

## **H.B. NO.6663 AN ACT CONCERNING POLICE MISCONDUCT.**

Should not even be an idea it's another farce to calm media and citizens down. If lawmakers used the drug testing of police within their contracts and specifically made every officer and trooper be randomly drug tested to be sure they are acting under the proper state of mind while on duty. Most likely all this controversy would not be happening. If Connecticut lawmakers used the same great integrity action the Houston police use for their officers. There should be purpose for police as the city of Houston does of their police; their police are committed to vigorous enforcement of the law while maintaining the highest level of integrity and professionalism. Illegal use of drugs by employees is contrary to these values; testing employees for illegal use of drugs is critical to ensuring that these values are maintained. They have random drug testing for Houston police. Obviously Connecticut lawmakers are getting their strings pulled by the police unions.

All police in Connecticut have a reasonable suspicion clause in their contract, which is a farce on the grounds there's no list of wrong doings so to speak. Police officers can do anything and get away with it, as long as it does not get video taped. Since random drug testing under the Reasonable Suspicion rule for police never ever happens or not done in house. It's an embarrassing loop - hole. Therefore it should become law for Random Drug testing including for the Anabolic Steroid for all police. Remember police are to be held to a higher authority yet some are running amuck doing anything they want. They get in an accident; use a weapon yet no test to be sure they were in the proper state of mind while those actions occurred. All police officers have a High Risk Safety Sensitive Occupation but they are not on that list. So it's obvious all lawmakers do not care if police are under the influence while on the job. Also making police above of the law. Police are apt to have relations with illegal drugs more then any other occupation on the high - risk safety sensitive labor list. There's no logical reason for police not to be randomly drug tested including for the anabolic steroid. Obviously you as lawmakers don't care what type of incident an officer does the officer is immune as long as he makes business for lawyers and business for the courts, which is a form of corruption. The reason for random drug testing of employees is if an employee gets hurt insurance companies don't want to pay for injuries or damage if the employee was under a mind - altering substance. Again police have an insurance immunity too? The law expressly states that the Department of Labor shall adopt regulations to specify circumstances that shall be presumed to give rise to reasonable suspicion. Although regulations have been drafted, they have not yet been finalized. Connecticut State police do not have regulations for reasonable suspicion. The Commissioner of the Connecticut Department of Labor has the authority to designate certain occupations as "high-risk or safety-sensitive."

**This designation refers to occupations, which present a clearly significant life-threatening danger to the employee or general public, require exercising careful judgment. Once this becomes law unions cannot supersede the law. So please don't give me the lying statement I have been told for ten years it has to go in front of the Bargaining Table. Lawmakers keep rationalizing these common sense facts.**

**Police officers are being described in that paragraph yet they are not on the high - risk safety sensitive occupation list.**

And taxi drivers and chauffeurs' are on the random drug test list. If you look at it at this very important technical point, with all do respect police at the least are taxi drivers and chauffeurs' in a way. **[on the grounds they transport the people they arrested]** therefore under just under that category should be tested besides having all the other public safety responsibilities police have in their job description.

The case law on the next page shows police should be tested randomly for drugs already. Brings the question, why is this rule being ignored?

**TO BE TESTED UNDER THE 'SPECIAL NEED' RULE AS IN THE CASELAW OF SKINNER v. RAILWAY LABOR EXECUTIVES' ASSN., 489 U.S. 602 (1989)** and National Treasury

Employees v. Von Raab, 489 U.S. 656 (1989). In these companion cases, the Court held that the government is allowed to conduct drug tests without individualized suspicion when there is a "special need" that outweighs the individual's privacy interest. In Skinner, the court found that public safety was such a special need. In Von Raab, the court found a special need in relation to customs agents who carry firearms or are directly involved in drug interdiction.

The federal courts spent the next decade defining which government interests qualified as "special needs" and defining the scope of those that qualified.

It soon became clear that "special need" meant little more than that the nature of the employee's job was extremely important, and that a great deal of harm could be done if the job was not performed properly. The courts did not require public employers to demonstrate that employees who used drugs were likely to create this harm, nor that there was any special difficulty with preventing the harm through normal supervisory methods. Courts generally resisted, however, attempts to push the Skinner/Van Raab envelope to encompass large sections of the workforce. The result was an unprincipled, but relatively small and well defined exception to normal Fourth Amendment principles

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