



Police Commission

**Tuesday, May 27, 2025, 6:00 PM, Contois Auditorium at City Hall, Burlington, VT /
Zoom**

When: May 27, 2025 06:00 PM Eastern Time (US and Canada)
Topic: Police Commission 5/27/2025

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1. Agenda

- 1.1. Call to Order**
- 1.2. Roll Call and Determination of Quorum**
- 1.3. Additions or Modifications to Agenda**

2. Adopt Minutes

- 2.1. Motion to adopt previous meeting's minutes**

3. Public Forum

3.1. The public is invited to address the Commission

4. Commission Business (Time Limited 30 Minutes)

4.1. Committee Reports from All Committees

4.2. Committee Changes

4.3. Flag and Table - Public Information Directive

4.4. Discussion of DD03 - Fair and Impartial Policing

5. Police Department Business (Time Limited: 20 Minutes)

5.1. Chief's Report

6. Commendations

Subject	6.1. April Commendations
Meeting	May 27, 2025 - Police Commission Meeting - Tuesday, May 27, 2025, 6:00 PM, Contois Auditorium at City Hall, Burlington, VT / Zoom
Category	6. Commendations
Department	Police Department
Type	
Recommended Action	

7. Announcement of Next Meeting Date

8. Executive Session

8.1. Executive Session

9. Adjournment

9.1. Motion to Adjourn

10. Informational and Non-Discrimination Statements

Subject	10.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. 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.
Meeting	May 27, 2025 - Police Commission Meeting - Tuesday, May 27, 2025, 6:00 PM, Contois Auditorium at City Hall, Burlington, VT / Zoom
Category	10. Informational and Non-Discrimination Statements
Department	Council and Board
Type	

**Police Commission
Tuesday, April 29, 2025
Remote via Zoom and In-person in Conference Room, DPW
Burlington, Vermont
DRAFT MINUTES**

Members Present: Commissioner Depper, Commissioner Keefe, and Commissioner Oski
Members Online: Commissioner Cox, Commissioner Comerford, and Commissioner Rao
Staff Present: Command Staff Assistant Shibe Couchman online

1. Agenda

1.1. Call to Order

Meeting called to order at 6:10pm by Commissioner Depper.

1.2. Roll Call and Determination of Quorum

All Commissioners present except Commissioner Finnerman

1.6. Motions for Additions or Modifications to Agenda (Time Limited: 15 Minutes)

Motioned, seconded, approved unanimously.

2. Adopt Minutes

2.1. Motion to Adopt Draft Minutes from March 25th, 2025

Moved, seconded, approved unanimously.

3. Public Forum (Time Limited: 10 Minutes)

3.1. The Public is Invited to Address the Commission

No participants in public forum.

4. Commission Business (Time Limited: 30 Minutes)

4.1. Committee Reports from All Committees

The Animal Control Committee met 3/20/25 for a second hearing on Vicious Dog from 2024, a decision made and published.

Complaints Committee to be reorganized and Depper to sit on the board with Commissioner Oski.

4.2. Committee Changes

Chair Depper to sit on the Complaints Committee.

4.3. Discussion of DD03 – Fair and Impartial Policing

Commissioner Oski proposed additions/modifications to DD03. No one from BPD available to comment. Commission to consider Commissioner Oski's proposed changes. Commissioner Keefe references initial discussion to highlight not being able to remove items but can add.

5. Police Department Business (Time Limited: 30 Minutes)

5.1. March 2025 Chief's Report

Interim Chief Burke was not present for the meeting. No discussion of Chief's Report.

6. Commendations (Time Limited: 15 Minutes)

6.1. Officer Commendations

Dispatcher Nguyen commendation.

7. Announcement of Next Meeting Date

May 27th, 2025.

8. Adjournment

8.1. Motion to Adjourn

The Commission adjourned the public meeting.

9. Executive Session

9.1 Motion to Move to Executive Session

The Commission proposed and moved to Executive Session.



BURLINGTON POLICE DEPARTMENT DEPARTMENT DIRECTIVE

DD02.02 Public Information

Reviewed and published Month Date, Year

PURPOSE: To establish guidelines for Department members when providing information to the public via media outlets. The Burlington Police Department is committed to open, transparent, and inclusive practices with all members of the public while adhering to the tenets of the Vermont Public Records Law.

POLICY: It is the policy of the Burlington Police Department to provide relevant and timely information to the media and the public. Release of information shall not intentionally violate privacy or jeopardize ongoing incidents and investigations. Access to information and incident locations (scenes) will be balanced with public safety concerns, investigation integrity, and with full consideration given to Vermont's Public Records Law.

CONTENTS:

- I. Definitions
- II. Media Release Responsibilities
- III. Information to be Released
- IV. Information Not to be Released
- V. Juveniles
- VI. Information Pertaining to Vermont Civil Violation Complaints (VCVC)

I. DEFINITIONS

- A. **Public Record:** any Information written or recorded, regardless of physical form or characteristics, which is produced or acquired during public agency business.
- B. **Juvenile:** any person under the age of eighteen (18) years of age¹.
- C. **Media Release:** any written document reporting any police action taken by the Burlington Police Department. Such releases shall be disseminated via the organization's Media Group list serve.
- D. **Public Interest:** any event or incident which impacts or concerns public safety, public officials, or public places. Any event that the public has witnessed or which could reasonably be expected to cause public concern or alarm.

II. MEDIA RELEASE RESPONSIBILITIES

¹ Should State law increase the age of who is defined as a juvenile, this policy will follow the State's definition.

