

Public Safety Committee
Thursday, September 21, 2023
Remote via Zoom and In-person at Champlain Room, 3rd Floor, City Hall
Burlington, Vermont
APPROVED MINUTES

Members Present: Karen Paul (Chair), Melo Grant, Tim Doherty

Staff Present: Jared Pellerin (Acting City Attorney), Jon Murad (Police Chief) Shannon Trammell (BPD Executive Manager), Michael LaChance (Fire Chief), Kyle Blake (Burlington Firefighter's Association President), Samantha Sheehan (Mayoral Communications Coordinator)

Public Present: Councilor Traverse, Councilor Dieng, Councilor Magee, Kelly Devine, Mike Selick, Ed Baker, Jane Knodell, Andy Vota, Chris Haessly, John George Wheeler, Andrea Gray, Dana Poverman, Lorraine Zaloom

Meeting called to order at 5:45 PM by President Paul.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt Agenda as written.

Motion by Councilor Doherty, Seconded by Councilor Grant

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes from September 7, 2023

2.01 Adopt Draft Minutes from September 7, 2023

Motion to Adopt Draft Minutes from September 7, 2023 as written.

Motion by Councilor Doherty, Seconded by President Paul

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

3.01 Verbal Comments

Kelly Devine of the Burlington Business Association thanked the Committee for their work on the resolution since the September 7th meeting, to which Devine suggested the following changes:

- Speaking about the overdose crisis as it relates to other activities and acknowledging the harmful impacts of those activities
- Acknowledging downtown employees as people who are on the front lines of this crisis
- Including the private sector as a stakeholder in the resolution

Mike Selick, Burlington resident and Associate Director of the National Harm Reduction Coalition, stated the City needs to invest its available resources into solutions that prevent overdose, pointing out that police resources are larger than opioid crisis-dedicated resources and that more policing has not led to positive outcomes in the past. Selick agreed it shouldn't be the job of Police and Fire to reverse overdoses but that more money should be invested into appropriate strategies to deal with overdoses so first responders are free to deal with street harassment and other public safety problems.

Ed Baker, a harm-reduction activist in Burlington, emphasized the importance of educating businesses and employees about harm-reduction and raised the issue of unreleased funds from the State that were won in a Class Action lawsuit, estimated to be 135 million dollars in total through 2038, with this year's deposit estimated at 23.5 million dollars. Baker requested the Committee, in partnership with the Department of Health, push to get the money released as soon as possible, which would help the City to properly address the overdose crisis as a public health problem and ultimately secure public safety.

Jane Knodell who is on the Burlington Housing Authority Board stated Vermont needs to be more serious in enforcing laws against drug trafficking, focusing on large scale dealers, and addressing other problems in the system, such as the judiciary, expressing support for the resolution's call to the State to hire more judges to work through the backlog for people to receive more timely justice. Knodell explained law enforcement and timely justice is especially important for those who are living with drug dealing in their neighborhoods or apartments and are otherwise unable to move somewhere else that is more secure.

Andy Vota speaking as a parent and resident of Burlington and parent, thanked the Committee for their work on this issue and expressed support for the proposed public forums, the commitment to a holistic approach, and Councilor Doherty's draft resolution. Vota asked the Committee to provide specific guidance on how to contact legislators and the governor and organize messages for residents to send. Vota also noted that it appears people can commit crimes in Burlington without consequences, and this needs to change.

Chris Haessly with the Church Street Marketplace Commission, spoke to the need for accountability when criminal behavior occurs and how the housing crisis has exacerbated public safety issues because the increase in our vulnerable population has created a market for outsiders to come to our State and prey on them by distributing harmful substances. Haessly also expressed dismay at discussions of organizing a citizens' watch and starting armed patrols. Haessly said that without a change in public safety, more residents and businesses will move out of Burlington in search of a more lawful environment and that Burlington needs to understand the difference between compassion and enablement. Haessly recently reviewed proposed public safety plans from the Mayor and the Progressives and appreciated the preventative strategies highlighted in the Progressives' plan.

