

Rutland City Police Commission
December 14, 2020

Present: Chairman Sean Sargeant, Commissioners Tom Calcagni, Tony Romeo and Jeannette Langston.

Also attending: Chief Kilcullen, Commanders David LaChance, Matt Prouty and Greg Sheldon, Corporal Billings, Alderman Ryan, City Attorney Bloomer and Crime Analyst Nathan Thibodeau.

Call to order by Chairman Sargeant at 6:02 pm.

Chairman Sargeant said he and the Chief had just come from a meeting of the Board of Aldermen who were taking up the FY22 budget. Public Safety was discussed first so that he and the Chief could participate. The meeting is still in progress but at the moment the budget that is going to the voters in March will fund 38 sworn positions in the department which is down one. Everyone agreed that this will be a fiscal one-year temporary reduction in head count for two reasons: first currently there are 34 sworn officers and the department is not in a position to on-board 5 new employees in the coming 8 months; secondly because tax collections are down due to COVID the Mayor is trying to get as skinny a budget to the voters as possible. There was no discussion among the Aldermen to defund the police and the reduction is simply an inability to get 5 candidates to the door. Chairman Sargeant for anyone upset by this he challenges them to bring qualified candidates to the door and prove the Mayor and Aldermen wrong and show that the department can get the head count up to the total number budgeted. Chief Kilcullen added that because the department would be unable to fill all of the open positions by the end of the fiscal year, it was reasonable to cut one position for now. If the department is able to fill of the positions by the end of the next fiscal year, there was a verbal commitment to funding the position that was eliminated.

Commissioner Romeo said he spoke with 3-4 Aldermen who assured him that this was in no way a defunding of the police department and that the elimination of the position was temporary.

Chairman Sargeant asked if Attorney Bloomer had joined the meeting for the specific purpose to review the directives. Attorney Bloomer said yes, however he was simultaneously participating in the Aldermen's budget meeting. Chairman Sargeant said to let him know when he was available to take up the directives.

Approval of Minutes

Commissioner Calcagni moved to approve the minutes of November 9, 2020. Commissioner Romeo seconded. Motion passed 4-0.

Public Comment

Commissioner Langston wanted to address a change to the website because she is the only one that has an email address listed. Chairman Sargeant said he will email the city clerk to get that changed.

Chairman Sargeant said the City is opening up the next round of contract negotiations with the Union and if there is anything that the Commissioners would like to see added or removed from the next contract, now is the time to let the Chief and Attorney Bloomer know. Commissioner Langston asked for a copy. Chairman Sargeant said there is not a copy due to attorney/client privilege and it is not a public document. Chief Kilcullen said he would provide the Commissioners with a current copy of the contract and suggested sharing any comments after reviewing.

Commanders' Report

Commander Prouty said Officer Blongy has announced his retirement date for January 2021. Commander Prouty said a tribute was paid to Joe Kraus at his final Project Vision meeting. Mark Stockton was named as Joe's replacement and Commander Prouty is working to get him set up before his own leaving. Nate will have a new comrade from Counter Drug, Maria. Counter Drug has been a partner with the City Police for over 20 years. Maria will handle more of the intelligence based stuff while Nate will continue to work on the strategic analysis that the Chief needs to deploy resources.

Commander Prouty asked the Chief to speak to the Implicit Bias Training for the Police Department and Commission. Chief Kilcullen said the training will be posted for the Department, Commission and Project Vision. The training will be held after the first of the year.

Commander Prouty said the subcommittee will be working with great resources for the training and research is based on the four pillars of the 21st Century Policing document. The Community Policing subcommittee will be working on social media and policy related research while looking at national trends and best practices and raising money to bring high quality training to Vermont. A big focus with this group will be crime prevention through environmental design with tie in of folks from DPW and Building & Zoning.

Chairman Sargeant asked who is paying for Maria's services. Commander Prouty said she is part of the Army and the Counter Drug Program pays her salary. She is assigned to the department until September.

Atty. Bloomer became available to take up the directives.

Policy Directives

Chairman Sargeant said at 4 pm today the Commission received four new directives and policies that need to be approved. It is his understanding that these are necessary now with the changes that have been made to State legislation. Atty. Bloomer said that the policies have been fully vetted and he is confident that they are in good shape. Chief Kilcullen explained the process that included input from Corporal Williams, the in-house force expert and an officer for over 20 years, and work with VLCT to develop the policies. The prohibition of choke holds needs to be incorporated quickly which is defined in the policy. The policy needs to reflect S119 (justifiable homicide) and S219 (prohibits the chokehold) and new training needed will be facilitated by Corporal Williams. Corporal Williams said the former policy lacked considerably and was written in the 90s. The new policy will be a lot easier to teach, to understand by the officer and enforce. The new policy is clear and concise and takes into account the officer is making split-second decisions under stress. Chief Kilcullen said he understands the Commission had limited time to review the policies but the policy has been tailored to Vermont through working with Atty. Bloomer and VLCT over the past months.

401-Response to Resistance

Commissioner Romeo moved to authorize the Chair to sign Directive 401 with an effective date of December 14, 2020. Commissioner Calcagni seconded. Both Commissioners Calcagni and Langston said the policy looks good but Commissioner Langston said she wished she had more time to review. Atty. Bloomer said, other than the statutes, the policy could be amended at a later date after further review. Motion passed 4-0.

402-Use of Conducted Electrical Weapons (CEW)

Chairman Sargeant said this policy relates to the use of Tasers. Commissioner Romeo moved to authorize the Chair to sign Directive 402 with an effective date of December 14, 2020. Commissioner Langston seconded. Chief Kilcullen mentioned that the coversheet for the policies identifies applicable statutes and any former policies that were amended or rescinded. Prior to this adoption there was no standalone CEW policy as it was incorporated in the former Use of Force policy. This new policy incorporates the aspects and active aggression language from the Law Enforcement Advisory Board model policy of 4 years ago and the VLCT model policy. Chairman Sargeant asked for

clarification regarding Section 6, Page 1, Report and Review paragraph E “we shall conduct a use of force review” in those 5 situations. It is his understanding that any time a Taser is deployed, a use of force review will be conducted and not just in those 5 cases. Chief Kilcullen said yes a review will be conducted when the Taser is deployed but not just pointed at with a hand gun. Atty. Bloomer said it should be consistent with the Response to Resistance Policy so that instead of just those 5 instances a review is conducted with any deployment as in the policy. Chairman Sargeant said it was his expectation that any deployment of a Taser would be reviewed and suggested the inconsistency be amended in January. Atty. Bloomer said the motion could be amended to make section 6.E. consistent with the requirements of 401 Response to Resistance and he could change it now. Commissioner Romeo amended his motion to include the change. Commissioner Langston seconded the amended motion. Motion carried 4-0.

Directive 202 Ethics

Chief Kilcullen said Chapter 1 was titled Law Officer Role and Authority and it talked about the Law Enforcement Code of Ethics that was published by the IACP and was incorporated into the Ethics policy. The new policy incorporates updated language of the IACP’s Code of Ethics and he gave examples of the changes. Commissioner Calcagni moved to authorize the Chair to sign Directive 202 Ethics with an effective date of December 14, 2020. Commissioner Romeo seconded. Commissioner Romeo asked how the section Abuse of Position will affect businesses from giving officers gifts/discounts as he hoped it would not disallow discounts. Chairman Sargeant responded that as long as the officer is not proactively asking for gifts or discounts there is no issue. Atty. Bloomer said it depends on the circumstances but that solicitation of any gift or discount is covered. He added that the language “which might tend to influence directly or indirectly their reaction in any police business” best explains when gifts or discounts are not allowed. The intention is not to prohibit any gifts or discounts under any circumstance. If this becomes an issue the Commission can revisit and amend at a later date. Atty. Bloomer noted that the Charter & Ordinance Committee will be taking up the charter provision on Thursday regarding the political issue from November and he will make sure the Commissioners are invited. Commissioner Langston asked about training for Ethics which is required annually in the former policy. Chief Kilcullen said that requirement was removed from the new policy because it is difficult to incorporate an ethics component into all other training when we do not develop the curriculum. The Department does plan to use the ethics training from the Police One Academy subscription beginning in January. Commissioner Langston asked if any of the policies being considered tonight incorporate training in general. Chief Kilcullen said they do not address general training issues. Atty. Bloomer asked if the Chief could address his plans for training on these policies. He added that the CEW policy may have included training as mandated from statute. Chief Kilcullen said training will be done at the shift, unit and

