



City Council Public Safety Committee *Remote ONLY*** -
Tuesday, March 8, 2022 at 5:30 PM
3/8/2022**

Public Safety Committee

Tuesday, March 8, 2022

Virtual Meeting, Burlington, Vermont

FINAL MINUTES

Members Present: Councilor Paul, Councilor Stromberg

Staff Present: Jared Pellerin (Assistant City Attorney), John Murad (Acting Chief of Police),

Meeting called to order at 5:46 p.m. by Councilor Paul

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Stromberg, Seconded by Councilor Paul

Final Resolution: Motion Passes

Yes: Unanimous/ Councilor Paul, Councilor Stromberg

No:

2. Public Forum

2.01 Public Forum

Public forum was opened at 5:52 pm by Councilor Paul.

A discussion was had with regard to the Public Safety Committee meetings being placed on Town Meeting TV. Assistant



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City Attorney Pellerin discussed that he had reached out to get a quote on the cost to add the meetings to the channel and Town Meeting TV indicated it would be approximately \$150 dollars a meeting because this was not something that was contemplated in the original contract with the City and that contract does not expire until next year (2023).

Councilor Paul indicated that this was something that should be accomplished and she would look to find funding to cover the cost. Assistant City Attorney Pellerin said that he would try to get a copy of the contract that the City is currently under to review the terms.

Public forum was closed at 5:57 pm.

3. Minutes

3.01 Approval of Minutes

Councilor Paul asked to table review and approval of the minutes from the February 15th meeting. Councilor Stromberg agreed and thought it was best to wait for Councilor Hightower to return.

4. Committee Discussion/Possible Action

4.01 Discussion on CNA Report and Next Steps

DISCUSSION:

Working group members present: Melo Grant, Jeff Nick, Oren Byrne, Hannah Brislin

The Committee discussed recommendations 2.1.1 – 3.5.1 and created a projected timeline for the recommendation to be implemented or carried out. The Committee also prescribed a conclusion to each recommendation regarding what the working group discussed and its ultimate disposition.

Section 2: Citizen Complaints and Internal Affairs Investigations





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2.1.1

BPD should develop or acquire a complaint tracking data system that includes, at a minimum, the following information about each complaint in separate, closed response data fields: complainant demographics, the demographics and personnel information (e.g., rank, tenure, role) of the target of the complaint, process-related dates (date received, date of incident, date reviewed by supervisor, date resolved), specific details of the accusation (e.g., associated policy), and the discipline directed (when applicable).

Q2

Next steps: striking a balance in the middle. We need to track complaints effectively. In terms of building trust, we need to prioritize these complaints. Whatever is not being done in considering demographics, we need to. Tracking info for purpose of data is one thing. Tracking info for discipline, that is a question of bargaining. Explore idea of keeping info on discipline longer. **{Also add this to union tab/1.36}**

2.1.2

BPD should ensure that all data fields contain only a single variable (i.e., complaint outcome and associated discipline should be tracked in separate fields).

Q3

Not sure how many fields this applies to: need to find out

2.2.1

BPD should revisit its allegation categories to reduce or eliminate the "none" and "other" in the allegation field.

Q3

"none" is not descriptive enough. Not a police officer complaint=none.

2.2.2

Citizen complaints should be separate from all other complaint processes.

Q4

What is needed is DD40. General overall agreement this is priority, **but DD40 needs to be updated first.**

2.3.1

BPD should clarify its citizen complaint process and reference that process within the disciplinary policy. Consideration should be given to the following:

- Complaints will be accepted from any source, including by person, mail, email, BPD website, or telephone.

Supervisors must make reasonable and diligent efforts to obtain a statement from any complaining party.

