

**CITY OF BURLINGTON
REQUEST FOR PROPOSALS**

BPD ASSESSMENT

Issued: November 10, 2020

Responses Due: December 15, 2020 @ 6:00pm EST.

I. EXECUTIVE SUMMARY

The City of Burlington, Vermont, seeks to examine and reevaluate how to build a healthy and safe community, including reimagining public safety so that police are no longer automatically deployed to the wide range of calls for service to which they currently respond, placing the ground work and infrastructure for a fundamental culture shift, and restructuring how police interact with BIPOC and other vulnerable communities. This examination and reevaluation hinges on a full operational and functional assessment of the Burlington Police Department (BPD) as compared to the City’s public safety needs. The assessment will analyze who, what, where, and how the BPD polices. It will also explore whether new or augmented institutions are needed to supplement or replace police services, evaluating the benefits of such changes and any potential barriers to those changes.

This examination and reevaluation is being conducted by a “Joint Committee” that is comprised of the Burlington City Council’s Public Safety Committee and the City of Burlington’s seven-member Police Commission. The Joint Committee’s first meeting was held on Thursday, August 13, 2020. Its mandate is to answer the questions: 1) What types and level of services does the Burlington community desire in terms of public safety and well-being? and 2) How does this compare with who, what, where, and how the Burlington Police Department is providing those services, including whether any services currently provided by the BPD can more effectively be provide by other agencies?

The City of Burlington seeks to hire a consultant/consultants to work with the Joint Committee and guide the examination and reevaluation of the second question. The ideal candidate will have experience working with local governments and diverse community members while creating sustainable institutional change supported by data and research. The consultant(s) should have a demonstrated history of helping agencies and communities achieve public safety and quality of

life improvements in a manner that is equitable, non-discriminatory, and respectful of community values. Ideally, the consultant(s) would also have a demonstrated history of reviewing criminal justice policies and practices for transparency, ethics, and effectiveness, and movement away from systemic racism. The end goal is a roadmap that supports a methodical transition to a new, innovative public safety apparatus that delivers valued community services, whether police services or other services.

II. BACKGROUND

Following the killing of George Floyd in Minneapolis, Minnesota, many communities around the nation experienced demands for racial justice and a reckoning with the role of police in public safety. Burlington, Vermont, was no exception. In addition to protests and rallies, the month of June was marked by a significant campaign of organized activism (see Attachment D). During the City Council's consideration of the Mayor's FY21 proposed budget, hundreds of people joined online public City Council meetings and called for the BPD's staffing to be reduced by 30%, reflecting the view that many services currently provided by BPD could be better and more safely provided by other entities, thus reducing reliance on law enforcement for public safety. Ultimately, the City Council adopted the Mayor's budget but also passed a "Resolution Relating to Racial Justice Through Economic and Criminal Justice" (see Attachment A).

The Resolution. The Resolution was far ranging, but with regard to examining and reevaluating the BPD, four relevant, significant sections were:

1. BE IT FURTHER RESOLVED that the Burlington Police Department decrease through attrition the maximum total number of uniformed police officers by 30% from 105 to 74 uniformed officers.
2. BE IT FURTHER RESOLVED that the general fund dollars freed up by reducing the number of uniformed officers shall be used to reduce the demand for police services through a variety of social services, as well as social justice, racial justice, and economic justice initiatives, including a community-based cultural empowerment center, a minority-owned business municipal procurement program, and a capital access program, as well as operational capacity for the Racial Equity, Inclusion and Belonging function as a City Office with at least one staff person in addition to the director and funding for a baseline assessment.
3. BE IT FURTHER RESOLVED that a joint committee of the City Council Public Safety Committee and Police Commission begin an inquiry by July 15 into the question of how to build a healthy and safe community and what institutions we

need to reach that goal, and that this inquiry include a full operational and functional assessment of the Burlington Police Department that analyzes who, what, where, and how the department polices and includes a review and analysis of the assessment with full community participation and input, followed by the implementation of a methodical transition to a public safety apparatus that delivers services aligned with the values and vision of the community with a report to the full Council by the first Council meeting in October 2020.

