



BURLINGTON POLICE DEPARTMENT

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Sarah Kenney, Chair
Board of Police Commissioners

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**MEETING OF THE BOARD OF POLICE COMMISSIONERS
BURLINGTON POLICE DEPARTMENT, COMMUNITY ROOM, ONE NORTH AVENUE
DECEMBER 22, 2015, 6:00 PM**

AGENDA

1. Additions or Modifications to Agenda
2. Public Forum
3. Chief's Report
4. Race Data Collection Analysis Discussion
5. Discussion on Charter Change
6. Updated Capital Plan presentation – Martha Keenan
7. Review of Any Incoming Correspondence *{as needed}*
8. Commissioners' Updates/Comments
9. Review Updated Directives; *{as needed}*
10. Consent Agenda – Minutes of Previous Commission Meeting
11. Next Meeting's Agenda Items and Date
12. Executive Session *{as needed}*
13. Adjournment

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The latest approved Police Commission Meeting Minutes and Upcoming Meeting Agendas are posted on our website: www.bpdvt.org

State Police Advisory Commission

Board Members

Nancy Goss Sheahan - Chair

Term Expires 02/28/2018

Leo Willey - Vice Chair

Term Expires 02/28/2018

Allison Crowley DeMag

Term Expires 06/30/2016

Glenn Boyde

Term Expires 06/30/2017

Shirley Jefferson

Term Expires 06/30/2017

Mary Alice McKenzie

Term Expires 06/30/2016

Pattie Pallito

Term Expires 06/30/2017

All allegations of misconduct by State Police officers are given to the State Police Advisory Commission (SPAC) for review. By statute, SPAC is made up of independent Vermont citizens who have no connection to the Vermont State Police. The State Police Advisory Commission provides advice and counsel to the Commissioner of Public Safety in carrying out his or her responsibilities for the management, supervision and control of the Vermont State Police. The Commission also advises the Commissioner regarding rules concerning promotions, grievances, transfers, internal investigations and discipline.

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State Police Advisory Commission S.P.A.C



Establishing Statute:

20 VSA, Ch 113§1922

(a) There is hereby created the state police advisory commission, which shall provide advice and counsel to the commissioner in carrying out his responsibilities for the management, supervision and control of the Vermont state police.

(b) The commission shall consist of seven members, at least one of whom shall be an attorney and one of whom shall be a retired state police officer, to be appointed by the governor with the advice and consent of the senate.

(c) Members of the commission shall serve for terms of four years, at the pleasure of the governor. Of the initial appointments, one shall be appointed for a term of one year, two for terms of two years, two for terms of three years, and two for terms of four years. Appointments to fill a vacancy shall be for the unexpired portion of the term vacated. The chairman shall be appointed by the governor.

(d) The creation and existence of the commission shall not relieve the commissioner of his duties under the law to manage, supervise and control the state police.

(e) To ensure that state police officers are subject to fair and known practices, the commission shall advise the commissioner with respect to and review rules concerning promotion, grievances, transfers, internal investigations and discipline.

(f) Members of the commission shall be paid per diem compensation and reimbursement for expenses in accordance with section 1010 of Title 32.

§ 1923. Internal Investigation

(a) The commission shall advise and assist the commissioner in developing and making known routine procedures to ensure that allegations of misconduct by state police officers are investigated fully and fairly, and to ensure that appropriate action is taken with respect to such allegations.

(b) The commissioner shall establish an office of internal investigation within the department, which office shall investigate, or cause to be investigated, all allegations of misconduct by members of the department, except complaints lodged against members of the internal investigation office, which complaints shall be separately and independently investigated by officers designated for each instance by the commissioner, with the approval of the state police advisory commission. The head of the internal affairs unit shall report all allegations and his findings as to such allegations to the commissioner. The head of the internal affairs unit also shall immediately report all allegations to the state's attorney of the county in which the incident took place, to the attorney general and to the governor, unless the head of the unit makes a determination that the allegations do not include violation of a

criminal statute. The head of the internal affairs unit shall also report the disposition of all cases so reported to the state's attorney, attorney general and governor.