- Every complaining party will be referred to a supervisor, the Internal Affairs Bureau, or Human Resources (HR) so the complaint may be received



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- Without exception, every complaint that, if true, would constitute a violation of BPD policy must be thoroughly investigated and documented by an HR supervisor or senior official.
- When the complainant's address is known, the supervisor receiving the complaint will complete the complaint acknowledgment letter and mail it to the complainant. If the complaint was received electronically or telephonically, the supervisor may respond in that same manner and document the communication. A scanned copy of the acknowledgment letter should be attached to the electronic IACMS case file.
- Anonymous complaints will be accepted. The Internal Affairs Commander or his or her designee will review each anonymous complaint and determine the feasibility of further investigation.

Q2

There is a process being followed. Some parts are not perfect and are under review by police commission. PC will continue to work on this with union/chief. Once things are in place, can be monitored on semi-annual basis

2.4.1

BPD should update directive DD40 - Quality Control, Internal Investigations & Discipline to identify additional means for citizens to file a complaint.

Q4

What is needed is DD40. General overall agreement this is priority, **but DD40 needs to be updated first.**

2.5.1

BPD should prioritize the use of communication platforms in everyday operations so that when critical incidents occur, community trust in information sharing has already been built.

Q1

Unanimous support for PIO by committee.

2.5.2

The Burlington city attorney should release public guidance around the constraints for releasing information during an ongoing investigation.

Q3

City Attorney report to PC and council with public guidance.

2.6.1

The City should consider transparency and trust issues with the community when negotiating the next contract to allow for the release of specific information concerning officer complaints, findings, and discipline while maintaining the confidentiality of the investigation. Many cities allow for the release of overall complaint information and the disciplinary findings of officers, regardless of the stipulations in the union contract.

Q3

Priority, but dependent on DD40.

2.7.1





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BPD should develop a policy that directs how BIA will conduct an investigation, who conducts the investigation, and the expected timeline for the investigation. Best practice allows for different timelines for investigation completion that are established for different levels of complaints. Additionally, the BIA policy may include lower levels of complaints for which investigations are conducted at the supervisor or lieutenant level. A clear policy is important for the officers of the department to ensure they will know what happens in the event of a complaint or an internal investigation of an officer-involved shooting, serious use of force, or in-custody death.

Q3

DD40

2.8.1

If a case does not cite a rules violation, the department likely believes that no rules violation exists. Best practice would be for the department to cite the department policies or rules that the officer followed to support his or her actions. Doing this allows the investigator to support whatever his or her investigative findings are.

A good internal investigation will normally provide detail into the rules or policies the officer did not follow, which allows the department to review the actual rule or policy to determine whether revision is needed or whether additional or updated training is needed for the officer or for the entire department.

Not following every rule or policy to the letter does not mean the officer is at fault, but it does indicate that additional training for the officer, additional training for the department, or a policy revision might be needed. Departments are sometimes reluctant to cite violations of policy for fear of civil action by the community member involved.

Current policy but room for broader improvement. Leave up to the discretion of PC/chief and staff.

2.9.1

As in the previous recommendation, best practice requires that the violations of rules or policies be identified and explained. Not doing this sends the message to the department that policy violations are accepted if no criminal charges are brought against an officer. If a department does not recognize and address the seriousness of the policy violation, it inhibits policy revision to address the problem.

Current policy but room for broader improvement. Leave up to the discretion of PC/chief and staff.

2.9.2

The internal/administrative investigator must be willing to recognize and enforce policy violations and be unafraid to make recommendations to rectify the problem.

Current policy but room for broader improvement. Leave up to the discretion of PC/chief and staff.

2.9.3

Best practice would be to provide for an internal investigative process that details every step of the investigative process



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including exactly who in the department will conduct the investigation, officer conduct and care immediately following the incident, officer and witness interviews and statements, evidence and document collection, case file preparation and presentation, and recommendations for discipline and policy revision.

Current policy but room for broader improvement. Leave up to the discretion of PC/chief and staff.

