



Committee to Review Policing Policies 12/3/2019

Minutes of the Committee to Review Policing Policies

Conference Room 12

Tuesday, December 3, 2019

Submitted by Eileen Blackwood

Members present: Deputy Chief Jon Murad (arrived 5:15 pm), Officer Vinny Ross, Police Commissioner Randall Harp, Police Commissioner Jabulani Gamache, City Counselor Joan Shannon (left 6:50 pm), Jim Dunn (arrived 5:15 pm), Skylar Nash (left 6:50 pm), Kevin Rodgers (left 6:30 pm), Thomas Nececkas, Chuck Brewer (left 6:50 pm), Sgt. Jesse Namdar, Councilor Perri Freeman (arrived 5:27 pm; left 6:50 pm); Chief of Staff Jordan Redell (arrived 5:30 pm), Melo Grant (arrived 5:55 pm), Carter Neubiser (arrived 5:55 pm).

Absent: none

Staff present: City Attorney Eileen Blackwood, Deputy Chief Wright, BPD Analyst Nancy Stetson, Officer Tyler Bedeau

Others present: Mary Cox, Stephanie Seguino, Roddy O'Neal Cleary, Tammy Boudah Howard Center Street Outreach, John Meidivicads Street Outreach

1. Call to Order

Chair Randall Harp called the meeting to order at 5:10 PM. He introduced the new member of the Committee, Chuck Brewer. The committee members introduced themselves. Chair Harp reported that the City Council extended the period for the Committee's work but asked for a report at the Council's Feb. 10 meeting, focusing particularly on use of force and community oversight.

1.01 Agenda – Additions or Modifications

Motion by Joan, second by Chuck, to approve the agenda

- Motion to amend by Tom, second by Kevin: Add 5 minutes to discuss data requests at the end of the agenda.
Unanimous

VOTING: Unanimous; motion as amended carried

2.01 Public Forum



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- Mary Cox submitted written comments but added verbal comments and recommendations.
- Stephanie Seguino commented on recent police surveys, expressing concern with whether results would be reliable.
- Roddy O'Neil Cleary commented positively on the BPD, particularly DC Murad, and CJC response to civil disobedience.

3.01 Approval of Minutes

Motion by Joan , second by Jordan to approve minutes of meeting of Nov. 12, 2019.

VOTING: Unanimous; motion carried

4.0 Communication

4.01 Street Outreach Partnership—Tammy Boudah, a member of the Howard Center Street Outreach described the work done by the four outreach workers assigned to the downtown business district. Street Outreach (SO) speaks with anyone about anything from food to transportation to poverty. They try to connect people to services and the community by getting to know people and assisting them if they come into conflict with others. The program has been running since 2000, and they work well with BPD officers who help de-escalate situations. They work closely with police officers every day and are in and out of the police office and receive emails regularly.

Perri: The City contributes about \$78K. Is there need or potential for higher capacity if there were more money? Geographically SO is focused on the downtown, so could this expand?

A: SO used to be team of 6 but federal grants went away. When the city increased its contribution, this allowed SO to keep level funding of 4 individuals. SO maintains a presence downtown because it's the social hub, but they certainly get calls and provide services all over the city and at the airport. If there were more money, we'd have a conversation about the need. They currently are staffed: M-F 8 am to 5:30 pm, Sat. 11 am-7:30 pm. The police would like to see coverage at night.

Skylar: Ever have full coverage?

A: SO has never had more than 6 staff, so they have never provided service past 9 pm.

Kevin: What's the relationship with First Call?

A: Same boss; same area of Howard Center. They try to work cooperatively, talk to them daily and have a system for referrals.



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Jordan: Can you explain the relationship between SO and a person's case manager?

A: If someone is struggling, SO will alert the case manager or relay messages. SO tries to act as a bridge to be sure people can get the most they can out of their services and to be sure case managers can interact with them. About 35% of the people SO works with have case managers from Howard. Some may have Pathways, COTS, Safe Harbor case managers or private therapists.

Randall: Are there ways you interact with police that are limited or could be better?

A: I think things are working quite well the way they are. Officers are really good about including us. They are careful to be sure the situation is safe before injecting civilian.

Jon noted that BPD has been working with data to get a better picture of the need for SO. Around the country, there are officers deploying with individuals trained in social work, and BPD is looking at that and other models.

Joan: Does SO work with other police departments?

A: There is another SO team that works with 7 other towns. Their work is different because they go out primarily on police calls. All their calls are generated by police, while SO in Burlington receives 60-70% of their calls from other constituents—the hospital, businesses, clients. The other towns are primarily funded by their towns. It's more important for us to be in the downtown and do more crossover and be organically available than to be seated in the police department.

Kevin: There's a comment about public frustration over waiting lists.

A: All the issues are priorities—voucher expiration, opioid treatment (now getting better but counseling still problematic). They all have barriers.

Mary Cox noted that housing first seems to be successful.

Tammy gave her phone and email to the committee if members had further questions.

4.02 BPD Disciplinary Process—DC Wright described the disciplinary process. There is a portal on the BPD website to allow people in the community to file complaints. They also can fill out written complaints, which are available at multiple locations around the city, or make verbal complaints. Any employee can file a complaint as well.

All complaints go to DC Wright and then may be assigned to a lieutenant to investigate, as they would any other matter. Sergeants or lieutenants can also immediately counsel any officer at any time. They can also issue a blue sheet, which stays in the officer's file to end of tour. DC Murad fields all uniform issues, and Wright all non-uniformed.



