

Dear Sir/Ma'am,

As a police officer having served in the city of Meriden for nearly 8 years, I am writing you to express my opposition to the proposed bill LCO 3471 or the Police Accountability Act. In my opinion this comprehensive bill should be thoroughly reviewed and discussed during the regular session and not decided on in a Special Session. As the bill is currently written, it will be detrimental to our state as a whole and will discourage the members of our police departments from working to promote a safer and more just society. I'd like to point out and explain the areas where I believe this bill is fundamentally flawed.

Qualified Immunity – Qualified Immunity does not protect Law Enforcement Officers if they act outside of the law or Department policy. It is an accepted principal of a United States Supreme Court decision. If qualified Immunity is repealed it will effectively be the end of proactive policing. Proactive policing is a type of policing that makes neighborhoods safe by helping to seize weapons, narcotics and stop crimes like sex trafficking. Officers will be discouraged from pulling over cars or stopping individuals knowing that if there's a "*perceived* violation" they may be brought up on a frivolous lawsuit and be forced to pay out of pocket for legal fees for months or years or even worse, pay a large settlement. As mentioned in this proposed legislation, police officers or municipalities would be required to procure and maintain professional liability insurance, which may be too expensive for officers (especially without the option of construction overtime, as addressed in the next section) or an additional burden to our taxpayers.

Removal of Private Duty/Road/Construction Jobs – Many police officers work overtime to support and create a better life for their families and cannot sustain their livelihoods without this supplemental pay. These jobs are solely funded by private companies like Eversource, United Illuminating, Southern Connecticut Gas and Frontier and this overtime has nothing to do with police accountability as the name of this bill would suggest. The overtime rates paid come at no costs to city budgets or tax payers. I'd also like to note that most police departments have now switched to pension plans or 401k plans, which do not include overtime in retirement payout calculations. The option for overtime/supplemental income is a crucial part of a police officer's pay and one of the reasons why good people still do this job. Removal of this supplemental income for police officers will come across as a slap in the face to good officers in this state and will force them to leave and find another way to provide for their families.

Changes to the Use of Force Standard – The current use of force standards in Tennessee vs. Garner and Graham vs. Connor require an officer to use force that is objectively reasonable and when judging the force used, it must be looked at through the lens of a reasonable officer on scene who is often forced to make split-second decisions under tense and rapidly evolving circumstances. Many police policies require that officers use the minimum force necessary to effect arrest. These policies do not force them to use "*all* feasible alternatives to the use of deadly physical force," since this would be unreasonable to ask of *any person* under the aforementioned circumstances. Who is to determine what is feasible and what isn't? It's an impossibly vague standard. Again, an officer only has a split second to make a decision and this new language presented would allow for their actions to be scrutinized after the fact, questioning if they engaged in enough de-escalation efforts and if the subject was indeed armed. This is the primary reason why the current standards exist. This will cause the hesitation of many officers and may very likely result in their injury or death.

Office of the Inspector General – Specific issues with this statute arise with the language that the Inspector General can prosecute *any* case in which *only he* determines if the officers' actions are not justifiable or if an officer should have stepped in when he didn't. Based on the language, this person can circumvent Civilian Review Boards and Internal Affairs investigations and charge an officer based solely on his beliefs.

Removal of Consent Searches – Consent to search is one of the most valid forms of the exception to the Search Warrant

Rule. With the institution of body-worn cameras, a motor vehicle operator's consent to search is recorded when given on car stops. When searching homes, written consent is commonly given via a standardized form. Consent searches provide officers with the opportunity to search a car if only mere suspicion exists and the person involved consents to the search. These searches have many times lead to the discovery of firearms, narcotics and evidence of other crimes.

Primary and Secondary motor vehicle offenses - Changing certain motor vehicle infractions to a "secondary violation" and requiring officers to stop cars for only "primary violations" will eliminate "secondary violations" from being utilized to stop cars. While this might be the intent, this change can prevent positive outcomes like catching a violent offender with an outstanding warrant or turning a routine traffic stop (i.e. brake-light out) into further investigation leading to the discovery of a greater crime. Timothy McVeigh, the Oklahoma City bomber, was caught after being stopped for a missing plate, a simple motor vehicle violation. This section also mentions that car stops may only be performed based on a motor vehicle violation and throws out the reasonable suspicion standard. Based on the language, this bill will eliminate car-stops with occupants who were observed committing a crime but have no motor vehicle violation (i.e. hand to hand drug transactions, soliciting prostitution, felony suspects based on clothing or vehicle descriptions, or felony suspects based on observations).

Mental Health Requirements – Officers that I know believe that their mental health is just as important as their physical health. However, the language in this bill is placing all of the decisions with this process in the hands of POST, most importantly the selection of doctors. This can be used as a form of punishment for the officer if he has no input on the doctor making the decision (i.e. Trooper Spina who was removed from the job after he was already disciplined with a suspension).

Decertification of Police Officers – While it is understandable that the need arises for officers to be decertified, the language here appears to be left intentionally vague. According to the bill, if the actor uses force that is not found to be justifiable, they can be decertified. By that language, just one accusation no matter how small can have an officer decertified. The same can be said with the section regarding a violation of the Penn Act. Based on the language in the bill, the officer can be decertified for forgetting to complete one "racial profiling card" or provide a "complaint card."

