

Legislative History for Connecticut Act

PA 14-166

SB55

House	6727-6728, 6732-6733, 7079-7090	16
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Judiciary	925, 926, 1036-1040, 1101-1103, 1196, 1197- <u>1204</u>	19

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 20
6540 – 6911**

mhr/md/ch/cd/gm
HOUSE OF REPRESENTATIVES

216
May 7, 2014

OF REAL PROPERTY.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Yes, Mr. Speaker. I'd like to move the following item to the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Question is putting this on the Consent Calendar.

Is there objection?

Hearing none, so ordered.

Mr. Clerk, 506.

THE CLERK:

House Calendar 506, Favorable Report of the joint standing Committee on Appropriations, Senate Bill 55, AN ACT CONCERNING COMPLIMENTS THAT -- COMPLAINTS THAT ALLEGEDLY -- THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to move the following item to the Consent Calendar, as amended by Senate "A."

DEPUTY SPEAKER GODFREY:

The question is placing this on a Consent

Calendar, as amended by Senate "A." Is there
objection?

Hearing none, so ordered.

Mr. Clerk, 518.

THE CLERK:

House Calendar 518, Favorable Report of the joint
standing Committee on Public Safety and Security,
Senate Bill 426, AN ACT SUSPENDING AND EVALUATING THE
CONSOLIDATION -- CONSOLIDATION OF DISPATCH CENTERS
WITHIN THE DIVISION OF STATE POLICE.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move we, I move we add this item
to the Consent Calendar, as amended by Senate "A."

DEPUTY SPEAKER GODFREY:

The question is on placing this on the Consent
Calendar, as amended by Senate "A." Is there
objection?

Hearing none, so ordered.

Mr. Clerk, 452.

THE CLERK:

House Calendar 452, Favorable Report of the joint
standing Committee on Judiciary, Substitute Senate

Calendar. Is there any objection?

Hearing none, so ordered.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move we have Calendar 468 on the
Consent Calendar, sir.

SB493

I further move House Calendar 535 to the Consent
Calendar.

SB114

I'd like to move Calendar Number 537 as amended
by Senate "A" to the Consent Calendar.

SB417

I'd like to move Calendar Number 498 to the
Consent Calendar.

SB269

Item 499, as amended by Senate "A" to the Consent
Calendar.

SB309

Calendar Number 508, House Bill 5312, as amended
by Senate "A" and Senate "B" to the Consent Calendar.

Those would be the bills in their entirety, Mr.
Speaker.

DEPUTY SPEAKER GODFREY:

And -- and Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Yes, Mr. Speaker. Mr. Speaker, I'd like to --
no. Mr. Speaker, I'd like to remove Calendar Number

SB55

506 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

506 is removed from the Consent Calendar.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to remove Calendar 508 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Calendar 508 is removed from the Consent Calendar.

SB72

Mr. Clerk, would you kindly call the Consent Calendar.

THE CLERK:

Mr. Speaker, Consent Calendar Number 1, consisting of Calendar Numbers 548; 512, as amended by Senate "A"; 450, as amended by Senate "C"; 236, as amended by Senate "A"; Calendar 425; Calendar 518, as amended by Senate "A"; Calendar 452; Calendar 511; Calendar 5 -- excuse me -- 458; Calendar 491; Calendar 467; Calendar 468; item under suspension, 535; Senate Bill 00114, as considered under suspension; Senate Bill 417, suspension; Calendar Number 537, as amended by Senate "A"; Calendar 498; Calendar 499, as amended by Senate "A"; Calendar 508; and, House Bill -- what

SB176
SB179
SB70
SB247
SB271
SB426
SB154
SB155
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The Consent Calendar is passed.

Will the Clerk please call Calendar 506?

THE CLERK:

Calendar 506, on page 25, favorable report of the joint standing committee on Appropriations. Senate

Bill 55, AN ACT CONCERNING COMPLAINTS THAT ALLEGED MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I move for the acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

Question's on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir?

REP. FOX (146th):

Thank you, Mr. Speaker.

The Clerk has an amendment, LCO Number 4583. I'd ask that it be called, and I be allowed to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 4583, which has been previously designated Senate Amendment "A."

THE CLERK:

Senate Amendment "A," LCO 4583 as introduced by
Senate Witkos.

SPEAKER SHARKEY:

Gentleman seeks leaves of the Chamber to
summarize.

Is there objection?

Seeing none, you may proceed with summarization,
sir.

REP. FOX (146th):

Thank you, Mr. Speaker.

This amendment inserts one sentence into the
bill, and I would move adoption.

SPEAKER SHARKEY:

The question before the Chamber is adoption of
Senate Amendment "A."

Will you remark?

Representative Rebimbas..

