



BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE - Recessed Meeting - Remote and Virtual Access: Please click the link below to join the webinar: <https://us02web.zoom.us/j/88148734242?>

Charter Change Committee Meeting Recessed from September 23

September 30, 2020

Remote Meeting on Zoom

Minutes

Committee Members Present: Joan Shannon, Chair, Perri Freeman, Jane Stromberg

Staff and Other Presenters: Jabulani Gamache, Police Commission Chair; Jay Diaz, ACLU of Vermont; Jon Murad, Police Chief; Eileen Blackwood, City Attorney.

The meeting was called to order at 5:42 pm.

1.01 Agenda. This meeting was a resumption of the recessed Sept. 23 meeting, and its agenda with the addition of an item to schedule the Committee's next meeting was moved by Stromberg, second by Shannon, and unanimously adopted.

2.01 and 2.02 Minutes. The minutes of Sept. 16 and Sept. 23 moved by Stromberg, second by Freeman, and unanimously adopted.

3.01 Review of different police discipline oversight options.

Chief Murad reported on recent oversight changes in the Police Commission role and how they are different from prior practice.

Jay Diaz opined that the new process does not solve the issues that advocates have seen and suggested that the City should enhance the Police Commission or create a new board to have a deeper role in police discipline. It should have no or few members who are associated with law enforcement (family members who are police, e.g.). The civilian authority should be the final authority and should review all use of force by police. The board should be a partner in hiring/firing the chief, doing annual reviews, and reviewing community engagement tasks. Investigations may need to involve the department in the absence of dedicated funding, but the commission should have subpoena authority, the right to look at documents, and the ability to compel testimony as the State Police Advisory Committee does. The commission should be able to initiate complaints. Another role for the board should be to audit/analyze policing trends. The ACLU agrees that due process and the rights of officers are important, and that there should be some kind of matrix of discipline and



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consequences.

Chair Gamache agreed that the commission currently has no funding to conduct investigations and emphasized that the commission is here to serve.

Stromberg noted that the commission should be independent with no current or former employees on it and an independent ability to investigate. It should review the chief's performance annually.

Freeman asked Diaz if the commission members should be elected or appointed. Diaz noted that nationally most members are appointed by a council/mayor, but recent moves have included community organizations. Freeman asked if the current commission should continue its role and another body be formed to do discipline. Diaz said most commissions have a public monitor or auditor, a person who can investigate and present a case to the commission, but these are all in much larger cities than Vermont.

The Committee began discussing the current system using the matrix.

Public Accountability—commission represents the public/open meetings, but limited release of disciplinary information.

Checks and Balances-- chief has the authority; others have influence/mayor (appeal)/commission (advises)/HR.

Due Process—strong/need to reconcile with current appeal process.

Policy and Training Experience—from department

Privacy—able to make anonymous complaint

Transparency—SPAC has authority to release discipline when it chooses.

Independence—chief is not, but commission is/review done by department unless state police or outside investigator

Professionalism—chief, city attorney and HR advisory

Consistency

Inclusive—commission allows for inclusivity but not structurally guaranteed

Freeman moved/Stromberg seconded to ask the City Attorney to begin to draft language for a charter change consistent with the Racial Justice Resolution adopted by the Council in June. Shannon ruled the motion out of order. Stromberg appealed. On the appeal, the chair's ruling was overturned 2 (Stromberg, Freeman) to 1 (Shannon). The City Attorney agreed to provide language for the next meeting.

Stromberg moved/Freeman seconded to ask the City Attorney to prepare a comprehensive report on all the options for making and reviewing police discipline decisions for the next meeting. The City Attorney agreed. Unanimous. The motion carried.

4.01 At 7:40 pm, the meeting was recessed to Oct. 15 at 5:30 pm to continue this discussion and receive the City Attorney's report and draft charter language.





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