



Legislative Testimony
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**Written Testimony Supporting Senate Bill 91, An Act Enhancing the
Investigative Authority of the Inspector General and Establishing
Protected Areas and Senate Bill 397, An Act Concerning Democracy and
Government Accountability**

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

My name is Chelsea-Infinity Gonzalez, and I am the director of public policy and advocacy of the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of Senate Bill 91, An Act Enhancing the Investigative Authority of the Inspector General and Establishing Protected Areas and Senate Bill 397, An Act Concerning Democracy and Government Accountability. At a moment when communities across Connecticut are increasingly concerned about unchecked enforcement power, the erosion of civil liberties, and the lack of meaningful accountability for misconduct. Together, they help ensure that constitutional rights are enforceable, that law enforcement actions are transparent, and that residents can access essential community spaces without fear.

**Senate Bill 397 — An Act Concerning Democracy and Government
Accountability**

The ACLU-CT strongly supports Senate Bill 397 and urges the Committee to advance it. At its core, SB 397 addresses a growing accountability gap. When government officials violate constitutional rights, individuals should have a meaningful path to seek redress. Yet in recent years, federal remedies have increasingly narrowed, leaving many victims of unconstitutional conduct without an effective avenue for

relief. SB 397 closes this gap by establishing a state cause of action for constitutional violations that applies to federal as well as state actors operating within Connecticut. In doing so, it ensures that individuals harmed by unconstitutional conduct can seek damages and equitable relief in state court, regardless of whether the officer involved works for a municipal department, the state, or a federal agency. Equally important, the bill ensures that this remedy is accessible by allowing successful plaintiffs to recover reasonable attorney's fees. This helps ensure that the remedy is accessible to ordinary people, not just those who can absorb the cost of sustained litigation.

The bill also expands the authority of the Attorney General to investigate and address patterns or practices of civil rights violations. Individual lawsuits alone cannot address systemic abuses. Allowing the Attorney General to pursue broader remedies provides an essential mechanism for protecting civil rights across the state. The bill further strengthens accountability by ensuring that the Inspector General and the Division of Criminal Justice have unrestricted access to investigate incidents involving the use of force by any peace officer in Connecticut, including federal agents. When a person dies or is seriously harmed, independent review should occur regardless of which agency employs the officer involved. The harm to the individual, the impact on the community, and the public's interest in transparency do not change based on whether the officer wore a municipal, state, or federal badge. Ensuring that the Inspector General can investigate these incidents helps maintain public trust and ensures that Connecticut's standards for accountability apply consistently whenever force is used in our communities.

Another key provision addresses enforcement activity in sensitive locations. These provisions recognize that certain spaces, such as schools, hospitals, houses of worship, and other community institutions, must remain accessible and safe for the people who rely on them. Importantly, the bill provides individuals whose rights are violated with the ability to seek relief in court, including equitable remedies and damages. Courts may award injunctive relief, punitive damages, attorney's fees, and court

costs. Providing a clear civil remedy ensures that these protections are enforceable and meaningful.

The bill also promotes transparency by requiring that peace officers be identifiable when interacting with the public. Communities across the country, including in Connecticut, have increasingly reported federal agents conducting enforcement activities while wearing masks or removing identifying information from their uniforms. When officers cannot be identified, it becomes extremely difficult for individuals to report misconduct, seek accountability, or even determine which agency was involved in the enforcement action. This lack of transparency can also escalate already tense situations. Clear identification helps ensure both accountability and public safety by allowing the public to understand who is exercising government power and by whom they are being detained or questioned. The bill prohibits officers from concealing their identities through masks or by removing badges and name tags during enforcement activities, except in narrow circumstances where safety or undercover work requires it. When an officer knowingly commits misconduct while concealing their identity, the bill appropriately removes civil immunity protections. Accountability requires that the public know who is exercising state power.

Senate Bill 91 — An Act Enhancing the Investigative Authority of the Inspector General and Establishing Protected Areas

Senate Bill 91 addresses a related concern: ensuring that essential community spaces remain accessible without fear of enforcement actions. We thank the Governor for introducing this important legislation. The bill reflects an important recognition: that places where people go to learn, heal, worship, and access services essential to their lives should not become sites of fear. Schools, hospitals, shelters, and places of worship exist so that people can access essential services and participate in community life. When enforcement actions occur in these spaces, the harm extends far beyond the individual who may be detained. Families avoid hospitals. Parents

keep children home from school. People in crisis stay away from shelters. The chilling effect is real, and legislation addressing it is warranted and overdue.

At the same time, we believe Senate Bill 91 could be strengthened to ensure its protections are clear and effective in practice. The strength of protected-area legislation depends heavily on how clearly the law defines when enforcement may occur and what remedies exist when the law is violated. Senate Bill 91 establishes important protections but allows several exceptions based on exigent circumstances and enforces violations primarily through a criminal penalty. By contrast, Section 7 of Senate Bill 397 creates a clearer standard by requiring a judicial warrant before civil arrests can occur in protected locations and by providing individuals whose rights are violated with a private right of action in court. Under SB 397, individuals who are unlawfully detained in a protected location may bring a civil action for equitable relief or damages, and courts may award remedies including injunctive relief, punitive damages, attorney's fees, and court costs. This type of enforceable remedy is critical. When the people whose rights are violated have a direct path to seek relief in court, the law becomes far more effective at preventing violations before they occur.

Finally, we note that the bill could be further strengthened by providing individuals detained in violation of these protections with a clear mechanism to seek immediate judicial review, including the ability to petition for habeas corpus relief. Similar provisions were recently proposed by Massachusetts Governor Maura Healey.¹ When someone is detained unlawfully in a protected space, the most important remedy is often the ability to quickly challenge that detention and secure release. Clarifying this pathway would further ensure that the protections envisioned by these bills are meaningful in practice.

¹ <https://malegislature.gov/Bills/194/H5050>.

We encourage the Committee to consider how the intent of SB 91, which we share and support, can be best realized. The legislature has an opportunity to establish a clear and durable standard: that constitutional rights are enforceable in Connecticut, that law enforcement actions remain transparent and accountable, and that the state's most sensitive and essential spaces remain accessible to everyone without fear.