



CONNECTICUT STATE POLICE UNION

Good morning Senator Maynard, Representative Guerrero, Senator Duff, Representative Mikutel, and distinguished members of the Transportation Committee.

My name is Andrew Matthews, and I am President of the Connecticut State Police Union. We are here today to speak in OPPOSITION of:

GOVERNOR'S BILL NO. 5023 "AN ACT CONCERNING ARREST POWERS OF LOCAL POLICE OFFICERS AND MOTOR VEHICLE INSPECTORS."

Currently, CGS 54-1f empowers Connecticut police officers to make arrests of persons, without previous complaint and warrant, if the officer has reasonable grounds to believe the person has committed, or is committing, a FELONY. Also, peace officers, as defined by Statute, shall arrest, without previous complaint and warrant, any person for any offense *in their jurisdiction*, when the person is taken or apprehended in the act or on the speedy information of others.

This bill would allow sworn members of any local police department, outside of their respective precincts, when on duty, may arrest, without previous complaint and warrant, any person for an offense when the person is taken or apprehended in the act or on the speedy information of others. Whenever such sworn member of a local police department makes an arrest under this subsection, such sworn member shall immediately present the arrested person to the local police department or state police troop having jurisdiction over the precinct in which the arrest was affected.

In doing so, this bill would create many unnecessary issues as they relate to increased liability exposure to Connecticut towns and insurance carriers, workers' compensation claims, individual Police Departmental policy procedures, previously agreed to Mutual Aid compact agreements and operational questions and problems for the Department who takes custody of any prisoners turned over to them.

LIABILITY EXPOSURE TO TOWNS:

If an arrested person makes a complaint of unnecessary force, or injury during the arrest, a claim of an illegal search, or violation of civil rights, which agency will ultimately become responsible? Which agency conducts an investigation to determine the facts of the claim? Which town insurance carrier becomes responsible for any payment of expenses or settlements? Will this law affect any towns' insurance premiums? Can the towns be sued for Failure to Act, if the town leaders have policy restrictions, which do not allow officers to make such arrests outside of their jurisdiction?

WORKERS' COMPENSATION CLAIMS:

If an officer is injured during an arrest, is it clear which town will assume responsibility for any workers' compensation claim? Which town will determine the level of compensation? Will any injuries sustained have an impact on the towns long-term retirement benefit to the officer? Which town bears the cost of the officers' representation?

INDIVIDUAL POLICE DEPARTMENT POLICIES AND PROCEDURES:

If a town police department have policies concerning issues such as: proper use of tasers, pursuits, reporting requirements, radio procedure, prisoner care or processing and those policies are inconsistent with the town in which an arrest was made, what happens? Does this become a problem for the towns and or the officer?

MUTUAL AID AGREEMENTS:

Currently, CGS allow for individual towns to enter into mutual aid compact agreements with other towns for public safety issues. Most of these mutual aid agreements allow for the same arrest authority and protection for the out of town officers who are performing duties pursuant to the agreement. Those towns that wish to *voluntarily* enter into such agreements have done so and draft appropriate mutually agreed upon language. Will this bill have a forced *negative impact* on compact agreements?

OPERATIONAL ISSUES:

This bill proposes that *whenever a police officer makes an arrest under this subsection, such police officer shall immediately present the arrested person to the local police department or state police troop having jurisdiction over the precinct* in which the arrest was affected. Besides the issues previously mentioned, I will bring to your attention only some of the anticipated operational problems:

- Which departments' report form is used? Who takes custody of evidence?
- Who takes responsibility for the processing, care and arraignment of prisoners?
- Who will be responsible for any re-arrest warrants that may be issued?
- If an incident is ongoing (i.e.: pursuit), which department has command and control of the officers' action?
- Are all police departments going to be equipped with police radios that will enable officers to communicate effectively?

DEPARTMENT OF MOTOR VEHICLE INSPECTORS

Currently, under CGS 14-8, DMV inspectors have "... the same authority to make arrests, issue citations for violations of any statute or regulation relating to motor vehicles and to enforce said statutes and regulations as policemen or state policemen have in their respective jurisdictions." Therefore, by granting motor vehicle inspectors peace officer status, this bill would not provide them any additional authority.

In summary, we believe that there are enough unanswered questions that would convince this committee that this bill if approved would place an undue burden on the cities and towns of Connecticut, its officers, its citizens, and taxpayers. We thank the committee for your consideration on this important issue and would be happy to answer any questions.

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CONNECTICUT STATE POLICE UNION
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