FINAL REPORT

POLICE TRANSPARENCY & ACCOUNTABILITY TASK FORCE

JANUARY 2022

Connecticut General Assembly

Police Transparency & Accountability Task Force

Daryl McGraw, Co-Chairperson

c/o Judiciary Committee, Room 2500
Legislative Office Building
300 Capitol Avenue
Hartford, Ct 06106

January 11, 2022

On December 19th, 2019, under a provision of the Connecticut General Assembly's Public Act 19-90, I was designated Chair of the Police Transparency and Accountability Task Force by Senate President Pro Tempore Martin Looney. For two years, it has been my honor and a privilege to serve in this capacity. Now that our statutory timeframe is coming to an end, we submit this, our final report.

I wanted to take a moment to acknowledge, however, that this work is far from over. Throughout the two years the task force spent together we were able to address many facets of police accountability and transparency here in Connecticut. There are still many more that need to be fully attended to, such as the use of force - especially in Black and Brown communities. Connecticut is not unique when it comes to the lack of trust and/or fear between communities and law enforcement in urban environments. However, I like to believe we as a Task Force have opened the door for more community conversations to build the trust and respect that is needed. We as a state can be the example of better policing and community relations within communities of color and thus extend the mutual trust and respect for all our citizens.

I would also like to acknowledge the friends and family members who bravely contacted the task force and expressed their concerns about potential adverse interactions with law enforcement here in our state. Many of you shared stories that were hard to hear but necessary for everyone to understand. We gained insight into the impact of one's actions when not given the proper training and/or tools required to address a situation where lethal force appears to have been the only answer. I thank you for your truth and courage to be bold in the face of adversity. I would also like to thank the parents who testified about their realistic fears for their children's disabilities being misunderstood as noncompliance or an act of defiance. You explained how your children's disability may make it difficult to communicate and/or comprehend an officer's request at the time of engagement and that the disability in question may be hindered by visibly unidentifiable mental health or physical challenges.

As a result of these conversations, I feel the Task Force learned a lot and considered this information when forming our recommendations. We also heard from many of our youth from

around our state who expressed serious concerns about safety in their schools and their larger communities. These young people spoke their truth, whether the topic was about the need for school resource officers in their schools or just the fear of a negative interaction with law enforcement. They took the time to offer suggestions to make interactions with law enforcement less fearful, less confrontational, and more respectful and beneficial for everyone involved. I thank you and encourage you all to continue to be the community's voice. We need your voices to be heard loud and clear on issues that matter to you.

Finally, I would like to thank the law enforcement community, their supporters, and their families for the work you do to keep people safe in Connecticut. We all must acknowledge that this profession is like no other, and your willingness to do this work needs to be commended. I would also like to thank you for your willingness to listen to people like myself who come to the table with experience within the state justice system and the desire to share that lived experience with you to create change for all human beings here in our state, regardless of the color of their skin, financial status and or their zip code.

We were not given an easy charge. In the beginning of our work the world experienced the killing of George Floyd at the hands of law enforcement. This moment encapsulated the challenges we as a nation face in ensuring a justice system that works for all citizens. It also created heightened awareness and urgency to this topic, all at a time that a pandemic was disrupting everything around us. I thank the members of the Police Transparency and Accountability Task Force, and all those who supported us, for giving their time, experience, expertise and comradery as we - together – endured in our endeavor to make our state a better place.

Sincerely,

Daryl McGraw
Chair

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EXECUTIVE SUMMARY

Amid increasing concerns about police misconduct and fatal interactions with police, particularly involving individuals of color and individuals within disenfranchised communities, the Connecticut General Assembly passed Public Act 19-90, *An Act Concerning the Use of Force and Pursuits by Police and Increasing Police Transparency and Accountability*, and Public Act 20-1, *An Act Concerning Police Accountability*.. Through this new legislation, Connecticut established the Police Transparency and Accountability Task Force (PTATF) to bring together law enforcement administrators, legislators, subject matter experts, and other stakeholders to make recommendations regarding improved police transparency and accountability in Connecticut.

Over the past two years, the task force has engaged in complex and at times, difficult conversations about policing. It has solicited the input of the public through multiple public hearings, listening sessions and community conversations, as well as engagement in subcommittee and full task force meetings. It has acknowledged the immediate and generational harm caused by the disparate treatment of those in the black and brown communities from both law enforcement and the justice system at large. The Task Force has also acknowledged that policing is a difficult profession. Police officers are responsible for protecting communities and preventing and solving crimes in conjunction with responding to complex social and interpersonal issues. The entirety of these discussions led to the development of a series of recommendations intended to improve police transparency and accountability, improve the relationship between the police and communities across the state, and create a positive change within the culture of policing.

There are many experienced and dedicated police officers and police administrators serving communities across Connecticut. The Connecticut Police Officer Standards and Training Council (POSTC) has demonstrated a clear commitment to training and certifying competent police officers and ensuring policing policies reflect the current best practices and research in the field. The work of the PTATF was intended to continue the progress to improving the quality of policing, to assist in restoring the public's confidence in police, and to support police officers, administrators, and the communities they serve.

While the task force worked diligently over the last two year to complete our statutorily mandated priorities, we know that there were other topics directly or indirectly impacting policing that were not fully reviewed. It was, however, the overriding goal of this task force to provide information and a series of recommendations that would provide a framework for a thoughtful public policy agenda that will make policing more transparent and accountable.

Much of the public's input in the process, along with some of the Task Force's internal conversations, have focused on the question of what comes next. Through additional community conversations, legislative engagement and the creation of a PTATF implementation guidebook – similar to the President's Task Force on 21st Century Policing implementation guidebook – the Task Force intends to ensure these recommendations are carried forward and built upon beyond this final report.

The following are summary of the recommendations proposed through the subcommittee process and endorsed by the full Task Force. Additional information, including a rationale for each recommendation, can be found in the full report.

Recommendation 1: Diversification and Community Involvement Goals

Amend Connecticut General Statute §7-129b to stipulate diversification and community involvement goals within each law enforcement agency in Connecticut's written directives that are reviewed for accreditation by Commission on Accreditation for Law Enforcement Agencies (CALEA) or the Connecticut Law Enforcement Standards and Practice (CLESP) program.

Recommendation 2: State-level Dissemination of Promising Practices to Support Diversification

The state shall engage an authorized agent or agency to maintain and disseminate information on promising practices in recruiting and hiring, promotion, and training that effectively support police diversification.

Recommendation 3: Establish a Diversity, Equity, and Inclusion Unit within POSTC

The Connecticut Police Officer Standards and Training Council establish a specialized unit within its compliance unit to address diversity, equity, and inclusion (DEI) and to implement a statewide law enforcement DEI program to manage progress toward diversification and assist departments where progress is limited. The creation of the DEI unit should also include the addition of personnel needed to implement the DEI program and enhance its overall role in managing accreditation more generally.

The DEI program should engage in data collection and study to determine the evidence-based strategies utilized within the state that demonstrate effectiveness related to hiring, training, promotion, and other issues like early career attrition and limited interest in promotion among female and minority officers that impact diversity. In addition, the DEI program should work with law enforcement agencies to develop specific plans of action using best practices to support the diversity directives established through the accreditation process. As well, the DEI program should encourage agencies to collect information to further understanding of DEI considerations in policing such as collecting disability information from applicants through voluntary reporting. Finally, the program should assume the responsibility of addressing other more complex diversity issues such as the limiting the impact of disabilities on employment within law enforcement agencies.

Recommendation 4: Explore Diversity among Civilian Staff

Increase civilian presence within police departments as another way to support diversity within law enforcement overall.

Recommendation 5: Allowing LCSW to Conduct Behavioral Health Assessments

Public Act 20-1 (Section 16) shall be amended to allow a "licensed clinical social worker" to provide a behavioral health assessment to police officers.

Recommendation 6: Training Regarding Interactions with the Disability Community

The Police Officer Standards and Training Council shall develop, with input from the disability community and Americans with Disabilities Act (ADA) experts, a standardized mandatory minimum in-service training regarding interactions with the disability community.

Recommendations 7A-7F: Assessment and Improvements to Pre-Police Contact Measures

Recommendation 7.A: Existing 9-1-1 dispatch call data should be analyzed to better understand what percentage of calls currently handled by 9-1-1 could be more appropriately directed to United Way of Connecticut 211 (United Way 211). In partnership with United Way 211, the Institute for Municipal and Regional Policy (IMRP), at the University of Connecticut, shall study a representative sample of 9-1-1 dispatch call data. These data will help inform the projected increase in calls that will be directed to United Way 211 through incremental awareness, education, and training.

Recommendation 7.B: The current resources and bandwidth of United Way 211 shall be evaluated, given current call volume, and using the IMRP's call projections to determine if additional resources are needed to effectively handle increased call volume.

Recommendation 7.C: Expand and more fully publicize United Way 2-1-1 phone line and affiliate 2-1-1 website through a statewide awareness campaign.

Recommendation 7.D: Implementation of United Way 2-1-1 phone line and affiliate 2-1-1 website education program shall be standardized.

Recommendation 7.E: Training on the intersection between 2-1-1 and 9-1-1 phone line dispatching processes shall be clarified and expanded.

Recommendation 7.F: Public messaging about the intersection between 2-1-1 and 9-1-1 phone line dispatching processes shall be clarified and expanded.

Recommendations 8A-8H: Improvements to Police Contact through Police Programs, Resources, and Services

Recommendation 8.A: Municipalities shall constitute and implement mobile Crisis Intervention Teams (CITs) in accordance with specific community needs based on three central calculations: (1) crisis call volume and case load; (2) safety considerations; and (3) budgetary factors.[1]

[1] These are cited as major rationales in the police department-issued social worker feasibility reports, required per CT General Assembly Public Act (PA) 20-1.

Recommendation 8.B: Municipalities shall hire Social Workers (SWs) in addition to or in place of mobile Crisis Interventions Teams (CITs), contingent on the three central calculations delineated above: (1) crisis call volume and case load; (2) safety considerations; and (3) budgetary factors.

Recommendation 8.C: When a municipality hires social workers (SWs), it shall make a data- and outcome-driven decision to choose licensed clinical social workers or individuals credentialed as Master of Social Work (MSWs) in accordance with specific community conditions, needs, and resources.

Recommendation 8.D: If or when a municipality pursues or pilots a SW program in collaboration with the local police department, it shall expand public availability of information about the program for the local community via a dedicated website.

Recommendation 8.E: Municipalities shall create an opt-in, fully voluntary registry system (VRS) for improving information sharing between individuals with disabilities and their local police department. Municipalities choosing to create and implement a VRS, shall store information via a secure database, as paper forms are less secure than electronic methods of submittal. Decisions of whether and how to constitute VRS shall be left to municipalities, with input from their community stakeholders including the disability community, police community, and privacy advocates. Municipalities that choose to create and implement a VRS shall ensure opt-in choices for individuals with disabilities from the non-police community and police community alike.

A standardized VRS form shall be created that is consistent among all municipalities across the state to facilitate efficient and effective police responses to crisis calls placed by individuals with disabilities. The standardized form should ask the registrant to provide the following information: biographical (for example, name, age, gender, residence); medical conditions/diagnoses (for example, asthma, epilepsy); use of medical assistive devices (for example, EpiPen, cane); photo of registrant; any other information the registrant believes to be important during a crisis response.

Recommendation 8.F: An expanded, more fully publicized NextGen 9-1-1 system, VOIP, text to 9-1-1 program public awareness campaign across the state shall be implemented.

Recommendation 8.G: Police officer curriculum and in-service training pertinent to addressing unique needs of the disability community shall be expanded.

Recommendation 8.H: A focused, empirically grounded, data-driven study shall be conducted to evaluate the role and impact SROs have on students with disabilities in Connecticut. The study conducted by a state institute of higher education would respond to the broader charge of improving police interactions with the disability community.

Recommendation 9: Funding for Pre-Police Contact Improvements

To pursue and implement the Intercept 0 and 1 recommendations (number 7 and 8) in a substantive, sustained way, municipalities shall explore and apply for specific funding

opportunities for the Fiscal Year 2022 cycle through two primary agencies. The first agency is the Bureau of Justice Assistance (BJA) that offers funding for implementation of the above recommendations. The second agency is the Bureau of Justice Statistics (BJS) that offers funding for statistical evaluation of that implementation (in short, data-gathering and analysis). Both the BJA and BJS are housed within the federal Department of Justice (DOJ).

Recommendation 10: Implementation of the Federal 988 Crisis Hotline

Legislation shall be adopted to: (1) implement the federally mandated 988 crisis hotline system; (2) enhance and expand behavioral health crisis response and suicide prevention services statewide; and (3) fund the system through SAMSHA and DHHAS grants, reimbursements from private and public insurers, and, if necessary, funds may be raised by imposing a federally authorized excise tax on commercial mobile services or IP-enabled voice services.

Recommendation 11: Appointment of the Inspector General

Public Act 20-1 §33 should be modified to permit candidates outside the Division of Criminal Justice to be eligible for the position of Inspector General and for the positions within the staff of the Office of Inspector General. 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. (It should be noted that on the date of this report an inspector general had been appointed.)

Recommendation 12: Non-Compliance with Mandatory Decertification Reporting

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.

Recommendation 13: Mandatory State CLESP Tier III Accreditation

Public Act 20-1 §44 should 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 Connecticut Law Enforcement Standards and Practice (CLESP) Tier III accreditation standards by 2025. All law enforcement units

should achieve CLESP Tier I state accreditation by 2022 and CLESP Tier II accreditation by 2023.

Recommendation 14: Citizen Complaint System

The POSTC should be tasked with updating the current model form and develop a standardized, statewide reporting form and process for reporting citizen complaints. The complaint form should make clear that those reporting can do so anonymously, do not need to have the form notarized and the form should ask for information about the race, ethnicity and gender of the officer and complainant among other categories. The complaint form must be easy to find, be available electronically, but hard copies should be maintained at the police station and at other municipal buildings, including the library in the town or city, with versions in languages that reflect the needs of the local population. POSTC should collaborate with the Commission of Human Rights and Opportunities (CHRO) to include information that informs the complainant of their right to also file a complaint with the CHRO.

The data from the complaints must then promptly be submitted by each police department to a database maintained by the Police Officer Standards and Training Council without the names or other identifying information of complainants or officers but tracked through a number system so that it is possible to determine whether the same officer or complainant are being reported against or reporting. POSTC should determine which categories of complaints must be submitted by all departments (to include racial profiling, discourteous behavior and excessive force), but should not permit police departments to wait and submit only those complaints, which are investigated and determined to be substantiated. POSTC must also develop an auditing policy to ensure that each police department is making the complaint form widely available and regularly and correctly submitting the data. The POSTC would maintain the database (which could be outsourced to a university) and, on a bi-annual basis, a report of the complaints received would be made public.

Recommendation 15: Civilian Review Board Standards

It is recommended that municipalities consider adopting the minimum standards developed by the task force when creating a CRB pursuant to Section17(a) of Public Act 20-1. Although Section17(a) outlines the minimum qualifying standard for a town's implementing ordinance, the legislation does not offer specific guidance for establishing a CRB. This is understandable, given the variety of communities that a CRB might serve. The full task force recommendation provides detailed guidance for the proposed ordinance and the creation of CRBs.

Recommendation 16: Internal Affairs Investigation Training

The Police Office Standards and Training Council shall establish pre-service and in-service training courses for police officers conducting and supervising internal investigations. Details regarding the core course curriculum is provided in this report. All police officers of any rank assigned to conduct or supervise internal investigations shall be required to

successfully complete the POSTC pre-service internal investigator training program and complete in-service training in internal investigations during active assignment to conduct or supervise internal investigations. POSTC shall determine the content, curriculum, and credit hours of the pre- and in-service training modules.

Recommendation 17: Primary and Secondary Stop Proposal

The Task Force developed a comprehensive proposal to make several technical changes to the Connecticut motor vehicle statutes to establish a definition for a secondary traffic violation, identify those traffic violations that should be changed to secondary, and clarify the intent of other traffic violations. Reforms primarily focus on a small number of equipment and administrative offenses. The full legislative proposal can be found in Appendix C of this report.

Recommendation 18: Police Census Data

All state and municipal law enforcement agencies shall be required to post annually on its website census data for all full-, part- and per diem employees.

Recommendation 19: Public Availability of Police Policies

All state and municipal law enforcement agencies shall be required to annually post on their websites all policies in which they are required to meet or exceed the mandatory policies issued by the Connecticut Police Officer Standards and Training Council.

Recommendation 20: Civilian Interview Panels

Municipalities should establish a Civilian Interview Panel as part of the police officer hiring process. Where allowable under existing contracts and where feasible, the Civilian Interview Panel should also be used to evaluate officers being put up for Command Staff level promotions. A Civilian Interview Panel would be advisory and not have veto power of an applicant, but their input and advice would be a requirement in the hiring process.

Recommendations 21A-B: Police Peer Intervention/Duty to Intervene Training

Recommendation 21.A: POSTC shall offer a mandatory seminar for all police chiefs and command staff on the statutory duty to intervene and changing police department culture to accept and support those police officers who intervene when necessary. This seminar should stress the importance of active and strong leadership to shift the police culture around intervening and the adoption and enforcement of peer intervention and anti-retaliation policies and protocols.

Recommendation 21.B: POSTC in collaboration with a state institute of high education shall consider operating a pilot peer intervention training program in at least five police departments across the state. An existing peer intervention training program may be utilized (e.g., EPIC or ABLE) or a new program designed specifically for Connecticut police departments may be implemented. The preliminary work on the pilot program should begin in 2022 and implemented in participating police departments by January 2023

and should include consideration of funding sources and federal, state, and other grants to support the pilot program.

Pursuant to Public Act 20-1, PTATF reviewed professional liability insurance and qualified immunity for police officers, recovery of bail fugitives by the commercial bail industry, and the execution of "no knock" search and seizure warrants by police officers. The task force made no recommendations regarding these topics but did respond to the legislative questions asked of the task force. Reports on all three topics can be found in Section IV of this report.

Finally, the Task Force would like to thank all those individuals who assisted it in fulfilling its statutory mandate. In particular it would like to acknowledge the following: Deb Blanchard, Liz Conroy, Dr. Anne Kringen, Dr. Meghan Peterson, Sharad Samy, Richard Frieder, Makenzie Ozycz, Henri Alphonse Mendoza, Dr. Danielle Cooper, Samantha Moul, Paul Klee, Nana Amos, Michelle Montano and the entire staff at CT-N.

TASK FORCE MEMBERS

Chair

Daryl McGraw
Senior Reentry Analyst, Institute for Municipal and Regional Policy, University of Connecticut

Task Force Members

Shafiq Abdussabur
Sergeant, New Haven Police Department (Retired)

Richard Colangelo
Chief States Attorney, State of Connecticut (Ex-officio/ non-voting)

Steven Cousin
Pastor, New Haven Bethel AME Church

John "Jack" Drumm[2]
Chief of Police, Madison Police Department

Joshua Hall
State Representative, 7th House District

Keith Mello
Chief of Police, Milford Police Department Chairman, Police Officer Standards and Training Council

Marc Pelka
Undersecretary, Office of Policy and Management, Criminal Justice Policy and Planning Division (Ex-officio/ non-voting)

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John Szewczyk
Sergeant, Hartford Police Department (Retired)

William Wright
Chief of Police, Wallingford Police Department (Retired)

[2] Madison Police Chief John "Jack" Drumm replaced Norwalk Police Chief Thomas Kulhawik in 2021.

BACKGROUND

Amid increasing concerns about police misconduct and fatal interactions with police, particularly involving individuals of color and individuals within disenfranchised communities, the Connecticut General Assembly passed Public Act 19-90, *An Act Concerning the Use of Force and Pursuits by Police and Increasing Police Transparency and Accountability*. The Police Transparency and Accountability Task Force (PTATF) was established to facilitate the conversation about policing in Connecticut with all stakeholders and interested parties and, if necessary, to make recommendations to improve the relationship between the police and communities across the state and to create change within the culture of state and municipal police departments.

Under P.A. 19-90, the task force was to specifically 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 deemed appropriate.

In the wake of the murder of George Floyd by a white Minneapolis (MN) police officer and the ensuing social unrest across the state, country, and the world, the PTATF was asked by Governor Ned Lamont, Attorney General William Tong, and the Connecticut General Assembly to act urgently to address the multitude of issues brought to light by a series of fatal interactions between police and members of the black community. During a special session, the Connecticut General Assembly passed Public Act 20-1, *An Act Concerning Police Accountability*. This new law added eight specific priorities to the PTATF mandate and provided the task force with an additional year to complete their work. P.A. 20-1 required the task force to examine the following:

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. Reviewing the requirements for a police officer to execute a search and seizure warrant to enter a residence without giving audible notice of the officer's presence, authority, and purpose before entering, including address verification procedures and any documentation the officer should leave for the residents where the warrant was executed. The review should include the laws and procedures in Connecticut and other states.
7. Reviewing how a professional bondsman, surety bail bond agent, or a bail enforcement agent takes into custody the principal on a bond (fugitive) who failed to appear in court

and for whom a re-arrest warrant or a *capias* was issued, including the address verification process and whether any documentation is left with a resident where the warrant was executed. The review should include the laws and procedures in Connecticut and other states.

8. Whether any of the grounds for revoking or cancelling a police officer's certification should result in a mandatory, rather than discretionary, revocation or cancellation by the Police Officer Standards and Training Council (POSTC).

In addition to the legislative charge, the PTATF also identified 21 priorities for review and universally agreed to utilize President Barack Obama's 21st Century Policing Task Force Final Report[3] and Implementation Guide[4] to form a basis from which the task force systematically addressed police accountability and transparency in Connecticut. This document was not unfamiliar to Connecticut as it was also used as a guide for the Final Report of the Connecticut Police Education and Training Task Force (February 2018). The following five pillars were identified by President Obama's Task Force on 21st Century Policing: (1) Building Trust and Legitimacy; (2) Policy and Oversight; (3) Technology and social media; (4) Community Policing and Crime Reduction; and (5) Training and Education.

PTATF additional priorities, categorized under the five pillars, focused on broad social justice issues such as changing police culture, addressing the role of policing in past social injustice, improving the relationship between the police and disability community and disenfranchised communities, and ending the broken windows policing policy and procedural issues including recruit and in-service training, policies for certification, citizen complaints, internal investigations, and discipline, and the use of body-worn cameras. PTATF also prioritized a prohibition of chokeholds and neck restraints by police and evaluating the use of other nonlethal force weapons. (Appendix A lists the initial PTATF 21 priorities and that statutory areas for review established under Public Act 20-1.)

