



State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony on
AN ACT CONCERNING POLICE ACCOUNTABILITY (Draft LCO 3471)
Committee on the Judiciary - Listening Session - July 17, 2020

Christine Perra Rapillo, Chief Public Defender

Today, on behalf of the staff of the Division of Public Defender Services and the clients we are honored to represent, I speak in support of greater accountability and fairness in the criminal legal system. It is our hope that this moment of opportunity – *this movement toward opportunity* – will result in changes to policy and practice that will keep *all* communities safer, including by reducing unnecessary system involvement. Progress on police accountability will not be meaningful unless it is inclusive – unless it translates into *every* Connecticut resident being better protected and served. We thank you for considering our input as you craft *meaningful* progress.

In early July, a month after Connecticut Public Defenders joined with counterparts across the nation to publicly reaffirm that Black Lives Matter to Public Defenders, we submitted a letter outlining our support for various changes and noting our ongoing commitment to engaging in justice reform conversations. That letter is enclosed for your reference.

While we are eager to listen to the views of other individuals and organizations, our current reading of the working draft of LCO 3471 is that the provisions would move policy and practice in the right direction, and we are pleased to support it. We also look forward to submitting proposals for the 2021 legislative session to further improve fairness and racial justice.

Insofar as sections 17 and 33 address subpoena powers, we ask that the Committee add protections to ensure that people who are summoned may provide truthful testimony in such contexts without risking exposure to prosecution. Absent such protections, the provisions would undermine the investigative purpose. It is critical that our clients and their families be able to bring forward issues of abuse and brutality without fear that it will impact their defense.

We realize that changing laws may not change hearts. But it *can* save lives. It *can* equip those who would do right with the tools they need. It *can* promote accountability and transparency. And it *must* help our state overcome a past rooted in injustice and move toward a future long, long overdue. Thank you for your consideration.

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Early July Letter

Dear Legislator:

On June 8, 2020, Connecticut Public Defenders rallied to show support for the thousands of peaceful protestors across the nation and to state loudly and clearly that Black Lives Matter to Public Defenders. The leadership and staff of the Division of Public Defender Services are committed to eliminating systemic racism and bias in our criminal justice system. We want to be active partners in statutory and policy change. Agency leadership staff met with the Public Defender Racial Justice and Cultural Competency Committee to brainstorm reform ideas that the Division would support in both a planned Special Session this summer and moving in to the 2021 Legislative Session in January. I am sharing these ideas with you on behalf of our dedicated staff and ask that you consider them as you draft legislation.

Proposals to reform the police departments by increasing community connections and moving reaction to mental health episodes to a social services and public health response model.

- **Reform Policing by focusing on strengthening communities.** Policing should focus on community building as a way to reduce crime and improve quality of life. Regular officer presence in the neighborhoods helps strengthen trust and build mutual respect between the police and the citizens. Municipalities should consider utilizing a corps of unarmed, neighborhood-based officers to develop relationships with community members.
- **Enact legislation mandating the use of body/dashboard camera recordings for all law enforcement during all civilian contacts, including execution of search and seizure warrants and arrest warrants.** Consider sanctions for failure to properly record interactions, including possible exclusion of evidence or testimony based on unrecorded interactions. Legislation should include a mandate for timely disclosure of video to the public and a retention period of at least 5 years.
- **End the culture of silence in law enforcement and empower dedicated officers to bring about change.**
 - Enact legislation to require all police officers to physically intervene when another officer is using excessive force and to file a report, detailing the use and observe use of excessive force. This should include civil and criminal penalties for both failures to act and non-reporting.
 - Enact legislation to enhance criminal penalties for law enforcement who use excessive force or are abusive, including intimidating or threatening fellow officers who report misconduct.
- **Establish a mental health emergency hotline as an alternative to 911 for intervention for mental health crises.** This hotline should be linked to 24-hour emergency mobile interventions from qualified mental health professionals to replace law enforcement as the first responders.

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- **Require ongoing training for law enforcement, including mandatory yearly programs on the following topics:**
 - Racial and cultural biases, with an emphasis on the racial and cultural background of the communities served;
 - Mental health emergency response including dispatcher staff, patrol and supervisory staff and should include training on screening for mental health issues and interventions as an alternative to arrest;
 - De-escalation techniques for both patrol and supervisory law enforcement.

- **Improve the transparency and fairness of investigations of police misconduct and excessive use of force.**
 - Assign all prosecution of police misconduct and excessive use of force to the state's Attorney General's Office. The office of the State's Attorney should not review these cases because of the clear conflict of interest.
 - Require a toxicology screening for all officers when a weapon is discharged or an accused is injured or killed.
 - Develop a statewide database to track officers disciplined for misconduct, excessive use of force or abuse.
 - Enact legislation changing or eliminating qualified immunity for law enforcement officers who are found to engage in excessive use of force or abuse.

My staff and I are prepared to submit proposed language on any of the suggested proposals and stand ready to assist you in your efforts to bring about racial equality in our justice system. The Division of Public Defender Services is excited to be engaged in this process. Our agency plans to submit proposals related to the legal standards for self-defense and use of force, criminal pretrial, and on the bail process in the upcoming legislative session. I am happy to discuss any of these ideas and would also suggest adding the input of Attorney Jassette Henry, chair of our Racial Justice and Cultural Competency Committee, and the members of her committee. They are all experienced members of the public defender community and have important input to give on how the criminal justice system has a disparate impact on our clients of color.

We look forward to working with you to bring about change in our state.

Very truly yours,
Christine Perra Rapillo
Chief Public Defender