Connecticut
Bar Association

Date: September 17, 2021

From: Deirdre M. Daly, Keith A. King, and Alexis H. Smith - CBA Policing Task Force Co-Chairs

Re: Connecticut Bar Association Policing Task Force Recommendations

Recommendation 17(E): POST Council Racial Justice Working Group

We recommend that the POST Council (POST) form a Racial Justice Working Group (RJWG) to oversee and facilitate the implementation of professional development and training and a public trust assessment. The RJWG shall consist of interested current members of POST, as well as additional representative members as described below. Appointing authorities who select members of POST shall ensure that the overall composition of POST and the RJWG reflect the demographic diversity of Connecticut.

To ensure the success of the RJWG, we recommend the addition of the following representative positions to POST, initially as ad hoc members, and then as permanent positions as soon as feasible:

- A representative of an organization serving formerly-incarcerated individuals;
- A representative of a social services organization serving low-income communities in Connecticut;
- A representative of the Office of the Chief Public Defender;
- An individual with expertise in trauma-informed law enforcement practices;
- An individual with expertise in mental health and well-being;
- An individual with expertise in data collection and statistical analysis;
- Three representatives from community organizations advancing racial justice and equity in Connecticut's major metropolitan areas.
- Four representatives of faith organizations, including at least one representative of a faith organization based in one of Connecticut's major metropolitan areas.

In the next legislative session, Conn. Gen. Stat. § 7-294b should be amended to ensure that the individuals identified as members of the RJWG become full and permanent members of POST.

Rationale:

POST has already taken significant steps to establish a Social Justice Advisory Committee (SJAC) whose mission as described below comports with our recommendation for a RJWG. We applaud POST for establishing the SJAC, recruiting diverse members to serve on the SJAC, and articulating a clear mission. In addition to these meaningful steps, we recommend that the SJAC

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be renamed as POST's Racial Justice Working Group and that members of the RJWG be afforded full status as representatives of the POST Council.

Mission of SJWC:

- Meet 4x/year January, April, July, and October.

- Define and recommend to POSTC, the mission and purpose of SJWC as it relates to POSTC.

- Discuss, review and recommend annual ln-service Diversity Equity and Inclusion (DEI), racial justice and implicit bias training curricula showing a commitment to system change.

- Discuss POSTC's role to oversee and facilitate DEI, social justice and public trust training initiatives.

- Provide guidance and recommendations related to POSTC policy and training objectives.

- Make recommendations to the POSTC regarding implementation tools and process used to screen police applicants for racial bias and hostility.

- Develop and recommend to the POSTC, an implementation plan to address bias which may have an impact on the officer's perception of the community.

- Discuss sustainability, resources, and cost of programs.

- Discuss/recommend the development of instructor criteria and endorsement for a DEI and social justice related training.

- Report to POSTC during regular meetings of progress and recommendations.

> **Recommendation 18: The Legislature appoint a Commission to Create: (A) Municipal Civilian Interview Panels to Participate in Police Hiring, Review and Promotion Decisions as part of Accreditation Standards, and (B) A Community, Cops & Culture Exchange Program ("CCC Exchange Program")**

Background

Our work in support of these recommendations reflects three animating concerns: 1) the tireless work of police officers protecting our communities from crime and violence is essential to our communal well-being and cannot be "defunded"; 2) a century of national police reform commissions has established again and again that, despite good intentions and hard won gains,

lawless violence by some police against people of color remains intolerably chronic[1,2,3,4]; and 3) while continued incremental reform is essential, it has become more than clear that real, enduring change will not occur unless and until there is a fundamental "reimagining" or culture change in the nature of policing. As the Obama Task Force concluded:

There's an old saying, "Organizational culture eats policy for lunch." Any law enforcement organization can make great rules and policies that emphasize the guardian role, but if policies conflict with the existing culture, they will not be institutionalized and behavior will not change. In police work, the vast majority of an officer's work is done independently outside the immediate over-sight of a supervisor. But consistent enforcement of rules that conflict with a military-style culture, where obedience to the chain of command is the norm, is nearly impossible. Behavior is more likely to conform to culture than rules.[5]

This was not a new insight. As the Wickersham Commission concluded in 1931 (in the context of unfair criminal prosecution), "But changes in machinery are not sufficient to prevent unfairness. Much more depends on the men that operate the machinery . . . . the most important safeguards of a fair trial are that these officials want it to be fair and are active in making it so. As Mr. Wigmore has said: All the rules in the world will not get us substantial justice if the judges and counsel have not the correct living moral attitude toward substantial justice."[6]

