

To whom it may concern:

Pushing forward legislation based on emotion is never safe, and never sound. Which is exactly what is occurring with LCO #3471. You will see Police Officers retire in droves if this passes, quality officers, because of the thoughtlessness of this document. We have read your 65 page document and many of us in the law enforcement community have come to the same conclusion. This is a knee jerk reaction to things happening around the country - not Connecticut. I am not as articulate as some, which is why I have enclosed the memorandum written by Attorney Elliot B. Spector. I urge you to re-read the memorandum that I know many have seen, but many have glossed over:

I have been involved in law enforcement since 1971. For approximately 40 of those years my entire professional life has focused on alleged police misconduct. As Civil Litigation Officer at the Hartford Police Department I investigated approximately 100 civil liability claims. As an attorney I have represented hundreds of officers in hundreds of alleged misconduct cases, including 15 appellate decisions. I conceived of the idea of misconduct avoidance training and created the now POST required liability training and trained over 30,000 officers. I have also served on misconduct related projects for DOJ/NIJ, FBI and DEA as well as substantial advisory work for Connecticut police departments. I would appreciate your considering some of my thoughts related to your intended initiatives. Before I address specific "reforms" I will suggest some basic parameters I hope you will consider.

1. Criticism of police, which is sometimes referred to as the "attack" on police, has accelerated since 2008. The attack is now worse than ever.
2. The attack has led to a "perception" that police are racists who commit acts of brutality and shoot innocent people or unlawfully use deadly force. This conduct is said to be at epidemic rates and calls for major reforms.
3. The COVID-19 virus has taught us that we must carefully analyze conduct and make decisions, not on uneducated opinions, but on objective facts.
4. Government officials and committees, such as this Task Force, should rely on evidence before drawing conclusions and making recommendations for change.
5. The Committee is best served by considering: relevant law; incidents fully investigated and reviewed by professional officials and/or juries and/or courts; and credible statistics.
6. The Committee should not rely on: opinions, allegations and/or one-sided anecdotes that are unsupported by full investigations or above noted reviews (#5).
7. Each recommendation should answer the following questions.
 - a. What is the evidence supporting the assumption that the particular problem requires change?
 - b. If there is proof of a need for change what is the cost benefit analysis?
 - c. Is there evidence that the recommendation has already been enacted?
8. The Committee must consider the negative effect of the recommendation.

9. The Committee has a responsibility to fully explain the basis for the change and the anticipated benefit.
10. Perhaps most importantly, the Committee should focus exclusively on Connecticut policing.

WHAT IS THE EFFECT OF ACCUSING CONNECTICUT POLICE OFFICERS OF WIDESPREAD RACIAL PROFILING, BRUTALITY AND UNLAWFUL USE OF DEADLY FORCE?

1. **Reduced Trust and Respect:** When people do not trust and respect police, they are less likely to cooperate with police and provide information about illegal activities. Without the eyes and ears of the community, the police cannot effectively deter or solve crimes resulting in more crime and more victimization.
2. **Fewer Quality Applicants:** The attack on police has led to a drastic reduction in the number and quality of applicants. Recruiting and retaining exceptional police is the foundation of quality policing. It is especially important to recruit minority applicants. Unfounded or exaggerated allegations of police misconduct are counterproductive to this end. Poorer quality police will lead to increased misconduct and poorer performance.
3. **De-policing and Government Restrictions on the Ability of Police to Perform Their Duties:** Officers who believe they are unfairly attacked are now and will continue to increasingly fail to perform self-initiated duties. Failing to stop motor vehicles for motor vehicle offenses may lead to increased accidents and failing to lawfully stop suspected criminals will increase crime and victimization. Government restrictions are and will continue to result in reduced protection for the innocent.
4. **Increased Harm to Police:** As of July 6, 2020, twenty-eight police officers have been shot and killed this year; fortunately, none in Connecticut. We do not know how many officers in Connecticut have been assaulted, but it is logical to conclude that the growing contempt for police is likely to increase attacks and altercations with officers.

If the Committee assumes police misconduct without evidence and makes recommendations without cause, the message perpetuates a false negative image of police leading to the above unintended consequences, to the detriment of all who rely on police protection and services.

THE TRUTH ABOUT POLICE

Almost all agree we must improve police community relationships. It is also beyond dispute that demonizing police destroys rapport between police and civilians. The best way to build trust is to tell the truth about policing in Connecticut. If we reach back 50 years we have an adequate sampling of policing in Connecticut to draw some reasonable conclusions. Police in Connecticut probably have well more than 3 million encounters with people every year or over 150 million encounters over 50 years. Criticism of Connecticut police is often based on incidents occurring elsewhere. The primary focus is based on the perception that police unreasonably kill people because of their race. We should ask, “is this true in Connecticut? Where is the evidence supporting this belief? Does evidence even on a national level support this narrative?”

According to the Washington Post, there have been an average of 989 police shooting death cases a year

from 1/1/15 to 12/31/19. Almost all of the intentional shooting deaths cases involve a combination of factors including the subjects committing crimes, being armed with deadly weapons or dangerous instruments, attacking officers or others, or otherwise acting in a manner where an objectively reasonable person would believe they are about to cause serious injury or death.

Putting these cases in context is important in evaluating the actions of police in general and, in turn, the necessity for major reforms. Police are required to engage violent people in dangerous circumstances to protect people of all races and ethnicities. In such circumstances they are forced to make life and death decisions. Other professionals also make life and death decisions. John Hopkins University conducted an 8-year study finding that more than 250,000 deaths per year are due to medical errors. Unlike police, medical practitioners making decisions are not faced with patients who posed a risk of serious injury or death to medical professionals or others. They often do not have to make split-second decisions, but very often can consult, research and thoughtfully consider alternatives. Presumably all of the people who die due to medical errors are innocent people of all races and ethnicities. Simply put, approximately 250,000 innocent people die every year due to medical errors. Compare that to innocent people who die each year due to police use of force decisions.

We could argue about how many intentional shootings might have been avoided when considering facts learned after the incidents and speculating about what might have occurred in our cushy lounge chairs. But when standing in the shoes of the involved officers, few have been or could be found unjustified. If we assume that every police shooting is unlawful and continue at the present rate, the number of shooting deaths this century would equal the number of medical error deaths in under 5 months. In reality, if we take the number of unlawful shootings and continue this pace for the next hundred years the number of unlawful police shootings would be fewer than deaths due to medical error in one day. But we do not see medical professionals condemned by protestors, interest groups, politicians or the media.

There is no hard evidence that medical decisions resulting in deaths or police shootings are motivated by racial or ethnic animus. But unlike medical professionals it is assumed that police who use force resulting in death are racists. That unsupported conclusion has resulted in the present turmoil and calls for police reform.

CHANGES IN POLICING IN CONNECTICUT MUST BE BASED ON EVIDENCE IDENTIFYING THE PARTICULAR PROBLEM AND THEN A COST (Human and Financial) BENEFIT ANALYSIS OF ANY PROPOSED REMEDY

Connecticut residents deserve a rational evaluation of our State's issues. The Accountability and Transparency Task Force should study any perceived problem before recommending any reform. On June 11, 2020, Glenn Loury, an African-American economics professor from Brown University responded to the present turmoil in the United States. He talked about the "empty thesis of racism" that distracts us from the real problems of black Americans. "There are approximately 330 million people in the United States, and there are many tens of thousands of encounters between citizens and the police every day. We take half a dozen, admittedly outrageous, disturbing incidents of police violence, and we form this into a general account of how people are treated. I think that's dangerous." (CITY Journal, Racism Is An Empty Thesis, June 11, 2020).

