

**Annual Report of the Police Transparency
& Accountability Task Force
January 2021**

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I. Introduction

The Police Transparency & Accountability Task Force (PTATF) was initially established under [Public Act 19-90](#) in July 2019. Per the public act, the task force was to examine: (1) police officer interactions with individuals with a mental, intellectual, or physical disability; (2) the feasibility of police officers who conduct traffic stops issuing a receipt to each stopped individual that includes the reason for the stop and records the demographic information of the person being stopped; and (3) any other police officer and transparency and accountability issue the task force deems appropriate. It also established a reporting requirement for a preliminary (January 1, 2020) and final (December 31, 2020) report. In June 2020 the PTATF issued a preliminary report (see Appendix A). The full Task Force is comprised of 13 members:

- **Daryl McGraw** (Co-Chairperson)
- **Commissioner James Rovella** - Department of Emergency Services and Public Protection (*ex-officio/non-voting*)
- **Sergeant John Szewczyk** - Hartford Police Department (*retired*)
- **Jonathan Slifka** – Executive Assistant to the Commissioner of the Department of Aging and Disability Services
- **Joshua Hall** – State Representative 7th House District
- **Chief Keith Mello** – Milford Police Department
- **Deputy Police Chief Maggie Silver** – UCONN Police Department
- **Undersecretary Marc Pelka** - Criminal Justice Policy and Planning Division, Office of Policy and Management (*ex-officio/non-voting*)
- **Rev. Steven Cousin** – New Haven Bethel AME Church
- **Richard Colangelo** – Chief State’s Attorney (*ex-officio/non-voting*)
- **Sergeant Shafiq Abdussabur** – New Haven Police Department (*retired*)
- **Chief Thomas Kulhawik** – Norwalk Police Department
- **Chief William Wright** – Wallingford Police Department

In July of 2020 the Connecticut General Assembly then passed Public Act 20-1, making modifications to the task force by adding priorities for examination. They are:

1. Strategies communities can use to increase minority police officer recruitment, retention, and promotion;
2. Strategies communities can use to increase female police officer recruitment, retention, and promotion;
3. The merits and feasibility of requiring (a) police officers to procure and maintain professional liability insurance as an employment condition or (b) a municipality to maintain the insurance on its officers’ behalf;
4. Establishing laws for primary and secondary traffic violations;
5. Establishing a law that requires police traffic stops to be based on enforcing a primary traffic violation;

6. How a police officer executes a warrant to enter a residence without giving audible notice of the officer's presence, authority, and purpose before entering in Connecticut and other states, including address verification procedures and any documentation an officer should leave for the residents where the warrant was executed;
7. How a professional bondsman, surety bail bond agent, or a bail enforcement agent takes into custody the principal on a bond who failed to appear in court and for whom a re-arrest warrant or a capias was issued in Connecticut and other states, including the address verification process and whether any documentation is left with a resident where the warrant was executed; and
8. Whether any of the grounds for revoking or cancelling a police officer's certification should result in a mandatory, rather than discretionary, POST revocation or cancellation.

PA 20-1 also extended the reporting deadlines of the PTATF a full year, with the preliminary report due on or by December 31, 2021 and the final report on or by December 31, 2021. The Task Force will terminate upon the completion of its final report or December 31, 2021 – whichever is later.

This report serves as the PTATF's preliminary report under the requirements of PA 20-1.

Per PA 19-90 and 20-1, the PTATF is supported by the administrative staff of both the Judiciary and Public Safety committees of the Connecticut General Assembly. Members would like to thank Judiciary Committee administrator, Deborah Blanchard, for her diligent efforts to support its work. In addition, the PTATF has received ongoing support by the staff of the Institute for Municipal and Regional Policy (IMRP).

For more information on the PTATF, please visit its website: <https://www.ctpolicetransparency.com/>, as well as the Judiciary Committee's [webpage](#).

II. Subcommittees

In its June 30, 2020 meeting, the PTATF approved the creation of subcommittees to “advise the Task Force on various aspects of its charge per PA 19-90 in preparation for the issuance of its final report.” Each subcommittee is comprised of four task force members, along with four to five non- Task Force members, and is chaired by a Task Force member. Non-Task Force members are appointed by the subcommittee chair, in consultation with the Task Force chair. Upon the passage of PA 20-1 the subcommittee structure has remained the same. The three subcommittees are:

- The Public Awareness Subcommittee
- Improving Police Interactions with Disability Community Subcommittee
- The Logistics Subcommittee

The **Public Awareness Subcommittee** is chaired by Daryl McGraw. The main objectives of the Public Awareness Subcommittee include: 1) coordinating public awareness and outreach efforts; 2) determining how and where to conduct public listening sessions, coupled with community surveys; and 3) assessing efficacy of annual community surveys.

- *Task Force members:* Daryl McGraw, Atty. Richard Colangelo, Rev. Steven Cousin, Chief Keith Mello, and Dep. Chief Maggie Silver.
- *Non-Task Force members:* Steven Hernandez (CWSEO), Andy Friedland (ADL), Tamara Lanier (NAACP)

The **Improving Police Interactions with Disability Community Subcommittee** is chaired by Jonathan Slifka. The main objectives of the Improving Police Interactions with Disability Community Subcommittee include: 1) examining police officers’ interactions with individuals with a mental, intellectual, or physical disability; and 2) assessing resource allocation for diversionary programs.

- *Task Force members:* Jonathan Slifka, Undersecretary Marc Pelka, Chief Thomas Kulhawik, and Dep. Chief Maggie Silver.
- *Non-Task Force members:* Rayla Mattson, Michelle Duprey, Alvin Chege, Doris Maldonado

The **Logistics Subcommittee** is chaired by Rep. Joshua Hall. The main objectives of the Logistics Subcommittee include: 1) reviewing and developing a course of action for the remaining preliminary priorities and recommendations; 2) engaging with the Governor and Connecticut General Assembly to ensure coordination of efforts with respect to legislative and administrative actions relative to the Task Force’s purview; and 3) determining structure and scope of final report.

- *Task Force members:* Rep. Joshua Hall, Chief William Wright, Shafiq Abdussabur, John Szewczyk
- *Non-Task Force members:* Ken Green, Mel Medina, Stephen Saloom, Tanya Hughes, Cheryl Sharp

Each of the subcommittees established recommendations within their own meetings that were then sent to the full Task Force for evaluation, amendment, and vote. As of January 18, 2021, the Task Force has

endorsed four recommendations and one assessment. There were also two recommendations provided to the Task Force that failed passage.

The following three sections contain the recommendations and assessment as noted above.

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III. Endorsed Recommendations of the Task Force

As of 01/18/2021:

Recommendation #1: Inspector General

Section 33 of Public Act 20-1 should be modified to permit candidates outside of the Division of Criminal Justice be eligible for the position of Inspector General and for positions within the staff of the Inspector General's Office.

Implementation of Section 33 should be delayed until April 1, 2021 if the recommended change is unable to be made prior to the appointment of a candidate.

Rationale:

An Act Concerning Police Accountability, Bill 6004 ("the Act"), Section 33(a) states:

"There is established the Office of the Inspector General that shall be an independent office within the [Connecticut State] Division of Criminal Justice. Not later than October 1, 2020, the Criminal Justice Commission . . . shall nominate a deputy chief state's attorney from within the division as Inspector General who . . . shall lead the Office of the Inspector General. The office shall: (1) Conduct investigations of peace officers . . .; (2) prosecute any case in which the Inspector General determines a peace officer used force found to not be justifiable . . . or where a police officer or correctional officer fails to intervene in any such incident or to report any such incident . . .; and (3) make recommendations to the Police Officer Standards and Training Council . . . concerning censure and suspension, renewal, cancelation or revocation of a peace officer's certification."

The Act requires that all candidates for the position of Inspector General (IG) and for IG staff positions be from within the Division of Criminal Justice ("DCJ"). See also Section 33(j) (IG Office Staff). This precludes the Criminal Justice Commission from making selections from a larger pool of well-qualified candidates including, but not limited to, federal prosecutors, private practitioners from the plaintiff's bar and/or civil rights attorneys. As these other potential candidates are independent from the DCJ, they would avoid the appearance of a conflict of interest which members of the DCJ will face as they regularly work with police officers some of whom will be the subject of the IG investigations. As it is critical that these investigations have the full confidence of the public and avoid any appearance of a lack of independence, we recommend that the Act be amended to allow the Criminal Justice Commission to consider candidates outside of the DCJ for the position of IG as well as IG staff positions.

Recommendation #2: Accreditation

It is recommended that Section 44 of Public Act 20-1 be amended to remove the requirement that all law enforcement units be required to obtain and maintain CALEA accreditation by 2025. Alternatively, the law should require that all law enforcement units must obtain and maintain the Connecticut Police Officer Standards and Training Council ("POSTC") Tier III accreditation standards by 2025. All law enforcement units should achieve Tier I state accreditation by 2022 and Tier II accreditation by 2023.

Rationale:

An Act Concerning Police Accountability, Bill 6004, requires that all departments satisfy the CALEA standards. Currently, 24 of 92 departments in Connecticut are CALEA certified. CALEA is designed to be a voluntary program. There is an annual cost to obtain and maintain accreditation. The annual cost varies from between \$5,000 and \$8,000 depending on the size of the agency.

The process for obtaining CALEA accreditation begins with a review of departmental files by a trained Compliance Service Members (CSM). CSM's review approximately 25% of the department files each year. On-site assessments are conducted by a trained team, typically led by an active or retired police chief or other high-ranking professional. Assessors are not associated in any way with the agency being reviewed and come from another state. On-site visits are scheduled for two to three days to verify compliance. Assessors conduct interviews with staff, observations, ride-alongs, building tours, community interviews, and a public hearing. Additional focus areas that are pre-determined are also reviewed. Any issues previously identified by the CSM are also reviewed. A comprehensive report is completed, reviewed by CALEA staff, reviewed by the CALEA Commission, and a hearing is held. During the hearing commissioners can ask questions of the agency and then decide on accreditation or reaccreditation.

Connecticut has developed its own tiered accreditation program, overseen by the Police Officer Standards and Training Council (POSTC). There is no annual cost for a department to obtain state accreditation. Agencies are assessed by local assessors where directives, policies and agency activities are reviewed. The Tier III state accreditation standards are robust and have additional state specific standards. The state should continue to find ways to encourage and incentivize CALEA accreditation, but the program should remain voluntary. A mandated state accreditation program would help to ensure standards are more uniform across departments in Connecticut. The state should consult with POSTC to ensure that funding is available for the increased number of agencies that would need to be accredited under this program. Additional resources will be paramount to the success of the state program. There will need to be ample staff and trained assessors to manage the increased demand that will come with a mandated state program. POSTC should develop a plan for phasing departments into the accreditation program and a plan to manage reaccreditation on a rotating schedule.

Recommendation #3: Compliance with POSTC Standards

If a municipal police department, the Department of Emergency Services and Public Protection or any other department fails to comply with the Police Officer Standards and Training Council mandated reporting policy as outlined in POSTC General Notice 20-9, as amended, the POSTC shall recommend and the Secretary of the Office of Policy and Management may order an appropriate penalty in the form of the withholding of state funds from such municipal police department, the Department of Emergency Services and Public Protection or other departments.

POSTC shall adopt standards for compliance with the mandatory reporting requirement in the Connecticut Law Enforcement Standards Policies and Practices (CLESP). Failure to comply shall result in loss of accreditation in one or more CLESP tiers.

Rationale:

Pursuant to a new POSTC general order, all police chiefs and the DESPP commission are mandated to report and provide documentation of certain violations to the council for review. The violations committed by any certified police officer of any rank include: (1) the unreasonable, excessive, or illegal use of force that caused or would reasonably cause death or serious physical injury to another person, (2) the duty to intervene to stop the unreasonable, excessive or illegal use of force or to fail to notify a supervisor, (3) the intentional intimidation or harassment of a member of a protected class, and (4) the prohibition against hiring police officer dismissed for misconduct or who resigned or retired while under investigation.

Under this policy, POSTC has no consequence to impose on a department or DESPP that fails to comply with the mandated reporting and submission of documentation requirements. The general order states failure to supply all required documentation shall result in delays or refusal to bring a request to the POST Council Certification Committee for review.

POSTC should have recourse and an appropriate recourse exists under the current state racial profiling law (CGS §54-1lm, Alvin W. Penn Racial Profiling Prohibition Act). Under this law, municipal police departments and DESPP are required to submit specific traffic stop data to OPM. OPM is authorized to withhold state funds from departments that fail to comply.

Recommendation #4: In-Service Training for Interactions with the Disability Community

It is recommended that the Police Officers Standards and Training Council (POSTC) develop, with input from the disability community and ADA experts, a standardized mandatory minimum in-service training regarding interactions with the disability community.

Rationale:

The POSTC provides training on this topic during recruit training. However, police departments may or may not provide additional in-service training regarding interactions with the disability community. Developing a minimum standard for in-service training, with input from the disability community, would ensure that all officers receive ongoing training throughout their careers.

IV. Endorsed Assessment Regarding Liability Insurance

The Insurance Law Center¹ at UConn Law School was asked by the task force to review several insurance issues related to recent changes in Connecticut law in Public Act No. 20-1. Pursuant to this Act the Police Transparency and Accountability Task Force (“**Task Force**”) has been expressly tasked with examining:

- (1) the merits and feasibility of requiring police officers to procure and maintain professional liability insurance (“**PL Insurance**”) as a condition of employment;
- (2) the merits and feasibility of requiring a municipality to maintain PL Insurance on behalf of its police officers; and
- (3) the impact that Section 41 of the Act (which modifies the scope of the “qualified immunity” defense available to a police officer if that police officer has been accused in a civil lawsuit of violating a person’s constitutional rights) will have on the ability of a police officer or municipality to obtain PL Insurance.

