

SUMMARY REPORT 2008

ADVISING THE
COMMISSIONER OF PUBLIC
SAFETY, THE GOVERNOR,
AND THE GENERAL
ASSEMBLY ON ISSUES THAT
AFFECT THE COOPERATION
AND COORDINATION OF
MORE THAN ONE LAW
ENFORCEMENT AGENCY.

Prepared by: DPS Law Enforcement Advisory Board

Chief Rick Gauthier, Chair
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Date: January 16, 2008

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DEPARTMENT OF PUBLIC SAFETY
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LAW ENFORCEMENT ADVISORY BOARD
WATERBURY, VERMONT
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December 31, 2008

The Law Enforcement Advisory Board continued to remain busy building and expanding upon the initiatives and discussions from the 2007 report to the legislature, forming work groups and taking expert testimony on items identified in the 2008 business plan.

The LEAB foundation was firmly established by its first Chair, Francis X. Aumand, III, and subsequent chairs John Treadwell and I were provided a solid footing upon which the Board will be able to build in coming years. The collaborative process that typifies the Board's work is in no small measure due to the leadership provided to the Board during the early years. The Board has been, and remains, a unique body capable of identifying important and emergent issues in law enforcement and approaching them from multiple perspectives with the goal of providing the Legislature with accurate and timely information upon which decisions can be based.

The Board's work this year included: Vermont Criminal Justice Information Sharing System, Web Crash Data, dealing with children of arrested parents, VCOMM, assisting with the Public Safety Strategies Group Law Enforcement Study. The Board takes expert testimony and, when necessary, forms work groups to probe deeper into selected issues.

All of the topics discussed by the Board have potentially significant consequences for the State as a whole and not just for law enforcement agencies. We hope the contents of this report will provide valuable information to assist in the legislative process. Additionally, both the Board Chair and the Vice-Chair are available to provide testimony on any of the topics in this report.

Sincerely,

Chairman Richard Gauthier
Chief Bennington Police
2008 Law Enforcement Advisory Board

Table of Contents

Introduction	3
Vermont Justice Information Sharing System (VJISS)	5
WebCrash: Law Enforcement implementation	8
Rural Policing and Law Enforcement Study	12
Recruitment and Retention.....	14
Dealing with Children of Arrested Parents.....	15
VCOMM.....	17
Appendix A.....	19

SUMMARY REPORT 2008

INTRODUCTION

In 2004, the Vermont General Assembly created a Law Enforcement Advisory Board (LEAB) of the Department of Public Safety. The purpose of the Board is to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies that exercise law enforcement responsibilities. Membership of the Board is set by statute. The current members are listed in appendix A.

In 2008, the Board met on April 2, May 7, June 13, August 6, September 12, October 8, and November 5th.

During the course of meetings during 2008, the following topics were discussed by the Board:

1. Vermont Justice Information Sharing System (VJISS)
2. WebCrash at Vermont State Police
3. Rural Policing and Law Enforcement Study
4. Recruitment and Retention
5. Considerations regarding Children of Arrested Parents
6. VCOMM

This report will focus on the above issues. A continued discussion on these matters and others will be the focus of the Board's work in 2009.

1. Vermont Justice Information Sharing System (VJISS)

The vision for information sharing within Vermont's justice community is to provide *accurate, timely and complete information to **the right person, at the right time for the right purpose.***

Vermont is in the beginning stages of building the capacity to electronically *query, push, pull, subscribe or publish* information between law enforcement, state's attorneys, courts, corrections, the office of the defender general and other justice agencies such as the Department of Motor Vehicles. A few segments of the justice system can electronically query information now, but for the most part the justice system is paper driven. This manual system is inherently time consuming to produce and deliver, prone to human error and results in information not getting to the justice professional in a timely manner.

The goal of the VJISS is to improve public safety by taking advantage of technological advances, and delivering information in real time in an efficient and cost effective manner. The real time transfer of crime related information will increase protection of Vermont citizens and visitors to the state. Currently, key decisions are being made all over Vermont without access to the most accurate or up-to-date information, occasionally resulting in tragedy and frequently hindering the smooth processes of justice.

