



Legislative Testimony

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Written Testimony
Opposing Committee Bill 5174,
An Act Concerning the Penalty for Assault of an Off-Duty Police Officer
or Department of Correction Employee

Senators Larson and Guglielmo, Representative Verrengia, and members of the Public Safety and Security Committee. My name is David McGuire, and I am the executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). As an organization committed to defending civil liberties under the U.S. and Connecticut Constitutions, the ACLU-CT strongly supports measures to ensure fair public safety practices and opposes proposals that would undermine justice. As a result, I am here to urge you to oppose H.B. 5174.

H.B. 5174 would create enhanced penalties against people who may or may not be off-duty public safety workers. This proposal would pay lip service to protecting police and corrections workers without actually doing so. It is an unnecessary distraction from efforts that could improve safety on and off the job for police and corrections workers, such as proposals that would decrease our state's prison population and improve police-community relations.

Communities hire police and corrections workers to perform jobs that can be dangerous and stressful. Crimes committed against police in Connecticut, however, regardless of motive, are down, not up. The most recent data from Connecticut's Department of Emergency Services and Public Protection, for instance, shows that the number of assaults against police decreased from 2014 to 2015, that the vast majority of assaults did not result in a police employee's injury, none resulted in death, and zero were "ambush" or "no-warning" incidents. Similarly, as Connecticut's prison population has declined, so have assaults against corrections workers. Staff assaults in Connecticut prisons declined by nearly 28 percent in the last decade and by nearly 4 percent between 2015 and 2016.

Unlike crimes against racial and religious minorities, women, LGBT people, and other groups, there is also no history of crimes against public safety employees being under-prosecuted or treated frivolously. In truth, Connecticut law already includes an extremely broad provision classifying assault against public safety personnel, including police and corrections workers, as a Class C felony.

H.B. 5174, however, would place Connecticut in the untenable position of classifying some people's lives as more valuable simply because of where they work or appear to work, regardless of whether they are on the job. Under the proposed bill, a bar room brawl involving off duty police and members of the public could result in felony charges against some community members, carrying a sentence of up to ten years in prison, while the off duty police employee could be charged with a misdemeanor assault, resulting in less than one year of prison time. In another situation, a bar fight involving only members of the public could result in felony charges against some and misdemeanors against others, based purely on hearsay regarding whether someone "looked" like a police officer.

Rather than preying on public safety employees and their family members' fears, a more useful approach would be creating safer working environments for police and corrections officers by building community trust and improving prison conditions.

When prisons are humane and rehabilitative, prison workers are safer. Commitment to corrections worker safety therefore requires Connecticut's continued dedication to decreasing its prison population, maintaining appropriate staff to prisoner ratios, and training corrections officers to rehabilitate prisoners and deescalate potentially dangerous situations. Similarly, when communities trust their police departments, it benefits police and the public alike. Community trust requires police transparency, accessibility, and accountability, in order to ensure that everyone is served by fair and equitable policing. These goals are best accomplished by improving training for police to avoid and deescalate potentially dangerous situations, creating meaningful police misconduct protocols to ensure that police work with and for reliable colleagues, and increasing transparency through Taser and body-worn police cameras.

We deeply appreciate the work of public safety officials in Connecticut and support efforts to create safer working environments for these critical members of society. Thank you for your time and consideration.