PTATF prioritized including community members and other stakeholders, especially from the disability community and disenfranchised communities and individuals most likely involved in incidents with police. To provide opportunities for community participation, the task force elected to use public listening sessions and surveys, like the methodology employed by President Obama's Task Force on 21st Century Policing.

To complete its work, the Task Force developed three subcommittees to "advise the task force on various aspects of its charges" and to prepare for the issuance of a final report. Each subcommittee was comprised of official task force members and other stakeholders that were non-task force members. Each subcommittee was chaired by an official task force member. Non-task force members were appointed by each subcommittee chairperson in consultation with the PTATF chairperson. The three subcommittees were (1) Public Awareness, (2) Improving Police Interactions with Disability Community, and (3) Logistics. Subcommittees met at least once a

[3] https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

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

month, but often met more frequently. All subcommittee recommendations were presented to the full task force for their consideration.

PTATF also sought the assistance of various experts, the Connecticut Police Officer Standards and Training Council staff, the University of Connecticut Insurance Law Center, the Connecticut Bar Association Policing Task Force, the Commission on Human Rights and Opportunities, the Connecticut Office of the Attorney General, police union representatives, and other subject matter experts. PTATF held multiple listening sessions to provide the public an opportunity to share their experiences with the police and thoughts on ways to improve policing services and trust in the police.

The PTATF and its subcommittees were supported by the administrative staff of the Judiciary Committee of the Connecticut General Assembly and the Institute for Municipal and Regional Policy (IMRP) at the University of Connecticut. IMRP provided nonpartisan, professional research and policy staff to assist the task force in reviewing issues, analyzing data, and developing recommendations.

In June 2020, the Connecticut Bar Association (CBA) formed a Policing Task Force (PTF) to provide some practical suggestions regarding policing in Connecticut. The CBAPTF was comprised of community members, attorneys and academics with varied practices and work experience, and current and former members of state and federal law enforcement. There was significant overlap in the issues examined by the PTATF and the CBAPTF and, given the legal expertise of the CBAPTF, the PTATF relied upon their information and recommendations in certain areas.

This report serves as the Task Forces final report under the requirements of PA 20-1. The recommendations of the task force are organized by the subcommittee from which they were developed and proposed. The report also includes information on topics that the task force was statutorily required to review but for which it issued no recommendations.

For more information on the PTATF, please visit https://www.ctpolicetransparency.com/ or the Judiciary Committee's webpage.

I. PUBLIC AWARENESS SUBCOMMITTEE

The Public Awareness Subcommittee focused on the objectives of: (1) coordinating public awareness and outreach efforts; (2) determining how and where to conduct public listening sessions and community surveys; and (3) assessing the efficacy of annual community surveys.

I.A. Subcommittee Members

Daryl McGraw, Chair

Richard Colangelo

Chief Keith Mello

Deputy Chief Maggie Silver

Steven Hernandez (Committee only)
Executive Director, Commission on Women, Seniors, Equity, and Opportunity

Andy Friedland (Committee only)
Anti-Defamation League of Connecticut

Tamara Lanier (Committee only)
New London NAACP

I.B. Task Force Listening Sessions

In addition to the task force priorities outlined in Public Act 20-1, the bill allowed the task force with the authority to review any other issue they deemed appropriate. To help the task force identify other issues, the Public Awareness Subcommittee hosted a series of virtual community listening sessions. PTATF members attended the public listening session, which were also recorded.

Initially, the task force hosted eight listening sessions in September 2020. Due to COVID protocols, the listening sessions were held virtually. Following these listening sessions, the subcommittee determined that they wanted to seek additional feedback from the young adult population. These sessions were held with the intent that community members ranging in ages from 18-to-25 would share their unique perspectives and experiences with the police. Four youth listening sessions were held in November 2020. They were co-sponsored by the University of New Haven, Central Connecticut State University, and the University of Connecticut. Each university hosted a listening session using student moderators.

The subcommittee collaborated with the staff at Everyday Democracy to support and organize the listening sessions. Everyday Democracy helped develop a structure for meaningful dialogue and conducted a survey of attendees at each listening session to further identify and understand the issues surrounding policing. The subcommittee worked with Everyday Democracy to identify major themes from the public testimony and developed findings and recommendations. The reported developed by Everyday Democracy can be found in Appendix B of the PTATF 2021 annual report published in January 2021.

I.C. Recommendations to Support Diversification in Law Enforcement

The Public Awareness Subcommittee worked with Dr. Anne Kringen to explore ways to improve diversity in law enforcement. Nationally, law enforcement agencies demonstrate limited diversity. The below chart outlines the racial and ethnic demographics for police departments nationally and in Connecticut. These percentages have not changed significantly in the last two decades.

Race/Ethnicity	National Data[5,6]	All CT Police Agencies[7]	Large CT Police Agencies[8]
White	65.7%	84.1%	71.7%
Black	10.4%	5.8%	11.9%
Hispanic	19.8%	6.3%	15.5%
Asian	2.9%	0.6%	0.6%
Native American	1.0%	0.1%	0.04%

Why is diversity in policing important?

While it is easy to see through popular media that the public outcry after Ferguson and George Floyd includes calls for increased diversity in policing, public sentiment is not the only driving rationale supporting increasing diversity in policing.

What is diversity in policing?

Diversity[9] in policing is generally discussed along two dimensions. The first is racial diversity, and the second is gender diversity. While racial diversity has recently received substantial attention, gender diversity is also an important consideration. Underlying racial and gender diversity is the idea of ideological diversity.

Racial diversification. Racial diversification in policing carries several substantial benefits. While limited evidence has supported differences in outcomes between White and Black officers, a recent study[10] that now reflects the best available evidence on the subject shows that:

- Black and Hispanic officers use less force than White officers.
- Black and Hispanic officers make fewer stops and fewer arrests than white officers. This reflects a greater reliance on community interaction and problem solving.

In addition to these advantages, racial diversity also relates to representative bureaucracy, the idea that government should reflect the characteristics of the governed.

[5] Reaves, 2019
[6] Federal statistics report racial categories for sworn personnel only; however diversity among civilian staff may also be of concern.
[7] Law Enforcement Management and Administrative Statistics 2013
[8] Reporting agencies that serve a population more than 100,000:
Bridgeport, Hartford, Middletown, New Haven, Stamford, Waterbury
[9] While diversity is a larger concept incorporating principles of inclusivity for other marginalized groups, studies of diversity in the policing context are generally limited to the categories traditionally measured within police organizations.
[10] Knox et al., 2021

Gender diversification. Gender diversification in policing carries similar benefits. Studies have shown that female officers:

- Use comparably less force than male officers[11]
- Use less coercion[12]
- Receive fewer complaints and engage in less misconduct[13]

In addition to these benefits, female officers are better at communication and de-escalation and enhance perceptions of procedural justice[14].

Ideological diversity. Together the benefits of racial and gender diversification support improved police/community relationships and police legitimacy. As well, a diversification supports ideological diversity or the inclusion of many points of view. Police agencies generally do not foster diversity in thinking due to strict command structure, adherence to authority, an institutional culture. Diversity supports different perspectives when framing problems and proposing solutions, two benefits that might help police agencies transform.

Recommendation 1: Diversification and Community Involvement Goals

Amend Connecticut General Statute §7-129b to stipulate diversification and community involvement goals within each law enforcement agency in Connecticut's written directives that are reviewed for accreditation by Commission on Accreditation for Law Enforcement Agencies (CALEA) or the Connecticut Law Enforcement Standards and Practice (CLESP) program.

Rationale:

CALEA accreditation is a voluntary opportunity for law enforcement agencies to demonstrate compliance with an established set of professional standards including the use of written directives that define authority, performance, and responsibility alongside the use of analysis and reporting to inform management decisions. The program emphasizes annual reviews and assessments conducted by subject matter experts. While CALEA does not include diversification as a standard, accrediting bodies' review of organizations' directives provides a way to link diversification and community engagement to the accreditation process.

CLESP is an accreditation program similar to CALEA that is administered by the Connecticut Police Officer Standards and Training Council. It is intended to provide a cost-effective alternative to CALEA for municipal police departments in the state. CLESP is a three-tiered program that allows police departments to obtain accreditation in phases.

It should be noted the PTATF recommended that all state and municipal police departments obtain CLESP Tier III accreditation by 2025 and provided an exemption for police department that have or are in the process of obtaining CALEA accreditation.

[11] Knox et al., 2021; Schuck et al., 2005
[12] Paoline et al., 2004
[13] Corsianos, 2011
[14] Novich et al., 2018

The professional standards reflected through CALEA and CLESP accreditation are particularly well-aligned to the goal of diversifying agencies. Written directives that assign responsibility and define performance targets related to specific diversification efforts are consistent with Connecticut General Statute §7-291b. Moreover, directives that specify inclusive processes such as community involvement through onsite assessments or community forums can support diversification efforts within agencies. Establishing both types of directives via an accrediting body emphasizes commitment to the underlying goal of diversification. Consistent with CALEA and CLESP models, these directives would require implementation of performance measures and regular reporting within each organization. Moreover, diversification directives would be subject to external review providing meaningful feedback to organizations about their progress toward diversification goals.

Recommendation 2: State-level Dissemination of Promising Practices to Support Diversification

The state shall engage an authorized agent or agency to maintain and disseminate information on promising practices in recruiting and hiring, promotion, and training that effectively support police diversification.

Rationale:

There is currently no source for information for agencies trying to adopt better practices in recruiting and hiring, promotion, and training that provides consistent, reliable, and up to date information on best practices. Moreover, given regional differences it is unclear whether strategies that have demonstrated initial success in other locations would be feasible or effective in Connecticut. State level dissemination on promising practices would develop a repository of information as a resource for departments within the state and serve as a mechanism to publicize local knowledge about what works (see Recommendation 3).

The following strategies are recommended as part of the initial effort:

<u>Recruiting</u>

- *Diversify the types of outreach activities conducted related to recruiting. Expand beyond job fair, military, cultural event, and university recruiting*[15]. Depending on when and where events are held, these events can lead to less diversity in the candidate pool. While cultural events seem like a good way to access diverse populations, some evidence suggests that they are ineffective at generating applications.
- *Openly address concerns about sexism in law enforcement when recruiting women*[16]. Evidence suggests that women that have experience in the workforce are more likely to be aware of the impact of sexism in organizations, and concerns about these issues in law enforcement may limit interest. Transparency and willingness or organizations to openly discuss these issues suggest an organizational culture capable of supporting women.

[15] Kringen, Uchida, Hock, & Land, forthcoming; Taylor, Kubu, Fridell, Rees, Jordan, & Chaney, 2006.
[16] Kringen, 2018

- *Openly address concerns about ability when recruiting college-age women*[11]. Evidence suggests that younger women are more likely to be concerned about their ability to work in policing. Emphasizing that women can work in the career is an important message.
- *Emphasize the challenge aspects of law enforcement careers to attract more female and racial/ethnic minority candidates*[17]. Evidence suggests that service messages are ineffective at increasing applicant pools. Challenge messages increase the number of applicants and increases the relative number of applications from diverse groups.
- *Emphasize job security in law enforcement careers to attract more female and racial/ethnic minority candidates*[12]. Similar to the previous recommendation, emphasis on job security can increase the relative number of applications from diverse groups.

Hiring

- *Reduce processing times for applicants to limit loss through attrition*[18]. Evidence suggests that hiring applicants more quickly limits the number of applicants lost in the process. Importantly, this has been demonstrated to be more important among female and minority applicants.
- *Simplify hiring process instructions/processes to limit confusion among applicants*[13]. Evidence suggests that complex hiring processes create confusion increasing attrition.
- *Incorporate supportive messaging (nudging – e.g., statements like "most applicants complete this process within a week")*[13,19]. Evidence suggests that loss due to attrition, particularly among diverse applicants, is reduced through nudging.
- *Analyze qualification criteria to determine which aspects disproportionately impact female and racial/ethnic minority candidates*[20]. Hiring processes and pre-employment qualification issues can serve as barriers that disproportionately impact diverse applicants limiting diversity in the hiring process.
- *Set standards for evaluating disproportionate impact at equal passing rates rather than at the 80% EEOC compliance threshold*[21]. While agencies largely understand EEOC compliance, less attention is paid to the fact that 80% passing rates for diverse applicants necessarily fails to diversify.

Training

- *Adopt or expand adult or active learning principles in academy training*[22]. Shifting training models supports best practices in adult learning and alters training academy dynamics which my contribute to attrition.

[17] Linos, 2018
[18] Linos, 2019
[19] See PTATF Recruiting and Hiring handout
[20] Kringen & Kringen, 2014; Kringen et al., forthcoming
[21] An 80% relative passing rate for a group that composes less than 50% of applicants implies that the majority group passes a higher proportion of individuals. Ergo, more individuals from the majority group enter the training academy than from the minority group.
[22] Oregon Department of Public Safety Standards and Training, 2019

- *Reduce emphasis on paramilitary approaches to training*[23]. The paramilitary training model is related to the concept of a "hidden academy" where organizational values are learned. These experiences can lead to attrition, particularly among diverse cadets.
- *Increase support networks for cadets through mentoring programs*[24]. Evidence suggests that mentoring programs for female and minority cadets can increase retention rates by helping these cadets navigate the challenges of the environment.
- *Monitor developments in training academies in other jurisdictions that are advancing these issues through novel training protocols*[25]. Several other jurisdictions are grappling with these same issues, and many novel attempts at addressing the problems are underway. Some jurisdictions within the region are likely candidates for monitoring.
- *Compare implementation of similar curriculum across other jurisdictions to determine best approach to content delivery and format*[26]. Shifts in training protocols (e.g., moving to an active learning model) may be insufficient without changes to the underlying curriculum. These changes may require changes to CT-POST policy.

Promotion

- *Regularly evaluate promotional tests for disparity.* Organizational diversification requires increasing diversity at the executive and managerial levels as well as among staff overall.
- *Consider involving outside participants like civilian review boards in the promotional process.* Increasing diversity in the promotional process may support increased diversity in the promotions that result. Implementing changes like this are complex and may involve issues like union contracts which may specify promotional rules.

Recommendation 3: Establish a Diversity, Equity, and Inclusion Unit within POSTC

The Connecticut Police Officer Standards and Training Council establish a specialized unit within its compliance unit to address diversity, equity, and inclusion (DEI) and to implement a statewide law enforcement DEI program to manage progress toward diversification and assist departments where progress is limited. The creation of the DEI unit should also include the addition of personnel needed to implement the DEI program and enhance its overall role in managing accreditation more generally.

The DEI program should engage in data collection and study to determine the evidence-based strategies utilized within the state that demonstrate effectiveness related to hiring, training, promotion, and other issues like early career attrition and limited interest in promotion among female and minority officers that impact diversity. In addition, the DEI program should work with law enforcement agencies to develop specific plans of action using best practices to support the diversity directives established through the accreditation process. As well, the DEI program should encourage agencies to collect information to further understanding of DEI considerations in policing such as collecting disability information from applicants through voluntary reporting. Finally, the program should assume the responsibility of addressing other more complex diversity

[23] Oregon Department of Public Safety Standards and Training, 2019; Prokos & Pavadic, 2002
[24] National Institute of Justice, 2019
[25] National Institute of Justice, 2019
[26] UK Policing Gender Equality Summit, 2019

issues such as the limiting the impact of disabilities on employment within law enforcement agencies.

Rationale:

While requiring organizations to establish diversification directives through the accreditation process creates a framework for diversification and state-wide dissemination of evidence-based practices related to law enforcement diversification provides some guidance, individual agencies will require assistance in developing plans to address diversity directives and achieve diversification goals. Currently, there is no state-level organization tasked with providing planning and support to law enforcement agencies to address these issues. Moreover, additional emphasis must be placed on understanding the impact of best practices in Connecticut.

Funding a Diversity, Equity, and Inclusion program and personnel through POST, would provide a way to manage progress and to assist agencies by providing best practices and planning. This program would establish a program that can be responsible for these tasks. Diversification planning must include considerations about levels of diversity overall which can be addressed through marketing, recruiting, and hiring as well as levels of diversity in different ranks within departments which can be addressed through promotional processes. Both issues include legal complexities including employment law considerations, navigation of union issues, and issues limiting community participation in these processes. These concerns further illustrate the need for state-level guidance in diversification strategy development.

Finally, a state-level program would be in a stronger position to develop and implement a statewide data system to track all applicants and disqualifications, all cadets and separations, and all officers and promotion and attrition at all agencies within Connecticut. These data would provide the opportunity to determine the impact of state and agency-level changes in recruiting, hiring, training, promotion, and retention of law enforcement officers. This would further enhance the value of the planning program as well as substantially individual agencies' understanding of the impact at various attempts to diversify.

Recommendation 4: Explore Diversity among Civilian Staff

Increase civilian presence within police departments as another way to support diversity within law enforcement overall.

Rationale:

The vast majority of discussion about diversity in policing focuses on sworn personnel, and little attention has been directed toward the racial and gender composition of the civilian workforce within law enforcement organizations. Over the past several decades civilian workers have assumed many roles in police departments supporting efficiency and economy[27]. Over this same time period the number of full-time civilian positions in police departments has outgrown the number of new sworn positions[28].

[27] President's Commission on Law Enforcement and Administration of Justice, 1967
[28] Reaves, 2010

Civilian employees in law enforcement agencies work in a variety of tasks ranging from administrative, clerical, or technology work to positions that work in the field directly supporting officers[29]. Given that civilianization is consistent with the tenets of community policing, civilians also often work in key roles related to community interaction, social work and mental health function, officer counseling, and victim services[30]. In these roles, civilian law enforcement employees have a direct impact on organizational attitudes and the way the public experiences policing.

Given this level of impact, increasing civilian presence within police departments provides another way to support diversity within law enforcement overall. Moreover, the specialized backgrounds required for many civilian positions in law enforcement agencies suggests that increasing civilian presence in police departments substantially enhances ideological diversification by nesting a variety of substantially different viewpoints within departments themselves.

[29] Heininger & Urbanek, 1983
[30] Ellison, 2004

II. IMPROVING POLICE INTERACTIONS WITH THE DISABILITY COMMUNITY SUBCOMMITTEE

The Improving Police Interactions with the Disability Community Subcommittee was responsible for: (1) examining police officers' interactions with individuals with a mental, intellectual, or physical disabilities; and (2) assessing resource allocation for diversionary programs.

II.A. Subcommittee Members

Jonathan Slifka, Chair

Marc Pelka

Chief John "Jack" Drumm

Deputy Chief Maggie Silver

Rayla Mattson (Committee Only)
Director of Religious Education, Unitarian Society of Hartford

Gretchen Knauff (Committee Only)
Director, Department of Services for Persons with Disabilities, City of New Haven

Michelle Duprey (Committee Only)
Deputy Corporation Counsel for Employment Litigation, City of New Haven

Alvin Chege (Committee Only)
Human Services Advocate for the Deaf, Connecticut Department of Aging and Disability Services

Doris Maldonado (Committee Only)
Health Information Specialist, PATH P2P Family Voices of CT

II.B. Subcommittee Recommendations

Recommendation 5: Allowing LCSW to Conduct Behavioral Health Assessments

Public Act 20-1 (Section 16) shall be amended to allow a "licensed clinical social worker" to also provide a behavioral health assessment to police officers.

Rationale:

The addition of licensed clinical social workers (LCSW) will expand the pool of cost-effective, professional individuals who provide behavioral health assessments to police officers. In addition, LCSWs can provide a mental health and social work perspective requisite to the specific components of such assessments.

Recommendation 6: Training Regarding Interactions with the Disability Community

The Police Officer Standards and Training Council shall develop, with input from the disability community and Americans with Disabilities Act (ADA) experts, a standardized mandatory minimum in-service training regarding interactions with the disability community.

Rationale:

POSTC currently provides training on this topic during academy recruit training. However, individual police departments may or may not provide additional in-service training on 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. POSTC may provide or oversee the in-service training provided by police departments.

Recommendation 7: Assessment and Improvements to Pre-Police Contact Measures

Recommendation 7.A: Existing 9-1-1 dispatch call data should be analyzed to better understand what percentage of calls currently handled by 9-1-1 could be more appropriately directed to United Way of Connecticut 211 (United Way 211). In partnership with United Way 211, the Institute for Municipal and Regional Policy (IMRP), at the University of Connecticut, shall study a representative sample of 9-1-1 dispatch call data. These data will help inform the projected increase in calls that will be directed to United Way 211 through incremental awareness, education, and training.

Recommendation 7.B: The current resources and bandwidth of United Way 211 shall be evaluated, given current call volume, and using the IMRP's call projections to determine if additional resources are needed to effectively handle increased call volume. Understanding the recommendation suggests directing additional calls to United Way 211, it may be necessary to explore increasing United Way 211's capacity to handle higher call volumes.

Recommendation 7.C: Expand and more fully publicize United Way 2-1-1 phone line and affiliate 2-1-1 website through a statewide awareness campaign. To this end, user-friendly public awareness messaging ought to occur across a variety of communicative methods (for example, billboards, phone applications ["apps"], radio, social media, TV). The messaging should be accessible and understood by persons across the disability community.[31] In terms of implementation, communities should develop messaging in partnership with community stakeholders (for example, United Way personnel, disability community representatives, school youth population).

Recommendation 7.D: Implementation of United Way 2-1-1 phone line and affiliate 2-1-1 website education program shall be standardized. A program and/or curriculum would constitute a fully voluntary, opt-in resource available for use by all public, private, charter schools, home educator networks, and co-op systems in the state. Put plainly, a program and/or curriculum would entail age-appropriate lesson plans, customizable per educator discretion and student learning styles, needs, and disabilities.

Recommendation 7.E: Training on the intersection between 2-1-1 and 9-1-1 phone line dispatching processes shall be clarified and expanded. This clarification and expansion process may include the following components: (1) enhanced dispatcher training content and course

[31] Acknowledging the array of disabilities represented is key to laying groundwork for improving police interactions with the disability community as a whole.

availability; (2) enhanced availability of licensing opportunities where applicable and/or required for community stakeholders (for example, individuals from the disability community); and (3) a concise yet specific step-by-step process document, publicly viewable that outlines scenarios in which a United Way 2-1-1 dispatcher would transfer crisis calls placed by persons with disabilities to 9-1-1; the document would be shared widely across a variety of communication and information platforms.

Recommendation 7.F: Public messaging about the intersection between 2-1-1 and 9-1-1 phone line dispatching processes shall be clarified and expanded. Again, this clarification and expansion process may include multiple aspects, including a step-by-step process document that outlines conditions and criteria for when a person with disabilities in crisis should call 2-1-1 or 9-1-1 or when a caller is unsure. Finally, the document should be widely shared via all relevant communicative platforms accessible to persons across the disability community.

