



Police Commission

Tuesday, February 27, 2024, 6:00 PM, **REMOTE ONLY via Zoom**

PLEASE NOTE:

This meeting is will be held on zoom.

Please click this URL to join.

<https://us02web.zoom.us/j/85176897120>

Or by phone:

+1 301 715 8592

Webinar ID: 851 7689 7120

1. Agenda

1.1. Call to Order

1.2. Roll Call and Determination of Quorum

1.3. Additions or Modifications to Agenda

2. Commission Actions

Subject	2.1. Approve the Minutes from the Regular Commission Meeting on 1/23/2024
Meeting	February 27, 2024 - Police Commission Meeting - Tuesday, February 27, 2024, 6:00 PM, **REMOTE ONLY** via Zoom
Category	2. Commission Actions
Department	Police Department
Type	Minutes Action
Recommended Action	Approve the minutes from 1/23/2024 as posted

3. Public Forum

3.1. The public is invited to address the Commission

4. Police Department Items

Subject 4.1. Chief's Report

Meeting February 27, 2024 - Police Commission Meeting - Tuesday, February 27, 2024, 6:00 PM, **REMOTE ONLY** via Zoom

Category 4. Police Department Items

Department Police Department

Type Information
Report

Recommended Action

Subject 4.2. Department Directive Revision Approval DD01 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules.

Rule #19. Insert: "Failing to maintain custody and control of weapons, Criminal Justice Information Services (CJIS) systems, or encrypted technology may also constitute a violation of Rule 18 Neglect of Duty."

Meeting February 27, 2024 - Police Commission Meeting - Tuesday, February 27, 2024, 6:00 PM, **REMOTE ONLY** via Zoom

Category 4. Police Department Items

Department Police Department

Type Action
Discussion

Recommended Action Accept and approve the edits and insertions of DD01 as posted.

5. Use of Force Reports

5.1. January 2024 Use of Force Report

5.2. Use of Force Report - February 1st through February 15th, 2024

6. Commendations

6.1. Commendations Received in February 2024

7. Commission Business

7.1. Discussion on the draft copy of the Burlington Police Oversight Charter Change proposal by the City Council Joint Committee

**7.2. BPC Review of Body Worn Camera (BWC) Footage Policy.
Discussion on the counter proposal by the BPOA on the release of BWC to the Commission.**

7.3. Announcement of vicious dog hearing, scheduled for Tuesday, March 5th.

8. Executive Session, as needed.

8.1. Executive Session

9. Adjournment

9.1. Motion to Adjourn

10. Informational and Non-Discrimination Statements

10.1. This agenda is available in alternative formats upon request. For more information on access, call Shannon Trammell at (802) 540-2107. Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact (802)540-2107 at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.

Police Commission
Tuesday, January 23, 2024, 6:00 PM, Remote Only via Zoom
MINUTES OF MEETING

DRAFT

MEMBERS PRESENT

Acting Co-Chair Oski, presiding
Co-chair Cox
Commissioner Keefe
Commissioner Garrison
Commissioner Hanson
Commissioner Comerford

OTHERS PRESENT

Shannon Trammell
Chief Jon Murad

1. Agenda

1.1. Call to Order

The meeting was called to order by Acting Co-Chair Oski at 6:01pm

1.2. Roll Call and Determination of Quorum

Quorum met.

Co-Chair Rao was absent

1.3. Additions or Modifications to Agenda

A motion to amend the agenda to add item #6.2 Police Commission Charter Change Review Process was made by Commissioner Comerford, SECONDED by Commissioner Keefe

VOTING: Unanimous, motion carries.

A motion to adopt the agenda as amended was made by Commissioner Comerford, SECONDED by Commissioner Keefe

VOTING: Unanimous, motion carries.

2. Public Forum

2.1. The public is invited to address the Commission.

Councilor Grant – Alerted Commission to the report that she sent. Alerted Commission to the fact that minutes and information are not being uploaded to Civic Clerk. Expressed concern about statements by Chief Murad re: shoplifting at large retailers in South End.

3. Chief's Report

3.1. Chief Murad shared his year-end report.

4. Commendations

4.1. Commendations received for the month of December 2023

There were no commendations for the month of December.

5. Use of Force Reports

5.1. December 2023 Use of Force Report

Councilor Keefe requested body-worn camera video for incidents 3, 5 and 23 as they pertain to DD 13.3 Persons with Diminished capacities. Councilor Keefe also requested body-worn camera video for incident 4 as they pertain to the state use of force policy re: OC spray and DD05.

6. Commission Business

6.1. Commissioners' Updates / Comments

No Commissioners had updates to share.

6.2 Police Commission Charter Change Review Process – On behalf of Commissioner Rao, Commissioner Oski proposed the following process for further review of the police commission charter change:

1. All commissioner submit their comments on the Joint Committee's proposal to Co-Chair Rao and Cox by Friday, February 9th.
2. Commissioner Rao and Cox will prepare one document with all commissioners proposed changes and send out with the Commission packet for discussion at the February 27th Police Commission meeting.
3. At the February 27th Police Commission meeting, we will discuss areas of agreement and areas of disagreement to narrow our differences.
4. After the February 27th meeting, we will send our working document to the Chief, BPOA, Joint Committee, NPAs, and others asking them to bring feedback to our March 26th Police Commission meeting.
5. At our March 26th Police Commission meeting, we will hold a special public hearing to receive feedback from all interested parties.
6. At our April 23rd Police Commission meeting, Commissioners will present any proposals for charter amendments, and we will vote on each as necessary.
7. If necessary, the process will continue at our May 28th meeting.
8. Goal is to share our proposal with the Joint Committee after our May 28th meeting.

A motion to approve the charter review process was made by Commissioner Keefe, **SECONDED** by Commissioner Garrison.

VOTING: Unanimous, motion carries.

7. Consent Agenda

Subject	7.1. Approve Minutes from Special Police Commission Meeting on December 20, 2023.
Meeting	January 23, 2024 - Police Commission Meeting - Tuesday, January 23, 2024, 6:00 PM, Remote Only via Zoom
Category	7. Consent Agenda
Department	Police Department
Type	Minutes Action
Recommended Action: Approve	

A motion to amend the minutes of the December 20, 2023 meeting to indicate that Commissioner Keefe was in attendance was made by Commissioner Keefe, SECONDED by Commissioner Garrison, and to approve the minutes with that change.

VOTING: Motion carries. Commissioner Hanson abstained

Subject	7.2. Approve Minutes from the Regular Commission Meeting - December 26, 2023
Meeting	January 23, 2024 - Police Commission Meeting - Tuesday, January 23, 2024, 6:00 PM, Remote Only via Zoom
Category	7. Consent Agenda
Department	Police Department
Type	Minutes Action
Recommended Action: Approve	

A motion to adopt the consent agenda as amended and take the action recommended was made by Commissioner Cox, SECONDED by Commissioner Keefe.

VOTING: Motion carries. Commissioner Keefe abstained

8. Executive Session (as needed)

Acting Co-Chair Oski asked for any motions regarding special findings.

Co-Chair Cox moved for a special finding that premature general public knowledge of the Commission's hearing of grievances would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage., SECONDED by Commissioner Comerford

VOTING: Unanimous; motion carries

Acting Co-Chair Oski then asked for a motion to move into Executive Session.

Co-Chair Cox moved that the Commission enter executive session based upon the special finding, pursuant to 1 VSA 313(a)(1), SECONDED by Commissioner Comerford

VOTING: Unanimous; motion carries

Acting Co-Chair Oski then announced that the Commission would not move back into public session at the conclusion of the Executive Session and there would be no further public discussion.

8.1. Executive Session

The Commission entered Executive Session at 7:10pm



BURLINGTON POLICE CHIEF'S REPORT

February 2024



HOSTAGE SITUATION AT T RUGGS TAVERN



Monday, January 22

HOSTAGE STANDOFF ENDS WITH ARREST



6:18
27°



MAN WITH KNIFE ON PARK ST



Feb 23, 2024 – all data preliminary & subject to change

Monday, February 20





BATTERY STREET ENCAMPMENT

On January 29, Community Support Liaisons (CSLs) from the BPD's Crisis Assessment Intervention Programs (CAIP) team, police officers, and partners from Burlington Parks Recreation & Waterfront (including Director Cindi Wight) and the Department of Public Works cleared out the remains of a dangerous, unlawful encampment along Battery Street and on "the shelf" —a ledge in the hillside down hill from the Battery Street greenbelt.

A month earlier, on December 28, a fire had broken out in the camp, highlighting the danger. Led by AD CAIP Lacey Smith of BPD and Special Assistant to End Homelessness Sarah Russell of CEDO, multiple city departments collaborated to follow our protocols for noticing campers of the pending closure while working with them to find safer options for shelter.





230 SAINT PAUL STREET

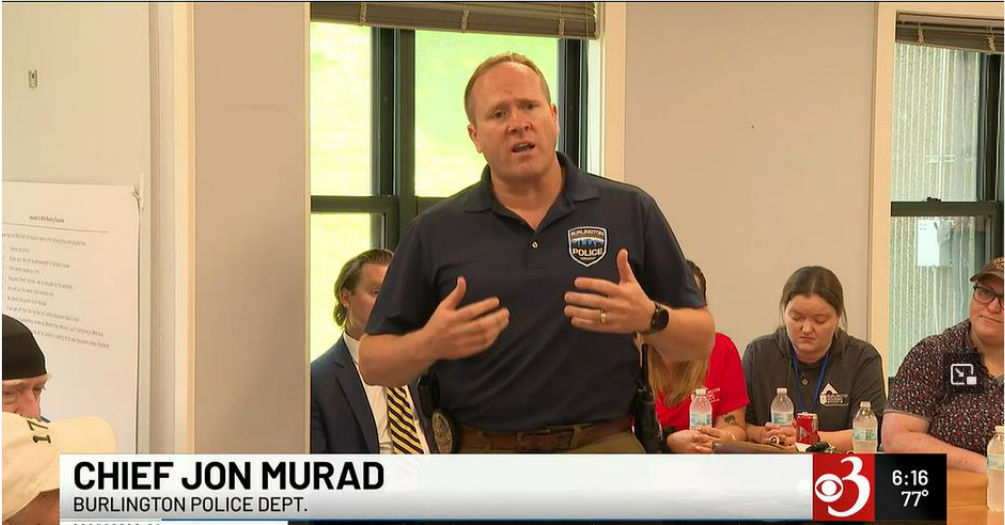
The closure of the Battery Park encampment aggravated existing problems at Decker Towers, an apartment building managed by the Burlington Housing Authority. The BPD’s Drug Unit has worked closely with employees at Decker to address drug complaints. Chief Murad attended a meeting with BHA staff and residents in August. But since that meeting, cold weather and easy access have meant unhoused persons are trespassing in the building with alarming frequency.

Incidents at 230 Saint Paul St		
2018	129	(11 = Priority 1)
2019	123	(12 = P1)
2020	222	(33 = P1)
2021	159	(20 = P1)
2022	174	(32 = P1)
2023	381	(64 = P1)
2024*	81	(7 = P1)

Regarding response, and residents’ allegations that “no one is coming,” the BPD currently maintains a Priority Response Plan (see slide 16). We strive to respond to *every* Priority 1 call for service. Of the 64 Priority 1 calls in CY 2023, there were 11 that did not receive a police response. Of those, there were seven 911 Hangups that were confirmed accidental/unnecessary prior to police response, three Overdoses where BFD responded and advised they were unfounded so no officer was dispatched, and one TRO/FRO/ERPO Service where the order expired before it was served.

Patrol officers respond to Priority 1 calls at Decker with the same emphasis as in any other part of the city, but trespass is not a Priority 1 call. Over the past few weeks, however, BPD officers have conducted “vertical patrols,” as well. They have made numerous ejections and arrests. But when a typical BPD patrol shift has only four officers, recurring focus on the address is challenging. New access controls will be key to reclaiming residents’ sense of safety.

