

Good Morning,

My name is Jack Drumm; I am a sitting Chief of Police and today I am here to speak in favor of:

Proposed Bill 5540

AN ACT CONCERNING THE ARREST POWER OF SWORN MEMBERS OF LOCAL POLICE DEPARTMENTS

My background and knowledge in policing, I feel are a practical endorsement to support this Bill, in that

I have spent the last 34 years of my life proudly serving in Law Enforcement.

I started my career with the Connecticut State Police, and retired after a proud and highly decorated career of 24.6 years of service. I have equally served local law enforcement in the State of Connecticut as a Chief of Police for the past 9 years.

I currently serve as the Chief of Police for the Town of Madison, CT., a modern and rebuilt agency which soon will be a fully CALEA accredited law enforcement agency.

Having had an extensive career with the Connecticut State Police, and currently in local law enforcement I have been asked by the

Connecticut Chiefs of Police – known as CPCA - to speak to the training and experience levels possessed today by all certified graduates of the POST Training Academy. In addition, I will speak to why this expertise of Municipal Law Enforcement Agencies is most capable of serving the State of Connecticut with the additional highly skilled resources most needed in the current law enforcement climate.

This bill serves as a margin of opportunity for Government to make a decision that serves the Connecticut community first. It will enhance law enforcement for this great state with the additional resources of 8000 plus local law enforcement to assist, when needed, the approximately 1000 plus members of other state wide law enforcement agencies.

The training levels and expertise is shared equally in the State of Connecticut. The training offered by both the POST Council and the Connecticut State Police are both complex in critical thinking, and intensive in weeks of practical and theory based training. The focus of this training sometimes follows different instructional paths, but both achieve their stated goal of producing outstanding Police Officers, who graduate and set out to pursue the complex challenges that face all law enforcement today.

Examples of current statewide law enforcement participation by jurisdictions:

- State Capitol Police who have statewide jurisdiction powers
- States Attorney Investigators and Inspectors.
- Motor Vehicle Inspectors
- Federal Agency based Regional Task Force(s)
- State based Regional Task Force(s). i.e.: SNTF
- Local based Regional Task Force
- Regional Major Crime Criminal Investigation Unit(s)
- Regional Traffic Unit(s)
- Regional Emergency Response Teams, all with signatory agreements

All regions of the Connecticut Police Chiefs have and currently operate under signatory mutual aid and non-emergency mutual aid secondary agreements. Some of these agreements have existed for years as set forth in said Connecticut General Statute, (Connecticut General Statute 7-148).

Examples of State wide enforcement required by Local Law Enforcement.

Crimes relating to **Identity Theft**:

Sec. 54-1n. Complaint by victim of identity theft. Law enforcement agency's responsibilities. Any person who believes that such person's personal identifying information has been obtained and used by

another person in violation of section 53a-129a of the general statutes, revision of 1958, revised to January 1, 2003, or section 53a-129b, 53a-129c or 53a-129d may file a complaint reporting such alleged violation **with the law enforcement agency for the town in which such person resides. Such law enforcement agency shall accept such complaint,** prepare a police report on the matter, provide the complainant with a copy of such report and investigate such alleged violation and any other offenses allegedly committed as a result of such violation and shall, if necessary, coordinate such investigation with any other law enforcement agencies.

Prawn Warrants: **PRAWN:**

The Judicial Branch's Paperless Arrest Warrant Network was implemented in 2000 under Connecticut Public Act 00-209. PA 00-209

authorized the entry of warrants for Failure to Appear into a central computer system. The system was implemented for all municipal police departments in 2005 and all state police units by March 2007. The system is now utilized by over 140 local, state and federal agencies.

The Public Act was codified into Connecticut General Statutes §54-2(e) "Whenever a warrant or other criminal process is issued under this section...the court, judge or judge trial referee may cause such warrant to be entered into a central computer system in accordance with

policies and procedures established by the Chief Court Administrator. Existence of the warrant or other criminal process in the computer system shall constitute prima facie evidence of the issuance of the warrant or process. *Any person named in the warrant or other criminal process may be arrested based on the existence of the warrant or process in the computer system.* **Whenever an active warrant is located in PRAWN, any authorized law enforcement agency can use the system's custodial processing component to serve the PRAWN warrant.** (CT CJIS: Paperless Arrest Warrant Network)

Electronic Threat: By Mobil data "Cyber-Stalking"

Harassment in the Second Degree: Recent changes to C.G.S. §53a-183: Harassment in the Second Degree has allowed complainants to **make their complaint not only "where the communication was made" but also "at the place where it was received. PA 12-114.**

Federal Officer Protection Act HR 218:

LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004

On July 22, 2004, President George W. Bush signed into law H.R. 218, the Law Enforcement officers Safety Act (LEOSA),³⁰ which created a general nationwide recognition that the public is better served by **allowing law enforcement officers to carry their firearms outside of**

their jurisdictions whether they are on or off duty. The theory behind LEOSA already was recognized among a number of states.³¹ That is, law enforcement officers retain their identity, training, experience, and dedication to the safety and welfare of the community regardless of whether they are on duty in their employer's jurisdiction, going home to another community, or merely traveling for leisure purposes. However, the act creates a limited privilege to carry concealed weapons for law enforcement officers, not a right to bear arms.

