



BURLINGTON POLICE DEPARTMENT
Antonio B. Pomerleau Building
One North Avenue
Burlington, Vermont 05401

Jabulani Gamache, Chair
Board of Police Commissioners

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MEETING OF THE BOARD OF POLICE COMMISSIONERS
VIRTUAL MEETING
August 25th, 2020, 6:00 PM

Pending

Remote and Virtual Access ONLY. There are a few ways to tune in:

1. Join via Zoom: <https://us02web.zoom.us/j/88271822123>
2. Call in for audio only: Phone number: 646-558-8656 Webinar ID: 882 7182 2123
3. Town Meeting TV YouTube Channel or on Burlington Telecom Channel 317.

<https://www.youtube.com/channel/UCJkWMLSqRNKLoyUZQiNoAcQ>

*Please provide a notification to the Commission via email that you'd like to participate during public forum, by sending an email to strammell@bpdvt.org.

AGENDA

I. Call to Order

Chair Jabulani Gamache

II. Roll Call and Determination of Quorum

Chair Jabulani Gamache

III. Additions or Modifications to Agenda

IV. Public Forum

Chair Jabulani Gamache will welcome public speakers and all public comment will be welcomed at this time. Speakers will be called on by the Commission Clerk. Requests to speak will be welcomed through the duration of public forum by sending an email of request to the email referenced above.

V. Chief's Report

Acting Chief of Police, Jon Murad, will provide an update to the Commission on updates and action items within the BPD, since the last meeting. **This is a recurring item.**

VI. Wellness

Commissioner Mark Hughes. **This is a recurring item.**

- a. Discussion
- b. Action, if any

VII. President Obama's Final Report on 21st Century Policing

Commissioner Mark Hughes. **This item was discussed on 7/28/2020.**

- a. Discussion
- b. Action, if any

VIII. Social Media Policy.

Commissioner Mark Hughes. **This is a new item.**

- a. Discussion
- b. Action, if any

IX. Final Review: Draft of the Role of Commission in Oversight

The Commission will review the final draft of the Role of the Police Commission in Oversight document. **This item was last discussed on 6/2/2020 & 6/23/2020**

- a. Discussion
- b. Action, if any

X. Officer Worn Camera Footage Release Policy

Commission to discuss and draft an outline regarding the parameters for releasing footage from Officer Worn Cameras. **This item was tabled from 7/28/2020.**

- a. Discussion
- b. Action, if any

XI. Commendations.

This is a recurring item.

XII. Commissioner Updates/Comments.

This is a recurring item.

- a. Police Commission – Moving to Board Docs.
- b. Discussion
- c. Action, if any

XIII. Meeting Minutes Approval

The Commission will vote to approve minutes from July 28, 2020. **This is a recurring item.**

- a. Discussion
- b. Action, if any

XIV. Next Meeting's Agenda Items

The Commission will engage in discussion and determine agenda items for the next Regular Scheduled Meeting. **This is a recurring item.**

- a. Discussion
- b. Action, if any

XV. Executive Session (as needed)

XVI. Adjournment

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call: (802) 540-2107 (voice) or e-mail: strammell@bpdvt.org

The latest approved Police Commission Meeting Minutes and Upcoming Meeting Agendas are posted on our website: <https://www.burlingtonvt.gov/Police>

BURLINGTON POLICE COMMISSION POLICY
Role of the Burlington Police Commission in Reviewing Complaints Against BPD
Employees
DRAFT

Purpose: The purpose of this policy is to support principles of fair and impartial policing within the City of Burlington Police Department by adopting a procedure that defines the role of the Burlington Police Commission in reviewing complaints against agency members.

