

TESTIMONY OF SGT. JEFF REIMER BEFORE THE JUDICIARY COMMITTEE
RE: LCO 3471
JULY 17, 2020

Members of the Judiciary Committee:

My name is Jeff Reimer. I am a Sergeant in the East Windsor Police Department, President of the East Windsor Police Union and President of the Council 4 AFSCME Public Safety Council.

I am testifying because our police members have several concerns with LCO 3471, An Act Concerning Police Accountability. These include:

- Language allowing POST to suspend an officer from their job for up to 45 days, in addition to later decertifying officers for such things as “undermining public confidence in police work.”
- Mandating mental health tests that POST can then use to take “personnel actions.”
- Allowing for the waiving of qualified immunity for civil rights violations and could lead to mandating that every police officer must personally obtain liability insurance.
- Changing the Graham shooting standard from being a “what would a reasonable officer do” to a “justifiable” standard. Also it would add that an officer’s use of force actions would have to be “objectively reasonable.”
- Giving subpoena power to civilian review boards.
- Removing police offices from traffic construction sites.

If such a bill is to pass we ask that you amend the bill to take care of some dire consequences that would otherwise be created for police officers.

Currently, a police officer can be awarded their job back from the SBMA (State Board of Mediation and Arbitration), but lose it because POST (the Police Officer Standards and Training Council) deemed that the officer’s behavior merits decertification. Many legislators do not seem to know this.

This bill gives POST broad new powers to decertify officers. One of the most concerning is that an officer would have to take a mental health fitness test every five years. The language seems to allow that an officer could be fired if the test results are poor. This goes against the need to destigmatize mental health issues.

Rather than allowing for termination, shouldn’t we encourage our officers to reach out for counseling and help when they feel overwhelmed? But there is no language offering assistance, a dignified retirement or a workers compensation presumption that the job, which is so strenuous that mental health testing is required, caused traumatic stress in the first place

This bill would change the Graham v O’Conner shooting standard, which the US Supreme Court set as a “what would a reasonable officer do under such circumstances.” This bill changes that standard to an “objectively reasonable” standard, which means whether or not the officer’s use of

force was reasonable will be based on observations made by third parties who are in no danger, under no stress, and who are using hind sight.

We worry that this might create an unreasonably difficult standard that would cause officers to take even more risk. Currently, Connecticut seems to have one of the strictest shooting standards in the country. Also if the standard is to be changed, we urge that there be mandated training and a time frame for training to occur before a new standard is implemented.

Might what is lawful on a Tuesday become a standard that puts an officer in jail on Wednesday? Officers need requisite training. Many of the towns that we work for are financially strapped so it would help for the state to cover such training costs.

Another section of the bill gives POST the ability to suspend for up to 45 days or fire a police officer for “undermining public confidence in police work.” I’m not even sure what that means. I fear that it means if a police officer complained about wrongdoing that he or she saw in a department that it would mean that they could be fired.

If an officer reports on misbehavior committed by a superior, in order to live up to her or his sworn duty, might they not be “undermining confidence in police work”? Perhaps such undermining is necessary to root out corrupt behavior? It should be safe for police officers to be able to make a complaint.

Another part of the bill that we object to is giving civilian review boards subpoena power. This bill will give a municipally appointed board, that very likely does not have deep judicial or policing knowledge, the power to compel officers to appear and testify before it for charges. It would seem to risk politicizing the policing process, which could severely undermine a community’s confidence in law enforcement.

A task force is created to study various issues related to police officers and policing. However, within their charge is to study the necessity or requirement of a police officer at road construction sites within a municipality. This part seems to have little relation to police accountability and transparency.

Police officers are necessary at road construction sites because we provide an extra layer of safety to road construction which is already a job with risks. Without police officers there, as well as police cars, there is no deterrent to a driver continuing to drive at higher rates of speed. When drivers see the police car and police officer they naturally slow down which makes everyone safer.

The task force also studies the merits and feasibility of requiring police officers to obtain professional liability insurance as a condition of employment. This would add additional costs to one specific sector of workers and immediately reduce the number of police officers. It is an additional burden that would specifically be placed on police officers that is not placed on other workers.

The bill repeals qualified immunity for the police officers who protect our communities. Police officers are already not protected by qualified immunity if they take discretionary actions that are found to be wanton and willful. Information in the media make it seem like qualified immunity is all-covering which is untrue.

Qualified immunity provides a standard protection for police officers when there are situations that are ambiguous and potentially unclear as the situations we respond too are almost always fluid. This could also lead to mandating police officers personally to obtain liability insurance which would be costly and prohibitive. Please oppose the removal of qualified immunity for police officers.

The bill draft (LCO 3471) also makes other law changes that many of our members make policing more difficult. But, in order to stop the sections most damaging to officers we urge you to address our concerns and amend the legislation.

Thank you for your consideration. I would be happy to answer any questions or provide further information.