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MEETING OF THE BOARD OF POLICE COMMISSIONERS
CONTINUATION / RECESSED AGENDA
VIRTUAL MEETING
June 10th, 2020, 6:00 PM
Pending

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Remote and Virtual Access ONLY: This continuation / recessed meeting of the Board of Police Commissioners will be entirely remote and virtual. There are a few ways to tune in:
1. Join via Zoom: https://us02web.zoom.us/j/86745845147
2. Call in for audio only: Phone number: 646-558-8656 Webinar ID: 867 4584 5147
3. CCTV YouTube Channel or on Burlington Telecom Channel 317.
https://www.youtube.com/channel/UCJkWMLSqRNKLoyUZQiNoAcQ

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CONTINUATION/RECESSED AGENDA:

1. Review & discuss updated draft Use-of-Force Directives: DD05.01, DD05.02, & DD05.02 Appendix 01: LLIMs

2. 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

BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING
WEDNESDAY, June 10, 2020

I. **Call to Order**
Chair Gamache

The meeting resumes from recess at 6:06 pm.

Roll Call and Determination of Quorum
Chair Gamache

Commissioners Present: Chair Jabulani Gamache, Commissioner Randall Harp, Commissioner Mark Hug (excused departure at 6:50 pm), Commissioner Yuol Herjok, Commissioner Michele Asch, Commissione Shireen Hart, Commissioner Nyree Miles, and Youth Commissioner Landen Nipper. Quorum was met.

Also Present: Chief Jennifer Morrison, Deputy Chief Jon Murad, Deputy Chief Matt Sullivan, and Comm Clerk Shannon Trammell

Counsel for this meeting: Joy Hovestadt

A motion was made by Commissioner Harp, seconded by Commissioner Hughes, to resume discussion on the Use-o Force Policy. The motion carried by the following vote:

Aye: Gamache, Harp, Hughes, Herjok, Asch, Hart, Miles
No: 0

I. **Review & Discuss Updated Draft Use-of-Force Directives**

Commissioner Hughes expresses his observations and provides recommendations for discussion on the policy before he has to excuse himself from the meeting due to other obligations.

DD 05.02 Section II (G)(3) : Commissioner Hughes finds this paragraph problematic in its definit in that the words "serious bodily harm" are not measureable or defined.

DD 05.02 Section V : Commissioner Hughes finds this section to be problematic and objects to t entire section .

DD 05.02 Appendix 01: LLIMs Section I (B) : Commissioner Hughes would like "appropriate circumstances" defined.

DD 05.02 Appendix 01: LLIMs Section II (D) : Commissioner Hughes does not feel any modificati are necessary.

DD 05.02 Appendix 01: LLIMs Section V (A) & (B) : Commissioner Hughes finds issue with these items and feels there is no reason officers need to use personally-owned weapons, much less AR 15's.

DD 05.03 Section II (E) : Commissioner Hughes requested clarification on the reference to "ani

DD 05.03 Section VII : Commissioner Hughes requested the Commission be provided Use-of-F Reports twice a year.

Commission collectively agrees to go page by page through the directives.

DD 05.01 Section III

Consult with Legal Counsel and BPOA contract to discuss verbiage being added that states that *Graham* is the legal standards, BPD may go beyond the *Graham* standards for determining disc measures within the Department. Suggested language: *Graham* may not be met for criminal sanctions but still can result in discipline or termination from this Dept. *Graham* is not the mea of internal discipline and the BPD will go beyond *Graham* for discipline measures. Action may b adjudicated by the courts as meeting the Reasonable Officer Standard, but it does not meet ou standard, and therefore discipline may be imposed accordingly.

Change or remove the word "aspires"

Change first sentence in second paragraph to include "subjects"

At the end of the last paragraph, insert "property" statement from June 3rd draft.

DD 05.01 Section III (A)

Change the last sentence to read "Officers should not escalate situations unnecessarily" and/or insert the "Reasonable Person" clause back in.

DD 05.01 Section III (C)

Delete the following phrase: ", and officers should always seek to minimize the necessity of responding with force."

DD 05.01 Section IV (C) (1)

Change the word "should" to "will"

DD 05.02 Section III (A)

Change the word "should" to "will"

DD 05.02 Section IV (C)

Change the word "crowd-control" to "riot-control" or "civil disturbance"

DD 05.02 Section IV (C) (1)

Define "passive resistance"

DD 05.02 Appendix 01: LLIMs Section I (B)

In the last sentence, change "crowd control" to "civil disturbance"

DD 05.03 Section VII

Discussion point – Commission would like to be made aware of Use-of-Force incidents and be provided a report. This language might belong in the Role of the Police Commission Document. Look at where to insert.

DD 05.03 Section VII

Move this section to DD 05.02

DD 05.04
No changes

General discussion point on adding reference to Officer K9's use and use-of-force specific to Departmer K9's.

Commissioner Herjok requested DC Murad send him what Dr. Rogers wrote pertaining to DD 05.02 Sec (V) – Excited Delirium

A motion was made by Commissioner Harp, seconded by Chair Gamache, to recess the meeting to Tuesday, June 16th @ 6:00 pm. The motion carried the following vote:

Aye: Harp, Gamache, Asch, Herjok, Hughes (via telephone), Miles, Hart
No: 0

Effective 8:16 pm; meeting in recess until June 16th @ 6:00 pm.

Respectfully Submitted,

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

7/29/2020