

**Testimony of Les Neri, President, Fraternal Order of Police, PA State Lodge
Before Pennsylvania Senate Judiciary Committee – March 27, 2017**

Good morning Chairmen Greenleaf and Leach, and members of the Senate Judiciary Committee. My name is Les Neri, and I am proud to serve as the elected President of the Fraternal Order of Police, Pennsylvania State Lodge, which represents approximately 40,000 active and retired law enforcement officers and their families throughout the Commonwealth of Pennsylvania. Before my election as State President of the FOP, I served for 26 years as a Police Officer and Detective with the Tredyffrin Township Police Department in Chester County from which I retired in December 2008.

On behalf of the members of the Fraternal Order of Police and their families, I would like to extend my thanks to the members of this Committee for your longstanding support of Pennsylvania's law enforcement officers.

Last year was a particularly difficult year for Pennsylvania law enforcement officers. Many of you will recall that we started 2016 with the attempted assassination of Philadelphia Police Officer Jesse Hartnett. Officer Hartnett was ambushed and shot three times while sitting in his police cruiser, for no reason other than that he was a police officer. In September of 2016 Sergeant Sylvia Young, a 19 year veteran of the Philadelphia police force, was sitting in her squad car when a would-be assassin came up and opened fire. She was shot eight times at point blank range with most of the injuries being on her left side. A second Philadelphia Police Officer was shot later during the pursuit of the suspect. Sadly we ended 2016 with the December 30th murder of State Trooper Landon Weaver, who at the too-young age of only 23 was shot and killed in the line of duty. This was mere weeks after the ambush and murder of Canonsburg Officer Scott Bashoum in November.

Law Enforcement is an incredibly dangerous job, performed by brave men and women, for no other reason than to keep their fellow citizens safe from harm. We know that going in. We accept that risk. However, the reality is, because of the very nature of our calling we will find ourselves on both sides of the gun. We will be faced with situations like those I have just stated, where immediate action needs to be taken based on split second decisions, for the protection of ourselves or others. It is also true that how we deal with the aftermath of these incidents will impact us all for many years to come.

Based on our review of Senate Bill 400 the Fraternal Order of Police shares the concerns of the Pennsylvania District Attorneys Association with the provisions of this bill. Senate Bill 400 will negatively impact investigations and prosecutions arising from those rare occasions when law enforcement officers must utilize deadly force to protect themselves or others while in the performance of their duties.

The FOP believes that Pennsylvania's District Attorneys have the integrity and independence to make fair and impartial determinations as to whether crimes have been committed and if individuals, police or civilian, should be charged and prosecuted for such

crimes. Pennsylvania's District Attorneys are also uniquely qualified by their experience and expertise to effectively prosecute such cases to the fullest extent of the law.

The United States is the only country in the world where voters elect prosecutors. District Attorneys are elected by, and directly accountable to, the citizens within the communities they serve. District Attorneys must answer to their communities for the determinations they make and the prosecution of criminal cases, including allegations of police misconduct.

In contrast, "Special Prosecutors" defined in Senate Bill 400 would not be elected by nor answerable to the people who would be effected by their actions and determinations. Senate Bill 400 dictates that investigations and prosecutions of law enforcement officers be taken away from democratically-elected District Attorneys and placed instead in the hands of unelected, unrestricted political appointees.

Although SB 400 is intended to address "public trust" issues created by the false narrative that law enforcement officers simply cannot be trusted, it may actually expand that false narrative to include our elected prosecutorial system which has served our country so well.

The Pennsylvania FOP agrees with the Pennsylvania District Attorneys Association that under current law, law enforcement officers are very actively investigated in the wake of shootings. In fact, there have been cases in which DA's have brought charges against officers and prosecuted officers as provided for by law. So the current system is hardly tipped in favor of the accused police officer, and I would suggest to you that in today's highly charged climate the process may even be tipped against us.

The FOP also agrees with the DA's Association that the PDAA Best Practices Committee report from November 2016 produced an impressive set of guidelines to be used statewide in order to ensure consistency in the treatment of police-shootings. Aside from the content of the report, the very fact of its existence shows the seriousness with which Pennsylvania's District Attorneys take the issue of discharging their duties in these types of cases.

In closing, we see no reason to disturb our longstanding proven prosecutorial system, and we encourage all stakeholders to invest their energies into continuing to improve the criminal justice system as opposed to creating an unnecessary, back-room, hidden system for investigating and prosecuting Pennsylvania's law enforcement officers.

In sum, because of the reasons stated above, the Fraternal Order of Police, Pennsylvania State Lodge, opposes Senate Bill 400.

I would be happy to answer any questions on my testimony. Thank you.