

New Haven, Connecticut
An Act Concerning Police Accountability, LCO# 3471

Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Vanesa Emely Suarez and I am the Deportation Defense Organizer of the Connecticut Bail Fund. We are testifying to express our support for decarceration, divestment from policing, and the provision of essential resources—including healthcare, housing, and education, to help our communities heal from the devastating effects of mass criminalization and police violence. We are in support of LCO #3471 An Act Concerning Police Accountability that introduces much needed police accountability and we believe these measures should be extended to all law enforcement, including Department of Correction staff. However, we do not believe accountability alone is an adequate framework to protect our communities from police violence. The message from those impacted by police violence is clear-- the departments in our state are not reformable, their primary function is to protect white property at the expense of Black lives. This bill contains some provisions that will positively impact our community members, as well as other provisions that must be significantly strengthened to provide meaningful change.

Connecticut Bail Fund is a community organization that works with individuals and their families who are impacted by the criminal punishment system throughout the state, including people targeted specifically by the immigration system. Our mission is to reduce the harms caused by criminalization, incarceration, and deportation while building power among the people and families in our community who are most impacted by these systems. As a result, we work on a daily basis with people who are affected in real and important ways by many of the provisions of this bill. This includes youth who have been shot by the police and who are currently facing criminal charges as a result. This includes women who have undergone sexual and physical violence at the hands of law enforcement. This includes hundreds of poor people who are incarcerated because they cannot pay bail and whose legal cases have been postponed indefinitely. This includes people who have contracted COVID-19 in jails/prisons and have been denied all healthcare and communication with the outside world. This includes undocumented community members targeted by police for their status and people who have been brutalized and tortured in immigration detention. We also need to name that since the onset of COVID-19, police and prison violence have dramatically increased. With the cessation of visits inside DOC, we established a 7-day a week prison support hotline through which we have had hundreds of conversations that demonstrate that prisons are the epicenter of police violence in our state. As we work collectively to address police violence (and ultimately build a future with real safety for people) we recognize that this bill is only a small step in the right direction and that we must revisit this issue over coming sessions to ensure that we are investing in communities that are disproportionately impacted by the carceral state.

Strong Provisions on Police Accountability and Divestment:

Section 41: We believe that it is important to be able to hold police accountable when they abuse their power. In Connecticut today, that is almost impossible. For that reason, we strongly support Section 41, which imposes a significant limitation on qualified immunity -- a shield that has for too long allowed police to commit abuses without repercussions.

Section 40: Police in our state are overmilitarized. Military-style equipment, like armored vehicles, have no place in a police arsenal, especially when we see them used consistently and unnecessarily to intimidate and abuse protestors. It is critical that the state prevents police departments from further acquiring military equipment and require police departments to dispose of all existing military equipment.

Section 22: We strongly agree that regardless if someone has given consent, police should not be able to search an individual or their vehicle. Police disproportionately perform racist searches on Black and Brown community members, and this provision helps reduce those searches.

Provisions that Require Change:

Section 30: Police officers must always be required to intervene when witnessing or being in the presence of other officers who are causing harm or using force on community members. On a municipal level, police officers who are complicit in the assault or murder of community members are never held accountable. When New Haven Police Officer Jayson Santiago used homophobic language, punched and kicked Luis Rivera in the groin, none of the 3 other officers present intervened. In fact, Officer Michael Hinton who assisted Officer Santiago, turned off his body camera and was subsequently suspended for only 15 days. The two other officers, Officer Phillips and Sergeant D Guluizza, who were involved in the entire altercation and arrest, and failed to stop Officer Santiago from brutalizing and degrading an innocent man, received no disciplinary actions whatsoever. Any police officer who fails to intervene must be terminated immediately and required to engage in reparations to the individual(s) harmed by their complicity in the violence. Regarding criminal accountability for police violence we believe it is egregious that killer cops are protected while so many of our community members are criminalized and incarcerated without due process. At the same time, we have no faith in the criminal justice system to hold police accountable. Based on our experience, judges and prosecutors will always protect law enforcement systems to the extent possible. For this reason, we must highlight that the criminalization of individually violent cops does not address the structural violence of every law enforcement agency in our state. We need solutions that defund and begin to dismantle these agencies.

Section 21: Restricting the ability of police officers to have power over personal and vehicular searches is a good step towards reducing the power of police, however parts of this section also pose a serious danger to the safety and wellbeing of the undocumented community in our state. As written, section 21 states “or the operator has failed to produce a valid operator’s license,” allowing police to ask for other kinds of documentation that would force people to reveal their immigration status. Police are not lawfully allowed to ask about citizenship status, and not having a valid driver’s license should NOT give police a reason to demand other kinds of documentation or identification that could reveal a person’s immigration status.

Section 17: Civilian Review Boards must have real subpoena power in order to function as an independent body that can hold police officers accountable. Rather than leaving it to municipalities to decide, this provision must be changed to grant all CRB’s with subpoena power.

Sections 8 & 9: It’s critical for the public to be able to know when police officers have been disciplined and when they have “used force.” Police already have so many protections in place allowing them to escape accountability. Police union contracts should not protect departments from FOIA requirements. We believe that disciplinary actions taken against officers should be accessible to the public to facilitate transparency and accountability.

Sections 36 & 37: It is essential for custodial deaths to be thoroughly investigated. This provision takes some steps in granting the Chief Medical Examiner some control over the crime scene when a person dies in DOC custody. These provisions should be amended to include the investigation of deaths for people who have recently been released from custody. We have seen DOC release community members, who were infected with COVID-19 while incarcerated, die days shortly after being released.

Harmful Provisions:

Section 29: We cannot support Section 29. The fact that this bill is discussing when police are justified in taking a human life is shameful. The government is never justified in killing our people. The idea that police use force to make themselves more safe is not true. We have seen police use life-preserving skills when responding to white male mass shooters like Dylann Roof. In that case, police never found it “necessary” to “use force,” even though Dylann Roof had murdered several people within a church. Police protected him without conditions. But when police interact with people of color, particularly Black and Brown youth like Jayson Negron, Mubarak Solemane, Zoe Dowdell, Corbin Cooper, Jarelle Gibbs, Vincent Folkwes (Kuda), Malik Jones, Anthony Vega (Chulo), and so many others in this state who have been murdered at the hands of police, the “use of force” becomes “necessary.” Police in this state do not prioritize

preventing harm when they come into contact with people of color. We know this because we have seen police escalate violence and cause harm over and over again: in over 30 police killings within the last three years, in their interactions with protestors, and in everyday abuses against people of color. The conditions that determine when police will “use force” and when police practice “de-escalation” tactics are directly connected to a person’s race, gender, housing status, mental health, and disabilities.