Policy:

1. When a complaint is received by the Burlington Police Department about the conduct of an employee of the Burlington Police Department, the Chief of Police shall cause that complaint to be investigated as soon as practical by an individual or individuals with no interest in or attachment to the issue or officer(s) being investigated. When a complaint is received by members of the Burlington Police Commission, the member of the Burlington Police Commission should encourage the person making the complaint to submit it via the Burlington City website or should personally take the complaint, attempting to capture all the information otherwise contained in the Citizen's Complaint Form. [See Appendix A]
 - a. All complaints, whether generated externally or internally, are referred to as Citizen's Complaints.
 - b. All Citizen's Complaints are documented on a spreadsheet maintained by the Deputy Chief of Administration, or designee.
 - c. Lower-level and some mid-level complaints that are able to be resolved quickly and at first level of supervision, remain as Citizen's Complaints.
 - d. Some mid-level complaints may be escalated to an Administrative Review (AR). An AR is designed to determine if a complaint needs to be elevated to a Bureau of Internal Affairs investigation or if it is able to be handled without a robust personnel investigation.
 - e. Higher-level complaints will either be an Administrative Review or will be escalated to a Bureau of Internal Affairs investigation.
 - f. Lower-level, mid-level, and higher-level complaints will be categorized consistent with the Burlington Police Officers' Association Contract, Article XV, section 15.2. [See Appendix B]
2. The Deputy Chief of Administration, or his/her designee, will maintain a written record of each complaint. That written record will at a minimum include:
 - The name(s) of the employee(s) involved.
 - The date of receipt of the allegation.
 - The date of the alleged incident, if known.
 - The type or nature of the allegation.

- The name(s) of the person(s) who investigated.
- The final disposition of each complaint.
- How the matter was closed out with the complainant.

In addition, if the complaint involves an allegation of excessive use of force, or an allegation of dishonesty or other serious misconduct, the written record will include:

- All action taken in response to the complaint.
 - Identification of all witnesses, documents, evidence, or other information obtained or consulted in the course of the investigation.
3. The written record of each complaint will be considered confidential. Each Commissioner shall have access to the written records of all complaints upon request to the Chief, subject to the Vermont Public Records Act, and the Burlington Police Officers' Association agreement. Further information may be available to the Commissioner receiving the records upon the completion of a fingerprint-supported background check and the execution of a confidentiality agreement.
 4. The Chief will report to the Police Commission on all complaints against members of the department as follows:
 - Updates about complaints against employees will be shared with the Commission in Executive Session at the first meeting following receipt of the complaint, unless the matter is of such urgency that a special meeting is required. Status updates on the progress of complaints under investigation will be provided to the Commission, as appropriate, and further detail and access to reports/video/etc shall be provided to the Police Commission in Executive Session at the first meeting after the investigation has been completed.
 - For lower- and mid-level complaints, the Chief will provide a verbal or written summary of the complaints and their status or disposition in Executive Session.
 - For higher-level complaints, such as those involving an allegation of excessive use of force, dishonesty, discrimination, harassment, or other serious misconduct; or for any lower- or mid-level complaint that results in discipline beyond a written reprimand; or for any other conduct for which suspension or termination is recommended, the Chief will provide the Police Commission with a full verbal briefing of the allegations and the recommended disposition of the case in executive session.
 - The Chief of Police, or his/her designee, will report to the Police Commission in Executive Session on a monthly basis regarding any Use-of-Force incidents. The update shall include demographic data about the officer(s) and subject(s) such as gender, age, and race, and also provide a description of incident.

