

M E E T I N G N O T I C E
B E N N I N G T O N S E L E C T B O A R D

Monday, February 21, 2022
Bennington Fire Facility
Multi-Purpose Room - 3rd Floor
130 River Street
Bennington, VT 05201

A G E N D A

6:00 PM

1. Safety and Equity Task Force Presentation 6:00 PM - 7:00 PM

2. Resolution for Downtown Transportation Fund Application 7:00 PM - 7:05 PM

3. Executive Session
 - A. Contracts & Real Estate
 - B. Personnel

Final Recommendations
Safety and Equity Task Force
APPROVED 01/20/22

SECTION ONE:

Purposes for the Community Police Advisory and Review Board (CPARB)

To improve and strengthen police community relations by creating an environment of trust and transparency.

1. Rebuilding and sustaining trust:

- a. by listening to our community and taking prompt action,
- b. by strengthening transparency while guarding confidentiality,
- c. by conducting reviews free from any external influences and control,
- d. by making recommendations.

2. Increasing levels of communication, collaboration, and even-handedness:

- a. by working with Police to understand the needs and challenges of our community, while unifying police with community sectors and organizations in shared visions and work,
- b. by identifying, recommending and evaluating training with particular focus on rectifying biases, trauma-informed decision-making, mental health and substance misuse disorder awareness,
- c. by increasing public awareness about the police work,
- d. by supporting the well-being of officers.

3. Building accountability:

- a. by developing a clear process and timetable for reviewing and investigating complaints, recognizing compliments, and reporting those findings,
- b. by updating policies and procedures to address identified needs, monitoring compliance, and scheduling regular policy reviews.

4. Creating an environment of respect and service between the community and the police department:

- a. by developing excellence in listening and communicating,
- b. by treating all people with dignity.

SECTION TWO: Scope and Practice of the CPARB

The CPARB serves as an independent board that works in collaboration with the Town of Bennington, Bennington Select Board, Bennington Police Department, community partners and the public. The task is to ensure the fair and equitable police work within our community through the following recommendations:

1. Training

- a. Research what training is wanted, needed, and available to the Bennington Police Department (BPD) and to the CPARB.
- b. Review specifically, the areas of de-escalation; fair and impartial policing; communication skills, and officer discretion training, in accordance with Rule 13.
- c. Assess and support the challenges of the BPD for time and money to assure this education can be completed in a timely manner.
- d. Review police training reports and outcomes and make recommendations about trainings based on community and police needs and feedback, and/or research.
- e. Make budget recommendations to the Select Board concerning the CPARB's expenses for training.
- f. Assist in collaboration for local agencies, groups or individuals to provide trainings or assistance.
- g. Provide resources like an Inherent Bias Test to broaden self-awareness and stress management tools for self-care; identify availability and use by officers of professional support persons or other kinds of supports in the community.

2. Complaints/Compliments

- a. Refer persons requesting assistance in filing complaints as needed.
- b. Assure a way for all individuals to have a method of lodging a complaint in addition to directly through the BPD.
- c. Collaborate with the BPD to develop reporting expectations and timelines for complaint reviews.
- d. Provide public education related to filing a complaint, including the difference between, and the expectations for, lodging an informal and a formal complaint.
- e. Complaint/Compliment forms will support multiple learning styles. Forms and assistance in completing them will be available through the BPD, the Town Communication Coordinator, and representatives of a variety of community groups who will receive training about assisting with the process.

- f. Review process and outcome of complaints, including looking at records, Body Worn Camera (BWC) footage, interviewing witnesses or other actions required to get a full understanding of what happened and other actions required for a conclusion.
- g. Recommendations by committee after reviewing complaint, investigation, and findings.
- h. Gathering and reporting data on number and nature of complaints (while maintaining confidentiality).

3. Policies and Procedures

- a. Develop and monitor review/revision process of BPD policies and procedures, developing timeline for revision process.
- b. Act as liaison to public about policies/procedures review process.
- c. Assess and make recommendations on such topics as recruitment and hiring and areas of community focus.
- d. Issue report summarizing review/revision process.
- e. Provide input to the Town Manager for the Police Chief's annual review and to the Select Board for the Town Manager's annual review.

4. Data

- a. Monitor the BPD's existing data gathering related to fair and impartial treatment in accordance with state and federal law.
- b. Review, request, and/or gather relevant data by the CPARB as needed.
- c. Issue annual reports on data and special reports as circumstances require.
- d. Make recommendations based on trends seen in the data.