Professor Loury goes on to say he refuses to follow the mob opinion. He logically recognizes that the likelihood that an individual will come in conflict with police depends on the frequency with which that

individual behaves in a manner that attracts police attention. “Criminal behavior is not equally distributed across all population groups. African Americans are overrepresented in prison because they commit more acts that can be punished with prison. The main threat to the quality of life of people living in black areas is the criminal behavior of their fellow citizens, most of whom happen to be black. Black people in American cities are victims of rape, robbery, and murder to a very significant degree, and the perpetrators are almost always black. The protection of life and property is the most important task of the state, and many African-Americans cannot feel safe in their homes. The police are part of the solution to this problem. Black people need the police more than other people do.”

Professor Loury’s conclusions are amply supported by objective evidence. What is the evidence supporting the conclusion that police are murdering innocent black men because of their race?

The lack of evidence supporting the vilification of police speaks volumes. The critics reach back six years citing tragic cases of police citizen encounters. Fourteen of those cases were fully investigated by the Department of Justice and state prosecutor offices and some were submitted to grand juries and/or trial juries. The findings of these prosecutorial officials or judicial bodies resulted in findings that the use of force was justified or lacked sufficient evidence to proceed, acquittals or dismissals. (2014 - Tamir Rice, Eric Garner, Michael Brown, John Crawford; 2015- Freddie Gray, Samuel DuBose, James Clark, Jeremy McDole, Anthony Hill, Tony Robinson; 2016-Philando Castille, Alton Sterling, Keith Lamont Scott; 2018 Stephon Clark.)

The allegation of police critics is that racist cops intent on killing these men because of their race committed all the above deaths. These critics believe their opinions hold more weight than the public officials and juries of all races and ethnicities that considered all available evidence and evaluated the officers’ actions within the law. One would hope that our political leaders and decision-makers would not jump to the same conclusions but would respect our legal process and judge officers based on facts discovered after investigations by entities outside of the involved police departments and findings based on law in the judicial process.

Only five of the cases commonly cited by police critics resulted in prosecutions. Three were intentional targeted shootings including Anthony Hill, 3/9/15, who was an emotionally disturbed man who attacked the officer while naked; Walter Scott 4/4/15 shot after fleeing, fighting with an officer and then fleeing again; and William Chapman, 4/22/15, who fought with an officer attempting to arrest him for shoplifting. One was a ricochet off a wall in an apartment building hallway, Akoi Gurly, 11/20/14, and the other involved an officer who thought he drew his taser but drew his gun on a suspect, Eric Harris, during a sting operation on 4/2/15. While tragic, these cases were not incidents where police intentionally shot innocent people. Remarkably, the number of illegal shooting cases repeatedly exploited by police critics over the past six years approximates the number of African Americans shot and killed on an average weekend in Chicago.

Sandra Bland’s death is justifiably used against police although it is not a use of force case. We use the Bland case to teach officers in Connecticut how not to treat people because we don’t have a similar example in our State of outrageously wrongful actions by an officer that ultimately resulted in her suicide. In light of over a billion police civilian encounters, tens of millions of arrests and violent incidents officers have responded to over the past six years in our country, we should reflect on Professor Loury’s comments before condemning police. The Floyd case represents an action by an officer that was so clearly unreasonable that it need not be fully adjudicated before being placed in the column of wrongful police actions.

To condemn officers for allegedly killing people because of race, the Task Group should consider the seven wrongful deaths or other fully investigated and reviewed cases task force members may identify over the past six years, and put forth evidence that the officers acted with some discriminatory motive. The Committee should also consider that over the past six years there have been over a million law enforcement officers having encounters in likely a billion or more incidents and making over 60 million arrests and responding to millions of violent incidents. Putting the allegations in context and telling the truth to the public is a crucial responsibility of the Task Force in order to build trust between the police and their communities. Ultimately the question is, whether the present broad brush condemnation of police for a relatively few isolated incidents justifies major police reforms. Given the number of officer encounters each year and the violent situations they respond to, we can never expect to eliminate isolated incidents of misconduct resulting in wrongful deaths. These isolated incidents do not prove systematic killing of black men because of their race. They certainly do not justify smearing Connecticut police.

It is crucial that the Task Group consider only the fully investigated and/or adjudicated incidents. Jumping to conclusions based on initial protest opinions and media accounts is dangerous. The initial allegations against the Baltimore officers in the Freddie Gray incident led to death, destruction of property and cost Baltimore taxpayers tens of millions of dollars. In the end it was judicially determined the officers did not use force and were not guilty. If we care about lives, perhaps we should not endorse the protests. The number of wrongful deaths at the hands of police is dwarfed by the number of deaths occurring during the protests and the number of deaths of innocent mothers, fathers and children resulting from reduced police activity. We will never remember the names of the innocents who have died or the names of innocent police officers shot and killed. Twenty-six-year-old Officer Anthony Dia who left a wife and 2 children was the 28th officer shot and killed in 2020. These facts should be considered when demonizing police as the primary cause of social injustice in our country.

We have a sufficient sampling of police actions in Connecticut over the past 50 years to evaluate our problems. Are we proposing solutions for “perceived” or “actual” problems? We must keep in mind that when we demand changes we are communicating to the public that officers are committing wrongful acts in such proportions that legislative mandates are necessary. This has the unfortunate effect of creating public mistrust and disrespect for police, de-policing and shrinks the pool of quality applicants with all the downstream negative consequences.

The national misperception is fueled by repeating the above cited incidents creating the false perception that there is an epidemic of police killing men because of race. These unsupported allegations are driving the narrative in Connecticut. Like Professor Loury, we should not follow the mob. Taking necessary steps to reform policing based on “evidence” identifying particular problems is essential.

Accusing Connecticut officers based on some isolated incidents in other parts of the country is not only unfair but dangerous. Assuming wrongdoing without basis destroys police community relations and poses the risk of more crime, more victimization and greater conflict. Looking for the truth and evidence of misconduct is incumbent upon the Task Force.

Is There an Issue with Police Unlawfully Using Deadly Force in Connecticut?

Police accountability is not a numbers game. The goal should be that all police shooting death cases are lawful. On June 7, 2020 The Hartford Courant summarized 21 shooting death cases in the last five years. Three of those cases involved African-Americans and none included evidence of racial motivation. Twenty-two years ago Officer Scott Smith shot Franklyn Reid following a foot pursuit. Reid had an extensive criminal record including violent felonies. Officer Smith’s manslaughter conviction was overturned. Before the retrial Smith pled to a lesser charge that did not include prison

time. Although the case was not fully litigated, it is the only shooting death case resulting in a criminal trial in the past 50 years and maybe ever. There have been numerous shooting cases investigated by our State's Attorneys involving wounded and no injury incidents. One is presently being prosecuted and several are pending. Relying on the hard evidence, it is clear that no innocent person has been intentionally shot by a Connecticut officer (there have been bystanders near dangerous suspects accidentally wounded). There is no evidence a person has been shot because of their race or ethnicity.

The Committee should search for cases where shootings in Connecticut did not involve felony suspects or where the subject did not pose a perceived risk of serious injury or death. Compare those cases with the number of arrests, felony arrests and violent situations Connecticut officers respond to before concluding we have a serious problem with officers illegally using deadly force that must urgently be addressed by legislative action.

