

ORDINANCE and CHARTER CHANGE JOINT COMMITTEE

Thursday, May 4, 2023

Public Works Conference Room and Via Zoom (Remote)

DRAFT MINUTES

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

Staff Present: Kim Sturtevant (Acting City Attorney), Joseph Dempsey (City Attorney's Office Staff)

Others in Attendance: Council President Paul, Councilor Magee, Councilor Grant, Acting Chief Murad, Chief of Staff Jordan Redell, Dave Maher, Amy Malinowski, Shakuntala Rao, Andy Blanchet, Jessica Oski, Mary Cox

Meeting called to order at 6:07 PM.

1.0 Agenda

Motion to adopt/amend agenda

Motion to Adopt Agenda as is.

Motion by Councilor Carpenter, Seconded by Councilor Shannon

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Review of Committee Materials and Initial Councilor Comments

Carpenter: There has been a lot of discussion over the last two and a half years about the potential charter change. I am less familiar with the other conversations happening and I am hoping to get more familiar with the other work that is still being done on this topic.

Hightower: I am hoping to clarify what specific changes we are looking to cover before getting into the details so we can cover this in an efficient way.

Shannon: I want to examine our current system and identify what we want to change going forward. I was on a committee in 2019 that looked at policies and practices. It will be helpful to see how the current system is not working and how we can address the issues. We also need to think about how these policies will affect the police officers themselves. Maybe the Chief and the union can facilitate getting feedback from the officers themselves.

Bergman: I am looking at the resolution that created this joint committee and I believe that the end date of June 1 is simply too soon and we should move it back. I agree with Joan that we need to have a city-specific solution that addresses both officers and others. I think September is a better end date. There will need to be transparency for any potential new body as well as addressing due process. There is a lot of work to be done, whether we change the role of the Police Commission or create some new body to do the work.

Carpenter: I am also curious how discipline works in the City at-large? How does the HR Department and HR Committee role compare to that of the police?

Traverse: Yes, I believe that we need to create a list of people that we might want to have weigh in on this issue. I know the Police Commission has been working on this and would like to give a presentation on their work. I do have more substantive thoughts, but I would like to allow others from the public to speak. I am hopeful that this committee will find some solutions since there is so much interest in our community right now. From a charter change perspective, I think the two areas that could change would be the sole role of the Chief in disciplining officers and the role of the Police Commission as an appellate body for officers. Other than that, I believe there is a lot of room for ordinance or other changes.

Hightower: I think starting with the issue of disciplinary authority first would be smart as that will likely require a charter change. I am wondering what the best way to get feedback from police officers is and how we can do so quickly. I think we need a policy change that will be clear and still give us flexibility. If we do a charter change, I think it needs to be flexible enough so that we can adjust the policy in the future if the City wants to. In short, I think disciplinary authority should be with the Police Commission, but the charter change should be flexible enough to change in the future.

3.0 Public Comment

Councilor Grant: I will be sending out a link to some trainings from NACOLE. The trainings go through the best practices and the purpose of oversight. As a police commissioner, I was concerned about incorrect information getting out to the public about police oversight. There are no two oversight bodies that are the same, but there are some general principles for us to look at. A good example is the commission in New Haven, Connecticut. I hope we can review this NACOLE trainings as we go forward.

Jordan Redell (Mayor's Chief of Staff): The Mayor plans to share a memo with the committees and commission on these points. First, we should codify the current policies of the Police Commission to accurately reflect what they do right now. We also need to codify the justice procedures so that officers are treated fairly. Finally, we need to address the current issues with the charter regarding the role of the Mayor as the chief executive of the City. Currently, the Chief has the sole authority over the police department and the Mayor believes that is problematic.

Acting Chief of Police Murad: I don't want to take up too much time with all of the documents available online. Use-of-force is a significant concern, but it is not the lion's share of the complaints. We receive about 30 valid citizen complaints a year and all of them are reviewed by the Police Commission. *Note: These documents are available on BPD's website or as attachments to the BoardDocs meeting agenda.* As far as engaging with the police officers goes, I think it is a great idea to engage with the officers directly and not just me and the BPOA. We need to craft good questions before we put out any survey and I don't think we are there yet. Thank you.

Shannon: When we are talking oversight, are speaking only of sworn officers or of all the employees at BPD?

Bergman: I don't see our charge as being limited to only sworn officers.

Shannon: I bring it up because not all BPD employees are in the police union.

Chief Murad: Yes, we have an increasing number of professional, non-sworn staff. Currently, all of the employees of the department, sworn or not, are under the Chief for disciplinary matters. We send all citizen complaints regarding BPD employees to the Police Commission regardless of position. The document on the role of the Police Commission is also available on BPD's website.

Andy Blanchet (AFSCME Local 1674 President): I am glad to see we are looking for change and that is what our members are looking for. I represent the union members at the Howard Center. I want to reiterate what Melo Grant said about making sure the public gets accurate information. I am hopeful for future collaboration going forward on this.

Councilor Grant: The Police Commission reviews complaints, but the Commission does not always agree with BPD determinations. I think that issue is an important one and an opportunity to improve training, policies, and community engagement.

Amy Malinowski: I am here from the People for Police Accountability. I am wondering how we are going to make these forums more accessible and engage everyone. I know it has been said, but I think the Chief should not have sole authority on discipline matters.

Dave Maher: I've lived in the Burlington area for about 50 years. I suggest to create a peer review board within the police department. The board could consist of several senior officers, HR, and maybe a union representative. Appeals from this board could then go on to an oversight board. This would allow people familiar with police work to review complaints and make a discipline recommendation. This would also reduce the number of complaints going to the oversight board.

Hightower: I want to bring up the CNA report recommendations regarding internal affairs. I think it might be best to have HR Director Kerin Durfee speak to how other City departments handle such issues.

Andy Blanchett: Workers at the Howard Center feel like we have a lot of oversight. Our members feel that strong oversight and accountability is very important when our members are interacting with police.

Shakuntala Rao (Police Commission): I suggest having one or several police commissioners be invited regularly to these committee meetings. Also keep in mind the matter of resources as we discuss the role and responsibilities of the Police Commission.

