



Regular City Council Meeting - Monday, July 13, 2015 - start time: after the Local Control Commission Meeting adjourns - Contois Auditorium, City Hall 7/13/2015

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

July 13, 2015

APPROVED – 9/8/15

MEMBERS PRESENT: Jane Knodell (Council President) – Central District

Selene Colburn – East District

David Hartnett – North District

Joan Shannon – South District

Max Tracy – Ward 2

Sara Giannoni – Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres – Ward 7

Adam Roof – Ward 8

MEMBERS ABSENT: Sharon Bushor – Ward 1

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Bob Rusten, CAO

Rich Goodwin, ACAO

Brian Lowe, Special Projects Coordinator

Amy Bovee, Executive Secretary Clerk/Treasurer Office

Lori Olberg, Licensing, Voting & Records Coordinator



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Mike Kanarick, Mayor's Office

Jen Kaulius, Mayor's Office

OTHERS PRESENT: Brandon del Pozo, Deputy Inspector, NYPD

Ed Adrian, Burlington

C.C. Reuge, Burlington

Ebony Nyomi, Burlington

Andrea Viets, Burlington

Kyle Dodson, Burlington

Peggy Luhrs, Burlington

Abigail Treis, Burlington

Lynn Ellen Schimoler, Essex

Sara Kenney, Burlington

Todd LaCroix, Burlington

Genevieve Jacobs, Burlington

Estee Puerta, Burlington

Ron Ruloff, Burlington

Curtiss Reed, Jr. Brattleboro

Rubi Simon, Burlington

Ken Axelson, Burlington

Suzi Wizowaty, Burlington

Abdullah Sall, Burlington

Albert Petracca, Burlington

Michael Schirling, Burlington

Bill Oejen, Burlington

Andrew Champagne, Burlington

Jay Vos, Burlington

Dylan Kelly, Burlington



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Andi Harrington, Burlington
Paul Fleckenstein, Burlington
Karen Vastine, Burlington
Jared Carter, Burlington
Sandy Baud, Burlington
Aron Meinhardt, Burlington
Mayumi Cornell, Burlington
Zoe Armstrong, Burlington
Elizabeth Nikazmerad, Burlington
Margaret Joyal, Burlington
Karen Porter, Burlington
Robert Green, Burlington
Faried, Burlington
Charles Simpson, Burlington
Caroline Deconto, Burlington
Cleary Buckley, Burlington
Mary Brown-Guillory, Burlington
Mark Hughes, Marshfield
Rajnii Eddins, Burlington
Randes Eddins, Burlington

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the meeting to order at 7:10 PM on July 20, 2015 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Coburn, SECOND by Councilor Shannon to approve the agenda with the following



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amendments with regard to the items listed and to take the action indicated:

- **Item 4.19 Communication: Regina Murray Brault re: Brewery.**
- **Item 4.20 Communication: Louis Mannie Lioni re: Website.**
- **Item 4.26 Resolution: Merge Cemetery Commission into Board of Parks & Rec – postpone to October 13, 2015 City Council meeting.**
- **Item 4.27 Resolution: Composition Joint Form Based Committee.**
- **Item 4.31 Resolution: Eliminate Institutions & Human Resources Policy Committee – postpone to August 10, 2015 City Council meeting.**
- **Item 4.22 Communication: Jesse Bridges re: Bike Path Rehab Contract Addendum #3 – remove from Consent Agenda and place on Deliberative Agenda.**
- **Item 10.01 Communication: Jesse Bridges re: Council Update on Former Burlington College Land Site Design Process.**
- **Item 4.40 Special Event Permit (2 days): Burton Snowboards, additional information.**

VOTING: unanimous; motion carried.

2.0 ORAL COMMUNICATION

2.01 Brandon del Pozo, Deputy Inspector, New York Police Department

Mayor Weinberger cited his memo in support of the nomination of Brandon del Pozo for the position of Burlington Chief of Police, pointing out the following:

- Inspector del Pozo has over 18 years of experience policing in a diverse precinct, holds multiple Masters Degrees in Criminal Justice, Public Administration, and Philosophy and is currently working towards a Doctorate in Philosophy.
- Inspector del Pozo offers perspective on policing in America today and its challenges.
- The process to fill the Police Chief position included public input, police input, advertising locally and nationally as well as with specific groups such as the Association of Black Police Chiefs.
- The review panel that vetted resumes and conducted interviews was learned and experienced and represented all aspects of the community.

Mayor Weinberger read a letter of support from Nada Matte.