In the past five years I have trained over 4,000 officers. I ask two questions. First, has anyone ever shot someone, and second, has anyone been involved in a situation where you could have used deadly force but chose not to. I never fired my gun at someone as a Hartford police officer. I will never forget opening the cellar door to look for a man who had assaulted his wife. When I opened the door, he was standing at the bottom of the stairs pointing a gun at me. After repeated orders he dropped the gun. I'll never know why I was so foolish as to risk leaving my children without a father. On more than one occasion I let felons escape rather than lawfully shooting them.

Officers surveyed had similar experiences. Usually no one in class had shot someone, which is no surprise as most Connecticut officers never fire weapons at someone during their entire careers. Close to 60% of each class reports they could have legally shot, but chose not to, often at risk to their own safety. This also comes as no surprise. Going back 50 years we have had tens of thousands of officers responding to violent calls and dealing with dangerous criminals yet we have only 4 or 5 shooting deaths a year and often the question is, why did the officer wait so long before shooting? Going forward we should collect statistics on deadly force situations where police used restraint. Such statistics would help increase trust.

I ask the Task Group to consider the number of illegal shootings and in-custody deaths in the context of the number of violent crimes and dangerous incidents Connecticut officers have responded to and the history of policing in our State. Do our officers deserve to be vilified for shooting innocent people or people because of their race?

How Serious is the Issue of Racial Profiling in Connecticut?

No officer should ever stop, search, arrest, use force or take any law enforcement action against someone because of their race or ethnicity. Officers should not let bias enter into any law enforcement decision. This is why we have separate racial profiling and bias training every 3 years.

Connecticut's Racial Profiling Prohibition Act was enacted in 1998. In 2013, the Racial Profiling Prohibition Advisory Board was created and the Racial Profiling Prohibition Project began. Racial profiling has been an issue long before these initiatives. Racial profiling was an issue when I became a police officer in 1971.

So how many racial profiling claims have been ultimately sustained in Connecticut in the past 50 years? I have never been able to identify a single complaint that has ever been sustained. The closest we have come is the Jones v. East Haven case ultimately dismissed by the Second Circuit for a lack of sufficient

evidence to prove discriminatory intent. The media cites five cases where East Haven officers were arrested for discriminatory acts against Latinos, but 4 of the 5 alleged victims of the civil rights violations were white males.

The above titling of these initiatives as “Prohibitions of Racial Profiling” communicates to the public the impression that racial profiling is pervasive in Connecticut. Some say it is difficult to prove racial profiling, but is it? A person illegally stopped for a broken taillight that isn’t broken could take a picture or travel a few minutes to a garage to preserve evidence of the illegal stop. A person stopped for an alleged moving violation may turn to a body, cruiser, traffic or personal cell camera to capture the event or record words of the officer to substantiate a claim of racial profiling. The question is not whether there are racial profiling incidents, but whether there is sufficient evidence to paint Connecticut officers as racists? Does the portrayal of police officers as racists create a true picture of Connecticut police? There can be no dispute that the perception of police as racist negatively affects police community relations with all the attendant downstream negative consequences. Would telling the truth improve the image of police and improve the ability of police and the community to make their communities safer? Shouldn’t that be the objective?

How Often do Connecticut Police Commit Acts of Police Brutality?

We have to separate excessive force from police brutality. Police must use force to perform their responsibilities. Sometimes minor use of force incidents, in retrospect, may be deemed more than reasonably necessary. Our courts have often addressed the grey area between reasonable and unreasonable force. Police critics apply the term “brutality” to questionable or marginally excessive use of force incidents. When discussing police brutality people often refer to Rodney King. Now people can point to George Floyd. These are cases of clearly unjustified use of force appropriately characterized as acts of brutality. The Task Group should ask how often do Connecticut police engage in multiple unjustified uses of force by one or more officers (King) or egregious unjustified use of force (Floyd) resulting in injury.

I ask officers in class to provide examples of such police brutality in Connecticut so I can use these examples in other classes. Examples are few and far between. When they fail to provide examples, I turn to a clear act of brutality that occurred on May 20, 2011 at Beardsley Park in Bridgeport. Three officers appear to be kicking a suspect on the ground. Rational people know that videos on TV do not tell the whole story. When slowing down the video frame by frame one of the kicking officer’s feet does not touch the suspect, but shows him kicking the taser wire off his foot. The third kicking officer was clearly outrageous. He was tried and found not guilty of excessive force. I was not at the trial and only the jurors know what was contemplated in the jury room, but this 9 year-old case is the worst case I can provide as an example of Connecticut police brutality. I do know the suspect was a dangerous felony recidivist, believed to be armed with a Desert Eagle gun capable of piercing a police vest. The gun was later found in his vehicle. If incidents of police brutality are common in Connecticut, the Task Group certainly can provide numerous other examples in our State to substantiate needed reforms.

SOLUTIONS TO THE PROBLEM OF PERCEIVED POLICE MISCONDUCT

1. RESEARCH AND COMMUNICATE THE TRUE STORY ABOUT POLICE CONDUCT IN CONNECTICUT

Rather than extrapolating a few outrageous incidents from other states to determine what reforms are necessary in Connecticut, we should study police conduct in Connecticut. We should then effectively communicate the truth about our policing and make reforms consistent with actual police performance in Connecticut.

Instead of relying on uninvestigated, one sided anecdotes or examples of out of state police conduct we should require Connecticut departments to fully report on a variety of police activities. Assuming and focusing on alleged misconduct repeatedly screamed by protestors, media and others who are ill-informed, serves no purpose other than causing racial division and hate for police. We can throw rhetoric and hyperbole at each other or we can rationally look at evidence and work together to resolve problems.

In 2016 FBI Director James Comey announced an initiative to address the narrative of an epidemic of police shooting black men because of their race. He stated that there was no evidence to support the narrative but that the FBI was going to start to collect information on police use of force. The narrative requires an equal protection analysis.

To conduct a valid equal protection analysis the law and common sense requires an examination of facts related to how members of the particular class is treated as compared to other classes who are "similarly situated." Upon reviewing all the police shooting death cases collected by the Washington Post since 2015, it is readily apparent that almost all cases involve subjects actually or perceived to be posing a risk of serious injury or death to others. The majority of persons shot have, immediately before the shooting, been involved in felony activities and/or are armed and/or attacking or threatening others. People involved in such dangerous activities should be compared to others similarly situated. Evidence comparing similarly situated groups involved in violent crimes is found in FBI UCR crime statistics broken down by race and ethnicity.

On October 25, 2015 the Washington Post did an analysis of the types of circumstances leading to police shooting deaths. 224 involved the subject shooting a gun at someone, 242 were brandishing or pointing a gun, and 129 were armed with weapons such as knives, hatchets, chemical agents and vehicles. 595 of the shootings followed a wide range of violent crimes, including shootouts, stabbings, hostage situations, car jackings and assaults. Unfortunately, the Washington Post has not conducted a similar analysis in subsequent years but a review of individual cases follows a similar pattern. FBI UCR arrests from 2014-2018 shows that Black/African Americans account for 52.7% of arrests for Murder/Intentional Manslaughter; 55.1% for Robbery; 33.2% for Aggravated Assault; and 37.3% for all violent crimes. The percentage of Black/African Americans shot and killed by police is well below the percent of violent crimes.