The law enforcement data sharing initiative (LEDSI) component of VJISS has recently been implemented (VJISS Phase 1). This project created a platform upon which other aspects of information sharing can be built. This phase allows for disparate law enforcement computer aided dispatch and record management to be shared among law enforcement and other justice professionals who need this information.

A variety of future projects associated with information sharing are planned. They include, in part, the following;

- Sharing Information with Vermont's federal law enforcement partners. This project involves connecting the LEDSI portion of VJISS to federal law enforcement systems such as OneDOJ and N-DEx. OneDOJ is a U.S. Department of Justice (DOJ) system that connects a variety of DOJ law enforcement agencies together by allowing querying of the individual agencies information (federated search capabilities). N-DEx is a national law enforcement records management system being developed by the FBI to collect and store police agency records management information. N-DEx will make available this information to all law enforcement agencies in the country through a variety of search tools. It will be used for criminal investigation and crime analysis purposes. OneDOJ will allow for point in time individual name and incident query capabilities. One DOJ will eventually be connected to N-DEx but will not allow for the storage of database information within the N-DEx system. Connectivity to OneDOJ is the preferred choice in Vermont at this time.
- Completion of the JIEM Analysis for the entire Criminal Justice System. Work was completed on the mapping of exchange points between law enforcement, state's attorneys and the courts. Other components of the criminal justice system JIEM need to be finished as well.
- Ensure that all projects meet the standards set out in the national Global Justice XML Data Model (GJXDM). An individual or single agency needs to be identified and tasked with coordinating the multiple projects in the Vermont justice community currently in development. Rather than each agency spending resources to examine the national standards and best practices, there should be someone each project lead can coordinate with to take advantage of the work already being done throughout the state.
- Implementation of the VJISS Phase 2. This project includes the development of other needed pieces of functionality such as push and pulling of information between components of the

criminal justice system (law enforcement to states attorney as an example). This will require the purchase of a document exchange or transfer module for the system. The system should also have features allowing an individual to subscribe to specified notifications, such as a defendant being released on bail, and for an agency to “publish” a specific set of data to an e-mail list or an internal or external website. The modular nature of this expansion will allow for agencies not currently using a centralized system that is capable of digital information exchange to obtain query permissions to quickly access needed information while developing their inter-departmental systems.

Electronic information sharing within the justice community is an important tool for the proper administration of justice. It will allow for better decision making and help reduce costs over time. The Vermont Justice Information Sharing System (VJISS) should be the system with which all databases and other systems interface .

Recommendation:

The Law Enforcement Advisory Board (LEAB) recommends that the Department of Public Safety work towards the development of the VJISS. Specifically, the Department of Public Safety through it partners, the VIBRS Advisory Board, the VJIS technical committee and the VJISS steering committee, work towards connecting the LEDSI portion of VJISS to OneDOJ and other Vermont justice professionals who require police contact information. Grant money or other funds should be found to build the remaining pieces of functionality of the system. The Department of Public Safety (Criminal justice Services) needs to also be aware of and work with other parts of the criminal justice system to make sure that all systems and databases are developed in a coordinated manner such that the proper interfaces are built for the sharing of information.

Action Needed:

The LEAB should review the future work of the Department of

Public Safety with regard to the development of VJISS. Further the Governor's office and the Vermont General Assembly should be aware of the importance of VJISS and its role in coordinating the flow and transfer of information. This shall be accomplished through the distribution of this annual report and briefings conducted by the Law Enforcement Advisory Board.

2. WebCrash: Law Enforcement Implementation

Web Crash (or Web CRS) is an internet application used by law enforcement to submit motor vehicle crash reports to the Vermont Agency of Transportation's (VTrans) Department of Motor Vehicles (DMV). The electronic submittal provides advantages to both tax payers of Vermont as well as those users who use the data for safety initiatives.

