

Police Commission meeting 8-22-2023

Meeting begins at 6:02pm

Commissioners present: Co-chair Mary Cox, Co-chair Shakuntala Rao, Jack Keefe, Jessica Oski, Kevin Garrison, Susan Comerford

Others present: Police Chief Jon Murad, Attorney Hayley McClenahan, Attorney Anthony Iarrapino, Sarah Montgomery (Clerk's Office), Keaton Knowles (Clerk's Office)

1. Agenda

- Commissioner Cox moves to adopt the amended agenda to include an added item to discuss confidential communications regarding officer discipline and citizen complaint to the executive session. Seconded by Commissioner Oski. The motion passes unanimously.

2. Approval of previous meeting minutes

- Commissioner Rao moves to adopt the minutes from the June and July Police Commission meetings. Commissioner Cox moves to separate the motions so that the June minutes and the July minutes may be accepted separately. 5 in favor, 1 abstention. The motion passes.
- The June 2023 minutes are approved.
- The July 2023 minutes are approved.

3. Public forum

- Michael: Michael brings forward comments about the Elmwood Avenue housing pods and the surrounding streets. Michael expresses concern about witnessing public use of intravenous drugs.
- Sarah Judd: Sarah brings forward comments about the Elmwood Avenue housing pods and the surrounding streets. Sarah expresses concern over the presence of people who sell drugs in that area, as well as concerns about public safety.
- Romeo: Romeo brings forth comments on the visibility of the Police Department in the Church Street Marketplace. Romeo calls for increased presence of police officers in the Church Street Marketplace.
- Melo Grant: Melo brings forth comments about the Elmwood Avenue housing pods and the surrounding streets. Melo expresses that citizens should assist the police department in building stronger cases to address issues of public safety and drug crimes. Melo also calls on citizens to call on state legislature to enact systems of harm reduction to address these issues.

4. Chief's Report

- To view the full Chief's Report, please see the agenda attachments.
- Commissioner Oski asks for clarification about the title "Revised Priority Response Plan."
 - Chief Murad responds that this plan was last revised in May of 2022, and that this plan is called "The Revised Priority Response Plan" as opposed to "The Priority Response Plan" which was established in May of 2021.
 - Commissioner Oski comments that this plan could be a living document, and that the categorizations could be re-considered.
- Commissioner Cox asks whether a current officer-involved-shooting investigation is pending review.

- Chief Murad responds that the internal investigation is still pending review. He notes that both officers have since left employment with the Burlington Police Department.
- Commissioner Cox expresses that she wishes to see more police officers with secondary education and more “life experience.”
- Chief Murad responds with information on a study that was held in the New York City Police Department that showed “demonstrable performance indicators” in officers who had secondary degrees. Chief Murad also brings forth specific examples of current Burlington Police Department officers and staff with a variety of educational and life experiences.
- Commissioner Garrison brings forth concerns over officer burnout in the Police Department.
 - Chief Murad responds with hopes for the department’s capabilities if staff were to grow to its current capacity of 87.
- Commissioner Rao comments that infrastructural needs of emergency services must remain a priority. Commissioner Rao asks Chief Murad to include information on infrastructure in the Chief’s Report moving forward
 - Chief Murad agrees to include information on infrastructure in future reports. Chief Murad comments on recent infrastructural growth and reconfiguration within the Police Department, as well as touching on some current infrastructural needs of the department.

5. Safer Together Burlington Proposal

- To view the full Safer Together Burlington Proposal, please see the agenda attachments.
- Debbie Ingram, Executive Director of Vermont Interfaith Action, introduces the proposal and the survey brought forth by Vermont Interfaith Action and The Healthy Culture Research and Education Fund. Safer Together Burlington has already shared this proposal with the Police Commission co-chairs, the Public Safety Committee, and City Council prior to this meeting. Debbie states, “This is a proposal to engage the community—or to engage a particular segment to begin with— to look for a place where we can do a pilot, which we then hope to move to other parts of the city.” The proposal is brought before the Police Commission as a request to help Safer Together Burlington define where the pilot should take place. Based on census data and recent conversations, Safer Together Burlington has identified two potential pilot locales: King Street and the surrounding area, and a portion of the Old North End. The Healthy Culture Research and Education Fund plans to offer funds for translation services (including in-person interpreters) for this program.
- This proposal is four-faceted. (For a more in-depth outline of these phases, please see the agenda attachments)
 - Phase 1: Outreach
 - Phase 2: Presenting the results of the survey and encouraging citizens to engage with the Police Department. The hope would be for citizens to create a task force as a longer-term solution to address the top issues brought forth by the survey.
 - Phase 3: Integration. The task force would work with Vermont Interfaith Action and Healthy Culture Now to prepare and enact solutions to the top issues brought forth by the survey.
 - Phase 4: Sustainability. Once the top issues brought forth by the survey have been resolved, Safer Together Burlington will work together with the Police Commission and

the Police Department to start from the beginning and find out which issues should next be addressed, as well as expanding the program.