- At the request of any member of the Police Commission, the Chief will make the written record available for Executive Session review by the Police Commission, as well as any audio or video footage, written materials, evidence, or other information related to the allegation.
 - The Chief of Police, in consultation with the States Attorney's Office, will make the determination of if a complaint needs to be referred outside the Department for investigation of possible criminal conduct. If the complaint has been referred outside of the Department for investigation of possible criminal conduct, the materials will be made available to the Police Commission in Executive Session once a determination has been made that the materials may be disclosed to the Police Commission without adversely affecting any possible prosecution.
5. After receipt of the report described above, the Police Commission may:
- accept the Chief's report and recommended action in full or in part;
 - request additional information;
 - request that the Chief reconsider the action and/or make a recommendation to the Chief about the investigation, process, disposition (including recommending a range of sanctions for the misconduct), or other aspect of the matter, or
 - postpone action to a later date, but no later than 14 days from the date of initial receipt of the report.
6. The Chief may accept or reject the Police Commission's recommendations. If the Chief rejects the Police Commission's recommendations, the Chief shall explain to the Police Commission why the recommendations were not accepted. If a majority of the Police Commission disagrees with the Chief's decision, the Police Commission Chair shall report this to the Mayor. Police Commission members should take care to avoid unauthorized disclosure of confidential information. To that end, any Commissioner may consult with the City Attorney's Office to obtain advice related to, among other things, the use and disclosure of confidential information.
7. The Chief of Police is responsible for reporting any misconduct of Burlington Police Department employees that falls under 20 VSA 2401 to the Vermont Criminal Justice Training Council.
8. Whenever the Police Commission becomes aware of allegations of misconduct by the Chief of Police, or if the Police Commission has concerns about the performance of the Chief of Police, the Police Commission Chair shall report this to the Mayor in a timely manner. In the event that the Chief of Police has engaged in misconduct pursuant to 20 VSA 2401, the

Police Commission Chair shall report this to the Chair of the Vermont Criminal Justice Training Council.

9. The Police Commission shall report to the Burlington City Council twice each year regarding this policy. The report shall include a redacted summary of the number, type, and disposition of complaints reported to the Police Commission.

DRAFT



HUMAN RESOURCES DEPARTMENT

City of Burlington

131 Church Street, Burlington, VT 05401

Voice (802) 865-7145

Fax (802) 864-1777

TTY (802) 865-7142

To: City Council

From: Deanna Paluba, HR Director and HR Committee

Date: March 23, 2020

Re: New Social Media Policy included in the City of Burlington Comprehensive Personnel Policy Manual.

We respectfully recommend and request approval for the adoption and inclusion of a new Social Media Policy to be included in the City of Burlington Comprehensive Personnel Policy Manual (CPPM).

In an effort to provide guidance to City employees on the appropriate use of social media in the workplace a benchmarking analysis was completed reviewing 50 cities' practices, and reviewing 21 social media written policies. A social media policy was created and input was gathered from the Mayor's Office, the HR Committee and all four unions participated in the review and finalization of the final policy. The public was provided the opportunity to participate and comment on three occasions during the HR committee meetings held on November 5, 2019, January 30, 2020, and March 10, 2020.

A copy of the policy is included as 12.7(e).

In addition section 12.7 has been edited in order to refer to 12.7(e) and is included.

Motion to approve the addition of the Social Media policy to be included in the City of Burlington Comprehensive Personnel Policy Manual.



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City of Burlington Personal Use of Social Media Policy

City employees are permitted incidental and occasional personal use of social media during work hours, provided the use is limited in duration and does not have a detrimental effect on productivity, as determined by the employee's supervisor. Nothing in this policy is meant to prohibit employees from using social media to discuss their hours, wages, and conditions of employment, to otherwise interfere with their rights to engage in protected concerted activity, or to infringe upon state or federal constitutional rights.

This policy is written pursuant to 21 V.S.A. § 495(1), which limits the City from requesting employees' personal social media account information except in certain circumstances.

Employees are required to provide the City with information concerning any City business that is conducted on an employee's personal accounts. City employees are expected to comply with all City and Department policies, as well as the following standards, when using personal social media accounts during work hours or while using City equipment or systems, excluding any public Wi-Fi provided, enabled or supported by the City.

