



BURLINGTON POLICE DEPARTMENT
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Board of Police Commissioners

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MEETING OF THE BOARD OF POLICE COMMISSIONERS
VIRTUAL MEETING
July 28th, 2020, 6:00 PM

Pending

Remote and Virtual Access ONLY: This Board of Police Commissioners meeting will be entirely remote and virtual. There are a few ways to tune in:

1. Join via Zoom: <https://us02web.zoom.us/j/852761202652>
2. Call in for audio only: Phone number: 646-558-8656 Webinar ID: 852 7612 0265
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. This information will allow us to identify you and un-mute your microphone for the duration of your public comment. Emails will be accepted through the duration of the public forum. If you will be joining by phone only, please provide your phone number in the email, so that we can identify you.

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. Traffic Report

Acting Chief Jon Murad. **This is a new item.**

- a. Discussion
- b. Action, if any

VII. Arrest Data Report

Brian Lowe, City of Burlington's Chief Innovation Officer

Jon Murad, Acting Chief

Nancy Stetson, Crime Data Analyst

This is a new item.

- a. Discussion
- b. Action, if any

VIII. Wellness

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

- a. Discussion
- b. Action, if any

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

Commissioner Mark Hughes. **This item was tabled from 6.23.2020.**

- a. Community feedback & assessing community attitudes; survey - Commissioner Randall Harp.
- b. Discussion
- c. Action, if any

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

The Commission will review and discuss the latest working 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

XI. Mugshot Discussion

Chair Gamache. **This is a new item.**

- a. Discussion
- b. Action, if any

XII. Officer Worn Camera Footage Release Policy

Commission to discuss and draft an outline regarding the parameters for releasing footage from Officer Worn Cameras. **This is a new item.**

- a. Discussion
- b. Action, if any

XIII. Commendations.

This is a recurring item.

XIV. Commissioner Updates/Comments.

This is a recurring item.

- a. Discussion
- b. Action, if any

XV. Meeting Minutes Approval

The Commission will vote to approve minutes from June 9th, June 10th, June 16th & June 23rd, 2020.

This is a recurring item.

- a. Discussion
- b. Action, if any

XVI. 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

XVII. Executive Session

XVIII. Adjournment

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

TO: Burlington Police Commission
FROM: Chief Innovation Officer Brian Lowe & Crime Analyst Nancy Stetson
DATE: June 24, 2020
RE: 2019 Equity Report Follow Up: Burlington Race and Arrest Rate Analysis

In early 2020, as part of the data analysis work completed for the [2019 Equity Report](#), using data the Police Department has [previously released publicly](#), the City identified a racial disparity in arrests that must be more thoroughly understood and addressed.¹

In February 2020, the Mayor then requested the Chief Innovation Officer, BTVStat Analyst, and Burlington Police Department (BPD) Crime Data Analyst to conduct additional analysis to be presented to the Police Commission with information on Burlington's arrest outcomes over time.

This memo is divided into two sections. The first provides an overview of broad arrest trends by the BPD and information about arrest rates by race in Burlington, the State of Vermont, and the country. The second section evaluates variables related to race and arrests. We anticipate the Police Commission will have feedback and request additional analysis. This memo on race and arrests for the Burlington Police Commission was originally planned to be presented at the Commission's March 24, 2020 meeting. The work was largely complete prior to the suspension of commission meetings caused by the coronavirus.

Section I: Introduction

The Burlington Police Department (BPD) responds to over 28,000 calls for service each year and in each of the past two years has made approximately 1,600 arrests. Arrests in Burlington have declined significantly since 2016. In 2019, the overall arrest rate in Burlington was 37 arrests per 1,000 residents.

Of people arrested in 2019, 17.3%² were Black. When compared to the Black population of Burlington (5.3%), this indicates an arrest rate of 123 arrests per 1,000 Black residents as compared to 33 arrests per 1,000 White residents in Burlington. Without accounting for other variables, this translates to Black people being arrested at a rate of about 3.7 times that of White people in Burlington.

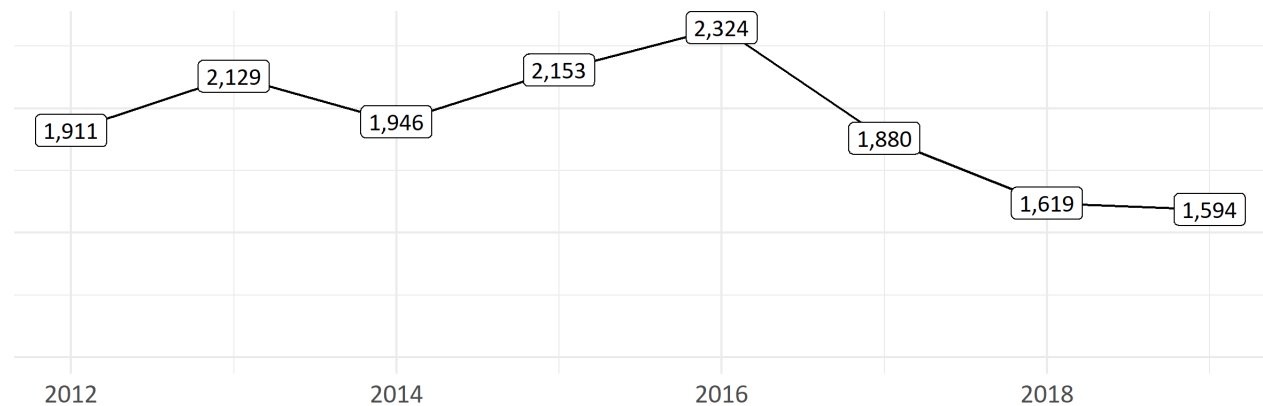
These summary statistics do not take into account the underlying patterns in demographic distribution, residency, outstanding warrants, or arrest expungement. Arrests where officers have more discretion,

¹ As noted on page 15 of the 2019 Equity Report, released in March 2020: "Additional Analysis on Race and Arrests Needed: Using data that BPD has already released publicly, the 2019 Equity Report identified police outcomes of potential racial disparity that should be more carefully analyzed and understood. This analysis should include trends over time and benchmarking of Burlington's performance against comparable communities. The Mayor has directed the Chief Innovation Officer and BTVStat Analyst to work with BPD and the Crime Data Analyst to complete a detailed report on race and arrests in the coming months."

² This memo focusses primarily on the disparity between the White and Black arrest rates. In 2019, out of 1594 total arrests, the BPD made 1,162 (73%) White arrests, 275 (17%) Black arrests, and 53 (3%) Asian arrests. The remainder of the arrests are grouped together in this analysis. There was one arrest of a Native American, three arrests where the race was marked Other, nine arrests where the race was marked Unknown, and 91 arrests where the race is missing, primarily owing to arrests that have since been expunged. There were 21 (1.3%) arrests where the arrestee's ethnicity was Hispanic or Latino.

such as non-violent misdemeanors or low-level offenses, have a smaller proportion of Black arrestees than overall arrests, as noted below.

All Arrests
By Calendar Year



Including arrests on warrants from other agencies.

Figure 1

Nationally, the rate of arrests for the Black population is twice as high as the rate for the White population. In Vermont, the ratio between Black and White arrest rates is over 5 to 1.³

Calendar Year	Black Arrests (Percent of Total Arrests)	White Arrests (Percent of Total Arrests)	Black Arrest Rate (MOE) ⁴	White Arrest Rate	Ratio of Black to White Arrest Rates
2015	333 (15.4%)	1,504 (70.0%)	172 (147 – 208)	42 (41.5 - 42.6)	4.1 (3.4 - 5.0)
2016	409 (17.6%)	1,570 (67.6%)	196 (164 – 241)	44 (43.3-44.7)	4.4 (3.7 - 5.6)
2017	336 (17.9%)	1,297 (69.0%)	140 (122 – 165)	36 (36.4 - 37.5)	3.8 (3.3 - 4.5)
2018	284 (17.5%)	1,063 (65.7%)	127 (108 – 153)	30 (29.6 - 30.8)	4.2 (3.5 - 5.2)
2019⁵	275 (17.3%)	1,162 (72.9%)	123 (104 – 148)	33 (32.3 - 33.6)	3.7 (3.1 - 4.6)

Rates calculated per 1,000 residents of each race.

³ Crime Data Explorer, NIBRS 2018. ACS 2019 estimated Vermont population.

VT State White Arrest rate: 22.9 per 1,000

VT State Black Arrest Rate: 120.4 per 1,000

⁴ Margins of error (MOE) estimated using the ACS estimates for population totals.

⁵ 2019 arrest rates calculated with 2018 population estimates from the American Community Survey, the most recent year available.

Arrest rates determined by comparing the total number of events to the underlying population demographic are “the crudest possible benchmarks,” according to UC Berkeley Jack Glaser⁶, who has supported the Center for Police Equity in their analysis of the Berkeley, California police department. However, the Burlington Police Department and the City Administration believe disparity in arrest rates should be explored, better understood, and publicly reported to allow residents to analyze the City’s operations.

