

My name is Stephen Egan. I am a Sergeant with the Farmington Police Department. I am into my twenty-first year in law enforcement. I am a former training supervisor, current detective supervisor, a hate/bias instructor, use of force instructor, and an Advance Specialist in the Behavioral Analysis of Force Encounters, certified by the Force Science Institute, a non-public safety entity. I wanted to speak to you about Police Reform Bill LCO3471. This is my opinion and not that of my department. I support changes that will make communities safer, an officer's job safer, and certainly agree with transparency and accountability. I support Bi-Partisan, rational reform. Connecticut historically has been a progressive, but rational state remaining ahead of the curve as compared to other states on police issues. This bill in its current form, however, doesn't achieve that. It in fact it will make communities less safe, subject citizens and officers to more danger, and quite frankly is a legislative overreach that limits a municipality's ability to govern. Do you want Connecticut to turn into neighboring New York?

There is no doubt that some departments may require more reform than others. There is no doubt that there should always be a continuing conversation to continually enhance the police profession. I have seen that first-hand in my career. There is also no doubt, that police departments are not as "broken" or systemically racist as some paid movements are alleging.

I implore you to examine Leo Terrell, Kentucky State University Assistant Professor Wilfred Reilly and renowned Harvard Economist Dr. Roland Fryer who has specialized in racial achievement gaps and bias/police brutality. Reilly and Fryer will provide data that there isn't systemic racism in policing and in fact minority communities want and need the police. The use of deadly force and the use of any force demonstrate this. A recent number showed that out of 1049 officer involved deaths, 40 were unarmed. Of that 40, 10 were black, 20 were white, and the 10 were other make ups. Unarmed blacks are killed at a rate of 2% versus 3% for whites. 89 Cops were killed in 2019.

<https://scholar.harvard.edu/fryer/publications/empirical-analysis-racial-differences-police-use-force>

I agree there needs to be a multi-faceted conversation—in fact a conversation that continues—but not a knee jerk legislative mistake that will turn Connecticut into a violent state as you are seeing elsewhere across the country. Below are severe concerns that will lead to more violence and less cops.

#### **1. SECTION 29 CHANGES LEGAL STANDARD FOR JUSTIFIED USE OF DEADLY FORCE.**

Section 29 changes the standard articulated by the US Supreme Court in Graham v. Connor, 490 U.S. 386, 396 (1989).

*"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."*

Section 29 would judge an officer's actions based on whether *his or her actions are objectively reasonable under the circumstances*- (a reasonable regular person standard) and says before using deadly force, an officer should *exhaust all feasible alternatives* and use *reasonable de-escalation measures*. These key terms are not defined in the bill.

**You are going to apply a reasonable person standard? Based on what? A person who has never gone through a use of force simulator, been on the street, or attended Simunition decision making training? Does a civilian evaluate a doctor or a lawyer? (More minorities are killed annually in the medical profession by the way).**

If you examine overall police contacts and the use of ANY force, the numbers show you police de-escalate on a daily basis. De-escalation is a misunderstood buzzword. Officers are reacting to the suspect's action. **It is a simple "But-For" analysis. If a subject doesn't want to de-escalate, there is nothing magical that an officer can do.** Please reference below link for further.

<https://www.calibrepress.com/2020/06/deescalation-completely-misunderstood-employed-trained/>

The ruling judicial standard is in effect across the country and is re-evaluated daily by judges who examine the totality of the circumstances and who are impartial and rule objectively based on the fact pattern and rule of law. This legislation exhibits no training no subject-matter practice and it will certainly not be a panacea!

## **2. SECTION 3 POST DECERTIFICATION AND SUSPENSION.**

POST can decertify a police officer if *"found that an officer's conduct tends to undermine the public confidence in police work"* and provides a list of some –but not all (including but not limited to) -- of the ways that an officer could be subject to such a broad and wide-sweeping finding of "undermining the public confidence" including words or actions that an officer may use when he/she is off duty.

AND Allows POST to issue "45 day suspension" and censure even if the officer's conduct does not rise to the level of revocation of his/her certificate. **This is overly vague and is a legislative overreach. A great way to use politics to get rid of cops. I agree the 1% of bad cops need to go. Let's carefully define this.**

## **3. SECTION 41 QUALIFIED IMMUNITY**

This section would repeal Governmental Qualified Immunity which are defenses which protect police officers and the municipality from lawsuits where the Court finds that there are not sufficient facts in the case to support a claim that a person's civil rights were violated.

