



STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY OFFICE OF THE COMMISSIONER

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HB 5464 (RAISED) AAC ARREST POWERS OF LOCAL POLICE OFFICERS

The Department of Public Safety opposes this bill.

The Department of Public Safety believes that this bill presents serious safety concerns, exposes municipalities to broad-ranging liability, and undercuts the statutory authority of chief elected officials to determine those persons who may possess full police powers in their municipalities. In the Department's view, these concerns far outweigh the limited law enforcement benefits that the bill offers.

The arrest authority of Connecticut police officers is codified in Conn. Gen. Stat. 54-1f, entitled "Arrest Without Warrant. Pursuit Outside Precincts." (Emphasis Added.) Properly authorized officers may make an arrest, for an offense that occurs within their jurisdiction, of an offender who commits a crime in their presence, or of an offender who is arrested, for an offense that occurred within the officer's jurisdiction, within a period of "speedy information," that is, a "reasonable period of time" as that phrase is defined under the relevant case law, after the commission of an offense. Additionally, Connecticut police officers are also authorized to make an arrest of an offender for *any* felony offense, regardless of these jurisdictional or timeline issues. Finally, officers are encouraged, through police training and procedure, to operate under the authority of a properly obtained arrest warrant whenever possible.

Thus, current law authorizes every sworn police officer to make an arrest anywhere in the state if a felony is being committed in his/her presence, whether the officer is on duty or off duty. Moreover, under the "fresh pursuit" doctrine, an officer may pursue a suspect into other communities for a crime in the officer's jurisdiction, either felony or misdemeanor.

Raised Bill 5464 would expand the above referenced authorities in an unnecessary and dangerous manner. Subsection (b) of this proposal would amend this language to provide that "[s]worn members of any local police department, outside their respective precincts, when on duty, may arrest, without previous complaint and warrant, any person for any offense when the person is taken or apprehended in the act or on the speedy information of others." The Bill would give all police officers full arrest authority everywhere in the state.

While intending to further the public safety, the terms of this provision will in fact unduly endanger both officers and citizens, expose officers and their departments to additional civil liability, and create myriad issues associated with when an officer is "on-duty," and under what circumstances insurance and workers' compensation provisions will protect the involved officer.

As noted above, statewide arrest authority already exists for local police officers for the most serious and dangerous types of offenses: felonies. Therefore, the General Assembly already has empowered local police officers to intercede to protect the public when serious offenses occur. This proposal will only expand arrest authority to misdemeanor offenses. It is against this minimal benefit that a local police officer, operating without an adequate knowledge of a foreign town's geographic area, without immediate access to assistance, without immediate radio communications with the local police authorities, and with the possibility of being mistaken for an armed criminal offender if operating in a plainclothes capacity, will make these misdemeanor arrests.

The danger inherent in this proposal is obvious. A police officer on duty, in civilian clothing, in a jurisdiction far from his home jurisdiction (traveling to or from a training seminar, for example) has no support system available to him/her. Should that officer decide to intervene in a minor theft, breach of peace, or motor vehicle offense, he or she has no method of communicating the incident to the local jurisdiction. Should the situation escalate, as they often do, the officer cannot call for help. If local authorities arrive during a period of confusion, the scene is set for mishaps or even tragedy. Several times each year we read about police officers dying as a result of friendly fire because they engage in a conflict and cannot be distinguished from the criminals by arriving on-duty officers who do not recognize the officer.

Additionally, the qualifying phrase "on-duty" will be subject to considerable dispute, as out-of-town officers commute from one town into the next, travel out of town for schools or training. Finally, officers acting outside of their jurisdictions will rightfully question whether the provisions of workers' compensation insurance protect them in the performance of these duties. Disputes will inevitably arise between the local authority who bears no relationship to this officer, his or her own agency (that may be exerting little to no control over such an officer when out-of-town) and the insurance carrier. Insurance carriers facing increased exposure due to statewide arrest authority may raise rates resulting in additional costs or difficulty in obtaining full coverage.

Finally there is the issue of training and liability. An important part of any police officer's training is learning the geography of his/her community and the hazards present in certain areas of that jurisdiction. The officer also must learn his/her department's policies and procedures. Foreign officers visiting a jurisdiction who involve themselves in minor criminal apprehensions do not have the benefit of this training. Error on their part during an intervention will place both the local jurisdiction and the home jurisdiction at risk for damages in the event of injury. Consider the opportunity available to a litigant when policies or procedures of different jurisdictions present different instructions to a police officer.

The law currently allows for municipalities to confer full police powers on officers from other communities to enable mutual aid compacts and regional policing efforts. That statute provides that the chief elected officer of the municipality may confer such authority. The proposed bill would gut entirely the authority currently vested with the chief elected officer, making a police officer in any municipality a police officer of every municipality.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leonard C. Boyle".

Leonard C. Boyle
COMMISSIONER
Department of Public Safety