

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-1062

AN ACT CONCERNING THE PROVISION OF EMERGENCY MEDICAL SERVICES TO AN INDIVIDUAL WHO IS IN DIRECT CONTACT WITH OR IN

**Title:** THE CUSTODY OR CONTROL OF A PEACE OFFICER.

**Vote Date:** 3/28/2023

**Vote Action:** Joint Favorable

**PH Date:** 3/22/2023

**File No.:**

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## **SPONSORS OF BILL:**

Judiciary Committee

## **REASONS FOR BILL:**

There are no clear medical protections under state or federal law for individuals under the control of police officers. There is no statutory recognition of a person's right to request medical care prior to arrest and no statutory requirement that a police officer is required to request medical care for a person in medical crisis, prior to custodial arrest. Across the country, we continue to hear reports of fatal situations during police encounters, where the detainee is stating that he can't breathe or that they are having a mental health episode. This legislation will clearly establish an individual's right to medical care while under the control of law enforcement.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

None expressed.

## **NATURE AND SOURCES OF SUPPORT:**

**Jennifer Root, Director, Justice for Juston Root:** She testified in support of the bill because she believes it could save lives and could have saved her brother. Her brother suffered from schizoaffective disorder and could have delusions, paranoia, and mania if he was having medication issues. On the day of his death, her brother approached a security guard at a Massachusetts hospital, and he called the police. The security guard later recanted that something was "off" with Ms. Root's brother. Had this bill been in statute, Jennifer believes the security guard would have been required to call for medical assistance

and her brother could still be alive today. Her brother was shot to death by police seven minutes after his conversation with the security guard.

**Selwyn Jones, Co-Founder, Hope929:** Mr. Jones is the uncle of George Floyd. He states that he, his family, and countless other families across the country have experienced the tragic loss of loved ones during police encounters. He believes that passage of this bill will save thousands of lives and prevent future tragedies.

**Dr. Malcom Rogers, Retired Physician, Medical Civil Rights Committee:** Dr. Rogers is a physician specializing in psychiatry. He states that one quarter of all individuals killed in encounters with police have a serious mental disorder. He believes that it is vital for trained medical personnel to be allowed to evaluate the condition of the detainees. He thinks this bill has the potential to save lives.

**Connecticut State Medical Society:** They testified in support of this bill because healthcare is a right for all individuals in any situation. They believe this bill clarifies a legal gap regarding access rights to medical services. Laws are already established to provide basic medical care for incarcerated persons. This legislation would clearly establish a right to medical services when under the control of law enforcement and ensure that the medical evaluation is prompt and provided by trained emergency personnel.

**Senator Martin Looney, Connecticut General Assembly:** Senator Looney states that this issue was brought to his attention by the Medical Civil Rights Initiative, a group organized by physicians and others at the Massachusetts General Hospital and Brigham and Women's Hospital. He believes this bill addresses a civil rights issue and will ensure that medical needs are met by appropriately trained medical staff.

**Deborah Dluhy, Ph.D., Director of Planning and Development, Medical Civil Rights Initiative:** Dr. Dluhy's late husband and daughter co-founded the Medical Civil Rights Initiative after identifying a statutory gap that leaves individuals in contact with peace officers, prior to custodial arrest, without a right to medical care. She states that this bill will create protections for persons during police interaction and ensures equitable access to care during medical emergencies.

**Henry Dorkin, MD, FAAP, Past President Massachusetts Medical Society:** Dr. Dorkin believes passage of this bill will save lives and money. He states that police officers should not be put in a position to provide medical intervention and triage. He believes that taking the police officers out of the medical scenario, where they are untrained, will prevent poor outcomes of police encounters and could advance a renewed trust in policing.

**Julie Ingelfingert, M.D., Harvard Medical, Massachusetts General Hospital for Children, Deputy Editor, New England Journal of Medicine:** She testified in support of the bill because, in over 50 years as a practicing physician, she has witnessed more than one unfortunate outcome when a person experienced deterioration of a health condition while interacting with police. She believes it is crucial that a person experiencing a medical emergency, or who becomes unstable during a police encounter, be afforded appropriate medical care.

**Dr. Julian Seifer, Harvard Medical School, Brigham and Women's Hospital:** He testified in support of this bill, stating that it would create a statutory protection of a basic human right: the right of access to health care. If passed, "peace officers would no longer assume sole responsibility for a person's medical welfare". He believes passage of this bill could provide for avoidance of volatile situations that result in harm or death, and which divide our communities.

**Jess Zaccagnino, Policy Counsel, ACLU-CT:** She testified in support, stating that there are countless examples of people who were killed or injured because police officers failed to provide emergency medical treatment. The ACLU-CT supports this bill, "as a beginning step towards police accountability by prohibiting the police from depriving a person of emergency medical care while in their custody or control".

**Dr. Ronald Arky, Professor of Medicine, Harvard Medical School, Physician at Brigham and Women's Hospital:** He testified in support of the bill, stating that in over 60 years of practice, he has observed, "multiple occasions when delayed medical care for individual in custody resulted in permanent disability, impairment and even death". He hopes that passage of this bill will prevent future catastrophes resulting from delayed care.

**Corrie Betts, President, Greater Hartford Branch of NAACP:** She testified in support, stating the bill is "crucial to protecting the health and well-being of individuals who may be vulnerable in police custody or control". She believes passage of this bill promotes public safety and ensures that people will receive the medical attention needed.

**Benedict Daigle, Public Defender, Office of Chief Public Defender:** The Office of Chief Public Defender supports passage of this legislation. He testified that their office, "supports the continued expansion of partnerships among peace officers and others to ensure that the needs of individuals in such direct contact with peace officers are met effectively, with appropriate care by those trained to provide it".

**Leonore Dluhy, Co-Founder and Director, Medical Civil Rights Initiative:** She testified in support of this bill because there are no clear medical protections under state or federal law for individuals under the control of police officers. She also states that there is no statutory requirement that a police officer should request medical care for a person in a medical crisis prior to custodial arrest. She adds that constitutional protections for those in custody are weak and poorly defined from a medical perspective. She believes this bill will save lives, prevent poor medical outcomes, and reduce the number of lawsuits. She hopes that these things will lead to a renewed trust between communities and law enforcement.

**Kathy Flaherty, Executive Director, Connecticut Legal Rights Project:** She supports the bill defining it as a "medical civil rights" bill. She states that the bill, "creates a new mandatory statutory right for the provision of emergency medical services to an individual who experiences an emergent medical condition or is medically unstable while in custody or control of a peace officer". She urges its passage.

**Dinetta Robinson Scott:** She testified in support of the bill. She stated that her son, Sergeant James Brown, died after a long medical crisis while in custody of a Sheriff's department. She stated that he begged for medical care for over an hour but was denied by

staff. She doesn't want another family to suffer this kind of loss. She states that passage of this bill will bring justice to her family and countless others.

**Stephen Wright, Adjunct Faculty BU College Behind Bars program, Medical Civil Rights Initiative:**

He testified in support of this bill, stating that he has cared for inmates for many years and has become, "very concerned with lack of access to standard basic medical care in circumstances where rapidly developing, advanced, and even life-threatening, medical issues arise", for persons held in custody prior to arraignment or sentencing. He believes that this is a medical civil rights bill and has his strongest support.

**NATURE AND SOURCES OF OPPOSITION:**

None expressed.

**Reported by:** Jennifer Albrecht

**Date:** April 2, 2023