



Police Commission

**Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street,
2nd Floor Burlington, VT 05401**

PLEASE NOTE:

This meeting will be held on zoom and in-person in Contois Auditorium inside City Hall.

Please use the link below to join the Webinar:

<https://zoom.us/j/96410980552?pwd=L2JFM0p4SWVoekVWb2ZURVVmb0hVZz09>

Or Telephone:

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

Webinar ID: 964 1098 0552

1. Agenda

1.1. Call to Order

1.2. Roll Call and Determination of Quorum

1.3. Additions or Modifications to Agenda

2. Approve and Adopt Minutes

Subject	2.1. Draft Minutes of the Burlington Police Comission meeting 07.23.24
Meeting	August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401
Category	2. Approve and Adopt Minutes
Department	Other
Type	
Recommended Action	

3. Public Forum (Time limited 10 minutes)

3.1. The public is invited to address the Commission

4. Police Department Business (Time limited 20 minutes)

Subject **4.1. Cheifs Report**

Meeting August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401

Category 4. Police Department Business (Time limited 20 minutes)

Department Police Department

Type

Recommended Action

Subject **4.2. Use of Force Report - June 1 - June 16th**

Meeting August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401

Category 4. Police Department Business (Time limited 20 minutes)

Department Police Department

Type

Recommended Action

5. Commission Business (Time limited 30 minutes)

Subject **5.1. Protocol for public meetings and executive sessions**

Meeting August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401

Category 5. Commission Business (Time limited 30 minutes)

Department Other

Type

Recommended Action

Subject **5.2. Discuss Commission Process of Citizen Complaints**

Meeting August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401

Category 5. Commission Business (Time limited 30 minutes)

Department Other

Type

Recommended Action

Subject **5.3. Process and outcome of reviewing Use of Force Body Worn Cameras**

Meeting August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401

Category 5. Commission Business (Time limited 30 minutes)

Department Other

Type

Recommended Action

Subject **5.4. Deliberations about DD40 as they relate to CNA Recommendations**

Meeting August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401

Category 5. Commission Business (Time limited 30 minutes)

Department Human Resources

Type

Recommended Action

6. Commendations (Time limited 5 minutes)

Subject **6.1. Citizen note to officers injured while in line of duty**

Meeting August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401

Category 6. Commendations (Time limited 5 minutes)

Department Other

Type

Recommended Action

Subject **6.2. Word of Praise email from Westport Hospitality group (Hotel Vermont and Courtyard Burlington harbor Hotel)**

Meeting August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401

Category 6. Commendations (Time limited 5 minutes)

Department Other

Type

Recommended Action

7. Commissioner Comments (Time limited 15 minutes)

8. Executive Session

9. Informational and Non-Discrimination Statements

Subject	9.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.
Meeting	August 27, 2024 - Burlington Police Commission Meeting - Tuesday, August 27, 2024, 6:00 PM, Contois Auditorium, City Hall 149 Church Street, 2nd Floor Burlington, VT 05401
Category	9. Informational and Non-Discrimination Statements
Department	Council and Board
Type	

Draft minutes



BURLINGTON POLICE COMMISSION
ROBERT MILLER COMMUNITY & RECREATION CENTER, COMMUNITY ROOM 130
GOSSE CT. BURLINGTON VT 05408
MINUTES OF MEETING
July 23, 2024

1. Agenda

1.1. Call to Order

Meeting Called to order at 06:05 pm by Chair Rao

1.2. Roll Call and Determination of Quorum

Commissioners present online or in person

- Mary Cox
- Shakuntala Rao
- Robert Depper
- Kevin Garrison
- Susan Comeford

City Staff present online or in person

- Staff Support, Tim Williams
- Police Cheif Jon Murad
- Deputy Police Cheif Wade Labrecque
- Sr. Policy & Data Analyst Nancy Stetson
- Chief Of Staff Erin Jacobsen

1.3. Additions or Modifications to Agenda

No Addtions or Modefications for the agenda

2. Approve and Adopt Minutes

2.1. June Minutes

Minutes from the June meeting were presented for approval.

Motion: To accept the June minutes as presented.

Second: Commissioner Garrison

Motion Passed: Unanimously

3. Public Forum

One member of the public was in attendance online and wished to address the committee.

City Councilor Melo Grant, Central District (Wards 2 & 3)

- Discussed the need for more support for the recruitment team, emphasizing the low number of applications and the importance of increasing interest in the department.
- Suggested forming a subcommittee focused on recruitment, branding, and developing a strategic social media plan.
- Expressed concerns about the Priority Response Plan and its impact on businesses in the Central District.
- Requested more detailed minutes concerning discussions on community service officers and crisis intervention programs.
- Raised concerns about data related to the State's Attorney's office and its relationship with the Burlington Police Department.
- Encouraged the Commission to ensure that their annual reports are completed and published.

3.1. The public is invited to address the Commission

4. Chief's Report

4.1. July - Burlington Police Chief's Report

Chief Murad provided an update on the department's activities:

3rd of July Event: Successful management of the event, with partnerships including the Vermont State Police and the Fire Department.

Staffing Update: The department had 67 officers as of July 1, with four new recruits joining since then.

Reassignment: The Domestic Violence Prevention Officer and the Narcotics Officer were temporarily reassigned to patrol duties due to staffing shortages, with these positions expected to be filled again by October.

5. BPD Annual Report Presentation

5.1. Presentation from the City's Planning Department - 2023 BPD Report

Commissioners engaged in a discussion regarding the findings of the report, focusing on key areas such as community outreach, response times.

Chief Murad, highlighted some notes of concern specific to traffic stops, and use of force incidents being up 50% as a number, and arrests are up 58% as a number. Chief Murad also stated that, of those traffic stops the department would do a review of those traffic stops to assure the department of Justice's standards are being met. The Chief and the commission discussed how the report data may highlight a need for additional implicit bias training.

Commissioner Depper, inquired about being able to access the raw data that was used to make the report. Nancy Stetson informed the commission that the raw data is available via the City's website on the open data portal.

6. Use of Force Report

6.1. May Use of Force Report - May 01-May 31, 2024

Commissioner Cox, requested renewal of body-worn camera footage. Deputy Chief Labrecque explained that the method used for sharing body-worn camera footage is limited to 3 days settings, and that when a commissioner requests a renewal, all commissioners are granted the renewal.

7. Commendations

7.1. May and June Accommodations

Chair Rao, truncated the written and submitted comments, chair Rao also shared an commendation for the officer who was recently injured while in the line of duty the evening prior.

Written Comments highlighting the works of
1st - CSL Mara
2nd - Sgt. Mellis
3rd - Officer Brown

8. Commissioner Comments

Chair Rao shared the need for a paid staff member for the committee to work on the clerical needs of the commission.

- Citizen complaints categorized and placed before the commission via their internal SharePoint site.
- Annual report of the commission.
-

9. Executive Session

Commissioner Cox made a motion to go into executive session and not return to the public meeting.
Second, by commissioner Harrison,
passed unanimously

public meeting adjured and moved into executive session at 08:31pm

9.1. Executive Session

10. Informational and Non-Discrimination Statements

10.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.



BURLINGTON POLICE CHIEF'S REPORT

August 2024



SWEARING-IN CEREMONY

On August 1, we added four new sworn officers and additional professional positions like three new dispatchers to the Department.

We also promoted Anna Wagling to Community Support Supervisor, and important position in our CAIP team. And we recognized our Recruitment Officer, Corporal Carolyn Erwin, for 20 years of service. It was great work by Corporal Erwin and Recruitment Coordinator Anhad Bajwa that yielded these new hires. Mayor Mulvaney-Stanek attended and offered welcoming Remarks to these new members of the team.





CSO / HUMANE SOCIETY TRAINING

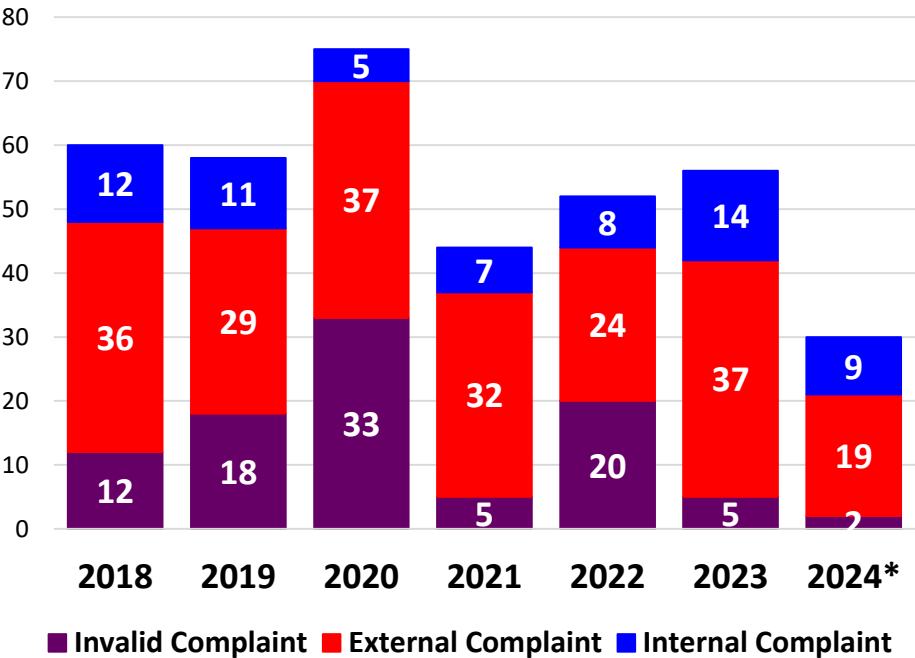
“Animal Problem” calls are a big part of the job for our Community Service Officers (CSOs). Recently they took part in a training course with the Humane Society of the United States. The training addressed animal welfare and animal-cruelty investigations. BPD hosted the training, which was attended by other law enforcement agencies, as well.



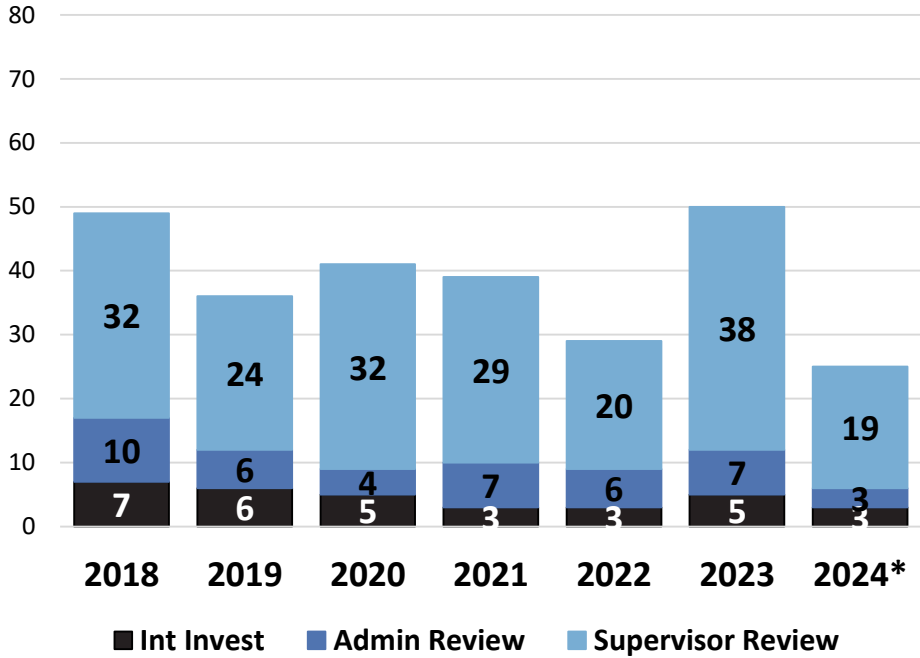


DISCIPLINE AND OVERSIGHT

COMPLAINTS



REVIEWS



For the BPD, citizen involvement in complaints and discipline is now codified and fosters transparency, consistency, and fairness. Earlier this summer, we worked with the Police Commission, the Human Resources Department, the City Attorney’s Office, and the BPOA to overhaul DD40 completely. The new directive, [DD40 External and Internal Complaints, Supervisor Reviews, Administrative Reviews, Internal Investigations & Discipline](#), is far more thorough and delineates a very specific, fair process. This slide retroactively applies the new definitions to previous years’ cases for some context around the volume of complaints and discipline.



BPD SWORN OFFICER HEADCOUNT, 2015-2024

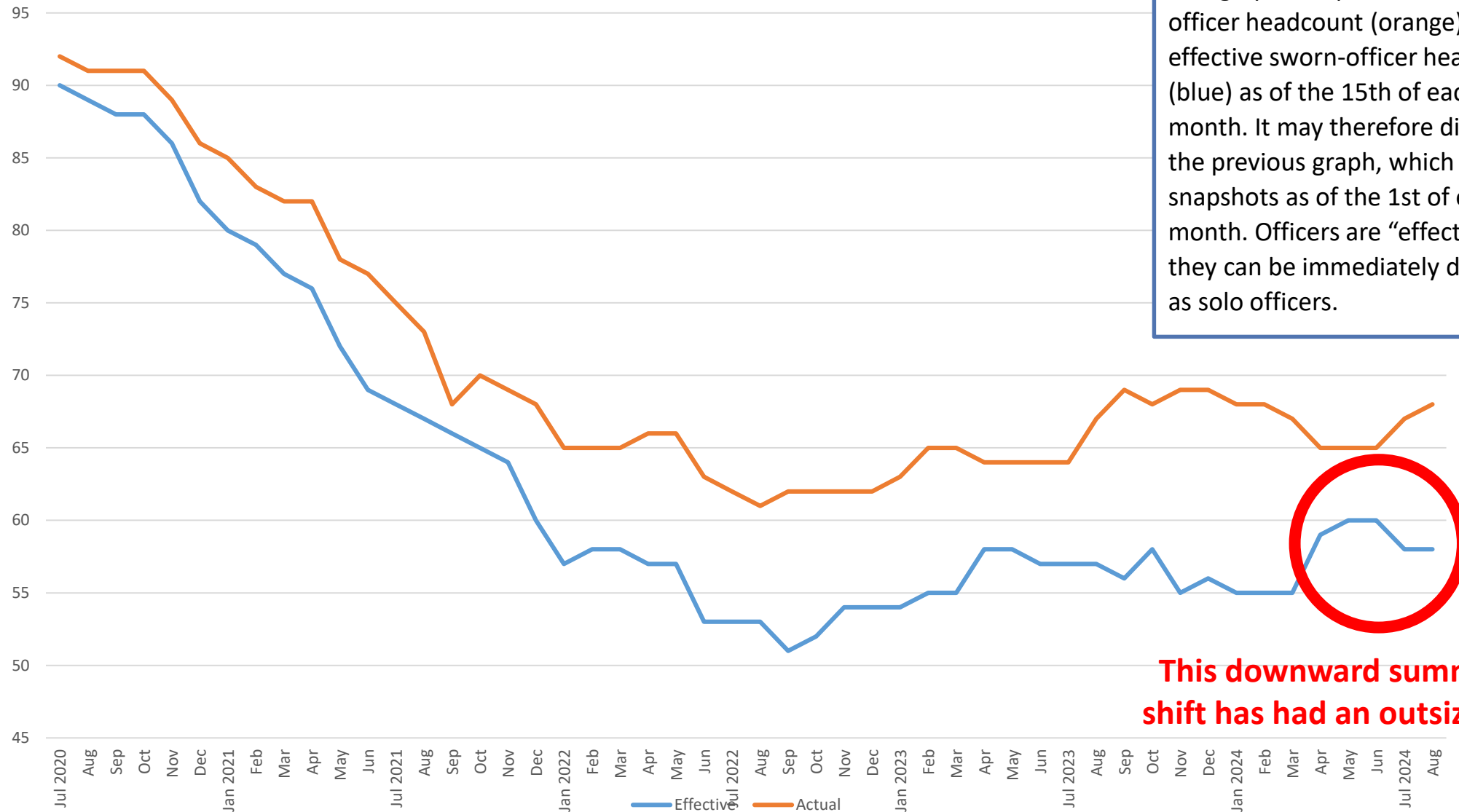
TOTAL SWORN HEADCOUNT, as of the first of each month, month-by-month



In June 2020, the Burlington City Council voted to reduce, by attrition, the BPD's authorized headcount from 105 to 74. An officer exodus ensued. In Oct 2021, the council raised the cap from 74 to 87, but it was not until a new, strong police contract was ratified in July 2022 that headcount stabilized. We are now working to rebuild.



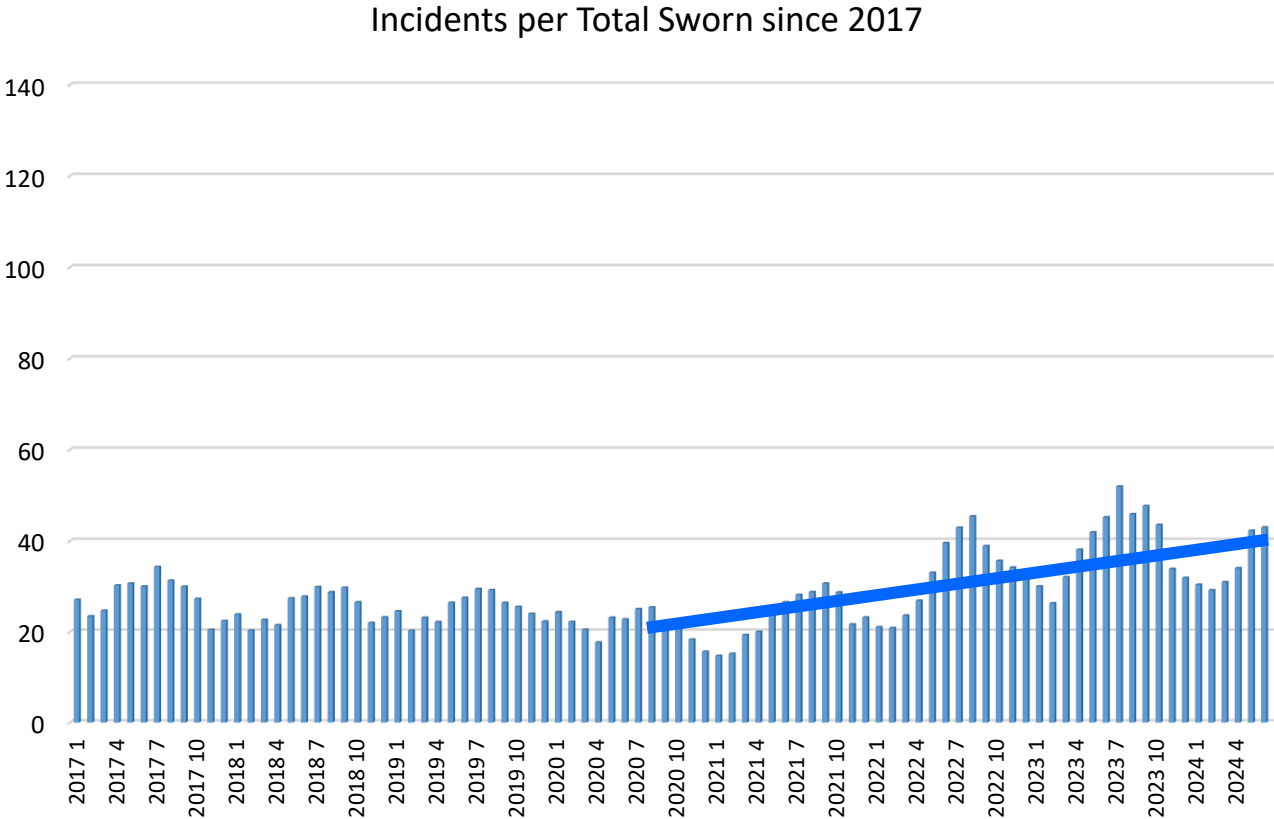
ACTUAL vs EFFECTIVE, JULY 2020 to AUG 2024



This downward summertime shift has had an outsized effect



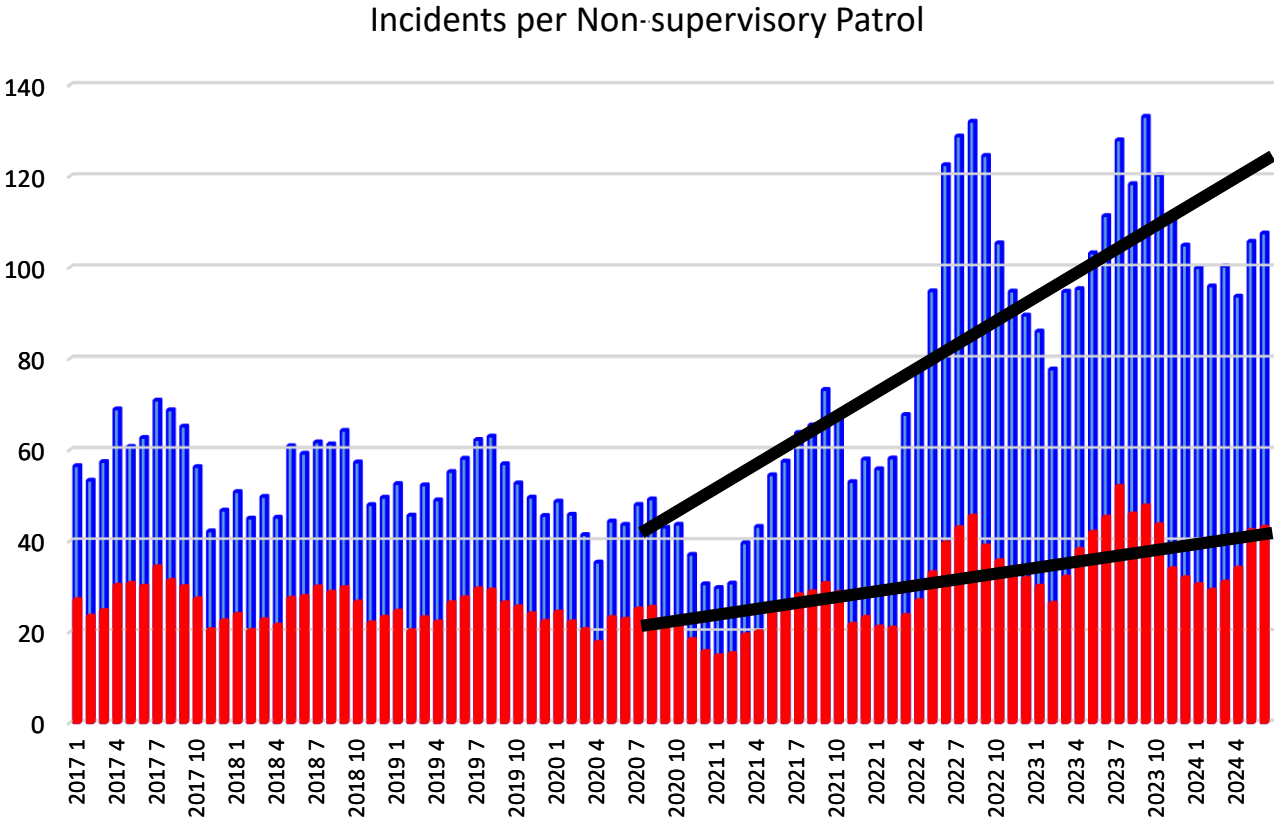
INCIDENTS vs HEADCOUNT, Month-to-Month



This graph shows the total number of incidents per month divided by the total number of sworn officers for that month. It gives a very conservative picture of the tremendous workload increase since July 2020, per officer—the trend has doubled.



INCIDENTS vs HEADCOUNT, Month-to-Month



But comparing total incidents to total officers underestimates the burden on patrol. The majority (>75%) of incidents are answered by non-supervisory patrol officers. This graph shows **incidents-per-officer** for **all sworn (red)** versus for **non-supervisory sworn on patrol (blue)**. Note that it does not account for incidents answered at the airport, by detectives, by supervisors, or by CSOs and CSLs. (For example, CSOs were the primary officer on 16% of incidents in 2022, 12% in 2023, and 13% so far in 2024.) Therefore the true burden on sworn patrol officers lies somewhere between the red and the blue. It's still staggering; **the trendline shows a 200% increase.**



68 TOTAL, 58 EFFECTIVE

As of August 15 2024, we are authorized for 87 sworn officers. Of those 87, we employ 68. Of those 68, 58 are able to be deployed as solo officers, or “effective.”

Sixty-eight as of August 15 2024
minus 10 maternity, military, FTO, etc. = 58
minus 14 supervisors = 44
minus 10 detectives = 34
minus 7 airport officers = 27
minus 1* special assignment = 26

26

officers on Patrol

** Previously there were three special assignments, but patrol deficits and summer call volume have necessitated that two—the Domestic Violence Prevention Officer (DVPO) and the temporary Narcotics Officer—be deployed on patrol. It is expected those officers will return to their special assignments in October.*



We also have 5 Community Service Officers (CSOs) and 5 Community Support Liaisons (CSLs).



PUBLIC SAFETY ROLES UNIQUE TO BPD

Public safety is more than police. When sworn-officer staffing began to fall, Chief Murad created the 2021 Public Safety Continuity Plan. That plan augmented an existing non-sworn role:

- **Community Service Officers** (CSOs),

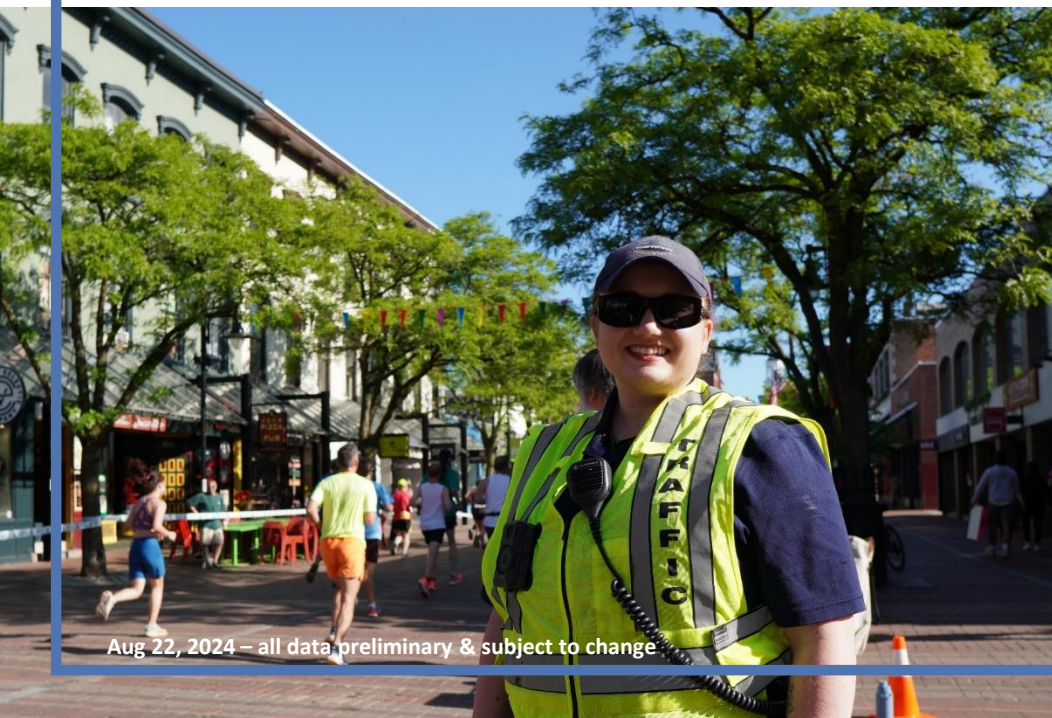
These are unarmed, unsworn officers who answer quality-of-life calls for service. BPD currently has seven employees in the role, and **the budget allots us 11 CSOs and one CSM** (or Community Service Manager). The role is also a stepping stone to becoming a police officers. Five of our current officers first served as CSOs.

**BPD
currently
has 5 CSOs
and 5 CSLs**

The 2021 Public Safety Continuity Plan also created a brand new social-service role:

- **Community Support Liaisons** (CSLs)

These are embedded social workers with expertise in mental health, substance use disorder, and homelessness. **BPD currently has five CSLs**, of six allotted. There is also one CSS (or Community Support Supervisor). The CSLs are the core of our new **CAIP division (Crisis, Advocacy, Intervention Programs)**. Additionally, one former CSL recently finished field training as a sworn officer.



Aug 22, 2024 – all data preliminary & subject to change



THE PRIORITY RESPONSE PLAN

With staffing down and incident volume up, the BPD had to create the Priority Response Plan. It husbands resources while remaining true to our duty to prioritize our **NEIGHBORS' PHYSICAL SAFETY** and their sense of safety. **The Plan goes into effect when two or fewer sworn police officers are available for response; when that happens, Priority 2 and Priority 3 incidents get “stacked” and do not receive an in-person response.** When three or more officers are available, they are dispatched to all incidents regardless of Priority category.

Incidents labeled “CSO” or “CSL” initially receive a response from a CSO or CSL, rather than a sworn officer, unless the incident evolves in a way that changes its category or requires a sworn officer.

Incidents labeled “ONL” (for “Online Only”) are to be diverted to an online reporting function. Note that larcenies and retail thefts are NOT supposed to be online reports.

Additionally, during daytime weekday hours when DSB detectives are available, **DSB will handle untimely deaths.**

PRIORITY 1	High priority.
PRIORITY 2	Middle priority. (*) = situationally dependent; some may be Priority 1 or Priority 3.
PRIORITY 3	Low priority. Response may be delayed based on officer availability; may receive a CSO response.

911 Hangup		Cruelty to Animals	CSO	Illegal Dumping	CSO	Robbery	
Airport AOA Violation		Custodial Interference *		Impeding a Public Officer		Runaway	
Airport Duress Alarm		Disorderly Conduct *		Impersonation of a Police Officer *		Runaway Apprehension	
Airport PHASE		Disorderly Conduct by Elec Comm	ONL	Inciting a Felony		Search	
Alarm *		Disturbance		Intoxication	CSO	Search Warrant	
Alcohol Offense	CSO	DLS		Investigation - Cold Case		Service Coordination	CSL
Animal Problem	CSO	Domestic Assault - Felony		Juvenile Problem *		Sex Offender Registry Violation	
Arrest on Warrant		Domestic Assault - Misd		Kidnapping		Sexual Assault	
Arson		Domestic Disturbance		Larceny - from a Building		Sheltering/Aiding Runaway	
Assault - Aggravated		Drugs		Larceny - from a Motor Vehicle		SRO Activity	
Assault - Simple		Drugs - Possession		Larceny - Other		Stalking	
Assist - Agency		Drugs - Sale		Larceny from a Person		Stolen Vehicle	
Assist - Car Seat Inspection	CSO	DUI		Lewd and Lascivious Conduct		Subpoena Service	CSO
Assist - K9		Eluding Police		Lockdown Drill		Suicide - Attempted	
Assist - Motorist	CSO	Embezzlement	ONL	Mental Health Issue *		Suspicious Event *	
Assist - Other		Enabling Consumption by Minors		Minor in Possession of Alcohol		Theft of Rental Property	ONL
Assist - Public		Encampment Outreach	CSL	Missing Person		Theft of Service	ONL
Background Investigation		Encampment Policy	CSL	Motor Vehicle Complaint	CSO	Threats/Harassment *	
Bad Check	ONL	Escape		Neighbor Dispute	CSL	Traffic	
Bar / Liquor License Violation		Extortion	ONL	Noise	CSO	Trespass *	
Bomb Threat		False Info to Police		Obstruction of Justice		TRO/FRO Service	
Burglary *		False Pretenses	ONL	Operations		TRO/FRO Violation	
CHINS		False Public Alarms		Ordinance Violation - Other	CSO	Unlawful Restraint	
Community Outreach		False Swearing		Overdose		Untimely Death	DSB
Compliance Check		Fireworks	CSO	Parking	CSO	Use of Elec Comm to Lure a Child	
Computer Crime	ONL	Foot Patrol		Possession of Stolen Property		Uttering a Forged Instrument	ONL
Contributing to Delinquency of Minor		Forgery	ONL	Prescription Fraud	ONL	Vandalism	ONL
Counterfeiting	ONL	Found/Lost Property	CSO	Prohibited Acts		VIN verification	CSO
Crash - Fatality		Fraud	ONL	Property Damage	CSO	Violation of Conditions of Release *	
Crash - Injury to person(s)		Fugitive From Justice		Reckless Endangerment *		Voyeurism *	
Crash - LSA *		Graffiti Removal		Recovered Property	CSO	Weapons Offense	
Crash - Non-Investigated	CSO	Hindering Arrest		Resisting Arrest		Welfare Check *	
Crash - Property damage only	CSO	Homicide		Retail Theft			
Cruelty to a Child		Identity Theft	ONL	Roadway Hazard			



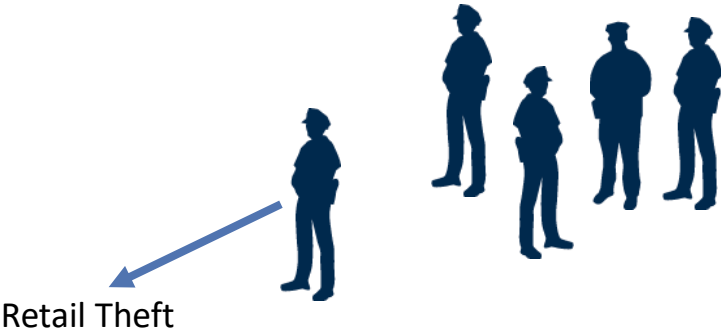
HOW THE PRIORITY RESPONSE PLAN WORKS

When only two or fewer officers are available, the Priority Response Plan goes into effect.

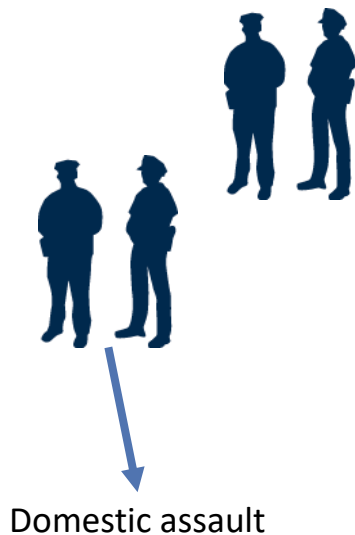
1. In this example, there are five non-supervisory officers assigned to the day shift. They respond to every call for service in the order the calls come in.



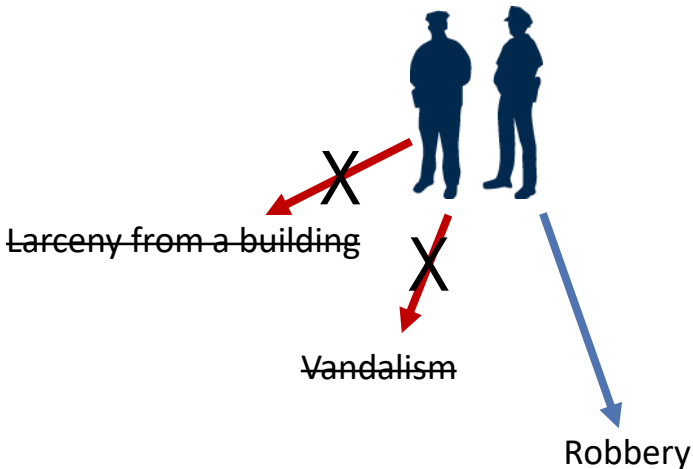
2. Dispatch receives a call about a retail theft, which is a Priority 3 call for service. Officer 1 responds, leaving Officers 2, 3, 4, and 5 available.



3. Officers 2 and 3 are dispatched to a Domestic Assault call, which, like most Priority 1 incidents, requires a two-officer response. Now only Officers 4 and 5 remain. At this point, the Priority Response Plan goes into effect.



4. Officers 4 and 5 have to remain available in case of a Priority 1 life-safety incident like a robbery. If anything other than a Priority 1 comes in—a report of vandalism or a larceny, for example, which are Priority 3 calls—the call will be “stacked” until more than two officers are once again available.





INCIDENT VOLUME



The Church Street Marketplace

Aug 22, 2024 – all data preliminary & subject to change

YEAR-TO-DATE 08/15
Incidents in 2024 are basically even compared to 2023. But BPD is addressing more incidents than at any point in half a decade, with fewer patrol officers than in 2019—50% fewer, in fact. As a result, of the 18,797 incidents in 2024 so far, 1,xxx have been “stacked”—i.e., 1x%. And 8xx began as online reports, or x%.

	YTD INCIDENTS (as of 08/15)	%Δ
2019	17,783	
2020	15,510	↓13%
2021	13,049	↓16%
2022	15,011	↑15%
2023	18,573	↑24%
2024	18,797	↑1%
	Δ 2019 to 2024:	↑6%

It should be noted that not all incidents are crimes. They are more accurately “calls for service.” As shown on a previous slide, there are more than 100 categories of incident. The fact that incidents are up does not necessarily mean that crime is up; as the next slide shows, some categories of criminal incident are up and some are not.



SELECTED VALCOUR INCIDENTS, YTD AS OF AUGUST 15

	Assault - Agg	Assault - Simple	Burglary	Crash w Injury or Fatal	Disorderly Conduct	Domestic Assault*	Domestic Disturb	Gunfire	Larceny (all)**	Mental Health Issue	Overdose	Robbery	Sexual Assault	Stolen Vehicle	Traffic
2019	32	98	61	51	95	54	284	3	414	477	30	14	37	32	1,285
2020	33	87	60	36	74	37	426	7	439	608	65	12	40	31	901
2021	38	88	71	54	70	26	325	10	567	624	72	7	31	54	522
2022	46	106	102	60	91	27	350	20	942	721	121	12	27	209	293
2023	28	109	124	73	54	30	276	8	976	621	288	12	19	188	402
2024	45	110	115	66	48	26	305	9	789	614	353	13	18	115	596

* = combines incidents categorized as “Domestic Assault – Felony” and “Domestic Assault – Misdemeanor”

** = combines incidents categorized as “Larceny from a Person,” “Larceny – from a Building,” “Larceny – from Motor Vehicle,” and “Larceny – Other”

NOTE: All categories shown year-to-date, through August 15 of their respective year

NOTE: These data are derived from Valcour incidents. Valcour is the BPD’s computer-aided dispatch and records-management system. Incidents are initially categorized by dispatch according to the information provided by a caller; the category may be changed by the officer who responds to the scene and/or the detective who takes the case. Offense data and/or NIBRS data may differ.



THE BPD IS HIRING!

**\$74,415 to \$82,084
starting pay***

**\$100,000
top pay**

**and a \$15,000
hiring bonus**

- City retirement with 5-year vesting
- Shift differential, weekend, and holiday pay
- **full medical benefits** and wellness incentives
- Retirement after 20 years of service at 50% salary
- Retirement after 25 years of service at 75% salary
- 15-step pay scale for non-supervisory employees
- Overtime can be received as cash or vacation accrual
- **10-hour workday, 4-days-on/3-days-off schedule**
- **Weekends off every other month**
- Yearly education bonus
- Beards and tattoos permitted
- Various **specialty assignments** such as detectives, narcotics, K9, domestic violence prevention, airport
- **Applicant can be a non-U.S. citizen** if applicant is a permanent resident / green-card holder

*depending on experience

www.bpdcareers.com



POLICE DEPARTMENT
CITY OF BURLINGTON

USE of Force Report

June 01, 2024 – June 15, 2024

Please note definitions below when reading this report

- **General** - considering or including the main features or elements of something, and disregarding exceptions
- **“Stated to the effect”** is used throughout this report to show the general idea of what someone said instead of their actual words.
- **Reason for Officer Response** - a brief or general summary of why officer were there.

Total Number of Incidents for 6/01/24 – 6/14/24 – 1292

Total Number of UOF Incidents - 13

Total Uses of Force – 32

Percent of UOF Incidents vs. Total Incidents – 1%

Race/Gender of Arrestee/Subject in UOF Incidents

Black Male – 3

Black Female – 0

White Male – 4

White Female – 5

Asian Male – 2

Hispanic Male – 1

Incidents

1. 24BU011495

6/1/24

Complainant/Officers Dispatched

Call type – Aggravated Assault

Charges – Assault/Arrest on Warrant/Resisting Arrest/False Information to a Police Officer

Reason for Officer Response:

Officer responded to a call at a Church Street bar. Staff had removed a male patron from the bar. Once outside the male subject assaulted a bar employee, threatened to stab them and produced a knife. The bar staff was able to give a description of the male suspect to officers. Officers located the male suspect and stopped them. The suspect attempted to flee from officers.



POLICE DEPARTMENT
CITY OF BURLINGTON

Arrestees Actions – The arrestee actively resisted attempting to flee on foot from the officers, on the ground the arrestee resisted by tucking his hands underneath his body and pull his arms away from officers attempting to bring his hands behind his back to handcuff them.

Officer Actions

Officer 1 – The officer observed the arrestee attempt to flee and took hold of the arrestee's sweatshirt. The officer transitioned to the male's waist and brought the male to the ground in a controlled manner. Once on the ground the officer used empty hand controls to bring the arrestee's left arm behind his back.

Officer 2 – The officer assisted the officer on the ground using empty hand controls pulling the arrestee's right arm out from under the arrestee's torso. The officer then move the arrestee's right arm behind the arrestee's back. The officer then handcuffed the arrestee.

Arrestee – taken into custody

Black male Age 23, 6'02", 173 lbs.

Arrestee – minor scrapes

Officers – minor scrapes

2. 24BU011584

6/2/24

Complainant/Officers Dispatched

Call type – Aggravated Assault

Charges – Aggravated Assault/Assault on a Law Enforcement Officer/Resisting Arrest/Impeding Public Officers

Reason for Officer Response

Caller stated a male was exposing his penis to pedestrians walking by on Main Street and gave a description. An officer located the male at Champlain Farms on Main Street. The officer asked for identification but the suspect refused to identify himself and then attempted to walk away. The officer tried to de-escalate the interaction but the suspect continued to try to leave.

Arrestees Actions – The arrestee tried to leave the scene after being told by the officer that they were not free to leave. When the officer tried to prevent them from leaving the arrestee swung a gallon jug, half-full of water, at the officer's head. Once on the ground the arrestee began to twist and turn against the officer, who was also on the ground, trying to take them into custody. The officer sprayed the arrestee with OC several times before it was effective. The arrestee then attempted to throw handfuls of dirt and mulch into the officer's face attempting to blind the officer. The arrestee continued to twist and push against other officers as they assisted the first officer.



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Officer Actions

Officer 1 – The officer spoke with the arrestee and trying to de-escalate them. The arrestee attempted to walk away after the officer explained they are not free to leave. The officer placed hand on the arrestee to stop them. To which the arrestee swung a half-full gallon jug of water at the officer's head. The officer blocked the jug with his hand and then brought the arrestee to the ground in a controlled manner. Once on the ground the officer attempted to take control of the arrestee using empty hand controls. The arrestee actively resisted the officer twisting and turning under the officer. The officer then deployed his OC in an attempt to gain control of the arrestee. The arrestee turned his face away several times resulting in the officer having to deploy his OC several times. The OC was affecting the officer as was the dirt and mulch thrown at the officer's face. This hindered his ability to take the arrestee into custody. Several officers arrived on scene at this time to assist.

Officer 2 – This officer was arrived on scene and observed the arrestee actively resisting the Officer 1's efforts to take him into custody. The officer took hold of the prone arrestee's right arm and move the arrestee onto the arrestee's back. The officer gave the arrestee verbal commands stating to the effect to stop resisting. The officer was able to roll the arrestee onto his side and then into a prone position. Officer 2 passed of the arrestee's right arm to Officer 3 who had arrived on scene. The officer then tried to pull the arrestee's left arm out from under the arrestee. The arrestee pulled back against the officers efforts. The officer used empty hand controls to physically pull the arrestee's arm out and place it behind the arrestee's back.

Officer 3 – This officer used empty hand controls to take hold of the arrestee's right arm and physically place it behind the arrestee's back. The officer then was able to handcuff the arrestee.

Officer 4 – This officer used empty hand controls to control the arrestee's legs while they were on the ground.

Arrestee – taken into custody
Asian male Age 58, 5'07", 140 lbs.

Arrestee – effects of OC spray/small abrasion

Two Officers – cuts to forearm/elbow one officer and abrasions/lacerations/bruising on other officers face



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3. 24BU011712

6/3/24

Complainant/Officers Dispatched

Call type – Arrest on a Warrant

Charges – Arrest on Warrant

Reason for Officer Response

A caller stated a female they believed was intoxicated was causing a disturbance. Officer located the female and in the course of their investigation learned, she had an active arrest warrant.

Arrestees Actions – During transport and while waiting at Chittenden County Correctional Center the female continuously kicked the glass separating the back of the cruiser and the front and the side glass windows of the cruiser.

Officer Actions

Officer 1 – Informed the arrestee three times to stop kicking the partition and the windows or the officer would deploy his OC. The arrestee would not comply. At corrections, waiting to be admitted, the female continued to kick the window with her heel. The officer exited the cruiser, displayed his OC and warned the arrestee again to stop. The arrestee did not comply and the officer deployed his OC. The arrestee immediately complied.

Arrestee – taken into custody on warrant

White Female Age 48, 5'03", 128 lbs.

Arrestee – OC exposure

Officer – no injury

4. 24BU011713

6/3/24

Complainant/Officers Dispatched

Call type – Agency Assist

Charges – None

Reason for Officer Response

Officers served an emergency evaluation warrant on a female subject. The female subject refused to place her hands behind her back when asked to by an officer.

Subjects Actions – The female subject refused to place her hands behind her back when asked to by an officer.



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Officer Actions

Officer 1 – The first officer told the woman she would be handcuffed and ordered the subject to put their hands behind their back. When she did not comply, the second officer took hold of the female's left arm, physically moved it behind her back, and then handcuffed the female.

Subject – taken into custody on EE warrant and transported to UVMHC
White Female Age 67, 5'06", 125 lbs.

Subject – no injury

Officer – no injury

5. 24BU011821

6/4/24

Complainant/Officers Dispatched

Call type – Disturbance

Charges – Arrest on Federal Warrant

Reason for Officer Response

Caller stated to the effect that a male subject was threatening a female with a firearm inside an SUV. The first officer located the vehicle in a parking lot nearby and went out with it. Two more officers arrived on scene and conducted a high-risk motor vehicle stop. The male suspect was called out of the vehicle and complied with this command. Once outside the vehicle the suspect fled on foot from the officers.

Arrestees Actions – The male suspect was called out of the vehicle and complied with this command. Once outside the vehicle the suspect fled on foot from the officers. While officer attempted to take suspect into custody, suspect grabbed officer's throat.

Officer Actions

Officer 1 – drew their firearm, pointed it at the vehicle, and gave verbal commands to the suspect to exit the vehicle. The suspect complied and exited the vehicle. Once outside the vehicle the suspect fled on foot. The officer gave chase observed the suspect run up a driveway. The officer continued up the next driveway and cut off the suspect's pursuit in the backyard of a residence. The officer pointed his firearm at the suspect and gave them orders to stop and get on the ground. The suspect initially stopped but then tried to flee again. The suspect tripped and fell. The first officer was then able to get on top of him on the ground. The suspect reached up and grabbed the officer's throat with his right hand. The officer took hold of the suspect's right hand and was able to pin it to the ground. The suspect became compliant and the officer rolled the suspect into a prone position. The second officer arrived on scene and a short time



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late the third officer. With the assistance of the two officers, the officer placed the suspect into handcuffs.

Officer 2 – Observed the suspect fleeing on foot and gave chase. The officer chased the male into a driveway and observed the suspect hiding behind vehicle. The officer drew his firearm and approached the vehicle giving commands to stop, get on the ground and show me your hands. Upon making it around the vehicle, they observed that the suspect had fled through a hole in a fence. The officer then heard the first officer giving commands to the suspect. The officer ran around the fence and observed the first officer on top of the suspect. The officer took hold of the suspect left arm and physically brought it behind the suspects back.

Officer 3 – While approaching the scene heard the first officer state the suspect was fleeing on foot. The officer initially chased the suspect with the second officer losing the suspect in the driveway. The officer then circled the opposite way of the second officer. Coming into the backyard of the residence observed the two other officers securing the suspect on the ground. The officer took hold of the suspect right arm allowing the first officer to place the suspect into handcuffs.

Arrestee – taken into custody, lodged on federal warrant
Black male Age 36, 5'07", 125 lbs.

Arrestee – no injury
Officer – no injury

6. 24BU011883

6/5/24

Complainant/Officers Dispatched

Call type – Aggravated Assault

Charges – Aggravated Assault/Eluding Police/Gross Negligent Operation/Leaving the Scene of an Accident/Disorderly Conduct/ Resisting Arrest/Impeding Public Officers

Reason for Officer Response

Caller stated to the effect that she had received a picture from her daughter showing injuries caused by her boyfriend. The daughter also stated to her that she was unable to leave the vehicle she was in because the boyfriend would not allow it. The caller also stated her daughter told her she was at a “cumbies” in Burlington in a gray Honda. Officer learned that several other local law enforcement agencies were looking for the vehicle from pursuits earlier in the day. An Officer searched the area and located the vehicle in the parking lot behind Domino’s Pizza on Colchester Ave. That officer then attempted to make contact with the vehicle.



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Arrestees Actions – When confronted the male suspect, who was now alone and outside of the vehicle, reentered the vehicle and fled. As the suspect drove out of the parking lot at a high rate of speed, they almost collided head on with an arriving second officer's cruiser. The vehicle then entered the street and traveling in the wrong lane west bound collided with the rear of vehicle stopped in traffic. That vehicle struck the vehicle in front of them. The suspect then exited the vehicle brandishing a hammer at the second officer. The suspect approached a vehicle that had pulled to the side when the suspect's vehicle had drove at them in their lane. Officers feared the suspect would attempt to take the vehicle and told them to drive off, to which they did. The suspect then yelled at the first officer to shoot them multiple times while moving towards them with the hammer raised. A third officer arrived and helped contain the suspect who still threatened all the officers with the hammer and told them to shoot him. The suspect stated to the effect that he would not go back to jail. After negotiation attempts the suspect ran behind a residence pursued by officer. The suspect stopped, turned and raised the hammer at the officers and threatened to throw the hammer. Two beanbag rounds were deployed striking the suspect. The suspect dropped the hammer and fell to the ground. While on the ground, the suspect tucked his hands under his body to prevent himself from being handcuffed.

Officer Actions

Officer 1 – attempted to speak with the suspect while he was out of the vehicle, but the male heard sirens, entered the vehicle, and fled. The officer moved out of the way of the vehicle for their safety. The officer followed the vehicle on foot out of the parking lot after witnessing the vehicle almost strike the incoming BPD cruiser of Officer 2. When the officer made it to the street, she heard the second officer giving commands and observed the suspect walking towards the vehicle that was pulled over. After that vehicle left, the suspect came at the officer with the hammer raised and telling the officer to shoot him. The officer drew their firearm and pointed at the suspect but backed up and created distance while attempting to negotiate with him to drop the hammer. The suspect eventually laid down in the grass on his back with the hammer still in his hand. The officer continued to try to negotiate with the suspect. The third officer arrived on scene. The third officer had transitioned to their CEW and the second officer had transitioned to a less than lethal weapon – beanbag shotgun. The first officer provided lethal cover for the other two officers with their firearm. The suspect then stood up and ran behind a residence. The three officers pursued the suspect and a fourth officer joined the pursuit. The suspect then turned raised the hammer and threatened the officers.

Officer 2 – After almost being struck by the suspects' vehicle and observing the vehicle crash, the officer exited his vehicle. As the officer approached the suspects, crashed vehicle, the suspect exited with a hammer. The officer drew their firearm and pointed at the suspect. The



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officer then helped officer one contain the suspect. When officer three arrived, the officer transitioned to a less than lethal munition – beanbag shotgun. When the suspect ran from officer behind a residence, the officer pursued. When the suspect turned and threatened officer with the hammer the officer discharged two beanbag rounds that struck the subject. This caused the suspect to drop the hammer and fall to the ground. The officer then secured the hammer.

