

Law Enforcement Advisory Board Meeting
DPS Headquarters, 3rd Floor Large Conference Room, Waterbury VT
Minutes of Meeting
March 23, 2016

- Chairman Michael Major called the meeting to order at 1:04 pm with Nelson Tift, Vermont Constable Association; Rick Gauthier, VCJTC; Karen Horn, VLCT; Jennifer Morrison, VT Chiefs/Colchester PD (via conference call); John Treadwell, AG; Jake Elovirta, DMV; George Scribner, F&W; and Suellen Royea, DPS/CJS present. Also present were guests Auburn Watersong from VT Network and Cheryl Elovirta from Department of Corrections.
- **Review of Minutes from December 15, 2016 Meeting: Nelson Tift made a motion to accept the December meeting minutes. The motion was seconded by Rick Gauthier. The motion carried.**
- **New Business:**
 - **Presentation by DOC Commissioner Lisa Menard and Cheryl Elovirta regarding H.769:** Captain Major introduced the discussion on Bill H.769 and asked Cheryl Elovirta to give a brief review of the bill. Cheryl apologized for Lisa not being present and asked which sections were of concern. Captain Major noted that the warrant changes and financial impacts this will have on law enforcement was the portion he wanted to review. He was interested in trying to work this out before it was finalized. The current status of the bill was reviewed. It was determined that the Rule 3 portion has been removed. John Treadwell did note that he was concerned with the leading descriptors which may be misleading and not limited to non-violent crimes; Page 6 of 11 of unofficial version. Cheryl noted that the bill would allow more administrative probation and that Lisa had heard some concerns from other groups.
- **Old Business:**
 - **Review Body Camera Model Policy, S.174:** Rick Gauthier noted the Senate Judiciary Committee contacted him to see if we could put together a report on law enforcement use of body cameras. They wanted to make it effective in December, 2016, but have proposed a July 1, 2017 implementation deadline. It appears they are following the same model as the CEW model policy and the bill has two parts; 1. Develop a model policy, and 2. Determine the costs of implementation. Rick suggested creating a study committee. Karen Horn suggested including looking at how long to store data. She asked about the number of agencies using body cameras now. Rick thought there were about 35 agencies using them; some are issuing one per officer and some share the equipment. Rick volunteered to chair the study committee. Jen Morrison asked if you don't use body cameras, would you have to adopt the policy. Rick Gauthier read a passage of the bill that stated that if an agency does not use body cameras then they

would not be required to adopt a policy. He noted that this is not the final version as it also includes a requirement for the Academy to offer two hours of animal cruelty training during basic training. Karen Horn suggested finding out what body camera policies are currently being used. Suggested members of the Study Committee included: Rick Gauthier, John Treadwell, Auburn Watersong, a local police department representative possibly Captain Tucker from Rutland, and someone from Winooski PD. Auburn Watersong suggested representatives from minority groups. Rick Gauthier thought that the study committee could take testimony from them to hear their concerns. Michael Major shared that there is a federal grant for up to \$40,000 per agency currently available. The deadline to apply is April 17, 2016.

- **S.221, Decertification of officers:** Rick Gauthier reviewed that the portion of S.221 that affects this board is a section that added representatives from DMV and Fish & Wildlife as members of the Board. Rick asked the House & Senate Gov Ops and Judiciary Committees to add back the non-controversial aspects of the bill and asked if everyone was okay with the LEAB piece. Karen Horn inquired about the part where any entity that hired security officers was considered a law enforcement agency and thought that some clarification was needed. Rick noted that this was clarified before the bill ended. Auburn Watersong noted that she testified to include the VT Network in the bill as they are interested in making the partnership stronger with law enforcement. Karen Horn inquired about the status of Fair and impartial policing. Rick Gauthier shared that Jennifer Morrison and himself have been working on creating a policy. They have tweaked a draft to meet some ACLU concerns and he anticipates another meeting with the goal of meeting the July 1, 2016 deadline. Jen Morrison added that they are trying to come to a mutual compromise to meet all the concerns and asked John Treadwell to review the changes in the next draft. John agreed to review the draft.
- Karen Horn shared an issue raised by town managers concerning officer safety at night in rural areas given the increase of violence. It was noted that this is not apt to change given current finances and is a problem even in urban areas. Some concerns regarding improving communication and coverage were reviewed.
- Commissioner Lisa Menard arrived around 1:40 pm. Michael Major welcomed Lisa and noted that earlier in the meeting it was determined that the Rule 3 piece was removed from the bill. Lisa noted that there was some discussion about including language to ask Corrections and law enforcement agencies to talk about potential changes. It became clear when she met with Chiefs Merkel and Whipple recently, that more conversations are needed before talking with the Legislature.
- **Creation of 2016 Study Committee:** Rick Gauthier asked what this items means. Michael Major noted that it was intended to create any needed working groups for the Board. Rick Gauthier reminded everyone that we need to review the model CEW policy