Carpenter: I view the Police Commission as an independent oversight body. I know some people feel that it is not. In 2020-2021 we spent a lot of time on the CNA report. I think it would be helpful to see what that report says about discipline. I am not sure we will have the time or resources to do the same outreach we did a few years ago.

4.0 Councilor Discussion on Next Steps and Meeting

Bergman: Councilor Hightower posited that we should start with discipline. Any further thoughts on that?

Hightower: I think I can share or present on the CNA report findings on this. I also think we should have HR Director Kerin Durfee present on how discipline works for the rest of the City. Then we can decide on whether we want to focus on just sworn officers or all of BPD.

Councilor Grant: We can work on that together. I went to every public engagement at that time and presented CNA findings to the Council when I was a commissioner.

Shannon: I can't attend the next meeting. I would prefer if the next meeting was more informational and outreach-oriented. This topic is evolving and not everyone's view is the same as it was a few years ago.

Traverse: I agree, I think the next meeting should be focused on information gathering. I also agree with Shakuntala that the Police Commission should be an integral part of the process. Are there any other things we should address?

Shannon: We should create a website to host all of the relevant documents and videos of meetings.

Carpenter: Perhaps the Police Commission could have a discussion and appoint one or more people to represent the Commission in these discussions.

Bergman: We have a large number of documents related to discipline that would be good to have included in our information gathering. We have two proposals for police oversight, both that did not succeed, that we could draw from and see what those ideas were.

Hightower: The CNA report pointed out some policies that were not best practice and I think HR Director Durfee has a good idea of best practices for the City and how they might relate to BPD.

Bergman: I have two points to bring up. For outreach, we had success with the All Resident Voting issue and to do something like that again we will need some money. We will need outreach services and translation services. In terms of discipline, the question of qualified immunity is a cloud over the use-of-force discussion. It has had a dramatic impact on policing in the U.S. on a whole and we should keep it in mind.

Hightower: I prefer to not touch qualified immunity, as that is a large issue that we should save for the end given the complexity. I really want to get a good policy done and that is a huge issue.

Doherty: I just want to mention that the Vermont State Police has an internal affairs office and it might be useful to review how their office handles such issues. I also think we should look at how the Fire Department handles disciplinary issues as well.

Shannon: It might be helpful to hear from the Vermont Criminal Justice Council and hear what they have to say on this issue.

Traverse: So for our next meeting: a presentation from Kerin Durfee, a review of the CNA report recommendations, outreach and engagement, and anything else people might think of before then.

5.0 Adjournment

Motion to Adjourn.

Motion by Council Traverse, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 7:32 PM.

CNA Recommendations for Revision of DD03

- The BPD should consider adding cultural competency training to those listed in section VIII of directive DD03.
- Though self-evident, BPD might consider adding language to DD03 Section IV.D specifying that family members and particularly children do not constitute professional interpreters and should not be used as translators.
- Finding: Section VI of DD03 provides a strong basis for reducing bias in law enforcement actions. In DD03, Section IX.E, the policy states: "Supervisors will be alert for and respond to indications of potential biased policing." Recommendation: Although it is encouraging that BDP includes the above language in its policy, the department should include examples for their officers of what these indicators might be.
- BPD will integrate DD03 into DD05. (No need to comment on this).



**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
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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 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.
- 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,

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. Family members, including children (no matter the age), do not constitute professional interpreters and will not be used as such. Supervisors are equipped with phones that connect to a professional interpretation service that may be used for professional interpretation, if needed.
- 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.

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 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.

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 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.

Examples of what indicators might be

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.

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BURLINGTON POLICE CHIEF'S REPORT

March 2023



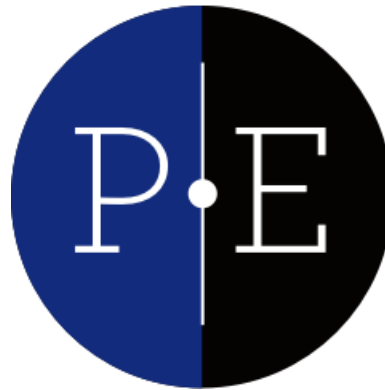
F.I.P. TRAINING

This month we conducted an innovative facilitated training with the [Center for Policing Equity \(CPE\)](#), a nationally recognized nonprofit.

According to [Vermont's Rule 13](#), police must complete **Fair and Impartial Policing** training biennially. And as per [Burlington's 2020 racial justice resolution](#), all City staff must complete trainings "that explore the roots, impacts and solutions to systemic oppression, including but not limited to systemic racism."

We used the six-episode [Netflix docuseries "Amend: The Fight for America,"](#) which chronicles the struggle for citizenship, due process, and equal rights. It does this through the lens of [the United States Constitution's 14th Amendment](#). The series presents the stories, legislation, and court rulings that ultimately led to the adoption of the 14th and 19th Amendments to the Constitution.

Mar 23, 2023 – all data preliminary & subject to change



Center For POLICING EQUITY





AIRPORT INCIDENT

On Sunday, March 12, a United Airlines flight en route to Burlington International Airport with 65 souls aboard reported that there had been a threat discovered on the aircraft. Federal, state, and local agencies addressed the situation. Upon landing, the plane taxied to a secure portion of the runway. By procedure, Burlington Police Department officers provided scene security and escorted participating personnel who were not authorized for unaccompanied presence in TSA- and FAA-regulated portions of the airport, including runways. As people disembarked, TSA Vapor Wake dogs cleared passengers and crew, and then the Vermont State Police bomb squad cleared the aircraft and its contents. We're incredibly grateful to partners like the Vermont State Police, the South Burlington Police Department, the TSA, the FBI, and of course Nic Longo and the terrific operations team at BIAP.



Mar 23, 2023 – all data preliminary & subject to change



EQUIPMENT TRAINING

Over the past few weeks there have been several deployments of our Emergency Response Unit, which uses the Emergency Response Vehicle and its various tools, and our Crisis Negotiation Unit. This includes two operations involving [barricaded persons](#) unlawfully holding small children in [neighboring municipalities](#), in which the BPD's unique equipment and skillsets was specifically requested by partner agencies. In both instances, the BPD obtained safe, successful resolutions for all involved.

The photo at right shows our Crisis Negotiation team working with our new "throw phone," and item designed to facilitate contact with barricaded persons or hostage-takers.

