



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

S.B. No. 1106 (RAISED) AN ACT CONCERNING THE INDEMNIFICATION OF LAW ENFORCEMENT PROFESSIONALS

JOINT COMMITTEE ON JUDICIARY
March 20, 2015

The Division of Criminal Justice recommends the Committee's JOINT FAVORABLE SUBSTITUTE REPORT for S.B. No. 1106, An Act Concerning the Indemnification of Law Enforcement Professionals. The Division recommends the Committee delete the revisions found on lines 16 and 21 of the bill and approve the remainder of the legislation as proposed.

The language on lines 16 and 21 effectively shifts to the Division of Criminal Justice the financial liability for economic losses incurred by any law enforcement officer who is arrested as a result of actions in the course of his or her duties if the officer is found not guilty or the charges are subsequently dismissed. This bill discourages good faith prosecutions of police officers believed to have committed crimes. This is especially distressing at a time when so much attention is being placed on the actions of police officers and demands by some for greater accountability.

Prosecutors and the courts do not take their responsibilities lightly. Each case is examined on the facts specific to that case and the decision to seek an arrest warrant carefully considered, both by the prosecutor who must present the arrest warrant application to the Court and the Court, which makes the ultimate decision on whether a warrant is issued. The bill does not take into consideration the fact that an arrest warrant can only be issued upon a showing of probable cause. Nor does it clearly address the question of whether the Division would be held liable if an officer was granted Accelerated Rehabilitation leading to ultimate dismissal of the charge or charges. Would the Division still have to pay? These provisions would do nothing more than to discourage prosecutors from carrying out their sworn duty and constitutional oath and making the difficult and necessary decisions in sensitive cases.

While the Division strongly recommends the Committee delete the changes proposed in lines 16 and 21. We do, however, support the remainder of the bill, which makes minor technical changes to wording and includes Inspectors in the Division of Criminal Justice among those who are eligible for indemnification. This, too, is largely a technical change since the Inspectors are sworn officers who have many of the same duties and responsibilities of other state and local law

enforcement officers and are already included in many other statutory references with their colleagues in other agencies on the various levels of government.

In conclusion, the Division wishes to express its appreciation to the Committee for affording this opportunity to provide input on this legislation, and we would be happy to provide any additional information the Committee might require or answer any questions you might have.