

Mr. Chair and Members of the House Judiciary Committee, thank you for the opportunity to speak today. My name is Suzette Freidenberger and I am testifying today on behalf of the Colorado Fraternal Order of Police in opposition to HB21-1251 unless amended. Our opposition is certainly not to taking a hard look and having informed conversations with the medical community about the use of ketamine in the pre-hospital setting, but rather with the approach that HB1251 takes to the law enforcement role in these scenarios. We believe that these issues could be addressed with some reorganization and clarification of the language, while preserving the goal of ensuring that law enforcement is not compelling medical personnel to administer ketamine against their independent medical judgment.

I have been a law enforcement officer for 19 years and have over 12 years experience teaching Arrest Control Tactics both in house and at the Academy level. I am currently a Master Instructor in Agitated Chaotic Events and Excited Delirium as it relates to law enforcement and first responders. It is imperative for all Peace Officers to know what Agitated Chaotic Events are, how to recognize them and how to contain a person experiencing them in order to get them immediate medical treatment.

It is our job as Law Enforcement Officers to ensure and protect the sanctity of life, above all. When we are called upon by the citizens of the communities we serve, we respond to make sure that life is preserved first and all else comes after. We as law enforcement officers will prioritize someone's medical emergency above all else. When responding to a car accident, we first assess the need for medical attention, even if we think the driver may be under the influence of alcohol. They may initially be a suspect in some kind of criminal activity, but based upon behaviors, and physical characteristics that we are trained and experienced in recognizing, the person's status may change to that of patient first and foremost.

While we agree that it makes sense for an officer's *use* of ketamine to be considered a physical use of force, it is a massive departure from any existing law we are aware of to classify an officer's *words* as a physical use of force, which HB1251 does with the language about directing or unduly influencing the use of ketamine by another person. Every other physical use of force is an action that a peace officer has both the authority and the physical ability to determine.

Similarly, while we understand the feasibility in some circumstances of an officer being able to intervene to attempt to prevent the *use* of ketamine by another officer, we do not understand how an officer could intervene to prevent the words of another officer ("directing" the use), particularly in what are often very chaotic scenes. As the language stands, an officer's inability to stop the words of a colleague would result in them facing criminal charges and potentially jail time.

Law enforcement does not have the authority to direct medical personnel to chemically restrain subjects. We provide them the information we have, and they are the ones solely authorized and qualified to make that determination. HB1251 holds law enforcement officers accountable for decisions that are made by an entirely different profession and discourages clear and open lines of communication between first responders that can cost people their lives. We respectfully ask that you consider making clarifying amendments to HB1251. Thank you for your time.