



**Connecticut Bar Association
Policing Task Force (CBAPTF)**

Report and Recommendations

November 4, 2021

TABLE OF CONTENTS

Introduction	1
Task Force Members.....	3
Acknowledgement.....	5
I. Data Collection committee.....	6
I.A. Committee Members.....	6
I.B. Use of Deadly Force Database	6
I.C. Factual Observations from the Use of Deadly Force Database	7
I.D. Committee Recommendations.....	9
Recommendation 1: Additional Inspector General (IG) Responsibilities	9
Recommendation 2: Required IG Report Information.....	9
Recommendation 3: Use of Deadly Force Database	10
Recommendation 4: IG Candidate Eligibility.....	11
Recommendation 5: Granting IG Subpoena Authority.....	12
Recommendation 6: Early Warning System Pilot Program	12
II. Police Oversight committee.....	14
II.A. Committee Members.....	14
II.B. Committee Recommendations	14
Recommendation 7: Statute of Limitations Extension in Section 41(g) of P.A. 20-1	14
Recommendation 8: Modification to Mandated Accreditation Standards	15
Recommendation 9: Citizen Complaint Form and Database	16
Recommendation 10: Establishment of Civilian Review Boards	17
Recommendation 11: Minimum Standards for Civilian Review Boards	17
Recommendation 12: Mental Health.....	19
Recommendation 13: Pattern-or-Practice Enforcement Authority to the Attorney General	20
Recommendation 14: Use of Force by Police Officers.....	21
III. Moral Recognition committee	23
III.A. Committee Members	23
III.B. Committee Recommendations.....	23
Recommendation 15: Police-Community Reconciliation Training	23

Recommendation 16: Mandatory DEI, Racial Justice, and Implicit Bias Professional Development and Training.....	24
Recommendation 17: Public Trust Assessments	25
Recommendation 18: Racial Bias and Racial Hostility Screening.....	27
Recommendation 19: POST Council Racial Justice Working Group	27
IV. Reimagining Police committee.....	29
IV.A. Committee Members.....	29
IV.B. Committee Recommendations.....	29
Recommendation 20: Feasibility Study on the use of Social Workers and Mobile Crisis Units by Police	29
Recommendation 21: Creation of municipal civilian interview panels and a community, cops & culture exchange program.....	31
Recommendation 22: Implementation of the federally mandated 988 crisis hotline and expansion of behavioral health crisis response and suicide prevention services.....	35
Recommendation 23: Targeted Investments to Increase Economic Mobility.....	40

INTRODUCTION

In the wake of the murder of George Floyd and amid growing concern regarding policing in our country, the Connecticut Bar Association (“CBA”) formed a Policing Task Force (“PTF”). The mission of the Task Force was to bring together a group of informed people with varied backgrounds, perspectives, and experiences in an effort to provide some practical suggestions regarding policing in Connecticut. The strength of our group lies in its diversity and its dedication to working together despite our different viewpoints. The PTF consists of 22 people, including community members and activists, attorneys and academics with varied practices and work experiences, and current and former members of state and federal law enforcement, including two Police Chiefs and the Chief State’s Attorney.

Since its inception in June 2020, the PTF met on a weekly basis, attended community listening sessions, and elicited the advice and counsel of the state judiciary, individual police officers, and representatives of police unions. The Task Force has issued twenty-three recommendations which were unanimously approved by CBA. This Report documents the work of the Task Force and our recommendations, all of which are the product of respectful but rigorous debate and informed by legal and other research.

Policing in America, particularly today, is very hard. Police leaders and police officers face substantial challenges. In Connecticut, we are fortunate to have many dedicated officers and respected police leaders some of whom are recognized nationally as models for their innovative and progressive work. Our recommendations are not meant to undermine their leadership or the critical work of these officers. Rather, the goal of our work is to create additional positive change, an evolution in policing that will better support both the police and the communities they serve.

As background, the CBA appointed three attorneys to serve as the Co-Chairs of the PTF: Deirdre Daly, a partner at a Stamford law firm and the former United States Attorney for the District of Connecticut; Rev. Keith King, a religious leader in New Haven and a former federal prosecutor in Connecticut; and Alexis Smith, the Executive Director of New Haven Legal Assistance. Members of the Task Force each joined one of four Committees: Data Collection, Police Oversight, Moral Recognition, and Reimagining Police. The Committees met regularly—often weekly—for over a year. PTF members also recruited fourteen others, mostly attorneys and academics, to join the Committees; to a person, these members made invaluable contributions to our work. A full list of Task Force and Committee members follows this introduction.

The Committees worked independently and presented recommendations that were examined and ultimately voted on by all PTF members. The Data Collection Committee reviewed in detail approximately 86 incidents since 2001 in which Connecticut police officers and state troopers used deadly force. Connecticut State’s Attorneys have investigated and prepared detailed reports regarding these incidents in accordance with the applicable statute, *see* Conn. Gen. Stat. § 51-277a(c). The reports focus on whether the use of physical force by the police officer(s) violated state law, and in most all incidents, there was a finding that the use of force was justified under the law.

Relying on the information contained in these public investigative reports, the Committee prepared a comprehensive dataset that documents critical facts relating to these incidents. There is a dearth of information regarding police deadly force incidents nationwide. We believe collecting, synthesizing, and publicly sharing the relevant data for these incidents in Connecticut is critical to any meaningful assessment of police work. A link to the dataset is included in this Report.

The Oversight Committee examined how police departments, local communities, and state governments resolve allegations of systemic and individual instances of police misconduct. The Committee reviewed internal affairs divisions, civilian review boards, hiring practices, consent decrees, and pattern-or-practice lawsuits. We evaluated police department accreditation standards. And we surveyed how citizen complaints are recorded across the state. In all these inquiries, we asked: What are the options? What works? What is not working? Does one size fit all? Our specific recommendations are outlined below. The simple takeaway is that regardless of the specific oversight measures a department or municipality may choose to implement, the most successful organizations will foster a culture of transparency, accountability, and professionalism. That is, by living “the examined life,” leadership will do the hard but necessary work of asking what we did wrong and how we can avoid that outcome again.

The recommendations of the Moral Recognition Committee are rooted in an acknowledgement that there is often distrust in the police, with deep historical roots, among African-Americans, other people of color and their communities. We hope Connecticut’s police departments will use our recommendations to repair and strengthen police-community relationships. We seek to create opportunities for departments to learn about, discuss and address the root causes of this present and historic distrust. Through reconciliation initiatives, diversity, equity, and inclusion trainings, and community conversations, we believe police departments can build more just, equitable, and effective police-community relationships, and address the past and present impacts of structural and systemic inequality in law enforcement.

The Reimaging Police Committee examined the appropriate scope of police responsibility, considered calls for deploying alternative responders and related support proposals, and examined relevant police training and policies. The Committee also explored redefining public safety and combating systemic inequality by investing in programs that address the root causes of violence and crime (*e.g.*, lack of employment opportunities, housing, quality education, or health care) by creating economic ecosystems in under-resourced communities.

Finally, the Task Force partnered with the Police Transparency and Accountability Task Force created by the General Assembly (“PTATF”). With the permission of the CBA, we shared all our draft recommendations with the PTATF to ensure they had the benefit of our thoughts on a timely basis. A number of our recommendations were adopted by the legislature.

TASK FORCE MEMBERS

Co-Chairs

Deirdre Daly

*Partner, Finn Dixon & Herling LLP,
Stamford*

*Former United States Attorney for the
District of Connecticut (2013-2017)*

Keith King

*Senior Pastor, Christian Tabernacle Baptist
Church, New Haven*

*Former federal prosecutor (AUSA, District
of Connecticut)*

Alexis Smith

*Executive Director, New Haven Legal
Assistance*

Task Force Members

Vanessa Avery

*Associate Attorney General & Chief of the
Division of Enforcement and Public
Protection, Connecticut Attorney General's
Office*

Ken Barone

*Associate Director, University of
Connecticut, Institute for Municipal and
Regional Policy*

Troy Brown

*Assistant Director of Program & Staff
Development, Connecticut Judicial Branch*

Richard Colangelo

Chief States Attorney, State of Connecticut

Maya Donald

Community Organizer, New Haven

Doris Dumas

President, Greater New Haven NAACP

Maggie Castinado

*Vice President, Connecticut Bar Association
(CBA)*

*Senior Assistant Public Defender, New
Haven Past President, Connecticut Hispanic
Bar Association*

Patrick Cooney

Partner, Furey Donovan Tracy & Daly, P.C.

