



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
January 28th, 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: Current Job Description for Chief
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
 - Regular Meeting December 10th, Special Meetings January 7th and January 14th
11. Next Meeting's Agenda Items
 - Next meetings scheduled for February 25th
12. Executive Session (as needed)
13. Adjournment

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BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING
TUESDAY, January 28, 2020
Approved

A meeting of the Board of Police Commissioners was held in the Burlington Police Department Community Room on **Tuesday, January 28th, 2020**. Chair Michele Asch called the meeting to order at 6:01 PM.

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

Additions or Modifications to Agenda

Chair Asch requested table the discussion of Fair and Impartial until February when City Attorney Eileen Blackwood can be present.

Vice Chair Hart motioned to approve the amended agenda, second by Commissioner Harp.

VOTING: Unanimous, approved with amendment.

Public Forum: None

Chief's Report

- Chief Morrison noted that several new recruits are heading to the Vermont Police Academy next week.
- Deputy Chief Murad shared statistics on 2019 service calls.
- Chief Morrison noted that we are working on an updated system to handle and store property and evidence
- Chief Morrison stated the Department has begun a new project, called Roll Clarity, to determine the details of each role within the department, to ensure we are maximizing resources, tracking responsibilities and meeting deadlines and expectations, both internally and externally.
- The Chief's office is working hard to clean up various personnel issues carrying over from 2019.
- We are working on a new media plan, beginning with a round table discussion, to involve various supervisors in media correspondence.
- Deputy Chief Murad noted a new initiative - Community Connections - a recurring meeting similar to the Clergy Luncheon, but with a much broader stakeholder group. The goal is for the community to be the loop on what we are prioritizing.
 - Chair Asch requested further details on that.
- We will be holding interviews to fill the Executive Assistant to the COP in the coming days. There have been a few shifts in how the position was posted, creating some delays.
 - Chair Asch asked if any commissioners should be involved in that.
 - Yes, at the preliminary interview panel session.
 - Commissioner Gamache volunteered to serve on the panel.

Task Force Update

- Commissioner Gamache reported there has been 1 meeting of the Task Force since the last commission meeting. The next meeting is this Thursday.
- Commissioner Gamache noted that the Task Force is reviewing Use of Force policies from several other agencies. and will primarily focus recommendations around UOF and Community Oversight
- In the few remaining meetings, we'll be coming up with recommendations for the City Council.
- Commissioner Hughes inquired if the scope had changed.

- Commissioner Gamache noted that initially, the scope was very broad. At the first report to the City Council, the determination was made to narrow the focus to UOF and Community Oversight, though we can provide recommendations on any matter.

Public Input: Current Job Description for Chief

- Andrew Orringer spoke. He has some familiarity with the Dept, and wanted to share ideas on what we should be looking for in the next Chief:
 - Experience and confidence in their mission, with the ability to instill confidence in the members of the department.
 - Ability to earn the public's confidence, as well as the confidence of the officers.
 - Clear direction as manager of the Department, with the authority to oversee that department without too much oversight.
 - The public needs to know the officers want to do a good job, and their job is to uphold the law, which can be difficult when they are worried about being micromanaged. They are dealing with issues that police officers in the past have not had to deal with.
 - He is concerned that individuals without law enforcement experience are making decisions on the UOF policy.
- Commissioner Harp suggested that the description should include a working relationship with the Police Commission. Additionally, the ability to improve relations with community members should be required.
- Chief Morrison noted that the existing job description is base requirements needed for city job classifications. Perhaps a separate document that reflects what the Commission and community members want to see in a Chief would be beneficial.
- Commissioner Hughes asked that we continue this conversation. He noted he had concerns about the background of the prior chief comporting with city culture. Though experience is essential, Burlington is unique, a border city, and a small town. A fit with our city, and an affiliation with the city and Vermont is incredibly important.
- Chair Asch inquired whether the commission should provide a statement to the City as far as what we are looking for.
- Commissioner Harp noted as long as the values we are looking for are embedded in the search, specific documentation in the job description is not necessary.
- Specific Traits:
 - Chief Morrison noted balance - to handle internal and external needs and triage as necessary.
 - Chair Asch would like to see an understanding of the opioid epidemic, and more generally, emerging Public Health Needs.
 - Chair Asch wants to see a record in dealing with a diverse population.
 - Commissioner Hughes wants the new chief to understand the struggle of racial disparity within the criminal justice system.
 - Commissioner Gamache would like to see someone with an understanding of new Americans.

Review Current Draft of the Role of Police Commission

- Per the request of the Commission, the Chiefs came prepared to distribute 2019 complaints for review.
- Chief Morrison noted she would like to compile complaints from all onramps, to include the findings, in order to allow for a comprehensive review.
- Commissioner Harp noted he'd like to see updates and information as they come, in order to have a full understanding of the process and all the details.
- Chief Morrison expressed concern that the past protocol may be in conflict with policy as they are personnel matters, even with the names of officers and the individual making the complaint redacted.
- Chief Morrison suggested a special Working Executive Session to review in collaboration.
- Vice Chair Hart noted she would rather more than one commissioner be involved in any review.
- Chair Asch agreed that having multiple eyes on a complaint and the findings would be best, and a regular review - perhaps quarterly, to avoid waiting until the end of the year.

