State of Connecticut PA 19-90

Police Accountability and Transparency Task Force

Draft preliminary report on Priorities/Recommendations

June 15, 2020 *(updated)*

Introduction

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

(1) Police officer interactions with individuals who are individuals with a mental, intellectual or physical disability;

(2) the feasibility of police officers who conduct traffic stops issuing a receipt to each individual being stopped that includes the reason for the stop and records the demographic information of the person being stopped; and

 (3) any other police officer and transparency and accountability issue the task force deems appropriate

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

Preliminary Priorities and Recommendations

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

Universally agreed by all members is the utilization of President Obama's 21st Century Policing Task Force Final Report[1] and Implementation Guide[2] to form a basis from which the task force can systematically address police accountability and transparency in Connecticut. This document is not unfamiliar to Connecticut, as it was also used as a guide for the February 2018 Final Report of the CT Police Training Task Force, whose recommendations and subsequent action were also discussed in the June 8th meeting.

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[1] https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf
[2] https://noblenational.org/wp-content/uploads/2017/02/President-Barack-Obama-Task-Force-on-21st-Century-Policing-Implementation-Guide.pdf

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

1. Building Trust and Legitimacy

2. Policy and Oversight

3. Technology and Social Media

4. Community Policing and Crime Reduction

5. Training and Education

6. Officer Wellness and Safety

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

Pillar One: Building Trust and Legitimacy

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

1. **Change the culture of policing – adopt a guardian versus warrior culture of policing.** (Rec. 1.1)
   a. Adopt procedural justice framework as for internal and external policies and practices to guide police interactions with the citizens they serve. (Rec. 1.4)
   b. Incorporate restorative justice practices into policing using community-based organizations.
2. **Publicly address the role of policing in past injustices.** (Rec. 1.2)
3. **Make all departmental policies and procedures available online** (Rec. 1.3)
4. **Task Force should conduct regional listening sessions, coupled with community surveys, by the end of the summer to seek public input in the final report.**
   a. Require agencies to periodically track the level of trust in police by their communities just as they measure changes in crime. Annual community surveys, ideally standardized across jurisdictions and with accepted sampling protocols, can measure how policing in that community affects public trust. (Rec. 1.7)
5. **Examine police officers' interactions with individuals with a mental, intellectual, or physical disability.**
   a. Ensure resources are available for diversionary programs
6. **Ensure each officer commits to 500 hours of community engagement activities within Connecticut's major urban centers as prior to receiving initial officer certification.**
7. **Duty to intervene**
   a. Make it mandatory that officers report misconduct and intervene when they see wrongdoing, with criminal penalties if they fail to do so.

b. All officers complete a mandatory Peer Intervention Program at the academy and receive annual refresher Peer Intervention Training.

      i. A successful peer intervention program has been EPIC. It stands for Ethical Policing Is Courageous. The core concepts of the program were developed by a Holocaust survivor. After Hurricane Katrina, New Orleans Police Department in collaboration with other community partners developed a comprehensive and mandatory peer intervention curriculum for all their officers to promote a culture of high quality and ethical policing.

      ii. A Peer Intervention program not only puts the onus and oversight on the officers, but it continues drives home the message that they have a duty to act when a fellow police officer engages in misconduct. The training reinforces the officer's role as active bystanders and diminishes the power of the police culture that emphasizes the so called "blue wall of silence".