Monte Frank

*Partner, Pullman & Comley LLC,
Bridgeport
Past President, CBA*

Charlie Grady

*Public Affairs Specialist, Federal Bureau of
Investigation, New Haven
Former Police Officer, Hamden*

Michael Gustafson

*Superior Court Judge, New Haven
Former federal prosecutor (AUSA, District
of Connecticut)*

Warren Hardy

Youth Advocate, Hartford

Keith Mello

*Chief of Police, Milford Police Department
Chairman, Police Officer Standards and
Training Council
Past President, Connecticut Police Chiefs
Association*

Vernon Riddick

*Chief of Police, West Hartford Police
Department
Former Chief of Police, Waterbury Police
Department*

Preston Tisdale

*Partner, Koskoff Koskoff & Bieder PC,
Bridgeport*

Cecil Thomas

*Attorney, Greater Hartford Legal Aid
President, Connecticut Bar Association,
President*

Kitty Tyrol

*Training Manager, Clifford Beers Clinic,
New Haven*

Calvin Woo

*Partner, Verrill Dana, Westport
Advisory Board, Connecticut Asian Pacific
Bar Association*

Kean Zimmerman

*Claims Counsel
President-Elect Connecticut Hispanic Bar
Association
Co-Chair of the Diversity Equity and
Inclusion Committee, Connecticut Bar
Association*

ACKNOWLEDGEMENT

The Co-Chairs are grateful for the hard work and dedication of all the Task Force and Committee members. We deeply appreciate the candor, patience, and thoughtfulness that you brought to our work. We learned a great deal from each of you.

Special thanks to **Amani Edwards**, Director of Diversity and Human Resources at the CBA, for keeping us organized and focused. Her many contributions were invaluable to us.

I. DATA COLLECTION COMMITTEE

The Data Collection Committee was tasked with reviewing use of deadly force incidents investigated by the Division of Criminal Justice between 2001 and 2020. The Division publishes a detailed report of the findings from each use of deadly force incident, dating back to 2001. The reports include a thorough examination of each investigation and all relevant facts. To our knowledge, there has never been an attempt to thoroughly review each detailed report for the purpose of developing a database with basic facts compiled for each incident. This Committee developed a database that includes basic incident information, subject information, officer information, and relevant investigative information. In addition to the data available in the public reports, the Committee also requested additional officer level information from police agencies involved in these incidents.

In addition to the development of a database, the Committee drafted a series of other recommendations based on the expertise of the Committee and our assessment of the data collected.

I.A. Committee Members

Deirdre Daly, Chair

Ken Barone

Richard Colangelo

Calvin Woo

Frank Rudewicz (Committee only)

Principal and Counsel, CliftonLarsonAllen

Former Officer, Hartford Police Department

Kean Zimmerman

I.B. Use of Deadly Force Database

The Committee reviewed 86¹ use of deadly force incidents investigated by the Division of Criminal Justice between 2001 and 2020. Of the 86 incidents reviewed, the Division completed investigations of 82 incidents and four incidents are still under investigation. For the incidents under investigation, the Committee reviewed preliminary reports. All investigation reports can be found on the Division of Criminal Justice website. The full dataset compiled by the Committee can be found on the Connecticut Bar Association Policing Task Force [website](#).

In Connecticut, there are a total of 94 municipal police departments: 29 departments employing more than 50 officers, 50 employing between 20 and 50 officers, and 15 with fewer than 20 officers. State police are comprised of 11 distinct troops. Although there are an additional 80 jurisdictions that do not have organized police departments and are provided police services by the state police, either directly or through provision of resident troopers, incidents that occur within one of these jurisdictions are categorized with their overarching state police troop. Additionally, a

¹ The Committee did not review any 2021 incidents because investigative reports were not yet completed for most of those incidents.

total of 13 special agencies also exists in the state. There are approximately 7,000 municipal police officers and 900 state police troopers in Connecticut.

The law governing use of deadly force investigations has evolved over the last six years. Between 2001 and 2015, the State's Attorney in the judicial district where the incident occurred was responsible for conducting the investigation. At the time, investigations were required whenever a police officer, in the performance of his or her duties, used deadly physical force on someone and that person died. The Connecticut General Assembly made two significant changes to this process in 2015: (1) investigations would now be completed when an officer uses any type of physical force and death results, and (2) the Chief State's Attorney must designate a State's Attorney from a judicial district other than the one where the incident occurred or appoint a special assistant state's attorney or special deputy assistant state's attorney to investigate the incident. In 2019, the General Assembly modified the process again to require an investigation to determine the appropriateness of an officer's use of deadly force on another person, even if death does not result². In 2020, the General Assembly passed Public Act 20-1, which established the Office of the Inspector General (IG) within the Division of Criminal Justice. The IG is now responsible for investigating all use of deadly force incidents.

Of the 86 incidents reviewed, 76 resulted in the death of the subject. Since 2001, 36 municipal police departments and the Connecticut State Police have been involved in use of deadly force incidents. Of the 36 departments, 21 were involved in only one incident, six were involved in two incidents, six were involved in three incidents, and four were involved in more than three incidents. Departments with 50 or fewer officers account for 19% of all incidents, departments with between 51 and 150 officers account for 30% of all incidents, and departments with over 150 officers account for 51% of all incidents. Six agencies (Bridgeport, Connecticut State Police, East Hartford, Hartford, New London, and Waterbury) account for 51% of all use of deadly force incidents in Connecticut. Hartford Police have been involved in the largest number of deadly force incidents of any policy agency since 2001.

In addition to publishing a detailed investigative report when deadly force is used in Connecticut, it is our sincere hope that the IG will maintain a public database such as the one this Committee developed. Understanding statewide and departmental data trends is a critical component of finding solutions to reduce or eliminate these tragic incidents from occurring in the future.

I.C. Factual Observations from the Use of Deadly Force Database

The Committee made five meaningful factual observations from the data, which have been used to inform several other Task Force recommendations. Those factual observations are outlined below:

1. Almost half of the incidents involved 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

² There was one investigation of deadly use-of-force in 2019 that did not result in the death of the subject and four in 2020.

for municipalities and law enforcement to seriously consider the role that mobile crisis units or other social services can play in supporting responses to police calls.

2. Half of the subjects/victims of deadly force incidents were either Black or Hispanic. In 30% of the incidents, the subject/victim was Black; and in 20% of the incidents, the subject/victim was Hispanic. While there are factors that might begin to explain this racial disparity—including the racial composition of neighborhoods where some of these incidents occur—the hard truth is that half of the subjects/victims of deadly force incidents are persons of color. In this same vein, of the 86 deadly force incidents we have reviewed, 18 individuals involved were unarmed. Of those 18 individuals, 39% were Black and 28% were Hispanic.
3. Six police departments/agencies (Bridgeport, Connecticut State Police, East Hartford, Hartford, New London, and Waterbury) were involved in 51% of all deadly force incidents; and the same six departments were each involved in more than three such incidents. These departments would most benefit from the implementation of robust early warning systems.
4. In 26% of the incidents, a vehicle was involved, usually as part of a pursuit. On November 14, 2019, the Police Officer Standards and Training Council (POSTC) adopted an updated Model Pursuit Policy in accordance with Public Act 19-90, Section 5. Recognizing that pursuits of fleeing motor vehicles present a danger to the lives of the public, police officers, and those inside the vehicles, the policy serves as the minimum standard for all police pursuits. The policy is robust and detailed. At its core, the policy permits pursuits only when an officer reasonably believes that the driver or occupant has committed, or is attempting to commit, a crime of violence or that there are exigent circumstances that warrant the timely apprehension of a suspect because of potential harm to the public. Officers are prohibited from discharging their firearms at a vehicle or its occupants unless the occupants are using or threatening the use of deadly physical force against the officer of another person by means other than the vehicle. This pursuit policy, which was borne out of the type of data analysis being conducted in many areas of policing, is a meaningful development in minimizing the occasion of deadly force incidents engendered by police car pursuits.
5. Most of the incidents occurred on the second shift (3:00 p.m. – 11:00 p.m.), and the vast majority of officers who fired their weapons were between 26-35 years old and relatively new to policing, having under ten (and in many cases, under five) years of experience. The reports do not always make clear whether supervisory personnel were dispatched and on scene prior to the use of force. The presence of experienced supervisory personnel on scene, particularly when incidents may involve significant threat to the safety of officers and others, may help to facilitate safer outcomes. We recommend reinforcement of, and adherence to, model guidelines issued by POSTC and the national Commission on Accreditation for Law Enforcement Agencies (“CALEA”), which include directives requiring, whenever possible, that supervisors and/or veteran officers respond to the scene

of serious incidents, including all shooting calls (other than calls concerning hunters), verified robbery calls, burglaries in progress, serious assaults, hostage or barricaded suspect calls, officer-needs-assistance calls, kidnapping, incidents involving large groups, strikers or protesters, and incidents involving individuals experiencing mental health or suicide-related issues.