- A. The Chief of Police or designee shall serve as the Public Information Officer. The role of the Public Information Officer is not limited to but includes:
- i. coordination with the Administration on policy or positions unrelated to police operations.
 - ii. maintaining professional relationships with members of the media,
 - iii. scheduling press conferences surrounding noteworthy events or Department initiatives,
 - iv. assisting the media with their coverage of the Department, and
 - v. Annual review of this policy for efficacy and compliance with Section 12.6 of the Comprehensive Personnel Policy Manual.
- B. All Department members shall be prepared to interact with members of the media. Department members who are approached by the media for specific information or for comments should refer the request to the Officer in Charge. In the event of a serious incident (e.g. an Officer involved shooting, homicide, etc.) all media requests shall be referred to the Chief of Police or their designee.
- C. A media release will be issued as soon as practical concerning incidents of public interest, arrests for serious crimes, crimes of violence, serious crashes, road closures, or other hazardous scenes. Additionally, media releases shall be used in instances when the public's help is needed as part of an active investigation.
- i. Exceptions to this section may be made if a media release may affect an ongoing investigation.
- D. All media releases shall be constructed using the approved Burlington Police Media Release template and approved by the Officer in Charge prior to dissemination. All media releases shall be delivered using the Medial Group list serve. Completed media releases shall be incorporated into the record management system as part of the incident reporting.
- E. Death investigations are often performed in response to an incident of public interest. A media release may be issued within 24 hours for all death investigations except in the following instances:
- i. Suicides with no public interest,
 - ii. Natural deaths with no public interest, or
 - iii. Any death investigation when the release of information would erode the integrity of the investigation.

The identity of any decedent shall be withheld pending notification of next to kin.

- F. Media access to an incident scene shall be the responsibility of the on-scene Officer in Charge and should be restricted to the outer perimeter. The purpose of restricted access includes but is not limited to: public safety, scene integrity, and to preserve the rights

afforded to victims of crime. At no time will Department members allow members of the media to trespass onto private property.

- G. Department members assigned to a task force, e.g. Chittenden Unit for Special Investigations, Drug Task Force, shall comply with the media procedures established by their respective task force.
- H. Department members shall respond promptly and professionally to requests from the media.
- I. Inquiries concerning Department policies, procedures, personnel or relationships with other entities shall be referred to the Chief of Police.
- J. The Department shall issue weekly logs related to incidents and arrests to the media via the Media Group list serve.

III. INFORMATION TO BE RELEASED

- A. Name, age, city / town of residence. (DO NOT RELEASE DATE OF BIRTH).
- B. Nature and description of incident.
- C. Date, time, and street of incident occurrence.
- D. Offense(s) for which a person has been arrested or issued citation.
- E. Burlington Police Department booking photograph if available.
- F. Disposition of arrested or injured persons.
- G. The identity of any crime victim except as outlined in section 4 of this policy.
- H. Name of the investigating Officer and approving Supervisor.

IV. INFORMATION NOT TO BE RELEASED

- A. The identity of/information about any person who is a witness to or victim of a crime where identification could jeopardize the safety of such persons or otherwise impede or erode the integrity of an investigation.
- B. The identity of or any information that could identify a victim of a sex crime or domestic assault.
- C. Information related to criminal investigations should not be released if it relates to the detection and investigation of a crime and if the release could or would reasonably:

- i. Interfere with an investigation or other enforcement proceedings;
 - ii. Deprive a person of a right to a fair trial or impartial adjudication.
 - iii. Constitute an unwarranted invasion of personal privacy.
 - iv. Disclose the identity of a confidential source.
 - v. Disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions, which would reasonably be expected to risk circumvention of the law; or endanger the life or physical safety of an individual.
- D. Sealed or expunged files.
- E. Autopsy reports.
- F. Medical information.
- G. Uniform crash reports.
- H. Any statements about the character, reputation, number of police involvements or criminal record of a person. A summary of an arrested person's criminal convictions may be released if that information is contained in the affidavit filed with the Court and is public.
- I. Comments regarding the existence of a confession, or statements made by a suspect. Or the failure or refusal of the suspect to make a statement or confession.
- J. Comments as to the opinion of the guilt or innocence of a suspect, merits or weight of the evidence of any case.
- K. Questions about whether information is publicly releasable shall be referred to the Chief.

V. JUVENILES

- A. A juvenile's identity or any information that could reveal a juvenile's identity shall not be released until such time that the State's Attorney determines whether the juvenile will be charged in criminal court.
- B. A juvenile's custody status, e.g. in the custody of the Department of Children and Families, or any information that could reveal a juvenile's custody status shall not be released.
- C. Juvenile arrests, including records or information reflecting an initial arrest or citation of a juvenile shall not be released if a juvenile is being referred to family court.
- D. The identity of a juvenile crime victim shall not be released.
- E. The identity of juveniles shall be released in the following instances:

- i. If the juvenile is an operator or occupant in a motor vehicle crash.
- ii. When the release of a juvenile's name, including a photograph, would be of material aid in locating a missing person; or
- iii. As outlined in Section VI. of this policy.

VI. INFORMATION PERTAINING TO VERMONT CIVIL VIOLATION COMPLAINTS (VCVC)

- A. Information from records pertaining to issued Vermont Civil Violation Complaints issued to any person (including juveniles) may be released, except for the following:
- i. The photograph of the individual.
 - ii. Date of birth.
 - iii. Social Security number.
 - iv. Driver's license number.
 - v. Physical address / mailing address.
 - vi. Telephone number.

Reviewed and adopted by the Burlington Police Commission on Month Date, Year.

Shawn Burke, Interim Chief of Police

Month Date, Year	Effective Date
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BURLINGTON POLICE DEPARTMENT DIRECTIVE
DD03 Statewide Policy on Fair and Impartial Policing
Effective October 01, 2024

This Fair and Impartial Policing policy was amended by the Vermont Criminal Justice Council on June 05, 2024. It replaces the Policy amended by the Vermont Criminal Justice Council on April 23, 2024.

PURPOSE: The purpose of this policy is to require that all members of the Burlington Police Department (BPD) conduct policing in a fair and impartial manner, to clarify the circumstances in which officers can consider personal characteristics or citizenship or immigration status when making law enforcement decisions, and to reinforce processes and procedures that enable the BPD to provide services and enforce laws in an equitable and impartial way. The BPD is required to adopt each component of the Vermont Criminal Justice Council's model fair and impartial policing policy. The BPD may adopt additional components. Nothing in this policy is intended to violate federal law.