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[1] 4 The National Commission on Law Observance and Enforcement (the "Wickersham Commission") Report on Lawlessness in Law Enforcement (1931)("…the use of physical brutality, or other forms of cruelty, to obtain involuntary confessions or admissions is widespread. Protracted questioning of prisoners is commonly employed. Threats and methods of intimidation, adjusted to the age or mentality of the victim, are frequently used, either by themselves or in combination with some of the other practices mentioned. *Physical brutality, illegal detention, and refusal to allow access of counsel to the prisoner is common*." p. 4, *emphasis supplied) and (* "the practices were particularly harsh in the case of Negroes" and "in some of the worst cases the victims were Negroes") at pp. 158-159. Citing scores of cases of barbarous treatment of men, women and children of color. (Severe whippings, murder, "riding the electric monkey", beatings, illegal detentions, near drownings, and "tastes" of electric chair current.) *passim.*

[2] The President's Commission on Law Enforcement and Administration of Justice (the "Katzenbach Commission") The Challenge of Crime in a Free Society 15 (1967), https://www.ncjrs.gov/pdffiles1/nij/42.pdf. ("… The Commission found overwhelming evidence of institutional shortcomings in almost every part of the United States. Besides institutional injustices, the Commission found that while the great majority of criminal justice and law enforcement personnel perform their duties with fairness and understanding, even under the most trying circumstances, some take advantage of their official positions and act in a callous, corrupt, or brutal manner.") at p. viii. *and* ("Commission studies also showed, and in this finding responsible police officials concur, that too many policemen do misunderstand and are indifferent to minority-group aspirations, attitudes, and customs, and that incidents involving physical or verbal mistreatment of minority-group citizens do occur and do contribute to the resentment against police that some minority-group members feel." *And* ("Commission observers in high-crime neighborhoods in several cities have seen instances of unambiguous physical abuse officers striking handcuffed suspects, for example. They have heard verbal abuse. They have heard much rudeness.") 102.

[3] The National Advisory Commission on Civil Disorders (the "Kerner Commission") Report of The National Advisory Commission on Civil Disorders (1968) (*Quoting* commission testimony of University of Michigan Professor Albert Reiss "In predominantly Negro precincts, over three-fourths of the white policemen expressed prejudice or highly prejudiced attitudes towards Negroes. Only one percent of officers expressed attitudes which could be described as sympathetic towards Negroes. Indeed, close to one-half of all police officers in predominantly Negro high-crime-rate areas showed extreme prejudice against Negroes. What do I mean by extreme racial prejudice? I mean that they describe Negroes in terms that are not people terms. They describe them in terms of the animal kingdom.") at p. 160 *and* ("Virtually every major episode of urban violence in the summer of 1967 was foreshadowed by an accumulation of unresolved grievances by ghetto residents against local authorities (often, but not always, the police.)") 147.

[4] The President's Task Force on 21ˢᵗ Century Policing ("The Obama Task Force") Final Report of the President's Task Force on 21ˢᵗ Century Policing (2015) ("In establishing the task force, the President spoke of the distrust that exists between too many police departments and too many communities—the sense that in a country where our basic principle is equality under the law, too many individuals, particularly young people of color, do not feel as if they are being treated fairly.") at p. 5. *and* ("The need for understanding, tolerance, and sensitivity to African Americans, Latinos, recent immigrants, Muslims, and the LGBTQ community was discussed at length at the listening session, with witnesses giving examples of unacceptable behavior in law enforcement's dealings with all of these groups.) 52

[5] The Obama Task Force on 21ˢᵗ Century Policing 11.

[6] Wickersham Commission 347.

The Katzenbach Commission[7], the Kerner Commission[8] and the Obama Task Force on 21st Century Policing each understood that changing the intent – the hearts and minds – of police officers required a culture change driven by the development of trusted, collaborative partnerships between police departments and the communities they serve. As President Obama's Task Force on 21st Century Policing (the "President's Task Force") emphasized:

It must also be stressed that the absence of crime is not the final goal of law enforcement. Rather, it
is the promotion and protection of public safety while respecting the dignity and rights of all. And public safety and well-being cannot be attained without the community's belief that their well-being is at the heart of all law enforcement activities. It is critical to help community members see
police as allies rather than as an occupying force and to work in concert with other community stakeholders to create more economically and socially stable neighborhoods. (at p. 42.)

To advance the goal of developing collaborative partnerships, the President Obama's Task Force advanced several concrete recommendations to implement their general recommendation:

4.1 Recommendation: Law enforcement agencies should develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety. Community policing is not just about the relationship between individual officers and individual neighborhood residents. It is also about the relationship between law enforcement leaders and leaders of key institutions in a community, such as churches, businesses, and schools, supporting the community's own process to define prevention and reach goals. (at p. 42)

President Obama's Task Force's concrete recommendations specifically included programs to 1) include diverse community leaders in local police department hiring, review and promotion[9,10]; and 2) develop meaningful opportunities for diverse community leaders to

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[7] Katzenbach Commission 100: "A community-relations program is not a public-relations program to 'sell the police image' to the people. It is not a set of expedients whose purpose is to tranquilize for a time an angry neighborhood by, for example, suddenly promoting a few Negro officers in the wake of a racial disturbance. It is a long-range, full-scale effort to acquaint the police and the community with each other's problems and to stimulate action aimed at solving those problems. Community relations are not the exclusive business of specialized units, but the business of an entire department from the chief down. *Community relations are not exclusively a matter of special programs, but a matter that touches on all aspects of police work. They must play a part in the selection, training, deployment, and promotion of personnel; in the execution of field procedures; in staff policymaking and planning; in the enforcement of departmental discipline; and in the handling of citizens' complaints.*" (*Emphasis supplied*)

[8] Kerner Commission 154: "Despite its problems, we believe that meaningful community participation and substantial measure of involvement in program development is an essential strategy for city government. The democratic values which it advances – providing a stake in the social system, improving accountability of public officials – as well as the pragmatic benefits which it provides far outweigh the costs."

