

Rutland City Police Commission
October 12, 2020

Present: Chairman Sean Sargeant, Commissioners Tony Romeo, Jeannette Langston and Luther Brown.

Absent: Commissioner Tom Calcagni.

Also attending: Chief Kilcullen, Commander David LaChance and Crime Analyst Nathan Thibodeau.

Call to order by Chairman Sargeant at 6:01 pm. Chairman Sargeant noted that he does not move this meeting despite the holiday in honor of the men and women of the Rutland City Police Department who serve 24/7.

Approval of Minutes

Commissioner Romeo moved to approve the minutes of September 14, 2020. Commissioner Brown seconded. Motion passed 4-0.

Introduction/Recognition of Police Department Members

Nate Thibodeau was introduced as the new Crime Analyst. Chief Kilcullen said Nate formerly served as Intelligence Analyst and was contacted recently to take the position vacated by Goodhale.

Patrol Officer Dan Blanchard, who was hired a little over a year ago and recently completed his one-year probation, was sworn in.

Public Comment

Alexandra Breyer of Brandon, VT asked why the traffic stop data sent to UVM was not quality checked. Chairman Sargeant said a third-party "hobbyist" requested the data and it was made available. Had the Commission known the data would be included in the UVM report then more time would have been spent on verifying the data. He said that for him personally, the report's implication that the lack of race data is not random is upsetting. He added that the Chief reviewed the past year's data and found that of approximately 34 instances, 32 had race data on the paper ticket that had not been entered into the computer. Chairman Sargeant would have preferred that the Police Commission and Department be involved, as well as the crime analyst, to make sure that the data being shipped was quality checked and not sent to a hobbyist. Chief Kilcullen said to a large extent it was a clerical error where information was not inputted into the appropriate fields.

Chief Kilcullen confirmed that of the 35 tickets for 2019 only two had missing information. He added that when the data was first requested he did not know the purpose of the request. But as a public records request he complied. When the report came out and identified the concerns, it became apparent that the department has to do better. On Sept. 1 the data was due to Prime Research Group but it was automatically extracted from the records management system and then provided to the Legislature. The analysis went back to 2011 but the 2019 data was focused on for corrections. Chief Kilcullen said they are ready for 2020 and won't have tickets where data is not being provided. He went on to discuss what is required to be recorded and the confusion with regard to race vs. ethnicity fields and how they are populated. He is working directly with the records clerk on this and filling a second records clerk position this year.

A member of the public asked if an official public statement has been made in regard to the UVM traffic stop data, in particular a response like the one given tonight, so as to show support for our community of color and allies. Chief Kilcullen said that there was a response made at the last couple of Project Vision meetings. Beyond that and these meetings, we are still trying to identify the deficiencies in the report and get the most accurate picture of how we are conducting traffic stops. There have been other state-wide discussions on how to look at traffic stops that include out-of-town drivers. The member of the public followed up by asking whether the data shows a bias or not; is there an official statement coming from the Police Department saying black lives matter and all of our community members matter. Chief Kilcullen said other than a direct response to the Herald inquiry regarding the report there has not been an official response. Chairman Sargeant said we are in hyper politically charged atmosphere where we do not do a lot of self-promotion because we run the risk of offending significant portions of our community.

Commissioner Langston said during a Project Vision subcommittee meeting there was a discussion regarding using social media to note positive things to build community relationship. She said it would be good for people to hear a response to the traffic data report. Chief Kilcullen said there has been none other than the direct response to questions from the Herald. He added that one of the follow ups to this is that we have identified some Implicit Bias training and have reached out to Nikki Fuller from Work Place Matters, who did Implicit Bias Training at RRMCC, to do the training in early December for the police department, police commission and community policing subcommittee. Although this is not a direct response it will show that these things matter to us.

Chairman Sargeant said the Board of Aldermen referred a noisy car complaint at Cleveland and Pine to the Commission. Chief Kilcullen said there was a follow up by Alderman Davis but no report from Commander Sheldon. Commissioner Langston said she has also complained about a noisy car on Grove Street at 3 am. Chief Kilcullen said there is no decimal limit on a muffler in the ordinance but exhaust can't be modified. Chairman Sargeant discussed the City's two general noise ordinances and the difficulty determining which one applies. Chairman Sargeant said they will need an update on this complaint.

Chairman Sargeant said he also received a complaint from the Chairman of the School Commission about a charter violation by a member of the department who was engaging in political activity. Chairman Sargeant reminded the Commission that the City Charter says "no member of the Police Department of the City of Rutland shall act as an officer of any political party, attend any political convention as a delegate, participate in any manner whatever in any canvass in behalf of or against any candidate for any City, county, State or national office, campaign or take any part in whatever in political matters other than to vote, nor be a candidate for any public office." The Chief contacted the City Attorney but due to the fact that the City Attorney lives in the district in question, he referred the question to outside council and an answer is due back in a few days. Commissioner Romeo said this is also true of the City's Fire Department.