Rationale

United Way 211 currently provides the state's point of entry and triage for Youth Mobile Crisis Intervention Services in partnership with Connecticut Department of Children and Families (DCF). 211 also operates Action Line in partnership with the Connecticut Department of Mental Health and Addiction Services (DMHAS). Both services provide telephone support, information and referrals to community resources, warm transfer to Mobile Crisis Teams, and when necessary, direct connection to 911 for youth or adults in crisis. In 2020, 33% (122,507) of all calls handled by 211 Contact Specialists were from callers in crisis. During 91% of adult crisis calls the crisis diminished while a 211 Contact Specialist was on the phone with the caller in crisis and only 561 (0.15%) callers required escalation to 911 for an active rescue or medical emergency response.

Recommendation 8: Improvements to Police Contact through Police Programs, Resources, and Services

Recommendation 8.A: Social Worker Feasibility. Municipalities shall constitute and implement mobile Crisis Intervention Teams (CITs) in accordance with specific community needs based on three central calculations: (1) crisis call volume and case load; (2) safety considerations; and (3) budgetary factors.[32] Municipalities with smaller populations and smaller budgets may find it more appropriate to join a regional CIT structure.[33] Alternatively, municipalities with larger populations and larger budgets may determine that their own CIT is warranted.

Recommendation 8.B: Hire Social Workers. Municipalities shall hire Social Workers (SWs) in addition to or in place of mobile Crisis Interventions Teams (CITs), contingent on the three central calculations delineated above: (1) crisis call volume and case load; (2) safety considerations; and (3) budgetary factors. On the one hand, municipalities with smaller populations, smaller budgets may require the sharing of SWs in a regional network and/or contractor basis. Whereas

[32] These are cited as major rationales in the police department-issued social worker feasibility reports, required per CT General Assembly Public Act (PA) 20-1.

[33] A review of the CT police department social worker feasibility reports as well as a preliminary survey of other states that have such programs indicate these themes.

municipalities with larger populations, larger budgets may require their own in-house SWs, either on a municipal payroll or police department payroll.

Recommendation 8.C: Social Worker Certification. When a municipality hires social workers (SWs), it shall make a data- and outcome-driven decision to choose licensed clinical social workers or individuals credentialed as Master of Social Work (MSWs) in accordance with specific community conditions, needs, and resources.[34]

Recommendation 8.D: Publicly Available Data. If or when a municipality pursues or pilots a SW program in collaboration with the local police department, it shall expand public availability of information about the program for the local community via a dedicated website. For example, such information could include the number of social worker(s) hired; the hours of coverage; the number of crisis calls placed within a specified time frame (updated on a consistent basis); the number of calls specified by crisis category (for example, behavioral, mental or physical crisis; domestic disputes/violence); and the departmental policies and procedures for responding to persons with disabilities in crisis. Such a website would provide real-time information for the public on processes for police and social workers responding to crisis calls within their communities.[35] In addition, the website would need to be accessible to individuals with disabilities.[36]

If or when a municipality decides not to pursue or pilot a SW program in collaboration with the local police department, it still expands public availability of information about current policies and procedures for responding to individuals with disabilities in crisis via a dedicated website. [37] Accessibility principles noted above would also apply.[38]

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[34] See https://socialworklicensemap.com/become-a-social-worker/lmsw-vs-lcsw/. According to CT Department of Health (DPH) 2020 licensing figures, there are 7,486 LCSWs and 3,441 MSWs in CT. See https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/practitioner_licensing_and_investigations/plis/statistics/2020.pdf.

[35] Crisis Assistance Helping Out On The Streets (CAHOOTS), a three decades-long crisis intervention team approach based in Eugene, Oregon, has an exemplary website that provides a potential model for police departments when enhancing availability of information for the community. See https://www.eugene-or.gov/4508/CAHOOTS

[36] At this time, instituting this component is less clear. The CAHOOTS website is exemplary of information availability as a general principle but does not indicate whether/how that information is communicated to the disability community specifically. That said, the website does include departmental policies and procedures as they pertain to the disability community. See https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/4328 for in-depth documentation on policies and procedures governing how Eugene, Oregon Police Department officers interact with persons who have disabilities.

[37] The Eugene, Oregon Police Department website constitutes a trove of information, organized by different tabs including for example, a real-time dispatch log (updated in 10-minute increments); crime map and statistics, departmental policies and procedures; contact information; Police Commission information; volunteer information. See http://coeapps.eugene-or.gov/epddispatchlog; https://www.eugene-or.gov/3439/Policies-and-Procedure; https://www.eugene-or.gov/542/Crime-Statistics; https://www.eugene-or.gov/539/Contacts-and-Services; https://www.eugene-or.gov/664/Police-Commission; https://www.eugene-or.gov/585/Volunteer-at-EPD, respectively.

[38] Again, this aspect is less known, as the template website cited here does not specifically address opportunities for whether/how disability community can access information in ways corresponding to their unique needs.

Recommendation 8.E: Voluntary Registry System. Municipalities shall create an opt-in, fully voluntary registry system (VRS) for improving information sharing between individuals with disabilities and their local police department.[39]

Municipalities choosing to create and implement a VRS, shall store information via a secure database, as paper forms are less secure than electronic methods of submittal.[40] For example, the federal Health Insurance Portability and Accountability Act (HIPAA) Security Rule does not apply to paper forms. Residents should be provided a variety of submittal options to suit personal access needs. Ultimately, storage of that information ought to reside in a secure database.[41]

Decisions of whether and how to constitute VRS shall be left to municipalities, with input from their community stakeholders including the disability community, police community, and privacy advocates. For example, decisions of sharing VRS information with other police departments ought to remain in the purview of the resident applicant, family member, and/or legal guardian.

Municipalities that choose to create and implement a VRS shall ensure opt-in choices for individuals with disabilities from the non-police community and police community alike. For example, ensure that the VRS opt-in choice covers individuals with visible and/or non-visible disabilities working within the police profession; such disabilities may result directly from working within the profession.

Lastly, a standardized VRS form shall be created that is consistent among all municipalities across the state to facilitate efficient and effective police responses to crisis calls placed by individuals with disabilities. The standardized form should ask the registrant to provide the following information: biographical (for example, name, age, gender, residence); medical conditions/diagnoses (for example, asthma, epilepsy); use of medical assistive devices (for example, EpiPen, cane); photo of registrant; any other information the registrant believes to be important during a crisis response.[42]

Recommendation 8.F: Police Education and Training. An expanded, more fully publicized NextGen 9-1-1 system, VOIP, text to 9-1-1 program public awareness campaign across the state shall be implemented.[43] To this end, user-friendly public awareness messaging ought to occur across a variety of communicative methods (for example, billboards, phone applications ["apps"], radio, social media, TV). The messaging should be accessible and understood by a spectrum across the disability community writ large. In terms of implementation, municipalities should be encouraged to develop said messaging in partnership with community stakeholders (for example,

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[39] See https://www.theiacp.org/sites/default/files/all/a/Alz%20Voluntary%20Registry.pdf; see also, https://thearc.org/wp-content/uploads/forchapters/18-086-Law-Enforcement-Registries-Resource-Sheet_v3.pdf

[40] See https://www.hhs.gov/hipaa/for-professionals/security/guidance/index.html

[41] See https://www.cdc.gov/phlp/publications/topic/hipaa.html

[42] Numerous VRS template forms exist across the country and in Connecticut. In general, VRS forms with the most utility are comprehensive in the information they ask the registrant to provide.

[43] See https://www.911.gov/issue_nextgeneration911.html; see also https://portal.ct.gov/DESPP/Division-of-Statewide-Emergency-Telecommunications/911-In-Connecticut/Next-Generation-9-1-1

DESPP personnel, local police departments, disability community representatives, and school youth).

Recommendation 8.G: Police Training. Police officer curriculum and in-service training pertinent to addressing unique needs of the disability community shall be expanded. Specifically, POSTC could expand disability-training course offerings and opportunities, clarify number of course hours and in-service trainings required annually for police departments, and set required annual minimum number of hours for both course and in-service training tracks while leaving decisions about implementation to local police departments. For example, if POSTC mandates "X" number of hours is required by end of Fiscal Year 2021-2022, a local police department can determine that its officers can fulfill that number of hours over a set number of weeks or months.

Recommendation 8.H: School Resource Officers. A focused, empirically grounded, data-driven study shall be conducted to evaluate the role and impact SROs have on students with disabilities in Connecticut. The study conducted by a state institute of higher education would respond to the broader charge of improving police interactions with the disability community. School youth with disabilities are important members of this community. To this end, the study should center on the following questions[44]:

- How many SROs are in Connecticut?[45]
- How many SROs are in each municipality and school district?[46]
- What are the funding mechanisms for SROs across the state's municipalities and school districts?
- What are the metrics for assessing the efficacy of SROs, particularly in the context of interactions with school-age youth who have disabilities?
- What is the "chain of command" structure when students with disabilities experience crises in school?
- Who responds when? Nurses, school psychologist, school psychiatrist, behavioral specialists, SROs, or a team comprising a variety of these professionals?
- What is the process of making memoranda of understanding (MOUs) between school districts, Boards of Education (BOEs), and SROs publicly accessible and viewable?

Recommendation 9: Funding for Pre-Police Contact Improvements

To pursue and implement the Intercept 0 and 1 recommendations (number 7 and 8) in a substantive, sustained way, municipalities shall explore and apply for specific funding opportunities for the

[44] This list of inquiries is by no means an exhaustive list. Rather, it is a sampling of questions to guide a potential study.

[45] A 2018 Office of Legislative Research (OLR) report documents the numbers of SROs in CT and within each municipality/school district. Numbers may have changed since that time, however. See https://www.cga.ct.gov/2018/rpt/pdf/2018-R-0094.pdf. In addition, a CT Voices for Children study examined the role of SROs in CT schools during the 2015-16 school year while acknowledging the need for additional research and recommending that the CT General Assembly "request a study on SROs." See https://ctvoices.org/publication/policing-connecticuts-hallways-the-prevalence-and-impact-of-school-resource-officers-in-connecticut/

[46] https://www.cga.ct.gov/2018/rpt/pdf/2018-R-0094.pdf.

Fiscal Year 2022 cycle through two primary agencies. The first agency is the Bureau of Justice Assistance (BJA) that offers funding for implementation of the above recommendations.[47] The second agency is the Bureau of Justice Statistics (BJS) that offers funding for statistical evaluation of that implementation (in short, data-gathering and analysis).[48] Both the BJA and BJS are housed within the federal Department of Justice (DOJ).

Rationale

BJA funding opportunities focus on implementation of the recommendations whereas BJS funding opportunities help to assess the efficacy (one metric of success) of the program implementation. These funding streams should be pursued together as they will assist the practical (on-the-ground) and conceptual (idea, theoretical) components of improving police interactions with the disability community.

In recent years, fatal interactions between police officers and members of the public have received national media attention in the United States.[49] Despite heightened focus on these encounters, deeper contextual and case fact examinations are often absent from popularized conversations.[50] Public discourse tends to operate on minimal acknowledgement about specific factors underlying these incidents.[51]

More precisely, headlines gloss over disabilities that the individual presented on scene.[52] For example, if responding police officers do not have prior knowledge that the individual has epilepsy, they may mistake behavioral patterns for criminal action and address it as such. Likewise, if a police officer seeks to de-escalate a situation directing verbal commands towards a deaf individual, the scenario may deteriorate rapidly.[53]

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[47] https://bja.ojp.gov/

[48] https://bjs.ojp.gov/

[49] Notably, George Floyd's death in Minneapolis, MN police custody ignited national and global efforts. For an expanded understanding of this incident, see https://www.fox9.com/news/who-was-george-floyd. Also, see https://www.thecourierdaily.com/george-floyd-criminal-past-record-arrest/20177/; https://nypost.com/2020/06/02/george-floyd-had-violent-criminal-history-minneapolis-union-chief/ ; https://apnews.com/article/virus-outbreak-us-news-ap-top-news-hip-hop-and-rap-houston-a55d2662f200ead0da4fed9e923b60a7 for additional assessments about different dimensions to the events and factors surrounding Floyd's death. For an in-depth, well-documented scholarly overview on encounters between police and individuals in the United States, see Mac Donald, Heather. 2016. *The War on Cops*. New York: Encounter Books.

[50] Moreover, the escalating proliferation of social media as vehicles for news impacts consumption and perception of, empirical events. See Lee, Sun Kyong, Nathan J. Lyndsey & Kyun Soo Kim. 2017. "The effects of news consumption via social media and news information overload on perceptions of journalistic norms and practices." *Computers in Human Behavior*, 75: 254-263. See also, A.W. Geiger. 2019. "Key findings about the online news landscape in America." Pew Research Center: https://www.pewresearch.org/fact-tank/2019/09/11/key-findings-about-the-online-news-landscape-in-america/.

[51] Police departments throughout the U.S. are simultaneously grappling with calls for greater accountability, transparency and retention of officers. For example, see https://www.npr.org/2021/06/24/1009578809/cops-say-low-morale-and-department-scrutiny-are-driving-them-away-from-the-job.

[52] By disabilities, we mean behavioral, developmental, intellectual, mental and physical: both non-visible and visible disabilities.

[53] For a story about a recent incident that occurred in North Las Vegas, see https://www.fox5vegas.com/news/crime/deaf-woman-says-nlvpd-told-her-11-year-old-twins-to-interpret-while-detained/article_034c3ed0-9db2-11eb-9a6b-2b7ff18b52d8.html.

According to the federal Centers for Disease Control and Prevention (CDC), 61 million adults in the United States live with a disability. A Ruderman Family Foundation[54] white paper and data from a 2015 Treatment Advocacy Center[55] study indicate that 30-50% of individuals who die during encounters with law enforcement are those with disabilities.[56] Moreover, persons with "untreated severe mental illness [SMI]" (as of 2015 there were an estimated 7.9 million American adults with SMI are involved in one in four fatal police encounters and one in ten calls for police response.[57]

It is also a fact that individuals from the police community live and work with disabilities. Rates of depression and PTSD among police officers and firefighters, for example, "have been found to be as much as 5 times higher than the rates within the civilian population."[58] According to a 2018 white paper issued by the Ruderman Family Foundation, first responders – including police officers and firefighters – are "more likely to die by suicide than in the line of duty."[59] This point speaks to the reality of mental health concerns and other underlying disabilities members of the law enforcement community experience. Improving police interactions with the disability community necessitates a parallel discussion about addressing the needs of police officers with disabilities. Simply put, improving police interactions with the disability community warrants inward and outward inspection.

On the one hand, if police had more information before answering crisis calls placed by those with disabilities, outcomes may improve in substantive, measurable ways. Metrics for evaluating the efficacy of various mechanisms for improving police interactions with the disability community could include: less escalation, less injury, less fatality, fewer arrests, lower recidivism rates and increased diversion rates to community and rehabilitation programs/resources.[60] On the other hand, if people with disabilities were more comfortable providing relevant information to police and other emergency personnel within their communities, outcomes may likewise improve encounters not just during crisis call responses but also police and disability community dynamics of trust during non-crisis times.[61]

At local, state, and federal levels of governance in the U.S., initiatives have arisen to improve law enforcement practices as well as foster conditions of trust between police and communities they pledge to protect. Under then-President Barack H. Obama, the President's Task Force on 21st Century Policing was established "to buil[d] trust between law enforcement officers and the

[54] The Ruderman Family Foundation is a Boston, Massachusetts-based disability advocacy and philanthropic organization. See https://rudermanfoundation.org/about-us/our-story/ for more information.
[55] The Treatment Advocacy Center is an Arlington, Virginia-based mental illness treatment research and advocacy organization. See https://www.treatmentadvocacycenter.org/index.php for more information.
[56] See https://rudermanfoundation.org/advocacy-media/white-papers/
[57] https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf
[58] https://rudermanfoundation.org/white_papers/police-officers-and-firefighters-are-more-likely-to-die-by-suicide-than-in-line-of-duty/
[59] Ibid.
[60] Various metrics which can be quantified with data are vital to articulating goals for improving police interactions with people who have disabilities.
[61] At its core, this facet entails a foundation of trust between police and the communities they guard and serve. For a classic, definitive scholarly work on this topic, see Jason Sunshine & Tom R. Tyler. 2003. "The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing." *Law & Society Review*, 37(3): 513-548.

communities they serve."[62] In June 2020, President Donald J. Trump signed Executive Order (EO) 13929, *Safe Policing for Safe Communities*.[63] This EO highlighted the importance of law enforcement certification, credentialing and information-sharing with the American public.[64] Meanwhile, current federal administration efforts appear to target a number of elements, among them racial equality policies and de-escalation training for law enforcement.[65]

On these fronts, the Sequential Intercept Model (SIM) is a valuable tool to identify current resources the state of Connecticut and its localities have for improving police interactions with the disability community; to identify gaps or missing resources that could substantively change those interactions; finally, to identify specific opportunities for and mechanisms of, impactful, quantifiable progress.

SIM is a federal Substance Abuse and Mental Health Services Administration (SAMHSA), housed within the U.S. Department of Health and Human Services, template for conversation and action.[66] Various municipalities and counties in the United States have utilized it to guide conversations about bettering police practices in and relationships with, communities.[67] As of this writing, Connecticut is the first to deploy SIM on a statewide scale.

The PTATF recommendations align with its charge of detailing ways to improve police community and disability community interactions.[68] SIM functions on an intercept structure whereby distinct moments of contact between law enforcement and the public map onto distinct facets within the American justice system. PTATF recommendations adhere to the first two intercepts: "Intercept 0" (pre-police contact) and "Intercept 1" (initial police contact). SIM contains a total of five intercepts indicating different potential points of contact between individuals and law enforcement, represented here in the graphic below.

Improving police interactions with the disability community requires processes of reciprocal trust-building. At their core, these processes of trust-building are grounded in consistent, open communication between the police community and the disability community. In turn, communication constitutes a foundation for principles of police accountability to the communities that law enforcement guards, protects, and serves. Likewise, as police may also be disability community members, the goal of accountability is to improve interactions for police and non-police alike.

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[62] https://www.justice.gov/opa/pr/department-justice-announces-new-guidebook-21st-century-policing

[63] See https://www.apostc.alabama.gov/wp-content/uploads/2020/12/Safe-Policing-for-Safe-Communities-Implementation-Fact-Sheet_v14_03dec20_508-1.pdf.

[64] See https://www.presidency.ucsb.edu/documents/executive-order-13929-safe-policing-for-safe-communities

[65] See https://www.policemag.com/598043/5-policing-initiatives-the-biden-administration-is-likely-to-tackle

[66] See https://www.samhsa.gov/criminal-juvenile-justice/sim-overview

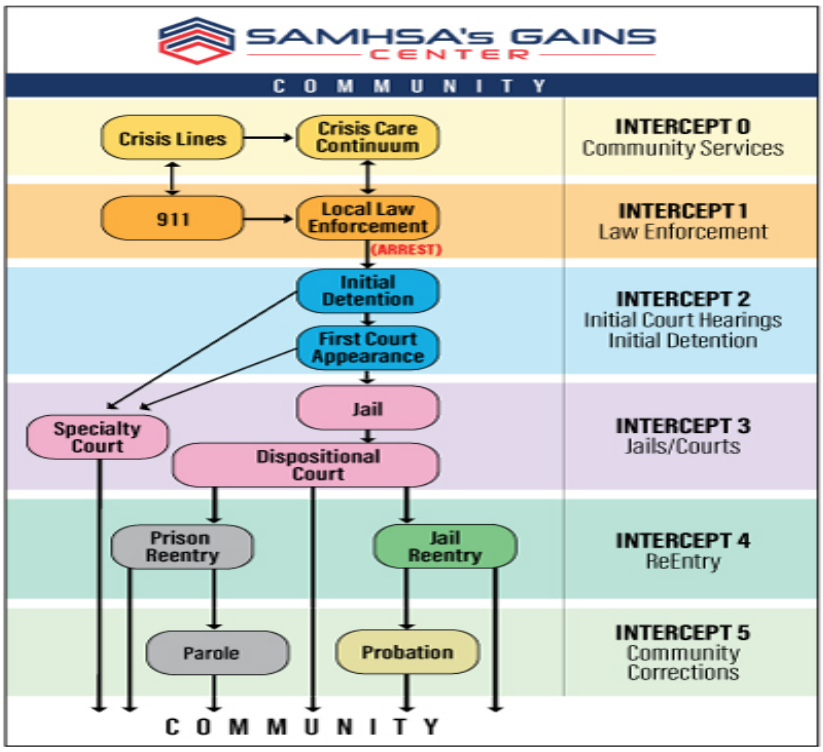
[67] For example, in 2016, Craighead County, Arkansas hosted a SIM workshop (https://www.prainc.com/gains/enews/april16.html); Pettis County, Missouri held a SIM workshop (https://www.prainc.com/gains/enews/april16.html); Manatee County, Florida conducted a SIM mapping workshop in 2019 (https://www.usf.edu/cbcs/mhlp/tac/documents/mapping/sim-reports/manatee-adult-sim-2019.pdf).

[68] See p. 3 in "Annual Report of the Police Transparency & Accountability Task Force." https://www.cga.ct.gov/jud/tfs/20200116_Police%20Transparency%20and%20Accountability%20Task%20Force/20210202/January%202021%20Draft%20Annual%20Report%20PTATF.pdf

Processes of trust-building and communication are located within the broader context of community policing in the United States. As underscored in a DOJ Community Relations Service document, among the "10 underlying principles of community policing," two are striking for their relevance to the topic at hand: improving police interactions with the disability community.[69]

One principle is that "[t]he police and the community share ownership, responsibility, and accountability for the prevention of crime."[70] The other principle is that "[m]utual trust between the police and the community is essential for effective policing."[71] When implemented in conjunction with one another, concepts of sharing "accountability" and developing "mutual trust" foster premises of transparency as well as accountability on which interactions between police and the disability community can be built.

Throughout the research work for this subcommittee, Improving Police Interactions with the Disability Community (IPIDC), the Sequential Intercept Model (SIM) has proven to be an invaluable framework for conceptualizing and understanding law enforcement community-disability community encounters and potential best practices that could minimize unnecessary interactions, reduce the incidence of adverse ones, and improve the ones that occur in terms of quantifiable metrics – among them, less escalation and/or violence during the encounters, greater diversion to community resources, fewer arrests and lower recidivism. The versatility and applicability of SIM is also notable, as this model can pertain to all disabilities individuals may have within other areas against the broader Connecticut criminal justice landscape: courts, corrections, probation, and parole. On this final point, we underscore the continued utility of SIM in future investigative projects.



