**Remote Meeting Location:** Microsoft Teams.

**Physical Meeting Location:** Vermont Department of State’s Attorneys and Sheriff’s, 110 State Street, 2nd Floor, Montpelier, VT 05633-6401.

**Agenda:**

1. Call to order.
2. Approval of the Minutes from the Committee’s August 9, 2022 meeting.
3. Discussion of decision points in Act 161 (2022) Sec. 2(c):
   1. The appropriate department or agency to manage the administer the database;
   2. The type and scope of information maintained in the database;
   3. Any gatekeeping functions used to review information before it is entered into the database;
   4. Any due process procedures to dispute information entered into the database;
   5. How to securely maintain the database;
   6. The appropriate access to the database;
   7. The confidentiality of the information maintained in, or accessed from, the database; and
   8. The resources necessary to effectively administer and maintain the database.
4. Opportunity for Public Comment.
5. Set agenda for next meeting(s).
6. Motion to Adjourn.

**Next Meeting Date(s):** September 22, 2022 (1 p.m. to 2 p.m.); October 19, 2022 (2 p.m. to 3 p.m.); and November 17, 2022 (1 p.m. to 2 p.m.).

**Participants present:**

John Campbell, Executive Director of Department of State’s Attorneys and Sheriffs (temporary substitute Chair for Evan Meenan, Chair of Committee)

Chief Jennifer Frank, President, Vermont Association of Chiefs of Police

Tucker Jones, Department of Public Safety Designee/Attorney

Erin Jacobsen, Vermont Attorney General’s Office Designee/Co-Director of AGO Community Justice program

Sheriff Mark Anderson, Windham County Sheriff, Vermont Sheriff’s Association Designee

Rep. Karen N. Dolan, Essex Junction, Clerk, House Corrections and Institutions Committee  
Sen. Philip Baruth, Chittenden District, Vice Chair of Senate Committee on Judiciary, Member of Joint Legislative Justice Oversight Committee

Rep. Tom Burditt, Rutland District, Vice Chair, House Committee on Judiciary

Xusana Davis, Executive Director of Racial Equity

Jay Greene, Racial Equity Policy and Research Analyst, Office of Racial Equity (taking minutes)