4. BE IT FURTHER RESOLVED that the above assessment should include rigorous public process and input and include local groups such as the Racial Justice Alliance, Howard Center, Boys and Girls Club, Anew Place, Spectrum Youth and Family Services and others, and the Burlington Police Department.

The Joint Committee. The “Joint Committee” is composed of the Burlington City Council’s Public Safety Committee and the City of Burlington’s seven-member Police Commission. Other stakeholders include important local entities such as the Racial Justice Alliance, the Howard Center, the Boys and Girls Club, Anew Place, Spectrum Youth and Family Services, and the BPD.

1. The Burlington City Council is composed of twelve directly elected officials representing eight Wards and four districts of the City of Burlington. Three of those twelve officials comprise the Public Safety Committee.
2. The Police Commission is composed of seven residents of Burlington, appointed by the City Council. The Burlington Police Commission is a liaison among the BPD, the Mayor, and the City Council. It holds monthly public meetings in which it hears a Chief’s report, conducts an open public forum, and maintains an agenda dedicated to ongoing issues of public concern relating to the BPD. The Police Commission has a deliberative role and offers input into disciplinary matters, strategic decision making, data transparency and communications, and the development and promulgation of new Department Directives. The Commission is established under City charter.

III. ATTACHMENTS:

Attachment A. *Resolution Relating to Racial Justice Through Economic and Criminal Justice*

Attachment B. City of Burlington Draft Agreement

Attachment C. City of Burlington Standard Consultant Conditions

Attachment D. Timeline

Attachment E. BPD Overview: staffing, call types, call volume

Attachment F. 2019 Traffic Report

Attachment G. 2019 Arrest Report

Attachment H. 2018 UOF Report

Attachment I. Seguino, Brooks, and Autilio. 2020. "Trends in Racial Disparities in Burlington Traffic Stops: Burlington, Vermont 2012-19

Attachment J. Community Visioning RFP

Attachment K. Burlington Livable Wage, Outsourcing, and Union Deterrence Ordinances and Certifications.

IV. SCOPE OF WORK

The City of Burlington seeks an experienced consultant to help guide the Joint Committee in examining and reevaluating public safety needs in Burlington and reassessing the role of BPD in promoting public safety in Burlington.

This will include a review of current practices and a comparison of the status quo (see Attachment E) with the community vision (see Community Visioning RFP, Attachment J), analyzing call volume and breakdowns, interviewing relevant community members and BPD staff, and providing an analysis to the Joint Committee to support its decision-making and, by extension, the City Council's and the Mayor's. The selected consultant will be expected to use the outputs of the Community Visioning process, but may need to collect additional and specific input from individuals in the community, local public safety and quality of life service providers, and individual BPD officers and staff.

What and How: call volume, workload, and alternatives. The consultant will analyze Burlington's current public safety call volume and workload. The selected consultant will scrutinize the degree to which public safety and quality of life work falls on police, and the degree to which this work may be shared by other entities (and the benefits and barriers to doing so). (The Joint Committee has engaged a consultant to engage the community in developing a vision and articulation of its values on public safety and quality of life. The consultant for this RFP will use those findings as a basis to evaluate the need for police services and those from other entities. See Attachment J for scope of Community Visioning RFP.) The Joint Committee recognizes that there are few examples of cities that have undertaken this type of assessment or change in the role of policing and, therefore, the consultant should be skilled at reimagining/redefining a new vision for public safety.