Changes to POST Council – The new language adds a professor to the POST council who has a "background in criminal justice studies" but doesn't require them to have actual law enforcement experience. This can be problematic as we all know applying skills are very different than learning them from a book. In addition, this bill requires two "justice-impacted person[s]" (or in plain language, *two criminals*) to sit on the POST council and judge police actions or make policies regarding police work. Those persons will more than likely just cancel out two votes from others on the council. It should be noted that in this section, subsections (16) and (17) state that these two "justice-impacted person[s]" will be appointed by majority leaders in the House and Senate. Therefore, the *minority leader* has no stake.

Establishment of Civilian Review Boards – There is no language here which helps to dictate requirements like law enforcement experience, any type of training, or even educational experience. Civilian Review Boards (CRBs) have often been critical of all police action, especially use of force even when justified. CRBs do not often look through the required Graham vs. Connor standard of "the lens of a reasonable officer on scene under tense and rapidly evolving circumstances." The establishment of CRBs may be in violation of some city charters or collective bargaining agreements.

Defunding of Police/Social Workers – While this may seem like a good idea on paper, more training for police is necessary. Calls for service involving suicidal parties sometimes involve those with weapons or who are a serious threat to themselves or others. Deadly force can be inflicted on officers since people with this mindset feel as they have

nothing to lose. Putting social workers in the field with parties armed with weapons or who are currently suicidal could be of grave risk to the unarmed social worker. Realistically, this will only be an additional burden for the taxpayer as a social worker will have to be accompanied by a police officer for safety precautions. This will also add more responsibility for the officer since this state law introduces an unarmed person into the mix on a call with a suicidal or armed person. More training for police in this area is warranted and budgets are tight in every city in the country. State or Federal funding to give officers the best skillset and tools to respond to these emergencies is welcomed.

Statewide Crowd Management Policy – A Statewide Crowd Management Policy may seem like a good theory. However, the last piece of statewide police policy, the pursuit policy, has had some disastrous outcomes. While watching the public session on CT-N, a woman mentioned a pursuit out of Bridgeport involving a suicidal party. The suicidal party later murdered his girlfriend. The suspect was involved in a high speed chase with police. The police eventually broke the pursuit off because the only known danger was to the suspect. At the time that the pursuit was terminated, there was no obvious danger to the public except a collision with the suspect. This pursuit was terminated as the risk to the public outweighed the risk of letting the suspect go. Hindsight is always 20-20, but the officers in this instance had their hands tied by poor policy. If a statewide crowd management policy is put into place, the policy should consider the input of officers. Also, what kind of training would be put into place after the policy was established? The language makes no mention of training. A simple PowerPoint for crowd control/riot training will certainly not suffice. The new policy then turns into an underfunded wish.

Controlled Equipment/Demilitarization/1033 Program – The bill no longer allows police departments to receive surplus equipment from government agencies. This equipment is useful to our departments who are unable to afford items such as night vision goggles that are sometimes utilized by criminals, thus putting our police officers at a tactical disadvantage when dealing with them. It also references small arms which are utilized as patrol rifles to respond to active shooters calls, such as Sandy Hook. Other small arms like grenade launchers are used for less lethal instances where tear gas, smoke, distraction-type devices, or rubber rounds are warranted. These weapons are commonly used during high-risk SWAT call-outs, crowd control and are sometimes utilized for dealing with suicidal persons. In addition, the bill prevents the use of Mine Resistant Ambush Vehicles (MRAPs) which are simply large armored personnel carriers. Due to their size, these MRAPs have been utilized throughout the country as emergency and rescue vehicles during hurricanes and floods or other natural disasters. Their up-armored nature makes them a “free” vehicle for SWAT teams which provide additional protection against bullets and explosive devices (IEDs), which have already been used against police in this state (North Haven). Police operate in a world of possibility, not probability. This means that police departments have to be prepared for the worst possible scenarios, not just the ones that are common. Those instances are the times where police rely on this valuable equipment the most to protect the general public, property and themselves. What is the alternative to this equipment in the few scenarios highlighted above?

Based on this bill it is my understanding that this will result in a drastic negative change to our towns and cities as the police officers will be handcuffed by policy. We have already seen nationwide, and even in my local city, the surge in crime which can directly be correlated to a lack of proactive police work due to the current social and political climate. This bill is an attack on proactive policing and will only add fuel to an already burning flame of our poor current state. Officers can only do their jobs proactively when they are confident that they will be supported by their city and state government. If this bill passes in it's current state, not only will officers begin to quit or take early retirements in droves, the ability to recruit new quality candidates will be severely impacted.

Policing is not done in a vacuum and cannot be put under such rigid guidelines to judge an officer's actions in situations that are fluid, volatile, and varying from incident to incident. Even after undergoing 8-9 months of training and X amount of years on the job, this bill will make the most competent of officers second guess every action they take in a potential life or death situation, and will result in more officer injuries and/or deaths.

While policing is not always perfect, the fact remains that in this country there are over 300 million police interactions every year with the public. On average, 1,000 deaths are related to officers discharging their weapons, with 95% of those targeting armed subjects. Those are numbers directly taken from national crime stats of 2019 and show that only .0000027% of all police interactions result in a shooting. While any unlawful shooting of a citizen is a terrible tragedy, something to be corrected and strived to eliminate, these numbers show that sweeping reforms and dramatic changes to officers' sense of security in their livelihood is a gross overreaction and will only result in more crime and dysfunctional law enforcement agency's everywhere. It is my suggestion that if this legislature wants a comprehensive bill such as the one put forth, the input of officers from this state is required and a thorough review of the language and decisions should take place. As mentioned previously, I implore you to consider reviewing this bill during the regular session and not decided on in a special session.

Thank you for your time in reviewing this letter.

Respectfully,

Officer Michael Shedlock #472
Meriden Police Department