



Maine Information and Analysis Center Advisory Board Agenda
 Chairwoman Tracy Collins
 And
 Lieutenant Michael Johnston
 Maine State Police
 Meeting Date: 12/2/2020 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 Wednesday, December 2 at 8:15 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
 Wed, Dec 2, 2020 8:15 AM - 12:15 PM (EST)
 Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/153355717>

You can also dial in using your phone.
 United States: +1 (669) 224-3412
 - One-touch: tel:+16692243412,,153355717#
 - Access Code: 153-355-717

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 Chairwoman Collins on new process
 - Discussion modifying process for the sake of time without compromising PCRCL. (Respectful and mindful of board members time)
 - Suggested change to process ex. 10, 10, 10 plus E-Guardian entries
 - Proposed Changes to questions on Audit Template
 - Rewording of Question 10
 - Eliminating Question 12

- DPS legislative proposal 14 reference MIAC annual reporting bill

4. 9:15-11:00 (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
 - Overview of Sovereign Citizens

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
 - CDC
 - DOC
- Old Business
 - Still need to stagger board members terms
- General Discussion

7. 12:00-12:15 Adjournment



Notes from MIAC Advisory Board Meeting on 12/20/202

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

Because this meeting was attended remotely, and attendees are not required to identify themselves it is possible there are people who attended that are not captured below.

Mike Feldman-Private Citizen

State Police Staff Attorney and MIAC Privacy Officer Christopher Parr

Hancock County Emergency Management Director Andrew Sankey

FBI Resident Supervisory Special Agent Gregory Hughes

Maine State Police Major Brian Scott (had to leave early)

Maine State Police Sgt. Mathew Casavant-MIAC Deputy Director

James Landau-Critical Infrastructure Representative

Adjutant General Douglas Farnham

Chairwoman Tracy Collins-Private Attorney

Reggie Parson- Legislative Aid to Maine Speaker of the House

Attorney General Aaron Frey

Maine State Police Lieutenant Michael Johnston-MIAC Director

Welcome from Chairwoman Collins

- General Role call and introductions.

Agenda begins

- Presentation and discussion of MIAC report.
 - o Feldman
 - Few people seem to know MIAC exists.
 - Impressed with transfer of information.



- Collins
 - Enlightening process.
 - Thorough. Deliberate choices.
 - Time consuming. Address efficiency? May make sense to modify process.
- Lt. Johnston
 - Review of current selection process. Randomized percentage, chosen by board members, and E-guardian entries. Up to 70 entries can be chosen. Time consuming for all involved. Reminder, advisory board members are volunteers who are donating a substantial amount of time to this process.
 - Ideas to modify process. Limit entries to be reviewed.
 - Instead of 3% maybe 10 entries
 - Picked by members increase from approximately 5 to 10.
 - E-Guardian entries.
 - Feldman wants to ensure a variety of subjects to be addressed. Doesn't want the focus to be on time.
 - Collins- Board selection from 5 to 10-time difference? Selection process from board members of entries extremely useful.
 - Johnston
 - Believes suggested plan would reduce 40-50% quantity of entries to review.
 - Possibly eliminate administrative entries and clearly state that in audit.
 - Board member selections created significant discussions that were valuable.
 - VOTE TO CHANGE PROCEDURE AS DISCUSSED
 - Sankey moves the issue to change
 - Feldman 2nds
 - Voted all in favor. – moved.
- Review of audit form questions.
 - Question 10- "Does the record avoid broad/ vague descriptors (e.g., "extremist," "radical," "far left," "far right," etc.) of persons and organizations."
 - Johnston - Believes form should re-word the question to avoid the negative connotation if answered no. Change "avoid" to "used"
 - Collins- use of the word "avoid" suggests the decision of MIAC on documents that were created outside of MIAC.
 - Hughes- Requests clarification of change specifically. Understands general concept of terminology's negative cogitation.
 - Landau- Should there be a 10-A to indicate the further follow up question. Along the lines of 12-A.
 - Casavant believes something along the lines of "were those necessary" in description of who or what was being described. Use the verbiage in 11-A?



- Landau- What is the reason for the usage of the descriptor- Does the descriptor lead to the reason of the entry?
 - Collins- Types of records are so varied. Believes the 11-A verbiage to catch the appropriateness of the descriptor in the question.
- Casavant- Terminology doesn't necessarily drive the action but does provide needed context. These descriptors are commonly used.
- Johnston- Properly sourced descriptors/ labels can be used appropriately
- Landau- 12-A describes an inappropriate use. Is the record neutral.
 - Johnston- First layer of defense is the trained personal in MIAC. Audit is 2nd layer of defense.
- Collins- Is the net effect of used term trigger conduct or action too narrow?
 - Johnston- Can include a "b" "c" to widen the net of discussion if needed.
- Parr- Sometimes cases have multiple attachments which can become complicated when reviewing questions.
- Feldman- Can we review the motivation?
 - Parr- Recalls one document that was a FYI that no action was taken.
- Sankey-These descriptors exist for a reason. If we squash the usage of the terminology might pose a problem with action from MIAC or hamper them operationally.
 - Johnston- Non investigative unit. It is the law enforcement agencies who decide if the information is acted upon.
 - Sankey- Sanitizing intel? Believes it would be a "slippery slope" and difficult to control.
 - Johnston- Might be difficult to review if 10-B option was used.
 - Sankey- Can't control what is fed into you. Only can control your work product.
- Collins- Suggests table and review question next meeting. Wants to make change before next audit.
 - Sankey agrees deferral. Requests some revised language to review.
 - Johnston- will provide options for board members to review before next meeting.
- Questions 12 and 13- Does the record include/reference religious terminology? Same question?
 - Sankey- Considers it to be redundant.
 - Feldman- Redundant
 - Hughes- Redundant. Change in 10 may make 12 and 13 both unnecessary.