annually. He asked Jen if there were any questions about the adjustments made last year. She responded that she had not heard anything.

- **Fair and Impartial Policing Status:** Jake Elovirta inquired about the status of the Fair and Impartial Policing. Rick Gauthier noted that Bill 743 requires the Academy to offer training every other year. Due to the number of trained trainers, it became apparent that getting everyone trained by 2016 was not going to happen. Consequently, the deadline may be changed to 2018. Jen Morrison noted that there may be a few more trainers than thought. A discussion was held about agencies reporting data to the Academy. Rick Gauthier noted that Bill 743 talked about mandatory reporting to two agencies. He talked with Max Schlueter from Crime Research Group, which is set up to gather data and publish reports and Max indicated they would need to be contracted with the State. A concern was raised in Committee about what happens if CRG is no longer interested/can't do what's asked. During the Committee discussion, Rick suggested changing the language to include another vendor. If this bill passes, the data will go directly to CRG. Michael Major inquired about race data from Valcour. Jen Morrison explained that the current report has a large amount of data and they were trying to make sure all agencies are releasing the same data with the same names. She thought a second report might need to be developed for public viewing. Jake Elovirta noted that VSP Captain Ingrid Jonas will be holding a meeting in Royalton on March 28 on Fair and Impartial Policing.
- **Adjournment:** Meeting adjourned at 1:54 pm.

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 174
3 entitled “An act relating to a model State policy for use of body cameras by
4 law enforcement officers” respectfully reports that it has considered the same
5 and recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. LAW ENFORCEMENT ADVISORY BOARD; MODEL STATE
8 POLICY; BODY CAMERAS

9 (a)(1) On or before December 15, 2016, the Law Enforcement Advisory
10 Board shall establish and report to the Senate and House Committees on
11 Judiciary and on Government Operations a statewide policy for the use of body
12 cameras by Vermont law enforcement officers.

13 (2) The report required by subsection (a) shall include a section
14 addressing:

15 (A) any costs associated with establishing the statewide policy,
16 including the costs of obtaining cameras and storing data; and

17 (B) potential grants available to alleviate the costs of establishing the
18 statewide policy.

19 (b) The model policy required by this section shall include provisions
20 regarding:

21 (1) when a law enforcement officer should wear a body camera;

1 (2) under what circumstances a law enforcement officer wearing a body
2 camera should turn the camera on and off, and a requirement that the officer
3 provide the reasons for doing so each time the camera is turned on and off;

4 (3) when a video recording made by a law enforcement officer's body
5 camera should be exempt from disclosure under the Public Records Act as
6 determined by subchapter 3 of chapter 5 of Title 1;

7 (4) treatment of situations when a law enforcement officer's body
8 camera malfunctions or is unavailable.

9 (b)(1) Except as provided in subdivision (2) of this subsection, on or before
10 July 1, 2017, every State, local, county, and municipal law enforcement agency
11 and every constable who is not employed by a law enforcement agency shall
12 adopt a policy for the use of body cameras by law enforcement officers that at
13 a minimum meets the requirements of the policy established by the Law
14 Enforcement Advisory Board pursuant to subsection (a) of this section. If a
15 law enforcement agency or officer that is required to adopt a policy pursuant to
16 this subsection fails to do so on or before July 1, 2017, that agency or officer
17 shall be deemed to have adopted, and shall follow and enforce, the model
18 policy established by the Law Enforcement Advisory Board pursuant to
19 subsection (a) of this section.

1 (2) A law enforcement agency or constable that does not use body
2 cameras shall not be required to adopt a model policy under subdivision (1) of
3 this subsection.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.

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13 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE