



BURLINGTON POLICE DEPARTMENT
Antonio B. Pomerleau Building
One North Avenue
Burlington, Vermont 05401

Michele Asch, Chair
Board of Police Commissioners

Telephone (802) 658-2704
Fax (802) 865-7579
TTY/TDD (802) 658-2700

MEETING OF THE BOARD OF POLICE COMMISSIONERS
BURLINGTON POLICE DEPARTMENT, COMMUNITY ROOM, ONE NORTH AVENUE
February 18th, 2020, 6:00 PM

Pending

AGENDA

1. Additions or Modifications to Agenda
2. Public Forum
3. Chief's Report
4. Task Force Update
5. Public Input: Inform on Desired Characteristics in Chief of Police
6. Review: Fair and Impartial Policing policy (City Attorney Eileen will be present to discuss proposed changes)
7. Review: Current Draft of the Role of Police Commission in Reviewing Complaints Against Police Officers
8. Commendations
9. Commissioners' Updates/Comments
10. Consent - Minutes of Previous Commission Meetings, January 28th
11. Next Meeting's Agenda Items
 - Next meetings scheduled for March 24th
12. Executive Session (as needed)
13. Adjournment

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BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING
TUESDAY, February 18th, 2020
Approved

A meeting of the Board of Police Commissioners was held in the Burlington Police Department Community Room on Tuesday, February 18, 2020. Chair Michele Asch called the meeting to order at 6:06 PM.

The following Commissioners were present: Chair Michele Asch, Vice Chair Shireen Hart, Commissioner Randall Harp, Commissioner Jabulani Gamache, Commissioner Hughes, and Youth Commissioner Landen Nipper. Also present: Chief Jen Morrison, Deputy Chief Jon Murad, and Commission Clerk Laura Cheney.

Additions or Modifications to Agenda - None

Public Forum:

- Melo Grant, a member of the Committee to Review the Policing Policies (Ward 3) shared feedback on the Committee's process and raised concerns around follow-up on the recommendations put forth and fears that the status quo being maintained. She believes that follow up by the Police Commission is essential. She suggested listening sessions within the community, which could also help with the search for a new chief, providing opportunity for the public to be involved in the effort to rebuild trust. She is also concerned about the willingness of the department to do better and argued that criticism does not equate to being unsupportive. She also pointed out that the committee did not have adequate time to do a deep dive and there is a lot more to do.
- Gina Clithero, of Community Voices for Immigrant Rights, attended to be present for the discussion of the Fair and Impartial Policing Policy. She noted that among many community sessions, there was resounding support for the strongest fair and impartial policing policy possible. The current policy is not adequate and changes are overdue. She strongly urges the commission to consider a stronger policy, similar to the Winooski PD, prevent any collaboration with the federal government.
- Charles Winkleman expressed frustration that over the past year, multiple complaints he made with the department and the previous Chief were not adequately addressed.
- Michael Fife agreed that the complaint process is inadequate and expressed concern that no one from the commission, except Commissioner Hughes reached out to him following his last attendance at the Police Commission meeting. He does not feel that this is a safe space, and neither do others.
 - Commissioner Hughes noted that the events predate him, but he accepts responsibility and expressed his apology for how things unfolded.
 - Michael Fife noted that his process began 3 years ago, and following what he thought was a good conversation with the existing Chief, and discussion around creating a social media policy, he felt he was treated as an aggressor.
 - Vice Chair Hart noted she did recommend that Chief del Pozo apologize to Mr. Fife.

Chief's Report - None

Task Force Update

- Commissioner Harp noted that the committee has submitted their recommendations to the City Council. The report was divided into three sections:
 - Use of Force Policy - recommendation included an updated UOF policy, with emphasis on de-escalation.
 - The Role of the Police Commission & Oversight Capacity - recommendation that the commission should have greater investigative power concerning complaints. The committee as a whole did not recommend a fundamental change in the commission's role of administering discipline following complaints.

- Other - Recommendations around social service partnerships, a ride-along program, commission meetings within the community, further outreach to the community by the department.
- DC Murad noted that Commissioner Harp synthesized very different recommendations and perspectives from members of the committee, and pulled together an extremely strong report that involved a huge amount of work.

Public Input: Desired Characteristics for Chief of Police

- Gina Clithero hopes that the new Chief of Police will be supportive of the new FIPP being put forth, and implement bias training.