Working with the Task Force, we have reviewed and synthesized the following information:

- Presentations and written material from the Connecticut Bar Association’s Policing Task Force (CBA), Connecticut Interlocal Risk Management Agency (CIRMA), Connecticut Council of Municipalities, and police unions.
- Various law enforcement liability insurance forms provided by CIRMA.
- Our own research, including loss control and risk management resources provided by CIRMA and several private insurers, comparing relevant Connecticut and federal qualified immunity provisions for government actors, a brief analysis of the private insurance market for individual police officers, and our background knowledge of insurance markets.

While providing a list of caveats is routine for these types of reports, we need to emphasize that the Subcommittee was not able to obtain the information from insurers— at least as of now – that would be necessary to provide a more confident and complete analysis. This includes information about the aggregate premiums collected for municipal liability insurance, aggregate claims paid, and of this amount the total dollar amount paid for law enforcement liability coverage. Nor could we obtain information about how—if at all—insurers plan to change underwriting or pricing practices in light of the new statute.

Merits and feasibility of requiring police officers and municipalities to maintain professional liability insurance [questions (i) and (ii)].

Perhaps the best way to answer these questions is through reviewing how police officers and municipalities are already covered. We assume that all municipalities in Connecticut have some form of

¹ The Insurance Law Center is the pre-eminent academic center for the study of insurance law and regulation in the US, and offers the only LL.M. Program in Insurance Law in the country. <https://ilc.law.uconn.edu/>

liability insurance that covers law enforcement actions, or are self-insured.² As is standard with most liability insurance purchased by any organization, employees such as police officers are included as insureds provided they are acting in the scope of their employment. This means they would normally be covered under the municipality's liability insurance and defended along with the municipality in civil lawsuits arising out of law enforcement activities. A typical description of "who is an insured" reads:³

WHO IS AN INSURED

1. The individual Coverage Sections may contain specific provisions regarding WHO IS AN INSURED. It is important to refer to each Coverage Section in addition to the following provisions.
2. You are an insured as shown as named insured in the Declarations.
3. Each of the following is also an insured to the extent indicated:
 - a. Your elected or appointed directors, officers, officials, and members of any boards or commissions, but only with respect to their duties as your directors, officers, officials, or board or commission members.
 - b. Employees of any school district named in the Declarations who hold the position of Superintendent or Assistant Superintendent, Administrator or Assistant Administrator, Principal or Assistant Principal or any equivalent administrative position, but only for acts within the scope of their employment by you.
 - c. Your employees, other than those included in a. and b. above, but only for acts within the scope of their employment by you, or in the case of a *"leased worker,"* while performing duties related to the conduct of your business. However, none of these employees are covered for:
 - (1) "Bodily injury" or "personal injury" to you; or
 - (2) "Property damage" to property owned or occupied by or rented or loaned to that employee, or any of your other employees except "autos."

CIRMA's "Law Enforcement Liability" insuring agreement incorporates this definition and defines "personal injury" to include coverage for claims alleging civil rights violations and assault and battery.⁴

² CIRMA told us they insure 85% of the municipal market in Connecticut. The larger cities tend to be "self-insured," though very likely they have excess insurance with private insurers to cover larger claims against them. We have not explored this area.

³ This language is from CIRMA's "specimen policy language" it provided the Subcommittee on December 15, 2020, page 11. The yellow highlighting is ours.

⁴ CIRMA's policy, pp. 56-62; the expanded personal injury definition is on page 62.

While CIRMA's insurance policy expands the scope of actions and claims that would be covered under "Law Enforcement Liability," individual police officers must still be acting within "the scope of their employment" to be covered under the municipality's liability policy. However, Connecticut law (and essentially that of every other state) generally requires liability insurers to defend *all* claims in a lawsuit if even one allegation or cause of action is potentially covered under the insurance policy, unless and until a final determination is reached that an individual officer's actions were so egregious as to be considered intentionally malicious.⁵ Since most lawsuits would very likely allege some violations that are covered, we believe that as a practical matter this potential coverage gap would not result in municipalities and police officers also named in the complaint losing an insurer-provided defense.⁶ As we briefly discuss below, any personal liability insurance an officer obtains would likely similarly exclude such actions from coverage under that policy.

Questions (i) and (ii) reference police officers obtaining their own professional liability insurance to cover them for civil liability associated with their work. Based on our research, there is at best a limited market for individual liability insurance for police officers.⁷ At least one provider of liability insurance for law enforcement personnel, the National Rifle Association, appears to no longer sponsor this product. The Subcommittee has asked individuals and organizations who have brought this issue up about specific policies and insurers and no relevant evidence has been forthcoming.⁸ Further, we believe it is likely that obtaining such insurance would provide minimal value to the individual officer for the following reasons:

- (1) As discussed above, municipal liability insurance policies would generally cover individual police officers, as well as the municipality in civil claims;
- (2) An individual policy would likely include the same limitations or exclusions that exist in municipal policies;⁹ and

⁵ This means that the insurer would not have to pay the damages awarded by a jury for intentionally malicious conduct.

⁶ CIRMA's Law Enforcement Liability policy covers claims alleging civil rights violations, along with assault and battery. We do not know if police officers or municipalities have ever lost insurance coverage due to the allegations in a lawsuit—anecdotal information suggests they have not.

⁷ CIRMA told us they were unfamiliar with any such products in Connecticut.

⁸ There was some discussion of officers obtaining coverage from PORAC, which is a legal defense fund available to police officers if their departments are members (<https://porac.org>). As an employee benefit plan, PORAC is largely governed by federal law—the Employee Retirement Income Security Act. PORAC provides a legal defense for civil, criminal, and administrative proceedings against a police officer acting within the "scope of his or her employment," but it does *not* apply when the department (or municipality) or its insurer is defending the police officer. How this benefit would be triggered in civil lawsuits is unclear, at least to us. If the reason an insurer/municipality is not defending the officer in these situations is because the officer's actions were sufficiently egregious to be considered "outside the scope of their employment," that similar requirement would presumably also exclude a defense from PORAC. We have no information on how many police officers in Connecticut have this benefit, how it has been utilized, and whether and how often it has provided a defense that officers otherwise would not have. For these reasons, PORAC's legal defense benefit does not affect our conclusions regarding the limited utility and availability of individual liability insurance for police officers.

⁹ Liability Insurance is generally reluctant to provide coverage for "intentional acts," defined loosely as behaviors that are under a policyholder's control. The reason is moral hazard: insured policyholders cannot be granted carte blanche to undertake risky or tortious conduct, knowing that their insurer will pay for any liability that results.

- (3) The policy limits (amount of coverage) of a municipal policy would be significantly more than what individual officers could obtain on their own.

Similarly, it is unlikely that most homeowners and renter's insurance would cover police officers for claims arising while on duty. These policies typically exclude liability arising from "professional services" and similar work-related activities. While the Subcommittee has heard anecdotally of police officers purchasing endorsements to their homeowner's policy that would provide this coverage, it has not been provided any examples. We are also skeptical that such insurance would provide any more coverage than already included within municipal liability policies, and would likely include similar exclusions, as we described above.

To summarize, standard municipal liability policies already cover claims against individual police officers along with the municipality. This is not a unique feature, as employees are typically included as "insureds" in any commercial liability insurance policy. While there are specific exclusions within this coverage, as there are for any liability policy, these exclusions have been narrowed for purposes of law enforcement liability, at least for the CIRMA policy form we have been provided. There appears to be at best a very limited market for individual liability insurance covering law enforcement personnel, and we have seen no evidence that these policies would provide additional coverage above that already provided municipalities.

The impact that Section 41 of the Act . . . will have on the ability of a police officer or municipality to obtain PL Insurance [question (iii)].

This is the most difficult of the three questions to respond to, as the lack of actual data renders any conclusion necessarily tentative. Our bottom line, however, is that we have seen no evidence that would lead us to believe that Section 41 will have significant impact on the market for municipal Professional Liability insurance.

Police Liability Claims

The cost of liability insurance generally tracks how insurers perceive and evaluate the risks of a claim—the potential number of claims, the defenses available, and the costs of defending policyholders and paying for settlements or adverse verdicts.¹⁰ Assessing these complexities is what actuaries do, and is a vital part of the underwriting process.

¹⁰ Also relevant are how municipalities and individual police officers perceive and respond to these changes (e.g., additional training or changes in use of force protocols), how plaintiffs' attorney evaluate laws, and ultimately determinations by courts and juries.

We believe the CBA's draft analysis of Section 41¹¹ is the most persuasive of the outside presentations to the Task Force on Section 41's effects.¹² The CBA notes that Section 41 does not eliminate qualified immunity for municipalities and police officers, but rather reorients Connecticut law to resemble existing federal law in these areas. Municipalities and individual police officers have always been subject to lawsuits under federal as well as state law, and Section 41 should not significantly expand existing liability in this area.

To assess whether Section 41 will raise insurance premiums for municipalities, we would ideally seek to estimate quantitatively whether it will increase the cost of defense and the total volume or the success rate of claims against police departments. We lack the data to do this. Nevertheless, we believe that the law does not significantly expand liability. The law does create a new cause of action in state court, mirroring almost exactly the existing federal liability structure; but it does not expand liability beyond what is already illegal under current law. It is possible that state juries might be more willing to find officers or municipalities liable than federal juries are, but we have not seen any reason to believe that would occur, and short of that, there is little reason to think that Section 41 will increase either the number or the size of payouts by defendants or their insurers. Hence, it should have little or no effect on premiums.

Section 41 does eliminate the interlocutory appeal in state court actions, meaning that defendants cannot appeal a decision (e.g., denial of a summary judgment motion) until after a verdict has been reached. In theory, the elimination of the interlocutory appeals is disadvantageous to defendants, because they are obliged to go through the entire process of a trial before they can seek to correct a "false negative" (erroneous denial of their motion to dismiss). In practice, however, the effects of eliminating interlocutory appeals are likely to be small, for two reasons. First, such appealable false negatives are quite rare, according to the best empirical evidence available.¹³ And second, interlocutory appeals do not seem to play a major role in limiting defendant exposure: The Schwartz study found that only 12% of those appeals led to a reversal in whole (which would be necessary to avoid a jury trial).¹⁴

Overall Municipal Liability Coverage

Law enforcement liability coverage is only one component of a package of liability coverages that are included in a municipal insurance policy. For example, such policies also include, among others, property

¹¹ The CBA's Policing Task Force met virtually with the Subcommittee on October 20, 2020 and provided several draft recommendations (subject to later approval by the CBA) on the impact Section 41 may have on litigation in this area. The Connecticut Conference of Municipalities' November 6, 2020 memo to the Subcommittee believes changes in Section 41 would expand claims and litigation under state law, though it does not provide information supporting its conclusion.

¹² We have not independently evaluated or conducted our own examination on whether and how Section 41 would measurably alter the litigation climate for claims and lawsuits against municipalities and individual police officers. This would be a much larger project and one requiring both additional time and resources.

¹³ A study of 1,183 police misconduct cases filed in five federal districts around the country revealed that just seven (0.6%) were dismissed at the motion to dismiss stage and just thirty-one (2.6%) were dismissed at summary judgment on qualified immunity grounds. So the basis for interlocutory appeals is quite limited. Joanna C. Schwartz *How Qualified Immunity Fails*, 127 YALE L.J. 2 (2017).

¹⁴ Schwartz, *Id.* at 40. The CBA's Policing Task Force draft recommendation on this issue states "There should be consideration given" to whether interlocutory appeals in "a limited set of circumstances" should be allowed.

and auto insurance (at least for CIRMA). Even if Section 41 were to increase liability exposure for municipalities, and accordingly raise the cost of law enforcement liability insurance, the overall effect on the pricing and affordability of liability insurance for municipalities depends on the share of law enforcement liability premiums in the total premium paid for liability coverage.¹⁵ The Subcommittee has asked for this information, but has not yet received it. Based on our own experience and anecdotal evidence, we believe that law enforcement liability premiums likely are a small percentage of the overall premium for municipal liability insurance. If true, then increases in the law enforcement liability component of a comprehensive liability policy should have a negligible overall impact on the cost of liability insurance for municipalities. Of course, this tentative conclusion could easily be tested and re-evaluated if the Subcommittee were able to obtain information over a multi-year period on the premiums collected and number and cost of claims overall under municipal liability insurance programs, and this same information for the subset of law enforcement liability insurance coverage.

Absence of Industry Response to Section 41

When asked, CIRMA stated at its October 27 presentation that they had not conducted an analysis or forecast of Section 41 to evaluate whether it would generate significant new liability or increase the number and cost of claims against municipalities and police officers, nor did they plan to do so. As part of the underwriting process, insurers routinely examine changes in liability laws to evaluate what their future effects may be. This allows them to set appropriate premiums and to design or redesign insurance policy forms; insurers' solvency and profitability depend in part on these evaluations. This is an ongoing process as new information, including claims, become available after the laws take effect. That CIRMA has not evaluated Section 41 to determine its potential effects on municipal liability suggests to us that CIRMA believes Section 41 will not appreciably effect the liability of municipalities for law enforcement activities. CIRMA has also told the Subcommittee it is not modifying the law enforcement liability coverage form (terms and conditions of coverage) for the upcoming 2021-2022 policy year.

Accordingly, we do not believe, based on the limited evidence available, that Section 41 will measurably increase liability premiums for municipalities. Of course, that conclusion is subject to revision if additional information is forthcoming.

Conclusion:

Municipal liability insurance already includes individual police officers as insureds under the policy and defends them along with the municipality so long as the police officer is acting within the scope of their duties. We have not seen evidence that individual officers have actually incurred personal liability not otherwise covered by the municipality's insurance policy. While it is possible that police officers may be able to obtain their own insurance covering their actions, the market is very limited and the policies

¹⁵ For example, if law enforcement liability accounts for 20% of the total costs of a municipal liability policy, and Section 41 increases the cost of law enforcement liability by 10%—which seems unlikely—the *overall* cost of municipal liability would go up by $20\% \times 10\% = 2\%$.

available would almost certainly come with similar exclusions and conditions to those in the municipal liability policy, providing little additional coverage as a result.

