

Law Enforcement Advisory Board  
DPS Headquarters, 3<sup>rd</sup> Floor Large Conference Room, Waterbury VT  
Minutes of Meeting  
October 11, 2017

- Chair Rick Gauthier called the meeting to order at 1:03 pm with the following present: James Hughes, Franklin County State's Attorney; Sheriff William Bohnyak, Orange County Sheriff; Colonel Matt Birmingham, VSP; Captain James Whitcomb, VSP; Chief Jennifer Morrison; Commissioner Tom Anderson, DPS; Gwynn Zakov, VT League of Cities & Towns; Howard Weiss-Tisman, VPR; Melanie Waldbrige, UVM; Brenda Churchill, LGBTQIA Alliance of Vermont; Nelson Campbell, Human Rights Commission; Jake Elovirta, Motor Vehicles; George Scribner, Fish & Wildlife; and Suellen Royea, DPS/CJS. It was noted the quorum requirements were met.
- **Review Minutes from December 22, 2016; February 9, 2017; and September 8, 2017 Meetings: Jennifer Morrison made a motion to accept all the minutes as presented. Jim Hughes and Bill Bohnyak seconded the motion. Motion carried.**
- **Old Business:**
  - **Gender Identification Update:** Chief Jennifer Morrison reviewed the request submitted to the Vermont Chiefs of Police for an opinion on adding a third gender option to drivers' licenses. She reported that two (2) states have added a third option ("X"), but there is no data available regarding any benefits/problems. She also contacted the AAMVA to see if they had an opinion. Their response was that they are only collecting "M" or "F" data and currently does not have an opinion regarding a third option. The Vermont Chiefs of Police were polled and currently does not have a consensus, but are willing to hear more on the topic. Sheriff Bohnyak reported the sheriffs are neutral and there is no consensus at this time. Rick Gauthier added the Training Council is neutral, as well. Chief Morrison continued that initially it was thought a decision was needed to meet a DMV RFP deadline, but since learned that the RFP has the ability to add a third designation later, if needed. Guest Brenda Churchill shared her thoughts that the intent of the fair and impartial policing was to collect data, and felt that a third option would boost the moral and confidence of individuals applying for their drivers' license. A question asked was if individuals would have the opportunity to pick different genders on renewals. The response was that this question has been asked; however, it is unknown how the system will work. It was added that a physician letter is needed during medical transitions, and that additional documentation would probably be needed to change genders at renewal times. The guests present indicated most of their individuals would be okay with "X" designation; however, during the discussion it was noted that "N" or a neutral option would be preferred. Several additional questions asked included: if legislation was pending, if the DMV database was accessed to run a NCIC check; and if there were any officer safety issues. The responses were: that the additional option could be added administratively and legislation was not needed; the DMV database would be accessed if another state runs a Vermont name and Name and DOB are the only pieces of information needed to run NCIC checks; and no officer safety issues were identified. The purpose of a driver's license was noted as a document that shows you have the privilege to drive on Vermont roadways. Other items listed on a driver's license (weight, eye color, hair color, for example) were noted as they could be different in person from that which is listed on the license. An additional question was

asked if race or ethnicity were listed on the license. It was noted they are not and that data collected regarding race/ethnicity is based on a police officer's perception. The third designation was further reviewed. It was noted that the LGBTQIA Alliance in Vermont polled employees and members regarding their preference and some preferences included: "X", "N", and "U". Also noted was Canada recently added an "X" option on passports and several Countries include a third gender option. The guests thanked the Board for looking into the matter. (Melanie Waldbrige, Brenda Churchill, and Nelson Campbell left at 1:30 pm.)

