

To: [JUDtestimony@cga.ct.gov](mailto:JUDtestimony@cga.ct.gov)

From: Jason Stiber of Westport, CT

RE: An Act Concerning Police Accountability

Dear Members of the Judiciary Committee:

I am writing to share my experience in favor of reform related to police accountability. While others may be advocating for change to directly address police misconduct, which I also support, I am writing to you today to shed light on our state's flawed judicial system related to the use of magistrate judges which helps perpetuate police misconduct.

I was issued a motor vehicle infraction ticket in error that I went to court for in 2018 for alleged distracted driving. Despite providing cell phone records to the court ahead of the trial, the prosecutors proceeded to push for a trial with a magistrate judge solely based on the police report, without considering the evidence.

The case was for alleged distracted driving, which made national news.

(<https://www.washingtonpost.com/nation/2019/04/27/inside-story-man-who-fought-police-over-hash-brown-won/>)

In the case, the police officer thought he saw a cell phone near my mouth, when in truth, it was a hash brown.

The magistrate judge found me guilty despite stating at the end of the trial that "he believed me".

In the trial, I presented the following evidence in my own defense:

- I was pulled over at 6AM and had no reason to make a phone call at that early hour
- I presented a hash brown receipt as evidence that was time stamped just minutes before being pulled over
- The officer pulled me over in pre-sunrise, dark lighting conditions
- The officer was over 65 feet away from my car across two lanes of road and only saw my car for a second while my car was traveling 35 mph
- I have a Bluetooth enabled car and have no reason to touch my phone
- The officer was in the 15th hour of a 16 hour, double shift
- Cell phone records were presented in the trial showing that I was not using my phone

During the trial, I witnessed the officer lie under oath, and there were lies in the police report. Police are not held accountable for lies that can only be disproven with video. The police in my town are also incentivized for court appearances as they are paid overtime for appearing in court, despite the outcome so they personally profit from court appearances.

In order to ultimately get justice, I had to request a “trial de novo” to have a new trial that was then transcribed and had to hire an attorney to represent me. The case cost me four days of missed work. I ultimately prevailed, and in the second trial, the judge, after weighing all of the evidence, found me innocent.

In my experience, the magistrate judge was clearly biased in favor of the police officer. This could be happening every day, in every court room in Connecticut. Magistrate trials are not recorded so there is little to no accountability, and many people are unaware that they can request a “trial de novo” after they are dissatisfied with the outcome. Or others may not request a trial de novo because they may not be able to miss another day of work or have the money to hire a lawyer like I did.

The Connecticut judicial system is failing to achieve true justice by, essentially, screening cases using magistrate judges who are biased in favor of police and the prosecution. It is unfair and wrong and perpetuates police misconduct.

Without transcribed trials, magistrate judges are allowed to violate the rules of judicial conduct and not be held accountable.

Please consider eliminating the practice of having trials that are not transcribed or consider eliminating the use of magistrate judges. In 2020, digital recordings and voice recognition technology are available to ease the cost of transcribing trials. Cost should not be the factor preventing justice.

The practice of not transcribing trials is analogous to having police interactions without body cams.

Connecticut deserves ALL trials to be transcribed to have confidence in the judicial system.

Thank you.

Sincerely,

Jason Stiber

Westport, CT