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PUBLIC SAFETY

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Introduction. Who is responsible for the safety of Vermonters? What does the term “safety” mean? Are we really safe? Public safety and law enforcement are topics that are frequently on the minds of people if they are at all inclined to listen to the news or read local police blotters. Compared with other parts of the nation, Vermont is a safe place to live, however we are not immune to the trends of violence and crime that threaten the wellbeing of residents everywhere. Statistics bear this out in a number of areas.

Interactions between people with unresolved mental health issues or other problems and police who may be ill-trained to handle the situation frequently make headlines. The use of Tasers and other force to manage what may seem to be an escalating situation is almost always reported. Successful de-escalation of volatile situations is seldom deemed newsworthy.

Drug dependency drives petty crime and, according to many accounts, Vermont is facing an illegal opiate and prescription drug problem unprecedented in its history. Drug-related crime is a continuing and significant threat to our quality of life. Governor Shumlin dedicated his State of the State address to these issues last January.

In municipalities around the state, local officials are taking action. For example, Rutland City Chief of Police James Baker proposed “Project Vision,” a collaborative effort with citizens to address drug related crimes and their attendant issues in that city, and that project’s ideals are now at work inside the police department. In Rutland, mental health and social workers – as well as representative from the state Department of Corrections (DOC), the Attorney General’s Office, and the local women’s shelter – now work alongside police officers and issues are often resolved right there. Chittenden County set up rapid arraignment processing for offenders whose crimes are driven by untreated addiction or mental illness and who, without rapid intervention, would likely re-offend. It is a system being rolled out in other areas of the state as well.

Vermonters value accessible fire protection, emergency management, and first responders in health emergencies, but often take those services for granted. In much of the state, however, those services are provided by volunteer squads, and getting volunteers whose jobs are close to the fire house or emergency medical technician (EMT) base and who have both the time and inclination to participate in strenuous and ongoing training is becoming more and more difficult. Backcountry search and rescue efforts are now under the jurisdiction of the Department of Public Safety’s State Police Search and Rescue Team, which partners with volunteer search and rescue teams, ski patrols, and local first responders and law enforcement.

Efforts to address the issue of youthful offenders in the Department of Corrections system are working, as the number of offenders under the age of 18 has dropped considerably since the year 2000 and laws concerning their handling have changed.

Local Law Enforcement. Law enforcement options at the local level include policing contracts with agencies such as the state police or county sheriffs; municipal constables certified in law enforcement; special investigative units to investigate sex crimes, child abuse, domestic violence, and crimes against people with disabilities; creating a police department; contracting for dispatch services; and entering into an inter-municipal police services agreement with another municipality, or some combination thereof.

Of the 153 municipalities that responded to VLCT's 2014 Municipal Census, 13 percent establish policing contracts with the Vermont State Police and 40 percent have similar contracts with county sheriffs to enforce local ordinances and state laws. Fifty-five of Vermont's 246 cities and towns have municipal police departments, some of which serve only the villages located within towns. While some parts of the state have very consistent police coverage, other more rural areas are underserved. And everywhere the efforts to address drug-related crime, recidivism (persons under DOC supervision who re-offend), and mental health issues that spill onto the sidewalk – not to mention new violations such as texting while driving – are stretched thin.

Crime and Corrections in Vermont. Vermont's crime rates can be estimated by a wide variety of metrics. Different types of crimes are measured and compared distinctly across state and national borders. According to the DOC's "FY 2013 Corrections Facts and Figures Report," Vermont rate of violent crimes per capita is 37 percent of the national average. Nonetheless, the rate of violent crime in Vermont has crept up over the years from 114 per 100,000 residents in Calendar Year 2000 to 143 per 100,000 in 2012. At the same time, the rate of property crime per 100,000 residents varies greatly between 2007 and 2012, with a rate between 71 and 84 percent of the national average, which itself has declined fairly steadily.

Statewide averages, however, don't tell the whole story. There is a significant variation in the rate of Group A crimes (as defined by the Federal Bureau of Investigation's National Incident-Based Reporting System program) per 1,000 residents from the counties of Windham (60.33), Chittenden (58.35), and Rutland (54.09) compared to Grand Isle (21.05). The report is archived at <http://www.doc.state.vt.us/about/reports/latest-facts-figures-adobe/view>.

Vermont ranks 23rd in the nation in the per capita cost of corrections; its cost per resident is 86 percent of the national average. By far, the largest proportion of persons under DOC supervision is young men under 25 years of age, a percentage that hovers around 40 percent. Vermonters made up 56.1 percent of the corrections community on June 30, 2013, and 54 percent of the incarcerated population. At the same time, the number of offenders held at out-of-state facilities has declined, and the number who live in Vermont communities has increased, reducing costs to the DOC budget but frequently raising them for municipal law enforcement and social service providers.

