

Law Enforcement Advisory Board Meeting  
DPS Headquarters, 3<sup>rd</sup> Floor Conference Room, Waterbury VT  
Minutes of Meeting  
April 17, 2014

- Chairman Rick Gauthier called the meeting to order at 1:07 pm with the following present: Rick Gauthier, Police Academy Director; Suellen Royea, Criminal Justice Services; Jim Leene, US Attorney Office; Paco Aumand, Public Safety Deputy Commissioner; Colonel Thomas L'Esperance, Vermont State Police Director; John Treadwell, Attorney General's Office; Michael O'Neil, Vermont State Police and guests: Mark Kroll & Michael Brave.
- The meeting started with a PowerPoint presentation by Mr. Michael Brave, which reviewed his experience, included some statistics about death, and some suggested solutions. One suggestion Mr. Brave made was to separate what an officer needs to know versus what is reference. Mr. Brave offered to provide suggestions on the deficiencies in the LEAB's draft policy by next Tuesday, April 22, 2014. A question was asked about the difference between immediate and imminent. Mr. Brave noted the difference is that immediate means now and imminent means about to happen, but he thought the terms may be used interchangeably. (During the presentation, Sheriff Keith Clark, Karen Horn and Tom Hanley joined the meeting. Colonel Thomas L'Esperance and Michael O'Neil left the meeting during Mr. Brave's presentation.)
- A second PowerPoint presentation was given by Mr. Mark Kroll, which reviewed his experience and his study on the effects of electricity on the human body. The presentation included several videos of humans and animals getting shocked by electric fences and tasers, some charts were shown on energy, microcoulombs, power, and electric fence pulses. A scenario was given where a person was tased and then died. The question asked was: Was it electrocution? Mr. Kroll answered that in his research with three (3) other experts, that there was no scientific research to support the cause of death as electrocution. Mr. Michael Brave added that cardiac arrest following being tased was a perfect storm scenario. Another question asked was if it was possible for a damaged taser to have a higher output. Mr. Kroll answered that there is no scientific evidence. Measurement of tasers was reviewed. Paco Aumand read a piece about measurement. The presenters noted that NIST has not finalized their standard and suggested that an ISO qualified lab should do the testing, and that some measurement theories are more marketing versus scientific. In response to a question about a recommendation regarding multiple tasing, Mr. Kroll explained that electricity is instantaneous and does not build up in the body; electrical current goes in one probe and out the other.
- For more information Mr. Brave suggested the website: [www.ecdlaw.info](http://www.ecdlaw.info).
- There were some questions for the presenters which included:

1. How they would recommend measurement. The suggestions was if there is a traumatic event, to handle the taser as evidence and request testing by an approved independent lab and to check the probes and wires as well as download the data from the taser.
  2. What is the definition of hot/cold weapon? The definition of a hot weapon is one that exceeds specifications and a cold weapon produces a lower amount. It was noted that there are a number of studies and different standards used in those studies. There was some discussion about testing and different types of equipment.
  3. Is a weapon consistently hot or cold? Mr. Kroll answered that you can't get more out of something than what it can hold and suggested talking with Professor Adler, who has tested over 600 CEWs.
- Both presenters offered to provide copies of documents discussed during their presentations and left at 3:00 pm.
  - The remaining members spoke about Mr. Stethem's testimony on Tuesday in the legislature, the presentations, options to talk with Professor Adler, Drew's testimony on training, Steve McQueen's testimony on body cameras, active resistance definition and standard, training, and immediate versus imminent.
  - Sheriff Clark wondered if the weapons are UL tested and thought that having a post-incident check list and an independent lab test the weapons were good ideas.
  - John Treadwell thought that we were close to a final draft and suggested holding another meeting to review it. It was agreed that the next meeting will be May 14, 2014, from 1:00 pm - 3:0 pm at Public Safety Headquarters, in Waterbury, VT. The agenda will be to finalize the CEW model policy.
  - John Treadwell noted that the House Judiciary Committee took up a bias-free policing bill, which will require the adoption of either the Attorney General's or Vermont State Police's policy and data collection.
  - Keith Clark made a motion to adjourn. The motion was seconded by Tom Hanley. Meeting adjourned at 3:37 pm.