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

I rise in favor of the amendment that's before us
that was offered by Senator Witkos. And just for
clarification, is that adding the word "shall" into
the amendment?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox -- the question is whether it added the word "shall" to the amendment.

REP. FOX (146th):

After the word "shall" is inserted, "in consultation with a representative of a union that represents members of the law enforcement agency," that is correct.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And that's that someone from the union will be speaking to POST in order to make the regulations that the underlying bill requires. I stand in support of the amendment.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark? Would you care to remark further on Senate Amendment "A"?

If not, let me try your minds. All those in favor of Senate "A," please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

The ayes have it. The amendment is adopted.

Would you care to remark further on the bill as amended? Care to remark further?

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

I do rise in support of the bill, as amended, that's before us. I certainly do know that there might be one or two members that have some concerns regarding this. This is to establish, again, some regulations for the police departments -- most of them already have it -- in receiving and processing their complaints. And I do rise in support of the bill as amended.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further on the bill as amended?

Representative Walko.

REP. WALKO (150th):

Good evening, Mr. Speaker.

I do rise because I do have concerns about this bill, not so much relative to the procedure of the complaints that might be lodged against our law enforcement personnel, but actually the breadth and scope of such complaints.

And so, through you, Mr. Speaker, I have a few questions for the proponent.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

He hasn't asked the question yet, Mr. Speaker.

SPEAKER SHARKEY:

Representative Walko.

REP. WALKO (150th):

Thank you.

Through you, Mr. Speaker. In line 10, section 2, subsection (b) discusses that a complaint must be -- or must contain -- or can contain an anonymous complaint.

Through you, Mr. Speaker, would this be a pure anonymous complaint, or would the complainant need to provide their name on any level to any agency in any situation?

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It's my understanding it can be an anonymous complaint.

SPEAKER SHARKEY:

Representative Walko.

REP. WALKO (150th):

And so, through you, Mr. Speaker. Is there any procedure that would be set in place by which an anonymous complaint, if it was completely frivolous, the police agency would be able to, then, address that frivolous complaint so as to not waste taxpayer money?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

And, through you, it's the intention for the Police Officer Standards and Training Council, otherwise known as POST, to establish procedures. And they can address this during the course of their establishment of these procedures.

SPEAKER SHARKEY:

Representative Walko.

REP. WALKO (150th):

And so, through you, Mr. Speaker. If a frivolous complaint was made, would there be any repercussions for the complainant who actually made the frivolous complaint? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

And, through you, that could be something that POST could address during the course of their deliberations.

SPEAKER SHARKEY:

Representative Walko.

REP. WALKO (150th):

And so, through you, Mr. Speaker, if an anonymous complaint was, in fact, made, how would POST, then, determine who to levy any penalty or punishment against if, in fact, the complainant was anonymous from the beginning?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I believe POST could look into that and address that in the course of establishing these procedures.

SPEAKER SHARKEY:

Representative Walko.

REP. WALKO (150th):

Mr. Speaker, again, I rise because while the intentions of this bill are decent and good and we should have procedures in place, the fact of the matter is we're talking about the lives and profession of our police officers and for -- for a policy to be in place where an anonymous complaint could be made, without any justification and be frivolous in nature, without any recourse, is troubling. And so I urge my colleagues to vote against this because this section, in fact, creates a bigger problem than it solves.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

A quick question, through you, if I may.

SPEAKER SHARKEY:

Please proceed, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Through you, the existing rules that exist whether through POST, or otherwise, is there -- is it following up on what we just were talking about. Is there a procedure for receiving anonymous complaints under existing law, so any kind of uniform law?

Through you.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

Through you, municipalities can establish their own procedures. Some of the municipalities currently do so, and they may have that within their own procedures.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

But now, as the law exists currently today, so that it's -- it's independent by municipality, not mandated universal through the state; is that correct?

Through you.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, that is correct as
current law stands.

REP. SHABAN (135th):

Thank you, Mr. Speaker --

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

I thank the gentleman."

I, too, have some concerns, as I continue to
consider the bill.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further?

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

Mr. Speaker, I cannot support this piece of
legislation. I believe that the idea of an anonymous
complaint is a dangerous way to proceed. I think that

people who are hidden behind their anonymousness is -- are able to exaggerate, and when you have to put your name with something so that you are known and you are making your complaint known based on your name that you are much more careful about how you proceed. So, for that reason, I will not be supporting this legislation.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark? Would you care to remark further on the bill as amended?

If not, staff and guests to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

House of Representatives is voting by roll. The
House of Representatives is voting by roll. Will members please return to the chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to make sure your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 55 as amended by Senate "A" in
concurrence

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	95
Those voting Nay	50
Those absent and not voting	6

SPEAKER SHARKEY:

The bill, as amended, passes in concurrence with
the Senate.

