



Office of Mayor Miro Weinberger

Brittany C. Cunningham, Ph.D.
Center for Justice Research and Innovation
CNA Institute for Public Research
3003 Washington Blvd.
Arlington, VA 22201

September 17, 2021

RE: Draft Report on Functional and Operational Assessment of the Burlington Police Department

Dear Dr. Cunningham and CNA Team,

Thank you for the opportunity for me and the Chairs of the Joint Committee on Police Transformation to meet regarding your draft report on September 15. As discussed, I am following up with a list of questions and requests for clarification for your consideration as you finalize the report. I am taking this step in the interest of the shared goal of ensuring that your final report is as accurate, comprehensive, and actionable as possible so that the City and the community can realize the full benefits of your work. Notably, while my general sense of the draft report is favorable, the section on Police Oversight contains a serious error and appears to be incomplete, and if not corrected, may have serious consequences for the faith and confidence of the public in this operational assessment.

Section 3 – Police Oversight

CNA has included in this operational assessment a review of a program from Burlington, North Carolina called Community Police Advisory Team (CPAT), which is not a program of Burlington, Vermont. The report does not fully address the many efforts that have been made to strengthen the Burlington Police Commission over the last five years and that have accelerated in 2021.

Our City has been actively working on and debating Police Oversight since at least 2015 but has found little consensus on the issue. All stakeholders are hoping that the CNA report will provide a much needed independent perspective on this issue that will help us achieve the consensus that has so far eluded us. For that to happen, the Police Oversight section of this assessment will need to be comprehensively reviewed. Please advise how the City can be helpful to CNA in quickly achieving this.

- The Burlington Police Commission is only addressed in one finding (finding 3.6) while “CPAT” is mentioned in the report 17 times, including in at least 4 separate findings.
- It is unclear in the language of the draft if CNA understands that I vetoed the proposed “Independent Community Control Board” earlier this year and that that veto was sustained by the Council.

- There is no assessment of the Executive Order that I issued on Police Oversight in the fall of 2020 which acts within the limitations of the City charter, and the operational assessment does not address the role the Mayor or City Council should have in Police Oversight going forward.
- Page 46 – CNA’s graph and text notes that the BPD has dramatically reduced – by policy – the number of traffic stops that it makes from 2015 to 2020. Part of this effort was also a major focus on reducing racial disparities in traffic stops which were identified in 2015 as a significant problem. However, figure 6 on page 49 lumps traffic outcome data from 2015-2020 all together. As a result, it is not possible to see if the BPD’s efforts to reduce disparities made any progress in years 2017-2020 as overall stops were being reduced dramatically. There has been local debate about whether the data shows reduced disparities or not in recent years – it would be helpful to the community for CNA to weigh in on this important question.
- Page 51 – There is a disconnect regarding one element of Burlington’s traffic stop practices that should be addressed:
 - o The CNA report discusses a lack of data on duration of traffic stops in several places, including in finding 5.1.1 that “BPD should implement a traffic stop data system that captures, in addition to the current information, the following: • Reason for stop • Stop start and end time...”
 - o However, in the City’s own [Annual BPD Data report](#) (last presented to the Police Commission in May 2021) analyzes the duration of traffic stops: *“One new variable the Commission requested was stop duration. The length of time that a traffic stop lasts may be a useful proxy measurement for the subjective experience of a traffic stop. In 2020, the median traffic stop lasted for 8.2 minutes, down slightly from past years. However, there is a statistically significant difference in the duration of traffic stops for white and Black drivers. This year, Black drivers were held at stops for 9.0 minutes, while white drivers were held at stops for 8.0 minutes. Because of a fraction of traffic stops that are very long, the mean duration of a traffic stops in 2020 was 15.5 minutes. (Ninety percent of all traffic stops in 2020 were less than 20.4 minutes long).”*

Other Questions and Requests for Clarity

- Page iv – item 7 – “Considering the operational efficiencies recommended in this report, BPD requires between 76 and 83 sworn officers to provide sufficient police services to the City.”

There will be much focus on this recommendation and it would be helpful if you could be as clear as possible about this finding, and use the shared language adopted by the Administration, Department, Police Commission and City Council in their ongoing deliberations on the matter.