Current High Court Decisions:

Law enforcement **“out of precinct” misdemeanor arrests**: State v. Jones (OHIO 2009)

The Ohio Supreme Court, using their case law and the U.S. Supreme Court of VA v. Moore 128S.Ct. 1598 (2008) reasoned that “a law enforcement officer who personally observes a traffic violation while outside the officer’s statutory territorial jurisdiction has probable cause to make a traffic stop; the traffic stop is not unreasonable under the Fourth Amendment to the United States Constitution.”

The Ohio Supreme Court concluded that “when an officer has probable cause to believe that a person committed even a minor crime in his presence, the balancing of private and public interest is not in doubt. The arrest is constitutionally reasonable. VA v. Moore, 128 S.Ct. 1598

at 1604. Further in the Ohio case State v. Weidman, 94 Ohio St. 501 (2002) (cited extensively in State v. Jones), the Ohio Supreme Court held that *"the state's interest in protecting the public from a person who drives an automobile in a manner that endangers other drivers outweighs [the defendant's] right to drive unhindered."* State v. Weidman, 94 Ohio St. at 506.

Williams v. State - Oklahoma

In Williams v. State, 1962 OK CR 80, 373 P.2d 91, the appellant was convicted of driving under the influence in the District Court of Pittsburg County. Appellant was originally observed by a city police officer to be driving erratically within the city limits of Hartshorne, at which point the officer pursued the appellant, stopped his vehicle, and placed him under arrest almost three miles from town. *Id.* at ¶ 6, 373 P.2d at 93-94. Appellant argued on appeal that the "police officer was outside the city limits and therefore without authority to make the arrest for the misdemeanor herein involved." *Id.* at ¶ 19, 373 P.2d at 95. Quoting the syllabus from Moran v. State, *supra*, the Court held the arrest was proper under section 202.

When a police officer finds an accused outside the city limits of a municipality on a public highway and in a drunken condition, *even though said officer held no commission as a county or state officer, still,*

by provision of Tit. 22 O.S.1941, § 202, he had a right and it was his duty to arrest said person, and he had the further right to take possession of intoxicating liquor observed in the front part of accused's ditched automobile. *Williams v. State*, 373 P.2d 91 at 96.

Florida:

Police officers outside their jurisdiction can make an arrest as private citizens where a private citizen could lawfully make an arrest. *Collins v. State*, 143 So. 2d 700 (Fla. 2d DCA 1962); *Roberts v. Dep't of Highway Safety & Motor Vehicles*, 976 So. 2d 1241 (Fla. 2d DCA 2008). The applicable standard of an extra-jurisdictional police arrest is the same as that applied to a citizen's arrest. *State v. Sobrino*, 587 So. 2d 1347 (Fla. 3d DCA 1991)

Conclusion:

Court in numerous states has upheld arrests made by officers outside of their jurisdiction so long as such arrests would be lawful by an ordinary citizen. To that extent, C.G.S. §53a-22(f) allows a private citizen to use force to make an arrest or prevent the escape of a prisoner "whom he or she reasonably believes to have committed an offense and who in fact has committed such offense..." Our own statutes allow for private citizens to make an arrest when they believe

that a violation has occurred without the direction of a peace officer and without the hindrances of territorial jurisdiction, but yet, law enforcement officers are not afforded the same ability to make arrests outside of their jurisdiction.

In the Connecticut Criminal Jury Instructions 2.8-8: *Use of Physical Force by Private Person to Make an Arrest -- §53a-22(f)*: the jury is instructed that “The law allows a civilian to arrest for any offense, whether it be a felony, misdemeanor, traffic violation or other infractions, but the private person making such an arrest is held to a very high standard of conduct. Unlike a peace officer, the civilian making an arrest may not claim justification merely because he believes that the arrested person committed an offense.

Rather, regardless of the reasonableness of his belief, his right to make a civilian arrest is allowed only if in the interest of public safety. The person actually committed an offense.” That being said, if a civilian has the right to make an arrest for an offense they know was actually committed, why then are police officers not able to make that same arrest as police officers, when they observe the offense right in front of them, simply because of territorial boundaries?

Notes:

Example of Actual MV Stops.

Closing remarks:

To not be in favor of this bill has nothing to do with the efficient use of resource management.

