



Police Commission

**Police Commission Meeting - Tuesday, June 27, 2023 @ 6:00 pm. **Hybrid Meeting:
In-Person & Virtual** via ZOOM - Tuesday, June 27, 2023, 6:00 PM, Contois Auditorium,
City Hall, 149 Church Street AND via ZOOM**

PLEASE NOTE:

You are invited to a Zoom webinar.

When: Jun 27, 2023 06:00 AM Eastern Time (US and Canada)

Topic: Police Commission Meeting

Please click the link below to join the webinar:

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+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

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Webinar ID: 947 7560 9929

International numbers available: <https://zoom.us/u/abnRydKr2A>

1. Agenda

1.1. Call to Order

1.2. Roll Call and Determination of Quorum

1.3. Motion to amend/adopt the agenda

2. Minutes

Subject	2.1. Approve minutes from Police Commission meeting Tuesday, May 23, 2023
Meeting	June 27, 2023 - Police Commission Meeting - Tuesday, June 27, 2023 @ 6:00 pm. **Hybrid Meeting: In-Person & Virtual** via ZOOM - Tuesday, June 27, 2023, 6:00 PM, Contois Auditorium, City Hall, 149 Church Street AND via ZOOM
Category	2. Minutes
Department	Clerk/Treasurer's Office
Type	
Recommended Action	

3. Public Forum

3.1. The public is invited to address the Commission

4. Chief's Report

Subject	4.1. Chief's Report
Meeting	June 27, 2023 - Police Commission Meeting - Tuesday, June 27, 2023 @ 6:00 pm. **Hybrid Meeting: In-Person & Virtual** via ZOOM - Tuesday, June 27, 2023, 6:00 PM, Contois Auditorium, City Hall, 149 Church Street AND via ZOOM
Category	4. Chief's Report
Department	Clerk/Treasurer's Office
Type	
Recommended Action	

5. Commission Business

5.1. Announcement by Commissioner Seguino

5.2. Electing Co-Chair

5.3. Discussion and approval of DD03

5.4. Discussion and approval of [CNA matrix](#)

5.5. Discussion about BPD CARES position

5.6. Use of force report/s

5.7.

Discussion of Commission's recommendations to joint Charter Change/Public Safety Committee on the future roles and responsibilities of Police Commission.

6. Commendations

Subject	6.1. Commendations that have been received from BPD
Meeting	June 27, 2023 - Police Commission Meeting - Tuesday, June 27, 2023 @ 6:00 pm. **Hybrid Meeting: In-Person & Virtual** via ZOOM - Tuesday, June 27, 2023, 6:00 PM, Contois Auditorium, City Hall, 149 Church Street AND via ZOOM
Category	6. Commendations

Department Clerk/Treasurer's Office

Type

Recommended Action

7. Commissioner Updates / Comments

Subject 7.1. Discussion of Commissioner Seguino's document presented to the joint charter change and public safety committee.

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Category 7. Commissioner Updates / Comments

Department Clerk/Treasurer's Office

Type

Recommended Action

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 June 27, 2023 - Police Commission Meeting - Tuesday, June 27, 2023 @ 6:00 pm.
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Category 10. Informational and Non-Discrimination Statements

Department Council and Board

Type

Draft**Police Commission Meeting - Tuesday, May 23, 2023 @ 6:00 pm. **Hybrid Meeting: In-Person & Virtual** via ZOOM.****Commissioners present:**

Stephanie Seguino, Jessica Oski, Suzy Comerford, Shakuntala Rao, Kevin Garrison and Mary Cox.

Also Present:

John Murad, Shannon trammel and Mohamed S. Ibrahim

1. Agenda**1.01 Call to order**

Meeting started at 6:05 pm.

1.02 Roll Call and Determination of Quorum

Meeting has a quorum.

1.03 Motion to amend/adopt the agenda

Commissioner Commerford moved a motion to amend the agenda to conduct the Commission meetings in various neighborhoods in a cooperation with Mohammed Ibrahim, the Commission clerk.

Item will be 5.06 discussing Commission meeting places.

Motion seconded by Commissioner Rao.

Motion passes unanimously.

Commissioner Rao move item 5.04 Review of revised DD03 Fair and Impartial Policing to be item number 5.01

Motion seconded by Commissioner Oski

Motion Passes unanimously

2. Minutes**2.01 Approve minutes from Police Commission Special Meeting, Tuesday, May 16, 2023**

Motion moved by Commissioner Oski

Seconded by Commissioner Comerford

Commissioner Garrison abstained.

Motion passes.

Minutes approved.

2.02 Approve minutes from Police Commission Meeting, Tuesday, April 25, 2023

Motion moved by Commissioner Oski

Seconded by Commissioner Comerford

Commissioner Garrison abstained.

Motion passes.

Minutes approved.

3. Public Forum

3.01 The public is invited to address the Commission.

Sylvia Knight sent a letter to the commission saying: “First, I want to say that as a citizen and ally of Migrant Justice, I wholeheartedly support this directive, and supported and witnessed its passage by Burlington City Council in March 2020. Specific comments and questions: Page. 5: Section VII, Section C. This section needs editing to make it clearer. Section VIII, Sections A & B: How much training have the officers on the force received? How much training do new officers receive? Page 6: Section X, B, 1, Is the “Stone Garden Program” still in effect? Page 7: Section X, E, 3. Are sweeps to detain immigrants still allowed as part of any agreement entered into by the Governor? I hope that you will be discussing these questions and can share the responses with me in writing. Thank you for your oversight of police activities.

4. Chief's Report

4.01 Chief's report.

Acting Chief Murad briefed the Commission about the head count of sworn officers, with a total of 64 officers. The Commission was updated about the CAIP crisis advocacy intervention program and its anticipated structure.

Acting Chief also spoke about hiring incentives, the alternative roles of CSOs and CSLs, and the revised priority response plan and incident volume. AC Murad also discussed the rise in overdose incidents again and non-sworn response activities and its data.

Acting Chief Murad shared the police department activates about memorial week, and honoring officers been lost on duty in a ceremony was made, and 2022 awards ceremony for acts that happened in 2022.

Acting Chief Answered Commission questions about gun fires incidents.

Co-Chair Seguin asked about the narcotics related data in the report.

Commissioner Comerford asked about the rising larceny incidents and Acting Chief explained the department strategy with the available current resources.

5. Commission business

5.01 Update on Priority Response Plan.

Commissioner Oski asked about the deployment strategies based on the priority response plan,

Acting Chief stated that the priority response plan depend on officers availability and calls volume, And it only kicks in a certain circumstances.

Acting Chief valued the idea of public service announcements or front porch forum postings to remind people how to protect their bikes from theft.

5.02 Report on discharge of firearm during training by Pennsylvania officer.(15 min)

Acting Chief stated that the incident happened when a training was conducted by a third party entity.

No harm occurred to any citizens or property.

New standards were set to avoid this kind of incidents in the future.

5.03 BPD policy on handcuffing/arrest where the person involved has a mental health condition or other diminished capacity.

Commissioner Cox asked if there is other alternative responses to people in a crisis instead of detaining and handcuffing.

Commissioner suggested to reform small work groups working together with police officers to talk about alternative responses the way it can be comfortable for the police and comfortable for the community.

Acting Chief stated that the department would adopt such an idea to include officers and trainers.

Acting Chief explained various situations comes with handcuffing, considering reasonable suspicion and the person's behavior.

De-escalation training allows officers to analyze the situation and deal with person in crisis considering safety for everyone as a major requirement when such incidents occur.

5.04 Review of revised DD03 Fair and Impartial Policing.(15 min)

A consultant's report from CNA made numerous recommendations for change to policies and Commission reviewed DD03 that was one of those policies.

Majority of the commissioners agreed to table the Item until next month; Co-Chair Seguíno will be following up with the commissioners to get the precise language.

5.05 Use of force report/s.

Co-Chair Seguíno asked Acting Chief could to explain what is protective custody?

Acting Chief explained that protective custody is defined for people who are incapacitated by drugs or alcohol, and mental health situations does not fall within that.

Co-Chair Seguíno assigned UoF incidents occurred from April 18th to May 15th to the Police Commission members.

6. Commendations

6.01 Commendations that have been received from BPD

CO-Chair Rao read the commendations for this month.

7. Commissioner Updates / Comments

7.01 Commissioner Updates / Comments (15 min)

Co-Chair Rao attended the joint meeting of Charter and Ordinance Committees of the City Council, with Commissioner Cox and Commissioner Oski.

Co-Chair Rao briefed the Commission in a report:

- The committee will have to decide on what oversight entails.
- The role of the Commission was discussed, but only in broad terms, nothing very specific.
- The Commission ought to be involved in all aspects of decision making and the City Council be cognizant of the resources which are assigned to the commission. We are a body comprised of volunteers and while we take this work very seriously, the body will need additional skilled resources if our responsibilities change.

Co-Chair Rao Second report is on the Public Safety Committee meeting for April.

Co-Chair Rao updated the Commission about The Police Commission's website.

Co-Chair Seguíno welcomed the idea of being invited from BPD to attend the Queen City Police Foundation annual event, as it can be a mechanism for building rapport with the department.

