



Police Commission
Tuesday, December 26, 2023, 6:00 PM, Virtually via Zoom

MINUTES OF MEETING

DRAFT

MEMBERS PRESENT:

Shakuntala Rao
Mary Cox
Jessica Oski
Carolyn Hanson
Kevin Garrison

OTHERS PRESENT:

Jon Murad
Wade Labrecque
Shannon Trammell
Ben Traverse
Gene Bergman
Joan Shannon
Joe Corrow

1. Agenda

1.1. Call to Order

The meeting was called to order by Co-Chair Rao at 6:02pm

The Commission welcomed new Police Commissioner Carolyn Hanson. Commissioner Hanson stated she is looking forward to the work of the Commission. She lives in the South End of Burlington and loves the special community that Burlington has.

1.2. Roll Call and Determination of Quorum

Quorum met.

Commissioners Keefe & Comerford not present

1.3. Additions or Modifications to Agenda

Motion by Commissioner Oski, SECOND by Commissioner Garrison to amend/adopt the agenda as follows:

- Add to communication from Councilor Shannon to agenda item 4.3 for discussion on Charter/Ordinance Change discussion

VOTING: unanimous; motion carries

2. Public Forum

2.1. The public is invited to address the Commission

Members of the public were invited to address the Commission.

COMMENTS:

- Romeo Von Herman expressed his thanks to the Public Safety Committee for bringing the charter change proposal forward. He shared his gratitude to the Police Commission, Public Safety Committee, and Police Department and views this as a significant step forward.
- Councilor Grant spoke that the joint committee work has been difficult. She appreciated the amount of time that has been put in. She noted that an ongoing concern of hers is that focus was lost. She stated that the union contract has extraordinary protections for officers and retention of records and a balance needs to be found to look out for both the officers and the public. She continues to feel that there is a lack of addressing the issues her community feels in the North End, and acknowledged that it may not be the same in all wards. She stated she addressed the Public Safety in an effort to repair the relationship between her and Chief Murad and hoped for some mediation.
- Nicole Losch is a Burlington resident and a City of Burlington employee for the past 19 years. She thanked the Commission for their service and stated that she takes pride in the City but has been struggling to find that pride in the past few months from an issue she is dealing. She stated she feels exasperated and is struggling to get clear answers on process and feels she keeps being turned away.
- Faried thanked Councilor Grant for standing up for those that still do not feel safe with the Police Department. There is a lack of trust with the Police Department and stated that the current charter isn't working and the City needs a new one.

3. Chief's Report

3.1. Monthly Chief's Report, presented by Chief of Police Jon Murad. Materials to be posted.

The Chief of Police presented his monthly Chief's Report to the Commission.

4. Commission Business

4.1. Discussion on the draft copy of the Burlington Police Oversight Charter Change proposal by the Joint Committee by City Councilors Traverse and Bergman.

Councilor Traverse thanked the Commission for the invitation. Both he and Councilor Bergman co-chaired the Oversight and Accountability Committee. He addressed how the Committee came to be and the Committee's commitment to accomplishing a joint goal. And that he felt it was key to not only document the current process but also to expand as needed, to find balance with the Community.

1. He noted the key takeaways from the draft proposal:
2. By 2/3rds vote, the Police Commission can decide if it should move an independent review or

investigate an incident.

That it is up to the Police Commission to exercise this right or not, and that if there is disagreement with decisions that are rendered, by 2/3rds vote, the Commission can elevate it to a 3 person panel that is selected by the Mayor and made up of a profession, someone with experience in law enforcement, and a member of the community, and this panel will decide how a particular issue gets resolved.

3. He noted that the Chief's authority is still a matter of continued discussion and that the Committee is seeking additional feedback on this.
4. Officers appeal process was also addressed and the concern is due process.

Councilor Bergman stated he appreciates the Commission and the Department, and all of those that participated in the process. The goal was to codify responsibilities the Police Commission, which largely are already being done by the Commission. He also noted that the draft authorizes the Commission to do these things, but doesn't require it to do so.

4.2. Discussion on the draft copy of the Burlington Police Oversight Charter Change proposal from BPOA President, Joe Corrow

Detective Corrow is the BPOA President and stated largely that the Union is in agreement with a lot of things the draft addresses, but has concerns mostly that there is no timeline for responsibilities or process in the Charter change draft. And that was a big concern. Conduct and Incident investigations are already a timely and stressful process, and Officers feel in limbo with their jobs during this time, so extending this already lengthy process is a concern. Another concern addressed was that the Union felt the panel should be made up of 5 people, not 3, and that it absolutely needed to include people with experience in law enforcement.

