

Law Enforcement Advisory Board Meeting
Minutes of Meeting
August 22, 2013

- Rick Gauthier called the meeting to order at 1:00 pm with Board members: Paco Aumand, Jim Leene, Keith Clark, Glen Button, Jim Hughes, David Notte, Cindy Maguire and non-board members Jonathan Williams (for Karen Horn), David LeCours, and Suellen Royea present.
- **Minutes from last meeting:** Jim Hughes asked about the briefness of the short discussion regarding use of force on last line of the discussion regarding tasers item in the minutes of June 27, 2013. It was noted that there would be further discussion under the Old Business, Results of the Model ECD Policy Working Group. Jim Hughes made a motion to accept the minutes from June 27, 2013. The motion was seconded by Paco Aumand. Motion carried.
- **Old Business:**
 - **Results of the Model ECD Policy Working Group:** Rick Gauthier reported that the sub-committee held a conference call last week to look at ECD policies around the state. The goal was to identify essential components, similarities and differences of each policy, and compare what the Academy teaches versus the policies. It was noted that there was some commonality in the definitions of passive resistance and aggressive resistance among the policies and the Academy, and the Academy's teachings follow the policies. He reported that one area debated by the group was special populations. Cindy Maguire added that the Attorney General's Office was developing a draft policy for review by the sub-committee in September and for review by the Board in October. She noted that Chief Bombardier may be consulted as a use of force expert and that it may be hard to separate taser and use of force, but the focus is still on tasers. In theory, all law enforcement agencies should be operating under the same policy. Rick Gauthier noted that at each level of resistance, there are a number of options but officers maintain discretion based on the situation. It was noted that the plan will be to have a policy ready to go and key elements to have in a policy. Capt. Notte gave Vermont State Police's definitions of active resistance and passive aggressive.

Rick Gauthier noted the Council is also looking at training on tasers beyond the manufacturer's training. He reported that of the 20 responses received, 18 used only what the manufacturer provided. Florida also offers an officer certification and trainer class. The survey also showed that most agencies in New England only offer the manufacturer training. Rick noted that other states are interested to see what Vermont offers. The Academy is working on offering two different tracks, similar to firearms, and looking at what we need to do with the classes to bring them to a certification level. There will be a council meeting in September. A question was asked about the current

curriculum for certification. It was noted that the initial training is two (2) days and recertification training is one (1) day. Capt. Notte noted that the Vermont State Police has some trainers. Some of the costs for tasers were reviewed. A question was asked if the Academy would oversee the certification for Vermont; Rick Gauthier answered that is the Academy's intent. It was noted that officers already need to be re-certified for use of firearms each year. A question was asked regarding how many officers were injured while being trained. Captain Notte noted that Vermont State Police have only had one (1) person injured while taking a voluntary hit, but the officer had a pre-existing medical injury. Taser manufacturer recommends an officer take a hit and trainers are required to take a hit. Captain Notte noted that Massachusetts State Police has a similar policy to the Vermont State Police. A question was asked if the taser manufacturer was looking at changing their recommendations; Capt. Notte did not think they were as they stand by their product as being safe. He noted that the Canadians have done a lot of research and these are safe devices. Less lethal was discussed briefly. Burlington Police Department's active resistance definition was reviewed. In summary, Keith Clark felt with the Attorney General's Office help, the sub-committee will come up with a model policy and that most of the policies were not that far apart. Cindy Maguire noted that there was not much discussion on a central repository of reports or displays and was looking for suggestions, how this information is being collected and distributed to the public. Capt. Notte noted they receive requests regularly and have a report; Cindy Maguire asked for a copy of the form. He also noted that the Vermont State Police uses ECD tracking and use of force tracking.

- **Eyewitness Identification/Recording of Interviews:** Rick Gauthier reported that recently he has received calls from the innocence project about the training and the status of the recording interviews process, and from Mr. Tom Sullivan in Chicago, who was gathering information to write an article/legislation on recording of interviews. The conversations have been about statutorily mandated processes. Legislation that Mr. Sullivan is proposing is state by state. In his conversation with Ms. Rebecca Brown, he reviewed some of Vermont's legislation and how bias free policing worked with a model policy and key elements. Mr. Sullivan seems to be shocked that there is no entity overseeing municipal agencies for compliance and was a little concerned that no one was overseeing this and there were disparities on when agencies start recording. Rick noted that it appears they are all sharing information and he is not sure of what type of legislation they will submit.

- **New Business:**
 - **2010 and 2011 reports:** Paco Aumand wanted to review our prior reports due to Mr. Sullivan's inquiry and to make sure that everyone knew that we have a website with annual reports, business plans, policies and studies, members, etc. Cindy Maguire noted that we adopted the Bias free policy that is missing from the website; Suellen Royea was asked to add it to the website. Paco noted that there is not a true body in Vermont that has the authority to push policies and see that they are enforced. This Board can suggest and create suggested /model policies. Paco Aumand displayed the Board's 2010 Report with recommendations on eyewitness identification and noted the action needed was completed in 2011. It was noted that Senator Dick Sears was satisfied with what we did. Rick Gauthier also noted that he sent out a reminder that they had trainers available. Paco Aumand suggested to reference back to the other reports when we draft the 2013 report. It was also noted to add the human trafficking policy to the website. The action needed in the 2011 report was reviewed. A question was asked about being able to know how many times the website/documents have been accessed. Suellen Royea was asked to check with Stephanie Dasaro, the Department of Public Safety's Webmaster, to see if this is possible.
 - **Firearms storage regard abuse prevention orders:** Keith Clark reported that three (3) sheriffs met with the administration to start drafting some language for legislation regarding storage of firearms in abuse prevention orders. He reported that the Sheriffs would be the lead, but they have some concerns about cost, location, etc. and are doing some research. Keith noted that Vermont Victims were trying to do something, but didn't have the funding. Some of the research includes: how many firearms in a year, is there a fee, a process for once the order expires, the possibility of licensed gun dealers being a storage location, and a system similar to a car once it is impounded. James Leene asked if it would apply to just domestic violence situations or any judicial order. Keith Clark was not sure but thought there would be more information to come.
 - **Next meeting:** The next meeting was scheduled for October 10, 2013, from 1:00 pm to 3:00 pm at the Department of Public Safety Headquarters, 3rd floor conference room.
- **Adjournment:** Meeting adjourned at 2:10 pm.