

Law Enforcement Advisory Board Meeting
Minutes of Meeting
December 20, 2011

- Paco Aumand called the meeting to order at 1:34 pm with the following present: Paco Aumand, Chairman (Public Safety, CJS Director); Karen Horn, VT League of Cities and Towns; Jim Leene, U.S. Attorney's Office; Jim Hughes, State's Attorneys; Dee Barbic, Vermont State Police; Rick Gauthier, VT Criminal Justice Training Council; Tom Hanley, Chiefs' Association; and Tom L'Esperance, Vermont State Police. It was noted that a quorum was in attendance. The following non-board members were present: Dave LeCours, Department of Fish and Wildlife; Jonathan Wiggins, VT League of Cities and Towns; Glenn Button, Department of Motor Vehicles; Rosemary Gretkowski, Public Safety Legal Counsel. Paco reviewed the agenda and the work the Board completed during 2011. During the review, Paco noted that the All Felon Arraignee project was stalled, even though 75 samples have been received, due to motions being filed around the state. Paco noted that the Board did not meet 6 times this year, partly due to Tropical Storm Irene and the impact of the storm on the Department of Public Safety, but that the sub-committees did continue to work.
- Tom Hanley moved to accept the July 15, 2011 minutes as written. Motion seconded by Jim Leene. Motion carried.

Old Business:

- **Human Trafficking Report Update:** Paco acknowledged the work completed by Dee Barbic. Rick Gauthier, as TJ's proxy, gave a brief review of the report along with Dee Barbic. (Cindy Maguire, Attorney General's Office and Robert Appel, Human Rights Commission joined the meeting.) On the last page regarding the recommendations to form a group, Dee noted that instead of a task force model, they recommend using the death investigation unit model. Jim Hughes moved that the Board adopt the report and recommendations in whole and allow the Sub-committee to continue to work on the implementation of the recommendations. Motion seconded by Cindy Maguire. Tom Hanley noted that the document is a living document as they continue to work. Paco noted that the annual report is the mechanism for law enforcement to get issues discussed. Motion carried. Paco thanked those working on this Sub-committee/report.
- **Eyewitness Identification Summit Update:** Rick Gauthier gave an update on the Summit held regarding Eyewitness Identification/Best practices for law enforcement. The Summit was sparsely attended but felt the word will get out and the information was well received. There will also be a train-the-trainer class in mid-January.
- Paco Aumand noted that he plans to include the Eyewitness Identification Summit and the model policy in the annual report. It was also noted that the deadline for the annual

report is January 15, 2012. Rick Gauthier offered to write the piece on this part and email it to Paco.

- Karen Horn noted that the VT League of Cities and Towns have some model policies. Karen will send Rick Gauthier their policies. Paco noted the Board has endorsed the best practices for law enforcement policies and wondered how the Board should look at reviewing policies for the future. The Board has reviewed a few at a time. What is the marketing plan to get these policies out? A discussion was held about the endorsement of policies by the Board. The overall suggestion was for the Board to continue to put out sample best practices policies and include a section for that included key components and essential elements to any policy. It is very difficult to get everyone to agree on the wording and not all police departments should or can adopt every piece of a particular policy. Therefore, putting out sample language for a policy but including the key components and essential elements of any policy no matter how it is written should be a preferred way to move forward. It was felt this is an important topic and should continue in 2012.
- **Bias Free Policing Policies Update:** Robert Appel reviewed the Racial Profiling Report issued in August 2009 on Bias Free Policing Policies, which recommended everyone adopt a policy. A two year study being conducted in Chittenden County was highlighted that should be reporting on their findings soon. He felt there will be more discussions about this in the future and that we have come a long way. He felt the Attorney General's and Vermont State Police policies are pretty much in-line with each other and thought the suggestion to have key components was a good one. Tom L'Esperance then reviewed the Vermont State Police's updated policy to tackle the immigration issue. Cindy Maguire reported that the Attorney General's office had sent out another survey to find out how many departments have a bias free policy and the elements of those policies. They received 23 responses out of all the law enforcement agencies in the State. She noted that it is difficult to have one policy to fit everyone in the state and also thought it was a good idea to have key components included in future policies. This was the first model policy the Attorney General's office issued based on the 2009 report. Tom L'Esperance noted that without training, the policy is just a piece of paper and that the Academy should be on board and using it in their trainings. Cindy noted that the Attorney General's Office recently held training for the Department of Motor Vehicles that was well received.
- Paco Aumand wondered how to keep policies updated and opened the meeting up for discussion. No discussion was held.

- **2011 annual report:** Paco wondered how to capture the essence of what we have been talking about regarding policies. Should the Board continue to put out sample model policies? Karen Horn and Rick Gauthier liked the key components suggestion. Robert Appel offered to help with identifying the key components of the bias free policing policy, if allowed. It was suggested to identify the key components and essential elements and include an appendix with the Attorney General and Vermont State Police policies. The League's model policies and procedures were discussed. There was some concern about endorsing the VT League of Cities and Town's policies prior to reviewing them. Paco asked Robert Appel, Tom L'Esperance and Cindy Maguire to identify the key components for the Board's review. Meanwhile, Paco will start compiling the components of the report and circulate the draft for review and comments, and then a vote by the Board members through email.

Discussions:

- Paco Aumand asked what people think the 2012 Legislative session may be like for law enforcement issues and what role the LEAB may play? He felt we have done a good job at staying proactive. Tom L'Esperance suggested having a meeting the week of Town Meeting before cross over (end of February).
- Tom L'Esperance inquired about the status of marijuana. Paco Aumand noted that the Governor and Administration is not prepared to invoke his authority to withdraw implementation of the dispensaries and gave a brief review of the June 2, 2012, deadline to award four (4) certificates for dispensing marijuana for symptom relief and the Adhoc committee created to put together the draft rules. Paco also noted the challenge of writing rules while being sensitive to diversion issues, sensitive to patient issues and not burdening the dispensaries. There was a brief discussion on the marijuana program, Law Enforcement Advisory Board's duties and the legislative intent.

New Business:

- Elections: Paco reviewed the rotation, every two years, of the Chair and Vice-Chair positions of the Board, which he and Jim Coons have held for the last two years respectfully and opened the floor for nominations. Tom L'Esperance nominated Rick Gauthier for Chair. Jim Hughes seconded the nomination. Cindy Maguire nominated Paco Aumand for Vice-Chair. Tom L'Esperance seconded the nomination. Tom Hanley moved the nominations be closed. Motion seconded by Cindy Maguire. Motion and nominations carried.
- Jim Leene noted that they have offices in Rutland and Burlington with video conferencing as an option for meetings. Cindy Maguire also noted the Attorney General's office has some space as well.

- Cindy Maguire noted the Attorney General's Office will be looking at certification of police officers.
- Paco Aumand reviewed the Action Plan for 2011-12, which listed 12 items; Ignition lock, Domestic violence, provide a training/summit on Eyewitness Identification, review legislation and human trafficking, and bias free policing. These items will be included in the annual report.
- Cindy Maguire noted that she should have an update on the felon arraignment motions being filed and that there is a lot of work to be done.

Tom Hanley made a motion to adjourn. Meeting adjourned at 2:59 pm.