

CONNECTICUT GENERAL ASSEMBLY

SENATE

Tuesday, July 28, 2020

The Senate was called to order at 11:21 o'clock a.m., the President in the Chair.

CLERK:

To the immediate call for the Senate to convene.
Immediate call for the Senate to convene.

THE CHAIR:

Good morning, everyone. Will the Senate please come to order? Members and guests, please rise and direct your attention to -- and we will have our permanent Clerk do our prayer.

ACTING CHAPLAIN TIMOTHY KEHOE:

Give us the hindsight to know where we have been and the foresight to know where we are going and the insight to know when we are going too far.

THE CHAIR:

Thank you, sir. And I would ask Senator Martin Looney, our distinguished President to lead us in the Pledge of Allegiance.

SENATOR LOONEY (11TH):

(All). I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

THE CHAIR:

Senator, thank you so much. And with that, I would ask the Clerk if there's -- or Senator Duff --

SENATOR DUFF (25TH):

Good --

THE CHAIR:

-- to please proceed. Good morning.

SENATOR DUFF (25TH):

Good morning, Madam President. Good to see you today.

THE CHAIR:

Thank you.

SENATOR DUFF (25TH):

Good morning to our Senators who are listening remotely in the Capital complex. And we have a full day of business to do.

Madam Clerk, does the -- Mr. Clerk, I'm sorry. Is there any business in your desk, sir?

CLERK:

The Clerk is in possession of Senate Agenda No. 1, dated July 28th, 2020, Special Session.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move all items on Senate Agenda No. 1, dated Tuesday, July 28, 2020 to be acted upon as indicated and that the agenda be incorporated by reference in the Senate Journal and the Senate transcript.

THE CHAIR:

Hearing no objections, so ordered.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to call the bills for action for today on our Senate Agenda No. 1 in this order, please. If the -
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THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. The first bill we would like to do is emerged from Senate Agenda No. 1, is Emergency Certified Bill 6002, followed by Emergency

Certified Bill 6001, followed Emergency Certified Bill 6003, followed by Emergency Certified Bill 6004.

Thank you, Madam President.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

CLERK:

Madam President, could we just stand at ease for a moment, please?

THE CHAIR:

The Senate will stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Would the Clerk please call the first Emergency Certified Bill?

THE CHAIR:

Mr. Clerk.

CLERK:

House Bill No. 6002, AN ACT CONCERNING ABSENTEE VOTING AND THE REPORTING OF RESULTS AT THE 2020 STATE ELECTION AND ELECTION DAY REGISTRATION.

THE CHAIR:

Thank you. And it's my pleasure to recognize Senator Mae Flexer and I just wanted to take a point of personal privilege on behalf of Governor Lamont and myself just say how nice it is to see you back in the Chamber and congratulate you on the birth of your lovely new daughter, Rose.

So, I know we don't have a lot of us in here, but a round of applause for the new addition to our State.
(Applause)

Senator Flexer.

SENATOR FLEXER (29TH):

Thank you. Thank you, Madam President, and thank you very much for those kind words, I really appreciate that.

Madam President, I move for passage of the Emergency Certified Bill in concurrence with the House.

THE CHAIR:

And the question is on adoption. Will you remark?

SENATOR FLEXER (29TH):

Yes, Madam President. Thank you, Madam President. I'm really pleased that we're here this morning to talk about and act on this important piece of legislation. And in -- in concurrence with your kind words just a moment ago, I would be remiss if I didn't, as I thought about this bill, think about how difficult it was to come here today frankly.

And I think, you know, for a lot of us it's a nerve-racking time, this period of dealing with the pandemic and the reality that we now live in, especially for those of us who are directly responsible for caring for the most vulnerable.

And those of us that get to serve as State Senators are among the most privileged. We've been able to continue to do our work from home. This is the first time most of us have been required to be here in this building at all. And I have deep gratitude for our essential workers who have been on the frontlines, whether that's in our healthcare industry or in food service or in delivery service or so many other things that have been essential to keeping our state moving over the last several months. Their dedication to their vocation should be commended. And we are all -- and owe them a debt of gratitude for the great work that they do in their various fields in helping our state through this crisis as it continues.

But today was really difficult to get up and to -- to come here and to leave my daughter for the first time, and it's weird to even use that phrase, here on the -- on the Senate floor and that really informs that fear, that concern, and it informs why we're here acting on this legislation today. That fear that I had this morning of coming here and leaving my newborn baby for the first time is also a fear that many residents of Connecticut have when it comes to participating in our elections in August and November of this year.

We are all privileged to serve as State Senators. It is a tremendous honor that we get. And I know that each and every one of us, despite the

trepidation we might have had about coming here today and how this was all gonna work logistically and how we were gonna do whatever was necessary to keep ourselves and each other safe, we knew that we had an obligation because of the great honor that's been bestowed on us from our districts. And that's the way that Connecticut voters feel about exercising their right to vote. They know that that is the most important duty that they have as American citizens.

And while we were able to come in here today and feel comfortable and reasonably safe that great precautions had been taken through the great work of our leaders and their tremendous staff that's been thinking about this for weeks and months to make sure this is a safe environment, make sure that the same thing is available to all of our voters here in Connecticut. And that's what this legislation before us is going to do. It's going to make sure that voters will not have to choose between the health and the safety of themselves or their families and exercising that most important right of every American, the right to vote.

This legislation recognizes the unique moment that we are in and allows for voters to make a choice as to how they will participate in the August election and then the November election of this year, recognizing the unique circumstances of the Covid-19 pandemic.

And so, I was very happy to see that this legislation passed the House with such broad support. Expanding ways to vote is something that has been debated here quite a bit over the last couple of years and there's a lot of varied

opinions. But this year it seems like there's a lot of consensus that for this moment, making this option for people to vote by absentee ballot in the midst of a pandemic is the way to go. And I'm really grateful that we have this legislation before us and that hopefully it will win broad support here in the State Senate similar to what it did in the House of Representatives.

Madam President, I would like to thank the leaders here in the Senate, particularly our leaders on the Democratic side, Senator Looney, and Senator Duff for their great work on this legislation that Senator Fasano for his continued work on this and wish Senator Fasano well as he's chosen not to run for reelection next year. And I know this is not the time to get into that too much but thank you for your great work in this Chamber all these years and thank you for your work on this today.

And I want to thank my -- my cochair in the House of Representatives, Representative Fox for his work on this legislation and I know that Senator Sampson will have some thoughts and questions to share with this legislation. But I'm hopeful that the legislation before us again will win broad support, since it is something that is unique to this year and this year's circumstances and recognizes that the overwhelming majority of Connecticut voters want to be able to exercise their right to vote this year without fear for their health and their safety. And the way to allow for that to happen is to support this legislation.

So, I'm hopeful that this legislation will win broad bipartisan support today. And, Madam President, I thank you for the opportunity to speak on it.

THE CHAIR:

Thank you so much. Senator Flexer, will you remark further? Senator Sampson, good morning.

SENATOR SAMPSON (16TH):

Good morning, Madam President. I am very pleased to be back in the Chamber today. Relieved, actually, that we are doing the people's business in what I perceive to be the more or less correct way with the legislature involved in producing the policy that guides our state.

It does make me think that we ought to be addressing a lot of other actions taken by the Governor over the last several months. I believe we should be reviewing all of the executive orders, not just this one. And particularly those that have been called into question. He's already had one of those executive orders reversed and I believe there could potentially be more. And we could easily address that in this Chamber.

This bill, thankfully, could legitimately fall into the category of being considered necessary for the legislature to meet because of our emergency situation. But I would say that one, possibly two out of the four bills, actually qualifying based on those guidelines is not really a good average.

So, what really is the criteria that allows a bill to be brought to this Chamber and makes it worthy of a vote under these emergency certification situations, you know, parameters?

So, it can't really be related to the Covid-19 crisis. Afterall, we have a bill about police accountability, which has very little to do with the Covid-19 crisis. And there's another bill on today's agenda regarding insulin that the majority of it doesn't even take effect until March of '22, long after another legislature is elected.

So, those things concern me, as well as the fact that we are not addressing the many more genuinely important items, the financial solvency of our state and the livelihood of millions of Connecticut residents. But I know I need to stay on the bill.

I just wanted to make the point that it really does make me wonder if it's dangerous for us to be here or not. Is it dangerous for citizens to venture out of their homes to go to the store or to work or to vote? I'm not a doctor and I don't claim to be. But I guess I want to make the point that we should strive for consistency as the representatives are of our constituents and as a state government when we are advising people on what they should be doing.

Sadly, sometimes politics enters into the policy-making process and that is likely to negatively impact the work product. And I think that includes the work -- the bill before us.

I do want to say right from the outset that I have been very vocally in support of allowing Covid-19 to be an acceptable excuse to vote by absentee. And I believe my Republican colleagues are with me on this. And, in fact, we saw in the House that this bill did pass overwhelmingly. And I do intend to vote for this bill today. Although becoming intimately familiar with each part of it over the

last several days has piqued my frustration level just a little bit. I said yesterday in a Facebook post, when I was asked about this, that I thought this bill was 51/49 and just barely earns my support.

One concern is the fact that I have been essentially blocked from my ability to amend this bill by the actions of the House minority leaders' inclination to adjourn the House Sine Die.

For those that don't know the process, every bill that is presented has to pass both chambers in the same form. And by adjourning the House, essentially that means that anything that is passed in the Senate can -- is -- has no place to go. My understanding is that the House would actually have to start over with the same legislation again. So, that concerns me because there are changes, I would like to see made to this bill.

I suspect that was done more for the police accountability bill to lock that into place. But it does have an effect on all of the legislation before us today. And I would encourage the leaders to contemplate a rule going forward to prohibit that from happening again.

And, in fact, that's the reason why we normally adjourn Sine Die in joint session. I'm gonna offer my amendments today either way because I believe that I -- they should be on the record and I believe we should vote on them, even if it means that we elongate this process. We want to get things right.

So, now, I've also had to make the choice to vote up or down on the bill as it is, since I'm aware that

those amendments are not going to be passed in light of that reason.

And speaking of which, the public should realize that this bill is not just about allowing people to vote based on having Covid-19 as a concern and being able to obtain an absentee ballot. It is really chock full of unrelated and even contrary items. How can this happen? Well, it happens because there are those that don't respect the legislative process enough to have included the minority in the bill-making process in this case. It would mean that every legislature would be notified about what's happening with this bill. That means both parties. That means that the public would be informed of hearings. They would get proper notice, as required by our rules.

Instead, in this case, there was no public hearing. There was something called a listening session. Which I appreciate the fact that it had a different name to indicate that it was, in fact, not a proper public hearing.

And I am the Ranking Republican Senator on the Government Administration and Elections Committee, and I was not consulted, not even one time by email, by phone call in the entire discussion process on what this bill might contain, not even one time. I found out about the listening session just about 24 hours before it happened, that is all.

So, a good place to start on this bill, I guess, is about whether it's truly needed or not. Section 1 is the crux of the bill, it's what expands the reasons for obtaining and absentee ballot and it essentially includes the sickness of Covid-19

respiratory disease. But I do have some questions about that section, if I could ask them to the proponent of the bill?

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Thank you, Senator. Senator Haskell, prepare yourself, please. Please proceed, sir.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And good to see my colleague over there. I guess the first question I would ask is, if the Senate rejects this legislation, may an individual that has a positive diagnosis of Covid-19 still apply for and vote via absentee ballot?

THE CHAIR:

Senator.

SENATOR FLEXER (29TH):

Through you, Madam President.

THE CHAIR:

Thank you. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Madam President. It's an honor to be here back in the Chamber and I want to thank

my colleague, Senator Flexer for all of her work on this bill. Thank you, Senator Sampson for the question.

An individual who has been diagnosed with Covid-19 would certainly qualify under the existing statute for absentee ballots because that individual has an illness or a sickness that they can check the box.

What this legislation addresses is the folks who have not been diagnosed with Covid-19, but perhaps they're immunocompromised, perhaps they are elderly, perhaps, Madam President, they've just been watching the news and they are fearful about venturing into a crowded polling location. This bill addresses those individuals who do not have a diagnosis but are fearful of becoming ill.

Thank you --

THE CHAIR:

Thank you.

SENATOR HASKELL (26TH):

-- Madam President.

THE CHAIR:

Thank you, Senator Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

Yeah, thank you, Madam President. And I appreciate that answer, although I want to ask a more direct question about the second part of your statement,

which is that if the Senate rejects this legislation, would an individual that does not have a positive diagnosis of Covid-19, but who is under a mandatory quarantine during the election period, due to a potential exposure of Covid-19, would they be able to apply for and vote via absentee ballot?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. Thank you, Senator for the question. With regard to an individual who does not have a positive diagnosis, my understanding is that that person would not currently qualify for an absentee ballot and it is exactly that person who we have in mind in passing this legislation to make sure that everyone can continue to heed public health guidance, to isolate if it is deemed necessary by a public health professional, to social distance, to follow the guidance and the science of the CDC, while still being able to exercise their right to vote.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I appreciate the answer and I suppose that is why we are here today is to really flesh out and make sure that we resolve

that question. Because my understanding is that even if you are not Covid-19 positive, but you are under a mandatory quarantine because of the potential risk of Covid-19, you would still be able to apply for and vote absentee.

So, I'm -- I'm interested that we don't necessarily see that the same way. But I guess, as I said, that's why this bill is before us is to resolve that issue. It looks like my colleague wants to say something about that and I'd like to allow him to.

Thank you, Madam President.

THE CHAIR:

Absolutely. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you to the Ranking Member. Madam President, I just want to specify that the state statutes say his or her illness. So, an individual who has not been diagnosed, but is following the advice of their doctor and perhaps that means a 14-day quarantine, perhaps it means social distancing whenever possible. Unless that person, that his or her voter has an illness, then my understanding is under our current state statutes, that person would not qualify for an absentee ballot. That is what this bill seeks to address.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. This bill is intended to essentially protect people from the potential of coming down with the virus, of course. But we have other legislation that is pending. We have the Governor issuing executive orders on various business openings. There's a lot of discussion now about schools, in fact.

I'm just curious, through you, Madam President. If -- if we open schools, are children able to gather in confined areas to attend class versus maybe people being able to gather at the polling place and exercise their right to vote?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. Let me start by saying, the bill does not contemplate school reopening or procedures or classroom density. But I will say that consistent through every state plan that the Governor's office has put out that our State Department of Education has been coordinating with local Boards of Education, I've looked carefully for this. There is a provision that says, any parent can make a decision for his or her family to educate their child from home, to avail themselves of remote learning opportunities because they're fearful of going into that crowded location, of going -- of having a child returning to the classroom.

What this bill seeks to address is making sure that that very same flexibility is granted to voters. There is a right to vote, just as there is a right to be educated in our public-school system. And making sure that those who don't feel comfortable voting in person have an opportunity to do so from the safety of their own home is the reason we're debating this bill today.

Now, I will say, Madam President, that anyone who would prefer to vote in person will still have the opportunity to do so, should this legislation pass. This is merely about flexibility.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President, and I appreciate the very lengthy answer. I guess what I'm driving at here really is that the state government has issued a number of policies that address one is safe, one is not safe for people to do on a daily basis. Whether they're gonna go to the grocery store or to any other business or they're going to go out to eat or shopping. We have established policies as a state government through the Governor's executive action.

And essentially, it looks like many of those things have deemed to be safe, deemed to have been -- or have been deemed to be safe, I guess is what I'm trying to say, by virtue of the executive orders allowing businesses to open, allowing restaurants to open with certain rules and parameters. And I'm

just curious whether or not those rules and parameters apply in the case of voting or that is something different?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President and thank you to the Ranking Member for his question. Those businesses that have been deemed safe to open have been deemed safe for some, but not all, Madam President. I'm sure -- and I'm not sure that this is germane to the bill, but I am sure that the good Senator has received many, many calls and emails and text messages from constituents who are immunocompromised, who fall into those high-risk categories who are fearful about going out to the grocery store. That's why the seven towns that I represent have each launched remarkable campaigns to make sure that groceries are delivered for seniors, for whom it is not safe to go to the grocery store.

I worry that we're veering away from the bill at hand, but I will say that as the state seeks to reopen businesses to make opportunities available to citizens, it contemplates what might be safe for some as they make an individual decision and that's what this bill is about, making sure that every individual voter has the opportunity to cast their vote in a manner that is safe and convenient for them.

Thank you, Madam President.

THE CHAIR:

Thank you so much, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

And thank you, Madam President. And thank you again for the answer. And I also fear that we are veering away from the bill. And I'm trying to ask very quick questions so that we can create a train of -- of thought about what is safe and what is not safe and why this bill is before us, as you mentioned.

The state policies seem to indicate that it is safe for at least some people to gather as long as they are wearing a mask and they remain socially distanced. Is that an accurate statement?

Through you, Madam President?

THE CHAIR:

Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Yes, Madam President. Again, I don't think that this matter is addressed in the bill. But certainly, the State Department of Public Health has advised individuals who are out in public to wear a mask. Has advised individuals to maintain six feet of social distancing. And for those who are in high-risk categories, has advised them to stay home and self-isolate.

I will say, Madam President, that the Secretary -- it is not contemplated in this bill, but the Secretary of State's Office has repeatedly and publicly emphasized that they will be providing PPE, that's personal protective equipment, at every polling location across the State of Connecticut. And there are safe practices that -- guided by science that are going to be implemented by town clerks and town registrars. And frankly, the heroes who are going to sign up to work at our polling locations this year.

THE CHAIR:

Thank you, Senator Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

And thank you, Madam President, and I appreciate that answer. So, I gathered that the determination is that at least for some people following the guidelines is meant to keep them safe. Based on that my question really extends to, why does this bill contemplate allowing any person to vote via absentee ballot because of Covid-19, if it is perfectly safe for them to follow the same parameters that they might going to a store shopping?

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. I think what the question fails to wrestle with is the fact that just because something is safe for all -- for some, does not mean that it is safe for all. It will be safe. It may be safe for some individuals to go to a polling location and vote in person.

Frankly, Madam President, I may decide to vote in person. I haven't decided yet. It will depend on the public health indicators and probably a variety of other factors. But every individual will have that opportunity to vote in person, should they so choose.

What this bill addresses is making sure that those folks who are immunocompromised, for whom it is not safe to go into a crowded grocery store, for whom it is not safe to return to a crowded classroom, that they too have an opportunity to participate in the democratic process. That they are not disenfranchised because of this pandemic.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And again, I appreciate that answer. But it seems like we're treading over the same territory over and over again. And I really just want to focus on whether or not masks and social distancing works. And if that's true, when you go to the grocery store, is it true at the polling place? It's really this -- this simple

question. I'm not trying to catch my colleague in a -- in a trap, I'm simply trying to flesh out why the bill is written as it is to affect every voter in the entire state, not just those ones that are potentially immunocompromised, it allows every person to vote absentee. And I'm just curious why the bill was written in such a broad manner when it seems to me that the policies of this state would indicate that many people, in fact, most people -- I heard the Governor say the other day that the majority of businesses are open in the state, are nonaffected. And as long as they follow the procedures, masks, and social distancing, that they would not be unaffected, and they could vote in person.

And at issue here is really whether or not this is necessary for every potential voter? And that's what I'm driving at. And I'd like to hear the proponent's reason for why the bill is broadly written in those terms.

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. I'm happy to answer the Ranking Member's question to the best of my ability. I'm not a doctor. But over the course of this pandemic, I've learned a lot about epidemiology. I think we all have. And I think one thing we've discovered is that everyone's health situation is unique. It is very difficult to determine exactly

what is safe and what is not safe for an individual. The Governor's executive orders have tried to do that and making sure that mask compliance is up. But ultimately, this -- mitigating the spread of Covid-19, containing this pandemic, it comes down to the individual decisions, the deeply personal health decisions that every one of our constituents make every day. And on November 3rd and on August 11th, they're going to make a decision about their own public health. It should not jeopardize their ability to participate in this election.

Everyone in -- my belief, Madam President, specifically answering the Ranking Member's question concerning why not build a bill that just relates to those who are immunocompromised is the fact that we know gatherings of those who are asymptomatic but have Covid-19 play a deadly role in spreading this virus.

Look at, unfortunately, tragically there are young people who get together in this state thinking that they are immune or that they are somehow not subject to the deadly implications of this virus. Perhaps they might not die of Covid-19, they not -- they may not be on a respirator, they might not -- may not go into the ICU of our local hospital, but they bring it home with them. They bring it to their loved ones. They risk infecting their grandparents, their parents, their teachers, their aunts, their uncles, their loved ones, their neighbors, their family members. And that is a risk that we cannot accept, Madam President. That is why in this bill it makes -- it just provides an opportunity for anybody who wants to vote from the safety of their living room to do so. It is not a requirement and we are not

passing this bill to have long-term implications in the State of Connecticut.

The section concerning absentee ballot applications applies narrowly to the August 11th primary and to the November 3rd, 2020 election. Beyond that, I look forward to debating whether or not we should make absentee ballots more available with the Ranking Member. I look -- I'd be happy to debate in another forum whether or not masks work and we should obey the science of the CDC, but that's not what is at hand here with all due respect to the Ranking Member.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I don't have any further questions on that part of it. I will come back to it. I'll just point out that that dialogue is very indicative of the mixed signals that we are getting from the Governor and our state government as a whole. In some cases, they say that it's safe for people to go out and venture to a restaurant as long as they are practicing social distancing. They can even take off their masks when they're at their table. But in other cases, they're suggesting that somehow there's a risk present. So, it leads one to believe -- I mean, are they confident that masks and social distancing prevents the spread of the disease? If they are, then it makes one wonder why

we would have to go through any other protocol for voting that might be different for other things.

Now, again, I have said from the outset that I support this. I understand that people are fearful of Covid-19, justifiably or not. There's mixed science out there about how deadly the disease is and how able it is to be spread and what people are able to transmit it. Whether asymptomatic people are able to transmit it or whether children are carriers of the disease, even if they don't show symptoms, et cetera. All of that is up for debate and I understand that completely. And I don't envy the Governor and his staff trying to come up with decisions on these things.

What I'm suggesting is that consistency is key. The people that we represent deserve consistent answers. And if we are telling them that it's safe to go to the store with a mask and social distancing, and then at the same time telling them, we're gonna send you an absentee ballot anyway, it makes one wonder what the truth really is. And that's all I was trying to get at.

Just moving forward, line 24 of the bill says, no person shall misrepresent the eligibility requirements for voting by absentee ballot prescribed in Subsection A to any elector or perspective absentee ballot. I'm curious because this seems to affect the Secretary of State directly and I'm wondering if the reason why this is before us is because of the statement that the Secretary of State made on the absentee ballot application also, which is printed in bold print. It says, all voters are able to check this box, pursuant to Executive Order 7QQ.

Now, I know there's some legal action on that too. But I'm curious, through you, Madam President, whether or not this section is intended to prevent the Secretary of State from overstepping her bounds in the future?

THE CHAIR:

Thank you, Senator Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. I believe the Ranking Member is referring to line 24, Section B. That is a matter of existing law and is not impacted by this bill whatsoever.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

I appreciate that very much. And I'm wondering if understanding that it's existing law, whether or not we believe that there is any concern generated by the Secretary of State's actions in the way she worded the ballot having to do with this or whether the gentleman believes that her statement is completely accurate?

Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. At the time that absentee ballot applications were issued to every registered Democrat and every registered Republican in time for the August 11th primary, the Governor had signed Executive Order 700, which actually does exactly what this state statute seeks to do. Making sure that due to the ill -- the sickness of Covid-19 every registered voter is eligible for an absentee ballot.

So, I have no reason to believe that the Secretary of State was out of bounds in making that box available on the form.

Thank you, Madam President.

THE CHAIR:

Thank you. Senator Sampson.

SENATOR SAMPSON (16TH):

And thank you, Madam President. I will just raise this as another inconsistency, since we just had a conversation essentially saying that people that do not have symptoms of Covid-19 are not eligible to vote. This is what I just learned. And as a result, I don't believe that -- and that's a constitutional matter, I don't know that a statement that's saying that all voters are able to check the box is a truthful statement until this law is passed.

And I would just point that out that it's another case where consistency matters. And we need to be

telling the citizens of our state accurate information and we must stick by it each day. Section 2 and 3 have to do with the -- the way the envelopes are printed, the authority of the Secretary of State on how she's got to put the language on them.

I'll point out that in Section 3 of the bill it says, the Secretary of State may make any changes in any forms. And I just want to ask, through you, Madam President, whether that allows the Secretary of State to go beyond the constitutional requirements that she has when producing the absentee ballot application and the absentee ballot itself?

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Madam President. I would refer the Ranking Member to Title IX, Section 3, the -- which designates the Secretary of State, who is duly elected, not -- not some appointed person behind a desk, but elected by everyone who shows up on Election Day or perhaps in this case, votes from the safety of their own home, is the Chief Elections Official, presumed to be correct in her interpretation of Title IX, Section 3 allows changes to forms so that they can form to provisions of law for the state election in 2020. In other words, it essentially ensures the Secretary of State has the ability, Madam President, to implement the changes

that we are debating here today and may pass later this -- this afternoon.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I appreciate the answer. I would just point out that while the Secretary of State is a duly elected official of the State of Connecticut, they are also a partisan politician that runs as a member of a political party. And they are not above campaigning or putting forward political rhetoric and policy. And when we give them power in our laws to make -- make any changes in any forms, that should raise a concern.

Section 4, just moving forward, allows the absentee ballots to be mailed to applicants by a municipal clerk or to be mailed by a third-party mailing vendor that is approved by that Secretary of State. And I just have a couple of questions about that.

First off, through you, Madam President, what is contemplated here by a third-party mailing vendor? Are we talking about the postal service or are we talking about UPS or it something different?

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Madam President, I would defer to individual town clerks and the Secretary of State in determining the process for allocate -- for making sure that ballots that are requested end up in the hands of voters. The reason for this section is to grant town clerks with greater flexibility. If -- should this bill pass, we are very likely to see an increase in absentee ballot requests. We have already seen that, given Executive Order 7QQ is in effect and many constituents, Democrats and Republicans are requesting absentee ballots for the upcoming August 11th primary. We know that we're asking town clerks to work hard and we're granting them a little bit more flexibility in how the ballots will actually be distributed once the request is received. I hope that answers the -- the good Senator's question.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I appreciate that answer, but maybe the gentleman can let me know what the process is and how we select and how we approve that third-party vendor? Who handles that process and how is it completed? Who essentially makes the approval and based on what criteria?

Through you, Madam President.

THE CHAIR:

Thank you. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. That would be the Secretary of State's office, pursuant to their rights and responsibilities under Title IX of our State Statutes. And more specifically, with regard -- I realized I overlooked a portion of the Ranking Member's question. It would be a mail house, for example, would be the third-party vendor in this situation.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. So, I'm -- want to make sure I'm understanding this correctly that this is not done like a lot of other state contracts where there is a competitive bidding process and vendors come forward and they are selected, you know, by a process that makes sure that it's above board? In this case, you're suggesting that the Secretary of State, who I just mentioned, is a political person, by nature of the way we elect the Secretary of State, she's going to make the -- the choice. And there is no other criteria other than she has the authority under Title IX, is that what I'm hearing from you, Madam President?

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. Since mail houses are used for a variety of purposes in government. For example, IRS mailings, among other government functions, it -- this is not a new process by which the Secretary of State would -- would seek out a mail vendor. And, in fact, I -- my understanding is that for the August 11th primary, the Secretary's office opted to use an existing state contractor, somebody who had prior experience in dealing with sensitive government documents and who had actually done election-related mailing in the State of Rhode Island. So, because it was an existing state contractor, I -- there was a -- to my knowledge, a trust and an understanding between the Secretary of State's office and this third-party vendor.

Again, I do want to emphasize that all this bill does is allow town clerks to make use of a third-party vendor. It is not required under the legislation.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Well, that's interesting. And I will point out that there was

testimony at the listening session by the Connecticut Town Clerk's Association President, her name is Anna Posniak. And she wrote a rather lengthy bit of testimony, but I captured just some of her comments. And she points out that the mailing that has already occurred for the absentee ballot applications for the primary election in August has a number of problems. There is missing information from the inner envelope. There is no serial number on the inner envelope. Only the voter ID and barcode is present, which is needed for processing the return. The only address on the inner envelope is the mailing address, which means that if you mailed the absentee ballot to an address within your city or town, it probably is going to be that person's residential address. But what if it is an address that's out-of-state, something like that? There's a good chance that we would not be sending it to the person's correct residential address. The only instructions the voter will receive are printed on the inner envelope. And the instructions refer to the outer serial number, which doesn't exist. There's no box for the designee to sign when delivering the ballot in person to the town clerk's office, also.

So, these are just a few items that are listed by the Connecticut Town Clerk's Association as concerns. And I just wanted to bring them forward that we've already experienced problems with this process and elections are something that are important enough for us to focus on maintaining the highest level of integrity. And I just have some concerns about interjecting a new process and giving a political elected person the opportunity to make many of these decisions on their own with very little oversight.

Just moving on to Section 5. Section 5 is the section that has to do with the ballot boxes. I'm sure that folks watching this know what I'm referring to, which is these new boxes that are shapes like US Postal Service mailboxes that we typically see that are maybe blue. But these are gold and silver and they are intended for dropping off absentee ballots.

So, we've already had a number of news stories surrounding these ballot boxes and there is some concern about it. First off, they're produced at great expense. Of course, this money came from the CARES Act funding that came from the Federal Government. But I would remind everyone listening that we're all paying taxes that were used for these boxes. And my personal opinion is that they are completely unnecessary. When you are voting by absentee, it's traditionally done through the mail or dropped off at the town clerk's office. There's no reason why that should change.

And I would also suggest that many, many towns have come up with their own system, which is following protocols similar to what we have been guided by our Governor and the state government as what is a safe protocol, including safe distancing and masks and so forth.

So, I understand that we want people to go out and vote, but we want to minimize the risk of Covid, which is why we're here talking about this bill. But I am confused about how these boxes actually minimize that risk. Can't people just put their absentee ballot in the mail?

Through you, Madam President?

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. I thank the Ranking Member for his question. Individuals can absolutely put their absentee ballot application in the mail. The reason that the Secretary of State has decided to use the \$5.4-million dollars in Federal funding that has come to Connecticut through the CARES Act for the purpose of securing elections, to buy and install absentee ballot boxes is the very reason that the good Senator pointed out. Many individuals prefer not to put it in the mail. They want to make sure that their ballot is actually delivered. They might have questions about the US Postal Service. They might fill out their ballot on the morning of Election Day and be very fearful that it won't reach the town clerk until days after the election.

So, as the good Senator pointed out, many individuals usually have the opportunity to go to townhall and deliver their ballot in person. The problem, Madam President, is that many townhalls are closed and those that aren't are still doing their very best to reduce the number of visitors for the safety of their staff and for the safety of their community. So, the intention of the absentee ballot boxes is to make sure that individuals who do want to drop off their ballot in person, they don't want to pay for a stamp, whatever the reason is, they want to make sure that their ballot is actually delivered in person that they don't have to venture inside of the townhall and that they can do so very safely in a secure drop box outside.

I hope that answers the good Senator's question.
Thank you.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And thank you, Senator for that answer. I think it's important that you mentioned right at the outset of your response that the purpose is securing and that is my concern also. I think more than anything we should be concerned about security when it comes to these ballot boxes. Now, I've seen a couple of them close up and I will tell you, I've got a couple of concerns right off.

Number one, is that if you've seen one, they are covered in fingerprints. I mean, covered in fingerprints. There are some images on social media floating around where you can see that thousands of people have pushed the door open, which is required to actually insert something into the box. It looks like a Covid breeding ground, to be honest with you. And I'm just curious if anyone is -- is charged with taking care of cleaning those?

But the bigger issue is security itself. And that is, what guarantee can we have -- through you, Madam President, I'll ask this question.

What guarantee is there that someone will not tamper or put something in that very large door. Mailboxes have a very small, small slot to prevent tampering. They are only placed at post offices where they can be monitored. We're talking about ballots here,

something much more important. And we've got this big door.

So, I'm just curious, can you guarantee that someone's not going to put something, a foreign substance in one of those boxes?

Through you, Madam President?

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. I want to address both of the good Senator's questions. First of all, I can -- I'm not a public health official. I feel as though my job as an elected official is to elevate the voices of public health officials, those who have repeatedly advised us that, yes, there are risks with contact outside. But the risks of contacting -- of contracting Covid-19, of coming into contact with those who are infected is so much greater in indoor environments, thus the need to place these ballot boxes outdoors. They may not be perfect. I take the good Senator's suggestion and I hope the Secretary of State, who is charged under this legislation with implementing instructions for the use of those ballot boxes actually does implement some cleaning. I think that that's a really great suggestion.

With regard to the second question, of course I, and nobody else in the Senate Circle, can guarantee that ballots won't be tampered with. We can vehemently remind voters that under state statute, it is a

five-year jail sentence -- it is a crime to tamper with the ballot. And that individual may face a five-year jail sentence in addition to a \$5,000 fine per ballot. In addition, Madam President, we should remember that there are federal candidates on the ballot this year. And therefore, tampering with the ballot may also be a Civil Rights violation charged in Federal Court. So, tampering with a ballot is -- is not only discouraged it is, in fact, illegal in the State of Connecticut. While we can never make guarantees, we do know that the very infrastructure that the Secretary of State has decided to use in installing these ballot boxes has worked elsewhere in -- in states across the country.

One of the things I love about state politics is that we've got 49 other states to look to for good examples and bad examples. These boxes have been used for election purposes. We have not seen high rates of tampering with voters.

Obviously, Madam President, I'm sure that the good Senator knows this section does contemplate a security mechanism that 29 days before the election and weekday thereafter, the municipal clerk will retrieve each ballot from the drop box. And, madam clerk, for security purposes if the drop box is located outside a building other than where the clerk's office is located, the clerk or their designee must be escorted by a police officer for retrieval.

So, I hope that answers the good Senator's questions. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And again, thank you for the very lengthy and generous answer. But I don't know if I -- we actually touched the question, which was how can we guarantee that someone will not tamper with one of those boxes? I appreciate all of the other comments. I respect your opinion about what our duty is as elected officials, but I feel my duty as a state senator is to represent my constituents first and foremost, not to elevate anyone else. My job is to represent my constituents. And my constituents are concerned about the security of elections and making sure that their votes are counted, which means they want to know that when they put their ballot in that box, that there is zero chance that it is going to be tampered with and 100 percent chance that it is going to end up in the hands of the people that count the ballots and it will go towards that election as they intended. And I don't know that we have that.

I also would suggest that there are numerous mixed signals again about the health concerns about being outdoors and indoors. If you look at the Governor's executive orders, you're going to find contradictions about what is safe to do outdoors and indoors all over the place.

Are you suggesting, through you, Madam President, Senator, that because these drop boxes are outdoors that no one should be concerned about being contaminated by touching that box that has loads and loads of fingerprints on it? Are you promising us

that there is no chance for a contamination or getting Covid-19 from that box?

Through you, Madam President.

THE CHAIR:

Thank you. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. The answer to the good Senator's question is, absolutely not, just for the very same reason that when I step away from this microphone and this desk, I will put my mask back on. It will not eliminate the risk of Covid-19, but it will dramatically reduce it. I don't know that because I'm a state senator, I know that because I have listened to public health officials carefully over the course of this pandemic, non-partisan voices who have said that of course we can never eliminate the risk of infection, but things like wearing masks and moving as many functions as possible to outdoors, using hand sanitizer, washing your hands, all of those factors mitigate the risk, reduce the risk, they do not eliminate the risk.

So, neither I nor anyone in this Circle can guarantee the good Senator's question, but I do hope that that addresses the concern.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I thank the gentleman for his answer. And I appreciate that because we don't know. We have no idea whether Covid-19 will -- can be transmitted that way. And I believe people -- my constituents deserve to know that there is the potential of contamination in that way.

I don't think it's a significant concern either, but after viewing those boxes and seeing the smidges of the many, many fingerprints, it just shows that there is a large chance that, you know, bacteria and things are going to be left there that can be transmitted. And I've heard mixed news reports about how long the Covid-19 virus survives on its own in various places and as I'm sure you have. So, who really knows?

I also appreciate the comments about the penalties for tampering with an election or the ballots and I appreciate that also, but I'll note that just because we have laws does not mean that people do not violate them every day. In fact, a big issue that's gonna happen later today is about whether or not we are going to diminish the ability for the enforcement of our laws. And I've got grave concerns over that and this is a related situation and there are other ones, which we'll -- we'll touch on before this debate is over about how the police are necessarily or unnecessarily involved in this election process.

People are tearing down statues. People are defacing different things. Oh, you know, this body has sanctioned -- sanctioned cities -- sanctuary cities in this state. All of these things are against the law and yet they still happen. So,

there is no guarantee that we can stop someone from tampering with one of these boxes or throwing a foreign substance in it or even stealing the entire box itself as has happened with post office box -- post office boxes.

So, I guess the next question I have is, what is the procedure if a municipal clerk discovers that the drop box has been tampered with? What happens then?

Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. That would be a matter -- my understanding to be referred immediately to law enforcement for the full enforcement of our state statutes and perhaps federal statutes that might apply, given the fact that federal candidates are on the ballot.

There is nothing in this legislation that contemplates, that hints that indicates, let alone sanctions any lessening of the enforce -- full enforcement of our election security statutes. That includes, I'm gonna remind those who are watching at home one more time, a \$5,000 penalty for every ballot in addition to a potential five-year prison sentence and that's just the state statute.

Thank you, Madam President.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Yet elsewhere in this country there are people that have taken over entire city blocks. Taken over the police station in that city. I -- I don't think that they're going to be concerned with destroying a ballot box if it becomes a politically charged election, I really don't. And I believe people have a genuine concern over whether our elections are going to end up affected by some of the tremendous strife that is occurring across our country. I'm concerned about it.

I also have concerns about the election itself. It's not just a matter of whether we prosecute someone who tampers with a box, what happens to the election? If someone throws a cup of urine in this box and destroys all of the ballots, then what? What happens to that election? Are those ballots simply thrown out?

Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Madam President, I'm sure the good Senator realizes that such a -- as we've discussed today, doing so would be a violation of state law and perhaps federal law. It would be at the discretion of the Secretary of State and the clerk to contact those folks who had voted, so long as their names could

still be read and to try to find a way to rectify the situation. I'm not sure that that -- that -- that we faced this before in the State of Connecticut, so I don't have a good answer at the tip of my fingers.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. You know, a crime doesn't even have to be committed, by the way, Senator. We could also have a situation where maybe the day after Election Day the municipal clerk goes out to that box and opens it up and says, oh, my God, there's a ton of ballots in here. What happens then?

Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Madam President, the bill does very specifically indicate who may and may not drop off a ballot in the drop box. It is the very same statute mirrored that already exists in terms of who can mail an absentee ballot on behalf of a voter. In -- in short, Madam President, it is only that voter, him or herself or a designee of that voter, a spouse, someone of that nature.

The Secretary of State in this legislation is charged with distributing and establishing instructions that will be placed outside of the absentee ballot to make aware who is and is not eligible to drop off to the ballot box.

Look, illegal behavior happens in the State of Connecticut and we, in this body, are charged with making sure that we do everything we can to discourage that behavior and, if it does happen, to make sure that the full resources are brought to bear among those who seek to disrupt the security and the integrity of our elections. That involves not just the local police, Madam President, it involves -- it would involve the FBI, the Secretary of State's office, and the State Elections Enforcement Commission.

I hope that that answers the good Senator's question. But again, I want to repeat that as the good Senator noted earlier in this conversation, individuals very frequently drop off their ballot applications and their ballots into UPS boxes. All of these very same concerns exist in UPS boxes because as the Senator pointed out, they look very similar and operate in a very similar way to the absentee ballot secure drop boxes. We have not seen this become an issue. And I would -- I would strongly discourage the suggestion that voters plan to tamper with the election or plan to disrupt the election.

In fact, the situation that I've seen in my community, Madam President, just for the August 11th primary, if you look at the number of folks who've requested absentee ballots, people are thrilled about the opportunity to vote from home. They're

looking forward to participating. They want to make sure that every vote counts, whether their vote is - - is for a Democrat or a Republican. It doesn't matter. Surely everyone who walks into this building thinks that our democracy is stronger when more people participate, not fewer.

I hope that answers the good Senator's question.

THE CHAIR:

Thank you, Senator Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I appreciate the response, but I didn't hear an answer to what happens to the election. We only heard an answer about the criminal act, once again. And I'm not talking about a criminal act. I'm talking about a municipal clerk discovering that ballots were placed in the box after they were supposed to or maybe the failure of the clerk itself, him, or herself from collecting the ballots at the proper time and discovering them the next day.

I'm just saying that this is up in the air, that there are concerns that are going to be generated by these boxes now being an added element into our elections. And I think they're legitimate concerns. Not the least of which is the mandate on municipalities.

So, it looks to me like the bill requires that every municipality must have one of these drop boxes and they must use it in accordance with the Secretary of State's guidelines, is that accurate?

Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

That's correct, Madam President.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

So, through you, Madam President, if a municipality has a more secure alternative like maybe putting the box inside of a locked location where it's not going to be tampered with overnight or there is a police presence involved, can they do that instead or are they required to follow the Secretary of State's instructions?

Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President, and thank you, Senator, for your question. The very purpose of the absentee ballot drop box is that it is placed outside so that voters can access it without having to venture inside and risk exposing themselves to Covid-19 and

risk exposing the staff at our -- at our townhalls across the State of Connecticut to the virus.

So, the point of the box is that it is placed outside. And I believe that that is what the Secretary of State's instructions will be, although those instructions have not actually been issued given the fact that this legislation has not yet passed.

Thanks, Madam President.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. So, it appears that this is a point, which we are simply gonna disagree with. As I said, I'm gonna end up supporting this bill anyway. But I would point out that this is something that has been brought to my attention by a great number of my constituents who have shared lots of very viable possibilities that might happen to these ballot boxes prior to Election Day. And we know that there are some municipal officials, mayors, who have decided that they are not comfortable with the Secretary of State's requirements because they're essentially charged with making sure that these ballot boxes are safe. And I don't know that they feel comfortable knowing that they can actually keep them that way.

I mean, look, the City of Waterbury, someone took off the head of Columbus recently. It's right in front of townhall. What's to stop someone from

damaging one of these boxes, tampering with it, et cetera? That is the question that I have. I think it's a legitimate question in our very, very charged, and heated world that we live in that I'm saddened by. But is a -- is a reality. And I think we should be taking that into consideration.

And as a result, Madam President, I'm gonna offer an amendment. The Clerk has an amendment that he's holding on to and the LCO for that is 3839. Would I be allowed to call it and be allowed to summarize the amendment, through you, Madam President?

THE CHAIR:

Yes. Mr. Clerk.

CLERK:

Senate Amendment on House Bill No. 6002, LCO No. 3838 -- or 39, I'm sorry. Senator, is it 39?

SENATOR SAMPSON (16TH):

That's right.

THE CHAIR:

Senator Sampson, please -- please summarize.

SENATOR SAMPSON (16TH):

Thank you, Madam President. This is a very simple amendment. It leaves the majority of the bill intact. There is nothing affecting the purpose of this bill, which is to allow people who are fearful of Covid-19 or infected from being able to vote via

absentee ballot application. This simply eliminates the provision that allows the Secretary of State to use these large post office box looking ballot boxes. It eliminates that section and leaves the rest of the bill entirely.

I move adoption and I'd ask that the vote be taken by roll.

THE CHAIR:

Thank you. It will be taken by roll and Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Madam President. I would encourage my colleagues to vote no on the amendment for the very reasons that we discussed earlier. I believe it is important and I know that the senate chairwoman does as well that voters have an opportunity to drop off their ballot in a secure location that does not involve them going inside townhalls. Many of which, I'll remind my colleagues, are still closed to the public.

Thank you, Madam President. I encourage my colleagues to vote no.

THE CHAIR:

Thank you so much. Will you remark further on the amendment? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. Nice to see you today.

THE CHAIR:

Nice to see you.

SENATOR WITKOS (8TH):

I stand in support of the amendment that's before us. And I had the opportunity to visit a townhall recently and there was a sign affixed to the official State of Connecticut ballot box, which said, drop tax payments here. It actually was located in several different locations on the ballot box. So, talk about confusion to somebody who is maybe going to the townhall to drop off a ballot box and say, well, is this supposed to be for a ballot or is this for a tax payment? Maybe it's because no regulations have been sent out or directions from the Secretary of State's office yet, but I'm certainly hopeful that that gets corrected.

But to me, I think this amendment speaks to situations that where if a town feels that they have the ability to create a safer system, more controlled system for their residents, then they should be allowed to do that. So, I stand in favor of the amendment.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Witkos. Will you remark further on the amendment that is before the Chamber? Will you remark further? Then what we will do is we will open the machines. And Mr. Clerk, would you kindly make sure everyone knows there is a vote.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill 6002, Amendment A -- no, LCO No. 3839. An immediate -- so an immediate, an immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate on House Bill 6002, Amendment A, LCL -- LCO No. 3839. An immediate roll call vote has been ordered in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked.

Mr. Clerk, would you kindly announce the tally.

CLERK:

House Bill 6002.

Total number voting	36
Those voting Yea	14
Those voting Nay	22

THE CHAIR:

And the amendment fails. (Gavel)

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you very much, Madam President. I'm disappointed the amendment failed, but I am not

surprised. I just am very, very hopeful that my colleague is correct and that when this primary election and then later the November election rolls around that there is not any vandalism or tampering with those boxes.

I believe it's a genuine concern and I would have liked to address it here. But I remain hopeful that everything runs as smoothly as we would like to.

Just moving on with the bill, I'll go to Section 6, which is the next section. And this essentially changes the Election Day registration requirements and allows the registrars to apply to the Secretary of State for an additional EDR location. And I would just like to get something on the record for legislative intent. And that is that this section refers to registrars, plural, indicating that both registrars, one from each party would have to concur about that additional location.

And I would just like to confirm for the record and or legislative intent that for a new EDR location, both registrars must agree.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. That is my reading of the legislation.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Excellent. Thank you, Madam President. And thank you very much for that answer. Moving on, also the next part refers to allowing folks that are participating in Election Day registration, who happen to be in line at 8 p.m. to vote. And, I guess, the first question I would have to ask, through you, Madam President, is what exactly does this expansion of Election Day registration have to do with preventing the spread of Covid-19?

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. As the good Senator is aware, given the fact that in the time that I've served in this building that the Government Administration Elections Committee has heard legislation concerning Election Day registration and issues that communities in Connecticut have faced. This is a bill that has been subject to public hearing testimony in both the 2019 and 2020 session and has been voted out by the committee.

The reason for its inclusion here, Madam President, is we want to make sure that in the upcoming election, given the fact that we are seeing historic, in fact, frankly unprecedented turnout in the upcoming primary election that our poll workers

are prepared to meet the demands of the 2020 November 3rd election. Given the fact that we know in New Haven and in Mansfield and many members of the community show up to vote and have had -- have been turned away because they are in line to vote prior to 8 p.m., but they are not registered to vote when the clock -- when 7:59 turns to 8 p.m. Their right to vote has been taken away. We want to make sure that they, too, have an opportunity not vote. And given the fact that we are expecting high voter turnout, this is something that we believe ought to be included in the bill.

THE CHAIR:

Thank you, Senators. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Again, I appreciate the answer, but I don't believe it addressed my question, which is how does this prevent the spread of Covid-19?

We were told by the Chairman of the Committee and throughout this debate that the reason why this legislation is before us is because we want to allow people to vote absentee ballot, via absentee ballot, rather than creating lines, putting people in a situation where there is a density of individuals that might lead to the spread and this seems completely contrary.

I started my remarks talking about being consistent about the laws that we write have to make sense to people. If we're telling them that it's dangerous to be in groups of people in high density, that's

why we need to have absentee voting expanded, then why are we doing something in the same exact bill that does the exact opposite, because this is going to create lines.

How is the expansion of EDR a solution to the suppression of Covid-19?

THE CHAIR:

Thank you. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Madam President. I appreciate the good Senator's concern. I recognize that perhaps this section of the statute is not as directly related to the pandemic at hand. But I do want to take issue with the phrasing of his question that this section of the legislation would create lines. With all due respect to the good Senator, this -- these are lines that already exist. They exist every year in Mansfield. They exist every year in New Haven. I want to thank Senator Flexer, Representative Haddad, individuals who represent those students in this building in making sure that they too have a right to vote.

Here's the issue at hand, as many voters at home will know, so long as you are in line to vote at 8 p.m., you are allowed to cast your vote, unless you are participating in Election Day registration. If you show up at 7 p.m. and there is an hour-long line, then -- and you are still waiting -- still waiting and the clock turns to 8, but you are not yet registered to vote because you were planning to avail yourselves of our state's Election Day

registration opportunities, then you are not granted the right to vote. Then you are turned away from the polls.

This legislation isn't about creating longer lines, it's about making sure that those who do show up in line have an opportunity to cast their vote.

Of course, Madam President, we would prefer that all those who plan to use Election Day registration register in advance. It's simple and easy on the Secretary of State's website. We would -- we would also prefer that folks that are concerned about contracting Covid-19, concerned about spreading this virus vote from home, should this bill become law.

However, we want to be realistic, Madam President. And we know that some people, especially young people, I hate to say that as the youngest member of the General Assembly, but it is true in Connecticut, young people often show up planning to use Election Day registration. They arrive late in the day and there are long lines that prevent them from doing so.

I understand that the good Senator and I may disagree on this portion of the legislation, but given that fact that it has come before the General Assembly on so many occasions, given the fact that our Committee has heard testimony year-after-year and given the fact that we are on the precipice of a truly historic election in terms of voter turnout, we believe based on the indicators of -- on the both Democrat and Republican side from the primary, we believe it's important to include this portion of the bill in the legislation today.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. To say that the Vice Chairman of the GAE Committee and I disagree on this section of the bill, I think, is an understatement. There is no doubt in anyone's mind that expanding Election Day registration and encompassing this provision that will allow the line to continue beyond 8 p.m. and essentially create a new line because what happens with this is you stand in one line to register and then you are allowed to proceed to the other line to vote, this is going to create far more people actually at the polls. And there are numerous, numerous problems with this.

But the point is that if the reason for expanding the absentee ballot provisions is because we don't want people waiting in long lines, even though they are wearing masks because of the danger of spreading the virus, why are we creating a provision that essentially creates lines and puts crowds of people in a confined area? It's exactly antithetical to the rest of the bill.

The executive order, which has been mentioned in this bill, is largely intended to sanctify says, whereas, absentee voting offers a proven method of secure voting that reduces the risk of transmission of Covid-19 by allowing individuals to vote by mail and thereby reducing the density of in-person voting at polling places.

So, that's the beginning of the bill that we all agree with. I opened my remarks today saying, I want people to be able to vote absentee for fear of Covid-19. But yet there is this section in the bill that creates lines that puts people at risk in my opinion. And I would further state that it is true, as the Vice Chairman mentioned, that we debate this legislation in the GAE Committee year-after-year, but it's worth noting, it has never become law before. It's never managed to actually make it here for a vote because it doesn't have the support of that.

So, having those provisions in the same emergency certified bill that did not receive proper hearings or proper notice to the public or a proper debate through the committee process, it simply shows the willingness of the majority to put this in this bill for political purposes and I just want that on the record that it shouldn't be here. It's not part of this discussion and it's contrary to the intent and spirit of the bill.

It is a public health concern to have people standing in lines in confined spaces. This is the position of the Governor of our state. It is the position that I heard reiterated by my colleague and whether it's true or not, that should be the consistent position of this body. This section does the exact opposite.

I have a lot of, I'll call them rhetorical questions that I will just ask on this subject, is this something we should be encouraging or discouraging, putting people in lines on Election Day after 8 p.m.? So, if it's we should discourage that practice, then why can't we wait to pass this

particular provision and have a discussion about it then?

Think about what the average age of a municipal poll worker might be or volunteers that are helping out on Election Day. Many of them are senior citizens. Are these individuals, based on the common knowledge, more or less vulnerable of becoming infected with Covid-19 and potentially having a negative result? And what is the average age of an EDR applicant? A lot of them are college-age, you know, students, that kind of thing. The -- the Vice Chairman was kind enough to mention, you know, places around the state and he referred to Mansfield on purpose, referring to a lot of college students.

Do these individuals tend to abide by or ignore the Governor's executive orders about social distancing and wearing masks and so forth?

So, why would we want to encourage mixing the population of very likely senior citizen-age poll workers and younger people that disregard the health concerns?

So, if the line is really, really long also at 8 p.m., and we've seen that in other places around the state in previous elections, how long is gonna take all those people to vote? I mean, what if it goes on past midnight? That begins to affect a lot of things, including the requirements for reporting. How long is it going to take them, not only to register, but then to cast their vote? And are we gonna really ask our municipal poll workers who are paid some small sum, but they're gonna be there all day from 6 in the morning. Are we really going to require them to stay there long into the night to

make sure that this happens? And don't take my word for it. I have an email that was shared with me from the Republican Registrar of Voters in Bridgeport. I don't think she's under any illusion that Republicans are gonna have a tremendous sweep in Bridgeport. Her concern is about whether or not this election goes off as an election should in the United States of America and not a third-world country, where the votes are cast and counted, and everyone believes the result.

This is her quote: In a time when the Secretary of State has already added Covid as a reason to vote absentee and send out all the absentee apps to keep polling traffic lower as well as allowing us to man our precincts with a minimum of three workers as efforts to socially distance both staff and voters, then why in the world would we want to expand EDR? In Bridgeport as well as other large cities, we may well have hundreds of people in line at 8 p.m. If past history prevails and with social distancing, the line will extend past the 75-foot line into the streets of downtown.

As I read the bill it says, we the registrars should place a poll worker or police officer, there's police officers being involved in our election process again, at the end of the line at 8 p.m. Putting a poll worker in that position in today's climate is very scary. And the police department is not always willing to provide us with the additional officers and those we have are in generally at the absentee ballot central counting area. And as the line stretches the streets, I foresee issues of people cutting or being let into the line along the way, thus increasing volume. That's from a Registrar of Voters, who's been there, who's

witnessed this situation and she sees what's going to happen as a result of these changes.

I have another question, through you, Madam President for my dear colleague. And that is, if an individual appears at an EDR location to register to vote, is there any sort of cross-check to make sure that they have not voted somewhere else?

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Madam President. This bill does not address or make any reforms to the cross-check procedure.

Thank you.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I was just hoping you might confirm that there is a cross-check procedure in the current law. But unless there's a dispute over that, I will just state that there is, in fact, is. We are required to doublecheck to make sure that people have not voted elsewhere, and they typically will call the other town where their previous address was.

So, the question I have is, how successful is this crosscheck if the polls -- polling station of a few major cities are the only ones that are still open because they have lines after 8 o'clock. So, if I decide I'm going to go register and vote in Bridgeport, saying I moved from Wolcott, and Wolcott closes down at 8 p.m. and there's nobody there, what's gonna happen? How does that crosscheck work in a case like that?

Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Madam President, we've heard that the crosscheck is messy, that there are need for improvements. And I would welcome the opportunity, should we both be reelected to this Chamber to work with the good Senator and the GAE Committee on -- on making revisions to the crosscheck. But because it's not contemplated in this bill, I'm not sure it's appropriate to -- to address those specific concerns.

Let me just say though, with regard to the question as a whole, democracy is not always convenient. Sometimes it's a little bit messy, but -- and yes, we ask a lot of our poll workers. In fact, I was very pleased the Secretary of State, Denise Merrill has asked the Bar Association here in Connecticut to grant continuing ed requirements for lawyers so that they can satisfy those requirements and work as poll workers because we do know. The good Senator is

exactly right. We know that poll workers are very often elderly individuals who are most at risk of Covid-19. So, yes, we're in agreement about many of these concerns.

What we're doing here today, Madam President, I believe is not only fighting for the votes of those who are elderly, those who would prefer to vote from home, those who are immunocompromised, we're also fighting for the votes of young people because we know and Senator Flexer and Representative Haddad can speak far more eloquently about this than I can. But we know that there is an unbelievable and unmistakable disappointment that young people, often first-time voters feel when they follow the rules. They show up at the polling place at 7 o'clock before polls are closed and yet by the time they reach the table, they're turned away. That's a voter that we may have discouraged from participating in the next election and that is what's contemplated in this bill.

With regard to crosscheck, I would welcome the opportunity to continue working on -- with the good Senator to make that process better, to make it neater, to make it more efficient. But that is not addressed in this legislation before us.

Thank you.

THE CHAIR:

Thank you. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Again, the question was, how successful is the crosscheck, given that polling stations in the major cities may be open past 8 p.m. and other towns are not?

I don't need an answer. I already asked the question. The answer is obvious. It's not effective. It can't be. It simply cannot work. And I suspect that that's one of the reasons why this provision remains in the bill. Our Secretary of State has proposed legislation as a package that she presents to the Government Administration and Elections Committee in the past, eliminating this crosscheck.

So, it wouldn't surprise me one bit that that is part of the policy decision for this expansion of EDR.

So, just to follow up on Linda Grace, the very kind Registrar of Voters in Bridgeport, who shared her comments with us. Just to follow up on her -- her questions and some of the stuff she said, EDR locations are going to be open from 6 in the morning to 8 p.m. And this bill essentially prohibits people to get into the line and register to vote after 8 p.m. So, in other words, if you are in line, you are covered. If you are not, and that it would require a police officer or someone to get into line.

So, I'm concerned that there are going to be some funding issues in police departments going forward. How do we anticipate this is going to work, if as Linda said, there is a possibility that there is a line of people that weaves through the streets of Bridgeport? Who is going to make sure that that

cutoff is observed and who is going to prevent people cutting into line?

Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. As the bill states, at 8 p.m., a police officer would be placed at the end of the line. It would be the duty of that officer to make sure that nobody cuts in line. Of course, these laws will be enforced not only by our local police, but by the poll workers and the poll watchers who we rely upon for the integrity of our elections.

And I -- I apologize if the good Senator feels I skirted his question earlier. So, long as a voter is registered in another town, there will be a crosscheck. A call will be placed. If it is later determined by the registrar who either picks up the phone because they're at the office late counting ballots, as may be the case, or because they get it the next morning, there is a process of accountability where that individual can be followed up with, where their vote can be taken into account and perhaps undone.

So, thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Yeah, no, I appreciate that answer, but I'm driving at what happens when there is no police officer? What -- what if that cannot happen? And how can we put that on a registrar to make sure they know who is exactly is in line at 8 p.m., if that line goes down the street? I don't think we can. This is just a symptom of legislation that is not well thought out, that the people that have to deal with this are contacting us to tell us that they have grave concerns about it.

I mean, what happens? How can they determine whether or not a person was legitimately in the appropriate line by 8 o'clock? I don't know that they can. And then what happens when there is a dispute over that? Who's gonna mitigate that situation? Are we expecting the registrar to do it? Are we suggesting that the police should tell someone that they can or cannot vote on the same day that we're discussing qualified immunity? I don't know. What happens, do some people just get turned away because they were not in line at a certain time? These things are going to happen. This is not some, you know, dream I'm having.

We heard right from the Bridgeport Registrar that there will be hundreds of people in line at 8 o'clock. And she doesn't know how anyone's gonna determine who was supposed to be where and who is eligible to vote and who is not.

Moving on to Section 8. Section 8 suspends certain provisions that are in our law already. Basically, we have provisions on our law that account for

what's called supervised voting. So, some people who are in various types of institutions, you know, maybe a healthcare facility, a residential care home or assisted living, something like that. The way it happens now is the registrars basically keep an eye on that entire process to make sure that it's done legitimately, and those ballots are collected, the people vote, and they are returned. And they are always monitored by both registrars so that there is a chain of events.

This particular bill suspends these provisions. Section 9159Q requires that absentee ballots be jointly delivered to applicants at the institution and jointly supervised. And then they are returned in envelopes and then everything is cataloged properly.

Section 8 suspends that -- this provision. The same existing law says, requires that rejected ballots be jointly delivered or mailed and sealed in envelopes to the town clerk. This provision also allows the suspension of that provision. The existing law requires registrars to appoint designees of party-endorsed candidates to be sworn to the faithful performance of his or her duties.

Again, this section allows for the suspension of this provision. The same law prohibits a registrar of voters who has a spouse, child, or dependent relative residing in the registrar's household, who is a candidate in an election or primary from supervising the absentee ballot voting. Section 8, again, allows for the suspension of this provision.

So, through you, Madam President, why are we allowing the Secretary of State, who as I mentioned,

is the Chief Election Officer of our state, but is also a partisan elected official to suspend procedures that are clearly meant for the purpose of ensuring the fairness of our elections?

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President, and I thank the good Senator for his question. I do just want to say two brief things. One, the Secretary of State may belong to a political party. But I hope everyone feels in this building that it is her responsibility to -- and I say this looking at a former Secretary of State, that it is her responsibility to ensure every person has the right to vote, regardless of who they cast their ballot for.

I also want to say that this state, as I'm sure the good Senator is well aware, has been devastated, specifically in nursing homes and assisted living facilities by the Covid-19 virus. In my district we know that a huge bulk of the deaths have stemmed from the virus spreading. That is why our Department of Public Health and our Governor has been so vigilant about restricted access for the -- among those that do not live in the assisted living facility into those care centers. That is the intention of this legislation.

We do not want to jeopardize public health to through our elections. That I would argue, Madam President, is the theme of this bill. And the portion addressed in this section is making sure

that our elections do not jeopardize the very safe and secure environment that the heroes, frankly, who work in our nursing homes and assisted care facilities are working so diligently to protect. We want to make sure that individuals cannot rapidly come in and out of those facilities during the election. That is the intention of this legislation.

I thank the good Senator for his question.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President, and I appreciate that response. And it's very tempting to get into a debate over the Governor's management of the situation with nursing homes and Covid-19, but that is a separate issue that we'll have to tackle another day.

And I am certainly sympathetic to people in those situations. And I want to make sure that we do everything we can as far as precautions to make sure that they are protected. In fact, I would suggest that that should have been our goal all along as a state, is to protect the vulnerable population from Covid-19 as our first and foremost priority before anything else.

But the fact remains, the suspension of some of these rules is really shocking. These are not arbitrary laws; they exist for a reason. And permitting a partisan official who's, to be honest

with you, made very, very little effort to be non-partisan or even bipartisan on the subject of elections and who has a history of running elections that have problems every Wednesday morning after Election Day for the last 10 years, you can look at our elections in this state and every Wednesday morning there is some major news story about bags of ballots found in Bridgeport or people in line, you know, being counted. Mass swearing in ceremonies and a whole myriad of things.

This is dangerous and it should alarm every resident in this state that these very, very important laws are being waived for the purpose of this legislation.

Sections 9 through 13, I think, or Section 14, in fact, these are more or less technical. Section 15 ratifies the Governor's executive order. I would just want to point out that I believe that the reason why that was added as an amendment in the House, I believe it was done purposely to counter an argument being made in the Supreme Court. And it's a scary thing that there is clear and direct communication on this subject between the three branches of government, something that should not happen. They are supposed to be checks and balances on one another and not working together to undermine the minorities concerns over the constitutionality.

And, in fact, I don't believe there's ever been a precedent where the legislature has gone and passed a law to basically undermine a constitutional question that is being debated in the Supreme Court. And I'd also point out that it doesn't much matter because the constitution is the constitution. And no matter what laws are passed by this body, we do

not have the power to change the constitution itself, even with the diligent efforts of amendments produced by the House.

Clearly there are issues with this bill. Though, I will admit that most of my issues with some of the provisions that are contained within are not so much about the policy itself, I want to accommodate people in the ease of voting as much as any other person. And I believe that, you know, it makes sense to me that if you're in line by 8 o'clock you should be counted. I don't even object to that, and I'm gonna support the bill as a result.

My concerns are really more about this process and whether or not these provisions that are in this bill will ultimately be misused for political purposes, that is my concern and it's a real one. There's a consummate argument made by the majority that Republicans want to suppress the vote and that our arguments about the dangers of voter fraud are made up and they're -- they're not real. And that really -- we're just trying to prevent certain people from voting, that's disgusting. I don't want to attribute it to anybody in this room, but it is something that every Republican legislator that I know has been accused of numerous times with no evidence. And we're here and I would suggest that this bill is likely to leave this room unanimous in an effort to allow people an expanded way of voting as a result of Covid-19.

But fraud is a real thing. And an expansion of absentee ballots is a concern because fraud is rampant even without this expansion. And this legislative body needs to, in the next cycle, the next legislative session when the government

administration and Election Committee meets, it needs to tackle that issue to make sure that the integrity of our elections is not questioned.

