



Maine Information and Analysis Center Advisory Board Agenda

Chairwoman Tracy Collins

And

Lieutenant Tyler Stevenson

Maine State Police

Meeting Date: 10/4/2020 at 8:15 AM

- Location: Attended Remotely Via Go to Meeting Application
- Meeting posted for public awareness and attendance on DPS Website and Maine State Police Website on 10/20/2020. Also forwarded to legislative council calendar and legislative committees on 11/3/2020 (Judiciary and CJ&PS).
- <https://www.maine.gov/dps/msp/specialty-units/MIAC/Meeting>
- <https://www.maine.gov/dps/news/meetings.html>
- The MIAC Advisory Board will be holding its next meeting on Monday, October 4th, 2021 at 8:00 AM. Due to the current pandemic and in the interest of public health and safety, MIAC will be holding a virtual meeting for members of the board pursuant to PL 2019, c. 617 and 1 MRS Section 403. Please use information below to attend either electronically via computer, smartphone or telephonically.

MIAC Advisory Board Meeting

Mon, Oct 4, 2021 8:00 AM - 12:15 PM (EST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/579011029>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (408) 650-3123

- One-touch: <tel:+14086503123,,579011029#>

Access Code: 579-011-029

Start and end times below are an approximation

The MIAC Advisory Board Reserves the right to enter executive session pursuant to 1 MRS §405(6) as needed.

1. 8:00-8:25 Setup on Go To Meeting for participants and attendees
2. 8:30-8:40 Welcome, Introductions and Code of Conduct for Meeting (Chairwoman Collins)



3. 8:45-9:15

- Presentation and Discussion of MIAC Audit Report Discussion (Public)
 - Feedback from Michael Feldman and Greg Hughes on prior audit
 - Feedback on changes to 10, 10, 10 plus E-Guardian entries
 - Feedback on changes to the Audit process (Question 10 & 12)
 - Discussion on Audit report's conclusion points 1,2,3 and 5.
 - MIAC privacy officer replacement and proposed amendment to MIAC privacy policy.

4. 9:30-11:00 (Executive Session) Called on motion pursuant to 1 MRS Sections 405(4), 405(6)(A)(1), 405(6)(F), 16 MRS under applicable provision of Chapter's 7 and 9 and applicable federal law and regulations ex. 28 CFR Part 20 and 6 USC Section 482(e).

- ❖ A separate invite will be created for board members and applicable personnel for this portion of the meeting to ensure the integrity of the executive session in accordance with applicable laws.

- Executive Session Topics
 - Review and discussion of specific law enforcement sensitive audit records and documentation

5. 11:00-11:15 Break (when we return, we will resume normal session using original invite)

6. 11:15-11:45

- New Business
 - ✓ Staffing additions to the MIAC
 - New Analyst
 - Cyber
 - L.D. 12 Requirement for annual report out to the Legislature
 - Identifying Board Members to participate in the 2021 Audits

- Old Business

- General Discussion

7. 12:00-12:15 Adjournment



Notes from MIAC Advisory Board Meeting on 10/04/2021

The following in substance is a summary of the meeting and should not be viewed or treated as a literal transcription.

- It is important to note that although MIAC's Advisory Board is exempt from record keeping requirements pursuant to 1 MRS §403(6) we nonetheless maintain and publish them in the interest of transparency and clarity.

In Attendance

- Lt. Tyler Stevenson, Maine State Police
- Lt. Michael Johnston, Maine State Police
- Major Brian Scott, Maine State Police
- Sgt. Mathew Casavant, Maine State Police
- Peter Rogers, Maine Emergency Management Agency
- Mike Feldman, Private Citizen
- Tracy Collins, Private Attorney, Chair of the Board
- Andrew Sankey, Hancock County Emergency Management Director
- Joe Legee, Maine Emergency Management Agency
- Aaron Frey, Maine Attorney General

8:15 am- Tracy Collins begins meeting.

- Lt. Stevenson introduction.
- Introductions of all participating in meeting.

8:25- Audit

- Privacy civil rights civil liberties audit. Yearly.
- Audit process- Director, Dep. Director, and 2 board members; standing and rotating member.
 - o Johnston, Casavant, Feldman, Hughes
- Picked 10 MIAC reports at random, each board member picked 10.
- Review report. Conclusion.
 - o Found nonconformance. No violations.
 - o Feldman- MIAC is not known to many and people are amazed to its existence. He believes the audit is a good process.
- Casavant- also believes good process.
- Hughes' statement- believes it to be useful.
- Collins- concurs and asks anyone interested to be involved in next audit to contact her.
- Johnston- Conclusions-
 - o 1) Recurring theme. Parr question. How long should information be retained.
 - Sankey- What are the true operational needs of the MIAC?