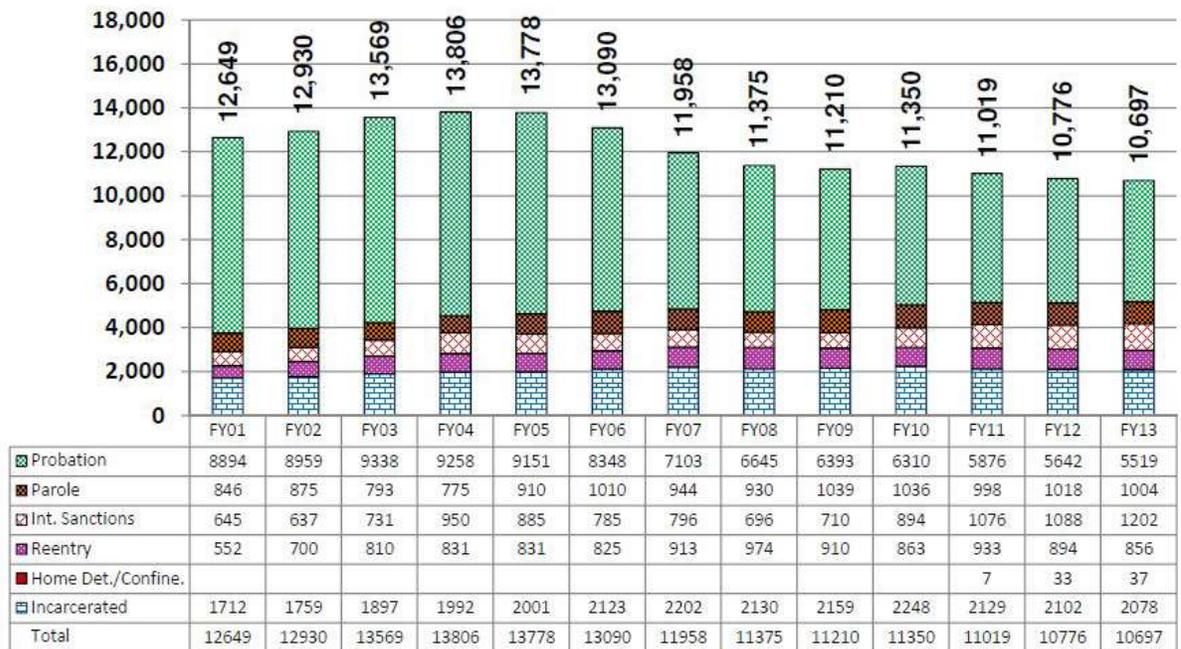
In order to compare crime statistics and costs, DOC tracks persons (offenders) who commit crimes in every municipality. Daily offender status counts by municipality and other data are archived at <http://www.doc.state.vt.us/custody-supervision>.

The graph on page 3 illustrates the rise and fall of the corrections population in Vermont from 2001 to 2013.

Substance Use and Abuse. In his State of the State speech last January, Governor Shumlin said Vermont's Drug Task Force estimates that every week, more than \$2 million of heroin and other opiates are trafficked into Vermont. Because of its proximity to the major cities of Montreal, New York, Boston, and even Philadelphia, Vermont is an attractive stop for drug traffickers. Nearly 80 percent of our incarcerated population has addiction issues, according to the Governor. The incidence of marijuana use in Vermont is higher than the national average, a figure that itself has increased as people's attitudes toward its use change. Yet here as well, action has been taken. There are now seven methadone clinics in Vermont and interagency coordinated approaches to combating heroin and opiate abuse are likely to ensure that fewer people go without appropriate treatment.

Total Corrections Population in 21st Century

Incarcerated, Reentry, Intermediate Sanctions, Parole, & Probation



Fiscal Years

Source: Vermont Department of Corrections (VTDOC) Daily Snapshot for Average Daily Population. Includes inmates housed out-of-state. Persons with multiple simultaneous statuses are counted in most restrictive only (order: Incarceration, Home Detention, Home Confinement, Reentry, Intermediate Sanctions, Parole, Probation).

11/18/2013

Vermont Department of Corrections Facts & Figures

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Constables and Local Public Safety. Constables have historically performed many public safety functions in Vermont’s municipalities. Act 103 of 2012 required that elected constables must have certification through the Vermont Criminal Justice Training Council in order to exercise law enforcement authority as a law enforcement officer. Without that training, a constable retains only the authority to perform duties traditionally granted to constables, namely:

1. The service of civil or criminal process, under 12 V.S.A. § 691;
2. Destruction of animals, in accordance with the provisions of 20 V.S.A., chapter 193;
3. The killing of injured deer, under 10 V.S.A. § 4749;
4. Provision of assistance to the health officer in the discharge of the health officer’s duties, under 18 V.S.A. § 617;
5. Service as a criminal division of the superior court officer, under section 296 of this title;
6. Removal of disorderly people from town meeting, under 17 V.S.A. § 2659; and
7. Collection of taxes, when no tax collector is elected, as provided under section 1529 of this title.

