



Legislative Testimony

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Written Testimony Supporting House Bill 7285, An Act Concerning Complaints that Allege Misconduct By Law Enforcement Agency Personnel

Senator Doyle, Senator Kissel, Representative Tong, and distinguished members of the Joint Committee on Judiciary:

My name is David McGuire, and I am the executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in support of House Bill 7285, which intends to ensure compliance with the law this legislature passed three sessions ago concerning the acceptance, processing, and investigation of a complaint from a member of the public relating to alleged misconduct committed by law enforcement agency personnel. This bill identifies problems in our state's police complaint process. We strongly urge this committee to go a step further by amending this bill to fix those problems.

As an organization that values justice, fairness, and equal treatment under the law, the ACLU of Connecticut strongly supports measures to ensure that police are transparent and accountable to the communities they serve. Democracy depends on police systems that treat people fairly, justly, and wisely. Building these systems requires transparent, accessible police complaint procedures, through which members of the public can alert police departments to potential problems within their ranks. These police complaint mechanisms are the foundation for building community trust, and they help police and the public alike.

Unfortunately, despite reforms passed into law by the General Assembly in 2014, guidance from POSTC, and best practices outlined by national law enforcement experts such as the International Association of Chiefs of Police, many Connecticut police departments continue to place barriers in front of people who wish to file complaints. These obstacles undermine public trust in law enforcement and are a blatant violation of the legislature's intent when it passed earlier reforms. The Connecticut General Assembly needs to pass legislation to make all police agencies' complaint processes more transparent and accessible for members of the public.

House Bill 7285 recognizes that our police complaint process is broken, but it could go further to fix it. The ACLU of Connecticut supports the goal of House Bill 7285, but we ask this committee to amend this bill so that its intent is fully realized. We strongly urge this committee to amend H.B. 7285 to: (1) establish meaningful penalties for law enforcement agencies that do not comply with state complaint acceptance and investigation laws; (2) create a standardized complaint form that is compliant with best practices and translated into all commonly-spoken languages in Connecticut; and (3) require law enforcement agencies to track complaint data and to annually report specific complaint information to the Connecticut Office of Policy and Management. These amendments will help police to earn community trust, and help Connecticut to ensure that laws it has already passed are enforced and followed.

In 2012, the ACLU of Connecticut conducted a statewide survey of police department complaint protocols, which found widespread issues with police complaint protocols in Connecticut. This survey followed reports from community members about negative experiences with the complaint process. It also came on the heels of federal investigations that had found severe problems with the East Haven and Hartford police departments' handling of complaints.

In 2014, the Connecticut General Assembly passed a law to address complaints of police misconduct. That law required all Connecticut police departments to adopt or exceed a model complaint policy created by POSTC and to make these complaint policies available online and at municipal buildings. In addition, the model policy created by POSTC required police departments to adopt or exceed a model complaint form, and to make that form available online and at municipal buildings.

Today, the promise of Connecticut's police complaint law has not become a reality. Recently, at ACLU of Connecticut forums throughout the state, we have heard from community members who were frustrated by their local police departments' complaint policies. People described being turned away, intimidated, or required to find notaries public to sign complaint forms. Others reported police departments including locations that no longer exist in their lists of places to find complaint forms.

Prompted by these stories, in January, the ACLU of Connecticut released a second report regarding police complaint practices. Our findings confirm what these stories showed: many police departments are still putting up roadblocks to accepting misconduct complaints. The 2014 law is clear: all police agencies must make their complaint policies available online. Our survey, however, found that 40 police agencies in Connecticut had not done so as of October 2016—more than one year after state law required them to do so. Together, these departments serve more than 1 million people and more than 10,000 students. In addition, 42 percent of the police agencies we surveyed over the phone suggested that they do not make complaint policies fully available to the public.

Police departments have had more than one year to comply with the state complaint law. Many have still not done so. The Connecticut General Assembly needs to step in to make sure that all departments across the state follow the rules.

Connecticut has been down this road before. Our state has experience with enforcing compliance with police oversight bills, and it should employ them here. In 1999, when Connecticut enacted the Alvin W. Penn Racial Profiling Prohibition Act, our state had the opportunity to end discriminatory traffic stops by collecting real information about police practices. Yet the law only included a carrot (ending discriminatory practices that undermine public safety), and no stick (public repercussions for failure to follow the law). The law's dearth of an enforcement mechanism meant that few departments submitted data, and the state continued to lack basic information about traffic stops.

Recognizing that the Penn Act had failed to live up to its potential, in 2014, the General Assembly strengthened the law to include an enforcement mechanism and clarify reporting requirements. These changes allowed the state to revoke a department's funding if it failed to comply with the Penn Act and created a standardized reporting form for all departments. As of 2016, Connecticut's law enforcement agencies had reached 100 percent compliance in reporting traffic stop data to the state. The General Assembly, recognizing the effectiveness of

this approach, replicated the Penn Act's enforcement mechanisms, centralized reporting requirement, and standardized form it in its landmark police Taser reporting law in 2014.

Connecticut can and should employ the same approach for ensuring compliance with the state's current police complaint law. We are encouraged that some police departments have used the ACLU of Connecticut's report as an opportunity to make their complaint policies more accessible. This shows that departments can use information to take steps in the right direction, and thus points to a clear need for regular reports for all departments. Amending this bill to provide statewide, annual data regarding complaints could therefore help more departments to analyze and address their compliance with the state law. Amending this bill to create a standardized complaint form will ensure that small and large departments are on a level playing field for reporting complaint information to the state, while streamlining the complaint process for members of the public. In addition, amending this bill to allow the state to revoke funding from police departments that do not comply with state complaint law will appropriately reward departments that are attempting to build community trust by creating transparent, accessible complaint procedures.

Law enforcement agencies themselves have supported removing barriers to filing complaints of police misconduct. As the International Association of Chiefs of Police has stated, "a police department must monitor its officer[s]' mistakes and misconduct to protect its interests and reputation." Connecticut's statewide model complaint policy was created by POSTC, a majority law enforcement council. That policy includes recommendations for building accessibility, such as accepting anonymous complaints and making complaint forms available online.

After all, when people are less confident in their police departments' abilities to fairly perform their jobs, they are less likely to report crimes. According to a national survey by the Cato Institute, nearly half of Americans (49%) say that "most" police officers think they are "above the law," and a similar number (46%) say that police are "generally not" held accountable for misconduct. Transparent, accessible police complaint policies can help to earn back this trust.

In the interests of public safety, equal treatment under the law, justice, and transparency in government, I strongly urge this committee to support House Bill 7285, which recognizes problems in our state's police complaint process, and to amend this bill to fix those issues.