The selected consultant will help the Joint Committee examine alternatives to policing in order to meet community demands and promote shared values in relation to public safety. Specifically, there may be other services that are more effective or rooted in community values than policing for certain non-criminal calls for service, or even certain crimes. What are the barriers and benefits of completely separate functions and of coordination? Examples of alternative service providers are:

1. “Community liaisons” – social workers trained in non-violent conflict resolution. It is possible these mediators might be recruited and selected for their ties to specific Burlington cultural, ethnic, or racial groups, as well. Depending on the research resulting from this RFP, mediators might address noise complaints, neighbor disputes, welfare checks, and intoxication calls.
2. “Traffic agents” – unarmed report-takers for traffic calls and vehicle crashes in which there is no injury and no concern about unlawful driver conduct.
3. “Crisis responders” – social workers with mental health credentials to address homelessness, substance misuse issues, and mental illness.

Who: racial and socio-economic bias. The consultant will examine racial, socio-economic, and mental health bias in who is being policed and who has access to current quality of life services. The consultant will offer recommendations for changes in practices and policies to reduce racial and socioeconomic bias in policing and access to services. To carry out this task, the consultant will review relevant data to determine racial and socioeconomic disparities in policing and public safety; taking into account, when possible, the race and/or ethnicity of those who have interactions with the police and the number of police interactions with people with mental-health or substance use disorder issues and with those experiencing homelessness.

Where: racial and socioeconomic bias. The consultant will examine systemic racial and economic bias in what areas are being policed and who has access to quality of life services and offer recommendations for reducing statistical differences. This will include examining over-policing in black and brown or economically disadvantaged areas and how to minimize the over-policing and other policing. The consultant will examine patrol routes (including the number of personnel in each ward or subsections of the same), officer training, and the distribution of labor (including scheduling and an account of all positions—officer, administrative, or otherwise), along with the reasoning behind each.

End goal. The Joint Committee has the following goals:

1. Develop a recommended list of Burlington Police Department services.
2. Develop a recommendation on policing alternatives to implement.
3. Develop a recommendation for models to identify appropriate staffing levels.
4. Create a transition plan for handing off next steps to community stakeholders and City staff.

The selected consultant should be able to help the Joint Committee achieve these goals, by:

1. Providing a recommended menu of City services to add or enhance/to reduce or remove.
2. Providing an analysis of the benefits of and barriers to policing alternatives.
3. Providing a framework for decision-making on the menu of services and options for delivery within and outside of the police department.

The selected consultant should be able to help the Joint Committee achieve its end goal, which is a roadmap that supports a methodical transition to a new, innovative public safety apparatus that delivers valued community services, whether police services or other services.

Possible guidance and support formats. There are several support systems:

1. The Joint Committee. Using the existing structure of the Joint Committee, a consultant can ensure that data is properly gathered, examined, and interpreted to bolster or amend the determinations made by the City Council through the *Resolution Relating to Racial Justice Through Economic and Criminal Justice*.
2. The Director of Police Transformation. Burlington recently hired a temporary (6-month) Director of Police Transformation. This full-time position is embedded in the Burlington Police Department and can help procure necessary information.
3. CommSTAT. The City of Burlington pioneered a multi-party process for addressing the opioid epidemic called “CommunitySTAT” or CommSTAT. This model was remarkably successful and is familiar to Burlington stakeholders, many of whom are also participants in the “full operational and functional assessment” described by the *Resolution Relating to Racial Justice Through Economic and Criminal Justice*. A consultant capable of learning about and leading a CommSTAT-esque process to conduct an operational and functional assessment of the police would be a strong candidate.
4. Consultant proposal. Additional formats for guiding the process may be proposed at the discretion of the candidate.

Supervision and Key Dates for Deliverables. The consultant will provide monthly public written (PPT) and verbal updates at a Joint Committee meeting.

V. CONSULTANT PREREQUISITES

The selected candidate will have experience working with elected officials and engaged community members. It is essential that the selected candidate have an ability to understand police staffing, call volume, response time, organizational structure, and the criminal-justice system. At the same time, the selected candidate must be able to envision a system in which police interventions are not the sole means of addressing calls for service. The candidate may be an individual or a firm.

