Legislative History for Connecticut Act

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And with that business out of the way, will the Clerk please call Emergency Certified House Bill No. 7103?

CLERK:

Emergency Certified House Bill 7103. AN ACT CONCERNING EXCESSIVE USE OF FORCE.

SPEAKER SHARKEY:

The distinguished Chairman of the Judiciary Committee, Representative Tong.

REP. TONG (147th):

Welcome back, Mr. Speaker.

SPEAKER SHARKEY:

Same to you, sir.

REP. TONG (147th):

I move passage of the emergency certified bill.

SPEAKER SHARKEY:

Question before the chamber is passage of the emergency certified bill. Will you remark, sir?

REP. TONG (147th):

Yes, thank you, Mr. Speaker. This is known as the Excessive Use of Force bill, and I want to start first by thanking my Co-Chairman, Senator Coleman, and our colleagues in the Senate for their leadership on this bill. I want to thank - I'm

looking at my classmate, the Chairman of the Black and Puerto Rican Caucus, and Representative Morris, and the members of that caucus, and I want to thank the members and the leadership of the four caucuses for their contributions to this bill, including Representative Rebimbas, a ranking member, Representative Zupkus, a ranking member of Public Safety, and also the House Republican legal staff, who've been in particular very helpful in helping us craft the language that's before us today.

This bill has several important sections. I will run through them in brief. First, section one provides that each police officer training program shall include various modes of training including training in the use of body cameras as well as cultural competency, sensitivity, and bias-free policing training.

Section two provides that each police department shall development and implement guidelines for the recruitment, retention, and promotion of minority police officers.

Section three provides that in communities with relatively high concentrations of minority residents that those police departments put together a plan

and implement a plan to promote racial and ethnic diversity of such units that are representative of the community.

Section four provides that in a case where an officer uses physical force upon another person and that results in death, that the Chief State's Attorney shall designate a state's attorney from a district other than the one in which the incident occurred to conduct an objective and thorough investigation.

Section five provides that there shall be record-keeping with respect to the use of force.

Section six provides that law enforcement officers who are dismissed for misconduct are not rehired in another police department.

Section seven is the body cameras provision. It provides that the state police, special police under our general statutes, and municipal police departments that so choose will use body cameras in the conduct of their duties. It also provides that police - municipal police departments that have purchased body cameras will be reimbursed for those costs. There is a set aside of $15 million in our

bond bill that we will address later today for that purpose.

I want to say a few words about this bill, and I want to thank Representative McGee for reminding us of what happened in Charleston. Mr. Speaker, a few years ago, my wife and I celebrated our tenth wedding anniversary in the city of Charleston, and I will tell you that you will not find a more beautiful place, a more beautiful city than the city of Charleston in this country. And that's why I think it is particularly heartbreaking to see that city shattered by the violence that we saw at the Emanuel AME Church. And Charleston stands as a harsh reminder to all of us of the things that divide us and the persistence of hate.

Unfortunately, Mr. Speaker, Connecticut knows more about unspeakable tragedy and senseless violence than we should. And that's why I think it's heartbreaking to see over the past year what happened in Staten Island. To see Baltimore on fire. To see what happened in Cleveland to a young man in a park and again in a park in South Carolina.

These tragedies, people dying senseless, inexplicable deaths involving police officers -

these tragedies are a warning to all of us. They're a warning that there is, unfortunately, in this country a growing division. There is a fracture between communities, particularly our urban communities, and law enforcement, the people that are sworn to protect us. There is a fracture between communities of color. Black families, Latino families, Asian Pacific Americans, Muslim Americans. A fracture between all of us and the police officers we depend on to keep us safe. I think all of us in this chamber agree, nobody, particularly a young boy, nobody should die because they brandished a toy gun. Nobody should meet their end because they were selling illegal cigarettes. And no one should be gunned down because they turned their back on a police officer and ran in fear.

These incidents are a reminder to all of us and a stern warning that we had better do something about this growing fracture and this situation, and that's what this bill does. This bill is about rebuilding trust between our communities. It's about building the kind of police departments and state police that we can be proud of, and we are proud of them. It's about bridging that divide and healing

that fracture between our communities, particularly our urban communities, and the police officers sworn to protect us.

In closing, Mr. Speaker, I want to make it very clear that I think I speak for everybody in this Chamber. We honor the work of our law enforcement and police officers in this state. And we thank them for their work in keeping us safe. This is not an anti-police bill. We are trying to help law enforcement do their jobs. We're trying to help them be more effective. We're trying to give them the technology and the means to do justice in our communities, and ultimately to keep us all safe. I urge passage.

SPEAKER SHARKEY:

Thank you, sir. Would you care to remark further on the bill that's before us?

The distinguished ranking member of the Judiciary Committee, Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you and good afternoon.

SPEAKER SHARKEY:

Good afternoon, madam.

REP. REBIMBAS (70th):

I would echo many of the sentiments that my fellow Co-Chair of the Judiciary Committee has just stated and differ on a few others as well. I don't think there's anybody in this Chamber, or hopefully in the state of Connecticut, that would ever condone senseless violence, especially violence that leads to death. And I think we can be proud in the state of Connecticut that we have our men and women in blue who serve and protect us every day of their working lives and don't know whether or not they will come home to their families, their children, their spouses, their parents, etc. And I do want to say that we all honor the work that they do. But at the same time, we do want to make sure that each and every resident of the state of Connecticut is also treated fairly and with respect and under the laws of the state of Connecticut.

And if there are fractures, what we should be doing is unifying. And what we want to make sure is that any legislation that gets passed out of the House is legislation that would foster unity and again the protection of not only those who serve us in the line of duty but those residents that then

come in contact with those men and women that protect us on a daily basis.

So for clarification purposes and legislative intent, we have a very important bill before us, and I think it's important to make sure that we understand not only the language in the bill but its consequences as well. And I also do want to thank all the many members and staff from LCO to staff attorney from both sides of the aisle, and the state representatives and senators, and also the people who came up during the public hearing that dedicated so many hours in testimony and discussions and time related to trying to make what is a very well-intended piece of legislation even better. So through you, a few questions to the Chairman of the Judiciary Committee.

SPEAKER SHARKEY:

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you. In section one, as indicated, there is a variety of requirements regarding training when it comes to the use of force and then the equipment such as body cameras that was discussed, highlighted in the introduction, and certainly we do have not

only POST but DESPP providing such guidance and training, and I think we're providing clarification as to those requirements in this legislation.

In section two specifically, it indicates that each law enforcement unit should develop and implement guidelines for the recruitment and retention and promotion of minority police officers. The wording, each law enforcement unit, so will every unit, municipal police department, state police, have to individually themselves develop and implement guidelines as it states here? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And also in section two, it indicates that the recruitment, retention, and promotion of minority police officers, the goal is for racial and gender and ethnic diversity, is that correct? Through you.

REP. TONG (147th):

Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And I believe this is a good time, also, then to thank the many individuals that collaborated in incorporating the request of gender, and specifically I'd also like to thank the Republican Women for making it that such an important issue and making sure that when we're diversifying any job position and specifically this one when it comes to the police departments, that we're including gender, because as we know, that too, unfortunately, is an under-represented population in many different types of profession including the police forces in that regard.

It's unfortunate that when we reached out to the PCSW, the Permanent Commission on Status of Women, they indicated that it was too late for them to take a position on this, but again I want to

thank the individuals that continue to negotiate and included the gender in the legislation that's before us.

Moving on to section three. It talks about a high concentration of minority residents. That again, you shall make all efforts to recruit, retain, and promote, and that is the same reference to minority police officers that we see in section two. If the kind representative wouldn't mind indicating what is meant, the meaning behind high concentration. Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker. For legislative intent, the term is relatively high concentration of minority residents refers to a community that is more than 50% nonwhite. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, when we talk about high concentration of minority residents that are nonwhite, where in the

bill does it say that it's limited to nonwhite?

Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker. At lines 36 through 40, there is a definition of minority with reference to section three, but to answer Representative Rebimbas's question, the definition I provided of 50% nonwhite is not in the language of the bill, but I provided it to her for legislative intent. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And when we talk about the definition of minority, in order for us then to determine exactly what ethnicities we're looking at, where in, the kind representative provided that the minority is shown the definition in 36 through 40. We read here that it's other than white or whose ethnicity is defined as Hispanic or Latino by the Federal Office of Management and Budget for the use of the Bureau of Census of the United States

Department of Commerce. So in the interpretation of the legislation before us, is, are we limited solely to the utilization of the definition of minority that's stated in section three? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you. To be technically accurate in my answer to the ranking member, the definition set forth at 36 through 40 governs section three. So to the extent we're talking about section three, then I do believe that the lines 36 through 40 do govern this section. It does not govern, in my view, section two.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And when we then look to section two and any of the other sections in the legislation before us for the references of minority, what definition would we be utilizing? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I think we would use the plain language definition of the minority that I think is used commonly in society, in our statutes, in press coverage, the common understanding of what minority is, which tends to refer to communities that are traditionally under-represented by number in our general population and includes communities of color. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And I think that's what was brought up many times during our discussions is that there's a variety of definitions out there of what minority consists of. So that there is no real guidance to that effect, but at the same time, we could look at the goal of racial, gender, and ethnicity - ethnic diversity - as a guidance, which would be all encompassing. So, through you, why are we making a distinction in section three that we are then specifically only examining high concentrations of minority residents and then specifically in interpreting of section three, that those minority

residents can only be defined as other than white, Hispanic, or Latino? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I would posit to the ranking member that the definitions or the meaning of minority in section two and in section three are more or less similarly very broad. Section two and section three seek to address somewhat different issues. Section two relates to specifically racial, gender, and ethnic diversity in the recruitment, retention, and promotion of minority police officers. Section three, I think, is a somewhat narrower task, when we talk about communities that have relatively high concentrations of minority residents, which is a small list of communities in our state, that section three seeks to address diversity recruitment, promotion, retention in those communities, and it was felt because of the words relatively high concentration of minority residents that the definition at 36 through 40 was helpful and illuminative, but what I would say to the ranking member is that I think the purpose of section two

and section three is to promote a broad definition of diversity and of minority, which I think serves the aims of this legislation.

I should add, by the way, I do want to thank Representative Rebimbas and Representative Klarides and others for their leadership on including gender in this bill, because I do think that's an important addition. Thank you. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you for your response, and I think that's where the confusion lies. When we use the word minority in section two and we do have the broad definition of the goal of racial, gender, and ethnic diversity, but section two specifically speaks to the recruitment, retention, and promotion, which also does section three. But then section three requires us to go further than when we're looking at the minority residents for the high concentration, that we're then only specific to other than white, Hispanic, or Latino. So for all those other nonwhite ethnicities, and there's many, over I believe 55 or more, actually a lot more than that, but then we're

ignoring those concentrations and limiting only our examination of Hispanic, Latino, and some nonwhites and to the exclusion of whites, which again encompasses a lot of different ethnicities, and I believe the Chairman indicated because we're trying to address a few communities in section three. If the Chairman wouldn't mind to elaborate what is meant by a few communities. Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

I'm sorry. I didn't hear the last couple words of the ranking member's question. Excuse me. What communities? Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And that's actually my question. I believe the Chairman in his response indicated that section three was to address a few communities, and I'm trying to then determine what that is - what that means. What few communities are we discussing and what are we addressing in the few communities, but specifically what communities? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker. There is a list, I don't have it in front of me, of communities that meet the 50% nonwhite threshold is what I was referring to. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And through you, those communities that you have identified that meets the over-50 threshold, is that only of nonwhites? Is that Hispanics? Is that Latinos? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Yes, there's a greater than 50% concentration of nonwhites, which could be a greater than 50% concentration of Hispanic or Latino persons. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And through you, do you know of any other communities in the state of Connecticut that has a higher than 50% ratio of a specific ethnicity that is characterized under white? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, is the question am I aware of communities in the state of Connecticut that are greater than 50% white? Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Yes, that's correct. Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Yes, I believe that there are. I suspect I represent at least one of those communities in Darien, for example. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. When we look at the definition of white using the Census Bureau, which is the guidance that's provided in section three in that regard, they specifically indicate that the origin of peoples of Europe, Middle East, or North Africa. When determining the candidate that we're trying to hire, promote, and retain in that regard, are we going to be looking at what the individual is representing, identifying by, or what type of characteristics are we utilizing? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I believe that we are, and I believe that each individual police department would go on how the individual represents based on facts concerning their ethnic, racial heritage. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And through you, regarding the recruitment aspect, I believe, and just for clarification purposes, that when you do have two

candidates of equal qualifications but you happen to be in a community with a high percentage of minorities and then specifically minorities as defined by the legislation that's before us, are you required under the verbiage of shall to take the individual that's been identified as a minority? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, if a police department should choose to implement such a policy as identified at lines 30 through 35, then it would be mandatory. However, the construct of the statute is that a police department may choose to recruit, retain, and promote minority police officers in a relatively high concentration of minority residents by a variety of mechanisms, one of which may be sub three at lines 30 through 35. So this statute in section three, to be absolutely clear, is permissive, not mandatory, apart from the requirement that you develop a plan for doing so. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And through you, just so we can clarify them, because there was a lot of whether or not they choose to, the word may that appears in section three, but yet we have in section two the word shall. So a police department shall develop, under section two, which is a requirement, guidelines for recruitment, retention, and promotion of minority police officers. Just for clarification, that is mandatory, is that not correct? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

So if you're mandating some type of guidelines regarding minority police officers and then specifically in section three it defines what a minority police officer is, are you saying that a police department in their implementation of guidelines can ignore section three? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, no, I was suggesting that your question about section three sub three, implementation of policies regarding vacant positions, that that provision is permissive and not mandatory. It is one of at least three tools that are outlined in this bill that may be used to serve the overarching goal stated in line 20, the unit shall make efforts to recruit, retain, and promote minority police officers. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And that's my very point. Section three contradicts section two. Or section two lacks guidance as to what we mean regarding minority police officer. When we talk about a vacant position in section three, that's just another way of saying recruitment in section two. You can't recruit someone to a position that's filled. We are recruiting someone to a position that's vacant. And so in section two, if we're requiring police departments to implement guidelines to recruit,

retain, and promote minority police officers, and if we go literally to the definition of what minority is because the Census Bureau does not define minority. The Census Bureau defines white. The Census Bureau defines Hispanic and Latino with a variety of other categories as well as American Indian or Alaska Native, Asian, Native Hawaiian or other Pacific Islander and some other race they go as far as actually defining. They don't define what minority is. But in section three, there's an implementation of what that definition is, what the minority definition is that would be implemented in section three. And although, correctly, the Chairman provided the language where it says in section three, such efforts may include and it's got a variety of different ones, the problem we are having is that in section two we're saying minority police officers to, so to say in section two you have to develop these guidelines to retain, promote, and I believe also recruit, minority police officers and then in section three define what minority police officers are or what minority is, it contradicts itself.

So I would say that if a police department, in following the requirements of section two regarding developing those guidelines would be free to define minority even as a dictionary defines it as any smaller group of a larger group. And certainly that could then be 50% Latino. It could be 50% Italian. It could be 50% Polish, 50% Pakistani, all of which are ethnicities that are under the Census Bureaus categorized as white, but yet they are minorities because they're a smaller group of a larger group.

So I want to make sure that when we're passing legislation and making sure that it's as clear as possible for these individual departments that we're requiring these guidelines to be not only drafted but implemented, that we're not providing legislation or requiring legislation that's going to cause unnecessary lawsuits. And we want to provide as much clarity as possible so that the intent, the underlying intent of this bill is carried through clearly.

So for clarification purposes, again, for any police department following the requirements of section two, are they free to then choose their

guidelines and their definition of minority? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker. The answer to that question is yes, but let me just address a couple of the concerns of the ranking member. I don't think that section two and section three are in conflict. The definition of minority in section three may be somewhat more specific than section two, but I think that they're similarly broad.

Let me explain why we ended up here with broad language. We did make an attempt to sit down and enumerate who's a minority and who's not. That's very difficult. You don't want to leave anybody out, and it differs from community to community.

I am proud to stand here as one of two people of color who lead the Judiciary Committee. It is the first time in this General Assembly, as far as we are aware, that that has ever happened. But I will tell you that some have wondered whether I count. And I spend much of my life invisible in this calculus of who's a minority and who's not because

some people just don't think about Asian Americans as minorities. And I have to remind people day in and day out, you're damn right I count. And there's a history in this country, particularly for Japanese Americans, where our status as a minority was abused and people were imprisoned in concentration camps.

And so there's an effort to have a broad definition so that we can capture everybody so that in Norwich, in Representative Ryan's district, where there has been a huge growth in Chinese Americans in that area, that that police department says, you know what? What ought to have a few Chinese Americans on our police force.

Representative Zupkus asked me just the other day, "Does this include Albanians?" It could. In Stamford, we have a high concentration of Muslim American Albanians, and I want the Stamford Police Department to know that they should focus on that community to the extent that it grows and to include them in their diversity plan for the recruitment, retention, and promotion of minority police officers.

