



POLICE DEPARTMENT
CITY OF BURLINGTON

MEDIA RELEASE

On Monday, March 11, 2019, Officer Cory Campbell of the Burlington Police Department was involved in two interactions with Douglas Kilburn, 54, at the University of Vermont Medical Center (UVMCC). The first was an exemplary interaction, in which Officer Campbell worked with Mr. Kilburn in precisely the ways the Burlington Police Department (BPD) strives to serve its neighbors. The second interaction involved a use of force in which Mr. Kilburn was injured. **Officer Campbell's use of force in this interaction was lawful and proper. An internal investigation, however, concluded that his conduct immediately prior to the use of force violated a department rule.** This press release contains an overview of the investigation and explains the disciplinary outcome associated with the violation. The disciplinary determination included lengthy discussion with and input from the Burlington Police Commission.

"Officer Campbell is currently assigned to active patrol duties," said acting Chief of Police Jon Murad, "and he is a valued member of this department."

After the interaction, Mr. Kilburn was held overnight at UVMCC; he was evaluated, treated, and released on Tuesday, March 12, 2019. On Thursday, March 14, BPD officers responded to a request for a welfare check and discovered Mr. Kilburn dead in his Burlington home.

"I again offer my deep condolences to Mr. Kilburn's family," said acting Chief Murad, "just as I did in person to family members in front of his home on the day of his death in March."

The BPD immediately contacted the Vermont State Police (VSP) and that agency assumed control of the investigation before presenting it to the Office of the Vermont Attorney General.

The Attorney General's investigation publicly concluded on Friday, November 8, 2019. The [Attorney General held](#) that "Based on the totality of the circumstances, the Office concluded that it was reasonable and justified for Officer Campbell to use force to defend himself."

Assaulting a police officer is unlawful and unacceptable. When police officers are struck and assaulted, they may use reasonable force to defend themselves, stop the threat, and take a subject into custody. Video of the incident shows, and multiple witness statements corroborate, that Mr. Kilburn struck Officer Campbell first, and Officer Campbell defended himself.

Information is preliminary and subject to change.

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“I concur with the Attorney General that Officer Campbell’s use of force was lawful and proper,” said acting Chief Murad. “Furthermore, his transition from self-defense to apprehension was fast and appropriate, and after custody and control was established, he rendered care immediately.”

The Attorney General went on to observe “that Officer Campbell’s actions in his second interaction with Mr. Kilburn, while justified under the law, did contribute to the situation in which the need for self-defense arose.”

“I also concur with the Attorney General regarding Officer Campbell’s second interaction with Mr. Kilburn,” said acting Chief Murad. “Officer Campbell handled the first interaction in a commendable fashion. In the second interaction, however, while dealing with an intoxicated third party, hesitant security staff, and a subject who was once again escalating despite Officer Campbell’s earlier efforts, Officer Campbell used a swear word. This violated department rules.”

During the first interaction, Officer Campbell engaged in exactly the ways the Burlington Police Department and the neighbors BPD serves want. Finding Mr. Kilburn outside the hospital, it would have been simple for Officer Campbell to end the encounter there and merely encourage him to leave the grounds. Instead, he listened to Mr. Kilburn’s complaint and was affected by Mr. Kilburn’s desire to see his sick family member. He deescalated Mr. Kilburn’s behavior and volatile emotions, negotiated with him, negotiated with hospital security staff on his behalf, and got him readmitted to the Emergency Department to see his family member—provided Mr. Kilburn wouldn’t further disrupt the hospital’s care of its patients. Mr. Kilburn agreed to this, stating he would remain calm. Officer Campbell escorted Mr. Kilburn to his family member and they parted ways with a handshake.

After Officer Campbell left Mr. Kilburn with his family member and a nurse, however, witnesses in the VSP case files state that his behavior escalated again. Medical staff called hospital security to remove him a second time. By this time, Officer Campbell had taken on a new call for service, offering an undomiciled member of the community (an individual known to the department) a courtesy transport from the Emergency Department to a wet shelter.

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Exiting the Emergency Department, Officer Campbell observed Mr. Kilburn in his vehicle, blocking the ambulance bay, and yelling at staff. In the next one minute and 26 seconds, according to BPD's review of body camera video and the VSP case files, the following interactions occurred. Note that participants' words frequently overlap:

MR. KILBURN: I did not yell at staff!

OFC CAMPBELL: [to security officer] Are you gonna trespass him?

HOSPITAL SECURITY OFC: I don't know, I don't know what I'm supposed to do.

OFC CAMPBELL: Well, make up your mind.

MR. KILBURN: You don't need to trespass me, I'm leaving.

OFC CAMPBELL: [to security officer] Make up your mind. [to Mr. Kilburn] All right, 'bye. Leave.

MR. KILBURN: Jesus.

OFC CAMPBELL: Goodbye.

MR. KILBURN: [not leaving, pointing out the window] Christ, I know that guy...