(c) The office of internal investigation shall maintain a written log with respect to each allegation of misconduct made. The log shall document all action taken with respect to each allegation, including a notation of the person or persons assigned to the investigation, a list of all pertinent documents, all action taken, and the final disposition of each allegation. Failure of any member of the department to report to the office of internal investigation an allegation of misconduct known to such member, shall be grounds for disciplinary action by the commissioner, including dismissal.

(d) Records of the office of internal investigation shall be confidential, except: (1) The state police advisory commission shall, at any time, have full and free access to such records; and (2) The commissioner shall deliver such materials from the records of the office of internal investigation as may be necessary to appropriate prosecutorial authorities having jurisdiction; and (3) The state police advisory commission shall, in its discretion, be entitled to report to such authorities as it may deem appropriate, or to the public, or to both, to ensure that proper action is taken in each case.

**BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING**

A meeting of the Board of Police Commissioners was held in the Community Room at the Burlington Police Department on **Tuesday, December 22, 2015**. Chair Kenney called the meeting to order at 6:03 p.m.

The following Commissioners were present: Chair Sarah Kenney, Vice Chair Jerry O'Neill, Commissioner Nyree Miles and Commissioner Christine Kemp Longmore. Also present were Chief Brandon del Pozo, Deputy Chief Jan Wright and Kimberly Caron, Police Commission Clerk.

CCTV/Channel 17 recorded this session of the Police Commission Meeting. You can watch the entire meeting at this link: <https://www.cctv.org/watch-tv/programs/meeting-board-police-commissioners-burlington-police-department>

Additions or Modifications to Agenda:

~There were no additions or modifications to the agenda.

Public Forum:

~Rachel Seigel addressed the Commission regarding items four and five on the agenda. Rachel voiced her question regarding the role of the Police Commission and how that will change as the duties of the Commission change. Rachel also relayed her concerns about the next steps taken on the Race Data Collection Analysis.

~City Councilor Selene Colburn addressed the Commission regarding the possible alternative structure of the Commission. Councilor Colburn relayed her hope that an Oversight Committee will be one of the additions to the Commission's role. Councilor Colburn voiced her concerns on what the next steps for the Race Data Collection Analysis were. She offered that there were resources available from the City Council if there was a need for funding to complete the Analysis.

~Alyssa Chen addressed the Commission regarding her concerns about the Race Data Collection Analysis and about bias in general in the City. Alyssa also asked what the role of the Commission was and hopes that with the new Charter Change there will be an addition of an Oversight Committee.

Chief's Report:

~The Department just hired three new officers. They will be attending the Academy in January, 2016. This brings the total to 100 Officers with the Department. Two of these new officers are local to Burlington, Vermont.

~Field training continues for the three officers who graduated from the Academy recently. The Department is adding a month of training to their regular training. This will include Foot Patrols, meet and greets and other active engagements with the Community.

~The Dispatch Supervisor position is still open and the Department is still collecting applications for it.

~There is a bias free Dispatch training taking place on January 7th for the Department's Dispatchers. This training is tailored specifically to dispatch related scenarios.

~The Chief has recently met with the two Imams in the area. The meetings were very positive and the Department is working on developing a relationship with the Muslim population to educate Officers and develop Community relations.

~In January there is a Consultant coming to the Department to look at the body cameras, and the

Department policy regarding them.

~On January 8th former NYPD Chief Phil Banks will be addressing the Chittenden County Law Enforcement Executives regarding Community Outreach and Engagement.

~There have been a lot of requests from private employers in Burlington for guidance on Active Shooter plans and training. In early January, the Department will be hosting a training for Private Employers and businesses on this topic.

~BPD Officers have recently received training on how to properly apply a tourniquet to themselves and to the public, and will begin carrying tourniquets.

~Training in administering Naloxone is almost complete, and starting in January, officers will be carrying Naloxone with them.

~The 2014 Race Data is almost ready to go. We have begun mapping the data on our own. Once Data is ready, the Department will be putting the file on our website for the general public to access. The update on the Analysis of the Data will be discussed further later on in the meeting.

~The Department is working on putting a downloadable version of the Officer Complaint form on our website.