We agree with the Task Force that to date no evidence has been provided demonstrating that Section 41 would significantly alter existing liability laws and defenses or substantially increase the cost of municipal liability insurance.

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V. Failed Recommendations by the Task Force

Please note that the below recommendations were presented to the full task force and failed to achieve support from a majority of the voting task force members needed to formally endorse a recommendation.

Failed Recommendation #1: Statute of Limitations Modification

The one-year statute of limitations for bringing an action pursuant to Section 41 be extended to three years.

Rationale:

Section 41(g) provides: “A civil action brought pursuant to this section shall be commenced not later than one year after the date on which the cause of action accrues.”

Three reasons support extending the statute of limitations to three years.

First, the rationale for the one-year limitations period is tied to the period of time police departments are required by statute to keep body camera video. At first blush this seems logical. However, our research shows that as a matter of custom and policy, police departments retain body camera video that involves an incident involving the use of force for up to four years. Moreover, an aggrieved citizen contemplating a lawsuit can put the department on notice and request that the department retain its body camera footage beyond the one-year statutory floor.

Second, the one-year statute is very short. On the one hand, the quick time limit could act as a premature bar for legitimate cases and, on the other hand, it could force plaintiff’s counsel to file lawsuits prematurely to avoid exceeding the limitations period.

Third, the limitations period established in Section 41(g) will likely become the limitations period followed by the federal district court in civil rights suits brought pursuant to 42 U.S.C. § 1983. Currently, plaintiffs have three years to file a federal civil right claim in the District of Connecticut. “Since Congress did not enact a statute of limitations governing actions brought under § 1983, the courts must borrow a state statute of limitations.” *Lounsbury v. Jeffries*, 25 F.3d 131, 133 (2d Cir. 1994). “In Connecticut, the three-year limitations period set forth in Conn. Gen. Stat. § 52–577 is applicable to claims asserted under section 1983.” *Harnage v. Shari*, No. 3:16CV1576 (AWT), 2020 WL 5300913, at *3 (D. Conn. Sept. 4, 2020).

Failed Recommendation #2: Mandatory Decertification

Recommendations in response to Section 12(a) (11) of P.A. 20-1: “whether any of the grounds for revocation or cancellation of a police officer certification under section 7-294d of the general statutes should result in mandatory revocation by the Police Officer Standards and Training Council, as opposed to discretionary revocation”

1. It is recommended a conviction for a felony, while employed as a police officer, shall be grounds for mandatory decertification by the Police Officer Standards and Training Council (POSTC).

2. It is recommended a conviction for a drug possession violation pursuant to Connecticut General Statute §21a-279, while employed as a police officer, shall be grounds for mandatory decertification by the Police Officer Standards and Training Council (POSTC).

Rationale:

The task force has been asked to consider whether any of the grounds for revocation or cancellation of a police officer certification should be mandatory, as opposed to discretionary.

Connecticut General Statute 7-294d states that the Police Officers Standards and Training Council may cancel or revoke certification under the following circumstances:

1. The certificate was issued by administrative error
2. the certificate was obtained through misrepresentation or fraud
3. the holder falsified any document in order to obtain or renew any certificate
4. the holder has been convicted of a felony
5. the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13
6. the holder has been convicted of a violation of section 21a-279
7. the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision
8. the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical injury of another person
9. the holder has been found by a law enforcement unit, pursuant to procedures established by such unit and considering guidance developed under subsection (g) of this section, to have engaged in conduct that undermines public confidence in law enforcement, including, discriminatory conduct, falsification of reports or a violation of the Alvin W. Penn Racial Profiling Prohibition Act pursuant to section 54-1l and 54-1m.
10. The holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used physical force on another person in a manner that is unreasonable, excessive, or illegal.
11. the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in violation of section 53a-157b

VI. Listening Sessions

With the passing of Public Act 20-1 a remaining charge of the Task Force is to form recommendations on any other police transparency and accountability issue deemed appropriate. In order to do this the Public Awareness Subcommittee created the opportunity to hold community listening sessions. The first round of listening sessions included eight listening sessions held in the month of September 2020. These sessions were held every Thursday with a 10-12 pm session, and a 6-8 pm session.

Upon reviewing the feedback from the first round of listening sessions, a second round was created in order to serve the young adult population of Connecticut. These sessions were created with the intent that community members ranging from the ages of 18-25 would come and share their own testimony. These listening sessions occurred during the month of November 2020 and featured three supporting CT universities as co-sponsors, including, the University of New Haven, Central Connecticut State University, and UCONN. Each university hosted their listening session, putting forth students as the moderating voice of the session.

Members of the Task Force were present at every session in order to weigh in and listen to community members give testimony about their encounters with the police. These testimonies were recorded and then turned into major themes reports by a supporting group to the Task Force, Everyday Democracy. Everyday Democracy also conducted a survey for those who attended the listening sessions to further study these issues in the community. From these findings, recommendations were formed for the Task Force and Subcommittees to consider. The below appendices provided at the survey results and major themes reports for both the September and November listening sessions hosted by the Task Force and co-sponsoring groups **(See Appendix B)**.

VII. Next Steps

In the coming months, the PTATF will continue to work towards achieving its statutory mandate of providing recommendations regarding the remaining items it is charged to examine. This work will culminate in the issuance of its final report, either on or before December 31, 2021.

DRAFT

Appendix A: June 2020 Preliminary Report

State of Connecticut PA 19-90

Police Accountability and Transparency Task Force

Draft preliminary report on Priorities/Recommendations

June 30, 2020 (*updated*)

Introduction

Public Act No. 19-90 established a task force to study police transparency and accountability. The task force is comprised of 11 voting members and 3 non-voting members, with two of the members serving as co-chairs. To date one chair has been appointed. Per Pa 19-90, the task force shall examine:

- (1) Police officer interactions with individuals who are individuals with a mental, intellectual or physical disability;
- (2) the feasibility of police officers who conduct traffic stops issuing a receipt to each individual being stopped that includes the reason for the stop and records the demographic information of the person being stopped; and
- (3) any other police officer and transparency and accountability issue the task force deems appropriate

The task force shall issue two reports, a preliminary and final report, the latter of which shall be by December 31, 2020. This document shall serve as the task force's preliminary report.

Preliminary Priorities and Recommendations

The most recent meeting of the task force occurred on June 8, 2020. In the wake of the killing of George Floyd by a white Minneapolis police officer and the ensuing social unrest across the state, nation and world, the task force was asked by the Governor, the Attorney General and the Judiciary Committee chairs to act urgently to address the multitude of issues brought to light in this and other recent interactions between police and members of the black community. The following recommendations stem from the conversations held at the June 8 meeting.

Universally agreed by all members is the utilization of President Obama's 21st Century Policing Task Force Final Report¹⁶ and Implementation Guide¹⁷ to form a basis from which the task force can systematically address police accountability and transparency in Connecticut. This document is not unfamiliar to

¹⁶ https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

¹⁷ <https://noblenational.org/wp-content/uploads/2017/02/President-Barack-Obama-Task-Force-on-21st-Century-Policing-Implementation-Guide.pdf>

Connecticut, as it was also used as a guide for the February 2018 Final Report of the CT Police Training Task Force, whose recommendations and subsequent action were also discussed in the June 8th meeting.

The 21st Century Policing report lays out 6 pillars that form the foundation for change, from which 59 recommendations and 92 action items are systematically laid out as mechanisms for this change. The pillars are:

1. Building Trust and Legitimacy
2. Policy and Oversight
3. Technology and Social Media
4. Community Policing and Crime Reduction
5. Training and Education
6. Officer Wellness and Safety

Through input from each task force member, and utilizing the six pillars as reference points, the task force makes the following **22 preliminary priorities and recommendations** (*highlighted and numbered below*):

Pillar One: Building Trust and Legitimacy

Role of policing in past injustices • Culture of transparency and accountability • Procedural justice: internal legitimacy • Positive nonenforcement activities • Research crime-fighting strategies that undermine or build public trust • Community surveys • Workforce diversity • Decouple federal immigration enforcement from local policing

- 1. Change the culture of policing – adopt a guardian versus warrior culture of policing.** (Rec. 1.1)
 - a. Adopt procedural justice framework as for internal and external policies and practices to guide police interactions with the citizens they serve. (Rec. 1.4)
 - b. Incorporate restorative justice practices into policing using community-based organizations.
- 2. Publicly address the role of policing in past injustices.** (Rec. 1.2)
 - a. Ensure police training includes accurate depiction on the history of policing.
- 3. Make all departmental policies and procedures available online** (Rec. 1.3)
- 4. Task Force should conduct regional listening sessions, coupled with community surveys, by the end of the summer to seek public input in the final report.**
 - a. Require agencies to periodically track the level of trust in police by their communities just as they measure changes in crime. Annual community surveys, ideally standardized across jurisdictions and with accepted sampling protocols, can measure how policing in that community affects public trust. (Rec. 1.7)
- 5. Examine police officers' interactions with individuals with a mental, intellectual, or physical disability.**
 - a. Ensure resources are available for diversionary programs

6. Ensure each officer commits to 500 hours of community engagement activities within Connecticut's major urban centers as prior to receiving initial officer certification.

- a. Explore residency requirement for police officers

7. Duty to intervene

- a. Make it mandatory that officers report misconduct and intervene when they see wrongdoing, with criminal penalties if they fail to do so.
- b. All officers complete a mandatory Peer Intervention Program at the academy and receive annual refresher Peer Intervention Training.
 - i. A successful peer intervention program has been EPIC. It stands for Ethical Policing Is Courageous. The core concepts of the program were developed by a Holocaust survivor. After Hurricane Katrina, New Orleans Police Department in collaboration with other community partners developed a comprehensive and mandatory peer intervention curriculum for all their officers to promote a culture of high quality and ethical policing.
 - ii. A Peer Intervention program not only puts the onus and oversight on the officers, but it continues drives home the message that they have a duty to act when a fellow police officer engages in misconduct. The training reinforces the officer's role as active bystanders and diminishes the power of the police culture that emphasizes the so called "blue wall of silence".

Pillar Two: Policy & Oversight

• Community input and involvement • Use of force • Nonpunitive peer review of critical incidents • Scientifically supported identification procedures • Demographic data on all detentions • Mass demonstration policies • Local civilian oversight • No quotas for tickets for revenue • Consent and informed search and seizure • Officer identification and reason for stops • Prohibit profiling and discrimination, in particular as it relates to LGBT and gender nonconforming populations • Encourage shared services between jurisdictions • National Register of Decertified Officers

8. Develop an independent external investigating authority- This authority should fulfill the following goals:

- a. Public must trust that deadly use of force incidents and incidents involving excessive use of force are investigated with credibility and integrity.
- b. Mechanism for state to conduct a patterns and practice investigation in response to civil rights violations, including police misconduct.
- c. Law enforcement agencies should establish a Serious Incident Review Board comprising sworn staff and community members to review cases involving officer-involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency. The purpose of this board should be to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed. (Rec. 2.2.6)
- d. Law enforcement agencies should implement nonpunitive peer review of critical incidents separate from criminal and administrative investigations. (Rec. 2.3)

9. Prohibit chokeholds, and neck restraints

10. Reform Internal Affairs

- a. Ensure that the internal affairs process is transparent and accountable

- b. Community involvement in internal affairs investigations.
- 11. Reform citizen complaint process**
 - a. Require all law enforcement agencies operating in the State of Connecticut to accept electronic complaints and clearly lay out complaint procedure on their website.
 - b. Create a statewide public database of police complaints by department and officer, listed by status (filed, pending, outcome)
- 12. Require officers to identify themselves by their full name, rank, and command (as applicable) and provide that information in writing to individuals they have stopped. In addition, policies should require officers to state the reason for the stop and the reason for the search if one is conducted. (Rec. 2.11)**
- 13. Law enforcement agencies should report and make available to the public census data regarding the composition of their departments including race, gender, age, and other relevant demographic data. (Rec. 2.5)**
- 14. Identify state labor issues that prevent police administrators from easily removing unfit officers**
 - a. Explore fair police union contracts
 - b. Explore with POSTC the offenses and procedure for decertifying officers
- 15. Amend Alvin Penn Law to include racial/ethnic/gender/religious data collection of Pedestrian stops (Trespass, Loitering, Disorderly Conduct), Breach of Peace, and Interfering with Police Officer.**

Pillar Three: Technology & Social Media

• New technology standards for compatibility and interoperability • Address human rights and privacy concerns • Technology designed considering local needs and people with special needs • Body-worn cameras and other emerging technologies • Public records laws—update to keep up with emerging technologies • Transparency and accessibility for the community through technology • Develop new less than lethal technology

- 16. Evaluate the effectiveness of other less than lethal force tools (Rec. 3.6)**
- 17. Mandate body-worn cameras in all departments**
 - a. Law enforcement agencies should review and consider the Bureau of Justice Assistance's (BJA) Body Worn Camera Toolkit to assist in implementing BWCs. (Rec. 3.3.3)

Pillar Four: Community Policing & Crime Reduction

Community engagement in managing public safety • Infuse community policing throughout law enforcement organizations • Use multidisciplinary teams • Protect the dignity of all • Neighborhood problem solving • Reduce aggressive law enforcement that stigmatizes youth • Address the school-to-prison pipeline • Youth engagement

- 18. End broken windows policing**
 - a. Stops for low-level administrative and equipment offenses should be secondary (i.e. police can no longer stop a car for these reasons)
 - b. Law enforcement officers should be required to seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause.