So I appreciate the desire and the need for certainty, and I appreciate the effort that we've

all made to make these definitions as clear as possible. But I think in that process, what I've learned and I think a lot of people who were part of the negotiations learned, that it makes more sense from a policy perspect to have a broad definition that is of course cabined in by reason and experience and common understanding of what minority means. Obviously, we don't think that a police department can have an absurd interpretation of what it means to be in a minority community. But I think this represents the effort to give maximum flexibility so that we can accomplish the purposes of this legislation, which is to bring our communities together. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and I could not agree more. And that is why we want to make sure that section two does not limit, isolate, and keep out those very groups that you talked about that should be just as inclusive, just as general as in section two. This legislation is clear in its intent. This legislation, in section two, has the guidelines

that's necessary for any police department to properly provide guidelines as to how to promote and recruit because it states with the goal of racial, gender, and ethnic diversity.

So when you say that we want to capture everyone, that is my intent. That is everyone's intent. Because to do otherwise would certainly be a disservice to any one individual, any one group, any other race. And under section two, that's what we're doing. We're limiting all other races but for what's defined as other than white, Hispanic, and Latino.

So again, I also could not be more proud than to serve with the fellow Chairmen. I too am American born but my ancestry is Portuguese and I'm proud of my ancestry, and that is considered to be part of Europe and considered to be white. I'm also proud to be married to a Latino and have a child who's now ancestry is both Latino and Portuguese.

And I also am proud to represent my district, District 70, which includes all types of ethnicities, all types of races, and all types of gender, and for any one police department now to have to read section two and look at its makeup and say high concentration of minority residents.

Minority as defined in the dictionary as a smaller group, smaller than the majority of the whole, so if that town or city is made up of a smaller group of Italians, smaller group of Pakistanians, Arabs, Asians, they cannot, under section two, redefine what minority is under section two, which talks about specifically again requiring that any high concentration of minority residents the unit shall make efforts to recruit, retain, and promote. Very similar language to the requirement in section two. Shall develop, implement guidelines for the recruitment, retention, and promote. Let's leave it there. Let's leave that broad language like the Chairman said to be all-inclusive so that those individual police departments could look at their communities so that everyone that we represent here we are representing the whole of our communities, all of the smaller groups, all of the minority groups whether they're categorized as white, whether they're categorized as other than white.

We want the most and best qualified individuals. And again, the intent of the legislation is just that, but when we go to section two, that's where the contradiction is because it

falls short. It says for that police department who is abiding by section two in promoting, retaining, and recruiting, if you have a high concentration of a minority group, you are now required to make sure that minority is defined in those high concentrations as indicated in section three.

So as much as I've read this many times, we've met many times, countless hours. We even had a kind representative, and I won't mention the name, we had a kind representative during one of our discussions truly try to provide a definition that many of us at that time embraced because although it was not inclusive of every single group as we truly want and as reflected in section two, it certainly included a lot more people, a lot more groups, a lot more races, a lot more ethnicities than what we're limited with in section three. And even that, unfortunately, Mr. Speaker, it was then removed. Even after the legal team, including LCO, really suggested that we should have some kind of guidance in section two because then what we're looking at when we're using the same word over and over and over in this legislation of minority, but then it's defined narrowly in section three. It's just

confusing. Absolutely confusing. And the problem in this situation is that this one section now opens the door for lawsuits because well-meaning intending police departments are going to develop these guidelines, but then again there's no clarity as to how section three, that definition of minority's going to impact everything else.

So Mr. Speaker, because there's so many other good parts of this legislation, I want to make sure that we do go through that, but I'm not exactly certain how any police department could properly implement the legislation that's before us which is a mandate. They shall do this. Properly with the intent of this legislation to the exclusion of the many other ethnicities and groups that even the Chairman highlighted in this discussion.

I do agree and believe we should be all inclusive, and all inclusive is exactly what the goal should be. Again, understanding the intent of the legislation, I don't believe that we are doing any justice to the promotion of specific categories of individuals over others.

So Mr. Speaker, through you, regarding the cameras, police cameras, is it my understanding, and

if the kind Chairman wouldn't mind confirming, that the state police will be required to have body cameras. Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

That is correct. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

And through you, that local police departments and other law enforcement units that might be categorized such as police departments or peace officers that it is still permissive, is that correct? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, it is permissive, that is correct.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

And through you, Mr. Speaker, it indicates in section six D a guidance regarding the word

malfeasance such as wrongdoing or misconduct - and maybe I should back up and just first highlight what section six does. If, through you, Mr. Speaker, if the kind Chairman wouldn't mind highlighting what section six does for the legislation before us.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, is the question of the ranking member what the purpose of section six is? Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and thank the Chairman for wanting to clarify the question. I understand maybe it didn't come out properly. So section six, my understanding, talks about whether a particular individual police officer is eligible or should be hired, there are some guidelines in that regard. And specifically it talks about whether or not the individual has been dismissed for malfeasance, and then we have in section six D, it goes on to define malfeasance, and I know in many of our discussions

we discussed how maybe overly broad that definition is in regards to, as it's defined here, wrongdoing or misconduct. What type of wrongdoing or misconduct are we indicating here? Because I know some of the hypotheticals and examples we discussed was an officer that showed up late for work on a regular basis, and that could be considered as a wrongdoing. Would that reach the level of malfeasance? Or what is the intent of malfeasance in this section? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, not in this bill. The definition of malfeasance is the commonly accepted or common usage, plain language definition of malfeasance, which as defined in the *Merriam Webster Dictionary* is illegal or dishonest activity especially by a public official. Now, or police officer in this case, what I would say is that not only does the conduct by the police officer under this section have to be illegal or dishonest activity, but it must have also resulted in that police officer's dismissal or their resignation or

retirement for their position while under investigation for that malfeasance. So I doubt very seriously that low-level misconduct, which would not be illegal - it may, I guess, in a borderline way be dishonest - that low-level misconduct would qualify under the statute because of the way that it is drafted. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (147th):

Thank you, and I'd like to thank the Chairman for that clarification because we want to make sure that it truly is malfeasance for actions that has a direct impact on the person's duties and responsibilities, carrying through as a law enforcement official.

Also in section six, section B it talks about if a law enforcement unit specifically has knowledge that that former police officer has been dismissed for malfeasance and it's got a variety of other things, that they would have to disclose that. And I just want to make sure for clarity would they be responsible for disclosing it only when that information is requested? So in other words, if that

law enforcement official went to apply to a different police department, if that police department contacted the prior employer, I think that's an obvious situation which then that prior employer, having that knowledge, would disclose that information. But because the language says that if you have the knowledge you have to provide it, if that prior employer just consequently found out that that individual was applying or that individual had been hired by a different police department, would that original employer still have the responsibility under this section, a duty to report? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes, it is an affirmative duty in section six B. When the police department that previously employed the police officer in question learns that that police officer is an applicant for a position in another police department, there is an affirmative duty to notify the police department to which the police officer is applying. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And through you, because that's the way I read it, that there's an affirmative duty, is there any consequence to the prior employer if they do not inform the - again, whether it's the potential police department that's looking to hire the individual or has already hired the individual - what is the consequence? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

The consequence is that they would be in breach of this statute. There is nothing else in this statute that assigns any penalty for not doing so. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. I also want to strongly thank all of the individuals in the consideration in making the technical - what I would think would be technical - change in allowing the reimbursement of body cameras for those police departments that were forward thinking in the, I guess obtaining, acquiring, and

the utilization of body cameras. Because there is funding available for the purchase of cameras, this legislation also allows police departments who had previously purchased them to be reimbursed, and that has been changed all the way back, I believe, it's January 1st, 2012, which to the best of our efforts in our many discussions determined that we believe that the first police department in the state of Connecticut that obtained body cameras was back in 2012, so I want to thank the individuals for incorporating that change in the legislation that's before us because, again, we want to make sure that we continue to encourage the forward thinking of implementing these types of technologies.

Also in the legislation before us, there's a variety of guidelines as to when the camera should continue to record, be turned off, what the retention and utilization of the footage is in that regard, and again I think as appropriately, we do have both DESPP and POST providing guidelines to that affect, and certainly I'm sure that the individuals who already have that incorporated in their everyday jobs will have some very good insight in that regard as well.

And just for clarifications again, through you, in section nine of the legislation that's before us and specifically in section B, it talks about when an individual attempts to interfere - well, actually, let me rephrase that - when a police officer attempts to interfere with an individual, and it could be an individual from the public, someone that's certainly from the media, attempts to interfere with the taking of photographs, digital, still or video images of a scene, and that could be an accident scene, it could be a criminal investigation scene, it could be a variety of different scenes - it talks about the liability of the officer.

If the Chairman wouldn't mind just then clarifying and highlighting to us what type of liability, if any, or where would the liability fall if that particular police officer attempts to interfere with an individual videotaping? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I believe under this statute, it would - the liability would fall on the police officer's employer. The police department. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And through you, many times, whether it's at construction sites or just again, you know, a lot of times different police departments get called to any one scene, would it be the police department that the crime, the incident is taking place that would be liable for an officer from another police department or would the liability still be with the original employer of that police officer? And if my question's not clear, I'll be more than happy to rephrase it. Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, no, I understood the question. The liability would remain with the employer of the police officer charged with the violation of this statute. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And through you, is there any other incidences other than the specific incident where you're preventing someone from video recording or photographing, that the employer would be liable opposed to the police officer? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, to answer the ranking member's question, I don't know for sure because I've not litigated cases in this area, I'm not familiar with any examples, but I suspect that there can be cases where the police department may be liable on the theory of vicarious liability for other forms of misconduct by a police officer. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And I want to thank the Chairman once again for all of his responses, for his, certainly, time and dedication and the working of

the leg - piece of legislation that we have here before us.

I stand with strong trepidation specifically regarding section two and three of the legislation that's before us. And more specifically, just regarding section three. I think section two is clear as to the goal and the intent that every police department, or I would even offer that every employer would want to do, which is diversity, and when it comes to diversity, we want to be specific and sensitive and inclusive of all races, all ethnicities, all genders. And in the state of Connecticut, thankfully, we have not seen some of the tragedies that other states have suffered as a result of having some serious disproportion in representative on police forces.

But in section three is what causes me great pause. Great pause because it, too, mandates as it does in section two that we make all efforts to recruit, retain, and promote minority police officers. But then in section three it goes on then to define what is meant by minority police officers, and minority police officers is not a definition that's provided anywhere. Minority is not a

definition that's provided in the Census Bureau. It's a definition that you can find in any regular dictionary - again, it's a smaller group of a larger group, or I would even say minorities, smaller groups of a larger group. But in section three, we are requiring that we only specifically then examine specific categories of groups of race and ethnicity to the exclusion of all other groups whether or not they're considered under the category of white or nonwhite, because there are actually many different categories that, depending on where you look, are categorized differently.

So there is great confusion, but even more so, Mr. Speaker, great exclusion of a variety of different groups of different ethnicities and races and the residents and population that we have in the state of Connecticut. And for that reason, Mr. Speaker, as well intended as this legislation is, unfortunately I cannot support the legislation that's before us because it is to the exclusion of many of the groups of the population and the residents that we all represent in the state of Connecticut.

SPEAKER SHARKEY:

Thank you, madam. Would you care to remark further on the bill that's before us? Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Mr. Speaker. I rise in support of this bill. After last week listening to the comments about Senator Pinckney and Reverend Pinckney, I thought about a couple of our holy rollers, our Representative Morris and Representative Stallworth, and I mention Representative Stallworth because earlier this semester in the legislative year we as a group, with my ranking member and co-chair and vice chair, thought it was important to have a discussion not only about race within our state but within the law enforcement community. And at that time we had all principals there, from the U.S. Attorneys to the States Attorneys to membership of the NAACP to membership of the ACLU, from membership of law enforcement, and I asked Representative Stallworth to be a part of that panel. He was the only legislator that was there as part of that panel because he gave a very unique perspective of not only coming from a minority community but being

someone of the cloth and of the ministry, and those talks were very candid and very open, not just only from Representative Stallworth and Senator Coleman, the good Co-Chair of Judiciary, but of other members that were there that day. And I say that because we as a state are better when we discuss things in a way that everyone is at that table.

And we've done that over the years within the law enforcement community just as of last year when Representative Candelaria was president of the Black and Hispanic Caucus. There was an issue with Tasers, and we were able to resolve that late in the legislative year, and we did that in a collaborative way where having all those principals, all the principals involved at the table, and now underneath the leadership of Representative Morris as the Chairperson of that Black and Hispanic Caucus, it's important to continue that.

You know what's very unique as we're here talking today about body cameras? The first state to implement body cameras statewide, mandated, signed into law June 10th by the republican governor of South Carolina, the first state in the nation to mandate body cameras. It's not an affront to our law

enforcement community at all. In this world of new technology, whether it's a police camera, drones, driverless cars that we'll have to deal with, the issue of how to implement these laws are difficult for us as a legislator.

I also had concerns within respect to section three of the bill of what happened in New Haven that went all the way to the Federal Supreme Court on the reverse discrimination issue. I know later Representative Varrengia, my Vice Chair, will talk about some of his comments and where we'll go from here. We know that if we need corrections in that we will correct that, but I think it's important for us as a community to hire and retain individuals, and we could do that by the help of the individuals within our respective communities and the call of that examination, whether it be for law enforcement, teachers, fire service, or any other profession within our state.

So as they said that Senator Pinckney was a quiet, warm man, that's what I've learned from Representative Stallworth. He's been a kind member of our caucus and of the ministry and has taught me a lot about his background and where we go, so this

is a first step. I myself would like to see the mandates of police body cameras, but this is a first step for us. So with that, I ask everyone for their support of this bill here today.

Thank you very much, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Would you care to remark further on the emergency certified bill before us? Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. A question, through you, to the good Chair Judiciary, please?

SPEAKER SHARKEY:

Please proceed, sir.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker, and through you, in section three there's been a lot of talk about what that relatively high concentration would be of a minority, and I understand it is 50%? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, yes, greater than 50% nonwhite as I said to the ranking member, through you.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Through you, Mr. Speaker. So that, then that would be, as long as there's, I guess if you measured the population of white people in a particular town, that would be the only thing you'd have to look at, because all other minorities would count as a minority. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes, without, again, leaving some flexibility as to how that would be calculated because we wanted to maintain the maximum flexibility, yes, if there was a aggregate of more than 50% nonwhite, that would be a community with a relatively high concentration of minority residents.

I should note that I have here the list of the communities that I believe would qualify if you would be interested. Through you.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Yes, Mr. Speaker, I would be interested. Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, it's my understanding that the communities of Hartford, Bridgeport, New Haven, Bloomfield, East Hartford, Waterbury, New Britain, and New London would fit this definition. Through you.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you. Thank you very much for those. I actually was looking up the demographics online trying to understand that, so to arrive at those numbers the way I understand it would be I would look at all the other populations than white, add them up, and if it's greater than 50%, then that would be a community that qualifies? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Yes, that's my understanding. Through you.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker, and I thank the good Chair of Judiciary for his answers. Ladies and gentleman, you know, I've kind of kvetched over this bill here for a little while because there's a lotta things in it I really like. It makes a lotta sense to me that we do something, number one, to reduce the possibility of excessive force. It makes a lot of sense.

To what the Chairman of Judiciary said in the very beginning with his eloquent statements, I think there's nobody in this chamber who doesn't realize the impact of what it has, and for instance I have a constituent who spoke to me yesterday whose son was basically beaten to within an inch of his life in New York for urinating in public. You know, a twenty-some-year-old college kid walkin' home, he's on the street, you know, he does something stupid

and gets beaten. I know that's supposedly being handled in New York right now, but these kinds of things shouldn't happen.

Now the problem I kinda have with this, you know, the one, the one problem I have with this bill is section three. The way section three is written to me, it's basically saying that if you're a community who wants to make the policy that says you shall hire anybody other than a white person with equal credentials, I mean, to me that's kind of institutionalizing racism. It's very uncomfortable because there's also no place where that stops.

You know, if we look at a community that has 51%, well, I should say it this way. If we look at a community that has 49% white, that means that they're gonna create a policy or could create policy in that town that says everybody who's hired is gonna be nonwhite. And there's no cut-off, so I mean, by my math, I would say that at some point, the department's gonna be anybody but white. I think I have a real problem because if we wanna - if we really wanna solve the racial issues, I can't see how dividing or segregating our police departments is going to help that. I understand the concept in

section two of trying to make those enforcing the laws at a similar population to those being or having enforced upon them in a municipality. But to come in and just say, we're gonna, we're gonna hire the, anybody but a white person doesn't make any sense to me.

You know, my brother, my dad, I come from a family of law enforcement, and I think they're good policemen. They never shot anybody. I don't think they've ever been accused of excessive force. I'm not saying that there's not a problem out there. I think there are some people who take their job way too seriously. Some of them may look at it through race. But I think that's where we should be focusing our issues. We shouldn't just blatantly say because you're white you can't get hired. And you're gonna hire everybody else. That doesn't make any sense to me. It's very uncomfortable.

It offends my sensibilities that that's what's gonna happen, so if you go to Bridgeport that at some point if they decide to implement this procedure where they shall hire anybody but a white person with equal qualifications, that just doesn't

pass the common sense test as something that's gonna help racial tensions in our state or any state.

