

September 9, 2021

**SENT VIA EMAIL TO:**

Mayor Miro Weinberger  
Burlington City Hall  
149 Church St.  
Burlington, VT, 05401



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William Boyd  
*President*

James Lyall  
*Executive Director*

***Re: Correcting Misinformation About Public Safety and Policing in Burlington***

Mayor Weinberger:

Burlington is making admirable progress reimagining public safety and reducing the footprint of law enforcement. It has done so in response to community demands for racial justice and police accountability and should be commended. But that progress has not come without resistance, and in recent months we have been disappointed to hear some city officials advancing false narratives about public safety in Burlington. We write to correct the record and to urge you and your colleagues to provide complete and accurate information to the public on these critical issues.

The fact is, according to Burlington Police Department's (BPD) own data, crime in Burlington is down dramatically.<sup>1</sup> That good news comes as the city has reassigned armed officer positions to unarmed community liaisons; increased the independence and oversight of the police commission; pioneered harm reduction measures in response to the opiate crisis; and recognized the need for a more robust mental health infrastructure to supplant police involvement in mental health issues.

Burlington's example shows that reduced reliance on law enforcement paired with greater investments in community services does not come at the expense of public safety – to the contrary, it is a better, more efficient, and more effective strategy than status quo policing. Nonetheless, over the past several months, some public officials have sought to paint a different picture by publicizing and politicizing criminal incidents in Burlington and using them to argue for a retreat from last year's racial justice commitments.

This campaign of misinformation is evidently designed to instill fear, direct more funding to BPD, and undermine the progress the city has made up to this point. It is not, however, supported by the facts – including BPD's own data. We urge Burlingtonians and their elected leaders to reject these claims for what they are and to continue the hard but necessary work of building a fairer, safer, and more inclusive community.

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<sup>1</sup> See charts on page 2. Acting Chief Murad acknowledged the crime drop at a recent police commission meeting: [https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/files/C682NR030807/\\$file/20210824%20Police%20Commission.pdf](https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/files/C682NR030807/$file/20210824%20Police%20Commission.pdf).

## **Burlington Police Data Shows Reduced Need for Police**

BPD data shows that criminal activity, including violent crime, has steadily declined over the last several years. January through August incidents have decreased every year, from approximately 26,000 in 2016 to 14,000 in 2021—a nearly 50% drop.<sup>2</sup> The summer incident rate, May through August, has similarly decreased every year since 2016.

Burlington police incidents January – August	
2016	26,000
2017	23,000
2018	20,000
2019	19,000
2020	17,000
2021	14,000

Burlington police incidents May – August	
2016	14,000
2017	12,000
2018	11,000
2019	11,000
2020	8,771
2021	8,214

Furthermore, available BPD data shows that violent crime incidents<sup>3</sup> have declined sharply. Data from January through August shows a more than 25% drop, and May through August was down nearly 20%, from 2016. Acting BPD Chief Murad has publicly noted the drop in overall incidents at public meetings, but he has failed to highlight the reduction in violent incidents.

Burlington violent incidents January – August	
2016	490
2017	455
2018	414
2019	348
2020	339
2021	359

Burlington violent incidents May – August	
2016	277
2017	254
2018	263
2019	206
2020	178
2021	223

## **Burlington Officials Are Ignoring the Data and Misleading the Public**

Despite Burlington becoming a safer city over the last several years, you and other city officials have repeatedly connected criminal incidents in Burlington to the legislated cap on armed officers, deploying exaggerated, speculative, and misleading political rhetoric while ignoring BPD’s own data.

<sup>2</sup> All charts in this letter were populated with data from BPD’s data dashboard: [www.burlingtonvt.gov/Police/Data](http://www.burlingtonvt.gov/Police/Data).

<sup>3</sup> Using BPD’s open data dashboard, violent crime is defined as all forms of physical violence against a person, such as simple assault, stalking, homicide, sexual assault, domestic assault, reckless endangerment, etc., as well as the property crimes of arson and burglary. It’s worth noting that “incidents” as defined on the data dashboard include “any police incident, regardless of whether a crime was committed, a ticket was written, or an arrest was made.”