SPEAKER SHARKEY:

Mr. Clerk, please call Calendar 517.

THE CLERK:

On page 27, Calendar 517, favorable report of the
joint standing committee on Appropriations, Substitute
Senate Bill 394, AN ACT CONCERNING REQUIREMENTS FOR
INSURERS' USE OF STEP THERAPY.

SPEAKER SHARKEY:

Representative Megna.

REP. MEGNA (97th):

Thank you, Mr. Speaker.

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THE CHAIR:

The Senate will come back to order.

Mr. Clerk.

THE CLERK:

On page 34, Calendar 100, Senate Bill Number 55,
AN ACT CONCERNING COMPLAINTS THAT ALLEGE
MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL,
favorable report by the Committee on Judiciary.
There are amendments.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

I move acceptance of the joint committee's
favorable report in adoption -- I'm sorry,
passage of the bill.

THE CHAIR:

On acceptance and passage, will you remark, sir?

SENATOR COLEMAN:

Mr. President, the bill before us would do two
things. First it would require the police
officer standards and training Council to develop
a written policy regarding the receipt of
complaints that allege misconduct by law
enforcement personnel. And secondly it would
require law enforcement agencies to adopt the
policy of said council of POST, Police Officers
Standards and Training council, or to develop and
implement an alternative written policy.

The bill comes about primarily because of a study
that was done by the American Civil Liberties
Union, which found that oftentimes when citizens
go to local police departments or state police in

order to make a complaint regarding misconduct by an officer they are met with intimidation, delay and frustration. And it was pervasive enough, according to the study, that there were requests and substantial support for a bill such as the one that is before us today. And based on that, Mr. President I would urge passage and support for this bill.

Thank you.

THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Just a few questions through you to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

It's my recollection that this bill was worked on in cooperation with police departments and Police Chiefs association. And that my recollection was that they did not have any strong opposition to this bill. Is that correct?

Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Again, Mr. President, the committee process seems so long ago, but I think Senator Kissel is correct in his observation and conclusion. I

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don't believe that law enforcement had any
opposition to this bill.

Thank you.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

May we stand at ease? Because I see Senator
Looney chatting with Senator Coleman.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you. Thank you, Mr. President.

And thank you, Senator Kissel and Senator
Coleman.

I would ask that this bill be passed temporarily.
There is an issue I think regarding an amendment.

And also, Mr. President, a bill that was
previously placed on the Consent Calendar, and
that was calendar page 9, Calendar 348, Senate
Bill 248, if that bill might be removed from the
Consent Calendar and passed temporarily.

THE CHAIR:

The bill will be removed from the Consent

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SENATOR LOONEY:

-- will have another couple of items to adjust.

Thank you, Madam President.

THE CHAIR:

Senator Looney, you want to stand at ease.

SENATOR LOONEY:

If we could stand a these for a few moments?

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you. Thank you, Madam President.

Madam President, if we might return to calendar page 12, Calendar 409 -- excuse me, calendar page 34, Calendar 100, Senate Bill 55, that was passed temporarily. I believe that there is an amendment ready to be offered.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 34, Calendar 100, Senate Bill 55, AN ACT CONCERNING COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL, favorable report of the Committee on Judiciary.

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THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you again, Madam President.

I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on acceptance and passage. Will you remark, sir?

SENATOR COLEMAN:

Madam President, if I may, I'd like to yield to Senator Witkos?

THE CHAIR:

Senator Witkos will you accept the yield, sir?

SENATOR WITKOS:

Yes, I would. Thank you, Madam President.

I believe the Clerk has an amendment in his possession, LCO 4583. I ask that it be called and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4583, Senate "A," offered by Senator Witkos.

THE CHAIR:

Senator Witkos.

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SENATOR WITKOS:

Thank you. I move adoption.

THE CHAIR:

The motion is on adoption. Will you remark, sir?

SENATOR WITKOS:

Thank you, Madam President. I will.

What this amendment does is that adds that somebody from the law enforcement agency, a representative of the union is going to participate in the formulation of the process by POST to develop a policy in which somebody can make an anonymous complaint through a local police department as it's developed to a statewide policy.

These are the officers and rank and file that will be subject to most often the inquiry and the subject of the complaint, because they're the ones that are meeting with the residents and the people that they cross paths with on a daily basis. And why not have somebody like that help formulate the plan, because they would probably know better than anybody the type of scenarios that they would deal with. So I strongly support the amendment and ask the chamber to do as well.

Thank you, Madam President.

THE CHAIR:

Will you remark?

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

I'll rise to support the amendment. And, first of all, I'd like to thank Senator Bartolo --
Bartleo --

THE CHAIR:

Bartolomeo.

SENATOR COLEMAN:

Yeah, that, that Senator.