I'd love to see how this debate goes further. I just, I wish section three wasn't in there. I think the rest of the bill is good, but this part of it really is offensive to me, and I think we're making a wrong step and I've talked about it to a lot of my constituents. Many of them feel the same way. They think this is reverse discrimination and a lot of other things that've come across the social media. But to me it's bad public policy to say somehow, you know, if I'm gonna apply at Bridgeport, whites need not apply. Thank you.

SPEAKER SHARKEY:

Thank you, sir.

REP. TONG (147th):

Through you, sorry, Mr. Speaker, may I respond?

SPEAKER SHARKEY:

There was no question sir, so I'm afraid you're not gonna be able to respond to that. Further on the bill that's before us? Representative Dubitsky.

REP. DUBITSKY (47th):

Thank you, Mr. Speaker. A few questions for the proponent if I may.

SPEAKER SHARKEY:

Please proceed, sir.

REP. DUBITSKY (47th):

Thank you, Mr. Speaker. Generally, I, it, I'm certainly in favor, as I'm sure everybody in this room is, of doing what we can as a body to minimize the excessive force used by police officers, but I - there is a couple of questions I'm just not sure of with regard to specifically section three.

Section three talks about efforts to recruit, retain, and promote minority police officers so that the racial and ethnic diversity of such unit is representative of the community, and the term representative of such community is where I have a question. Are we talking about an exact quota? Are we talking about - and how is that to be determined as to how, how do we know if a given police unit is going to be representative of the community? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, thank you for that question, and I think that's where Representative Carter left off in

his comments, so let me clarify first of all that this legislation does not call for any quota whatsoever.

But what I want to say about section three in the municipalities that would trigger section three, that, you know, this legislation and this language is drafted with reference to real facts on the ground and the reality of life in Hartford or Bridgeport, and what we're talking about are communities that have, yes, relatively high concentrations of minority residents. What does that mean? That means that it has high concentration predominantly of black, Latino, Puerto Rican residents in those cities. Bridgeport and Hartford also happen to have large populations of Asian Americans and South Asian Americans in those communities.

So when we talk about section three, we have to have those communities in mind and who we're really talking about and why we'd need this legislation.

The purpose of this legislation is to build trust. It is to build trust between police departments and the communities they serve. On Judiciary, on which we both serve, we've had

discussions in the past about community policing, for example, and community policing is something that has been pioneered over the last few decades that's been tremendously effective in places like New York and Chicago where police officers are more like the traditional beat walking police officers that you think of from old days, where somebody would know the proprietor of the corner store, the owner of the corner store or the people that live at, you know, number 3 Main Street, and they would get to know residents and develop a position of trust, and what we've learned is that if you have an understanding of where the people that you serve come from, if you have an understanding of the cultural, ethnic, racial heritage that they come from, if you have an understanding of how they view social mores, morality, where they go to church, that that can help build that trust and what we found is that if you serve, for example, a high concentration of Cape Verdeans in Bridgeport, for example, it might help to have a couple of Cape Verdean police officers because there is a mutual foundation there.

Not that Representative Carter's father can't build that trust, too, of course he can. But I think you're giving an opportunity for that police department to have police officers that have an extra ability to reach out and to form that bond, and what we hope to achieve is that a police department in a community that has a relatively high concentration of minority residents has a police department that reflects that community. That roughly looks like the population that they serve. Through you.

SPEAKER SHARKEY:

Representative Dubitsky.

REP. DUBITSKY (47th):

Thank you, Mr. Speaker, and I thank the gentleman for his answer, and I think the one word that I think is important for legislative intent that the gentleman said was roughly, and I think it's important to indicate that when, for the purpose of a police department who's trying to comply with this statute, that they have an idea of what they're required to do and what it means to be representative of the community, and if the gentleman is indicating that it is not necessary for

a police department to essentially keep track of the exact numbers of various ethnic groups in their jurisdiction and try to ensure that their force is numerically representative of that perhaps changing demographic, then I certainly appreciate that response from the gentleman.

The other question I had is with regard to body cameras. Am I correct, through you, Mr. Speaker, that this bill does not require body cameras on all police officers in the state? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, it requires them of state police officers and special police officers under our statutes. It does not require them of municipal police officers, but it makes provision for them. Through you.

SPEAKER SHARKEY:

Representative Dubitsky.

REP. DUBITSKY (47th):

Thank you, Mr. Speaker. So the, so any police department that opts not to use body cameras and

chooses not to participate in what appears to be the funding mechanism for them would not be required to supply body cameras to their officers? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

That is correct, through you.

SPEAKER SHARKEY:

Representative Dubitsky.

REP. DUBITSKY (47th):

I thank the gentleman for his responses. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Further on the bill that's before us? Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, and good afternoon, sir.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. SMITH (108th):

I have a few questions, if I may, to the proponent of the bill.

SPEAKER SHARKEY:

Please proceed, sir.

REP. SMITH (108th):

I think we'll jump to section nine first, because that's probably the easier of the sections to deal with. My question, through you, Mr. Speaker, is is there now as we stand here today an existing cause of action that one could bring against the police department for the type of conduct that's described in this particular section? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I'm not aware of a cause of action under state law that would be cognizable for the conduct described in section nine. I suppose without giving it any more thought than I am right now, that there may be a federal civil rights claim under section 1983 for misconduct of this sort, but I am not sure. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I think the Chairman's right on point because there is currently a right of action under section 1983 of our federal code to bring this type of claim and in fact these types of claims have been brought for the past, well, ever since 1983's code came into effect. So I'm not sure why we are here today creating a state cause of action when we already have a federal cause of action, and maybe the Chairman of the great Judiciary Committee can explain that, through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I think it's because as a state we want to make it clear as drafted in section nine the conduct that we seek to prohibit; 1983 is a general civil rights statute and the last time I looked at it in detail was in law school, but I believe it is a general statement that there is a cause of action for civil rights violations against state officials, but of course, there's overlapping criminal statutes and jurisdiction all the time as between the states and the federal government, particularly in our criminal law subject to the

rules of preemption, of course, but you know, for example, we both legislate in the area of drug laws, and so I don't think that there's any reason why we can't have a statute that addresses a particular harm that we've identified. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

Good afternoon, Mr. Speaker, to you, just a few more questions along this line.

I recall in the Judiciary Committee the public hearing on this and some of the testimony back and forth and the dialogue between the committee members and as I stand here today, I don't recall that there was a great deal of testimony where this is such a public issue that we need to address it by statute. And perhaps I'm wrong in my memory, and if the Chairman could explain it to me or at least recall better than I can, what was the major impetus behind this bill? Because as I recall, there may have been one incident in New Haven, but other than that, I can't recall another one. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I think there's been a lot of discussion, at least since I joined the General Assembly in 2007, we've seen iterations of this bill every year, and I think there's been a lot of discussion about it. It does relate originally, I think, the impetus for the bill was an incident in East Haven, and as a result, the senate president has been a strong proponent of this legislation over the years.

I think, you know, I think the incident, obviously, in Staten Island and the incident in South Carolina, these incidents show us that we live in a world now where it may be helpful that citizens are recording what's happening. We don't want them interfering with police work, but if I may, I posit it's a safeguard on our liberty that there's the availability of video footage of government action. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I can appreciate the Chairman's comments. Along those lines, I think we're all in favor of an

open and safe society, and I just pause here a little bit and get concerned when we're creating another cause of action against our police, who are probably have one of the toughest jobs out there, to create legislation here specifically saying you have the right to bring an action against a police department if you're videotaping or photographing or recording of an incident - and I understand there's exceptions within the bill that are outlined where the police can say, well, I think it's in the interest of privacy or the interest of preserving the crime scene, etc., but I think we're going too far and it's an overreach by this chamber to actually pass this type of legislation.

But, Mr. Speaker, I'm more concerned about the language that we see in section three, and I have some questions about the differences between section two and section three, and if the Chairman could tell me, if I look at section two in its entirety, which is very short. I think it's lines 11 through 17, and if we look at lines 18 through 22 of section three, I'm wondering what the difference is between those two sections as I've identified them. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I think section two provides a more general statement and directive that police departments develop and implement guidelines for recruitment, retention, and promotion. Section three addresses a subset or a narrowing of section two and addresses, in line 19, only communities with relatively high concentrations of minority residents. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I heard they - and thank you, Mr. Speaker, and I heard the comments and the questions and answers through Representative Rebimbas and our Chairman and as I heard that anyone that has a high concentration of 50% or more would be considered, I guess a minority or a relatively high concentration, so, and when I heard the answer, I was trying to think in my mind, does it have to be one group of 50% or more? Or can it be a combination of groups? So if you have 20% Asian, 25% Latino, and 15% black,

does that satisfy the definition that given by the Chairman earlier that 50% or more would be highly concentrated? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, provided that Representative Smith's math is, yields a result that is greater than 50%, yes, the communities - minority communities can be aggregated to constitute the greater than 50% number. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I thank the Chairman for that clarification. And I also heard the dialogue addressing lines twenty-through - 22, rather, through line 35 as permissive. And I'll just - I guess I'll stop there and just want to make sure I'm correct in my understanding. Through you, Mr. Speaker. That section of subsection three, lines 22 starting with the word such through lines 35 are permissive in nature. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

That is correct. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I'm wondering, then, if it's permissive, why we have that in statute? Why not just end - or completely take that out and end it after the word community in line 22? What is the need and what is the reason behind having that language as inclusive in our statute when it is very much a, as we say in the legal terms, dicta or something that can be done but does not have to be done? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I think that's a very good question, and there's a very good reason for it, and that is I think the goal and even the directive of recruiting, retaining, and promoting minority police officers - the goal and directive that our public institutions and hopefully even our private

institutions become diverse, that they respect all peoples from all communities and peoples of color and different religious, ethnic, and racial persuasions, different sexual orientations - the goal of diversity in our public and private life is something that we have pursued for decades now, and I think everybody in this chamber understands that we have an obligation as a state and as a country to pursue that goal, but we're stubbornly tripping over ourselves as we get there. And I think this statute is a recognition that what happened in South Carolina and Staten Island and Baltimore, that those are examples of how we fall short and these generalized statements and goals of diversity just aren't getting us there.

So I think this is an effort to give - to put more meat on the bone and to let people know, here's more of what we mean. Here's a little more guidance. Here are some of the tools that you can use because clearly the guidance is needed, and that's why it's in the statute. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

Well, you know, I certainly agree with the comments that it's - should be a goal of ours and a goal of our state to promote diversity, to treat everyone fairly and equally, and I think that subsection two does that, and I think the first four or five lines of subsection three does that. I think the remainder of subsection three actually causes a setback in that effort, especially the language from 36, lines 36 to 40 - when we talk about other than white, I don't know how we as a chamber can say that's a, an effort to bring us all together.

I don't know how other than white is anything but discriminatory. It's interesting, you know, as a white man, I probably have never faced discrimination the way a, some of my colleagues have whether they're in the Republican Party or the Democratic Party.

I remember when I was in college we had a class and my only experience that I can recall, and two of them, and I'll relay 'em here to the Chamber. One was in college when the professor decided to discriminate against those who had blue eyes or brown eyes, and I remember how that felt because how unfair it might've been to have brown eyes or blue

eyes and be treated differently than someone else who had green eyes or different colors. And that was - in no way do I mean to compare what some of my colleagues have gone through who have, who are black or Latino or minority, I don't mean to any way say what that little experience was like, but it gave me a taste of how it must feel to be discriminated against.

And I remember being in high school in Danbury when we had race riots, and we had groups of blacks walking down the halls of Danbury High on one end and groups of whites on the other end ready to do battle. And I'm looking down the aisle thinking these are the guys I played ball with since I was a kid, and now we're gonna fight? Over what?

And I took that experience and said, you know what? This is so wrong. This is so unfair. I remember going to the University of New Haven and there was the Black Panthers back then, the, you know, the race was a big issue. And it's become a big issue again.

And I think, ladies and gentleman, that we are creating an issue here today between ourselves. Why are we defining white versus nonwhite? How is that

helpful? How does that bring us together? I can't, when I read the language in this statute, I, for the first time, I guess, felt discriminated against as a white man. So I have a small taste of what my minority colleagues have felt probably throughout their lives.

But two wrongs, as my mother always said, does not make a right. And trying to create a definition that excludes one over the other does not make it right. We as a group here in this Chamber should be working together to solve the issues, not creating divisive language in a statute.

I heard Representative Rebimbas said she's married to a Latino, and she's Portuguese, which is under the statute is defined as white, so I'm wonderin' as I'm listening to the conversation, well how does that apply here? Is she white? Or is her child white or nonwhite? How does that work? I guess that's my question, Mr. Speaker. Under that situation, is one who is half white and half Latino, how does that person fall within this particular section three? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I would say that that is a question for each municipality to determine. However, I would tell you, and not speaking for Representative Rebimbas, that I would expect that the City of Stamford would count my two children, who I consider to be Chinese American, and who are also white Americans, to count towards that number. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

So just so, just so I understand the answer to the question, they would be considered, let's just answer it this way. Would they be considered white or nonwhite? And we could use your children or we could use the representative's children, we could use some hypothetical person half-white, half-Latino. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker. I would consider them to be members of a minority community and nonwhite. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I'm just wondering how far one has to go back as the police department to determine whether one is white or nonwhite or what the heritage is. We've heard from just some of the discussion that, from North Africa, well, that's considered white. Europe is white. I guess I'm white. My heritage, I could tell you all the different things I am as a white man, but I don't think I'm part of the minority caucus or part of the minorities as defined under this. I guess I'd be white or under this statute. So I don't know how far each police department has to go back and determine who is who, whether they comply or fall within the definition that we created here, this very poor drafted definition we've created here. So how far back does the police department have to go? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker. I think that Representative Smith raises some interesting, albeit I think marginal, issues, but I would say that in our pluralistic society that these are not easy questions. And that the issue of race, the issue of heritage, the issue of diversity is not a matter of formulas. It's not a matter of quotas, and it's not a matter of simple arithmetic, although the language that we have in this section three and the data that I have provided references Census data.

So you do the best you can. And I don't know how far back a police department must go. I don't know each municipality will analyze and account for its minority nonwhite populations. I do know that when I go to Hartford that it is patently clear to me that it is a city that has more than 50% residents who are not white, and I think we have to deal in observable reality and the facts as they are on the ground, and although there may be a marginal case of a multiracial person where the police department and the municipality might have to work through some issues of heritage and race, I don't

deny that that's the case. But we do the best we can. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

So using the example of Hartford that you just gave where more than 50% are minority, and I'm just gonna use an example. Let's assume it with 70% minority, 30% white. Under this particular bill as drafted, there would be no obligation within the City of Hartford's police department to hire white officers even though they would be a minority within that city. Is that correct? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

That is correct, through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

So you see the reverse problem we've created here where we have a city where there's actual minority of whites who are not going to have the

same benefits that we've outlined in the statute where if we had, say, the City of Danbury that maybe had 70% white and 30% minority, that statute here would apply. Am I correct? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, with respect, no. Because that statement ignores hundreds of years of history. Ignores hundred years of regrettable experience in this country with racism, not just here, but across the world, our difficult, regrettable, tragic legacy of slavery in this country. It ignores the history and the difference in power, economic, political, government, social power between white Americans and minorities and people of color. It ignores the observations of the U.S. Supreme Court in the Carolene Footnote, for example, that the U.S. Supreme Court and the federal government have an affirmative duty to protect those from discrete and insular minorities. It ignores all of that. And so my response to you is that, no, it does not work a reverse discrimination. It does not somehow magically with a snap of a finger make a minority

out of the majority that has overwhelmingly governed and in large part asserted social and economic power in this country for its entire history. So I think that's the difference that I would posit to my colleague. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I thank the Chairman for his response. I don't agree with it. I think it is reverse discrimination, and I think if we take the City of Hartford, which I know very little about the politics of Hartford. What I do know is we have the Chairman of the Judiciary Committee, our good colleague Senator Coleman, who's a minority, who has done well, who has, well, I'll just leave it at that. And I would assume, and I, again, I don't know, but I would assume that the minority leadership in Hartford is greater than the white leadership in Hartford. I don't know. I'm speaking out of turn. I'm just guessing. But if, it seems to me if you have a majority populace of one particular group, you're going to have representation, and I

think we see that here in our chamber by the representatives who are elected from Hartford.

So I think this is a step backwards, ladies and gentleman. I think, if I'm fillin' out an application for a police department and you have those little boxes that we've all seen, check it off, are you white, are you Asian, are you black, are you minority, whatever you may be. I think those filling out those applications now really have to really think about who they are. Because if you check the right box, maybe you have a better chance of getting promoted. Maybe you have a better chance of getting hired. Or maybe you have a chance of hurting yourself by checking the wrong box. That's not what we should be doing with legislation here in this chamber.

So while it's, I laud the effort and I applaud the effort in creating diversity amongst our cities within our police departments who represent our communities, let's do it the right way. Not this way. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Zupkus.

REP. ZUPKUS (89th):

Thank you, Mr. Speaker. I, as everyone in here, want this legislation to really create unity, and I look at, I happened to be at home when Charleston, when they were in court, and the families of people from Charleston were comin' in. I was literally cryin', and that was unity. Those families came up and did something that God-loving, God-like people could do that would be very hard for me, quite honestly, if that would've happened to my family member.