Chairman Sargeant said there have been two hearings of the Board of Animal Control. One was a complaint received in March that was scheduled for a hearing in April but had to be cancelled due to the Governor's Stay Home Stay Safe order. This has since been resolved by Officer Jones. The second complaint was a dog on dog incident received on Sept. 16. Chairman Sargeant spoke to the victim and went through the particulars. The dog accused of the attack is only here for the next couple weeks when he returns to New York with his owner. It would be reasonable to not schedule a hearing because by the time it could be held the dog will be gone. ACO Jones will follow up in two weeks and if the dog is still in Vermont, a hearing will be held. Commissioner Romeo asked if the dog is still here after two weeks, can the Animal Control Officer impound the dog. Chairman Sargeant said under the ordinance the ACO could impound the dog.

Commanders' Report

Commander LaChance said he is working on personnel issues, applicants and testing. Commissioner Langston asked how many positions are open. Chief Kilcullen responded there are 5 openings. Commander LaChance said that it is down from 7.

Chief Kilcullen presented Commander Sheldon's report. Firearms training is complete, both rifle and handgun. Cpl. Williams and Officer Rajda have done a nice job with that at the range. New laptops have been installed and the e-ticket system will now be installed. The system was purchased with a grant and will allow tickets to be populated and printed in the car. Sgt. Delpha is coordinating the installation with the contractor. All patrol officers have either met their yearly training requirements or will meet them in the next month. A good number of officers have volunteered to fill the shifts due to staff openings especially during fire trainings. Commander Sheldon continues to co-instruct with Cindy Taylor-Patch Assistant Director at the Academy on 8-Hour Mental Health Response Training for new officers. There has also been a request from the Fair Haven Police Department to provide a class on Surviving Verbal Conflict and De-escalation Techniques. Two Rutland officers were trained to instruct the class and conducted the training for the whole department at the end of August. They are now being asked to do the training for other departments in the area. PT test was given in September and it went well for the Patrol Division. Dispatcher Julie Fitzgibbons has been accepted to Liberty Mutual's Master Degree Program for Psychology which fits in well with one of the pillars of President Obama's 21st Century Policing on officer wellness. Dispatcher Emily Leinoff has offered to take department photos which have not been updated since 2016. Both Emily and Julie have been participating at the Academy as dispatcher in certain scenarios and teaching Spillman classes, which is the records management system. Roll call trainings will begin in the winter and the spring months; topics to include DUI Refresher, Policy Review and Firearms Cleaning. Officer Rick Carravaggio is thanked for stepping up and taking a child into protective custody for safety issues after DCF was unable to locate a foster home. Officer Carravaggio and his wife are registered foster parents and took the child into their home.

Mapping Update

Nathan Thibodeau distributed copies of a 2020 crime comparison. He said that all crimes were down in 2020 as compared with 2014-2019 including burglaries, thefts and robberies. Chairman Sargeant asked about a spike in domestic assaults in the first months of COVID. Nathan said going through the information that was not the case. Chairman Sargeant said going forward the Commission would like to hear specifically about domestics. A member of the public asked if whether schools being closed may have contributed to a lack of reporting of domestics. Chief Kilcullen said a very small amount of domestics calls come from schools, more come through 911. Nathan also discussed the locations of crimes as presented in the comparison.

Budget Report

Chief Kilcullen reported that as of the first quarter of FY21 expenses are 23% of the budget as is typical. The FY22 budget template is due to the Mayor by October 23.

Chairman Sargeant asked if the Chief has heard from the Mayor regarding a plan on how to handle the expected increase in insurance costs. Chief Kilcullen responded that the Mayor has been meeting with HR regarding the projected increase but no number has been determined at this time.

Chief's Report

Chief Kilcullen said he has had a number of HR virtual meetings regarding personnel type issues. City Hall reopened Oct. 1 but meetings are still held virtually due to the number of attendees. The State is looking at doing something different with how dispatch services are allocated throughout Vermont. In Rutland, we are not taking advantage of the service and are providing dispatch services with city tax dollars. A follow up meeting on Sept. 22 with retired Fire Chief Schlachter, who is still working in emergency management capacity, was held to discuss dispatch infrastructure upgrades. It does not appear that anything is going to change for Rutland in the short-term, nor will we be dispatching for anyone else in the short-term. A 3-year plan is being explored. It is anticipated that those currently using the dispatch service may be billed as much as \$115,000. Conversations will continue. Commissioner Romeo asked if dispatch still covers for the fire department. Chief Kilcullen said they do when they are on a fire call. On Sept. 24 there was a Neighborhood Walk around the Combination Pond area and a community policing subcommittee meeting. Nate Thibodeau was hired as a crime analyst and recently a new treadmill was purchased. The treadmill was paid for with a Blue Cross Blue Shield grant and funds in a forfeiture account. There is still an open records clerk position that is expected to be filled by the end of the month.