Safety initiatives are conducted in order to provide for the safety of all travelers on the highways in Vermont. Initiatives involve engineering, enforcement, emergency response and health, and education.

Engineering: VTrans uses crash data to identify high crash locations (HCLs) in Vermont communities. After HCLs are identified, those HCLs are further studied as to the underlying factor(s) contributing to the crashes. This helps engineers determine the best way to provide a cost effective solution to the problem.

Law enforcement: Police departments throughout the state (local and State) use the crash data to support their safety enforcement activities such as addressing driving while under the influence and excessive speed. The data points law enforcement to high trouble spots on the highway.

Education: The Governor's Highway Safety office in Vermont includes public education efforts related to occupant protection, impaired driving, and speed, as well as

motorcycle, pedestrian, and bicycle safety. Their mission is to promote safe driving behavior.

Emergency Response and Health: The focus here is on injury prevention and education and support for legislative proposals. Also, the data provides for an understanding of the sequence of events from the time of a crash, to EMS run, to admission to hospital emergency departments. Events may show where areas of improvement could be accomplished.

The transition from the paper reporting to electronic reporting resulted in distinct advantages. These range from actual dollar savings (less paper used, less staff time spent entering data into separate databases) to advantages in time savings (immediate access to the data, timely response to trouble spots). Web Crash benefits the citizens of the State of Vermont by reducing costs from previous data collection practices/procedures and providing timely highway safety activities.

The Vermont State Police converted to Vermont Agency of Transportation's (VTrans) new web-based Crash Reporting System (WebCrash) for reporting crashes on or after January 1, 2008. Administrative staff no longer enters crash data into Spillman's Accident module, but instead enter the complete crash report, including diagrams and photographs, into a new, web-based crash data repository. In preparation for the change in reporting format, administrative staff received hands-on training in the last quarter of 2007 from Department of Public Safety and VTrans staff.

Business rules and audit checks, approved by Vermont's Traffic Records Coordinating Committee, were built into the database. These immediately forced improvements in data quality, simply in order to enter the data, and also forced minimum data entry requirements based on the severity of crash. Consistency and validity checks were new to Vermont's crash data, and Vermont State Police also gained the ability to internally monitor the

quality and completeness of their own crash reports through the reporting tools made available in WebCrash. Although initial planning addressed the way in which paper crash reports, completed by troopers in the field, were entered into an electronic database, the new ability to view and analyze complete crash reports indicated that there were some data quality issues which also needed to be addressed not just at the administrative level, but with law enforcement officers themselves. For example, it was found that Global Positioning System (GPS) coordinates were either wrong or reversed in as many as 75% of reports submitted by Vermont State Police in January 2008. The ability to identify the problem made it possible to solve it: troopers received additional training in using their GPS units, broken GPS units were identified and replaced, and GPS units were reset to their original coordinate systems to standardize reporting. By August, less than ten percent of the month's crashes had GPS coordinates that fell outside the boundaries of the town the crash reportedly occurred in.

The Traffic Safety Unit is now also able to closely monitor the most significant crash reports submitted by troopers, those involving incapacitating injuries and fatalities, with a weekly report of those crashes submitted or edited. In having a manager review these serious crashes, significant problems within the crash investigation can be identified and addressed, as well as potential data entry errors.

In addition to all Vermont State Police barracks, the following agencies are using WebCrash;

Chittenden County Sheriff's Dept
Norwich PD
Weathersfield PD
Winooski PD
Hartford PD
Bennington PD
Morristown PD
Manchester PD