POLICY: Employees are prohibited from engaging in biased policing. This means no member of the BPD shall take actions based on any personal characteristics, or citizenship, or immigration status, except as described below, in the services our employees provide to the community in connection with our law-enforcement activities.

Because partnership with Vermont residents is the most effective way to ensure public safety, maintaining the public's trust is a primary concern. To secure this trust, personal characteristics or citizenship or immigration status should have no adverse bearing on the BPD's interactions with an individual. Enforcement of civil immigration law is a federal responsibility, and agencies should not engage in such enforcement except as otherwise outlined in this policy. Vermont residents are more likely to engage with law enforcement and other officials by reporting emergencies, crimes, and acting as witnesses; to participate in economic activity; and to be engaged in civic life if they can be assured they will not be singled out for scrutiny on the basis of their personal characteristics or citizenship or immigration status.

To achieve these objectives, the BPD will implement a combination of best practices in areas including but not limited to: hiring, in-service training, policy development, supervision, reporting and investigative processes, appropriate discipline, and community outreach/partnerships.

CONTENTS:

- I. Definitions
- II. Policing Impartially
- III. Community Relations
- IV. Establishing Identity

- V. State / Local Enforcement Authority / Priorities and Federal Immigration Law
 - VI. Interactions with Federal Immigration Officers
 - VII. Responding to Bias-Based Reports or Reports Regarding Bias from the Community
 - VIII. Training
 - IX. Accountability and Compliance
-

I. DEFINITIONS

- A. **Biased policing.** “Biased policing” is conduct by law-enforcement officers motivated by an individual’s actual or perceived or self-identified personal characteristics.
- B. **Citizenship or Immigration status.** This generally refers to the legal rights, if any, of a non-citizen to enter or remain in this country, or to exercise certain rights (e.g., vote in federal elections). Examples of status include, without limitation, “lawful permanent resident,” “temporary worker,” “refugee,” and “undocumented.”
- C. **Federal immigration authorities.** Federal agencies, departments, or employees or contractors thereof, tasked with enforcement of immigration law and border entry, including without limitation the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP).
- D. **Member or employee.** Any employee employed by the BPD, regardless of the employee’s assigned tasks or duties.
- E. **Personal characteristics.** These may include but are not limited to actual or perceived identity, race, ethnicity, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, age, religion, and socio-economic status.
- F. **Probable cause.** Facts or circumstances that would lead a reasonable person to believe that a crime has been committed, or is being committed, or is about to occur.
- G. **Reasonable suspicion.** Suspicion for which an officer can articulate factual reasons, which does not need to rise to the level of probable cause.

II. POLICING IMPARTIALLY

- A. **Basis for law-enforcement action.** As required by law, all law-enforcement actions by law-enforcement officers, such as investigations, detentions, traffic stops, arrests, searches and seizures, etc., must be based on reasonable suspicion, probable cause, or relevant exigent circumstances, supported by articulable facts, circumstances, and conclusions that support the given action.

- B. Taking account of personal characteristics.** BPD employees may take into account reported race, ethnicity, or other personal characteristics of persons based on credible, reliable, locally relevant, temporally specific information that links a person of specific description to particular criminal incidents or other matters under investigation and is combined with other identifying information.
- C. Equal treatment.** Personal characteristics and/or citizenship or immigration status shall not be used as a reason to arrest someone instead of citing that person and shall not impact the decision on whether to seek continued custody pursuant to Vermont Rule of Criminal Procedure 3.
- ~~**D. Immigration status as an essential element.** Citizenship or immigration status shall not be used as reason to arrest someone instead of citing them and shall not impact the decision on whether to seek continued custody pursuant to Vermont Rule of Criminal Procedure 3, except that criminal liability for offenses where one's citizenship, or immigration status, is an essential element is a factor that may be considered in a Rule 3 determination.~~
- ~~1. Example: An individual convicted of a violent felony is removed by immigration authorities after serving a sentence. Unlawful re-entry by that individual may result in substantial prison time (10 years or more). Those factors may be considered because the prospect of long incarceration can be relevant to case-by-case evaluation of flight risk.~~
- ~~2. Note. Per Section V of this directive, below, BPD employees do not have authority to investigate civil immigration laws and BPD employees shall not ask about or investigate a person's citizenship or immigration status unless information regarding citizenship or immigration status is an essential element of a crime.~~
- E. Participation in pre-charge or pre-court processes.** Personal characteristics and/or citizenship or immigration status, including the existence of a civil immigration detainer, shall not affect the detainee's ability to participate in pre-charge or police-initiated pre-court processes such as referral to diversion or a Community Justice Center.
- F. Interpreter services.** Under federal and state law, law-enforcement agencies are required to provide qualified interpretation services, either in person or telephonically, to any person in need of it.

III. COMMUNITY RELATIONS

To cultivate and foster transparency and trust with all communities, each BPD employee shall do the following when conducting pedestrian and vehicle stops or otherwise interacting with members of the public unless circumstances indicate it would be unsafe to do so:

- A. Be courteous and professional.**
- B. Introduce oneself.** Employees will introduce themselves to the person (providing name and agency affiliation), and state the reason for the stop as soon as practicable unless

providing this information will compromise officer or public safety or a criminal investigation.

