



CONNECTICUT BANKERS ASSOCIATION

March 23, 2012

To: Members of the Judiciary Committee

Fr: Connecticut Bankers Association
Contacts: Tom Mongellow, Fritz Conway

**Re: H.B. No. 5534 (RAISED) AN ACT CONCERNING ROBBERY
COMMITTED AT A BANK OR CREDIT UNION.**

POSITION: SUPPORT

For decades, banks and their employees have had to deal with bank robberies. The entire industry always has to balance an accessible and friendly bank branch environment for their customers with effective security measures. Despite significant investment by the banking industry in these security measures, bank robberies remain a significant and common threat. In recent years, it has become apparent that certain Connecticut criminal statutes no longer provide an adequate deterrent for common bank robberies. Law enforcement and prosecutors need a statute which provides a clearer path to enforcement, charges and prosecution to deter and combat these crimes on a more uniform basis.

The State "Robbery" Statute is no longer a deterrent – Today, bank robberies come in many different forms. Sometimes the robbers will carry weapons and/or make overt threats to tellers and branch personnel. In those particular instances, our existing "robbery" statute clearly applies because the statute covers situations where the robber "uses or threatens the immediate use of physical force".

All too often, however, robbers will not display a weapon or make overtly threatening statements. They will, instead, wear masks and engage in conduct that causes bank tellers and others to fear for the possibility of physical harm. These implied threats are just as traumatizing and have the same practical impact as a robber who actually displays a weapon. Unfortunately, however, several of the courts in our state have refused to apply the "robbery" statute to

these types of crimes (apparently because the crime did not involve the "use" or overt "threat" of physical force).

In these scenarios where implied threats of harm were used by the robber the police and prosecutors, by virtue of the existing statute, will often use the lesser charge of "larceny". Indeed, there have been recent incidents where serial robbers (i.e., criminals who commit multiple robberies, often back-to-back on the same day) are charged with "larceny" or "breach of peace". Defense attorneys are keenly aware of the unenforceability of the "robbery" statute in certain GA's and will frequently seek plea bargains for the lesser charge.

Law enforcement personnel and bank security officers are convinced that bank robbers (particularly serial robbers) are aware of the deficiencies in Connecticut's enforcement scheme. They are not deterred by the threat of "larceny" and "breach of peace" charges and adjust their robbery tactics to avoid the more serious "robbery" charge. But the ultimate impact of this crime is just the same as a "robbery".

The Forgotten Human Impact – When people think about bank robberies they often think about the financial loss to the institution. In most cases, however, that is not the most significant concern. The most significant concern for bankers is the *human impact*.

Bank branch tellers and employees are subject to extreme stress during and immediately after a robbery situation. After a robbery employees need and receive counseling, time off and whatever services are necessary to overcome the trauma of the event. However, even with those efforts many are afraid to come back to work for various reason, such as fear of retribution from the criminal. Understandably, they often need extended time off or counseling. They may also request assignment to a different branch or they may never even come back to work.

Customers may also be subject to that extreme stress and there are many examples where they no longer feel safe doing their business in a bank branch that was robbed.

Clarifying the statute will lessen the number of employees and customers subject to the trauma of bank robberies.

Coalition of support for a clarification - There is agreement within a coalition of interested groups that this statute needs to be clarified. That coalition currently includes representatives from the CBA and bank security officers. The Police Chiefs Association, the FBI and various District Attorneys are also being briefed on this proposal. We hope and expect that they will also see the need for this important clarification.

Other states are introducing similar bills - We are not alone with this concern. Our neighboring state of Massachusetts introduced legislation just last year to clarify and strengthen their bank robbery statute and Pennsylvania passed similar changes in 2010.

No change in sentencing standards - It's important to note that we are not suggesting "tougher" sentencing standards; we are only recommending that a bank robbery be uniformly treated as a robbery and not as a minor offense. To this end, we would propose that the robbery statute be amended to clearly cover "implied threats" of physical harm so that all courts in Connecticut have the same view with respect to the application of the "robbery" statute.

Suggested Revision to H.B. 5534: The CBA applauds the Committee's proposal to strengthen the State's bank robbery statutes. We are, however, concerned that the bill as presently drafted *could impose overly stringent evidentiary requirements*. As drafted, police and prosecutors would have to find a way to show that the robber had the "intent to cause another person to fear for his physical safety." Proving the "intent" of the robber in many cases, could be problematic and nullify the purpose of the bill.

Respectfully, we suggest that certain statements or conduct should *automatically* be construed as "threatening the immediate use of physical force".

For example, wearing a mask or a disguise (or otherwise attempting to conceal facial features) while taking property from a bank should automatically be viewed as sufficient evidence of intent to commit bank robbery if that conduct reasonably causes a bank teller to fear for his or her physical safety.

We look forward to the opportunity to work with the Judiciary Committee on this important issue and thank you for your consideration of this concept.