For example, in February, you reportedly claimed that the current level of armed officers would lead to higher crime levels.<sup>4</sup> In August, you argued that the City would soon be unable to fulfill its public safety responsibilities<sup>5</sup> and that the City needed “to urgently return resources to the Police Department.”<sup>6</sup> At the August 9, 2021 city council meeting, you called the current circumstances a “grave situation,” and noted the “potential for grave consequences.” You also claimed there had been an “enormous increase in the amount of shooting incidents,” another inflammatory assertion of dubious accuracy.

At the same meeting, Acting Chief Murad said, “there is an avenue, a thruway here, where we don’t have a police department,” and “there is a foreseeable avenue where we can’t do [public safety] at all.” He asked the City Council to “staunch the bleeding.” In interviews, he repeatedly says BPD “need[s] to have additional police resources.”

Following the acting chief’s lead, some city councilors have falsely claimed “increased violent crime” and used inflammatory talking points calling for action to “stop the bleeding,” because “you can’t stop the bleeding when the patient is already dead.” Coming on the heels of successful, BIPOC-led efforts to win racial justice and police accountability, this overheated fearmongering demonstrates how institutional racism operates in even the most progressive communities in our state.

At the same time that Burlington is becoming safer, a skyrocketing number of BPD press releases appear aimed at creating a very different perception among the public. This summer, with crime at historically low levels, Acting Chief Murad published the most press releases in available BPD history (50), more than *doubling* the next closest summer total (23 in 2019), many of them alluding to the need for more police.

BPD Press Releases May – August	
2016	n/a
2017	n/a
2018	18
2019	23
2020	13
2021	50

### **Burlington Cannot Prevent Shooting Incidents with More Police**

Since May, there have been a number of highly publicized firearm incidents in Burlington, several of them apparently involving the same individuals, some of whom have been

<sup>4</sup> <https://vtdigger.org/2021/02/09/burlington-mayor-fails-to-boost-officer-cap-to-84/>

<sup>5</sup> <https://vtdigger.org/2021/08/10/burlington-city-council-rejects-raising-police-officer-staffing-cap-for-second-time/>

<sup>6</sup> 8/27/21 BPD press release

arrested.<sup>7</sup> But there is no causal relationship between those incidents and a relatively small reduction in BPD staffing levels. By and large, police do not have the ability to prevent gun violence. The most they can do is respond after the fact, gather evidence, and make an arrest. Still, Burlington’s public officials continue to link these incidents to attrition of armed officers, even though more police do not necessarily translate to less violent crime.

For example, a recent comparison of staffing and crime data in ten cities similar to Burlington showed that it had the second highest number of officers per 10,000 people, but the median violent crime rate—6 other cities had fewer officers per 10,000 people and the same or lower violent crime rate.<sup>8</sup> Nationally, police funding has increased year-over-year regardless of whether crime rates go up or down.<sup>9</sup> In fact, multiple cities that increased their police budgets in 2020, like Houston Nashville, Tulsa, and Fresno saw increased homicides.<sup>10</sup> There is no documented connection between crime rates and police funding.

Data has shown, however, that an increased police presence harms people and communities in significant ways—disproportionately communities of color—with negligible impacts on violent crime.<sup>11</sup> From 2013-2019, the cities that reduced low-level arrests did not see an uptick in violent crime, but did experience a major reduction in shootings by police.

While adding police won’t help reduce crime, how the department *uses* its officers clearly matters, and there is some question about whether BPD is appropriately deploying the officers it has. According to a *Seven Days* report, even though downtown Burlington has the highest call volumes during the weekend overnight hours, BPD was not staffing officers there for at least part of this summer.<sup>12</sup>

## **Burlington Leaders Must Address Mental Health Needs, an Overdose Crisis, and Continuing Racial Disparities**

Though criminal activity and the need for police responses have continued to decline, mental health needs and overdose incidents have increased at an alarming rate, as have racial disparities in police use-of-force incidents. These are real issues that warrant city leaders’ urgent attention.

