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Written Testimony Supporting Senate Bill 304, An Act Implementing the Recommendations of the Police Transparency and Accountability Task Force

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in support of Senate Bill 304, An Act Implementing the Recommendations of the Police Transparency and Accountability Task Force.

The ACLU-CT is committed to ending police violence and racism in policing in all forms. In addition to accountability measures, Connecticut must also divest from policing and reinvest in programs that build strong and safe communities. To build an equitable future for all people in Connecticut, policymakers must reduce policing's responsibilities, scale, and tools. Senate Bill 304 includes numerous strong provisions that increase accountability for police while decreasing their role.

School Resource Officer Study

School resource officers are police, just as much as any other law enforcement staff across the state, and their in-school policing has much of the same effects on school communities as municipal and state policing have on the broader community. School police employees' presence in schools is a key link in the school-to-prison pipeline.

When police are in schools, kids—especially Black and Latinx kids—are more likely to be arrested.¹ School police are also disproportionately arresting students with disabilities.² These disparities are stark: Black girls are five times as likely to be arrested in schools as white girls.³ When the intersections of those identities combine, it is disastrous for BIPOC students who are also disabled.⁴ The acts which underlie these arrests are shocking: spraying perfume, criticizing a police officer, kicking a trashcan, throwing a baby carrot, taking a milk carton, wearing saggy pants, and having a tantrum at age five.⁵

These outrageous outcomes do not even come with the benefit of safer schools. At best, the data are conflicting and lacking in methodological rigor.⁶ At worst, considering the higher incidents of arrests in schools with police, police make schools less safe.⁷ Overall, school crime levels have decreased regardless of, not due to, the presence of police in schools.⁸ Section 2 of Senate Bill 304 seeks to undertake a study on the impact of school resource officers on students with disabilities. This is something that the ACLU-CT wholly supports.

Use of Force Reporting

The ACLU-CT strongly supports Section 3, which requires the chief law enforcement officer of each unit to report to POST any uses of unreasonable, excessive, or illegal

¹ West Resendes, *Police in Schools Continue to Target Black, Brown, and Indigenous Students with Disabilities. The Trump Administration Has Data That's Likely to Prove It*, ACLU NEWS & COMM. (July 9, 2020), available at <https://www.aclu.org/news/criminal-law-reform/police-in-schools-continue-to-target-black-brown-and-indigenoustudents-with-disabilities-the-trump-administration-has-data-thats-likely-to-prove-it/>.

² *Id.*

³ Amir Whitaker et al., *Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students*, at 30, ACLU (Mar. 2019), available at <https://www.aclu.org/report/cops-and-no-counselors>.

⁴ *Id.* at Chart 2.

⁵ *Id.* at Appendix D.

⁶ Nathan James & Gail McCallion, *School Resource Officers: Law Enforcement Officers in Schools*, CRS REP. CONG. (June 26, 2013), available at <https://fas.org/sgp/crs/misc/R43126.pdf>.

⁷ Edwin Rios, *More Cops Won't Make Schools Safer, But Here's What They Will Do*, Mother Jones (Mar. 19, 2018), available at <https://www.motherjones.com/crime-justice/2018/03/more-cops-wont-make-schools-safer-but-hereswhat-they-will-do/>.

⁸ Dana Goldstein, *20 Years After Columbine, Schools Have Gotten Safer. But Fears Have Only Grown*, N.Y. TIMES (Apr. 20, 2019), available at <https://www.nytimes.com/2019/04/20/us/columbine-anniversary-school-violencestatistics.html>.

force, failures to intervene against uses of unreasonable excessive, or illegal force under, and particular instances of intentional intimidation or harassment Section 7-294d of the general statutes. Statewide reporting of violations of our use of force standards is necessary to facilitating public oversight of the police and transparency.

Standardized State-Wide Reporting and Complaint Procedure

The ACLU-CT strongly supports measures that ensure that police systems are transparent and accountable to the communities they are supposed to serve. Building these systems requires transparency in instances of problematic policing, as well as accessible police complaint procedures, through which members of the public can alert police departments to potential problems within their ranks.

Section 5 creates accountability by tasking the Police Officer Standards and Training Council to develop a standardized statewide reporting form and process for people to file complaints against police officers. Vivaly, Section 5 also requires data collection during this procedure on qualities like the race, ethnicity, and gender of both the officer and complainant. When this data is aggregated and tracked anonymously, this legislation provides the state with an opportunity to identify trends in complaints against the police, such as geographic concentrations of complaints. The ACLU-CT strongly supports this measure.

Secondary Violations

The ACLU-CT supports the sections of Senate Bill 304 addressing secondary violations. This part of the bill will limit interactions between police and people by designating a number of low-level traffic infractions as secondary violations and prohibiting police from stopping drivers for secondary violations. In 2021 alone, stops for traffic violations resulted in 117 deaths at the hands of police.⁹ An analysis of over

⁹ *2021 Police Violence Report*, MAPPING POLICE VIOLENCE (2021), available at <https://policeviolencereport.org/>; Libby Doyle & Susan Nembhard, *Police Traffic Stops Have Little to Do with Public Safety*, URBAN INST. (Apr. 26, 2021), available at <https://www.urban.org/urban-wire/police-traffic-stops-have-little-do-public-safety>.

20 million traffic stops, scholars found that police were 63 percent more likely to stop Black people even though, as a whole, they drive 16 percent less, and police were 115 percent more likely to search Black people than white people during a traffic stop.¹⁰ Another study analyzing 4 million traffic stops in California corroborated this, finding that police were twice as likely to search Black people as white people, even though searches of Black people are less likely to yield contraband and evidence than searches of white people.¹¹ Black people are also overrepresented in both stops that do not elude to enforcement and ones that end in an arrest.¹² Many of these arrests begin with violations identified by this bill: broken tail lights, a partially obscured license plate resting in the back window, forgetting a driver's license at home.¹³ The ACLU-CT supports the measures undertaken in Senate Bill 304 that properly designate these minor infractions as secondary violations, as this would be a vital step in limiting the role that police play in our communities.

Overall, Senate Bill 304 has many strong provisions that increase transparency and accountability in policing. As such, the ACLU-CT supports the bill and urges this Committee to do the same.

¹⁰ See generally KELSEY SHOUB ET AL., SUSPECT CITIZENS: WHAT 20 MILLION TRAFFIC STOP TELLS US ABOUT POLICING AND RACE (Cambridge Univ. Press 2018); see also Chris Horn, *Racial Disparities Revealed in Massive Traffic Stop Dataset*, UNIV. OF S.C. (June 12, 2020), https://sc.edu/uofsc/posts/2020/06/racial_disparities_traffic_stops.php.

¹¹ Magnus Lofstrom, Joseph Hayes, Brandon Martin & Deepak Premkumar, *Racial Disparities in Law Enforcement Stops*, PUB. POL'Y INST. CAL. (Oct. 2021), available at <https://www.ppic.org/publication/racial-disparities-in-law-enforcement-stops/>.

¹² *Id.*

¹³ See, e.g., Doyle, *supra* note 9, available at <https://www.urban.org/urban-wire/police-traffic-stops-have-little-do-public-safety>; David D. Kirkpatrick, Steve Eder, Kim Barker & Julie Tate, *Why So Many Police Traffic Stops Turn Deadly*, N.Y. TIMES (Oct. 31, 2021), available at <https://www.nytimes.com/2021/10/31/us/police-traffic-stops-killings.html>.