

WRITTEN TESTIMONY IN SUPPORT OF AN ACT CONCERNING POLICE ACCOUNTABILITY (Draft LCO 3471)

At the risk of stating the obvious, we are at an historic juncture in our society when we have the opportunity to choose between perpetuating institutionalized racism and dismantling it. The reforms contained in LCO 3471 are significant but more systemic transformation is necessary. To achieve that goal, we must be willing to admit to ourselves that law enforcement in the United States reflects the values of a country founded on genocide and slavery. The process of coming to terms with the extent to which racism pervades all our institutions is not going to be easy but recent events make it evident that we can't function as a society unless we address state violence towards black and brown people. Having said that, I ask the Judiciary Committee to support and strengthen the draft and press the General Assembly to pass the bill during the upcoming Special Session as an initial step towards stopping abuse by police and making law enforcement more accountable. However, I also ask you to keep in mind that reallocating resources from police departments to our communities and shifting the paradigm for how we create safe communities must remain the ultimate goal. Following are some points I wish to raise about the draft:

Demilitarizing police by prohibiting use of military equipment is essential in our ultra-militarized society so there should not be any loopholes to retain any armored vehicles.

Creating a civil cause of action for which neither governmental nor qualified immunity are defenses must be included. Qualified immunity is a nonsensical concept which helps foster a sense of impunity amongst police officers. Those who argue that it is necessary to maintain have been dishonest in their characterization of what qualified immunity means. A good explanation of why the theory is legally unsound, and the extent to which it shields police from being held accountable, can be found [here](#).

Banning stop-and-frisk, vehicular and consent searches by requiring that personal and vehicular searches require probable cause and not just a "reasonable suspicion" is crucial to stop widespread abuse of both procedures.

Prohibiting law enforcement from asking drivers for any documentation or identification other than a driver's license, motor vehicle registration, and insurance identity card during stops for motor vehicle violations can limit abuses. However, the exception in the event that a driver does not have a license is problematic because police could pressure someone into providing a document that reveals their immigration status. This must be revised.

Granting subpoena power to Civilian Review Boards is so important that it should not require municipal approval; it should be granted outright.

Requiring police officers to intervene when another officer is using excessive or illegal force needs to be broadened to include any unlawful activity against any community member.

Creating more transparency in union contracts by prohibiting provisions that conflict with the Freedom of Information Act or limit access to police employees' disciplinary records recognizes that the secrecy under which law enforcement functions prevents accountability.

Expanding police department personnel or jurisdiction to any extent is unacceptable. For that reason, consideration and actual use of social workers should be independent from police departments.

Limiting the use of deadly force is obviously necessary but the provisions in this bill, even if an improvement over current law, still leaves way too much leeway to justify the use of such force.

I realize that you have received a lot of testimony from people with diverse views and appreciate that you are tackling what is, even if it shouldn't be, a controversial issue. I ask all members of the Committee to please support strengthening and passing a bill to promote police accountability.

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