

Law Enforcement Advisory Board Meeting
Minutes of Meeting
July 15, 2011

- Present: Jim Leene (US Attorney's Office), Paco Aumand (Department of Public Safety), Dee Barbic (Vermont State Police), Frank Piccione (HIS-ICE), Kate Sweeney (ERO-ICE), Steve Munroe (HSI-ICE), Mike Desjardins (HIS Derby Line), Derek Judd (HIS-Burlington), Danny Rachek (FBI-Burlington), Tom Hanley (Middlebury Police Department), Tris Coffin (US Attorney's Office), William Goggins (Department of Liquor Control), TJ Anderson (VT Criminal Justice Training Council), Rick Gauthier (VT Criminal Justice Training Council), Keith Flynn (Department of Public Safety), Amy S. Fitzgerald (Attorney General's Office), Tom L'Esperance (Vermont State Police), Cory Gustafson (VT League of Cities and Towns) and Suellen Royea (Department of Public Safety). Cindy Maguire (Attorney General's Office) arrived after the start of the meeting.
- Paco Aumand called the meeting to order at 10:05 am and reviewed what the Board does and how it was created. In the event specific cases needed to be discussed, Paco requested the option to go into Executive session if needed and lawful. Everyone introduced themselves around the room.
- Paco reviewed the agenda for the meeting. He noted that he had an opportunity to testify in front of the legislature regarding the Board's report. The legislature did not act on these issues this past year, but they may this next session.
- Review of Minutes:
 - There was no discussion regarding the minutes of the August 31, 2010, December 2, 2010, and January 4, 2011 meetings. Tom Hanley moved to adopt the minutes as printed. Motion seconded by Tom L'Esperance. Motion carried.
- Human Trafficking-
 - Paco asked Amy Fitzgerald to review the law and inquired if there was anything further the Board could do. Amy reported that the bill went into effective July 1, 2011 and gave a thorough review of Appendix G of the Law Enforcement Advisory Board Recommendations and what the requirements are (copies were made and distributed). Some of the items Amy highlighted included:
 - a video created on the national level has been distributed and will be adapted and included in basic training to help make law enforcement aware of the law;
 - the recommendation to create a response team that would receive advance training; the bill indicated that the Special Investigation Units would not be used as the response teams;
 - Section 266 of the bill requires the Department of Labor to create posters about human trafficking that will provide a hotline number and a local police

- department phone number; the national hotline will be through the Polaris project, which receives the phone calls and sends the calls to the applicable state, needs to have a contact number for Vermont and a protocol;
- Section 266.3, notes that once someone is determined to be a victim, that person must receive assistance in completing applicable forms, which needs a protocol and also needs to be incorporated into training for law enforcement officers;
 - Section 3, creates an ongoing human trafficking task force group through the Vermont Center for Crime Victim Services to provide services to victims and should be starting meetings in the fall and may encounter different needs; and
 - Section 11 of the bill requires State's Attorneys and Sheriffs to study the issue of forfeiture in Vermont and determine if a position is needed.
- Paco asked the federal members present about the impact of the federal law on Vermont and how cases are investigated. The federal members noted: that there has not been a case in Vermont, but it is a growing problem nationwide; that the elements of the federal law are difficult to prove; most times the witnesses would rather go back to their country than stay and be a witness; there are a number of brochures regarding human trafficking in an effort to publicize the law; training is being conducted; and efforts to reach out to non-law enforcement agencies has begun.
 - There was a brief discussion comparing the elements of the state law and the federal law. It was thought they were similar and that the state law might include some victim protection with a safe harbor.
 - A discussion was held regarding multiple agencies working together and how cases will be identified/investigated. Paco reviewed a thought from the January meeting that a case may be referred directly to the federal level. It was determined that preliminary incidents may not be enough to take to the federal level and that it is important to get local/state officers trained and on board. Tom Hanley thought that Paco's scenario is irrelevant and the local/state law enforcement are going to stumble on these types of cases and will need to know where to get the assistance. It was suggested the board come up with a paragraph or protocol on where to go when they find something. Amy Fitzgerald noted that Rick Gary from Essex PD may be a person who could help. Tris Coffin noted there are a number of levels to watch. Paco noted that the board can recommend policies and protocols and suggested the Board create a subcommittee to develop protocols to bring the state into compliance. There was some discussion about possible members. A question was asked why the SIUs were excluded from the response team. It was thought that the SIUs were still coming on board and had their plates full. Tom Hanley made a motion for the Law Enforcement Advisory Board to create a subcommittee to be formed with individuals with specific interest in this subject from both state and federal agencies and to be charged to develop policies and

protocols to be submitted to the Board and the Chairman would help draft the goals and objectives of the subcommittee and the selection of the members, which will go through the Law Enforcement Advisory Board. Motion seconded by Tom L'Esperance. No further discussion. Motion carried. TJ Anderson (VT Criminal Justice Training Council), Amy Fitzgerald (Attorney General's Office), Danny Rachek (FBI), and Jim Leene (US Attorney's Office) all expressed interest/representation on the subcommittee.

- Amy noted that the Dept. of Labor poster needs to have at least one law enforcement number, and wondered who should be listed. There was a brief discussion on possible phone numbers. Several members will discuss this and report back to the Board. Amy reviewed the section regarding the Department of Labor's mandate and also noted that the Polaris Project will be offering interpreting services. Paco will work on establishing the subcommittee and the goals and objectives.
- Status of H.470 legislation regarding our plan for complying with the required reports and the concept of a summit or training program conducted at the Vermont Police Academy: Paco asked Rick Gauthier about the status of this concept. Rick noted that Jim Baker reviewed his vision of developing best practices and is hopeful to schedule a summit in October. Rick has reached out to Jim Bakers' contacts and is awaiting a return call from the woman from the innocence project. Rick wants to continue with the project and getting out the information. A question was asked about why it was geared toward the Executive level. Paco noted that the intention was more towards creating best practices. It was noted that a few years ago the Legislature wanted to mandate best practices for law enforcement and law enforcement felt it would be better if they created them.
- Paco noted that the Board needs to get 6 more meetings in before the end of the year.
- Paco reported that the All Felon Arraignment DNA law went into effect July 1, 2011 and gave a brief review of the law and the procedure. A working group Committee meeting was held on July 11, 2011 and implementation process was reviewed. The working group Committee felt that the collection would be best done by those that make the felony arrest. To date, there have not been many ordered to give a sample. There was also a request to have the individual call the arresting agency to schedule the collection. Paco reviewed that DPS had requested funding to develop collection groups, but that the working group does not think that will work due to a concern about contracting with someone this year, someone develops the process and then next year the funding is not there or DPS receives a reduction in their budget and the consequences. There is a consideration to run a pilot project on how a collection point would work. The working group committee felt that if the reasonable protocol was developed first, it would be better.

- Paco noted that Rick Gauthier had submitted a suggestion to look at the business plan and adding the task of licensing officers. Paco wondered about the council's role. Rick reviewed the question of licensing officers similar to hair dressers, etc. and thought this may be something the Law Enforcement Advisory Board could work with the Council as a subcommittee to pull together the information, research and make a recommendation to bring to the legislature. Paco reviewed training and the council's role and that de-certification of officers was pending upon the completion of a felony or when their training is not maintained. The consensus of the group felt that the model should be developed at the Training Council level and then brought to the Law Enforcement Advisory Board.
- Paco noted that he will be scheduling a meeting in September and will be working with Amy Fitzgerald and TJ Anderson to put together the Human Trafficking subcommittee.
- Jim Leene made a motion to adjourn. Meeting adjourned at 11:33 am.