patrol level and in the other divisions with an acknowledgement form being created and kept on file. The Police One Academy subscription will allow the Department to conduct trainings as identified for the entire Department and then specific training for the divisions and the Department can require the Ethics training be conducted every year. Motion carried 4-0.

203 Duty to Intervene

Chief Kilcullen said this is a new policy as a direct result of the George Floyd incident. It ties in with other policies and requires officers to intervene when excessive use of force is being used as well as any violation of the law. This was also built into Commander Sheldon's de-escalation training that was done in August. There is a Duty to Intervene curriculum in the Police One catalog and Chief Kilcullen has also reached out to Lexipole for tailored training for the Department. Commissioner Calcagni moved to authorize the Chair to sign 203 Duty to Intervene with an effective date of December 14, 2020. Commissioner Langston seconded. Motion carried 4-0.

Chairman Sargeant reminded the Chief and Atty. Bloomer that the motion carried to make 401 and 402 consistent and asked if Thursday morning would work for him to come in and sign these. Chief Kilcullen said he could provide copies of the policies with the changes tomorrow.

Commanders' Report (continued)

Commander Sheldon discussed end of year tasks completed all the necessary training hours at the end of year and new shifts have been assigned and bid process started and have been posted in accordance with the contract. The Use of Force training has been completed by Officer Travares and Tyler Billings from the Street Crime Division, both as instructors. They completed the training for the entire department. There has been collaboration and teamwork between the Street Crime Division and VCIC regarding the robberies we have had. The resiliency project that Commander Sheldon has been working on was high jacked by former Chief Baker and the Department of Corrections. He will present the project to them on Thursday.

Chairman Sargeant asked if there has been advice or insight as to when our frontline employees will receive the Corona vaccine. Chief Kilcullen was told that RPMC will receive 1,500 doses and there are only 6,000 doses earmarked for the state. We are not the first tier but tomorrow the Governor may address the topic in his briefing.

Commander LaChance said he agreed with Commander Sheldon on the collaboration with VCIC on some high profile cases over the last few weeks and hopes to bring those to some resolution. In regards to hiring, there are 4 applicants currently in background

and if they are successful the next Police Academy test isn't until January 26. There is one applicant ready to go in January and the other 4 will take that test after they pass the entrance test. Evidence custodian Ryan is planning to move and replace some evidence lockers and reorganize the space which needs to get done. He is also working on a new method to log in evidence that will make things more efficient for the new system. Sgt. Whitehead scored an excellent and Corporal Morgano scored a superior on the recent PT test. Sgt. Whitehead helped immensely writing up the Taser policy. The Use of Force training was done by all last week. Chief Kilcullen added that Commander LaChance will be spearheading a committee regarding updating policies going forward by identifying a few every month. The focus will be to get revised policies to the Commission in February.