THE CHAIR:

I got it finally.

SENATOR COLEMAN:

I'm going to try one more time. Bartolomeo. That's as good as it's going to get, I guess. So I'd like to thank that senator for bringing it to my attention.

The issue of a need to have input into the process of developing this policy from the rank and file police officers and, I think I'll go on to thank Senator Witkos for the amendment that he's offering because I think it accomplishes the concern that was brought to my attention by Senator Bartolomeo.

So it's a friendly amendment, and I'll join Senator Witkos in asking our colleagues to support it.

Thank you, Madam President.

THE CHAIR:

Thank you. I will now call on Senator Bartolomeo. And it did take me a year. I've gotten it down, though.

SENATOR BARTOLOMEO:

Thank you very much, Madam President.

I just want to quickly say that I very much appreciate the bipartisan work that has gone into writing and accepting this amendment. I am very

much appreciative, as I'm sure that our officers will be as well.

Thank you Madam President.

THE CHAIR:

Thank you.

Will you remark on Senate "A?" Will you remark on Senate "A?" If not, I'll try your minds. All those in favor of Senate "A" please say, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

Senate "A" is adopted.

Will you remark?

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Just a couple questions, through you, to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

Thank you, Madam President.

Just to be clear, because some folks as I walked in here indicated that perhaps certain police unions were not on board with this particular bill. But just so I know how it will actually work, POST is going to be tasked with coming up

with a policy. And would that supplant any municipal policies that are out there? Or would it work to be used by towns that may not have adopted any policies thus far?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President, and through you to Senator Kissel.

It would only supplant those municipal policies that are already existing if those municipal policies were not as stringent as the policy that POST develops and implements.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much and through you, Madam President.

How is it envisioned that POST will put this together? Do they have a council? Will they have a desk force? I've toured the facility and I've met with the executive director and the staff, but I'm not sure when we task them to do things like this how the mechanics actually work.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Madam President, I have had and -- as well as Senator Kissel has had some, at least, acquaintance with POST, particularly through our involvement with the eyewitness identification task force where POST was very helpful in implementing some of the policies that were discussed in advance by that task force.

So I think POST is recognized as a body that has a particular expertise with respect to law enforcement and law enforcement training. And at least from what I've been able to observe they do solicit input -- elicit input -- solicit input from those individuals, like rank-and-file police officers or others from the law-enforcement community as well as academicians and others who might have some positive input to make concerning the development of whatever the policy is.

So through you, Madam President, to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

So would it be fair to state, through you, Madam President, that while perhaps there may be some police unions that may not necessarily be totally on board with this particular bill, that there's nothing in here that would suggest that they are dissuaded from volunteering their positions and perspectives to POST and that the Police Officer Standards and Training group would probably solicit their input as well.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Madam President, I hesitate to say because I'm not certain whether in the process that it follows POST will conduct some sort of a public hearing and invite people to comment on the development of this particular policy. I think that may be the case, but I'm not entirely certain.

But you know, I do think it's a fair observation on the part of Senator Kissel if he says that there might be some resistance on the part of the rank and file officers. And I just think back on some of the issues that we faced like video recording of confessions. And it took a number of years before the resistance to that concept was worn down.

There may be some other examples where police officers are not all that enthusiastic or accepting of some of the things that have been proposed with respect to police officers. I think recording, citizens recording police activity might be a good example of that. There is some resistance to that and I think there would probably be some of resistance to the development of a policy that has to do with the processing of complaints concerning police misconduct. That may be human nature on the part of the officers to resist that.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And I appreciate that, because it's my understanding we still haven't got through legislation regarding citizens ability to videotape police officers. And it's my recollection there was a bill before us this year -- and I'm not sure where it is right now.

But we have made strides when it comes to videotaping police interviews of defendants and witnesses to crimes and the like. We've made great strides when it comes to -- and Senator Coleman had raised this issue -- the eyewitness identification task force and you know, photo arrays and how to make it as fair a situation as possible.

And actually by looking at quite analytically, taking away perhaps people's adherence to traditional ways of doing those things, the percentage of correct identification has actually -- is maximized, so it's good for the public and it's good for the ends of justice.

While it may not be part -- and I have no further questions for Senator Coleman -- while it may not be part of this legislation, I would hope, and as for the part of the legislative history, but just this Senator's perspective, I would hope that POST would go out there and solicit input from both unionized police departments, police unions, municipal police departments, the state police, all the law enforcement community throughout the State of Connecticut so that at the end of the day what is crafted is fair and balanced and that there's a little bit of buy in from all the participants in the process. And I think ultimately to have all the stakeholders gathered around one table is usually very beneficial to making a particular initiative a success.

And so with that, while I understand there's probably a little bit of trepidation out there regarding this, I do support the bill.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark? Will you remark?

