

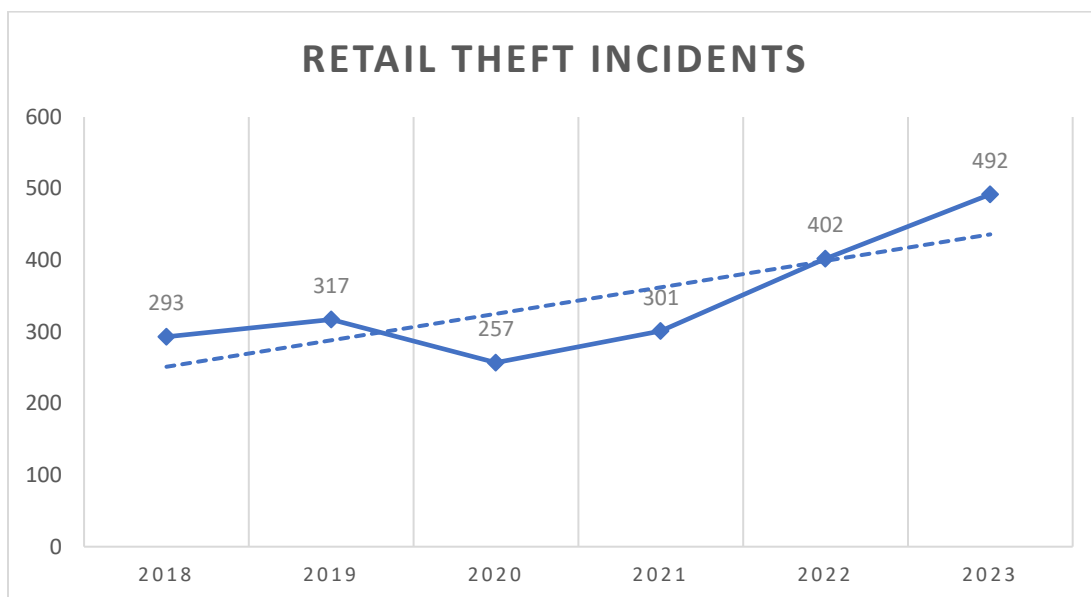
# south**burlington**

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## P O L I C E

Good morning Senators, thank you for the opportunity to testify on H. 534. My name is Shawn Burke and I have the privilege of serving as the Chief of Police in 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 and frequent 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 – there is no sense of accountability. The department has also seen an increasing number of cases where suspects are stealing very specific items which are traded for drugs. The drug traffickers then sell the stolen goods on the illicit market essentially doubling or tripling the income of their criminal enterprise – an actual organized retail theft scheme that is overlooked as petty property crime.

Our department refers a majority of misdemeanor retail theft cases to our Community Justice Center. This system aims to resolve the cases through a restorative justice process, we have seen great success with first time offenders in this model. The recidivist population isn't interested in learning about the impact of their actions and encourage us to send their cases to Court – because there is little risk of consequence.

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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.

The proposed changes in H. 534 help address the prevailing retail theft crime trends seen today. Establishing a felony standard for clear recidivism or for those operating in an organized manner enhances the likelihood of an actual consequence being imposed – a critical piece of an effective criminal justice system. There are true consequences of being convicted of a felony, long lasting consequences. Absent new ideas about how to hold offenders accountable for these 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. 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.

The reality facing Vermont; we have a substance use disorder crisis, we have a mental health crisis, and we have a housing crisis. 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 these challenges in order to restore order in our public spaces and better serve all Vermonters. Parallel to this, recidivists and those operating criminal enterprises need to be held accountable for their deliberate acts.