



BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING
Tuesday, July 28, 2020

I. Call to Order
Chair Gamache

The meeting was called to order at 6:06 pm.

Chair Gamache started with a welcome of the two new Commissioners; Commissioner Melo Grant and Commissioner Kerin Durfee

II. Roll Call and Determination of Quorum
Chair Gamache

Commissioners Present: Chair Jabulani Gamache, Commissioner Randall Harp, Commissioner Mark Hughes, Commissioner Yuol Herjok, Commissioner Melo Grant, Commissioner Shireen Hart, Commissioner Kerin Durfee, and Youth Commissioner Landen Nipper. Quorum was met.

Also Present: Acting Chief Jon Murad, Deputy Chief Matt Sullivan, and Commission Clerk Shannon Trammell

Counsel for this meeting: None.

III. Additions or Modifications to Agenda
No action was taken on this item.

IV. Public Forum
None

V. Chief's Report

Acting Chief of Police, Jon Murad.

From June 24th until July 27th 2020 – 2,484 calls for service.

- 27 of those were assaults, of which 8 of those were aggravated assaults (felonious assaults). 7 of them sexual assaults, and 5 of them robberies.
- 199 suspicious events
- 135 noise complaints
- 114 disturbances
- 107 vehicle crashes, of which 34 of those were leaving scene of an accident (where person fled), 8 of them involved injuries
- 103 traffic calls (different than vehicle crashes)
- 76 foot patrols
- 74 threat or harassment calls
- 73 domestic incidents, which includes 69 domestic disturbances, 3 domestic misdemeanors, and 1 domestic violent felony.
- 67 fireworks (but more than that – stacked to single incident), 10 overdoses, 5 untimely deaths.

Chief Murad notes that the work the men and women of the BPD do, by volume and variety, is greater than that performed by any other police agency in Vermont. He notes that it is hard work that takes a toll on the officers who do it, but says that they perform in exemplary fashion.

As the City looks at what policing is and does, to either build new capacities or divert calls to other agencies, the volume of work is important to take into account and the cost that will be associated with that volume.

Commissioner Harp requested these stats be delivered in advance of the meeting going forward. Chair Gamache also expressed his interest in these numbers in advance as well.

Action to be taken:

Provide calls for service breakdown a day or two prior to meetings.

Commissioner Grant would like to see the public be able to access these numbers in “real time”

Commissioner Harp stated this is available in the data section of the PD website, but also agrees to providing summaries to the public.

Commissioner Hughes requests agenda item #8, Wellness be moved into the Chief’s Report. And would like to hear where the fore strength / headcount is in the Department.

Chief Murad – current headcount 91 sworn, 90 effective (one sworn out on long term sick). Chief Murad request clarification from Commissioner Hughes on what he would like to hear about regarding officer wellness. If it is morale, he is happy to include this in the Chief’s Report, aside from that he is unclear. He states that morale within the Department is not great right now, which has to do with national and local reasons. Currently still at 90/91 – but anticipates that will change as early as next week with 1-2 officers departing. He expects more that are on the way. Morale is hard. Officers are having a hard time right now.

Commissioner Hughes will follow up and provide some clarity on intention of wellness within the 21st Century Policing Report.

No further action was taken on this item.

VI. Traffic Report

Acting Chief of Police, Jon Murad reviewed details of the Third Annual Traffic Report, that was released the previous week with a press release. He notes that census numbers of Burlington cannot be used to determine demography of the drivers within Burlington. Crash data is a far more fair way of assessing driver demography.

Commissioner Harp would like to make sure the Department continues to use traffic enforcement as a means to keep the roadways and drivers safe, and is not using it for a means of other policing (warrant checks, drug searches, etc).

No action was taken on this item.

For a more detailed review of the figures within the Traffic Report, please refer to minutes [31:15 – 1:00:39] in the recording at: https://youtu.be/cqftPsm�_NA

VII. Arrest Data Report

Brian Lowe, City of Burlington’s Chief Innovation Officer & Nancy Stetson, Data Analyst provided a presentation on data taken from the 2019 Equity Report, which focused on arrest trends over time and specific variable related to race and arrests.

Commissioner Hart questions if this data contains federal drug arrests (DEA), or if that data is separate from the drug arrest data within this report.

Commissioner Hughes also questions if “County or State” arrests are captured within the report as well.

