

ORDINANCE and CHARTER CHANGE JOINT COMMITTEE

Tuesday, May 30, 2023

Public Works Conference Room and Remote via Zoom

DRAFT MINUTES

Members Present: Councilor Traverse (Ordinance Committee Chair), Gene Bergman (Charter Change Committee Chair), Councilor Hightower, Councilor Carpenter, Councilor Doherty, Councilor Shannon

Staff Present: Kim Sturtevant (Acting City Attorney), Jon Murad (Acting Chief of Police), Jordan Redell (Mayor's Chief of Staff)

Others in Attendance: Councilor Grant, FaRied Munarsyah, Lee Morrigan, Amy Malinowski, Dave Maher, Jake Schumann

Meeting called to order at 6:34 PM.

1.0 Agenda

Motion to adopt/amend agenda

Motion to Adopt Agenda as amended to include public forum with each agenda item.

Motion by Councilor Traverse, Seconded by Councilor Carpenter

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Adopt the Draft Minutes from May 23, 2023

Motion to Adopt Minutes as is.

Motion by Councilor Traverse, Seconded by Councilor Carpenter

Final Resolution: Motion Passes

Yes: Unanimous

3.0 Public Forum

Amy Malinowski: I live in Ward One. I am involved with the People for Police Accountability. I don't believe the public input has been rigorous thus far. Meetings have been in conflict with an NPA meeting on public safety and a Police Commission meeting. These meetings have not been posted on Front Porch Forum. I hope we can get meetings scheduled further in advance and we can have a clear timeline on when there will be products for the public to react to.

Dave Maher: I live in Ward Four. I have reviewed the past proposals for police oversight. I feel the Police Commission should be the core of the oversight system. The Mayor, Police Chief, and the HR Director should all be involved as well. I did not like that some of the past proposals gave preference to people with a criminal history for selection on an oversight body. We want this group to work with the police department and promote public safety.

FaRied Munarsyah: I live in Ward Five. Under the current disciplinary process, how many times have officers appealed a disciplinary action to the Police Commission? Also, how many cases

have there been that have gone to arbitration? I also want to speak in support of a charter change to make the disciplinary system of the police department work more like the fire department.

4.0 Update from the Police Commission and Discussion, with Additional Public Forum

Police Commissioner Stephanie Seguino presented a report to the Joint Committee. This report is available under Agenda Item 4.1 of the May 30th Committee meeting and is in the agenda packet.

Shannon: A staff monitor for the Police Commission would bring a certain professionalism to the work. However, we have about 26 sworn officers on patrol and you are asking for significant resources for this task. Wouldn't it be better to have a state or regional monitor that could be even more objective? What is the advantage of doing this work at the local level?

Commissioner Seguino: Burlington receives about 50 complaints a year. That is similar to Boulder, Colorado. They have a full-time monitor. This monitor is not just responsible for monitoring the current patrol officers, but also the chiefs, CSOs, and everyone else. If we look at cities like Tucson, Burlington pays less per capita on police monitoring. The City also faces potential lawsuits over police conduct. In short, other cities pay more per capita for police monitoring than we do currently.

Carpenter: What type of background would such a monitor have?

Commissioner Seguino: Someone familiar with investigations, but not necessarily a lawyer.

Traverse: The City Charter and the ordinances are currently pretty vague on the responsibilities of the Police Commission. Can you elaborate more on the role or responsibilities of the Commission?

Commissioner Seguino: The complaint policy of 2020 defines our role on complaints. The department itself would work on policies and have the Commission approve those revisions. There are parts of our work that are memorialized in policies, but other parts of our work is not explicit and really should be made explicit in writing.

Traverse: What are your thoughts on the current size of the Commission? There was a discussion on splitting up the Commission to tackle both investigations and as an appellate body, do you have thoughts on that? Do you see the Commission would handle policy and investigations while having a separate body handle grievances? The complaint process currently focuses on external complaints, do you have thoughts on how internal complaints would be handled?

Commissioner Seguino: I think seven is a fine size, but others may have different opinions. I don't think we should split the Commission since grievances are rare. We have not dealt much with internal complaints, but the general sense is that we should hear internal complaints. Since I have been on the Commission we have not received an internal complaint.

Acting Chief of Police Murad: The Commission reviews all complaints, internal or external.

Bergman: I have concerns about conflicts for the Commission if the Commission is involved in both investigations and appeals over discipline. I am curious to see what recommendations that could come from both charter change and ordinance perspectives.

Carpenter: I think a lot more work can be done within the ordinances rather than the charter. I also want to understand the State Police's process for this.

5.0 Discussion of Next Steps

Joint Committee meetings are scheduled for July 6th, July 13th, and August 2nd.

6.0 Adjournment

Motion to Adjourn.

Motion by Councilor Shannon, Seconded by Councilor Traverse.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 8:30 PM.

DRAFT