- C. **Minimize time of detention.** Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense, and ensure the BPD employee conveys the purpose of the reasonable delays.
- D. **Identify oneself.** BPD employees will provide their name verbally when requested. BPD employees may also provide the information in writing or on a business card.
- E. **Provide an explanation.** In addition to the above, officers should answer relevant questions the person may have if doing so will not compromise safety and/or the investigation

IV. ESTABLISHING IDENTITY

- A. **Determining identity.** An individual shall not be stopped or detained solely for the purpose of establishing identity. However, if the individual has already been stopped for a lawful purpose, the individual may be subject to objectively reasonable additional detention in order to establish identity (e.g., inquiry into identity during the course of a lawful traffic stop).
- B. **Vehicle passengers are not required to provide identification.** Absent reasonable suspicion of unlawful activity, BPD employees shall not require that passengers in motor vehicles provide identification or other documents. If requesting such documents, BPD employees will state that passengers are not required to provide them. A passenger not providing identification does not constitute reasonable suspicion of unlawful activity. In no instance shall the enforcement of civil immigration law be a reason to request identification or other documents (see Section V).
- C. **Social security numbers.** In instances when a standardized form has a field requesting an individual's social security number, BPD employees may request such information for the purposes of establishing identity. An individual not providing a social security number does not on its own constitute reasonable suspicion of unlawful activity. The absence of a social security number is not indicative of citizenship or immigration status. In no instance shall the enforcement of civil immigration law be a reason to request a social security number.
- D. **Accepted identification.** Acceptable forms of identification, which must include a photograph of the individual, include, but are not limited to, driver's licenses from any U.S. state or foreign country, government-issued IDs by a U.S. jurisdiction, foreign passports, and consular ID cards. All identification is subject to reasonable scrutiny and follow-up for authentication consistent with the provisions of this policy. Any contact with federal immigration authorities to determine an individual's identity must comply with guidance regarding Interactions with Federal Immigration Officers in Section VI.

V. STATE / LOCAL ENFORCEMENT AUTHORITY / PRIORITIES AND FEDERAL IMMIGRATION LAW

The trust and cooperation of immigrant communities is essential to prevent and solve crimes and maintain the safety and security of all. The U.S. Constitution’s Fourth Amendment and the Vermont Constitution’s Article 11 protections against unreasonable search and seizure apply equally to all individuals in Vermont.

- A. **Federal civil immigration law.** BPD employees do not have authority to enforce federal civil immigration law. Mere presence in the United States without authorization—for example, residing in the country with an expired visa—is a civil violation and may not be subject to investigation.
- B. **Federal criminal law.** Although sworn employees of the BPD have authority to enforce federal criminal law, enforcement of federal criminal immigration law is generally not a priority for the BPD. Accordingly, BPD employees should not make warrantless arrests, detain individuals, facilitate the detention of individuals, or otherwise expend resources investigating or enforcing unlawful entry or unlawful reentry cases ~~unless such actions are (1) necessary to ensure public safety or officer safety (imminent risk of physical injury to subject, officer, or third party) or (2) integral to the investigation of criminal offenses unrelated to immigration law.~~
 - 1. Asylum. Some individuals crossing the border outside of an authorized checkpoint may be seeking asylum and receive federal permission to remain in the United States. Because it is often difficult to determine whether someone is crossing the border to obtain safety and lawful status, BPD employees should not presume that unauthorized border crossing implicates Vermont law, as opposed to federal interests. BPD enforcement of alleged “unlawful entry” may create the misconception that the BPD is involved in immigration enforcement and undermine partnerships with local communities.
- C. **Insufficient for reasonable suspicion.** The following do not on their own establish reasonable suspicion of a criminal offense and are not sufficient to warrant an investigation:
 - 1. Personal characteristics, including Limited English Proficiency
 - 2. Citizenship or immigration status
 - 3. Presence in the U.S. without authorization or formal documentation
 - 4. Proximity to the border

These elements *in combination with others* may contribute to reasonable suspicion. As noted in Section II (b), personal characteristics may be taken into account only where there is credible, reliable, locally relevant, temporally specific information that links a person of specific description to particular criminal incidents and is combined with other identifying information.

D. **Prohibitions.** In interacting with all people,¹ including suspects, crime victims, and witnesses, BPD employees shall not:

1. Ask about or investigate a person's citizenship or immigration status unless information regarding citizenship or immigration status is an essential element of the crime (such as human trafficking).
 - a. In so doing, BPD employees will never use individual personal characteristics to ask about, investigate, or presume citizenship or immigration status. For example, they cannot ask someone about citizenship or immigration status merely on the basis of race, color, or perceived national origin.
2. Initiate or prolong stops for the purpose of enforcing civil immigration matters.

E. **Victims' services and visas.** BPD employees will ensure that individual immigrants and immigrant communities understand that full victims' services are available to documented and undocumented victims/witnesses. BPD employees may, in appropriate situations, advise an individual that, if the individual is undocumented, the individual may be eligible for a temporary visa. For example, an individual might qualify for a U, S, or T visa if the individual is a victim or material witness to certain serious offenses.

VI. INTERACTIONS WITH FEDERAL IMMIGRATION OFFICERS

~~A. **Limited application of federal immigration law.** BPD employees have no legal obligation to communicate with federal immigration authorities. **However, two federal statutes, 8 U.S.C. §§ 1373 and 1644, provide that local and state agencies and officials may not prevent or restrict their employees from communicating with federal immigration authorities regarding an individual's citizenship or immigration status.**~~²

~~As noted in Section I above, information regarding "citizenship or immigration status" refers only to an individual's legal rights, if any, to enter or remain in this country, or to exercise certain rights (e.g., vote in federal elections). As a result, Sections 1373 and 1644 permit state and local authorities to decide whether or when to limit communications with federal immigration authorities regarding other types of information about individuals, such as:~~

- ~~1. Physical appearance~~
- ~~2. Vehicle / license plate information~~
- ~~3. Current whereabouts~~
- ~~4. SSN or lack thereof~~
- ~~5. Places of residence, work, or education~~
- ~~6. Family relationships~~

¹~~As explained in Section VI, below, federal immigration law permits a narrow category of voluntary communications with federal immigration authorities—i.e., those regarding citizenship or immigration status.~~

²BPD employees should note that accurately determining an individual's citizenship or immigration status can be difficult in the absence of clear documentation and immigration law expertise. Moreover, making a mistake in this arena may undermine community confidence that the BPD is focused on public safety and state / local enforcement, rather than civil immigration enforcement.