- City employees should expect no right to privacy or confidentiality when accessing social media or personal social media accounts by means of City information systems or equipment, which does not include any public Wi-Fi provided, enabled or supported by the City.
- Postings and user profiles on personal social media accounts must not state or imply that the views, conclusions, statements or other social media content are an official policy, statement, position, or communication of the City of Burlington, or that they represent the views of the City or any City officer or employee, without the express permission of the head of the user's Department or the Mayor's Office.
- Any user profile, biography, or posting on a personal social media account that identifies that person as a City employee should include a qualifying statement in substantially the following form: "Standard disclaimers apply," "Views are my own," "The views I express on this site are my own and do not represent the City of Burlington's positions, strategies, or opinions."
- A universal disclaimer on an employee's social media profile shall be regarded as sufficient disclaimer for the social media site, absent extraordinary circumstances.
- Postings by an employee on or via a personal account under this policy will not be presumed to represent or reflect the views of the City. A failure to include a disclaimer does not independently violate the policy but the omission of such disclaimers may be evidence that the employee failed to ensure statements are not attributed to the City.



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- If commenting on City business, employees should make it clear that the comments represent their own opinions and do not represent those of the City of Burlington. When commenting on City business on personal social media accounts, employees may not intentionally mislead or misrepresent themselves to any member of the public with the intention to influence any official or member of the public regarding City business.
- Employees must not use an employee's City email account or password in conjunction with a personal social networking site.
- Employees may post personal photographs or provide similar means of recognition that may cause them to be identified as a City employee. Examples include promotion, recognition, appointments, events, and awards.
- Personal or business venture social media account names shall not give the appearance of being affiliated with the City of Burlington or any city department. For example, using "BED", "Burlington Fire", "City of Burlington", or similar language in a personal handle is not acceptable. However, this prohibition does not apply to the Burlington Firefighters Association and the Burlington Police Officers Association.
- Employees should follow these guidelines that apply to personal communications using various forms of social media:
 - Employees are encouraged to use common sense when using social media sites.
 - Remember that what you write, when considering any privacy restrictions or settings, may be public, may be public for a long time, and may spread to large audiences.
 - Refrain from posting information that you would not want your supervisors or other employees to read or that would be embarrassing to see in the newspaper or on television.
- The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City or any members of the public whom the City serves. Employees must avoid posts that contain content that is regarded as bullying or threatens violence, that have the effect of harming, insulting, degrading or defaming others, including work colleagues, or that the employee knows to be false to harm another's reputation.
- Employees must respect copyright, fair use, and financial disclosure laws and protect sensitive and confidential City-related information, including, but not limited to personal health information or financial information of other individuals. Confidential information does not include information about employees' wages, working conditions, or employment terms that is used for protected concerted activity.
- Employees must not use non-public information to further their own or another's private interests, whether in financial transactions, through advice, or by unauthorized disclosures.



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- Employees must not publish or report on conversations that are meant to be pre-decisional or internal to the City unless given express permission by management and reviewed by Department Head.

Personal Social Media Use:

The City respects the right of employees to post and maintain personal websites, blogs, social media sites, and other web applications on non-work time. However, a City employee's personal use of social media may reflect on the City or appear to represent City policy or to be on behalf of the City, even if performed outside the workplace or not on City information systems. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not substantially impair or impede the performance of their duties, such as (but not limited to) by misrepresenting any position of the City, revealing confidential information gained from their position with the City, or implying that they are authorized to speak on behalf of a Department when they are not.

Every employee is expected to consider their City association in participating in online social networks. If employees identify themselves as City employees or have positions that are known to the general public, they should ensure that their profiles and related content (even if they are of a personal and not an official nature) do not violate policies or procedures of the City.

Department heads and others in leadership positions are allowed significant latitude to explore ideas and positions, subject to the mayor's supervisory authority. However, those with leadership responsibilities, by virtue of their position, must consider whether personal thoughts published, even in clearly personal venues, may be misunderstood as expressing the City's positions. All employees should assume that their team and those outside the City will read what is written. A public blog is not the place to communicate policies to City employees. Employees should assume that any thoughts expressed on social media, depending on the account's privacy restrictions or settings, are in the public domain and can be published or discussed in all forms of media.

