From: London, Sarah

Sent: Wednesday, March 22, 2017 4:35 PM **To:** 'Robert Audette' <raudette@reformer.com>

Cc: Diamond, Joshua < Joshua. Diamond@vermont.gov>; Treadwell, John < john.treadwell@vermont.gov>;

kmoran@berkshireeagle.com; Donoghue, Michael <mdonoghue@smcvt.edu>

Subject: RE: Records Request

Here you go, the redactions and handwritten information in this report appear in the document sent to our office.

From: Robert Audette [mailto:raudette@reformer.com]

Sent: Wednesday, March 22, 2017 4:25 PM

To: London, Sarah < Sarah.London@vermont.gov >

Cc: Diamond, Joshua <Joshua.Diamond@vermont.gov>; Treadwell, John <john.treadwell@vermont.gov>;

kmoran@berkshireeagle.com; Donoghue, Michael <mdonoghue@smcvt.edu>

Subject: Re: Records Request

Thank you.

On Wed, Mar 22, 2017 at 4:23 PM, London, Sarah < Sarah. London@vermont.gov> wrote:

Hi Bob, that's an oversight on my part, my apologies. Will be in touch,

Sarah

From: Robert Audette [mailto:raudette@reformer.com]

Sent: Wednesday, March 22, 2017 4:13 PM

To: London, Sarah <Sarah.London@vermont.gov>; Diamond, Joshua <Joshua.Diamond@vermont.gov>; Treadwell,

John < john.treadwell@vermont.gov>

Cc: kmoran@berkshireeagle.com; Donoghue, Michael <mdonoghue@smcvt.edu>

Subject: Re: Records Request

Thank you for responding to my FOIA request in an expeditious manner. As noted in the four pages you forwarded to me, there is a nine page Windham County Sheriff's Department Report that was included in the Vernon Voters Alliance submission to you. Consider this email a formal request for that investigation report. Thank you.

Keith D. Clark, Sheriff PO Box 266, Newfane VT 05345 Tel: (802) 365-4942 Fax: (802) 365-4945



Date of Report: 9/22/2014 8:53:00 AM

Case Number: 14WHC004182

[X] Initial Report

Town: Vernon

[] Supplemental

Reporting Officer: Lieutenant Mark Anderson

STATUS

[] Open:

[X] Closed

[X] Pending review by SAO

[] Transferred to other agency:

Press Release: [] Yes [X] No

CASE TYPE: Obstruction of Justice

RESPONSIBLE/INVESTIGATING DEPUTY: Deputy Ian Tuttle

<u>SUMMARY OF INCIDENT:</u> Arrest of a citizen for DUI and negligent operation resulted in the chairwoman of the select board making threatening statements regarding the business relationship between the town and the Sheriff's Office.

LOCATION OF INCIDENT: Via phone

DATE/TIME OF COMPLAINT: 03/21/2014 @ 06:21 hours

SUSPECT: Patricia O'Donnell

INVESTIGATION NARRATIVE: On September 20th, 2014, at approximately 23:50 hours, I received two missed phone calls from Patricia O'Donnell. O'Donnell left a message for me to call. At 00:02, I received an additional message from my dispatch advising that Deputy Ian Tuttle had made an arrest for a DUI and the husband of the defendant, Michael McKinney, as well as O'Donnell wanted to speak with me regarding it. In total, I had five missed calls from O'Donnell between 9/20/2014 at 23:50 hours and 9/21/2014 at 00:24 hours.

At 06:21 hours, I contacted O'Donnell by telephone. O'Donnell advised that she was "pissed off" regarding the arrest of Lisa McKenney and several times referred to Deputy Tuttle as a "pissant." O'Donnell advised that Lisa McKenney was stopped "for no reason" and that Deputy Tuttle had been following her since the post office. Additionally, O'Donnell advised that she'd received three complaints regarding Deputy Tuttle parking at the post office and following people. O'Donnell advised that Ted George had also made a complaint regarding this behavior as well.

