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**TESTIMONY OF CHIEF MICHAEL E. SCHIRLING
SENATE COMMITTEE ON THE JUDICIARY
ENCOURAGING INNOVATIVE AND COST-EFFECTIVE CRIME REDUCTION
STRATEGIES
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**WRITTEN TESTIMONY AND EXHIBITS BY
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Good Afternoon 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 with you again. I want to take a moment to thank the Committee and the Chairman for recent support of local law enforcement through renewed availability of Justice Assistance and COPS funding streams in 2009. I also very much appreciate the opportunity to be here this morning to discuss the challenges currently confronting small cities and U.S. law enforcement and how innovative and cost-effective strategies could benefit public safety and the government bottom line.

To provide some background information – which mirrors my testimony to set the stage during my last visit with you in January of 2009 – Burlington is a community of approximately 40,000, located on the eastern shores of Lake Champlain about 35 miles south of the Canadian border. We host, among other educational institutions, the University of Vermont and Champlain College. 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 145-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 eleven years our policing paradigm 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.

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 community's 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 been creative, cutting-edge ideas that have had the support of Federal funding. Many were created using critical Federal seed money for pilot projects to encourage innovation.

We believe that critical law enforcement innovation can occur not just in traditional policing endeavors but also in other areas. Beyond traditional law enforcement activities such as enforcement and investigative initiatives, 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 paths or lives of our citizens (particularly youth) before crime

occurs, or crime reaches the level of serious and violent offenses, the cost to society in 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 innovative strategies and resources to seed projects and initiatives to prove the efficacy of those strategies.

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
- 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
- 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 communication devices used to facilitate 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
- 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
- Challenges related to the sharing of information and data exchange among law enforcement and other criminal justice organizations
- Challenges that relate to the vast increase in complexity – both scope and depth – of the issues that face law enforcement today versus what the landscape looked like 20 years ago

Responses to these challenges must be crafted using creative, collaborative, and cost-effective approaches – what this hearing's title states very clearly – innovative and cost effective law enforcement strategies. While there are literally dozens of possible topics to discuss in this realm, I have chosen a cross-section of items from a variety of areas that are representative of the concepts that could be embraced. Clearly, alternatives will differ in various regions of the country.

Among the creative and innovative approaches that could be explored:

1. **Integrated Justice System Models** – Embracing new, integrated models of justice system operation (attachment A details one view of justice system integration that we are working with) which emphasize lower cost, more effective strategies such as education/prevention efforts and outreach/intervention efforts in an attempt to mitigate the number of people whose behavior deteriorates to the point where traditional criminal justice system intervention is necessary. If those approaches fail and an individual's behavior rises to low-level crime, swift, meaningful community-based strategies can be employed. They include municipal/civil tickets, pre-arrest diversion via restorative justice models and community justice centers, and traditional court diversion models. Properly implemented, these initial responses to low-level events and low-level crime can mitigate the number of offenders entering the justice system for more significant crime. If offenders do enter the system for more significant, repeat, or violent offenses, the resources of the traditional justice system are reserved for swift, sure response.

To ensure that resources exist to enable meaningful interventions at earlier stages in the system investments, which could be offset by reductions in the cost of traditional justice systems operations, funding will be necessary in:

- Crime reduction strategies through education and prevention; and outreach and intervention
- Restorative and parallel justice programs to reduce burdens on Courts and jails through effective, community-based interventions for low-level offenders and support for victims of crime

Additionally, if individuals fail at these early stages and cases end up in Court at the traditional adjudication level, we must find creative ways for our Courts and Judges to have access to historical information about alternative approaches that have been used and have failed in order for Court action to be informed and meaningful. Without information about prior efforts to intervene at a community level, the Courts will arguably be less effective, operating in an information vacuum.

2. **Consolidation of services / regionalization.** In Chittenden County in Vermont we have been discussing the regionalization of public safety services for over 40 years. Examples of successful regionalization of emergency services on a variety of scales exist in a variety of areas of the country. The cost savings and enhancement of services that could be achieved from consolidating services ranging from information technology to communications to investigative functions to entire public safety departments is often discussed. Yet, in many areas of the country there is nothing to entice departments or local governments to take the initial steps into the consolidation arena. There is nothing to break the surface tension or to pay for the studies or seed money that may be needed to begin implementation of the best concepts.

Nationally, our 18,000 police departments and 800,000 police officers do an excellent job every day despite the duplication of effort and limited resources they often work with. Imagine the possibilities in leveraging economies of scale to produce better services at lower cost to the taxpayer.

- One example of this area for innovation is information sharing and consolidation of information technologies (IT) infrastructures. Technology and Internet bandwidth have evolved to the point where duplicating IT infrastructure at every agency is no longer necessary. We could reduce the extensive duplication of effort, equipment, and staff and, by extension, the explosive cost of IT through smart, simple, effective consolidation of core services and infrastructures. Creating regional IT centers that host core IT infrastructure for multiple agencies would leverage technology to enhance information sharing and communication and open doors to better services for the public through such things as online crime reporting and mapping.

3. **Technology incubators and partnerships.** An extension of the consolidation discussion in section 2, this concept stems from the specialized software that law enforcement agencies have come to rely on for daily operations.

