

Concerns about the LCO 3471: Police Accountability Proposed Legislation.

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1. Decertification Section: “Undermining Public Confidence in Law Enforcement”
 - a. How is this measured?
 - i. Discriminatory conduct: How is this measured?
 - ii. Racial Profiling: How is this concept measured?
2. Mental Health Screening for Police Officers
 - a. What happens if an officer “fails”?
 - i. PTSD Disability Retired?
 - ii. Fired?
 - iii. Rehabilitated?
 - iv. Who is paying for these evaluations?
3. Crowd Management Training
 - a. Costs?
 - i. Equipment
 - ii. Training
 - iii. How often?
 - b. Another Unfunded Mandate?
4. Implicit Bias Training for Police
 - a. Again, Costs?
 - b. Stipulations for the training?
5. Disciplinary Records
 - a. Complaints are not indicative of disciplinary issues. Using the complaints as a point of measurement can be detrimental and provide a false summary of issues against a particular officer.
6. Task force on Transparency and Accountability:
 - a. Professional Liability Insurance?
 - i. Who is paying for this?
 - ii. How will this impact recruitment and retention?
7. Civilian Review Boards
 - a. Civilians are not trained, nor do they understand the job of a police officer
 - i. Will they be trained?

- ii. What authority will they have?
- iii. Why is this needed?

8. Prohibition of consent searches?

- a. What is the point or goal of this?
- b. Will this reduce the ability for police to solve crimes

9. Justified Use of Deadly Physical Force

- a. Under stipulation: “exhaust all reasonable means to the use of deadly physical force and;
- b. Reasonably believe that the force employed creates no substantial risk of injury to a third party.
 - i. Both of the noted stipulations are subjective and fails to take into account the following:
 - 1. Force Science (www.forcescience.org) – The physiological and psychological effects of force and stress on the human body, including but not limited to:
 - a. Auditory Exclusion
 - b. Tunnel Vision
 - c. Loss of fine motor skills
 - d. Perceived Perceptions
 - e. Rapid breathing
 - f. Accelerated heart rates
 - g. Loss of fine motor skills
 - h. Skewed judgement
 - 2. The effects and dangers of second-guessing police in their deployment of force can result in:
 - a. Hesitation leading to injury and/or death of the officer or a third party
 - b. Embolden Criminal Behaviors?
 - ii. Factors to Determine Reasonableness of Use of Deadly

Force:

- 1. Stipulation #2: “the officer engaged in reasonable de-escalation measures before using deadly force; and
- 2. Stipulation #3: “any of the officers conduct led to an increased risk of the situation that led up to the use of such force.”
 - a. Both of these stipulations are extremely subjective and second guess, or “Monday night quarterback”, the officers’ reasonable decisions at the time given the circumstances they have encountered. This place the officer in an unfair predicament.

10. Use of Force Reporting Requirements:

- a. Be cautious as to what is reported and why.
 - i. Agenda driven data versus accurate FULL reports
 - ii. Understand the “Why” behind presented statistics
- b. “based on the officer’s observations and perceptions”
 - i. Does this open the officer up to potentially being labeled?

11. Prohibition on the Use of Military Equipment:

- a. Why? There are instances where police require certain equipment to be able to respond to certain incidents, such as:
 - i. Active Shooter Situations
 - ii. Hostage Rescue
 - iii. Barricaded Subjects
 - iv. Officer down calls
 - v. Missing Persons (Night vision???)

12. Civil Cause of Action Against Police Officers:

- a. The elimination or reduction of qualified Immunity places the officers at an unfair disadvantage to be able to perform their jobs safely.
- b. Qualified immunity is a type of legal immunity. "Qualified immunity balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably." In *Harlow v. Fitzgerald*, 457 U.S. 800 (1982), the Supreme Court held that federal government officials are entitled to qualified immunity.
- c. I encourage the review of www.daiglelawgroup.com and participation in the annual Use of Force Training offered.