

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

- Chairman Rick Gauthier called the meeting to order at 1:06 pm with the following present: Michael Major, Chittenden County Sheriff/VPA; Nelson Tift, Vermont Constable Association; Jennifer Morrison, Colchester PD/VT Chiefs; Glen Button, DMV; Allen Gilbert, ACLU; Paco Aumand, CJS; James Leene, US Attorney's Office; and Suellen Royea, Criminal Justice Services Admin. It was noted that a quorum was not present as of yet. Introductions were made around the table.
- **Review of Minutes from October 16, 2014 Meeting:** Minutes were reviewed. James Leene made a motion to accept. The motion was seconded by Nelson Tift. Motion carried.
- **Old Business:**
 - **Annual Report, Draft Review and Discussion:** Rick Gauthier reported that the annual report was distributed and he noted that the narratives are a little short as the Legislature requested documents/forms, which contain additional information.
 - **LEAB Recommendation on Body Cameras:** A discussion was held regarding body cameras. There was some concern regarding legislation moving too quickly as there are some issues (privacy, when to give warnings, etc.) to be worked out before legislation is enacted. It was noted that the Attorney General's office does not have an official opinion at this time. Another concern was maintaining the data from the cameras for public records requests. (VSP-Tim Clouatre arrived at 1:13 pm; meeting quorum requirements.) Activating the camera and when cameras are on was discussed. Rick reviewed the results from the pilot project and study shared with board noting that a positive was that the number of use of force complaints was down. He suggested the Board's 2015 Business Plan include further study of this topic. Allen Gilbert reported that the U. S. Department of Justice issued a document on initiating a body camera program. It was noted the US DOJ's document did not include administration and costs of the program. A discussion was held regarding costs and staffing. Some suggestions included researching how other agencies outside of Vermont work through this and applying for funding through appropriate grants. Public records and redacting items of privacy (faces, etc.) was briefly reviewed.
 - **Draft Annual Report Review:**
 - CEW Model Policy: Rick reviewed that we were tasked with developing a model policy, which we developed. A question was asked about where to locate the

link to the model policy. Rick noted that it was not available yet. It was noted that the only policy that agencies need to adopt is the Eyewitness Identification policy. No other discussion.

- CEW Report Form: Rick reviewed there is a short narrative about the request, how we drafted the document and the sample document. In addition, the Academy has agreed to accept the reports. There was a brief discussion about the frequency of submissions. It was thought that quarterly would suffice to give agency heads and supervisors ample time to review the forms before submission and that all reports that have been approved and are releasable in the last quarter should be submitted by January 15th of the following year. Allen Gilbert read the legislature requirement.
- Electronic Recording of Custodial Interrogation: Rick reviewed this was the report submitted in October. A suggestion was made to include the survey results in this report. There was a brief discussion about the cost of equipment. It was noted that the equipment is not very expensive. Paco Aumand made a motion to recommend agencies purchase the necessary equipment to comply and that agencies should work to build the costs into their budgets and that unless under exceptional situations all custodial interrogations should be recorded. The motion was seconded by Tim Clouatre. Motion carried.
- Model Policy for Eyewitness Identification: Rick reviewed the requirement and reported that he conducted a survey of agencies that had a policy, which most have one, and that he sent a reminder, which included the LEAB's document, to those that have not responded. A brief discussion about the Constables was held. A suggestion was made to mail the information to all the Town Clerks. Rick added that the Council is tasked with identifying which policy each agency is using.
- CEW Measurement and Calibration: It was noted that we are responsible for insuring the measurement and calibration of CEWs, but given we do not have measurement equipment in Vermont, the question is how to comply. A suggestion was made to send the units back to the factory. There was some discussion about purchasing the measurement and calibration equipment and how it might work. It was noted that when Rick was going to purchase the equipment, Taser offered to train testers for free. Costs associated with returning the units to the factory versus the cost to purchase the testing equipment (\$15,000 to \$17,000 each) was discussed. A suggestion was made to keep the equipment purchase in mind when applying for grants. Another suggestion was that until we have equipment in State, that they be calibrated upon adverse deployment/effects. Finding a funding source to purchase the testing equipment was brainstormed. Liability was briefly reviewed.

- **New Business:**
 - Paco Aumand shared that in October, with the closure of the VT Center for Justice Research, Public Safety was identified as SAC for Vermont. DPS has entered into a contract with Crime Research Group for basic services to maintain the database. As the state's analytical center, Paco has been thinking about asking the group to put together a report on officer involved shootings in Vermont. He met with an officer from NY, where they have such a report. Their report includes a summary and in-depth of all of their officer involved shootings and helps with public inquiries about the use of deadly force. Paco is thinking about going back 5 – 7 years to show the public what is going on with police use of firearms force as the landscape of violence has changed and there are more shootings. He thought it would be nice to get all the groups (LEAB, Chiefs, Sheriffs, etc.) on board and did not think it would be a big number. A question was asked about what would be in the report. Paco answered: statistical summaries of shootings, summary of officer training, regions/precincts, dissect some of the shootings-what caused the use of force, the outcome, etc. Allen Gilbert added that there was a report done this summer by Wilson Ring that keeps count of officer involved shootings in VT since 1997. The only concern noted was that the report should include some background information and contributing factors or impairments from drugs/alcohol. Paco encouraged everyone to review the New York City PD report.
 - **Next Meeting:** There was a discussion about when to hold the next meeting. The third Thursday of February was suggested with the agenda to include developing a business plan for 2015. There were no objection from those present. The next meeting will be Thursday, February 19, 2015, from 1 pm to 3 pm at Public Safety Headquarters in the 3rd floor conference.
- **Adjournment:** Jim Leene made a motion to adjourn. The motion was seconded by Jennifer Morrison. Motion carried. Meeting adjourned at 2:11 pm.