



## Joint Committee on Police Oversight Meeting Agenda - Monday, November 13, 2023, 5:30 PM, REMOTELY via ZOOM

**When:** Nov 13, 2023 05:30 PM Eastern Time (US and Canada)  
**Topic:** Joint Committee on Police Oversight Meeting

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### 1. Agenda

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Subject	1.1. Motion to amend/adopt agenda
Meeting	November 13, 2023 - Joint Committee on Police Oversight Meeting Agenda - Monday, November 13, 2023, 5:30 PM, REMOTELY via ZOOM
Category	1. Agenda
Department	
Type	
Recommended Action	

### 2. Adopt Draft Minutes from Nov. 1

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**Subject** **2.1. Adopt Draft Minutes from Nov. 1**  
Meeting November 13, 2023 - Joint Committee on Police Oversight Meeting Agenda - Monday, November 13, 2023, 5:30 PM, REMOTELY via ZOOM  
Category 2. Adopt Draft Minutes from Nov. 1  
Department Council and Board  
Type  
Recommended Action

### **3. Public Forum**

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**Subject** **3.1. Verbal Comments**  
Meeting November 13, 2023 - Joint Committee on Police Oversight Meeting Agenda - Monday, November 13, 2023, 5:30 PM, REMOTELY via ZOOM  
Category 3. Public Forum  
Department Council and Board  
Type

### **4. Councilor Discussion and Review of Draft Charter Changes**

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**Subject** **4.1. Councilor Discussion and Review of Draft Charter Changes**  
Meeting November 13, 2023 - Joint Committee on Police Oversight Meeting Agenda - Monday, November 13, 2023, 5:30 PM, REMOTELY via ZOOM  
Category 4. Councilor Discussion and Review of Draft Charter Changes  
Department Council and Board  
Type  
Recommended Action

### **5. Adjournment**

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**Subject** **5.1. Motion to adjourn**  
Meeting November 13, 2023 - Joint Committee on Police Oversight Meeting Agenda - Monday, November 13, 2023, 5:30 PM, REMOTELY via ZOOM  
Category 5. Adjournment  
Department Council and Board  
Type  
Recommended Action

# ORDINANCE and CHARTER CHANGE JOINT COMMITTEE

Wednesday, November 1, 2023

Bushor Conference Room in City Hall and Remote via Zoom

## DRAFT MINUTES

**Members Present:** Councilor Traverse (Ordinance Committee Chair), Gene Bergman (Charter Change Committee Chair), Councilor Carpenter, Councilor Hightower, Councilor Doherty, Councilor Shannon

**Staff Present:** Kimberlee Sturtevant (Assistant City Attorney), Jordan Redell (Mayor's Chief of Staff), Josh Diamond (Outside Counsel)

**Others in Attendance:** Romeo Von Hermann, Lee Morrigan, Mike Hoey, Melo Grant, Amy Malinowski, Jake Schumann

Meeting called to order at 5:39 PM.

### 1.0 Agenda

#### Motion to adopt/amend agenda

*Motion to Adopt the Draft Agenda.*

*Motion by Councilor Bergman, Seconded by Councilor Carpenter*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

### 2.0 Adopt the Draft Minutes from October 18

*Motion to Adopt Minutes as is.*

*Motion by Councilor Bergman, Seconded by Councilor Carpenter*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

### 3.0 Public Forum

Jake Schumann: Looking at the charter change proposal, Section 190(a) Line 5 there is a typo in the charter that we can correct. We should also add gender neutral language. It might be worth adding something about protecting the Commission or oversight bodies from retaliation by the police or codifying positive working relationships.

### 4.0 Councilor Discussion and Review of Vital Questions

*Discussion began with a review of the charter change draft language as put together by Josh Diamond.*

Councilor Traverse gave a brief review of the previous meeting and said there was general consensus on almost everything discussed except for the issue of an impasse between the Commission and the Chief. Another question without consensus is the number of commissioners needed to vote to launch their own investigation.

Councilor Carpenter brought up the unresolved question of increasing the size of the Commission. She also brought up adding requirements of having commissioners from different wards or districts so there is representation. Having more commissioners could mean having subcommittees for different topics.