Response: any County or State arrests made within Burlington independently would be very small in percent and would not be included in these figures. Federal cases where a BPD officer made the arrest were cross referenced and included within the data.

Commissioner Harp raised the question of whether or not the data takes into account arrests made verses charges the States Attorney’s office did not file charges for, as perhaps an indicator of whether arrests were not founded, not pursued and/or not done correctly.

Response: BPD/City has no means of analyzing incident level court data, where these figures would come from. Only access to police data.

DC Sullivan speaks to the process of an arrest. Whenever there is a serious or felonious crime, and the PD is going to try and lodge someone; The arrest would be made, and the person would be brought back to the PD. The officer writes an affidavit, which is sent to the States Attorney who is on call for review. The States Attorney would review the affidavit for probable cause. Before the individual is placed in jail, the States Attorney consults with a Judge, who also gives the affidavit judicial review. The Judge will place conditions on that individual and agree that they should be lodged. Therefore, it is not just the officer making the decision of arrest. If the Judge decides not to lodge, it would still show up as an arrest within the data, because the Judge will say release the person on conditions or issue them a citation and let them go. Whether they are lodged or issued a citation, it is still considered an arrest because it is criminal charges in nature.

Within the Departments’ database, “Arrests” are referred to as: any citation issued for a person to appear in court OR lodged for a criminal offense.

Chari Gamache invited the Commissioners to reach out to Brian and Nancy directly on any further questions they have regarding the report, or for any follow-up they may have.

No action was taken on this item.

For a more detailed review of the figures within the Arrest Data Report, please refer to minutes [1:00:46 – 1:50:22] in the recording at: https://youtu.be/cqftPsmnd_NA

VIII. Wellness

Commissioner Hughes defers this item based on earlier conversation.
No action was taken on this item.

IX. President Obama’s Final Report on 21st Century Policing

Commissioner Hughes presents an overview on President Obama’s Final Report on 21st Century Policing, the process behind the report, and the first pillar (out of six) from the report; which is aimed to identify best practices and offer recommendations on how policing practices can promote effective crime reduction while building public trust that was released in 2015.

Pillar I Foundational Principal: Building Trust and Legitimacy

Commissioner Hughes hopes the Commission will use this to engage in conversations, on a regular basis that the Commission returns to the Pillars, to help the Commission move the work forward.

Chief Murad provides comment that the Pillars and recommendations within this report are something the Department has embraced for some time now. The Pillars are also used during the promotional process within the Department, to ensure promoting leadership is knowledgeable of the pillars and recommendations.

Commissioner Grant provides feedback that communication is one of the main reasons she wanted to join the Commission and hopes the Commission can address and continue to work on communicating beyond just the public forum section at Commission meetings and work to engage with the public.

Commissioner Harp encouraged setting up community survey to assess attitudes of the public towards BPD, to help guide asset allocation of BPD in the future. He hopes the Commission will work with the University, or outside agency to develop this survey, as the survey is a large part of this report and gaging how the public feels and where they feel work needs to be done.

Commissioner Grant would like to see the Commission really involved in drafting this survey.

Commissioner Hart requests clarification from Commissioner Harp that the community survey mentioned is tying in with the special committee's report; the recommendation about repairing relationships within the community?

Response: Yes, it was one of the items from the special committee's report.

Commissioner Hughes proposes that the commission come up with a strategic plan in addressing the items within each Pillar; to have a plan moving forward because it is a large report with a lot of recommendations, that the Commission prioritize items of action as it relates to the mentioned survey.

Commissioner Harp suggests that having reliable information of the community's attitudes towards BPD is valuable independently of all the other work that might need to be done around all the Pillar's within 21st Century's Report.

Commissioner Hughes agrees.

For a more detailed review of the 21st Century Policing discussion, please refer to minutes [1:50:53 – 2:18:57] in the recording at: https://youtu.be/cqftPsmid_NA

President Obama's Final Report on 21st Century Policing, in its entirety, is available on the Burlington Police Department's Website: <https://www.burlingtonvt.gov/Police/Data/Reports>

No action was taken on this item.

X. Final Review: Draft of the Role of Commission Oversight

Still waiting on input from the City Attorney's office on Section 3, therefore there is no updated draft to review and vote on.

