

2/11/2022

Re: 254

Position: Support

To: Vermont Senate Committee on Judiciary

Dear Senators,

I am in full support of ending qualified immunity for police officers in the state of Vermont. Vermont state law outlines under title 20 chapter 151 at 2401 the definitions of unprofessional conduct for all police officers. Category A is a felony or misdemeanor by an officer. These felonies and misdemeanors are listed, and can be objectively observed through an overt measurable action. A civil claim may not be needed as these behaviors are criminal and can be enforced as such. Category B is gross professional misconduct and under that category is: D)biased enforcement.

Biased enforcement can be difficult to prove with the current qualified immunity protection for police officers. There is no list. Racial bias is difficult to prove without adequate statistics and preexisting case law, other implicit bias' are equally as difficult to present for merit. Persons with mental health issues, substance abuse disorder, and members of the LGBTQ community can be treated in a manner which does not observe their civil rights. As mentioned from previous testimony, civil rights violations are difficult to prove, and many lawyers will not take these cases due to the severe limitation of surpassing a qualified immunity protection for an officer. As a result, there are an unknown amount of abuses which have gone unreported.

I resent the position statement made by our very own Commissioner of Public Safety in which he asserts a wide sweeping hand to speak for every Vermonter:

"The doctrine of qualified immunity has not deprived Vermonters of just compensation for harm caused by constitutional violations committed by law enforcement officers." I am a Vermonter who was deprived of my constitutional rights by a police officer. One of the silent voices not counted in the Commissioner's self appointed ability to speak for all.

Removing qualified immunity will bring to light exactly what is going on in law enforcement in this state. Good police officers have nothing to fear, yet they must live in the shadow of those who break the law, and are protected by qualified immunity.

Legislators, elected by the people, decide the law for Vermont, not the Governor appointed Supreme Court who created this law in 1967. I view the removal of qualified immunity for

police officers as a step in the right direction for the public safety of our state. We have the right to safe policing.

The Commission of Public Safety does not exist for "we the people", it exists to support, promote and protect the police of our state. The oversight of this commission: the Law Enforcement Advisory Panel, is comprised of mostly Vermont police agency's, lawyers for the state, as well as the Commissioner of Public Safety. There are no civilians on this advisory panel which discusses issues about policing. Issues presented to police, and staff attorneys who work for the state, not the people. Fair and impartial?

In closing, as a contributing member to this state that I love, I want the right for all Vermonters to have access to a court proceeding for professional misconduct by state or municipal police. The loss of public trust across this country for police is because they can act with impunity, and are protected.

Victims should have access to justice!

Thank you very much for improving public safety with this very important bill.

Sincerely,

Leslie M Thorsen RN BBA MARJ