Officer 3 – Arrived on scene and observed the suspect laying on his back with the hammer in his hand. The officer then drew their firearm and pointed it at the suspect. The officer recognizing that officer one had lethal cover, drew the CEW and pointed at the suspect. The officer began to speak with the suspect in a calm voice trying to get him to comply. The suspect then stood up and ran from officer behind a residence. The officer observed the suspect stop and turn with the hammer raised at the officers. After the beanbag rounds stopped the suspect officer four and five were attempting to handcuff the suspect. The officer stated to the effect for the suspect to stop resisting or they would deploy their CEW.

Officer 4 – arrived on scene and observed the suspect laying on the ground with the hammer in his hand. The officer drew their firearm and pointed at the suspect. When the suspect ran, the officer pursued the male. After the suspect was stopped by the beanbag rounds and was on the ground the officer holstered their firearm and took hold the suspect right wrist. The officer was able to physically remove the suspect's right hand from underneath the suspect and place it in the small of the suspects back.

Arrestee –

White male Age 41, 5'11", 210 lbs.

Arrestee – no injury from UOF

Officer – no injury

7. 24BU011921

6/6/24

Officer Initiated

Call type – Suspicious Event

Charges – None

Reason for Officer Response

An officer on patrol observed an argument between two subjects. The officer observed one male attempt to strike the other male with an empty bottle of wine. The officer went out with the two subjects.



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Subjects Actions – when the officer approached and asked the male, with the wine bottle, to drop it. The male refused, struck himself in the head with it and then walked towards the officers with the bottle.

Officer Actions

Officer 1 – asked the male to drop the bottle. The male refused and instead struck himself in the head with it. The male then walked towards the officer with the bottle as the officer continued to tell them to drop the bottle. The officer noted the male appeared intoxicated. The officer drew their CEW, displayed it and told the male to drop the bottle. The male complied.

Subject – taken into protective custody
Black male Age 50, 5'11", 165 lbs.

Subject – no injury
Officer – no injury

8. 24BU012109

6/7/24

Complainant/Officers Dispatched

Call type – Assault

Charges – Simple Assault

Reason for Officer Response

A CSO called in on their radio to report a female in City Hall Park had assaulted a Chocolate Thunder Security Guard. The female suspect had left the scene. Officer arrived and after speaking with witness knew the suspect from previous law, enforcement encounters. An officer located the suspect a short distance away.

Arrestees Actions –The suspect were told they were under arrest and to remove their backpack. The suspect refused to remove the backpack. The officer asked several time more for the suspect to remove their backpack. The suspect did not comply.

Officer Actions

Officer 1 – Asked the suspect to remove their backpack several times and the arrestee refused to do so, the officer took hold of the arrestee's right wrist, brought it behind the arrestees back, and held it there for the second officer.

Officer 2 – Took hold of the arrestees left wrist and brought it behind her back. The officer then placed the arrestee into handcuffs.

Arrestee – taken into custody processed, released on citation.



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White Female Age 40, 5'04", 125 lbs.

Arrestee – no injury

Officer – no injury

9. 24BU012119

6/7/24

Complainant/Officers Dispatched

Call type – Assault

Charges – None

Reason for Officer Response

A female reported that there were two subjects fighting behind food trucks located on the waterfront. Officers were walking towards the male and female when they observed the female throwing a gated barrier to the ground and kicking it. As the officer walked closer, she observed the female push the male. The officer ordered them to stop and they complied. The male stated he was trying to de-escalate the situation and the officer stopped talking and allowed the male to try to speak with the female.

Arrestees Actions – As the male tried to speak with the female, she attempted to push and strike the male in the face. When ordered to place their hands behind their back the female did not comply. The female attempted to grab the ballistic vest and OC spray of the officer in front of her.

Officer Actions

Officer 1 – standing behind the female ordered the female to place her hands behind her back. The female did not comply. When the female grabbed at another officers vest and OC, the officer wrapped his arms around her waist and brought her to the ground in a controlled manner. Once the female was on the ground, the officer took hold of her left arm and held it behind her back for handcuffing.

Officer 2 – when the female was on the ground the officer took hold of the female's right wrist, moved it behind the females back, and held it there.

Officer 3 – with the females hands behind her back the officer grasped her wrists, manipulated the female's hands and using the handcuffs placed them on her wrists.

Subject – detained and released

White female Age 53, 5'04", 225 lbs.



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Arrestee – no injury

Officer – no injury

10. 24BU001282

6/9/24

Complainant/Officers Dispatched

Call type – Domestic Disturbance

Charges – Aggravated AssaultX3/Impeding Public Officers/Resisting Arrest/Arrest on WarrantX2/Possession of Narcotics/Hindering Arrest

Reason for Officer Response

A caller stated to the effect that a male had assaulted her daughter in law. When a friend tried to intervene, the male had assaulted the friend. While in route Officer learned, the male suspect and the daughter in-law both had active warrants for their arrest. The male suspect is known to carry a firearm. Two officer arrived on scene and attempted to make contact with the residents of the apartment. After knocking three separate times, the arrestee opened the door and brandished a firearm in their hand. The officer observed the firearm in the arrestee's hands, feeling they were going to be shot, stated to the effect for the arrestee to drop or put down the weapon. With the arrestee, back inside officers set up a perimeter. They could hear a female inside screaming.

Arrestees Actions – The arrestee answered the door holding what appeared to be a firearm in his hand. The arrestee then stated something intelligible and closed the door. Moments later the arrestee stated it is a fake gun and threw it out a window of the residence. The arrestee was screaming at the officers on perimeter. The arrestee refused orders to come back to the door with empty hands. The arrestee then exited through a window onto a porch roof. Once on the roof the arrestee began screaming at officers below to kill him. The arrestee picked up a large piece of wood and threatened the officers with it. The arrestee dropped the piece of wood, went back to the window, and slammed it shut in officers one's face causing the window to break in the process. The arrestee went back down the porch roof, climbed down and compliantly handcuffed.

Officer Actions

Officer 1 – put together a team of officers to make entry into the residence. The officer attempted to have the arrestee come to the door with empty hands. The arrestee did not comply with these orders. The officer heard the arrestee had exited the residence. The officer, along with officer two and officer three, made forced entry and due to a firearm, being present both had their firearms out. While clearing the residence the officer pointed their firearm at a male subject and the female arrestee. After moving the female arrestee out of the room, she was in the officer observed the arrestee through the window on the rooftop. The arrestee



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moved out of sight and the officer moved closer to the window. The arrestee appeared back at the window and the officer pointed their firearm at the arrestee. The arrestee slammed the window shut causing glass to break over the officer one.

Officer 2 – while clearing the residence encountered the female arrestee in the bedroom where the male arrestee had exited a window onto the porch roof. As officer three tried to verbally get the female arrestee to move away from officer one, the male arrestee shattered the window. The officer feared the female arrestee might interfere with officer one attempting to get custody of the male arrestee, physically took hold of arm her, pulling her away from officer one and placed her into handcuffs.

Officer 3 – while clearing the residence encountered the female arrestee and pointed his firearm at her.

Officer 4 – observed the arrestee on the porch roof. The officer pointed his firearm at the arrestee when the arrestee picked up a large piece of wood and threatened officers with it.

Officer 5 – observed the arrestee on the roof, drew their CEW, and pointed it at the arrestee.

Arrestee – taken into custody and lodged
White male Age 40, 5'04", 125 lbs.

Arrestee – taken into custody on an arrestee warrant and lodged
White female Age 28, 5'05", 200 lbs.

Subject – detained and released
White male Age 27, 5'10", 158 lbs.

Arrestees – no injury
Subject – no injury
Officer – no injury

11. 24BU012377

6/10/24

Complainant/Officers Dispatched

Call type – Domestic Disturbance

Charges – Arrest on Warrant



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Reason for Officer Response

Officer responded to a residence where a Spanish-speaking female had called 911, stated to the effect there is an emergency, and did they not speak English. While on route to the address, the officers learned a male who resides at there had a warrant for their arrest. Officers arrived on scene and made contact with the female who was upset and crying. The officers made entry into the apartment to clear it for safety purposes.

Arrestees Actions – when they encountered officers complied with commands given.

Officer Actions

Officer 1 – while clearing the residence had their firearm out. The male arrestee exited a bedroom with objects in their hands. The officer initially pointed their firearm at the male arrestee. Once officer one summarized that the objects in the arrestee's hands were not a threat they holstered their firearm.

Arrestee – taken into custody on the warrant and released on citation
Hispanic male Age 21, 5'10", 135 lbs.

Arrestee – no injury

Officer – no injury

12. 24BU012760

6/14/24

Officer Initiated

Call type – Stolen Vehicle

Charges – Operating without Owners Consent/Driving with a Criminally Suspended License/Resisting Arrest/Possession of Methamphetamine

Initial Incident

An officer observed a stolen motor vehicle and conducted a motor vehicle stop on it. Three officers went out with vehicle and its occupants.

Arrestees Actions – The arrestee who was operating the stolen vehicle had his privileged to operate a motor vehicle criminally suspended. The arrestee exited the vehicle when asked by the officer. The arrestee began to reach into his left shorts pocket with his left hand. When told to stop and place his hands behind his back the arrestee began to walk forward, ultimately pulling out an item from the pocket and toss it into a storm drain. The arrestee resisted the officer's first attempt to bring him to the ground. The second attempt brought the arrestee to



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the ground. Officer rolled the arrestee into a prone position. The arrestee then tried to push himself up off the ground. The officer placed the arrestee into handcuffs.

Officer Actions

Officer 1 – stated to the effect to the arrestee stop reaching into their pocket and place their hands behind their back. When the arrestee did not comply, the officer attempted to bring the arrestee to the ground but due to the size differential between the officer (smaller and lighter) and the arrestee (taller and heavier) their first attempt did not work. The officer tried again and this time was able to bring the arrestee to the ground. Officer number two and officer three came over and assisted the officer one. Officer one was then able with the assistance of the two other officer to roll the arrestee into a prone position and place the arrestee into handcuffs.

Officer 2 – observed officer one on the ground, struggling with the arrestee. The officer went over and took control of the arrestee's right arm. The officer then assisted the officer one with moving the arrestee into a prone position. The officer then moved the arrestee's right hand to the small of the arrestee's back to be placed into handcuffs.

Officer 3 – observed the two officer on the ground with the arrestee. The officer went over and took control of the prone arrestee's legs.

Arrestee – taken into custody

White male Age 65, 6'01", 235 lbs.

Arrestee – abrasions to hands

Officer – abrasions to one officers elbow

13. 24BU012929

6/16/24

Complainant/Officers Dispatched

Call type – Motor Vehicle Complaint

Charges – Negligent Operation

Reason for Officer Response

Approximately six 911 calls for a motor vehicle being driven around the neighborhood for approximately 30 minute. Vehicle has a shredded tire and front-end damage possibly from hitting a fence. Witnesses had detained the operator. Officers arrived on scene and spoke with the operator. Officers found probable cause the operator was operating a motor vehicle under the influence.



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Arrestees Actions – officer one approached the arrestee seated on the curb and explained to the arrestee he was under arrest. Officer one attempted to handcuff the while the arrestee in his seated position. The arrestee began to actively resist, stiffing their arm up and trying to stand up. Officer two took hold of the arrestee's left arm and the arrestee struggled and move their arm from behind their back. Officer one and officer two moved the arrestee into a prone position to assist in handcuffing him. Officer three came over and controlled the arrestee's legs. Officer three asked the arrestee to relax to which he stated to the effect nope.

Officer Actions

Officer 1 – approached the arrestee seated on the curb and explained he was under arrest. The officer took hold of the arrestee's right arm and attempted to bring the arrestee's arm behind the arrestee's back. The arrestee stiffened up their arm and attempted to stand up. With officer two holding the arrestee's left arm, they moved the arrestee from a seated to a prone position on the ground. The officer then brought the arrestee's right arm behind his back. The officer placed the arrestee into handcuffs.

Officer 2 – took control of the seated arrestee's left arm and moved it behind the arrestee's back. The arrestee was able to resist and move their arm back towards the front of his body. Officer two along with officer one moved the arrestee into a prone position. The officer moved the arrestee's left arm and hand behind the arrestee's back.

Officer 3 – took control of the arrestee's legs while the arrestee was placed into handcuffs.

Arrestee – taken into custody, processed and released on citation
Asian male Age 40, 5'04", 140 lbs.

Arrestee – minor scrape to face

Officers – no injury

DD 40 Status of CNA Recommendations

CNA Recommendation	Status in Revised DD 40
1.3.1: Document all complaints.	Addressed Section II A.
1.17.1: Completely re-write DD 40. Establish separate internal affairs dept and utilize specific not general investigators	DD 40 has been completely re-written. Investigation processes and role of specific investigators defined. Chief's explanation that the size of BPD and volume of complaints not sufficient to establish separate internal affairs dept. and the Deputy Chief of Administration (DCA) performs these duties. This reflects Commission's experience reviewing complaints and the re-written provisions reasonably address the recommendation.
Finding 1.18: Chief currently serves as adjudicator and keeper of complaints. It appears complaints are only investigated when directed by chief, making it appear the chief is intake for complaints.	Addressed throughout Section VI. Procedures describe authority delegated to DCA in receiving and referring all complaints to chief and overseeing the complaints process. Chief's authority in deciding disposition based on investigator recommendations and chief's quality control duties are defined. The Commission has identified language in the DD that could be interpreted as inconsistent with the overall process described in Section VI. Commission provided suggestions to address this language
1.18.1: Create policy that defines complaints handled by first line supervisors and referred to internal affairs.	Addressed in Section III
1.18.2: BPD should consider instituting a civilian review board rather than chief serving as final authority on facts and discipline.	Addressed. Burlington Police Commission established and conducts civilian review. City Council exploring changes to the city charter to establish a panel with final authority on facts and discipline.
1.18.3: Establish specific Internal Affairs section	This recommendation encompasses this and other issues included in finding 1.18. These have been addressed as described above
1.19.1: Commander of Internal Affairs should report directly to the chief.	This recommendation relates to the finding that the chief determines whether an investigation is necessary and then forwards to the deputy chief necessary information to initiate investigation. DCA reports directly to the chief. The other issues addressed as described above.
1.20.2: Add requirement that employees report arrest or contact with outside law	This recommendation more directly pertains to DD 01 although arrest or contact with

enforcement agencies while off-duty, in addition to reporting civil law suites against them for actions on-duty	outside law enforcement agencies would likely result in an internal complaint against the employee
2.4.1 Identify other means for citizens to file a complaint	Addressed in Section II A. 2
2.7.1: BPD should develop a policy that directs how, who and how long to conduct an internal affairs investigation.	Timeline for conducting investigation specifically addressed in Section V. D. Other issues addressed in Sections III and IV
Finding 2.8 Not all BIA investigations cite a rule violation. Recommendation 2.8.1: Cite rule or policy violations	Commission's experience has been that internal investigations have cited a policy or rule violation
Finding 2.9 Seriousness of the violations are not described. Recommendation 2.9.1: Identify and explain violations of rules and policies	Commission has not seen the investigations identified by CNA as not describing violations. Commission experience has been that rules and policy violations have been explained.
2.9.2 Investigator must be willing to identify and enforce rule/policy violations	See 2.9.1 above
2.9.3: Internal investigation process details every step in the process, including who in the Dept. will conduct investigation, officer conduct and care after an incident, document and evidence collection, witnesses, etc.	Commission is not aware of systemic investigation issues identified in the recommendation. Commission reviews individual investigations and advises on their sufficiency in justifying the disposition.
2.10.1 Policy should specify who conducts internal investigations. Each investigation should be conducted the same way to eliminate question of favoritism/bias	Addressed in Section III
2.11.1 Regardless of employment status, investigations should be completed. It appears investigations were not completed when an employee resigned, enabling the employee to apply for employment in another jurisdiction because the investigation has not been forwarded.	Language addressing this issue not identified
2.11.2 Should have a policy stating that an officer will not be recommended for a new position if does not participate in an investigation and the dept. will notify new employer of their unwillingness to participate.	Language addressing this issue not identified
4.9.3 This recommendation stems from CNA's review of two Officer Involved Shooting Incidents (OIS). The recommendation mirrors recommendation 2.10.1 above.	Commission has had little experience with OIS. Section V. D. 1 states that OIS determined to be lawful and justified by the Attorney General and/or States Attorney and that does not result in any complaint, will be recategorized from an Internal Investigation to a standard Use of Force Review.



FINAL REPORT

A FUNCTIONAL AND OPERATIONAL ASSESSMENT OF THE BURLINGTON POLICE DEPARTMENT



This document contains the best opinion of CNA at the time of issue.

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Executive Summary

The City of Burlington and the wider community have prioritized key areas of police reform, including reducing reliance on the Burlington Police Department (BPD) for the provision of some public safety services, and for responding to specific types of incidents that may be better suited for a non-law enforcement response. Furthermore, the City and community called for the review and enactment of sound policies, training, and procedures reflecting best practices with a commitment to community engagement that is focused on outreach, equity and building community trust.

Recognizing the urgent need for transparency, accountability, legitimacy, and procedural justice, the City of Burlington, through a competitive bid, selected CNA's Center for Justice Research and Innovation to complete a functional and operational assessment of the BPD. Specifically, the assessment focused on four key areas: BPD training and operations; racial and socioeconomic bias regarding police deployment; staffing and workload analysis; and specialized and alternative responses to policing.

CNA's analysis recognizes that BPD has made strides in these directions, particularly evidenced by a dramatic reduction in traffic stops in recent years, the hiring of a social worker, and the hiring of non-sworn community support officers (CSO) to respond to incidents not requiring sworn personnel (e.g., noise complaints, animal control, parking citations). Our analysis indicates the BPD would benefit from additional reforms.

In this Executive Summary, we present a summary of the findings of our assessment, a summary of the key recommendations offered to BPD and the City, and an overview of our approach to the assessment project. We encourage interested individuals to read the details in the body of this report, where they will find the complete enumeration of 149 recommendations, and detailed supporting evidence for our findings and recommendations. See Section 10 for the full list of recommendations.

Summary of Key Findings

1. Analysis of BPD traffic stop data indicates that potential racial disparities exist in citations for traffic violations, searches, and arrests. Black community members experience disparities in traffic stops; importantly, they experience disparities in stop outcomes, including ticketing and search decisions. Black community members experience disparities in use of force incidents. They experience disparities in traffic stops and are involved in use of force incidents more frequently than would be expected by Burlington demographics, and more frequently than would be expected based other measures of disparity.
2. BPD does not appear to demonstrate socioeconomic bias in relation to its deployment of police personnel in responses to calls for service. Patrol areas with larger volumes of calls for service experience higher personnel deployments and higher relative portions of arrests.

3. BPD's community engagement and outreach functions are under-resourced and should be significantly enhanced. For example, there does not currently appear to be a clear directive requiring BPD leadership to seek input from the Burlington public on the directives, goals, or objectives of the BPD and the development of its strategic plan. BPD understands the importance of community trust yet feels challenged by the need to balance proactive community engagement with its responsibility to respond professionally to calls for service. In order to fulfill its Creativity mission, BPD must address current inefficiencies in its patrol operation to allow room and resources for enhanced community engagement.
4. Key training topics such as procedural justice, implicit bias, fair and impartial policing, restorative justice, response to mental health calls, cultural competency, and de-escalation are either not covered, not required, or covered insufficiently during BPD's basic new officer training and annual in-service training.
5. BPD's current data collection, tracking, investigatory process, and its timeline for resolution of citizen complaints, use of force incidents, Internal Affairs investigations, and officer involved shootings are inadequate. Some language within BPD's complaint and disciplinary policies, along with union limitations, does not meet national standards for progressive discipline, repetitive misconduct, and timelines for how long complaints, discipline, and misconduct can stay on an officer's record.
6. Our interviews and observations revealed that BPD is experiencing declining morale. BPD members believe that the media portrayal of police nationwide is contributing to low morale within the department and creating mistrust within the community. Additionally, both BPD members and community stakeholders expressed frustration and concern about the lack of consensus in the community regarding the need for police services, and the appropriate types of services BPD should provide.
7. Considering the operational efficiencies recommended in this report, BPD requires between 72-75 sworn officers available for active duty to provide sufficient police services to the City. This does not account for the BPD sworn officers assigned to the Burlington International Airport (BIA) under the contract between the City and the BIA. These officers are negotiated annually, and while inappropriately negotiated into the BPOA contract, they are dedicated full time to the BIA and are unable to support BPD operations. Should the city and the BIA continue to annually contract for BPD officers assigned to BIA, these officers would be above the recommended headcount in this report.
8. In order to account for naturally occurring attrition, recruit training/onboarding etc., our analysis indicates this number should be adjusted upward by five officers, with an authorized headcount of 77-80 sworn, with 72-75 deployable at all times. To reiterate, this does not account for the present number of BPD officers deployed to BIA under the current annual contract between the City and the BIA. There are presently 7 officers and 1 Sergeant assigned to BIA.

Summary of Key Recommendations

1. Specific (lower level) calls for service (CFS) should be transitioned to Community Service Officers (CSOs), Community Service Liaisons (CSLs), or other municipal departments. This will free up time that can be dedicated to other essential police services including community engagement and outreach and community policing. BPD should dramatically enhance these functions.
2. BPD should adopt a 12-hour shift plan that uses six squads of officers to provide emergency response, citywide patrol coverage, and the capacity to provide services in a community policing approach. Serious consideration should be given to adopting this proposed twelve-hour schedule, aligning officer work schedules with the times and days when they are most likely needed. The patrol function could be adequately staffed with 51 sworn officers (1 deputy chief, 4 lieutenants, 6 sergeants, and 40 officers). Ideally, they should be deployed in the 12-hour shift schedule, with six squads (four main, and two overlap squads). This combination of personnel produces the most efficient combination of officer deployment and days off schedule. The BPOA contract should be renegotiated to permit changes in the current shift schedules.
3. BPD should implement a traffic stop data system that captures, in addition to the current information: reason for stop, stop start and end time, reason for each ticket and warning, passenger information, officer special assignment or task force assignment at the time of the stop, and an open comment field for officer explanations and brief description of the stop. Such a system does not currently exist at BPD. BDP reports that the department's record management system contains this information; however, this information was not provided to the assessment team.
4. BPD should consider the possibility that the disparities found are driven by bias (implicit or explicit) and proactively address potential bias in officers' behavior or department practices by implementation of training and review of practices.
5. BPD should investigate use of force incidents thoroughly, including review of body worn camera footage, to better understand the reason for observed disparities for Black community members. Similar to our recommendation for traffic stops, BPD should consider the possibility that these disparities are driven by bias (implicit or explicit) and proactively address potential bias in officers' behavior or department practices by implementation of training and review of practices.
6. BPD should prioritize the review (including community input), revision or development of relevant department policies, train on these policies as well as provide updated training for use of force. OIS Internal and Administrative investigations should be investigated the same way in every instance to eliminate the question of favoritism or bias. The policy should include direction on Conflict of Interest and prohibit friends or relatives from investigating another family member or a friend, and on confidentiality.
7. The City of Burlington should establish a community mental health advisory committee. At minimum, this advisory committee must have representation from BPD, community mental

health services, a person(s) with lived experience, and/or an advocacy group (e.g., NAMI) centrally involved.

Overview of assessment methodology and approach

Within the scope of CNA's contract, the assessment team reviewed BPD's policies, training, calls for service data, staffing, and operational practices including internal and external accountability. The team also assessed community¹ perceptions related to these functions, and conducted analysis with a specific focus on the following areas:

1. Racial bias
2. Socioeconomic bias
3. Specialized and alternative responses
4. De-escalation and crisis intervention
5. Citizen complaint process
6. Policies, training, and practices
7. Internal affairs policies and procedures (including disciplinary policies and procedures)
8. Traffic stops, search and seizure, and arrest
9. Police use of force
10. Staffing analysis

The CNA assessment team based its approach on several guiding principles, including the following: (1) an emphasis on research and evidence-based practices, including academic research, documented lessons learned, and best practices from the field; (2) multi-method assessment design, including interviews, policy and document review, and data analysis; and (3) a commitment to conducting comprehensive reviews and applying national best practices in police settings.

- Document review: the assessment team reviewed and summarized documents, identifying key elements that relate specifically to the assessment foci and addressing the scope of work elements outlined above. The assessment team focused on policies, procedures, and training plans related to several focus areas: fair and impartial policing, BPD staffing, use of force, crisis intervention, the complaint process, alternative approaches including community response and assistance, and community-oriented policing. The team also reviewed two officer involved shooting use of force incident reports², 12 randomly selected use of force files³, and 12 Bureau of Internal Affairs (BIA) cases⁴.
- Interviews: The assessment team conducted 24 semi-structured interviews with BPD personnel, City of Burlington officials, and community stakeholders. Interviews with BPD

¹ Although CNA often engages with communities through listening sessions or community surveys for projects like this, these efforts were completed separately by the Talitha Group and so are excluded from our work.

² BPD provided OIS data from 2015 to 2020. During this period, BPD had only two officer involved shooting incidents.

³ BPD provided use of force (UOF) data from 2015 to 2020. During this period, BPD had 1,326 use of force incidents.

⁴ BPD provided BIA data from 2017 to 2020. During this period, BPD had 28 BIA cases.

personnel included command staff, supervisors, line officers, and dispatch personnel. Using a BPD personnel list, the assessment team employed a stratified random sampling method to ensure interviewees were representative of the department.

- Quantitative analysis: quantitative data analysis focused on: arrests, traffic stops, use of force incidents, complaints, and staffing. We analyzed data from a period of five years—2016 to 2020—for most of the datasets. Due to the COVID-19 pandemic, we excluded certain data from 2020 so that it did not skew the analysis. For example, we chose to utilize 2019 data alone to assess a fully staffed BPD and the typical number of calls for service prior to both the pandemic and the 30 percent reduction in officers. This gave the assessment team a baseline from which to draw comparisons about current staffing levels in 2021. Additionally, we used 2019 data from the American Community Survey program conducted by the US Census Bureau⁵ to map economic and demographic factors (median household income and race/ethnicity) to BPD's five patrol divisions.

This assessment will help BPD improve its efforts to apply best practices and enact sound policies and procedures related to police management, operations, interactions with the community, transparency, and trust building.

CNA designed this assessment to accomplish the following:

- Determine how the defined areas of focus are woven into BPD's policies, training, and operational practices and assess their alignment with national best practices.
- Determine whether the members of the BPD incorporate the assessment areas of focus into their daily interactions with local community members with an emphasis on treating all community members with dignity, respect, and fairness.
- Provide actionable recommendations for reforms to eliminate any racial and implicit biases in policing deployments, strategies, policies, procedures, and practices. The CNA assessment team's recommendations are guided by evidence-based practices and will help BPD promote community engagement and inclusion, transparency, professionalism, and accountability.
- Determine whether the BPD is sufficiently and efficiently staffed to safely respond to calls for service.
- Determine specialized and alternative responses to support a diversion of calls for service that do not require responses from armed sworn officers.
- Develop a roadmap with priority ranked recommendations for the City of Burlington and the BPD to implement to improve the policy, training, and operational functions of the BPD.

Many of the findings and recommendations noted in this report are not unique to BPD because police agencies nationwide face similar challenges. Policing has reached a pivotal point in history, and the community's role in contributing to public safety is becoming more apparent and vital. In its response to this assessment, BPD has the opportunity to provide leadership in the policing profession

⁵ <https://www.census.gov/programs-surveys/acs>



regarding how to constructively respond to the current challenges it faces. The findings and recommendations presented in this report are intended to inform these decisions.

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Introduction

The recent deaths of George Floyd, Breonna Taylor, and many other Black, Indigenous, and people of color (BIPOC) individuals at the hands of police officers prompted an increase in demand across the nation for police reform. Subsequent public protests and rallies in Burlington resulted in a campaign by community activists that called for the City of Burlington, Vermont, (“the City”) and the Burlington Police Department (BPD) to improve overall operational procedures to align with best practices while dramatically enhancing community engagement and trust building. In addition, two of the fatal shootings by the BPD in the last 10 years involved people living with severe mental health conditions who were in crisis. As a result, community advocates identified reducing police interactions with persons in mental and behavioral health crises as a high priority.

This community campaign called for reducing reliance on the BPD for the provision of public safety and for responding to specific types of incidents that may be better suited for a non-law enforcement response. Furthermore, the City and community called for the review and enactment of sound policies, training, and procedures reflecting best practices with a strong commitment to community engagement that focuses on ensuring equity and building community trust.

Recognizing the urgent need for transparency, accountability, legitimacy, and procedural justice, the City of Burlington tasked a joint committee comprised of the City Council Public Safety Committee and the Burlington Police Commission (“Joint Committee”) to explore the reimagining of public safety that included a comprehensive assessment of BPD functions and operations. Further, on June 29, 2020, the City Council passed the Resolution Relating to Racial Justice through Economic and Criminal Justice (“the Resolution”), and reduced BPD staff by 30 percent. Among other things, the Resolution called for the following:

- “The City shall terminate the Memorandum of Understanding 60 between the Burlington School District and the Burlington Police Department by spring semester 2021, 61 ensuring that BPD officers not be used for wellness calls and ending the full-time use of BPD School 62 Resource Officers (SROs).”
- “Mandatory requirements to report use of force, stronger disciplinary measures and full transparency of disciplinary proceedings in police encounters involving brutal or excessive force...or in cases in which there was a failure to report use of force”
- “Diverse approaches to public safety through the use of social workers, addiction and recovery specialists, mental health professionals, and others prepared and trained to respond to conflict challenges in our community in a variety of ways rather than solely policing”

Ongoing work by community groups and local initiatives continue to compel BPD to make changes to align with evidence-based practices as well as national practices that have demonstrated positive outcomes.

Burlington, the most populous city in Vermont, has a population of nearly 43,000, which has remained largely consistent according to 2012–2020 census data. Burlington’s racial and ethnic diversity is reflected in the breakdown of its five most populous groups:⁶

- 85.7 percent White;
- 4.9 percent Black or African American;
- 0.4 percent Native American;
- 6.0 percent Asian; and
- 2.6 percent Hispanic or Latino.

The BPD is one of the largest police agencies in Vermont. Prior to the resolution, it was authorized for 105 sworn personnel and 36 non-sworn personnel. After the Resolution was signed on June 29, 2020, the BPD was reduced by 30 percent, with the BPD presently authorized for 74 uniformed officers.

Assessment areas of focus

The City of Burlington identified five areas of focus for the BPD assessment:

1. BPD training and operations.
2. Racial and socioeconomic bias analysis.
3. Staffing and workload analysis.
4. Specialized and alternative responses to policing.
5. Implementation roadmap.

The Joint Committee further described their expected “end goals” from this assessment as follows:

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

The CNA assessment team utilized the Joint Committee’s areas of focus and its end goals to structure our functional and operational analysis and assessment of the BPD.

⁶ Due to rounding percentages do not equal to 100 percent.

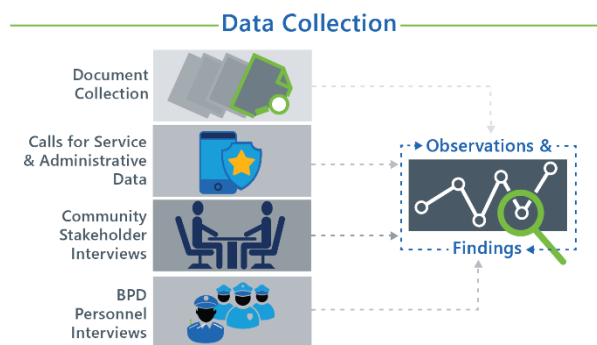
Goals and objectives

CNA designed this assessment to accomplish the following:

- Determine how the defined areas of focus are woven into BPD's policies, training, and operational practices and assess their alignment with national best practices.
- Determine whether the members of the BPD incorporate the areas of focus into their daily interactions with local community members with an emphasis on treating all community members with dignity, respect, and fairness.
- Provide actionable recommendations for reforms to eliminate any racial and implicit biases in policing deployments, strategies, policies, procedures, and practices. The CNA assessment team's recommendations are guided by evidence-based practices and will help BPD promote community engagement and inclusion, transparency, professionalism, and accountability. Such recommendations must meet the following requirements:
 - Promote community engagement, transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust;
 - Be guided by evidence-based best practices and community expectations; and
 - Have the likelihood, given meaningful organizational support, to reduce or eliminate racial and implicit biases in policing deployments, strategies, policies, procedures, and practices; and improving overall operational practices
- Determine whether the BPD is sufficiently and efficiently staffed to safely respond to calls for service.
- Determine specialized and alternative responses to support a diversion of calls for service that may not require responses from armed sworn officers.
- Develop a roadmap with priority ranked recommendations for the City of Burlington and the BPD to implement to improve the policy, training, and operational procedures of the BPD.

Methodology and approach

The CNA assessment team based its approach on several guiding principles, including the following: (1) evidence-based assistance with an emphasis on research, including academic research, documented lessons learned, and best practices from the field; (2) multi-method assessment design, including interviews, policy and document review, and data analysis; and (3) a commitment to conducting comprehensive reviews and applying national best practices in police settings.



When an analysis and assessment of law enforcement response is completed, it is always important to broaden the sources reviewed to ensure reliability in the overall assessment. Often, analysts focus on reviewing policies to inform training, and taken together, policies and training inform operations. Consequently, in this functional and operational assessment, as in other police assessments, we considered policies and directives; training plans and curriculum; administrative data on staffing and patrol deployment; calls for service, use of force incidents, complaints, arrest, and crime data; and Internal Affairs documents. These data together with BPD, City personnel, and community stakeholder interviews informed our analysis, findings, and recommendations focused on four prongs: (1) fair and impartial policing, (2) BPD staffing, and (3) alternative approaches to policing and (4) policy, training and operational practices

Document review

The BPD and the City of Burlington shared policy documents with the CNA assessment team to provide a better understanding of documented operational procedures and practices. The CNA assessment team reviewed the BPD operations manual, staffing structure, training plans, policies and procedures, and other documents that govern the areas of this assessment. Additionally, we reviewed department annual reports, department staffing information, call for service data, disciplinary records, the Community Liaison Officer (CLO) and Community Service Officer (CSO) job descriptions and the Burlington Police Officer's Association (BPOA) union contract. We reviewed the following additional documents: the *Independent Community Control Board to Oversee Investigations and Discipline of Police Misconduct Charter Change*, the *Resolution Relating to Racial Justice through Economic and Criminal Justice*, the *Public Safety Continuity Plan* memo, and the "BPD Staffing PAST, PRESENT & FUTURE" presentation for the Burlington Police Commission. A full list of all BPD and City documents we reviewed is provided in Appendix A.

During this review, our team consulted information pertaining to national best practices, including *The Final Report on 21st Century Policing* (2015). In response to rising levels of distrust between police departments and local communities across the country, former president Barack Obama established the President's Task Force on 21st Century Policing in 2014. The primary goal of the task force was to "examine ways of fostering strong, collaborative relationships between local law enforcement and the communities they protect and to make recommendations . . . on ways policing practices can promote effective crime reduction while building public trust" (*Final Report on 21st Century Policing*, 2015, 5). Our team also utilized national best practices on staffing analysis, alternative responses, and racial bias analysis based on validated methodologies, research, and operational practices.

To organize the document review, the CNA assessment team:

- Reviewed and summarized documents, identifying key elements that relate specifically to the assessment foci and addressing the scope of work elements outlined above. The assessment team focused on policies, procedures, and training plans related to several focus areas: fair and impartial policing, BPD staffing, use of force, crisis intervention, the complaint

process, alternative approaches including community response and assistance, and community-oriented policing.

- Reviewed two officer involved shooting use of force incident reports⁷, 12 randomly selected use of force files⁸, and 12 Bureau of Internal Affairs (BIA) cases⁹.

Interviews

The CNA assessment team conducted 24 semi-structured interviews with BPD personnel, City of Burlington officials, and community stakeholders. Interviews with BPD personnel included command staff, supervisors, line officers, and dispatch personnel. Using a personnel list, the assessment team employed a stratified random sampling method to ensure interviewees were representative of the department. We utilized an interview protocol to ensure fidelity and reduce bias.

We analyzed the interviews using NVivo, a qualitative analysis software package that enables thematic and formal content analysis (Saldana, 2016). We developed thematic codes using both deductive and inductive coding approaches. Using the deductive approach, we pulled themes focused on assessment objectives from the interview protocols. Once we generated the list of codes, we reviewed the themes and definitions prior to coding the interviews. Using the inductive approach, we coded emergent themes to sub themes as we analyzed interview transcripts in NVivo. If we found frequently referenced child nodes, we brought them out as parent nodes and added them to the list of interview themes.

Quantitative data

Our quantitative data analysis focused on several areas: arrests, traffic stops, use of force incidents, complaints, and staffing. We analyzed data from a period of five years—2016 to 2020—for most of the datasets. Due to the COVID-19 pandemic, we excluded certain data from 2020 so that it did not inappropriately skew the analysis. For example, we chose to utilize 2019 data alone to assess a fully staffed BPD and the typical number of calls for service prior to both the pandemic and the 30 percent reduction in officers. This gave the assessment team a baseline from which to draw comparisons about current staffing levels in 2021. Additionally, we used 2019 data from the American Community Survey program conducted by the US Census Bureau¹⁰ to map economic and demographic factors (median household income and race/ethnicity) to BPD's five patrol divisions (See section 6).

We conducted descriptive analysis of all datasets and supplemented that analysis with statistical comparison analysis when appropriate. The findings from our data analysis complemented our

⁷ BPD provided OIS data from 2015 to 2020. During this period, BPD had only two officer involved shooting incidents.

⁸ BPD provided use of force (UOF) data from 2015 to 2020. During this period, BPD had 1,326 use of force incidents.

⁹ BPD provided BIA data from 2017 to 2020. During this period, BPD had 28 BIA cases.

¹⁰ <https://www.census.gov/programs-surveys/acs>

review of the documents and the sentiments we heard from BPD personnel, City of Burlington officials, and community stakeholder interviews.

Overview of the report

This report contains nine sections:

- Section 1: Policies, training, and operations
- Section 2: BPD Internal Affairs and citizen's complaint processes
- Section 3: Police oversight
- Section 4: BPD's use of force and officer involved shooting incidents
- Section 5: Patrol operations, deployments, and traffic stops
- Section 6: Patrol operations by geographic area
- Section 7: Staffing and workload analysis
- Section 8: Specialized and alternative response
- Section 9: Community engagement
- Section 10: Implementation roadmap

In each section, we provide a summary of the overall themes we identified in our review, an overview of the data sources and analysis relevant to that topic, and the findings and actionable recommendations. The report also includes two appendices. Appendix A contains a complete list of the documents reviewed. Appendix B provides three alternative staffing recommendations in addition to the priority recommendation identified in the body of this report.

Section 1: Policies, Training, and Operations

In line with 21st century policing practices, police officers should receive up-to-date and effective training guided by best practices to prepare them to meet the responsibilities and challenges of their daily work. Often, analysis focus on reviewing policies that inform training, and taken together, policies and training inform operations.

The information presented in this section centers on the various policies and procedures related to BPD's training and operations. We begin with a brief overview of the topics. We then detail our findings and actionable recommendations.

Policies

In this section, we discuss our assessment of the various policies and documents related to BPD's operations for each listed area of focus below. The team also examined policies to determine whether they may inadvertently result in disparate outcomes among community members. In preparing findings and recommendations for this section, the assessment team reviewed policies and documents focused on four key areas:

1. Fair and impartial policing
2. Community response and assistance
3. Body-worn cameras
4. Burlington Police Officer's Association union contract

The full list of policies and documents reviewed is provided in Appendix A.

Findings and recommendations

Fair and impartial policing

Finding 1.1: Directive DD03 - Fair and Impartial Policing 2020 does not currently list cultural competency training in section VIII.

Recommendation 1.1: The BPD should consider adding cultural competency training to those listed in section VIII of directive DD03.

Finding 1.2: Section VI of directive DD03 - Fair and Impartial Policing 2020 provides a strong basis for reducing bias in law enforcement actions. In directive DD03 - Fair and Impartial Policing 2020, section IX.E, the policy states: "Supervisors will be alert for and respond to indications of potential biased policing."

Recommendation 1.2: Although it is encouraging that BPD includes the above language in its policy, the department should include examples for their officers of what these indicators may be.

Finding 1.3: Section 1.D of document DD40 - Quality Control, Internal Investigations & Discipline seems to indicate that minor complaints or transgressions need not be documented, nor do these incidents seem to require adjudication in a Citizen's Complaint Form.

Recommendation 1.3.1: BPD should revise this policy so that all complaints, even those immediately resolved with an explanation, are documented in the same complaint system. Such documentation ensures that BPD can accurately understand complainant demographics, complaint types, and adjudication outcomes, particularly in relation to disparities.

These incidents need not negatively affect an officer's record, but they should be documented for the purposes of recordkeeping, complete analysis of complaint activity, accountability to the community and to ensure BPD can identify officers who continually engage in minor transgressions to provide them with more stringent interventions if required.

Reporting of corruption and misconduct

Finding 1.4: In directive DD43 - Reporting Corruption and Misconduct, section IV.A, the policy states that employees must report "upon gaining sufficient evidence to believe corruption or misconduct has or is occurring."

The term "sufficient evidence" places the onus of investigation on the reporting employee when this should be the task of the internal investigative division. It also seems to discourage employees from reporting because they must weigh whether the evidence they have seen or heard is "sufficient."

Recommendation 1.4.1: BPD should rewrite this directive to set the standard to be "reasonable suspicion" to reduce the role of the reporting employee and leave the investigative task with the internal investigation division.

Finding 1.5: In directive DD43 - Reporting Corruption and Misconduct, section IV.A.1-4 details four possible reporting mechanisms but does not include an explanation of how or why an employee should choose between them (e.g., timing of the incident, availability of the method of reporting, severity of incidents, employee comfort level).

Recommendation 1.5.1: The BPD should add language to assist employees in understanding the choice between the four reporting mechanisms.

Use of force

Notably, the new Vermont State Use of Force policy(ies) will replace the BPD Use of Force policies when it becomes effective October 1st, 2021¹¹. Because this policy(ies) was not in effect at the CNA

¹¹https://vcjc.vermont.gov/sites/vcjc/files/documents/2021%20UOF%20statutes%20in%20Word_0.pdf

contract end date of September 30, 2021, findings and recommendations in this report are based on the current Use of Force policies in place by the BPD under this contract period.

Finding 1.6: Although the rules in directive DD01 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules prohibit the use of excessive force, no specific rule imposes a duty for BPD employees to intervene or report excessive force they witness or learn about. This topic is covered under DD05 - Use of Force and should also be covered under DD01.

Recommendation 1.6.1: The BPD should include a specific rule in directive DD01 that requires department personnel to intervene or report excessive force when witnessed or learned about.

Recommendation 1.6.2: Consider employing Active Bystander for Law Enforcement (ABLE) training, aimed at creating a culture in which officers routinely intervene as necessary to prevent misconduct, avoid police mistakes, and promote officer health and wellness.

Finding 1.7: The policy DD05 - Use of Force, 6-30-2020 starts with a “sanctity of life” statement in the purpose and philosophy. It also includes clear language on “duty of care,” “duty to intervene,” and “duty to report.”

Recommendation 1.7.1: The BPD should continue to use the above language, which reflects best practices for use of force policies. The statements on duty to care, duty to intervene, and duty to report should also be added to DD01- Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules.

Finding 1.8: The policy DD05 - Use of Force, 6-30-2020 clearly enumerates where the use of canines falls on the use of force continuum.

Recommendation 1.8.1: The BPD should continue to follow the prescribed protocol for where the use of canines falls on the use of force continuum.

Finding 1.9: BPD prohibits “prolonged face-down prone restraint.”

Recommendation 1.9.1: The BPD should rewrite this statement to replace “face-down prone” with “prone” only. The prone position refers to when someone is flat on their stomach or chest with the knees down. Someone can have their head or face up and still be in the prone position. The policy should also direct that as soon as wrist restraints are applied, the subject should immediately be moved to a sitting position and be closely monitored. In addition, this policy is documented only in the section on Excited Delirium, but it should be documented elsewhere, possibly in a dedicated section on prohibited use of force in DD05.02.

Finding 1.10: BPD policy does not provide guidance about how to manage resistance in interactions with people with disabilities, intoxication, or mental illness (DD05 - Diminished Capacity, Disability).

Recommendation 1.10.1: BPD should provide guidance in another use of force section, DD05.02, about how to respond to resistance in interactions with people who have disabilities, who are under the influence of drugs or alcohol, or who have mental health conditions. BPD should review examples

provided by the International Association of Chiefs of Police (IACP) Law Enforcement Policy Center.¹² The Fayetteville, North Carolina, Police Department¹³ also has several policies we recommend the BPD to review as examples.

Finding 1.11: The use of batons on the use of force continuum is not clear in DD05 - Use of Force, 6-30-2020.

Recommendation 1.11.1: BPD should update the language in the above policy to more clearly outline where the use of a baton falls on the use of force continuum.

Finding 1.12: In directive DD05 - Use of Force, 6-30-2020, section IV, Prohibitions, BPD does not prohibit the use of lethal force when the officer does not have clear line of sight of the subject.

Recommendation 1.12.1: BPD should add a prohibition on the use of lethal force when the officer does not have a clear line of sight of the subject.

Finding 1.13: BPD does not currently have a separate reporting mechanism for the use of a firearm to kill a dangerous or seriously injured animal.

Recommendation 1.13.1: BPD should consider developing a separate reporting mechanism for the use of a firearm to kill a dangerous or seriously injured animal. Although reporting these incidents as use of force is inappropriate, they should be tracked in some system, particularly given longstanding community concerns about national reports of officer use of firearms against family pets.

Finding 1.14: Based on our interviews, we found that congruence is lacking between what the public thinks is a legitimate use of force and what the BPD believes and trains its officers to do regarding use of force.

The public has expressed an interest in BPD renewing policies and practices that require officers to disengage from a situation under certain circumstances (e.g., low-level crimes, nuisance situations, instances in which there is no threat to another person) to reduce the risk of escalation. In addition, some favor calling in non-police resources or not dispatching police at all to these situations.

Recommendation 1.14.1: BPD and the City of Burlington should create channels for Burlington community members to be involved in the review of its use of force policies so the community can understand why such use of force may be permitted and so the BPD can reconsider their policies and practices based on community input.

Finding 1.15: The Directive DD01 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules requires BPD to produce a mission statement to guide department operations; however, BPD's current mission statement is not included in the directive.

¹² Visit the IACP Law Enforcement Policy Center here: <https://www.theiacp.org/policycenter>.

¹³ <https://www.fayettevillenc.gov/home/showpublisheddocument/18392/637625600215270000>

Recommendation 1.15.1: The BPD mission and values statement¹⁴ should be included in the directive.

Finding 1.16: Although the IACP Code of Ethics referenced in Directive DD01 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules sets out important precepts, the IACP version adopted by BPD was written in 1991.

Recommendation 1.16.1: BPD should research available police codes of ethics to review alternative, more contemporary iterations of the IACP Code of Ethics. The IACP also has a suite of model policies¹⁵ that can be used as a frame and then built upon. The BPD's current version must be updated.

Quality control, internal investigation, and discipline

Finding 1.17: Directive DD40 - Quality Control, Internal Investigations & Discipline appears to be a boiler plate policy that may be part of a larger boiler plate policy manual that was written for departments of all sizes and does not address issues that may be specific to BPD Bureau of Internal Affairs (BIA). The policy was written or approved eight years ago, and much has changed in internal investigations, community and employee expectations, and discipline over that time.

Recommendation 1.17.1: BPD should completely rewrite this policy according to industry best standards, including eliminating the Office of Quality Control (it is unclear what that is) and replacing it with Internal Affairs (preferable) or Office of Professional Standards with specific direction that Internal Affairs takes in the complaints and assigns out according to specific guidelines. BIA must have specific investigators who are assigned only to that responsibility and does not use what appears to be general investigators (III.C.2) to investigate complaints. The present policy leaves too many options that allow officers to violate policy undetected, and it prevents the process from being transparent to BPD employees and the community.

Finding 1.18: Having the chief serve as the adjudicator and keeper of complaints puts him or her in a difficult position. With the process set up as it is, the chief determines whether an investigation should occur and then serves as the arbiter of the investigation. Additionally, this current policy is vague (III.C.1), and it appears that the Quality Control Unit can investigate a complaint only when directed by the chief (III.C.2), which makes it appear that the chief is the intake for complaints.

Recommendation 1.18.1: BPD should create a policy that directs specifically which complaints are to be handled by first line supervisors and which are to be referred to BIA.

Recommendation 1.18.2: BPD should consider instituting a Citizen Review Board to review internal and external investigations, rather than having the chief serve as the final authority on facts and discipline.

Recommendation 1.18.3: BPD should establish a specific Internal Affairs section that conducts investigations, as well as a BPD internal disciplinary review board that reviews cases and makes

¹⁴ The BPD mission and value statement can be accessed here: <https://www.burlingtonvt.gov/Police>.

¹⁵ Visit IACP Law Enforcement Policy Center here: <https://www.theiacp.org/policycenter>.

written recommendations regarding discipline to the chief. This policy should provide the BPD internal disciplinary review board with guidelines to help determine the level of discipline to ensure consistency and fairness, and the personnel on the internal review board should change from case to case. The chief has the final decision to agree or disagree with the recommendation of the BPD internal review board and to increase or decrease the level of discipline, and his or her decision must be documented in writing. The department should establish a Citizen Review Board (CRB) to review cases, which requires a separate policy to ensure confidentiality and a consistent and fair review process. A CRB would provide another level of support to the chief for his or her decisions. Often police chiefs think a CRB takes power and responsibility from the chief, but it can also increase the credibility of the chief's decisions.

Finding 1.19: Section 1.E of document DD40 - Quality Control, Internal Investigations & Discipline places responsibility with the chief to determine whether an internal investigation is needed and to forward necessary information to initiate an investigation to the deputy chief.

Recommendation 1.19.1: BPD's commander¹⁶ of Internal Affairs should report directly to the chief of police.

Finding 1.20: Although directive DD01 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules includes a rule that requires an employee to report any civil suit filed against them because of an act in the line of duty; however, there is no parallel rule requiring BPD employees to report any arrest or contact by outside law enforcement agencies while off duty.

Recommendation 1.20.1: In line with 21st century policing best practices, BPD should modify directive DD01 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules to include a requirement for BPD employees to report any arrest or contact by outside law enforcement agencies while off duty. This requirement should be restated in the revised Internal Investigations directive, with reference to DD01.

Community response and assistance

INTERACTING WITH PERSON'S WITH DIMINISHED CAPACITIES

Finding 1.21: The language utilized in directive DD13.3 - Interacting with Persons with Diminished Capacities must be updated and revised to align with 21st century best practices.

"Person-first" language is considered a best practice for discussing mental health conditions and should be reflected throughout this directive. An example of person-first language is "a person living with a severe mental health condition," which starts with the word *person* and then refers to the condition. "Persons with diminished capacities" is also an example of person-first language; however, the term "diminished capacities" has negative connotations and should be re-considered. "Persons

¹⁶ While BPD utilizes different terms to reflect their command structure, we use the term "commander" as it is common police terminology, and BPD understands the rank at which commander refers.

with disabilities” or “recognizing and responding to persons in (mental health) crisis” would be an acceptable alternative.

This directive does cover certain best practices in interacting with a person experiencing a mental health crisis, which the BPD should be commended for; however, BPD should consider whether it may be appropriate to broaden best practices for these interactions in documents such as a directive or an accompanying standard operating procedure (SOP). These broadened best practices may include the following:

- Avoid shouting as well as giving multiple commands.
- When safe and appropriate, limit external stimuli by turning down police radio, avoiding lights and sirens, and reducing onlookers.
- Be truthful in communications (e.g., do not promise something you cannot deliver).
- Give choices whenever it is safe to do so, reinforce that officers are there to help, introduce yourself, and ask what name the person would like to be called.
- Call for clinician assistance when possible.
- Utilize time as a tactic to de-escalate, to call for specialized resources, and to develop a plan.
- Generally speaking, distance plus cover equals time, so give physical space whenever it is possible and safe to do so, and request backup officer cover (cover can also include physical barriers) to buy additional time to slow things down.
- Utilize community-based treatment instead of the criminal justice system whenever possible.