- Scott- Law enforcement archives all records however minor. Concerned for future issues that may arise.
- Johnston- Agrees. You have to defend action and inaction. Why did you do something is as important as why didn't you do something. Important not to make kneejerk reactions.
- Feldman- Agrees, has records that are 25 years old. Would make sense to keep records for MIAC.
- Collins- Is anyone able to articulate the counter argument.
- Casavant - First amendment events. Is it better we keep the information or delete it? For those who acted in their rights. Better to keep. Maybe delete the name out in the future?
- Johnston- Retention schedules. Nothing for MIAC.
- Frey- Feel better if we have a public guiding document for maintaining information or delete. How is it kept or discharged?
- Collins- Helpful to have an understanding how other fusion centers have crafted their policies.
 - Casavant -Will try to obtain for review before next meeting.
- 1st amendment issue to be reviewed.
 - Everything will have a different value. Dashcam footage vs. protest information.
 - Believes other centers will have a special event policy that is not the same as others.
- 2) Discovery – What comes in must go out.
 - Johnston- Law enforcement shouldn't be making decision of what's important. Should be DA. How does involve MIAC. – MIAC does provide information for cases/ investigations. It's not MIAC's responsibility regarding discovery. Those receiving information needs to provide to DA or AG.
 - Casavant? -Standard language on e-mails and anything pushed out to make clear.
 - Johnston- Met with some people involved in major crime unit. Discovery obligation stays the same, it's how it's shared/ handled for input.
- 3) What our role is in any special event. Touched on in discussion of #1.
 - Collins- Since already covered we will come back once we've gathered information on policies from others.
- 4) Justifiable – To be reviewed in Executive session.
- 5) Template- Should it be amended for question 9.
 - Refined to fit Maine's needs.
 - Johnston- Question 9 usually N/A or no. Records usually don't specify when information is no valid. Records are generally understood to be law enforcement sensitive. Information speaks for itself. Kept coming back to if this question is needed.
 - Sankey- Agrees with LT. Does not see a reason to keep it.



- Stevenson- Reason for question. Is that to ensure that it was being purged if required to be purged?
- Johnston- Doesn't recall that coming up in documents. Can only speculate. Is not a system we have where information is being purged? Believes that decision to disregard or not should be on the audience.
- Frey- At sometime this question was believed important enough to be put it. Should be kept in mind regarding retention of records. Doesn't not believe this should be part of the standard form.
- Scott? – Agrees with Frey. If it provides no value, we should clean up the form and delete it.
- Johnston- Is it time to vote?
- Stevenson- Thinks it should be tabled until next meeting during discussion of retention. Not a major issue currently.
- Collins- Agrees best to table until purging policy is discussed. Believes it best to find out what the purpose of that question is in case we have a blind spot.
- #13- Relates to 1st amendment activity.
 - Johnston- Adding the word "solely." Did the record solely relate... Did that make it clearer?
 - Frey- What would be the difference between the questions. Is the purpose of having solely is to remove the mixed questions re: 1st amendment?
 - Johnston- Online comment that could be considered a threat. Take that threat and add with other activities. Yes to question 13 could cause concern but need further digging.
 - ? - in addition to answering A&B doesn't know if adding the one word would be helpful.
 - Collins- Believes It intends to sweep in all of the records that trigger that 1st amendment activity. The purpose of B to answer that. Can see folks having problem excluding 1 amendment involved records. Solely might make it too narrow.
 - Feldman agrees with Collins.
 - Johnston no agrees good idea to cast a wide net.
 - Stevenson- Agrees with Collins. There to protect us and justify why we did something.
 - Collins- suggests hearing specific example in executive session.
- Making a change to privacy officer.
 - Johnston- Parr handles a lot for State Police. Being mindful of his roles deciding to go in different direction. Privacy policy will have to have changes made.
 - Scott- Should we fill that position with someone affiliated with Maine State Police? Looking for someone outside. Neutral objective viewpoint. It's about transparency and legitimacy.
 - Collins- Is there a timeline?



- Scott- Would like to see something happen in the next few weeks.
- A motion by Scott to adopt amendment to change appointment and update e-mail. 2nd Feldman.
 - Motion carries by majority.
- Motion to move to executive by Collins. 2nd by Feldman
 - Passed by majority.

EXECUTIVE SESSION- CONFIDENTIAL

Executive session- called to motion pursuant to 1 MRS Sections 405(4), 405(6)(A)(1), 405(6)(F), 16 MRS under applicable provision of Chapter's 7 and 9 and applicable federal law and regulations ex. 28 CFR Part 20 and 6 USC Section 482(e).

11-11:15 BREAK

11:15- BACK TO PUBLIC SESSION-

- Collins- Does anyone wish to make a motion to amend question 9.
 - None.
- Stevenson. Motion to accept audit report? Sankey moves. Collins 2nd.
 - Accepted by majority.
- Stevenson- New business
 - New analyst. Lauren Hrubowchak.
 - Cyber security- Still in process of looking for new person.
 - LD 12 passed.
 - Sankey-Likes to prepare in a way for future issues that may arise due to current climate in country.
 - Board members for audits.
 - Collins- Anyone interested in participating? Email Collins. Collins will reach out missing board members.
- Old Business-
 - Johnston- Proposed language change regarding board members terms to avoid replace complete board.
 - Terms. Except with regard to those members of the Board who are ex officio members, the terms of the members of the Board are three (3) years. The Colonel, in consultation with the MIAC Director, may stagger board members' terms in the interest of continuity. Each member is appointed for a minimum of 3 years; however, the Colonel may extend any member's term as long as her or his term does last longer than 6 consecutive years.
 - Sankey- Make a motion to recommend bylaws. Feldman 2nds.
 - Passed by majority.
 - Sankey offers to alter his term to aid staggering
 - EMS involvement.



- Stevenson- To clarify. Extending some to 6 years while replacing others at 3.
 - Johnston- Yes. At discretion of Col.
- Collins- Other business.
 - Sankey- Wants to reiterate importance to prepare for impact of events occurring nationwide.
 - Frey- Unsure how to address people who may try to bring other issues to Maine. Believes
 - Sankey- Perpetual education of outside people on MIAC and it's reason and purpose. IE federally funded mandated.
 - Importance of media's role.
 - Involvement of outside civilly recognized person. IE ACLU
 - Johnston- Good steps have been taken to educate.
 - Advisory board is important part. Great vehicle to address concerns. More transparent then ever before.
 - Feldman- Needs to be somewhat to involve public and advise them of this board to provide protection of their rights. Only gets attention when media reports something is wrong. Wants to address in future.
- Collins- Moves to adjourn. 2nd.
 - Passes on majority.