**Detailed Minutes of Meeting:**

* Jay Greene shared S250/Act 161 version comparison document with Giglio Study participants just before meeting
  + Jay Greene functioning as notetaker for the meeting; action steps highlighted in yellow, consensus recommendation highlighted in green
* John Campbell is subbing for Evan Meenan as Chair at Giglio meeting today as Evan is sick (Executive Director of Department of State's Attorneys and Sheriffs, appointed Evan Meenan to the Committee)
* Meeting officially convened at 9:02AM, Wednesday, August 24, 2022
  + Approval of minutes: motion to approve, by Sen. Philip Baruth, verbal aye vote
* Tucker Jones, Department of Public Safety: giving background on testimony that DPS gave once S250 crossed over to House, suggests that we list the information necessary to hold in the database before deciding on questions of confidentiality
  + Article series on VT digger: Tarnished Badge-lays out exploration of how Brady letters are inconsistently distributed between county prosecutor's attorney's offices in Vermont, background to legislative action
  + TJ unsure of level of discussion around Giglio database during bill's time in the Senate-didn't testify on the bill until it crossed over to the House Government Operations committee, then the questions of the Giglio database were discussed
  + Department of Public Safety sent out letters of testimony raising concerns to House Gov Ops-advised that more discussion needed to be had before setting up a database
  + June 2022-ACLU Vermont created database of existing Brady letters on their website
  + Executive order on policing reform-will be creating national registry of law enforcement officer (LEO) misconduct, for Federal agents but local/state Law enforcement agencies (LEAs) encouraged to follow suit
* Erin Jacobsen: Sheriff Anderson at last meeting mentioned that Vermont Criminal Justice Counsel's (VCJC) Professional Regulation subcommittee have a registry, but it's in flux and the public may not be aware of it and how to access it. Would be good to understand that document more.
* John Campbell: purpose of Giglio/Brady database was to help prosecutors uniformly access Giglio/Brady letters across county offices in VT
* Xusana Davis: don't think that Legislature committees ever came to a consensus around whether database should be public, how to allow for appeals of allegations
* Rep. Karen Dolan: discussion in House was about ensuring that there was adequate access across the State for all attorneys to have access to the Giglio/Brady letters-that should be the first question for the Committee to consider
  + Are we comfortable with ACLU version? [Vermont Brady Letter Database | ACLU of Vermont (acluvt.org)](https://www.acluvt.org/en/vermont-brady-letter-database)
  + 2nd priority: recommendations for public-facing/confidentiality?
  + Christopher Brickell: VCJC already developing a professional regulation database-that database exists and is on VCJC website, but doesn't offer a lot of info (prohibited by statute from publicly making much of the info available)-VCJC Professional Regulation committee is just beginning to reconsider what information is made public
    - What are the things that put someone in the Giglio/Brady database?
    - What are the due process considerations for officers who are accused of misconduct to dispute those allegations or get their name removed from the database?
* John Campbell: explaining legal context-why reporting of Giglio/Brady letters is required
  + Wondering if Legislators wanted to include other info not required to be disclosed under Giglio/Brady reporting-general misconduct outside of job, etc.
  + Making sure due process is considered when adding or removing LEOs from database
* Chief. Jennifer Frank: other states have already answered these questions, such as NH DOJ
  + - Comparing the efforts of other States could help us identify which agencies are most appropriate to be in charge of the database
* Rep. Karen Dolan: need to answer what info will be contained in the database before deciding what agency is responsible for it etc.
* Xusana Davis: want to move as a State away from transactional work and towards transformative work-need to do more than just answer the questions posed by the bill
  + Goal: transparency, accuracy, trust, reliability in Justice proceedings
  + Disincentivize lying under oath by LEOs
  + Protect people from bad actors in Law Enforcement Agencies
  + Lowest common denominator of just fulfilling legislative requirements may not be enough to address these concerns
* John Campbell: Starting point for discussion-where to house the database? Suggestions or recommendations?
  + Chief Jennifer Frank: AGO in NH is responsible
  + Xusana Davis: Defender General's Office? Jay Greene: seconded, would cut down on reporting steps if DGO was holder of the database
  + John Campbell: might be best to have database housed in a dept/agency that is not involved in prosecution
  + Mark Anderson: where to house or who is responsible for maintaining the database? What are we discussing?
    - John Campbell: assumes we're discussing both, the same agency will likely be responsible for housing and maintaining the database
* John Campbell: how is VCJC managing professional regulatory database?
  + Christopher Brickell: detailing issues with web access to regulatory database, choke point of having a single employee responsible for it
  + Tucker Jones: US Federal Attorney General’s Office is creating a national database, supposed to get started in Jan 2023
    - Chief Jennifer Frank: will add other states' procedures to the chat [New Hampshire Giglio/Brady Database Memo 2017](https://www.doj.nh.gov/criminal/documents/exculpatory-evidence-20170321.pdf)