Review: Fair and Impartial Policing Policy

- Joy Hovestadt, of the City Attorney's office, noted that the changes suggested to the FIPP policy would bring the agency's policy into compliance. The City Council will be meeting to discuss on March 9th. The City Attorney's opinion is that the suggestions put forth by Migrant Justice will result in a lack of compliance with federal law.
- Gina remarked that based on a public records request, there was no indication that BPD intends to apply for federal grants, and therefore there is no threat to funding by adopting the measures put forth by Community Voices for Immigrant Rights.
- Commissioner Hughes noted that the City Council has the responsibility to make policy, based on City Charter 184.
- Chief Morrison noted if this is the case, it is a one-off, and should not be standard operating policy. There is a need for the division of politics and the administration of the department. The Role of the Commission is to be the buffer, between politics and the administration of the department.
- Commissioner Hughes stated that if the Mayor, City Council and City Attorney understand the ramifications and risk of violating compliance with the federal government, it is their decision to make.
- Commissioner Harp noted the commission does have responsibility in making decisions, as designated by the City Council.
- Chief Morrison requested the commission not absolve themselves of the role of developing policy.
- Commissioner Harp asked to continue the discussion after the March 9th City Council meeting.
- Commissioner Harp asked for further information on the funding implications, as well as any ramifications for Winooski PD, and a discussion of what we want to see in the policy.
- Chair Asch remarked that the suggested edits to the policy seem to protect immigrants, as we would want.
- Commissioner Hughes asked if we go beyond the state law, and accept the responsibility associated, who is going to enforce it? How can we hold officers accountable to the policy?

Commissioner Harp motioned to continue the discussion at the March commission meeting, second by Commissioner Hughes.

VOTING: Unanimous, discussion will resume at the March Commission meeting.

Review: Current Draft of the Role of Police Commission

- Chief Morrison suggested a work session to get some things in place, which would be helpful for the incoming chief.
- Commissioner Gamache, Chair Asch, Vice Chair Hart, will convene with Chief Morrison for a working session to review the recommendations from the committee, and the draft presented by Chief Morrison.

Vice Chair Hart motioned to review any revisions at the next meeting, with the city attorney present, second by Commissioner Hughes.

VOTING: Unanimous, discussion will resume at the March meeting

Commendations - None

Commissioners' Updates/Comments: None

Consent Minutes of Previous Meetings - January 28th

Commissioner Hughes requested the following edits:

- On page 2, edit to read Commissioner Hughes stated "he had concerns about the background of the Chief of Police not comporting with the city culture".
- Same page, edit to "Commissioner Hughes wants the new chief to understand the struggles of racial disparities within the criminal justice system".

Vice Chair Hart motioned to approve minutes, with edits, second by Commissioner Hughes.

VOTING: Unanimous, all minutes approved with requested edits.

Next Meeting Date and Agenda Items

Next meeting scheduled for March 24th

Items for discussion:

- Review Fair and Impartial Policing Policy
- Continued Review on the Role of Police Commission
- Review of DD40 (April meeting)

Executive Session

Chief Morrison requested moving into Executive Session on a personnel issue, as well as a discussion on the review of complaints.

Motion by Commissioner Harp to move to Executive Session to discuss personnel matters and discipline, second by Vice Chair Hart.

VOTING: Unanimous, regular meeting adjourned at 7:56pm.

Adjournment

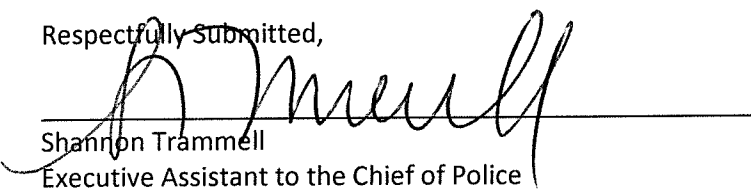
Motion by Vice Chair Hart to conclude executive session, second by Commissioner Hughes.

VOTING: Unanimous, regular meeting resumes at 7:55.

Motion by Commissioner Harp to adjourn, second by Commissioner Gamache.

VOTING: Unanimous, Adjourned at 7:56pm

Respectfully Submitted,


Shannon Trammell

Executive Assistant to the Chief of Police

Clerk of the Police Commission

6/4/2020