- **License Plate Readers Update:** Jake Elovirta reported that the feedback from law enforcement is that LPRs are a helpful tool and DMV is researching costs to install a server. Commissioner Anderson noted that he has to provide a report to the Legislature based on the alerts and the outcomes. He expressed his concern with the accuracy and availability of the data; Valcour can collect some of the data but Spillman cannot. During the discussion, it was noted that Genetic is software that can collect and report the data, and LPRs in municipal environments are extremely useful. Chief Morrison offered to draft a position sheet on why LPRs are important. Fish and Wildlife reviewed a situation where they benefited from the use of LPRs but due to the financial cost, will not obtain them. A question was asked regarding the deadline and if there would be a November meeting. The response was that the Commissioner's report is due in January, 2018 to the Legislature, and there would be a meeting in November. Guest Howard Weiss-Tisman asked for clarification on the DMV deadline and Commissioner Anderson's report. The response was that there is no deadline for DMV since the RFP includes the ability to make changes and that Commissioner Anderson is required to provide the Legislature with an annual report based on reporting requirements that includes data based on the results of the alerts. There currently is not a good way of capturing the data in the databases currently used. There are vendors that offer additional software to track alerts but the primary software does not have that ability. Another question asked was if it was because the data does not exist or officers are not collecting it. The response was that the data currently is not available.
- **Regionalization of Services Update:** Rick Gauthier reported that he attended Senator Jeanette White's meeting in Manchester. The meeting lasted more than two (2) hours, there was a lot of citizen input, and the focus was on a \$574 million cost for law enforcement in Vermont. Gwynn Zakov reviewed the groups used to make up the \$574 million cost. Rick Gauthier noted that Senator White keeps referring to some studies done in 1974 and 2007. Other topics discussed at some of the other meetings included: consistency and availability of services; utilizing a residential trooper program; creating an Agency of Public Safety; regionalizing services; officer retention/recruitment; and paying for the services. In addition, it was noted that the conversations in rural areas are different from the conversations for Chittenden County, and there will be an all-day meeting in Montpelier in November that may shape any upcoming legislation. It appeared the purposes of these meetings were all over the place. (Guest Howard Weiss-Tinsman left at 1:50 pm.) Some proposed solutions from some of the meetings included: volunteer police officers (like fire fighters); county-based law enforcement

agencies; and interagency police agreements. A question asked was whether there was concern that the study is 10 years old. The response was that the concern is that nothing has resulted from the study, which was an expense to conduct. A suggestion made was to prepare talking points regarding what we think regionalization should look like and means. A couple of priorities suggested included regionalized dispatching and training/recruiting.

- **New Business:**
  - **Dispatching:** Commissioner Anderson reviewed the enabling language of the board and its purpose. He shared that he is wrestling with dispatching and asked if it was something the Board could review and advise him on the best option. Currently, DPS pays for dispatching of 171 entities. The options he sees include: continue paying for the services, start charging the 171 entities for services, or stop dispatching for local entities. It was noted this is not a small undertaking. A discussion was held which touched on the following: towns may have the option to fall back on DPS for free; the League of Cities and Towns are in the middle as they have towns on both side, but trying to find a more economical option; when you put different areas together, it does not work; small counties should be housed together (police, fire, EMS); and local services and control is important. Suggestions included: drafting a document defining the issue and pros and cons of proposed solutions; holding a brainstorm session to get thoughts from all the representatives on the Board; adding a fourth option of dismantling all the current dispatching and rebuilding it from scratch with a fair share hierarchy; and review the current process. A question asked was about if FirstNet would take over dispatching. Commissioner Anderson shared the vision and purpose of the broadband network and was not sure it will take over dispatching. Commissioner Anderson will draft a sheet for review/discussion.
  - **Meeting Schedule:** The next scheduled meeting is on December 14; however, we do need to fit in another meeting. It was agreed to meet on November 15, 2017 from 1-3.
  - **DPS listserve email Group Changes:** Chief Morrison reported she is updating the DPS Chiefs email groups. In working with DPS IT, the groups will be named as follows: vtchiefall (everyone who has paid dues/retired/vendors) and vacopchiefsonly (active membership who are sworn law enforcement). The purpose of "vacopchiefs" is for discussions among current chiefs.
  
- **Adjournment:** Gwynn Zakov made a motion to adjourn. Bill Bohynak seconded the motion. Meeting adjourned at 2:27 pm.