Our system of government and laws only exists, is only going to be trusted to make the laws if our elections are legitimate and trusted by the people. When that goes away, so does our ability to have order and have a just society.

I want to point out that even Senator Looney, in this room a year ago, if I can find his remarks, said the following while discussing early voting. He mentioned that voting in the voting booth is essential protection because of the secret ballot and the privacy of the voting booth. He said the House took up this issue and that is opening the process potentially to universalization of absentee balloting. And I think that was -- that is legitimately controversial because in reality we never really know for sure who is casting an absentee ballot, and I agree with him.

The problem with absentee ballot fraud is that it is not uncovered ever. And if it is, it's usually long after the fact and it's impossible to find out who the perpetrator is. The way absentee ballots work is that they are more or less private. There is -- there is no identifying information to really trace them back to the person that might have been involved.

And I don't want to get into any examples of fraud today. We've had that debate in here before and I'm certain that we will have it many, many more times. I want to confirm something that came up in the House.

So, Madam President, I have a question for the proponent that is maybe the most important thing I've asked throughout this entire process. It was discussed in the House and I would like to confirm once more right here that this bill, the one that's before us that we're going to be voting on, does not contain any authority for the Secretary of State, past, present, or future, including our November election, to mass mail absentee ballot applications. There's nothing in this bill that has to do with that.

Through you, Madam President.

THE CHAIR:

Thank you very much, Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President, and it's good to see you up there. I thank the good Senator for his question. Title IX, Section 140 is not impacted by this legislation in any way, as the good Senator may be aware. This is the state statute that allows individuals to circulate absentee ballots and allows candidates to circulate absentee ballots. It allows partisan town committees to circulate absentee ballot applications. And it is so crucial that Secretary of State in sending out absentee ballot applications for the August 11th primary, or if she chooses to does so -- or if she chooses to do so for the November 3rd election is acting with the power granted not only to her, but to many, many, many actors in the political process through Section 9 -- Title IX, Section 140 of our state statutes.

THE CHAIR:

Thank you very much Senator Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

I thank you very much, Madam President. And thank you very much for my colleague for making that clear that this bill does not impact that whatsoever. And whether or not she had the legitimate ability to do so is a separate matter altogether.

But I think because this is a relevant bill, this is the time to address this concern. An amendment was offered in the House to discuss this same exact situation and I believe it needs to be addressed here also. The fact is that while I am very much in favor of allowing people to vote by absentee ballot because of Covid-19, I believe we need to use the existing process, which is you contact the town clerk or you do it online, but you request your absentee ballot the same as we always did for the other reasons that are valid excuses for voting absentee. That is the only legitimate way for us to conduct an election.

This mass mailing of every person who is on the voter rolls is, in short, a disaster. I have heard from countless constituents and I have a stack of them right here of people who have contacted me, sent me copies of things showing that they have gotten something that is suspect with regard to this mass mailing.

The fact is that there are 10's of thousands of people on the voter rolls in our state that don't

belong there. They have either moved to another state or they've passed on or they're on there multiple times because they live in -- have lived in different addresses or they got married and their maiden name is still a registered voter and so is their married name. And that is all showing up right now. Just a few examples. Leslie Jane wrote me and said that simply, should I believe receiving two of these ballots? I would say, no, you shouldn't be. Theresa Corbin wrote me and said, a copy of an image that her daughter sent her indicating, by the way, he is dead, referring to the person it was addressed to, which I believe was the previous resident. My friend Alexandra shared a post on social media that says that her friend Chris and his friends were curious why a person might receive two absentee ballots for the same individual, one with their maiden name and one with their married name and they put photos of them online for the world to see. Jeff Weis says there is zero procedure in the town clerk's office to verify applications. Jason Webb wrote me and said, State Senator Robotic Sampson, I received multiple absentee ballots to my address in names that I have no idea who they are. And I contacted my local election office and notified them and all I got was, nothing we can do about it. Mike Jozwiak wrote me and said that my father got an application for an absentee ballot, he's been deceased for four years. Elizabeth wrote me. She said, we got a ballot request for someone who according to property records hasn't lived there in five years. Cherie wrote me, my mother received one for a woman who doesn't reside at her house. Susan, my grandfather has been dead for 25 years and received one, unreal. Andrew wrote me, we received ours the other day. They sent my youngest son an application, but he

hasn't lived in Connecticut for four years. T.J. wrote me, I received mine and one for my son who moved out of the state over five years ago. I could go on. I have pages of these. Most of them are for people that moved away from that residence, but many of them are for college-age students, I presume, who moved to another state and are voting in that state, but they are receiving an absentee ballot application at their parent's address. Whatever. Deceased people.

The problem is that our voting roles are not accurate. The fix for that is to only allow people to request them when they need them. It's been the system that we have used and has been satisfactory for all of the other excuses on the absentee ballot application. Active duty in the military, absence from town, my illness, which has existed on this for years, physical disability, et cetera. Those have all been acceptable reasons in the past. We should not change that process now.

I've also heard the Secretary of State say that so far 100,000 of these ballot applications have been returned to her. Further evidence that the list is wrong, and these ballot applications are floating around out there.

With that, Madam President, I will offer another amendment, which is to offer an opportunity to my colleagues to prevent this from happening again. We're gonna deal with it through this primary election, right or wrong because it's already been done. But we don't have to deal with it in November. We can use the current, the existing law, the system that has been in place with the simple

addition of Covid-19 as a new eligible excuse that we all agree to.

I want to offer an amendment, Madam President, to prevent the mass mailing of ballot applications to every person and use the existing system instead.

The Clerk has an amendment that is LCO 3838. I'd like it to be called and have the opportunity to summarize.

THE CHAIR:

Thank you very much, Senator Sampson. Mr. Clerk, do you have that amendment?

CLERK:

I do, Madam President. Senate Amendment --

THE CHAIR:

Please proceed. Please proceed.

CLERK:

Senate Amendment B, LCO 3838 for House Bill 6002.

THE CHAIR:

Senator Sampson, please proceed.

SENATOR SAMPSON (16TH):

Thank you, Madam President. This is a very, very simple amendment. It adds three sentences to the end of the bill that says, notwithstanding

provisions of Subdivision 1 of this Subsection, the Secretary of State shall not mail unsolicited applications for absentee ballots to any person. This means if someone wants to vote by absentee, they go through the current and legitimate process. And this will not be a concern that will disrupt our November election. And I encourage my colleagues to please vote for this.

I think we are all very much in favor of the bill about Covid-19, taking care of that. I think the people of this state want to see that happen also. This is something that I think people are --

THE CHAIR:

I can't hear you.

SENATOR SAMPSON (16TH):

-- concerned about legitimately.

THE CHAIR:

I'm sorry.

SENATOR SAMPSON (16TH):

I move adoption.

THE CHAIR:

Senator, I just want -- yes, did you move the amendment?

SENATOR SAMPSON (16TH):

Yes, I move adoption and I'd like a roll call vote.
Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Madam President. I appreciate the good Senator's remarks. I want to encourage my colleagues to vote no on this amendment. And I'd like to take an opportunity to briefly explain why.

First of all, it is precisely the opposite feedback that I've been hearing from my constituents. I can't even begin to tell you how many folks have reached out to say, wow, it was so convenient to have the absentee ballot application mailed to me prior to the August 11th primary. I might have forgotten to vote about the August 11th primary, given everything that's happening in the news.

So, contrary to the Senator's experience with his constituents, my constituents have greatly appreciated this opportunity.

I also want to take a second to make a very important distinction. And that is the difference between an absentee ballot application and an absentee ballot, when an absentee ballot is falsely delivered to somebody, if somebody casts a vote pretending to be something else, that is a huge crime. It is a state crime and a federal crime since we have federal candidates on the ballot. And it is punishable, once again, Madam President, by five years in prison per ballot and a \$5,000 fine.

However, we are not talking about the mass mailing of absentee ballots, what we are talking about, Madam President, is the distribution of absentee ballot applications. A form that as the Senator has said earlier, is widely available online for anyone to donate. A form that can be distributed and circulated freely, according to our state statutes under Title IX by town committees that are partisan and by candidates. And many candidates from both sides of the aisle often decide to do so.

Here's the key difference about what's happening here, unlike partisan actors in this process, the Secretary of State's office has actually asked for an address return requested. That means that towns have an opportunity in this August 11th primary to make corrections. And the good Senator is right, our voting rules are not perfect. I don't know of anyone in this building who would claim that we have perfect voting rules because, Madam President, they literally change every day as people die, as people move, as people move into our community. Our voting rules are constantly changing. However, local officials and townhall perform an annual canvas to do their best they can to make sure they're accurate. And Connecticut was actually a spear -- spearheaded an interstate conglomerate called ERIC, it's an acronym, that makes sure that our voting lists are regularly updated. If a voter moves out of state, so long as that state participates in our online database, then our voting rules are updated.

They are not perfect, but we all constantly striving to make them better. And by mailing absentee ballot applications during this primary, we are learning a lot about the process. The Secretary of State's office, but more importantly, town officials are

learning who no longer lives there, who's deceased, how can our voting rules be improved. And that is just an added benefit to the Secretary's decision, as she is free to do under Title IX, although it is not contemplated in this bill, so long as this amendment doesn't pass, to send out absentee ballot applications to every registered Democrat and every registered Republican.

With that, Madam President, I would urge my colleagues to vote no on this amendment.

THE CHAIR:

Thank you very much, Senator. Mr. Clerk, could you please -- I'm sorry, yes, Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. Sorry about that. I just wanted to speak on the amendment.

THE CHAIR:

I'm sorry, I apologize.

SENATOR WITKOS (8TH):

It's okay.

THE CHAIR:

It's my fault. I'm just rushing the process.

SENATOR WITKOS (8TH):

Yes. And I -- and I will be very brief. I stand in support of the amendment. I think Senator Sampson, the author of the amendment, brought out some very stark examples as to why we want to make sure that we have the -- the utmost confidence in our elections because it is one person, one vote. And we would never want to question whether the validity of a -- of a vote is accurate based on a mass mailing. And I -- and I want to thank the -- the -- my previous speaker, who spoke about the ability to print out an application and different people can disburse those applications.

And I wanted to show -- I guess, make the point that Senator Sampson's amendment doesn't speak to or prohibit that from happening. In fact, that -- I think that practice continuing -- his amendment does is speak to the mailing of -- mass mailing of blanket applications to all registered voters here in the State of Connecticut.

There's a cost involved with that, Madam President, and we all know that the financial, I guess, outcome of our financial condition of our state right now warrants the fact that we need to look forward to saving money where we can. This does not prohibit anybody from voting. They can still, as the good Senators, this vote prior to me, said people will disburse them. You can go to the library. You can print them off. But we can certainly save state dollars by not allowing the mass mailing of applications to anybody.

If you want to vote, you'll vote. You'll figure out a way to get your application to you. And by the end of the day, when this bill becomes law, you have

the ability to vote, if you're in fear of Covid, by absentee ballot.

Thank you, Madam President.

THE CHAIR:

Thank you very much. Are there any other comments? Are there any other comments? Are there any other comments? Seeing none, Mr. Clerk, if you could call for a roll call vote on the amendment.

CLERK:

There's an immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered on the Senate, for Senate Amendment B, LCO 3838, on House Bill 6002.

THE CHAIR:

Have all members voted? Have all members voted? Have all members voted? Please ensure all votes are appropriately cast. Mr. Clerk, could you please read the tally?

CLERK:

Senate Amendment B, LCO 3838, on House Bill 6002.

Total number voting	36
Those voting Yea	14
Those voting Nay	22
Absent and not voting	0

THE CHAIR:

Thank you very much. (Gavel) The amendment fails.
Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you very much, Madam President. I'm disappointed that I'm 0 for 2 amendments on this bill. And we've pretty much covered the whole bill section-by-section. So, I think I will just kind of wrap up by reminding everyone that voting in person is crucial to our society having faith in free and fair elections. When you show up to the polls to vote, you can see that the process protects the privacy of the individual's vote. It's free from voter intimidation. It is orderly. It's well managed. You feel that your vote is taken seriously and that it's going to be counted. And that maybe even most importantly that you are participating in the great experiment of America and self-government.

Now, Covid-19 has clearly thrown a wrench in everything, not the least of which is our elections. But I'm hopeful that this is only a temporary wrench and that someday we are going to get back to normal.

As I said from the outset, I am gonna vote in favor of this bill. And you can tell, if you've listened to any part of this debate, that I have strong concerns about some parts of it. But I feel like I'm essentially boxed in and that if I want to very clearly and affirmatively support my constituents' desire to have Covid-19 as an acceptable reason to vote absentee, I've got no choice but to vote this bill forward warts and all.

And I'm hopeful that the things that I brought forward as concerns throughout this debate, whether

it is the expansion of Election Day registration and the long lines that will undoubtedly exist in our major cities after 8 p.m., and I feel for the many volunteers and registrars that will be involved and I'm hopeful they can tackle the problems they are going to be faced with.

I'm concerned about these post office box looking ballot boxes. And I am very hopeful that they are not tampered with or damaged in any way. I learned just a few minutes ago, someone told me that those ballot boxes are only looked after during the weekdays. So, essentially if someone drops their ballot in on Friday, it's not going to be retrieved until Monday.

I just think there's way too much risk and not enough supervision in the process. And I believe our system of elections needs to be treated with the highest of standards possible that we make every effort to let every citizen of this state know that their vote counts and that we're not playing games here. And we are not gonna just say, well, it's okay if one or two of these ballot boxes were tampered with, the election's still good.

In order for an election to be treated as a legitimate election, people have to believe with all their heart that all the votes counted, that the result is what was intended by the people voting. And that every person's vote matters as much as every other person's vote. And some of these provisions put that in jeopardy and that disturbs me. But I am glad that we are gonna pass this. And we are going to do it in this legislative body the right way by debating it and voting on it as the representatives of our constituents.

And I encourage my colleagues that even with the warts this bill has, it is important and necessary to ensure that people can still vote, even if they have concerns about Covid-19.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Madam President. And I appreciate the candor and the passion in the conversation over the last hour or so with my good colleague and Ranking Member of the Committee.

Let me just start by thanking Senator Flexer and Senator -- and Representative Fox, the co-chairs of the GAE Committee. Without their efforts this bill would never have reached the Senate floor. And I am so grateful for their work on behalf of every voter in the State of Connecticut.

Madam President, as you well know, we come to this Chamber to make really hard choices. We're certainly gonna be making at least one later today. But in my view, Madam President, this isn't one of them. Regardless of what political party you come from, we walk into this building believing that our democracy is stronger when more people participate, not fewer.

There are those who have been watching the news lately will see that our democracy is suffering from

death by a thousand cuts. In New York, long lines snaked around voting locations and they made it impossible for many to vote. In Kentucky, officials reduced the number of polling places from 3,700 in a typical election year to fewer than 200 this month. In Wisconsin, more than 60 voters and poll workers fell ill because they showed up at the ballot box. In Connecticut we can, and we will do better in this Chamber today.

Some of my colleagues have already staked out their opposition to any reform. A few of them are actually suing the Secretary of State in court to make sure the voting is not made any easier. Never mind the fact that many Republicans vote absentee, including the President of the United States. Isn't our job, Madam President, to fight for the enfranchisement of others?

Expanding access to absentee ballots, it's not about benefiting one party or one candidate, it's about strengthening our democracy for all and keeping all of our constituents safe during this historic and trying time.

There was a quote I love, it's often attributed to Voltaire, but it actually comes from a female historian named Evelyn Beatrice Hall. It says, I'm disapprove of what you have to say, but I will defend to the death your right to say it.

If we're successful in passing this reform during this special session, surely, Madam President, some of the voters who requested absentee ballot are not gonna vote for me. But that is life in a democracy and my job in this seat is to fight for their vote

too. So, I encourage my colleagues to vote yes on the underlying bill.

Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Haskell. Senator Kasser will you remark?

SENATOR KASSER (36TH):

Thank you, Madam President. I rise to support this bill. I want to thank the chairs, co-chairs, ranking members of the committee who put this bill forward and echo their comments that we are engaged in a great experiment of democracy and self-government. It's a profound responsibility that we have. It's a profound responsibility that every citizens has to participate in creating a healthy and functional democracy.

But I want to point out that while I support this bill wholeheartedly, it is hardly revolutionary. In fact, it's extremely limited and full of compromises. For instance, it applies only to the November election. It expires at the end of 2020. So, if there is a special election required in January of 2021, this bill does not apply.

It also does not allow for absentee ballots to be counted prior to Election Day. So, the many thousands of absentee ballots that we anticipate, perhaps millions, will stack up, pile up and can only be counted in the 14 hours beginning on Election Day. That's another limitation. That's

another compromise that was made to get us here to this point where we can vote on a bill.

And furthermore, it only applies to one illness, to one variation of the virus. So, if there is another, we do not have a statute that will apply to that. So, again, I just point out that this bill will last less than 100 days and apply only to very limited circumstances. And at the end of that time, we will be in the exact same situation we were in before this bill is passed, which is Connecticut being one of the most restrictive voting states in the country.

Connecticut does not allow early voting in person or by mail. And we are in the same category as Kentucky, Mississippi, South Carolina and Missouri, the other states that don't allow early voting in person or by mail.

And I would suggest that that is a club that we do not want to be in. We do not want to be identified as a voter suppression state. So, while I support this bill, I am not satisfied with it. And when this bill expires, I will continue to work for expanding voting rights in Connecticut so that every person in every election can vote safely, freely, accessibly and without undue encumbrance. Because until we all have that sacred right to vote safely, freely, accessibly, we will not have a truly healthy and representative democracy.

So, I stand in full support of this bill today, recognizing its severe limitations, looking forward to working towards expanding voting rights permanently in Connecticut.

Thank you, Madam Chair.

THE CHAIR:

Thank you very much, Senator Kasser. Senator Berthel.

SENATOR BERTHEL (32ND):

Madam President, good afternoon, good to see you up there today and it's good to be back in the Chamber doing the peoples' work. Madam President, I also rise in support of the bill before us. Adding Covid-19 as a sickness for the purpose of requesting an absentee ballot is actually, in my opinion, basic commonsense. Given what we know about how the Coronavirus is transmitted between people and given what we know about controlling the spread, no one -- no one should have to go to a polling place fearful that they might encounter a person who is ill or contagious and put themselves at risk.

This change in the definition of an acceptable illness for the primary and the general election this year makes perfect sense. And for the record, Madam President, I was never against this idea. With the largest senior community, Heritage Village, largest senior community in Connecticut, Heritage Village, in Southbury, in my district, and with seniors within my own family, I fully respect, recognize and support the use of absentee ballots and always have, particularly amongst that part of our population.

That notwithstanding, some people solely in the name of politics chose to condemn and criticize me specifically for taking action on the distribution

of absentee ballot applications to every registered voter in Connecticut by Secretary Merrill.

I believe then and I believe now that this was and still fundamentally wrong. But let me be clear, perfectly clear today, challenging the constitutionality of the mailing of absentee ballot applications has absolutely nothing, nothing to do with suppressing votes, with trying to hurt people, trying to put people in harm's way or any of the other ridiculous claims that I heard in my office.

Our laws haven't changed. If a registered voter believes they have a valid reason to request an absentee ballot, then request one. No one is saying that anyone should lose the right or the ability to do that. And despite those who have tried to claim otherwise, again, no one, myself included, ever said that a person could not request and use an absentee ballot, no one.

And today with this bill we specifically codify Covid-19 as an illness for the purpose of requesting an application. It makes perfect sense. We're in the middle of a pandemic like we've never seen in any of our lifetimes. For me, in a perfect world, and I challenge any of the legislatures that sit around this Circle or downstairs in the hall of the House, in a perfect world we would all support 100 percent voter turnout because when we do so, we have truly heard the voice of all the people.

So, to everyone listening, no one is trying to suppress your vote. No one is following some political agenda from Washington, DC, to try to keep you from voting. It's hogwash.

If you don't feel safe going to the polls on Election Day, then request your absentee ballot and vote from the comfort of your living room or your kitchen table or your family room.

Regardless of the argument on the powers of the Secretary of State and the Governor, the authority to make changes to the process by which we vote is vested in the legislature, not the executive branch, not by executive order, not by opinion letters, and for good reason. This body, both the House and the Senate, is made up of legislators who represent the people of our great state from every city, every town, every neighborhood in every corner of the state.

Quite simply, the process of using an opinion or an executive order at the executive level disrespects every citizen of this great state. Add to that -- add to this that prior to last Thursday, this legislative body has been locked out of this Chamber and the one downstairs in this building since March 13th, which essentially locked out every voice of every citizen in the state and that's wrong.

The Constitution defines the process by which our election laws are carried out and no one person should be allowed to change that process, absent the voice of the people and the legislature. We continue to learn from Covid-19, as such, this legislature should agree in the next session to reexamine and refine the powers given to executive branch officials so that we do not ever repeat what has happened again this year.

And lastly, this past June 23rd, which was just the normal Tuesday in June for just about everybody,

five weeks ago today, an election took place in Woodbury and Bethlehem, two great towns that happen to be in my district. And that election was to reelect and elect members to the Region 14 Board of Education. It's an obscure time that we vote for regional boards of education, happens in -- I think it's in June of every year -- every -- every year that there's an election required.

But with all the rules and regulations in place, from all of the executive orders, with proper social distancing, everyone standing six feet apart, everyone wearing a mask, hand sanitizing stations on the way in, on the way out, one flow of traffic through the building, all the stuff that we essentially have proven works here in Connecticut. Let's face it, we're number one at something, right? We're number one at keeping the spread of the virus down. And collectively, we should all be proud of that. Every citizen should be proud of that. Not only what was done with respect to social distancing from -- from the executive branch. But at that obscure, June 23rd, Region 14 Board of Education election, people actually stood in line. They socially distanced. Voter turnout was higher than it had been in the last three elections. People stood in line. They waited. They followed the rules. To my knowledge, no one got sick.

So, gives me reason to pause about what we're doing and all the fearmongering I think that in part we are putting in place regarding what's gonna happen in August and in the general election. I think that if people want to go out and vote, they will go out and vote and that was demonstrated in two small great little towns in Litchfield County five weeks ago today.

Madam President, I support this bill and again, no one should need to make a decision between feeling like they need to protect themselves from an illness versus standing in line to vote. So, adding Covid-19 as a valid reason for requesting an absentee ballot to me makes sense today. And no one is trying to suppress your vote. I'm not trying to suppress your vote. If a registered voter needs an absentee ballot, they should request one.

Thank you very much, Madam President.

THE CHAIR:

Thank you very much, Senator. Senator Anwar, did you rise for remarks?

SENATOR ANWAR (3RD):

Thank you. Thank you, Madam President. Thank you so much and it's good to see my colleagues here today. I wanted to first also thank all the individuals who have been working behind the scenes making sure our environment is clean and every time somebody speaks these mics are cleaned as well. We are watching this obsessively because the reality is that Covid-19 is a reality. It is a disease which has had a significant impact. If there are people in the community and -- and people maybe in our legislature who are not sure about this being an illness, I think that it's important to recognize that this is a significant illness, which has caused deaths of thousands of people in our -- in our -- in our country and we unfortunately have continued to see more and more of this illness spread.

We are successful in our state because thankfully we were smart and we were ahead of the curve, recognizing and learning from some other parts of the world, where the spread of the disease, the patterns and what could reduce that spread. And we followed those recommendations as much as we have and that has actually resulted in positive results.

Many other parts of the country, where those issues were not followed, we are seeing this pandemic becoming a much more significant impact. We have crossed 4-million cases in our state -- in our country right now and then thousands of people are dying. If you look at the number of deaths, there are more than what was lost in the first World War. It's more than many other wars literally. And this is where you have to realize that we have a responsibility to protect our citizens.

Now, the other aspect is, we actually as -- responsibility as a state legislature have to make sure that the people have an opportunity to vote and then their vote should be counted. And this is a bill which is going to address that.

So, I am in favor of us collectively supporting this amended H.B. 6002. We have a responsibility based on the 14th Amendment as for the Supreme Court to actually support this. And for some of the people who have said that it is not going to be a problem to -- for the people to stand in line and then go and vote, I think there is an issue. We can learn from at least one example in -- in Wisconsin, when a decision was made that people have to not use absentee ballot and then that actually had a result of that pretty much after the Election Day, about 67 or so people got the infection and they were

directly linked with their physicians during that election. And then the second level of the viral growth, that is what virus is called, a virus leads to further increase in the number of people getting infected and infected far more people. This was all preventable. And that is why we are here today to make sure that we are going to make sure our community is protected, our citizens are protected, while they actually take care of their -- one of the most important civic responsibilities.

One of the other arguments you may hear of and then some of my colleagues would be that while the absentee vote maybe associated with a risk of fraud, voter fraud. And I want you to know that based on the data, there are about five states that have a pretty robust absentee ballot program, where the Washington State, Oregon State, Utah, Colorado and Hawaii, they actually have voted by mail broad procedures which have been extremely effective and they have also given us a lot of data and insight about the probability of something going wrong.

So, here are some probability numbers that have come out from a pretty robust data for multiple years is that an individual, people are -- there are 12 people, who would actually be hit by lightning. 12 people will be hit by lightning before there would be a single case of voter fraud. And -- and when we look at the Connecticut data over the past for absentee ballot, that actually shows that 55 people will be hit by lightning before there's a risk of anybody doing voter fraud.

So, this is -- at the same time, if we look at what happened in Wisconsin, the likelihood of the infection spreading, the likelihood of death

associated with the infection is gonna be far more. If you actually don't believe it's a real disease, I will have you meet the families and people who have lost their loved ones and that would help you realize how it is a real disease for people and we have a responsibility to protect this.

Madam President, there are a lot of people who have died to give us the right to vote. And there's no reason more people need to die to be able to vote. And we have a responsibility today that we make sure that more people are not going to be harmed and people don't die just because they are taking care of their most important civic responsibility.

So, I urge all of my colleagues and everybody over here in this Chamber to vote in favor of House Bill 6002 as amended.

Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Anwar. Senator Champagne, do you have remarks?

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President.

THE CHAIR:

Please proceed.

SENATOR CHAMPAGNE (35TH):

Thank you. I want to talk about the box that was -- that has been delivered to most towns. And I think I've already heard Senator Sampson talk about it. But I have -- I do have some questions.

Well, it's been a while, I'm sorry. I'll stand up. Through you, Madam President.

THE CHAIR:

It's okay. Whichever makes you comfortable, Senator Champagne. These are unusual times. Please proceed, sir.

SENATOR CHAMPAGNE (35TH):

Shows that I'm a freshman. Through you, Madam President, I do have questions.

Senator Haskell, we talked about the box. And the question is, is the box that the -- the -- that was delivered, is it touchless?

SENATOR HASKELL (26TH):

Madam President, if I may respond?

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you so much. And thank you to the good Senator for his question.

No, my understanding, and I have yet to see one in person, but I've seen many photos, is that it operates in the manner very similar to a UPS box. Therefore, it is not touchless. It does require an individual who could wear gloves to lower the hatch so that the ballots could be dropped into the secure location.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, through you, Madam President. Obviously, we -- I've been to many boxes in my district, out of my district just to get a feel for what they are, what they look like. And that is a main concern of mine that these boxes are not touchless. In fact, I actually have photos of these boxes. And one of them is completely covered so much that you can't even pick out the individual fingerprints, like I can with a lot of the other ones. And I think that's lack of use. And with so many people touching these boxes and the fact that I've over in -- in -- in just my town, there's over 22,000 people looking for absentee ballots. My fear is that I'm gonna have so many people touching this box and nobody outside wiping this box down, especially, you know, on the weekends, that there -- this box can spread disease.

And I guess the question is, is if we could figure out a better way to have a box available that is completely touchless, would that not be a better alternative?

Through you, Madam President.

THE CHAIR:

Thank you very much Senator Champagne. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Madam President, and I appreciate my good colleague's question. I will say that this legislation grants authority to the Secretary of State to determine the best use for these absentee ballot boxes and to distribute instructions for those absentee ballot boxes prior to both the primary and the November 3rd general election.

I would -- I would remind though, the folks listening that there is an opportunity if you do view touching the handle on the absentee ballot box as an unacceptable risk or risk that you are not interested in taking, you could always go through the normal process of mailing your absentee ballot from home to your town clerk from the safety of your living room, so long as you have a stamp you can send it in.

So, I understand the Senator's concern. I think that this bill is all about mitigating risk. There will be people who show up to vote in person. There will be people who need to wear PPE as they work on -- as poll workers on Election Day. There is risk associated. We want to mitigate that risk, reduce that risk. It's the reason many of us are in this building today wearing masks and wiping down microphones in between usage. It doesn't eliminate

the risk of Covid-19, but it certainly does mitigate it.

So, I hope that answers the good Senator's question. I understand where he's coming from. And I do -- I -- I would direct him, should the bill become law, to work with the Secretary of State's office on developing a set of instructions that might allow and, in fact, mandate that regular cleaning of the absentee ballot box.

THE CHAIR:

Thank you, Senator Haskell. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you. Through you, Madam President. Mandatory cleaning of the ballot box, you know, that wasn't part of the instructions. The instructions were quite simple from the Secretary of State with the box outside in a well-lit area, that's it. There were no ADA instructions. There were no instructions that went along with this box. And besides -- they said, make sure it's close to the townhall.

But I want to go to a letter that I got from the Secretary of the State. It basically says that this box is gonna protect the health and safety of voters by providing them with a safe and trusted method of a contactless -- contactless delivery of the absentee ballots. And my take on that is that contactless means you don't have to touch anything. Yet you have to touch that box.

And then it goes on to talk about how highly contagious the disease is. So, my concern is, if it's that highly contagious, and you have a thousand people touching the box, with no instructions on -- you know, and cleaning that box and obviously you can't clean the box at night or on the weekends, that creates a problem.

And then it also talks about that their office has provided postage-paid return envelopes to help voters cast their ballots conveniently, which means I can show up at the polls. I can do, as you say, drop it in the mailbox or I can drop it in a box created by the local jurisdiction that is completely, 100 percent touchless and has no concerns about spreading disease. But even though we have all those options, there's still somebody claiming voter suppression. In -- in -- in this type of scenario, you have more ways to vote than in any time in Connecticut's history. And you're right, you can do it from your couch. And you don't have to put a stamp on it.

According to the Secretary of the State, they're pre-stamped and -- and as long as you mail it, the -- the state's gonna pay the bill. So, I guess I'm -- this is becoming more of a statement than it is any type of a question, thank you.

But I think under this legislation, it's kind of forced that I have to take this petri-dish of a box and put it somewhere in my town. I don't want anybody touching any surface that possibly a thousand other people have touched. I don't want anybody catching Coronavirus. And that's why I support for this -- this voting -- for voting in

August and in November for the Coronavirus as an excuse on the absentee ballot.

But like I said, you know, I want everybody out there to be aware, please, use gloves, use something when opening that box to protect yourself.

Thank you.

THE CHAIR:

Thank you, Senator Champagne. Senator Slap, will you remark?

SENATOR SLAP (5TH):

Thank you, Madam President, good to see you this afternoon. I hope you're doing well.

I rise in support of the bill and I just want to make a few brief comments.

We often hear that Connecticut is called the land of steady habits. Sometimes that's used in an affectionate way. Often, it is not. This is one of those times where I'm using, and it is not a good thing.

We are an outlier. We are one of 16 states that do not have either total mail elections or have no excuse absentee ballot. So, put another way, 34 states, all right, have better access for their citizens than we do when it comes to voting. And it is really time for reform. And the general public actually agrees with that sentiment. All right. We know that 72 percent of all United States citizens support expanding voting rights for no excuse

absentee ballots. And we know that outside of this building at least it is a non-partisan issue with about 65 percent of Republicans supporting that concept as well. And if you look back for a large part of the 20th Century, expanding and protecting voting rights has been a bipartisan effort. And I hope that that continues today here in the Senate.

And I do want to highlight what's at stake. Right now, we get, Connecticut gets a D, according to the Brookings Institute, when you evaluate how we do in terms of providing citizens with opportunities and access to vote in the pandemic. Only two states actually do worse than Connecticut. So, how can we improve? Voting and passing of this bill is one way. And at the end of my remarks, I'm gonna talk about a couple of other items going forward that I think are very important but are not in this bill for later on.

So, what's the impact on residents if we don't act? And I want to highlight and focus just two groups. Of course, this affects the entire State of Connecticut and all the residents. But I, like many of my colleagues around the Circle, have received hundreds of emails and phone calls and texts, you name it, pleading with us to make this change.

One email, in particular, really sticks with me. And I -- I'm not gonna read it, but I have it right in front of me. And this constituent is essentially begging for us to pass this bill and allow no excuse absentee ballots. And they say that they are very scared, they're elderly, very scared to go to the polling place. And the last line really stuck with me. And it said, please, have compassion for all of us. Have compassion. So, who are we having

compassion for? And I want to highlight just two groups really briefly. One, is our Veterans. We have about 230,000 -- 218,000 Veterans to be more precise in the State of Connecticut. About half of them are age 65 and older. And we know that is a high risk group when it comes to Covid-19. The majority of our Veterans have served during World War II, served during the Korean War, Vietnam War, both the Gulf Wars, right. And many of them are concerned about going into the polling place. Again, more than half are 65 and older.

So, what are we telling them if we say, look, if you were actually serving currently and you were overseas, you could do the mail in ballot, no problem. But if you're on United States soil, and you had served your Veteran -- it's actually gonna be more difficult. Now, this is an easy one. It should be for us to say, you know what, you served our country. This is the very least that we can do. As opposed to saying, hey, tough, too bad. We're the land of steady habits. We're not gonna make this change for our Veterans.

Again, more than 100,000 Veterans, right, at 65 and older in Connecticut. Many of whom are concerned about this.

The other group I just want to highlight is folks with intellectual and developmental disabilities. All right. Some estimates about 45,000 folks in Connecticut who have intellectual and developmental disabilities. And if add in their caregivers, all right, many thousands more. And we know from research that folks with IDD are four times as likely to get Coronavirus as folks who do not have IDD, and twice as likely to die from the

Coronavirus. So, it's no wonder that groups like IDD, and many of my constituents who either have an intellectual developmental disability or have a family member have reached out to me and said, please, make this change. Let's not be one of the 14 states, right, that ignore this desperate need for our constituents. And we could go -- I could go on and on about different groups that are disproportionately impacted by our current law.

Again, Connecticut right now gets a D. I believe our constituents deserve better. This is a commonsense change that we can make. And I do hope that it is the beginning of a real effort that will continue next January for early voting, for automatic voter registration, and to take down some of those barriers and to help all our residents be able to vote and not fear for their safety.

So, with that I am enthusiastically supporting this bill and I urge my colleagues, all of them around the Circle, to join me.

Thank you very much, Madam President.

THE CHAIR:

Thank you very much, Senator. I really appreciate your comments about Veterans, as I am one, although I'm not quite at the 65 age range yet, although I will be this year. So, I really appreciate your comments.

Thank you, Senator.

The Senate will stand at ease.

Senator Duff. May he return. Senator Bradley.
Senator Bradley, do you have remarks?

SENATOR BRADLEY (23RD):

Yes, I do. Thank you very much for recognizing me. And I appreciate this opportunity that the Circle grants me. And I really don't want to belabor this, but I'd be remiss if I didn't stand before -- humbly before the Senate and describe my experience engaged in urban politics.

I recently went as far as Chicago to help out a good friend of mine who was running for Mayor of -- of that great city and saw the same problem that I saw in my experiences in Massachusetts, that I saw in my experiences in New Jersey, that I saw in my experiences in Connecticut. And that experience is that very often times there is a manipulation, a trickery, and a full-out deception with the absentee ballot process.

It is the reason why in my great City of Bridgeport, which I -- I love to my -- the depth of my bones, is oftentimes labeled as corrupt. They talk about candidacy as recently as the candidacy of our great Senator Marilyn Moore, who ran against Joe Ganim, who won every single polling place and lost due to absentee ballots. Something that political scientists have commented on and talked about the probability of those things happening. And that's happening, I believe, at least in the places that I have visited, that I would be willing to bet that in every urban center from sea to shining sea, the same incidents are happening.

The General Pericles once stated that the walls of Athens will not crumble from foreign enemies, but from enemies from within. From their own destruction, domestic enemies. And recently we saw, rightfully, I believe, the investigation of President Donald Trump in regards to collusion and regards to foreign adversaries meddling and toiling in our election process. And we saw some of the highest law enforcement officers of the land looking in and investigating whether or not there was collusion and whether there was foreign interference. And they concluded that there was and there were arrests made. There were prosecutions made. And that was a threat that as a Democrat, that as an American, as the son of a soldier, as a former Cadet, I found offensive. I found something which was grotesque, and I found that we cannot -- and -- and I believe that we cannot allow that same thing to happen here within the whole United States.

And I'll give you an experience that I personally had. When I was a younger person, I ran for a particular seat in the legislature and lost. And I recapped to see where exactly I lost. And I went back to a particular place where I saw 64 people voted out of the same house. And I said, that must be an apartment complex or a housing project or a senior center or that must be a place where there's a -- there's some sort of a -- a -- a complex where people are using that address to vote.

And what I found, much to my dismay, that there was no building there. It was a vacant lot. It was an abandoned vacant lot with a mailbox. And I saw across the street there was a parade of homeless people who lived across the street and I went over there, and I asked a particular man, I said, has --

was there a building there at one point? He said, no, there hasn't been a building there for years. I said, do you know -- and I look -- I ran down the list that I got from the town clerk's office. Do you know this person or this person or this person or this person? And he recognized some of the names and thought maybe he knew some of the names. I said, did you vote in the recent election? He said, well, this -- this person comes with sandwiches and some hot coffee and with some paperwork and they tell me to sign here, here and there. And then they take it off with a stamp and -- and, you know, they're nice enough, so I just filled out the paperwork. I don't really know much about it. I filled out an affidavit. I notarized that affidavit. I brought it to my registrar's office. And much to my dismay, I was told that as homeless people can use any address they want as long as -- as long as they have the ability to vote. There's some -- some nonsense like that. Ignoring the manipulation, ignoring the tactic that was used and allowing for this absentee ballot process to continue to exist.

I'm sick and tired of my city being labeled as a place of corruption. I'm sick and tired when I ask for funds, when I ask for assistance, when we talk about education, when we talk about infrastructure, that the commentary that's either whispered behind my back or told boldly to my face is that Bridgeport is a dysfunctional place. And if we're gonna make America a great place, we have to have to have to focus on those places that have been pillars in the past and have to be pillars moving forward, if America's going to be a place of promise and prosperity for all of us. And we have to have to

have to protect the electoral process here in this great country.

So, if I know this to be true from a personal standpoint of what I personally have seen with the absentee ballot process, if I don't speak up, if I don't stand up and say something about it and say we have to proceed with caution. I understand Covid. I understand we want to make sure our citizens are protected, but if you allow people to Walmart and you allow people to the mall and we allow people to restaurants and we allow people to a lot of places, we have to proceed with caution because if we don't, this great democracy, this great promise that we have, will be corrupted from within and there will not be a single one of us standing who was elected because of the voice of the people placed us here.

So, I -- I ask the Senate, to please proceed with caution and to look closely at what's happening in our urban centers because this could be the story of the end of American democracy.

Thank you.

THE CHAIR:

Thank you so much, Senator Bradley, and nice to see you and congratulations, sir.

And Senator Witkos, good afternoon.

SENATOR WITKOS (8TH):

Good afternoon, Madam President. I couldn't agree more with the previous speaker in his comments and on all of the comments that I basically heard today

on the topic of allowing folks to obtain an absentee ballot to vote in this not only primary, but general election year.

But I do want to bring up a point that was made by several speakers and -- and I think without additional comment could have been misconstrued a different way. And what I mean by that is that the general population of the State of Connecticut had the opportunity to say, should the legislature change on how we vote here in the State of Connecticut, in fact, in 2014, there was a question on the ballot. And the question was, shall the Constitution of the State of Connecticut be amended to remove restricting concerns to -- excuse me -- be amended to remove restrictions concerning absentee ballots and to permit a person to vote without appearing at a polling place on the day of an election.

The citizenry of Connecticut voted that down. They said, no, we don't want the legislature to change how we vote here in the State of Connecticut. That's why changes were not made. However, we are in unprecedented times. And I think if people had the ability to change that vote today, they would. And that is why we are here collectively as a body to make that change under the guidelines of our Attorney General, under the guidelines of our judicial branch that we are not changing the Constitution. What we are changing is the ability of recognizing Covid-19 as a sickness, which is already contained within our state statutes.

I'm hoping that we will see a unanimous vote of this bill as it moves out of the Chamber and eventually on to the Governor's desk. I do believe that people

are still in fear of going to the -- a polling location and waiting in lines. And there were some very, very good points made this evening with the long lines, the ability to -- to get to a polling location or going someplace, if you're going other places, but everybody is different. And we should never put an infringement or a roadblock upon somebody's ability to vote because that's what our -- that's one of our founding principles, that's what democracy's based upon, kind of one person, one vote.

So, I look forward to supporting the -- the bill as it is before us momentarily for a vote.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Witkos. Will you remark further?
Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I rise to support the Emergency Certified Bill. This bill has been a long-time coming and with the current pandemic we're in right now, it only makes it more important that we get this done today. We've seen -- you know, we've all had probably hundreds of emails from our constituents who have said, don't make me choose between voting and my health. We have seen around the country lines of people who refuse to not participate in our democracy and have put their health and their lives at risk because of the fact that voter suppression or the fact that they weren't able to get absentee ballots. And the

examples are numerous all over the place as to how we need to respond and react to the present situation that we're in today.

So, Madam President, I am 100 percent supportive of this bill today. And believe that in the future, we should be continuing to expand voter access and the ability for people to cast their ballots in the way that they choose, in a safe, reliable manner that upholds the integrity of our elections.

And when I think about how we're going to vote in -- in August and I received my absentee ballot application, filled it out, mailed it back in, waiting for my ballot to come in. And I know for a fact that I can -- I can now vote safely and without worry about putting myself or my family at risk. And to think that we may have had to -- may not have had that choice in November, certainly would be worrisome to me and I know many of my constituents as well.

I think about the fact that my parents who are looking forward to voting in November, and that they -- if we don't pass this legislation today, they would have to make those kind of choices. They're in an age bracket where they're at risk. And there may be some, you know, health complications for either one of them. And that they want to make sure that they are proudly voting for their son and proudly voting for the next -- for the president, next President of the United States and all the other offices up and down the ballot. And so, why should they have to make those kinds of choices, like so many other citizens around the State of Connecticut?

We're in very unprecedented times right now. So, it's important for us to -- to listen and to lead and to make sure we're hearing what's being said by our constituents. And they're saying very loudly and clearly, don't have me make those kind of choices.

And so that's why I stand up here to proudly and strongly to vote for the Emergency Certified Bill today.

I just wanted to just take a moment to thank Senator Flexer for her leadership. Certainly, Senator Haskell for his work today as well and Senator Sampson for his questions today and others who have been participating and, of course, our bipartisan leadership who have gone through the bill over time and, of course, our Senate President, Senator Looney. I also want to thank the members of the House as well, who helped shepherd this as well. I'm glad, and I hope that this is unanimous because it sends a very strong statement about our values and our beliefs in Connecticut about voter participation and democracy and -- and what we value.

So, I think today if everybody can -- can vote yes on this, it does send a message to all of the residents of our state that we want people to participate. We want them to do it safely. And we expect everybody to have that opportunity to vote for whomever they want but do so in a manner that doesn't put themselves, their families, and their health at risk.

Thank you, Madam President.

THE CHAIR:

Thank you so much, Senator Duff. Will you remark further? Good afternoon, Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, I will keep my remarks short. I concur with what has been said in support of this bill around the Circle, although I am not a social media type of guy, I do understand there's been a lot of comments saying that somehow Republicans were against this voter absentee because of both a Covid initiative. I want to be clear that that is not true. We have always supported the issue.

The concerns that we have had had been with the Secretary of State. And our concerns came into place. First, our concern came with the boxes that are left unattended outside, as Senator Sampson pointed out as well as Senator Champagne with respect to the concerns that we had. Putting them inside after hours or some way to keep them safe because if something does happen to those absentee votes that are stored there, those people would be disenfranchised, those people would not be able to have their voice heard, so why wouldn't you put in nominal safeguards?

It is not like putting it in a mailbox or UPS slot, where general mail goes in. The box that holds the absentee ballots are just absentee ballots and someone who may be not in the right frame of mind may decide the way to get attention is to destroy those ballots. It's not like we have not seen out-

lash of activity around this country. So, that is a concern.

And that being said, the second concern that was brought up in amendment and I apologize because I was doing business outside the Chamber, was the mailing of the absentee ballots and the confusion that that has caused. As we sit here now, less than 15 minutes ago, there are problems with the absentee ballots being mailed. I will -- there are people a lot more -- know more a lot more about these absentee ballots than I do. But apparently, the Secretary of State has promised to create instructions to resolve these issues, i.e., this is a problem that they are finding with the mail house sending the ballots were registered numbers on the inside of the ballot, not the outside of the ballot. I don't know what it all means, but what I do mean is that there's a problem tracking these. And that's what the clerks are being faced with now. So, it's not gonna go quite -- so, have we hurt those people and their ability to vote? That's the reason why I have not been against absentee balloting where you call, you get the ballot and you fill it out in the normal course.

But when the Secretary took it upon herself to mail these out, we have a problem. The Secretary recognized that problem and said, well, we washed the list in this primary. Well, you only washed half the list because the other half of the list, well, from speaking, are independents, unaffiliates and third-party voters. So, that hasn't been washed. So, there are gonna be disenfranchised voters by virtue of her actions, not our actions. That's why I wanted the bill amended as many of the votes around the Circle and the Republican side did,

and pressed in negotiations, not to allow her to mail the ballots because this type of stuff is what happens.

So, we are gonna have a problem. And I have said that if the problems turn out to be in the absentee, you're gonna see lawsuits. If on the machines any elected official loses by a couple of votes and the absentee -- and the absentee then puts them over, I would argue you'd be derelict in your duties if you didn't challenge that absentee to make sure those were fine. So, that's why I have a concern over what the Secretary of State is doing.

When things go awry, they quickly point to the registrar of voters and town clerks. They didn't do their job washing the list. Well, if you didn't think they did their job, then why are you continuing to use their list to mail out absentee ballots? Let us do our job. Let us open the door. Let them have a right to vote. Let people mail in their votes. Let them vote according to our laws. Stay out of the process.

So, Madam President, I fully endorse this bill as my colleagues do. I hope that Secretary of State reconsiders. I hope she sees the confusion and not say, uh, we now are able to fix the problem. I hope she sees that confusion and says, we need a better process. We need to take this intel in on this primary and we need to learn from this. I doubt that's gonna happen. But I do support the underlying bill.

I thank everyone who worked on the bills. Senator Haskell, thanks for pitching in, appreciate it and answering the questions of Senator Sampson and the

rest who worked so hard for this bill. I look forward to its adoption.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further?
Good afternoon, Senator Looney.

SENATOR LOONEY (11TH):

Good afternoon to you, Madam President. Madam President, I rise to support the bill. I believe that it is important as a response to what we have seen in this state now since March with the various accommodations that we have had to make to the pandemic that engulfs us in so many ways.

We know now that Connecticut is doing better than many other states. I think thanks to our better preparation, I think the better discipline in maintaining social distancing and masking and all the other things that the Governor has recommended and that other states have not done as successfully.

But the reality is that our people are frightened. Our people are -- are worried. There is a concern about actual illness, feared illness, exposure to illness and we all know that we cannot really secure our borders in other states. About three quarters of the country are seeing rates that are higher than ours right now and we cannot make ourselves an island.

What the Governor did by his executive order for the primary was a reasonable and prudent policy for that

time. And we need to extend that now to the general election because not only is this a general election, it is the presidential election at which time we see higher vote totals than any other time in our election calendar in any time in the four-year election cycle we have. That it's unfortunately true, we do have a lot of quadrennial voters who only participate in the presidential year, not any other time. And turnout in that election is subsequently higher than it is in the even year state elections and even -- and that is much higher than the turnout we see in municipal elections.

So, it is the most critical election, with the highest turnout, and we want to make sure that people are able to exercise their franchise without having to choose between risking their health and exercising the right to vote.

I think one of the things that we're hearing already anecdotally from many communities is that a much, much greater number of absentee ballots are being returned than might have been anticipated and might occur in a normal primary this year because if you recall, this is in many ways, except for those few districts where there are legislator primaries, sort of after the fact primary, the presidential nominations of both parties have already been decided and there may be a few arcane issues at stake perhaps in terms of number of delegates for a platform input and things of that nature, but not the kind of things that normally compels a turnout. Yet, we're seeing large numbers of absentee ballots being -- being returned from what we hear. And that is a good thing. Anything that encourages greater

turnout, greater participation is important for our democracy and a sign of a vigorous democracy.

So, Madam President, I would also like to commend Senator Flexer for her work on -- on -- on this bill, obviously working on it through the time just up to and shortly after giving birth. And she has been a real stalwart in this process and -- and also, to give thanks to the Vice Chair of the Committee, Senator Haskell, who performed in such an extraordinary way today, both explaining the bill and responding to questions in a way to enlighten the members. I'd like to thank Senator Sampson also for his participation in the end of the date and elucidating the issues that -- that were brought forward. Represent Fox, the Chair in the House, was a stalwart in bringing out this -- this bill in -- in the House to date.

So, it is important, Madam President, and I think it is important for us to be here today in special session to do this for November, just as we were already, as I said, seeing the fruits of the Governor's executive order for the August primary in terms of generating what is likely to be a more robust turnout than we might otherwise have seen.

So, again, Madam President, thank you. And to all who have participated, thank you. And I'm pleased that we're able to take this action here today and urge a unanimous vote of this Chamber.

Thank you, Madam President.

THE CHAIR:

Thank you so much Senator Looney. And now, Mr. Clerk, would you kindly announce -- Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam Chair. Would the Senate stand at ease for a moment, please.

THE CHAIR:

The Senate will indeed stand at ease.

The Senate will come to order.

Senator Duff.

SENATOR DUFF (25TH):

Thank you. And we've got these guys -- for anybody watching at home, we have these guys, they were cleaning and running back and forth. They're just doing a great job and we appreciate it very much.

Madam President, I just move to -- we're gonna PT this bill.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

PT being temporary. And then we're gonna move on to the second bill, which is Emergency Certified Bill 6001. And if we can just stand at ease for a moment until our proponent of the bill comes in, please.

THE CHAIR:

Good afternoon, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, the Clerk can now call Emergency Certified Bill 6001.

THE CHAIR:

Mr. Clerk.

CLERK:

House Bill No. 6001, AN ACT CONCERNING TELEHEALTH.

THE CHAIR:

Senator Lesser, good afternoon.

SENATOR LESSER (9TH):

Good afternoon, Madam President, good to see you. Madam President, I move passage of the Emergency Certified Bill in concurrence with the House.

THE CHAIR:

Will you remark further?

SENATOR LESSER (9TH):

Yes. Madam President, earlier this year the world changed in a profound way in response to Covid-19, the way we access healthcare in Connecticut and across the country changed because we were no longer

able to go to our providers due to the pandemic. An idea that had sat on the shelf for many years, this idea of telehealth became something that was no longer simply theoretical in the State of Connecticut but became a very real and serious thing that people have started to use. I've used it. I know many of my constituents have. It's become something that our constituents have come to learn to use, to rely on and has changed the way we access healthcare.

During the pandemic, the Governor issued a number of executive orders pertaining to telehealth to ease its access to make it more accessible.

This bill seeks to codify parts of six executive orders and then it goes beyond that, making sure that telehealth remains accessible to the people of this state at least through March 15th of next year and makes a couple of other changes that are permanent. But the bulk of the bill pertains to changes that exist between now and March 15th, to make sure that everyone in this state can access telehealth during the duration of the pandemic.

So, I want to go through a few elements of the bill. First of all, Madam President, it expands the number of healthcare providers that are able to use telehealth. It allows telehealth providers to use audio only, which is particularly important for certain providers like behavioral health providers. It makes other changes as well. It allows the Commissioner of the Department of Public Health to waive various regulatory requirements during the duration of the pandemic. It establishes standards for how providers deal with uninsured patients or patients who don't have telehealth coverage.

Two things that we do that go beyond what the scope of the Governor's executive orders. One, we ensure payment parity, which means that insurance companies can't pay providers less for telehealth coverage than they would for an in-person visit. That's essential to making sure that this service is available to folks and it prohibits insurance companies from forcing providers to use certain payment platforms.

I want to also just say, this is an area that does cover the committee that I chair, the Insurance Committee, but it also covers two other committees. And I see my good friend, Senator Mary Abrams, in the room. And I want to thank her colleagues on the Public Health Committee as well as Senator Moore and her colleagues on the Human Services Committee. This is a bill that straddles the cognizance of all three committees, and I want to thank them for their work and leadership on this important issue.

Madam President, I urge passage.

THE CHAIR:

Thank you so much, Senator Lesser. Will you remark further on the bill? Good afternoon, Senator Kelly.

SENATOR KELLY (21ST):

Thank you very much, Madam President. I also rise in support of this bill. As Senator Lesser mentioned at the outset, this is really borne out of Covid experience and that many changes occurred over the past several months, even in this land of steady habits, this was one that I think is going to bring the medical profession and the delivery of medical

services to patients. It's going to bring it forward and -- and do a world of good for many people who otherwise may not get those services.

I did have one question for the good Senator, and that had to deal with the intent of the bill initially was to extend the Governor's executive orders as they relate to telehealth. And I believe that the powers that were given to the DPH Commissioner go beyond that.

Is there a fix for that and where is it?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Kelly. Senator Lesser.

SENATOR LESSER (9TH):

Yes. Thank you, Senator Kelly, it's a great question. Through you, Madam President. As I think Senator Kelly knows, there was a drafting issue with this bill that is addressed in another bill that we hope to take up immediately after this bill that would address that and limit the expansion of the Public Health Commissioner's power, simply to matters pertaining to telehealth.

So, while that language is before us in this bill, my hope is that on the next bill, the Insulin Bill, we will clarify that that is solely related to telehealth.

Through you.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President, and thank you, Senator Lesser for that answer. Yes, I just wanted to make sure that that was the plan, that we're still on plan with that.

Otherwise, Madam President, I think this is a good step forward and I fully support the bill.

Thank you very much.

THE CHAIR:

Thank you so much, Senator Kelly. Will you remark further on the bill? Senator Abrams, good afternoon, nice to see you.

SENATOR DAUGHERTY ABRAMS (13TH):

Thank you, Madam President, nice to see you as well. I hope you're doing well. I -- I stand in strong support of this bill and I thank my colleagues on the Insurance Commission for our Insurance Committee for all of their work on pulling this together with the two other committees, Human Services as well.

This is one of those instances, as Senator Lesser said, where something good has come out of this pandemic. Since I was made Senate Chair of the Public Health Committee, using telehealth has always been a topic of discussion and where we were going with it with the state. I thank the Governor for

his foresight and his executive orders in putting telehealth in place. It's really literally been a lifesaver for many people.

I've heard from all stakeholders how wonderful this has been, both from healthcare providers, from constituents, even from the Department of Social Services who say that there's been an increase in people reaching out and getting care and following through with appointments for chronic conditions, which we know is really the best way to get healthcare.

So, I thank you all for your work on this. I strongly support it. In addition, I particularly support the area of the audio-only piece and I hope that the Federal Government continues to keep that in place because we do know that some people are more comfortable using audio rather than internet connection to their doctors in using telehealth and so that's a very important piece to this, too. I look forward to its expansion and use until March. And I hope that when we return for next session that we continue to look at this and make it available to our constituents.

Thank you.

THE CHAIR:

Thank you, so much, Senator Abrams. Will you remark further on the bill that is before the Chamber?
Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam -- thank you, Madam President.
Thank you, Madam President.

Thank you, Madam President, the Chamber was -- stand at ease. I was waiting for our member to arrive in the Chamber, but since she has, I guess I will. I will sit down.

THE CHAIR:

Very good. Senator Somers, do you accept the yield from Senator Witkos?

SENATOR SOMERS (18TH):

I rise in support of this bill today. This telehealth bill is something that the Public Health Committee has been working on for years. And I'm sorry that it's actually taken a pandemic for the recognition of how important telehealth is in providing the essential needs -- care and needs for our citizens here in the State of Connecticut.

It is imperative that we continue with telehealth to be able to deliver the access and the care for those who have been unable to visit with their physicians and we're not sure exactly what's gonna happen with Covid going forward, whether the doctor's offices, et cetera, will be open. But telehealth provides a very important tool in the continuum of care for those residents and patients ranging from mental health services to just a general checkup. There's no substitute, I think we can all agree, with the direct contact for a doctor and a patient or a clinician and a patient.

But when you can't have that, having the ability to get care through telehealth is critical. This is a necessary step to ensure the safety and health of our citizens here in the State of Connecticut and I support this bill going forward. And I ask my colleagues in the Circle to join me.

Thank you.

THE CHAIR:

Thank you so much, Senator Somers. Will you remark further? Senator Anwar, good afternoon, nice to see you.

You're witnessing the government equivalent of the NASCAR pit crews. And we really appreciate SMG, you folks are awesome today.

SENATOR ANWAR (3RD):

Good, can you hear me?

THE CHAIR:

There you go. All right. Good afternoon, Senator.

SENATOR ANWAR (3RD):

Good afternoon. Thank you, Madam President, and I wanted to again start by thanking all the staff. I've taken my mask off, the reason is, we are six feet away from each and every individual. Each mic is cleaned up, so we are obsessively making sure that all the staff and all the Senators stay well and healthy. And this is what this bill is about as well.

So, Madam President, I stand in support of amended bill 600 -- H.B. 6001. I want to start with two words, access and safety. And when this pandemic had impacted us in our state on the 19th of March, our Governor had executive order 7G. This executive order has saved many lives. This executive order has saved a lot of money for our state because at that very critical time, every single day there are patients who are actually getting sick for non-Covid related issues. And then there was a reason and there was a need to have an immediate management of those patients that need to be continued somewhere in the process of having their blood pressure, hypertension, diabetes, cancers, all of the -- you name the condition, they will be managed for that.

And with this specific executive order, we were able to have the continuation of the access without putting the safety or jeopardizing the safety of our citizens. And I think this executive order, as I said, has truly helped many of our citizens and -- and continues to do so at this time.

Now, it's important to try and stay the course and make sure that if there is a second wave, that we have a plan of action in place. And we need to also make sure that we codify this at least till a certain time then we feel hopefully safely that we'll be in a better place from the pandemic perspective. And I think this bill does exactly that.

So, I wanted to thank my colleagues who have been leaders in this effort, Senator Lesser for your strong work. And I know Senator Kelly, Senator Abrams has been working with this as well. I think what we have learned in the last few months from

this have been a few things, which are very important and -- and one of them is that there is a digital divide. The digital divide is very real, where people in our community do not have access to the technology, where their access to telephone services is -- is poor with the cellphone services. And then there's, unfortunately, capacity to manage the smart devices, the other issue that we have noticed. So, our seniors and some of the community members with needs, they have not been able to use the high-tech, if you will, video conferencing, telehealth, same things that we have been using and they have been dependent on telephone line to be able to manage this. This actually addresses that issue as well because the caregivers have been taking care of them as expected in the best way possible and this will actually make sure that the disparity with respect to a telephone call that is going to be made to the patients.

And again, let's be clear, this -- the best care is going to be the care that is going to be in person. We know that. We recognize that. But there is an opportunity to try and make sure that in the absence of the best availability we have a plan of action where we can provide the care with the same level of access, keeping the people protected.

So, I -- I think we have to have long-term strategy, but this bill does make -- end -- the sunset is on March 15, 2021, which is a very safe time, hopefully. And -- and if we have to look at this in more detail, getting the data, having a long-term strategy is going to be very beneficial. I think this is going to save lives. This is going to continue to provide the access to our citizens and this is going to provide safety as they are trying

to get that access. I would urge all of my colleagues to join me in supporting this bill and thank you, Madam President, for this opportunity.

THE CHAIR:

Thank you so much, Senator Anwar. Will you remark further on the bill that is before us? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I ask the Chamber to stand at ease, while we locate our next member to speak.

THE CHAIR:

And I believe that is Senator Sampson.

SENATOR WITKOS (8TH):

Yes, thank you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. It appears as though I'll be next in the speaking order. I am going to be voting in favor of this bill. And I -- I would share very quickly a little funny story that I -- well, we've all been getting emails and phone calls once the pandemic surfaced in Connecticut in the middle of March. And then when we were really into

Phase I, where a lot of people were home. And as we're moving into Phase II, midway through Phase II, I got a phone call from a woman, I'd probably, if I had to guess her age, I'd say probably in the 70s. And she told me that I better support this bill because a few months ago she had a -- she got a phone call that she's gonna see her doctor over the telephone and she just couldn't believe and didn't understand, well, what do you mean, I'm gonna see my doctor over the telephone? That doesn't make any sense to me. I have to see my doctor in person. And family members went to her and helped her use the telehealth method. And she wouldn't have it any other way now. And so, she said to me, Senator Witkos, don't you dare take my doctor away from me. You know, I can see my doctor whenever I want now.

I've always been a big supporter of -- of telehealth. I think it's more efficient and I think it provides better access. In the long run it's gonna be cheaper for everybody involved.

And so with that, Madam President, I wholeheartedly support the bill before us. And I want to thank Senator Kelly, Senator Lesser and the members of Public Health Committee that are bringing that before us today.

I think everybody will benefit by passing this bill.

Thank you, Madam President.

THE CHAIR:

Thank you so much, Senator Witkos. We are going to move to Senator Duff, who is going to his seat. And Senator Duff will be followed by Senator Fasano to

be followed by Senator Looney, just so everybody is prepared.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, ma'am -- thank you, Madam President, I don't really have a lot of comments. I want to certainly thank our Chair, Senator Lesser, Senator Abrams and others who have worked hard on this bill. I know we have members on the other side of the aisle who have certainly labored also on this issue. It is not a partisan issue. It is one that we -- we learn from because as Senator Lesser said, the world has changed, and we know what we need to do going forward and especially early next session what we have to do here in this Chamber and this legislature to improve the lives of our residents through expanded use of telehealth.

So, I just rise quickly to say, thank you to the folks who worked on this and to support the measure strongly and ask for a yes vote.

Thank you, Madam President.

THE CHAIR:

Senator Duff, thank you so much. Will you remark further? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. I'm speaking in support of the bill. I hope that our vote here this afternoon in the Senate will reflect the unanimous

bipartisan vote held in the House of Representatives where it was, I believe, 145 to nothing last Thursday.

Again, Madam President, this bill is an extension of an executive order issued by the Governor as was the first bill we took up today in absentee ballots, which created for the November election the option for absentee balloting that he did by executive order for the primary.

This now will extend until March 15th. The Governor's response, and I think a highly appropriate and timely response to the crisis that people were seeing since March, being unable to get appointments with their doctors. Their doctors no longer seeing patients. And the concern about having alternate ways of keeping in touch with physicians and ways that we're going to be insured and that physicians would be compensated for those visits.

So, we have been talking about telehealth in this Chamber and in this General Assembly for the last couple of years, but obviously as, in many other circumstances, issues can get accelerated by a crisis and that's again what has happened here in terms of the pandemic impelling a decision that might otherwise have taken much longer to make.

So, in this case, we are going forward until March. Many of us would have preferred a -- a further extension than March. I know that Senator Lesser was an advocate for that as were others. But at least it does get us into -- into the next session with an opportunity to address this further and adopt permanent legislation, I would hope, that will

make this an essential part and a permanent option in our healthcare practice.

Again, I think it's also important so that we have the provision in the bill that provides for the audio option as well as the video option. There are many, many elderly patients and others who might be somewhat intimidated by the option of having to negotiate on Zoom or some other mechanism but are comfortable making a -- a phone call to a physician. And that will be covered in this as well and I think that's a very important piece of outreach.

So, again, would -- would like to thank all of those that worked on this in -- in this Chamber, Senator Lesser, of course, from the Insurance and Real Estate Committee, Senator Abrams from the Public Health Committee, her input was essential in all of this. Senator Moore had a substantial role and interest in this bill from the point of view of the Human Services Committee. I want to thank our Majority Leader, Senator Duff, for his interest and, of course, since the -- the bill has universal support, it has been bipartisan. I want to thank the Republican leadership in this Chamber as well for their interest in this and their advocacy for their own constituents, recognizing the essential nature of this as -- as well as their counterparts in the House.