Furthermore, officers should ideally obtain written acknowledgement that they have sought consent to a search in these circumstances. (Rec. 2.10)

- c. Discontinuing police officers from chasing and pursuing “stolen vehicles,” unless, vehicle is classified as carjacking with a weapon. Police officers’ scope of duties should not include “Vehicle Recovery Police” for insurance agencies.
- d. Amending CT Statutes Public Drinking, Loitering and Disorderly Conduct that require and allow officers to “self-initiate” enforcement that has led and continues to be used as racial and bias policing tactic that results in disproportional police contact and enforcement.
- e. Redefine “Police Scope of Duties.” Get police out of performing Non-Policing Matters. Discontinuing duties such as responding to- Homeless Calls, Medical Calls, MVA (no-injuries) Calls, Civil Investigations, Frauds (Credit Card /Banks/Checks), Counterfeit Bills, School Resource Officers, Building Code Enforcement, Loitering, Public Drinking, Enforcing Legal Marijuana Card Verification and Receptacle Storage.

19. Mandate community oversight of all police departments

- a. Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community. (Rec. 2.8)

Pillar Five: Training & Education

High quality training and training innovation hubs • Engage community members in trainings • Leadership training for all officers • National postgraduate program of policing for senior executives • Incorporate the following in basic recruit and in-service trainings: o Policing in a democratic society o Implicit bias and cultural responsiveness o Social interaction skills and tactical skills o Disease of addiction o Crisis intervention teams (mental health) o Reinforce policies on sexual misconduct and sexual harassment o How to work with LGBT and gender nonconforming populations • Higher education for law enforcement officers • Use of technology to improve access to and quality of training • Improve field training officer programs

20. Review state’s accreditation program and explore ways to support both state or national accreditation for all police departments in CT

Pillar Six: Officer Wellness & Safety

Multifaceted officer safety and wellness initiative • Promote officer wellness and safety at every level • Scientifically supported shift lengths • Tactical first aid kit and training • Anti-ballistic vests for every officer • Collect information on injuries and near misses as well as officer deaths • Require officers to wear seat belts and bulletproof vests • Pass peer review error management legislation • Smart car technology to reduce accidents

21. Ensure early intervention through assistance, correction action and discipline

22. Implement psychological evaluation of officers into the recertification process

Next Steps: Additional priorities for consideration

- Review recommendations from:
 - Justice Reinvestment Framework for Corrections built out to incorporate the entire CJ system (including policing): https://maketheroadny.org/pix_reports/Justice%20Reinvestment%20Final%20Report.pdf
 - Equal Justice Initiative's 2020 Report on Reforming Policing in America (Bryan Stevenson was a member of 21st Century Policing Task Force) <https://eji.org/wp-content/uploads/2020/06/Reforming-Policing-in-America-2020.pdf>
 - Campaign Zero <https://www.joincampaignzero.org/>
 - 1999 POLICE-INVOLVED SHOOTING INVESTIGATIONS: THE GOVERNOR'S LAW ENFORCEMENT COUNCIL Report
- How to organize work:
 - Subcommittees
 - Structure
 - Adding Community Members
 - Legislative, Administrative, and general recommendations
 - Community listening sessions
 - Final Report

Appendix B: Listening Session Reports

State of Connecticut PA 19-90

Police Accountability and Transparency Task Force

September Listening Session Summaries: Survey Results/Major Themes Report

September 2020

Survey Summary Results:



Police Transparency and Accountability Task Force Listening Sessions Survey Summary Results October 20, 2020

Introduction

The Connecticut Police Transparency and Accountability Task Force held eight Listening Sessions in September 2020. There were two Listening Sessions every Thursday. After the passing of Public Act 20-1, one of the remaining charges of the Task Force is the ability of Task Force members to form recommendations on “any other police transparency and accountability issue that the Task Force deems appropriate.” The Task Force hosted Listening Sessions with the goal of gathering public input around what topics the Task Force could focus on to work towards police transparency and accountability. Each participant was given three minutes to share their testimonies. Initially, in-person Listening Sessions were planned for specific locations such as New Haven, Bridgeport, Hartford, and New London. However, due to COVID-19 and social distancing measures, all of the Listening Sessions were conducted virtually on the Zoom platform. This report summarizes results from surveys sent to participants who testified during the Listening Sessions.

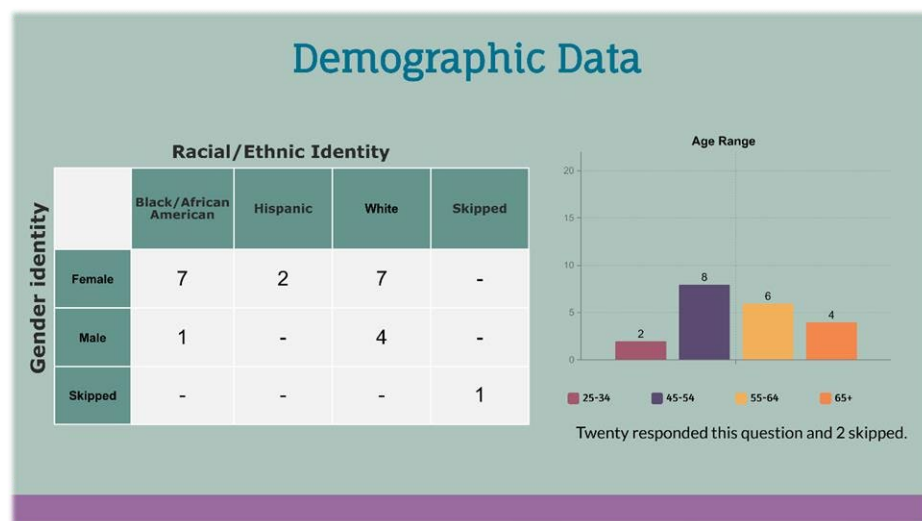
Method

The Evaluation, Research and Learning (ERL) team at Everyday Democracy designed the survey using Survey Monkey. The Institute of Municipal and Regional Policy at Central Connecticut State University emailed the survey link to participants after each Listening Session. ERL analyzed and reported on the survey results.

Respondent Characteristics

Of the 56 participants who testified in the Listening Sessions, 22 participants responded to the survey, which is a 39% response rate. The demographic data pictured in the infographic below

shows that most respondents identified as white, there were more females than males represented, and most people reported being between the ages of 45-54.



Eleven respondents indicated that they were not affiliated with any organization. Nine respondents represented advocacy organizations, one represented the business sector, and one represented a service provider.

Respondents resided in a variety of counties in Connecticut. The results in the table below show the counties that were represented. Three respondents skipped this item. For a breakdown of the cities and towns, please see the table in the **Appendix**.

Counties	Hartford	New Haven	Fairfield	Windham
Number of Respondents	12	4	2	1

Listening Session Results

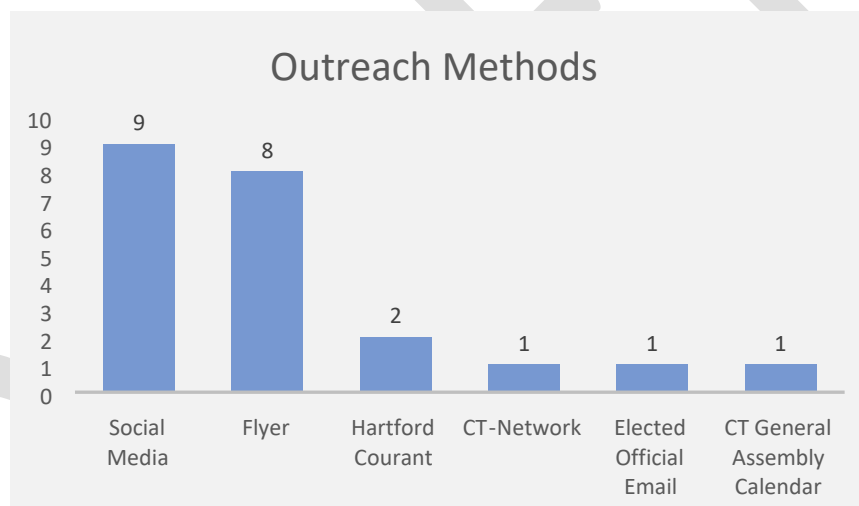
Most respondents felt comfortable and heard. Respondents rated their experience in the Listening session in four areas using an agree/disagree Likert scale ranging from 'strongly disagree' to 'strongly agree.' They also had a 'not sure' option.

The percentages for agreement/strong agreement were combined as were the percentages of disagreement/strong disagreement to give an aggregate total percent for each item. The results are shown in the table below.

Survey Items	Percent disagree/strongly disagree	Percent agree/strongly agree	Percent Not sure
1. I felt comfortable sharing in the Listening Session.	9%	91%	0%
2. I felt that what I shared was heard.*	9%	82%	5%
3. I felt that Task Force members were listening to suggestions for improving police transparency and accountability.	9%	82%	9%
4. I feel that suggestions for improving police transparency and accountability will be used to make improvements.	5%	59%	36%

*One respondent skipped this item.

Best outreach approach was social media. Respondents were asked to indicate how they heard about the Listening Sessions. The chart below shows the different ways they learned about it and the method that reached the most people.



Advocacy strong motivator for testifying. Respondents were asked to provide a brief statement for what motivated them to participate in the Listening Session. Nine respondents indicated advocating for individuals or communities who are disproportionately affected by the police. One respondent commented that police transparency was a “life or death” matter for their community.

Interactions with panelists most helpful. This result was reported by a majority of respondents. Additional helpful aspects of the Listening Sessions people identified were: being able to share personal views and hearing other’s points of view. Some comments were as follows:

“Informal Q & A following some testimonies, receptivity of Task Force members.”

"The taskforce members reflecting back what they heard."

"Chairperson's style made all testifying very comfortable."

"Opportunity to share my story and be heard."

"Listening to opinions of others from different areas and backgrounds helps to get a better look at how people in the state feel about policing and what they think needs to change."

No follow up plan least helpful. This result was the most pronounced for respondents in the Listening Sessions. A few respondents also commented about the time allotments and the lack of engagement from law enforcement as not helpful. Some comments included:

"Not knowing what will happen to our recommendations."

"Disproportionate use of time. Early testimony went on for long periods and those at the end of the session got 3 min with no dialogue or questions exploring subject matter."

"3 minutes was much too short for me because there was decades of police injustice...in telling the story it was re-traumatizing and became emotionally overwhelming."

"The chiefs of police did not speak during the session, it would have been beneficial if recognized they heard the speaker."

Conclusion

According to the survey data, the Listening Sessions were a meaningful way for the public to engage and share recommendations with the Task Force. This was evidenced by responses and comments of respondents about the experience. For example, some people referenced the positive interaction between them and the Task Force members and panelists. In particular, being acknowledged by the chairperson who also showed interest through follow up questions, helped them feel heard.

While the Listening Sessions were, for the most part, a positive experience according to survey respondents, some areas for improvement did emerge. In moving forward with similar public engagement events, some areas to consider include:

- Providing a clearer follow up plan that lays out how participants' recommendations will be used.
- Examining ways to enhance engagement between all groups at public events, especially between participants and law enforcement.
- Assessing outreach practices to ensure that there is representation from communities of primary interest for future events. In this case, the data revealed that few participants in the Listening Sessions who completed the survey, resided in the cities/towns that the Task Force was seeking to engage, initially.

Overall, these survey results provide validation that the Listening Sessions proved to be a productive first step for engaging the public to get their input and recommendations on improving police transparency and accountability in Connecticut. An important takeaway is that among survey respondents, there is interest in being involved with future activities of the Task Force.

Appendix

City/Town of Respondents

City or Town	Total Number of Respondents
Hartford	3
West Haven	2
Bloomfield	2
Newington	2
Shelton	1
Brookfield	1
Simsbury	1
Manchester	1
Willimantic	1
Cheshire	1
Milford	1
Wethersfield	1
West Hartford	1
Avon	1
	3 Skipped

Major Themes Report:



Major Themes Report

September 2020 Listening Sessions

*This report is prepared for the Connecticut Police Transparency and Accountability Task Force
by the Evaluation, Research, and Learning Team*

October 26, 2020



WWW.EVERYDAY-DEMOCRACY.ORG

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Introduction

The Connecticut Police Transparency and Accountability Task Force held eight Listening Sessions in September 2020. There were two Listening Sessions every Thursday. After the passing of Public Act 20-1, one of the remaining charges of the Task Force is the ability of Task Force members to form recommendations on “any other police transparency and accountability issue that the Task Force deems appropriate.” The Task Force hosted Listening Sessions with the goal of gathering public input around what topics the Task Force could focus on to work towards police transparency and accountability. Fifty-six participants testified in total. Each participant was given three minutes to share their testimonies. Initially, in-person Listening Sessions were planned for specific locations such as New Haven, Bridgeport, Hartford, and New London. However, due to COVID-19 and social distancing measures, all the Listening Sessions were conducted virtually on the Zoom platform.

This report summarizes the major themes from the Listening Sessions in response to four questions:

1. What was the participant’s experience with the police?
2. What factors, institutions, and policies affected participant’s experience with the police?
3. What were the impacts of the police interaction?
4. What recommendations did participants suggest for the Task Force?

Method

Transcripts for the eight Listening Sessions were provided by the Institute for Municipal and Regional Policy at Central Connecticut State University. There were also written testimonies, but they were not incorporated within the analysis and scope of this report. Everyday

Democracy provided staff support to review, code, analyze, and write the major themes report. Two staff initially supported the primary evaluator in coding the first two Listening Sessions and identifying what questions to ask to organize the results. Two additional staff provided additional

review, coding support, and the discussion of emerging themes. One of the two staff reviewed and coded six Listening Sessions and provided an additional discussion on emerging themes. The primary evaluator wrote the report with the support of the Evaluation, Research and Learning Team.

