

**BURLINGTON POLICE COMMISSION
CONTOIS AUDITORIUM, SECOND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN NUMBER
BURLINGTON, VERMONT
MINUTES OF MEETING
DRAFT
October 24, 2023**

MEMBERS PRESENT:

Shakuntala Rao, Co-Chair
Mary A. Cox, Co-Chair
Susan Comerford (via Zoom)
Kevin Garrison
Jessica Oski (via Zoom)
Jack Keefe

OTHERS PRESENT:

Keaton Knowles
Jon Murad
Wade Labrecque
Tom Nolan (via Zoom)

1.0 AGENDA

1.1 Roll Call and Determination of Quorum

Co-Chair Rao called the meeting to order at 6:04 PM. It was determined that a quorum of Commissioners was present.

1.2 Additions or Modifications to Agenda

Co-Chair Rao noted that the executive session will be canceled and will be held via Zoom at a later date.

MOTION by Commissioner Cox, SECOND by Commissioner Garrison, to adopt the agenda as amended.

VOTING: unanimous; motion carries.

2.0 APPROVAL OF MINUTES

2.1 Approval of the previous meeting's minutes

MOTION by Commissioner Keefe, SECOND by Commissioner Cox, to approve the minutes of September 23, 2023 as presented.

VOTING: unanimous; motion carries (Commissioner Garrison abstaining).

3.0 PUBLIC FORUM

3.1 The public is invited to address the Commission
None.

4.0 CHIEF'S REPORT

4.1 Report from the Chief of Police

Police Chief Murad began by speaking briefly about the annual International Association of Chiefs of Police (IACP) conference that he attended in San Diego, which he attended this year and participated at its Education Workshop by presenting on the CAIP program, along with Lacey Smith and Anna Wageling.

Chief Murad then provided an update on a large encampment enclosure near the waterfront in Burlington, which was necessitated by confirmed assault and allegations of drug production. He noted that the closure determination was made by City-level experts, including the Special Assistant to End Homelessness, DPW, Parks, BPRW, and the Police Department. He noted that during the dismantling of the camp, police found a number of stolen bicycles but did not find evidence of drug production.

He then spoke about an article by Neil Gross (who has presented to the Police Commission before) that was published in TIME magazine titled "The Myths Holding Back Police Reforms" and provided a brief summary of the article.

Chief Murad then provided a brief update on sworn officer headcount, noting that there are 68 total sworn officers, 58 of whom are available to be independently deployed. He noted that of these 58 available officers, 25 of them are available to be on patrol. He also noted that BPD currently has 5 CSOs (of 11) and 5 CSLs (of 6). The Police Commission discussed with the Chief which types of officers are available to be called to an event (supervisors, detectives, Airport officers, special assignment, Marketplace officers, etc), and the Chief discussed various triage strategies to respond to different events depending on severity.

Commissioner Oski asked how often supervisors respond to calls and how BPD's ratio of supervisors to patrol officers compare to best practices or other communities of comparable size. Chief Murad replied that BPD has the correct number of supervisors but not enough patrol officers, simply because the sworn officer headcount is low. He said that generally, 1 supervisor per 8 officers or 1 supervisor per 6 specialized unit officers is best practice. He acknowledged that the City is not adequately staffed in terms of ratios.

Chief Murad then spoke about the revised Priority Response Plan, which changes the way BPD responds to overdoses. He said that BPD will now only go to calls for service for overdose in a barricaded situation where police need to make access possible, or there is related criminal activity. He said that this is in response to treating overdoses as medical calls, rather than criminal calls. Commissioner Rao asked how this would play out if someone were to call 911 if someone appears to be overdosing on the sidewalk. Chief Murad replied that no sworn officer would be deployed to the call, but the Fire Department would respond and make a medical assessment and a CSL may be deployed to help the individual make connections to medical or social services. Commissioner Rao noted that many individual drug users do not want the Police or the Fire Department to respond or be there for overdoses, and Commissioner Keefe noted that he has heard this anecdotally as well.