I.D. Committee Recommendations

Recommendation 1: Additional Inspector General (IG) Responsibilities

The IG should be directed to make findings regarding whether police officers involved in incidents under investigation violated any department procedures, policies, or protocols during the incident and, if such violations occurred, whether discipline should be considered.

Rationale:

A review of the investigative Reports on the use of deadly force by Police Officers authored by Division of Criminal Justice from 2001 to the present (the “Reports”) shows that, in accordance with the applicable statute, *see* Conn. Gen. Stat. § 51-277a(c), the Reports focus on whether the use of physical force by the police officer(s) violated state law. In several Reports, although there is no finding of a violation of state law, the facts plainly demonstrate that the police officers violated police procedures, policies, or protocols. Accordingly, we recommend that the IG, who is most familiar with the facts of the incidents, also make independent findings regarding potential violations of police procedures, policies, and protocols.

Recommendation 2: Required IG Report Information

Public reports issued by the IG concerning police use of deadly force should include a comprehensive recitation of the facts to ensure public confidence in the investigative process. In addition to the facts germane to each incident and the legal analysis as to whether the use of physical force was permissible under the law, all such reports should include:

1. A timeline of significant events relevant to the incident, including whether mental health considerations may have contributed to the incident.
2. Information concerning the police officers involved in the incident, including, but not limited to:
 - a. Officer demographics (race, ethnicity, gender, age);
 - b. Officer’s number of years of service (including years with other police agencies);
 - c. Officer rank and assignment at the time of the incident (*e.g.*, patrol or any specialized unit);
 - d. Whether the officer has been involved in other deadly use of force incidents and the officer’s role in such incidents;
 - e. Whether the officer has been involved in any other use of force incidents where physical injury resulted, or may have resulted, within three years of the current incident;

- f. A review of the officer's relevant disciplinary file and related records, including any relevant findings of misconduct and any related discipline or remedial action imposed;
 - g. The number of relevant citizen complaints filed against the officer; the general nature of the allegations in any such complaints; any substantiated findings of misconduct by the officer; and any relevant disciplinary or other remedial action taken as a result of such findings; and
 - h. A review and summary of the officer's training records.
3. Information concerning the victim/subject of the incident, including, but not limited to:
 - a. Demographic information (race, ethnicity, gender, age);
 - b. Town of residence; and
 - c. Any evidence indicating that the officers involved in the incident were aware at the time of the incident that the victim/subject previously had been arrested or convicted of a violent offense; had been involved in the use of force against police officers; or had possessed or was believed to possess at the time of the current incident, a firearm.
 4. The identification of any police department procedures, policies, or protocols that were violated during the incident.
 5. Recommendations for future actions. *See, e.g.,* Report of the State's Attorney Concerning the Death of Edward R. Gendron, Jr.

Rationale:

The Task Force has reviewed the Reports concerning deadly use of force incidents since 2001. These incidents were investigated by at least 23 different State's Attorneys, each of whom made his or her own determination about the types of information to report. The above-described information was not consistently included in the Reports. To ensure all relevant facts are available to the public, and to enable meaningful analysis of these incidents over time, the above-described information should consistently be reported.

Recommendation 3: Use of Deadly Force Database

The IG should create and maintain a public database of pertinent information derived from completed investigative reports issued by the IG concerning police use of deadly force.

Rationale:

The Division of Criminal Justice must investigate and determine whether the use of physical force by a police officer(s) violates state law. From 2001 to the present, in accordance with the applicable statute, *see* Conn. Gen. Stat. § 51-277a(c), Reports on the Use of Deadly Force by Police Officers were authored by Connecticut State's Attorneys. Section 33(a) of the Act provides that the IG must now conduct such investigations and issue public investigative Reports.

To promote transparency with the public and to facilitate detection of any trends or patterns of problematic behavior, a public database that captures relevant information from each incident is necessary. The public database should, at a minimum, include the following information:

- Basic Incident Information: Date, time, location, weather conditions, officer initiated, or officer dispatched;
- Subject Information: name, gender, race, ethnicity, age, town of residence;
- Indicate whether death occurred because of police use of force, and while in police custody or in a medical facility;
- Nature of initial interaction and underlying alleged offense;
- Activity that lead to incident (based on CT use of force form);
- Subject’s resistance resulting in application of force (based on CT use of force form);
- Control methods used (based on CT use of force form);
- Officer Information: unique officer ID, assignment at time of incident, race, ethnicity, gender, age, years of service, prior involvement in other deadly use of force incidents, number of complaints on record at the time of the incident, prior relevant discipline; and
- Investigative Information: camera footage available and type (body cam, dash cam), charges filed, officer discipline imposed.

Recommendation 4: IG Candidate Eligibility

Section 33(a) of An Act Concerning Police Accountability, Public Act 20-1 (the “Act”) should be amended to permit candidates outside of the State Division of Criminal Justice (“DCJ”) to be eligible for the position of IG and for positions within the staff of the Office of the Inspector General (“OIG”).

Rationale:

Section 33(a) of the Act states:

“There is established the Office of the Inspector General that shall be an independent office within the [Connecticut State] Division of Criminal Justice. Not later than October 1, 2020, the Criminal Justice Commission . . . shall nominate a deputy chief state’s attorney from within the division as Inspector General who . . . shall lead the Office of the Inspector General. The office shall: (1) Conduct investigations of peace officers . . . ; (2) prosecute any case in which the Inspector General determines a peace officer used force found to not be justifiable . . . or where a police officer or correctional officer fails to intervene in any such incident or to report any such incident . . . ; and (3) make recommendations to the Police Officer Standards and Training Council . . . concerning censure and suspension, renewal, cancelation or revocation of a peace officer’s certification.”

The Act requires that all candidates for IG and OIG staff positions be drawn from within the DCJ. *See id.* (IG); *id.* § 33(j) (OIG staff). This precludes the Criminal Justice Commission from selecting potential IG and OIG staff from a larger pool of well-qualified candidates including, but not limited to, federal prosecutors, private practitioners from the plaintiffs’ bar, and civil rights attorneys. It is critical that OIG investigations have the full confidence of the public and avoid any appearance of a conflict of interest. Candidates drawn exclusively from the DCJ could, however, appear to have such conflicts given that they regularly work with police officers, some of whom

may be the subject of OIG investigations. Candidates who are independent from the DCJ, on the other hand, would be less likely to have the appearance of such a conflict of interest. Accordingly, we recommend that the Act be amended to permit the Criminal Justice Commission to consider candidates outside of the DCJ for IG and OIG staff positions.

Recommendation 5: Granting IG Subpoena Authority

The IG should be granted the authority to issue subpoenas to civilians who may have witnessed a use of force incident and/or may have relevant knowledge or information regarding the incident.

Rationale:

Section 33(g) of the Act states: “The Inspector General may issue subpoenas to municipalities, law enforcement units, . . . Department of Correction and any employee or former employee of the municipality, unit or department (1) requiring the production of reports, records or other documents concerning [the Inspector General’s] investigation . . . , and (2) compelling the attendance and testimony of any person having knowledge pertinent to such investigation.”

If the IG can subpoena only law enforcement and municipal employee witnesses, the OIG’s investigations will not have the benefit of the testimony of civilians who may have witnessed or participated in the incidents, or who may possess documentary evidence (*e.g.*, video recordings, medical records) relevant to the investigation. Without compulsory process, the IG will be unable to compel civilian witnesses, who may be unwilling or fearful of cooperating in such investigations, to provide relevant testimony or other evidence.

Recommendation 6: Early Warning System Pilot Program

Certain police departments should develop and implement an early intervention system (“EIS”) pilot program to detect and prevent adverse incidents. Those departments whose officers are involved in the greatest number of deadly force incidents would most benefit from such a program. We recommend an EIS program that would identify police officers most at risk of adverse incidents through a data-driven approach based on the model developed by the Center for Data Science and Public Policy at the University of Chicago (“UC”).