[9] The President's Task Force on 21st Century Policing, Implementation Guide: Moving from Recommendations to Action ("Implementation Guide" 12:

"4. Examine hiring practices to better involve the community in recruiting and screening of recruits:

The Sarasota (Florida Police Department involves the community in recruiting, selecting and hiring officers as a way to encourage a more diverse workforce. The city works with residents to identify culturally responsive and multilingual candidates for consideration. The community gives input into the hiring priorities considered in selection."

[10] See also: Leadership Conference on Civil and Human Rights, New Era of Public Safety: A Guide to Fair, Safe and Effective Community Policing (2019) "***Seek communities' input into the hiring process. Leaders should seek public input on hiring to ensure that it reflects community values. Some departments engage community advisory boards when hiring new officers; others work with community***

stakeholders to list the characteristics that describe ideal candidates (such as those who are service-minded, have sound judgment, and are respectful and compassionate).35 After recruiting a pool of applicants, leaders should identify qualified and competent candidates who align with their departments' core values. Without community input, a department's perception of the ideal candidate may not align with community values." 284 (*emphasis supplied*).

participate at every level of officer training in ways they foster deep understanding and engagement with the full complexity and diversity of the communities the officers are being trained to serve.[11, 12, 13, 14]

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[11] [11] <u>Implementation Guide</u> at p. 20:

Training as a tool to drive change

Many of the recommendations addressed the importance of training for basic recruits and in-service training in a number of key areas.

• Changing the culture of policing requires an emphasis on policing in a democratic society, training officers about how to protect human rights, dignity, and public safety for all.
• Undertake trainings and organizational change that address procedural justice, implicit bias, and de-escalation/use of force.
• Revisit field training officer processes to ensure they match up with the guardian culture of policing.
• Engage the community in trainings.
o Open trainings to the public and allow observers.
o Include community members as trainers—for example, in sessions on community perceptions about enforcement tactics, levels of trust, and areas for dialogue.

Local governments can mandate agency priorities and operating principles and allocate funding necessary to change the culture of policing.

Law enforcement agencies are undertaking significant training regimens that focus on de-escalation to reduce use of force incidents and on implicit bias, procedural justice, and the use of technology such as body-worn cameras to improve outcomes and community trust.

Community members are being given the opportunity to participate in training designed for citizens such as citizen academies, observe department in-service trainings, and actually help to provide training for departments, especially on the community perspective around how different policing tactics are perceived by the community. (*emphasis supplied*)

[12]<u>Ibid.</u> 18:

"Listen to the Community

Community policing places a high value on community engagement, interaction, and dialogue. Law enforcement organizations and communities should be intentional about the level of nonenforcement interaction between officers and the neighborhoods they serve.

Conduct community surveys, forums, and town hall meetings on a regular basis, not just in a crisis.

Encourage regular officer participation in neighborhood or school meetings.

Participate in positive interactions with the community that do not involve an enforcement action or investigations.

Involve community members in discussing policing tactics and designing problem-solving strategies

Adjust patrol schedules to allow time for interactions with the community

Local governments can hold public hearings or open forums or set up systematic ways for citizens to provide feedback on how they are experiencing policing.

The Los Angeles County Sheriff's Office established precinct community advisory committees to facilitate systematic input and feedback on policing practices.

Communities can initiate town hall meetings, form advisory groups, or strengthen the level of community participation in community policing activities."

[13] <u>Ibid</u> 21:

Value and respect diversity in the community and on the force.

We are becoming a nation of diversity, from racial and ethnic diversity to diversity in religion, culture, language, gender, sexual orientation, housing status, income, disabilities, and more.

Ensure that officers have the knowledge and skills to be culturally responsive and to treat each person with dignity and respect.

Accordingly, we recommend that the Legislature appoint a Commission two programs to implement these specific recommendations of President Obama's Task Force:

Recommendation 18: The Legislature appoint a Commission to Create: (A) Municipal Civilian Interview Panels to Participate in Police Hiring, Review and Promotion Decisions as part of Accreditation Standards, and (B) A Community, Cops & Culture Exchange Program ("CCC Exchange Program"); and POST require that all police departments adopt these recommendations.

