

STATE OF CONNECTICUT JUDICIARY COMMITTEE

CONCERNING DRAFT LOC #3471

Testimony of Ronald Suraci of Clinton CT, Executive Director
United Public Service Employees Union, COPS Division

Members of the Committee:

The United Public Service Employees Union, COPS Division (“UPSEU-COPS”) is a labor organization dedicated to serving needs of law enforcement throughout the State of Connecticut. UPSEU-COPS currently represents twenty-five (25) certified police unions within the state of Connecticut, twenty-four (24) of which are municipal police unions.

I have reviewed, in great detail, LCO #3471 “An Act Concerning Police Accountability” developed by the Police Accountability and Transparency Task Force. Upon review I am compelled not only on behalf of the law enforcement officers our organization represents, but also on behalf of the thousands of law enforcement officer throughout Connecticut to express my concerns on certain provisions of LCO #3471. Although LCO #3471 contains many important and valuable changes that will enhance the connection between law enforcement and the community, there are sections of the proposed bill that include changes the myself and our organization find concerning. However, this Committee must review the changes contained in the proposed bill based solely on law enforcement within the State of Connecticut. Specifically, my testimony will focus on the following topics:

1. Section 16 – Concerning Mental Health Assessments;
2. Section 17 – The Creation of Civilian Review Boards;
3. Sections 21-22 – Changes regarding motor vehicle stops and searches;
4. Section 29 – Deadly Use of Force; and
5. Section 41 – The elimination of governmental and qualified immunity.

Section 16

UPSEU-COPS does not oppose the Task Forces’ recommendation of requiring officers to submit to a mental health assessment as a condition of continued employment. Considering the nature of law enforcement and the stressors encountered by officers on a daily basis, we view this recommendation as a positive step for the well-being of law enforcement. However, we are concerned with subsection (c) of the proposed bill which states, “the administrative head of each law enforcement unit may, for good cause shown, require a police officer to submit to an additional mental health assessment.” First, the proposed bill fails to define “good cause”. Considering the significant likelihood that the meaning term “good cause” will vary from agency to agency, it is critical that a uniform definition be included in the bill. Second, the proposed bill requires the administrative head of each law enforcement unit to provide the officer with a written statement setting forth the good faith basis for the request, but fails to provide the officer or his representative a mechanism to challenge whether there is a good faith basis for the request. At a minimum, the bill should include an expedited process through POST.

Section 17

The Connecticut Police Officer Standards and Training Council (“POST”) is regarded as one of the top Police Certification and Training Councils in the country. POST is presently responsible for not only certifying all new police officers within the State of Connecticut, with the exception of State Police Officers,¹ but also has the authority to decertify an officer. Each police agency within the State of Connecticut has the responsibility to monitor the performance and conduct of its officers. In addressing officer conduct, each agency has the authority to investigate on and off duty misconduct of a police officer and impose disciplinary action up to and including discharge based on the nature of the misconduct. Further, certain officer misconduct must be reported to POST for a final disposition. For example, in 2017 POST implemented a rehiring /reinstatement procedure regarding officers who have been separated from a law enforcement agency for malfeasance or serious misconduct, left a law enforcement agency while under investigation for malfeasance or serious misconduct or committed an act of perjury/false statement. POST is the ultimate decision maker in these situations. Further, POST has the authority to permanently decertify an officer based on misconduct that occurred on or off duty.

In general, UPSEU-COPS does not believe Civilian Review Boards are an effective tool to address issues within law enforcement. Civilian Review Boards may have public relations appeal however, such boards lack the training, knowledge and experience in law enforcement necessary to effectively address issues related to a policing. Rather, law enforcement issues should be addressed in Connecticut by the experts in policing, our law enforcement agencies, POST and the Office of the States Attorney. Finally, it is important to point out the proposed bill does not define the scope of a Civilian Board’s authority other than anything “the review board deems relevant to any matter under investigation or in question.” In effect, this would allow a Civilian review Board to insert itself into any departmental investigation or worse any issue on which the Review Board wishes to question, including Department policies and procedures. The creation of Civilian Review Boards is counterproductive to efforts aimed at addressing issues within law enforcement.

Sections 21 & 22

Section 21 and 22 of seeks to place limitations on a police officer’s ability to conduct searches of vehicles stopped for a motor vehicle, even with consent of the operator. Elliot Spector submitted a well-reasoned Memorandum to the Accountability and Transparency Task Force in which he addresses the limitations contained in Sections 21 and 22 of the proposed bill. Attorney Spector’s Memorandum, specifically at pages 27-28, includes an insightful legal analysis on why the proposed limitations are both unnecessary and may also have a chilling effect on effective, proper police activity. In addition, such limitations may also place police officers at unnecessary risk. UPSEU-COPS concurs with the analysis and arguments made on the issue by Attorney Spector and recommends this Committee adopt that analysis.

¹ Under the proposed bill State Police Officers appointed after the effective date of the bill, shall be required to be POST Certified.

Section 29

UPSEU-COPS supports the ban on chokeholds recommended in the proposed bill. However, UPSEU-COPS strongly opposes legislative action to “narrow the circumstances under which an officer is justified in using deadly force.”

During the Police Academy, police recruits are provided extensive training on the “use of force continuum”. The use of force continuum trains an officer on the levels of force that may be imposed, beginning at the lowest level of verbal commands and increasing to the highest level, deadly force. Further officers must complete recertification training every three years, which includes retaining on the use of force. I am sure this Committee appreciates that each situation in which an officer uses force is different and the level of force used varies based on a variety of factors. When using force, police officers are required to make split second decisions based on their training and experience. At times, police officers have no choice but to use deadly force. I can tell this Committee from my personal experience as a Branford Police Officer for 15 years as well as my experience representing police officers for the past 30 years, the use of deadly force is always a choice of last resort and made after all other options have been exhausted.

UPSEU-COPS strongly opposes Section 29 of the proposed bill and believes the proposed changes it creates an unreasonable risk to officer safety.

Section 41

The proposed bill seeks to eliminate governmental and qualified immunity for police officers. Eliminating governmental and qualified immunity would be a mistake of monumental proportions that ignores well settled state and federal law. Attorney Spector’s Memorandum to the Accountability and Transparency Task Force contains an excellent legal discussion on this issue which can be found at pages 17-21. Attorney Spector’s Memorandum explains the concept of qualified immunity, the legal rationale behind it and why the it’s elimination is would be a grave mistake. UPSEU-COPS concurs with the analysis and arguments made on the issue by Attorney Spector and recommends this Committee reject eliminating qualified immunity for officers.

Respectfully Submitted,

Ronald Suraci
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