



USE OF FORCE

BURLINGTON POLICE

5/15/2019



“Sometimes the use-of-force is unavoidable, and an officer must exercise physical control of a violent, assaultive, or resisting individual to make an arrest, or to protect members of the public and officers from risk of harm.”

- Core Principles of Use of Force, Seattle Police Department

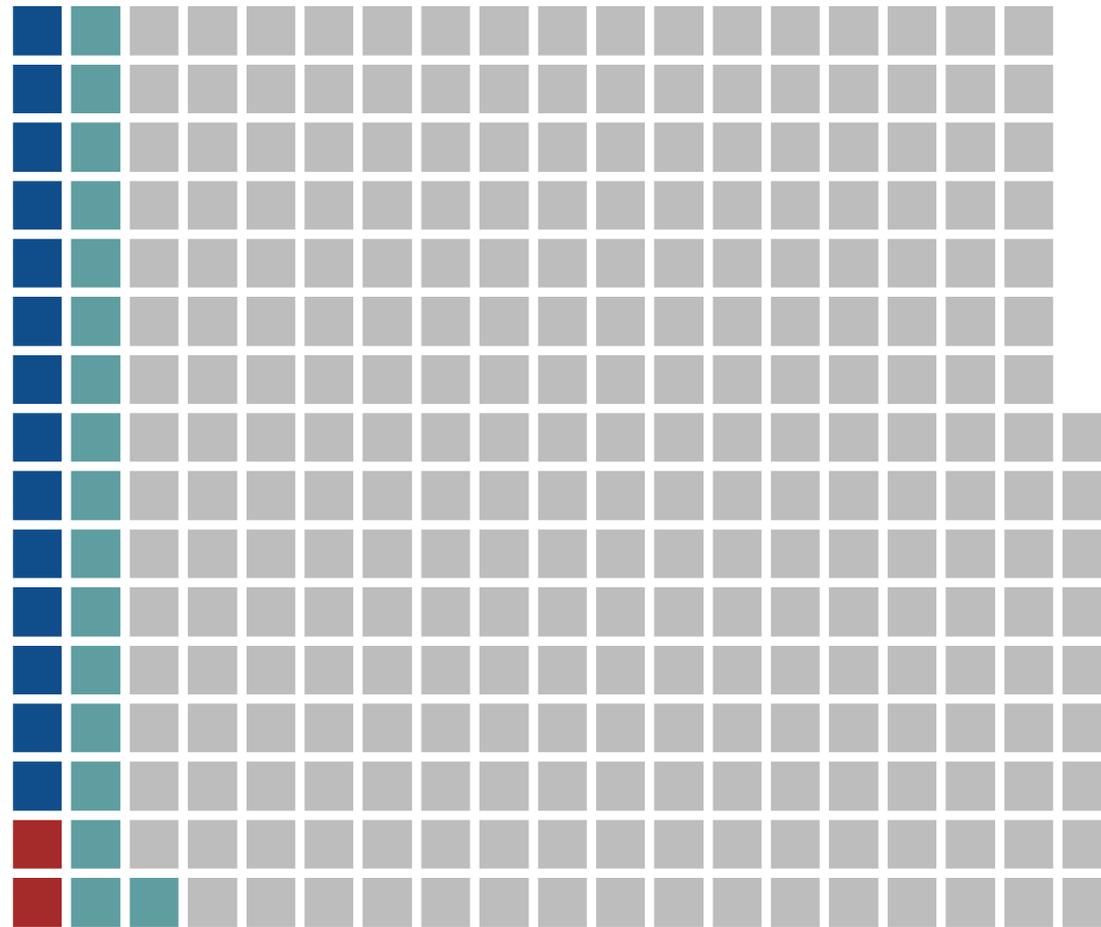


The BPD's definition of force is broad and the reporting threshold is intentionally low:

Any physical force used to ensure safety and control, beyond compliant handcuffing.