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An investigation is conducted like a criminal investigation, and the investigators will look at written reports and body cameras, talk to witnesses and other employees. If the concern is less serious, they go to administrative review to review video and written reports. How they go about approaching the investigation is determined by the city's personnel policies, union contracts, directive DD-40, and legal/constitutional limits. If BPD feels it needs not to be in-house or will take more time or is of a different type, it can hire outside investigators. BPD tries to be fair and reasonable both to the officer and to the person making the complaint. BPD is looking into early warning systems to see patterns.

Skylar: In the absence of software, how have you looked at patterns?

A: All use of force (UOF) reports are reviewed by a three-person instructor group. Cpls Clements and Morris are on that review team. Data collection shows an overall decrease in UOF. UOF is up slightly in arrests, but overall arrests are down.

Kevin: From public perception, when there's a complex investigation, you might hire an attorney or an investigator. Is that truly independent?

A: BPD understands the perception that there is a conflict.

Jim: How should videos be used in regard to filling out incident reports?

A: Chief Del Pozo has made clear that he believes officers should be allowed to look at their videos before finalizing reports or being questioned. There is a lot going on and officers can't remember it all at once. Carter: There may be things on video that allow the officer to find more to support their position, so it's unfair. Jesse: Often the facts and circumstances that were relevant at the moment didn't include everything the officer noticed or did that might become relevant later.

Q: How is the employee notified of a complaint?

A: BPD notifies the individual by mail—you are the subject and identifies witness and what allegation is and who investigator is and information about EAP. In the meantime the Chief may take it to Police Commission and see what they think and may bring it back again if there is more information. Serious incidents go to the Commission and sometimes have long conversations. Once investigation is completed, the chiefs will sit down and will bring in the City Attorney or Human Resources for thoughts on the disciplinary process. Sometimes the complaint is resolved in one day and sometimes two years (that one involved a criminal investigation and charge). BPD does not investigate when a criminal investigation is going on. We ask for a copy of that investigation to be sure they hit all the spots BPD would have. Then, BPD looks at its policies to see if there was a violation and what sort of discipline should occur.

Skylar: Does BPD always bring the issues to the Commission or do they come other ways?

A: The Commission can bring complaints to BPD too.

Randall: Every complaint from the external is distributed to at least one member of the Commission. Everything



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more serious goes to the whole Commission—media coverage or effect on reputation in community. Police Commission can request information on an incident even without a complaint.

Jon: 2/3rds of 1% of incidents involve UOF. Mostly there are complaints about being treated disrespectfully. Often the process has already started when Commission gets involved.

Carter: How long does discipline stay in an officer's file?

A: It depends on severity. People mature, and we can't hold something that happened years ago against someone. DC Wright reviewed the timelines that discipline is kept in file.

Skylar: Is there any need to demonstrate improvement before removed?

A: No, removal is automatic.

Perri: I am concerned about the amount of discipline the officer received in one instance – only two weeks. I wonder if there is need for accountability about exactly how discipline is decided.

A: Specific discipline is decided after discussion among the department, HR, attorneys, and the Commission. All look at what a proper disciplinary action is for an event taking into account past practice, other discipline, mitigating factors.

Joan: I have to leave but ask that we put two priorities at the top of our next agenda—use of force and community oversight.

Perri: Due to article in Washington Post, I think it wasn't enough discipline.

Tom: Is there any mechanism for identifying a pattern of behavior?

A: BPD isn't so large an agency that we don't know everyone and recognize patterns of behavior. BPD has a 10 person peer support group and will refer people to peer support or cares program.

Jon: If it were a pattern of something less than criminal, BPD would make someone go through training.

Jordan: The chief looked at different officers car-stop data with respect to race and where there were anomalies, leadership sat down with individuals to review the data.

Melo: When citizens feel disrespected and we determine that they haven't violated policy, is anyone looking at the education gap with the public? What can we do to train the public about expectations? Officers swear at people all the



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time, even though they aren't supposed to. This leads to feelings of disrespect. We need to stay on top of the trust factor. People don't understand the process, and the interaction isn't being explained to them. We don't want to be dismissive of people's concerns. Courtesy is contagious.

Carter: If folks from BPD aren't recognizing that the 2 week suspension was inadequate, there is nothing to discuss. There has to be acknowledgement of wrongdoing for any of this to be productive.

Jim: You can't sit in judgment when you haven't seen all the evidence, looked at the records, heard from the individuals. I would hesitate to make these judgments. I sat and watched the incidents, and we saw what we saw on the video camera. It wasn't clear, and we had a chance to discuss it with the chief, and he went over the recommendations. Then a new video surfaced from the side, and we all reacted because we could see what the police officer saw that we hadn't seen on the first video. Also, police departments have contracts and there has been a pattern of discipline for years that can't be changed suddenly. In perspective to the levels of discipline previously imposed, this was a very serious discipline. If you take it out of perspective, you can have a different opinion. It's not right to sit in judgment about what's happened in the past without knowing all the information.

Randall: In the Police Commission discussions there are always differences of opinion, so there isn't always unanimity. But let's talk about that next time in more detail.

Data Request: Tom asked about reporting under the DD around domestic violence and wants to know when the data will be available. Research has shown fair correlation between officers who engage in DV and use excessive force. Discussion fleshed out what was being asked for—how BPD monitors issues that may show whether someone has predilection for violence and how peer and supervisor support would occur.

4.03 Discussion of Use of Consultants

Randall: Finding a consultant to inform the work of this committee would be very difficult but the committee could recommend a consultant for the BPD.

4.04 Continued Discussion of Recommendations

The committee ran out of time and did not reach this item.

4.05 Next Meeting Agenda Items and Date

December 17 at 5:45 pm. We will try to do Contois or CR 12.

1.
 - i. **Adjournment**



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Motion by Carter to adjourn the meeting; second by Jim.

VOTING: Unanimous; motion carried

Adjourned at 7:20 pm.