O'Donnell advised me that she was in Boston at the time of this event, but that her husband, Robert O'Donnell and Michael McKinney were present. She made additional statements that she'd rather have the Vernon Police Department instead of our office if this is what happened. She stated that I knew the McKinney's, that they were good people and they weren't dealing drugs. She stated something to the effect of, "It's not like they were coming from the bar. He followed her. In our neighborhood?" She advised the McKinney's were coming from a Make-A-Wish dinner. She advised that Lisa McKinney had consumed one or two glasses of wine but later denied that Lisa McKinney consumed any alcohol. She also advised that Lisa McKinney was stopped for touching the center line. O'Donnell advised me that something was going to have to be done about this and also advised that the town was going to need to get rid of the Sheriff's Office contract. O'Donnell indicated that she wanted me to respond at the time to fix this issue. O'Donnell advised that she was going to bring this issue up with the board. I advised O'Donnell that I would look into the issue and be in touch with her Monday.

On September 21st, 2014, I received two voicemails from O'Donnell advising she'd like to continue our conversation. O'Donnell advised that Deputy Tuttle "pulled a gun on Lisa McKenney. I'm not letting this go, Mark. I'm calling Keith and I'm getting him involved in this as well." I spoke with Sheriff Clark by telephone, who advised that he'd spoken with

O'Donnell and would assume responsibility regarding this issue. Sheriff Clark advised me to collect statements from anyone interested in speaking to me and to relinquish them to him. O'Donnell requested

On September 22nd, 2014, I was contacted by Select board member Janet Rasmussen requesting O'Donnell and she meet with me regarding this issue. We scheduled to meet that afternoon at 1400 hours.

I spoke with O'Donnell by phone. The conversation was audio-recorded. Please refer to the recording for the conversation in its entirety. The following is a summary:

I explained to O'Donnell that the DUI investigation was an active investigation and her complaint regarding Deputy Tuttle was being handled by Sheriff Clark. O'Donnell spoke about the methods, procedures and actions of pertaining to the stop. She stated that the select board when they were initially approached Sheriff Clark, they told him they weren't looking for "The Gestapo." O'Donnell advised that the board's interest in this matter had nothing to do with the DUI or the arrest, but how McKenney was treated.

Nothing further at this time.



Complaint regarding lan Tuttle

1 message

Mark Anderson <manderso@windhamsheriff.com>
To: kclark@windhamsheriff.com, rlakin@windhamsheriff.com

Tue, Sep 23, 2014 at 2:31 PM

Gentlemen,

No action necessary but want you to be aware and have this documented given current events in Vernon:

One of the items that Patty mentioned in our meeting was that Ted George had complained to her about his daughter being stopped for touching the center line by Ian. She advised that this was the fourth complaint of a "single woman" being stopped by Ian and twisted it in a way to accuse Ian of stopping single women. It's noted that one of the complaints she referenced was an email from Tina Buheler regarding the drunks in Vernon being mad at Ian. This was the second complaint she'd had. McKenney was her third complaint and she didn't identify the fourth except as a woman she ran into at the grocery store just prior to our meeting. O'Donnell also advised she was going to contact George and have him "throw us out" of the mill.

I spoke with George today. The advised that his daughter was home from California. He advised she saw lan at George's Mill (the post office — and yes, it's his) where he proceeded to follow her vehicle to Huckle Hill Road. He stopped her on Huckle Hill Road after the flats, on the hill for "touching the center line." She denied to lan that she touched the yellow line but told George that she wasn't sure if she had or not. George advised he had no complaints and was simply asking O'Donnell a question as he'd "never heard that expression before." I explained the driving to right statue and the investigatory stops to him and he agreed with the methodology. He also felt we were doing a great job and providing a lot of much needed speed enforcement. George had no issues with professionalism and advised that even he touches the yellow line, so he doesn't doubt that it happened.