Brandon del Pozo spoke of the following:

- The honor of being nominated for the position of Burlington Police Chief and held to account for the nomination.



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- His career with NYPD and commitment to policing and reasons for wanting to come to Burlington.
- His police work not being surveillance on any individual, but to collect information on what tactically enables terrorist attacks around the world.
- Having experience as a minority in a foreign country and understanding the challenges of being a stranger in a strange land.
- Speaking of racism in American and policing with introspective and frank self-appraisal and engaging with the public to make strides to a fair police force.
- A city is only as just as good policing.

3.0 PUBLIC FORUM

Public Forum commenced at 7:32 PM.

PUBLIC COMMENTS

Ø Ron Ruloff, Burlington, requested Mayor Weinberger and City Council contact county officials and the building manager for the Costello Courthouse to post signs to prohibit skateboarding on courthouse grounds and abate the noise that is disturbing and a public nuisance to residents in assisted living at 3 Cathedral Square.

Ø Rubi Simon, Burlington, read a statement in support of Brandon del Pozo as the best candidate of the four finalists for the position of Burlington Police Chief.

Ø Ken Axelson, Burlington, spoke in support of Brandon del Pozo, but mentioned concern expressed that the process was moving too fast and to look further into the candidate's background.

Ø Suzi Wizowaty, Vermonters for Criminal Justice Reform, requested City Council postpone the vote to allow the candidate to engage with the community prior to the appointment.

Ø Abdullah Sall, Burlington, spoke of the candidate being overqualified and creating fear and distrust in the Muslim community due to surveillance by his inspection unit. Mr. Sall spoke against hiring out-of-state police for the Burlington Police Chief position.

Ø Albert Petracca, Burlington, expressed concern about the nomination and appointment happening so quickly when there are outstanding issues relative to crimes against humanity and police profiling.

Ø Michael Schirling, Burlington, spoke in support of Inspector del Pozo as a good fit for the way Burlington is policed to ensure the safest, healthiest, and most vibrant community in the nation. Mr. Schirling expressed confidence in Brandon del Pozo's ability to take the Burlington Police Department to the next level.

Ø Bill Oejen, Burlington, spoke against "bringing New York City to Burlington" and accused Inspector del Pozo of obstruction of justice.

Ø Andrew Champagne, Burlington, spoke in support of the nomination, saying Brandon del Pozo will make an excellent Police Chief.



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Ø Jay Vos, Burlington, requested City Council delay approving the nomination to allow a community forum where Inspector del Pozo can interact with citizens.

Ø Dylan Kelly, Burlington, expressed concern about warrantless surveillance of Muslims by NYPD and asked Inspector del Pozo to denounce these NYPD activities and racial practices. Mr. Kelly requested City Council and the Mayor make reduction of racially motivated vehicle stops and arrests a top priority for the Burlington Police Department.

Ø Andi Harrington, Burlington, stated the system Inspector del Pozo represents is problematic and is targeting people of color. Ms. Harrington spoke in support of a cultural competency program to eliminate NYPD from Inspector del Pozo so the same does not manifest in this community.

Ø Curtiss Reed, Jr., Vermont Partnership for Fairness & Diversity, Brattleboro, spoke of being a victim of profiling, but also being protected by police against threats. Mr. Reed gave his full endorsement of Brandon del Pozo as Chief of Police.

Ø Paul Fleckenstein, Burlington, spoke of NYPD promoting racism, suppressing protests, and using intensive policing, and urged City Council to vote against NYPD in Burlington and against the appointment of Inspector del Pozo.

Ø Karen Vastine, Community Justice Center, Burlington, spoke in support of Inspector del Pozo because of his willingness to "lean in" to listen to concerns and tackle the complex issues that require ongoing dialogue.

Ø Jared Carter, Vermont Law School and civil rights lawyer, spoke against the appointment and urged consideration of the issues raised in the past week.

Ø Sandy Baud, Burlington, spoke of Burlington being a Muslim sister city and expressed concern of the surveillance of mosques by NYPD and keeping Burlington free of international policing like in New York City, stressing that protesters should be treated with respect. Ms. Baud urged City Council to take time with the appointment.

Ø Aron Meinhardt, Burlington, offered to provide City Council with further information on details uncovered about Inspector del Pozo and felt the concerns about the appointment are reasonable.

Ø Mayumi Cornell, Burlington, spoke of racist being the nature of the American beast and Vermont and Burlington are not immune. Ms. Cornell urged more time with the appointment and expressed concern about more black men being put in jail.