Tenants complain Burlington apartment building is plagued by drugs, crime

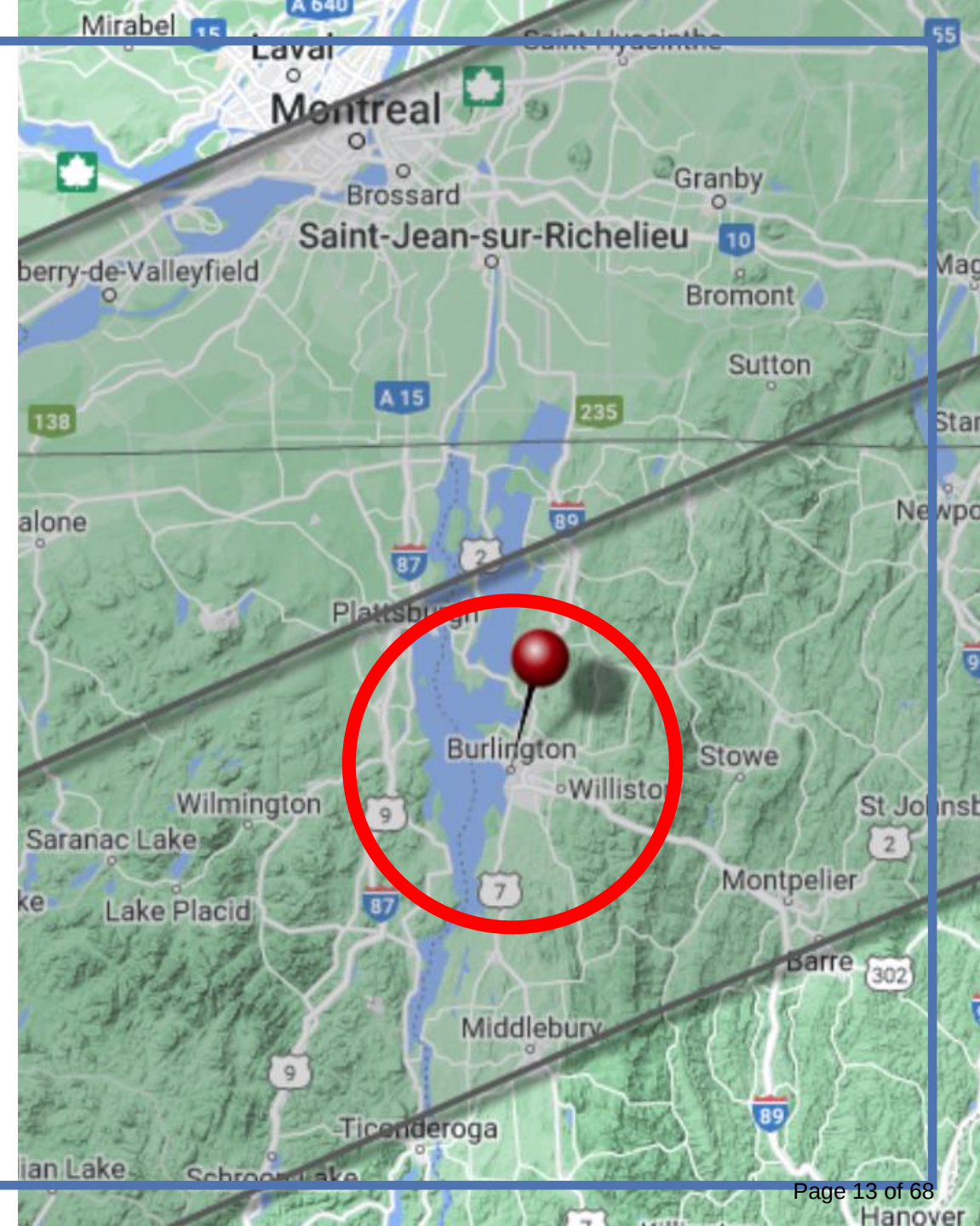




THE PATH OF TOTALITY

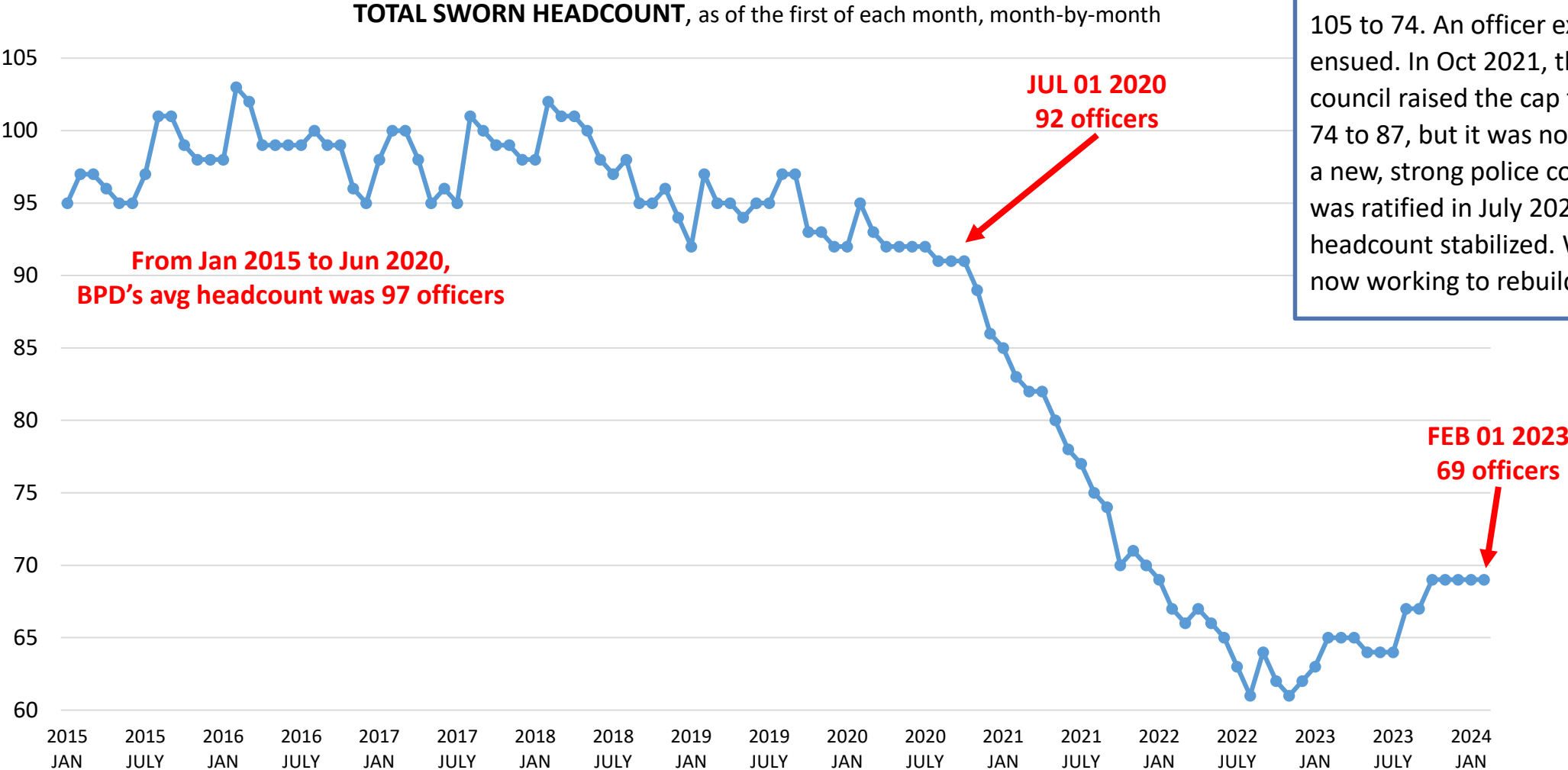
On April 8, 2024, Burlington will be in the “path of totality” for a total solar eclipse. The last total eclipse in the Queen City was 92 years ago. America won’t see another total eclipse until 2045 (that one won’t be in Burlington). At about 1526 hours on April 8, people in Burlington will experience a tad more than three minutes of totality.

We have been working with state and local agencies to prepare. Locally, Festival and Event Director Zach Williamson at BCA has led city meetings with Fire, Police, DPW, Parks, and others in planning for this once-in-a-lifetime astronomical event. Although historically there is only a 25% chance of cloudless skies on that date, many projections suggest more than 100,000 people may come to our region. Most hotels are already sold out, often at much higher prices than normal. Deputy Chief Labrecque has been planning how best to deploy our limited resources. We anticipate street closures and planned entertainment on the waterfront. And everyone should expect traffic!





BPD SWORN OFFICER HEADCOUNT, 2015-2024



In June 2020, the Burlington City Council voted to reduce, by attrition, the BPD's authorized headcount from 105 to 74. An officer exodus ensued. In Oct 2021, the council raised the cap from 74 to 87, but it was not until a new, strong police contract was ratified in July 2022 that headcount stabilized. We are now working to rebuild.



TEN YEARS OF HIRING

In 2023, we hired 15 sworn officers—more than we ever have in any single year since at least the 1990s.

But rebuilding is about much more than sworn officers alone.

YEAR	IN	Of hired, # still employed	OUT	Net Δ
2014	12	3	8	4
2015	9	3	6	3
2016	13	7	13	0
2017	9	3	9	0
2018	12	5	18	-6
2019	12	6	12	0
2020	5	3	12	-7
2021	1	1	17	-16
2022	7	5	13	-6
2023	15	13	9	6



SWEARING IN, FEBRUARY 1 2024

Our swearing in, attended by employees new and old, families, Mayor Weinberger (who offered inspiring remarks), City Councilors, Police Commissioners, and members of the Queen City Police Foundation, can be [seen on Town Meeting TV](#).



Feb 23, 2024 – all data preliminary & subject to change



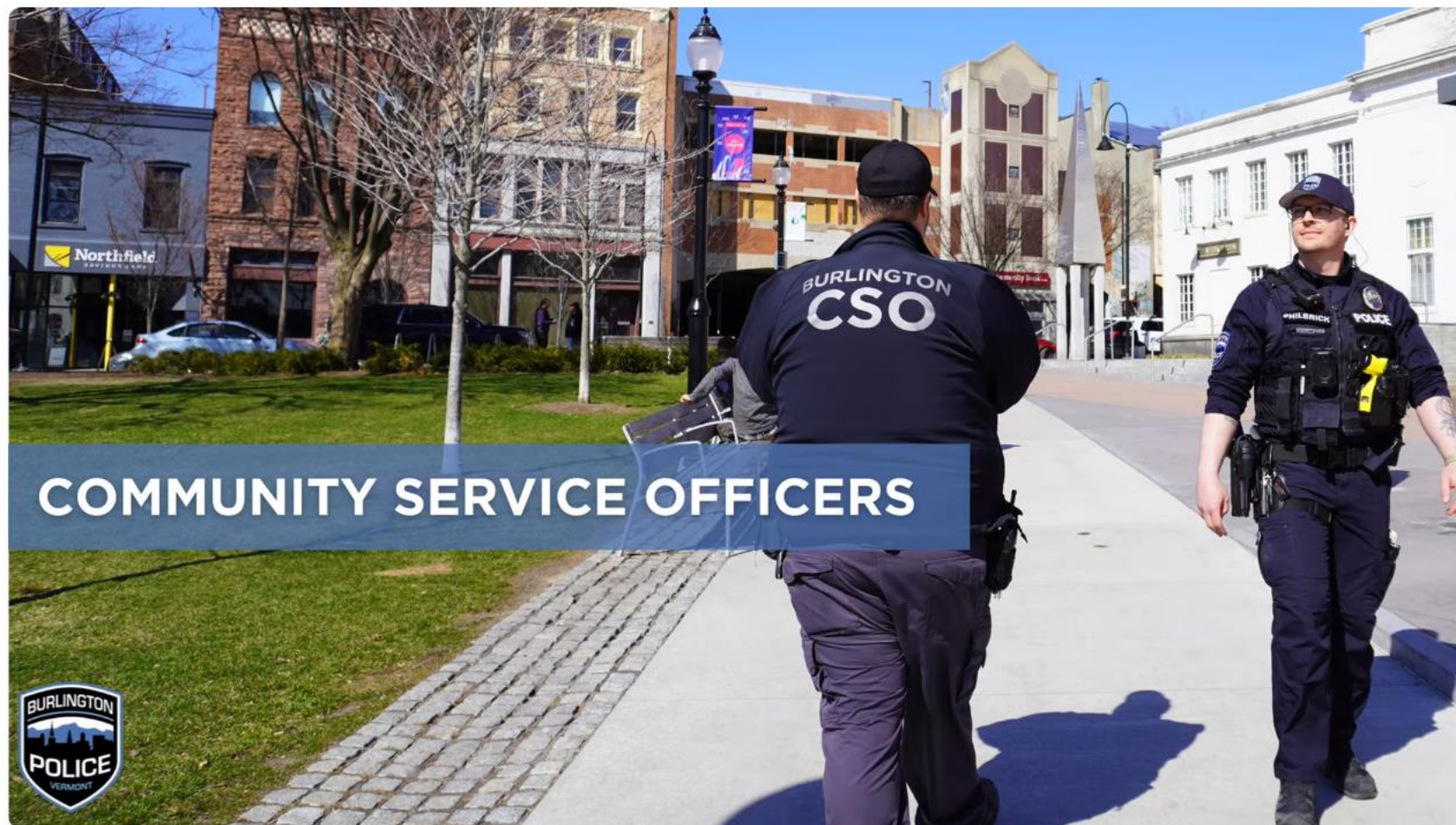
NEW VIDEO IN OUR INFORMATIONAL VIDEO SERIES

New CSOs, or Community Service Officers, were among the new roles sworn in on February 1st. Our Public Information Officer, Sarah Timm, and Redaction Specialist, ShanShan Chen, have produced the latest in our series of short informational videos: [a new video about the CSO program](#).

It joins existing videos about:

- our [Community Support Liaisons](#)
- our [Emergency Response Unit](#)
- our [Use of Force Training](#)
- our [observing Police Memorial Day](#)
- our [recruitment advertisement](#)

...plus all our regularly released monthly use-of-force videos.



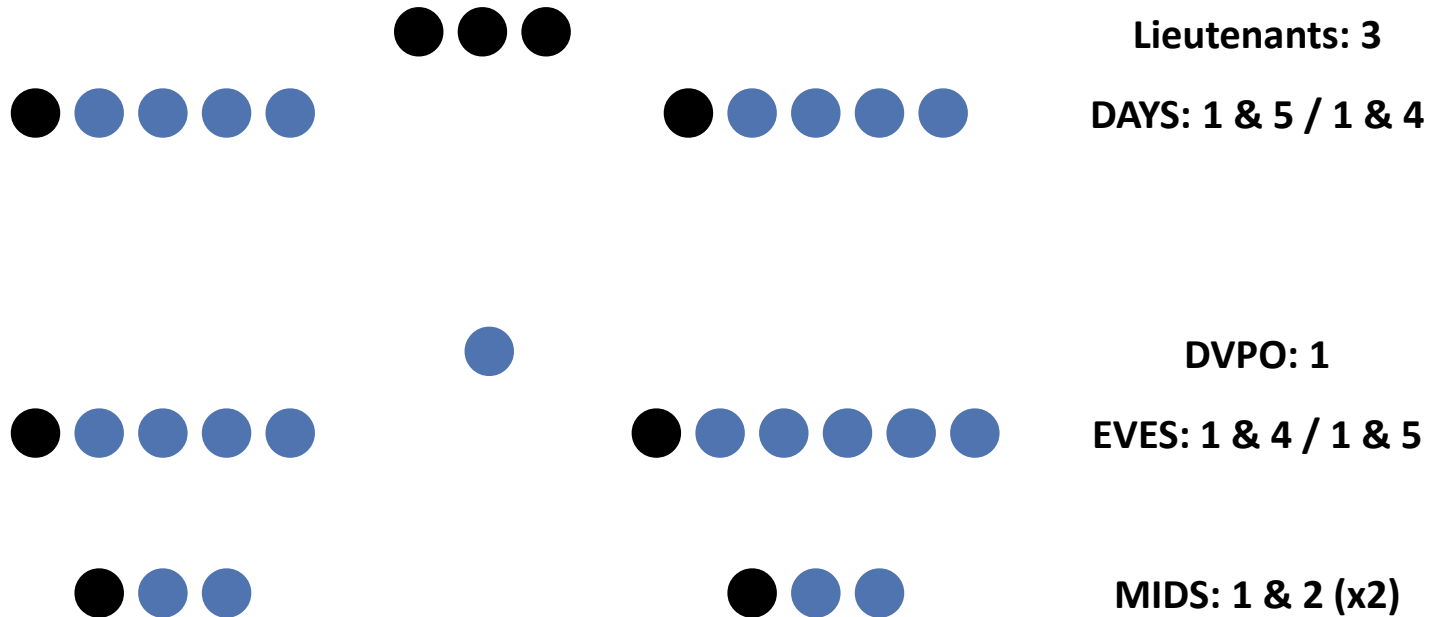


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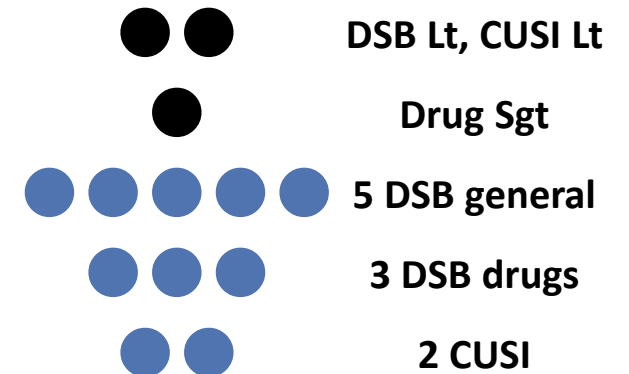


- Sworn supervisor
- Sworn officer

BIAP



DSB



ADMIN





SWORN ASSIGNMENTS

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Authorized for 87, by FY26

81

Assumes 81 out of 87; BPD rarely achieves full staffing.

