

TESTIMONY IN OPPOSITION TO PROVISIONS WITHIN LCO 3471

Dear Members of the Judiciary Committee,

I am writing to express my opposition to Bill 3471. To begin I would like to acknowledge my agreement with the idea that there is room for improvement in the manner in which police services are provided to the public. This statement is made from a member of one of the largest police departments in Connecticut with almost 17 years of police experience in an urban environment. With this said, I will address my concerns with the draft Bill as it stands. Rather than simply highlight the problems with this Bill I will also provide solutions which I believe can be helpful. Unfortunately, I cannot address every issue with this Bill as time will not allow.

In order of importance, I would first like to address the provision which will rescind Government and Qualified Immunity for police officers. With the understanding that Government and Qualified Immunity already does not apply to officers whose actions have violated a clearly established law or Constitutional Right, I question why this topic is even being discussed, much less eliminated, should this Bill pass. As established in *Pearson v. Callahan*: 555 U.S. 223 (2009) "*Qualified Immunity serves as a means to hold public officials accountable when they exercise power irresponsibly and to shield officials from harassment, distraction, and liability when they perform their duties reasonably.*" I understand that in the past few week's tag lines such as "systemic racism" and the creation of the idea that police officers are rogue savages whose daily duty is violating civil rights and beating law abiding citizens, has become some people's reality. This is not only a toxic narrative but one that could not be further from the truth. I am forced to believe that your purpose of addressing, and rescinding, Government and Qualified Immunity for Police Officers is in response to the idea of "Systemic Racism". I say this due to the fact we've already established that this Immunity does not protect the rouge officer who intentionally violates someone's civil rights. Be that as it may, I am also forced to reiterate my disagreement that Government and/or Qualified Immunity and "systemic racism" are in any way shape or form related. However, as the

crafters of this bill have demonstrated, some members of this committee may feel differently. It is therefore unreasonable and imprudent to only remove Government and Qualified Immunity for police officers while not remove the same forms of immunity enjoyed by the rest of the officials who comprise the Criminal Justice "System". This would include judges, prosecutors, and of course legislators such as all of you on this committee. I feel this is especially relevant given the fact that we in law enforcement are tasked with the dynamic and often dangerous task of enforcing the laws that YOU create. An example of this would be the officers who were tasked with enforcing untaxed cigarette laws in the Eric Garner case out of New York City. We can't possibly address what some believe to be the cause of "systemic" issues by not addressing the entire "system".

As far as the effect of rescinding Qualified Immunity for police officers, I am terrified at the thought. I must specify that my concern related to this point is not from the standpoint of a police officer but rather from a citizen of the state of Connecticut. To qualify my input in this area I would like to touch on my experience with violent crime here in Connecticut. The last 12 years of my career have been spent as a homicide investigator. In that time I have investigated in some form over 300 homicides and over 1,000 non-fatal shootings. These numbers are staggering and serve the purpose of illustrating the level of violence that just ONE city in Connecticut sees. The amount of violence in Connecticut is overwhelming even with the significant efforts of Law Enforcement through proactive policing. These efforts carry through to areas beyond violent crime as well, mainly in the form of traffic enforcement.

If this committee maintains the path to rescinding Government and Qualified Immunity, there is a GUARANTEED end to proactive policing in all communities, including the one's where you live. This will occur due to the astronomical personal liability officers will be exposed to. Imagine a society where police officers ONLY respond to calls for service. Recall the point in your life where you have witnessed someone driving incredibly reckless and said "where is a cop when you need one". Or worse, recall a time in life when you were a victim of a crime, say for instance the theft of your belongings or a time when you were on the receiving end of some form of interpersonal human aggression. Imagine the feeling of a

police officer seeing that but not taking action to catch the perpetrator on the spot. Imagine your frustration when an officer obtains an arrest warrant for that individual but chooses to wait for the person to decide to turn themselves in. Imagine driving home with your family and being hit by an impaired driver who drove by a police officer and was not stopped PROACTIVELY. As a person who has been hit by an impaired driver three times, all of which the driver evaded responsibility, I can personally tell you the relief and gratitude I had for the police officers who tracked them down and brought them to justice. Of course we also have no way to measure how many lives were saved by their actions which directly prevented these operators from hitting, hurting, or killing innocent people, such as the 6 year old child who was killed in Waterbury just last week.

