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**Testimony in Support of Senate Bill 652,
AN ACT CONCERNING THE INVESTIGATION OF THE USE OF DEADLY FORCE
BY A PEACE OFFICER THAT RESULTS IN THE DEATH OF A PERSON
and in Support of House Bill 1109,
AN ACT CONCERNING EXCESSIVE USE OF FORCE**

March 20, 2015

Senator Coleman, Representative Tong and distinguished members of the Judiciary Committee, my name is David McGuire. I'm the staff attorney for the American Civil Liberties Union of Connecticut and I'm here to support of Senate Bill 652, An Act Concerning The Investigation Of The Use Of Deadly Force By A Peace Officer That Results In The Death Of A Person And In support Of House Bill 1109, An Act Concerning Excessive Use Of Force.

The ACLU-CT greatly appreciates the committee's consideration of these two bills relating to deadly force used by police. The Michael Brown and Eric Garner tragedies have brought the issue of fatal use of force by police into the national spotlight. This is not just a Missouri and New York problem—there have been many disturbing police-related deaths in Connecticut. According to the Hartford Courant, there have been 18 incidents in the past decade in which unarmed people died after violent confrontations with Connecticut police involving guns or stun guns.¹ On Sunday, a person died after being Tasered by a Branford police officer, bringing the total to 19.²

We entrust police officers with unmatched authority and responsibility. In rare instances and in the course of this duty, officers may use physical force that may result in death of a civilian. I think we all agree that transparency and accountability in the instance of any use of deadly force is essential to maintain trust and public safety in our communities.

Of the at least 19 incidents in which people died after police used physical force on them, most of the investigations were drawn out over extended periods of time and none of the officers involved in those incidents were convicted of a crime. As a result, many members of the public have grown to mistrust officers who are there to keep them safe, a reaction which has significant consequences for public safety in Connecticut.

Senate bill 652 mandates the appointment of a special assistant state's attorney or a prosecutor from a judicial district other than the one where the deadly incident occurred. The purpose of this proposal is to foster impartiality and objectivity in the investigation into whether the deadly force was justified. This bill would help investigating authorities avoid conflicts of interest or other barriers that might come up due to personal relationships or professional history amongst officers. We support this bill because we believe all incidents where a civilian dies at the hands of police must be investigated by an impartial and

¹ <http://www.courant.com/politics/hc-police-abuse-investigations-20150310-story.html>

² <http://www.nhregister.com/general-news/20150316/branford-witnesses-man-hit-3-times-with-taser-before-death>

unattached professional. Just as officers in the same department have developed relationships that may pose a conflict when only officers from that department are directed to investigate the actions of another, so too might officers and prosecutors from the same area. Even if there is no actual conflict, the public perception that the local prosecutor may be "on the same side" as the officer under investigation is harmful to the maintenance of community trust in its officers.

House Bill 1109 would establish similar safeguards regarding the investigation into the use of physical force that results in the death of a person. The bill then goes farther by requiring all police officers in the state to wear body cameras. The ACLU-CT supports this provision as long as state-wide standards that would govern when these cameras must be turned on and off, how long to keep the video footage and how to deal with the release of such footage under FOI laws are implemented before police start using the body cameras. Recording of police-civilian encounters will promote police accountability, deter officer and civilian misconduct, and provide objective evidence in situations where police use deadly force. Other measures included in this bill that will promote police accountability include sensitivity training and a provision that will promote the recruitment and retention of minority police officers.

Please pass these bills which provide much needed police accountability.