So -- so, Madam President, I hope that we will see the kind of unanimous vote that the House had that reflected the fact that this is what we need to be doing as a -- as a healthcare response with additional flexibility, additional options, additional creativity to deal with what we're seeing in this pandemic.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Will you remark further?
Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, we're
going to PT the bill with a big T on -- at the end
there.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. The Senate stand at
ease, please.

Madam President.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Would the Clerk now
please call -- oh, I'm sorry. We're gonna actually
hold for a point -- a couple of points of personal
privilege. So, we'll stand at ease for a moment.

THE CHAIR:

Good afternoon, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to yield to Senator Fasano for a point of personal privilege.

THE CHAIR:

Good afternoon, Senator Fasano, please proceed.

SENATOR FASANO (34TH):

Good afternoon, Madam President. Thank you, Senator Duff. Madam President, over the past couple of days there was a coach of mine at Yale football, who passed away. His name is David Kelley. David Kelley was an outstanding defensive football coach. Buddy Mendillo was the head coach and he retired and actually passed away too, unfortunately. But David Kelley came onboard in 19 -- I think it was 1972 he became onboard and stayed to 1996. And he used to say that defenses won championships. Now, as an offensive player, so I'm not sure that I agreed with that statement, but nevertheless, he won many a championships.

He was a -- a coach of a coach. If you read the number of players that wrote on a chain email that I'm on, how they changed -- how he changed their lives around. Kids who he met in sophomore year in their high school and said, you got to get on the books, you got to get on the SATs. You've got to work hard. And then they ended up going to a fine institution, Yale University, and became great football players. He coached a number of players

who played in the NFL. And the list goes on. Those who had difficulties with their families, Coach Kelley was like a dad. He was a great human being. He was a great coach. He was stern. He was tough, but he was compassionate. You never knew until after the fact what he really was testing in you. And many times it was years after you figured out what Coach Kelley was trying to get to.

He was a great guy. We're gonna miss him. Yale University will miss him. The team is gonna miss him.

And Madam President, I ask that we have a moment of silence in honor of Coach Kelley.

THE CHAIR:

Please observe a moment of silence. (Gavel)

Thank you so much.

SENATOR FASANO (34TH):

Thank you.

SENATOR DUFF (25TH):

Madam President.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you. We have one more point of personal privilege if we could just stand at ease for a moment.

THE CHAIR:

Yes, indeed, the Senate will stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I now would like to yield to Senator Abrams for a point of personal privilege.

THE CHAIR:

Senator Abrams.

SENATOR DAUGHERTY ABRAMS (13TH):

Thank you, Madam President. As I catch my breath, I stand here today to thank my aide, Gabrielle Diaz, who is leaving as of tomorrow to go pursue law school. And I'm so very proud of her and the work that she's done here. We entered this incredible experience together, both brand new, often looking at one another, wondering if we were doing the right thing. But she has been incredible with constituent service. She has been amazing at understanding bills and talking about them. She is intelligent and wonderfully kind and a good person. And I couldn't be prouder of having shared these last two years with her. And I wish her the very best of luck.

Thank you.

THE CHAIR:

Thank you, Senator, and do tell us what law school is she going to?

SENATOR DAUGHERTY ABRAMS (13TH):

She will be attending Fordham.

THE CHAIR:

Excellent. Thank you so much, Senator.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, can the Senate stand at ease for a moment, please?

THE CHAIR:

The Senate will stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Before we get to our next bill, I think we can go back to the first bill and House Bill 6002, Emergency Certified Bill. And if the -- I believe the debate is finished, so if we can open up the -- yes, ma'am.

THE CHAIR:

Yes, indeed, Mr. Clerk.

SENATOR DUFF (25TH):

Hold on one second, please. Hold on one second.

Madam President.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, it's -
- actually, I'm going to PTT again, House Bill 6001
-- I'm sorry, 6002. And if we can call House Bill
6001 and I believe the debate on that is finished
and we can open that up for a vote.

Thank you, Madam President.

THE CHAIR:

Thank you. Mr. Clerk, kindly call for a roll call
vote and the machines will be opened.

CLERK:

An immediate roll call vote has been ordered in the
Senate. An immediate roll call vote has been
ordered in the Senate on House -- House Bill No.
6001. Immediate House -- immediate roll call vote
has been ordered in the Senate on House Bill No.
6001. Oh, you know what -- again -- an immediate
roll call vote has been ordered in the Senate. An

immediate roll call vote has been ordered in the Senate on House Bill 6001.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? If so, the machine will be locked and Mr. Clerk, if you would kindly announce the tally.

CLERK:

House Bill 6001.

Total number voting	35
Those voting Yea	35
Those voting Nay	0

THE CHAIR:

(Gavel)

CLERK:

Absent and not voting	1
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Sorry.

THE CHAIR:

Sorry about that, Mr. Clerk. And the measure is adopted.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to immediately transmit this bill to the Governor, please.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I think we're ready to vote on our second bill that was PT'd, if the Clerk could call back House Bill 6002. And again, I believe, the debate was finished on that.

THE CHAIR:

Mr. Clerk, if you would kindly call the roll on the next piece of legislation and the machine will be opened.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill No. 6002. Immediate roll call vote has -- an immediate roll call vote has been ordered in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? Have all the Senators voted, the machine will be locked. And, Mr. Clerk, if you could kindly announce the tally, please.

CLERK:

House Bill 6003.

Total number voting	36
Those voting Yea	35
Those voting Nay	1
Absent and not voting	0

THE CHAIR:

(Gavel) And the measure is adopted.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to immediately transmit this bill to the Governor, please.

THE CHAIR:

And that will be so ordered.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, would the Clerk now please call Emergency Certified Bill, House Bill 6003.

THE CHAIR:

Mr. Clerk.

CLERK:

House Bill No. 6003, AN ACT CONCERNING DIABETES AND
HIGH DEDUCTIBLE HEALTH PLANS.

THE CHAIR:

Thank you. Good afternoon, Senator Lesser.

SENATOR LESSER (9TH):

Good afternoon, Madam President. Madam President, I
move passage of the Emergency Certified Bill in
concurrence with the House.

THE CHAIR:

And the question is on adoption. Will you remark?

SENATOR LESSER (9TH):

Yes, Madam President. Before we get into this bill,
I would ask the members of the Chamber to take a
minute and to think back through your lives at all
of the people you've known in your life who have had
type 1 diabetes. Because for most of human history,
a -- the existence of type 1 diabetes was a death
sentence for children all across the world. But 99
years ago yesterday -- 99 years ago yesterday, a
Canadian medical student by the name of Frederick
Banting discovered a drug -- developed an injectable
form of insulin that changed everything.

And on July 27th, 1921, that drug made it possible
for type 1 diabetes to be a manageable condition.
Now, Mr. Banting could have patented that
medication, tried to become a wealthy man. But
instead he gave it away to the world because he
recognized that it had a critical public role in

keeping people alive and for the entire rest of that 20th Century, when the drug came on the market two years later in 1923, he won the Nobel Prize. Throughout the entire 20th Century, that drug saved countless lives.

But what we've seen over the last few years, what we've seen is the promise of that drug, the promise of insulin slipping away from too many people, including a lot of people in this state, the richest state in the United States of America. Because over the last few years, the price of insulin has soured. As of today, only three companies in the world control the source of insulin. A Danish company, Novo Nordisk, a French company, Sanofi, and an American Company, Eli Lilly. And those three companies have raised the price higher and higher and higher and higher. Meaning that for many folks who require insulin just to stay alive, the promise of that drug, the promise of that discovery in 1921 is increasingly out of reach. In 2018, researchers affiliated with Yale University published a study that took place in New Haven, Connecticut. And they found that one in four people who needed insulin to stay alive were rationing access to that drug because they could not afford it, one in four people. That was right here in Connecticut.

Today, the average price of a vial of insulin is somewhere between \$274 and \$446 a vial, out-of-pocket costs per year.

The average out-of-pocket cost in the United States has gone from about \$2900 to \$5700 just to manage the price of insulin and that's even before you get to the cost of diabetes supplies. Because you don't

just need the insulin, you also need test strips and glucometers, all sorts of different equipment.

We heard stories in the Insurance Committee about how this is affecting real people all over Connecticut. We heard from Thomas Tzikas, a Groton resident, who went to the pharmacy in Connecticut around the holidays this past year and discovered that he had arrived three days early. And as a result, he could not get the insulin he needed to stay alive. Thomas told us the story of what he went through, which was diabetic ketoacidosis, a life-threatening condition that put him in the hospital and came very, very close to killing him.

We heard from Campbell, a young man who's a student at West Conn, Western Connecticut State University, who spends more money on insulin than he does on his tuition. And we heard from Kristen Whitney Daniels, who was spending over 100 percent of her pay at one point on insulin before she discovered that you could get affordable insulin through her local community health center. I want to talk about this bill, and I want to talk about why we're debating it right now and then I want to go into what the -- the bill actually -- the bill actually does.

But first I want to thank my leadership, Senator Looney in particular for making this bill, Senate Bill 1 and saying that this was the top priority of Senate Democrats this year before the pandemic hit. And that's how we started this conversation. Was that decision that this was going to be a critical priority. But I know that there are many folks out there who are watching this debate insulin today and say, you know, there's a pandemic going on, why are you focused on this issue, when we should be talking

about that other issue. Well, okay, let's talk about the larger issue of healthcare access. Let's talk about pandemic response. But this issue is a big one.

And I will say that if there's one thing we learned about during the pandemic, it's about the crisis of health equity in our state and our country. And there is no place where that is more obvious to me than in the affordability and the availability of insulin. Because if you are rich in this country, you can get insulin if you need it. And if you're poor and you're on Medicaid, you could probably get it. But for a lot of people in this state who are maybe a little bit too rich to be eligible for Medicaid, you're out of luck. If you're on a high deductible plan, God help you in January, if you've got to pay thousands of dollars before you can even meet your deductible.

So, this bill's about trying to ease those inequities. It's about trying to address the problems that Yale found in New Haven just a couple of years ago. And we're trying to do that in a few different ways. We're trying to get people no matter how they get their health insurance to make sure that this is a safety net bill that means that not one more person should die in Connecticut because they can't afford access to a drug, they need to stay alive. So, how are we going to do that?

Well, for starters, we pass in this bill -- we will pass the strongest cap on the price of the out-of-pocket cost of insulin in the United States. We will cap it at \$25 a month for everybody with a state-regulated plan. We will be the first state to

cap out-of-pocket costs for diabetes supplies at \$100 a month. Some people need non-insulin drugs as well. We cap those at \$25 a month. And we are now -- we will be the strongest most pro-consumer state in the country when it comes to controlling out-of-pocket costs for insulin. But we don't stop there. We -- we move to address the urgent need for emergency insulin and for people who are at risk of dying because they need insulin and they can't wait a few weeks to go in and see a doctor. So, we expand our existing emergency medication law to make sure that people can get up to a 30-day supply of insulin and diabetes supplies once a year from a pharmacy with an expired prescription, with no prescription, but having met some basic safeguards to make sure that they're gonna be -- they're gonna do so safely. That's called Kevin's law. It's been passed by 18 states. We'll be the 19th state to do it.

And then -- and then, of course, people say, well, look, there's some bigger issues, right? You can't regulate all forms of health insurance. People get health insurance through federally regulated plans. What are we gonna do about the actual cost of insulin? And that's the third piece of this bill. And there what we're trying to do is leverage a program that was created by Congress in 1992. It's called the 340B Program. And it makes pharmaceutical companies sell drugs to people at affordable prices.

So, we're gonna try to leverage our existing community health centers all across the State of Connecticut to try to get affordable access to insulin to folks who are underinsured in high-deductible plans, the folks who have no insurance to

make sure that nobody gets left behind in this program.

Now, I will tell you that that last part was the most controversial part of this bill for a while. Some folks thought it was a little bit of a screwy idea, but a funny thing happened last week, and Senator Kelly and I were just talking about this a few -- a few minutes ago. Because we passed the bill through the House Thursday night of last week. And then Friday -- Friday, just about 24 hours later, the President of the United States, a man I sometimes disagree with on matters of public policy, issued an executive order mirroring this section of the bill, saying that on a national basis, President Trump is asking community health centers to use the 340B Program to make insulin affordable for everyone across the country. If this passes, Connecticut will be in the lead nationally. We will be, I guarantee you, the first state to move to make this actually happen.

So, with that, Madam President, this is a comprehensive bill. It is a strong bill. It will save lives. It will save lives all across Connecticut and it will make Connecticut a national leader in the fight to make sure that not one more person has to die because they can't get the insulin, or the diabetes supplies they need. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Lesser. Will you remark further? Senator Kelly, good afternoon.

SENATOR KELLY (21ST):

Good afternoon, and thank you, Madam President. I also rise in support of this bill. A little bit different tack than the good Senator in that I'm not gonna let the perfect be the enemy of the good here. This is a very good bill because it does move healthcare forward and it's an issue that as Senator Lesser indicated before the Insurance Committee, we heard very riveting and heart wrenching comment and testimony from individuals who can't afford insulin and that impacts the quality of their life on a daily basis.

Just imagine what it's like for a moment to have to be dependent on a pharmaceutical and not being able to afford that. You know it's lifesaving. You know you have to have it. But if your means don't allow it, what usually happens is people either ration their prescription or if they're lucky, they get a referral to something like the federal qualified health center and can get access to affordable low-cost quality insulin.

But for those individuals who begin to ration, that becomes a bigger problem and not only has a situation where diabetes go out of control, but it has ancillary health problems and healthcare costs that then ripple through the entire healthcare system.

This bill, getting insulin to people in a timely manner, will actually not only improve their health outcome, but I believe it will also help improve the entire healthcare system. That is why I think this is great that we're going to make insulin more affordable to more people.

While a cap on a co-payer deductible will achieve that in the short run, one of my concerns is we're not doing anything for the long run. And while this caps the initial coplayer deductible, it doesn't cap the cost of what it means on the system or to the carriers.

The bills we're gonna talk about today, the other three, the absentee ballots, the telehealth and police accountability all relate back to either Covid or current events. And I see the necessity to bring all of these up. And don't let me diminish that the value of insulin is critical, it's very important. But I also before that when we start looking at healthcare, we have a missed opportunity here in that we're not also looking at trying to control the overall cost.

If we're gonna look at insulin, we should also look at what else is out there. How can we get our arms around the overall cost of healthcare so that we can not only bring the price down for somebody who needs insulin, but for every single family in the State of Connecticut that is paying exorbitant costs for their healthcare premiums and we're not picking that issue up now. That is just as important as this one.

We're also not looking at another part of this, it was touched on by Senator Lesser, but we're not looking at the inequity of health outcomes based on race. We proposed the bill during session to look at that, to study that, to get an answer to that because even before current events, the numbers were that striking that something needed to be done. We're not picking that up now. But that's an issue that needs to be looked at. And we need to be

prepared to deal with that issue and to move that issue forward also.

With regards to the inclusion in this bill of the federal qualified health centers and the 340B, Senator Lesser was a huge advocate of this, and I was very pleased to see that included. And I was also pleased to see that the President also sees the value of the 340B Program and making sure that low-cost insulin is available to low income Americans.

We heard testimony, and you heard from Senator Lesser that a monthly cost anywhere from \$240 -- \$74 to \$446 a month, \$2900 a year at the low end, \$57 at the high end. We also heard testimony that people can get insulin through the FQHC at \$14 a month, that's \$168 a year, what a difference in the family budget if you're able to get your insulin at that low cost. What a difference that makes in that family and that individual's life and the health outcome that that's going to achieve.

What we do in this bill is we're going to make or we're going to ask, I guess, DSS, to put together a workgroup to start to look at this issue so that we can start to refer individuals to the 340B Program to make this more available, accessible to improve not only individual's life and health outcomes but also bring about lower costs throughout the system.

For these reasons, Madam President, I stand in support of this bill. I think it does a lot of great things right now and it's why we have to do it now. We need to do this sooner rather than later. I think there were areas, one area is with the emergency seven-day insulin that was originally in Senate Bill 1 that provided that access to no cost

insulin for seven days. It was in the bill, now it's not. I know that we've expanded that from seven to 30. However, I think seven at no cost is better than 30 at a cost.

For those reasons, Madam President, I would urge my colleagues to support this bill. Thank you.

THE CHAIR:

Thank you so much, Senator Kelly. Senator Anwar will be followed by Senator Sampson. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you. Thank you, Madam President. Thank you again for this. I -- I -- I rise in support of this bill. I wanted to thank Senator Lesser and Senator Kelly for their effort. And Senator Lesser, your very important remarks that you made that we will have an opportunity to make a difference in the entire country by showing a path of what can be done.

And it's not every day that one gets to vote on bills, which are going to save lives. And the three bills that we have, this is the third one for the day that we are voting on or we are going to be discuss -- hope -- hopefully voting on shortly that this is going to truly save lives.

I want to share a concept with everyone and especially if anybody is not sure they would support this is that think about oxygen. Each and every one of us breathes, we take it for granted that we are inhaling oxygen because that is part of our existence, that's part of our -- how we are going to

survive. Individuals at the cellular level, the glucose which goes in goes through insulin. And if that insulin does not go in, the glucose does not come in. And if the glucose is not in, the cells are unable to function. And -- and for insulin-dependent diabetics, type 1 diabetics, this is a lifeline. This is their oxygen. And what has been happening is that the cost of this oxygen for their survival has been increased to the point that they're choosing -- choosing to barely survive, if not die.

And then the non-insulin-dependent diabetics or the type 2 diabetics who actually depend on insulin ultimately, their insulin resistance requires them to be on insulin. And they're 90 percent of the population of the diabetics and they actually require this as well. And they also are making choices not to be able to take the medicine because they cannot afford it and subsequently have the long-term impact.

I want to share a brief story about one of my patients. He was a young gentleman. He actually would come to the intensive care unit with what we call diabetic ketoacidosis, wherein, lack of insulin leads to the -- the glucose levels being so high that they become acidotic, that they can't breathe, and their blood pressure drops, and they lose all the body fluid in the process. And this is associated with death in these young people. We have to manage them in the intensive care units. And when he kept coming back, we actually started to say, you have the medicines, we have the prescriptions, the reality was he could not afford the insulin and he was rationing the insulin. And I think there were some other people like him who

actually came and spoke at the testimony. And if anybody wants to listen to the testimony of how this is impacting the life of many of the people in our communities, they would recognize that this is real and it's impacting each and every diabetic in some way or the other.

The ones who actually do not have the resources, they get impacted the most. So, again, the impact, I want to share some numbers. The number of -- there are 3-million in our country of type 1 diabetics and there are 30-million type 2 diabetics.

In the State of Connecticut, it's believed that we have 350,000 patients with diabetes. This is actually a few years ago, so the number has increased at this time. In the acute setting, diabetic ketoacidosis is associated with death and long-term unmanaged or poorly managed diabetes is associated with and it actually is one of the main causes of blindness in the elderly or older patients. It is one of the main causes of renal failure. And if you look at the number of individuals who are on dialysis, they are on dialysis because of chronic diabetes or poorly controlled chronic diabetes.

Literally managing diabetes appropriately would protect their kidneys. Any part of the body where there's blood flow, the blood vessels are going to be impacted, including the nerve endings. So, the neuropathy associated with this makes the life miserable of individuals when it's not managed. And similarly, strokes and heart attacks are -- this is the leading cause of death in -- in cardiac problems, the causation of that.

If you put all of this together, we are making a very important decision, hopefully people -- every single person would vote for this because we are making a very important decision as a state that we are saying that your oxygen, your lifeline is going to be supported and we will not let people make money off you just because you are asking to survive. And -- and -- and this is something that should have happened a few months ago and, of course, Covid got into the way, but this is a disaster or a pandemic of diabetes that was impacting us way before this current pandemic and I'm glad you are taking this on because people have been waiting for a long time for this support.

So, Madam President, I would urge all of my colleagues to please support this bill. This is going to truly save lives. This is one recommendation that is, if you interact with anybody who is diabetic, who is surviving barely because of lack of ability to pay for insulin, this is their lifeline.

So, thank you again.

THE CHAIR:

Thank you, Senator Anwar. We will move to Senator Sampson who will be followed by Senator Needleman. Senator Sampson, good afternoon.

SENATOR SAMPSON (16TH):

Thank you, Madam President, and good afternoon to you, also. I rise, Madam President, in opposition to the legislation before us and not because I want to see higher prices for insulin, of course, because

who on earth would want that. I'm certain there are going to be some people and certainly around election time who will try and claim that that's why I stood here before you today and said this is a bad bill and we should vote no. But obviously that's not true because it would make no sense for anyone to get up and say that they want someone else to suffer or pay more for medication.

If I actually thought that this bill was good policy or that it was going to benefit my constituents, of course, I would vote for it. Instead, I rise because someone needs to point out that simply claiming to help people with a bill does not necessarily equate to helping people. This bill is more about helping some people at the expense of others. I am constantly frustrated by the political nature of the policy that flows through this Chamber. And the proponent of the bill made it very clear that this bill is really more about equity, as he put it, and I would call it Socialism.

It's not about lowering the cost of healthcare, which is what we should be focused on. And also, as I pointed out earlier when we were talking about the election bill, what exactly is happening here? In the state that we are in, in the midst of an emergency, and it certainly seems like we're in an emergency. Everyone in this room is wearing a mask. We are here at the Capital in limited numbers. We are restricted from being in this room too close to one another. And we are taking up bills that are allegedly emergency certified. But is this bill an emergency? Why is this bill even before us today, when there are so many more pressing concerns for the State of Connecticut?

Now, I'm certain that people that are affected by insulin prices will put this at the high list of things that they're concerned about and I sympathize with them. And we should have been addressing the cost of insulin and other healthcare items for years. And I have been doing my best to make sure that I do that when I am here.

But today is a day that's supposed to be focused on doing things based on the Covid-19 emergency. And this bill, key parts of it do not even go into effect until March of 2022. A whole other legislature will be elected by then. There's no reason to be doing this today. It could easily be done any time between now and March of 2022 from my understanding.

And, of course, I know the public would see right through that, if they managed to see my speech today. They would recognize, oh, yeah, that makes a lot of sense. This bill, whether it has any redeeming quality or not, and I won't say that it's completely bad. There are some elements in it that I would support, but it is not an emergency. And it does not need to be done today or in this manner and the same is true of the police bill, which we're gonna do next. We are supposed to follow a process, and this is not it. This bill itself is in direct contradiction to solutions that would make sense. Foremost, it does not address the root problem, even though it's been claimed several times, the biggest issue with this bill is that it doesn't actually reduce the price of insulin. The price of insulin remains unchanged. Sure, the language in this bill finds a way to rearrange and fenagle who is paying for it and how much they pay, mostly by requiring some people to pay more insurance premium so other

can pay a lesser charge. But at the end of the day, that doesn't affect the price of insulin. That just decides that some people will pay for others benefit.

Worse, this bill actually eliminates the market forces that might cause the price of insulin to be reduced by capping the out-of-pocket costs for non-insulin diabetes drugs and equipment, which my understanding is their prices are not ridiculous anyway. The same market forces disappear for those products and potentially forcing those prices up also.

If the out-of-pocket cost is capped, insurers are unable to negotiate with the drug companies. It is actually often the threat of a drug being moved down a tier on an insurance formulary, which is the process by which they rate drugs and what they should cost, making it more expensive versus less desirable to the patients. This forces the drug companies to come to the table on the price. And when you fix that price, there's no market forces to make the companies come to the table and lower the price on the drug.

I think that this would be better if we just passed a law that the State of Connecticut bought the insulin and gave it out. It's a much more direct route to what's actually happening in this bill, which is we're asking consumers of insurance to pay more for their insurance so that other people can have a reduction in their out-of-pocket costs.

Incidentally, a lot of things have changed just in the last few days, since this same bill passed the House of Representatives. And I want to thank

Senator Kelly for noting the Governor's executive orders and I know the proponent mentioned them also. But those executive orders actually attack the problem. They're attacking the cost of insulin created by the interference of government, that is what the problem is. The interference of government. And this bill is just more interference of government.

Back in May, the Trump Administration brokered an agreement between insulin manufacturers and some Medicare prescription drug plans that would lower costs for some seniors beginning in 2021 by capping copays at \$35 for a monthly supply. A figure that administration officials said would lead to roughly two-thirds -- forgive me, I'm reading this from the Washington Post from May 26th. A huge drop in out-of-pocket costs and would certainly help seniors on fixed incomes with the cost of their insulin.

The other factors that are in this bill that mirror what's happening in the executive orders don't even need to be here because the executive order takes care of it. That was what was actually gonna get me to vote for this bill was those pieces, which have been taken care of already on a federal level. The rest of this bill is nothing but redistribution, that's all it is.

Those new orders that the President of the United States has issued attack the bureaucracy and all the government regulation that allows the cost to skyrocket, basically creating a situation where drug manufacturers must charge Medicare plans the lowest rate they charge anyone, they call that most favored nation status. That's a brilliant idea and it basically causes our government to pay less for the

drugs, which means that less of it will be passed on to the consumer.

This actually addresses the cost of healthcare and instead of doing what this bill does, which is rearranging the prices that this bill does and does nothing to actually fix the root of the problem. I was watching the House debate a few days ago and I almost fell out of my chair watching Representatives Arora and Representative Scanlon. They were trying to outdo each other on who should offer more Communism as a solution to the problem. They were discussing questions like whether or not we should attack the insulin manufacturers. This shows a complete lack of understanding on how markets work and why we live in the most affluent and prosperous society in all of mankind's history.

Insulin, like everything else, exists only because someone could make money inventing it or producing it. That's where things come from. If you take that away, if you start telling drug manufacturers, don't bother coming up with a cure for cancer because we're not going to reward you for it, guess what happens? No one comes up with a cure for cancer. And that's what this is. This is at the root of all of these changes that we're seeing in healthcare. We're seeing attacking the producers of the answers and rewarding the government. Lifesaving drugs and cures are created by those seeking a reward. Drug companies invest millions of dollars in research and development. Sometimes only for a maybe that they will discover a viable product. If you continue to punish them, they will stop making drugs. It's just that simple. Oh, and yes, those two representatives when they were discussing it, they revealed the dirty secret of

this bill, which is that it is going to make our health insurance premiums more expensive. The next time you open up your healthcare insurance premium bill and you look at it and the number goes up; I want you to remember who voted yes on this bill and who voted no.

I'm the guy who said, your premium should not go up. In fact, just this week, Anthem announced that they will be seeking premium increases of 9.5 percent for their 2021 health plans. And ConnectiCare, their increase was 5 1/2 percent.

I don't know about anyone out there listening, but I didn't get a raise of 9.5 percent in my career. I don't know too many people that are getting raises right now. People are suffering because of the oppressive amount of taxation we have in this state, the bleak outlook for our future economy because of the way businesses have been treated all along and especially during this Covid situation. And yet, the costs are going to continue to rise. And we're gonna continue to come in here on an emergency to pass a bill that's gonna jack up your insurance premiums even more.

There's also going to be an increase in your property taxes because obviously these costs are gonna be passed on to municipalities also because they're going to have to eat the due charges.

I mentioned earlier that some of this bill doesn't take place until January 1st of 2022. And the reason for that is because we need time to give the insurance companies a chance to adjust their premiums and charge you more. You got to remember that when the government imposes price controls,

someone has to pay. Nothing is for free. And there are always going to be consequences. I have made a promise since the very first time I ever ran for office that I would not vote to raise taxes on my constituents. I made that very easy promise for me because I feel like we're paying way too much in taxes already. And I figured the day, if it ever came that I think that we need to raise taxes in the state, that would be my signal that I could retire and walk away from this career.

I bet if we polled Connecticut residents, how many do you think would agree that they don't want their insurance premiums to go up anymore? Well, that's the reason why I'm voting no, Madam President. I'm voting no because I want to see insurance premiums go down, not up. I wish we had the time here to discuss in great detail about what has happened to the healthcare industry in our country. But I wrote down a few bullet points.

The first one is that there is a lack of competition. And that lack of competition was caused by, guess who, the government. The state government of Connecticut has essentially caused us from having dozens of healthcare providers down to three, maybe it's even two at this point. And that's because they put so many rules and regulations and requirements on the that they're like, you know what, this is not a place to do business. And when we have less competition, we have higher prices. Government regulations add costs at every step along the way of healthcare delivery from the very, very first time a drug is produced, or a piece of equipment is made, or a doctor's office is established, or a hospital is built, all the way up to the delivery to the

patient, there's a million steps. And every one of them has some cost for government built into it.

And the cost of healthcare is now being dictated by government specifying by what is covered, who gets paid and how much. There's no freedom, there's no market in any of it anymore. People are easy at pointing their finger at the insurance companies and look, there's plenty of blame there. But insurance companies are simply doing what they're told. This body votes and tells them, you have to cover this, you have to cover this, you have to cover this, you have to cover this. You have to cap the price of insulin for some people and jack up the prices for other people, so they do it. And when they do it, your bill is more. Unfettered lawsuits, malpractice, trial lawyers, tort laws, all of these things are things we can affect. We can write policy to make this go away. But there are people influencing this body. There are trial lawyers who will stand in the way of any reform that might prevent ridiculous claims that might reduce the cost of malpractice insurance, thereby lowering the cost that doctor's charge for each visit and the cost of healthcare. And now government intervention in the marketplace itself.

Yes, Madam President, I am voting no because I don't want socialized medicine. It is not okay to continue to raise premiums as a bandaid to the rising cost of healthcare and insurance. Something has to give. And year -- year -- excuse me, year after year, I have offered bill after bill to restore competition to the insurance marketplace, to allow consumers to choose what products they want to buy and allow carriers what products they want to offer so that they could come up with a myriad of plans for people, so people could right-size their

insurance for themselves. And the answer is always the same, no. We only offer one size fits all, too expensive insurance in this state.

And this bill's only gonna make it worse. Look around the world, folks, socialism does not work. And incidentally, this bill is a failure in many ways, not just because it abandons market principles, but it even fails as socialism. I'm gonna get to that in a second. But I want to mention also a very concerning section that should raise red flags for anyone about requiring pharmacists just prescribe and dispense drugs that formerly required an actual doctor to prescribe. This raises all kinds of concerns. Why do we bother licensing physicians or pharmacists, if we're just gonna make them interchangeable every time we write a bill and it suits us? And aren't we creating liability for those pharmacists? What if they screw up? Is their insurance gonna go up more so that the cost of drugs costs more at the drugstore now? I think that's what happens next when you create new liability for people.

This bill actually barely helps with those high deductible health plans since those people are still gonna have their high deductible and they probably meet it in most cases anyway. It just takes a little longer when you cap it for one particular item.

And when I said this bill fails at socialism, well, it's because it fails to address people who don't have any insurance at all. And it's kind of funny reading the bill because there's a very clever section about how it's worded to say that they get to pay the usual customary charge to the public.

And if you read through that definition basically it means, they get to pay whatever the charge is, no benefit to them whatsoever.

Oh, and this bill does not just raise your insurance premiums and your property taxes, but it will raise your state taxes too because this bill has a charge of \$100,000 to fund the Department of Social Services and another \$15,000 will go to the Department of Consumer Protection. You and me and everyone else is going to be paying for that also.

There were only a couple of brave souls in the House that voted no on this bill. It's mainly because a lot of people don't understand what is actually happening here. And, of course, as I started with, it sounds good. That seems to be the point here lately. If it sounds good, vote for it. Of course, it's also designed for the few of us who actually want to see good and productive public policy that actually gets to the root of the problem passed, so that we vote against it. So, it's a ready-made campaign flyer. I can see it now, Senator Sampson votes against reduced insulin prices. Well, have at it. I'm sure I can defend myself. I'll tell people that I fought to lower their insurance premiums and I'll be proud when I do it.

For the record, I am in favor of lower insulin prices and lower health costs and lower insurance costs across the board and lower taxes, too. This bill is bad policy and it should be scrapped. We should come back here in January and begin to write laws that benefit our constituents through minimizing government involvement and encouraging market forces, competition and accountability to affect the rates that we pay for insurance.

I guess that's all I have to say, Madam President. Except, just a final reminder that when anyone watching this gets their insurance premium bill to keep an eye on this vote tally and remember who was looking out for you.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Will you remark further, Senator Lesser?

SENATOR LESSER (9TH):

Yes. Thank you, Madam President, and I'm sorry to see the Senator from Wolcott leaving the room because when I heard him waxing poetically about Communists and Socialists, I was looking around to see of Vladimir Lenin and the Red Army was going to be marching into this Chamber.

You know, I spoke -- when I spoke on this bill and spoke about the need to pass it, I emphasized that the reason we should be voting for it is because it's gonna save lives because it's the right thing to do. And it is the right thing to do. If you have empathy for people in this state, even if you are not yourself a type 1 diabetic or have a diabetes that requires insulin, even if it doesn't affect your family, this is the right thing to do for our state, for our community.

But even if you don't care about that, even if you don't have that concern, this also makes fiscal sense. This is the right thing to do as a matter of

public policy. And the reason for that, the reason that Cigna and other insurance companies are now capping insulin costs on a voluntary basis is because if you think the price of insulin is high, wait till you see what the price of not managing diabetes is. That's out of control. You want to look at costs in our country? You want to look at costs in our healthcare system, go look at the cost of complications. Go look at -- go look at what happens if you don't get the emergency insulin that Senator Sampson was just talking about. That a pharmacist would prescribe to someone in an emergency to keep them alive. If they don't get that insulin, they will die, they could die. And if they don't die, they could wind up with life-threatening and extremely expensive complications.

Inside this bill, Senator Sampson mentioned the idea, well, why don't you just go out and buy insulin for the people of Connecticut instead of trying to regulate the market? It's a good question actually. And in this bill, we direct the Department of Social Services to look at that. And what the -- part of the bill directs is that the Commissioner of Social Services will look at the feasibility of applying for something called an 1115 waiver. And what that will say is if the -- if buying insulin for people who can't afford it will lower healthcare costs for everybody. It means if it doesn't cost taxpayers a penny, we're gonna try and do that. We think that actually might work because what isn't fiscally responsible, what isn't fiscally prudent is the status quo where one in four residents of this state is rationing the care that they need.

You know, the claim was made that we're not doing anything about uninsured people, that's not correct. It mentioned the 340B Program that will absolutely be a lifeline to them, that we're not addressing the root problem. The root problem of this issue is that three companies regulated not by us but by the federal government, by countries around the world, three companies have a cartel. They control the supply. They set the prices. The man who invented this drug didn't do it for greed, he did it to save lives. He gave the patent away to the world.

The companies that are producing the drug today though have very different motivations and that's what this is intended to do.

And lastly, lastly, if this bill were such a radical idea, we wouldn't be seeing the bipartisan support, including the support of the President of the United States for a critical component of it at this time.

Hopefully, as Democrats, as Republicans, we can get together, all 36 of us to do something at a difficult time for our state to save lives, to help people out financially, to make the state just a little bit better.

Thank you.

THE CHAIR:

Thank you, Senator Lesser. Will you remark further on this legislation, Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Thank you, Madam President, it's so nice to see you.

THE CHAIR:

Good afternoon, sir.

SENATOR NEEDLEMAN (33RD):

Well, part of you. I just want to commend and thank Senator Lesser and -- and his cohort on the House Committee. This is such an important bill to move forward. To me, this is personal. My mother contracted type 1 diabetes when she was pregnant with me. She always introduced me as the son who gave her diabetes. I had to live with that for a long time. But -- but I watched her taking two injections every day. It was the issue at that point was reusable needles and buying insulin and when she got older, she couldn't see the bottles, but it was never cost.

How we went from the 1950s, '60s, '70s, '80s and '90s to now where cost of insulin is an issue defies logic. These are not new drugs. These are not new treatments. So, it is about time that the Senate and the State of Connecticut dealt with this issue. And I am incredibly grateful that you've moved this forward.

Thank you.

THE CHAIR:

Thank you so much, Senator Needleman. Will you remark further on the bill that is before us? Good afternoon, Senator Somers.

SENATOR SOMERS (18TH):

Good afternoon. Thank you, Madam President. And I rise to ask a few questions on this bill. I am somebody who has had the honor and privilege of working with physicians that worked on things like the polio vaccine in my past. And many of these physicians have talked about, that are still alive with us today, have talked about how as Senator Needleman has just said, there's many drugs that we have used for decades that are not new drugs, but yet the price has increased at an alarming rate.

I support this bill in concept as far as being able to provide life-supporting medication that really for many, if you're a type 1 diabetic, is the difference between life and death.

One of the questions or concerns I have with the way the bill is written is the authority that is given to a pharmacist to actually not now dispense drugs, but to prescribe them. And I just have a few questions on how this is gonna work as far as liability. What happens if a type 1 diabetic came into a pharmacist with maybe an expired prescription and the pharmacist chose to make an assessment, which I'm not sure they're qualified to do because they're overtime medical doctors and decides that they're not going to fill the script. Who's liable there?

Those are things that I think we need to address when we come back into session, to finetune the legislation. I'm concerned that insulin is a -- is a drug that's been around for a very long time. That is, as I said, life-saving for many. But I think that we need to caution ourselves that pharmacists are not prescribing medications, they are dispensing medications and there's a difference

that I think needs to be very clear. I think we need to address liability issues. And I'm also concerned that this would open the door for other medications, whether it be a heart medication or a psychiatric medication that somebody is missing or even perhaps a pain medication that is necessary.

So, I -- I would like to see that the Public Health Committee work with the Insurance Committee in the next legislative session to look at these issues and to finetune them. Obviously, this doesn't go into effect until 2022. And I think that we have time to refine the bill and make sure that we are doing things that are strategic and that are safe.

I have spoken to many clinicians that understand the issue with a type 1 diabetic in particular, but they're very concerned about a pharmacist making a medical assessment and call and writing a prescription, per se. So, I think that's something that we need to make sure that is clarified as we go forward.

And also, how does the Department of Consumer Protection feel about that? I think that is also something that is of key importance. You know, right now in Connecticut, this legislature has not allowed a pharmacist to give a vaccine to somebody unless they're 18 years old, but yet now we're going to allow them to actually prescribe medication on some level.

So, I support the bill because I understand this is a life-saving drug that's been around for a very long time. However, I do think that we need to refine some of the language as we move forward. I don't know if you want to comment on that if that's

something that we spoke about. And I share the same concerns that Representative -- I'm sorry, I was gonna call him Doctor, Dr. Anwar, Senator Anwar had expressed earlier. And I know that we've touched base on them, but I think it's important to keep that in mind. We want to make sure that people that are prescribing medications are qualified, they have the proper DEA license to do that, they're insured. And I am concerned about the liability, should a pharmacist decide they do not want to make that assessment.

My other comment is that I find it very difficult to believe in this day and age, especially with telehealth, with the accessibility for clinics that if somebody needed a prescription that they could not get it from a doctor. There is always the option of the walk-in clinic, the emergency clinic, et cetera. I'm not saying that's the best solution, but I also think we have to be very concerned about who is actually writing the prescriptions.

So, I will defer to you and see if you have any answers for that, Senator Lesser.

THE CHAIR:

Thank you, Senator Somers. Senator Lesser.

SENATOR LESSER (9TH):

Thank you. Thank you, Madam President, and thank you to the -- the -- the good Senator and the Ranking Member of the Public Health Committee. Those are all really important questions that she raises in important points.

I can say that in drafting the emergency insulin part, we built on an existing 72-hour permissive law that exists currently for drugs and for pharmacists out there. But we heard from folks that -- that 72 hours, while it's important, is often not enough in order to get an appointment with a doctor to get a real lasting prescription and that's why we extended it in this bill to 30 days.

But all of the points you make about liability, about making sure that we're protecting consumers and that they get the right prescription are important. And I can say that we worked very closely with the Department of Consumer Protection. I'm very grateful to their pharmacy division there and also to the -- I think there are three trade associations representing pharmacists in Connecticut, all of which we spoke with to make sure that we got this language right.

But, yes, if there are problems with it, I would love to work with the Public Health Committee and you to make sure that we get that -- that we get that right going forward because that's a very important point and we want to keep people safe.

THE CHAIR:

Thank you so much, Senator Lesser. Will you remark further on the bill that is before the Chamber?
Senator Cassano.

SENATOR CASSANO (4TH):

Thank you, Madam President. I'm here today to speak in favor of -- of this bill. It's -- excuse me -- that's better. I'm here to speak in favor of the bill. It's interesting to listen to the speakers.

I -- I kid Senator Sampson. I sometimes refer to as Dr. Doom. If we had done things the way he would like us to do, death rates would be much higher with Covid. Our seniors wouldn't have the senior population it has today and so on. And that's always to me, since I was a young kid, it was one of the things that I always believed in in the American way was to take care of those who couldn't take care of themselves.

I had a call from a probate judge who asked me to support this bill. He said I can't tell you what it's doing to seniors. People are coming in, they're making adjustments. Families are taking money to keep them alive, to keep medication going. And then I called the second probate judge just to see if, in fact, this was the same situation and, in fact, it was. I have two relatively large towns with Manchester and Glastonbury, different populations in different ways. But for the senior population, this really has been an impact. But there are those that aren't seniors.

I lost a brother this year, Danny died last May, serious diabetes. And being the oldest of the family, had to take care of Danny's house and the bills and so on. And I can't tell you the reaction when I saw about \$224,000 in medication that he had to pay back to the State of Massachusetts because he was diabetic and had this. If we're going to help seniors live, then we've got to pay a share. And if my taxes or our taxes have to go up and I pay another nickel or whatever it is because a senior is going to get medication and have a better life, that's what it's supposed to be. That's what we've been brought up to do.

And so, I think this is a good bill. As to who's giving the shots and so on, we've seen with Covid that you can go to the pharmacy now and get shots and so on. I think it's something that as a committee we need to look at. The burdens on doctors. A doctor's visit now, if you're in there for more than two minutes, that's a long time because there's three or four people in the lobby waiting. Let the doctors treat the really serious issues that need to be treated. And if it's vaccinations and shots, let's make sure the people are qualified, educated and licensed to be able to give shots. And I think we'll all be better off. So, thank you for your attention.

THE CHAIR:

Thank you so much, Senator Cassano. Will you remark further? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, just briefly, I rise to support the Emergency Certified Bill. This has been a longtime coming as Senator Lesser said, many other states in addition have this policy already and it just makes complete sense for us to follow suit. I do believe we'll have one of the best, if not the best laws in the country on this issue and I want to thank the Real Estate and Insurance Committee and Senator Lesser and those in the House as well who have worked hard on this, Senator Kelly, and his cohorts in the House as well. And I want to just take a moment to also thank Senator Looney for his advocacy of this bill for many years. And as Senate President indicating the

highest level of support by making this Senate Bill
1.

And I was pleased back in January when we were all able to come together on a bipartisan basis to support this bill when it was just a concept, where we had many members of the public and as a matter of fact, pre-Covid days, we were all stacked into a hearing room together, shoulder-to-shoulder because there were so many legislators and advocates who supported this bill that everybody really wanted to be a part of the moment that we were going to come together and really tackle this issue.

I know Senator Fasano was there and again other -- many other legislative leaders as well. And I thought it was a really important moment for -- for us to -- to transmit to the -- to our -- to the citizens of the state that we were -- we were going to be very serious about this and really tackle an issue that is -- affects so many people across the state. And a lot of times it does so in a way that is silent that many -- we don't know many times who is diabetic or who may need insulin or supplies. They just go about through their daily lives and we don't know that. But and we also don't know those who are struggling each and every day to pay for their supplies or those who are not taking the medication because they can't afford it because it's not capped at the moment.

So, I just again wanted to thank everybody who's been a part of this legislation, getting it to this point and the fact that -- I -- I know that this will make a real difference in so many people's lives by doing this today. And the fact that we are not waiting. The fact that we are pushing this

forward today because we know it is very important. So, it will make a difference and I'm glad to support it. I urge my colleagues to do the same.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Duff. Will you remark further on the bill? Senator Looney. Good afternoon, sir.

SENATOR LOONEY (11TH):

Good afternoon, Madam President and thank you. Madam President, I -- I rise to speak in favor of passage of the Emergency Certified Bill. This is an important piece of legislation for the -- the people of our state and there is a clear connection to our Covid crisis because diabetes is, in fact, one of the aggravating underlying conditions that create vulnerable immune systems and make people more acutely at risk of developing Covid-19 and also of having complications, should they -- should they do so.

What we have seen in the last decade or so, as Senator Lesser so ably pointed out, is price gouging. Absolute unmitigated blatant-bold price gouging on behalf of the companies who produce this drug which has existed for so long. And yet, all of a sudden, has become so extraordinarily expensive. And copays have risen so much that people are struggling to pay for their daily supply. This is not a drug that somebody can take occasionally. This is not one that -- well, maybe I'll take two aspirin today instead of three and try to tough it out and get by. This is life and death. This is

life and death. People cannot compromise on the amount of insulin they take without creating immediate serious health consequences for them. But yet we're knowing this is happening all the time. There is rationing going on because people are afraid of the cost. They are hoping that they can get by maybe taking 70 or 80 percent of their prescribed dose and spreading it out a little more.

This should not be happening in the State of Connecticut in the year 2020. That's why this bill was so important. That's why we introduced it and made it bill -- Senate -- made it Senate Bill No. 1 back at the beginning of the session, even before the pandemic -- pandemic crisis hit Connecticut.

It's -- it's critically important for that reason because this is not the sort of chronic condition that people can manage more or less well with -- with more or less medication. This is a regimen that people have to follow every single day for their entire lives at precisely the levels of medication that are prescribed.

And not only has the cost of insulin itself been going up at an exorbitant rate, the cost of the supplies related to -- to the taking of insulin have also gone up, as Senator Lesser pointed out. The strips and all of the other kinds of supplies that are ancillary to the medicine itself. This has become a terrible crisis and it's not the kind of thing that can be managed by just being careful to spread the dosages out a little bit more. Anytime someone does that, he puts himself or herself at risk, not just of becoming ill, but actually of death following quite quickly upon the deprivation of this medicine. So, this -- we're addressing a

health crisis here in -- in -- in doing this. And that's appalling that we've had a labeling as if this were socialism or communism somehow. I think that's beneath the dignity of this Chamber to have that kind of specter raised here.

This is an important public health crisis. I wanted to commend Senator Lesser for his advocacy on this, with the Insurance and Real Estate Committee and Senator Kelly, Senator Abrams and the -- Senator Daugherty Abrams and the Public Health Committee, their counterparts in the House. So, pleased that the House passed this bill so overwhelmingly with, I believe, only four negative votes last week. And it's one that we should be passing overwhelmingly today because it responds -- it responds to a current immediate health crisis in the state that exists today that we will be moving toward a -- a solution of and shining the light on what we have seen is an irresponsible market practice of price gouging, unconscionable price gouging in an area that so -- so affects the public health.

So, thank you, Madam President. And again, I hope we will have an over -- overwhelming vote in favor of this bill today.

Thank you, Madam President.
THE CHAIR:

Thank you so much, Senator Looney. And seeing that there are no other speakers. Mr. Clerk, would you kindly call the bill and the machines will be open.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on -- on House Bill No. 6003. An immediate roll call vote has been ordered in the Senate on House Bill No. 6003.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked. Mr. Clerk, would you please announce the tally.

CLERK:

House Bill 6003.

Total number voting	36
Those voting Yea	35
Those voting Nay	1
Absent and not voting	0

THE CHAIR:

(Gavel)

And the measure is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move for immediate transmittal to the Governor, please.

THE CHAIR:

So ordered, sir. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Will the Senate stand at ease?

THE CHAIR:

The Senate will stand at ease.

THE CHAIR:

The Senate will please come to order. Mr. Majority Leader.

SENATOR DUFF (25TH):

Thank you, Mr. President. Good to see you up there today. Mr. President, I would ask that the Clerk please call Emergency Certified Bill, House Bill 6004.

CLERK:

House Bill No. 6004, AN ACT CONCERNING POLICE ACCOUNTABILITY.

THE CHAIR:

Thank you, Mr. Clerk. The distinguished Senate Chair of the Judiciary Committee, Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Mr. President, good to see you. I move passage of Emergency Certified Bill 6004 in concurrence with the House.

THE CHAIR:

Please proceed, Senator.

SENATOR WINFIELD (10TH):

Thank you, Mr. President. I will describe the bill and then make some comments on the bill. The bill before us is what has been called the Police Accountability Bill. It has a number of sections, 40-plus sections. It is a 71-page bill. And attempts to continue the work that has been done in this building and in both chambers for a number of years.

What the bill does is cause police officers to be certified by police officers' standards and training, which is normally referred to as POST. It establishes some of the authority of POST, including the ability to issue written guidance for law enforcement units concerning things such as suspensions, cancellation of certification and revocation of certification.

It requires that there's a crowd control policy that is put into place by POST. It also deals with an issue that many of us have had interaction with, members of the public and the press, with the Freedom of Information and disciplinary files. The bill sends some of the things that we've been concerned about to the Police Accountability Taskforce, which was created in Senate Bill 380 last year and is an ongoing taskforce. It deals with behavioral health issues and allows for POST to put in place the policy that we would need in order for that to happen and make sure that we protect the officers who will be required to get mental health checks. It creates an office of the Inspector General, as -- as many of us know, there has been a

lot of conversation about whether or not police are able to be investigated and potentially if -- if something wrong actually happened, prosecuted or not, given the structure we've had. We've made attempts at this in the past. And this bill creates an independent office to do so.

It deals with the issue of deadly force and when officers can use this, and it's split into two parts there. The instance where there is an imminent threat of deadly force being used upon the officer or someone else in the proximity to the officer and the instance when the officer is doing their jobs and may need to use deadly force. And it bans chokeholds with the exception for the imminent threat of death for the officer themselves. It has a duty to intervene and report and protections for those who do so. It also -- excuse me -- it also deals with the issue that we've heard a lot about in the last month or two, the 1033 Program and whether or not we use certain equipment.

The bill also deals with the issue of immunity, which has been where a lot of the conversation has taken place. And what it does there is opens up the possibility of finding oneself able to bring suit at the state level.

I will say that this bill is important. I think that the provisions of this bill, in conjunction with what we as a -- as a body have passed in the last few years in 2015, we passed a bill on police accountability. In 2019, we passed a bill on police accountability, are important. And I think that we have to understand that there's a lot of conversation about what this bill means. And we

have to take a moment to step back to contextualize the bill.

There's been a lot of conversation about what has happened in the State of Connecticut versus what has happened in the United States of America. And I want to remind people of something that I said during the hearing that we had. Because I think a lot of people are thinking about whether or not there is the use of deadly force and someone actually expires. But I think this issue goes beyond that. I think this issue is not simply about the case in which someone is killed in an interaction with police, but how a power is given to police and how they are able to use that power and whether or not that power has a check on it.

And I think that's important for us to realize. Someone said to me, is this about history or policing? And I don't see a difference there. And I'm not gonna go all the way back to 1619, as some people did, but I'm going to take us back to the 1960s. And I think it's appropriate to take us back there for several reasons. One of those reasons is two people just passed that we've honored in this -- this -- this nation. One being C.T. Vivian and one being John Lewis. And if you go back to the 1960s and you think about Jimmy Lee Jackson and his story and how his story intersects with police violence in black communities, you being to understand that this is not something that is new, not something that is rushed, but something that is a longstanding part of our history. So, Jimmy Lee Jackson was killed in interaction with state police. And the Southern Christian Leadership Conference then wrestled with, how do they deal with this. And out of the death of Jimmy Lee Jackson came the walk across the Edmund

Pettus Bridge. And when that happened, the interaction with the police was not which should have happened. These people were exercising their right to protest, their right to free speech. And we know that -- that event became what we now know as Bloody Sunday.

You go forward several years and you think about the issue that we talk about about how we now see things that we weren't seeing in the past. You go forward several years to just the year before I began my activism and -- and what we saw with the police and Rodney King. And kind of the beginning of seeing these things on video. And from that time to this time, you've seen a lot of things on video. You see a lot more now because everybody carries a camera. You see a lot more now because every store, every building has cameras. But the things that you saw there, going all the way back to that time and even going back to Jimmy Lee Jackson, are things that people have always been saying have happened. And they have tried to avail themselves of the process in place. But the process in place has not worked for them.

So, when we talk about the issue of the last part of the bill, the part that controversy really sits at, why is that important to this? We're giving more tools to the system to do what the system could already do and has failed. And if you're one of the people who's on the wrong side of this equation, when the system fails you again, you deserve the ability to have some form of recourse. And that's why that's important to this conversation. And I will say as a father of four children, who walk this earth in the black skin that I have, it's important to me that if something ever happened, they have

recourse. But it's also important to me that this body think about where the conversation should be centered.

And the conversation should be centered on those people who have not been able to get justice, even when we've seen some of the things we've seen. That's where the conversation should be centered, but it has not been.

So, I'll make commentary as we go on because I could drag on for a long time. But I think as we begin the conversation, I hope that we remember why we're here. Why people in the State of Connecticut and places where they have never stood up have protested are standing up and protesting and what this issue is really about.

I urge passage.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further? Good evening, Senator Kissel.

SENATOR KISSEL (7TH):

Good evening, Madam President, great to see you up there and I'm glad we're starting this on the earlier side. First of all, I want to commend Senator Winfield and Representative Stafstrom as Cochairs of the Judiciary Committee, they opened the door and allowed Representative Rosa Rebimbas and myself to participate in negotiations, discussions. And I probably have never spent more hours on a bill than I'm going to ultimately vote no on. But I guess, Chairman Winfield, I'm guessing over 60 hours

were spent putting this together. And you didn't have to listen to one word I said, but you guys did, and I think it's a better bill for that.

I understand the historical context. I -- I think sometimes people get over the top. I'm not saying you, Mr. Chair, but I'm not a racist. I'm not a bigot. I'm not insensitive to what's going on out there. But there are parts of this bill that I think go a little bit too far. That's me. We're allowed to agree to disagree in this Circle and that's okay.

A couple of very quick base questions and then I'm just gonna make a couple of statements. My first question is, it's my recollection that only one state thus far has done -- done away with qualified immunity for law enforcement officers and that's Colorado, is that correct?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. And a little editorializing. I believe that after this bill passes, that would remain the same.

THE CHAIR:

Thank you. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you. And so, 49 states, no change. One state, yes, change. And it's my understanding that when Colorado did away with qualified immunity, they set a financial damages cap of \$25,000. Through you, Madam President, is that correct?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. And, yes, Madam President, through you.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. And it's my understanding that we have no financial threshold cap in this proposal that's before us this afternoon. Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes. Thank you, Madam President. And through you, Madam President, as we limit qualified immunity, governmental immunity as it's specifically called in the bill there is no cap. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And regarding some of the sections, duty to intervene. It's my understanding that in the last couple of weeks as this bill was being put together there was a section put in there regarding corrections officers. I want to say it's Section 44, but I'm just sort of reaching back. But is that section still in -- in here where if one correction officer sees another correction officer and feels that they're using undo force, they have a duty to intervene? Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I believe the Senator might be correct about the section. It is in the bill if the corrections officer witnesses what is -- what he or she knows to be excessive force or force that is illegal. They do have a duty to intervene and -- and report. Through you, Madam President.

THE CHAIR:

Thank you. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And I -- I guess, I'm just wondering since essentially the bill is 95, 99 percent about law enforcement, why that section was inserted regarding corrections officers, only in that I just think that in a correctional facility, it's a -- it's a different environment. And -- and so, I guess one of my concerns is, let's say you've got a CO and they're watching 20 inmates. Now, they have a duty to intervene and now who's keeping an eye on those 20 other inmates that may be in a hallway or something like that? Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. If I were asked why we entered a lot of the things in this bill, given the number of hours Senator Kissel said we had conversation, I wouldn't remember all of it. And I don't remember exactly at the point of which this entered the conversation.

I will say to the example that was provided how their duty to intervene action plays out, requires that the officer actually witnessed it, had knowledge that it was excessive or illegal. So, it doesn't require you to go looking for any type of behavior and it also requires that you have knowledge that it's illegal or excessive. Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And through you, Madam President, just a couple further questions. I believe when we were discussing the underlying bill regarding the duty to intervene, we were kicking around the idea as to whether a law enforcement officer that was not on duty would have some kind of duty to intervene. And it's my understanding is that they do not have a duty to intervene, necessarily, but have a duty to make a report, is that correct? Through you.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. If we could stand at ease for a second. I want to make sure that I accurately represent that section of the bill.

THE CHAIR:

The Senate will stand at ease.

SENATOR WINFIELD (10TH):

So, thank you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, so forgive me for taking a moment. But in lines 1331 through 1358 is the language about the duty to intervene and report. In line 1343, and I will briefly read. It reads, any police officer who witnesses another police officer use what the witnessing officer objectively knows to be unreasonable, excessive or illegal use of force or is otherwise aware of such force by another police officer shall report as soon as practicable such use of force to the law enforcement unit that employs the police officer who used such force.

So, that would require the reporting of a use of force that the individual knows to be of those categories. Through you, Madam President.

THE CHAIR:

Thank you. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. And if that officer that was off duty failed to report, would they be exposed to any kind of penalty, either civil or criminal? Through you, Madam President.

THE CHAIR:

Thank you. Senator Winfield.

SENATOR WINFIELD (10TH):

So, there are -- there's potentially a penalty for a failure to report, yes. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Is that penalty a charge of a criminal felony? Through you, Madam President?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, it is. And I'm looking for this section where that is as we speak, Madam President. But yes, is the answer to the question.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. That concludes the questions that I have this afternoon. As I had indicated, we worked real hard on this bill. It's probably one of the most time-consuming pieces of proposed legislation that I've worked on in a lot of years. But I'm compelled to vote -- I will be compelled to vote no this afternoon or hopefully we will get to this before the sun goes down, for a couple of reasons. This actually will now make us go farther

than the one other state that has taken away qualified immunity.

And by the way, the key word there in my view, is qualified, it's not just complete immunity. But that's Colorado and they have a limitation. We're not gonna have any limitations. Somebody could get sued for \$100,000. It doesn't mean they're going to be victorious. The nature of these suits those because law enforcement officers could get sued now. Those four officers in Minneapolis, Minnesota, they're gonna be charged with crimes. No two ways about it. Anybody who's been watching TV knows the three standing -- standby gentlemen, they were arrested subsequently, but the gentleman that had his knee on George Floyd's neck was arrested immediately.

So, people can get arrested. And my guess is that people can get sued in Federal Court 1983 actions. And so, there are mechanisms if the officer knew or reasonably should have known that they were violating the constitutional right of the individual that is harmed. Hopefully not killed, but in some instances, killed.

This will expose this potential liability on the civil side far wider. And my concern is that people may push law enforcement officers to the edge with the intent of finding a mechanism to file a lawsuit. And let's say I'm doing the lawsuit and there were three officers involved, well, I'm gonna have to sue all three of those officers because I don't know who did what. I'm not gonna leave somebody out. I'm gonna want to depose one of the folks to make sure I get the facts straight. So, you don't -- you're going to maybe overcharge in the litigation to make

sure that you are correct about who's ultimately at fault. And I understand as an attorney that you have a good faith duty, if you're filing a lawsuit, and other high standards, I get it. But I also get that there's litigation out there where folks are looking to get money. And if you examine some of these suits, many of them are ultimately settled.

Now, people can say, well, you know, the settlement's probably nuisance value. Well, you add up enough nuisance value suits, and all of a sudden, you've got a big issue.

The other thing is, I think for the -- for the good officers it puts them in a bind. Because I don't want to have to spare a lot of time thinking, am I gonna get sued. A lot of times law enforcement officers don't make a ton of dough and it's a dangerous job. You never know what you're going to run into on any given day. And so my concern is as this rolls out, it may cause law enforcement officers to decide, you know, I don't want to risk my family or my house or the little assets that I have, so I'm going to retire or I'm going to get a different kind of job. And again, people could say, a parade of maybes, perhaps. But I think they're legitimate concerns that have been expressed to me by folks in law enforcement from chiefs all the way down to young officers on these duties to -- on the duty to report, someone could be facing a felony. And so, what if they misconstrued what they saw? I'm not sure if that report goes into the other officer's permanent file. So, let's say it was an unfounded report, is that going to damage the prospects for promotion and raises and -- and movement for that other officer? I don't know how that's gonna happen.

I've heard from some of my law enforcement community that they're concerned with POST being given so much unilateral authority regarding -- especially regarding certification. Because you may not get fired from your job, but if you lose your certification, you're not gonna be able to work in Connecticut. So, you may as well have lost your job. So, that's a concern that they have as well.

So, I think there's a lot of good things in this bill. And we really tried to make it the best bill possible. And there should be no surprise here because we had discussions the week before the House voted and we were down to a few sections of the bill that caused concern.

Regarding the Department of Corrections, I have five correctional facilities. It's a dangerous environment. One of which is Northern, the maximum security. That's a real hard job as well. And there's just times where they need to extricate an inmate from their cell or something like that and it can be a violent situation.

Now, do we want corrections officers to go over the top and use unreasonable force, absolutely not, absolutely not. But if I'm a CO walking and I see something, I -- you know, now all of a sudden, I have to make that determination. I'm not saying that the goals of this bill aren't extraordinarily laudable. And I appreciate the fact that Chairman Winfield believes that we're in a very special moment in history, in time in this state and in this country. And I think that they probably have the votes to pass this bill. And it's my understanding

that last I checked, Governor Lamont said he would sign the bill.

But I just wanted to express my concerns on the record this afternoon regarding those elements, the Department of Correction element, the reporting element, the duty to intervene element, and the exposure of the police officers to lawsuits because I think ultimately there might be unintended consequences regarding a lot of those aspects. And I -- I think that that would be a shame. I think the vast majority of law enforcement officers in the State of Connecticut are really good and they want to do the best thing that they can. And I just wanted that on the record, Madam President. Thank you.

THE CHAIR:

Thank you, Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I appreciate the comments by Senator Kissel. I just wanted to make sure that certain things were on the record. So, you know, during this conversation what I've heard a lot is, make sure that the people who know how the job works are involved in the conversation, which we've attempted to do.

I've heard that they can tell you best how to perceive situations, and I believe that. So, when you put into the law whether it be police officers or those who are corrections officers and you say, you who know best, when the situation is excessive force. You who know best when a situation is

illegal because you've been trained. You have a duty to report. All that we are doing is exactly what I've been told we should be doing, which is saying, you know when this situation is out of hand. And when you have knowledge of that, you must report.

I once wore a uniform, it was not the uniform of a police officer or a corrections officer, it was a uniform of the military. We had similar duties. Nobody had a problem with it. We were professionals. We understood how our profession worked and did what we were supposed to do. And I believe that, as Senator Kissel just indicated, that most police officers know how to do their job right. That most police officers will do their job correctly. But there are some police officers who don't. And if we talk about the good guys don't want the bad guys to get away with it, we have now said, you have a responsibility here. But because you operate out of a system, we're also going to protect you, if you do avail yourself of that -- that -- that responsibility that you have. There are no unintended consequences there.

We intend for people to say when something is wrong. We intend for people to notify us when something is wrong. There's nothing unintended about that.

On the lawsuits, immunity still exists. Immunity is only removed when certain types of behaviors happen. So, the exposure for the officer doesn't exist unless they've done something in a malicious wanton or willful way. That's not the officers that I know. Those aren't the officers who are in my family. Those aren't the officers who are my friends. Those aren't the officers who, and I don't

allow this to happen all the time, who've played with my kids from the time they were a baby. We're not talking about those people.

Somehow when we have this conversation about the individuals who operate in a rogue way, the conversation gets shifted and this is what I'm talking about how we centered this, gets shifted to the people we're not talking about. I don't want to talk about the good officers, let them go do their job. I want to have a discussion about the officers who are operating in a rogue way and make sure we deal with them.

The other officers, I applaud them for being willing to go out there, put their lives on the line, do all of the things that we know that they do on a daily basis. But this conversation is focused on the officers who do the wrong thing, who are given power and don't know how to use it and that power goes unchecked. And this bill checks that power. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further on the bill? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. As much as I'd like to say, I'm assuming this debate is over, I don't think it is. But so if the Senate would stand at ease for a moment, please.

THE CHAIR:

Yes.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to yield to Senator Champagne, please.

THE CHAIR:

Senator Champagne, do you accept the yield, sir?

SENATOR CHAMPAGNE (35TH):

Yes, Madam President, thank you.

THE CHAIR:

Thank you.

SENATOR CHAMPAGNE (35TH):

Well, I've gone over this bill considerably. And I've talked to police -- sorry about that, that new guy in me. I have talked to police departments around the state and they've been calling me and filling me on what's going on. This goes back to a mentor of mine, Hal Cummings from the Town of Vernon. And he said one of the primary jobs of a politician is public safety, making sure that we have a safe environment.