This report is the result of additional analysis of arrests in Burlington, controlling for various factors like type of arrest, outstanding warrant, unique vs. aggregate arrest totals, and age. Using the FBI’s National Incident-Based Reporting System (NIBRS) database and US Census data, the report also compares arrest rate ratios by race for cities across the country that share some or many of the characteristics that define Burlington.

The data evaluated indicate the following trends in Burlington:

- In Burlington, the overall arrest rate and the disparity between Black and White arrests rates, has been falling since 2012. While the overall number of arrests has dropped substantially, the reduction in disparity between Black and White arrests has been modest.
- The arrest rate disparity for Black adults (5.0) is higher than for Black juveniles (3.0).
- In 2019, Black arrestees were particularly over-represented in four crime types: drug-related offenses, assault, domestic violence, and disorder-related crimes.
- In 2019, arrests for which officers have higher degrees of discretion, such as low-level or non-violent crimes, show less disparity. Black arrestees make up 28.9% of violent felony arrests (crimes for which officers must take action) versus 14.6% of non-violent misdemeanor arrests.

Section II: Data Presentation by Variable

This section provides data and analyses for the Police Commission to review. We expect the Commission may request some additional information as part of the discussion, and have tried to identify relevant variables and comparisons based off of literature in this field, reports in other communities, and the work of other organizations like the Center for Policing Equity.

The first part of this section looks at variables and trends within the Burlington Police Department data. The second part provides some benchmarks from other cities around the country for the purpose of comparison.

Analysis Using BPD Data

Disparity Over Time

The overall number of arrests is declining in Burlington, down 31.4% since their high in 2016. The disparity between the Black and White arrest rates has declined only slightly, fluctuating between 5.0 to

⁶ *Berkeley police stops show racial disparities — but what does that mean?* Berkeleyside, 5/11/2018
<https://www.berkeleyside.com/2018/05/11/berkeley-police-stops-show-racial-disparities-but-what-does-that-mean>

1 and 3.7 to 1 since 2012. While the disparity in juvenile arrests by race has declined significantly (down 59% since 2012, though with low total overall numbers), the disparity in adult arrests has remained basically flat since 2012.

Ratio of Black to White Arrest Rates

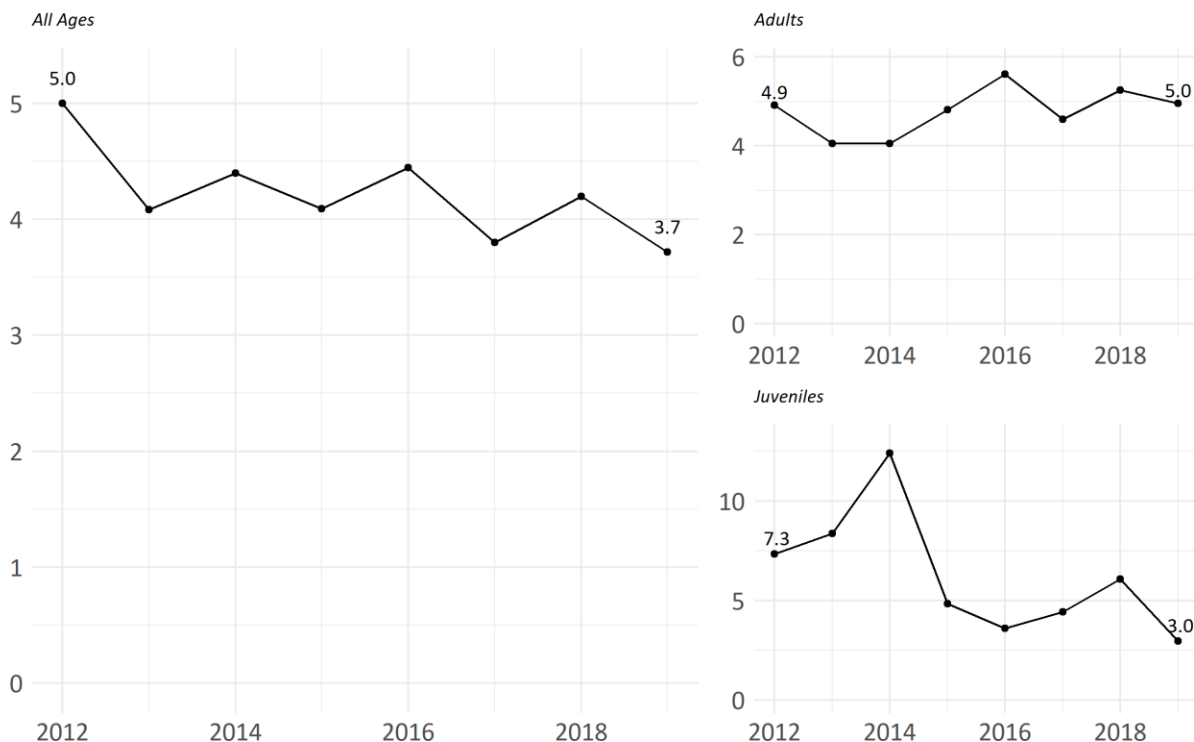


Figure 2

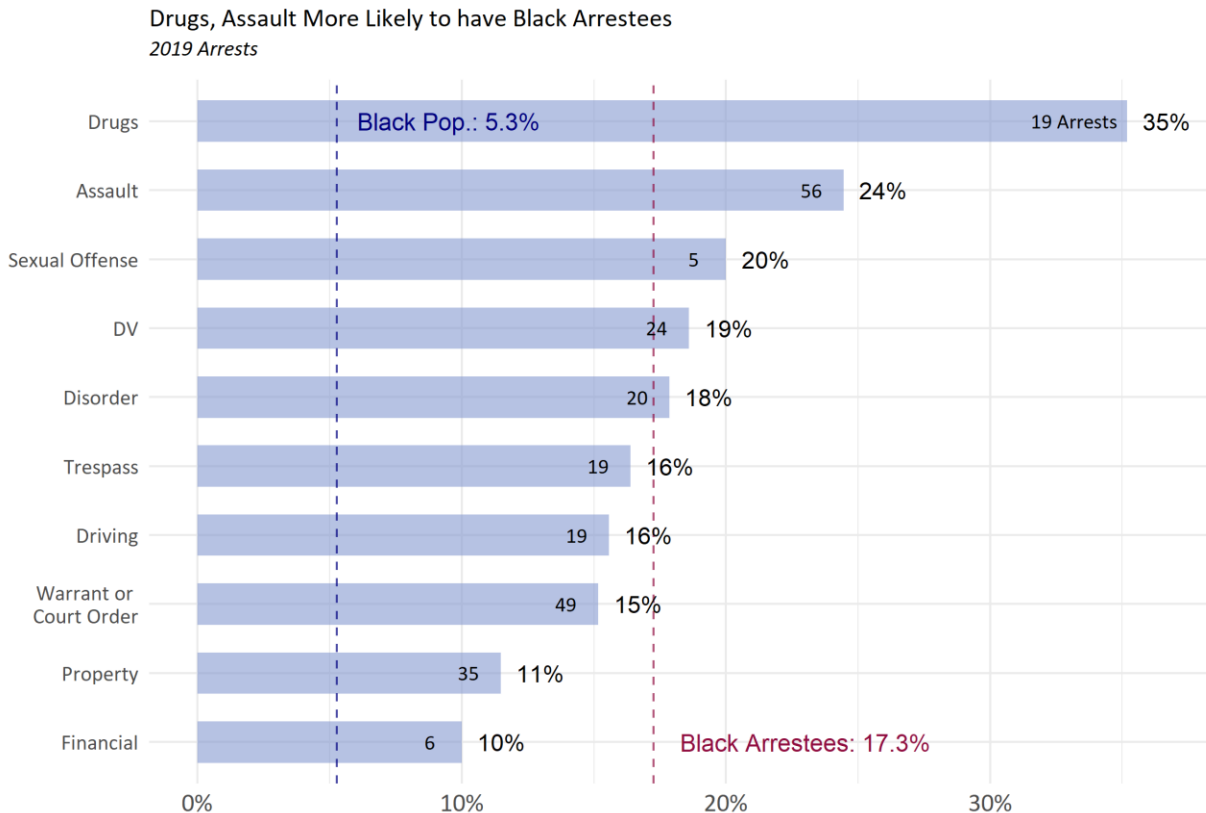
Type of Charge

One theme in the literature on disparities in arrest rates is the often pronounced racial disparity in drug and weapons-related arrests.⁷

This pattern does appear to hold in Burlington for drug-related charges, as Black arrests are disproportionately concentrated in four arrest types, including drug-related arrests. These four types occur at a higher rate than both the population total would predict and a higher rate than the overall rate of Black arrests by the BPD. Expungement does not appear to play a major role in influencing the total number of drug and assault arrests -- there were a total of ten assault-related arrests expunged and two drug-related arrests expunged in 2019, though expungements can accumulate over time and numbers could be higher in earlier years.⁸ The BPD is not able to analyze the race of expunged arrests because that information is removed from the records management system.

⁷ Weapons charges are uncommon in Burlington. There were 7 weapons arrests in 2019, and 48 total from 2012 to 2019. The majority of these arrests were for juveniles bringing weapons to school.