Use of Force is Rare



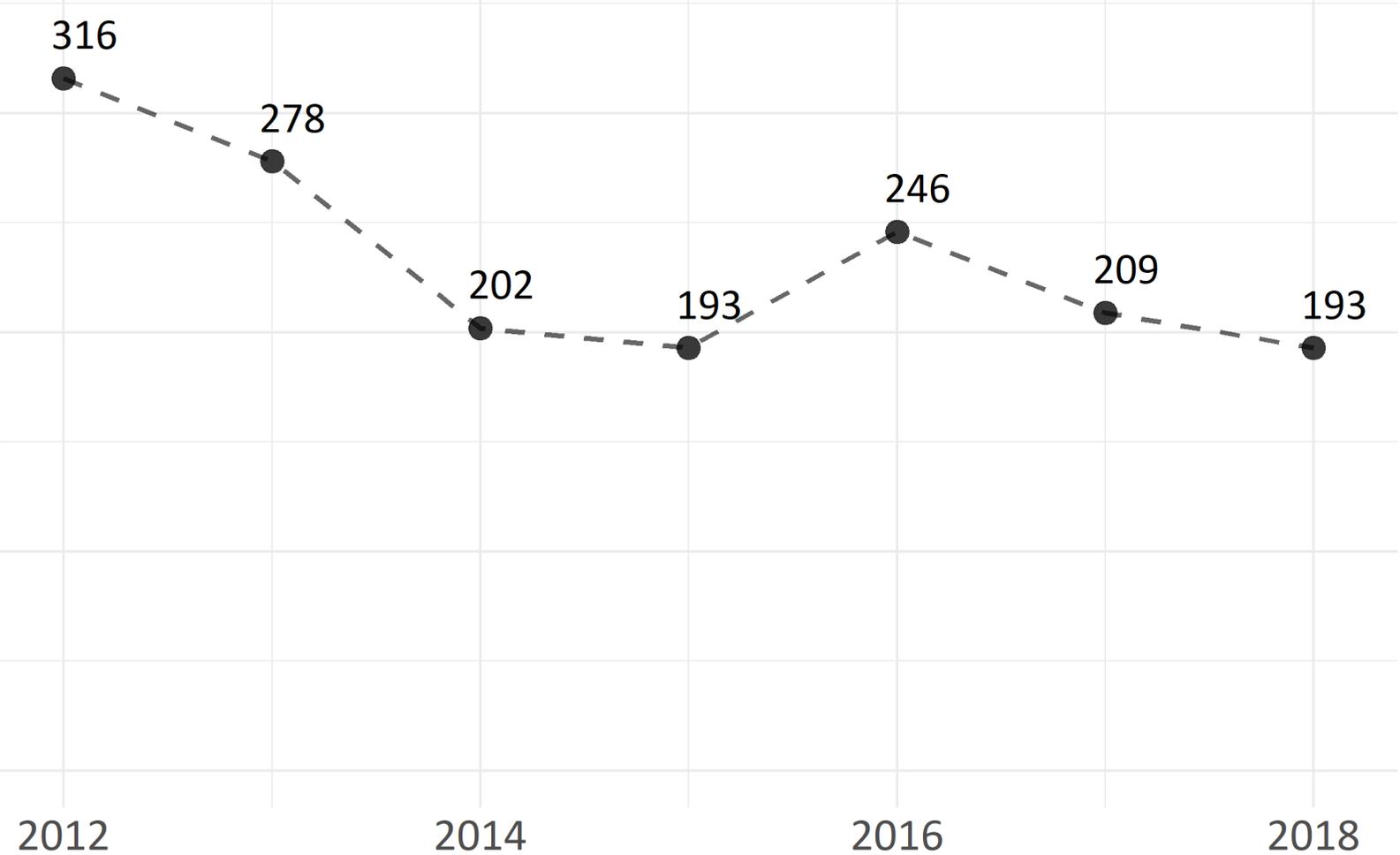
30,000 incidents
193 force incidents

1 square = 100 incidents (2018)

■ Use of Force ■ Arrests ■ Offenses ■ Incidents



Incidents with Force Trending Down





Current Policy Includes:

- **De-escalation and verbal commands**
 - Using words and taking actions to stabilize a situation, allowing more time and resources, in order to gain voluntary compliance.
- **Acting in accordance with training**
 - “Officers will use contemporary techniques as instructed by certified instructors and/or in accordance with current training and practice.”
- **Objective Reasonableness**
 - Actions are judged from the perspective of the officer based on his/her training, experience, and knowledge at the time of the incident
- **Force Type Definitions**
 - Guidance on when a category of force may be appropriate or inappropriate to use (e.g., on the infirm, elderly, or disabled, etc.)
- **Reporting Requirements**
 - How data is collected, maintained, analyzed.



De-escalation and verbal commands



- A. Officer Presence/Verbal Commands – Officers should use verbal de-escalation techniques when appropriate. Persuasion may occur by a show of authority of an Officer either by a uniform presence or obvious identification as a police Officer. Verbal and non-verbal commands should be given to direct and let a subject know what is expected of him/her. The subject should be informed by what authority he/she is being detained, arrested or taken into custody and what he/she must do to comply. Officers should inform subjects that if they are not compliant what result will occur. Officers should document their verbal orders in regard to arrest, investigative detention or protective custody and verbal warnings in regard to non-compliance and the result.



ICAT TRAINING



CRITICAL ISSUES IN POLICING SERIES

ICAT Integrating Communications, Assessment, and Tactics



The New York Times

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U.S. Police Leaders, Visiting Scotland, Get Lessons on Avoiding Deadly Force

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TRAINING GUIDE
For Defusing Critical Incidents





Emergency Response Vehicle: a force minimization platform



“This is basically like a rolling swiss army knife.” – Curtis Gilbert, *Reveal*, American Public Media

Active incident resolved at DoubleTree in South Burlington

MALEEHA SYED | BURLINGTON FREE PRESS | 4:42 pm EST January 16, 2019



Dozen of police, some armed with ballistic shields and assault rifles, entered Double Tree by Hilton in South Burlington early Wednesday, Jan. 16.