8. Anticipated Executive Session

8.01 Anticipated Executive Session

Motion moved by Co-Chair Seguíno enter executive session.

Pursuant to 1 VSA 313 A 4 to discuss a disciplinary action against an employee

Seconded by Co-Chair Rao

Motion passes unanimously.

9. Adjournment

9.01 Motion to Adjourn

Motion moved by Co-Chair Seguíno

Co-Chair Rao Seconded the motion

Meeting adjourned at 7:40 pm.



BURLINGTON POLICE CHIEF'S REPORT

June 2023





MARATHON



On Sunday, May 28, the BPD helped RunVermont and its sponsors with a tremendously successful **Vermont City Marathon**. Since 1989, the annual marathon has been one of the biggest events we handle each year (along with July 3rd, the Church Street Holiday Tree Lighting, and New Year's Eve).

Two BPD motorcycle officers led the runners, and we had officers and other employees like CSOs and CSLs at traffic posts all over town, as well as patrolling on the waterfront. We were also grateful for assistance from partners like the Vermont State Police, UVM PD, South Burlington PD, Shelburne PD, and Fish & Wildlife.



June 22, 2023 – all data preliminary & subject to change





CHIEF MURAD'S CONFIRMATION

On May 25, Mayor Weinberger announced his intention to appoint acting Chief Jon Murad to the permanent position. He was joined on the steps of City Hall by a host of community members and stakeholders. Chief Murad had been the acting chief since Interim Chief Jennifer Morrison's departure on June 11, 2020, three years earlier.

At the City Council meeting on June 5, Chief Murad was confirmed by an 8-4 vote. The following day he shared this message with the department:

To the people of the Burlington Police Department,

Last night was a good night. In a strong, two-thirds majority, the City Council voted to accept the Mayor's appointment for Chief of Police. I'm honored by the Mayor's confidence and my fellow department heads, who stayed for the vote even after their own well-deserved reappointments were done. I'm gratified by the Council vote, and I deeply respect the service of the eight councilors who voted aye and of the four who didn't. And I'm humbled by all the encouragement I've received from neighbors and Burlington stakeholders, last night and over the past three years. But I'm also affected by the criticism that some speakers and councilors leveled, and I'm going to give real thought to what and how I can do better.

Other than my family's support, however, it's yours that matters most. For all of us, the past three years have been hard. There's still hard road ahead. But I try to keep things in perspective—what are we working towards? Why do we do what we do? You've all heard my formulation: "Police exist to keep people safe, by preventing or responding to crime and disorder, with and for our neighbors." We help people.

For me, when I do the math, the value continues to outweigh the cost. The fact that none of us is alone helps that calculation. We have faced this together for three years; we're facing it together today; and I know I'll be here tomorrow. I hope you will be here, too. And I promise that we will have more people beside us—the four new officers who just graduated the Academy, new professional staff, new CSOs and CSLs, new cops for the Academy in August. What's more, last night's vote is another piece of proof that "together" isn't just the people inside this department—it's the people in the city we serve, too. They are in your corner, as you're in theirs.

Burlington needs you. It needs your compassion and bravery and hard work. I know you can deliver, and I promise to be there for you in return.

Be safe,

Chief of Police Jon Murad
Burlington Police Department



ACADEMY GRADUATION

On June 2, four BPD police recruits graduated from the Vermont Police Academy. It was a well-deserved day of pride and congratulations.

Recruit Kim Lockerby was selected by his classmates to deliver the graduation speech. Recruits Dominic Tenan and Logan Parette began their tenure with us as Community Service Officers (CSOs) before transitioning to become police. And Recruit Bibek Gurung started with the Beach & Parks Patrol after graduating from Burlington High School. Fast forward through his years at Champlain College and he's now a BPD officer.

All four have now begun our fourteen-week field training officer (FTO) program.

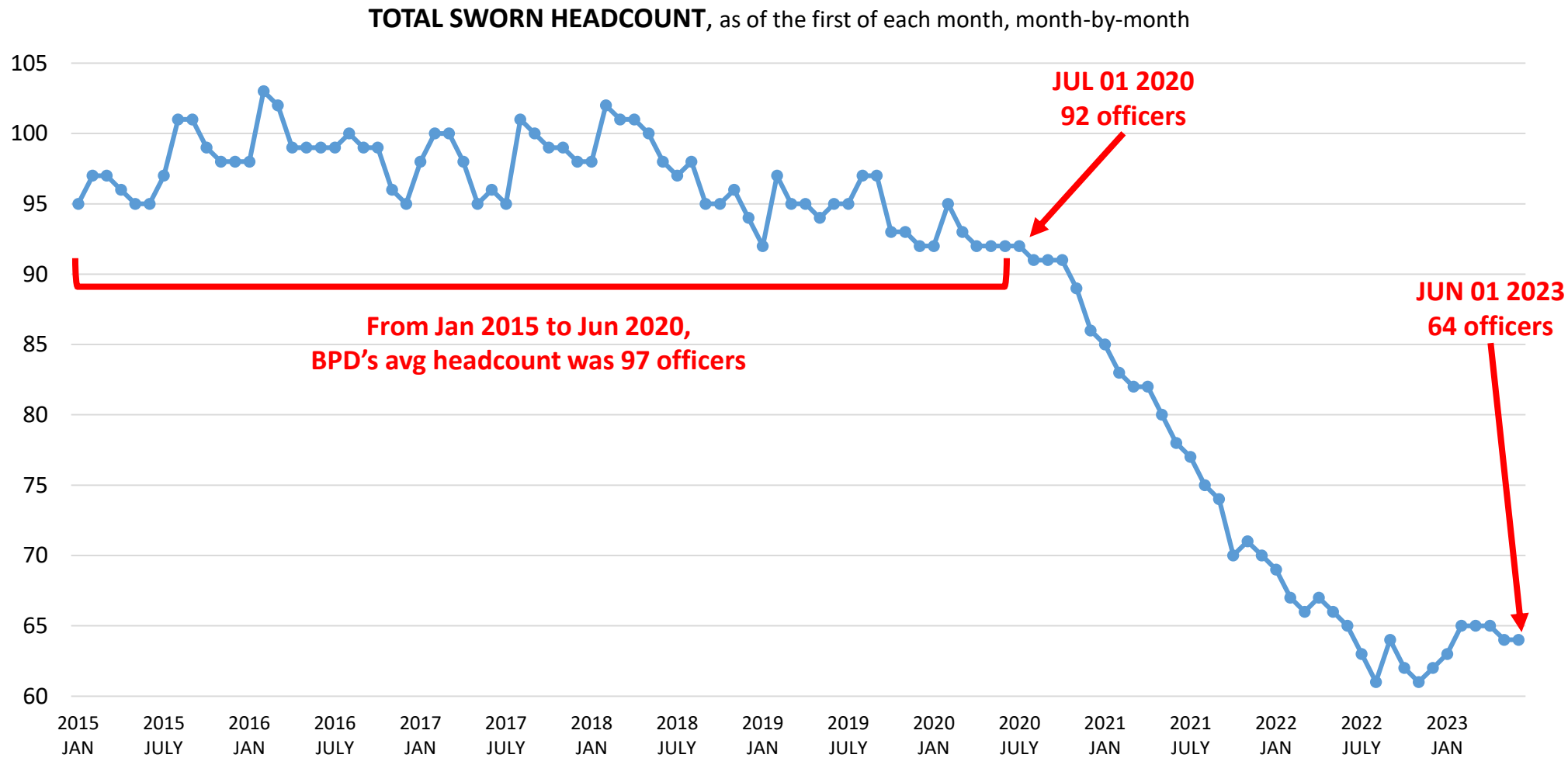


June 22, 2023 — all data preliminary & subject to change



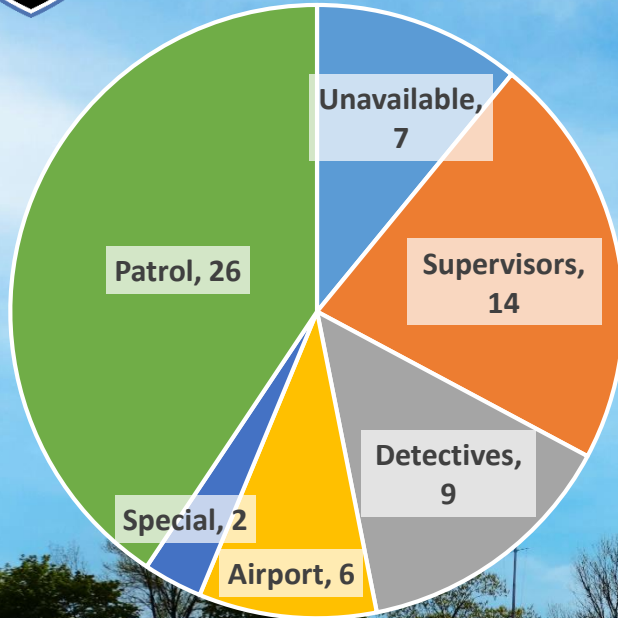


BPD SWORN OFFICER HEADCOUNT, 2015-2023





64 TOTAL, 57 AVAILABLE



As of June 15, 2023, the BPD has **64 total sworn officers**, of whom 57 are available to be deployed. Historically, headcount has been in the high 90s; currently we are authorized for 87 officers.

