POLICE DEPARTMENT
CITY OF BURLINGTON

Sarah Kenney, Chair
Board of Police Commissioners

The Burlington Police Commission wants to hear from you!

The Burlington Police Commission will host two special forums in March to seek public input on the city's draft Fair and Impartial Policing Policy:

Wednesday, March 22, 2017 at 6:00 PM at Champlain College's Perry Hall, Morgan Room, Burlington.

Thursday, March 23, 2017 at 6:00 PM at St. Joseph's School, Allen Street, Burlington.

The State of Vermont requires every police department in the state to adopt a policy that says how the department will provide police services in a way that is fair to all members of the community and does not discriminate. The state provides a model policy (link below) and the City of Burlington is deciding whether to use the state's model, change it or create something new. The Burlington Police Commission is helping the City Council and the Police Department to collect information from the Burlington community about what our citizens think should be in Burlington's policy.

Please attend a forum and tell us what you think:

- Do you like the state policy? Should we adopt it completely?
- Should Burlington draft our own version of the policy?
- Should we change the state policy to make sure it complies with federal law?
- What's missing from the state policy, or from the draft for Burlington, that you would like to see in a Fair and Impartial Policing policy?

Language interpretation is available. If interpretation is needed, please contact skenney@burlingtonvt.gov by Friday, March 10th.

The state model policy is available on the website of the Vermont Criminal Justice Training Council: http://vcjtc.vermont.gov/content/model-fair-and-impartial-policing-policy.

The draft city policy is available on the Commission's website: https://www.burlingtonvt.gov/Police/Commission/Agendas.

For information, please contact Brion Houston, Clerk of the Police Commission at (802) 540-2107 or email bhouston@bpdvt.org.

Police Commission Public Forum on Fair and Impartial Policing Policy

Migrant Justice – February 17, 2017

Sarah's notes

Questions we posed to participants (in the flyer):

- Do you like the state policy? Should we adopt it completely?
- Should Burlington draft our own version of the policy?
- Should we change the state policy to make sure it complies with federal law?
- What's missing from the state policy, or from the draft for Burlington, that you would like to see in a Fair and Impartial Policing policy?

Abel – happy to see you all. The new president is making a lot of people scared. We need to look after each other in Burlington. We have faced a lot of discrimination through deportations and other things. To give a little history, in 2014 we pushed hard for FIP policy. Talks a lot about cooperation between police and border patrol. We're here because Burlington hasn't adopted the FIP policy. Migrant community pushed hard for FIPP. Saying you're a sanctuary city doesn't make it so – need a good policy. We want to voice our concerns. Change at the federal level doesn't mean Burlington doesn't have to push back.

RJ – State policy should be passed, should hew as closely as possible. This would protect BTV should any part of the state policy come under contention. The one part I wasn't super-pleased with [in the state policy] was the opening for cooperation with Stonegarden.

Marta – immigrant in the US. Importance of a law that protects human rights for the most affected communities. I read in many articles that there aren't a lot of immigrants here. Not too long ago I used to live in NY where there are no FIPP laws, where rights of immigrant communities are ignored, where there is no trust between Latino communities and police. It's sad to live in a place where you don't feel safe or welcome, in a place where you can't call the police to come and protect you. One of the reasons why I moved here to make a life is because there is a law that protects my community. I've been in Burlington for 8 months and it is a safe community but there is still a lot of work to be done. It's important because I'm still afraid to call the police. That's why it's important to pass the FIPP.

Telma – also an immigrant living here. As an immigrant community we're dealing with difficult times. I hate to have to say this, but today being an immigrant in this country it's the first time I've felt afraid. I'm a mother of children who are citizens here. It's hard to think that we have laws that don't protect people. It's important for BTV to pass the

FIPP. I don't want to be afraid anymore. I want to walk around with my daughters and feel safe.