Recommendation 1.21.1: Review of revised policy should include partners with both professional and lived experience such as the Howard Center, Street Outreach, and NAMI.

A robust community engagement process with input into the revisions is essential for BPD’s policy for responding to persons living with severe mental health conditions. This engagement is essential not only for public transparency but also to ensure community resources align with the policy and that best practices, including language, are reflected. Ultimately, the final decision will lie with the police department because it has the internal police operational expertise as well as knowledge of how this policy fits with other department policies. Even so, active community engagement is an essential component of the policy review process and ultimately of building community trust.

Recommendation 1.21.2 Ensure policy reflects current department operations. For example, the policy indicates that street outreach personnel carry a police radio, and it describes the general expected function of the street outreach personnel.

Over time, as programs and resources change, attrition occurs, best practices evolve, and leadership changes, policies often end up no longer reflecting actual operational procedures. For this reason, it is critically important to not only review and (when appropriate) revise policies annually, but also to include officers and community members who have a stake in the revisions in the review process. For example, the research and development team in some police departments is in charge of

reviewing and revising policies, and all too often, these reviews are done in isolation—without including those who are actively involved in the operations of the directive. For this particular directive, the BPD social worker, the Howard Center, NAMI, a designated BPD officer heavily involved in behavioral health response, and additional key community stakeholders should be involved in this process. A community forum is also often helpful to gain community feedback.

Recommendation 1.21.3: As the City of Burlington and BPD work to develop and operationalize alternative responses both within and outside of the BPD, consideration should be given to the development of additional policies related to responding to persons in crisis (we discuss examples in the findings under the Specialized and Alternative Response Section of this report).

INTERACTING WITH PERSON'S WITH LIMITED ENGLISH PROFICIENCY

Finding 1.22: BPD has a policy (DD13.01) for Interacting with Persons with Limited English Proficiency; however, the policy has not been updated since 2013.

Recommendation 1.22.1: The BPD should update this policy for grammar, spelling, and language best practices. Although including the community in most policy reviews is important to ensure public transparency, involving key community stakeholders in the review of this specific policy is of critical importance. Community stakeholders should include individuals and organizations representing this population who would have insight into best practice language and community resources.

PERSONS WITH DISABILITIES

Finding 1.23: This directive was written in 2013, and though the directive is overall well written, it has language that should be updated to reflect best practices. In addition, like DD 13.3, this policy should be reviewed with active community stakeholder involvement and with community feedback strongly considered.

Recommendation 1.23.1: Under officer response, “effective communication” should be expanded to include “professional and effective communication,” meaning treating people with dignity and respect.

Recommendation 1.23.2: IIC: Mental health referral is indicated in this directive but is covered under a separate directive: DD13.3 - Interacting with Persons with Diminished Capacities. Consideration should be given to integrating the two directives.

- The term “citizen” should be replaced with a term inclusive of all people, for example “community member” .
- “Persons with Diminished Capacities” should be changed to a less negative term, such as “Persons with Disabilities.”
- IIB: “Handling” should be changed to “responding to,” and “suffers” should be changed to “living with.” The phrase “officers should” is used throughout the directive, and when appropriate, this should be changed to “officers will.”
- IIE: “Dealing with” should be changed to “responding to.”

- IIE.b: Expand the best practice of describing to the person the activity the officer will be taking before doing it (this is a trauma informed practice) like custodial escort actions (e.g., handcuffing, transporting).

VICTIM SERVICES

Finding 1.24: Directive DD11 - Victim-Witness Assistance provides a contemporary overview of the importance of responding to victims and witnesses in a respectful way. There is a strong statement that BPD will not inquire about the immigration status of crime victims and witnesses, which is commendable.

Recommendation 1.24.1: BPD should continue its policy of responding to victims and witnesses in a respectful way and avoiding inquiries regarding the immigration status of crime victims and witnesses.

Recommendation 1.24.2: BPD should specify that the “safe and friendly location” available for providing statements will be physically separate from any location where a suspect or perpetrator may be located.

Finding 1.25: Directive DD11 - Victim-Witness Assistance advises that for emergencies, the Chittenden County Victim Advocate has a pager.

Recommendation 1.25.1: Since pagers are not the way most individuals are currently contacted after hours, BPD should update this reference as currently appropriate.

Finding 1.26: Directive DD11 - Victim-Witness Assistance outlines that a next of kin notification would be made by a supervisor, volunteer clergy member, or BPD (or City staff) official most adept at making such notifications.

Recommendation 1.26.1: BPD should consider whether individuals who receive special training on next of kin notifications should be the individuals doing so, with non-trained individuals assisting as appropriate.

Finding 1.27: Section IV.D of Directive DD03 does not currently specify what constitutes as a professional interpreter.

Recommendation 1.27.1: Though self-evident, BPD might consider adding language to section IV.D specifying that family members and particularly children do not constitute professional interpreters and should not be used as translators.

Finding 1.28: The policy does not refer to mandatory, optional, academy, and in-service training for officers regarding victim/witness contact.

Recommendation 1.28.1: If the above training is required, BPD should state this in directive DD11 - Victim-Witness Assistance. If not, BPD should include the mandatory, optional, academy, and in-service trainings available to officers regarding victims and witnesses.

Finding 1.29: Directive DD11 - Victim-Witness Assistance outlines the resources available for victims of crime in the Burlington community.

Recommendation 1.29.1: If the Victim's Advocate position maintained by the department (Section A) is different from the county Victim Advocate referred to in Section B, this should be more clearly articulated (e.g., that these are distinct resources); if they are the same, they should be explained clearly.

Finding 1.30: BPD provides a list of resources available to victims and witnesses of crimes in directive DD11.

Recommendation 1.30.1: Generally, the strength of this policy lies in the resources it lists that should be available to victims and witnesses. As for all policies, the accuracy of the resources listed should be updated and reviewed annually.

DOMESTIC VIOLENCE RESPONSE

Finding 1.31: Directive DD21.02 - Domestic Violence by Law Enforcement Employees: Prevention & Early Warning Initiatives does not currently provide a clear picture of the due process rights of the subject BPD employee, while also providing support for the victim.

Recommendation 1.31.1: Although the policy satisfactorily addresses the situation in which the subject is a BPD employee, BPD should provide additional guidance for domestic violence situations when the alleged perpetrator and the victim are both employees of the police department.

Finding 1.32: BPD has a Domestic Violence Prevention Officer; however, the policy has not been updated since 2007.

Recommendation 1.32.1: The BPD should update the DD21.01 - Domestic Violence Response policy to describe the position and responsibilities.

Body-worn cameras

Finding 1.33 Directive DD14.1 - Body Worn Camera Systems does not clearly address supervisory review of BWC footage for administrative investigations, conduct audits, or policy compliance. Notably, the BPD reports that the BPOA prohibits this important function, as indicated in Section IX. A of DD14.1 "BWC recordings shall not be audited to monitor Officer or personnel performance without cause."

Recommendation 1.33.1 The BPD should more clearly outline the supervisory review process of BWC footage and should include a random review by the shift supervisor of a certain number of BWC incidents at the end of each shift or, at minimum, the end of each week. The BPOA must be negotiated to permit this important function. This is imperative for transparency, accountability, commendation and coaching.

Finding 1.34: Directive DD14.1 - Body Worn Camera Systems clearly addresses standard operations with cameras, including Bureau of Justice Assistance Body Worn Camera Toolkit best practices on activation, deactivation, tagging, use of force, etc.

Recommendation 1.34.1: The BPD should continue to follow the best practice operational procedures outlined in their directive and update the directive as new national best practices are

released, continually reviewing new best practices added to the Bureau of Justice Assistance Body Worn Camera Toolkit.

BPOA union contract

Finding 1.35: The current contractual requirement of a minimum of 10 detectives hampers the flexibility of the City in reimagining its public safety response.

Recommendation 1.35.1: The contractual detective minimum should be renegotiated between the BPD and the City of Burlington considering a minimum threshold of eight detectives.

Finding 1.36: The contractual language on discipline in document 20190201 BPOA contract 2018 to 2022 FINAL is inconsistent with industry standards.

The record retention time frames outlined in 20190201 BPOA contract 2018 to 2022 FINAL are too short and do not provide BPD the ability to retain documentation of these concerns for the purposes of progressive discipline or proactive intervention. The present BPOA union contract states that letters of reprimand and any other discipline short of suspension are maintained in personnel files for a maximum of one (1) year from the date of the event/conduct. Disciplinary actions resulting in a suspension are maintained in personnel files for a maximum of three (3) years from the date of the event/conduct.

Recommendation 1.36.1: The City should work with the BPD union to modify the retention periods so that discipline records are maintained for far longer periods, with a recommendation for the employment career of the officer.

Finding 1.37: According to the BPD union contract, all police officers automatically become senior police officers after three years of service and corporals after seven years of service.

Recommendation 1.37.1: The City should work with the BPD union to revise the promotion to senior police officer to five years of service.

Finding 1.38: According to the BPOA contract, Field Training Officers (FTOs) receive only \$15 per day extra for each day of FTO training, suggestive of an under appreciation of the important role played by FTOs.

FTOs are experienced officers who are paired with newly hired officers in probationary status for a period designated by the BPD prior to patrolling on their own. A sound vetting process for FTOs is important to shaping the way new officers interact with the community. The vetting process should be thorough, and the role should be incentivized appropriately. If it is only incentivized without a thorough vetting process, a culture of the “wrong” officers applying to be FTOs can be created. Consequently, both a thorough vetting process and compensation are important, along with an ongoing assessment of FTO evaluations to ensure FTOs do not continue in the role if their skills, disciplinary history, and evaluations do not support it.

Recommendation 1.38.1: The City of Burlington should work with BPD personnel to determine more appropriate compensation for FTO officers to ensure probationary officers are receiving high-quality and informed training, along with instituting regular evaluations of FTO performance.

Finding 1.39: According to the BPOA union contract, if an FTO is not available to provide training, the contract allows BPD to "delegate" the FTO function to officers with no FTO training.

Recommendation 1.39.1: The BPD should consider reviewing how many times the department has used the above delegation function assigning new officers with an officer who has had no FTO training. Based on the findings, the BPD should revise the protocol for providing training when an FTO is not available.

Finding 1.40: The BPOA union contract provides a wellness bonus for union member employees to reimburse off-duty activities intended to increase officer wellness. This provision is consistent with the Sixth Pillar of former president Obama's Task Force on 21st Century Policing recommendation to incentivize officer wellness.

Recommendation 1.40.1: The BPD should continue to offer a wellness bonus in their contract for BPOA member employees. Additionally, it would be insightful for the department to collect aggregated data to learn the degree to which members avail themselves of this contractual benefit, and to study its effectiveness.

Finding 1.41: Shift bids are conducted by strict seniority, resulting in little flexibility for BPD leadership to design shifts based on the best interests of the Department.

One potential restriction on shift bids is that officers cannot work the same shift more than four times consecutively. We have seen cases in which this system allows officers to "hide" from effective supervision by "shopping for sergeants." It also means all new officers can be on one shift, and it results in other consequences of a pure seniority shift bid system. Ideally, leadership should be able to more actively participate in how shifts are comprised, and the City should consider negotiating for the ability to design the shifts.

Additionally, throughout the interviews, BPD personnel shared concerns regarding the quality of officer candidates who may be attracted to the types of shift schedules currently offered.

Recommendation 1.41.1: The BPD should work to restructure their shift assignment process to one that more closely focusses on personnel needs. In addition, the BPOA contract should be renegotiated to increase efficiencies to the BPD, while allowing flexibility to meet the best interests of the department.

Training

Police leaders and stakeholders are responsible for providing the best possible training to their officers from pre-service academy training throughout an officer's career. In this section, we discuss our assessment of the various BPD policies and procedures for departmental training, both required by the police academy and during in-service training.

The State of Vermont academy training curricula is outside of the scope of this project, but because the training materials BPD provided were insufficient to make a thorough assessment, the assessment team did review two training curricula (mental health and use of force) required by the academy. Notably, the findings, and recommendations are based on the limited training documents provided to the assessment team by BPD. Consequently, our overall review and assessment of BPD training is limited.

Through our document review, we identified the following key findings:

- BPD has significant deficiencies in training.
- Key training topics recommended in the Final Report on 21st Century Policing (2015) are either not covered or covered insufficiently during basic officer training, in-service training, or both. Some of these topics include community policing and problem solving, bias awareness, situational decision-making, crisis intervention, procedural justice, impartial policing, mental health response, and cultural awareness.
- BPD officers understand the value of comprehensive training and would like more opportunities to participate in both in-house and external trainings.

For this assessment, we reviewed the “Rule 13 Compliance” for 2021, which is the training the State of Vermont requires annually for officers. These requirements include:

- First aid/cardiopulmonary resuscitation (CPR)
- Firearms Qualification
- Conducted Electrical Weapons (taser) Training
- Fair and Impartial Policing (this is presently being updated by the Vermont Criminal Justice Council (VCJC))
- Use of Force Tactics (four hours that do not need to be consecutive)
- ARIDE certification (identification and assessment of drivers suspected of being under the influence of alcohol and evaluation of suspected drug impairment)

CNA reached out to VCJC but was unable to review the Fair and Impartial Policing curriculum. VCJC reported that they were redesigning the training and were unable to share it at this time.

Findings and recommendations

VCJS requires a total of 30 annual in-service training hours. We attempted to identify the total number of hours the required courses above accounted for through both the VCJC and the BPD, but we found no substantial answer. Use of Force was the only training that identified a requirement of four hours, yet the materials presented to us by the BPD did not appear sufficient to account for four hours.

To meet the established 30-hour requirement, officers choose from elective courses after the required courses, which is consistent with other police departments. CNA requested training records from the years 2015–2019 (due to COVID-19, we did not request 2020). BPD shared a spreadsheet

that included when the required and elective courses were offered, along with the officers who attended those trainings.

The *spell this out* (VCJC) did share their Use of Force and Mental Health Training materials. Notably, these training courses are part of the recruit training and are not offered to all officers post academy training. Although the overall content of both trainings was good, it was not particularly useful to this assessment other than to indicate that new recruits do enter police departments across Vermont, including BPD, with overall good training on these topics.

Further, the State of Vermont has a Team Two training (an eight-hour training that represents the rural state response to crisis intervention training), which is unique to Vermont and has been offered regionally across the state since 2013. One of those regional locations is Burlington. Yet in the nine years it has been offered, only 23 BPD officers have attended, with none in 2021, two in 2020, three in 2019, and three in 2018.

Team Two is provided through an annual grant with the Department of Mental Health and the Department of Public Safety. The grant provides eight regional trainings per year (just reduced to six due to funding). The northwest region of Vermont (including Burlington) gets two of these trainings (both when it was eight and now six). Training was conducted via Zoom in 2020. An average of 25 participants representing mental health and law enforcement organizations (e.g., sheriff's office, state police, local police department, mental health staff) attend per class.

The training is offered regionally so that local resources can be utilized, including a team of instructors from mental health crisis centers, emergency medical services (EMS), hospitals, dispatch, and NAMI. The training is almost all scenario based, with 1.5 hours of lecture. The training includes a presenter with lived experience.

Finding 1.42: Not unlike other police departments, BPD offers a significant amount of training covering police tactics regarding proper use of force and custodial escort. Although these are critically important trainings, they are often offered at the expense of de-escalation, communication, procedural justice, implicit bias, mental/behavioral health, crisis intervention, and trauma trainings. Nationally, a very low percent of calls for service end in use of force, yet most training tends to focus on use of force tactics. This should be reconsidered moving forward.

Some of the key trainings expected of 21st century policing were offered as electives, but only a limited number of officers attended (see Table 1).

Table 1. Example of officers attending elective trainings for 2018 and 2019

Training	Number of officers
Team Two mental response training offered in five regions in Vermont, including Burlington, 2018	3
Restorative Justice, 2018	2
Post-Traumatic Stress Disorder, 2018	10
Trauma Affected Child, 2019	2
Implicit Bias, 2019	4
Leadership Development for Supervisors, 2019	1
Crisis Negotiations, 2019	2

Recommendation 1.42.1: BPD should design a structured systematic curriculum with full lesson plans, learning objectives, goals and evaluations as well as training aides and visual materials such as PowerPoint slides and hands-on activities, among others.

Recommendation 1.42.2: BPD should review their training curriculum, structure, scheduling, and materials yearly to ensure trainings are meeting national best practices.

Recommendation 1.42.3: BPD should ensure that the quality of its implicit bias training courses align with national best practices and continue to provide these trainings during the basic officer training and annual in-service training. BPD should also ensure that the entire organization receives annual in-service training on implicit bias.

Recommendation 1.42.4: BPD should provide a comprehensive mental and behavioral health training course incorporating people with lived experience (e.g., those with autism, intellectual or developmental disabilities, or mental health conditions) and robust scenario-based training. Doing so will help officers become more familiar with the unique needs and individual considerations of people from these populations, which will better prepare them to respond to individuals in crisis. Scenario-based training will allow officers to practice the skills they have learned while receiving real-time feedback and evaluation.

Recommendation 1.42.5: Fair and Impartial Policing, De-escalation, Procedural Justice, and Implicit Bias should all be required trainings, and these principles should be integrated across all other training courses.

Recommendation 1.42.6: Provide the opportunity for community mental health advisory committee CMHAC (and, when appropriate, members of the community) to review and where appropriate observe non-police tactical training such as Fair and Impartial Policing, De-escalation, Procedural Justice, and Implicit Bias. Doing so promotes transparency and provides opportunities for public feedback.

Recommendation 1.42.7: The Use of Force training required by the State of Vermont and delivered by BPD should be formalized, with the BPD readily able to demonstrate how the required four hours are spent.

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Section 2: Citizen Complaints and Internal Affairs Investigations

The information presented in this section evaluates the various policies, procedures, and data related to BPD's citizen complaints and internal affairs investigations. We begin with a brief overview of the topics. We then detail our findings and actionable recommendations, intended to improve these processes within BPD and proactively address issues that may decrease police legitimacy.

Through our interviews, document review, and data analysis, the assessment team identified the following key findings:

- BPD collects little information about complaints and does not collect or document information about complainant demographics or the demographics of the target of the complaint.
- BPD lacks a consistent or clear process for internal affairs reviews of complaints.

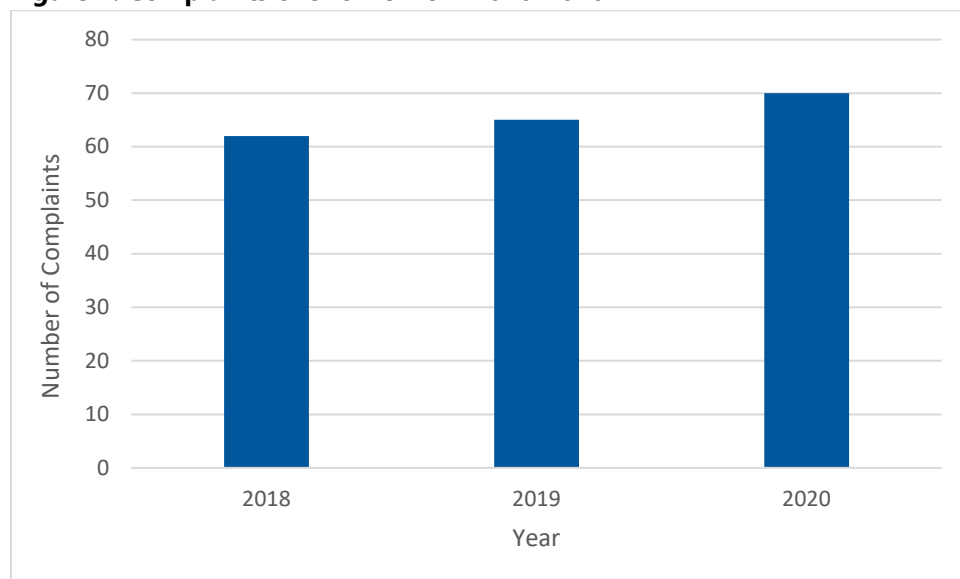
Citizen complaints

Utilization of the procedural justice model of policing, “which emphasizes transparency, explaining police actions, and responding to community concerns, has been identified as a strategy for decreasing the number of interactions in which civilians experience disrespectful treatment or the unjustified use of force” (Wood et al., 2020). Citizens desire a process through which their voices can be heard, particularly when their message involves police officer misconduct.

BPD provided the assessment team with information about complaints and commendations about BPD personnel from 2018 to 2020. BPD collects little information about complaints and does not collect or document information about complainant demographics or the demographics of the target of the complaint. In addition, complaints are captured in an Excel spreadsheet, a rudimentary form of holding important data. Here we present our analysis of the limited information included in the BPD complaints database.

BPD received a total of 197 complaints and commendations over the three-year period. As shown in Figure 1, complaints have increased slightly over time. During this period, BPD received six commendations, and the remaining 191 incidents were complaints. In the remainder of the analysis, we focus solely on complaints.

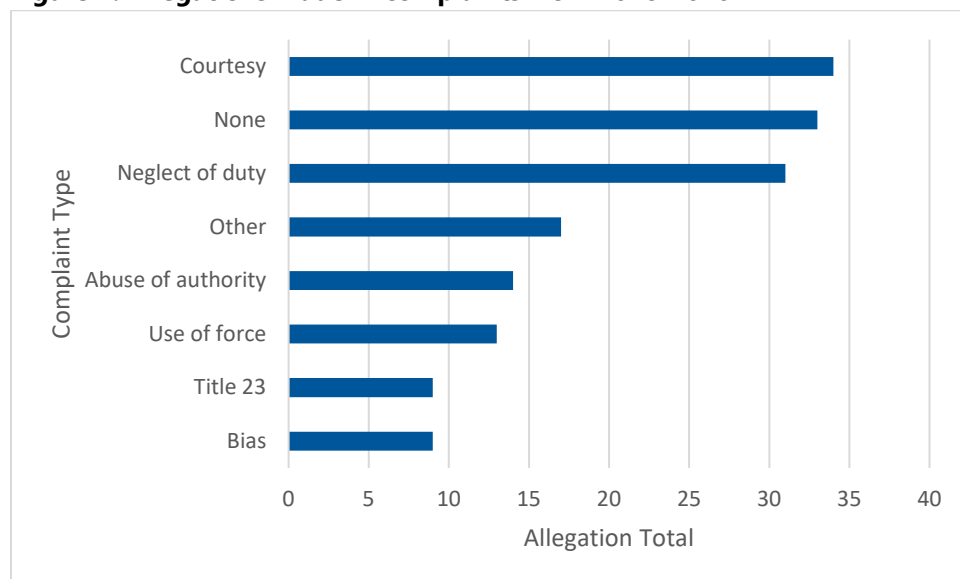
Figure 1. Complaints over time from 2018-2020



Note: It is unclear whether the COVID-19 global pandemic or the reduction in officers contributed to the increase in complaints in 2020.

Figure 2 displays the most common allegations made in complaints. Some complaints involve multiple allegations; for example, a complaint about a perceived racially motivated use of force incident would be coded as both use of force and bias. Complaints about courtesy are the most common, present in 34 of 191 complaints. The second most common (33 of 191 complaints) are complaints without a specific allegation. These include complaints that are not relevant to BPD (for example, a complainant dissatisfied with federal policies or complaints intended for another jurisdiction or agency), calls to the complaint line by individuals in mental health crisis (which are typically referred to appropriate agencies), and non-complaint information (suggestions for foot patrol deployment, requests for department memorabilia). BPD also uses another category to classify complaint allegations. Some of these complaints overlap those in the “none” category, though it is also used to classify complaints that cannot be investigated (e.g., thirdhand information).

Figure 2. Allegations made in complaints from 2018-2020



Note: Title 23 refers to motor vehicles.

Figure 3 shows complaint outcomes for all 191 complaints, and Figure 4 shows outcomes for complaints that BPD investigated and completed. The plurality of complaints resulted in an unfounded or exonerated outcome, with 23 percent of those with completed investigations resulting in a sustained outcome.

Figure 3. Complaint outcome from 2018-2019

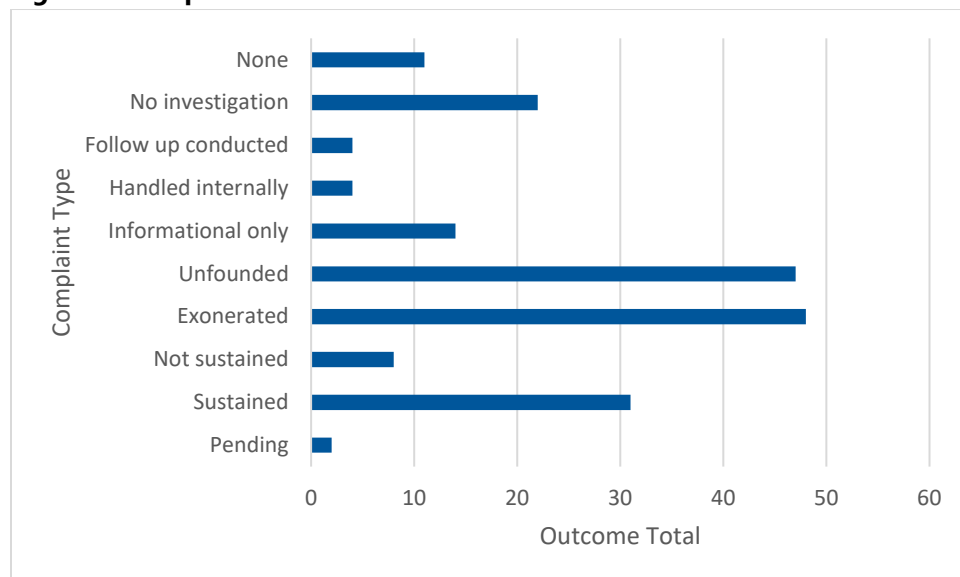
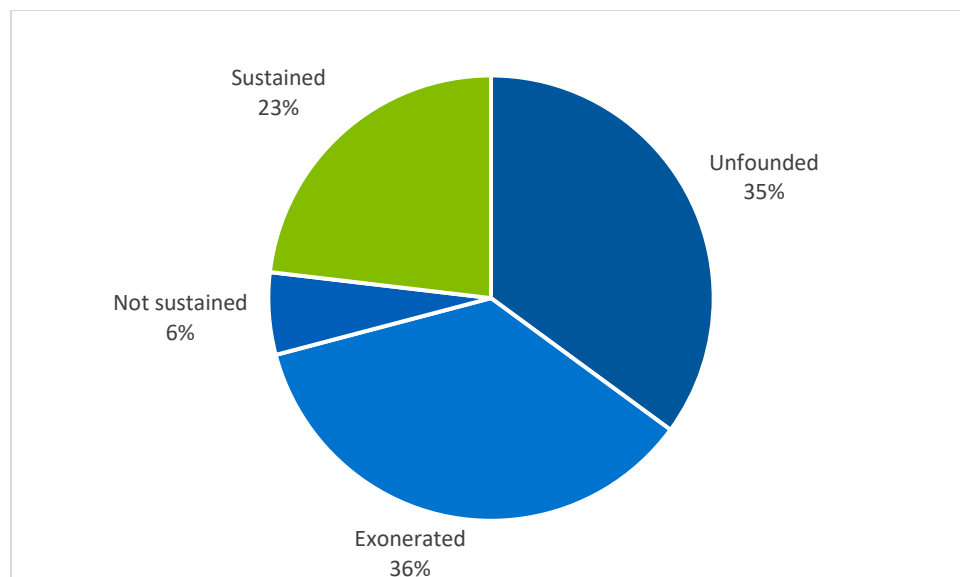


Figure 4. Complaint outcome for investigated and completed complaints from 2018-2020



Although a 23 percent sustained outcome is close to industry standards, it is important to understand for transparency how cases are unfounded or exonerated and what the difference is between Not Sustained, Exonerated, and Unfounded. Without such clarity, legitimate complaints might be hidden in these categories. Consequently, it is important to have detailed definitions of what constitutes each of these categories.

Findings and recommendations

Finding 2.1: BPD collects relatively little information about complaints and does not collect demographic information about the complainant or keep demographic data on the officer in the complaint data. BPD also collects both complaint outcome and discipline in a single data field.

Recommendation 2.1.1: BPD should develop or acquire a complaint tracking data system that includes, at a minimum, the following information about each complaint in separate, closed response data fields: complainant demographics, the demographics and personnel information (e.g., rank, tenure, role) of the target of the complaint, process-related dates (date received, date of incident, date reviewed by supervisor, date resolved), specific details of the accusation (e.g., associated policy), and the discipline directed (when applicable).

Recommendation 2.1.2: BPD should ensure that all data fields contain only a single variable (i.e., complaint outcome and associated discipline should be tracked in separate fields).

Finding 2.2: BPD currently classifies a relatively large number of complaints with no allegation or “other” allegation.

Recommendation 2.2.1 BPD should revisit its allegation categories to reduce or eliminate the “none” and “other” in the allegation field.

Recommendation 2.2.2: Citizen complaints should be separate from all other complaint processes.

Finding 2.3.1: The BPD website says that "minor" complaints may be investigated by on-duty supervisors; however, there is no clear definition of *minor*.

Finding 2.3.2: There is no clear distinction between citizen complaint, administrative review, or BIA investigation.

Recommendation 2.3.1: BPD should clarify its citizen complaint process and reference that process within the disciplinary policy. Consideration should be given to the following:

- Complaints will be accepted from any source, including by person, mail, email, BPD website, or telephone. Supervisors must make reasonable and diligent efforts to obtain a statement from any complaining party.
- Every complaining party will be referred to a supervisor, the Internal Affairs Bureau, or Human Resources (HR) so the complaint may be received.
- Without exception, every complaint that, if true, would constitute a violation of BPD policy must be thoroughly investigated and documented by an HR supervisor or senior official.
- When the complainant's address is known, the supervisor receiving the complaint will complete the complaint acknowledgement letter and mail it to the complainant. If the complaint was received electronically or telephonically, the supervisor may respond in that same manner and document the communication. A scanned copy of the acknowledgement letter should be attached to the electronic IACMS case file.
- Anonymous complaints will be accepted. The Internal Affairs Commander or his or her designee will review each anonymous complaint and determine the feasibility of further investigation.

Finding 2.4: Policy DD40 - Quality Control, Internal Investigations & Discipline does not identify other means for a citizen to file a complaint (via phone or online).

Recommendation 2.4.1: BPD should update directive DD40 - Quality Control, Internal Investigations & Discipline to identify additional means for citizens to file a complaint.

Finding 2.5: Burlington community members and related stakeholders expressed limited trust that the BPD would be transparent with case information and Body Worn Camera (BWC) footage after a critical incident.

Based on our interviews, BPD personnel appeared to be aware of this sentiment and agreed that some Burlington community members feel there is limited transparency regarding critical incidents. The BPD cited barriers to BWC footage release due to constraints of criminal investigations and guidelines by the city attorney.

Recommendation 2.5.1: BPD should prioritize the use of social media communication platforms for up-to-date information when critical incidents occur while providing ongoing real time updates. This improves community trust and transparency. As trust increases, community members will often share their own video which can, where appropriate, be shared with the community by the police department.

Recommendation 2.5.2: The Burlington city attorney should release public guidance around the constraints for releasing information during an ongoing investigation. Policy should be developed and publicly shared, and the release of information should be done in a consistent manner in every instance to avoid any bias. BPD and the City should also look into other agencies' processes for release of BWC footage (e.g., Las Vegas).

Internal affairs investigations

Although procedural justice is important for BPD's relationship with the community, internal procedural justice is equally important for maintaining internal employee relationships and trust (*Final Report on 21st Century Policing*, 2015). To evaluate BPD's internal procedural justice, the assessment team randomly selected 12 BIA cases to review between 2017 and 2020. During this period, BPD had 28 BIA cases. Notably, the BPOA union contract specifically states under 15.4 G: "Any information gained in the course of an employee's investigation is confidential and shall not be voluntarily released to any party outside the office of the Chief of Police, City Attorney, Human Resources Director, and the Department investigator." Additionally, there are also explicit restrictions in the City's Personnel Policy Manual (12.9) about how or whether some materials can be shared. Notably, several significant pieces of information were missing from the files reviewed, including the following:

- No reference to the timeline for conducting the investigation or what evidence was used or reviewed to sustain the use of force.
- No reference to the length of suspension levied.
- It was unclear whether a complaint had been filed or whether the incident was identified during a normal review of a use of force incident.
- No reference to whether or not there was a criminal offense by the officer.
- No reference to the outcome of the criminal investigation or any charges stemming from the investigation.

Notably, the findings and recommendations below are reflective of the limited information that was provided in the case files.

Findings and recommendations

Finding 2.6: The BPOA union contract restricts the information that can be shared with the public on internal investigations.

Recommendation 2.6.1: The City should consider transparency and trust issues with the community when negotiating the next contract to allow for the release of specific information concerning officer complaints, findings, and discipline while maintaining the confidentiality of the

investigation. Many cities allow for the release of overall complaint information and the disciplinary findings of officers, regardless of the stipulations in the union contract.

Finding 2.7: The CNA assessment team was unable to determine how long each investigation took to complete.

Recommendation 2.7.1: BPD should develop a policy that directs how BIA will conduct an investigation, who conducts the investigation, and the expected timeline for the investigation. Best practice allows for different timelines for investigation completion that are established for different levels of complaints. Additionally, the BIA policy may include lower levels of complaints for which investigations are conducted at the supervisor or lieutenant level. A clear policy is important for the officers of the department to ensure they will know what happens in the event of a complaint or an internal investigation of an officer involved shooting, serious use of force, or in-custody death.

Finding 2.8: Not all BIA cases cite a rules violation.

Recommendation 2.8.1: If a case does not cite a rules violation, the department likely believes that no rules violation exists. Best practice would be for the department to cite the department policies or rules that the officer followed to support his or her actions. Doing this allows the investigator to support whatever his or her investigative findings are.

A good internal investigation will normally provide detail into the rules or policies the officer did not follow, which allows the department to review the actual rule or policy to determine whether revision is needed or whether additional or updated training is needed for the officer or for the entire department.

Not following every rule or policy to the letter does not mean the officer is at fault, but it does indicate that additional training for the officer, additional training for the department, or a policy revision might be needed. Departments are sometimes reluctant to cite violations of policy for fear of civil action by the community member involved.

Finding 2.9: The seriousness of the violations are not described.

Recommendation 2.9.1: As in the previous recommendation, best practice requires that the violations of rules or policies be identified and explained. Not doing this sends the message to the department that policy violations are accepted if no criminal charges are brought against an officer. If a department does not recognize and address the seriousness of the policy violation, it inhibits policy revision to address the problem.

Recommendation 2.9.2: The internal/administrative investigator must be willing to recognize and enforce policy violations and be unafraid to make recommendations to rectify the problem.

Recommendation 2.9.3: Best practice would be to provide for an internal investigative process that details every step of the investigative process including exactly who in the department will conduct the investigation, officer conduct and care immediately following the incident, officer and witness interviews and statements, evidence and document collection, case file preparation and presentation, and recommendations for discipline and policy revision.

Finding 2.10: It is unclear which cases have been investigated by Internal Affairs.

Recommendation 2.10.1: Department policy should specify who conducts the internal/administrative investigation, including the investigator's position and the supervisor's position (not by name, but by position in the policy). Internal/administrative investigations should be investigated the same way in every instance to eliminate the question of favoritism or bias. The policy should include direction on conflicts of interest (e.g., prohibiting friends or relatives from investigating a family member or a friend) and confidentiality.

Finding 2.11: Members resigning prior to the completion of their case investigation appear to have their cases closed without final dispositions, allowing an officer to apply to another department because cases are not forwarded to the state.

Recommendation 2.11.1: Regardless of the employment status of the officer involved, the case should be investigated to its conclusion. If the officer resigns prior to providing a written statement or an interview, the investigation should continue to its conclusion. The investigation can and should continue without the participation of the officer involved. Having this policy in writing ensures that officers will not be surprised of the department's intention to continue the investigation.

Recommendation 2.11.2: The department should have a policy that states that the officer will not receive a recommendation from the department for a new position without his or her participation in the investigation. Further the policy should state that the department will notify the new employer of the officer's unwillingness to participate in the BIA investigation.

Section 3: Police Oversight

A police commission is a valuable method for harnessing community input and providing an additional level of transparency and accountability regarding law enforcement operations. In June of 2020, the City of Burlington released the *Resolution Relating to Racial Justice through Economic and Criminal Justice* to address what was cited as the systemic racism that continues to adversely affect BIPOC community members. As outlined in the resolution, a joint committee of the City Council Public Safety Committee and Police Commission was tasked with re-envisioning public safety to:

...include a full operational and functional assessment of the Burlington Police Department that interrogates 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. (Racial Justice Resolution, 2020)

Additionally, the resolution provided the guidance for police oversight, stating that the Police Commission shall:

- Be entrusted with access to all complaints about sworn officers;
- Be entrusted with and may ask for the collection of additional quarterly demographic-disaggregated data, such as data related to officer-community member encounters; and
- Must approve by simple majority any disciplinary decision, including a decision of non-discipline, that the Police Chief wishes to implement in a use of force case.

This section evaluates the relevant policies and procedures applicable to community member oversight of the BPD. We begin with a brief overview of the topics. We then detail our findings and actionable recommendations.

Through our interviews and document review, we identified the following key findings:

- The present police oversight structure does not have sufficient community member representation with authority beyond an advisory role.
- The authority of the Police Commission is not clearly outlined supporting the reach of their responsibilities.
- The BPD does not adequately require public engagement and input on directives, departmental goals and objectives, and the BPD strategic plan.

Findings and recommendations

Finding 3.1: The *Resolution Relating to Racial Justice through Economic and Criminal Justice* does not outline the staffing levels for investigators and support personnel.

Recommendation 3.1.1: The City of Burlington, in partnership with the BPD, should base the outline of staffing levels for investigators and support personnel on anticipated workloads.

Finding: 3.2. The Charter Change calling for the Independent Community Control Board was vetoed in early 2021 by the Mayor and sustained by City Council members present during the Annual City Meeting in March 2021.

Recommendation 3.2.1: The City of Burlington, in partnership with the BPD, should consider revising this charter change to reflect a provision for investigations that warrant additional time. Although 30 days is acceptable as a requirement for most complaints, the policy should include a provision for additional time for issues such as contacting and interviewing complainants or witnesses and gathering additional evidence. The policy should specify that if additional time is needed for lower-level complaints, the investigator will make a request in writing to the IA commander who will approve or disapprove the request. If an extension is approved, designating the time allowed to the investigator should be required. Best practice is 30–45 days because it does not leave the employee or the complaint waiting for the results of the investigation. For the more serious Use of Force or Officer Involved Shooting/Officer Involved Death cases, much more time is required to adequately provide for a thorough investigation.

Recommendation 3.2.2: Every person who is assigned to Internal Affairs should be specifically trained in conducting internal investigations; there are several one- to two-week training schools that provide this training. Those assigned to Internal Affairs should be required to join the National Internal Affairs Investigators Association (NIAIA) and participate in professional training and yearly conferences.

Finding 3.3: Although input from affected employees is helpful in formulating goals and objectives and suggesting changes in directives, there is no apparent directive that requires Department leadership to seek input from Burlington’s public on formulating “goals and objectives” for directives.

Recommendation 3.3.1: Consistent with a key recommendation by former president Obama’s Task Force on 21st Century Policing, BPD should modify its directives to require public engagement and input on directives, departmental goals and objectives, and the development of any strategic plan.

Finding 3.4: Presently, the BPD chief has ultimate authority to accept or reject the Police Commission’s recommendations. It is critically important that there is a structure that gives greater authority, rather than the ability to advise, to the commission regarding the final disposition.

As outlined in the Burlington Police Commission Policy, ultimate authority to accept or reject the Police Commission’s recommendations lies with the chief of BPD. This point was mentioned during interviews and was expressed as a limiting factor to the Commission’s oversight role. Gaps in the oversight ability of the Police Commission can also be found in the BPD BWC policy since the document does not outline the process and ability for the Commission to review BWC footage.

Recommendation 3.4.1: The City of Burlington should formalize the authority of the Police Commission, which should be greater than an advisory role, and clearly outline the reach of their responsibilities. As protocol, all relevant supporting case file materials (BWC, Use of Force reports,

Interview statements etc.) should be reviewed by the police commission (or other community member oversight review board), which would be utilized to support the Chief's recommended disciplinary decision (or to make alternative recommendations to the Chief for consideration). Ultimately, it is customary that the Chief makes the final disciplinary decision, however, full review of all supporting case file documents is important to increase transparency and provide important information that supports (or negates) the Chief's recommendation and ultimate decision.

Finding 3.5: The BPD does not currently have a Public Information Officer (PIO).

Based on the assessment team's interviews with BPD personnel, department members are interested in adopting the PIO models outlined by other departments across the nation. As cited in the *Final Report on 21st Century Policing*, increased communication, as suggested by procedural justice practices, increases legitimacy and transparency between police departments and the communities they serve. A PIO will help bolster communication between the department and the Burlington community, increasing the department's legitimacy in the eyes of the public and strengthening their relationship.

Recommendation 3.5.1 The BPD should hire a PIO to develop a departmental communication policy, prioritize information sharing, bolster legitimacy, and build public trust.

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Section 4: Use of Force and Officer Involved Shootings

Building trust and legitimacy between law enforcement agencies and the communities they serve should be the foundation for all BPD policies and procedures. As stated in the *Final Report on 21st Century Policing*:

If police are to carry out their responsibilities according to established policies, these policies must be reflective of community values and not lead to practices that result in disparate impacts on various segments of the community. They also need to be clearly articulated to the community and implemented transparently so police will have credibility with residents and the people can have faith that their guardians are always acting in their best interest. (*Final Report on 21st Century Policing* 2015, 19)

The information presented in this section centers on the various policies, procedures, and incident data related to BPD's use of force (UOF) incidents and officer involved shootings (OIS). The assessment team randomly selected and reviewed 12 UOF and two OIS files. We begin with a brief overview of the topics. We then detail our findings, analysis, and actionable recommendations. Section 4 is divided into the following two subsections: use of force and officer involved shootings

Through our interviews and document review, we identified the following key findings:

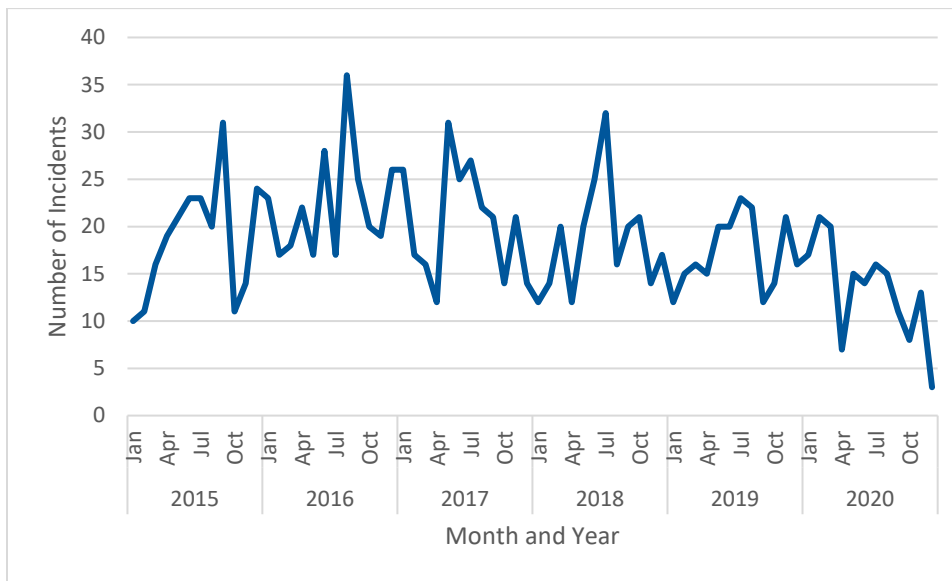
- The BPD has an overall use of force ratio of less than 1 percent of total incidents
- BPD's current data collection, tracking, investigatory process, and timeline regarding officer involved shootings is unclear. BPD should re-examine its procedures to promote transparency and accountability as well as align with national best practices.

Use of force

BPD provided use of force (UOF) data from 2015 to 2020. During this period, BPD had 1,326 use of force incidents. As seen in Figure 5, BPD's use of force incident counts have been relatively steady over time, though they were somewhat lower in 2020 (likely due to the COVID-19 pandemic).

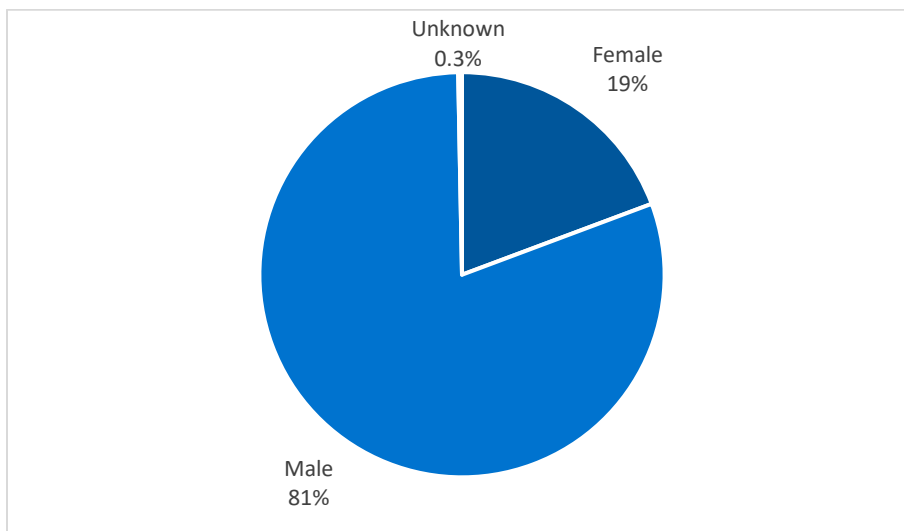
Findings and recommendations

Figure 5. Use of force incidents over time, 2015-2020



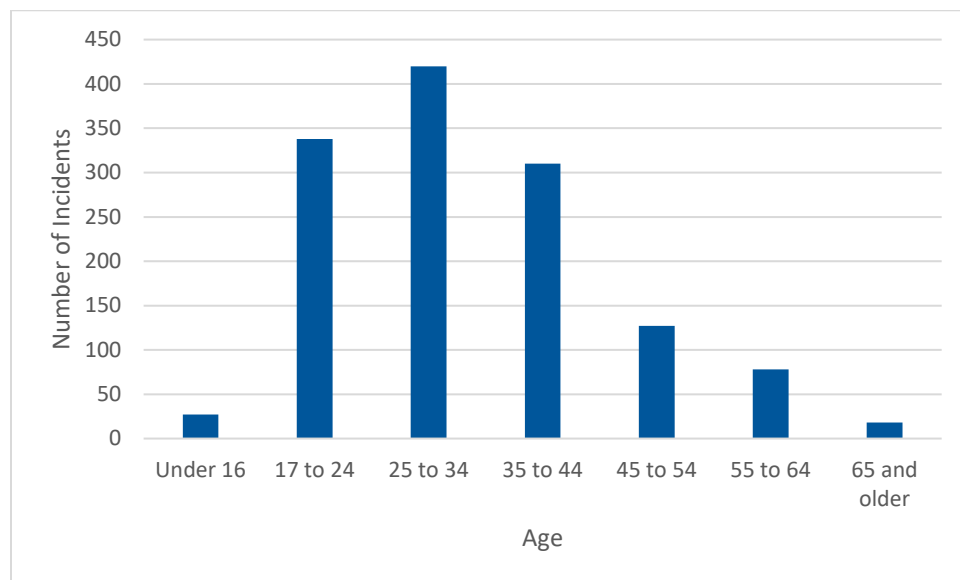
Most incidents involve male community members, as seen in Figure 6.

Figure 6. Use of force incidents by sex of involved community member from 2015-2020



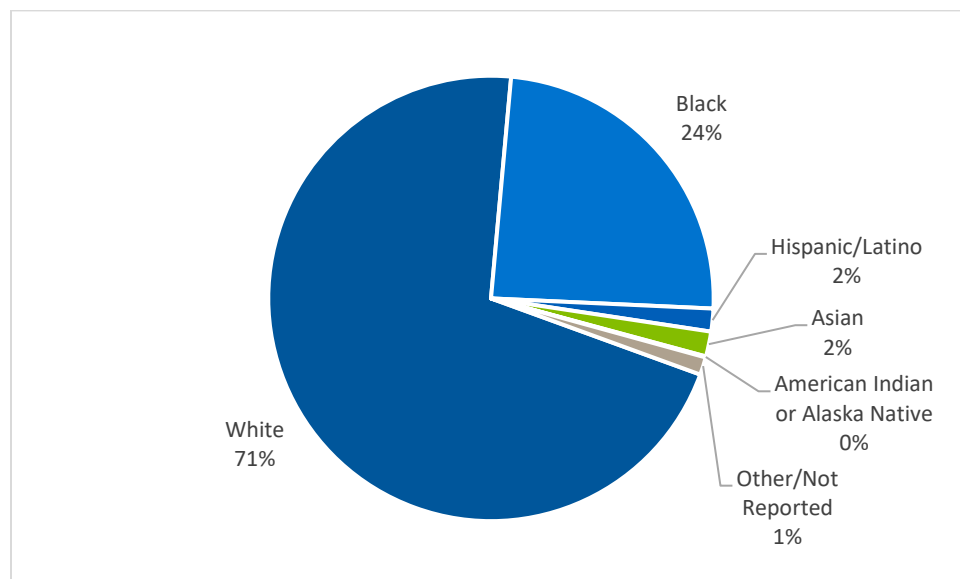
In Figure 7 we present a summary of use of force incidents by the age of the individual involved. Use of force incidents involved community members ranging in age from 7 years old to 82 years old, with most involving individuals between 17 and 44 years old.

Figure 7. Use of force incidents by age of involved community member from 2015-2020



In Figure 8, we describe the race of the community members involved in use of force incidents. At 24 percent of use of force incidents, Black community members are overrepresented compared to their presence in the Burlington population, which is 5.7 percent.

Figure 8. Use of force incidents by race of the involved community member from 2015-2020



Understanding racial disparities in law enforcement activity is difficult given the complexity of developing a baseline against which to compare the activity in question. Using Census Bureau population numbers will typically result in overestimates of disparity, since these numbers do not

account for differential rates of contact with police among different demographic groups. Using other law enforcement data sources as a baseline will typically underestimate disparity, since these data include known disparities by race due to systemic racism and bias in the criminal justice system. Specifically, the analysis presented in Figure 8, compared with Census population estimates, likely represents an overestimate of disparity in use of force. At the same time, the analysis below, using arrests as the baseline, likely underestimates disparity in use of force. Notably, research posits that if racial bias is causing officers to stop and search Black community members, for example, at a higher rate than their peers, then that alone will cause there to be a disproportionate number of Black community members arrested¹⁷.

One method for understanding disparities is a disproportionality index. This index is expressed as a compound ratio: the ratio of the percentage of police interactions with Black individuals that result in a particular outcome compared with the corresponding percentage for white individuals. This can be expressed with the following formula:

$$\frac{Use\ of\ force_B / Total\ interactions_B}{Use\ of\ force_W / Total\ interactions_W}$$

This compound ratio provides a clear and compelling interpretation: it measures how much more likely police interactions with Black individuals are to result in use of force versus interactions with white individuals. The difficulty in calculating a disproportionality index for arrests is in selecting an appropriate baseline measure to use for “total interactions.” For use of force incidents, a commonly used baseline is arrests.