Chief Murad then provided an overview of incident volume to date for 2023, noting that "incident" here is defined as a "call for service," not necessarily a crime. He noted that incidents are up 21% compared to 2022 and up 39% from 2021, and are back to the level of incidents similar to that of 2018. He said that the number of traffic stops has decreased, and the number of overdose calls has increased. He provided more detail through a table of selected Valcour incidents, which show a significant increase in overdose incidents and vehicle crashes with

related injuries/death (which are largely due to speeding in the City). Commissioner Rao noted that this has been observed as an effect of the empty streets at the beginning of the pandemic, and asked Chief Murad whether the conference he just attended shed any light on initiatives that other communities are implementing to decrease traffic fatalities due to crashes from speeding. Chief Murad replied that Burlington has chosen not to conduct traffic stops (in an effort to cut down on pretextual traffic stops), but that other municipalities in the State are still conducting them. He said that Burlington needs to seek a balance in future in how it handles traffic law enforcement. Commissioner Cox asked whether BPD anticipates a decrease in the number of overdose calls, given that the Fire Department's pilot program will begin responding to more of them. Chief Murad replied that BPD will still track the number of overdose calls, and that the numbers shouldn't artificially drop. Commissioner Oski noted a communication on Front Porch Forum about the City's Community Academy and asked why individuals who have had a recent misdemeanor or felony can't participate. Chief Murad replied that because individuals participating in the Community Academy would have to pass a background check to access the building and to access sensitive information in the Department of Justice system, those individuals with recent misdemeanors or felonies cannot participate. Chief Murad said that he would share the curriculum for the Community Academy with the Police Commission when it is available.

5.0 PRESENTATION BY DR. TOM NOLAN

5.1 Dr. Tom Nolan will speak to the Commission on research based on his book, "Perilous Policing: Criminal Justice in Marginalized Communities" published by Routledge. Dr. Nolan has been an Associate Professor in Criminal Justice at Boston University and Merrimack College. He was a Senior Policy Advisor at the Office of Civil Rights and Civil Liberties in the Department of Homeland Security in Washington, D.C., and a 27-year veteran (and former lieutenant) with the Boston Police Department. His doctoral work focused on moral probity among police officers, and his recent publications deal with such topics as civil rights and civil liberties in policing and constitutional issues of surveillance

Dr. Nolan began by noting that nationally, police departments are struggling with accountability and transparency as their main issues. He commended the BPD for its efforts to post information and data online in public spaces, saying that this level of transparency is uncommon in other parts of the country. However, he expressed concern about language in the most recent collective bargaining agreement between the City and its police union regarding the prohibition on the release of information related to internal complaints or disputes. He said that in terms of accountability, the City could release aggregate data showing the public the overall level of internal complaints and the percentage of which were sustained, investigated in a timely manner, and related sanctions. He said that this information would inspire confidence in the community about processes around police accountability.

Dr. Nolan then briefly reviewed the CNA report that was commissioned by the City of Burlington to review its Police Department in 2021. He said that in terms of addressing racial disparities in traffic stops, many police departments are far worse than Burlington's in terms of their statistics (he spoke specifically about the Boston Police Department). He said that acknowledging the issue and resisting the temptation to become defensive about it on the part of the police department are steps in the right direction for BPD.

He spoke more generally about Burlington's current initiatives within its Police Department. He commended the City for its movement toward a non-police response to 911 calls. He noted that recruitment is a problem nationwide with police departments, and spoke about strategies being used by other police departments to attract qualified candidates.

Commissioner Cox asked what kinds of strategies around mental health issues and marginalized communities are being implemented by other police departments nationwide. Dr. Nolan replied that drug addiction, homelessness, and serious mental disorders are often concentrated in specific geographical areas, which have posed problems for law enforcement, and many municipalities are seeking alternative response structures and mechanisms to find solutions to these problems, instead of through law enforcement. He noted that Massachusetts has made funding available for municipalities to hire social workers to respond alongside or instead of law enforcement for certain calls.

Commissioner Oski noted the proportionally larger numbers of supervisors to patrol officers in the Burlington Police Department, due to attrition, and asked if this is being seen in other departments and if there are creative ways to adjust ratios or whether there are other solutions. Dr. Nolan replied that supervisors are allowed to reply to 911 calls and other patrol activities, and said that response processes could be reconfigured, such as with special events, to allow for the deployment of detectives and other supervisors on different types of calls or to backfill patrols. Chief Murad noted that having supervisors on patrols can lead to tying them up for lengthy periods of time if they're involved in arrests and processing individuals, which is an expensive use of their time, but said that supervisors will respond to calls if necessary.