RYAN MERCER, FREE PRESS STAFF WRITER

5/15/2019

How Burlington police officers defused City Hall Park standoff peacefully

FREE PRESS STAFF REPORT | BURLINGTON FREE PRESS | 2:19 pm EDT September 21, 2018



Chief: Body cam video shows officer's "bravery and restraint"

ELIZABETH MURRAY | FREE PRESS STAFF WRITER | 5:34 pm EDT May 23, 2017



Cpl. Mike Hemond runs after suspect in assault and robbery incident on May 20, 2017; narrowly dodges vehicle, holds fire. Driver Andrew Lavalle arrested (off-camera) shortly thereafter near Main Street.

BURLINGTON POLICE DEPARTMENT

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Annual / Recurring use of force training

- *Officers receive comprehensive training at the Vermont Police Academy as recruits;*
- *Ten hours of scenario-based patrol procedures training involving the use of force and de-escalation;*
- *Ten hours of dedicated use of force training (physical and defensive tactics);*
- *Four hours of CPR and/or first aid training;*
- *Ten to twenty hours of firearms training;*
- *Eight hours of CEW training (taser)*



Use of Force Policy Updates

Cities have begun to update and revise their Use of Force policies:

- *New York City, 2017*
- *Camden, NJ (in draft)*
- *Austin, 2019*
- *Seattle, 2019*

Updates include:

- **Explicit statement of core principles and values;**
- **Explicit statement of key concepts already expressed in training, e.g.:**
 - **Sanctity of Life**
 - Police officers have an obligation to protect human life
 - **Duty to Provide Emergency Medical Care**
 - Police officers must obtain medical care for any injured person, or person alleging injury, in their custody.
 - **Duty to Intercede**
 - Police officers must intervene when they observe use of force that they deem improper.

