



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of John R. DelBarba, Assistant Legal Counsel**  
**Office of Chief Public Defender**

**JUDICIARY COMMITTEE – MARCH 17, 2025**

**Raised Bill No. 1504**

### **AN ACT CONCERNING PUBLIC SAFETY, THE PROSECUTION OF CRIMES AND THE PROTECTION OF VICTIMS**

The Office of Chief Public Defender (OCPD) *opposes Raised H.B. 1504, An Act Concerning Public Safety, the Prosecution of Crimes and the Protection of Victims* as drafted as it has concerns regarding Sections 1, 5, and 6 of this bill. While this bill is presented as an *Act Concerning Public Safety, the Prosecution of Crimes, and the Protection of Victims*, this bill goes much further in its wholesale expansion of law enforcement power while failing to address fundamental concerns. OCPD believes this bill will have unintended consequences with these changes, especially upon youth, creating in some sections, the exact opposite of safety to the public and the protection of victims.

**The Office of Chief Public Defender has 3 substantial areas of opposition as follows:**

**Section 1** - This Office opposes this section as while this Office understands that law enforcement must weigh a number of factors for handling police pursuits, to draw the initial line at a “felony” fails to properly allow careful consideration of the numerous factors this bill is requesting from this body. For example, a felony can take the form of many things. A felony can be a simple larceny concerning a shoplifting of a TV, a stolen car, or someone accused of shooting someone. In evaluating the risk to the public as well as protection of any victim, it is this Office’s position that these 3 scenarios should be treated differently and should be based on factors such as seriousness and nature of the offense versus simply being classified as a “felony.” While felony may be a good start – there should be a *Felony Plus* analysis - such as consideration as to whether the offense is a Serious Felony.

For example, scenarios wherein such consideration should exist is regarding an offense which has caused *SERIOUS PHYSICAL INJURY* to a victim, the *USE OR THREATENED USE OF DEADLY FORCE WAS INVOLVED*, or an offense, as cited above, in which the individual *PRESENTS AN IMMEDIATE OR CONTINUED THREAT* to the safety and welfare of the public if not apprehended. This language is clear and unambiguous and if inserted in the bill, would prevent confusion for law enforcement in the field.

Additionally, it is the position of this Office that pursuits, especially high-speed pursuits, should be used only as a last resort and the apprehension of a person should never be the sole deciding factor in a pursuit situation. When a police officer initiates a pursuit of a fleeing vehicle, he/she may have a tendency to consider only himself and the occupants of the fleeing vehicle. Such consideration is not adequate for public safety. Other citizens deserve consideration as they are using public highways and public streets (crosswalks/sidewalks/etc.) and do not have any expectation that their travel would be interrupted by a police chase that may very well result in an accident and do harm to them or others.

Moreover, the position of this office is that pursuit is not recommended when the potential danger to the officer and the public outweighs the potential advantage of apprehending a fleeing vehicle. Pursuit is clearly inappropriate when the pursuit itself endangers life more than the escape of the person pursued. The nature and seriousness of the offense must be a paramount consideration when faced with pursuit. Non-hazardous violations, completed motor vehicle violations, misdemeanors, and non-violent felonies should not warrant high-speed pursuit.

**Section 5** – This Office opposes this Section as it adds a new subsection (e) to C.G.S. 54-64a, which is not only unnecessary, but would strip discretion from the court in certain instances. The new subsection (e) subjects individuals to electronic monitoring after posting bond, regardless of whether it is with surety, in an amount equal to or greater than five hundred thousand dollars. Current law and practice already provides authority to a Superior Court Judge to add electronic monitoring as a non-financial condition of any release under C.G.S. Section 54-64a as well as Connecticut Practice Book Section 38-4., and adding this language would take away any discretion from the Superior Court and is not without harm. The lived experience of individuals subjected to electronic monitoring reveals a system permeated by excessive surveillance and abuse. Far from an alternative to incarceration, electronic monitoring often reproduces the harms of incarceration — limiting one's liberty, ability to work, and family and community connections.

**Section 6** – This Office opposes the expansion of 85% offenses especially as they relate to non-violent offenses including drug possession, starting with C.G.S. 21-a277, a statute that covers a broad range of *drug possessory and sale offenses* and can be based – not only on selling manufacturing, distributing, prescribing, dispensing, compounding, transporting with the intent to sell or dispense, but also, possessing *with the intent* to sell or dispense, offer, give or

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John R. DelBarba, Assistant Legal Counsel

March 17, 2025

Judiciary Committee

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administer to another person. Under this new language a person will now face the heightened expansion of 85% parole eligibility for the prosecution of simply possessing an amount of drugs which the State believes is beyond personal use. The statute does not quantify any amount of drugs that would lead to something beyond personal use and this is an area that is subject to debate in every courtroom across the state on a daily basis. It does not factor in the reality of drug addiction - that while 1 individual may have a habit of 1-5 bags of heroin a day and may purchase in higher amounts, there are many others that are using 20, 30, or even 40 bags a day, and addiction continues to fuel these amounts. As a result, OCPD opposes the wholesale expansion of 85% offenses without further analysis of these added statutes.

**In conclusion**, because the changes contemplated by this bill present complex and substantial issues, the Office of Chief Public Defender **opposes Sections 1, 5, and 6** and ask that they be **stricken from the bill**. We take no position on Sections 2, 3, and 4. Thank you.