

LAW ENFORCEMENT STUDY COMMITTEE MEETING MINUTES
JOHNSON / HYDE PARK / WOLCOTT
REMOTE PARTICIPATION VIA ZOOM TELECONFERENCING
WEDNESDAY, DECEMBER 16, 2020

Present:

Committee Members: Duncan Hastings, Diana Osborn, Jim Olsen

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Duncan called the meeting to order at 6:35.

2. Changes to Agenda

No changes to the agenda were needed.

3. Review and Approve Minutes from 12/2/20

Diana moved to accept the minutes as presented, Duncan seconded and the motion was passed.

4. Public Comment Opportunity

No members of the public were present.

5. Report, Review and Discussion of Committee Member Assignments

Diana said she would like to learn more about the spreadsheet Duncan just sent out. Duncan said it is still a work in progress. It has some data from Property Valuation and Review. It shows LCSD budgets and town assessments for 2017-18 through 2020-21. There was an increase of 14.1% over that time. The average annual increase was 3.5% – more than the cost of living but probably fairly consistent with town budget increases.

The spreadsheet shows town budgets for the 2019-20 budget year. For each town, it shows what percentage of the total budget the LCSD contract is and also what percentage of taxes raised. For Hyde Park, the LCSD contract was 15.8% of the total budget, for Johnson it was 17.3% and for Wolcott it was 16.4%. For Hyde Park, it was 19.3% of taxes raised, for Johnson it was 25% of taxes raised and for Wolcott it was 20.7% of taxes raised.

Next the spreadsheet shows the breakdown of the assessment. The assessments are broken down strictly by population. Duncan used population figures from the Vermont Dept. of Health for 2019. He doesn't think those jive with what LCSD is using. He needs further clarification on that. By population, Hyde Park pays 36% of the sheriff's budget, Johnson pays 44% Wolcott pays 20%. There are 2 sheriff's department budgets. One is for communications and it is shared by all towns in the county, the Hardwick and Stowe Police Departments and maybe a couple others, maybe the Town of Barre. When they divide up the communications budget they use a combination of each town's grand list and population. The sheriff's patrol budget uses strictly population. If the percentages paid were based on equalized grand list, Hyde Park's would go to 42%, Johnson's would go to 35% and Wolcott's would go to 24%. In Duncan's opinion, population alone is not a good measure. He thinks a mix of population and grand list is one thing that could be considered. That is how the county tax is calculated now.

Next Duncan looked at per capita cost. He would think since in theory the budget for each town is based on dividing the total budget by population everyone's per capita should come out the same. On the spreadsheet he used the Vermont Dept. of Health population numbers and came up with per capita amounts of \$137 for Hyde Park, \$128 for Johnson and \$133 for Wolcott. He is not sure why the numbers are not the same.

Jim asked if the contract cost for each town is the total budget for all 3 towns divided by the total population. Duncan said that is his understanding. If you look at the budgets in town reports, the sheriff's department gives a total budget and then gives credits against certain items. For example in the 2019-20 proposed budget the sheriff gives a credit to Laraway School in Johnson because they make a contribution of \$12K. He assumes the total budget is divided by the population of each town. If that is the case, the per capita cost should be the same for each town.

Jim said if there are different per capital costs per town, that seems less fair. His guess is that the total budget for the 3 towns divided by the total population of the 3 towns would probably give Duncan the number he wants.

Duncan said he looked at two years of call volume. Call volume was very different in the two years. The annual report indicated that the little spreadsheet in the annual report was not necessarily all the calls. We might want to get actual call volume for each community, even if we just picked one year. In 2019-20 Hyde Park had 124 calls, Johnson had 125 and Wolcott had 70. The percentages were not that different from the percentages for assignment of costs.

He played a little with tax implications and wants to do a little more. Next time maybe he will have a more accurate spreadsheet with better information. He reviewed some of the tax-related data.

Diana asked, this is relevant because it would help us understand how a budget increase would be reflected in an individual's tax? Duncan said it's more helping us to make a comparison. The difficulty is that when a town sets a tax rate they don't use the equalized grand list, they use their municipal grand list.

Duncan calculated the impact on the equalized grand list for the 3 towns in an attempt to make an apples to apples comparison. The equalized tax rate that shows the percentage of impact should match other data on the spreadsheet but it doesn't. The numbers are close, but not exact. Something he wants to try to capture and hasn't yet is the impact on the individual taxpayer. He thinks the only way we will be able to do that is to come up with a tax rate based on valuation of a \$100K home or something like that.

Jim said he got some information back from the sheriff's department regarding crime stats. He sent a copy to Duncan. From response times we can get an idea of manpower issues – whether we have enough people covering the area, volume by time of day, etc. They also they provided info on staffing levels in a little more detail than what is usually in the town report. They say it will be more difficult to provide data on outcomes of calls for service.