And I also, this is not Ferguson, but to my seven-year-old, who happens to be Chinese, she came home - she's going to a new school - and I was being excited, trying to get her excited about her new school after she got out, and I said, "Oh my goodness, you're going to a new school and making new friends," and the first words out of her mouth to me was, "Mommy, are they gonna make fun of my eyes?" So I understand the intent and I think it is so important that we do create unity.

With that being said, I have a, just a couple of questions. Most of my questions have been answered, but I have a couple of questions for the proponent of the bill, please, Mr. Speaker.

SPEAKER SHARKEY:

Proceed.

REP. ZUPKUS (89th):

Thank you. My first question is, in talking about the 50% of the communities of minorities, who determines that? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, this is based on Census information. Through you.

SPEAKER SHARKEY:

Representative Zupkus.

REP. ZUPKUS (89th):

Great. Thank you, Mr. Speaker. And also further down, section three, further down it talks about how police forces must create things like a Police Activity League and Explorers and all of these things. Do we know if these towns that you talked about, Hartford or Bridgeport or New London, do they have these things already in place?

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I believe that some of them do, but I don't have a catalog of who has what. Through you.

SPEAKER SHARKEY:

Representative Zupkus.

REP. ZUPKUS (89th):

Thank you. And the ones that do already, the ones that don't, that is probably a great opportunity for them, but the ones that don't, how do they get more people involved? If they've been doing these things always, and I've talked to people they've even been going to church groups trying to recruit minorities - what else can they do? How are they supposed to go further in recruiting people to join the police force if this is already being done? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I think some of it's being done. I think - I made a reference earlier to community policing and those strategies, participating in not just athletic leagues, for example, but community social events, cookouts,

ethnic celebrations that occur from time to time, religious celebrations or observances. I think there are a variety of ways that people can get out of their comfort zone.

Last year I learned about the Eid, spelled E-I-D, which is a Muslim observance. It happens twice a year. In Stamford, about 800 Muslims in Fairfield County gather at the Italian Center and they pray together. I had never done that, and I went and I did that. I prayed on my knees. My family worships in the Episcopal tradition, but I went there and was a part of it. I think it made a huge difference to people that an elected official, particularly the Muslim community in this day and age, had an elected official on their knees side by side with them. And so that's the kinda thing that I think police officers can do to engender trust and understanding with the communities they police. Through you.

SPEAKER SHARKEY:

Representative Zupkus.

REP. ZUPKUS (89th):

Thank you, Mr. Speaker. And through you, I think that is a great idea, and I give you kudos for doing that as an elected official.

Do police officers, would they have to hire more people to do these things? I know Waterbury, for instance, they have a huge PAL program and it's wonderful and it's very successful, and I know that they have some other of these programs, and I'm just curious to even do more - and they should; I'm not saying they shouldn't do more - are they gonna have to hire people? Are police departments gonna have to hire people to do these? Is this a cost? Is it gonna be a more cost to the towns and cities to do these things? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I think that's up to every community, and if they wanna do more, I suppose doing more often has a cost associated with it or if the people that are in the department want to do - that are in the department now wanna do more or do it differently, then they can decide to do that. But I think, you know, our police officers are very dedicated, very smart people. They receive an awful lot of training in how they discharge their duties, and I have every confidence that they can

figure out a way to maximize their time on and off duty to have the maximum amount of impact. Through you.

SPEAKER SHARKEY:

Representative Zupkus.

REP. ZUPKUS (89th):

Thank you, Mr. Speaker. And my next question is regarding the body cameras in that section of the bill. Just for a point of clarification, there are some examples of people that would not wear body cameras, but is someone working at a desk doing desk duty on the phone - to me, being on the phone would be public interaction. Somebody at the front desk of police departments, when the public, general public comes in, should these - are these people required to wear body cameras? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, to answer your question, there are exceptions to the use of body cameras at section 197 through 219, but I don't think that there's anything in here that addresses the use of body worn equipment in specifically a desk duty situation. I

expect that that is something that will be addressed by DESPP and by POST in their development of guidelines. Through you.

SPEAKER SHARKEY:

Representative Zupkus.

REP. ZUPKUS (89th):

Thank you, Mr. Speaker. I didn't see that in there either. Also regarding body cameras, as I've talked to people, one of the biggest concerns, quite honestly, has been the data storage and the cost of that. I know there is some bonding money - I believe it's $15 million - for departments that have body cameras or that will be purchasing them to take part in that competitive grant application to receive some of those funds, which would include the storage of the data for the body cameras, and through you, Mr. Speaker, once that money is depleted, do we know the cost of what it's gonna cost to store information and data for these police departments? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I do not have an exact number, but I expect that the ongoing cost will be significant.

SPEAKER SHARKEY:

Representative Zupkus.

REP. ZUPKUS (89th):

Thank you, Mr. Speaker. And I happened to be in Baltimore right after the situation occurred down there, and there was an African-American police officer that had a body camera, so I went up and was talking to him, and his, he thought it was a great idea to wear them, but his main concern, as I just mentioned as many others', was the storage.

So we started talking about really what he, you know, what do you gather from the information on there? And he told me that 98% of the information that's recorded really is crossing the street, giving directions, helping a school kid, you know, get across the street, kind of information that has no relevance really to it.

So if there is this huge cost to it, is that information - that even if it was 90% - whatever the number is, can that be erased or deleted so they don't have to store every piece of information

that's recorded? Or are they required to store everything? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, the bill does address erasure at lines 181 through 184 and it provides that there shall not be erasure. I think Representative Zupkus raises a very good issue and the ongoing burdens of data management. It's something that we'll have to confront. That POST and DESPP will have to confront, and I suspect that as we work through this brave new world of body cameras that we'll find solutions to these problems. Through you.

SPEAKER SHARKEY:

Representative Zupkus.

REP. ZUPKUS (89th):

Great. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Well, thank you, final thank you, okay. Very good, Representative Zupkus. Thank you. Representative Sampson.

REP. SAMPSON (80th):

Good afternoon, Mr. Speaker. I hadn't initially intended to speak on the bill before us, but just after listening to some of the debate, I feel compelled to offer some thoughts, and while I know the bill contains a lot of different elements, I'm gonna speak to what seems to be the hot topic this afternoon, which is the subject of racial preferences.

I was recently invited to something called a junto, and for folks that don't know, a junto is something that was created by Ben Franklin, and basically it is nothing more than a group of citizens getting together, and he referred to it as a club for mutual improvement. And basically the idea was that if you got some folks from town together to discuss the issues of the day, you could put the most intelligent minds together and maybe come up with solutions to the problems that faced them.

And I have a very, very good friend who I would call a patriot and someone who is very, very interested in American history, and one of his efforts in his life is to give a rebirth to some of these ideas and philosophies that have seemed to

wane in recent years, and because I'm a good friend of his, he invited me to a junto in honor of Ben Franklin. And the subject of this particular junto was the American dream.

And he had broken it down into a whole bunch of different things - what is the American dream? Is it alive and well today? What is the dream? Is it an idea? Is it an ideal? Is it a place? And all of these topics generated considerable discussion, and I will tell you that I learned a great deal that evening, and, you know, I would point out that the folks that were invited were of tremendously diverse group.

There were folks that have considerable experience in all areas of our society, whether it be government or business. There were people of different ethnic groups. There were people of different ages. It was a very, very diverse group. And everyone had their own perspective.

I would also just make another note about that group. The thing that was interesting for me probably more than anything, 'cause when I get into a typical political discussion it ends up falling along ideological lines about republican, democrat,

conservative, liberal, and so on, but during this discussion there was none of that. Absolutely none of that. There were no R's. There were no D's. There were no black, no white, no Hispanic. We were all Americans. And I walked away from that thinking that was a tremendous lesson for me, and it's a tremendous lesson for the people in this Chamber that that's how other people outside of this building consider themselves. They consider themselves as Americans first.

Anyway, we exchanged stories about our own individual history, about our own personal struggles, about our individual families and how they got to this country, why they came here. At the end of the discussion, though, I think the one thing that we all agreed on was that as individuals, the one thing that we wanted more than any other single thing was to be judged on our own personal merit. And we all agreed that, while you could define the American dream in a lot of ways, the most important aspect of the American dream was the concept of opportunity.

Now I know our history. The good Chairman of the Judiciary Committee brought it up numerous,

numerous times, that our history in this country is not perfect. But I will say that I reject the notion that somehow our country has any evil tendencies whatsoever. There have been evil acts, even evil people, maybe. But over time, the concept of America is not evil. It is a pure and beautiful thing.

And I think the concept of America and the American dream was first laid out in our Declaration of Independence. We hold these truths to be self-evident, that all men are created equal. That they are endowed by their creator with certain unalienable rights. That among these are life, liberty, and the pursuit of happiness.

What did they mean when they said equal? They did not mean equal outcome. They didn't mean that everyone would be successful. They didn't mean that everyone would have two cars and a dog and a white picket fence and a house. What they meant is that people had, would have equal opportunity to achieve and become whatever they were capable of on their own through their own efforts and merit.

A lot of the rhetoric that has been surrounding the most recent events that have led to this legislation before us, whether it was Ferguson or

Baltimore or the Confederate flag issue recently or South Carolina have a lot of rhetoric that surv - surrounds the word justice.

My problem, I guess, with the concept of justice is that if you're going to use legislation like this that defines people as to what group they belong into, you are defying the concept of justice. Justice is blind. And our system of laws and government from the very beginning has been all about the individual. Not the group you belong to. It's about each one of us as a single person and the fact that each one of us was granted certain rights by God for our mere existence and that no government should stand in the way of our ability to exercise those laws.

This concept was reaffirmed again in the 14th Amendment in the equal protection clause. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty, or property

without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

These concepts have existed in our system of laws ever since. And I will say that hearing the language contained in this bill, Mr. Speaker, I couldn't help but notice with these mentions of promoting and preference that it sounds a lot different than those concepts.

I'm gonna be voting no today, Mr. Speaker, not because I don't want us to achieve the dream of true equal opportunity, but because this is not the way to get there. We need to really cease pointing out our individual differences. I'd rather begin judging one another on the content of our character and the merit of our actions and our efforts.

I entered politics, Mr. Speaker, because of my personal appreciation for the idea that is America. The one that I just spoke of. I am here because of the American dream. This legislation before us, Mr. Speaker, is not it. Thank you.

SPEAKER SHARKEY:

Representative Buck-Taylor.

Representative Srinivasan. Sorry, got you in mid-sip. I apologize [chuckling].

REP. SRINIVASAN (31st):

Good afternoon, Mr. Speaker.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. SRINIVASAN (31st):

Mr. Speaker, I've been listening to this debate, and as I've been listening, the intent of this bill is definitely very laudable. I get that. But what is not clear to me is the language of the bill. I am, I think it's pretty obvious, an Indian American. I have been fortunate, Mr. Speaker, not to have faced or seen discrimination in my personal life. But I know it exists, and I am well aware of that.

And we recently - when we were in regular session - passed legislation that specifically addressed the needs of this group because of religious reasons and their medical concerns. I get that. They have certain religious beliefs, and for that, certain accommodations have to be made.

But through you, Mr. Speaker, this legislation, what I do not get and I hope the good Chair will be

able to clarify for me, is how does this legislation help us in avoiding the excessive use of force? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I - there are several provisions of the bill that I think will greatly enhance our ability as a state to avoid the excessive use of force. For example, so let's set aside sections two and three, which have been the subject of a lot of the conversation, but section four, for example, which provides for an investigation of physical force by a police officer that results in the death of another. Having that investigated through a thorough and transparent process by an objective, really third-party state's attorney who is not tied to the district in which the incident occurred I think will go a long way in deterring the excessive use of force.

I think that the body cameras provision, provisions, towards the end of the bill will go a long way toward encouraging the kind of behavior and standards of conduct that we expect of our police

officers. Perhaps it will help encourage citizens when they're interacting with police officers on a respectful and productive interaction.

I think number - section five, for example, keeping statistics and records of incidents in which force is used and is likely to result in serious injury or death - having that kind of data and understanding why is that happening? Where is it happening? Is it happening because of a certain number of specific police officers?

All of that, I think, cumulatively is helpful to achieving our goal under this bill of avoiding, to the extent that we can, Ferguson, Staten Island, Baltimore, Cleveland, all the places in which we've seen our community fall down on these issues. Through you.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, I do want to thank the good Chair for a very extensive, elaborate, and very appropriate answer to my question with regards to the purpose of this bill. I appreciate that. And that is the part of the bill that I feel is the good

part of the bill - the bill that achieves - the part of the bill, the language that is clear and achieves what we want to accomplish.

And that is why, through you, Mr. Speaker, as the good Chairman himself had referred to section one, section two, and section three - sor - not section one - section two and section three, which have been the more difficult part of this bill. Through you, Mr. Speaker, how does that enhance or reduce for us - the purpose of this bill - which is to reduce the excessive force? Section one - section two and section three. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, sections one, sections two, and sections three, I don't want to suggest are any less important. I think that they are critical to achieving the goal of avoiding excessive use of force and the larger goal of bringing us together.

I think that we know from human experience and social science and just knowing what we know that spending time with one another, getting to know each

other on a one-on-basis, you and I, for example, is a foundation for trust and understanding. One example, an anecdote that I learned about in college was how the proverbial Alabama farm boy who's white went away to Vietnam with, you know, a young black teenager from New York City, and they served together in Vietnam side by side as brothers. And though they have maybe were segregated or separated by race before that in the '60s, having served together, having invested in each other, and having become brothers through that process, they came back together as Americans and brothers in arms, and those barriers came down.

So we know that that happens, and we also know that it happens on the street. That if there's a police officer who walks a beat and gets to know the owner of the corner shop and gets to know the residents of a public housing project and gets to know the kids that ride up and down every day after school on their bikes, that you build a foundation of trust and understanding and maybe share information. When something bad should happen, they tell the police officer. When a kid sees that a gun was stashed - this happened in this state -

somewhere in a stairwell, they call the police officer and they're not afraid of their own personal liability or that the police officer will somehow arrest them. They say, "Come, take that gun away from our public housing project."

That is a critical relationship to public safety and law enforcement, and that relationship is enhanced - it's enhanced when people in the community interface with others who share some part of their experience. Maybe they look like them. Maybe they came to this country through a similar path. Maybe they grew up in a similar neighborhood. Maybe they worship the same God or same religion, so if you have that foundation, you can build that relationship through trust and avoid the excessive use of force that we have seen across the country. Through you.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, in section two, line 12, 13, and above, the municipalities or the law enforcement shall develop and implement guidelines

for the recruitment, retention, and promotion of the minority officers.

So through you, Mr. Speaker, will each and every law enforcement organization here in the state have their own guidelines and their own parameters? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, will there be a body overseeing them to make sure that these guidelines that need to be followed - these guidelines that need to be implemented - are fair across the board as a state? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes, there is already a body that serves that function. We colloquially refer to it as POST. It's the Police Officer Standards and Training

Council. I expect that they will interface with DESPP and the leadership of our respective municipalities and come up with a framework that works for each city and town. Through you.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, if we have such a body that oversees, what is then the need? Because my concern is these requirements may be different from municipality to municipality - what is the need for each and every one of them to come up with their own guidelines? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, and that's a very good question that raises the question, or answers the question of why we have section two and section three. Each municipality, each department is different. They have a different reality on the ground. They have a different history in that city, and we want to give them the maximum amount of flexibility to promote the recruitment, retention,

and promotion of minority police officers in the context of where they live. Through you.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, section three, line 20 talks about shall make efforts. Through you, Mr. Speaker, shall make efforts, if the good Chair could elaborate. I do know later on there is an explanation of what those efforts could be or should be. Through you, Mr. Speaker, could the good Chair tell us if these efforts are not made, are not seen reasonable or fair, what are the consequences? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker. The consequences are that the department would be in violation of the statute. There may be liability for that. There could - I can imagine that a claim could be made in court that there's a statute that's not being followed. And I think that every department in the state, I am sure, is led by a police department led

by a police officer or chief or commissioner who has had a great deal of training in these issues and can formulate an effective plan for their municipality. Through you.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, for my clarification, I know the good Chair has probably addressed this in different ways in our recent discussions. This concentration of minority residents, high concentration, so a minority resident, through you, Mr. Speaker, would that be a nonwhite? And every nonwhite resident comes under this classification of a minority resident? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

And through you, Mr. Speaker, as we go down the lines in section three, I know it's the Census

Bureau that gives us the count as to what is the population in that particular town or city. Through you, Mr. Speaker, it is my understanding that there is a time lapse, a time gap, between what the Census Bureau will tell us and what the reality is in that town. Through you, Mr. Speaker, will this number, this 50% number of the minority only apply as per the Census Bureau? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I would expect that the municipalities will rely on those Census numbers. To the extent that there is a time delay on updated Census numbers that the municipality would use the then operative Census numbers. Through you.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker. I do understand the intent of this bill, which as I said earlier is very laudable, but I do have difficulty as far as the language. But I do want to thank the good Chair for

his answers and will continue to listen to the debate this afternoon. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker. It certainly has been a stimulating conversation today, and I'd like to make a few comments before I ask a couple questions to the proponent of the bill.