Officers have answered the call to duty and risk their lives EVERY day they come to work. There is not a day that I leave my house and think to myself when I kiss my children that this may be the last time I see them. NOT A SINGLE DAY. I know personally officers who have been shot, stabbed, and killed in the line of duty. Do you? Rescinding Government and Qualified Immunity presents officers with a decision and I am not convinced that this committee in whole understands this. Beyond risking their own lives, every officer in this state must then weigh the decision to risk that of their immediate family as well. If you think for a minute that ANY police officer will do that, you are wrong. What this means is that there will be a bare minimum response in every aspect of policing. Proactive policing, I must add, is not a minimum response. The impact this will have on all communities is unfathomable. The impact to challenged communities is beyond all comprehension. In police work we must rely on evidence and rarely can things be linked to coincidence. As you see in New Haven violent crime has increased exponentially. Real people are being shot, and killed. Ansonia saw two people shot this week, Waterbury had yet another homicide. Hartford saw more people shot in June than days in that month. New York City has seen almost a 300 percent increase in shootings since their proactive element was disbanded. Do you think this is a coincidence? It's not, its evidence. Do you think police agencies minimizing exposure to proactive policing because of the false narrative propagated by the media and politicians alike during this time is

coincidence? I promise you it's not. I call to your attention that these aggressive spikes in violence are occurring while there is STILL proactive policing, albeit at a lesser scale. Consider the reality if you decide to eliminate it completely by rescinding Government and Qualified Immunity. Understand that there will be accountability on your behalf as elected officials. Without police officers willing to enforce the legislation you create, can you be effective as a law maker?

Lastly, I wish to address the provisions in this bill related to the amendment of Use of Force. Section 29 stipulates that an officer must "exhaust all feasible alternatives to the use of deadly physical force". There is no clear definition of "feasible" and this requirement prolongs the officer's response to life saving defense of themselves or a third party. We are human and we are not expendable. Furthermore, the evaluation of the officers' actions, after the fact, include reasonable de-escalation efforts and actions that may have increased risk. There is no definition of either point. What de-escalation techniques and what "actions" are considered to increase risk? These points need to be clearly established and provisions must be included to guarantee retraining of all sworn police officers to these new standards.

In closing I would like to thank the committee for their time in hearing these concerns and respectfully ask that the same standards and expectations of law enforcement apply to you as legislators. In Law Enforcement we are constantly attacked by way of the media and accused of stereotyping, profiling, bias etc. It has unfortunately become very apparent that those very things occur rampantly in the political arena. This is evidenced by the outright attack on Law Enforcement in whole based upon the actions of very very few. In nearly 17 years of law enforcement I have not had single citizen complaint lodged against me and have NEVER been accused of wrong doing. I am not alone. Demonizing Law Enforcement for political gain is dangerous and has directly resulted in the death and injury of officers throughout the country in the past few weeks. Recent negative press and political grandstanding has virtually eliminated compliance which directly leads to unnecessary hostility from the public, an example of which was seen when three Hartford Police Officers were surrounded and injured with weaponized

illegal fireworks. Respect is a two way street and at some point it would be refreshing to hear someone with the platform have the intestinal fortitude to explain this to the general public. There is one commonality among all of the high profile deaths we have seen in the last few years and it is not race. In all of these cases there was lack of compliance. Compliance equals safety, period. Our system is not perfect but there are concrete measures in place to overcome a wrongful arrest. With that said, the validity of the arrest in all of these cases has never been the question. Thank you for your time.

Respectfully,



Anthony P. Rykowski

Naugatuck, Connecticut