Castleton PD
Barre City PD
Rutland City PD
Middlebury PD (added 02/07/08)
Milton PD (added 02/19/08)
Dover PD (added 02/26/08)
Newport City PD (added 03/20/08)
St. Albans City PD (added 04/23/08)
Franklin County Sheriff Dept (added 05/07/08)
Wilmington PD (added 06/11/08)
Lyndonville PD (added 05/28/08)
Chester PD (added 06/17/08)
Bennington County Sheriff Dept. (added 07/10/08)
Rutland County Sheriff Dept. (added 07/10/08)
Hardwick/Greensboro PD (added 07/11/08)
Randolph PD (added 07/17/08)
Bellows Falls PD (added 07/23/08)
Brandon PD (added 07/25/08)
Northfield PD (added 07/29/08)
Brattleboro PD (added 08/01/08)
Fair Haven PD (added 08/12/08)
Richmond PD (added 08/13/08)
Winhall PD (added 08/20/08)
Thetford PD (added 08/26/08)
Barre Town PD (added 08/27/08)
St. Johnsbury PD (added 09/04/08)
Essex County Sheriff Dept. (added 09/04/08)
Orleans County Sheriff Dept. (added 09/16/08)
Windsor PD (added 10/01/08)
Caledonia County Sheriff Dept (added 10/07/08)
Royalton PD (added 10/08/08)
Grand Isle County Sheriff (added 10/10/08)
Berlin PD (added 10/20/08)
Waterbury PD (added 10/22/08)

Recommendation:

WebCrash has enabled Vermont State Police to make enormous gains in the quality, accuracy and timeliness of traffic crash reports simply by giving the agency the ability to review their own data. The business rules and audit checks further reinforce data quality and quantity measures. As of November 4, 2008, Vermont State Police have entered and submitted more than 3,100 crash reports for 2008 in the new WebCrash system, and 44 additional law enforcement agencies in the State of Vermont, including local police and sheriffs departments, have received training and are using the new system. The LEAB feels that WebCrash will have a significant, positive impact on the Vermont law enforcement community and recommends that all Vermont law enforcement agencies adopt WebCrash to report crashes.

Action Needed:

The LEAB supports the continuation of the ongoing effort to create a software solution bridging WebCrash with existing databases, such as Spillman and New World. This effort will allow for one-time data entry that can populate the various databases simultaneously, further encouraging all Vermont law enforcement agencies to fully participate.

3. Rural Policing and Law Enforcement Study

Law enforcement agencies most commonly tasked with serving as first responders to crimes, emergencies and calls for assistance from citizens are the municipal police departments, sheriff's departments and the Vermont State Police (VSP). Specialized enforcement (such as the VT Department of Liquor Control, VT Department of Motor Vehicles, VT Department of Fish and Wildlife) is provided by other state agencies. Municipal police departments, the VSP and specialized enforcement agencies are funded by state and local tax dollars and fine revenue. County-

based sheriffs' departments enter into contractual agreements with communities seeking their services (and paying for them from property tax dollars and fine revenue). The resulting system of policing coverage is in fact, no system at all and has only grown more stressed in recent years as needs increase and funding cuts take their toll.

The Board has discussed issues surrounding the provision of policing services in rural communities for years. In the fall of 2007, representatives of the 2007 legislative Law Enforcement Summer Study Committee approached the Board and asked members to develop a draft request for proposal (RFP) for a Comprehensive assessment of statewide law enforcement functions in Vermont. That draft RFP was provided to the summer study committee at its meeting on November 27, 2007. At that meeting, amendments were made to the draft, the summer study committee agreed both to pursue an RFP, and to include representatives of local law enforcement and sheriff's departments in the committee when it reviews both RFPs and reports of a contracted entity.

In 2008, the Law Enforcement Advisory Board reviewed a final RFP, which was funded in the FY 2008 Budget Adjustment Act. The Agency of Administration issued the bid in June and Public Safety Strategies was hired as the consultant to assess statewide law enforcement functions and make recommendations about what a comprehensive policing strategy should look like in Vermont.

Public Safety Strategies consultants met with Department of Public Safety staff as well as other state personnel involved in law enforcement, county sheriffs, VLCT staff and municipal officials from cities and towns both with and without local police departments. They provided an internet based survey and will have a report ready for the legislature in January 2009.

Recommendation:

Once received by the legislature, the Law Enforcement Advisory

Board should review the Public Safety Strategies Report, provide it to the organizations they represent, discuss its recommendations for improving policing services in Vermont and the feasibility of their implementation in the next several years.

