



Police Commission

**Police Commission Meeting - Tuesday, August 22, 2023, 6:00 PM, Contois Auditorium,
149 Church Street, Burlington, VT 05401 or remotely via Zoom**

Please click the link below to join the webinar:

<https://zoom.us/j/91511844424>

Or Telephone: +1 305 224 1968 US

Webinar ID: 915 1184 4424

1. Agenda

1.1. Adopt Agenda

2. Approval of Previous Meeting Minutes

2.1. Approval of Minutes from 6/27/23

File Attachments	
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1.	Police Commission Minutes 6_27_2023
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Police Commission Minutes 6_27_2023.pdf

2.2. Approval of Minutes from 7/25/23

File Attachments	
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1.	DRAFT of Police Commission Minutes from 7-25-2023 v.2
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DRAFT of Police Commission Minutes from 7-25-2023 v.2.pdf

3. Public Forum

3.1. The public is invited to address the Commission

4. Chief's Report

4.1. Report from the Chief of Police

5. Safer Together Burlington Proposal

5.1. Presentation (20 minutes)

File Attachments

1. Safer Together Burlington Prop

Safer Together Burlington Prop.pdf

6. Officer and Staff Commendations

6.1. Officer and Staff Commendations

7. Commission Business

7.1. Use of Force Report

7.2. Update on the Body Worn Camera use of force footage access to the Commission

7.3. Discussion and vote on recommendations as motions to joint charter change/ordinance committee of the City Council

File Attachments

1. PreliminaryInputCharterChangeJointCommittee

PreliminaryInputCharterChangeJointCommittee.pdf

8. Executive Session

8.1. Executive session to discuss citizen complaints

9. Adjournment

9.1. Motion to Adjourn

Police Commission Meeting - Tuesday, June 27, 2023 @ 6:00 pm.
****Hybrid Meeting: In-Person & Virtual** via ZOOM.**

Draft

Commissioners present:

Stephanie Seguino, Jessica Oski, Jack Keefe, 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 6:08 pm.

1.02 Roll Call and Determination of Quorum

Meeting has a quorum.

1.03 Motion to amend/adopt the agenda

Commissioner Oski moved a motion to amend the agenda to remove item 7.1 to be covered under item agenda 5.7.

Motion seconded by Commissioner Cox

Motion Passes unanimously

2. Minutes

2.01 Approve minutes from Police Commission Special Meeting, Tuesday, May 23, 2023

Motion moved by Commissioner Oski

Seconded by Commissioner Rao

Commissioner Keefe abstained.

Motion passes.

Minutes approved.

3. Public Forum

The Commission listened to the Public comments and answered their questions.

4. Chief's Report

4.01 Chief's report.

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.

Chief also spoke about hiring incentives, the alternative roles of CSOs and CSLs, and the revised priority response plan and incident volume. Chief Murad also

discussed the rise in overdose incidents again and non-sworn response activities and its data.

Chief Answered Commission questions.

5. Commission business

5.1. Announcement by Commissioner Seguino

Commissioner Seguino informed the Commission that she's stepping down from being a Co-Chair for the Commission. Commission members thanked Commissioner Seguino for her dedicated service.

5.2. Electing Co-Chair

Co-Chair Rao Nominated Commissioner Cox

No other nominations.

Commissioner Oski moved a vote.

All in favor, Commissioner Cox elected Co-Chair to Burlington Police Commission.

5.3. Discussion and approval of DD03

Shannon Trammell updated the commission about the latest updates on the document and answered the Commission questions

5.4. Discussion and approval of CNA matrix

Shannon Trammell updated the commission about the latest updates on the document and answered the Commission questions

5.5. Discussion about BPD CARES position

Chief Murad answered the Commissions questions about the CARES position.

5.6. Use of force report/s

Commissioner Oski assigned the use of force incidents to the Commission.

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

Commission had a discussion about the document and Commissioner Seguino updated the commission about the document.

Commissioner Seguino updated the Commission about recommendations.

6. Commendations

6.01 No Commendations for the month of June.

Co-Chair Cox commended BPD on one of the use of force incidents.

7. Commissioner Updates / Comments

7.01 Co-Chair Rao updated the Commission about:

Commissioner Oski and Co-Chair Rao have been working on the commission's bylaws and they have a draft ready and they plan to distribute it by the end of July for the Commission to consider as an agenda item.

8. Anticipated Executive Session

8.01 Anticipated Executive Session

Motion moved by Commissioner Oski to 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 Commissioner Oski

Co-Chair Rao Seconded the motion

Meeting adjourned at 7:49 pm.

Police Commission meeting 7-25-2023

{DRAFT}

Meeting began at 6:04pm

Commissioners Present: Shakuntala Rao, Mary Cox, Stephanie Seguino, Jack Keefe, Jessica Oski

Also present: Jon Murad, Hayley McClenahan, Keaton Knowles

Audience in attendance: 3

1. Agenda

- Commissioner Rao moved to adopt or amend the agenda
 - Commissioner Cox: Motion to amend item 6.2 to read “Discussion of the issues raised by commission members in the presentation to the joint committee.”
 - Seconded by Commissioner Oski
 - Motion passed unanimously

2. Approval of Minutes

- Commissioner Rao moved to table June’s minutes for approval until the August meeting. The June minutes were not yet prepared due to a staff change.
 - Seconded by Commissioner Cox
 - Motion passed unanimously

3. Public forum

- Bruce Wilson: Bruce spoke on statistics regarding the numbers of people being ticketed and traffic-stopped, stating that the numbers are significantly higher for POC and that this has been the situation for decades. Bruce states great concern, and calls for something to be done to address this.
- Romeo: Romeo spoke on concerns about the random attacks of innocent people in and around Burlington. Romeo addressed the specific recent example of the violence committed against Kelley Cusson. Romeo stated that safety in our city is imperative, and that these random attacks are also an attack on our city and our society. Romeo spoke on the following: that we need a multi-faced approach to address these issues; that we need a stronger law enforcement agency, but that they need the necessary training which includes training in mental health and substance abuse; that we must promote a culture of inclusivity and tolerance; that we should encourage neighbors working hand-in-hand with law enforcement to report suspicious activity; that we must educate our youth in tolerance and conflict resolution; that we must foster compassion; and that we must address the root causes of violence by offering mental health and substance abuse services.
- Dave Maher: Dave spoke on locally-circulating concerns that the city may not be doing enough to mitigate drug crimes, especially regarding people who sell drugs. Dave questioned if not enough is being done to arrest those who deal drugs, or if drug arrests are just not being publicized.