On June 23, 2020 Roland Fryer, Jr., a black Harvard economics professor wrote an opinion piece in the Wall Street Journal about his study of police use of force. He concluded, "There are racial differences in use of nonlethal force, but not in officer-involved shootings." Those of us who are not in Dr. Fryer's profession cannot vouch for his conclusion that police are not actually more likely to shoot a civilian who is black, but such studies bear more weight than protestors, journalists or politicians citing names of people found to have been killed in justifiable deadly force incidents. Dr. Fryer also stated, "...we do ourselves a disservice in the battle against racial inequality if we don't adhere to rigorous standards of evidence, if we cherry-pick data based on our preconceptions."

There have been initiatives to require the collection of data on police use of force for 30 years. Perhaps the President's executive order tying reporting to funding will accomplish this goal on a national

level. Police officers welcome a comprehensive collection of evidence that includes not only when police use force, but when they don't. It is just as important to know when an officer disarms a knife-wielding suspect without a use of force as when he shoots him. It is just as important to know when an officer talks down an angry drunk as it is to know she deployed her taser.

We can start the collection of evidence related to all police encounters in Connecticut by 2021. The collection of this evidence will show the true scope of police use of force and will help build trust between police and the community.

Exploring the nature of policing and honestly reporting what police do can have an enormous positive effect on police community relations. Building trust through knowledge and understanding will enhance working relationships between honest citizens and police. Connecticut does not have to wait to start collecting information on a myriad of police actions to provide a more complete and accurate picture of police conduct.

On the state level we should account for all the medical calls, rescues, missing person situations, protective custody incidents, motor vehicle and other personal injury incidents, successfully resolved violent incidents and other calls for service where officers save lives and reduce the risk of harm to citizens. The collection of information and statistics on such police actions will help people understand how much police care about people and save lives regardless of race or ethnicity.

There is no rush to initiate expensive reforms that might do little if anything to make effective positive change. The Task Group should take its time to identify deadly force cases in Connecticut where the subject was not a dangerous felon or creating a risk of serious injury or death immediately before the shooting. The Task Group should study the cases of "brutality" over the past 50 years, then the scope of deadly force and brutality can be evaluated. No one and no group of people deserve to be called murderers. Accepting the vilification of police and actively or tacitly supporting those who unfairly mischaracterize police is dangerous. Doing so without factual basis is ignorant and also dangerous. Why wouldn't we want Connecticut citizens to know the truth about police? Merely saying many or most police properly do their jobs is not enough.

We should consider evidence of a problem before we recommend a reform. For example, a mandate to prohibit chokeholds without evidence that police actually use this tactic and without evidence that anyone has ever been harmed, conveys the false message that Connecticut officers employ this use of force and the State must take action to protect citizens from police choking them out. If the Task Group decides to prohibit chokeholds the recommendation should explain that Connecticut police have not used this tactic in years and when it was used over 30 years ago, there was no evidence anyone was harmed. Telling the truth is crucial to build trust between police and their communities. An explanation providing evidence as to why each reform is necessary should be included with each recommendation.

2. HELP OUR CHILDREN MAKE BETTER LIFE DECISIONS

We are leaving too many children behind. We need to confront the national tragedy that we are failing to help our children make better life decisions. We have to break the family to prison or death pipeline. On 9/10/20 Ricky Reyes, age 40, is scheduled for sentencing in federal court. He faces a minimum sentence of 10 years following a history of drug and weapons offenses. His sister, Janicette, also has pending federal charges. Twenty-eight years ago they beat an East Hartford officer who was lying on the ground holding their 14 year-old brother, Eric, who was a recidivist offender who had escaped from our state juvenile facility. Eric told them, along with 3 other children ages 9-10, to get the officer's gun. The

children began to beat and kick the officer. Janicette testified that she beat the officer so hard with a mop handle that her hands were red. After about 5 minutes Officer Proulx who was about to lose consciousness, saw a gun in Eric's hand, pulled it away and shot Eric. I deposed Ricky and Janicette who were both 12 years old at the time. They testified they knew they were beating a police officer but it didn't matter. If Eric had decided not to commit crimes and had perhaps been a role model for his younger siblings, he would not have been involved in this violent encounter and they wouldn't have beaten the officer and helped him take the officer's gun. Maybe Eric would be alive today and maybe Ricky and Janicette would not have entered a life of crime.

I work on several of these youth tragedy cases every year. These children are not born criminals. They once were beautiful babies and adorable children. Can we do anything to help them toward honest productive lives? The most effective way of reducing confrontations is to guide our children by instilling a sense of responsibility and respect for others. Wes Moore wrote a book, "The Other Wes Moore" comparing his life with another of the same name who grew up under similar circumstances. The author had responsible adults to positively influence him while the other ended up with a life sentence for murdering a police officer. Years ago I deposed another young man who drove a stolen car through a red light killing two people. When he asked me to tell the family how badly he felt, I saw a kid who was not a bad person, but a young man who made some bad decisions.

The FBI Uniform Crimes Reports for 2017 and 2018 indicate that 59.2% of those under 18 years of age arrested for murder and intentional manslaughter and 65.4% of those arrested for robbery were Black/African Americans. (Aggravated Assaults 41.8% and Violent Crimes 49.8%). We have to bring down these percentages by teaching children in comprehensive programs to choose not to engage in crime or other at risk behaviors.

Utilizing the aforementioned FBI UCRs and Washington Post analysis it becomes readily apparent that to bring down the number of police shootings we must reduce the number of deadly force encounters. With regard to the racial disparity issue we must reach the youth of our country and guide them toward honest productive lives. We have to do this at a very early age before they start traveling down the wrong road. Too many of these children who begin a life of crime continue, as the Reyes children did, into adulthood. Police have unique knowledge and experience to assist educators in teaching children important life lessons.

Police have real life experience responding to and investigating criminal activities, drug overdoses, shootings, unsafe driving and numerous other types of incidents leading to death and serious injuries to juveniles and caused by juveniles. Police can explain the legal consequence of poor decisions and have a special authority that may positively influence children. Bringing police into the classroom starting in kindergarten to provide safety lessons and thereafter, each year through high school to teach other age appropriate lessons may help our youth lead better lives and will improve relationships between police and the community. Comprehensive classes addressing at risk behaviors every year will undoubtedly make a difference. There are many stories about how police have positively affected lives of at risk youth. One of the more inspirational stories was written by Caron Butler, "Tuff Juice: My Journey from the Streets to the NBA." Caron Butler began selling drugs when he was 11 years old. An encounter with one officer made the difference between a minimum 10-year jail sentence and a successful career in the NBA.

Taking police out of the schools is not the answer. The recommendation to have officers work in inner city communities for 500 hours to help develop better understanding and relationships is a reason to have more police in schools. Using police to help educate children is equally important. If only one

student learns one lesson and avoids one tragic decision having police as teachers will be well worth the effort.

3. PROVIDE MISCONDUCT AVOIDANCE TRAINING TO ALL RECRUITS AND IN ALL REVIEW TRAINING PROGRAMS

Connecticut police need to be trained on issues to reduce alleged misconduct. Many POST courses inform officers on how to perform their duties and thus reduce incidents of misconduct, but there is no specific course identifying past alleged acts involving claims of misconduct and what officers should or shouldn't do to avoid such claims in the future.

We need a practical nuts and bolts course training officers about what to do and what not to do in their everyday tasks to avoid misconduct complaints. We also must focus on how to develop better relationships with members of their communities particularly the children. The course should cover everything from stop and frisk to racial profiling to arrests and searches, duties to protect and operation of vehicles. It should cover all use of force issues from handcuffing to deadly use of force and all other types of potential misconduct. Such a course can be provided to all recruits without any additional cost.