Lieutenant Mark Anderson Windham County Sheriff's Office - Vernon Division (p) 802-254-6962 (f) 802-258-2328 manderso@windhamsheriff.com

Find us online: www.windhamsheriff.com facebook.com/WindhamSheriff twitter.com/WindhamSheriff

Keith D. Clark, Sheriff PO Box 266, Newfane VT 05345 Tel: (802) 365-4942 Fax: (802) 365-4945



Date of Report: 09/21/14

Case Number: 14WHC004162

[x] Initial Report

[] Supplemental

Town: Vernon

Reporting Deputy: Ian Tuttle

CTATILE

STATUS [1] Open:

[x] Closed

[]Pending

[] Exceptionally Cleared

Transferred to other agency:

Press Release: [x] Yes [] No

CASE TYPE: DUI, C&N

RESPONSIBLE/INVESTIGATING DEPUTY: lan Tuttle

DISPATCHER ON DUTY: Stanley Wasilewski (Windham CSO), Sandy Boyd (Windham CSO)

LOCATION OF INCIDENT: 15 Woodland Rd, Vernon, VT, 05354

DATE/TIME OF INCIDENT: 09/20/14 at approximately 2301 hours

ACCUSED: Lisa M. McKenney (

WITNESS(ES): Michael P. McKenney (Joshua C. Parro (Joshua C. Par

INVESTIGATION NARRATIVE: On September 20th, 2014, at approximately 2300 hours, I was on duty as a law enforcement officer in the Town of Vernon, County of Windham, State of Vermont.

Also in the vehicle with me throughout the duration of this incident was Joshua Parro (who was currently doing a ride along for part of my shift.

I was stationary monitoring traffic near the north intersection of Route 142 and Pond Rd. I observed a green 2011 Jeep Grand Cherokee bearing valid Vermont registration FYH824 travel south past my position. While the vehicle was navigating the sweeping left hand curve I noted that it came close to the right side of the road and then made an abrupt left as if to keep from going off of the road. I began to follow the vehicle.

As I followed the vehicle I noted that it crossed the solid double yellow centerline a total of two times. As we neared the intersection of Route 142 and Newton Road I observed that the operator activated the right turn signal on the vehicle. The operator then crossed over the solid double yellow centerline and drove down the center of the road for approximately 50 yards. Prior to this she was driving with her left tires on the solid double yellow centerline. After turning onto Newton Road we began to travel west. The vehicle drove approximately 100 yards west on Newton Road on the left side of the roadway. As the vehicle neared the railroad tracks that cross the roadway on Newton Road the operator had to swerve to the right to avoid colliding head on with another vehicle traveling in the opposite direction.

I activated my emergency lights in an attempt to stop the vehicle. The vehicle made a left hand turn onto Fox Hill Rd and then a right hand turn onto Woodland Rd before making a left turn into a residence at 15 Woodland Rd, Vernon, which I later learned was the operator's residence. The operator did not slow the vehicle during this course of action and there driving became more erratic. I followed the vehicle with my emergency lights activated for approximately 1/4 of a mile before it stopped.

I performed a felony stop on the vehicle as the operator had failed to stop for my lights. The operator of the vehicle was placed in handcutts until she could be identified. She was advised that she was not under arrest but that she was being unitarised until the could figure out what was going on. I identified the operator by a valid Vermont photo driver's license as Lisa McKenney (Market as Michael McKenney (DOB:

A. McKenney's husband.

After being released from handcuffs I asked L. McKenney why she had failed to stop when I had activated my emergency lights. She advised me that she had not seen the lights until she had made it almost up her driveway. I further questioned L. McKenney why she had driven up the wrong side of the road and almost hit the other passing vehicle head on. She did not have a reason. I asked L. McKenney how much alcohol she had consumed. She replied by saying "a couple" glasses of wine. L. McKenney further clarified, saying that she had consumed two glasses of wine. She advised me that she had consumed her first drink at approximately 1800 hours and had her last drink at approximately 1930 hours and that she had not consumed any alcohol in the 30 minutes prior to driving nor had she consumed any drugs. I also noted that L. McKenney's eyes were bloodshot and watery.

