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Esteemed Members of Congress,

My name is Adam Kery. I am a resident of Milford's Second District. I am also a regular sworn member of the Meriden Police Department. I do not speak for either City or agency; the opinions expressed herein are my own. I am writing to testify in regards to LCO 3471 - An Act Concerning Police Accountability.

Recent political movements have suggested that there is a systemic problem of police brutality in the United States. Further, activists have implied that this problem is racially motivated. Before we can address a problem through broad, sweeping legislation such as that proposed, we must first seek to understand it. As an investigator, I do not operate within the confines of what I think, know, or believe, but of what can be proven. I urge you, as well, to assume the role of investigators and first seek the truth. It is, unfortunately, easy to point out a handful of recent, specific incidents wherein officers acted inappropriately, in word or deed, and in some cases this misconduct has cost lives. You would be hard pressed to find an officer who does not condemn the actions of former officer Derek Chauvin. However, one cannot prove a systemic problem with anecdotal evidence. We must turn instead to scientific research and statistical analysis. Therefore, I present the following facts.

At any given time, there are roughly 850,000 (+/-150,000) law enforcement officers in the United States. Some sources estimate that they collectively engage in about 375,000,000 contacts with the public each year. Bureau of Justice Statistics (BJS) reports for the most recent year available (2015) show that over 53.5 million people were contacted at least once. This was low compared to previous years.

<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6406>

The FBI collects data on arrests under its uniform crime reporting (UCR) program. The most recent whole year data available (2017) indicates over 10.5 million arrests were made. The overwhelming majority did not require any force.

<https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/persons-arrested>

The FBI also collects data on law enforcement officers killed and assaulted (LEOKA). In 2018, out of agencies that represented a little fewer than 550,000 officers, over 58,000 were assaulted. It is likely that many more assaults on officers went unreported.

<https://ucr.fbi.gov/leoka/2018/topic-pages/officers-assaulted>

That same year, 55 officers were feloniously killed in the line of duty. Four had their weapons stolen and, now themselves unarmed, were executed with their own guns.

<https://ucr.fbi.gov/leoka/2018/topic-pages/officers-feloniously-killed>

That last cannot be overstated. For a law enforcement officer, every fight is a gunfight. Officers do not have the option of losing or we become weapons racks for our assailants. Some legislators and activists seek to criminalize the use of deadly force against an "unarmed" suspect. However, unarmed does not equal harmless. In fact, more people in this country are killed with personal weapons (i.e. by unarmed assailants) than with rifles.

<https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/expanded-homicide-data-table-8.xls>

The Supreme Court of the United States ruled in *Graham v. Connor* (1986) that an officer's actions must be judged in light of the facts and circumstances confronting him at the time, not what may come to light later in the peace of a judge's chambers. Officers are forced to make split-second decisions under circumstances which are tense, uncertain, and rapidly evolving. It is not always possible to know whether someone is armed. Officers learn through training and experience to recognize the characteristics of armed persons, e.g. mode of dress, body language, etc., but this cannot be known for certain until a weapon is displayed or a search has been conducted.

Sometimes, the officers making those split-second decisions get it wrong. Sometimes, a suicidal person will feign that conduct to force a cop's hand. One thing we do know is that force, when necessary, must be decisive. Serious injuries rarely result from a quick takedown by multiple officers. The likelihood of serious injury increases as fights are allowed to go on. Use of force is never going to be pretty.

The FBI has begun compiling data on use of force incidents to include citizens killed by officers. Data from this new initiative has not been released. The Washington Post does have numbers available, indicating that about 1,000 people are shot by the police each year.

Of these, about 93% are armed. Two percent are unarmed black men. It should be noted that the Post has a rather liberal interpretation of "unarmed." If a suspect uses a weapon but discards it during a pursuit, he is labeled unarmed (whether the pursuing officers know it or not).

<https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

Based on this recent study, about 27% of American police officers ever fire a weapon outside of a training environment throughout their careers. This number is high compared to similar studies and does not appear to account for dispatching sick or injured animals, so the actual number is probably lower.

<https://www.pewresearch.org/fact-tank/2017/02/08/a-closer-look-at-police-officers-who-have-fired-their-weapon-on-duty/>

In light of these facts, it is evident that the vast majority of American police officers exercise considerable restraint. The data does not support the allegation of widespread brutality.

There are many concerning provisions in the bill at hand. One of these calls for an end to qualified immunity for law enforcement officers.

In my experience, those who seek to end qualified immunity do not have a clear understanding of what it is or its role in our system of law.

Guidance from the Supreme Court with respect to search and seizure has always been reactive. Officers make those split-second decisions with limited information, less time, and much uncertainty. Only when a case reaches the Court do the Justices, at a deliberate pace and with much research, decide whether it was proper. There will always be test cases in a system of constitutional law. What qualified immunity guarantees is this: As long as an officer acts in good faith, and does not violate any clearly established law, he cannot be held liable for that split-second decision when the court, given the aforementioned luxuries, does not find it proper. To allow frivolous lawsuits would mean officers have time for little else but defending themselves. It will spell the end of proactive policing and usher in a new era of high crime.

We have data to support this hypothesis as well. With the uncertainty in the first several months of the COVID-19 pandemic, we saw a virtual stop to proactive policing across the State of Connecticut. Despite fewer motorists on the road and fewer traffic crashes overall, the Connecticut State Police announced a 400% increase in traffic fatalities versus the same period last year. As of this writing, the City of Meriden has experienced an unprecedented number of shootings (over 70, year to date). This is not atypical. Cities across the country are experiencing dramatic upticks in violent crime, owed in no small part to reactive police departments. Proactive policing takes weapons out of the hands of dangerous felons before they can be used or reused. Consent to search, given freely and intelligently, is one of the most valuable tools to that end.

Recruiting and retention is at an all-time low. Policing has always been a relatively thankless job, but it was, in some ways, desirable.

The less desirable you make the job, the less desirable the candidates you will attract. The benefits have been so eroded that the most qualified applicants look elsewhere. Pensions have been eroded, replaced with defined benefit plans that are still not portable but offer a very modest retirement. Health insurance plans have been reduced to HSAs. Officers' salaries are respectable, but not enough to feed a family without supplemental income (which is also under attack in this misguided legislation).

Given more time, I could address many other individual provisions, but the summary is this: these drastic measures constitute a solution in search of a problem. They will cause more problems by far than they hope to address. You will see qualified officers leaving in droves to be replaced by lesser officers or not at all. For who, in his right mind, would willingly insert himself into a deadly force encounter only to be sued if he survives? Our great State as a whole will suffer for the loss of these men and women. We will see many senseless, avoidable deaths and crimes. This bill, as drafted, cannot be allowed to become law.

Thank you for your time and consideration.

Respectfully Submitted,

Adam Kery