

BENNINGTON SELECT BOARD
MEETING HELD REMOTELY VIA ZOOM
BENNINGTON, VERMONT 05201

MAY 4, 2020

MINUTES

SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE: Donald Campbell-Chair; Jeannie Jenkins-Vice Chair (out at 7:45pm and back in at 7:48pm); Jeanne Conner; Jim Carroll; Bruce Lee-Clark; and Sarah Perrin.

SELECT BOARD MEMBERS ABSENT: Bill Scully.

ALSO PRESENT BY VIDEOCONFERENCE: Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning Director and Director of the COVID-19 Response; IACP Team-Dr. Jessie Lee-Lead Consultant, Carl Maupin-Assistant Director, and Meghann Casanova; Mia Schultz; Tom Dee; Mary Gerisch; Leslie Jacobson; Sean Pratt; Rachel Parcell; Lynn Mazza; Mike Bethel; Nancy White; Mike Cutler-CAT-TV; and Nancy H. Lively-Secretary.

At 6:00pm, Chair Donald Campbell called the meeting to order and explained that, due to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-646-558-8656 and enter the meeting ID, 86860466981, when prompted to do so. The call in information will be periodically posted on the screen and the process for calling in was explained. If technology fails us, the meeting will be continued at a time and place to be determined and all votes that are not unanimous will be done with a roll call vote in accordance with the law.

1. SELECT BOARD MEETING WITH IACP

The IACP Team of Dr. Jessie Lee, Carl Maupin, and Meghann Casanova did the following presentation:

- The IACP is a member based, not-for-profit organization recognized as a global leader in policing.
- Reports like the one done in Bennington are done throughout the country each year for the benefit of the police departments and communities.
- We met with several organizations and individual community members while we were in Bennington, made a survey available to everyone for their comments if they did not want to meet with us directly, looked at policies and procedures, and websites.
- Even though parts of the report may seem critical, “they are critical in a constructive way and we feel that the Bennington Police Department is well placed to better serve the community”.

The IACP received ~40 questions/comments prior to this meeting. Several were redundant and some need to be answered by the Town. The following are the questions and answers from the IACP:

- 39 ➤ How does the Bennington Police Department (BPD) demonstrate policies and
40 procedures, and how are they communicated, understood, and practiced by all staff?
41 The Chief and 2nd in command make sure that the policies are received and
42 acknowledged by the officers usually by a roll call method.
- 43 ➤ Who is responsible for maintaining the policies and procedures within the
44 Department? The 2nd in command. The Chief signs off on all policies, and the
45 Lieutenant makes sure that they're disseminated to the Sergeants on patrol.
- 46 ➤ Who is responsible for updating the policies and utilizing best practices? Best practice
47 is to review and update policies every 6 to 12 months and some updates are required
48 by law to be done more frequently. We did discover that there had been some "lag
49 time" in doing this and recommendations were made to correct this including to be
50 reviewed by the Town and/or a legal entity. The timeline for implementation of this
51 process will be determined by the Town.
- 52 ➤ How much did the report cost and who paid for it? Mr. Hurd responded that it cost
53 \$66,000 which was set aside in the last fiscal year in anticipation of the study being
54 done.
- 55 ➤ Will the report be presented again? This is our final presentation and the report will be
56 available for anyone to review at the discretion of the Town.
- 57 ➤ How will the members of the Civilian Oversight Board be selected? A Civilian Advisory
58 Committee was recommended in the report but it is a Town decision to do so, and if
59 decided to do so, to determine the method by which selection is done - how people
60 would be vented, how long they would serve, the scope of the Board/Committee's
61 authority, etc. The Town and BPD would need to agree on what would be best for the
62 community with this and to follow any State regulations that may apply. A Civilian
63 Oversight Board is different from a Civilian Advisory Committee.
- 64 ➤ How will complaints be handled? The BPD website has been updated to accept
65 complaints which will allow for a quicker response and is very user friendly.
- 66 ➤ How do you measure what is sufficient training for officers to practice discretion on
67 the job? The data available on their calls of service. If a large percentage of the calls
68 are related to mental health issues, then they need to be trained for dealing with that,
69 however, training is also budget and manpower availability driven.
- 70 ➤ Who will be responsible for implementing the 25 recommendations to criteria? The
71 Town.
- 72 ➤ What will be the plan to include diverse and marginalized voices in all of these
73 discussions? The Town will determine this with the BPD.
- 74 ➤ How can the BPD address the difference between warrior and guardian roles? A big
75 start was by updating the website to be less tactical in its presentation and more open
76 to the community by making the entrance to the building more engaging. "Perception
77 is reality." We heard that there are officers that engage with the homeless but the
78 BPD hadn't had a method to present that to the community. Now they do.