Expertise and experience. Preferred candidates will be able to show experience across several necessary components:

1. **Research and Data Analysis.** Must have strong quantitative research skills, including data analysis, and experience with a variety of qualitative methods, including:
 - a. Cultural dynamics
 - b. Ethnographic interviewing
 - c. Survey methods and instrument design
 - d. First-hand observations
 - e. Community-based participatory research
2. **Subject-Matter Expertise.** The consultant should have some professional background in justice, civil rights, policing, or public safety best practices, such as:
 - a. Law
 - b. Policy review
 - c. Community policing and police legitimacy
 - d. Problem-oriented policing
 - e. Use-of-force policy and training
 - f. De-escalation policies and training
 - g. Services for people with mental-health or substance use disorder issues or those experiencing homelessness
 - h. Diversion (including pre-arrest) and alternatives to prosecution
 - i. Anti-racism training, and anti-racism practice, policy, and culture implementation
 - j. Reducing racially disparate impacts in criminal justice outcomes
 - k. Conducting racial equity impact analyses (See Appendices 4, 5, 6) and proposing methods for addressing racial disparities

- l. Police accountability systems
 - m. Restorative justice (including community-based restorative justice models not involving the criminal justice system)
 - n. Criminal justice and police reform proposals, such as Transforming the System, the Kerner Commission Report, etc.
 - o. Current best policing practices, e.g., President’s 21st Century Task Force Report, PERF 30 Guiding Principles, Special Community/Police Task Force Recommendations
 - p. A familiarity with PSAP-based and direct-dispatch call intake, as well as response times and call types
 - q. Familiarity with modern best practices and the degree to which they are resource-intensive
3. Innovation and Creativity. Police reform has historically failed because it tends to center on the police instead of on the community. The selected consultant needs to be creative in their suggestions by listening to the community and addressing cultural change within the department – beginning with who to choose to become officers, the training and therapy officers receive, the policies, practices, and systems they operate in, and the systemic racism and bias found in those systems. The consultant should have some professional background in:
- a. Community building
 - b. Direct service models
 - c. Community transformation
 - d. Public engagement approaches
 - e. Human resources
 - f. Organizational change and development

VI. SUBMISSION GUIDELINES

To be considered, please submit an electronic and/or physical copy by 6:00 p.m. EST on December 15, 2020 to:

Public Safety & Police Commission Joint Committee
c/o Shannon Trammell
Burlington Police Department
1 North Avenue
Burlington, VT 05401

Or electronically to: strammell@bpdvt.org

Interested Consultants must provide:

1. A Technical Proposal addressing your approach to the requested Scope of Work outline and the process that the Consultant proposes to accomplish the tasks outlined in the scope of work. (no more than 3 pages)
2. A Statement of Experience addressing the above requirements and describing the consultant's prior experience (no more than 3 pages)
3. Proof of Experience. The selected consultant will provide three references and optimally, will be able to share two materials from previous assessments
4. A detailed cost estimate.

CONTRACTING

The selected consultant must qualify as an independent contractor and prior to being awarded a contract, must apply for registration with the Vermont Secretary of State's Office to do business in the State of Vermont, if not already so registered. The registration form may be obtained from the Vermont Secretary of State, 128 State Street, Montpelier, VT 05633-1101, PH: 802-828-2363, Toll-free: 800-439-8683; Vermont Relay Service – 711; web site: <https://www.sec.state.vt.us/>. The contract will not be executed until the consultant is registered with the Secretary of State's Office. Prior to beginning any work, the consultant shall obtain Insurance Coverage in accordance with the Burlington Consultant Conditions (Exhibit C to this RFP). The certificate of insurance coverage shall be documented on forms acceptable to the City.

If the award of the contract aggrieves any person or entity, they must appeal in writing to the City. The appeal must be post-marked within seven (7) calendar days following the date of written notice to award the contract.