4. Chief’s Report

- (See the full Chief’s Report in the agenda packet)
- Chief Murad reported on the third of July celebrations, especially regarding parking assistance and safety concerns with the fireworks display. He addressed an incident of miscommunication

between the city and the drone show operators which involved officers moving a portion of the crowd temporarily.

- Chief Murad reported on the death of Kelley Cusson, and about the ongoing homicide investigation that has followed. Kelley's cause of death has not yet been officially determined by the medical examiner, but the Police Department is working on this case and they are confident that it was a murder. He stated that the Police Department detectives have solved every murder case for at least the last 11 years, since the department started keeping valcour records.
 - The suspect in this case has been associated with another violent attack in downtown Burlington in 2021
- Chief Murad reported on staffing in the Police Department
 - Current headcount of sworn officers: 64 total, 57 available
 - Chief Murad gave a breakdown of where those officers are located, as well as their availability to the department. He gave the example of a few officers who are in field training and are therefore "unavailable" to the department.
 - The Police Department currently has 6 CSOs and 5 CSLs
- Chief Murad also reported on the following:
 - The Revised Priority Response Plan
 - YTD incident volume (with data from the last 5 years)
 - 5-year comparison breakdown of valcour incidents
 - Addressing a comment that was raised during the public forum, Chief Murad stated that Police Department data shows that there is not a racial disparity in Burlington traffic stops, and that the disparity that used to exist has been eliminated in the last two years.
 - Police pay has increased, per the contract
- End of Chief's Report
 - Commissioner Cox asked the Chief (regarding the valcour statistics) if it's true that when the Police Department responds to a call, there's a primary reason for the call and a secondary reason for the call. She asked if the valcour report only outlined primary reasons, or if secondary reasons were included in the statistics.
 - Chief Murad clarified that the valcour statistics only include the primary reason for a call; secondary reasons are not included in the statistics. He further clarified that the primary reason may be changed from its initial category (for example, when police arrives on scene and determine that the reason for the call is different than what was initially called in, or if the reason for the call is changed by detectives when their investigation determines that the situation was different than initially thought).
 - Commissioner Oski asked the chief about the Revised Priority Response Plan—how often and why does the Police Department re-evaluate the plan? If the Police Department notices that one statistic (like car crashes) are much higher one year than before, does the department adjust the PRP?
 - Chief Murad stated that incidents such as drug overdoses or car crashes with injury/fatality are priority 1. Traffic incidents are not priority 1, but the Police Department encourages officers to interject if they see something egregious. Chief Murad also stated that situations like broken tail lights are not currently a

top priority, and he doesn't know that that's where the Police Department want to go as an agency. Chief Murad stated that the Police Department uses the Priority Response Plan as data, so if categories get moved between priority levels, it would make a significant change to the call data (due to past calls being categorized differently than future calls if their category were to be changed). He clarified that this is not the reason to maintain the categories in their current levels, but that it's certainly a consideration. He further clarified that not all police operations follow the Priority Response Plan; the data that has been collected through the usage of the PRP just helps the Police Department decide how to marshal a call and which calls to prioritize when there are limited resources.

- Commissioner Cox requested an update on when the BTV Cares program will be approved.
 - Chief Murad shared that the BTV Cares job descriptions and the memo describing the program were approved the previous evening by City Council. He also shared that Mayor Weinberger would like those positions posted by end of this week or early next week. Chief Murad stated that the Police Department still needs to connect with UVM about RNs and clinicians to fill out the medical component of that team, but that the department anticipates a lot of applications from strong candidates.

5. Officer Commendations

- There was one officer commendation.
 - Commissioner Cox read the commendation which addressed multiple members of the Police Department, regarding the handling of Kelley Cusson's death and the subsequent investigation which included the arrest of the suspect.

6. Commission Business

- **6.1 Use of Force Body-Cam review by the Commission**
 - (See the full slideshow presentation in the agenda packet)
 - Commissioner Cox presented slides 3 and 4, regarding the responsibilities and duties of the Police Commission as designated by City Council
 - Slide 3 showed evidence that the BPC has no authority other than what tasks are delegated to the commission by City Council.
 - Slide 4 showed evidence that City Council has delegated the task of reviewing police body camera footage to the Police Commission. Commissioner Cox raised the question that it may be a conflict of interest for the BPC to have the right to review footage if the current Police Department union contract provides that the Police Department will not audit officers' body camera footage to monitor officer performance without cause. Commissioner Cox raised the point that the BPC has been routinely reviewing officer body camera footage for years.
 - Chief Murad stated that this routine reviewing of footage was a process that arose out of the pandemic, when in-person meetings were paused, and that the BPOA stated that this process was not random but was driven by specifics, and that now to say all body camera footage should be routinely reviewed as a practice is random.