Councilor Hightower agreed and wanted the Commission expanded to at least nine members to provide for subcommittees. She recommended putting ward or district requirements in ordinance.

Jordan Redell said that the Administration wants to keep the Commission size at seven members, but increase staffing for them to help fulfill their duties. The Administration is unsure if it wants ward/district requirements put in place for the Commission as it sets a precedent for other commissions.

Councilor Shannon agreed that the Commission should not be expanded beyond seven. The Council already considers ward/district residency in appointments and Councilor Shannon thinks it is more important to value all forms of diversity (ethnic, geographical, professional) rather than focus on residency.

Councilor Bergman supported increasing the size of the Commission to nine members. He also agreed that a broad statement in charter that the Commission should represent the citizens of the city would be appropriate.

Melo Grant: I support adding two more commissioners. I like the idea of subcommittees to handle particular tasks. If the Commission isn't expanded, the City needs to be diligent in staffing. As for geographical requirements, there are varying attitudes about service/response on the Commission depending on where they live so it can be important.

Councilor Hightower asked if it is possible to have flexibility in the charter and use 7-9 legal voters for composition as the language.

Councilor Traverse supports either a seven or nine member Commission, but does not support having ward/district requirements. The City Council should be focused on finding qualified candidates.

*Motion to change the draft language for Article 62 Section 183 from seven to nine legal voters.*

*Final Resolution: Motion Passes*

*Yes: Councilors Hightower, Carpenter, Bergman, and Traverse*

*No: Councilor Shannon*

*Motion to change the draft language for Article 62 Section 183 to add the language "and should represent the diverse nature of said city's constituents, including those from historically marginalized communities,"*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

*Motion to change the draft language for Article 62 Section 184(a) to be: "The city council shall make rules and regulations for the government of the entire police ~~foree~~ department and shall fix the qualifications of applicants for positions and service on said ~~foree~~ department and, to the extent permitted by applicable law, the chief of police shall furnish the city council with any information they may require concerning ~~the finances~~ of the police department. The chief of police*

*shall be responsible for all expenditures made by the police department and no expenditures shall be made by the department except in conformity with the standards promulgated by the city council.”*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

*Motion to change the draft language for Article 62 Section 184(b) to be: The board of police commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the police department, its services and facilities, as may be delegated from time to time by ~~resolution~~ the ordinances and orders of the city council. Said board shall notify the mayor and the chief administrative officer, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.*

*Final Resolution: Motion Passes*

*Yes: Councilors Traverse, Carpenter, Hightower, Doherty, and Shannon*

*No: Councilor Bergman*

*Motion to adopt the proposed Article 62 Section 184(c) as drafted by Josh Diamond: “Without limitation to the foregoing, the board of police commissioners and the chief of police may propose rules and regulations for the government of the entire police department in a manner not inconsistent with those established by the city council. Adoption of such proposed rules and regulations requires joint approval by the board of police commissioners and the chief of police. In the event joint approval is not provided by the board of police commissioners and the chief of police, either party may bring forward to the city council the proposed rule or regulation for the city council’s consideration.”*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

*Motion to adopt the proposed Article 62 Section 184(d) as drafted by Josh Diamond: “The board of police commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the police department. The board of police commissions shall have the authority to independently investigate any allegation of misconduct by members of the police department upon a vote of \_\_\_\_\_% of its commissioners.” Percentage needed purposely left blank.*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

The Joint Committee has set two meetings for the future:

11/13 at 5:30PM, fully remote via Zoom

11/27 at 5:30PM in Bushor Conference Room in City Hall and remote via Zoom

## **5.0 Adjournment**

*Motion to adjourn.*

*Motion by Councilor Traverse, without objection*

*Yes: Unanimous*

The meeting was adjourned at 7:50 PM.

DRAFT

## ARTICLE 62. POLICE DEPARTMENT

### 183 Board of police commissioners; composition; terms.

The board of police commissioners shall consist of seven (7) legal voters of said city, to be appointed by the city council with mayor presiding to serve for three (3) years and until their successors are appointed and qualified.