Miguel – I work on a dairy farm in Vergennes. I come to BTV a lot to visit, to come to the office, to visit friends, to go shopping. I want to be able to come to Burlington and feel sure that there's no collaboration with police and federal officials. That's why it's important to adopt the FIPP here in the city so myself, my friends can come and feel safe here. It's terrible to think that someone can be detained by police and sent to detention. For every person who's in detention, they have dreams for a better life. To be detained and sent to immigration and locked up by immigration, those dreams are on hold.

Austin – student in VT. I want to draw attention to the aging population in VT and our need to attract younger people. For younger generations, we want to live in a state that protects the immigrant community. Vermont has the opportunity to lead the country. With all the fear-mongering from the Trump administration, it's especially important for young people to be proactive and protect people who are increasingly vulnerable.

Enrique – I'm part of the migrant community here in VT. I live in many different parts of VT, in Addison and Chittenden. I was a farmworker in the dairy industry, my parents were as well and I've worked in the hotel industry. As a young man, as Austin mentioned we younger generations have to make sure that we continue to fight. It's important to remember that humanity means everyone. We are all human. I've lived in VT for many years. It was hard before the FIP - we didn't feel the support and it was hard to move around in the state. Our community has fought really hard to make these changes. We need this policy to make sure our communities feel safe and secure. For many years, my community has felt discrimination. Not only my community, but other immigrant communities in VT. We need to stand together. Although the FIP has some parts that are optional, we need to adopt the full policy to make sure that we are protected.

Robert – Been a human rights attorney for a long time. I've worked on cases where police used national origin profiling. Both the stops I'm thinking of were speeding stops. Both white drivers. There were people who were Brown who were passengers. Once the police realized those people didn't speak English, they detained them and contacted federal authorities. We all came from somewhere, unless we are Native Abenaki or other aboriginal people. Current law says that police should be accountable to the community. These people here are the community. Urge the commission and the chief to do all that's in your power to make sure that these law-abiding people are protected in our community. In both cases, the white driver was neither ticketed or given a warning. Nothing happened to them. Makes you wonder what the officer was thinking in making the stop and self-appointing themselves to be federal enforcement officials.

Abel – I moved to VT about 3 years ago. When I moved, you could still feel the fear that the migrant community felt about taking their children to school, grocery shopping. After

the driver's license law people felt safer to take care of their basic needs. But people were still being profiled. So we got together and worked on the FIP. That has made a tremendous difference. People now come to Burlington to shop, to go dancing. Our community has been suffering for many years. FIPP isn't a simple law, it represents a lot of work by our community. Burlington can't take a step back. We need to stand for human rights. We need to adopt the full FIPP. The elements are an essential part of the policy. Send a message that we stand with our community.

Karen – came just to find out about what was going on and lend support to the immigrant community. Glad that our commissioners are looking to strengthen our laws to protect immigrants. We need to do the best that we can to protect the weakest among us.

Zuli – I'm an immigrant in this country. I've been in Burlington for a while now. Up until two days ago I felt completely safe in Burlington but now I don't. Although there isn't a lot of movement by Ice or border patrol here in Burlington, that doesn't mean we don't have to worry. Job of police is to support us and make us safe and not afraid. What happens if I'm travelling and get into a car accident? I won't be able to feel safe and call the police. And that's why we need to make sure that the Burlington police adopts what our community is asking for. As Enrique mentioned, we are all human and we need to make sure that we have human rights.

Jose – I been in this country for 13 years. Those years have been difficult because of the fact that I'm an immigrant. The prospect of leaving my house when I know a police officer could stop me and call immigration on me is very daunting. I've lived in this country for quite a while and during that time I've had to take precautions to make sure I only leave my house when I need to, to take care of basic necessities. There are often times when I think about leaving my house and going to the store to buy something but I stop myself because I'm worried about running into a police officer who could stop me and call immigration on me. I want that fear to end. I want to feel secure and safe in leaving my house and going to the store to buy things that I need and I want to feel safe to do that. It would be a blessing and a great happiness for me for the police to hear us and adopt the fair and impartial policing policy. Unfortunately, our whole community can't be here tonight. Many of us are working at the moment and will be working through the night. I woke up at 2:30 this morning to start my shift and have been awake ever since. I'm here because I want to stand up alongside my fellow immigrants and ask the city to please listen to us. This is what we're all asking for and I hope it's taken into account.