~The Annual BPD Holiday party was a huge success.

~The City Council just approved the Department to purchase new Tasers to replace the older equipment. Tasers have a 5 year recommended life span and the Department's current equipment is 10-11 years old. The new Tasers will have more data points it can calculate, which will help with Use of Force investigations.

Race Data Collection Analysis Discussion:

~Robert Appell and Patrick Brown addressed the Commission regarding the Race Data Collection Analysis. In 2009 the first round of RDC Analysis took place. The second round took place in 2012. The Committee is working toward getting the 2014 data analyzed. Mr. Brown and Mr. Appell explained the status of the Committee's progress on getting the data analyzed.

~Stephanie Seguinto also addressed her previous analysis and offered her services to analyze the 2014 data. Ms. Seguinto suggested that the Committee find an institutional home at UVM to systematically analyze the data each year.

~Mr. Appell and Mr. Brown notified the Commission that the following police agencies are now a part of the Committee: Williston Police, Winooski Police, UVM Police, South Burlington Police, Burlington Police and Colchester Police. Mr. Brown and Mr. Appell will update the Commission as more progress is made toward analyzing the data. Mr. Brown also notified the Commission that on January 18th at 3PM they will be hosting a Community Forum on racial profiling and the community response. This forum will take place at the Echo center. Discussion followed.

Discussion on Charter Change:

~ City Attorney Eileen Blackwood addressed the Commission on the current role of the Commission and the potential changes that may take place with the alternative structure changes. Discussion followed. Ms. Blackwood suggested several different ideas regarding Citizen Oversight Committees and what potential options were for incorporating that into the Commission's role. Ms. Blackwood included the State Police Advisory Commission (SPAC) as a potential model for the Oversight Committee. Discussion followed. Mr. Appell addressed his concerns regarding the SPAC. Ms. Blackwood suggested there were several different ways and areas throughout the City that citizen complaints could be collected. Discussion followed. The Commission discussed reaching out to the community for their input on potential new roles for the

Commission. The Commissioners will attend the January 18th Community Forum at the Echo Center. The Commission will also reach out to community members and organizations to get feedback and insight.

Updated Capital Plan Presentation:

~Martha Keenan presented the updated 10 year City capital plan to the Commission. Discussion followed.

Incoming Correspondence:

~There was no incoming correspondence.

Commissioners' Updates/Comments:

~There were no updates or comments.

Review Updated Directives:

~The Commission reviewed the DD41 Naloxone Directive. Discussion followed. Vice Chair O'Neill moved to adopt the revised DD41 Directive. Commissioner Miles seconded; all in favor, so passed.

~The Commission reviewed the DD05.01 Response to Resistance/Use of Force – Conducted Electronic Weapons Directive. Discussion followed. Vice Chair O'Neill moved to adopt the revised DD05.01 Directive. Chair Kenney seconded; all in favor, so passed.

Consent Agenda – Minutes of the 11/24/2015 Meeting:

~Chair Kenney moved to approve the 11/24/2015 minutes. Vice Chair O'Neill seconded; all in favor, so passed.

Next Meeting's Agenda Items and Date:

~The next meeting date was set for Tuesday, January 26, 2015 at 6:00 p.m.

~Chair Kenney requested an update on the Race Data Collection Analysis be added to the agenda.

~Chair Kenney requested an updated on the Role of the Commission be added to the agenda.

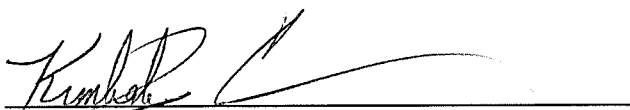
Executive Session:

~ Chair Kenney moved to enter Executive Session to discuss a disciplinary action against a public officer and employee. Vice Chair O'Neill seconded; all in favor, so passed. Executive Session entered at 8:23 p.m. Executive Session ended at 8:25 p.m.

Adjournment:

~Chair Kenney moved to adjourn the meeting at 8:26 p.m. Vice Chair O'Neill seconded; all in favor, so passed.

Respectfully Submitted,



Kimberly Caron,
Clerk of Police Commission

1/27/2016
Date