- Discussion among the commissioners and Hayley McClenehan, a city attorney, about the process of receiving and reviewing body camera footage. Hayley suggested that the commission clarify what they are seeking to do with this footage, and then make a proposal to the city attorneys so they can provide a path forward that best meets the needs of all parties involved.
 - Commissioner Seguino moved to request that conflict counsel consult with the city attorneys regarding the BPOA grievance, and in the interim until that is resolved, the commission continue to request body camera videos relating to the Use of Force Reports.
 - The motion failed
 - Commissioner Cox moved to ask the counsels to confer on the issue of body camera footage review and that in the interim, the commission pause reviewing body camera footage
 - Commissioner Keefe proposed a friendly amendment that while counsels are conferring, the commission request any body camera footage they wish to see for cause
 - Friendly amendment accepted
 - The motion passed unanimously
- **6.2 Discussion of the issues raised by commission members in the presentation to the joint committee**
 - Commissioner Cox raised that she is interested in seeking ordinance changes to codify some of the work the Commission is already doing. She also asked that the commission discuss the complaint process.
 - Commissioner Rao addressed the idea of a charter change or ordinance change regarding the duties and responsibilities of the Police Commission. The commissioners discussed the following:
 - Whether to complaints against the Police Department public
 - Whether the commission should have a role in discipline, policy-making, or promotions/hiring in the Police Department
 - The request for a monitor to oversee and investigate complaints against the Police Department, and whether officers' grievances should be heard by the commission
 - The potential conflict of interest if the commission were to have a role in discipline and also hear officers' grievances
 - Commissioner Rao clarified that the charter currently dictates that the commission is authorized to listen to any kind of hearing that officers have against the chief, and that therefore if the commission does not wish to fulfill this role, then the charter may need to be changed or fine-tuned.
 - Hayley McClenehan clarified that this responsibility was delegated to the commission by the legislature, not by City Council. Hayley also clarified that there is currently a hearing process outlined in the BPOA contract that she can gather information on to pass along to the commission.
 - Given the discussions of the above topics, Commissioner Cox moved to have the commission work in sub-groups at a later date to tackle the points raised during the

presentation to the joint committee and come back in August with recommendations for vote

- Seconded by Commissioner Seguinto
 - Motion passed unanimously
- Commissioner Seguinto addressed the following issues: that the commission has not yet made progress on the mental health policies that the commission agreed to complete by March, that the commission is required to submit an annual report by July 31st, and that the city data analyst will be submitting a report to the commission in August that Commissioner Seguinto encourages the commissioners to look at so the commission can submit comments about the report to City Council.

7. Adjournment

- Meeting adjourned at 8:13pm



BURLINGTON POLICE CHIEF'S REPORT

August 2023



Aug 19, 2023 – all data preliminary & subject to change



“EXCITING SIGN OF HOPE & PROGRESS”

On Thursday, August 3, 2023, we held a [Swearing In and Promotions Ceremony](#). Mayor Weinberger presided and noted that “public safety is the most important function of local government.”

Three corporals were promoted to sergeant, and three sergeants were promoted to lieutenant. Chief Murad was officially promoted, too. We swore in six new professional employees, including a records clerk, a CSL, our Recruitment Coordinator, our PIO, and two dispatchers. And we swore in five new police recruits.

Employees new and old and their families were in attendance, as well as Police Commissioner Mary Cox. They were joined by City Council President Karen Paul and Councilors Mark Barlow, Sarah Carpenter, and Tim Doherty, and US Attorney Kolo Kerest, among other valued guests.



Aug 19, 2023 – all data preliminary & subject to change





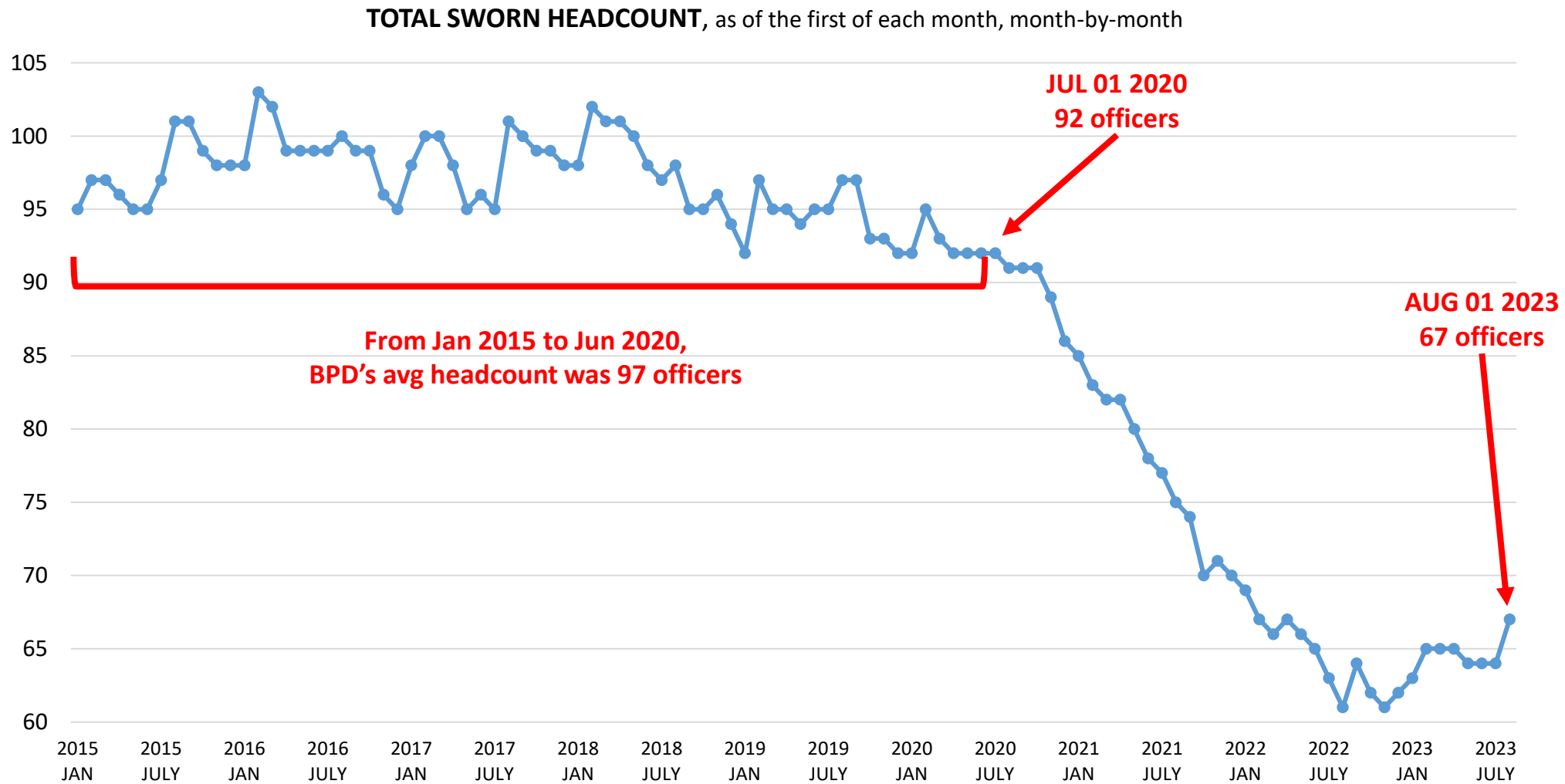
OFFICER-INVOLVED SHOOTING REVIEW TO BEGIN

