

south**burlington**

P O L I C E

TO: House Judiciary Committee
FROM: Shawn P. Burke, Chief of Police
DATE: January 5th, 2024
SUBJECT: Retail Theft: 24-0201 Testimony

Good afternoon,

My name is Shawn Burke and I have the privilege of serving as the Chief of Police in the City of South Burlington.

South Burlington is a major retail hub which draws Vermonters from across the state to shop, work, and enjoy all the City has to offer. Our community has experienced a dramatic increase in the number of reported retail thefts in recent years. The brazen nature of retail theft has eroded the perception of public safety in our most vibrant centers.



There are a manageable number of recidivists who are driving this data trend. Many of these people are justice involved, substance dependent, impoverished, and are open to help. Others are treatment resistant and are unwilling to change their criminal ways. This group never holds back, they encourage officers to hurry up with their citation because nothing is going to happen to them – there is simply no sense of accountability.

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Our department refers all misdemeanor cases of retail theft to our Community Justice Center in an attempt to resolve these incidents through restorative justice process. We have seen some success, generally with first time offenders. The recidivist population isn't interested in learning about the impact of their actions and again, encourage us to send their cases to Court – because there is little risk of consequence.

In order for the criminal justice system to be effective in deterring crime there needs to be at least two things; a probability that the offender will be caught and that a consequence will be imposed. Given the current backlog on the criminal docket the consequence part of the deterrence equation is nonexistent.

The proposed change to aggregate the value of merchandise stolen in a given period of time to establish a felony crime could help. A change in this regard would allow the police to arrest the offender and continue custody – an immediate consequence. There are true consequences of being convicted of a felony, long lasting consequences. Absent new ideas about how to hold offenders accountable for their chronic misdemeanor offenses may leave the felony option as the best one.

There have already been statements made about the effectiveness of “tough on crime policies” and the impact those policies have had on historically marginalized populations.

But here is the reality; we have a substance use disorder crisis in Vermont, we have a mental health crisis in Vermont, and we have a housing crisis in Vermont. All of this is playing out in the public sphere and is perceived to be a public safety problem. We need to get serious about addressing the challenges these struggling Vermonters are facing in order to restore order in our public spaces. This isn't tough on crime – it's procedural justice. All Vermonters deserve to feel safe in the places they live, work, or otherwise spend their leisure time.