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<sup>7</sup> <https://www.wcax.com/2021/09/02/prosecutor-recent-burlington-shootings-involved-many-same-people/>

<sup>8</sup> <https://docs.google.com/spreadsheets/d/1kkj8AdWUda-3l5zbipN9x3gVUErfXXpm9uhq7XQzxIU/edit#gid=0>

<sup>9</sup> <https://www.washingtonpost.com/politics/2020/06/07/over-past-60-years-more-spending-police-hasnt-necessarily-meant-less-crime/>

<sup>10</sup> <https://www.chicagotribune.com/nation-world/ct-aud-nw-crime-spike-police-funding-20210610-graevsr24zapbkvpsbhvlfiakm-story.html>

<sup>11</sup> <https://fivethirtyeight.com/features/police-arresting-fewer-people-for-minor-offenses-can-help-reduce-police-shootings/>

<sup>12</sup> <https://www.sevendaysvt.com/vermont/midnight-blues-late-at-night-burlingtons-downtown-policing-is-sporadic/Content?oid=33313583>

Throughout the pandemic, anxiety and depression symptoms have risen steeply nationwide,<sup>13</sup> and Vermont is no different.<sup>14</sup> In Burlington, year-to-date mental health incidents are up 30% since 2018.<sup>15</sup> And yet, there are still long wait times for some mental health assistance, especially for children in crisis.<sup>16</sup> This is an epidemic within the pandemic, exacerbated by isolation, job losses, housing and food insecurity, and anxiety over the pandemic itself.

Similarly, overdoses have soared during the pandemic. Tragically, there were a record 93,000 overdose deaths nationwide in 2020. In Vermont, there have been nearly as many opioid overdose (non-suicide) deaths as COVID-19 deaths.<sup>17</sup> This year, Burlington reported overdoses are nearly triple what they were in 2019, with more year-to-date overdose incidents than any year on record.

BPD overdose incidents January – August	
2016	53
2017	48
2018	38
2019	32
2020	66
2021	82

These are true crises that demand additional resources for community-based mental health, substance abuse treatment, and additional harm reduction measures, as well as meaningful work and wages, healthcare, equitable educational opportunities, and effective reentry programs, among many other supports and services. These should be Burlington’s top priorities, but they have taken a backseat in the debate over police staffing.

The same can be said for the crisis of systemic racism and biased policing. Black men and women represent 5.7% of the city’s population, but they are 30.1% of those subject to police use of force – more than five times the expected rate. Likewise, Black men and women make up 18% of those subject to arrest – more than three times the expected rate. The data shows these disparities have grown worse over time.<sup>18</sup>

Many of Burlington’s recent police reform efforts were undertaken in response to a BIPOC-led movement to win racial justice and reimagine public safety in Burlington and beyond. The false narrative that has been created around police staffing levels and public safety is part of the predictable, institutional backlash to that movement, but it cannot be

<sup>13</sup> <https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/>

<sup>14</sup> <https://vtdigger.org/2021/04/27/a-crisis-kids-seeking-mental-health-care-are-waiting-for-days-in-emergency-rooms/>

<sup>15</sup> [https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/files/C682NR030807/\\$file/20210824%20Police%20Commission.pdf](https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/files/C682NR030807/$file/20210824%20Police%20Commission.pdf)

<sup>16</sup> <https://vtdigger.org/2021/05/17/as-kids-wait-for-mental-health-care-their-parents-cry-for-help/>

<sup>17</sup> According to Vermont Department of Health reports, there were 237 non-suicide opioid overdose deaths from 1/1/20-5/31/21, and 255 covid-related deaths in the same period.

<sup>18</sup> Data referenced in this paragraph was pulled from BPD’s Data Dashboard: [www.burlingtonvt.gov/Police/Data](http://www.burlingtonvt.gov/Police/Data).

allowed to distract from the necessary work that still remains to eliminate racially biased policing in Burlington and address the other urgent challenges facing its residents.

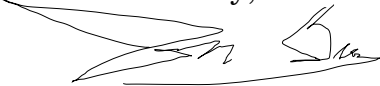
### **Conclusion**

Burlington community members have called for more police oversight and accountability and investments in social services, not increased policing. As a result, Burlington is making historic progress towards a more just, inclusive, and effective public safety system while remaining one of the safest cities in the country. These efforts must not be derailed by misinformation and scare tactics propagated by defenders of the status quo.

We hope you, BPD leadership, and other city leaders will listen to the community, look to the evidence, and follow through on the critically important work of reimagining public safety for the betterment of all.

Please do not hesitate to contact us with any questions via my email at [jdiaz@aclvt.org](mailto:jdiaz@aclvt.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Diaz', with a horizontal line drawn underneath it.

Jay Diaz, Esq.  
General Counsel  
ACLU of Vermont

Cc:

City Council President Max Tracy  
Burlington City Council

Commission Chair Jabulani Gamache  
Burlington Police Commission

Acting Police Chief Jon Murad  
Burlington Police Department