You can [learn more about the Emergency Response Vehicle at this hyperlink](#).





USE OF FORCE TRAINING VIDEO

Last month, we created a **NEW** [Use-of Force Incidents and Information page](#) for the website. The page includes links to a use-of-force flowchart describing our review process, our use-of-force policy, monthly reports describing each and every use of force, and body-worn camera footage.

We’ve also posted a new video created by Redaction Specialist ShanShan Chen. **The video highlights BPD’s new tactics training.** Guided by lead instructor Sergio Caldieri, this training focuses on jiu jitsu, prioritizing grappling and control holds over strikes, and has been shown to reduce injuries to officers and subjects alike.

Use-of-Force Incidents & Information

Burlington Police Department

Police Department

Key Department Directives

About Us

Online Incident Reporting

Press Releases

Police Transformation

Police Commission

Transparency & Data

Open Data Dashboard

City Open Data Portal

Use-of-Force Incidents & Info

Reports &

DD05 Statewide Policy on Police Use of Force

Use of Force Flow Chart

View Use of Force Videos

Use-of-Force Reports

The following reports are presented to the Burlington Police Commission each month during regularly scheduled open meetings, beginning in March 2021.

MONTHLY USE-OF-FORCE REPORTS		
2021	2022	2023





REBUILDING POLICE

Mayor Weinberger and Chief Murad presented a [rebuilding plan as part of the FY23 budget](#), which the City Council unanimously approved. The BPD is working hard to grow.

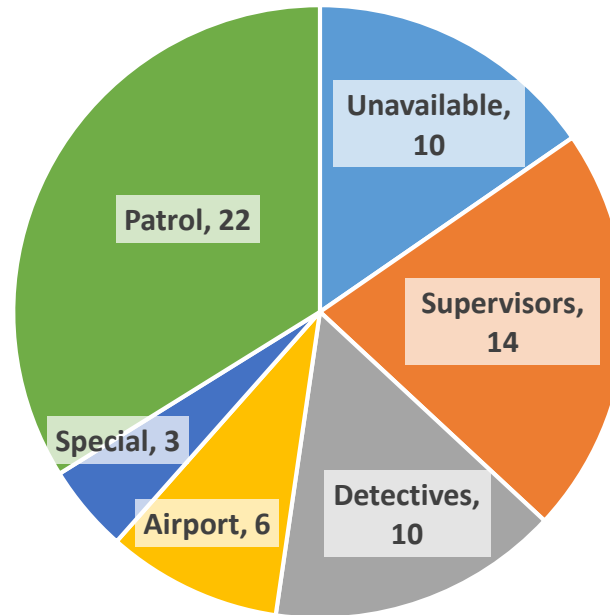
On December 16, 2022, three new BPD officers graduated from the Vermont Police Academy and started their fifteen-week field training.

On February 2, 2023, we swore in six new officers and sent them to the current Academy class.





65 TOTAL, 55 AVAILABLE



As of March 15, 2023, the BPD has 65 total sworn officers, of whom 55 are available to be deployed. Historically, headcount has been in the high 90s; currently we are authorized for 87 officers.

65

minus 10 on injury, VPA, FTO, etc. = 55

minus 14 supervisors = 41

minus 10 detectives = 31

minus 6 airport officers = 25

minus 3 special assignments = 22

22

officers on Patrol



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



BUILDING ROLES UNIQUE TO BPD

As part of Chief Murad's 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. Historically, the BPD had two; Chief Murad's plan expanded the number. We currently have five employees in the role, and **our budget allots us 11 CSOs and one CSM** (or Community Service Manager). The role is also a stepping stone to becoming a police officer. (One of the CSOs shown below graduated from the police academy in December, and the other is in the current academy class.)



Mar 23, 2023 – all data preliminary & subject to change

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

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

- **Community Support Liaisons** (CSLs)

Chief Murad and Community Support Supervisor Lacey Smith, pictured above, created this new position, which is unique to the BPD. CSLs are embedded social workers with expertise in mental health, substance use disorder, and houselessness who help address social service issues. **We are hopeful to have six CSLs by early 2023.**



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



INCIDENT VOLUME

FULL YEAR DATA

In 2022, there were 25,181 total incidents. Of those, **3,987—or 16%—have been “stacked” according to the Priority Response Plan.**

Additionally, **2,763—or 11%—have been referred to online reporting.**

Additionally, approximately 25% of calls receive response from a CSO or CSL instead of a sworn officer.

This means BPD officers respond to 50% fewer calls for service than they used to. Increasingly, this is unacceptable to our neighbors.

	TOTAL INCIDENTS FULL YEAR	Full Year %Δ	YTD INCIDENTS (as of 3/15)
2017	32,671	100%	6,112
2018	29,684	↓9%	5,503
2019	28,475	↓4%	5,245
2020	23,592	↓17%	5,352
2021	21,586	↓9%	3,239
2022	25,181	↑17%	3,602
2023	n/a		4,449
	Δ 2017 to 2022:	↓24%	

YEAR-TO-DATE 3/15

Year-to-date, **incidents in 2023 are up 24% compared to 2022. They are up 37% over 2021**, but are lower than years prior to that. (Note that March 15 2020 was the very beginning of the pandemic.)

Of the 4,449 incidents in 2023 so far, 566 have been “stacked”—i.e., 13%.

Additionally, 563 have been referred to online reporting, or 13%.



SELECTED VALCOUR INCIDENTS, YTD AS OF MARCH 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	8	22	15	12	13	13	67	1	56	151	10	2	13	0	928
2019	7	31	13	14	20	21	64	0	79	174	12	4	16	13	572
2020	11	31	16	13	25	7	116	1	95	187	24	3	16	11	578
2021	7	16	10	8	14	5	94	2	114	153	18	2	9	12	184
2022	11	21	43	15	18	9	102	1	125	199	17	4	5	31	164
2023	3	33	28	17	15	13	90	1	202	195	60	0	4	75	113

* = 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 March 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.

