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Sarah Kenney, Chair
Board of Police Commissioners

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MEETING OF THE BOARD OF POLICE COMMISSIONERS
BURLINGTON POLICE DEPARTMENT, COMMUNITY ROOM, ONE NORTH AVENUE
JANUARY 26, 2016, 6:00 PM

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AGENDA

1. Additions or Modifications to Agenda
2. Public Forum
3. Chief's Report
4. Update on Race Data Collection Analysis
5. Discussion on DEA Arrest and Search Warrant Execution on December 22, 2015
6. Update on Role of Commission
7. Review of Any Incoming Correspondence *{as needed}*
8. Commissioners' Updates/Comments
9. Review Updated Directives; *{as needed}*
10. Consent Agenda – Minutes of Previous Commission Meeting
11. Next Meeting's Agenda Items and Date
12. Executive Session {*as needed}*
13. Adjournment

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BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING

A meeting of the Board of Police Commissioners was held in the Community Room at the Burlington Police Department on **Tuesday, January 26, 2016**. Chair Kenney called the meeting to order at 6:05 p.m.

The following Commissioners were present: Chair Sarah Kenney, Vice Chair Jerry O'Neill, Commissioner Paul Hochanadel and Commissioner Christine Kemp Longmore. Also present were Chief Brandon del Pozo, Deputy Chief Jan Wright and Kimberly Caron, Police Commission Clerk.

Additions or Modifications to Agenda:
~There were no additions or modifications to the agenda.

Public Forum:
~No one addressed the Commission at Public Forum.

Chief's Report:
~The Traffic Stop data for 2014 is now on our website in a CSV file for the general public. The 2015 data should be ready shortly.
~The disclosed crime data for 2015 shows that robberies are up by 30%, and overdoses are up by over 100% from 2014.
~The City Council was recently briefed on the opiate crisis. The briefing defined this as a public health problem with a law enforcement component. The Department is working with various community centers to collaborate potential ways to deal with the crisis.
~Doctor Richard Rawson has agreed to be the Department's official advisor on the opiate crisis regarding addiction and treatment.
~The Department is working with the Mayor's Office to find an analyst to measure the data pertaining to the opiate crisis within the City.
~Social media trainers came to Burlington to teach the Department's officers as well as officers around Chittenden County how to communicate with the public using social media.
~On January 29th several new officers, new recruits, training officers and recruiting officers will attend the Tuskegee Airmen at the Flynn Center in order to gain insight and empathy in cultural competency. Curtiss Reed will follow up with these officers with formal training afterward.

Update on Race Data Collection Analysis:
Chair Kenney attended the Community Forum at the ECHO Center on January 18th. Discussion followed. Chair Kenney suggested that Dr. Stephanie Seguino be invited to the next meeting to formally discuss her past analyses. Discussion followed. Chair Kenney will reach out to Dr. Seguino.

Discussion on DEA Arrest and Search Warrant Execution on December 22, 2015:
~ Vice Chair O'Neill initiated a discussion with Chief del Pozo regarding the DEA arrest warrant and search warrant execution that occurred on December 22, 2015. Vice Chair O'Neill asked Chief del Pozo for a breakdown of the details of the incident and what the best practices are for executing search warrants. Chief del Pozo stated that the State's Attorney's Office was going to hold a press conference on Thursday, January 28th at approximately 11 a.m. Because the State Police have not yet released their report, Chief del Pozo stated he could only give his general perspective on search warrant executions and only had

