



CONNECTICUT
TRIAL LAWYERS
ASSOCIATION

150 Trumbull Street, 2nd Floor
Hartford, CT 06103
P 860.522.4345 F 860.522.1027
cttriallawyers.org

TO: MEMBERS OF JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: JULY 17, 2020

RE: SUPPORT OF LCO #3471, "AN ACT CONCERNING POLICE ACCOUNTABILITY"

CTLA strongly supports LCO #3471, "An Act Concerning Police Accountability," specifically as to the civil action and elimination of qualified immunity under section 41 of the proposed bill.

This is a crucial component of any attempt to enact meaningful and lasting change in the area of police accountability. Connecticut does not have any civil rights statute that would protect its citizens by enforcing their rights against excessive force, unreasonable searches, false arrest, and the other fundamental rights guaranteed under our state constitution. Section 41 would provide the victims of such conduct with a way to redress violations of those rights and receive fair compensation for the injuries and mistreatment they suffer from any such violation.

This proposal prudently ensures that any misconduct by police officers will not be protected by the misguided doctrine of qualified immunity. All too often, qualified immunity under federal law will protect an officer who has violated a victim's rights by giving the officer a free pass. Like other states that have recently adopted similar legislation, Connecticut's proposed bill would require police officers to uphold the law, and apply it fairly to all citizens, regardless of race, color, or creed.

Our civil justice system demonstrates that establishing consequences for wrongful behavior provides a powerful incentive to encourage appropriate conduct. If police departments know their officers will be subject to suit for violating a citizen's constitutional rights, they will have a renewed motivation to train and supervise their officers with due care. If they know that bad police conduct can be remedied in a court of law, police departments will not be willing to give repeated chances to "bad apple" officers who have been the subject of repeated misconduct complaints. The bottom line is that, by giving our citizens the ability to enforce their constitutional rights and redress wrongful conduct when it occurs, we will take a vitally important step toward limiting future instances of harmful behavior toward citizens.

Section 41 will put "teeth" behind many of the other important elements of this proposed bill. Banning choke holds, mandating body cameras, and imposing duties to report and intervene are just a few of the meaningful policy changes incorporated into the other elements of this bill. But, without a real means to enforce these advancements, we run the risk that they will not actually be applied and incorporated into everyday practice. If an officer violates any of these rules and uses a choke hold or other now-banned practice, and causes serious injury or death, the injured party must have a means to hold that officer responsible.

During this important moment in our state and country, the need for real, concrete action has never been greater. We have the chance to show Connecticut's citizens that we hear their unified call for meaningful change to ensure equal treatment for all.

We strongly urge you to pass this Act, including Section 41.

Thank you.