I believe that this bill is damaging public safety. The title of this bill should reflect what the bill does and that is to defund the police. This bill is very expensive. And it's funny because I heard some horns beeping out back. I looked out the window and

what do I see? I see Defund the Police out there and the people driving around were the ones that look they may have made it. I guess there's no mistaking what this is. When you make an unfunded bill so costly to municipalities, I mean, the municipality has no choice but to make cuts. Where are those cuts gonna come from? I think by the end of my talking, we'll have a better idea.

Basically, this has been happening across the country, the whole cheer, defund the police, defund the police and so far, we found out that it's not working very well. The Connecticut violent crime is on the rise. You see officers stepping back, not being as proactive. We have politicians getting -- that used to back up the officers that aren't now.

You know, on the call the other day, I expanded on what the -- one of the officers from New Haven was talking about. A young man had been shot. He was in his car dying. The police got there to save him, and a crowd came out and told the police to go home. I mean, that -- that's what police are facing right now.

I'm gonna talk -- I'm gonna go through this bill and ask some questions as I do. And hopefully I can get some reasonable answers. I'm gonna start with line 63 to 66. Officers must submit to a urinalysis to renew their certification.

Through you, Madam President, to the maker of the bill.

Who pays for urinalysis?

THE CHAIR:

Thank you. And Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. It is my understanding that the cost of the urinalysis would be borne by the agency itself, which ultimately, I guess would be borne by their -- the state or municipality. After you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you. How many other professional -- professions across Connecticut have you added to this -- this stipulation for recertification?

THE CHAIR:

Senator Winfield?

SENATOR WINFIELD (10TH):

Through you, Madam President, I'm not sure what the question is. This bill in that section is about police officers. I wouldn't have added any other professions to it.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I guess my -- my point is -- is -- you know, I don't want to -- make sure we don't pick on one certain group in -- in employment through government in the State of Connecticut. And I want to make sure that this is being evenly done across the board. So, I guess the question basically was, you're right, it doesn't pertain to this bill. But I'm gonna guess not many.

Line 113 to 117, the Commission on Accreditation for Law Enforcement Agency. This is a requirement to use a private company, a soul source for crime with no way to go out to bid. Do you have any idea what the cost on this is?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President, I don't have the cost in front of me. I recognize that there are costs associated with that.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President, and through you again. Do you think it's a good idea to have a soul source of business charging municipalities across Connecticut?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I think it is something that we all could argue back and forth whether it's good or not. I do recognize that in the conversation about putting accreditation into this bill that this was brought up as the way to do it. There was conversation, a suggestion by several police chiefs that we had conversation with. And that's all that I can represent to you about the way that the conversation was generated such that this got into the bill.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I'm gonna go through the costs then. I was able to find them. So, the cost is dependent on the department size and it doesn't only count to sworn personnel, it considers it non-sworn personnel. For a department from 1 to 24 members, 1 to 24, the cost is \$8,475. The annual cost is \$3,470. For a department of 25 to 199, it's \$11,450, with an annual cost of \$4,065. A department that's 200 to 999, it's \$16,125 and it's a \$5,000 yearly. And anything above 1,000 and \$19,950, with a \$5,765 annual cost.

These costs do not include the initial assessment, including airfare, hotel, the number of assessors required and the fees. If the agencies miss a deadline, there's a 35 percent initial fee cost added.

To prepare for accreditation, a sworn officer, or a new hire. Many departments have a manager, must be put in place. And six months prior to the accreditation, there -- there would be two to three officers taken off the road to meet the requirements for the accreditation. These are very costly, especially when you take the -- the rate of the officers and the amount of time taken off the road. That is a very costly burden on the -- the towns and municipalities. 126 to 147. We went through the PTS bill last year, and then I saw this. And the thing that -- that jumped out at me is the results of the behavioral health assessment test may end up with some sort of discipline.

I think it's gonna be a hard time for officers to be honest in this test. And I think officers are gonna question should they go for the PTSD examination as well. When you happen to have due process set up for this, that means there's some sort of penalty involved. And that bothers me, that really bothers me that an officer looking for help would have to have -- would have to have due process put in here because something could happen to him. You know, an officer should be able to get the help. There's another drug test. This -- this is one that I'm gonna have some questions on.

The training and crowd control, can you tell me who would teach the officers?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President, I'm trying to catch up with Senator Champagne to respond from the bill itself. The crowd control section. I'm trying to get to it. Give me a second.

There's going to be a policy created by POST, I know that. And training, as we know, the state police and municipal police will fall under POST. So, the training will -- will stem from that. I will say in response as well while -- while I'm speaking that to be clear on the section on behavioral health, the reason for the due process was and the negotiations that we talked about, it was brought to my attention by, if you want to look at it as the other side, that there should be due process. The reason for that is not necessarily because they're punishments, but any personnel action, including potentially moving someone so that they are doing a different job, they should have the ability to have input into that.

So, it's not so that you can punish people, necessarily. But it's so that you protect the officer. And -- and I just want to be clear that that is why due process is in there. But on the specific question right here, POST would be tasked with coming up with the crowd control policy.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And to answer the other question, if you move from one job to another, that's a form of discipline. All right. So, basically POST is -- currently, POST doesn't offer any training in crowd control. And in talking to a police chief, he said that he tried to get this -- this type of training and -- and the only place that he could find is from FEMA in Alabama.

So, I'm trying to figure out by December, how are we going to send a large group of people to Alabama, get the proper training, get them back here, train the officers, because if they're not trained and all of a sudden we need to use them, I'm fearful that they're gonna lose their protection.

And December 1, 2020 is -- is -- is when this is -- this is stated it needs to be done. And there it is, so, if officers do not get trained by 12/1/2020, then they cannot handle crowd control situations because they lose their same immunities and privileges that apply to the organized militia, which is line 366. You know, we're talking about the -- the immunities again and this is contained in the crowd control that many officers don't have right now.

If it's -- you know, I think the deadline is -- is kind of short for that. And I think that should have been looked at a little more. You -- I'm sorry, did you want to respond to that?

Through you, Madam President.

THE CHAIR:

I was waiting for a question there, Senator Champagne.

SENATOR WINFIELD (10TH):

I -- I --

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam -- I didn't want to just jump in. You hadn't asked me a question. But to go to the section it says, provided after the crowd management policy has been adopted as a regulation forward. So, nothing is going to change until it's adopted, whether the date is in place or not. So, to be sure, no one is going to experience anything different until the regulation is adopted.

But -- but -- but I will say that there -- our agencies are doing crowd control right now. And if -- and if what we are saying is that it's fine for them to be untrained, I will point you to one of the municipalities I represent, it is not fine. It is not fine. I just -- two weeks ago, three weeks ago stood in West Haven and watched a situation. It should not have escalated -- escalate because the officer didn't know how to engage the crowd.

This is a situation that when I talk to other police officers they said, there's no way I would have operated it that way. That can't be the case. And so what we are saying here is, we're going to put in place a policy and after the policy is put in place, and yes, we have an aggressive date for the policy. But after the policy is adopted, then other things will go into effect. So, no one is exposed for a policy not being in place, but you would have to ask yourself, why do we have people doing crowd control right now, potentially putting lives in danger, not knowing how to do it?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And that's a good question and -- and I guess the question goes back to POST. Why haven't they been training officers in this and why doesn't -- why -- why does it not exist? Again, hopefully that there will be money provided that this training can be provided to the trainers, at least we can get some people back here and start training the officers.

The body cams, that is -- you know what, when I was a policeman, I wished I had a body camera because I'm -- I'm seeing the body cameras are saving the officers more than anything. And as long as the state continues to provide for those -- you know, those cameras, that would be great. I still don't understand why you need both a dash and a body

camera, but as long as the state's willing to pay the over \$5,000 per vehicle for the dash cameras, that's fine, too. The storage is the bigger issue. Storing all these records for the four years, that's gonna be quite expensive. And hopefully the state's gonna kick in some money to offset that. Hopefully, that doesn't become an unfunded mandate for the municipalities as well.

Do you -- is that the understanding, Senator Winfield, that the state's gonna kick in money for both the body camera, the dashcam, and the storage?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President, I'm trying to get to the section. I'm trying to follow you through the bill, but you haven't given me the line where you currently are, so it's taking me a moment to catch up to you. So, if we could allow me to catch up.

Madam President, I would ask if Senator Champagne knows where he is in the bill, if he would just point me to that, it would expedite my --

THE CHAIR:

Senator Champagne, do you have the citation, the line number?

SENATOR CHAMPAGNE (35TH):

It looks like this is the only one I didn't write down, Madam President. I'm -- I'm helping with the assistants right now. Sorry about that.

THE CHAIR:

Okay.

SENATOR WINFIELD (10TH):

Through you, Madam President. So, Section 20 of the bill deals with the grant program that would deal with body-worn equipment. And the grant program would deal with the storage devices, the services, the equipment. And so that would be created under Section 20. And I know that there's a -- another section of the bill where that's talked about as well, but that would be dealt with through the Offices of Policy and Management.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Are they gonna pay for the entire thing. I guess that's kind of my question so that I can talk to my municipalities on that?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. For clarification, there's -- when -- when Senator Champagne says the entire thing, what does he mean? Does he mean the outfitting, the storage continually? If that is a question, that -- that has never been intended, not in this bill and not in the 2015 bill, which also set aside monies that many municipalities did not avail themselves of.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. No, any of the equipment that nobody's -- that the department doesn't have at this time, such as, I think one of the main ones is going to be the -- the vehicle-mounted cameras and the additional storage needed for those.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. So, the granted aide program is not currently constructed. It is the intention to, as I understand it, to look at the cost of -- of the equipment and to pay for it. But I can't represent to you that I know exactly how the

program will be set up because it's not currently set up.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Is there a due date that these cameras have to be purchased and in operation?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

One moment, Madam President, let me get back to the section. Okay. Thank you, Madam President. If I would point Senator Champagne back to Section 19 of the bill, which begins on line 837, which goes into effect July 1st, 2022.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And should everything be lined up so this money can be available within the next year-and-a-half or two years to make sure

that we get this all purchased and the town's reimbursed, the municipalities?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President, I'm gonna ask for clarification from that question. I think I might know what the question is. But the section goes into effect, so that's when the body cameras would have to -- the body cameras themselves would go into effect as the law requires.

The question is, should the program itself that would administer the grant and aid program be in effect prior to that, I would say that if we wanted the body cameras to actually be outfitted and -- and ready to go by July 1st, 2022, that would only make sense.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Again, as long as the money's available and the municipalities have the aid to put these in place, especially the big cities. I mean that's -- that's the -- the cost for the big cities is gonna be enormous. All right.

Line 1057. This deals with the search of a motor vehicle and that you need probable cause to search the vehicle.

Does this remove the exceptions to the search warrant?

THE CHAIR:

Senator -- Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. In line -- in Section 21, what it does is it means -- it says that no law enforcement official can ask for -- so ask -- maybe ask to conduct the search of the motor vehicle or its contents. And then it, as Senator Champagne indicated, said that all of the searches have to be based on probable cause or after having received an unsolicited concern from the individual. And it deals with documentation of identification as well. That is simply what the -- this section does. It does -- it doesn't remove any other provisions of law. It doesn't add to any other provisions of law.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Okay. One of the -- I guess, one of the biggest problems I have is the inventory of a motor vehicle. When you -- when you

tow a vehicle away, it's a good idea to inventory what's in there because the last thing you want to do is have a -- a vehicle towed and the suspect later come back and say, I had a diamond ring in the vehicle worth \$20,000 and then all of a sudden the police agency's at fault. How do you prove it wasn't there because you didn't do the inventory?

So, because there's no probable cause, there's no criminal charge on that and maybe it was an unregistered car that you towed away or -- and this guy had a warrant. So, I guess the question is, how would I do an inventory search with these rules?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I'm -- I'm not sure what the question is getting at. This section deals with dealing with the person who is operating the motor vehicle in the -- in the example that's given, there is no operator at the time. So, I'm not sure how that pertains.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

I'll describe it a little better. I pull a car -- I pull a vehicle over. The driver has a warrant. The driver's getting arrested. He's going to jail. Because I want to do an inventory of the vehicle, I

don't have probable cause that a crime committed within the vehicle. He claims that there was a diamond ring in it worth \$20,000. And then when he goes to get the car, the ring is gone. And now the -- normally if something is missing from the vehicles, the municipality would be held responsible.

So, my question is, can I still do an inventory search of the motor vehicle after I arrest the suspect?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

So, I -- I don't know the circumstances for the arrest, obviously. I think it depends on -- I think it has something to do with what the arrest was for and whether or not that would get you into the car itself. And I think that's a legal question that is beyond what this section is actually getting at, but it is interesting, and I think that it will be debated.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you. Well, if it's for failure to pay or plead the ticket I gave him before, he just didn't

want to pay it, obviously I'm not gonna get a good chance to -- to look in the car. And normally it's, like I said, the inventory is something standard and it's to make sure that there isn't a diamond ring in there. Okay.

Obviously, consent's a valuable tool in law enforcement. It results in a lot of weapons, drugs, even a well-known terrorist named Timothy McVeigh, and it's also been known to save lives. And removing that tool from police, well, I guess we'll never know what the consequences are in the end.

All right. Line 1078 to 1082, search warrant. Does this include a pat-down for weapons?

THE CHAIR:

Senator -- Senator Winfield.

SENATOR WINFIELD (10TH):

One moment, Madam President, let me read the line he's referring to. So, thank you, Madam President. Through you, Madam President. If the question is, the officer engages with someone and has no probable cause to search the individual and then decides to conduct a pat-down, is -- is that what we are -- the situation is?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

This is a search warrant; you go and do a high-risk search warrant. When you go into the apartment, there's four people there. You knew the two people there were involved in the crime. The other two people were not, does -- does this because I need probable cause to search them, does this mean that I cannot pat them down for weapons?

THE CHAIR:

Okay. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. And just for further clarification, and the officer is aware that -- it knows for sure that the other two were not or the officer has -- I don't -- I'm not clear on what the situation is.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

All right. I'll -- I'll -- I'll paint that out a little more. All right. It's a -- these guys have been selling kilos of cocaine, fentanyl, heroin out of there apartment. We get a warrant for them, we go into the building and there's two people in there that have been selling the drug, two that have not. We have a search warrant. So, the question is, can I search the two people that have not been part of the search warrant for weapons?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I'm sorry, Madam President. And I hate to -- I hate to do this to you, but I think -- you see -- you see what just happened. Could you restate that?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Yes. It's a -- it's a search warrant. And the -- you're going in because the guy's been selling pounds of fentanyl, heroin, cocaine, crack, the whole deal. You go in, the two people that have been selling are in there, but there's two additional people in there. Can I pat them down for weapons?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I think it's dependent upon the situation. I think it's dependent upon whether or not the situation itself gives rise to -- to -- in the officer's mind with a reasonable belief that certain things had occurred and that the two individuals may be connected to it. I think that's something that I can't say necessarily. I think you could -- you could have those two individuals you referred to be in a space where the two other people

just happened to have walked into the scene and the officer may have no cause to -- to pat them down. I also think that the officer has the ability, given what the circumstances is, if the -- if the two other individuals there present a danger to potentially pat them down. But I think it's dependent upon what the scene itself actually is.

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Well, thank you, Madam President. And it's funny, I have to ask this because the police sergeant has been through quite a bit. And I'm reading through this and I don't understand. I sat down with two lieutenants, a captain and a chief and we went through this. They weren't under -- they weren't sure. They didn't know if they had to keep the person laying on the ground at gunpoint until we finished the search warrant, arrest the ones that we had, then -- then pat them down and then walk away. This is the questions that still remain in this bill. And when this bill goes into effect, does this go into effect effective October 1? I mean, these are big questions. These are putting people's lives in danger. And -- and it may not matter to some people sitting around here, but it matters to me. Every life matters to me.

We'll move on. 12 -- line 1255 to 1297. The use of deadly physical force. There's two parts when I read this. And the two parts I'm looking at are,

starting at 1263 -- actually, no, 1262. He or she reasonably believes such use to be necessary to defend himself or herself or a third person from use or imminent use of deadly physical force. And then there's an or. And it goes on to say, he or she has exhausted the reasonable alternatives to use of deadly physical force, reasonably believes that the force employed creates no substantial risk of injury to a third party and reasonably believes such use of force to be necessary.

I guess my question, through you, Madam President is, which one of these do I follow?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I'm not sure that I understand that question because these are two different situations. If there's a threat to the officer or to the -- to the third party, you would follow that section. But if in the course of the officer's duty that isn't happening, you would follow section, which would be labeled B. So, I'm not -- perhaps I've missed the question, but I think that's why it's split into two pieces.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I guess what the question is, is -- all right. So, when I look at two -- 1263, defend himself or herself or third person from the use or imminent use of deadly physical force. Is that one scenario?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. Yes, that -- that -- that's how it's written in the bill, yes.

Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And then I go on to the second part, which is, he or she has exhausted the reasonable alternatives to use -- to the use of deadly physical force, reasonably believes that the force employed created no substantial risk or -- of injury to a third party and reasonably believes such use of force to be necessary to affect an arrest of a person and -- and so on. So, I was trying to -- there's been a lot of questions about this. And I guess too, my answer is, an officer can use deadly physical force to defend themselves and then in any other situation, he has to exhaust all other means, is that correct?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

through you, Madam President. I would point Senator Champagne to line 1265. He or she has exhausted the reasonable alternatives to use of deadly physical force. That -- that is a change from the original draft, wherein the construct of the draft seemed to indicate wrongly, but it seemed to indicate that the officer would have to go through every particular step in use of force continuum in order, in order to use force. What this is -- is getting at, and that's why I say, it's the reasonable alternatives, it makes the situational -- situationally specific, right. So, depending on a situation, what's reasonable there in terms of alternative. Maybe not all of the things that are in the -- the -- the spectrum are -- are what you would call reasonable in that instance. But what this is getting at is, trying to make sure that -- and if you read further down, as I know you have, it talks about how you evaluate that in terms of de-escalation and some other things.

What this is getting at is to make sure that there are attempts to stabilize the situation so that the officer is operating to preserve human life. Is not trying to make the officer go through step 1 through 10 in order. That is not what that section is.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Through you, Madam President. Well, a lot of the emails that I've received, this is what they're looking at. This is what they're trying to define. And these are from police officers and -- and their question basically is, do I have to go through -- if I jump out and a guy pulls out a gun, and to me it looks like a gun and he's aiming it at me, I think he's gonna fire. Can I -- can I go right to my gun or do I have to say, sir, put your gun down. Don't shoot me. That's my question to you. I mean, can I defend myself immediately or do I have to go through this whole step process?

Now, understand, police have been through this a lot. And if there's any way out of it, they're going to. But my question is directly on to the point. If I need to defend myself immediately, can I?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

So, so through you, Madam President. I think given that the line 1265 talks about the reasonable alternatives, depending on the way that the situation plays out, it may not be reasonable for the officer themselves to do anything other than to use their gun, but that would be situation specific. So, I'm not going to say to you that it necessarily is the case that the officer can go straight to

their gun. Because I don't know what the given situation is. But is it conceivably possible, absolutely it is, it is situation specific.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. You know, to use a gun is not a -- is not something every officer wants to do. I came within a -- a -- a fraction of a pound on my trigger finger of pulling the trigger to take somebody's life. I've been there, it's not fun. Your whole world slows down and you're seeing this at a much slower speed. This gentleman that kidnapped his wife out of Boston, took her up north, was going to kill her and himself. She convinced him to drive them to the Midwest, in between they stopped in my town. And she somehow was able to get to the phone, called us. I got there. First thing I see, is he's pulling up a gun. My partner's at his driver's door and he's pulling up a gun, aiming the gun at my partner. I start to pull the trigger. The only reason I didn't have to is because he continued, and he killed himself.

But you know, no officer wants to do this because they know what the consequences are. They know what they have to go through and it's not good for their family. And for anybody to think that this is what an officer wants to do, it's not.

I just had to get that out there.

All right. So, as I'm deescalating the situation, a guy's got a knife. I have a -- there's a -- there's something called a 21-Foot Rule. And basically, if a guy's 21 feet from you and you attempt to pull your gun out of your holster, he can get to you within those 21 feet. Anything beyond 21 feet, he -- you have a -- you have a chance. And -- and the way we go through training is you put objects in between you and the bad guy and sometimes that can't happen.

One of the things in this legislation that makes me nervous though, there's a guy, he's got a knife and I got all kinds of people surrounding with cameras, they all want to be YouTube, they all want to go viral. And now they're in the backstop. There's this guy with a knife, he's coming at me. I move. I get -- I put my police car in between me and him. Well, these people with the cameras they want to stay in -- they -- they want to stay there. I keep moving. I keep moving. This guy turns and decides, you know, maybe one of those guys with the camera is the guy I want to take. All of a sudden, you know, by the end of this thing I'm getting sued because I didn't stop this guy soon enough.

So, the reasonably on both B, Part 1 and B, Part 2, and B, Part 3, basically in your understanding does that mean if circumstances allow?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I'm -- I'm -- I'm not sure B, Part 2 and Part 3. I will just give you my understanding of your situation and -- and tell me, because I'm not sure where you are in the bill.

But the situation you described was that the individual who had the knife, turned on the crowd and was, I assume, attacking someone with a knife in order to use what would be considered a deadly physical force. I think that puts you back in the -- A, of the bill, I'm under line 1262.

So, the officer is permitted there to use deadly physical force in order to defend a life that is not their own in that situation. So, I'm not sure that we need to be in Section B, given that the -- the situation you described.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I'm sorry we're going back and forth like this. Hopefully, I can explain myself a little better.

Basically, what I'm trying to find out right now is on line 1265, 1266 and 1267, it says reasonably believes. Reasonably believes in reasonable alternatives. When -- when we're saying that, what I'm saying is, if that situation occurs and I'm trying to deescalate the situation, I have people behind me. So, the force in play creates

substantial risk of injury to a third party, that's everybody with a camera. So, what I'm saying is, if I -- if I have to shoot this guy to stop him from attacking that third person, would you consider that a violation of the reasonably believes the force in play creates no substantial risk of injury to a third party? Because I'm already on B, I'm working through the steps. I'm not on A anymore.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. With all due respect, I think if you're defending the person from the threat of death, you are actually in Part A. I think Part B is not off the table either. So, I think it -- it's going to -- I think what happens here is you are authorized under Section A to use the -- the type of force. I think there is a discretion that you'll have -- we talked about this before. There's a certain level of discretion that the officer has and whether the officer in that situation is -- is reckless in how they use the force that they're allowed to use, well, potentially subsequently be at issue. But given that their situation is as you described it, I believe that you're actually able to operate under Section A.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. My concern is that I'm not gonna be evaluated on Section A. I'm gonna be evaluated on Section B. And -- and like I said, I -- I'm more concerned that, you know, when you described to me before, reasonable alternatives, unless I have to go right to A. Reasonable beliefs, unless I have to go to -- to A. And then reasonably believe such use of force to be necessary. You know that -- the reasonably believes such force to be necessary. I'm -- I guess I'm not really as concerned of that. Because if an officer has the training he knows if it's necessary, especially if there's a guy going at him -- with a knife going at him at some of the people holding the cameras.

But the confusion here, and this is confusion actually by many officers out there is that they have to go through the steps. I think it was described to me like this, a guy shows up, he's in a -- he's in a hallway. There's a gentleman comes out with a gun. The officer fires two rounds. One hits the suspect. One goes through the drywall and hits somebody behind the wall. Would this officer -- would this be in violation because it's -- because of the substantial risk created? And I -- and I said, I don't think so because you didn't know he was there. But I guess my question to you, would it fall under that?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. And again, I -- I hate to do this, but it's not crystal clear to me what the question is. But I -- I think what is being asked of me is the officer shows up and they exchange with the individual. There is no idea on the officer's part and no way for the officer to know that somebody's behind some wall where the bullet goes. But the officer was authorized to use the force they used, does this section catch up the officer, if you will? I don't think so. That's not how the section is drafted. That's not what this section is -- is intended to do.

Now, if the officer had a sense that because of knowledge that the officer could have had that there's likely to be somebody behind that wall, then there would be a question there. I don't -- I don't -- I don't think the section necessarily says, you're caught up, but there could be a question there. But if the officer in your scenario shows up and does what you suggested, this section doesn't catch up with that officer.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Would that officer be -- would that officer that -- that fired to defend himself, would he be covered under qualified immunity, if it was an exchange of gunfire?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

To be fair -- thank you, Madam President. And to be fair to the questioner, is the question about currently or after this bill would pass?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you. I'm actually starting with one and going to the other.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I believe as currently constructed, yes, the officer would be covered.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

And -- and after this passes?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. And after this passes, if the circumstances are as suggested, and I'm not there. But if they are as suggested, the officer would be covered as well.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Well, without qualified immunity, you stop it when it goes through the door. And I'm not talking about a third person behind a wall, I'm just talking about an exchange of gunfire, you know, without qualified immunity, stopping that case at the door of the court. I -- I -- I don't see that. Let's keep going.

To evaluate a -- a scenario, are we using Graham v. Connor?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Again, Madam President, are we talking about what -- what's -- I think the question, I understand, is what I was trying to get at.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Yeah, *Graham v. Connor*, the standard set for the use of deadly force. Are we following that with what you wrote here?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. When the officer says what -- what we wrote here, the officer -- the officer, I'm sorry. When -- when Senator Champagne says what we wrote here, is he referring, because we've had conversation that deals with these sections in 1262 through 1297, but we also touched on the part of the bill that deals with immunity. So, to -- to be clear what the boundaries of the conversation are, what -- what is Senator Champagne asking?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I am referring to 1276 through 1288.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I think that in conversation about this section, we attempted to not overstep what the state could do, given a conversation that Senator Champagne, myself, and other police have had about *Graham v. Connor*. And I would entertain Senator Champagne's perspective on that.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I'm -- I believe that some extra hurdles were thrown into that and, you know, when we look at this -- when you have to break this down and say, reasonable -- you actually explain de-escalation measures and I understand that. But, you know, this is through the eyes of a -- of an officer. You know, viewed through a reasonable police officer's eye at the time of the

offense. I want to make sure that this officer is being judged by somebody whose been trained and -- and -- and knows the reaction. Because every single time you take somebody that's untrained and you put them in a shoot, no-shoot scenario, they always fail. And I think it's very important that, you know, when we're judging those that have been in these stressful situations and defended their lives that we have somebody who understands what they're going through.

All right. Line 1290 to 1297. This is the chokehold and I understand under this to defend himself or herself from the use of -- imminent use of deadly physical force. I -- I had a situation while on patrol where I had to grab a guy to yank him off of somebody. They were -- he was choking this person out and really the only way I could grab him is by putting a chokehold on him.

So, because I had to do that to save this third person's life, would I be covered, or would I have broken the law?

Through you, Madam --

THE CHAIR:

Senator -- excuse me. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. This section forbids the use of restraints applied to the neck area, referred to commonly as just chokeholds for any purpose other than the purpose as described here, which is to defend herself or himself from the

imminent use of deadly force. So, given that and given some of the policies that are in place in police departments across the state, no, you would not be necessarily able to defend yourself against a charge that you had violated the law.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Well, I guess I could escalate it up the line to save this person's life or at least the person be choked out. Okay. Let's go to line 1453 to 1456. Actually, you know what, I think I -- oh, yeah, yeah, yeah, that's what it was. Do you know of any other situations in the State of Connecticut where somebody is decertified in one career and cannot get a career in -- and -- and is banned from going into another career?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. That's beyond my ability to be able to answer. I don't myself know. I imagine that the possibility exists that it could be the case or could not be the case. I do not know. I will say that that provision came to us

through police officers who suggested to us that often times what will happen is if there's an issue that person might wind up in that type of job and we should be aware of that and -- and looking to make sure that that did not happen.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I again, you know, if we're doing this for one, we should look at doing this for all. I don't want to, you know, pick on one group. 1895 to 1939, this deals with the military equipment.

I do see in here that you can ask the Governor for a -- for permission. And I -- I guess our regional SWAT team, which may not exist after this, has an armored vehicle. And I just want to point out that armored vehicles are used in situations where you need to protect people, whether it's the officers or you're at a school shooting, such as the school shootings we've seen on TV where an armored vehicle is used as a shield to get kids away from the buildings and take those away from law enforcement and not being able to use something like that. I -- I think could be a mistake. Hopefully, we'll be able to go through the -- the Governor to get those back.

All right. Let's hit the -- let's hit the big one. 14 -- 1940 to 1985. The removal of qualified

immunity. Can I sue a -- through you, Madam President. Can I sue a policeman for anything, if they don't have qualified immunity?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I'm -- I'm -- I'm not sure what the question is. The way -- I'll let -- I'll let the questioner rephrase the question. I won't make a statement.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

So, basically, can I -- can I sue a policeman for stopping me for a traffic ticket? Can I sue a policeman for not checking my house, if the burglar alarm goes off? Can I sue a policeman because he didn't apply a -- or he didn't get to my house fast enough to save a relative's life? Can I sue a policeman because he was standing on the sidewalk and I couldn't get around him?

THE CHAIR:

Senator --

SENATOR CHAMPAGNE (35TH):

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President and through you, Madam President. I'm going to assume this relates to the bill as it might pass. And if I'm incorrect, I would be happy to be redirected. But I -- I don't know how that pertains to the bill. So, the bill maintenance qualified immunity, except in the situations where an officer is determined to have operated in a certain way. And those ways are with three qualifiers in place. So, that the scenarios that Senator Champagne gave me don't seem to have any of those in play, they're just the normal course of operation of an officer who showed up to a scene a certain way and do certain things, but didn't operate in a malicious, wanton -- or wanton way or any of the three things that are in play there. So, I'm not sure -- I'm not sure how the officer would be without qualified immunity. If Senator Champagne wants to expand, I would be happy to respond.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I guess my point is, if you remove qualified immunity, which would stop the frivolous lawsuits from going to court, hopefully on the first visit, we could stop the -- well, again frivolous lawsuits, those that -- that really don't have much merit. And without qualified immunity, I

want to know, are we gonna be able to stop those and how, if we can?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Champagne. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. This bill doesn't remove a qualified immunity. This bill only removes it at the point at which certain actions have taken place. So, it's -- it's not as if officers are walking around without immunity, that is not what the bill does. I think the section that has caused people to believe that officers are walking around without immunity are -- is in lines 1965 through 1975. And in the event I will read on like 1970, which is the line that actually causes the action to happen, in the event such officer has a judgment entered against him or her for a malicious, wanton or willful act in a court of law, that's the section that allows for the potential for liability for the officer themselves. Beyond that, nothing has changed as it relates to the officer as the actor.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

So, if I understand you correctly, basically, qualified immunity is not being removed in this bill in any way, shape, or form, unless there is a

wantful -- I'm sorry, I got to get those three words again. I got it. A malicious, wanton, or willful act --

THE CHAIR:

Senator Winfield.

SENATOR CHAMPAGNE (35TH):

-- if it's not those three, an officer still has qualified immunity?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through -- through you, Madam President. If it's not those three, the way that the municipality would extend immunity to the officer currently would still be extended to the officer. And so, if there was a judgment at some point it would be on the municipality, not the officer. The officer only experiences exposure at the point where the officer has operated as we just suggested, in a malicious, wanton, or willful way.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I will reask my original questions. Can an -- can a -- an officer, who's part of the municipality, be named in a lawsuit for getting pulled over by the police with nothing more than they are receiving an infraction for speeding?

Through you, Mr. President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Mr. President. As the officer could be named in a lawsuit now, they could be named in a lawsuit after the passage of the bill.

SENATOR CHAMPAGNE (35TH):

Thank you. The difference between then and if this bill passes, day one in court, qualified immunity is put in place. Day one in court, on this, what happens?

Through you, Mr. President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Day one in court, the officer would have immunity. It is -- it is only at the point where, as we discussed prior, those other things have come into

play and I'll go back to the section just so that we're all clear. In the event such officer has a judgment entered against him or her for a malicious, wanton, or willful act in a court of law, so there would have to be a judgment in place. It's not day one of court. The officer walks in, they still have immunity. More than likely given what we've all suggested about officers, this would touch almost no officers, whether immunity would be removed. But that on day one, the officers would still have immunity, granted to the officer.

SENATOR CHAMPAGNE (35TH):

Thank you, Mr. President. Let's go back on that again. The officer may have immunity. Does the municipality have immunity, does the case -- can the case continue forward in the court of law?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Mr. -- Mr. President. So, the case could potentially move forward. I think there is always the possibility of the case not being allowed to move forward, so that is true. But the case could potentially move forward. As you know, I can't say whether that would happen or not.

Through you, Mr. President.

SENATOR CHAMPAGNE (35TH):

Thank you, Mr. President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you. And there's the point. It took me -- it had to take me a long time to get there. I think you might have been avoiding a little bit of it, but -- sorry, I shouldn't have put that in there. But the point is, is the case for a simple speeding ticket, the person got mad, I got a speeding ticket. You know, I'm gonna sue. In normal case, qualified immunity would have been put in place and that case would have, you know, pretty much died the first day in court. The second time, that case could keep going.

Now, I gave you something very simple as a speeding ticket. But, you know, this was -- how is it referred to as the new slip and fall. The attorney's probably already have the commercials out there ready for TV the day after this passes. You know, I mean, what this looks like to me is -- is this just opens the doors. And yeah, maybe the officer doesn't pay, the taxpayer pays for all these frivolous lawsuits, the taxpayer has to pay in each community. What did somebody quote? Somebody quoted saying that if one of these cases actually went -- went forward, in order for a case to get a jury -- to a jury, that could cost over \$50,000. And then if it does get to a jury, the -- the lawyer just has to somehow prove that this was malicious, wanton, or willful act. And I think -- I've seen things get turned around pretty good in court. And, you know, all of a sudden the officer on the other end of this thing could see that he did nothing

wrong, yet the jury believes that he did. And now, this officer has to pay the community back the money and then whatever the judgment is. So, yes, he -- he could lose his house off something -- off something that appears to be minor. But because it went through the whole system and it was judged by -- by -- and presented in such a way that this could happen.

You know, this -- this all comes about because of something that did happen in another state. I heard you say that. But we are -- we are literally -- we -- we worked together last year on a -- on a police accountability bill. And when we worked together, we made sure that we didn't have all these hiccups. We made sure that the police would understand this. And -- and I read through this and police don't understand this. Police are reading through this and they're -- and they're reading this kind of the same way I am on a lot of this stuff. And -- and basically, nobody wants the bad policeman left I the police departments, nobody does.

But when it comes down to it, we have these laws being put in place that pretty much are gonna punish all officers, all good officers. This is across the board. This is going to stop officers from -- from getting involved in stuff.

I told you before that I'm gonna rethink what -- what happened in my community. Am I gonna work with other communities out of the fear that I'm gonna be -- that -- that my community's gonna have to pay these fines for these frivolous lawsuits coming up. Am I gonna get into -- am I gonna do DWI checkpoints where, uh, you stopped me for 20 seconds and you know what, I wasn't drunk. I know you smelled

alcohol, but I told you it wasn't there. I'm suing you. Well, that's not gonna last very long because what I'm gonna do, I'm gonna say, we're not doing DWI checkpoints. When they figure out what the -- the first and secondary is on the tickets, if -- if seatbelts are on -- on the -- the secondary, well, guess what, quick getter tickets gone. You know, our regional SWAT team, we're -- we're questioning that right now because if qualified immunity wasn't in -- in place, and an incident happened in another town, well, now that Vernon taxpayers would have to -- would -- would be -- would be faced with a fine. And it doesn't have to be Vernon, it could be anybody. So, yeah, we're questioning all these regional organizations we're part of. And we have to relook at everything. And we're looking at it because of the frivolous lawsuits that this is going to create. And -- and we may say there's not, but you know what, there is, and anything can happen when you take something to court.

The cost of these is gonna be so expensive that again, this falls down to, this should be called Defund the Police. Just like the people out there wrote. Just like the people want, defunding the police. Well, that's not gonna work very well.

And then we got another section in here that talks about bringing social workers in. How are we gonna pay for that? Are we gonna get one social worker for one officer? And what rules are they gonna fall under? Are they gonna have to have police powers? Are they gonna have to have arrest powers? How is that gonna work? And I know there's the social workers that come out and say they don't want that to happen.

You know, violent crime is spreading in our state and -- and -- and we as politicians should be supporting the police. We shouldn't be going after them every chance or -- I'm not saying, every chance we get, but this bill is bad for police and it's bad for corrections officers.

You know, I'm all for accountability. I'm all for holding police accountable for what they do. And I think we passed a good bill last year. And this basically comes about and we're rushing this through. There truly wasn't a -- you know, that wasn't a public hearing. That was more of a listening session. And why didn't this go through Public Safety? I think this should have gone through Public Safety because I think this affects Public Safety. And instead, you know, we -- we -- we have our listening thing on the internet for 12 hours and there's a lot of people, I think, that would have liked to have showed up to give their opinions on this.

And you know what, as a retired police officer, yeah, I've been awake on this. This has been bothering me ever since I heard about this and I read through it. And you know what, there's police officers all over the State of Connecticut that are bothered by this and they think that this is politicians not backing them up and I agree with them.

THE CHAIR:

Thank you, Senator -- Senator Champagne. And Senator Kasser. Senator Winfield. Oh, Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Mr. President. And because it was represented that I said something that I did not say and because there were questions in there, I feel like I should respond.

I did not say that this is coming about because of something that's happening in another state. As a matter of fact, my work began long before the issue that happened in another state. As a matter of fact, I started this off talking about Jimmie Lee Jackson and the history that brings us to today.

I could lay it out a little bit more clearly for what's happened in the State of Connecticut, but this is an issue about power. This is an issue about how power is used in communities. This is an issue about power is misused in communities. This is an issue about cost, yes. But there are costs for communities who cannot believe, although I wish they could, that the police are operating to protect them. That's what this is about. And we can turn it however we want to, and we can know what's true in our communities, but there are communities with the reality that we face is not the reality.

I can tell you about sitting on my porch, watching police officers pull over a car, it's a young man. It's a young black man. And I could tell you exactly how that situation's gonna go and I can tell you that officer's trying to get in the car and that officer doesn't have probable cause. An officer will say things like, well, he seemed nervous. I'm the Chair of the Judiciary Committee, they pull me over, I'm nervous because I have walked around in this den for the entirety of my life. That doesn't

mean the officer's bad, it means that what has happened here has led us to a place where I can't say for sure that I leave that encounter, no matter the fact that I walk around, I wear a suit. No matter the fact that I've done everything right in my life, that I was in the military, that I've done every -- I was a Boy Scout. No matter all of that stuff because I'm black and because of the history we have.

And then we say, let the system handle it, the same system that has not handled it to this point. And when we say, we're going to limit the removal of qualified immunity, well, that's gonna let -- that's gonna open the floodgates for everything and the officer is gonna be exposed.

And when I explain how the officer is not exposed, the story pivots to the municipality. This is about who the actor is when the system breaks down. And when the system breaks down, people still need the right, the ability to find recourse. Section 1983 is supposed to work, but it doesn't because of the way qualified immunity at the Federal level has developed. And so people say, well, I like the way it is. Well, of course, you can't pierce it. But you know what it's supposed to do, for the same reasons why you can penetrate it here, it's supposed to be penetrable at that level, but you can't penetrate it because you've got this weird thing. And if you think about the George Floyd case, which we're talking about right now. Now, if you think about the George Floyd case, and you think about how horrific that is and how everybody -- I haven't met a single person who says, I think those officers are justified.

If you think about the case and the fact that he -- that he had his hand in his pocket, there's no case like it. And because of the way qualified immunity effectively works right now, if that was the place where you would have to go -- and I know this is a different story because there's so much attention on it, those officers are going to experience a different type of justice than they normally do.

But if it was normal, and when I mean normal, I mean normal for the people who I know who live in the community I live in, if it were normal, that would be the place where they would get recourse.

And because of the way qualified immunity works, they couldn't get it. And I don't call that justice. And we can go and have all of these hypotheticals and all of the stuff you want to talk about, I've heard it all. But there's no justice for those people. That means there's no justice for me. And if there's no justice for me, and there's no justice for those people, what you call justice isn't justice.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Mr. President. I am gonna respond. You know what, what you describe, nobody should have to face. And you know what, I'll tell you what, when I did a traffic stop or I dealt with anybody, it didn't matter the color of their skin, it didn't matter anything. They were treated as a person. And those officers that treat anybody any

differently, should be held accountable. But you're going after all officers. You're not going after just the good -- just the bad officers. You're going after all officers. And -- and that's what bothers me.

Thank you.

THE CHAIR:

Thank you, Senator. Senator Kasser. And also to note that Senator -- Senator Slap should be in the on-deck Circle.

SENATOR KASSER (36TH):

Thank you, Mr. President. And thank you so much, Senator Winfield for that impassioned and personal testimony about what it's like to be on the other side of power.

I rise to support this bill, to commend my colleagues for working on it and presenting it to us. I do not think this is anti-police, I think this is pro-police, pro professional police, and pro justice.

And while I wish we were voting on dozens of bills that address justice from every angle, healthcare, education, economic, housing, this is the bill that we have, and I am proud to support it.

And I do believe that when the fear subsides and when the misconceptions are refuted and when the facts surface and after this bill hopefully passes and is implemented, we will see that it actually benefits police and benefits communities because

what it does is codifies best practices, standardizes the highest level of training that many communities are already doing. But this bill will ensure that all police officers get the best training necessary to do their job.

And any officer who acts professionally and with integrity and good judgment, even if he or she makes a mistake, will not be penalized. And we know that there are thousands and thousands of excellent dedicated police officers in the state, without whom we would not survive. I'm not sure we would have survived Covid or at least we would have had a lot more crisis and a lot more problems, if we had not had our dedicated police officers on the frontlines doing everything they could to help people at every level.

So, we are all incredibly grateful, profoundly respectful of the thousands of good police officers in this state. This does not affect them. This does not penalize them.

I just want to take a moment. I have not done this before. But I would like to take a moment because, who knows, this may be our last session this year. This may be my last session ever. This may be my last vote ever. And I have never discussed anything about my personal experience in a public forum. But I just want to share my perspective. Because when I came to this Capitol, when I was first elected, I'm sure many people took one look at me and saw a white woman from a community of privilege, dismissed me on that basis, on the surface qualities that I presented and the stereotypes that they had, the bias that they had.

Well, I am white, and I am a woman and I am from a privileged community. And as a white person, with privilege -- we already have privilege by virtue of the color of our skin. So, it is incumbent upon us to recognize that. It is incumbent upon us to listen and learn about other peoples experiences that are very different from ours and to validate those experiences.

So, while I may have been judged, and we judge one another based on our surface qualities, that never tells the true story of someone's experience. We have to look deeper and we have to listen.

And while I don't know what it's like to live in black skin, I never will, I do know what it's like to live with intimidation and fear. I know what it's like to live with domination and control. I know what it's like to live with someone who has taken an oath to defend and protect, but when no one is looking, actually degrades and insults. I know what it's like to live with someone who's admired in the community because of his power, but then uses that power to exploit and take advantage. I know what it's like to live with someone who believes they are superior, and you are inferior. I know what it's like to be dehumanized and feel powerless.

Domestic abuse and the police abuse are different, but the power dynamic is the same because that's what it is. It's a power differential. One party, one person using their power to dominate, control, hurt or exploit another person and it's wrong. Whether it happens inside our homes or inside our communities, on our streets, anywhere, it is wrong. One person's power cannot be used to hurt another person.

And I support this bill because that's what it does, it draws a line and says, we cannot dehumanize one another without consequence. It creates a boundary that cannot be crossed that says every person is a person. Every person has value. Every person must be heard and validated because in domestic abuse and in police abuse, both sides are human, but they are not equals. And that's what this bill seeks to do. It seeks to equalize the power differential. It does not punish good cops or even cops who act in good faith and make mistakes. It simply takes a step towards equalizing the powerful and the powerless, which is one step towards justice.

And I just want to remind everybody what the image of justice is. The image of justice, as depicted for hundreds of years, is a woman with a blindfold holding a scale. And it's only when those scales are balanced that justice is achieved, which means the balance of power between two sides. And it's not a coincidence, I don't think, that justice is a woman because justice is not achieved through domination and force, but through compassion. By recognizing -- by recognizing the power differential and ensuring that the party with less power is elevated, is heard, is recognized, is given the same fair, equal treatment as anybody else, especially those with more power.

So, I am proud to support this bill. I am proud to support the police officers in the communities that I represent. I honor them. I honor the work that they do. I know it is dangerous. I know it is -- it requires tremendous sacrifice and dedication. But I also know that the most important thing we can do in this Chamber, in this legislature is to

advance justice and to protect people and to ensure that everyone's rights are equal and are protected.

So, if this is the last vote that I take, I am proud to take it because I do believe this is one step forward on the arch of justice. And when emotions subside and the facts emerge and this -- these practices and standards are implemented, I do believe that we will be in a better place that police will be better off, they will be better equipped for their job and they will do it with compassion. And we will all be better off as a human race because we will recognize one another as equals with respect and dignity.

Thank you. Thank you, Mr. President.

THE CHAIR:

Thank you very much, Senator Kasser. Mr. Majority Leader.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, we have to just clean -- spray down because we're a little out of order right now. So, if the Senate could stand at ease for a moment.

THE CHAIR:

Yes. The Senate will stand at ease.

The Senate will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, I'd like to yield to Senator Slap, please.

THE CHAIR:

Senator Slap.

SENATOR SLAP (5TH):

Thank you, Mr. President, good evening, good to see you.

THE CHAIR:

Good evening, Senator.

SENATOR SLAP (5TH):

I am rising in support of the bill. And I want to make a few -- a few comments and add my perspective. I've been doing a lot of listening this summer. Listening to constituents talk about racial justice, about systemic racism and about how we can move forward as a society.

What this summer of 2020 is ultimately gonna be about, is it just gonna be a moment or will it be a real movement. And in listening to folks talk about their experiences, I've noticed a trend. My friends of color often talk about what it's like being a parent, being a spouse, and they have that talk with their -- their child, let's say their teenager before they go out and take the family car or -- or before their -- their partner leaves the house, that talk. And for people of color, they know exactly what I'm talking about. And it's -- it is about how to deal with the police, and it's rooted in -- in

fear. And it's something that no one should have to endure is living in fear.

And as a white person, I carry a privilege with me. I have two teenage daughters and a younger son. I've never thought about giving that talk with them, I've got to be honest. But I have to put myself in other people's shoes. And I have to think about what that would feel like. And at first I said, I can't imagine. And then I said, I have to imagine. That's my job, not just as a State Senator, but as a human being, say, what does that feel like? And I think that's partly what this bill is really about, saying that nobody should have to live in fear and wonder what's gonna happen to their child or their spouse and say, oh, please, just don't have an encounter with the police.

And I would say, you know, that I've heard from a lot of constituents about this, as all of my friends around the Circle have, and this is not a scientific survey, but I would say probably 2 to 1 in favor. There are some folks who want to be there, I would say, but who struggle. And one of the themes I want to address is cost. And I want to talk about cost. What is the cost? I would say that we're already paying the cost for mistrust, substandard community relations with police that we could improve and strengthen upon and that's what this bill was also about.

Do you know that last year communities and municipalities all across the country paid out \$300-million dollars for police misconduct. And that's not even counting just the insurance and all the other costs that taxpayers flipped the bill for. So, there is a cost right now beyond that. If we

look at just the racial wealth gap, and this bill touches on that a little bit, it's not precisely what the bill is about. But I -- at the end of my remarks I -- I will tie it together. McKinsey estimates that we lose trillions of dollars a year because of racial inequity as a country.

So, if cost is your thing, if that's what you're worried about, we got a good answer. Four to six percent of our national GDP by 2018, that's what we're gonna sacrifice because of racial inequality. \$300-million dollars last year for taxpayers across the country. And I would bet you, my friends in the Circle here ask as I did, your town, what do you pay right now? There is a cost, right for either police misconduct or insurance. And I would say that this bill is gonna strengthen community relations and it's going to help weed out -- we hear about those few bad apples. I believe that 99.9 percent, whatever the -- whatever the percentage of our police officers, our good public servants who are acting in good faith. And this is not an anti-police bill, but this is going -- this is gonna help, I believe, reduce cost, and strengthen trust.

But let's put that aside for a minute in terms of the cost. Let's assume for the sake of an argument that there might be an increased cost to, let's say, an individual taxpayer. Is it worth it?

So, again, putting ourselves in other people's shoes, don't we have to say that if we were the ones who were living in fear every time our son or daughter or spouse or brother or sister, you name it, left the house, hoping and praying that they would come back. Just like the police officer families, by the way, we have to do right by that.

And there's two sides of this, but I think everybody wants the same thing. They want their loved one to come home. And I wonder though with this, with this bill, that would folks who are saying, wait a minute, it costs too much. Would you say the same thing if you were a person of color and you had that same fear? What would the price be? How much would be too much? I don't think you would. I'm not hearing that argument. I'm -- I'm just not.

So, you know, cost is relative. Again, I don't think, and I've heard from many folks who would back this up and say, you know what, no, this is not gonna be very costly. And again, we could save money when it comes to police misconduct with the training and all the other things in this bill.

But like I said, even if there is a cost, you have to ask yourself, would you oppose it if you had that feeling, if you had to give that talk to your family member? And I don't think you would if you had to do that. I do not think you would based on cost.

One more thing I want to touch on. And it's Martin Luther King, Jr.'s letter from a Birmingham jail, 1963. And he wrote about his frustration with the moderate white. And he wrote about how frustrating it is to say, I'm totally with you, I'm right there. I'm with you and I got -- we got the same goals. I'm paraphrasing obviously, he was much more eloquent than I am. But I just can't agree on your methods. And that was 1963 and I'm thinking about that quote in that letter a lot this summer and certainly the past few weeks that I was really digging into the details of this bill.

Another part of the letter, he says, I had hoped that the white moderate would understand that the law and order exists for the purpose of establishing justice and that when they fail in this purpose, they become the dangerously structured dams that block the flow of social progress. Dangerously structured dams, right, that block the flow of social progress, that's what Dr. King said when law and order is not upheld.

I say to the Circle, let's break the dam. Let's be a national leader. Let's attack systemic racism. Let's have this be the beginning. Let's work together, roll up our sleeves. Let's address as soon as we can, inequities in education, in healthcare, in housing. We can do this together and this can be the beginning, the breaking of that dam.

And when we look at 2020 and we say, what was the summer about, other than Covid, about racial justice. What did we accomplish? Did all we accomplish was getting the NFL team that plays football in Washington to change its name, was that it? We hoisted the Black Lives Matter flag over the Capitol, that is fantastic, but that's not the end.

This is important, this bill. And it's gonna help break that dam like Dr. King said and that's while I'll be voting for it.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Slap. Next is Senator Formica to be followed by Senator Hartley.

SENATOR FORMICA (20TH):

Thank you, Mr. President, good afternoon, still?
Good evening.

THE CHAIR:

Good evening, Senator.

SENATOR FORMICA (20TH):

Thank you. I rise for some conversation about this bill. This country, our great state, has seen enough. The tragic events that brought our nation to our collective knees was shocking and appalling and not indicative of the vast majority of law enforcement, nor the beliefs and standards by which our great country was founded. We must change. We must change many things. And we must change many things in how policing is conducted. I believe there's widespread agreement on that.

Many of the provisions, most of the provisions in this bill before us are reasonable. Approaches to change. Change that we must have, and we must move forward. But we need clarification and I have one question, Mr. President, for the proponent.

THE CHAIR:

Please proceed, Senator.

SENATOR FORMICA (20TH):

Thank you, Mr. President. Good evening, Senator. Thank you for your work and your passion in putting this together. I know it's not easy.

My question is, to what degree was law enforcement involved in crafting this legislation and helping with the -- the decisions in -- in how to do some of the wording?

Through you, Mr. President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I'm gonna try -- through you, Mr. President, I'm gonna try to answer the question and -- and believe me, I think I might not hit the target. I've had a lot of conversation over the course of the last month or so as this bill has rolled out and a lot of attempted conversations. Not all of my attempts at having conversations have been reciprocated. But I've had conversations with police officers, police chiefs. But in terms of the actual language, as I'm sure Senator Formica knows, the language goes into the legislative commissioner's -- commissioner's office and there's -- there are attorneys there who write the language.

So, if the question, and this is where I think I might not hit the target, if the question is, the actual writing of the language, then they had as much to do with that as anyone else would have. There were suggestions of theirs that made it into the bill, but they didn't write the -- they didn't -- they didn't have a handle on writing the actual language.

But if the question is about, did they have input in the bill or have the ability to have input into the bill, then the answer would be, yes.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you very much for that, Mr. President. Thank you for the answer. You know, I had to adjust a little bit while we were speaking because of this echo. And the last part of what you said, I know that, you know, legislative attorneys write a lot of the language. But the conversations that you had moving into that so that the intent and the thought and the theory behind some of these provisions that you put in here and their opinions on that and what good or not may be done with regard to that, that's kind where I was going.

Through you, Mr. President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Mr. President, and as I suggested, there was the opportunity for input. Some people probably would disagree with that because they as an individual didn't have the opportunity. But there were conversations reached out to some of the representatives of police, police chiefs, individual police officers, and after the listening session,

which allowed for more input on an individual level. After the listening session, we went back and had further conversation with some of those same groups. And as you know, being here, that I was certainly texted and called by individuals who are -- who are or have been police officers who have wanted to give input and while the bill is at this point done, I just had a conversation yesterday for over an hour with a police chief about the bill.

So, from the beginning of this process until the end of this process, there has been opportunity, and some have availed themselves and others have not, but that opportunity has been there. And I would say that the same is true of all of the persons involved in this process, Representative Stafstrom, Senator Kissel and Representative Rebimbas as well.

SENATOR FORMICA (20TH):

Thank you very much for that answer.

THE CHAIR:

Thanks, Senator Winfield. Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Mr. President. Thank you. I don't have any further questions at the time. But thank you for that.

Complex legislation such as this needs broad consensus. It needs conversation on a wide scale to find the way to create an opportunity to work together so that we don't create a bill intentionally or unintentionally, a bill that would

change or improve and advance one interest to the broad detriment of another. And I know the best bills have a little bit of discomfort on either side.

And today we're talking about a bill designed to reform policing in this state. To change the stakes from 99 percent of the good police officers who work with their heart and soul each and every day to do the right thing. Every day that they go to work under circumstances that most of us wouldn't chance.

And I'm not sure that the discussion was broad enough to bring them in and have the provisions in the consequences and the effects of some of the provisions in this bill of what would happen to policing moving forward. Because I believe in a change must happen and I believe that most of the officers that I've spoken to and I, too, have spoken to police chiefs and rank and file and retired and leaders and people here.

Most of the officers that I've spoken to have all said, yes, we can do things differently. We should do things differently. Yes, I can support change as a police officer. Yes, I hate to be painted with the broad brush of brutality and negligence and abuse of power that the smallest percentage of officers who abuse their powers act and behave. It embarrasses them. It disrespects them. And I believe this bill should have had a broader audience. It should have had more opportunity for conversation. It should have had more committee involvement, more public hearings other than being online.

My particular concern is of the section with regard to qualified immunity. I heard you passion just a few moments ago. And I believe this qualified immunity protects the good officers. I think the bad things get taken care of. But I'm concerned about the long-term effects, perhaps the unintended consequences of what's gonna happen if qualified immunity is removed in the way that it's contemplated in this bill.

I believe that the tendency would be to have our streets be less safe than they are, to have our communities to be less safe than they are. And I don't believe that's the intent to this bill. And I certainly don't believe that the people who crafted this bill want that or believe that that might happen. I just think that it is an unintended consequence.

And I agree there are many things we must do to fight and right these wrongs that are happening in this country. We must safeguard our streets. We must end racism. And we must work and begin to rebuild trust amongst each other and amongst our communities.

We must change how we treat each other. And while I cannot feel the direct pain of prejudice that people of color have felt or do feel, I can say I'm learning about the depths of that pain. About how the subtleties of that pain can be inflicted, sometimes even unknowingly inflicted.

Mr. President, I say I'm learning. And I can tell you that I have a wonderful teacher. The most genuine honorable, hardworking, loving, and principal young man that I've ever met. A young man

who happens to be of color, but whom I'm extraordinarily grateful and proud that has joined our family. And that my daughter loves more than anything and he loves her the same way.

So, this is personal to me. We were not racist in our family. We don't see that. But in conversations with this young man, we've talked about the subtle comments and the discomfort in the education system that he felt and the concerns that he has about potentially being the target from abuse of authority. This is a brilliant young man. And I have three daughters and a son. And I can stand here today telling you that I want my black grandbabies to have the same freedom from fear that my white grandbabies do.

We need change. But I believe this section, if it remains in the bill, it will affect the long-term safety of not only my family but of our streets and of the community.

I believe that because I believe the consequences of this section will cause us to lose police officers. Lose police officers to retirements before their time, stripping departments of crucial veteran leadership that we need to depend on to manifest change. I believe the recruitment of new young officers who will be the lifeblood of change, that recruitment will become more challenging as a result of the provisions in this bill. Because who would sign up to go to work every day when you risk your life and now you're asked to risk your livelihood as a result of this bill, their homes? And I believe that may be the unintended consequence here.

And what happens when police presence is reduced? And New York City just recently reduced their budgets. And one of the items cut was a street crimes unit that was in plain clothes and patrol and everybody knew who they were, but their job was to keep the streets safe.

And since the elimination of that street crimes unit, violent crime is up over 100 percent in a matter of weeks. Not violent crime from police officers, but from the criminals who will take advantage wherever they can and won't care who they hurt, who they kill, who they rob, they're just criminals and they take advantage.

I want to vote for reform. I want to be a part of reform.

The other provisions in this bill, I believe there are some that can be improved. I feel the discomfort there, but I can compromise on those. But I believe the loss of the qualified immunities will change policing for the worse, making our streets less safe in the long run for all my grandbabies and yours.

I think we should do whatever it takes to weed out the bad cops, to weed out the rotten thinking and the abuse of officers.

I think we should do whatever it takes to train those good cops the techniques they need to treat everyone fairly and with respect. Let's do whatever it takes so that all the police officers that are on the job can be successful. And we need to give them the tools, so that they strive every day to do the right thing. Those cops who hate how abusive

officers have tarnished their reputations, let's give them the tools. Let's not tie their hands. Let's not handcuff their ability to succeed.

In conclusion, Mr. President, I want to talk about another man of integrity that I know. A man of great moral character and a man who spends his days as a state trooper doing the right thing always for the right reasons every day.

I had the great privilege to work with this man for a number of years. I worked every day. And every day I watched how he served our community and our state, full of compassion, tough, tow the line, do the job. But he is such a role model. He is such a man of character that his two boys are following in his footprints and are both currently involved in the academy, learning, training to be troopers. They want to serve as their dad does, for all the right reasons. And I believe this is the family, this provision in this bill will hurt. Yet, this is the family I want on the job. This is the family I believe we should all want on the job. So, that when my son and my daughter and my grandbabies are walking the street of their neighborhood they're safe, they feel safe. Especially, when they encounter people of authority, police officers. And I believe this provision will put that at risk and make our state less safe, less safe. And slow the reforms that we so desperately need.

Mr. President, I want to again thank -- thank you for the opportunity to stand here and share my thoughts. Thank you, Senator, for your hard work.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Formica. And next will be Senator Julie Kushner. Good evening, Senator.

SENATOR KUSHNER (24TH):

Good evening, Mr. President. Thank you for the opportunity to address the Circle.

I rise in support of this bill. I want to talk a little bit about how I got here. All of us, I think everyone in the nation, saw at least part of the video of the murder of George Floyd. And I think that when we saw that, we were all deeply disturbed and shocked and horrified. And we've heard these words from friends, family, strangers. But I think what was really important is that since that time, we've been engaging as a nation in a discussion about systemic racism and about what it means to be black and brown and what it means to be white.

I know that I've had dozens of conversations with people I might never have spoken with before, police officers, police chiefs, state's attorneys, attorneys, friends, families, Black Lives Matter protesters. I've had conversations with people I didn't know before now. And I've heard all sides of this issue of this bill discussed by those people.

But I think what has impacted me the greatest has been talking to my colleagues, talking to Senator Winfield, talking to Senator Moore, talking with Senator McCrory, my black colleagues, and learning from them that right now the most important thing I could do was listen, listen to everyone. Not expect to have all of the answers. Not expect -- expect to

understand everything. Not to share my past and my experience, but to listen, and I've been doing that now for about six weeks, and I've learned so much from my colleagues. And I've heard about their experiences. I've heard about the fear in black and brown communities. I've heard and believe that too many black and brown children are raised in fear of the police, rather than having the trust that we would all want in the local authorities.

I think Gary Winfield is brilliant -- Senator Winfield, I apologize. I admire him so greatly and I'm not just saying this, but I have seen Senator Winfield for the last month listen to everybody, people who agreed with him, people who disagreed with him, people who wanted to hurt him, people who wanted to uplift him, people who wanted to praise him, people who have thanked him. He has listened to it all and he has remained calm and patient. And regardless of the experience that he has had, he has crafted a bill that is very balanced. He's crafted a bill that listens to the opposition. He's crafted and made changes in a bill so that we could all come here today and vote in support of this bill, and I admire you for that.

I haven't shared my personal story because that's not what's been important to much of the discussions. But I do want to share a little bit of it right now. I grew up in a little farm town in Iowa. I was born in 1952. We were the only Jewish family in that town. And the name of that town was Hamburg, Iowa. It was built by immigrants from Germany and I was born in 1952, right after the Holocaust and after the war. And I felt very different in that community. There wasn't a single person that lived there or was a farmer in the area

that didn't know that there was a Jewish family in town. And I was aware of that as a small child and through my life. And what that did for me was it taught me what it's like to feel different. It also taught me because of the parents I had. Because of my family, I was taught that no one should be treated as lesser than because they're different, whether it's the color of your skin or your religion or where you come from, that everyone should be treated fairly and equally. And so I was raised with that. So, it's not a surprise that when I grew up in the 1960s I got involved in the Civil Rights Movement and I had hope. And I believed that we were changing the world.

So, what really, I think I had to confront in this moment, is how disturbing it is to now be 68 years old and realize that we haven't done enough. That we haven't changed enough and that we are still living in a world, in a country, in a state and in our own town, filled with systemic racism. And part of the problem is that white people have been in power for a really long time, good white people, white people who want to make change, but we haven't done enough.

Now, I didn't expect to be a State Senator. I didn't expect to be an elected official. I didn't expect to be here. Three years ago I would have been surprised. But now I am one of those white people with a little bit of power. And it is really important that I use that power to carry out my values and my beliefs. And I believe that this bill, while it doesn't still halt systemic racism, while it doesn't gonna change the world, it is incredibly important to people who are important to me, the Black Lives protesters, the young black and

brown kids who are out there fighting for justice, who believe they -- want to believe they can get justice from us, from those of us who have the power to vote today.

And when I think about some of the criticisms of this bill, the concerns of this bill, when I have talked to people who are opposed to this bill, the objections that are raised just do not rise to the level that I feel it would warrant to vote no on this bill. There's nothing that has been said that makes me believe that this bill has something in it that would really hurt our state or our community.

Quite to the contrary, I think when we pass this bill, we're uplifting our state. We're uplifting our communities. We're showing that we are responsive to change. And I believe those good officers, that have been talked about a lot, the kid across the street from me, the kid I talked to for hours the other day, I really believe that those good officers are gonna some day come to realize that this bill makes us -- makes our policing better, that this bill builds trust in the police, the trust that is so necessary.

So, in closing I'll just say that I think we all want the same things for our families, whether we're black or brown or white, we want good jobs, good schools, and safe communities where we can trust our local authorities and we can trust each other. We want communities where all children, all adults feel safe. And I believe this bill will bring us closer to that goal and that's why I will be voting in favor of this bill tonight.

Thank you, Madam President.

THE CHAIR:

Thank you, so much, Senator Kushner. Will you remark further on the bill that is before us? Senator Martin, good evening, sir.

SENATOR MARTIN (31ST):

Good evening, Madam President. Thank you for the opportunity, Madam President, to rise and to say a few things regarding this bill that's before us and to Senator Winfield, thank you for your hard work regarding this bill. I know it's very challenging for you, in particular, having to address and listen to a lot of -- a lot of individuals that are being affected by this bill in one way or another.

And I represent Bristol, 60,000 people, and the surrounding communities of Plainville, Harwinton, Thomaston, and Plymouth. The crime rate's relatively low and I think a lot of it has to do -- deal with the cooperation both between the police and the communities of each of the respective police departments and their towns that they serve. The results deterred crime as well as solving crimes.