~~7. Telephone number~~

~~8. Custody status, release date / time, or court dates~~

B. Restricted access to the BPD's facility. Unless federal immigration agents have a judicially-issued criminal warrant or a legitimate law-enforcement purpose exclusive of the enforcement of civil immigration laws, BPD employees shall not:

1. Grant immigration authorities access to individuals located in otherwise-restricted portions of the BPD's facility absent a court-approved search or arrest warrant relating to alleged crimes
2. Permit immigration authorities to use BPD facilities for investigative interviews.

C. Restricted access to individuals outside of the BPD facility. Unless federal immigration agents have a judicially-issued criminal warrant or a legitimate law enforcement purpose exclusive of the enforcement of civil immigration laws, BPD employees who have an individual in their custody shall not grant or otherwise facilitate immigration authorities' access to the individual.

~~1. Non-interference. This section shall not be construed to require members to interfere with a federal official's lawful authority to interview, detain, or arrest (with or without a warrant) an individual—e.g., employees shall not use force or physically block the official.~~

~~2. BPD actions come first. BPD employees asked to grant access to an individual in their custody (e.g., requests made during a traffic stop) shall respond to the federal official that they intend to complete their stop first, without interruption—unless it would be unlawful for them to provide that response (e.g., making such statements in an effort to intentionally facilitate an escape of a person subject to lawful arrest).~~

3. Supervisor involvement. BPD employees who are unsure how to proceed in a given situation should immediately contact a supervisor for guidance, provided this does not unreasonably prolong the stop.

Comment: As noted above, the BPD does not participate in civil immigration enforcement and expects its members to try to complete their law enforcement duties (e.g., issue a traffic citation) swiftly and safely and move on, leaving immigration enforcement to the appropriate authorities. Maintaining focus on state or local enforcement serves to build and maintain community confidence in the BPD.

D. Additional restrictions. In addition, BPD employees shall not:

1. Initiate or prolong stops to allow federal immigration authorities to investigate suspected civil immigration violations.
2. Hold people for, or transfer people to, federal immigration agents, unless the agents provide a judicial warrant for arrest.
3. Stop, detain, arrest, or transfer someone on the basis of requests from federal immigration agents such as "administrative warrants" and "immigration detainers." Such requests have not been issued or reviewed by a neutral magistrate and do not

- have the authority of a judicial warrant. They do not meet the probable cause requirements of the Fourth Amendment and Article 11 of the Vermont Constitution and are therefore not a lawful basis to arrest or detain anyone.
4. Request or accept assistance from federal immigration authorities for interpretation services, unless a clear emergency requires it and qualified interpretation services are not available through any other means.
 5. Conduct or participate in enforcement activities intended to locate and detain undocumented immigrants without reasonable suspicion or probable cause of a crime, unless acting in partnership with a federal agency as part of a formal agreement entered into by the governor.
 6. Facilitate the detention of individuals by federal immigration authorities for suspected civil immigration violations.
 7. Share any information (other than information regarding citizenship or immigration status) about an individual with federal immigration authority, unless ~~there is justification on the grounds of:~~
 - a. necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law. Such information includes but is not limited to the individual's custody status, release date/time, court dates, whereabouts, residence, employment, identification numbers, appearance, telephone number, and familial relations; Public safety or officer safety (articulable risk of physical injury to subject, officer, or third party), and state and local authorities are unable to provide urgent assistance in time or
 - b. with the consent of the individual, for the purposes of obtaining a U, S, or T visa ~~Law enforcement needs that are not related to the enforcement of federal civil immigration law (e.g., the individual may be a human trafficking victim, a crime victim, or witness entitled to a T, U, or S visas)~~

Prior to providing such information³, BPD employees shall consult with a supervisor if available, unless doing so would unreasonably extend the individual's custodial detention.

8. Contact federal immigration authorities to determine an individual's identity, unless the individual does not present an acceptable form of identification and the BPD employee has reason to believe that such authorities will be able to verify the individual's identity.
 - a. The individual's personal characteristics are not a reason to believe that federal authorities will be able to verify the individual's identity.
 - b. BPD employees shall not provide any information except information necessary to establish identity. For example, a BPD employee shall not provide the location of the individual.
9. Accept requests by federal immigration authorities to support or assist in civil immigration enforcement.

VII. RESPONDING TO BIAS-BASED REPORTS OR REPORTS REGARDING BIAS FROM THE COMMUNITY

- A. **Biased-based calls for service.** If any BPD employee receives a call for service that appears to be based solely on an individual's perceived personal characteristics or citizenship or immigration status, the BPD employee will attempt to ascertain if there are

~~³BPD employees should understand that disclosures regarding citizenship and immigration status, when unnecessary for state/local law enforcement purposes, may compromise the BPD's ability to cultivate and maintain trust with community members and foster positive relationships benefiting all Vermonters.~~

other circumstances or facts that would constitute reasonable suspicion or probable cause. If the complainant can offer no further information, the complainant will be advised that the shift supervisor will be in contact at the first opportunity.

- B. **Correcting bias.** The shift supervisor should attempt to familiarize the caller with the BPD's Fair and Impartial Policing policy. If the caller is concerned about the person's perceived citizenship or immigration status, the caller should be advised that the BPD does not have authority to investigate or enforce civil immigration law.
- C. **Documentation.** At the conclusion of the call, the shift supervisor will document the contact by making a Valcour incident categorized as "Community Outreach."
- D. **Loudermill hearing.** If a BPD employee receives a report of a potentially biased or hate-motivated incident, the BPD shall either dispatch an officer to evaluate the complaint or refer the caller to the Officer in Charge (OIC).