In our discussion, CNA made clear that 76 to 83 deployable officers are required to police Burlington, and that the number of deployable officers is always lower than the “authorized cap” for a variety of reasons, including but not limited to; the long period of time it usually takes to fill any officer vacancies, accommodating officers medical and military leave, and accommodating new recruits who are in training. You indicated in our meeting that this could be clarified in the report. To inform this discussion over the last year, BPD has done a historical analysis showing that the City’s number of officers is, on average, between 5 and 6

officers lower than the authorized cap suggesting that the cap would need to be set at approximately 82 to 89 officers to achieve the recommended range. It would be helpful if CNA could review this analysis and advise specifically on this topic.

- Page 1, paragraph 3 - Your language makes it seem like the Mayor's FY21 Budget reduced the officer head count to 74. It did not – the budget I submitted would have maintained officer target staffing between 85 and 90 pending the completion of the operational and functional assessment. The Council, as is their prerogative, made amendments to the budget resolution to achieve the 74 officer cap – I would respectfully request that you remove reference to my name from this paragraph (or otherwise edit so that it is accurate).
- Pages 8-9 – Finding 1.6 and Finding 1.7 – I anticipate will take this to mean that Burlington officers have no “duty to intervene” which is contrary to the [reforms I initiated in 2020](#) following the murder of George Floyd. After reading closely, I believe you are making the point that our policy has this language but our rules do not – I request that you review and clarify Finding 1.6.
- Page 16 – Recommendation 1.36.1 - As discussed, it is difficult to understand why this recommendation suggests negotiating 3-5 detectives when on page 76 Recommendation 7.3.1 recommends an 8-officer detective team.
- Pages 18-21 – The training section makes no mention of a number of significant training efforts that took place during the years 2016 to 2019 including:
 - the BPD was one of a handful of agencies that worked with PERF to develop and train officers on ICAT: Integrating Communications, Assessment, and Tactics, a program that gives first responding police officers the tools, skills, and options they need to successfully and safely defuse a range of critical incidents.
 - the BPD purchased an Emergency Response Vehicle equipped with non-lethal materials and has trained officers in the use of the vehicle and equipment
 - Anti-bias training – the BPD brought in, on multiple occasions, a well-respected national trainer and sent officers to the National Memorial for Peace and Justice to build racial sensitivity among officers.

It is unclear from the current draft of the report whether CNA's review included these programs and what recommendations CNA has about the quality and continuation of these programs.

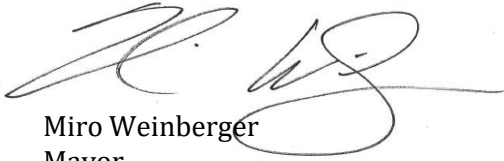
- Pages 26-27, Finding 2.5 – It is accurate that during 2018-2019, there was a period in which the release of body-worn-camera footage on some important incidents was delayed because of a lack of body-worn-camera footage release policy and guidance. Considerable effort, however, has been made by the City Attorney's office and the BPD to address this situation and my understanding is that in 2021, after months of review, the Police Commission approved a policy for the release of body-worn camera footage. It does not appear from Recommendation 2.5.2 that CNA has reviewed the new policy or how CNA assesses the quality of this new policy.
- Page 81 – Your recommendation for the airport assumes that we can meet our lawful responsibilities with half the officers currently assigned there by lowering the staffing to the

level in the airport contract. My understanding of this issue is that the minimum number of officers at the Airport is driven by federal regulations and the number of gates at the airport, not by the CBA contract. I would ask you to further review this issue and clarify your finding.

Your text indicates that you are not aware of the financial arrangement of the airport. I can advise you that BIA is budgeted to pay the City \$1,079,650 in FY'22 with the intent of effectively covering all of the costs, including indirect costs, that the City/BPD incurs as a result of the current staffing arrangement. I request that you update recommendation 7.11.1 on page 81 to reflect this knowledge.

I respectfully submit the questions above and extend the full resources of the Administration in providing the data, information, and documents that CNA requires to address these concerns and to complete, as soon as possible, the thorough and actionable Operational Assessment that meets the shared objectives and priorities of my office, the Joint Committee, the Police Department, and the community of Burlington, Vermont.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Weinberger', written over a light blue grid background.

Miro Weinberger
Mayor

CC:
Director Tyeastia Green
Commissioner Shireen Hart
Councilor Zoraya Hightower