Ø Zoey Armstrong, Burlington, asked how Inspector del Pozo will lead the Burlington police force to be a model nationwide rather than following the tide of militarization of policing.

Ø Elizabeth Nikazmerad, Burlington, expressed concern and frustration over systematic failures of public trust and the lack of public input in the search for a new police chief, adding it is not too late to have public discourse in an open process on a decision that will impact all.

Ø Margaret Joyal, Burlington, spoke of the process to choose Inspector del Pozo that had representation of community leaders and committees chosen by the Mayor, but lack of opportunity for open forum to discuss concerns. Ms. Joyal asked City Council to refrain from the decision and establish public forums for the community to raise concerns and have dialogue with Inspector del Pozo.

Ø Karen Porter, Burlington, mentioned the hesitation to call police to handle mentally ill people and NYPD's track record dealing with such individuals.

Ø Robert Green, Burlington, urged City Council to do its homework and spoke of information discovered on the Internet about Inspector del Pozo being an embedded agent and torture of Palestinians as part of the Jordan secret police which uses savage practices.



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Ø Faried, Burlington, said Burlington is not as good as people think and there is a pattern of marketing a liberal, progressive community, but when the power structure is challenged Burlington is worse than New York City. Burlington says it respects diversity, but still has not addressed the issues or completed the list of items in the diversity plan except for "rebranding".

Ø Charles Simpson, Burlington, stated social work training for the police department is needed including disarming some police officers. On a different subject, Mr. Simpson spoke of the importance of the Burlington College land and use of city funds being discussed through an open process (not Executive Session) to know the goals of City Council for the land. Also, conflict of interest for City Council should be applied to the issue.

Ø Caroline Deconto, Burlington, spoke in opposition of the appointment of Inspector del Pozo due to his experience with NYPD and why he did not engage in discussion of racism then. City Council should not decide on the appointment, but should have an open, true community accountability process.

Ø Cleary Buckley, Burlington, expressed concern about profiling and said taking more time on the appointment might be wise.

Ø Mary Brown-Guillory, Burlington, stressed the importance of the citizens of Burlington to be heard and urged not rushing the appointment without hearing from the citizens and allowing them to vet the candidate. The citizens need to examine who City Council and the Mayor are.

Ø Mark Hughes, Marshfield, said he sent letters of warning to City Council with concerns about intelligence and surveillance activities, and does not understand the rush for the appointment.

Ø Rajnii Eddins, Burlington, urged City Council to honor the request to involve the community and take more time and act with integrity and love for the children when serving the community.

Ø Randes Eddins, Burlington, expressed concern about racial profiling and having a Police Chief with a preponderance to do racial profiling that will impact black, brown, Asian children in a city that wants peace and voices it wants diversity. Ms. Eddins urged taking the time to look at the candidate's background.

Ø Sarah Kenney, Burlington, said there was interest in the Police Chief position from major cities all over the country and it was felt Inspector del Pozo will be committed to racial and social justice, to listen and have thoughtful dialogue without being defensive. Ms. Kenney agreed there should be accountability.

Ø Todd LaCroix, Burlington, said the appointment will be a grave mistake for the city because Inspector del Pozo came from a culture of violence which should profile him as unfit to be Burlington Police Chief.

Ø Genevieve Jacobs, Burlington, said the candidate is outstanding with an outstanding resume, but there are concerns and more time should be taken with the appointment.

Ø Estee Puerta, Burlington, urged City Council to take more time and have a civilian process and ongoing discussion with the candidate. There should also be a civilian recommendation committee to constantly recommend practices for the police.

Ø Abigail Treis, Burlington, asked City Council to wait and take time to look at the issues that have been raised.

Ø Lynn Ellen Schimoler, Essex, spoke of the professionalism of the members of the Mayor's diversity group on race, diversity and equity covering topics ranging from community distrust to hiring practices to police protocols. Ms. Schimoler spoke in support of the appointment.



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Ø Kyle Dodson, Burlington, spoke in support of the appointment.

Ø Peggy Luhrs, Burlington, mentioned being part of a large organization where good work is done, but where there are also bad things that go on as well. Ms. Luhrs said Inspector del Pozo's position on domestic violence needs to be known. Domestic violence is the most violent crime that occurs in Burlington. Also, more women need to be involved in City Hall.

Ø Ebony Nyomi, Burlington, spoke of family members being involved in police interactions and that City Council is not as culturally diverse as it should be and the black community should be invited to talk about their experience. City Council should take more time to make the appointment.