But I believe that holds true in all communities that have low crime rates is this connection between the police and those in the community. This bill, if you look at it, covers quite a bit, you know, starting from the -- the first section, the police officer certification and decertification, of crowd management policy, inputs that bias training for police officers, reports on recruiting on minority police officers. Going to -- skipping along to civilian review boards. Bristol does have one of those, by the way, and it works very well. Body

cameras, which I know Bristol has as well as dashboard cameras and related grants, et cetera.

This legislation seems to send a message, in my opinion, after reading it and after listening to police officers as well as constituents, that there's a systemic widespread problem with the police regarding racism and brutality in our state. And it almost assumes, and this was sent to me and so I'm just reiterating -- reiterating it here, that it assumes that the police are bad. Well, I think most of us realize that is not true. For the most part, policemen are not bad.

There's no doubt that some departments do require some type of reform and there should always be some continuing conversation of improving. I was sent that as well by police officers saying, hey, listen, there's always room for improvement. They mention the fact that they are looking for improving their professionalism every day. And there's also -- and there's also no doubt that the police departments are not broken, as some are alleging, as a police officer has stated to me that, hey, listen, we're not as broken as this bill seems to make it appear.

So, the consequence, I think in this passage of the bill, is going to impact our municipalities and the recruitment of police officers and actually the retention of good police officers. I think that's been spoken here today. I think the -- the committee probably has heard it multiple times. And I believe that it will impact it as well.

The common thread in all my discussions has also -- always been the -- the qualified immunity portion. So, I'm not gonna belabor it here. But another, I

guess, part of what I've been hearing pretty -- pretty consistently is the -- is where's the evidence that there is systemic policing problem throughout the whole state or is it just parochial?

If -- I know Bristol, in my district, we have a low crime rate and I've stated the reasons why I feel that -- that being the case. But does this legislation warrant us to a point where we have to legislate the whole state because of a few bad incidences? And the question is, where is the evidence? Have we actually taken the time to discover the truth entirely? And if the evidence -- and can it be, I guess, identified and justified? So, the evidence and, you know, being a police officer, those that have spoken to me, have -- are writing this and saying, where is that?

And I'll just read to you what one wrote here. And he asked, can you point to cases where Connecticut officers had committed misconduct, have not been held accountable and, therefore, have committed serious misconduct? Can you identify a case where an officer has escaped liability for serious misconduct because of qualified immunity? Are there cases where an officer has caused harm to citizens because the officer was emotionally disturbed or under the influence of drugs, justifying periodic evaluations and testing of all officers?

So, there are many more that are going to talk, but I just wanted to conclude with these comments from the same writer here. If he writes and says, the persistent attack against police by groups and the media, accepted by politicians, has led to de-policing, where officers are willing to self-initiate or -- excuse me -- are less willing to

self-initiate enforcement of motor vehicle laws and crime deterrence resulting in unsafe driving and more crimes. He goes on to say, all of this will lead to more victimization and reduction -- and reduced protection of services.

I think you've heard that -- I've heard it consistently that we are going to deter the recruitment of young policemen, policewomen to go into the -- into this field of service. As well as, we're going to have a hard time holding on to those good officers that are currently employed now.

I just felt that I need to -- to say on behalf of those that have contacted me and shared their concerns regarding a piece of legislation, I think it was important that I come here and at least express where -- what my constituents, the police officers that I represent in my district, I needed to come and share with that with the Circle here.

Thank you, Madam President.

THE CHAIR:

Thank you so much, Senator Martin. Will you remark further, Senator Winfield?

SENATOR WINFIELD (10TH):

Thank you, Madam President. And -- and I only do this when things are said that I'm not saying and don't intend in the bill unless a direct question is asked.

It was implicated that -- indicated that what runs through this bill is the notion that the police are

bad. Now, anybody who's been in this building, and I've done all of the police reform that's happened in the last decade-and-a-half, right? Anybody who's been in this building knows that I start off every conversation the same way, so that everyone is clear. I do not believe that. And every time we have a conversation, without saying that that is what I am saying, somehow the piece of legislation, this one, the one before it, the one before it, is saying that police are bad.

And then they ask the same question over and over again. Show me the case of when people talk to you about what they are experiencing, just like what just happened here. Gary says, I don't believe this. And what's said right back to me is that's what you believe. When we say, this is what happened to me, what's said to us is, that doesn't happen in my community. Of course it doesn't. We're not talking about your community. We're talking about our experience.

People keep focusing on well, this bill is going to do this to the good cops, that's what we want to talk about. If we had an arson problem, wouldn't say, most people aren't arsonists. We have a problem in policing, but it doesn't mean that all police are bad. We can have both thoughts in our head at the same time. We can believe and understand when people say, look, I filed reports, reports disappear. I've done this, it doesn't happen. The chiefs will even tell you, for instance, well, I can't get rid of these cops. Part of that has to do with the way the system's set up, part of that has to do with the fact that sometimes the I's aren't dotted, and the T's aren't crossed.

But the point is there are people in communities in Connecticut who are telling you that on a daily basis, the relationship they have with police is not the relationship you have with police. And you cannot meet those people with your experience and say, that nullifies your experience, which is what this Circle would be doing if they said, well, I hear you, but -- which is what we do in this building constantly. We constantly say, I hear you, but. No one's questioning your experience. You have a right to have had it. You have a right to believe everything that you believe and so do these people. We don't say, well, not everybody is doing this, so we don't create a law for everybody in the state. When we create the law, we create the law for everyone, right? And if you trip over the law, you've tripped over the law.

We are creating a law that if police do something wrong and they trip over it, then the law affects them. If they don't do something wrong, like I believe that most will not, it doesn't affect them. But somehow in this conversation we keep going back to the same thing, despite the fact that this is how law's work, they apply to everybody or at least we hope they do. This is how laws work. We can't do this because it's going to get all of those good cops, when it's designed to get the bad cops. And the section that has animated people the most, the stuff we talk about, the malicious, the willful, the wanton, it is not easy to trip over that. You have to have intended to do something. It's also not easy to prove it. And yet somehow, we walk into this building and we act as if every cop is just gonna be walking the beat and they're gonna find themselves in a court of law. And the court of law is going to find that they did that.

Now, anybody who understands how the courts operate know that's just -- that makes no sense. Yes. Yes, we want to be careful. That is what we've done. We responded to police officers, to chiefs, to people in law who said, hey, that section of the bill needs to be clarified. That section of the bill needs to change. We came back and what we heard from people was, well, I don't like this section. It applies in a way that it doesn't actually apply. So, therefore, I'm not gonna vote for the bill. All of us have a responsibility to read the bill and know what the bill says, not what people feel it does, not what people imagine it does, not what people made up it does, but what it says and that's not what's going on in this conversation.

And we're gonna walk out of here at some point, I don't know, at midnight, 1 o'clock, 2 o'clock, whenever we walk out of here. And if we walk out of here and say to people, we did the right thing, then it should mean that we did the right thing as it pertains to the bill that's actually in front of us, not people's feelings about the bill that is in front of us. Not people's imaginations about the bill that's in front of us.

I live in the district that I live in. Others live in the district they live in. We have different realities. But we all represent every single person in the state by -- by -- by extension of the fact that we sit here. We don't just represent our districts because the laws we make are the laws for every single person in this state. So, if we say, the only thing that I'm concerned about is what happens in my district, then there's something wrong about the understanding we have of sitting around this Circle. And it will be taken into account the

experiences of every person in this state, you cannot say that there's no problem in policing. The people in the streets of Connecticut have not been animated for weeks just because of what happened in another state.

The people in the State of Connecticut have heard from the people who say there's an issue and they're moving because of that. And the government that represents them they say, but we have to talk about the good officers. That's nonresponsive to what you've seen in the streets of Connecticut. And I'm not just talking about in New Haven, where you would expect it. I was in a protest in a district I wouldn't expect to be in, in Southfield. I saw protests in Somers. I've seen protests in all kinds of places where we don't have these conversations normally. That's not the people in my district are saying it, that's the Connecticut -- that's the State of Connecticut.

And I just wish that when the people who have come to us, who have addressed us and said, I have a problem, my community has a problem, we didn't look at them and say, but mine doesn't. That's not the way we should operate.

So, I respect everything that everybody is saying, but my community doesn't have a problem has nothing to do with the issue that is here. The center of this problem is that black people in this state, in this country have a problem as it relates to police and it goes back to the foundational history of this country. It goes back to the foundations of policing in -- in -- in this country. It goes back to slavery, which by the way, is part of the reason the state is what it is. We don't talk about that.

We want to talk about everything but what the problem is.

I want to talk about the problem. The problem isn't the good officers. The problem is that there are officers who are being given power and have been allowed to use that power and we have pretended as if the system was going to check it. It doesn't. It doesn't, and it will not check it.

I've said for many years, look, you don't want me doing these bills, you come here. You show us what you want to do because what I keep hearing is, we would like to have a better system for us, meaning the officers, meaning the police. And if you've been here any length of time, you've heard me say this before, you do it. How many times do you think this happened? And I've been doing this a long time. I was pushing on this building before I got here. I've been in this building since 2009 and never have I seen it happen and that's what we're dealing with.

So, at what point do we get to look out to the people of the State of Connecticut and say, we actually hear those of you with the problem? When? When do I get to go back to the community that I represent and say, hey, we heard you and responded to your problem? That's what this conversation is about. It's not about the good officers. It's not about the officer who held my baby in his hand, in my home, when he was eating food. I don't care about it; I love that person. He was one of my groomsmen. That has nothing to do with him.

This is about the people who are doing the wrong thing. That's what this issue is about. That's what this bill is about.

Thank you.

THE CHAIR:

Will you remark further on the bill? Good evening, Senator Abrams.

SENATOR DAUGHERTY ABRAMS (13TH):

Thank you, Madam President. I rise in support of this bill. And I'd like to begin by thanking the leadership of the Judiciary Committee, particularly by colleague, Senator Winfield. I am not the orator that he is, and I hope to be that someday. So, thank you so much for your leadership on this bill.

We must acknowledge that there are members of our community, friends, family, and neighbors, who are not treated fairly because of the color of their skin. Discrimination is real, not only in the area of criminal justice, but in healthcare and housing, education, and employment.

This bill is what I hope is the beginning of addressing the injustice that we all know exists. To those that reached out to object to this bill because they see it as anti-police, you have only to look at my voting record to see that I have a great deal of respect for the men and women who keep our communities safe. And I believe that when all is said and done, this bill will enhance their work.

To those who have thanked me for supporting this bill, that is a humbling experience because for me, this vote is about creating the world that I want to live in. The world that I want for my granddaughters. A just world. It's about acknowledging the struggles of others. Standing up for what's right and working together to make the world a better place.

To the members of the black and brown community, I acknowledge your struggle. I see the injustice. I stand with you to right these wrongs. And I understand that although this bill might have the most direct impact on you, it is a bill for all of us. We cannot continue to ignore the need for reform at the expense of our neighbors.

So, I ask my colleagues, if not us, who? And if not now, when?

Thank you, Madam President.

THE CHAIR:

Thank you so much, Senator Abrams. And will you remark on the bill that is before us? Good evening, Senator Sampson.

SENATOR SAMPSON (16TH):

Good evening, Madam President, and thank you very, very much. So, of all the bills on today's agenda, I think this is the one that I have struggled most with about what I wanted to get across and what I wanted to say. And, of course, I know how I feel about it, but I'm trying to put some of that away because I want to be as objective as possible.

I guess the simple version is that I really hope that this bill just wouldn't make it to this point, where we are moments away from passing what I consider to be a very dangerous set of policies into law.

I find this bill somewhat remarkable in that over the last five or six years, I have stood up in Committee and in the House to preserve due process. In the case of temporary restraining orders and in other situations, limit law enforcement from using drones, prevent a bill that would have ignored the reasonable suspicion standard when it comes to asking citizens for pistol permits.

In short, I have been one of the people standing with the ACLU on many of these issues. And I think that's somewhat natural for me because my fundamental principles stem from the very core American principles of individual freedom and that the idea that government works for the citizens. Police are by their very nature an extension of the state. They are, in effect, the enforcement arm of government. And we need citizen representatives speaking up to make sure that that enforcement arm is kept in check and that our civil liberties are protected. And I'm used to being one of those citizen representatives and because of that I've been paying very close attention to this debate since it began weeks ago.

Unfortunately, what I am seeing is not an attention to checking the power of police or even a focus on getting rid of bad apples. In the end, this is an anti-police bill. Many will spin it other ways, but to me that's what it is. And I think that's a shame because I don't believe it had to be this way.

This bill seeks to decimate law enforcement as we know it. First, by eliminating qualified immunity. And I want to just specify that that's different from total immunity. Many people have come to me describing total immunity as what we're talking about and that's not true. Cops do not have total immunity, they have qualified immunity, which means that they only have immunity when they are acting in the confines of the law and the policies and procedures of their job. They don't get immunity beyond that. That's the difference between qualified immunity. And without it, who on Earth would want to be a police officer and put themselves in such risk?

The bill also limits a police officer's role in protecting and serving. Instead, attempting to reduce their ability to react as trained professionals and even replacing some of their responsibilities with social workers.

The whole bill is not bad. There are a handful of reasonable ideas in the language, including a proposal that I'm very much in favor of and have even proposed, which would eliminate the supercedence of union contracts from Freedom of Information laws.

Unfortunately, the few good provisions are outweighed to the bad parts of this overall package of legislation.

I hate saying this because I think that this Chamber is above it, and I think that the people involved are above it. But for me, this bill appears to be wholly political.

And I hope that everyone who is watching this stops to think just for a moment about how we are being sucked into choosing sides all day every day. And that we are taught to have less patience and respect for one another every day. And that's especially true in the arena of politics. We all have constituents who will tell you that they absolutely hate Trump, or they absolutely love Trump. But when you start asking them about individual policies, they don't seem to have much to say. For some, Columbus is a symbol of discovery and Italian heritage and for others, Columbus is a symbol of terror, of slavery, of genocide. For some and for me, in particular, America is great. While many others are being taught that America is simply an evil country with racist beginnings.

And today we are debating about cops. Are cops good or bad? It's time for all of that to stop. There are really no sides. If we could take time to really talk to one another and reflect about what we care about and what kind of world we want to live in and we listened to the root of what everyone desires, I think we would find tremendous agreement.

There is no one that I know that condones racism. There is no one that I know that condones violence. And no one wants -- wants to honor slavery or genocide. But all of us do want to honor exploration and liberty. And no one endorses bad behavior from police. Not a single person that I have seen in the news media or anywhere else, defended the actions of that clearly bad cop in Minneapolis, not a single one. Every person I have seen across this whole country condemned those actions and that cop and the others around him will be prosecuted for their actions.

So, why are we arguing about this as a nation? And why are we here today talking about this issue? And I think it's because in large measure, we are being used. We are being used by those that want to divide us, either because it helps their individual selfish political goals. And I believe those are real power players that want to tear at the core principles of our country and remake it into something else.

I beg of my colleagues, let's not let them. What happened in Minneapolis is not a reflection of our local police, at least not in my district. I can't speak for anyone else. But in my district I know the police officers. They are professionals. If you go looking in Connecticut for examples of bad cops, you can find them, there is no question about it. However, if you go looking for cases where cops help people and benefit their communities, you would not be able to count all of the examples of good.

The point is that all cops are not good or bad. But the facts, if we actually care to discover them, show that police overall are a tremendous benefit to our state and individual communities.

As I said, the police officers I know would be the very first ones to condemn a bad cop or any racist or abusive behavior. Much like how there are, indeed, racist and prejudice people in this world. But that is zero reflection on people as a whole. Those people are exceptions, not the norm.

Let's not let them divide us into categories and pit us against one another any longer. Let's instead begin to think about each issue politically and socially in critical terms and measure it based on

the real facts before us, instead of just assuming because Trump said it was good, means that it's either good or bad to me or because the Democrat said, this is the way it should be or the Republicans should -- said, it should be this way, that that means anything.

Let's look at every bill. Let's look at every policy and come up with our own opinions and recognize that even our friends are wrong sometimes.

There is always room for improvement in society and our police departments are no exception. But there's a right way and a wrong way to handle that. The right way is to use the proper legislative process. Have genuine public hearings. Let the public come, tell their stories, and concentrate on making policy that is better for everyone and not scoring political points.

I understand that people are very passionate about this bill and I don't want to question anyone's integrity because I believe that everyone comes at this with their own belief systems. But I am really disappointed about what this bill is ultimately that is before us and how it came to be here. And the fact that this is such a politically-charged discussion.

I oppose racism and abuse by anyone, of course, including law enforcement. And I would gladly support a bill designed to prevent and punish such behavior and so would the vast majority of cops that I know, but this bill is not it. Instead it is more regulations, more costs to our towns. And in some ways it's also an insult to the vast majority of

police officers who do their job with honor and integrity.

I think we can do better, Madam President.

Thank you.

THE CHAIR:

Thank you, Senator Sampson. Will you remark further? Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President, and I -- I think I'll be brief. I just -- I just want to say that, to say that this bill gets here because people are being used, doesn't take into account that the life I live, experiences I have are real, absent any of what's going on currently.

People who have listened to my story know that my activism goes back nearly three decades and that my activism around police goes back almost that whole time. That was prior to the moment that we currently existed. Has nothing to do with what we're experiencing right now.

I have children in my house, who have to walk through this world and experience all of the things that they have to deal with. They have to experience the violence that we talk about in certain communities, all of that. What they should not have to experience is the strange power relationship that we as black people have to police.

So, I just again am asking people to understand that because it is not their experience, doesn't mean that this is part of some political agenda. Doesn't mean this is part of trying to criticize any individual, but there are realities about race in this country from this very foundation that cannot be ignored, that are real in the lives of people who don't even know they're real.

You don't have to be racist to uphold the system that at its foundation has racism built into it and that doesn't even matter whether you're white or black. That's just true. If the system is built on a thing and grows up from that thing that thing might be built into that system.

And black people and white people and all kinds of people uphold those systems. It doesn't make you one thing or the other. But if we don't recognize that, then we can't deal with the realities that actually exist and we can't even conceptualize of the things that I'm saying as a real thing. We just look at those things and go, not my reality. I don't understand and so, therefore, I'm moving on. This Circle can't afford to do that.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further on the bill that is before us? Good evening, Senator Hartley.

SENATOR HARTLEY (15TH):

Good evening, Madam President. And it is a delight to see you there, Madam. And quite frankly, to be back in the Chamber, after such an abrupt leaving earlier this year.

Madam President, today we're here for Special Session. And Special Session is, by virtue of it's title, special. But this is an unprecedented session. It's an empty Chamber. We are masked. There was no caucus, that's weird. That sounds different, isn't it? And we -- we passed some very important legislation today, Madam President, the Absentee Ballot Bill, the Telehealth Bill, both of which I suggest were a product of the situation we find ourselves in with Covid-19. And so they were so appropriately done, and they will put this state, along with also the Insulin Bill, on map as Connecticut is so accustomed to and we have done this so many other times.

But also before us today is one of the most compelling reasons which brings us here and that is, House Bill 6004, LCO 3700, AN ACT CONCERNING POLICE ACCOUNTABILITY. And we once again want to continue our legacy in this state of being distinguished and in particularly right now on this issue of -- of police accountability. George Floyd, our very Brionna Taylor, all the way back to Eric Garner, too long, too many, too disgusting, quite frankly.

There must be change. There's, I think, unanimity about this. We -- we must change. We must do better. The nation is watching us. Our state is watching us. But as I said, it's our practice in Connecticut to do it tearfully, to be precise, so that we do stand out as we have in so many other ways.

And since Covid has turned us upside down, so too our process has been upside down. Normally, we would have the benefit of robust public hearings, wide input throughout a legislative session. This bill typically would have moved, of course, from the Judiciary Committee to the Public Safety Committee to the Planning and Development Committee perhaps and even the Appropriations Committee. And typically throughout the process there would have been that opportunity to continue to improve, to refine and to make sure we got it right.

We find ourselves today, I think probably the best way I can describe it is an untenable position. Our backs essentially are against the wall. Since the House went Sine Die, this is it. Take it or leave it. Hope that it's the best. Hope that it's right. Hope that there won't be any negative ramifications. And there are many, many. This is a -- a bill that 70-something pages and I think 46 or 45 -- 46 sections. And there's a lot of important stuff, a lot of good stuff. Interestingly enough though, as I spent time not being on the Judiciary Committee to learn about this as much as I possibly could, I'm understanding and learning from law enforcement that a lot of this actually is in practice now. And therefore, we codify it and that's a good thing.

You know, we've got the ban on chokeholds. I talked to my police chief and said, we don't do that. We train against that. That is nowhere in -- in our -- our practice, our protocol. We've got a new office of the Inspector General. I think that's a -- a great addition. And, of course, you know, there were a few things on there I'd like to see different in terms of ensuring judicial independence because that is certainly what we need and that's why we

here in Connecticut don't elect our judges, we appoint them, so that they are truly independent, that they do their job without undue influence.

The duty to intervene, that needs to be codified. That is so important. Implicit bias training, I'm understanding that we do this, at least in my district I'm so proud we do. The commentary I got back was we need to have more resources to continue to do refreshers on the training and to continue to have more robust bias training in -- in all of our forces. The Civilian Review Board, I think that's a very necessary entity. I would have liked to see some kind of a blueprint, which gives some structure to those boards, to give them the resources, the tools, the funding to do the important job that has to be done. To -- to give them training because of the weighty issues that they, of course, will be dealing with. There's -- there -- there are many very important pieces of -- of the bill. And as I said, a number of which were and are in practice in many jurisdictions throughout the state.

And, Madam President, but then there is Section 41. And that is an it has been referenced today and it will continue to be discussed, the change on the qualified immunity. And also part of that is the removal of the interlocutory appeal, which is also a very, very big change.

You know, in this whole conversation, because there's a lot of analogies that have been drawn, some I think perhaps more -- more accurate than others but, you know, we can't lose sight of the fact that our law enforcement, our police officers are public servants. They are not in business for themselves. They are not remunerated that way.

They are very different than being in the public sector and running their own business. And very different from -- if you wanted to compare them to doctors or lawyers, very, very different is they put their life on the line every day. They choose to do that. They do that willingly. These are people who choose to go through the process. Choose to be trained. Choose to go through the -- the vetting of what it takes to be a law enforcement officer. And having gone through that, they -- and many don't continue through the training school because they see that it's perhaps not the right fit.

But they are -- they are devoted. They devote themselves to this every single day. You know, with the change on Section 41 though, while they're putting their lives on the line and they choose to do that, there is very definitely the possibility that their families can also be involved here if there is a situation, an unfortunate situation, and they could -- they could lose their -- their resources, their -- their home, their financial wellbeing. That's more than a chilling effect. It's certainly more than an unintended consequence. And it's concerning.

You know, I spent a lot of time trying to everybody I could possibly talk to about this and, you know, I'll just share because the hour is moving on and certainly getting late. But, you know, I had one chief say to me, I've just put an offer out in this past week and was a candidate -- actually, it was a minority candidate, who was coming into New York. And by the way, we've all seen the numbers. We've got lots of interest from the metropolitan area coming into Connecticut, that's a good thing for us. That puts us in a different place with regard to

competing. And so, also, in the law enforcement, this individual is from New York and had gone through the whole process and just in the past two days responded that no, I'm not interested. It's too risky to be a police officer in Connecticut. And by the way, one of the things in here is about increasing minority recruitment. We've got to do that. And by the way, we've got to be very careful that we do not -- we -- we do not put a chilling effect on those minority officers who are serving right now.

Another individual, 23 years on the force, minority, female, who actually, two biological children, adopted two children that she rescued in the streets. So, she now has four children, two of whom she brought in. She just broke her ankle in the line of duty on the 4th of July. So, she's at home recuperating. And she said to me, and I've spent this time looking at other states to see where we could go. Another chief who said to me, it's a good bill. It's too rushed. It needs to be fleshed out. And -- and a number of other consequences. Another minority female officer said to me, yeah, I'm now in a situation where I feel like every day I'm going to wake up and say, is this the day I'm going to lose my house?

Of course, no one would take any of those comments lightly. And I know none of -- I don't and none of my colleagues do either.

And so I just say, Madam President, that that's the situation we find ourselves in today. Our backs up against the wall. A take it or leave it, an unbalance does this in the whole do what we need to do without setting us back, without having serious

unintended consequences, without jeopardizing the sterling PD's that have been built across this state.

And by the way, I've also in talking to other states found out -- their response to me was, when we get an applicant from another -- from Connecticut, and these are other states, we always take them because they're so highly trained.

I don't want to lose all those good people for the few really bad. Let's deal with them, but let's be very, very careful about the unintended consequences and let's just get this right. It couldn't be more important.

Thank you, Madam President. Thank you.

THE CHAIR:

Thank you, Senator Hartley. Will you remark further on the bill that is before us? Good evening, Senator Miner.

SENATOR MINER (30TH):

Good evening, Madam President. Let me say before I start that I had the fortune to meet Senator Winfield a number of years ago. I think it might have been in a Finance Committee meeting. And we sat and we talked for quite some time. And since that evening, I think we have built a fairly strong relationship. And I have always gotten the sense that even if I don't agree with the pathway, I accept 100 percent his strong will and interest in trying to make people's lives better.

I wish I felt that way about 6004. And I want to explain my concerns. I think that all of here in the Circle accept the fact that what we see and what we feel is not always the same in the printed word. And I think part of what we're all trying to deal with is not only the population that Senator Winfield is trying to help because I think in all of our lives we have perhaps either seen personally, felt personally the same unfairness, or witnessed the same unfairness that he's concerned about.

But I think we're also hearing and feeling from our constituents a real concern about the words that are in this bill and how they may be interpreted.

And so let me start with a section, which is Section 12, I think, which may have given rise to many people in law enforcement being concerned about what the change in qualified immunity might mean. And I might suggest that to the average individual, when the state is suggesting that they're gonna form a taskforce to study, to evaluate the merits and feasibility of requiring police officers to procure for the first time, for the first time ever, professional liability insurance. I think they might believe that there's a significant enough change in these pages contemplated where their personal liability is gonna be affected.

Further, if you go in that same section, merits and feasibility of requiring municipality to name professional liability insurance, I think they may feel the same way. That as the body is deliberating this language, they can see far enough down the road where there would be quite possibly a need to procure a different insurance than they are currently carrying and that gives rise to a whole

bunch of questions, which I think some have already referred to here about increased cost. What is this gonna cost the taxpayer?

When I think about the unintended consequences of what we -- what we do on occasion, I think of destabilization of the norm. Now, some people may want to destabilize how law enforcement impacts their constituents. They -- they may feel so concerned about history and about even the present day ramifications that it needs to be shaken up that traumatically. When I think about the Northwest Corner, I think about mutual aid agreements and I think about a town like Litchfield that has both the resident trooper and a constabulary. And I think we have always had mutual aid agreements with adjoining municipalities where our individuals have gone in response to a mutual aid request for -- could be an auto accident, could be some kind of a serious altercation.

Is a chief elected official gonna want to continue that agreement, knowing that the liability now is gonna go to a population that -- in an adjoining community that is not gonna pay for the ramification? Is the officer gonna want to go and respond there because they may be wrapped up in some kind of a claim that they had no intention of ever getting involved in, yet they're part of what I'll call the lawyerly roundup of everyone's that in the room and then we'll let people out later. But at least initially, they're all gonna be part of the same legal ramifications, the claim against the municipality, the claim against the law enforcement individuals.

So, what I have heard from people is that this is quite possibly going to change those types of relationships and that's why I speak of destabilization. Not because it is the intent to break down law enforcement necessarily, but because of some of the changes in legal standing, how officers may be treated in the future as a result of this language that they may choose just to avoid that situation.

So, it's not whether that was our intent. It's not whether there's a direct line word in this bill that says, you will be. There is certainly enough language in the bill to say that you could be. And I think that's what people, in some cases, at least have expressed a concern to me or concerned about both at the municipal level and police, men and women.

Language as it pertains to the use of excessive force, there's been a lot of discussion this evening about chokeholds. I've had conversations with female troopers and police officers that I would argue are considerably smaller than I am, that are feeling that they are more likely to be put at greater risk as we begin to pull the tools back.

And so I heard the exchange between Senator Champagne and the Chairman of the Judiciary Committee, and I think he asked the question, if the use of a chokehold was to make safe a third party, would that rise to the level where a claim could be brought, or a disciplinary action could be brought? And frankly, I wasn't sure of the answer.

So, if I could, through you, Madam President, in the case of a smaller female officer attempting to

subdue someone who had someone else in a chokehold, so removing that perpetrator from a third party, would the officer or trooper come under any legal scrutiny or civil penalty as a result of the passage of this bill? Through you.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. First, let me thank the good Senator for his -- his kind words. As it relates to the question at hand, what I said earlier was that as the bill is constructed, if someone, in this case the female officer, applied a chokehold or a neck restraint in a way that was not in response to that imminent threat as it's described here, then they would have run a foul of the law as it would have passed. And I will just add to that that in my conversations with police, one of the things that made me comfortable was placing this into the bill was that it was represented to me that many of the departments have an outright ban on this type of usage any -- as it sits currently.

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. And I thank the gentleman for his answer. So, as I described it and

as it was asked of me by the trooper, the answer is yes, that they would be in that circumstance in some legal jeopardy, if that policy was not in place already within their own agency or their department. And so I do thank you for your answer.

I noticed in Section 43, which deals with the Department of Corrections, that there's an obligation to actually intercede. The Department of Corrections, oddly enough, I've always had kind of a special place in my heart for people that work there and maybe my experience with them is not the same as everyone else's. But I couldn't imagine taking an oath to do a job to go into a building where you can't get out and they can't get out. And you don't really have anything to defend yourself. Yet you are, quite possibly, in the same vicinity as some pretty mean characters.

And so, I always try to think of whether it is, you know, 20 years and out or whether they should be eligible for PTSD or counseling treating benefits and so on.

Does this language belong here in cases that I think we all could imagine arise in corrections facilities where paid staff are called upon to intervene in an altercation between perhaps two or more individuals that are inmates. And yet if someone were to strike, as I read this, one of those inmates in an effort to control the situation, a fellow -- a fellow corrections officer would be required to intervene. Am I correct in my reading of that, in that section?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I'm not sure how to answer that because I'm not sure I quite grasp the whole situation. I -- I think you're asking in a case of any usage of a strike, would you be required to report that. I would imagine that there are policies in place that deal with this already. But as it pertains to the law, I guess the question here would be whether the corrections officer knows that -- and this would have something to do with their training as well, obviously, but knows that the strike that you're talking about is considered an excessive use of force or if they know it to be illegal.

So, I think that -- something I can't, given the -- the amount of information you've given me, I'm not sure I can answer. But I think it requires the knowledge that the bill intends to be in place before you would have to do the reporting.

Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

So, thank you, Madam President. I thank the gentlemen for his response. So, again, I'm not an attorney and I'm not law enforcement. But when I

read two different words, one being excessive, the other being illegal, excessive, to my mind, might be in the eye of the beholder. Illegal might be something that's defined in statute.

This seems to call on the witnesser to intervene and attempt to stop, even for something that in their eyes might be excessive. And I guess I'm wondering how you would ever quell some kind of an uprising in a corrections facility, if we limit the ability of corrections officers to control whether by force, physical force, holding, grabbing, punching, when they are -- I would say, normally outnumbered and sometimes -- again, I'll refer back to the trooper that I spoke with. You know, I think we have for quite some time attempted to be blind to the hiring policy so that we have women in corrections facilities as well.

And once again, I think they may be at a disadvantage, a physical disadvantage. So, I'm trying to imagine how we would ever get anything under control in that kind of a scenario where we're obligating other corrections officers to step in and stop the excessive force?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I'm not sure that it works that way. So, corrections officers have a duty, which also means that they have a duty to

control what's going on in -- in the prisons. They are trained on when to use force and when that force is appropriate. And so, as with many instances that we talk about this is somewhat situational. I don't think this bill is written in such a way that it's any use of force that the witnesser would have to report.

I think it is in those times when your training kicks in and you know that the person is operating outside of the training. I think what this bill generally is getting at because we don't have those situations all the time. I think what this bill is generally getting at is a notion that there are times within our prisons where for various reasons we find that an excessive amount of force is being used, the force is being used an illegal way. We find that through many stories, some of which we've heard here. Someone goes into the prison and -- and that person finds themselves acted upon in a way they should never have been acted upon. But what -- but if the individuals who are in play here, both the actor and the person witnessing it are finding themselves in a situation where the actor is in line with their training, then even if they're using force in an appropriate way, that doesn't trigger a bit of bill.

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Miner.

SENATOR MINER (30TH):

So, through you, Madam President, as the gentleman described it, there would be a process where someone else would determine whether or not the force being exercised was in fact excessive. And then if the individual that didn't intercede, whether that person would then run a foul of the statute for not having interceded. Someone will make a determination whether the force was excessive or not. And then in retrospect, a third party that may have witnessed or may have chosen to let it happen would then be judged on whether or not they properly evaluated that force?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Miner. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I would say, yes, the statute couldn't be functional without the scenario operating as Senator Miner has indicated it would.

Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. I thank the gentleman for his response.

The other section of the bill that many people have reached out to me about has to do with traffic stops. And I again was listening as well as I thought I could to the exchange between the Chairman of the Judiciary Committee and Senator Champagne. For some period of time I used to own a garage and I could almost promise you that on a Saturday night once or twice a month I'd get a phone call to tow a vehicle off of Route 8. And very seldom would it be for a reason other than misuse of plates, unregistered motor vehicle, no driver's license. And on occasion that would include a follow up arrest for weapons, drugs, additional warrants.

And so I was listening intently to the exchange about what would happen in terms of items that may be found in an automobile. And I think Senator Champagne talked about some jewelry. But I was thinking more about illegal weapons, more about illegal drugs.

And so, through you, Madam President, in a case where there was a stop, specifically for a motor vehicle violation, which might have been misuse of plates or unregistered motor vehicle, is there any point in time in which the finding of an illegal weapon in the automobile would not arise to the level of an additional charge to the driver upon passage of this?

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I'm -- I'm -- I'm not sure how the scenario is playing out. If you could explain it a little more? So, I'm hearing that a gun, for instance, was found in the vehicle. I don't know how the gun was found. I don't know if it was seen on a seat. I -- I'm -- I don't know enough to actually answer the question I don't think yet.

Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. So, a vehicle gets stopped on Route 8. It's determined that that vehicle had no license plate on its -- the back of the car. And so the individual was stopped because there was no plate. Trooper advances to the car. Says to the driver, you know you have no license plate on the back of this car. I need to see your license and registration. The driver of the automobile hands over his driver's license and a registration that is in the glove box. And the registration is expired and there's no plate on the car.

Is there a next step in which case the trooper would either release the car without inspecting its contents or would inspect the contents, find -- because it has to be towed, there's no plate on it. Find a firearm for which the driver has no permit. Does that result in an additional charge to the driver?

Through you --

THE CHAIR:

Senator --

SENATOR MINER (30TH):

-- Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I guess where I'm having trouble is I don't know how the firearm was discovered. I -- I recognize in your scenario it gets discovered at some point. I just don't know how that occurred.

Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. So, but for this bill, I wouldn't be asking that question, right? So, what I'm having trouble with is, is trying to understand why we didn't envision that occurring? Why we didn't envision the likelihood that a person on a Saturday night, on Route 8, stopped with no plate on the back of the car, might have an illegal firearm

in the car. And now the question comes down to, well, what were the circumstances? Now, the people that I represent don't want people stopped for no reason. I can promise you; they don't want people stopped because of the color of their skin. But I would bet you if I stand here tonight, they would want to know the answer to my question which is, before we vote on this bill, what is going to happen to the person that had a firearm in the car, when we've gone through all the discussion we've gone through about firearms? What is going to happen? Are we gonna turn the car over to the tow truck operator with a gun in it? Is that what we're gonna do?

So, that's what I'm trying to figure out. I'm trying to figure out whether under this law, if we pass it, the worst thing that can happen to the driver is that he loses his gun. No charge. No conviction. No history believe it never happened.

So, is there a scenario, through you, Madam President, where there would be a charge? Through you, to the Chairman of the --

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I recognize the Senator is trying to get an answer to his question. And I'm trying to figure out what that scenario actually is.

So -- so, let me explain why I'm having a hard time. As I understand the scenario, the officer is engaged

with the individual in the car. The officer doesn't see a weapon or something to indicate that there is a weapon in the car. There is an issue with the license. There is an issue with the plate. The car gets towed. I don't know how this gun even came into play. So, I -- I'm having a difficult time because I don't know how the gun comes into play. And I would -- I would love to answer the question, I just don't understand how the gun even came into play in this scenario as presented to me.

Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. So, tonight this bill is not in effect. October 1st this bill goes into effect when it comes to consent. So, tonight, on Route 8, a car gets stopped. The driver gets asked -- the driver's told that there's no plate on their car. I need to see your license and your registration. The driver hands over the license and the registration. The trooper asks the driver, do I mind if I search your car, you seem nervous? And the driver says, no, I don't want you to search my car. And then the trooper says, well, what are you nervous about? You got no reason to be nervous, it's just a -- you got no registration. It's not like you're going to jail for no registration. And the driver consents. And as the trooper searches the car, he finds a handgun under the front seat. Do you have a permit for that? No. Do you know how it got there? No.

Under that scenario, through you, Madam President, would the driver be charged with an illegal firearm in the car that he was driving?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I would imagine that's very likely under that scenario.

Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. And once this bill becomes law on October 1st, is the case the same if it was exactly the same?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. Once this becomes law, the officer wouldn't be asking that question because it wouldn't be allowed.

Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. I thank the gentleman for his answer. So, under that scenario where the officer's not allowed to ask the question, the vehicle's gonna be towed.

Through you -- does the -- that's all right.

Through you, does the illegal firearm, presumed illegal firearm, because as I understand it, under the language of the bill, you wouldn't be able to even ask if you had a permit to carry. So, what happens to the firearm? Does the firearm stay in the car when it gets towed to the garage?

Through you.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. Again, and I know I may seem obtuse, I'm sorry. But as -- as I understand how the situation is playing out, the officer engages with the individual. The individual is now out of the vehicle. The -- the gun has not been discovered and the vehicle is towed. So, under that scenario, I guess the answer would be yes, the

gun would move with the vehicle. But at no point in that scenario, at least as I understand it, has a gun been discovered at all.

So, yes, the gun would be moving with the vehicle, I guess, is the answer.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. So, under the bill, once it becomes law, is it the gentleman's understanding that there would not be an inspection of that vehicle? Could not be an inspection of that vehicle? Or could be an inspection that might lead to finding something for which a charge can't be brought?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I -- I don't -- I don't understand it to be the case that there is a permissible search of the vehicle. As I understand it, the scenario that's presented, the individual has a traffic infraction that's why the vehicle is being towed. That still hasn't triggered a search of the vehicle as I -- as I understand the scenario. So, but -- well, that's how I would respond to that question.

Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. I -- I don't have any more questions for the good gentleman, Chairman of the Judiciary Committee.

Madam President, I tried as I read through this bill to find enough in it to support that I thought was worth the risk. And as I said at the onset, I've known Senator Winfield for about as long as he's been here, and I consider that a plus.

I honestly, truly believe he wants to do the right thing. I honestly truly believe there are other people associated with this bill that want to do the right thing.

I have concerns, some of which I've outlined I think already with the Department of Corrections language. I think it is risky. I have concerns with the consent language in a state that struggles with illegal guns. In a state that struggles, especially in urban communities, with gun violence. I struggle with the language in this bill.

I think it's gonna give people a pass. I think it's gonna give people with a pass. I think it's going to give people a pass that regularly move drugs, that regularly travel with firearms. I can tell you in the community that I live in, guns stolen in Litchfield have been a number of times recovered and

were known to be used in drive-by shootings and other illegal activities.

So, this is not somebody else's problem. This is all of our problem. And I want to try and find a solution that helps you and others get to a better place, including how law enforcement views people of color. And how people of color view that interaction with law enforcement because I think it has been, to some degree in many places, a problem. I can't get there with this bill.

I am very concerned about what the language of this bill is going to do. In terms of consent, I think the folks in the State of Connecticut that make a livelihood out of illegal activity are gonna see this as an opportunity. I think it's gonna increase the level of violence in communities, not like mine, I think it's gonna increase the level of violence in larger communities.

I am concerned about the chilling effect of the language as it pertains to insurance. I don't know why we would be talking about insurance if we didn't anticipate that something here was going to change. I think reasonable people can opine that it's not gonna be that bad. That nothing in this language is going to create an additional exposure for police. But if that's the intent, they certainly don't have the feeling.

And I can tell you, I heard from people in the district that I serve that I have never heard from, never. And I think I listened to Senator Hartley and she spoke about individuals that were not coming here to work. I've spoken to people who are looking at how many years they have in law enforcement and

fear that this is something that's just gonna accelerate their exit.

So, if it is intended to get at the bad apples, I think this is having an affect on all the apples, not only just the bad ones. And I'm not saying it says it. I'm not saying you can point to the words and say, this is what the drafter intended. I'm suggesting that when you put all the words together, this is the feeling that people get.

I'm also concerned that when it comes to excessive use of force, not that I -- or many of the people that I -- all of the people that I've spoken to about what happened to Mr. Floyd. No one felt that was right. It's those other means of controlling a situation far less than that that I think people are worried about and they don't know where they're gonna fall through that process.

So, thank you, Madam President. Again, I thank the gentleman for his work. And while I don't agree that this is the solution, I do understand wholeheartedly your interest in trying to make the state better.

Thank you.

THE CHAIR:

Thank you, Senator Miner. Will you remark further on the bill that is before the Chamber? Senator Cassano, good evening, sir.

SENATOR CASSANO (4TH):

Good evening, Madam President. How are you tonight?

THE CHAIR:

Getting a little tired, but --

SENATOR CASSANO (4TH):

I can imagine.

THE CHAIR:

-- it's all riveting.

SENATOR CASSANO (4TH):

Yes, well, I would like to make a couple of comments on this particular bill and follow up on some of the comments of Senator Miner. I think that what's most significant right now is that we are in a process in -- in -- that we've never been in before with Covid.

Just the idea that -- I'm sorry. I'm sorry. Just the idea that we are in this session, that we haven't had a regular session, that we haven't had committee meetings and all those other kinds of factors are very, very significant and has an impact on this bill as well as any other because we haven't gone through the normal process. We did have, of course, a 10-hour call-in, television, public hearing and so on. But a bill like this would have gone through Planning and Development. It would have gone through two other committees at least, possibly the Insurance committee. Clearly Public Safety.

Because of Covid this is what we have. And I think one of the bright sides is that some of it is

effective October 1st, but a lot of it is not effective until July 31st of next year.

So, that gives us an opportunity to evaluate some of the real concerns that we have. It's a mixed bag for sure. I've had calls from police chiefs that told me it's the worst thing in the world. I had a call yesterday from a police chief that said, it's gonna force my town to finally support the police force. So, I mean, the calls are literally all over the place. And that tells you what's in store for us.

So, we have a lot to do. We have a lot to do for many reasons. Number one, the way the House passed the bill, there might have been some good amendments that could have been passed tonight, but we couldn't do that. We do have a meeting in September, if there's something glaringly wrong, maybe we can deal with it at that time.

What I'm suggesting is that we'll pass the bill probably tonight, but it's not necessarily the final bill. No bill is a final bill when it's passed here. And I think that's important because if the police chiefs throughout the state, if the state police and others, if they sit, they talk, they communicate and identify things and then sit with us instead of maybe send an email or whatever it might be. It's remarkable the kinds of changes that could take place, if necessary.

So, for me the process is -- is it's really important. That's one of the things I take -- we all take pride in is how we do things. The checks and balances of the various committees and so on. And, of course, they'll end up in -- in -- in Judic

-- and so whatever we do goes back to Gary Senowitz [phonetic]. So, that's part of the process.

I feel in some ways because of what happened with the House, we're like a rubber stamp. We don't have a lot of options here. It's the way it is. I mean, that's how the process works. So, our hands are tied. But that doesn't mean that we can't be looking collectively, and I would expect they would look collectively to figure out how things can be done and the most efficient way to do that. There I funding and that's one of the things that hasn't been recognized. Somebody said that it's a cut in money. Actually, I believe, it's for -- for a million dollars more for service and so on. So, that's a -- that's an -- there -- there are a lot of myths out there that just aren't -- just aren't correct.

The lawsuit issues needs to be looked at. One of the things that we've done collectively here in -- in the Senate and the House is we've created strong regional cogs. I would assume that these cogs would be creating some subcommittees to evaluate these, getting the police chiefs and the departments together to come back with recommendations.

The key thing that I'm saying here is that this is not the end of the bill. And never is the bill over when it's passed. And if we can strengthen the bill, that's great. But it's a big first step. It's a big step in trying to create a better balance, better departments, better law enforcement, better training across the board. And so, I think that's probably the most important part of the bill is that it's a real attempt to make law enforcement better.

The liability issue is one that we'll hear after the vote. The bill does not defund the police. And it -- the bill does not do anything -- there were questions, well, what about drunk drivers? You're not gonna arrest drunk drivers. There's nothing in the legislation that says we don't arrest drunk drivers.

So, I -- I look at the bill as a major step forward, but it's step one. Step one. And I congratulate the committee for their efforts, Gary, particularly for everything you've done to this particular bill. And we'll support the bill.

Thank you.

THE CHAIR:

Thank you so much, Senator Cassano. Will you remark further on the bill that is before us? Good evening, Senator Berthel.

SENATOR BERTHEL (32ND):

Good evening, Madam President. It's good to see you up there and again to be back in the Chamber doing the people's work.

So, you know, I've been listening to the debate for what's now, I guess, going on our fourth hour or so. And I find myself looking at all of the emails that have come to my office, more than 500 in the last 24 hours. Virtually every one of them in opposition to the bill.

The writers include not only law enforcement officers from around the state, but also citizens

who understand and believe that this bill will serve to weaken our communities. Some feel this will increase crime and ultimately make us less safe.

I remain a steadfast and ardent supporter of law enforcement and the men and women who serve in law enforcement in our communities across Connecticut and our nation.

Since this bill came before us and prior even to the debate in the House late last week and since then I have spoken with hundreds of police officers and chiefs in my district, all of whom assured me they read the bill. They likely understand it better than I will. I'm not a law enforcement officer. They're deeply concerned and they also have all asked me to vote against this bill.

This is a -- arguably a difficult and challenging time for our nation. A time of unrest and a time when we must rely even more upon the safety net provided by lawful policing and keeping of peace throughout our communities.

We all accept, acknowledge, and believe that we are a nation built on laws and that these laws protect us and protect our freedoms and liberties. I don't think there's a person that serves in this building that would disagree with that.

But I feel that this proposed legislation seeks to undermine and diminish the great and important work that is done by law enforcement officers across Connecticut every day. And from some aspects of a 71-page bill, it seems that we're not looking to hold law enforcement accountable, but instead to hurt them for doing the work they're trained and

sworn to do and to make it nearly impossible in some cases to uphold the law. And I think some of the examples that my colleagues have tried to -- to the good Chair of the Judiciary Committee to get answers on, we really don't know the answers to. And I respect the fact that you can't really necessarily provide an answer in some cases. But I think it speaks to some of the issues with -- with the bill.

Last Friday morning, the Speaker of the House said, 99 percent of the cops in Connecticut are good cops. This bill protects us against the 1 percent that aren't. So, essentially the Speaker said, we must bring large-scale reform to address the 1 percent of bad actors. I kind of have a problem with that.

Recently a good friend of mine, who is a police officer in my hometown said, "That police sometimes do things that make you uncomfortable. It's part of the enforcement of the law." He didn't say illegal, he said, uncomfortable. And I said to him, give me an example. He said, did you ever speed and get pulled over? No, never. I never -- I drive the speed limit all the time. Sure. I guess we've all maybe been pulled over once or twice. He said, how do you feel? I said, yeah, okay, I get it. Now, of course, there's greater examples, more uncomfortable examples. I get it. But this is part of what law enforcement is required to do and part of what we expect them to do when they're enforcing the law.

And one of the concerns I have with this bill among others is the change -- the changes regarding use of force because I think this will make good policing, good policing, lawful policing difficult.

We've talked about qualified immunity, and I think the changes to the aspects of the protections provided under -- provided under qualified immunity will force some good police officers to leave their profession. And I know we can go back and forth and -- and say, well, it really doesn't change anything and they're not gonna be accountable and they will be, and they will have personal liability and they won't. But I think the bottom line is that people more intelligent than me, people that understand this better than I do, feel that this will place law enforcement officers at personal cost and risk. And that serving for these men and women to continue to serve will far outweigh any benefit of doing so.

I've heard that more from a hundred police officers and cops that I've spoken to in the last week than anything else. And that saddens me greatly because all of the cops that I know are good cops. And again, this will serve to further weaken the safety net and the integrity of our communities.

I also think that some of the proposed aspects of this bill will drive up the cost to a municipality in providing law enforcement quite possibly to impossible levels, levels that are not sustainable, which will, from my viewpoint, serve to ultimately defund police departments because they won't be able to afford all of the proposals in this bill and that's fundamentally wrong.

I firmly believe that there is always room for discussion, debate, and differences of opinion in this building and in this Chamber. It is what we do best as lawmakers. We agree to disagree. We follow a process. We are inclusive of all viewpoints.

I'm having trouble tonight, as some of my other colleagues, Democrats and Republicans alike, trying to understand why this police accountability bill was rushed through the process during the middle of a pandemic, when the issue is so critically important to the safety of all of our towns and cities. As was previously mentioned -- mentioned a moment ago, this bill should have gone through months, not days and weeks of discussion in committee, this bill should have had multiple public hearings as the voice of the people is paramount to all that we do in this building under this gold dome.

This bill was not, in my opinion, necessary as an emergency certification in a special session in the middle of the summer. And as I mentioned in my comments earlier today, with a stalled economy, a deficit of proportions we've never seen before, with the need to safely and appropriately open our schools in five weeks, it seems to me that we had other pressing priorities we could have been addressing in special session.

I'm not saying that the discussion on police accountability is one that we shouldn't have. I just don't know that today is the day that we should be doing it. And I just don't know that we've given enough time to that.

And lastly, I think, with all due respect to the Chair, the difficulty with this bill is that the district I represent is very different from the district that you represent. You have spoken, Mr. Chair, of the issues that trip up law enforcement in your district. Yet the department and officers in my district, by virtue of the complaints that are

filed, by the lawsuits that are -- that are filed at minimal are not seeing the same experiences in my district.

So, I -- I believe earlier you suggested that this is kind of a -- maybe I'm putting words in your mouth and I don't mean to do that, but it's -- the bill is not a one-size fits all bill, unfortunately. Connecticut is a very eclectic state. We have very different communities. We have urban centers, like you represent in your city. And you have very rural communities like I represent in my district.

And I also fully respect your personal experiences in your life. I've listened to you when you're sitting in your chair over here and you're almost in my chair over there. I've listened to you share those stories and I've watched them bring tears to your face. I respect that and I understand that.

But tonight I cannot support the changes in this bill that I really believe will weaken law enforcement everywhere that have been rushed, in my opinion, and haven't been given the time truly necessary for a meaningful -- for us to bring forth a meaningful reform. I think we will see good cops leave their profession and we will see difficulty going forward in the recruitment of new police officers.

And I'd just like to close in saying that I -- I do think the men and women who put on a uniform every day in Connecticut as police officers, as peace officers, to serve and protect and I thank them for what they do and their service to our great state.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Berthel. Will you remark further on the bill that is before us? Good evening, Senator Leone.

SENATOR LEONE (27TH):

Good evening, Madam President. It's good to see you and thank you. I rise to make some comments on the bill before us, to try and get a sense of where we are as a state, where we need to be and where we need to go moving forward, given the circumstances that are going on across our country.

And the situation that we saw with George Floyd really -- really did put a fine point on the just too many instances across the country that it was occurring over and over and over.

And so now we are at a crossroads where we want to make change, hopefully change for the better. Change that we know must come. But as I'm hearing the debate and as I'm hearing the different points of view, it's clear that we're still not in full agreement as to what that change needs to be or how that change needs to happen.

And the bill before us aspires to do many great things, many of which are already being done and for the right reasons to make our system better.

Are there abuses? Yes. Are those abuses caught? Yes. Maybe not always. Maybe not in the way that people would like. That's how -- that's what the courts are for.

But then the question becomes, is that fair to all parties? And I think that's the crux of the question, is it fair to all parties how this system works.

And I know the good Senator from New Haven, Senator Winfield, and his passion on this bill for all the right reasons are just. And I know his heart is true and I know he's worked very hard to make this bill the very best it can be.

But I also have heard from the law enforcement personnel that have read the bill or have read versions of the bill and they fear for what has been said here today as to how law enforcement may change and how it could be interpreted that it could affect how they do their job going forward.

And I know that's not the intent of the proponents of the bill. The proponents is not to go after good law enforcement. And it's law enforcement that we're trying to improve by making sure that if there are rogue actors or bad actors in that field, there has to be a mechanism to ensure that they are held accountable and they can't do it again to the point where they're held in the way that they can't retain their job for criminality or whatever the case may be.

And the extreme example is the George Floyd issue. Obviously, that is a criminal case. Those people need to go to jail. The duty to act. The duty for a fellow officer to say, hey, wait a minute, that is wrong. You should not be doing that. That's what they're supposed to do. There shouldn't have to be a rule to tell them to do that.

So, as we're trying to figure out how to move forward, I struggle with the fact that we have a movement that needs to change. We are at a point in time where it must happen. But somehow, it has turned into an attack on law enforcement and that should not be the case, that is not the case. I know that is not the intent of this legislation. But for some they are interpreting it that way.

And I heard Senator Cassano earlier mention the process on how this would normally go, and I agree with him. But for the pandemic, this bill should have and most likely would have gone through multiple committees. It should have gone through the Public Safety Committee. It should have gone through the Insurance Committee. It should have gone through the Planning and Development for -- that covers municipalities and the costs to municipalities. It should have gone through Judiciary, where all those debates, those public hearings, would have fleshed out all the details in this bill where we could have had a robust discussion as to the pros and cons and flesh out the hiccups that needed to occur, that would have occurred, and how to overcome them so that the bill becomes better. So, that when it comes before us, we know exactly what to do and why we should be doing it.

Unfortunately, the pandemic has overturned that process. So, it has been truncated. And I know the good Senator has put all his efforts to do his very best to address all of those issues.

And I -- I want to support everything that we're aspiring to. You know, chokeholds should be banned. More training should be offered. More mental health

services should be offered. The duty to intervene, even the body cameras that we were one of the first to support and put into bonding the -- the financials that are required for that, that is something we still need to do, that we still need to fund, find the money to do that because in the end, that protects not just the citizens, it protects the officers to make sure that they are doing what they're supposed to be doing and there's proof that they're doing just that.

But I do worry on the misinformation that has been out there. And whatever we do, and I suspect this bill will pass, that there's still gonna be some questions that people may not be wanting to believe that the bill is what we say the bill is. And I guess only time will tell because what's gonna happen when the bill passes, if some of the fears that have been articulated in this room come to fruition, then we will then have to act if there's multiple lawsuits, frivolous lawsuits. If police officers do, in fact, retire prematurely or in great numbers or can't get hired, we will then have to come back to address those shortfalls. But we don't know for sure that that's what's gonna happen just yet.

I know the Chairman has said, that is not the intent. That's not what the bill says. It says to go after bad officers and have a mechanism to do that. I've also heard, but for trying to do that, it encompasses everyone and that is the concern that the law enforcement has. But we have to ask ourselves, how did we get here? How is it that we have arrived at this situation? It's because of what's going on across our country. Where we see the instances in state after state after state, a

situation that is so egregious that we are left aghast to say, that should not be allowed.

This bill is attempting to make sure that it doesn't happen here, that it shouldn't happen here, and it can't happen here. It is, it's a -- it's a wide bill. It's a -- it's a long-range bill and it's gonna have implications for down the road.

I am ever so hopeful that what we do here in this Circle that we are also privileged to be here to be part of what we try to do to better our state, to move our state forward. That we craft policy that makes change for the better.

I've also been here now long enough, I guess, to know that when we don't get it 100 percent right, we get it 80 percent right or 90 percent right or 95 percent right, that we do have the ability to come forward again. Hopefully when this crisis, this pandemic crisis is behind us and some version of normalcy comes back. I'm not sure it will be 100 percent, given the potential for another -- another round of the virus, hopefully not. God forbid. But it seems that in other parts of the country it's coming back, and we do have to be prepared for that in the case that it does come here. And winter's not too far away. And then the next thing you know, it's another session. So, who knows if the pandemic will be ongoing or in some form or manner we have to adjust.

So, I'm hopeful that if we consider that scenario, that we put in place mechanisms to ensure that we don't go through what we just went through, that we had to learn as we were doing. That we had to rise to an occasion of a situation of a movement that

demands change but didn't have the full time to really flesh it out the way we normally would have.

So, I'm hopeful that as we go into the next session, we anticipate the potential for those needs to arise. And if we can get back to normal, we can go through that process. If we can't back -- can't get back to 100 percent normal, we institute tools -- we institute tools to ensure that we do just that. That we go through the process to give everyone the ability to say what they want to say, so that we can hear them and react accordingly, but we are where we are right now.

And as I look at -- through the bill and, of course, the qualified immunity is the section that has caused the biggest concern, I see through the bill that most of the bill is effective upon passage, but there are certain sections that are different dates. And for that Section 41, whereas most of the bill is effective upon passage, the Section 41 is effective in July 2021, next year, which gives me hope. That means that there's still time for us to react and consider some change.

And so just a very quick question to the proponent of the bill, is -- is that the reason why that section is effective in July, not effective upon passage or would there be another reason for that?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President, and thank you for your question. The bill does allow for us to come back during the session and make any adjustments. It also looks at asking the -- the taskforce to take a look at this issue and make any recommendations that it would deem necessary to -- to making sure that what we do under this bill is the best way to move forward.

So, through you, Madam President.

THE CHAIR:

Senator Leone.

SENATOR LEONE (27TH):

Thank you, Madam President. So, and -- and just to clarify it. So, the taskforce that is being created is gonna weight the pros and cons, the merits of legislation and then come back with a recommendation before July 2021, is that correct? Through you, Madam Chair.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. And to clarify, there's a taskforce that exists. It was created in Senate Bill 380 last year. And the taskforce would have the ability to make any recommendations that the taskforce saw fit to make prior to that date and it

could be placed into legislation to make modifications.

Through you, Madam President.

THE CHAIR:

Senator Leone.

SENATOR LEONE (27TH):

Thank you, Madam President. So, since this section will not take effect until July 2021, there is time in the next session that if there are legitimate concerns or serious concerns that need to be addressed that may not be aware at the moment, there is still time to have that conversation and potentially affect change of this bill, is that correct? Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I guess I would answer that question in this way, yes, there's time to enact change prior to the law going into place, but as I've always represented with any of the things that -- that I've been involved in, I'm -- I'm always amenable to having a conversation about the actual impact of law. And even if a law were in place, if -- if what this body saw was legitimate, making legitimate changes.

Through you, Madam President.

THE CHAIR:

Senator Leone.

SENATOR LEONE (27TH):

Thank you, Madam President. And I thank the good Senator for his answers. And -- and that's basically what I expected because I know the caliber of legislator that he is, that that is what would occur if it's -- if it does come to that. And I do appreciate his willingness and his leadership on this -- on this issue.

So, I understand where we are. I know it's difficult. Change is never easy. Sometimes change will affect at the status quo that aren't ready for it. And history will prove us right or wrong if we are taking the right action.

All I know is that any time we can improve how we treat each other, that can only be a good thing because it's as we work together that we succeed. This divisiveness that is going on across the country is eating at the soul of our country. It's eating at the soul of America and it's eating at the soul of each and every citizen that we can't look past our differences to work together to make the change that is necessary.

And this is an important bill because it touches upon that very idea. It's touching upon that very idea because the roots to racism, to systemic racism, how we treat each other, how we treat minorities different from those of privilege that must stop. It needs to stop. I'm hopeful that as

we work this bill and other bills before us that we make progress in that direction. Failure to do so will only make the situation worse and further divide us and only then will this country not succeed.

So, there's too much at stake to allow that to happen. We simply can't allow it. We have to find a way to work together because that's how we will survive and it's how we will get stronger and it's how we will lead this country moving forward. So, I commend the actions that are being taken to try and improve our situation. I will continue to listen to the debate and to my colleagues because everyone's point of view has merit. There are some legitimate concerns that have been articulated here and we have to hear them. But I do know that we have to work together to overcome them. And it's with that that I hope that we move forward.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill that is before us? Good evening, Senator Somers.

SENATOR SOMERS (18TH):

Good evening, and thank you, Madam President. First, I would like to extend my respect and admiration for Senator Winfield's passion and trying to put together a bill that will help us move forward.

I rise today as someone who stands steadfast against racism, as somebody who supports reform, but reform that is positive and reform that is strengthening, not reform that tries to mask itself in that way, but really vilifies.

I also do not believe that Americans, but the congregations of Americans should be judged by the actions of a few. Policing for me, be it the nations first and finest, the Connecticut State Police or our local departments, this state Senator here values and supports you. I support your mission. I support your families. And please know, if you're watching, that the majority of the folks in the State of Connecticut overwhelmingly support you and they are -- have serious concerns about the inflammatory rhetoric and conversations directed at good people for the actions of a few.

This bill, although well intended as we've heard tonight, failed to go through the regular process that we have where many committees could vet it, where we had a full public hearing and where all those concerned and impacted had an opportunity to come in public and have their voices heard. As you've heard other Senators speak to, we're in the middle of a pandemic. There is no reason that this bill could not have been gone through the regular process, been fully vetted and being heard as we come back in the next legislative session. That concerns me gravely as to what the rush is to push this legislation through.

We have heard people both supportive and not supportive of this bill bring up serious issues within the bill, but yet we are going to go ahead and push this through and pass it and then say,

we'll come back later and fix what we may have missed. For me that is not good legislation. Everything should be thoroughly vetted. We should have an opportunity for each committee to hear it, to make the changes that need to be made and make sure that we have a fully crafted and the most thorough legislation that we can have before we vote on it.

My big -- biggest issue with this bill, although there are many good points within it, is the qualified immunity. Qualified immunity is just that, it's qualified immunity, it is not just immunity. And it allows for a two-prong legal test. This immunity currently extends to your town clerks, your sanitation workers and yes, us as legislators.

Qualified immunity serves as a screening process for frivolous lawsuits, lawsuits that have no merit. When an officer is arrested and charged criminally, they have violated their constitutional rights and, therefore, they are not entitled to qualified immunity. Officers who violate constitutional rights lose their immunity. Qualified immunity does not protect bad officers.

If qualified immunity stays in this bill as written, the screening process is gone. It's thrown out the door. Countless lawsuits will be filed and there is a huge unfunded mandate that will be pushed down to the municipalities. As a former mayor with limited budgets, your choices will be, cut your school budget, cut your officers and, in essence, this bill, although maybe not intended, is a way to defund our police system.

Bad officers who commit violations are arrested and they are offered no immunity. No one wants bad cops gone and out of a police department more than good cops. This bill whether unintended or intended hurts good officers. The officers that encounter our public every day and risk their lives. Removing qualified immunity does not increase accountability. Bad cops are still arrested and prosecuted. This bill hurts good cops. Unlike the narrative that you have heard that this is just inserting federal language, that is a gross mischaracterization of the facts in this bill.

This bill will take good cops and police away from their communities, away from protecting families, away from arresting criminals, away from mentoring youth, away from preventing future crimes and it will put them in the courtroom, constantly having to defend themselves for frivolous lawsuits and enforcing the laws that we create right here in this Chamber.

I grew up with parents that taught me to respect police officers, to respect firemen, to respect those who protect us. I support my local police and my state police. They protect us, they serve us, they help us every day. It is time that we support them. We have heard over and over 99 percent of our officers are good. This bill hurts them. We have heard it. You have seen the emails, the hundreds and hundreds of emails, the Chiefs Association, individual officers. While the focus of this bill has been brought about by the egregious and unimaginable actions that we saw in Minneapolis with the murder of George Floyd. I have yet to meet one Connecticut cop who does not condemn these actions, who is not outraged and who does not want to see

justice brought against those officers who were involved.

In my hometown, in Groton, my chief and my sergeant just recently risked their lives to save a woman's life who went to the Thames River in a car. They risk their lives every day to save another. And when I needed help when there was a disabled Veteran living behind a hotel, two of them came with me, found him, clothed him, fed him. We are forgetting that police officers have a great sense of humanity.

All we've heard are the bad stories of the 1 percent. We're not hearing the good stories of the 99 percent.