COMMENTS ON RECOMMENDATIONS

ELIMINATE QUALIFIED IMMUNITY FOR POLICE:

The common misconception is that there is a special immunity for police that insulates them in liability cases to the extent that officers who commit egregious acts of misconduct are fully protected from liability. The perception is that this shield from liability serves the officer's personal interests and therefore encourages misconduct. Those condemning this immunity convey the message that police can brutalize innocent citizens who have no remedy for their harm. These are gross misrepresentations.

On June 24, 2020, the Connecticut Supreme Court maintained immunity for officers who make discretionary decisions leading to lawsuits in *Borelli v. Renaldi*. The Court reiterated the well-established law that municipal employees are liable for the misperformance of ministerial duties requiring duties to be performed in a proscribed manner but have qualified immunity for acts, which require the exercise of judgment.

This case is especially important today where interest groups and politicians are seeking to eliminate qualified immunity for police. The politicians should know that they, as well as all government employees, are entitled to qualified immunity. The debate about qualified immunity focuses on the allegation that police are not being held accountable for misconduct because they are immune from liability. This term the United States Supreme Court denied certiorari in six qualified immunity cases pertaining to 42 USC § 1983 actions. Governmental immunity addressed in *Borelli* and qualified immunity for § 1983 actions are different but serve the same purposes.

As the Connecticut Supreme Court stated, "Municipal officials are immunized from liability for negligence arising out of their discretionary acts in part because of the danger that a more expansive exposure to liability would cramp the exercise of official discretion beyond the limits desirable in our society..." Society has an interest in allowing public officials to perform discretionary duties "unhampered by fear of second guessing and retaliatory lawsuits..." This same interest is the reason the United States Supreme Court created qualified immunity for § 1983 lawsuits. The Court went

further in holding officials have a fundamental right to have qualified immunity decided at the earliest stages of litigation to protect officials from the burdens of litigation. Simply put, these immunities encourage governmental employees to perform their duties without fear of unwarranted lawsuits and allow them to perform their duties instead of spending time and resources defending such claims.

The present attacks on qualified immunity focus on alleged police excessive force. The critics ignore the fact that it is difficult to dispose of a use of force case on qualified immunity because the plaintiff can overcome the defense by showing some disputed issue of fact regarding the reasonableness of the use of force. Therefore, for the reasonableness prong of qualified immunity the plaintiff merely has to hang his hat on the possibility that the jury could find the use of force to be unreasonable. Unwarranted lawsuits are eliminated under this prong. The second prong provides immunity if no clearly established law would have informed the officers under similar circumstances that her use of force was unreasonable. Because numerous excessive force cases have been decided by the Supreme Court and Circuit Courts most use of force cases have some commonality creating clearly established law. It is relatively rare that an officer will escape liability because his use of force under the circumstances is unique under the particular circumstances.

As a practical matter the argument that removing qualified immunity will reduce excessive force has little merit. Most, if not all states have indemnification statutes for government employees. It is not the police who pay for the judgments or litigation, it is the taxpayers. The legal requirement for police to pay punitive damages is an existing deterrent to egregious excessive force but if such force were found to be egregious the qualified immunity defense would not survive.

A factual review of almost all alleged excessive force cases would reveal some common denominators. The plaintiff has violated the law, the police officer responds and the plaintiff refuses to comply, resists, threatens or attacks the officer resulting in the officer's use of force. The beneficiaries of the elimination of qualified immunity in use of force cases will be the people who violate the law and then commit some of these additional illegal acts. Of course, the elimination of this immunity will be a boon for their attorneys. Who will be the biggest losers? The taxpayers will suffer the burden of paying the litigation costs and settlements or judgments. All of the members of communities will suffer the loss of less effective law enforcement because officers will be reluctant to perform their duties and they will be tied up defending unwarranted lawsuits instead of serving their communities.

The most recent example of a § 1983 qualified case is *Jones v. Treubig*, decided by our Second Circuit on June 26, 2020. The Court explained that the first step is to determine if the officer's action was unconstitutional. The jury in this case determined Lt. Treubig used excessive force when he discharged a taser a second time. His first taser discharge was deemed reasonable against a resisting arrestee. The second step in the qualified immunity analysis is whether the right at issue was clearly established—"That is, whether it was objectively reasonable for [Lt. Treubig] to believe [his] acts did not violate those rights." "...this inquiry must be undertaken in light of the specific context of the case, not as a broad general proposition."

The jury found Treubig believed the second deployment was necessary to handcuff Jones, but his mistaken belief did not shield him from liability unless it was objectively reasonable. "It is not the honesty of [the police officer's] intentions that determines the constitutionality of his conduct; rather it is the objective reasonableness of his actions."

In other words, it is not the officer's subjective belief that controls but the objective reasonableness of his actions. This case contradicts allegations that qualified immunity commonly protects officers who

commit acts of brutality or that officer are not held accountable. This was not an act of brutality but a use of unreasonable force that was so minor that the arrestee suffered no compensable damages. The jury first came back with an award of thirty thousand dollars in punitive damages but no compensatory damages. After the judge instructed them on the necessity of awarding nominal damages even in the absence of compensable damages, the jury returned with an award of 25¢ in nominal damages.

In summary, the first taser discharge was reasonable but the following taser several seconds later was unreasonable. The arrestee claimed he felt numbness for 30 or 40 minutes, an injury the jury determined did not warrant damages. Was the officer held accountable for this minor use of force? Yes, he was held liable for \$30,000.00 in punitive damages. In Connecticut he would not be indemnified and would be personally responsible to pay all damages. Jones v. Treubig demonstrates how even in marginal liability cases with little harm plaintiffs can defeat qualified immunity and officers are held accountable.

ENSURING EACH OFFICER COMMITS TO 500 HOURS OF COMMUNITY ENGAGEMENT ACTIVITIES WITHIN CONNECTICUT'S MAJOR URBAN CENTERS PRIOR TO RECEIVING INITIAL OFFICER CERTIFICATION:

The intent of this proposal to provide an experience where officers will learn to understand others is unquestionably worthwhile. Although paying all new recruits and administering such a program may be cost prohibitive some initiative to improve relationships through knowledge and understanding of others should be explored. The Task Force should consider expanding this idea to include having legislators and other government administrators who make decisions about police to participate in ride along programs to better understand what police officers are like and the realities of law enforcement.

1. DEVELOP AN INDEPENDENT EXTERNAL INVESTIGATIVE AUTHORITY; 2. REFORM CITIZEN COMPLAINT PROCESS; 3. MANDATE COMMUNITY OVERSIGHT; 4. REFORM CITIZEN COMPLAINT PROCESS; 5. IDENTIFY STATE LABOR ISSUES THAT PREVENT POLICE ADMINISTRATORS FROM EASILY REMOVING UNFIT OFFICERS:

These 5 recommendations appear to allege that disciplinary processes in Connecticut police departments are inadequate as are appeals to the State Labor Board. Shootings and use of force death investigations are by law undertaken by State's Attorneys. Many other cases of alleged police misconduct are also reviewed by State's Attorneys. Some complaints are false and many others lack merit. Republishing defamatory complaints against officers serves no interest. The cost of an outside agency to investigate disciplinary complaints may be prohibitive.

The question remains as to whether there is evidence of a serious failure to investigate and discipline officers in any particular department. For decades plaintiff counsel have alleged failure to discipline against numerous police departments. There is no qualified immunity for such claims, but none have prevailed and almost all lacked sufficient merit to survive summary judgment. If there are departments that do not adequately investigate or administer disciplinary matters there may be a more direct, simpler and more cost effective resolution.

