



Police Commission

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

DRAFT

MEMBERS PRESENT:

Co-Chair Shakuntala Rao
Co-Chair Mary Cox
Commissioner Jessica Oski
Commissioner Suzy Comerford
Commissioner Kevin Garrison
Commissioner Jack Keefe

OTHERS PRESENT:

Chief Jon Murad
Shannon Trammell, Clerk
Assistant City Attorney Hayley McClenahan
Attorney Anthony Iarrapino, Commission Counsel

1. Agenda

1.1. Call to Order

Co-Chair Rao called the meeting to order at 6:01pm.

1.2. Roll Call and Determination of Quorum

Quorum met. Commissioner Hanson absent.

1.2. Additions or Modifications to Agenda

Motion made by Commissioner Comerford, seconded by Commissioner Oski, to approve the agenda as posted.

VOTING: Unanimous, motion carries.

2. Commission Actions

Subject

**2.1. Approve the Minutes from the Regular Commission Meeting on
1/23/2024**

Motion made by Commissioner Oski, seconded by Commissioner Comerford to Approve the minutes from 1/23/2024 as posted.

VOTING: Unanimous, motion carries.

3. Public Forum

3.1. The public is invited to address the Commission

Councilor Melo Grant addressed the Commission, stating she would be showing up more frequently to aid in keeping the connection open between the City Council and the Police Commission, to make sure there isn't a gap in information. Councilor Grant made remarks on the posted Chief's Report, speaking specifically to pages 8, 11, 12, and 13. Co-Chair Rao thanked Councilor Grant for sharing the Gun Violence Task Force Report to the Commission.

4. Police Department Items

4.1. Chief's Report

The Chief shared his report for the Month of February to the Commission and answered questions from the Commissioners.

Co-Chair Cox – What is a baton round?

A.) a form of Less Lethal Impact Munition, specifically a foam cylinder round.

Co-Chair Rao – Regarding Decker Towers, what options are there for BHA to control of the situation being reported and seen in the neighborhood?

A.) Access control, short-term security services, sign-in sheets and gate/entrance access.

Commissioner Oski – speaking to the breakdown of sworn shifts, why the duplicate numbers per shift? And, do the numbers include those on injury or military leave?

A.) There are two sides of a shift, to insure 7 day coverage. One day a week, each shift overlaps a day to allow for training days, for example. On the current staffing proposals/projections, injury and military leave is accounted for, on the projections a year years out, it does not account for those on anticipated military or injury leave.

Commissioner Comerford made a suggestion that the public is feeling like they shouldn't call for police services because there aren't enough police officers and they aren't going to receive a response, and feels the Department should try and get other messaging out to the public besides informing them to call 9-1-1. She suggested a press release.

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."

Motion made by Commissioner Oski, seconded by Commissioner Comerford, to accept the proposed language to DD01, Rule 19 and insert the following "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."

VOTING: unanimous, motion carries.

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

Commissioner Keefe noted that his request for BWC review for the previous month was not honored and he had not received any of the requested videos, even though he provided clear justification and reasoning for the requested footage. He also requested an update from the Commission on the previous meetings that were had with the BPOA on the agreement, and wasn't sure the outcome of those meetings.

BPD stated it was waiting for the City Attorney to say whether the release of those requested videos was or wasn't to be made because of the negotiations that were being had with them and the BPOA on this subject.

Assistant City Attorney McClenahan stated that her understanding of where the determination landed was that it was left off that the Commission was going to take a pause on requesting footage during the negotiation process with the Union.

Commissioner Comerford noted that an important part of the Commission's mandate is the review of these videos, and that the reviews affect real people in the community.

6. Commendations

6.1. Commendations Received in February 2024

Co-Chair Rao read 3 commendations that were received by BPD.

7. Commission Business

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

In following with the proposal put forth at the January Commission meeting, the Commission agreed that it should publically discuss its position on the Charter Change proposal document and provide the opportunity for the public to give feedback on the document. The Commission will then give their feedback, discussion points, and suggestions to the Joint Committee. The Commission stated it is not interested in trying to write the Policy and that it would break down comments into topics for consideration to the 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.

Discussion had by the Commission concluded with the following edits to the document provided by BPOA and submit back to them or consideration.

Policy – keep “with cause”

#1 – remove “with cause” and keep “based on the “totally of circumstances” Edit “articulated – to “expressed articulated”. Keep remaining edits.

Keep i,ii, iii

“b.” – change “lettering” and take out “no-cause” and add “except as outlined in Section 2 of this policy.”

#2 – remove header, and add “also” to “the BPC may “also” review...” to first sentence.

Motion made by Commissioner Oski, seconded by Commissioner Keefe, to approve in concept the changes made to BPC BWC Review as just outlined.

VOTING: unanimous, motion carries.

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

Co-Chair Rao announced that a sub-committee of the Police Commission will meet virtually on Tuesday, March 5th at 5:30 for a vicious dog hearing. Pertinent documents for this hearing, including the complaint, are posted on Civic Clerk.

8. Executive Session, as needed.

8.1. Executive Session

Commissioner Oski 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

Commissioner Oski motioned to move into Executive Session based upon the special finding, pursuant to 1 VSA 313(a)(1), SECONDED by Commissioner Comerford

VOTING: Unanimous; motion carries

Co-Chair Rao 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.

9. Adjournment

9.1. Motion to Adjourn

The Commission adjourned from Executive Session with no further public discussion.