USB

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Lieutenants: 4

DAYS: 1 & 7 (x2)

MKTPLC: 2 (x2)

DVPO: 1

EVES: 1 & 7 (x2)

MIDS: 1 & 3 (x2)

DSB

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DSB Lt

Sgts (CUSI, Drug, SCU)

5 DSB general

4 DSB drugs

2 CUSI

3 SCU

BIAP

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BIAP: 1 & 7

ADMIN

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Ad Lt, Ad Sgt

Recruitment

- Sworn supervisor
- Sworn officer

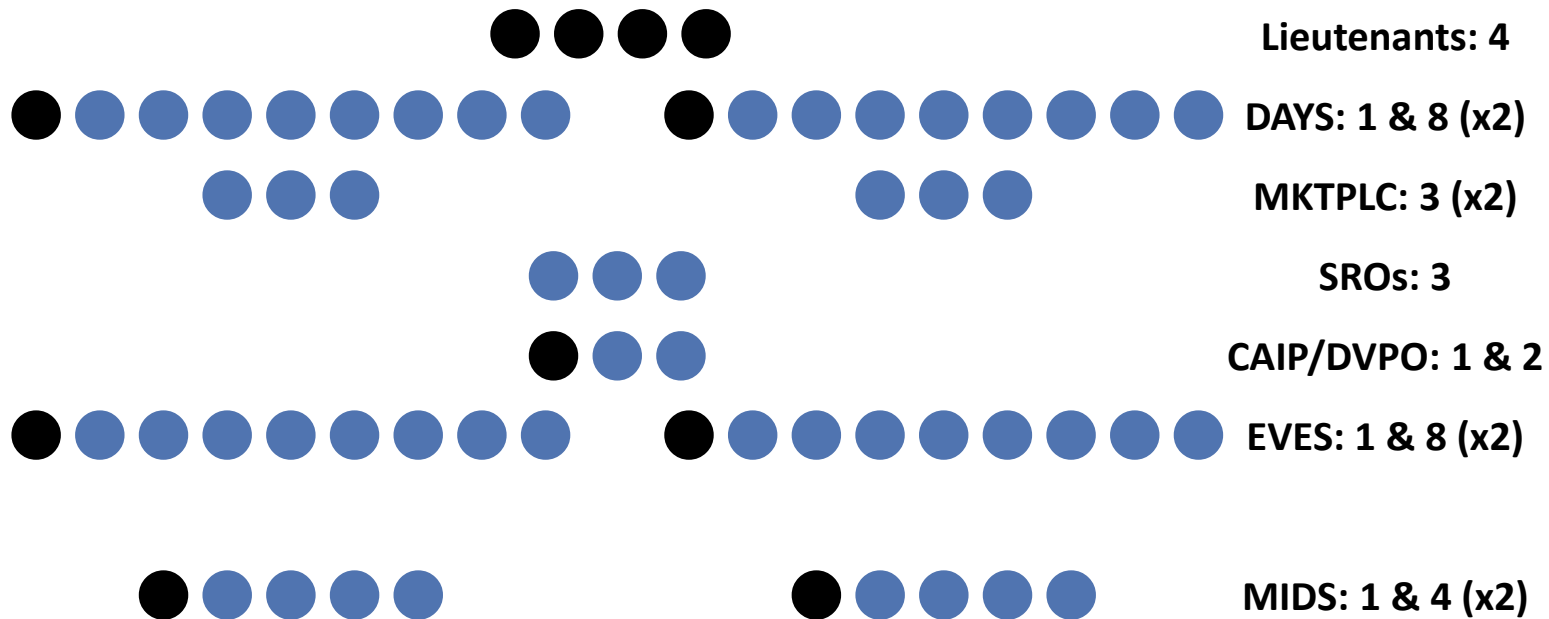


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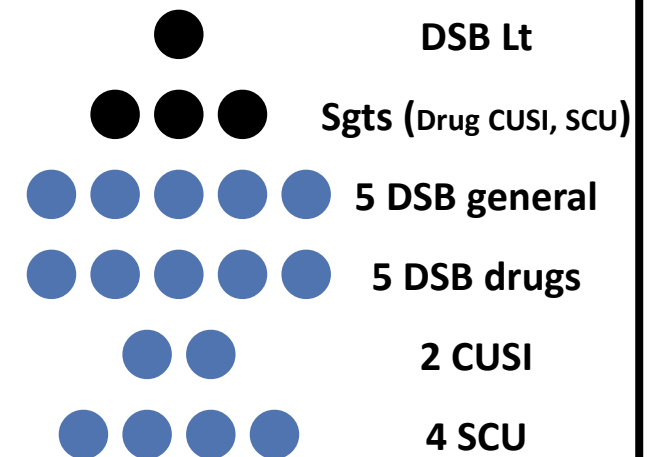
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USB

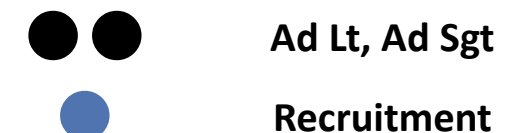


- Sworn supervisor
- Sworn officer

DSB



ADMIN



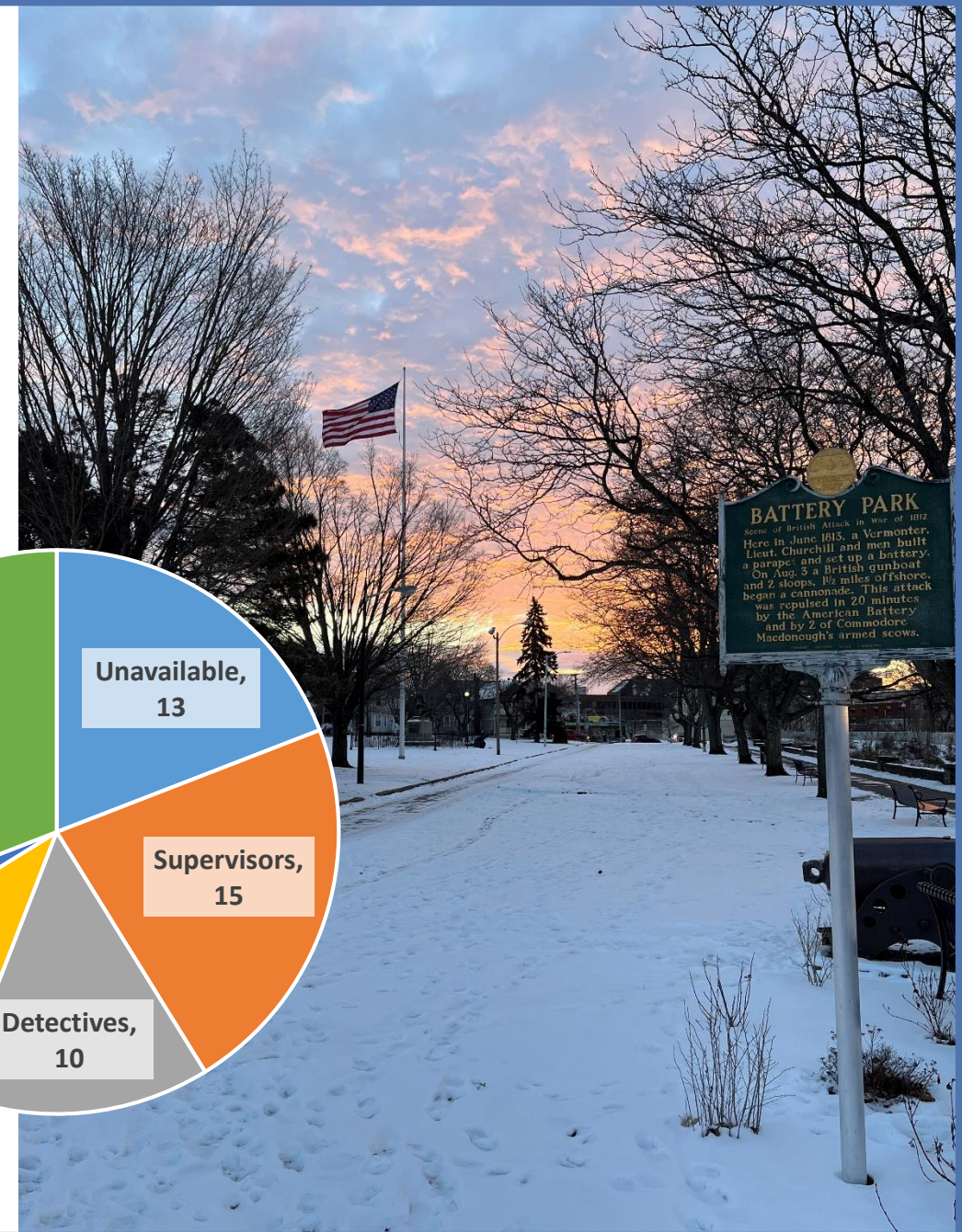


68 TOTAL, 55 AVAILABLE

As of February 15 2024, we are authorized for 87 sworn officers. That's not enough, but it's the current number. Of those 87, we have 68. Of those 68, 56 are able to be deployed as solo officers, or "effective."

minus 13 injured, light, military, FTO, etc. = 55
minus 15 supervisors = 40
minus 10 detectives = 30
minus 7 airport officers = 23
minus 2 special assignments = 21

21
officers on Patrol





INCIDENT VOLUME

YEAR-TO-DATE 02/15

Incidents in 2024 are up 23% compared to 2023.

BPD is addressing more incidents than in years with 50% fewer patrol officers.

Of the 3,502 incidents in 2024 so far, 371 have been “stacked”—i.e., 11%.

Additionally, 260 have been referred to online reporting, or 7%.



	YTD INCIDENTS (as of 02/15)	%Δ
2019	3,369	100%
2020	3,297	↓2%
2021	1,920	↓42%
2022	2,226	↑16%
2023	2,842	↑28%
2024	3,502	↑23%
	Δ 2019 to 2024:	↑4%

It should be noted that not all incidents are crimes. They are more accurately “calls for service.” As shown on the previous slide, there are more than 100 categories of incident. The fact that incidents are up does not necessarily mean that crime is up; as the next slide shows, some categories of criminal incident are up and some are not.



THE PRIORITY RESPONSE PLAN

With staffing down and incident volume up, the BPD had to create the Priority Response Plan. It husbands resources while remaining true to our duty to prioritize our **NEIGHBORS' PHYSICAL SAFETY** and their sense of safety. **The Plan goes into effect when two or fewer sworn police officers are available for response; when that happens, Priority 2 and Priority 3 incidents get “stacked” and do not receive an in-person response.** When three or more officers are available, they are dispatched to all incidents regardless of Priority category.

Incidents labeled “CSO” or “CSL” initially receive a response from a CSO or CSL, rather than a sworn officer, unless the incident evolves in a way that changes its category or requires a sworn officer.

Incidents labeled “ONL” (for “Online Only”) are to be diverted to an online reporting function. Note that larcenies and retail thefts are NOT supposed to be online reports.

Additionally, during daytime weekday hours when DSB detectives are available, **DSB will handle untimely deaths.**

PRIORITY 1	High priority.
PRIORITY 2	Middle priority. (*) = situationally dependent; some may be Priority 1 or Priority 3.
PRIORITY 3	Low priority. Response may be delayed based on officer availability; may receive a CSO response.

911 Hangup		Cruelty to Animals	CSO	Illegal Dumping	CSO	Robbery	
Airport AOA Violation		Custodial Interference *		Impeding a Public Officer		Runaway	
Airport Duress Alarm		Disorderly Conduct *		Impersonation of a Police Officer *		Runaway Apprehension	
Airport PHASE		Disorderly Conduct by Elec Comm	ONL	Inciting a Felony		Search	
Alarm *		Disturbance		Intoxication	CSO	Search Warrant	
Alcohol Offense	CSO	DLS		Investigation - Cold Case		Service Coordination	CSL
Animal Problem	CSO	Domestic Assault - Felony		Juvenile Problem *		Sex Offender Registry Violation	
Arrest on Warrant		Domestic Assault - Misd		Kidnapping		Sexual Assault	
Arson		Domestic Disturbance		Larceny - from a Building		Sheltering/Aiding Runaway	
Assault - Aggravated		Drugs		Larceny - from a Motor Vehicle		SRO Activity	
Assault - Simple		Drugs - Possession		Larceny - Other		Stalking	
Assist - Agency		Drugs - Sale		Larceny from a Person		Stolen Vehicle	
Assist - Car Seat Inspection	CSO	DUI		Lewd and Lascivious Conduct		Subpoena Service	CSO
Assist - K9		Eluding Police		Lockdown Drill		Suicide - Attempted	
Assist - Motorist	CSO	Embezzlement	ONL	Mental Health Issue *		Suspicious Event *	
Assist - Other		Enabling Consumption by Minors		Minor in Possession of Alcohol		Theft of Rental Property	ONL
Assist - Public		Encampment Outreach	CSL	Missing Person		Theft of Service	ONL
Background Investigation		Encampment Policy	CSL	Motor Vehicle Complaint	CSO	Threats/Harassment *	
Bad Check	ONL	Escape		Neighbor Dispute	CSL	Traffic	
Bar / Liquor License Violation		Extortion	ONL	Noise	CSO	Trespass *	
Bomb Threat		False Info to Police		Obstruction of Justice		TRO/FRO Service	
Burglary *		False Pretenses	ONL	Operations		TRO/FRO Violation	
CHINS		False Public Alarms		Ordinance Violation - Other	CSO	Unlawful Restraint	
Community Outreach		False Swearing		Overdose		Untimely Death	DSB
Compliance Check		Fireworks	CSO	Parking	CSO	Use of Elec Comm to Lure a Child	
Computer Crime	ONL	Foot Patrol		Possession of Stolen Property		Uttering a Forged Instrument	ONL
Contributing to Delinquency of Minor		Forgery	ONL	Prescription Fraud	ONL	Vandalism	ONL
Counterfeiting	ONL	Found/Lost Property	CSO	Prohibited Acts		VIN verification	CSO
Crash - Fatality		Fraud	ONL	Property Damage	CSO	Violation of Conditions of Release *	
Crash - Injury to person(s)		Fugitive From Justice		Reckless Endangerment *		Voyeurism *	
Crash - LSA *		Graffiti Removal		Recovered Property	CSO	Weapons Offense	
Crash - Non-Investigated	CSO	Hindering Arrest		Resisting Arrest		Welfare Check *	
Crash - Property damage only	CSO	Homicide		Retail Theft			
Cruelty to a Child		Identity Theft	ONL	Roadway Hazard			



SELECTED VALCOUR INCIDENTS, YTD AS OF FEBRUARY 15

	Assault - Agg	Assault - Simple	Burglary	Crash w Injury or Fatal	Disorderly Conduct	Domestic Assault*	Domestic Disturb	Gunfire	Larceny (all)**	Mental Health Issue	Overdose	Robbery	Sexual Assault	Stolen Vehicle	Traffic
2019	4	18	9	10	17	22	51	0	60	108	8	3	7	6	383
2020	6	21	6	12	15	6	74	1	43	132	14	3	9	7	372
2021	5	8	6	8	4	1	55	0	60	101	13	2	3	4	95
2022	6	14	32	8	11	6	63	1	78	111	12	3	0	14	120
2023	3	20	20	9	9	8	54	1	141	144	40	0	4	50	72
2024	6	24	22	9	5	0	51	3	171	101	33	0	2	30	181

* = combines incidents categorized as “Domestic Assault – Felony” and “Domestic Assault – Misdemeanor”

** = combines incidents categorized as “Larceny from a Person,” “Larceny – from a Building,” “Larceny – from Motor Vehicle,” and “Larceny – Other”