Rationale:

As the implementation of these recommendations will require more thought and resources, we recommend that the State of Connecticut Legislature appoint a board or a commission comprised of all stakeholders to develop a strategy and implement a program that will consider the community's concerns and all of the stakeholders but would include the elements, objects, and goals of the recommendations as mentioned above.[15] The commission or the board shall consist of a diverse cross-disciplinary group of people to include, but not limited to representatives from these various groups: public defenders, the defense bar, clergy, members of the legislature, community members, law enforcement, civil rights attorneys, mental health experts, and advocates of low-income communities. The commission shall also explore various

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[14] See also:

United States Conference of Mayors, Report on Police Reform and Racial Justice, 2020) 25.
 "Every city is different. It is therefore critical that cities and departments help their police officers and supervisors develop an understanding of their community's history and traditions so that their daily interactions with the public are based on a mutual understanding and respect. In addition to the history of the community, departments should provide training on the history of policing in the United States in an effort to help them understand the negative feelings some residents have for the police. Additionally, departments should help their officers and supervisors by training them in procedural justice—the idea of fairness in how officers use their authority in a democratic society. In the words of the U.S. Department of Justice COPS Office, "procedural justice is concerned not exactly with what officers do, but also with the way they do it."52 Research shows that people are more likely to cooperate with the police if they think they have been treated fairly. **In developing these trainings, departments should seek the assistance of community representatives who can incorporate the viewpoints of communities that have traditionally had challenging relationships with law enforcement.** (*emphasis supplied*)

United States Commission on Civil Rights, Police Use of Force: An Examination of Modern Policing Practices (2018) 97.
"A Holistic Approach to Reforming the Overall Policing System:The Justice Department has historically advocated for community policing as a best practice.587 The DOJ Community Oriented Policy Services (COPS) defines community policing as an organizational strategy that supports the systematic use of partnerships and problem-solving techniques to address public safety issues such as crime, social disorder, and fear of crime.588 According to COPS, effective community policing initiatives consist of three critical components:
☐ Community partnerships that include collaborative relationships between law enforcement agencies and the public in order to develop better solutions to problems and increase public trust in police;
☐ Organizational transformations that provide the alignment of management, structure, personnel, and information systems to support community partnerships and problem-solving techniques; and
☐ Problem-solving strategies which pertain to a process of active examination of identified problems in order to develop and evaluate effective responses."

[15] Implementation Guide at p. 14:

"Each community should use the final report as a tool to review the current status of their own law enforcement organization and to identify ways to strengthen police-community dialogue and collaboration.

Formally appoint a new or existing task force or working group including law enforcement unions and community representatives to review and address the recommendations contained in the report."

funding sources to implement the recommendations. We recommend that POST require all police departments to adopt these recommendations.

While the appointed commission or board would be charged with resolving the logistical details regarding our proposals, we recommend that they also be charged with including the following minimal requirements for each proposal:

<u>Civilian Interview Panel for Hiring</u>

•A diverse group of citizens (ex. chamber of commerce; non-profit, religious and cultural organizations; youth groups and neighborhood watch groups, etc.)
•From the municipality that is hiring new police officers,
•Chosen by that municipality's elected officials,
•Meeting with the police candidates,
•Prior to those candidates being fully hired as police officers, and
•The Civilian Interview Panel will make a report to the hiring agency either supporting or declining to support the candidates.

<u>Civilian Interview Panel for Promotions</u>

•A diverse group of citizens, (ex. chamber of commerce; non-profit, religious and cultural organizations; youth groups and neighborhood watch groups, etc.)
•From the municipality that is promoting police officers to command staff positions,
•Chosen by that municipality's elected officials,
•Meeting with the command staff candidates,
•Prior to those candidates being promoted to command staff positions, and
•The Civilian Interview Panel will make a report to the promoting entity/agency either supporting or declining to support the candidates for promotion.

<u>Community, Cops and Culture</u>

Develop a committee consisting of Connecticut residents consisting of diverse race, gender, ethnic, religious and aged community members. This committee shall not have political elected officials. The committee will work to create academic cultural and practical educational experiences for municipal and state police cadets. The curriculum developed by the committee will be utilized by all POST certified police organizations in Connecticut.

An ongoing fitness for service assessment rubric, metrics of success will also be created by the committee for use by POST instructors and all field training officers. All cadets must be deemed fit for service by the committee after reviewing their written assessments by training officers of POST.

Mandates:

- The academic curriculum comprised of culturally diverse materials by the committee must be included or added to the existing POST curriculum wherever it is not a duplicate of current curriculum.

