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**Testimony to the Senate Federal and State Affairs Committee  
Opposing SB6 – Law Enforcement Policy for Contact With Armed Persons**

March 21, 2017

Chairman LaTurner and Committee Members,

Our associations oppose SB6 which would require policies on handling contacts with armed persons. This issue is one of the most heavily trained law enforcement topics today. We are training officers in recognizing persons with mental illness, de-escalation techniques, officer safety techniques, and other related matters.

It would be very difficult to create a policy to cover all the various aspects of encountering a person who may be armed and then to direct certain responses to those various combinations of facts. Law enforcement must react to armed persons based on a wide range of factors known to the officer at the time. The officer's observations change the knowledge on many of the factors and this continues to develop throughout the contact. This changing knowledge of facts, observations by the officer of the person and the surroundings, and new information from witnesses and other sources creates an environment where a multitude of responses would be appropriate.

In addition, case law is forever evolving on issues involving what actions can be taken when encountering armed or potentially armed persons. In very general terms, case law directs the courts to evaluate the actions of the officer based on the "totality of the circumstances" known to the officer at the specific time of each action being scrutinized by the court. Case law recognizes the wide range of circumstances.

These encounters are very fluid with changing conditions the officer must continually assess and use to alter their response. The risks officers face when stopping persons will not be reduced if this bill is implemented. Those risks could be increased if the new policies restrict officers from actions they are otherwise authorized to take. Written directives with specific things to be asked, specific tasks to be completed, and specific waivers of those requirements will only serve to be points of contention in court cases in both criminal and civil actions. They are likely to also be sources of confusion for the officers, not clarity.

This bill only addresses one side of the equation when officers and persons who may be armed interact. That is the side of setting requirements for officers. It does nothing to require the person stopped to answer the question or to take any other action related to a firearm. And it is those actions by the person stopped that dictates what actions the officer may reasonably take.

In summary, we do not believe the passage of this bill will do anything helpful in these interactions. Instead it creates a strong possibility of increasing risk to officers to firearm assaults, will increase points of challenge in criminal cases, and potentially increase liability exposure to officers and their agencies.

We strongly encourage you to not move this bill forward.

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