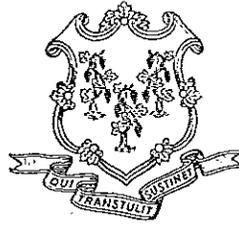


SENATOR MARTIN M. LOONEY  
PRESIDENT PRO TEMPORE

Eleventh District  
*New Haven, Hamden & North Haven*

March 20, 2015



State of Connecticut

SENATE

In support of:

**S.B. 652 AN ACT CONCERNING THE INVESTIGATION OF THE USE OF DEADLY FORCE  
BY A PEACE OFFICER THAT RESULTS IN THE DEATH OF A PERSON.**

Good Morning Senator Coleman, Representative Tong, members of the Judiciary Committee, thank you for the opportunity to testify on S.B. 652 AN ACT CONCERNING THE INVESTIGATION OF THE USE OF DEADLY FORCE BY A PEACE OFFICER THAT RESULTS IN THE DEATH OF A PERSON.

In cases where the use of force by a peace officer results in the death of a person, it is my strong belief that the very nature of these cases means that the interest of all parties – be it the peace officer, the family of the deceased, potential prosecutors, and the community at large – would be much better served if investigations of such deaths are required to be carried out by either a special prosecutor or a prosecutor from a geographical area other than where the death took place.

The issue here arguably is two-fold: 1) that local prosecutors, because they work closely with and often depend on the police in their geographic areas, may not be best suited to investigate and make charging decisions with respect to officers in those local departments, and 2) even assuming arguendo that any decision not to charge is the correct one, this close relationship between prosecutors and their local police departments can and often does leave doubt in the minds of members of the public as to the fairness of the decision. Any appearance of favoritism -- whether reflective of the true circumstances or not -- is completely unnecessary and can be mitigated by having certain prosecutors conduct the investigation. This notion is not unique to Connecticut by any means. Recently, in New York State in particular, there have been public calls for new laws requiring either a special prosecutor, or the New York Attorney General, to investigate such cases. Unlike New York, however, the Connecticut Attorney General does not currently have criminal jurisdiction so would not be a logical candidate to investigate such potential crimes.

This issue has already been dealt with in some form in Connecticut's law since 1988, where it is explicitly permissive to have either a special prosecutor or prosecutor from another geographical area be assigned. CGS Sec. 51-277a, entitled "Investigation of the use of deadly force by peace officers," explicitly permits the Chief State's Attorney, in cases where a peace officer, in the performance of his or her duties, uses deadly physical force upon another person and such person dies as a result thereof, to either 1) designate a prosecutorial official from a judicial district other than the judicial district where the incident occurred to conduct the investigation, or 2) appoint a special assistant state's attorney or special deputy assistant state's attorney to conduct the investigation. The statute allows any person to make a written request to the Chief State's Attorney to use this option. It also provides that the Chief State's Attorney shall appoint a special inspector or multiple special inspectors to assist such appointed prosecutors at their request.

State Capitol  
Hartford, Connecticut 06106-1591  
132 Fort Hale Road  
New Haven, Connecticut 06512  
Home: 203-468-8829  
Capitol: 860-240-8600  
Toll-free: 1-800-842-1420  
[www.SenatorLooney.cga.ct.gov](http://www.SenatorLooney.cga.ct.gov)

Several other states, including Washington, Missouri and New Mexico, have similar provisions that permit the appointment of a special prosecutor or independent investigator.

SB 652 would make Connecticut's statutory section mandatory, and require the Chief State's Attorney to appoint either a special prosecutor or a prosecutor from a judicial district other than the one where the incident occurred, to investigate, and make charging recommendations, in any case of the use of force by a peace officer in the performance of his or her duties that results in the death of such person. The bill would also remove the specific designation in section 51-277a to the use of "deadly" force, and instead apply whenever the use of force by a peace officer in the line of duty results in a death.

New York is not alone in considering reform such as this. Additionally, Pennsylvania, Maryland and California are discussing proposals regarding the appointment of special prosecutors or independent investigators for officer involved deaths. Wisconsin too has taken a concrete step in this direction, passing a law in April 2014 that requires officer involved deaths to be investigated by two investigators who are not employed by the same agency that employs the officer who caused the death.

I urge you take this important step to strengthen our law and help foster public trust in our criminal justice system.