



Committee to Review Policing Policies 1/7/2020

Minutes of the Committee to Review Policing Policies

Fletcher Free Library

Tuesday, January 7, 2020

Members present: Deputy Chief Jon Murad, Officer Vinny Ross, Police Commissioner Randall Harp, Police Commissioner Jabulani Gamache, City Councilor Joan Shannon, Skyler Nash, Thomas Nececkas, Chuck Brewer, Sgt. Jesse Namder; Chief of Staff Jordan Redell, Melo Grant, Carter Neubiser, Jim Dunn.

Absent: Kevin Rodgers, Councilor Perri Freeman

Staff present: City Attorney Eileen Blackwood, BPD Analyst Nancy Stetson

Others present: Aidan Quigley

Call to Order

Chair Randall Harp called the meeting to order at 5:30 pm.

1.01 Agenda – Additions or Modifications

Motion by Joan, second by Jabu, to amend the proposed agenda by adding 4.01A Use of Force policy.

VOTING: Unanimous. Agenda as posted is amended.

Jim asked to add to the agenda at the end a discussion of community engagement.

Motion by Carter, second by Jabu, to approve the agenda as amended.



Committee to Review Policing Policies 1/7/2020

VOTING: Unanimous; agenda approved as amended.

2.01 Public Forum

No speakers.

3.01 Approval of Minutes

Motion by Jim, second by Tom to approve minutes of meeting of Dec. 3, 2019.

VOTING: Unanimous; motion carried. Minutes of Dec. 3 2019 are approved.

4.01 Role of the Police Commission in BPD Oversight—Chair Randall Harp, who is a member of the Police Commission, described the current role of the Commission in complaints against police officers. Minor complaints are divided up among members of the Commission to review and are provided in batches, about every six months. Major complaints are generally discussed in executive session. The Commission generally reviews body camera footage and hears other information from command staff. As these matters often take some time, the Commission is informed as the matter progresses.

Carter: Why did the discipline related to the chief not go to the Commission?

Randall: There is a draft document to change the role of Commission related to discipline concerning the chief and deputy chiefs. This committee can weigh in.

Carter: When does the City Council get involved?

Joan: When there is a legal issue.

Melo: How are other department heads handled?

City Attorney: The mayor handles personnel issues related to department heads.

Joan: He gets input from the commissions about performance.

Jim: Commission is involved in serious discipline cases. There is citizen input before decisions are actually made. Most oversight around the country happens when body reviews decision that has already been made. We have a good system before a decision is made, but when citizens are unhappy, it means there is no separate body to go to.



Committee to Review Policing Policies 1/7/2020

Randall: The current oversight model is primarily suggestions along the way and seeing how the process goes.

Joan: If the chief didn't consult the Commission beforehand, it would be less biased and could act more as an independent body, but it seems something would be lost. Could there be an appeal to the HR Director or a state level body? Creating another citizen body to review the work of the citizen body doesn't seem to make sense.

Melo: Is there any tracking of employees with multiple complaints?

Jon: Yes.

Carter: Recommendations:

- Formalizing role of Commission—any discipline must be formally approved by the Commission - that is, discipline cannot take place without Commission's approval.
- Expanding role of Commission to every officer, including the chiefs, whether it's a complaint coming from a citizen or other discipline.
- Expanding the number of commissioners if there's too much workload. Not sure if this is a good idea.
- Even discipline without a public complaint should come to the Commission.
- Consider elected police commission.
- Any complaint against or discipline of any department head should be brought to city council.

Jordan: Discipline and complaint are discrete processes.

Carter: In this specific role, transparency and accountability requires citizen body to be involved. Employee privacy can still be respected, and the information does not need to be shared with the public.

Melo: Agrees with a lot of what Carter has said. What happened is pretty major and affects what's going on inside and outside the department. The current environment is not a good one. How decisions were made to protect someone who was in a leadership position was not good, so now steps need to be taken.

Joan: The role of the Commission should be formalized. That policy should then be adopted by both the Commission and the Council. Hesitant on expanding the role of the Commission, as we moved away from the commission form of government. Also hesitant on having the decisions made solely by public citizens. We need our chief, HR, and City Attorney to be final decision makers, and expect that the union will demand as much.

Vinny: We would.

Joan: Decisions on discipline of department heads should go to the council and that should be a recommendation of this committee.

Carter: We've been operating with technocrats making decisions, and it hasn't been working. The public feels it isn't going right, and there's a lack of trust. You gain that by citizen responsibility and accountability and transparency.

Vinny: Did the Commission disapprove of any discipline in the last 2 years?

City Attorney: The Commission has not formally acted as a body, as that would occur by a public vote. They have given advice in executive session.