? - I feel very humbled to be here among friends. Just returned from Mexico City 3 hours ago with my husband. We were very safe, and it's humbling to be able to do that. I'm a friend and ally and driver. I have friends in the room. It's important that as we are driving in the state that we feel safe. As volunteer drivers we are trained to have a full tank of gas, that we don't have lights out on our cars, that we have a valid license and registration with us. I would like to be able to drive knowing that the car won't be looked

into, that people won't look askance at the car because of who's riding in it. Want people to be out and about in the city and feel safe. This community brings richness to our city. Please take all of this into consideration.

Jamie – came from Putney, family in Burlington. We are acutely aware of the position that our immigrant brethren are in. Want VT to build structures that support everyone. Vermont has the opportunity to create that space and demonstrate how it functions well.

Jake – from Burlington. Here to support my friends and former colleagues. As a lifelong resident of Burlington, I'm confused why we haven't adopted this yet, especially since a lot of places have and Burlington is considered one of the more progressive places in the state. By not adopting the policy, we risk losing that image. In not adopting this policy, we are taking steps backward. Here to urge those who have the privilege of enforcing law and getting policies passed to please implement that. We are the city, we are the community, and this is what we desire. You work for us. When you run, you should keep your promise. Please adopt this policy in its entirety.

? - This past weekend, a group went down to Boston to meet with members of immigrant communities around the country. Because of everything that's happening right now, we considered it important to talk to others about how to break these chains of hatred that are surrounding us right now. It was powerful, even as an immigrant myself, to hear the stories of people from around the country. One story that affected me greatly was hearing about how a woman got into an accident and she hit another car and immediately jumped out of the car to offer the other driver money so she wouldn't call the police. That sort of thing could happen here and we need to be prepared for it. We want to feel safe in that moment to pick up the phone and ask for help and know that we won't be in a dangerous situation if we do. I'm here speaking for myself and my community and I'll never stop doing that. I'll never forget being with my cousin who was deported because he was stopped by police in Vergennes and they reported him and he was deported.

Telma – For anybody who has any doubts about whether we should do this policy, I want you to put yourself into the situation of someone like me who's a parent. For so many who are deported, they have to leave their work and life behind. Sometimes I feel so powerless to think about how can I stay here and support myself and my family when so much is happening all around me. As immigrants, I want to say that I want to live in safety and we deserve to live in safety.

Austin – Who is served by not implementing the entirety of the policy? Who benefits from that? People in our community, who are contributing to our community, why would we not do whatever we can to protect them? We've heard tragic stories tonight. It's important to ask who the hell does it benefit? (Robert – the private prison industry). This is a piece of legislation that's already been passed. It's now up to departments to implement all or part. It's a no-brainer.

RJ – When will this policy come up for a vote? Could the chief give his opinion?

Chief – Thank you for allowing us to be here. I recognize that this is a space where people come to feel safe from pressures and from police. The news today that the president is considering deploying the national guard is incredibly troubling and shows that anything is on the table. There will be an extremely robust policy passed in the Burlington. We were wrestling with statements that have been in federal law since the Obama administration. We want to pass a policy that does what you all deserve as residents of Burlington. The details are in the process, not the principles. I come from a city of immigrants, from a Spanish-speaking father who arrived in this country without speaking any English. I care. I try to convey this to my cops. Expect to see a policy that reassures you. You deserve it and we're going to deliver it. Thank you for inviting me here to listen tonight.

