

SB 967 – Excessive Force/Duty to Intervene Opposing Testimony

Good afternoon, Mr./Madam Chair. My name is _____, I represent the Officer Accountability Coalition, and I stand here in opposition to SB 967.

Mr./Madam Chair, the desire to have a bill that prevents officers from becoming bystanders is one that I generally agree with. The abuse of power should not be tolerated at any level, but particularly in the case of police officers, the need to exercise that authority with a great deal of restraint is necessary for public protection. Yet, when we seek to change the status quo, we must first ask ourselves if the action being taken will achieve the desired effect or if it makes us feel good without accomplishing anything. That's the question that I would ask to present to the Chair today. The bill sponsors assert that this bill will help improve police accountability and protect the public from abuse of power: will this bill accomplish that purpose? I don't believe it can for several reasons.

First, I would like to direct the Chair's attention to page 2, Section 2 (a) of the bill. It reads, "*A law enforcement officer in the employ of a law enforcement agency has an affirmative duty to intervene verbally or physically to prevent an observed use of excessive force by another law enforcement officer.*" I would especially like to draw your attention to stipulation that they can intervene verbally. Mr./Madam Chair, when someone is exercising excessive use of force, potentially becoming lethal in the process, how likely do you think they are to listen to reason? Maybe they will, but even if some do listen to reason, this leaves the door open for collaboration as well. If an officer intervenes verbally, he/she will not have to do anything else. He/she could simply give a warning and step back knowing that they will not be held responsible for their inaction. At best, this stipulation creates the opportunity for ineffective intervention at best and negligence at worst. In either case, creating the provision for verbal intervention does little to protect the public.

Second, I would like to draw your attention to Section 2 (b) on page 2. "*A law enforcement agency shall take appropriate disciplinary actions against law enforcement officer...who fails to intervene.*" There is no criteria here, however, that defines what appropriate disciplinary action entails. This state has no shortage of enumerated or expressly stated penalties for violation of the law, yet this bill fails to do so. There is no mention as to whether this neglect should be counted as a misdemeanor, felony, etc., there is no fiscal penalty stated, no express punishment that is to be enacted. If this bill is to be passed, then there is an assumption that there is room for abuse by officers. It is reasonable to believe that the same type of abuse may be seen in individual departments, and the lack of express penalties leaves a great opportunity for too lax of a punishment being enacted. Again, this does little to hold officers accountable. If the appropriate penalty does not exist, how are we to accomplish the bill's expressed goals?

Finally, I would like to point out the bill's definition for excessive force and specifications on when officers are to intervene. However, such a definition is not provided in the bill. The bill specifies what a law enforcement agency is, and it specifies what a law enforcement officer is, but no description is given defining under what circumstances an officer is to intervene. This can lead to confusion on when an officer is or is not required to intervene. An officer may ignore a case of genuine excess assuming that it does not go too far, or he/she may intervene preemptively for what may not be necessary in the situation. If the bill sets out to prevent the use of excessive force, then excessive force must be defined.

Mr./Madam Chair, as I stated earlier, this bill has a good intent. But even the most well-intentioned bills will fail to accomplish their purpose if the means of accomplishing that purpose are not clearly laid out. For this bill to work, there needs to be clear, express requirements made to officers and agencies without creating opportunity for negligence or ineffectiveness. Before this bill is considered, it must be overhauled to specify each of these criteria. It is a draft bill and nowhere near ready for passage into law.

It is for these reasons that I urge you to vote no on SB 967. Thank you for your time, and I will gladly take any questions.

Articles

Chief Joel F. Shults., Ed.D (2025). National Police Association, *Officer Intervention Can Compromise Officer Safety*. Retrieved from <https://nationalpolice.org/main/officer-intervention-can-compromise-officer-safety/>