minus 7 on injury, on FTO, or on leave = 57

minus 14 supervisors = 43

minus 9 detectives = 34

minus 6 airport officers = 28

minus 2 special assignments = 26

26 officers on Patrol



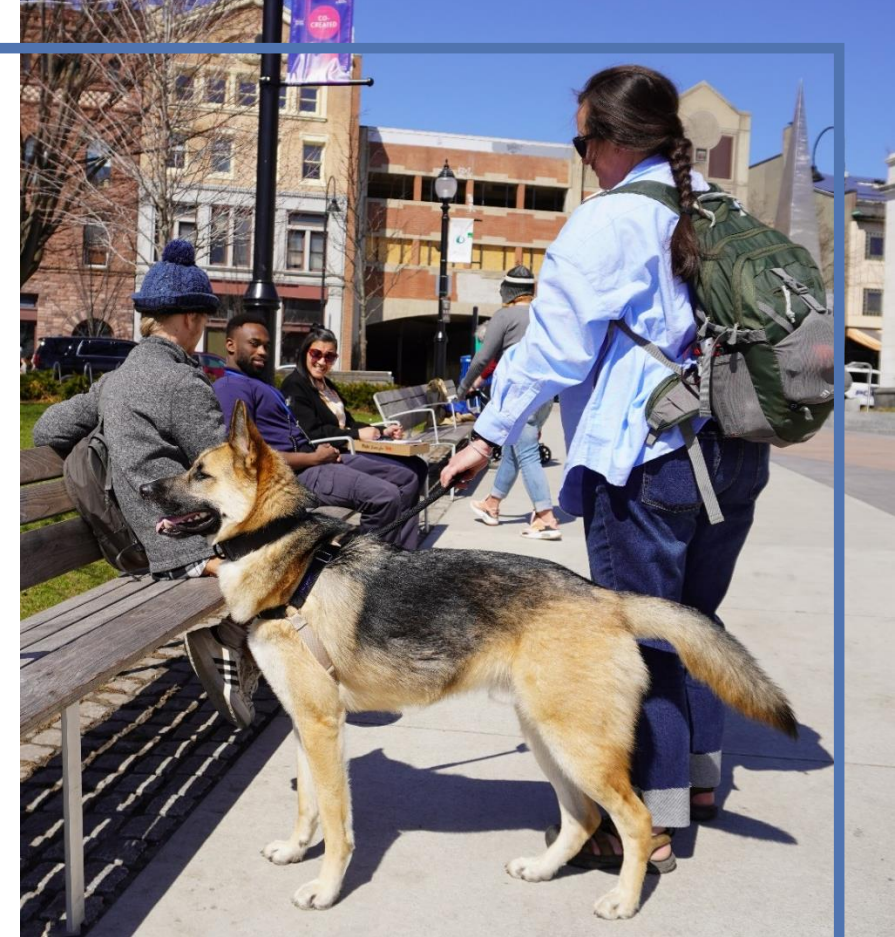
PUBLIC SAFETY ROLES UNIQUE TO BPD

As part of the 2021 Public Safety Continuity Plan, we have hired:

- **Community Service Officers** (CSOs),

These are unarmed, unsworn officers who answer quality-of-life calls for service. BPD currently has six employees in the role, and **the budget allots us 11 CSOs and one CSM** (or Community Service Manager). The role is also a stepping stone to becoming a police officer.

**BPD currently
has 6 CSOs
and 5 CSLs**



As part of the Public Safety Continuity Plan, we also hired:

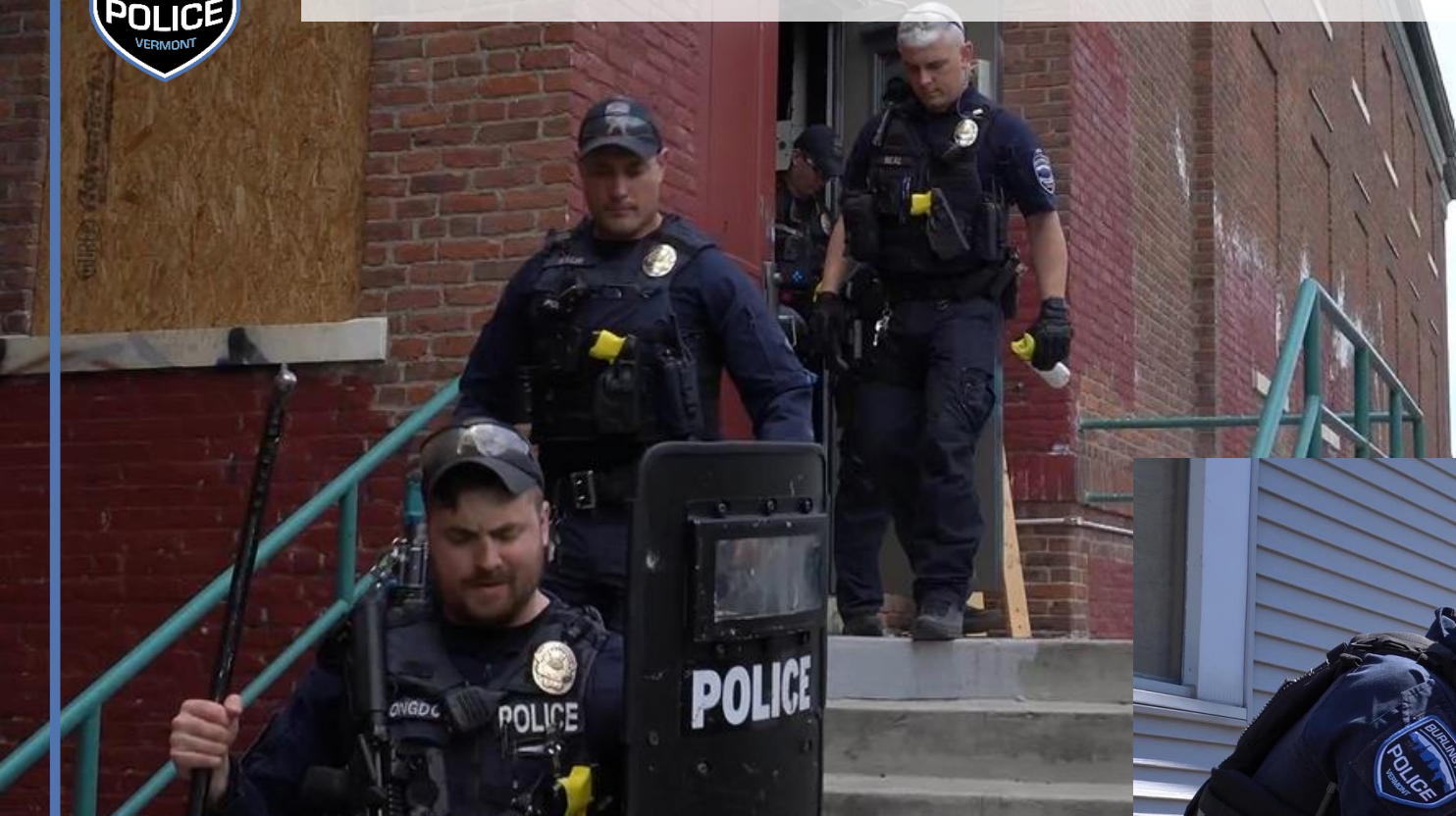
- **Community Support Liaisons** (CSLs)

These are embedded social workers with expertise in mental health, substance use disorder, and houselessness. BPD currently has five employees in the role, and **the budget allots us six CSLs and one CSS** (or Community Support Supervisor). The CSLs are part of the CAIP team: Crisis Assessment Intervention Programs. Our therapy dog, Rocky, is part of the CAIP team, too.





NEW VIDEOS ONLINE



Following the success of our video about the Community Support Liaisons, the BPD digital media team released a new video about the BPD's Emergency Response Unit, or ERU. Both can be found on our YouTube channel. "The [ERU] training primarily revolves around and prioritizes safe and effective tactics that allow us to deescalate tense and evolving incidents while focusing on communication and the sanctity of human life." – Lieutenant Michael Beliveau



REVISED PRIORITY RESPONSE PLAN

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.

We originally implemented [the Priority Response Plan](#) in May 2021. We have made several revisions, shown in this chart. The categorization of incidents has **not** changed. (Our primary goal remains **NEIGHBORS' PHYSICAL SAFETY**, so Priority 1 incidents are still Priority 1 incidents, etc.) But many Priority 3 incidents will now receive a different response.

In the chart, **incidents labeled "CSO"** will initially receive a response from a CSO, rather than a police officer, unless the incident evolves in a way that changes its category or requires a sworn officer.

Incidents labeled "ONL" (for "Online Only") will be diverted to an online reporting function. Unless extenuating circumstances apply, callers will be asked to make an online report. There are reporting mechanisms for callers who do not have Internet access.