Source: https://www.samhsa.gov/criminal-juvenile-justice/sim-overview

[69] See "Principles of Good Policing: Avoiding Violence Between Police and Citizens" (revised September 2003). U.S. Department of Justice, Community Relations Services: p. 43. https://www.justice.gov/archive/crs/pubs/principlesofgoodpolicingfinal092003.pdf
[70] Ibid: p. 43.
[71] p. 43.

Recommendation 10: Implementation of the Federal 988 Crisis Hotline

Legislation shall be adopted to: (1) implement the federally mandated 988 crisis hotline system; (2) enhance and expand behavioral health crisis response and suicide prevention services statewide; and (3) fund the system through SAMSHA and DHHAS grants, reimbursements from private and public insurers, and, if necessary, funds may be raised by imposing a federally authorized excise tax on commercial mobile services or IP-enabled voice services.

Rationale

Legislation implementing the federally mandated 988 crisis hotline system has already been introduced, passed, and/or signed into law in 18 states. The PTATF recommendation for the Connecticut General Assembly to enact legislation aligns with SAMHSA's *National Guidelines for Behavioral Health Crisis Care Best Practices Toolkit*[72] and the model bill published by the National Association of Mental Health Program Directors[73]. It also reflects the robust approaches reflected in the bills passed in Washington State[74] and introduced in New York State.[75]

Police officers perform the indispensable service of protecting our communities from crime and violence and promoting public safety. Police recruitment and training necessarily focus on fielding officers equipped by temperament and training for the dangerous job of "containing and controlling" criminal and violent behaviors.

Yet, as communities have repeatedly failed to provide adequate resources for addressing recurring crises in behavioral health (e.g., mental illness, substance abuse, homelessness, domestic violence, child neglect and abuse), we have asked our police to expand their services to address innumerable behavioral health emergencies well beyond their core vocation and training. There is an old saying that "when your only tool is a hammer, it is tempting to view every problem as a nail." Similarly, when your principal tool is "contain and control" by the use or prospect of force, then too many behavioral emergencies will seem like threats to be controlled instead of illnesses to be treated.

There will always be, of course, some percentage of behavioral health emergencies that present a sufficient, imminent threat of violence that a police presence will be necessary but sending police as the default first responders in every case reflects a lack of nuanced judgment that inevitably results in multiple adverse consequences. First, turning reflexively to armed law enforcement officers misuses and overextends our already thinly stretched police departments. Second, we deprive the individuals suffering behavioral crises of the professional mental health response they need. Third, we cycle behavioral patients through repeated, costly, and ineffective emergency department admissions and discharges instead of referring them to the care resources that might break the cycle of substance abuse, homelessness, mental illness, etc. at a fraction of the cost.

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[72] Substance Abuse and Mental Health Services Administration, National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit (2020). https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-care-02242020.pdf.

[73] National Association of State Mental Health Program Directors, Model Bill for Core State Behavioral Health Crisis Services Systems (2021). https://www.nasmhpd.org/sites/default/files/Model%20Bill%20for%20a%20Core%20State%20Behavioral%20Health%20Crisis%20Services%20System.pdf.

[74] http://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1477-S2.SL.pdf?q=20210617050746

[75] https://legislation.nysenate.gov/pdf/bills/2021/A7177B.

Fourth, we end up unnecessarily routing a significant percentage of behavioral crisis sufferers into the criminal justice system, with the multiplying expenses of arrest, adjudication, incarceration, and probation. Finally, we dramatically increase the risk of police use of lethal force, particularly when the subject is person of color.

Research conducted over the past decade by the United States Department of Justice and other federal agencies has generated repeated recommendations for more nuanced responses to persons suffering behavioral crises.[76] These recommendations have been echoed by calls from many organizations such as the United States Conference of Mayors[77], the Leadership Conference on Civil and Human Rights[78], the National League of Cities and Arnold Ventures[79], and the Center for Policing Equity[80] for adoption of "mobile crisis unit", "co-responder", and/or "crisis intervention team" alternatives to relying exclusively on armed law enforcement "contain and control" responses.

In several ways, Connecticut police departments and state agencies have taken a leadership position in experimenting with or deploying mobile crisis unit, co-responder and/or crisis intervention team models, often with funding from the Connecticut Department of Mental Health and Addiction Services ("DMHAS"). For instance, in 2002, the Connecticut Department of Children and Families ("DCF") began shifting crisis responses from armed police officers to mobile crisis teams staffed by mental health professionals ("Emergency Mobile Psychiatric Services," now called: "Mobile Crisis Intervention Services", http://www.empsct.org/.).[81] By

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[76] Bureau of Justice Assistance Office of Justice Programs U.S. Department of Justice (2010) *passim;* U.S. Department of Justice Office of Community Oriented Policing Services ("COPS"), Law Enforcement Best Practices: Lessons Learned from the Field 37-46 (2019); Substance Abuse and Mental Health Services Administration, National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit *passim* (2020).

[77] United States Conference of Mayors, Report on Police Reform and Racial Justice 14-15 (2020)

[78] The Leadership Conference on Civil and Human Rights, New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing 152-167 (2019).

[79] National League of Cities and Arnold Ventures, Mental Illness, Substance Use, and Homelessness: Advancing Coordinated Solutions through Local Leadership 1-5 (2019)

[80] Center for Policing Equity, A Roadmap for Exploring New Models of Funding for Public Safety 4 (2020)

[81] Fendrich, M., Kurz, B., Ives, M., & Becker, J. *for* The Child Health and Development Institute of Connecticut, Inc., Evaluation of Connecticut's Mobile Crisis Intervention Services: Impact on Behavioral Health Emergency Department Use and Provider Perspectives on Strengths and Challenges 8 (2018). "Connecticut's Mobile Crisis Intervention Service (Mobile Crisis) program, which is grant-funded by the Department of Children and Families (DCF), was first implemented in 2002 (O'Brien, Mulkern, & Day, 2003; Vanderploeg, Lu, Marshall, & Stevens, 2016). The program aims to "serve children in their homes and communities, reduce the number of visits to hospital emergency rooms, and divert children from high-end interventions (such as hospitalization or arrest) if a lower level of care is a safe and effective alternative" (Vanderploeg et al., 2017, p. 6). The program provides free services to youth who are 18 years and younger, and to 19 year-olds who still attend high school (Vanderploeg et al., 2016). Vanderploeg et al. (2016) described three key components and other integral features that comprise Mobile Crisis. The information contained in the following section was adapted from their article. The first key component is the provider network. Mobile Crisis provides coverage to the entire state of Connecticut through six service areas, each of which utilizes up to three sites (there were a of 14 provider sites as of 2016; these numbers expanded, as indicated in Section III), that are responsible for different geographic regions of the state. Each service area has a Mobile Crisis director, access to a child and adolescent psychiatrist, and Master's level clinicians in the fields of social work, psychology, marriage and family therapy, and related fields. Mobile Crisis clinicians work with clients to develop crisis safety plans. Other features of their work include "crisis stabilization and support, screening and assessment, suicide assessment and prevention, brief solution-focused interventions, and referral and linkage to ongoing care" (Vanderploeg et al., 2016, p. 106). The Mobile Crisis team's approach is guided by collaboration with families, schools, hospitals, and other providers. The maximum Mobile Crisis episode length is typically 45 days, but can be extended if necessary. Clients can also return to Mobile Crisis as many times as needed after the episode is closed. The second key component is the call center. Clients can access Mobile Crisis services by dialing 211 (although our focus groups revealed that there were direct lines of engagement at some sites). A call specialist will solicit basic information from the caller and refer police or ambulances services if warranted. Otherwise, if the call occurs during Mobile Crisis mobile hours (Monday through Friday: 6:00 am-10:00 pm; weekends and holidays: 1:00 pm-10:00 pm), the call specialist will connect the caller to Mobile Crisis through a warm transfer. Based on the call specialist's recommendation, Mobile Crisis will respond in one of three ways: immediate mobile, deferred mobile, or telephone. In mobile responses, Mobile Crisis clinicians will meet clients wherever they are experiencing a crisis in the community. During immediate mobile responses, clinicians will meet the client within 45 minutes of the call (In 2015, Mobile Crisis achieved this response time 89% of the time.). If the call occurs outside of Mobile Crisis mobile hours, the call specialist will connect the caller to a non-Mobile

2015, DCF had already established fifty-three memoranda of understanding with community-based mental health care providers.[82] DMHAS funds a statewide "Call 211" hotline operated by the United Way that provides referral and, occasionally, mobile crises responses staffed by mental health professionals. Most municipalities and many Connecticut State Police troops have sent at least some of their officers for formal crisis intervention team training. Finally, section 18 of the state's recently enacted Police Accountability Act requires the Department of Emergency Services and Public Protection and each municipal police department "to complete an evaluation of the feasibility and potential impact of the use of social workers by the department for the purpose of remotely responding to calls for assistance, responding in person to such calls or accompanying a police officer on calls where the experience and training of a social worker could provide assistance."

These are worthy and important initiatives, and we should certainly recommend a continuation of commitment, research, and development in each of these areas. Yet, we have already experienced the financial and logistical challenges to scaling up these programs further. One need only survey the municipal and state police responses to the feasibility and impact studies required by Section 18 of the Police Accountability Act to see a catalogue of potential obstacles.

Fortunately, federal legislation and regulations mandating a nationwide "988 Hotline" has intersected with concerns underscored by the George Floyd murder to inspire a bipartisan, national movement to implement the federal "988" mandate with statewide mobile crisis response capacities staffed by professional health care workers. States across the country have been moving expeditiously to enact implementing legislation taking advantage of the federal law's grant of authority to fund the mobile crisis response services with fees and charges imposed on commercial mobile services or IP-enabled voice services.[83]

Federal 988 Legislative and Regulatory History. The federal 988 legislative and regulatory history was ably summarized in a May14, 2021 blog posted by the Substance Abuse and Mental Health Services Administration entitled, entitled, "Groundbreaking Developments in Suicide Prevention and Mental Health Crisis Service Provision":

"In 2018, Congress passed and the President signed into law, the National Suicide Hotline Improvement Act in which SAMHSA and the Veterans Administration were called upon to report to the Federal Communications Commission (FCC) regarding the effectiveness of the existing National Suicide Prevention Lifeline and the potential value of a three digit number being designated as the new national suicide prevention number. The FCC subsequently recommended to Congress that the number 988 be designated as the new national suicide prevention number. On

Crisis clinician and Mobile Crisis will follow-up with the caller during mobile hours. The third key component is the Performance Improvement Center (PIC), which was created in 2009 and is housed at the Child Health and Development Institute of Connecticut (CHDI). PIC is charged with "standardized practice development; data collection, analysis, reporting, and quality improvement; and workforce development" (Vanderploeg, 2016, p.105).

[82] Department of Children and Families, Connecticut Children's Behavioral Health Plan: Progress Report 8 (2015)

[83] Substance Abuse and Mental Health Services Administration, "Blog: Groundbreaking Developments in Suicide Prevention and Mental Health Crisis Services Provision" https://blog.samhsa.gov/2021/05/14/groundbreaking-developments-suicide-prevention (May 14, 2021)

July 16, 2020, the FCC issued a final order designating 988 as the new NSPL and Veterans Crisis Line (VCL) number. This order gave telecom providers until July 16, 2022 to make every land line, cell phone, and every voice-over internet device in the United States capable of using the number 988 to reach the Lifeline's existing telephony structure. On October 17, 2020, the National Suicide Hotline Designation Act of 2020 was signed into law, incorporating 988 into statute as the new Lifeline and VCL phone number."

One of the most significant provisions of the 988 legislation was the express provision of authority to the states to impose and collect fees or charges "applicable to a commercial mobile service or an IP-enabled voice service" to fund "9-8-8 related services if the fee or charge is held in sequestered account to be obligated or expended only in support of 9-8-8 services, or enhancements of such services."

Permitted expenses included: "(A) ensuring the efficient and effective routing of calls made to the 9–8–8 national suicide prevention and mental health crisis hotline to an appropriate crisis center; and (B) personnel and the provision of acute mental health, crisis outreach and stabilization services by directly responding to the 9–8–8 national suicide prevention and mental health crisis hotline."

State Responses to the Federal 988 Legislation and Regulation. Many states have recognized that the federal legislation and regulation, particularly its grant of authority to impose fees and charges on mobile and IP-enabled voice call services, provides a powerful tool that can be used to address both the suicide and mental health crises and the concerns underscored by the George Floyd murder.

Three states have already passed and signed 988 legislation into law (Washington, Virginia, and Utah); three states have passed 988 legislation (Alabama, Indiana, and Nevada); twelve states have introduced 988 legislation (Oregon, California, Colorado, Idaho, Kansas, Kentucky, Massachusetts, Nebraska, New York, New Jersey, Rhode Island, and Wisconsin); and new 988 legislation is already anticipated in at least three more states (Arkansas, Pennsylvania, and South Carolina.)[84]

Many of the state bills already enacted or introduced reflect guidance provided by SAMSHA's published best practices for behavioral health crisis care[85] as well as model bills promoted by various mental health advocacy groups.[86] While there is substantial variation among and between the various state bills, virtually all of them seek to capture the advantages identified by SAMSHA:

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[84] Substance Abuse and Mental Health Services Administration, "Blog: Groundbreaking Developments in Suicide Prevention and Mental Health Crisis Services Provision" https://blog.samhsa.gov/2021/05/14/groundbreaking-developments-suicide-prevention (May 14, 2021)

[85] Substance Abuse and Mental Health Services Administration, National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit (2020). https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-care-02242020.pdf.

[86] National Association of State Mental Health Program Directors, Model Bill for Core State Behavioral Health Crisis Services Systems (2021). https://www.nasmhpd.org/sites/default/files/Model%20Bill%20for%20a%20Core%20State%20Behavioral%20Health%20Crisis%20Services%20System.pdf.

1. More people in suicidal and mental health crisis will be helped. Sources of increased contacts (calls, chats, and texts) include baseline contact volume, new contact volume, and contacts diverted from 911 and other crisis hotlines.
2. Those in crisis will be more likely to receive help from those most qualified to provide support.
3. More effective triage means less burden on emergency medical services, emergency departments, law enforcement, etc. so that their agencies can be appropriately focused their limited resources on those areas for which they are best trained.
4. The attention the transition to 988 has brought to crisis services has led to an opportunity for states to reimagine their crisis service provision, and to ensure adequate financing of 1) mobile crisis services, 2) crisis center hubs and 3) crisis stabilization services.[87]

In CBA's view, SAMSHA's summary of benefits omits one of the most consequential benefits of shifting the primary burden of responding to behavioral health crisis from armed law enforcement officers to mental health professionals. At least 23% of all fatal shootings by police officers in the line of duty since 2015 involved victims with known mental illness.[88]

"Mental illness, unlike age, is its own risk factor for police violence. The Fatal Force project found that approximately one in four people shot and killed by police were experiencing a mental or emotional crisis at the time of the shooting.

However, the finding that Black men exhibiting signs of mental illness are also at higher risk of police killing than white men, particularly while unarmed, is indicative of a concerning pattern in policing: While white men with mental illness are more likely to be given treatment, Black men with similar behaviors are more likely to be criminalized for their actions."[89]

To put the matter as starkly as possible, every behavioral health crisis successfully addressed by mental health professionals instead of by armed policer will significantly reduce the risk of the patient being fatally shot. No one has ever been shot by a police officer who was not at the scene.

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[87] Substance Abuse and Mental Health Services Administration, "Blog: Groundbreaking Developments in Suicide Prevention and Mental Health Crisis Services Provision" https://blog.samhsa.gov/2021/05/14/groundbreaking-developments-suicide-prevention (May 14, 2021)

[88] Washington Post Database of Police Shootings, https://www.washingtonpost.com/graphics/investigations/police-shootings-database/.

[89] Kara Manke, "Stark racial bias revealed in police killings of older, mentally ill, unarmed Black men" U.C. Berkeley.News, October 5, 2020. *Citing* The Washington Post Database of Police Shootings *and* Marilyn D.Thomas PhD, MPH[a], Amani M.Allen PhD, MPH[b], "Black and unarmed:statistical interaction between age, perceived mental illness, and geographic region among males fatally shot by police using case-only design," 53 Annals of Epidemiology, January 2021, 42-49.
https://www.sciencedirect.com/science/article/abs/pii/S1047279720302957?via%3Dihub

III. LOGISTICS SUBCOMMITEE

The Logistics Subcommittee was responsible for: (1) reviewing and developing a course of action for all other task force and statutory priorities and to develop recommendations; (2) engaging with the office of Governor Ned Lamont and the Connecticut General Assembly to ensure coordination of legislative and administrative efforts necessary to implement the task force's recommendations; and (3) determining the structure and scope of PTATF's final report.

III.A. Subcommittee Members

Rep. Joshua Hall, Chair

Chief William Wright

Shafiq Abdussabur

John Szewczyk

Stephen Saloom (Committee Only)
Director, Advocacy and Capacity Building, Fairfield County's Community Foundation

Tanya Hughes (Committee Only)
Executive Director, CT Commission on Human Rights and Opportunities

Cheryl Sharp (Committee Only)
Deputy Director, CT Commission on Human Rights and Opportunities

Claudine Fox (Committee Only)
Public Policy and Advocacy Director, CT ACLU

Ken Green (Committee Only)
Social Worker

Bishop John Selders (Committee Only)
Organizing Pastor of Amistad United Church of Christ, Hartford

III.B. Subcommittee Recommendations

Recommendation 11: Appointment of the Inspector General

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

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. (It should be noted that on the date of this report an inspector general had been appointed.)

Rationale:

An Act Concerning Police Accountability, Public Act 19-90, Section 33(a) states:

"There is established the Office of the Inspector General that shall be an independent office within the [Connecticut] 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 public 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 Section 33(j), IG 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, it is recommended that the law be amended to allow the Criminal Justice Commission to consider candidates outside of the DCJ for the position of the IG as well as IG staff positions.

Recommendation 12: Non-Compliance with Mandatory Decertification Reporting

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 13: Mandatory State CLESP Tier III Accreditation

Public Act 20-1 §44 should 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 Connecticut Law Enforcement Standards and Practice (CLESP) Tier III accreditation standards by 2025. All law enforcement units should achieve CLESP Tier I state accreditation by 2022 and CLESP 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-along, 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 (CLESP), overseen by 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 CLESP 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 14: Citizen Complaint System

It is recommended that the POSTC be tasked with updating the current model form and develop a standardized, statewide reporting form and process for reporting citizen complaints. The complaint form should make clear that those reporting can do so anonymously, do not need to have the form notarized and the form should ask for information about the race, ethnicity and gender of the officer and complainant among other categories. The complaint form must be easy to find, be available electronically, but hard copies should be maintained at the police station and at other municipal buildings, including the library in the town or city, with versions in languages that reflect the needs of the local population. POSTC should collaborate with the Commission of Human Rights and Opportunities (CHRO) to include information that informs the complainant of their right to also file a complaint with the CHRO.

The data from the complaints must then promptly be submitted by each police department to a database maintained by the Police Officer Standards and Training Council without the names or other identifying information of complainants or officers but tracked through a number system so that it is possible to determine whether the same officer or complainant are being reported against or reporting. POSTC should determine which categories of complaints must be submitted by all departments (to include racial profiling, discourteous behavior and excessive force), but should not permit police departments to wait and submit only those complaints, which are investigated and determined to be substantiated. POSTC must also develop an auditing policy to ensure that each police department is making the complaint form widely available and regularly and correctly submitting the data. The POSTC would maintain the database (which could be outsourced to a university) and, on a bi-annual basis, a report of the complaints received would be made public. This system would provide transparency to the public and would more easily permit problems and patterns of behavior to be identified or provide assurance that such problems are not being reported.

Rationale:

An Act Concerning Police Accountability, Bill 6004, does not cover citizen complaints. Currently, there is no standardized practice across the state for reporting all complaints and no central repository for collecting complaints, database for analyzing them, or method of reporting data. The model complaint form developed by POSTC in 2015 has certain problems, including not making clear that the form is anonymous, and it needs to be updated so that more information is regularly collected. For at least certain categories of citizen complaints, to include excessive force, any complaints of racial profiling or discourteous behavior, this lack of standardized, fulsome reporting and collection of data is particularly problematic.

POSTC has developed certain minimum standards for the reporting of complaints and police departments are required to make hard copies available at the town hall or other municipal building and to make electronic copies available on their websites. However, a detailed form for gathering all the data is not uniform across the state and it is easier to find for some police departments than for others. If POSTC creates a standardized form (with specific information that would be useful for assessing patterns), the data collected should be submitted to a centralized data collection center without names or any identifying information of either complainants or officers. The analysis of

the data could be outsourced to a university but should be reported on a bi-annual basis and should be maintained in a database that is easily searchable and publicly accessible.

Recommendation 15: Civilian Review Board Standards

It is recommended that municipalities consider the following minimum standards when creating a CRB pursuant to Section17(a) of Public Act 20-1.

Although Section17(a) outlines the minimum qualifying standard for a town's implementing ordinance, the legislation does not offer specific guidance for establishing a CRB. This is understandable, given the variety of communities that a CRB might serve. The following recommendations, therefore, provide guidance for the proposed ordinance and the creation of CRBs.

Sec. 17. (a) The legislative body of a town may, by ordinance, establish a civilian police review board. The ordinance shall, at a minimum, prescribe:

(a) The scope of authority of the civilian police review board

It is recommended that the following factors be considered when deciding between an investigatory-based or review-based CRB.

- Does the police department have a history of being open and transparent with the community?
- Is the police department currently under a consent decree /federal oversight, or does it have a history of being under a consent decree/federal oversight?
- Does the municipality have the funding and resources needed to finance an investigative CRB (including office equipment, investigators, computers, video equipment)?
- What are the implications for failure to comply with subpoenas?
- What are the enforcement measures available to compel subpoena compliance?

These questions will assist a municipality in deciding what type of CRB to choose. A community with a police department with a demonstrated track record of being open and transparent with the community may chose a review based CRB. Conversely, an investigative-based CRB is better suited for a police department that historically or currently has been under federal consent decrees and/or is working to create stronger trust with the community it serves.

An investigative-based CRB will be labor-intensive, requiring members to have an investigative background/training. It will require subpoena power to compel witnesses or to demand document production for examination by the CRB. This CRB will conduct administrative internal affairs investigations that are not intended to substitute for, or interfere with, related criminal investigations. As provided in Section 17, the Inspector General will have the authority to stay a CRB investigation in order that it not interfere with an ongoing criminal investigation. This form of CRB likely will have significant collective bargaining implications.