- The CCC Exchange must begin during the second week of the academy cycle for all agencies and run continuously through the final week of the academy.
- The total minimum hours of the CCC Exchange program is ninety-six (96) total hours. This is a combined total of academic/written and practical exchanges with diverse members of at least three (3) communities. The cadet's town/city of employment shall count as one (1) community.
- The other (2) communities should include urban neighborhoods of color such as Hartford, New Haven, New Britain, Bridgeport Middletown, New London, Danbury, Meriden, Stamford, Waterbury, or Norwalk.
- Cadet exchanges in suburban communities such as: West Hartford, New Canaan, Danbury, Madison, Essex, Bloomfield, Vernon, Milford, etc. would be relative for cadets that are employed by urban police departments.
- The cadets shall not be armed during their in person exchanges with community members and are required to wear their standard "uniform of the day". This insures that their experience in the community is one from a clearly identified role of police officer.
- Exchanges between recruits and residents would take place in various community based settings such as churches, school auditoriums and non-profit community spaces.
- The interactions will be controlled and in non-hostile settings with invited community members and civilian facilitators.
- These practical interactions will support relative classroom learning.
- It is recommended that the CCC Program should include a minimum of two (2) total weekend days (Sat. & Sun.) for the trainees' broader experiences.
- The entire concept of CCC Exchange is null and void if the cadet/trainees do not experience physically visiting and being immersed in diverse communities.

Recommendation 19: The Legislature: 1) implement the federally mandated 988 crisis hotline system; 2) enhance and expand behavioral health crisis response and suicide prevention services statewide; and 3) fund the system through SAMSHA and DMHAS grants, reimbursements from private and public insurers, and funds raised by imposing a federally-authorized excise tax on commercial mobile services or IP-enabled voice services.

Background

Police officers perform the indispensable service of protecting our communities from crime and violence and promoting public safety. Police recruitment and training necessarily focus on fielding officers equipped by temperament and training for the dangerous job of "containing and controlling" criminal and violent behaviors.

Yet, as communities have repeatedly failed to provide adequate resources for addressing recurring crises in behavioral health (e.g. mental illness, substance abuse, homelessness, domestic violence, child neglect and abuse), we have asked our police to expand their services to address innumerable behavioral health emergencies well beyond their core vocation and training.

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There is an old saying that "when your only tool is a hammer, it is tempting to view every problem as a nail." Similarly, when your principal tool is "contain and control" by the use or prospect of force, then too many behavioral emergencies will seem like threats to be controlled instead of illnesses to be treated.

There will always be, of course, some percentage of behavioral health emergencies that present a sufficient, imminent threat of violence that a police presence will be necessary, but sending police as the default first responders in every case reflects a lack of nuanced judgment that inevitably results in multiple adverse consequences. First, turning reflexively to armed law enforcement officers misuses and overextends our already thinly-stretched police departments. Second, we deprive the individuals suffering behavioral crises of the professional mental health response they need. Third, we cycle behavioral patients through repeated, costly, and ineffective emergency department admissions and discharges instead of referring them to the care resources that might break the cycle of substance abuse, homelessness, mental illness, etc. at a fraction of the cost. Fourth, we end up unnecessarily routing a significant percentage of behavioral crisis sufferers into the criminal justice system, with the multiplying expenses of arrest, adjudication, incarceration, and probation. Finally, we dramatically increase the risk of police use of lethal force, particularly when the subject is person of color.

Research conducted over the past decade by the United States Department of Justice and other federal agencies has generated repeated recommendations for more nuanced responses to persons suffering behavioral crises.[16] These recommendations have been echoed by calls from many organizations such as the United States Conference of Mayors[17], the Leadership Conference on Civil and Human Rights[18], the National League of Cities and Arnold Ventures[19], and the Center for Policing Equity[20] for adoption of "mobile crisis unit", "co-responder", and/or "crisis intervention team" alternatives to relying exclusively on armed law enforcement "contain and control" responses.

In several ways, Connecticut police departments and state agencies have taken a leadership position in experimenting with or deploying mobile crisis unit, co-responder and/or crisis intervention team models, often with funding from the Connecticut Department of Mental Health and Addiction Services ("DMHAS"). For instance, in 2002, the Connecticut Department of Children and Families ("DCF") began shifting crisis responses from armed police officers to mobile crisis teams staffed by mental health professionals ("Emergency Mobile Psychiatric Services," now called: "Mobile Crisis Intervention Services", http://www.empsct.org/.).[21] By

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[16] Bureau of Justice Assistance Office of Justice Programs U.S. Department of Justice (2010) *passim;* U.S. Department of Justice Office of Community Oriented Policing Services ("COPS"), Law Enforcement Best Practices: Lessons Learned from the Field 37-46 (2019); Substance Abuse and Mental Health Services Administration, National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit *passim* (2020).

[17] United States Conference of Mayors, Report on Police Reform and Racial Justice 14-15 (2020)

[18] The Leadership Conference on Civil and Human Rights, New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing 152-167 (2019).