Key Findings for Major Themes

1. What was the participant's experience with the police?

There were more participants who shared secondhand experiences with the police than there were participants who shared firsthand accounts. Both secondhand and firsthand interactions with the police elicited many feelings that participants expressed during the Listening Sessions, which affected their views towards the police.

Secondhand Experience: National and local incidents of police killings and brutality were mentioned most frequently by participants. These incidents seemed to be on participants' minds because they referenced them multiple times in their sharing. For some participants, secondhand incidents evoked the question, "What if that happened to me, my family, or my community?" The following were some of their comments:

"The murder of George Floyd shone a spotlight on this racial disease that has penetrated the very entity that has been sworn to protect and serve."

"My primary concern was not being killed on my front steps like Andrew Finch was."

"But I guess when I read about that boy in Utah, they got shot. It just, it's always in the back of parents like me."

"Two of which are Mubarak Soulemane, who was 19 years old and Anthony Vega, who was 18 years old. They're both are now deceased young people who didn't even live to see their twenties because of...reckless behavior by, state troopers and local Wethersfield police officers."

"Two separate incidents within a matter of like 30 minutes, where two people in my community were, disrespected and violated by the police."

"I live two blocks away from when Devon Eaton shot at Stephanie [Washington]."

Another way that secondhand experiences with police were shared was through advocacy. Advocates expressed what individuals in their communities experienced from encounters with the police. See below for some of their comments:

"People with disabilities have experienced...police officers question[ing] if they really have a disability or not. Sometimes they're being denied interpreters, just flat out."

"Many of the young people that we serve and that we see being arrested in school are our young people with disabilities and the majority of these young people that we represent are often also youth color."

Firsthand Experience: Although participants shared a few positive firsthand interactions with the police, a majority of what was shared were negative experiences with the police. One positive experience that a participant described was when a trained police officer helped her safely de-escalate a situation involving her daughter, who is autistic. The negative interactions that participants described include "aggressive" questioning, being stereotyped, racial profiling, abuse of authority, physical altercations, and loss of life. See below for some of their comments:

"So he [law enforcement] ignores me and asks my son again, "What's your name," in a very aggressive manner...I was so shaken that he would even approach my son in such an aggressive manner."

"And he's also a type one diabetic, and he has syringes with him at all times. And, he has incidents with police. They always assume that he was a drug addict and sorta treated him that way."

"And when I asked the officer why he was stopping me, his response was you don't belong here. Although furious, upset, and taken aback, I was more concerned...for my grandson, not knowing what to expect from the officer who had stopped me with his hand on his holster and over his gun."

"They falsified reports, they falsified warrants, they lied by omission."

"Instead of calling me to notify me of the incident or what happened instead, what he [law enforcement] did is interrogated my son for over 20 minutes and then arrested him. He arrested my seven-year-old son in front of his mother."

"I was assaulted and dragged out of my car by two New Haven police officers due to a traffic stop."

"My son was calm, never a threat, but not complying with direction to leave the shower when he was first excessively pepper-sprayed, and then stomped in the face by exlieutenant Carlos Padro. My beautiful son was left unconscious and dying, if not already dead."

Feelings towards the police: While a few participants expressed respect, appreciation, and support for law enforcement including participants who shared a negative police interaction, the secondhand and firsthand interactions with police resulted in more unfavorable feelings towards

the police. These feelings included fears, distrust, disrespect, feeling criminalized and the inability to secure accountability or justice. These feelings were primarily expressed by individuals and advocates for communities of color, disabilities, and mental health. The following is a sample of what participants shared:

“Why should I fear if my 21 and 23-year-old son walking in public, just because of the color of your skin... I mean, how does a mother feel when she has to say these words?”

“We know currently the police...respond when wellness checks are needed within our communities. But how well can I be when someone with a loaded weapon on their hip who was authorized to use lethal force and kill me if they perceive me as a threat....”

“As parents, we have a lot of fear about the police and our fear is that the police do not have adequate training, or knowledge about autism. I know the police have a lot going on, but we're really fearful that our kids could be out in the community. A police officer an officer wouldn't know how to interact with them.”

“How is an arresting officer to know that the person they are interacting with has a disability or in this case suffers from schizophrenia?”

“I have talked to countless incarcerated young people in our conversations, many expressed, a lack of trust in the system that displays abuse of authority.”

“The second one is it really deals with the lack of trust between the police and law enforcement and the community... I looked at Monday's video that happened at Blue Hills Avenue. You know, there's a lack of trust. I talked to people in the community and our staff talked to people in the community. And we are hearing from residents that we don't even call the police anymore.”

“When you...politely ask a question, you're not given a response oftentimes...I get that officers have to do their jobs. We understand that...we have to have accountability, but there must be accountability and respect that's mutual. “

“I don't feel every officer, belongs in our community. They have no respect for us. They don't want to understand us.”

“There are decent people that live in our neighborhoods...We are not all criminals that live here.”

“Despite well-meaning people at every turn, no one has the authority to interrogate Mr. Fuchs and his staff. No one has the authority to conduct an independent objective investigation into Abe's death.”

Law Enforcement Perspectives: There were two self-identified law enforcement officers who are currently active on the force and testified. Three common themes they shared were concerns about officer safety, removing the “bad” police, and wanting to engage the community more. Concerns about officer safety pertained to the application of the Police Accountability Bill and legislation the Task Force is working on. They expressed that the legislation will potentially

restrict or change the job of police officers to the degree that it would decrease officer and public safety. See below for some of their comments:

"I feel that the legislation and some of the provisions that you'd want to make recommendations about are taking my ability not only to protect myself, let's leave that alone, but you're taking my ability away from protecting the children in my community."

"Something the task force and maybe our state legislators should be looking towards is how can we streamline and come up with a better process, not to hire the bad apples."

"I would like to see more of...community building and trust building... I want to be part of my community...And I will always stand on the side of the people who want to come together and rebuild the trust together and build a community together growing into mutual accountability and responsibility."

In addition, highlighting some of the examples that the two law enforcement officers shared for engaging the community could illuminate how community members and police diverge in their conceptualizations of community engagement. Different understandings of community engagement between police and community members are significant because they could result in negative and even fatal encounters with civilians. See below for their comments:

"I bring 600 presents to the housing projects at Christmas time, the FOP [Fraternal Order of Police] gives to me to distribute. These are kids that would never have a Christmas, very important. Burgers and dogs for summer picnics. We try to do all of these things."

"Most of the time I stopped cars to make contacts, to get to know the people that are there. If there is a violation, that's going to be evaluation. Most of the time I give verbal warning written warning, but I get to know the people."

2. What factors, institutions, and policies affected participant's experience with the police?

Participants identified additional factors, institutions, and policies that influenced their or their community's experience with the police. Race was the most notable factor that participants identified as well as economic inequalities across Connecticut towns and cities. Three institutions and factors that participants identified as having a significant effect on their experience with the police were law enforcement itself, schools, and mental health. Of the three, law enforcement was the most widely discussed institution. The Connecticut Police Accountability Bill that was passed in July 2020 was also discussed frequently by participants. The differing perspectives expressed reveal how participants viewed police accountability. *Factors: Race* Race was a salient factor in how participants described their interactions with the police. This included racial patterns of traffic and pedestrian stops, stereotyping, the disproportionate number of Black/African and Hispanic/Latinx individuals and youth who are impacted at *"every point of the justice system,"* and the racism embedded in law enforcement as an institution. There were some

participants who self-identified as white, who acknowledged the privilege they have when engaging with police. See below for their comments:

"Have you seen what happens to black people when they question the police officer? They escalate."

"I really have to state that in the immigrant community...especially those of us from the Caribbean, there is a relationship with the police that begins fine when you just come. But once you move into...the American system..., then you find that that relationship changes and people get afraid and concerned...even walking on the streets becomes a problem."

"I am white, and my son is white. And with that skin color comes an unspoken privilege."

Factors: Economic Inequalities Participants also identified economic disparities that have accumulated over time across towns and cities that influence how law enforcement polices under-resourced areas. See below for their comments:

"A lot of the youth in the communities... would rather have Connecticut invest in a basketball court or provide their schools with resources that their wealthier peers have."

"They'd like mentors and real opportunities to make legal money, not invest money in SWAT gear and other items. They never once said they need more police."

"There are obvious reasons that our community is in the shape that it is, it's generational, right? Because wherever there is poverty, you're going to have issues with crime...So, the whole system needs to change, and I think officers need to be educated when they come into our community that listen, people don't choose to live this way, and kind of educate them as to why conditions are the way they are, and not to treat everyone like criminals."

Institutions: Law Enforcement Participants expressed that police have too many jobs, especially when intervening during mental and/or behavioral health crises. Participants observed that police seemed to demonstrate a lack of knowledge and skills when interacting with individuals with disability, mental and behavioral health needs or a victim of sexual assault. This lack of knowledge and skills resulted in police misinterpreting the actions of the individual. Misinterpreting actions, therefore, unnecessarily escalated the situation resulting in unfortunate outcomes for the individual and police. The following is a sample of what participants shared:

"We have given police officers a job that is just not something that the vast majority of them have the skillset for, and that's not really their fault."

"No amount of training is going to prepare officers to do the job that is really designed for mental health clinicians."

“And often when a deaf or hard of hearing person wants to say something and is having difficulty understanding the police officer, it creates more issues. And often for deaf blind persons, they also require a lot of physical touch because they’re not able to not only hear you, but they’re also not able to see you.”

“The symptoms of trauma look very much like the cues of deception, cues law enforcement are taught to look for in interviews and interrogations. And, so reading trauma responses incorrectly really harms a sexual assault victim.”

Participants also identified an “authority bias” within law enforcement. Some examples that participants named were police investigating themselves when a police misconduct incident occurs, police not being held to the same standards as civilians, and the words and documentation from police being valued as more credible than a civilian’s words. See below for one participant’s comment:

“You cannot have the police department of the person accused of misconduct doing the internal affairs investigation. That makes absolutely no sense. Of course, there's going to be bias.”

Lastly, participants noted that police interactions varied by town and city. A few participants shared about how they proactively reached out to their local police departments, as in the case with Mubarak Soulemane which is shown below, Soulemane was shot and killed by the state police, who did not know about his condition. In addition, participants of color also described being treated differently depending on what town or city they are in even if they lived there.

“If there had been de-escalation at the scene of the shooting, there would be ample time to get some information...about Mubarak, particularly from the Norwalk police department.”

“We saw at the incident at the end of this school year, other towns’ police departments came into our town to handle a matter. So, it doesn’t matter what my connection and my relationship is with my town. I’m still impacted by other police departments.”

Institutions: Schools Participants identified issues of increased police or “hardening” of schools as ineffective ways to improve the quality and safety of the learning environment. Participants noted that for Black/African American and Hispanic/Latinx youth, their first interactions with the police happen outside of schools. Increasing police presence and “hardening” schools exacerbated existing negative interactions with the police with new ones such as increased school arrests. See below for their comments:

“And we’ve seen in the research that even if an officer is placed inside of a school to build those relationships, just having that officer in the school makes it more likely that students, especially Black and Brown students will be arrested and have a negative interaction with that officer.”

“So she wasn't expelled, her charges were reduced, but that's just an example of an instance where police presence in school with a student with a disability can lead to an unnecessary arrest or criminalization of our youth, particularly youth of color.”

Institutions: Mental Health Participants shared that misinformation, severely underfunded community mental and behavioral health services, and policy contribute to negative or increased police interactions. One participant suggested that a “*comprehensive change*” needs to occur for how society and police respond to people experiencing mental and behavioral health distress. See below for some of their comments:

“We cannot figure out how to improve outcomes for people with mental health and substance abuse issues who come into contact with law enforcement without understanding that the services that are available are vastly under invested in underfunded.”

“Fifty years of failed mental health policy placed law enforcement on the frontlines of mental health crisis response turning jails and prisons into the new asylums.”

Participants also shared how the interaction between practices in these institutions and factors in participant's lives could result in more adverse police interactions. For example, one participant suggested that addressing and resourcing the mental health needs of youth could be a better alternative to school safety than increasing police presence. Similarly, if mental health services were more heavily invested in, police may not have to be the first responders to address a mental and behavioral health crisis. Another participant noted that people with mental health and substance abuse issues disproportionately come into contact with the police because of housing insecurity, which is related to race and economic inequalities.

Policy: Police Accountability Bill The policy that was most discussed during the Listening Sessions was the Police Accountability Bill. There were more participants who expressed support of the bill, citing that passing the bill and ending qualified immunity was a step in the right direction towards greater police accountability. In addition, the bill represented that the state heard and acted upon community concerns about the lack of police accountability. At the same time, there were participants who expressed that they did not support the bill. They voiced concerns that the bill would result in police leaving the force and increased lawsuits against police officers. The discussion generated about the Police Accountability Bill suggested there could be misinformation about the application of the bill in the public and further discussion may be beneficial among community members, law enforcement, and legislators.

"The biggest thing we want to say, we want to definitely support the police accountability bill, because we would like to know that our concerns are considered."

"If officers want to develop relationships with communities, we have to start by increasing trust by ensuring that police are held to the same standard as other community members. This is why I am in full support of ending qualified immunity."

"First under the police accountability act...there will be an overwhelming number of frivolous lawsuits will, which will indeed inundate our court systems."

"Finally, qualified immunity...Threats of mass resignation by officers, frankly, is a time warned strategy and overblown. Mass findings of lawsuits by citizens and in a frivolous manner is [not] born out historically..."

3. What were the impacts of the police interaction?

Loss of Life: Three participants shared that they had lost a family member or represented a family who lost a family member due to police shooting or negligence in investigating. This does not include the many names of victims both nationally and locally that were mentioned by participants.