A review based CRB, by contrast, will evaluate a department's internal affairs investigation for being objective, factual, and thorough. The CRB would sustain or reject the findings and make

recommendations to the Chief of Police or other individuals who have the authority to discipline officers.

(b) The number of members of the civilian police review board

It is recommended that a CRB that not contain less than five members or more than eleven members.

To avoid votes ending in a tie, boards should be comprised of an odd number of members. Using 60% of members in attendance as the basis for a quorum, a board consisting of five members would need only have three members in attendance to conduct business. As a common-sense approach, it does not appear productive to have less than three persons deciding the issues coming before a CRB.

On the other hand, a CRB comprised of too many members may present difficulties in attaining a quorum. Also, too many people on a CRB may lead to lengthy debates or discussions of differing opinions, thereby slowing the review process.

(c) The process for the selection of board members, whether elected or appointed

CRBs must assess interactions between police and civilians, sometimes with conflicting accounts and evidence. CRBs must be viewed as objective and impartial entities so that their findings and proposed recommendations will be respected by all involved.

The process of selecting CRB members, whether elected or appointed, should include a background check. The background check should not be used to unfairly preclude any individual's participation but rather elicit a diverse collection of lived knowledge or possible implicit biases. Prospective board members should participate in an assortment of training, including citizen's academy, scenario training, ride-a-long, and confidentiality training. Members should also sign a confidentiality agreement before their appointment. The selection process should yield a diverse CRB mindful of gender, race/ethnicity, background, experience and worldview.

(d) The term of office for board members

We recommend that terms be staggered, thus reducing the likelihood of an entire CRB turning over at the same time. Terms should be for a minimum of two years and be reviewed by the entire board review after five years. There should also be a maximum number of terms that a CRB member could serve before a break in service. Members must recognize the civic commitment attached to the role, and absent hardships and personal emergencies, members should serve their full term. CRBs need consistency to garner adequate collective knowledge to perform the job efficiently.

(e) The procedure for filling any vacancy in the membership of the civilian police review board.

The selection committee or the CRB should fill vacancies either by vote or appointment. Also, based upon the amount of time remaining in the vacated term and the amount of training involved

in becoming a board member, it may be in the CRB's best interest to leave the position vacant. The process of filling a vacancy must include the perspective of the initial selection committee and the existing CRB body's opinions.

There should also be a process that addresses the removal of a board member. The following factors should be considered as a basis for removal: breach of confidentiality; breach of ethics (i.e., using one's position of power to coerce another, falsifying information, nepotism, and not disclosing conflicts of interest); a pattern of poor attendance; or other conduct unbecoming of a board member. It is essential to recognize that accountability, trust, and integrity are just as integral to the CRB members as they are for police officers.

Recommendation 16: Internal Affairs Investigation Training

The Police Office Standards and Training Council shall establish pre-service and in-service training courses for police officers conducting and supervising internal investigations. The core course curriculum shall include but not be limited to:

- Intake, acceptance, and review of complaints;
- Notification of officer, complainant, and witnesses;
- Administrative versus criminal complaint procedure;
- Investigation steps and timeframes and use of other investigators;
- Use of *Miranda* and *Garrity* warnings and use of union representation or legal representation;
- Statutory and constitutional legal issues pertaining to investigation of governmental employees;
- Advanced interview and interrogation technique and management;
- Collection of evidence and exculpatory material;
- Identification of bias against persons or groups;
- Labor agreements;
- Dispositions and disciplinary outcomes;
- Report writing and summaries; and
- Objectivity and accountability issues.

All police officers of any rank assigned to conduct or supervise internal investigations shall be required to successfully complete the POSTC pre-service internal investigator training program and complete in-service training in internal investigations during active assignment to conduct or supervise internal investigations. POSTC shall determine the content, curriculum, and credit hours of the pre- and in-service training modules.

Rationale:

Training of officers and accreditation of police departments are methods to ensure standardization and accountability in practice. The training requirements are designed to orient police officers to the unique investigative and legal aspects of conducting internal investigations, both administrative and criminal.

POSTC is responsible for providing guidance and administering a state accreditation program for police departments. PTATF recommended state and municipal law enforcement units to obtain and maintain the CLESP Tier I accreditation by 2022, Tier II accreditation by 2023, and Tier III accreditation by 2025. This recommendation is intended to ensure standards and policies, including policies governing internal investigations processes, are more uniform across departments in Connecticut. Given the scope of the POSTC accreditation standards and the robust nature of the accreditation process, no recommendations are made pertaining to the internal investigation policies of state or municipal police departments.

Recommendation 17: Primary and Secondary Stop Proposal

Public Act 20-1 required the Task Force to (1) examine the establishment of a primary and secondary traffic violation system in the general statutes, and (2) examine the establishment of a requirement in the general statutes that any police traffic stop be based on the enforcement of a primary traffic violation.

The Task Force developed a comprehensive proposal to make several technical changes to the Connecticut motor vehicle statutes to establish a definition for a secondary traffic violation, identify those traffic violations that should be changed to secondary, and clarify the intent of other traffic violations. Reforms primarily focus on a small number of equipment and administrative offenses. The full legislative proposal can be found in Appendix A of this report.

Rationale

Disparities in the criminal justice system, particularly police enforcement, have been a major source of political protest and social unrest in the United States. Motor vehicle enforcement is a frequent focus of the conversation due to the fact that it is the public's most frequent interaction with law enforcement. On average, police in Connecticut conduct more than 500,000 traffic stops each year. Since 2013, Connecticut has collected and analyzed data for over 3.5 million traffic stops.

There are societal and other costs to every police interaction both for the citizen and law enforcement. For citizens there are the immediate and obvious costs of an interaction resulting in an infraction ticket. A fine imposed may only be one of the real costs for individuals stopped by the police. However, there is a disparate impact on Black and Hispanic individuals stopped by the police. Certain violations such as administrative and equipment related infractions may not be the result of criminal intent but can be the result of not having the resources to bring the vehicle fully into compliance. Limited financial resources for people with lower incomes can create difficult choices. If the fine is not paid on time it may lead to further financial or criminal consequences. It may also have a detrimental effect on a person's livelihood because of the suspension of a license or registration. The consequences of a relatively minor violation may start with a fine but can result in unintended consequences.

Effective policing must be based on trust and legitimacy between law enforcement and the communities they serve. Actions by the police that are unfair or create a perception of unfairness

can diminish public trust in police. That lack of trust reinforces perceptions that the justice system is biased. Once that trust is broken, it isn't easily repaired.

Police use traffic enforcement to maintain the safety of our roadways and respond to other community needs. When considering how to patrol their communities, police consider many factors including accident rates, traffic volume, citizen complaints, calls for service, and crime, to name a few. Law enforcement administrators, policy makers, researchers, and other stakeholders have long recognized the valuable role that traffic enforcement can play in ensuring community safety. Every traffic stop can be stressful and unpredictable for both the officer and the driver. Both parties are uncertain of what they are walking into and how it is going to end. It makes sense that the people on both sides of the car window would want to limit these interactions to situations where they are truly needed.

The development of a primary and secondary traffic law system is certainly feasible and has merit. Proposed reforms have been carefully considered to ensure that public safety is not jeopardized. There was a consensus that stops for cell phone, seatbelt, speed, stop sign, traffic control signal and other moving violations should remain unchanged.

Stops categorized as equipment-related and administrative have demonstrated statistically significant racial and ethnic disparities and were the primary focus for inclusion in a secondary traffic law system. Equipment and administrative offenses vary significantly in terms of their relationship to public safety. Some violations more directly impact the safety of a vehicle on the roadway. For example, a vehicle not displaying any headlights in darkness will logically impact roadway safety more significantly than a vehicle operating with one taillight not operating. The proposed statutory changes focused on the areas with the greatest benefit for decreasing racial disparities and costs to public health, safety, and trust in police institutions with the least probable effect on overall highway safety.

Recommendation 18: Police Census Data

All state and municipal law enforcement agencies shall be required to post annually on its website census data for all full-, part- and per diem employees to include:

- Total number of sworn and civilian employees;
- Total number of employees at each sworn rank (e.g., patrol officer, detective, sergeant, lieutenant, captain, deputy or assistant chief, chief, etc.);
- Breakdown of number of years of service in five-year increments (e.g., total number of probationary employees, total number of employees with less than 5 years of service, total with 5 to less than 10 years, total with 10 to less than 15 years, etc.);
- Breakdown of sworn and civilian employees by race and ethnicity, gender, and age group (e.g., <20, 20-29, 30-39, 40-49, etc.); and
- Total number of sworn and civilian employees who are residents in the municipality (yes or no).

Rationale

Consistent with the goals of the task force to increase transparency and accountability among state and municipal law enforcement agencies to help build the public's trust and legitimacy in policing, it is important to allow citizens and communities to know who is policing them. A straightforward way to accomplish this is to provide basic descriptive data about sworn and civilian employees of law enforcement agencies throughout the state. No information should be made public that could be used to identify individual employees. All data should be collected and presented in the aggregate.

The Bureau of Justice Statistics, within the Unites States Department of Justice, collects census data on police departments throughout the country. These data are used to track trends in staffing and who is entering the policing profession. These data have proven useful in analyzing population and crime trends.

President Barack Obama's Task Force on 21st Century Policing (final report May 2015) recommended state and local police earn the trust of citizens and honor their commitment to safety and security. One of the recommendations to accomplish this is to make public all relevant policies and procedures, records, and open data to let the community know what police departments have done and will be doing. Sharing census data on the police will allow communities to better understand how the police represent in terms of demographic and other descriptors.

Recommendation 19: Public Availability of Police Policies

All state and municipal law enforcement agencies shall be required to annually post on their websites all policies in which they are required to meet or exceed the mandatory policies issued by the Connecticut Police Officer Standards and Training Council. For the purposes of this recommendation, the following policies shall be posted online annually including any statutory or administrative updates and be available to the public:

1. Bias-based policing (CGS §54-1)
2. Processing complaints that allege misconduct by police officers (POST-C Model Policy 15-03)
3. Uniform Statewide Pursuit of Motor Vehicles Policy (POST-C General Notices 21-01 and 19-04)
4. Procedures for handling missing persons (POST-C Model Policy 11-01 and General Notice 12-06)
5. Response to family violence incidents (POST-C General Notice 17-01)
6. Proof law enforcement agency complied with entry level requirements (CGS §7-294e, 16)
7. Body Worn Recording Systems (POST-C Model Policy 15-05 and General Notice 20-08)
8. Eyewitness Identification Procedures (POST-C Model Policy and General Notice 12-08)
9. Notification in Death and Related Events (POST-C Model Policy and General Notice 08-01)
10. Recruitment, Retention and Promotion of Minority Officers (POST-C General Notice 21-02)

11. Mandated Training Requirements on Individuals Affected with Serious Mental Illness (POST-C General Notice 15-01)
12. Responses to Sexual Assault Including Statement Regarding Confidentiality of Identifying Information of Victims (CGS §54-86e)
13. Use of Electronic Defense Weapons (POST-C Model Policy and General Notice 13-01)
14. Annual Reporting Requirements for Juveniles in Custody
15. Mandatory Training in Human Trafficking (Public Act 17-32)
16. Use of Force Including Deadly Force and Authorized Weapons, Policy Issuance, and Training Requirements
17. Police Badge and Name Tag Identification (POST-C Model Policy and General Notice 20-14)
18. Renewal of Police Officer Certification Including Urinalysis Drug Test for Controlled Substances and Anabolic Steroids (POST-C General Notice 20-12)
19. Periodic Mental Health Wellness Checks (POST-C General Notice 20-11)
20. Duty to Intervene and Duty to Report (POST-C General Notice 20-07)
21. Model Critical Incident and Peer Support Policy (POST-C General Notice 20-06)
22. Trust Act (POST-C General Notice 19-05)
23. Mandatory Uniform Policy Concerning Complaints that Allege Misconduct by Law (POST-C General Notice 15-03)
24. Domestic Violence Lethality Assessment Program Advisory Model Policy (POST-C General Notice 14-03)
25. "Garrity" Warnings Form for Use in Administrative and Internal Investigations (POST-C Model Police, General Notice 14-01)

Rationale

Policies are the foundation for all operations in law enforcement. From uniform standards and training requirements to the use of force and tactical procedures, policies set expectations, provide guidance, and protect officers and agencies.

Transparency is essential to positive policing-community relationships. The United States Department of Justice's Community Relations Service encourages police departments to post policies in their websites and other information when the full policy is not posted. This information should be easily accessible to the community.

The Final Report of the President Obama's Task Force on 21st Century Policing (May 2015) recommended that "to embrace a culture of transparency, law enforcement agencies should make all department policies available for public review and regularly post on the department's website information about stops, summons, arrests, reported crime, and other law enforcement data, aggregated by demographics."

This recommendation would require state and municipal law enforcement agencies to post online only those policies already publicly available on the POSTC website. Certain policies would be excluded from public posting, including but not limited to policies governing tactical or

investigative procedures or policies that would endanger the safety of police officers, state or municipal employees, or other citizens.

Recommendation 20: Civilian Interview Panels

Municipalities should establish a Civilian Interview Panel as part of the police officer hiring process. Where allowable under existing contracts and where feasible, the Civilian Interview Panel should also be used to evaluate officers being put up for Command Staff level promotions. A Civilian Interview Panel would be advisory and not have veto power of an applicant, but their input and advice would be a requirement in the hiring process.

Rationale

To increase communication, cooperation and trust between the police and the communities being policed, a Civilian Interview Panel will allow the community being policed to provide their input on the hiring and promotion of those who will be doing the policing. The panel will also allow diverse groups to have a common goal and opportunity to discuss how policing affects their communities within the municipality. The interview process will teach applicants about the various points of view, interests, and concerns expressed by each group and how policing activities affect those groups differently. This panel will create a line of communication between the police department and the people the department is policing. This proposal is in keeping with the community policing concept that has been promoted since the early 1970s.

Using the same Civilian Interview Panel to provide input on Command Staff promotions creates some continuity and oversight. Command Staff positions have the ability to affect the entire police force. Allowing the Civilian Interview Panel to have a say in which officers are the best fit for those critical positions will garner trust and foster a sense of cooperation between the community being policed and the officers who will command the police force that will be policing them.

The panel should meet with and interview the police applicant finalists before those finalists are hired. This panel can take the form of a meet and greet or a question-and-answer session at the discretion of the municipality. After meeting with the applicant, the Panel should meet with the Police Chief; Police Commissioners, and/or hiring committee to discuss their impressions. The Civilian Interview Panel should be advisory and not have veto power of an applicant, but their input and advice should be a requirement in the hiring or promotion process.

It will be left to the individual departments to determine when in the hiring process to use Civilian Interview Panel. The departments can make this determination based upon the individual factors within each department and their hiring process.

The panel should be made up of a diverse cross-section of interested and invested groups in the municipality in which the applicants hope to become police officers. The panel should be chosen by the aldermen/women; town counsel or those officials that are elected to represent the different areas or sections of the municipality. Suggested groups from which to select a diverse group to sit on the Civilian Interview Panelists are:

- Chamber of Commerce/local business groups or boards
- Local Non-profit organizations (soup kitchens, shelters, etc.)

- Local religious organizations (churches, synagogues, mosques)
- Local cultural organizations (NAACP, Latinx organizations, Jewish organizations, Muslim organizations, LGBTQ organizations etc.)
- Youth groups (who better to know and understand the young people than those who have worked with them before –Boys/Girls Clubs; YMCA; PAL; Youth Baseball/softball/basketball, etc.)
- Neighborhood Watch organizations/neighborhood community organizations
- One member should be a patrolman/woman from a surrounding town who has not worked within the town doing the hiring.

This is not an exhaustive list but hopefully gives the towns/cities ideas of who to contact regarding being on the panel. The intent is to have different viewpoints represented on the board so that the board, the communities, the applicant, and the police department can better learn about the neighborhoods that make up the city/town.

If the panel is used for promotions, it shall have access to an officer's disciplinary record and any internal department reviews when the panel is evaluating that officer's fitness for promotion to a command staff position.

Recommendation 21: Police Peer Intervention/Duty to Intervene Training

Recommendation 21.A: POSTC shall offer a mandatory seminar for all police chiefs and command staff on the statutory duty to intervene and changing police department culture to accept and support those police officers who intervene when necessary. This seminar should stress the importance of active and strong leadership to shift the police culture around intervening and the adoption and enforcement of peer intervention and anti-retaliation policies and protocols. POSTC should begin offering the seminar in January 2023 and continue until all police chiefs and command staff have attended.

Recommendation 21.B: POSTC in collaboration with a state institute of high education shall consider operating a pilot peer intervention training program in at least five police departments across the state. An existing peer intervention training program may be utilized (e.g., EPIC or ABLE) or a new program designed specifically for Connecticut police departments may be implemented. The preliminary work on the pilot program should begin in 2022 and implemented in participating police departments by January 2023 and should include consideration of funding sources and federal, state, and other grants to support the pilot program.

POSTC may consult with the Connecticut Police Chiefs Association to identify police departments to participate. Consideration should be given to those police departments that have been identified with statistically significant disparities in the annual racial profiling study and to those that have the highest number of uses of force incidents identified in the state's annual report on police use of force. Additionally, the police departments participating in the pilot program shall reflect communities of different sizes and composition across the state. However, participation in the pilot program by a police department shall be voluntary.

A significant component of the pilot program is to determine the efficacy of the training on shifting the culture of a police department and reducing incidents of police misconduct and uses of

excessive force. The selected state institute of higher education would be required to develop the methodology, collect and analyze data, and report on the program's effectiveness and make recommendations to continue, expand, and improve or to discontinue the program.

Given the time to develop and implement a peer intervention training program and to collect the data necessary to evaluate the efficacy of the program, POSTC and the selected institute of higher education shall issue status reports in January 2025 and 2026 and a final report in January 2027. These reports shall document the development, implementation and efficacy of the peer intervention program and make recommendation to continue, expand, and improve or to discontinue the program. If it is recommended the peer intervention training program continue and be expanded to additional police department, the task force shall make recommendations to develop training programs for the basic recruit academy, in-service training for certified officers and command staff and to develop an implementation manual for police departments. The status and final reports shall be submitted to POSTC, the Connecticut Police Chiefs Association, and the legislative committee having cognizance over public safety.

Rationale

President Barack Obama's Task Force on 21st Century Policing (May 2015 report) established the importance of peer intervention by police officers to prevent misconduct by other officers as a key reform. Citing the powerful influences that police officers have on the conduct and behavior of their fellow officers, the task force recommended peer intervention training to create paradigm shifts in police culture.

Peer Intervention Training for Police: There two primary peer intervention training programs for police: Ethical Policing Is Courageous (EPIC) and Active Bystandership for Law Enforcement (ABLE). These peer intervention programs teach police officers to intervene when they see a fellow officer violating the rules of conduct. Specifically, the programs utilize the abilities of rank-and-file officers to serve as the first line of defense in preventing mistakes and misconduct among other officers. These programs are intended to empower and give police officers the strategies and tools they need to intervene, to step in and prevent, problems before the occur, how to have difficult conversations with colleagues, and to protect those officers who have the courage to intervene from retaliation from other officers and/or the department administration.

The programs are rooted in the study of "active and passive bystandership" (by Dr. Ervin Staub). The research notes inhibitors to active bystandership that compel peers and others to remain passive in the face of injustice. In the case of the police, such inhibitors can include simply not knowing how to intervene, fear of retaliation, isolation, or hostility, loss of employment, or the culture of silence (the "blue wall of silence").

Supporters of the program cite anecdotal evidence that the program works and contend that if the program prevents officer misconduct and there is then nothing to report or track. Police departments implementing these programs have reported the number of public complaints against police for misconduct have declined, but there are few other measurable outcomes tracked.

As a result, there is no consensus of the efficacy of peer intervention programs for police or even the validity of Staub's "bystander" research, which is the basis for the programs. Research has shown that implementation of these programs and minor policy adjustments over the years have proven ineffective in stopping violence particularly against people of color or in shifting internal police culture. Evaluations of peer intervention programs concluded that training only cannot change the way that police departments work and strong leadership in necessary to implement any cultural shifts. There are calls for more peer-reviewed analyses of the program and the quality of the training before it can be deemed successful. Critics of EPIC, ABLE, and similar home-grown programs hold that these programs are meant to divert attention from bigger problems that plague policing and reinforce the "few bad apples" theory.

This is not a simple issue. Peer intervention programs put a responsibility of police officers to keep fellow officers in check, but it alone does not create a cultural shift in a police department, especially one with potential internal problems. And the goals of the peer intervention programs cannot be achieved without a systemic change of police culture; a change that shifts police officers' perspectives, makes them aware of implicit and explicit biases, and provides the support to allow officers to make decisions and take actions that may go against entrenched norms.

Organizational Police Culture. Public attention tends to focus on the most egregious incidents of excessive use of force by police in which Black citizens have disproportionately been victims. In recent years, there have been numerous high-profile cases in which citizens have been killed or seriously injured by the police and the misconduct by the police involved was so blatant that criminal charges were filed. However, there are many more incidents between police and citizens that are violent without being fatal or resulting in serious physical injury, and the police conduct may not have been illegal but should not have occurred. It can be argued that it is these incidents that are not often publicized and may not even be reported by police that over time erode the public's confidence and trust in the police and, in some communities, create an untenable relationship between the community and the police.

Across the country, there has been on outcry for reforms to improve policing, specifically ending the excessive use of force and racially biased policing, and to restore public confidence in the police. In many cases, this misconduct is attributed to poor hiring, poor training, poor supervision, bias, and a tribal police culture that values "the blue wall" over accountability and transparency. Reforms considered have included, but are not limited to: ending the "Broken Windows" strategy of policing; establishing or expanding civilian oversight of police; strengthening and monitoring local use of force policies; use of body-worn cameras by all officers; requiring implicit bias and de-escalation training; requiring police officers to intervene when a fellow officer is using excessive force and prosecuting that officer for using excessive force; ending or limiting qualified immunity for police officers; prohibiting tactics such as choke-holds and no-knock warrants; stopping the militarization of the police; investing in recruitment and training of a diverse and community-oriented police force; and prioritizing government spending on community health, mental health, education, social services, and housing rather than funding the police department.

Police departments and officers tend to portray any restrictions or reforms on authority and autonomy as a serious threat to officer and public safety. In the face of the current public outcry

and political scrutiny, the police feel besieged and unfairly maligned and, as a result, are resisting current efforts to reform.

It is not yet clear what the impact will be of these reforms and whether many of these reforms will, in fact, be fully implemented. There is some research to suggest that these reforms will fall short because they don't address one of the primary root causes: police culture.