To not be in favor of this bill is to hold onto traditions and not be in support of public policy as it pertains to public safety.

Thank you

Chief John "Jack" Drumm

Questions

2011-00007429 Madison Police Department

Accused Vehicle: I-91 n/b exit # 8, just south of Exit # 9 in the Town of North Haven
Speed(s) 92 mph to 106 mph
Unsafe distance, lane changes and aggressive driving.

Charge: Reckless Driving, 14-222

Date and time of Incident: 06-27-2011 at approximately 1112 hours

Location of Initial Incident: I-91 n/b, exit 8, just south of Exit 9. Town of North Haven, CT.

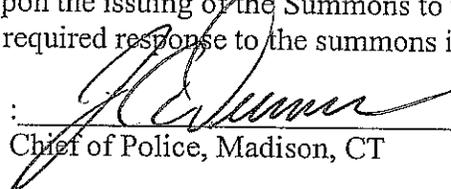
Summary of Incident:

On the above date and time this officer while on general patrol from my assigned duty station at the Madison Police Department traveling to the Town of Hamden observed the accused operating his vehicle in a "reckless" manner traveling at a high rate of speed, changing lanes rapidly and at one point following n/b vehicle's at an "unsafe" distance prior to veering abruptly into the right hand lane, back to the center lane in an attempt to pass traffic that was operating at a normal flow.

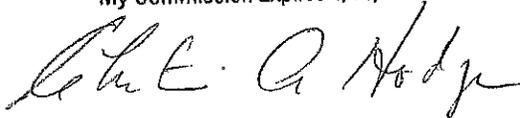
This Officer (Drumm # 700 MPD) while on general patrol for the Madison Police Department was traveling northbound (n/b) on Interstate 91, just north of the exit 8 area. In the Town of North Haven. This officer was operating in the high speed lane of (4) four lanes with traffic operating at approximate 63 to 67 mph. This officer was accompanied by Lt. Robert Stimpson of the MPD who was a passenger. That Lt. Stimpson also observed some of the violation as they occurred. The accused vehicle approached to my rear at a high rate of speed, switched lanes abruptly from the center lane to the high speed and back to the center and continued at a very excessive rate of speed. That the accused continued to operating in this reckless manner and increased his speed. .

That this officer was able to clock the offending vehicle for approximately 1/10 to 2/10ths of a mile, speeds were from 92 mph to and exceeding 100 mph. The subject was clocked on Interstate 91 n/b operating in the high speed (center to left) lane of four northbound lanes. At one point the accused caught up to other n/b traffic, the accused subject would drive aggressively, tailgating the n/b traffic and would subsequently change lanes at this continued high rate of speed, That this officer was operating an "unmarked" police patrol vehicle equipped with flashing red and blue emergency lighting and audible siren. The subject was stopped via red-blue lights and siren at the Exit 8 n/b just south of Exit 9 n/b, in the town of North Haven, CT... This officer Identified himself by Uniform and Badge. That the Madison Police Department is part of the South Central Police Region Motor Vehicle Enforcement Compact.

The accused was informed of the violation(s) and stated that he was "speeding". This officer informed the accused of all particulars. His attitude was cooperative. He appeared normal and did not have any passengers. This officer contacted Troop I, Bethany Barracks of the Connecticut State Police to inform the State Police of the Motor Vehicle Stop. This was performed by cell phone and by CSPERN Radio. The duty sergeant for Troop I stated that he would send a patrol backup to my position to assist. That a State Trooper arrived and was present upon the issuing of the Summons to the offending operator. This officer explained the required response to the summons issued.


Chief of Police, Madison, CT

Christie A. Hodge
NOTARY PUBLIC
State of Connecticut
My Commission Expires 1/31/2013



(2)

Date and time of Incident: 01-29-2010 at approximately 0732-0746 hours

Location of Initial Incident: I-95 s/b at the East Lyme, Old Lyme Town line, past the Rocky Neck Connector and prior to the Exit 70, Old Lyme off ramp.

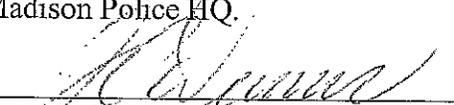
Summary of Incident:

On the above date and time this officer while on general patrol to my assigned duty station at the Madison Police Department observed the accused operating his vehicle in a "reckless" manner traveling at a high rate of speed, changing lanes rapidly and at one point following this officer's vehicle at an "unsafe" distance prior to veering abruptly into the right hand lane in an attempt to pass on the right hand side.

This Officer (Drumm # 700 MPD) while on general patrol to the Madison Police Department was traveling southbound (s/b) on Interstate 95 operating in the high speed (left) lane of two southbound lanes behind several other s/b vehicles. That this officer was operating an "unmarked" police patrol vehicle equipped with flashing red and blue emergency lighting and audible siren. This officer was the last vehicle in a group of southbound vehicles maintaining a safe distance from the vehicle to my immediate front. Traffic speed(s) traveled for this group of vehicles was between 63 to 70 mph in a posted 65 zone. Traffic was operating at the normal medium flow for this time of day.