VIII. TRAINING

- A. **Training compliance.** The BPD will ensure that, at a minimum, all employees are compliant with Vermont Criminal Justice Council and legislative requirements regarding fair and impartial policing training.
- B. **Additional training.** Additional trainings may include but not be limited to instruction on anti-bias, power and privilege, non-English speaking communities, undocumented communities, and victim/witness services.

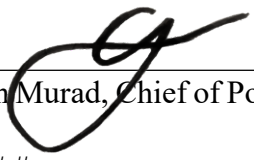
IX. ACCOUNTABILITY AND COMPLIANCE

- A. **Complaints.** The process for making a complaint shall be readily available to the public. Reasonable efforts should be made to accommodate language barriers. See DD40.
- B. **Reporting.** All BPD employees are required to report allegations, complaints, or knowledge of biased policing or suspected violations of this policy promptly to their supervisor via the BPD's internal complaint process in compliance with DD40 and DD43. Where appropriate, employees are required to intervene at the time the biased policing incident occurs.
- C. **Act 56 compliance.** State law requires all Vermont law-enforcement agencies to conduct valid investigations of alleged biased law enforcement, even if the named member or employee resigns. Effective July 1, 2018, the BPD is required to report to the Vermont Criminal Justice Council instances in which officers have willfully engaged in biased law enforcement or substantially deviated from policies prohibiting such enforcement. The

Vermont Criminal Justice Council may, in turn, impose sanctions up to revocation of officers' certification.⁴

- D. **Disciplinary action.** Violations of the policy shall result in appropriate disciplinary action as set forth in the BPD's rules and regulations, specifically DD40. Supervisors shall ensure that all employees in their command are familiar and in compliance with the content of this policy. Supervisors will be alert for and respond to indications of potential biased policing.

Required by the State of Vermont on September 01, 2024.



Jon Murad, Chief of Police
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October 01, 2024
Effective Date

⁴ See VT Act 56 (2016), codified in 20 V.S.A. § 2401(2)(D) (biased enforcement as Category B unprofessional conduct), § 2403 (duty to report to Council), § 2404 (duty to investigate), and § 2406 (Council-issued sanctions).

MEMO RE: AMENDMENTS TO DD03

May 21, 2025

TO: Burlington Police Commission
FR: Commissioner Jessica Oski
RE: Proposed Amendments to **DD03 Statewide Policy on Fair and Impartial Policing**

The City of Burlington has long history of being a welcoming place for immigrants and a proud tradition of prohibiting discrimination based on race, color, ethnicity, national origin, or other protected characteristics in the provision of its services. I believe that the City should continue to make its services available to all its residents, regardless of their federal immigration status.

It has been the policy of the Burlington Police Department, since adopted a bias-free policing directive about 22 years ago, that a person's immigration status is not relevant to the Department's primary safety mission with regard to persons charged with crimes.

The State of Vermont's Criminal Justice Training Council adopted a model Fair and Impartial Policing Policy (FIPP) in 2016 that set forth standards to clarify circumstances in which officers could consider personal characteristics when making law enforcement decisions. The VCJTC has amended that model policy from time to time.

In 2020, following a City Council resolution, the Burlington Police Department amended DD03, the Department's FIPP, to include several "additional restrictions on agency members' communication and involvement with federal immigration authorities." This was an important step to address loopholes in the former model policy and provide assurances to immigrant communities that BPD will not be involved in immigration detention and deportation.

Last year, in 2024, the VCJTC again amended the model FIPP to include several positive amendments from the previous model policy; however, there remains room for improvement.

The 2024 model policy continues to allow law enforcement officers to make decisions based on an individual's immigration status and to collaborate with federal deportation agencies in a number of ways.

The BPD's current DD03, adopted by then Chief Murad in October 2024, tracks closely to the state model policy. However, the current DD03, dated October 2024, **weakens protections that immigrants in Burlington have had for years at a time of heightened, questionably legal, Federal enforcement activity.**

I am proposing a few amendments to the BPD FIPP for consideration by the Commission. These amendments are intended to update the current policy in a way that maintains the policy improvements that the City agreed to in 2020.

MEMO RE: AMENDMENTS TO DD03

- These proposed amendments maintain the protections for our immigrant communities found in our previous policy.
- The amendments also comply with [20 V.S.A. § 2366\(a\)\(1\)](#)'s allowance that departments "include additional restrictions on agency members' communication and involvement with federal immigration authorities."
- Some of these amendments provide intended to provide clarity and make the policy easier to understand than the current policy.

What the current policy does provide:

- Police cannot give federal immigration officials free access to people in custody. That means that police stations can no longer be used as de facto holding cells for ICE and Border Patrol, and traffic stops can no longer be used as opportunities to turn immigrants over to deportation agents.
- Police are not allowed to avoid prohibitions on investigating immigration status by claiming to investigate "unlawful entry." The policy prevents officers from investigating border crossings or making arrests, except in limited circumstances.
- When police conduct an arrest, they cannot discriminate against suspects due to immigration status. Specifically, police are not allowed to decide to hold someone – rather than release them with a court summons – based on their immigration status. During booking, individuals will not be required to provide a social security number and not providing one will not be seen as evidence of citizenship or immigration status.
- Police cannot require passengers in motor vehicle stops to identify themselves, unless they are suspected of criminal activity. If requesting IDs, they must state that it is optional and that not providing an ID is not itself suspicious activity.
- In most instances, police are prohibited from sharing information with federal immigration authorities.

There remain, however, two loopholes to this restriction which the proposed amendments intend to address:

1. Police can still share information when they allege it is for "public or officer safety" or "law enforcement needs." **The carve out is too broad.**
2. Police can still communicate "information related to citizenship or immigration status" with deportation agencies without restriction. The updated policy does discourage such information sharing and strictly defines the term, limiting the damage done by this loophole. **This loophole is too broad.**

MEMO RE: AMENDMENTS TO DD03

BPC counsel has reviewed these proposed amendments and has found them to be compliant with the law.