⁸ There is uncertainty around counting expungements, see data limitations section for more detail.



*Based on most serious charge for any one arrest.
Included categories for charges had with at least 10 arrests in 2019.*

Figure 3

Warrants

In 2019 there were 232 arrests stemming directly from a warrant approved by a judge or issued by another agency, the court system, or the Department of Corrections, where there is little discretion on the part of an officer. Of these arrests, 16.8% were Black arrestees.

Drug Arrests

The Burlington police data shows less disparity in low-level drug offenses, such as arrests for possession or marijuana-related arrests, which has been a concern in other communities. Since 2012, there have been 958 drug arrests. In 2019, Black arrestees were 24% of all drug possession arrests (7 out of 29 total), but 48% of all drug sale arrests (12 of 25). Arrests for drug sales are rarely (if ever) made without an initial investigation. This means that for those drug-related arrest types where officers have the greatest degree of discretion, there are comparatively fewer Black arrestees. This is different from other cities in the U.S. where Black people are disproportionately arrested for low level drug charges, which is a pattern that has been highlighted as an indicator of police bias.⁹

⁹ Surest Way to Face Marijuana Charges in New York: Be Black or Hispanic, New York Times 5/13/2018.
<https://www.nytimes.com/2018/05/13/nyregion/marijuana-arrests-nyc-race.html>

Severity of Drug Arrest
Count of Type of Drug Arrests, by Race

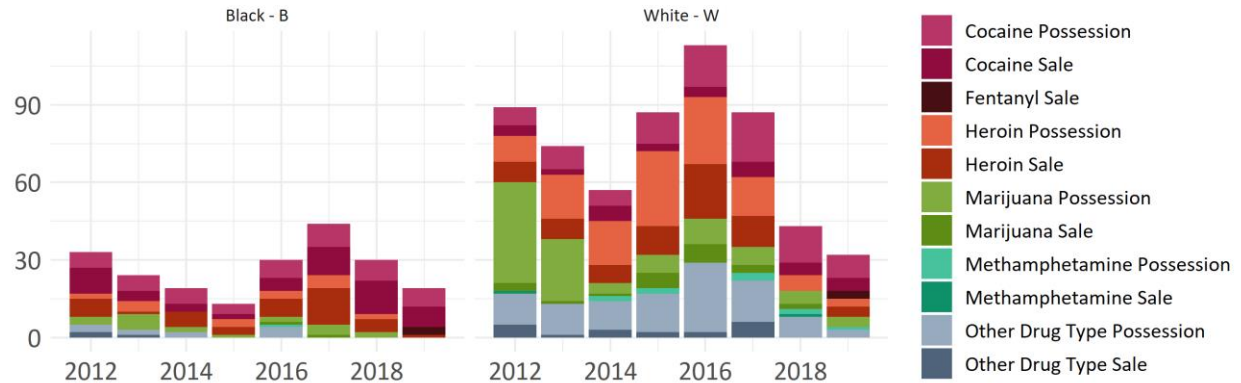


Figure 4

Severity of Drug Arrests
Type of Drug Arrest by Percent of Total

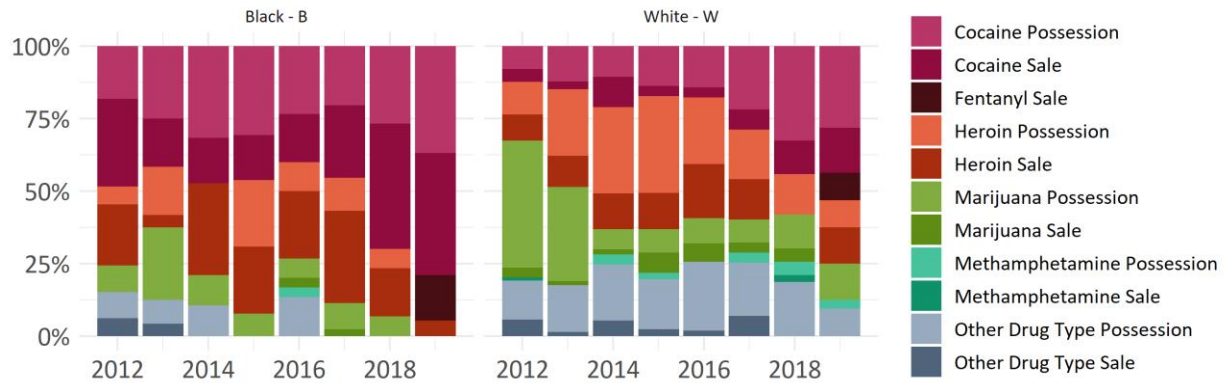


Figure 4

Severity of Charge

Another area of inquiry is the comparison of non-violent misdemeanor arrests to violent felony arrests. Like the split between drug sale and drug possession, violent felonies involve much less officer discretion in deciding whether or not to arrest. Black arrestees in Burlington are more likely to be arrested for violent felonies, and less likely to be arrested for lower-level offenses that allow a greater degree of officer discretion, such as non-violent misdemeanors.¹⁰

¹⁰ The most common non-violent misdemeanor charges are retail theft, disorderly conduct and unlawful trespass.

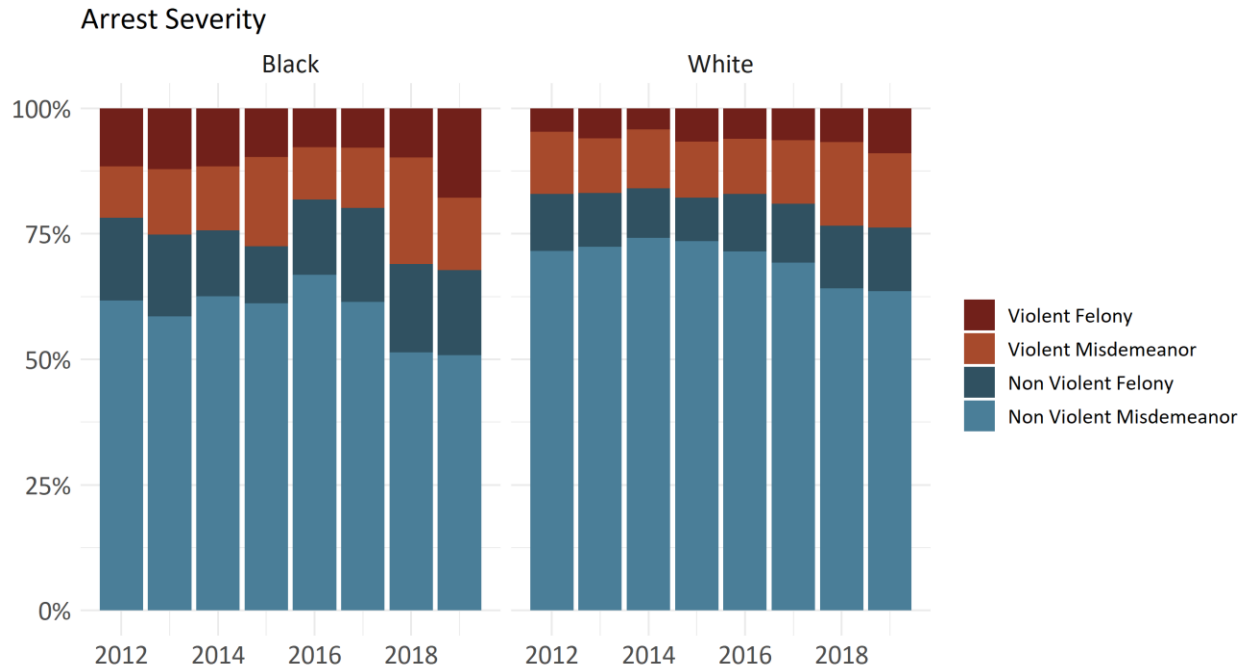


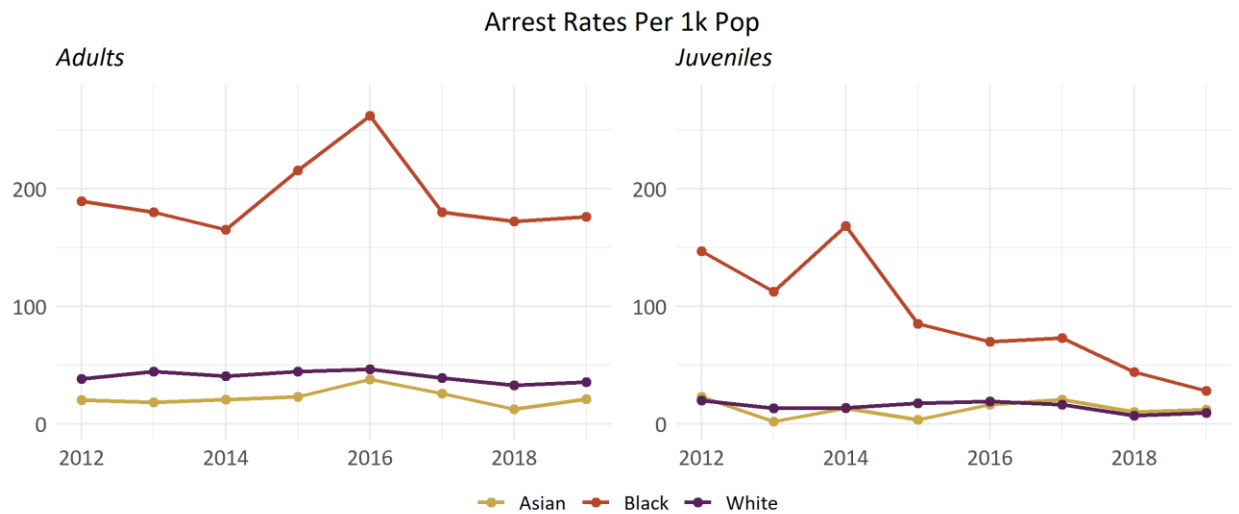
Figure 5

2019	White	Black		White	Black
Violent	223 (22.8%)	74 (31.1%)	Felony	203 (21.6%)	80 (34.8%)
Non-Violent	753 (77.2%)	164 (68.9%)	Misdemeanor	736 (78.4%)	150 (65.2%)

