

Municipal Corner – October 2107

The Stowe Reporter recently asserted in an article and editorial that Police Chief Donald Hull is withholding public information. When they brought this to my attention, I assured them that all town employees and elected officials take compliance with the law very seriously. I asked them to provide more specific information in order to have it evaluated by the Town Attorney for compliance with the public records law.

It is necessary to understand that known information is not the same as a public record. According to the Town Attorney, based on what has been provided to date, Chief Hull is in compliance with the law. The Stowe Police Department provides local media with a report of activities and responds to requests for additional information as a service; there is no law which states the amount of detail that should be included. According to Town Attorney, “It is not a violation of Vermont’s Public Records Law to say ‘no comment’ or refuse to talk to a reporter. It is a violation to deny access (opportunity to review or provide a copy) to a public record or document that is not otherwise exempt from public access/review.” Anyone can request access to the public records of the Police Department. If the request is denied or portions of the record are redacted, the requesting party can appeal to the Town Manager.

The article quotes me as saying “I tend not to micro manage town employees.” While this is true, I expect the Chief and all other department heads to understand and act in compliance with the law, and if they do not I will intervene. I also provide town employees with advice, guidance and hold them accountable as appropriate.

The Chief indicated to me that he has shifted to providing the information to the press in a written format so that there is an exact record of what is provided *before any editorial spin is added*. This change was in response to community members and police officers expressing concern about what and how this information was being reported.- Chief Hull has also heard that in some instances people may not call the police because of concerns that their call may end up in the Stowe police blotter.

As former Chief Kaplan said to me more than once, “If it is important to the person who called, it is important to us.” In the realm of public safety, we never want people to be hesitant to call for service. Additionally, Chief Hull must protect the morale of the Stowe Police Department when he feels it necessary. It is not easy to attract and retain police officers and we are fortunate to have the officers that we do to serve the public.

The Stowe Reporter suggests in its editorial, “Perhaps some of Stowe’s powers-that-be feel that the blotter doesn’t match the picture-postcard image they think they should be trying to project.” Stowe is a great place to live, work and play. The Town absolutely does not try to hide the fact that bad things occur in Stowe. In fact, in this case we are more concerned that the reverse is at play – that the police blotter gives the impression that Stowe is a modern day “Mayberry R.F.D.” While Stowe is a pretty idyllic place to live, I would ask all of you to look at a copy of the town’s Annual Report to fully understand the scope of what our local force does to protect us and our visitors and to keep Stowe feeling relatively idyllic.

Town officials fully understand the press's role in a free society. However, in the detection and investigation of crime, there are safeguards in the public records law meant to protect the privacy of victims, witnesses, and, in some cases, even officers and suspects. There are also exemptions to avoid disclosures that, at the time, might interfere with an active investigation. It is sometimes difficult to evaluate whether a particular record is exempt. I understand the natural tension this creates. While we typically lean towards public disclosure, there are times when the public's interest is better served by not doing so. Both the Police and the Stowe Reporter have important and difficult jobs. We entrust them with much. We give the Police power to use force when necessary, and sometimes we are not fully at liberty to understand what is occurring with an active investigation. Fortunately, the Stowe Police have shown great restraint with the use of force. They also receive oversight by the Town Manager, the State's Attorney and the Courts.

To put it simply, we want to ensure that the citizens of Stowe have the information they need to make informed decisions. At the same time we need to protect victims' rights, freedom of information laws and never unduly jeopardize the resolution of cases.

Stowe is fortunate to have a local paper at a time when many are going out of business. The press is sometimes referred to as the *fourth arm of government* due to its valuable role in disseminating information. However, the press also is in the business of selling papers. It is the right of the paper to report the news however they desire, but is the *spin* put on the police blotter protecting the public right-to-know or titillating the public in order to sell papers? Some questions to consider: should reporting on police calls be the appropriate circumstance to make light of something or is it more appropriate to just tell people what occurred in a factual manner? Do public officials take themselves too seriously by not being able to poke fun at what occurs?

Hopefully, we can find the right balance. Stowe is a small town at heart and all want to live, work and play together while fulfilling our respective roles.