The Law Enforcement Advisory Board (LEAB), established in statute to advise the Commissioner of Public Safety on issues related to law enforcement generally, comprises representatives of local law enforcement, sheriffs, constables (as of this year), VLCT, and state law enforcement agencies. The LEAB and Criminal Justice Training Council (the governing body of the Vermont Police Academy) are frequently charged with developing guidance and policies to implement new laws, particularly in the past several years.

The legislature took action on a number of related fronts last session. It passed Act 141, which applies to all law enforcement officers and eliminates the current classification of part-time certification, creates three tiers of law enforcement, and defines how the Criminal Justice Training Council offers and approves basic and annual in-service training for each level in accordance with a scope of practice. Act 141 instructs the council to adopt rules with respect to training for law enforcement officers in each level of law enforcement certification and the time within which the training is to be completed. That revamping of Police Academy law enforcement training requirements is underway now.

Act 180, also passed in 2014, tasks the LEAB with developing a statewide model policy on the use of electronic control devices (ECDs), which are carried by many municipal police officers, by January 1, 2015. The policy must say that “electronic control devices are less lethal (but not necessarily non-lethal) alternatives to lethal force” and requires officers to consider special populations and circumstances before deploying a Taser. All state, local, and county police departments and every constable must adopt the LEAB policy by January 1, 2016. The Criminal Justice Training Council must develop a compliant ECD training program by January 2015. All officers who carry ECDs will have to complete the training by June 30, 2017. The Department of Mental Health will help conduct the training. Every incident involving the use of an ECD must be reported to the Criminal Justice Training Council; each year, beginning March 15, 2016, the council must report all incidents to the legislature.

Act 196 created a certification process and regulatory framework for precious metal dealers operating in Vermont because those businesses are often a source of cash for criminals selling stolen goods. A “precious metal dealer” is one who has a physical presence in the state, engages in the business of purchasing or selling precious metal (used gold, silver, platinum, palladium, coins sold for more than face value, jewelry, or similar items, but does not include an antique), and purchases or sells \$2,500 or more of precious metal in a consecutive 12-month period. Precious metal dealers must obtain certification from the Department of Public Safety (DPS) every two years. DPS must obtain and review any available criminal history record, both in state and out and from the Federal Bureau of Investigation, for each applicant.

Act 193 includes a new requirement for every state, local, and county police department and every constable who exercises law enforcement authority to adopt a fair and impartial policing policy by September 1, 2014, or be deemed to have adopted the Attorney General’s model policy. The Criminal Justice Training Council – in consultation with stakeholders that include VLCT, the Human Rights Commission, and Migrant Justice – are to adopt a fair and impartial policing policy by January 1, 2016. After July 1, 2016, all policies will need to include at least the elements of the Criminal Justice Training Council policy. On October 15, 2014, and on every April 1 thereafter, the council will report to the legislature regarding who has adopted the required policies.

Act 179 created a Special Investigations Unit Funding Study Committee to identify and recommend equitable and sustainable funding options for specialized investigative units. The committee plans to meet three or four times in the process of developing those recommendations.

Act 199 created a study committee to investigate injuries at the Police Academy that are sustained by law enforcement recruits while in training. The committee, led by the Office of Risk Management and Department of Labor, is charged with analyzing the frequency of injuries and preventive measures to avoid them, and making recommendations as to who should bear the burden of paying workers’ compensation costs.

Road Safety. Last session, the legislature also passed the hands-free law, which makes using a handheld cell phone or other electronic device while driving illegal in Vermont beginning October 1. Violators will be subject to fines of \$100 to \$200 for first offenses and up to \$500 for second offenses.

Interest in law enforcement and public safety issues was intense in the State House last session, and substantial legislation was passed on a number of fronts. In the future, at the local, regional, and state level, the legislature must continue to provide law enforcement and other public safety officials the funds and resources needed to keep communities safe and desirable places to live. Its members must provide the resources to implement the laws – such as those mentioned above – that have been passed in the last several years. Legislators must carefully consider the short- and long-term impacts of cost shifts to municipalities unless other resources can be provisioned for them.

VLCT Recommendations

1. Provide public safety officials the tools and funding to combat the growing drug culture and drug-related crime throughout the state.
2. Support any state-sponsored programs or initiatives intended to address quality of life crimes associated with opiate addiction by evidence-based scientific models.
3. Prohibit cost shifts and mandates to municipalities in public safety unless the state provides full reimbursement. Monitor changes to Department of Corrections policies that have resulted from legislation for their impacts on local government.
4. Require the state to provide the best training programs, at an affordable rate, for all levels of public safety personnel, including police, constables, fire, search and rescue, and emergency medical services.
5. Maintain the independent status and function of the E-911 and Vermont Communications boards.
6. Do not expand exemptions to the law prohibiting possession and use of marijuana.