Just over a year ago, on Saturday, August 13, 2022, officers responded to a call for service that involved a man with a knife. Upon arrival, they opened negotiations with the man, David Johnson, whom they had successfully deescalated in prior instances, including a barricade situation in March 2022. This time, however, he was on a sidewalk rather than contained in an indoor location. After four minutes of negotiation, in which Officer Brock Marvin repeatedly offered Mr. Johnson help and assistance, Mr. Johnson suddenly charged Officer Marvin with the knife. Sergeant Simon Bombard fired his service pistol, striking Mr. Johnson in the leg and saving Officer Marvin from serious injury or death. On August 3, 2023, the Attorney General and Chittenden County State's Attorney announced that they had reviewed the incident and deemed it justified. The BPD is now finalizing its internal affairs review, as per [DD05 Statewide Policy on Police Use of Force](#). Before finalization, that review will be shared with the Mayor as per his [Executive Order of September 2020](#) and with the Police Commission as per our [August 2020 agreement](#).





BPD SWORN OFFICER HEADCOUNT, 2015-2023



Aug 19, 2023 – all data preliminary & subject to change



67 TOTAL, 57 AVAILABLE

As of August 15, 2023, the BPD has **67 total sworn officers**, of whom 57 are available to be independently deployed. Historically, headcount has been in the high 90s; currently we are authorized for 87 officers.

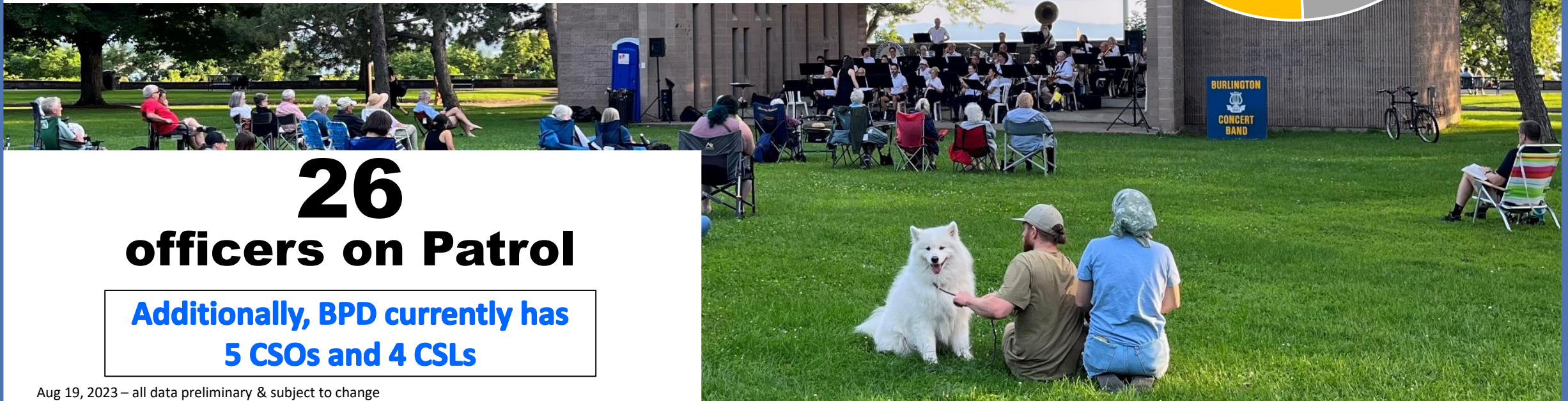
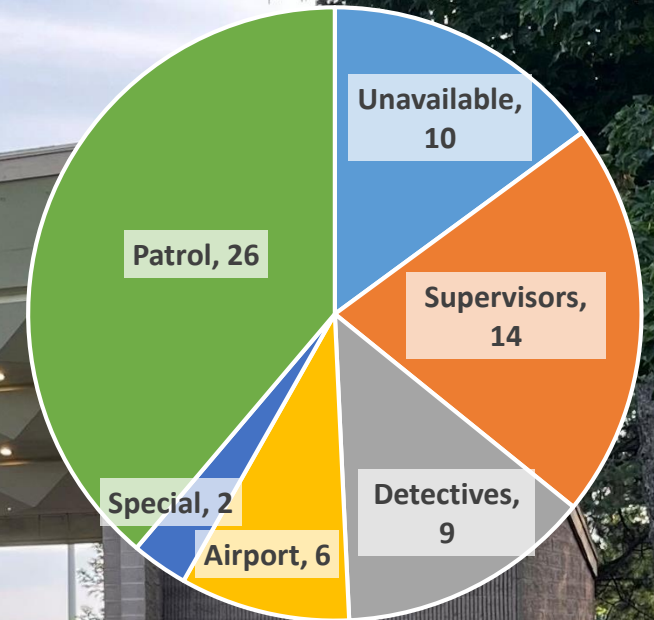
minus 10 on injury, on FTO, or at VPA = 57