5. Community Relations

- a. Community Agency education: supporting the BPD in how they might get efficient education about every town agency/organization, regardless of their size, specific to their services. The organizations believe this will provide them with relevant referral information that is not specifically a policing issue. Introductions of new officers and members of the department has been suggested. Consider how the agencies may support the BPD, for example, in education, vicarious trauma reduction, and providing written resources to use as hand-outs.
- b. Facilitate communication between community organizations and the police.
- c. Encourage community input and engagement for example by hosting listening sessions, discussion circles, forums or educational sessions with community groups and with the community at large,

- with or without police participation, based on situation and needs of stakeholders.
- d. Form sub-committees made of 1-2 Board members, police officers and organization representatives to work on specifically identified issues.
 - e. Act as resource for community organizations or individuals concerning police relations.
 - f. Assess and make recommendations on such topics as: outreach and public education, handling of mental health crisis, domestic violence, substance misuse disorder and trauma.
 - g. Make budget recommendations to the board concerning resources needed by the BPD and other community organizations.

SECTION THREE: Composition of the CPARB

1. Expected Attributes of Board Members

- a. A high level of objectivity - impartial decision making.
- b. Ability to think in balanced, unbiased ways.
- c. Able and willing to function independently of influences outside of the CPARB itself.
- d. A strong commitment to strengthening police-community relationships.
- e. A readiness to help community members be heard.
- f. Demonstrated experience maintaining confidentiality and agree to maintain confidentiality with information not available to the public.
- g. A willingness to learn.
- h. Communicates effectively (listening as well as speaking - support provided as needed)

2. Qualifications

A resident in the town of Bennington or a strong, long-time relationship with the Town of Bennington.

3. Expectations

- a. Completion of initial training below before service on the board begins.
- b. Readiness to meet at least once a month and carry out other needed work.
- c. Active members of our police department and officers of the town government will not serve on the board until 4 years after their service is completed.
- d. Person with current or active legal charges or presently serving time will not serve on the board.
- e. Appointees must attend 75 % of the meetings of the board (in person, or remotely); multiple unexcused absences in a year will be considered as resigning.

4. Seek Qualified Candidates While Seeking Diversity in the Board's members

For example by; age, gender - sexual identity – sexual orientation, ethnicity and race, socio-economic status, education (formal and informal), disability, or other identity.

5. Seek Awareness, Experience, and/or Training-Practice

Including but not limited to the following:

- a. Behavioral health.
- b. Mental health.
- c. Substance misuse disorder.
- d. Domestic violence.
- e. Skill to review reports and identify trends that will inform board recommendations to, and work with the BPD, and/or skills with data and statistical analysis.
- f. Mediation and conflict resolution experience.
- g. Experience with restorative justice.
- h. Knowledge of the law - judicial system.
- i. Experiences with policing both positive and negative.
- j. Experience with the criminal justice system.
- k. Experience with discrimination, unequal treatment, or preferential treatment.

6. Promotion

Application for membership on the board will be widely promoted and the Select Board will make appointments.

7. Number of Members

Five to seven members.

8. Term Length and Limits

- a. Initial members will be appointed for 3- or 4-year terms to allow for rotating appointments. Future appointments will be for 3 years or to complete the term of a person they are replacing. No one may serve more than 7 years consecutively. After three years not serving, a person may be reappointed.
- b. The Select Board will require references for applicants to verify attributes of applicants and their experience, training and practice in preferred areas.

SECTION FOUR: Training of CPARB Members

1. Initial Training

Each member will participate in the following training:

- a. How the board functions: reviewing completed internal and external complaints and reporting conclusions to the community through the Select Board, developing and reviewing BPD policies, recommending police training, and community collaboration, supervising the gathering and analysis of data.
- b. Open meeting laws.
- c. The elements of a thorough investigation including a review of actual case files from a closed investigation.
- d. An overview of and access to BPD policies and procedures and applicable town policies and ordinances.
- e. Community resources available to the BPD.
- f. Review of confidentiality and confidentiality expectations.
- g. Structure and operation of the local and regional police.
- h. Basic understanding of the BPD collective bargaining agreement and its parameters.

2. Ongoing Training

Each member will participate in the following training:

- a. One four-hour ride-along experience or dispatch observation per quarter to better understand the work of the BPD.
- b. At least one training with members of the BPD a year for the purpose of evaluating the training experience.
- c. Training in other areas recommended by the board, or the chief of police, or other regulatory, community organizations, or legislative agencies.