I administered the standardized field sobriety tests (SFST's) to L. McKenney. During the horizontal gaze nystagmus I noted that she had nystagmus in both eyes on the lack of smooth pursuit, the distinct jerkiness at maximum deviation, and onset of distinct jerkiness prior to 45 degrees tests. During the walk and turn test she began before being instructed to do so and was not able to balance while I was giving her instructions. She was able to keep her right foot ahead of her left foot for approximately ten seconds while I was giving instructions. After that she stayed with her two feet side by side. She did not touch heel-to-toe on step number four of the first nine steps and several steps on the nine back. Additionally on step four of the first nine she stepped off line and stopped walking, then used her arms by raising them more than six inches from her side. On the first nine steps L. McKenney took ten steps then turned incorrectly as she used both feet and rotated instead of taking small steps and pivoting on her front foot. During the one leg stand test L. McKenney used her arms to balance even after being reminded not to. At the time of the test L. McKenney was barefoot. I did offer to allow her to wear shoes and she denied. I administered an additional counting exercise to Chief the which she would count backwards from 47 to 23. She was able to complete the test without any issues. She was also able to remember where I asked her to start counting and where I asked her to stop counting. I offered L. McKenney a preliminary breath test (PBT)

L. McKenney was arrested and placed in handcuffs which were checked for tightness and comfort and transported to the Windham County Sheriff's Office-Vernon Division (WCSO-VD) for processing.

During processing she gave an evidentiary breath sample which

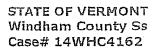
While processing L. McKenney her husband, M. McKenney and Robert O'Donnell (DOR arrived at the WCSO-VD. I advised both of them that it would be a little while before I was done processing L. McKenney and that they could feel free to have a seat outside in the meeting room area. R. O'Donnell stated that he would like Lieutenant Mark Anderson called in. I advised him that LT. Anderson was off duty until Monday morning. R. O'Donnell then stated again that he wanted LT. Anderson called in Additionally during processing I received two phone calls from Patricia O'Donne.

The first call was 2352 nours and the second was at 0005 nours. In both calls P. O'Donnell was demanding that LT. Anderson be called in. I advised her that once I had things settled as far as processing I would call LT. Anderson. She advised me that it I. Anderson was not present within that an nour she was young to can Sheriff Keith Clark. I advised her that she felt the need to.

I released L. McKenney to O'Donnell, who advised that she did not appear intoxicated to him. Also present at the time of O'Donnell picking up L. McKenney was M. McKenney. M. McKenney was speaking to me about what all this means and what his wife would have to do. While we were talking I overheard O'Donnell say something to the effect of "this won't fly".

I gathered a sworn written statement from Parro which has been attached and incorporated as if fully set forth herein.

Nothing further.





Affidavit 1-A

NOW COMES, Ian Tuttle, affiant, being duly sworn and on oath, deposes and says that he has probable cause to believe that Lisa M. McKenney (DOB: hereinafter referred to as defendant, committed the offenses of Driving Under the Influence in violation of 23 V.S.A. § 1201 and Negligent Operation in violation of 23 V.S.A. § 1091. In support of these charges I state:

- I am a law enforcement officer certified by the Vermont Criminal Justice Training Council. I am trained and certified by the Vermont Criminal Justice to operate the DMT infrared breathtesting instrument.
- On September 20th, 2014, at approximately 2300 hours, I was on duty as a law enforcement officer in the Town of Vernon, County of Windham, State of Vermont.
- 3. I was stationary monitoring traffic near the north intersection of Route 142 and Pond Rd. I observed a green 2011 Jeep Grand Cherokee bearing valid Vermont registration FYH824 travel south past my position. While the vehicle was navigating the sweeping left hand curve I noted that it came close to the right side of the road and then made an abrupt left as if to keep from going off of the road. I began to follow the vehicle.
- 4. As I followed the vehicle I noted that it crossed the solid double yellow centerline a total of two times. As we neared the intersection of Route 142 and Newton Road I observed that the operator activated the right turn signal on the vehicle. The operator then crossed over the solid double yellow centerline and drove down the center of the road for approximately 50 yards. Prior to this she was driving with her left tires on the solid double yellow centerline. After turning onto Newton Road we began to travel west. The vehicle drove approximately 100 yards west on Newton Road on the left side of the roadway. As the vehicle neared the railroad tracks that cross the roadway on Newton Road the operator had to swerve to the right to avoid colliding head on with another vehicle traveling in the opposite direction.
- 5. I activated my emergency lights in an attempt to stop the vehicle. The vehicle made a left hand turn onto Fox Hill Rd and then a right hand turn onto Woodland Rd before making a left turn into a residence at 15 Woodland Rd, Vernon, which I later learned was the operator's residence. The operator did not slow the vehicle during this course of action and there driving became more erratic. I followed the vehicle with my emergency lights activated for approximately 1/4 of a mile before it stopped.
- 6. I identified the operator by a valid Vermont photo driver's license as Lisa McKenney (DOB: I also identified the passenger by name and date of birth as Michael McKenney (DOB: L. McKenney's husband.
- 7. I asked L. McKenney why she had failed to stop when I had activated my emergency lights. She advised me that she had not seen the lights until she had made it almost up her driveway. I further questioned L. McKenney why she had driven up the wrong side of the road and almost hit the other passing vehicle head on. She did not have a reason. I asked L. McKenney how much alcohol she had consumed. She replied by saying "a couple" glasses of wine. L.

Subscribed and sworn to before me on This 21 day of Statemage 2014	#123
This <u>71</u> day of <u>5507501360</u> 2014	Signature
- te 5	09-21-14
(Judicial Officer)(Notary Public)	(Date)

McKenney further clarified, saying that she had consumed two glasses of wine. She advised me that she had consumed her first drink at approximately 1800 hours and had her last drink at approximately 1930 hours and that she had not consumed any alcohol in the 30 minutes prior to driving nor had she consumed any drugs. I also noted that L. McKenney's eyes were bloodshot and watery.

- 8. I administered the standardized field sobriety tests (SFST's) to L. McKenney. During the horizontal gaze nystagmus I noted that she had nystagmus in both eyes on the lack of smooth pursuit, the distinct jerkiness at maximum deviation, and onset of distinct jerkiness prior to 45 degrees tests. During the walk and turn test she began before being instructed to do so and was not able to balance while I was giving her instructions. She was able to keep her right foot ahead of her left foot for approximately ten seconds while I was giving instructions. After that she stayed with her two feet side by side. She did not touch heel-to-toe on step number four of the first nine steps and several steps on the nine back. Additionally on step four of the first nine she stepped off line and stopped walking, then used her arms by raising them more than six inches from her side. On the first nine steps L. McKenney took ten steps then turned incorrectly as she used both feet and rotated instead of taking small steps and pivoting on her front foot. During the one leg stand test L. McKenney used her arms to balance even after being reminded not to. At the time of the test L. McKenney was barefoot. I did offer to allow her to wear shoes and she denied. I administered an additional counting exercise to L. McKenney in which she would count backwards from 47 to 23. She was able to complete the test without any issues. She was also able to remember where I asked her to start counting and where I asked her to stop counting. I offered L. McKenney a preliminary breath test (PBT)
- 9. L. McKenney was placed in handcuffs and transported to the Windham County Sheriff's Office Vernon Division (WCSO-VD) for processing. During processing L. McKenney gave a breath sample which came back
- 10. During the duration of this incident I had Joshua Parro () in the vehicle with me doing a ride along. I received a sworn written statement from Parro which has been attached and incorporated as if fully set forth herein.
- 11. Based on the facts and circumstances contained in this affidavit I believe that probable cause exists to charge Lisa M. McKenney with the crimes of Driving Under the Influence, and Negligent Operation. She was not fingerprinted or photographed for the offenses.