What is often overlooked, whether intentionally or unintentionally, is the powerful influence of organizational police culture. Police culture refers to the informal norms, attitudes, and values in police organizations. Within a police department, there can be multiple cultures that divide along rank or assignment or other factors within the force. It is critical to keep in mind that police cultures vary across departments and towns, but there are certain core creeds of police culture that are similar across departments and jurisdictions.

Police culture often is characterized as the "warrior model" and refers to a quasi-military approach that champions assertive, dominant, insular, and intolerant actions and beliefs. This model creates a strong sense of loyalty among officers while creating animosity or distance from citizens. Police do not see themselves as or identify with the members of the communities they serve.

Training often focuses on managing conflict through strength tactics rather than verbal resolution. Officers are taught the community is a dangerous, deadly place and that every incident with a citizen is potentially deadly and the officer must be ready to use force to keep themselves and other officer alive. Within some police departments, this approach distances police officers from the communities they serve and can pit officers against the community or at least segments of a community. It breeds an "us versus them" mindset that makes resorting to violence much easier. This can go beyond the "bad apple" officer and often be systemic.

Duty to Intervene. Public Act 20-1 An Act Concerning Police Accountability, codified the concept of duty to intervene. In Connecticut, a police officer is under a duty to intervene and prevent fellow officers from subjecting a citizen to excessive force and may be prosecuted for that same act for failure to intervene if he or she observes the use of force and has sufficient time to act to prevent it. Police departments are prohibited from taking retaliatory action against an intervening officer who reports an incident.

The recent incidents of excessive use of force by police occurring in other states show what can happen when officers on scene fail to intervene to prevent misconduct by a fellow officer. These "bystander" officers are in positions to know what is happening and what should be happening based on the proper policies and protocol and, most importantly, are in a position to intervene and take action where circumstances would seem to require action.

There are serious risks of not creating a police culture of active "bystandership". First, not supporting a culture of active bystandership exposes individual officers and the police agencies and political jurisdictions that employ them to potentially significant legal liability. Second, there may be consequential health risks and personal costs for those officers who commit misconduct and the officers who passively observe it. Third, the core role of policing and its ability to prevent rather than cause harm may require instilling a culture of active "bystandership". Finally, and

perhaps most importantly, the consequence of not providing a culture of active “bystandership” is that it undermines a police agency’s ability to serve it public and it erodes community confidence in the police. It cannot be argued strongly enough that the primary duties of the police are to protect the public and uphold the law and that duty extends to protecting the public from police themselves. Police officers have a moral duty to call out police wrongdoing.

IV. ADDITIONAL TASK FORCE REPORTS

The Task Force examined every issue mandated by Public Acts 19-90 and 20-1 but did not propose recommendations for all issues examined. The Task Force carefully reviewed a number of issues and found no changes were necessary to the current law or policy. This section provides an overview of the issues examined but no recommendations proposed the Task Force.

IV.A: Professional Liability Insurance and Qualified Immunity

Overview:

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. There is no 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 available would almost certainly come with similar exclusions and conditions to those in the municipal liability policy, providing little additional coverage as a result.

The PTATF found, therefore, that to date no evidence has been provided demonstrating that Public Act 20-1 §41 would significantly alter existing liability laws and defenses or substantially increase the cost of municipal liability insurance.

UConn Law School, Insurance Law Center Assessment:

The Insurance Law Center[90] at the University of Connecticut (UConn) Law School was asked by PTATF to review several insurance issues related to recent changes in Connecticut law in Public Act No. 20-1. Pursuant to this act, PTATF was expressly tasked with examining:

- the merits and feasibility of requiring police officers to procure and maintain professional liability insurance ("*PL Insurance*") as a condition of employment;
- the merits and feasibility of requiring a municipality to maintain PL Insurance on behalf of its police officers; and
- 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 PTATF, UConn Law School reviewed and synthesized the following information:

[90] 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/

- 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.
- Its 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, UConn Law emphasized that PTATF was not able to obtain the information from insurers, at least at the time of the review, that would be necessary to provide a more confident and complete analysis. This included 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 was UConn Law able to 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. Perhaps the best way to answer these questions was through reviewing how police officers and municipalities are already covered. UConn Law assumed that all municipalities in Connecticut have some form of liability insurance that covers law enforcement actions or are self-insured.[91] As is standard with most liability insurance purchased by any organization, employees such as police officers are included as insured 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:[92]

> Who is 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

[91] 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.

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

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.[93]

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.[94] Since most lawsuits would very likely allege some violations that are covered, UConn Law believed 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.[95] As briefly discuss below, any personal liability insurance an officer obtains would likely similarly exclude such actions from coverage under that policy.

The review also included police officers obtaining their own professional liability insurance to cover them for civil liability associated with their work. Based on UConn Law's research, there is at best a limited market for individual liability insurance for police officers.[96] At least one provider of liability insurance for law enforcement personnel, the National Rifle Association (NRA), appears to no longer sponsor this product. The PTATF asked individuals and organizations who have brought this issue up about specific policies and insurers and no relevant evidence has been forthcoming.[97] Further, UConn Law believed it was likely that obtaining such insurance would provide minimal value to the individual officer for the following reasons:

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

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

[95] 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.

[96] CIRMA told us they were unfamiliar with any such products in Connecticut.

[97] 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

- As discussed above, municipal liability insurance policies would generally cover individual police officers, as well as the municipality in civil claims;
- An individual policy would likely include the same limitations or exclusions that exist in municipal policies;[98] and
- 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 renters 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 PTATF had heard anecdotally of police officers purchasing endorsements to their homeowner's policy that would provide this coverage, it had not been provided any examples. UConn Law was also skeptical that such insurance would provide any more coverage than already included within municipal liability policies, and would likely include similar exclusions, as 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 UConn Law was provided. There appeared 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 Public Act 20-1 §Section 41 the ability of a police officer or municipality to obtain PL Insurance. This is the most difficult of the three questions to respond to, as the lack of actual data renders any conclusion necessarily tentative. The bottom line, however, is that UConn Law saw no evidence that would have led it 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

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.

[98] 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.

of defending policyholders and paying for settlements or adverse verdicts.[99] Assessing these complexities is what actuaries do and is a vital part of the underwriting process.

UConn Law believed the CBA's draft analysis of Public Act 20-1 §41[100] is the most persuasive of the outside presentations to the PTATF on Section 41's effects.[101] The CBA notes that it 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 Public Act §41 should not significantly expand existing liability in this area.

To assess whether it will raise insurance premiums for municipalities, UConn Law would have ideally sought to estimate quantitatively whether it will increase the cost of defense and the total volume or the success rate of claims against police departments. It lacked the data to do this. Nevertheless, it believed 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 Public Act §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.

Public Act §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.[102] Second, interlocutory appeals do not seem to play a major role in limiting defendant

[99] 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.

[100] 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.

[101] 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.

[102] 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).

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).[103]

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, and auto insurance (at least for CIRMA). Even if Public Act §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.[104] PTATF asked for this information, but it had not received it. Based on UConn Law School's own experience and anecdotal evidence, it believed 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 Logistics 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 before the Logistics Subcommittee) that it had not conducted an analysis or forecast of Public Act §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 Public Act §41 to determine its potential effects on municipal liability suggests to us that CIRMA believes it will not appreciably affect the liability of municipalities for law enforcement activities. CIRMA has also told PTATF it is not modifying the law enforcement liability coverage form (terms and conditions of coverage) for the upcoming 2021-2022 policy year.

Accordingly, UConn Law did not believe, based on the limited evidence available, that Public Act §41 will measurably increase liability premiums for municipalities. Of course, that conclusion is subject to revision if additional information is forthcoming.

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[103] 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.

[104] 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%x10% = 2%.

IV.B: Bail Fugitive Recovery Assessment

Public Act 20-1 (subsection 12) expanded the mandate of the task force, requiring them to review how commercial bail agents take into custody the principal on a bond under a failure to appear warrant (known as a bail fugitive). Specifically, the task force was charged with examining the laws in Connecticut and other states pertaining to (1) taking bail fugitives into custody and (2) the processes of address verification and providing documentation to residents where warrants were executed.

This review was limited to the responsibility of the commercial bail industry after a defendant fails to appear in court and the laws governing and processes used to locate, apprehend, and return a bail fugitive to custody. It did not include a review of laws governing setting and posting bail or the systemic, complex issues surrounding the process of releasing defendants on bond and practices within the commercial bail bond industry.

This review also took a parallel legislative track. During PTATF's work, Special Act 21-22 was passed establishing a task force to study the regulation of professional bail bond agents; it appears that the language of the new law also includes surety bail agents and bail enforcement agents. The task force is required to examine the ways other states regulate professional and surety bond agents and bail enforcement agents and to make recommendations to achieve greater accountability and oversight of the commercial bail industry. Not later than January 1, 2022, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security.

The task force is comprised of the following members and the chairperson is appointed by the speaker of the House of Representatives and president pro tempore of the Senate.

- representative of a national bail insurance company trade association,
- representative of commercial bail industry,
- a municipal police chief,
- legislator who is member of Public Safety and Security Committee,
- member of the Criminal Justice Policy Advisory Commission,
- member of the Criminal Justice Commission,
- commissioner of the Department of Correction,
- chief state's attorney,
- chief public defender, and
- two citizen members.

Background:

There are two categories of bail bonds: nonfinancial and financial. A nonfinancial bond allows a defendant to be released on a promise to appear (PTA) at all court proceedings and to comply with standard conditions of release. The defendant does not have to post a monetary amount or any collateral. A financial bond sets a monetary among deemed sufficient to assure the defendant appears at all court proceedings and complies with any special conditions of release. A defendant must post the face value of the bond or procure a commercially secured bond to be released.

The commercial bail industry is comprised of insurance companies licensed by the state to underwrite surety bonds for defendants. In Connecticut, bail bonds are executed by surety bond agents or professional bond agents. The difference is surety bond agents are affiliated with and represent an insurance company whereas a professional bond agents post personal collateral and write bonds against that amount. Most bond agents in Connecticut are surety agents. Bond agents employ bail enforcement agents (BEAs) to locate, apprehend, and take fugitives into custody.

Commercial bond agents have sweeping rights under current case and statutory law. The surety bond contract, signed by defendants and indemnitors/cosigners, authorizes bond agents to take the defendant into custody at any time discharge the financial liability of the bond. It further allows bond agents to use reasonable fore to apprehend a fugitive.

Bail Fugitive Definition:

The definition of a bail fugitive includes three specific status that must occur. A bail fugitive: (1) is a defendant in a pending criminal case who has been arrested and released from custody under a financially secured bond; ***and*** (2) has failed to appear in court or violated a bond condition resulting in a forfeited bond; ***and*** (3) the court has issued a failure to appear (FTA) rearrest warrant that orders the defendant be apprehended and return to custody.

When state or municipal law enforcement agencies apprehend and take a fugitive into custody it is a criminal process. Only law enforcement agencies can execute the FTA rearrest warrant, which is a new criminal charge. When commercial bail agents or BEAs apprehend and return a fugitive to custody it is a civil process. Commercial bond agents cannot arrest a fugitive and execute the FTA warrant. The bond agents must return fugitives to policy custody to execute the warrant.

State Laws Regulating Commercial Bail:

Connecticut law establishes training and licensing requirements for surety and professional bond agents and BEAs. There are, however, few statutory limits on their authority to take a fugitive into custody. Bond agents and BEAs must notify local policy when taking a fugitive into custody within its jurisdiction. They are not required to provide a copy of the FTA rearrest warrant or any other documentation to the fugitive or residents of the place in which the fugitive was located and apprehended. They may not represent or identify themselves as police or wear clothing or uniform that represent them as police. Bond agents and BEAs must immediately surrender fugitives to police custody.

Bond agents and BEAs employ various legal tactics to locate and apprehend fugitives. The bond contract contains detailed information about the defendant including all addresses where the defendant lives or stays, addresses of spouses or partners, relatives, and friends, phone numbers, employers name and address and work schedule, and all vehicles used by the defendant. This information is used to track the fugitive and to pressure family and friends to provide information on the fugitive's whereabouts.

Bond agents may revoke the collateral or require full payment on a surety bond from the indemnitor/cosigner to force that person to assist in locating or contacting a fugitive. They also use commercially available databases and public records to track fugitives including checking that the

fugitive is not in custody in another jurisdiction or state. They also will employ surveillance, subterfuge, threats, and other tactics.

The commercial bail industry is dangerously unregulated in most states including Connecticut. The laws and regulation vary considerably but there are no real limitations to the industry's practices. This make regulating the industry very difficult and unethical or unreasonable practices are rarely reported to the police or other regulatory agencies. As a result, some states have focused on reforms to limit to eliminate commercial bail and to ban commercial fugitive recovery, including Kentucky, Maine, Massachusetts, Illinois, Nebraska, Oregon, Wisconsin, and Washington DC.

The following table shows the frequently imposed laws governing commercial bail and the states in which those laws are in effect.

Overview of State Laws Regulating Commercial Bail and Fugitive Recovery	
Requirement	**States**
Notify local police prior to attempting to or taking a fugitive into custody	AZ, CT, IA, IN, LA, NH. NV, SD, UT
Prohibited from representing or identifying themselves as police or wearing clothing that represents them as police	CA, CT, GA, WV
Only enter a residence with consent of the residents	AZ, WV
Prohibited from using force to enter a residence	CA, IN, NC
Must surrender fugitive to police within a specified period	CA, NV
No training or licensing requirements	MA, ME, MI, MT, NE, NJ, RI, WY

Issues with Commercial Bail:

There are several persistent issues with commercial bail that have proven to be difficult to resolve.

First, bail reforms have changed the commercial bail industry in Connecticut to reduce financial and systemic discrimination in the bail process and to make bail more affordable to defendants. These reforms have changed reduced the number of defendants needing commercial bail, which had dramatically limited the commercial bail business. It has also resulted in the increased face value amount of bail bonds, which impacts the financial liability on the bail for bond agents and insurance companies.

Second, for various reasons not all FTA rearrest warrants are entered in state and national databases, such as the state's Paperless Arrest Warrant Network (PRAWN) and Connecticut

Online Law Enforcement Communication (COLLECT) System and National Crime Information Center (NCIC) system. FTA warrants that are not entered into these systems are not executed by law enforcement agencies.

State's attorneys authorize limited extradition orders, especially on low level cases or cases in which defendants and witness are reluctant or refuse to cooperation, due to state fiscal constraints. Not all arrest warrants result in extradition of a defendant or fugitive in custody in another jurisdiction. This limits commercial bond agents' ability to request extradition for those fugitives and to subsequently return a fugitive to custody and limit financial liability on the bond.

State law allows for a forfeiture compromise schedule that sets reduced payment of surety bonds and authorizes rebates on forfeited bonds when a fugitive is recovered within one year of the forfeiture date. The reduced payments and rebates were intended to incentive commercial bond agents to pay forfeited bonds and to apprehend fugitives but, in practice, it allows them to mitigate the amount owed to the state on forfeited bonds.

The state's bail reform laws significantly changed the commercial bail industry exacerbating most of these issues. Further reforms to the commercial bail industry would require a sizeable investment by the state and are predominately civil not criminal policy issues. The newly created task force will review the commercial bail industry, and, at this time, this is outside the scope of the Police Transparency and Accountability Task Force.

Finally, it is imperative that the commercial bail industry meet at least the minimum standards of use of force imposed upon state and local law enforcement. The commercial bail industry utilizes nonlethal weapons such as pepper (capsaicin) spray, batons, and electronic defense weapons ("Tasers") and are licensed to carry firearms. Bond agents and BEAs employ physical tactics, handcuffs, and zip ties to subdue and restrain fugitives. They are also legally authorized to force entry into residences and other premises where individuals other than bail fugitives may be residing or present. There are very real and serious concerns about the safety of all parties involved. Regulation and oversight of this aspect of the commercial bail industry must be imposed and enforced.

IV.C: "No Knock" Search and Seizure Warrant Report

Public Act 20-1 required the PTATF to review the execution of "no knock" search and seizure warrants by police. Again, this issue took a parallel legislative track when Public Act 21-33, *An Act Concerning Civilian Review Boards, Security Guards, Body-worn Recording Equipment, Searches by Police, Limitations on Offenses Subject to Automatic Erasure, Enticing a Juvenile to Commit a Crime, lawful orders by Police Officers and Notice to a Victim Concerning Automatic Erasure of Criminal Record History*, was passed. The new law prohibits the execution of "no-knock" search and seizure warrants by police. Therefore, the Police Transparency and Accountability Task Force made no further recommendations.

Background:

Under common law doctrine, the "knock-and-announce" rule requires police officers executing a search and seizure warrant generally must not immediately force their way into a premise. Instead,

officers must first knock and announce by identify himself or herself, state their intent, and wait a reasonable amount of time for the occupants to let the police into the premise. The majority of search and seizure warrants are executed by police as "knock-and-announce".

However, there is an exception to that rule. A "no-knock" warrant is a search and seizure warrant authorizing police officers to enter specified premises without first knocking and announcing their presence or purpose prior to entering the premises. Simply, a "no-knock" warrant allows police to force their way into a residence or other premise with the element of surprise.

"No-knock" warrants became common practice during the height of the "war on drugs" in the 1980s and 1990s and expanded throughout policing. While the use of "no-knock" warrants drew criticism, it wasn't until the death of Breonna Taylor during the execution of a "no-knock" warrant by the Louisville (KY) Police Department, on March 13, 2020, that criticism galvanized into a national movement to ban its use.

Connecticut Prohibition of "No-Knock" Warrants:

The execution of "no knock" search and seizure warrant by police are now prohibited by Public Act 21-33. A search and seizure warrant requires that an officer provide notice of such officer's identify, authority, and purpose prior to entering the place to be searched for the execution of the search and seizure warrant. Prior to undertaking any search or seizure, the police officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched.

Unites States Supreme Court Decisions:

There are three key cases that set the standards for police to execute "no knock" search and seizure warrants. Public Act 20-33 effectively nullifies in Connecticut the United States Supreme Court's decisions that gave police the legal ability to conduct "no knock" search warrants and raids.

The United States Supreme Court has interpreted the Fourth Amendment's reasonableness requirements as generally mandating compliance with the "knock-and-announce" rule. This is also codified in federal law, but the court has interpreted the federal law as "prohibiting nothing".

In the 1995 *Wilson v Arkansas* (514 U.S. 927) decision, the United States Supreme Court held that police must peacefully knock, announce their presence, and allow time for the occupants to open the door before entering a home to serve a search and seizure warrant. However, the court allowed for exigent circumstances exceptions if the police fear violence, if the suspect is a flight risk, or if the officers fear the suspect will destroy evidence. The impact of this decision allowed police throughout the country to utilize the exception by simply declaring in search and seizure warrant affidavits that suspects, in particular suspects in drug cases, are a threat to dispose of evidence, flee, or assault the officers upon entry to the premises.

In its 1997 decision in *Richards v Wisconsin* (520 U.S. 385), the court eliminated the blanket exigent circumstances exception and required police to articulate why a specific individual is a threat to dispose of evidence, commit an act of violence, or flee from the police. Despite this shift, the bar for obtaining a "no knock" search and seizure warrant remained low. Police must have a

reasonable suspicion that knocking and announcing their presence in particular circumstances would be dangerous or futile or would obstruct the investigation of a crime. Reasonable suspicion is the lowest legal bar for police to meet.

The third United States Supreme Court decision effectively eliminated the consequences for violating the "knock and announce" requirement even without a "no knock" warrant. In 2006, in *Hudson v Michigan* (547 U.S. 586), the court held that evidence seized in violation of "knock and announce" was not subject to the exclusionary rule (fruit of the poisonous tree doctrine). Police could still use the evidence in court event though they technically seized it illegally.

APPENDIX A: PRIMARY AND SECONDARY TRAFFIC STOP STATUTORY CHANGES

Create a statutory definition of "secondary violation" and disallow stops based only on secondary violations.

Revised 14-1:

> **(86) "Secondary violation" means a violation of any provision of this title that may be enforced only in accordance with the provisions of section 14-223b.**

Revised 14-212:

> (1) The following terms shall be construed as they are defined in section 14-1: "Authorized emergency vehicle", "class 1 electric bicycle", "class 2 electric bicycle", "class 3 electric bicycle", "commissioner", "driver", "electric bicycle", "electric foot scooter", "fuels", "gross weight", "head lamp", "high-mileage vehicle", "highway", "light weight", "limited access highway", "maintenance vehicle", "motor bus", "motorcycle", "motor vehicle registration", "nonresident", "nonskid device", "number plate", "officer", "operator", "owner", "passenger motor vehicle", "passenger and commercial motor vehicle", "person", "pneumatic tires", "pole trailer", "registration", "registration number", "second offense", **"secondary violation",** "semitrailer", "shoulder", "solid tires", "stop", "subsequent offense", "tail lamp", "tractor", "tractor-trailer unit", "trailer", "truck" and "vanpool vehicle";

New section 14-223b:

> No officer shall stop a vehicle for violation of provisions of this title if the only violations identified are secondary violations. Nothing in this section shall be construed to prevent enforcement of a secondary violation by automated enforcement or by a mailed notice of violation. Nothing in this section shall be construed to prevent enforcement of a secondary violation if any violation for which a vehicle has been stopped is not a secondary violation.

Reform window tint statutes:

Revised 14-99g(f)-(g):

> (f) Any person who violates any provision of subsections (b) to (e), inclusive, of this section shall be deemed to have committed an infraction for each offense. Any person who violates any provision of subsection (b) of this section shall remove such object or material which obstructs his clear and full view of the road and report within sixty days to the police department which issued the infractions complaint to present his vehicle for inspection and to demonstrate compliance with the provisions of this section. If such person fails to report to such police department and is cited for a subsequent violation of this section, his vehicle shall be impounded after notice and opportunity for hearing. **A violation of any provision of subsections (b) to (e), inclusive, of this section shall be a**

secondary violation.