minus 14 supervisors = 43

minus 9 detectives = 34

minus 6 airport officers = 28

minus 2 special assignments = 26



26

officers on Patrol

**Additionally, BPD currently has
5 CSOs and 4 CSLs**



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	Robbery
Airport AOA Violation	Cruelty to Animals CSO	Impeding a Public Officer	Runaway
Airport Duress Alarm	Custodial Interference *	Impersonation of a Police Officer *	Runaway Apprehension
Airport PHASE Alarm *	Disorderly Conduct *	Inciting a Felony	Search
Alcohol Offense CSO	Disorderly Conduct by Elec Comm ONL	Intoxication CSO	Search Warrant
Animal Problem CSO	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 CSO	Drugs - Possession	Larceny from a Person	Subpoena Service CSO
Assist - K9	Drugs - Sale	Lewd and Lascivious Conduct	Suicide - Attempted
Assist - Motorist CSO	DUI	Lockdown Drill	Suspicious Event *
Assist - Other	Eluding Police	Mental Health Issue *	Theft of Rental Property ONL
Assist - Public	Embezzlement ONL	Minor in Possession of Alcohol	Theft of Service ONL
Background Investigation	Enabling Consumption by Minors	Missing Person	Threats/Harassment *
Bad Check ONL	Escape	Motor Vehicle Complaint CSO	Traffic
Bar / Liquor License Violation	Extortion ONL	Noise CSO	Trespass *
Bomb Threat	False Info to Police	Obstruction of Justice	TRO/FRO Service
Burglary *	False Pretenses ONL	Operations	TRO/FRO Violation
CHINS	False Public Alarms	Ordinance Violation - Other CSO	Unlawful Restraint
Community Outreach	False Swearing	Overdose	Untimely Death DSB
Compliance Check	Fireworks CSO	Parking CSO	Use of Elec Comm to Lure a Child
Computer Crime ONL	Foot Patrol	Possession of Stolen Property	Uttering a Forged Instrument ONL
Contributing to Delinquency of Minor	Forgery ONL	Prescription Fraud ONL	Vandalism ONL
Counterfeiting ONL	Found/Lost Property CSO	Prohibited Acts	VIN verification CSO
Crash - Fatality	Fraud ONL	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 CSO	Hindering Arrest	Resisting Arrest	Welfare Check *
Crash - Property damage only CSO	Homicide	Retail Theft	
	Identity Theft ONL	Roadway Hazard	



INCIDENT VOLUME

	YTD INCIDENTS (as of 8/15)	%Δ
2018	18,588	100%
2019	17,783	↓4%
2020	15,510	↓13%
2021	13,049	↓16%
2022	15,011	↑15%
2023	18,330	↑22%
	Δ 2018 to 2023:	↓1%

YEAR-TO-DATE 8/15

Year-to-date, **incidents in 2023 are up 22% compared to 2022. They are up 41% over 2021.** In fact, 2023's incident volume is essentially equal to 2018's.

Patrol officers are addressing the same number of incidents with 50% fewer patrol officers. Of the 18,330 incidents in 2023 so far, 2,177 have been “stacked”—i.e., 12%. Additionally, 2,223 have been referred to online reporting, or 12%.





SELECTED VALCOUR INCIDENTS, YTD AS OF AUGUST 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	33	111	104	52	87	42	294	2	331	474	37	11	37	11	1,794
2019	32	98	61	51	95	54	284	3	414	477	30	14	37	32	1,285
2020	33	87	60	36	74	37	426	7	439	608	65	12	40	31	901
2021	38	88	71	54	70	26	325	10	567	624	72	7	31	54	522
2022	46	106	102	60	91	27	350	20	942	721	121	12	27	209	293
2023	24	120	108	76	53	30	270	8	839	619	288	12	18	192	404

* = 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 August 15 of their respective year

NOTE: These data are derived from Valcour incidents. Valcour is the BPD’s computer-aided dispatch and records-management system. 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!

\$74,500
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



Safer Together Solution Burlington
Joint Proposal from
Vermont Interfaith Action and the Healthy Culture Research and Education Fund
June 23, 2023

Introduction

On March 24, 2023, representatives from Vermont Interfaith Action (VIA) and Judd Allen, Ph.D. with the Healthy Culture Research and Education Fund met with the co-chairs of the Burlington Police Commission and presented an overview of a plan to initiate community engagement with the police, to foster cooperation and build trust. This meeting took place on Zoom and was recorded to show to the rest of the Police Commission.

At the suggestion of the Commission co-chairs, on May 9, 2023, VIA and Judd Allen spoke during a meeting of the Public Safety Committee of the Burlington City Council. The Committee members and the police chief indicated a willingness to go forward with the proposal for community engagement and referred VIA and Healthy Cultures back to the Police Commission for approval and planning.

This document outlines a system for empowering neighbors and the police to jointly address neighborhood crime and violence. In presenting it, we request that the Burlington Police Commission vet the proposal and give the go-ahead to start the process.

Suggested motion:

Move to authorize Vermont Interfaith Action and Judd Allen of Healthy Culture to conduct the process known as Safer Together Solution Burlington in accordance with this proposal presented to the Burlington Police Commission on _____ (date), 2023, and with the cooperation of the Police Commission and the Police Department.

