

**TESTIMONY OF CHIEF MICHAEL E. SCHIRLING
SENATE COMMITTEE ON THE JUDICIARY
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**WRITTEN TESTIMONY AND EXHIBITS BY
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Good Morning Mr. Chairman and Members of the Committee.

My name is Michael Schirling and I have the privilege of serving as the Chief of Police in Burlington, VT. I am pleased to be here this morning to discuss the challenges currently confronting small cities and U.S. law enforcement and how the Federal government can renew its commitment to the safety and vibrancy of our communities at this crucial time of economic downturn.

To provide some cursory background information - Burlington is a community of approximately 40,000, located on the eastern shores of Lake Champlain about 35 miles south of the Canadian border. It is the central hub of activity and commerce for northwestern Vermont and the greater Burlington area, which encompasses a population of approximately 150,000 residents.

Through our 144 year history of providing law enforcement services to Vermont's largest City, our ranks have grown to 100 officers and 36 civilian personnel. Over the last ten years our policing paradigm has shifted from a response based model to one embracing the core tenets of community policing - partnership and problem solving - with an eye toward preventing crime and mitigating disorder on our streets and in our neighborhoods, using a variety of methods and employing the resources of a host of stakeholders.

We believe, in addition to traditional law enforcement activities such as enforcement and investigative initiatives that, increasingly, law enforcement, together with the communities they serve, must focus on education and prevention as well as outreach and intervention in an effort to stem the tide of crime by reaching youth and the disenfranchised at a neighborhood level. By expending resources to impact the path or life of our citizens before crime occurs, or crime reaches the level of serious and violent offenses, the cost to society is not only dollars, but in reducing tragedies, is immeasurable. Changing the direction of a single life or even an entire community can be accomplished with proper resources and strategies. Over the last ten years our officers and staff have had a variety of successes utilizing the community policing model including:

- ? Successful neighborhood policing utilizing geographic assignment of officers and supervisors to ensure a greater sense of connection with the community and ownership of neighborhood level problems
- ? Working with neighborhoods and businesses to address the communities safety and crime prevention needs, street by street
- ? More robust connections with youth via our School Resource Officer program and other youth initiatives
- ? Well developed relationships with our local colleges and universities to foster better integration of students with traditional residents

- ? Successful efforts to support victims and survivors of crime utilizing a community-based Parallel Justice program
- ? Partnership with our Community Justice Center to create alternative, community-based, restorative sanctions for low-level offenders
- ? Creation of a Community Support Program that offers mediation and intervention services to citizens in conflict in an effort to reduce the number of crimes that occur and referrals to our already burdened Court system
- ? Partnership in a mental health street worker project in our downtown to help manage service-resistant individuals suffering from mental health and substance abuse problems, while ensuring a vibrant retail and entertainment district
- ? Participation in a grassroots community group (titled the Uncommon Alliance) working to mitigate the impact of real and perceived bias in policing and to foster trust with members of our increasingly diverse community
- ? Robust working relationships with Federal, State, and local agencies throughout Vermont to tackle tough issues and complex cases involving violent crime and drug distribution
- ? Work with the VT Department of Corrections and other stakeholders on cutting edge offender re-entry initiatives
- ? Partnership with Federal, state, and local law enforcement in a multi-disciplinary task force approach to child sexual exploitation and sexual violence against women - putting the needs of victims first
- ? Creation and ongoing operation of the Vermont Internet Crimes and Internet Crimes Against Children Task Forces providing education, law enforcement training, investigative support and computer forensics across a wide variety of technologically challenging crime trends

Many of these successful initiatives have had the support of federal funding in the past. Some were created using critical federal seed money. Alternatively, other critical operational projects have been federally funded, allowing us to expend our local resources on direct service provision and expanding our community policing initiatives. While we, like many law enforcement organizations in Vermont and across the nation, have met with success using a community policing model and adapting to the emerging needs of our jurisdiction, the changing face of crime coupled with the mobile and interconnected nature of modern society continue to pose significant challenges to our resources. Some of our contemporary challenges include:

- ? Recruitment and retention of qualified, service-oriented police officers and support personnel in an increasingly competitive national recruitment landscape
- ? Shifts in violent crime from large urban areas to smaller urban and rural jurisdictions have resulted from a variety of factors including offender displacement caused by successful policing initiatives
- ? In Vermont, this shift in violent crime has manifested itself in a variety of ways including;
 - o An increase in the overall number of homicides committed statewide in Vermont in 2008
 - o An alarming evolution in the realm of crimes against women, resulting in two random abductions and murders in the last three years
- ? Stresses created by the burgeoning drug trade, both in illicit drugs, in our area led by a resurgence in cocaine (powder and rock/crack), as well as the widespread trade and trafficking in prescription narcotics such as oxycontin
- ? Prescription medication being sold on a street level, not only by traditional drug dealers but by dozens of other drug users, in a network similar to what you would see on the Internet - a distributed, decentralized trade of the medication to sustain ongoing use by individuals day to day