Racial Trauma: The feelings towards police expressed by participants demonstrated that Black/African Americans and Hispanic/Latinx communities experienced racial trauma after repeated negative interactions with law enforcement. See below for their comments:

"I am black, my husband is black, and I am also a mother to a black son. I've been told too many stories by black men about how they've been treated in Connecticut and I refuse for my son and my husband to be included to that list."

"I oftentimes question when I go out...it passes my mind, I'm Hispanic. And you can very quickly tell that I am Hispanic by just running my plate and you get my license...and I'm oftentimes...questioned as to what I'm doing in a particular neighborhood."

“So much of what’s happening is now the result of generations, of loss of power and trauma suffered by Black people and people of color. And we really need to acknowledge and address this.”

Advocates noted that racial trauma disproportionately affected youth of color and youth of color with disabilities. The impacts described were widened achievement gaps and lower graduation rates, which increased the school-to prison pipeline. In addition, some participants noted that their children witnessed their parents or relatives being arrested, physically harmed, or racially profiled at a traffic stop, which demonstrated the ripple effect of one police incident within a family or community.

Resources: Some participants noted spending personal resources to seek police accountability or time to rectify a falsified police report, wrongful conviction, or jail records. Interacting with the police also resulted in being involved with other parts of the legal and jail system, which required additional time and resources to navigate them. See below for some of their comments:

“We have literally spent hundreds of thousands of dollars trying to properly investigate his death. The economic and emotional toll of this lack of transparency and accountability on my family is immeasurable.”

“This case then spread like a virus to superior court, family court, DCF [job], as a result of all of this...The time, the money, the health toll that it can take, the consequences already that I have shared with you are a false arrest and wrongful incarceration...”

4. What recommendations did participants have for the task force?

Participants shared recommendations in two main areas: law enforcement and community engagement. With law enforcement, the three most mentioned recommendations were additional training, accountability for police misconduct and changing or adding personnel to the police force.

Training: The testimonies overwhelmingly suggested a consensus in recommending additional training for law enforcement. In particular, training for law enforcement was highlighted in two areas: race and mental health. In training in the area of race, participants suggested increasing education on systemic racism, institutional bias, understanding the racist history of policing and racial trauma from police interactions. In addition, improving cross-racial interactions, especially in demonstrating respect towards Black/African American and Hispanic/Latinx communities was emphasized. Some of the participants’ comments included:

“I believe that starts with learning the history of policing and educating our officers on the importance of why black people do not trust police...If you don’t know how to communicate with people of color, you don’t need to be a police officer.”

“I just think they need...to have better diversity training.”

“I’m here to talk about this cultural sensitivity training...around look at diversity and especially look at all the cultures that are represented in Blackness in Connecticut...Also more important cultural competency and humility training...which should be ongoing...And I think this important aspect of looking at systemic racism has to be part of the training...the kind of racism that criminalizes Black and Brown people in the United States by the police.”

In the area of mental health, participants recommended increasing law enforcement knowledge, awareness, and understanding of mental health and disability issues such as autism and “invisible disabilities.” Along with the increase in knowledge, learning skills to de-escalate situations through non-violent tactics with persons with mental health and/or disabilities was suggested. Participants also emphasized wanting police to treat persons with disabilities with more respect and empathy. One participant also recommended improving law enforcement engagement with persons who are houseless, a population that may have increased mental or behavioral needs. Some participants’ comments included:

“If that training that is up on your website is an example of the training that cops are getting now, I am not surprised that we’re continuing to have the problems that we have because looking at that...the information is old...outdated, and it contains a lot of assumptions about what people who either have a mental health condition, who use drugs, who have various diagnoses are like, and that is just not the reality of our lives and our experiences.”

“There is absolutely a place for better training for police officers around understanding and recognizing symptoms of mental health and substance abuse issues as well as protocols and policies for how to respond when police are the first to arrive on the scene and figuring out how to either call in the mental health partners that they’ve formed or to respond in ways that are appropriate.”

Overall recommendations for increased training for law enforcement included continuous testing on implicit and explicit bias and mandatory-state wide training for all police departments. One participant also recommended law enforcement training on victim-centered trauma, especially for victims of sexual assault.

“Police officers are asked to put themselves in harm’s way every day, often with very little training beyond the academy. And given all the different kinds of training that police officers should regularly receive including crisis intervention training, instruction in the disease of addiction, training on implicit bias and cultural responsiveness, procedural justice, effective social interaction, and of course, use of force and tactical skills...We need to radically rethink this and have officer’s training more like four to eight hours per week.”

“I hope one thing that this task force will bring away is to mandatory training because that’s the only way we’re going to get it.”

Although there was an overwhelming consensus on increasing training and the quality of training for law enforcement, there were a few participants who voiced the limitations of training. They

suggested looking into systemic and structural changes instead of incremental changes. Furthermore, two participants mentioned including correctional officers and prosecutors in all law enforcement training recommendations, which suggest these concerns extend beyond law enforcement and into other systems in criminal justice. A few comments that illustrated this were:

“Police were designed, as we already know, to uphold a white supremacy social order...They do not, they’re not designed to protect Black and Brown communities. They protections that are extended to the white communities are not extended to Black and Brown communities. It’s not even a matter of a bad apple or a bad person. It’s a bad system. It’s an institution that was designed not to protect Black and Brown communities.”

“I’m an abolitionist. And I don’t believe in policing. I also don’t think that your job as a task force can be complete if you don’t come up with a legislative process for communities to follow, to disarm, to fund divest from policing. It’s very important to acknowledge that, that there are ways in communities and cultures that live without police.”

Accountability: Independent Investigations Police Civilian Review Boards, independent monitors, and independent investigators were mentioned as potential structures or positions that could ensure independent investigations. Specific suggestions about independent investigations included *“the inspector general being housed away from the police,”* mandating Police Civilian Review Boards across the state, and incentivizing or providing training or resources for towns to institute Police Civilian Review Boards. See below for their suggestions:

“I think all groups should have in place mechanisms that will allow for external as well as internal reviews with public disclosure of those reviews, especially for tax based service organizations.”

“Please include a method for civilians, victims and victims, families like my own to report wrongdoing to an independent review board.”

“What I would like to see this committee do is to try to figure out a way where in order, the civilian review board is system is one that is key, in effectuating the goal of more police accountability so the bad apples can be taken out of police departments.”

Accountability: Police Misconduct Participants expressed wanting greater accountability for police misconduct. Suggestions included condemning inappropriate police actions, improved processes in hiring and firing “bad apple” police, improved processes in reporting police misconduct, harsher or more appropriate disciplinary actions, and prosecuting officers who killed civilians. See below for their recommendations:

“Police departments should establish an early warning system to identify officers who are involved in an inordinate number of incidents that include the use of inappropriate that is specific observable force

against citizens. Such incidents should be investigated force against citizens. And if verified, the involved officers should be charged and disciplined by invoking or suspending their certifications.

"We must hold the police force accountability for respecting people with disabilities, all kinds of disabilities."

"I can speak from private life, corporate life, you fire...you got rid of them. You didn't want those people in your organization because they poisoned everything around them."

Personnel in the Police Force: Participants also brought up having a police force that represented the communities they served. In particular, race, gender, and similar lived experiences were the primary kinds of representations mentioned. In addition, there were three participants who suggested requiring police to reside in the communities and neighborhoods they served. See below for their suggestions:

"We need officers who look like us, we need to think about having officers who not only look like us, but live within our areas, and what that impact could look like."

"Another critical area to consider for change is adopting a regulation that would require a certain percentage of police department employees to live within the community they serve."

Advocates for mental health and people with disabilities recommended having certified interpreters, translators, and an ADA Accommodation Coordinator in all police departments. An advocate for victims of sexual assault recommended including a sexual assault counselor and a detective with expertise in domestic and sexual assault as well. Two participants recommended standardizing the data that police collect and making that data accessible to the public.

Community Engagement: In addition to recommendations for law enforcement, the second category that participants gave suggestions for was in community engagement. In general, participants expressed wanting opportunities for more authentic community engagement with law enforcement that included having community needs be heard and improving the way that police approach community engagement. Participants also suggested that if there are future community engagement activities, to include individuals from communities most impacted by the police such as Black and Brown women, youth of color, and youth with autism. In addition, participants suggested collaborating with community services in addressing situations that police may face. The following is a sample of their recommendations:

"The thing is the residents do not have a safe place anywhere to share their feelings without being coerced into loving police."

"I think it takes more than forum... it takes real conversation and meeting them where they are..."

“It’s ultimately going to have to come back to a conversation between two groups of people who disagree to finding common ground.”

“It would be beneficial to have police representatives in the public developing relationships with families like mine and creating opportunities for discussion and education.”

“I think if you do not involve people who are the most marginalized, who are most likely to be impacted by whatever recommendations you make, your recommendations are not going to be as strong as they could be.”

“Police departments need to be partnering with community organizations to assist in the recruiting process of diverse candidates.”

“Part of the solution for that might be to engage and leverage other community resources...police shouldn’t be handling most civil matters.”

Discussion of Key Findings

Based on the Listening Session testimonies, the secondhand and firsthand experiences described by participants suggest that adverse police interactions for individuals from Black/African American and Hispanic/Latinx communities and individuals with disabilities and mental health issues are fairly pervasive. The feelings that come from either firsthand or secondhand experiences exacerbate the relationship between police and individuals in these communities. These feelings also demonstrate that previous or present attempts towards greater police transparency and accountability have not been adequate for these individuals and communities.

In addition, there was a minority of participants who expressed different perspectives from what was generally shared in the Listening Sessions. These dissenting views were most evident in the testimonies of the two law enforcement officers and participants who expressed not supporting the Police Accountability Bill. Although their viewpoints were in the minority, understanding their perspectives and having opportunities to hear and exchange perspectives may be beneficial given the heightened polarization on these matters.

As for recommendations, the general consensus, including the two law enforcement representatives who testified, was on improving law enforcement training to mitigate and prevent adverse interactions between police and community members. In addition, participants recommended independent and improved processes for investigations of police misconduct. Greater recourse for victims of police misconduct is needed if and when negative police interactions occur.

Areas for Further Consideration

Efficacy of Training: While law enforcement training could be a first step in increasing police transparency and accountability, further discussion may be needed in determining the benefits and limitations of increased training as expressed by a few participants. One question that emerged from this analysis is whether law enforcement training would sufficiently address the experiences and feelings that individuals from communities, who are disproportionately affected by police encounters, shared in these Listening Sessions. In addition, taking into consideration that factors and institutions outside of law enforcement play a role in affecting adverse outcomes of police interactions, as highlighted in this report, may also limit the impact of law enforcement training on greater transparency and accountability.

Authentic Community Engagement through Dialogues: Dialogues between law enforcement and community members could be another way to address community engagement. The diverging opinions expressed about the Police Accountability Bill, the role of the police in communities, and the various interpretations of what community engagement means between law enforcement and community members could be factors that support initiating dialogues. These dialogues may provide opportunities to improve relationships between community members and police as well as among community members who have different experiences with the police. Dialogues could also help include community voice in decision-making processes about police transparency and accountability.

State of Connecticut PA 19-90

Police Accountability and Transparency Task Force

November Listening Session Summaries: Survey Results/Major Themes Report

November 2020

Survey Summary Results:



Police Transparency and Accountability Task Force Young Adult Listening Sessions Survey Summary Results December 23, 2020

Introduction

The Connecticut Police Transparency and Accountability Task Force held four Listening Sessions in November 2020. The Task Force decided to hear from young adults because their perspectives were missing from the previous sessions. Four Listening Sessions were planned to hear from young adults between the ages of 18-25. The Task Force collaborated with three university partners: University of New Haven (UNH), University of Connecticut (UConn), and Central Connecticut State University (CCSU) to host the Listening Sessions. UNH hosted the first Listening Session on November 13, 2020. UConn hosted the next two Listening Sessions on November 17, 2020. CCSU hosted the fourth Listening Session on November 20, 2020.

After the passing of Public Act 20-1, one of the remaining charges of the Task Force is the ability of Task Force members to form recommendations on “any other police transparency and accountability issue that the Task Force deems appropriate.” The Task Force hosted Listening Sessions with the goal of gathering public input around recommendations they could suggest towards greater police transparency and accountability. Each participant was given three minutes to share their testimonies, followed by a brief Q&A from the Task Force panelists. Due to COVID-19 and social distancing measures, all of the Listening Sessions were conducted virtually on the Zoom platform. This report summarizes results from surveys sent to all who participated in the Listening Sessions.

Method

The Evaluation, Research and Learning (ERL) team at Everyday Democracy designed the survey using Survey Monkey. The survey was designed to capture responses from testifiers, attendees who did not testify, and the Task Force panelists at each session. The Institute of Municipal and Regional Policy at CCSU and an Everyday Democracy consultant posted and emailed the survey

link to participants during and after each Listening Session. ERL analyzed and reported on the survey results.

