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Listening Session

July 17, 2020

Testimony in Opposition of LCO# 3471 AN ACT CONCERNING POLICE ACCOUNTABILITY

Dear Co-Chairs Senator Winfield and Representative Stafstrom; Ranking Members Senator Kissel and Representative Rebimbas and other distinguished members of the Judiciary Committee. Thank you for the opportunity to submit testimony in opposition LCO 3471: An Act Concerning Police Accountability.

As a wife of a 32-year career Police Officer, and a mother of two police officers I take strong umbrage with this proposed bill. I read through this bill and see so much wrong with the verbiage and the dangerous precedent potentially being set. So first I would like to take a moment and address what spurred this bill. Everyone in the law enforcement community is appalled and disgusted with the public murder of George Floyd. I do not know anyone in the police community that has said that is was not outrageous and disgraceful and condemned this cowardice act. Derek Chauvin is nothing more than a murder and does not deserve to wear the uniform. That being said, my question is does Connecticut have major issues in police brutality? I am not naive and do not believe there are not bad police officers, bad doctors, bad priests, bad teachers, people of low character and honor in every profession, but I do not condemn the entirety of one's profession based on such people, and in doing so forfeit those of strong and honorable character. I feel that any bill based on emotion is a bad bill. I think there are places where we can look for substantive change. I support body cameras and cruiser cameras. I believe this only helps the good men and woman that put their lives on the line day in and day out. I think it only bolsters and adds credibility to what these men and woman must put up with daily. What I do not support is a micromanaging of how these men and woman do their job by people who are making significant and potentially dangerous changes that do not do this job. I do not support taking away tools that can keep them safe and aide them doing their jobs more safely.

I have broken down the sections of the proposal and the concerns I have.

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Section 8 & 9 FOIA under union contracts/arbitrations

Because we are going back and changing contracts that have already been ratified by the legislator like the FOIA contract/arbitration and disciplinary records in the state police contract does this give us the ability to go back in all contracts we have ratified and change those arbitrarily as well. I feel there needs to be a legal opinion on this, because if this is done all contracts should be on the table for change.

Section 10 and 11 Recruiting and Promoting

In this section we can make some real changes in on how we hire and the process. Some of the hiring standards in CT are some of the most restrictive and exclusive in the country. I think this should be moved to the Police Transparency and Accountability Task Force to work on.

Section 12 Expanding the scope of police transparency task force

Some of the items in the expansion of the scope of this group worries me. As example, why is there a need to look at requiring police officers at construction site? This is a simple safety issue for all on the road, but mostly to protect the workers that are involved in these construction projects. A lot of the items listed under this taskforce should be placed with the Police Officer Standards & Training Counsel (POSTC). If I am reviewing a doctor's behavior and malpractice of a patient, I certainly don't expect a contractor or a bus driver to determine what this doctor did or didn't do wrong, or if they should move forward and perform his surgical methods in the future. This decision should lie with the experts in this field. It is truly a matter of life and death

Section 17 Police Civil Review Boards

I don't understand the reasoning for the need for civilian review boards to have subpoena power.

Section 19 Mandate the use of Body -worn cameras and dashcams

As initially stated in testimony I support body worn cameras and dashboard cameras. I think it is imperative that there be strict guidelines that regulations as to when and where these devices are used, and I support POSTC coming up with those standard. I also do not think these regulations put forth by POSTC should be walked back when the body cameras and police cameras are revealing things that may not fit the agendas of those that are demanding them. If the state is mandating this equipment the state should pay for all the devices as well as the storage that goes with them. This cost should NOT be passed onto the municipalities.

Section 21 & 22 The restriction of motor vehicle searches

The term probable cause in this section is inappropriately used. An officer does not need permission if he or she has probable cause to search. I believe what may have been referencing is reasonable and articulable suspicion. This has been a long-standing exception to the search warrant requirements. This is an extremely useful tool in proactive policing, which yields the confiscations of many illegal drugs and firearms. Data is available specific to these kinds of stops.

Section 29 Use of deadly force when making arrest or preventing escape

This section is very alarming to me and needs to be looked out very closely and the factors that come into play with deadly force needs to be well defined. Another concern here is who will decide if something an officer does exasperates a situation precipitating the use of force. This section is so important because you cannot Monday morning quarterback decisions that are made in a split second for a police officer to defend his or her

life. We already have guidelines in place that protect the public and the officer. There does not appear to be any need to change the current standards. Again, please point out examples in CT where these current guidelines have not worked.

Another huge issue in this section is restricting current methods that are taught at our academy in subduing a suspect in order to cuff them while resisting arrest. This truly opens another issue as far as more excessive force, so a smaller officer that has to sit on a suspect or use some kneeing techniques that have been used very successfully with little or minor injury to a suspect, which by the way DOES NOT include kneeling on someone's neck or CHOKE HOLDS, will lead to a much more elevated use of force, tasers, stick, pepper spray actually much more aggressive use of force that will definitely lead to more injuries to the suspect. Not allowing current take down techniques endangers our officers and will result in much more injuries to the suspects. The language is much too broad and is left for interpretation. This section deeply concerns me because it would be placing our officers at further risk.

Section 33-36 Establish the Office of Inspector General

I like this section. I think this section may be the best section to talk about the structure in the process of review of excessive use of force. Because there are so many layers in this process, that starts with an internal investigation by the police department themselves, then apparently there can also be a citizen review board or police commission, and then we are now expanding POSTC ability to also get involved in the process and now the inspector general's office. After all this process which is certainly excessive and grueling it then can be appealed to the labor board and the labor board can overturn all decisions made by the Police Department themselves and the police commission, not sure where POSTC decertification falls in this process. Does the labor board have the override power of the decertification by POSTC or the Office of the Inspector General decision? This process needs to be streamlined it should not be so convoluted. Everyone is entitled to due process and that process needs to be clear, concise and fair. We have seen many instances in the state where police departments have attempted to weed out "bad apples" and the labor board has turned around and reinstated and put these folks right back to work. This truly is a section the we could secure real change for the better. However, this process needs to be well thought out and fair to all involved.

Section 40 Ban Controlled military equipment

Here is another important section that folks are calling for that truly do not understand what these items provide to our men and woman in blue. Towns can secure for their police departments ammunition, night vision goggles, ballistic vests, and armored vehicles. This section removes more protection for our police officers. So armored vehicles are used by police department to rescue hostages, provide cover in deadly situations. The other items listed here in this section are self-explanatory. It truly boggles my mind why anyone would want to remove the ability from our police departments to be able to acquire more protection for their rank and file. This not only restricts the ability to obtain these protective items but also prohibits the use of any of those items listed.

Section 41 Eliminate qualified immunity

This entire section is a deal killer for obvious reasons, if not removed entirely this is a definitive no vote for me on this bill.

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I want to say in closing, I truly appreciate the good folks that have tried to work on this bill to make improvements and changes in order to make it a better, however in my humble opinion this is a solution looking for a problem. Are there areas we can improve in law enforcement, I believe there absolutely are, just like any agency if you look you can find room for improvement, however this bill is a rush because many feel the need to make a political statement. This is unlike any other legislation we do, this bill can and will have dire consequences in its current state. This bill needs to be put on next year's legislative agenda and needs to go to all committees of cognizance for input, review and be given a proper hearing.

Thank you and Respectfully,

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State Representative 59th District

Enfield and East Windsor