First off, I would like to thank the good Representatives Rebimbas, Carter, Smith, and Dubitsky for their comments regarding the legal aspects of the bill and the language of the bill. I also want to thank Representative Sampson for reminding us of the great history of our country in which our forefathers took the time to protect the equality of our citizens and to protect with regard especially to the equal opportunity in our country. And just recently Representative Srinivasan's attempt to get to the intent of the bill with regards to how the bill would help in protecting our citizens against excessive force.

And to that end, continuing with that thought process, sections two and three are quite obvious

the most contentious part of the bill with regards to the conversation here today, and I just wonder, with regards to the intent of the bill, why the language did not say may instead of shall in sections two and sections three. Through you, represent - Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, sections two and three say shall to the extent that they direct a police unit to develop policies and guidelines for the recruitment, retention, and promotion of police officers. It - section three, however, starts with that shall directive but then starting at line 22 provides a series of mays which are suggestions in section three as to how you can achieve the directive of diversity.

So just to be clear, there is a shall on the overarching goal in section two and section three, but the specific provisions from line 22 forward are a may and they are permissive. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker, and through you, Mr. Speaker, thank you to the proponent of the bill for his explanation. But that does lead to yes, section three does start with a shall and then on, I mean, under the shall, under the mandate, then I can implement it using a series of mays. But the fact still remains it's a shall and not a may, and I think that language, that one word, has caused quite a bit of consternation here in the Assembly, so with the intent of the bill, and following up with Representative Srinivasan's questions, if the intent of the bill is to prevent excessive use of force from our police department, why are we so stuck on shall? Why not may? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

To pick up on something I said earlier, I guess I would say that we've had may for some time in this state and in this country, and may isn't gettin' the job done. And so I think that the decision to use shall in two and three is to really say that it is the policy of this state that police units will

pursue diversity in their recruitment, retention, and promotion. That we mean it. That it is a mandatory rule that we pursue those policies, because we are making the judgment as a policy matter that that will advance the cause of equality, diversity, and justice in a way that may does not. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker, and to the proponent of the bill. I do respect what you're saying there, but that would cause me to have to agree with the premise, which is that section three is essential to putting legislature forward that would, in fact, assist our state and our municipalities to safeguard against excessive force from our police departments, and in that regard I do have a couple of questions.

Over the years, and I understand that with our history in Connecticut you may have to extend your answer to other states, there have been a number of police killings that have involved the killing of white citizens. Is this correct? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, is the question whether white Americans have been killed at the hands of police officers?

REP. FERRARO (117th):

That is correct.

REP. TONG (147th):

Through you, yes, that is true. I suspect, without knowing a specific example, that it's happened in the state of Connecticut. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

And thank you, Mr. Speaker, and through you. And in the history of police shootings and some of these white off - these white citizens who have been killed by police officers - has ever been a shooting by, of a white individual by a black police officer?

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I don't know a specific case, but I believe yes. I'm sure that has happened. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker. And as a result of those shootings, recently I believe it was Ferguson, there were six individuals who were arrested because the shooting there in the, I guess it was the Attorney General or prosecuting attorney or whatever, thought these six individuals had violated excessive force and they were recently arrested. Is that correct?

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, are you speaking of Baltimore? Or of Ferguson?

REP. FERRARO (117th):

Okay, I thought I might've made a mistake, that's why I wasn't sure.

REP. TONG (147th):

Through you, I believe you're speaking of Baltimore…

REP. FERRARO (117th):

Yes.

REP. TONG (147th):

…Representative. Thank you. Through you.

REP. FERRARO (117th):

Thank you, Mr. Speaker, and if I recall, three of the individuals who were arrested were black and three were white. Is that correct, Mr. Speaker, through you?

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I don't know the exact distribution, but for the sake of our colloquy I'll assume that's the case. Through you.

REP. FERRARO (117th):

Okay. And the reason why I'm bringing these things up is I do think that excessive force happens on both sides, whatever the color is, it's, I don't really think that at the base of the action being taken by the police at the moment when he makes a decision to pull the trigger that it's the first

consideration is the color of the person he's shooting, and although there may be some isolated instances where this is true, I think a lot of it is a matter of circumstance, a matter of the policeman's interpretation, and because it happens on both sides, I find it hard to believe that section three is actually going to reduce the amount of excessive force exercised by our police departments. Through you, mast - Mr. Speaker, my question would be at what point or where in the intent of the bill was it decided that section three was necessary to preventing excessive force?

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I think that the development of the bill - I don't know exactly when it happened - but I do know that this concept in sections two and three were there at an early stage when part of our conversations in the Judiciary Committee, and made it into the final E-CERT we see before you today. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Okay, so I guess then it's just one of those things that we're gonna either have to agree that it's necessary or not.

Going to the qualifications of those that are gonna be hired based on the content of the community, when a community has a majority of 51% nonwhite, then it is the responsibility of that municipality's police force, according to this bill, to, 'cause it says shall, recruit and hire and promote nonwhite individuals. Is this correct? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, it is in sections two and three the directive that they recruit, retain, and promote minority police officers and develop a plan for doing so. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker, and I guess my question would be, my experience with most police

departments, they have a certain testing requirement. They usually begin with a series of interviews. They get into a written exam. Then there's usually a physical exam and then a lie detector test, and at the end of the, and in more interviews, and at the end of the day, the most highly qualified individuals are then hired for the job. Where in the, along the process if a nonwhite applicant in a circumstance where the community is nonwhite majority, where does the white applicant be told that he's not eligible for the job? Where in the testing and qualification processes will he be told? Or she be told, excuse me.

SPEAKER SHARKEY:

Representative Tong.

REP. FERRARO (117th):

Through you, Mr. Speaker.

REP. TONG (147th):

Through you, Mr. Speaker, the bill does not provide that that will happen. The bill provides that a police unit may develop a procedure whereby a minority candidate who, whose scores or ranking for a particular position exceed or are equal to any other candidates, that that police unit may choose

to require the hiring or promotion of the minority candidate only of course in those police units that are in relatively high concentrations of minority residents. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker, and I thank the good gentleman for his answers.

So if I'm a white applicant in a nonwhite majority community, and I take the testing and as we go, and there's only three or four spots open in this police department for this particular day, this time, and I go through the testing process and I am the one candidate who had a higher score, I would then guess that I would get - I should be the one to get the job even though I'm white in a nonwhite majority community. Through you, Mr. Speaker, is that correct?

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, for the sake of this discussion, let's assume number three, sub three

starting at line 30 has been implemented, correct? Through you.

REP. FERRARO (117th):

Yes, Mr. Speaker.

REP. TONG (147th):

Assuming that sub three has been implemented, that applicant who is white whose ranking is higher than all the other candidates would get the job. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker, and through you, I have a question with regards to the bill applies to police departments but why did it stop there? Why did we not, since we're going to encourage diversity in our communities, why didn't we include fire departments, ambulatory care, emergency care, educational system, etc. Why just stop with the police department? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Yes, through you, Mr. Speaker, because the bill is focused on the excessive use of force by police officers. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Okay, and so we're back to whether or not the color of the skin of the officer that's hired is going to determine the amount of excessive force that the police department will exhibit.

That being said, getting to the definition of nonwhite, I've heard Hispanics and Latinos and African Americans of course being classified as nonwhite. How about Polynesians and Hawaiians?

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, those are Asian Americans or Pacific Islanders, and they are nonwhite, and they are generally considered minorities. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, sir, and how about Puerto Ricans?

REP. TONG (147th):

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Puerto Ricans are considered nonwhite and minorities. Through you.

REP. FERRARO (117th):

Now, now this, of course, would mean that Mr. Zimmerman, who is guilty of shooting a African American, if I recall, he was referred to as a white Puerto Rican. Is that possible? Under this definition? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I don't know how Mr. Zimmerman was referred to and in what context, but to answer your question - and I don't know what Mr. Zimmerman's racial composition or ethnic composition is, in fact, but I guess I would just confirm again that Puerto Rican is nonwhite. Through you.

REP. FERRARO (117th):

Okay, I do appreciate that answer, but he was referred to in the media as a white Puerto Rican, and also in my culture, in the Italian culture, we are referred to as olive-skinned individuals, not really white, and if you live in southern Italy in Sicily, many of them are quite dark, so are all Italians considered white?

REP. TONG (147th):

Through you, Mr. Speaker, I would not make a blanket statement about that because I imagine there could be an Italian national or an Italian who has been in Italy for generation who is of African origin or heritage or otherwise, so I can't make that blanket statement. I would say that with reference to Italians such as yourself, Representative, I think most people in common parlance would consider you to be white. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker, and through you, I do appreciate that, because when I grew up, I grew up in West Haven, and I remember trying to go out with

a Irish gal in my town, and her father would now allow her to go out with me because I was a dirty, filthy, olive-skinned Italian, and we were referred to as not really white.

Also, Indians of Indian descent, no offense to my good colleague, Dr. Srinivasan, but he's not exactly pale skinned, so are members of India considered to be members of color? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I consider Dr. Srinivasan, who is a member of the three-person Asian Pacific American Caucus to be a nonwhite person. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker. So it's becoming very clear to me that through intermarriage and through the wild diversity of individuals in our culture that it isn't gonna be long before whites will be considered a minority in this country, and it's probably gonna happen sooner rather than later, so

does this bill become obsolete once the white population is a minority? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I don't know that that phenomenon causes this bill to be obsolete. I think it is the hope and desire that somebody that this bill and the requirements of it are obviated by the passage of time and progress in society and that we don't observe excessive use of force by police officers and that those boundaries and divisions based on race, culture ethnicity, religion have dissipated and that the unity that Representative Rebimbas spoke of is a true reality. Through you.

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Thank you, Mr. Speaker. So my comment then is that in populations where whites are a minority, they are, they face the same kind of discrimination that systems and societies where whites are the majority, the African Americans face, so when it's the shoe is reversed, shall we say, or the shoe is

on the other foot, then there's gonna be a need to protect whites from possible excessive force, and I'm wondering if this bill becomes obsolete and we base another bill on color and we put another bill in place that will then protect our minority white population. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker. I suspect that given a context of history that that phenomenon is unlikely or highly unlikely. I don't think anybody observes that phenomenon today. I suppose hypothetically it's possible, but I don't think that's a social ill that anybody in this chamber thinks that we need to address today. Through you.

REP. FERRARO (117th):

Okay, and I do appreciate…

SPEAKER SHARKEY:

Representative Ferraro.

REP. FERRARO (117th):

Through you, Mr. Speaker, thank you, and I do appreciate the good gentleman's comments and yes, the history, our past history is not a very good

one, but it doesn't mean that because we have a bad history and situation is reversed that history won't repeat itself. We don't need to look any further than South Africa and apartheid than to see what types of discriminations happen on both sides there, so I just feel that this bill, if we stuck to the excessive force part of the bill and we did the things we could to prevent excessive force without getting bogged down into discriminating against one group or another group, it would be a much easier bill to vote for. Also, I think if the language in number two and number three were changed from shall to may, it would make this bill a lot more palatable, so those are basically my questions and my comments, and I do thank the Chairman for his comments and his answers, and I thank you, Mr. Speaker, for your time.

SPEAKER SHARKEY:

Representative Mulligan.

REP. MULLIGAN (55th):

Thank you, Mr. Speaker. Just one question for clarification, through you, Mr. Speaker.

SPEAKER SHARKEY:

Proceed.

REP. MULLIGAN (55th):

In section seven regarding the cameras, in section seven, number two, police officer is described as a sworn member of a law enforcement agency who wears body-worn record equipment. In the state statutes, in section seven, 294a, police officer means a sworn member of an organized local police department, an appointed constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18. My question for the proponent here is, is there a, why the difference in definition of police officer, and is there a reason that constables are not included? Or are they included in this definition and the ability to have the cameras? My concern is for towns that have state troopers and constables, can the town or municipality apply for grants to have their constables using these body cameras? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, the answer is yes.

SPEAKER SHARKEY:

Representative Mulligan.

REP. MULLIGAN (55th):

The answer is yes they can apply for the grants and the constables can wear the cameras? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, that is my understanding that that is correct. Through you.

SPEAKER SHARKEY:

Representative Mulligan.

REP. MULLIGAN (55th):

Thank you. Thank you very much.

SPEAKER SHARKEY:

Representative O'Dea.

REP. O'DEA (125th):

Thank you, Mr. Speaker. A few questions for the proponent, if I may.

SPEAKER SHARKEY:

Proceed.

REP. O'DEA (125th):

Just for point of clarification if I may, and you went through this at length, but in lines 30

through 35, if I may, my understanding of promotions, particularly in municipal local departments, when, or hirings, I should say, you take a test and you're ranked, so you may have, you know, three openings, openings for police department and you have testing and you may have a hundred applicants who pass the test, and you rank them from one to a hundred. If the first person eligible, ranked number one, say is white and number 50 is black or Hispanic, but they are otherwise qualified, but they're only gonna hire the three positions, would this, these lines require the department to hire number 50, say with the highest non, minority member over the number one, say, two and three qualified applicants? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, if the provisions of section three sub three were in effect, which is not required under the statute, but if a municipal police department did implement that section, the answer is no. Through you.

SPEAKER SHARKEY:

Representative O'Dea.

REP. O'DEA (125th):

Thank you for that, and my next question involves section six - section six - a hypothetical for legislative intent if I may, through you, Mr. Speaker. If an officer is alleged to have committed, say excessive force and rather than go through the whole hearing process, they're confident it's a false allegation, but they don't want to go through - they're just gonna retire early rather than go through the entire process. Let's say they retire with this allegation hanging over them and they're allowed to retire. Two years later with a change of heart, they want to then go work somewhere else after retiring, but there's been no finding as to whether or not that allegation of excessive force was false or accurate. Under section six, how would that person get exonerated as set forth in subsection C. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, the bill does not provide that the police officer or former, retired

police officer could not seek reinstatement and be exonerated, I guess generally through subsection three. I guess the answer to that would be that they could try, and if the police department were willing to entertain and there were a process for that retired police officer to reopen the file and to investigate those circumstances and come to a conclusion that exoneration was warranted, then that police officer would be able to work again.

I think that section six provides, however, that if you are accused and investigated for malfeasance, serious misconduct, and in during that investigation you choose to retire, you run the risk that you may not get another job. Through you.

SPEAKER SHARKEY:

Representative O'Dea.

REP. O'DEA (125th):

Thank you, Mr. Speaker. That's how I read it. I'm concerned, then, because someone would now be required to go through the process of being exonerated rather than retire, but I understand that. It makes sense. I just wanted for legislative intent to make sure that that's what was intended with this whole section.

If I may, in section - I apologize - lines 8 - 189 through 196, it allows for the police officer to view his own cam, body camera, captured during an incident. Is that review - is he allowed to do so prior to giving his own statement or being investigated or can he be investigated and required to give a statement before viewing his own camera, the body cam? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, the sequence of the review is not addressed in lines 189 through 196. I suspect that that's a good question for POST and DESPP as they put together their guidelines. Through you.

SPEAKER SHARKEY:

Representative O'Dea.

REP. O'DEA (125th):

Thank you, Mr. Speaker. My next question involves the following section in lines 202 through 219. Basically it allows the officer to essentially turn off the body cam. Is that true that that's what that section addresses? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes.

SPEAKER SHARKEY:

Representative…

REP. O'DEA (125th):

So…

SPEAKER SHARKEY:

…O'Dea.

REP. O'DEA (125th):

Thank you, Mr. Speaker, apologize. So the concept is to allow an officer under these certain circumstances to physically be able to turn off his camera on his own, and my question is specifically with regard to my concern and a number of concerns that were mentioned during committee meetings, hearings, in a domestic violence situation, God forbid police officers are required to go into a home involving a number of minors, and they have their body cams on, and mommy and daddy get in a fight, an altercation, and the police have to break it up. Those body cams then take the video footage of what had happened, and if that video footage is accessible under FOI, which I understand it would

be, unless it could reasonably be expected to constitute an unwarranted invasion of personal privacy. So I guess my question, and through you, Mr. Speaker, is the scenario that I gave you, a domestic dispute involving minors, is that in and of itself enough to reasonably be expected to constitute an unwarranted invasion of personal privacy? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, it is an exception to disclosure under FOIA as you've described at lines 213, 214, the scene of an incident that involves a victim of domestic or sexual abuse. It is an exception that will be applied in conjunction with the federal standard, which is where this language comes from, the federal standard of an unwarranted invasion of personal privacy.

Under the federal standard, the body camera images or video of that domestic violence incident would only be released pursuant to a balancing test if the public interest in the disclosure outweighs the privacy interests. And I guess that's a

mouthful, but basically, if it became an issue that needed to be adjudicated, the court would do a balancing test to determine whether it was of significant or sufficient public import to outweigh keeping this private. Through you.

SPEAKER SHARKEY:

Representative O'Dea.

REP. O'DEA (125th):

Thank you, Mr. Speaker, and thank you for that response. This is very concerning to me, and I do appreciate that it is a fact-intensive inquiry. I guess my question - I can't foresee a circumstance under which the public's right to know in a domestic violence dispute involving children would outweigh the privacy interest.

I guess my question to you would be, through you, Mr. Speaker, would be what is a warranted invasion of personal privacy in this situation? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, just off the top of my head in terms of hypotheticals, it could be that

there is an allegation of police misconduct - for example, in the arrest or in that process that there's some other reason why we as a public want to view that material to support some other claim or prosecution. Through you.