I also want to talk to you about another officer that I had a long conversation with. She lives in my district and she works in a city. She's married to her wife, Lisa, and she has a disabled child who's in her 20s. She's almost 60 years old and she's worked for the police department for quite some time. She tells me a story about how she has become such an integral part of her community. That one day in particular she was sitting at a Dunkin Donuts at 4:30 in the morning, working an overtime shift, just about to sip her iced coffee. And as she looked out the window, she saw a young 5-year-old black child running towards her. She went outside. She dropped her coffee and she realized how distressed this young child was. She put the child in her cruiser, cleared things off of the paperwork off of the seat and learned that this child was so upset because he had woken up and he couldn't find his mother. He thought something had happened to his mother. At that time, she didn't realize that the mother was a victim of domestic

violence and this child thought his mother had been killed. She put him in the car, they figured out where the child lived. They arrived at the house. They knocked on the door and what had happened was the babysitter fell asleep with a blanket over her head and the mother was sleeping with another child in another room. So, the young boy got up and he panicked and ran.

If she wasn't there at that moment and didn't have the relationship, she is to this day, does not know what would have happened to that child. There were no charges filed. There was no DCF. It was one of those things that could happen to anybody. But if she hadn't been there and hadn't had that relationship, we don't know what would have happened to that child.

Another story about her quickly because this is really poignant for me. She talked about being called to a Walgreens where someone was being arrested because they had shoplifted. Again, it was a black man living in the city. She walked in. The owners of the Walgreens wanted him prosecuted. And when she looked at what he had shoplifted, she saw bandages, socks, antiseptic, cotton balls and then she looked at his feet and saw that his feet were bleeding through his shoes. So, what did she do? She paid for the products and she asked them to not charge him. They really wanted to charge him, but she convinced them not to. And what she did then brings tears to my eyes. She sat down with him. She took off his socks. She washed his feet. She dressed his wounds and she said, you cannot do this again. If you need help, you call me. And he had said, I know. I didn't have any money. I'm diabetic. I knew I had to get my feet cleaned, so I

felt like I had no choice. She gave him her card and said, you need anything, you call me.

This is what officers do every day that is missed in this conversation. This weekend, I experienced it myself in my district. There were major issues on - - on a lake that spans between Connecticut and Rhode Island. Over 70 trespassers were on private land having parties, drinking, jumping off of cliffs. There were boats speeding. It was chaos. This is a town that doesn't have a police department, so we had to call the state police. And our state police is so low in numbers right now. And I'll remind you that 40 percent of them can retire, that it took nearly 45 minutes for them to show up because they were too busy taking care of somebody who was in a car accident. But when they showed up, six officers were there. They were there for us. They were there for the people in Voluntown.

What are we going to do when we pass this law and every officer has said to me and everyone in this Circle, they will leave, or they cannot work under these conditions? These are the people that are doing the job telling us that. What other bill do we pass when the people that are affected say to us, we cannot do our jobs this way, we can't.

That woman I told you about who cleaned that man's wounds, she said to her wife, I have to put the house in your name. I'm not sure what's gonna happen to Katie, our disabled daughter. Because if I, in essence, ask somebody something the wrong way, I can be sued for any reason at any time. That's what the police officers fear and that's what I fear.

We have asked our police in this state to step up and fight for everything. We have asked them to fight poverty through community policing. We have asked them to help with heroin addiction. We have asked them with helping with the homeless. We have asked them to now be medical personnel with giving Narcan. We have asked them to fight gang violence. We have asked them to be mentors. We have asked them to keep our schools safe and never once have they said no, never.

And after talking to police officers and former police officers and state police and EnCon police, and people looking to get into police work, people just graduating. It is clear that there are social movements that are denigrating the remarkably hard work of our professionals that have kept our states and our safe street -- our state and our streets safe.

These caring public servants haven't asked for anything, respect maybe. They haven't asked for gratitude.

Again, I support commonsense reform that strengthens that does not vilify. Not too long ago, everyone in this Circle nearly stood up and talked about how important police are when all voted for the PTSD Bill. I heard everyone praising them and the work that they do and the difficult situations that they encounter. And now, now we're looking to go after the 1 percent, but we're hurting the 99 percent.

I am so sorry to say that this bill fails law enforcement. They are being failed by this political system and they are being held, in my opinion, as scapegoats for our failed policies here.

They're not risking another election. They're risking that their names be added to the 21,000 line of duty deaths on the police memorial in Washington, DC. I believe that our local police deserve better than what's in this bill with qualified immunity. Connecticut deserves better than what's here in qualified immunity.

And I just want to say to law enforcement, God bless our men and women in blue and your families. Thank you.

THE CHAIR:

Thank you, Senator Somers. Will you remark further on the bill that is before us? Senator Duff.

SENATOR DUFF (25TH):

Can the Senate stand at ease for a moment?

THE CHAIR:

And the Senate can indeed stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to yield to Senator Needleman, please.

THE CHAIR:

Good evening, Senator Needleman, do you accept the yield, sir?

SENATOR NEEDLEMAN (33RD):

I do. Thank you, Senator Duff. Thank you, Senator Winfield for all your hard work on this bill. Thank you, Madam President.

I stand here with a -- with a broken heart in many ways because I feel more torn than I have ever been in this Chamber and in many ways more torn than I've been in recent memory.

Most people know that I'm a First Selectman. I am nominally the Chief of Police in my town. I work incredibly closely with the officers that work for me and I know how much blood, sweat, and tears they put into their job. And it's -- it is painful to try to figure out how to thread this needle here, knowing that we have a moment. There are clearly issues with this bill that I'm troubled by and yet we have a moment. We stand here trying to deal with something where the obvious tip of the iceberg is the number of people who have lost their lives in encounters with the police in communities of color. And with the reality that most of those cases tend to be decided in favor of the police when, in my opinion, not being on the scene, some of them may well have been able to be avoided.

On the other hand, my heart goes out to the police officers that put their lives on the line for us every single day. They put themselves in harms way so that we can be protected and be kept safe. And yet, in some communities they don't feel that that's the case. They feel that the police can be more of an impediment instead of a help. And I've -- I've sat, I've talked to police officers, I've talked to other legislators. I've tried to search my soul for what the right decision is here whether to vote for

a bill that I know did not go through the proper process that I know has been rushed because it is a moment. And I can appreciate that we have a moment because moments come, and moments go and get caught up. We get caught up in the work that's before us. We're facing a time when we come back next January of -- gonna be an unprecedented recession. We have to deal with things coming up, a budget shortfall, communities that are gonna be hurting from things other than issues with the police. And this is a moment to deal with this.

So, after a long and arduous and torturous process in my soul because as I have said to other members, this is quite personal for me, I have decided to support this bill with the hope that the -- the committee of cognizance, Public Safety Judiciary comes back and looks at the problems that we know exist with the bill. Highlighting a few of them, some of the issues around the mental health concerns, coming back in. If somebody is hired and passed a mental health exam and five years later, they fail that exam, what happens? What happens to the municipal contracts that are gonna be in place? Are we gonna be required to pay for disability and pensions? There's a list of problems here.

Clearly, the municipalities we have relieved some of the burden on individual officers and I'm grateful that we've done that, but we have added additional burdens on municipalities, many of whom are already strapped. And I suspect that the communities that are impacted by the policing issues are gonna also be impacted by the burdens of the -- of the costs associated with this.

So, I hope, I pray that we find peace after we vote on this. But I also hope and pray that we go back, and we address some of the shortfalls here because I think we can't miss the moment. The public, the American public, the public in Connecticut is telling us, seize this moment. These are not -- these are people of all walks of life who are standing up and saying, we need to do something.

So, I stand here in support of the bill. And with that, thank you.

THE CHAIR:

Thank you so much, Senator Needleman. Will you remark further on the bill? Good evening, Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President. I rise in opposition to the bill as written. I support practical and responsible police reform. I often tell folks, I never vote on a bill solely based on the title. The details of the bill matters. The details of the bill are important. While there are positive features in this bill language, those positives are outweighed by its negative aspects and the likely consequences of this bill.

Police officers who do not live up to their oaths to serve and protect all people should be held accountable. This bill, however, does not achieve this goal. In addition, certain aspects of this bill puts Connecticut residents at greater risk. The handling of qualified immunity in this bill is detrimental to public safety. Puts good police

officers at additional risk of physical harm, financial harm, and will drastically affect their ability to do their jobs effectively.

Removing qualified immunity as it stands now for all police officers, which this bill does, will devastate police officers' ability to protect people in Connecticut.

Madam President, I have a question for the Chair of the Judiciary Committee.

THE CHAIR:

Senator Winfield, prepare yourself.

SENATOR LOGAN (17TH):

Through you, Madam President.

Was there any consideration to the increased risk to public safety when drafting this bill?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. There was consideration to how this bill would play out in various ways as the good Senator knows, there were people of various opinions and both parties involved, so the conversation involved many things. If there's a specific place where the Senator has a

question about -- where he can narrow in on that, I would be happy to answer that. But a lot of conversation about what would happen with public safety and with policing occurred during the conversations that happened to bring to this point.

Through you, Madam President.

THE CHAIR:

Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President, and I will get into more detail in a few minutes. But overall, this bill would be a blow to public safety. And I cannot and will not try to convince myself to support a bill that puts the public in more danger. I support practical and responsible police reform.

Madam President, I have another question for the Chair of the Judiciary Committee.

THE CHAIR:

Please proceed, sir.

SENATOR LOGAN (17TH):

Through you, Madam President. Was there any consideration to improve police recruiting and retention, particularly as it relates to adding more people of color and women police officers?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President, yes.

THE CHAIR:

Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President. I am concerned that applying this bill language into law will actually deter recruitment and retention of good police officers. Furthermore, this bill results in less opportunities, less policing opportunities in terms of careers for black and other people of color and women to become police officers. I will get into a bit more detail in terms of the cost of certain aspects of this bill and what that will do in terms of funding that's available for hiring police officers.

On eliminating qualified immunity as it stands today, it does nothing to change the current system of what happens when an officer uses excessive force. A goal here is to address what happens when officer uses excessive force. What this bill does is make police officers civilly liable for complaints related to undefined actions to be determined by courts on a case-by-case basis. Under this bill, Connecticut courts will be left to decide what is or is not an infringement on someone's constitutional right. Police officers, when I say

police officers, we must remember what we're talking about. Police officers, they're fathers, they're mothers, single parents, they're our neighbors, they're people from our community. Police officers' personal assets and reputations will be put on the line as the court's shape policy.

Under this proposed system, police officers will second guess any and all actions, even ones that are justified and in accordance with every best practice. That means to say in accordance with current accepted standards and current laws. This is because the risk of a personal lawsuit damaging their careers and their families will always be present in their minds.

So, in addition to risking their lives every day to keep us safe, protecting our homes, protecting our businesses, under this bill police officers will have the extra burden of being at risk of personal lawsuits.

Again, let me make it clear, I support practical and responsible police reform. I condemn police violence. I condemn police brutality. I applaud the community policing taking place in towns, like Ansonia and Beacon Falls and in Derby and Hamden and Naugatuck, in Woodbridge, and even New Haven, the town, the city that I grew up in. The city where my mother still lives.

Madam President, I have a question for the Chair Judiciary.

THE CHAIR:

Prepare yourself, Senator Winfield. Please proceed, sir.

SENATOR LOGAN (17TH):

Through you, Madam President. Does this bill encourage community policing?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. This bill doesn't encourage or discourage community policing directly. And, I guess, that ties to something that was -- was said a few minutes ago as Senator Logan was explaining his position. I do think that often in the conversation of community policing it's not simply a conversation about whether or not police go out into a community, but also whether or not the police are part of the community. And that relates to the conversation about increasing or trying to get at the issue of minority recruitment and retention.

And -- and I would say that there's been an issue with that for a while. And how I see this bill as beneficial is, you know, if you grow up in a community where your relationship with the police are damaged, you are not likely to enter the police force. And I would like to see the police force more diversified, which is why in the original 2015 bill, we had the language about the recruitment and retention, and we did something about it, depending on the type of cities we have. But one of the ways that you get at that too, is to do things to make people who are experiencing these relationships

actually believe that, you know, police can't operate in any way that want. And then in that respect, I think the bill gets added. Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President. And I do agree that we are on the same page in terms of the importance of increasing minorities and women in the police force. The importance of having more people on these police departments that are similar to the folks that they are trying to protect and serve. And that is why I'm so concerned about this bill because I believe the cost involved in this bill is going to cause police departments to have less funding available for the hiring of police officers, which will result in less police officers and less opportunities for people of color and women to become police officers.

So, I think we must continue to work in a bipartisan basis. And we must resolve to continue to work together to achieve substantial changes which focus on oversight, equality, and justice. And I have cosponsored and supported this type of legislation in the past and I will continue to do.

Madam President, I have the Chair -- a question for the Chair of the Judiciary Committee.

THE CHAIR:

Please proceed, sir.

SENATOR LOGAN (17TH):

Thank you, Madam President. Under current law, if an officer acts in a reckless, malicious, wanton, or willful manner, will qualified immunity, as it stands today, save the offending officer from potential prosecution?

Thank you, Madam President

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Is it -- I guess I would ask a question for clarification? The issue of that type of behavior removes the issue -- removes qualified immunity from the equation. The issue of whether or not an individual can bring suit also requires a test that is difficult to overcome and that's where the issue comes in, which is why there was a state cause of action created under this bill that would allow not only to look at whether or not the actions were willful, wanton and those three things that we talk about, but whether or not you could ever actually pass the test. It effectively doesn't create the part of the test that requires a similar case in the way that we've been discussing and whether or not you had your hand up or your hand down and that kind of thing.

So, through you, Madam President, that is how I would respond to Senator Logan.

THE CHAIR:

Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President. So, to be clear, my take on qualified immunity, as it stands today, that it does not currently today, qualified immunity is not absolute immunity. Qualified immunity does not protect police officers who violate the law. Qualified immunity offers no criminal protection. Qualified immunity offers immunity from civil lawsuits for all government, including municipal employees and that includes things like clerks and sanitation workers, town librarians. And it looks at a couple of items, right, specifically.

Was there a constitutional violation, yes or no? If there was a violation, was it clearly established? That's what we have now in terms of qualified immunity.

Madam President, I have another question for the Chairman of the Judiciary Committee.

THE CHAIR:

Please proceed, sir.

SENATOR LOGAN (17TH):

Through you, Madam President. Does qualified immunity, as it stands today, serve as a screening process for frivolous lawsuits, lawsuits that have no merit?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I think some people would suggest as much. I would say that as it stands today under the current construct, which is not nearly how it began. Under the current construct, it serves as a barrier. It serves as a barrier, particularly in cases that we never experienced before, no matter how egregious the case is, no matter how terrible the case is because there's no clearly established law. And even when there's a law that I would or probably you would consider as clearly established, if there's a slight change in the circumstances potentially, it continues to serve as a barrier.

So, qualified immunity, actually I would put it a different way than you're suggesting. I would say it is a barrier to availing myself or yourself or anybody of what we believe to be the ability to ensure that we have the right to establish for us.

Through you, Madam President.

THE CHAIR:

Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President. I think the current language, the current version, the current law,

qualified immunity as it stands today, I think, provides more clarity and concrete direction in terms of what constitutes a violation compared to what we have in the bill which talks about things like police officers acting in good faith and believe that they did not violate the law. Those sorts of things are subjective that can be detrimental to police officers.

I believe that the removal of qualified immunity does not increase police accountability. The whole purpose, one of the main purposes here, our goal is -- is to improve, increase police accountability. Qualified immunity as it stands today should remain in place, in my opinion, and it would not hurt the objective, the goal of increasing police accountability and transparency. But I believe what will happen if we remove qualified immunity as it stands today, the removal of qualified immunity will make our communities less safe.

The removal of qualified immunity will make all of our communities more dangerous. I am convinced that they will make our communities more dangerous. They will make our communities more susceptible than they are now to gang violence.

I believe gang violence will also spread with the elimination of qualified immunity as it stands today because they will be more emboldened and brazen to take up more territory, more land, in our urban areas and beyond.

As it stands now, we're seeing an uptick in crimes in urban areas and crimes in the suburban areas, shootings, larceny. We have people stealing

vehicles at record levels, breaking into cars. It is of concern to me.

We're also putting more children at risk. The removal of qualified immunity and the results of doing that, making policing more expensive. Forcing police departments to spend less on police officers will result in less patrols, less police officers. This will put seniors who live in our communities. My mother, Olga, lives in New Haven in the Hills section, 82 years old. We have folks that are out there, they don't look for the 6'4" fellow walking down the street or the former power lifter. They look for the -- the weak, the feeble, the old to score an easy crime. We will be putting our seniors at risk with the elimination of qualified immunity.

And all of this is related. It's commonsense. If you make it accessibly more expensive to maintain police departments, and budgets are tight, budgets are limited, the only thing to do is to cut in areas we shouldn't be cutting. In this case, actual police officers patrolling on the streets.

Now, if you're someone who believes that that's a good thing, we need less police officers, I'm in a disagreement of that. And I have received over the last three days, since the weekend, well over a thousand emails from concerned residents, concerned law enforcement officers begging not to let this go through because of these concerns.

Madam President, I have a question for the Chairman of the Judiciary Committee.

THE CHAIR:

Please proceed, sir.

SENATOR LOGAN (17TH):

Do you know the additional cost to the municipality to provide insurance coverage for each police officer as a result of the elimination of qualified immunity as it stands today?

Through --

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I don't think I could know that. I -- I don't quite understand the question. I guess, first, the issue at hand in the bill is -- is not directly the -- well, it isn't the elimination of qualified immunity. What the -- what the bill does is it allows qualified immunity until the point at which there's a judgment where willful, wanton, and malicious or malicious behavior happens. So, I -- I'm having a hard time because the bill doesn't eliminate qualified immunity.

The municipality would extend indemnification to the officer up until that point. So, I -- I don't -- I don't quite understand what is being asked of me. Through you, Madam President.

THE CHAIR:

Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President. So, when I talk about the elimination of qualified immunity as it stands today, this bill changes qualified immunity. So, it will no longer exist as it exists today. It eliminates qualified immunity as it stands today. My question is very simple, once you eliminate qualified immunity as it stands today, you subsequently change it. Individual police officers will have to have liability insurance coverage because of the elimination of qualified immunity as it stands today.

And through you, Madam Chair, my question, I believe, is a simple one. What is the estimated cost per police for this extra liability insurance coverage per police officer because qualified immunity as it stands today will be eliminated, drastically changed?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. I don't actually think it's a simple question as it's constructed. What is -- what is being put forward is if this bill moves forward and qualified immunity is eliminated I the way to use the terms that are being used, in the way that the bill would have it be eliminated meaning that there's exposure at the point where there is the malicious, willful or wanton behavior,

what is the increased cost for having to get insurance? The problem with that construct is that type of behavior is uninsurable. So, I don't -- I don't know how to answer that because that type of behavior currently is uninsurable. After the bill passes is uninsurable. So, I don't -- I don't know how -- what this does to qualified immunity has any impact on what is being asked of me.

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President. I do believe it is insurable. And if by any chance it wasn't insurable, there would be no way anyone would be a police officer. If you were to go to your job every day and during the normal course of doing your job, if someone has a difference of opinion in terms of whether you were acting in good faith or if you were acting within the constructs of your training, can sue you, and if there is no insurance option available to cover that police officer, who in the world would be a police officer. Your house, your car, your family. I do believe that there is coverage and all I do is make a couple of calls. I made a couple of calls. I called insurance professionals and the number I got was staggering.

Now, I'm gonna use the low end of the -- of the number. Per police officer, liability insurance coverage because of the elimination of qualified immunity as it stands today, we're gonna change it

to something else than what it is today, someone has to pay for that liability insurance. Either the individual police officer.

So, let's take a look at that. The number I got back, and it was a range. And the low end was \$30,000 per police officer. Think about this, this is liability insurance, where you can get sued for a million dollars. Go to work the next week and get sued for another million dollars. Insurance companies look at the risk, they look at the population, they look at the chance of the risk and they make their policies accordingly.

So, let's just look and use a number, and if -- and if the good Chairperson has a different number, we can use that number as well. But since he has no number because for some reason with this very important bill, no one decided to look at what the cost -- and this is just one aspect of this bill, liability insurance for the police officer to protect themselves from financial ruin, from frivolous lawsuits because this bill eliminates that barrier, eliminates that other government workers have from frivolous lawsuits. So, they have to be protected, either by purchasing the liability insurance themselves or by others. If they purchased it themselves, you get a police officer that makes, let's say, \$75,000 a year, the liability insurance is \$30,000 a year, impossible, nonstarter.

So, what happens? The police department's gonna have to pay the individual police officer more money to be able to purchase their personal liability insurance. That still falls on the police department, it still falls on the municipality. Or the municipality is just going to purchase the

liability insurance directly, hopefully get some sort of group rate discount.

When you take a look, I find it hard to believe that the current police union would allow their members to pay directly this personal liability insurance. So, \$30,000, let's use a number, but again, I'm all ears. If anyone has a different number, throw it at me. I made a couple of calls. I mean, perhaps that was too difficult to do, considering writing all of this very important legislation, but I made some calls.

So, we'll use my \$30,000. And I called the Police Chief Cota from Ansonia Police Department. I said, Chief Cota, how many full-time police officers are you budgeted for? He said, well, he said 45. We're a little under that right now, but we're budgeted for 45 at full force. So, I said, 45 police officers, I'm not a career politician, so I've got an engineering degree and I, you know, I'm good with math and numbers. So, I said, huh, \$30,000 times 45 full-time police officers. The City of Ansonia, one of the smallest cities in Connecticut, \$1,350,000 per year. Are you kidding me?

So, wait a minute, but that's a small city. If I look at Naugatuck, the Borough of Naugatuck, 59 approximately, 59 police officers, \$1,770 -- \$1,770,000 per year on top of what they're already spending for all of the other services, for all of the other things that they're doing. And I'm experiencing -- I'm seeing what goes through these budget process for the municipalities that I represent, and this is devastating.

Again, it goes to another policy proposed by our legislature that is going to make it more expensive to live in Connecticut because taxes will have to go up to pay for that. And even if the municipality decides to cut and reduce the number of police officers.

Now, let's really take a look at some numbers. Let's take a look at the City of New Haven. I grew up in New Haven. My mother lives in New Haven. So, I says, boy, if Ansonia has, you know, 45 police officers and Naugatuck has 59, how many police officers does New Haven have? So, I looked it up. Approximately -- approximately, and this is in the range, I came up with 358 police officers, 358. Take 358, multiply it by \$30,000 per police officer per year. That number comes out to a whopping, City of New Haven, where they can at least afford higher taxes, \$10,740,000 per year, \$10,750,000 per year.

These are the kinds of numbers we're looking at. And we are not even gonna consider that in the discussion as though it doesn't matter. Of course, it matters because the effect of that is going to be that cities, towns will hire less police officers to try to make ends meet. That will result in less patrols. Less patrols will result in higher crime and violence. The criminals will know this. They will be emboldened. That is a problem. That is the fatal flaw.

I'm in favor of practical and responsible police reform. This is not that. I support police reform related to more and regular police training, that's a good thing. Revisions to drug and alcohol testing policy, including testing frequency, good thing, periodic psychological evaluations, good thing.

More stringent performance evaluations and procedures. Increased transparency in handling civil civilian complaints, I like that, that's a good thing.

We must strive to always provide the right balance between maintaining law and order, safety of all our citizens and the protections to assure fairness, equality, and the social justice -- the social justice expectations of Connecticut residents that is important to me. It is very important to me. Everyone deserves to feel confident that law enforcement officers exist to protect and serve their people, no matter their ethnicity, race, gender, religious beliefs, political views, or their location.

I will continue to find ways to support practical and responsible police reform. On overall balance, this bill does not provide that, does not help in terms of police reform. Whether I look at public safety, whether I look at the practicality of actually doing something to remove bad police officers.

The current version of qualified immunity as it stands right now is not the impediment. There are other areas that are impediments to removing bad police officers, those we need to strengthen. We need to strengthen training. We need to strengthen all those other things that I talked about.

And again, I will continue to work hard to improve and to effectuate actual police reform.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Logan. Will you remark further on the legislation that is before us? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Will the Senate stand at ease for a moment, please?

THE CHAIR:

The Senate will stand at ease.

THE CHAIR:

The Senate will please come back to order. Mr. Majority Leader.

SENATOR LOGAN (17TH):

Thank you, Mr. President. Mr. President, I would like to yield to Senator Lesser.

THE CHAIR:

Senator Lesser, will you accept the yield?

SENATOR LESSER (9TH):

I do.

THE CHAIR:

Please proceed, sir, you have the floor.

SENATOR LESSER (9TH):

Thank you, Mr. President, and it's good to see you up there this evening.

THE CHAIR:

Thank you.

SENATOR LESSER (9TH):

First of all, I was reminiscing while I was listening just now to Senator Logan, that just over -- a little over a year ago, he and I traveled down to Alabama and we visited many of the sites of the -- this country's Civil Rights journey. And we walked together over the Edmund Pettus Bridge in Selma, Alabama in the footsteps of that great Civil Rights hero, the late Congressman, John Lewis. And I'm sure everyone in this Chamber joins me in mourning Congressman Lewis and remembering his life and legacy.

Like everyone in this Chamber, I've heard from lots of constituents on all sides of this issue. Many of whom I know personally, admire and respect. And as Senator Logan just said, the details -- the details matter. The details of this bill sure matter. Senator Winfield has spoken to the merits of this bill much more eloquently than I could.

I've heard other folks talk about concerns. I certainly do have concerns about some parts of this bill as I would on any large and complex piece of legislation. And I'll just point out one as an example. There's a section that requires behavioral health screenings of police officers. Last year in the Insurance Committee, we passed mental health parity because we're working to make sure that

people in all lines of work are able to access mental health care and that nobody faces a stigma for getting mental healthcare that they need. And I hope and my expectation is that that provision won't add to the stigma that police officers could face getting behavioral healthcare. And I hope that doesn't have that effect, but I have a concern about it. I've also heard lots of other concerns from officers and family members who were concerned about things that they've heard about this bill.

And some of those concerns seem accurate and in some cases I think it's important to clear up some facts that may need some clearing up. So, first of all, I've heard some concerns that this bill defunds the police. And through you, Madam President, to Senator Winfield, does the bill defund the police?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President, and through you to Senator Lesser. No, this bill does not defund the police.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank you, Madam President. And I've heard many people express the concern that police will be personally sued and have to hire lawyers. But when

I read the bill, line 1965 of the bill says, and this is a direct quote. In an action under this section, each municipality or enforcement unit shall protect and save harmless any such police officer from financial loss and expense, including legal fees and costs.

And so, to my reading, under no circumstance will a police officer ever have to hire an attorney. And if an officer is sued under this bill, a town, or the state, not the officer themselves, must pay for an attorney and all upfront costs. Is -- is that accurate?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Through you, Madam President to Senator Lesser. His reading of the bill is correct.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank you. And the last part, I haven't heard this, except I just heard it in the last commentary. I heard from Senator Logan, the concern about a \$30,000 figure. And I'll be honest, that's the first time I've heard that figure. But I do serve

as Chair of the Insurance and Real Estate Committee. And I can just say for my own sake, I have never heard of such a policy being available, so I don't know how that could have a cost because I don't think you could purchase insurance that would protect against criminal liability or against you committing a bad act. That's not a thing that I think could exist. That's not something that we've run across in the Insurance Committee. I don't know if that's something that you've -- you've run across in the Judiciary Committee.

Through you, Madam Chair.

THE CHAIR:

Senator -- Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. While there are some products for police, they don't cover the types of behavior that we're talking about, those intentional, those willful and malicious behaviors.

Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank you. And then I have a few questions just for purposes of establishing legislative intent. You know, there's been lots of conversation tonight and over the last few weeks about qualified immunity.

But I've searched through the bill and the words qualified immunity do not appear in the bill.

I do see the term, governmental immunity in Section 41D.

Through you, Madam President. Can -- can you explain?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. Qualified immunity is a construct of -- of our courts. It's a governmental construct. When we have governmental immunity in the bill for purposes of that subsection of the bill, qualified immunity is intended to be included under what we are calling governmental immunity.

Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank you, Madam President. Madam President, I listened carefully to the debate on the House floor. And there was a statement made on the House floor that Section 41 reflects a -- an intent to return to the original interpretation of qualified immunity from its establishment in the 1960s. And to

abrogate the later interpretations from the 1980s.
Can you explain that -- the 1960s that are qualified
immunity standard that is intended by the bill?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. So, when you --
when you think about this bill and you think about
the language, the type of willful language, what is
happening here is the officer knew or reasonably
should have known that they would be taking action
such that they would be violating the rights of the
individual who has agreed and took that action
anyway. And when you think about the malicious
language there, that's the officer acting with
malicious intention to deprive an individual of the
rights we're talking about. So, that's -- that's
what we're getting at in this section of the bill in
response to Senator Lesser's question.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank -- thank you, Madam President. And, Madam
President, through you to the Chairman of the
Judiciary Committee, how does the qualified immunity
standard intended by this bill differ from the
standard currently applied in federal law?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

So, the cases that we speak about have a hard time surviving summary judgment. And so, and -- and that's some of the conversation that we had earlier about the way that we have found ourselves at this moment. And so, if the case is able to actually survive summary judgment, then it can proceed to the jury where the evidence will be presented that the person acted in such a way that the action on the part of the person, and in this case being the officer, had the malicious intention that we're talking about to cause that deprivation of -- of rights.

Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank you. And I -- you know, I see some language that there's a -- it's some sort of an objective prong to the defense that a defendant should know or reasonably should have known that the action would violate the rights. Would -- would a plaintiff be required to present expert testimony in order to establish that?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, that would not be required. And I just want to take a step back to the prior question because it slipped my mind. The -- the part of the problem is and I think I had this conversation a little bit with Senator Logan is that clearly established law portion of qualified immunity and what it actually means in effect, but to the question on the table right now that Senator Lesser is answering, no, they would not be required to do so.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank you. Thank you, Madam President. And I want to thank the Senator from New Haven for the answers to those questions.

Thank you.

THE CHAIR:

Thank you, sir. Will you remark further on the bill that is before the Chamber? Good evening, Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Good evening, Madam President. Madam President, I struggled all day with whether or not I wanted to speak this evening because after so many hours all of the arguments that are worth making on both sides have already been made by people who are much more eloquent than I. But then I heard one of our colleagues a couple of hours ago mention that this was possibly her last time in the Circle, could be for some of us, and I thought to myself, boy, I really don't want to miss this opportunity to stand here in this Chamber and let it be known that Senator Bizzarro supports our men and women in blue. Our police officers, our corrections officers, Capital police, all of our public safety personnel. I respect all that you do to keep our communities safe. I support you and I thank you for it. And I would suspect, Madam President, that all of my colleagues around the Circle would say the very same thing.

And yet, we're about to pass a bill this evening that I think does more to demoralize our police officers than it does to hold rogue police officers accountable to the public.

I will tell you that when I learned we were coming into special session to vote on a police accountability bill, without even knowing what the content of that bill was gonna look like, I already felt conflicted, and I'll tell you why. So, I'm a supporter of our police, our law enforcement personnel. And thankfully, I have not had some of the awful experiences that we've heard about this evening in this Circle.

But I'll give you a different perspective. I've had the opportunity over the years to represent a

municipality, the City of New Britain. And I've been the cities corporation counsel for many years. First few years in that role I was tasked with defending police officers in cases where I thought their conduct was pretty egregious. They weren't excessive force cases, not all of them, but I could tell that we had some bad apples in the bunch. And I thought to myself, this just isn't fair. There is something about this system which isn't right. It should be a lot easier for the city to terminate them. We shouldn't as a city, as a municipality, bear the cost of paying for legal defense for these bad actors. The taxpayers of the City of New Britain shouldn't bear that cost because that's what ultimately happens.

So, I said to myself, boy, I'm gonna be in a tough spot with this vote, and I may be inclined to support it. So, I imagine that when I saw the bill, it was gonna go a long way toward addressing those very things. But with all due respect to the very distinguished cochairs and ranking members of the Judiciary Committee, who I know worked incredibly hard on this bill, I don't think that the bill does what it intends to do.

Again, it's a police accountability bill, at least in title only, that does nothing, absolutely nothing to hold rogue police officers accountable to anybody. What it does is perpetuate the stigma and false narrative that police departments need to be defunded somehow. And what it does is it burdens municipalities because it makes them spend money that I think would be better invested in recruiting, training, and retaining good police officers.

So, it's late. I -- I -- I don't want to spend too much time just rehashing some of the points that were already made. But I just want to echo some of -- comments made by some of my colleagues earlier about various sections of the bill. I've gone through it, Sections 21 and 22, I think are very problematic because when we're talking about stripping the ability to have officers do a search that's consented to, I think what we're doing is we're removing a very effective tool of de-escalation in that police officer's arsenal. I've heard from police officers who tell me routinely that that is a very effective way to de-escalate a situation. And what we're doing is we are now immediately placing that individual in an adversarial posture vis-à-vis that police officer that stopped them.

I also have serious concerns about the sections regarding penalties for an officer's failure to intervene for all of the reasons that were stated earlier. In particular, with respect to Section 43, I'm not sure how in practice that would work with the Department of Corrections. I've heard the distinguished chairman give an explanation earlier, but I'm still not convinced, with all due respect, I think it's very problematic in that setting in particular.

And, Madam President, if I may, just a couple of very brief questions to the distinguished Chairman of the Judiciary Committee.

THE CHAIR:

Please proceed, sir. Senator Winfield, prepare yourself.

SENATOR WINFIELD (10TH):

Thank you.

SENATOR BIZZARRO (6TH):

Senator, with respect to Section 16, which is the section that pertains to the behavioral health screening, I just have a couple of questions. I've looked through it and I'm wondering is there something in this bill that provides for what happens if an officer were to fail the behavioral health screening? Perhaps I missed it. I apologize if that's the case.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, if you would give me a moment to get to the section, I will respond -- be happy to respond to the question.

Madam President, I'm -- sorry. I know that -- and I'm a little sorry, it's been a long, long debate. I know that there's a part of the bill where we talk about coming up with the policy around this. I'm sorry. If you can give me a moment?

Thank you, Madam President. So, I'm sorry, it's in a different section, that's why it took me a moment.

So, if you go to line 126 through 147, that's where it talks about POST and its responsibilities and it talks about developing and implementing written policies in conjunction with the Commissioner of Emergency Services and Public Protection around this issue.

So, the manner in which we operate will be promulgated through that process.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President and I thank the Chairman for pointing me in that direction there, because I -- I do have significant concerns and I suppose that the bill would anticipate that the -- the regulations would be fleshed out in the future. But it is a difficult question indeed, in my opinion. You know, do we rehabilitate an officer who fails a behavioral health assessment? Does that officer get assigned to desk duty? Is the officer offered some sort of early retirement incentive? What about the officer's pension, does that come into play? Is there a potential for abuse in the event that an officer has a behavioral health assessment coming due not too many years prior to a potential retirement?

So, I was very concerned about that section and, you know, hopefully those items are fleshed out in sufficient detail to assuage any of those concerns.

I do have a question also, Madam President, through you, if I may, regarding Section 17?

THE CHAIR:

Senator Bizzarro, please proceed.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. There has been -- Section 17 deals with the -- let me just get to that section here. I apologize. It deals with the civilian Police Review Board. And there's a provision in -- and that lines 803 through 814, Mr. Chairman. I'm wondering -- there is a provision in here, which permits the office -- the Inspector General, which is an officer to be created by this -- by this bill, permits that Inspector General to essentially put a moratorium on -- a moratorium on any review by one of these boards, pending the investigation by that Inspector General.

There has been some discussion in recent days regarding the constitutionality of the provision that creates the Inspector General. And I know that the distinguished Minority Leader, Senate Minority Leader did ask for an opinion from our Attorney General as to the constitutionality of that office being created in this bill. As a side note, I find it ironic that our Attorney General says that it's an issue that's too complex to offer an opinion in such a short amount of time, yet we are expected to vote on it today, but I digress.

So, my question, through you, Madam President is, what happens in the event that it is determined by a

court that the Inspector General that's created by this bill, that section fails constitutional muster?

THE CHAIR:

Senator --

SENATOR BIZZARRO (6TH):
What happens in that scenario?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I would imagine in that scenario there wouldn't be an office of the Inspector General and, therefore, it would never be the opportunity for the Inspector General to stay the -- the investigation of the Civilian Review Board.

Through you, Madam President.

THE CHAIR:

Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. That's what I assumed the answer would be. I find that highly problematic because right now my understanding is what happens in these cases is that the state's attorney that's investigating these cases does communicate with, for example, with internal affairs or a municipality

because there are serious concerns about spoliation of evidence or interfering with the state's attorney's investigation, witnesses, and the like. So, I think that this section ought to, at the very least, contemplate a scenario where there is no Inspector General and should confer upon the state's attorney the same right. So, I'm concerned about that.

That's all I have for questions through -- through you, Madam President, to the Chair. And I thank the good Chairman for -- not only for answering my questions this evening and for his work on this bill, but also for standing here for so long answering all of these questions from everybody.

Just a couple of other comments, Madam President, before I wrap up. I have read through Section 41 of this bill, which has been the subject of so much debate tonight. And I've read it over and over again. I'm not sure, quite frankly, what to make of it.

I don't know what it adds to the current law. My perspective is that what it does is essentially substitutes one legal doctrine, which is objectively good faith belief for another legal doctrine, which is qualified immunity.

So, that's the legal answer. As a lawyer I can tell you, yeah, that's what it does. You swap out one standard for another. That's the legal answer. What does it mean in the real world? What does it actually mean?

Well, I can tell you what I think the proponents of the bill want it to mean and that is that it offers expanded relief for plaintiffs that it enhances the

punishments in the form of monetary judgments against police officers who are found to violate somebody's Civil Rights. That's -- that's probably what the proponents want it to mean.

I think what it actually means in practice, and I always tell my clients all the time when they come in to see me, I say -- I ask them all the time, do you want the legal answer or do you want the real-world answer. So, there's a difference. And in practice what I think this means is that you are going to see more low-level settlements paid for by municipalities and ultimately the taxpayers. Now, why do I say that? Well, municipalities as the exchange between the Senators just a moment ago highlighted, municipalities are obligated to pay for attorneys' fees for police officers who are sued. In my capacity as Corporation Counsel for the City of New Britain, I have had years where almost the entirety of my outside counsel budget has been spent paying for legal fees in defense of police officers because Connecticut law says that municipalities have to indemnify police officers and it costs a lot of money.

And despite what some people believe, I can tell you based on personal experience, lawsuits are brought against police officers every single day, every single day in the State of Connecticut.

So, the idea that qualified immunity acts as a barrier to lawsuits, that's just incorrect. So, what's gonna happen here. Well, I think what's gonna happen here is you're gonna have state court judges now who have to start building a framework, a body of law, from scratch. And that's because we have this new standard, which is the objective good

faith belief. So, we're gonna swap out qualified immunity and now it's up to a state judge to determine whether and officer had objective good faith belief.

So, here's what it means for you nonlawyers, there is a tool that attorneys use to get a case adjudicated on the papers prior to trial. There are a few different mechanisms by which you can accomplish that. One of them, and it's been mentioned on the floor here this evening, is called summary judgment. What that means is that you've gotten enough discovery in a case, you've taken depositions and you've gone through the facts in sufficient detail, which would allow a reasonable trier of fact or a judge, who's reviewing all of the facts, to determine whether legally there's any grounds to proceed to a jury with a claim. Now, that's simplifying it for purposes of this discussion, but that's essentially what it does.

So, we're gonna have a scenario here where judges, state court judges are starting from scratch. That means, they are going to be reluctant to grant summary judgment just as the federal courts took 40, 50 years to develop this body of case law about what is or isn't a clearly established right. So, too, will the state court judges need time to flesh all of this out.

So, they're gonna be inclined to say, you know what, we're not sure. This is the first time it's come here in the state court. Yeah, we've got some federal decisions that we could look at as a guide, but it's not absolute and I'm not taking this out of the hands of a jury. A reasonable jury might disagree with me. It might say, you know what, the

officer did not have objective good faith belief and therefore, I'm letting it proceed. So, you, Mr. Officer, your municipality that's paying for the legal fees, your motion for summary judgment is denied. Go talk to the jury and let's see what they say.

You know what happens in that scenario? I'm gonna tell you what happens in that scenario. Most of those cases are going to settle. And you may be thinking, uh-huh, that's good, that's a good thing for our plaintiffs. No, it's not. Why? Because you've got the worst-case scenario now. You have a situation where you've gotten past summary judgment and you could potentially go to trial, but as we've been talking about for the past few hours, guess what, this bill does not remove the -- the -- some level, some minimum threshold level of protection for the police officers. They still -- the plaintiff still has to overcome that burden. Yeah, it's not qualified immunity, but as the good Chairman pointed out earlier, there's still a minimum threshold, which is gonna act as -- as a -- as an impediment to frivolous lawsuits.

And so just because the judge may be inclined to let a jury decide it, that doesn't mean that a jury's gonna decide in the plaintiff's favor. So, now you're gonna have a plaintiff's lawyer, who's more inclined because it's ambiguous, it's nebulous, to take an offer from a municipality or a police officer to settle the case prior to trial.

What happens? Well, you're gonna be left with a situation where you've got lawsuits that have very little merit that are gonna be settled at levels that are not going to satisfy plaintiffs,

plaintiffs who have had -- who feel like they have been victimized, like they've had their Civil Rights violated. They're gonna fully wholly unsatisfied. They're gonna be unhappy. They're going to be even more distrustful of police departments and the court system. Speaking of the court system, you're going to have a court system that's already taxed be overwhelmed even more, looking for more resources from us. You have plaintiff's lawyers who will be very thrilled with this. And you're gonna have municipalities and by extension their taxpayers left holding the bag once again.

And I understand, I heard the good Chairman mention earlier that, hey, you know, if the price to pay for stopping some of these problems that we have in our society is an increased cost of municipality, hey, somebody has to pay. And I -- I get that, I don't discount that argument at all. But what's the goal here? I mean, I would think that the goal is to adequately compensate individuals who've legitimately had their Civil Rights trampled. Because if that's -- that's the goal, then this doesn't accomplish it.

If the goal, however, is to turn every single police interaction into a slip and fall case, well, we're well on our way to doing that.

And at the end of the day, very simply, I'm gonna vote no on this bill because for me the bill does not pass my balancing test. And that balancing test is to the very few positive components of this bill, because there are some positives in this bill, outweigh the substantial harm to our citizens and our communities that will inevitably result when cities across the state are unable to find and

retain good police officers. The answer for me is no. And therefore, the vote for me must also be, no.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill? Good evening, Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Madam President. Sometimes, you know, the attorneys can make things more confusing, you'll need a doctor to clarify things.

I, first of all, rise and to -- to share some comments about H.B. 6004. I wanted to first start by thanking Senator Gary Winfield and also Representative Stafstrom for their hard work. This is truly a lot of work that has gone on behind the scenes to get to this point, but also a lot of conversations with multiple different legislators and public. I don't know if people recall, there were 12 hours of conversation that had happened.

I -- I want to share a perspective with you and I have a piece of paper here. And on one side of this paper we have the public. And on the other side of the paper, we have the police. And what is right now happening in our state is that we are saying it's one versus the other. But what we do not realize is that it's still one paper. If we are going to harm one side of the paper, the other side of the paper is going to be harmed automatically. And this is going to be critical for us as we move forward as a community, as a state, as people, that

we need to recognize that this conversation should not be binary.

And what I am seeing right now is that there are individuals within our honorable Senate, but there are people on the outside as well who are actually saying that if you vote against this bill, you are against the African Americans and all minorities. And if you vote for this bill, you are against the police officers. And -- and that is not -- not how a sustainable healthy society would exist.

So, again, we are on the same team. And I want to go through point-by-point of some of the aspects of the bill, which would be relevant to try and illustrate why this bill is relevant and needed.

First thing is, why are we here? And -- and the reason we are here is that there is a problem for some of the people to act surprised that there is no problem, I -- I think they may be living in a different reality. And I don't want to get into somebody else's reality, but I can share with you the reality of the people that I am interacting with and the things that I am seeing. 90 -- and this is based on data, 90 percent of the African Americans in the communities feel that they are not treated right by the police, 9-0 percent. And I'll repeat this, let it sink in, because for the people who think that there is no problem and we should not be here and we should not be actually having this conversation, 90 percent of the African Americans feel that they are not treated right. And 57 percent of the white Americans feel that the minorities are not treated right, either. So, we have a recognition across the board that there is a problem.

And then the -- the actual issue of the murder of George Floyd in the manner that it has happened and what -- it shook the entire country. It shook the entire world for that matter, and it shook the State of Connecticut. And here's the reality, from a civil lawsuit perspective, Derek Chauvin, the alleged murderer, would walk scot free on a civil lawsuit.

In the State of Connecticut, today, as of right now at 11:20 p.m., I guess it's the 28th of July, by at this time, this individual would be able to walk scot free if he did this in our state. And -- and with the historic issue, with the current issue and the fact that we have a litmus test which would allow an individual like that to not be impacted by the civil lawsuits, we have a problem.

And hence, we are here, and hence, we should have this conversation and, hence, this is an emergency to have this conversation. Let's look at it from the perspective of the people whose lives are directly impacted when a father and a mother are having a conversation with their young African American child, how they have to behave in this society and nobody else has to have that conversation, we have a problem and we have an emergency.

When children are seeing the images that have shaken us all and those very images are seen and formulating the perspective of our children, in the State of Connecticut there's a video and I would urge all of my fellow legislators, especially the ones who are having many problems with this bill, should look at what a child, a small 8-year-old

child was behaving when he saw a police car come. And when I actually had the conversation with the police officers that I know and I respect and I love, they also had tears in their eyes because this is not who they are, this is not how they want to police the state and this is not how they want to see our state and the community.

So, now we know why we are here. Let's look at what the bill does. Well, first of all, we need to recognize for any society, a sustainable healthy society, you need a police force, an effective professional police force, period.

They are an essential ingredient of protection of the community, but they're also an ingredient of the public. They are people like us. They are our parents, they are brothers and sisters, mothers. They are just like we are as in the public as well. So, that's important, but they are a little different. Why? Because they have taken an oath to put themselves in harm's way to the point, they are at a high alert for such a level that we know from medical data that the police officers who are working to get heart attacks at a younger age. So, these are very special individuals who have a calling to serve the people above and beyond their personal wellbeing.

And -- and this constant state of alertness causes them trauma, causes them physical impact, causes them heart problems, blood pressure issues, which is why we actually respect and recognize them and look at early retirement in some of the cases because they age faster because of the stresses that they have.

So, we need to respect the fact that they are part of the community and they are committed to doing the right thing. And I can tell you with my conversation and interaction with the police officers, I have yet to find anybody who says it's okay to have the bad apples. I have yet to find anybody who says that what happened to George Floyd was acceptable. I have yet to find anybody who says that the alleged murderer is not a murderer for Derek Chauvin. That's very clear in everybody's mind. So, what are the ways to address this? And there are ways to address this that we need a policy that would actually make sure that we have a protection from the bad apples because nobody wants their profession, a profession which is an honorable profession, to be maligned by an individual, the criminals, if you will, and -- and people who are sick in their minds who do not have enough care and respect for people who look different, that's the kind of people who need to not be a part of the force because they harm everybody. They harm the honorable profession, who is willing to give their life for protecting the communities that they serve, and that honorable profession is being harmed. And the police need to recognize that this bill is gonna protect them from those bad apples, which are actually harming them.

So, the public actually has the right to have equal protection of the law, equal, that's all that the people are asking. Nobody says in the bill that we need to have special treatment, just equal treatment. And if people are having problem with the fact that somebody's asking for equal treatment, then we have a problem. And the fact that people are having a problem with the -- the word equal itself is -- is an issue that we will have to

address. And then, I believe, that the people -- the police needs qualified immunity. Which other profession you have to make a split-second decision, which can actually be detrimental to your personal health. You don't have the time to take the -- and -- and register whether you should take an action or not.

So, we have to recognize that reality for the police officers and yes, there needs to be immunity, that needs to be there. And that also needs to be there to protect them from the frivolous lawsuits.

And this bill actually does that. It is not taking away that and I'll -- I'll explain that to you. And this is actually made more confusing than what it is. And that's the job of the lawyers sometimes, but this is what it takes at times. If we're talking about the civil lawsuits, now one or two bad apples, one or two bad apples can actually have an impact on the entire community. And it actually erodes the relationship that we have between the public and the police. And we need to have mechanisms to have a protection from such bad apples for the police department and the municipalities and the public.

And what would be the way to do this? The way to do this is to actually have a preventive strategy and this bill talks about the preventive strategy. It is talking about implicit biased training. We all have biases. It's a human reaction to how we have experienced life. And there's a reason to actually start to look at this, learn from it and have a solution for it. And everybody needs to go through this, including the legislators for that matter, and I'd say the legislators absolutely must.

I have been part of training the police department. I've trained about 2,000 or so police officers in the last many years because I am part of helping train them about the bias training in some levels because I'm also a minority and I'm telling them about some of the perspectives and -- and people are interested. And by the time they are done with the conversation, they recognize each and every person has biases and we actually need to overcome them. But that's part of the training, it's preventive, it's a good thing.

Police taskforce on transference and accountability, yes. Why don't we have that? It's a no-brainer. Civilian police review boards, if 90 percent or 57 percent of the population is concerned about how people are -- that they are perceiving the police department, the police should be lining up and saying, we need a way to try and build this trust because no police can do policing without community. And we are giving a vehicle to have that community connection. It's a -- cameras protect the police more than they protect the people, that's the other thing that we are asking, have the cameras.

If you really have a sit-down conversation one-to-one with the police officers and the police chiefs, they would say to you, if we didn't have to pay for those cameras, we actually would love to have those cameras because it protects us because somebody can say whatever they want to about us, we have a proof and more likely than not that's gonna help the police than anybody else. And this bill actually helps them get the money, too.

So, this whole concept that this is about defunding the police, no, please don't do that. Don't do that to win an election. Don't do that, you are actually -- this is not even in the bill. It's wrong, my friends, you are saying wrong things, inaccurate things, which are so easily verifiable. It's not defunding the police; it's actually giving you more money to have cameras. It's -- it's, please -- this community is more strong than anybody's election. So, don't try to divide us, don't try to do the things that are truly inaccurate, which are about one Google search or -- or Word document search of the bill a way to be proven wrong.

Increasing the diversity in the police force, yes. Why is that a threat to the police? Never has been and nobody's actually questioning that. The police need a mechanism to remove bad apples, this is what this conversation is about. And that's where it comes in as officers retain their governmental immunity, if their actions are based on objectively good faith belief. Let that sink in.

If a police officer takes an action on an objectively good faith belief, they have the immunity. Now, do we need police officers in our community who are doing bad faith activities, I want -- maybe it's not a right way to ask the people to raise hands, but if I had that opportunity, I would say, how many of the people in the Senate, how many people in the community, how many police officer want police officer who would actually do activities with bad faith? And I'd be shocked if one single hand raises up because I know many of you and I know you have a strong moral compass. And it also says, the bill says that people who are actually going to do things to harm the other fellow individuals with

malice, with a willful bad intention, those are the ones that if you're targeting and these are bad apples. This is how you define a bad apple and the bill is about the bad apples.

If somebody's trying to confuse you in saying that it's against the police officers, it's against the bad apples and the police officers, not the police officers. Please recognize that fact. All of us need to go through so many trainings. Well, guess what, let's think about this. We all had to clean our hands. We all have to maintain the difference -- distance. Why do we have to do that? Because there is a risk that one of us may have an infection. And we are all following the rules because one of them has an infection. I would say, you know what, I don't have the infection, how dare you try to stop me. I'm not gonna wear my mask. I'm not gonna stay my six feet distance because I am clean, and I am going to be fine.

We all have a responsibility to make sure that we protect everybody by following some rules and these are the guidance and the rules that we are talking about. And it's -- it's -- it's fascinating that we are having these conversations right now.

I want to share some other things because I've heard very interesting comments by my colleagues. I will go through them pretty fast. They say that, somebody mentioned a comment that my district is different than Senator Winfield. Therefore, I cannot vote for you. Let me ask you, if your district is different based on the financial background or the racial background and therefore, you don't think it's an issue affecting you and we are a state of 3.5-million people that you can drive

from one corner to the other and then now the -- as our community is changing, are our moralities and our recognition of a challenge for a community going to be defined by the makeup of a community? Then you are a part of the problem, not a part of the solution to say that -- to say that my community's makeup is a little different, therefore, I do not need to vote yes for this bill, makes me cringe.

Somebody says, this is not the time to do this. So, tell me which are, we are 400 years out? So, how many years do people have to wait, my African American brothers and sisters have to wait for some kind of a mechanism and then tell us the time so we can actually wait for that time. Because when will that be the time? We are -- we are seeing murders happen. We are having -- having an impact on the children. What is a good time? And this was the other argument somebody made, this is not the time to do it. And then somebody says, we don't have the money for it. Okay. So, you are putting a dollar value on the lives of a child. Let me ask you, what is a dollar value, so I can understand what is your perspective of a life of somebody. And then I'm gonna ask you what, if that person is your child, what is the dollar value of that child, if that was your child?

Because these are our children and we are leaving them behind, and we are having them be treated differently. So, we have to look at that as well. And somebody said a lot of people will have to retire if this bill passes. Please, my friends, my -- my police officers, don't panic because of what somebody's telling you to think. Don't panic because of what you're hearing. Read the bill. There's no reason for you to panic or retire unless

you are a bad apple and you're verifiably a bad apple. With -- and that's the very simplistic term, so please don't let anybody scare you into that because there is no reason for anybody to move in that direction.

Somebody said the qualified immunity, well, the qualified immunity has a two-prong test. Good. But guess what, that two-prong test was back in 2001 based on the Supreme Court, Saucier v. Katz decision. And 2009, by Pearson v. Callahan, that two-prong test was impacted because the first prong was removed, and the second prong is dependent on the first prong. So, it's like a state of confusion from 2009 until now. And therefore, every single person has qualified immunity now because the two-prong test doesn't hold true. That is based on the professors of law, who have actually looked at this and they are saying that the qualified immunity has basically -- everybody's qualified immunity because the two-prong test doesn't exist since 2009.

So, that's something you need to look at as -- as well because 2001 to 2009, if you were in that time, maybe we can have a different conversation. But we are not in 2008. We are not in 2001. We are in 2020 when we started this conversation. Good officers are hurt by this, this is so clear, this bill will protect the good officers. And -- and there's gonna be a cost to the towns. It was the other part somebody was saying that there's a cost to the town. I think, Senator Bizzarro actually aid it probably very effectively. He said that so much money is already being spent by the municipalities. If the municipalities are already spending so much money, do you know why they're spending so much money? Because there is a problem. There is a

problem. And they are settling because there is a problem.

And does this bill help, absolutely. If you have a bad apple, that actually is going to continue to abuse and do things in bad faith and maliciously, the taxpayers will be protected. This is important for you to recognize the taxpayers will be protected because why should I and you and everybody be paying taxes for the bad apples who are actually doing malicious things? And guess what, now we are talking about less than 1 percent probability because I know the State of Connecticut is a different level, but at the same time, not at the level that we would expect ourselves to be. But we are far better than any other state, thankfully. But that's something that I think is important to recognize. And then people use the word defunding very easily. There is not a single word in there about defunding. Please don't confuse and say wrong words which are not there.

And then I was shocked by somebody saying that by doing searches, you are deescalating a problem. I -- I don't understand that. So, I'm not gonna go into that. But that was a confusing remark made by somebody. I -- I think end of the day, this was something that was very profound that was said that justice will not be served until those that are unaffected are as outraged as those who are. I think that's the bottom line.

And -- and as people look at this, I just want to leave you with two thoughts, one paper, two sides. One family, if you tear one side and the other side is going to be harmed, it's going to be a collective future. Let's not figure out a way to divide

ourselves, let's fix what we can fix to make it better.

And as people are going to vote today, as you press this button later tonight, I want you to think if you're saying no to the bill, that would you like your children to be treated how our African American brothers' and sisters' children are treated? And if the answer to that is, yes, then you can comfortably say no to the -- your vote. But if the answer to that is no, then I think I would urge you to reconsider.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Anwar. Will you remark further on the bill? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. If the Senate would stand at ease for a moment, please.

THE CHAIR:

And the Senate will stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to now yield to Senator Bradley.

THE CHAIR:

Good evening, Senator Bradley. Will you remark on the legislation?

SENATOR BRADLEY (23RD):

Yes, I will. Thank you, very much, Madam President, for giving me the opportunity to do that. And thank you very much, Senator Winfield for all the hard work you've been doing.

I really want to reach out to my brothers and sisters across the aisle, my Republican colleagues that I've been hearing now for several hours our debate. I just want to -- I want to let you know where -- where I come from in terms of this particular piece of legislation. I want to give you a small anecdote of a positive story that I've had with a police officer. When I was at a community college, I rear-ended a car, I thought nobody saw it. My father's blue-collar ethics kicked in and said, I can't just leave the scene. I got to leave a note, letting this lady or person know that I hit their car. So, I put a note saying, this is my name, my number, you can reach me here to fix the back of your car that I -- that I ran into as I was pulling out of the parking lot.

There was a police officer who saw that, I didn't know. And he recommended me for some citizens award thing, white police officer who saw that, and recommended me for some citizens award thing, which gave me a little scholarship, which helped me take another course at the community college that I was attending, which inspired me to go further and pursue my education. And it was that -- it was that act of kindness of that that officer did that

allowed me to appreciate people, just people. You know, when we get -- we get in the quagmire of black and white and brown and all of these things in this Circle, but I think that we forget oftentimes of the quality of police officers, state troopers, correctional officers that we have here in this state. And I'm not one of these people that wants anybody to feel bad for me for being a person of color.

I've heard people on -- on the liberal side of -- of -- of my caucus say things, can you imagine how horrible it is to be a person of color? I don't want a sympathy card. I don't want you to feel bad for me. America has not been a horrific experience for me in this country. It has blessed me with wonders. It has given me wonderful opportunities. Here I stand before you as a State Senator, an urban kid from urban America, from humble beginnings, that's America, that's the American dream.

So, I don't want -- I don't agree with the liberal disposition of some members of my caucus who say things like, you know, can you imagine how horrible it is to -- to wake up every day and -- and have some melanin in your skin. And I don't believe in these things that other members who tell us who -- who is black and who's brown and who's this and it creates further division in our caucus, that's not my worldview.

I come simply to talk about this piece of legislation from a standpoint, not as a person of color, not as a minority, not as an urban legislator, not as a person who had some horrific experience with the police, but from a person who

cares deeply about the State of Connecticut and from a person who loves this country more than myself.

I love America more than I love myself. I want to see America prosper more than I want to see my own prosperity. And I want to talk specifically of how we got to this point. Let's talk about 1967 Pierson v. Ray. That's the first time the Supreme Court invented this notion of qualified immunity doctrine. Just to make it clear, there is no federal law that has qualified immunity doctrine.

As a matter of fact, jurisprudence people such as Antonin Scalia, those people here who are attorneys know the name, a great Catholic, a great jurist, may he rest in peace. He recently passed away. He said that this is judicial activism. There's another jurist who talked about this, a little-known jurist by the name of Clarence Thomas. A guy who we oftentimes don't agree on legal issues. And he says that the Supreme Court invented this legal doctrine and has little basis on written law. There is no basis in this in federal jurisdiction. There is nothing that says that this law exists, and this is what happens. It was passed and invented in 1967.

Now, I wondered, what in the heck was going on in 1967 that the Supreme Court of the United States found it incumbent upon themselves that they needed to come up out of full theory, bypassing the legislature, bypassing the executive office, and come up with this theory. Well, let's see what the New York Times says was happening in 1967 that would inspire by then I think it was all men who were sitting in the Supreme Court, said do such a thing. January 8th, Vietnam War. January 10th, a proclaimed segregationist by the name of Lester

Maddox became the Governor of the State of Georgia. February 18th, District Attorney claims he saw the conspiracy of the assassination of J.F.K. April 14th, M.L.K. denounces the Vietnam War. April 28th, Mohammad Ali refuses military service. May 2nd, Black Panther Party storms the California Capital Building. June 11th, race riots in Tampa Bay, Florida. June 12th, Loving v. Virginia, the great Supreme Court law that said that for the first time in the United States, black people and white people were allowed to be married. And it was unconstitutional to do anything else than that. June 26, race riots in Buffalo. June 12th, race riots in Newark. June -- excuse me that's [Inaudible -12:32:26] puberty still kicking in. June 12th, race riots in Minneapolis. June 23rd, race riots in Detroit. July 3rd, race riots in Milwaukee. August 1st, race riots in Washington, DC. October 16th, I don't know who this person is, but you probably know who he is. Some people here probably know who he is or her, Joan Baez, arrested for and beaten for blocking the entrance to a military induction service. That was going on in our nation when the Supreme Court decided to come up with this theory of qualified immunity.

What's the problem with qualified immunity? Do we want -- the word sounds so beautiful if you're a cop. You don't want cops to go get sued for things that they did in a split-second decision. I agree with that. You shouldn't hold -- you shouldn't take someone's house and livelihood and pension and everything they worked for when they just made an honest to God mistake or a split-second decision. And maybe they were wrong in what they decided to do. I -- I agree with that. But what's the issue specifically with qualified immunity and why is it

that jurists like -- and who says it better than Puerto Rican women, I know best because now I got one at home, Ms. Sotomayor who highlighted in a particular case that out of 200 cases, none of them were deemed worthy and were all dismissed because of qualified immunity. What's the problem with the doctrine?

Let's look at the doctrine. The doctrine talks about clear established law tests. That's the stuff that we've been talking about here that people don't understand what that means. So, it's not enough for a plaintiff or a victim to say this officer did something to violate my rights. It's not enough.

You have to show as a matter of law that there is -- that there is case law that is extremely similar to the action of that police officer. And on the basis of that, that police officer should have known that his conduct was illegal. And if there is no case law that's extremely similar to the fact pattern of that individual, then that officer is off the hook under qualified immunity. Doesn't matter how egregious the conduct is. 200 cases and not a single one of them stood the test. That's a whole lot of cases. Because that's a very difficult burden that you have to meet.

Now, Senator, you've done a great job and I'll -- and I'll -- and I'll hit on some things here that I hate and some things that I love. But it shows you the fairness of the process. And I shared this in caucus and there's no secret to you. It's one year we're giving people to be able to do this, one year. Anybody who's ever practiced in criminal courts knows that for a simple AR application, which stands for Accelerated Rehabilitation, these are small

offenses that people, you know, bite of the apple that you did some knucklehead thing, got into a bar fight, did whatever thing that was wrong. They allowed you to apply for this program. That sometime takes a year or longer to go through the system.

Now, what if we're talking about somebody who's complaining about a false arrest? There is no way that you're gonna get through the system in one year with something when you're talking about a police officer who violated somebody's Civil Rights, because there's an underlying arrest usually under those things. You don't just usually violate your rights and say, okay, now you can go home. They violate your rights and usually you have a criminal charge to justify what they did. So, you're only doing one year. And Gary, I fought back and forth with you, and I know you -- it was comprised to get everybody onboard and we're trying to get everybody onboard and I commend you for trying to do that.

I got a problem with that. I've got to swallow that. Because as an attorney, as a person who defends people, I know it's gonna still be difficult to be able to get this down the pike and make sure that we can rectify the things that are wrong in this country.

Now, let's talk about other issues here that you -- that -- that we've been talking about and I think that Senator Lesser did a good job of asking you these questions. When we're talking about this particular set of law -- Senator, and it's in the question form just so that I know, and I can -- and I can keep better for my constituency and there's some sort of a record here as to what we're talking

about. What we're talking about here is getting rid of the clear established law test that was established by the Supreme Court, is that not correct, Senator Winfield?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Thank you, Senator Bradley for the question. You are correct.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you very much. And now you go further, right? And you say in this piece of legislation that you -- that you -- that you crafted, you say that in general cases there's still qualified immunity. The -- the barrier that you establish is that the people have to meet a certain prong to that, is that correct, Senator?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President and through you, that would be correct as well.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Sorry, I'm sorry, I get a little excited, I got to slow down. Maybe I should drink some water and take a breath. I apologize.

And the barrier that you put on there is for you to personally be able to sue the police officer, right? Because other than that, if he uses qualified immunity, correct me if I'm wrong, if he uses qualified immunity, and they're able to establish that it was -- he made a split-second decision, he did it with good cause, there's -- there's nothing there that shows that he violated his laws, you could still use that and the city's on the hook if there's anything to hold the city on the hook for. But the only way a police officer's gonna lose his pension and lose his house and lose everything he's worked so hard for how ever many years he was a police officer, if you establish certain things and those things are willful and wanton conduct, is that correct?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Again, Senator Bradley, we use the bill correctly.

