

### **Traffic stop data:**

I can explain the vendor questions very quickly you were asking about:

- VCJTC picks a vendor (Crime Research Group aka CRG) to receive the [data](#)
- Agencies use their records management system (RMS) to collect and send the data to the VCJTC/CRG.
- I've been working with CRG and Crosswind (vendor providing one of the two RMS systems) to make the data dump automatic (instead of individualized agency submission, which has affected agencies struggling with technology). The programmatic work's anticipated completion time is this week.

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### **Use of force reporting**

A few things about the use of force discussion around "what type of force/tactics" - our training teaches that mere presence is a "use of force" by law enforcement, as are verbal commands, physical restraints, complaint escorts, non-compliant escorts, compliant handcuffing, non-compliant handcuffing, pain compliance techniques, assaultive techniques, and lethal force. I would suggest explicit categorization of what we're looking to report. All law enforcement officers are trained on a force continuum, which includes escalation and de-escalation, from the academy's initial training. It explicitly defines these things, so it wouldn't be hard to specify.

One suggested list of categories of force:

- Cooperative Controls (compliant handcuffing, escorts, presence, voice control, equipment display)
- Contact Controls (techniques with little or no pain and other low level physical contact)
- Compliance Techniques (electronic control devices, aerosol spray, impact weapons - non-strike, empty hand controls, empty hand body strikes or take-downs, police K9)
- Defensive Tactics (impact weapon strikes, empty hand and defensive strikes)
- Deadly Force (discharge of firearms and other forms of lethal force)

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### **"Under color of law"**

Regarding "under color of law" versus under the "auspice of law":

From the [Michigan Law Review](#) Page 23 (344 by the book page):

"The passage leaves no doubt that the statutory phrase "by colour of their offices" refers to unauthorized, indeed, grossly illegal conduct."

From [TransLegal](#):

Under the auspice of: "with the help, support or protection of someone or something, especially an organisation"

I believe this is a very specific legal term. My concern is only that removal of the former in place of the latter should not replace the intent/standard/meaning/application of the law. In an effort to modernize "under color of law" language, I would encourage that it be defined in a way preserving its current standard, but I defer to an attorney's perspective and proposal of language.

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**Improper restraint:**

I would encourage the addition of language (maybe Legislative council or someone else could spruce this up and find the right place for it) to 13VSA1024 (Aggravated Assault) in lieu of creating a new crime:

"The use of any maneuver on a person that applies sustained pressure to the neck, throat, windpipe, or carotid artery that may prevents or hinders adequate breathing, reduces intake of air, or impedes the flow of blood or oxygen to the brain is considered as serious bodily injury."

This would not only help in terms of codifying this as a crime were a law enforcement officer to be involved, but also help in regards to aggravated domestic assaults where victims are strangled. The word, "sustained" is important because volatile, rapidly evolving fights, or active resistance can result in arms and legs going everywhere.

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**Body cameras:**

Lots of things to mention here that we considered in terms of application - we had to answer many of these as we implemented body cameras (from citizen rights, employee rights, video storage, common sense issues such as turning them off when were going to the bathroom). I'd be happy to share our policy and discuss how we've succeeded in a very successful body worn camera program.

Related, is an ongoing concern I have about public records requests with camera footage, as we often see people at their worst and receive information that would otherwise not be made public. And yet, a person simply needs to make a public records request for a person they simply don't like, and post everything we give them on YouTube.

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