2019	White	Black
Violent Felony	84 (9.0%)	41 (17.8%)
Non Violent Felony	119 (12.7%)	39 (17.0%)
Violent Misdemeanor	139 (14.8%)	33 (14.3%)
Non-Violent Misdemeanor	597 (63.6%)	117 (50.9%)

Juvenile and Adult Arrests

Juvenile and adult arrest totals show a difference in arrest rates, though this pattern is relatively new. The adult arrest rates by race have fluctuated but not changed dramatically since 2012, while juvenile rates have moved dramatically closer to parity since 2014. Both the low total annual number of juvenile arrests, (67 total in 2019) and possible expungements affect this analysis, however.



Population estimates based on 5 year ACS, 2018 estimates used for 2019.

Figure 6

Gender

Black men are more likely to be arrested by the BPD than Black women. Of the 275 arrests of a Black person in 2019, 33 (12 percent) were women. Nearly a third of arrests of White people were women.

2019	Black Arrests	Arrest Rate	White	Arrest Rate
Male	242 (88%)	213.0	783 (67.4%)	45.4
Female	33 (12%)	29.8	363 (31.2%)	20.2
Other Genders	-	-	13 (1.1%)	-

Unique Arrestees

This analysis counts the number of arrests, regardless of whether a person is being arrested for their first or tenth time that year. In 2019, White arrestees were arrested 1.59 times on average, and Black arrestees were arrested 1.65 times. In other words, regardless of whether you count the number of arrests made, or the unique people who were arrested, 17% of the arrests/arrestees were Black.

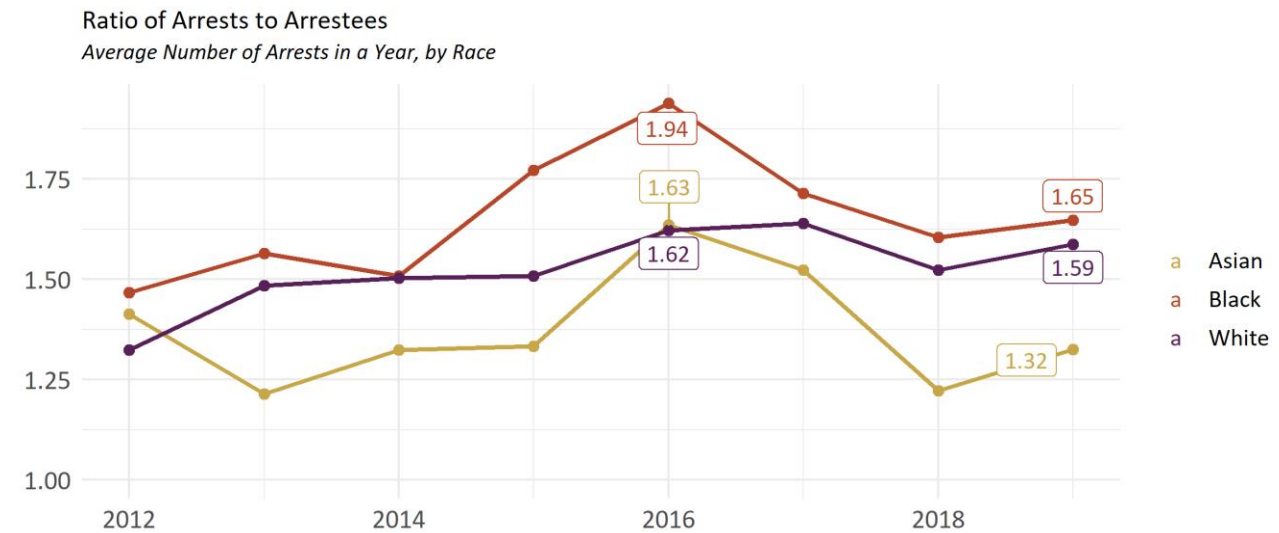


Figure 7

Other Police Contact

Black people make up an increasing proportion of police contact as the type of contact becomes increasingly more serious – a phenomenon the BPD has reported on extensively in the Use of Force Report released last year.¹¹

In 2019, 9.5% of traffic stops had Black operators, and 10.7% of all police contacts for which race was recorded were Black. Black arrestees accounted for 14.6% of all non-violent misdemeanor arrests, and 17.3% of all types of arrests. In 2018, the most recent year there is data, Black people were subjects in 26% of all use of force incidents. Black people were 28.9% of all violent felony arrests in 2019.

¹¹ <https://www.burlingtonvt.gov/sites/default/files/u585/Reports/BPD%20Use%20of%20Force%20Report.pdf>

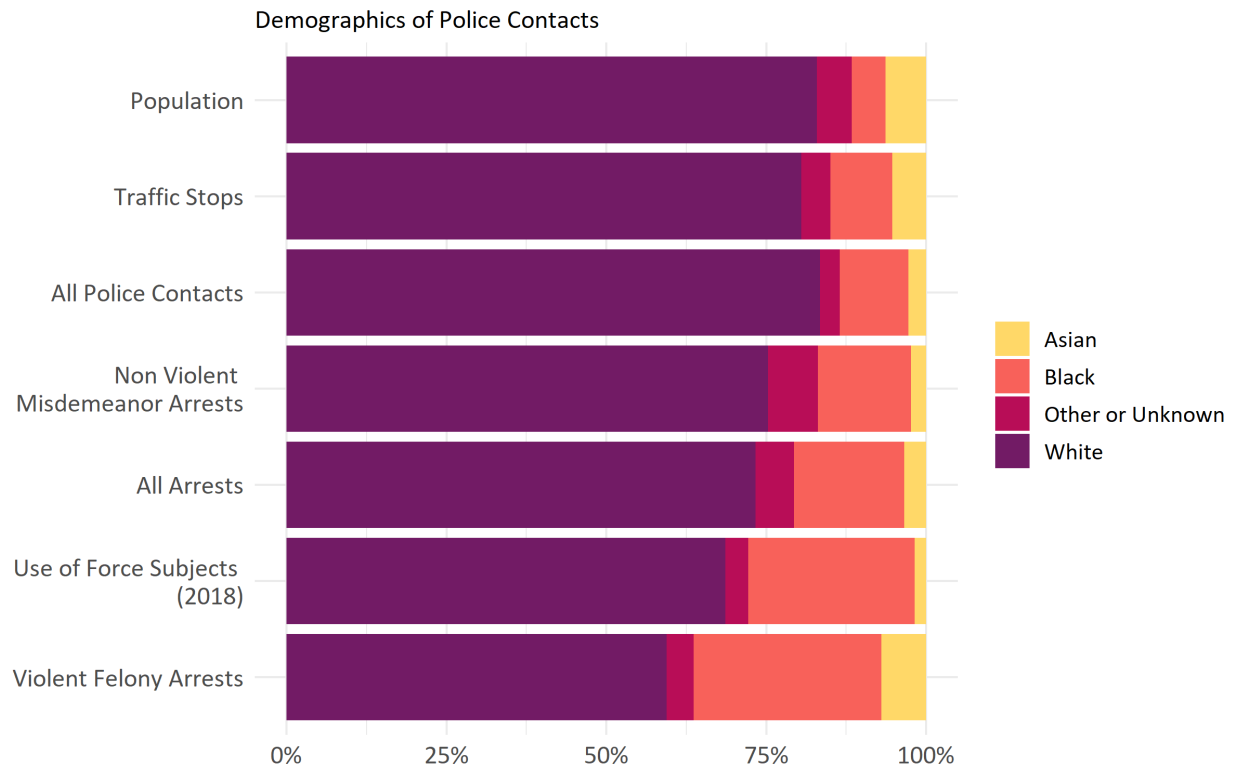


Figure 8

Comparisons to Other Cities

As noted in the introduction, social scientists consider arrest rates, based directly in comparison to the demographics of the overall population, to be a relatively limited tool for analysis. Nevertheless, in an effort to understand better how Burlington compares to other communities, we offer the following chart. It compares arrest rates by race across the country, compiled using population estimates from the American Community Survey in 2018 and the 2018 arrest counts from the National Incident-Based Reporting System (NIBRS) run by the FBI.