[19] National League of Cities and Arnold Ventures, Mental Illness, Substance Use, and Homelessness: Advancing Coordinated Solutions through Local Leadership 1-5 (2019)

[20] Center for Policing Equity, A Roadmap for Exploring New Models of Funding for Public Safety 4 (2020)

[21] Fendrich, M., Kurz, B., Ives, M., & Becker, J. *for* The Child Health and Development Institute of Connecticut, Inc., Evaluation of Connecticut's Mobile Crisis Intervention Services: Impact on Behavioral Health Emergency Department Use and Provider Perspectives on Strengths and Challenges 8 (2018). "Connecticut's Mobile Crisis Intervention Service (Mobile Crisis) program, which is grant-funded by the Department of Children and Families (DCF), was first implemented in 2002 (O'Brien, Mulkern, & Day, 2003; Vanderploeg, Lu, Marshall, & Stevens, 2016). The program aims to "serve children in their homes and communities, reduce the number of visits to hospital emergency rooms, and divert children

2015, DCF had already established fifty-three memoranda of understanding with community-based mental health care providers.[22] DMHAS funds a statewide "Call 211" hotline operated by the United Way that provides referral and, occasionally, mobile crises responses staffed by mental health professionals. Most municipalities and many Connecticut State Police troops have sent at least some of their officers for formal crisis intervention team training. Finally, section 18 of the state's recently enacted Police Accountability Act requires the Department of Emergency Services and Public Protection and each municipal police department "to complete an evaluation of the feasibility and potential impact of the use of social workers by the department for the purpose of remotely responding to calls for assistance, responding in person to such calls or accompanying a police officer on calls where the experience and training of a social worker could provide assistance."

These are worthy and important initiatives, and we should certainly recommend a continuation of commitment, research, and development in each of these areas. Yet, we have already experienced the financial and logistical challenges to scaling up these programs further. One need only survey the municipal and state police responses to the feasibility and impact studies required by Section 18 of the Police Accountability Act to see a catalogue of potential obstacles.

Fortunately, federal legislation and regulations mandating a nationwide "988 Hotline" has intersected with concerns underscored by the George Floyd murder to inspire a bipartisan, national movement to implement the federal "988" mandate with statewide mobile crisis response capacities staffed by professional health care workers. States across the country have been moving expeditiously to enact implementing legislation taking advantage of the federal law's grant of authority to fund the mobile crisis response services with fees and charges imposed on commercial mobile services or IP-enabled voice services.[23]

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from high-end interventions (such as hospitalization or arrest) if a lower level of care is a safe and effective alternative" (Vanderploeg et al., 2017, p. 6). The program provides free services to youth who are 18 years and younger, and to 19 year-olds who still attend high school (Vanderploeg et al., 2016). Vanderploeg et al. (2016) described three key components and other integral features that comprise Mobile Crisis. The information contained in the following section was adapted from their article. The first key component is the provider network. Mobile Crisis provides coverage to the entire state of Connecticut through six service areas, each of which utilizes up to three sites (there were a of 14 provider sites as of 2016; these numbers expanded, as indicated in Section III), that are responsible for different geographic regions of the state. Each service area has a Mobile Crisis director, access to a child and adolescent psychiatrist, and Master's level clinicians in the fields of social work, psychology, marriage and family therapy, and related fields. Mobile Crisis clinicians work with clients to develop crisis safety plans. Other features of their work include "crisis stabilization and support, screening and assessment, suicide assessment and prevention, brief solution-focused interventions, and referral and linkage to ongoing care" (Vanderploeg et al., 2016, p. 106). The Mobile Crisis team's approach is guided by collaboration with families, schools, hospitals, and other providers. The maximum Mobile Crisis episode length is typically 45 days, but can be extended if necessary. Clients can also return to Mobile Crisis as many times as needed after the episode is closed. The second key component is the call center. Clients can access Mobile Crisis services by dialing 211 (although our focus groups revealed that there were direct lines of engagement at some sites). A call specialist will solicit basic information from the caller and refer police or ambulances services if warranted. Otherwise, if the call occurs during Mobile Crisis mobile hours (Monday through Friday: 6:00 am-10:00 pm; weekends and holidays: 1:00 pm-10:00 pm), the call specialist will connect the caller to Mobile Crisis through a warm transfer. Based on the call specialist's recommendation, Mobile Crisis will respond in one of three ways: immediate mobile, deferred mobile, or telephone. In mobile responses, Mobile Crisis clinicians will meet clients wherever they are experiencing a crisis in the community. During immediate mobile responses, clinicians will meet the client within 45 minutes of the call (In 2015, Mobile Crisis achieved this response time 89% of the time.). If the call occurs outside of Mobile Crisis mobile hours, the call specialist will connect the caller to a non-Mobile Crisis clinician and Mobile Crisis will follow-up with the caller during mobile hours. The third key component is the Performance Improvement Center (PIC), which was created in 2009 and is housed at the Child Health and Development Institute of Connecticut (CHDI). PIC is charged with "standardized practice development; data collection, analysis, reporting, and quality improvement; and workforce development" (Vanderploeg, 2016, p.105).