John George Wheeler, a business owner and parent, respectfully refuted the idea that the crimes in Burlington is unrelated to drug reliance and overdoses and that the compulsions associated with opioid addiction do not negate crime, citing a recent incident in which a store manager was

assaulted by a person stealing items from their store and emphasizing that while the City addresses those who are affected by substance use disorder, others are not neglected.

Andrea Gray, who hosts tourists in a short-term rental, described how customers are starting to cancel or are afraid to go downtown on their visit due to public safety concerns, which has not happened before in Gray's 27 years of renting out the room. Gray said the focus on crime needs to be expanded beyond drug-related crime, as other types of crime are occurring but there appears to be no accountability.

Kyle Blake, president of the Burlington Firefighter's Association, expressed gratitude for the Committee's thoughtful approach but had concerns about the City's financial capacity to handle this problem and the burden that would fall on emergency services, which are already overwhelmed, adding Burlington needs to protect its current businesses and attract more businesses that will bring revenue to the City.

Dana Poverman, a Burlington resident, expressed support for a solution which incorporates treatment and harm reduction professionals as well as law enforcement and first responders, citing her long career in substance use intervention where Poverman formed the belief that, "We don't need to let people hit rock bottom; we can help bring the bottom up."

Councilor Magee cautioned against conflating issues in the City, clarifying that they think the problems of substance use disorders and housing are primarily a public health crisis, which would only be worsened by arresting those affected, as prisons are not places where folks can find treatment or stability. Councilor Magee said the City and State should invest in existing evidence-based health solutions and that the resolution should mention existing organizations that are working to help these people, such as Community Justice Center, in the interest of a holistic approach.

Councilor Dieng commented on the Council's past declarations and how some have not resulted in appreciable outcomes. Councilor Dieng distinguished between targeting drug dealers in law enforcement versus drug users, stating those who use do need help, but drug distribution must stop and that ambitious concepts should not be dismissed due to financial reasons if they lead to the Council and the community taking action.

4. Discussion of Drug Crisis Resolution

4.01 Discussion of Drug Crisis Resolution

Motion to sponsor and move the resolution forward to the full City Council for the next meeting on October 10th, upon final review and technical revision of the City Attorney's Office.

Motion by President Paul, Seconded by Councilor Doherty

Final Resolution: Motion Passes

Yes: Unanimous

Discussion:

The Committee drafted a resolution declaring the increase in drug use a crisis, using Councilor Doherty's draft as the main document and incorporating changes from accompanying drafts:

- President Paul summarized the goal of the resolution to focus on both public health and safety, speaking to the history of the resolution and its versions following the August meeting. As of this meeting, the most current version was designated as 'V2' and is what Councilor Doherty, Councilor Grant, other members of the City Council, and the Mayor's Office proposed changes on, which were attached to the agenda along with 'V2'.
- Councilor Doherty explained the drafting of the resolution had to be conducted this way due to limitations of Open Meeting Law, which the Committee would have been in violation of had they worked on a single document together outside of a public meeting.
- President Paul pointed to the fourth-to-last resolution clause as a nod to Chief LaChance's feedback from August, stating it was incredibly compelling and meaningful to a lot of people.
- Lines 1-3: the Committee updated the numbers referenced in the first clause to reflect the most recent data from BFD.
- The Committee determined 'supervised consumption services' would be changed to 'Overdose Prevention Centers (OPCs)' throughout the resolution.
- Kelly Devine asked if the resolution was isolated to harm-reduction for opioid users. Councilor Grant answered the resolution would refer to harm-reduction for all individuals struggling from substance use disorder.
- Line 7: Councilor Grant added "mental health challenges".
- Lines 22-24: Councilor Grant added "and will increase communication with the residents of Burlington informing them of resources being provided, data updates, law enforcement and other actions, ways residents can help;".
- Lines 27-32: Councilor Doherty edited this clause to mention public safety and public health and listed categories of crime which people seem to be experiencing the most. President Paul and Councilor Grant questioned if the categories of crime needed to be listed, citing concerns of tone and inadvertently excluding other types of crime or people's experiences. Councilor Doherty said the reason they are listed is because later on, a change was made to request data on these specific crime categories from the State's Attorney's Office. The Committee resolved to reference the categories of crime as 'crime' in this clause and list the categories of crime in Lines 146-152, the resolved clause regarding the State's Attorney's Office, as it was generally agreed this request for data would be important, as well as inviting the State's Attorney's Office to work with the Committee and/or Council and public in some capacity.