The lower dashed line represents arrest parity by race. Cities that fall on this line arrest Black and White people in equal proportions to their respective populations. The farther right along the line, the more arrests are made in that city, but the rates are equal across Black and White populations. The two dashed purple lines show the ratio between the Black and White arrest rates in Burlington, in 2018 and 2019. Cities above and to the left of these lines make arrests more disproportionately than Burlington, cities below and to the right have less disparate arrest rates.



Cities with at least 10k population, with Census and NIBRS data.

Figure 9

Burlington's arrest rates are lower for both Black and White people than many comparison cities, although the ratio is higher than many. Burlington closely matches Charlottesville, VA, a small city of comparable size that houses the University of Virginia.

The chart below shows the distribution of arrest rate ratios for cities. The higher the curved line, the more cities have an arrest rate ratio around that level. The chart shows that most cities have a disparity of around 2, though there is a long tail of cities with higher arrest rate ratios. Burlington has moved closer to parity over the past year, though it still has a larger disparity than cities to the left of the blue lines.

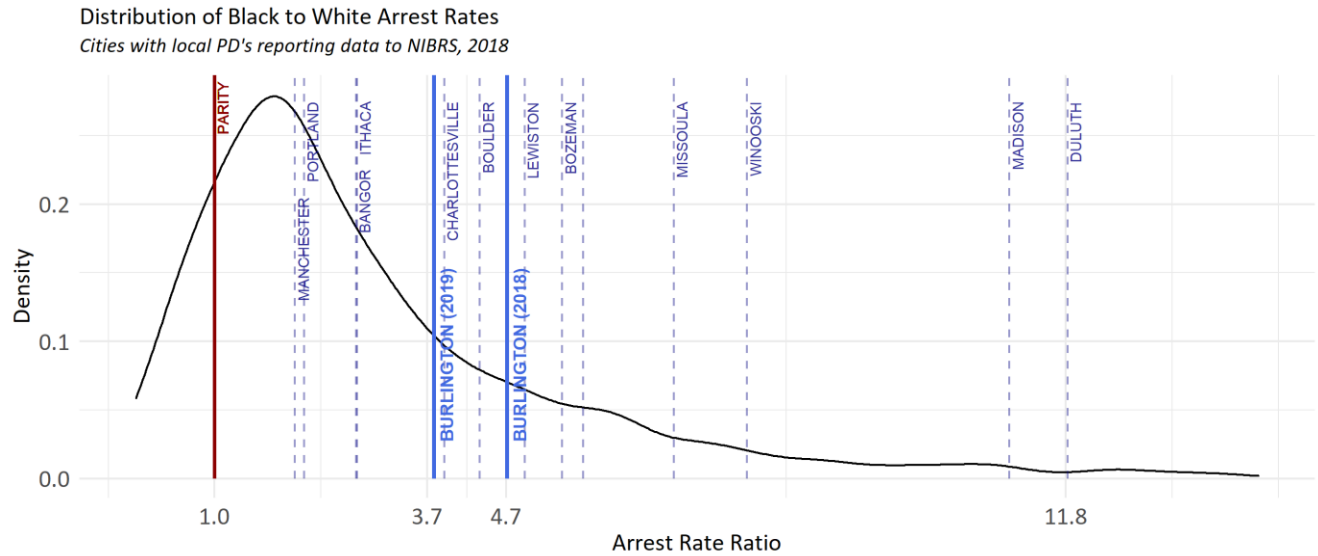


Figure 10

Section III: Recommendations

The report makes the following recommendations:

1. The Burlington Police Department should continue to provide yearly reports on traffic stops, use-of-force data, overall arrest rates and arrest rates by race to the Burlington Police Commission in a public setting. The BPD must also continue to make incident- and arrest-level data on these topics public.
2. The City should leverage community input through both the Joint Committee on Policing and a CommunityStat - like process that brings together community partners and is managed by a new Health Equity Manager position created by the Mayor's July declaration on racism as a public health emergency to create strategies to improve our understanding of how underlying inequities influence arrests more broadly.
3. A third-party evaluator should conduct an independent evaluation of BPD data to review race and arrest data and look for other variables of interest.

Data Limitations

As mentioned in footnotes throughout the report, expungements present a significant data issue. As arrests are expunged, demographic data, including age and race, are removed from the database. In the dataset, expunged arrests appear with a charge and "Expunged" in the name. However, it is not clear if the expungement process always works the same way. It is possible there are some arrests that are completely sealed, and do not appear in the data at all. This may result in changes in the counts of arrests over time, and discrepancies between NIBRS data and data directly from the BPD.

Of arrests made in 2019, 5.6% (89 arrests) have been expunged. For 2018 14.2% (230 arrests) have been expunged. If expungements are not uniformly accessed by people of all races, the data could be biased.

DRAFT

Traffic Report - 2019

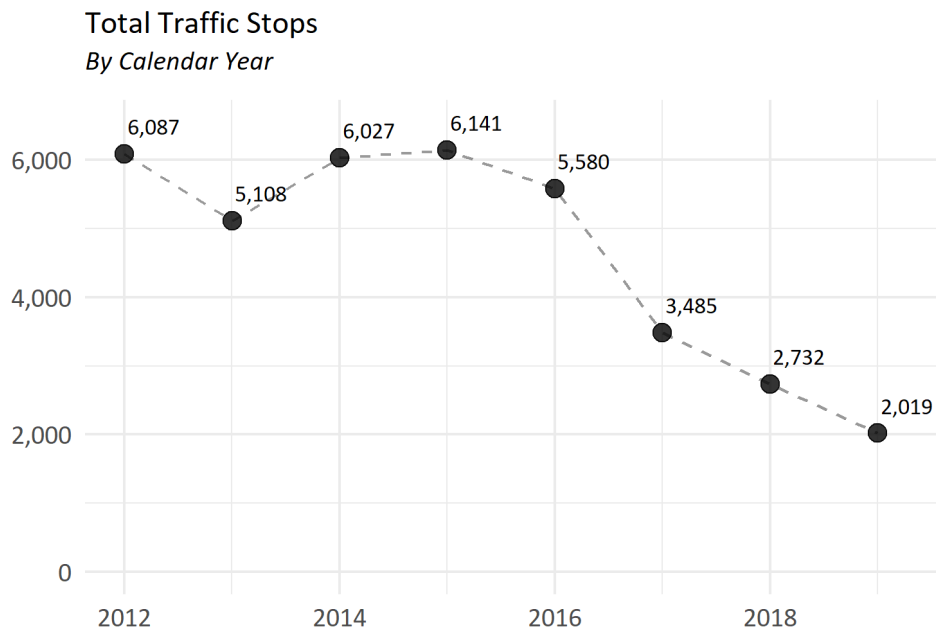
The Burlington Police Department (BPD) strives to ensure traffic safety enforcement is as fair and effective as possible for everyone on the road.

This report is focused on racial equity in Burlington's traffic enforcement. In particular, it examines whether or not there are disparities in enforcement outcomes for Black and White drivers. Of the 2,019 traffic stops made in 2019 by the BPD, 191 were of Black drivers, and 1,663 were White drivers. Another 104 stops involved Asian drivers, and 14 drivers were Hispanic. More information on traffic stops involving Asian and Hispanic drivers can be found in the summary table at the end of this report or by accessing the full dataset of traffic stops on the [BPD data page](#).

This report is the third in a yearly series of reports; previous reports covered [2017](#) and [2018](#). While traffic stops have fallen in recent years, motor vehicle crashes are flat.

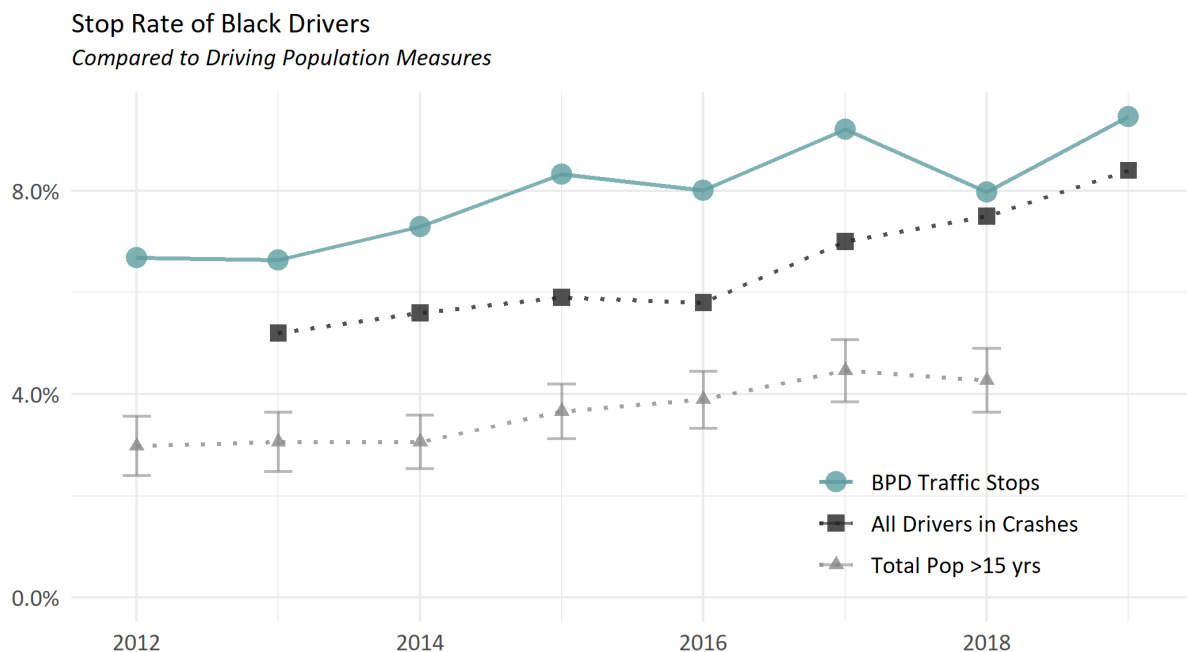
Count Over Time

In 2019, the BPD made 2,019 traffic stops, down 26% from 2018 and down 67% from the eight-year high in 2015.