Chiefs of police are ultimately responsible for controlling officer misconduct, how their internal affairs investigations are conducted and ultimately what discipline is imposed. In the rare case where an incompetent Chief is covering up misconduct or utterly failing to administer discipline, perhaps a complaint could be made to the State's Attorney and if such failure is found it would amount to just

cause for terminating the Chief.

I have been on both sides of arbitrations at the Labor Board and found as a deliberative body they fairly consider evidence presented and generally render balanced decisions. The Task Force review of cases where unfit officer terminations were overturned should be relatively easy as written decisions delineating evidence and the rationale for findings is available. The burden on our judicial system and cost of disciplinary review by our courts may not be the best idea.

The basis for these reforms seems to be the perception that police are not held “accountable” for misconduct. The reality is that officers are subjected to more scrutiny and punishment than probably any other profession. If an officer intentionally lies or commits an act of dishonesty he/she will almost certainly lose his/her career. If an officer responds to a dangerous call, risking his/her life to protect others and is forced to use deadly force that is clearly lawful, justifiable and unavoidable he/she is still placed on administrative duty. Such officers are prevented from doing their jobs or work overtime or private duty jobs. They are subject to criminal investigations even when there is not a scintilla of evidence to create any doubt as to the reasonableness of their actions. Unlike most people they work and live in a media fishbowl subjected to attacks on their integrity and reputations before investigations.

What remedies are available for officers who have committed acts of misconduct? Assume Ofc. A uses excessive force and Ofc. B fails to intervene and Ofc. C who is not in a position to intervene fails to report the use of force.

- All 3 may be subjected to discipline up to and including termination.
- All 3 may be subjected to state tort claims.
- All 3 may be subjected to liability for federal claims.
- If any are found liable for punitive damages they will not be indemnified.
- Ofc. A may be subjected to state prosecution for assault.
- All may be subjected to federal prosecution. Ofc. A for excessive force, Ofc. B for failure to intervene and Ofc. C for obstruction of justice.

The reality is all of these remedies have been imposed on officers in Connecticut. A review of cases should make the Task Force feel comfortable that Connecticut officers are being held accountable.

MAKE IT MANDATORY THAT OFFICERS REPORT MISCONDUCT AND INTERVENE WHEN THEY SEE WRONGDOING WITH CRIMINAL PENALTIES IF THEY FAIL TO DO SO:

Starting in 1983 all recruits received special misconduct/liability avoidance training, which emphasized Duty to Intervene. Officers were taught that they have a duty to intervene whenever they are on notice that another officers, or is about to violate a person’s civil rights. They are taught that this duty applies to excessive force, searches, arrests, investigative stops or any potential constitutional violation. They are also instructed that they must intervene to stop senior officers, supervisors, officers from other departments and even federal agents. They are told that if they fail to intervene they can be disciplined, sued under 42 USC § 1983 and arrested under 18 USC §§ 241 or 242. They are provided with case examples from Connecticut where such sanctions have been brought against officers.

This training continued through 2011 and should be recommenced. The question is whether additional measures need to be taken since the sanctions for failing to report and failing to intervene are in place.

The answer to that question may be determined by identifying incidents in Connecticut where people have suffered harm because officers have failed to intervene under existing legal standards.

CHANGING POLICING FROM A “WARRIOR TO “GUARDIAN” CULTURE:

Calling for this “change” falsely communicates to the public that Connecticut police operate under a warrior mentality. This same conversation took place in Connecticut 48 years ago. Starting in 1972, the Hartford Police Department required officers to develop relationships with members of the community. We were required to get out of our cruisers and visit with people in our districts and attend community/police meetings. Community Police positions were created and department substations were established where residents could visit, ask questions and find helping officers. I participated in a National Police Foundation study in the early 1970’s in which we discussed the understanding that police officers are servants of the community. The majority of police work has always been service-oriented and the importance of ensuring good community relations has always been stressed to keep lines of communication open so that citizens would feel comfortable working with police for the benefit of all.

If this initiative is pursued perhaps it should reflect the truth that police have cherished their roles as guardians and want to seek to continue police community relations to ensure that efforts continue to maintain and improve police community relations.

Evidence? Is there evidence that there is a “warrior culture” in Connecticut? The guardian culture is taught in all recruit, and most or all review training programs. While use of force and show of authority and strength are sometimes necessary is there evidence that citizens have suffered any harm due to some alleged warrior culture

PUBLICALLY ADDRESS THE ROLE OF POLICING IN PAST INJUSTICES:

There is no question that police enforced discriminatory Jim Crow laws from *Plessey v. Ferguson*, 163 U.S. 537 (1896) to *Brown v. Board of Education*, 347 U.S. 483 (1954). These laws were created by legislators and reviewed by courts. Unfortunately, police were placed in the position of having to enforce these laws. Although police acting alone have some discretion, the circumstances involving the most visible enforcement of these laws involved officers acting under orders pursuant to legislative mandates affirmed by judicial decisions.

While there were fewer Jim Crow laws in Connecticut and even fewer, if any police enforcement actions executed by presently employed police, a component of this history should be included in recruit training. In 2016 IACP President Chief Terrence Cunningham, in response to the same recommendation from the President’s Task Force on 21st Century Policing, acknowledged and apologized for the actions of the past and the role that our profession played in society’s historical mistreatment of communities of color. “At the same time, those who denounce the police must also acknowledge that today’s officers are not to blame for the injustices of the past. If either side in this debate fails to acknowledge these fundamental truths, we will be unlikely to move past them.”

The Congressional Record includes arguments calling for the passage of the Civil Rights Act of 1871. The advocates recount stories about newly freed slaves and republicans being killed, tortured and beaten because of their race and political affiliation. Local and state government officials participated,

supported or acquiesced to these abuses. Although police made arrests the mob mentality throughout the south prevented successful prosecutions of the perpetrators of these discriminatory crimes. President Grant's initiative to bring order and justice to the south led to the enactment of the Civil Rights Act of 1871. There was no rational basis for the mistreatment of blacks or republicans. Such blind hatred and bias against groups of people who are members of certain groups supported by government officials is nothing new. Attacks on groups because of race, ethnicity, religion, political affiliations and even beliefs should not be tolerated. We are now outraged looking back at "Blacklisting" of Hollywood entertainment professionals by the House on Un-American activities because of alleged communist sympathies. Blacklisting goes back to 1639 leading to publicly accepted and government supported mistreatment of groups without justification.

The present attack on police is characteristic of the unsupported attack on other groups who have been accused of fabricated personality defects and misconduct. "When one side only of a story is heard and often repeated, the human mind becomes impressed with it insensibly." ~George Washington. Protestors, media and government officials assume widespread racism, police brutality and illegal use of deadly force by Connecticut police. The drumbeat about alleged police misconduct is deafening. It is incumbent on all responsible government leaders and this Task Force to discover the truth about policing in Connecticut before condemning law enforcement officers by calling out for reforms.

PROHIBIT CHOKEHOLDS AND NECK RESTRAINTS:

POSTC Standard #16 prohibits chokeholds or other neck restraints except when deadly force is justified. The remaining question is whether neck restraints should be prohibited even if deadly force is justified. The history of police use of neck restraints in Connecticut is necessary for an informed decision on this issue.

Prior to the mid-1980's, Connecticut police were trained to use chokeholds in response to any justifiable use of force encounter. In 1983 the United States Supreme Court rejected an injunction on the use of chokeholds but ruled that an excessive force claim could proceed under circumstances where such use of force was not reasonable. *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983). Since the decision, use of chokeholds has been restricted to a point where this type of force is rarely used.

