

TESTIMONY IN OPPOSITION TO PROVISIONS SET FORTH IN THE POLICE  
ACCOUNTABILITY ACT – LCO 3471

Dear Mr. Chairman and Members of the Judiciary,

My name is Nicholas Trigila. I am a detective with the Hartford Police Department with twelve years of service. Currently, I serve as the secretary of the Hartford Police Union where I represent over 430 sworn law enforcement officers. I also serve as the employee representative on the City of Hartford Pension Commission, and represent over 1000 municipal employees. I am submitting this testimony to express opposition to provisions set forth in the Police Accountability Bill – particularly those related to: 1) Revocation of Certification by POST, 2) Review of the necessity of police officer at road construction sites, 3) Adding mental health assessments as a condition of employment every 5 years, and 4) Changes to the Use of Force Laws. I am also strongly opposed to the qualified immunity revocation in section 41, but will focus this testimony on the first four issues.

Section 3: As it relates to the **revocation of certification by POST**, any certified police officer in the state whose on duty or off duty conduct tends to undermine the public confidence in police work can have their certification revoked, suspended or be censured. Though I do not disagree with authorizing this board to make such decisions, I do believe there needs to be a standard set forth such as creating a policy by which POST would follow in making these life-altering decisions. In its current form, I fear that without clear operating policies or standards any disciplinary action could be capricious or susceptible to political pressure. In short, I do not object to authorizing these powers to POST, but I do implore the committee to require a standard be set forth prior to its implementation. To be completely frank, the current standard in the bill of any conduct that “*undermines public confidence in police work*” could really be any bad conduct. Officers are people and have bad days. For example, as an elected union official I would never condone hate speech by any of my members, and would expect that officer to be disciplined. But we have to create standards by which certain conduct is judged as being career-ending conduct. In any other field, outside of public service, regular people get DUI’s and are involved in domestic incidents. That doesn’t make those individuals irredeemable and should not in and of itself be the cause of losing ones job. But, in policing we are held to such as high standard already, that we cannot afford to have a ‘bad day’ in a 20-25 year career. As police, we know that we are imperfect and that is one of the reasons we use our discretion so much in public – because we know that it is not possible to follow every law all of the time even though we try.

Section 12: This section makes changes to the current Police Accountability Task Force by asking the body to study whether police officers are necessary at municipal road construction jobs. This section does not delve into the reasoning for this study, but I can tell you as the Employee Representative on the Pension Commission for Hartford, that road construction work does not go toward our pensions. Employees (with the exception of 33 remaining Hartford officers in a now-defunct pension plan) cannot spike their pensions with road construction earnings. Having officers at road construction, however does increase the police presence, and depending on the current social climate (which we know can change drastically from month to month) does give many residents a sense of safety by our mere presence. It also enhances safety for motorists and road workers. Police presence is essential for public safety and welcomed by most construction workers on the road.

Section 16: In regards to the mental health assessments every five years by a Board of Certified mental health professionals – I think this could be problematic in terms of how to handle officers who do not pass the assessment. Would towns give these officers medical pensions? What sort of financial constraints will that place on towns and the State? These are questions that we should address before

passing this law. Let me be clear that budgetary concerns should never outweigh our concern for workers' mental health or the public's safety, but if we are to implement such measures as a condition of employment, how will towns and the State sever employment with such officers? An officer who passes a mental health exam to become a police officer, but then fails the exam after 10 years, clearly was the victim of tough job that exposed him or her to repeated trauma and we need to as a State and a society take care of those individuals.

Section 29: In regards to amendments to the **Use of Force** provisions (53a-22), this act changes the standard of deadly force from the "*perspective of a reasonable officer on scene*" to "*objectively reasonable under the circumstances*". In *Graham v. Connor* U.S. 386, 396 (1989), the supreme court acknowledged that police officers have a unique perspective and training which society must acknowledge and respect when judging their actions. In a rapidly evolving use of force encounter, or an incident that escalates quickly, we must defer to the reasonable officer standard. In short, if we apply the reasonable and untrained person standard then it renders police training and experience insignificant in such decisions.

I hope that your committee thinks critically about implementing these reforms. As I stated in the title, I am not against the bill in its totality, only with certain provisions within it. I agree with all police being equipped with body cameras and the false reporting stipulations outlined in Section 24. Body cameras are a great accountability measure that allows the world to see our interactions and hold police accountable. We have moved on from stories of police encounters to high quality videos that allow each controversial interaction to be judged on its own evidence and merits. Being an experienced law enforcement officer, who is also a certified instructor in Fair and Impartial Policing, I understand the need to enhance trust, accountability and legitimacy between the police and the public. I understand how important procedural justice is to repairing those relationships and making the people feel heard, but I also know that law enforcement has an important job to do. We have to enforce laws enacted by legislatures such as this body. And, with the revocation of qualified immunity, use of force restrictions, and seemingly arbitrary punitive POST certification powers, I fear that in its current form this act will gut policing and render the institution powerless to enforce the law with non-compliant subjects. Police may have specialized training (which is what *Graham v. Connor* notes its decision), but no matter how much training we have, dealing with a non-compliant person who may have caused harm to another citizen is a really hard thing to do. And, with the anti-police fervor throughout the country it has eroded our legitimacy with the public and emboldened people to not comply with lawful orders. When people refuse to comply with lawful police directives, it makes for an impossibly difficult interaction where everyone loses.

In closing I hope that police departments, in conjunction with the legislature and various communities can work on healing, and closing the divide between police and the public, instead of creating an untenable situation where the hands of officers are tied by overly restrictive accountability measures. In that scenario, we are all worse off – the community is less safe, and town leaders will be left to address spikes in crime and motor vehicle accidents that police in good conscious could not address due to increased liability and use of force restrictions. In so many words, the risk to the officer of enforcing laws would outweigh the reward to the community.

I thank you for your time and consideration.

Sincerely,  
Nicholas Trigila  
Rocky Hill