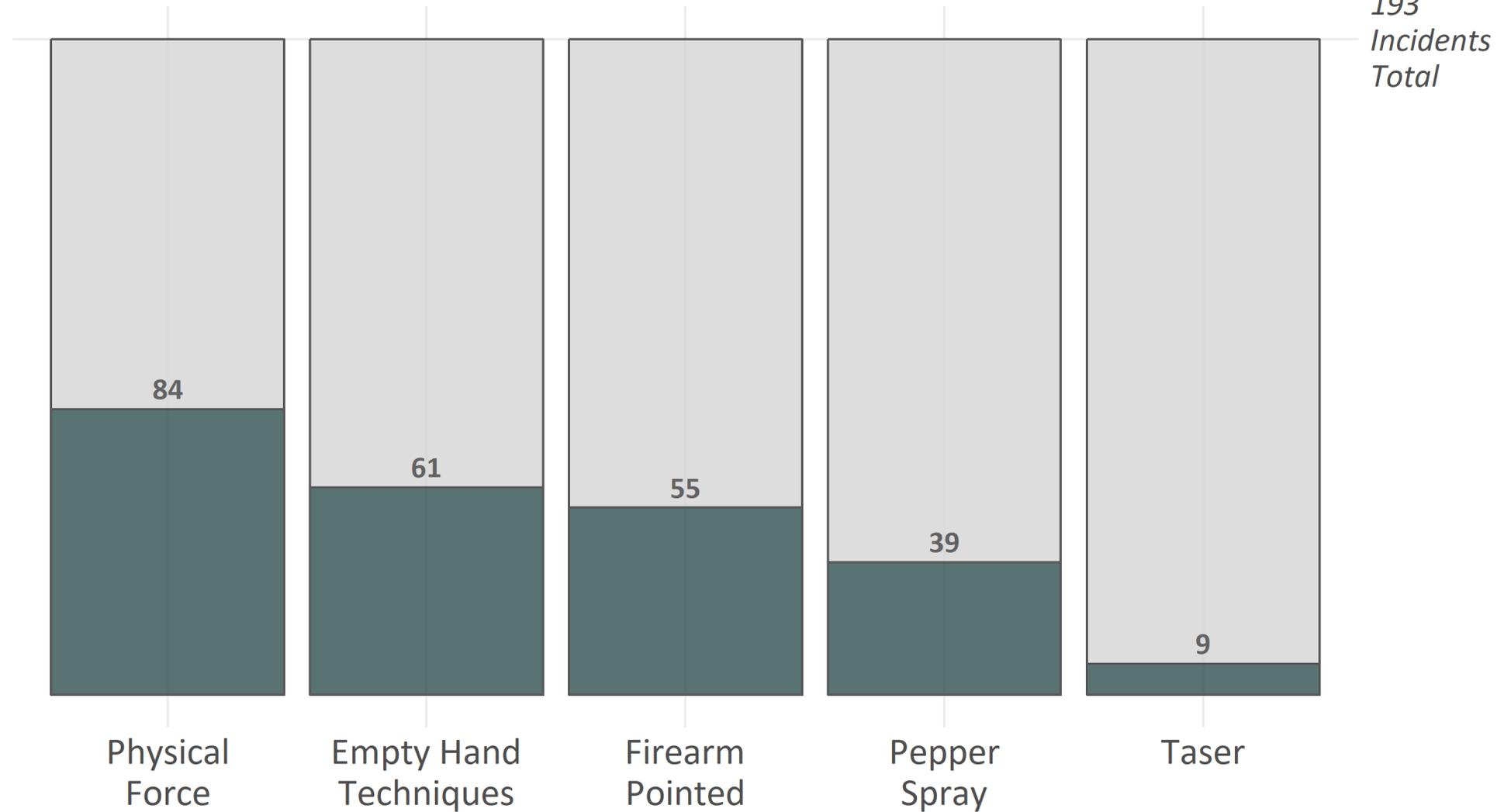


Sample core values: the Seattle Police Department

- 1) Every Member of the Seattle Police Department is Committed to Upholding the Constitution and Laws of the United States and the State of Washington, and Defending the Civil Rights and Dignity of All Individuals, While Protecting All Human Life and Property and Maintaining Civil Order.
- 2) [When Safe Under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force](#)
- 3) Sometimes the Use-of-Force Is Unavoidable, and an Officer Must Exercise Physical Control of a Violent, Assaultive, or Resisting Individual to Make an Arrest, or to Protect Members of the Public and Officers from Risk of Harm
- 4) An Officer Shall Use Only the Degree of Force That Is Objectively Reasonable, Necessary Under the Circumstances, and Proportional to the Threat or Resistance of a Subject
- 5) Each Officer Is Responsible for Explaining and Articulating the Specific Facts, and Reasonable Inferences From Those Facts, Which Justify the Officer's Use Of Force
- 6) The Department Is Committed to Upholding Lawful, Professional, and Ethical Standards Through Assertive Leadership and Supervision Before, During, and After Every Force Incident
- 7) A Strong Partnership Between the Department and the Community Is Essential for Effective Law Enforcement and Public Safety



Type of Force Used By Incident, 2018





Burlington Police Department Online Citizen Complaint Form

Citizen Information

Do you wish to remain anonymous? Yes No
If you choose to remain anonymous, we will not be able to follow up with you regarding your submission.

Would you be willing to meet in person to discuss this incident? Yes No

Would you consider mediation as a way to resolve this incident? Yes No

Name

Address

Civilian complaint reporting system



Primary Contact Number

Alternate Contact Phone Number

Email address

Incident Details

Incident Date Year Month Day

Approximate Time Hour Minute am pm

Incident Location
Enter the address or nearest intersection where the incident took place

Officer(s) Involved
Enter the name(s) and/or badge number(s) of officer(s) involved. If unknown, enter physical description.

Complaint Category

- Formerly, the only way to make a complaint was to appear at police headquarters, or call police headquarters by phone.
- In 2016, the BPD introduced online complaint reporting with unique serial/tracking numbers.
- In 2017, the BPD began providing the police commission with the complete text of all civilian complaint reports for review and monitoring of their investigation and adjudication.