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

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



INCIDENT VOLUME

YEAR-TO-DATE 6/15

	YTD INCIDENTS (as of 6/15)	%Δ
2018	12,915	100%
2019	12,303	↓5%
2020	11,052	↓10%
2021	8,854	↓20%
2022	9,716	↑10%
2023	12,217	↑26%
	Δ 2018 to 2023:	↓5%

Year-to-date, incidents in 2023 are up 26% compared to 2022. They are up 38% over 2021, but are lower than years prior to that. They are down 5% since 2018. Patrol officers are addressing ≈5% fewer incidents with ≈50% fewer officers.

Of the 12,217 incidents in 2023 so far, 1,467 have been “stacked”—i.e., 12%.

Additionally, 1,488 have been referred to online reporting, or 12%.





SELECTED VALCOUR INCIDENTS, YTD AS OF JUNE 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
2018	22	65	49	38	50	29	210	2	198	328	21	8	30	7	1,493
2019	20	66	30	33	59	35	189	3	212	359	24	10	31	23	954
2020	20	53	40	22	54	24	297	5	291	433	51	5	27	22	721
2021	22	58	36	40	39	14	214	6	349	406	47	5	24	27	430
2022	32	68	79	46	58	19	244	12	492	472	62	10	21	125	243
2023	18	82	68	55	34	26	191	5	519	421	201	4	15	147	228

* = 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 June 15 of their respective year

NOTE: These data are derived from Valcour incidents. 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.



THE BPD IS HIRING!

\$71,000
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
DD03 Fair and Impartial Policing**

Initial Policy: Bias-Free Policing, effective June 22, 2010

Reviewed & Reformatted: November 11, 2012

Reviewed, Rewritten & Replaced with "Fair and Impartial Policing Policy",
June 12, 2017

Reviewed and published March 10, 2020

Reviewed XX, 2023

CONTENTS:	I.	Purpose
	II.	Policy
	III.	Definitions
	IV.	Policing Impartially
	V.	Community Relations
	VI.	Responding to Bias-based Reports or Reports Regarding Bias from the Community
	VII.	Due Process and Immigration Enforcement
	VIII.	Training and Compliance
	IX.	Accountability and Supervision
	X.	Additional Guidance regarding Due Process and Immigration Enforcement

I. PURPOSE

The purpose of this policy is to require that all employees conduct policing in a fair and impartial manner, to clarify the circumstances in which officers can consider personal characteristics or immigration status when making law enforcement decisions, and to reinforce processes and procedures that enable us to provide services and enforce laws in an equitable and impartial way. Officers will act first and foremost in the best interests of our community and our mission when dealing with undocumented foreign nationals who come to the Department for help or to make reports, giving full priority to public safety and justice concerns. Nothing in the Burlington Police Department (BPD) Fair and Impartial Policing policy is intended to violate federal law.

II. POLICY

- A. Employees are prohibited from engaging in biased policing. This means no member of the BPD shall take actions based on any person's personal characteristics or immigration status, except as described below, in the services our employees provide to the community in connection with our law enforcement activities. To achieve this objective the BPD will implement a combination of best practices including but not limited to: hiring, in-service training, policy development, supervision, reporting and investigative processes, appropriate discipline, and community outreach/partnerships.
- B. It is essential to the mission of the BPD that victims report crimes and fully cooperate in investigations; that witnesses come forward and provide testimonial evidence; that persons report suspicious activity and other information to reduce crime and disorder; and

that help is summoned when needed. These activities must be undertaken without hesitation and without fear that the victim, witness, or reporting person will be subject to prosecution or deportation for no reason other than immigration status. Because of this and because federal law does not require law enforcement agencies to ask about the immigration status of crime victims/witnesses, it is the policy of the BPD that Burlington officers will not ask any person about their immigration status, unless necessary to the ongoing investigation of a criminal offense for which there is probable cause.

- C. Citizenship, immigration status, national origin, race, and ethnicity, gender, gender-identity, and sexual orientation should have no bearing on an individual's treatment in the BPD's custody or interactions with the public.

Immigration status or perceived immigration status, including the existence of an 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. Furthermore, personal characteristics and/or immigration status shall not be used as a criteria for citation, arrest, or continued custody under Rule 3 of the Vermont Rules of Criminal Procedure.

- D. Local law enforcement does not have the authority to enforce federal civil immigration laws. Therefore, it is the policy of the BPD that its police officers shall not enforce civil immigration laws.

III. DEFINITIONS

- A. **Biased policing.** Conduct by law enforcement officers motivated by an individual's actual or perceived or self-identified personal characteristics.
- B. **Personal characteristics.** These include actual or perceived race, ethnicity, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, age, religion and socioeconomic status.
- C. **Immigration status.** Generally refers to the legal rights, if any, of a noncitizen to enter or remain in this country. Examples include, without limitation, "lawful permanent resident," "temporary worker," "refugee," and "undocumented."
- D. **Reasonable suspicion.** Suspicion for which an officer can articulate factual reasons, but that does not ~~need to~~ rise to the level of probable cause.
- E. **Probable cause.** Facts or circumstances that would lead a reasonable person to believe that a crime has been committed, is being committed, or is about to occur; which is a higher standard than reasonable suspicion.
- F. **Member or employee.** Any employee of the Burlington Police Department, regardless of that person's assigned tasks or duties.
- G. **Potential bias incident.** Any interaction or situation that may involve personal characteristics being used as the reason for a person's action.
- H. **Federal immigration authorities.** Federal agencies, departments, or employees or contractors thereof, tasked with enforcement of immigration law and border entry,

Commented [TS1]: Should this be eliminated and referred to as "Personal Characteristics"?

including without limitation, the Department of Homeland Security (DHS), Immigration Control and Enforcement (ICE) [*sic*], and U.S. Customs and Border Patrol (CBP) [*sic*].

IV. POLICING IMPARTIALLY

- A. As required by law, all enforcement actions by Burlington police officers, such as investigation, detentions, traffic stops, arrests, searches and seizures, must be based on reasonable suspicion, probable cause, or other required legal standards, supported by articulable facts, circumstances, and conclusions that support the given action.
- B. Officers are expected to be able to articulate specific facts, circumstances, and conclusions which support the required standard for a given enforcement action. Except as provided below, officers shall not consider the personal characteristics of a person in establishing reasonable suspicion or probable cause, initiating encounters that are not legal detentions, requesting consent to search, or deciding to exercise an official action.
- C. Officers may take into account reported race, ethnicity or other personal characteristics of persons as part of determining a person's identity if the officer receives information the officer considers credible, reliable, and locally relevant that links a person of specific description to the matter requiring police response and is combined with other identifying information.
- D. As required to comply with Title VI of the 1964 Civil Rights Act, officers are expected to utilize professional interpreter services either in person or telephonically when necessary to speak with a person with limited English proficiency. A qualified, professional interpreter is a person who, besides having mastered a native language has acquired fluency in a second, or more languages through a variety of experiences¹. A professional interpreter is able to interpret effectively, accurately, and impartially, both receptively and expressively, using specialized vocabulary by the circumstance². A professional interpreter must be at least 18 years of age, and should be certified by a professional body. Family members, including children (no matter the age), do not constitute professional interpreters and will not be used as such. BPD will be responsible for the cost of any on-scene interpretation services that may be needed; all Supervisors have around-the-clock access to such services.
- E. Officers shall not contact federal immigration authorities for interpretation services, unless a clear emergency requires it, and qualified interpretation services are not available through any other means. Unless one of the exceptions included in Section X applies, the BPD employee shall not ask about the immigration status of the Person for whom interpretation is sought.

Commented [TS2]: Recommendation: 1.27.1

Commented [TS3]: Reference: The Global Language Network, "What is a Professional Translator?" 10/29/2020

Commented [TS4]: Reference: U.S. Department of Health & Human Services, The Office of Civil Rights, Nov. 19. 2015

V. COMMUNITY RELATIONS

To cultivate and foster transparency and trust, each officer shall do the following when conducting pedestrian and vehicle stops, or otherwise interacting with the public:

- A. Be courteous and professional.
- B. Introduce themselves to the person (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will

compromise officer or public safety.

- C. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the person understands the purpose of reasonable delays.

- D. Provide the officer's name and badge number verbally when requested. Officers may also provide the information in writing or on a business card.

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.

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

- A. If any BPD employee receives a call for service that appears to be based solely on an individual's perceived personal characteristics or immigration status, the employee will attempt to ascertain if there are other circumstances or facts that would constitute reasonable suspicion or probable cause. If the complainant can offer no further information, the complainant's contact information will be obtained, and the complainant will be advised that the Officer in Charge (OIC) of the shift will be in contact.
- B. The employee will contact the OIC and explain the circumstances of the call. The OIC should attempt to familiarize the caller with the BPD's Fair and Impartial Policing policy and explain that the BPD responds to actions that appear to be crimes and not to situations that are based on someone's personal characteristics.
- C. At the conclusion of the call, the OIC will ensure that the contact is documented using the BPD's incident report system.
- D. If an employee receives a report of a potential bias incident, the BPD shall either dispatch an officer to evaluate the complaint or refer the caller to the OIC.