information he had learned from the Burlington officers who were part of the warrant execution, but who were at the back of the line.
~Chief del Pozo explained the law regarding search warrants, specifically prohibiting the execution of warrants between the hours of 10 p.m. and 6 a.m. unless specifically authorized by a judge to do otherwise. It is reasonable for officers to announce their presence before entering a facility. Most search warrants and arrest warrants are executed at dawn as it gives a greater likelihood of catching the subjects off guard and in bed.
~There are three elements that are weighed before executing a search warrant: the likelihood that the person or the object of the warrant will be at the location; the element of surprise, which prevents the subject from fleeing, destroying evidence or resisting the execution of the warrant and balancing safety in densely populated areas.
~While there were three buys from the confidential informant here, this is not as strong in terms of proof in court as executing a search warrant and finding the defendant in possession of a quantity of the controlled substance.
~During the December 22nd warrant execution, the Burlington Police Department officers that were assisting with the warrant through the Drug Enforcement Administration were equipped with AR-15 service rifles. Chief del Pozo discussed the various types of ammunition that can be used with an AR-15 and indicated that the Burlington PD is looking at ammunition that is designed for urban use, where the bullet is likely to break apart before it goes through building walls. Chief del Pozo explained the difference in the .223 rifle bullets versus the 40 caliber pistol bullets the BPD officers carry as their duty weapons. Chief del Pozo was not aware of the equipment used by the other Departments assisting in the warrant.
~Chief del Pozo explained that the Department was in the process of switching the duty weapons from the 40 caliber pistols to a 9 millimeter pistol, which will be more accurate, with less recoil. This transition should be complete by Spring. Discussion followed.
~Vice Chair O'Neill asked about the balaclavas that the officers involved in the warrant execution were wearing. Chief del Pozo explained that the Department policy is very strict on the use of balaclavas. The only BPD officers that are allowed to wear these while on duty are Narcotics Officers and they are only allowed to wear them during the execution of search warrants while wearing identification as a police officer. The reasoning behind this is that in a small city such as Burlington, it can be a challenge to maintain anonymity of the officers for investigative purposes if their faces are seen during a warrant execution. Vice Chair O'Neill expressed strong concern about the use of balaclavas by the Burlington Police Department, stating that he felt it made the Department look like a third world police department and that it is frightening to ordinary citizens when they see law enforcement officers using balaclavas. He also expressed concern that the reason Burlington officers were using the balaclavas was because they were doing what the DEA does. Discussion followed.
~Chair Kenney suggested adding an update on this topic to the next meeting agenda, after Thursday's press conference, in case the public had any further questions regarding the incident.

Update on Role of Commission:
~Chair Kenney explained that City Hall has developed a community engagement handbook, which may be a useful toolkit for the Commission. Discussion followed. Chair Kenney will invite someone from the Mayor's Office to the next Commission meeting to discuss this handbook.

Incoming Correspondence:
~There was no incoming correspondence.

Commissioners' Updates/Comments:
~Commissioner Longmore shared a poster promoting GospelFest, which will be held on February 27th at UVM. Commissioner Longmore explained the event is fun and inspiring.
~Chair Kenney discussed the Community Forum panel she attended at ECHO on January 18th. She mentioned there was no police presence at the panel and that had been noticed by several people.

Review Updated Directives:
~There were no directives to review.

Consent Agenda – Minutes of the 12/22/2015 Meeting:
~Vice Chair O'Neill suggested that Deputy Chief Wright's presence should be added to minutes and a minor spelling error be corrected. Vice Chair O'Neill moved to approve the 12/22/2015 minutes as amended. Commissioner Hochanadel seconded; all in favor, so passed.

Next Meeting's Agenda Items and Date:
~The next meeting date was set for Tuesday, February 23, 2015 at 6:00 p.m.
~Chair Kenney requested an update on the DEA Arrest and Search Warrant Execution on December 22, 2015 be added to the agenda.
~Chair Kenney requested an update on the Race Data Collection Analysis be added to the agenda.
~Chair Kenney requested an updated on the Role of the Commission be added to the agenda.

Executive Session:
~ No Executive Session was needed.

Adjournment:
~Vice Chair O'Neill moved to adjourn the meeting at 7:30 p.m. Chair Kenney seconded; all in favor, so passed.

Respectfully Submitted,

Kimberly Caron,
Clerk of Police Commission

3/24/16
Date