



## City of Barre, Vermont

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### Statement of Barre City Manager Nicolas Storellicastro:

I am issuing this statement concurrent to the City of Barre's production of public documents to the *Times Argus* pursuant to Vermont's Public Records Act ("PRA"). My purpose in doing so is to hopefully put an end to speculation and conjecture regarding police officer James McGowan's decision to resign from the Barre City Police Department (BCPD).

Officer McGowan responded to a complaint and made an arrest on December 20, 2024. After viewing video footage of the arrest, BCPD's Police Chief, Brad Vail, concluded that he had a legal duty to refer his concerns about aspects of the arrest to outside investigators to determine whether the officer's use of force during the arrest was or was not excessive.

Two investigations occurred. One was conducted by the Vermont State Police ("VSP") to determine whether any of the conduct at issue was criminal in nature. The VSP investigation report was transmitted to Orange County State's Attorney Colin Seaman, who concluded that there was no basis to file criminal charges against Officer McGowan. The second, an Internal Affairs ("IA") investigation, was conducted to determine whether the use of force violated administrative policies of the BCPD. Again, to avoid any conflict of interest or bias, that investigation was undertaken by Windsor Chief of Police Jennifer Frank. The IA investigation concluded that Officer McGowan's use of force was "... greater than that which was authorized, was not consistent with best practices and protocols, BCPD standard operating procedures, VPA Basic police academy training – Level III, state and federal law and was not objectively reasonable".

Following receipt of the IA report, Chief Vail made a referral to me with a recommendation for disciplinary action. Officer McGowan was advised of the recommendation and the opportunity to meet with me before any decision was made. The City provided all of the documentation generated by the two investigations to Officer McGowan, his union representatives and his legal counsel. Prior to the scheduled hearing date, Officer McGowan, through counsel, contacted the City's legal counsel and offered to resign. The City and Officer McGowan agreed that he would remain on paid administrative leave until April 30 and that his resignation would be effective on May 1, 2025. In return, Officer McGowan provided the City with a release of claims.

I wish to correct one piece of misinformation which has been repeated on social media, to the effect that the City threatened to take away Mr. McGowan's pension rights. That never happened. In fact, pension rights for municipal employees are solely governed by the State of Vermont through the Vermont Municipal Employees Retirement System. There are no circumstances known to the City which put Mr. McGowan's vested pension rights at risk, and any statement to the contrary is inaccurate.

The City wishes Officer McGowan well in his future endeavors.