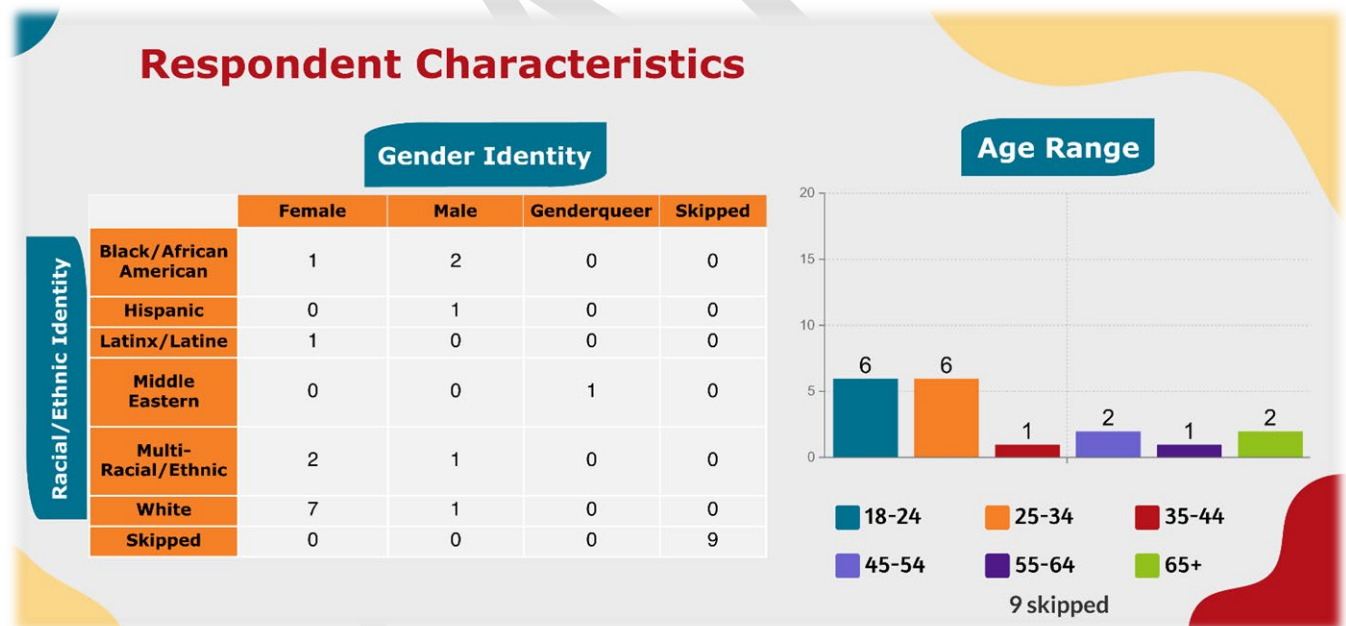
Limitations

There are two limitations to the results presented in this summary:

- The data on the total number of participants in the Listening Sessions was not available. Consequently, ERL was unable to determine the actual survey response rate.
- ERL received a total of 26 survey responses, eight of the 26 respondents indicated they testified, 14, attended but did not testify and four participants who were panelists, submitted the survey. However, 31% of the surveys submitted were incomplete.

Survey Results

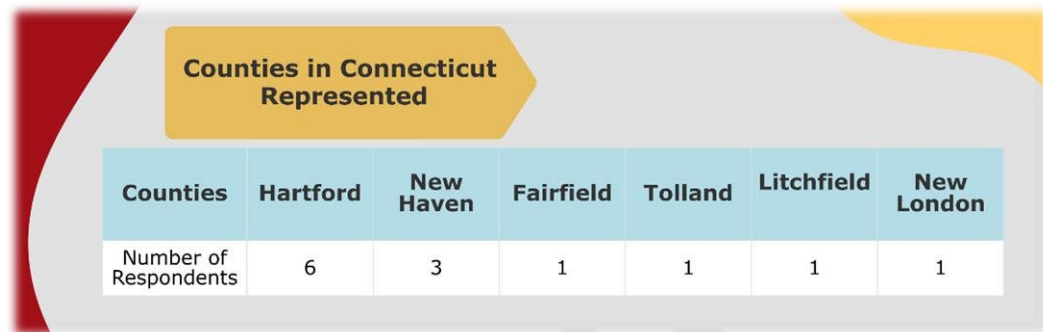
Characteristics of Survey Respondents: The demographic data pictured in the infographic below shows that most respondents identified as white and there were more females than males represented. Most of the respondents were under the age of 34. Most respondents to this survey were affiliated with the University of New Haven. Please see the graph in **Appendix A** for more information about respondent's university affiliation.



Nine respondents indicated that they were not affiliated with any organization. Three respondents represented an academic institution, two respondents represented service provider organizations and a student organization/club, and one respondent each represented an advocacy and healthcare organization. Eight respondents skipped this question.

The single county where the largest number of survey respondents reported that they reside was Hartford. Several people were residents of a variety of counties in Connecticut and a few were

from out of state. Three respondents were from one of the following locations: Okatie, SC, Morganville, NJ, and Billerica, MA. The results in the table below show the counties in Connecticut that were represented. Ten respondents skipped this item.



Counties	Hartford	New Haven	Fairfield	Tolland	Litchfield	New London
Number of Respondents	6	3	1	1	1	1

Perceptions of the Listening Sessions Experience:

All testifiers felt comfortable and heard. Respondents who testified rated their experience in the Listening Session in four areas using an agree/disagree Likert scale ranging from ‘strongly disagree’ to ‘strongly agree.’ They also had a ‘not sure’ option. All respondents indicated that they agreed or strongly agreed with feeling comfortable sharing, feeling heard, and that Task Force members listened to their suggestions. Six respondents indicated that they agreed or strongly agreed that their suggestions will be used by the Task Force to make improvements. One respondent indicated they were “not sure.” Seven testifiers responded to this question and one skipped.

What was shared was heard. Respondents who attended but did not testify rated their experience in the Listening Session in three areas using an agree/disagree Likert scale ranging from ‘strongly disagree’ to ‘strongly agree.’ They also had a ‘not sure’ option. Ten respondents agreed or strongly agreed that what was shared was heard and that Task Force members were listening to suggestions made by the testifiers. One respondent each indicated they were “not sure” whether what was shared was heard or that the Task Force listened to the suggestions. Nine respondents agreed or strongly agreed that suggestions for improving police transparency and accountability will be used to make improvements. Two respondents indicated they were “not sure.” Eleven attendees responded to this question and three skipped.

Motivation for participation in the Listening Sessions. People who testified: Five respondents indicated that sharing their story or “it felt important” motivated them. Two respondents mentioned that their professor or advisor encouraged them to testify. One respondent wanted to discuss “the continued fear with young Black men when interacting with police.”

People who attended/did not testify: Four respondents indicated wanting to hear other perspectives from law enforcement, community members, and the Task Force.

Hearing from others was most helpful. This result was reported by most respondents. Some additional helpful aspects of the Listening Sessions identified were: interactions with the panelists, knowledge that was shared, and a conducive format for virtual listening sessions. Some comments were:

"I feel that everyone who was interested in speaking was given the opportunity and that their ideas were well-received, respected and appropriately acknowledged. It was also helpful to see the support of each member in this discussion."

"Hearing from different people of varying backgrounds and ethnic and cultural identities was most impactful."

"Panelist commentary and questions was very helpful for me, and made me feel included and heard."

"The facts the students and volunteers brought to the table."

Least helpful aspects of sessions varied. Some of the comments were:

"Hear the same things w/ no real out of box thinking."

"The critical comments on delivery the task force gave back to the people who gave testimonies."

"I would have wanted to see experts in the fields of juvenile justice or mental health."

Best outreach approach was university mailing lists. Respondents were asked to indicate how they heard about the Listening Sessions. Most respondents heard about the Listening Sessions through university mailing lists. Please see **Appendix B** for more information about how respondents heard about the event.

Listening Sessions "very good" overall. Respondents were asked to rate the overall quality of the event from a scale of 1 to 5 with 1 = poor and 5 = excellent. The average was a 4.4 with eight skipped responses.

Conclusion

According to the survey data, the Listening Sessions were a meaningful way for young adults and the public to engage and share recommendations with the Task Force. This was evidenced by comments from respondents about their experience testifying or attending. For example, many people referenced the positive interaction between them and the Task Force members. In addition, many valued hearing from other perspectives.

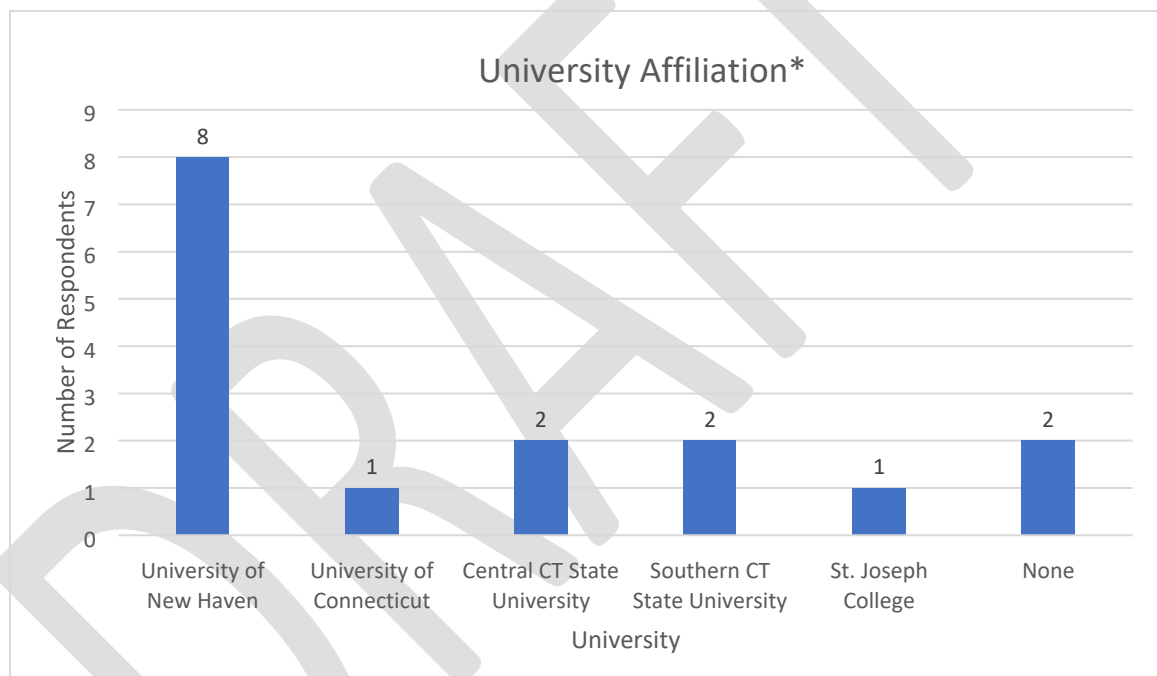
While the Listening Sessions were, for the most part, a positive experience according to survey respondents, two areas of improvement did emerge. In moving forward with similar public

engagement events, two areas to consider include:

- Assessing outreach practices and barriers to participation to ensure that more young adults, especially non-student young adults, are included and feel prepared to testify.
- Continuing to examine ways to enhance engagement between all groups at public events.

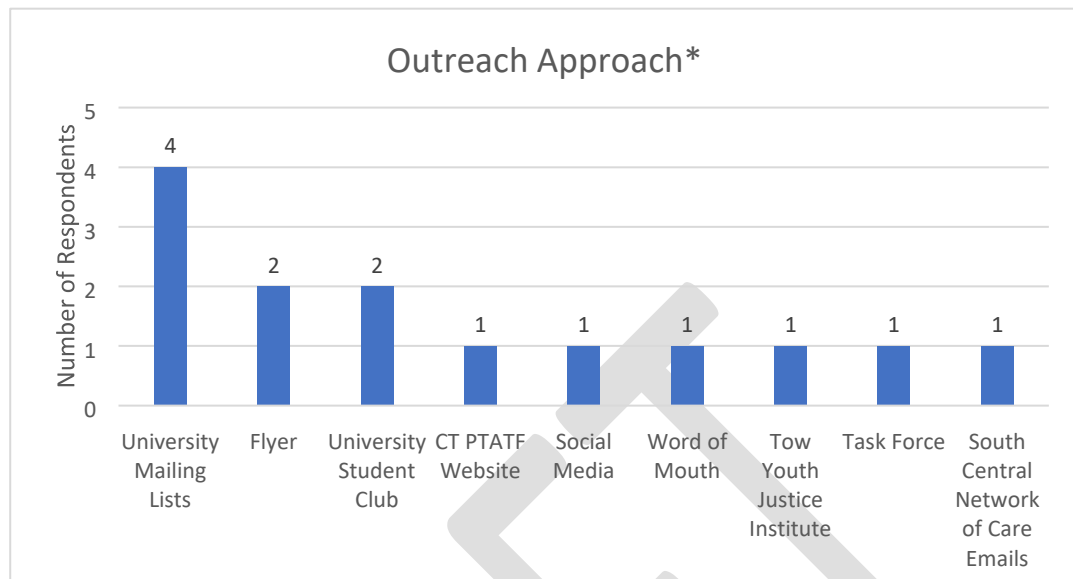
Overall, these survey results provide support for the efficacy of Listening Sessions as an initial step in engaging young adults. The sessions provided space for young adults to express their concerns and offer recommendations for change that will hopefully be used to help inform changes in law enforcement policies and practices. This is an important step towards improving police transparency and accountability.

Appendix A



*8 Skipped

Appendix B



***15 Skipped**

Major Themes Report:



Major Themes Report

November 2020 Young Adult Listening Sessions

This report is prepared for the Connecticut Police Transparency and Accountability Task Force

By the Evaluation, Research, and Learning Team

January 8, 2021

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Introduction:

The Connecticut Police Transparency and Accountability Task Force held Listening Sessions in November 2020. The Task Force determined that the voices of young adults were missing from the previous Listening Sessions held in September 2020. As a result, four Listening Sessions were conducted with young adults aged 18-25 during November 13th-20th.

The Task Force collaborated with three university partners: University of New Haven (UNH), University of Connecticut (UConn), and Central Connecticut State University (CCSU) to host the Listening Sessions. UNH hosted the first session on November 13, 2020. UConn hosted the next two on November 17, 2020. CCSU hosted the fourth session on November 20, 2020.

After passage of Public Act 20-1, one of the remaining charges of the Task Force was to form recommendations on “any other police transparency and accountability issue that they deemed appropriate.” The Task Force hosted Listening Sessions with the goal of gathering public input around what topics to focus on for working towards police transparency and accountability. Each participant was given three minutes to share their testimonies, followed by a brief Q&A by the Task Force panelists. Due to COVID-19 and social distancing measures, all Listening Sessions were conducted virtually on the Zoom platform.