Ø Andrea Viets, Burlington, spoke of the reality of racism being here and limiting perspective and friendship and what is known about history. Ms. Viets urged waiting on the appointment and providing for more community input.

Ø Ed Adrian, Burlington, stated the candidate for Police Chief is being profiled because only a snapshot of the individual has been given, just like with racial profiling. The search committee was established, but not questioned then and now is being questioned. There was a group that organized the people to come and speak at City Council on the appointment and if City Council gives in to a small number of people speaking at the meeting then City Council is engaging in a process that is anti-democratic. There was transparency and participation at every step from different groups so action should not be delayed. The process was constructive and fair. There will be impact in the future if people know they will be shot down based on what is said during public comment.

Ø C.C. Reuge from central Vermont urged delay of the appointment and seeking a candidate who does not represent institutions that continue to racially profile and surveil Muslim communities. C.C. Reuge mentioned a study indicating high arrest rates of blacks and Hispanics in Vermont and community oversight.

There were no further comments and Public Forum was closed at 9:05 PM.

4.0 CONSENT AGENDA

4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated

4.02 COMMUNICATION: Accountability List

4.03 COMMUNICATION: Special Local Control Commission Minutes 5/4/15

4.04 COMMUNICATION: Special City Council Minutes 5/4/15

4.05 COMMUNICATION: Special City Council Work Session Minutes 5/11/15

4.06 COMMUNICATION: Local Control Commission Minutes 5/18/15

4.07 COMMUNICATION: City Council Minutes 5/18/15

4.08 COMMUNICATION: Budget Presentations Minutes 5/19/15.

4.09 COMMUNICATION: Budget Presentations Minutes 5/21/15

4.10 COMMUNICATION: Budget Presentations Minutes 5/27/15



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- 4.11 COMMUNICATION: Budget Presentations Minutes 5/28/15
- 4.12 COMMUNICATION: City Council Minutes 6/1/15
- 4.13 COMMUNICATION: Special City Council Work Session Minutes 6/15/15
- 4.14 COMMUNICATION: Local Control Commission Minutes 6/15/15
- 4.15 COMMUNICATION: City Council with Mayor Presiding Minutes 6/15/15
- 4.16 COMMUNICATION: City Council Minutes 6/15/15
- 4.17 COMMUNICATION: City Council Minutes 6/29/15
- 4.18 COMMUNICATION: Regina Murray Brault re: Cherry Lane Parking
- 4.19 COMMUNICATION: Regina Murray Brault re: Brewery
- 4.20 COMMUNICATION: Louis Mannie Lionni re: Website Issues
- 4.21 COMMUNICATION: Mary Peterson, Vermont Department of Taxes, re: Fiscal Year 2016 Education Tax Rates
- 4.22 COMMUNICATION: Burlington Bike Path Rehabilitation Contract Addendum #3 (removed from Consent Agenda and moved to Deliberative Agenda)
- 4.23 COMMUNICATION: Application for Certificate of Public Good, Wireless Telecommunications Facility, 86 Lake Street
- 4.24 REPORT: Burlington Housing Board of Review Annual Report 2014
- 4.25 REPORT: Winooski Valley Park District Report
- 4.26 RESOLUTION: Merge Cemetery Commission into Board of Parks & Recreation (postponed to October 13, 2015 City Council meeting)
- 4.27 RESOLUTION: Composition of Joint Form Based Code Committee
- 4.28 RESOLUTION: Full Time Non-Exempt Grade 18 Teen Librarian, Fletcher Free Library
- 4.29 RESOLUTION: Full Time Assistant City Attorney, City Attorney's Office
- 4.30 RESOLUTION: Full Time Commercial and Industrial Energy Services Engineer, Burlington Electric Department
- 4.31 RESOLUTION: Eliminate Institutions and Human Resources Policy Committee and Reassign Duties (postponed to August 10, 2015 City Council meeting)
- 4.32 RESOLUTION: Fuel Contract, Fuel Management, Tracking and Billing System for City Fuel Depot
- 4.33 RESOLUTION: FY15 Budget Yearend Transfer Authorization CEDO
- 4.34 RESOLUTION: New Authorization to Execute Lease with Intervale Center and Gardener's Supply
- 4.35 RESOLUTION: Reorganization of The Office of Mayor – Reclassify and Title Change to Mayoral Projects



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Coordinator Position and Chief of Staff Position

