

Dear Sen. Clarkson,

As police executives, community members, and elected officials seek to transform the policing profession, there are several areas of agreement where VT Law Enforcement believes we can and should work in unison to recommend and develop meaningful solutions. This includes, but is not limited to, use-of-force policies, training and education standards, early warning systems, disciplinary procedures, and hiring practices.

However, I am gravely concerned by and fervently opposed to efforts to change the qualified immunity protections for police officers. Qualified immunity is a foundational protection for the policing profession and any modification to this legal standard will have a devastating impact on the police's ability to fulfill its public safety mission.

What is qualified immunity? Qualified immunity provides police officers with protection<sup>8</sup> from civil lawsuits so long as their conduct does not violate clearly established law or constitutional rights of which a reasonable officer would have known. Further, qualified immunity **does not** prevent individuals from recovering damages from police officers who **knowingly** violate an individual's constitutional rights.

Qualified immunity is an essential part of policing and American jurisprudence. It allows police officers to respond to incidents without pause, make split-second decisions, and rely on the current state of the law in making those decisions. This protection is essential because it ensures officers that good faith actions, based on their understanding of the law at the time of the action, will not later be found to be unconstitutional. The loss of this protection would have a profoundly chilling effect on police officers and limit their ability and willingness to respond to critical incidents without hesitation.

Calls to limit, reduce, or eliminate qualified immunity do not represent a constructive path forward. In fact, these efforts would most certainly have a far-reaching, deleterious effect on the policing profession's ability to serve and protect communities.

In addition, at this critical time, many concerned and frustrated members of the community and some elected officials have called to "defund the police" in response to their concerns over police actions and behavior.

This is a misguided, shortsighted approach to achieving the change that we all seek.

Promoting community policing; embracing systemic reforms; and improving police training, policies, and procedures will require both dedicated resources and an enduring commitment from police leaders, community members, and elected officials. All that "defunding" and shifting resources away from the police will accomplish is to further reduce the ability of

police leaders to enact the positive change that is required. Now is not the time to further limit the capacity of police agencies to connect with our communities and to provide services to those who are most in need of assistance and protection.

In addition, the issues in our criminal justice system extend well beyond just the behavior of police officers. Over the years, reductions in state and local budgets have slashed funding for mental health services, homelessness, and substance abuse and recovery services; offender reentry programs; educational and vocational training opportunities; and programs that promote economic improvement.

By default, police agencies have been required to fill the void created by funding cuts in social and medical welfare systems, which often places police officers in an untenable position. For example, the “defunding” of mental health services by state and local governments in recent years means that the police are often the only ones left to call to situations where a social worker or mental health professional would have been more appropriate and safer for all involved. Although police agencies are working to train officers in crisis intervention or mental health first aid, this does not take the place of proper medical treatment.

While I agree there is a need to provide additional resources to social services, education, and mental health services, fulfilling this need should not come at the expense of police funding. By the very nature of the profession, the police remain the only entity of government that consistently and constantly responds to every situation where immediate help is needed. In an already underfunded profession, resources should not be taken away from the police, but rather, additional resources given to these areas.

Successfully moving forward will require a comprehensive, nuanced, determined, and informed policy effort that will involve all aspects of society. This solution will not be simple or cheap, but it is what is necessary to effectively address the challenges that confront us.

Just as important, any new legislation must be crafted in a thorough, thoughtful and judicious way. Rushing legislation through in a knee jerk fashion for the sake of making change does no one any good and in fact may actually end up doing more harm to the people it is intended to help. In crafting the new legislation people on all sides of the issue must be heard, and this includes your Vermont law enforcement community.

I urge you to not vote for any legislation that is rushed through without meaningful vetting and input from law enforcement.

Thank you for your help with this crucial issue.

6/11/2020 Written Testimony from Rob Blish, Chief of Police, Woodstock

Best Regards,  
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Mission Statement of the Woodstock Police Dept. :  
"To provide a safe and orderly environment in Woodstock through professionalism,  
high quality police service, an active partnership with the community and a concern  
for individual dignity by assuring fair and equal treatment for all."