



Testimony on Draft LCO #3471 An Act Concerning Police Accountability

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Good afternoon distinguished members of the Judiciary Committee. We are writing in support of **Draft LCO #3471 An Act Concerning Police Accountability**, with changes. I will address three issues in my testimony: municipal-level supersedence, state-level supersedence, and arbitration.

Municipal-level Supersedence:

[Our recent article](#) highlights an issue overlooked by this legislation. **Municipal union contracts cannot legally override state law.** This is addressed in a [recent OLR report](#). Any contract at the municipal level that conflicts with state law is illegally doing so. The ACLU-CT addresses several instances of this in a [recent report](#). These contracts should be renegotiated to remove illegal language and municipal lawyers should be made aware of the fact that supersedence does not apply at the municipal level, for future contract negotiations.

State-level Supersedence:

Yankee Institute is pleased to see sections 8 and 9 on collective bargaining included in this bill. This section takes a very important step in protecting transparency laws in Connecticut. Union contracts should never be able to supersede freedom of information or Record Retention Schedule laws. They also should not be able to override ANY laws. The changes in this bill treat a symptom rather than curing the real issue at hand – supersedence as a whole.

Special interest groups have the ability to override the decisions you make as legislators and eliminate the actions you have taken for this state, exempting themselves from freedom-of-information laws and even overriding state laws designed to protect the public.

Additionally, these contracts frequently exclude mention of the laws they override, making it nearly impossible for the public to understand who must obey the same laws they do, and who is legally exempt. **This is a violation of the spirit of transparency and open government.**

Connecticut is the only state in New England to let special interest groups dictate state law in this way.

This system of contract legislation erodes the rule of law and undermines the very premise of our representative government. It eliminates your ability to serve as an effective legislator and protect equality in our state. It fundamentally privileges one segment of society above all others, by putting a select few above the law. **This unjust and unequal treatment should not stand.**

We can continue to make carve outs when something awful happens (like this bill does), or we can join the rest of the country and ensure that the people we elected are the only ones making law.

We urge you to repeal supersedence completely.

Arbitration:

Sections 1-4 and 15 of this bill address police officer certification and decertification by adding additional circumstances under which police officers can lose their POST certification, making them ineligible for serving as an officer. This makes firing an officer for certain bad activities easier, which is good. This change, however, fails to address the real reason firing police is hard: grievance arbitration.

Arbitration laws in Connecticut can force the state to rehire an employee that was previously fired for heinous crimes. Several police officers in Connecticut municipalities have had their [terminations appealed and overturned](#). **If we want real improvements to our police and public servants, we must reform grievance arbitration in Connecticut.**

The grievance arbitration hearing acts as a quasi-legal hearing in which the employee or union doesn't have to go through the court system, but the arbitrator's decision still carries the force of law. It also keeps the public, the media and lawmakers in the dark regarding employee issues within a state agency, unless the agency tries to fight the arbitration decision in court, or if hearing documents are specifically requested. Fighting grievance decisions in court is rarely successful because the state is bound by decisions made by arbitrators in collective bargaining agreements.

The grievance arbitration process does allow the state and the union to work out contractual problems efficiently without clogging the court system with employee disputes over sick-time or overtime pay, but not all employee disputes and grievances are created equal.

Under collective bargaining agreements, the state must demonstrate "just cause" in terminating an employee. Despite the state's "zero tolerance" policy regarding abuse, the decision of whether or not an employee accused of abuse stays on the job is ultimately left to a single arbitrator.

Connecticut should reform grievance arbitration to limit what can actually be grieved by a union, making it easier to terminate employees who commit certain acts.

When asked about the [case of a police officer](#) who remains on the state's payroll even with multiple sustained findings against him, upcoming court dates for charges related domestic abuse and violating a restraining order, **Brian Foley, Executive Assistant to the Commissioner of the DESPP said, "We certainly could have tried to terminate, but we likely would have lost that case with labor. Getting rid of problem employees is one of the greatest challenges to police chiefs and departments."**

Below is a list of only some of the Connecticut officers reinstated after arbitration:

- Danbury police officer [Daniel Sellner](#) was fired in 2014 after he injured a man in handcuffs by throwing him to the ground, resulting in a settlement against the city. Sellner had a history of similar incidents. However, the state's arbitration panel overturned the termination. The city took the case to court, lost and had to reinstate the officer. This was the second officer the city had to reinstate due to arbitration.
- Hartford police detective [Robert Lanza](#) was fired after being arrested for drunk driving and using racial slurs. An arbitrator overturned the firing and the city has now taken the matter to court in an attempt to vacate the arbitration decision and the case appears to be on-going.

- A Bridgeport officer was fired in 2009 for covering up a hit and run accident involving fellow officer Peter Billings who was also her boyfriend. The arbitrator reinstated officer [Christine Burns](#).
- In 2014, East Hartford Police Officer [Juma Jones](#) was fired – twice – after he was arrested for breach of peace and criminal trespass. It was found he used the department’s mobile data system to look up information on his former girlfriend, which led to the breach of peace and trespass charges. The department found Jones had improperly used the data system 18 times. The arbitration panel reinstated Jones and East Hartford tried to vacate that decision in court. The court sided with the arbitration panel in 2016.