Mapping Update

Nate Thibodeau presented the 2015-2020 crime comparison. He reported that Homicides will go up one after it is coded, Aggravated Assault down 38%, Rape down 71%, Robberies up 16%, Arson, Burglary, Motor Vehicle Theft and Larceny are all down. Chief Kilcullen said these are all Part 1 crimes which are index crimes that occur with some frequency and are regularly reported when they occur. Nate continued with the Larceny breakdown saying everything is down except Motor Vehicle up 43% and bicycle theft up 25%. Chief Kilcullen said next month the mapping will show the 5 year average compared to current year. Nate said in November there were 680 responses with 33% in repeat locations. The shopping plaza is typically the highest, but 253 South Main Street is close on a month to month basis. Commander Prouty spoke regarding 253 South Main Street saying there have been over 220 calls for service as of April 1 at the Quality Inn. Mike Brookman, City Health Officer, had to condemn the south building until it was brought up to code. There have been 37 police response to overdoses of which 13 were at that location and two being fatal. There was a meeting with Commissioner Brown and they have been trying to be responsive by moving all the families with children out of the hotel and put them in different locations. A security company has been hired to start there next week, seven days a week. This will provide someone on site to make sure the shelter population are following the Governor's Executive Order regarding social distancing. Commander Prouty added that there has been communication with Choice Hotels Franchise senior staff to make sure Quality Inn is reporting as required the number of rooms being used for shelter folks. Nate continued with the November 2019 to 2020 comparison showing increases in theft, family fights, citizen disputes, vehicle complaints, vandalism, littering, stray animals and 911 hang-ups. Most of the assaults are in Sector 1, the middle of the City, with burglaries in Sectors 1 and 2. The map depicts where burglaries, robberies, motor vehicle accidents and overdoses are occurring. Nate discussed the overdoses map also shows where in the City there were fatal overdoses and where NARCAN was administered. He added that as of November

2020 a total of 479 cases could be attributed to five locations which make up 5% of total call volume, 37% of overdoses, 14% of aggravated assaults, 24% of drug sale cases and 9% of welfare checks in Rutland City. Alderman Ryan asked about the timeframe of the mapping for the different sectors. Nate said it is year-to-date. Commissioner Langston asked if people escaping domestic abuse are being sheltered at the Quality Inn. Commander Prouty said it is a COVID sheltering location. Chief Kilcullen said the State has funded housing through DCF for homeless people during COVID. Alderman Ryan said it is mostly the homeless or houseless population through economic services. Chairman Sargeant said some of that population will be rehomed at the end of the month through the Rutland Housing Authority's new 9-unit project on Pine Street. There is another facility opening in the former John Deere dealership on the first of the year. Commander Prouty said those may not have a huge impact on the sheltered population because they may not qualify for that housing.

Budget Report

Chief Kilcullen reported that as of the first five months of FY21 expenses are at 39% of the budget and 42% for the year.

Chief's Report

Chief Kilcullen said on Nov 23 the Attorney General had released his findings in the July 8th officer involved shooting. The general release decision was provided to the Commission. Chief Kilcullen thanked the State Police and State's Attorney for their thorough review. The process is now being reviewed internally. The decision was communicated to the entire department. Following the Attorney General's decision Officer Billings came back to full duty status on Nov. 25. Commander Sheldon had mentioned the job assignments starting January 3, 2021 and it should have been provided to the Commission. Commissioner Calcagni said he did not receive the assignments. Chief Kilcullen said he would get it out to the Commission tomorrow. Chief Kilcullen discussed the debriefing of the Center Street Initiative and said everyone is pleased with how things went over the summer. The outside employment request was sent out Dec. 11 and those will be reviewed next month.

Trainings

Nov. 10-12 – CPR and First Aid Training conducted.

Dec 8 & 10 - Use of Force & Tactics Training was conducted for all sworn personnel. This training was modified with videos and discussion.

Executive Session

At 7:34 pm Commissioner Romeo moved to go into Executive Session under Title 1 Section 3.13, Paragraph 4 disciplinary dismissal action against a public officer or employee. Commissioner Langston seconded. Motion passed 4-0.

8:31 pm Exit Executive Session.

Adjournment

Commissioner Calcagni moved to adjourn. Commissioner Romeo seconded. Motion passed 4-0.

Meeting called to a close at 8:31 pm.

Submitted by:

Barbara Spaulding

cc: Chief Brian Kilcullen
Mayor David Allaire
Police Commission
City Clerk Henry Heck
Board of Aldermen
Union President Elias Anderson