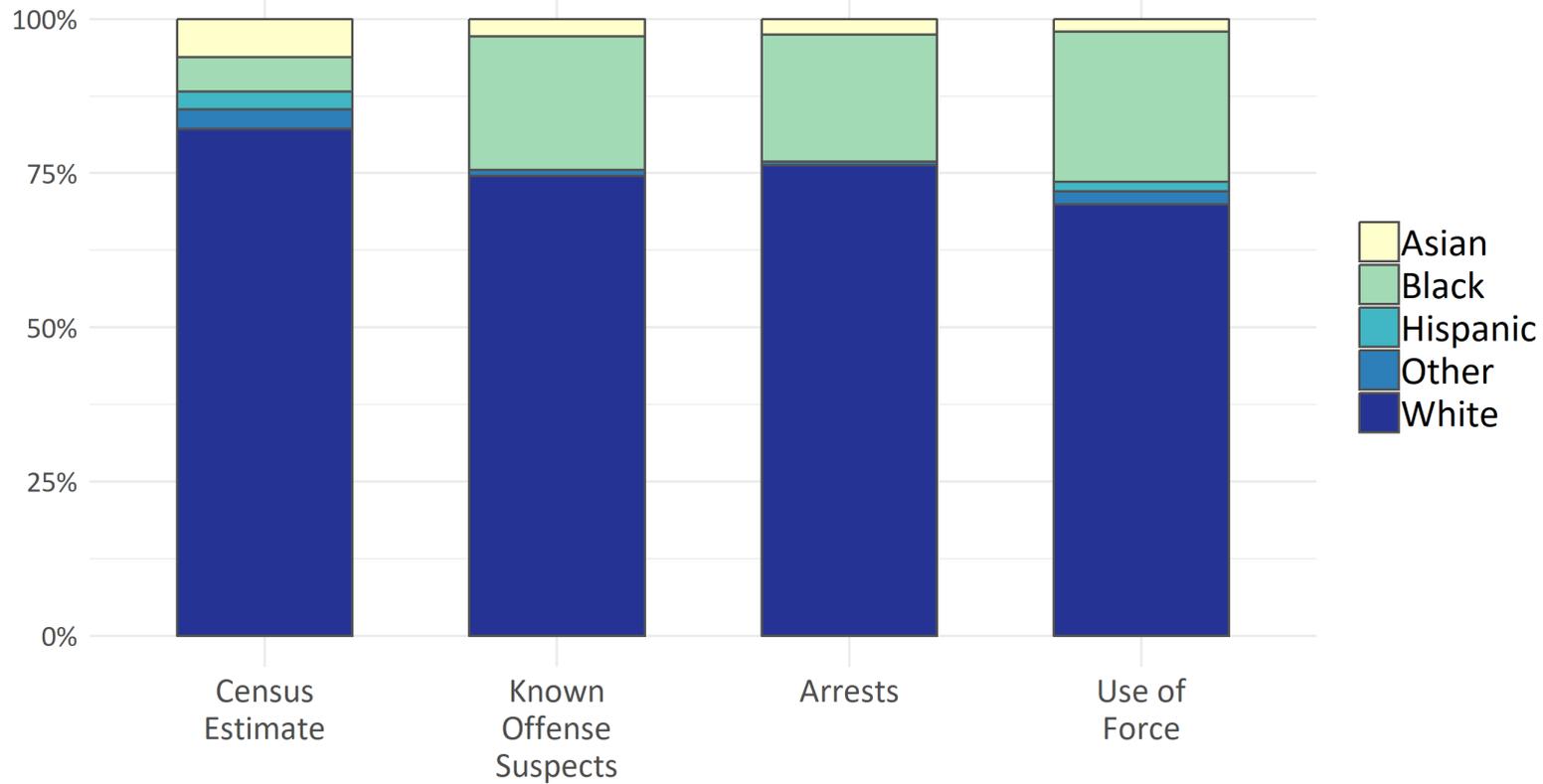


Checks and balances in use of force reporting and review

- **Body camera footage collection and review:**
 - Officers are required to film their interactions and arrests and cannot edit or delete them.
 - It is likely that more than one officer will have collected body camera footage in an incident.
 - All body camera footage associated with criminal charges is turned over to the prosecutor. Absence of footage is considered spoliation.
 - All body camera footage associated with criminal charges is turned over defense attorneys.
- **Civilian complaints:**
 - People can make civilian complaints online from any location and receive a unique submission ID number and a complaint serial number for reference.
 - All civilian complaints are submitted in full to the police commission for review.
- **Police commission guidance and review:**
 - The commission receives and reviews all civilian complaints.
 - It views all body camera footage and receives investigative updates.
 - The commission advises on the findings of all serious investigations.
 - It advises on ensuing discipline.
- **In serious use of force cases, the State's Attorney and State Attorney General investigate**



African Americans Overrepresented in Arrests, Offenses, and UoF

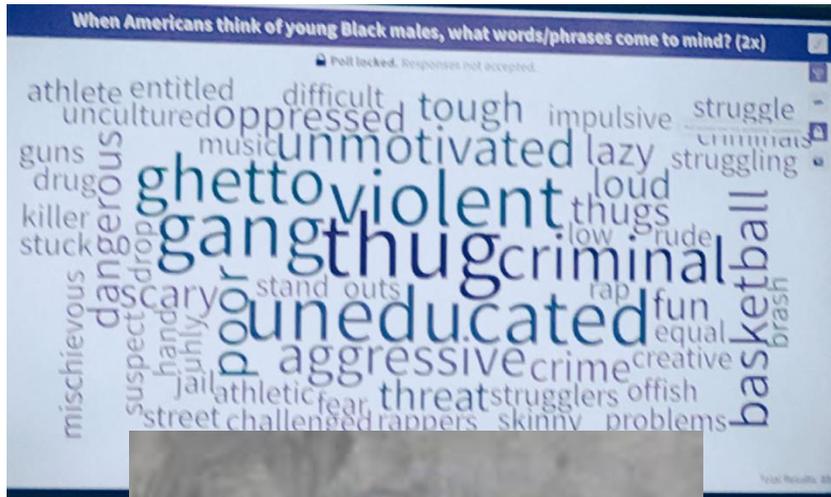


Census: 2012 - 2017 ACS, Police Data: 2018

Race	Cases	Mean Bail*	Median Bail*	Percent Bail	Percent Felony Cases
White	1,236	4,505	300	20%	24%
Black	340	5,003	500	24%	32%
Asian	49	4,040	5,000	10%	33%