Department Heads

- Department heads are often responsible for communicating the position of the City and as such carry a higher standard to represent the City in a way that is consistent with City policies and standards.
- All social media posts on personal accounts and/or through City social media accounts made by Department Heads that comment on City business are subject to scrutiny and may need approval of the City designated officials.
- Department Heads are not permitted to communicate sensitive or confidential City business to the public without appropriate review and approval by the Mayor's Office.



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- Department Heads should not use personal social media as the primary means to communicate City business or direction.

Policy Violation Considerations

Violation of this policy by a City employee may result in discipline up to and including dismissal, subject to and in accordance with applicable collective bargaining agreements, the City's Personnel Policies, applicable ordinances of the City of Burlington, and state or federal law. In addition, some conduct may violate other laws for which there are criminal or civil penalties. The City does not regularly monitor any employee's personal social media sites; however, if information is brought to the City's attention that a City employee's social media use may not be in conformance with this or other City policies, the City may consider investigating those allegations and may issue any appropriate corrective action warranted. City employees should not have an expectation of privacy in public engagements about or impacting City business on social media.

An employee who wishes to determine ahead of time whether a particular social media use falls within the appropriate bounds of this policy may consult directly with the employee's Department Head or HR Manager. Each situation will be evaluated on a case by case basis because the laws and social media technology are evolving.

Defining Social Media

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, personal web site, social networking or affinity web site (e.g., Facebook, LinkedIn, Twitter, Instagram, Pinterest, TikTok, etc.), or web bulletin board, whether or not associated or affiliated with the City of Burlington.



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12.7 USE OF CITY PROPERTY

a. In General

For this policy, the term “property” is intended as an all-inclusive term to cover all items owned, rented, leased or otherwise under the control of the City and to include all office and computer equipment, e-mail accounts, telephones, machinery, vehicles or any other items. City property shall be used ~~only~~ for official City business and in accordance with the Social Media Policy or activities and may not be utilized for other purposes without the ~~written~~ approval of the appropriate Department Head or his/her designee in charge of the equipment or in a manner consistent with the policies provided below. Employees, including recognized volunteers and interns, entrusted with the use of City property are responsible for using it in a manner that is appropriate for its use. The defacement, vandalism, destruction or reckless use of City property by an employee is expressly prohibited. Violation of any provision of this policy may result in disciplinary action up to and including dismissal, denial of future access to the use of the equipment, restitution for any costs to the City, and other civil liability.



BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING
Tuesday, August 25, 2020

I. Call to Order
Chair Gamache

The meeting was called to order at 6:05 pm.

II. Roll Call and Determination of Quorum
Chair Gamache

Commissioners Present: Chair Jabulani Gamache, Commissioner Randall Harp, Commissioner Mark Hughes, Commissioner Yuol Herjok, Commissioner Melo Grant, Commissioner Shireen Hart, Commissioner Kerin Durfee, and Youth Commissioner Landen Nipper. Quorum was met.

Also Present: Deputy Chief Matt Sullivan, and Commission Clerk Shannon Trammell. Acting Chief Jon Murad arrived at 7:35 pm.

Counsel for this meeting: Joy Hovestadt

III. Additions or Modifications to Agenda

A motion was made by Commissioner Hughes, seconded by Vice Chair Hart, to move Item VI into the Chair's Report, and table Item VII until next meeting. The motion carried the following vote:

Aye: Gamache, Hughes, Harp, Hart, Grant, Durfee, Herjok

No: 0

IV. Public Forum
None

V. Chief's Report

Acting Chief of Police, Jon Murad provided calls for service breakdown, but was unable to report due to "Black Perspective" Rally.

From July 28th – August 24th, 2020 – 2,092 calls for service.