[22] Department of Children and Families, Connecticut Children's Behavioral Health Plan: Progress Report 8 (2015)

[23] Substance Abuse and Mental Health Services Administration, "Blog: Groundbreaking Developments in Suicide Prevention and Mental Health Crisis Services Provision" https://blog.samhsa.gov/2021/05/14/groundbreaking-developments-suicide-prevention (May 14, 2021)

I. Federal 988 Legislative and Regulatory History

The federal 988 legislative and regulatory history was ably summarized in a May14, 2021 blog posted by the Substance Abuse and Mental Health Services Administration entitled, entitled, "Groundbreaking Developments in Suicide Prevention and Mental Health Crisis Service Provision":

"In 2018, Congress passed and the President signed into law, the National Suicide Hotline Improvement Act in which SAMHSA and the Veterans Administration were called upon to report to the Federal Communications Commission (FCC) regarding the effectiveness of the existing National Suicide Prevention Lifeline and the potential value of a three digit number being designated as the new national suicide prevention number. The FCC subsequently recommended to Congress that the number 988 be designated as the new national suicide prevention number. On July 16, 2020, the FCC issued a final order designating 988 as the new NSPL and Veterans Crisis Line (VCL) number. This order gave telecom providers until July 16, 2022 to make every land line, cell phone, and every voice-over internet device in the United States capable of using the number 988 to reach the Lifeline's existing telephony structure. On October 17, 2020, the National Suicide Hotline Designation Act of 2020 was signed into law, incorporating 988 into statute as the new Lifeline and VCL phone number."

One of the most significant provisions of the 988 legislation was the express provision of authority to the states to impose and collect fees or charges "applicable to a commercial mobile service or an IP-enabled voice service" to fund "9-8-8 related services if the fee or charge is held in sequestered account to be obligated or expended only in support of 9-8-8 services, or enhancements of such services."

Permitted expenses included:

"(A) ensuring the efficient and effective routing of calls made to the 9–8–8 national suicide prevention and mental health crisis hotline to an appropriate crisis center; and (B) personnel and the provision of acute mental health, crisis outreach and stabilization services by directly responding to the 9–8–8 national suicide prevention and mental health crisis hotline."

II. State Responses to the Federal 988 Legislation and Regulation

Many states have recognized that the federal legislation and regulation, particularly its grant of authority to impose fees and charges on mobile and IP-enabled voice call services, provides a powerful tool that can be used to address both the suicide and mental health crises and the concerns underscored by the George Floyd murder.

Three states have already passed and signed 988 legislation into law (Washington, Virginia, and Utah); three states have passed 988 legislation (Alabama, Indiana, and Nevada), twelve states have introduced 988 legislation (Oregon, California, Colorado, Idaho, Kansas, Kentucky, Massachusetts, Nebraska, New York, New Jersey, Rhode Island, and Wisconsin), and

new 988 legislation is already anticipated in at least three more states (Arkansas, Pennsylvania, and South Carolina.)[24]

Many of the state bills already enacted or introduced reflect guidance provided by SAMSHA's published best practices for behavioral health crisis care[25] as well as model bills promoted by various mental health advocacy groups.[26] While there is substantial variation among and between the various state bills, virtually all of them seek to capture the advantages identified by SAMSHA:

1. More people in suicidal and mental health crisis will be helped. Sources of increased contacts (calls, chats, and texts) include baseline contact volume, new contact volume, and contacts diverted from 911 and other crisis hotlines.

2. Those in crisis will be more likely to receive help from those most qualified to provide support.

3. More effective triage means less burden on emergency medical services, emergency departments, law enforcement, etc. so that their agencies can be appropriately focused their limited resources on those areas for which they are best trained.

4. The attention the transition to 988 has brought to crisis services has led to an opportunity for states to reimagine their crisis service provision, and to ensure adequate financing of 1) mobile crisis services, 2) crisis center hubs and 3) crisis stabilization services.[27]

In our view, SAMSHA's summary of benefits omits one of the most consequential benefits of shifting the primary burden of responding to behavioral health crisis from armed law enforcement officers to mental health professionals. At least 23% of all fatal shootings by police officers in the line of duty since 2015 involved victims with known mental illness.[28] Further, almost half of the fatal police incidents in Connecticut since 2001 involve people struggling with mental health conditions. Police responding to these incidents report that 46% of the incidents involved people who were emotionally disturbed/in mental distress and/or deemed suicidal. This data calls out for municipalities and law enforcement to seriously consider the role mobile crisis units or other social services can be used to support responses to police calls.

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[24] Substance Abuse and Mental Health Services Administration, "Blog: Groundbreaking Developments in Suicide Prevention and Mental Health Crisis Services Provision" https://blog.samhsa.gov/2021/05/14/groundbreaking-developments-suicide-prevention (May 14, 2021)

[25] Substance Abuse and Mental Health Services Administration, National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit (2020). https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-care-02242020.pdf.

[26] National Association of State Mental Health Program Directors, Model Bill for Core State Behavioral Health Crisis Services Systems (2021). https://www.nasmhpd.org/sites/default/files/Model%20Bill%20for%20a%20Core%20State%20Behavioral%20Health%20Crisis%20Services%20System.pdf.