VII. DUE PROCESS AND IMMIGRATION ENFORCEMENT

- A. BPD employees do not have authority to enforce federal civil immigration law. The Constitution's Fourth Amendment and the Vermont Constitution's Article 11 right against unreasonable search and seizure apply equally to all individuals present in Vermont. Building trust between police and all residents is vital to the public safety mission of the BPD. Policing in a fair and impartial manner is essential to building such trust. Therefore, officers shall not use an individual's personal characteristics as a reason to ask about, or investigate, a person's immigration status. Officers may inquire about immigration status only when it is necessary to the ongoing investigation of a criminal offense for which there is probable cause. Officers shall not use individual personal characteristics to ask about immigration status.
- B. Burlington police officers are not charged with enforcing and will not enforce civil immigration laws, where the only violation of law is presence in the United States without authorization or documentation. This includes not initiating or prolonging stops

based on civil immigration matters, such as suspicion of undocumented status, nor shall they prolong stops for the purpose of allowing federal immigration authorities to conduct

such investigation. Similarly, officers shall not facilitate the detention of undocumented individuals or individuals suspected of being undocumented by federal immigration authorities solely for suspected civil immigration violations.

- C. Because local police officers are not required to enforce “administrative warrants,” “immigration detainers,” and “requests for notification” issued by ICE officers will not detain individuals based on any of these documents alone or comply with requests for notification.
- D. Unless ICE or CBP agents have a judicially-issued criminal warrant, or members have a legitimate law-enforcement purpose exclusive of the enforcement of civil immigration laws, members shall not grant ICE or CBP agents access to individuals in BPD custody.

VIII. TRAINING AND COMPLIANCE

- A. The BPD will ensure that, at a minimum, all members and employees are compliant with Vermont Criminal Justice Council and legislative requirements regarding fair and impartial policing training.
- B. Additional trainings may include instruction on anti-bias, power and privilege, non-English speaking communities, undocumented communities, cultural competency, and victim/witness services.

Commented [TS5]: Recommendation 1.1.1

IX. ACCOUNTABILITY AND SUPERVISION

- A. Accountability is a vital element of policing. Police agencies are better able to achieve the goals of protecting the public safety, enhancing the quality of neighborhood life, and serving community needs if the communities they serve trust them. The means for making a complaint about biased policing shall be readily available to the public. Reasonable efforts should be made to accommodate language barriers.
- B. 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. The BPD will report to the Vermont Criminal Justice ~~Training~~ Council instances in which officers have willfully engaged in biased law enforcement or substantially deviated from policies prohibiting such enforcement. The regulating authority may, in turn, impose sanctions up to revocation of officers’ certification.
- C. All members of this agency are required to promptly report allegations, complaints or knowledge of biased policing or suspected violations of this policy to their supervisor. Where appropriate, employees are required to intervene at the time the biased policing incident occurs.
- D. Shift supervisors will accept any complaint from the public regarding any provision of this policy and shall follow the agency’s procedure for handling citizen’s complaints.
- E. The BPD shall ensure that all employees are familiar and in compliance with the content of this policy. Violations of the policy shall result in appropriate disciplinary action as set

forth in the BPD's rules and regulations. 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.

Indicators of biased policing include but are not limited to:

1. Engaging in racial profiling. Racial profiling is any law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or information identifying the individual as having engaged in criminal activity. Racial profiling is based on stereotypical assumptions derived from a person's race or ethnicity. It is separate from criminal profiling, which relies on actual behavior or on information about suspected activity by a person, the description of whom may include that person's race or ethnicity.
2. Using a personal characteristic such as race or ethnicity to determine whom to stop for a minor traffic offense and the outcome of the stop.
3. Stopping or detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
4. Failing to act to prevent crimes or respond to calls for assistance, based on race of the person.
5. Treating individuals differently based on their socio-economic status or perceived social class.
6. Stopping or detaining an individual based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.
7. Using slurs or derogatory language towards or about persons based on their group membership, and/or making comments that express bias or prejudice towards or about such persons or groups, and/or traffic in stereotypes about such persons or groups.

Commented [TS6]: Recommendation 1.2.1

Commented [TS7]: Ontario Human Rights Commission, <https://www.ohrc.on.ca/en/what-racial-profiling-fact-sheet>

X. ADDITIONAL GUIDANCE REGARDING DUE PROCESS AND IMMIGRATION ENFORCEMENT

- A. Victim and witness interaction. The cooperation of immigrant communities is essential to prevent and solve crimes and maintaining the safety and security of all residents. The following provisions are intended to support crime victims/witnesses and enhance trust between the police and the community.
1. To effectively serve immigrant communities and to ensure trust and cooperation of all victims/witnesses, officers will not ask about, or investigate, immigration status of crime victims/witnesses unless the victim/witness is also a crime suspect and immigration status is an essential element of the crime (such as human trafficking).
 2. BPD employees will ensure that individual immigrants and immigrant communities understand that full victim services are available to documented and undocumented victims/witnesses. BPD employees shall communicate that they are there to provide assistance and to ensure safety, and not to deport victims/witnesses. BPD Employees shall remain mindful that:
 - a. Their enforcement duties do not include civil immigration enforcement
 - b. The BPD stands by its mission to serve all Vermonters, including immigrant communities, and to ensure trust and cooperation of all victims/witnesses and shall not share information about crime victims/witnesses with federal immigration authorities, unless it is with the individual's consent.
 3. BPD employees may, in appropriate situations, advise an individual that if they are

undocumented, they may be eligible for a temporary visa.

B. Immigration status.

1. An officer's suspicion about any person's civil immigration status shall not be used as a basis to initiate contact, detain, or arrest that person. The exception to this would be in those instances where the agency member is working with Federal partners in the Stone Garden program or similar Federal initiatives.
2. Officers may not inquire about a person's civil immigration status unless civil immigration status is necessary to the ongoing investigation of a criminal offense for which there is probable cause.
3. Officers shall not make warrantless arrests or detain individuals on suspicion of "unlawful entry," unless the suspect is apprehended in the process of entering the United States without inspection.

C. Establishing identity.

1. Notwithstanding other provisions of this policy, officers may make attempts to identify any person they detain, arrest, or who come into the custody of the Department.
2. An individual shall not be stopped or detained solely for the purpose of establishing his or her identity. Officers may utilize general federal databases in attempts to establish an individual's identity but shall not involve federal immigration officials in such an inquiry unless necessary. Contact with federal authorities made to determine an individual's identity is restricted to the purpose of determining his or her identity.
3. Acceptable forms of identification, which must include a photograph of the individual, may include, driver's licenses from a U.S. state or foreign country, government-issued IDs by a U.S. jurisdiction, foreign passports, and consular ID cards.

D. Civil immigration warrants. Officers shall not knowingly arrest any individual based on a civil immigration warrant, including DHS Forms I-200, I-203, I-205, and any administrative warrants listed in the National Crime Information Center Database (NCIC). These documents have not been issued or reviewed by a neutral magistrate and do not have the authority of a judicial warrant. In addition, these documents do not meet the probable cause requirements of the Fourth Amendment and Article 11 of the Vermont Constitution.

E. Collaboration with federal immigration officers.

1. Officers shall not contact CBP or ICE for assistance solely on the basis of a suspect's or arrestee's race, ethnicity, or national origin.
2. Officers shall not prolong any detention solely in order to investigate immigration status or to allow CBP or ICE to investigate immigration status.
3. Sweeps intended solely to locate and detain undocumented immigrants without reasonable suspicion or probable cause of a crime shall not be conducted unless acting in partnership with a federal agency as part of a formal agreement entered into by the governor.
4. No information about an individual shall be shared with federal immigration authorities unless 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.

- F. Use of resources. Officers shall not hold for or transfer people to federal immigration agents unless the federal agents provide a judicial warrant for arrest. A civil immigration detainer (Form I-247, I-247D, I-247N, or I-247X) is not a warrant and is not reviewed by a judge and therefore is not a lawful basis to arrest or detain anyone. These documents have not been issued or reviewed by a neutral magistrate and do not have the authority of a judicial warrant. In addition, these documents do not meet the probable cause requirements of the Fourth Amendment and Article 11 of the Vermont Constitution. Valid criminal warrants of arrest, regardless of crime, shall not be confused with

immigration detainees. This policy does not affect the proper handling of arrests and detentions associated with criminal arrest warrants.

- G. Single point of contact. The OIC of each shift shall be the single point of contact for requests for cooperation from federal immigration authorities. The OIC shall document and disclose to the Chief any communication with federal immigration authorities related to immigration violations, including information that individual officers may have disclosed to authorities of their own volition, based on knowledge that was obtained through means in compliance with this policy.
- H. Department communication review. The Chief, or designee, shall review records of communications initiated by officers to federal immigration authorities regarding specific individuals. This review is intended to ensure that officers are not violating this policy in the process of acquiring and/or disclosing this information.

Adopted by vote of the City Council of the City of Burlington on March 9, 2020.