There is no evidence that any person in Connecticut either before or after 1983 has suffered any injury after being subjected to any neck restraint. When considering the validity of the deadly force exception, there can be no argument that if deadly force is justified it would be preferable to subject a suspect to temporary pain by a neck restraint leaving no residual injury than to shoot him.

I was trained to use chokeholds and used the technique in almost every struggle to avoid harming the suspect with my blackjack or baton. In my experience using or observing others, no suspect was ever injured.

The present deadly force exception is reasonable. Enunciating a prohibition sends a false message to the public that there is or has been a misuse of neck restraints in our State and falsely suggests Connecticut officers have caused harm to suspects when using neck restraints. Creating this false negative perception will harm all persons in Connecticut. An absolute prohibition would eliminate a reasonable and if used properly, harmless alternative to the use of more harmful deadly force alternatives.

PROHIBIT NO KNOCK WARRANTS:

This is another reform to prevent alleged actions that Connecticut police rarely if ever do. Again addressing this as a “reform” communicates an existing problem creating a false perception of Connecticut police. Our State’s Attorneys are far more able to address the scope of Connecticut police seeking and executing no knock warrants. Case law does not evidence a problem. *State v. Pelletier*, 209 Conn. 564 (1989) was not a no knock warrant case but explained that an officer may dispense with knocking and announcing when the officer reasonably believes that announcing might place him or his associates in physical peril. In that case officers went to arrest Pelletier the day after he had fired a machine gun through the garage door of Purolator Armored Car Company killing 3 guards including an off duty Hartford police officer. I do not think anyone on the Task Force would require officers to stand at the door of Pelletier’s house knocking and announcing when he still possessed the machine gun. The Task Group should also look to the U.S. Supreme Court case of *Richards v. Wisconsin*, 520 U.S. 385 (1997) requiring officers to believe exigent circumstances exist before forcing entry and *U.S. v. Banks*, 540 U.S. 31 (2003), holding no specific time limit to wait as entry may be made at the moment officers have exigent circumstances. There are some cases from the Second Circuit where federal officers have executed no knock warrants, but a state prohibition may not apply to them. This may yet be another “reform” not needed but sending the false message that Connecticut officers commonly commit misconduct by seeking and executing no knock warrants.

END BROKEN WINDOWS POLICING, INCLUDING ELIMINATING STOPS FOR LOW-LEVEL ADMINISTRATIVE AND EQUIPMENT OFFENSES AND CONSENT SEARCHES OF MOTOR VEHICLES:

The primary reason to stop vehicles for minor motor vehicle offenses including equipment defects is highway safety. Police have no personal interest or desire to stop cars for equipment violations. They stop these vehicles because the defects make the vehicles less safe. The legislature passed these laws for safety purposes. A tangential benefit to such stops is the secondary offenses including finding people who may have existing arrest warrants. On occasion such criminals are dangerous criminals. Timothy McVeigh, the Oklahoma Bomber who killed 168 people and wounded 680 was found during a motor vehicle stop. Alex Sostre who murdered East Hartford Officer Brian Aselton was detected when his get away driver was stopped for a motor vehicle violation. Consent searches have led to a number of significant arrests. Hartford Detective Campbell found 13,000 baggies of heroine during a motor vehicle stop for motor vehicle offense, when the driver consented to a search (upheld by Second Circuit *United States v. Gomez*).

We all agree that only legal stops and legal actions should be taken during motor vehicle stops. We also all hope officers act professionally and treat people with respect during such stops. The questions become, do we want officers to act for the purpose of increasing the safety of the operator driving the defective vehicle and his/her passengers and other travelers of the highway? Do we want officers to effectively enforce laws? These interests should be balanced against the inconvenience to those violating minor motor vehicle laws.

WE LIVE IN CONNECTICUT AND MUST CONSIDER NECESSARY REFORMS IN THE CONTEXT OF CONNECTICUT POLICING

In 2015 Public Act 15-4 was passed to make changes in law enforcement to deal with issues of alleged police brutality and racism. Little, if anything, has changed over the past 5 years. This is not because the initiatives did not include some fine ideas. It is because there was not significant room for change. The public act was passed in reaction to a few alleged acts of misconduct in other parts of the country. Some of these incidents were justifiable and reasonable but some were not. What they all had in common was that they were widely covered by the media as were the protests against police. These rare instances of alleged misconduct were part of the hundreds of millions of police encounters that occurred during the same years. Another commonality is that the alleged claims did not compare to similar incidents in our State. There is always room for improvement. We should always strive to recruit and hire the best available candidates and to weed out those not fit to perform the duties of police and fairly punish those who commit acts of misconduct. We should also try to ensure that those who train officers deserve to be certified and in fact, provide quality training on what officers need to know.

The ultimate question is, is it fair to paint Connecticut police with broad-brush condemnation as racists who shoot men because of race and commit widespread acts of brutality and are not held accountable for their egregious acts? These allegations are based on isolated incidents in other parts of the country, which, in truth, don't even support the demonization of officers in the municipalities where such incidents occurred. Some will say that the same things happen in Connecticut but rational decision-makers would look for the evidence to support such claims. When there is an act of alleged police brutality or racism there are no secrets. Such alleged acts are widely publicized and sanctions are brought against Connecticut police. Exaggerating issues of alleged police misconduct will exacerbate racial tensions and make our communities less safe.

- THE ATTACK ON POLICE IS UNJUSTIFIED
- THE ATTACK ON POLICE HAS RESULTED IN VIOLENT REACTIONS CAUSING THE LOSS OF LIFE FAR GREATER THAN THE LOSS OF LIFE RESULTING FROM UNREASONABLE POLICE USE OF FORCE.
- THE ATTACK ON POLICE HAS RESULTED IN PHYSICAL INJURY TO INNOCENT PEOPLE, DESTRUCTION OF PROPERTY AND BUSINESSES.
- BLAMING POLICE FOR ALLEGED SOCIAL INJUSTICE IS UNJUSTIFIED.
- GOVERNMENT OFFICIALS WHO ACCEPT THE RHETORIC OF THE MOB AND PRETEND POLICE ARE THE PROBLEM ARE DOING A DISERVICE TO THEIR COMMUNITIES.
- PERPETUATING PERCEPTIONS THAT RACISM AND BRUTALITY IS WIDESPREAD IN POLICING WILL LEAD TO MORE CRIME AND VICTIMIZATION ESPECIALLY IN INNER CITIES.

The worst chapters in human history pertained to the demonizing of groups of people based on false representations of their inferiority or evil ways. Those who spread the lies created fear and the fearful joined the haters and the vilification of the subject group became the truth in the minds of the ignorant crowds. Some political leaders joined the fervent crowds providing legitimacy to false hateful messages until official action was taken against the subject group resulting in shameful harm to the group.

Today's subject group is POLICE. The premise of the hate against police is that officers are killing black men because of their race. That premise has become the focal point of cries for social justice. The killing of Blacks by police is said to represent social injustice in our country. The BLM movement began after the acquittal of George Zimmerman in the death of Trayvon Martin. Police had nothing to

do with Martin's death or the acquittal. The movement gained momentum with the death of Michael Brown in 2014. The shooting of Michael Brown was investigated and reviewed by Eric Holder's Justice Department. Holder's agenda at the time was to prosecute more police officers. Still, even Holder's DOJ had to clear Officer Wilson based on evidence finding the shooting to be justified as self-defense. The State's Attorney brought the evidence to a Grand Jury that refused to return an indictment. Neither case supports the premise of police killing black men because of their race.

