



Public Safety Problems and Proposals

The Regional Affairs Committee has engaged with members of our respective organizations and communities to understand better the scope of public safety issues we face. The organizations below have reviewed and endorsed this document in an effort to address unprecedented levels of gunfire incidence, violent crime, open substance use, and unhoused populations. It is important to note that this is a multifaceted issue, and this document acknowledges that by providing an overview of the problems and proposed solutions across three tranches of state legislative proposals.

Prior to discussing these issues and potential remedies, it is essential to share some common perspectives:

- We deeply value each member of our community.
- Certain members within our community are contending with one or a combination of challenges related to housing, substance misuse, mental health, or criminal history.
- We are committed to helping these individuals access the assistance they require.
- Simultaneously, other members of our community have the right to live without fear, anxiety, or undue stress caused by the challenges faced by these individuals.
- Our community has strived to address these issues with empathy, respecting the autonomy of individuals whose needs are unmet.
- However, in our pursuit of this approach, we recognize that we may not have effectively served these individuals or our community as a whole.

1. Prosecution and the Judiciary

While much of the emphasis on changing our criminal justice system has been on law enforcement, we need to turn our attention now to our prosecution and judiciary. Vermont State's Attorneys and Judges have been experimenting with changes to pre-trial detention and

On Wednesday, September 27, 2023, at approximately 0901 hours, dispatchers with the Burlington Police Department received calls from the public about a man violating a no-stalking order and a no-trespass notice in the vicinity of Oakledge Park and Oakledge Drive. The caller provided a description.

Responding officers encountered Djibril Ngabo, 30, in the location. He approached officers with a brick in his hand and did not initially follow officers' commands to drop the brick. Officers continued to negotiate with him and ultimately he did so. Officers then went to take him into custody at which point he resisted arrest, injuring an officer in the process.

Since September 14, 2023, Mr. Ngabo has had 17 interactions with Burlington law-enforcement officers. The incidents show a pattern of trespassing, stalking individuals, and being aggressive with law-enforcement officers. This is the second time Mr. Ngabo has injured an officer in the past two weeks.

Mr. Ngabo was arraigned this afternoon and released by a judge.

exhibiting a hesitancy to incarceration, resulting in individuals reoffending at a high rate without any separation from the community they are harming.

There have been some high-profile examples of this. A gunfire incident this fall was allegedly perpetrated by someone who "[had 150 police interactions in Vermont since 2011, including multiple felony convictions and sex crimes.](#)" Also, this fall, a Judge in Grand Isle County sentenced someone to

[four years of probation](#) after they were found guilty of distributing narcotics in the small towns of that county. Similarly, a man who had 17 interactions with law enforcement in under two weeks injured an officer and was released by a judge the following afternoon.

The Problems:

- Changes to our bail laws, prosecutorial discretion, and judges' decisions mean that individuals are able to commit numerous crimes in rapid succession without a period away from the community they are affected by.
- Enforcement of violations of conditions of release is nonexistent, especially condition 4, which states that an individual released pre-trial will not commit further crimes.
- Individuals consistently engaged in retail theft stay under the limit of theft that constitutes a felony and sometimes rack up dozens of misdemeanor charges.
- The restorative justice programs are disjointed in their jurisdiction, and they primarily stem from funding being appropriated through the Department of Corrections (with some through the Attorney General's Office).
- There is little to no data from the Community Justice Centers (CJC) programs. Some businesses report a high recidivism rate and low victim satisfaction with the outcomes.
- Our current CJC programs use carrots and lack consequences for those who might be immune to their methods.

The Solutions:

- Consider reviewing and revising changes to bail laws to reassess what might be considered flight risk to failure to appear in court.
- Explore mandatory "peace bonds," which are forfeited if the individual recommit a crime while awaiting trial for a crime.

- Make carrying a firearm while committing a felony in violation of 13 V.S.A. § 4005 and add it to the “Big 12,” as was passed in the Senate Version of S.4.
- CJs should only be used for first-time offenders and juveniles with misdemeanor crimes.
- Better data from CJs around recidivism and victim satisfaction with the process.
- Stricter penalties should be created for repeated misdemeanor offenses such as retail theft and property crimes.
- Stricter penalties for knowingly receiving stolen property.
- Knowingly receiving stolen property in exchange for narcotics should be made a felony.

2. Mental Health and Substance Misuse

Opponents of incarceration point to our public safety problems as mental health and substance misuse issues; however, we have not seen the corresponding investments in systems that respond to those issues to match the emphasis associated with that shift in blame. Vermont needs treatment programs that individuals are incentivized to see to completion and separate individuals who are a danger to themselves and others from our community.

The Problems

- Our emergency department is being used as mental health beds instead of the proper psychiatric care facilities.
- There is not often a clear enough link between the death of an individual and the substance they use.
- We have a “missing middle” between incarceration and voluntary psychiatric and substance misuse treatment, which means neither the individuals having consistent interaction with law enforcement nor our community is being served appropriately.
- The State Department of Health is not acting quickly enough with opioid settlement dollars.

The Solutions

- In order to provide service to people who are publicly inebriated, increase the bed capacity at Act 1 rather than requiring law enforcement to travel to St. Albans to the correctional facility or continue to burden our Emergency Department.
- Increased capacity at the Vermont Psychiatric Care Hospital.
- Revisit the way in which care is provided for people with mental illness and who are involved in the criminal justice system.
- Better data tracking for deaths resulting from drug use in a manner that can help prosecute dealers and distributors
- Increased penalties for fentanyl and xylazine distribution.
- Vermont law 18 V.S.A. § 4237 needs to be updated to enlarge the drug-free zones near schools and expand it to possession, drug use, and manufacture.

3. Housing and Quality of Life

Housing is the limiting factor in all conversations about prosperity in our region. Not only do many individuals struggling in our communities have issues with access to housing, but so do the people who render services to those individuals, such as social workers, first responders, and medical professionals. Any proposal around public safety in Vermont is incomplete without modernizing our land-use laws, which act as exclusionary and hinder true progress.

The Problem

- Vermont has not been building housing at a pace to meet the demands of its population and has the second-oldest housing stock in the country.
- At its root, homelessness is a housing issue that often gets blamed on factors such as mental health, substance misuse, and economic factors; however, these are often precipitating factors that push people with fragile access to limited housing to a breaking point.

The Solutions:

- Continue the good yet unfinished work of the HOME Act to remove regulatory barriers that prevent the equitable creation of housing.
- Set housing growth targets for our state and create a private right of action if they are missed, similar to what was done with the Global Warming Solutions Act.
- Act 250 is a duplicative process and tool for the most privileged in our communities to create a war of attrition that ultimately prevents new housing. We must eliminate Act 250 jurisdiction in our downtowns with robust zoning and planning.
- Funding for public art to discourage graffiti.
- Funding for rapid clean-up crews to remove graffiti and eventually make those who create it see it will quickly be cleaned up.
- Create consequences proportionate to the damage done by those caught defacing property.

We thank the many individuals and organizations who shared their expertise as we attempted to learn about these challenges and offer suggestions for improving them. The lists of problems and solutions within this document are by no means exhaustive or prescriptive, and we look forward to engaging with policymakers to address our communities' challenges.

Supporting Organizations:

- Lake Champlain Chamber
- Greater Burlington Industrial Corporation staff
- South Burlington Business Association
- Burlington Business Association
- Northwest Vermont Realtors Association Government Affairs Committee
- Teamsters Local 597