

Testimony Supporting
LCO 3471: AN ACT CONCERNING POLICE ACCOUNTABILITY

Committee on Judiciary

July 17, 2020

Dear Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebimbas, Senator Kasser, Representative Blumenthal, and esteemed members of the Judiciary Committee,

Connecticut Voices for Children urges the Judiciary Committee to pass LCO 3471: An Act Concerning Police Accountability. Our current institution of policing continues to criminalize poverty and murder Black people with near impunity; Connecticut needs to take immediate action to address state-sanctioned violence and other inequitable policies that have harmed people of color in the country for centuries and employ strategies to redefine public safety.

Racial disparities and injustice permeate every aspect of our criminal justice system. Research has highlighted that in 2019, Black Americans were victim to 24 percent of all police killings when they comprise only 13 percent of the U.S. population, and 99 percent of officers involved in all police killings had no criminal charges pressed against them.¹ What is more, Connecticut's prison population is 71 percent Black or Latinx, despite being 26.5 percent of the state's overall population.² Implementing policies that ensure justice such as increased transparency and accountability, eliminating police immunity in lawsuits, prohibiting military equipment, and other proposals outlined in LCO 3471, are effective harm reduction strategies.

Just Facts:

- § 3 & §§ 15-16 - Mental health professionals stress the importance of periodic mental health checks of police officers, rather than simply using them as a hiring screen.³
- §§ 5 & 6 - Non-lethal projectiles, such as rubber bullets and pepper-spray balls, risk serious injury, death, and misuse, and as such not appropriate means of force in crowd-control settings.⁴
- § 7 - The link between implicit bias and the disparity between police interaction with white people and people of color is well-documented. Thus, some form of assessment is critical to evaluate the impact of anti-bias trainings.⁵

¹ Roper, W. (2020, June 2). *Black Americans 2.5X More Likely Than Whites to Be Killed By Police*. Statista. Retrieved from <https://www.statista.com/chart/21872/map-of-police-violence-against-black-americans/>

² ACLU Connecticut. (2020, April 22). *New Model Shows Reducing Jail Population will Lower COVID-19 Death Toll for All of Us* [Press release]. Retrieved from <https://www.aclu.org/news/smart-justice/new-model-shows-reducing-jail-population-will-lower-covid-19-death-toll-for-all-of-us/>

³ Spence, D. L., Fox, M., Moore, G. C., Estill, S., & Comrie, N. (2019). *Law Enforcement Mental Health and Wellness Act: Report to Congress* [PDF file]. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-p370-pub.pdf>

⁴ Szabo, L. & Hancock, J. (2020). *Fractured Skulls, Lost Eyes: Police Often Break Own Rules Using 'Rubber Bullets.'* Retrieved from <https://khn.org/news/rubber-bullets-protesters-police-often-violate-own-policies-crowd-control-less-lethal-weapons/>

⁵ James, T. (2017). *Can Cops Unlearn Their Unconscious Biases?* Retrieved from <https://www.theatlantic.com/politics/archive/2017/12/implicit-bias-training-salt-lake/548996/>

- §§ 8 & 9 - Police union contracts in Connecticut can often hide evidence of police misconduct, using the collective bargaining process to avoid transparency.⁶ Increased transparency is critical to strengthen community trust and to hold police accountable.
- §§ 19 & 20 - Although they should not be viewed as an easy solution for mitigating police brutality, and must come with other comprehensive policy changes, body and dashboard cameras are an important tool to increase transparency and accountability.⁷
- §§ 24-27 - Race-based false police reports are a waste of taxpayer dollars, and more importantly, put the lives of Black people engaging in everyday activities at risk.⁸ Increasing the penalties associated with these false reports elevates the seriousness with which the State views these actions.
- § 30 - Connecticut currently does not track the number of times police officers use force against civilians.⁹ Maintaining records on this data is an important form of accountability and transparency.
- § 40 - Police departments in Connecticut have received nearly 800 military items through the federal 1033 program, which sends extra equipment to local police, in the past three years.¹⁰ Research indicates that increased militarization through the 1033 program increases violent behavior from local law enforcement, which is why an aim should be to demilitarize police.¹¹
- § 41 - Creating a state-level civil cause of action against police officers who violate the rights of an individual or group of individuals replicates the federal law known as Section 1983. Replicating this law provides an important form of recourse for those who experience abuse from police.¹²

With Black men dying at rates of 1 in 1,000 at the hands of police,¹³ (a rate that matches the attack rate of coronavirus in NYC),¹⁴ and the many instances of police violence against protestors in the wake of the

⁶ ACLU of Connecticut. (2017). Bargained Away: How Local and State Governments in Connecticut have Bargained Away Police Accountability [PDF file]. Retrieved from https://www.acluct.org/sites/default/files/field_documents/bargained_away_2020.pdf

⁷ Yokum, D., Ravishankar, A., & Coppock, A. (2019). A randomized control trial evaluating the effects of police body-worn cameras. Retrieved from <https://www.pnas.org/content/116/21/10329>

⁸ C'Bona Levonna Nichols, Y. (2019). Race Has Everything to Do with It: A Remedy for Frivolous Race-Based Police Calls. *Fordham Urban Law Journal*, 47 (153). Retrieved from <http://ir.lawnet.fordham.edu/ulj/vol47/iss1/5>