SPEAKER SHARKEY:

Representative O'Dea.

REP. O'DEA (125th):

Thank you, Mr. Speaker. I would hope when POST looks at this and when communities choose to divulge this to address excessive force by police officers, they take into account the minor's rights to privacy and to the extent those faces can be whited out, scenes could be whited out such that Johnny at school isn't forced to defend bullies who bring up what's going on in his home life is prevented, and so I hope that when POST looks at this and the legislative intent is measured, and I think we'd all be in agreement, we don't want to create more problems by having disclosure of that kind of nature.

And if I may, Mr. Speaker, just a briefly, looking at the costs associated with this program, I greatly appreciate - that was my biggest contention

- I shouldn't say my greatest concern or biggest contention, but one of my major concerns was the cost and it, in addition to what we've already gone over. Just by way, it's my understanding that the Baltimore mayor, back in December, vetoed a bill because of costs. There was, it was a $2.6 million cost associated with having these cameras on all, in all of Baltimore. In San Diego, they have concerns because a five-year contract will be approximately a million dollars a year for San Diego. Berkeley, California had concerns. Their 150 cameras would cost with storage and personnel costs a million dollars a year. Sarasota, Florida, has suspended their use of these body cameras because of an ACLU suit and the Sarasota, because of the excessive cost, wanted to charge $18,000 for approximately 84 hours of video because of the cost that it's associated with creating and storing this. So that's about $214 per hour of video that Sarasota decided not to, or suspend the use of cameras because of those costs and what they wanted to pass on to somebody doing an FOI request. I would hope that POST, when looking at this, and the FOI commission, allows our communities to charge sufficient amounts

of money to cover these costs for those that seek the FOI or these video in, this video information, and I was wondering if in drafting this, through you, Mr. Speaker, I know that the language allows costs to be recouped for up to one year. Has this, the massive costs of storage and implementation, has that been addressed or discussed through the drafting of this legislation? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, it was certainly discussed. I can't say that we have a resolution to it. The cost is significant, and it is ongoing, and it is certainly a challenge that we are going to have to contend with not just at the local level but as a state. Through you.

SPEAKER SHARKEY:

Representative O'Dea.

REP. O'DEA (125th):

Thank you, Mr. Speaker. I commend the Chairman of the Committee Judiciary and the ranking members. This bill is much better than the one we had

reviewed in Committee. I'm concerned about mandating the state police to require them to wear these cameras. I think we're gonna have a chilling effect on policing.

Police officers are no longer going to be able to be active members of the community because every time you go up to a police officer now, you could be on YouTube, and so I think this is going to have a very big chilling effect on the, the ability of our law enforcement to do their job. So I would like to have seen more of a situation where if an officer had issues with excessive force, that they be required to wear it. Not having a blanket requirement that every police officer have this. Maybe detectives don't have to wear it or at times they're not required to wear it, but so I've got concerns about the practical effects this is gonna have.

Literally, you're going to have arrests on YouTube, and I don't think there are many constituents that want to have that happen. So I very much appreciate the comment - the responses by the Chairman of the Committee. I do appreciate the problems that we're trying to address here.

I would just rather than requiring all officers to have the body cameras, have it, have it discretionary. Have them be able to wear them at certain times or have it disciplinary, where if you've got an officer who do has too much excessive force or has been using excessive force in a manner that appears excessive, if that makes sense, then have them wear it.

Now I do acknowledge that the presidential report that came out in March does show an almost 88% decrease in the amount of excessive force complaints and it has a 59% decrease in the amount of police complaints in the study where body cams were used. But I think we should make it more discretionary, not mandatory, on all of our officers, particularly state police as is here.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker. If I may, a couple of quick questions, through you.

SPEAKER SHARKEY:

Proceed.

REP. SHABAN (135th):

Thank you, Mr. Speaker. We've been focusing on the earlier parts of the bill, and if I could take the gentleman's attention to section nine.

In section nine, I note this was, appears to have been an import from a separate stand-alone bill we've had before the Judiciary Committee over the last couple years with some slight changes, so through you, Mr. Speaker. Looking at section B, lines 303 through 307, and I think the gentleman and I may have had a similar discussion last year with a similar bill. Liable to such person in an action of law. Now the current version of this bill makes the employer for the peace officer liable to such person, but through you, Mr. Speaker, what could they be liable for? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, breach of this statute, through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Well, thank you, Mr. Speaker, but I don't believe in the statute there's any, there's a civil fine or a statutory penalty or anything like that. Is it fair to say then, through you, Mr. Speaker, that liability would go to such things as destruction of the camera or some kind of personal property damage. Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes, that could be a possibility. I refer my colleague from the Judiciary Committee to line 307 and the word equity. So I think in that case, the court would do equity to compensate or address any claim by the claimant. Through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker. Yeah, so a suit in equity typically is for an injection. Don't do this again. Don't do this, you know, stop doin' it, don't do it again, so I think the gentleman's correct there.

I just wanted to make sure that there wasn't any linkage here to something else that I wasn't aware of or that the language in the statute seem, means what it seems to mean, i.e., a lawsuit. A civil lawsuit against the employer now for property dam - personal damage, I guess. Through you, Mr. Speaker, I think the gentleman, through you, would it be the same kind of analysis then, obviously, if the person with the camera or the recording device was injured? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes, if there were causation and the injured person could make out a claim for personal injury, I suspect that they, a claim would lie. Through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker, and actually with that, moving up to the preceding section, we have carve-out and the definition of peace officer and I remember stumbling on this the first time I saw the

previous iteration. The special agent - or, I'm sorry, the police officer does not include a special agent of the federal government, now through you, Mr. Speaker, does the gentleman know or did we review this in Judiciary what specifically that definition means? What is a special agent in the federal government? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I think it is meant to be [cough] excuse me, a broad definition, and I think the purpose of the line is to make it clear that I don't think we have the authority or prerogative to make a special agent or an agent of the federal government liable and answerable in a civil suit under the statute. Through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker, and I think the gentleman just highlighted what sort of raised the concern because when I did a little digging, special agent is, appears to be a defined term under federal

law, and it's specifically even fleshed out further in the oh - the federal OPM's handbook of what's the difference between an agent, an investigator, a special agent and whatnot, and apparently, the best as I can discern is the difference between a special agent and other agents of the federal government typically has to do with the power to make certain types of arrests.

So through you, Mr. Speaker, and this, perhaps this is for legislative intent, if an investigator for the EPA or the FDA for some reason decides to interfere with a person taking a photographic or digital video of their work, of that officer's actions, is it the intent of the statute then, because that person isn't a special agent in the federal government, to enable a plaintiff to sue that agent of the federal government in state civil court? Through you.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, if the answer, if the question is whether that agent of the EPA is liable under this statute, I would say no because they're not under

the ambit of a peace officer, I don't believe, in our state statute unless my colleague knows differently. Through you.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker, and the gentleman may have answered this question before in a general fashion, and that's why I'm kind of putting it on the record now. If the goal of the carve-out from peace officer is a special agent of the federal government, but the intent of the language is to be any law enforcement agent of the federal government, I think that's important for us to know because, again, special agent appears to have a defined, delineated scope under federal law, so perhaps this discussion may actually solve that problem, because if a, if an investigator for the EPA - if the intent of the statute is that an investigator for the EPA is not a peace officer, I think that answers the question. A special agent, in lines 300, is a general term, not the defined term grabbed by the federal, by the federal law, and I thank the gentleman for that.

And that's all the questions I have. Just really at this point more of a general focus. You know, this bill kinda floated through Judiciary in different parts and different ways and we've heard about it throughout session and obviously through the better part of today, and the laudable goal, I think, of what this bill is trying to accomplish has been lost in a certain degree in some of the discussion. The discussion has been lost.

We have moved from a discussion about excessive force by public servants and unfortunately landed the discussion about race. About ethnicity. And I think that's unfortunate, because the goal of this bill and some other similar bills is to ensure that police officers, our police officers, are not using excessive force. That's the goal. That's a laudable goal. That's what everybody wants. That's what the existing law has been working at for years, and that's what this law is trying to improve, but by injecting for laudable reasons, admittedly, but infusing a race discussion, I think, I think it tends to make folks lose focus, and I think that's unfortunate, because, you know, frankly, I'm on the fence on this bill. I really am.

I thank the gentleman, I thank the folks who've gone up and spoken before, because this bill has come a long way. It really has. I mean, it's almost good enough, and it may even be good enough. I'll make that decision here shortly. But I think it's worth noting that when the discussion gets pulled off of the course that I, the good course that we were on, it's unfortunate. But still, I thank the gentleman for his answers. I thank him for his, a lot of work on this bill with some of the folks over here, Representative Rebimbas, Representative Zupkus and others in this Chamber, and I thank the Chamber for its time.

SPEAKER SHARKEY:

Thank you, sir. Representative Verrengia.

REP. VERRENGIA (20th):

Good afternoon, Mr. Speaker.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. VERRENGIA (20th):

I rise in support of this bill. Since my time here at the legislature, I don't think I spent as much time on any particular bill than I did on this one. I think the democratic process here in our

House of Representatives is alive and well. I know we worked hard, included both sides of the aisle to come up with a workable and good bill, and I think today the bill in front of us has proven that.

Is it perfect? No. However, I believe the impact of this bill will have an historic impact on the law enforcement community here in the state of Connecticut, and I think it's important that we get this right, particularly when we talk about the implementation of body cameras.

There's not too many professions out there that we're requiring people to wear body cameras. And if we were to just to take a step back, each and every one of us, and think about if we had to go to work with a body camera how we might feel. How would that work in what you do in your profession? How would you feel if everything you did, everything you said, and everyone who came up to you was being recorded?

There's no question this bill in front of us is a game changer. Not only for law enforcement, but for all the residents here in the state of Connecticut.

Mr. Speaker, I have a few questions for the proponent of the bill.

SPEAKER SHARKEY:

Proceed, sir.

Uh, just a second.

The House will stand at ease.

[chamber at ease]

House will come back to order.

Representative Verrengia, I believe you had some questions.

REP. VERRENGIA (20th):

Thank you. Through you, Mr. Speaker, to the proponent of the bill, a lot has been said about sections two and three of this bill, and I just want to clarify, in section two it actually allows for each law enforcement unit to essentially develop and implement their own guidelines with respect to recruitment and retention and promotion of minority police officers. Is that correct? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, yes, that's correct.

SPEAKER SHARKEY:

Representative Verrengia.

REP. VERRENGIA (20th):

And in section three, it refers to a law enforcement unit that serves a community with a relatively high concentration of minority residents. The unit shall make every effort to recruit and retain and promote minority police officers. Through you, Mr. Speaker, the question is how do we measure or how would a community know that they would fall under this guidelines with respect to relatively high concentration of minority residents?

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, the community is a community that is more than 50% nonwhite, which includes the five or six communities identified earlier in the debate. Through you.

SPEAKER SHARKEY:

Representative Verrengia.

REP. VERRENGIA (20th):

Thank you. Mr. Speaker, I can't emphasize this enough because in our discussions of this bill there

was a lot of talk about sections 31 through 35 with respect to communities who shall recruit and promote minority police officers, but I believe line 22, and through you, Mr. Speaker, the proponent of the bill, line 22 indicates that such efforts may include and then it lists three different areas of possible guidelines, so it's a may and not a shall. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, that is correct.

SPEAKER SHARKEY:

Representative Verrengia.

REP. VERRENGIA (20th):

And through you, Mr. Speaker, in section six, it refers to an officer who was fired as a result of malfeasance or other serious misconduct or an officer who resigned or retired from such position while under investigation of such malfeasance or other serious misconduct as stated in lines 94 through 102. In sec - in lines of that same section, 110 through 112, it indicates that it - that shall not apply if a police officer is exonerated of each

allegation, and the question I have is with respect to each allegation.

Often times, when an officer is involved in misconduct, it involves more than one allegation, so for example if an officer is involved in serious misconduct, one allegation, a second allegation may be an allegation of less serious misconduct, and if that were to be the case, would this invoke this section? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I think section 110 through 112 provide that the section shall not apply to allegations that, from which a police officer has been exonerated, but if he has not been exonerated from any specific allegation, then section six would apply. Through you.

SPEAKER SHARKEY:

Representative Verrengia.

REP. VERRENGIA (20th):

Right. And in line 117, it refers to miscarriage of justice, discrimination including but not limited to and it goes on to identify a

conviction of felony, fabrication of evidence, etc., etc. My concern is with but not limited to serious misconduct. Would serious misconduct involve an example of an officer who calls in, is a habitual person who calls in sick? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, I would not consider somebody who calls in sick to be engaged in serious misconduct or malfeasance. I suppose it could be improper, but it is likely not illegal. Through you.

REP. VERRENGIA (20th):

Thank you, Mr. Speaker, and I asked that question for the purposes of legislative intent. In section seven, it essentially talks about the body cameras and it goes over some specs and guidelines. My question, through you, Mr. Speaker, do these guidelines in this section apply to only those departments who apply for the grant for the body cameras? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, the answer to that question is no. There could be provisions in here and regulations and guidelines developed by DESPP and POST that apply to a municipality that has body cameras but has not applied for a grant and aid to reimburse them for the cost of doing so. Through you.

SPEAKER SHARKEY:

Representative Verrengia.

REP. VERRENGIA (20th):

So if I understand that correctly, through you, Mr. Speaker, in lines 236 through 243, it refers to the Commission of Emergency Services and POST developing policies effective January 1, 2016, and just for my clarification and legislative intent, are we going to have one policy statewide regardless if somebody applies for one of these grants? Or will it just apply for those communities who apply for the grant? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

The policies will pertain to the use of body worn recording equipment retention and retention of data and safe and secure storage of data. It would

require - it would apply irrespective of whether the municipality applied for reimbursement funds.

SPEAKER SHARKEY:

Representative Verrengia.

REP. VERRENGIA (20th):

Okay, thank you. And through you, Mr. Speaker, in section eight, it talks actually about the grants and how municipalities can apply for them and excuse me if this question was asked before. How much money is it estimated to cost to equip police officers in the state of Connecticut with body cameras? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker, I don't know what the total cost would be. I do know that in the bond bill we are going to consider later today that there is $15 million made available for reimbursement over a horizon of one year. It's my understanding that body cameras themselves, that there's a range of costs for a specific body camera. My understanding is that the kind of body cameras that most people are looking at that provide, you know, that are a good

product and provide a good quality of use are probably between $500 and $800. There are some cameras that are cheaper than that and some cameras that are much more expensive. Through you.

SPEAKER SHARKEY:

Representative Verrengia.

REP. VERRENGIA (20th):

Thank you. And my concern actually is that I don't believe that this goes far enough. It's a good start. Fifteen million dollars may sound like a lotta money, but to me it's almost like an introductory rate to a credit card where you get a low percentage, the, you get it, and then in time that cost actually triples, and we're experiencing in some of our cities, particularly in Hartford, where they are 90 police officers short. They recently tried to put a class of 40 police officers into the academy but didn't have the funds to do that. It was reduced to 20. So we actually have cities and towns in our state that can't afford to put boots on the ground. And I hope we don't run into the case where the very police officers in cities and towns we're trying to help will not apply for this because of the cost over time, and I

believe that's going to be very expensive, not only in equipment, but in personnel who are going to have to respond to FOI requests for video. I certainly hope that that's not the case, and I'm sure we can always revisit that in future sessions.

And then finally, through you, Mr. Speaker, in section nine talks about the public having the ability to photograph or to video the police. This bill has been around for four years, if not longer. It's a bill and a measure that I've not supported in the past. And the reason why I haven't supported it is because I believe the public has a right to do that now. I'm not a big proponent of legislating things that people can do already, and that's what this bill does, and there's a part of me that I'm concerned because the very people that we're trying to protect are the people who may have, wind up with a negative consequence, and I'll give you an example.

There are five exemptions when, under this law, where people are not allowed to videotape the police. And in one of these sections, in section two, line 312, it talks about the public's inability to video or photograph an officer while they're

preserving the integrity of a crime scene or criminal investigation. And what's concerning is often times before the yellow tape goes up, that the individuals who think they have the right to video the police. They may be in a - very well be in a crime scene but may not know it, and they're certainly not going to know the five exceptions that are here in this statute.

I'm afraid the headline we're gonna read tomorrow is that public can videotape police. Again, I'm not saying that's not a bad thing. I believe they have the right to do it. And if you look in some of the high profile cases in Ferguson and the other ones that made the news, it was the result of people videotaping the police. But nevertheless, today I stand again in support of this bill. I think it's a good bill, and I think it's a result of the hardworking efforts of many people in this legislature, and for that reason I support this bill. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Representative McCrory.

REP. MCCRORY (7th):

Thank you, Mr. Speaker. Mr. Speaker, I really didn't want to speak on this bill today. I really thought that it was clear why we're doing this legislation. I thought that everyone understood the need because we all live in this country, and we're all aware of what's been going on publicly, and I say publicly because we're seeing these things because of cameras. Not to say they haven't been going on historically. So it just compelled me to say a couple of things.