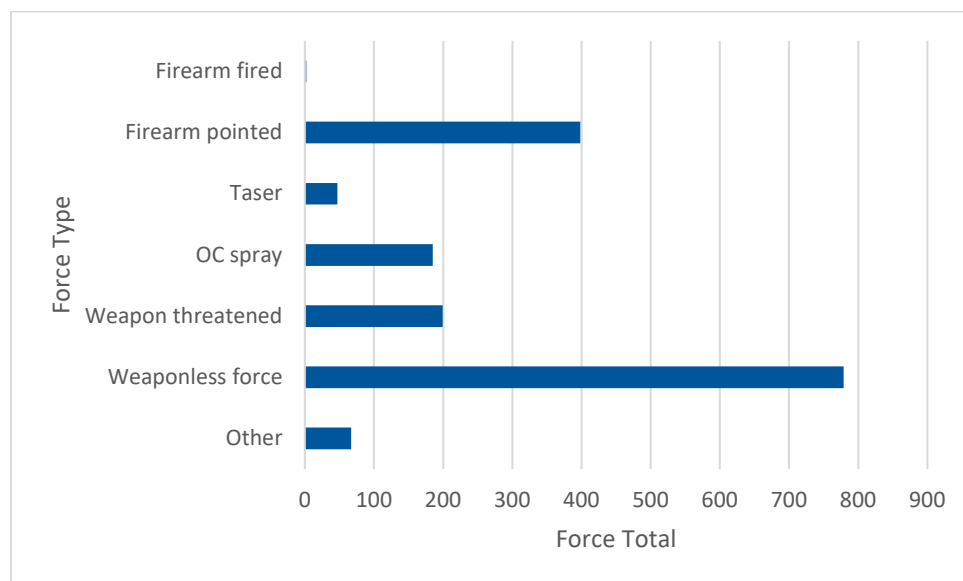
When using arrests as the baseline, the disproportionality index for Black people is 1.29. In other words, Black individuals are involved in use of force incidents 1.29 times more frequently than would be expected based on their involvement in arrests.

Information about BPD’s use of force incidents and arrests is available on Burlington’s Open Data Dashboard (<https://www.burlingtonvt.gov/police/data>), allowing the public to review these statistics and calculate the disproportionality index at any time for various time periods.

We next consider the types of force used. In Figure 9 we categorize the type of force from most severe to least severe. BPD does not distinguish between different types of force that do not involve lethal or less-than-lethal weapons, simply labeling all as “weaponless force,” which hampers a complete understanding of force use in the department. Weaponless force is the most used type of force, followed by the pointing of a firearm. Note that multiple types of force may be used in a single incident.

¹⁷ Brandon Tregle, Justin Nix & Geoffrey P. Alpert (2019) Disparity does not mean bias: making sense of observed racial disparities in fatal officer-involved shootings with multiple benchmarks, *Journal of Crime and Justice*, 42:1, 18-31.

Figure 9. Type of force used from 2015-2020



We next consider the highest level of force used in an incident by the race of the involved community member, using a scale from 1 to 7 based on the ranking noted above.¹⁸ (See Table 2). Black community members experience a higher level of force on average than white community members, and this difference is statistically significant (pairwise comparison of means, Bonferroni adjustment, $p=0.05$). Note that the number of incidents involving community members who are not white and not Black is very low, so those differences are not statistically significant.

Table 2. Highest level of force used from 2015-2020

Race	Highest level of force used
White	3.55
Black	4.02
Hispanic/Latino	3.65
Asian	4.04
American Indian or Alaska Native	6.00

Findings and recommendations

Finding 4.1: BPD currently groups all non-weapon uses of force into a single category, hampering a complete understanding of use of force incidents.

BPD's current system for tracking use of force incidents does not distinguish between force types that do not involve weapons, instead grouping these all as "weaponless force." However, the various

¹⁸ This analysis omits 53 incidents in which no specific type of force was indicated.

types of force that do not involve weapons vary considerably, ranging from restraint techniques, to open-hand control tactics, to close-hand strikes, to carotid restraint. Each of these tactics represents escalating levels of force, but BPD categorizes them all in the same group. This also is the type of force used most frequently by BPD.

Recommendation 4.1.1: BPD should break out “weaponless force” into multiple categories, based on best practices and peer agency review.

Finding 4.2: Black community members are involved in use of force incidents more frequently than would be predicted based on their proportion of Burlington’s population, or their involvement in arrest incidents. In addition, Black community members experience higher overall levels of force compared with white community members.

Using several metrics to understand disparities, Black community members are overrepresented in use of force incidents. They also experience higher levels of force, as measured by the highest level of force used in an incident.

Recommendation 4.2.1: BPD should investigate use of force incidents thoroughly, including reviewing BWC footage, to better understand the reason for these disparities for Black community members.

Recommendation 4.2.2: Similar to the recommendation for traffic stops, BPD should consider the possibility that these disparities are driven by bias (implicit or explicit) and proactively address potential bias in officers’ behavior or department practices by implementing training and reviewing BPD practices.

Finding 4.3: Although the UOF case narratives are not inconsistent with what the assessment team has seen produced by other police agencies, the UOF narratives could be improved.

Recommendation 4.3.1: To the degree that multiple responding officers write accounts of the same incident, there should be policy and training instructing officers to independently write their own accounts of a UOF incident.

Recommendation 4.3.2: The BPD should change its requirements regarding UOF narratives in the following ways:

- Ensure they include a precise description of the actions and statements of the subject that warranted the use of force.
- Ensure that efforts are made and documented to obtain a subject account of the incident and have an accountability system in place for this.
- Ensure that all officers who use force or witness force also write their own distinct reports and have an accountability system in place for this.
- Ensure that officers include in their reports any efforts at de-escalation, and if no such efforts were made, include an explanation for why this was not feasible. In addition, there should be fields identifying tangible de-escalation strategies included in the report and evaluated. Including tangible de-escalation strategies not only assists officers in understanding what is

meant by de-escalation, but also provides a guide for supervisors to utilize when reviewing BWC footage and coaching officers. If this is not in place, often the term “de-escalation” becomes a diluted “check-the-box” term. Tangible de-escalation strategies can include the following:

- Tone of voice (command vs. engagement)
 - Introduce yourself, and ask the subject what name they would like to be called
 - Physical stance (open vs. closed, authority vs. engagement)
 - Eye contact (remove sunglasses, etc.)
 - Turn down radio and siren whenever it is safe to do so to limit distractions
 - Reduce onlookers or individuals who may be escalating the situation whenever possible
 - Physically distance from the subject
 - Use cover to buy time (both officer cover and physical barriers)
 - Request specialized units whenever appropriate, including social work response
 - Request another on-scene officer to take over if there is no indication of de-escalation or engagement by the current officer in charge
- Ensure that officers include in their narrative any knowledge of a mental health component and whether or how that affected their response. The narrative should provide a searchable field that BPD can use to easily identify use of force incidents involving a mental health component. In addition, the narrative should capture attempts to call for a specialized response, obtain information on treatment providers, and learn whether there is a person the subject trusts (case manager, family member, etc.) who can be called to support them.
 - Describe or photograph any injury to the subject because of any use of force, and if there was no injury, articulate such in the narrative.

Finding 4.4: Based on the assessment team’s review, BPD lacks a clear review process when a UOF incident occurs.

The materials provided do not indicate the degree to which the report narratives are reviewed by a supervisor for completeness or whether force incidents are formally reviewed to ensure policy compliance, performance consistent with training, or tactical review. Several recent use of force incidents were deserving of examination and potential remediation as part of a force review process that is not evident from the narratives.

Recommendation 4.4.1: Policy should direct a review and approval process for all use of force incidents, which should include all the components identified above.

Officer involved shootings

CNA reviewed two officer involved shooting (OIS) files¹⁹. Both case files were very limited in information, lacking key facts that should be included in a full OIS investigative file. Because of this, the assessment team was able to review only the use of force incident reports in the absence of a full OIS investigative file.

Best practice is that two separate investigations must occur for every OIS: an internal/administrative investigation and a criminal investigation. This creates two separate files that address the OIS from two perspectives:

1. Were the officers' actions lawful according to state law?
2. Were all the officers following department policy?

The two investigations will not usually be intertwined, but if they are, the department can use the criminal investigation in its internal/administrative investigation, but the criminal investigation may not use any information from the internal/administrative investigation because the internal/administrative investigation is compelled. The only time the information from the internal/administrative investigation can be provided to the criminal side is if criminal behavior is discovered during the investigation. Usually the state police or another independent entity will conduct the criminal investigation. State law should be reflected in policy.

The internal/administrative investigative statements, exhibits, and investigator documentation should contain dates and times of entries for inclusion in the file. The administrative/internal investigation should contain a "master list" that includes every document, exhibit, or piece of evidence that is considered or reviewed as part of the investigative file. This checklist should include entry dates/times that coincide with the documents, exhibits, and evidence in the file.

Best practice is that an internal investigation into an OIS case is complete in around six months. Department policy can direct the timelines of investigations, and extensions can be granted but should be within a reasonable timeframe. Each internal/administrative investigation should include the investigator's summary detailing the incident, the investigation, and the conclusion/recommendations.

Findings and recommendations

Finding 4.5: None of the reports appeared to have been completed by the involved officers, which would provide a firsthand account of the event.

Recommendation 4.5.1: Written statements from every officer on the scene of an OIS should be required before leaving the shift during which it occurred. Every officer involved should be

¹⁹ BPD provided OIS data from 2015 to 2020. During this period, BPD had only two officer involved shooting incidents.

interviewed by BIA before leaving the shift during which it occurred; these interviews should be at minimum audio recorded and preferably video recorded.

Finding 4.6: There appears to be an excessive gap in time between the statements or reports being filed and the approval of the statements or reports. Both cases appeared to be reviewed and approved several months after the incidents.

Recommendation 4.6.1: The BIA policy should direct who will conduct the interviews and collect written statements. A BIA supervisor should review and approve all statements and interviews and recommend whether additional clarifying statements or interviews are required. The BIA commander should review and approve all statements and interviews. Reports are usually reviewed and acknowledged almost immediately, with direction for additional work if necessary, and then approved upon completed work.

Finding 4.7: In reviewing the limited information available surrounding each case, we found that the report lists various factors associated with the suspect's actions and the officer's response. Although the actions by both parties are detailed, there are several codes or scores to identify the level of force used. There is no apparent chart included in the files that translates the codes or scores associated with the reports. In addition, there is no reference to the de-escalation techniques utilized, nor to the types of injuries sustained to the suspect or officers.

Recommendation 4.7.1: Best practice is a definitive use of force policy with a use of force continuum. This continuum would be utilized to identify the level of force used. If this is associated with a code, as it appears to be with BPD, a corresponding chart that translates the code should be included.

Recommendation 4.7.2: In addition, tangible strategies for de-escalation should be assessed both in BWC footage and in required paperwork. For instance, one should assess verbal de-escalation vs. commands, the officer's tone of voice, the officer's body stance, whether the officer slowed things down, whether the officer created distance from the individual, whether the officer called for backup, and whether the officer used physical barriers to provide cover to buy more time. A common formula is that distance plus cover equals time, and time provides opportunities to slow things down, call in additional resources, and deploy more de-escalation strategies. This was not documented in either case.

Finding 4.8: BPD OIS narratives do not depict the seriousness of the suspect's injuries, describe what led to the OIS, or capture the type of call the officers were responding to.

Recommendation 4.8.1: Reports must include pertinent information supporting the OIS. For example, whether the suspect was armed (and if so, with what?), whether the suspect made moves that caused officers to fear for their lives or the lives of others, whether the officers had reliable information that the suspect had access to firearms, and whether other dangers were present. As a best practice, all officers on scene should provide statements and interviews that are then included in the investigative file. The shooting officer should not be the only officer providing information. Every officer on scene must be interviewed and must be given a timeline for providing a written statement.

Finding 4.9: Comparing the two cases with the associated policies, the reports do not give enough detail to determine whether BPD policies were followed.

Recommendation 4.9.1: The Department must develop new policies or update existing policies affected by OIS, including at minimum the following:

- Use of Force (including use of force review procedures)
- Officer Involved Shooting
- Officer Involved Death (including crashes, in-custody deaths, etc.)
- Internal Affairs (including how UOF, OIS, or officer involved crashes and criminal misconduct are administratively investigated)
- Responding to Individuals with Diminished Capacity (this should be renamed to something like “Recognizing and Responding to Individuals Experiencing a Mental or Behavioral Health Crisis” or other suggestions previously identified in this report.)
- Conflict of Interest (to ensure every investigation is conducted fairly)

Recommendation 4.9.2: BPD should prioritize the review (including community review), revision, or development of relevant department policies, train on these policies, and provide updated training for UOF.

Recommendation 4.9.3: OIS internal/administrative investigations should be investigated the same way in every instance to eliminate the question of favoritism or bias. The policy should include direction on conflicts of interest (friends or relatives investigating a family member or a friend) and confidentiality. There should be no question the IA will investigate every OIS.

Section 5: Patrol Operations, Deployments, and Traffic Stops

This section of the report discusses our assessment of patrol operations. This assessment included deployments for quality-of-life complaints, code violations, violence, and traffic stops. First, we discuss the data we reviewed and the subsequent analysis. We then discuss our findings and actionable recommendations.

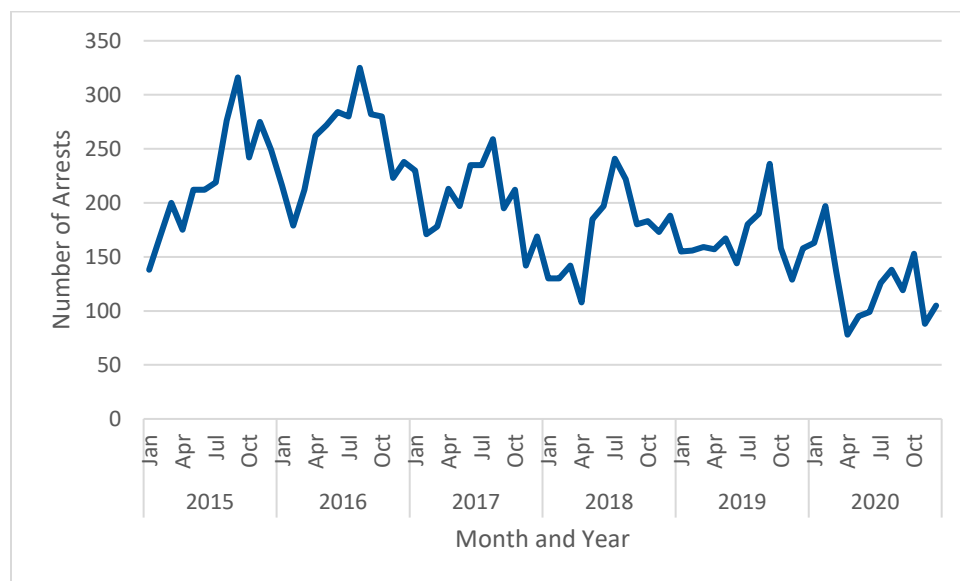
Through interviews, document review, and data analysis, the team identified the following key findings:

- Black community members are overrepresented in BPD's arrestees compared with their proportion in the Burlington population.
- BPD's traffic stop activity has decreased substantially over the past six years, and relatively few traffic stops are made monthly now.
- Black community members experience disparities in traffic stops, including being stopped relatively more frequently than would be predicted by the Burlington demographics. More importantly, they experience disparities in stop outcomes, including ticketing and search decisions.
- Black community members experience disparities in use of force incidents. They are involved in use of force incidents more frequently than would be expected by Burlington demographics as well as more frequently than would be expected based on Black community members' involvement in arrests. In addition, they experience higher levels of force.

Arrests

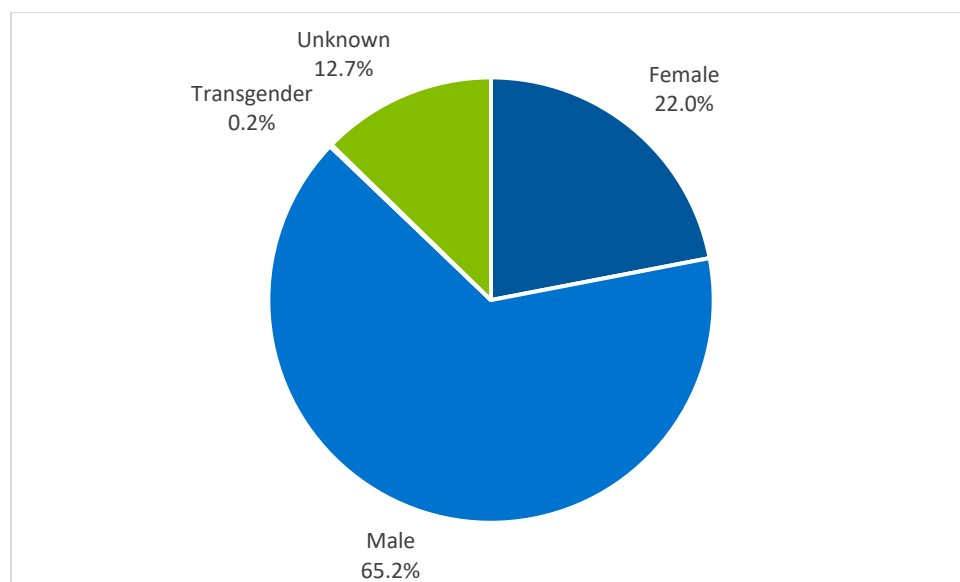
BPD provided arrest data for 2015 through 2020 for the assessment team to analyze. BPD conducted 13,737 arrests during that time period. As seen in Figure 10, arrests have decreased over time starting in 2018.

Figure 10. Arrests over time, 2015-2020



As seen in Figure 11, the majority of those involved in arrests are male.

Figure 11. Gender of arrestees from 2015-2020



For incidents for which the age of the arrestee is known, Figure 12 displays the frequency of arrestees by age. During this period, BPD arrested five individuals who were reported to be nine years old and an additional 404 individuals under the age of 16; in total, BPD arrested 718 individuals under the age of 18.

Figure 12. Age of arrestee from 2015-2020

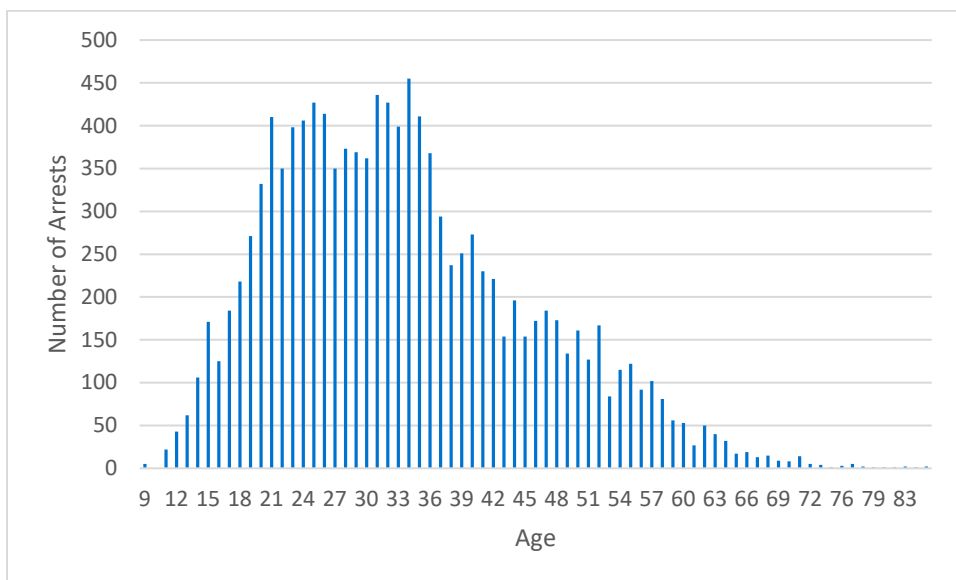
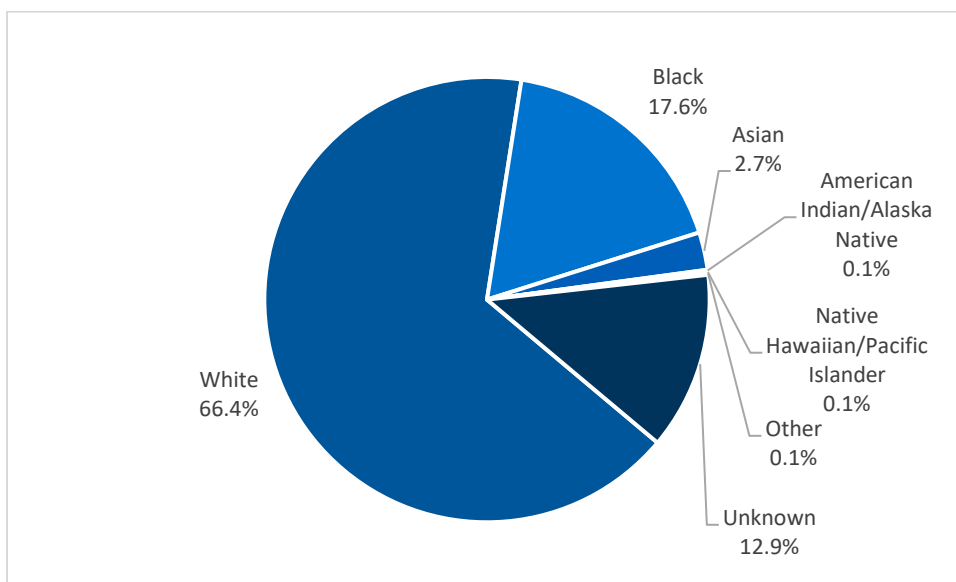


Figure 13 presents the race of the arrestees. Black community members make up 17.6 percent of arrestees, despite making up 5.7 percent of the Burlington population.

Figure 13. Race of arrestees from 2015-2020



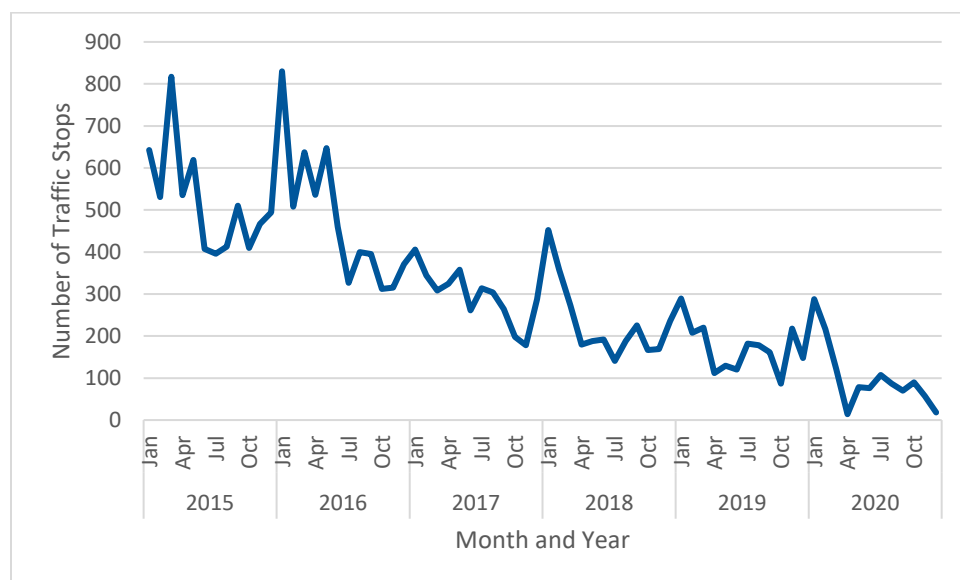
Traffic stops

BPD provided traffic stops data for 2015 through 2020 for the assessment team to analyze. BPD collects information about driver race, sex, and age, and it documents the outcome from the stop

including the number of warnings and tickets issued, whether a search was conducted, and, if so, whether contraband was recovered²⁰.

BPD completed 21,570 traffic stops over the six-year period. As seen in Figure 14, the number of traffic stops dramatically decreased over that period, averaging 520 per month in 2015 but only 171 and 102 stops per month in 2019 and 2020, respectively (an 80 percent reduction over six years). Many agencies nationally experienced downturns in police activity in 2020 during the COVID-19 pandemic, but this trend in Burlington began well before that period.

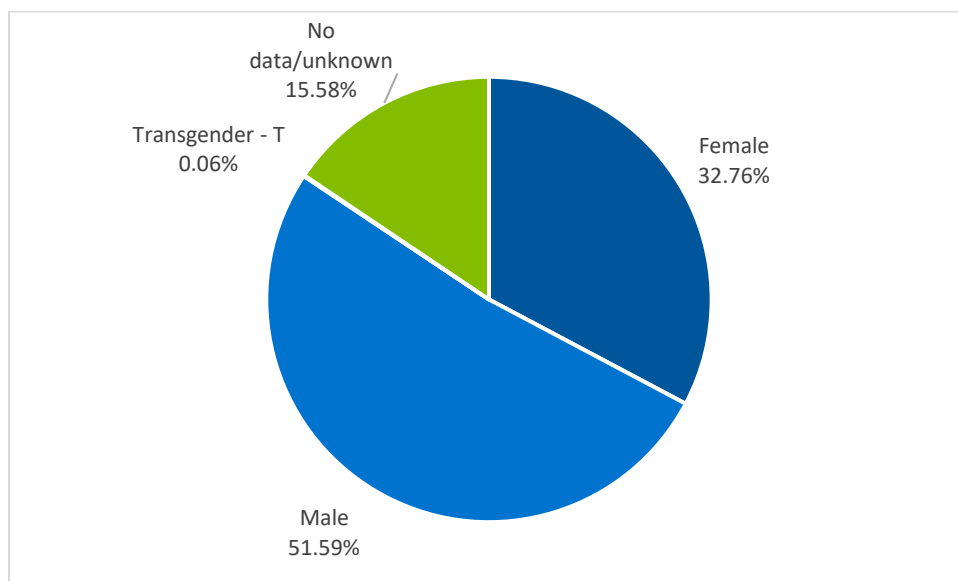
Figure 14. Traffic stops over time, 2015-2020



Most stops were of male drivers (52 percent), 33 percent were of female drivers, and in 16 percent the sex of the driver was unknown, as seen in Figure 15.

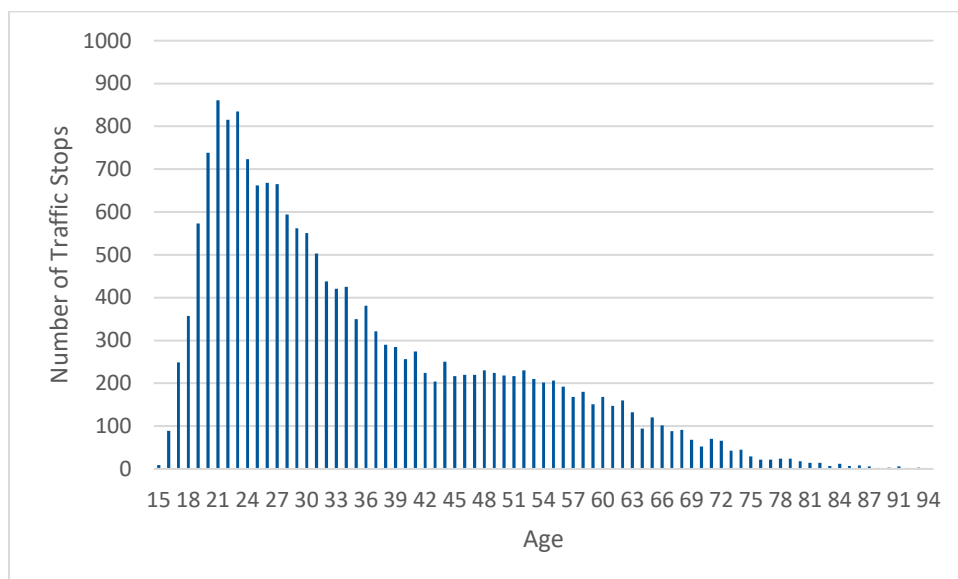
²⁰ BPD suggests that breaking this data down by year, rather than as a 5-year block, would indicate no disparity issues with traffic stops. BPD suggests that the 5-year block of data does not capture the significant progress that has been made during that time period. While this is possible, CNA was unable to confirm this statement as it would require new analysis beyond the resources of the current contract.

Figure 15. Traffic stops by sex of driver from 2015-2020



We found 18,328 traffic stops with valid age entries. Figure 16 displays the distribution of the ages of the drivers. Most stops were of drivers in their 20s and 30s.

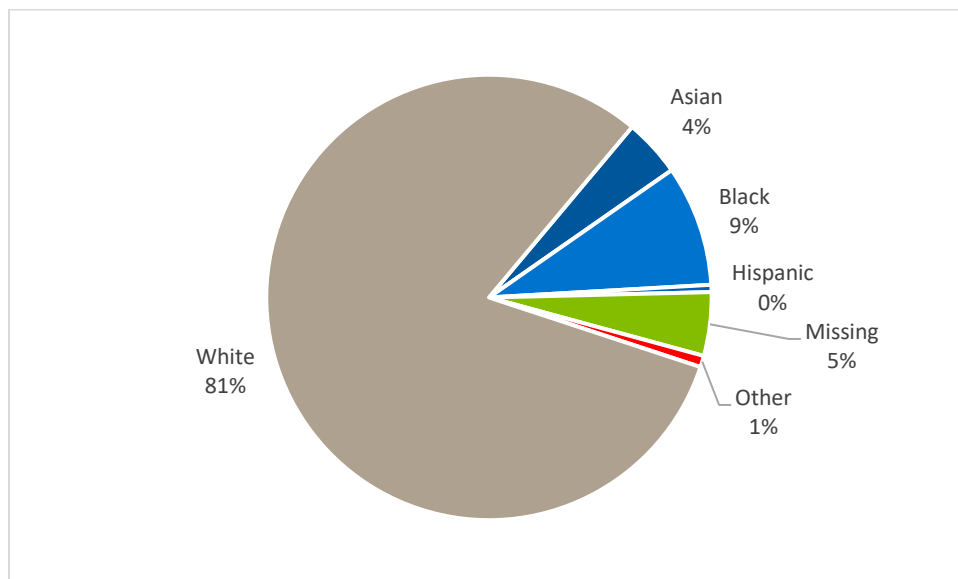
Figure 16. Traffic stops by age of driver from 2015-2020



In Figure 17, we present the traffic stops by the race of the driver. White drivers comprise the majority of traffic stops made by BPD at 81 percent, while they are 85 percent of the Burlington population per 2019 Census estimates.²¹ Black drivers make up 9 percent of traffic stops while they are 5.7 percent of Burlington's population.

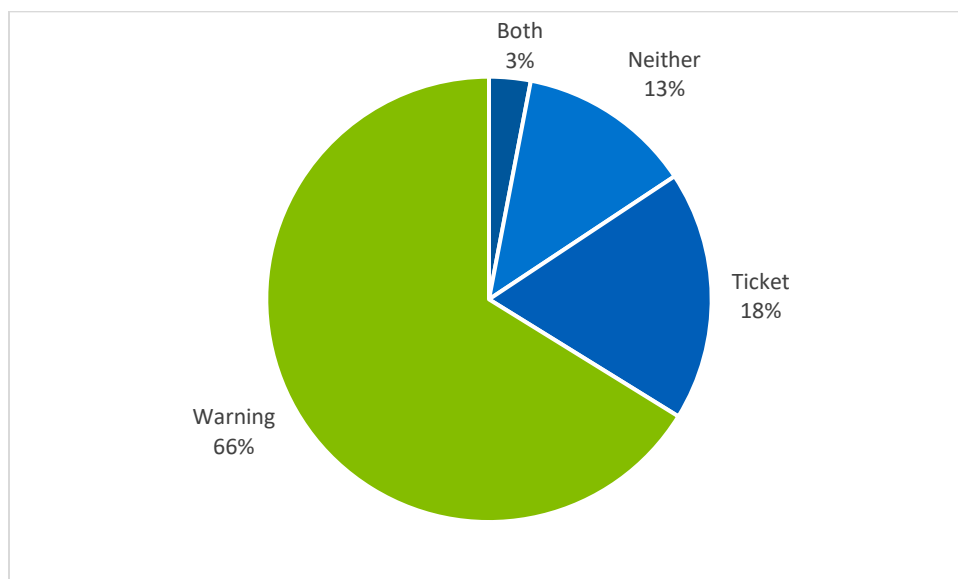
²¹ <https://www.census.gov/quickfacts/burlingtoncityvermont>

Figure 17. Traffic stops by race of driver from 2015-2020



As seen in Figure 18, most of BPD's traffic stops end in a warning, and relatively fewer (21 percent) involve a ticket.

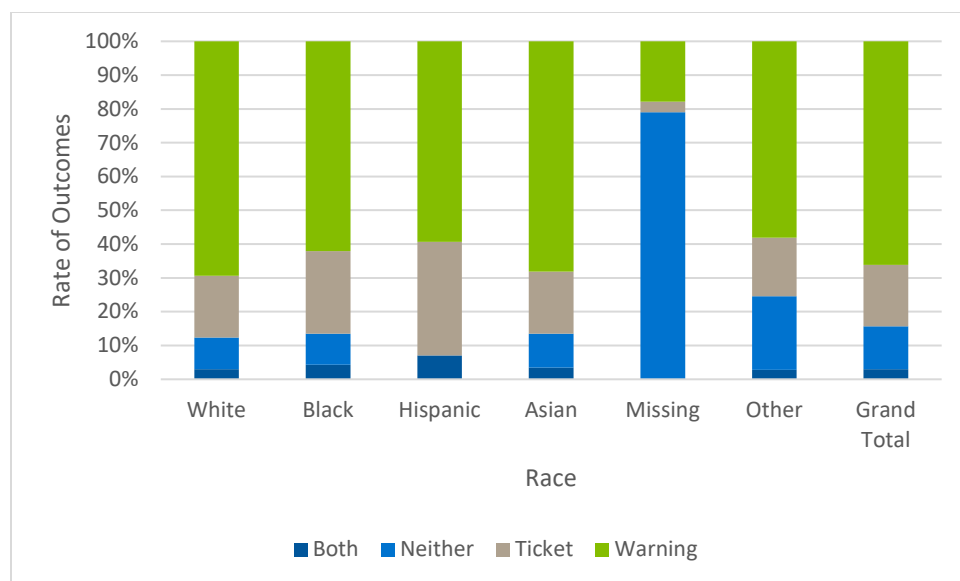
Figure 18. Traffic stop outcomes from 2015-2020



In Figure 19, we break out the possible stop outcomes by the race of the involved driver. As seen in this chart, although the rate of tickets is similar for white and Asian drivers, both Black and Hispanic drivers experience a higher rate of ticketing at 24 percent and 34 percent, respectively, compared with the overall average of 18 percent. Only 113 stops involved Hispanic drivers, so caution should be taken in drawing conclusions from this difference. To assess the difference in the ticketing rate for Black drivers, we compared the relative proportion of tickets issued to Black drivers to those issued to white drivers using a chi-square test of homogeneity. This test confirms that the ticketing rate for Black drivers is statistically significantly higher than that for white drivers (Pearson chi-

square=57.8731, $p<0.001$). This result is consistent when comparing Black drivers to all other drivers.

Figure 19. Traffic stop outcomes, by race from 2015-2020



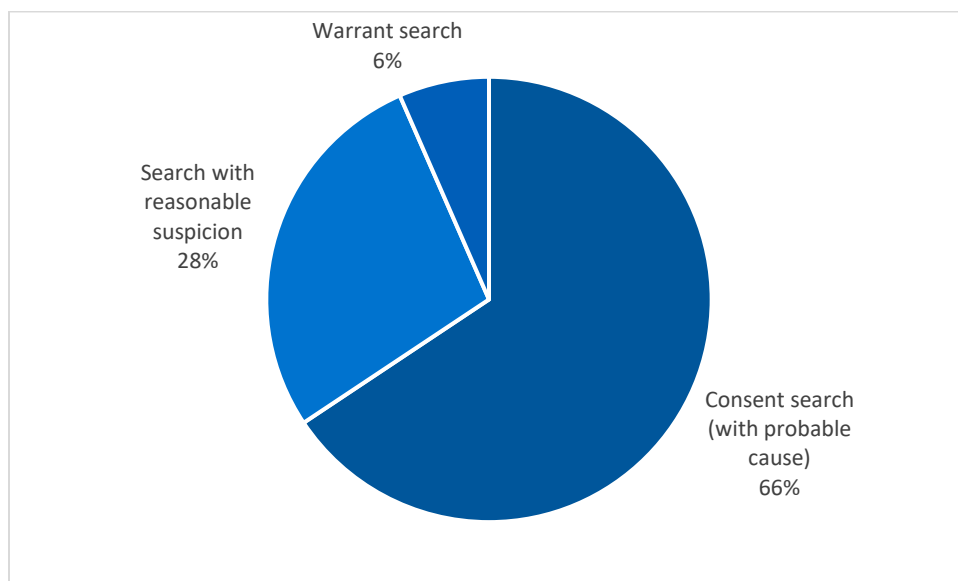
To further understand potential racial disparities in traffic stop outcomes, we also considered the number of tickets or warnings issued during a stop by the race of the involved driver. In Table 3, we present the average number of citations for stops involving at least one citation, and similarly for warnings. As seen in the overall total, BPD personnel are more likely to issue multiple tickets than they are multiple warnings. The number of tickets per stop range from 1 to 16, and the number of warnings from 1 to 5. The observed differences in the number of tickets issued to Black or Hispanic drivers compared with white drivers is not statistically significant (pairwise comparison of means, Bonferroni adjustment, $p=0.05$). The difference observed in the average number of warnings is statistically significant for the comparison between Black and white drivers (pairwise comparison of means, Bonferroni adjustment, $p=0.05$).

Table 3. Number of tickets or citations by race of driver from 2015-2020

Race	Average number of tickets	Average number of warnings
White	1.15	1.01
Black	1.16	1.02
Hispanic	1.39	1.01
Asian	1.12	1.01
No race data reported	1.09	1.02
Other	1.19	1.01
Grand Total	1.16	1.01

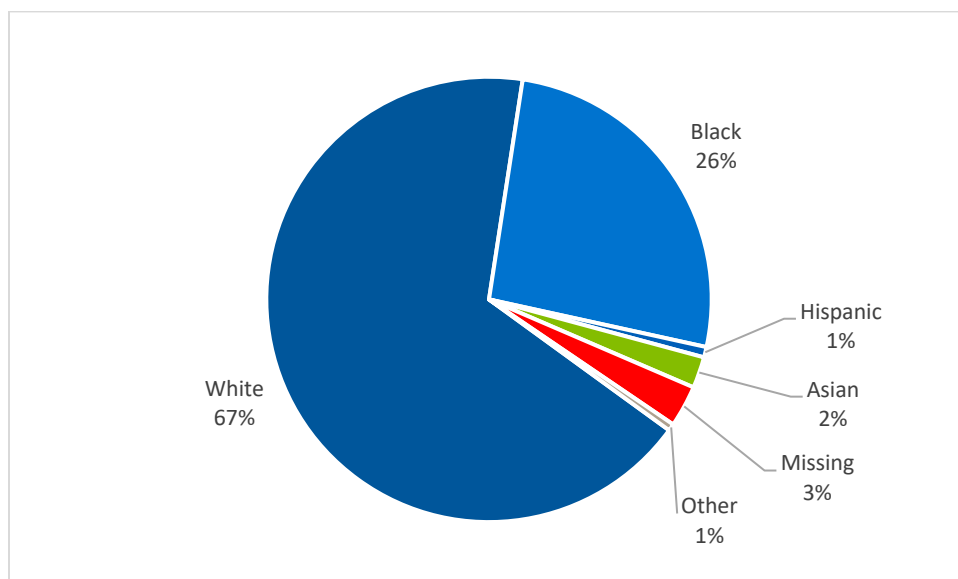
Searches are relatively rare among BPD's traffic stops, occurring in only 396 stops. Of those searches, the majority are consent searches, as seen in Figure 20.

Figure 20. Search by type from 2015-2020



When considering the race of searched drivers, Black community members are considerably overrepresented compared to their proportion of the population (5.7 percent) or of overall traffic stops (9 percent), as seen in Figure 21. This difference persists even when considering only consent searches, in which Black drivers make up 25 percent of those searches. Black community members are even more overrepresented in reasonable suspicion searches, making up 32 percent of those searches.

Figure 21. Searches by race from 2015-2020



We further considered the relative proportion of contraband seizure during searches. As seen in Table 4, seizure rates are relatively lower for Black drivers than for white drivers. However, this difference is not statistically significant (chi-square test of homogeneity, Pearson chi-square=7.8773, $p=0.163$).

Table 4. Seizures during searches from 2015-2020

Race	Seizure	No seizure
White	76.4%	23.6%
Black	69.9%	30.1%
Hispanic	66.7%	33.3%
Asian	77.8%	22.2%
Missing	66.7%	33.3%
Other	0.0%	100.0%

Findings and recommendations

Finding 5.1: BPD would benefit from a more robust traffic stop data system, with additional fields included to allow for more substantive analysis of traffic stop activity and disparities in traffic stops.

BPD collects relatively little information about each individual traffic stop that takes place. Although they track basic information such as the date and time, demographics of the driver, count of citations and warnings, and violation category, additional variables would allow for more robust analysis of traffic stop activity. In addition, the current system includes numerous entries with “NA” values entered for the included variables, but no explanation for that missing data. The use of a standard system with closed entry options and more details about each stop would benefit the agency in understanding their patterns in traffic stop activity as well as examining disparities in traffic stops.

Recommendation 5.1.1: BPD should implement a traffic stop data system that captures, in addition to the current information, the following:

- Reason for stop
- Stop start and end time
- Reason for each ticket and warning
- Passenger information
- Officer special assignment or task force
- Open comment field for officer explanations and brief description of the stop

BDP reports that the department’s record management system contains this information; however, this information was not provided to the assessment team.

Finding 5.2: BPD traffic stops exhibit disparities for Black community members according to several measures.

Black community members are stopped more frequently than their proportion in the Burlington population would suggest, they experience higher rates of ticketing than other community members, and they are targeted for searches more frequently.

Recommendation 5.2.1: BPD should conduct further analysis and review BWC footage to understand these disparities in traffic stop rates and outcomes and address them to reduce disparities.

Recommendation 5.2.2: BPD should consider the possibility that these disparities are driven by bias (implicit or explicit) and proactively address potential bias in officers' behavior or department practices by implementing training and reviewing BPD practices.

Section 6: Patrol Operations by Geographic Area

The information presented in this section discusses our assessment of BPD patrol operations. First, the assessment team discusses the data we reviewed and our subsequent analysis. We then detail our findings, analysis, and recommendations.

Through our interviews and data analysis, we identified the following key findings:

- BPD does not appear to have socioeconomic bias in relation to calls for service, since areas with larger volumes of calls experience higher relative portions of arrest.
- The highest volume of calls for service occurs in Downtown, which is the City's business, retail, and tourism area.
- The relative proportion of force used to total incidents in all areas is less than 1 percent.

Five general areas of Burlington are designated for police patrol assignment: New North End, Old North End, Hill Section/University, Downtown, and South End. We conducted our analysis first by using incident latitude and longitude for mapping. We spatially joined each data point with the policing area in which the incident occurred, calculating the number of incidents recorded in each patrol area.

Socioeconomic data was obtained from the US Census Bureau's five-year American Community Survey (ACS) included 2019 Median Household Income and 2019 demographic statistics. The ACS separates out demographic data by race using the following categories: White, Black, American Indian, Asian, Hispanic or Latino, and Other. From these categories, we calculated the percentage of each population within each patrol area. Of note, the ACS data is available only down to the census block group level; however, the Burlington patrol area boundaries cut across block groups. To account for the fact that population is not evenly distributed across a block group, we identified the population distribution at the census block level to achieve a more granular level of detail, and we used it to summarize the socioeconomic data more accurately (see Table 5).

Table 5. Burlington demographic data by area for 2019

	Downtown	New North	Old North End	South End	University Hill
Median Household Income	\$36,630.00	\$69,029.00	\$39,909.00	\$66,191.00	\$35,566.00
Total Number of Residents	2,259	9,601	6,891	13,154	10,769
Race/Ethnicity					
White	86.37%	85.42%	75.13%	89.12%	85.74%
Black	6.82%	5.28%	10.20%	2.18%	7.20%
Hispanic	2.88%	3.21%	3.89%	2.42%	3.34%
Asian	3.45%	5.83%	10.70%	5.52%	3.34%
American Indian	0.49%	0.03%	0.01%	0.36%	0.04%
Other	-	0.23%	0.07%	0.40%	0.34%

Findings and recommendations:

We calculated percentages of mental health calls for service, arrests, and use of force incidents of the total calls for service from 2015–2020 in order to present an overall description of patrol and operations (Table 6). Notably, incidents that occurred at the airport are not included in this analysis because it is not considered a geographic area; this is consistent with analysis conducted in the BPD annual reports.

Table 6. Percentage of total mental health, arrest, and UOF incidents by geographic area, 2015-2020

	Total Incidents	% Mental Health	% Arrest	% UOF
Downtown	57,875	28.12%	40.12%	39.80%
New North End	18,819	8.94%	8.58%	7.64%
Old North End	43,710	30.02%	22.54%	26.08%
South End	27,550	17.73%	12.05%	10.56%
University	35,531	15.19%	16.70%	15.92%

The highest percentage of arrest and use of force incidents occurs in the Downtown area, likely because the area has a higher volume of calls for service; the highest percentage of mental health calls occurs in Old North End, but this percentage is only slightly higher than Downtown calls.

Downtown has the largest volume of incidents and is in one of the lower median income neighborhoods, but it also has a lower number of residents. Downtown is an area that increases in population at specific times of day due to local business and tourism, likely resulting in a greater volume of people coming and going.

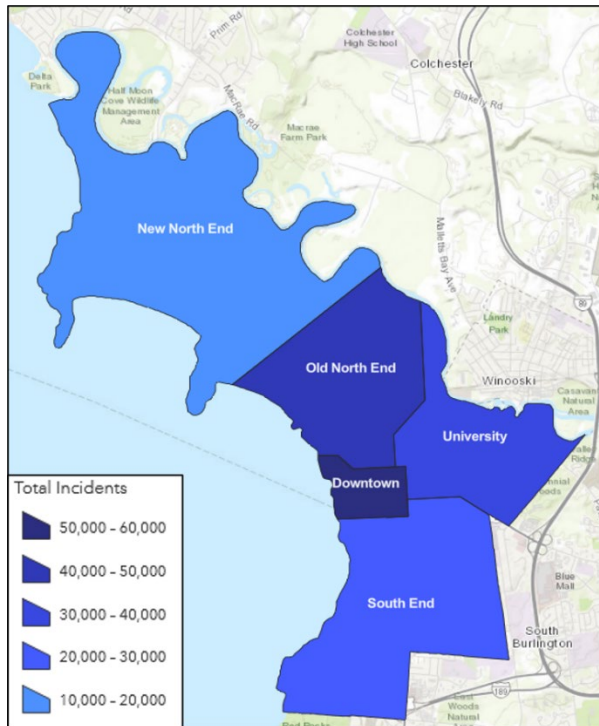
However, because the percentages are functions of the volumes of calls received, we also calculated the relative proportion of mental health calls, arrests, and use of force incidents to the total number of calls for service for each patrol area. As shown in Table 7 and Figure 22, the relative proportion of force used to total incidents in all areas is 1 percent. The New North area has a lower relative proportion of arrests (5.37 percent) and use of force, and it has a higher median income, a lower number of patrol officers assigned, and the lowest number of calls for service and mental health calls. The highest percentage of mental health calls occurs in Downtown (28.12 percent) and Old North End (30.02 percent), which have the two lowest median household incomes and the highest volume of calls for service. Further, Downtown has a slightly higher relative proportion of arrests (8.07 percent) to total incidents compared to all other areas.

Table 7. Relative proportions of mental health calls, arrests, and use of force incidents by area, 2015–2020

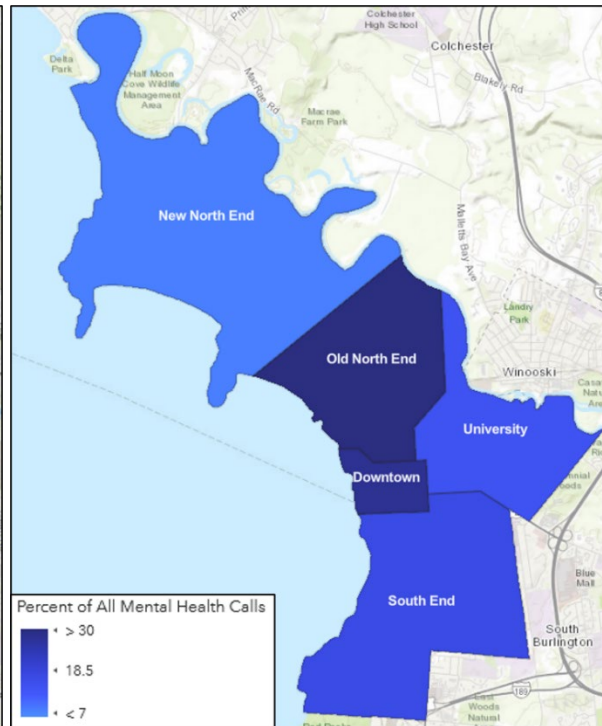
	Incidents	Mental Health	Arrest	UOF
Downtown	57,875	2.36%	8.07%	0.87%
New North End	18,819	2.31%	5.31%	0.52%
Old North End	43,710	3.34%	6.00%	0.76%
South End	27,550	3.13%	5.09%	0.49%
University	35,531	2.08%	5.47%	0.57%

Figure 22. Patrol Operations by Area, 2015-2020

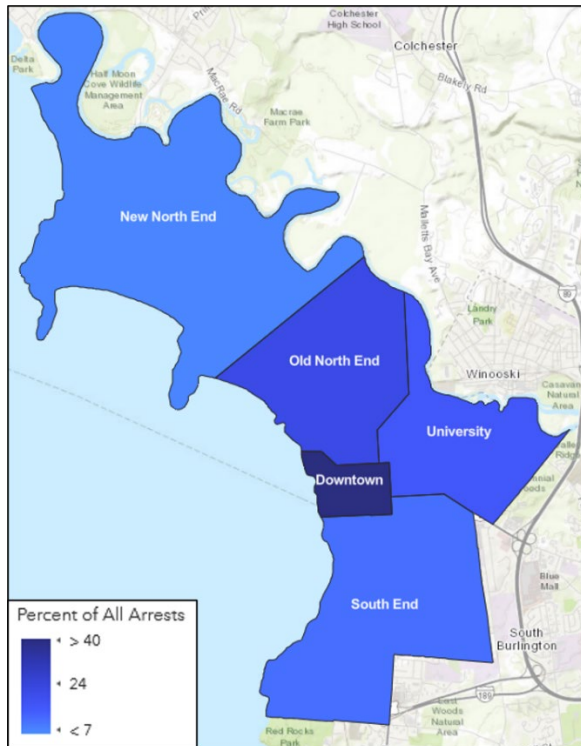
Total calls for service



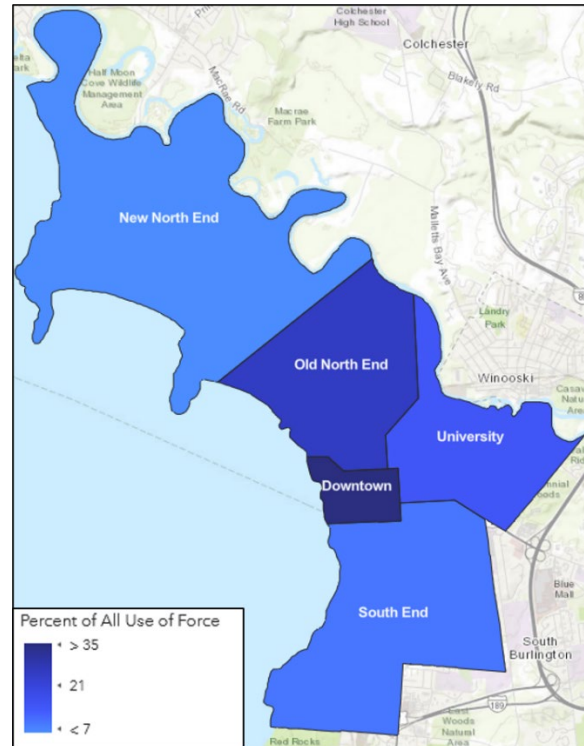
Mental health calls for service



Arrest



Use of Force



As shown in Table 8, the higher numbers of patrol officers assigned to Downtown (8) and University (8) which have lower median household income but also higher volumes of calls for service in 2019.