A motion was made by Commissioner Harp, seconded by Chair Durfee, to table the discussion on this item until the next meeting, and provide the last draft to the new Commissioners so they may review and provide input at the next meeting. The motion carried the following vote:

Aye: Gamache, Hughes, Harp, Hart, Grant, Durfee, Herjok
No: 0

The motion passes. No action was taken, this item is tabled until the next meeting.

XI. Mugshot Discussion

Chair Gamache would like input on if there is a policy on releasing mugshots with press releases, and feels there should be one if there isn't. He requested some clarity on this issue.

Chief Murad stated there is no policy. He stated that if a news agency wants them, the photos are not protected. However, Chief Murad did recently send out guidance to the Department's Media Team and to Leadership, that the Department will only use mugshots when they are seeking someone, whether they are being sought for a crime, or because they are missing. The Department will not publish the photo themselves, either on social media or within the body of their press release. However, they will still be released to the media, in compliance with public record law.

Commissioner Harp suggested that the Department should take care to make sure that technology cannot be used to "scrub" press release documents and have the data google indexed.

Chief Murad takes caution on the discussion about using discretion around which people and situations press releases are written and released, as he feels it does not align with the mission of transparency. In response to an observation by Commissioner Harp, he confirmed that the Vermont State Police release information about all incidents, rather than picking and choosing which get a press release, but he noted that because of the BPD's call volume and the lack of an employee dedicated to a public-information role, it would be impossible for the BPD to do the same.

For a more detailed review of the mugshot discussion, please refer to minutes [2:27:33 – 2:54:16] in the recording at: https://youtu.be/cqftPsm�_NA

No action was taken on this item.

XII. Officer Worn Camera Footage Release Policy

A motion was made by Commissioner Harp, seconded by Commissioner Hughes, to table this discussion until the next meeting. The motion carried the following vote:

Aye: Gamache, Grant, Harp, Hughes, Herjok, Durfee, Hart
No: 0

The motion passes unanimously. This item is tabled until the next meeting.

XIII. Commendations

The Commission Clerk shares commendations that have been received in the past month.

XIV. Commissioner Updates / Comments

None

XV. Meeting Minutes Approval

A motion was made by Commissioner Hart, seconded by Harp, to approve the minutes from June 9, 10, 16, and 23, 2020 meetings. The motion carried the following vote:

Aye: Gamache, Harp, Hughes, Herjok, Hart

Abstain: Durfee, Grant

No: 0

The motion passes. Minutes approved from June 9, 10, 16, and 23rd, 2020.

XVI. Next Meeting's Agenda Items

- President Obama's Report on 21st Century Policing
- Officer worn camera footage policy
- Final Review: Draft of the Role of Commission Oversight
- Social Media Policy – Commissioner Hughes

Next Meeting: August 25th.

XVII. Executive Session

A motion was made by Chair Gamache, seconded by Commissioner Hughes, to move to Executive Session to discuss citizen complaints and personnel matters. The motion carried the following vote:

Aye: Gamache, Durfee, Harp, Hughes, Herjok, Hart, Grant

No: 0

This motion passes unanimously. City personnel to include Acting Chief Murad and Deputy Chief Sullivan.

No further public action will take place and the meeting will be adjourned immediately following Executive Session.

Meeting moves to Executive Session at: 9:02 pm.

A motion was made by Chair Gamache, seconded by Commissioner Hughes, to conclude Executive Session. The motion carried the following vote:

Aye: Gamache, Grant, Harp, Hughes, Herjok, Hart, Durfee

No: 0

This motion passes, and Executive Session ends at 10:13 pm

XVIII. Adjournment

A motion is made by Chair Gamache, seconded by Commissioner Harp, to adjourn the meeting. The motion carried the following vote:

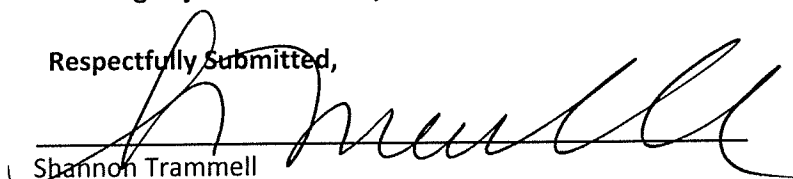
Aye: Gamache, Durfee, Harp, Hughes, Herjok, Hart, Grant

No:

This motion passes.

Meeting adjourns at 10:13 pm.

Respectfully Submitted,



Shannon Trammell
Executive Assistant to the Chief of Police
Clerk of the Police Commission

8/31/2020