Senator -- I guess we're going to call --

Oh, Senator Coleman.

SENATOR COLEMAN:

Sorry, Madam President.

THE CHAIR:

Not a problem, sir.

SENATOR COLEMAN:

If there are no further remarks to be made and if
there's no objection, I'd ask that the item be
placed on our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

If we might stand at ease for just a moment.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

THE CHAIR:

Oops, I'm sorry, Senator McLachlan.

Senator Looney, why do you stand, sir?

SENATOR LOONEY:

Thank you, Madam President.

If this item might be passed temporarily. We will return to it shortly but first would ask the Clerk to read the items on the Consent Calendar so that we might proceed to a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On today's Consent Calendar, page 4, Calendar 292, Senate Bill 438; on page 7, Calendar 335, House Bill 5149.

On page 12, Calendar 392, Senate Bill 261; Calendar 400, Senate Bill 155; Calendar 409, Senate Bill 491.

And on page 33, Calendar 45, Senate Bill 14.

On page 34, Calendar 130, Senate Bill 45; also on page 34, Calendar 133, Senate Bill 179; Calendar 100, Senate Bill 55.

On page 37, Calendar 195, Senate Bill 61; page 40, Calendar 271, Senate Bill 194; and on page 41, Calendar 285, Senate Bill 464.

lgg/rd/cd
SENATE

182
May 2, 2014

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on the Consent Calendar. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Immediate roll call on the first Consent Calendar for the day has been ordered in the Senate.

THE CHAIR:

Have all members voted? All members voted. The machine will be closed.

Mr. Clerk, will you please call a tally on the first Consent Calendar?

THE CLERK:

On today's first Consent Calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The Consent Calendar passes.

Senator Looney, shall we return to page 42?

SENATOR LOONEY:

Madam President.

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
886 – 1483**

2014

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February 24, 2014
10:00 A.M.

STEPHEN GRANT: The changes are being received very well. Far more fits, frankly, the pragmatics of that arena and really what was occurring.

REP. FOX: Yeah, I mean, for the people that don't remember, and it wasn't that long ago, but there was the two programs that were out there. People have used them. They're not interchangeable but sometimes they'd be used interchangeably and that could create other problems.

STEPHEN GRANT: Absolutely.

REP. FOX: Okay. I'm pleased to hear it's being well received, because when you make a change sometimes you get to see how people respond. Thank you.

STEPHEN GRANT: You're welcome.

SENATOR COLEMAN: Do other members have questions? Seeing none, thank you, Mr. Grant.

STEPHEN GRANT: Thank you.

SENATOR COLEMAN: Turning our attention to the public list, first signed up on that list is Chief Anthony Salvatore.

ANTHONY SALVATORE: Good morning, Senator --

SENATOR COLEMAN: Good morning.

ANTHONY SALVATORE: -- Representative Fox, members of the Judiciary Committee. My name is Anthony Salvatore, Chief of Police for the Town of Cromwell as well as representative for the Connecticut Police Chiefs Association. I have four bills to speak on this morning.

Raised Bill 54 with regards to an MOU between boards of education and law enforcement personnel. We're not opposed, but are somewhat

SB 55

HB 5060

HB 5217

concerned. I'm not quite sure what exactly a graduated response model means.

It is my position that SRO/law enforcement should never be making arrests for violations of school board policies. Arrests are based on probable cause and violations of Connecticut General Statutes.

I think we're all saying the same thing with regards to where we're trying to go with this piece of legislation. However, I'm not sure of a gradual response at the end of the day means an arrest because if that's the case, that's not the way it works.

And that's the way we train not only our school resource officers but also our law enforcement officers that may be handling calls in these types of institutions that don't have a school resource officer.

So at the end of the day, while I'm not opposed, I'm just concerned where we think we're going with this as far as a piece of legislation. I know there's a, we all have MOUs, especially if we have school resource officers and it just concerns me if someone thinks that because school administrators discipline that law enforcement's going to make an arrest. That's not the way it should be working.

Raised Bill 55 we're not opposed to concerning complaints that, alleged misconduct by law enforcement, as long as it stays pretty close to the form it's in today as proposed.

CPCA is not opposed to Raised Bill 5060 concerning recording of police activities by the public. However, putting this into law may cause more problems. There are a number of avenues for citizens to use today if they feel

Those at the table as well as the board members of the Youth Services Association again applaud the effort of this Committee and continue to support this bill.

REP. FOX: Thank you for your testimony. Are there any questions? We've received lots of testimony before, today, so it certainly is helpful. Thank you.

ERICA BROMLEY: Thank you.

REP. FOX: Andrew Schneider.