Table 8. 2019 Relative portion of incidents to residents

	Incidents	Residents	Proportion
New North End	2,305	9,601	24.01%
Old North End	5,323	6,891	77.25%
University Hill Section	4,674	10,769	43.40%
Downtown	8,658	2,259	383.27%
South End	3,815	13,154	29.00%
Total Incidents	183,485		

Findings and recommendations

Findings 6.1: BPD does not appear to have socioeconomic bias in relation to calls for service and deployment of patrol officers. Areas with higher volumes of calls experience higher relative portions of arrests and are assigned slightly more patrol officers.

Recommendation 6.1.1: Continue to adjust patrol assignments and determine resource allocation for mental health response services by areas based on volume of call and relative proportion of mental health calls for each area.

Recommendation 6.1.2: Develop a deeper socioeconomic bias analysis by area that includes a review of type of incidents, response times, demographic data of officers, victims, and suspects; as well as community feedback. Given the budget and time for the assessment, we were only able to produce results of a descriptive nature and only with certain elements (e.g., arrest, mental health calls, and use of force).

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Section 7: Staffing and Workload Analysis

The Joint Committee identified their end goals for the contract for this assessment as follows:

1. Develop a recommended list of BPD services
2. Develop a recommendation regarding 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 the City

Understanding staffing and workload analysis for BPD is necessary to reach all four of these end goals. As a result, a significant portion of the report is dedicated to staffing and workload analysis.

Further, one of the most important priorities communicated by key stakeholders and the public was an interest and expectation that alternative responses to policing be recommended. In order to adequately understand the types and volume of calls for service that could potentially be shifted to non-police response, one must understand the following: historical staffing patterns at BPD, the breadth of types of calls BPD responds to (assisting in the development of recommendations on which types of calls BPD should maintain ownership of), the volume of calls for service compared to staffing levels (which also helps to indicate the peak days and hours alternative non-law enforcement models should potentially be scheduled), and the implications of the union contract on staffing and budget—both of which affect a potential reallocation to non-police positions and services.

Finally, the political tension around the reduction of the BPD by 30 percent in 2021 is exceptionally high and was raised in the majority of interviews with BPD personnel, City personnel, and community stakeholders.

The information presented in this section discusses our assessment of BPD staffing and workload. First, the assessment team discusses the data we reviewed and the subsequent analysis. We then detail our findings and actionable recommendations and highlight the best option for BPD moving forward.²²

Through our document review and data analysis, we identified the following key findings:

- BPD is presently understaffed for its volume of calls for service and relies on an inefficient staffing model.
- There is widespread concern from community organizations, the City, and BPD personnel about whether the decision to reduce the BPD staff by 30 percent was made based on reliable data and expert analysis. Additionally, many expressed concern that the reduction occurred without other alternatives to policing in place to absorb the reduction.
- There are several shift schedule options available to BPD that are more efficient; however, it is recommended that the patrol function could be adequately staffed with 51 sworn officers assigned to patrol (1 deputy chief, 4 lieutenants, 6 sergeants, and 40 officers), with an overall

²² Additional staffing options, though not the most recommended, can be found in Appendix B.

department size of 72-75 sworn. Ideally, patrol officers should be deployed in a 12-hour shift schedule with six squads (four main and two overlap squads). This combination of personnel produces the most efficient combination of officer deployment and days off schedule.

NOTE: In order to account for naturally occurring attrition, largely the gap between training and onboarding new officers while other officers leave the department, our analysis indicates this number should be adjusted upward by five officers, with an authorized headcount of 77-80 sworn, with 72-75 deployable at all times. The Burlington International Airport (BIA) and the City's annual negotiations on BPD officers dedicated to BIA should be a distinct operational decision with dedicated officers negotiated annually based on the contract. Since these officers are full time at the airport, they are not factored into BPD patrol staffing recommendations, nor the overall sworn department size in this report. There are presently 7 officers and 1 Sergeant deployed to BIA. These officers would need to be added to the sworn headcount to continue to provide this contracted service.

Sworn-Deployable (Actual)	Authorized (Accounts for Gaps due to Attrition and Training/Onboarding)	Subtotal Actual + Authorized Gap (Without BIA)	BIA Optional	Total with BIA
72	5	77	4	81
75	5	80	8	88

Due to the COVID-19 pandemic, along with the reduction in officers mandated in 2021, we decided to utilize 2019 data alone to assess a fully staffed BPD, as well as a typical number of calls for service (CFS) prior to both the pandemic and the 30 percent reduction in officers. This gave the assessment team a good baseline from which to draw comparisons about current staffing levels in 2021. To complete the staffing and workload analysis, the assessment team reviewed the following 2019 data:

- 2019 CFS. This is important to a reliable assessment of officers assigned related to volume of calls for service in the area by day and time.
- BPD provided personnel assignments for officers on patrol for the months of February and July 2019. The department provided this information at 15-minute increments during the day. These months were considered representative of the slowest and busiest monthly periods from a CFS perspective and therefore useful to model workload demands.
- Officers' assignments were provided whether the CFS originated from the public, through 911, or was a police-initiated incident such as a traffic stop or foot patrol.

ANALYSIS

The Rule of 60

Determining the appropriate staffing allocation for a police department starts with the patrol function. The first step is to determine the number of police officers required to handle the service demands made by the public from 911 CFS and other police-initiated activities.

The fundamental question is, How many officers are needed to provide police services to the community? It is a complex one. In general, the answer lies in developing an understanding of the workload demands placed on the officers on patrol, and then balancing these demands with the need to have “discretionary time” for these officers on patrol (for breaks, meals, and other duties), and then balancing all of that with other service demands.

Essentially, discretionary time on patrol is an important function and is generally the amount of time available each shift when officers are not committed to handling incoming CFS and other workload demands from the public; rather, this time is dedicated to the officer’s discretion to participate in community engagement activities as well as address problems in the community, such as crime, traffic, disorder, or other priorities identified by the community, and to be available in the event of emergencies. When there is no discretionary time, officers are entirely committed to service demands, do not get the important opportunity to address other community problems that do not arise through 911, and are not available in times of serious emergency. For example, if the BPD was interested in requiring officers to attend community meetings to engage with the public, high levels of demand from 911 would inhibit officer attendance at such events. A lack of discretionary time indicates a department is understaffed. Conversely, when there is too much discretionary time, officers are idle. This is an indication that the department is overstaffed.

Staffing decisions, particularly for patrol, must be based on actual workload. Once the actual workload is determined, the amount of discretionary time is determined, and then staffing decisions can be made consistent with the department’s policing philosophy and the community’s ability to fund it. With this in mind, it is necessary to look at workload to understand the effect of this style of policing in the context of community demand.

To apply an objective standard for police staffing, we apply what is known as the “Rule of 60.” This rule has two parts. The first part states that 60 percent of the sworn officers in a department should be dedicated to the patrol function (patrol staffing), and the second part states that no more than 60 percent of their time should be committed to calls for service. This commitment of 60 percent of their time is referred to as the patrol workload saturation index.

The Rule of 60 is not a hard-and-fast rule, but rather a starting point for discussion on patrol deployment. Resource allocation decisions must be made from a policy and managerial perspective through which costs and benefits of competing demands are considered. The saturation index indicates the percentage of time dedicated by police officers to public demands for service and administrative duties related to their jobs. Effective patrol deployment would exist at amounts where the saturation index was less than 60.

This Rule of 60 for patrol deployment does *not* mean the remaining 40 percent of time is downtime or break time. It reflects the extent that a patrol officer’s time is saturated by calls for service. The time when police personnel are not responding to calls should be committed to management-directed operations. This is a more focused use of time and can include supervised allocation of patrol officer activities toward proactive enforcement, crime prevention, community policing, and community safety initiatives. It will also provide ready and available resources in the event of a large-scale emergency.

From an organizational standpoint, it is important to have uniformed patrol resources available at all times of the day to deal with important functions such as proactive enforcement, community policing, and emergency response. Patrol is generally the most visible and available resource in policing, and the ability to harness this resource is critical for successful operations.

From an officer's standpoint, once a certain level of CFS activity is reached, the officer's focus shifts to a CFS-based reactionary mode. Once a threshold is reached, the patrol officer's mindset begins to shift from one that looks for ways to respond to crime and quality-of-life conditions in the community to one that continually prepares for the next call. After saturation, officers cease proactive policing and engage in a reactionary style of policing. Their outlook becomes, *why act proactively when my actions are only going to be interrupted by a call?* Any uncommitted time is spent waiting for the next call. Based on the accumulated experience of many experts who have conducted staffing analysis, 60 percent of time spent responding to calls for service is believed to be the saturation threshold based on the accumulated experience of many experts who have conducted numerous staffing analysis.

APPLICATION OF "RULE OF 60" – PART 1

According to the BPD personnel data provided for 2019, patrol was staffed by 62 sworn police officers (1 deputy chief, 4 lieutenants, 7 sergeants, and 50 police officers). These 62 of the 96 sworn officers represent 64.2 percent of the sworn officers in the BPD. Accordingly, the department is about where it should be with the ratio of sworn officers dedicated to the patrol function in 2019.

During the average workday in 2019 (not counting the one day each week when the shifts are doubled) the BPD assigned eight officers each to the Day and Evening Shifts, five officers to the Midnight Shift, and four officers to the Swing Shift. These could be considered the acceptable staffing levels that covered patrol and handled service demands from the community in 2019 when the department was considered fully staffed.

Establishing this baseline figure based upon the historical levels and putting it into context with workload demand permits a discussion about alternatives to that model, which involve both modifications to the patrol staffing plan and alternatives to handling community service demands.

Taken on its face, however, this part of the Rule of 60 also must be considered when examining the operational elements of the department when staffing recommendations are taken into consideration. The data presented here indicate that the BPD could consider short-term and long-term plans to rebalance the personnel allocation among units in the department.

APPLICATION OF RULE OF 60 – PART 2

The second part of the Rule of 60 examines workload and discretionary time and suggests that no more than 60 percent of time should be committed to calls for service. In other words, we suggest that no more than 60 percent of available patrol officer time be spent responding to the service demands of the community, and the remaining 40 percent of time be discretionary time.

Again, it is our opinion, and it is nationally best practice, that patrol staffing is optimally deployed when the saturation index (SI) is in the 60 percent range. A SI greater than 60 percent indicates that the patrol staffing is largely reactive and overburdened with CFS and workload demands. A SI of somewhat less than 60 percent indicates that patrol staffing is optimally staffed. SI levels much lower than 60 percent, however, indicate patrol resources that are underutilized, and signals an opportunity for a reduction in patrol resources or reallocation of police personnel.

The following figures represent workload, staffing, and the “saturation” of patrol resources in the BPD during February and July in 2019. These months represent the busiest and slowest time of the year for workload, consistent with national averages of winter vs. summer months. In addition, these months are further disaggregated to explore workload during the weekdays and weekends, where CFS nationally also differ. Therefore, these four distinct periods permit us to develop an understanding of the service demands faced by the patrol function in the department.

To develop these models, the assessment team obtained all the CFS responded to by the BPD in 2019. In total, there were 96,265 CFS provided for analysis. In addition, the officers’ assignment was provided and whether the CFS originated from the public through 911 or was a police-initiated incident such as a traffic stop or foot patrol.

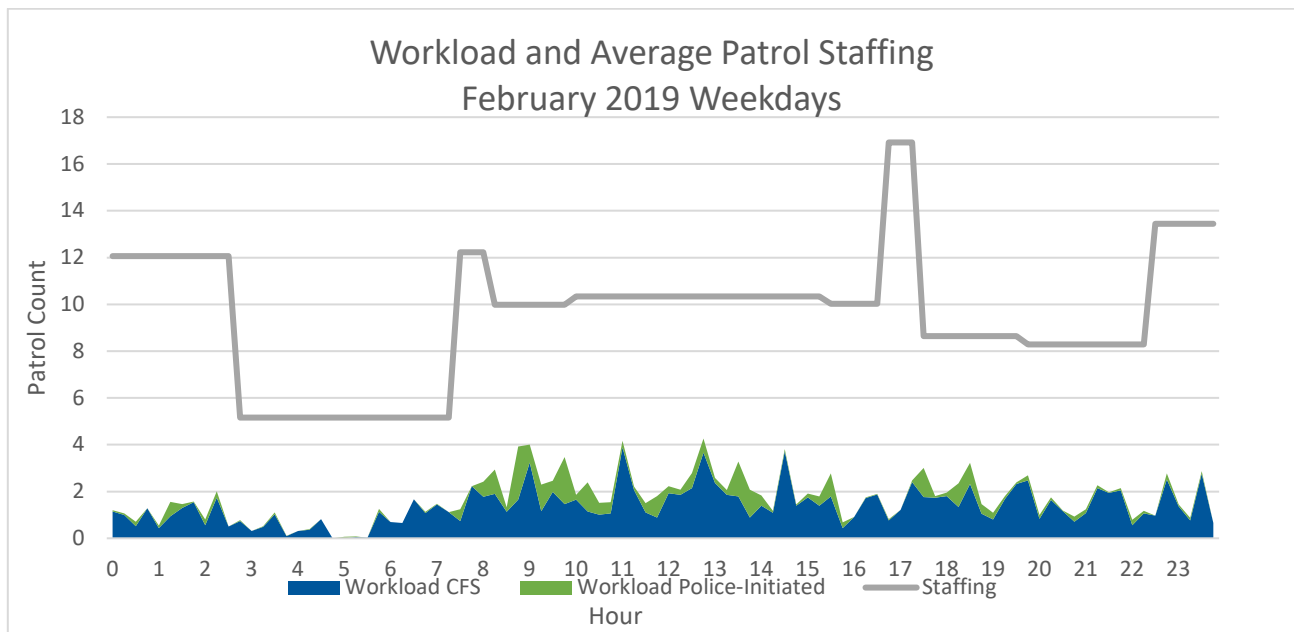
The data were sorted to identify only CFS responded to in February and July, and then sorted further to identify weekday and weekend calls. Once the CFS were disaggregated, CFS responded to by officers on patrol were identified.²³

With these CFS responded to by patrol officers identified and categorized in the appropriate time, the dispatch-time (the time first assigned to an officer on patrol) was subtracted from the clear-time (the time when the CFS ended) to calculate the total time required to handle that CFS. This is identified as the *total service time*. Service time was then grouped into 15-minute increments and then averaged across the time category in question.

In addition to the workload, the computer aided dispatch (CAD) system—which is utilized by dispatchers, call takers, and 911 operators to prioritize and record incident calls—identifies the status and location of responders in the field and effectively dispatch responder personnel and collects data on the number of officers assigned to patrol during these same periods. Ideally, the actual number of officers present for duty and assigned to patrol would be calculated in those same 15-minute increments used for calculating workload. Unfortunately, the BPD was not able to retrieve actual staffing information for the period we studied. Instead of using actual staffing data, we relied on the number of officers scheduled to be assigned to patrol during those time periods, adjusted by the BPD “availability factor.” This “availability factor” is calculated by the BPD based on the amount of leave time provided to officers per the Burlington Police Officer Agreement (BPOA), which is the union Collective Bargaining Agreement (CBA). Consequently, actual staffing scheduled would be reduced by 13.7 percent each day. In other words, officers are entitled to contractually guaranteed time off throughout the year. Because they use this time off for vacation and other leave, staffing levels on patrol would naturally be reduced. Therefore, this would result in only 86.3 percent of the officers being available for work on any given day. The BPD applied the “availability factor” to the different combinations of the number of officers available based upon the various shift assignments. This was then further separated by weekday and weekend, and then CNA used the average number of officers available, adjusted by the availability factor, for each 15-minute increment throughout the weekdays and weekends.

²³ CFS handled by personnel assigned to the airport, DSB, SRO, CUSI, DEA, CAO, Recruitment, and outreach were excluded from the workload and staffing analyses. Because officers are specifically assigned to these details, they are not available to respond to CFS.

Figure 23. Workload and average staffing on February 2019 weekdays



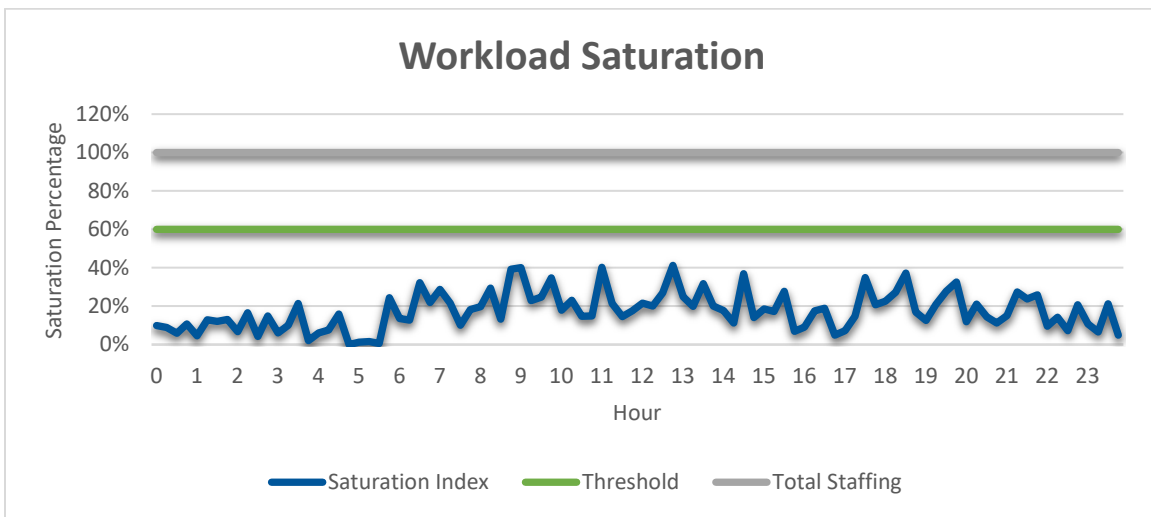
The blue shaded area illustrated in Figure 23 represents the average amount of time dedicated to CFS received from the public and responded to by patrol officers in the BPD. Inspection of Figure 23 illustrates that CFS volume is very low in the early morning hours and rises in the morning and stays relatively constant throughout the day until it abates after midnight into the morning.

The green shaded area illustrated in Figure 23 represents self-initiated work performed by officers throughout the day. These types of assignments could include incidents where the officers happen upon them before the member of the public calls 911, or other calls they initiate themselves, such as traffic stops, or pedestrian stops, or serving subpoena or warrants.

The gray line at the top of the panel in Figure 23 represents the average patrol staffing during weekdays in February. The line peaks at 16.92 officers on average assigned to patrol between 4:30 p.m. (1630 in military time) and 5:15 p.m. (1715) when both the Day and Evening Shifts are present for duty to ensure a good transition from one shift officer to the next. This is customary nationally. The line's low points are between 2:45 a.m. and 7:30 a.m. when only the Midnight Shift is present for duty. The other peaks represent times during the day during which, because of the structure of the shift schedule, more than one shift is working at the same time. Inspection of Figure 23 indicates that there is always enough officers on patrol to meet workload demands.

To put this workload into context, we converted the amount of work performed into a percentage of the number of officers available to perform it. This ratio or work-to-officers is the saturation index discussed above. Figure 24 illustrates this for the period of February weekdays in 2019.

Figure 24. Workload saturation index February 2019 weekdays



Again, the gray line in Figure 24 above represents the total staff available during this period. The green line represents the 60 percent threshold. This is the point that would indicate whether workload is too high for the patrol function. The blue line in Figure 24 is the saturation index or the percentage of work compared to the number of officers available. The saturation index in February 2019 ranges from a low of 0 percent at 5:00 a.m. (no work performed during this time during any weekdays in this month) to a high of 41.2 percent at 12:45 p.m. In addition, the conclusion can be drawn that there were ample resources available on patrol during this period to handle the workload.

Figure 25. Workload and average staffing on February 2019 weekends

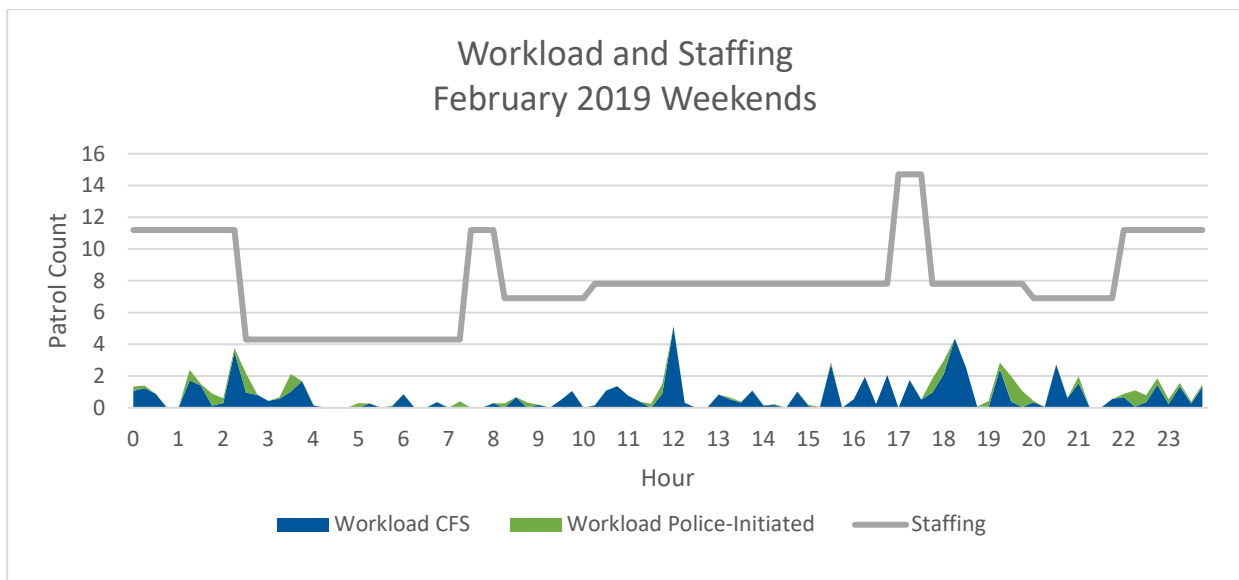
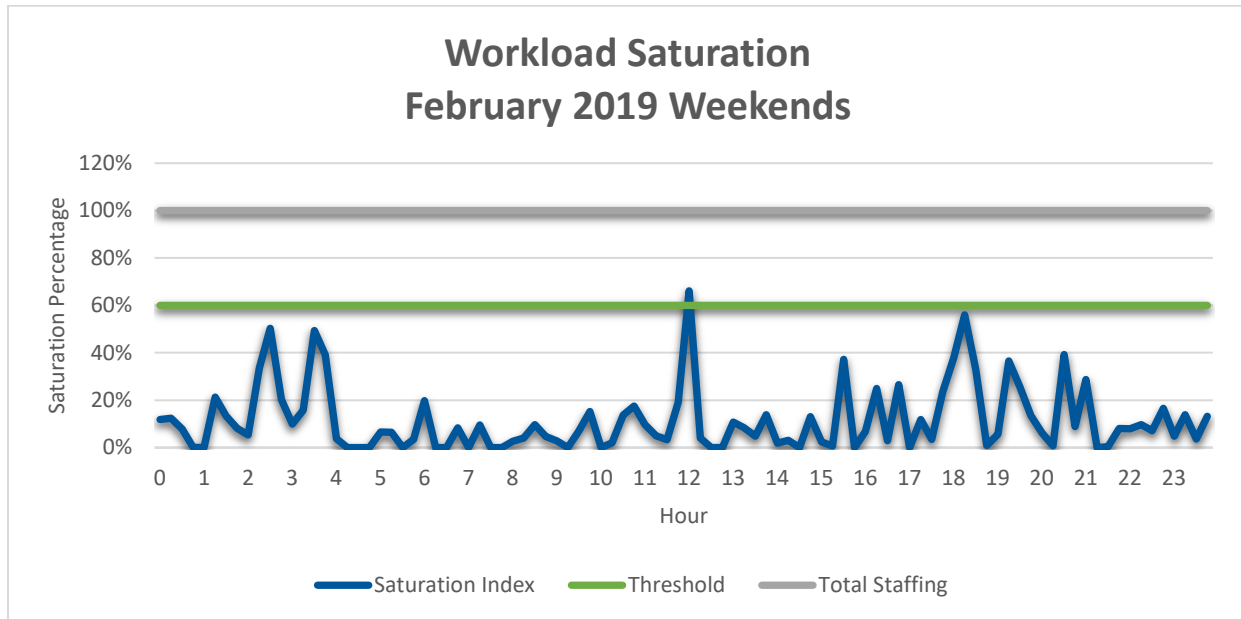


Figure 26. Workload saturation index February 2019 weekends



Figures 25 and 26 illustrate the workload, staffing, and saturation index for February 2019 weekends. Again, it appears that the BPD has ample resources assigned to patrol, generally higher than needed. There is one brief period at 12:00 p.m. that the 60 percent threshold is breached, but throughout the rest of the day workload demands appear manageable. In other words, in 2019, based upon the fully staffed department as per historical standards, and applying the workload levels from community-initiated and police-initiated CFS, the BPD had sufficient resources on patrol to meet these service demands.

Figure 27. Workload and average staffing on July 2019 weekdays

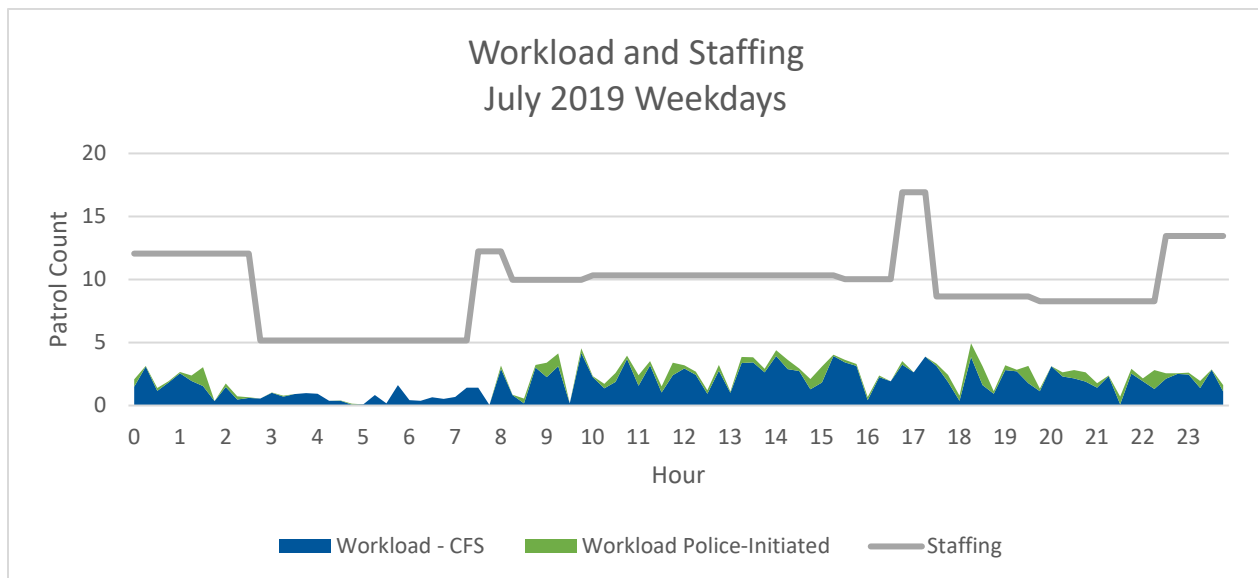
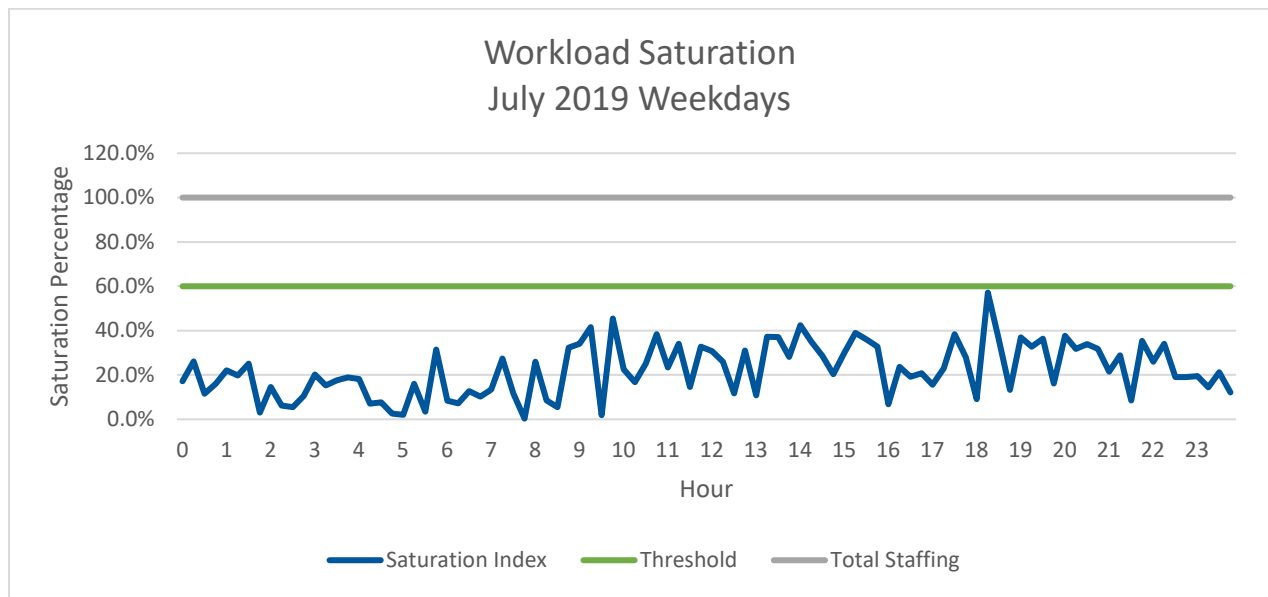


Figure 28. Workload saturation index July 2019 weekdays

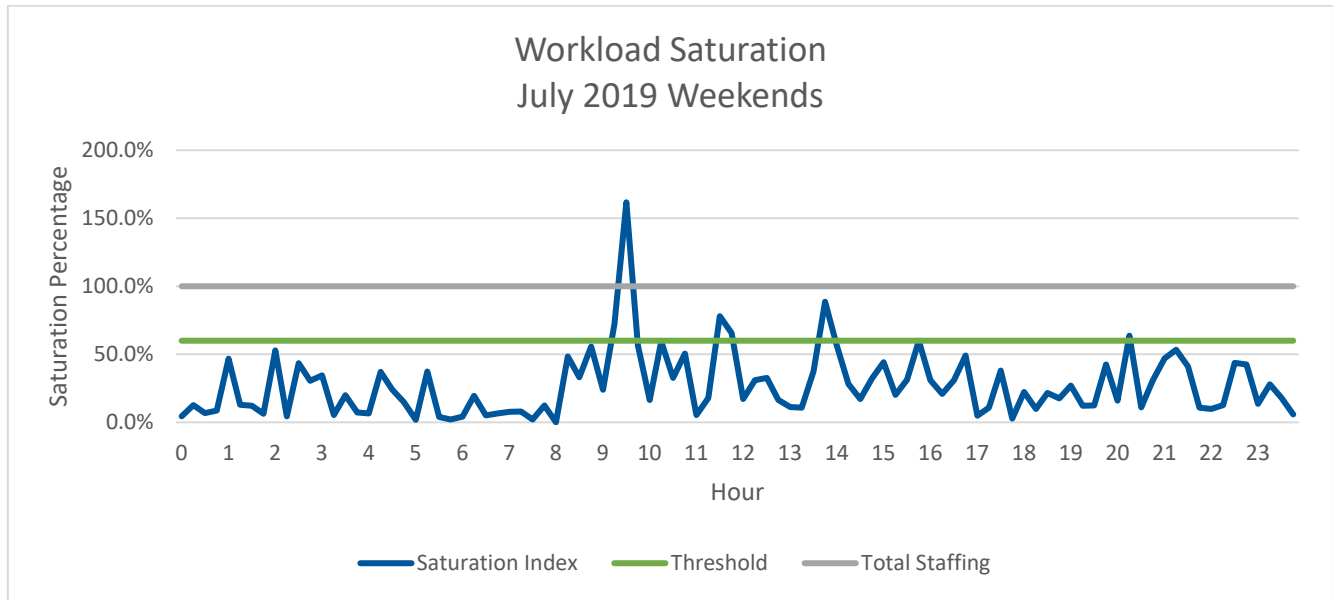


The workload in July 2019 weekdays (Figures 27 and 28) is clearly greater than February. The 60 percent threshold is breached once at 6:15 p.m. However, it appears that although busier than in February, the BPD has ample patrol officers assigned to meet the workload demands.

Figure 29. Workload and average staffing on July 2019 weekends



Figure 30. Workload saturation index July 2019 weekends



Figures 29 and 30 illustrate the workload during July 2019 weekends. July weekends present a different situation. It appears here that workload is particularly stressful during the time between 8:00 a.m. and 4:00 p.m. In addition, the weekend saturation index breaches the threshold in numerous places, and it also appears to be elevated into the early morning hours. This would lead to the conclusion that the BPD might benefit from additional patrol resources during these critical times during the summer weekends. Because this assessment and analysis utilized 2019 staffing levels, it is not surprising, and perhaps justified if CFS data in July 2021 are consistent with July 2019 data, that the “alarm bells” currently being rung by BPD are appropriate given higher summer CFS, paired with the reduction in staffing by 30 percent, along with the stated attrition that is occurring in the department and without alternative response programs presently in place to “pick up” the CFS that do not necessarily require police response. This was also consistent with what the assessment team heard from many stakeholder interviews.

Table 9. Summary of workload and deployment from 2019

	Winter Weekdays	Winter Weekends	Summer Weekdays	Summer Weekends
Avg. Deployment	9.5	7.9	9.5	7.9
Avg. Workload:	1.7	0.9	2.13	2.1
Avg. % Deployed (SI):	18%	12%	22%	27%
Peak SI:	41%	66%	67%	162%
Peak SI Time:	12:15 p.m.	12:00 p.m.	6:15 p.m.	9:30 a.m.

The information presented above can be used in estimating the appropriate level of staffing for patrol. This is determined by examining shift schedules within the context of the service demands illustrated above. The main conclusion is that the patrol function in the BPD has more than enough resources to

meet workload demands. The critical threshold is only breached in isolated circumstances, and the average saturation indexes are all well below areas of concern during all periods studied.

SCHEDULE AND STAFFING

Taking into consideration the demand for police services and the concept of saturation index, appropriate levels of patrol staffing can be determined. The optimal level of patrol staffing will lead to the modeling of patrol schedules and thereby act as the foundation for the staffing of the entire department.

The BPD's main patrol force works four 10-hour shifts, as dictated by the Collective Bargaining Agreement (CBA) union contract (Day, Swing, Evening, and Midnight). Officers work the same shifts, they do not rotate from day to night, and each shift has two "sides"—a "Left-Side" or "Team A," and a "Right-Side" or "Team B." Officers assigned to patrol have steady days off, either Tuesday, Wednesday, and Thursday or Friday, Saturday, and Sunday. The Teams overlap on several days during the week depending upon shift, known as the "double day," when BPD has double the officers on duty. This is part of the overall efficiency concern which will be addressed in the recommended staffing models.

According to the CBA, officers on patrol select their shift assignment every four months in a bid system based on seniority. These "tour" assignments (Side or Team) rotate every other month. The workdays switch on the first Sunday of every month, so officers get weekends off every other month, with steady days off. Three squads are assigned to each of the shifts per side/team, and on any given day, two squads are assigned to work and the other is off. Under this current model, Monday is the day when patrol resources are doubled and both Teams A and B are scheduled to work. The doubling of officers on Mondays potentially has numerous benefits including providing additional patrol coverage, time for officers to be away in training, saturation patrol in hot spots, etc., but it also creates significant efficiency issues. These important functions can all be accomplished with surplus resources. Table 10 presents the combination of personnel assignments for patrol

Table 10. 2019 Patrol strength by shift

	Lt.	Sgt.	CPL/PO	Total
Days (0730x1730)	2	2	15	19
Swing (1200x2200)		1		1
Evening (1645x0245)	1	2	16	19
Midnight (2215x0815)		2	10	12
Total	3	7	41	61

Under both the 2019 operations and the current operational realities post the 30 percent reduction, the current two-side system should be discontinued. Patrol personnel need to be reassigned to distribute assignments more evenly during the day and stagger the days off to reflect crime, disorder, and calls for service demands.

Findings and recommendations

Finding 7.1: The BPD's current work schedule is very inefficient. The two-phase, four-shift system in current use was functional under full-employment conditions, but the overlapping shifts and "double days" produce substantial inefficiencies in staffing. The current staffing model should be abandoned and replaced with a working schedule that is responsive to the calls-for-service demands, crime complaints, and conditions of neighborhood disorder.

In addition, memorializing the patrol work schedule into the CBA makes it even more inflexible. There are other, more efficient patrol shift models that rely on a 10-hour work shift, and consideration should be given to exploring these opportunities as well as other shift conventions, such as 12-hour tours (which is the assessment team's priority recommendation).

Recommendation 7.1.1: It is recommended that the patrol function could be adequately staffed with 51 sworn officers (1 deputy chief, 4 lieutenants, 6 sergeants, and 40 officers). Ideally, they should be deployed in a 12-hour shift schedule, with six squads (four main and two overlap squads). This combination of personnel produces the most efficient combination of officer deployment and days off schedule.

Finding 7.2: The current shift schedule for patrol is inefficient, and the BPD should take steps to change it. It is understood that the current CBA does not contemplate unilateral changes to the shift plan; however, it is recommended that the City of Burlington and the BPD strongly consider adopting this plan through negotiations with the BPOA at the next earliest opportunity.

Recommendation 7.2.1: Instead of the current shift schedule, the assessment team recommends the BPD adopt a 12-hour shift plan that uses six squads of officers to provide emergency response, citywide patrol coverage, and the capacity to provide services in a community policing approach. Serious consideration should be given to adopting this proposed 12-hour schedule, aligning officer work schedules with the times and days when they are most likely needed.

The remainder of the report delineates the recommended staffing option of the 12-hour shift schedule staffed with 51 sworn officers assigned to patrol that the BPD should strongly consider. In Appendix B, three additional models are identified for secondary consideration.

12-hour shift schedule option for BPD

Patrol modifications

To address the liabilities presented by the structure of the current patrol schedule, the BPD could explore one or more modifications to the schedule. Some are easier to implement than others, and some of the adjustments cannot be made unilaterally but must be collectively bargained with the police union. All the modifications presented below will ensure that the BPD continues to meet demand, while becoming more efficient, the outcome of which can be used to assess the level of reduction that has been deployed as well as alternative policing models.

Change the shift plan

The available literature on shift length provides no definitive conclusions on an appropriate shift length. A recent study published by the Police Foundation examined 8-hour, 10-hour, and 12-hour shifts and found positive and negative characteristics associated with all three options.²⁴ The length of the shift is secondary to the application of that shift to meet service demands.

It is understood that the CBA memorializes the work schedules and that any modification to the schedule could only be accomplished with negotiations between the City and the union. The below discussion presents the best possible option for the BPD that could improve operations if there was an interest in exploring a schedule change. As indicated, Appendix B provides additional illustrations of different work schedules that would also be improvements over the current schedule in place.

Drawing on the information from the data analysis, it is possible to construct a patrol work schedule that meets the demand for police services. The table below lists the demand for police services in terms of total workload during weekends and weekdays in February and July. These workload demands are listed in the left portion of the table and are presented for each hour of the day. At midnight during the week in February, total workload demand for police service in Burlington was on average 1.07 police-hours. In other words, through community member initiated CFS and self-initiated activities by BPD officers, 1.07 hours of time were expended at that hour. Inspection of the table indicates that demand for services, or total workload, decreases as the night progresses and hits a low point around 5:00 a.m. The workload then increases during the day. The adjacent columns represent workload demands for weekends in February and weekdays and weekends in July. Workload patterns are slightly different on weekends and in July, but the general pattern appears in each column.

To staff appropriately, consideration should be given to peak workload at each individual hour during the day. The column labeled "Peak Workload" represents the highest workload observed during that hour in any one of the four periods (weekends/weekdays in February/July). Looking at the 12:00 a.m. hour, the peak workload was 2.13 police-hours. The "Peak Workload" column, therefore, is constructed by selecting the highest workload figure during each of the 24-hour time periods in the table.

The column labeled "60% Threshold" represents the number of police officers required to maintain staffing levels at the 60 percent saturation index for that given hour. Thus, with 2.13 hours of workload, 3.55 police officers are required to meet that workload while maintaining the 60 percent saturation threshold ($2.13/60 \text{ percent} = 3.55$). The same calculation is made for each of the 24-hour periods, and the result is the number of police officers that are required to be available to meet peak workload and maintain the 60 percent saturation threshold based on the 2019 data analyzed.

The right most column labeled "needed" reflects the number of officers needed to meet peak demand during the selected time periods. Since the BPD cannot assign a fractional number of officers to work (4.1 for example), the availability factor is rounded up to the next whole number, therefore 4.1 becomes 5, and so on. This adjustment makes both mathematical and operational sense. The reality of staffing is that more than just personal leave time reduces the number of officers available for patrol. Sick time,

²⁴ Karen L. Amendola et al., *The Shift Length Experiment: What We Know about 8-, 10-, and 12-hour Shifts in Policing* (Washington, DC: Police Foundation, 2012).

court, special events, and a myriad of other responsibilities take personnel away from their primary patrol assignments. On a typical shift, it might be common that 25 percent of the officers assigned will be unavailable for patrol because of another competing responsibility. Therefore, rounding up to the next whole number can account for these unforeseen absences and give the department a more realistic approach to deploying officers.

Table 11. Peak Workload Staffing Model—2019 February/July

Hour	Feb Weekday	Feb Weekends	July Weekday	July Weekend	Peak Workload	60% Threshold	Availability Factor (86.3%)	Needed
0	1.07	0.90	2.13	0.91	2.13	3.55	4.1	5
1	1.29	1.20	2.11	2.19	2.19	3.65	4.2	5
2	1.02	1.85	0.92	2.40	2.40	4.00	4.6	5
3	0.51	1.23	0.93	0.72	1.23	2.05	2.4	3
4	0.38	0.04	0.46	0.89	0.89	1.48	1.7	2
5	0.36	0.18	0.68	0.49	0.68	1.13	1.3	2
6	1.04	0.30	0.50	0.38	1.04	1.73	2.0	2
7	1.52	0.10	0.89	0.57	1.52	2.53	2.9	3
8	2.65	0.39	1.95	2.37	2.65	4.42	5.1	6
9	3.06	0.43	3.06	5.43	5.43	9.05	10.5	11
10	1.83	0.65	2.65	3.06	3.06	5.10	5.9	6
11	2.42	0.73	2.71	3.25	3.25	5.42	6.3	7
12	2.84	1.37	2.57	1.90	2.84	4.73	5.5	6
13	2.50	0.74	2.93	2.89	2.93	4.88	5.7	6
14	2.07	0.35	3.27	2.61	3.27	5.45	6.3	7
15	1.79	0.78	3.51	3.03	3.51	5.85	6.8	7
16	1.35	1.20	2.13	2.57	2.57	4.28	5.0	5
17	2.13	1.03	3.07	2.03	3.07	5.12	5.9	6
18	2.25	2.49	2.50	1.40	2.50	4.17	4.8	5
19	2.00	1.58	2.62	1.84	2.62	4.37	5.1	6
20	1.22	0.95	2.79	2.10	2.79	4.65	5.4	6
21	1.91	0.64	1.95	2.63	2.63	4.38	5.1	6
22	1.43	1.16	2.52	3.04	3.04	5.07	5.9	6
23	1.46	1.00	2.26	1.84	2.26	3.77	4.4	5

Using the same calculation for each hour of the day results in a 24-hour staffing distribution. As shown in the table, required staffing for peak workload ranges from a high of 11 officers to a low of 2 officers citywide. The table also shows that the staffing requirements are not uniform; they fluctuate throughout the day.

The challenge of managing patrol operations is to ensure that sufficient resources are available to meet demand through appropriate staffing and scheduling. The fixed nature of the staffing combined with the variable nature of workload demands will naturally create periods of personnel surplus and shortage throughout the day. The goal is to minimize these surpluses and shortages and create a work schedule that reduces the variance between demand and supply.

In an ideal world, the BPD would be able to carve out the right number of people working at the precise hour to meet both supply and demand. Unfortunately, the rigid nature of the deployment schedule makes this impossible in every police department. Thus, the perfect state can only be approximated by creating the “best fit” of patrol staffing and workload demand. The best fit occurs when the variation between workload demand and police officer supply is the lowest. This best fit is created by modeling or manipulating various combinations of officers and 10-hour blocks to reduce the variance between supply and demand to its lowest possible level.

To arrive at the most optimal shift plan, it is useful to compare the proposed shift with the 2019 model. To do that we employ some simple mathematical tools to explore the total difference between the number of officers needed with the number of officers deployed under each plan. In addition, we examine the variance of these differentials. In a perfect system, the deviations would all be zeros, and demand would be met perfectly by appropriate staffing. Since this is impossible to achieve, the best possible option is adding up the deviations over the 24-hour day resulting in the surplus/deficit of staff on patrol. The term “variance” is simply a calculation that portrays the amount of variability in the deviation between demand and supply, or workload and staffing. The best fit seeks to minimize the variability to the greatest extent possible. Large differences between workload and available staff would indicate a poor fit, and this would be captured by the level of variance.

No schedule is perfect, and the sample schedule provided is no exception. Although it is a better fit operationally to meet demands, there are disadvantages to this model. First, officers and supervisors are not assigned as a single unit. Currently, the BPD shifts have a strict unity of command in which officers in each shift are subordinate to and report to just one supervisor. Among the many advantages of this structure are that it improves supervision and provides consistent leadership. The sample plan lacks this strict unity of command; patrol officers would be supervised by a different sergeant depending on the day of the week. In addition, though both plans offer steady four days of work followed by three days off each week, the current plan in the BPD offers most officers at least part of the weekend off. The sample plan features evenly distributed regular days off and would require many officers to have steady weekdays for an extended period. Furthermore, currently the BPD can reassign entire shifts of officers to receive training or deploy to crime and disorder conditions in the community. This is a very valuable resource, but only occurs during the one day each week when the shift days overlap (and to a limited extent during the daily shift overlaps). The proposed schedule would restrict the department’s ability to do this redeployment. The sample plan does call for large blocks of overlapping shifts each day; however, the BPD could capitalize on these overlaps each day (and at multiple times during the day) to conduct training, proactive community engagement, and specialized enforcement. In its totality, however, the patrol schedule currently in place in the BPD is inefficient and should be changed as soon as practical.

12-HOUR SHIFT WITH A COMMUNITY RESPONSE TEAM

The shift model with considerable potential features six 12-hour shifts. There are four main patrol shifts primarily responsible for responding to CFS. Layered on top of these four shifts would be community response teams (CRT). These teams would work the same rotation of days off and be assigned to overlap the patrol teams during the times when workload demands are highest. Personnel assigned to the CRT would also be responsible for conducting proactive enforcement, engaging in long-term problem solving, and acting as a primary resource to the community. On a day-to-day basis, the

CRT would interact with the organized communities in these neighborhoods (civic, business, school parent teacher organizations, etc.), work on their long-term issues, and be available as a team to conduct enforcement operations directed at crime, disorder, and traffic. Should BPD move forward with hiring the CSL positions, this would also be an ideal place to pair a CSL with a CRT for specialized response to community social service needs.

Below is an example of how the patrol division might be organized under this model:

Table 12. Six, 12-hour shift configuration

Squad	Shift	Lt.	Sgt.	PO	Total
A	0600X1800	1	1	8	10
B	1800X0600	1	1	8	10
C	0600X1800	1	1	8	10
D	1800X0600	1	1	8	10
CRT-1	1200x2400		1	4	5
CRT-2	1200x2400		1	4	5
		4	6	40	50

Note: With the DC position, the total equates to 51.

For all the 12-hour shifts, we recommend a rotation that limits the number of consecutive days worked and provides for every other weekend off for the personnel working it. Days off under this plan would rotate on a biweekly basis. Each squad would have an alternating rotation of two- and three-day combinations. The below rotation is commonly known as the “Pitman” schedule. The four squads work opposite each other. Two share the same work hours, and the other two share the same day-off rotation. The rotation permits each squad to have every other weekend off. This schedule calls for seven 12-hour shifts over the two-week period. This will result in 84 work hours. This will require the BPD to fund the extra hours each period or require officers to use the overage number of hours of time each period. The logistics of the 84-hour period would need to be determined by the department.

Table 13. Rotation – days off – 12-hour shift

	Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Shift	Sqd	M	T	W	H	F	Sa	Su	M	T	W	H	F	Sa	Su
6X18	A	ON	ON	OFF	OFF	ON	ON	ON	OFF	OFF	ON	ON	OFF	OFF	OFF
18X6	B	ON	ON	OFF	OFF	ON	ON	ON	OFF	OFF	ON	ON	OFF	OFF	OFF
6x18	C	OFF	OFF	ON	ON	OFF	OFF	OFF	ON	ON	OFF	OFF	ON	ON	ON
18X6	D	OFF	OFF	ON	ON	OFF	OFF	OFF	ON	ON	OFF	OFF	ON	ON	ON
12x24	CRT	ON	ON	OFF	OFF	ON	ON	ON	OFF	OFF	ON	ON	OFF	OFF	OFF
12x24	CRT	OFF	OFF	ON	ON	OFF	OFF	OFF	ON	ON	OFF	OFF	ON	ON	ON

Under this model, the lieutenants could be tasked with the overall responsibility of carrying out the strategic plan of the department and use their resources to prioritize proactive community engagement including youth engagement, reduce crime, improve traffic safety, and execute strategy supporting alternative responses to policing by serving as a liaison between BPD, community stakeholders, 911 call center personnel, etc., and leading the response to

community problems. Considering that many problems are unique to day and night, the temporal assignment of responsibility, as opposed to geographic or spatial, might make more sense for the BPD. The daytime shifts could focus on traffic, daytime burglaries, park conditions, etc., and the nighttime teams could focus on disorderly bars and clubs, car theft, DUI enforcement, etc. Each shift would have an operational plan, and the lieutenants would be responsible for executing that plan and using the experience and authority to marshal departmental resources to achieve the goals of that plan.

Table 14. Staffing deviations and variance,

Hours	Needed	2019	12-Hour with CRT
0	5	8	2
1	5	8	2
2	5	6	2
3	3	2	4
4	2	3	5
5	2	3	5
6	2	3	5
7	3	6	4
8	6	4	1
9	11	-1	-1
10	6	4	4
11	7	3	3
12	6	4	4
13	6	4	4
14	7	3	3
15	7	1	3
16	5	7	5
17	6	4	4
18	5	3	5
19	6	2	4
20	6	2	4
21	6	2	1
22	6	6	1
23	5	8	2
TOTAL DEVIATION		87	73
VARIANCE		5.25	2.57

The table above compares the current shift with the CNA recommended shift. The table shows that the shift plan from 2019 is the least efficient option for patrol staffing. The 12-hour shift with the CRT is more efficient than the current plan. It has both lower personnel surplus and variance. This means it meets service demands the most efficiently with the most appropriate number of officers assigned at the right times. Strong consideration should be given to adopting this shift plan.

OVERALL STAFFING RECOMMENDATION

With the *patrol* allocation estimated to require 51 sworn officers (assigned to the duty of patrol) our analysis can now revisit Part 1 of the Rule of 60 and make a projection for overall sworn staffing (patrol and chain of command) for the BPD.