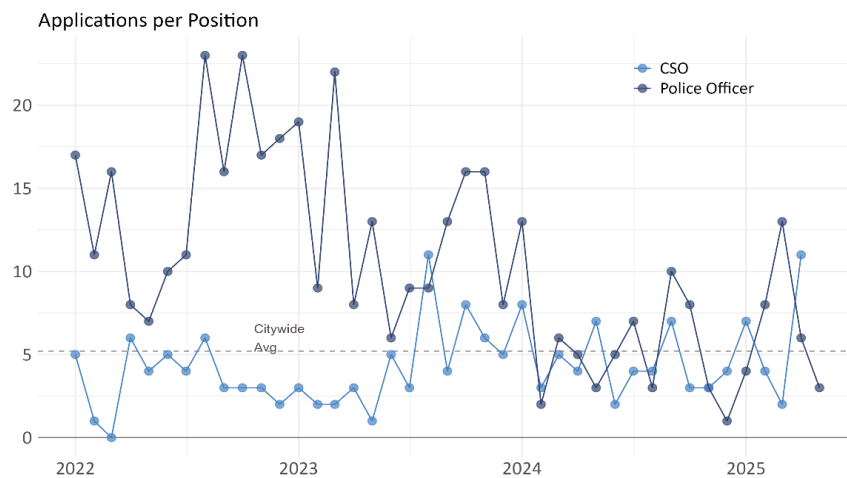


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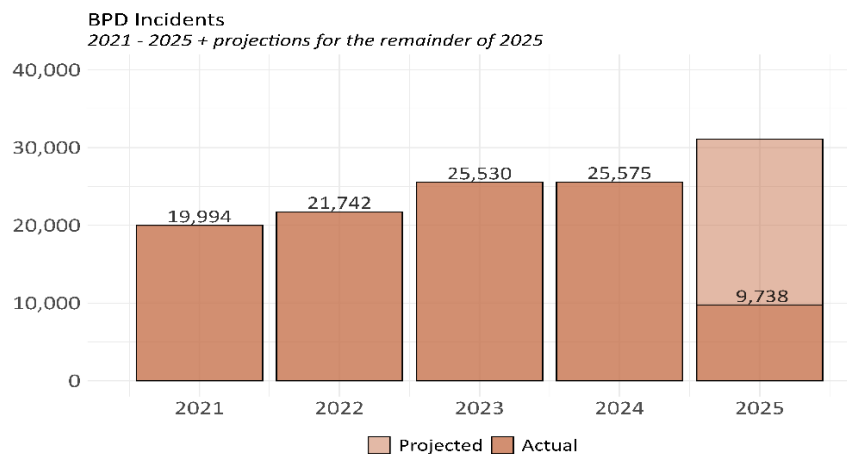
May 23rd, 2025

Chief's Report – Burlington Police Commission

Personnel: The agency has vacant positions in the Emergency Communications Center, Police Officer ranks, and CAIP – the Community Service Officer team is fully staffed. The department received three police officer applications in May.



Operations: The department continues to respond to incidents leveraging all elements of the organization: Sworn, CSO, CAIP, and Street Outreach.



*Projected based on 31% of past year's incidents having occurred at that date.
Data through 05/15/2025
'Stacked - No Response' and Online Only incidents removed*



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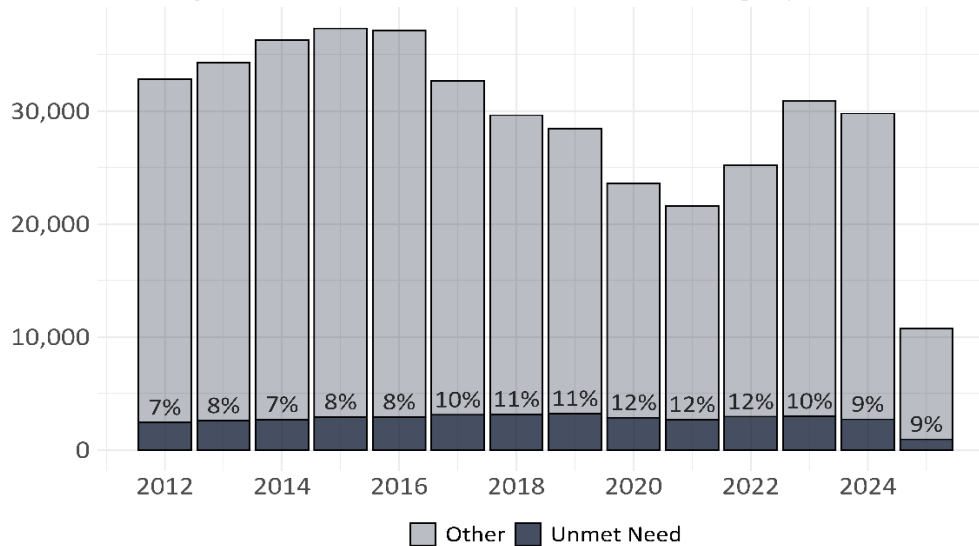
The department has been more intentional in patrol deployment strategy this spring. The “top ten” incident types for the latest operating period illustrate the department’s activities in comparison to recent years:

Incident Type	Count	% Change from 2024	% Change from 2021 - 2024 average
Suspicious Event	890	24%	45%
Foot Patrol	853	9%	85%
Trespass	467	51%	84%
Traffic	377	-7%	25%
Assist - Public	370	11%	13%
Assist - Agency	331	13%	6%
Found/Lost Property	326	33%	44%
Mental Health Issue	318	15%	7%
Welfare Check	305	11%	-8%
Ordinance Violation - Other	293	433%	314%

The department remains focused on the impact of incidents related to unmet social service needs – little change seen in the data for this operating period.

BPD Unmet Social Service Need incidents

What % of BPD incidents are in the 'unmet social service need' group?



