



330 Main Street, Hartford, Connecticut 06106
860-523-9146 | www.acluct.org

Testimony in Support of Senate Bill 55, An Act Concerning Complaints that Allege Misconduct by Law Enforcement Agency Personnel

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Good afternoon Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Andrew Schneider. I'm executive director of the American Civil Liberties Union of Connecticut and I'm here to testify in support of Senate Bill 55, An Act Concerning Complaints that Allege Misconduct by Law Enforcement Agency Personnel.

In the past year the ACLU of Connecticut has heard from many people who had trouble filing complaints about police misconduct with police departments in Connecticut. These include a man who was told, when he tried several times to file complaints with his local police department about what he considered harassment by its officers, that the department won't accept "unfounded complaints;" a woman who said she was threatened with arrest and thrown out of her local police station when she tried to file a formal complaint about her treatment by officers; and a mother who was summoned to police headquarters to submit to a videotaped interview after she complained about excessive force in the arrest of her son.

These stories come as no surprise to the ACLU of Connecticut. We conducted a study in 2012 that found many police departments in this state routinely impose barriers to accepting complaints from civilians about police misconduct.¹ Some departments don't make complaint forms available to the public. Most refuse to accept anonymous complaints. Many impose time limits on receiving complaints and many require sworn statements and threaten criminal prosecution or a civil lawsuit for false statements.

Among the worst offenders was the East Haven Police Department. Before we began our study, the U.S. Department of Justice concluded not only that some East Haven police officers engaged in biased policing against Latinos but that the department followed a "seriously deficient" complaint procedure that was "designed in a way that discourages community participation and especially participation by the Latino community."² Many of the deficiencies cited by the Department of Justice were similar to those we found in other departments throughout the state – complaint forms were available only at police headquarters, the department refused to accept anonymous complaints, the complaint forms threatened criminal prosecution for false statements and the department required that forms be notarized by a police officer.

The Department of Justice and the town of East Haven subsequently entered into a consent decree that required, among many other reforms, a new policy to ensure proper handling of civilian complaints. That new policy, which corrected the deficiencies just noted and which mirrors in many respects the

¹www.acluct.org/protect

²http://www.newhavenindependent.org/archives/upload/2011/12/East_Haven_Findings_Letter_12-19-11.pdf%20

recommendations in our report, is now in effect in East Haven. And yet the same deficiencies remain uncorrected in other police departments in Connecticut because we still have no statewide standards to ensure that police accept complaints from the public.

Last year we supported this same bill, which passed the House on a vote of 124 to 9 but unfortunately did not get a vote in the Senate. This should not be a controversial proposal. It promotes nothing more than the standards recommended and supported by law enforcement experts, namely the Department of Justice, the International Associations of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies.

After we published our report in December 2012 we heard from many police chiefs and administrators who wanted to discuss the results. They all agreed about the importance of a functional complaint process, and we were very encouraged by this. A few disputed our methodology or minor points in our characterization of the answers their employees had given to our survey. But very few challenged the best practices and recommendations we set forth. Those best practices are based on the understanding that police agencies need the trust of the communities they serve. That trust depends on accountability, which must include a fair and transparent process for investigating allegations that officers have abused the extraordinary authority they wield.

We commend the Judiciary Committee for considering this important legislation to protect the public—and the police—with minimum standards to help ensure that no resident of Connecticut who feels mistreated by a police officer will be turned away, ignored or intimidated. We urge you to pass this bill.