Rationale:

Most Connecticut police departments do not have an EIS. Those departments that do have such systems use a threshold-based model which, for example, “flags” officers who have a threshold number of citizen complaints within a designated time period. Although these programs attempt to identify officers with patterns of problematic performance or signs of stress in order to prevent adverse incidents, they tend to have a high rate of false flags. This can overload departments and undermine the efficacy and legitimacy of the EIS.

The UC-based EIS model has been deployed by departments across the country and been shown to be more accurate and effective than the threshold-based model. The UC model is based on a broader set of data, including officer demographics, training, days off, secondary jobs to detailed police activities (traffic stops, dispatches, arrests, use of force, vehicle pursuits) and

civilian compliments, complaints, and civil lawsuits. Using machine learning to detect patterns that precede adverse incidents, the model analyzes thousands of variable combinations (stops, arrests, use of force incidents, dispatches) over time to determine which factors best identify officers at risk. The model then generates risk scores that the department can use to identify officers for whom intervention may be appropriate.

The EIS system would be developed in collaboration with the department, including the definition of what constitutes an “adverse incident” (for which an Internal Affairs investigation leads to a finding) and what kind of intervention (training, counseling, disciplinary action) is most appropriate for particular findings.

As communities discuss the potential reallocation of police resources, an investment in the development and use of a UC-based EIS that is data-driven would be beneficial. Piloting this program in a small number of departments would be a worthwhile first step.

II. POLICE OVERSIGHT COMMITTEE

The Police Oversight Committee was developed to review internal police department discipline practices and related labor laws; examine the role of Internal Affairs Departments; review current external investigative processes and the role of civilian review in deadly force and other police misconduct matters; and address the need for pattern-or-practice investigations at the state level.

II.A. Committee Members

Doris Dumas, Co-Chair

Michael Gustafson, Co-Chair

Vanessa Avery

Brian Foley (Committee Only)
*Executive Assistant to the Commissioner,
Commissioner of Department of Emergency
Service & Public Protection
Former Police Officer, Hartford Police
Department*

Monte Frank

Andrew Giering (Committee Only)
*Attorney, Federal Public Defender's Office,
Hartford*

Warren Hardy

Jocelyn Kaoutzanis (Committee Only)
*Federal Prosecutor (AUSA, District of
Connecticut)*

Keith Mello

Donald McAuley, Jr. (Committee Only)
PhD Student, University of Connecticut

Steve McEleney (Committee Only)
*Partner, McEleney & McGrail LLC,
Manchester*

Dan Noble (Committee Only)
*Partner, Finn Dixon & Herling LLP,
Stamford*

Vernon Riddick

II.B. Committee Recommendations

Recommendation 7: Statute of Limitations Extension in Section 41(g) of P.A. 20-1

The one-year statute of limitations for bringing an action pursuant to Section 41 of P.A. 20-1 should be extended to three years.

Rationale:

Section 41(g) of the Act provides: "A civil action brought pursuant to this section shall be commenced not later than one year after the date on which the cause of action accrues."

Three reasons support extending the statute of limitations to three years.

First, the one-year limitations period is tied to the period of time that police departments are required by statute to retain body-camera footage. At first blush, this seems logical. Our research shows, however, that as a matter of custom and policy, police departments retain body-

camera footage involving use-of-force incidents for up to four years. Moreover, an aggrieved citizen contemplating a lawsuit could put a police department on notice and request that the department retain its body-camera footage beyond the one-year statutory floor.

Second, the one-year limitations period is very short. This may serve as an artificial barrier to the filing of meritorious cases or, alternatively, force plaintiffs' counsel to file lawsuits prematurely so as not to exceed the limitations period.

Third, the federal district court will likely adopt the statute of limitations established in Section 41(g) of the Act for civil rights lawsuits brought in the District of Connecticut pursuant to 42 U.S.C. § 1983. "Since Congress did not enact a statute of limitations governing actions brought under § 1983, the courts must borrow a state statute of limitations." *Lounsbury v. Jeffries*, 25 F.3d 131, 133 (2d Cir. 1994). "In Connecticut, the three-year limitations period set forth in Conn. Gen. Stat. § 52-577 is applicable to claims asserted under section 1983." *Harnage v. Shari*, No. 16 Civ. 1576 (AWT), 2020 WL 5300913, at *3 (D. Conn. Sept. 4, 2020). Extending the statute of limitations to three years will preserve the status quo for Section 1983 lawsuits brought in the District of Connecticut.

Recommendation 8: Modification to Mandated Accreditation Standards

The accreditation standards for law enforcement agencies should be revised to give police chiefs the option of complying with the Connecticut Police Officer Standards and Training Council ("POSTC") Tier III standards ("Tier III standards"), or the national Commission on Accreditation for Law Enforcement Agencies ("CALEA") standards. Those departments opting to achieve Tier III accreditation by 2025 should reach Tier I accreditation by 2021 and Tier II accreditation by 2023.

Rationale:

The Act requires that all departments satisfy the CALEA standards. Currently, only 24 of 92 departments in Connecticut are CALEA certified. The Tier III standards are very similar to the CALEA standards but include additional state-specific standards. The CALEA standards also include a facility-update requirement that differs from the facility-update component required by the state accreditation process, including requirements relating to detention centers and the location of evidence storage. Under the current CALEA on-site assessment process, assessors from outside of Connecticut spend a minimal amount of time at each police department (2-3 days) reviewing policies, practices, and facilities, as well as conducting staff interviews. Most of the department's files are reviewed remotely by assessors who may be unfamiliar with Connecticut law and regulations. By contrast, the Connecticut Tiered Accreditation Program uses a POSTC assessor and a local team of three or four assessors who are familiar with Connecticut law and regulations to review the department's policies, practices, and facilities.

In addition, adoption of the Tier III standards would result in significant cost savings for many departments. CALEA requires departments to recertify every five years at significant cost, typically \$15,000 over the course of the assessment period. Although Bill 6004 provides some funding (via issuance of bonds), the costs of CALEA accreditation are expected to be a major

challenge for many departments. Although Tier III requires recertification every four years, it is much more cost-effective.

Recommendation 9: Citizen Complaint Form and Database

The Police Officer Standards and Training Council (POSTC) should be tasked with updating and developing a statewide standardized form and process for reporting citizen complaints. The form should (1) state clearly that complaints can be made anonymously and do not need to be notarized; (2) request information about the race, ethnicity, and gender of the police officer and complainant, among other information; (3) be available online and easy to locate; (4) be available in hard copy at local police stations and other municipal buildings, including public libraries; and (5) be available in Spanish and/or other foreign languages, depending on the needs of the local population.

In order to promote transparency and facilitate detection of any problems or patterns of behavior, police departments should promptly submit complaint data to an online database maintained by the Office and Policy Management (“OPM”). Departments should report complaint data without the names or other identifying information of complainants or police officers. Instead, OPM and departments should use unique tracking numbers for officers and complainants that will allow for the determination of whether other complaints have been filed against the officer and whether the complainant has filed other complaints. The OPM database should be publicly accessible and searchable.

POSTC should determine which types of complaints must be submitted to OPM by departments, to include racial profiling, discourteous behavior, and excessive force complaints. POSTC should not permit departments to wait to report required data until after complaints are investigated and substantiated. POSTC must develop an audit policy to ensure that departments are making the complaint form widely available and promptly submitting the required data to OPM. On a bi-annual basis, OPM should publicly issue a report on complaint data received during that time period. OPM could outsource maintenance of the database and analysis of the complaint data to a university.

Rationale:

Public Act 20-1 does not address citizen complaints. POSTC has developed certain minimum standards for reporting complaints, but we found that these are insufficient. Currently there is no standardized statewide form for reporting citizen complaints. Nor is there a central repository for collecting complaints, a database for analyzing them, or a method for publicly reporting such data. The model complaint form developed by POSTC in 2015 has certain problems, including not making clear that the complaint can be reported anonymously. The form also needs to be updated to ensure that important data is regularly collected. For at least certain categories of citizen complaints, including complaints about excessive force, racial profiling, and discourteous behavior, this lack of standardized data collection and reporting is particularly problematic.

Recommendation 10: Establishment of Civilian Review Boards

Section 17 of P.A. 20-1 should be amended to require all communities with police departments, or under the jurisdiction of the Connecticut State Police Resident Trooper Program, establish a Civilian Review Board (CRB) (if one does not already exist). For the purpose of this recommendation, communities that have an active police commission with oversight of the police department shall be considered to have satisfied the requirement of having a CRB.