- 26 assaults, 7 of them aggravated (felonious)
- 7 sex assaults
- 2 robberies
- 227 suspicious events
- 112 noise complaints
- 75 disturbances
- 91 vehicle crashes (31 of those were LSA and 7 of them were crashes with injuries)
- 83 traffic calls
- 67 foot patrols

- 65 threats / harassment
- 71 domestic incidents (60 of which were domestic disturbances, 3 domestic violence misdemeanor's, 8 domestic violence felonies)
- 13 fireworks
- 4 overdoes
- 2 untimely deaths (including a suicide by hanging)

Deputy Chief Sullivan takes questions from the Commission and adds that the Detective Bureau has done some fantastic work on the incidents involving discharge of firearms. They are not getting a lot of cooperation from persons involved, but are making substantial progress in the cases.

Commissioner Durfee addressed an email the Commission received from a citizen regarding issues on the property adjacent to his. The Commission moves this continued discussion to Item XII.

No further action was taken on this item.

VI. Wellness

Item deferred based on earlier motion.
No action was taken on this item.

VII. President Obama's Final Report on 21st Century Policing

Item deferred until next meeting based on earlier motion.
No action was taken on this item.

VIII. Social Media Policy.

The Social Media Policy is a City-wide policy that has already been adopted by City Council.

The Commission requested a copy of all Department Documents & Directives that pertain to any social media / media policy for their review.

The Commission discussed drafting a separate social media policy for the Police Department.
Item to be discussed at September's meeting.

For a more detailed review of the Social Media Policy discussion, please refer to minutes [33:47 – 1:04:20] the recording at: https://youtu.be/RTCppAdV_WE

IX. Final Review: Draft of the Role of Commission Oversight

Commissioner Hughes expressed his concern in how the document aligns with lines 90 – 100 of the Resolution.

A motion was made by Commissioner Harp, seconded by Chair Gamache, to adopt the Burlington Police Commission Policy – Role of the Burlington Police Commission in Reviewing Complaints Against BPD Employees. The motion carried the following vote:

Aye: Gamache, Harp, Hart, Grant, Durfee, Herjok
No: Hughes

The motion passes. Burlington Police Commission Policy – Role of the Burlington Police Commission in Reviewing Complaints Against BPD Employees is adopted.

For a more detailed review of the Final Review of the Role of Commission in Oversight, please refer to minutes [1:04:25 – 1:33:27] in the recording at: <https://youtu.be/RTCpAdV WE>

X. Officer Worn Camera Footage Release Policy

Commissioner Harp suggests the Commission create a sub-committee to review similar policies from other agencies around the Country, and write a draft policy for the Commission to review and edit; instead of having the entire Commission draft. Commissioner Herjok agrees.

Sub-committee: Commissioner Grant, Commissioner Durfee, Commissioner Harp

A motion was made by Chair Gamache, seconded by Commissioner Hart, to appoint a sub-committee to write a draft policy and present to the Commission. The motion carried the following vote:

Aye: Gamache, Hart, Harp, Grant, Durfee, Hughes, Herjok
No: 0

For a more detailed review of the Officer Worn Camera Footage Release Policy Discussion, please refer to minutes [1:33:31 – 1:48:34] in the recording at: <https://youtu.be/RTCpAdV WE>

XI. Commendations

The Commission Clerk shares commendations that have been received in the past month.

XII. Commissioner Updates / Comments

The Commission resumed its discussion on an email from Citizen Murphy that they received. Citizen Murphy was invited to speak during the next meeting's public forum and the Commission and Department will address the issue prior to next meeting. The Commission would like to see a plan to address the concerns and issues raised in the letter.

The Police Commission will be moving their agenda and documents to the City of Burlington's Board Document website. This will take place for the next meeting.

XIII. Meeting Minutes Approval

A motion was made by Chair Gamache, seconded by Commissioner Durfee, to approve the minutes from the July 28, 2020 meeting. The motion carried the following vote:

Aye: Gamache, Harp, Hughes, Herjok, Hart, Durfee, Grant
No: 0

The motion passes unanimously. Minutes approved from July 28th, 2020.