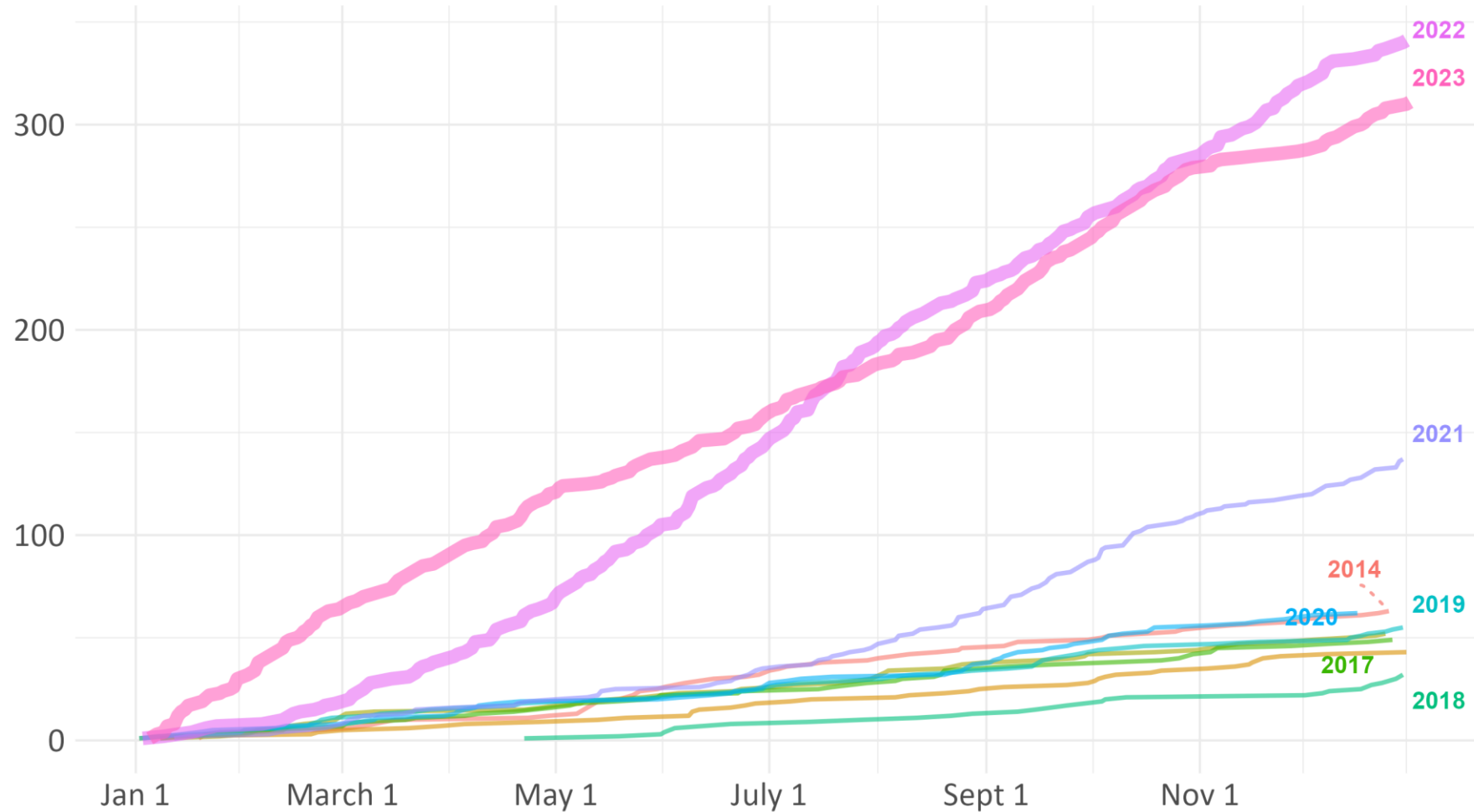
NOTE: All categories shown year-to-date, through February 15 of their respective year

NOTE: These data are derived from Valcour incidents. Valcour is the BPD’s computer-aided dispatch and records-management system. Incidents are initially categorized by dispatch according to the information provided by a caller; the category may be changed by the officer who responds to the scene and/or the detective who takes the case. Offense data and/or NIBRS data may differ.



Stolen Vehicle Incidents Year over Year

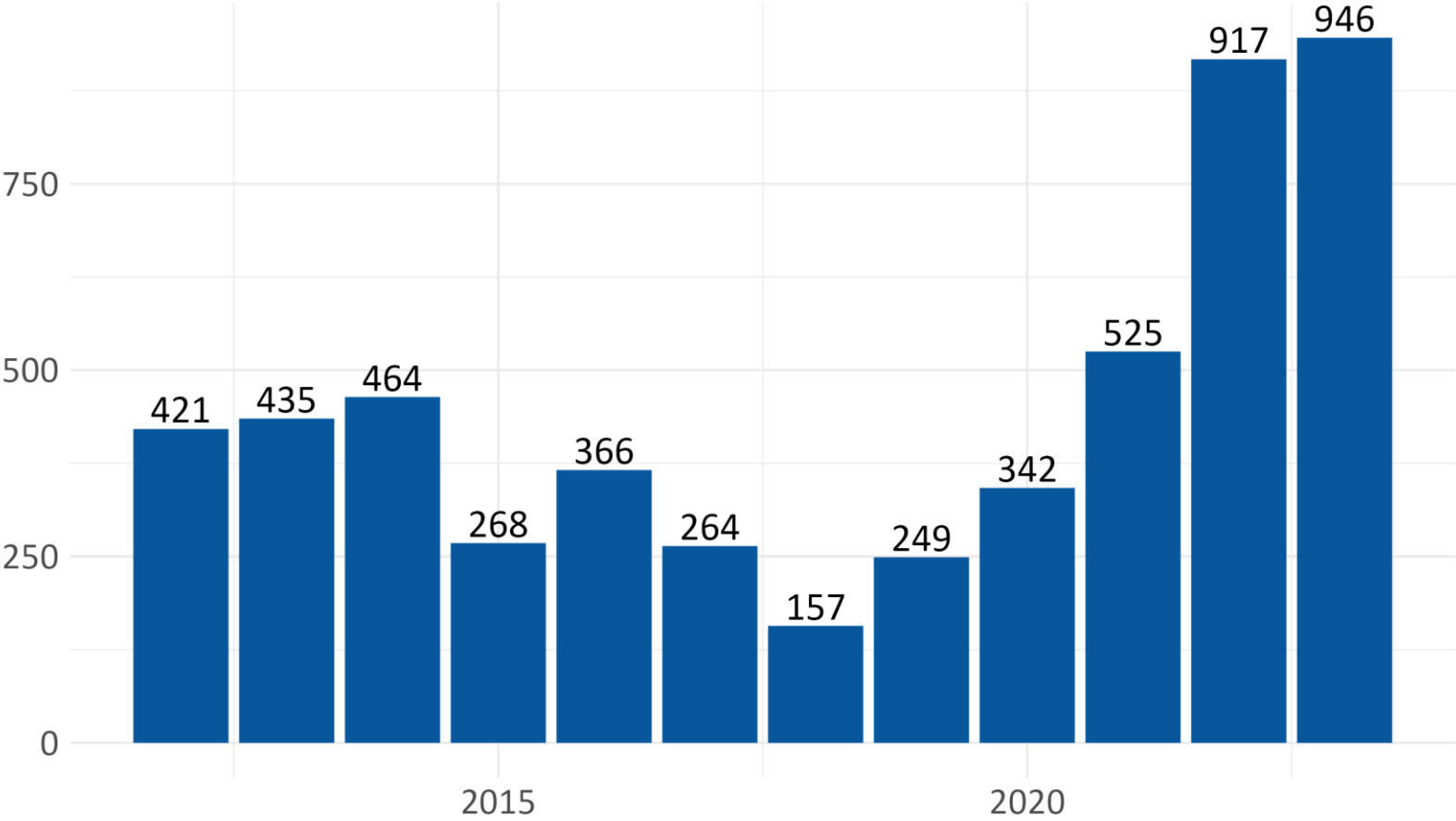
Burlington Police Department Stolen Vehicle Incidents, 2014-2023





Larceny from a Motor Vehicle, Felony and Misdemeanor

BPD Larceny from a Motor Vehicle Offenses, 2012-2023



Includes Petit Larceny 13 V.S.A. § 2502 and Grand Larceny 13 V.S.A. § 2501



THE BPD IS HIRING!

\$74,500
starting pay

\$100,000
top pay (when contract matures)

and a \$15,000
hiring bonus

- City retirement with 5-year vesting
- Shift differential, weekend, and holiday pay
- **full medical benefits** and wellness incentives
- Retirement after 20 years of service at 50% salary
- Retirement after 25 years of service at 75% salary
- 15-step pay scale for non-supervisory employees
- Overtime can be received as cash or vacation accrual
- **10-hour workday, 4-days-on/3-days-off schedule**
- **Weekends off every other month**
- Yearly education bonus
- Beards and tattoos permitted
- Various **specialty assignments** such as detectives, narcotics, K9, domestic violence prevention, airport
- **Applicant can be a non-U.S. citizen** if applicant is a permanent resident / green-card holder

www.bpdcareers.com



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE**

**DD01 Law Enforcement Role & Authority, Ethics, Organizational
Structure & Department Rules**

Reviewed and published February 25, 2013

PURPOSE: The purpose of this directive is to clearly assign authority to command; establish protocol for command authority in the event of the absence of the Chief of Police; establish protocol for command authority that clearly establishes supervisory and employee relationships in situations where more than one ranking officer or employee is involved in the same incident or situation; and to require compliance with proper command authority.

POLICY: It is the policy of the Burlington Police Department to clearly delineate the authority of Department personnel to direct the resources of the organization toward the proper accomplishment of its goals and objectives.

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- I. Oath of Office
- II. Code of Ethics
- III. Legal Authority
- IV. Use of Discretion
- V. Organizational Structure
- VI. Office of the Chief of Police
- VII. Chain of Command
- VIII. Span of Control
- IX. Mission Goals & Objectives
- X. Guiding Documents
- XI. Direction & Authority
- XII. Department Rules

I. OATH OF OFFICE

All sworn personnel, prior to assuming sworn status, shall be required to take an oath of office to enforce the law and uphold the Constitutions of the United States and the State of Vermont. The oath of office shall be administered by the Chief of Police or designee and shall become a permanent record maintained in the officer's personnel file. This oath is derived from Chapter II, section 56 of the Constitution of the State of Vermont.

II. CODE OF ETHICS

All sworn personnel shall adhere to *the Law Enforcement Code of Ethics and the Canons of Police Ethics* as written by the International Association of Chiefs of Police and herein adopted by the Burlington Police Department. All sworn personnel shall be familiar with and abide by the principles expressed therein. The IACP Code of Ethics, adopted in 1991, is as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

III. LEGAL AUTHORITY

All sworn officers of the Burlington Police Department shall have the legally mandated authority to enforce the applicable laws of the United States, the State of Vermont, and the laws and ordinances of the City of Burlington within the limits established by Constitutional authority.

IV. USE OF DISCRETION

- A. **Discretion.** No code of conduct could possibly cover all circumstances in which police officers must make instantaneous and irrevocable decisions or judgments. These decisions affect human life and safety, property rights, and personal liberty. The use of

discretion by police personnel involves the power to exercise judgment in the selection of a course of action from available alternatives.

- B. **Restrictions.** Many factors impact upon the everyday decisions made by police officers. The complexity and varied nature of situations in which police officers find themselves may make standard responses impractical and undesirable in many cases. For example, an employee's discretion may be restricted or eliminated entirely by:

1. Statute or City ordinance
2. Court decisions.
3. Department Directives.
4. A lawful order by a supervisor.

- C. **Parameters:** While it is impossible to outline the precise parameters of discretion for every type of police activity, it is desired that employees exercise discretion consistent with:

1. Philosophy and goals of the Department.
2. Pertinent laws and court decisions.
3. Department Directives.
4. Direction, supervision, and orders received from superiors.
5. The sense of justice and fairness that would be expected by an ordinary, reasonable, and prudent member of the community.

V. ORGANIZATIONAL STRUCTURE & DEFINITIONS

- A. **Department.** The entire organization known as the Burlington Police Department will be headed by the Chief of Police.
- B. **Bureau.** The largest organizational component within the Department, headed by a Deputy Chief, is a Bureau.
- C. **Division.** A functional component within a Bureau, headed by a Lieutenant, is a Division.
- D. **Officer In Charge (OIC).** The highest-ranking on-duty officer commanding a particular division.
- E. **Command staff.** Sworn personnel holding the rank of Deputy Chief and any other personnel designated by the Chief of Police.
- F. **Employee.** All personnel, sworn and non-sworn.
- G. **Officer.** A commissioned (sworn) police officer.

VI. OFFICE OF THE CHIEF OF POLICE

- A. **Role of the Chief of Police.** The Mayor of Burlington, in conjunction with the Board of Police Commissioners, shall appoint the Chief of Police. The Chief is the executive officer of the Department and is responsible for the duties by rank and assignment as prescribed by the City Charter and is ultimately responsible for the successful accomplishment of Department goals and objectives.
1. In the absence of the Chief of Police, the Chief will specify either the Deputy Chief of Operations or the Deputy Chief of Administration as Acting Chief of Police.
 2. The Chief's Command Staff shall assist the Chief of Police in the execution of all duties.
- B. **Organizational chart.** The Office of the Chief of Police shall make available to all Department personnel an organizational chart that graphically depicts the chain of command and lines of communication within the Department. This organizational chart shall be reviewed and updated as necessary. Any changes in the organizational chart must be approved by the Chief of Police.

VII. CHAIN OF COMMAND

- A. **Deputy Chief.** Each Bureau shall be under the direct command of only one supervisor, a Deputy Chief.
- B. **Supervision.** Each employee shall be accountable to only one supervisor at any given time.
- C. **Purpose.** The chain of command provides a channel of communication and a means of delegating authority, assuring adequate supervision and proper coordination.
- D. **Function.** The chain of command is organized by rank and function. In matters relating to policies, procedures, or operations; employees should consult their immediate supervisor. Employees shall not circumvent their immediate supervisor unless one of the following conditions exists:
1. In situations where the matter has been discussed with the supervisor and has not been resolved, the employee may discuss the matter with the next level in the chain of command.
 2. If the employee wishes to lodge a complaint or commendation involving their immediate supervisor, he/she may take the issue to the next level in the chain of command.
- E. **Responsibilities.** For details regarding the responsibilities of each rank within the agency, refer to the class specification descriptions and their appendices.

VIII. SPAN OF CONTROL

- A. **Factors.** Span of control is the number of subordinates a supervisor directs, coordinates, advises, and controls. The proper span of control for each supervisor shall be determined by factors such as:
1. Ability of the employees
 2. The complexity of the tasks to be performed by the employees
 3. Separation by time or place of the supervisor and the employees
 4. Time required by the supervisor's schedule for administrative and management tasks
- B. **Numbers.** Unless specific approval is granted by the Chief of Police, or designee, the span of control for the following levels of supervision shall not be exceeded:
1. The span of control for Deputy Chiefs shall not exceed ten people who report directly to him/her.
 2. The span of control for first-line patrol supervisors shall not exceed eighteen units on active patrol. This number is exclusive of units on overtime details.
 3. The span of control for first-line supervisors in supporting units shall not exceed twelve employees on duty at any given time and shall not exceed eighteen full-time permanent employees for whom the first-line supervisor has direct supervisory responsibility.

IX. MISSION, GOALS & OBJECTIVES

The Department will develop and maintain a "mission statement" that guides Department operations. It is intended to illustrate the Department-wide goals and objectives related to delivery of law-enforcement services to the public.

- A. **Bureau goals.** Each bureau within the Agency shall formulate goals and objectives specific to each bureau. The bureau supervisor shall update these goals and objectives, at least annually.
- B. **Feedback.** The Bureau supervisor shall solicit feedback from affected employees to accurately reflect the bureau's goals and objectives. Further, the finalized goals and objectives for each unit and policing area shall be made available to all personnel.

X. GUIDING DOCUMENTS

- A. **Department Rules.** These rules guide specific behavior and require the performance of certain duties. Rules are established to apply to situations in which no deviation is permitted. Rules are inflexible and apply equally to all employees.
- B. **Department Directives.** Department Directives are issued from the Office of the Chief of Police after review and approval by the Board of Police Commissioners. They contain policies and procedures that the Department has established in order to operate. Policies are general statements guiding the organization toward attainment of its goals. Procedures are specific statements, or methods, of guiding employees toward the attainment of its

goals. Procedures describe expected methods of operation and generally permit some flexibility within certain constraints. Directives remain in full effect until amended, superseded, or rescinded by order of the Chief of Police.

1. The Board of Police Commissioners is the sole and final authority relating to the approval, revision, issuance, or purging of any Departmental Rule, Regulation, or Directive governing employees of the Burlington Police Department.
2. Any employee of the Burlington Police Department may prepare a draft of a new directive or a revision of an existing directive.
3. Copies of all Directives are available to all employees, and most are available to the public.
4. It is the responsibility of each employee to keep current with the Department's Rules, Policies, Procedures, and Directives. Any employee may suggest or draft edits to Department Directives at any time.
5. Only the Chief of Police may authorize a manual, or any portion thereof, to be given to any person other than an employee of this Department.
6. Amendment to any portion of the manual may be necessary under the following circumstances:
 - a. Any time that a change in laws or court decisions indicates that a Directive might be in need of revision.
 - b. When it is indicated by any Department member that operating methods are not consistent with current policy.
 - c. When national or other best practice changes.