I previously addressed cases commonly used by the movement to support the premise of Black Lives Matter (BLM) on pages 5-6. We should consider the findings in these cases after investigations and review by legal authorities and juries. There were five convictions of officers since 2014. The lack of successful prosecutions in police shooting cases is the basis for the unjustified claim that police are not held accountable. The allegation of lack of accountability is not made by people who heard and contemplated the evidence and applied the law in these cases. Could it be that all of the independent investigators, prosecutors, judges and jurors of all races and ethnicities in all of these cases are incompetent or racists?

Those who attack police ignore the whole story, assume every use of force is unreasonable and based on racism. Rational people should consider the complete story to properly evaluate what led to the incident, so we can try to identify and remedy any problems. It is fair to review the officer's history and what he knew at the time he acted. We should fairly assess the objective reasonableness of his perception. We should also consider what brought the parties to the point of conflict. What was the subject's criminal history? What did the subject do that led to the police interaction? What was the subject doing immediately before and during the confrontation?

We must distinguish the sentiment that black lives matter from the BLM organization. Falsely demonizing police will not help build trust and heal the wounds. Unjustifiably attacking police has and will continue to increase crime. Unlike other historical attacks on groups because of race, ethnicity, religion, political affiliations and other discriminatory motivations, the attack on police is not only harming them but has and will cause more harm to the innocent victims in our communities. Who will want to stay in or join law enforcement agencies? What will happen if fewer quality applicants become police? What officers will be willing to actively protect their communities at the peril of the enormous personal risk when public officials and communities do not support them? Do we care about working with police to protect all lives?

It is incumbent upon this task force and all public entities and officials to search for and consider the evidence supporting their decisions. The task group should go beyond the cases previously noted and search for other deadly force incidents concluding that officers unjustifiably killed blacks. If there are more cases they should be considered in the context of national policing and more specifically Connecticut policing. If there aren't significantly more unjustified cases then the perceived systemic problems lack support and we should look outside of police reforms to reduce the perceived problems.

BUILDING TRUST REQUIRES THAT WE TELL THE TRUTH ABOUT THE NATURE OF POLICING.

REDUCING POLICE USE OF FORCE REQUIRES THAT WE REACH OUR CHILDREN FROM KINDERGARTEN THROUGH HIGH SCHOOL WITH COMPREHENSIVE EDUCATIONAL PROGRAMS SO THEY DO NOT COMMIT CRIMES, ENGAGE IN DANGEROUS ACTIVITIES OR OTHER RISKY BEHAVIORS THAT LEAD TO CONFRONTATIONS.

Our efforts should be directed toward developing better relationships so that we can work together to make our communities safer. Most importantly, we should exploit the knowledge and experience of police to help our children make better life decisions. Unjustifiably condemning police and filling our children's minds with hate for police is counterproductive and dangerous.

Respectfully submitted, Elliot B. Spector

ADDENDUM TO MEMORANDUM by Elliot B. Spector

This addendum will update the FALSE NARRATIVE supporting the police reform agenda and to respond to a reform not previously addressed.

Nineteen-year veteran Officer Eric Chauvin's reckless act of kneeling on George Floyd's neck for over 8 minutes does not represent the actions of Officers on his shift, Minneapolis Officers, Officers in our country and certainly not Connecticut Officers. Yet this isolated incident has fueled the attack on police and led to knee jerk reactions to reform policing. Police hate groups and the media falsely accuse police in general of racism and brutality. Yesterday ABC News announced a presentation about "Seven mothers who have lost sons and daughters to POLICE BRUTALITY." It includes the mothers of Ahmaud Arbery and Travon Martin who died in incidents unrelated to police. It also includes the mother of Botham Jean who was shot by an off-duty officer in an incident unrelated to law enforcement. None of the cases involves actual police brutality. The show is an example of the media's false portrayal of police perpetuating the myth that police are killing innocent people because of their race.

The truth is the 3 Officers shot and killed in the last 5 days are more than the number of innocent Black men shot and killed by police in the last 5 years. Thirty Officers have been shot and killed this year. Politicians inflamed by the media and protests are rushing to judgment rather than taking the time to discover the truth and make rational decisions.

I don't think I am overstating the danger of fueling the attack on police and the need to calm down, research the evidence and then act in the best interest of our State. Reacting to false allegations against police will turn out to be another stain on our Nation's history. Our government passed Jim Crow legislation because of fear and dislike of Blacks, Hollywood Blacklisting was based on fear and dislike of those harboring communist beliefs, Internment of Japanese resulted from a fear and dislike of Japanese during WWII and now laws attacking police are being proposed out of fear and dislike of police based on false information.

The problem with this type of legislation is that it fuels the attack on police and creates an untrue negative image of law enforcement that goes beyond harming police officers. With reduced numbers of quality police staying in and entering the profession, de-policing, and the destruction of police community relations leading to less effective community protections, we will continue to see more violence and reduced law enforcement. It is also no exaggeration to say the attack on police has resulted in and will exponentially lead to more unnecessary deaths. If we truly care about Black lives (to be distinguished from BLM organization) and the safety of all in Connecticut, we must evaluate what is happening and make prudent decisions only after careful consideration of the need for changes based on the facts here in our State.

We cannot stand by silently as people and politicians did in the face of Jim Crow, Blacklisting or Interning Japanese Americans. WE need to fully oppose any changes that will negatively affect police

and their ability to enforce laws. We need to improve police community relationships and work together to make our communities safer. Unfairly condemning police is counterproductive to that end. We cannot be afraid to confront the mob and tell the truth.

Our State Legislature is not in a better position to craft law related to police liability or enforcement powers than our Supreme and Appellate Courts.

PROPOSAL TO ELIMINATE CONSENT AS A JUSTIFICATION TO CONDUCT SEARCH

This proposal ignores the law and undisputed realities.

1. Under the law there is no consent if there is coercion.
2. People die because they are killed with illegally possessed weapons, use illegal drugs and are murdered by dangerous people.
3. Legal consensual searches lead to the discovery of illegal weapons, drugs and the apprehension of dangerous criminals.

The legislature should first identify the problem by determining how many innocent people are asked for consent and what is the scope of the subsequent search and inconvenience? The answer will provide us with the measure of harm this legislation will prevent. However, it must be taken into consideration that the consent search may benefit the person.

Police may detain individuals with the low standard of reasonable suspicion and even detain them in or outside their houses with probable cause. If this law is passed a person may tell the officer they have nothing to hide and beg them to search their person, home or belongings, but the police officer will have to tell them NO. "The legislature passed a law prohibiting us for conducting consensual searches so we have to detain you to wait for a canine or get a search warrant."

The most important function of government is to protect people. More people are probably stopped every day at a busy airport than all people detained during consensual searches in a year. Yet more people are killed by illegal guns, drugs and dangerous people each year than by people bringing guns or explosives on planes. We all suffer inconvenience in exchange for public safety.

THE ULTIMATE QUESTION FOR LEGISLATORS: Your loved one is killed by someone using an illegal weapon, someone who sold them drugs or a dangerous criminal. Do you wish a police officer had conducted a minimally intrusive consensual search for guns or drugs before your loved one died? How many consensual searches equal the value of an innocent person's life?

Our judicial authorities have fine-tuned the standards on detentions, searches and use of force over hundreds of years. Does the legislature really presume they know better?

Thank you,
Kate Gelineau
Oxford, CT