

Letter of Support for S 254

2/11/2021

Senate Judiciary Committee:

I have been a Vermonter since 1973 when I took a semester off from college to build a home with friends. I moved back here permanently in 1986 to start a business, and have enjoyed living in Vermont, and contributing to it's economy ever since.

As a community member, I will not call the local police. Up until recently, our local police did not have a complaint form, or an internal affairs program. They still do not have policies that deal with police discipline. Our local chief has not had an evaluation for the last 20 years. There has been no consequence to this department for any of these deficiencies. As a member of the public I have no voice.

We have a child with a disability, and for years the police have pulled him over. Once it was for tires in the back of his truck, another time it was for driving over the bridge from NH to VT. His truck was impounded for 3 weeks and not one charge was brought. His medications were in the truck and we had to pay out of pocket to have them replaced. He had to be seen by his health care provider for a new prescription. My wife and I view this as harrassment, yet nothing can be done about this as it did not rise to the level of a felony or misdemeanor. These are clear examples of implicit bias policing. Very hard to prove, especially with qualified immunity.

I believe that qualified immunity should not be a protection afforded to any officer. There are laws for them to follow, and if they fail to do so, they should be held accountable. If the accountability arises to a civil lawsuit, they should have to be responsible for their behavior.

The removal of qualified immunity as I read it states that the plaintiff could be ordered to pay the fee to the officer for the case if found to be frivolous. I think that makes the removal of qualified immunity fair, and would eliminate claims that did not have merit.

We had a recent incident in town where the local police pulled a gun on a person driving while black. He was picking his daughter up from school and had not violated any law. This type of policing must end. What if his daughter had been in the car? I do not want to live in a state or a town where local police feel the need to pull a gun on a person due to their color, or national origin. The human rights commission brought the case. The individual driving would never have been able to file a fair and impartial policing claim on his own. Removing qualified immunity would have allowed this claim to be brought by him, not the human rights commission.

Please, remove qualified immunity for the police so that good police, like our neighbor,

does not have to bear the brunt of public mistrust due to police who violate the law without consequence.

Thank you very much,

Scott Kilgus