They have to manually pull that data. He thinks data on calls for service and response times will get us started and help us see if the manning level is correct. If we are happy with response times there is no need to consider increasing manning levels. If we are not happy with response times we might have a recommendation to hire more people. He thinks we should hold off on asking for data on incident outcomes.

Duncan asked, what Jim was asking for was outcome data for 911 calls, right? Jim said yes – response times and what actions were taken. Other record management systems typically record an outcome. He is not sure if Spillman includes that. It seems like maybe it doesn't and they would have to pull the reports by hand.

Duncan said he agrees that it is probably not necessary for us to go that level at this time, but is it that Spillman doesn't allow for that data to be recorded or are officers not including outcome when they could? How does the sheriff's department evaluate their own effectiveness if they don't know the outcomes of their investigations? In the past we had asked the department to report to us on the number of active cases the detective was working on and the outcomes, and they were essentially not able to generate that info. It seems like a big red flag to him. We are spending close to \$100K on the detective position. If we don't know the effectiveness of the position it is hard to justify.

Jim said that is a good point. A question we have to ask is whether they have people who do data entry available to accurately record outcomes. Police usually have computers in their patrol vehicles and enter information into their records management system remotely. He doesn't know how they connect to the main computers from a patrol car but outcome information should be recorded. For the sheriff to evaluate employee performance he has to have some type of performance metric. If a detective has 10 cases, how many go to trial, are successfully prosecuted, etc. He doesn't know if they are required by the state to record that information. He can look into how outcomes are recorded in Spillman.

Diana said we need to be careful about overreach. We need to consider whether particular information would affect our mission enough to make it worth going to great lengths to get it. She likes the suggestion of not inconveniencing them until we are sure we need the data. It might be worth finding out who may already have this data. For example, the sheriff's department gets audited every 2 years. Is that only a financial audit? She doubts it includes outcomes, but maybe there is some state oversight body that is responsible for knowing these things already.

Jim said he did see one audit. It just seemed to cover financials and property. The only organizational body he is aware of is the Department of States Attorneys and Sheriffs. We can ask them about that, but he assumes what they have will be pretty much the same data the sheriff's department supplies to towns – pretty much just calls for service. He can probably bring together information about response times and information from the monthly reports without inconveniencing them by asking for more data. He just needs monthly reports from each town. If we still need more, he will look into finding out what Spillman can really produce. Maybe the person putting data in is just not expert in retrieving data and could use more training.

Duncan said they do come up with a dollar value of tickets issued, which is entirely different from what is actually received by each town. Towns receive less than half the dollar value of tickets issued.

Jim asked if how much towns get for tickets is specified in the contract. Duncan said any ticket issued goes to the municipal ordinance traffic bureau. The ticket may be thrown out or the amount may be lessened for a variety of reasons, for instance if the person contests the ticket and the officer doesn't show up in court. It is not that LCSD tries to retain a portion of the fines; it is just a result of the court process. Some town ordinances are not up to date and if it goes to court the subject of the ticket can raise the issue of whether the ordinance is legal.

Diana said after the last meeting she shared a folder with 10 documents to each email address. People with Gmail should be able to access those with Google Drive. She doesn't know if that worked or not. She is interested in feedback on that. Then she did a synopsis of some of the most relevant points from her research and she wants to know the best way to share it. Duncan said Google Docs works fine for him. His issue is finding time to review documents. Diana said she will add her other document to that folder. Duncan said he will do the same with his spreadsheet.

Diana said she has tried to find job descriptions and duties and responsibilities for sheriffs and state police and she has not been able to find anything yet.

Jim said he tried to do the same thing and it is almost impossible to find any definition anywhere. He would think duties taxpayers are paying to support would be defined. He thinks we will have to define responsibilities we want fulfilled under the contract.

Diana said she thinks that probably needs to be first on our list of things to talk to the sheriff about. What is he expected to do in exchange for his county salary? He must have some list of responsibilities he has to fulfill in exchange for that money. There is a little information available on what they can do, but she is interested in knowing what they are required to do.

Duncan asked if she has reached out directly to VLCT. Diana said no. Duncan said that may be a great place to pose that question. They have a municipal assistance center. She might have to go through Brian Story.

Diana said we should continue to think of questions for the sheriff and town selectboards. She came up with a few. She is interested in hearing from towns what types of services they are most interested in providing. For example, are they interested in expanding into provision of other types of public safety functions? A big thing nationally is embedding social workers and/or paramedics and/or mental health professionals with law enforcement. Some include things like conflict resolution and mediators to help with things like property line and neighbor disputes. Our local police blotter seems like it lists a lot of things that maybe don't need a police officer to deal with. She would like to hear from selectboards whether they are interested in having us look into feasibility or desirability of expanding types of law

enforcement or public safety or if they just want us to evaluate this particular contract with this sheriff at this time.