(Act No. M-18, § 2, approved 3-1-16)

### 184 Same-powers and duties.

(a) The city council shall make rules and regulations for the government of the entire police force and shall fix the qualifications of applicants for positions and service on said force and the chief of police shall furnish the city council with any information they may require concerning the finances of the police department. The chief of police shall be responsible for all expenditures made by the police department and no expenditures shall be made by the department except in conformity with the standards promulgated by the city council.

(b) The board of police commissioners shall have such authority and responsibility relating to the management of the police department, its services and facilities, as may be delegated from time to time by resolution of the city council. Said board shall notify the mayor and the chief administrative officer, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.

(c) Without limitation to the foregoing, the board of police commissioners and the chief of police may propose rules and regulations for the government of the entire police force in a manner not inconsistent with those established by the city council. Adoption of such proposed rules and regulations requires joint approval by the board of police commissioners and the chief of police. In the event joint approval is not provided by the board of police commissioners and the chief of police, either party may bring forward to the city council the proposed rule or regulation for the city council's consideration.

(d) The board of police commissioners shall have the authority to receive and review all civilian and internal police department complaints of alleged police misconduct. The board of police commissions shall have the authority to independently investigate any complaint of alleged police misconduct upon a vote of [ ] % of its commissioners.

(e) As the result of an investigation set forth in subsection (d) above, the board of police commissioners may recommend discipline to the chief of police. The chief of police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the chief of police rejects the recommendation, a human resources panel shall resolve the impasse, subject to the notice and hearing provisions set forth in Article 62, section 190(a) and the right of appeal set forth in Article 62, section 190(b). This human resources panel shall consist of three (3) persons appointed by the mayor and confirmed by the city council. Each panel member shall serve for staggered three (3) year terms.

**Commented [1]:** Should there be an additional provision to provide subpoena authority upon a finding of "probable cause" or "reasonable basis" to believe the officer has engaged in some level of misconduct.

**Commented [2]:** An alternative or additional basis could limit such independent investigations to allegations of misconduct involving high level matters, use of force, allegations of discrimination, etc.

## ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

### 185 Officers of police force designated.

(a) The direction and control of the entire police force, except as herein otherwise provided, shall be vested in a police officer who shall be called the chief of police, and such other ranking police officers as the city council shall authorize. The order of rank and succession within the police department shall be as designated by the city council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

## ARTICLE 65. REMOVAL OR SUSPENSION

### 190 Chief may remove member for cause; hearing.

(a) Whenever it shall appear to the chief that any member of said force has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the chief by a responsible person against such member, the chief may investigate and, after appropriate notice an hearing, dismiss such member from the force, order a reduction in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the chief's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the charges being considered. In connection therewith, the chief shall have the power to subpoena witnesses and to administer the oath to such witnesses. The board of police commissioners shall hear any appeal filed in a timely manner with respect to such actions of the police chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such board of regulation. Following its consideration of any such appeal, the board may affirm, modify, or vacate the decision made by the police chief.

(b) The city council's human resources committee shall hear any appeal filed in a timely manner with respect to discipline issued by the chief of police in subsection (a) above or the human resources panel set forth Article 62, section 184(e). The time of filing an appeal and the nature of the appellate process shall be determined by the human resources committee. Following its consideration of such appeal the human resources committee may affirm, modify, or vacate the decision made by the police chief or the human resources panel.

**Commented [3]:** An alternative here is the human resources panel referenced in section 184 above.

(b)(c) Whenever it shall appear to the mayor that the chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the mayor by a responsible person, the mayor may suspend the chief from duty pending a hearing thereon by the city council. The city council shall forth with notify the chief of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made,

shall give the chief reasonable notice of the same, not less than 48 hours, and the city council shall have the power to subpoena witnesses and to administer the oath to such witnesses.

~~(c)~~(d) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss the chief from the force, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section [129](#) of this Charter as pertains to the removal of the chief.

~~(d)~~(e) The chief may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the police department that may seem to the chief sufficient, suspend from duty without pay any member of the police force for a period not to exceed 14 days.