Stop Rate

Of the 2,019 total traffic stops in 2019, 191 were stops of Black drivers (9.5%). In order to examine whether this percentage is racially equitable, it must be compared to the overall driving population. Because precise driver demographics do not exist, we have to estimate the driving population in other ways. The American Community Survey (2018) estimates that 4.3% of Burlington residents over 15 years old are Black. Not everyone in that broad age group drives at the same rate, however, so the population of drivers with whom the police potentially interact will vary from that estimate. On the other hand, the Vermont Agency of Transportation records the race of drivers involved in motor vehicle crashes. We believe this crash data is a fairer approximation of the racial composition of drivers on the road. Of drivers involved in crashes in 2019 in Burlington, 8.4% were Black, compared to 9.5% of drivers stopped by the BPD.



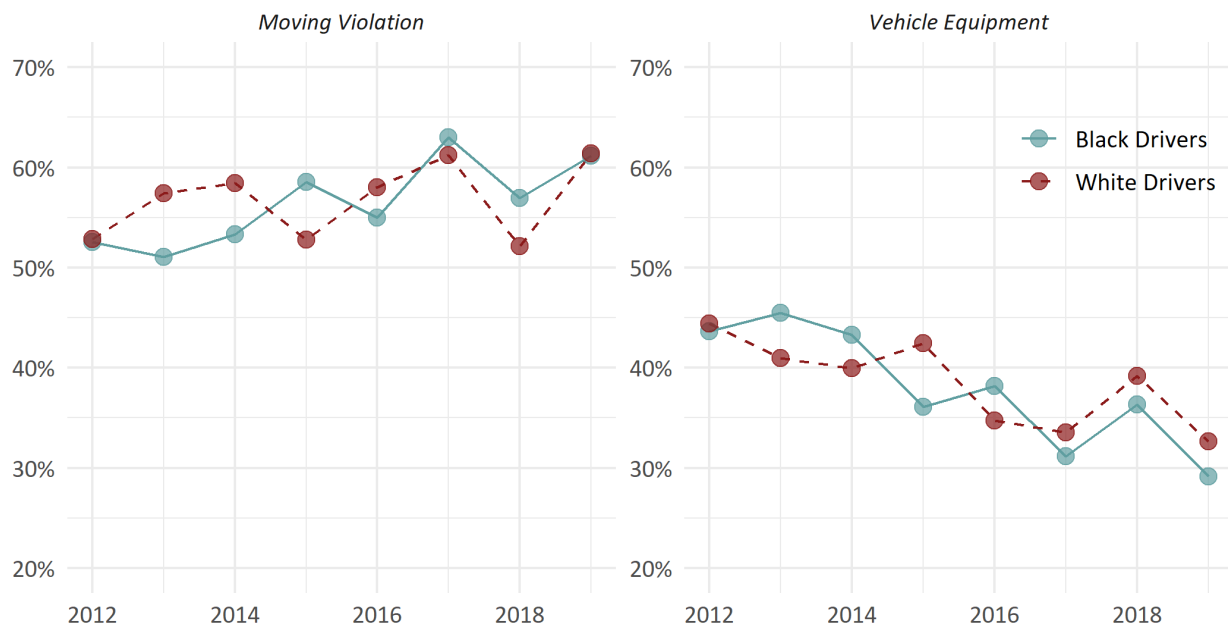
Black Drivers as a Percent of Traffic Stops, MV Crashes, and Population:

Year	BPD Traffic Stops	All Drivers in Crashes	Total Pop >15 yrs
2012	6.7%	-	3.0%
2013	6.6%	5.2%	3.1%
2014	7.3%	5.6%	3.1%
2015	8.3%	5.9%	3.7%
2016	8.0%	5.8%	3.9%
2017	9.2%	7.0%	4.5%
2018	8.0%	7.5%	4.3%
2019	9.5%	8.4%	-

Stop Reason

More than half of all traffic stops stem from a moving violation, for both White (61%) and Black drivers (61%). The second most common reason for a traffic stop – 33% of stops of white drivers, 29% of Black drivers – is the condition of the vehicle. Most of the remainder of stops fall into the category “other” as marked on the ticket form. Five point eight percent of Black drivers are stopped for “other” reasons, compared to 5.1% of White drivers. The least-common type of stop involves investigatory reasons, such as suspicion of involvement in another crime. Although investigatory stops are rare, Black drivers are more likely to be stopped for this reason than white drivers. In 2019, six Black drivers (3.4%) were stopped owing to investigatory reasons, compared to eight White drivers (0.5%).

Most Stops are for Moving Violations or Vehicle Equipment

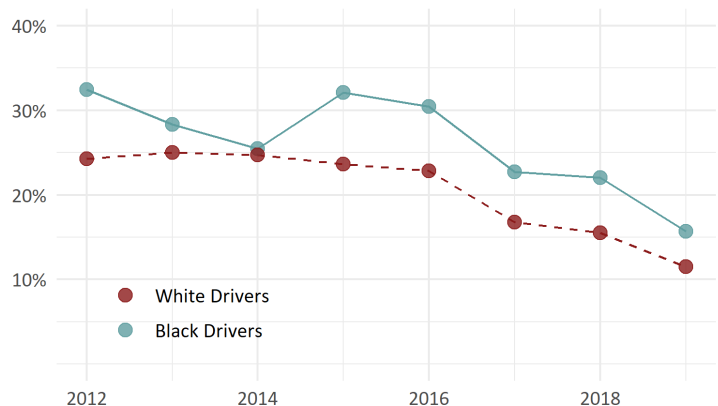


Stop Outcomes

The number of traffic stops declined precipitously over the past few years, and tickets have fallen even faster. This is the result of a concerted effort by the BPD to address traffic infractions by means other than enforcement (e.g., by prioritizing engagement and education in the form of warnings). In 2019, officers wrote 357 tickets, down 31% from 2018 (and down 79% from 2015). In 2019, 12% of all stops resulted in a ticket.

While the large majority of traffic stops result in a warning, regardless of race, the chart here illustrates that Black drivers are more likely than White drivers to be ticketed. In 2019, 12%

Stops Resulting in a Ticket All Stops Included

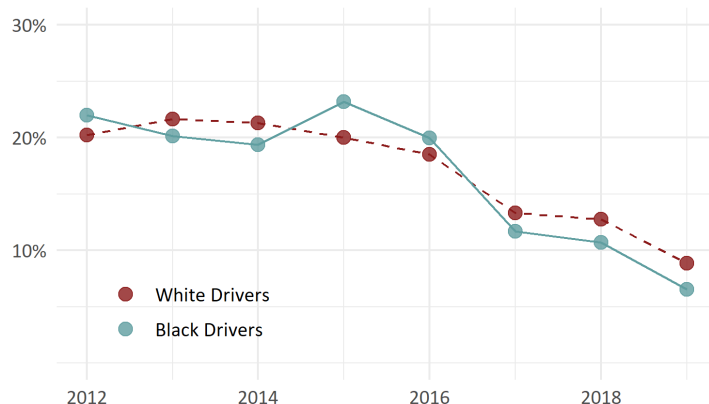


of stops with White drivers resulted in a ticket, compared to 16% percent of traffic stops with Black drivers.

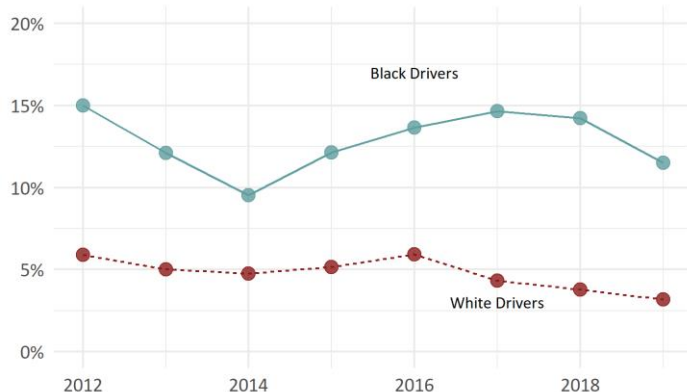
Past analyses have shown that this difference in the ticket rate largely disappears when accounting for the license status of the driver. When a driver lacks a valid license, an officer is prohibited from allowing that driver to drive away with a warning. The officer is supposed to issue a ticket and prevent the driver from continuing to drive. If traffic stops where the driver does not have a valid license are excluded, the ticket rate shrinks to 6.5% for Black drivers versus 8.9% for White drivers. The ticket rate overall has decreased over recent years, and the difference in the White and Black rate, controlling for license status, has not changed substantially. When officers have discretion, and the driver is fully licensed, officers offer warnings rather than tickets for Black and White drivers at the same rate.

