

Law Enforcement Advisory Board Meeting
DPS Headquarters, 3rd Floor Conference Room, Waterbury VT
Minutes of Meeting
September 18, 2014

- Chairman Rick Gauthier called the meeting to order at 1:00 pm with the following present: Roger Marcoux, Vermont Sheriff's Association; Nelson Tift, Vermont Constable Association; David LeCours, Fish & Wildlife; A. J. Rubin, Disability Rights of Vermont; Allen Gilbert, ACLU; James Leene, U.S. Attorney Office-VT; Jennifer Morrison, Colchester PD, VT Police Chiefs Association; Michael O'Neil, VSP; Lt. Colonel Matt Birmingham, VSP; and Suellen Royea, Criminal Justice Services Admin. It was noted that a quorum was present. Introductions around the room were given.
- **Review of Minutes from June 19, 2014 Meeting:** Nelson Tift moved to accept the minutes. The motion was seconded by Jim Leene. The motion passed.
- **Old Business:**
 1. **CEW Reporting Form:** Rick Gauthier noted that at the last meeting it was determined that Rick, Allen and AJ would meet to come up with a reporting form. They met a couple of times in person and exchanged many emails. It was noted that just before the meeting it was determined that the proposed form that was emailed was not the most recent version. Rick highlighted that Question #10 was updated to be compatible with legislation and a typed signature is also an approved signature. Jennifer Morrison suggested adding "at the time of deployment" to Question #7. There was agreement to add the phrase. Rick reviewed that while creating the form, there was some debate about whether to use an officer's name or call number. There was some discussion about which piece of information to use to identify the officer/incident. Suggestions included eliminating an officer name/call number and using a case number on the form, using an officer's call number, or ID number. It was determined to use the case number. A question was asked about the timing of filing the form. It was noted that there is nothing in the policy. Another question was asked if the intent was for everyone to use this form. Rick Gauthier indicated this form or a form like it with all the applicable information. He noted that the plan is for the form to be downloadable and the legislation noted it should be established by the LEAB. There was some discussion about agency use of force forms. It was noted that the end product should be able to be posted as received. An additional suggestion was to add Unknown to question #9. There was some discussion about training officers on how to complete the form. A couple of scenarios were reviewed. AJ volunteered his office to help train the officers. A concern was raised that the form feels like a way to get the officers in trouble and it was suggested the roll out should encourage completing the form. The form's intent was reviewed noting it is meant to be a thorough review of what happened and quick to complete; it is not meant to punish officers. It was noted that Question #3 was listed as a

Legislator requested language about animals be included. There was a discussion about the training Questions 20 and 21. A suggestion was made to make the question more generic. It was noted that there is a desire to find out which mental health trainings are helpful and which are not helpful. A couple of suggestions included: adding a check box for NA and removing the question or make it more generic. Additional suggestions about the form included: allow the forms to be submitted for a year and then go to the agencies and talk to training officers, for the Law Enforcement Advisory Board to review the effectiveness of the Act 80 training, include an officer's supervisor review, removing question #20, putting all of the special needs population questions together, this form being optional for agencies that do not have a use of force form, and create an instruction sheet on how to complete the form with information about the questions. There was much discussion about multiple forms and use of force forms. It was noted that the intent of this form is not a use of force form and probably would not be used a lot. Copies of the Vermont State Police Use of Force form were handed out. It was noted that the Legislature is looking for consistent, statewide data. Police officers are now dealing with situations that other agencies use to deal with. A typo was noted in Question #11. It was determined that the noted corrections will be made and the form would be re-distributed. A question was asked about how the Academy will know they get all the completed forms. It was suggested that the Academy run a verification report to send to agency heads with the number of reports they receive to insure the form is completed.

2. **Measurement & Calibration Policy:** Rick Gauthier noted that John Treadwell cleaned it up and added Sections 1.7 and 5. Section 5.1 talks about calibration testing upon receipt, annually and after a critical incident. He noted that he sent Dr. Adler an email regarding the self-calibration units, but has not received a response. In addition, he reported that older units are being phased out fairly quickly and that the Academy is buying a calibration testing station at a cost of about \$14,000. It was Rick's feeling that we needed to hear back from Dr. Adler before finalizing the changes. The purchase of the testing equipment and the testing against the manufacturer specifications was reviewed. It was noted that if the self-calibration doesn't work correctly, there may be a need to put testing equipment around the state. A couple of suggestions were made; one was to test the units for a year and if it is the same, could trust them, and the other was to pick some units to monitor for a year to watch for changes. Rick Gauthier added that Taser has offered to train us and the equipment is very portable. Those in attendance were in agreement with the definition of a critical incident and Section #5.
3. **S.184 Electronic Recording Implementation Plan:** Rick Gauthier noted that the Law Enforcement Advisory Board is responsible for an implementation plan. He noted that audio recording alone meets the requirement per the Innocence Project. The legislature

requirements were reviewed with a report due on October 1, 2014 (a summary list of deadlines and reports was distributed). A suggestion was made to keep the report simple; state what we have done and where we are. A question was asked about the equipment inventory. It was noted that the Vermont State Police has recording equipment at all barracks. Recording devices was briefly reviewed. Filing Legislative reports outside of the session was reviewed. It was suggested to email the report to the Committee Chair and Legislative Council.

- **New Business:**
 - There were no new business topics brought up for discussion.
- **Adjournment:** Michel O'Neil made a motion to adjourn. Lt. Colonel Matt Birmingham/Roger Marcoux seconded the motion. Next meeting was discussed and determined to previously being scheduled for October 16, 2014 from 1:00 pm to 3:00 pm in the 3rd floor conference room at DPS Headquarters. Meeting adjourned at 2: 19 pm.