First, we talked about - I heard some of my good colleagues - and I would say first, there's a lotta great work that went into this bill. Our Senate colleagues, our House colleagues have done a great deal of work and I give 'em a great deal of respect. There was talk about the Constitution and the 14th Amendment. Let's be clear why we have a 14th Amendment; 1868, it referred to the enslaved individuals in this country, why we have a 14th Amendment, who needed that protection under the law. That's the first thing.

There was talk about, when we started today, we prayed. We prayed for Reverend Senator Pinckney and the others that lost their life in South Carolina.

But let's be clear about who Reverend Senator Pinckney was. He was a lawmaker. An advocate. A leader. And he led the charge for body cameras in South Carolina after what happened in North Charleston, Carolina. He lost his life behind that. His church was targeted - a church that was targeted historically - for being leaders in their community. So here we are in Connecticut looking at what happened in South Carolina -I would say a red state that seceded from the Union - has taken upon themselves to mandate that every law enforcement officer have a camera.

Now think about that. Red state. Seceded from the Union historically, but yet realized that to protect their law enforcement officers and protect their citizens, they mandate that every police officer have a camera. And what we're doing here today. We're not mandating. We're giving the option for communities to protect their law enforcement officers themselves, because most of the times you're gonna find they'd be exonerated for anything, and protect the citizens. We're just trying to do that. We're trying to be like South Carolina. So we

can't be hypocritical and pray for those who lost their lives and not do what they're doing.

Real quickly about, I hear, there's a lot of talk about Hartford and the things that is going on. Let me tell you somethin' about Hartford. We had our situations here at Hartford. I'm gonna tell you two names. One was a student of mine. Jashon Bryant. He was killed by a police officer while he was sitting in a car in North Hartford. The specifics were gray. But he's not here to live. Aquan Salmon. Fourteen years old. He was killed by a police officer. North end of Hartford.

So when we talk about police officers in Hartford and the fact that there's a lotta conversation around section the - three - the reason why we need to diversify, and let me say this real quickly about diversifying. And it was talk - spoken about by some of my colleagues.

This is not a particular black/white issue. Because if you read the lyrics and listen to the people on our streets, police officer of color do some of the same things that others. Same attitude. And till we change the way we treat each other and find some humanity and every person life is equal to

every other person's life, nothing's gonna change. Nothing's gonna change.

If we don't treat people with humanity. If we don't see a 12-year-old young man and think that he is a threat and take him down with two seconds when you arrive on the scene, nothing's gonna change. The best part of this legislation that I like is the training. Train the officers in how to work with the community.

Real quickly again, we talk about Hartford, I'll give you example. One of my - and I've taught a number of police officers that came through my classroom. But just a couple of weeks ago I had a conversation with one of 'em. He's about 24 years old, 'cause Hartford's lookin' at ways to diversity its police departments. And he's workin' on a program to work with young people to help them become police officers. This is what he said to me. It was a class about 20 of us. Actually, it was 20 of us. Three of us are defined as minority, which I don't clearly call myself a minority, but for the intents and purposes of this legislation, they're minorities. Hispanic, African American. And he said in the field officer training, he felt as though

they were trying to make it so difficult for him to become a police officer. He said, "They tried so hard in order for me to fail. But I wouldn't do it." He said it meant too much for him and his community to become a police officer and when the best part about it, he said, he's gonna become a field officer trainer next year so what happened to him won't happen to the next person. And that's why we need section three of this bill.

We talk about who it's gonna effect. There's only eight communities in this state. Eight. That section two - section three would address. Just eight. And you would think that everyone would want to diversity their police departments. Will that be the panacea? Will that solve all the problems we have? No. Absolutely not. But it's a start.

So in my conclusion, cost. Let's talk about cost. Can we afford not to do this? Do you want any community in this state to look like Baltimore? That had the opportunity to do it but failed. They didn't do it. They said it cost too much. Well, how much you think it's costin' Baltimore right now? And how much you wanna - how much it's gonna cost your community if something like this happens?

So I encourage all of my colleagues, whether you're black, white, green, yellow, gray. Whether you're conservative or whether you're liberal. I ask all of us to stand up and be like South Carolina and protect all our citizens and give the support to all our police officers by institutin' this language. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

By agreement, we're coming to a wrap-up. For the Republicans, Representative Rebimbas, the distinguished ranking member of the Judiciary Committee.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Without myself categorizing it as a wrap-up, I don't want to say that I speak for all individuals on my side of the aisle or for many of the individuals that I have had countless and numerous hours of discussions on the other side of the aisle, but certainly having heard from all of my colleagues today on both sides of the aisle, I absolutely know that many of my colleagues on this side of the aisle are absolutely in full support of the legislation

that's before us for all of the reasons especially the good Representative just finished highlighting.

We do want to diversify our police departments, and that is exactly what section two intends to do and does. We absolutely support body cameras, making it permissive, and it actually is mandatory in this legislation for state police. Many of us support that. We absolutely stand in support of DESPP and POST, who on a regular basis are those individuals that come into direct contact with those men and women in blue, and blue is the color that they're known for and not the skin color that they hold or the individuals that come before them, but all men and women in blue, that there are proper guidelines and training so that they could carry out the responsibilities that we have asked them to do, which is to protect and serve every single individual in the state of Connecticut whether or not you're white, nonwhite, Hispanic, Latino, black, blue, purple, red, you name it. And it's for that reason that many of my colleagues, for section three, that instead of unifying, that we find that it actually excludes, divides. Those struggles, those stories of particular individuals that have

gone through the academy? That's shared by many. Many of other ethnicities as well.

We heard from the Chairman talking about being Asian and religious struggles. The victims in the hands unfortunately of some few bad apples of law enforcement is just not Hispanics and nonwhites. Unfortunately it's based on their religion and other ethnicities. So let's do the intent of the spirit that we all support. Let's diversify our law enforcement from top to bottom. Recruitment, retainment, promotion. Let's do it for all qualified, most qualified individuals. And let's do it with the spirit of joint support. That it be in a way that it's diversification a representation from every group and category of individuals that reside in the state of Connecticut.

But section three that talks about promote retention. That specifically talks about minority populations, which is the same word that's used in section two. But it tells us our guidelines, our definition of minority is only nonwhite, Hispanic, Latino, leaving all others on their own including - because consider taking the Census definition which this legislation requires - white is defined as

Irish, German, Italian, Lebanese, Arab, Moroccan, or Caucasian. Original peoples of Europe. I have a list of all the European countries. It's too long to go through. But these are individuals that live and reside in the state of Connecticut and should be treated equally.

Middle East is also considered right - white. And that would also include many different countries. Kuwait, Qatar, United Arab Emirates, Yemen. I can go on and on and if you want to say that these individuals are not minorities in quantities and representation and promotion and recruitment in our police departments is actually then turning a blind eye to reality. Also as a definition of white is North Africa. Those countries, Mali, Western Sahara, South Sudan. So what does that lead us? Where does that leave us? What are we gonna be looking at as to the definition of nonwhite if these are actually considered white? But they're the same people who face hardships, discrimination. So what are we basing it on now?

So again, in the spirit of the legislation before us, many of us support what's in front of us. It's section three that many of us believe,

unfortunately, it leaves many of the residents from other ethnicities, races, and genders that have suffered and have been discriminated against and should be allowed each and every opportunity that every other individual has in the United States and the State of Connecticut that opportunity.

So, Mr. Speaker, I just wanted to be clear that a vote against this legislation is not the legislation as a whole. A vote against this legislation is not a vote against the intent of it, but some of us may, at our core, not be able to support legislation that leaves out the few who do not have representation of Caucuses here or Commissions in the State of Connecticut but do request that their Representatives and Senators represent them in this House that is the people's House and inclusive of all.

And also, Mr. Speaker, for the mere fact that unfortunately I do believe that this will be facing constitutional challenges and lawsuits down the way. Thank you, Mr. Speaker, for the opportunity.

SPEAKER SHARKEY:

Thank you, ma'am. The distinguished Deputy Speaker, Representative Morris.

REP. MORRIS (140th):

Thank you, Mr. Speaker, and thank you to everyone who's already spoken.

And I'm going to try to the best extent possible to not be as redundant to many of the comments as my good colleague, the Representative Doug McCrory, gave. I did come with some prepared remarks.

And first of all, I'd like to thank the Chairs of the Judiciary and Public Safety Committee, the staff, legislators, leaders and others who insisted in bringing this legislation to the point where we can vote on it today. It has had hurdles getting here, but we're here.

The issue at hand - the issue at hand - excessive use of force - has historic and national implications. This bill addresses the issues and problems from the lens of learning from other states' mishaps. This bill is proactive. It's preventive. It is intended to avert a situation such as Ferguson or Baltimore.

Body cameras - certainly preventive. I said Baltimore, but Missouri just happens to be the Show

Me State. The Show Me State. It would've been great to have body cameras there.

This legislation is unbiased. It's about unbiased investigations and prosecution. It protects officers. It protects prosecutors and victims' families. A major piece of this legislation is police training, as Representative McCrory talked about cultural competency, sensitivity, and bias, bias-free policing.

Lastly, I would say police force representation of communities that they serve and protect.

These are four issues that if we look at what has happened historically through this country within the last few years have been those that have been raised and have caused civil unrest. They have cost millions of dollars of property damage. They've done something to take away from the entire moral fabric of our nation.

Connecticut has the chance to lead in what we are today calling a first step. A first step. It's a comprehensive look at how we address excessive police force not in a manner that makes police officers - a large numbers of police officers do a

fantastic job - look bad but in a way that actually addresses the issues of those who don't.

We began today's session with a request by Representative McGee that we remember the nine black congregants who were gunned down in a church during a prayer and bible study in South Carolina by holding a moment of silence, and we thank you for that remembrance, Representative McGee.

The pastor of the church, it's been said before, Mother Emanuel AME, the Reverend Clementa Pinckney, also served as a State Senator. As such, Senator Pinckney and the South Carolina legislature passed a mandatory camera bill as was said earlier. But this was passed only after Walter Scott was shot in the back on April 15 by Officer Michael Slager. After the fact. When everyone was appalled. When it's shown for all the world to see indisputably. At that point, the South Carolina legislature moved forward with the assistance of Senator Pinckney and responded in a assertive way to address that issue.

Connecticut legislators, we have that chance today. I'm confident the Senator Reverend Pinckney argued - I'm confident that he argued for minority protection issues. I'm confident that during his

tenure, he argued for minority empowerment. I'm confident that during his 18-plus years as a Senator, that his words may often have fallen on disapproving ears. However, after Walter Scott in South Carolina legislature coming together, they listened. It was after that they listened and Senator Pinckney often tried with others not just on this issue but he also tried with others to do what? To remove the Confederate flag from the capitol. We know that they were successful. It was removed from the capitol, but it still ended up on the grounds of the South Carolina capitol. It was a compromise. It still remained there.

But now, today we know that that great man was assassinated. And now that he was assassinated with eight others, a fight that that man fought is one that has been taken up and everyone recognizes easily. There aren't as many disapproving ears. But this man had to lose his life inside of a church with eight other members in order for some red states to say, "You know what? It's time for that flag to come down. There's an injustice and we've heard about it, but it's time that it come down."

If Senator Reverend Pinckney were here today, if he were here today, and I say this humbly because Senator - Representative Dargan said it earlier - in this legislature we have both Representative Stallworth and myself who get to some degree represent the same thing as Senator Pinckney. We get to be both legislators and we get to be pastors. To speak in a context, to speak in a way and to groups in a way that others may not have that opportunity, so I'm gonna humbly attempt to speak to us today in the words that I believe that Senator Representative Pinckney might speak to us if he had not been so unjustly assassinated.

I believe he would cry. I believe he would cry, "Let's not wait until there's another death." I believe would cry, "Let's not wait until there's another demonstration of hatred. Let's not wait until there's more destruction in another city because of civil unrest and because of civil disobedience because excessive police force does exist and someone may figure that, well, this bill isn't right. It doesn't fit me this way. It doesn't fit me the other way." He would say, "Let's not rest. Let's not rest. Let's…" He'd cry unto us. I

think he would cry unto us, "Don't let my death as a representative of civil government and heavenly government be in vain."

South Carolina showed us something. They forgave and they loved afterwards. They gave us a demonstration of what it is to really be together. As a nation we have a dark past and we can do better. We had a great president, Lincoln, he was assassinated. Why? Because he tried to do better. I ask you today, protect your black and brown American brothers and sisters from the injury of excessive force and later today from excessive incarceration.

This conversation today, and I'm winding up, is important. Minority protection is important because at one time under the Constitution, I and many of my colleagues within the black and Puerto Rican Caucus would've only been considered 3/5 of a man. I would have no voice. That has changed. But not completely. Stand up as one nation under God with liberty and justice for all. Do what we can today to undo this all too often injustice against primarily black and brown citizens. America is watching.

SPEAKER SHARKEY:

Staff and guests to the well of the House.

Members take your seat. The machine will be open.

[bell ringing]

CLERK:

The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please report to the Chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Have all the members voted? If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

E-CERT Bill 7103

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	108
Those voting Nay	37
Absent and not voting	6

SPEAKER SHARKEY:

The bill is passed [gavel].

[applause/cheering]

Decorum in the Chamber, please. Distinguished Majority Leader, Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker. Mr. Speaker, I move for suspension of our rule and immediate transmittal to the Senate Hall.

SPEAKER SHARKEY:

Well, the rules actually don't need to be suspended, but just a transmittal will do, Representative.

REP. ARESIMOWICZ (30th):

I move we immediately transmit the previous bill to the Senate.

SPEAKER SHARKEY:

Is there objection? Hearing none, the bill is immediately transmitted to the Senate.

House will stand at ease.

[chamber at ease]

SPEAKER SHARKEY:

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CONNECTICUT
GENERAL ASSEMBLY
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PROCEEDINGS
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THE CHAIR:

The Senate will stand at ease for about 10 minutes.

(Chamber at ease.)

THE CHAIR:

Senate will come back to order. Is there business on the Clerk's desk?

THE CLERK:

Mr. President, the Clerk has Senate Agenda No. 4, dated Monday, June 29, 2015.

THE CHAIR:

Distinguished Majority Leader, Senator Duff.

SENATOR DUFF:

Thank you, Senator Looney. Great to see you up there presiding. Thank you. I move that all items on Senate Agenda 4, dated Monday, June 29, 2015, be acted upon as indicated and that the agenda be incorporated by reference into the Senate Journal and Transcript.

THE CHAIR:

Thank you, Senator Duff. Without objection, it is so ordered.

SENATOR DUFF:

Thank you, Mr. President. Mr. President, if the clerk can now call Emergency Certified Bill No. 7103.

THE CLERK:

House Bill No. 7103, AN ACT CONCERNING EXCESSIVE USE OF FORCE.

THE CHAIR:

Senator Coleman, the distinguished Chair of the Judiciary Committee.

SENATOR COLEMAN:

Thank you, Mr. President. Good to see you up there.

THE CHAIR:

Thank you. Thank you, Senator.

SENATOR COLEMAN:

Mr. President, I move acceptance of the Emergency Certified Bill.

THE CHAIR:

Senator, please proceed.

SENATOR COLEMAN:

Thank you, Mr. President. Mr. President and members of the Senate, while I am very pleased that this bill was acted upon favorably by this body in regular session and acted upon favorably today in the House of Representatives, in a sense I'm very happy that we have another opportunity - or at least I have another opportunity - in order to speak about the bill. And I'm happy because during the remarks that were made during the regular session, I neglected to mention some people who deserve mention and deserve a lot of praise for the work that they've done in getting this bill into shape. And those are staff people. And as many of us know, staff are essential to pretty much everything that we do here. And so I'd like the Chamber just to recognize the efforts that were contributed in behalf of this bill by Mary [Suriak] of the Senate Democratic Policy Staff as well as Angela Rehm and Bill O'Shea of LCO.

During the last opportunity that I had to speak on the bill, I certainly was pleased to mention a number of legislators who, in my view, contributed mightily to the drafting and the - at least the success of the bill to this date or to this point in time. And I would again express gratitude to Senator Looney and

Senator Duff and Senator Winfield and express particular appreciation to Senator Fasano and Senator Witkos and Senator Kissel. I appreciate the way that they weighed in and exerted the caliber of leadership that they did in order to get this bill to the point where it is.

There have been some minor changes that were made to the bill and just refresh everyone's recollection, the bill does a few things and it includes a few sections.

The first has to do with training, training in the use of body cameras, training in the use of force, and training in cultural competence and bias-free policing. It also addresses hiring and promotion in police departments throughout the state with a particular attention to police departments in communities that have a high concentration of minority residents. And in such communities, police departments and municipalities are asked to tape, pay particular attention to opportunities to hire and promote minority candidates for hiring and promotion within that police department.

The bill also addresses prosecution of incidents where deaths occur as a result of the use of deadly force by police officers. And that provision merely requires the Chief State's Attorney appoint a prosecutor or a State's Attorney from a different judicial district in order to investigate and prosecute the incident. Additionally, the bill provides for the collection of data regarding incidents where the use of force is employed by police officers. It also has a provision permitting municipalities and police departments to require their officers to wear body cameras while in the performance of their policing duties.