Key Initial Considerations

Pilot Location – Based on our analysis of the census data, we recommend launching the Safer Together Solution Burlington in either the South End of Burlington (Census Tract 9, Block Groups 2 and 3) or Old North End (Census Tract 3 Block Groups 1 and 2, Census Tract 5 Block Groups 1, 2 or 3, Census Tract 6, Block Groups 1 and 2). These are racially/ethnically and economically diverse neighborhoods. Ideally, the Police Commission would help us make a final decision by picking one of these two neighborhoods.

Languages –During the initial analysis phase, we will be conducting a neighborhood survey to determine priority crime and violence goals. We propose to hire interpreters to conduct interviews door-to-door, not just to translate written materials. The Healthy Culture Research and Education Fund will pay these individuals per completed survey. We feel that this arrangement would be more likely to result in widespread participation in the survey and a deeper understanding of what we are seeking to achieve, as well as a more relational, rather than transactional, connection with participants.

Phase I: Outreach

4 months (June to September 2023)

1. Obtain official authorization by Burlington Police Commission.
2. Finalize survey questions (See Addendum on page 3).
3. Hire interpreters who can conduct the survey in French, Nepali, Burmese, Somali (May May), and Vietnamese.
4. Prep blurbs and posts for use on social media, Front Porch Forum, newspapers, congregational emails, and bulletins.
5. Recruit door-to-door teams; VIA to ask for volunteers from local faith communities and other organizations in Burlington.
6. Prep materials for canvassing teams – i.e., photocopies of surveys, clipboards, pens, possibly tablets, etc.
7. Train and coordinate canvassing teams.
8. Collect survey data through door-to-door canvassing and by offering the survey online. Reach out to those who live, work, or have some other role in the neighborhood.
9. Reach the numerical participation goal of 5% of the residents and businesses in the pilot area.
10. Conduct the survey with the police who serve that neighborhood as well.
11. Analyze survey data to determine which goal(s) are of greatest concern, thereby indicating that they are most important to the community and to the police.
12. Discuss the survey results with the Police Commission before announcing them to the community.

Phase II: Involvement

2 months (October-November 2023)

1. Schedule and announce a neighborhood meeting to introduce Safer Together Solution Burlington. We will encourage neighbors as well as the police to attend. Childcare will also be made available.
2. Additional online meetings will be held for those unable to attend the in-person neighborhood meeting.
3. The goal of the meeting will be to build trust (neighbor to neighbor and with the police). During the meeting, we will:
 - a. Present the results of the survey and state the goal that will be addressed.
 - b. Summarize the rest of the process and schedule the first Task Force meeting.
 - c. Ask for people interested in being on the Task Force. Aim for 6 to 10 people including one or more police officers.

Phase III: Integration

6 months (December 2023-May 2024)

1. A task force will be formed to:
 - i. Build trust (neighbor to neighbor and with the police).
 - ii. Develop and implement a plan to align cultural influences to achieve neighborhood crime and violence reduction goal(s).

2. VIA and Judd Allen will provide a 3-hour initial training for the task force.
3. The task force will schedule regular meetings to develop action plans for transforming the day-to-day cultural influences that act upon the crime and violence goal that was determined by the neighborhood (in Phases I and II). For example, the task force could develop plans that address rewards, modeling, pushback, communication, first impressions, training, laws, and traditions. VIA and Judd Allen will support the task force in their efforts to develop the action plans and to work to align the cultural influences within the neighborhood. (See Addendum on page 4 for a list of the Cultural Touchpoints).
4. While the primary goal is to develop a collaborative approach, VIA and Judd Allen will also be prepared to provide training in relevant community organizing skills to neighborhood members, including small group fact-gathering meetings with police, public events highlighting the need for change, and other civic actions to create the desired change.
5. Quarterly updates to the entire community will be provided through email, social media, Front Porch Forum, and press releases.

Phase IV: Sustainability

2 months (June to July 2024)

1. VIA and Judd will assist the task force to evaluate their progress, with input from the police and the Police Commission.
2. The task force will schedule a celebratory community gathering with local police present. This will be a time to share progress made and celebrate the success of the community and the police together.
3. VIA and Judd will coordinate with the Police Commission and the police to start the cycle again in this neighborhood, and to begin work in additional neighborhoods as agreed upon.

Addendum: Survey Questions

State your level of agreement (strongly agree, agree, neutral, disagree, strongly disagree):

- You can safely walk the streets (day or night).
- We have safe workplaces. Employers in the neighborhood address unsafe working conditions and provide the security systems, training, equipment, and time needed to work safely.
- We are safe from environmental pollution. We update and enforce environmental protection policies.
- Marginalized groups (such as women, religious minorities, people of color, and LGBTQ+) are safe from assault and harassment.
- We care for and protect those struggling with homelessness, mental illness, and substance abuse.
- Property crimes (such as car theft, shoplifting, burglaries, and defacing private property) are extremely rare.

- Violent crimes (such as those committed with guns, knives, or by physical force) are extremely rare.
- The children are safe. Kids are protected from guns, drug dealing, gangs, bullying, fights, and other violent acts.
- People drive safely. Drivers look out for bicycles and pedestrians and respect speed limits, stop signs, and traffic signals.
- The police in my neighborhood have good relationships with all neighbors. They are professional, friendly, nonviolent, respectful, and trustworthy. There is no sense of discrimination or distrust.
- There is good coordination between police and other community service organizations (for example, mental health professionals work closely with the police).
- Police and local government keep neighbors well informed about crime, violence, and safety.
- Neighbors actively address crime, violence, and safety concerns. It's not just up to the police.

The survey also asks for your role in the neighborhood, whether resident, worker, police, or some other association. Additional demographic questions help determine race, ethnicity, and age. Respondents are also asked to share any comments or concerns.