Implicit bias training and measures to ensure fairness and equity



ACLU concerned Burlington police arrests violate free speech rights

ELIZABETH MURRAY | FREE PRESS
STAFF WRITER | 2:21 pm EDT September 15, 2017



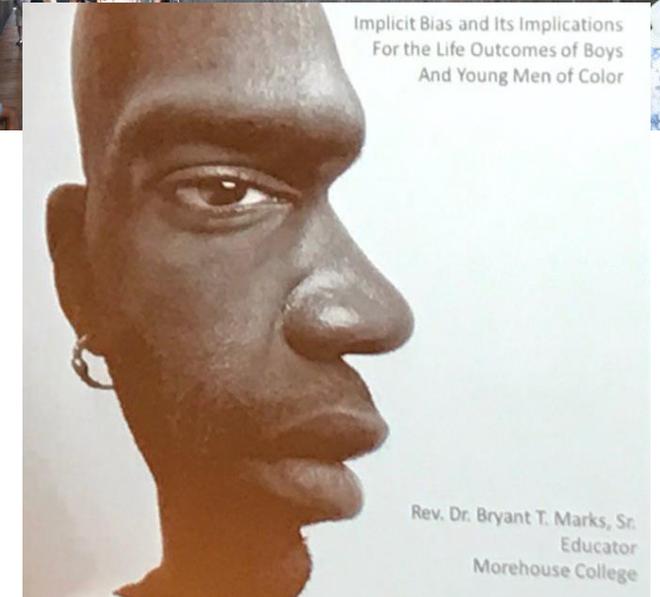
Implicit Bias and Its Implications
For the Life Outcomes of Boys
And Young Men of Color



5/15/2019



Burlington Free Press
USA TODAY NETWORK



Rev. Dr. Bryant T. Marks, Sr.
Educator
Morehouse College



The BPD takes the vulnerability of minority residents seriously



You've Got Hate Mail: Are This Man's Awful Screeds Protected Speech?

BY **DEREK BROUWER**
March 20, 2019

7 comments ▼



Christopher Hayden at Vermont Superior Court in Burlington | GLENN RUSSELL

5/15/2019



Burlington Police ✓
@OneNorthAvenue

Apart from rush hour traffic delays, @uvmvermont student civil disobedience resolved without incidents or arrests. Students cleaned up and departed. Thank you all for your patience & cooperation.



20:07 · 22 Feb 18 · [Twitter for Android](#)

