

For Immediate Release: March 27, 2018

Commissioner Thomas D. Anderson's Statement
Regarding 2013 China Trip by Vermont Officials

Department of Public Safety Commissioner Thomas D. Anderson issued the following statement in response to Governor Scott's request that the Department of Public Safety (DPS) review its files for any previous investigation related to claims arising from or in connection with a trip to China in 2013 by then Governor Shumlin and others:

On October 22, 2014, Attorney Brady Toensing submitted an electronic complaint to the Vermont State Police (VSP) Internal Affairs Unit alleging a Vermont state employee was arrested while on an official trip to China in September 2013. The employee was not identified in the complaint nor was the reason for the arrest. The complaint submitted by Attorney Toensing also claimed that members of the Vermont State Police Executive Protection Unit (EPU) traveled to China and that "it is believed that the security detail . . . would have been aware of that arrest."

Attorney Toensing also claimed that the EPU officers "should have reported the possible illegal conduct of a state employee who was on official state business" and that "no such report has been made." The complaint was not specific as to where or to whom this report should have been made. The complaint made no allegation of criminal conduct occurring in Vermont or any violations of Vermont law.

In response to this complaint, the VSP Internal Affairs Unit (IAU) conducted an investigation of Attorney Toensing's allegations. Then Lieutenant and Director of IAU, Ingrid Jonas (now Major Jonas) conducted the investigation. During her investigation, she spoke with Attorney Toensing who declined to identify the source of his information and he provided no additional information on the nature of the crime, where specifically it was committed, when it was committed, or who committed it. Lieutenant Jonas' investigation also determined that members of the VSP EPU did accompany then Governor Shumlin on a trip to China. She also determined that no member of the security unit was arrested during this trip nor did they have any information about any state employee being arrested or engaging in criminal conduct while on this trip. Lieutenant Jonas also spoke with a non-DPS employee who was on this trip and that individual likewise provided no information substantiating Attorney Toensing's complaint. Based on a lack of any evidence substantiating Attorney Toensing's complaint, the IA investigation was closed. Attorney Toensing was advised of results of the IA investigation in January 2015.

Under Vermont law, the VSP Internal Affairs Unit is mandated to investigate "all allegations of misconduct by [state police officers]." 20 V.S.A. § 1923. The IAU does not investigate allegations of misconduct by non-sworn VSP employees. With respect to a criminal investigation, Attorney Toensing's complaint was vague, non-specific, based on his "beliefs," and did not allege any violations of Vermont law. Accordingly, there was no legitimate basis to have the Vermont State Police open a criminal investigation based on Attorney Toensing's complaint or the subsequent IA investigation.

Recent press accounts have reported allegations by Attorney Russell Barr of criminal activity during the 2013 China trip. At this time, neither the Department of Public Safety nor the Vermont State Police have received any complaints other than the 2014 Toensing complaint alleging criminal activity or other misconduct by an individual during this trip. To the extent Mr. Barr or any other individual has evidence of criminal activity or misconduct by Vermont employees during this trip, DPS joins the Governor and the Attorney General in calling on that person to provide it to law enforcement.

The Department of Public Safety and the Vermont State Police have a fundamental constitutional and ethical obligation not to launch criminal investigations of Vermont citizens based on rumor, innuendo, or which are solely politically or financially motivated. The Department of Public Safety and the Vermont State Police will investigate all allegations of violations of Vermont law which are credible and supported by evidence. Should such information and evidence be provided in this matter, the Vermont State Police will carefully review it and take whatever investigative steps are appropriate and necessary.