Rationale:

This recommendation will further the goals of the Police Accountability Act because it will bring standards, oversight, and consistency to all of our Connecticut communities regardless of police jurisdiction. A fundamental purpose of the Act is to provide standards for, and oversight of, the police officers and departments tasked with keeping communities safe. CRBs are a proven accountability mechanism that provide an independent review of police departments. In carrying out this function, CRBs serve as a check and balance on the exercise of police authority, which, in turn, fosters civilian trust, police transparency, and community engagement.

Recommendation 11: Minimum Standards for Civilian Review Boards

Section 17 of P.A. 20-1 permits municipalities to establish a Civilian Review Board by ordinance. Section 17(a) requires that ordinances establishing CRBs shall, at a minimum, set forth the following:

1. The scope of authority of the CRBs;
2. The number of members of the CRBs;
3. The process for the selection of board members, whether elected or appointed;
4. The term of office for board members; and
5. The procedure for filling any vacancy of the membership of the CRBs.

The Committee surveyed 24 different CRBs from across the nation. While the Committee's survey was not exhaustive, the CRBs that were reviewed varied in size, scope, composition, and authority. The survey included CRBs from municipalities and counties with populations ranging from 37,000 in Amherst, MA, to nine million in Los Angeles County. The Committee also reviewed and considered the U.S. Department of Justice publication, *Citizen Review of Police*.

Although Section 17(a) outlines the minimum requirements for a CRB ordinance, the legislation does not offer specific guidance for establishing a CRB. This is understandable considering the different needs of the communities that CRBs might serve. Municipalities should consider the minimum standards outlined in the rationale below when creating a CRB pursuant to Section 17(a) of P.A. 20-1.

Rationale:

A. The scope of authority of the civilian police review board:

The following factors should be considered when deciding between an investigatory-based or review-based CRB:

- Does the police department have a history of being open and transparent with the community?
- Is the police department currently under a consent decree/federal oversight, or does it have a history of being under a consent decree/federal oversight?
- Does the municipality have the funding and resources needed to finance an investigative CRB (including office equipment, computers, video equipment)?
- What are the implications for failure to comply with subpoenas?
- What enforcement measures are available to compel subpoena compliance?

These questions will assist a municipality in deciding what type of CRB to choose. A community with a police department that has a demonstrated track record of being open and transparent with the community may choose a review-based CRB. Conversely, an investigative-based CRB is more appropriate for a police department that is currently, or was previously, under a federal consent decree and/or is working to create stronger trust with the community.

An investigative-based CRB will be labor-intensive and require members to have an investigative background and training. The CRB will require subpoena power to compel witnesses and/or the production of documents. The CRB will conduct administrative internal affairs investigations that are not intended to be a substitute for, or to interfere with, any related criminal investigation. As provided in Section 17, the IG will have the authority to stay a CRB investigation to prevent interference with an ongoing criminal investigation. An investigative-based CRB is also likely to have significant collective bargaining implications.

A review-based CRB, by contrast, will evaluate a department's own internal affairs investigation to assess whether it was objective, factual, and thorough. The CRB will sustain or reject the findings and make recommendations to the Chief of Police or other individuals who have the authority to discipline officers.

B. The number of members of the civilian police review board

The Committee recommends that a CRB contains at least five members and not more than eleven members. The attached CRB survey identifies boards ranging from five to eleven members. To avoid votes ending in a tie, boards should be composed of an odd number of members. Using 60% of members in attendance as the basis for a quorum, a board consisting of five members would need only three members in attendance to conduct business. The Committee does not believe it would be adequate for a CRB to have fewer than three persons deciding the issues coming before a CRB. On the other hand, a CRB with too many members may present difficulties in attaining a quorum. Also, too many people on a CRB may lead to unproductive lengthy debates and discussions of differing opinions, thereby slowing the review process.

C. The process for the selection of board members, whether elected or appointed

CRBs are charged with assessing interactions between police officers and civilians, sometimes based upon conflicting accounts and evidence. To ensure that their factual findings and proposed recommendations are respected by all parties involved, members of CRBs must be

viewed as objective and impartial. Accordingly, the selection of CRB members must be approached with thoughtfulness and care.

The CRB selection process should yield a diverse CRB with members of different genders, races/ethnicities, professional backgrounds, experiences, and worldviews. The process of selecting CRB members, whether elected or appointed, should include a background check. The background check should not be used unfairly to preclude any individual's participation, but rather to elicit a diverse collection of lived knowledge and identify possible implicit biases. Prospective board members should also be required to participate in training, including citizen's academy, scenario training, ride-along, and confidentiality training. CRB members should also be required to sign a confidentiality agreement prior to their appointment.

D. The term of office for board members

We recommend that CRB members' terms be staggered, thus reducing the likelihood of an entire CRB turning over at the same time. Terms should be for a minimum of two years and generally for a maximum of five years. There should also be a maximum number of terms that a CRB member can serve before a break in service. Members must recognize the civic commitment attached to the role, and absent hardships and personal emergencies, members should serve their full term. CRBs require consistency of membership to garner adequate collective knowledge in order to perform their mission effectively.

E. The procedure for filling any vacancy in the membership of the civilian police review board

Depending on the amount of time remaining in the vacated term and the amount of training required for new board members, it may be in the CRB's best interest not to fill a vacancy. Should the CRB choose to fill the vacancy, however, the process should consider the perspective of the initial selection committee and the existing CRB's opinions. The selection committee or the CRB should fill vacancies either by vote or appointment.

There should also be a process to address the removal of a board member. The following factors should be considered as a basis for removal: breach of confidentiality; breach of ethics (e.g., using one's position of power to coerce another, falsifying information, nepotism, and failing to disclose conflicts of interest); a pattern of poor attendance; or other conduct unbecoming of a board member. It is essential to recognize that accountability, trust, and integrity are just as integral for CRB members as they are for police officers.

Recommendation 12: Mental Health

Public Act 20-1 should be amended to prohibit discharging, disciplining, discriminating, or otherwise penalizing a police officer because of the results of a behavioral health assessment.

Connecticut General Statutes § 7-291d currently states: "(a) No law enforcement unit, as defined in section 7-294a, shall discharge, discipline, discriminate against or otherwise penalize a police officer, as defined in section 7-294a, who is employed by such law enforcement unit solely because the police officer seeks or receives mental health care services or surrenders his or her

firearm, ammunition or electronic defense weapon used in the performance of the police officer's official duties to such law enforcement unit during the time the police officer receives mental health care services. The provisions of this subsection shall not be applicable to a police officer who (1) seeks or receives mental health care services to avoid disciplinary action by such law enforcement unit, or (2) refuses to submit himself or herself to an examination as provided in subsection (b) of this section.”

We recommend amending section 7-291d(a) as follows: “(a) No law enforcement unit, as defined in section 7-294a, shall discharge, discipline, discriminate against or otherwise penalize a police officer, as defined in section 7-294a, who is employed by such law enforcement unit solely because (i) the police officer seeks or receives mental health care services; (ii) the police officer surrenders his or her firearm, ammunition, or electronic defense weapon used in the performance of the police officer's official duties to such law enforcement unit during the time the police officer receives mental health care services; or (iii) because of the results of a behavioral health assessment conducted pursuant to section 7-291e. Nothing in this subsection should be construed as preventing a law enforcement unit from considering the results of a behavioral assessment in evaluating whether a subsequent fitness-for-duty evaluation is appropriate.

Rationale:

Section 16 of An Act Concerning Police Accountability, Bill 6004, requires behavioral health assessments for police officers when they begin their employment, not less than once every five years, and for good cause shown. The CBATF's proposed amendment seeks to protect law enforcement officers who undergo required periodic behavioral assessments or for good cause shown. The proposed amendment will help eliminate any stigma or adverse employment effects that may result from such assessments.

The CBATF makes this recommendation because ensuring the health and wellbeing of all police officers is a priority and serves the public good. Police officers should be encouraged to disclose mental health issues and to seek treatment without fear of discipline, loss of employment, or any other adverse effect on their careers. The same legal protections that are currently afforded officers who voluntarily seek or receive mental health care services should be extended to officers when they are required to obtain behavioral health assessments.

This recommendation is not intended to shield any officer from a more comprehensive follow-up examination, should such an examination be deemed necessary. The CBATF also encourages municipalities and police departments to consider requiring behavior assessments of officers more frequently than once every five years and allocating additional resources to permit more frequent assessments and availability of mental health treatment for officers.

