

Police Commission meeting 7-25-2023

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 Seguinto 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