First, one of the core costs of law enforcement operations is the reliance on computer aided dispatch and records management systems. These systems are complex, costly, and often duplicated multiple times over in small geographic areas. In the current paradigm law enforcement agencies spend millions of dollars annually purchasing and maintaining these systems. Simultaneously, prosecutors, public defenders, Courts, and corrections/jails purchase and maintain systems running parallel to the law enforcement CAD/RMS systems. In addition, we now look for software solutions (to purchase and maintain at additional cost) to move information from one system to another. These systems, while sometimes effective, are often built on aging technology platforms that make them less intuitive and more cumbersome to use than some contemporary platforms.

By partnering directly with skilled database and application developers, law enforcement agencies could create new, simple, intuitive, and powerful systems that help leverage the technology while making it easier to conduct daily law enforcement operations. This development model could be used in partnership with private companies or educational institutions and could yield more powerful applications, shared across networks by multiple agencies to enhance data exchange. Simultaneously, the creation of source code owned by law enforcement could allow for semi-open source development of CAD/RMS systems that are powerful and tailored to individual agencies needs based on a single robust platform.

If successful, once the initial phases of development of the CAD/RMS system are complete, exploration of expansion to allow prosecutors, public defenders, Courts, and corrections/jails to build upon this system could begin. Theoretically, this system could be used as a base for a single scalable, secure system that eliminates the need for duplicate data entry or transfer and allows an event to travel seamlessly through the criminal justice system as a single record.

In January of 2010, we issued a Request for Information looking for possible partners to develop a state-of-the-art CAD/RMS in partnership with Vermont law enforcement working as a consortium of agencies and users. Our hope is that this project could act as a “technology incubator” that could yield a core product that will be scalable to the need of law enforcement agencies on a regional or even national scale.

Another example is the realm of digital forensics and explosion of digital evidence into every facet of criminal investigation from sex crimes and domestic violence to drug offenses and burglary. Digital forensic tools need to continually be developed and refined, validated, and deployed with ongoing training provided to forensic examiners. The costs to build, staff, train, and equip digital forensics labs are significant. Partnerships between law enforcement and educational institutions (colleges and universities) could help to dramatically offset the cost of tool development, validation, and training. There are a variety of theoretical models we have discussed in Vermont, some put into practice as pilot projects between the Vermont Internet Crimes Task Force and Champlain College, in which research, tool validation, training, and even operational capacity is bolstered using practitioners and experts in the educational arena. Expansion of these types of partnerships as other types of “technology incubators” could have long-term cost savings and operational benefits.

4. **Unified strategies for offender housing (facilities) and re-entry.** In Vermont, we suffer from a notable lack of capacity, coupled with extensive expense, to house convicted offenders. That capacity appears to be on the precipice of shrinking further. At the same time, we lack housing to transition offenders released from facilities to work to successfully reintegrate them back to the community upon release. The costs to house offenders are staggering as Vermont operates a decentralized correctional system with multiple facilities duplicating efforts and costs a number of times over. Programming, education, and transitional initiatives are limited because of the extensive costs already present. Resources do not exist to change the system and the capacity continues to erode as costs continue to rise.

This lack of capacity has a direct impact not only on our State justice system but also on the Federal system and its costs of operation. Last week the U.S. Marshal for the District of Vermont told me that he has 40 beds available for federal detainees and that 200 are needed. He is currently utilizing 17 jails in 5 states to house defendants for appearance at 3 Vermont courts. This is indicative of the strains on the entire system in Vermont.

The street level result of this lack of capacity is a criminal justice system that is not respected by those who choose to commit crime. Consequences for crimes, repeat offenses, violations of Court orders, and violations of probation are often absent, and most commonly delayed. There simply is no threat of punishment via incarceration, which leads in many cases, to repeat offenses. This lack of capacity has direct effects on crime and disorder, especially for criminals who weave their way through our criminal justice system repeatedly. As Mark Kleiman describes in his 2009 book When Brute Force Fails – How to Have Less Crime and Less Punishment: “The more credible a threat is the less often it has to be carried out.”

Smart, innovative systems could be built to fix the problems of cost and capacity and achieve a myriad of goals. Imagine the cost savings in a single, central, state-of-the-art facility with right-sized capacity in a state like Vermont or region of similar size. Such a facility could provide contemporary secure housing for offenders and space for meaningful programming and education. Such a facility could allow for step-down housing to promote offender re-entry on site. For example, there could be tiered units from maximum security through apartment-based living (and steps in between) with privileges to work outside the facility for those nearing release dates.

This type of facility could give offenders re-entering their communities critical tools to use as they re-integrate and begin living on their own once again. All of these goals could be achieved at a lower cost of overall operation.

- 5. Use of specialized practitioners to supplement law enforcement officers and a re-investment in key social service functions.** The complexity of modern law enforcement has increased substantially over the last two decades. Contributing to that complexity are many issues previously handled through specialized means that have fallen victim to diminishing resources and are now borne by street-level law enforcement. Put simply, when other critical resources are absent, 911 becomes the intervention of last resort.