According to the allocation in 2019, patrol made up 64.6 percent of the entire number of sworn officers (which is in accordance with the 60 percent rule). Maintaining that ratio and applying it to the recommended patrol strength of 51 officers would result in a total sworn department headcount of 79 officers (51/64.6 percent, rounded to the next whole number). However, based on our recommendation to not factor BIA officers into the overall staffing headcount (they are not available to support operations), this has been adjusted resulting in a total recommended headcount of 72-75 deployable officers. See Table 16 and 17. This would mean that for an appropriate balanced allocation for the BPD, there would be 51 sworn officers assigned to patrol and a recommended 21-24 8sworn officers assigned to administrative and investigative functions in the department. The discussion now turns to an appropriate deployment of those non-patrol personnel.

Administration and investigations

The first order of business is to understand the current deployment of personnel in non-patrol functions. The table below illustrates where other sworn personnel are assigned. With this understanding, the next step is to ensure that ample personnel are assigned to ensure core/essential services are identified, ensure they are staffed appropriately, and then evaluate other beneficial services that might require staffing.

Table 15. Historical (96 Sworn) administrative and investigative personnel allocation, 2019

	Chief	DC	Lt	Sgt	Det/PO	Total
Executive Command	1					1
Community Affairs Officer					1	1
Burlington International Airport				1	7	8
School Resource Officer					2	2
Emergency Response Officer					1	1
Administrative Service		1				1
Administrative			1		1	2
Detective Services Bureau			1			1
General Detective				1	9	10
Street Crime				1	2	3
Chittenden Unit for Special Investigations				1	2	3
Domestic Violence Prevention Officer					1	1
	1	1	2	4	26	34

The table shows that one chief, one deputy chief, two lieutenants, four sergeants, and twenty-six detectives/officers were assigned to investigative and administrative positions in the department.

Core/essential services

Case detectives – Criminal investigations

It is essential that the BPD have adequate personnel to handle criminal investigations. Under the historic staffing model, this function would be staffed with one sergeant and nine detectives. Hard and fast benchmarks for investigative staffing do not currently exist nationally. One murder investigation could occupy the time of several detectives for months, but on the other hand, one detective could handle hundreds of theft cases in a similar period. The International Association of Chiefs of Police, however, suggests that a detective caseload between 120 and 180 cases per year (10 to 15 per month) is manageable. Other sources suggest that departments should staff one detective for every 300 UCR Part I Index Crimes²⁵ recorded every year (Burlington recorded 1,110 property crimes and 210 violent crimes in 2019). Although the caseloads of the nine detectives are unknown currently, the BPD has more than enough resources to manage follow-up criminal investigations. Just applying the 300 UCR Part I Index Crime standard would indicate that the BPD might be able to handle criminal investigations with as little as five detectives. However, the discussion below recommends the elimination of other specialized investigatory positions. Although the specialized position is recommended for elimination, the need to conduct those investigations will still be necessary. Instead of a specialized unit or position, it is recommended that these functions be rolled back into the responsibilities of general case detectives.

Recommendation 7.3.1: One sergeant and eight detectives (down from one sergeant and nine detectives)

Proactive enforcement – Crime suppression

In addition to reactive case investigations, police departments must have the capacity to engage in long-term proactive investigations targeted at high-risk people and problematic locations. Departments have a variety of different names and approaches to this function: Special Response Teams, Special Operations Units, Street Crime Unit, Crime Suppression Unit, Gang Squads, etc. The bottom line is that every police department must have the capacity to address conditions in the community without being tied to responding to CFS from the public or handling investigations into past crimes. In the BPD, it appears that this function is handled by the one sergeant and three officers assigned to the Street Crimes Unit. Although an on-site assessment and interviews with Street Crimes Unit personnel was not conducted, it is likely that with only four personnel assigned to this function, the unit struggles to execute proactive operations. This personnel complement would be considered a bare minimum, and an absolute necessity for the BPD.

Recommendation 7.4.1: One sergeant and three police officers (same current personnel)

Intelligence – Crime analysis and intelligence

According to the BPD organizational chart, there does not appear to be a specific unit or person tasked with the responsibility for gathering, developing, processing, and disseminating criminal intelligence and crime analysis. From a mission perspective, the BPD should deploy a crime analyst or criminal

²⁵ The FBI Uniform Crime Report program defines Part I Index crimes as Murder and Non-Negligent Homicide, Rape, Robbery, Aggravated Assault, Burglary, Larceny Theft, Auto Theft, and Arson

intelligence officer. This position should target hot spots and prolific offenders. Developing intelligence from data and from the community may not be the responsibility of one investigator in the BPD. The BPD could designate one member of the department as the Criminal Intelligence Officer (CIO). The sergeant in charge of the Street Crimes Unit (SCU) could be tasked with this responsibility. In addition, the BPD should staff at least one full-time non-sworn crime analyst who would work under the CIO and process the information and intelligence in the department. The CIO would work with the crime analyst to understand patterns and trends and work to develop intelligence information from confidential informants and other community sources to identify criminal offenders.

The CIO could be responsible for preparing strategic crime analyses and trend reports, monitoring and tracking high-propensity offenders, developing, and managing crime prevention programs, securing search warrants, training department personnel, making community and media presentations, exchanging crime information with surrounding agencies, and initiating proactive crime-solving strategies.

Recommendation 7.5.1: One non-sworn analyst and one cross-designated sergeant (SCU) as CIO (new positions).

Professional standards

The amount of administrative effort required to sustain operations is considerable in both scope and breadth. Recruitment, training, discipline, personnel management, physical plant, vehicles, information technology, and budgets all require sound management, which requires an appropriate allocation of sworn and non-sworn personnel. The BPD organizational chart indicates that the department has a well-developed cadre of non-sworn staff in this area. Nonetheless, many internal functions and professional standards internal to police management require sworn personnel as well. Under historical standards, the BPD could be considered “lean” in the allocation of sworn personnel in this area. Besides the Chief of Police, the BPD assigned one deputy chief, one lieutenant, and two officers (community affairs and recruitment) in this area. This seems to be a bare minimum and an appropriate allocation even under conditions of reduced staffing.

Recommendation 7.6.1: One chief, one deputy chief, one lieutenant, one sergeant, and two police officers (added one sergeant position)

Non-essential services that add value to the BPD

In addition to providing the core services described above, most police departments in the US identify other opportunities over and above core service delivery where they can provide value to the community. These services often contribute to improving public safety in the community, and often they are services that the community deems important and tasks the police department with providing. Consequently, police departments can by default engage in “mission creep” where they embrace the responsibilities that other social service agencies should be providing but either do not or cannot, and so they become the responsibility of the police. Calls involving mental and behavioral health conditions and housing insecurity are examples of this.

To staff a police department properly, an assessment needs to be done to allocate personnel to both essential (must have) and value-added (nice to have) services. The following discussion addresses the value-added service/units in operation in the BPD.

Domestic violence prevention officer

In the 1970s and early '80s, the police approached domestic violence as a private matter and were reticent, in general, to get involved. This led to unnecessary victimization of abused spouses and domestic partners.

Clearly, domestic violence is in the mandate of the police. Reports of domestic abuse should be responded to professionally and pursued rigorously by the BPD. To add value to their efforts in this area, the BPD assigned one sworn officer to provide another layer of quality control as it relates to domestic violence investigations.

In the BPD, domestic violence (DV) cases requiring follow-up investigation are assigned to the Domestic Violence Prevention Officer (DVPO). The DVPO conducts the follow-up or subsequent arrests and provides more protection for victims, more thorough investigations, and prosecutions, as well as consistency in response to DV incidents. The DVPO works closely with the BPD Domestic Violence Victims' Advocate, providing a seamless approach to domestic violence prosecutions and an emphasis on reducing domestic violence recidivism. Every victim of domestic violence in Burlington, regardless of their need or domestic situation, has a dedicated advocate in the Burlington Police Department.

This is an excellent service provided to the members of the Burlington community, but not essential considering Burlington's recent reduction in sworn officers. Because there is already a domestic violence victims' advocate assigned to these cases, the follow-up, advocacy, and social intervention services appear to be coordinated. One can argue that a trained, trauma informed approach by responding law enforcement to DV incidents is crucial, but it is important to consider whether it is essential given Burlington's focus on non-police response to certain kinds of CFS. The follow-up investigations, as well as the patrol response, could easily be collateral duties of detectives already assigned to the Detective Services Bureau and Uniformed Services Bureau. Added trauma and DV training could support a cross trained function of existing patrol and detectives. Creating a specialized position and assigning a dedicated sworn officer to these duties is redundant. Furthermore, for an agency facing a 30 percent reduction in sworn personnel, this position should be the first one diffused within the other operational elements of the department to preserve effective core service delivery.

Recommendation 7.7.1: Eliminate the position and reassign responsibilities to a detective in the DSB.

Chittenden Unit for Special Investigations

The Chittenden Unit for Special Investigations (CUSI²⁶) is a multi-agency task force that exists to provide criminal investigation services in response to reports of sexual assault, other serious sexual offenses, and serious child abuse and neglect. The team consists of investigators from agencies around the county, comprised of police detectives, a Department of Children and Family (DCF) investigator, a State's Attorney, a Victim's Advocate, and a Director for the Children's Advocacy Center.

Providing a robust police response to sexual assault and serious child abuse is an extremely important role of the police. These are generally complex, sensitive, and specialized cases that should only be responded to by an experienced investigator.

²⁶ <https://cusi-vt.org/about-cusi/>

According to the FBI Uniformed Crime Reports, in 2019 there were 41 incidents of rape in Burlington.²⁷ Each of these events were catastrophic for the victims and required a robust response by the police. According to these same data provided by the FBI, only 27 percent (11 out of 41) of these cases were cleared by arrest.²⁸

These data suggest that the caseload per investigator in 2019 was low (20.5 cases per detective or less than one every other week), and that the clearance rate is also low. Although investigations of sexual assault are generally associated with low clearance rates, the clearance rate for police departments in the Northeast for rape is approximately 33.4 percent, which is higher than the CUSI.²⁹

Again, the work this unit performs is undoubtedly invaluable to the survivors of these assaults. The BPD and the broader Chittenden County community should be commended for staffing this multiagency team. In the context of a reduced police department, however, consideration should be given to diffusing the responsibility of response to these incidents to other operational elements in the department, adding sensitivity training, or reducing the staffing levels below the current allocation.

Recommendation 7.8.1: Lower staffing to one detective investigator and transfer other sworn personnel back to the BPD operations.

NOTE: While CNA's recommendations do not change, BPD notes that the number of personnel BPD contributes to CUSI is determined by the percentage of CUSI's caseload that comes from Burlington and if BPD fails to make that contribution, the City must pay a monetary penalty equivalent to the staffing. CNA is unable to confirm this, but if accurate, this may be worth discussion between the parties.

Emergency Response Officer (ERO)

The BPD assigned one sworn officer as an Emergency Response Officer. The ERO responded to a wide range of calls for service in which people needed rescue, including but not limited to barricaded people, people threatening to jump off bridges or buildings, people in emotional distress, and people in hostage situations. Additionally, the ERO was responsible for participating in operational deployments such as searches for missing people or suspects, search warrant executions, large-scale public events, incidents of significant disorder, or incidents where such disorder may occur, and major disasters.

This position existed in 2019 but was eliminated as the department reduced headcount. There is an opportunity here to fill this position again, however, with an enhanced set of duties and responsibilities.

In his January 22, 2021, memorandum to the Burlington City Council, Chief Jon Murad proposed staffing a new position called the Community Service Liaison (CSL). This position is for a non-sworn community member that would serve a social-work function and not a law enforcement one. The CSL will focus on high-frequency utilizers of first responder services and other vulnerable populations, including people experiencing housing insecurity, people with mental and behavioral health conditions, and dependent persons including children, youth, and people over 65 who have health conditions associated with aging.

²⁷ The FBI UCR categorized rape in 2019 under the "expanded definition" to include non-consensual sexual acts, sodomy, and sexual assault with an object.

²⁸ <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend>

²⁹ <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-26>

Although covered under the alternative responses to policing section of this report, it is important to consider that specialized response is necessary both inside and outside the police department. There will always be calls that come into 911 that do require police response and having a non-sworn specialized response (like a CSL) along with a specially trained officer can be a model worth consideration.

Undoubtedly, the BPD is called to respond to situations when other agencies either fail or are not available to respond to the persons in need. Adding non-sworn personnel to the police department to make up for the shortcomings of other social service agencies, except in certain circumstances, can be unfair to the police and inconsistent with the police mission. Lacking housing, for example, is not a crime and generally does not deserve a police response unless a crime is also involved.

Non-sworn positions with a social service function has some strengths as shown across the country, but it can also reinforce that social service needs are “police issues” and remove the burden of responsibility on social service organizations tasked with serving persons in need. Naturally, the police might have a tangential role in many of these issues, which is why there are a lot of creative, successful, and important programs and training that have developed in recent years, but communities cannot lose sight of the onus of responsibility, with non-sworn professionally trained in their treatment and response.

The BPD already has one social worker position in the department, which appears from CNA interviews to be a valued position. Having one coordinator (Sergeant or higher) in the department to be the liaison between the BPD and other social service agencies, however, could be beneficial and add value to the overall police operation. A liaison role with other agencies can be an important function, along with providing important training to officers, guidance on difficult calls, follow up with individuals needing connection to social services (and ensuring connection to services occurs), and help to navigate barriers to service; the liaison can also serve a crucial role on an interagency community stakeholder committee. Here, a ranking officer with the authority to direct resources inside the BPD could be very effective. A non-sworn or ERO position should be staffed with at least a sergeant. In addition to the duties described above, the ERO sergeant could develop policy, conduct training, and supervise police responses in these areas.

If a sworn ERO position remains, the role becomes more prominent in the BPD because the responsibility becomes vested in a ranking officer. The enhanced organizational role, therefore, both enhances the BPD response and commitment while shifting the social service response to a trained social service worker.

Recommendation 7.9.1: Staff the ERO position with a sergeant or above, and, if deemed useful to the BPD and community, utilize a CSL non-sworn position to support the social service function.

Community Affairs Officer

The BPD assigned one sworn officer as a Community Affairs Officer (CAO). The CAO reported directly to the chief and was the “point-person” between the BPD and the organized community in Burlington. In general, a CAO is an integral position that can provide access and attention to the myriad community groups seeking assistance from the department. Providing a liaison to the community adds value, but again, is not essential to police operations.

Recommendation 7.10.1: Eliminate this position³⁰

Burlington International Airport

The BPD provides police coverage to the Burlington International Airport (BIA). According to the organizational chart, this responsibility is assigned to one sergeant and seven police officers who provide 24-hour coverage. Inspection of the CFS data from 2019 indicates that there were more than 5,500 calls assigned to units at BIA. This is not an insignificant amount of service demands but is substantially lower than other areas in the community.

Section 10.9.H of the CBA stipulates staffing at the airport and mandates that all “police work” requested at BIA is the responsibility of the BPD. The same section of the CBA stipulates that sworn staffing at BIA should be no less than four full-time assignments.

Upon discussion with BIA, the following considerations should be given:

- The BIA negotiates a contract annually with the BPD for 24-hour officer coverage. The 2022 negotiated contract, per the Mayor, is budgeted to pay the City \$1,079,650 in FY’22 with the intent of effectively covering all of the costs, including indirect costs, that the City/BPD incurs as a result of the current staffing arrangement.
- This contract can be put out to bid annually, but the BIA contact reports he does not believe it has been (and if so, it pre-dates his tenure).
- BIA would be in violation of TSA and FFA requirements if they cannot fulfill the requirement to have sworn officers with both arrest powers and the ability to carry and use a firearm.
- BIA is federally required to have (1) officer per screening checkpoint (they have 3 screening checkpoints-- 2 for passengers and 1 for baggage). BIA has been granted approval to allow officers to not be stationed at the checkpoints, as long as they are on site at BIA.
- BIA or federal guidelines have no requirement on officer’s shift schedule. Shift schedules can change (however this would need to be negotiated as a part of the CBA).
- BIA is not in Burlington, so BPD officers deployed to patrol would not be able to respond to the BIA in a timely fashion.
- There is no requirement that the contract needs to be with BPD, as any sworn officer with arrest and firearm privileges can be utilized. Surrounding departments would be eligible for the contract if needed or appropriate. CNA is not recommending that BPD discontinue providing officer coverage at BIA, we are instead saying that they should not be factored into the overall staffing headcount since they are dedicated to BIA (not available to support BPD operations) and annually negotiated between the City and the BIA.
- With the present BPD 10-hour shift schedule, BPD has 1 SGT and 7 officers deployed to BIA. There are typically two officers on site at one time, and when checkpoints are closed, it decreases to 1 officer.

³⁰ Notably, Chief Murad reports the position has been eliminated.

- According to BIA, BPD could perhaps reduce officers from 8 down to 7 or 6 if necessary with the current 10-hour shift schedule, but that would be the bare minimum. This does not account for a possible reduction in officers under a more efficient shift schedule.

Finding 7.11: The BIA contract is not mandated to be with BPD, rather it can involve any department with sworn officers with arrest and firearm privileges. The current shift schedule under the CBA precludes a more efficient shift schedule for BPD, as recommended in this report. The CBA stipulates no less than (4) full time officers assigned to BIA (and has 8). In summary, the CBA is the wrong place to codify staffing agreements between the City and BIA. Should the City and the BPD continue to adhere to the current staffing at BIA of one sergeant and seven officers, then appropriate staffing accommodations to the CNA recommended model would be required. *Since BPD officers assigned to BIA are dedicated to BIA and not supporting BPD operations and they are negotiated annually between the BIA and the City, these officers are not included in the recommended staffing model(s).*

Recommendation 7.11.1: Because the BIA contract is not mandated to be with BPD, the provisions of the CBA should be re-negotiated. Re-negotiations of the CBA should include removing requirements that BPD have no less than (4) full time assignments to BIA. The BIA and City's annual negotiations on BIA officers should be a distinct operational decision with dedicated officers negotiated annually based on the contract. Since these officers are full time at the airport, they should not be factored into BPD patrol staffing recommendations. In addition, shift schedules for BPD should be renegotiated to a more efficient schedule as defined in the recommended staffing model. Should the City and the BIA continue their contract, this schedule would provide additional opportunities for a possible reduction in officers deployed to BIA while still meeting TSA and FFA requirements. Finally, annual negotiations should be made between the City and the BIA, but not defined under a CBA.

Community Service Officer (CSO)

Also recommended in the memorandum to the City Council, the Chief recommended increasing the number of Community Service Officers (CSO) assigned to the department. According to the memorandum:

The CSO is an unarmed, non-sworn position (i.e., the CSO is not a law-enforcement officer and does not have arrest powers). The CSO performs a variety of field work in support of basic police operations: animal control, subpoena service, materiel transport, traffic control, fingerprints, VIN checks, scene control at large incidents, and parking enforcement and towing.

CSOs have been used successfully around the US to support patrol operations in the very manner identified by the chief. There is a wide variety of non-emergency tasks performed every day by police officers that could easily be performed by non-sworn members of the department. The chief should be commended for making this recommendation.

However, it might be worthwhile to first ask a threshold question. If the goal is to hire personnel to handle non-emergency, presumably non-police related tasks, perhaps the question should be, why are these tasks the responsibility of the police department in the first place? In other words, if police officers should not be handling these issues and they can be reassigned to non-police personnel, it may be worth

considering whether there is another agency that should be assigned these functions, and employing the role of the CSO, rather than the BPD.

Take animal control, for example. In 2019, CSOs responded to 676 “animal problems.” Why are “animal problems” the responsibility of the police department? In some communities, there is an animal control department that operates under the umbrella of the City and not the police department. These incidents and the many others the chief identified in his memo that could be handled by the CSO could be handled by another non-emergency agency. The next largest CFS handled by CSOs in 2019 was “found/lost property” with 450 responses. These 450 incidents represent only 40 percent of all the 1,122 CFS for “lost property” handled by the BPD. Given the volume of CFS in this area (more than 5 CFS per day), perhaps the City should consider another department, rather than the BPD, to respond to it.

Nonetheless, the City has budgeted, we believe, 10 CSO positions for the BPD. Personnel in these roles will provide a valuable service responding to non-emergency CFS and handling administrative matters. To the greatest extent possible, if they remain with the BPD, these new CSOs should be embedded in the patrol squads and work side by side with police officers under the supervision of the squad sergeants. CSOs could also assist with criminal investigations (retrieving video, processing evidence and case files, etc.) as well as other operational elements in the department. It should also be recognized, however, that a CSO is not a police officer and that hiring additional individuals in the CSO position does not equate to a commensurate reduction in personnel in police officer positions. The CSO can support, not replace, police officers. As the CSO relieves the burden of handling non-emergency, non-police CFS, police officers will be freed up to perform more mission-relevant functions including community engagement, crime prevention, and public safety. Part of mission relevant functions includes necessary time for increased training that the department should be requiring (Impartial policing, implicit bias, crisis intervention, de-escalation etc.).

Service demands

To appropriately staff a police department to meet the service demands of a community, it is important to identify those demands in the first place. As mentioned above, there are core services that must be provided as well as value-added services that improve public safety. There are also a wide variety of services that the police provide that are not in the police mandate and only exist there because of a failure elsewhere, or because the police are always readily available to respond to community problems. The sections discussing the CSL and CSO positions highlight this issue and call to mind that important threshold question: What *should* be the duties and responsibilities of the police in your community?

The City Council mandated a reduction in police staffing. A reduction in staffing implies a reduction in services. It appears that the Council correctly identified that there were more police resources than needed in Burlington and that it was in the community’s best interest to reduce the level of these resources. This also requires a shift in responsibility for the things that the police were accustomed to handling and even perhaps a cessation of some of those things altogether. This next section discusses the opportunities in this area.

On May 24, 2021, the BPD issued a “Priority Response Plan.” The plan illustrated the CFS classification system used in Burlington. The BPD has Priority-1 (high priority), Priority-2 (middle priority), and Priority-3 (low priority) types of CFS. Priority-1 CFS involve reports of crimes in progress and other serious police emergencies, and Priority-3 CFS are those types of CFS that are non-emergency, possibly

not police-related but accepted by the police for a response. The plan calls for Priority-3 CFS to be “stacked” (delayed or deferred) and will not receive a response unless resources allow. This is an excellent approach to managing CFS service demands, and the chief should be commended for this approach.

In general, the BPD should take a very aggressive approach to managing CFS responses given the current staffing reduction. Priority-3 CFS should be “stacked” and perhaps not answered at all. This would not only preserve scarce police resources, but also free up officer time to be responsive to community problems not related to CFS as well as remain available to respond quickly to actual police emergencies.

When examining options for the department’s direction, the City and the department face the mandate of either (a) continue to police the community as they did in 2019, or (b) take steps to restructure how to respond to demand, and still promote community safety. Considering that resources have been significantly reduced, it is essential that the community stakeholders examine service demands placed on the department and decide how to take the steps necessary to be responsive to public demand. The recommendations offered regarding operations, if implemented, will permit the BPD to continue meeting service demands and run the agency more efficiently.

According to the BPD Annual Report, the overall number of incidents responded to by the department has decreased approximately 37 percent from 37,300 incidents in 2015 to 23,600 incidents in 2020. Undoubtedly, the COVID-19 pandemic restrictions contributed to some of the decrease last year, but incidents had been falling steadily since 2015. Although overall incidents are decreasing, the number of responses to Priority-1 CFS has remained relatively stable. The overall decrease, therefore, was driven by fewer car stops and foot patrols, with 4,838 fewer car stops and 2,859 fewer foot patrols. The reasons behind these reductions are unclear. In some respects, it is good that the officers are responding to fewer incidents (likely non-emergency incidents), but on the other hand, steep drops in traffic enforcement and foot patrols may not necessarily be a positive development. The following discussion looks at broad categories of CFS and suggests that the BPD evaluate their role in these activities to determine whether continued response is warranted, and if so, under what conditions they should respond.

Alarm reduction program

False alarms are a source of inefficiency for police operations. The alarm industry is a strong advocate of developing ordinances and procedures to address police response to false alarms and will work closely with any agency exploring this issue. The 98 percent of alarm calls that are false are caused by user error, and this can be addressed by alarm management programs. During the study period, the BPD responded to almost 966 alarm calls. The response to the overwhelming majority of these calls is undoubtedly unnecessary and an inefficient use of police resources.

Ordinance 5.02 of Chapter 21 of the Code of Ordinances of the City of Burlington articulates the regulations related to alarm systems. The Code requires a \$60 annual permit fee as well as penalties for false alarms. There is no charge for the first or second false alarm within any calendar year. The penalty for the third false alarm is \$70. The penalty is \$100 for the fourth, and \$150 for the fifth or subsequent ones.

We did not obtain information about the amount of penalties received by the City pursuant to this fee schedule; however, it is worth noting that there were still over 900 alarms CFS in 2019.

Even considering the ordinance in Burlington, the City and the BPD could be even more aggressive with false alarms. Namely, the fee structure articulated in section 5.02 may be too lenient. A \$70 fine may be a small price to pay for a faulty alarm, and homeowners and businesses might consider this an acceptable cost.

The police response to alarms is not an insignificant expense to the community. Typical response protocol calls for a minimum of two officers to respond to alarms. If each officer spends 15 minutes handling these kinds of CFS, this will result in over 450 hours of time committed to handling them.

On the one hand, it is good that the BPD has an aggressive fine schedule in place; however, more could be done to minimize or eliminate these responses in the first place. This would not only recoup some expense borne by the community, but more importantly, free up officer time on patrol to address other things that are more important than responding to a homeowner's faulty alarm. Think about what 2,000 hours of community service by BPD officers could do to build trust in the community.

In addition, some communities in the US impose high fees of over \$1,000 or more for repeated false alarms. At that level, there is a strong incentive to ensure that an alarm is working properly. This can save hundreds of hours of wasted time spent on these types of CFS. Similarly, the BPD should analyze the data on false alarm activations. Undoubtedly, with a greater level of analysis, patterns and trends will emerge. The BPD could identify problematic locations and/or alarm installation companies that are generating many false alarms and work with them to reduce or eliminate future occurrences. Analysis of the data could reveal certain companies that have a poor record of installation. High frequency alarm violators could be identified and visited by sworn personnel to identify reasons behind the false alarms. Consideration should be given though to whether or not increasing these fines would affect communities of color disproportionately.

Lastly, some communities are enacting a double-call verification protocol. Under such a program, an alarm CFS is verified by the 911 dispatcher with the alarm company before an officer is dispatched to respond. Also, the City should consider making greater use of the data it collects on the false alarms already recorded.

Automobile accidents

Automobile accidents are another category of call for which the response by a sworn officer is often questionable. In 2019 the BPD responded to more than 800 "property damage only" motor vehicle accidents. Arguably, most of these calls were administrative in nature and did not necessarily warrant the response of a sworn police officer. This is the type of CFS that could be handled by a CSO, or just not handled at all. Motorists could simply be directed to exchange information and report the accident to the state by the dispatcher if they call 911.

Consideration should be given to modifying the approach to vehicle traffic accidents in Burlington. The BPD, similar to the alarm reduction program, should take a more aggressive stance towards responding to property damage only accidents. Adopting a more aggressive stance towards minor traffic accidents

will minimize the number of accidents dispatched to patrol officers.

According to Vermont law, if a motorist is involved in a motor vehicle accident in which a person is injured, or there is property damage more than \$3,000, the motorist must report the accident to the state. Police departments across the state have interpreted this regulation as a mandate to respond to every traffic crash and prepare a report. This results in numerous hours spent by patrol officers responding to and documenting traffic crashes.

This approach is not an efficient use of patrol officer time, and it is likely that only a limited number of vehicle crashes require a police response. When a motor vehicle is disabled or blocking the roadway, or there is a dispute between motorists, or one motorist is intoxicated, or other criminal activity is alleged, a police response is required. When the crash is routine and none of those factors are present, the motorist should be advised to prepare the required Vermont forms and submit them to the stat; no response by the police is necessary.

In general, therefore, consideration should be given to modifying the approach to vehicle traffic accidents in Burlington. The BPD, similar to the alarm reduction program, should take a more aggressive stance towards responding to property damage only accidents.

Traffic enforcement

Traffic safety is one part of the core mission of any police department. Similarly, complaints about traffic are generally the most frequent kind of complaint that the police receive from the public. Therefore, ensuring safe traffic conditions and reducing traffic crashes and injuries from those crashes are important responsibilities for the police.

During the period studied, the BPD conducted almost 2,000 traffic stops in 2019. The BPD Annual Report indicated that traffic enforcement decreased in 2020 to only 1,220 traffic stops, and these figures are even lower from the high of over 6,000 traffic stops in 2015. This is a substantial amount of activity, in both sheer numbers and in context of total work and signifies a very robust approach to traffic enforcement. It is not clear, however, if this enforcement is contributing to any improvement in overall traffic safety in the community.

It is recommended that patrol officers in the BPD discontinue making routine traffic stops. Instead, the BPD should leverage traffic crash data to focus enforcement efforts to the locations deemed most prone to accidents, and towards drivers deemed to be at the highest risk of causing them. Routine, or random, motor vehicle stops should be discontinued. Without any direction about where to focus, or for what types of violations, officers are left to conduct this enforcement as their shift permits. It is this type of unfocused traffic enforcement that should be discontinued.

In general, an effective traffic safety program is one that embraces the “Three E’s” of Enforcement, Education, and Engineering, with a specific focus on driving down the number of crashes and injuries from these crashes, while improving overall traffic safety and quality of life in Burlington. From an enforcement perspective, the BPD appears to be doing a good job with the level of traffic stops per year. However, a more focused approach could be taken, minimizing officer discretion by targeting at-risk drivers and at-risk locations, ultimately minimizing opportunities for bias.

Under this approach, traffic safety would become part of the strategic approach of the entire department. Patrol officers would need the traffic intelligence to focus their enforcement activities. The City traffic engineer would need to be engaged to assess roadway sections to possibly improve their design or change signage to improve safety. And perhaps most important, at-risk drivers need to be identified and engaged through both targeted enforcement and education. Conducting traffic safety education courses in the schools would be a good community engagement tool. In addition, traffic safety could be a good opportunity for BPD personnel to engage the organized community by attending meetings to deliver traffic safety information.

Best practices in American policing indicate that by working in collaboration with stakeholders in the community, a dialogue can begin, and a critical evaluation of appropriate responses to these types of calls can be started. With community input and approval, a decision can be made about the necessity of a police response to these types of CFS. If the community maintains that a police response is necessary, then the funds need to be committed to ensure sufficient police personnel are available. Good government and efficient management, however, require that scarce resources be committed only when and where they are necessary, and this is an area that is ripe for evaluation.

OVERALL DEPARTMENT STAFFING

Considering the patrol staffing workload discussion and the Rule of 60, along with the discussion about personnel assigned to essential services and value-added services, it is possible to give a data informed recommendation about the appropriate size of the police department. Integrating all these findings leads to an estimate of between 72 and 75 sworn officers. Even if specific CFS are transitioned to CSOs or other municipal departments, the freed-up time should be dedicated to other essential police services including community engagement and community policing. Patrol should be staffed with 51 sworn officers (1 deputy chief, 4 lieutenants, 6 sergeants, and 40 police officers). Ideally, they should be deployed in a six squad, 12-hour shift schedule. The combination of a modified shift plan in collaboration with a robust examination of CFS with an eye towards reduction in BPD response to CFS not requiring police response should position the City and the BPD to provide more balanced operations which take into consideration police and non-police response.

The CNA recommended staffing model represented by the figures in Table 16 for the low end of recommendations of 72 sworn officers and the figures in Table 17 for the high end of 75 sworn officers. It is important to point out that the department staffing levels recommended in this report relate to “actual” staffing levels. It is understood that there is regularly a difference between the “actual” number of officers working and the “authorized/budgeted” level of staffing. Typically, there are less officers actually working than budgeted due to hiring and budget logistics. Essentially, during the on-boarding process when officers are screened and undergoing training, other officers leave the department. This creates the gap between the authorized/budgeted personnel strength and the actual number of officers working. CNA recognizes this disparity and recommends that the BPD strive to maintain the “actual” staffing levels recommended in this report. The BPD experience in this area suggests that the difference between “authorized” and “actual” staffing averages five officers throughout the year. Therefore, the “actual” staffing figures identified in tables 16 and 17 should be increased by five officers. This would put the “authorized/budgeted” personnel staffing levels between 77 and 80 officers. Using these levels as targets would ensure that the BPD is properly staffed according to the recommendations in the tables below.

Table 16. Recommended BPD table of organization – 72 total sworn

	Chief	DC	Lt	Sgt	Det/PO	Total
Executive	1					1
ERO				1		1
Operations		1				1
0600x1800			2	2	16	20
1800x0600			2	2	16	20
1200x2400				2	8	10
Admin Serv		1	1	1	1	4
DSB			1			1
Gen Det				1	8	9
Street Crime				1	3	4
CUSI					1	1
	1	2	6	9	53	72

Table 17. BPD table of organization – 75 total sworn

	Chief	DC	Lt	Sgt	Det/PO	Total
Executive	1					1
ERO				1		1
Operations		1				1
0600x1800			2	2	16	20
1800x0600			2	2	16	20
1200x2400				2	8	10
Admin Serv		1	1	1	1	4
DSB			1			1
Gen Det				1	8	9
Street Crime				1	3	4
CUSI				1	2	3
DVPO					1	1
	1	2	6	11	55	75

NOTE: The Burlington International Airport (BIA) and City's annual negotiations on BPD officers dedicated to BIA should be a distinct operational decision with dedicated officers negotiated annually based on the contract. Since these officers are full time at the airport, they are not factored into BPD patrol staffing recommendations, nor the overall sworn department size in this report.

Sworn-Deployable (Actual)	Authorized (Accounts for Gaps due to Attrition and Training/Onboarding)	Subtotal Actual + Authorized Gap (Without BIA)	BIA Optional	Total with BIA
72	5	77	4	81
75	5	80	8	88

Perspectives on reduction of BPD staff

In addition to the recommendations included in this staffing analysis section, the assessment team believes it is important to share themes that arose regarding the reduction in sworn officers because of the resolution relating to *Racial Justice through Economic and Criminal Justice* from interviews and review of documents.

Finding 7.12.1: The majority of interviewees, both inside and outside of the BPD, did not agree with the reduction in sworn officers, and specifically the process in which it occurred, because of the resolution relating to *Racial Justice through Economic and Criminal Justice*.

Although many interviewees agreed that there is widespread interest to reallocate funds to address community and public safety issues more adequately, the consensus was that there was an inadequate plan in place to appropriately guide the reduction in sworn officers in coordination with the diversion of these police calls for service to other resources. Consequently, the BPD is still responsible for answering the same number of calls for service with significantly reduced personnel. The pace of the reduction, without alternative resources, negatively affected the workloads of BPD officers.

Finding 7.12.2: The reduction in sworn officers as a result of the resolution relating to *Racial Justice through Economic and Criminal Justice* has negatively affected BPD officer morale.

BPD officers are transferring to other police departments or retiring earlier than anticipated in part due to the workload and increased hours that have arisen due to the pace and process of the reduction in sworn personnel. In addition, there is concern that the current work environment will affect recruitment of the best officer candidates once the hiring freeze has been removed.

Community stakeholders interview respondents also expressed concern that police use of force or misconduct may increase because there are fewer officers responding to the same number of tasks.

Recommendation 7.12.1: Strong consideration should be given to the staffing model recommended in this report, and the City of Burlington, with input from BPD, key stakeholders, and community members, must re-envision the mission of BPD and provide a clear description of their expected roles and responsibilities. The reduced staffing, along with continued attrition without a recruitment strategy, is a concern.

Finding 7.13: BPD's further suggestion in the BPD Assessment Review Presentation to the Police Commission to divert some calls for service to non-sworn Community Service Officers (CSO) and Community Service Liaisons (CSL) provides an option for restructuring service within the police department.

Recommendation 7.13.1: The recommended staffing model in this assessment provides the best opportunity not only for efficiency, but also for the inclusion of CSO and CSL positions that have already been funded. There are additional models included in the Specialized and Alternative Response section of this report that should also be considered.

Section 8: Specialized and Alternative Responses

Individuals with mental health conditions are 16 times more likely to be killed by law enforcement, making up 25 percent of all fatal law enforcement interactions. Increasingly, police departments and communities around the country are demanding change. People affected by serious mental health conditions are more likely to be seen as violent and are less likely to have financial means to hire legal representation and bring injustice into the public eye. Consequently, people living with serious mental health conditions are killed at higher rates compared to others. BPD's most recent fatal shootings have involved individuals with serious mental health conditions.

Despite media coverage, only 3–5 percent of violent acts are attributed to people with serious mental health conditions.³¹ In fact, people with serious mental health conditions are more likely to be victims of violent crime. Additionally, nationally, it is estimated that about 21 percent of officers' time is spent responding to persons in behavioral health crisis.³² Consequently, reducing interactions between police and persons in serious mental health crisis is the single most practical and immediate strategy communities can engage in to improve outcomes.

In response to this growing nationwide concern, a robust suite of creative and successful programs has sprouted, represented in rural, urban, and suburban communities. Just because one program is successful in one location does not mean it will be right for another. However, programs are scalable, and if something is working well in a large city, an urban or a suburban community, it can often be adapted and scaled to other communities.

Through our interviews, we identified the following key findings:

- There is consensus across BPD, Burlington City officials, and Burlington community stakeholders that the scope of BPD's work should be refined.
- Officers do not feel they are the most qualified to respond to mental health calls for service and are interested in additional services to take on this responsibility. A co-responder model was lifted up as an example of a specialized response for calls that are identified as high risk and may require a soft uniformed officer with a clinician to ensure the safety of all parties.
- Community stakeholders indicated an interest in trained clinicians who can respond in real time. Stakeholders also indicated an interest in the crisis intervention model—having officers

³¹ <https://dworakpeck.usc.edu/news/15-mental-health-facts-you-should-know>

³² <https://www.treatmentadvocacycenter.org/press-releases/new-national-survey-reveals-the-immense-costs-borne-by-law-enforcement-in-responding-to-and-transporting-people-with-mental-illness>

specially trained in mental health and substance use response with a goal of de-escalation and diversion from the criminal justice system.

- Community stakeholders also suggested having downtown ambassadors that are a “boots on the ground” resource, who are unarmed, and have a basic awareness of de-escalation strategies and services that are available in the community to facilitate a warm hand off.
- There was an interest in refining the scope of the BPD, with their role being refined to response to higher level crime calls, and the rest diverted to either clinicians within the department or to relevant external stakeholders.

The information presented in this section highlights necessary components for the City to implement a robust, successful community-wide approach to recognizing and responding to individuals in crisis. Additionally, we provide specific specialized and alternative models for the City of Burlington to adapt. Section 8 is divided into the following subsections:

- Foundations to support specialized and alternative responses
 - Ecosystem approach
 - Community mental health advisory committee
- Elements to support specialized and alternative responses
 - Policies
 - Training
 - Assess de-escalation
- Alternative response and system integration models to consider
 - 24/7/365 Law enforcement drop-off centers
 - Telecommunications: 911 call takers and dispatch
- Data recommendations for consideration
- Public education campaign

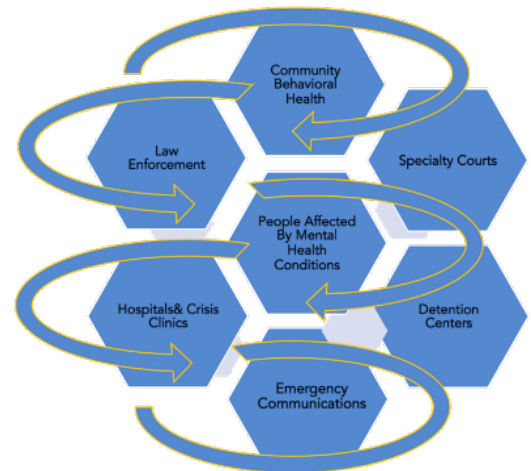
We first address the foundation of successful reform to specialized and alternative responses, which is the utilization of an ecosystem approach and the development of a community mental health advisory committee. Then, we delineate specific policies and trainings to incorporate to support successful reform, followed by alternative response integration models and other support services for the City to consider. We conclude with a section on recommendations for data collection and a public education campaign.

Foundation for specialized and alternative responses

Ecosystem approach

Unlike some other police reforms, mental and behavioral health reform requires an ecosystem approach, meaning one cannot look at individual organizations independent of their intersection with

other organizations. Police reform requires strong partnerships with community-based mental health systems, hospital emergency departments, housing supports, jail-based services, emergency communications, court systems, etc. To be successful, an operational system requires a deep assessment of how crucial entities work in concert with one another to create a successful, (or unsuccessful) system to respond to, and care for, people in crisis. Too often communities create barriers by operating in silos—with turf wars, trust issues, an unwillingness to share data or resources, an unwillingness to own organization system failures, and sometimes a desire to claim single-entity ownership for success. These barriers prevent successful innovation.



Through this lens of ecosystem, successful change requires multiple entities working together, sharing data and resources, owning mistakes, and offering transparency in system barriers and their roles in it—with a commitment to put egos aside and focus on ways to collectively address real issues. Some of these issues can be quite complex (HIPPA, State Legislation, Union, etc.). But with solution-focused leaders up and down the chain of command in law enforcement, advocates for reform including people with lived experience and professionals providing services on the ground and up through executive leadership, change is possible. It may be required to change state legislation to address a barrier.

There is no one “right answer” to where Burlington starts its reform efforts. As law enforcement assessments are completed around the country, and as the community ecosystem changes, it can be useful to approach the framework through a policy, training, operational, and accountability lens. For example, polices inform training, which taken together support operational practice. Accountability, internally and to the public, is essential to maintaining reforms as well as public trust. Each of these elements are fluid and should be continuously audited and evaluated.

Community mental health advisory committee

Our assessment team recommends Burlington implement a Community Mental Health Advisory Committee (CMHAC). A CMHAC is a multidisciplinary team that serves as a foundation to innovation and successful community response to persons in crisis. The CMHAC should openly share data/information, explore alternative approaches to law enforcement response, identify gaps in service, and be deliberate on how best to respond to them. The CMHAC should meet monthly and is a critical foundation to any successful community program.

At *minimum*, participants should include representative(s) from:

- Police department(s)—in departments that have a Crisis Intervention Team (CIT) program, this representative is often the CIT coordinator. CIT will be discussed in greater detail later in this section. BPD does not have a CIT program, so another key BPD personnel, with skills, interest, and leadership in mental/behavioral health innovation will need to be identified.
- Community Mental Health—usually the emergency services director
- Sheriff’s office—usually either the mental health director and/or a deputy assigned to the mental health pod or to booking

- Jail—usually the jail administrator and/or the unit commander that assists with involuntary commitments
- Hospital ERs—usually the psychiatric nurse or psychiatric case manager
- Judiciary—usually the judge who oversees the probate court docket (mental health docket)
- Advocacy groups like National Alliance on Mental Illness (NAMI)
- Telecommunications
- Fire/EMS

This critically important advisory committee should always include cross-discipline collaboration, including both on the ground expertise and high enough rank/executive leadership to make and implement decisions. The advisory group should be small enough to encourage rich dialogue and data sharing, but large enough to include at least one committed designee from each key stakeholder entity.

A functional, outcome oriented advisory committee must be able to put egos aside, with full transparency, engagement, and trust building, including shared decisions, data collection, and analysis to identify gaps in the overall system, while working collectively to find solutions including informing program expansion. Beyond strengthening specialized police training and response, this group can also make recommendations on jail diversion programs, specialty court collaboration, intensive case management teams for justice involved individuals, and other non-police based alternative response programs for people in crisis.

Many states and communities have both a County and State Steering Committee, with the county steering committee made up of entities like those listed above, and a state steering committee made up of a designee from each participating county across the state. This may be a good model for Vermont, considering the size of the state, which elevates regional considerations with things like training resources, telecommunication call centers, and jails.

Recommendation 8.1.1: Key stakeholders in Burlington should be identified, and a Community Mental Health Advisory Committee formed. At minimum, this advisory committee must have BPD, community mental health, and a peer (person with lived experience) and/or advocacy group (e.g., NAMI) centrally involved. Identifying key stakeholders from the above list would be a more robust approach. These stakeholders should be high enough up the ladder to implement recommendations yet fluent with “on the ground” processes and barriers.

Recommendation 8.1.2: Evaluate the formation of a statewide steering committee to develop regional use of budget and resources. For instance, in order for calls to be diverted from police response, the call center for the state will need to be centrally involved prior to sending a 911 call to the local dispatch center in Burlington.

Elements to support specialized and alternative responses

Policies

All police departments should have policies directing interactions with individuals with mental and behavioral health conditions, individuals with intellectual disabilities, and individuals needing special

accommodations for physical limitations (hearing impaired, visually impaired, etc.). BPD has such policies; however, there are revisions that should be made to reflect best practices.

Unfortunately, often these policies are not updated regularly to reflect best practices, including best practice language, and to ensure they accurately reflect training and operational practice. This is the case with BPD as well. Community resources change, transition in department leadership occurs, and there can be a disconnect between departments responsible for policy review and those actually providing program leadership; consequently, policy updates often get lost.

In a healthy community ecosystem, policies should be co-developed and co-reviewed by key partners and especially by community mental health center partners and persons with lived experience. Ultimately the final decision on police policy rests with the BPD, often because, like any organization, there can be internal practices and legal considerations that influence how officers will be directed by policy to respond, but good policy should reflect best practice language, integrate well with partner policy and operational practice, and should be heavily informed by lived experience. When the community discussion with the police department is fully inclusive and transparent, internal reasons for not making some community driven recommended changes to policy can make sense to the community once they have context for why. However, the community should continue to push publicly for reform if the policy changes do not adequately reflect community input and best practices.

These entities should ensure policies integrate well with other department policies, as well as telecommunicator policies and Fire/EMS policies. Policies should be reviewed annually and updated as needed based on training, operational changes, best practices, and community input.

Recommendation 8.2.1: Utilize the CMHAC to review policies; specifically related to recognizing and responding to persons with mental or behavioral health conditions.

Recommendation 8.2.2: Provide a robust community forum for transparency and input into the policy review. Policies should be reviewed annually. Once emerging alternative response programs are solidified in Burlington, revisions should occur again. The community advisory committee is a good place to assign annual review and revisions and include a public review process.

Recommendation 8.2.3: Ensure a coordinated approach with policy review to include telecommunications and FIRE/EMS.

Training

SCENARIO-BASED TRAINING

Nationally, with only a very small percentage of police calls for service ending in use of force, departments often have a heavy imbalance of training focused on proper use of force, tiered levels of force, defensive tactics, firearms training, taser, active shooter and custodial escort techniques (handcuffs, leg irons etc.). This is consistent in Burlington, with less than 1 percent of calls for service ending in use of force. Although the aforementioned training is important, it is often at the expense of equal or greater amount of training on a range of de-escalation practices and tactics and crisis intervention training. Verbal de-escalation and strategies that support reducing the need for force should be of paramount importance and should be reflected in training priorities. Strategies like tone of voice, physical stance, using time as a tactic, use of physical barriers, distance, cover, verbal/non-verbal

communication strategies are measurable tactics that should be integrated into scenario-based training at all levels, reinforced, audited, evaluated, and included in policy, training, and operational compliance.

It is important to consider how many hours are dedicated to scenario-based training, which is essential. Scenarios involving people in mental or behavioral health crisis should also be integrated. In responding to a person in mental health crisis, slowing things down and using distance, cover, body language, community resources, and softer interpersonal communication buys time to de-escalate and gain additional resources as needed. All scenario *evaluations* should include not just the officer's response but also how it affects the public.

As previously noted in Section 1, BPD has a significant need to revise training protocols and practices to meet national best practices.

Recommendation 8.3.1: Prioritize sufficiency of scenario-based training (SBT), particularly for de-escalation strategies and responding to individuals in crisis. Ensure that evaluations are written for each officer, and as part of the evaluation, consider not just the officer's response, but also how the outcome affects the public.

Recommendation 8.3.2: BPD should research and connect with other like police departments who have incorporated scenario-based training to develop training materials, evaluations, reports, and creative alternative response models. It is important to remember that programs can be scaled up and down, with modifications to fit the needs of Burlington.

Recommendation 8.3.3: Curriculum development should be prioritized for all BPD training, with lesson plans, visual aids, scenario-based training, and evaluations readily available for review and revision.

CRISIS INTERVENTION TEAM (CIT)

Crisis Intervention Team (CIT) training³³ was developed in 1988 in Memphis, Tennessee, after a fatal shooting involving a person in mental health crisis. The training became a gold standard model and included a 40-hour training taught in one week by a multi-disciplinary team of professionals. Training matrices are consistent across the nation covering a wide range of topics. A successful CIT program must include community partnerships, with local law enforcement, community behavioral health and people with lived experience and advocates the key to success.

Under the traditional CIT model, officers volunteer to be certified through the 40-hour training and are considered a voluntary, specialized response. CIT officers would apply to become certified, demonstrating the right skills and interest to be considered a specialized officer. In a true CIT model, an application process would be developed with disciplinary history checked and the department CIT coordinator would consult with the officer's supervisor to ensure a good fit. It is generally recommended that 20-25 percent of patrol is certified, and efforts are made to mirror the percent of CIT officer assigned to an area/shift to reflect the percent of CFS involving a mental health condition in that area/shift. CIT

³³ For more information on CIT, visit: <https://www.citinternational.org/>

officers often wear CIT pins on their lapels so they can be identified by community members as CIT certified and would be prioritized for dispatch to calls involving a person in crisis.

Since 1988, communities and police departments have recognized the exceptional training that CIT provides, and many communities are moving to a mandated rather than voluntary model. In this model, some communities are mandating the training at the end of recruit academy, some after field training, or after two+ years on the job, others choosing methods that meet their community and department needs.

There are pros and cons to each of these methods, and it is important for any community to educate itself and decide what is the best fit. It is important to remember that CIT is not just a training, it requires an ecosystem collaborative approach to be successful.

A “train all” model can become diluted if not done carefully. This negates the specialized nature of CIT officers and allows officers who may *not* be a good fit to be called to respond without the personality or skill set required. This can be dangerous. It is highly recommended in a mandated model that there is a “bumped up” specialized team of voluntary CIT certified officers who receive advanced training, are vetted for their interest and skill set, and would respond to higher level calls for service involving a mental health component. This voluntary cadre of officers can also make up a specialized unit (behavioral health units) and are central to expansion efforts including Mobile Crisis Response Teams, follow-up teams, high-frequency utilizer initiatives, housing insecurity outreach, co-responders, etc. (see the Portland, Houston, Los Angeles, and San Diego Police Department models). These bumped up specialized officers would wear CIT pins (not mandated officers) and would be prioritized for dispatch.

This model elevates all officers to receive critically important, in-depth training, with important exposure to community-based resources, yet still maintains the specialized nature of voluntary CIT officers with the skill set and interest to be prioritized for response.

It is also important to remember that any training, and especially mental and behavioral health training for law enforcement, cannot be a “one and done” training. *All training models should include refresher training.* Annual refresher training is recommended, typically accomplished with annual in-service, but certainly should occur no less than every 2-3 years. Refresher training is critically important to practice skills in scenario-based training, to keep abreast of changing community resources and programs, refresh best practices on identifying common signs and symptoms of persons living with severe mental health conditions and how best to interact with and use tactics that support de-escalation and diversion from the criminal justice system whenever possible.

Because of the nature of CIT training, which requires diverse community-based experts to deliver the curriculum, constraints on outside resources will need to be addressed. In a state as small as Vermont, a traditional CIT program could be challenging. However, a state steering committee would likely be extremely useful to consider a hybrid approach for achieving statewide collaboration of an exceptional training, with a regional break out for the critically important part of the CIT program, focused on specific resources each community has. Vermont’s “Team Two” training does a good job with providing the scenario-based training, but with only 1.5 hours dedicated to lecture, it is missing key information that is covered in a 40-hour CIT training.