Action Needed:

The Law Enforcement Advisory Board should offer its assistance to the legislature and administration in assessing the report.

4. Recruitment and Retention

In 2005 a law enforcement officer retention study was undertaken by the LEAB and the Department of Public Safety to determine why officers were leaving agencies. Of significant importance was the fact that many officers cited lack of leadership as a contributing factor when deciding to leave an agency. The results were widely published in early 2006. The full results of the study may be found at the following web link; http://www.dps.state.vt.us/LEAB/law_enforcement_retention.pdf One of the action items listed in the Board's 2005 report was the following;

“The Vermont Criminal Justice Training Council in conjunction with the Vermont Chiefs of Police Association should work towards providing management training. This may address some of the management issues contained in the report.”

In 2007, with the support of the Douglas Administration, state funding was identified for management training to be conducted at the Police Academy. The training was delivered to law enforcement officials holding supervisory and management positions. During 2008, the Criminal Justice Training Council (CJTC) secured a grant from the Vermont Department of Labor which provided funding to continue the delivery of leadership training and a partnership with Roger Williams University.

The CJTC is currently developing first line supervision and leadership training in-house to be delivered using in-state talent beginning in 2009. This effort will facilitate sustaining needed training when grant or other funding dries up.

Recommendation :

Continue efforts to provide management training to law enforcement officials at the Police Academy.

Action Needed:

Develop resources to provide training on an efficient, effective and continuing basis.

5. Consideration of Children of Arrested Parents

The LEAB was tasked with reviewing and evaluating current law enforcement practices dealing with situations regarding children of arrested parents or caregivers. To that end, the LEAB solicited input from Tara Graham, the Kids-A-Part Program director, Sherry Burnette, the Agency of Human Services Trauma Coordinator, Ellie Breitmaier, the DCF Domestic Violence Unit Coordinator, and Karen Transgard-Scott, the director of the Vermont Network Against Domestic and Sexual Violence. The LEAB also sought input from the Vermont State Police barracks commanders, municipal police chiefs, and sheriffs.

None of the barracks commanders, police chiefs, or sheriffs who responded to a request for feedback felt that dealing with the children of arrested parents was a chronic or acute problem, and no agency had a written protocol. The general consensus was that “common sense” should prevail for those infrequent occasions where there was a custody or care problem. The normal practice is to have the arrested parent designate an approved caregiver, or to have the non-custodial parent take responsibility for the child (assuming there are no safety issues). In those rare instances where no suitable caregiver could be identified or located, DCF is contacted to take the child into custody.

Graham advised the Board that she would like to see a protocol developed that would lead to a systemic way of dealing with the affected children, recognizing that there are different resources and needs in different communities. She suggested that a small card be developed that would “cue” officers and workers on how to deal with a child’s needs.

Burnette advised that affected parents and children needed to be able to make contact so the parents could reassure the children to help them cope.

Breitmaier and Transgard-Scott talked about a four-hour training block that has been developed and could be used to train Vermont law enforcement officers, and introduced a model protocol addressing law enforcement response to domestic violence situations involving children that was written in 2004 and revised in 2007. They believed that the protocol could have wider applications.

The LEAB was provided with a draft protocol title “Children of Arrested Parents”.

There was some discussion concerning what a change in procedure would look like, and whether or not police arrest procedures would become more cumbersome and/or hazardous by involving more people. Also identified were issues regarding protocols of other agencies, confidentiality, identification of resources, and delivery of training.

Recommendation:

The LEAB supports changes in arrest procedures that would help ease some of the family trauma associated with arresting a caregiver.

Action Needed:

Given that no law enforcement leader agreed that this was a persistent problem, it is recommended that a working group be formed and tasked with examining all perspectives, potentially reconciling disparate viewpoints, and finding solutions for the abovementioned issues. The LEAB will continue this work in the 2009 Business Plan.

