

Tuesday, March 28, 2023

Police Commission Meeting - Tuesday, March 28, 2023 @ 6:00 pm. **Hybrid Meeting: In-Person & Virtual via ZOOM**

Commissioners present:

Stephanie Seguino, Melo Grant, Jack Keefe, Kevin Garrison, Jessica Oski and Shakuntala Rao

Also Present:

Acting Chief Murad, Deputy Chief Labreque, Deputy Chief LaBarge, Shannon Trammell from BPD, Mia Schultz from NAACP, Geoff Jones (retired Vermont state trooper), James Lyall from ACLU, and Mohamed S. Ibrahim, Police Commission Clerk.

1. Agenda

1.01 Call to order

Meeting started at 6:05

1.02 Roll call and determination of quorum

Meeting has a quorum

1.03 Motion to amend/adopt the agenda

Motion moved by Commissioner Oski to adopt the agenda

Motion seconded by Commissioner Keefe

Agenda passes unanimously

2. Minutes

2.01 Approve minutes from Police Commission special meeting, Monday, March 6, 2023.

Motion moved by Commissioner Oski to adopt the minutes

Motion seconded by Commissioner Rao

Minutes passes unanimously

2.02 Approve minutes from Police Commission meeting, Tuesday, February 28, 2023.

Motion moved by Commissioner Oski to adopt the minutes

Motion seconded by Commissioner Keefe

Minutes passes unanimously

3. Policy Review

3.01 DD 03 Fair and Impartial Policing.

Co-Chair Seguíno introduced DD03 noting that the CNA recommended DD03 on fair and impartial policing be revised. CNA's recommendations was that cultural competency be added to the directive and that examples of bias be included in the directive.

CNA also recommended that BPD add language that children or family members should not be relied on to provide interpretation services for those who are not native English speakers.

Commissioner Seguíno stated that the Commission has reached out to two stakeholders to provide input in this matter, Mia Schultz who is the president of the Rutland NAACP and Geoff Jones, a former Vermont State Trooper.

Co-Chair Seguíno provided Shannon Trammell with some additional revisions to DD 03. Shannon will reach out to the Center for Policing Equity to provide examples of bias and will bring DD03 back to the Commission for review once that has happened.

4. Public Forum

4.01 The public was invited to address the Commission

- Speaker Romeo Von Herman suggested that BPD expediate the hiring of the public information and community coordinator officer and engage in the process of trust building with the community. He encouraged the department to find someone in that position who looks like the member of a community, understands the community concerns, is proficient in implicit bias and human rights training and also someone who is well versed in relationship development since there is lack of trust between BPD and the community. He suggested that BPD officers get out of their cars and listen and talk to community members more.
- Speaker Jake Schumann asked for more participation from the community; he stated that the agenda for this and past Commission meetings have been refreshing to see and commended Commissioner Grant for her long service.
- Speaker Scott Waterman spoke to the Ballot item #7 at the last city election. The speaker was troubled that he had not heard from the mayor or the acting chief acknowledging the hard work of a group of citizens on the ballot question. While he was heartened to see that the ballot question had failed, he stated that he didn't believe that the efforts were misguided or inappropriate and he believed that concerns of police transparency and accountability are real. He suggested that the mayor and chief engage in outreach to all citizens and consider bringing more public awareness about ongoing efforts and the hard work that is being done at the Commission and by the department. This would include showing to the public that BPD is deploying an empathetic, well trained and modern force and tell the public how they are becoming a 21st century police force.
- Speaker Annie Lawson thanked the commission for their work, and confirmed how the community members would support the Commission to increase its oversight role. Speaker stated that as someone who organized participation in the ballot question #7, it is at the Commission where the work of oversight can happen.
- Speaker Faried Munarsyah thanked Commissioner Grant for her service and spoke to the need for police accountability.
- Speaker Lee Morgan invited Commission and members of the police department to attend the NPA conversations about public safety.
- Speaker Amy Malinowski said that almost 40% of residents voted yes on ballot question #7 and that this means that citizens are watching how the police department engages in fair and

impartial policing moving forward.

5.01: Chief's Report

Acting Chief Murad briefed the Commission about the March 12th airport incident where a United Airlines flight had an emergency landing. The department brought onboard several new police officers. The department is at 65 total, 55 officers available and 22 on patrol and department is incentivizing retention. Part of retention is salary and retirement packages. BPD keeps on building new roles in CSOs and CLOs. Incident volume is up this year by 24% from same time last year (2022) and 37% over 2021. However, compared to 2017, the volume of incidents is lower. Since June 2022, overdoses incidents have been extremely high and the trend continues for this year.

In March and April BPD had training for its officers by the Center for Policing Equity (CPE). CPE trainers came to Burlington in person and facilitated discussion about the docuseries "Amend" over two days.

Commissioner Grant asked if CPE facilitators had suggested the Netflix series, "Amend" or it was the Chief's idea. The Chief responded that he had brought the material to CPE's attention and they worked on it together, and with their team and in putting together how to facilitate the viewings and the presentations around the viewing of the series. The Chief stated that CPE was open to various kinds of training since they don't have a specific training curriculum that they use for prescription. Commissioner Grant asked if CPE had reviewed the data of the department and the Chief stated that all data was provided.