Pillar Two: Policy & Oversight

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

8. **Develop an independent external investigating authority**- Other states empower the Attorney General to play this role. This authority should fulfill the following goals:
   a. Public must trust that deadly use of force incidents and incidents involving excessive use of force are investigated with credibility and integrity.
   b. Mechanism for state to conduct a patterns and practice investigation in response to civil rights violations, including police misconduct.
   c. Law enforcement agencies should establish a Serious Incident Review Board comprising sworn staff and community members to review cases involving officer-involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency. The purpose of this board should be to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed. (Rec. 2.2.6)
   d. Law enforcement agencies should implement nonpunitive peer review of critical incidents separate from criminal and administrative investigations. (Rec. 2.3)
9. **Prohibit chokeholds, and neck restraints**
10. **Reform Internal Affairs**
    e. Ensure that the internal affairs process is transparent and accountable
    f. Community involvement in internal affairs investigations.
11. **Reform citizen complaint process**
    g. Require all law enforcement agencies operating in the State of Connecticut to accept electronic complaints and clearly lay out complaint procedure on their website.
    h. Create a statewide public database of police complaints by department and officer, listed by status (filed, pending, outcome)

12. **Require officers to identify themselves by their full name, rank, and command (as applicable) and provide that information in writing to individuals they have stopped. In addition, policies should require officers to state the reason for the stop and the reason for the search if one is conducted. (Rec. 2.11)**
13. **Law enforcement agencies should report and make available to the public census data regarding the composition of their departments including race, gender, age, and other relevant demographic data. (Rec. 2.5)**
14. **Identify state labor issues that prevent police administrators from easily removing unfit officers**
    i. Explore fair police union contracts
15. **Amend Alvin Penn Law to include racial/ethnic/gender/religious data collection of Pedestrian stops (Trespass, Loitering, Disorderly Conduct), Breach of Peace, and Interfering with Police Officer.**

Pillar Three: Technology & Social Media

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

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

Pillar Four: Community Policing & Crime Reduction

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

18. **End broken windows policing**
    a. Stops for low-level administrative and equipment offenses should be secondary (i.e. police can no longer stop a car for these reasons)
    b. Law enforcement officers should be required to seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause. Furthermore, officers should ideally obtain written acknowledgement that they have sought consent to a search in these circumstances. (Rec. 2.10)
    c. Discontinuing police officers from chasing and pursuing "stolen vehicles," unless, vehicle is classified as carjacking with a weapon. Police officers' scope of duties should not include "Vehicle Recovery Police" for insurance agencies.
    d. Amending CT Statues Public Drinking, Loitering and Disorderly Conduct that require and allow officers to "self-initiate" enforcement that has led and continues to be used as

racial and bias policing tactic that results in disproportional police contact and enforcement.

e. Redefine "Police Scope of Duties." Get police out of performing Non-Policing Matters. Discontinuing duties such as responding to- Homeless Calls, Medical Calls, MVA (no-injuries) Calls, Civil Investigations, Frauds (Credit Card /Banks/Checks), Counterfeit Bills, School Resource Officers, Building Code Enforcement, Loitering, Public Drinking, Enforcing Legal Marijuana Card Verification and Receptacle Storage.

19. Mandate community oversight of all police departments

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

Pillar Five: Training & Education

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

20. Develop a strategy to achieve accreditation (State or National) for all police departments in CT

Pillar Six: Officer Wellness & Safety

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

21. Ensure early intervention through assistance, correction action and discipline
22. Implement psychological evaluation of officers into the recertification process

Next Steps: Additional priorities for consideration

- Review recommendations from:
  - o Justice Reinvestment Framework for Corrections built out to incorporate the entire CJ system (including policing):

https://maketheroadny.org/pix_reports/Justice%20Reinvestment%20Final%20Report.pdf

- o Equal Justice Initiative's 2020 Report on Reforming Policing in America (Bryan Stevenson was a member of 21st Century Policing Task Force) https://eji.org/wp-content/uploads/2020/06/Reforming-Policing-in-America-2020.pdf
- o Campaign Zero https://www.joincampaignzero.org/
- o 1999 POLICE-INVOLVED SHOOTING INVESTIGATIONS: THE GOVERNOR'S LAW ENFORCEMENT COUNCIL Report
- How to organize work:
  - o Subcommittees
    - Structure
    - Adding Community Members
    - Legislative, Administrative, and general recommendations
  - o Community listening sessions
  - o Final Report