

DPS Law Enforcement Advisory Board Meeting
Tuesday August 31, 2010

Minutes of Meeting

Present: Francis (Paco) Aumand, Jim Coons, Tom Hanley, Tom L'Esperance, Jim Hughes, David LeCours, Jake Elovirta, Bill Goggins, Joe Damiata, Jim Mongeon, Karen Horn, James Baker, and Suellen Royea.

The chair, Francis (Paco) Aumand called the meeting to order at 1:37 pm.

- A motion was made by Jim Coons and seconded by David LeCours to approve the June 22, 2010 minutes. The motion passed.
- Old Business:
 - Law enforcement response to law enforcement involved domestic violence situations.
 - Paco noted that Rick Gauthier is still reviewing the model. This item will remain on the agenda.
 - A status discussion of our plan for complying with the reports required as part of the H. 470 legislation.
 - Preservation of Evidence working group.
 - Update: Paco Aumand, working group chair, reported that some members of the group met a couple of weeks ago. They discussed the issue of what physical evidence containing biological evidence really is and the requirement to develop a facility/facilities to store biological evidence. What is “physical evidence containing biological evidence”? Is it the car, car door or just the blood stain? Paco noted that Wanda, from BGS, was under impression that DPS’s new renovations included 1,000 square feet for evidence storage. Major Sheets said there is on the fourth floor of Public Safety. Some question if this is Public Safety’s responsibility to provide this. Paco noted that he had an earlier conversation about this with Jim Mongeon. During that conversation, it was noted that evidence presented and admitted would end at the court with conclusion of trial. It was thought that when a case is done, courts would call to have evidence returned and placed in long-term storage.
 - There was some discussion about what biological evidence means and whether or not retaining just the evidence admitted at trial would suffice.
 - Paco proposed our task is to retain physical evidence that contains biological fluid that is admitted at trial. At the end of

trial the SA and Investigating officer retrieve the evidence to be put in long-term storage at DPS. This does not deal with the other evidence collected and not admitted at trial.

- Paco asked that we close this discussion and move on. The working group will be meeting again. Question about unsolved cases was raised. Paco will ask the working group to discuss. This item will remain on the agenda.
- Eyewitness Identification working group
 - Jim Coons noted this working group has not met; still waiting for State's Attorney representative information. Jim Hughes will be the State's Attorneys Representative. Jim Baker noted someone from the Police Academy attended a seminar and has some updated curriculum/lesson plans.
- Recording custodial Interrogations working group
 - Tom Hanley noted the working group met and determined where practical, recording should be turned on if available, and if it is wanted, need funding. It was noted that Tom Kelly will be the State's Attorneys representative. Jim Mongeon noted that if there is no recording, there is no case as the State's Attorneys' first question will be if the confession was recorded. It was noted that the wording will need to be written carefully. Tom Hanley would like to hold another committee meeting.
- Paco Aumand noted that the Commissioner is not in attendance today so there is no update on Human Trafficking Task Force. This item will remain on the agenda.
- VLCT Model Police Policy Manual update -Joe Damiata, VLCT Manager of Health and Safety Promotion, gave a brief overview to the Board on this new VLCT effort. The next meeting will be on October 7, 2010. There are several drafts available for review/input. If no additional meeting after October meeting, Policy manual should be up and running sometime in November. VLCT will be offering a day long course to train users. Joe Damiata noted that New Hampshire just went through this, and theirs is open to anyone who wants to use the tool. Paco Aumand inquired whether or not the Board should make any notes of this in the annual report and endorse the concept of a manual and best practices. Jim Baker, VT Police Academy, noted that the Academy is looking at this as a possible "best practices", which is the beginning for possible accreditation. Joe gave a brief overview of what/how they selected this company. This will stay on the agenda for an update.
- Round Table Update:
 - Bill Goggins, Liquor Control shared that one of their investigators stopped a car with two individuals and ended up calling State Police to search the car. Liquor Control is looking for a bill in this year's Legislature to give Liquor

Control Investigators law enforcement authority. Paco Aumand asked Bill to return with an update.

- Jake Elovirta, DMV reported that texting has been a big issue, and VT Drives is moving forward, may possibly be up later this fall.
 - Dave LeCours, F&W noted they have been shorthanded this year, may reach out to others to help with complaints. Fish & Wildlife is in the process of hiring, but locating quality people is taking longer than usual.
 - Jim Hughes, State's Attorney: Pass.
 - Tom L'Esperance, VSP reported that 19 members have been assigned to SIUs, funding for 6. They are looking for help in getting a task force together similar to BCI model. Also, working with a leadership program training for their sergeants, which is working very well and can modify to Vermont's policies and procedures.
 - Tom Hanley, Police Chiefs noted that work is continuing on a manual, the December meeting will be December 16, 2010 at the Middlebury Inn. Also, they are working with the Police Academy on training and making a recommendation.
 - Jim Coons, Sheriffs Association reported there will be some press (posters, commercials, etc.) on a National Take It Back initiative scheduled for Saturday, September 25th, 10 am to 2 pm for individuals to drop off unused prescriptions, etc.
 - Paco Aumand noted that the Justice Information Sharing project is alive and well, going slowly due to the State's contract process. At the TRCC meeting will be talking about e-citation as the Governor's Highway Safety Program has some funding set aside for this project.
 - Jim Baker, VT Police Academy reported that the Counsel has asked Jim to stay on until June 30, 2011 to work on some projects. Trying to work out some budget issues. Staff recovering from where they were 8 months. The second academy class is on week 4 and doing well. The Academy is working on some leadership tracks and with the agencies to meet the best practices/needs.
 - Karen Horn, VLCT noted they have developed a municipal policy, a public safety committee, and asked about constable training. It was noted that the Constable training is still at the summer study committee level.
 - Jim Mongeon, SA: Trying to get additional internet technology, updating SA case management system, working for data exchange. Working also on deploying media carts for the presentation of video, etc. and will be talking with each agency about what media they have. Visits to SA offices and SIUs. The State's Attorneys continue to move forward.
 - Joe Damiata, VLCT: Pass.
 - Paco Aumand noted that he continues to be an advocate of the LEAB.
- Next Meeting will be September 28, 2010, 1:30 pm. Location to be determined.
 - Meeting adjourned at 2:43 pm.