One example of this shift in responsibility is response to persons in crisis with underlying mental health issues. More and more the criminal justice system has become a surrogate for robust, meaningful mental health intervention and treatment as community-based mental health and institutional care capacity has eroded. Law enforcement officers (as well as emergency medical responders and hospital emergency rooms) regularly find themselves confronted by repetitive, significant challenges posed by many who suffer from mental illness. In the absence of other resources their needs are unmet and often behavior deteriorates as a result. Unmet needs, coupled with the deteriorating behavior that can occur, now result in arrest and prosecution to facilitate placement or treatment, and excessive displaced costs to emergency services. We are simply using the wrong resources, which do not produce desired results and increase costs. Similar descriptions could be made regarding substance abuse and other social service challenges.

As a result of Recovery Act Justice Assistance Funding we have been fortunate to partner with our community mental health agency to hire and deploy a Mental Health Outreach Interventionist. This civilian position is designed to solve long-term problems by responding with police officers, and sometimes in lieu of officers, to calls whose genesis is an underlying mental health issue. Additionally, this outreach practitioner acts as a de-facto case manager working to engage problem-solving for frequent service users, many of whom are resistant. Use of similar specialized civilian practitioners can assist law enforcement agencies at successfully solving long-term, repetitive problems rather than repeatedly responding to the same issues without successful resolution.

Other law enforcement agencies throughout the nation have embraced Crisis Intervention Teams to model best practices in dealing with those in mental health crisis. While we will never extricate law enforcement from dealing with these issues, the extent to which police officers are used to handle mental health crisis should be offset in much larger part by the mental health system through added capacity.

- 6. Expansion of innovative adjudication strategies such as drug and mental health Courts.** Swift, sure intervention and consequences are among the most effective responses available to the criminal justice system according to criminologists and street-level police officers alike. The need for tailored responses that take into account the root causes of crime are arguably of equal importance. Strategies that provide targeted response and swift intervention have proven successful in pilot projects, including ones at the Chittenden District Court in Vermont. These pilot projects include drug and mental health courts that result in

immediate interventions and wraparound services for offenders to immediately mitigate the impact of their respective addiction or illness and crime that manifests as an extension of those issues. These types of more surgically targeted interventions have shown success. Embracing expanded versions of these systems seems prudent at this stage to reduce the repetitive nature of entries into the criminal justice system by those suffering from substance abuse or mental health ailments.

As you consider how to support innovative and cost effective 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. Many of these partners and services have been noted in the examples contained in this testimony.

I believe it is equally important to note that the cyclical nature of crime and “generational recidivism” that we observe on the street each day has roots outside the criminal justice system. Innovative strategies to combat crime and disorder on our streets and in our neighborhoods must include comprehensive strategies and investments in education (with emphasis on early childhood education), healthcare (with special emphasis on mental health services and treatment), and other core needs. Education and health services, and other public policy discussions, must dovetail with public safety services to weave a tapestry to health and protection in our communities.

For example – recently, in partnership with our local prosecutor and the Boys and Girls Club of Burlington, VT, we began a unique project in an effort to provide critical support services to youth whose families may be experiencing stress as a result of a parent’s entry into the criminal justice system. Cases in which youth are in the home are flagged on tracking sheets and sent to the prosecutor and information is shared with the local youth service agencies in an effort to ensure that support services are put in place when these stressors occur. The hope is that by providing support to youth whose family may be engaged with the justice system we can stem the tide of “generational recidivism” and prevent the younger generation from following the same path.

Federal, State, local, university and tribal law enforcement are doing all that we can to protect our communities from crime, disorder, and the specter of terrorism. As costs continue to grow and the specter of deficits and debt plague our governments large and small, innovative and effective strategies will be increasingly crucial to effective public safety.

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.

**Burlington, VT Police Department
Justice System Integration Model
INITIAL DRAFT June 2008
UPDATED February 2010**

STAGE 4: COURTS / CORRECTIONS - JAILS

- Reserved for offenders who fail at stages 1 through 3
- Swift, sure use of the system for the punitive and institutional corrective measures.
- Requires restructuring to improve the speed and effectiveness of the system at a variety of stages.

STAGE 3: ALTERNATIVE SANCTIONS (“The Apple Basket”)

- Municipal Tickets for low-level offenses
- Pre-arrest diversion/alternative-restorative justice via Community Justice Centers
- Traditional Court Diversion models
- Reparative Boards

BEHAVIOR CROSSES FROM DISORDER TO CRIME

STAGE 2: OUTREACH & INTERVENTION

- Policing is 70 to 85% service-based, pre-crime calls with focus on:
 - Mental Health
 - Substance Abuse
 - Social Service/Family/Youth issues

STAGE 1: EDUCATION & PREVENTION

- Youth
- Parents
- Educators
- Community & Community Organizations
- Community of Color
- New Immigrant Populations

KEY ASSUMPTIONS:

- Resources invested lower on the scale are more efficient/effective and less expensive
- Swift, community-based interventions can be more effective than traditional, slow, Court-based approaches for low-level offenses
- When these community-based, early intervention approaches fail, to be effective, the traditional justice system must swiftly and surely hold offenders accountable