- Chief Morrison noted there are various levels from basic complaints to internal affairs investigations and all should be considered in the process review.
- Commissioner Hughes requested reviews more often than quarterly, as well as a clear definition of what a complaint is. He agreed it is not helpful to compartmentalize our responsibilities by reviewing them individually. There should also be a rolling document keeping track of all complaints.
- Chief Morrison agreed - this could be sorted chronologically, as well as by allegation to identify trends, troubling time periods, etc.
- Chief Morrison suggested the following process: a monthly summary of all complaints received through all avenues, with an anonymous list at each meeting to include the 3 levels outlined: service, admin review, internal affairs, in addition to the original complaint, summary, and findings. Within Executive Session, the Commission could review the specific officers involved, and confidential details.
- Commissioner Harp would like to know what information can be taken home for review.
 - Chief Morrison noted we'll need to discuss this with the City Attorney.
- Commissioner Hughes suggested in the long term a portal for remote access, with appropriate protections.
- Commissioner Hughes inquired about state law 20 VSA 2401 and the role of the commission.
 - Chief Morrison noted we accept complaints from any source, explicit in our policy, and we are in compliance with state law. Furthermore, the state law was created because many agencies around Vermont had no policy, and therefore complaints were not investigated. The law was put in place to allow the Criminal Justice Training Council to intervene, so citizens in those communities had assurance that their complaint would be reviewed.
 - Chief Morrison will look at our policy and the state document to make sure the two are reasonably paralleled, with consistent language around misconduct.
- Chief Morrison inquired about #4 - is this redacted or in person review?
 - Agreement that this needs to go to the City Attorney
- Commissioner Hughes noted if there is a process, there does not need to be a request made to the Chiefs..
- Commissioner Hughes noted that the title only speaks to police officers, what about the Chief?
- Chief suggested this oversight should be applied to complaints against any member of the Police Dept.
- Commissioner Harp noted the Chief is accountable to the Mayor.
- Chief Morrison asked why the commission wouldn't be involved in review of call complaints against the chief? The recommendations and oversight would be directed to the Mayor.
- Chair Asch will connect with the City Attorney on these matters in advance of the next meeting.
- Commissioner Hughes asked who advises the Criminal Justice Training Council on matters of the Chief? Should the Commission be reporting, and on what grounds?
- Chief Morrison requested editing "for major complaints" to include "excessive" use of force. Additionally, "weapons" is much too vague.
- Chief Morrison requested #6 be edited to "range of appropriate sanctions". Process wise, the Commission could be reviewing before the Louder mill hearing, which can change disciplinary action on the manner, and therefore could negate the Louder mill hearing. Also, as for a "later date" - postponement can infringe upon disciplinary policies, and be unfair to the employee. We need to resolve low-level issues without delay.
 - Common agreement - it would be reviewed to take into consideration for later complaints.
- Further comments from Commissioner Hughes:
 - #2: a written record presents a bottleneck. There needs to be a point of access for the Commissioners.
 - Could be reframed: "the Chief is responsible for"
 - #2 - Requested all complaints, not just UOF, include all details noted.
 - #4 - Complaints should be available. Commissioners should not have to make a request.
 - #5 - This and the Department policy should align with state policies, so all language is consistent.
 - #7 - Concern that the Commission appeals to the Mayor, and disagree with the premise. If the majority disagrees with the Mayor, what is next?
 - Commissioner Harp noted commissioners can speak to whomever - the public, the press, the council.
 - Chief Morrison noted that the Mayor as a backstop makes sense within the democratic process as they would face backlash upon reappointment or re-election. More layers upon the disciplinary procedures sets a bad precedent. The incidents we are aiming to address are very rare.

- Vice Chair Hart will work with the Chief on edits to the language of the document.
- Commissioner Harp requested edits to share with the task force as they are available.

Vice Chair Hart motioned to revise the document to review at the next meeting to review with the city attorney present, Second by Hughes.

VOTING: Unanimous, minutes approved.

Commendations

- Process has been interrupted with the transition of staffing of the clerk. Will be revived as soon as possible.

Commissioners' Updates/Comments: None

Consent Minutes of Previous Meetings - December 10th, January 7th, January 14th

January 14th

- Remove: VOTING details at the bottom (clerk error)
- Add: Before Executive Session began, Commissioner Harp expressed concern about continued Executive Sessions without all Commissioners present.

Vice Chair Hart motioned to approve all minutes, with amendments to the January 14th meeting, second by Commissioner Harp.

VOTING: Unanimous, all minutes approved with requested edits to January 14th minutes.

Next Meeting Date and Agenda Items

Next meeting scheduled for February 25th; moved to February 18th. Items for discussion:

- Task Force Update
- Review Fair and Impartial Policing Policy
- Continued Review on the Role of Police Commission
- Public input: desirable characteristics of the next chief
- Review of DD40 (March meeting)

Executive Session

Chair Asch requested moving into Executive Session to report back on previously discussed disciplinary issue.

Motion by Commissioner Harp to move to Executive Session, second by Vice Chair Hart.

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

Adjournment

Motion by Commissioner Hughes to conclude executive section, second by Commissioner Harp.

VOTING: Unanimous, regular meeting resumes.

Role of Commission

Commissioner Hughes requests to define who we are as a commission and suggests taking time to get to know the BPD.

Chief Morrison invites commissioners to sit in on various committees related to Vision 2020 initiatives.

Chief Murad will email commissioner with committee options.

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

VOTING: Unanimous, Adjourned at 9:03pm

Respectfully Submitted,

Laura Cheney

2/2/2020

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