2.10.1

Department policy should specify who conducts the internal/administrative investigation, including the investigator's position and the supervisor's position (not by name, but by position in the policy). Internal/administrative investigations should be investigated the same way in every instance to eliminate the question of favoritism or bias. The policy should include direction on conflicts of interest (e.g., prohibiting friends or relatives from investigating a family member or a friend) and confidentiality.

Q4

What is needed is DD40. General overall agreement this is priority, but DD40 needs to be updated first.

2.11.1

Regardless of the employment status of the officer involved, the case should be investigated to its conclusion. If the officer resigns prior to providing a written statement or an interview, the investigation should continue to its conclusion. The investigation can and should continue without the participation of the officer involved. Having this policy in writing ensures that officers will not be surprised of the department's intention to continue the investigation.

Current policy but room for broader improvement. Leave up to the discretion of PC/chief and staff.

2.11.2

The department should have a policy that states that the officer will not receive a recommendation from the department for a new position without his or her participation in the investigation. Further the policy should state that the department will notify the new employer of the officer's unwillingness to participate in the BIA investigation.

Current policy but room for broader improvement. Leave up to the discretion of PC/chief and staff.

Section 3: Oversight

3.1.1

The City of Burlington, in partnership with the BPD, should base the outline of staffing levels for investigators and support personnel on anticipated workloads.



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Agree with the chief. I think this is an overall recommendation, a guiding recommendation that makes sense and most would agree with but not a clear directive that is directly actionable per se.

3.2.1

The City of Burlington, in partnership with the BPD, should consider revising this charter change to reflect a provision for investigations that warrant additional time. Although 30 days is acceptable as a requirement for most complaints, the policy should include a provision for additional time for issues such as contacting and interviewing complainants or witnesses and gathering additional evidence. The policy should specify that if additional time is needed for lower-level complaints, the investigator will make a request in writing to the IA commander who will approve or disapprove the request. If an extension is approved, designating the time allowed to the investigator should be required. Best practice is 30–45 days because it does not leave the employee or the complaint waiting for the results of the investigation. For the more serious Use of Force or Officer Involved Shooting/Officer Involved Death cases, much more time is required to adequately provide for a thorough investigation.

* Further clarification needed *

3.2.2

Every person who is assigned to Internal Affairs should be specifically trained in conducting internal investigations; there are several one- to two-week training schools that provide this training. Those assigned to Internal Affairs should be required to join the National Internal Affairs Investigators Association (NIAIA) and participate in professional training and yearly conferences.

Only lieutenants can conduct the Internal Affairs. They also do get trained on this to conduct trainings. This is currently taking place in general.

3.3.1

Consistent with a key recommendation by former president Obama's Task Force on 21st Century Policing, BPD should modify its directives to require public engagement and input on directives, departmental goals and objectives, and the development of any strategic plan.

There is a process for this and is already being done.

3.4.1

The City of Burlington should formalize the authority of the Police Commission, which should be greater than just an advisory role, and clearly outline the reach of their responsibilities.

Dan Richardson is currently working on memo that police commission will have input on. More work needs to be done on this ongoing process. A response to some of the resolved clauses should be forthcoming so it can be incorporated into



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union bargaining as well as being on an appropriate timeline for a possible Charter change in November.

3.6.1

The BPD should hire a PIO to develop a departmental communication policy, prioritize information sharing, bolster legitimacy, and build public trust.

Q1

Unanimous support for PIO by committee.

** Please see BPD CNA Assessment Recommendation Matrix **

1. Any Other Business

Councilor Paul asked that the Committee and working group gather their comments and recommendations to sections 4-6 and provide them to Thomas Musinski in the City Attorney's Office by Monday the 14th of March so that they can be added to the master list and redistributed for the meeting on the 15th.

1. Adjournment

Motion to Adjourn by Councilor Stromberg Seconded by Councilor Paul

Final Resolution: Motion Passes

Yes: Unanimous/ Councilor Paul, Councilor Stromberg.

No:

The meeting was adjourned at 7:23 p.m.