Trainings

September 2 to Nov. 2 - Domestic Violence Update, mandatory for all sworn officers
Nov 17/18 - Advanced Roadside Impaired Driving (ARIDE) for Detective Plakas and Officer Billings

Sept. 24 - Rifle Familiarization Course done at the range and attended by Officer Blanchard

Oct 29 to Nov 21 - PT Testing

Oct 6 to Oct 9 – Handgun training, mandatory for all sworn officers

Dec 8 & 10 - Use of Force & Tactics Training for all sworn officers

CPR and First Aid scheduled for end of year

Commission Langston added that there was another Neighborhood Walk on Williams Street and Library that she attended. Chief Kilcullen said they distribute brochures and information about Project Vision to those who may not be aware of the resources during the Neighborhood Walks.

Chairman Sargeant distributed copies of the current and 2020 model Response to Resistance Policy and said he wants to take up the topic for debate at the next meeting. Additionally there are two new related 2020 policies that the VLCT has asked the Police Commission to consider: The Duty to Intervene and Ethics. The 2020 directives are being reviewed by the City Attorney. These will also be discussed at the next meeting.

Chairman Sargeant discussed a potential directive regarding an increase in front line officers requesting a load bearing vest for medical reasons. Chairman Sargeant prefers the soft vest and utility belt vs. the load bearing vest which in his opinion looks militaristic. The Chief is having to review requests from officers for medical reasons to go to this vest where the load is distributed better. Chairman Sargeant had a conversation with Capt. Gary Scott of the Vermont State Police and Chair of the Fair & Impartial Policing Committee, who said they use the soft vest and utility belt due to their history and new recruits are made aware of the history. They don't allow the more militaristic vest. Some of the Vermont State Police use suspenders to help with distribution of the weight. Capt. Scott said that the soft vest fosters two-way communication where the vests used by tactical teams do not. Chairman Sargeant emailed four articles, from police sources, provided by Capt. Scott that helped the Captain form his opinion on the vests. Chairman Sargeant asked the Commission to read the articles for discussion at the next meeting. He would prefer there was a directive that specified what type of uniforms are allowed. Chief Kilcullen discussed requests he has received and how the requests have been handled. He added that the City Attorney's position is that there has to be some sort of accommodation provided for a medical condition. To date accommodations have been authorized in two cases based on medical and legal assessment. Chief Kilcullen said he doesn't like the look of the load bearing vest and in these two instances it wasn't the best solution despite the request.

Commissioner Langston asked if there was an update on Act S124. Chief Kilcullen said S124 reconstituted the training council into the Criminal Justice Council and expanded membership. He received information that Act S119 "Statewide Standard and Policy for Law Enforcement Use of Force goes into effect in July. Commissioner Langston said Act S124 goes into effect in January. Chief Kilcullen said it was a quick turnaround for the body cameras when the IT Solutions and storage have not been identified. The State is looking to provide a storage solution for all agencies and determine the cost of the storage. Commissioner Langston asked if the Rutland police have body cameras. Chief Kilcullen said no, they have dash cameras.

Commissioner Langston asked how the department ensures women and people of color are recruited. Commander LaChance said the department does not have a recruiter. He added that anyone who is interested applies through the testing at the Academy with an

exam, PT test, written test and PI. Once those state regulations are passed, the grades are sent to the department and the applicants are put in contact with Sgt. Sam Delpha who sets up the interview process. Anyone who passes all of the regulations is considered. Discussion continued on the difficulty of the written test and Commissioner Langston asked if there was any outreach to those who did not pass. Chief Kilcullen said he has provided resources to applicants who didn't pass to help in re-taking the tests. Commissioner Langston asked if there is any direct recruitment of women or people of color. Chief Kilcullen said currently there is and regarding women, 2-3 have been hired recently, it's just a matter of keeping them. Discussion continued regarding ways to recruit youth out of high school or through the Stay to Stay program. Chief Kilcullen discussed the existing cadet program and how interest changes over the years.

Executive Session

At 7:24 pm Commissioner Romeo moved to go into Executive Session under 1 VSA Section 3.13, disciplinary or dismissal action against a public officer or employee. Commissioner Brown seconded. Motion passed 4-0.

8:12 pm Exit Executive Session.

Adjournment

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

Meeting called to a close at 8:12 pm.

Submitted by:

Barbara Spaulding

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