Man Arrested After Allegedly Sending KKK Flyers To Two Burlington Residents

By TAYLOR DOBBS · NOV 12, 2015

Share Tweet Email

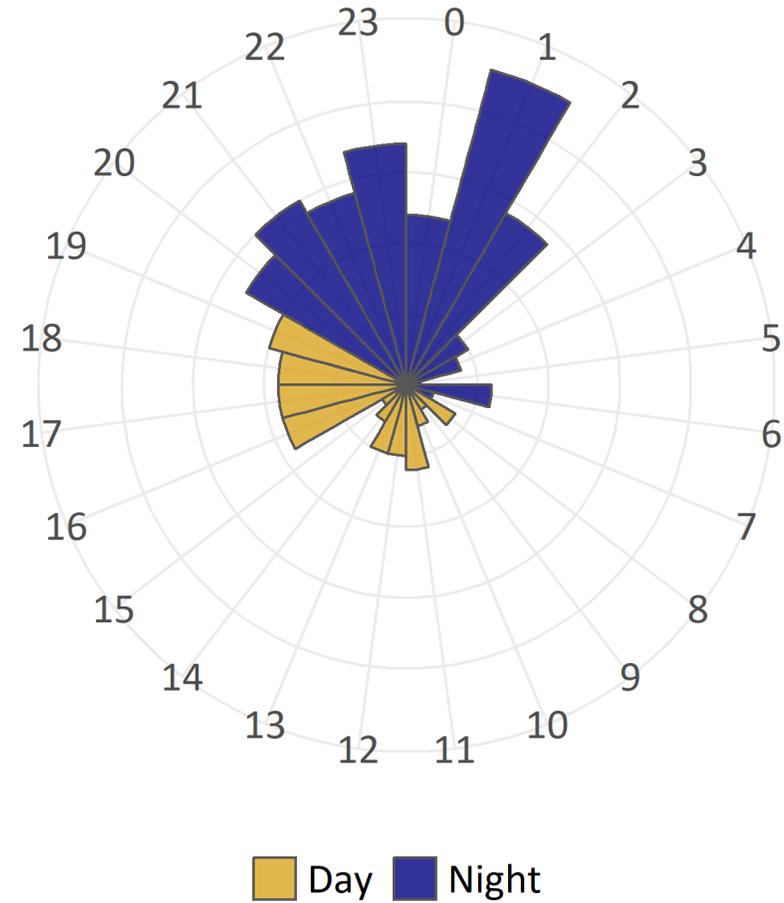
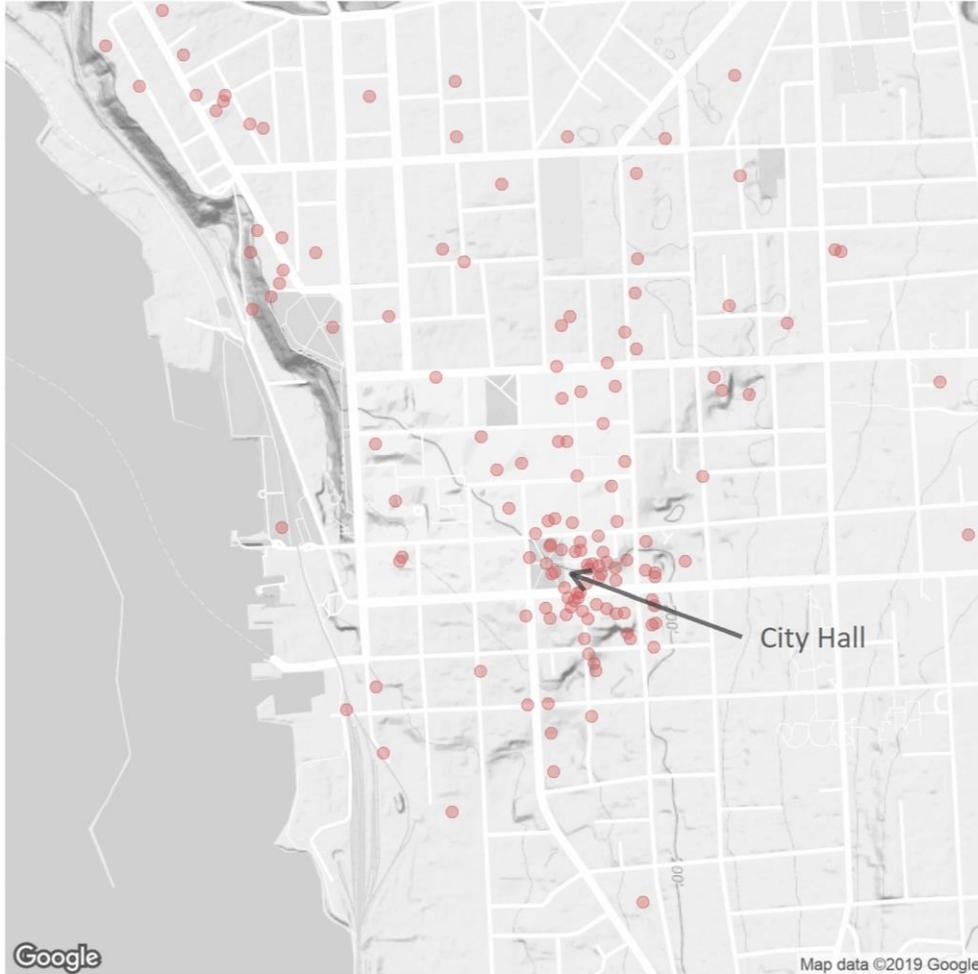


Chittenden County State's Attorney TJ Donovan said he expects the case against a Burlington man accused of sending KKK flyers to two black women, to be appealed to the Vermont Supreme Court.

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Incidents with Force Concentrated Downtown, Late Night

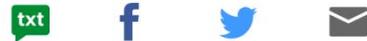




When officers intervene in fights and disputes downtown in the early morning hours, it is with the concern that unchecked fights and disputes have had disastrous results.

Nectar's staff returned a felon's gun. Hours later, he shot someone on Main Street, police say.

ELIZABETH MURRAY | BURLINGTON FREE PRESS | 6:47 am EDT September 13, 2018

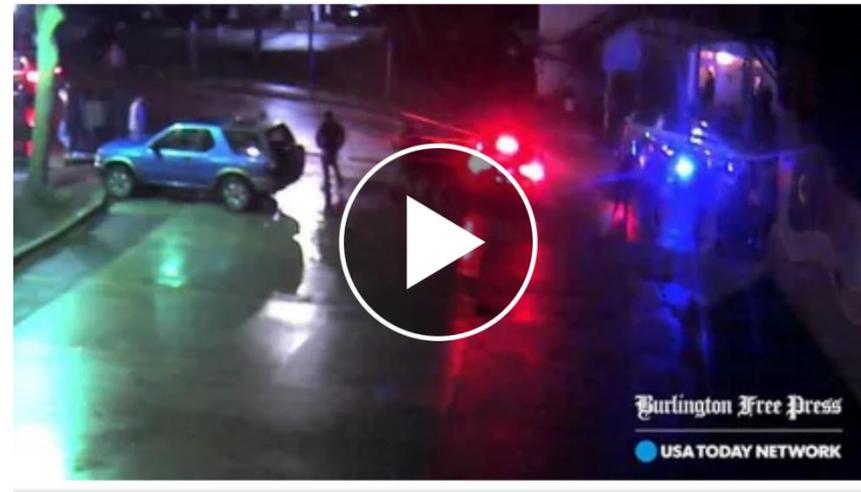


Police say Nectar's should have called police instead of holding gun after man threatened