#



POLICE DEPARTMENT
CITY OF BURLINGTON

Use of Force Report

May 01, 2023 – May 31, 2023

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 5/1/23 – 5/31/23 - 2535

Total Number of UOF Incidents – 19

Total Uses of Force – 52

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

Race/Gender of Arrestee/Subject in UOF Incidents

White Male – 7

White Female – 7

Black Male – 8

Black Female – 0

Incidents

1. 23BU008445

5/3/23

Complainant/Officers Dispatched

Call type – Retail Theft/Unlawful Trespass at local drug store

Charges - Retail Theft, Unlawful Trespass, Resisting Arrest and Assault on a Law Enforcement Officer

Synopsis

The complainant called stating to the effect a male that had been previously trespassed from their store had entered the store and stolen approximately \$200 in items and left. Officers arriving on scene located the male nearby. The officers informed the male they were under arrest and he was compliantly handcuffed. The arrestee actively resisted being placed into the police cruiser. An officer had to physically move the arrestee and place him into the cruiser. At BPD the arrestee was asked to sit down on a bench but refused and stated to the effect they were going to kick and resists. An officer took hold of the arrestees arm and sat them down. The arrestee stated to the effect they were going to head butt the officer. The officer had to physically use his arm to hold the arrestee in a seated position.



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Arrestee Actions – Active resistance, Assaultive

Officer Actions

Officer 1 – empty hand controls

Officer 2 – empty hand controls

Arrestee - taken into custody

Black Male Age 38, 5'10", 140 lbs.

Arrestees – no injury from use of force- asked to be screened at UVMMC ED for heart condition. Was brought to ED, evaluated and released by UVMMC ED personnel.

Officer – no injury

2. 23BU008473

5/4/23

Officer Initiated

Call type – Disorderly Conduct – intoxicated male attempting to operate a motor vehicle

Charges – Disorderly Conduct

Synopsis

Intoxicated male made contact with officers of his own volition several times. A female officer stated to the effect that the male was making inappropriate comments to her about her appearance. The officers would disengage with the male and walk away. The male would then re-approach and engage with them. The intoxicated male stated to the effect he wanted to drive home but was upset the officer were present. The male walked into the roadway, then walked to his vehicle and entered it. While in the vehicle he turned the vehicle on with music on loud, exited vehicle and left door open music blaring. Officers approached the male to take him into protective custody. The male actively resisted the officers by pulling his arms away as they attempted to place him in handcuffs. Two more officer arrived and the male continued to actively resist pulling away and attempting to twist from officers grasp. The officers were able to bring the male to the ground to gain control of him. Officers were able to get the male into handcuffs but due to his size had to use two pair of handcuffs connected together to do so.

Arrestee Actions – Active resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/empty hand controls/handcuffing

Officer 3 – Empty hand controls/handcuffing

Officer 4 – Empty hand controls

Arrestee - taken into custody/detox facility

White Male Age 31, 5'05", 250 lbs.



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Arrestee – no injury
Officers – no injury

3. 23BU008737

5/6/23

Officer Initiated

Call type – Agency Assist/Stolen Vehicle located for SBPD

Charges – Operating without Owners Consent

Synopsis

Officer stopped a stolen vehicle out of South Burlington and conducted a high risk motor vehicle stop. Per their high risk motor vehicle stop training they pointed their firearms at the occupants while taking them into custody. The occupants were compliant with officer's orders. Operator arrested for OOC for SBPD.

Arrestee Actions – compliant

Subject Actions – compliant

Officer Actions

Officer 1 – Verbal commands/pointed firearmX1

Officer 2 – Verbal commands/firearm pointed X2

Arrestee - taken into custody transported to SBPD

White Female Age 37, 5'03", 190 lbs.

Subject – detained then released

White Male Age 45, 6'00", 240 lbs.

Arrestee – no injury
Subject – no injury
Officers – no injury

4. 23BU008891

5/8/23

Officer Initiated

Call type – Attempted Homicide – motor vehicle stop of attempted homicide suspect

Charges – Attempted Homicide with a firearm

Synopsis

Officer located motor vehicle with attempted homicide suspect and accomplice. Officers conducted a high risk motor vehicle stop. Per their high risk motor vehicle stop training they pointed their firearms at the occupants while taking them into custody. The occupants were compliant with officer's orders and took the two suspects into custody.

Arrestees Actions – compliant

Officer Actions



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Officer 1 – Pointed firearm
Officer 2 – Verbal commands/firearm pointed X2
Officer 3 – Verbal commands/firearm pointed
Officer 4 – Verbal commands/firearm pointed X2
Officer 5 – Verbal commands/firearm pointed X2
Officer 6 – Firearm pointed

Arrestee - taken into custody

Black Male Age 19, 5'06", 120 lbs.

Arrestee – detained then released on citation

White Female Age 17, 5'05", 125 lbs.

Arrestees – no injury

Officers – no injury

5. 23BU009021

5/9/23

Complainant/Officer dispatched

Call type – Arrest on warrant

Charges – Arrest on two warrants

Synopsis

Bank called stating female had twice tried to cash a bad check. During the officers investigating they learned the female had two warrants for her arrest. The officers stated to the effect that she had warrants and needed to place her hands behind her back. The female complied and was compliantly handcuffed. The female wanted to speak with her boyfriend before being taken to BPD. The officers agreed. Once outside of the bank they could not locate the boyfriend. At the cruiser the arrestee began to scream for her boyfriend and resisted being placed into the cruiser. The officers had to physically place her in the cruiser.

Arrestee Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Empty hand controls

Arrestee - taken into custody

White Female Age 33, 5'04", 150 lbs.

Arrestee – no injury

Officers – no injury



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6. 23BU009103

5/10/23

Complainant/Officer dispatched

Call type – Domestic Disturbance

Charges – 2nd degree Aggravated Domestic Assault, Domestic Assault committed within the presence of a child, 2nd degree Unlawful restraint, Possession of Cocaine, Violation of an Abuse Prevention Order, Resisting Arrest, Impeding a Public Officer.

Synopsis

Complainant called stating to the effect they heard a female and male yelling and items being thrown around in a residence. Officers arrived on scene and also heard yelling coming from the residence stating to the effect it was consistent with more than one person yelling. The officers knocked several times and announced their presence. A male finally answered the door at door. An officer stated to the effect they observed fresh scratch marks on the males arm. Officers stated to the effect they would have to check the residence to ensure the safety of anyone inside. The male closed the door and step in front of it refusing to allow officers to check welfare of others in residence. An officer attempted to knock on the door and the male swatted the officer's hand away. The officers stated to the effect that if the male continued to interfere then he would be arrested for impeding. After attempting to negotiate with the male the officer attempted to take him into custody for impeding. The male actively resisted officers by fighting with them. Officers were able to bring the male to the ground, once there the officer had to physically remove his arms from underneath him and place them behind his back and into handcuffs. The arrestee refused to walk outside to the police cruiser and the officers had to physically move him downstairs and outside. While searching the arrestee, before placing him into the cruiser, he actively resisted pulling his body away from the searching officer. The officers had to bring the arrestee to the ground to finish their search. It should be noted narcotic and a bullet were located on the arrestee's person during the search. The officer's investigation of the incident led to six additional charges.

Arrestee Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls/handcuffing

Officer 2 – Verbal commands/ empty hand controls

Officer 3 – Empty hand controls

Arrestee - taken into custody lodged at correctional facility

White male Age 33, 5'07", 170 lbs.

Arrestee – no injury

Officers – no injury



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7. 23BU009165

5/11/23

Complainant/Officer dispatched

Call type – Gunfire

Charges – Arrest on warrant/Detoxed

Synopsis

Officers investigated gunfire incident in City Hall Park. A male who appeared highly intoxicated was involved in a disturbance with the firearm being discharged. The male approached officers and made quick statements stating to the effect that a gun was discharged and that he would find “him”. During an interview with an officer the male stated to the effect that he attempted to use the public bathroom in City Hall Park, a male was consuming narcotics in the bathroom, there was an altercation and the male using the narcotics had discharged a firearm. The male would not identify himself and tried several times to leave the scene. Due to the male's level of intoxication officers attempted to take him into protective custody. The male actively resisted pulling away and attempting to run from officers but an officer was able to bring the male to the ground. An officer had to physically pull out one of the male's arms to place it behind his back. A third officer who had been stating to the effect to stop resisting held the male's arm so the officer could finish handcuffing the male. An officer stated to the effect they were concerned the male was going to spit at them, used his hand to move the male's head so they could not spit at them. The male was stood up and escorted to the police cruiser.

While in the cruiser male attempted to harm himself by striking his head off the partition in the cruiser causing a laceration. The officer stated to the effect that if the male did not stop he would be sprayed with OC. The male did not stop striking his head and the officer deployed OC to stop their self-harm. The male was identified and officer learned he had a warrant for his arrest.

Arrestee Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/Empty hand controls/handcuffing

Officer 3 – Verbal commands/empty hand controls/OC deployed

Arrestee - taken into custody

Black Male Age 21, 6'00", 160 lbs.

Arrestee – no injury from UOF/ He was evaluated by members of the Burlington Fire Department for striking his head off the partition but refused to cooperate with them and was eventually transported to the University of Vermont Medical Center for treatment.

