



BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING
THURSDAY, May 7, 2020
Approved

A meeting of the Board of Police Commissioners was held virtually via ZOOM on **Thursday, May 7th, 2020**. Chair Michele Asch called the meeting to order at 6:06 PM.

The following Commissioners were present: Chair Michele Asch, Commissioner Randall Harp, Commissioner Jabulani Gamache, Commissioner Mark Hughes, Commissioner Yuol Herjok, and Youth Commissioner Landen Nipper. Also present: Chief Jennifer Morrison, Deputy Chief Jon Murad, Deputy Chief Matt Sullivan and Commission Clerk Shannon Trammell.

Additions or Modifications to Agenda

Chair Asch advised that the purpose of this special meeting is to be able to hear from the Chief's about what has been going on operationally, how the Department is handling this emergency crisis situation, and update the Commission on anything regarding those issues pertaining to COVID-19.

Commissioner Harp voiced, no changes.

Commissioner Hughes requested clarification on what "COVID-19 related" means.

Chair Asch replied the status of and what the new operational changes are and how the Department shifted; what the new operational plans and protocols are.

Commissioner Hughes voiced, no changes.

Chair Asch noted that this meeting will be more of a discussion around COVID-19 related issues.

NO ADDITIONS OR MODIFICATIONS TO AGENDA

Public Forum:

- Roy Hill participated and voiced that he is pleased there is momentum. He is new and in a learning mode of the necessities and emergencies that are facing us and how those are going to be addressed. Would like the Commission to look at the priorities at hand relative to the challenges that are being faced during this time. He expressed that he will be a contributor in the future.
- Mayumi posed the following question to the Board "Why is the tent camp in the Lakewood Terrace being demolished?" Mayumi is concerned that homeless people are dependent upon each other; as a way of life – helping each other out. And, by taking that campsite down, you're taking down a support system. Mayumi was calling in to report this complaint on behalf of someone else.
 - Deputy Chief Murad responded stating, he was not aware that there was a tent encampment at Lakewood Terrace in the vicinity of Leddy Park, but that BPD is not in the process of taking down any tent encampments. Both Mayumi and Deputy Chief Murad were in agreement that now is not the time to be taking any tent encampments down. DC Murad did state that the only encampment being addressed is in what is called the Urban Reserve, on the waterfront area, because that is a "restricted area" and they are not allowed to camp there. But stated that there is no effort underway by BPD for any removal or cleaning of this area, for the reasons that Mayumi mentioned. DC Murad also stated that as soon as the situation [with COVID-19] stabilizes, that the City will be moving those encampments; that they cannot be in that area. There are a few other tent encampments exist (in prohibited areas) that the City will be removing, legally and lawfully, once the crisis situation allows; these camps cannot be on City property.
 - Chief Morrison stated that the amount of support the City has provided to home people, in this crisis, is unprecedented. And, if there are any concerns of harassment or complaints, the BPD would love to

know more about them, to investigate. Chief Morrison stated that the BPD has robust outreach and partner agencies that serve the homeless community, and two Community Affairs personnel within the BPD; that have many successful interactions with people without homes or the ones between homes. She encouraged Mayumi to spread the word that our Community Affairs Team (one civilian, one police officer) is available as a resource; but more importantly they can connect them to other helpful resources if necessary, especially if they are uncomfortable talking with a representative from the Police Department.

BPD Status & Operational Plans Due to COVID-19

Chair Asch turned the floor over to Chief Morrison to provide updates.