* John Campbell: other suggestions for location of database?
  + Mark Anderson: Agency of Digital Services-have public facing database systems already, more concerned about contents of database and what is the threshold for adding LEOs to the database
  + Xusana Davis: suggests taking a tiered approach to deciding what information should go in this database-what are absolutely critical that people need to know, what might raise concerns (maybe prosecutors are not required to share, but public would like to know)
    - When we think about where to house: think about the appearance of ethical impropriety, part of it matters on who has technical know-how, part of it is about public trust
    - Need to think about what we're communicating to the public based on the location of the database
  + John Campbell: agrees with Xusana's concerns, suggests independent location like Secretary of State's office
    - Erin Jacobsen: seconds public perception concerns, Secretary of State's office suggestion (mentioned public stakeholder input into VCJC)
    - Christopher Brickell: agree that SOS office is apolitical, but VCJC serves as oversight of law enforcement, but want to check with IT professionals before committing resources to this database
    - Mark Anderson: potentially creating more problems/unintended consequences by blending public accountability database functions at VCJC with Giglio/Brady database functions. Agrees with Secretary of State's Office as a neutral 3rd party and site of Office of Professional Regulation.
  + John Campbell: if a majority of the committee is comfortable, have Evan Meenan or another member contact Sec. Condos and check viability of housing Giglio/Brady Database with SOS office (also check with incoming new Sec of State)
    - Rep. Karen Dolan: would this just be the database of Brady/Giglio letters? Need to be specific with SOS office request. At this point, we would tell them that it would be a database of Giglio/Brady letters and maybe more in the future.
  + John Campbell: might want to change database name to LEO accountability vs. Giglio/Brady list name, so public is not confused if the database ends up containing more than just Giglio/Brady letters. What are we seeking from this database? Is it about police accountability generally, or just Brady/Giglio letters specifically?
  + Sen. Philip Baruth: agrees so far with SOS as database holder, Xusana's suggestion of tiered database
* Chief Jennifer Frank: VCJC Professional Regs subcommittee currently evaluating accountability questions, meeting biweekly for 2.5 hours plus extra time reviewing evidence of reports of misconduct-will reach out to members of that subcommittee to confirm availability to discuss their work with Giglio committee [Professional Regulation Sub-Committee | Criminal Justice Council (vermont.gov)](https://vcjc.vermont.gov/council/committees/professional-regulation-sub-committee)
* John Campbell: important for us to not just worry about credibility, it's about LEO bias/violence/misconduct generally
  + Christopher Brickell: VCJC Professional Regs subcommittee reviews ALL internal affairs investigations-see the Giglio/Brady database as being separate from internal affairs investigations, internal affairs and subcommittee review doesn't help the prosecutorial disclosure requirements, so makes sense to keep the 2 separate
  + Mark Anderson: agrees with what Chris said, are beginning to see the fruits of Leg's discussions in the past 5 years in terms of being able to get info from past LEO's employers, would hate to create perception that the Giglio/Brady database supersedes or overrides other accountability systems, recommends reviewing totality of accountability systems
* 9:55AM Jay Greene: suggests we review comparison document of previous versions of S250/Act 161 I created for next meeting, since we're running out of time here-mentioned that Evan asked us to review past versions because they contain a list of the law enforcement conduct that would qualify someone to be added to the Giglio/Brady database
* Xusana Davis: having public input into this process is important, would like to have community engagement strategy to figure it out-as Sheriff Mark Anderson said "we talk about best practice but who gets to determine what is best practice?" Would like to get community input.
* John Campbell: would like to also have due process considerations for LEOs to appeal their addition to the database-concerns over potential for vendettas by individuals to result in LEOs added to the database
* Next meeting: Sept 22, any suggestions? Motion to adjourn?
  + Tucker Jones makes the motion to adjourn
  + Ayes for adjournment have it 9:59AM

* Questions for this committee to consider, from the agenda
  + The appropriate department or agency to manage the administer the database;
    - Committee reached consensus that appropriate location may be within the Secretary of State's Office, if they are comfortable housing it there. Neutral 3rd party, apolitical, not associated directly with law enforcement agencies like VCJC.
  + The type and scope of information maintained in the database;
    - Will discuss this at next meeting using Jay Greene's S250/Act 161 version comparison document-please contact Jay at Jay.Greene@vermont.gov if that document contains any inaccuracies.
  + Any gatekeeping functions used to review information before it is entered into the database;
  + Any due process procedures to dispute information entered into the database;
  + How to securely maintain the database;
  + The appropriate access to the database;
  + The confidentiality of the information maintained in, or accessed from, the database; and
  + The resources necessary to effectively administer and maintain the database.