

Connecticut General Assembly
Logistics
Subcommittee
Police Transparency & Accountability Task Force

Rep. Joshua Hall, Chairperson



c/o Judiciary Committee, Room 2500
Legislative Office Building
300 Capitol Avenue
Hartford, Ct 06106

Minutes
Tuesday, September 22, 2020
5:00 p.m., via Zoom

Attendees: Joshua Hall (Chair), Chief William Wright, Tanya Hughes, Ken Green, John Szewczyk, Mel Medina, Shafiq Abdussabur, Stephen Saloom

Others: Ken Barone (CCSU), Deb Blanchard (Judiciary Committee), Andrew Clark (CCSU), Renee LaMark Muir (CCSU), Sharad Samy (Guest), Reed Barthold (Guest), Chloe Cummings (Governor's office), John Harkins

Presenter: George Welch (CHRO), Anna-Marie Puryear (CHRO)

- I.** Convene meeting and welcome
 - a. Chair Hall convened the meeting at 5:01pm
- II.** Approve September 8, 2020 meeting minutes
 - a. Upon a motion duly made and seconded, the minutes were approved.
- III.** Discussion regarding Section 41 of P.A. 20-1 (Government Immunity)
 - a. CHRO Memo Discussion
 - i. Tanya Hughes began the conversation by introducing CHRO staff. Cheryl Sharpe gave a brief background of the memo. George Welch and Anna-Marie Puryear presented on the CHRO memo.
 1. Q&A – Mr. Saloom: The analysis is very helpful. Is CT's qualified immunity going to mirror federal civil rights law? A: yes. There are mechanisms to dismiss frivolous suits. A: yes. This codifies state law?

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Equitable relief? A: when not asking for monetary relief, you are asking for them to either stop or to purposely do something. This is equitable relief. If I'm a police officer and a claim is brought for equitable relief, there are not financial concerns, correct? A: yes. No monetary implication for police officer, more to department. Also, only other change is due to conflicted state case law. Objectively reasonable standard is now codified to address this conflict. If I'm a police officer, I'd be more concerned about damages when insurance and municipalities dispute coverage? A: yes. Chair Hall: just to clarify, when discussion "objective, good faith belief" are we talking about a police officer or any person? A: generally, under 1983 case law, it is a police officer. Logic would say this would remain, although the new law is not entirely clear, and we can't say this for certain. Mr. Barone: People can bring lawsuits against police in either state or federal courts, or the federal government can bring a civil rights violation. 1983 law is a Federal standard that we now made in CT. The concern is that this will bring more lawsuits in CT. Is it now because these cases will now be more readily brought in state courts? A: Actually, you can bring a 1983 claim in state court, but the defendant could ask to move it to federal court. This would take away that avenue. CT courts are likely to take federally established case law as a standard. Under a subjective standard, attorneys were more reluctant to bring claims. Now that this is not the case, there may be an uptick in cases. It may be more that the political climate makes it more palatable to bring lawsuits, as opposed to the actual change in law. Mr. Barone: but governmental immunity is still a standard that municipalities can claim in state court, yes? A: two situations where qualified immunity will change – equitable relief and "malicious, willful, and wanton". The claim is that exposure to officers is much higher now because of the law, but it seems as though they are not more liable now today than they were yesterday, no? A: Yes, I think so. The cost issue may be more on the municipality vs. an individual officer – in terms of litigation costs? A: yes. Mr. Saloom: will there be more claims against police departments? A: no, a 1983 claim is usually brought against an individual officer. The equitable relief will probably be more

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impactful on the town/police department. Chair Hall thanked CHRO staff for there time and efforts.

IV. Short-Term Priority Updates

Chair Hall asked Mr. Barone to provide updates on the process for the following items:

a. Decertification Process

i. Ms. Muir gave an update on “revocation” or disciplinary action – generally referred to as decertification. Generally only police chiefs refer disciplinary cases, although not required to. POSTC generally doesn’t have standards or regulations on this. Brady/Giglio issue also being looked at. Question: Mr. Saloom: POSTC will consider a revocation when it comes from the outside (usually police chiefs)? A: Yes. POSTC can’t initiate. Do they track this data? A: Only those who are revoked. Q: any full list of Brady/Giglio non-compliant officers? A: it doesn’t appear that this is tracked. Chair Hall: Q: You indicate that POSTC can revoke, but what else is possible? A: Certification is different than revocation. Q: Revocation is the only disciplinary tool? A: yes, that is the only discipline available. POSTC can revoke an officer’s license, but the municipality can still employ. Mr. Barone: Chief Mello of POSTC will be putting together a presentation regarding changes POSTC is considering as a result of the recent legislation. May be available for next meeting or October meeting.

b. Questions for CIRMA and other stakeholders

i. Mr. Barone: Mr. Samy was very helpful in modifying questions based on member feedback and sharing w/CIRMA. We are asking for responses by the end of this month. CCM/CIRMA would like to come and speak to the subcommittee.

c. Contact with Insurance Law Center at UCONN

i. At the last subcommittee meeting, Mr. Saloom suggested contacting. Mr. Samy and Mr. Barone contacted the Center and they are interested in assisting. They are meeting with the Dean today and will have an answer shortly as to their availability to do so. Chair Hall: Q – are we asking them to review the answers on insurance pieces thus far? A: Mr. Barone: yes, and if we are asking the right questions. Mr. Samy: And if we can get them engaged for the start, as we get ready to present to the full committee and

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legislature it would be important to have their analysis and stamp of approval.

ii. Last issue: qualified immunity. CBA working group is working on fact sheet/recommendations to section 41. Will share when available.

V. Announcement of time and date of next meeting.

a. Next meeting October 6, 5pm.

VI. Adjournment

a. The meeting was adjourned at 6:29pm.

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