- Chief Morrison referenced an email she sent the Commission on April 20th, with update relevant to the process of updating the BPD's Operational Plan.
- The email referenced the Emergency Operations Center
- Operational plan is 12 pages long, and is ongoing in updates and revisions per Governor Updates. The document is confidential in nature. It is not a public document, and is not available for secondary circulation, as it would negatively affect public safety if it was shared. Chief Morrison offered the document to the Commission members individually, and the Commission members present requested same.
 - A lot of the information contained in it, you will find has been done nationally:
 - BPD locked down its facility very early on.
 - BPD took aggressive action early, non-employees (and employees that weren't required to be on-site), were no longer on-site.
 - Everyone that comes into the facility is subject to a screening process. Which includes answering the health questions recommended by the CDC and three temperature readings with a touchless device.
 - BPD drastically reduced the number of employees in-house together at the same time, by taking various steps to get those people that aren't required to be on-site to be working from home; with the exception of Parking, which is not able to work from home.
 - Patrol has been doing a lot of deliveries for the masks initiative and drop offs.
 - We have issued more PPE, and established guidelines on what is to be worn and in what situations.
- BPD worked with the City to create a local ordinance as an interim means on being able to take enforcement action for willful violators of the Governor's Stay Home / Stay Safe orders.
 - In the early weeks, there were issues with a certain couple groups around town that had no intention of abiding by, and made that known that they weren't going to do so.
 - The ordinance is a means to enforce the order if education and civil recourse is not met.
 - Fortunately, BPD has not had to use it.
 - The Department did do some "target hardening", where people were congregating that felt that was "their" property and right to do so. The property owners were contacted and volunteered to put up fencing and/or secure the area to keep them safer.
- There have been a lot of changes on how we operate because the court system is at a virtual standstill. There is some stuff happening, but BPD has been asked to issue citations weeks and weeks out after an offense, for things that are not a custodial offense. 6, 8, 12 weeks down the road.
 - Call volume has dipped way down. Time Period: March 15th – May 1st
 - Overall Incidents: Last year 3,432; This year 2,607.
 - Arrests: Last Year 238; This year 119.
 - There are rises in domestic disturbance; a catch all category which might include a ruckus from your neighbor for example when it may have had another designation prior to COVID-19. It is important to note there are (3) categories within Domestic Disturbance: Domestic Violence Felony, Domestic Violence Misdemeanor, and Domestic Disturbance. From some of the reports – there more complaints between parent and child (probably because they are home more with each other than normally), also more roommate disturbance. These fall under the domestic disturbance category, because they are in

the same household, but it doesn't rise to the level of criminal behavior. It is not that there is more crime related to domestic violence, it is that BPD is receiving more calls about "ruckus" inside residences, than it usually would have.

- Domestic Misdemeanor Category: Last year 4; This Year 9.
- Burglaries: Last Year 8; This year 17. *last year was a proportionately low year. More of this year's 17 is of commercial burglaries, functions of businesses unattended. Same principal with graffiti, no one is on the streets; everything is closed; which gives people more of a chance to commit graffiti crime and less of a chance for BPD to mitigate, due to restrictions in place for crews to repair.
- Commissioner Harp asked a clarifying question regarding the number of incidents between the time period noted. What is in the category of "incidents"?
 - DC Murad responded: It is the entirety of the calls the PD has received. Whether it be for a VIN check, or I heard a fight at my neighbor's house...
- Commissioner Harp questioned civil violations and ticketing; wondering whether that is different during this time?
 - Tickets and arrests are the same. Arrest figure is citations and tickets. Chief Morrison clarified: Citations are for criminal offenses, but if you are asking about issuance of VT Municipal Ordinance or traffic tickets... Traffic stops have plummeted. Because there are so few cars on the road. Traffic ticket and City Ordinance ticketing is way down.
- Other updates specific to COVID-19:
 - BPD did take on an initiative called BPD Reads! On social media. It was designed to reach out to families who are having to stay home all the time, and perhaps are running out of options for their kids' entertainment. It's also meant to make the police officers relatable.
 - Have volunteered (7) police officers to be a part of the statewide contact tracing team. They were never needed, but Chief Morrison is in discussion with other Department Heads to perhaps start a City Contact Tracing Team, to think about how we can protect our team and City resources should a positive test result from someone within the City.
 - Commissioner Harp asked if the team has been trained already or if they are getting guidance from elsewhere?
 - Chief Morrison responded, no; they were requested and provided equipment, but were never needed. So the City is thinking about how it can do this on a municipal level; to be ready for whatever comes next.
 - Commissioner Harp asked who were the city wide officials we are partnering with?
 - City Analytic Team, the Library, BFD, and Parks & Rec – hypothetical at this point.
 - Chairwoman Asch asked if anyone else has tested positive for COVID-19 aside from the one BPD personnel that did test positive?
 - Chief Morrison responded No. Saturday, May 9th, a good number of BPD will be tested by VT Health Dept. in their first responder initiative, but no other employees have tested positive.
- Commissioner Harp is hearing from both sides of the community regarding enforcement – some questioning why there isn't more enforcement, others questioning if the police department is being overzealous in interpreting the order. What sort of instruction has been given to interrupt & support the order, and what discretion does the officer have?
 - Chief Morrison responded saying Officers are given real time orders as the Executive Order & Addendum changes as to what is or isn't allowed. The global direction that has been given since day one hasn't changed and that is; we will come at this from an informational / educational approach, which is where we start with every encounter; we seek voluntary compliance. If voluntary compliance isn't met, there is the discretion to issue a City Ordinance ticket. Or, for other situations that are felt to need greater enforcement, a referral is sent through the Department of Public Safety portal, they vet it, and the Attorney General is the only one who will decide if a criminal charge applies to a COVID-19 offenses. We have not had to use either of the last two instances.
 - The Department has only received one citizen's complaint related to the COVID-19 response. Which can be discussed in Executive Session, if you choose.

