



Office of Mayor Miro Weinberger

EXECUTIVE ORDER

REQUIRING REFORMS TO DETERMINATION OF DISCIPLINARY DECISIONS

WHEREAS, Article 65, section 190 of the Burlington City Charter grants police disciplinary decisions to the Chief of Police; and

WHEREAS, this is an exception to the position of other City departments, which are subject to the executive authority of the Mayor including with respect to disciplinary decisions; and

WHEREAS, in January 2020, Mayor Miro Weinberger wrote in a statement, “Our charter is clear that, unlike other City departments, police disciplinary decisions fall to the Chief of Police and are outside the purview of the Mayor, except for disciplinary actions taken against the Chief. As a matter of good governance, it is concerning that the Mayor has no direct authority over police discipline and other critical policing decisions. This issue has made clear to me that as we review our methods of civilian oversight of the police, the charter relationship between our elected officials and policing decisions should be examined;” and

WHEREAS, since the end of August, Burlingtonians have protested in Battery Park calling for a number of changes with respect to racial justice and policing in Burlington, including accountability from its elected officials for police disciplinary decisions and civilian oversight; and

WHEREAS, Mayor Weinberger is again urging the City Council to approve a Charter Change for the March, 2021 ballot that would address Article 65, section 190 of the Burlington City Charter; and

WHEREAS, an immediate action to create more oversight and responsibility for future disciplinary decisions by the Mayor, the only elected position in City government accountable to all voters in the City, is also necessary;

NOW, THEREFORE, I, Miro Weinberger, Mayor of Burlington, hereby resolve that:

1. In any situation where a police officer uses force that results in injury to any person or that raises significant public concern, the Chief of Police will formally review the situation with the Mayor and seek the Mayor’s concurrence with the Chief’s decision on whether or not the officer is to be disciplined, and if so, what discipline should be imposed.

2. The Mayor will convene a formal review meeting that includes but is not limited to the Chief of Police, City Attorney, and Human Resources Director.
3. This meeting will include a review of relevant body camera footage and other evidence.
4. The Mayor may request further investigation, evidence, or review, including review by an outside person or entity.
5. The Chief must obtain the Mayor's concurrence or other final recommendation before reviewing the case with the Police Commission and must share the Mayor's views with the Commission.
6. The Chief must then review the matter with the Police Commission, pursuant to its policy on citizen complaints.
7. Only after the above steps have been completed shall the Chief of Police render a disciplinary decision.

A handwritten signature in black ink, appearing to read 'M. Weinberger', is positioned above a horizontal line.

Miro Weinberger
Mayor of Burlington, Vermont