Randall: What he can say is that BPD leadership has not deviated much from the Commission's opinions.

Jim: It would be difficult to give the authority to decide on discipline to the Commission, as then they're no longer a citizen



Committee to Review Policing Policies 1/7/2020

advisory board. Agrees that serious discipline cases should come to the Commission.

Jordan: It would be useful to have some guidelines about when to release body camera footage.

4.01A Use of Force Policy

Joan: This committee got a lot of information from the BPD about use of force and should discuss whether to make any recommendations. Joan does not feel qualified to make decisions about use of force.

Randall: The committee could recommend that the city retain a consultant to guide creating an updated use of force policy.

Jim: Agrees that he does not feel qualified to make decisions about use of force. How did these events happen? Was there a breakdown in training? Clements told him it was just poor judgment. It was late; people were tired and made bad decisions.

Randall: Not every instance of bad judgment or bad outcome results in a violation of policy or discipline.

Jim: Not opposed to having someone look at the policy but also thinks that we should look at what officers did.

Jon: If the policies are okay, then we are not using the time of this citizen group well. The committee could look at other models and make recommendations about what the policy should contain.

Skyler: We at this table are out of our depth to try to write a use of force policy ourselves. We've missed an opportunity to hire this consultant. Different segments of the community are frustrated with different aspects of policing.

Vinny: Several communities have gone through this process, and I don't think we should waste \$50,000 on a consultant. The department could draft a policy based on the other communities' work. Seattle policy is about 50 pages long, but the department could take that and bring forward a policy that addresses the concerns of everyone's constituents.

Randall: Would any of those policies have given the department any more tools to address the situations over the past year?

Vinny: No, because those were errors in judgment.

Jon: A transparency policy would have changed things by having earlier release of body camera footage. The primary issue was about release and who knew what, when.

Carter: The amount of discipline for what happened is also an issue. For use of force particularly, a committee to use the money of the consultant would be useful.

Joan: This committee has already had discussions about spending the money and decided not to go forward with a consultant at the time. BPD are the experts and regularly learn what people are doing all over the country.

Motion by Joan that the Committee ask the BPD members of this Committee, plus anyone else, to bring a draft of an updated use of force policy incorporating the best practices from around the country to the next meeting and before that, to send the Committee any model policies and our current use of force policy as soon as they can. Second by Jordan.



Committee to Review Policing Policies 1/7/2020

Melo: This committee needs to do this work. I've been very torn by the idea of a consultant. This is not something to be wrapped up in a bow, but these should be living documents. I would have felt better if my elected officials had known about possible legal issues beforehand.

Carter: I'm going to vote no because from the community perspective, having the department prepare a first draft will be perceived as not consistent with community trust.

Randall: Starting with a department draft doesn't mean we can't make other suggestions, but he would prefer we pick elements from the other policies.

Joan: It's hard to generate a document from scratch here at the table.

Jordan: We have a department willing to do a draft to assist the committee to start the process.

Skyler: In the absence of other experts, it would be smart to lean on the expertise we have. It would be helpful to see how far the department will go on its own to develop a progressive policy.

Randall: If people have other policies, please share them.

Jim: Can the changes from the current policy be shown?

Jon: We will start from scratch and will get it to the committee well in advance of the next meeting.

VOTING: 11-2, Carter and Melo opposed. Motion carries.

4.02 Continued Discussion of Recommendations

The following is a synopsis of proposed Recommendations that this committee consider, prepared by Chair Randall:

- Domestic violence screening (hiring)
- Incentivize officers to live in Burlington
- Broaden recruiting
- Limit the number of BPD officers
- Increase the number of social service providers
- Broaden BPD/social service interactions
- Increase/improve civilian oversight
- Consultant: community opinion
- Consultant: use of force policy
- Body camera footage

[Note: The Committee did not get to agenda items 4.03 Discussion of BPD Social Media Policy]

4.04 Next Meeting Agenda Items and Date—



Committee to Review Policing Policies 1/7/2020

Use of Force, Role of Police Commission, Bias Training, Body Camera Release policies, Other Recommendations.

Jordan would like to request that the department find if there are other model policies on release of body camera policies.

Skylar reiterated data request about tickets and race. Jon handed out that data.

Carter would like to discuss increasing the City budget for mental health.

Next meeting will be Tues. the 21st at 5:15 pm at Fletcher Free Library, if possible.

5.0 Adjournment

Motion by Joan to adjourn the meeting; second by Carter.

VOTING: Unanimous; motion carried. The meeting was adjourned at 7:35 pm.

Respectfully Submitted,

Eileen Blackwood

City Attorney