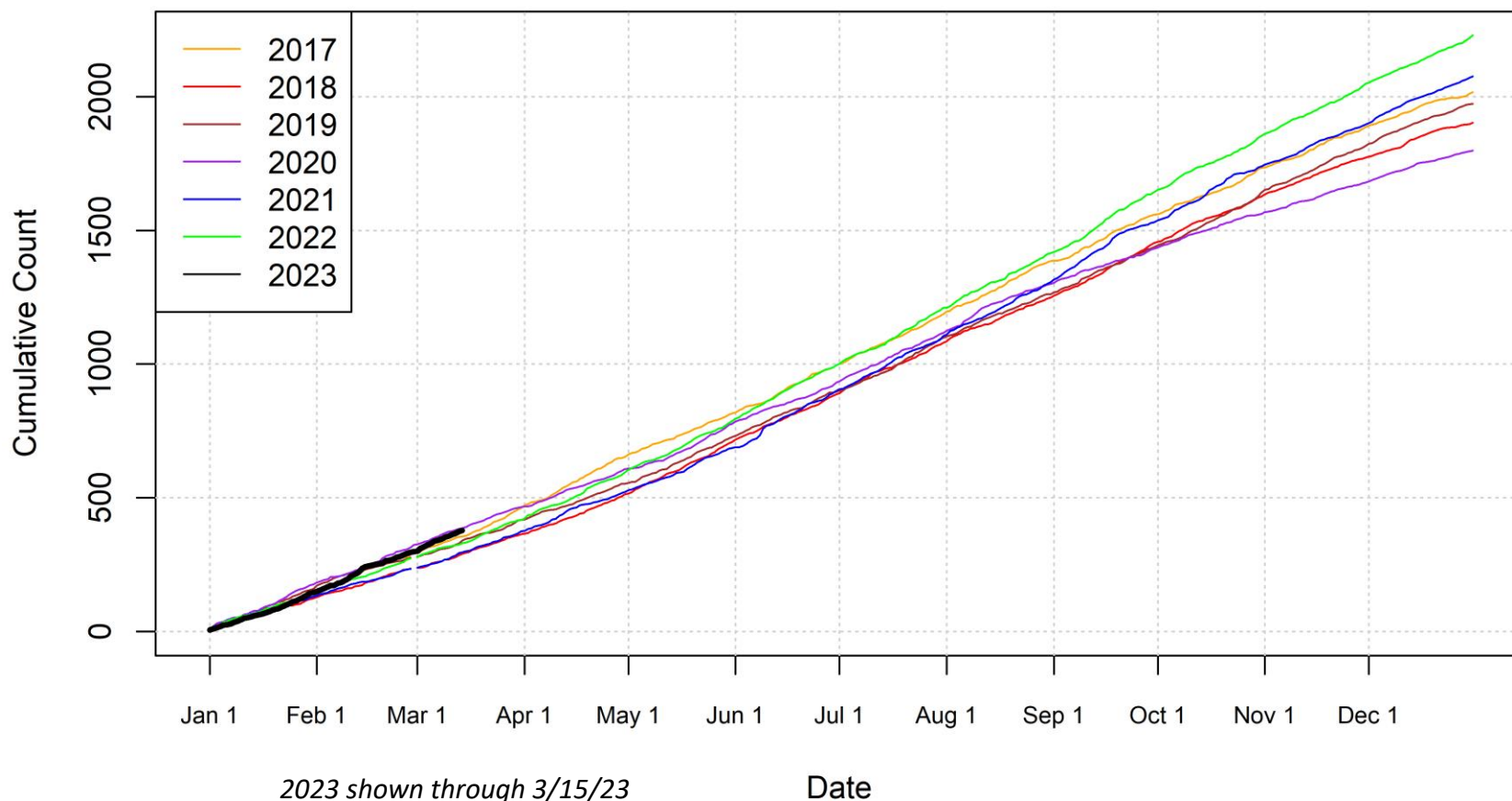


PRIORITY 1 INCIDENTS

In 2022, there were more Priority 1 incidents than in any of the previous five years. At this very early stage in 2023, that high-volume trend is being maintained.

Priority 1 incidents include assaults, crashes with injury, domestic incidents, overdoses, robberies, and homicides. Year over year, Priority 1 incidents comprise an increasingly large percentage of all incidents.

