

DPS Law Enforcement Advisory Board Meeting  
December 2, 2010

Minutes of Meeting

Present: Francis (Paco) Aumand, James Hughes, David Lecours, Matt Valerio, Drew Bloom, Bill Goggins, Jim Leene, Cory Gustafson, Tom Hanley, Joe Damiata and Suellen Royea.

The Chair, Francis (Paco) Aumand called the meeting to order at 1:31 pm. Paco Aumand noted that Commissioner Tremblay was not able to attend. It was also noted that these meetings are open to the public and was warned by the Department of Libraries.

Review Minutes from June 22, 2010: Item was tabled due to no quorum of official members in attendance.

Old Business:

- Law Enforcement response to law enforcement involved domestic violence situations. Status update combined with VLCT Model Police Policy Manual update.

Joe Damiata gave a brief update on VT League of Cities and Towns' Model Police Policy Manual project. Joe noted that the Committee met three times and has a final draft of the manual. Trainings are being scheduled now and should be completed by the end of January. There is a policy on Domestic Violence included in the manual. Non-members will incur a charge for a copy of the manual, which will be determined shortly.

There was a suggestion to reconcile LEAB's draft policy on law enforcement involved domestic violence situations and the manual policy and offer a recommendation to support the VLCT's work that should include our policy. Paco is open to suggestions.

Joe will let Paco know the dates of the trainings for distribution.

- Paco distributed a proposed annual report of what the Advisory Board has done to comply with the reports required as part of H.470 Legislation.
  - Preservation of Evidence working group: Appendix C, which talks about our charge and the law, was discussed. There was some discussion around the definitions of biological evidence and biological fluid, what evidence is collected and should be retained in the event a case needs to be retried, and what/who "we" means. Paco reviewed the working group's proposal. There was some discussion about what is collected and retained as evidence. From the State's Attorneys and Chiefs perspective, typically keeping just swabs and photos that were taken should be enough, but in some cases keeping the physical evidence through trial may be desired. Paco reviewed that the Board's charge is to develop a proposal for implementation. Those in attendance felt that the draft proposal meets the charge. Some of the SA's concern is that sometimes

the evidence is disposed of before all the appeals are completed. Jim Hughes reviewed a couple of cases. It was determined that what is written is acceptable. Paco will continue to work on it. If there are any comments, please forward them to Paco. Paco would like to have the report completed as close to January 15th as possible.

- Recording custodial Interrogations working group: Tom Hanley distributed a draft of best practices, which includes an estimate of \$10,000 per camera. Tom noted that a survey of current equipment is going out to the Chiefs via Survey Monkey. There will be another meeting in 2 weeks in South Burlington to finalize the draft. There was some discussion about the cost of the equipment. Liquor control noted that they have had good luck with audio recorders. Finding #2 was reviewed.

Paco noted that the proposal should encourage a position at the Police Academy to make sure the Best practices and policies are kept up-to-date if proposals are enacted upon.

A discussion was held on the disparity of the training for full-time certified officers and part-time certified officers.

- Eyewitness Identification working group: The working group has not done much. Paco has received some information from Massachusetts and it does not look like it will take much to adopt what Massachusetts did. Paco will talk to Jim and get something written. Jim Baker relayed to Paco that we do need to take a look and adopt something.
- There was a discussion held around the law that goes into effect on July 1, 2011 requiring the collection of DNA from all felony arraignee where probable cause is found. Paco was looking to the Board for direction on the collection, which should be done as close to the arraignment as possible. Paco shared his thoughts/suggestions. One suggestion would be to put the responsibility on the Sheriffs. The second would be to put a block of money for someone to collect the samples. DPS would manage a contract program for RFP. Third is to have the responsibility on the arresting agency.

A discussion was held which included a suggestion for the Court to mandate Probation & Parole to collect the samples, whether the collection could/should be done at the time of arrest of all Felonys, and how law enforcement and the lab would be impacted, which will be getting funding for additional personnel to handle the additional workload. Some concerns discussed included this law being challenged and the Lab's concern around liability. Paco brought this to the Board looking for direction from the Board for implementation. There was a feeling that it needs to be done at the Court House. There was also a concern raised about non-compliance.

- Human Trafficking Task Force update: Paco read an email sent to him from the Commissioner. The Commissioner is making every attempt to resolve things before the next commissioner.

Next Meeting: It was determined to do some editing of the report through emails and meet on January 4, 2011 at 1:30 pm. Location to be determined. Meeting adjourned at 2:55 pm.