Controlling for license violations shifts the ticket rate disparity because of the relative rate of these violations by race. Of the 191 traffic stops of Black drivers in 2019, 22 of the drivers (11.5%) had a suspended license or no license. Of 1,662 traffic stops of White drivers, 52 of the drivers (3.2%) had a suspended license or no license.

Stops Resulting in a Ticket
Excluding License Suspensions



Rate of DLS Violations by Race
Percent of Stops with Unlicensed Drivers

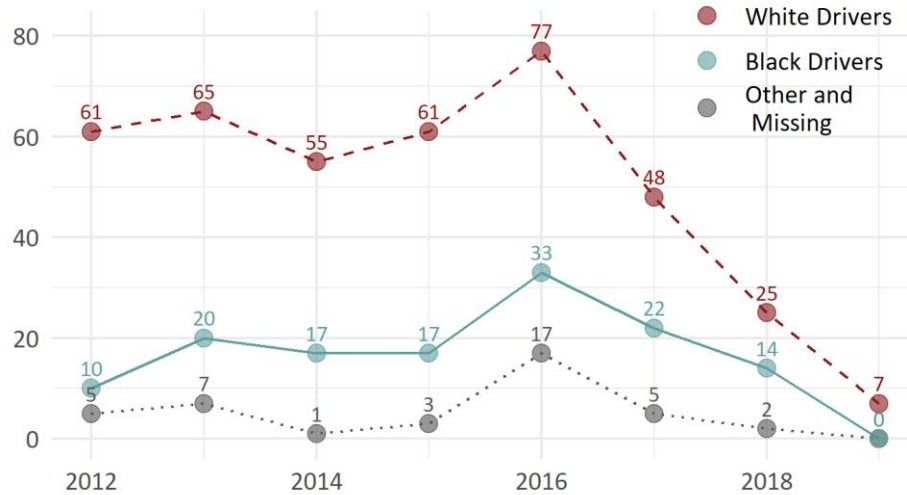


Searches

Past reports have focused on discretionary traffic searches, and the proportion of searches result in the recovery of contraband, as a measure of the treatment of minorities given a traffic stop. In the past many traffic searches were made on the suspicion of marijuana possession and since legalization in July 2018, searches overall have dropped dramatically. There were seven total discretionary searches in 2019, down from a high of 127 in 2016. In each of the seven searches in 2019, the driver was white. Contraband was found in five of the seven searches, a hit rate of 71.4%.

There were two additional non-discretionary searches conducted at traffic stops in 2019. One was externally generated, as it was a part of a larger investigation, and another search was conducted based on a warrant. In both of these searches, the drivers were white.

Traffic Searches Down Across Race

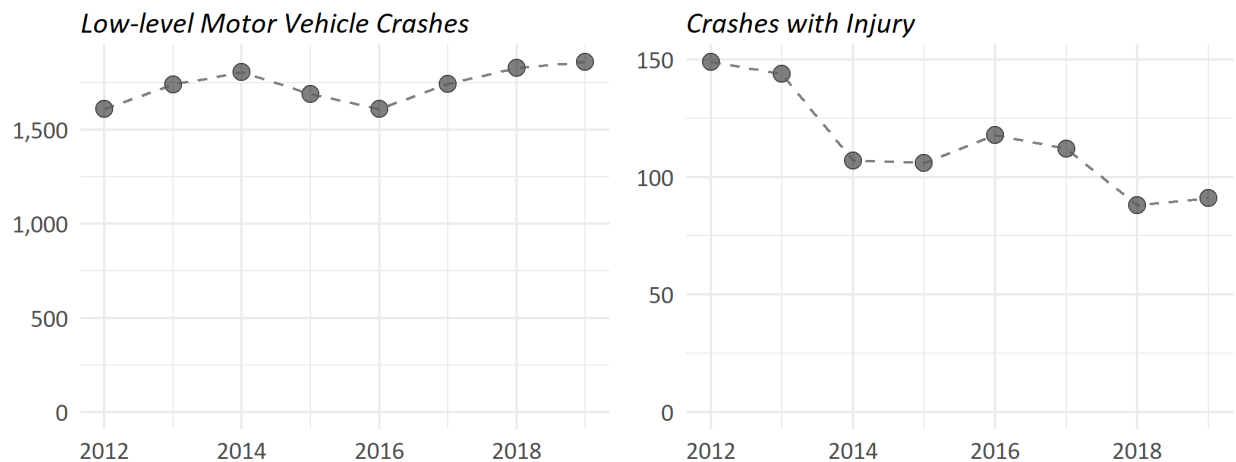


Other and Missing searches include searches of Asian, Hispanic and drivers of other races, as well as searches where the race was not marked on the ticket or in the incident.

Motor Vehicle Crashes

The central goal of traffic enforcement is traffic safety. As traffic stops have decreased over the past five years, motor vehicle crashes in Burlington have remained largely steady. Low level crashes, or crashes that do not involve any injury, are up 1.7%. Crashes with injury are also up slightly (3.4%) after falling substantially since 2012. If these trends persist, the BPD may revisit its prioritization of engagement and education rather than enforcement.

Low level Crashes Steady, Serious Crashes Down from 2012



Summary Table

2019	White	Black	Asian	Hispanic	Missing	Other	Total
Traffic Stops	1,633	191	104	14	74	3	2,019
Stops Resulting In A:							
Ticket	188	30	12	6	-	-	236
Warning	1,376	142	88	7	5	1	1,619
Arrest	9	4	-	1	-	-	14
No Action	60	15	4	-	68	2	149
Searches							
	7	-	-	-	-	-	8
DLS Violations	52	22	4	3	-	-	81
Stop Type:							
M = Moving violation	966	107	70	8	6	-	1,157
V = Vehicle Equipment	514	51	25	6	-	1	597
O = Other	84	11	4	-	-	-	99
I = Investigatory	8	6	-	-	-	-	14
D = Susp DUI	1	-	-	-	-	-	1

Traffic stop data is limited to discretionary traffic stops by officers. It excludes traffic tickets written at motor vehicle crashes and “externally generated” traffic stops made in response to a complaint or investigation about a specific car.

Open data on traffic stops is posted online at: <https://www.burlingtonvt.gov/Police/Data/OpenData>



BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING
Tuesday, July 28, 2020

I. Call to Order
Chair Gamache

The meeting was called to order at 6:06 pm.
Chair Gamache started with a welcome of the two new Commissioners; Commissioner Melo Grant and Commissioner Kerin Durfee

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: Acting Chief Jon Murad, Deputy Chief Matt Sullivan, and Commission Clerk Shannon Tramm

Counsel for this meeting: None.

III. Additions or Modifications to Agenda
No action was taken on this item.

IV. Public Forum
None

V. Chief's Report

Acting Chief of Police, Jon Murad.

From June 24th until July 27th 2020 – 2,484 calls for service.

- 27 of those were assaults, of which 8 of those were aggravated assaults (felonious assaults). 7 of them sexual assaults, and 5 of them robberies.
- 199 suspicious events
- 135 noise complaints
- 114 disturbances
- 107 vehicle crashes, of which 34 of those were leaving scene of an accident (where person fled), 73 of them involved injuries
- 103 traffic calls (different than vehicle crashes)
- 76 foot patrols
- 74 threat or harassment calls
- 73 domestic incidents, which includes 69 domestic disturbances, 3 domestic misdemeanors, and 1 domestic violent felony.
- 67 fireworks (but more than that – stacked to single incident), 10 overdoses, 5 untimely deaths.

Chief Murad notes that the work the men and women of the BPD do, by volume and variety, is greater than that performed by any other police agency in Vermont. He notes that it is hard work that takes a toll on officers who do it, but says that they perform in exemplary fashion.

As the City looks at what policing is and does, to either build new capacities or divert calls to other agencies, the volume of work is important to take into account and the cost that will be associated with that volume.

Commissioner Harp requested these stats be delivered in advance of the meeting going forward. Chair Gamache also expressed his interest in these numbers in advance as well.

Action to be taken:

Provide calls for service breakdown a day or two prior to meetings.

Commissioner Grant would like to see the public be able to access these numbers in “real time”
Commissioner Harp stated this is available in the data section of the PD website, but also agrees to provide summaries to the public.

Commissioner Hughes requests agenda item #8, Wellness be moved into the Chief’s Report. And would like to hear where the fore strength / headcount is in the Department.

