

Robert Devlin

## Questionnaire for Connecticut Inspector General Applicants

1. Do you believe that (a) the Inspector General must acknowledge racial disparities in policing, prosecution, incarceration, and the criminal justice system overall and (b) the Inspector General has a responsibility to take affirmative steps to end systemic racial disparities? Please give a clear “Yes” or “No” to both subparts and any explanation.

(a) Racial discrimination has no place in any aspect of the criminal justice system.

(b) The IG does have a responsibility to conduct the work of the office in a nondiscriminatory fashion

2. Do you believe police officers should be held criminally liable for the unnecessary physical harm of Connecticut residents? Please give a clear “Yes” or “No” to the question and any explanation.

Yes. Police officers who violate state law regarding the use of physical force should be held criminally liable.

3. Do you believe police officers should be held criminally liable for the unnecessary killing of Connecticut residents? Please give a clear “Yes” or “No” to the question and any explanation.

Yes. Police officers who violate state law regarding the use of deadly force should be held criminally liable.

4. Do you believe that the current statutory standard for determining when police are justified in using deadly physical force makes it clear that an officer is justified to use deadly physical force only when it is absolutely necessary? Please give a clear “Yes” or “No” to the question and any explanation.

No. The current statute, General Statutes §53a-22, does not describe the standard as "absolute necessity."

6. Do you believe that the standard in Public Act 21-4 for determining when police are justified in using deadly physical force that will be effective January 1, 2022 makes it clear that an officer is justified in using deadly physical force only when it is absolutely necessary? Please give a clear “Yes” or “No” to the question and any explanation.

No. Public Act 21-4 does not describe the standard as "absolute necessity."

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7. Do you believe police officers should be protected from criminal liability when their use of physical force was reasonable under all the circumstances, but not absolutely necessary? Please give a clear “Yes” or “No” to the question and any explanation.

That is a policy decision to be made by the General Assembly and Governor. As IG, I would enforce the standard contained in the applicable statute

8. Will you commit to holding police accountable by supporting policy proposals that change Connecticut’s use of force standard to one in which killings by police are justified only if it is clear that police did not, through their actions, create a situation in which deadly force was necessary? Please give a clear “Yes” or “No” to the question and any explanation.

Public Act 20-2 as amended by Public Act 21-4 (effective January 1, 2022) provide that conduct of a police officer that led to increased risk of an occurrence of the situation that precipitated the use of deadly force is one of several factors to be considered in determining whether the use of deadly force was justified. As IG, I would hold the police to that standard.

9. Will you commit to holding police accountable by supporting policy proposals that change Connecticut’s use of force standard to one in which killings by police are justified only if it is clear that the force used by police was the least amount of force needed in the situation? Please give a clear “Yes” or “No” to the question and any explanation?

The law that goes into effect on January 1, 2022 requires that, to be justified, police use of deadly force must be "objectively reasonable under the given circumstances at the time." The law does not speak in terms of least amount of force needed. In my view, however, excessive force would not be objectively reasonable.

10. Will you commit to holding police accountable by supporting policy proposals that change Connecticut’s use of force standard to one in which killings by police are justified only if it is clear that the force used was necessary because all available, effective alternatives had been exhausted? Please give a clear “Yes” or “No” to the question and any explanation.

The law that goes into effect on January 1, 2022 requires that a police officer has reasonably determined that there are no available reasonable alternatives to the use of deadly force. As IG, I would hold the police to that standard.

11. Will you commit to holding an open, public meeting in the community where the police use of deadly force occurred, where, within 30 days after publishing your report on the deadly force investigation, you present your report and provide the community an opportunity to publicly comment on the report and/or the

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deadly force? Please give a clear “Yes” or “No” to the question and any explanation.

As IG, my intention would be to submit reports that clearly articulate the basis for whatever conclusions are reached. Those reports will be made public. I would evaluate whether a further public meeting regarding the report was appropriate on a case-by-case basis.

12. When you investigate a matter, will you commit to investigating the impact of the patterns, practices, and/or policies of the law enforcement unit(s) involved had on the subject matter under your investigation? Please give a clear “Yes” or “No” to the question and any explanation.

Yes.

13. Will you commit to making licensure recommendations, including decertification and suspension recommendations, to the Police Officer Standards and Training Council if you find, after complete investigation, that a police officer has:

- (a) been unjustified in a use of physical force;
- (b) engaged in conduct that undermines public confidence in law enforcement, including, but not limited to, discriminatory conduct, falsification of reports, or violating the Alvin W. Penn Racial Profiling Prohibition Act; or
- (c) violated any policy of the law enforcement unit that employs the officer?

Please give a clear “Yes” or “No” to all question subparts and any explanation.

As IG, I would make recommendations to the Police Officer Standards and Training Council under circumstances where the IG's investigation into a police officer's use of force was determined to be criminal or improper but not criminal. Other more generalized disciplinary decisions are beyond the purview of the current IG statute.

14. If, after a complete investigation, you find that a police officer (a) was unjustified in using physical force and/or (b) engaged in other criminal conduct, will you commit to moving forward with justice and redress for such actions to the greatest extent of your discretion? Please give a clear “Yes” or “No” to the question and any explanation.

Yes.

15. Will you commit to holding police accountable by (a) supporting the creation of a statewide “Brady List” of police officers excluded from testifying in criminal cases because of a proven history of lying or other professional or criminal misconduct, (b) making the “Brady List” available to the public on request, and (c) moving to ensure police officers that are on the statewide “Brady List” are



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decertified by the Police Officer Standards and Training Council? Please give a clear “Yes” or “No” to all question subparts and any explanation.

No. Whether a so-called "Brady List" should be created is a matter for policy makers to determine.

16. Will you commit to fairness and transparency by supporting policy proposals that require uniform policies and procedures to be promulgated by the Division of Criminal Justice Advisory Board for all 13 state’s attorney offices? Please give a clear “Yes” or “No” to the question and any explanation.

Yes, to the extent that the IG has a role in implementing such proposals.



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*Please direct all responses to Claudine Fox at [cfox@acluct.org](mailto:cfox@acluct.org) on or before the close of business on September 20, 2021.*

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