Priority 1 Incidents

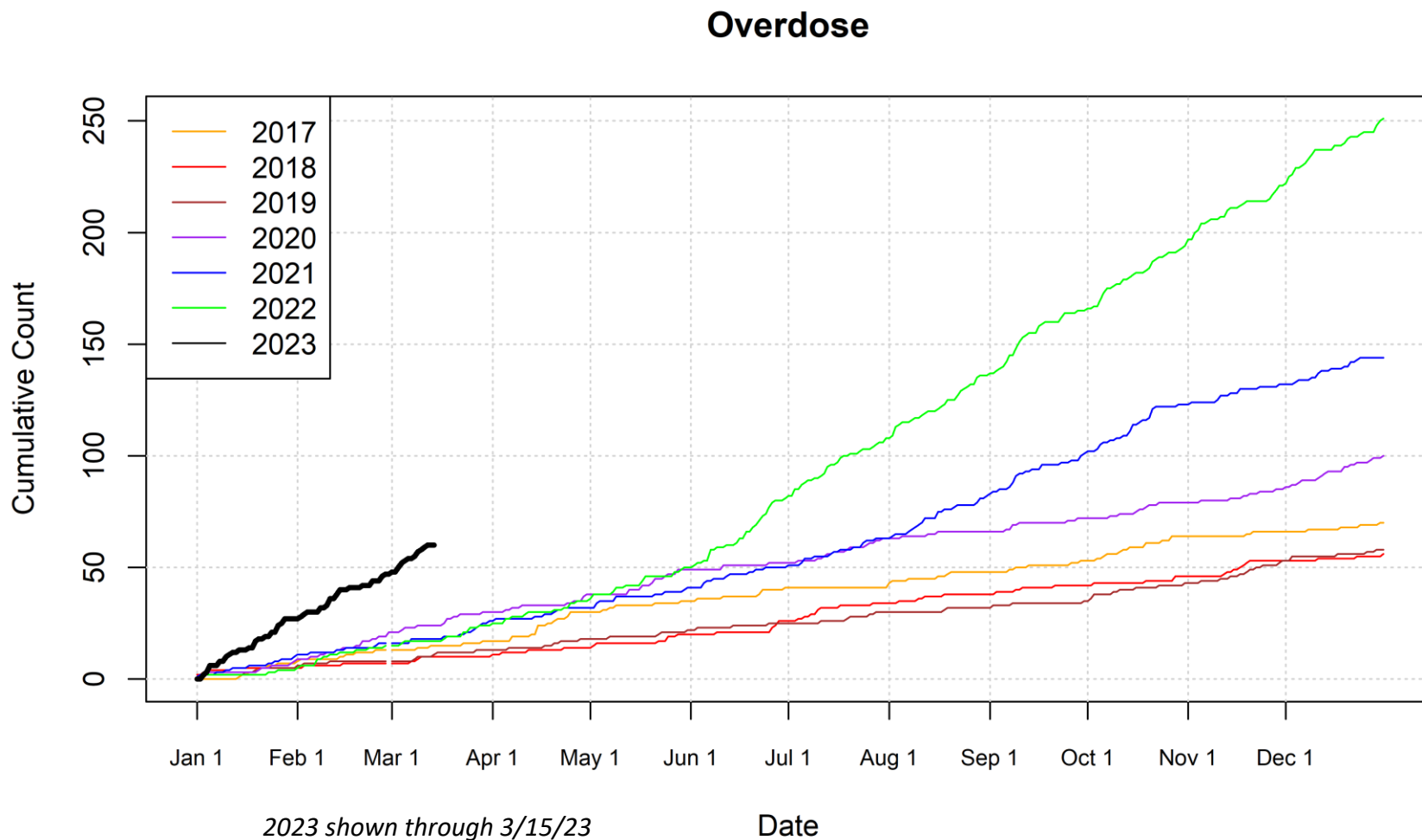




OVERDOSE

This graph shows all incidents labeled “overdose” in Valcour. The current trend for overdoses in YTD 2023 is extremely alarming.

Calendar year 2022 ended 192% higher than the five-year average of years 2017 to 2021. But as can be seen at right, 2022 was not unusual until June 1. We are working on developing a hypothesis for what factors may correlate with that very bright-line divergence from the norm.







Office of Mayor Miro Weinberger

To: Burlington Police Commission
From: Mayor Miro Weinberger
Date: March 23, 2023
Re: The BPC's Policy: Role of the BPC in Reviewing Complaints

In late 2022, for the first time since the Burlington Police Commission's Policy: The Role of the BPC in Reviewing Complaints was adopted in 2020, Section 6 of that policy was triggered. Section 6 requires that if the Chief rejects the Police Commission's recommendations regarding its review of a Citizen Complaint, the Chief shall explain to the Police Commission why the recommendations were not accepted. And that, "if a majority of the Police Commission disagrees with the Chief's decision the Police Commission Chair shall report this to the Mayor".

In February 2023, I formally responded to the Commission with a confidential communication to make my concurrence with the Chief's decision clear and to identify several ways in which I believe this reporting process could be improved in the future. At the Commission's request, I am reissuing my January memo with the disciplinary details removed, so that the Commission can discuss it while that information remains confidential consistent with Police Commission policy.

It is important for all participants in this process to understand that it is beyond the Mayor's authority in City Charter to overrule the Chief's decision regarding discipline or to direct the Chief to take specific disciplinary action. In general, 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.

The purpose of this memo to make recommendations about how future disagreements between the Chief and the Commission could be handled in order to ensure procedural justice for the involved City employee(s), to better promote transparency with the public to engender trust in our oversight processes, and to best expedite a sufficient review of the underlying complaint and disciplinary decision by my office. It is my hope is that by adopting these recommendations, we can better continue our work together of ensuring adequate community oversight of the police department that improves Department practices, directives, and outcomes for the future.

Requested improvements to the Citizen Complaint Process

I request that the Commission and the BPD implement the following process improvements for engaging the Mayor's office in the [Commission's policy for reviewing Citizen Complaints](#):

1. BIA reports and other materials requested of the BPD should be shared to the Police Commission through the City Attorney's office for the purpose of redaction and the protection of confidential materials with the public. The BPD should not, itself, redact or withhold materials requested by the Police Commission for the purpose of the investigation of a Citizen Complaint. This change would prevent concerns that BPD is inappropriately redacting sensitive information.

2. In Section 6 of the Policy, please consider that in the future the Police Commission's recommendations to the Chief should be shared in writing, and that if the Chief rejects those recommendations the Chief should explain to the Police Commission why they were not accepted in writing, and those documents should be provided in the Chair's record to the Mayor. This change will reduce the need for the Commission to summarize any executive session discussion in its report to the Mayor and eliminate the potential for a mischaracterization of the Chief's position.
3. The Chair's record to the Mayor should also include relevant source materials as they were considered by the Police Commission during its review including, but not limited to: a BIA report if an investigation was conducted, the originating Citizen Complaint, relevant current Department directives, footage of body worn cameras related to any underlying police incident, Police Commission meeting minutes including public comment related to either the police incident or the complaint, other testimonies and information provided to the Police Commission from officers, staff, or the public. The inclusion of this information will expedite the Mayor's review of the Chair's report.

I appreciate that in reviewing all Citizen Complaints the Burlington Police Commission has, over the last several years, attempted to significantly expand and elevate its oversight role. I thank the Police Commission for its thoughtful and fulsome consideration of the issues brought forward by each and every Citizen Complaint in its reviews.

While I sometimes have substantive disagreements with your conclusions, and continue to hold some process and structural concerns that I hope to resolve through future City Council approved action, I acknowledge that it is important and valuable for the Commission to fill this role. Your efforts in response to Citizen Complaints are consistent with numerous steps I and the City Council have taken since 2016 to codify and strengthen the Police Commission's role in oversight of the Department.



BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
DD43 Reporting of Corruption and other Misconduct
Reviewed and published XXX xx, 20xx

PURPOSE: To ensure that allegations of corruption and other misconduct involving employees of the Department are reported in a timely manner and to ensure that all employees understand their duties to report such allegations.

POLICY: Employees will not engage in corrupt activities or other misconduct. Upon receiving information or allegations of misconduct or corruption, members shall report that information; failure to do so will constitute misconduct in and of itself.