6. VCOMM

Chief Paul Duquette from Newport PD, VCOMM Chair, advised the LEAB that there has been significant progress with VCOMM in 2008. VCOMM will be upgrading technology at various UHF/VHF repeater sites and public safety answering points (PSAPS) in 2009, and the project to reprogram all first responder portable and mobile radio units was 82% completed as of September 1, 2008. \$1.4m has been spent replacing old radios across the state.

Industry Canada had been a major impediment to successful FCC license applications due to their belief that the frequencies would interfere with ones already in existence in Canada. A meeting to attempt to resolve this issue was held at the FCC office in Washington, and a pilot testing program was developed. On-air tests at designated VCOMM sites using designated frequencies were successful and Industry Canada agreed to approve the license applications. This, however, resulted in the loss of Jay Peak as a repeater site, which forced VCOMM to look for alternate sites. A partnership was also formed with VELC, which is trying to build a statewide system. Alternate sites were provided by VELCO and have been licensed by the FCC after successful on-air testing.

There is a January 2013 deadline for radios to convert to narrowband capability, and a number of radios and pagers in use now are not narrowband nor can they be converted. VCOMM emergency funds have replaced many non-compatible radios, but non-compatible pagers are going to soon be a significant issue.

This will require replacement of the remaining non-conforming radios and non-narrowbandable pagers. VCOMM would want to be able to financially assist in the transition. In addition, VCOMM should have some frequencies to lend first responders who miss the deadline.

VCOMM sees the biggest hurdle as sustainability. Currently, the backbone of the system is the state microwave system, which by itself requires approximately \$500,000 yearly for maintenance. In total, it is estimated that the yearly maintenance cost for the entire system will be approximately \$1.1 million. Currently, Homeland Security grants will cover the costs up to 2012, but after that, the state and users will have to fund the system. VCOMM recommends a yearly budget line item dedicated to sustainability. Major costs include site leases, software, and data circuits. See www.dps.state.vt.us/vcomm/ for more history.

The effectiveness of the new system was tested during the flooding incident in Barre, the cheese factory fire in Hinesburg, and a large fire in Hartford. There was no congestion on the frequencies.

Recommendation:

The success of initial uses in Barre, Hinesburg, and Hartford demonstrates that VCOMM is a significant improvement over the communications system previously available to first responders, and the LEAB supports continuing enhancement of the system.

Action Needed:

The LEAB recommends that the State of Vermont commit to sustain the VCOMM system.

APPENDIX A

List of Advisory Board Members

Name	Department	Address	State, City, Zip
Thomas Tremblay Commissioner	Department of Public Safety	103 South Main Street	Waterbury, Vermont 05671-2101
Colonel James Baker Alternate	Vermont State Police	103 South Main Street	Waterbury, Vermont 05671-2101
Francis X. Aumand, III Director	DPS, Criminal Justice Services	103 South Main Street	Waterbury, Vermont 05671-2101
Matt Valerio, Defender General	Office of Defender General	14-16- Baldwin Street	Montpelier, Vermont 05602-3301
US Attorney Tom Anderson James Leene, alternate	Office of the US Attorney	P. O. Box 570	Burlington, Vermont 05402

John Treadwell Asst. A.G.	Office of the Attorney General	109 State Street	Montpelier, Vermont 05609-1001
Sheriff James Coons Vermont Sheriff's Association	Addison county Sheriff's Office	33 Court St.	Middlebury, Vermont 05753
Vacant Vermont Police Association			
Karen Horn Vice Chair	Vermont League of Cities & Towns	89 Main St, Suite 4	Montpelier, Vermont 05602-2948
James Hughes, Esq. Dept of State's Attorney & Sheriffs	Franklin County State's Attorney		
Chief Rick Gauthier Chief of Police Assoc. Chair	Bennington Police Department	P. O. Box 1563	Bennington, Vermont 05201
R. J. Elrick, Exec. Director	VT Criminal Justice Training Council	317 Sanitorium Road	Pittsford, Vermont 05763