4.36 RESOLUTION: License Agreement with Istanbul Kebab House to Maintain Tables & Chairs in Portion of City Right-of-Way

4.37 RESOLUTION: License Agreement with Junior's Downtown to Maintain Tables & Chairs in Portion of City Right-of-Way

4.38 RESOLUTION: License Agreement with Maglianero Café to Maintain Tables & Chairs in Portion of City Right-of-Way

4.39 SPECIAL EVENT PERMIT (one day): August First

4.40 SPECIAL EVENT PERMIT (2 days): Burton Snowboards

4.41 SPECIAL EVENT PERMIT (3 days): Citizen Cider

4.42 FOR INFORMATION ONLY: Communications re: Land Use Regulations and other matters

MOTION by Councilor Colburn, SECOND by Councilor Shannon, to accept the consent agenda (Items 4.01-4.42 with the removal of Item 4.22 Bike Path Contract Addendum #3) with the changes indicated in Items 4.19, 4.20, 4.26, 4.27, 4.31, 4.40, waive the reading, accept the communications, take the action(s) indicated and place the item(s) on file. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 Communication: Mayor Miro Weinberger re: Appointment of Police Chief

Councilor Shannon recused herself due to professional conflict.

MOTION by Councilor Hartnett, SECOND by Councilor Paul, to approve the appointment of Brandon del Pozo as the new Burlington Police Chief effective September 1, 2015.

DISCUSSION: City Council welcomed Inspector del Pozo to Burlington. The following comments were made:

Councilor Hartnett stated the following:

- **Before the committee was chosen there was an open forum at City Hall to hear what the public wanted in a police chief.**
- **The committee had business people and regular citizens as members, and discussed if this is the best group to represent Burlington as a whole. The committee concurred the membership represented people who care about the community and policing and making the right choice for the next Chief of Police.**



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- The committee worked hard, asked tough questions, and is confident the right choice was made.

· Councilor Paul stated the following:

- Comments from the public were heard regarding domestic violence, events in Jordan, removing homeless people from parks, domain awareness, and Inspector del Pozo should have the opportunity to respond.

§ Response by Inspector del Pozo:

- ✓ Some of the comments by the public in attendance were wrong and hurtful and misrepresent the intention to uproot family to come serve the City of Burlington
- ✓ Restraint in the Police Chief is needed even in more virulent dissent and even when some of the factual basis is wrong.
- ✓ There have been personal encounters with the public as a police officer and being called names and being mocked, and with that came the realization that there will always be a rush to judgment based on the uniform or the profession and concerns with the larger agency.
- ✓ The debate was healthy that brought up concerns, but clarification of some points is needed including having no connection to the Jordanian secret police or Jordanian police intelligence when in Jordan. It is hard to find a Middle Eastern country with a sterling record on human rights for many reasons and the choice is not to work there until such a record comes into being or to be exposed and learn from the situation.
- ✓ Militarization of policing in Burlington is only as far as night goggles. There is no fascination with the military or insecurity with wanting to be a "tougher more manly force" by militarizing. Burlington Police have fired their weapons two times in the last 15 years. The last time was contested, but shows the department spends time communicating with the people and doing things other than using force.
- ✓ In general there is a disturbing trend toward militarization of policing, but this is not wanted in Burlington. Instead police officers will be using communication, de-escalation, community engagement, problem solving, and collaboration to get work done with community members and to have their priorities with policing set by the local community. There should be a mechanism for accountability between the Mayor, City Council, and the districts, wards, and police.
- ✓ The domain awareness system is a data collection system and surveillance enacted by the Counterintelligence Bureau in coordination with the Information Technology Bureau. There was no involvement in this activity (by del Pozo). In 2013 smart cars were introduced to put data into the system, such as license plate readers which Burlington already has in place. NYPD is more strict on the use of license plate readers than Burlington and does not use them for routine traffic stops.

· Councilor Paul continued:

- Comments from the public not in attendance have also been heard so it is not accurate to say that every voice has not been heard.
- City Council does due diligence.
- The article authored by Brandon del Pozo was read and the quality and depth of the research by a young student and the manner of writing on a provocative and controversial subject is impressive. Race issues are difficult. Inspector del Pozo's Police Ethics professor was contacted and said Brandon del Pozo is not a racist, but rather was exploring for argumentative rational exploration of the argument. Brandon del Pozo does not duck the





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issues, but rather speaks intelligently and frankly to them.