Officers – no injury



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8. 23BU009472

5/14/23

Complainant/Officer dispatched

Call type – Felony Domestic Assault

Charges – 1st Degree Aggravated Domestic Assault with a weapon

Synopsis

Complainant called BFD originally for an injury. The complainant called back and advised someone had been stabbed. Upon arrival officers stated to the effect they observed an upset female outside of the residence who got up and attempted to enter the residence where the victim was. The officer stated to the effect that they did not know what role the female had in the incident, victim, and witness or suspect so officers prevented her from entering the residence by taking a hold of her arm the female began to resist attempting to pull away from the officer. A second officer took hold of her arm. When her arm was grasped the female collapsed herself onto the floor. Officers then placed her hands behind her back and placed her into handcuffs to detain her. After investigation the female was arrested for stabbing the victim.

Arrestee 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 Female Age 31, 5'02", 101 lbs.

Arrestee – no injury

Officers – no injury

9. 23BU010060

5/21/23

Complainant/Officers dispatched

Call type – Intoxication

Charges – None

Synopsis

Complainant called stating to the effect that three people were trying to fight with them and stole a speaker from him. An officer spoke with the male and stated to the effect the male was showing numerous signs of intoxication. The subject's friends tried to speak with him but were unable to reason with him. The male attempted to walk by the officer towards another male, perhaps to assault them and the officer stated to the effect they had to place their hand on the



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subject's chest to prevent him from reaching the other male. Officers decided to take the male into protective custody. The officers each took hold of an arm. The male actively resisted by attempting to pull out of the officers grasp and officer had to use physical force to place the male's hands behind his back and place him in handcuffs. The male was later found to be a BAC .316%. Due to his level of intoxication officer transported the male to UVMMC ED for care.

Subject Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/empty hand controls/handcuffing

Subject – protective custody

Black Male Age 42, 5'11", 145 lbs.

Subject – no injury/transported to UVMMC ED due to level of intoxication

Officers – no injury

10. 23BU010150

5/23/23

Complainant/Officer dispatched

Call type – Arrest on warrant

Charges – Arrest warrants, Assault on a Police Officer, Resisting Arrest

Synopsis

Complaint called stated to the effect that a male and female were sleeping and urinating on the property and when she confronted them the male lifted a golf club and threatened to bash her head in. While investigating this call officers observed a male they knew to be wanted. An officer made contact with the male and stated to the effect that there was a warrant for his arrest and he was not free to leave. The male began to back away and then fled on foot. The officer pursued the male, catching up to them after a short pursuit. The officer attempted to grab a backpack the male was wearing. The officer missed grabbing the backpack and collided with the male causing both to fall to the ground. The officer was struck in the jaw by the male's foot while they were falling. The male got back to his feet and ran and the officer continued their pursuit. The officer caught up to the male, who then grabbed a hold of a railing and braced their legs. The officer attempted to remove the male from the railing but the male resisted. The officer was finally able to bring the male to the ground in a controlled manner but the male still had his left hand grasping the railing. A second officer arrived and was able to remove the arrestee's hand from the railing. The officers had to physically place the arrestee's hands behind their back and place them in handcuffs.

Arrestee Actions – Active Resistance

Officer Actions



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Officer 1 – Verbal commands/empty hand controls/handcuffing

Officer 2 – Verbal commands/Empty hand controls/handcuffing

Arrestee - taken into custody

Black Male Age 31, 5'09", 160 lbs.

Arrestee – complained of pain in his arms/transported to UVMHC ED by BFD for evaluation, cleared and released to BPD

Officer 1 – injury to left side of jaw/see at UVMHC ED for possible jaw fracture.

11. 23BU010171

5/23/23

Complainant/Officer dispatched

Call type – Aggravated Assault

Charges – Assault/Interference with a Law Enforcement/Disorderly Conduct/Arrest on warrant

Arrestee Actions – Active Resistance

Synopsis

Caller stated to the effect that she had been assaulted by her neighbor and that neighbor had repeatedly punched her in the face. Officers arrived on scene. After speaking with the victim officers located the female assailant inside her residence. Officers also learned the female had a warrant for their arrest. The female refused to exit her apartment and officers negotiated with her to come out. The female eventually came out of her apartment and sat down in a chair refusing to get up and go with officers. Officers again negotiated with her but she refused to stand up. Two officer each took hold of an arm and attempted to bring her down onto a grassy area. While doing so the female grabbed onto the chair to prevent this. Officer managed to remove her arms from the chair and bring her onto her stomach but she had wrapped her legs around the chair leg. While on the ground the officers asked if she needed to be evaluated by the fire department and she stated to the effect she wanted to be seen as she has numerous medical issues.

Officer asked her to release the chair so they could place her in a seated position but she refused. A civilian assisted had to assist an officer in physically removing the females legs from the legs of the chair. The female then began to kick her legs and would not comply with officers commands. The officer then had to physically secure her legs.

As the fire department was arriving on scene the female refused to get on the gurney. The female became irate and attempted to smash her head against the concrete walkway. Officers had to physically restrain her on the ground prevent her from doing so. A third officer on scene took over securing the female's legs. The two officer tried to have the female stand up and but she continued to drop her weight, flailing and kicking her feet. Officer placed her back on the ground. The female now stated to the effect she did not want to go to the hospital.



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All three officer picked up the female and were able to walk her to the cruiser. One of the officers stated to the effect that they heard the female gasp for air and appear to have breathing problems. The officers called over BFD and placed her on the gurney. Once on the gurney she continued to flail about.

Once she was placed into the ambulance she attempted to smash her head into the walls of the ambulance and bite BFD personnel and officers.

The female stated to the effect that she would not go to the hospital but would go with officers. Officer placed her into a BPD cruiser. After arriving at Correctional Facility the female had wrapped the seatbelt around the handcuffs. An officer had to assist corrections officers in freeing the seatbelt from the arrestee's wrist.

Arrestee Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls/handcuffing

Officer 2 – Empty hand controls/handcuffing

Officer 3 – Empty hand controls

Arrestee - taken into custody/lodged at correctional facility

White Female Age 36, 5'08", 168 lbs.

Arrestee – stated they were injured and had numerous medical issues/BFD called for evaluation/refused evaluation

Officers – no injury

12. 23BU010215

5/24/23

Complainant/Officers dispatched

Call type – Burglary

Charges – Burglary

Synopsis

Complainant called stating to the effect an unknown intoxicated male had entered his residence. The caller stated he had brought the male out of his residence but the male continued to try to gain entry back into their residence. Upon arrival officer located the male and an officer compliantly handcuffed the male. While escorting the arrestee to the officer's cruiser the male began to resist, thrashing and twisting his upper body in an attempt to break the officers hold on the arrestee's arm and dragging their feet. The officer had to use physical force to stop the male from resisting and finish escorting them to the cruiser.

Arrestee Actions – Active Resistance

Officer Actions



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Officer 1 – Verbal commands/handcuffing/empty hand controls

Arrestee – taken into custody

White Male Age 34, 5'08", 165 lbs.

Arrestee – no injury

Officers – no injury

13. 23BU010394

5/26/23

Complainant/Officers dispatched

Call type – Simple Assault

Charges – Disorderly Conduct/Unlawful Trespass/Resisting Arrest

Synopsis

Staff of local food shelf called stating they observed an intoxicated male punch another male in the face. Two officers arrived on scene and located the assailant. The officer speaking with the suspect stated to the effect they were uncooperative and aggressive. While speaking with the suspect another male walked into the area and the suspect apparently unprovoked grabbed that male and started a confrontation. The officer stepped in to prevent an assault. The officer attempted to place the suspect in handcuffs. The arrestee actively resisted the officer's attempts to place him in handcuffs. The second officer went to the aid of the officer. The two officers were able to bring the suspect to the ground in a controlled manner and place one of the arrestee's hands behind his back and in a handcuff. The arrestee had placed their other hand underneath their legs. The second officer had to use physical force to pull out the arrestee's hand and place it behind the arrestee's back where handcuffing was completed. As the officer attempted to search the arrestee they began to move and twist their legs. An officer had to physically hold the arrestee's legs so the search could be completed. The arrestee refused to get into the cruiser and officers had to physically place them onto the backseat of the cruiser.

While in the holding area the arrestee was being placed into a holding cell and an officer attempted to remove the arrestee's belt they began to pull away from officers. An officer had to physically hold the arrestee up against a wall while a second officer removed the belt. Upon being released the arrestee refused to leave the holding area and the two officers had to pick up the arrestee and physically carry them out into the parking lot of BPD.

Arrestee Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls/handcuffing

Officer 2 – Empty hand controls



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Officer 3 – Verbal commands/empty hand controls

Officer 4 – Empty hand controls/handcuffing

Arrestee – taken into custody/processed/cited and released

White Male Age 54, 6'02", 165 lbs.

Arrestee – no injury

Officers – no injury

14. 23BU010505

5/27/23

Complainant/Officers dispatched

Call type – Welfare Check

Charges – None

Synopsis

Complainant called stating to the effect her ex-partner entering her apartment, was refusing to leave, had been using meth and threatening self-harm with a box cutter. Upon arrival the officer located the male and could observe a box cutter and blood running down the male's arm. The officer spoke with the male stating to the effect they wanted him to drop the box cutter so everyone could be safe. The male refused to engage with the officer. The officer stated to the effect they observed the male had the blade oriented on his wrist oriented to cut up the length of the artery and they feared the male was about to sever his artery. The officer approached the male and drew his CEW and pointed it at the male and gave them commands to drop the box cutter. The male complied dropping the box cutter and was taken into protective custody and transported by BFD to UVMCC ED.