6. Commission business

6.01 Commission input into revised ordinance on civilian oversight: Timeline and process.

Commissioner Seguino noted that the City Council will be putting together a committee including members of the Charter Change and Ordinance Committees, to move forward with revising the authority of the Police Commission around civilian oversight. Commissioner Seguino informed the Commission that NACOLE has on its website an interactive website where one can look at variety and types of civilian oversight bodies, a review model such as the one Burlington has, a monitor model, an investigative model and so forth. Commissioners will look at various models around discipline and oversight. This is expected to be ongoing work and the Commission will have to continue to bring this up at future meetings.

6.02 Discussion of Mayor's memo, Received Thursday, March 23, 2023

The Commission discussed the mayor's memo, highlighting 3 components:

1. The Mayor emphasized that it is beyond the Mayor's authority in the City Charter to overrule the chief's decision regarding discipline or to direct the chief to take specific disciplinary action, and it should be "understood that under our current system the mayor cannot serve as an appeal body for disciplinary decisions by the chief that the commission does not agree with department."
2. The memo indicated that City Attorney's office will review any investigative reports and they will be redacted by the City Attorney's office rather than by BPD.
3. The Mayor has instructed that both the Commission and the Acting Chief exchange all discussions with regard to complaints and uses of force in writing so that there will now be documentation of these various complaints and that such is important aspect of accountability and transparency.

6.03 Policy review: DD43 Reporting of Corruption and other Misconduct.

Commissioner Seguino thanked Shannon Trammell from BPD for working on reviewing DD43. The policy identifies four possible reporting mechanisms for officers who would like to report corruption and misconduct, and CNA asked that the policy reflect how they differ, and what the advantages and disadvantages of each reporting mechanism are, and few other minor changes.

Shannon Trammell added that CNA recommended that the employee's choose the method that they're most comfortable with, they may prefer to go to HR directly and that is completely their choice to choose any of the four mechanisms, but no matter which method that they choose that is a confidential report and cannot be discussed or talked about or shared. And no retaliatory measures can be taken because of making a report. Commissioner Seguino recommended a minor change and that is under the reporting mechanism, the change was suggested from the HR department about part E.

Commissioner Seguino moved a motion that the Commission approve the revised policy.

Commissioner Rao seconded the motion

No further discussion

Motion passes unanimously

6.04 Discuss CNA recommendation: "The BPD should work with Burlington community members to set up a re-occurring opportunity to engage in conversations that enable all involved parties to be seen, heard, and understood. Consideration should be given to recruiting, outreach, shared agenda development, participatory meeting agenda, etc."

Commissioner Seguino stated that the comments from the public this evening spoke to the deep interest in community engagement with the BPD.

The Police Commission is working on a strategy for getting community input. One such effort has been brought forward by Vermont Interfaith Association (VIA). They are focusing on surveying specific neighborhoods with VIA members going door to door to gauge people's interest in public safety. They will hold an open community meeting where these results will be discussed. It was suggested that the Commission and the Public Safety Committee host a joint meeting with VIA to hear directly about their plans.

Commissioner Oski asked the Chief about the CNA recommendation that talks about the Police Department engaging in community outreach and if the department is doing something over and beyond what is being discussed at the Commission. The Chief replied that he had attended NPA meetings pretty regularly and as had outreach meetings with different members of the community, AALV and with people at the boys and girls club and the King Street Youth Center. The Police Department doesn't have outreach plans calendared right now but some outreach plans can be developed in the future.

6.05 Use of force report/s.

The BPD gives the Commission a report every month on all uses of force by the officers. Commissioner Seguino asked the chief to talk bit more on the definition of what is use of force and that how different departments define use of force differently.

Use of Force Incidents assignments:

Commissioners were assigned responsibility for reviewing videos associated with each use of force incident: Garrison incidents number 1 and 2, Commissioner Keefe incidents number 3 and 4, Commissioner Rao incidents number 5 and 6, Commissioner Oski incident number 7, Commissioner Grant incident number 8, Commissioner Commerford incident number 9, and Commissioner Seguíno incident number 10.

7. Commendations

No Commendations for this month.

8. Commissioner Updates/Comments

8.01 Commissioner Updates/Comments.

Commissioner Garrison, on behalf of the Police Commission members, commended Commissioner Grant for her service and wished her luck being a new city councilor. Commissioner Grant commented on her leave and how she can be helpful to the police commission as a city councilor.

9. Anticipated Executive Session

9.01 Anticipated Executive Session.

Motion moved by Commissioner Seguíno

Motion seconded by Commissioner Grant

Motion passes unanimously

10. Adjournment

10.01 Motion to Adjourn.

Motion to adjourn the meeting by Commissioner Garrison

Motion seconded by Commissioner Oski

Motion passes unanimously

Meeting adjourned at 7:52 pm.