C. **Orders.** An order is a command or instruction, written or oral, given by a supervising officer/employee. An order may be issued directly or relayed from a supervising officer/employee by an employee of the same or lesser rank as the person who is receiving the order.

XI. DIRECTION & AUTHORITY

The Chief of Police is the agency's Chief Executive Officer and is designated as having responsibility for the management, direction, and control of the operations and administration of the Department.

A. **Command protocol.** Command protocol is defined as the determination of the highest level of command authority. Command protocol in the Burlington Police Department shall be as follows:

1. The Chief of Police can assign ultimate command responsibility in any given operation or situation. In these situations, the members shall exercise such command authority as prescribed and limited by the Chief of Police
2. Absent a specific assignment or grant of command authority by the Chief of Police to the contrary, command authority shall rest with the officer/employee holding the highest rank.

3. The Chief of Police, or Deputy Chief, may designate a person to be in charge of a particular police task or operation.
 4. In cases where there are two or more Department members present or available to make a decision, both of whom share the highest rank, command authority shall rest with the member having the greater length of service within that rank.
 5. If both members have the same length of service within that rank, command authority shall rest with the member who has the greatest length of service with the Department as a sworn officer/employee.
- C. **Unit leader.** A Department member assigned as the leader of a special unit or team shall have command authority over its members during the course of operation or assignment.
- D. **Initial on-scene command.** At the scene of any crime or other police incident where supervisory responsibility is not clearly delegated by Department policy, the highest-ranking member present shall assume command and direction of police personnel. The first responding officer to the scene of a traffic accident shall assume command of the scene unless relieved of this responsibility by a supervisor.
- E. **Authority.** All Department personnel shall be given the authority to effectively complete all police functions. Personnel may not be given responsibility for a function without the commensurate authority to carry it out. Supervising officers/employees shall delegate the necessary authority to lower ranking personnel to allow employees to carry out delegated responsibilities.
- F. **Accountability.** All employees shall be accountable for the use of any authority delegated to their position.
- G. **Limits of supervisory delegation.** A Supervisory officer/employee may delegate responsibility and authority to an officer/employee for a specific task or duty. He/she is accountable, however, for the performance of the employees under his/her control and may not delegate the ultimate responsibility for accomplishing required tasks or objectives.

XII. DEPARTMENT RULES

A rule is designed to cover situations in which no deviation or flexibility is permitted. A rule shall apply equally to all employees of the Department. It is the employee's responsibility to familiarize himself/herself with the following rules.

- RULE 1: **CONFORMANCE TO LAW.** The police are the most highly visible element of government within the Criminal Justice System. Public trust and respect for the law can be most easily projected by good example. Police employees play an equally important role in this regard, for nothing destroys public trust and respect more than the hypocrisy of a double standard.

RULE 1. EMPLOYEES ARE REQUIRED TO ADHERE TO DEPARTMENT RULES AND DIRECTIVES AND TO CONFORM TO ALL LAWS APPLICABLE TO THE GENERAL PUBLIC.

RULE 2: AUTHORITY TO SUSPEND. In some situations, an employee's action or lack thereof may require temporary relief from duty until a determination can be made surrounding the particular circumstances. For example, if an employee reports for work intoxicated, his/her supervisor may relieve the employee of duty pending further investigation. Obviously, the intoxicated employee is not prepared for duty; thus relieving him/her would certainly be in the best interest of the employee, the Department, and the public.

RULE 2. THE CHIEF OF POLICE, OFFICER IN CHARGE OF A RESPECTIVE SHIFT, OR OTHER PERSON DESIGNATED BY THE CHIEF, MAY TEMPORARILY SUSPEND WITH PAY AN EMPLOYEE FROM DUTY AND/OR REQUIRE THE SURRENDER OF CREDENTIALS AND/OR ISSUED WEAPONS. EMERGENCY SUSPENSION WITHOUT PAY, AS WELL AS SUBSEQUENT PROCEDURES IN THE CASE OF POLICE OFFICERS, WILL BE IN ACCORDANCE WITH APPROPRIATE DEPARTMENT DIRECTIVES AND THE CODE OF ORDINANCES OF THE CITY OF BURLINGTON, PART 1, SUB PART A, TITLE 6, SECTION 190.

RULE 3: MANNER OF ISSUING ORDERS. All lawful orders, written or oral, shall be carried out fully and in the manner prescribed. Orders shall be issued pursuant to the following Department Rule.

RULE 3. ORDERS FROM SUPERVISORS TO EMPLOYEES SHALL BE IN CLEAR, UNDERSTANDABLE LANGUAGE, CIVIL IN TONE, AND ISSUED IN PURSUIT OF DEPARTMENT BUSINESS.

RULE 4: UNLAWFUL ORDERS PROHIBITED. Unlawful orders shall not be obeyed. The employee to whom the order was given shall notify the ordering officer/employee of the illegality of his/her order. Responsibility for refusing to obey rests with the employee to whom the order was given.

RULE 3. NO COMMANDING OR SUPERVISORY EMPLOYEE SHALL KNOWINGLY ISSUE ANY ORDER THAT IS IN VIOLATION OF ANY LAW, ORDINANCE, OR DEPARTMENT RULE OR DIRECTIVE. EMPLOYEES SHALL NOT BE REQUIRED TO OBEY ANY ORDER THAT WOULD REQUIRE THEM TO COMMIT AN ILLEGAL ACT.

RULE 5: CONFLICTING ORDERS. Although employees are held responsible for carrying out orders issued by their supervisors, occasionally an order may be subject to question. When a supervisor issues an order in conflict with

Department Directives or a previously issued order from another supervisor, employees have a right and a responsibility to question the order.

RULE 5 A. EMPLOYEES SHALL PROMPTLY AND CIVILLY OBEY ANY LAWFUL ORDER OF A SUPERVISING EMPLOYEE. THIS WILL INCLUDE ORDERS RELAYED BY AN OFFICER OF SAME RANK OR LESSER RANK FROM A SUPERIOR OFFICER.

RULE 5 B. SHOULD A SUPERVISOR ISSUE AN ORDER THAT CONFLICTS WITH A PREVIOUSLY ISSUED ORDER, RULE, OR DIRECTIVE, THE EMPLOYEE SHALL RESPECTFULLY CALL ATTENTION TO THE CONFLICTING ORDER, AND IF NOT RESCINDED BY THE SUPERVISOR, THE ORDER SHALL STAND. THE RESPONSIBILITY FOR THE ORDER SHALL REST WITH THE ISSUING SUPERVISOR, AND THE EMPLOYEE SHALL NOT BE ANSWERABLE FOR DISOBEDIENCE OF ANY PREVIOUSLY ISSUED ORDER.

RULE 6: ABUSE OF PROCESS. The community demands and requires absolute integrity of its Police Department and expects all of its employees to be above reproach. An improper action by one employee may damage public confidence and tarnish the reputation of the entire Department. Employees must avoid conduct that might compromise either their integrity or that of the Department.

RULE 6 A. EMPLOYEES SHALL NOT INTENTIONALLY CONVERT TO THEIR OWN USE, MANUFACTURE, TAMPER WITH, FALSIFY, DESTROY, OR WITHHOLD EVIDENCE AND SHALL PROPERLY REPORT, STORE, DISPOSE OF, OR OTHERWISE HANDLE EVIDENCE, CONTRABAND, OR OTHER PROPERTY COMING INTO THEIR POSSESSION IN ACCORDANCE WITH DEPARTMENT REGULATIONS.

RULE 6 B. EMPLOYEES ARE PROHIBITED FROM PROVIDING CONFIDENTIAL INFORMATION CONCERNING DEPARTMENT INVESTIGATIONS OR OPERATIONS TO ANY UNAUTHORIZED PERSON.

RULE 6 C. EMPLOYEES SHALL NOT MAKE FALSE ACCUSATIONS IN CONNECTION WITH OFFICIAL DUTIES.

RULE 7: ABUSE OF AUTHORITY. Police effectiveness is dependent upon the community's approval and acceptance of lawful authority. The limits of police authority are strictly prescribed by law and the use of that authority must be accountable to the community.

RULE 7 A. THE LAWFUL AUTHORITY ENTRUSTED TO POLICE OFFICERS SHALL NOT BE USED IMPROPERLY TO INTERFERE WITH THE LAWFUL CONDUCT OF ANYONE.

RULE 7 B. OFFICERS SHALL NOT MISTREAT PERSONS WHO ARE IN THEIR CUSTODY. OFFICERS SHALL HANDLE ALL PERSONS IN ACCORDANCE WITH THE LAW AND DEPARTMENT PROCEDURES.

RULE 8: USE OF FORCE. Officers frequently face situations where physical force must be exercised to effect an arrest or to protect themselves, citizens, or property from harm. Officers are required to use the minimum force necessary to accomplish a legal purpose. The degree of force required in a certain situation depends on what the officer perceives as reasonable and necessary under the circumstances.

RULE 8. OFFICERS SHALL USE FORCE IN ACCORDANCE WITH THE LAW AND DEPARTMENT PROCEDURES AND SHALL NOT USE MORE FORCE THAN IS REASONABLY NECESSARY UNDER THE CIRCUMSTANCES.

RULE 9: INTEGRITY OF THE REPORTING SYSTEM. To assess the extent of criminal activity in the City accurately and to take effective measures against it, the Department must have an accurate records system. Equally important is the documentation of non-criminal events requiring police action. Failure to document bona fide incidents requiring police attention damages the Department's integrity and operation.

RULE 9. EMPLOYEES SHALL SUBMIT ALL NECESSARY REPORTS IN ACCORDANCE WITH ESTABLISHED DEPARTMENT PROCEDURES. REPORTS SUBMITTED BY EMPLOYEES SHALL BE ACCURATE, COMPLETE, AND TIMELY.

RULE 10: PUNCTUALITY. In order to provide consistent and dependable service to the community, it is necessary that employees be punctual for duty.

RULE 10 A. EMPLOYEES OF THE DEPARTMENT SHALL BE PUNCTUAL IN REPORTING FOR DUTY AT THE TIME AND PLACE SPECIFIED BY THEIR SUPERVISOR.

RULE 10 B. NO EMPLOYEE WILL BE ABSENT FROM DUTY WITHOUT LEAVE OR AUTHORIZATION FROM HIS/HER SUPERVISOR.

RULE 11: ATTENTIVENESS TO DUTY/USE OF ALCOHOL/DRUGS. The demands of police work require employees to be mentally and physically alert. Since most employees perform duties with little direct supervision, responsibility for proper attention to duty rests with each individual.

RULE 11 A. TO ENSURE THE OFFICER'S OWN PROTECTION AND THE PROTECTION OF CITIZENS AND FELLOW EMPLOYEES,

EMPLOYEES SHALL REMAIN AWAKE AND ALERT WHILE ON DUTY.

RULE 11 B. EMPLOYEES SHALL NOT CONSUME INTOXICATING BEVERAGES ON DUTY, APPEAR FOR DUTY OR BE ON DUTY WHILE UNDER THE INFLUENCE OF INTOXICATING BEVERAGES TO ANY DEGREE WHATSOEVER, OR WITH AN ODOR OF INTOXICANTS ON THEIR BREATH, EXCEPT WHILE ACTING UNDER THE PROPER AND SPECIFIC ORDERS OF A SUPERVISING EMPLOYEE.

RULE 11 C. ALCOHOLIC BEVERAGES WILL NOT BE CONSUMED WHILE WEARING THE UNIFORM, OR ANY PART THEREOF, WHILE ON OR OFF DUTY.

RULE 11 D. EMPLOYEES SHALL NOT TAKE ANY NARCOTIC OR CONTROLLED/DANGEROUS SUBSTANCE UNLESS PRESCRIBED BY A PHYSICIAN.

RULE 11 E. EMPLOYEES TAKING MEDICATION, PRIOR TO OR WHILE ON SHIFT, SHALL NOTIFY THEIR SUPERVISOR OF THE MEDICATION PRESCRIBED.

RULE 12: TELEPHONE MAINTENANCE. Employees are subject to being called back for duty during their off duty time. Since the telephone is the quickest means of notification in an emergency, the following is a Department Rule.

RULE 12. EMPLOYEES ARE REQUIRED TO MAINTAIN A TELEPHONE AT THEIR RESIDENCE AND INFORM THE DEPARTMENT OF THEIR TELEPHONE NUMBER. ANY CHANGE OF TELEPHONE NUMBER WILL BE COMMUNICATED TO THE DEPARTMENT WITHIN 24 HOURS.

RULE 13: IDENTIFICATION. The following is a Department Rule.

RULE 13. EMPLOYEES MUST CARRY THEIR DEPARTMENT CREDENTIALS WHILE ON DUTY UNLESS IN FULL UNIFORM OR WHERE EXEMPTED BY THE CHIEF. USE OF DEPARTMENT CREDENTIALS SHALL BE DISCREET SO AS NOT TO DETRACT FROM THE INTEGRITY OF THE DEPARTMENT. EMPLOYEES WILL FURNISH THEIR NAME AND DEPARTMENT IDENTIFICATION (RADIO CALL) NUMBER TO ALL PERSONS WHO REQUEST SAME WHEN IN CONJUNCTION WITH THEIR JOB OR WITH OTHER RELATED DUTIES.

RULE 14: GRATUITIES. Soliciting or accepting any gift or gratuity, regardless of the nature, places the employee in a compromising position and may give the appearance of impropriety. Employees shall politely decline gifts or rewards.

RULE 14. NO COMPENSATION, REWARD, GIFT, OR OTHER CONSIDERATION MAY BE SOLICITED OR ACCEPTED BY EMPLOYEES WITHOUT SPECIAL PERMISSION FROM THE CHIEF OF POLICE.

RULE 15: SECONDARY EMPLOYMENT. In accepting secondary employment, employees should be aware of the stamina required by the police profession. Department employees may be required to work rotating shifts or work irregular hours in order to meet Department needs. Keeping in mind that an employee's primary responsibility is to the Department, the Chief reserves the right to approve all secondary employment.

RULE 15 A. NO EMPLOYEE OF THE POLICE DEPARTMENT SHALL ENGAGE IN ANY SECONDARY EMPLOYMENT THAT CAUSES THE EMPLOYEE TO PERFORM AT LESS THAN MAXIMUM EFFICIENCY.

RULE 15 B. EMPLOYEES ARE PROHIBITED FROM ENGAGING IN SECONDARY EMPLOYMENT WHILE ON SICK LEAVE.

RULE 16 C. EMPLOYEES SHALL NOT WORK AS A BURLINGTON POLICE OFFICER, EITHER BY SPECIAL OR REGULAR COMMISSION, WHILE UNDER SUSPENSION FROM DUTY.

RULE 16: CONDUCT UNBECOMING. Police officers/employees are constantly observed and judged by the community. Improper behavior on the part of any officer/employee, on or off duty, tends to reflect unfavorably on all officers/employees and the Department. "Conduct unbecoming an officer" is a highly controversial regulation and often viewed as a "catch-all" offense.

This is not entirely accurate, since several courts have held "conduct unbecoming" void for vagueness under certain circumstances. Although non-specific, "conduct unbecoming an officer" has been upheld in court for certain acts committed by officers both on and off duty.