Burlington man convicted in 2015 Church Street shooting death gets 20-life in prison

ELIZABETH MURRAY | BURLINGTON FREE PRESS | 4:57 pm EST January 14, 2019



Burlington Free Press
USA TODAY NETWORK



7. A Strong Partnership Between the Department and the Community Is Essential for Effective Law Enforcement and Public Safety



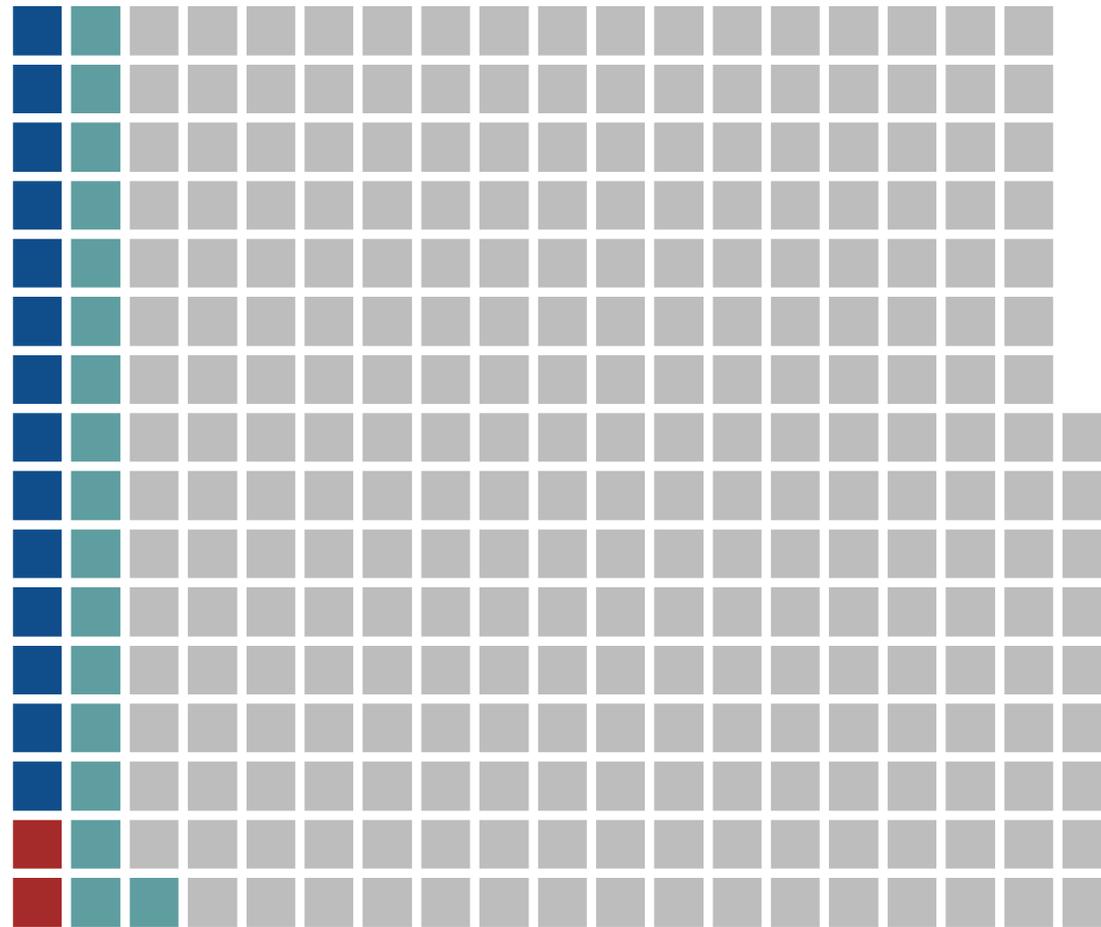
Uses of force, *even if lawful and proper*, can have a damaging effect on the public's perception of the Department and the Department's relationship with the community.

Both the Department and individual officers need to be aware of the negative effects of use-of-force incidents and be empowered to take appropriate action to mitigate these effects, such as:

- Explaining actions to subjects or members of the public
- Offering reasonable aid to those affected by a use-of-force
- Treating subjects, witnesses, and bystanders with professionalism and courtesy
- Department follow-up with neighbors or family to explain police actions and hear concerns and feedback



Use of Force is Rare



1 square = 100 incidents (2018)

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Goals

1. Repair the trust between the community and the police
2. Continue advancing with our progressive policing agenda that makes our community both safer and more just

Principles

1. The process should be led by a group that represents the whole community.
2. The police need to be included as an essential partner in this effort.
3. The process should look broadly at our critical policing policies.
4. This engagement process must be supported by resources and expertise.