? An expansion of the number of property crimes, car breaks, burglaries, and armed robberies, particularly at convenience stores and pharmacies, stemming from the drug trade and attempts to directly or indirectly acquire prescription drugs

? Continuing challenges posed by computer and Internet crime and the emerging challenges on increasingly mobile devices used to facilitate high-tech crime

? Stresses on our resources, stemming from persons suffering from underlying mental health and substance abuse problems, being shuttled into the criminal justice system as a surrogate for mental health or health care systems that are overburdened or under-resourced

? Smuggling in narcotics and other illicit materials as well as human trafficking, across the Northern Border draining resources of Federal, state, and local agencies in our border areas as well as areas miles away

? Diminishing resources and support for offender re-entry which correlates to an increased risk of recidivism

? Shortages in correctional facilities in Vermont for pre-trial detainees and on both state and Federal charges

? Shifts in burdens to local governments and, in particular, police agencies caused by shortages in correctional facilities for convicted offenders

? Stresses associated with post-911 security for transportation infrastructure, highlighted by an array of Federal requirements at our airports

One example of the challenges we now face, specific to the drug trade and the increasingly mobile nature of drug traffickers involves the following case from 2008.

On July 4, 2008, Burlington Police received information of local resident involved in the sale and distribution of crack cocaine from his residence located in our most densely populated neighborhood, within a block or so from three elementary schools.

Investigation revealed that the suspect, local to Burlington, was receiving weekly shipments of crack cocaine. The drugs were transported by three couriers were travelling regularly from New York City to Burlington. Once in Burlington, the couriers would reside with the local subject for a week at a time, providing the crack cocaine that the buyers requested to purchase at the door or the residence. Transactions involved the couriers holding the currency and the crack while the local suspect acted as the retail agent for the transactions to the buyers.

Half way through a week, the source providing the crack cocaine to the couriers would send a "runner" from the Schenectady, New York area to collect what ever amount of currency had accumulated at the residence and transport the money to the main source in New York City. When the supply of drugs was exhausted, he would travel back to New York City and be replaced by the next courier. Investigation revealed this activity occurred over a four month period resulting in the sale and distribution of 80 ounces of crack cocaine in the Burlington area.

In late 2008, after completing an extensive investigation involving multiple agencies, a variety of investigative resources and including numerous controlled drug purchases and search warrants the case culminated with the arrest of several suspects.

A second case example involving the proliferation of prescription medication is illustrated by this investigation:

In October of 2008 investigators began receiving information that a local Burlington resident was selling Oxycontin from his home in the Old North End of the city. The suspect's residence was, once again, within a short distance of two elementary schools.

Police executed a search warrant at the residence after a period of surveillance. The resident was found in possession of 13 Oxycontin 80 mg pills and about \$2,000 in US Currency. The suspect admitted that he was addicted to Oxycontin and he had been selling the pills to support his and his girlfriend's addiction. He admitted that he had been selling approximately 90 to 150 Oxycontin 80 mg pills each day, 5 days per week for 6 months. The suspect sold approximately 11,700 to 19,500 Oxycontin 80 mg pills during this time period. The street value, in Burlington, of these quantities, range from \$936,000 to \$1,560,000. This suspect had no property or money to show for these sales. He lived in filth with his girlfriend and their toddler. The toddler had to be taken into state custody based on the unhealthy living conditions and lack of food. The money that the suspect had in his possession was only used for resupplying the Oxycontin for personal use.

The suspect identified two sources of supply for the Oxycontin. One source resided in New York City and regularly travelled to Burlington to deliver the Oxycontin and pick up money accumulated from sales.

These two cases are illustrative of the issues that small cities and rural police agencies face each day.

Another case example related to the vast reach of crime facilitated by contemporary technology and its' impact on smaller jurisdictions comes from the following:

In 1998 members of the Chittenden Unit for Special Investigations (our multi-agency sex crimes task force) and the Vermont Internet Crimes Against Children Task Force (ICAC) arrested William Rangnow for Sexual Assault on a Minor. This multi-jurisdictional investigation revealed that Rangnow had utilized the Internet to lure a 14 year old girl to meet and engage in sexual contact. Rangnows conviction resulted in his placement on the Vermont Sexual Offender registry.

In 2005, members of the VT ICAC were contacted by a Detective from Springfield Ohio who advised he had been engaged in an Internet Undercover Operation. This operation identified a suspect in Vermont who was soliciting a minor (undercover officer) for sexual contact. Investigation continued in VT and the suspect was identified as William Rangnow. Research indicated that William Rangnow had served his sentence and was on probation at the time of the new investigation.