- For the most part, there has been a remarkable voluntary compliance from people, except for a handful of select groups; which the Department struggles with without COVID-19.
 - Follow-up question from Commissioner Harp inquired if the City is receiving information from the State hotline that was set up for violations of the Stay Home/Stay Safe Order. Is BPD receiving information from that and if so, how is that information being handled?
 - DC Murad replied. Yes, but there have only been 2-3 instances funneled through. He noted that there were a couple of business checks that have been requested through that process. Uhaul was one – and if they were renting outside the Governor’s order. A couple of construction sites. There really hasn’t been a lot.
 - Preempt checks at all the lodging facilities, to make sure they were in compliance.
 - The Executive Order and Addendums are much clearer for business than it is for public conduct.
 - Chief Morrison additionally added that the Department did add a new call type, COVID-19 Compliance Check. Officers on patrol are actively doing COVID-19 Compliance Checks at parks and grocery stores. Have been proactively getting out.
- Commissioner Harp questioned if people have reported any concerns on the Department’s visibility in these proactive compliance checks?
 - Chief Morrison responded stating, No. That in fact, everywhere that she has been people have been appreciative and thankful for their presence.
 - DC Murad noted that since March 15th – May 1st, there have been 214 COVID-19 Compliance Checks, which is included in the overall incidents figure noted earlier.
- Commissioner Hughes requests confirmation that only one Department employee has gotten sick and tested positive from COVID-19?
 - Chief Morrison confirms, yes.
- Commissioner Hughes asks for the current strength of the force. What is the head count?
 - Chief Morrison responds: currently at 93 sworn and not exactly sure on the number of civilians, but it is usually around 40 civilian.
 - Commissioner Hughes asked if 93 sworn is operational, when the department is fully staffed at 105 sworn?
 - Chief Morrison replies that it is operational, but that there is no room for contraction at those numbers. No meat on the bones for patrol unit at 93.
 - Commissioner Hughes remarked that he doesn’t ever recall sworn officer positions being staffed as low as 93.
- Commissioner Hughes asked for an update on the recent promotions
 - Chief Morrison; we haven’t been able to have proper ceremonies.
 - Matt Sullivan was promoted to Deputy Chief, and is over the support services side of the house, Deputy Chief of Administration; Jan Wright’s old position
 - Sgt. Brian LaBarge is being promoted to the open Lieutenant spot. He will remain at CUSI until July when there can be a new Sgt. appointed to CUSI.
 - Corp. Jake Seller will be promoted to Sergeant in July; that process was already in place before Chief Morrison arrived as Chief.
 - Commissioner Hughes personally thanked Matt Sullivan and Brian LaBarge for their service and congratulated them on their promotions.
- Commissioner Hughes asked if Chief Morrison can expand upon the new ordinance creation, and the process.
 - Chief Morrison replied that it is a very broad order that says, you cannot violate the Governor’s Executive Order. It does not detail what you cannot do, it just says that you cannot violate the Governor’s Order. It gives the PD the ability to write a ticket similar to an ordinance for excessive noise. It is similar in nature to a traffic ticket. The process to create involved working with the City Legal Department to say, we’d like an interim tool between having to give someone a criminal citation to go to court (which the courts didn’t want any cases because of closure) and not being able to cite them for disobedience of the Governor’s Order. Which we have not had to use.
- Commission Harp requested clarification on what the criminal citation is that would be used.