Subscribed and sworn to before me on This 71 day of 5ex GINGER 2014	1123
This <1 day of	Signature
	09-21-19
(Judicial Officer)(Notary Public)	(Date)



Keith D. Clark, Sheriff PO Box 266 Newfane, VT 05345

CASE NUMBER:

SWORN WRITTEN STATEMENT

Name: Joshua C. Parro

Date of Birth

Address: 32 Oak Court Vernon, Vermont 05354

Home Phone: Cell Phone:

On the evening of 9/20/2014 I was on a ride along with Deputy Ian Tuttle with the Windham County Sheriff's Office in Vernon, Vermont. Around 23:00 hours we were sitting in the patrol car at the north intersection of Pond Road and Route 142 observing traffic. During that time, I witnessed a motor vehicle traveling south on Route 142 which seemed to be exceeding the 40 MPH speed limit to my own judgment, and also seemed to get close to the right side of the road while navigating the corner near the post office. Deputy Tuttle decided to follow behind this vehicle. As we caught up, initially I did not notice anything out of the ordinary. The speed was not too excessive and I didn't notice much swerving at this time. However, as we came around the corner of the old Vernon Schoolhouse Grocery everything was the opposite. The car began to ride the center line, drift back into lane, and then soon after go right back to where it was before. As we approached the intersection of Newton Road and Route 142, the vehicle drifted about half way into the left lane and then made a right turn onto Newton Road, her blinker was on at this time. Continuing up the small hill on Newton Road before the railroad tracks, I witnessed the whole car on the left side of the road for quite a good distance. During this same time, the car swerved back to the right side of the road to avoid a head on collision with an oncoming vehicle. This is when Deputy Tuttle turned on his lights to initiate a traffic stop, yet she did not yield to them. The car continued to take a left on to Fox Hill Road, a very messy right onto Woodland Road, and travelled a short distance before turning left into a driveway. As we proceeded up the driveway, the center garage door opened and I had a thought that the car was going to drive right into it. Instead, the car stopped and Deputy Tuttle drew his gur. and gave the driver and passenger commands to come out of the vehicle with their hands up. The driver, who was a female was the first to come out and Deputy Tuttle soon cuffed her while he situated the male passenger. Deputy Tuttle then questioned the driver as to why they didn't stop back when he initially turned on his lights, along with asking the driver if she'd been drinking. She stated that she had had a "couple" glasses of wine. Which then Deputy Tuttle clarified what she meant by a "couple". She stated she had had 2 glasses of wine. He then proceeded to run her information she provided, and then began the screening process. During the screening process I saw the operator's hands raised more than six inches from her side. I remember talking with Deputy Tuttle about this being a clue during the walk

I give this statement voluntarily. I know that giving false information to a law enforcement officer is a violation of law and that if I do so, I may be charged with a criminal offense. I have read and/or have had read to me the above statement consisting of \searrow page(s) and I swear to the truthfulness of the information contained in this statement and have made no omissions or misrepresentations.

Subscribed and sworn to before me on

s ZZ day of SEPTEMER 2014

101

Notary Public



Keith D. Clark, Sheriff PO Box 266 Newfane, VT 05345

CASE NUMBER:

and turn field sobriety test. After deeming she was intoxicated Deputy Tuttle offered her a breathalyzer test which she declined, and eventually put her under arrest for DUI. At this time I had to move to the back seat so she could take my spot in the front seat. Immediately when she sat down in the car I could smell a slight odor of alcohol in the cabin of the cruiser. She remained silent for the most part on the ride to the station, and once we arrived I moved a couple times to different rooms to give her and Deputy Tuttle privacy.

I give this statement voluntarily. I know that giving false information to a law enforcement officer is a violation of law and that if I do so, I may be charged with a criminal offense. I have read and/or have had read to me the above statement consisting of $\frac{1}{2}$ page(s) and I swear to the truthfulness of the information contained in this statement and have made no omissions or misrepresentations.

Subscribed and sworn to before me on This 22 day of SETE AUBER 2014

Notary Public