The following examples have been upheld by various state and federal courts throughout the country as "conduct unbecoming": speeding, placing an unauthorized poster in the squad room, lying in a department investigation, excessive absenteeism, using profane language in public, bar room fighting off duty, ticket fixing, assault on a fellow officer, illegal possession of marijuana, horseplay with firearms, misuse of a police radio to criticize a supervisor, and failure to cooperate with an internal investigation.

The following examples of conduct that the courts have found not to be unbecoming include: embarrassing the Department by neglecting "discretion" and vigorously enforcing municipal ordinances, disrespectful but private language to the Chief of Police while under emotional stress, and filing a libel suit. These lists, although not inclusive, further indicate how courts nationally have viewed police conduct on and off duty.

RULE 16. NO OFFICER/EMPLOYEE SHALL COMMIT ANY ACT THAT CONSTITUTES CONDUCT UNBECOMING A POLICE OFFICER. CONDUCT UNBECOMING INCLUDES, BUT IS NOT LIMITED TO, ANY CRIMINAL, DISHONEST, OR IMPROPER CONDUCT.

RULE 17: ENDORSEMENTS. A professional police department must provide fair and impartial service to the community it serves. The following rule is intended to accomplish this ideal by prohibiting circumstances that have an inherent potential for conflict of interest.

RULE 17. EMPLOYEES SHALL NOT RECOMMEND OR SUGGEST IN ANY MANNER, EXCEPT IN THE TRANSACTION OF PERSONAL BUSINESS, THE EMPLOYMENT OR PROCUREMENT OF A PARTICULAR PRODUCT, PROFESSIONAL OR COMMERCIAL SERVICE. IN CASES WHERE SUCH SERVICE IS NECESSARY AND THE PERSON NEEDING THE SERVICE IS UNABLE OR UNWILLING TO PROCURE IT OR REQUESTS ASSISTANCE, OFFICERS/EMPLOYEES SHALL PROCEED IN ACCORDANCE WITH ESTABLISHED PROCEDURES.

RULE 18: NEGLECT OF DUTY/UNSATISFACTORY PERFORMANCE. Because of to the nature of police work, employees must maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Repeated poor evaluations or a documented record of reported infractions of the rules, directives, or orders of the Department may be considered as evidence of unsatisfactory performance.

RULE 18. EMPLOYEES SHALL MAINTAIN SUFFICIENT COMPETENCY TO PROPERLY PERFORM THE DUTIES AND RESPONSIBILITIES OF THEIR POSITIONS.

RULE 19: MAINTENANCE OF PROPERTY. The expense of purchasing police equipment dictates the need for holding employees accountable for the use and maintenance of equipment in their charge. Failing to maintain custody and control of weapons, Criminal Justice Information Services (CJIS) systems, or encrypted technology may also constitute a violation of Rule 18 Neglect of Duty.

RULE 19 A. EMPLOYEES WILL BE HELD ACCOUNTABLE FOR THE PROPER CARE, USE, AND MAINTENANCE OF ALL UNIFORMS AND EQUIPMENT IN THEIR CHARGE AND MUST RETURN ALL UNIFORMS AND EQUIPMENT UPON SEPARATION FROM THE DEPARTMENT.

RULE 19 B. EMPLOYEES WHO LOSE OR DAMAGE DEPARTMENT PROPERTY SHALL REPORT IN WRITING SUCH LOSS OR DAMAGE TO A SUPERVISOR. IF THE EMPLOYEE IS

**INCAPACITATED, THE SUPERVISOR SHALL MAKE THE
REQUIRED REPORT.**

RULE 20: WEARING THE UNIFORM.

**RULE 20. THE UNIFORM SHALL BE WORN BY EMPLOYEES ONLY
WHILE ON DUTY OR GOING TO OR FROM THEIR PLACE OF
ASSIGNMENT.**

RULE 21: MUTUAL PROTECTION.

**RULE 21. OFFICERS SHALL PROMPTLY COME TO THE AID OF ANY
OFFICER WHO, WHEN CARRYING OUT OFFICIAL DUTIES, IS IN
NEED OF ASSISTANCE. SUCH AID WILL BE GIVEN IN
ACCORDANCE WITH EXISTING POLICIES AND PROCEDURES.**

RULE 22: COURTESY. One of the best investigative tools available to the police is good police/citizen cooperation. In an effort to establish and maintain good rapport with the Community, employees should exercise courtesy, tact, and decency when in contact with the public.

**RULE 22. EMPLOYEES SHALL BE COURTEOUS TO MEMBERS OF
THE PUBLIC AND FELLOW EMPLOYEES. PROFESSIONAL
STANDARDS AND ETHICS MUST ALWAYS BE FOLLOWED AND THE
USE OF VIOLENT, INSOLENT, OR OBSCENE LANGUAGE OR
GESTURES IS PROHIBITED.**

RULE 23: ACCURATE REPORTING OF SICKNESS OR INJURY.

**RULE 23. EMPLOYEES SHALL NOT FEIGN ILLNESS, INJURY,
FALSELY REPORT THEMSELVES ILL OR INJURED, OR DECEIVE
OR ATTEMPT TO DECEIVE ANY OFFICIAL OF THE DEPARTMENT
AS TO THE CONDITION OF THEIR HEALTH.**

RULE 24: ASSOCIATIONS.

**RULE 24. EMPLOYEES SHALL AVOID REGULAR OR CONTINUOUS
ASSOCIATION OR DEALINGS WITH PERSONS WHOM THEY KNOW,
OR SHOULD KNOW, ARE PERSONS UNDER CRIMINAL
INVESTIGATION OR INDICTMENT OR WHO HAVE A REPUTATION
IN THE COMMUNITY OR THE DEPARTMENT FOR PRESENT
INVOLVEMENT IN FELONIOUS OR CRIMINAL BEHAVIOR, EXCEPT
AS NECESSARY TO THE PERFORMANCE OF OFFICIAL DUTIES OR
WHERE UNAVOIDABLE BECAUSE OF OTHER PERSONAL
RELATIONSHIPS.**

RULE 25: PUBLIC STATEMENTS.

RULE 25. EMPLOYEES SHALL NOT PUBLICLY CRITICIZE OR RIDICULE THE DEPARTMENT, ITS POLICIES, OR OTHER OFFICERS BY SPEECH, WRITING, OR OTHER EXPRESSION WHERE SUCH SPEECH, WRITING, OR EXPRESSION IS DEFAMATORY, OBSCENE, UNLAWFUL, OR UNDERMINES THE EFFECTIVENESS OF THE DEPARTMENT, INTERFERES WITH THE MAINTENANCE OF DISCIPLINE, OR IS MADE WITH RECKLESS DISREGARD FOR TRUTH OR FALSITY.

RULE 26: TRUTHFULNESS.

RULE 26. UPON THE ORDER OF ANY SUPERVISING EMPLOYEE, OR HIS/HER DESIGNEE, EMPLOYEES SHALL TRUTHFULLY ANSWER ALL QUESTIONS SPECIFICALLY DIRECTED TO THE SCOPE OF EMPLOYMENT AND OPERATIONS OF THE DEPARTMENT; TO INCLUDE QUESTIONS ASKED DURING THE COURSE OF AN INTERNAL INVESTIGATION.

RULE 27: NOTICE OF SUITS AGAINST MEMBERS.

RULE 27 A. ANY EMPLOYEE WHO HAS A CIVIL SUIT FILED AGAINST THEM BY REASON OF AN ACT PERFORMED IN THE LINE OF DUTY SHALL FORTHWITH NOTIFY THE CHIEF OF POLICE IN WRITING. A COPY OF THE COMPLAINT TOGETHER WITH A FULL AND ACCURATE ACCOUNT OF THE CIRCUMSTANCES IN QUESTION, SHALL BE FURNISHED TO THE CITY ATTORNEY.

RULE 27 B. EMPLOYEES SHALL NOT INSTITUTE ANY CIVIL ACTION ARISING OUT OF THEIR OFFICIAL DUTIES WITHOUT NOTIFYING THE CHIEF OF POLICE IN WRITING. EMPLOYEES SHALL NOT USE THEIR OFFICIAL POSITIONS AS A MEANS OF FORCING OR INTIMIDATING PERSONS WITH WHOM THEY ARE ENGAGED IN CIVIL CONTROVERSY TO SETTLE CASES IN THEIR FAVOR.

RULE 28: UNAUTHORIZED DISCLOSURE OF INFORMATION.

RULE 28. EMPLOYEES SHALL NOT DISCLOSE ANY CONFIDENTIAL DEPARTMENT POLICIES, INTERNAL MEMOS, PLANS, OR OTHER INFORMATION EXCEPT AS AUTHORIZED. THIS PROVISION IS NOT TO BE CONSTRUED TO PREVENT THE RELEASE OF INFORMATION CONCERNING LAW-ENFORCEMENT ACTIVITIES THAT IS NOT CONFIDENTIAL. EMPLOYEES SHALL BE FAIR AND IMPARTIAL IN THE RELEASE OF NEWS TO PUBLIC INFORMATION MEDIA.

RULE 29: REDUCTION OF CHARGES.

RULE 29. EMPLOYEES SHALL NOT REQUEST THE REDUCTION OF CRIMINAL CHARGES AGAINST ANYONE. THIS RULE SHALL NOT BE CONSTRUED TO PREVENT THE CORRECTION OF TECHNICAL ERRORS, NOR PREVENT EMPLOYEES FROM BRINGING TO THE ATTENTION OF THE PROSECUTOR PERTINENT FACTS CONCERNING A CHARGE, IN ACCORDANCE WITH EXISTING POLICIES AND PROCEDURES.

RULE 30: RESTRICTIONS ON ACTIVITIES.

RULE 30 A. SEEKING PERSONAL PREFERMENT. EMPLOYEES ARE FORBIDDEN TO SOLICIT PETITIONS, INFLUENCE OR INTERVENTION OF ANY PERSON OUTSIDE THE DEPARTMENT FOR PURPOSE OF PERSONAL PREFERMENT, ADVANTAGE, ADVANCEMENT, TRANSFER, PROMOTION, OR CHANGE OF DUTY FOR THEMSELVES OR FOR ANY OTHER MEMBER.

RULE 30 B. POLITICAL ACTIVITIES. AS AN INDIVIDUAL, EACH EMPLOYEE RETAINS ALL THE RIGHTS AND OBLIGATIONS OF CITIZENSHIP PROVIDED IN THE CONSTITUTION AND LAWS OF THE STATE OF VERMONT AND THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA. HOWEVER, NO EMPLOYEE SHALL:

- 1. TAKE ANY ACTIVE PART IN MANAGING A CAMPAIGN, OR CAMPAIGN FOR POLITICAL OFFICE, OR OTHERWISE ENGAGE IN POLITICAL ACTIVITY WHILE ON DUTY OR WITHIN ANY PERIOD OF TIME DURING WHICH HE/SHE IS EXPECTED TO PERFORM SERVICES FOR WHICH HE/SHE RECEIVES COMPENSATION FROM THE CITY OF BURLINGTON.**
- 2. USE THE AUTHORITY OF HIS/HER POSITION OR UTILIZE CITY FUNDS, SUPPLIES, OR VEHICLES TO SECURE SUPPORT FOR OR OPPOSE ANY CANDIDATE, PARTY, OR ISSUE.**

RULE 31: TESTIFYING IN CIVIL CASES.

RULE 31. WHENEVER A CIVIL CASE ARISES THAT REQUIRES AN EMPLOYEE TO TESTIFY RELATIVE TO HIS/HER OFFICIAL DUTIES, A SUBPOENA WILL BE REQUIRED BEFORE THE EMPLOYEE ATTENDS THE PROCEEDINGS. EMPLOYEES WILL BE COMPENSATED BY THE DEPARTMENT AND WILL ACCEPT NO OTHER COMPENSATION FOR THEIR ATTENDANCE.

Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules (~~February 25, 2013~~February 27, 2024)

RULE 32: USE OF ALCOHOLIC BEVERAGES WITHIN POLICE BUILDINGS. In order to carry out police operations effectively, the building housing this Department must be conducive to a positive working atmosphere.

RULE 32. CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES OF THE POLICE DEPARTMENT WITHIN THE BUILDING OCCUPIED BY THE POLICE DEPARTMENT OR ON THE GROUNDS OR PARKING LOTS SURROUNDING THE POLICE BUILDING SHALL NOT BE ALLOWED.

RULE 33: CONFLICT OF INTEREST.

RULE 33. NO BURLINGTON POLICE EMPLOYEE SHALL INVESTIGATE, OR SIGN AS APPROVED, THE INVESTIGATION OF A FRIEND OR RELATIVE THAT MAY IN ANY WAY CAUSE THE APPEARANCE OF A CONFLICT OF INTEREST, THUS JEOPARDIZING THE CREDIBILITY OF THE INVESTIGATION. ANY QUESTIONABLE INCIDENT IN THIS REGARD WILL BE FORWARDED TO THE PROPER LEVEL OF COMMAND AND, IF APPROPRIATE, TO THE STATE'S ATTORNEY FOR REVIEW AND RECOMMENDATION.

RULE 34: HARASSMENT PROHIBITED.

RULE 34. AT ALL TIMES, THE DEPARTMENT EXPECTS ITS EMPLOYEES TO BE RESPECTFUL OF CO-WORKERS AND TO CONDUCT THEMSELVES IN A PROFESSIONAL MANNER. ALL EMPLOYEES ARE PROHIBITED FROM ENGAGING IN THE HARASSMENT OF ANY EMPLOYEE, CO-WORKER, OR MEMBER OF THE PUBLIC. THIS PROHIBITION SHALL REFER TO GENERAL HARASSMENT AND SEXUAL HARASSMENT AS DEFINED IN THE CITY PERSONNEL POLICY.

Reviewed and adopted by the Burlington Police Commission on ~~January 22, 2013~~.

<u>Michael E. Schirling, Chief of Police</u> <u>Jon Murad, Chief of Police</u>	<u>15 February, 2013</u> <u>Effective Date</u> <u>Effective Date</u>
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POLICE DEPARTMENT
CITY OF BURLINGTON

USE of Force Report

January 01, 2024 – January 31, 2024

Please note definitions below when reading this report

- **General** - considering or including the main features or elements of something, and disregarding exceptions
- **“Stated to the effect”** is used throughout this report to show the general idea of what someone said instead of their actual words.
- **Synopsis** - a brief or general summary of something.

Total Number of Incidents for 1/01/24 – 1/31/24 – 2092

Total Number of UOF Incidents - 11

Total Uses of Force –28

Percent of UOF Incidents vs. Total Incidents – .5%

Race/Gender of Arrestee/Subject in UOF Incidents

Black Male – 7

Black Female –4

White Male – 0

White Female – 5

Incidents

1. 24BU000618

1/9/24

Officer Initiated

Call type – Trespass

Charges – Unlawful Trespass

Synopsis

A male subject was refusing to leave the USB lobby. An officer stated to the effect that the male subject had to leave building. And opened the lobby door to let the male out. The male subject refused to leave. The officer then went over and took hold of the males left arm of the male’s jacket and pulled the male towards the door. At the door the officer heard a loud bang and the male grabbed hold of the doorframe with his right hand. A second officer assisted the first officer in physically removing the male’s right hand from the doorframe. Once the male’s hand was free the male pushed back against the first officer as he pushed the male towards and out the outer door. As the male exited he tripped and fell to the ground but quickly got back to his feet. The officer again had to tell the male to leave the male complied.



POLICE DEPARTMENT
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Arrestees Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/empty hand controls

Arrestee – located and issued citation

White male Age 59, 5'08", 195 lbs.