There is a mistaken belief that Qualified Immunity (QI) is handed out cart Blanc. QI is a judicial doctrine because almost all police use of force occur in a rapid, dynamic circumstance. Officers must make split second judgements. I have been the supervisor on an officer involved shooting that ended in less than a second. I also nearly had to shoot someone early in my career but for the grace of god. These events begin and end in the blink of an eye. Every community has had its "close calls." It's a dangerous job.

Sometime mistakes are made. Terminate and prosecute when appropriate. This will never be completely rectified. The standard is Objective Reasonableness from the standard of a reasonable officer when the law was clearly established at the time. If you get rid of QI, officers will in fact hesitate and this will lead to officer injury but more important civilian injury or death due to police hesitation.

Do you also realize you are placing your cities and localities at great risk of financial loss? QI is used to alleviate the employer from frivolous lawsuits. You are going to bankrupt your cities and localities. As it is, risk managers welcome more suits by paying out money to make people go away rather than fight some of the suits. This only leads to more frivolous lawsuits.

This will lead to an exodus of officers, further hinder recruitment, and will lead to death in your cities and towns. Recruitment is already at an all-time low.

**Don't take it from the mouth of a cop. Here is a recent opinion of the Connecticut Supreme Court:**

Borelli Estate of Giordano v. Renaldi, No. 20232, 2020 WL 3467487, at \*4 (CT Supreme Court June 24, 2020)

The following principles of governmental immunity are pertinent to our resolution of the plaintiff's claims. "The [common-law] doctrines that determine the tort liability of municipal employees are well established. ... Generally, a municipal employee is liable for the misperformance of ministerial acts, but has a **qualified immunity** in the performance of governmental acts. ... Governmental acts are performed wholly for the direct benefit of the public and are supervisory or discretionary in nature. ... The hallmark of a discretionary act is that it requires the exercise of judgment. ... In contrast, [a ministerial act] refers to a duty which is to be performed in a prescribed manner without the exercise of judgment or discretion. ...

"Municipal officials are immunized from liability for negligence arising out of their discretionary acts in part because of the danger that a more expansive exposure to liability would cramp the exercise of official discretion beyond the limits desirable in our society. ... Discretionary act immunity reflects a value judgment that—despite injury to a member of the public—the broader interest in having government officers and employees free to exercise judgment and discretion in their official functions, unhampered by fear of second-guessing and retaliatory lawsuits, outweighs the benefits to be had from imposing liability for that injury. ...

#### **4. SECTION 12 TASK FORCE**

Task force would study taking road jobs away from police officers, and they would study requiring all police to purchase their own professional liability insurance.

These issues should be left to the towns in the interest of public safety. What does this have to do with making communities safer? This is legislative garbage and is an overreach. A state task force can't tell a municipality how to manage its roadways and the latter will lead to an exodus of cops. Every town should launch a law suit against the State on this one.

#### **5. SECTION 16. MENTAL HEALTH ASSESSMENTS**

Requires an officer to have mandatory mental health evaluations every 5 years. Can this result in personnel action? I agree fully in concept. I have concerns about creating and implementing standards within 6 months. See also PA 19-17 that requires all police Departments to adopt policies and programs to support the mental wellness of police officers. What happens to the 10 year vet that assesses negatively? Disability pay out? This needs to be done very carefully.

#### **6. SECTION 17. CIVILIAN REVIEW BOARDS.**

Civilians would be permitted to issue subpoenas and compel testimony as part of an investigation. **This right should not be granted to civilians – only to appropriate government officials. This is a political abuse/transfer of power to non-governmental, untrained officials.**

## **7. Section 21: Consent Searches on Motor Vehicles.**

I presume the concern here is consent being coerced from an individual. Well, if officers will have body cameras and cruiser cameras in conjunction with all civilian phones and cameras, why is this even being proposed? This is an attempt to neutralize good police work **which will lead to more crime and unsafe neighborhoods.**

Consent is an exception to the search warrant rule. If officers have probable cause, they don't need consent. Motor vehicle stops lead to vast amounts of crime such as the Oklahoma City Bomber and most recently a car in NY that was bringing in gas and other incendiary devices.

Let's presume your car was stolen but not yet reported because you are sleeping. The officer on the street will be unable to ask for consent to search said car and possibly recover contraband that may determine your vehicle was in fact stolen even though s/he has a hunch it is? So we let the car go?

Did you also know that many drug dealers or persons in possession of a gun illegally actually consent to a search, thinking officers will back off or will do a lazy search and not find the item(s)? If an officer can't ask for consent, there will be more drugs and guns on the street. PERIOD.