Emma Jane – work at Spectrum in the multicultural youth program. My main concern is in part A of the policy, I was wondering, a lot of the times with policy development and in-service training, people who are doing the training don't really understand the deeper aspects of what they're supposed to be training on.

Madeline – I grew up in VT and I plan to live here my whole life. This policy comes out of a ton of work and struggle. It needs to be adopted as soon as possible and implemented as soon as possible and fully.

Ober? – just wanted to say thank you for listening. Thank you for making this something we can work on together. It's a mutual thing that we all have. You need us, we need you. Why can't we work together? This morning I had a person who came to me and invited me to a school because the kids have a different mentality right now and they see things differently. She invited me over to talk about how things are in my shoes. I just wanted to say that if we all fight together we can reach our goals. I was listening to the radio that Miami has already adopted it. Why can't we? If they take us all out, the dairy industry will go down.

Linda – who is looking at the VT Guard and other police agencies and what's happening, since there aren't really borders around Burlington

Phoebe – it's clear that adopting this policy is really important to this community. What would happen afterward? Who would hold the police accountable? I was in a meeting where they were talking about citizen oversight. It would be important to protect the migrant community. Chief – we're seeking a civilian training coordinator. Their job would be to seek input from the community about what the community needs from training, then implement.

Sophie – I'm also a farmer, but I don't experience any of the barriers that other people here face. There are elements that are out of state control. What's being done now? How can we protect people while we work on the policy? Chief: we have a strong policy in place right now, which includes all the essential elements. What we're looking at now is how to word and incorporate all the non-essential elements. Most of the policy is about what police are not allowed to do. Accountability comes from police knowing

what's in the policy. In terms of how to get complaints heard and taken seriously, we're talking about the role of the police commission.

Robert – human rights law makes it illegal to discriminate based on race, religion, etc. The cases I mentioned earlier were heard by the Human Rights Commission. In both of those cases, they settled and promoted policy. There's also federal law that prohibits discrimination.

Will – although we're here to speak to Burlington police, this goes beyond the border of Burlington. This is a statewide conversation. Burlington can be a leader by implementing the strongest possible policy and ensuring that the police of Burlington will NOT cooperate with federal immigration enforcement. There are police in this state who feel that it's more important to maintain their relationship with border patrol than with their own community. The vast majority of Vermonters have entirely rejected Trump's policies. We need to do that in policy. Work deliberatively and quickly to pass the strongest possible policy, train police in it, and provide accountability for it.

BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING
TUESDAY, FEBRUARY 28, 2017
Approved

A meeting of the Board of Police Commissioners was held in the Burlington Police Department Community Room on **Tuesday, February 28, 2017**. Chair Kenney called the meeting to order at 6:07 PM.

The following Commissioners were present: Chair Sarah Kenney, Co-Chair Christine Kemp Longmore, Commissioner Jim Dunn, Commissioner Robert Simpson, Commissioner Andrew Plumley, and Commissioner Shireen Hart. Also present: Police Chief Brandon del Pozo and Brion Houston, Police Commission Clerk.

Additions or Modifications to Agenda:
~ Agenda items 5 and 6 are the same. There are two item number 9's.

Public Forum:
~ Rachel Siegel from the Peace and Justice Center again asked that the city fund filming of Police Commission meetings, so that the duty won't fall to cash-stapped nonprofits to help promote transparency.

Update on Ride-Along Proposal, Ward Nial:
~ Chair Kenney asked Ward Nial for an update on the ride-along proposal and asked Chief del Pozo for some insight. Chief del Pozo stated he will provide an answer to Ward next week regarding an update.

Update on Fair and Impartial Policing Policy/Sanctuary City :
~ Chair Kenney addressed the commission, stating so far, there has been one public forum which was well attended, including by Commission members and Chief del Pozo held at Migrant Justice. Chair Kenney proposed she would like to enter her notes into a supporting document in addition to these minutes from this meeting. Commissioner Kemp Longmore states that it was a successful meeting. Chair Kenney states there will be two more public forums in March; March 22nd at Champlain College and another meeting March 23 at St. Joseph's School.