Subject Actions – Armed with box cutter

Officer Actions

Officer 1 – Verbal commands/ECW pointed

Subject– taken into protective custody/transported to UVMMC ED

White Male Age 43, 6'00", 200 lbs.

Subject – self-inflicted cuts/transported to UVMM ED for treatment

Officer – no injury

15. 23BU010512

5/27/23

Complainant/Officers dispatched

Call type – Firearm



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Charges – Eluding a Police officer/Gross Negligent Operation/Driving while Criminally Suspended/Possession of Cocaine

Synopsis

Complainant a bar employee in downtown Burlington called and stated to the effect a male was in a vehicle pointing an AR-15 at people. Officer arrived on scene and located the vehicle. An officer stated to the effect for the operator to get out of the vehicle. An officer pointed his firearm at the operator. The operator did not comply and instead drove off. Officer followed at low speeds. Once on the interstate the pursuit was called off. Officers learned the male brandishing the semi-automatic rifle had been involved in a disturbance at a downtown bar, when the male removed the rifle from his vehicle, which was parked in front of the bar and displayed it. Approximately three and a half hours later a bar employee called 911 stating they observed the vehicle parked behind a building across from the bar. The officers conducted a high risk motor vehicle stop on the vehicle. While taking the subjects into custody the officer pointed their firearms at the operator and passenger. The passenger refused to follow commands at first but was taken into custody and compliantly handcuffed. The operator was compliant and taken into custody.

Arrestee Actions – Compliant

Subjects Actions – Passive resistant

Officer Actions

Officer 1 – Verbal commands/firearm pointed X2

Officer 2 – Verbal commands/firearm pointed

Officer 3 – Pointed firearm X2

Arrestee – taken into custody

Black Male Age 40, 5'08", 175 lbs.

Subject – detained then released

Black Male Age 27, 5'09", 175 lbs.

Arrestee – no injury

Subject – no injury

Officers – no injury

16. 23BU010537

5/28/23

Complainant/Officers dispatched

Call type – Domestic Assault

Charges – Misdemeanor Domestic Assault/Child in need of Care and Supervision



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Synopsis

Complainant called and stated to the effect that her friend's son had assaulted his mother and 1 year old. Upon arrival officer spoke with the mother and she stated to the effect a physical confrontation had occurred. The mother stated to the effect she wanted her son taken into custody and brought to the hospital. The mother stated to the effect she was concerned the juvenile could harm his younger brother. The juvenile had thrown items down the stairs and had piled up approximately 4 feet of said items blocking access up the stairs. Officers had to remove the items and made their way up to the second floor. Officers located the juvenile hiding a closet in a bedroom. An officer spoke with the juvenile and explained the current situation and stated to the effect that they could not remain there in the residence due to safety concerns with his mother and brother. The officer stated to the effect asking the juvenile to come out but the juvenile refused and began to reach under a pile of objects. The officer took hold of the juvenile's hands to prevent them from doing so. The officer observed that the juvenile now had a cellphone. The officer again stated to the effect for the juvenile to exit. The juvenile did not exit. The officer took hold of the juvenile's arms and tried to pull them out of the closet but the juvenile held onto a rack in the closet. The officer had to pull the juveniles hands from the rack and then placed the juvenile's arms behind his back where they were handcuffed.

Subject Actions – Passive resistant/active resistant

Officer Actions

Officer 1 – Verbal asking/empty hand controls/handcuffing

Arrestee– taken into custody/transported to UVMMC ED

Black Male Age 12, 5'06", 80 lbs.

Arrestee – no injury/ transported to UVMMC ED per mothers request.

Officer – no injury

17. 23BU010636

5/29/23

Complainant/Officers dispatched

Call type – Agency Assist

Charges – Simple Assault charged by VSP

Synopsis

Complainant, a CSO, stated to the effect they had been told by a female in the BPD parking lot that they assaulted by a second female who was also present. An officer located three subjects, two females and one male. One female stated to the effect they had been assaulted by a female who was now walking away from the vehicle with a male. The officer called out for them to stop, the male did but the female continued to walk away. The officer approached her and stated to the effect they were not free to leave as the officer was investigating an assault. The



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officer stated to the effect the female appeared intoxicated and continued to try to leave over the next several minutes despite the officer stating to the effect they were being detained. The officer stated to the effect that they did not want to place her in handcuffs but would if they continued to try to leave. The female did not comply and still attempted to leave. The officer took hold of her left arm. Due to the female tensing up the officer had to physically move it behind her back. A second officer took hold of the female's right arm. The female stated that she did not want to go into handcuffs. Officer stated to the effect she could sit on the steps of the residence they were currently outside of (not the female's residence). The female agreed and was allowed to sit.

Officer learned that the assault had occurred on the interstate. VSP was notified and responded to take female into custody.

Arrestee Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/empty hand controls

Arrestee – detained and turned over to VSP custody
White Female Age 35, 5'04", 150 lbs.

Arrestee – no injury

Officer – no injury

18. 23BU010641

5/29/23

Complainant/Officers dispatched

Call type – Welfare Check

Charges – None

Synopsis

Complainant called dispatch and stated to the effect while at Oakledge Park a female wade into the water with some personal possessions and stood there for a bit. She then came out of the water, walked around the bike path for a bit before laying down near the woods. They approached her and asked her if she was okay and she ignored them and just stared. Officers responded along with BFD and located the female who was soaking wet as were her belongings. BFD attempted to work with her, giving her a blanket but she remained uncommunicative. A doctor at UVMHC ED stated to the effect that the female was to be brought to the ED. An officer spoke with the female stated to the effect that she could go to the hospital with BFD or in protective custody. The female walked to the ambulance but would not go in and officers had to physically assist the female to the ambulance stretcher. The ambulance started to leave but stopped after a short distance and they called for BPD. The



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female had begun to struggle with them trying to get up and leave ambulance. Three officer had to assist in physically holding the female on the stretcher until BFD could gain control of her.

Subject Actions – Actively resistant

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Empty hand controls

Officer 3 – Empty hand controls

Officer 4 – Empty hand controls

Subject– taken into protective custody/transported to UVMMC ED per ED doctor
White Female Age 44, 5’05”, 130 lbs.

Subject – transported to UVMMC ED
Officers– no injury

19. 23BU010815

5/31/23

Officers initiated

Call type – Disorderly Conduct

Charges – Simple Assault on a Police officer/Disorderly Conduct/Impeding Public Officers

Synopsis

While investigating a shooting that occurred at a downtown convenience store a male was observed by an officer laying in the middle of the north bound lane of South Winooski Avenue between Buell Street and Cherry Street, just north of the crime scene. The officer activated his blue lights and stopped near the male to prevent them from being run over. When the cruiser stopped the male stood up, jumped onto the hood of the police cruiser, ran across it and jumped off. The male then fled towards the crime scene. A CSO was directing traffic at the crime scene and the male jumped up onto a CSO car. The male then jumped off and the CSO moved him towards to approaching officers. Two officer each took hold of an arm and attempted to place him in handcuffs. The male actively resisted tensing his arms, not moving them together and three officers had to physically place them behind his back and place him in handcuffs. Officer brought him a cruiser and attempted to search him but he actively resisted, struggling against the officers, the officer brought the male to the ground where officers held his legs as he began to actively kick at officers. Shackles were brought out and placed on the male’s legs to prevent him from kicking officers. While being placed on the male he wrapped his leg around a kneeling officer’s leg and the officer legs became entrapped. The male then



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urinated on himself and the officer. The male refused to let go of the officer's leg. The officer took out his OC and stated to the effect to the male to release his leg or he would be sprayed. The male refused to comply and was pepper sprayed. The male then released the officer's leg. The male continued to struggle on the ground and officers had to physically pick up the male and place him into the back of the cruiser for transport to BPD. While at BPD the arrestee was decontaminated and evaluated per their request by BFD. Officer attempted to place the arrestee into a cell but they actively resisted and officer decided to place them back into a cruiser. Officer had to physically move the arrestee back to the cruiser as they arrestee was actively resisting being moved. At the cruiser the arrestee used their legs to brace themselves to prevent being placed into the cruiser. Officer placed the arrestee in a seated position on the floor. Officer gave him verbal instructions and the arrestee eventually got up and sat in the cruiser. When attempting to secure the arrestee with a seatbelt the arrestee attempted to exit the back seat and an officer had to push the arrestee back into the backseat. The arrestee was lodged at a correctional facility.

Subject Actions – Active resistance /assaultive

Officer Actions

Officer 1 – Verbal command/empty hand controls/handcuffing

Officer 2 – Empty hand controls

Officer 3 – Empty hand controls/Verbal Commands/OC displayed/OC deployed

Officer 4 – Verbal commands/empty hand controls/

Officer 5 – Empty hand controls

Arrestee– taken into custody and lodged at correctional facility.

White Male Age 20, 5'10", 150 lbs.

Arrestee – no injury/requested evaluation for OC/BFD responded, evaluated and cleared arrestee

Officers – two officers suffered lacerations to their fingers