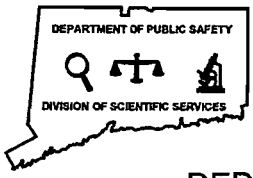
STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

Leonard C. Boyle
Commissioner

Andrew R. Crumbie, Esq.
Executive Assistant

Rep. Michael P. Lawlor, Co-Chairman
Sen. Andrew J. McDonald, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

February 23, 2007

HB 7066 AAC ARREST POWERS OF LOCAL POLICE

The Department of Public Safety opposes this bill.

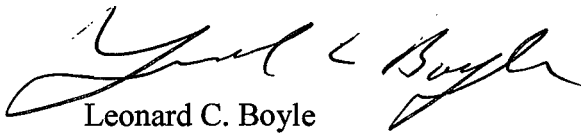
The arrest authority of Connecticut police officers is codified in CGS 54-1f, entitled "*Arrest Without Warrant. Pursuit Outside Precincts.*" This statute identifies the circumstances under which a police officer is authorized to make a warrantless arrest of an individual. Specifically, properly authorized 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.

Raised Bill 7066 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." While ostensibly seeking to further the public safety, the terms of this provision will in fact unduly endanger the officer involved and the citizenry at large, expose the officer and his department to additional civil liability, and raise a myriad of issues associated with when an officer is "on-duty," and under what circumstances insurance and workers' compensation provisions will protect the involved officer.

1111 Country Club Road Middletown, CT 06457
Phone: (860) 685-8000 Fax: (860) 685-8354
An Equal Opportunity Employer

At the outset, it should be emphasized that statewide arrest authority already exists for local police officers for the most serious and dangerous types of offenses, felonies. Therefore, the General Assembly has already empowered local police officers to intercede to protect the public when this most serious class of offense has occurred. As a result, this proposal will only, by definition, expand arrest authority to the realm of 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. 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 non-compensated schools or training, and provide private duty services to a contracting vendors. 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 would 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.

Sincerely,



Leonard C. Boyle
COMMISSIONER
Department of Public Safety