3. Removal

A person may be recommended for removal by the select board if they no longer meet the expectations and qualifications of membership.

4. Vacancies Before Expiration of Term

If a seat on the board becomes vacant, it shall be filled in accordance with the procedure outlined above in this ordinance. The appointee who fills the vacancy will serve the remainder of the term of the person whose seat they are filling,

5. Compensation

Members of the board shall be compensated at the same rate as Select

Board members.

6. Community Resources

- a. Non-members from the police or other local agencies will not be regular voting participants who participate in deliberations and decisions, but will be invited as needed.
- b. The board may request outside help to address areas of concern or to understand issues and options and may initiate collaboration with the BPD and community groups.

SECTION FIVE - Complaint Process

1. Initiating the Formal Complaint

- a. Assure a way for all individuals to have a method of lodging a complaint other than directly through the BPD.
- b. Community Board will offer basic information on where and how to start complaint process. Complaint/comment forms and the process for submitting them will be available from the BPD Staff or website, the Town Website, the Town Communication Coordinator, or trained representatives of community groups. (Relationships with, and trainings for, referral organizations will need to be developed.)
- c. Any BPD staff, or the Communications Coordinator who might be approached by someone wishing to file a complaint are trained in directing the complainant to assistance in completing the report, including but not limited to: using a respectful approach in explaining the difference between formal and informal complaints, and what should and should not be expected for each.
- d. Initiation of complaint starts timeline. The Police Chief must provide status updates regarding the investigation to the complainant, and the CPARB. The board will establish a timeline in conjunction with the BPD of what will be reported when and to whom.
- e. Provide public education that takes into account multiple learning styles, related to filing a complaint, including the difference between, and the expectations for, lodging an informal and a formal complaint. This is to include information about the complaint review process by Community Board, to help instill trust about transparency of the complaint process.

2. Police Conduct and Report Internal Investigation

- a. Upon closure of an internal investigation, the Police Chief will report to the Community Board, complainant, officer involved in writing, within the timeline determined, (provided that if ongoing disciplinary or criminal proceedings or investigations preclude the Police Chief from making the report in that time, then the Police Chief will make the report). In extenuating circumstances, these time limits may be extended, but only for a reasonable time, explained in writing by the Police Chief.
- b. The chief will issue 2 reports- a detailed one to the people immediately

involved and one for data collection/statistical analysis. The report will state the Police Chief's determinations as to:

1. The facts of the incident.
2. Whether there was any inappropriate conduct by the BPD.
3. Any discipline that has been or will be imposed.
4. Any changes in BPD policies or procedures that ought to be made as a result of the incident.
5. Optional demographics of persons submitting the complaint/compliment when germane to the issue.

3. Internal Investigation Review by Community Board

- a. Once the person's complaint is investigated by the police, the Community Board will do a review. The request for a review can be done anonymously.
- b. The CPARB will exercise appropriate caution in examining an incident that is not recent but will recognize that no matter how old an incident is, it may hold lessons for the future.
- c. The Community Board may, during the course of its review of findings, request all information related to the complaint.
- d. Should the Police Chief and/or Town Manager fail to respond, the Selectboard will compel response. If they *cannot* respond, the chief will offer an explanation to the Selectboard and Community Board in writing as to why.

4. Response to Review

- a. When the Community Board has completed its review of an incident, it will issue a report to the Police Chief, the Town Manager, and the Town Attorney. Except in cases filed anonymously, the Community Board will also issue its report to the complainant, and, in most cases, it will issue its report to the public.
- b. The Community Board's final report about an incident will state its conclusions, including:
 - Concurrence, or not with the chief's conclusions.
 - Whether under the facts and circumstances there was any inappropriate conduct by the police.
 - What the response of the BPD and, if appropriate, of the Town, should be or should have been.
 - Any items discovered in the review that would add an additional ground for complaint to what had originally been filed.
 - Any changes in policies or procedures that ought to be made as

a result of the incident.