This officer observed the accused in my rear view mirror operating his vehicle at a high rate of speed to the rear of this officer's vehicle. In the interest of public safety, this officer attempted to slow down the accused reckless manner by activating the strobe emergency lights of the unmarked vehicle. The subject slowed momentarily and then returned to the high speed lane and continued to follow this officer's vehicle again at an unsafe distance. This officer notified CSP Westbrook and informed the desk officer that I would stop the subject in front of the Barracks and asked for assistance in issuing a MVS for 14-222, Reckless Driving. The subject was stopped via red-blue lights and siren at the access road to Troop F Westbrook State Police.

This officer stopped the vehicle and approached the operator. I identified myself as a Police Officer and informed the accused operator that he was driving in an aggressive and reckless manner. I further requested the subject's operator information. The accused initially refused to give to this officer his motor vehicle documents and finally complied when asked a second time. The operator was identified as Patrick Trainor, (DOB: 09-26-60). The accused appeared agitated that he was stopped by this officer. At the time of the stop this officer was met by TFC. Mark Testoni of the Westbrook State Police Barracks who took over the issuing of the summons. This is generally the protocol when a local law enforcement unit stops a motor vehicle violator out of precinct due to a Public Safety Interest. This officer then continued to Madison Police HQ.


Chief of Police, Madison, CT

SUBSCRIBED AND SWORN TO ME
THIS 29TH DAY OF JANUARY 2010

NOTARY PUBLIC
MY COMMISSION EXPIRES 2/28/13

3

2011-00003258 Madison Police Department

Accused Vehicle: I-95 s/b on ramp # 62 to the Mungertown Exit # 60.
Speed(s) 82 mph to 91 mph
Unsafe distance, lane changes and aggressive driving.

Charge: Reckless Driving, 14-222

Date and time of Incident: 03-24-2011 at approximately 1136 hours

Location of Initial Incident: I-95 s/b, exit 62 "on ramp", Town of Madison, CT... Stop made at the Mungertown Off ramp, I-95 s/b, exit 60. Town of Madison, CT...

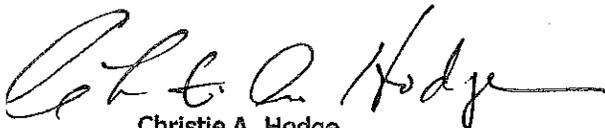
Summary of Incident:

On the above date and time this officer while on general patrol from my assigned duty station at the Madison Police Department observed the accused operating his vehicle in a "reckless" manner traveling at a high rate of speed, changing lanes rapidly and at one point following this officer's vehicle at an "unsafe" distance prior to veering abruptly into the right hand lane in an attempt to pass on the right hand side.

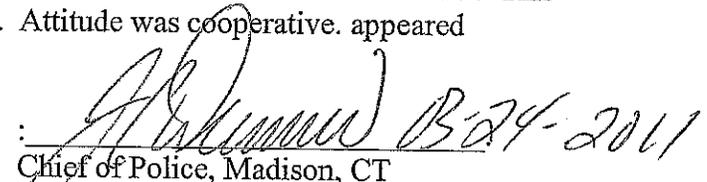
This Officer (Drumm # 700 MPD) while on general patrol for the Madison Police Department was traveling southbound (s/b) on the on ramp of Exit 62, entering s/b I-95 s/b traffic when the accused vehicle approached to my rear at a high rate of speed, and continued to follow an unsafe distance on the acceleration lane. Subsequently the operator of this offending vehicle drove immediately to the high speed lane and accelerated to a high rate of speed.

That this officer was able to clock the offending vehicle for approximately 1/10 to 2/10ths of a mile, speeds were from 82 mph to 91 mph. The subject was clocked on Interstate 95 operating in the high speed (left) lane of two southbound lanes. At one point the accused caught up to other s/b traffic, the accused subject would drive aggressively, tailgating the s/b traffic and would subsequently change lanes at this continued high rate of speed, That this officer was operating an "unmarked" police patrol vehicle equipped with flashing red and blue emergency lighting and audible siren. The subject was stopped via red-blue lights and siren at the Mungerton Road Exit, I-95 S/B, in the town of Madison, CT... This officer Identified himself by Badge.

The accused was informed of the violation(s) and stated that he was "late for work". This officer informed the accused of all particulars. Attitude was cooperative. appeared normal and did not have any passengers.



Christie A. Hodge
NOTARY PUBLIC
State of Connecticut
My Commission Expires 1/31/2013



Chief of Police, Madison, CT