79 *Questions/comments from the public and answers by the IACP team:*

80 Mia Schultz-Bennington: Interpreted the report that we are lacking data and were breaking the law
81 by not implementing Act 56. Why wouldn't you recommend personnel changes, especially from
82 leadership? Our task was to look at policies and procedures for better recommendations and not to

83 address personnel issues or any criminal, or potentially criminal, complaints. And, the BPD has
84 corrected the data collection shortcoming, however, it will take a year or two for the data to catch up
85 to where it can be verified.

86 Ms. Schultz: Added that it doesn't seem that the personnel issue will take care of itself through the
87 policies if that same person is the one that is implementing the policies. Dr. Lee stated that
88 "everyone has a boss" and the policies determine whether personnel issues need to go to the next
89 level.

90 Tom Dee-Bennington: Stated that he has worked in the health care system for 40 years, a CEO for 29
91 of those years, and the CEO at SVHC for the past 11 years. Throughout his career, he has experienced
92 relationships with police departments from "outstanding to poor" and had only good things to say
93 about his relationship with the BPD. "They set the standards for excellence."

94 Mary Gerisch-Bennington: Why do you think the website improvement is related to the treatment of
95 community members that are "marginalized" due to finances or ethnicity, and shouldn't we get a
96 supplemental report saying that things have changed? The website improvement was only related to
97 being able to file a complaint without face-to-face contact which will also contribute to the data
98 collection that is reported to the State, and not to community policing. Once the recommendations
99 are established, that will enhance the community policing.

100 Ms. Gerisch: Individuals are still going to be afraid to discuss their issues directly to a police officer in
101 the role of the Police Liaison, so don't you think the Civilian Committee is a better way to go? Both
102 the police liaison and a Civilian Advisory Committee were among the recommendations in the report.

103 Leslie Jacobson-North Bennington: There are members of the community that do not feel that they're
104 receiving equal treatment from the law and, other than the website, how will the warrior thinking
105 mentality be addressed? By dressing friendlier and how we approach and carry ourselves. A bullet
106 proof vest can be worn under a shirt instead of on top. Train to best deal with the service calls
107 received. If most are related to mental issues, then train the officers to be able to de-escalate
108 situations.

109 Sean Pratt-Bennington: If there is bios shown from the police, it would go to the Criminal Justice
110 Training Council for a plan of action, and, since the Council is run by former Police Chief Rick Gauthier,
111 this is a conflict of interest. There is a lot of bureaucracy and pandering that need to be addressed.
112 Due to the conflicts of interest everywhere, the citizens need to get our own committee to represent
113 us because the bios is not going to go away. Unfortunately, many of those affected are afraid to
114 come forward. Mr. Campbell commented that the process is slow but the Select Board is committed
115 to addressing this issue.

116 Rachel Parcell-Bennington: Shifting the roles from warriors to guardians is very challenging and will
117 require a "significant amount of self-reflection". Do you think our police force is really willing to do
118 this kind of work looking at some hard issues? The BPD officers are passionate about what they do
119 and need to be trained to help them to make the shift from warriors to guardians, to change the
120 performance evaluation process on how they will get promoted and rewarded for what they do, and
121 to also change the hiring process to use the guardian mentality as a job required criteria.

122 Ms. Parcell: Stressed the importance of training in all of the related areas around trauma, and the
123 importance of the leadership of the Town and the BPD in understanding what needs to be done to
124 address the issues.

125 Lynn Mazza-Bennington: Is it normal for people to file a complaint to the same people that they feel
126 are abusing them and why would they feel that there would be any resolution to what their
127 complaint was about? And, do other cities and towns have a disinterested third party that accepts
128 these complaints? The Civilian Advisory Committee or Civilian Oversight Board would review these
129 complaints, and depending on what power the Town gives this entity, would depend on how far the
130 entity, itself, could address the complaint.

131 Ms. Mazza: From your experience, what kind of model would work in Bennington - one with more
132 power or one with less? Both have been successful and the amount of power, at least as a starting
133 point, depends on the backgrounds and expertise that those on the committees have.

134 Mike Bethel-Bennington: Spoke to his positive relationship with the BPD and his never having
135 witnessed any officer not being courteous to anyone. The police face danger every time they go on a
136 call and "they're getting a bad rap".

137 Nancy White-Bennington: Is there an explanation as to why only 404 people responded to the survey
138 in a town of 15,000? Every opportunity was given for people to respond, including extending the time
139 frame to do it. We don't know why more didn't participate.