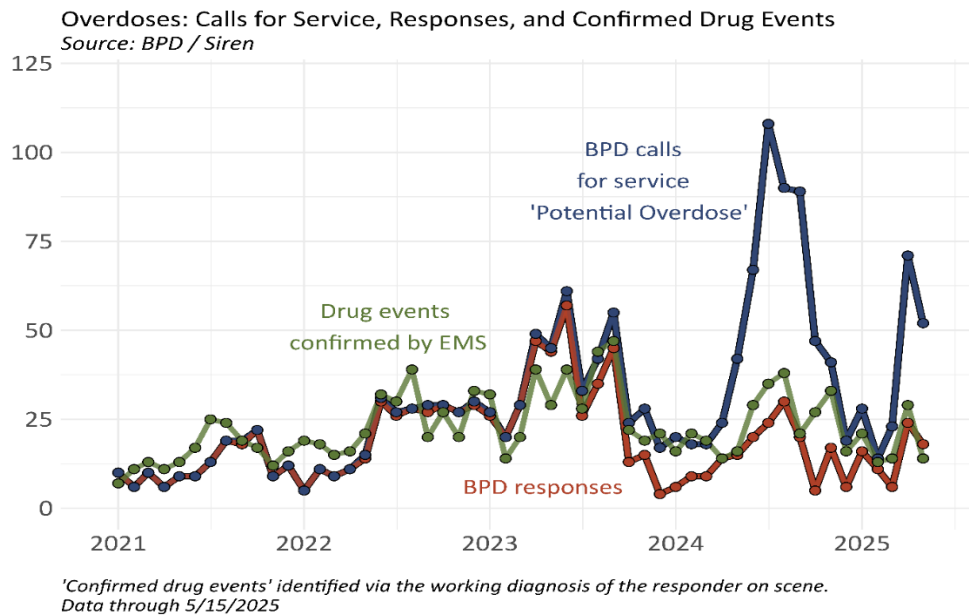
Data through 5/15/25

Incidents include: Welfare Check, Intoxication, Mental Health Issue, Suicide - Attempted, Overdose



POLICE DEPARTMENT CITY OF BURLINGTON

The department has continued to track overdose data. There was a sharp increase in the number of reported overdose incidents. EMS confirmed drug events tracked the trend but not to an alarming level. Anecdotally, there was information in the community about a specific brand of potent heroin.



Policy / Direction: During the months of April and May the department has been focused on the following:

- Formal recruitment plan issued to the Recruitment Division from the Interim Chief of Police.
- Focused foot patrol initiatives in City Hall Park and on Church Street – Uniform Services and CSO ranks.
- Improvements / Updates to the Police Department web site.
- Improved customer service greeting created for the BPD business phone lines.
- Engaged with the Hot Spot working group - City Attorney / Burlington Business & Workforce Development.
- Direction given to the leadership of the CSO and CAIP Teams - develop departmental directives for their areas of responsibility.
- Working closely with the City Data Team in developing products which illustrate our work, the overlap with social services, and Fire / EMS. This is foundational as we approach working with the Situation Table.
- Shannon Trammell is managing the extensive construction projects at BPD headquarters.
- FY 26 Budget preparation.



POLICE DEPARTMENT
CITY OF BURLINGTON

COMMENDATIONS RECEIVED FROM THE PUBLIC

April 2025

#1

I am a victim advocate with HOPE Works Vermont. I wanted to make sure you heard about a very positive experience we had with Officer Erin Bartle.

I have been working with a survivor who was very nervous about reporting the sexual assault she experienced. She recently decided she was ready to report, but was not comfortable going into the department offices. I reached out asking if an officer could meet us at the HOPE Works office, and Officer Bartle agreed. Of course our client was still nervous, but when Officer Bartle arrived I could feel some of those nerves dissipate. Officer Bartle arrived non-uniformed and in an unmarked vehicle, which instantly made the client feel safer about reporting her experience. This was incredibly important for this survivor.

After her statement was taken, the client told me how happy she was that she decided to make the report, and that she felt much more comfortable speaking to a non-uniformed officer. This was in part due to her personal safety, (no one could tell that she was reporting to a police officer) and in part because she felt like she was just talking to another person. Officer Bartle always does exemplary work in making our clients feel safe and cared for, which is what they need most in that moment.

Afterwards it was very important to me to make sure someone in a supervisory role knew about this, so I asked for your contact information. I hope that all of our clients who decide to report to law enforcement are able to experience the safety I know this survivor felt with Officer Bartle. I know that would make a difference for survivors everywhere.



POLICE DEPARTMENT
CITY OF BURLINGTON

#2

We were called to assist a known patient who had recently returned home after spending three months in a program for alcohol abuse. Carly had worked hard to get him into that program, and unfortunately, he had started drinking again shortly after discharge. Over the past few days, Carly had been maintaining contact with him.

As soon as I heard the name, I realized this was the same patient Carly and I had recently been discussing—one of our high utilizers. Carly arrived, engaged the patient immediately, and began discussing care options with him using shared decision-making. She felt it wasn't necessary to transport him to the hospital and had already begun looking into better alternatives. However, ** professionally voiced concerns about suicidal ideation comments made by the patient and advocated for transport. Carly agreed without hesitation. I asked if Carly could accompany us to the hospital to avoid delaying transport, and both she and ** were on board. The CRT was notified and agreed, with the plan for A2 to return Carly after the hospital visit.

Carly was incredibly proactive—she contacted multiple resources, including a short-term stabilization option through the Howard Center, arranged for a Turning Point Center peer recovery coach to meet the patient bedside, and spoke with the patient's sister, who provided helpful background and additional support information. Carly relayed all of this, alongside ** clinical report, to the triage nurse.

This situation reduced on-scene time for all units, ensured the patient received comprehensive and compassionate care, and resulted in multiple supports being activated to help him get back on track.

It was truly a team effort and a shining example of how our integrated approach can make a real difference.

****redacted for privacy.**

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