

Police Association of Connecticut

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Testimony Regarding Draft LCO #3471 —AAC Police Accountability

Joint Committee on Judiciary

July 17, 2020

Honorable members of the Judiciary Committee, I offer the following written testimony on behalf of the 7,260 active and retired members of the Police Association of Connecticut (PAC) on this most important bill, “An Act Concerning Police Accountability.”

The Police Association of Connecticut was formed in 1902, *“for the protection and promotion of the welfare of the police officers of Connecticut...”* PAC is the oldest statewide police organization in Connecticut. On a monthly basis PAC provides funds to qualifying officers and their families who have been killed in the line of duty or who have sustained on-the-job injuries.

Our membership, which is comprised of officers of every rank, from Patrol Officer and Trooper to Chief Executive Officers, has provided centuries of police service to the citizens of Connecticut. These law enforcement officers have made many sacrifices during their service, with some sacrificing their own lives, on behalf of their communities. PAC recognizes and supports the very important issue of police accountability and acknowledge societal ills to include racial disparities and bias. Our members embrace fair and impartial policing, while striving for constant improvement of our profession as a primary goal. However, our members have seen policing evolve and, in many instances, officers have been tasked with handling a multitude of complex issues, not involving crime and disorder. For years, we have been asked to “do more with less”, particularly during lean financial times. When there are issues that society does not have the capacity to deal with elsewhere, that task has been given to police. Examples are homelessness, mental health issues, drug addiction and a myriad of others, especially during times when no other agencies are open and available.

We support the provisions of this bill that enhance our ability to do our job and ensure we have the resources necessary to do so. Recent acts and the corresponding protests have diminished the high regard that society has traditionally had for law enforcement. This is disturbing, hurts us personally and gives us pause to consider the future of our profession and the role we play in service to the public. We understand that the appropriate, lawful and professional actions of our members seem to be clouded by these very few horrific actions on the part of a small percentage of officers – most unrelated to policing in Connecticut. These unfair, broad brush judgements of our members have created an environment where honorable and committed professional law enforcement officers are questioning the viability of their future in this profession, thus creating a challenge to retain and attract highly qualified and dedicated police officers. This will degrade Law Enforcement across Connecticut, not enhance it.

There is merit to many parts for this bill. The use of body cameras helps to protect our officers while ensuring transparency. Additional training is something officers embrace which is a benefit to us and the public. Utilizing the mechanisms in place, like the Police Officers and Standards and Training Council will ensure best practices are adhered to and both training and policies are contemporary and in the public interest. We have a challenging profession, and partnering with mental health professionals in the field, as well as in the police station, could address problems and offer solutions, while also removing the stigma of seeking assistance.

There are several areas that need further consideration, and may not in the best interest of officers or the public as a whole. Ensuring we attract and retain women and men of integrity as officers in Connecticut is a goal we support, but want to offer that certain components of this bill may have the unintended consequence of doing exactly the opposite.

Of paramount concern is the proposal to eliminate long standing judicially created protections of officers who are presented with tense and rapidly evolving situations. It appears that the public opinion of qualified immunity is not understood, but framed in a manner that indicates to the public that officers are able to invoke qualified immunity in virtually any situation where there is wrongdoing. This just isn't the case. This legal premise recognizes that our officers should be afforded some protections where law isn't clearly defined. It is important to note, this is not absolute immunity, but "qualified." Moreover, police officers do not automatically receive this; it is only granted upon acceptance by a neutral and detached magistrate after legal arguments are made by the parties, and considered by the court in "in a light most favorable to the plaintiff." Removing this legal protection will undoubtedly be a consideration for our members as they consider their future in this profession, while potentially reducing a talent pool of future applicants. Ultimately, this will also have a financial impact on cities and towns, were it to become law.

Of concern is the blanket removal of consent searches which would inhibit officer's ability to investigate crimes would not make our citizens safer. A better approach would be to retain the ability to conduct consent searches and require recording and documenting of acknowledged consent while also affording the citizen the opportunity to knowingly decline consent.

The PAC would be pleased to be part of the solution and we encourage the General Assembly to use a measured, thoughtful and practical approach when considering this bill. We would be happy to work with you on appropriate changes to Draft LCO #3471 — AAC Police Accountability.

Finally, we have the good fortune of having exceptional police officers and law enforcement agencies in Connecticut. We are proud to serve our communities, and we are thankful for the support of so many who appreciate and respect the difficult and dangerous job our officers do every day. Please know that on behalf of the entire Police Association of Connecticut membership, I'd like to thank you for affording me this opportunity to share our perspective on this most important bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "LJF", with a stylized flourish at the end.

Louis J. Fusaro, Jr.
President, PAC

Executive Committee

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