ANDREW SCHNEIDER: Good afternoon, Representative Fox and distinguished members of the Judiciary Committee. My name is Andrew Schneider. I'm Executive Director of the American Civil Liberties Union of Connecticut and I'm here to testify in support of Senate Bill 55 AN ACT CONCERNING COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

In the past year, the ACLU of Connecticut has heard from many people who had trouble filing complaints about police misconduct with police departments in Connecticut.

These included a man who was told when he tried several times to file a complaint with the local police department about what he considered harassment by its officers, that the department won't accept unfounded complaints.

A woman who said she was threatened with arrest and thrown out of her local police station when she tried to file a formal complaint about her treatment by officers and a mother who was summoned to police headquarters to submit to a videotape interview after she complained about excessive force in the arrest of her son.

These stories come as no surprise to the ACLU of Connecticut. We conducted a study in 2012

that found many police departments in the state routinely imposed barriers to accepting complaints from civilians about police misconduct.

Some departments don't make complaint forms available to the public. Most refuse to accept anonymous complaints and many impose time limits on receiving complaints and many require sworn statements and threaten criminal prosecution or a civil lawsuit for false statements.

Among the worst offenders was the East Haven Police Department. Before we began our study the U.S. Department of Justice concluded not only that some East Haven police officers engaged in biased policing against Latinos but that the department followed a seriously deficient complaint procedure that was designed in a way that discourages community participation and especially participation by the Latino community.

Many of the deficiencies cited by the Department of Justice were similar to those we found in other departments throughout the state. Complaint forms were available only at police headquarters. The department refused to accept anonymous complaints. The complaint forms threatened criminal prosecution for false statements and the department required that complaint forms be notarized by a police officer.

The Department of Justice and the Town of East Haven subsequently entered into a consent decree that required among many other reforms, a new policy to ensure proper handling of civilian complaints. That new policy, which corrected the deficiencies just noted and which mirrors in many respects, the recommendations in our report, is now in effect in East Haven.

And yet, the same deficiencies remain uncorrected in other police departments in Connecticut because we still have no statewide standards to ensure that police accept complaint forms from the public.

Last year we supported this same bill, which passed the House on a vote of 124 to 9, but unfortunately did not get a vote in the Senate. It also, you heard this morning, the Chief Salvatore, the head of the, representing the Connecticut Chiefs of Police Association indicated he would not oppose this bill.

Basically, this should not be a controversial proposal. It promotes nothing more than the standards recommended and supported by law enforcement experts, namely the Department of Justice, the International Association of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies.

After we published our report in December, 2012, we heard from many police chiefs and administrators who wanted to discuss the result. They all agreed about the importance of a functional complaint process. We were very encouraged by this.

A few disputed our methodology or minor points in the characterization of the answers their employees had given to our survey, but very few challenged the best practices and recommendations we set forth.

Those best practices are based on the understanding that police agencies need the trust of the communities they serve. That trust depends on accountability, which must include a fair and transparent process for investigating allegations that officers have abused the extraordinary authority they wield.

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 legislation.

REP. FOX: Thank you, Andrew. Are there questions?
Representative Walko.

REP. WALKO: Good afternoon.

ANDREW SCHNEIDER: Good afternoon.

REP. WALKO: Through you, Mr. Chairman, just a couple of questions regarding the notion of the anonymous complaints, nothing to do with any of the other complaints or the processes that are in place or that you would like to put in place.

So, would you treat an anonymous complaint the same as a complaint that one identifies themselves of?

ANDREW SCHNEIDER: Our position is that all complaints should be investigated and should be looked into and see, you know, if the best experts in the field agree with us on this, you know, the International Association of Chiefs of Police, even the Connecticut Police Chiefs Association doesn't oppose that, that provision.

REP. WALKO: And so, would an anonymous complaint ever, would the person ever have to identify themselves once a complaint was investigated?

ANDREW SCHNEIDER: You know, I'm not positive what would happen to the person who issued the complaint, but part of our concern is that some people are intimidated by the process. You

know, police wield a huge, enormous amount of authority and we want to make sure that the public is comfortable in lodging a complaint when they feel that there's been mistreatment or misconduct on the part of law enforcement.

REP. WALKO: So I'm just trying to understand --

ANDREW SCHNEIDER: I mean, the base of this, all of these recommendations we set forward in order to create a greater trust for police to better do their job, so that there's greater trust with law enforcement, that the process is all transparent and you know, that there is, it's not a, you know, it's not so overwhelming and intimidating to individuals who may indeed have a legitimate complaint, even those who feel compelled to issue that complaint anonymously.

REP. WALKO: Thank you, Mr. Chairman. Thank you.

ANDREW SCHNEIDER: Thank you.

REP. FOX: Are there other questions or comments from members of the Committee?

ANDREW SCHNEIDER: Thank you.