Recommendation 13: Pattern-or-Practice Enforcement Authority to the Attorney General

Public Act 20-1 should be amended to grant civil “pattern-or-practice” enforcement authority to the Attorney General. This authority would be invoked only when there is evidence of a persistent pattern of misconduct in a police department or evidence of a regular practice in place that unlawfully discriminates or violates civil rights, rather than an isolated incident. The remedy for a pattern-or-practice violation must include whatever reforms may be necessary within

the police department to remedy systemic problems such as use of excessive force, racial profiling, and other biased policing and unlawful practices. To be effective, pattern-or-practice enforcement authority must include authorization to conduct investigations, including issuing subpoenas and civil investigative demands, as well as the power to commence litigation when appropriate.

Rationale:

An Act Concerning Police Accountability, Public Act 20-1 (Bill 6004), does not include civil authority for pattern-or-practice review. This authority lies beyond the scope of the criminal authority granted to the IG. Although the federal Government has the authority to conduct pattern-or-practice investigations, the Connecticut Attorney General does not currently have this authority. Because the federal Government has a national focus, systemic and egregious misconduct in local police departments which are lower profile or less urgent relative to departments outside of the State may go unchecked.

State government is in the best position to monitor local police departments for patterns and practices of civil rights abuses. The Connecticut Attorney General is already well positioned to provide necessary oversight and accountability. The Office of the Attorney General is focused solely on the State of Connecticut, and it has the expertise and capacity to investigate and bring any necessary cases.

By definition, “pattern-or-practice” authority is only invoked when there is evidence of a persistent pattern of misconduct in a police department or evidence of a regular police practice that unlawfully discriminates or violates civil rights, rather than an isolated incident. The goal of a pattern-or-practice action is to secure whatever reforms may be necessary within a department to remedy systemic problems such as use of excessive force, racial profiling, and other biased policing and unlawful practices.

In response to concerns about the limitations of this authority, the grants of authority in other jurisdictions around the country can be instructive. Distinct from criminal investigations or charges that may be pursued for a single violation of law, this authority is aimed at addressing multiple instances and systemic abuses or violations within a department. State AG enforcement may avoid the costs associated with similar DOJ enforcement by consent decree (which may require a court monitor and a more expansive scope of review and/or modification) and shorten the mandated period of oversight.

Recommendation 14: Use of Force by Police Officers

The Connecticut General Assembly should pass H.B. 6462, *An Act Concerning Use of Force by a Peace Officer*³. On March 8, 2021, the Judiciary Committee unanimously approved H.B. 6462 (Joint Favorable Substitute), which provides that Section 29 of Public Act 20-1 of the July special session concerning the use of force by peace officers (1) shall take effect on January 1, 2022; and (2) shall be amended:

³ At the time that this report was released, H.B. 6462 was passed by the Connecticut General Assembly and signed into law by the Governor.

- A. to clarify that whether a police officer's actions were "objectively reasonable" should be determined based upon "the given circumstances at that time," rather than just "the circumstances";
- B. to require that before a police officer may use deadly force, the officer must, among other requirements, have "reasonably determined that there are no available reasonable alternatives to the use of deadly physical force," instead of requiring officers to have "exhausted" any such reasonable alternatives;
- C. to require that before a police officer may use deadly force, the officer must, among other requirements, "reasonably believe that the force employed creates no unreasonable risk of injury to a third party," rather than a "substantial" risk of such injury;
- D. to require that before a police officer may use deadly force to "effect an arrest of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction of serious physical injury," the officer must, "where feasible," provide "warning of his or her intent to use deadly physical force";
- E. to require that before a police officer may use deadly force to "prevent the escape from custody of a person whom he or she reasonably believes has committed a felony which involved the infliction of serious physical injury," the officer must also reasonably believe that the person "poses a significant threat of death or serious physical injury to others" (and, "where feasible," provide "warning of his or her intent to use deadly physical force"); and
- F. to require that, for purposes of evaluating whether actions of a police officer are "reasonable" under the statute, the (non-exhaustive) factors to be considered include whether "any unreasonable conduct" of the officer led to an increased risk of an occurrence of the situation that precipitated the use of such force, rather than "any conduct" of such officer.

Rationale:

The task force supports passage of H.B. 6462 as adopted on a unanimous, bipartisan basis by the Judiciary Committee. The bill makes small, but important, textual amendments to Section 29 Public Act 20-1 of the July special session that are consistent with the spirit and intent of last year's Police Accountability Act. These amendments provide important clarifications that will help further guide the use of deadly force by police officers in the field. The amendments also provide additional protections for the public against unreasonable uses of deadly force by the police. Lastly, the bill provides a realistic timeline for implementation of the new use of deadly force statute that will allow police officers in the state to be properly trained on the law.

III. MORAL RECOGNITION COMMITTEE

The Moral Recognition Committee was developed to review how to publicly address past injustices and recommend any relevant trainings for police. Their work is rooted in an acknowledgement that there is often distrust in the police, with deep historical roots, among African Americans, people of color and their communities. The work of the committee focused on creating opportunities for police departments to learn about, discuss and address the root causes of this present and historic distrust.

III.A. Committee Members

Alexis Smith, Chair

Preston Tisdale

Troy Brown

Cecil Thomas

Maya Donald

Kitty Tyrol

III.B. Committee Recommendations

Recommendation 15: Police-Community Reconciliation Training

The state of Connecticut should create a Reconciliation Collaborative with the Office of Policy and Management, Criminal Justice Policy and Planning Division and other stakeholders to implement a reconciliation program throughout the state.

Rationale:

The National Initiative for Building Community Trust and Justice provides a framework for police-community reconciliation consisting of the following five components, which they have utilized in a select number of cities. We strongly support efforts already underway by Connecticut’s Office of Policy Management (OPM), via *An Act Concerning Police Accountability*, to coordinate the State’s efforts around reconciliation.

We further suggest OPM collaborate with local organizations to develop and implement a reconciliation initiative using the following five components:

1. Fact-finding. Departments shall engage in a fact-finding process in an effort to explore police departments’ past harms (such as enforcing Jim Crow laws) and present harms maintained through policies and practices with detrimental effects on safety, equity, and justice.
2. Acknowledgment of harm. Police leadership will deliver acknowledgments of harm that recognize past and present harms, as well as ongoing problems that fuel mistrust between the police and community.
3. Sustained listening. Listening sessions shall be designed to be intimate and non-adversarial to encourage community members to share their experiences with and insights about law enforcement candidly.

4. Narrative collection and sharing. Narratives will capture community members' perceptions of police and the police's perceptions of communities.
5. Explicit commitments to changing policy, practice, and culture that continue the legacy of racial bias and discrimination. Departments shall commit to make changes and improvements in areas identified through the listening sessions.

All police departments in Connecticut shall participate in this initiative.

Funding shall be used to compensate individuals, community members, and organizations for their time on developing and implementing the reconciliation initiative.

No funding shall be used to compensate individual officers for attending any aspect of the reconciliation initiative. Individual departments shall be required to compensate their officers from the department budget.

All reconciliation efforts shall be evaluated on an ongoing basis. Some metrics for evaluation might include:

- number of departments participating each year;
- number of listening sessions, including number of attendees and topics discussed;
- increased community voice and representation to inform policy, procedures, and practices;
- new policies and practices implemented as a result of reconciliation;
- changes in diversity of police departments;
- increases in community trust of police; and
- reduction of police violence in the community.

Recommendation 16: Mandatory DEI, Racial Justice, and Implicit Bias Professional Development and Training

All Connecticut Police Departments should work with local or national organizations and municipal leadership to identify, develop, and facilitate professional development and trainings that address issues of Diversity Equity and Inclusion (DEI), Racial Justice, and implicit bias.

Rationale:

Trainings should be mandatory and offered to all police officers annually. Departments may consult with the Connecticut State Police Officer Standards and Training Council (POST) as a resource for training and tracking methods. At the completion of each training, each police officer will be required to complete an assessment with a minimum pass rate of 80%. We also recommend regular assessments that measure incremental learning and attainment.

Trainings and professional development should be conducted by experienced DEI trainers. We recommend a blend of current and/or retired police officers and non-officer co-facilitating trainings. Trainers should be individuals with a diversity of identity, lived experience, experience/interaction with law enforcement and professional experience within the criminal legal system. All trainers must have experience with DEI training and facilitation. Trainings are best delivered in diverse cohorts, drawing from a variety of diverse communities and police

departments. We strongly suggest this be accomplished in partnership with regional communities and police departments.

