mark Belisle – Does this fall under the TAC responsibilities? Mark Anderson – Who have the logistical responsibility because what if the constable is also the agency TAC or no one is aware of the need to shut someone off? Eric – Are the constables required to be a member of the constable association? Mark Belisle – No they are not required and you cannot enforce their bylaws. Currently all constables who do law enforcement are members of the association. Vegar – Doesn't this fall into a one by one case since each will have its own ORI. Local agencies have charters that the towns establish responsibility.

Votes – Adam yes, Ryan yes, Larry yes, Eric no, Craig yes, Jen no, Steve yes, Mike yes, Matt no, Vegar no, Betty yes, Tammy yes

Yes – 8

No – 4

Carries

Each constable will have to write a letter to VGB president as any agency seeking access would and it will be brought to the VGB as the requests come in.

ODBC Access

Connection to the data not through the front end of data, allows you to pull raw data from Valcour.

Mark talking to Crosswind to better log to it for security and access to partitioned data. There is now an audit log in place.

Who has it? Burlington PD has one analyst and also Betty Wheeler to satisfy data reporting for DPS/ADS

What reason? Pull data from Valcour to populate data requests

What kind of load for the system? Low impact because pointed at a mirror server not the live server or running through the front end of Valcour.

Conversation started because VSP had concerns with Burlington PD's data analyst is not a sworn officer.

Continue as have been since logs are in place.

Health Department data request

Mallory Staskus – 2021 saw record numbers of suicide and OD deaths. Collecting data to prevent future deaths. Four member team, HIPPA trained

Specific Requests:

- 1) Naloxone – have been giving naloxone out to LEA to have if anyone in the community needs it. Naloxone leave behind kits: To maintain funding we need to have a way to show how Naloxone is being used or when leave behind kits are left.
- 2) Violent deaths (homicide, suicide, etc) and accidental Overdose Deaths – right now abstract data from medical examiner's officers. Looking at circumstances leading up to death. Looking for death investigations from Valcour.
- 3) Suicides – linking data across a larger data set for 2020 & 2021. Looking at getting a bigger life picture to see where targeted interventions could have been put into place. This would be specific information gathered.

This is a shift in policy. VGB has the ability to allow the release of information of general data through the new charter.

Eric - #1 seems straightforward as its general data

Eric - #3 seems to specific and agencies needs to have ability to sanitize data; Mallory – looking for interaction (date, call type, person roll) for year leading up to death. Any data sent to VHD is covered by HIPPA. How do we transition to CJIS coverage? Would not be providing any Criminal History to have to worry about protecting.

General data – dates and times

Need to frame request in way to clearly limit what data they are receiving.

#2 – looking for narrative of death scene investigation, need to know what type of firearm and was there a note left behind. Looking for larger swath of information for this request. Vegar – you already have access to get the death report from the ME's office since the ME can request the death investigation report, since it is a joint investigation.

Vegar - #1 – new data field that will need to be generated. There's already a long development queue.

Betty - #1 – Leave behind kits are flags that VSP created

Three separate data requests. Who is processing this data for the department of health? Betty – think we need to have a conversation with the commissioner and who he sees this coming out from. Potentially could be a scheduled report.

#1 – Naloxone – PM would need to approved the flags.

Vegar – Motion that approve release the data with the understanding that not all data is currently available and the PMs would need to approve developmental changes.

Betty Seconded

Passed unanimously

Mark and Betty will follow up with the commissioner and figure out

#2 – Death report. Vegar – Issue is that not all agencies report the deaths the same way. Mark – table this one and someone will work with Mallory to capture the fields in a list format and determine what data they actually need to make it work. Betty – need a more concise list of what data is needed and what is going to be releasable through the charter. Mallory – would happily take whatever is releasable even if not all info originally asked for, since criminal investigations. Vegar will work with Mallory to come up with list.

#3 – Request of Date of Interaction, Type of interaction, and Person Role for year leading to death. VGB cannot provide specific details like name and DOB out. Mallory – age of person and town would be helpful.

Vegar motion – Provide date of interaction, type of interaction, person role, age of deceased, town of deceased.

Betty seconded

Passed unanimously

Resignation/Appointment

Currently operating is weird rules during the merger grace period. Creation of the charter wanted to leave room. Something normal to offer seats to bodies of certain sizes. DPS switched out their seat, Robert McKenna resigning with replacement of Cpt Mike Manley of VSP.

Motion by Mark

Seconded by Betty

Passed unanimously

Training

Used to provide training at the Academy for Spillman and looking to return in classroom model for Valcour at the Academy. Want to offer classes as part of basic and post basic classes.

Do have a policy that only trained users should have access to Valcour.

Right now for a basic training would have to fit in at the end of the basic class. Would you want the same class for level 2 and level 3 or different per level?

Don't want to extend length of Academy because not all need it. If it fits in the hours needed for basic then that would be good but if not then not part of basic class. Mark estimates about 6 hours of training and that the attendants bring an agency device. This eliminates the need for the Academy iPads to be Soft Token registered since agency devices already would be. Do not need a motion, just need to coordinate with Vermont Police Academy. Want to leave room for regionalized training as well.

Amy – major issues with collecting data overall so somehow incorporating that into the training would be beneficial.

Adjournment

Motion by Vegar

Seconded by Eric

Passed unanimously @ 1203