

July 20, 2020

Dear Distinguished Members of the Judiciary Committee:

I am an attorney submitting this testimony in support of abolishing qualified immunity for police officers. I had not intended to submit testimony but feel compelled to do so after reading a report of the testimony of the representative of the Connecticut State Police Union as reported in our local newspaper, the Greenwich Time. I hope you will consider this even though it comes later in the process than envisioned by the Committee.

As reported, the representative first asserts that "no one ever intentionally goes into a situation and uses excessive force." Sadly that assertion is wishful thinking as video footage from a plethora of recent events, with George Floyd only the most recent example, make crystal clear. (And these are just the ones caught on video tape.) It needs to stop now. Moreover, there is an attitude among way too many officers that, because they are not held to the same standards as others, they have wide latitude to do as they please, civil liberties and personal injuries be damned. There are numerous articles on police culture that must be taken seriously because this attitude can translate into action and all too often results in people getting seriously hurt and dying. The only presumption that police officers should receive is that of every employee: we are hiring you to do your very best and we expect nothing less. When they do their jobs properly, the law should and does protect them.

The witness apparently also criticized the removal of these long term protections for abuse of power because "many troopers will retire or resign if lawmakers remove so-called qualified immunity in cases of the death or serious injury of detained suspects". If that is true (and I am not at all sure it is) then these were not the type of men and women who should be in the police departments. They should go and be replaced with good people who do care and are careful. I believe there is no shortage of these people in our country or State. We cannot continue to have in this country people being tortured, maimed and killed at the hands of police in "excessive force" situations where there were good alternatives. This also raises the question of whether social workers or others could relieve police responses to certain situations. We should consider incorporating social workers and others in responses to calls for help in the way other towns and cities are already starting to do.

Everyone recognizes police have a dangerous and important job to do. The question, however, is whether they should be required to operate within sensible rules that our society has developed or whether we should engraft a "free pass" on to legal and societal norms. Right now unless the behavior is so egregious that it literally shocks the conscience of our society AND has actually been caught on videotape (and even then is often not enough) the "free pass" has become the norm. I think that is unacceptable. The answer is clear. It is time to end qualified immunity and stop the horrific abuses of power that are happening in this country way too

often. When officers do their jobs properly, our laws are sufficient to protect them without stacking the deck against the citizenry. Let's have a little more confidence in our legal system and not try to rig it.

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