

Logistics Subcommittee Recommendations (12/15/2020)

Background:

The Connecticut Bar Association Policing Task Force shared a draft recommendation regarding citizens complaints and police department accreditation with the Logistics Subcommittee during our November 24, 2020 meeting. The draft recommendations have in no way been endorsed by the Connecticut Bar Association. They were shared with the Logistics Subcommittee to help facilitate our discussion. After careful consideration, the subcommittee endorsed the recommendations outlined below. The recommendations reflect the consensus of the subcommittee.

Draft Recommendation: Citizen Complaint Process

It is recommended that the POSTC be tasked with updating the current model form and developing a standardized, statewide reporting form and process for reporting citizen complaints. The complaint form should make clear that those reporting can do so anonymously, do not need to have the form notarized and the form should ask for information about the race, ethnicity and gender of the officer and complainant among other categories. POSTC should work with the Commission on Human Rights and Opportunities to ensure that the form includes language informing a citizen of the CHRO process and statute of limitations for filing a complaint with CHRO. The complaint form must be easy to find, be available electronically, but hard copies should be maintained at the police station and at other municipal buildings, including the library in the town or city, with versions in languages that reflect the needs of the local population.

The data from the complaints must then promptly be submitted by each police department to a database maintained by the Office and Policy Management (“OPM”) without the names or other identifying information of complainants or officers but tracked through a number system so that it is possible to determine whether the same officer or complainant are being reported against or reporting. POSTC should determine which categories of complaints must be submitted by all departments (to include racial profiling, discourteous behavior and excessive force), but should not permit police departments to wait and submit only those complaints, which are investigated and determined to be substantiated. POSTC must also develop an auditing policy to ensure that each police department is making the complaint form widely available and regularly and correctly submitting the data. The OPM would maintain the database (which could be outsourced to a university) and, on a bi-annual basis, a report of the complaints received would be made public.

Rationale:

An Act Concerning Police Accountability, Bill 6004, does not cover citizen complaints. Currently, there is no standardized practice across the state for reporting all complaints and no central repository for collecting complaints, database for analyzing them, or method of reporting data. The model complaint form developed by POSTC in 2015 has certain

problems, including not making clear that the form is anonymous, and it needs to be updated so that more information is regularly collected. For at least certain categories of citizen complaints, to include excessive force, any complaints of racial profiling or discourteous behavior, this lack of standardized, fulsome reporting and collection of data is particularly problematic.

POSTC has developed certain minimum standards for the reporting of complaints and police departments are required to make hard copies available at the town hall or other municipal building and to make electronic copies available on their websites. However, a detailed form for gathering all the data is not uniform across the state and it is easier to find for some police departments than for others. If POSTC creates a standardized form (with specific information that would be useful for assessing patterns), the data collected should be submitted to a centralized data collection center without names or any identifying information of either complainants or officers. The analysis of the data could be outsourced to a university, but should be reported on a bi-annual basis and should be maintained in a database that is easily searchable and publicly accessible.

Draft Recommendation: Police Department Accreditation

It is recommended that Section 44 of Public Act 20-1 be amended to remove the requirement that all law enforcement units be required to obtain and maintain CALEA accreditation by 2025. Alternatively, the law should require that all law enforcement units must obtain and maintain the Connecticut Police Officer Standards and Training Council (“POSTC”) Tier III accreditation standards by 2025. All law enforcement units should achieve Tier I state accreditation by 2022 and Tier II accreditation by 2023.

Rationale:

An Act Concerning Police Accountability, Bill 6004, requires that all departments satisfy the CALEA standards. Currently, only 24 of 92 departments in Connecticut are CALEA certified. The Tier III state accreditation standards are very similar to the CALEA standards. However, Tier III includes additional state-specific standards that CALEA does not. CALEA also has a facility update requirement that differs from the facility component required by the state accreditation process, including certain requirements relating to detention centers and the location of evidence storage.

Under the current CALEA on-site process, assessors from outside of the state spend a minimal amount of time at each agency (2-3 days), reviewing policies, practices and facilities, as well as conducting staff interviews. Most of the standard files are reviewed remotely by assessors unfamiliar with Connecticut law or regulations. In contrast, the Connecticut Tiered Accreditation Program involves a Police Officer Standards and Training Council (“POSTC”) assessor who brings a local crew of 3-4 assessors to the agency; the directives, policies and agency activities are reviewed by practitioners who are familiar with Connecticut laws and practice.

For many districts, adoption of the Tier III standards would result in significant cost savings. CALEA requires departments to recertify every five years at significant cost. Associated costs for CALEA typically reach \$15,000 over the course of the assessment period. Tier III requires recertification every four years. However, in contrast, the Connecticut Tiered Accreditation Program is much more cost-effective. Although Bill 6004 provides some funding (via issuance of bonds), the costs of CALEA accreditation are expected to be a major challenge for many departments.