AGREEMENT REQUIREMENTS

The selected consultant will be required to execute a contract with the City on the terms and conditions required by the City, including but not limited to those in the Burlington Consultant Conditions (Attachment C) and the attached Draft Agreement.

LIMITATIONS OF LIABILITY

The City assumes no responsibility or liability for the response to this Request for Proposals.

COSTS ASSOCIATED WITH PROPOSAL

Any costs incurred by any person or entity in preparing, submitting, or presenting a proposal are the sole responsibility of that person or entity, including any requests for additional information or interviews. The City will not reimburse any person or entity for any costs incurred prior to the issuance of the contract.

INDEMNIFICATION

Any party responding to this Request for Proposals is acting in an independent capacity and not as an officer or employee of the City. Any party responding to this Request for Proposals will be required to indemnify, defend, and hold harmless the City, its officers, and employees from all liability and any claims, suits, expenses, losses, judgments, and damages arising as a result of the responding party's acts and/or omissions in or related to the response.

REJECTION OF PROPOSALS

The City reserves the right to reject any or all proposals, to negotiate with one or more parties, or to award the contract to the proposal the City deems will meet its best interests, even if that proposal is not the lowest bid. The City reserves the right to re-advertise for additional proposals and to extend the deadline for submission of the proposals. This Request for Proposals in no way obligates the City to award a contract.

OWNERSHIP OF DOCUMENTS

Any materials submitted to the City in response to this Request for Proposals shall become the property of the City unless another arrangement is made by written agreement between the City and the responding party. The responding party may retain copies of the original documents.

DUTY TO INFORM CITY OF BID DOCUMENT ERRORS

If a bidder knows, suspects, or has reasonable cause to believe that an error or omission exists in any of the bid documents, including but not limited to unit prices and rate calculations, the bidder shall immediately give the City written notice thereof. Consultants shall not cause or permit any work to be conducted that may related to the error or omission without first receiving written acknowledgement from the City that City representatives understand the possible error or omission and have approved the requested modifications to the bid or contract documents or that the consultant may proceed without any modification being made to the bid or contract documents.

PUBLIC RECORDS

Any and all records submitted to the City, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act. The determination of how those records must be handled is solely within the purview of City. All records the responding party considers to be trade secrets, as that term is defined by subsection 317(c)(9) of the Vermont Public Records Act, or that the responding party otherwise seeks to have the City consider as exempt must be identified clearly and specifically at the time of submission. It is not sufficient to merely state generally that a proposal is proprietary, contains a trade secret, or is otherwise exempt. Particular records, pages, and sections which are believed to be exempt must be specifically identified as such and must be separated from other records with a convincing explanation and rationale sufficient to justify each exemption from release consistent with Section 317 of Title 1 of the Vermont Statutes Annotated.

PUBLIC HEALTH EMERGENCIES

Bidders are advised that public health emergencies, as declared by the City, the State of Vermont, or the Federal Government, including the current pandemic of Novel Coronavirus (COVID-19), may introduce significant uncertainty into the project, including disruption of timelines or revised practices. Consultants shall consider public health emergencies as they develop project schedules and advance the work.

The City may require a public health emergency plan be submitted as part of the bid. This plan will contain:

- 1) Measures to manage risk and ensure that potential impacts to safety and mobility are mitigated in accordance with health and safety standards and guidelines proposed by local, state, and federal agencies;
- 2) A schedule for possible updates to the plan in advance of the start of work (see attached Draft Agreement); and
- 3) Means to adjust the schedule and sequence of work should the emergency change in nature or duration.

The City will have sole discretion to approve, deny, or require changes to this plan as a condition of consideration of the bid, will retain the right to inspect all work to ensure compliance with health and safety standards, and may at any time require the consultant to stop work because of the emergency.

If a public health emergency is declared, the City will not be responsible for any delays related to the sequence of operations or any expenses or losses incurred as a result of any delays. Any delays related to public emergencies, including the current pandemic of Novel Coronavirus (COVID-19), will be excusable, but will not be compensable.

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