SENATOR BRADLEY (23RD):

Were --

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

And those aren't just words that are words. Those words have meaning. Those are terms of art. And the Black Law Dictionary define those words. And there's -- the Black Law Dictionary as every -- every jurist here knows, is what we all go to, whether you went to Harvard or you went to wherever, we go to find words. It says, acting consciously, disregarding or acting with reckless indifference to consequences. That's what a person would have to establish in their lawsuit to be able to prevail and sue particularly the police officer, isn't that correct?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you again, Madam President, that is correct was well.

SENATOR BRADLEY (23RD):

So, now --

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Let me understand what you're saying. What we're saying now is that when it comes to that particular issue of suing a police officer, you're saying that that no longer will be a question of law with what I think Senator Bizzarro was talking about the summary judgment motion process, right, where a judge makes a decision as to whether or not the facts are sufficiently clear and the -- and the law says that it shouldn't proceed. It will no longer be a question of law in regard to this particular section of their law, is that correct?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Sorry, you know -- thank you, Madam President. I would say that Senator Bradley is correct gain.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

And in those cases, you bring it to a jury. Now, I don't know how many lawyers here have done a jury trial before, but I've done a few of them and I'll tell you what, I'm usually hard pressed to impanel minorities on that jury. I'm in Fairfield County, I'm usually hard -- and I passed legislation here

saying we should never impanel the jury that's all any race because nobody wants to see an all-black jury, an all Hispanic-jury, an all-white jury, that stinks on its face of discrimination and bias. I would, if I was a white person and I saw an all-black jury on panel against me and the victim was a black person, the police officer who arrested me was a black person, and the judge is a black person, and the prosecutor's a black person and my lawyer's a black person, I wouldn't feel like I'm getting a fair shot at the system if that was impaneled against me. I would say there was bias there, right?

But in Connecticut, we're saying the only way we're gonna move forward is if a jury makes a determination, the jury of our peers, the people that we run to on an everyday basis that we believe love and think that cops are doing right by us. That's what we're talking about, isn't that correct, Senator?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President, again, the Senator reads the bill correct.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

And I'll tell you something else that's gonna shock and -- and get all the people on my side of the aisle all mad at me as they sometimes do. Let's talk about the police camera situation. We're saying in this piece of legislation, and correct me if I'm wrong, that we're mandating the police officers have these body cameras, is that correct?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Yes.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you, Madam President. At the same time, we're saying, we're gonna get rid of consent searches, is that correct?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Yes.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

I take issue with that. I really do because I think that if a police officer has somebody on tape who gives a knowledgeable consent of their rights for whatever reason and there's clearly established evidence that they weren't coerced, that they weren't intimidated, that they weren't pressured because we have them on tape, then we should allow that admission to come into court. And if a cop finds a gun or he finds a knife or he finds the drugs, if he finds whatever he has, we don't want bad guys to be on the street on a technicality, just like I wouldn't want to see bad cops get away with murder on the technicality. I wouldn't want this law to go the other way around, where cops shoot somebody and this great wall of silence comes and they make a phone call and they say, hey, you know, I did this and that, tell them I did this and tell them I was here and tell them I was that. And there's coercion and there's all collusion happening between the police officers and then the detective who's investigating the shooting says, give me your phone and he consents to it, he says, sure, here's my phone. And they see these text messages back and forth saying that there was -- there was coercion and collusion and all the rest. And they say, well, because you took that as fruit of the poisonous tree, it's -- you violated his constitutional right and now we can't use that so you can't show that the cop had any intent to do any type of criminal action. I would hate for a technicality like that to happen when we know better.

But you know what, it's the compromise that we're reaching and its ability to make everybody come

together and -- and we have to swallow these things because it's an imperfect world. But we do it with the love of knowing that our country has to move forward in a positive direction.

And I'll say -- and I'll say one last thing that I think is important for me to know and I made 101 notes and you get up here and you forget usually sometimes what you're talking about. But if -- if the -- if you could bear with me here just until I can make sure I'm right on these things. I think -- I think that's the essence of what I want to say here on the record on this particular -- particular piece of legislation.

I brought with me, and I don't do it in any type of discouraging way, an American flag. I love this flag. I love this flag. And I would never, ever pass a piece of legislation that goes to punish police officers with indifference to punish black people with indifference, to punish anybody with indifference. I love this flag and I vote for this, knowing that it is not perfect because none of us here are perfect, knowing that it is a compromise because that's what our founding fathers intended us to do to compromise.

And I vote for this applauding the hard work of Senator Winfield because I know it's been blood, sweat and tears and I know it hasn't been easy to come to this compromise. But I believe wholeheartedly this is gonna make America better. And what I don't want to see ever is that these United States of America no longer exist because we have a black America and a white America. And if we think it can't happen, it happens time and time again to many, many civilizations on Earth that a

minority group feels disenfranchised and rebels against another group.

I do not want to see a country where black people and brown people in this country feel that we don't have a stake in this country anymore and we have to go out and defend our own country or find our own way or have division in this country. We had it once before, it was called the Civil War. Other countries have had it before where they've separated and gone their own way. We don't want to see a country that is divided. We have to bring everybody together. And this legislation is exactly that. Not to -- not to put the cops down, but to protect all citizens of this great free republic. God bless you.

THE CHAIR:

Thank you, Senator Bradley. Will you remark further on the bill that is before us? Good evening, Senator Maroney.

SENATOR MARONEY (14TH):

Good evening, Madam President. I rise for the purpose of questions for legislative intent.

THE CHAIR:

Please proceed, sir. Prepare yourself, Senator Winfield.

SENATOR MARONEY (14TH):

Thank you, Madam President. Through you to the proponent of the bill, I have a question about

Section 29, the use of force. And I know you had discussed this at the very beginning -- very beginning of the evening, so I apologize for making you have to discuss this again. But I just wanted to ask a question again for legislative intent. So, in lines 1262 through 1264, he or she -- and so this is Part A, he or she reasonably believes such use to be necessary to defend himself or herself or a third person from the use -- use or imminent use of deadly physical force or -- and so that sets one criteria where I believe because of that or Item B would be a second criteria. And so, the question I would like to ask is, I heard an example that was given -- well, I have two different examples I'd like to speak about. And there was a concern, one example that if, Heaven forbid, there was a child -- a hostage situation in a school where a gunman had a gun to a child's head that a police officer could not take a shot because in Item B, it says that -- you know, it creates no substantial risk of injury to a third-party.

But my reading of the bill is that since that's an or in Item A where it says that reasonably believe such use to be necessary to defend himself or herself or a third person from the use or imminent use of deadly physical force that that would be a permissible situation.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President and -- and thank the Senator for the question. And -- and as I explained

earlier, you would actually be in a situation when it was the imminent use of a deadly force in play. And so, as the bill is constructed, there is Section A and Section B and they operate in an either/or situation. So, here we are inside of Section A and the officer would be allowed to use that type of force.

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Maroney.

SENATOR MARONEY (14TH):

Through you, Madam President. And thank -- thank you, Senator Winfield for that answer. I have another example again in discussing with one of my police chiefs the situation again. It was unclear was that Heaven forbid, we would have a situation like has happened overseas where you had a truck driving into a crowded group of people and so, in Milford we have the Oyster Festival every year with 50,000 people downtown. So, if there were a truck driving into that crowd, that would be a permissible use -- it would be a -- yeah, permissible use of force to -- if it were necessary, to take the shot at the driver of that truck, in the fact that it endangered a third-person's life.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. In that case, I believe that the use of force would also be permissible.

Through you, Madam President.
THE CHAIR:

Senator Maroney.

SENATOR MARONEY (14TH):

Thank you, Madam President and thank you, Senator Winfield. Again, through you, Madam President, another question for the proponent of the bill. On June 16th, I believe that POST has assembled a panel of experts to revise the use of force policy for the state and so, I believe they're set to deliver a report before December 31st of this year. This does not go in effect until April 1st, this section. I believe Section 29 does not go into effect until April 1st of next year. So, I would just ask if it would be possible. And again, understanding the legislative process that both chairs of the committee would have to agree to raise a bill, but that we could look at their recommendations and if it helps to clarify the language and strengthen the language, we could consider codifying their -- their language as well.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President and through you, I think it would be incumbent upon me to -- and my

cochair to take a look at that language. And should that language clarify or make simpler to understand or be better policy to consider pushing that language forward in the future. So, and I'm always open to that kind of thing. So, I think the answer to your question would be yes.

Through you, Madam President.

THE CHAIR:

Thank you, Senators. Senator Maroney.

SENATOR MARONEY (14TH):

Okay. Thank you, Madam President. Thank you, Senator Winfield. I think much time has been spent on Section 41. So, I am not going to ask a question about Section 41. Instead, I want to look at Section 42 and lines 1986 through 1992.

So, in Section 42 it states, on or before January 1st, 2021, the taskforce established to study the -- study police transparency and accountability pursuant to Section 6 of Public Act 19-90 shall report in accordance with the provisions of Section 11-4A of the General Statutes to the Joint Standing Committee of the General Assembly having cognizance of matters relating to the Judiciary on any recommendations related to the implementation of Section 41 of this Act.

And so, they will be reporting again at the end of this year. And if, I would ask, I think that this question was asked by Senator Leone before, but that if their recommendations if they uncover any issues or clarification that needs to be put in the

language, is that something that we could also consider for next session?

Again, an understanding that you cannot commit because it takes both chairs to raise an issue.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. And I would -- maybe this isn't the best thing to say, but to be fair, it doesn't take next year, given the session that we're in, anybody can raise a bill. So, given -- given the place in where this would come back to us, we -- we should at least have a hearing on the topic and see where it goes from there.

Through you, Madam President.

THE CHAIR:

Senator Maroney.

SENATOR MARONEY (14TH):

Okay. Great. Thank you, Madam President. Thank you, Senator Winfield. You know, I want to thank you for your leadership on this bill, for your friendship. And I also want to thank you for your responsiveness. I have asked you a number of questions throughout the process and you've always answered them. I have sent, like many people, a request -- you know, for changes to some of the language and some of them you were able to make,

some of them you were not able to make. But I do appreciate, you know, with the consent searches you were able to make changes. Although, I'll note that the way it's written now is actually weaker than Milford's current policy, the current policy for the Milford Police Department. So, I didn't ask you to do that, but I -- I appreciate that. You know, we've heard many people speak about the process and how this seems rushed. Being new to both the Senate and justice reform, I wish that we had more time. I wish we could go through the normal process.

I also wish there wasn't a pandemic. While I haven't worked on this for long, Senator Winfield has worked on this for decades. So, for him this definitely wasn't rushed. Before I go further, I want to thank all of those people who have helped me understand this bill. I have spent countless hours on the phone with the Milford Police Chief over the last two weeks. Many new -- many of the new requirements in this bill have actually been policy in Milford for years.

I have tremendous respect for our local police department, actually all of the police departments that I represent. But throughout the pandemic, the Milford Police Department has led all of the birthday parades. They have read books to children on Facebook. The Orange Police Department has been leading the birthday parades in their town as well.

I have spoken with many friends who are police officers about this bill. One thread that is common is that everyone wants to get rid of bad police officers. It's like any profession, no one wants to work with someone who's bad at your profession. A bad firefighter doesn't want to work -- no one wants

to work with a bad firefighter or a bad teacher or a bad legislator. We all like to -- we all strive for excellence and want to work with the best.

80 percent of this bill I would say there is almost universal agreement on. More training, enhanced recruiting, mental health screening, body cameras. Last night I spoke with my predecessor, Senator Slosberg to get her advice on the bill. And one of the things she told me was, don't let perfect be the enemy of good.

While I have reservations about sections of the bill, I thank Senator Winfield for the possibility of working to improve those sessions -- sections next session before they go into effect. We do not have a perfect bill, but we have a very good bill and I thank him for that. Like many of you, I've struggled with this decision. The only good thing I can say is over the last couple of days, I've actually lost a few pounds agonizing over this.

In talking with Senator Slosberg last night, she said, in making your decision, think of how you will explain this to your son. Like all of us, I want my son to be a better man than I am. I want him to have more empathy, to understand the privilege that we have. In reading a book earlier this year, I saw a quote from another book. The book was called, *The Mindfulness of Race*, saying the ability to think of yourself as an individual is an example of white privilege. It's something I've never thought of before. And I've never really contemplated what are the white privileges that I have had.

I've been fortunate. I've only had positive experiences with the police. I've been pulled over five times in my life and all of them were deserved

and they were all positive experiences, other than having to pay the ticket. For a while, I'd been thinking that I wanted to ask some of my African American friends to talk to my son about their experiences so he could better understand. With the death of George Floyd, I reached out to a friend and asked if he would have that talk with me and my friend -- me and my son. He agreed and the conversation was valuable to both of us and hopefully it's something that he won't forget for the rest of his life, as I know it's something I won't forget. You know, talking of white privilege, I've learned in that day of another example of -- of a white privilege I didn't realize I had.

My friend told me that he always carries his driver's license with him in case he's stopped so he can identify himself, even if he goes into his backyard. That's in complete contrast to my own experience. When I was in my 20s, I lost my driver's license a month-and-a-half before my birthday and I was set to be able to renew my license on my birthday. So, being as cheap as I am, I decided that I would risk going that month to -- to renew the license. My lived experience is different and because of that, sometimes I don't understand the importance of an issue and see it the same way that others do. But I want to be better. I want my son to be better.

So, here we are about two months after that conversation with my friend and I am town with what is the right way to vote on this bill. I counted all the emails I received on this bill. And I received one more in favor of the bill than I did against from my constituents, so essentially tied. Like most of you, I have many good friends in the

police. I also have family who are both current and past officers. I know there are -- I know they are good people. As well as I have many friends who are passionate advocates for reform. I have gone over the bill and the positives and the negatives. And like all of you, I listened intently tonight to the debate. And I want to thank my colleagues on both sides of the aisle for their passionate and respectful debate.

I've gone back and forth over what is the right thing to do for my district and for our state. What is the decision that when I am done with this and I look back on my service to the state and discuss it with my son that will be the easiest to explain to him. So, I decided to call my son and ask him how would you vote for this bill, Jay. And he said, Dad, I would vote for the bill. And so, I am going to support this bill. I thank my friend, Gary, who didn't realize he was lobbying for the bill even before we knew there was a bill because Gary was my friend who was kind enough to meet with me and my son and go to see his house in New Haven. You know, when all is done, I'm not sure how history will look back on this decision, but in my gut, I feel I am making the right decision. But no matter what, I know that I'll be able to look my son in the eye and say that we did what we thought was right.

Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill that is before the Chamber? Senator Haskell, good evening.

SENATOR HASKELL (26TH):

Good evening, Madam President, and thank you so much to my colleagues for this really robust and insightful debate. I've learned a lot in listening and it's been a long day and a long night. So, I will keep my remarks rather brief.

I think that Senator Maroney said it incredibly eloquently, the bill before us certainly is not perfect. I'm not sure anyone around this Circle, whether they're a proponent of the bill or an opponent of the bill would say that it is. But Madam President, over the course of this two-year term in the state senate, I've yet to vote on a bill that's perfect. Sometimes constituents email saying, how can you vote on this bill if it's not perfect yet? When I ask my colleagues, who have been here for a much longer time, they tell me that perfect bills are pretty hard to come by.

A lot of my constituents have come up to me, people I really respect and admire, and they've asked, do we really need this? Are there actually problems in Connecticut? What does George Floyd's murder in Minneapolis have to do with our state, with our community? And I'm -- I can stand here, Madam President and list off some statistics about how -- how consent searches, disproportionately impact people of color. We can stand here and talk about the fact that in a state that is 80 percent white, 56 percent of the people tased or threatened to be tased by police officers are people of color. But more importantly than any of that Madam President, is the personal testimony from my colleagues, particularly those who serve in this Chamber who are people of color. For those who are on the fence

this evening, please listen to the passion in Senator Winfield's voice. Please hear the stories that Senator Moore will tell.

I don't know what it is like to live in their skin, but I have listened, and I have learned a lot over the last few weeks.

So, Madam President, I'll be voting for the bill, not because I think that all cops are bad. I actually have the honor of knowing some wonderful police officers and captains and detectives and sergeants and lieutenants and chiefs in my district. And I think actually that most police officers serve our state with honor and integrity and they deserve our deep thanks and our gratitude. But when truly egregious conduct occurs, there ought to be a way for victims to seek justice, not just in criminal court but also in civil court because nobody should be above the law.

And, Madam President, there have been marches across Connecticut and across my district in New Canaan and Ridgefield and Redding, in Westport and Wilton and Weston, I stood with my constituents and I held the Black Lives Matter sign and I joined them in grieving the loss of George Floyd and so many other people of color.

However, holding a Black Lives Matter sign, it doesn't mean anything if when we come to this Chamber, we don't vote in a way that affirms black lives do, in fact, matter. So, I thank Senator Winfield for all of his incredible work. I thank Representative Stafstrom and all of my colleagues who have taught me so much about this problem and taught me about the fact that this is -- this bill

is not being rushed. In fact, this is long overdue reform.

Thank you, Madam President. I'll be voting in favor of the bill.

THE CHAIR:

Thank you, Senator Haskell. Will you remark further on the bill that is before the Chamber? Good evening, Senator Fonfara.

SENATOR FONFARA (1ST):

Good evening, Madam President.

THE CHAIR:

Or should I say, good morning?

SENATOR FONFARA (1ST):

Actually, yes. And I'll be brief both in recognition of the hour and in terms of what has been said already. Generally, I do not rise to speak on -- on a matter that I may not be as well versed on as maybe others. And whether something has been said maybe more than once already this evening. And I think both of those areas qualify.

However, on balance, given the work that I've done in the last several days to learn as much as I can about one aspect of this bill, in particular, I would be disappointed in myself if I did not voice my perspective on that.

I want to begin by saying, I'm rising in support of this legislation. I want to thank Senator Winfield for his -- his amazing patience and not to speak of the work that he has put in to get us to this point.

I want to speak very briefly, Madam President, on Section 41. I know much has been said, and I'm not certain that what I will say here tonight will break any new ground. But I want to speak to the fact that this section, in my opinion, has the potential to have as much of an affect on behavior than any other.

And in my readings over the last several days, what I've learned and I think most people and maybe most in this Chamber may not know the degree in which the Federal Supreme Court in particular and our courts in Connecticut for following different reasoning, but ending up in the same place, has resulted in virtually blanket immunity in the area of governmental immunity here in Connecticut and qualified immunity nationally.

In anytime as humans that we have a belief, accurate or otherwise, that we are immune from responsibility for our actions. And I'm not suggesting for a moment that the vast, vast majority of police officers, those of which of whom I know -- have known personally in Hartford and Wethersfield, the two towns that I represent, many that I went to high school with that went on to become Hartford police officers, now retired. I have great respect for the profession. But we're all human. We're all human. In an instance where in the reasoning at the federal level that has been -- has been described and the state level of our Supreme Court and other courts that have described the reasoning behind the

granting of -- of whether it be a summary judgment or otherwise, immunity, that has gone so far afield in my opinion, so far afield, in terms of what may have been originally intended either in case law at the federal level or in statute in terms of what this legislature -- previous legislature's enacted that it doesn't represent what was intended, but much more importantly, does not provide a balance in this very important area of seeking redress for an action that in the eyes of a reasonable person, a reasonable police officer, is not appropriate.

And that's where we stand today, Senator Winfield. That's where we stand today, is we have a situation case after case at the federal level. Case after case at the state level, where the family of a deceased victim or the individual him or herself brings an action seeking redress in the civil case, not in a -- in a criminal side, in a civil case, which is for damages, is not able to get their day in court or to even be heard. It doesn't mean they win. It doesn't mean that police officer is ultimately liable, just to have a day in court. And -- and the fact pattern of many of these cases, I am absolutely convinced if most people in this Chamber and most people watching right now were to hear these individual cases, they would certainly say there's -- what Senator Winfield has put before this Chamber tonight is fair, is fair. And that's all this does is provide fairness.

I'll just say, Madam President, that the aspect and it was mentioned here at least once here tonight, but I think it bears repeating, an article written by a law school professor, Daniel Epps, who stated that if George -- the -- the police officer Chauvin, I believe is how it is pronounced, who put his knee

on the neck of George Floyd for nearly nine minutes leading to his death, if he's ultimately convicted of murder, and I haven't found and/or heard from anyone, including any police officer who hasn't -- and by the way, I'd venture to guess that many police officers in this state and in this country would love to have a few minutes with Mr. Chauvin in terms of what that -- that individual has done in damage to the -- the honorable profession of policing in this country, but that's another story.

If this person were found guilty of murder of George Floyd, the likelihood that the family of George Floyd, even being able to bring a case in civil court to be heard, to put on testimony, to make an argument, would not be realized because as is stated now this, if it were brought in federal court, because no similar case of an individual, an officer having his knee on the neck of an individual that led to -- led to his death, had not been previously adjudicated, that would qualify that officer for -- for qualified immunity. I think most people, reasonable or not, would say there's something wrong about that. But that's how far we've gone in this country, how the Supreme Court of this -- and they just recently this past month chose not to hear one of 10 cases that were brought on qualified immunity. To not hear one, essentially saying, we stand by the current policy of qualified immunity, after George Floyd, after so many other cases they still said, we're not gonna hear any of these cases.

And just last month in Connecticut, the Connecticut Supreme Court declined to hear a matter involving governmental immunity, involving a police officer in this state in a chase of three young people in a car that led to the death in the back seat of a 15-year-

old. And the court decided that again, governmental immunity stands. And the mother of that young man will never get her day in court to have that matter heard by a jury, not find that officer liable, but to have the opportunity to present that case before a jury. That's been denied as well.

So, Madam President, I've gone on longer than I intended. But I believe strongly that this particular section has the potential, the potential, whether it's on the part of officers or whether it's on part of the municipality that ultimately would -- would be financially liable to do some soul searching, to do some soul searching in terms of the people who are out on the street, those bad apples have been described tonight, those -- that small percentage of people. But if you're on the receiving end of that small percentage, the power that that officer has to affect your life or your loved one's life, to have this legislation possibly have a positive affect in that is well worth it and well worth my vote. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fonfara. Will you remark further on the legislation that is before the Chamber? Good morning, Senator Osten.

SENATOR OSTEN (19TH):

Good morning, Madam President. I figured we would be here until early or later in the night. And I think we have at least another hour, maybe two that we will be here for.

So, I want to thank everybody that's had an opportunity to speak here today to talk about the issues that we have in front of us. And I will have some questions for Senator Winfield, in particular, for legislative intent.

But first I want to talk about the journey that I have had as we have started as a state to deal with this very important issue that we have in front of us today. A number of months ago, maybe it was only a number of weeks ago, we started having protests or rallies, people talking about what they were seeing going on. And these protests or rallies were happening in a district that I represent that had never before seen anything like this at all, ever.

I've gone to Juneteenth events, since before I was an elected official. And I have gone to Martin Luther King marches since before I was an elected official and we never had more than 15 or 20 people come to any of these events. And even though the City of Norwich, which I represent, is about 50 percent minority based, people did not show up to express interest or concern or anything else. And I always knew the reason why we had Juneteenth and Martin Luther King was for Jackie Owens. She was a small woman, in small in stature, but large in heart. A woman that would never let anyone forget what was going on, when she sat in a room, you knew she was there. And she cared more about the young people than ever anybody else. And I was in awe of her power. She was someone that I miss today because I would like to hear her counsel on where we are and where we're going.

So, I went to some 15 different protests or rallies. I'm not certain they were protests. They were

people getting together to express their concerns. And their concerns were valid. And the stories were hard to hear. And then I went, and I saw every police department met with every police chief to find out where they were and what they were doing. And then I met with resident troopers because that's what I have in my district mostly is resident troopers and talked with them about where we were going with this legislation and what they were seeing as the things that did not work.

Approximately 80 percent of this bill was agreed upon by everybody. There were no concerns about it. Someone would say, maybe a tweak here or a tweak there. But generally, what I heard was what many people that were here today talking said, this is already being done. It is already what our practice is. It is already what we see each and every day. And there were somethings which had people very concerned. And so, at some point during the last little bit of time, it became apparent that we were going to have a bill. And would say that I disagree strongly with the fact that we did not follow a process. We could have done it in the same amount of time, but we did not follow that process.

And I think that that has led to increased concerns by communities across this state, all communities across this state. Some saying the bill doesn't go far enough. And some saying, you're going to hurt my community and put me at risk. And I think that if we had followed the process, if we had dined to give people an opportunity to talk more about it, we could have still done this in the same amount of time we would have brought more people along and people would have been more comfortable with it.

Instead, what we have been left with is a great divide where you are either for or against police or you are racist, or you are not. And I disagree with that so profoundly that I can't begin to tell you how hurtful that is.

Now, I've been told I don't show emotion. I'm often told that. I worked in a prison for 21 years and if I haven't learned to disguise my emotions, then you don't know me. That is a part of the job that we all do in 21 years of working in a prison. And that's something that should be understood by people. That is my opinion.

So, I want to talk a little bit about the things that I would like to see for legislative intent. And through you, Madam President, I'd like to pose the question to Senator Winfield.

THE CHAIR:

Senator Winfield, please prepare yourself. Senator Osten, please proceed.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. First, let me thank you, Senator Winfield for answering questions and talking with me. I know I also called Represent Stafstrom. I want to thank him publicly for answering questions and talking with me.

I want to talk a little bit about qualified immunity. For legislative intent, in this current version of the bill on qualified immunity, is it a fact that police officers will still be covered in

an action that comes against them vis-à-vis a lawsuit?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. That would be a correct understanding of the bill. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much. One of the things that I had put in writing to you was about qualified immunity. It appears to me that in that writing that you have taken into consideration the concerns that were expressed and changed significantly from no coverage to coverage by police officers -- for police officers through the municipalities of governmental immunity?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. The coverage that we were just speaking about does come through the

municipality for governmental immunity for the officer in question.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President, and through you again, Madam President. I have talked with the Connecticut Conference of Municipalities, whose funding mechanism is CRMA, that's where they get most of their money from. That is an insurance component of -- of this -- of their business. That is the organization which is going to cover officers under the -- this section of qualified immunity. Would that be a fair statement?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I -- I believe that to be case, but I am not an expert on that part of -- of the issue.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

So, when someone says that an officer is not covered and their house is at jeopardy or their children's college fund is at jeopardy, that would not be a true statement?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. To be completely accurate, I just want to -- the way that this process works is the officer is covered by the municipality, unless there's a triggering -- there's a trigger with the malicious, wanton, or willful act, at which point, that would sever the officer from that coverage.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Willful, wanton, and malicious, through you, Madam President, is under current law, is it not?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. That would be accurate. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much. So, there is not a change in that policy or practice or ruling, willful, wanton, and malicious is what has been happening for decades, that always was in effect if an officer acted in a willful, wanton or malicious fashion, that particular officer was cut loose from coverage by whether it was qualified immunity, or it was governmental insurance?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. Yes, the Senator is accurate. I was just trying to not later here that I was not accurately reflecting what the legislation said -- said. But yes, Senator Osten is correct.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you. The reason why I want to make sure that people understand this is because I started my morning today at 7 o'clock meeting with the largest police department that is my district, that would be the Norwich Police Department, and this is an area of which they were very concerned because I had 20 percent of the officers willing to walk out the door today if we passed this thinking that that's what was going to happen. I want to make sure that people understand that officers are still protected against lawsuits, whether frivolous or not because they could make a mistake and still have a lawsuit and that lawsuit would still be covered. It's not all about just frivolous lawsuits. It's also about the fact that someone can make a mistake on a split-second decision that they make, and they do not have to worry about that?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President, the officer would be covered and there wouldn't be exposure for the officer.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much Madam President and through you. There is one change under qualified immunity that I think needs to be highlighted. And that change has to do with having a judgment made by a jury. Now, why was that decision made?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I -- I will have a hard time representing how the conversation happened. I know that, to be honest with you, I know this sounds crazy, but at this hour, I can't remember exactly how we came to that decision. I know there was a lot of conversation about whether or not there needed to be a jury and whether or not the court itself or the judge should just weigh in. And I'm sorry, it's been a long day, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. It's been a long few weeks, I would concur with that. That is one area of the law that I think needs to be changed because I think that people believe that a jury will always rule one way and that's not necessarily true. And I think sometimes that a judge makes just as good a decision -- I believe judges have qualified immunity.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. Judges are actors who do have qualified immunity or governmental immunity, depending on what you're talking about.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much. And so, I would posit, Senator Winfield, that you take into consideration the

difference between a decision by a judge and a decision by a jury and consider that for a possible change in the law, should we come back in September or in the next regular session.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam -- thank you, Madam President. What -- what I would say to Senator Osten is that I would be open to having conversations about any part of this bill, but in direct response to her question, I would be open to the conversation.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. So, I would like to move on from qualified immunity. I think you've heard about qualified immunity from every single one of us today on this, but those are my concerns and I'm happy that police officers can feel comfortable that they will be covered by the insurance that represents that particular police department, whether self-insured or CRMA product.

I'd like to talk a little bit about the FOIA exemption of personnel records and disciplinary actions. In this -- we had a collective bargaining

agreement that we passed through this General Assembly, not -- not even a -- I don't even think it was a year ago at this point.

And my question on this is, why was the intention to go against a current collective bargaining agreement in -- in the one that we passed on not a bipartisan basis because collective bargaining agreements are usually passed by the majority party and not by the minority party, although I'd like to see them come together on that. But why was that removed?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. And -- and I will ask a question for clarification because I was looking for the section while you were speaking.

Is the question, why does this section effectively reverse what we did when we voted on the collective bargaining agreement?

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. I'm asking why are we reversing a decision that we just made a

little bit ago in a negotiated collective bargaining agreement?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. I think that how this conversation comes up, it comes from as, I believe, Senator Osten knows, from several sources concerned about the inability to see the disciplinary records. And though the decision was recently made, the level of conversation around this issue, particularly given the -- the powers that police have here in the state police, was enough that it made it into the conversation about police accountability and made its way into the bill through the conversations we had with the chairs and ranking members and several other of the people who were involved in the conversation.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you. Are you aware where this particular contract measure came from?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through -- I -- I'm not sure what I'm being asked.
Am I aware of what generated the -- I'm not -- could
you please rephrase the question?

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

I keep forgetting that it's later at night. I'm
sorry. Through you, Madam President. Do you know
where the idea of this section in the collective
bargaining agreement came from, when it was
originally negotiated and before it ever came before
this General Assembly?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I know that it's been
represented to me that it is at least highly similar
to what UConn has and its faculty contract. I would

say that's what's been represented to me at this point.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you. In the interest of fairness, are you willing to next -- the -- in the next legislative session or in the next special session, look to remove the FOI exemption from all contracts rather than just singling out one group?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I think that's a very large conversation. I would engage in the conversation. I think if we are in the next session, not the potential September special session, any of us could put that forward. I don't know standing here right now if that's something that I would ultimately vote for, but I would engage in the conversation. I think that's the best representation of the position I would take on that issue.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. So, in Eastern Connecticut right now there's a large debate going on in the Town of Stonington because the personnel records of a teacher who was there, I think he was a coach, had been -- had been not viewed by the public, had been hidden from the public because it was a personnel matter and they did not want to have it done. And that man ultimately has been accused of several cases of sexual abuse. Are we willing to hide those cases? That would be a question that I would want to understand, that if we're willing to hide those cases, but we're not -- I don't think we should hide any cases. But I believe in the collective bargaining process and this was a collective bargaining issue. So, if we are willing to hide those cases, that makes no sense to me. This is, to me, a bad practice of violating a collective bargaining agreement and I believe I posited to you a possibility of doing this on a prospective basis. Ultimately, it was chosen to do it on a retrospective basis of which I'm willing to accept, if we are willing to then hold other people accountable for their personnel records.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I'm -- I'm not sure exactly what the question -- so, I know you talked about Eastern -- Senator Osten, you talked about Eastern. I'm assuming you mean, Eastern Connecticut State University, no?

So, apparently, I'm not understanding what you're saying to me. So, if you could clarify, that would be useful.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. In Eastern Connecticut, we have had a spate of teachers or people working in school systems who have been found to have committed acts of sexual abuse or sexual harassment within the school systems. In more than one case, the personnel records of those particular people have been hidden from the view of the public and by that keeps those acts hidden from the view and not held accountable. I posit that all personnel records or disciplinary actions should be available for viewing if we're going to make this particular action available for viewing.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. As I said, I guess, I guess I probably have an unsatisfactory answer there, but I don't know the circumstances there. I don't know how they came to have if they have an exclusion. I don't know any of the -- the circumstances there. I would engage in a conversation, but I think it's difficult for me to represent a position I would take, given that I don't actually know the circumstances in Eastern Connecticut with the teachers and how they got there and if it's -- if it's very similar to what we're talking about here.

So, the best that I can do standing here right now is to say that, as is my nature, I would engage in that conversation. And if it's a similar situation, I would first -- the Senator -- the good Senator knows the situation better than me, listen to what she has to say on the subject and -- and be transparent about what my position would be there.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you. So, essentially what I'm saying is, what is good for one is good for all. And if we are going to make it a policy that these records are available

for public viewing, then all records like this should be available for public viewing. And I don't need you to speak on that, but that's just my position and I would just like you to know very firmly what my position is.

Through you, Madam President. There were several sections that needed some clarification and I believe that many of them have been clarified before the record. When we were talking, Section 6 talked about crowd management. In the original proposal or the original bill, there were certain immunities that were extended to state police. And as I was meeting with municipal police, they said if we're not going to get the same immunities, why would we bother to participate in crowd management. I believe that this has been rectified in the bill that we talk about today.

Through you, Madam President, would that be true?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. As I've represented both at the hearing and in conversations with several individuals who brought that question to bear, that was a drafting issue and subsequent to the hearing and the conversations both with Senator Osten and others, that has been corrected.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President, and through you. I'd like to talk a little bit about the behavioral health assessments that are in Sections 15 and 16. When originally talking about this, they were viewed as a mental health assessment. What was the reason for changing it to behavioral health assessment?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I think that was a language change that was to more accurately reflect the way that we are now speaking about these issues.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Do you know if DMHAS weighed in on this particular section to make it something that was not punitive in nature, but more trying to get people to come forward?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I don't remember having -- there was a lot of conversations. I don't remember having a conversation directly with DMHAS. I believe we did reach out. I -- I remember that during the conversations that the notion that this is not supposed to be punitive was part of how the conversation actually developed. But at this moment, I can't remember exactly whether or not they actually weighed in. I know that there was efforts to have conversation about what we should be doing here.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And through you, on the behavioral health assessments, which will happen at no more than every five years, what happens with the officer who is found to not be able to work at the end of a behavioral health assessment? What is the process that that person would go through either for treatment or for termination from the force?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. And that would take us back to line 126 to -- to start off, which is where the policy is to be created. And that was the conversation I was having a little bit earlier about the behavioral health issues. So, that policy is not in place right now. What the bill does is it lays out that the policy would be created and thinks the issue be taken into account when the policy is created.

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you. On the behavioral health assessments, we have two previous laws that we passed just last year, one to encourage police officers to seek treatment and one to make sure that we provided a modicum of protection under post-traumatic stress. Does this language in any way impact those two laws?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I don't believe that it does. As a matter of fact, the language where we talk about who would be a part of -- potentially be a part of doing the assessments, we look back to the -- the legislation previously did to try to make sure that it mirrored what we were doing so that there would not be a conflict.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. I do believe that this section needs a little bit more massaging, if you will, because I do think that police officers will not seek the mental health treatment that we were attempting to get them to participate in with a requirement of the behavioral health assessment in these timeframes because I think that without having a process that allows them to get this treatment, there will be some fear for people coming forward. This is why we've had the problem in law enforcement and other such groups of people coming forward so I would request that you consider really working with DMHAS on coming up with a robust policy on what would happen so that people understand if they come across an issue that they will be able to receive both the treatment and not lose their livelihood?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. And I believe that's what we are attempting to do in Section 3, where the policy would be created. But I would represent to Senator Osten that at least it is my intention and I am very sure because it was said multiple times by not only my cochair, but the ranking members of the committee to make sure that we do everything to make sure that these officers can avail themselves of the treatments they need and that -- that the availing of themselves to those treatments is not something that means that there is a punitive response from the system.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you. I'd like to talk a little bit about the Civilian Review Boards. In one -- one of the things that -- that has been noticed is that this is really only for municipal police departments or at least that's what it appears to be referring to now. Is that the intention of the Judiciary Committee to just have Civilian Review Boards for municipal police departments?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. The intention was to clarify that municipalities can establish Civilian Review Boards and extend the subpoena power that has been a large part of the conversation. So, for purposes of this bill, the Civilian Review Board is looked at from the perspective of a municipality.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you. A municipality that does not have a municipal police department, but has a resident trooper with constables, those constables generally are -- are disciplined or reflective under the resident trooper and thus handled on the state level. What is your intention with constables throughout the state?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I would say that my intention here is to clarify what should have been the possibility already under law and its permissive language. So, I have no -- there's nothing in this bill that mandates Civilian Review Boards, so it's left up to the municipality to have the conversation as part of the municipality, given what fits their -- whether or not they would establish a Civilian Review Board and do all of -- and -- and set forth the way in which that Civilian Review Board operates and -- and then extend their subpoena power. So, I as an individual, don't have a perspective on that. I don't live in one of those municipalities.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. I just need a little bit more clarity on that, Senator Winfield. What I'm really asking is, does this apply to municipalities that have resident troopers with constables underneath them, but as those constables are really reflective of the state police, not reflective of the local municipality?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I would have to get to the language to respond directly to that question. Sorry, I'm -- I have to find the section we're in.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Through you, Madam President. Section 17, I believe is the section.

THE CHAIR:

When you're ready, Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I think as it reads, the municipality would have the ability to constitute a Civilian Review Board. Whether or not they chose to do that, I think has something to do with the makeup of the municipality. But if the question is, would they have the ability to constitute a Civilian Review Board for operations of reviewing the police, I believe that given the way this is constructed, they would have the ability to establish a Civilian Review Board through their legislative body.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. There is question revolving around resident troopers and constables in -- so, I think that whenever you're talking about this with the other members of the Judiciary Committee that that is something that needs to be farther clarified so that we understand exactly what it is. I do appreciate the fact that Civilian Review Boards are not mandatory, they are a may, not a shall, and I understand that. But I'm not certain that a Civilian Review Board has a -- a -- is able to look at or hold any responsibility over a state police, which is what this form of police department is, it's a state police function, not a -- really not a local municipality function.

So, I'd like to have some better understanding of that when you're going through that.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. So, I am trying to answer this specific question asked. So, the municipality, the town could establish a Civilian Review Board. What the Civilian Review Board could do would have to do with what powers the legislative body could extend to them. So, if the legislative body, which it cannot, cannot extend subpoena power over a state actor, then while they could establish it, they could not extend their power to do -- to take that kind of action.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you. I think the language is not as clear as it might necessarily -- might not necessarily have to be regarding constables and what umbrella they fit under. And so, I would ask that as we look at this bill as it works its way through that this is something that we address because most -- many of our communities exist with a resident state trooper and constables or just a resident state trooper. And I think that we need to understand the differences in some of our local communities. And I'd like to see us work on tightening up that language so that there is an ability to understand it better.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I would be happy to have that conversation and look at what we would need to do to clarify that for the good Senator.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And I'm gonna skip over the -- my questions on body cameras and dashboard cameras for a minute and on -- talk a little bit about female staff for searches. In many districts, something that I'd like to see us correct there are not many women to do searches. So, what is the -- the language is pretty clear that it has to be a woman that does the search. What -- what is the -- going to be the actual practice if there is not a woman available within say 30 miles to do that search?

Through you, Madam President. That would be Section 22, I believe that may have changed.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, if you could give me a moment to get to the language that Senator Osten is talking about, I will -- if the Senator could ask a question now that I actually know where she is in the bill?

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

I believe it's Section 22. It used to be line 1051, I'm not certain of the line item in the current bill.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

But -- and thank you, Madam President. I -- I -- I -- I was asking to restate the question so I was clear what it was being asked of me.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you. I believe that the language is clear that it has to be a female who searches a female. If there is not a female available, does the person not get searched?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

That -- that is not what the language intends. The language, as I read it, while I changed out policewoman for female law enforcement official has

an or there and it's or other woman assisting in the service of the warrant or by a woman designated by a judge, trial referee. So, it doesn't necessarily have to be what formerly was a policewoman or currently the female law enforcement. There are ways to deal with that potential issue.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. But in the or it says, other females. It doesn't allow for it to be a male officer or a male law -- some other -- you may not have in some sections of the state within more than 30 miles, you may not have a female that's representative of being able to do that search, unless you're going to extend it to perhaps hospital staff or something or somebody else. So, I just would point it out that that's something that I think that we need to be careful of. Having worked in corrections for 21 years, there were many nights that we didn't have female staff on other than the supervisor and sometimes even then you did not have a supervisor that was able -- not a female supervisor, so if you had only male staff on, the pat-down searches would have to be done by a male officer, usually two, so that there was no question on improprieties happening. I think you're trying to get to the impropriety piece of it, is that true?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I -- I think that would be what that section of the law would be dealing with, that would be accurate to say, yes.

Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. I just point out that sometimes there's just no one available. Through you. I'd like to talk a little bit about the -- on the body cameras and dashboard cameras, it appears that we make this process a requirement of both Mohegan and Mashantucket, but they are cut out from the grant process; do you know if that's something that was just an oversight?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

If you give me a second. I -- I -- I don't know where you're jumping to, so it's gonna take me a moment to catch up to you.

Senator Osten, if you would help me to figure out where you are, then I would be more easily -- it would be easier for me to catch up to you in the bill.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. It's in the grants section of the body cameras and dashboard cameras. It reflectively says, municipalities and without bringing it over to tribal nations, then it leaves them out of it. But it -- as they are required to comply with all state laws revolving around police departments, they have effectively been left out of the process of applying for grants. And I posit that -- that may have been just an oversight.

Through you, Madam President.

THE CHAIR:

Senator Winfield

SENATOR WINFIELD (10TH):

Yes, Madam President, if you can give me a moment to catch up and get to the language itself. Madam President, through you, I would ask Senator Osten if she reads what she's suggesting she reads because of the section of the bill that is 2069 to 2072, and it speaks about municipalities but doesn't specifically refer to our tribes.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. That would be correct.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. So, Madam President, in the discussions I think that I would represent to you that it was not from my perspective, my remembering of the discussions, purposeful to do that. And I would certainly engage, if we're putting a requirement on them, engage in the conversation of making sure that they can avail themselves as others who we've put a requirement on, moving forward from today of the program.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. So, you and I are in agreement that this was just a clear oversight in the reality of drafting a 65 to 70-page document, this was just something that people missed in the grand scheme of things?

Thank you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, I've been around a while. I will represent my intentions in this process. It was not my intention to do this. So, from my perspective, yes, it's an oversight.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And, Madam President, through you, I'd like to talk a little bit about the use of force and not as much as what some of the other people have brought up.

My understanding is there is a report coming out on the use of force sometime at the end of this year. And that this section of the use of force, which -- to a person that I've talked to on the police officer's side of this equation, have had trouble reconciling this -- this part of the bill with actual practice.

So, the use of force report, when is that coming out?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I don't have the date with me. So, I do know it's supposed to be towards the end of the year. But I don't know what the date is.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much. I believe it says that -- that there will be a clear -- that there will be a use of force policy comes -- coming out by the end of December and that in my conversations with some of the other members of the Judiciary Committee or the Judiciary leadership, they are willing to look at the language that comes out to make sure that this is completely under -- understood. Even before this version of the bill, the one that we're talking about today, in the first version, in the letter that was sent out, it was said then that the definition needed to be comprehensive and specific so that trainers and officers would know what they were doing.

This legislation does not meet that as it is today and is leading to some significant concerns among officers that they will not be able to understand

what their exact guidelines will be and what rules they should be following.

I strongly suggest that this component, which has the greatest impact on what we're trying to do here needs to be carefully looked at so that everybody understands exactly what we're expecting. And you had a lot of questions today about the use of force policy and what -- what we would be doing in regards to de-escalation, how we would be handling that, what are the rules that someone has to follow, is it something that if there is a subjective was changed to objective, there is confusion about this piece. And without that, it will not make people comfortable on the job to make those split-second decisions and it will definitely put people at risk.

I strongly suggest that that report that comes out at the end of the year be looked at very carefully to make sure that trainers know what they're training people for and officers have a clear guideline on use of force.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. As I said earlier in the day, we will do that.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much. That brings me to Section 43, which talks about corrections. Now, corrections has use of force, also. But this date is October 1st, 2020. And if we come back in September, I think that that should mirror the same effective date as the use of force policy, which is not until April of 2021. If we're going to do a use of force policy, that is easily understood by police officers, it needs to be easily understood by corrections officers and we start this before we get to the point of getting the report back.

And I'm assuming that the use of force report is not only gonna be effective for police, as we've incorporated corrections into this bill, and if we're going to have that use of force, they need to look at both use of force within a correctional facility and use of force on the streets as a -- as a matter of practice.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I will engage in that conversation. I think it depends on whether or not the use of force is the same and whether or not what we are doing here is changing the use of force. If the use of force standard in corrections remains the same, then I'm not sure that the two line up the same way. They may have the same reporting

requirements, but I think it depends on what's happening with the standard itself.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And I -- I believe any conversation about use of force from section-to-section should line up together.

Do you know why corrections was put in at 11 o'clock at night, when the bill was brought out at 1 in the morning, as -- is what I have been told by multiple people. I know it was not in the original bill. And I know it was not in the original draft of this bill.

So, through you, why was that added in at the last minute?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. There have been several drafts of what became the final bill. I -- I don't know at -- I wasn't here on last Thursday in terms of the conversation about which part got in at which point. I -- I do know that as the conversations developed it was part of the

conversation. I don't know the timing part of that, that's beyond my capacity to answer.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And on the day of the informational hearing, through you, Madam President, were there correctional officers or correctional supervisors that talked about corrections and what happens within a correctional facility?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I would actually at this point have to go back and look. I -- I -- I don't have an answer for that.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. In the true spirit of knowing the answer to a question before one is asked, I would tell you there were no people there from either the ranks of correctional officer, the ranks of correctional supervisors because they did not show up in the first draft of the bill. And thus, felt that it was not going to be something that they needed to address. And when it came out, to have it in the bill and have it voted on, within two hours of it being put in the bill, left it to not have had those professional people, many of whom I worked side-by-side with, having anything to say about this part of the process at all.

And so I just point that out because while this timeframe has led us to not being able to follow a process, to leave a group of people, a group of professional people out of the discussion and add them in without having them have the ability to talk on it, has left a sour taste to what should be a bill that we are all willing to support and I want to stand with everyone on, if this is truly something that is a community effort to fix a problem, then we need to bring all of the community aspects of it. And in this case, this group, was segregated out and not allowed to be part of the process.

So, I -- I think that while I understand what you're saying, there are some parts of that section that make no sense. Doesn't flow well with the actual job and if we had brought those -- those workers in, either in the form of a line officer or an administrator or pulled in the commissioner, who is someone who has decades of experience in or talked with officer -- Representative Vail who worked in the facilities who was there that night, or made a

phone call to anybody who had been in corrections, you would have had a far better product by talking with them.

I don't disagree with people having a requirement to intervene in anything. But this bill reads -- says, if the person who did not intervene would get a Class D Felony, but the person who committed the act may not be even guilty of a crime, and that's how it's being interpreted by the people who actually have to do the job in a correctional facility. And I would ask that we continue to look at that section to make sure it complies with the jobs that they're doing.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I --

THE CHAIR:

Senator Osten.

SENATOR WINFIELD (10TH):

-- I'm not sure that there was -- thank you, Madam President. I -- I -- I heard the concern, I'm not sure if there was a question. As I've noted, maybe this was a question. As I've noted, I'm willing to have a conversation about any part of the bill.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. I would, just as I have had -- as I have asked for other sections of this bill, that there be a commitment that this be looked at. I strongly think it should be looked at in whatever special session we come into next because at a minimum, it should track with the other uses of force that are in this bill so that people can weigh in -- weigh on that, not having something being put forward in October without that use of force report coming down. And I think that that will dramatically impact what happens here.

So, I would just ask for a commitment that you're willing to look at this, as you have been willing to look at other things.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I believe that's what I just said. But, yes, I'm willing to look at anything that anyone has an issue within the bill.

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And I thank the Senator for all his hard work on this. I know he is very passionate about this. We all express our passion in different ways. I want to thank Representative Stafstrom again for his hard work and Senator Kissel and Representative Rebimbas. And I have no further questions for my colleague.

I just have a statement that I would like to say that, first and foremost, I strongly believe that this did not follow the correct process. I think that that has put a lot of people at odds with what should have been something we could all work on together. I will continue to say this, because there is no reason for this bill not to have gone through to Public Safety, they could have done an informational hearing. There was no reason for this not to have gone through Planning and Development. If as it is, as I believe it is, a transformative bill, it should have gone through the process that we have to make it as clear as possible and to get as many people as possible to weigh in on this.

Now, where am I on this particular piece of legislation? I represent 10 towns. I've been told that we need to do this as a statewide policy and not consider those 10 towns that I represent in the rural part of Connecticut. At my house, I wouldn't get a police officer out there, should I call 911, for 45 minutes, that's how far away I live from the local troop and we only have about three people that

are working on third shift, that's just the way it is. That's what we are used to. We could ever, in my opinion, defund anymore than we've already defunded our state police, because we fully have cut them over 400 officers. And I think that that has put sections of the state, like my section of the state, at risk for not understanding this process that we have gone through.

And in order for us to explain to our different communities, we all need to work together, and I don't believe that that's what happened here. That is my strong opinion on that.

I know that this is something that needs to be done. I understand that. But I think that what we did was divide communities across the state by allowing the messaging to get away from us. By allowing people, even here today, to say that either you are anti police, or you are racist. I think that those two things have left a bad taste in our respective communities. That's why I went at 7 o'clock this morning to meet with the Norwich Police Department because we cannot afford to lose 20 percent of good police officers and that was what was going to happen because they were afraid of the components of this bill. And if we had taken the time to go through the correct process, if we had taken the time to do that, and I'm not saying to put it off by months, I'm not saying that all. I think we could have done it and still been here today if we had done that and still been able to react to the changes that would have been -- that would have been recommended by both Public Safety and Planning and Development along with the Judiciary Committee. And we would have been able to let people know that we were taking into consideration the concerns, the

great concerns that they had to all communities, all communities. Because I don't believe anyone here around this Circle is either anti police or racist. But we allowed ourselves to be addressed that way. And we have actually treated our colleagues that way in both the House and the Senate, the -- the rhetoric that has happened around this bill has not been good. It has not done the right thing for our respective communities or each other.

There have been friendships that have been shattered by the way we handled this bill and that has not been good. We need to do better when we want to do a bill like this that transformatively changes policing because this is not just about George Floyd. What this is about is to make sure that every community has an understanding that the police departments around this community are there for each and every one of us. Each and every one of us. We need to do more to make sure that that respect is there, that we understand that.

But when we don't bring that rhetoric up front and talk about it, we're not even letting our children know that the -- that this profession is an honorable profession, and it is an honorable profession. And we drive people away from coming into the profession. We've done the same thing with teachers and we say, we want to have minority teachers, but we say all the reason of education is because of poor teachers. So, why would someone want to take the time to be a part of a community that is poor teaching or poor policing. Bad teachers, bad policemen.

If we really want to have minority recruitment in these professions that are so necessary for our --

all of our communities, we need to do better and not allow that language or that rhetoric to take effect and to take -- and to take over the social media applications that we are all forced to participate in.

I strongly suggest that we don't do this again. That we understand that we all come from different places. That we don't make casual statements that say, you are this way, or you are that way. As a -- as a matter of fact, one of our colleagues here today, who made statements, is now getting texts from other people who talked just the other night in the House about how bad they are. That's not necessary. We need to stop that. And we need to work together if we're going to get this done. And understand that process is a part of it and talking about the details of a bill is as important as talking about the emotions of a situation. The emotions are important, but the detail is also important, if we want to have a good bill, and we need to remember that.

And I would respectfully request that we always follow process in some fashion or form, no matter whether we have a pandemic or not. That is not an excuse for not doing the work that we need to do to get a good product. That didn't bring people together. We have divided ourselves. We have made this a political thing, not a policy thing, and it needed to be a policy thing.

And I thank everybody for the hard work they did, but each and every one of us has to explain it to our constituents and we need to know what that policy means.

Thank you very much, Madam President.

THE CHAIR:

Thank you, Senator Osten. Will you remark further on the bill that is before us? Good morning, Senator Moore.

SENATOR MOORE (22ND):

Good morning, Madam President. It's been a long day, a very long day. It's been a difficult day. In my six years here, I've watched and listened to some difficult conversations and tonight I listened to every single person who gave testimony.

It's been 28 -- 23 people have spoken and it's been for eight hours. That does not count the time that we did in the House last week. And I listened to at least 60 percent of those comments. There is really nothing new that I can ask Senator Winfield about his bill. But because I am here and because I want people to know that I represent them in this Senate and that I bring their voice to the Senate, I do want to have my say.

I want to thank the House, first of all, for the work that they did on this bill last week and the time and the commitment that they put into it.

But I have a special thank you for Senator Winfield because he has worked tirelessly. This just didn't begin in this session. He has been working for 11 years in the General Assembly, fighting for equity, dealing with these issues. He knows the root causes of them, and he deals with them head on. He spends hours and hours of time away from his family and

does this work. He's been relentless about these issues, but he's also been so open and genuine when he talks to all of us. I even called him on Saturday and said to him, you need to shut down. You need to take a day of rest because we can't do this without you. And you have given so much to us that I salute you. I salute you and I appreciate you and I love that you've taken the time to explain to me what this bill really is that I don't really need to ask those questions.

But I've heard attorneys talk. I've heard laypeople talk. I've heard retired policemen talk. And now I want to speak from my heart for the people. I have a person that I consider a hero, and it's Fannie Lou Hamer. And Fannie Lou Hamer was a woman from Mississippi in the '60s fighting Civil Rights. And when I sat and watched in front of the TV, the Civil Rights Movement, and I saw this woman of little education come before Congress and fight for voting. I sat there and I said to myself, how do you become that person? How do you stand before these people and you just speak from your heart? And she just continued to fight.

I'm gonna use her quote because I always look for something that she's written when I have to speak to lift me up, because this is such hard work. And it's -- somedays you wonder, is it worth it. And then you go, and you see people who have come before you, have done that work, and you say, you have to move forward because you've been given this opportunity to be the voice of the people that you represent. You've got over 50 years of experience of being out in the community doing Civil Rights, being an advocate, you have to speak up.

So, these are her words, these -- this white man who was saying, it takes time, for 300 more years they have had time, and now is the time for them to listen. Well, now is over 400 years. And it is time for -- not only for us to listen, it is time for us to act. Watching this woman be a warrior against a system that oppressed black people and who I carry, I know that I cannot waste my time here. I heard one of the legislators say earlier, he did not plan on speaking, but he came up to speak because this is a historical moment and he wanted his voice and his words on record and that's why I'm here.

I listen to people who use terms, who said things, and I don't think it was malicious, but it's so engrained in our society, the systemic racism, the words that we use, the code that I don't think people even understand when they're saying some of these things that they are biased.

When you have to point out that two little black children were treated kindly by a police person, what is that? That is that you did not expect it. It's something different. Why should a black child be any different from any child who's wandering in the street? If it was not implicit bias, you would not have seen that. You could have just saw children who got helped. And that is the duty of those police officers or those policewomen, to help our children when they see something going wrong. Those things are so engrained in this systemic institutional racism that takes place in -- in this building, in corporate America, in non-profits, in the street every single day.

Why are people in the street marching and demonstrating? What was the impetus for that? It

wasn't Covid-19, it wasn't Covid. That was just another disease, another virus that is in our society. People are sick and tired. What is different about this time? They're not gonna take it. The young people are taken to the streets, they're black, they're white, they're brown, they're old, they're young. They come from all places. They've had enough. I'm so proud of them that they are fighting for equity. They are fighting for all of us.

When Dr. King marched, he did not just march with black people. He marched with Jews, were by his side very strong. White people fought with him. We can't do this by ourselves. What's missing here is the root cause of how we got here. It is the systemic racism that has been built into laws, into legislation, that allows people to do what they do.

I've lived in Bridgeport my entire life. Not one policeman, not one police chief called me and said, this is a bad bill. I represent Trumbull. I got no calls from Trumbull. I represent Monroe, I got no calls from Monroe. But I got over several hundred emails from all the small towns around. And what I did is I sat down to look at what is the racial makeup of those towns? They are predominantly white. Predominantly white. So, they don't have the same problems that we have.

I would love to stand with some of my Senators to say that there is no racism. But when you're not walking in this color, you can say whatever you want. But when you walk in this skin every single day, with this melatonin in my body, whether I like it or not, I am who I am, and I am so proud. I see people trying to get tanned to look like me. I see

women curling their hair to have the curl I have. I see women pumping their lips up, all these other things that one time were negative, but suddenly they want to look like us.

I don't want to lose sight on why we're here and how we got here. And if we don't start to deal with the systemic racism, we are never gonna get out of this hole. We're never gonna be able to move this forward. And until that happens, we will be back here repeating this over and over again and people will keep saying, it's about police brutality, it's about taking something away from police. We don't want to take anything away from police. We want good cops. We want good policemen. We people to protect and serve. But that's not what we're getting in our communities. We're getting people pulled over. It's not just about Sandra Bland, it's about people seeing a policeman put his knee on a black man's neck and with such arrogance, watch him die. That wasn't the first time it's happened. But it was the motivation to get people out to say, we're not gonna tolerate this any longer.

I've watched children bleed to death in the City of Bridgeport in the street after getting shot, whether they were right or wrong. Who sat there -- who laid there for over 45 minutes with blood running out of their body.

I've been stopped in Monroe, Connecticut with my plate. I've been stopped in Trumbull. I get pulled over in Bridgeport. I got to argue with a man in a parking lot in Fairfield that I stole a Senator's car and I'm sitting in it. We get this all the time. And what you don't seem to understand is that

we cannot continue. We're not just the north end of Connecticut or Greenwich, we're one Connecticut.

And when we start creating laws just to satisfy a small group of people who are not feeling the pain that we feel, something is wrong. Because if it is one Connecticut, we all should receive the same.

I really was moved by Senator Maroney's comment about talking to his son, because I believe that's really what's gonna make the difference. I believe talking to our children and explaining to them what other people go through that are not white is important, because they are the ones that will begin the changes that need to take place.

I'm so happy to see interracial marriages because that is gonna stop all of this, you're not gonna be able to identify someone as black or someone as white. Race is a social construct. It was created to create white supremacy, to keep people in a class of people. We have to move away from trying to hold people down and not looking at our total community.

It is difficult. This is a difficult journey, but we've become numb to what is happening in our community. When you start to see people murdered over and over again, when you start to see these marches, you're just thinking, this is another march, but that is a cry for change.

And that's why we're here today. We're here today because our communities will not allow us, not just in Connecticut, but nationally, they will not allow us to continue on the same road that we are because it's taking us down as a community. It's taking us down as a state. It's taking us down as the United

States of America, that should be one of the greatest countries in the world.

I can't read the hearts and minds of men. But I know racial bias exists. And I know while sometimes it's not intentional, black and brown people have suffered at the hands of police. And all we're asking for is fairness and equity. This is not about doing harm to police. It's about serving all of our citizens and serving them equally. I heard someone say earlier tonight, what's good for one is good for all. I really wish that was true. And I wish that person would treat us all the same, what's good for one is good for all. It is when it comes to fairness. It is when it comes to equity. It is when it comes to social justice.

When I received emails from people from all over the state and not in my district, they were very cruel. Many were vulgar. Some of them I read through because I wanted to see if there is a common thread that goes through them. And a lot of it is the narrative that was created about the untruths of this bill. If people really paid attention to the police officers' side of this and what this could do for our communities, we would not be having a lot of the things said about this bill about police.

We know we cannot survive without police. But we know we also cannot survive as a community, if we continue to let police be abusive to people of color. Training, education. When I worked in the telephone company, a long time ago, I would be around executives who would say certain things. And I thought, golly, I don't think that's proper for them to say. And I would go and say to someone, you know what so-and-so said, they said this, and they

said, oh, you know what, I think you took it the wrong way. And I said, no, I don't think I did. I think -- I don't think that's a proper thing for them to say to me. I heard it so many times that I was beginning to think there was something wrong with me. I'm paranoid. I'm sensitive. I'm emotional. I took training on racial bias, on efficacy, and I learned, what are the key words? What's the secrecy going on? What are the things that people do to keep you back? How do they -- how do they pit one against another so another can rise up? It is education.

And I would suggest that every Senator in this caucus, whether Democrat or Republic or whatever, that we come together and take undoing racism training, understand racial bias, have frank discussions, get it out on the table, let's get it done and pay attention to what the problem is that divides us. As the Chair of Human Service, I have heard horrible stories about why we can't give SNAP benefits to people. Why we can't do certain things. They're all gonna cheat. Not everybody is bad. Not everybody is out to get us. Not everybody is out to rip us off. And that is the same thing with police, and I'm hearing those same conversations here of why we can't do something. We can't do it because the cops are gonna all leave.

I met a gentleman outside who said, oh, I'm gonna leave Connecticut. I said, where you going? He said, well, maybe I'm gonna work for Sacorci, I said, that's in Connecticut. Well, I don't know what I'm gonna do. I said, because that's just rhetoric. And I looked up rhetoric just then when -- when someone said it because I was saying, you know, rhetoric is just a word that people use to get people to convince what they're saying. What I'm

talking about when I talk about racism, when I talk about equality, when I talk about social justice, that is not rhetoric. That is what we live as black and brown people every single day. And that's the conversation that needs to take place because that is the impetus for this bill. We want justice. We want to be treated as equal.

I support this bill 100 percent. I wish it was stronger. I wish that we had left everything in there from the beginning and fought for it to go down. But I understand that we take this in pieces. And I understand that progress takes time. But I also understand there's an opportunity to come back and do this bill. But I believe with everything that I know in my 72 years on this Earth as a black woman who has grown up in a community of white, black and brown, and been able to hold my own, every single day while I was out there, that we will do this bill. And we will come back, and we will make it stronger because the people demand it and we have to represent the people.

There has to be a balance. It cannot all be about the police. It must be about the police and it must be about the people. And we have to do that work for them, no matter how hard it is. And at the end of the day, it is not about being mean to one person or saying something. If I described your attributes and you saw it as something, then that's what it is.

And I thank you, Madam President. And I thank you all for this. And I thank my leadership for bringing this together. And we've had our own difficult discussions and they've been there, and they've talked to us and we've worked together and that's what needs to happen with this entire caucus.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Moore. Senator McCrory.

SENATOR MCCRORY (2ND):

Thank you, Mr. President. Mr. President, I rise to do a couple of things. First, I want to thank a couple of people. I think I'm gonna give my commentary and I'm gonna clear up some myths that I've heard for the last 8 to 10 hours that we've been sitting here.

So, I'm gonna take my time because we're at the end and I know everyone wants to go.

First, I want to thank my colleague, Senator Gary Winfield. But I'm gonna do more than that. I want to -- I want to praise my colleague for the work that he's done on this bill this evening. I've watched this brother put everything he had in him in this piece of legislation, everything. He's been here for long years. I've watched him work, work over the years. But on this piece of legislation, man, the City of New Haven should be proud of you. And I am proud of you. And I have to say that publicly because we don't do that often. So, I want to thank you for that, and I praise you for that work.

I want to thank the protesters, who risked their lives in the middle of a pandemic to demonstrate how important, how important this work we're doing up here today, because if it wasn't for them, if it wasn't for the people who have been out marching and

protesting all over this world, over this country, all over this state, asking us to do something about first pandemic, which is Covid-19, and the second pandemic, which is this countries original sin, racism. They pleaded with us, children of all ages, all colors, all background, and communities that ever spoke about it. You have people out here who have never paid attention to the work we've done up here. But because of what they see and the world they want to see, they put their lives on the line.

I also want to thank those good police officers who go out and serve the communities across this state every single day. I have to hand it to you, those good police officers, who do the work that needs to be done. And like I often hear, what's said about them is they just want to get back home to their families after a hard day's work. They want to get back home to their loved ones after a hard day's work, and the vast majority of them do that. They go in, they punch that clock, they protect and serve us every single day. I said the vast majority of them. Thank you, good police officers, for that work.

