

Jerald M. Lentini
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TESTIMONY IN SUPPORT OF DRAFT LCO #3471,
AN ACT CONCERNING POLICE ACCOUNTABILITY

Senator Winfield, Representative Stafstrom, and Members of the Judiciary Committee:

As a criminal defense attorney with Ruane Attorneys at Law and a Connecticut resident, I am writing to strongly urge the committee to advance An Act Concerning Police Accountability in the Special Session, and to commend the Committee for its swift action in considering this legislation.

Here in Manchester, where the gunshots from Jose Soto's shooting by officers with the CREST Task Force still echo, ensuring oversight and accountability for law enforcement is a top priority, so I read the proposed bill with great interest, and generally consider it to be a significant advance for our state. I would suggest three areas where clarifications or minor alterations might make for a stronger bill:

• **Define the Vague Term “Justice-Impacted Person”**

Lines 468, 590, and 592 all reserve certain appointments for “justice-impacted persons.” As far as I know, that term is not defined anywhere in state law, and is certainly not defined in this bill. There is no indication if it includes those who were found guilty of infractions, or who were found not guilty at trial, or who were charged but the state entered a *nolle prosequi*, or crime victims whose offenders were prosecuted. The term is exceptionally vague, and this bill provides an excellent opportunity to enshrine a definition into the Connecticut General Statutes. I would highly recommend including a definition in the raised version of the bill should it advance through committee.

• **Close the Caretaker Loophole on Body Cams**

Lines 810-817 require the use of body-worn recording equipment (“body cams”), but only when officers are involved in their “law enforcement capacity.” While this might be meant to exclude interactions in an officer’s personal capacity, such as when purchasing food or drink or having a personal conversation, as written this could also exclude instances when an officer claims that an encounter was initiated in their “community caretaker” capacity, such as during a welfare check or when rendering aid to a stopped motorist. I recently tried a case where an officer claimed that he was acting in his community caretaker capacity when he approached my client, which was why he failed to activate his cruiser’s dashboard camera, leaving us without footage leading up to my client’s arrest. This loophole could lead to countless instances where body cams aren’t activated during encounters with the public.

I strongly encourage amending this portion of the bill to read, “Each police officer shall use body-worn recording equipment while interacting with the public in such sworn member's law enforcement or community caretaking capacity...” to eliminate that loophole.

• **Clarify if “Lapsed” Certification is the same as “Decertification” for purposes of Sec. 31(c) restrictions on obtaining a Security Service License**

Lines 1389-1392 prevent anyone “decertified as a police officer or otherwise had his or her certification canceled, revoked or refused renewal” from being issued a security service license. Earlier in the bill, at Lines 145-148, it’s stated that any police officer who is not employed by a police force for a period of two years shall be deemed to have had their certification “lapsed.” Since a lapsed certification would require recertification, it is reasonable to read that provision as a decertification. I don’t believe it was the intent of the drafters to deny unemployed former officers the ability to obtain security service licenses unless they demonstrated misconduct or unfitness, but that appears to be the effect of the language as written. I would suggest an amendment to clarify the intent of this prohibition, unless the intent is indeed to deny those former officers whose POST certification has merely lapsed the ability to obtain a security service license.

I look forward to the Committee’s swift action on this pressing legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerald M. Lentini". The signature is fluid and cursive, with a large initial "J" and "L".

Jerald M. Lentini
Manchester