Arrestee – no injury

Officer – no injury

2. 24BU000665

1/9/24

Complainant/Officers Dispatched

Call type – Lewd and Lascivious Conduct

Charges – Lewd and Lascivious ConductX2/ Violations of Conditions of Release

Synopsis

Caller stated to the effect that a male subject was in traffic with their pants down masturbating. Second caller stated to the effect the male subject was now laying in the travel lane of the roadway in front of a bus. Officer arriving on scene observed the male suspect now stumbling into a parking lot next to the roadway. Officer went out with the male. An officer stated to the effect for the male to stop as he was being detained. The male did not comply and continued to walk away from the officers. The two officer each took control of one of the male suspect's arms. The suspect began to actively resist pulling against the officer holding his right arm and his left arm. The officers had to physically move the suspect's arms behind his back. Once the suspect's hands were behind his back he was compliantly handcuffed by a third officer.

Arrestees Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/empty hand controls

Arrestee – taken into custody

White male Age 34, 5'11", 210 lbs.

Arrestee – no injury

Officer – no injury



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3. 24BU000678

1/9/24

Complainant/Officers Dispatched

Call type – Accident

Charges – DUI/Leaving the scene of an Accident

Synopsis

A caller stated to the effect that there had been a car crash with one person injured. Officers arrived on scene to and observed two vehicles with significant damage. An officer spoke with a female operator. During the course of the crash investigation an officer had probable cause to believe the female operator was intoxicated. As the officer walked back towards the crash scene with the female suspect she attempted to run away from the officer. The officer had to take hold of her to stop her from fleeing. When the officer stopped the female subject she attempted to strike the officer with her left hand. The officer took control of that hand and physically brought her left hand behind her back. The officer then placed her into handcuffs. The female refused to walk to the cruiser so the officer had to use physical force to move her to the cruiser.

Arrestees Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls/handcuffing/empty hand controls

Arrestee – taken into custody, transported, processed and released on citation

Black Female Age 22, 5'00", 100 lbs.

Arrestee – no injury

Officer – no injury

4. 24BU000717

1/10/24

Complainant/Officers Dispatched

Call type – Recovered Stolen Vehicle

Charges – None

Synopsis

A CSO located a stolen U-Haul truck with a subject in the passenger seat of the truck and called dispatch. Officer conducted a high risk motor vehicle stop on the truck. Four officer pointed their firearms at the truck and the operator. The operator was called out of the truck and given verbal commands. The operator was compliant with the commands and was taken into custody without incident.



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Subject Actions – Compliant

Officer Actions

Officer 1 – Verbal commands/firearm pointed

Officer 2 – Verbal commands/firearm pointed

Officer 3 – Verbal commands/firearm pointed

Officer 4 – Verbal commands/firearm pointed

Subject – investigative detention/released

White male Age 31, 5'11", 215 lbs.

Subject – no injury

Officer – no injury

5. 24BU000758

1/11/24

Complainant/Officers Dispatched

Call type – Trespass

Charges – Unlawful Trespass

Synopsis

An employee at UVMHC ED called stating a male subject who had been discharged was refusing to leave. Officers arrived on scene and made contact with the male. An officer stated to the effect for the male that he had to leave the hospital property. The male who was laying on a gurney crossed his arms and stated no. An officer stated to the effect to the male that he was under arrest. Each officer took control of one of the arrestee's arms and removed him from the bed and handcuffed him. While being walked out of the ED the arrestee pulled from one of the officers grasp and turned and faced the other officer. The officer re-established his control of the arrestee's left arm. At the cruiser the arrestee continued to struggle against the officers. One officer physically held the arrestee against the cruiser while the first one searched the arrestee.

Arrestees Actions – Passive Resistance/Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal direction/empty hand controls/handcuffing

Arrestee – taken into custody/transported to BPD/processed and released on citation

White male Age 34, 5'04", 145 lbs.



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Arrestee – no injury

Officer – no injury

6. 24BU001198

1/17/24

Complainant/Officers Dispatched

Call type – Eluding Police

Charges – Attempting to Elude

Synopsis

A Burlington Officer located a potential stolen vehicle that had fled from South Burlington Police Department parked with a subject in the driver's seat. The officer approached the vehicle with his firearm out and pointed at the subject in the driver's seat. The officer stated to the effect for the operator to place their hands on the steering wheel. The officer then stated to the effect for the subject to keep their hands visible and to exit the vehicle. The subject started the vehicle and fled the scene. The vehicle crashed in South Burlington. A Burlington Police Officer was assisting a South Burlington Police Officer. The SBPD officer was able to open the driver's door and take hold of the male operator's hands. Once the SBPD officer had removed the male from the vehicle the BPD officer took control of the male's right arm. As the BPD officer attempted to move the male's arm behind his back the male tense his arm. The BPD officer and the SBPD officer brought the male to the ground in a controlled manner. Once in a prone position the BPD officer was able to place the male's hands behind his back. The male was compliantly hand cuffed. A load firearm was located on the driver's seat where the male had been seated.

Arrestees Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/firearm pointed

Officer 2 – Empty hand controls

Arrestee – taken into custody/lodged

Black male Age 21, 5'07", 160 lbs.

Arrestee – no injury

Officer – bruised elbow



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7. 24BU001345

1/19/24

Complainant/Officers Dispatched

Call type – Search Warrant

Charges – Distribution of Narcotics

Synopsis

Officer served a search warrant for narcotics distribution on a residence. Officer approached the door, knocked and announced their presence. A subject inside attempted to dead bolt the door before retreating into the residence. Officers breached the door and entered the residence. During the course of clearing the residence officer pointed their firearms at and were ordered into a prone position and handcuffed out five subjects. Those subjects were all detained and one was ultimately arrested.

Arrestees Actions – compliant

Officer Actions

Officer 1 – Verbal commands/firearm pointed

Officer 2 – Verbal commands/firearm pointed

Arrestee – taken into custody, processed and lodged

Black male Age 40, 5'04", 125 lbs.

Subjects – investigative detention and released

Black Female Age 45, Hgt. Unk., Wgt. Unk.

Black Female Age 24, 5'09", 170lbs.

Black Male Age 26, 6'02", Wgt. Unk.

Black Male Age 35 5'07', Wgt. Unk.

Black Male Age 35 Hgt. Unk. , Wgt. Unk.

Arrestee – no injury

Subjects – no injury

Officers – no injury

8. 24BU001568

1/22/24

Officer Initiated

Call type – Kidnapping

Charges – Kidnapping/Aggravated Assault/Arson/Interference with Law Enforcement

Synopsis



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An officer observed a male subject who another BPD officer had requested be taken into custody for Violation of Conditions of Release and Felony identity theft. The officer approached the male and stated to the effect to the male to remove his hands from his pockets and that they were under arrest. The male removed his hands and held an edged cutting instrument to his neck and pulled out another edged weapon and pointed at the officer. The arrestee backed away from the officer as the officer continued to state to the effect that he was under arrest. The arrestee attempted to elude the officer by squeezing between a narrow fences. The officer drew their firearm and pursued after the arrestee. The officer lost sight of the arrestee. Two officers locate the arrestee on a nearby street. An officer exited the cruiser drawing their firearms and pointed them at the arrestee stating to the effect for the arrestee to stop. The arrestee fled from that officer. Two more officer arrived on the street as the arrestee came towards them. The officers exited their cruiser and drew their firearms. An officer stated to the effect for the arrestee to drop the knife. The other officer stated to the effect for the arrestee to get on the ground. The arrestee ignored the commands and ran from the officers. The officers pursued the arrestee. The arrestee entered a bar and barricaded himself inside with 2 hostages. A fifth officer had their firearm out but not pointed at the rear entrance to the bar and the arrestee may have observed the firearm. Following a lengthy stand off the Vermont State Police took the male into custody.

Arrestees Actions – Active Resistance/Assaultive

Officer Actions

Officer 1 – Verbal commands/Firearm pointed

Officer 2 – Verbal commands/Firearm pointed

Officer 3 – Verbal commands/Firearm pointed

Officer 4 – Verbal commands/Firearm pointed

Officer 5 – Firearm displayed

Arrestee – taken into custody/lodged

Black Male Age 43, 6'00", 220 lbs.

Arrestee – no injury from BPD officers UOF

Officers – no injury

9. 24BU0001638

1/23/24

Complainant/Officers Dispatched

Call type – Aggravated Assault

Charges – Aggravated Assault

Synopsis

ANTONIO B. POMERLEAU BUILDING • ONE NORTH AVENUE • BURLINGTON, VT 05401



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Caller stated to the effect that a male came at him with what looked like a pistol and stated to him that he was going to shoot him while pointing it at him and his wife. The caller gave a description of the suspect. Two officers went out with a subject who matched the description of the suspect. While speaking with the suspect an officer stated to the effect to the suspect if they had any weapons on them. The suspect quickly reached into their pocket and pulled out an object that resembled a firearm. The two officers both drew their firearms and pointed them at the suspect while giving hard orders to drop the firearm. The suspect complied dropping the firearm. The suspect was then compliantly handcuffed and detained. The object turned out to be pepper spray in a container that resembled a firearm.

Arrestees Actions – Compliant

Officer Actions

Officer 1 – Verbal commands/firearm pointed

Officer 2 – Verbal commands/firearm pointed/handcuffing

Arrestee – taken into custody

Black male Age 44, 6'04", 209 lbs.

Arrestee – no injury

Officer – no injury

10. 24BU001720

1/24/24

Complainant/Officers Dispatched

Call type – Disturbance

Charges – None

Synopsis

A caller stated to the effect that there was a fight between three to four subjects in the stairwell. Officers arrived on scene and located two male subjects on one of the floors above where the caller stated there was a fight. One male subject started to walk away from officers. Two officers stated to the effect for the male subject to stop. The subject did not stop and continued to walk away. An officer caught up to the subject and attempted to stop the subject by taking hold of the subject's shoulder. The subject attempted to pull away and the officer maintained his hold and a second officer stated to the effect to the subject to stop, he was being detained and to put his hands behind his back. The subject continued to struggle against the officers. The officers were able to place the subject's hands behind his back and a third officer attempted to place handcuffs on the subject. Due to the subject struggling the officer was not successful. The two officers were able to bring the subject to the ground in a controlled manner. Once on the ground the officers rolled the subject into a prone position. The subject



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moved their hands underneath himself. One officer held the subjects legs to prevent him from kicking. The other two officers had to physically pull the subjects hands out and place them behind the subjects back and place them in handcuffs.

Subject Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/empty hand controls

Officer 3 – Empty hand controls/handcuffing

Subject – investigative detention/released

White male Age 24, 5'05", 185 lbs.

Subject – no injury

Officer – no injury

11. 24BU001845

1/26/24

Complainant/Officers Dispatched

Call type – Disturbance

Charges – Disorderly conduct/unlawful mischief

Synopsis

A local merchant called stating to the effect that a female subject was breaking bottles in the store and provided a description. When officers arrived the female suspect had left the scene. A short time later an officer observed the suspect and went out with them at a sheltered bus stop on Pearl St. The officer stated to the effect they needed to speak with her. The female attempted to walk away. The officer grasped the females shoulder and stated to the effect that she could not leave. The female did not comply and attempted to pull out of the officers grasp. The officer took hold of both of the female's arms in attempt to gain control and stated to the effect that she was under arrest. A second officer arrived on scene and took hold of the arrestee's left arm. The arrestee continued to struggle and the first officer moved the arrestee against the bus stop wall. The two officers were then able to bring both the arrestee's arms behind her back and a third officer was able to place her into handcuffs.

Arrestees Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/empty hand controls

Officer 3 – Verbal commands/empty hand controls/handcuffing



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Arrestee – taken into custody, processed and released on citation
Black Female Age 28, 5'01", 118 lbs.

Arrestee – no injury
Officer – no injury



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USE of Force Report

February 01, 2024 – February 15, 2024

Please note definitions below when reading this report

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- **Synopsis** - a brief or general summary of something.

Total Number of Incidents for 2/01/24 – 2/15/24 – 1089

Total Number of UOF Incidents - 8

Total Uses of Force – 12

Percent of UOF Incidents vs. Total Incidents – .7%

Race/Gender of Arrestee/Subject in UOF Incidents

Black Male – 2

Black Female – 0

White Male – 4

White Female – 5

Incidents

1. 24BU002619/2621/2622

2/4/24

Officer initiated

Call type – Arrest on Warrant

Charges – Arrest on Warrant/Violation of Conditions of Release

Synopsis

An officer at the Burlington International Airport observed a male subject they knew to be trespassed from the airport inside the airport. This male was also know to the officer to have assaulted an officer previously when trespassing at the airport.

Arrestees Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/empty hand controls



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Arrestee –

Black male Age 33, 6'00", 160 lbs.

Arrestee – no injury

Officer – no injury

2. 24BU002609

2/04/24

Complainant/Officers Dispatched

MENTAL HEALTH ISSUE

Call type – Disturbance

Charges – Disorderly Conduct/Interference with Law Enforcement

Synopsis

A caller stated to the effect that a female subject was gesturing wildly and screaming at pedestrians. A second witness stated to the effect the female subject had raised a fist towards a pedestrian and caused them to cross the street to get away from her. Officers arrived on scene and located the female subject. An officer spoke with her attempting to find out what was wrong. The female stated to the effect she had pain all over her body, specifically her foot. The officer stated to the effect they were willing give her a ride to the ED to help her. The female refused the offer, ranting about the hospital not helping her, and turned her back on the officer to speak and gesture at vehicles passing by. The female then started to walk away. The officer stated to the effect that she was being detained to which the female stated to the effect that no, no I'm not and ran from the officers. Two officer chased after the female. One officer took of her backpack stopping her. The second officer took hold of her left arm while the first officer, after removing her backpack, took hold of her right arm. The first officer stated to the effect to the female that she was under arrest. The two officers had to physically maneuver the arrestee against a wall to assist in getting control of her. An officer stated to the effect for the arrestee to stop resisting. The arrestee continued to actively resist, pulling her arms away, spin around and thrash her body. This continued after officers had maneuvered the arrestee to the cruiser and were searching her. The arrestee was transported to UVMHC ED by BFD at her request, with two officers riding in the ambulance, as the arrestee continued to thrash around on the stretcher.

Arrestees Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls/handcuffing

Officer 2 – Verbal commands/empty hand controls

Arrestee – taken into custody/brought to UVMHC ED for evaluation/issued citation



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White Female Age 40, 5'07", 150 lbs.

Arrestee – no injury from UOF
Officers – no injury

3. 24BU002804

2/07/24

Officer Initiated

Call type – Search Warrant

Charges – Narcotic Distribution

Synopsis

While serving a search warrant at a residence an officer was approaching a vehicle that was parked near the residence. The officer had their firearm out and encountered a female subject in the driver's seat. The officer stated to the effect for the female to show her hands. The female subject complied and the officer had her exit the vehicle with her hands in the officer's view. The female complied and exited the vehicle. The officer holstered their firearm and compliantly handcuffed the female. The female was detained and then taken into custody.

Arrestees Actions – Compliant

Officer Actions

Officer 1 – Verbal commands/firearm pointed/handcuffing

Arrestee – taken into custody

White Female Age 46, 5'06", 208 lbs.

Arrestee – no injury

Officer – no injury

4. 24BU003178

2/11/24

Complainant/Officers Dispatched

Call type – Trespass

Charges – Unlawful Trespass

Synopsis

Property manager called stating to the effect there was a male subject sleeping a vacant apartment and would be there to trespass them. Officers arrived, observed the male subject through a window and made then their way to the open door of the apartment. An officer drew their firearm and from the doorway pointed it at the male and stated to the effect for them to



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stand up, interlace their hands on their head and face the closest wall. The male complied and was compliantly handcuffed and taken into custody.

Arrestees Actions – Compliant

Officer Actions

Officer 1 – Verbal commands/firearm pointed

Arrestee – taken into custody/processed and released on citation

White male Age 35, 5'10", 170 lbs.