XIV. Next Meetings Agenda Items

Next Meeting, September 29, 2020.

- Discussion on how the Commission is/should handle citizen complaints; process
- Social Media
- Community Engagement Ideas Discussion
- 21st Century Policing

XV. Executive Session

A motion was made by Chair Gamache, seconded by Commissioner Harp, to move to Executive Session to discuss citizen complaints and personnel matters. The motion carried the following vote:

Aye: Gamache, Durfee, Harp, Hughes, Herjok, Hart, Grant
No: 0

This motion passes unanimously. City personnel to include Acting Chief Murad and Deputy Chief Sullivan

No further public action will take place and the meeting will be adjourned immediately following Executive Session.

Meeting moves to Executive Session at: 8:04 pm.

A motion was made by Commissioner Hughes, seconded by Commissioner Hart, to conclude Executive Session. The motion carried the following vote:

Aye: Gamache, Grant, Harp, Hughes, Herjok, Hart
Abstain: Durfee – not present (technical issues)
No: 0

This motion passes, and Executive Session ends at 8:51 pm

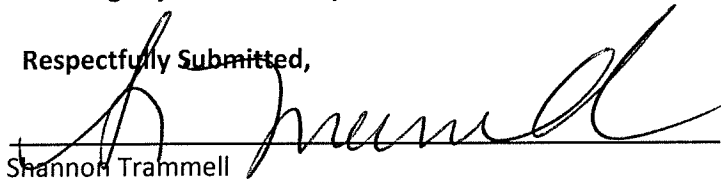
XVI. Adjournment

A motion is made by Chair Gamache, seconded by Commissioner Hughes, to adjourn the meeting. The motion carried the following vote:

Aye: Gamache, Harp, Hughes, Herjok, Hart, Grant
Abstain: Durfee – not present (technical issues)
No: 0
This motion passes.

Meeting adjourns at 8:51 pm.

Respectfully Submitted,



Shannon Trammell
Executive Assistant to the Chief of Police
Clerk of the Police Commission

9/30/2020

BURLINGTON POLICE COMMISSION POLICY
Role of the Burlington Police Commission in Reviewing Complaints Against BPD
Employees
Adopted August 25, 2020

Purpose: The purpose of this policy is to support principles of fair and impartial policing within the City of Burlington Police Department by adopting a procedure that defines the role of the Burlington Police Commission in reviewing complaints against agency members.

Policy:

1. When a complaint is received by the Burlington Police Department about the conduct of an employee of the Burlington Police Department, the Chief of Police shall cause that complaint to be investigated as soon as practical by an individual or individuals with no interest in or attachment to the issue or officer(s) being investigated. When a complaint is received by members of the Burlington Police Commission, the member of the Burlington Police Commission should encourage the person making the complaint to submit it via the Burlington City website or should personally take the complaint, attempting to capture all the information otherwise contained in the Citizen's Complaint Form. [See Appendix A]
 - a. All complaints, whether generated externally or internally, are referred to as Citizen's Complaints.
 - b. All Citizen's Complaints are documented on a spreadsheet maintained by the Deputy Chief of Administration, or designee.
 - c. Lower-level and some mid-level complaints that are able to be resolved quickly and at first level of supervision, remain as Citizen's Complaints.
 - d. Some mid-level complaints may be escalated to an Administrative Review (AR). An AR is designed to determine if a complaint needs to be elevated to a Bureau of Internal Affairs investigation or if it is able to be handled without a robust personnel investigation.
 - e. Higher-level complaints will either be an Administrative Review or will be escalated to a Bureau of Internal Affairs investigation.
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2. The Deputy Chief of Administration, or his/her designee, will maintain a written record of each complaint. That written record will at a minimum include:
 - The name(s) of the employee(s) involved.
 - The date of receipt of the allegation.
 - The date of the alleged incident, if known.
 - The type or nature of the allegation.

- The name(s) of the person(s) who investigated.
- The final disposition of each complaint.
- How the matter was closed out with the complainant.