CONTENTS:

- I. Definition
- II. Procedure
- III. Failures to Report
- IV. Attempts to Cover-up or Discourage Reporting
- V. Union Representation Exemption

I. DEFINITION

- A. **CORRUPTION:** Any activity or other conduct committed by a member of the Burlington Police Department, whether on or off duty that, if substantiated, would constitute a crime.
- B. **OTHER MISCONDUCT:** Any activity, improper behavior, or other conduct committed by a member of the Burlington Police Department, whether on or off duty that, if substantiated, would impugn the integrity of the department in a way that would erode the trust and ability to assist witnesses, victims, or other members of the public.

II. PROCEDURE

- A. When, based on the totality of statements, observations, physical evidence, or other information provided by third parties, an employee has reasonable suspicion that corruption or misconduct has occurred or is occurring, employees shall report this information. To satisfy this duty to report, the employee must provide accurate and complete information. Subsequent or updated reporting is encouraged to ensure that information is accurate and complete. The employee must report this information within one of the four methods and timeframes outlined below. Any of the methods is an acceptable means of reporting. The employee must decide which method is most appropriate and timely based on the timing of the allegations, the parties involved, the availability of the method to report, the employee's preference and comfort level with which to report, and the severity of the alleged corruption or misconduct. No matter the means of reporting, all reports of corruption and other misconduct are considered

confidential personnel matters and are prohibited from being openly shared, discussed, or used against either party in a retaliatory way.

1. Reporting to the Officer in Charge (OIC): within 24 hours
 - a. Contact the Officer in Charge and explain desire to report misconduct/corruption
 - b. Report preliminary facts.
 - c. In some cases the employee may be requested to provide a detailed written report.
2. Reporting to Burlington Department of Human Resources: within earliest business hours
 - a. Call the City of Burlington Department of Human Resources and explain desire to report employee misconduct/corruption, or request an in-person meeting if preferred.
 - b. Report preliminary facts.
 - c. Identify oneself or, if choosing to remain anonymous, obtain Confidential Identification Number.
 - d. Provide details of corruption or misconduct.
 - e. In some cases the employee may be requested to provide a detailed written report which can be transmitted to HR.
3. Reporting to Deputy Chief of Administration: within 24 hours
 - a. Contact the Deputy Chief of Administration and explain desire to report employee misconduct/corruption
 - b. Report preliminary facts. In some cases the employee may be requested to provide a detailed written report directly.
 - b. The employee may choose to remain anonymous when reporting via this method but should maintain a copy of the report as evidence of having satisfied their duty to report.
4. An employee who receives an allegation of corruption against oneself (for example, but not limited to, an accusation of stealing an arrestee's cash): without delay
 - a. Request a supervisor to respond to the scene to speak with the complainant.
 - b. Supervisor will follow the above procedures, as well as established complaint and discipline protocols.

B. Any supervisor who becomes aware of misconduct or corruption will report it directly to a Deputy Chief or the Chief of Police without delay.

III. FAILURE TO REPORT

Failure to meet the duty to report corruption/misconduct is, in itself, misconduct and will be charged as such when uncovered during an investigation. If doubt exists, report the conduct in question.

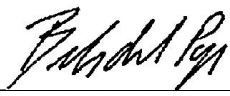
IV. ATTEMPTS TO COVER-UP OR DISCOURAGE REPORTING

Any and all employee actions taken to cover-up, discourage, or intimidate the proper reporting of corruption or misconduct will be considered acts of corruption or misconduct in their own right.

V. EXCEPTION FOR UNION REPRESENTATIVE DURING HEARING

The reporting requirement for misconduct, rather than corruption, will not apply to employees who are acting as a union representative and learn details of misconduct during the course of such duties. Employees are advised that courts have found a union representative exemption does not cover knowledge of fellow employee criminal actions. Thus, employees who have concerns of engagement in a criminal offense may consult with an attorney who can offer client confidentiality.

Reviewed and adopted by the Burlington Police Commission on XXX xx, 20xx.



Brandon del Pozo, Chief of Police

March 1, 2019
Effective Date

###



POLICE DEPARTMENT
CITY OF BURLINGTON

USE of Force Report
March 01, 2023 – March 15, 2023

Total Number of Incidents for 3/1/23 – 3/15/23 – Incidents 847

Total Number of UOF Incidents -10

Total Uses of Force – 22

Percent of UOF Incidents vs. Total Incidents – 1.1%

Race/Gender of Arrestee/Subject in UOF Incidents

White Male – 7

White Female – 2

Black Male – 1

Black Female – 0

Asian Male – 1

American Indian Female – 1

Incidents

**1. 23BU003851 Arrest (4) Counts of Simple Assault on Law
Enforcement/Firefighter/EMS/Healthcare Worker**

Complainant/ Officers Dispatched

3/3/23

UVMMC Security called reporting a male had been discharged and was not becoming physically violent and refusing to leave the property. UVMMC Security also advised that the male was being physically restrained by security to prevent staff injury. Upon arrival two officers entered the ED room where the male was being held down by security staff. The officer had them place the subject prone and the officer handcuffed the male. The male was placed in a sitting position but attempted to repeatedly to stand up and the officer told them to remain seated. The officer had to physically restrain him by placing his hand the male's shoulder. The male then kicked the officer twice in the knee. Security staff place the male back onto the floor and the officer restrained the male's leg. A second officer who had been speaking to UVMMC ED staff that had been assaulted by the male entered the room and assisted the first officer in standing up the male. The male refused to stand on his own and the officers had to physically stand the male up and bring him out to the cruiser. While walking out with the male he kicked the first officer again in the leg. Once in the back of the cruiser the male began to repeatedly strike his head off the partition separating the front seat and back seat. The transporting officer warned the arrestee that they would be sprayed with OC (Oleoresin Capsicum) if they continued. The arrestee again struck his head on the partition causing bleeding. The officer then sprayed the arrestee. The arrestee stopped momentarily then struck his head again and the officer deployed his OC again. The arrestee stopped striking his head and the officer began to transport the arrestee to



POLICE DEPARTMENT
CITY OF BURLINGTON

BPD. While on route to BPD the arrestee again began to strike his head off the partition. The officer again deployed their OC and the arrestee stopped. At BPD the arrestee was decontaminated and placed in a cell. The arrestee continued to strike their head off the walls of the holding cell and had to be placed in handcuffs and shackles then secured to the bench to try and prevent him from harming himself. All this was done compliantly. The arrestee then began to strike the back of his head against the cell wall. Officers transported the arrestee back up to UVMHC ED for evaluation. While in the treatment room the arrestee ran himself head first into a wall and had to be physically restrained by the two officers to prevent him from doing it again. The arrestee was transported to court and continued to try and strike their head off the interior of the cruiser. The arrestee was secured in a specialized chair provided by the Chittenden County sheriff's department at the courthouse so they could not hurt themselves.