REP. FOX: Next we have Marisa Halm. Good afternoon.

SB 54

MARISA HALM: Good afternoon, Representative Fox and members of the Judiciary Committee. My name is Marisa Halm and I am with the, an attorney with the Center for Children's Advocacy. We're a nonprofit legal services agency that provides legal services to Connecticut's most vulnerable youth.

I head up our juvenile justice project and we run various DMC reduction projects here in the State of Connecticut. DMC stands for disproportionate minority reduction project, focusing on trying to reduce the entrance of

send a writing, revoke it in writing and send that to the agent that they had appointed, and any bank or institution that they know of that is using the document.

Also, I was curious when you said that it applies retroactively. I think it's in Section 20, the document that current, the proposal says that it applies to the powers of attorney that were executed before October 1, 2014 but not to any actions taken by an agent before that date.

So also there's an escape clause that says, in any judicial proceeding regarding the power of attorney, if it would prejudice the parties in any way by applying the new, the uniform act, that it would not apply to some action that happened before, you know, regarding an older version of the power of attorney.

So I thought, between those two sections that it should be fair, you know. It would be, a judge could take into account that the uniform act may prejudice a party and would not apply it.

SENATOR COLEMAN: All set, Senator? Any others with questions? Seeing none, thank you for your assistance.

JOELEN GATES: Thank you very much.

SENATOR COLEMAN: Mark Sylvester is next. If Mark is not here, Glenn Cassis is next.

GLENN CASSIS: Good afternoon, Senator Coleman and members of the Judiciary Committee. My name is Glenn Cassis. I'm the Executive Director for the African-American Affairs Commission. The Commission is to promote and improve the economic, educational, health, safety and political well being of the African-American community throughout the State of Connecticut.

SB55

I wish to submit testimony, which I have done, in support of Raised Bill Number 55 AN ACT CONCERNING COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

You have a copy of my testimony. I'm not going to read it verbatim. I want just to highlight on a few things.

For two years the Commission has been visiting communities to share information regarding the Penn Act. That's the racial profiling and traffic stops.

We heard complaints about misconduct from officers more so than we heard about racial profiling issues. My personal case, in my personal case, my grandson is my Godson who is a scholar, athlete at both high school and Yale University who is, is currently climbing the corporate ladder in finance for a national and international companies. He got roughed up by an officer in New Haven this past November.

Now, he was here for the game, the Harvard-Yale game, since he played there quite a few years and he's only 5'7". He's maybe 160 pounds you know, soaking wet. He's the Division 2, excuse me, Division 3 cornerback so you know he's not a big kid.

His options for justice were very limited. He risked the threat of having charges elevated. He risked probation and returning to New York City where the stop and frisk law hangs over the heads of African-Americans and men of color.

Career wise he could not let a long, legal procedure drag on. He had the resources to resolve his issue, but there are many who don't, and that's what I'm concerned about.

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10:00 A.M.

The Legislature must pass legislation that will rid excellent police departments of bad apples. I am not concerned, excuse me, I am very concerned that the next victim assaulted by this officer will have worse consequences.

Understand, I do not have any ill will against law enforcement. In fact my deceased father, who today is the anniversary of his 86th birthday, was an officer at the NYPD. He was a uniformed officer and a detective.

I have friends, acquaintances and colleagues in law enforcement and I respect and honor and have honor for putting their lives on line to protect my family, me and the community.

However, there are rogue officers who do a disservice to the uniform and must be removed from service. I want to believe that this is a very small percentage who engage in this criminal behavior, but lately my belief is being challenged.

I am convinced that Raised Bill Number 55 begins to address this issue and must be supported. Thank you.

SENATOR COLEMAN: Are there questions for Mr. Cassis? Thank you, Glenn for your testimony. Richard Marone?

RICHARD MARONE: Good afternoon, Senator Coleman and members of the Committee. I'm Richard Marone. I'm Vice-Chair of the Connecticut Bar Association Estates and Probate Sections and I chair its Legislative Subcommittee.

I'm testifying in support of the Connecticut Uniform Power of Attorney Act, House Bill 5215 or UPOAA for short.

You have written testimony of Suzanne Walsh, whose testimony is submitted on behalf of the



CONNECTICUT POLICE CHIEFS ASSOCIATION

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Testimony to the Judiciary Committee Various

Submitted February 24, 2014
 By

Chief Anthony J. Salvatore
 Connecticut Police Chiefs Association

Senator Coleman, Representative Fox and members of the Judiciary Committee. I am here to speak to you today on a number of bills as a representative of the Connecticut Police Chiefs Association (CPCA).