- Chief Morrison explained that the result would probably be seeking injunctive relief against behavior the people are doing; whether it be an individual or a business. And then cite them for contempt. That is the process that was laid out to use; through the portal and the AG's office would make decisions about any criminal charges coming out of that.
 - DC Murad added that the criminal aspect of this, has not been used in Burlington. But this does negate crimes that were criminal in nature prior to this
- Commissioner Hughes followed up for clarity questioning if AG needs to vet any criminal charge, but civil charge does not go through AG's office.
 - Chief Morrison responded – A civil charge, as in a VT Municipal Ordinance Ticket, would be handled the way a traffic ticket is handled, but, a criminal case related directly to COVID-19, would have to be handled by the Attorney General's Office.
- Commissioner Hughes requested clarity on "target hardening"
 - Chief Morrison offered clarification that she was talking about putting up fencing around where people like to congregate. For example, the abandoned Catholic Church on Cherry St, between Cherry & Pearl; the property owners came and put up a fence and that dramatically reduced the number of problems that were there.
- Commissioner Hughes requested clarity on the orders of business closures. How were business closures enforced? More specifically he questioned car washes. What was the criteria of business closure? More specifically, was there an order made it necessary for the car wash to be closed?
 - Chief Morrison offered guidance that it would have needed to have determination of scope in the Executive Order as being part of an essential service?
- Commissioner Hughes addressed the topic of contact tracing and police involvement of conducting contact tracing to the public.
 - Chief Morrison provided clarity that the previous topic of contact tracing was to provide a team within the city that would keep City infrastructure, equipment, and City resources safe. There is no intention of doing this in lieu of the Dept. of Public Health, unless they came to us for help to share resources. There is no intention of mandating anything for people who didn't want to talk about their health care status.
- Commissioner Hughes is there any conversation on expanding CUSI in light of the current situation, with the intensity of Stay at Home Order and the rise of domestics?
 - Chief Morrison responded; No, there is no current plan to do that. And, we have not received any information from the Director that they are overwhelmed in any way. If they were overwhelmed, in the past, we have pulled investigators who previous served in the unit to help with case load. But there is no need for it at this time.
- Commissioner Hughes expressed his appreciation for everyone's service and hard work during the duration of this very difficult and unprecedented time. He also expressed thanks for the emergency meeting since it has been awhile since the Commission met, although he felt like it could have just been a regularly scheduled meeting, he appreciated the update on responses during this time.
- Chief Morrison encouraged Commissioners to have complaints or concerns from the public routed through the portal, so the Department can review, investigate, and give them the proper attention.
- Landen Nipper, Youth Commissioner, asked if the Officer who contracted COVID-19 got it from being on the job
 - Chief Morrison responded that one can never really be sure. We do not know definitively, but there is reason to believe it was a work related contact.
 - Commissioner Herjok followed up to Landen's question asking if there was follow up done with any people the Officer might have come in contact with during his exposure period
 - Chief Morrison responded stating that the employee was not on duty in Headquarters during the 14-day incubation period; the 14-days prior to him becoming ill with symptoms. The employee chose to share with us, but since he was not in the building we did not have to do any contact tracing or anything like that.
 - Commissioner Harp asked if there is a follow up plan, if there is an Officer that is diagnosed with a positive test, to identify and notify members of the public that had contact with that Officer over a period of time prior?

- Chief Morrison responded stating that there is not current plan for public notification, because currently employees are only encountering the public from 6 feet away, and/or 6 feet wearing a face mask, or if we anticipate up close and personal encounter, they wear N95 respirator mask, face, protection, gear, and gloves. The standard definition from the CDC for “up close” is being “personal care close” for 10-15 minutes at a time. Short answer is, we do not have a protocol for that currently, but if there was an unusual situation where a “true contact” existed, Chief Morrison is confident that the Department would err on the side of public safety as opposed to privacy concerns. We would be willing to figure it all out if that happened.
- Commissioner Gamache – hearing concerns of budget constraints due to the current COVID-19 situation nationwide, is the Department experiencing or foreseeing any crunches budget-wise for the future?
 - Chief Morrison remarked that this is a very complicated issue. The Department is prepared for multiple different future scenarios. As far as FY 20, that we are closing out right now, we are in good shape. We have obviously cut back on anything that is not absolutely necessary to attempt to help do our part considering the City’s lost revenue. FY 21 is really unknown. We really don’t know what the deficit is going to be. We are unsure of what the City’s final plan will be. The Department has prepared multiple proposals for multiple realities.
- Chair Asch extended her appreciation to the Department.

Executive Session

Chair Asch requested moving into Executive Session. She noted that this meeting link will end and the Executives will move to a separate Executive Only session.

Commissioner Harp requested reason for Executive Session.

Chair Asch responded that the Executive Session was to review Citizen Complaints that have happened from February until present day.

Motion by Commissioner Harp to move to Executive Session to review Citizen Complaints, second by Commissioner Gamache.

VOTING: Unanimous, regular meeting adjourned at 7:08 pm.

Adjournment

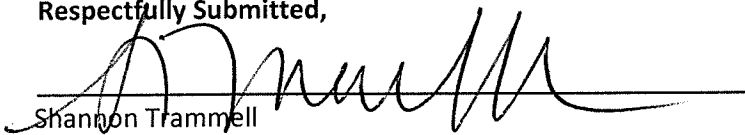
Motion by Commissioner Hughes to conclude executive section, second by Commissioner Harp.

VOTING: Unanimous, regular meeting resumes at 8:14 pm

Motion by Commissioner Harp to adjourn regular meeting, second by Commissioner Gamache.

VOTING: Unanimous, Adjourned at 8:15pm

Respectfully Submitted,



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

6/4/2020