

To the Honorable Members of the Judiciary Committee and the General Assembly:

My name is Kenneth Speyer. I am an attorney, residing in New Britain, Connecticut.

I am submitting this written testimony in support of Draft LCO # #3471, An Act Concerning Police Accountability.

It is vitally important that Connecticut take prompt and strong action on this issue. Although police practices in Connecticut are generally better than in many states, there is widespread distrust of the police. This distrust needs to be addressed and corrected for the good of all: For the many dedicated and honorable officers who need and deserve public respect, for those who fear the police, and for the safety of all our citizens. Without public trust, the police cannot be fully effective, our citizens cannot be properly protected, and instances of both real abuse and perceived abuse will continue. We need real changes in police accountability, not window dressing, and we need it now.

I am not qualified to address all of the provisions of this bill. I will briefly comment on those provisions which I believe are important and on which I am able to comment.

Upgrading police officer qualifications, training and operational standards will improve both police performance and public confidence in the short run, and each of these will improve the other in the long run. Implicit bias training is one important aspect of this. Mental health assessment will permit timely treatment for those officers who need help withstanding the extraordinary stresses of their profession, and prevent some tragic outcomes. The gains are well worth the moderate cost.

Applying existing Freedom of Information statutes to police is essential to restoring public trust. State statutes already include carefully crafted exceptions applicable to police. Collective bargaining should not be permitted to override these important provisions. Cities and towns lack both the motivation and expertise to evaluate the public's need for information, and often subordinate these issues to budgetary priorities.

Adding representatives of minority communities to POST will increase public confidence in its deliberations and actions, and should improve its effectiveness.

Having officers' names visible to the public will both improve public confidence and increase awareness that officers are individuals, not an amorphous mass. Name tags, in conjunction with other provisions in this bill, will also improve the mindset of some officers.

Promoting civilian review boards will have major, salutary effects in some cities and towns. To be effective, these boards need subpoena powers to conduct investigations. There is presently controversy as to whether particular city or town charters (including New Britain, where I live) permit granting these boards subpoena power. This bill would clarify that a municipality may, if it chooses, confer subpoena power on its civilian review board.

Calls to “defund the police” carry a variety of intended meanings, which are often misunderstood. Some proposals in this area are not based on sound knowledge of real needs. The appropriate use of social workers, alone or accompanied by police backup, should be studied, so that municipalities can base their decisions on information, not emotion.

Body cameras and dashboard cameras will improve public confidence, and will improve investigations and conclusions after the fact. This section of the bill carries a delayed effective date, I presume to allow time for adoption of proper standards.

Police searches are a valuable tool. They are sometimes abused, or perceived as being abused. When police know that they lack probable cause to conduct a search, they should not be permitted to intimidate, coerce or fabricate consent.

I have been told that state police have banned the use of chokeholds for 30 years. New Britain police ban chokeholds, as do many other cities and towns. Chokeholds should be banned statewide, by state law.

Current provisions for State’s Attorney investigation of deaths involving police are largely a failure, and have lost the confidence of the public. A new, faster and more transparent procedure is needed.

The proliferation of military and quasi-military equipment in police departments distorts the proper role of police, and creates a strong temptation to use this equipment unwisely in emergency situations. This must be restricted, with proper exceptions and safeguards.

Last but definitely not least, the bill addresses the doctrines of governmental immunity and qualified immunity. I have represented clients harmed by improper conduct, and I have seen both federal and Conn. courts skew interpretation of these doctrines, to the point where police largely operate outside the law. You have seen how citizens who believe they lack legal recourse will often turn to illegal recourse. This bill reins in these judge-made rules. While I would favor a stronger change, I recognize the need for political compromise. This section of the bill affords protection for police, while simultaneously holding police to the high standards which society needs, and to which police will be trained under other sections of this bill. Creating a state cause of action will not harm the vast majority of police, who neither violate nor wish to violate the law, while providing legal recourse which is denied under both federal law and existing state law.

Thank you for your consideration. I urge passage of Draft LCO 3471.