We further recommend that POST hire a full-time DEI coordinator/trainer to identify appropriate evidence-based/best practice models of DEI training. The POST Council Racial Justice Working Group, *see* Recommendation 17(e) below, shall develop and conduct a hiring process for the DEI coordinator. The coordinator should be experienced in, and should demonstrate expertise in, the following areas:

- DEI training—programs and models;
- Commitment to systems change;
- Knowledge about law enforcement/law enforcement background; and
- Comprehensive education and expertise on Race, Systemic Racism, African-American History and the History of Policing.

The coordinator’s job duties shall include:

- Addressing cultural and historical practices within police departments, as they relate to DEI;
- Identifying training curricula in conjunction with POST leadership and community/non-profit groups with expertise and experience in racial justice;
- Creating or obtain training curricula;
- Identifying learning objectives, processes, and outcomes;
- Facilitating trainings using a Train-the-Trainer model;
- Securing Trainers/Facilitators and/or Subject-Matter Experts to provide training;
- Participating in local community forums;
- Coordinating trainings across communities and regions in the State;
- Establishing an Evaluation Process including quantitative and qualitative measures and data; and
- Issuing Annual Reporting.

Finally, we recommend increasing annual training hours for officers from 20 hours to 40 hours, including a minimum number of DEI training hours per year comprising a mix of mandated trainings and electives.

Recommendation 17: Public Trust Assessments

Police departments and local communities should create a public trust assessment that enable communities through surveys to provide feedback regarding public trust and confidence in police departments.

Rationale:

We acknowledge the yearning within the community, particularly communities of color, for healing with respect to its relationship with the police. For the purposes of this recommendation, the word “community” is not limited to individuals who reside in a particular geographic area served by a particular police department. Rather, we use this term to mean all

individuals who reside, work, or travel to and through such geographic area for basic activities of human life such as recreation, worship, social and economic activities.

Police departments should receive regular and ongoing feedback regarding how police officers are regarded within the community, particularly among communities of color. Finally, the police training programs recommended in 17(b) above, must be assessed for their efficacy and impact within the community. For all of these reasons, it is important for members of the community to convey their thoughts and concerns about how their local law enforcement respond to the community's needs and conduct themselves. One way to achieve this is for the public to know the police are held accountable for any and all acts of racial bias and discrimination. The POST Council Racial Justice Working Group (See Recommendation 17e) shall oversee these efforts.

Every two years, the community shall have the opportunity to participate in a Public Trust Assessment, consisting of an electronic survey, as well as focus groups and community conversations, to obtain candid feedback from the community regarding public trust and confidence in the police department, with a particular focus on assessing the impact and efficacy of trainings and other DEI, cultural competence, public trust, and racial justice initiatives.

The Public Trust Assessment electronic survey shall allow for the provision of anonymized, aggregated feedback. The survey shall be broadly disseminated within the community and shall allow respondents to provide anonymous identifying information, including:

- demographic information such as age, gender, gender identity, race, ethnicity, national origin, and sexual orientation;
- the geographic area where the respondent resides, works or otherwise connects with the municipality; and
- other appropriate data in order to determine response trends.

The survey should allow for the provision of narrative, open-ended feedback as well as responses to standardized direct questions.

The POST Council Racial Justice Working Group shall retain an organization with appropriate expertise and experience to develop a standardized Public Trust Assessment Survey Toolkit, for implementation within each municipality.

The Civilian Review Board, Police Commission, or similar governmental entity should coordinate the implementation of the PTA survey. The entity tasked with implementing the PTA survey should ensure a broad variety of outreach methods, including community canvassing, electronic and social media. The results of the survey should be aggregated and published in a report that is made broadly available to the public on the municipality's website.

The survey should allow for feedback regarding the following topics, among others:

- The community members' views of the police (individually, and as a system and arm of law enforcement);
- Views of police-community relationships;

- Perceptions of crime and neighborhood conditions;
- Willingness to partner with the police on crime control and prevention; and
- Perceptions of police response to calls and interactions in community.

In addition to the electronic survey described above, Police departments should hold regular and consistent community forums and listening sessions to hear from the individuals in the community they serve. All police departments shall work with community groups and grassroots organizations to hold forums to hear from community members about their experiences with their local law enforcement. These forums should be facilitated listening sessions, where police provide an intimate, non-adversarial forum for community members to share their experiences with and insights about law enforcement. These sessions will serve as a key mechanism for identifying narratives and informing specific changes to policy and practice that are then reported back to community members in subsequent listening sessions.

Finally, a reflective process should be established by which the forums are recorded and/or documented to include a list of attendees, speakers, summary, action steps and follow up and made available for public review.

Recommendation 18: Racial Bias and Racial Hostility Screening

All police departments should screen for racial bias and racial hostility. We strongly urge police departments to implement tools at the time of recruitment and hiring to screen for racial bias, racial hostility, and racial animus. In particular, we urge police departments to develop a tool to assess biases for officers after hiring and certification. This assessment should be conducted annually, possibly in coordination with the annual mental health assessment.

If an officer is identified to have such biases, the department leadership shall provide resources and take all necessary actions to eliminating such biases. The department may also implement a professional development plan to address biases which may be having an impact on the perception of the officer within the community and/or the officer's perception of the community. Where racial bias or hostility results in sufficiently severe officer misconduct, the department should implement appropriate discipline.

Recommendation 19: 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; and
- 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 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 In-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.

IV. REIMAGINING POLICE COMMITTEE

The Reimagining Police committee was developed to examine the appropriate scope of police responsibility; review proposals for alternative responders and related support; and examine relevant police trainings and policies.

IV.A. Committee Members

Rev. Keith King, Chair

Dr. Maysa Akbar, Chair (Committee Only)
Assistant Clinical Professor, Yale University School of Medicine

Alan Bowie, Jr. (Committee Only)
*BIC, Senior Legal Counsel
Past President, Crawford Black Bar Association*

Maggie Castinado

Patrick Cooney

Matthew Denny (Committee Only)
PhD Candidate in Political Science, Yale University

Charlie Grady

Theresa Hopkins-Staten (Committee Only)
President, Eversource Foundation and Vice President, Corporate Citizenship and Equity, Berlin

Rev. Skip Masback (Committee Only)
Former Managing Director, Yale Center for Faith and Culture

Demar Lewis (Committee Only)
PhD Candidate in Sociology & African American Studies, Yale University

Gwen Samuel (Committee Only)
Founder and President of Connecticut Parents Union

Arthur W. Thomas III (Committee Only)
Director of Entrepreneurial Initiatives and Inclusive Economic Opportunity, The Community Foundation of Greater New Haven

IV.B. Committee Recommendations

Recommendation 20: Feasibility Study on the use of Social Workers and Mobile Crisis Units by Police

Section 18 of P.A. 20-1 should be expanded to include a comprehensive feasibility study on the use of social workers and mobile crisis units by police in Connecticut. In support of this study, the CBATF, in collaboration with the Police Transparency and Accountability Task Force, would assess the DESPP and police evaluations submitted to POSTC on the use of social workers to respond remotely to calls for assistance, to respond in person to such calls, and/or to accompany police officers on calls where the experience and training of a social worker could provide assistance.

Rationale: Section 18 of the Act states:

“Not later than six months after the effective date of this section, the Department of Emergency Services and Public Protection and each municipal police department shall 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. Such evaluation shall consider whether responses to certain calls and community interactions could be managed entirely by a social worker or benefit from the assistance of a social worker. Municipal police departments shall additionally consider whether the municipality that the police department serves would benefit from employing, contracting with or otherwise engaging social workers to assist the municipal police department. Municipal police departments may consider the use of mobile crisis teams or implementing a regional approach with other municipalities as part of any process to engage or further engage social workers to assist municipal police departments. The Commissioner of Emergency Services and Public Protection and each municipal police department shall submit such evaluation immediately upon completion to the Police Officer Standards and Training Council established under section 7-294b of the general statutes.”

The mobile crisis team approach to public safety is well known in Connecticut, particularly with respect to responses to children and adolescents and others experiencing behavioral or mental health needs or crises. *See* Mobile Crisis Intervention Services Performance Improvement Center (PIC) Annual Report: Fiscal Year 2019. Several Connecticut cities and towns have adopted, or are adopting, mobile crisis unit (or “Co-Responder Team” or “Crisis Intervention Team”) strategies. *See*, for example, descriptions of such programs in Hartford, New Haven, and a consortium comprised of Suffield, Windsor Locks, East Windsor, and Granby.