But let's be honest here, we are not here because of the conduct of good police officers. That's not why we're here today. We are here because there are some law enforcement officers who took an oath to protect and serve communities across this state, but have used their authority to recklessly, willfully violate citizens' Civil Rights. It's been documented for years. And this has nothing to do just with George Floyd.

This has been going on in this country for the last 300 years, and the supporters of this legislation

have known about it for quite a long time. And many citizens in this country didn't know about it. But we got a wakeup call and now we're here in this special session, an emergency special session, because we are in a state of emergency in this state that things have to be changed.

And one of the myths I want to clean up, because I heard the term, you know, I heard black, white are against police, for police, that's a myth. Let's throw that out. As a person who lives his entire life in the north end of Hartford, which is 99.9 percent black and brown, who has been an educator and an administrator in the Hartford Public School system, I have encouraged many of my students to become police officers, many of them. And there were many of them -- I won't say many, but some have gone into the profession and became police officers. And I keep hearing tonight these things, well, you're not gonna be able to recruit minority officers or it's gonna hurt the minority officers on the field, not true. Not true. Because the individuals that I encourage to go into law enforcement have done it. And it's not the individual law enforcement officers that -- that is the problem, it is a system, a system that was started in the 1700s that captured runaway enslaved people. And then again, in the 1800s, to manage immigrant communities. That's the system that we're dealing with. And it has been that system for the last 300 years. And in this country, we don't like to change systems. But for the majority of people, the system is working the way it was intended to work.

So, if the concept -- if the root is rotten at the beginning, we were designed to capture runaway human

beings and to police immigrant communities the structure is destroyed at the beginning. So, we have to change this system and other systems that have continuously placed its knee on black and brown people's neck, educational system, healthcare system.

What this bill attempts to do is to hold those bad apples, and we kept hearing this term, bad apples, accountable for their misbehavior. And -- and -- and we keep hearing this term bad apples, but there's another part to that -- that phrase, called bad apples can ruin an entire barrel.

And unfortunately, those bad apples that can ruin an entire barrel has left a stench in the lungs of black and brown people and communities across this country for the last 300 years. So, its extremely important to remove the bad apples from the barrel that has placed our atmosphere in communities of color across this country for the last 300 years.

I'll give you an example, I was watching social media a couple of weeks ago. And there was this young boy, young black boy playing basketball in his yard. Minding his own business, looked like a nice suburban community. And when the police officer drove by his home, that young black boy stopped what he was doing in his own driveway and hid behind his parent's automobile. That's where we are in this country. Why would a 10-year-old have to hide behind an automobile, when the person who's driving that automobile is supposed to be there to protect and serve him?

That's the conditioning that our next generation is going through right now. And what we want to do is

change that for them. We don't want them to have to hide from law enforcement when you didn't do anything wrong. I want to personally thank the Owais, the Madres, the Tia, the Sabrina's, those black grandmothers, those mothers, those aunts, those nieces who every single day, when they send us off to work, us men of black and brown men, that they pray that we come back home. These are the conversations that take place in our families every single day. They pray for us. I don't think that happens in every single community. Every single time their husbands, their boyfriends, their uncles, their loved ones go out, they are worried sick that that man or that woman will have to come back home in one piece.

There's a conversation, I heard it was mentioned earlier, but I want to go specifically and explain to you that all black parents and brown parents have with their children, once they get their license and I'll never forget this. We ask our young people, especially our young boys, to survive the encounter. I'm gonna say it again, I just need you to survive the encounter because it's going to happen. Someone that's a law enforcement officer is going to try to violate you mentally, maybe physically, emotionally, and we teach our young children just to survive and just take it because we want you to come back home.

I remember the toughest day of my life. It was July 5th, 2016 and July 6th, 2016. And it was so significant to me because the day -- because on July 5th, 2016, Alton Sterling was murdered by a law enforcement officer. And I was bringing my son to school, he had just taken his license exam. So, I already had that conversation with him. And I asked him, did you see what happened last night? And he's

not a man of a lot of words, yes. And I talked to him again about surviving that encounter. This is why it's so important to survive the encounter. And if that wasn't enough, the next day, the very next day on July 6th, 2016, Fernando Castillo was murdered on Facebook.

And I'm saying to myself, as I'm driving my son to school, what am I supposed to say? I had the conversation yesterday. And I asked him again, did you watch the news? Did you see what happened? He said, yes. And then he looked at me, again a young man of not many words and said, when does it end? And I looked back at him with a firm-stern look. I said, what do you mean? And he said, when does the mistreatment end? I said, boy, as long as you stay black, this is how it's gonna be. And you're gonna have to figure out how to operate in this society as a black man. And he didn't know what that meant, but some of you know what I'm talking about. You're gonna have to figure it out to survive. And that's not the type of environment and country that I want to live in, it's not.

So, I know it's getting late, I'm gonna try and wrap it up. People ask all the time, hey, Doug, hey, Senator, why don't I ask Gary, why don't I ask Senator Moore, why don't I ask Minnie Gonzalez, why don't I ask Toni Walker? Why you guys so passionate about this? Why are you so purposeful about this? It's quite simple to me, even after we saw the first pandemic, which shined a light on all the disparities that I talked about before in this country, health, education, housing, criminal justice, and if that wasn't enough, even after we watched George Floyd be executed right before our eyes for the whole world to see, we still have to

come here and explain to people why we need to change laws. Imagine that. Even after witnessing what you saw before your very eyes, what we've been preaching for the last 300 years, what he has worked on the last 300 years, we still have to explain to people why it's important to change things. That's why we're passionate. That's why we're angry. That's why we're confused because we cannot understand what did we do to be treated this way. And no one has given me an answer.

The answer is, we just want to be treated like everyone else. We just want what is law enforcement or anyone else to see our humanity and treat us like human beings and treat us like the man above will expect us to be treated, no more, no less. We want fairness. We want equity and we want respect. And we will continue to fight here every single day to come here to make sure that happens. And not just for us, but for our children and our grandchildren and our great grandchildren because that's what the people did before us. And the work they've done, we stand on their shoulders and it's our obligation to continue that effort.

And finally, I would like the State of Connecticut to be leaders, just like we led this country after the Sandy Hook Massacre. We didn't wait. We didn't say, these bills have to go through all these committees, we didn't do that. We acted because we knew it was important. And we became a leader in this country while holding gun owners accountable, that's what we did. It was an emergency. And just like we're here today, in the midst of a pandemic.

We are in a state of emergency. And we must act clearly. Is the bill 100 percent accurate for

everybody, we never do anything 100 percent right the first time, but we do something. And tonight, I am proud, I'll be proud to press that button to support this piece of legislation. Because that will send a message, just like that message was sent to every black and brown person across this country when that person stood on the neck of a dying man, who cried out to his dead mother, cried out to his mother. A message was sent to everybody in this country. And that message, this is how you treat them. And that individual was a trainer. And I keep hearing the words about training, training. There's no amount of training you can give anyone who don't see you as a human being. You could train from here to the last days on Earth. If that person with a gun and a badge want to take your life, the message was sent. And this is not about black and white because the police chief in that town is a black man and there was a black man on the scene. There was a brown man on the scene. There was an Asian man on the scene. This has nothing to do about black and white. So, let's debunk that myth.

This is about a system and individuals within a system who need to be cleaned out and this is the first step.

Thank you, again, Gary. I thank all of those individuals who's worked on this piece of legislation. This is just a start. There are other systems we need to disrupt and I'm gonna use every breath in my body to try to disrupt these systems, so that everybody in this country will have a fair opportunity.

Thank you, Mr. Speaker.

THE CHAIR:

Thank you, Senator McCrory. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Mr. President. So, I guess we're into the 29th. This is the part of the year, I think about my mother, because she died on the 31st of July. And thinking about her and what she would hope that I was doing, I think that she would hope that I'm doing exactly what I'm doing right now.

I didn't think there were tears today. For everything that's been said, all I felt was like I was gonna explode. You feel like you can never say enough, you can never say it the right way, you can never get people to understand. But you have to fight. I'm not a singer, but I just want to take you into my world for a second and forgive me if I'm terrible at it. When I was a kid, I was really into books and into myself and not trying to do what was going on in my neighborhood, but I struggled a lot because I didn't fit in in my neighborhood. I didn't fit in anywhere and I didn't have certain connections.

As some of you know, I've told some of these stories before, and I discovered a book on Civil Rights, and I was really interested in a book and then a show came on television when I was still relatively young. And to this day, part of what guides me and part of what's part of my soul is the music that starts off the show. And I put up a post on Facebook, I think it was this morning, and there's a part of it that I did not know would become part of my life in the way that it has but it's, know the

one thing I did right was the day I started to fight. Keep your eyes on the prize. And then the song goes, hold on. I'm tired of holding on. We talk about people who existed in this country who were enslaved and those people that ran away. Do you know what they ran away for? They didn't run away for Civil Rights; they ran away for liberation. That's what this work is, this is liberation work. This is not about the process. The processes change. We can change the process any time we want to. The processes change.

Do you know what substantively doesn't change, what it is to be black in this country; think about that. Yeah, sure, I wear a suit today, I don't wear -- but it doesn't really change. We're still not at liberation. And so, I think about my mother. I also think about a woman who's been outside all day, waiting for us to do what she has been hoping we would do here. And the work of her life, too, Ms. Barbara Farrell, who's a mother to the community. And I think of the number of years she's put into this. When I think about what she's put into this and what I've put into this, no matter what we do here, there are things that can't be fixed.

When we had the hearing and it was over, let me -- let me take a step back. During a hearing, I got constant messages from people. I don't know how you're sitting; I don't know how you're putting up with that, I don't know how you're so calm. The hearing ends, it wasn't the same as what the hearing on, but of course I can't do certain things in the hearing. And when it ends and I'm able to let go, it's my daughter, my 2-year-old, that wipes away my tears.

And I've said before that I didn't want to -- as much as I wanted to have children, I didn't want to bring children into this world because I never wanted my daughter to be sitting there having that experience. I never wanted to transfer the pain to her. That's what these issues are about. That's the deeper part of this.

No matter what I do, part of me is broken for the work I've been doing for three decades. Part of me is broken because I walk around in the skin that I walk around in. Part of me is broken because I can't be the father that she deserves because of this. And that doesn't get fixed, even if we fix everything around it.

So, I don't have much -- much more to say. I just -- I just hope that however we depart here, whatever we choose to do, and I do hope that the bill passes, whatever we choose to do, that we understand that, yes, there's a process. But the process is part of the reason that we experience what we experience. And to invest more in the process than the people who are affected by the process is a problem itself. And what I know is history is written in the actions that we take right now. And there's never been a greater call or responsibility.

Thank you.

THE CHAIR:

Thank you, Senator Winfield. Senator Witkos.

SENATOR WITKOS (8TH):

Good evening, Mr. President, or good morning.

THE CHAIR:

Good morning, Senator.

SENATOR WITKOS (8TH):

I just have about five quick questions for Senator Winfield and then I will begin my closing comments.

Through you, Mr. President. My first question is, is the State Police Academy eliminated under this bill and will you have just one Police Officer's Standard of Training Academy?

Through you, Mr. President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Mr. President. I believe that the -- the way the bill is actually written, it brings the state police under POST. But I don't believe it actually eliminates the -- the academy itself. So, I don't believe it -- the bill actually does that. And I think actually, if I could get -- I don't know, sorry, you know, I just -- I don't believe that's actually what it does. But the training, but the training would be -- come under POST as well. So, I guess the question is, are you asking about whether or not POST would take over and start to promulgate training from that point forward, then I would say, yes, would be the answer to that question.

SENATOR WITKOS (8TH):

Thank you to that. That is the question and so at one certain point then POST will take over training for all law enforcement in the State of Connecticut. And in essence, the State Police Training Academy will -- will go away.

Okay. Thank you. My second question is, on the body cameras we said that -- and the language says, no grant is available if the data storage is contracted out for longer than one year. What is the -- if you're -- if the -- if the good Senator knows, what is the average length of the contract for a data storage center? I know in our -- in our state statutes, we require a reduction from, I think it's two years to one year of storage, but we're not compensating a municipality if they agree to a longer contract term of more than one year, then they are ineligible for any grant money as I read it.

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Witkos. Senator Winfield, will you respond.

Senator Winfield

I -- I don't know what the average length is. I -- I -- that is information I don't have currently have with me.

SENATOR WITKOS (8TH):

I guess the --

THE CHAIR:

Senator, Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Mr. President. Then let me change that question to, is there a reason why we limited grant reimbursements to municipalities that have a contract less than one year?

Through you, sir?

THE CHAIR:

Thank you, Senator. Senator Winfield.

SENATOR WINFIELD (10TH):

Mr. President, if you give me a second to get to the section because I don't, off the top of my head, know. Hold on a second.

SENATOR WITKOS (8TH):

Section 20, on page 29.

SENATOR WINFIELD (10TH):

Mr. President, if I could ask Senator Witkos for a line number?

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Well, Madam President, unfortunately, I don't have mine in the line form. However, I will read the part -- it's in the -- it's in the grant section. It says, no -- Madam President, I'll withdraw the question. I don't want to spend a lot of time looking up this one particular thing. That was just a minor thing I was asking about.

THE CHAIR:

Senator Witkos, oh --

SENATOR WINFIELD (10TH):

So, I think I'm in the area, if you could ask the question again, I'll make an attempt to answer it. Sorry it took so long.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

I think it's, Senator Winfield -- yes, Madam President, through you, line items 1043 through 1047 that a grant made shall not be for a period of service that is longer than one year. I'm just curious as to why that is, please.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I -- I believe it was -- and I believe what we were attempting to do there was to not -- so, when -- when we're talking about storage, we're talking about not just an initial outlay, but something that could be an ongoing outlay. And so, I think, what was attempted to be done there was to say that the period that would be covered would be for that one year.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. Switching over to the deadly physical force section, Section No. 29 of the bill. Section 2, sub b, speaks to specifically the officer has to be engaged in a reasonable de-escalation measure prior to using deadly physical force. And I believe around the Circle this evening, we've heard from many folks that say it's a split-second decision and that often times you may not be able to deescalate to anything, it's an immediate move towards a de-escalation of force. that part concerns me.

And the other part under subsection c, where it says, has any -- the officer or police officer, corrections, Boards and Pardon Parole, done anything to increase the occurrence of the situation that precipitated the use of force. I think just the officer sometimes showing up on the scene does that. And so my question to you, through you, Madam President, is if an officer shows up at the scene and obviously it's an ongoing scene because they were notified to respond, in this case the suspect

may become more agitated and do something, the officer's mere presence may trigger that. Is that a trigger mark, through you, Madam President?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I -- I would say that if the officer is required to tend to a scene that that -- that at least as you've put this forward, wouldn't be a what precipitates the use of the force. I think it's an action, subsequent to arriving on the scene that would be covered by this section.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you. And I know we can play what ifs all night, but I'm gonna give you one more scenario. If the officer arrives on scene and has determined that a crime has been committed, that the person in front of them has committed that crime, and they're gonna take that person into custody. And they tell the person, turn around, put your hands behind your back, you're going, and the person just refuses. So, the officer at that point has to use physical contact to place this person into custody, could that be construed as escalation prior to the incident?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

So, I -- I think that this section that you're referring to is under the evaluation section. And it's asking if the conduct leads to an increased risk of an occurrence of the situation that precipitated the use of force. So, the situation that precipitated the use of force, I don't believe, given what you're asking, would -- there would be an increased risk of the occurrence of that situation, given that the arrest was effectuated.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. Two more questions and I'll -- and I'll give my dialogue. In Section 31, we're talking about the decertification of officers in being able to perform a job of a security officer. And my question to you is, does lapsed have the same meaning as decertified?

THE CHAIR:

Senator Witkos -- Winfield.

SENATOR WINFIELD (10TH):

Through -- one second, I'm just at this section, sorry. Through you, Madam President. I guess, looking at this section, I'm not sure where lapse came in. Are you just -- through you, Madam --

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. The purpose of that question was the -- if a police officer has not undergone training within a two-year period, post-deems that that their certification is "lapsed," and they're not allowed to work as a police officer anymore. And I'm -- want to make sure that if they want to, say they've retired, now they want to get a job as a security officer, lapsed doesn't have the same restrictions as the bill before us that does under decertified. Am I correct through that, through you, Madam President?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes. Thank you, Madam President, and thank the Senator for the clarification. Yes, this -- this section of the bill was -- came in conversations about an active decertification, not a -- not a lapse of the certification.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. That's all the questions I have for the good Senator. And I'll begin some of my comments. You know, I -- there was a lot of conversations around this Circle and around this country as to how this debate got started. And I've heard comments saying, you know, we've got to lead in this. Well, we led on this. This didn't just come this year. We worked on a big bill last year that did a lot of the things that we were trying to get at where we believe that there's racism in law enforcement. How do we get at making sure that those "bad apples" aren't there any longer?

And I think after what happened with George Floyd, there was a movement that somebody mentioned around the Circle that we've got to do something. But sometimes, we have to be careful about what it is that we're doing. And we should be basing things on facts.

So, when I first got the -- the initial version of the bill, I started going through -- through it and I felt that a lot of the language may have been racially motivated in that people believe that persons of color were being disproportionately stopped and addressed than whites by law enforcement. And actually, we had that conversation in this very Circle, I think it was last session we had the bill and even before that when we discussed racial profiling in Connecticut.

So, in order to prepare for tonight's debate, I went, and I looked at the Alvin Penn Connecticut racial profiling prohibition data project, and it was, I was very intrigued with the data that -- and surprised, honestly, with the data that I -- I found. And it rated the top five reasons for motor vehicle stops by folks in the State of Connecticut by race and ethnicity.

So, the categories are white, black, Asian, American Indian/Alaska Native, and then Hispanic, all races. So, across the five driver classifications, the highest or the number one reason why they were stopped was for speeding. Everybody got stopped for speeding.

The number two reason why whites got stopped was for registration purposes. The number two reason why blacks got stopped were defective lights. And I know that there was some conversations about changing, and the taskforce will be looking at it in this bill, to determine if minor motor vehicle violations should count. And I will counter that, if it's a headlight violation, the only time those can be detected are at night. And oftentimes you can't tell the color of the skin of the operator or the gender of the operator at nighttime if you're a police officer passing the car or behind the car. You see a taillight out, that doesn't tell you anything.

For Asians it was a red-light violation. American Indian, red-light violation. And Hispanics it was for registration purposes. Now, for the outcomes of these stops, for tickets, 37 or 38 percent of black, non-Hispanic drivers were given a ticket in 2018, which is the lowest rate of this disposition among

all races. Verbal warnings, black, non-Hispanic drivers were the only group of drivers who were more likely to receive a verbal warning than a ticket. Written warnings, white, non-Hispanic drivers had the highest share of written warnings amongst all dispositions.

So, I said to myself, that data that I just found that this body voted on to make sure that we collected, doesn't make sense if we're moving forward in this type of a bill.

So, then I said, well, maybe I should dig a little bit deeper and do it by agency or department. So, I went on the State Police Troop 8, which is located here in Hartford, to look at their motor vehicle stops. And I found that 50 -- 57 percent of those stops are white, non-Hispanic. 23 percent are black, non-Hispanic. And the next category is 16 percent Hispanic. But then somebody argued, well, it's the state police, they -- mostly they're on the highways. These -- they're not in the neighborhoods where folks live.

So, I go the information for Hartford PD. The number one for summons and stops are white, non-Hispanics at 39 percent. Black, non-Hispanics at 35 percent, and the Hispanics at 24 percent. But then I heard Senator Winfield's conversations about his discussions with another Senator about his community versus their community, it's different. So, I quickly went back on that website and I looked up New Haven's. And in New Haven, this is kind of what I expected on all of them in an urban area, the white, non-Hispanic stops were 34 percent, the black, non-Hispanic stops were 43 percent, and the Hispanic stops were 22 percent. That, I believe, is

why this issue seems to be so important, as it should be, to folks down in the New Haven area more so than I think than the Hartford area, if you look statistically only speaking. We want -- maybe want to perceive and think what we think we know, but that's not supported by the facts over a five-year period that this body mandated that must be reported. Because a lot of the things we talked about had to do with motor vehicle stops.

And in the motor vehicle stops, we are really, really moving down a very, in my opinion, dangerous road. Some folks talked about going back to the 1960s. Well, I can go back to the 1960s too. And that's when we had the United States Supreme Court case, Terry v. Ohio, which was a decision that -- that law enforcement you learn within the first couple of months of the academy. And it is the right to stop and frisk or called a Terry stop. If you reasonably believe that the person is armed or dangerous, carrying a weapon. A reasonable suspicion.

And as recent as 2009, the Supreme Court expanded the Terry stop to a stopped motor vehicle in Arizona v. Johnson by a 9:1 decision. In the legislation that's contained within this bill, clouds that issue. And I'm being kind by saying, clouds that issue. Almost removes the ability of the officer to do their job. And removing the officer's ability to do their job disturbs me because I went on New Haven's website and we're trying to limit what the officer can ask from folks in cars, but yet from January 1, this is a comparison year-to-year, from January 1 to July 19, homicides are up 83 percent. Non-fatal shooting victims are up 57 percent. Confirmed shots fired, up 32 percent. And, in fact,

there was a big press release on the website that the many police chiefs were having a press conference on the growing violent crimes in that city. Well, yeah, that's not right. Is that the -- is that the police fault? I don't think so. I think that's a lot of contributing factors to that, Madam President, whether it's poverty, homelessness, education, growing up in a single family, I don't know. But something's wrong there. And sometimes I think we're moving to fix the wrong problem.

The Civilian Review Board, in my opinion, could be a good thing. But we don't limit when their power comes into play in this statute. And what types of incidents that they are allowed to investigate. The only interaction is it says the municipality shall prescribe who's a member of it. But what concerns me is subpoena powers to compel -- you could have a domestic violence victim subpoenaed to a Civilian Review Board, a minor, a sexual assault victim, all while concurrently maybe a police department is conducting an investigation but somebody complained about the officer that's conducting the investigation or it's somebody who knows somebody. It's very, very loose in my opinion.

I'm very concerned of the direction, although right otherwise it's just an evaluation, the feasibility of social workers replacing police officers, replacing. Because the statute that's being contemplated before us says, well, you could remotely respond to calls for assistance. What is the call for assistance? Every single time a cop goes out on the street and responds to something is a call for assistance. Or the social worker may respond in person or they may accompany an officer.

To me, I know I watched part of Senator Winfield's hearings and I know Mayor O'Leary was asked that question. He responded, I do have social workers on his department that are doing that. But my reading of this says the police can just dispatch somebody - - you can go ahead. We think this might be a domestic violence call, you go figure it out. Or it's really, they need a marriage therapist. Why don't you head over there if you need us, call us, we'll respond. I'm very, very concerned with that section of the bill.

When we talked about qualified immunity, in my opinion, this bill changes what is currently in place. And that is the concern of every man and woman that wears the badge today. And it should not only concern the folks that are actually at the call that may be incidental to something -- an action taking place. But the supervisor that works in the department that's overseeing those officers, the training officer that's overseeing those officers, the chief of police that's overseeing the amount of staffing required on a shift. It runs right up the ladder. Because if somebody wants big bucks, guess what, they're not gonna stop and sue just the little guy. It's gonna be the municipality and the officer and all the way up the food chain or the command structure.

And somebody said, well, there was some references to the 1983 case in the Federal Government v. Connecticut, and I want to share with you what the reason why the -- what the Connecticut Supreme Court stated. They stated, "Municipal officials are immunized from liability for negligence arising out of their discretionary acts in part because of the danger that a more expansive exposure to liability

would cramp the exercise of official discretion beyond the limits desirable in our society. Furthermore, unhampered by fear of second-guessing and retaliatory lawsuits.”

And this is the same reason the United States Supreme Court created the qualified immunity in the 1983 lawsuits. And that court went on to say, officials have a fundamental right to have qualified immunity decided at the earliest stages of litigation to protect officials from the burdens of litigation. These immunities encourage governmental employees to perform their duties without fear of unwarranted lawsuits and allow them to perform their duties instead of spending time and resources defending such claims.

And that, Madam President, is exactly what's going to happen with every single criminal arrest, it's going to be followed up by a civil lawsuit coming down the pike against that officer. And while we were talking in our caucus room and having been a police officer myself for 28 years, I know what it's like when a lawsuit is filed against you and the insurance company steps in and says, well, yeah, I know it was a good arrest, you didn't do anything wrong but, you know, I can settle out of court for a lot cheaper than it would cost me to litigate that matter. Then as the officer has no control over that, no say, and the case is settled.

But now we've moved in this bill to say, well, we're gonna create a process where somebody can be referred to POST and be decertified and then be out of a job. So, what happens when this good officer that has done every single thing by the book, has made a good arrest, but the insurance companies have

decided to settle, is it three cases, four cases, five cases before the officer gets sent to POST for review. And then I said, gee, you've gotten sued four or five times. The insurance company settled. You must not -- you know, you're troublemaker. We're decertifying you.

But then if I was a municipal official, I file a grievance as an officer, goes to labor -- National Labor Relations Board and they say, oh, that's too severe, you get your job back. But POST has already decertified you. So, what's the municipality supposed to do? You're paying somebody a cop's salary to be on the force, but you can't be a cop because POST decertified you. That's a catch 22 situation that's gonna happen in this bill.

A lot of the comments about qualified immunity came from a use of force situation. And I try to explain it from a different perspective, a very realistic perspective that I'd like to share with the Circle.

So, an officer gets dispatched to a motor vehicle accident. Upon arrival, finds an operator of a car that is bleeding profusely from below the knee. The officer, through his training and experience, applies a tourniquet just above the knee to stop and control the bleeding. Probably saved the operator's life. EMTs get there, they rush the person off to the hospital. The doctors look at the individual and say, you did a great job, probably saved the life. But so much blood loss, so much damage, we're gonna have to amputate below the knee.

So, the amputation occurs and now this individual, who may have been a star athlete says, what, maybe I wouldn't have had that done, had that cop not put a

tourniquet on my leg. So, I'm gonna file a civil lawsuit against this cop because I should be compensated for damages because he changed my life forever.

And under our current statutes, I think that lawsuit would have been thrown out because it's frivolous. Because if the officer acted, it wasn't willful, it wasn't wanton, it wasn't, I think, neglectful was the other, the third phrase.

Under this scenario, you -- I know that Senator Fasano is gonna talk a little bit about it and I know that Senator Bizzarro already talked about summary judgment. You get past that threshold and then it's all about the final dollars. And the insurance companies don't care about the individual, they care about the bottom line. I think that was some comment said about some earlier bills that we talked about, insurance bills.

So, I'm very concerned as far as that goes. I'm extremely interested in the Inspector General's language in the bill in that it says he or she shall investigate police use of force cases and deaths. But if we don't have any, we've really staffed up quite a bit in that office to just sit around, I thought there was some -- would have been some discussions to allow the Inspector General to look at other investigatory powers by referral, but that didn't happen. It didn't make it to final cut.

So, here we have a -- a full state agency with bookkeepers, inspectors, assistants, and there may overtime be anything for he or she to do. But we're putting in our statute that has to e there. To me that doesn't make any sense.

And I'll conclude my comments almost by saying, the police military equipment, I don't get it because as you've heard from folks, there are equipment that are used and are extremely necessary. Senator Champagne talked about a vehicle that could help extricate a person involved in a barricaded hostage situation.

There was a, right outside this capital building, every October, the city borrows from the New York NYPD an elevated platform for -- for crowd management for the -- for the marathon. And I was kind of surprised, we're not allowed to do anything for crowd management in the bill, specifically. Not for crowd management or intimidation tactics.

So, sometimes I think, and I will conclude my comments by saying, we're creating solutions in search of a problem sometimes.

And I will agree with others that there was a process and had we had a little bit more time to weigh in on this, I think we could have ironed out some of these.

Thank you for the time, Madam President. Thank you all for your attention.

THE CHAIR:

Thank you, Senator Witkos. Will you remark further on the legislation before us? Good morning, Senator Duff.

SENATOR DUFF (25TH):

Good morning, Madam President. Madam President, I rise to support the Emergency Certified Bill. Before I begin though, I'd like to thank all those who worked so hard on the bill inside and outside the Chamber, including a bipartisan legislative leadership in both Houses. The bipartisan leadership of the Judiciary Committee and those -- and especially those in the Chamber, including Senator McCrory, Senator Moore, of course, Senator Winfield, the Chair of our Judiciary Committee, Senator Looney for his leadership, the Senate Democratic Caucus for their time and attention to a crucial piece of legislation. I also want to thank Senator Kissel for his work, Representative Stafstrom, Representative Rebimbas for their efforts as well.

This country is at a crossroads and this is a moment that we need to recognize and understand where we are. After the murder of George Floyd, we saw millions of people engage in a movement to recognize and respond to systemic racism. Issues and injustices that have been occurring for decades and over centuries.

Finally, people who have never been engaged in a political movement, were marching for justice and against injustice. Old, young, white, black, brown, rich and poor, folks from every corner of our state and our country. And as the late John Lewis said, this time is different.

Marches occurred in places that they never have. Not just in our cities, but in our suburbs and in our small towns. Homogeneous places that have never taken on political activism before. As policy makers what we heard loud and clear is, do

something, not anything, but a meaningful policy moving the needle to fight injustice, racism and hold accountable those with power. It's time to walk the talk.

The Connecticut legislature got to work to make sure we continue to have the highest standards and that nothing like we saw in Minnesota and countless other states happens here.

Let me be clear that in this process, no one ever spoke negatively about police or failed to recognize the hard work they do or how police have an important role in our communities. This is about recognizing the awesome power they have and creating policies that provide more confidence and fairness in our communities for all of our residents.

And the product we have here this morning does the following: it creates better training and mental health screening for police officers. Will help bring more transparency and confidence to the public. Will make communities safer and raises the standards for police departments across the state. It is a significant, significant piece of legislation that I predict will be a model for other states.

Madam President, I'm proud of the fact that the legislation was crafted by the bipartisan leadership of the Judiciary Committee. And once the public hearing was complete, bipartisan leadership worked together with Judiciary leadership to address the concerns that were raised and work through a number of thorny issues. Unfortunately, though, there is some misinformation on parts of the bill, including qualified immunity. An officer, and let me just be

clear on this, an officer will continue to have qualified immunity unless they commit an act that is either illegal or violates the state's constitution, for which they did not have an objectively good faith belief did not violate the law.

In my opinion, that is a high bar. And I don't see how anyone would want to defend an officer from being responsible for violating the law in such an extreme and egregious way. We don't want taxpayers to pay for intentional wrongdoing and this bill ensures that.

I know there are those who want nothing done, but that's not realistic. Our state and our country are demanding change. And this is a bill that will make a difference for our residents and let them know we have heard them. Some view this as a tough vote and it might be. But a yes vote is the right vote.

The opposition, outside this Chamber, is vocal and loud. However, and people have heard me say this before, however, hard things are hard, and we are here to lead. We've done it before on other policy issues that had long debates over many hours. Let's lead tonight and show the rest of the country what leadership looks like.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Duff. Will you remark further on the legislation before us? Good morning, Senator Fasano.

SENATOR FASANO (34TH):

Good morning, Madam President. I think I'm a little out of shape. Usually through sessions we work up to this -- these late nights. This is, for all of us, kind of being thrown in the middle.

Madam President, I have some questions. And I'm gonna -- I'm skipping over a lot of the questions because of the early morning late hour. But there is something I do want to talk to Senator Winfield about, if I may, through you, Madam President. I'd like to draw Senator Winfield's attention to lines 1331 through 1351. And if I may, with respect to those lines, this deals with the officer's obligation in line 1331 through 1340, and so to interfere. So, if an officer is on duty and there's another officer, both officers are on duty. One officer sees -- we'll say the offending officer is using what the observing officer believes to be excessive force and does nothing, and then the offending officer is then cited for some criminal violation because he did use excessive force, it's my understanding the bystander officer on duty who did not make -- who did not intervene would be subject to the same penalty as the officer who offended.

Is that an accurate statement? Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. The officer who is the bystander who witnessed it would potentially be subject to those penalties, yes, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you. That's my reading as well. Then in line 1343, if an officer, presumably not on duty, witnesses another officer who -- who's using force, unreasonable excessive illegal force, and that officer doesn't make a report, that officer who witnessed that, who may not be on duty, is subject to an A or B felony, is that correct?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, through -- through -- one second, Madam President, I just want to make sure I'm -- Madam President, as I, in conversation as we led up to this, the construction of the section there, I just want to be clear that in conversation I think Senator Kissel could actually speak to this as well. That what we were -- we ran through several scenarios, including an officer being out in a restaurant and seeing a situation take place, when they were off duty, and whether they did or didn't have the responsibility at that point to intervene

and report. And my understanding, as we constructed it, is that the officer if they had information, should report. And then as it lays out, I believe that it is correct that the officer could be -- could potentially be subject to a felony.

Thank you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. So, in that section, just so I fully understand. An officer may be having dinner. He sees an officer outside the window who is on duty taking what he believes to be excessive force. If he doesn't report that, what he sees, that officer that is off duty having dinner could be subject to 53A65 through 53A167, which I understand to be a felony.

Is that accurate?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. That is accurate as it is written. Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

And then there's this other sentence that starts off on 1345 that says or is otherwise aware of such use of force. So, now, in that part, the officer who's off duty need not witness it, he becomes aware of it, other than witnessing, obviously. So, if someone were to tell him, I saw this officer yesterday taking -- maybe he's being graphic, beating up an individual on the street for no reason whatsoever, using a considerable amount of force, would that witness -- would that officer who gets that information and otherwise aware, would he be required to fill out a report or be subject to a felony if he doesn't?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I think this is -- this was imagining the situation where the officer didn't actually witness the action taking place, but not only found out, but actually had knowledge. So, for instance, if the officer came across a video of the incident or something like that where the officer actually had knowledge based on however, they became aware, not just if someone said, Joe, did something.

So, I -- I think -- I think that's what's imagined under this section, which is, of course, a little bit difficult to explain, the point at which the

trigger is. But I think that's what we were talking about when we were looking at this section.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

So, in my scenario, and if they see a video or someone shows it to them on their cameras what I filmed last night, I understand that and there's that visual. But what if he just hears it. The person says, I'm telling you, it was brutal. This officer just attacked him out of nowhere. Let's assume that's how he became aware of it. Is that language, as it sits there, when that officer was told this story be required to fill out a report under that section?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I guess the way that it's written, it seems that the officer would be required to make a report as soon as practicable, given the contract of the language in that section.

Through you, Miss -- Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. And with respect to either one of those sections, if it were -- if a person did not fill out the report, he'd be subject to an A or B felony, even if it turns out that the force that they witnessed, the guys at dinner with his wife. He looks and he sees a commotion. He looks out. He sees a police officer beating up some individual, he doesn't fill out a report and it turns out that that officer was in the right; in other words, he wasn't using excessive force, it was a situation that he was defending himself or whatever. The fact that he didn't fill out the report is the felony, irrespective of the consequences to that officer who committed the act of using excessive force, am I correct, by that language?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, Madam President. I believe the Senator -- I'm sorry, Fasano. I believe that Senator Fasano is correct. I think the -- the discovery later that the officer may have been correct does not nullify the responsibility on the part of the officer who has a duty to report.

Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Through you, Madam President. Madam President, Senator Winfield, I thank him for his answers, and he's had a long day and I appreciate it. I will not be asking you anymore questions this evening.

So, Madam President, what you have in that statute is you have one, where a police officer has a duty to intervene and if he doesn't it depends upon the outcome of that case, whether or not that officer would be subject to anything.

In the second one, just a failure to report is a felony. A felony to the police officer. If there's gonna be some work on this section, you've got to look at that section. I -- I think it is an unfair section to put on a non-duty police officer or a police officer who could be walking down the street and somebody comes up to him and says, do you know that this officer beat up that guy. He can't make a judgment call that maybe it happened, maybe -- he has to file a report or it's a felony.

I understand the import of it. I just think you may have to think about it a little bit different safeguards in this to make it work.

Madam President, I have other questions, but I'm not gonna ask Senator Winfield. There -- there have been asked to some extent and given the fact it's almost 3 o'clock in the morning, I am not gonna do that.

Let me say this, I've been in this Chamber for 18 years, more than some of you, less than others. And we've had tremendous debates in this Chamber. We had debates on the death penalty, same sex civil unions, I'll say, and they've been great debates. And 90 percent of other issues that have come in front of this building, we have been able to handle, debate, get along and disagree, but still move forward.

So, why was this bill so much different than anything I've seen in my 18 years? And I think it was because we weren't in session. I think a bill was progressing, because of Covid we weren't in session, and social media took over everything, set the tone. Shame on us for allowing social media, filled with folks who I will call cowards on both sides of the equation, making the tempo and temperature on this bill difficult to have conversations.

We've always had conversations, as difficult as they may be, we've always been able to do it in this building and control it to where it was -- we could be face-to-face, have these conversations without ill intent being placed on any of those conversations. Without saying, if you don't agree with me, I'm throwing you in this category, whatever it might be.

It's never happened in 18 years I've been there. But because of Covid, and we all got isolated, which I get. We allowed an outside hostile environment affect the way we do business in this Chamber. And I believe, given more opportunity, we could have reached a goal of a bill that would have satisfied

people in this building, legislators, and outside public.

And it's disappointing that this bill came to such rhetoric. And we are better than that as an institution. And we'll get through it and we'll get back on track, there's not a doubt in my mind because that's who we are as a legislature and that's who we are as colleagues.

We've been momentarily distracted, and let that be a lesson, let it never happen in this building again. Let us not let people tell us how we are going to react with each other. Let not -- let's not those people tell us how I should feel about somebody else who disagrees with me on this bill in this Chamber. We don't do that.

Let me also say, Senator Winfield, you've done a great job, great job. A lot of pressure. A lot of time and a lot of effort. Great job. And your kids are proud. Your kids are proud. When you say, what can I show my kid, you showed your kid, your kids, I should say, plural, what it is to be a leader. And what it is to stand up for what you believe is right and fight for what you believe are right in a building that makes a difference in our state. So, that's been terrific.

Representative Stafstrom did a great job as well. Did a great job. Senator Kissel, hours and hours. Rosa Rebinbas, hours, and hours. I want to thank the leadership, both Chambers, Senator Looney, Senator Duff, the Speaker, the Majority Leader in the House. We all had conversations, phone conversations and we talked on issues where we could agree and could not agree, that took place.

And I want to -- this was not a partisan bill; I want to be clear. Suggestions were made. Suggestions were accepted, not all, but you don't get all. We did the best we could to try to get together. And for a large part of this bill, there's a lot of things that are very, very good in this bill. There are things that are gonna make a big difference.

I think having transparency is great. I think the Inspector General is good. I'm gonna get to that a little bit later. I think behavioral mental health is an excellent thing to do. And I agree with Senator McCrory, you can train and train, but if the culture and the foundation doesn't change on how we think of people, training is not gonna get it all done. And I like the fact that we're doing the review of all deadly forces. Somebody's held in custody and they pass, we should find out why. I was remarked that that wasn't done to the scale that it was done. So, there are some really, really good things in this bill, things we should go forward with.

On the Inspector General, I have to remark, that under 3-125 of the Connecticut General Statutes, each leader of the House and the Senate is entitled to ask our lawyer, in this case, the Attorney General, for a legal opinion, that's what it says. A question of law. And the question I asked was, was the provision on how we appoint the Inspector General violative of the constitution as the section talks about how and who is entitled to make that appointed by the constitution. It's a question of law.

When the Attorney General writes, I have reservations about providing a formal opinion on an emergency certification that is about to be debated, that's like me telling a client who says, Len, is this contract good? I can't tell you until you sign it. No, you're my lawyer. I want to know whether that contract is good. And to the AG, you're my lawyer. My caucus would like to know before they vote whether or not they're voting for a bill that has a constitutional issue. Why should we not ask our lawyer that? That's what we're entitled to do. And oh, by the way, he has no authority in that statute to say, I'm gonna pass. He has to answer the question.

Now, look, I gave it to him on Friday. I know that the vote was coming on Tuesday. When they were looking at the issue of whether or not they could do the EO order on doing the voting for the primary, I know they worked the weekend on those issues. He could have looked at this issue. It's an important issue. Maybe hold off on one or two press releases, while you're looking at this issue, instead of going over here and going over there. He's our lawyer. But we didn't get the answer. We got a sort of answer, I should say, off the top of his head answer, but that wasn't a legal opinion. And I don't believe that was the right thing to do to me or my caucus.

In talking about the bill there are good things. So, why do I personally have a problem with the bill? The arguments that have said today by various Senators are compelling, emotional and I do get that. And I believe, you're absolutely right, a bad police officer needs to be taken to task, no problem. Civilly and criminally, and criminally is

already taken care of in most cases with the IG, and et cetera, that will be stepped up and scrutinized. We got that one, civilly. So, real life, so let's talk about the 1983, which exists. So, the 1983 that's out there -- when I say 1983, for those who don't know, you bring a civil action. In the federal code it's called the Section 1983 Civil Action. You can bring an action in there. And the first thing you have to do is have a constitutional harm, which is clearly demonstrated by case law. And then you're -- if you're fine to have had a -- you can attack that and if you lose you can take an appeal on that before it goes to judgment. That's a safety valve. It's a safety valve that they put in for public policy defends it. And the reason for this is to stop frivolous lawsuits. that's why they had this federal, I'll put them, bumps in the road.

The next bump in the road on the federal is the fact that if you bring a lawsuit and it is deemed frivolous, you lose either summary judgment or at the end of the case you lose, you could be subject to a Rule 11. Rule 11 is a federal motion for which the judge himself can inspire or the counsel on the other side can bring, looking for damages, saying, you had no reason to bring that case, there's no merit. That is speed bump number two.

And the speed bump number three, in the 1983 federal action, is if you bring an action and you lose, you have to pay the attorney's fees to, in that case, would be the police officer.

So, there are several bumps. In the bill that's here today, and one could argue, and I hear Senator Winfield arguing this that that goes too far. That protects bad officers too much and it's unfair

because they don't get past summary judgment. And then if you get past summary judgment, you had these other hurdles and that's an impediment. I can't discount that argument. I can't throw it all out. I think there's some merit to that.

So, the bill that's in front of us does the following, it says, based upon good faith, if the person was acting in good faith, the police officer, that's a defense. We all know, and Senator Winfield even said it, you are not gonna get that case tossed out by a summary judgment. You're just not. So, it's gonna go to a full trial, to a jury trial. As a lawyer who practices, we got to still put this -- and I think Senator Bizzarro said this, but we have to put this in real-life terms. So, what happen is, somebody would, no matter what the facts are, can bring an action for Civil Rights under this bill and bring a claim against the town and against the police officer.

The case is brought, once you realize you can't get summary judgment, that case is going to settle, period. And when you're a lawyer and you have one year, like Senator Bradley said to sue for statute of limitations, you are automatically gonna sue the town and you're gonna sue any officer who's involved in the case, either as a bystander, as an actor, standing across the street, every one of them is gonna get sued. Why? Because if you don't, and you are a year past -- the time period is gone, you sued the town and not the officer, but then you find, you know what, the officer may not be a good guy after all when you look at the records, you've blown the statute of limitations.

So, the rule as a lawyer is you sue everybody, and you've heard the jokes. You sue everybody and then you start letting people go. So, good cops are going to be sued, no doubt about it. Good cops are gonna be sued. If there are three cops, one cop has nothing to do with it, he is being sued or she is being sued. And the case will settle for nominal money for that good officer who probably didn't do anything because the insurance company, the plaintiff's gonna say, you know, I'm still looking on your guy. He may have some liability and the defense counsel's gonna say, oh, that's garbage, you don't have anything. All right. Nuisance value, here's X. And that good officer's gonna get out of the case. But is that the end of the story? No.

That lawsuits in that good officer's record. It's not the end of the story. What's gonna happen, a lot of these cases are never going to trial for the reason Senator Bizzarro said, they're gonna get settled. And they're gonna be paid for by the insurance company and I'm not talking about death cases, but the other root cases will be paid for by the insurance company and not out of the bad cop pocket.

I'll give you an example of why that is true. If you have an automobile policy and you drive drunk and you get into a car accident and you get sued, technically under that policy, the insurance company must defend you. But if you're found to be drunk, they don't have to pay the claim. If you're recklessly driving and that's why lawyers are very careful how they do their complaints because if you're recklessly driving, that is out of the insurance policy. They don't have to pay the claim. They go all the way to judgment, say it's reckless.

You're on your own, you pay the claim. I did the defense work, but that's it, you're off. That's real life in lawyer world. So, what's gonna happen? They're gonna bring these claims. They're gonna go through it. There's gonna be a defense and at the end of the day, just like DUI, just like reckless, the insurance company is gonna pay. And the bad cop will have in his record just like the good cop, that it was settled. But at the end of the day, there's no reckoning.

Somewhere between 1983, which the good Chairman of Judiciary says is too tough and this, which isn't gonna go after the bad actor, there is a way to get what you need to do, I believe. And I think we can come to that conclusion; that is, come to that bill that makes that make sense.

If we had more time and we didn't have Covid and we were able to talk. But where it stands now, my concern is we are not getting there.

Number two, the decertification. I am not convinced, and by the way, I asked the AG this question in a letter a couple of weeks ago, and I didn't really get an answer. I think collective bargaining would prohibit -- would have the right of the unions to say, if you are going to POST and decertify me, that affects my employment, that's a union issue, it's a right of employment, we have a right to have an argument on that. It has to go to arbitration. I guarantee this, that this bill goes through you'll see that litigation, not a doubt in my mind. And by the way, I did decide to ask SEIU, Dan Livingston his opinion, and I got back, I'm not your lawyer, why are you asking me from him. I didn't get back a yes or no. I got back sort of;

I'm not telling you. I asked some other union and their answer was, we're gonna go talk to our lobbyist. What does that tell you? They don't agree that this decertification is gonna end up with a cop being out.

The other problem I have with this bill is the corrections. Now, I'm not gonna repeat everything that was said about corrections officers and keeping control and I get that. But I did notice there is no personal economic loss to a corrections officer as there is to a municipal or state police officer. There is none. They're in here, you can sue the municipal officer. You cannot sue personally the correction officer. And I would argue that the correctional officer is in a better position and more frequently can deprive people of their rights, we've seen it, right? We've seen it.

All the medical malpractice cases that happened up at the prison that I'm still trying to get the report from the State of Connecticut on, all those cases where somebody had a rash and it turned out to be skin cancer and the prisoner died from it. Denying that health and that care, you cannot sue personally. Why is there that difference? Could it be the power in this building?

Logically, it doesn't follow. We've got a correctional officer who must intervene, we've got a municipal police officer who must intervene. We got a correctional officer who is off duty and sees it, he must write a report, we got a municipal that has to do it. But liability, for money, now, not so fast. There should be parity across the board or no -- or don't have it. Don't pick and choose.

Madam President, I am gonna wrap up because everybody's really tired. There are parts of this bill that go in effect October 1st. And the parts of this that go in effect July 1st and we all know why July 1st was picked, it's not a secret in this building, it's the only way the House would pass it.

The only way the House could pass it is to say, we're gonna make it July 1st, so those of you who are upset with that qualified immunity have no fear, we will look at it in January. That's how you get votes in this building on bills that really have problems. You put policy aside and you manipulate the language until you get enough votes and you say, there it is, it's out the door. And that's what they did with July 1st. Everybody in this building knows it. I think it should be said. But everybody in this building knows it.

But the other parts are gonna be October 1st. Now, I'm -- totally may come in in September. I have no idea. But I sure hope if we do that these parts get looked at because they're gonna have detrimental affect on the issues.

You know, Madam President, I was gonna go through a series of hypotheticals, but given the time, and put some -- I saw something out there that bothered me about myth/fact that I saw floating around, trying to justify the bill. And in my mind, the myths were created by somebody wanting to get a fact pattern that would support their view of supporting the bill, but based upon time, I'm not gonna -- I'm not gonna go through that.

I'll end up by saying this, this issue of racism is real, and we have to deal with it. No doubt about

it. And we have to deal at it -- at -- we have to deal with it at many levels because it touches a lot of lives at a lot of different levels. I put out an urban agenda so many years ago that could never move in this building. Never move in this building. Community empowerment would be one provision. One that actually moved was put in a bill when we were 18:18, and as soon as the numbers flip, was purposely taken out of the budget for \$8-million bucks, which is a phantom \$8-million bucks as sort of, hey, that's to you Len. Insulting as it was, I didn't say a word. It would have helped cities. You want to hurt the cities, it's not up to me, it's up to you.

But there are ideas that we can go forward on. I've always said it and I'll say it again, the strength of our state depends upon the strength of our cities. The strength -- this part I will add, the strength of our cities depends upon how we treat the people in our cities. We have to get real on it. We've got to have deep conversations. And we've got to be honest with each other and straight forward and not let the noise of cowards on Facebook dictate how we feel and the way we act. But to do it as we've always done it in this building, together, strong, defiant and move the state forward. We can do this. We should do it.

I'm not gonna be around next session to do it. But I'll be writing to you about doing it, that's for darn sure.

So, with that, I do want to thank everyone who worked hard on it. I really wanted to support it. I really did. But I think by supporting it, it's sending the wrong message. So, I cannot support it.

That doesn't mean that the speeches I heard -- I heard today, I don't take to heart because you know I do. Gary and I have worked on body cameras four years ago, whenever it was, when the bill was dead, we had a conversation. Let's put it -- and we wanted to mandate it on all the towns, but we knew we couldn't get that bill across, so we took what we could take. So, we have worked on a number of bills together and I'm proud of those bills we do. But we have to do more. You have to do more next session. I don't mean September, January.

Thank you so much. Thank you, Madam President.
Thank you all for your hard work.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further on the bill that is before the Chamber? Senator Looney, good morning, sir.

SENATOR LOONEY (11TH):

Good morning, Madam President. Speaking in summation in support of the bill. First of all, I would like to second the -- the thanks that have been offered to all who have worked so hard and a list of people that Senator Duff, our wonderful Majority Leader mentioned, Senator Fasano mentioned, and add to that Senator Duff himself who has done a great job as a point person on so many of these issues as Majority Leader. Senator Fasano, my friend and colleague, we have worked together on so many good causes over the -- over the years and his scholarly contributions to this debate, I think, really help provide focus and practicality to it.

Also, to the Speaker and the Majority Leader who I think certainly rose to the occasion in that marathon that they had last Thursday night into Friday morning. But especially, this morning, I would like to thank Senator Winfield in particular for his -- his moral fervor and his moral passion and also his steady endurance on working on this bill, not just during this pandemic summer, but really it has been his cause since he was first elected to the General Assembly in 2006 and actually years before that in private life.

The bill, Madam President, is necessary because it addresses urgently needed transparency issues, issues of professionalism, issues of accountability, and issues of public confidence. And I wanted to just briefly review some of the sections of the bill in summary because so many of them, I think, are far more far reaching and significant than the one issue of the qualified immunity that has been -- that has been the focus of -- of so much debate. For instance, requiring POST in consultation with DSPE, to develop and implement written policies requiring periodic behavioral health assessments and then requiring those be held every five years.

The requirement of POST, also in consultation with DSPE to develop a crowd control policy. As we acknowledge, we've seen in the last couple of months in demonstrations, some police departments in this state are much better at managing crowd control than others. There are some who are very skilled at keeping those demonstrations in bounds and avoiding the kind of nasty confrontations that sometimes happen. Other communities seem to be at a complete loss about what to do when a number of people gather on their green or in front of their townhall or in

front of their police station. So, that is certainly essential for the future.

The section that requires all police to receive implicit bias training, that is just so essential, so essential for reasons that I'll go into more in - - in a couple of minutes. POST annual reporting requirements are gonna be updated to put a greater focus on minority recruitment retention and promotion. As well all know, that is so crucial when we have so many communities that are majority/minority, served by police departments in some cases that are overwhelmingly white and there are problems that -- that are inherent in that.

The authorization of the towns by ordinance to create the civilian police review boards is something that has been an issue in many communities for a number of years and granting subpoena power to those boards. The requirement of -- of DESPP be that each municipal police department within six months conduct and evaluation on the utilization of social workers as perhaps first responders and certain circumstances. Mayor Bronin in Hartford has already announced looking into a plan to in some cases have social workers respond first to instances that look like there may be problems relating to family circumstances or -- or mental health. Mayor Elicker in New Haven is doing something similar.

The -- the issue of dashboard cameras and also the body cameras addressed in this bill having been made mandatory. Our first initiative on this was back in 2015, providing bonding funds for those municipalities that were interested in having body cameras. Now, there will be additional grants through OPM for distressed municipalities, up to 50

percent of the cost of purchase and for others up to 30 percent of the cost of purchase. The changes on clarification of -- of search, of pretext searches and the circumstances around those. The use of deadly force, of course, is -- is absolutely important. One of the problems with our previous standard is that we would look only at the few seconds before the officer engaged in deadly force and not the broader context of what happened to lead to that moment when he may have fired his weapon or caused the death of the suspect in some other way.

Part of the problem is that there is usually an incident that goes -- that lasts more than a few seconds. So, for instance, perhaps there was something that the officer himself did to precipitate the incident that -- that caused a reaction by the suspect to make him more unruly. And that, in turn, escalates into the officer, ultimately using deadly force. That is something we will now examine in a broader context in making that determination.

So, for the force to be reasonable, the bill requires consideration of whether the suspect had or appeared to have a deadly weapon, whether the officer could have otherwise deescalated the situation and whether the officer did something leading up to using deadly force that increased a necessity to use such force. We all have seen those tragic incidents where the officer fires into the windshield of a car that's speeding toward him and often kills the driver of the car and the argument is that was necessary because the car was speeding toward him.

But what happened in the few seconds before that? Did the officer step into the path of that car as it was speeding down the street? Was there another way that he could have avoided that instant of deadly confrontation? So, these are -- this is, I think, addressed in a more exacting standard that is now contained in this bill. The duty to intervene has been discussed as well, the duty on fellow officers.

Then, of course, creating the newly established Office of the Inspector General, which I think inspires public confidence. I think people wanted to see a new way for these cases to be -- to be investigated. We already had made a change a few years ago, where we removed from the judicial district, where the incident occurred, the investigation, and required the Chief States Attorney, through -- assigned through a different judicial district. This goes even further. I believe that -- that the structure of this is -- is constitutional because obviously there is a key role in it for the Criminal Justice Commission which, of course, appoints prosecutors permanently and will have the role of nominating someone to the General Assembly for this position.

Also, we will have the requirement that the Chief Medical Examiner is required to investigate certain deaths and added to that list now are deaths by in - - in police or in Department of Corrections custody. In terms of -- of qualified immunity, again, that has been much debated, but it's important to remember that the officer will retain qualified immunity in any circumstance where he had an objectively good faith belief that his conduct did not violate the law. This is actually more protection for the officer than was in the previous

draft of the bill. And unless the officer's actions were malicious, wanton, or willful, the law enforcement unit or town will be liable for the officer's actions. Of course, the -- the town will pay -- will pay, and then would be seeking reimbursement for the officer after that. But that standard of willfulness, wantonness and malicious conduct is a very demanding standard. So, that I don't think we're gonna see a -- a rash of judgments because the conduct really has to be egregious by the officer to -- to meet that standard of conduct that is malicious, wanton, or willful. Obviously, conduct when the officer can demonstrate good faith, there will be no breaching of qualified immunity at all.

Another important element of that section of the bill is granting the possibility of equitable relief. That is giving the Superior Court an opportunity to fashion a broad-based relief. Equitable relief means seeking justice to do the right thing. What this will mean, I think, is that in some cases, our state judges will be able to do what federal judges have done in other context about looking at the entire culture and history and practice of an entire police department, as was done in East Haven a number of years ago after a number of egregious incidents there that resulted in the conviction and imprisonment of a number of officers and a restructuring of that department.

I think, equitable relief will now allow our state judges to go in that direction as well, when the case justifies it.

So, there are so, so many valuable measures in this bill. And -- and why -- why are they necessary?

Why are they necessary that we do it now? And it's necessary, I believe, Madam President because there is a larger issue here. A larger issue that's been addressed by Senator Winfield and Senator Moore and Senator McCrory and others. And it has to do with the endemic racism in our culture that's too often manifested in encounters between black people and police.

This has been something that Senator Moore and Senator McCrory and Senator Winfield spoke about so -- so tellingly. It is, I think, heartbreaking to hear of the stories, as they mentioned, of the talk that black parents have to have with their teenagers, especially their teenage sons about how to survive the encounter, as Senator McCrory said. That's an awful thing to have to deal with. It's not something I thought of or ever thought -- and I didn't have to do when my son began to drive, 25 years ago. It's not something that he had to think of recently when my grandson got his driver's license just recently. But it's something that every black parent does have to think about. And that points out to the divide in our society that -- that needs to be addressed.

And that issue is connected to the -- the radical segregation in our state. In our -- in our state and our society, these problems are exacerbated by the starkness of the contrast in our small physical distances in our state between communities that are so radically different, where you have majority/minority communities right next door to communities that are 95 percent or more white.

The issue here as we know, is our housing practices, our zoning practices, our lack of affordable

housing. Someone would say, well, it's not -- it's not racist because, you know, anybody who can afford to -- to build a million-dollar house on a three-acre lot, they're welcome. But it just so happens that that is a racially exclusive standard.

So, in many cases, also, we have largely white male officers serving in communities with substantial minority population, sometimes majority minority populations. Many of those white male officers grew up in those small segregated rural and suburban communities and continue to live there. So, if -- can some units of cultural sensitivity in the police academy overcome perhaps 25 or more years of experience growing up in racial isolation without experiencing diversity, without ever happening to even know a black person or a Latino person in a social context, is that person gonna be able to comfortably be on the street now dealing with a population that he's never encountered in other aspect of his life? Perhaps some will be able to do that successfully. Perhaps they'll get a breakthrough epiphany, while in the police academy, and figure out something and maybe a veil over their eyes will be lifted, but I don't think we can count on that happening all that often. That -- but we all know that most officers, as we said earlier, do want to protect and serve. And they do become police for the right reasons. But there are always a few and it's those few that cause the societal convulsion that we have experienced. And -- and these few are drawn to police work for the wrong reasons. They are attracted by the badge and the gun and they see that as a license to bully and a license to harass and a license to intimidate. And that is something that casts appall over our society as -- as a whole. And it is something that

permeates everything that's been talked about tonight. And -- and I think has to be recognized and is the fundamental reason why this bill is necessary and it's necessary now in the summer of 2020 and what we are seeing now.

And I'd like to mention an experience of my own that brought this to light for me. As -- when I was about 17 years old, growing up in the Fair Haven section of New Haven, which in the area I lived was overwhelmingly white at the time, it's now largely a Latino area. At that time there was a substantial majority of Italian Americans and then a minority of Irish Americans, Polish Americans, German Americans, and some others, but the minority population was probably less than 5 percent. And there was at that time, however, a storefront, a black Pentecostal church that rented an old warehouse or garage building on Poplar Street in New Haven, which was around the corner from Grand Avenue, that major thoroughfare in Fair Haven.

And on that corner of Grand and Poplar, on the Grand Avenue side, there was a drugstore with a soda fountain that was a hangout for the local teenagers. None of us had cars at the time, so we'd walk up there on summer evenings, hang out for a while. So, one night my best friend and I walked up there and had some ice cream. And as we were walking home, all of a sudden when we were on Blatchley Avenue, approaching Exchange Street, a large black car pulled up on a driveway just in front of us and blocked our path. And an elderly black minister got out of the car and said, you two boys just firebombed my church. And you were seen leaving the scene and I know it's you and I've already called the police. Don't try to deny it. And he said, one

of -- one of my congregants saw these two kids, they were both white, dark-haired teenagers. I had dark hair at the time. One of them was wearing jeans and a shirt with a collar and that pretty much described me. The other was wearing Bermuda shorts and a T-shirt and that described my friend. So, he said, I've already called the police, don't try to run away. I know you did it, you were seen.

And at that point a police cruiser pulled up and a white police sergeant got out of the car, asked what's going on here? And the minister turned to him and said, I demand that you arrest these two boys. They firebombed my church. And they were seen, and they got their description and I demand that you arrest them right now. Without acknowledging anything that the minister had said, the officer turned to us and said, well, what do you say? And we said, we did nothing of the kind. We were just walking up to the -- the drugstore on Grand Avenue. We never were on Poplar Street at all. And the -- the minister kept saying, I demand that you arrest them. I demand -- I demand that you arrest them. They firebombed my church.

The sergeant turned to the minister at this point and said, you shut up. Don't interrupt me. I'm in control here. And if you keep interrupting me, I'm going to arrest you for interfering and for breach of peace. So, then he talked to the two of us again, asked us our names, and didn't ask us for any ID, just our names, our addresses, our telephone numbers. We were at the corner of Exchange and Blatchley. There was a man, a Mr. MacNamara, who was sitting on his porch, saw the whole thing and heard the whole thing. He got up and he said, you know, sergeant, I can vouch for these two young men.

They're both active as volunteers at St. Rose church. They're both alter boys there. I know they would never do any such thing.

So, when the -- at that point then, when the officer had taken our information, the minister said again, well, what are you gonna do? I demand that you arrest them. They're clearly -- they have firebombed my church and they -- reported that they have -- they fired M80s and rockets and other fireworks into our church as services were -- were going on, putting people at risk.

And at that point, the -- the sergeant just said, I warned you before not to interrupt me, not to speak unless I ask you a question. And if you say one more word, you're the one that's gonna be handcuffed and gonna be taken downtown in this police car.

And at that point, the minister got back into the car. My friend and I walked away. We went home terribly shaken by the experience, as you might imagine, not knowing what to do or say. But at that -- within about an hour later, I got a call that probably gave me the greatest relief I've ever had in my life that my friend's father had called the police department. He had made a contact there and was told that the same two kids had come back to the church and done it again, probably at the very same time that -- that we were being stopped. And this time they were caught by a couple of members of the congregation and were held for the police.

And again, one of them had jeans and a -- and a collared shirt and the other had Bermuda shorts and a T-shirt. And the -- the officer who my friend's father spoke with said, you know, the boys are in

the clear. Don't worry about it and have a good night. But I knew on that night that the fact that I was white and the fact that my friend was white made all the difference in the world as to how that encounter went down, how we were treated, and how the clergyman was treated. And we instantly knew and we still talk about it now, over 50 years later, that if two young black teenagers had thrown fireworks into the vestibule of St. Rose church in Fair Haven or St. Francis church, the two Catholic parishes that were attended by the large population of the community at that time, and if somebody had reported a description of two black teenagers, and if one of the Catholic priests who were assigned to St. Francis or St. Rose had got in his car and drove around and spotted two black teenagers walking down Blatchley Avenue, everything would have been very different.

I am absolutely certain that the police sergeant would have been respectful of that white Catholic priest. He would not have been treated the way the black minister was treated. And I'm also sure that we would have been arrested and taken downtown and especially since there was a description that did, in fact, reflect what we were wearing. And God knows what would have happened there, but clearly it would have been a much more painful and distressing experience than it turned out to be and it was bad enough as it was. We were so shaken.

So, that encounter that night has really -- has been in the back of my mind ever since over the 35 years as an attorney, whenever I represented a -- a black client who is a defendant in a criminal case, wondering what the actual circumstances were at the time of his arrest and what the -- what the

attitudes of the officers were, what the presumptions of the officers were, what the hidden or overt prejudices of the officers may have been.

So, Madam President, I think that that, plus all of the things that have been said tonight, the content of this bill as it responds to what I think is a cultural crisis right now, means that we need to vote for this bill tonight and to pass it in concurrence with the House and send it to the Governor as a message to the people of Connecticut that we intend to be more aware, more on guard, more sensitive and committed to a better future.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Will you remark further? Will you remark further? If not, Mr. Clerk, would you kindly call the vote. The machine will be opened.

CLERK:

Immediate roll call vote has been ordered in -- in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill 6004.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked. Mr. Clerk, please announce the tally.

CLERK:

House Bill 6004.

Total number voting	36
Those voting Yea	21
Those voting Nay	15
Absent and not voting	0

(Gavel)

THE CHAIR:

The measure is adopted.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move for immediate transmittal to the Governor, please.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. At this point I will yield any announcements or points of personal privilege.

Madam President.

THE CHAIR:

We are adjourned. (Gavel)

Oh, I do apologize. We're all tired. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move that we adjourn
Sine Die.

THE CHAIR:

And we are adjourned Sine Die.

(On motion of Senator Duff of the 25th, the Senate
at 3:58 a.m. adjourned Sine Die.)