

Judiciary Committee

JOINT FAVORABLE REPORT

Bill No.: SB-1093

AN ACT CONCERNING CIVILIAN POLICE REVIEW BOARDS, SECURITY GUARDS, BODY-WORN RECORDING EQUIPMENT AND SEARCHES BY

Title: POLICE.

Vote Date: 4/6/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/31/2021

File No.: 593

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

The Judiciary Committee

Rep. Craig C. Fishbein, 90th Dist.

Rep. Tammy Nuccio, 53rd Dist.

Rep. Greg S. Howard, 43rd Dist.

Rep. David T. Wilson, 66th Dist.

REASONS FOR BILL:

This bill proposes several changes to the general statutes regarding law enforcement. This bill provides explicit language for the objection to and enforcement of a subpoena issued by a civilian police review board and modifies the provision concerning viewing by a police officer and his or her representative of the body-worn recording equipment or dashboard camera footage. This bill also bans police officers decertified in other states from being licensed as a security guard, bans no-knock search warrants, modifies police search statutes, and allows the court to draw adverse or unfavorable inferences in the case of a police officer's deliberate failure to record an incident of use of force.

SUBSTITUTE LANGUAGE

The substitute language removed lines 17-28. This section pertained to motions to quash subpoenas issued by civilian boards of review. The original language of the bill prescribed a specific standard when judges reviewed these subpoenas. The substitute language now directs the Superior Court to adjudicate these objections according to the rules of the court. The Judiciary Committee received feedback during the public hearing on this bill that the original language was too restrictive.

RESPONSE FROM ADMINISTRATION/AGENCY:

Connecticut Judicial Branch, External Affairs Division; The Branch take no position on the bill and provided written testimony. Their testimony requests that the effective date for Section 1 be pushed back to January 1, 2022. They testified that granting this request would give them time to complete the technological changes necessitated by the new processes proposed in the bill.

NATURE AND SOURCES OF SUPPORT:

Connecticut Commission on Human Rights and Opportunities provided written testimony in support of this bill. In their testimony, they noted their support for the provisions in the bill regarding civilian review boards, the short time period requirement for police to disclose body camera recordings, and the prohibition of no-knock warrants.

Christopher L. Dukes provided written and public hearing testimony in support of this bill. Mr. Dukes expressed support for provisions 1 and 5. He also noted his support for giving full subpoena authority to citizen review boards. To demonstrate the importance of these proposed changes, Mr. Dukes provides a detailed account of his interactions with the legal system.

Enfield Police Department, Chief of Police, Alaric J. Fox provided written and public hearing testimony in support of specific provisions contained in this bill. In his testimony, Chief Fox voiced his support for Sections 6 and 7, which pertain to consent searches. He notes that consent searches were effectively eliminated last legislative session. Chief Fox supports the return of the consent search warrant exception, noting that this language includes new built-in safeguards. He emphasized that the requirement of body and car cameras will provide judicial officials with a real-time record, ensuring that searches conducted in an appropriate manner consistent with the law. Chief Fox expressed his belief that the proposed language reaches an improved balance between individual liberty and the protection and safety of communities.

Law Enforcement Instructor and Attorney, Elliot Spector provided written testimony in support of this bill. In particular, he voiced his support for the portions of the bill about consent searches. Mr. Spector expressed his view that the law, as it is currently, is in clear conflict with legal precedent. He emphasized that this compromise legislation in the proposed act is closer to existing law around the country.

Olivia Rinkes; provided public hearing testimony in support of this bill. She expressed her support for the ban on no-knock warrants and the search consent language. She suggested that lines 6-8 in subdivision (3) of subsection (a) of section 1 regarding the appointment vs. election of board members of civilian review boards should be changed to elections only by community members.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Conference of Municipalities provided written testimony in opposition to this bill. In their testimony, they voiced support for the provision related to civilian review boards. Their testimony also detailed concerns with Section 9 of the bill, which proposes creating an adverse inference should an officer fail to turn on their body camera. They emphasized that this language would expose greater liability to police officers, departments, and municipalities.

ACLU-CT, Interim Senior Policy Counsel, Kelly McConney Moore provided written testimony in opposition to this bill. In her testimony, Ms. Moore detailed the concerns with the bill's provisions related to consent searches, body-worn camera footage review and disclosure, and negative inference from deliberate failure to record. She expressed her belief that the bill rolls back too many accountability provisions and reintroduces opportunities for police searches restricted only a few months ago. Ms. Moore noted their organization's support for ending no-knock warrants and suggested the committee take up Section 8 of the bill separately. She urged the committee to oppose the bill.

Connecticut Criminal Defense Lawyers Association, President, Frank J. Riccio II provided written testimony in opposition to Sections 6 and 7 of this bill. In their testimony, they detail their concerns with the proposed changes regarding consent to search. They stressed that this bill ignores how race affects the interactions related to consent and guts necessary protections. They urged the committee to allow the recently enacted provisions in the Police Accountability bill to remain in place for a long enough period to meaningfully weigh their effectiveness before proposing changes to address any perceived problems.

Attorney, Stephen McEleney provided public hearing testimony about this bill. He noted his concern about some of the language in the bill in Section 1. Mr. McEleney expressed his belief that the language in this bill was restrictive regarding when judges can quash a subpoena issued by a civilian review board. He also expressed concern over the process within Section 2 regarding body-worn cameras.

Reported by: Peter B. Andrews

Date: 4/22/2021