OFC CAMPBELL: Shut the fuck up and leave! Go! They don't want you here!

MR. KILBURN: Did you just swear at me?

OFC CAMPBELL: Yes I did.

MR. KILBURN: You're a fucking punk.

OFC CAMPBELL: Yeah, whatever.

Ofc Campbell turned away from Mr. Kilburn and walked toward his cruiser where an individual known to the department awaited.

[INDIVIDUAL KNOWN TO BPD]: [from over near the cruiser, approximately 20 feet distant] Yeah! Get the fuck out before I come over!

Mr. Kilburn did not leave. He continued to argue with the hospital security officer.

HOSPITAL SECURITY OFC: [inaudible]

MR. KILBURN: Don't you know me?

HOSPITAL SECURITY OFC: No!

MR. KILBURN: [to Ofc Campbell] He ain't got a right to swear at me!

Mr. Kilburn opened the car door. Ofc Campbell put out a hand to try to keep it closed.

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OFC CAMPBELL: Don't start—

MR. KILBURN: [getting out of his vehicle] You ain't got a right to swear at me, mother fucker!

At this point, body camera footage shows and the Attorney General's report states, "Mr. Kilburn punched Officer Campbell with his right fist, hitting Officer Campbell's lower left jaw."

Officer Campbell defended himself from this use of force. Officer Campbell's use of force was lawful and served to stop the threat. Officer Campbell's use of obscenity was a rules violation in contravention of Department Directive 01, Rule 22 "Courtesy."

The BPD investigation noted that Officer Campbell's use of obscenity was not directed at Mr. Kilburn's character nor identity, but was instead used as an emphatic in an otherwise lawful order. It also noted that Officer Campbell made efforts to withdraw from the interaction when Mr. Kilburn indicated he was leaving. Nevertheless, the BPD's DD 01 Rule 22 states:

"One of the best investigative tools available to police is good police/citizen cooperation. In an effort to establish and maintain good rapport with the Community, employees should exercise courtesy, tact, and decency when in contact with the public. EMPLOYEES SHALL BE COURTEOUS TO MEMBERS OF THE PUBLIC AND FELLOW EMPLOYEES. PROFESSIONAL STANDARDS AND ETHICS MUST ALWAYS BE FOLLOWED AND THE USE OF VIOLENT, INSOLENT, OR OBSCENE LANGUAGE OR GESTURES IS PROHIBITED."

"Rudeness" is explicitly included in the BPOA contract in a list of "lower-level infractions of policy and procedure." "More substantial courtesy matters" are included in the list of "mid-level infractions." Generally, lower-level infractions do not result in a formal administrative review or internal investigation. In this instance, owing to the investigation conducted by the VSP and the Attorney General's Office, the BPD has necessarily conducted such an internal investigation. Furthermore, the second-order effects of Officer Campbell's use of obscenity—the fact that it did not deescalate Mr. Kilburn's behavior prior to his assault on Officer Campbell—suggests that this extends beyond a lower-level infraction, to involve "more substantial courtesy matters." The appropriate discipline in this instance is retraining and a written reprimand.

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In the nine months since this incident, Officer Campbell has already received substantial training and retraining in de-escalation techniques. During a long period on administrative assignment, he helped conduct the BPD's spring block training. For approximately five weeks he repeatedly role played as a person in crisis during complex de-escalation scenarios. When not role playing, he assisted training in a support capacity that afforded him the opportunity to observe nearly all the BPD's officers as they went through training. His participation gave him the chance to see both sides of the BPD's de-escalation scenarios as they were handled by multiple training groups. For duration and intensity, this far exceeds any singular retraining regimen BPD might have proscribed. He also assisted the Patrol Procedures group as they were trained by the Federal Law Enforcement Training Centers (FLETC) during the BPD's most recent Active Shooter / Threat Response techniques training. Here again, Officer Campbell played in various roles, adding to his experience and knowledge base. In September he completed the Vermont Criminal Justice Training Council (VCJTC) Model Fair and Impartial Policing Policy training. Finally, after having been being returned to duty in November, he took part in BPD's ICAT training, which is based on de-escalation techniques. Cumulatively, this meets the training component of the discipline.

"Officer Campbell's formal discipline is a Letter of Reprimand for a violation of DD01 Rule 22," said acting Chief Murad. "He has been back on regular duty since early November, and his conduct has been excellent. This incident drives home a fact officers already know: how we serve our city matters. We have been and will continue addressing issues around courtesy, but I am proud of our record. Every day, the men and women of the Burlington Police Department respond to calls for service that involve people in crisis. Every day, our object is to act in accordance with our training, our values, and our neighbors' expectations—including de-escalation. Our mission is to keep people safe by preventing and responding to crime and disorder, with and for our neighbors. Going forward, we will continue to train towards that mission, work with neighbors and partners to achieve it, and hold ourselves accountable for it, every day."

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