This report summarizes thematic recommendations that were identified from the Listening Sessions’ data. These findings are organized according to three questions:

1. What recommendations did participants suggest?
2. What were participants’ interaction with the police?
3. What were the impacts of these police interactions?

Following these findings, a section highlighting themes that panelists discussed and correspond to participant recommendations is included. Lastly, a discussion of the findings is presented.

Method:

The four listening sessions were transcribed by the Institute of Municipal Regional Policy (IMRP) at CCSU and sent to Everyday Democracy. Three individuals- two from Everyday Democracy and one from IMRP at CCSU coded the transcripts. The three individual coders met to discuss the codes and themes in order to establish inter-coder reliability. The themes presented in this report reflect the agreed upon conclusions of the coders of the data.

There were 25 testimonies in total from the four Listening Sessions.¹⁸ Although these Listening Sessions were intended for participants between the ages of 18-25, there were some testifiers outside of that age group. For this report, all testimonies were themed, although not presented by age group. People who testified were not required to indicate their age as a condition of giving testimony which precluded the separation of testimonies by age groups. The majority, 14 of the 25 testimonies, were given by participants from UNH.

Recommendations:

Law Enforcement: Training

The recommendation that was suggested most often was increased and improved training for law enforcement. This recommendation applied to improving interactions and communication with people with disabilities, health needs, and the African American community. Some comments are presented below:

“We need to allow the law enforcement to understand the culture that they're working in. And the culture is more of how do you work with young Black Americans that are in a culture where they feel threatened soon as they are interacting with a police officer.”

“Educating police more thoroughly on privilege is a step towards healing the fear and distrust that many black and brown people feel towards law enforcement.”

“We need to start looking at different adequate de-escalation techniques and interventions to help these individuals that are part of the justice system that have mental illness.”

Law Enforcement: Accountability

Participants recommended reviewing current law enforcement procedures such as auditing current police training programs and reviewing traffic stops.

¹⁸ In this report, testimonies are defined as any person who shared their perspective during the Listening Session whether or not they formally registered prior to the Listening Session. Testifiers were also not Task Force members or panelists.

"I ask that a [comprehensive review of the basic training program] be done through a thorough evaluation of the course in its entirety by an outside party... I also ask that as part of that evaluation, a review of how subject hours are allocated be conducted to allow for more attention to social interaction, training and public health education."

"I further call for an audit of the breakdown of the 900,000 however many hours that POST offers during the initial training period and a recommitment to including six hours of training on youth issues since this has already been passed into law several years ago."

"[Traffic enforcement] is the premier reason for police community contact. So, I think by doing something in traffic enforcement and traffic enforcement stops, we can influence the behaviors of people outside of policing people in the community."

Law Enforcement: Hiring

Participants also recommended improving hiring practices. This included hiring more police officers of color, who are from the communities they police and having Crisis Intervention Teams (CIT) in law enforcement agencies.

"In Hartford, specifically 11% of the police department is Black. Well, the city is 36%. 35% of Danbury's population is Latino, but only 9% of that police department makes up of that ethnicity. 11.4% of Meriden's population is Black, but only 3% of those officers are African American, so obviously recruitment is still a problem in this state."

"I believe that there should be a great effort and push towards hiring within the communities and it's just start at a very young level of removing the stigmas of our Black and Brown people of not wanting to become police officer."

"Also, I'm very happy to let you know that our crisis department is hiring a CIT to actually be with the police department, because it's very important that you have someone that has a background in mental health services."

Community Partnership

Participants recommended that police partner with community organizations in mental health, behavioral health services and people with disabilities. In addition, two participants recommended investing funding into historically divested communities and two participants suggested implementing more preventative measures that police can take before an incident happens.

"So definitely working to try to figure out whether we need a partnership with social workers or... an intervening force to assist that's a little bit less militarized...in their approach to maybe really help cover the needs of those mental and physical health issues."

"I would be inclined to believe that a recovery coach would be, or a peer support specialist or recovery support specialist would be more suitable based on the fact that possibly the issue would be where people are being in need of assistance because of the substance use or alcohol use most of the time...to alleviate that person from going to prison or jail."

"CT needs to invest in public schools. We need to invest in mental health resources and others so our local communities and our Black and Brown communities can grow."

"If there was just some communication beforehand that we can reach out and talk to them before it happened, then it's different. Cause...once something happened, you don't want to hear anything. Cause then you already got your blinders up. Like something happened, we gotta take care of it, you know, but maybe we could have stopped it if we just talked to him before it happened."

Police Interactions:

Although there were positive police interactions shared in the testimonies, they were outnumbered by negative interactions that were shared. Negative police interactions were mostly characterized by disrespect, poor communication, escalation, and feelings of fear/anxiety. Despite the variety of contact points from people with different backgrounds and situations, participants expressed having negative experiences with the police. Please see below for some participant comments:

Positive Interactions:

"Once I was stopped by a police officer, he kind of went through what I did, told me what I needed to do to correct the action and was just positive about the whole experience."

"When our family had to call 911 for a heart attack in the family and they showed up and handle that super well."

Negative Interactions:

"I think police officers don't have respect...I think they look at especially people of color...on the lower level. And when you look at somebody differently and that's your approach, you don't look at them."

[In response to whether there was any communication about being placed on the deadly weapon offender registry] *"Absolutely not. So I was convicted...I was told that I was going to be placed on this upon release from prison at parole. I was told I had to go down to Middletown and register at the place. So, I registered, and I was completely unaware of what they call address verifications or address checks."*

“So, one time they just came in, bringing it at a level or intensity where the whole situation was not at... and it was nearly impossible to...bring the temperature down, or even have a... response or talk with a police officer to make them feel at least more comfortable or at least to treat us, like other human beings.”

“The first thing I saw was several male police officers, four standing up and, and there's probably two more in my house. And there were two EMT's working on my oxygen and blood pressure. But I remember kind of freaking out because that was the first time that 911 had been called for one of my seizures and for other reasons, I don't really like strangers surrounding me or touching me especially men... I just had six police officers loitering in my kitchen, making comments about my house and my pets, taking repeated information from my friend that they already had asked her hey are you using drugs, which is a whole different issue that I've had with officers when I have a seizure. They always think that it's an overdose even though I have a bracelet that says epilepsy.”

Impact

Fears of police

Participants expressed that they feared future police interactions because of the inconsistent interactions they have had with police. One participant noted the fear of retaliation if they reported an incident. Another expressed that they would not call on the police to respond to their situation in the future. These fears were more pronounced for participants who shared about their experience as African Americans and/or who have mental health needs and disabilities. One participant described the protocol they use and have taught their sons to use during a traffic stop. Some of their comments were:

“When the cops come to your door, how are they coming? Are they coming with respect? Or they come in hostile, you know, there's two ways.”

“There's also the implied not really implied chances of retaliation or whatever, it mostly pushes you towards let's just listen completely and not even talk back.”

“We have several clients that are in situations where they're not the perpetrator, but they wouldn't call the police because they're afraid of what the police don't do because of their experience with the police previously.”

“I really got stuck on the limits of consent searching based on the fact that, you know a lot of black, young American men, African-American men really experience fear when one gets pulled over...So I pulled into the parking lot... I rolled my window down like I told my two sons. I told them how to engage with police. I said, roll your window down, put your hands on...your steering wheel and be polite.”

Long Term Consequences

Participants also expressed the long-term impacts from one police interaction. These long-term consequences include feeling “targeted” and disrupting daily life.

"I also didn't know that when you receive employment in a different town, they send your paperwork over to that town's police. So immediately I was, you know, I was targeted and I didn't, and I didn't know this either."

"Because once again, as everybody knows, once you get legally involved with the system that carries with you for a very long time, not only does it carry with you for a very long time, it also puts restrictions to you."

UConn Evening Listening Session

There were no formal testimonies given during the UConn evening Listening Session. The Task Force members and panelists used that time to discuss a comment that an attendee submitted via Zoom Chat. The attendee was *"interested in learning more regarding recruitment of more diverse police officers, cultural sensitivity training, and citizen police oversight efforts."*

This section includes three themes that describe the discussion among panelists, which included Task Force members, law enforcement and elected officials. These themes were identified because they respond to the recommendations made by participants who testified in the other listening sessions.

Law Enforcement Training and Education Requirements:

Increasing and improving law enforcement training was mentioned most often by participants who testified. One law enforcement officer stated that police would welcome more training. The challenge to receiving more training, however, is whether elected officials and the public decides to fund police training.

"And there's nobody that wants more training than police officers and police chiefs... We would love to go to school for two years. And if the elected officials in our towns and cities and the state decide to fund that, and our residents decide to fund that we would love to do that."

The barriers and benefits for educational requirements for law enforcement were discussed extensively. One testifier shared that it was more important for law enforcement to come from the communities they police than to require higher education degrees. In addition, three challenges that panelists identified were a) Educational requirements becoming barriers for recruitment that limit the candidate pool b) Systemic racism within higher education institutions c) Debt accrued from higher education that disqualify candidates.

One testifier suggested mandating educational requirements and improving the quality of education as their top recommendation. Some of the panelists who discussed the importance of mandating educational requirement elaborated further, mentioning that a) Mental health professionals who work with people with disabilities, mental health or behavioral health needs are required to have higher educational degrees b) Higher educational degrees professionalize

the force c) Higher education gives the opportunity for an individual to interact with people of diverse backgrounds d) Higher education provides opportunity to improve communication and leadership skills.

"When you look at the degrees that people need to pursue to work in the disability community social work and such, a lot of it is master's degree level... kind of education that's required."

Hiring and Retention:

Participants who testified recommended hiring more police officers of color and officers who come from the communities they serve. Law enforcement described many efforts their agencies have made to attract a diverse pool of candidates. However, law enforcement cited that hiring, retaining law enforcement of color and replacing retired officers were challenges. Some of the reasons provided were losing candidates during the background check phase, improving the culture of law enforcement agencies, and inconsistent hiring standards across the state.

"And then there's a background phase, which is part of a polygraph and a psychological and other things...those are all required...We lose about 80% of men and women, not every agency, but many agencies lose about 80%."

"The recruitment plan looked at the retention numbers and the retention numbers for minority officers, and I'm not talking terminations or retirements, just for people leaving on their own free-standing you know, in good standing. It was much higher for minority officers leaving. So, we've got to create the culture within departments where we're going to have all officers feel comfortable working there."

"There is a lot of subjectivity, you know, among departments as to who they take or don't take. And that leads to some people that maybe would have been good officers being disqualified in one place and not another."

Addressing bias in hiring standards

In response to the challenges law enforcement raised about hiring and retaining more officers of color, two panelists discussed how the subjectivity of law enforcement hiring standards are susceptible to societal and individual bias. One panelist shared that hiring standards do not account for the historic, economic divestment in the African American community, which prevent implementing equitable hiring practices and retention of minority officers.

"There's a high level of subjectivity to the standard. And I don't even know if I would call it a standard because it's not a standard that applies in every department...Because without a way of checking the standards and figuring out whether they are actually legitimate standards, if the level of subjectivity allows in individual biases or societal biases, then you're going to have built in these things that operate against your ability to recruit and therefore retain the populations you need."

“And so how we looked at it was given the wealth gap that we have in this country, I don't know an African American who hasn't been behind on their bills or everything is all paid up. So just by that alone, if that's the standard we're using to eliminate, you know, qualified people, that pool is going to get smaller.”

Discussion and Conclusion:

Most of the testifiers recommended increasing and improving training and hiring officers of color, which panelists also discussed. Additional research and review of current studies, however, need to be considered to determine the efficacy of increasing training and hiring police officers of color. For example, one recent study conducted with the New York City Police Department concluded “insufficient” evidence of the effectiveness of implicit bias training in reducing racial disparities in police enforcement.¹⁹ In addition, considering evidence that demonstrates whether increasing law enforcement training reduces violent or lethal encounters with people with disabilities would be beneficial.

As for the effectiveness of hiring more police officers of color in reducing racial discrimination in police enforcement, studies have shown conflicting results. One study suggested that hiring a “critical mass” of Black police officers may be needed to reduce police violence towards Black citizens.²⁰ In addition, one panelist mentioned that retaining minority officers as a challenge and suggested re-examining the culture of law enforcement agencies to understand this challenge further. Therefore, additional research about the benefits and limits of investing in more training and hiring police officers of color would be important to consider in conjunction with the recommendations provided in these Listening Sessions.

In addition, supplemental recommendations beyond training may need to be considered. As mentioned in the testimonies, participants described feeling trauma, fear, and disrespect when engaging with police, which training or hiring more officers of color may not sufficiently address. One participant expressed,

“If police officers or the institution of police were... to explicitly acknowledge that they are working in an institution, which is deeply rooted in racism and discrimination that people of color perhaps would be more

19 Worden Robert, et al. “The Impacts of Implicit Bias Training in the NYPD” July 2020 <https://www.theiacp.org/sites/default/files/202009/NYPD%20Implicit%20Bias%20Report.pdf>. Accessed January 2021.

20 Sean Nicholson-Crotty, Jill Nicholson-Crotty, and Sergio Fernandez, “Will More Black Cops Matter? Officer Race and Police-Involved Homicides of Black Citizens,” *Public Administration Review* 77, no. 2 (2017): pp. 206-216, <https://doi.org/10.1111/puar.12734>.

open to the career...Police brutality is like in the spotlight of everybody's minds right now. And I think a lot of the men and women, the Black men and women who are being murdered tend to be younger or middle aged. It's really something that my generation is not willing to let go of."

Acknowledging the connection between the history of racism and dehumanizing policing practices in communities of color and people with disabilities could be a positive first step, especially for the young adult generation. Hearing from young adults in both university and non-university settings could continue the work started at these Listening Sessions.

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