Investigation culminated in a planned meeting between Rangnow and another undercover officer he believed to be a juvenile female purported to be for sexual contact. In coordinating this meeting and arrest of Rangnow, numerous agencies including:

- ? Springfield Ohio Detective - Initial investigation/identification of suspect
- ? Springfield Ohio Department of Children Services - Assist Detective/Undercover contact with suspect
- ? ICAC Task Force Investigators - Overall investigation, coordination of operation, drafting of warrants/Ops plan, suspect interrogation and arrest
- ? Chittenden Unit for Special Investigations - Surveillance / investigation / interrogation, etc.
- ? Drug Enforcement Administration/Task Force Members - Surveillance
- ? Colchester, VT Police Department - Surveillance/Warrant execution

- ? Essex, VT Police Department - Surveillance/Warrant execution
- ? South Burlington, VT Police Department - Surveillance/Warrant execution
- ? Burlington, VT Police Department - Undercover Officer/surveillance/warrant execution
- ? Vermont State Police - Undercover officer/investigation/surveillance
- ? Vermont Department of Corrections/Probation - Intelligence/suspect violation

This case highlights the highly motivated nature of online predators and the necessity for inter-agency cooperation and assistance as well as the complex and multi-jurisdictional nature of crimes involving technology. The investigation spanned from Ohio to Vermont and involved a host of resources to apprehend this dangerous offender.

There has been progress in our national efforts to stem the tide of crime. However, much work remains to be done and recent setbacks in many areas of the country cloud that progress. Increases in violent crime, drug sales and gang activity in some parts of America, correspond directly to the substantial decline in funding for state, tribal and local law enforcement from federal government assistance programs in recent years.

The current economic recession will have a significant impact on local and state funding streams that are stretched to their limit. This economic turmoil has caused concern for public safety resources because maintaining safe communities is arguably one of the key elements of economic vitality and growth for any community. Ensuring that resources exist to enable our Department, as well as Americas 18,000 law enforcement agencies and 800,000 police officers, to continue to combat crime and disorder day to day, will require a renewed commitment to historic funding streams such as Community Oriented Policing Services Program (COPS) awards and the Edward R. Byrne Memorial Justice Assistance Grant Program (Byrne-JAG).

Without renewed assistance the current economic trend will cause already strained resources to be taxed even further and diminish hopes of continued progress. Without renewed assistance, Vermont and other areas of the nation where small cities and rural law enforcement are the first line of safety on our streets and in our downtowns will inevitably face difficulties including:

- ? Cuts in personnel - both police officers and key support positions
- ? Inability to fund critical equipment needs such as bulletproof vests, less-than-lethal munitions, as well as communications, and technology projects
- ? Reductions in the ability to pay overtime costs associated with complex investigations, drug interdiction, traffic safety initiatives, and other critical public safety operations
- ? An erosion of resources to support victims and survivors of crime
- ? Diminishing resources for service agencies who provide support to offenders, persons suffering mental illness, and those with substance abuse problems which will inevitably lead to a displacement of assistance requests and emergency calls creating additional burdens on local police and justice systems
- ? Inability to procure local or state matching funds should matches be required for future Federal funding sources

Historic funding sources such COPS and Byrne-JAG should be re-invigorated and distributed nationwide to allow law enforcement agencies to craft creative, meaningful policing strategies tailored for their respective communities, each with distinct needs. Some communities will require funding for police officers, while others may require support personnel such as computer forensic examiners, mental health and substance abuse clinicians or other specialized practitioners to tackle the issues they face.

Many communities desperately need operational technology funding for projects ranging from radio system enhancements to mobile data terminals or technology infrastructure. Others will need assistance in facilitating education and prevention endeavors, arguably our best dollars spent to keep communities safe. Still others are working in police facilities that are substandard and do not meet the needs of contemporary policing and community engagement activities. Toward that end, I believe these unique circumstances require the unusual step of Federal funding for facility and infrastructure projects (including ones related to green facilities and alternative energy initiatives) as well as personnel and operational resources. Put simply, each community is in need of something a bit different from the next, but the common theme is that resources are needed to take the next steps in our efforts to keep our streets, downtowns, and the next generation of Americans - our youth - safe.

As you consider how to support law enforcement operations in a way that will have a positive impact on crime control and public safety, it is important to note that policing does not exist in a vacuum. Not only are there key partners in direct community policing efforts such as community and restorative justice centers, neighborhood groups, businesses, and other stakeholders, but other critical pieces of the justice system that are essential to supporting the aftermath of successful policing efforts including prosecutors, courts, and corrections. It is essential that government at all levels provide adequate resources to these institutions as well.

Federal, state, local, university and tribal law enforcement are doing all that we can to protect our communities from increasing crime rates and the specter of terrorism, but we cannot do it alone. We need the full support and assistance of the federal government. It is essential for key law enforcement programs like COPS and Byrne to be fully funded in 2009 and in the years that follow. With your help, and our commitment to a safer America, we can continue to make great strides. As we work toward economic recovery, the safety of America's communities, large and small, is a critical component to economic stability and growth.

To that end, Mr. Chairman, yesterday I was heartened to see you introduce the Rural Law Enforcement Assistance Act of 2009. This proposal for \$75 million in funding for hiring police officers, purchasing necessary police equipment, promoting the use of task forces and collaborative efforts with federal law enforcement, as well as prevention and treatment programs in rural communities is a necessary step to ensuring the continued success of law enforcement agencies in our small cities and rural areas.

In closing, I would like to thank you Mr. Chairman and distinguished Senators, for taking testimony on this important set of issues and for your continued leadership and assistance on law enforcement matters nationwide.