⁹ Altimari, D. (2019, June 5). Police accountability bills receive final legislative approval from the House over objections from Republicans. Retrieved from <https://www.courant.com/politics/capitol-watch/hc-pol-police-accountability-connecticut-20190606-xlygyht7v5cnjlxuk5y4nj2sya-story.html>

¹⁰ Putterman, A. (2020). Connecticut police chiefs announce pause on acquisition of military gear: Lamont says he wants a law banning it. Retrieved from <https://www.courant.com/news/connecticut/hc-news-police-military-equipment-20200616-kss3ft76sfg2flufvq3ago435y-story.html>

¹¹ Delehanty, C., Mewhirter, J., Welch, R., & Wilks, J. (2017). Militarization and police violence: The case of the 1033 program. *Research and Politics*, April-June, 1-7. <https://doi.org/10.1177/2053168017712885>

¹² Reid, B. (2017, April 14). A Legal Overview of Section 1983 Civil Rights Litigation. Retrieved https://www.huffpost.com/entry/a-legal-overview-of-section-1983-civil-rights-litigation_b_58f0e17ee4b048372700d793?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLnNvbS8&guce_referrer_sig=AQAAAMxbQ-KaguhjsKBb-RIP6w_6LrykxdsSmm5IAagH7IeHaf0KVKdd66K1dyZtrmubE-r9cOmegN2sVB8To4S8yhlWHes6W3SH1tZ6FNG-YVJ3GFzL6HYJKaCpxlOubluwj7C9iR796pBm4BDsPHYH1U5nu_gK8s-s3i6JbI7LVCOU

¹³ Edwards, F., Lee, H., & Esposito, M. (2019, August 20). Risk of being killed by police use of force in the United States by age, race-ethnicity, and sex. Retrieved June 2020, from <https://www.pnas.org/content/116/34/16793>

¹⁴ Rambaran, V. (2020, March 24). NYC metro area has coronavirus attack rate of 1 in 1,000, Birx says. Retrieved June, 2020, from <https://www.foxnews.com/us/nyc-metro-area-has-coronavirus-attack-rate-of-1-1000-birx-says>

killing of George Floyd, many officials have come out to declare police violence a public health crisis,¹⁵ and Connecticut Voices for Children supports this declaration. Police officers, however, are only one part of the carceral system, and police violence is only one of the public health crises we are facing at this moment. The coronavirus has revealed flaws and risks inherent behind prison walls as well. Prisons are essentially mostly closed-off, confined spaces where many people are held at a time. Keeping large numbers of people in these spaces serves to negate collective efforts to slow the spread of COVID-19. Thus, in addition to the passage of LCO 3471, **Connecticut should halt detention and incarceration of youth, unless they are determined to be an immediate and substantial risk to the safety of others, and move to release the youth in State care to families and communities when possible.**

Further, Connecticut Voices for Children is disappointed that the removal of armed police officers from Connecticut schools is not included in the proposed legislation, despite the negative impact these law enforcement officials have on Black and Brown children. To ensure the safety of our students, **Connecticut should eliminate School Resource Officers (SROs) and shift funds towards improving student mental and behavioral health care.** According to a March 26, 2018 report of the Office of Legislative Research, around two-thirds of Connecticut school districts utilize school resource officers (SROs).¹⁶ Districts spend up to \$200,000 a year for two or three uniformed police officers.¹⁷ Research conducted by Connecticut Voices for Children shows that the employment of SROs in school increases the likelihood of students being punished, expelled, and arrested without measurably increasing student safety or academic outcomes.¹⁸ In fact, officers in schools increase the likelihood of Black and Latinx students being arrested by three or four times, and white students by 2.8 times, compared to students in schools without SROs.¹⁹ Moreover, research also suggests that SROs are likely to escalate conflict, and arrest students for behavioral issues.²⁰ Even under normal circumstances, students should not be arrested for facing problems that could best be solved through interventions from counselors or other mental and behavioral health professionals. In a time when COVID-19 threatens the health of incarcerated individuals, we cannot and should not abide detaining and imprisoning students as a form of school discipline.

Finally, while the world is beginning to acknowledge inequities within our criminal justice system, countless policies within our employment systems, housing, education, and others further terrorize people of color and have robbed disenfranchised communities of safety and opportunities. The state must also take corrective action to address all the inequities that are embedded in our system.

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Connecticut Voices for Children is a research-based advocacy organization (aka “think and do” tank) working to ensure that Connecticut is a thriving and equitable state where all children have an opportunity to achieve their full potential.

¹⁵ American Public Health Association. (2020, June 4). *APHA calls out police violence as a public health crisis* [Press release]. Retrieved June, 2020, from <https://www.apha.org/news-and-media/news-releases/apha-news-releases/2020/apha-calls-out-police-violence>

¹⁶ Connecticut Voices for Children. (2020, July 2). *Counselors Not Cops* [Blog]. Retrieved July, 2020, from <https://ctvoices.org/2020/07/counselors-not-cops/>

¹⁷ Connecticut Voices for Children. (2020, July 2). *Counselors Not Cops* [Blog]. Retrieved July, 2020, from <https://ctvoices.org/2020/07/counselors-not-cops/>

¹⁸ Connecticut Voices for Children. (2020, July 2). *Counselors Not Cops* [Blog]. Retrieved July, 2020, from <https://ctvoices.org/2020/07/counselors-not-cops/>

¹⁹ Ibid.

²⁰ Ibid.