A person can freely consent. If we are worried about how consent is obtained, review the video. The video will keep the cops honest! There is plenty of recourse available—Internal affairs, civil suits, both federal and state, and criminal charges, federal and state. This has nothing to do alleged police violence. Are you implying that your voting citizenry are not educated or competent enough to grant consent?

## **Section 22: Consent on Search Warrants:**

Same issue here. This will lead to more crime. If the subject simply placed their contraband on the person who isn't the target of the SW, the cops won't be able to ask for the search, and the drugs or gun remain on the street. Body cameras will keep the officers honest. Most cops want cameras because 99% of cops are the "good guys" who are service oriented. Do you want guns and drugs left behind?

External Search of a woman by a woman? You do realize that there are many times that a woman may not be available if it's a smaller town department? What kind of search are we talking about? Not a Strip search obviously, but a regular search of jacket/pockets for contraband? This is inherently dangerous and untenable. This will lead to civilian and officer injury. There are plenty of examples where handcuffed individuals have been able to shoot officers. Google for the videos!

The bigger question with these two proposals? What in the hell do they have to do with alleged police violence???

## **Section 40: Forced Sale of Controlled Equipment.**

1. What does this have to do with alleged police violence or minority death? Are there any deaths that are directly connected to this type of equipment? Do you not want your locality/city to be able to end a threat when one occurs? See Dallas four years ago. As a local example, our regional team has an MRAP. It isn't used often, but we have had one case in town where it was necessary due to the call. In an adjacent town, it was utilized for an individual that had their house fortified with .308 caliber rifles. When an individual has a .308 caliber rifle, how do you propose to keep officers and civilians safe? The response time for CSP for all areas across the state is untenable.

2. Picture a man with a rifle on top of the Capitol like a false alarm that occurred years past? The MRAP allows officers to get into position because it stops rounds other pieces of equipment do not.

3. Do you not want officers equipped with rifles to enter a high school and deal with an active shooter as kids are being shredded into pieces? Do you realize that if localities are forced to give their rifles back, obtained under the 1033 program, their budgets will explode if they choose to properly equip their officers for these ongoing threats? What if like Columbine, there are multiple shooters and one is on the roof to pick the cops off with a high powered rifle? MRAP could have helped!

4. Do you remember the Boston Bombing and subsequent manhunt that occurred just seven years ago? It's amazing how citizens cheered its officers just seven years ago. Amazing how some so easily forget?

**Should these pieces of equipment be on routine patrol? NO! But a locality and city must have the resources to protect its citizens.** Are we going to get rid of riot shields and helmets too because it looks scary? Certain circumstances such as riots require certain tools! PERIOD!

This legislation is kneeling to a Marxist political movement that seeks to abolish the police and destroy civility within the community. There is no place in America for violent thugs. If you remove this equipment and handcuff police with inappropriate legislation, you will be directly responsible for citizen and officer injury and or death. Who will quell the violence? You will lose your cities and localities! Look around!

Re-imagining the Police: Examine the finite pieces of the suggested reform:

<https://www.calibrepress.com/2020/06/i-agree-reform-the-police-but-the-devils-in-the-details/>

I implore you to slow things down and examine this reform bill very carefully. Police use of force often occurs in a rapid, dynamic complex situation. Police work does not occur in a laboratory. Officers will always be responding to the subject, therefore you will always have an action-reaction formula. A driver can't just move from green to red on the roadway. That is why there is a yellow.

Please examine [www.forcescience.org](http://www.forcescience.org) to understand the science behind why police use of force often times looks bad, but is in fact justifiable. This science lends credence to the current use of force standards and qualified immunity doctrines on the books. The courts have acknowledged this. Citizens must now learn. I believe we need more citizen academies so we can learn from each other.

I would be more than happy to discuss further and facilitate a training between the legislature and cops.

There will be intended and unintended consequences absent careful analysis on reform. Failure to do so will lead to increased officer injury and death; increased civilian injury and death; and neighborhoods that are far more dangerous. Three minutes of testimony via Zoom for is wholly inadequate!

Beyond this, you will see an exodus from the law enforcement profession and less people likely to enter it. The result: more people that shouldn't be cops to begin with! We are barely recruiting people to this profession as it is. With the media and paid groups slamming officers and politicians who fail to back the officers, what do you think will be the result?

**The community and the police can and should be one and can be! STOP the mischaracterization of the entire police profession and let's work together in a rational bi-partisan manner for realistic reforms.**