- Kyle Blake asked if by combining public health and safety, the resolution was trying to do too much. President Paul responded that the end goal is to encourage Legislature to release funds that will allow the City to combat this crisis with treatment, support, all in an effort to save lives. Councilor Doherty added the resolution does not create policy and that the resolved clauses are asking for the release of State funds, organizing of forums, and the addition of the drug crisis as a permanent item on the City Council agenda.
- Councilor Dieng asked that the Committee add a clause after Line 34 requesting BPD and BFD leadership to submit a proposal to the Council by February in regards to dismantling for-profit distribution of controlled substances in Burlington.
- Chris Haessly asked if the resolution mentioned restoration services for victims of crime, to which Councilor Doherty responded it does not.
- President Paul deleted language in Line 35 where it read “to the extent those strategies are appropriate and well suited for the City’s needs” because the Council and City have gone on the record numerous times in support of harm reduction and overdose prevention centers and to avoid the clause being misinterpreted as not clearly supportive as past resolutions have been. Councilor Doherty also changed Line 35 so it reads, “...and must continue to be addressed by our law enforcement personnel and prosecutors.”
- The Committee considered Councilor Magee’s suggestion to call out specific community organizations in Line 41, but the Committee thought the resolution would be too lengthy and chose to acknowledge them by leaving it as “community organizations.”
- Lines 67-76: Per the Mayor’s suggestion, the Committee broke up this resolved clause based on the amendment submitted to the Committee by President Paul.
- Lines 73-74: Councilor Grant had the Legislature included with calling out the Department of Health.
- Line 74: Ed Baker requested the Committee add “and harm reduction interventions”, which the Committee approved.
- Councilor Doherty had made a substantive change to the resolved clause that started on Line 75, calling on the State to devote more resources to addressing its judiciary backlog. The Committee approved the change.
- Lines 80-89: Per Kelly Devine’s request, the Committee mentioned “the private sector” in Line 81. Councilor Grant requested the resolution mention BFD in Line 81 as well as revising the phrase “two public forums” to “at least two public forums”, so as not to limit the potential number of forums. Kelly Devine asked if the forums would be organized by residents. President Paul and Councilor Grant clarified they would be organized by the Committee in partnership with the parties listed in this clause for residents, City

employees, and businesses to participate in. Lorraine Zaloom requested that the school be added to the list of organizing partners, which the Committee approved.

- Lines 146-152: Councilor Doherty had added a clause requesting specific data from the State's Attorney's Office related to drug-related crime. The Committee agreed with the addition.
- The Committee discussed adding a resolved clause that would call on the BPD to provide arrest data on drug-related crime. Attorney Pellerin recommended leaving out the request for information on arrests because while it may not compromise investigations, there may be other unintended consequences. The Committee decided not to move forward with that change but left the request for drug tip data from BPD in the resolution.
- President Paul changed the title of the resolution to reflect the Mayor's request to replace all occurrences of the word "emergency" with "crisis".
- Councilor Grant asked if the resolution could also ask the State to reconsider their decision to deny the use of the Cherry St. building as a low-barrier shelter. President Paul and Councilor Doherty, though not entirely opposed, did not feel comfortable including it in the scope of this resolution.
- Lorraine Zaloom suggested that asking the State to allocating more money to the Department of Health could be beneficial because police are currently experiencing a delay in receiving toxicology reports.

5. Adjournment

5.01 Motion to Adjourn

The meeting was adjourned with no objection by President Paul at 9:25 PM.