



BURLINGTON POLICE DEPARTMENT

1 North Avenue
Burlington, Vermont 05401

Michael E. Schirling
Chief of Police

Phone (802) 658-2704
Fax (802) 865-7579
TTY/TDD (802) 658-2700

Information regarding the Burlington Police Department's quality control process Responses to Burlington Free Press e-mail inquiry of February 15, 2012. Information provided and posted the BPD website on February 17, 2012.

Introduction

Our staff strives to be the best law enforcement professionals they can. With that comes the need to ensure that we remain accountable to the citizens that employ us to maintain their safety and security. As such, we have a robust quality control process. One component of quality control is the citizen complaint and investigation process. Equally important is the need for our staff to receive the thanks and appreciation for doing a difficult job under challenging circumstances. It is important to note from the outset that the number of letters, notes, cards, and calls of thanks are exponentially greater than the concerns, complaints, or criticisms, despite the fact that the positive feedback rarely makes the news.

** How many sworn officers or troopers are there in your department?*

>Ninety-five officers are currently on staff.

** Must complaints about officers or troopers be written, and must the complainant identify him or herself?*

>No. They can be in writing, oral, via a translator or even an "envoy." In all cases, however, the complainant must eventually provide some kind of detail about what occurred, usually under oath.

** Who investigates the complaint?*

>Investigations are conducted by an internal affairs investigator with the department or, in some cases, a contracted investigator that specializes or had experience with internal investigations such as a retired State Police investigator. In the event criminal conduct is alleged, an outside agency is always used to conduct that investigation, which occurs parallel to, not in tandem with, the administrative inquiry. In some cases, the complaint can be resolved without a formal investigation, often through communication with the complainant to alleviate misperceptions or misinformation about law enforcement operations.

** Who reviews the investigation?*

>The Internal Affairs supervisor, Deputy Chief of the Division, Chief of Police and, depending on severity or the type of complaint, the Human Resource Director, City Attorney, and Burlington Police Commission.

** Who determines finally whether a complaint is valid or unfounded?*

>Generally, the Investigator makes a recommendation and the Chief then makes a finding. That finding, in serious or sensitive cases, receives review and concurrence (or not) of the Human Resource Director and review by/briefing to the Police Commission. This flow is dependent, for union employees, on the respective collective bargaining agreement.

** Does an officer or trooper have a right of appeal from the department's investigation?*

>Yes. There are a few different appeal options and levels dependent on whether the employee is in a bargaining unit/union or is a supervisor subjects to personnel policy. Generally, the appeal can go to Human Resources, Police Commission, and then to binding arbitration for union employees.

** How many complaints did your department receive about officers or troopers in 2011?*

>Thirty-two complaints were received in calendar year 2011. We document any complaint, regardless of severity or type, made to police administration.

>It is important to note that there are two general levels of investigation, Administrative Review (for lower level – e.g. courtesy, driving, etc.) and Internal Investigation (more significant issues such as use of force or search and seizure). The reader should not infer that these examples relate in any way to investigations in 2011 – they are simply examples of what falls into a category. Also of note, complaints or concerns can be in regards to officers, supervisors, or civilian employees. Some of those complaints can be generated from within the agency, employee to employee as well. Thirty-two is the total number for all. Eighteen of the thirty-two complaints were in regards to police officers.

>Also of note for context – the department responds to approximately 40,000 calls for service annually, making more than 100,000 individual contacts, resulting in over 3,000 arrests.

** What was the disposition of those complaints, and for complaints determined to be valid, what punishments were administered?*

>Of the thirty-two total, seven were sustained (policy or procedure violation found). The range of outcome was from verbal counseling and education/training to suspension. In all founded cases we have an educational and corrective action component regardless of the "punishment." It is important to note that many complaints or concerns are resolved via simple communication that better informs those involved about the how contemporary law enforcement operates. Misunderstandings or misperceptions about how policing works is at the heart of some concerns.

** How do you keep the public abreast of complaints against your officers or troopers?*

>We are asked questions similar to these at public forums and by the Police Commission and provide the requisite answers. We close each complaint made with a formal letter to the complainant advising them of the outcome.

** Does your department publicly link complaints to officers or troopers by name?*

>No.

** If your department does not publicly link complaints to officers by name, what assurance does the public have that internal investigations are objective and thorough and that progressive discipline is occurring if problems recur with one officer or trooper?*

>Beyond the fact that potentially serious complaints are sometimes contracted out for investigation in an effort to achieve objectivity, we regularly report general information about number and scope of investigations to the Police Commission and brief them/seek feedback on any serious case. We err on the side of caution when determining which cases are serious or repetitive, bringing them to the Commission's attention and letting the Commission decide how much information they want moving forward.

>Also of note - we regularly advise complainants that if they are in any way not satisfied with the outcome of a complaint or concern they can contact the Commission or even appear at a Commission meeting in public forum.

**Please provide additional comments as you wish.*

>It is important to note that the complexity of the law enforcement operating environment cannot be understated. We work actively today to create a supportive and resilient work environment designed to attract and retain the best law enforcement professionals being mindful of the need to mitigate the impacts of the repetitive stress of contemporary policing. Against this backdrop we work hard to balance the critical need for accountability that our community expects and deserves. At the end of the day we employ people who, like all, make mistakes from time to time. Our sincere hope is to create an environment that is not hypercritical or insensitive to that fact. In our employee development and complaint resolution processes we stress the need to recognize mistakes and errors and learn from them both individually and as an organization dedicated to constant improvement. It is important in the wake of mistakes or errors for our staff, absent malice, crimes, or serious/repetitive mis-steps, to know that they have the community's support. That support and recognition of the challenges they face is critical to creating a healthy work environment and fosters the work ethic needed for our staff to do all they can to make Burlington a safe, healthy, and self-reliant community.