4.3. [ADDITION ADOPTED] Discussion on the draft copy of the Burlington Police Oversight Charter Change proposal from Councilor Shannon Councilor Shannon

Councilor Shannon stated that she believed this process could have been done more collaboratively with the Police Union, so that it didn't seem like we were imposing something without their engagement. She stated that they were sent notices that meetings were being conducted, but were not being actively engaged for input, until she reached out to them. She stated it can be really hard to engage in the meetings, if you are not in attendance at them all, especially for the Police Commission that has to go back to the board. There is value in what is being done here, and codifying what the Commission has already been doing by agreement. The specific concerns she has are investigatory authority, which was assumed the Police Commission wanted, but isn't sure that is the case. Stated her concern about the timeline also, lengthening the process can actually delay discipline that needs to happen and can cost the City a lot of money. She stated she felt what might be helpful is a Monitor to review the investigation that has already been done, so the Commission would be in a better position to give input in a better way. The Mayor having the authority to discipline officers is a bad idea, officers deserve professional oversight and the Mayor is a politician. She stated she supported 3 people on the panel, because appointing 5 in a process that is already under a time crunch will be a challenge, and perhaps what is better is appointing a few that will always serve on the panel, and selecting others to be on the panel when situations arise. Looking to the Commission to give guidance to the Committee to address what they couldn't address before they had to warn this.

The Commission opened the floor for discussion from Commissioners & Chief Murad

Chief Murad stated that he fully agrees with transparency and discipline and that input should be given, but not the final authority. He also stated he is in favor of codifying the process that has developed the last 3 years and memorialize the decisions that have been made with the process between the Police Commission and the Department. He stated that he strongly objects to language and revisions of #185 and #191 in the Charter and believe that these are contradictory to each other.

Commissioner Oski that the fundamental issue seems to be with the complaints the Police Commission receives. Sometimes they are internally generated, that they do see these complaints. Most of the citizen complaints they received do not result in disciplinary actions, they are more of a learning opportunity, not of discipline. The discipline they see and have input on come primarily from internally generated complaints. She feels it is hard because the complaints and resolutions are shielded from the public. She would like to better define what complaint levels are and would like the Commission to be able to communicate more on what the complaints they receive are and how they were resolved.

Co-Chair Rao commented that this draft goes far further than she expected. A concern of hers is the independent investigations. The time commitment and expertise needed for this exceeds what the Commission is capable of and already struggle with the time commitments and work load of this volunteer board, and it is not feasible.

Co-Chair Cox appreciated hearing the view of the BPOA and that they agree with the process that is currently in place. She stated she felt the process has worked the many times it has been used before.

Councilor Bergman stated that the Commission has the authority to make directives and rules for the Department and the right to develop policy for BPD.

Chief Murad stated that recently the Commission did in-fact over rule the Chief's decision on discipline.

Commissioner Garrison stated he is not sure where he is at, that he wasn't in support of the last one and not sure it is going to be used. He stated that it seems redundant, but that he does want to be a part of the process to work towards something good.

Co-Chair Cox stated that the independent panel needs more people, and needs to be made up of professional police officers, much like NTSB is made up of transportation experts. She stated the process was well intended but not enough stakeholders were involved earlier in the process and recommended holding this for another year. She agreed that the Commission needs a type of monitor, but felt that is more of an administrative support role in the complaint process to compile the information and documents and ensure the Commissioners have everything. She stated that is a lot of work and is currently being done by Commissioner Keefe. They need an administrative monitor, not an investigative one.

Commissioner Hanson stated she does not feel this is ready for a charter change. A charter change is like amending the Constitution. She said she has a lot of questions and this seemed like a rush process and things like how we build transparency and how much is being asked of a volunteer board need to be looked at, along with what the Commission should be focused on. She said she would like to know how this would interact with the State level process, that VCJC also has a process for addressing these kinds of things as well, and doesn't want to see this interfere with that ability.

Commissioner Rao stated the Commission would like to retain the appellate aspect, not the investigative aspect.

Motion made by Commissioner Hanson to make a recommendation that the proposal be sent to the Police Commission to continue to work on this for a period of 6 months, for the Commission to be given the opportunity to work on this and come back to the Joint Commission with a proposal, SECONDED by Co-Chair Cox.

Discussion: Commissioner Oski stated she will not be supporting this, that the Commission doesn't have the capacity to do this and that this is the role of elected officials.

Friendly Amendment: Motion made by Commissioner Hanson to recommend that the proposal be sent to the Police Commission for a sufficient amount of time for deliberation and changes; SECONDED by Co-Chair Cox.

VOTING: 4 yes – 1 no; motion passes

Yes: Rao, Garrison, Cox, Hanson

No: Oski

5. Use of Force Reports

Commissioner Hanson recused herself from discussion on Use of Force reports for potential conflict of interest, as she is not yet familiar with these reports or discussion as it relates to her career.

5.1. Use of Force Reports for October 2023

The Commission did not find any Use of Force Incidents to request or review from October.

5.2. Use of Force Reports for November 2023

The Commission did not find any Use of Force Incidents to request or review from November

6. Anticipated Executive Session

6.1. Executive Session

Commissioner Oski moved for a special finding that premature general public knowledge of the Commission's hearing of grievances would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage., SECONDED by Co-Chair Rao

VOTING: Unanimous; motion carries

Commissioner Oski moved that the Commission enter executive session based upon the special finding, pursuant to 1 VSA 313(a)(1), SECONDED by Commissioner Cox

VOTING: Unanimous; motion carries

Co-Chair Rao then announced that the Commission would not move back into public session at the conclusion of the Executive Session and there would be no further public discussion.

7. Adjournment