[27] Substance Abuse and Mental Health Services Administration, "Blog: Groundbreaking Developments in Suicide Prevention and Mental Health Crisis Services Provision" https://blog.samhsa.gov/2021/05/14/groundbreaking-developments-suicide-prevention (May 14, 2021)

[28] Washington Post Database of Police Shootings, https://www.washingtonpost.com/graphics/investigations/police-shootings-database/.

"Mental illness, unlike age, is its own risk factor for police violence. The Fatal Force project found that approximately one in four people shot and killed by police were experiencing a mental or emotional crisis at the time of the shooting.

However, the finding that Black men exhibiting signs of mental illness are also at higher risk of police killing than white men, particularly while unarmed, is indicative of a concerning pattern in policing: While white men with mental illness are more likely to be given treatment, Black men with similar behaviors are more likely to be criminalized for their actions."[29]

To put the matter as starkly as possible, every behavioral health crisis successfully addressed by mental health professionals instead of by armed policer will significantly reduce the risk of the patient being fatally shot. No one has ever been shot by a police officer who was not at the scene.

III.   Recommendation

We recommend legislation to 1) implement the federally mandated 988 crisis hotline system; 2) enhance and expand behavioral health crisis response and suicide prevention services statewide; and 3) fund the system through SAMSHA and DMHAS grants, reimbursements from private and public insurers, and funds raised by imposing a federally-authorized excise tax on commercial mobile services or IP-enabled voice services.

Legislation implementing the federally mandated 988 crisis hotline system has already been introduced, passed, and/or signed into law in eighteen states. We propose a recommendation that the General Assembly enact legislation in a form that aligns with the Substance Abuse and Mental Health Services Administration's National Guidelines for Behavioral Health Crisis Care Best Practices Toolkit[30] the model bill published by the National Association of Mental Health Program Directors[31] and reflects the robust approaches reflected in the bills passed in Washington State[32] and introduced in New York State.[33]

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[29] **Kara Manke, "Stark racial bias revealed in police killings of older, mentally ill, unarmed Black men" U.C. Berkeley.News, October 5, 2020.** *Citing* The Washington Post Database of Police Shootings *and* **Marilyn D.Thomas PhD, MPHª, Amani M.Allen PhD, MPHᵇ, "Black and unarmed:statistical interaction between age, perceived mental illness, and geographic region among males fatally shot by police using case-only**

design," 53 Annals of Epidemiology, January 2021, 42-49. https://www.sciencedirect.com/science/article/abs/pii/S1047279720302957?via%3Dihub

[30] Substance Abuse and Mental Health Services Administration, National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit (2020). https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-care-02242020.pdf.

[31] National Association of State Mental Health Program Directors, Model Bill for Core State Behavioral Health Crisis Services Systems (2021). https://www.nasmhpd.org/sites/default/files/Model%20Bill%20for%20a%20Core%20State%20Behavioral%20Health%20Crisis%20Services%20System.pdf.

[32] http://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1477-S2.SL.pdf?q=20210617050746

[33] https://legislation.nysenate.gov/pdf/bills/2021/A7177B.

Recommendation 20: The Legislature should establish a board or commission comprised of relevant stakeholders to develop a strategy to achieve this economic recommendation.

We recommend that the State of Connecticut provide targeted and holistic investments to: 1) cultivate ecosystems that will foster economic mobility in under-resourced communities; 2) increase access to viable pathways to high-wage employment, education, and vocational training for Connecticut's underemployed; and 3) prioritize creating viable pathways to home- and business-ownership for CT's under-resourced communities.

Rationale:

There remains a need for substantial investments in mental health care; affordable, high quality health care; accessible housing; healthy food options; good paying jobs; quality and safe education options; and other social services. These underfunded systems have led to the police routinely being thrust into a role of addressing these various social issues, a role for which they were not created and for which they are not fully equipped to manage.

We must meet community needs with thoughtful investments and avoid inserting the police into roles in which they must be the primary or only public responses. If we ask too much of the police, and not enough of ourselves, our residents will always get too little.[34]

This will require—in the words of the Kerner report—"compassionate, massive, and sustained" efforts to address racial inequality and concentrated poverty. As reforms to the criminal justice system are fully realized in Connecticut, it is imperative that savings be reinvested into the systems outlined above. If Connecticut were to make an initial investment of $300 million dollars, this would be roughly equivalent to how much would be saved if Connecticut's Corrections budget was reduced to its 2008 level. With a declining prison population, and alternatives to incarcerations, these savings are possible. Reinvesting public funds can create socioeconomic interventions that lead to economic mobility and that will attract the attention of other private institutional and individual investors to reduce systemic social inequities in Connecticut.

We recognize, however, that the implementation of these recommendations will require more thought and resources. Therefore, we recommend that the Connecticut General Assembly establish a board or a commission comprised of relevant stakeholders to develop a strategy to achieve these recommendations.

For further support of this recommendation, please see the attached presentation.

Reimagining Police
Presentation.pdf

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[34] The United States Conference of Mayors, *Report on Police Reform and Racial Justice*, 14.