- Vermont Interfaith Action plans to ask members of their congregations to canvas the chosen pilot neighborhood(s) a measure of active outreach.
- Judd Allen (Healthy Culture Now) comments that a primary goal of this proposal is prevention of the issues raised by the survey. Judd also notes that this program is meant to help all of Burlington, not just the pilot neighborhoods.
- Commissioner Oski asks Safer Together Burlington where the funding is coming from.
 - Judd Allen comments that the funding is coming from his own money which he has put into a non-profit and then donates to the program.
- Commissioner Cox asks what Safer Together Burlington what they envision the program looking like long-term, from a practicality standpoint
 - Judd Allen says, "So much depends on what the community chooses as a goal [from this program]." Once the top needs have been identified, solutions can then be evaluated.
- Commissioner Comerford and Commissioner Garrison both voice support of the program.
- Commissioner Rao asks City of Burlington's legal counsel Hayley McClenahan if the police commission is allowed to approve the program, or if they are only able to support the program
 - Haley McClenahan agrees that the commission is not authorized to approve programs, but they can support this program.
- Judd Allen asks for input from Chief Murad on recommendations for pilot neighborhoods, as well as for advice on survey distribution.
 - Chief Murad suggests distributing the survey throughout the whole city rather than focusing on specific neighborhoods, especially to ensure that the entire city is able to have input on which issues they would like to see prioritized.
 - Judd Allen comments that one goal of this program is also to relieve some burnout for the Police Department. Judd comments that the program will likely have to focus on pilot neighborhoods due to logistics.
- The Commission voices support for Safer Together Burlington's program proposal.
- Chief Murad asks what scope the program is prepared to address in a pilot program.
 - Judd Allen responds that the program would like to choose "a neighborhood with an identity." Judd suggests using census data to ensure that the program is reaching a wider demographic.

6. Officer and Staff Commendations

- Commissioner Cox reads the four anonymized commendations.

7. Commission Business

- The Commission provides an update to the body-worn camera (BWC) footage review. Commissioner Rao summarized the co-chairs' discussions which have taken place since the last regularly scheduled Police Commission meeting. These discussions were planned for and approved in the July meeting. The majority of the Police Commission supports continuing to review all use of force BWC footage irrespective of cause, as is mandated by City Council resolution 7.09, signed by Mayor Weinberger in November 2021. The first motion the Police Commission plans to vote on in this portion of the meeting is to request that City Council include the Police Commission's review of all use of force BWC footage in any future ordinance, and that the City of Burlington negotiate with the Burlington Police Officers Association (BPOA) to make

that information available to the Police Commission. The Police Commission has asked legal counsel Anthony Iarrapino to draft a letter to BPOA asking them to reconsider their decision to pause the practice (as outlined in a letter BPOA sent to the City of Burlington on June 5th 2023, expressing concern over the audit of use of force BWC footage review) and release this information to the Police Commission in the spirit of collaboration, transparency, and accountability. Once the letter is drafted, it will be shared with the entire Police Commission to be discussed and approved at the following Police Commission meeting.

- Commissioner Rao introduces Anthony Iarrapino, who acts as legal counsel to the commission.
 - Anthony Iarrapino: The Burlington Police Commission (BPC) reviewing BWC footage is not in conflict with BPOA's collective bargaining agreement. Any conflict between police department directives and City Council resolutions would favor the city council resolutions; resolution 7.09 does allow the Police Commission to audit use of force BWC footage. The BPC has not adopted a formal policy around BWC footage review; this could be causing misunderstanding and tension between the BPC and the BPOA. Outlining these goals may help this practice become a collaborative one.
- Hayley McClenahan backs Anthony Iarrapino's statements, and offers support in fostering communications between the BPC and the BPOA.
- Commissioner Oski comments in support of drafting a specific policy around the BWC footage review practice.
- Commissioner Rao asks for clarification on whether or not Anthony Iarrapino recommends that the BPC work on compiling policy language around the review of BWC footage, and reminds everyone that the practice is currently paused as per a request from the BPOA.
 - Anthony Iarrapino suggests that the BPC outline their intentions and limitations with BWC footage review to help mitigate misunderstandings and tensions in the future.
- Commissioner Comerford disagrees with pausing BWC footage review while this policy language is being drafted (per the discussion in the July BPC meeting).
 - Commissioner Cox clarifies that the practice was paused for a brief window until legal counsel was able to meet to discuss the matter.
 - Anthony Iarrapino assures that BPC that they do have the authority to continue reviewing BWC footage, even if it causes tensions with the BPOA, but that the decision ultimately lies with the BPC. Anthony suggests that the City of Burlington's legal counsel may be able to offer insight as to any potential repercussions that could arise from this.
 - Hayley McClenahan agrees that the BPC may vote to resume the BWC footage review practice, but notes that any legal advice on potential risks should be discussed in executive session.
 - The Police Commission agrees to continue onto the rest of commission business and then hold the aforementioned executive session at the same time as their regularly scheduled August 22nd executive session.
- Commissioner Rao introduces four motions on topics raised during the July Police Commission meeting, which were also raised during the presentation to the Joint Committee. For a more in-depth outline of these motions, please see the agenda attachments.
 - Motion 1: Use of force BWC footage review
 - Commissioner Cox moves to table proposed motion 1 until the BPC resolves the BWC footage review policy.

- 4 in favor, 2 opposed. The motion passes, and Motion 1 regarding use of force BWC footage review is tabled.
- Motion 2: Commissioner Cox moves 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.
 - Commissioner Keefe notes that he would like to hear more from independent counsel about the implications of a charter change.
 - The Commission discusses the practicalities and logistics of hearing appeals from police officers.
 - Commissioner Cox withdraws the motion.
- Motion 3: Commissioner Cox moves 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.
 - Seconded by Commissioner Comerford. The motion passes unanimously.
- Commissioner Cox moves 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.
 - The motion passes unanimously.

8. Executive Session

- Commissioner Rao moves to amend the executive session agenda to include the BWC footage review discussion.
- The BPC invites Anthony Iarrapino, Hayley McClenahan, and Police Chief Jon Murad to the executive session so that they may offer insight as to the issue of BWC footage review.

9. Adjournment

- The meeting adjourned at 9:35pm.