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Written Testimony In Support of House Bill No. 6663, An Act Concerning Complaints Alleging Misconduct by Law Enforcement Agency Personnel

Good afternoon Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Jeanne Leblanc. I'm the communications and education manager for the American Civil Liberties Union of Connecticut and I'm here to testify in support of House Bill No. 6663, An Act Concerning Complaints Alleging Misconduct by Law Enforcement Agency Personnel.

Last year the ACLU of Connecticut conducted a study 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.

We undertook this study because we were hearing from people who were having trouble filing a complaint about racial profiling or some other mistreatment by police. The first question we had to answer was what *should* police be doing about complaints, and to answer it we consulted the police themselves. The recommendations and standards in our report — similar to those contained in this legislation — don't come from a wish list drawn up by civil rights organizations but from the best practices advocated by law enforcement experts, mainly the Department of Justice, the International Associations of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies.

These organizations agree that the effectiveness of police agencies depends on the trust of the communities they serve, and that this rests in turn on a fair and transparent process for investigating allegations of misconduct. The extraordinary authority that police officers wield, including the power to use deadly force, must be balanced by accountability. And that means the police must accept, document and investigate all complaints about officers; make complaint forms available; accept anonymous complaints; and refrain from intimidating people who may wish to file a complaint.

Our study involved a telephone survey of 104 police agencies in the state. Our volunteers called the non-emergency phone number of each agency, including all 12 state police barracks, and asked a series of questions about how a person could file a complaint against an officer. The results convinced us that many departments have policies that violate the best practices advocated by law enforcement experts.

We also learned that some departments that have good policies have not adequately trained their

¹ AMERICAN CIVIL LIBERTIES UNION OF CONNECTICUT, PROTECT, SERVE AND LISTEN: ACCEPTING CIVILIAN COMPLAINTS AT CONNECTICUT POLICE DEPARTMENTS (2012) www.acluct.org/protect

employees. Many police employees could not answer questions about their departments' complaint procedures, refused to answer questions, provided inaccurate information or contradicted information from other employees. For example, a test call and a later call to the Hartford Police Department elicited two completely different sets of answers. That's why we support training as a key component of the standards for accepting police complaints. The best policy in the world is of no use when it is not properly implemented.

Specifically, we found that:

- Twenty-three percent of municipal police departments (excluding state police) reported having no complaint form for civilians to fill out.
- Sixty-one percent of the municipal police agencies in Connecticut told our callers they would not accept anonymous complaints, although law-enforcement policy experts strongly agree that police should accept complaints made anonymously. Another 10 percent could not or would not answer the question.
- Threatening criminal prosecution for false complaints is widely considered a deterrent to those with legitimate complaints. But nearly two-thirds of the complaint forms posted online by municipal police departments in Connecticut contain such warnings.
- Law enforcement policy experts recommend strongly against demanding a sworn statement from a civilian filing a complaint, but nearly half the complaint forms posted online by municipal police departments in Connecticut mention that requirement. Employees at several departments without online forms also mentioned the requirement to our callers.
- Only a third of departments in our survey clearly stated that immigration authorities would not be called against a civilian complainant. More than half did not answer or expressed some degree of uncertainty and 15 percent said they would definitely report a complainant to immigration authorities.

After we published our report in December 2012 we heard from a number of police chiefs and assistant chiefs 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 minor points in our characterization of the answers their employees had given but very few challenged the best practices we set forth. Their argument was that their policies already meet those standards. Our position was that if their employees conveyed a different message to the public, there was still a problem.

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.