



# CONNECTICUT POLICE CHIEFS ASSOCIATION

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## Testimony to the Judiciary Committee Various

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By

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Connecticut Police Chiefs Association

Senator Coleman, Representative Fox and members of the Judiciary Committee. I am pleased to provide comments on a number of bills as a representative of the Connecticut Police Chiefs Association (CPCA).

**CPCA is concerned regarding S.B. No. 461, AN ACT CONCERNING DUTIES OF DEPARTMENT OF CORRECTION OFFICIALS AS PEACE OFFICERS AND PERSONS AUTHORIZED TO SERVE AS ARMED SECURITY GUARDS IN SCHOOLS.**

Section 1. Subdivision (9) of section 53a-3 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof:

(9) "Peace officer" (I), concerning an official who is a member of the Department of Correction. **CPCA's** position is that these individuals should be required to meet the same standards as a municipal police officer with regard to entry level selection, basic recruit training and recertification, as required in accordance with C.G.S. 7-294d . In addition, if members of the Department of Correction receive statewide arrest powers CPCA continues to renew our request for municipal police officers.

Sec. 2. Section 10-244a of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof:

(2) Allowing federal law enforcement agents who retire or separated in good standing or a sworn officer from an organized police department from another state to act as armed security personnel within Connecticut school districts is a concern to **CPCA**. **CPCA'S** concern is, who will be charged with determining that these individuals meet the qualifications, as stated within this proposed bill.

**CPCA is opposed to H.B. No. 5589, AN ACT CONCERNING CUSTODIAL INTERROGATIONS.**

The United States Supreme Court decision, *Frazier v. Cupp*, 394 U.S. 731 (1969) affirmed the legality of deceptive interrogation tactics. In this decision, the following is reported, "The fact that the police misrepresented the statements that Rawls had made is, while relevant, insufficient in our view to make this otherwise voluntary confession inadmissible. These cases must be decided by viewing the totality of the circumstances."

In *United States vs. Russell*, 411 U.S. 423, the United States Supreme Court acknowledges that "The function of law enforcement is the prevention of crime and the apprehension of criminals." "Criminal activity is such that stealth and strategy are necessary weapons in the arsenal."

In the 1990 U.S. Supreme Court decision, *Illinois v. Perkins*, 496 U.S. 292, and the Supreme Court continued to recognize the use of deception in criminal investigation where it stated, “Miranda forbids coercion, not mere strategic deception”.

Additionally, although the use of deception by investigators has been recognized by the U.S. Supreme Court, there are additional safeguards to prevent self incrimination.

First and foremost are the Miranda warnings, a voluntary waiver to submit to an interview and the standard of “Totality of the Circumstances” as to whether any admissions are admissible in court.

Second is the opportunity to file a Motion to Suppress alleging that the results of an interview should be inadmissible. This issue is to be determined by a Judge of the Superior Court. The defendant has the availability of a Defense Attorney to file the motion, argue the issue and then cross examine the investigator conducting the interview.

Moreover, there can be serious consequences for the investigator, should he or she engage in inappropriate conduct which may include sanctioning by the court, a civil lawsuit, internal discipline, the suppression of evidence, the dismissal of a case and perhaps a criminal freed.

To impose additional restrictions or sanctions on the ability of investigators to engage in interrogations would result in unreasonable restrictions on law enforcement that even the United State Supreme Court has not imposed.

Finally, while the courts have been split on their decisions as to whether the use of fabricated documents are permissible, they have commented that laws of evidence and subsequent legal proceedings will prevent their improper use.

Therefore, **CPCA** is strongly opposed to this bill, as it severely impedes law enforcements ability to interrogate in-custody subjects in a negative manner.