- c. The CPARB will work directly with BPD and the complainant to collaborate on a fair and just conclusion. The CPARB may offer many out-of-the-box modes to resolve complaints, including but not limited to alternative dispute resolution. These kinds of solutions would only be implemented with the full agreement and buy-in from those involved, and with full confidentiality assured.
- d. Following any of these, the CPARB may, if it deems it appropriate, issue a supplemental report.
- e. If the Community Board's final report recommends action by the Police Chief or the Town Manager, the person to whom the recommendation is directed will respond to the Community Board in writing and will respond within 30 days or a reasonable time frame. The response will state with particularity:
 - the extent to which the Town/BPD accepts the recommendations,
 - the actions, if any, that the Town/BPD has taken or will take in acting on the recommendations, and
 - to the extent that the Town/BPD does not accept the recommendations, the reasons why.
- f. If, after collaborative efforts, the complainant, advocate or officer involved is not satisfied, they can take the complaint to the state Criminal Justice Council or seek outside counsel.

5. Data

- a. To provide support and accountability to the BPD in trending "fair and impartial policing", policies will include the collection of data (real and/or perceived) related to gender, race, ethnicity, religion, economical, educational, mental or physical status.
- b. Complainants will be offered the opportunity to complete a section on demographics—explaining its use in monitoring fair and equal treatment for all.
- c. The CPARB will develop a system for classifying complaints received by the CPARB by the type of misconduct alleged and other factors.
- d. CPARB, in conjunction with BPD, will develop a system for recording and tracking all informal complaints that come through other sources besides the formal written complaint process and will consider data

collected during traffic stops, arrests, documenting formal complaints.

- e. CPARB will issue an annual report containing the number and type of complaints, which also covers response, patterns, outcomes and solutions.
- f. Similarly, the CPARB will track compliments and positive informal feedback for the report.
- g. As reports come in, CPARB will track training and other resources needed, including alternate sources for training, and assessing officer participation and evaluation of trainings.

6. Prohibition Against Retaliation and Intimidation

- a. Retaliation, threatened retaliation, and intimidation of a complainant or witness, or any other person involved in a review by a Town employee or Board member against anyone for their involvement in the complaint or incident review process is strictly prohibited.
 - Violation of Town policy prohibiting retaliation and intimidation will be regarded as a separate and distinct incident, regardless of any action taken with respect to the underlying incident.
 - Violation of this policy may result in discipline, up to and including termination of employment. When the BPD informs a police officer of a complaint in accordance with the collective bargaining agreement, the BPD will reference these provisions regarding retaliation and intimidation.

7. Informal Feedback

- a. We recommend that a system to track informal complaints be developed.
- b. Additionally, the BPD staff receiving the informal feedback will be trained and practice excellent listening and conflict management skills so the community member knows their concern is heard and understood, understands their choice of an informal or formal feedback, and is informed of what kind of response they can expect.
- c. If the informal feedback process is not acceptable to a person offering feedback, they may file a formal complaint.
- d. The CPARB will track trends in informal complaints to inform its recommendations.
- e. This process may be revised by the CPARB at any time.

MEMORANDUM

To: Bennington Select Board

From: Shannon Barsotti, Community Development Director

Date: February 16, 2022

Re: Municipal Resolution for Downtown Transportation Fund

Town staff are preparing a grant application for the Downtown Transportation Fund for the Redevelopment of the Walloomsac Riverwalk. The current pathway consists of an existing section completed in 1980, and three subsequent sections completed in the 1990's in varying states of pavement deterioration and cracking. The redevelopment is intended to upgrade and revitalize a dated environment, enhance safety and comfort, and re-establish the Riverwalk as a Bennington Downtown people place. This redevelopment includes:

- Construction of a new 300-foot path to bike-ped specifications connecting the Riverwalk to the State and Federal funded 1.3 million dollar, 1.43 mile Walloomsac Valley Rail-Trail bike-ped pathway, currently under construction.
- Replacement of the existing deteriorated 1,482-foot existing paved pathway of varying width (6-8 feet) with a new 10-foot-wide paved path to bike-ped specification.
- Installation of new LED lighting along the easterly (Bennington Elementary) section of the Riverwalk, the darkest most isolated section of the path where no lighting currently exists, improving safety and user comfort.
- Installation of code-compliant safety rails at six concrete bridge abutments to enhance ped-bike safety and visual quality.
- 7 pairs of trash and recycling receptacles along the length of the pathway to enhance the user experience and Riverwalk cleanliness.
- 6 new benches to enhance user comfort and the river experience.
- 8 trees of varying species replacing deteriorating existing walkway trees.
- 9 Walloomsac Walkway signs enhancing the Riverwalk's downtown presence and ped-bike safety at street crossings.

A Municipal Resolution signed by the Bennington Select Board is required for the grant application and is attached.