In addition, if the complaint involves an allegation of excessive use of force, or an allegation of dishonesty or other serious misconduct, the written record will include:

- All action taken in response to the complaint.
 - Identification of all witnesses, documents, evidence, or other information obtained or consulted in the course of the investigation.
3. The written record of each complaint will be considered confidential. Each Commissioner shall have access to the written records of all complaints upon request to the Chief, subject to the Vermont Public Records Act, and the Burlington Police Officers' Association agreement. Further information may be available to the Commissioner receiving the records upon the completion of a fingerprint-supported background check and the execution of a confidentiality agreement.
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 - Updates about complaints against employees will be shared with the Commission in Executive Session at the first meeting following receipt of the complaint, unless the matter is of such urgency that a special meeting is required. Status updates on the progress of complaints under investigation will be provided to the Commission, as appropriate, and further detail and access to reports/video/etc shall be provided to the Police Commission in Executive Session at the first meeting after the investigation has been completed.
 - For lower- and mid-level complaints, the Chief will provide a verbal or written summary of the complaints and their status or disposition in Executive Session.
 - For higher-level complaints, such as those involving an allegation of excessive use of force, dishonesty, discrimination, harassment, or other serious misconduct; or for any lower- or mid-level complaint that results in discipline beyond a written reprimand; or for any other conduct for which suspension or termination is recommended, the Chief will provide the Police Commission with a full verbal briefing of the allegations and the recommended disposition of the case in executive session.
 - The Chief of Police, or his/her designee, will report to the Police Commission in Executive Session on a monthly basis regarding any Use-of-Force incidents. The update shall include demographic data about the officer(s) and subject(s) such as gender, age, and race, and also provide a description of incident.

- At the request of any member of the Police Commission, the Chief will make the written record available for Executive Session review by the Police Commission, as well as any audio or video footage, written materials, evidence, or other information related to the allegation.
 - The Chief of Police, in consultation with the States Attorney's Office, will make the determination of if a complaint needs to be referred outside the Department for investigation of possible criminal conduct. If the complaint has been referred outside of the Department for investigation of possible criminal conduct, the materials will be made available to the Police Commission in Executive Session once a determination has been made that the materials may be disclosed to the Police Commission without adversely affecting any possible prosecution.
5. After receipt of the report described above, the Police Commission may:
- accept the Chief's report and recommended action in full or in part;
 - request additional information;
 - request that the Chief reconsider the action and/or make a recommendation to the Chief about the investigation, process, disposition (including recommending a range of sanctions for the misconduct), or other aspect of the matter, or
 - postpone action to a later date, but no later than 14 days from the date of initial receipt of the report.
6. The Chief may accept or reject the Police Commission's recommendations. If the Chief rejects the Police Commission's recommendations, the Chief shall explain to the Police Commission why the recommendations were not accepted. If a majority of the Police Commission disagrees with the Chief's decision, the Police Commission Chair shall report this to the Mayor. Police Commission members should take care to avoid unauthorized disclosure of confidential information. To that end, any Commissioner may consult with the City Attorney's Office to obtain advice related to, among other things, the use and disclosure of confidential information.
7. The Chief of Police is responsible for reporting any misconduct of Burlington Police Department employees that falls under 20 VSA 2401 to the Vermont Criminal Justice Training Council.
8. Whenever the Police Commission becomes aware of allegations of misconduct by the Chief of Police, or if the Police Commission has concerns about the performance of the Chief of Police, the Police Commission Chair shall report this to the Mayor in a timely manner. In the event that the Chief of Police has engaged in misconduct pursuant to 20 VSA 2401, the

Police Commission Chair shall report this to the Chair of the Vermont Criminal Justice Training Council.

9. The Police Commission shall report to the Burlington City Council twice each year regarding this policy. The report shall include a redacted summary of the number, type, and disposition of complaints reported to the Police Commission.

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