



CITY OF NEW HAVEN

OFFICE OF THE CORPORATION COUNSEL

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Mayor

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TESTIMONY OF THOMAS W. UDE, JR. IN SUPPORT OF RAISED BILL NO. 6284

As Corporation Counsel for the City of New Haven, I support improving in our state's current nuisance abatement laws by authorizing municipalities to act directly to address this problem. In the calendar year 2006 alone, New Haven's Police Department received 243 calls for assistance from five bars in the city. These calls included robberies, assaults, fights, weapons and narcotics. Each of these bars also had one or more shootings. New Haven's ability to abate the public nuisance caused by these problem bars is hampered, because the City's role is limited to making referrals to the State.

The authority to close down problem bars falls under Title 19A, Chapter 368M Nuisances and Public Places. Under §19a-343(b), the state's attorney's office has the exclusive right to bring an action to abate a public nuisance. §19a-343 defines a public nuisance as real property where, during a one-year period, there were three or more arrests, or three or more arrest warrants were issued, which indicate a pattern of criminal activity on the premises. That pattern may include one or more of the following offenses:

- 1) Prostitution
- 2) Obscene performance, obscene material, child pornography
- 3) Gambling
- 4) Sale of controlled substances, possession of controlled substances with the intent to sell, maintaining a drug factory or use of the premises by persons possessing controlled substances
- 5) Unauthorized sale of liquor
- 6) Inciting injury to persons or property
- 7) Maintaining a motor vehicle chop shop
- 8) Murder or manslaughter
- 9) Assault
- 10) Sexual assault
- 11) Fire safety violations

Under current law, a municipality's role in the abatement of a public nuisance is limited to referral of the problem to the state and enforcement of court orders procured by the state. (§19a-343g enables the state to use municipal police officers to assist in the execution of a court order to abate a public nuisance with the permission of the local chief of police, and provides that municipal police officers will be indemnified by the state for any liability.)

The Chief State's Attorney's Office has two attorneys dedicated to prosecuting these cases across the state. Whether to bring an abatement action against an establishment rests solely with that office. It is municipal officials, however, who have the first hand knowledge of nuisance properties in their communities and who can best determine whether intervention by the courts is necessary to abate a nuisance. They should be allowed to act on that knowledge.

Raised Bill No. 6284 would authorize municipalities to bring actions themselves to abate public nuisances. Several other states have conferred this right to municipalities. Raised Bill No. 6284 would not remove the authority of the State to bring such actions, but would permit municipalities to initiate and prosecute public nuisances as well. This revision would allow municipalities to act if, in a particular case, the State does not act quickly enough (or at all).

For the aforementioned reasons, I urge your approval of Raised Bill No. 6284.