

TO: State Representative Kennedy

FROM: Kenneth Jones

DATE: July 12, 2020

RE: Bill 3471

I am writing you today for two reasons. In general the anti-law enforcement climate sweeping our nation and specifically Bill 3471. I am very concerned about both. I have been a sworn Law Enforcement Officer in CT for almost 24 years and I am from a law-abiding law enforcement family.

The anti-law enforcement rhetoric being allowed throughout the country is unacceptable. There are over 700,000 LEO's at over 17,000 agencies in the USA alone. We deal with millions of calls for service per year.

The death of George Floyd, which has brought us in law enforcement into the spotlight, was horrific and unacceptable by anyone's standards. I have not spoken to any fellow LEO's nor heard anyone in the media state differently. It was wrong, period!

To paint all LEO's with one brush because of one incident of one officer at one agency is hurtful and wrong on many levels. We are all being wrongly painted as murderous racists. In 2017 former congressman Anthony Weiner was convicted of sending obscene material to a minor and required to register as a sex offender. So, does that make all elected officials degenerate sex offenders? How would you feel if after that incident everyone in the media came out saying day after day that you were a sex offender? Would you want to have to defend yourself to your family and friends for something you had nothing to do with?

Now I would like to speak about Bill 3471. I am not aware of who was consulted before writing it but if Law Enforcement officials were not included in the discussion than you are committing a disservice to the residents of CT and a grave injustice to law enforcement. The opinions, concerns, and recommendations of my profession NEED to be considered. Imagine if a loved one was having life saving surgery. Now imagine you found out that the policies and procedures that the surgeon was required to follow were mandated by people with no medical experience and no one with a medical background was consulted on those policies and procedures. All because one surgeon at one hospital during one previous surgery committed a heinous act upon someone.

Now some of my specific concerns with the bill. I will break down my questions and comments by referencing a specific area of the bill if I can.

Page #3, line #54, The bill requires "forty hours of certified review training every three years" A sworn LEO in CT currently is required to complete Sixty hours of training every three years. So you are reducing our required training in an atmosphere of being told we are not trained properly.

Page #5, line #124, & page #24, line #692, "requirements that all police officers undergo periodic mental health assessments", "as a condition of continued employment" With no indication of a problem a LEO has to submit to a mental health assessment. Is there a test that is accurate enough to warrant the firing of an officer? This seems to be a double standard, unless you are also going to propose that all elected

officials also have this requirement. This might have prevented former congressman Weiner from his illegal acts, thereby protecting minors. Again, being grouped in with someone who commits a reprehensible act because you share the same profession is insulting.

Page #7, line #166, 182-184, “the council may cancel or revoke any certificate if” “engaged in conduct that undermines public confidence in law enforcement” This sounds as though if an officer is found to have engaged in conduct that undermines public confidence in law enforcement he or she will be fired. That is very vague language. What is the definition of this conduct? What if a group of people are not happy with enforcement of motor vehicle laws by an officer? Can they make a complaint that enforcement of motor vehicle laws undermines their confidence in law enforcement?

Page #14, line #399-403, “such position shall be filled by hiring or promoting a minority candidate” when the qualifications are equal to that of any other candidate. This sounds as if when two people come out equal for hiring or promotion you shall hire or promote someone based on race. Isn’t that the definition of discrimination?

Page #15, line #438-439, Page #16, line #459-460, Are you requiring a police officer to carry liability insurance as a condition of employment? This would be an added expense of being in law enforcement. Then you are not going to allow officer’s to work extra at road construction jobs to help pay for added expenses, such as liability insurance?

Page #22, line #618-627, You are requiring police officers to “prominently display” a badge and name tag. I did not see an exclusion anywhere for undercover or plainclothes officers.

Page #35 line #1028-1034, page #36, line #1046-1050, It reads as though consent searches, absent probable cause, will be illegal. If you have probable cause consent is no longer needed, you are searching based on the probable cause. This seems to be an attempt at legislatively taking away free will. There is state and federal law that says the opposite of this. Let’s say that I am accused of a crime and I am completely innocent. During my interaction with a LEO I would like to give him or her my consent to search myself or my vehicle which will prove my innocence. Would this bill make that illegal? That seems counterproductive and against my best interests.

Page #42, line #1231-1232, line #1251-1252, Any requirements for any use of force case has already been decided by the SCOTUS in two cases, Graham v. Connor and Tennessee v. Garner. Neither requires a LEO to exhaust all reasonable alternatives to deadly force or to deescalate prior to the use of deadly physical force. Each case is determined by the actions of the officer being “objectively reasonable” by the officer at the time of the incident and not in “20/20 hindsight”. You are placing an unattainable goal on law enforcement.

Page #45, line #1328-1332, This section seems to be detailing the criteria for reporting a use of force. However, it then states “cause serious physical injury” and goes on to list striking a person with an “open hand”, and “using pepper spray”. Am I reading this correctly? Are you stating that hitting someone with an open hand, a slap, or using pepper spray is “serious physical injury”? Neither fits the CT definition of serious physical injury. If it does then anyone hitting a LEO, or anyone else, with an open hand would be causing serious physical injury and possibly forcing that LEO, or member of the public, to use more force against their assailant. This seems counterproductive with what it trying to be accomplished.

The bill specifically lists a duty to intervene when another officer is using excess force. This has always been the case for LEO's in CT.

The bill states that departments cannot impose quotas in regards to citations or summonses. I do not remember the case, however, I also believe that imposing quotas is illegal in CT. Either way I do not know of any department that has ever used them. At most we require officer's to have contact with the public that we serve. We ask that they get out of their cars and walk around schools, talk to business owners and be approachable. We refer to this as community policing.

As you can see just one LEO reading through Bill 3471 has generated a lot of questions and concerns. I can only imagine how much other beneficial input might be gathered if sought out by our elected officials.

I would say to anyone without a lot of knowledge of law enforcement work and who has the ability to legislatively change the way we work to seek as much advice as possible from intelligent knowledge people before they do so. If you can find a PD that would be willing to run you through some of our scenario based training I would highly recommend it. Once you see how difficult fluid situations can be and how quickly what seems routine can change to life or death you might have a new respect for our profession.

The black lives matter movement has marches which include them chanting about killing police officers and then the state of CT flies their flag at the capital. Do you know how reprehensible that is!

If this sort of knee jerk reaction legislation is allowed to become law then you will not have to defund the police. You will have already given the criminals the key to the state.

Lastly the following are events from the last week which probably won't make it into the mainstream media: An off duty TN officer stops a shooting during a domestic disturbance. A TX officer rescues an 8 year old boy from a burning home. An off duty MN officer rescues two men from drowning. A NY officer rescues a baby deer. In Detroit there is a program at six local high schools where officers mentor approximately 300 students. Imagine major news networks reporting the preceding and LEO's from across the country being judged by those actions.

I hope I have at least made you look closer at the legislation that is being proposed. I would be willing to speak further with you on any topic related to law enforcement.

Respectfully,

Kenneth Jones

LEO, husband, and father