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November 30, 2020

MEMORANDUM FOR DISTRIBUTION

In re: Chief John Helfant, Northfield Police Department

Dear Counsel:

This letter supersedes the State's initial disclosure provided on January 25, 2019 addressing concerns over the credibility of Chief John Helfant of the Northfield Police Department, and formerly of the Berlin Police Department. Chief Helfant's actions or omissions in two criminal cases resulted in dismissal of charges, and thereafter, a criminal investigation by the Vermont State Police, on behalf of the Office of the Attorney General. Criminal charges did not result from the investigation; however, the matters were referred to the Vermont Criminal Justice Training Council for review under 20 V.S.A. ch. 151. I concluded that there is a cognizable basis to challenge the credibility and accuracy of representations made by Chief Helfant. A summary of the concerns as they relate to credibility and truthfulness is outlined below:

Case No. 18BL002843 – State v. Jermaine Parsons, Docket No. 815-7-18 Wncr

In this matter, Chief Helfant, then acting in the capacity of a Berlin Police Department officer, omitted exculpatory evidence from his affidavit of probable cause. Specifically, the affidavit omitted any reference to the Defendant's revocation of consent for a search of his person following a drug interdiction traffic stop. Revocation of consent occurred prior to the discovery of a felony quantity of crack-cocaine and an opiate, later determined to be oxycodone, in the Defendant's shoe. Revocation of consent is clearly recorded on the body camera footage of another officer present on scene.¹

¹ Chief Helfant has asserted that he was proceeding under a theory of search incident to arrest, however, no arrest had been effectuated and the Defendant was directed to continue cooperating in the search. The ostensible basis of arrest would have been for possession of a hallucinogen, based on an apparent mushroom being recovered from the Defendant's pocket. Further, a charge relating to the suspected hallucinogenic mushroom was not referred/recommended in the affidavit of probable cause. Prior to the discovery of cocaine and oxycodone in the Defendant's shoe, the other regulated drugs and paraphernalia was recovered from the purse of the female operator of the vehicle. A search of the Defendant's bag did not reveal regulated drugs or paraphernalia.

Additionally, of concern was Chief Helfant's failure to activate his body camera during the stop.

Case No. 18BL003053 – State v. Carlos Inostroza, Docket No. 877-7-18 Wncr

In this matter, Chief Helfant, then acting in the capacity of a Berlin Police Department officer, exceeded the scope of a consent search incident to a motor vehicle stop. Specifically, two issues were presented: first, whether the Defendant provided consent to the search of the vehicle (in which he was a passenger, not operator); and second, whether the Defendant provided consent for a search of a bag that under the circumstances was clearly under his custody and control.²

The body camera does not record a clear or unequivocal grant of consent to search the vehicle, and there is no direct contemplation or discussion relating to the bag itself.³

Of further concern was Chief Helfant's unauthorized access to cell phones and messages on phones that were located in the vehicle. Additionally, Chief Helfant did not attempt to screen the operator of the motor vehicle for driving under the influence of drugs, or request another responding officer to do so, notwithstanding indicia of recent drug use prior to or during operation of the motor vehicle and his own observations of her being impacted by drug use.

Potential Bias

These cases raise concern that Chief Helfant engaged in disparate treatment of a Hispanic male (Inostroza) and an African American male (Parsons) based on the actual or alleged Constitutional violations, compared with the treatment of the Caucasian females who in both cases were the operators of the motor vehicles. Notwithstanding omission of issues in the affidavits of probable cause, the conduct itself, to a reasonable officer, would or should have been recognized as a violation of the Defendants' rights under Article 11 of the Vermont Constitution. Such may constitute unprofessional conduct as provided for under 20 V.S.A. § 2401(2)(D) and may serve as a basis of impeachment.

Conclusion

A discovery package, including the affidavits, motions, and a court entry order with respect to these matters is available upon request. The criminal inquiry into Chief

² On knowledge and belief, the Vermont State Police investigation into this matter included an interview of the Defendant, following dismissal of the criminal case, wherein he stated that he consented to the search of the vehicle, but not to his bag within the vehicle.

³ Based on the presence of crack-cocaine and suspected cocaine residue in plain view, and admissions of the operator of the vehicle, the State believes a search warrant for the contents of the vehicle and the Defendant's bag would have been granted under the circumstances.

Helfant is maintained under the custody/control of the Vermont State Police and the Office of the Attorney General. Other responsive records may be available at a future time through the Vermont Law Enforcement Training Council.

My office is not aware of other allegations of untruthfulness or that reports filed in your clients' cases are not accurate. Notwithstanding the credibility issues outlined, Chief Helfant remains employed by the Town of Northfield as of this date.

Contemporaneous to this memorandum, my office has adopted a policy of presumptive declination of non-listed and non-violent offenses referred for prosecution by Chief Helfant, and has placed requirements on the acceptance of cases referred that involved listed offenses as defined by 13 V.S.A. § 5301(7). Presumptive filing of listed offenses is premised on the frequent availability of victim/witness testimony and the interests of justice supporting filing of cases where individuals are physical threatened or harmed.

This information is disclosed consistent with the State's Constitutional and ethical requirements, including V.R.Cr.P. 16(a)(2)(G) and (b)(2) to ensure awareness of this matter for purposes of discovery and disposition of pending cases where Chief Helfant was an investigating officer. Thank you.

Very Respectfully,



Rory T. Thibault
State's Attorney