



## Maine Information and Analysis Center Advisory Board Agenda

Chairwoman Tracy Collins

And

Lieutenant Tyler Stevenson

Maine State Police

Meeting Date: 03/02/2022 at 8:30 AM

- Location: Attended Remotely TEAMS Meeting Application
- Meeting posted for public awareness and attendance on DPS Website and Maine State Police Website on 2/22/2022. Also forwarded to legislative council calendar and legislative committees on 2/22/2022 (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, March 2<sup>nd</sup>, 2022 at 8:30 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.

### Microsoft Teams meeting

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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. 8:30-8:35 Setup on TEAMS for participants and attendees
2. 8:35-8:45 Welcome, Introductions and Code of Conduct for Meeting (Chairwoman Collins)
3. 8:45-10:00
  - Presentation and Discussion of MIAC's 5<sup>th</sup> and 6<sup>th</sup> Audit Report Discussion (Public)
    - Feedback from Michael Feldman and Chief Jason Moffitt on prior audits
    - Discussion on the 5<sup>th</sup> Audit Report's conclusion questions 1 & 4
    - Discussion on changing question 8 on the P/CL/CR audit template.
    - Discussion on the 6<sup>th</sup> Audit Report's conclusion questions 1 and 3.
4. 10:00-11:00 (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.
  - Conclusion Point #2 in the 5<sup>th</sup> Audit Report and Conclusion Point 2 in the 6<sup>th</sup> Audit Report.
5. 11:00-11:15 Break (when we return, we will resume normal session using original invite)
6. 11:15-11:45
  - New Business
    - Election of a Chair
    - Staffing additions to the MIAC
      - Cyber



- Update on new Privacy Officer Position.
  - L.D. 12 Requirement for annual report out to the Legislature.
  - Advisory Board Member's Terms.
  - Identifying Board Members to participate in the 2022 Audits
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- Old Business
  
  - General Discussion
7. 12:00-12:15 Adjournment

### **Notes from MIAC Advisory Board Meeting on 03/02/2022**

**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.

MIAC Advisory Board meeting. 3/2/22 @ 8:30 hrs.

Attending-

Lt. Tyler Stevenson

Gregory Hughes (FBI)

Mike Feldman

Peter Rogers

Jim Landau

Attorney General Aaron Frey

Tracy Collins

Sgt. Matthew Casavant (joined late)

Chief Jason Moffit (joined late)

Andrew Sankey

General Douglas Farnham

8:35 Welcome and introductions.

8:39- Discussing audit reports (x2)

-1<sup>st</sup> Audit- Jan-July 2021

- Chief Moffitt and Mike Feldman participated w/ assistance with Lt. Johnston.

- 2<sup>nd</sup> Audit- Aug-Dec 2021

- Chief Moffitt and Mike Feldman.

- They were 5<sup>th</sup> and 6<sup>th</sup> Audit conducted for MIAC

- Thoughts on Audit process



- Feldman- Long process but believes that we should not shorten process because it is important to put in the time and energy in the process. Creates a good environment to speak openly regarding difficult discussions on tough topics. Finds that people of all political persuasions are impressed that this process exists.

Chair Vote- Pending Moffitt

- Nomination for Tracy Collins as chair- By Sankey. Fieldman seconds.
- Voted- Unanimous vote by all to keep Tracy Collins as chair. (Moffitt was not on yet)

Lt. discussed staffing shortly.

Audit discussion continues.

- Moffitt- 2<sup>nd</sup> time around easier and efficient. Happy with results overall. Comfortable with how organization is run. Shows how much this service is needed. Essential tool in our arsenal.

- Stevenson- Overview of audit process- 10 selected by random. 10 are selected by each participating member.

-During the first audit of 2021 reviewed actions after Jan 6 Capitol incident. All information was turned over to FBI and DC Metro due to the lack incite of investigation. Wanted to review if this was approved by the board regarding 1<sup>st</sup> amendment rights- No comment from the board.

- Question 8 review on form. Discussing addition of "or implied" to the question to better encompass certain products ie: e-mails or weekly troop reports.

- Collins- Does "no" indicate a red flag or black mark on the process?"

- Stevenson- No necessary create a black mark but may raise concerns unnecessarily.

- Sankey- Suggests putting in a positive context modification in verbiage. Thinks including the word "implied" is a slippery slope.

- Hughes- Not understanding purposes of question.

- Casavant- Took template from DHS/ INA. Adaptation of question to work for our system. Some products supplied are implied in information. Bulletins are marked, general entries are not. Question comes up on every audit.

-Stevenson- Suggests rewording questions. Does this record state the required audience?

- Sankey- Believes that would solve the problem.

- Stevenson- Add a part b to the question?

- Casavant- Concerned about the word "requirement." Who's requirement? Board, law?

- Sankey- What product of the MIAC isn't an intelligence product? It's in our interest too explain why we thought this is required. Rather see us impose these requirements than an outside party.

- Hughes- Not every item is disseminated. "If the record were disseminated... was it documented properly. "

- Casavant- Yes it might be intelligence, but the guidelines are only supplied when crafting a product.

- Moffitt- Couldn't you satisfy something like this on an e-mail signature.

- Stevenson- We do have it and used it but not on all products. Likes the word "should."

- Moffitt- Agrees slight modification will speed up audit.

- Casavant- Work on it w/ Stevenson and hold e-mail voting if allowed.

- Stevenson- Make changes and bring it on next meeting.

- Collins- Or create a brief meeting in person.



- Jandau- Add column for audience? Add mishandled part onto question. "Was it labeled and was it used properly. "

- Stevenson- Work on question and maybe create a small volunteer committee before bring forth question. Hopefully before next audit in Aug.

- Sankey- Motions to table question for further review. Collins seconds. Unanimous vote in favor.

- 930 Collins motions to move to executive session. Frey seconds. Unanimous vote in favor.

#### 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

1115- Collins- recaps previous open session topics.

- Stevenson-

- MIAC's Privacy officer position has been vacant. Getting a member of AG's office to fill that role part-time.
- Drafting presentation- OB 12.
- Advisory board terms.
  - 3 year members- terms are up but policy allows to extend some terms to avoid replacing to many at same time.
    - Mofitt- 2022 (Law Enforcement)
    - Landau and Feldman- 2023 (Critical Infrastructure and citizen.)
    - Sankey- 2024 (EMA and Lawyer.)
- Identifying next 2022 audits members.
  - Hughes 1<sup>st</sup> Audit
  - Sankey 2<sup>nd</sup> Audit.

- Sankey- Should we get ahead with the message of what MIAC does.

- Stevenson- Report is a bit vague but includes audits. Finds people in the middle learned a lot about it but not everyone is happy.

- Sankey- Celebrate our successes and to explain how the board checks on MIAC's legality.

- Feldman- Maybe we should think of ways to explain what it is to people.

- Farham- Impressed how deeply the conversations go should give the public confidence that it's being held to high standards.

- Collins- Asks for any further discussion? Collins moves for adjournment- Sankey seconds. All vote for adjournment.

1135 hrs. Meeting Adjourned.