

To the Judiciary Committee of the CT General Assembly -

My name is Andrew Garcia and I am a constituent in Greenwich, CT. I am writing to you to testify on the proposed bill LCO #3471 concerning police accountability.

I strongly support the bill's objective of police accountability. I want to highlight where this bill succeeds, where it could be stronger, and where it detracts.

Connecticut's policing system, like those across the US, is violent, racist, and sets up police to be at war with civilians. It particularly harms, terrorizes, and kills Black and Brown residents of our state. Current police culture and regulations allow officers to abuse rights and perpetrate violence with little oversight and almost entirely without consequences. We need to understand the violence of the institution of policing, and rebuild our society without it. This bill is a step towards that future.

I strongly support Section 41, which limits qualified immunity. Police are almost never held criminally liable for uses of force, even when it is unjustified and fatal. Last month, qualified immunity shielded cops in Seymour, CT, from consequence for causing the death of a 15-year-old boy in 2012. Allowing punitive damages and attorney's fees would help limit police abuse and give victims a path for redress. CT police chiefs worry that this would make hiring officers harder. This is good - we need fewer police. That worry also makes it clear that police departments assume that officers are incapable of not abusing civil rights. Qualified immunity is not inevitable, and it needs to be removed.

I support Section 40, which moves towards demilitarizing police departments. Connecticut does not want or need militarized policing. We need to end the 1033 program and dispose of all military equipment held by departments and ban any future acquisitions.

I support Section 21 and 22, which prohibit vehicular and personal searches based on less than probable cause, in most situations. Police should not be able to search cars unwarranted. This is an avenue for abuse of Black and Latinx drivers (who are disproportionately targeted by traffic stops). These encounters can and have been fatal. Importantly, this section also bans police officers from asking for any documents (such as green cards, and other immigration documents) other than a driver's license during traffic stops.

I support Section 30, which makes it a duty to intervene for police who witness wrongful uses of force. Police who fail to intervene may be charged with the same conduct as the person committing the violence. This duty should be strengthened by also requiring intervention into illegal searches. When officers support abusive co-workers over their victims of abuse, they need to be held accountable.

I support Section 17, which provides that municipal civilian review boards may be vested with subpoena power to compel witnesses and documents. This power should be automatic, though, rather than require legislative affirmation to activate it.

I support Section 8, which would prevent State Police unions from adopting any collective bargaining agreement that conflicts with the Freedom of Information Act. Right now, the State Police union contract exempts the agency from FOIA requirements, and that is wrong. CT citizens have the right to know exactly how the departments they fund are behaving.

I support Section 9, which would prohibit the State Police union from hiding police employees' disciplinary records. But this section needs to clarify that this will apply to all disciplinary actions, not just "code of ethics" violations.

I Support Section 12, which adds areas to the purview of the Police Transparency and Accountability Task Force. Some of the proposed new responsibilities could lead to important reforms. Vesting the Task Force with the responsibility for exploring bold policy solutions for future proposals is an important step.

I Support Section 23 requires the Chief State's Attorney and the Chief Court Administrator to together craft a plan to ensure prosecutors review criminal case charges before docketing. This helps us ensure that prosecutors, not police, are in control of when and which charges are filed.

I support Sections 36 and 37, which provide some crime scene control to the chief medical examiner when a person dies in police or DOC custody. Granting authority to the chief medical examiner is a step toward ensuring that custodial deaths are investigated more independently. Between 2001 and 2016 nearly 300 people died in DOC custody.

I support Section 14, which requires officers to prominently display badge numbers and names at all times.

These sections should be amended to strengthen the bill:

I advise amendments to Section 29, which revises the standard for determining justification for police use of force. While LCO 3471 improves the current standard, the legislature should make additional changes to fully implement its intent, including (a) measuring whether the use of force was necessary, rather than objectively reasonable, (b) making it more explicit that the entire police interaction, rather than just the moment of violence, should be considered when determining if the violence was justified, (c) defining "deescalation" to provide greater clarity and certainty to the public and to police employees, and (d) making necessity and proportionality required in every use of force, rather than in a subset of cases.

I advise amendments to Sections 33 - 35, which create a new inspector general to investigate and prosecute uses of force and investigate DOC custodial deaths. The position should be a newly-created deputy chief state's attorney position, for which the Criminal Justice Commission will oversee appointment, reappointment, and removal. Also, if the Inspector General is given authority to investigate custodial deaths, that person should also prosecute those deaths, regardless of whether force was a factor. Likewise, if an Inspector General investigation turns up evidence of police criminality outside of uses of force, the Inspector General should be mandated to include an analysis of whether the officers involved violated department policy and/or state law and should recommend suspension or decertification if so. Finally, the Inspector General should be required to provide periodic status updates on investigations in police uses of force and should make their final report in the community where the violence occurred.

I advise amendments to Sections 10, 11, and 16, which impose new reporting and mental health assessment requirements on police departments, but do not provide meaningful consequences for police departments that fail to implement these changes.

These sections detract from police accountability:

Sections 1 through 4 and 15 make changes to create a stronger police certification and decertification process, but vesting that power in the Police Officer Standards and Training Council (POSTC), a majority law enforcement body, is expecting the police to police themselves. Moreover, POSTC already has certification authority, which, to date, it has not effectively used to limit police violence. Most professions do not govern themselves, but instead are regulated by an independent body. All police certification processes should be regulated independently.

Sections 19-20 require all police vehicles to have dash cameras and all officers to wear body cameras. This would allocate more funding to departments for a technology that has often proven to have no real impact on preventing police abuse, nor in bringing successful prosecution of police abuse. Increasing funding to PDs will not reign in police abuse. If body cameras are already in use, there need to be clear consequences for officers who fail to turn on their cameras, and clear requirements for the footage to hold more weight in investigations of abuse.

I do not support Section 18, which tasks municipal police departments with evaluating whether social workers should supplement or replace certain aspects of policing work. This again expects the police to police themselves, and willingly choose to cut their budgets or limit the scope of their work. Decisions about which police powers would be better held by social workers (most of them) should be made by entirely independent bodies. Social workers tasked with responding to mental health or other emergencies should not be working under police departments.

I do not support any element of this bill that increases funding for police departments. Taxpayer money needs to be divested from police departments and invested in communities, including with social services, healthcare, education, and housing.

I propose adding a section that suspends the use of paid administrative leave for officers under investigation. Communities should not be paying the salaries of officers who have abused members of those communities.

I propose adding a section that withholds pensions from and bans the rehiring of officers who were involved in excessive uses of force.

This bill is an important first step towards police accountability and police divestment, and it merits support. With the amendments suggested, this bill would be even stronger. I urge this committee to recommend this bill and ask that the General Assembly pass this bill with suggested amendments to make a more equitable and safe Connecticut.

Thank you,

Andrew Garcia