A collaborative approach, rather than siloed efforts to meet individual community needs is recommended. Some communities have been successful pooling resources and combining law enforcement from jails, courts, and outside police departments along with key behavioral health experts, co-response teams etc. into one program. Although there may be distinctions among the needs of different law enforcement agencies, including stronger emphasis in some areas (for example, youth mental health for SROs, scenarios specific to jail-based settings), there are successful ways to accomplish this. Telecommunications would also be useful to include in this type of training/community approach.

Recommendation 8.4.1: Utilize a statewide steering community to assess what is already operational in terms of mental health training in other communities in Vermont, and then begin discussions regarding how pooled resources and a training strategy may be adapted to fit the needs of Burlington (and the rest of the state). The roadmap of a CIT training and program could be utilized as a guide.

Recommendation 8.4.2: Initiating dialogue with surrounding communities who are currently implementing or researching CIT, such as Montpelier and Hartford.

As recommended in Section 1, BPD should consult with the Team Two Statewide trainer/coordinator (Kristin Chandler, J. D.) to leverage her important knowledge of efforts underway in other parts of the state.

Recommendation 8.4.3: All BPD Sergeants should train in crisis intervention or another equivalent mental and behavioral health training. BPD should consider mandating all Sergeants and any newly promoted Commanders be trained, with annual refreshers as well as being prioritized for additional regional training. With attrition and promotion, this will build capacity and a culture of understanding the importance of reform efforts.

Mandating Field Training Officer (FTO) certification (officers who are paired with new officers in a mentor type role) should also be strongly considered, as new officers coming into the field can be unduly influenced by FTOs who do not have the training or context of a CIT program and/or mental health specialized response.

Recommendation 8.4.4: Prioritize Sergeants, Commanders and FTOs to be certified in CIT, or another advanced mental health training along with attendance at regional trainings on specialized mental health response, de-escalation, crisis negotiations, etc. Vermont's TEAM TWO training should be a requirement for all chain of command, including the Chief, and FTOs. The leadership training provided by the BPD and the State of Vermont should also be required for all chain of command.

TRAINING MODELS

There are a minimum of four training areas that should be included in any training model: 1. new recruit orientation, 2. annual in-service for all officers, 3. voluntary specialized model, and 4. mandated, with bumped up voluntary, specialized model.

New recruit orientation and annual Inservice: One Mind Campaign

BPD should consider the IACP One Mind Campaign,³⁴ utilizing the Mental Health First Aid for Law Enforcement as a mandated training for all officers. Once all officers have completed the training, consider adding it to the recruit orientation requirement.

Mental Health First Aid (MHFA) for law enforcement is an 8-hour course endorsed not only by the International Association of Chiefs of Police (IACP) “One Mind Campaign” but is also a good overall educational tool to orient officers to signs and symptoms of mental health conditions, and responses that are often different from traditional police training.

The One Mind Campaign calls for communities to:

- Establish a clearly defined and sustainable partnership with one or more community health organizations.
- Develop and implement a model policy addressing law enforcement response to people in mental health crisis and/or with mental health conditions.
- Train and certify 100 percent of sworn officers (and selected non-sworn staff, such as dispatchers) in mental health awareness courses by:
 - Providing Mental Health First Aid training (or equivalent) to 100 percent of officers (and selected non-sworn staff); and,
 - Providing CIT or equivalent crisis response training to a minimum of 20 percent of sworn officers (and selected non-sworn staff).

Recommendation 8.5.1: In recruit orientation, annual in-service, and refresher training, it is recommended whenever possible for communities to include a site visit to key community resources like drop off center(s); scenario-based training on best practices for de-escalating and interacting with people in mental health crisis; incorporate video scenarios from across the country; and expand on de-escalation strategies including Time, Cover, Distance, Tone, Stance, etc. These topics can all be easily repurposed from existing training content if your department has CIT or from requesting such from communities with strong CIT programs in place.

Recommendation 8.5.2: In light of COVID-19, there has been a significant increase in e-learning training on topics, including mental health. There is often a per officer charge, and with some contracts, buys access to hundreds of trainings. The size of Burlington may make this a good solution to consider.

Each of these training options are pre-packaged options, which would require limited effort on the BPD and community to develop any new training curriculum.

Listed below is an example of both a voluntary and a mandated mental health training model. These are best practice examples, which would likely need to be adapted to BPD.

³⁴ More information on the One Mind Campaign can be found here: <https://www.theiacp.org/projects/one-mind-campaign>

Voluntary, specialized response model

The premise of this model is that all officers have a strong foundation of mental health training, but then a voluntary cadre of officers is selected (who volunteer) to be considered specialized response.

1. ALL officers (mandated) complete a three-day intensive mental health training that covers some of the essential topics typically contained in a 40-hour CIT course, plus Scenario Based Training (SBT) and Site Visit(s). This serves as a foundational training for all officers. This could be adapted through a statewide collaborative as previously referenced. Or, for a more immediate launch, the Mental Health First Aid for Law Enforcement could serve as the mandated training for all officers. This would give BPD a foundation of important information, and a significant improvement from what currently exists for all officers.
2. Next, develop a process for identifying appropriate voluntary specialized officers (Consider a Notice of Job Opportunity—NOJO—which includes an application, interview, review of disciplinary history, supervisor recommendation etc.).
3. Seek a Goal of 20-25 percent across areas /shifts, but most importantly based on the percent of Calls for Service for individuals in mental health crisis across areas/shifts. The percent of mental health calls for service in each area and shift should roughly equate to the percent of certified CIT officers in that area and shift.
4. Prioritize these specialized officers certified in 40-hour CIT or other equivalent advanced training for response to mental health calls for service (this requires coordination with dispatch).
5. As a community, or state, develop an Advanced Training (Youth, Veteran etc.) to continue to strengthen specialized training for CIT certified or specialized response officers.
6. Prioritize these officers for national advanced level training (ex: annual CIT International conference)
7. Identify a “CIT Area Level” Position(s), who is the primary point person for CIT/Mental Health Responses in their area. They will be responsible for Roll Call Trainings on relevant topics, educating the area on any Alternative Response Pilot programs the community may have, share data on Mental Health CFS in their area , be a point person for High Frequency Utilizer notification, a liaison with community partners etc.
8. Prioritize Research of National Models to continue best practices.

Although this is one example of a voluntary, specialized model, this can be adapted to a city like Burlington. Because the number of patrol officers on shift in Burlington is relatively small, it may not be feasible to identify a small cadre of specialized officers, because they may be more likely to be on other calls for service when a mental health call comes in and would not be available for specialized dispatch.

Recommendation 8.6.1: BPD should mandate all officers receive a higher standard of training, rather than having a full patrol based specialized response. In this case, Burlington will want to focus its specialized response on alternative responses to traditional policing, which we will discuss in further detail. However, it is critically important for Burlington and the BPD to understand that there will *always* be a segment of mental health calls that will require police response. Consequently, having well-trained officers, and strong community resources is an important component to have. As we all know, things can go poorly on a call in a matter of minutes. That is not

always preventable. But the more training, resources, alternatives to police response and specialized police response, the better the likelihood of a positive outcome.

Mandated model

Burlington should consider mandating the 40-hour CIT (or equivalent), offering the 40-hour CIT course one to two years after field training as opposed to extending academy, so officers can bring with them appropriate street experience. Or, if there are capacity issues, consider offering a shortened, for example 20-hour, brief CIT training covering the most important topics, with the full 40-hour training as capacity allows. There will need to be a strategy developed for how to prioritize veteran officers and not just new officers.

1. It is useful in a mandated model for communities to broaden their pool of trainers to increase capacity while not burning presenters out. Many community experts in topics such as veterans' affairs, autism, developmental and intellectual disabilities, PTSD, mental health, and substance use are eager to assist with this important community program.
2. Implement steps 2-8 for the "bumped up" cadre of voluntary, specialized officers, an essential component of a mandated model.
3. Ensure annual refresher (or at minimum every 2-3 years) for all officers, and with additional advanced training for specialized officers.

Recommendation 8.7.1: The City of Burlington and the BPD (through the stakeholder advisory committee) should conduct a thorough assessment of the ecosystem of Burlington and the State of Vermont, which will be required to develop a roadmap for training and specialized response (mandated and voluntary).

Recommendation 8.7.2: Ensure the training roadmap includes mandated training for all officers, refresher training, annual in-service, and specialized advanced level training. This will be essential for bringing BPD into 21st century practice related to recognizing and responding to mental and behavioral health calls for service, while keeping skills refreshed moving forward.

Recommendation 8.7.3: Ensure timelines are established for the required training, accounting for training current officers, while planning ahead for new officers hired.

Recommendation 8.7.4: If there is no budget allocated to CIT (or equivalent) training, consider allocating funds. If it is not possible, organizations involved in CIT or equivalent training could consider sharing budget allocations, either direct line-item contributions, and/or donations (space, food, CIT pins/resources, a designated coordinator etc.). This has been successful in many communities when budget is a barrier. Burlington should strongly consider this.

Assess de-escalation

As noted in section 1, as with many police departments, BPD's required response to resistance and use of force documentation, along with body worn camera review does not include a tangible assessment of "de-escalation" strategies implemented. As indicated previously, measuring whether time, space, tone, cover, stance, asking open ended questions versus commands, calling for specialized units etc. are

important to evaluate. There are tangible ways to assess use of de-escalation strategies, which reinforces to officers what the department means when they are prioritizing “de-escalation.” Otherwise, the word becomes diluted, and the response is often seen as a “check box.”

Recommendation 8.8.1: BPD should also consider a requirement for Sergeants to audit BWC footage after or during each shift, including those that were identified as having a mental health component. This is important not only for overall accountability, commendation, and coaching, but also to assess de-escalation skills utilized, and resources accessed. Require Sergeants to review a reasonable number of random BWC from their shifts daily or weekly, utilizing those reviews to provide feedback to officers. These reviews should have a written protocol, indicating when the review occurred, and findings (positive or areas for improvement) and should be communicated with patrol officers. Random review should include calls that were identified as having a mental health component. This is important not only for overall accountability, commendation, and coaching, but also to assess de-escalation skills utilized, and resources accessed

Recommendation 8.8.2: Incorporate defining de-escalation into all use of force documentation.

Alternative response and system integration models to consider

It is estimated that between a quarter and a third of 911 calls are considered low-priority or non-urgent calls, not requiring armed law enforcement response. The staffing analysis section of this report goes into detail regarding BPD specific calls that meet this standard. Some of these calls include trespassing, noise complaints, animal control, minor traffic accidents, loitering, and non-urgent medical needs including mental health. Law enforcement response including lights, sirens, uniforms, commands, guns, and arrests often serve to escalate these situations, and in some cases, add trauma.

In response, a wide array of alternative responses, inside and outside of police departments, have developed in recent years. Some of them will be identified below for Burlington’s consideration.

As with training, the scope of this project did not permit an extensive assessment of the Burlington ecosystem. Consequently, options that have been successful in other communities will be identified, with the ultimate decision about what makes the most sense for BPD and Burlington left to key stakeholders and advisory committee members.

There are several key considerations a City should consider when developing alternative response models:

- A clear line of supervisory chain of command is essential for all personnel (clinicians/case managers, Paramedics etc.). This is often determined by agency policy but needs to be well coordinated.
- Consideration should be given to where clinicians, case managers (specialized teams) are housed (e.g., within the police department, within a Mental Health Center, or another location). Often housing clinicians inside Police Headquarters, or at police area offices allows rapport to be built

with officers and allows an ongoing opportunity to promote the program to officers, increasing utilization of it. Other times, a more neutral location can be useful.

- Alternative uniforms and vehicles should be strongly considered. Stigma is exacerbated when marked police vehicles and regular police uniforms show up on scenes where someone is calling for help due to a mental health crisis. Not only are people embarrassed to have a police car in front of their homes, but uniformed police can also escalate a situation with someone in behavioral health crisis. A “softer” approach through non-traditional uniforms and vehicles is a good approach to consider.
- The job description, selection and hiring of the co-responder/alternative response positions should be carefully and thoughtfully considered and should be co-developed and co-interviewed between the participating organizations and community stakeholders. It is imperative that participating organizations agree that the person(s) is a good match for the role.
- Consider internal versus external clinical hires. It is a steep learning curve just to learn the services, agency protocols, and accessibility guidelines within the organization you work for, let alone attempt to do it as a part of a new pilot program that needs to be successful early on. If officers see that clinicians do not know where to take someone, what paperwork will need to be completed to access those services, who to call in the organization etc., officers will often give up on the use of it. This is difficult to rebound from, as a result. Typically, seasoned clinicians are hired internally, who already have strong familiarity with the organization operations.
- A data analyst should be considered, either internal, or externally contracted- typically with a local University for a more robust analysis of data.
- SAMHSA’s Sequential Intercept Mapping (SIM), and the Sequential Intercept Model are good resources and training for communities to help identify gaps in community systems. Burlington should consider utilizing this resource.
- CIT or equivalent mental health training and specialized programs should be highlighted on the police department, mental health center, and partner organizations’ websites. When absent, it is often an indication of both how CIT may be viewed by the department or partnering organizations, and sometimes the overall disjointedness of the program itself. When CIT and Alternative responses becomes an embedded community program, as intended, it should be identified on the website like any other specialized response.

Recommendation 8.9.1: Determine if a jail-based diversion and care coordination program would be a useful part of a robust diversion from the criminal justice system strategic plan.

Embed community mental health center case manager(s) inside the jail to crosscheck the daily jail booking report with the client database at the community mental health center. This allows for identification of active clients who are booked into the jail, for what crimes, how long they are in jail and at what cost to the City. These basic data points help inform areas for diversion, rapid communication with jail mental health staff regarding medications the individual is on for continuity of care inside the jail, assists with coordinating a warm handoff at release from the jail to either a family member, friend, partner, their assigned case manager etc., and also identifies high frequency utilizers to connect with justice involved case management teams for proactive

outreach. We understand from stakeholder interviews that Burlington has a regional detention center, but there would still be useful opportunities for this type of program to be assessed.

These same case managers can also be assigned to the mental health or other court dockets for continuity between jail, judges, attorney's, psychiatric services, and client case managers.

Recommendation 8.9.2: Determine if a court liaison would be a useful part of a robust diversion from the criminal justice system strategic plan.

Develop justice involved case management team(s) who have the role of proactively serving the high frequency utilizers of law enforcement and first responder calls and jail bookings. Proactive engagement with high-risk individuals can successfully reduce law enforcement calls in the first place. This team(s) can be a combination of professionals including a case manager team, a case manager and a clinician team, a case manager, and a peer (person with lived experience) team etc. The success of these paired professionals should be evaluated on an ongoing basis, autocorrecting as needed.

Recommendation 8.9.3: Determine if a justice involved case management team(s) would be a useful part of a robust diversion from the criminal justice response plan.

Recommendation 8.9.4: Determine if a clinician embedded in telecommunications would be a useful part of a robust diversion from the criminal justice response plan.

Embed a clinician(s) inside telecommunications (community facing) to divert non-urgent 911 calls from law enforcement response at all, while also utilizing a warm hand off as necessary to a resource line, community mental health hotline or mobile crisis response. The assessment team understands that Vermont has a regional telecommunications center that takes all incoming 911 calls, which are then transferred to local call centers for dispatch. It will be important for Burlington and the State of Vermont to assess whether it makes the most sense to prioritize efforts in the state call center, the local call center, or some combination.

Recommendation 8.9.5: Consider dedicated co-response team(s) made up of a combination of paramedic, clinician, BPD specialized officer with a soft, (non-traditional) police uniform and peer/person with lived experience. These teams often present opportunities to move away from law enforcement focused response and law enforcement transport (criminalizing mental health conditions), and toward a medical response providing an unmarked vehicle with locked seat belt restraints instead of handcuffs when transport is necessary. Paramedics can assist with medication delivery when needed (as permitted by law), while a soft uniformed specialized officer can be on site if back up is needed. These teams can respond in real time and/or provide proactive services to high-risk individuals, including persons experiencing homelessness or who may need emergency hospitalization.

Recommendation 8.9.6: Consider a traditional co-responder model (clinician riding out with an officer or deputy)-This is a similar model as the above but is a clinician: specialized police officer team who will respond in real time to 911 calls for service when law enforcement response is required. This model is often useful as a police based specialized response.

Recommendation 8.9.7: Determine if a mobile crisis response team(s) would be a useful part of a robust diversion from law enforcement response plan.

A non-law enforcement response (mobile crisis response teams) typically formed by community mental health centers to respond to calls not requiring police response. Response times (as quickly as possible) are important to consider. These mobile crisis response teams can sometimes also be successfully utilized for police call outs by officers on scene of a call not requiring law enforcement response. These teams tend to be staffed by community mental health center professionals and can be dispatched by the call center, by families calling in directly, or from police who are already on scene. Timely response is the key factor in overall success of these programs.

24/7/365 Law enforcement drop-off centers

Successful diversion from a criminal justice response typically requires a 24/7/365 drop off center for law enforcement. The turnaround time for officers to drop off and return to duty is essential. There should be a brief standardized report that captures important data, and an officer should be in and out within 15 minutes. It is always nice to have coffee and small snacks available for officers as well! Making it an “officer friendly” environment helps improve utilization.

If it is quicker to book someone into jail than to bring them to the crisis center, the system is not as functional as it could be. And, if the crisis center has too many restrictions (officers must go somewhere else if the individual is using alcohol or drugs, or talking about suicide etc.), it will not be used effectively. Law enforcement should be able to drop individuals off (with reasonable limitations) and crisis center staff be responsible for arrangements for transport elsewhere if needed.

A robust 24/7/365 drop off center for law enforcement (that typically can also be accessed by individuals and families themselves) is essential and should be funded and supported (see San Antonio Restoration Center, Phoenix (Connections AZ; Community Bridges; and RI International)). There are creative adaptations that can be made in smaller communities by adding staff and resources to existing 24/7/365 centers (hospitals, urgent care, Fire/EMS, etc.). Some communities have been successful utilizing space outside of the jail which also promotes easy jail diversion.

It is important to note here some of the repeated themes found in interviews with Burlington stakeholders which tie back to inadequate safety net resources and organization silos. These are barriers that must be addressed for a successful reduction in police services to individuals in mental or behavioral health crisis in Burlington. For instance:

- Identifying who is presumably responsible for social service needs, resulting in pushing responsibility off to other entities, was a consistent theme. Due to barriers with access to service issues, it was reported that social service organizations often end up telling people to “call the police.” Because the police are a 24/7 operation, and most social service organizations are not, all too often, people are directed to call the police by the social service organizations themselves.
- Shelter(s) in Burlington often turn away individuals under the influence of drugs or alcohol who are experiencing homelessness, which results in the BPD getting called instead.
- There is a heavy leaning in Burlington with social services requiring “referrals” rather than having a “live” option for access to services (e.g., walk in crisis clinic).

- It was reported that “First Call” has minimal mobile services, resulting in barriers with timely access to necessary services. This all too often ends up with default police response.
- There was a consistent theme about barriers to relevant data sharing by the Howard Center to BPD who are on-scene or interacting with high frequency utilizers of police services. This is a common barrier nationally, and an important one to resolve. Some communities have utilized MOUs to address this. In addition, though HIPPA is a very important legal consideration protecting confidentiality, and should always be taken seriously, federal law permits the sharing of relevant confidential information with first responders when there is a safety concern. If law enforcement has been called for a 911 service, social service agencies should consider how sharing of relevant information can lead to a better outcome for everyone. All too often social service organizations accept blanket, restrictive interpretations of HIPPA, rather than seek proactive solutions that protect the individual in crisis, yet also support effective resolution when first responders are on scene.

Recommendation 8.10.1: Social service providers in the City of Burlington should submit clear scopes of their work and related budgetary needs to address staffing, and additional resources required to be more responsive to “live” needs. This should be considered as part of the specialized police based and alternative response models.

Recommendation 8.10.2: Due to the size of Burlington, creative ways should be sought to identify a crisis receiving center. Some smaller communities like Burlington will utilize an existing 24/7/365 operation, like a local hospital or urgent care, and add mental health personnel (e.g., Howard Center) and people with lived experience, who have access to local mental health center charts. This serves as a “one stop shop” for law enforcement drop-off with onsite opening of charts and connection to necessary services. It should be the responsibility of the crisis center to stabilize and ensure connection to necessary services. The 24-hour nature of this type of resource is essential. Back up medical care is also often beneficial.

Telecommunications: 911 call takers and dispatch

All too often, telecommunications and Fire/EMS can get forgotten in the overall ecosystem of a successful community program. They are both critical partners.

Telecommunications personnel are often the first point of triage. Many communities have CIT or equivalent mental health training for telecommunications staff. This is a critical component of a robust program, since they are the individuals identifying the calls, and gathering the critical information necessary for officer (or alternative) response.

Recommendation 8.11.1: Develop Telecommunication Specific CIT (e.g., 8 hours or up to 3 days) or include Telecommunications in 40-hour CIT (or equivalent).

Through interviews and review of call for service data, the identification of an individual experiencing a mental health crisis is ambiguous.

Recommendation 8.11.2

- Establish clear criteria for telecommunications personnel to identify the call for co-response and non-law enforcement response, and ensure there is regular, robust, ongoing training for them. A coordinated effort between the CIT coordinator and telecommunications to cross train on CIT efforts should also be encouraged. Both need to have thorough awareness of the program, and why it is critically important to have a streamlined approach.
- Establish call codes that best capture overall CFS that involve a mental health component. Some departments limit call codes to things like “suicidal” or “mental health” (see next recommendation for additional detail). It is important to develop a strategy for identifying a way to uniformly track incoming calls that involve a mental health component. Although this will not always be perfect, since many calls have overlapping characteristics, there should be a designation that triggers an automated set of triage questions at call intake. It is recommended that telecommunications have designated pop-ups in their digital system capable of asking basic triage questions that can then be transmitted over the air and via Computer Aided Dispatch (CAD) to responding officers. For example, known mental health condition (given by caller); behaviors present; weapon present (including type); triggers that can escalate behavior etc.
- In addition, many communities have a designation (e.g., alpha character z) that is added to any call, regardless of how it was dispatched, that officers can close out the call to indicate it involved a mental health component. For instance, if an officer is dispatched to a domestic call, but once on scene, it clearly involved a mental health component, the call can be closed out adding the alpha character z to the formal call code. This then allows data to be pulled to reflect calls more accurately with a mental health component. Although CFS involving “trespassing,” “person down,” etc. are important call codes to monitor, these do not always involve and may not be appropriate to include in data collection for calls with a mental health component.
- Embed a community-facing social worker to divert non-emergency calls. These positions can be instrumental in functions like connecting individuals to community-based services, requesting mobile crisis outreach, providing a “warm hand off” to another hotline, or just talking with someone while they calm down.
- Telecommunications personnel should have a shift roster of CIT/specialized officers or non-sworn personnel on duty, to ensure there is an automated way to prioritize dispatch of mental health calls for service to CIT trained officers/non-sworn. This should be part of an overall robust strategy.

As previously indicated, these best practices will need to be adapted to the nature of Vermont’s statewide call center, and regional dispatchers.

Data recommendations

Reliable data is essential to inform next steps and overall success or areas for improvement for BPD. It is imperative that data collection and analysis be coordinated at all levels, including with partnering organizations, to inform program assessment and strategic

planning, while also reducing silos when implementing and sustaining specialized and alternative approaches. Data reporting should be shared with the mental health advisory committee regularly.

Recommendations 8.12.1: Based on the assessment team interviews of BPD personnel and review of calls for service data, we recommend:

Police Department CIT/Mental Health Reports: Calls that are closed out as calls involving a mental health component should require a CIT (Mental Health) report be completed. The CIT report should include such information as name, address, mental health condition (if given by the person themselves or a family member on scene); characteristics indicating a mental health condition (talking to themselves or others, hearing things that you do not hear, rapid speech, depressive characteristics, odd behavior etc.); whether a weapon was involved, and if so, what type (knife, other object, gun etc.); use of force and type of force; disposition of the call, including: resolved in community, referred to community based services; transport to services (voluntary or involuntary); arrest (city ordinance, misdemeanor, felony), referral to alternative response team. These data reports should be routed through the CIT coordinator and his/her team to track trends on these calls, including high frequency utilizers that can be referred to additional alternative response.

In addition, key foundational data for communities to track include:

- Data indicating overall calls for service, of those, number of calls for service involving a mental health component (e.g., alpha character z), of those, how many were responded to by a CIT certified officer (primary or back up officer response), of those, disposition of the call.
- Percent of CFS that involve a mental health component by area and shift.
- Time from arrival on scene to close out of call (this is good to monitor distinctions -if any- for CIT calls vs non-CIT calls).
- Percent use of force and types for CIT and Non-CIT officers.

To measure overall department wide buy-in and culture, BPD should annually report

- Number/Percentage of active sworn officers trained in CIT (or equivalent).
- Number/Percentage of active SGT's Sergeants trained in CIT.
- Number/Percentage of active Commanders trained in CIT.
- Number/Percentage of active FTOs trained in CIT.

Community Mental Health Center data should include:

- Number of persons dropped off at the crisis center by law enforcement
- Circumstances for drop off (e.g., intoxication, mental health crisis, insufficient housing, trespassing)
- Time for police "turnaround"—drop off to back on the street
- Number of persons "turned away" from law enforcement drop off and why
- Length of Stay for person in crisis

- Linkage to Services at discharge, and what services
- Involuntary Commitment yes/no
- If not brought to the drop off center, would the person have been arrested and for what charge? (This should be included in the law enforcement drop off paperwork)

Mobile crises call outs (inside and outside of law enforcement response):

- Number of persons outreached
- Who requested the outreach
- Time from request to arrival on scene
- Time on scene
- Disposition

Although data can sometimes appear overwhelming when communities are just starting programs, it is important to remember that communities should just start somewhere, capturing basic data the community believes to be a priority. Once initial data is collected, it will inform next steps for data collection.

Public education campaign

The community should be educated regarding CIT or other mental health initiatives, how to request a certified CIT officer and other alternative approaches to persons in behavioral health crisis. They should be able to identify the officer by the CIT pin they wear on their uniform, or the soft uniform of specialized response.

Specialized program liaisons should consider attending community meetings, carrying resource cards to give to families, promoting the programs on website and community policing initiatives, along with other efforts to actively promote the program. There are many opportunities to educate the community; however, a cohesive CIT and alternative response program needs to be developed before extensive community education.

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Section 9: Community Engagement

The focus of policing has moved from being reactive to being proactive through the relationships developed and sustained throughout the community. In accomplishing this goal, police leaders and line officers must think differently, perhaps creatively, regarding their relationship to the community and in employing community policing principles. In today's environment, there is a great deal of attention on trust, legitimacy, and procedural justice. Law enforcement agencies accomplish these goals through targeted community service and explicit engagement with the community.

This section discusses our assessment of community service and respective engagement with the community. Although this was not part of the initial review, these topics were raised by various stakeholders we talked with in the course of this project.

Through our interviews the assessment team determined the following key findings:

- The BPD does not participate in the same community outreach and engagement activities as they once did prior to the staff reduction and COVID-19.
- Various community members and BPD personnel expressed an interest to set up a reoccurring opportunity to engage in conversations that enable all involved parties to be seen, heard, and understood.
- There are no current efforts to support targeted engagement with refugee populations.

Finding 9.1: Prior to COVID-19, the BPD coordinated various community events such as Creemee with a Cop, community barbecues, foot patrols on Church Street, the Community Academy, Canine Demo's for kids. A theme developed in our interviews suggesting that the reduction in sworn officers while responding to the same number of calls for service does not leave BPD the capacity to engage in this type of crucial community engagement.

Recommendation 9.1.1: Community policing strategies, including some of the engagement activities identified above, allow for positive relationship building to occur between the BPD and the community it serves. These proactive engagement activates encourage one-to-one relationship building, and a more personal experience of understanding what the community is struggling with, and how the BPD can more positively respond.

Recommendation 9.1.2: Community policing should be embedded within BPD culture and at the forefront of all daily operations and community interactions. BPD should consider re-defining what community-oriented policing means and embed this within policy, training, and operational accountability. Members of the BPD should engage directly with members of the community and local stakeholders to ensure that the BPD is addressing the problems of concern to the local community. Community policing should "combine a focus on intervention and prevention through problem solving with building collaborative partnerships between enforcement agencies and schools, social services, and other stakeholders" (*Final Report on 21st Century Policing* 2015, 41).

Recommendation 9.1.3: The BPD should work with Burlington community members to set up a reoccurring opportunity to engage in conversations that enable all involved parties to be seen, heard,

and understood. Consideration should be given to recruiting, outreach, shared agenda development, participatory meeting formats etc.

Finding 9.2: The BPD does not currently conduct targeted community outreach to traditionally marginalized and underserved populations. There was frustration among community organization representatives interviewed that they have to request this sort of engagement rather than BPD prioritizing it on its own.

Recommendation 9.2.1: When adopting its new Strategic Plan, the BPD should consider looking at the community engagement strategies of other similarly situated departments such as the Winooski, and Montpelier, Vermont, Police Departments. As indicated throughout these recommendations, an adequate staffing model must support this kind of proactive engagement.

Finding 9.3: The City of Burlington does not currently have systems in place to help explain Burlington's public safety model to the refugee population.

Burlington is in the unique position of being a location for resettled refugee populations. Refugees coming from Nepal or Somalia may have come from cultures where public safety is often seen as corrupt and harmful to communities. There are cultural hurdles that need to be overcome in order to ensure all community members are aware of the public safety resources in Burlington, and that they are seen as a guardian and not warrior resource.

Recommendation 9.3.1: The BPD and related public safety partners should pioneer programs that conduct outreach to the Burlington refugee population to increase refugees' trust in public safety. Staffing must support this type of community engagement.

Section 10: Implementation Roadmap

The table below provides the list of recommendations given by the assessment team. Each recommendation is designated priority 1, priority 2, or priority 3. Priority 1 recommendations are those the City of Burlington and BPD should allocate resources to immediately, to apply best practices and enact sound policies and procedures related to police management, operations, interactions with the community, transparency, and community trust.

Section	Recommendation No.	Recommendation	Priority
Section 1: Policies, Training, and Operations	1.1.1	The BPD should consider adding cultural competency training to those listed in section VIII of directive DD03.	1
	1.2.1	Although it is encouraging that BPD includes the above language in its policy, the department should include examples for their officers of what these indicators may be.	1
	1.3.1	BPD should revise this policy so that all complaints, even those immediately resolved with an explanation, are documented in the same complaint system. Such documentation ensures that BPD can accurately understand complainant demographics, complaint types, and adjudication outcomes, particularly in relation to disparities. These incidents need not negatively affect an officer's record, but they should be documented for the purposes of recordkeeping, complete analysis of complaint activity, and accountability to the community and to ensure BPD can identify officers who continually engage in minor transgressions and provide them with more stringent interventions if required.	1
	1.4.1	BPD should rewrite this directive to set the standard to be "reasonable suspicion" to reduce the role of the reporting employee and leave the investigative task with the internal investigation division.	1
	1.5.1	The BPD should add language to assist employees in understanding the choice between the four reporting mechanisms.	1
	1.6.1	The BPD should include a specific rule in directive DD01 that requires department personnel to intervene or report excessive force when witnessed or learned about.	1

	1.6.2	Consider employing Active Bystander for Law Enforcement (ABLE) training, aimed at creating a culture in which officers routinely intervene as necessary to prevent misconduct, avoid police mistakes, and promote officer health and wellness.	1
	1.7.1	The BPD should continue to use the above language, which reflects best practices for use of force policies. The statements on duty to care, duty to intervene, and duty to report should also be added to DD01- Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules.	1
	1.8.1	The BPD should continue to follow the prescribed protocol for where the use of canines falls on the use of force continuum.	1
	1.9.1	The BPD should rewrite this statement to replace “face-down prone” with “prone” only. The prone position refers to when someone is flat on their stomach or chest with the knees down. Someone can have their head or face up and still be in the prone position. The policy should also direct that as soon as wrist restrains are applied, the subject should immediately be moved to a sitting position and be closely monitored. In addition, this policy is documented only in the section on Excited Delirium, but it should be documented elsewhere, possibly in a dedicated section on prohibited use of force in DD05.02.	1
	1.10.1	BPD should provide guidance in another use of force section, DD05.02, about how to respond to resistance in interactions with people who have disabilities, who are under the influence of drugs or alcohol, or who have mental health conditions. BPD should review examples provided by the International Association of Chiefs of Police (IACP) Law Enforcement Policy Center. The Fayetteville, North Carolina, Police Department also has several policies we recommend the BPD to review as examples.	1
	1.11.1	BPD should update the language in the above policy to more clearly outline where the use of a baton falls on the use of force continuum.	1

1.12.1	BPD should add a prohibition on the use of lethal force when the officer does not have a clear line of sight of the subject.	1
1.13.1	BPD should consider developing a separate reporting mechanism for the use of a firearm to kill a dangerous or seriously injured animal. Although reporting these incidents as use of force is inappropriate, they should be tracked in some system, particularly given longstanding community concerns about national reports of officer use of firearms against family pets.	2
1.14.1	BPD and the City of Burlington should create channels for Burlington community members to be involved in the review of its use of force policies so the community can understand why such use of force may be permitted and so the BPD can reconsider their policies and practices based on community input.	1
1.15.1	The BPD mission and values statement should be included in the directive.	1
1.16.1	BPD should research available police codes of ethics to review alternative, more contemporary iterations of the IACP Code of Ethics. The IACP also has a suite of model policies ³⁵ that can be used as a frame and then built upon. The BPD's current version must be updated.	1
1.17.1	BPD should completely rewrite this policy according to industry best standards, including eliminating the Office of Quality Control (it is unclear what that is) and replacing it with Internal Affairs (preferable) or Office of Professional Standards with specific direction that Internal Affairs takes in the complaints and assigns out according to specific guidelines. Internal Affairs must have specific investigators who are assigned only to that responsibility and not use what appears to be general investigators (III.C.2) to investigate complaints. The present policy leaves too many options that allow officers to violate policy	1

³⁵ Visit IACP Law Enforcement Policy Center here: <https://www.theiacp.org/policycenter>.

		undetected, and it prevents the process from being transparent to BPD employees and the community.	
	1.18.1	BPD should create a policy that directs specifically which complaints are to be handled by first line supervisors and which are to be referred to BIA.	1
	1.18.2	BPD should consider instituting a Citizen Review Board to review internal and external investigations, rather than having the chief serve as the final authority on facts and discipline.	2
	1.19.3	BPD should establish a specific Internal Affairs section that conducts investigations, as well as an internal disciplinary review board that reviews cases and makes written recommendations regarding discipline to the chief. This policy should provide the disciplinary review board with guidelines to help determine the level of discipline to ensure consistency and fairness, and the personnel on the internal review board should change from case to case. The chief has the final decision to agree or disagree with the recommendation of the internal review board and to increase or decrease the level of discipline, and his or her decision must be documented in writing. The department should establish a Citizen Review Board (CRB) to review cases, which requires a separate policy to ensure confidentiality. A CRB would provide another level of support to the chief for his or her decisions. Often police chiefs think a CRB takes power and responsibility from the chief, but it can also increase the credibility of the chief's decisions.	1
	1.19.1	BPD's commander of Internal Affairs should report directly to the chief of police.	2
	1.20.1	In line with 21st century policing best practices, BPD should modify directive DD01 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules to include a requirement for BPD employees to report any arrest or contact by outside law enforcement agencies while off duty. This requirement should be restated in the revised Internal Investigations directive, with reference to DD01.	1

1.21.1	Review of revised policy should include partners with both professional and lived experience such as the Howard Center, Street Outreach, and NAMI.	1	
1.21.2	Ensure policy reflects current department operations. For example, the policy indicates that street outreach personnel carry a police radio, and it describes the general expected function of the street outreach personnel.	1	
1.21.3	As the City of Burlington and BPD work to develop and operationalize alternative responses both within and outside of the BPD, consideration should be given to the development of additional policies related to responding to persons in crisis (we discuss examples in the following findings).	1	
1.22.1	The BPD should update this policy for grammar, spelling, and language best practices. Although including the community in most policy reviews is important to ensure public transparency, involving key community stakeholders in the review of this specific policy is of critical importance. Community stakeholders should include individuals and organizations representing this population who would have insight into best practice language and community resources.	1	
1.23.1	Under officer response, "effective communication" should be expanded to include "professional and effective communication," meaning treating people with dignity and respect.	1	
1.23.2	IIC: Mental health referral is indicated in this directive but is covered under a separate directive: DD13.3 - Interacting with Persons with Diminished Capacities. Consideration should be given to integrating the two directives. The term "citizen" should be replaced with a term inclusive of all people, for example "community member".	1	

	• “Persons with Diminished Capacities” should be changed to a less negative term, such as “Persons with Disabilities.” • IIB: “Handling” should be changed to “responding to,” and “suffers” should be changed to “living with.” The phrase “officers should” is used throughout the directive, and when appropriate, this should be changed to “officers will.” • IIE: “Dealing with” should be changed to “responding to.” • IIE.b: Expand the best practice of describing to the person the activity the officer will be doing before doing it (this is a trauma informed practice) to custodial escort actions (e.g., handcuffing, transporting).	
1.24.1	BPD should continue its policy of responding to victims and witnesses in a respectful way and avoiding inquiries regarding the immigration status of crime victims and witnesses.	1
1.24.2	BPD should specify that the “safe and friendly location” available for providing statements will be physically separate from any location where a suspect or perpetrator may be located.	1
1.25.1	Since pagers are not the way most individuals are currently contacted after hours, BPD should update this reference as currently appropriate.	1
1.26.1	BPD should consider whether individuals who receive special training on next of kin notifications should be the individuals doing so, with non-trained individuals assisting as appropriate.	2
1.27.1	Though self-evident, BPD might consider adding language to section IV.D specifying that family members and particularly children do not constitute professional interpreters and should not be used as translators.	1
1.28.1	If the above training is required, BPD should state this in directive DD11 - Victim-Witness Assistance. If not,	1

		BPD should include the mandatory, optional, academy, and in-service trainings available to officers regarding victims and witnesses.	
1.29.1		If the Victim's Advocate position maintained by the department (Section A) is different from the county Victim Advocate referred to in Section B, this should be more clearly articulated (e.g., that these are distinct resources); if they are the same, they should be explained clearly.	1
1.30.1		Generally, the strength of this policy lies in the resources it lists that should be available to victims and witnesses. As for all policies, the accuracy of the resources listed should be updated and reviewed annually.	1
1.31.1		Although the policy satisfactorily addresses the situation in which the subject is a BPD employee, BPD should provide additional guidance for domestic violence situations when the alleged perpetrator and the victim are both employees of the police department.	1
1.32.1		The BPD should update the DD21.01 - Domestic Violence Response policy to describe the position and responsibilities.	1
1.33.1		The BPD should more clearly outline the supervisory review process of BWC footage and should include a random review by the shift supervisor of a certain number of BWC incidents at the end of each shift or, at minimum, the end of each week.	1
1.34.1		The BPD should continue to follow the best practice operational procedures outlined in their directive and update the directive as new national best practices are released, continually reviewing new best practices added to the Bureau of Justice Assistance Body Worn Camera Toolkit.	1
1.35.1		The contractual detective minimum should be renegotiated between the BPD and the City of Burlington considering a minimum threshold of eight detectives.	2

1.36.1	The City should work with the BPD union to modify the retention periods so that discipline records are maintained for far longer periods, with a recommendation for the employment career of the officer.	1
1.37.1	The City should work with the BPD union to revise the promotion to senior police officer to five years.	2
1.38.1	The City of Burlington should work with BPD personnel to determine more appropriate compensation for FTO officers to ensure probationary officers are receiving high-quality and informed training, along with instituting regular evaluations of FTO performance.	1
1.39.1	The BPD should consider reviewing how many times the department has used the above delegation function assigning new officers with an officer who has had no FTO training. Based on the findings, the BPD should revise the protocol for providing training when an FTO is not available.	1
1.40.1	The BPD should continue to offer a wellness bonus in their contract for BPOA member employees. Additionally, it would be insightful for the department to collect aggregated data to learn the degree to which members avail themselves of this contractual benefit, and to study its effectiveness.	1
1.41.1	The BPD should work to restructure their shift assignment process to one that more closely focusses on personnel needs.	1
1.42.1	BPD should design a structured systematic curriculum with full lesson plans, learning objectives, and goals as well as training aides and visual materials such as PowerPoint slides and hands-on activities, among others.	1
1.42.2	BPD should review their training curriculum, structure, scheduling, and materials yearly to ensure trainings are meeting national best practices.	1
1.42.3	BPD should ensure that the quality of its implicit bias training courses align with national best practices and continue to provide these trainings during the basic officer training and annual in-service training. BPD	1

		should also ensure that the entire organization receives annual in-service training on implicit bias.	
	1.42.4	BPD should provide a comprehensive mental and behavioral health training course incorporating people with lived experience (e.g., those with autism, intellectual or developmental disabilities, or mental health conditions) and robust scenario-based training. Doing so will help officers become more familiar with the unique needs and individual considerations of people from these populations, which will better prepare them to respond to individuals in crisis. Scenario-based training will allow officers to practice the skills they have learned while receiving real-time feedback and evaluation.	1
	1.42.5	Fair and Impartial Policing, De-escalation, Procedural Justice, and Implicit Bias should all be required trainings, and these principles should be integrated across all other training courses.	1
	1.42.6	Provide the opportunity for community mental health advisory committee CMHAC (and, when appropriate, members of the community) to review and/or observe non-police tactical training such as Fair and Impartial Policing, De-escalation, Procedural Justice, and Implicit Bias. Doing so promotes transparency and provides opportunities for public feedback.	2
	1.42.7	The Use of Force training required by the State of Vermont and delivered by BPD should be formalized, with the BPD readily able to demonstrate how the required four hours are spent.	1
Section 2: Citizen Complaints and Internal Affairs Investigations	2.1.1	BPD should develop or acquire a complaint tracking data system that includes, at a minimum, the following information about each complaint in separate, closed response data fields: complainant demographics, the demographics and personnel information (e.g., rank, tenure, role) of the target of the complaint, process-related dates (date received, date of incident, date reviewed by supervisor, date resolved), specific details of the accusation (e.g., associated policy), and the discipline directed (when applicable).	2

	2.1.2	BPD should ensure that all data fields contain only a single variable (i.e., complaint outcome and associated discipline should be tracked in separate fields).	2
	2.2.1	BPD should revisit its allegation categories to reduce or eliminate the “none” and “other” in the allegation field.	1
	2.2.2	Citizen complaints should be separate from all other complaint processes.	1
	2.3.1	BPD should clarify its citizen complaint process and reference that process within the disciplinary policy. Consideration should be given to the following: • Complaints will be accepted from any source, including by person, mail, email, BPD website, or telephone. Supervisors must make reasonable and diligent efforts to obtain a statement from any complaining party. • Every complaining party will be referred to a supervisor, the Internal Affairs Bureau, or Human Resources (HR) so the complaint may be received. • Without exception, every complaint that, if true, would constitute a violation of BPD policy must be thoroughly investigated and documented by an HR supervisor or senior official. • When the complainant’s address is known, the supervisor receiving the complaint will complete the complaint acknowledgement letter and mail it to the complainant. If the complaint was received electronically or telephonically, the supervisor may respond in that same manner and document the communication. A scanned copy of the acknowledgement letter should be attached to the electronic IACMS case file. • Anonymous complaints will be accepted. The Internal Affairs Commander or his or her designee will review each anonymous	1

		complaint and determine the feasibility of further investigation.	
2.4.1		BPD should update directive DD40 - Quality Control, Internal Investigations & Discipline to identify additional means for citizens to file a complaint.	1
2.5.1		BPD should prioritize the use of communication platforms in everyday operations so that when critical incidents occur, community trust in information sharing has already been built.	2
2.5.2		The Burlington city attorney should release public guidance around the constraints for releasing information during an ongoing investigation.	2
2.6.1		The City should consider transparency and trust issues with the community when negotiating the next contract to allow for the release of specific information concerning officer complaints, findings, and discipline while maintaining the confidentiality of the investigation. Many cities allow for the release of overall complaint information and the disciplinary findings of officers, regardless of the stipulations in the union contract.	2
2.7.1		BPD should develop a policy that directs how BIA will conduct an investigation, who conducts the investigation, and the expected timeline for the investigation. Best practice allows for different timelines for investigation completion that are established for different levels of complaints. Additionally, the BIA policy may include lower levels of complaints for which investigations are conducted at the supervisor or lieutenant level. A clear policy is important for the officers of the department to ensure they will know what happens in the event of a complaint or an internal investigation of an officer involved shooting, serious use of force, or in-custody death.	2
2.8.1		If a case does not cite a rules violation, the department likely believes that no rules violation exists. Best practice would be for the department to cite the	2

		department policies or rules that the officer followed to support his or her actions. Doing this allows the investigator to support whatever his or her investigative findings are. A good internal investigation will normally provide detail into the rules or policies the officer did not follow, which allows the department to review the actual rule or policy to determine whether revision is needed or whether additional or updated training is needed for the officer or for the entire department. Not following every rule or policy to the letter does not mean the officer is at fault, but it does indicate that additional training for the officer, additional training for the department, or a policy revision might be needed. Departments are sometimes reluctant to cite violations of policy for fear of civil action by the community member involved.	
	2.9.1	As in the previous recommendation, best practice requires that the violations of rules or policies be identified and explained. Not doing this sends the message to the department that policy violations are accepted if no criminal charges are brought against an officer. If a department does not recognize and address the seriousness of the policy violation, it inhibits policy revision to address the problem.	3
	2.9.2	The internal/administrative investigator must be willing to recognize and enforce policy violations and be unafraid to make recommendations to rectify the problem.	1
	2.9.3	Best practice would be to provide for an internal investigative process that details every step of the investigative process including exactly who in the department will conduct the investigation, officer conduct and care immediately following the incident, officer and witness interviews and statements, evidence and document collection, case file preparation and presentation, and recommendations for discipline and policy revision.	1

	2.10.1	Department policy should specify who conducts the internal/administrative investigation, including the investigator's position and the supervisor's position (not by name, but by position in the policy). Internal/administrative investigations should be investigated the same way in every instance to eliminate the question of favoritism or bias. The policy should include direction on conflicts of interest (e.g., prohibiting friends or relatives from investigating a family member or a friend) and confidentiality.	1
	2.11.1	Regardless of the employment status of the officer involved, the case should be investigated to its conclusion. If the officer resigns prior to providing a written statement or an interview, the investigation should continue to its conclusion. The investigation can and should continue without the participation of the officer involved. Having this policy in writing ensures that officers will not be surprised of the department's intention to continue the investigation.	2
	2.11.2	The department should have a policy that states that the officer will not receive a recommendation from the department for a new position without his or her participation in the investigation. Further the policy should state that the department will notify the new employer of the officer's unwillingness to participate in the BIA investigation.	3
Section 3: Police Oversight			3
	3.1.1	The charter change document should provide a rationalization for the lengthy retention of investigations or lessen the length of time for retention.	1
	3.2.1	The City of Burlington, in partnership with the BPD, should base the outline of staffing levels for investigators and support personnel on anticipated workloads.	1
	3.3.1	The City of Burlington, in partnership with the BPD, should consider revising this charter change to reflect a provision for investigations that warrant additional time. Although 30 days is acceptable as a requirement	1

		for most complaints, the policy should include a provision for additional time for issues such as contacting and interviewing complainants or witnesses and gathering additional evidence. The policy should specify that if additional time is needed for lower-level complaints, the investigator will make a request in writing to the IA commander who will approve or disapprove the request. If an extension is approved, designating the time allowed to the investigator should be required. Best practice is 30–45 days because it does not leave the employee or the complaint waiting for the results of the investigation. For the more serious Use of Force or Officer Involved Shooting/Officer Involved Death cases, much more time is required to adequately provide for a thorough investigation.	
	3.3.2	Every person who is assigned to Internal Affairs should be specifically trained in conducting internal investigations; there are several one- to two-week training schools that provide this training. Those assigned to Internal Affairs should be required to join the National Internal Affairs Investigators Association (NIAIA) and participate in professional training and yearly conferences.	1
	3.4.1	Consistent with a key recommendation by former president Obama’s Task Force on 21st Century Policing, BPD should modify its directives to require public engagement and input on directives, departmental goals and objectives, and the development of any strategic plan.	2
	3.5.1	The City of Burlington should formalize the authority of the Police Commission, which should be greater than just an advisory role, and clearly outline the reach of their responsibilities.	2
	3.6.1	The BPD should hire a PIO to develop a departmental communication policy, prioritize information sharing, bolster legitimacy, and build public trust.	2
Section 4: Use of Force and Officer	4.1.1	BPD should break out “weaponless force” into multiple categories, based on best practices and peer agency review.	2

Involved Shootings	4.2.1	BPD should investigate use of force incidents thoroughly, including reviewing BWC footage, to better understand the reason for these disparities for Black community members.	1
	4.2.2	Similar to the recommendation for traffic stops, BPD should consider the possibility that these disparities are driven by bias (implicit or explicit) and proactively address potential bias in officers' behavior or department practices by implementing training and reviewing BPD practices.	1
	4.3.1	To the degree that multiple responding officers write accounts of the same incident, there should be policy and training instructing officers to independently write their own accounts of a UOF incident.	2
	4.3.2	The BPD should change its requirements regarding UOF narratives in the following ways: • Ensure they include a precise description of the actions and statements of the subject that warranted the use of force. • Ensure that efforts are made and documented to obtain a subject account of the incident and have an accountability system in place for this. • Ensure that all officers who use force or witness force also write their own distinct reports and have an accountability system in place for this. • Ensure that officers include in their reports any efforts at de-escalation, and if no such efforts were made, include an explanation for why this was not feasible. In addition, there should be fields identifying tangible de-escalation strategies included in the report and evaluated. Including tangible de-escalation strategies not only assists officers in understanding what is meant by de-escalation, but also provides a guide for supervisors to utilize when reviewing BWC footage and coaching officers. If this is not in place, often the term "de-escalation"	1

		becomes a diluted “check-the-box” term. Tangible de-escalation strategies include the following: ○ Tone of voice (command vs. engagement) ○ Introduce yourself, and ask the subject what name they would like to be called ○ Physical stance (open vs. closed, authority vs. engagement) ○ Eye contact (remove sunglasses, etc.) ○ Turn down radio and siren whenever it is safe to do so to limit distractions ○ Reduce onlookers or individuals who may be escalating the situation whenever possible ○ Physically distance from the subject ○ Use cover to buy time (both officer cover and physical barriers) ○ Request specialized units whenever it makes sense, including social work response ○ Request another on-scene officer to take over if there is no indication of de-escalation or engagement by the current officer in charge ● Ensure that officers include in their narrative any knowledge of a mental health component and whether or how that affected their response. The narrative should provide a searchable field that BPD can use to easily identify use of force incidents involving a mental health component. In addition, the narrative should capture attempts to call for a specialized response, obtain information on treatment providers, and learn whether there is a person the subject trusts (case manager,	
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		family member, etc.) who can be called to support them. Describe or photograph any injury to the subject because of any use of force, and if there was no injury, articulate such in the narrative.	
4.4.1		Policy should direct a review and approval process for all use of force incidents, which should include all the components identified above.	1
4.5.1		Written statements from every officer on the scene of an OIS should be required before leaving the shift during which it occurred. Every officer involved should be interviewed by BIA before leaving the shift during which it occurred; these interviews should be at minimum audio recorded and preferably video recorded.	1
4.6.1		The BIA policy should direct who will conduct the interviews and collect written statements. A BIA supervisor should review and approve all statements and interviews and recommend whether additional clarifying statements or interviews are required. The BIA commander should review and approve all statements and interviews. Reports are usually reviewed and acknowledged almost immediately, with direction for additional work if necessary, and then approved upon completed work.	1
4.7.1		Best practice is a definitive use of force policy with a use of force continuum. This continuum would be utilized to identify the level of force used. If this is associated with a code, as it appears to be with BPD, a corresponding chart that translates the code should be included.	1
4.7.2		In addition, tangible strategies for de-escalation should be assessed both in BWC footage and in required paperwork. For instance, one should assess verbal de-escalation vs. commands, the officer's tone of voice, the officer's body stance, whether the officer slowed things down, whether the officer created	2

		distance from the individual, whether the officer called for backup, and whether the officer used physical barriers to provide cover to buy more time. A common formula is that distance plus cover equals time, and time provides opportunities to slow things down, call in additional resources, and deploy more de-escalation strategies. This was not documented in either case.	
4.8.1		Reports must include pertinent information supporting the OIS. For example, whether the suspect was armed (and if so, with what?), whether the suspect made moves that caused officers to fear for their lives or the lives of others, whether the officers had reliable information that the suspect had access to firearms, and whether other dangers were present. As a best practice, all officers on scene should provide statements and interviews that are then included in the investigative file. The shooting officer should not be the only officer providing information. Every officer on scene must be interviewed and must be given a timeline for providing a written statement.	2
4.9.1		The Department must develop new policies or update existing policies affected by OIS, including at minimum the following: • Use of Force (including use of force review procedures) • Officer Involved Shooting • Officer Involved Death (including crashes, in-custody deaths, etc.) • Internal Affairs (including how UOF, OIS, or officer involved crashes and criminal misconduct are administratively investigated) • Responding to Individuals with Diminished Capacity (this should be renamed something like “Recognizing and Responding to Individuals Experiencing a Mental or Behavioral Health Crisis”)	1