(g) Any person owning a vehicle having a window which has been tinted or darkened with any tinted material after factory delivery, shall present such vehicle to the Department of Motor Vehicles, by July 1, 1996, to receive a sticker for any tinted or darkened window to indicate such tinting or darkening is in compliance with this section. Any person operating a motor vehicle, on or after July 1, 1996, in violation of this subsection shall be deemed to have committed an infraction. **A violation of this subsection shall be a secondary violation.**

Reform display-of-plate statutes

Revised 14-18:

(a)(1) Each motor vehicle for which one number plate has been issued shall, while in use or operation upon any public highway, display in a conspicuous place at the rear of such vehicle the number plate. The commissioner may issue a sticker denoting the expiration date of the registration. Such sticker shall be displayed in such place on the vehicle as the commissioner may direct. Such sticker may contain the corresponding letters and numbers of the registration and number plate issued by the commissioner. (2) Each motor vehicle for which two number plates have been issued shall, while in use or operation upon any public highway, display in a conspicuous place at the front and the rear of such vehicle the number plates. **Provided that the numerals and letters thereon are plainly legible, displaying a number plate against a vehicle's rear window shall be a secondary violation.** The commissioner may issue a sticker denoting the expiration date of the registration. Such sticker shall be displayed in such place on the vehicle as the commissioner may direct. Such sticker may contain the corresponding letters and numbers of the number plate issued by the commissioner.

(b) Repealed by 1969, P.A. 247, S. 1.

(c) Official number plates when displayed upon motor vehicles shall be [entirely] **substantially** unobscured and the numerals and letters thereon shall be plainly legible at all times. Such number plates shall be horizontal and shall be fastened so as not to swing and, during the time when a motor vehicle is required to display lights, [the rear number plate shall be illuminated as to be legible at a distance of fifty feet]. Nothing may be affixed to a motor vehicle or to the official number plates displayed on such vehicle that obscures or impairs the visibility of [any information] **the numerals and letters** on such number plates. Not more than one number plate shall be displayed on the front or rear of any motor vehicle in operation upon the public highways of the state; provided any motor vehicle may, upon permission of the commissioner, display more than one number plate in front or rear, subject to such conditions as the commissioner prescribes. If any number plate supplied by the commissioner is lost, or if the registered number thereon becomes mutilated or illegible, the owner of or the person in control of the motor vehicle for which such number plate was furnished shall

immediately place a temporary number plate bearing said registration number upon such motor vehicle, which temporary number plate shall conform to the regular number plate and shall be displayed as nearly as possible as herein provided for such regular number plate; and such owner shall, within forty-eight hours after such loss or mutilation of the number plate, give notice thereof to the commissioner and apply for a new number plate. The commissioner may issue a permit to operate with such temporary plate and shall supply new number plates upon payment of the fee therefor as provided in section 14-50a. Upon receipt of such new number plates and new certificate, the remaining old number plate, if any, and certificate shall be surrendered to the commissioner.

Reform lighting statutes:

Clarify that 14-96a applies only to those who fail to turn on working lights, not those whose vehicles are not equipped with working lights.

Revised 14-96a:

(a) Every vehicle upon a highway within this state shall display such lighted lamps and illuminating devices as may be required under the provisions of sections 14-96a to 14-96aa, inclusive,

(1) at any time from a half-hour after sunset to a half-hour before sunrise,
(2) at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead, and
(3) at any time during periods of precipitation, including, but not limited to, periods of snow, rain or fog.

(b) Whenever in said sections any requirement is declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, such requirement shall apply during the times stated in subsection (a) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(c) Whenever in said sections any requirement is declared as to the mounted height of lamps or devices, such requirement shall mean the height measured from the center of such lamps or devices to the level ground upon which the vehicle stands when such vehicle is without a load.

(d) Failure to [provide lighted] **illuminate** lamps and illuminating devices at such time as required by this section shall be an infraction.

(f) To the extent that a violation of the number, placement, intensity, or any other technical specifications to the provisions of sections 14-96b through 14-96aa, inclusive, would also be a violation of this section, such violation shall be enforced

pursuant to such specific provision and shall not be considered a violation of this section.

Make stopping vehicles for a single headlight, taillight, reflector, or brake light being broken a secondary offense.

Revised 14-96c:

(a) After October 1, 1967, every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in subsection (a) of section 14-96a, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to October 1, 1957, and motorcycles shall have at least one such tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(b) Every tail lamp upon every vehicle shall be located at a mounted height of not more than seventy-two inches nor less than fifteen inches.

(c) The rear registration plate shall be so illumined with a white light as to render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted, except that any vehicle equipped by the manufacturer with daytime running lamps which meet federal requirements may have such daytime running lamps illuminated without illumination of the tail lamps or rear registration plate.

(d) Failure to have tail lamps or failure to illuminate the rear registration plate as required in this section shall be an infraction. **Failure to have two functioning tail lamps shall be a secondary violation if a vehicle has one illuminated and functioning tail lamp. Failure to illuminate the rear registration plate shall be a secondary violation.**

Revised 14-96d:

(a) Each motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section. Each motorcycle shall carry at least one such reflector.

(b) Each such reflector shall be mounted on the vehicle at a height of not less than fifteen inches nor more than sixty inches, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of upper beams of head lamps.

(c) Failure to carry and mount reflectors as required in this section shall be an infraction. **Failure to carry and mount two reflectors shall be a secondary violation if a vehicle has one reflector.**

Revised 14-96e:

(a) Each motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps meeting the requirements of subsection (a) of section 14-96r, except that passenger motor vehicles manufactured or assembled prior to October 1, 1957, and motorcycles shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified.

(b) Each motor vehicle in use on a highway shall be equipped with, and required signals shall be given by, a turn signal lamp or lamps complying with the requirements of the Code of Federal Regulations, Title 49, Section 571.108, as amended.

(c) Failure to equip vehicles with stop lamps or a turn signal lamp or lamps or turn signal devices as required by this section shall be an infraction. **Failure to equip a vehicle with two or more functioning stop lamps shall be a secondary violation if the vehicle has one functioning stop lamp otherwise in compliance with the provisions of subsection (a) of this section.**

Revised 14-96y:

(a) **Every motor vehicle other than a motorcycle shall have at least two functioning head lamps, one of which shall be located on each side at the front of such vehicle, except when [**At all times specified in subsection (a) of section 14-96a, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle, except when] such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(c) Failure to have **two functioning head** lamps as required by this section shall be an infraction. **Failure to have two functioning head lamps shall be a secondary violation if the vehicle has one lighted head lamp otherwise in compliance with the provisions of subsection (a).**

Reduce the scope of the obstructed windshield statute to make minor obstruction a secondary offense.

Revised 14-99f:

(a) Each motor vehicle shall be equipped with a windshield of a type prescribed by section 14-100 and a windshield cleaner or wiper in effective working order located directly in front of the operator while in use on the highway. The windshield shall be reasonably free of defects and accumulations, inside and out, of snow, ice, condensation and dirt. The provisions of this subsection shall not apply to a motorcycle or a vehicle designed by the manufacturer for nonhighway operation without a windshield.

(b) No person shall operate a motor vehicle required to be equipped with such a windshield if the windshield is in a condition to interfere with an unobstructed view of the highway.

(c) No article, device, sticker or ornament shall be attached or affixed to or hung on or in any motor vehicle in such a manner or location as to interfere with the operator's unobstructed view of the highway or to distract the attention of the operator.

(d) Violation of any provision of this section shall be an infraction. **A violation of subsection (c) shall be a secondary violation if the obstruction of the windshield is not substantial.**

Extend the period for which failure to renew registration is considered a minor infraction from 30 days to 60 days and make that infraction secondary.

Revised 14-12(a):

(a) No motor vehicle shall be operated, towed or parked on any highway, except as otherwise expressly provided, unless it is registered with the commissioner, provided any motor vehicle may be towed for repairs or necessary work if it bears the markers of a licensed and registered dealer, manufacturer or repairer and provided any motor vehicle which is validly registered in another state may, for a period of sixty days following establishment by the owner of residence in this state, be operated on any highway without first being registered with the commissioner. Except as otherwise provided in this subsection,

(1) a person commits an infraction if such person (A) registers a motor vehicle he or she does not own, or (B) operates, allows the operation of, parks or allows the parking of an unregistered motor vehicle on any highway, or

(2) a resident of this state who operates or parks a motor vehicle such resident owns with marker plates issued by another state on any highway

shall be fined one thousand dollars. If the owner of a motor vehicle previously registered on an annual or biennial basis, the registration of which expired not more than [thirty] **sixty** days previously, operates, allows the operation of, parks or allows that parking of such a motor vehicle, such owner shall be fined the amount designated for the infraction

of failure to renew a registration, but the right to retain his or her operator's license shall not be affected. **Such an infraction shall be a secondary violation.** No operator other than the owner shall be subject to penalty for the operation or parking of such a previously registered motor vehicle. As used in this subsection, the term "unregistered motor vehicle" includes any vehicle that is not eligible for registration by the commissioner due to the absence of necessary equipment or other characteristics of the vehicle that make it unsuitable for highway operation, unless the operation of such vehicle is expressly permitted by another provision of this chapter or chapter 248.

Change certain license statutes to a secondary infraction.

Revised 14-41(c)-(d):

(c) Any previously licensed operator who fails to renew a motor vehicle operator's license in accordance with subsection (a) of this section shall be charged a late fee of twenty-five dollars upon renewal of such operator's license.

(d) The commissioner may, at least fifteen days before the date on which each motor vehicle operator's license or identity card expires, notify the holder of such license or identity card of the expiration date, in a manner determined by the commissioner. The commissioner shall not provide such notification by mail to any such licensee or identity card holder if the United States Postal Service has determined that mail is undeliverable to the address for such person that is documented in the records of the Department of Motor Vehicles. Any previously licensed operator who operates a motor vehicle within sixty days after the expiration date of the operator's license without obtaining a renewal of the license shall be fined in accordance with the amount designated for the infraction of failure to renew a motor vehicle operator's license. . **Such an infraction shall be a secondary violation.** Any operator so charged shall not be prosecuted under section 14-36 for the same act constituting a violation under this section but section 14-36 shall apply after the sixty-day period.

Revised 14-45:

(a) A person holding (1) a license for the operation of a motor vehicle, issued by the Commissioner of Motor Vehicles in accordance with section 14-36, or (2) an identity card, issued by said commissioner in accordance with section 1-1h, shall notify the commissioner within forty-eight hours of any change of such person's address. The notification shall include such person's old address and new address.

(b) In IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, upon written notification by the Department of Social Services that the address listed for the holder of a motor vehicle operator's license or the holder of an identity card is incorrect, the Commissioner of Motor Vehicles shall notify the operator that the correct address must be furnished to the department. The commissioner shall refuse to issue or renew a motor vehicle operator's license if the address furnished by the applicant is determined to be incorrect. The department shall notify the Department of Social

Services of the current address of holders of motor vehicle operator's licenses when a change of address is reported.

(c) Failure of the holder of a motor vehicle operator's license or identity card to give the notice required by this section shall be an infraction. **Such an infraction shall be a secondary violation.**

Revised 14-213

Operation without carrying operator's license. Each operator of a motor vehicle shall carry his operator's license while operating such vehicle. Failure to carry such operator's license as required by the provisions of this section shall be an infraction. **Such an infraction shall be a secondary violation.**

Revised 14-215b

Operation after expiration of period of suspension and without obtaining reinstatement of license. Any person whose motor vehicle operator's license has been suspended who operates a motor vehicle after the expiration of such period of suspension without obtaining the reinstatement of such license shall (1) during the first sixty days after such expiration, be deemed to have failed to renew such license and be subject to the penalty for failure to renew a motor vehicle operator's license under subsection (c) of section 14-41, **such an infraction shall be a secondary violation**, and (2) after said sixty-day period, be subject to the penalty for operating a motor vehicle without a license under section 14-36. Any operator so charged shall not be prosecuted under section 14-215 for the same act constituting a violation under this section.

Make additional equipment violations secondary.

Reflectorized plate display
Revised 14-21b(c):

(a) The commissioner shall issue fully reflectorized safety number plates for new registrations and renewal registrations issued on and after January 1, 2000, for passenger, combination and commercial registrations and other registrations as the commissioner deems feasible within funds and personnel available. Each plate shall bear the words "Constitution State" and "Connecticut". The commissioner shall issue two fully reflectorized safety number plates in accordance with a schedule established by the commissioner in such quantities as the commissioner deems feasible within the funds and personnel available. No safety fee shall be charged for the issuance of the replacement number plates for such renewals.

(b) No additional charge shall be made for the issuance of such new or replacement fully reflectorized plates, except for the safety fee provided for in subsection (w) of section 14-49.

(c) The owner or lessee of each registered motor vehicle who is issued two fully reflectorized safety number plates by the commissioner shall display such plates on such

motor vehicle as provided in section 14-18. A violation of this subsection shall be an infraction. **Such an infraction shall be a secondary violation.**

Defective Horn
Revised 14-80 (e):

(e) Every motor vehicle shall, when operated on a highway, be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. **Such a violation shall be a secondary violation.**

Failure to have mirror
Revised 14-99

(a) Each motor vehicle shall be equipped with a mirror attached to and so located and adjusted on such vehicle as to give the operator thereof a clear reflected view of the highway directly to the rear of or on a line parallel to the left side of the body of such motor vehicle. **Such an infraction shall be a secondary violation.**

(b) Any person operating a motor vehicle with a commercial registration so constructed or which may be so loaded that the operator is prevented from having a free and unobstructed view of the highway immediately to the rear and at the left side of the same shall, by means of such mirror, make frequent observations of the approach of vehicles from the rear. When operating at below the posted speed limits and when so approached or overtaken, the operator of such motor vehicle shall drive to the extreme right of the traveled way as promptly as safety will permit, giving the vehicle approaching from the rear opportunity to pass.

(c) Violation of any provision of this section shall be an infraction.

Revised 14-285

Each vehicle, except a motor vehicle, which is so constructed or which is so loaded that the driver is prevented from having a free and unobstructed view of the highway immediately to the rear and at the sides of the same, shall be equipped with a mirror or reflector attached to and so located and adjusted on such vehicle as to give the operator thereof a clear reflected view of the highway directly to the rear on a line parallel to the side of the body of such vehicle. Any person operating such a vehicle shall make observations for the approach of vehicles from the rear and, when so approached, shall drive to the right of the center line of the traveled way as promptly as safety will permit, giving the vehicle approaching from the rear opportunity to pass in safety. Any person who violates any provision of this section shall be deemed to have committed an infraction and be fined fifty dollars for each offense. **Such an infraction shall be a secondary violation.**

APPENDIX B: FEBRUARY/MARCH 2021 YOUTH LISTENING SESSIONS REPORT

Major Themes Report:

February/March 2021 Youth Listening Sessions

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

By The IMRP & TYJI Research Team

April 30, 2021

Report Contributors:

The data and findings presented in this report were a combined effort of The IMRP and the University of New Haven Tow Youth Justice Institute, making up the following individuals:

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Special thanks to*: The NAACP Youth & College Division, CT Kids as Self Advocates (KASA), The Commission on Racial and Ethnic Disparity, The Connecticut Justice Alliance (CTJA), the University of Connecticut (UConn), and all those who shared testimony with the Task Force.*

Introduction:

The Connecticut Police Transparency and Accountability Task Force held four Listening Sessions in February/March of 2021. The Task Force had determined that the voices of youth were missing from the previous Listening Sessions held in September 2020, and November 2020. As a result, four Listening Sessions were conducted with youth and young adults, ranging in age from 12 to 25 years old.

The Task Force collaborated with four local advocacy organizations, which operated as cohosts for the sessions. These organizations included: The NAACP Youth & College Division, CT Kids as Self Advocates (KASA) and The Commission on Racial and Ethnic Disparity, The Connecticut Justice Alliance (CTJA), and the University of Connecticut (UConn). The sessions were held, in order of the above mentioned cohosting units, on February 2nd, February 9th, February 16th, and March 3rd.

On behalf of the Governor, legislative leaders, and the Attorney General, the passage of Public Act 20-1 made modifications to the Task Force. One of these modifications was the remaining charge of the Task Force to form recommendations on "any other police transparency and accountability issue that they deemed appropriate." This wide-open charge allowed for a broad public input into the process of the Task Force, and allowed for the conception of the listening sessions. The Task Force hosted the Listening Sessions with the goal of gathering public input around special topics to focus on. Each participant was given a set amount of time to discuss testimonies, which then was followed by a brief Q&A by the Task Force panelists. Some of the Youth Listening sessions also opted for a round table format with guiding questions, which the Task Force panelists were also allowed to listen, and weigh in on. Due to COVID-19 and social distancing measures, all Listening Sessions were conducted virtually on the Zoom platform, generously provided by the University of New Haven.

This report provides a summarization of the thematic recommendations that were identified from the Listening Sessions' data. These findings are organized by 3 sections:

- Issues on Youth Interaction with Police Officers
- Issues on SROs / SRO Interaction with youth
- Issues on Race and Disability Regarding Youth and Police Officers

These findings will conclude with clear recommendations presented by participants, and lastly, a discussion on key findings and concluding remarks.

Method:

The Police Transparency and Accountability Task Force of Connecticut held four general listening sessions in September for members of the public, these sessions were open to anyone regardless of age, gender, race or ethnicity. From the collected data of the September sessions a call for young adult voices was missing, which resulted in the second set of listening sessions cohosted by University partners held in November. The collected data was looked at once more after the November sessions, and a call for youth voices, 12 & older, were identified as the last missing component. With help from the IMRP and other partners assisting the Task Force the four February/March listening sessions were held which featured the missing youth voices.

The Institute of Municipal and Regional Policy (IMRP) at CCSU transcribed the four listening sessions. Two individuals from IMRP, and two individuals from the University of New Haven, working as a team, then coded the transcriptions. This team met to discuss the codes and findings of the transcripts, and to discuss commonalities within the sessions. The themes presented in this report reflect those findings and commonalities.

Between all four listening sessions, a combined 23 individuals gave testimony, or took place in a round table discussion, some doing both within an individual listening session. These listening sessions were intended for individuals ages 18 & younger, but there were individuals as old as 25 who gave testimony. For the purposes of this report, the testimonies will be discussed by theme, not by age group. And although it was not required to give your age before your testimony, most individuals did provide this information. The data amongst testifiers holds a majority of NAACP Youth & College division participants, at 10 individuals, followed closely by CT KASA and the Commission on Race and Ethnic Disparities at 7 individuals, then closing with CTJA & UCONN who each had 3 individuals participating.

Themes:

Issues on Youth Interaction with Police Officers:

Across all four listening sessions, there were present examples of either a positive interaction with police officers and youth, or little interaction between the two groups. There also existed several important negative interactions noted within youth testimony, which demonstrates a fear of police officers.

Some comments are presented below:

"My interactions with officers have been pretty great….officers have been willing to answer questions about procedures within the police department, such as how many body cameras they use, excessive use of force, duty to intervene, and they've all been willing to sit down and answer questions from youth."

"I myself have had only positive experiences with police, however that doesn't outweigh, or cancel out, all the negative experiences that other people have experienced in terms of the improvement on policing."

"I had guns drawn at me. All I could think to do is put my hands out the window and shout, "please don't shoot me. Please don't shoot me." As I was first out of my car, my car started rolling by herself because I couldn't place my car in park in fear that if I put my hands back in the vehicle, I will be shot."

"I try to avoid them. Therefore I have not have any interactions with them. I see them pass, but I never talked to them. They never talked to me and yeah, but there's no interaction whatsoever."

Issues on SROs / SRO Interaction with youth:

The issue of SROs in school settings was discussed mutually across 3 out of 4 of the youth listening sessions, with opinions running down the middle of in favor or against. The February 16th session with the CTJA had a strict opposition across the board in the matter of SRO involvement in schools, whereas the March 3rd session with UCONN had the opposite, with an overall favorability of SROs. The February 2nd session with the NAACP Youth was divided on the subject, and the February 9th session with CT KASA and the Commission did not discuss the topic.

Some comments are presented below:

"I see SRO's kind like picking at small offenses and putting a lot of people in like in jail for like something like talking back to a teacher. It's obviously disrespectful and understandable, but putting out someone for that is kind of harsh in a way."

"And the student would definitely be better off if the money paying that officer was instead being used for something or someone that might actually benefit the child in that situation, such as a counselor, a social worker."

"I do believe that police should be in school. I personally was not very comfortable in school. I was bullied. I was made fun of a bunch of times and having a police officer there I think would have made me feel better."

"I think it would be a good idea if police officers were mimicking the community that school was in. So again, going back to having them relearn not fearing the police, it would be cool to have a police officer that looks like them, that they know."

Issues on Race and Disability Regarding Youth and Police Officers:

All four listening sessions shared thematic findings on race and disability regarding the interactions between youth and police officers. The responses to these issues were varied, with individuals sharing both good and bad experiences. The responses demonstrated fear, police brutality in BIPOC communities, and EMS/Officer response to the disability community. Overall, these helpful insights lead to furthering discussions and the formation of recommendations to the Task Force.

Some comments are presented below:

"I have fear for the men in my life due to things I see on the news that have happened all over the world, to unarmed men of color. It's heartbreaking because I don't want to see one of my brothers on the news for that reason, because they are killed by police officers."

"I think first responders can have a large impact on youth based on how they treat them as a disabled person. I think police officers and first responders should interact with disabled people just as they would interact with an able-bodied person. I believe that they should talk to disabled people just as they would if they were talking to a non-disabled person, even if the person has a cognitive disability."

"The general police brutality we witnessed just in this last year is proof that minorities and those in lower social classes suffer a great deal of exaggerated punishment and discipline post to their counterparts."

"And I don't really know the reason behind me being avoidance avoiding them, but I just, I just tried to do it for some reason. It's like, I'm pre-programmed to do that already."