Chief Murad – current headcount 91 sworn, 90 effective (one sworn out on long term sick). Chief Murad requests clarification from Commissioner Hughes on what he would like to hear about regarding officer wellness. If it is morale, he is happy to include this in the Chief’s Report, aside from that he is unclear. He states that morale within the Department is not great right now, which has to do with national and local reasons. Currently still at 90/91 – but anticipates that will change as early as next week with 1-2 officers departing. He expects more that are on the way. Morale is hard. Officers are having a hard time right now.

Commissioner Hughes will follow up and provide some clarity on intention of wellness within the 21st Century Policing Report.

No further action was taken on this item.

VI. Traffic Report

Acting Chief of Police, Jon Murad reviewed details of the Third Annual Traffic Report, that was released the previous week with a press release. He notes that census numbers of Burlington cannot be used to determine demography of the drivers within Burlington. Crash data is a far more fair way of assessing driver demography.

Commissioner Harp would like to make sure the Department continues to use traffic enforcement as a means to keep the roadways and drivers safe, and is not using it for a means of other policing (warrant checks, drug searches, etc).

No action was taken on this item.

For a more detailed review of the figures within the Traffic Report, please refer to minutes [31:15 – 1:00] in the recording at: https://youtu.be/cqftPsm�_NA

VII. Arrest Data Report

Brian Lowe, City of Burlington’s Chief Innovation Officer & Nancy Stetson, Data Analyst provided a presentation on data taken from the 2019 Equity Report, which focused on arrest trends over time and specific variable related to race and arrests.

Commissioner Hart questions if this data contains federal drug arrests (DEA), or if that data is separate from the drug arrest data within this report.

Commissioner Hughes also questions if “County or State” arrests are captured within the report as well.

Response: any County or State arrests made within Burlington independently would be very small in percent and would not be included in these figures. Federal cases where a BPD officer made the arrest were cross referenced and included within the data.

Commissioner Harp raised the question of whether or not the data takes into account arrests made versus charges the States Attorney’s office did not file charges for, as perhaps an indicator of whether arrests were not founded, not pursued and/or not done correctly.

Response: BPD/City has no means of analyzing incident level court data, where these figures would come from. Only access to police data.

DC Sullivan speaks to the process of an arrest. Whenever there is a serious or felonious crime, and the PD is going to try and lodge someone; The arrest would be made, and the person would be brought back to the PD. The officer writes an affidavit, which is sent to the States Attorney who is on call for review. The States Attorney would review the affidavit for probable cause. Before the individual is placed in jail, the States Attorney consults with a Judge, who also gives the affidavit judicial review. The Judge will place conditions on that individual and agree that they should be lodged. Therefore, it is not just the officer making the decision of arrest. If the Judge decides not to lodge, it would still show up as an arrest within the data, because the Judge will say release the person on conditions or issue them a citation and let them go. Whether they are lodged or issued a citation, it is still considered an arrest because it is criminal charges nature.

Within the Departments’ database, “Arrests” are referred to as: any citation issued for a person to appear in court OR lodged for a criminal offense.

Chari Gamache invited the Commissioners to reach out to Brian and Nancy directly on any further questions they have regarding the report, or for any follow-up they may have.

No action was taken on this item.

For a more detailed review of the figures within the Arrest Data Report, please refer to minutes [1:00:46-1:50:22] in the recording at: https://youtu.be/cqftPsmnd_NA

VIII. Wellness

Commissioner Hughes defers this item based on earlier conversation.
No action was taken on this item.

IX. President Obama’s Final Report on 21st Century Policing

Commissioner Hughes presents an overview on President Obama’s Final Report on 21st Century Policing, the process behind the report, and the first pillar (out of six) from the report; which is aimed to identify best practices and offer recommendations on how policing practices can promote effective crime reduction while building public trust that was released in 2015.

Pillar I Foundational Principal: Building Trust and Legitimacy

Commissioner Hughes hopes the Commission will use this to engage in conversations, on a regular basis, as the Commission returns to the Pillars, to help the Commission move the work forward.

Chief Murad provides comment that the Pillars and recommendations within this report are something the Department has embraced for some time now. The Pillars are also used during the promotional process within the Department, to ensure promoting leadership is knowledgeable of the pillars and recommendations.

Commissioner Grant provides feedback that communication is one of the main reasons she wanted to join the Commission and hopes the Commission can address and continue to work on communicating beyond just the public forum section at Commission meetings and work to engage with the public.

Commissioner Harp encouraged setting up community survey to assess attitudes of the public towards BPD to help guide asset allocation of BPD in the future. He hopes the Commission will work with the University or outside agency to develop this survey, as the survey is a large part of this report and gauging how the public feels and where they feel work needs to be done.

Commissioner Grant would like to see the Commission really involved in drafting this survey.

Commissioner Hart requests clarification from Commissioner Harp that the community survey mentioned is tying in with the special committee's report; the recommendation about repairing relationships within the community?

Response: Yes, it was one of the items from the special committee's report.

Commissioner Hughes proposes that the commission come up with a strategic plan in addressing the items within each Pillar; to have a plan moving forward because it is a large report with a lot of recommendations that the Commission prioritize items of action as it relates to the mentioned survey.

Commissioner Harp suggests that having reliable information of the community's attitudes towards BPD is valuable independently of all the other work that might need to be done around all the Pillars within 21st Century's Report.

Commissioner Hughes agrees.

For a more detailed review of the 21st Century Policing discussion, please refer to minutes [1:50:53 – 2:18:57] in the recording at: https://youtu.be/cqftPsm�_NA

President Obama's Final Report on 21st Century Policing, in its entirety, is available on the Burlington Police Department's Website: <https://www.burlingtonvt.gov/Police/Data/Reports>

No action was taken on this item.

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

Still waiting on input from the City Attorney's office on Section 3, therefore there is no updated draft to review and vote on.

A motion was made by Commissioner Harp, seconded by Chair Durfee, to table the discussion on this item until the next meeting, and provide the last draft to the new Commissioners so they may review and provide input at the next meeting. The motion carried the following vote:

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

The motion passes. No action was taken, this item is tabled until the next meeting.

XI. Mugshot Discussion

Chair Gamache would like input on if there is a policy on releasing mugshots with press releases, and feel there should be one if there isn't. He requested some clarity on this issue.

Chief Murad stated there is no policy. He stated that if a news agency wants them, the photos are not protected. However, Chief Murad did recently send out guidance to the Department's Media Team and Leadership, that the Department will only use mugshots when they are seeking someone, whether they are being sought for a crime, or because they are missing. The Department will not publish the photo themselves, either on social media or within the body of their press release. However, they will still be released to the media, in compliance with public record law.

Commissioner Harp suggested that the Department should take care to make sure that technology cannot be used to "scrub" press release documents and have the data google indexed.

Chief Murad takes caution on the discussion about using discretion around which people and situations are in press releases are written and released, as he feels it does not align with the mission of transparency. In response to an observation by Commissioner Harp, he confirmed that the Vermont State Police release information about all incidents, rather than picking and choosing which get a press release, but he noted that because of the BPD's call volume and the lack of an employee dedicated to a public-information role, it would be impossible for the BPD to do the same.

For a more detailed review of the mugshot discussion, please refer to minutes [2:27:33 – 2:54:16] in the recording at: https://youtu.be/cqftPsmid_NA

No action was taken on this item.

XII. Officer Worn Camera Footage Release Policy

A motion was made by Commissioner Harp, seconded by Commissioner Hughes, to table this discussion until the next meeting. The motion carried the following vote:

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

The motion passes unanimously. This item is tabled until the next meeting.

XIII. Commendations

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

XIV. Commissioner Updates / Comments

None

XV. Meeting Minutes Approval

A motion was made by Commissioner Hart, seconded by Harp, to approve the minutes from June 9, 10, 17, and 23, 2020 meetings. The motion carried the following vote:

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

The motion passes. Minutes approved from June 9, 10, 16, and 23rd, 2020.

XVI. Next Meeting's Agenda Items

- President Obama's Report on 21st Century Policing
- Officer worn camera footage policy
- Final Review: Draft of the Role of Commission Oversight
- Social Media Policy – Commissioner Hughes

Next Meeting: August 25th.

XVII. Executive Session

A motion was made by Chair Gamache, seconded by Commissioner Hughes, 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: 9:02 pm.

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

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

This motion passes, and Executive Session ends at 10:13 pm

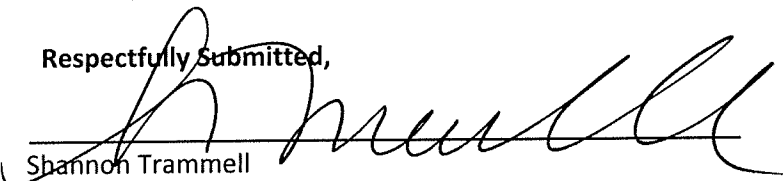
XVIII. Adjournment

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

Aye: Gamache, Durfee, Harp, Hughes, Herjok, Hart, Grant
No:
This motion passes.

Meeting adjourns at 10:13 pm.

Respectfully Submitted,


Shannon Trammell

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

8/31/2020