140 Ms. White: Why didn't IACP meet with SVHC and Tom Dee? We did meet with SVHC and everyone
141 else in the community that we were given contact information for - even after we had left
142 Bennington and up to 3 weeks ago.

143 *Board questions/comments:*

144 Mr. Lee-Clark: Do you perceive that one of the methodologies in developing best practice policies is
145 to engage the community, police officers, and Select Board members? We sent a sample policy along
146 with the recommendation and that there should be a legal review done as they are created. Have
147 someone trained in creating good policies by working with other agencies that have the expertise and
148 be transparent to the community in all policies that are not tactical in nature.

149 Mr. Carroll: Suggested that the Police Chief come before the Board to share the progress that has
150 been made on the IACP recommendations for complete transparency to the public. We have the
151 opportunity with the community involvement to "rid the Town of the perception of the adversarial
152 nature with the public".

153 Mr. Carroll: Would IACP be willing to work with the Police Chief in regard to the development of the
154 policies regarding the communication with LGBTQ? Yes, we can as part of the implementation
155 process within the scope of work that we do, and if it goes beyond that, there are grants available
156 through the IACP.

157 Ms. Jenkins: Is excited about the community group involvement - even though it may slow down the
158 process. Are there good models of community groups as far as size, composition, and charge, and
159 would you be able to talk with us at another time in terms of our demographic and how we jump into
160 this? Meet with individuals to determine what the needs are in Bennington, such as, the perception
161 of fear of the police needs to be addressed. The police want respect and the public wants respect so

162 a committee needs to be made up of individuals that bring this to fruition. Trust needs to be built
163 one day at a time and moving quickly and consistently to address the issues will eventually build that
164 trust.

165 Ms. Conner: Is the Action Plan stated in the order that they should be done? These are the tasks to
166 complete not listed in the order to be completed.

167 Ms. Conner: What is the definition of community policing? "It's not a program - it's a philosophy, it's a
168 way of life....where there's no separation between police and community, it's where you become
169 one."

170 Ms. Perrin: What is policing by consent? It's the approach that the community meets with the BPD at
171 regular intervals where the police share what their observations and solutions were for public safety
172 and quality of life that they can assist with, and where the community also shares their concerns.

173 Mr. Campbell: Is concerned about hot spot policing and the generalizing and profiling of a particular
174 area, so how would that concept work in Bennington? Hot spot policing is looking at the data for
175 concentrations of crime, and if you don't have that, then looking for quality of life concerns. An
176 analysis would be done to determine what resources are needed to help neutralize the hot spot and
177 brought back to the policing by consent meeting.

178 Mr. Campbell: We need to revisit the need for traffic enforcement for safe roadways and building the
179 trust for procedural justice. The report has said that the police should be applauded for reduced
180 crash reduction and generally reduced crime rate but the department should be cognizant that these
181 are not justifications for damaged relationships with the community. There needs to be a balance.

182 Mr. Campbell: It sounds like we would balance trust vs. crash data or trust vs burglaries through our
183 community group, correct? Some of the traffic enforcement is funded through a Federal grant, and
184 not taxpayer dollars. By receiving this grant, there is an obligation to do "selective enforcement" to
185 reduce accidents which needs to be supported by data. It should be explained to the community the
186 mandated requirements of the grant and not that it is being paid for by taxpayer dollars.

187 Mr. Campbell: If there's no evidence of bias in police discretion in traffic stops, why would that be
188 included as a recommendation? Training should be done on the use of discretion. If the option of
189 discretion is taken away from the officers, then every stop will need to be enforcement when a
190 warning may be more effective. As data collection improves, there will be a better tracking of tickets
191 to warnings comparison. As the depository for every agency in the State, utilize the State Police as a
192 resource to the best practice of data collection.

193 Mr. Campbell: Would we be able to discuss an aggressive time frame with you at a later date? Yes.

194 *Board process going forward:*

- 195 ❖ No decisions will be made tonight.
- 196 ❖ A reflection and next steps will be on the May 11th agenda.
- 197 ❖ Perhaps a report from the Chief of Police will be at the next meeting following the May
198 11th meeting.
- 199 ❖ A timeline schedule with benchmarks will be developed soon potentially with the
200 assistance of the IACP.

201 The Board thanked the IACP for the work they have done and the work they will be doing in
202 the future. The IACP reciprocated the thanks.

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205 *At 8:39pm, Bruce Lee-Clark moved and Jim Carroll seconded the adjournment of the*
206 *meeting. The motion carried with Bill Scully absent.*

207

208 Respectfully submitted,

209 Nancy H. Lively

210 Secretary

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