Arrestee – no injury

Officer – no injury

5. 24BU003232

2/12/24

Complainant/Officers Dispatched

Call type – Simple Assault

Charges – Simple Assault/Violation of Court Orders

Synopsis

A caller stated to the effect that there was a fight between a male and female, the woman appeared to be punching and kicking the male. Officer arrived on scene and located the male and female who were now separated. After investigating the incident an officer had probable cause to arrest the female for simple assault and violation of court conditions. The officer stated to the effect to the female that she was under arrest. The officers allowed the female to finish her cigarette if she walked to the cruiser. The arrestee at first complied but then stopped walking. One officer took hold of her right arm as she attempted to sit on the ground and the second officer took hold of her left arm. The officers then escorted the arrestee to a wall to keep her standing upright and to attempt to place her into handcuffs. The arrestee would not move her hands to her back and continued to tense up her arms. Both officers had to physically place the arrestee's hands behind her back. The officers were able to place the arrestee into handcuffs. While searching the arrestee, she attempted to kick one of the officers.

Arrestees Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls/handcuffing

Officer 2 – Verbal commands/empty hand controls

Arrestee – taken into custody

White male Age 40, 5'04", 125 lbs.



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Arrestee – no injury

Officer – no injury

6. 24BU003241

2/12/24

Complainant/Officers Dispatched

Call type – Recovered Stolen Property

Charges – Operating without Owners Consent/Possession of Stolen Property/Arrest on Warrant

Synopsis

The caller had stated to the effect that a female was overdosing and male had walked away from the vehicle. Officer arrived on scene but learned that the male had returned, gotten into the vehicle and left. The vehicle description matched a reported stolen vehicle. An officer checking the area located the vehicle parked on N Winooski Ave. A high risk motor vehicle stop was conducted with two officers. Both officers had their firearms out and pointed at the male and female located in the vehicle. One officer called out the driver, who complied and placed the male in handcuffs. The officer then called out the female passenger, who complied and placed her in handcuffs. The male was arrested for possession of stolen property and operating without owners consent. The female was arrested on multiple confirmed warrants.

Arrestees Actions – Compliant

Officer Actions

Officer 1 – Verbal commands/Firearm Pointed/handcuffing

Officer 2 – Firearm pointed/empty hand controls

Arrestee – male taken into custody/processed and released on citation. Female – taken into custody and lodged on bail warrant.

White male Age 61, 5'07", 170 lbs.

White Female Age 26, 5"00, 100 lbs.

Arrestees – no injury

Officers – no injury

7. 24BU003308

2/13/24

Officer initiated

Call type – Eluding Police

Charges – Attempting to Elude a Police officer/Operating without Owners Consent/Possession of Stolen Property



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Synopsis

An officer was canvassing an area of downtown attempting to locate a stolen vehicle that had fled from him. When the vehicle fled he had observed two subjects in the vehicle. The officer observed the vehicle and pulled up nearby and observed two males next to the vehicle. Due to the extreme disregard for human life the officer had observed the operator of the vehicle exhibited while fleeing earlier the officer feared for their safety when confronting the subjects. The officer exited his vehicle and drew his firearm, pointing it at a male subject on the driver's side. The two males immediately stated that the people he was looking for had fled from the vehicle behind a nearby residence. The officer was able to discern the males were telling the truth and holstered his firearm.

Subjects Actions – Compliant

Officer Actions

Officer 1 – Verbal commands/firearm pointed

Subject – spoke with officer not detained

Black male Age 44, 6'03", 245 lbs.

Subject – no injury

Officer – no injury

8. 24BU003402

2/14/24

Complainant/Officers Dispatched

Call type – Recovered Property Aggravated Operation without Owners Consent

Charges – Aggravated Operation without Owners Consent

Synopsis

Officer were dispatched to the area College St and Willard St for a stolen vehicle that had been spotted. Officers learned of another possible area and an officer went to that area to canvass for the vehicle. The officer located the vehicle in a parking lot occupied by three subjects. The officer called several more units and a high risk motor vehicle stop was conducted. One officer had their firearm out and pointed at the operator when they were called out of the vehicle and taken into custody. The officer kept his firearm out but did not point it at the two female passengers as they were called out and placed into handcuffs. All subjects were compliant and were compliantly handcuffed.

Arrestees Actions – Active Resistance

Officer Actions



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Officer 1 – Verbal Direction Advised /Firearm pointed/Firearm displayed

Arrestee – taken into custody

White male Age 40, 5'04", 125 lbs.

Subject – investigative detention and released

White Female Age 40, 5'09", 160 lbs.

White Female Age 42, 5'05", 225 lbs.

Arrestee – no injury

Subjects – no injury

Officer – no injury



POLICE DEPARTMENT
CITY OF BURLINGTON

COMMENDATIONS RECEIVED FROM THE PUBLIC
February 2024

#1

Subject: A Note of Appreciation re: 24BU002278

Message:

"I wanted to take a moment to thank BPD and the officers who responded to a call I made on Wednesday 1/31/24 when I needed support for a dysregulated student with a history of trauma and record of violence who had eloped from HMS school property.

Everyone, from the dispatch officer to the officers who came to the scene (including one in training!) were kind, compassionate, professional, and focused on de-escalating the situation. The officers came onto the scene with confidence, but also with curiosity. They did not attempt to "take over" or "power" their way through with their badges and authority, but worked with me and the child's parent and Howard Center clinician to figure out what was going on and how to move forward in a way that protected everyone's safety and the student's integrity.

I have needed to call BPD several times in my short tenure as Assistant Principal at HMS and every time I have been impressed by the thoughtfulness and care with which they have approached and interacted with our most vulnerable students.

Please know how much I appreciate the work you all are doing!"

#2

Subject: Commendation re: 24BU002514

Message: "I wanted to express how impressed I was with Officer Lockerby on this call. This particular person was extremely upset and escalated, but Officer Lockerby remained calm, positioning himself in a welcoming manner. He used an even tone to speak with her, where ** even recognized how well he was doing and pointed it out. There was appropriate handoff to [the CSLs] and I felt like I needed to tell his supervisor and administration.

**redacted for privacy.

###

Resolution Relating to

MARCH 5, 2024 ANNUAL CITY MEETING—PROPOSED
CHARTER CHANGE RE POLICING

RESOLUTION _____

Sponsor(s): Joint Charter and
Ordinance Committee

Introduced: _____

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three

Resolved by the City Council of the City of Burlington, as follows:

1 That the following question be placed on the ballot of the Annual City Meeting to be held on March 5,
2 2024:

3 “Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to
4 amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or
5 Suspension, thereto to read as follows:

6 ARTICLE 62. POLICE DEPARTMENT

7 183 Board of Police commissioners; composition; terms.

8 The Board of Police Commissioners shall consist of seven legal voters and should represent the diverse nature of said City’s
9 constituents, including those from historically marginalized communities, to be appointed by the City Council with Mayor
10 presiding to serve for three years and until their successors are appointed and qualified.

11 184 Same-powers and duties.

12 (a) The City Council shall make rules and regulations for the government of the entire ~~p~~Police ~~force~~ Department and shall
13 fix the qualifications of applicants for positions and service on said ~~force~~ Department and, to the extent permitted by
14 applicable law, the Chief of Police shall furnish the City Council with any information they may require concerning ~~the~~
15 ~~finances of~~ the Police Department. The Chief of Police shall be responsible for all expenditures made by the Police
16 Department and no expenditures shall be made by the Department except in conformity with the standards promulgated by the
17 City Council.

18 (b) The Board of Police Commissioners shall have such authority and responsibility relating to the management, auditing,
19 or monitoring of the Police Department, its services, and facilities as may be delegated from time to time by ~~resolution the~~
20 ordinances and orders of the City Council. Said Board shall notify the Mayor and the Chief Administrative Officer, in writing,
21 of any and all changes, modifications, or additions to the rules and regulations of the Department.

22
23 (c) Without limitation to the foregoing, the Board of Police Commissioners and the Chief of Police may propose rules
24 and regulations for the government of the entire Police Department in a manner not inconsistent with those established by the
25 City Council. Adoption of such proposed rules and regulations requires joint approval by the Board of Police Commissioners
26 and the Chief of Police. In the event joint approval is not provided by the Board of Police Commissioners and the Chief of
27 Police, either party may bring forward to the City Council the proposed rule or regulation for the City Council’s consideration.

28
29 (d) The Board of Police Commissioners shall have the authority to receive and review all civilian and internal allegations
30 of misconduct by members of the Police Department. To the greatest extent permitted by law, the Chief of Police shall

provide the Board of Police Commissioners timely updates of any review, investigation, or disposition of alleged misconduct, and the Board of Police Commissioners shall have the ability to request additional information from the Chief of Police and access to all documents or other evidence relied upon by the Chief of Police in reviewing allegations of misconduct. For higher level complaints of alleged misconduct, the complaint may not be disposed until the Board of Police Commissioners is notified of the proposed disposition.

After receiving notice from the Chief of Police of the recommended or actual disposition relating to the review of alleged misconduct, the Board of Police Commissioners shall have the authority to:

(i) recommend an alternative disposition to the Chief of Police within a time established by ordinance; or

(ii) independently investigate any allegation of misconduct by members of the Police Department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the Board of Police Commissioners, and approved by the City Attorney's Office, and completed within a time established by ordinance. Upon the conclusion of such an investigation, the Board of Police Commissioners may make a recommendation per subsection (i). The Board of Police Commissioners shall not have the authority to investigate or impose discipline upon the Chief of Police. Matters regarding the alleged misconduct of the Chief of Police shall be addressed in conformity with section 190(b) of this Charter.

(e) Upon receiving a recommendation by the Board of Police Commissioners in subsection (d), the Chief of Police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the Chief of Police rejects the recommendation, the Chief of Police shall immediately the notify Board of Police Commissioners. Upon receiving notice of the rejection, the Board of Police Commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter, subject to the notice and hearing provisions set forth in in Article 62, section 190(a).

This independent panel shall consist of three (3) persons appointed on a case by case basis by the Mayor. Members of the independent panel shall include at least two persons with experience in law enforcement, human resources or labor and employment law, or other similar experience, and one member from the general public.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

185 Officers of ~~p~~Police ~~force~~ Department designated.

(a) The direction and control of the entire ~~p~~Police ~~force~~ Department, except as herein otherwise provided, shall be vested in a police officer who shall be called the Chief of Police, and such other ranking police officers as the City Council shall authorize, subject to the authority of the mayor as chief executive officer and the ordinances and orders of the City Council. The order of rank and succession within the Police Department shall be as designated by the City Council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of Police may remove member for cause; hearing.

(a) Whenever it shall appear to the Chief of Police that any member of said ~~force~~ Police Department has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the Chief of Police by a responsible person against such member, the Chief of Police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~force~~ Police Department, order a demotion in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the Chief of Police's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the charges being considered. In connection therewith, the Chief of Police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. The Board of Police Commissioners shall hear any appeal filed in a timely manner with respect to such actions of the Police Chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such Board of Regulation. Following its consideration of any such appeal, the Board may affirm, modify, or vacate the decision made by the Chief of Police.

(b) Whenever it shall appear to the Mayor that the Chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the Mayor by a responsible person, the Mayor may suspend the Chief of Police from duty pending a hearing thereon by the City Council. The City Council shall forthwith notify the Chief of Police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the Chief of Police reasonable notice of the same, not less than 48 hours, and the City Council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the City Council shall find such complaints or charges to be well founded, it may dismiss the Chief of Police from the ~~force~~ Police Department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this charter as pertains to the removal of the Chief of Police.

(d) The Chief of Police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the Police Department that may seem to the Chief of Police sufficient, suspend from duty without pay any member of the Police ~~force~~ Department for a period not to exceed 14 days.

Burlington Police Commission Body-Worn Camera Footage Review Policy

Adopted December 2023?

BURLINGTON POLICE OFFICERS' ASSOCIATION FRATERNAL ORDER OF POLICE LODGE 021 BWC REVIEW COUNTER PROPOSAL 7 FEBRUARY 2024

Policy. Pursuant to authority granted by City Council and the Burlington City Charter, it is the policy of the Burlington Police Commission (BPC) to review any or all body worn camera (BWC) footage related to incidents of Burlington Police Officers' use of force or other body worn camera footage **with cause** for the purposes and as detailed in this policy.

Authority. The BPC has been granted broad authority "to initiate audits, reviews, and evaluations of policies, directives, or data; in regard to discipline, racial disparities, or other Commission priorities." City Council Resolution 7.09, signed by the Mayor in November 2021

BPC Review of Body Worn Camera Footage.

1. ~~No~~ Cause Auditing of BWC footage.

In general, the BPC may review BWC of Use-of Force or other footage **with cause based on the "totally of circumstances"** for the **articulated** purpose(s) of gathering information for the **express** purposes of:

- i. improving organizational culture and helping to develop a modern police force which is diverse, transparent, and accountable, and
- ii. enhancing police transparency and preserving and expanding the public's trust.
- iii. evaluating how key policies and directives, such as DD.05 Use of Force Police, DD.03 Fair and Impartial Policing, and DD.13.02 Interacting with Persons with Diminished Capacities, among others, are working in the field.

b. No-cause auditing of BWC Use of Force or other footage specifically to monitor Officer or personnel performance is prohibited.

2. For Cause Auditing of BWC footage.

- a. The BPC may review BWC footage for the purpose of personnel performance-focused review by City officials only in situations **that are the subject** of citizen complaints, public controversy or media reporting, and situations in which weapons are discharged or in which an Officer or civilian are injured.

-End of Document-

NOTICE OF HEARING
Re: Complaint Regarding Vicious Dog
Owner: Diane and/or Carol Wheeler
Dog: “Moose”

Please take notice that pursuant to the authority vested in the Burlington Animal Control Committee by City Charter § 48 (20) and Burlington Code of Ordinances (BCO) § 5-27, a hearing will be held before the Burlington Animal Control Committee on March 6, 2024 at 5:30pm via Zoom. Instructions for accessing the Zoom meeting are attached to this notice.

The purpose of the hearing is to consider the allegations in the attached complaint, summarized as follows: that in the six month period leading up to January 23, 2024, you were the registered owner of a dog “Moose” that has displayed aggressive and violent behavior in the neighborhood, specifically biting at least one person and two dogs and engaging in other aggressive behavior including charging and lunging.

The hearing will determine if this dog should be found to be “vicious,” as that term is defined in BCO 5-13(e) and if so what order should be made to protect the public. Such order may include, but is not limited to, any of the following: confinement in a secure enclosure or other similar restriction, muzzling adoption, or destruction in a humane manner. In addition, the animal control committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the city and that no new privileges be granted.

You have the right to attend the hearing and to present evidence and argument on the issues before the Committee, by yourself or through an attorney. Enclosed are copies of the records in this case. **Failure to attend this hearing may result in any of the above actions being taken without further opportunity to be heard.**

All correspondence and documents pertaining to this matter should be sent to the Burlington Animal Control Committee, c/o Shannon Trammell, Clerk, Burlington Police Department, 1 North Ave., Burlington, Vermont, 05401 or strammell@bpdvt.org.

Dated at Burlington, Vermont, this 26th day of February, 2024.

Shannon Trammell, Clerk
Animal Control Committee

Encl: Zoom Meeting Information
Complaint dated January 23, 2024

Cc: Llu Mulvaney-Stanak, 18 Roseade Parkway
Kate Van Wagner, 18 Roseade Parkway
Jennifer Moore & David Nacmaine, 67 Roseade Parkway
Jennifer & Dominic Aloï, 81 Lopes Ave
Shelley Spinner, 38 Roseade Parkway
Bonny & Gar Smith, 40 Blodin Circle
Deputy Chief Wade Labrecque, Appointed Poundkeeper for BPD
CSM Cassandra Sterling, Community Service Manager for BPD