		Conflict of Interest (to ensure every investigation is conducted fairly)	
	4.9.2	BPD should prioritize the review (including community review), revision, or development of relevant department policies, train on these policies, and provide updated training for UOF.	1
	4.9.3	OIS internal/administrative investigations should be investigated the same way in every instance to eliminate the question of favoritism or bias. The policy should include direction on conflicts of interest (friends or relatives investigating a family member or a friend) and confidentiality. There should be no question the IA will investigate every OIS.	1
Section 5: Patrol Operations, Deployments, and Traffic Stops	5.1.1	BPD should implement a traffic stop data system that captures, in addition to the current information, the following: - Reason for stop - Stop start and end time - Reason for each ticket and warning - Passenger information - Officer special assignment or task force - Open comment field for officer explanations and brief description of the stop BDP reports that the department's record management system contains this information; however, this information was not provided to the assessment team.	2
	5.2.1	BPD should conduct further analysis and review BWC footage to understand these disparities in traffic stop rates and outcomes and address them to reduce disparities.	1
	5.2.2	BPD should consider the possibility that these disparities are driven by bias (implicit or explicit) and proactively address potential bias in officers' behavior or department practices by implementing training and reviewing BPD practices.	2

Section 6: Patrol Operations by Geographic Area	6.1.1	Continue to adjust patrol assignments and determine resource allocation for mental health response services by areas based on volume of call and relative proportion of mental health calls for each area.	1
	6.1.2	Develop a deeper socioeconomic bias analysis by area that includes a review of type of incidents, response times, demographic data of officers, victims, and suspects, as well as community feedback. Given the budget and time for the assessment, we were only able to produce results of a descriptive nature and only with certain elements (e.g., arrest, mental health calls, and use of force).	2
Section 7: Staffing and Workload Analysis	7.1.1	It is recommended that the patrol function could be adequately staffed with 51 sworn officers (1 deputy chief, 4 lieutenants, 6 sergeants, and 40 officers). Ideally, they should be deployed in a 12-hour shift schedule, with six squads (four main and two overlap squads). This combination of personnel produces the most efficient combination of officer deployment and days off schedule.	1
	7.2.1	Instead of the current shift schedule, the assessment team recommends the BPD adopt a 12-hour shift plan that uses six squads of officers to provide emergency response, citywide patrol coverage, and the capacity to provide services in a community policing approach. Serious consideration should be given to adopting this proposed 12-hour schedule, aligning officer work schedules with the times and days when they are most likely needed.	1
	7.3.1	Case detectives- Criminal investigations: One sergeant and eight detectives (down from one sergeant and nine detectives)	2
	7.4.1	Proactive enforcement- Crime suppression: One sergeant and three police officers (same current personnel)	1
	7.5.1	Intelligence- Crime analysis and intelligence: One non-sworn analyst and one cross-designated sergeant (SCU) as CIO (new positions).	3

7.6.1	Professional standards: One chief, one deputy chief, one lieutenant, one sergeant, and two police officers (added one sergeant position)	3
7.7.1	Domestic violence prevention officer: Eliminate the position and reassign responsibilities to a detective in the DSB.	2
7.8.1	Chittenden Unit for Special Investigations: Lower staffing to one detective investigator and transfer other sworn personnel back to the BPD operations.	2
7.9.1	Staff the ERO position with a sergeant or above, and, if deemed useful to the BPD and community, utilize a CSL non-sworn position to support the social service function.	1
7.10.1	Community Affairs Officer: Eliminate this position. Notably, Chief Murad reports the position has been eliminated	3
7.11.1	Because the BIA contract is not mandated to be with BPD, the provisions of the CBA should be re-negotiated. Re-negotiations of the CBA should include removing requirements that BPD have no less than (4) full time assignments to BIA. The BIA and City's annual negotiations on BIA officers should be a distinct operational decision with dedicated officers negotiated annually based on the contract. Since these officers are full time at the airport, they should not be factored into BPD staffing recommendations. In addition, shift schedules for BPD should be renegotiated to a more efficient schedule as defined in the recommended staffing model. Should the City and the BIA continue their contract, this schedule would provide additional opportunities for a possible reduction in officers deployed to BIA while still meeting TSA and FFA requirements. Finally, annual negotiations should be made between the City and the BIA, but not defined under a CBA. .	3
7.12.1	Strong consideration should be given to the staffing model recommended in this report, and the City of Burlington, with input from BPD, key stakeholders, and community members, must re-envision the mission of BPD and provide a clear description of their	1

		expected roles and responsibilities. The reduced staffing, along with continued attrition without a recruitment strategy, is a concern.	
	7.13.1	The recommended staffing model in this assessment provides the best opportunity not only for efficiency, but also for the inclusion of CSO and CSL positions that have already been funded. There are additional models included in the Specialized and Alternative Response section of this report that should also be considered.	1
Section 8: Specialized and Alternative Responses	8.1.1	Key stakeholders in Burlington should be identified, and a Community Mental Health Advisory Committee formed. At minimum, this advisory committee must have BPD, community mental health, and a PEER (person with lived experience) and/or advocacy group (e.g., NAMI) centrally involved. Identifying key stakeholders from the above list would be a more robust approach. These stakeholders should be high enough up the ladder to implement recommendations yet fluent with “on the ground” processes and barriers.	1
	8.2.1	Evaluate the formation of a statewide steering committee to develop regional use of budget and resources. For instance, in order for calls to be diverted from police response, the call center for the state will need to be centrally involved prior to sending a 911 call to the local dispatch center in Burlington.	2
	8.3.1	Utilize the CMHAC to review policies; specifically related to recognizing and responding to persons with mental or behavioral health conditions.	1
	8.3.2	Provide a robust community forum for transparency and input into the policy review. Policies should be reviewed annually. Once emerging alternative response programs are solidified in Burlington, revisions should occur again. The community advisory committee is a good place to assign annual review and revisions and include a public review process.	1

	8.3.3	Ensure a coordinated approach with policy review to include telecommunications and FIRE/EMS.	1
	8.4.1	Prioritize sufficiency of scenario-based training (SBT), particularly for de-escalation strategies and responding to individuals in crisis. Ensure that evaluations are written for each officer, and as part of the evaluation, consider not just the officer's response, but also how the outcome affects the public.	1
	8.4.2	BPD should research and connect with other like police departments who have incorporated scenario-based training to develop training materials, evaluations, reports, and creative alternative response models. It is important to remember that programs can be scaled up and down, with modifications to fit the needs of Burlington.	2
	8.4.3	Curriculum development should be prioritized for all BPD training, with lesson plans, visual aids, scenario-based training, and evaluations readily available for review and revision.	1
	8.5.1	Utilize a statewide steering community to assess what is already operational in terms of mental health training in other communities in Vermont, and then begin discussions regarding how pooled resources and a training strategy may be adapted to fit the needs of Burlington (and the rest of the state). The roadmap of a CIT training and program could be utilized as a guide.	2
	8.5.2	Initiating dialogue with surrounding communities who are currently implementing or researching CIT, such as Montpelier and Hartford. As recommended in Section 1, BPD should consult with the Team Two Statewide trainer/coordinator (Kristin Chandler, J. D.) to leverage her important knowledge of efforts underway in other parts of the state.	1
	8.5.3	All BPD Sergeants should train in crisis intervention or another equivalent mental and behavioral health training. BPD should consider mandating all Sergeants and any newly promoted Commanders be trained, with annual refreshers as well as being prioritized for	2

		additional regional training. With attrition and promotion, this will build capacity and a culture of understanding the importance of reform efforts. Mandating Field Training Officer (FTO) certification (officers who are paired with new officers in a mentor type role) should also be strongly considered, as new officers coming into the field can be unduly influenced by FTOs who do not have the training or context of a CIT program and/or mental health specialized response.	
	8.5.4	Prioritize Sergeants, Commanders and FTOs to be certified in CIT, or another advanced mental health training along with attendance at regional trainings on specialized mental health response, de-escalation, crisis negotiations, etc. Vermont's TEAM TWO training should be a requirement for all chain of command, including the Chief, and FTOs. The leadership training provided by the BPD and the State of Vermont should also be required for all chain of command.	2
	8.6.1	In recruit orientation, annual in-service, and refresher training, it is recommended whenever possible for communities to include a site visit to key community resources like drop off center(s); scenario-based training on best practices for de-escalating and interacting with people in mental health crisis; incorporate video scenarios from across the country; and expand on de-escalation strategies including Time, Cover, Distance, Tone, Stance, etc. These topics can all be easily re-purposed from existing training content if your department has CIT or from requesting such from communities with strong CIT programs in place.	1
	8.6.2	In light of COVID-19, there has been a significant increase in e-learning training on topics, including mental health. There is often a per officer charge, and with some contracts, buys access to hundreds of trainings. The size of Burlington may make this a good solution to consider.	1

		Each of these training options are pre-packaged options, which would require limited effort on the BPD and community to develop training curriculum.	
	8.7.1	BPD should mandate all officers receive a higher standard of training, rather than having a full patrol based specialized response. In this case, Burlington will want to focus its specialized response on alternative responses to traditional policing, which we will discuss in further detail. However, it is critically important for Burlington and the BPD to understand that there will <i>always</i> be a segment of mental health calls that will require police response. Consequently, having well-trained officers, and strong community resources is an important component to have. As we all know, things can go poorly on a call in a matter of minutes. That is not always preventable. But the more training, resources, alternatives to police response and specialized police response, the better the likelihood of a positive outcome.	1
	8.8.1	The City of Burlington and the BPD (through the stakeholder advisory committee) should conduct a thorough assessment of the ecosystem of Burlington and the State of Vermont, which will be required to develop a roadmap for training and specialized response (mandated and voluntary).	2
	8.8.2	Ensure the training roadmap includes mandated training for all officers, refresher training, annual in-service, and specialized advanced level training. This will be essential for bringing BPD into 21st century practice related to recognizing and responding to mental and behavioral health calls for service, while keeping skills refreshed moving forward.	2
	8.8.3	Ensure timelines are established for the required training, accounting for training current officers, while planning ahead for new officers hired.	2
	8.8.4	If there is no budget allocated to CIT (or equivalent) training, consider allocating funds. If it is not possible, organizations involved in CIT or equivalent training could consider sharing budget allocations, either	2

		direct line-item contributions, and/or donations (space, food, CIT pins/resources, a designated coordinator etc.). This has been successful in many communities when budget is a barrier. Burlington should strongly consider this.	
	8.9.1	BPD should also consider a requirement for Sergeants to audit BWC footage after or during each shift, including those that were identified as having a mental health component. This is important not only for overall accountability, commendation, and coaching, but also to assess de-escalation skills utilized, and resources accessed. Require Sergeants to review a reasonable number of random BWC from their shifts daily or weekly, utilizing those reviews to provide feedback to officers. These reviews should have a written protocol, indicating when the review occurred, and findings (positive or areas for improvement) and should be communicated with patrol officers.	1
	8.9.2	Incorporate defining de-escalation into all use of force documentation.	1
	8.10.1	Determine if a jail-based diversion and care coordination program would be a useful part of a robust diversion from the criminal justice system strategic plan. Embed community mental health center case manager(s) inside the jail to crosscheck the daily jail booking report with the client database at the community mental health center. This allows for identification of active clients who are booked into the jail, for what crimes, how long they are in jail and at what cost to the City. These basic data points help inform areas for diversion, rapid communication with jail mental health staff regarding medications the individual is on for continuity of care inside the jail, assists with coordinating a warm handoff at release from the jail to either a family member, friend, partner, their assigned case manager etc., and also identifies high frequency utilizers to connect with	3

	justice involved case management teams for proactive outreach. We understand from stakeholder interviews that Burlington has a regional detention center, but there would still be useful opportunities for this type of program to be assessed. These same case managers can also be assigned to the mental health or other court dockets for continuity between jail, judges, attorney's, psychiatric services, and client case managers.	
8.10.2	Determine if a court liaison would be a useful part of a robust diversion from the criminal justice system strategic plan. Develop justice involved case management team(s) who have the role of proactively serving the high frequency utilizers of law enforcement and first responder calls and jail bookings. Proactive engagement with high-risk individuals can successfully reduce law enforcement calls in the first place. This team(s) can be a combination of professionals including a case manager team, a case manager and a clinician team, a case manager, and a PEER (person with lived experience) team etc. The success of these paired professionals should be evaluated on an ongoing basis, autocorrecting as needed.	3
8.10.3	Determine if a justice involved case management team(s) would be a useful part of a robust diversion from the criminal justice response plan.	2
8.10.4	Determine if a clinician embedded in telecommunications would be a useful part of a robust diversion from the criminal justice response plan. Embed a clinician(s) inside telecommunications (community facing) to divert non-urgent 911 calls from law enforcement response at all, while also utilizing a warm hand off as necessary to a resource line, community mental health hotline or mobile crisis response. The assessment team understands that	2

		Vermont has a regional telecommunications center that takes all incoming 911 calls, which are then transferred to local call centers for dispatch. It will be important for Burlington and the State of Vermont to assess whether it makes the most sense to prioritize efforts in the state call center, the local call center, or some combination.	
	8.10.5	Consider dedicated co-response team(s) made up of a combination of paramedic, clinician, BPD specialized officer with a soft, (non-traditional) police uniform and PEER/person with lived experience. These teams often present opportunities to move away from law enforcement focused response and law enforcement transport (criminalizing mental health conditions), and toward a medical response providing an unmarked vehicle with locked seat belt restraints instead of handcuffs when transport is necessary. Paramedics can assist with medication delivery when needed (as permitted by law), while a soft uniformed specialized officer can be on site if back up is needed. These teams can respond in real time and/or provide proactive services to high-risk individuals, including persons experiencing homelessness or who may need emergency hospitalization.	2
	8.10.6	Consider a traditional co-responder model (clinician riding out with an officer or deputy)-This is a similar model as the above but is a clinician: specialized police officer team who will respond in real time to 911 calls for service when law enforcement response is required. This model is often useful as a police based specialized response.	2
	8.10.7	Determine if a mobile crisis response team(s) would be a useful part of a robust diversion from law enforcement response plan. A non-law enforcement response (mobile crisis response teams) typically formed by community mental health centers to respond to calls not requiring police response. Response times (as quickly as possible) are important to consider. These mobile	2

		crisis response teams can sometimes also be successfully utilized for police call outs by officers on scene of a call not requiring law enforcement response. These teams tend to be staffed by community mental health center professionals and can be dispatched by the call center, by families calling in directly, or from police who are already on scene.	
8.11.1		Social service providers in the City of Burlington should submit clear scopes of their work and related budgetary needs to address staffing, and additional resources required to be more responsive to “live” needs. This should be considered as part of the specialized police based and alternative response models.	2
8.11.2		Due to the size of Burlington, creative ways should be sought to identify a crisis receiving center. Some smaller communities like Burlington will utilize an existing 24/7/365 operation, like a local hospital or urgent care, and add mental health personnel (e.g., Howard Center) and people with lived experience, who have access to local mental health center charts. This serves as a “one stop shop” for law enforcement drop-off with onsite opening of charts and connection to necessary services. It should be the responsibility of the crisis center to stabilize and ensure connection to necessary services. The 24-hour nature of this type of resource is essential. Back up medical care is also often beneficial.	2
8.12.1		Develop Telecommunication Specific CIT (e.g., 8 hours or up to 3 days) or include Telecommunications in 40-hour CIT (or equivalent).	2
8.12.2		Establish clear criteria for telecommunications personnel to identify the call for co-response and non-law enforcement response, and ensure there is regular, robust, ongoing training for them. A coordinated effort between the CIT coordinator and telecommunications to cross train on CIT efforts should also be	2

		encouraged. Both need to have thorough awareness of the program, and why it is critically important to have a streamlined approach. • Establish call codes that best capture overall CFS that involve a mental health component. Some departments limit call codes to things like “suicidal” or “mental health” (see next recommendation for additional detail). It is important to develop a strategy for identifying a way to uniformly track incoming calls that involve a mental health component. Although this will not always be perfect, since many calls have overlapping characteristics, there should be a designation that triggers an automated set of triage questions at call intake. It is recommended that telecommunications have designated pop-ups in their digital system capable of asking basic triage questions that can then be transmitted over the air and via Computer Aided Dispatch (CAD) to responding officers. For example, known mental health condition (given by caller); behaviors present; weapon present (including type); triggers that can escalate behavior etc. • In addition, many communities have a designation (e.g., alpha character z) that is added to any call, regardless of how it was dispatched, that officers can close out the call to indicate it involved a mental health component. For instance, if an officer is dispatched to a domestic call, but once on scene, it clearly involved a mental health component, the call can be closed out adding the alpha character z to the formal call code. This then allows data to be pulled to reflect calls more accurately with a mental health component. Although CFS involving “trespassing,” “person down,” etc. are important call codes to monitor, these do not	
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		always involve and may not be appropriate to include in data collection for calls with a mental health component. • Embed a community-facing social worker to divert non-emergency calls. These positions can be instrumental in functions like connecting individuals to community-based services, requesting mobile crisis outreach, providing a “warm hand off” to another hotline, or just talking with someone while they calm down. • Telecommunications personnel should have a shift roster of CIT/specialized officers or non-sworn personnel on duty, to ensure there is an automated way to prioritize dispatch of mental health calls for service to CIT trained officers/non-worn. This should be part of an overall robust strategy.	
8.13.1		Based on the assessment team interviews of BPD personnel and review of calls for service data, we recommend: Police Department CIT/Mental Health Reports: Calls that are closed out as calls involving a mental health component should require a CIT (Mental Health) report be completed. The CIT report should include such information as name, address, mental health condition (if given by the person themselves or a family member on scene); characteristics indicating a mental health condition (talking to themselves or others, hearing things that you do not hear, rapid speech, depressive characteristics, odd behavior etc.); whether a weapon was involved, and if so, what type (knife, other object, gun etc.); use of force and type of force; disposition of the call, including: resolved in community, referred to community based services; transport to services (voluntary or involuntary); arrest (city ordinance, misdemeanor, felony), referral to alternative response team. These data reports should be routed through the CIT coordinator and his/her team to track trends on these calls, including high	2

		frequency utilizers that can be referred to additional alternative response. Reports should include: • Data indicating overall calls for service, of those, number of calls for service involving a mental health component (e.g., alpha character z), of those, how many were responded to by a CIT certified officer (primary or assist)?, of those, disposition. • Percent of CFS that involve a mental health component by area and shift. • Time from arrival on scene to close out of call (this is good to monitor distinctions -if any- for CIT calls vs non-CIT calls). • Percent use of force and types for CIT and Non-CIT officers. To measure overall department wide buy-in and culture, BPD should annually report • Number/Percentage of active sworn officers trained in CIT (or equivalent). • Number/Percentage of active SGT's Sergeants trained in CIT. • Number/Percentage of active Commanders trained in CIT. • Number/Percentage of active FTOs trained in CIT. Community Mental Health Center data should include: • Number of persons dropped off at the crisis center by law enforcement • Circumstances for drop off (e.g., intoxication, mental health crisis, insufficient housing, trespassing) • Time for police "turnaround"—drop off to back on the street • Number of persons "turned away" from law enforcement drop off and why	
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		• Length of Stay for person in crisis • Linkage to Services at discharge, and what services • Involuntary Commitment? • If not brought to the drop off center, would the person have been arrested and for what charge? (This should be included in the law enforcement drop off paperwork) Mobile crises call outs (inside and outside of law enforcement response): • Number of persons outreached • Who requested the outreach? • Time from request to arrival on scene • Time on scene • Disposition Although data can sometimes appear overwhelming when communities are just starting programs, it is important to remember that communities should just start somewhere, capturing basic data the community believes to be a priority. Once initial data is collected, it will inform next steps for data collection.	
Section 9: Community Engagement			
	9.1.1	Community policing strategies, including some of the engagement activities identified above, allow for positive relationship building to occur between the BPD and the community it serves. These proactive engagement activates encourage one-to-one relationship building, and a more personal experience of understanding what the community is struggling with, and how the BPD can more positively respond.	2
	9.1.2	Community policing should be embedded within BPD culture and at the forefront of all daily operations and community interactions. BPD should consider re-defining what community-oriented policing means and embed this within policy, training, and operational	2

		accountability. Members of the BPD should engage directly with members of the community and local stakeholders to ensure that the BPD is addressing the problems of concern to the local community. Community policing should “combine a focus on intervention and prevention through problem solving with building collaborative partnerships between enforcement agencies and schools, social services, and other stakeholders” (<i>Final Report on 21st Century Policing</i> 2015, 41).	
	9.1.3	The BPD should work with Burlington community members to set up a reoccurring opportunity to engage in conversations that enable all involved parties to be seen, heard, and understood. Consideration should be given to recruiting, outreach, shared agenda development, participatory meeting formats etc.	2
	9.2.1	When adopting its new Strategic Plan, the BPD should consider looking at the community engagement strategies of other similarly situated departments such as the Winooski, and Montpelier, Vermont, Police Departments. As indicated throughout these recommendations, an adequate staffing model must support this kind of proactive engagement.	3
	9.3.1	The BPD and related public safety partners should pioneer programs that conduct outreach to the Burlington refugee population to increase refugees’ trust in public safety. Staffing must support this type of community engagement.	1

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Conclusion

In Burlington, the public has concerns about racial bias, unnecessary use of force, and a lack of transparency in BPD police practices. In addition, there are concerns about the process and outcomes of the 30 percent reduction in sworn officers called for in the *Resolution Related to Racial Justice through Economic and Criminal Justice* adopted by the Burlington City Council on June 29, 2020. Finally, there is overarching support for diverting calls for service that may not require sworn officer response to alternative entities that may be better suited to respond.

The assessment team is encouraged by BPD's commitment to improve and its willingness to address these findings and recommendations. BPD's continued engagement and collaboration with the City and the community will be critical to ensuring the successful implementation and sustainability of these improvements. In our stakeholder interviews, we found that a subset of the community, the City, and the BPD is in conflict, and unresolved issues of accountability, transparency, and political tension must be addressed.

The CNA assessment team offered numerous findings with associated recommendations for improvement. We based these findings on extensive document review, data analysis, and interviews with members of the BPD, the City, and the local community.

Many of the findings and recommendations noted in this report are not unique to the BPD and reflect challenges that many police agencies across the country current face. Policing has reached a pivotal point, and the role of the community in ensuring public safety is becoming more apparent and vital.

BPD has made progress over the last several years, indicated by the hiring of a social worker and community service officers (with additional recruitment presently occurring) as well as recruitment efforts for community service liaisons (CSL) to respond to calls for service that may be better suited for non-sworn police officers. In addition, traffic stops and arrests have steadily declined.

However, improvements must continue to be made, most notably the following:

- Revising many of BPD's policies
- Developing a robust training curriculum that includes 21st century training topics
- Addressing racial bias in traffic stops, searches, and seizures, ticketing and use of force disparities
- Establishing more formal and transparent procedures that support the BIA's investigative policies and practices, BPD's use of force and citizen complaint investigations, and BPD's disciplinary processes
- Establishing a Citizen Review Board that has greater authority than simply advising
- Revising BPD staffing and shift changes
- Revising practices surrounding recognizing and responding to persons in crisis
- Reviewing and revising the BPOA to address inappropriate and inefficient practices that contribute to community mistrust

We believe that this report provides an assessment of observations and data analysis that will advance the necessary civic discussions and decisions required to improve not only the BPD but also the climate of tension in the City. It is imperative that the focus of healing not be unilaterally directed at the BPD; rather, it should include the broader city ecosystem that contributes to the current divide. Maintaining this priority will be essential in developing a better department to promote public safety and an overall healthy ecosystem necessary to improve trust and quality of life services to Burlingtonians.

Appendix A: Documents

- DD43 - Reporting Corruption and Misconduct
- DD05 - Use of Force, 6-30-2020
- DD03 - Fair and Impartial Policing 2020
- DD40 - Quality Control, Internal Investigations & Discipline
- 20200916 - Discipline Overview for Charter Change Committee
- Citizen Complaint Process & Form
- DD13.03 - Interacting with Persons with Diminished Capacities
- DD13.01 - Interacting with Persons with Limited English Proficiency
- DD13.02 - Interacting with Persons with Disabilities
- DD11 - Victim-Witness Assistance
- DD21.01 - Domestic Violence Response
- DD21.02 - Domestic Violence by Law Enforcement Employees-Prevention & Early Warning Initiatives
- DD11 - Victim-Witness Assistance
- DD14.2 - Digital_Imaging_ Audio and video (other than BWCs)
- DD14.1 - Body Worn Camera Systems
- 20210112 STAFFING for POLICE COMMISSION_0
- 20190201 BPOA contract 2018 to 2022 FINAL signed
- DD01 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules
- 20210122 PUBLIC SAFETY CONTINUITY PLAN memo for City Council
- Community Support Liaison Job description
- Independent Community Control Board to Oversee Investigation and Discipline of Police Misconduct Charter Change

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Appendix B: Alternative Shift Schedules

As discussed, the current patrol shift plan used by the BPD is not efficient. The overlaps and “double days” produce too much wasted time. Several other shift plans would be more efficient and require only minimum adjustments to the current model. We offer **three** such plans for comparison. These plans rely on the current patrol staffing and deploy those personnel in comparison with the 2019 peak workload model.

Below, we provide a sample 10-hour work plan that exists in numerous police departments across the country. This plan uses four shifts, and it schedules the overlaps during times when police resources are needed the most. In this example, 40 officers are scheduled on four shifts with start times that are different than those currently in use in the BPD. Since 10 is not a factor of 24, there will always be overlap among the shifts. The number of overlapped hours depends upon the number of shifts used. Historically, the BPD relied on four shifts to staff patrol, which resulted in 16 hours of overlap. However, these hours were used in a way that created inefficiencies. When the swing shift was essentially eliminated because of mandated staffing reductions, the department adopted a three-shift model, which resulted in six hours of overlap. This model created a surplus of personnel mostly in the late evening hours and did not match service demands as effectively as possible.

The most efficient deployment using the 10-hour shift requires a minimum of four shifts. The start and end times of these shifts can be adjusted to meet demands. In the example provided here, the four shifts are as follows: 0600x1600 (6:00 a.m. to 4:00 p.m.), 1000x2000 (10:00 a.m. to 8:00 p.m.), 1600x0200 (4:00 p.m. to 2:00 a.m.), and 2000x0600 (8:00 p.m. to 6:00 a.m.). These four combinations are beneficial because (1) they ensure more officers are on patrol during the times they are needed the most, (2) they reduce the number of officers when they are needed the least, and (3) they smooth out the overlaps to avoid the natural tendency of officers to come off patrol when the next shift arrives. Undoubtedly, this is occurring during the 75-minute overlap between the midnight-day and day-evening shifts.

1. Four 10-hour shifts, sides A and B

This first model uses 40 police officers deployed in the same way they are now with two sides and four shifts, but with adjusted start times for the shifts. The day-off rotation would remain the same. Although this model is NOT recommended, we offer it for comparison with the current approach.

The table below illustrates a schedule that features four 10-hour shifts. This schedule relies on the current patrol allocation of four lieutenants, six sergeants, and forty officers. Under this plan, the number of officers assigned per shift varies. This model doubles the number of officers assigned from 1000 hours until 0200 hours (10:00 p.m. to 2:00 a.m.). This doubled period can be changed to suit the needs of the department and may be adjusted for winter and summer deployment as workload changes during the year. The squads (teams of officers on duty at the same time) that have single coverage during some part of the day are staffed with additional officers in order to provide coverage.

Appendix table 1. 10-hour shift configuration

	Lt.	Sgt.	PO	Total
1000x2000	1	1	8	10
2000x0600	1	2	12	15
0600x1600	1	2	12	15
1600x0200	1	1	8	10
	4	6	40	50

Half of the officers would be assigned evenly to each side, and they would be deployed in the following manner:

Appendix table 2. 10-hour shift configuration

Hour	1000x2000	2000x0600	0600x1600	1600x0200	Total
12 a.m.		6 ³⁶		4	10
1 a.m.		6		4	10
2 a.m.		6			6
3 a.m.		6			6
4 a.m.		6			6
5 a.m.		6			6
6 a.m.			6		6
7 a.m.			6		6
8 a.m.			6		6
9 a.m.			6		6
10 a.m.	4		6		10
11 a.m.	4		6		10
12 p.m.	4		6		10
1 p.m.	4		6		10
2 p.m.	4		6		10
3 p.m.	4		6		10
4 p.m.	4			4	8
5 p.m.	4			4	8
6 p.m.	4			4	8
7 p.m.				4	8
8 p.m.		6		4	10
9 p.m.		6		4	10
10 p.m.		6		4	10
11 p.m.		6		4	10

The table above shows that teams of four to six officers report for duty at multiple occasions throughout the day. From 1000 hours all the way until 0200 hours (10:00 p.m. to 2:00 a.m.), two teams are assigned at the same time, which results in eight to ten officers being assigned to patrol during these times. Each squad has additional officers assigned to account for regular days off, sick days, vacation days, etc. The table below reports the staffing deviations for this shift schedule.

³⁶ Does not include supervisors

Appendix table 3. Staffing deviation, 2019

Hours	2019 Staffing	Needed	Deviation	Option-1 Staffing	Needed	Deviation
0	13	5	8	10	5	5
1	13	5	8	10	5	5
2	11	5	6	6	5	1
3	5	3	2	6	3	3
4	5	2	3	6	2	4
5	5	2	3	6	2	4
6	5	2	3	6	2	4
7	9	3	6	6	3	3
8	10	6	4	6	6	0
9	10	11	-1	6	11	-5
10	10	6	4	10	6	4
11	10	7	3	10	7	3
12	10	6	4	10	6	4
13	10	6	4	10	6	4
14	10	7	3	10	7	3
15	8	7	1	10	7	3
16	12	5	7	8	5	3
17	10	6	4	8	6	2
18	8	5	3	8	5	3
19	8	6	2	8	6	2
20	8	6	2	10	6	4
21	8	6	2	10	6	4
22	12	6	6	10	6	4
23	13	5	8	10	5	5
TOTAL			87	67		
DEVIATION						
VARIANCE			5.25	4.36		

2. 10-Hour Shift, Fixed Days Off

This shift schedule calls for a substantial departure from the current schedule in use. This schedule eliminates the “sides” and the “double day,” adds a fourth shift from 1000x2000 (10:00 p.m. to 8:00 p.m.) hours, and staggers days off throughout the week for police officers. The staffing plan presented below utilizes 42 officers to provide a balanced illustration and can be adapted to fit a 40-officer plan. We recommend that the “overlap” day be eliminated and that a new patrol shift rotation be developed. The three tables that follow illustrate shift staffing, shift rotation with days on and off, total deployment by hour and shift, and staffing deviations comparing Option 1 and Option 2 for the proposed four-shift alignment.

This schedule requires four lieutenants, six sergeants, and forty-two corporals or police officers for deployment. Under this proposed rotation, officers have fixed days off and work four 10-hour days each week. The number of officers assigned per shift is four for the 1000x2000 (10:00 a.m. to 8:00 p.m.) and the 1600x0200 (4:00 p.m. to 2:00 a.m.) shifts, and eight for the 0600x1600 (6:00 a.m. to 4:00 p.m.) and the 2000x0600 (8:00 p.m. to 6:00 a.m.) shifts. Using the fixed day-off rotation means that 12 officers are deployed when they are needed the most, and 8 officers are assigned when they are needed the least—from 0200 to 1000 (2:00 a.m. to 10:00 a.m.) hours. This rotation is flexible, and personnel can be added or subtracted from each shift pursuant to the needs of the department. Furthermore, the fixed days off as presented can be modified to account for any sustained operational commitment such as the airport or other special events. The days off, start times, and personnel levels in the shift rotation presented in the tables can all be modified to meet the needs of the department.

Appendix table 4. Option 2 patrol staffing

Shift	Lt.	Sgt.	CPL/PO	Total
0600x1600	1	2	14	17
1000x2000	1	1	7	9
1600x0200	1	1	7	9
2000x0600	1	2	14	17
	4	6	42	52

Appendix table 5. Shift rotation – days on and days off

1000X2000								
# of officers	Days off	M	T	W	H	F	Sa	Su
1	FSS	1	1	1	1			
1	SSM		1	1	1	1		
1	SMT			1	1	1	1	
1	MTW				1	1	1	1
1	TWH	1				1	1	1
1	WHF	1	1				1	1
1	HFS	1	1	1				1
Officers assigned:		4	4	4	4	4	4	4

2000X0600								
# of officers	Days off	M	T	W	H	F	Sa	Su
2	FSS	2	2	2	2			
2	SSM		2	2	2	2		
2	SMT			2	2	2	2	
2	MTW				2	2	2	2
2	TWH	2				2	2	2
2	WHF	2	2				2	2
2	HFS	2	2	2				2
Officers assigned:		8	8	8	8	8	8	8

0600X1600								
# of officers	Days off	M	T	W	H	F	Sa	Su
2	FSS	2	2	2	2			
2	SSM		2	2	2	2		
2	SMT			2	2	2	2	
2	MTW				2	2	2	2
2	TWH	2				2	2	2
2	WHF	2	2				2	2
2	HFS	2	2	2				2
Officers on duty:		8	8	8	8	8	8	8

1600x0200								
# of officers	Days off	M	T	W	H	F	Sa	Su
1	FSS	1	1	1	1			
1	SSM		1	1	1	1		
1	SMT			1	1	1	1	
1	MTW				1	1	1	1
1	TWH	1				1	1	1
1	WHF	1	1				1	1
1	HFS	1	1	1				1
Officers assigned:		4	4	4	4	4	4	4

This approach realigns existing officers and deploys them at appropriate times. More officers are assigned when demand for service is high, and fewer are assigned when service demand declines. Once again, we emphasize that the structure of this schedule and the days-off rotation is flexible and can be modified to fit the needs of the department. The large number of officers available during peak times, and who can be directed at crime, traffic, and community issues in their areas, can have an enormous effect on the quality of life in the community. There are also enough officers assigned during peak times to allow many of them to take training days, vacation days, etc., without negatively affecting staffing and patrol coverage.

We did not factor days off for lieutenants and sergeants into the above shift plan; it is for police officers only. Ranking officers would evaluate their days off on a week-to-week basis in order to ensure that there is appropriate coverage.

In addition, patrol management responsibilities for lieutenants would change from Side A or B to shift. For example, the lieutenant assigned under 0600x1600 would be responsible for half of the day (0700x1900 for instance), and the other lieutenant would be responsible for the other half of the day. The lieutenants would be given the authority to adjust their work schedule as the needs of their shift dictate, and their schedules could change numerous times throughout the year.

Although this shift plan offers the advantage of assigning more officers during peak times, it does feature disadvantages as well. Under this shift plan, supervisors and officers have different days off. Officers' days off are staggered, meaning they work with different people on different days. And supervisors' days off could change from week to week, resulting in different supervisors being present depending upon the schedule. This undermines the principle of unity of command in which every subordinate reports to only one supervisor. The shift plan envisions several supervisors to subordinate relationships. This could have the unintended effects of miscommunication and a lack of continuity in direction and focus. It is impossible to estimate the outcomes of this issue, but it is an important factor that must be considered when evaluating the benefit of this option.

3. 12-hour shifts

Another possibility for the BPD is to implement a 12-hour shift rotation. Police departments all around the country implement this shift length successfully. The major advantage of this schedule is that it maximizes the amount of resources that are available at any time during the day. At a minimum, 25 percent of the patrol force is working at all hours of the day. Another advantage is that the patrol squads are on duty at the same time as their supervisors, and they always work together as a squad. Officers, therefore, have the same supervisor every day, and they work with the same officers every day. This establishes unity of command and a high degree of esprit de corps within the squad. This shift rotation has disadvantages as well. With the patrol force divided equally into four squads, the same number of personnel are assigned to work every hour throughout the day. When the workload fluctuates throughout the day, the level of personnel assigned remains the same. This shift model requires four lieutenants, four sergeants, and forty police officers deployed in squads as illustrated in the table below.

Below is an illustration of the shift schedule:

Appendix table 6. 2-hour shift configuration

Squad	Shift	Lt.	Sgt.	PO	Total ³⁷
A	0600X1800 6:00 a.m. to 6:00 p.m.	1	1	10	12
B	1800X0600 6:00 p.m. to 6:00 a.m.	1	1	10	12
C	0600X1800 6:00 a.m. to 6:00 p.m.	1	1	10	12
D	1800X0600 6:00 p.m. to 6:00 a.m.	1	1	10	12
		4	4	40	48

Any of the three options presented above would be more efficient than the BPD's current shift schedule. The table below presents all of the shift alternatives discussed in the report and reports on the staffing deviations and variance:

Appendix table 7. Staffing deviations and variance, 2019

Hour	Needed	2019	Modified 10 Hour	10-Hour Staggered Days Off	Four 12- Hour	Six 12- Hour with CRT
0	5	8	5	5	4	2
1	5	8	5	5	4	2
2	5	6	1	5	4	2
3	3	2	3	3	6	4
4	2	3	4	4	7	5
5	2	3	4	4	7	5
6	2	3	4	4	7	5
7	3	6	3	3	6	4
8	6	4	0	0	3	1
9	11	-1	-5	-5	-2	-1
10	6	4	4	4	3	4
11	7	3	3	3	2	3
12	6	4	4	4	3	4
13	6	4	4	4	3	4

³⁷ Lieutenants are carried in Squads A and B for illustration purposes. The flexible nature of their days off would permit them to be working with either squad during the shift.

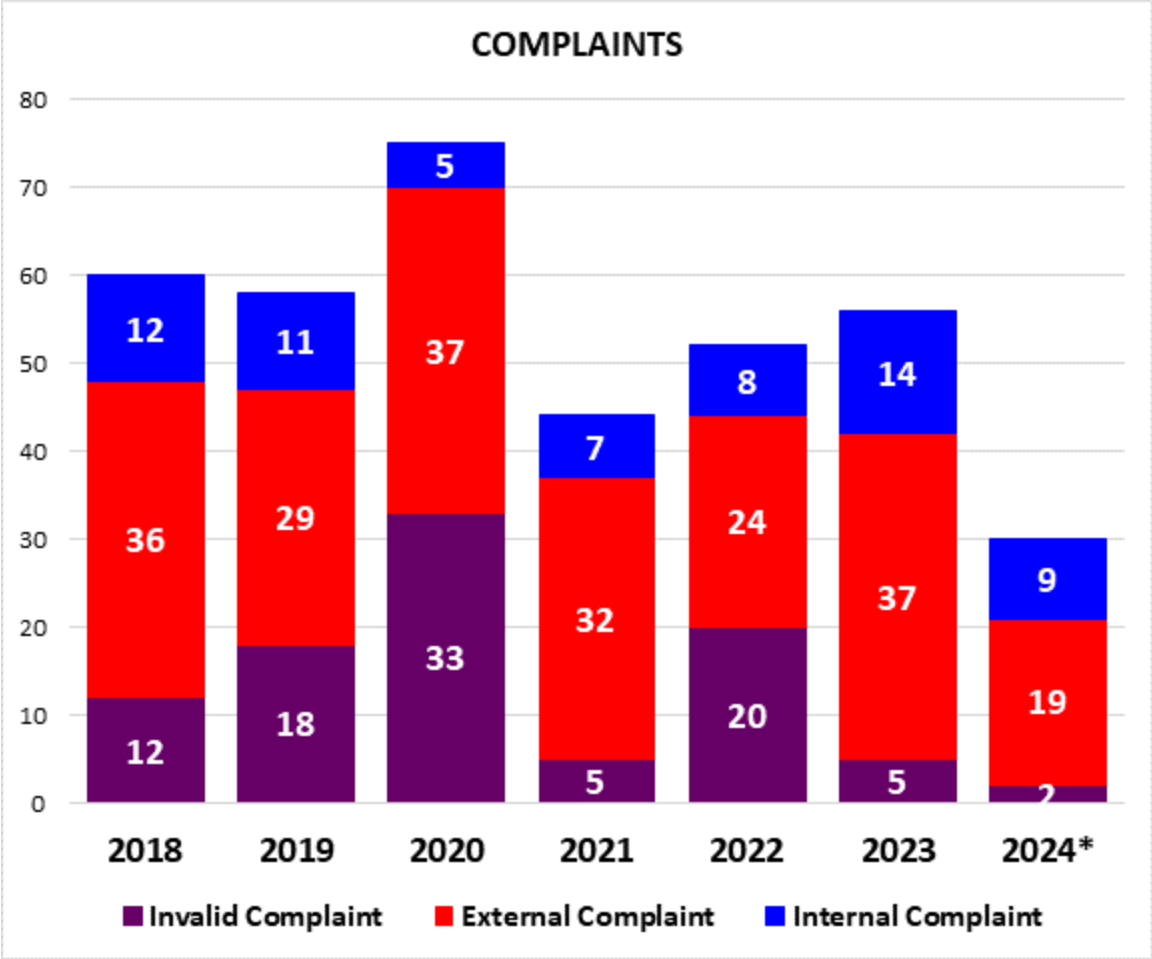
14	7	3	3	3	2	3
15	7	1	3	3	2	3
16	5	7	3	4	4	5
17	6	4	2	3	3	4
18	5	3	3	4	4	5
19	6	2	2	3	3	4
20	6	2	4	4	3	4
21	6	2	4	4	3	1
22	6	6	4	4	3	1
23	5	8	5	5	4	2
TOTAL DEVIATION		94	72	84	79	75
VARIANCE		5.25	4.36	4.64	3.88	2.57

Commissioner Keefe,

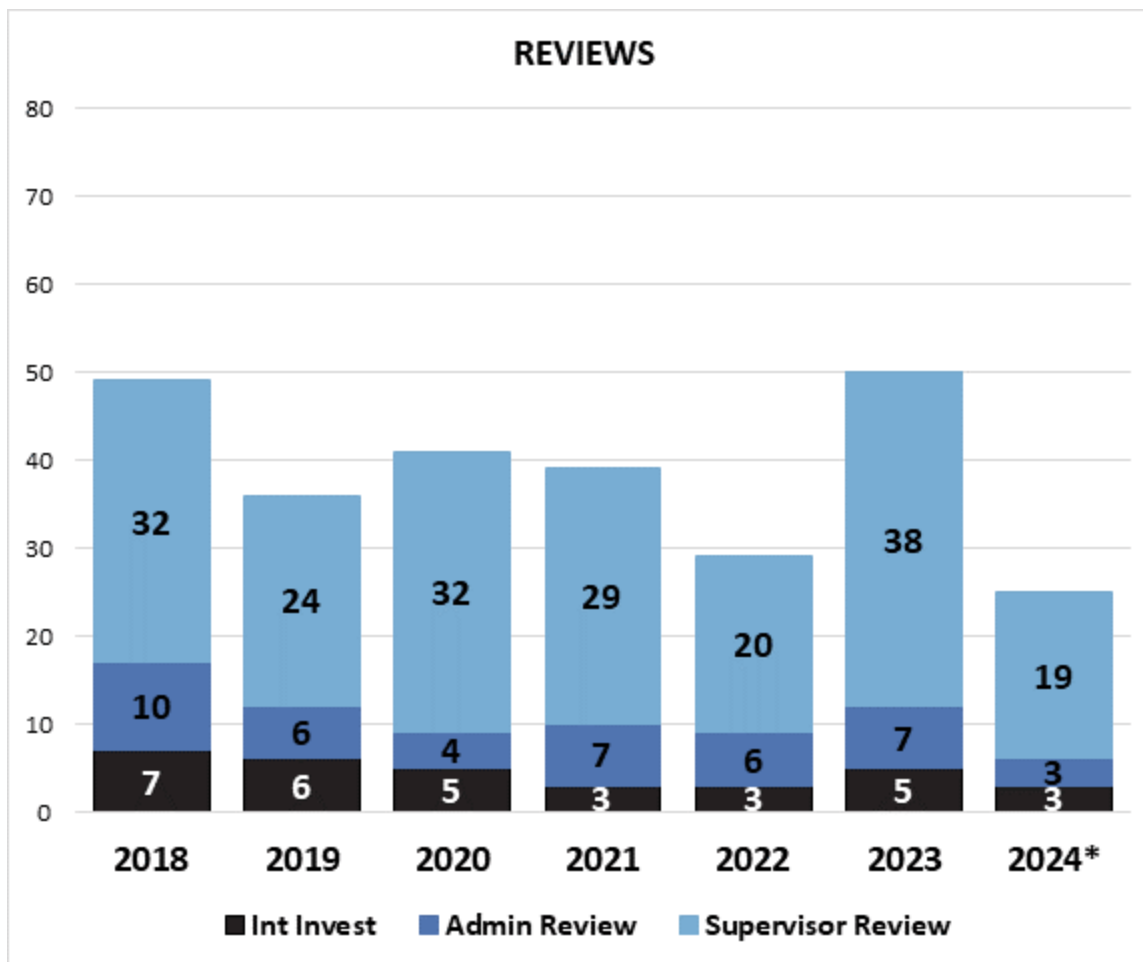
I did not mean to lose the thread on your suggestion. I fully agree with you that it would be beneficial for the City, the BPD, and the Commission to issue a public statement on this important reform. I think that we have addressed the CNA Report's recommendations regarding [DD40 External and Internal Complaints, Supervisor Reviews, Administrative Reviews, Internal Investigations & Discipline](#), and that the new draft is the best, most thorough, most transparent directive of its kind in the state.

For some additional information that might interest you (as the person who was most familiar with the totality of complaints, having long managed the Commission's parallel tracking), I've gone through our records since 2018 and retroactively applied the new terminology that DD40 now uses—Internal Complaints, External Complaints, Invalid Complaints, and the levels of review (supervisor review, administrative review, and Internal Investigation). I cannot go back farther than 2018 because it predates my arrival, and I don't have familiarity with the cases. Even with regard to 2018 and 2019, I was the DC Operations at that time and did not have direct involvement with most cases, since it's mostly the DC Admin and the Chief who handle those. So these tables are admittedly subjective, but they show the numbers since 2018. (The year 2024 is year to date.)

COMPLAINTS



REVIEWS



Furthermore, in the six full years covered by these tables, 2018 through 2023, the average percentage of reviewed complaints that have been sustained is 25%, and in year-to-date 2024 it is 36%. This is much higher than the national averages. For example, the [US Commission on Human Rights](#) observed that, in New York City, only one out of every 20 complaints filed with the Civilian Complaint Review Board (CCRB) is substantiated—i.e., 5%. The Commission noted that, nationally, the rate at which complaints are sustained by review boards is relatively low.

Chief of Police Jon Murad

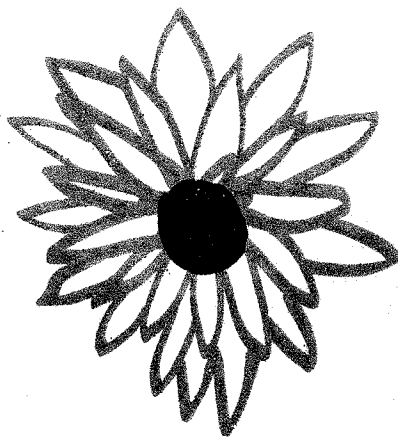
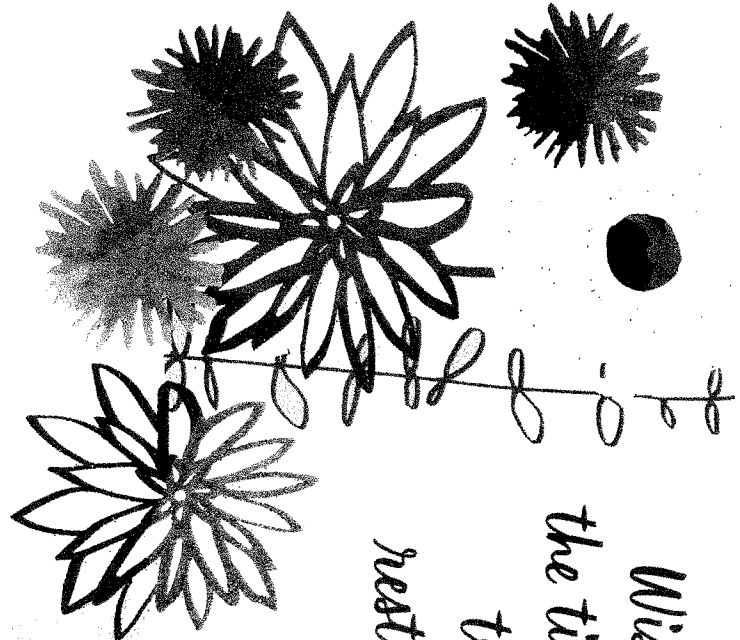
Burlington Police Department

One North Avenue

Burlington, VT 05401

Office: (802) 540-2112

*Wishing you
the time you need
to rest,
restore, repair...*



To the officers recently injured
while in service.

I want you to know that I
care that you were hurt.

I care how it must make you
feel emotionally.

I care how it has affected you,
your family and fellow officers.

I know sometimes you
got to make difficult, big
decisions and judgement, but
there are many more you
are appreciated by.

Let's all take good care of
ourselves and each other.

Know that whenever a
victim is heard someone is
praying for you, for your
well-being and for
your safety.

...and praying for your comfort
on the way to getting there.

To all of the BPD

Thank you for keeping us
safe. Please take good
care and when you get
discouraged we have your
back!

Shirley

Good morning Chief,

I just left you a voicemail expressing our sincere gratitude and praise for the BPD officers and CSL's, as well as EMT personnel from BFD, who responded to a traumatic event at Hotel Vermont yesterday morning.

From the moment the 911 call was made to the extremely fast response by uniformed officers and EMT's and subsequent crime scene team and leadership, to the Community Service Liaisons who followed shortly after to support our team here at the hotel, it left everyone feeling that the situation was under control and as safe as it could be for staff and guests.

Our primary concern, first and foremost, is always with the safety and wellbeing of our team and the comprehensive approach to this crisis by the BPD team reassured us that in a time of crisis the Burlington Police Department was there to serve and protect.

We are also very concerned with the wellbeing of our guests and hope that the guest involved in yesterday's traumatic event will heal both physically and mentally. All of us feel incredibly sad.

As we are checking in with individual team members again today the swift and effective action taken by the Burlington Police Department and the Burlington Fire Department, including uniformed officers, EMT's, leadership and CSL's provided comfort and a sense of control in a time of crisis.

I am also extremely proud of the Hotel Vermont team in handling this crisis internally and for providing comfort and care to the guest involved, especially during those "two long minutes" (maybe it was only a minute, they were so fast!) before the first response teams from BPD and BFD arrived. We are offering support services to staff members as they process the impacts of yesterday's event. Those working the front lines in hospitality, retail and other customer focused businesses in Burlington have had a lot to endure these past couple of years and need all of our support.

Our gratitude and thanks to all who assisted yesterday. Simply incredible.

Hans

Hans van Wees - Managing Director

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Westport Hospitality (Hotel Vermont and Courtyard Burlington Harbor Hotel)
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