Recommendations:

Recommendations / NAACP Youth & College Division:
Diversity in hiring

A recommendation that came from the February 2nd session, cohosted by the NAACP Youth & College Division, referred to the hiring of the Attorney General, and external police accountability. This recommendation influenced discussion from the Task Force. The recommendation is stated below:

> *"The Inspector General should be an independent attorney, not promoted from within the divisions of criminal justice. The hiring of Inspector General must ensure that there is no bias. Consider candidates of color, and ensure that all investigations will be conducted fairly and independently. The inspector general should be granted investigative subpoena power from local governments and police departments to obtain testimonies."*

Key phrases important in this recommendation: *independent attorney, fairly and independently, candidates of color, investigative subpoena power.*

Recommendations / CT KASA & The Commission on Race and Ethnic Disparities:
Community Policing, Training, Disability Services

The top recommendations that came from the February 9th session, cohosted by CT KASA and the Commission on Race and Ethnic Disparities surrounded the following ideas: training, community policing, and disability services. These recommendations service not only the communities, but also the officers within those communities that are trying to make a positive difference within the communities that they work in. These recommendations were well received from the Task Force, and considered for further evaluation. The recommendations are stated below:

> *"I personally believe that some things that can help, some resources and opportunities that could help alleviate all these problems are maybe more community policing."*
>
> *"If we can get our officers out in the community that they are defending and get to know where it is that they're defending, then there'll be less trouble out there because then the community itself will feel safe with that officer or the officer's assigned."*

Key phrases important in these recommendations: *resources, opportunities, alleviate, community policing, defending, less trouble, feel safe*

> *"I really do think that more trainings that are comprehensive could be implemented. Things like culture and disability competency should be taken into consideration."*
>
> *"I believe that also the trainings that they go through. They should be given more time and more training and excessive amount of, um, accountability and structure."*

Key phrases important in these recommendations: *comprehensive, implemented, culture and disability competency, consideration, trainings, more time, accountability and structure*

> *"A fire Marshall will also come to your house and look at the layout and are able to discover where the disabled person mostly resides. This makes it easier in case of an emergency because that information will be in the computer system"*
>
> *"I think having an identification card would be very helpful for me and my friends who have disabilities. It can help the police know you have a disability."*

Key phrases important in these recommendations: *Fire Marshall, disabled person, emergency, information, computer system, identification card, police, disability.*

Recommendations / the Connecticut Justice Alliance:
Training

The top priority for recommendations that came from the February 16th session, cohosted by the Connecticut Justice Alliance, referred again, to training. These recommendations directly connected with the BIPOC experience, as well as SRO involvement in schools. These recommendations were clear, concise and represented many of the larger themes present across all four of the listening sessions. The recommendations are stated below:

"A lot of the situations where SROs are called into classrooms and things like that to handle students aren't necessary and they should be handled by social workers and other adults in the building that are actually trained to do these things, SROs don't even get proper training before being brought into the school system. So, it definitely is just a replacement of other people."

"I think officers should remember their training and all remember people are innocent until proven guilty. I think police should understand how traumatic unnecessary, forceful encounters can be. And there should be accountability and responsibility, or at least an apology when they are in the wrong."

Key phrases important in these recommendations: *aren't necessary, social workers, proper training, remember their training, innocent until proven guilty, traumatic, accountability, responsibility*

Recommendation / UCONN:
Community Engagement, Police Interaction

The recommendations that came from the March 3rd listening session, cohosted by UCONN, were relevant to issues surrounding community engagement and police interaction. This was one of the smaller sessions, but these recommendations still satisfied the larger themes present across all of the listening sessions. These recommendations provided the Task Force with their own questions and comments, and sparked discussion amongst the round table discussion format of the session. The recommendations are stated below:

"I think it would be even more helpful if we were in person and with police officers like us, not just the three of us, but more students having conversations with the police and yeah. In a round table. I think that would be really helpful for us to start trusting."

"It was just nice to see a young person, a young police officer. And I wasn't expecting her to be so nice, but also in those moments because of the media and because of what's been going on the news before, I think like, do I need to put my hands up or anything?"

Key phrases important in these recommendations: *conversations, officers like us, students, round table, helpful, start trusting, young police officer.*

Review of Recommendations:

Overall, all four listening sessions shared some common thematic findings. The participants in these sessions varied in age, race, and gender. Participants who testified recommended the above to the Task Force in hopes of further consideration. They were met with questions, comments, and concerns from the Task Force members present at each of the sessions, which also varied from session to session. These recommendations reflected the day-to-day lives of the youth in Connecticut.

Key Findings & Concluding Remarks:

The February/March 2021 Youth Listening Sessions we're a targeted approach to make sure that youth voice was brought to the table on issues of police transparency and accountability. The youth that gave testimony in these sessions brought research, personal statements, and thought provoking questions to the table for the Task Force to act on and consider in their future work.

An important finding within these sessions marked an immediate need for the Task Force to continue addressing the issue of SROs in school systems, with work towards improving hiring and training practices, and engaging officers in community-policing models.

The distinct effort made by the Task Force and its assisting members to seek the youth voice and perspective on these issues should not go unnoticed. This unique perspective allows an invaluable insight into the future of policing, community relations, and how to field issues on transparency and accountability. Future considerations of the task force and CT legislature at large should include youth and young adult perspectives.

Suggested Citation (APA 7th)- I provided several options depending on how you want authors represented:

1. All Contributors as Authors:

Ozycz, M., Alphonse Mendoza, H., Cooper, D.T., Tosto, S.A., Klee, P. (2021). Major themes report: February/March 2021 youth listening sessions. Police Transparency and Accountability Task Force.

Appendix A

Police Transparency & Accountability Task Force

February/March 2021 Youth Listening Sessions

February 2, 2021 NAACP Youth & College Division Bill Recommendations

May 2021 (Updated)

Introduction

During the first of the four youth listening sessions held throughout the months of February and March, which was hosted by the NAACP Youth & College Division, several youth speakers shared testimony with the Task Force which included recommendations on amendments directed towards bill #6004. These recommended amendments we're provided given research and examples by the testifying speaker.

Examples of these amendments are stated below:

"I'll be speaking in support of amending section 33 and Section 41. The Inspector General must be an independent prosecutor who will investigate police officers for misconduct, deadly use of force, and malicious or hurtful acts under Section 41e.

The Inspector General should be an independent attorney, not promoted from within the divisions of criminal justice. The hiring of Inspector General must ensure that there is no bias. Consider candidates of color, and ensure that all investigations will be conducted fairly and independently. The inspector general should be granted investigative subpoena power from local governments and police departments to obtain testimonies.

Eliminating Qualified Immunity protects the rights of citizens harmed by police officers who used excessive force and committed violent misconduct, allowing citizens to bring legal action against police departments, officers, and towns for civil rights violations. However, qualified immunity allows officers to be immune from prosecution if they have objectively good faith and believe that they did not break the law under Section 41c.

The police accountability bill should be amended to allow citizens to hold officers accountable for constitutional rights violations without past precedent. Qualified immunity perpetuates a cycle of malicious police violence, no accountability or liability, and no justice for families of victims."

Key Phrases important in this recommended amendment: *Section 33, Section 41, The Inspector General, independent attorney, independent prosecutor, eliminated qualified immunity, excessive force, accountability, liability.*

"I will be speaking today in support of amending Section 29 of the bill.

Based on the language of the bill, the use of chokeholds and restraints applied to the neck are still permitted and justified accordingly to the danger the officer's face between them and the aggressor. The continuation of permitting chokeholds will impose danger to the lives of the people encountering police officers. Due to the permission of utilizing different forms of chokeholds, there is a possibility that a poorly trained officer will not be able to distinguish at that moment whether they are enacting the chokehold that temporarily stops blood flow from the brain and renders a person on conscious for some time, but doesn't cut off their breathing.

I support amending bill #6004 Section 29 to remove the permission for officers to utilize chokeholds, or other methods of restraint to the neck. As it is left to an officer's open interpretation on the type of restraint they can utilize. The section must refer back to an officer's self-defense training. There must be a removal of the permission to continue with chokeholds, and include safer alternatives or specific language on techniques that are allowed to prevent any officer to feel that this policy is left open to their interpretation in times of quick action."

Key phrases important in this recommended amendment: *Section 29, chokeholds, permitted, training, alternatives, techniques, language,*

"Section 7 of the bill focuses on implementing an explicit guide for the basic interview training that officers must complete. Tactical training regarding the use of physical force, the use of body-worn recording equipment, and even implicit bias training are named in the section.

What is not made clear in this definition are examples of the segments of our population that are oftentimes subjects of such bias. Race is one segment that immediately comes to mind, as is sexual orientation.

This section of the bill needs to be more specific in calling out the lack of training many departments have in adjusting and approaching those members of the public who, like Mubarak, are suffering. We can eliminate gray areas of uncertainty during de-escalation if we show officers how to deal with the mentally unstable, and disabled, and explicitly state what courses of actions can be taken to respectfully handle unique situations."

Key phrases important in this recommended amendment: *Section 7, bias, race, sexual orientation, specific, training, de-escalation.*

"Another section of the bill, section 18, can be amended to eliminate tragic errors due to uncertainty. The language here is too positive, adding that after each evaluation, individual departments can consider whether responses to certain calls would benefit from having a social worker present.

This section should be rewritten to require all departments to engage a team of social workers to assist officers on calls where psychological distress may be evidence. Evaluation and consideration will prompt a little to no change.

In conclusion, I urge you to support amending bill number 6004 with the understanding that these changes and those brought to you by my peers must be implemented. We are here representing our communities and fighting for the lives of our friends and families."

Key phrases important in this recommended amendment: *Section 18, too positive, social worker, rewritten, psychological distress, evaluation, consideration.*

Conclusion

The youth voice, a missing component thus far in the PTATF listening sessions, proves its unique importance with these recommended amendments to bill #6004. As this bill continues to be approached by the Task Force and legislative leaders a reminder of the impacted parties must be considered, here the youth testifiers prove that they are and will continue to be directly impacted by this work.

APPENDIX C: DECEMBER 2021 COMMUNITY LISTENING SESSIONS REPORT

Summary Report:

December 2021 Community Listening Sessions

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

By The IMRP Research Team

January 11, 2022

Police Transparency and Accountability Task Force:
December 2021 Community Listening Sessions Summary Report

In December of 2021 the Connecticut Police Transparency and Accountability Task Force (PTATF) hosted three community listening sessions in three distinct communities within the Greater Hartford region to discuss elements of the task force's work. The purpose of the sessions was to present the task force's recommendations relative to both the Public Awareness and Improving Police Interactions with the Disability Community (IPIDC) subcommittees to the respective audiences, to answer questions, and to take critical feedback on the recommendations. The panel for the sessions consisted of:

1. Daryl McGraw (PTATF Chair)
   Senior Reentry Analyst, Institute for Municipal and Regional Policy, University of Connecticut
2. John "Jack" Drumm (PTATF member)
   Chief of Police, Madison Police Department
3. Maggie Vargas-Silver, PhD (PTATF member)
   Deputy Police Chief, University of Connecticut Police Department
4. Jonathan Slifka (PTATF member, IPIDC subcommittee Chair)
   Executive Assistant - Connecticut Department of Aging and Disability Services
5. Meghan Peterson, PhD (IPIDC research specialist)
   Research Analyst – Institute for Municipal and Regional Policy, University of Connecticut
6. Anne Li Kringen, PhD (Public Awareness research specialist)
   Associate Professor, University of New Haven; Training Academy Division Manager, Austin Police Department

The sessions were moderated by Andrew Clark of the Institute for Municipal and Regional Policy (IMRP) at the University of Connecticut and journalist Stan Simpson. The sessions were held in Hartford, West Hartford, and Farmington.

Format and Agendas

The following contains a description of and agenda for each of the three sessions:

Community Policing: Where are We Now?

Join the conversation with members of the CT Police Transparency & Accountability Taskforce and national expert Dr. Anne Kringen (recently featured on 60 Minutes). The Task Force will share its recommendations stemming from the Public Awareness and Improving Police Interactions with the Disability Community Subcommittees. There will be a brief panel discussion followed by Q & A with audience members. Moderated by Stan Simpson.

All events will take place in person from 6-8pm. **Masks required.** Seating will be socially distanced. For more information, visit: https://www.ctpolicetransparency.com/upcoming-sessions

Monday, December 13, 2021 6-8pm West Hartford Town Hall

6pm Light refreshments

6:15pm Intro to PTATF and event

6:20pm Dr. Anne Kringen, followed by Dr. Meghan Peterson

6:40pm Panel Discussion: Stan Simpson – moderator

- Daryl McGraw, PTATF Chair and Chair, Public Awareness Subcommittee
- Chief Jack Drumm, Madison PD, PTATF member and IPIDC Subcommittee member
- Jon Slifka, PTATF member and IPIDC Chair
- Anne, Meghan

7:20pm Q&A – audience and online

8pm Close

Tuesday, December 14, 2021 6-8pm Farmington Public Library

6pm Light refreshments

6:15pm Intro to PTATF and event

6:20pm Presentation on PTATF Recommendations: Dr. Anne Kringen, followed by Dr. Meghan Peterson

6:40pm Panel Discussion: Stan Simpson – moderator

- Daryl McGraw, PTATF Chair and Chair, Public Awareness Subcommittee
- Deputy Chief Maggie Silver, UConn PD, PTATF member and Public Awareness Subcommittee member
- Jon Slifka, PTATF member and IPIDC Chair
- Anne, Meghan

7:20pm Q&A – audience and online

8pm Close

Wednesday, December 15, 2021 6-8pm Hartford Public Library (500 Main Street, CCC)*

6pm Light refreshments

6:15pm Intro to PTATF and event

6:20pm Dr. Anne Kringen, followed by Andrew Clark

6:40pm Panel Discussion: Stan Simpson – moderator

- Chief Jack Drumm, Madison PD, PTATF member and IPIDC Subcommittee member
- Deputy Chief Maggie Silver, UConn PD, PTATF member and Public Awareness Subcommittee member
- Jon Slifka, PTATF member and IPIDC Chair
- Anne

7:20pm Q&A – audience and online

8pm Close

* *(Due to COVID complications, the Hartford event was moved entirely online to the Zoom platform)*

Locations

The PTATF has held several virtual listening sessions through the course of its work. The Public Awareness subcommittee routinely contemplated in person sessions as a means of augmenting these experiences. Due to logistical complications resulting from the COVID pandemic, these sessions had proven difficult to schedule. Through the combination of a decreased positivity test rate in Connecticut and a grant from the Hartford Foundation for Public Giving and the Travelers Championship, the IMRP was able to provide resources to the PTATF to host in person sessions in the Greater Hartford Region. In order to reach a diverse audience, the PTATF decided to host these sessions in three distinct municipalities along the Farmington Avenue Corridor: Hartford, West Hartford and Farmington.

Hartford has 121,054 residents. Residents are 36.0% White, 42.7% Black, 3.4% Asian, 1.2% Native American, and 23.7% other. A substantial Puerto Rican population resides in the city with over 33.7% of city residents claiming Puerto Rican heritage. An additional 9.7% of the population is non-Puerto Rican Hispanic. The city demonstrates substantial segregation with the Hispanic population concentrated on the south side of the city and the Black population concentrated on the north side of the city. Hartford's economy is growing in the technology sector; yet the city experienced a reduction in population between 2010 and 2020. 30.5% of Hartford residents live below the poverty line. Hartford has a high crime rate. In 2019, the crime rate in Hartford was higher than 90.3% of all U.S. Cities. Hartford experienced declining crime over the 5-year period proceeding COVID, but crime rates in Hartford are substantially higher that the state average.

West Hartford has 64,083 residents and is situated 5 miles west of downtown Hartford. The town is predominantly White (79.6%). Black residents make up 6.3% of the population, and

Asian Residents make up 7.4% of the population. 9.8% of the population is Hispanic. Primary employers include the University of Hartford and the Town of West Hartford, as the majority of working residents are commuters. 3.7% of residents in West Hartford live below the poverty line. Like the other municipalities, West Hartford experienced declining crime over the 5 years proceeding COVID, and the crime rate is lower than the state average.

Farmington has a total of 26,712 residents. Residents are 85.9% White, 9.6% Asian, 2.2% Black, and 3.0% of residents are Hispanic. Home to several growing corporations, Farmington has a strong economy and is unique in that more people work in Farmington than live there. Only 5.8% of residents in Farmington live below the poverty line. Farmington experienced a 5-year decline in crime prior to COVID, and crime rates are lower than the state average. Comparable crime rates for the three municipalities are presented in Table 1.

Table 1: Crime Rates[1] for Session Municipalities[2]

	Farmington	Hartford	West Hartford
Murder rate	0	17.2	0
Robbery rate	11.8	221.7	47.7
Assault rate	3.9	593.9	8.0
Motor vehicle theft rate	109.7	436.0	133.6

Presentation

The community listening sessions opened with a presentation by members of the panel. The presentation began with an overview of PTATF recommendations relative to racial and gender diversity in policing, ideological diversity, and representative bureaucracy. It followed with an overview of PTATF recommendations on improving police interactions with the

[1] Rates reported per 100,000 population
[2] Reported for 2019 due to national anomalies related to COVID

disability community[3]. After providing this context, the panel presented eight specific recommendations for community feedback. These included:

1. Linking diversification goals to accreditation.
2. Establishing statewide promising practices regarding recruiting, hiring, training, and promotion.
3. Establishing a Diversity, Equity, and Inclusion unit within POST.
4. Increasing diversity among civilian staff including administrative, clerical, technology, social work, mental health, officer counseling, and victim services personnel.
5. The role of social workers in policing and in response to individuals with (or without) disabilities who have placed crisis calls to an emergency line (whether they have an intellectual, mental, physical disability or not)
6. The creation of a voluntary registry system for individuals in the disability community.
7. Police education and training relative to the disability community.
8. The role of school resource officers in the context of responding to students with (or without) disabilities and who experience crisis on school premises.

More generally, the panel discussed strategies to diversity the police workforce including strategies to increase minority and female participation in policing careers. As well, the panel acknowledged their recognition that diversification in policing ought to rightly extend to the disability community.

[3] The Farmington and Hartford sessions followed the same format but started with a viewing of the CBS 60 Minutes episode featuring presenter Dr. Anne Kringen and her work with the Austin, Texas Police Department.

Other key issues discussed by the panel included evidence that most calls for service that receive police response are social service calls, along with research demonstrating that officers of color and female officers make fewer stops, make fewer arrests, and use less force. Moreover, the panel discussed the potentially lethal impact of police interaction on individuals suffering from mental illness, and reality that law enforcement alone cannot prevent crime. Structural factors like closing hospitals and lack of other social service resources were also discussed. Finally, the panel discussed staffing challenges facing many departments that are experiencing substantial attrition.

Community Participation and Feedback

Community members who participated expressed a wide variety of views about policing and policing reform. While some participants worked in areas directly involved in criminal justice and criminal justice reform, several others brought their personal experiences to the discussion. This included individuals that had personal interactions with the police, that had previously been incarcerated, and that had experienced homelessness.

Surveys administered after the sessions revealed that participants almost exclusively agreed that they learned about policing, about diversity in policing, about police accountability, and about the relationship between communities of color and/or those with disabilities and the criminal justice system. While these responses indicate that the sessions were successful at providing attendees information about current issues and the proposed recommendations, many questions asked by the community participants unveiled key issues that the community members felt were important to consider or that they felt may have been left unaddressed by the recommendations.

Key issues raised by the community included:

1. Policing and social service calls.
2. Mental illness, disability, homelessness, and policing.
3. Equity issues and concerns about diversification as an effective solution.
4. Respect for community, trust, and transparency.

Comments and questions from participants were reviewed to provide insight about community concerns. The following sections outline these areas for consideration.

Policing and Social Service Calls

Community responses indicated that the potential unintended consequences of police handling social service calls remained a concern. Some community members mentioned police arriving on scene "in uniform and armed" potentially increasing tension or escalating situations. Other comments suggested that officers could do a better job of servicing these calls without resulting to formal criminal justice actions like arrest.

Mental Health, Disability, Homelessness, and Policing

Community members discussed mental health, disability, homelessness, and policing issues. Community members were concerned about potential ineffectiveness of trainings designed to prepare officers for these encounters. Moreover, community members expressed awareness of the interplay between drug use and mental health and disability creating substantial risk. Community members were seemingly aware of the lack of resources outside of policing and were critical of community leaders for not "providing answers."

Equity Issues and Concerns about Diversification as an Effective Solution

Community members discussed issues related to structural racism as well systemic issues such as the financial challenges faced by individuals that have been arrested. Key issues related to equity focused on differential treatment of Black and White individuals by the police in circumstances such as possessing a firearm, and community members expressed concern about diversification as a solution to equity challenges. One community member stated, "diversifying sounds good, but black and brown officers still kill people."

Respect for Community, Trust, and Transparency

Community members discussed respect for community, trust, and transparency as key issues. While some community members emphasized the need for accountability, particularly in the context of internal investigations and police misconduct, others suggested that trust might begin with officers knowing the communities that they serve. Some voiced the need to have officers learn the community before "getting a badge and a gun." While the panel discussed this in the context of training opportunities, some community members expressed doubt asking how much police training can effectively teach "community engagement and empathy." Moreover, some community members characterized the task force recommendations as simply repackaging community policing, emphatically stating that "community policing has never worked" and asked what would come after the issuance of the task force recommendations.

Conclusion

The issues raised by community participants are important considerations as the task force's recommendations are implemented. In particular, the community questions and comments suggest that there are concerns about the extent to which diversification can change policing and the extent to which many reforms can be trained. Given the complexity of challenges facing modern policing, the concerns are well founded. However, evidence largely suggests that diversification is an important component of achieving institutional change in policing. While the presentation focused on the explicit differences relatable to officers of color and female officers (e.g, reduced likelihood to arrest, escalate, use force), the more important contribution to chancing policing likely lies in the ideological diversification that was discussed. Bringing a diverse set of perspectives and beliefs into the policing domain is a necessary step that supports other elements of the reform puzzle.

Regarding the ability of training to address many of the challenges, it is important to note that the current state of policing reflects limited awareness of many of the issues and potential solutions available to departments. The task force's goal of making the recommendations is to support a context where promising practices can be isolated, shared, and trained to support change. Establishing a diversity, equity, and inclusion unit within POST will not result in change in and of itself. It does, however, generate the capacity for individuals within the unit to facilitate the changes necessary to support policing reform. In this way, the task force's recommendations reflect structural, albeit initial, steps toward increasing diversity, transparency, and accountability in policing in Connecticut.

Throughout the work of the IPIDC (Improving Police Interactions with the Disability Community) subcommittee, it has become clear that there is increased urgency to address law

enforcement approaches and responses to individuals who place crisis calls (with and without disabilities) in positive, practical, and substantive ways. This sentiment was shared by community members attending the December sessions as well. In conversations with representatives of, and stakeholders in, Connecticut's disability community, the immediate need to focus attention on reducing violence and de-escalating encounters is vital. This corresponds with research showing Americans with disabilities are more likely to be victims than their peers across a range of crime categories.[4]

In addition to meaningfully addressing responses to crisis calls, there was consensus from participants that proactive relationship building is an equally important measure to undertake. Discussions with the state's disability community have shown that centering attention on tangibly improving interactions between police and the disability community they protect and serve (of which law enforcement may be also be a member) is equally vital: namely, fostering, building, and maintaining conditions of reciprocal trust between the disability community and police. This can be achieved by opening day-to-day practices of communication, as well as continuing dialogues between police departments, the social workers and other personnel who respond to emergency calls, and the disability community.

Finally, the stated overarching concern of follow through on all PTATF recommendations is one that should be resolved. There is no formal link to the report's recommendations and their implementation – either through legislative or administrative action. This may result in a general lack of trust in the process and could serve to undermine current and future efforts to engage the public in discourse on this topic.

[4] "Crime Against Persons with Disabilities, 2009-2019." Bureau of Justice Statistics, Department of Justice. November 2021.