



Legislative Testimony
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**Written Testimony Supporting
Senate Bill 402, An Act Creating a State Office to Investigate
Complaints Against Police Officers**

Senator Bradley, Representative Verrengia, and distinguished members of the Public Safety and Security Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 402, An Act Creating a State Office to Investigate Complaints Against Police Officers.

As an organization that values justice, fairness, and equal treatment under the law, the ACLU-CT 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 transparency and 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, guidance from the Police Officer Standards and Training Council (POST), 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 legislature needs to pass legislation to make the complaint process more transparent and accessible for members of the public. An independent statewide office to investigate complaints against police officers would increase police transparency and accountability and give residents recourse when they are mistreated by the very people who are supposed to keep them safe.

One way the public should be able to hold police accountable for their actions is by filing complaints against them for misconduct. However, Connecticut police agencies routinely make it difficult for members of the public to file complaints of police misconduct, according to a 2017 ACLU-CT report. When people are able to file complaints, civilian review boards often fail to investigate them. This results in little, if any, transparency and accountability regarding police misconduct in our state.

Though there is state law and policy regarding complaints against police for misconduct, there is widespread noncompliance with the law and policy. Connecticut state law requires all police agencies in the state, including municipal departments, state police troops, and special agencies such as university departments, to adopt or exceed a model complaint policy created by POST. In addition, state law requires all police agencies to make their complaint policies publicly available on their websites and at municipal buildings separate from the departments themselves. POST's model policy requires all police employees to accept all complaints, including those submitted anonymously, online, by mail, or by telephone; and prohibits retaliation against complainants and questions about complainants' immigration statuses during intake. POST's policy also created a statewide model complaint form, which POST required departments to adopt or exceed and to make available online and at municipal buildings separate from departments themselves.

Though these requirements are not simply suggestions for police agencies to take or leave, that is how many law enforcement departments treat them. Despite reforms, many Connecticut police agencies still make it difficult for members of the public to easily obtain basic, legally required information regarding complaint forms and processes. Many police agencies in the state fail to clearly post their complaint policies and forms online, refuse to accept anonymous complaints, and include threats of prosecution in their complaint intake protocols. In some cases, this lack of transparency violates state law, and it could prevent law enforcement agencies from becoming the fair and just entities that communities and police deserve. In public forums hosted by the ACLU-CT, Connecticut residents expressed concerns regarding in-person and in-station filing requirements, a lack of access to complaint forms outside of police stations, and notarization requirements. Together, these barriers to transparency and accountability can undermine public trust in law enforcement.

Even when Connecticut residents manage to overcome the obstacles and file complaints for police misconduct, there is no guarantee that their complaints will be taken seriously or even investigated. Civilian review boards tasked with investigating complaints against police often fail to fulfill their responsibilities. For example, Hartford's Civilian Review Board neglected to open investigations of complaints filed with the board for 12 years—from 2005 to 2017. The watchdog panels Connecticut residents turn to when they are mistreated by the police have turned out to be, in many cases, not watchdogs at all. Instead, they have proven to be another barrier to police transparency and accountability.

Senate Bill 402 recognizes that our police complaint process is broken. Rather than forcing victims of police misconduct to navigate a confusing complaint process, wait for years as their complaints become stale in a police department, and never see their complaints resolved, the legislature should pass this bill to create a state office to handle complaints against police. This central office would be much better equipped to address police misconduct complaints than individual police departments and would streamline the complaint process and ensure more transparency and accountability for police in our state.

Other countries have found success in a centralized police complaint office. For example, Ontario in Canada created the Office of the Independent Police Review Director to establish the standardization of complaints, investigate complaints, and promote accountability of Ontario police. In 2017-2018, the office managed over four thousand complaints by members of the public. Similarly, the United Kingdom's Independent Office for Police Conduct is independent of the police and government and oversees the police complaints system in England and Wales. In 2016 and 2017, the office opened almost 600 independent investigations into police complaints and considered another 4,026 appeals about how police handled other complaints from the public. Connecticut should learn from the success of Canada and the United Kingdom and create an independent office to review police complaints.

Law enforcement agencies themselves have supported removing barriers to filing complaints on 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 POST, a majority law enforcement council.

In the interests of public safety, equal treatment under the law, justice, and transparency in government, I strongly urge this committee to support Senate Bill 402.