Addendum: Aligning Cultural Touchpoints to Reduce Crime and Violence

1. Resource Commitment
2. Built Environment
3. Communication and Information
4. Rewards and Recognition
5. Relationship Development (Make it Social)
6. Learning and Training
7. Modeling
8. Push-back
9. First Impressions
10. Traditions and Symbols
11. Story and Narrative
12. Roles and Responsibilities
13. Goal Setting and Planning
14. Laws and Policies



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Use of Force Report

August 01, 2023 – August 15, 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 8/1/23 – 8/15/23 –1340

Total Number of UOF Incidents – 7

Total Uses of Force – 13

Percent of UOF Incidents vs. Total Incidents - .5 %

Race/Gender of Arrestee/Subject in UOF Incidents

White Male – 3

White Female – 3

Black Male – 1

Black Female – 0

Incidents

1. 23BU017253

8/4/23

Complainant/Officers Dispatched

Call type – Retail Theft

Charges – Retail Theft

Synopsis

Loss prevention notified police that they had a female shoplifter in the store. The female fled out the rear emergency exit with a cart of items they did not pay for. A officer on scene located the female and the shopping cart alongside the building. The female pushed the cart away and ran from the officer. The officer exited their cruiser and stated to the effect for her to stop. The female continued to run. The officer radioed a second officer that the female had run in their directions. The officer followed in their cruiser. The officer lost sight of the female and returned to where they had last seen her and located her laying on the other side of a fence. The officer stated to the effect that she was under arrest. The officer attempted to grasp her arm but only managed to take hold of her shirt. The arrestee continued to pull away stretching the shirt. The second officer arrived on scene on the arrestee's side fence and was able to take hold of the



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arrestee's left arm. The first officer hopped the fence and both officers had to physically place the arrestee's arms behind her back and place her in handcuffs.

Arrestee Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls/handcuffing

Officer 2 – Empty hand controls

Arrestee - taken into custody

White Female Age 35, 5'03", 120 lbs.

Arrestee – no injury

Officer – no injury

2. 23BU017354

8/6/23

Complainant/Officers Dispatched

Call type – Reckless Endangerment

Charges – Reckless Endangerment

Synopsis

Multiple 911 calls for gunshots at a apartment building on Church Street. This was the second response in 2 hours to this location for shots fired. Through witness statements and officers investigation they learned the suspect who fired the shots was still in the apartment building. A perimeter was set up and officer entered the building to clear it. Officers located the arrestee in an apartment in the building. The officer stated to the effect that they were under arrest and to turn around and place their hands behind their back. The arrestee refused to comply. The officer had to physically place the arrestee's arms behind their back and handcuff them.

Arrestee Actions – Passive Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls/handcuffing

Arrestee - taken into custody

Black Male Age 34, 6'02", 260 lbs.

Arrestee – no injury

Officer – no injury



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3. 23BU017420

8/6/23

Complainant/Officers Dispatched

Call type – Agency Assist

Charges – Domestic Assault/Simple Assault on a Police officer/Disorderly Conduct

Synopsis

Colchester PD called requesting assistance as two of their officers were actively fighting with an intoxicated male in their city. Two Burlington Officers responded and arrived on scene. The arrestee was on the ground being restrained by two Colchester officers. The arrestee had already punched and spit in an officer's face. They formulated a plan to roll the arrestee onto his stomach so they could be handcuffed.

One BPD officer was controlling the arrestee's legs and the second BPD officer was holding the arrestee's left arm attempting to assist in rolling the arrestee onto his stomach. The arrestee tucked his left arm in closer to his body. The arrestee then spat in the second BPD officers face. A Colchester officer tried to move the arrestees face away from the officer. The second BPD officer stated to the effect warning the arrestee if he spat again he would be sprayed with OC. The arrestee then spat again. The officer then deployed his OC. The arrestee became continued to struggle then became compliant and the first BPD officer and the Colchester's officers were able to roll the arrestee onto his stomach and place him in handcuffs.

Arrestee Actions – Active resistant

Officer Actions

Officer 1 – Empty hand controls/Verbal commands/OC threatened/OC deployed

Officer 2 – Empty hand controls

Arrestee - taken into custody

White Male Age 17, 5'11", 280 lbs.

Arrestee – no injury

Officers – no physical injury/arrestee spat in face

4. 23BU017516

8/7/23

Officers initiated

Call type – Violation of Conditions of Release

Charges – Violation of Conditions of Release



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Synopsis

While on patrol in City Hall Park Three officers observed a male consuming an alcoholic beverage. An officer stated to the effect for the male to stop but the male did not. A group with the male did stop. Officer caught up to the male who stated at first he did not hear the officer. The male refused to identify himself but was recognized by one of the officers. A check of court conditions of release showed the male was not to be in possession of alcohol. The arrestee was taken into custody. While being searched the arrestee tensed up, pushed back against the officer holding him. The officer had to use physical force to push the arrestee up against the cruiser to prevent him from moving.

Arrestee Actions – Active resistance

Officer Actions

Officer 1 – Empty hand controls

Arrestee - taken into custody

White Male Age 19, 5'08", 145 lbs.

Arrestee – no injury

Officer – no injury

5. 23BU017710

8/9/23

Officer Initiated

Call type – Arrest on Warrant

Charges – Arrest on Warrant/Simple Assault on a Police Officer/Disorderly Conduct/Impeding

Synopsis

Two officers on duty observed a female who they knew to have an arrest warrant. Once confirming the warrant they approached the female and her girlfriend stated to the effect that she had a warrant. Officers allowed the arrestee to give her personal items to her girlfriend and for them to embrace and say good bye. The arrestee suddenly took off running. Officers pursued her on foot. One of the officer caught hold of her left arm but the arrestee continued to pull away. The officer brought her to the ground in a controlled manner. The second officer had taken hold of the arrestee's right arm. Initially on the ground the arrestee was on her back and in that position brought her right leg back and then kicked it out striking the officer in the knee. One officer stated to the effect for the arrestee to roll onto their stomach to which the arrestee did not comply. The two officers had to physically roll the arrestee onto her stomach. One officer then held the arrestee's legs while the second physically moved her arms to her back and placed her into handcuffs.



