



## **Public Safety Committee – March 1, 2016**

### **Testimony in Support of HB 5273, An Act Concerning the Penalty for Assault of an Off-Duty Police Officer**

Good morning, Chairman Dargan, Chairman Larson and members of the Public Safety committee. My name is Zak Leavy and I am speaking on behalf of Council 4 AFSCME, a union of 35,000 public and private employees that represents municipal police officers throughout the state.

Council 4 supports HB 5273 which will make it a Class C felony when assaulting an off-duty police officer who is reasonably identifiable. We appreciate that this bill will protect police officers when they are off-duty from criminals who want to take retribution against those officers. Police officers put their lives on the line to protect the public whether they are on-duty or off-duty and this bill will ensure that any criminal who sees a police officer out of uniform is appropriately charged for committing an assault against that officer.

A police officer is sworn to protect the public and that duty doesn't stop when their shift ends. Often times, police officers will do what is necessary to protect the public from harm even when they are off-duty. This puts them at risk of being assaulted without the ability to call for backup as they would when they are on-duty. So far this year, there have already been numerous news reports of off-duty police officers being recognized and then assaulted purely due to their employment. In February, a North Carolina police officer was ambushed by several men who yelled "you're cop, you're a pig" as they continued attacking him. This gives law enforcement a much needed tool in protecting officers.

We thank you for your consideration of this legislation which will protect the brave men and women who work every day ensuring the public's safety.

Thank you for your attention. I'd be happy to answer questions.

## North Carolina Deputy Ambushed and Stomped Off-Duty at Child's Party

Source: <http://www.policemag.com/channel/patrol/news/2016/02/11/north-carolina-deputy-ambushed-and-stomped-off-duty-at-child-s-party.aspx>

February 11, 2016 |

Four men have been charged with ambushing an off-duty Wake County, NC, deputy at a child's birthday party over the weekend and beating and kicking him.

Gabriel Moreno, 39, of Knightdale; Miguel Angel Moreno, 25, of Wendell; Remi Nambo, 27, of Raleigh; and Delfino Alejo, 27, of Garner, were each charged with assault with a deadly weapon with intent to kill inflicting serious injury and malicious assault in secret.

Gabriel Moreno and Nambo were being held in the Wake County jail under \$2 million bonds, while the other two were being held under \$1 million bonds.

All four were ordered to be kept apart in jail and are prohibited from having any outside contact, meaning no visitors, mail, or phone calls.

The deputy, who isn't being identified to protect his work in undercover operations and for his family's safety, suffered broken ribs, a broken nose, and a back injury.

He was at the Panther Branch Community Center in Garner for a birthday party on Saturday when, according to investigators, Gabriel Moreno asked to speak to him outside. The other three men were hiding behind parked cars outside, and when the deputy came out, they attacked him, Harrison said. "They were saying, 'You're a cop. You're a pig, [as they attacked him],'" Wake County Sheriff Donnie Harrison told [WRAL](#).

Investigators are trying to determine how the men knew the deputy was an officer. Three of them have criminal records, and officials say they are gang members.