6. Next Steps

Duncan said he thinks perhaps one of our next tasks is to develop a question list for our respective selectboards. People can email questions to him and he can create a list for consideration at the next meeting. He thinks that should be one of our next steps, shortly followed by developing a list of questions for Roger. We could ask what other organizations within Lamoille County might be able to help resolve issues officers are involved in. Maybe Roger could ask some social service entities if their agency is equipped to handle issues like domestic assaults.

Duncan also wants to investigate VLCT's annual survey of municipalities. They collect data on towns with police forces. He is volunteering to make that part of his fiscal impact analysis. It is one thing to provide data about current costs of current services and another to compare to costs of other alternatives.

Diana said it all might be a moot point if what we find out is that we have no other alternatives to the sheriff's department. Duncan said he doesn't think the sheriff's department is the only game in town. Is it the only cost effective game? He doesn't know. One thing that concerns him about the current sheriff's contract is that Roger Marcoux is not a young guy. He will retire at some point. Duncan is not convinced we will find someone as highly qualified as he is. And the patrol contract is totally optional on Roger's part. Nothing requires him to provide those services. He thinks it would be irresponsible of us not to explore other possible options.

Jim asked if there is a way to get monthly reports from the past year from each town. Duncan said if he remembers correctly the reports Johnson got included information from all 3 towns. He thinks if Jim can get the reports from one town they will have info for all 3. Jim will see if he can get a year's worth from the Wolcott town clerk.

Duncan said he can do this if Jim is not interested, but Roger seemed to prefer dealing with one individual. Can Jim ask Chris or Roger if they can provide us data from 2019-20 on the number of calls for service broken out between the 3 communities. Jim said he can ask for that.

Diana suggested there might be some body this data is already reported to. For EMS they submit an electronic medical record for each call to the state and it goes from there to a national database. She wonders if a similar thing exists for sheriffs in Vermont. Jim said he can check with the state police. They have a Vermont Intelligence Center that may collect data. The FBI collects some data but it is even more vague than the sheriff's report. He can double check with VIC to see what data they might have. Duncan said he knows the state police maintain a crime statistic database but he doesn't think it is specific to specific law enforcement agencies. He thinks the most accurate data would be from Roger. He doesn't think it would be hard for him to generate it. Jim said he thinks the further up you go the more vague and less detailed the data will be.

Diana said maybe we would find that it would be worth having a union municipal district. Duncan said Diana's previous comment about really having no plan at the state level is right on target. The state police never was intended to be a local law enforcement agency and the legislature never made provisions for funding for local law enforcement agencies. He has a feeling that as time goes on we are going to have to address these problems at a regional level. Stowe, Morristown and Hardwick have police departments. Cambridge contracts with the state police. Area towns have a mishmash of options with very different levels of service and very different costs. One thing he always hoped for was that there could be other towns included in our patrol contract. Cambridge comes to mind. Roger in the past has provided a fair amount of mutual aid to Cambridge. That has been another issue. Voters have questioned why we subsidize calls to Cambridge.

Diana said she will look into the status of legislation around state police contracts. There was legislation proposed to eliminate that option. She will look into where that stands. Duncan said he knows the state police have been reluctant to take on more towns as they do not have enough manpower. In theory that is an option but it may not actually be. Diana said the policy paper she read said one of the biggest issues in Vermont is that there are not enough personnel to provide law enforcement services. Duncan said LCSD used to be a training ground for officers who ended up moving to Stowe, Morristown or the state police. Roger is now paying his officers a little more, but retirement is an issue.

Diana asked if it is okay for her to continue to flesh out duties, mandates and responsibilities and what law enforcement options exist for our towns. Duncan said he is fine with that. Diana said that will be her project until we next meet then.

Duncan said other options are establishing a town police force or giving constables authority.

7. ***Decide Next Meeting Date***

Duncan said he thinks we all still have enough to do to take us to the next meeting. It will be difficult for him to make a meeting on the first Wednesday in January. He suggests scheduling the next meeting for January 20. The committee agreed to that.

Duncan asked if there are any additional agenda items people want for that meeting. Diana said we should continue to add to the list of questions for town selectboards. Duncan said people should send him questions and thoughts and he can try to put them into a list. That could be an agenda topic for the next meeting. The committee agreed to that.

8. ***Adjourn***

Diana moved and Jim seconded to adjourn at 8:02 and the motion was passed.