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Arrestee Actions – Active Resistance

Officer Actions

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

Officer 2 – Verbal Commands/empty hand controls/handcuffing

Arrestee - taken into custody

White Female Age 26, 5'08", 170 lbs.

Arrestee – no injury

Officer – slight injury to knee

6. 23BU017985

8/12/23

Complainant/Officers Dispatched

Call type – Disorderly Conduct

Charges – Disorderly conduct

Synopsis

Two officers on Church Street observed an irate female that had just been served legal paperwork from another officer who was no longer on scene. The female was yelling and screaming. The officers approached and attempted to speak with her but it did not resolve her behavior. The officer left the area in hopes that their absence would calm the female. The female continued her yelling and screaming. The officers were approached by several subjects who spoke with them concerning the female. The female then walked by the officers pushing a cart and yelling. The officers observed the female then approached a random male and got in their personal space. The officer approached the female and stated to the effect that she was under arrest for Disorderly Conduct. The arrestee stated to the effect that she was not and walked away. The officer went after the arrestee stating to the effect for her to stop. The officer caught up to the arrestee and one officer took hold of the arrestee's left arm and told her to place her arm behind her back. The arrestee refused to let go of the cart and the officer had to use their other hand to physically remove the arrestee's left hand from the cart. The officer then moved the arrestee's hand behind their back. The arrestee continued to try and pull away. The second officer took hold of the arrestee's right arm and hand and physically brought it behind the arrestee's back and placed the arrestee in handcuffs.

Arrestee Actions – Active Resistance

Officer Actions

Officer 1 – Verbal commands/empty hand controls

Officer 2 – Verbal commands/empty hand controls/handcuffing

Arrestee - taken into custody



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White Female Age 43, 5'07", 150 lbs.

Arrestee – no injury

Officer – no injury

7. 23BU018302

8/15/23

Complainant/Officers Dispatched

Call type –Burglary

Charges – Burglary

Synopsis

Subject had broken into ex-girlfriends residence and had been observed on security camera. Officer arrived on scene and the subject barricade himself in the residence stating he had a knife. Officers negotiated for approximately 3 hours with no progress. An officer deployed less than lethal munitions – pepper ball into the area the subject was barricaded in this appeared to cause the subject to cough but they did not exit. After approximately 45 minutes more of negotiations a second officer deployed an OC vapor into the area the subject was barricaded.

Arrestee Actions – Active Resistance

Officer Actions

Officer 1 – LLM deployed -Pepper ball

Officer 2 – OC vapor deployed

Arrestee -

White Male Age 55, 5'11", 195 lbs.

Arrestee – no injury from UOF

Officer – no injury

Preliminary Input for the Ordinance and Charter Change Joint Committee

Burlington Police Commission

August 22, 2023

1. Use of force body worn camera reviews

Comment: The Police Commission ought to have access to all use of force body worn camera footage and related information as a matter of transparency and accountability. Written summaries alone are not sufficient for the Commissioners to understand the actual practice or to understand the basic circumstances of an incident. The practice of viewing the footage, currently paused, does not appear to violate the union contract because it is neither a random audit nor used for disciplinary purposes; rather, it is used to understand the degree to which there is compliance with Department Directives and State of Vermont law with respect to use of force, and to advise regarding policy changes, training opportunities, and lessons learned in collaboration with the Burlington Police Department

Motion: I move that the Police Commission recommend to the Joint Committee that the authority to review all use of force body worn camera footage and related information be made part of the ordinance.

2. Change to Charter, 24 App. V.S.A. Ch. 3, Section 190

Comment: Part (a) of the referenced provision of the City Charter provides that the Police Commission shall hear any appeal of serious discipline – more than 14 days of suspension without pay, demotion, or termination - of a police officer by the Chief of Police. Appeal to the Police Commission is also part of the union CBA. Although the right to appeal should be preserved, the Police Commission – an all-volunteer citizen body whose members are primarily full-time employed outside of their service to the Commission – is ill-suited for the process of hearing an appeal from the imposition of serious discipline, a quasi-judicial process.

Motion: I move that the Police Commission recommend a charter change to the Ordinance and Charter Change Joint Committee, providing that some other body be designated as the body to hear appeals by police officers from the imposition of serious discipline as set forth in 24 App. V.S.A. Ch. 3, Section 190.

3. Complaint Monitor

Comment: The process of collecting all information about any Complaint filed against the Burlington Police Department, collating the information, disseminating the information to all the Commissioners, organizing discussions evaluating the sufficiency of the Burlington Police Department's investigation of the Complaint, determining the appropriate steps after the final disposition by the Police Department, making suggestions or requests of the Police Department, and finally closing the case, or referring it to the Mayor (under the current policy) is onerous and unsustainable for this all-volunteer Commission. A Complaint Monitor, either professionally able to be an independent contractor or as an employee under the supervision of an appropriate City of Burlington Department, should be employed to perform all of the duties currently performed by members (and primarily one member) of the Police Commission. The number of complaints may not warrant a full-time monitor; that issue would need to be studied by the Joint Committee.

Motion: I move that the Police Commission recommend that a Complaint Monitor be considered by the Joint Committee, full- or part-time, professional independent contractor or employee of the City, with duties as currently performed by the Police Commission.

4. Ordinance change – Budget for Police Commission

Comment: The Police Commission currently has a small budget to pay for outside counsel, a staff assistant, and a small stipend for attendance at meetings of the Commission (a stipend which hasn't been increased for years). There is no budget to pay for training of the Commissioners, such as the fee charged for attending a NACOLE training presentation. There is no budget to pay for an independent contractor professional Monitor or an employee Monitor, as proposed by the Commission, whether full- or part-time.

Motion: I move that the Police Commission recommend that the Ordinance and Charter Change Joint Committee develop a process to develop an annual budget for the work of the Police Commission.