



## BURLINGTON POLICE DEPARTMENT

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**DELIVERED VIA E-MAIL**

Dear Nina,

In response to your letter dated April 2, 2013 and received on April 8, 2013 regarding information about how police agencies in Vermont handle officer misconduct cases, we offer the following information:

**1. “How many internal affairs investigations/personnel incident reports have been launched by the Burlington Police Department from 2008 to the present?”**

To begin, as we discussed by phone, we split personnel investigations into two tiers. The first tier is referred to as “Administrative Reviews.” The second tier is referred to as “Internal Investigations.” Generally, Administrative Reviews are concerns or complaints that are reasonably straightforward to assess what has occurred and what the outcome should be, without the need for a complex investigation or inquiry. Internal Investigations tend to be those that require multiple interviews and more robust investigation to determine the facts to resolve the matter. Additionally, questions or misunderstandings that may result in a call to the officer in charge and can be handled with a simple explanation or discussion are generally not counted as either an Administrative Review or Internal Investigation.

It should be noted that in most years, more than half of our reviews and investigations are generated through internal quality control efforts (e.g. the complaints are generated by/originate with BPD staff and supervisors). In some years that number is much higher.

Statistics for these investigations are as follows:

- 2008 - 6 Internal Investigations
- 2009 - 6 Internal Investigations
- 2010 - 9 Internal Investigations
- 2011 - 6 Internal Investigations
- 2012 - 2 Internal Investigations
- 2013 - 2 Internal Investigations (year to date)

It should also be noted that not all of these reviews or investigations involve sworn police officers. Some involve other civilian personnel. Additionally, the outcomes for these range from

*Respect ~ Honor ~ Remember*

*Officer James W. McGrath, end of watch May 12, 1904; Officer J. Albert Fisher, end of watch December 15, 1947*

no action in events where the employee is exonerated or the report is unfounded to re-training, performance counseling, and discipline.

2. **“Of these how many would you categorize as serious misconduct? (and how do you define serious misconduct?) We would also like any records or documents that were created as a result of more serious investigations and any reports that resulted.”**

We do not use the term “serious misconduct” so I cannot respond to that portion of your question directly. The Internal Investigations conducted from 2008 to 2013 range from concerns over courtesy of staff to concerns over the use of force.

With regard to reports of investigations, these reports are records of personnel action and not subject to release pursuant to 1 V.S.A. 317(c)(5) and 317 (c)(7).

3. **“How often has the Burlington Police Department been sued since 2008 over alleged or perceived officer misconduct?”**

Lawsuits number as follows:

2008	– 3
2009	– 3
2010	– 3
2011	– 0
2012	– 0
2013	– 0 (year to date)

These numbers include all lawsuits from car crashes to allegations of “officer misconduct” excluding freedom of information act litigation (3 additional suits). It should also be noted that litigation is often delayed by 2 to 3 years and suits filed are most often for events that occurred some time in the past.

4. **“How many sworn police officers and civilians are employed by your department?”**

At present, there are 95 officers and 35 civilians on staff. We have 5 officer vacancies and 1 civilian vacancy.

Also attached are responses to questions posed by the Burlington Free Press in February of 2012. These have been posted to our website since that time and provide some additional background and context that I believe you may find helpful.

As a point of information, in the interest of transparency, responses to these kinds of inquiries are traditionally posted to our website. Some time in the next few days we will post this response there as well. Please do not hesitate to contact me should you like to talk further about this important topic. As I mentioned by phone, this is a complex and nuanced area of operations that I would be happy to discuss further.

Sincerely,



Michael E. Schirling  
Chief of Police