- The professional and respectful manner Inspector del Pozo has handled the situation over the past week without defensiveness is impressive.
- Inspector del Pozo is genuine, caring, and means what he says, and he has stated he is opposed to racial profiling and committed to the finest ideals of policing.
- Half of the members on the search committee representing the many interests in the city said they would not change their support even if they had known of the paper Inspector del Pozo wrote as a student.
- There has been no mention of the article in *Westview News*, June 2012, regarding resolution of a conflict between a citizen and the NYPD on May 17, 2012 that speaks to Brandon del Pozo of today.
- Inspector del Pozo has the backing of the search committee, has the experience, competence, compassion, and expertise of a bright, committee police professional. The Mayor's appointment of Brandon del Pozo as Burlington Police Chief is appreciated and proudly supported.

· Councilor Tracy stated the following:

- More comment is requested on racial profiling and traffic stop data (2010-2011 report), how to address violence in the LGBTQ community and engaging that community, and how to build trust in the Muslim community.

§ Response by Inspector del Pozo:

√ Rate of traffic stops has a significant disparity between ethnicities and is a challenge to face and get to the heart of it. Crimes of opiate addiction defy racial calculation, but police encounters should be documented and transparent. Police body cameras should be used. Treating individuals respectfully helps encounters end more favorably. Training can remove bias, but will take time. The plan would be to align responsibility for police work along the districts and wards. Individual field supervisors would be engaging with councilors to get to the heart of concerns and provide reasons and take mitigation action in the field.

√ Past experience with the LGBTQ movement as Commander of the 6th Precinct (the Village, Stonewall Inn) was enlightening to the challenges and alienation of LGBTQ citizens so officers were told to allow people the freedom to identify themselves and refer them to outreach and support groups rather than saddling them with a criminal conviction. Steps were taken to help the individuals protect themselves in their activities and to treat them with dignity in order to bring them into the fold.

√ With the Muslim community a Community Partner Program was in place where new officers are assigned to places with cultures and demographics they are not familiar with to alleviate fear driven lack of familiarity and ignorance of Islam. The program pairs community leaders and encourages interface with officers outside of enforcement encounters (i.e. attend worship, meetings, games, and such). The established leaders and volunteers in the community need to form a bridge with the officers. Surveillance alienates and destroys trust and is not the way to secure the community and keep them safe and bring them into the fold. There is no need for this type of work in Burlington.

· Councilor Hartnett noted Inspector del Pozo provided the same answer to the question on surveillance during his interview four weeks ago. Councilor Hartnett asked about the transition from NYPD to Burlington for Inspector del Pozo.

§ Response from Inspector del Pozo:



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✓ NYPD is under constant, relentless pressure, political and otherwise, to respond to acts of violence which is not the case in Burlington and provides the opportunity to get policing right because the Mayor and Police Chief are not worried about being re-elected or re-appointed due to a fluctuating murder rate or robbery rate. Burlington is an opportunity to slow down (though the incidents are high for the state itself) and take stock in a community that wants a commitment to change. For legitimacy of policing in the eyes of the community the first priority is fairness to the citizen and each individual's inalienable rights. The second priority is fairness to the police officer who is a human being and citizen acting in a government role. The police must view their community as legitimate. The citizenry and police must be brought along on a parallel track which takes time.

· Councilor Wright stated the occupation of police officer is an honorable and noble profession and shame on those with inappropriate signs in the room about the police. Councilor Wright asked Inspector del Pozo to comment on large organizations having bad elements and the *Huffington Post* article on Adrian Schoolcraft and the "whistleblowing cop".

§ Response from Inspector del Pozo:

✓ NYPD firearms discharge rate for officers is the lowest of any major city in the U.S.A. The murder rate has gone down 85% since 1992, but the citizens of New York wanted change in the police department. NYPD lost a series of court cases, like "stop and frisk" and trespass programs, that left the department with a federal monitor and Inspector General as well as strong decrees on what can and cannot be done in policing citizens. Crime went up, but not proportionately.

✓ People say NYPD is bad and think every officer is bad, but many good deeds have been done like delivering babies, catching rapists and murderers. Everyone is grappling with policing in America.

✓ NYPD is a diverse agency with black, South Asian, Muslim American, Hispanic American members. Burlington hires five officers a year so at that rate it is hard to bring rapid demographic change to the agency, but a diverse police force lends incredible legitimacy to itself.

✓ Regarding Adrian Schoolcraft and allegations of misconduct against NYPD the involvement (by del Pozo) was to help get traction to get the matter resolved in court. The local press accused NYPD of trying to squelch the matter.

· Councilor Ayres asked about the philosophy as Police Chief to engage with officers and what is happening on the street and to engage in an interpersonal way with individuals in the community.