White Male Age 34, 6'02" 160 lbs.

3 Officers

Officer 1 – Verbal Commands/empty hand controls/handcuffing/OC used X3

Officer 2 – Empty hand controls

Officer 3 – Verbal Commands/empty hand controls

Officers – (1) officer kicked in leg/knee three times causing pain

Arrestee – injured by own actions/seen by BFD refused services/transported by BPD to UVMHC ED for medical evaluation

2. 23BU003865 Arrest – Criminal Threatening/Hindering Arrest

Complainant/ Officers Dispatched

3/3/23

Female complainant called stating a male had threatened violence to her over the phone and stated that he was now on his way over to her residence. While on route the officer was advised there was a protection from abuse order issued by the court to be served on the male. Upon arrival two officers went out with the male and the complainant. While speaking with both parties the daughter of the complainant came out of the residence, walked up behind the male and threw him to the ground. The two officers intervened to prevent a further assault. While doing so the female complainant grabbed one of the officers who was attempting to restrain the daughter. The officer had to detach from the daughter and escort the female complainant away. While doing this the male grabbed the back of the officer. The officer turned and took the male to the ground. While on the ground with the male the female complainant again approached them and the officer took out his OC and warned the female complainant to



POLICE DEPARTMENT
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stay back. The second officer who had been placing the daughter in handcuffs came over and assisted the first officer in placing the male arrestee into handcuffs.

White Male Age 34, 5'04" 145 lbs.

White Female Age 16, 5'08" 200 lbs.

2 Officers

Officer 1 – Verbal Commands/empty hand controls /OC displayed/handcuffing

Officer 2 – Empty hand controls/handcuffing

Officers – no injury

Arrestee – no injury

3. 23BU004000 Arrest Violation of Conditions of Release/Assault on a Law Enforcement Officer/Disorderly Conduct

Complainant/ Officers Dispatched

3/5/23

Complainant called about female in City Hall Park swinging at people. Two officers arrived on scene and made contact with the female. Officers observed the female appeared to be intoxicated. The female admitted to drinking alcohol. Due to the weather conditions and the level of the females intoxication officers took her into protective custody. An officer placed her into handcuffs after which she dropped to the ground and refused to move. Officers had to pick the female up and place her into the cruiser. Officer learned that the female had court issued conditions to not consume alcohol. ACT 1 was closed and officers brought the arrestee to next closest Detox facility which is UVMCC ED. Upon arrival they were told to bring her into the waiting room as they would have to be admitted to be screened. While in the waiting room the arrestee shouted expletives and obscenities and attempted to bite one of the officers in the hand several times. The arrestee was seated in a wheelchair and officers had to several times place the hands on her shoulders to keep her seated. Once seen by the UVMCC ED staff they determined due to her violent nature the arrestee would need to be brought to a more secure facility. When officers attempted to wheel the arrestee out to their vehicle the arrestee physically stopped them from doing so. Officer then had to physically pick up the arrestee and physically escort her out to the police vehicle.

American Indian Female Age 32, 5'03" 195 lbs.

3 Officers

Officer 1 –Handcuffing/Empty hand controls

Officer 2 – Empty hand controls



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Officer 3 – Empty hand controls

Officers – no injury

Arrestee – no injury

4. 23BU004044 Arrest Burglary

Complainant/ Officers Dispatched

3/6/23

Complainant called stating they observed three subjects smash out the window of a parked vehicle. Upon arrival an officer observed a male attempting to pry open a door with a carpenter knife. As the officer approached the male dropped the knife and started to walk away from the officer. The officer told the male to “stay right there” twice but the male ran. The officer chased after the male who had run behind a building. The officer observed the male attempt to jump a fence but was unable to do so. The male took a kneeling position on a stump next to the fence facing away from the officer. As the officer approached, the male turned towards the officer. The officer was able to move around the male, who was elevated above the officer due to his position on the stump, and take hold of the male’s waist and bring him to the ground. The male came to a kneeling position and the officer physically placed the arrestee’s hands behind their back. A second officer compliantly handcuffed the male.

White Male Age 43, 5’06” 140 lbs.

1 Officers

Officer 1 – Verbal Commands/Empty hand controls

Officer – no injury

Arrestee – no injury

5. 23BU004055 Arrest Unlawful Trespass

Complainant/ Officers Dispatched

3/7/23

Property Manager called concerned that subjects were trespassing in the old YMCA Building after he had found an open door. Upon arrival two officer entered the building through the door to clear the building. Due to the unlit building and unknown nature of the subject(s) therein officer drew their firearms. As officer checked the building they came in contact with a



POLICE DEPARTMENT
CITY OF BURLINGTON

male. One officer held cover on the male and had him walk backwards to him. The second officer holstered his firearm and handcuffed the male. The male was taken outside and handed off to another officer. The officers re-entered the building to continue their search. One officer while searching observed a male attempting to gain entry to the building. The officer briefly pointed their firearm at the male. Upon recognizing the male subject and that their hands were empty the officer lowered their firearm. Due to limited officer resources and the fact the male had fully gained entry, the officer told the male to leave. The male complied.

Once the building was cleared the male located inside was escorted to a police vehicle. As the arrestee and officer approached the front of the cruiser the arrestee put his foot up on the bumper and used it to push himself back into the officer. The officer took hold of the male and told him to face the front of the cruiser. The arrestee refused and turns towards the officer, the officer turns them back towards the front of the vehicle telling them to face forward, the arrestee turns quickly again towards the officer. The officer spins with the arrestee and brings them to the ground. A second officer moves in and controls the arrestee's legs and then searches the arrestee. The arrestee is then assisted up and placed into the cruiser.