- Collins- if 12-13 was eliminated, would want a religious term to be included in examples in 10 to flag to auditor that religious terms are included. Wants to make clear that's folded in.
 - Alternative keep 13 and remove 12.
 - Parr- agrees 12-13 should not be folded into 10. Religion is a first amendment activity.
- Hughes- extremists are not protected.
- Parr- Protest held at church is example, in that religion was referenced, but the reference was incidental and neutral-Collins suggests to table and receive options same in 10.
- Farnham- is there a distinction between MIAC document and outside document.

BOTH QUESTIONS Tabled PENDING OPTIONS SUPPLIED TO BOARD AT NEXT MEETING

- Johnston- Update board on DPS legislative proposal that would require an annual report to be filed with the legislature.
- Johnston- Maine State Police general order. Review order sent out to members via e-mail.
 - Johnston making the decision for investigation.
 - Example- subject sending hundreds of e-mails to MIAC and other agencies. MIAC investigates and subject is charged with harassment.
- Collins moved to start Executive Session. Sankey and Feldman 2nd. None opposed.

EXECUTIVE SESSION- CONFIDENTIAL

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).

Additional attendees:

Criminal Intelligence Analyst from MIAC

Maine Law Enforcement Officer

- Overview of Sovereign Citizen program
 - Considerations while vetting. Common terminology and actions.
 - MIAC'S Vetting process flow chart and internal process.
 - Sovereign Citizens in Maine statistics and examples.
 - Questions?
 - Sankey- What is the difference between vet and investigation?



- Johnston and Casavant- Criminal investigation vs. MIAC vetting process.
- Parr- Review language for conciseness in general order?
- Landau- Are other groups vetting in similar manner?
 - Johnston- Process is specific to sovereign citizens and anti-government extremists. Process could be applied to other extremist groups, but criteria is different. Could be interchangeable for other groups.
 - Hughes- don't investigate members of a group. Must be a criminal action behind it.
 - Parr- Calling yourself "sovereign citizen" is not enough to enter these individuals into the system.
- Johnston- Not CFR system.
- Feldman- What happens during a traffic stop with a Sovereign Citizen?
 - Johnston- Most likely MV summons. Depends how subject responds, their behavior and actions dictate response from law enforcement.
- Law Enforcement Officer Presentation
 - Recalls personal experience with Sovereign Citizen stop.
 - Lien gets put on house by subject. Letters threatening lawsuits.
 - Parr- Time and resources devoted to case.
 - Legislation introduced to protect people.
- Johnston- Video presentation
 - Motor Vehicle stop of sovereign citizen.
 - Review of situational awareness bulletin.
 - Video
- Internal Directives re: Sovereign citizens. Discussion.
 - Sankey- Not comfortable with "anti-government extremist" phrase. Needs additional clarifier or language. Believes it's too broad.
 - Use language and definitions from FBI. Either tighten definition or broaden it past sovereign citizens.
 - Parr- Identification of Sovereign Citizens. What constitutes sovereign citizens.
 - Sankey- goes back to vetting versus investigation
 - Feldman- Where is the line between statements and actions?



- Mental health underpinnings.
- Subject charged.
- Concerns with release of JUV information into the E-Guardian system.
 - Sankey- Comfortable with content with or without charge.
 - Feldman- Comfortable with example unsure of non-criminal option.
 - Casavant- Example of searching school shootings on internet.
 - Farnham- Expects the release of this information from MIAC. Concerns with what is done with this information. Ais on the side of public safety.
 - Collins- Documenting for situation awareness is useful to understand possible future behavior. Best common sense. Case by case basis. Appropriate to preserve this information.
 - Casavant- Reviews access of E-Guardian vs. Spillman access.
 - Parr- Concerned with data breach possibilities. JUV info released as well as victim's information.
 - Possible that a mental crisis for a 16-year-old could impact the future of this JUV when it comes to a job interview.
 - Sgt. Casavant pointed out that E-Guardian is a restricted law enforcement database that is not checked by employers.
 - Sankey- Understands concerns but due to the security of the E-Guardian systems still believes this information should be submitted.
 - Feldman- Agrees with Sankey's reasons.
 - Casavant- Makes point that this system is not accessed by subjects for things like job applications.
 - School shootings had indications that could have been used to avoid. Mental crisis can get quite bad quickly.
 - Johnston- References Parkland Incidents where information was known but not acted on or shared. References statutes and laws in place to protect. Appropriate release

BACK TO PUBLIC SESSION



Making a motion to leave executive session into public.

Johnston moved, Sankey 2nd.

Public session

New business

- New Staffing-
 - Additions DOC and CDC.
 - CDC public health analyst position is related to the opioid overdose epidemic
 - The MIAC and this position are not involved with COVID 19 contract tracing etc. with CDC

Collins - Moves we take rest of agenda to next meeting due to time.

- Motion from Sankey, 2nd from Feldman.
- Meeting adjourned at 2pm.