§ Response from Inspector del Pozo:

✓ Burlington has no secrets and it is unavoidable to be dealing with citizens.

✓ Cops know good police work when they see it and the Police Chief should go out with the officers to do good police work side-by-side.

✓ The Police Chief should be a bridge with the citizens, and supervisors, lieutenants, and officers should interact with community members directly.

· Councilor Ayres continued:

○ City Council did do due diligence.

○ Inspector del Pozo stood head and shoulders above the other candidates and has a deep and abiding understanding of what it means to police with sensitivity, compassion, collaboration, and understanding for increasingly diverse environments.



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- The profiling article does not show Inspector del Pozo as a racist, but shows him to be deeply thoughtful and looking at all sides of an issue. The article was an academic paper written 14 years ago. There is confidence Inspector del Pozo's views have evolved since that time and that has been made clear in his statements in the last few days.
- Burlington is fortunate to have someone of Inspector del Pozo's skill level, acumen, and breadth of experience as the next Chief of Police.
- Inspector del Pozo's record is one of conciliation, collaboration, cooperation, and careful listening to the community, and not one of confrontation, racism or religious intolerance as has been suggested.
- There is wholehearted support for Inspector del Pozo's candidacy. Painting a candidate for this important public office in the city with the broad brush of racism, Islamic phobia, and militarism solely because of their role over the past two decades in NYPD is frankly no less an example of profiling and intolerance than painting the entire Muslim world with the same taint as ISIS or Al Qaida.
- Apology is extended on behalf of City Council for the extreme allegations that have been hurled. Though some of the progressive and social values that were expressed by passionate speakers is shared, the situation was reminiscent of the McCarthy era when the left in the country was vilified with unfounded allegations.

· Councilor Roof asked Inspector del Pozo about his experience in policing protests and dealing with opiates in the community.

§ Response from Brandon del Pozo:

- ✓ NYPD has a spotty record in policing protests. In many cases reasonable concessions could have been made instead of stifling First Amendment rights. The privilege of the First Amendment must be protected, but situations, such as blocking traffic, must be handled as well. Compromise must be brokered. Rallies have been handled without arrests or incidents by dealing with protesters and officers with respect.
- ✓ Regarding opiates, addiction is a medical problem and incarceration does not help. Crimes committed to finance an addiction may be addressed with restorative justice or getting help to the addict to get off the path of addiction. The community at large must believe the police are a resource that can help and not just one that criminalizes their friends and neighbors. However, any person who looks at an addict struggling with substance abuse that is fatally destroying their life and seeks to profit off that is a criminal, a felon, and does not get much sympathy.
- ✓ Heroin is coming to Vermont in all sorts of ways. Opiates come to Vermont and guns go back to New York. That is the trade. Many of those bringing opiates to Vermont from New York City are African American men who are members of gangs, but when take downs occur this group of men should not be seen as the "boogie man" for the community, but rather that the entire community is being protected from opiate addiction and there is no single community responsible for the sales.

· Councilor Colburn asked about intelligence work overseas and the return to New York, and the role of school resource officers to police the school system.

§ Response from Inspector del Pozo:

- ✓ New York City was skeptical of the ability of the Federal Government to protect the people from terrorism after 9-11. The work in Jordan was with the Arab and International Police Unit of the Jordanian police interface and liaise with other Arab police forces interfacing with Interpol with routine exchanges of police information. The FBI would



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not allow dealing with intelligence. The mission was to figure out how to create value (awareness of Middle East culture) and to learn about tactics on how suicide bombings can be carried out, and was not about gathering information on suspects or surveillance or infiltration of mosques. The work also included establishing a community policing program and providing forensic training, homicide training, and mass spectrometers to the Jordanian police.

✓ Much was learned about the Arab world. A profound and deep love of Muslim culture will be brought to Burlington and officers will be educated that there is nothing to fear of these fellow citizens and residents.

✓ After returning from Jordan to New York tasks included being the Administrative Director of the Liaison Program and as a stateside liaison and international and domestic liaison collaborating with other law enforcement across the nation on crime and terrorism. The position was administrative.

✓ Regarding school resource officers, students need an environment where they feel safe and secure. Officers need to be involved in problem solving with public safety and knowing the students to head off violence.

Due to the hour at this point in the meeting it was necessary to suspend the rules.

MOTION by Councilor Wright, SECOND by Councilor Bushor, to suspend the rules to complete the action of Item 5.01 (Appointment of Police Chief) and address the Burlington Bike Path Rehabilitation Contract Addendum #3 as Item 5.02. VOTING: unanimous; motion carried.