The bill has a section that has to do with the misconduct or malfeasance of police officers and goes on to say that for those officers who have been guilty of malfeasance or misconduct, that they should be precluded from working as police officers in the State of Connecticut or if they're applying for a police officer's position outside of the State of Connecticut, the municipality where they committed the misconduct or malfeasance would be obligated to notify the prospective new police department regarding the

history of this candidate. The bill also has a section that has to do with clarifying the right of private citizens to video record the activities and the performance of police officers, so the activities of police officers in the performance of their duties.

I think we are all well aware of some of the reasons why this bill is before us. There been a number of incidents that have occurred around the country in recent years all of which had to do with individuals who were unarmed being shot to death and in some instances being shot to death by police officers. Policing is - let's make no mistake about it - is a very difficult job. And I think it's fair to say that it takes a special character and a special brand of courage to be a good police officer. Having said that, I would go on to say that in many professions there are bad apples. And I think part of the definition of being a good police officer is being able to be held accountable but also to hold colleagues who may not be behaving according to the appropriate standard - to hold such colleagues accountable.

What this bill does in two general terms is one, to address police accountability and secondly to acknowledge that the relationship between police departments and communities that they serve are sometimes not the best relationships. And this bill seeks to take steps in order to approve relationships in such circumstances. There are a couple of assumptions that I think are being made as a result of the bill. And one of those assumptions is that it is problematic for unarmed individuals who are not threatening and not committing serious criminal offenses - it is problematic for such individuals to be shot to death by police. Another assumption is that it is problematic for virtually all white police departments to be overseeing communities that are predominantly black and brown and to the extent that we can do something about that, the assumption is that we should.

As I indicated, being a police officer is a hard job. And I think we're fortunate in the State of Connecticut that the vast majority of our officers are good police officers and decent human beings, but we

can, by passing this bill, take some steps to minimize the possibility here in the State of Connecticut that individuals may be victims of force employed by police officers, which such force may result in death.

And I know that there is a view that many of the incidents that we're concerned about occurred in states other than Connecticut, but I would call to the Members attention that there have been some incidents recently and in past years where individuals have died as a result of the use of force used by police officers. And I would cite - being most familiar with Hartford incidents - an incident involving an officer of the Hartford Police Department and the death of Deshawn Bryant. Many years ago, a 14-year-old by the name of Aquan Salmon was shot to death by a Hartford police officer. And most recently, while a death did not occur, there was a serious injury to another individual who was shot by a Taser activated by a Hartford police officer.

So we've considered the provisions of this bill during the regular session and I was extremely heartened that the bill passed the Senate by unanimous vote. And as I as indicated, there's not much that has changed to the bill, specifically. The most substantial change has been to the hiring and promotion section of the bill. And that bill was actually bifurcated so that Section 2 of the current bill encourages the promotion of diversity in all of the police departments in the State of Connecticut. Section 3 pays particular attention to, as I indicated, those police departments and municipalities where there is a high concentration of minority residents. And the bill makes some suggestions and encourages some activities in order to assist the recruitment of minority candidates for positions within the police department and promotions within the police department.

And with that, Madam President, I would conclude my remarks on the bill and the current iteration of the bill and be happy to respond to any questions. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Kissel. Good afternoon, sir.

SENATOR KISSEL:

Thank you very much, Madam President. Good afternoon to you too.

First of all, I just want to commend Senator Coleman for his tremendous leadership regarding this initiative. As he indicated, we here in the State of Connecticut are not immune from these issues.

Senator Coleman reference some deaths - unfortunate deaths - here in the city of Hartford, but these incidents do occur, not necessarily only in our urban areas but at various times and places throughout our state.

Nonetheless, what we're trying to do with this legislation is to get ahead of the curve nationally. And I believe it's a great step forward in trying to move things in a direction where we're sensitive to the concerns that many individuals have in various communities throughout our state.

I want to also align myself with the remarks of Senator Coleman, who was very kind in his praise of others working on this, Senator Looney for showing great initiative, Senator Fasano - I'm very lucky to sit right next to a great police officer, albeit retired, Senator Kevin Witkos, who worked very hard on this, Senator Winfield, who also was in there negotiating and discussing the merits of the bill, and others.

There's no demands in this legislation. This bill is a carrot, not a stick. Nonetheless, it implores our communities to rise to the challenge, to try to diversify their police departments. And if they wish to avail themselves of certain opportunities, for example training and acquisition of body cameras and the like, these are all opportunities that we afford law enforcement throughout the State of Connecticut. It also incorporates the provisions of a bill that Senator Looney had brought forward three years ago, that I believe has passed the last few years, and

that's the videotaping of police officers. And we try to draw that very fine balance between allowing public access without impeding law enforcement's ability to do a difficult job. And as Senator Coleman indicated, law enforcement is a difficult job.

Not only am I lucky to sit next to Senator Witkos and through our discussions learned more and more about the duties and obligations and responsibilities of law enforcement officers, but over the years I've tried to have a good rapport with many of the law enforcement officers in my district. And it would be remiss of me if I didn't single out Chief Carl Sferrazza of the Enfield Police Department, who not only has done a fabulous job in leading that department but also helped on the Raise the Age Initiative on several committees over the last few years. We did discuss this at length.

I don't know how the vote will go this evening - this afternoon. I'm hoping it is unanimous because I think that sends a great message to our constituents, but again we would be untrue to ourselves if we did not recognize that there are issues percolating in our nation and in various communities within our own state where the necessary relationship between law enforcement and the communities they serve has not been optimized. We can do better. This is not placing any blame at the feet of any law enforcement entity whatsoever.

In fact, I think that we will have to be sensitive in the coming years to make sure that we don't put too much of a burden on law enforcement such that we are unable to attract the best and the brightest that are suited for this as a career path.

We want this profession to be something that young men and women of all races and ethnicities strive to wish to enter and then move up the ranks. But at the same time, we have to make sure that we work hand-in-hand together to try to always strive towards that optimal relationship between individuals who have a license to kill and to protect the citizenry from criminal behavior and the views of the community as to how they are being protected. And if those views do not rise to the level of trust that that can have a corrosive

aspect to it, which undermines with law enforcement's ability to protect and serve in the community's desire to feel safe and protected.

And I again urge my colleagues to support this bill. And I'm tremendously honored to have participated in some small way in crafting it myself. And for those reasons, Madam President, I urge passage of the bill. Thank you.

THE CHAIR:

Thank you. Will you remark further? Senator Bartolomeo. Good afternoon.

SENATOR BARTOLOMEO:

Hi, Madam President. Good afternoon. Thank you, and through you, Madam President, I do have some questions for the proponent of the bill.

THE CHAIR:

Please proceed, ma'am.

SENATOR BARTOLOMEO:

Thank you. When we voted on this before, I had some questions that were answered by the good Senator in order to set up some legislative intent. And because that bill has been lost and we're now addressing again, I wonder if we could do the same. Through you, Madam President.

THE CHAIR:

Please proceed, ma'am.

SENATOR BARTOLOMEO:

Senator, when a police officer is in a situation that they are being videotaped, there might be an opportunity where the video tape gets too close or at least the police officer perceives them as being too close for the safety of the police officer as well as the person who's doing the videotaping.

For instance, my husband is a police officer and he's described many situations where if he were in the process of handcuffing someone for instance or if there was - a bar fight broke out and there were - it was a chaotic situation, if he were doing his job and peripherally saw someone coming close to him, which would probably be holding out a cell phone or some other videotaping instrument in front of them, there gets to be a point where he can sense someone's coming and that he feels that they're within that safe area.

Now, the concern would be that they're just, the police officer's distracted, so there's something the police officers use in training called a reactionary gap and that's typically 21 feet. And if someone comes within that 21 feet of their personal space, you know, that's the amount of time - that's the space within which someone could actually react within a second and harm the officer or the person that they are dealing with.

You and I had talked before about possibly putting in some type of a distance within which the person doing the videotaping would not be able to come and that didn't seem to work out. So what I would like to understand for legislative intent is if the police officer feels that they are in harm's way because someone is coming too close to them, yet the person videotaping might think that, you know, I'm within three feet, I'm not interfering, but the police officer could perceive that differently and could react in a way that could actually endanger not only the officer but the person doing the videotaping. How would you expect that this bill would allow that police officer to stop the videotaping to ask someone to get back and not be liable for stopping that videotaping? If not footage, how would you describe that for legislative intent?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. Through you to Senator Bartolomeo. I guess I would express that I think it

would be problematic to put a specific footage in the bill. Problematic because I think in any subsequent litigation you would obviously have probably the person attempting to videotape saying - if the figure were - if the distance were 21 feet - says, "I was beyond 21 feet," the officer saying, "You were within 21 feet," and I think it would be problematic in order to prove that one way or the other, but I guess what I would suggest any police officer that found him or herself in that situation is that the officer would be within his or her rights or entitlement in order to request that the person doing the recording back up a reasonable distance.

As you're aware and as we discussed the last time the bill was before us, there are some specific exceptions that allow an officer to interfere with the recording. It doesn't say necessarily that the officer would be permitted to confiscate the camera in every of those situations, but the if the officer reasonably felt that he or she was preserving a crime scene, was protecting the public safety, enforcing a criminal law, or protecting the privacy interests of another individual including the victim of a crime, the officer would be authorized in order to interfere with the person doing the recording.

I'm not sure if that entirely satisfies your objective in posing the question, but I would offer that and certainly respond to any follow-up questions that you may have. Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Madam President, and through you to the good Senator, because this was a while ago I know that one of the things that we talked about was that on this particular bill it would be on Line 312, the peace officer is not liable for stopping the taping if - on that Line 312, No. 2 - says to protect the public's safety.

I wanted you to clarify, if you would, that the police officer, themselves, is covered under that term public's safety. I would have thought prior to our conversation that the public would be other than the officer, and you had indicated to me that you saw the public as the officer as well.

So if that officer feels as though someone is coming too quickly, too fast, into that space that they are working and they ask them to stop, that that would be covered under this section of protecting public safety. Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. And I would reiterate that I think that the police officer is a part of the public and that we are all concerned about the safety of our officers. And so if the officer felt that - reasonably believed that he was in any kind of physical jeopardy or harm himself, he would certainly - I say he, he or she would certainly be within the authority provided by the provisions of this bill in order to take steps to make certain that he or she is not harmed. Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, and through you Madam President, I appreciate the good Senator's indulgence, and I appreciate the legislative intent.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not, Mr. Clerk - whoops, sorry. Senator Osten.

SENATOR OSTEN:

Thank you very much, Madam President. Madam President, I just didn't stand up quick enough and not for legislative intent - I believe in this bill and I appreciate all the work that's been done by everyone to address the issue of excessive force, both on a national level and on a state level.

I would firmly like to say that there is one issue that I think should be in this bill that is not. And I encourage my colleagues to remember what is in this bill and look on this over the next few months and affirmatively support a bill that is about posttraumatic stress and working to support our law enforcement personnel in what is a very difficult, draining job based on the activity that they see on a daily basis.

I think that we need to start recognizing that this job puts strains on people, and without the ability to address those strains that we are ignoring a piece of the equation that happens within the law enforcement job.

I really would ask that people start remembering that the people behind the badges are people that experience, on a very difficult level, the stressors of their jobs when they, on a regular basis, respond to situations where we are in the worst of our times, whether it is the suicide of a child or a teenager or an adult.

I was talking with my resident trooper and they responded to a scene where a woman cut off her hand with a chainsaw in an attempt to end her life. She did not, but they had to deal with the consequences of that.

Some of the things that our law enforcement officers have to deal with are not the normal things that you and I deal with. And I would ask people to remember that and to fully support what I think should've already passed, a posttraumatic stress workers' compensation. And when we start recognizing that mental health is, health in general, should be, always have parity with medical health, we'll start having a whole society and we'll start helping people within

the job, and we won't see our law enforcement end up with themselves committing suicide, suffering through the consequences of drug or alcohol abuse and having difficulties with families.

So I would ask my colleagues to remember over the next few months that we should be supporting our law enforcement while ultimately holding them accountable for all their actions. Thank you very much, Madam President.

THE CHAIR:

Thank you. Will your mark further? Good evening, Senator Winfield.

SENATOR WINFIELD:

Good evening, Madam President. It's interesting, I wasn't going to speak on this bill. I spoke on this bill briefly the first time. Part of the reason is the emotion that, I guess, some of us have around a lot of the things that have happened in this country recently and, to be honest with you, the debate on this bill in the other Chamber.

I had a conversation with the boy that lives in my house last night. This is a young man who's nine years old. He doesn't understand what sex is. He doesn't understand a lot of the things he will understand later in life. The conversation was about why people would think that that nine-year-old boy might have the intention of going forward to rape white women. I listened to the conversation in the other Chamber where someone said that they understood our experience because they had an experience that lasted a very brief period of time. I have to tell my son about what it is to be a rapist, or at least perceived as a rapist, because of issues of race in this country. This is part of the experience. It's not even close to the totality of that experience, to be a black man in this country raising a boy.

I also have to tell that boy about what it is to walk out of the house, and I recognize and I think it is important for all of us to recognize what police officers go through because of the inherent danger in

their job, but there should be no inherent danger in walking out of your house being black and, if you actually understood our experience, there is. So what we do today, what we have done once before, makes some of us who feel like our voices are not heard, even in positions like mine, thankful for the work that you do around this circle. Thank you.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, speaking in support of the bill, I'm very pleased that the Senate passed this bill during the regular session and that we have an opportunity to vote on it again today having passed the House, and again wanted to begin by thanking Senator Coleman for his superb work on this and Senator Winfield, who has pursued this issue with a passion for so long. Senator Kissel and Senator Witkos, Senator Fasano, who have also worked on this to really make it a bipartisan product throughout their counterparts in the House as well.

This is, in many ways, one of the most important policy bills that we will have dealt with in 2015. And there are so many sections of this that are critically important.

In the sections of the bill dealing with minority police officer hiring and promotion, we know that in some communities in this nation like Ferguson, Missouri, the relationship between the police and the community in many ways seemed to be such a gulf of lack of trust and lack of understanding because of the fact that the makeup of the police department was so radically different from the makeup of the community.

It is not seen there in communities like that as a police department that is geared toward community policing with the goal of to serve and protect but is instead seen as an outside occupying force intent on doing harm in the community and that - one of the ways to change that is to make the police department

reflect the community that it serves to the greatest extent possible. And I think the sections of this bill dealing with minority police officer hiring and promotion are an important move in that direction.

The Section 4 of the bill that deals with use of force investigations and police-involved shootings or other acts of violence also deals with a very difficult situation currently where the Chief State's Attorney has the option to remove that investigation from the local State's Attorney or to leave it where it is, and this bill makes that movement mandatory. Either move it to a different judicial district or select a different special prosecutor, a special Assistant State's Attorney or a Deputy Assistant State's Attorney. This is important also because right now, either way, aspersions might be cast, perhaps even unintentionally, by a decision or not by the Chief State's Attorney.

So under the current law, if the Chief State's Attorney chooses not to remove that investigation, he may be second-guessed on that by the community where the incident occurred believing that it is impossible to have a fair and arms-length investigation by the State's Attorney working - having to investigate members of a police department that he has to deal with regularly in making cases on arrests and prosecutions in that district.

On the other hand, if the State's Attorney chooses, under current law, to take the option to remove the case, it may look to some like an implicit declaration of lack of confidence in the prosecutor in the judicial district where it occurred to do so fairly. So now by mandating that, aspersions will not be cast on either side, and I think that's a much healthier way to proceed.

The body camera section has been talked about. We are moving toward the use of body cameras. And I think that is something that has to be done in a way that is uniform throughout the state and is gonna be done in a way that incorporates best practices and exceptions to the times when the camera should be turned on in dealing with confidential informants and other

circumstances that are provided for in this bill as well.

In addition, Madam President, I think we need to draw attention to the section of the bill that deals with the officers interfering with the right of a member of the community to document the performance of the police of their duty.

Something that we have passed several times in the Senate had not been voted on favorably in the House prior to today with its inclusion in this bill. And this again is structured in a way to make sure that there are safeguards regarding something that might actually constitute real interference with a police officer in the performance of his or her duties, but where the citizen is not interfering with the officer, it should be clear that there should be liability on the department and the government entity of hiring that officer for interfering with that right when there is not a reasonable basis to limit that citizen from using that cell phone.

The recent, horrible incident in South Carolina where the man was shot running away from the police officer may not have come to light at all without the fact that it was documented by a citizen using his cell phone camera at that time.

So again, there are a significant number of important sections in this bill. It is one that I think that we had cause to celebrate our passage of here in the Senate during the regular session. And I'm so pleased that we have an opportunity now to finally make it law today. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Will you remark? If not, Mr. Clerk, will you call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call has been ordered in the Senate.

[pause]

THE CHAIR:

All members have voted. All members have voted. The machine will be close.

Mr. Clerk, will you please call the tally.

THE CHAIR:

House Bill 7103

Total Number Voting	36
Necessary for Passage	19
Those voting Yea	36
Those voting Nay	0
Absent/not voting	0

THE CHAIR:

The bill passes. [gavel] Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Is there business on the Clerk's desk?

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the clerk is in possession of Senate Agenda No. 5, also dated Monday, June 29, 2015.

THE CHAIR:

Senator Duff. Sorry.

SENATOR DUFF:

Thank you, Madam President. Madam President, I move that all items on Senate Agenda No. 5, dated Monday, June 29, 2015, be acted upon as indicated and that the