White Male Age 35, 6'00" 200 lbs. - Arrestee

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

2 Officers

Officer 1 – Firearm pointed/Verbal Commands/ /Empty hand controls

Officer 2 – Firearm pointed/handcuffing/empty/firearm pointed/verbal commands/empty hand controls

Officer – no injury

Arrestee – no injury

Subject – no injury

6. 23BU004213 Unlawful Mischief/Protective Custody

Officers Initiated

3/9/23

An officer patrolling the downtown district observed a male destroying a wooden planter on the sidewalk. The officer stopped and asked the male to talk with him. The male appeared agitated and continued to walk away asking if he was under arrest, the officer replied he might be. The male at first would not identify himself, then did but walked away. The officer explained he was not free to leave but the male continued to walk away. The male asked for Street Outreach and the officer told them he would try to get them to come to the scene. The male started to punch himself in the head and the officer had to physically stop him from doing so.



POLICE DEPARTMENT
CITY OF BURLINGTON

The officer stated he would get Street Outreach. The male started walking away again and made suicidal statements about going home and slicing his throat. The officer followed him and had to physically stop him again explaining he would get Street Outreach but that now that the male had made suicidal statements he was not free to leave. Two other officer arrived on scene. The male continued to move around and away from officers. The male then tried to walk away to go smoke and two officer had to physically take hold of his arms to stop him. The male began to struggle with the officers as they attempted to bring his arms behind his back to place him in handcuffs. The male continued to struggle with the two officers who could not get his hands behind his back. A third officer worked with the two officers and was able to grasp the male around the waist and with the two other officers assistance bring the male to the ground in a controlled manner. The third officer controlled the male's legs while the male was handcuffed without further incident. Officers stood the male up per his request. The male did not want to go to the hospital and wanted Outreach to speak to. Outreach arrived on scene and worked with officers and the male.

White Male Age 46, 6'00" 220 lbs.

3 Officers

Officer 1 – Verbal directions/Empty hand controls

Officer 2 – Empty hand controls

Officer 3 – Empty hand controls/handcuffing

Officer – (1) officer sustained a scratched cheek and knee

Subject – no injury

7. 23BU004246 Arrest (3) Counts Simple Assault/Aggravated Disorderly Conduct

Complainant/ Officers Dispatched

3/10/23

Complainant called stating a male had approached his group of friends outside a Church Street bar and was acting creepy towards a female in their group. When asked to leave the male pulled up his shirt and displayed a firearm in his waistband. The compliant gave a description of the male and that he had walked up Church Street. An officer approached the area of the bar and observed the male in question. The officer made contact with the male briefly before the male turned and ran. A second officer approaching the officer and the male observed the male run and called for the male to stop. The male then fled on foot through an alleyway connecting Church Street and City Hall Park. The male ran up a small set of stairs and was running down the handicapped ramp and fell of his own accord. The two officers in pursuit were able to each grab an arm. The officer then had the arrestee roll onto their back. Officers held onto the



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arrestee's arms and then place them behind the males back and secured the arrestee in handcuffs. Two loaded firearms were taken off the male.

White Male Age 3, 6'01" 175 lbs.

2 Officers

Officer 1 – Verbal Commands/Empty hand controls

Officer 2 – Verbal Commands/Empty hand controls/handcuffing

Officer – no injury

Arrestee – no injury

8. 23BU004360 Arrest Simple Assault/Unlawful Trespass

Complainant/ Officers Dispatched

3/12/23

Complainant called and stated that a male was threatening her husband with a knife. Officers arrived on scene and located the male sitting on the hood of a vehicle. The male was immediately confrontational with the officers, yelling at them to "sit the fucking down". The male attempted to enter the vehicle and one officer physically stopped him, telling the male he was being detained, and placed him in handcuffs. The investigating officer advised the male he was under arrest. The arrestee was told he was going to be searched, at this point the arrestee began to struggle and try to pull away. The arrestee turned to square himself off with an officer and the officer who had control of his handcuffed hands turned the arrestees body away from the officer. The officer also used his arm to push the arrestee's face away from the searching officer. The arrestee began to yell at the searching officer and the officer controlling the arrestee used the palm of his hand to hold the arrestees against the cruiser to prevent the arrestee from striking his head on the cruiser.

Asian Male Age 21, 5'05" 175 lbs.

1 Officers

Officer 1 – Verbal Commands/Empty hand controls/handcuffing/empty hand controls

Officer – no injury

Arrestee – no injury

9. 23BU004441 Arrest – Operating without Owners Consent/Eluding Police

Officer Initiated



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3/13/23

While on patrol an officer observed a stolen vehicle entering a residential area. The vehicle had just drove off from an officer attempting to stop them nearby. The officer and their partner began to canvas parking lots in the area and were able to locate the vehicle unoccupied in a one of the parking lots. Two subjects were standing nearby and the officers recognized the male as the suspect wanted in connection with stealing the vehicle. The two officer approached the male and asked him to come over to them. The male began to run away from the two officers who pursued after the male on foot. An officer was able to get close and tackle the male to the ground. The second officer was able to take hold of one of the arrestee's arms. A third officer had been walking towards the male in the direction they ran and had given commands to stop, arrived at the arrestee and was able to bring the arrestee's other arm behind his back. A fourth officer arrived and was able to control the arrestee's legs as the arrestee was placed into handcuffs.

White Male Age 36, 6'01" 160 lbs.

4 Officers

Officer 1 – Verbal Commands/take down/empty hand controls

Officer 2 – Empty hand controls

Officer 3 – Verbal Commands/Empty hand controls/handcuffing

Officer 4 – Empty hand controls

Officer – no injury

Arrestee – no injury

10. 23BU004575/23BU004577 Arrest on a Warrant

Complainant/ Officers Dispatched

3/15/23

Complainant called stating they had located several unresponsive subjects in a parked vehicle. Officer arrived on scene. One of the females located inside had a valid warrant for her arrest. The officer informed the female of the warrant and that she was under arrest. The officer asked the arrestee several times to exit the vehicle to which she did not comply. The officer reached into the vehicle and using no force assisted her out of the vehicle. The officer told the female to place her hands behind her back but she did not comply. The officer had to physically move the arrestee's hands behind her back and place them in handcuffs.

White Female Age 39, 5'08" 122 lbs.



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1 Officers

Officer 1 – Verbal Commands/Empty hand controls/handcuffing

Officer – no injury

Arrestee – no injury