Councilor Colburn continued:

- Thanks is echoed to people coming out to express their views around a police system that needs reform around the country. Inspector del Pozo stood out as a candidate for Police Chief for his progressive policing and social justice as well as expressing critical opinion on NYPD and events. Inspector del Pozo spoke in a provocative and direct way about balancing freedom of speech with public safety, and expressed a compassionate response to opiate addiction and over criminalization of substance abuse.
- Appointment of Inspector del Pozo is supported because he was the top candidate to address police reform and racial and social justice.
- City Council needs to be held accountable and with the items brought to attention by the public a commitment needs to be made to work on the public process to engage the people and groups who feel they are not being heard.
- With regard to bias in policing in Burlington, City Council needs to step up and make sure there is funding and prioritization of the issue so it can be addressed.

· Councilor Bushor commented City Council needs to hear from everyone, but negative comments are not heard as well as other comments. Dissatisfaction was heard of not being able to be more intimately involved in the search process, but the reality is City Council must delegate. The selection committee was a diverse and representative group. Burlington is an engaged and passionate citizenry that wants access and to be able to interact with the Police Chief, to be kept safe, and to have someone deal with domestic violence and the opiate problem.

§ Response from Inspector del Pozo:



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✓ **Citizens at the level of wards, districts, neighborhoods will have access to the police chief as well as police officers and supervisors, and the police will go to the people in their territory, too.**

✓ **Domestic violence is a vexing problem because it involves being bonded to someone out of necessity or love, and people withdraw cooperation at all stages. NYPD has mandatory reporting requirements to build a record of disputes and show a pattern in order to implement non-police related solutions or provide safe haven or if the matter was to be prosecuted then to have meaningful consequences. The biggest problem is police legitimacy. People have to feel that the police will hear them and be trustworthy. NYPD has officers specifically trained to deal with domestic violence situations.**

• **Councilor Mason asked Inspector del Pozo how his views have evolved since the 2001 paper on race.**

§ Response from Inspector del Pozo:

✓ **There is a lot at stake when talking about race. The paper was trying to get at when race is relevant and the conclusion was color of skin is a proxy for race. Today it is realized that race can be used for lazy police work and that is not to be tolerated. There is a role in the description of skin tone in the decision to take police action when trying to apprehend people who have done a crime (i.e. the police will look for someone matching the description provided by a witness).**

• **Councilor Giannoni stated there has been an outcry for community oversight with policing and a safe way to air grievances toward police.**

§ Response by Inspector del Pozo:

✓ **Restorative justice and mediation allow for a setting where police feel properly represented and people feel safe. This is a good approach to handle rudeness or too quickly resorting to coercion or acts of bias. There needs to be an accountability mechanism that involves the citizens and police to come to a mutual understanding and restoration, and allows citizens to more easily report complaints and be involved in the disciplinary process and adjudication of complaints so it is clear the matter is being handled impartially.**

• **Councilor Giannoni continued:**

○ **Racism needs to be talked about at a different level. Attorneys representing participants of Occupy Wall Street cited Inspector del Pozo as the one member of NYPD they trust.**

○ **There is disappointment at the resistance to public process before the vote on the appointment to engage the public and answer the many questions that were raised. Avoiding public opportunity to answer questions on Inspector del Pozo's background appears as if City Council is hiding something. Giving people the opportunity to speak with Inspector del Pozo will improve their view of him and bring value to the process.**

○ **A meaningful conversation is needed on how the city will handle processes in the future because this speaks to city led processes where people feel they are not being heard.**

There were no further comments.

VOTING (to approve the nomination of Inspector Brandon del Pozo as Burlington Police Chief): 11 ayes, one abstention (Councilor Shannon); motion carried.



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Rehabilitation Contract Addendum #3

MOTION by Councilor Wright, SECOND by Councilor Hartnett, to authorize the Parks, Recreation & Waterfront Director, Jesse Bridges, to execute the VHB contract Amendment 3 of the Burlington Bike Path Rehabilitation project in the amount of \$330,000 and approve the budget amendment transferring that sum from the Waterfront TIF line to the Bike Path line, and in doing so to ratify the Parks & Rec Director's prior commitment to pay \$58,000 of the \$330,000 for soils development tasks that were time sensitive. VOTING: unanimous; motion carried.

6.0 ADJOURNMENT

MOTION by Councilor Hartnett, SECOND by Councilor Wright, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 11:05 PM

RScty: MERiordan