Update on Resolution Related to the Role of the Police Commission: - Sara Giannoni, City Councilor
~ Chair Kenney introduced City Councilor Sara Giannoni to the table. Sara stated a concern for her is that she does not feel comfortable voting on something without getting a real involvement with communities that may be negatively impacted by involvements with police. Sara states the commission should look at its mission statement and the demographics of various communities, as they could help building a relationship to easily access the Commission. Chair Kenney states that all Commissioners appeared to agree there needs to be some community insight on the roll of the Police Commission. Commissioner Hart moved to send this statement as a communication to the Public Safety Committee:

- Burlington Police Commission discussed conversations about our role.

- Recommend a process for engaging the community in their input about possible models for the commission and the community's perspective and expectations prior to any charter change or resolution relating to the role of the BPC.

Commissioner Hart motioned to moved to accept statements, Commissioner Plumley seconded, all Commissioners were in favor, motion passed.

Analysis of Annual Searches-Smell of Marijuana as Pretext for Searches:
~ Chair Kenney asked if there was any data available to show the smell of marijuana as a pretext for a search. Chief del Pozo stated a pretext is something that is not relevant for a search. Chief del Pozo stated that the smell is a legit level of suspicion about contraband in the vehicle. Chief del Pozo reported that in 2015, of the 12 searches of vehicles with Black drivers, 8 or 9 involved the smell of marijuana as a factor. Chief del Pozo stated there will be 2016 search data ready for analyzing in the near future.

Chief's Report:
~ Chief del Pozo stated there are some folks talking about the need of training with input from the community regarding quality interactions with the community. Chief del Pozo stated there is an approach to increase amount of officers out on foot and hiring a civilian training and special projects coordinator. Chief del Pozo stated there are approximately a dozen of applicants with diverse backgrounds that will be reviewed as the position has now closed. Chief del Pozo stated the AALV meetings have been successful. Chief del Pozo stated the City has released the 11 Principles on the Opioid crisis. Chief del Pozo stated that we are close to closing on an agreement with some healthcare providers with access to 24-hour clinical screening for treatment.

Review of Any Incoming Correspondence *{as need}* **:**
~ None at this time.

Commissioners' Updates/Comments:
~ Commissioner Kemp Longmore stated the CCALEOVT Stakeholders group will hold another meeting on March 29th.

Review Updated Directives:
~ None at this time.

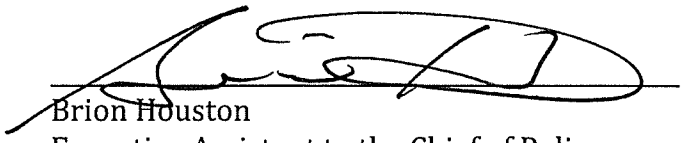
Consent Agenda – Minutes of Previous Commission Meetings:
~ With all Commissioners in favor of accepting the agenda and previous minutes, acceptance granted.

Next Meeting's Agenda Items and Date:
~ Next meeting will be March 28, 2017 at 6:00 PM.
~ Draft report to City Council re: Update on Sanctuary City.
~ Update on ride-along to Ward Nial.
~ Research on other Commissions "Roles of Police Commissions".

Executive Session:
~ Chair Kenney moved to enter executive session to discuss a disciplinary or dismissal action against a public employee at 8:04 PM. Chair Kenney stated the Commission will come out of executive session to adjourn. Commissioner Plumley seconded motion; Commission entered executive session with all Commissioners in favor.

Adjournment:
~ Commissioner Simpson motioned to adjournment at 8:29 PM. Chair Kenney seconded. Commission adjourned with all Commissioners in Favor.

Respectfully Submitted,



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

3/30/2017
Date