Moreover, the movement to mobile crisis team approaches to public safety has been robustly supported by the U.S. Department of Justice and by funding provided by the federal Substance Abuse and Mental Health Administration and the Connecticut Department of Mental Health and Addiction Services. *See, e.g.*, Law Enforcement Best Practices: Lessons Learned from the Field; Building Safer Communities: Improving Police Responses to Persons with Mental Illness; and Police Mental Health Collaborations: A Framework for Implementing Effective Law Enforcement Responses for People Who Have Mental Health Needs. Both former President Trump and President Biden have expressed support for the co-responder model. *See* Trump Executive Order on Safe Policing for Safe Communities and Joe Biden’s Criminal Justice Policy.

The mere fact that the General Assembly has mandated that police departments submit feasibility and impact studies is no guarantee that the opportunities created by the legislation will be fully grasped. While some police departments will see the Act as an opportunity to recommend imaginative movements toward adoption of mobile crisis unit policing, the responses are almost certain to be highly variable. If we wish to see the DESPP and the municipalities meaningfully consider these opportunities, we must support their efforts by supplying them with the resources and advocacy necessary to fully consider the options available to them.

Recommendation 21: Creation of municipal civilian interview panels and a community, cops & culture exchange program

The Connecticut General Assembly should appoint a commission to create (1) municipal civilian interview panels to participate in hiring, review, and promotion decisions for police officers, and (2) a community, cops and culture exchange program (a “CCC Exchange Program”).

As the implementation of these recommendations will require more thought and resources, we recommend that the Connecticut General Assembly appoint a commission comprised of all stakeholders to develop a strategy and implement a program that will consider the concerns of the community and all of the stakeholders, but would include the elements, objects, and goals of the recommendation.⁴ The commission or the board shall consist of a diverse cross-disciplinary group of people to include, among others, 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 funding sources to implement the recommendations. We recommend that POSTC require all police departments to adopt these programs, when developed by the commission.

While the appointed commission would be charged with resolving the logistical details of developing and implementing these two programs, we recommend that they also be charged with including the following minimal requirements for each proposal:

1. Civilian Interview Panel for Hiring

The civilian interview panel for hiring should be composed of a diverse group of citizens (*e.g.*, 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. Members of the panel should be chosen by that municipality’s elected officials. Panel members will meet with the candidates prior to those candidates being fully hired as police officers. The civilian interview panel will make a report to the hiring agency either supporting or declining to support the candidates.

2. Civilian Interview Panel for Promotions

The civilian interview panel for promotions should be composed of a diverse group of citizens (*e.g.*, 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. Members of the panel should be chosen by that municipality’s elected officials. Panel members will meet with the candidates prior to those candidates being promoted to command staff positions. The civilian interview panel will make a report to the hiring agency either supporting or declining to support the proposed promotions.

⁴ 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.”

3. Community, Cops, and Culture Exchange Program

The Community, Cops, and Culture Exchange Program shall assemble a committee that will work to create academic, cultural, and practical educational experiences for municipal and state police cadets. The committee shall be composed of Connecticut residents consisting of diverse race, gender, ethnic, religious and aged community members, but shall not have political elected officials. 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 POSTC 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 POSTC.

- 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 ensures 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.

Rationale:

Our work in support of this recommendation 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^{5,6,7,8}; and (3) while continued incremental reform is essential, it has become clear that real, enduring change will not occur unless and until there is a fundamental “reimagining” or culture change in the nature of policing.

Our recommendations are based on many studies, including: (1) the Report on Lawlessness in Law Enforcement issued by the National Commission on Law Observance and Enforcement (the “Wickersham Commission”); (2) *The Challenge of Crime in a Free Society*, issued by The President’s Commission on Law Enforcement and Administration of Justice (the “Katzenbach Commission”); (3) the Report of the National Advisory Commission on Civil Disorders (the “Kerner Commission”); and (4) the Final Report of the President’s Task Force on 21st Century

⁵ 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*.

⁶ 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 of officers striking handcuffed suspects, for example. They have heard verbal abuse. They have heard much rudeness.”) 102.

⁷ 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.

⁸ 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

Policing (the “Obama Task Force”). The central insight of these studies is that reforming police departments requires cultural change. 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.⁹

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.”¹⁰

The Katzenbach Commission¹¹, the Kerner Commission¹² 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.¹³

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

⁹ The Obama Task Force on 21st Century Policing 11.

¹⁰ Wickersham Commission 347.

¹¹ 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)

¹² 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.”

¹³ See Obama Task Force on 21st Century Policing, *supra* note 7, at 42.

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.¹⁴

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; and (2) develop meaningful opportunities for diverse community leaders to participate at every level of officer training in ways that foster deep understanding and engagement with the full complexity and diversity of the communities the officers are being trained to serve.

Recommendation 22: Implementation of the federally mandated 988 crisis hotline and expansion of behavioral health crisis response and suicide prevention services

The Connecticut General Assembly should establish 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,¹⁵ the model bill published by the National Association of Mental Health Program Directors,¹⁶ which reflects the robust approaches reflected in the bills passed in Washington State¹⁷ and introduced in New York State.¹⁸

Rationale:

Police officers perform the indispensable service of protecting our communities from crime and violence and promoting public safety. Police recruitment and training necessarily focus

¹⁴ See Obama Task Force on 21st Century Policing, *supra* note 7, at 42.

¹⁵ 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>.

¹⁶ 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>.

¹⁷ <http://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1477-S2.SL.pdf?q=20210617050746>

¹⁸ <https://legislation.nysenate.gov/pdf/bills/2021/A7177B>.

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. 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, and mental illness 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.¹⁹ These recommendations have been echoed by calls from many organizations such as the United States Conference of Mayors,²⁰ the Leadership Conference on Civil and Human Rights,²¹ the National League of Cities and Arnold Ventures,²² and the Center for Policing Equity²³ 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

¹⁹ 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).

²⁰ United States Conference of Mayors, Report on Police Reform and Racial Justice 14-15 (2020)

²¹ 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).

²² National League of Cities and Arnold Ventures, Mental Illness, Substance Use, and Homelessness: Advancing Coordinated Solutions through Local Leadership 1-5 (2019)

²³ Center for Policing Equity, A Roadmap for Exploring New Models of Funding for Public Safety 4 (2020)

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/>).²⁴ By 2015, DCF had already established fifty-three memoranda of understanding with community-based mental health care providers.²⁵ 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.

²⁴ 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 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).

²⁵ Department of Children and Families, Connecticut Children’s Behavioral Health Plan: Progress Report 8 (2015)

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.²⁶

Federal 988 Legislative and Regulatory History

The federal 988 legislative and regulatory history was ably summarized in a May 14, 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: (1) 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 (2) personnel and the provision of acute mental health, crisis outreach and stabilization

²⁶ 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)

services by directly responding to the 9-8-8 national suicide prevention and mental health crisis hotline.

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.)²⁷

Many of the state bills already enacted or introduced reflect guidance provided by SAMSHA's published best practices for behavioral health crisis care²⁸ as well as model bills promoted by various mental health advocacy groups.²⁹ While there is substantial variation among and between the various state bills, virtually all of them seek to capture the advantages identified by SAMSHA:

- 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.
- Those in crisis will be more likely to receive help from those most qualified to provide support.
- 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.
- 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.³⁰

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 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>.

²⁹ 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>.

³⁰ 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)

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.³¹ 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.

“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.”³²

To put the matter as starkly as possible, every behavioral health crisis successfully addressed by mental health professionals instead of by armed police officer 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.

Recommendation 23: Targeted Investments to Increase Economic Mobility

The Connecticut General Assembly should establish a board or commission comprised of relevant stakeholders to develop a strategy to provide targeted and holistic investments to increase economic mobility. Those investments need 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 Connecticut’s under-resourced communities.

³¹ [Washington Post Database of Police Shootings](https://www.washingtonpost.com/graphics/investigations/police-shootings-database/), <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>.

³² 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](https://www.washingtonpost.com/graphics/investigations/police-shootings-database/) and Marilyn D. Thomas PhD, MPH^a, Amani M. Allen PhD, MPH^b, “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>

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 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 response. If we ask too much of the police, and not enough of ourselves, our residents will always get too little.³³ 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.

³³ The United States Conference of Mayors, *Report on Police Reform and Racial Justice*, 14.