Commissioner Comerford asked how BPD's salaries compare to other comparable municipalities. Dr. Nolan replied that BPD's starting salary is higher than that of Boston or New York's police force. He said that Burlington's salaries are definitely competitive and are straightforward, and noted strategies for recruiting including childcare assistance and rental assistance.

Commissioner Rao noted Dr. Nolan's suggestion about sharing aggregated complaint data with the public, saying that it could have a positive impact rather than just casting the Police Department in a negative light. Dr. Nolan replied that yes, looking at complaints could be a useful training tool, and that it could show that the department is generally doing a good job but will hold its force accountable when warranted.

6.0 COMMISSION BUSINESS

6.1 Use of Force Reports

Commissioner Rao noted that Use of Force reports for August and through September 16 are available. She noted that per Assistant City Attorney McClenahan, Commissioners are permitted to request Use of Force video for any of the incidents with an accompanying short rationale for the request demonstrating that it aligns with the priorities of the Commission. Commissioner Cox asked if the Commission could receive additional clarification from Assistant City Attorney McClenahan about justification for provision of Use of Force video footage and whether requests need to constitute sufficient cause. Commissioner Oski said it would be helpful to have a shared understanding of the process to request Use of Force videos.

As a next step, Commissioner Rao said that she would compile the requests for Use of Force video footage for corresponding incidents of Use of Force from individual Commissioners and that they will go from there.

6.2 Officer and staff commendations

Commissioner Cox shared a commendation for Officer Emily Bartlett from a group of female college students who were supporting their friend, who was being harassed. They noted that Officer Bartlett was professional, empowering, and supportive of the victim.

Commissioner Cox thanked BPD for a ride-along opportunity on behalf of a community member, and particularly commended Officer Yeh and his exemplary policing practices.

Commissioner Cox shared a commendation regarding police work at the September bicycle race to protect individuals and equipment.

Commissioner Cox shared a commendation from the community thanking the Police Department for their work.

Commissioner Cox thanked Sarah Hernandez-Timm, Public Information & Community Coordinator, and Erin Bartle, the Domestic Violence Prevention Officer, for her work on drafting the press release for Domestic Violence Awareness and Prevention month. She also thanked BPD

for its attentiveness and standing watch at community center houses of worship in the City during the last several weeks of heightened global tension. Chief Murad also thanked Deputy Chief Wade Labrecque for engaging at the Ohavi Zedek synagogue, as well as Lieutenant Nguyen and Officer Johnson for their work at the synagogue as well.

6.3 Announcements regarding staff support, awaiting response from BPOA regarding release of all use of force BWC (Body Work Camera) footage and update on revisiting Commission policies

Commissioner Rao noted that staff support for the Police Commission is tight at this time and that the Commission must adjust to the limited amount of staff time available. She noted that the Commission is working with the Mayor's Office to secure support staff. She additionally noted that the Police Commission will not meet in November. She noted that a response to the Commission's letter to BPOA re: the release of use of force footage is still pending. She noted that a subcommittee was formed of Police Commission members and was tasked with revising the Commission's body work camera footage policy and that a draft policy has been created and is awaiting Police Department and Attorney Iarrapino's input. Commissioner Rao noted an additional subcommittee working to revise the policy document regarding the role of the Police Commission in reviewing complaints against BPD employees. Commissioner Keefe said that he thinks that a better approach would be to wait for the Ordinance Committee to conduct their work and then tailor the revised Police Commission policy to whatever is drafted, and also to ensure coordination with the Police Department's internal investigation's process. He said that they could make progress in discussions with the City Attorney and Commission's independent counsel about aggregating complaints and increasing transparency. Commissioner Rao also noted that Shannon Trammel has updated the Police Department's complaint form, and said that she will be distributing hard copies around the community.

7.0 EXECUTIVE SESSION

7.1 Executive Session to discuss citizen complaints

This item was removed from the agenda and will be rescheduled.

8.0 ADJOURNMENT

8.1 Motion to Adjourn

With no further business and without objection the meeting was adjourned at 8:00 PM.

RScty: AACoonrad