CPCA is concerned regarding **Raised Bill 54, AN ACT CONCERNING COLLABORATION BETWEEN BOARDS OF EDUCATION AND LAW ENFORCEMENT PERSONNEL**, as those departments that have School Resource Officers (SROs) assigned to schools have memorandums of understanding in place. My concern is with requiring a policy or memorandum that would establish a graduated response model for student discipline. I am not quite sure exactly what this means.

SROs/Law Enforcement do not make arrests for violation(s) of school board policy. Arrests are based on probable cause in violation of C.G.S. Under current State Law, most students who are enrolled at school are considered Juveniles (Any person under the age of eighteen). If an arrest takes place at school or during a school sponsored event, unless a serious juvenile offense occurs (as defined under C.G.S.) the arrested student would be issued a juvenile summons, a written promise to appear, with a court date. Students who require school based discipline are subject to the school board policies and are at the discretion of that school administrator. If the municipality/town has a Juvenile Review Board (JRB) the school administrator may refer said student for a more progressive form of discipline without an arrest being made by the SRO. It is not the position of SRO/Law Enforcement to determine/administer school based "discipline."

CPCA is not opposed to **Raised Bill 55, AN ACT CONCERNING COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL**, in the manner in which it is being proposed.

CPCA is not opposed to **Raised Bill 5060, AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC**. However, CPCA is concerned with putting this into law as those individuals that feel they have been unjustly treated, have a number of avenues available to them to address this. In addition, the Police Officer Standards and Training Council (POST) Academy is, as part of the basic recruit training curriculum, training new officers as to the rights of the public and their ability to properly safeguard crime and accident scenes. In addition, to protecting crime and accident scenes, our main concern is the protection of victims and witnesses.

CPCA is opposed to **Raised Bill 5217, AN ACT CONCERNING USE OF UNMANNED AIRCRAFT**. CPCA feels that this technology is so new that it would be a mistake to rush into proposing legislation this year. CPCA proposes that no legislation be approved this year and instead, a task force be formed by the legislature. This task force could include all disciplines affected, i.e. law enforcement, ACLU, media, members of the public, etc to report back to the legislature so that effective legislation could be approved that would not have the potential of an adverse effect on law enforcement. If the concern is that these items would be used for other than lawful purposes, I believe that there are sufficient statutes that address this.



330 Main Street, Hartford, Connecticut 06106
860-523-9146 | www.acluct.org

Testimony in Support of Senate Bill 55, An Act Concerning Complaints that Allege Misconduct by Law Enforcement Agency Personnel

February 24, 2014

Good afternoon Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Andrew Schneider. I'm executive director of the American Civil Liberties Union of Connecticut and I'm here to testify in support of Senate Bill 55, An Act Concerning Complaints that Allege Misconduct by Law Enforcement Agency Personnel.

In the past year the ACLU of Connecticut has heard from many people who had trouble filing complaints about police misconduct with police departments in Connecticut. These include a man who was told, when he tried several times to file complaints with his local police department about what he considered harassment by its officers, that the department won't accept "unfounded complaints;" a woman who said she was threatened with arrest and thrown out of her local police station when she tried to file a formal complaint about her treatment by officers; and a mother who was summoned to police headquarters to submit to a videotaped interview after she complained about excessive force in the arrest of her son.

These stories come as no surprise to the ACLU of Connecticut. We conducted a study in 2012 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

Among the worst offenders was the East Haven Police Department. Before we began our study, the U.S. Department of Justice concluded not only that some East Haven police officers engaged in biased policing against Latinos but that the department followed a "seriously deficient" complaint procedure that was "designed in a way that discourages community participation and especially participation by the Latino community."² Many of the deficiencies cited by the Department of Justice were similar to those we found in other departments throughout the state – complaint forms were available only at police headquarters, the department refused to accept anonymous complaints, the complaint forms threatened criminal prosecution for false statements and the department required that forms be notarized by a police officer.

The Department of Justice and the town of East Haven subsequently entered into a consent decree that required, among many other reforms, a new policy to ensure proper handling of civilian complaints. That new policy, which corrected the deficiencies just noted and which mirrors in many respects the

¹ www.acluct.org/protect

² http://www.newhavenindependent.org/archives/upload/2011/12/East_Haven_Findings_Letter_12-19-11.pdf%20

recommendations in our report, is now in effect in East Haven. And yet the same deficiencies remain uncorrected in other police departments in Connecticut because we still have no statewide standards to ensure that police accept complaints from the public.

Last year we supported this same bill, which passed the House on a vote of 124 to 9 but unfortunately did not get a vote in the Senate. This should not be a controversial proposal. It promotes nothing more than the standards recommended and supported by law enforcement experts, namely the Department of Justice, the International Associations of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies.

After we published our report in December 2012 we heard from many police chiefs and administrators 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 our methodology or minor points in our characterization of the answers their employees had given to our survey. But very few challenged the best practices and recommendations we set forth. Those best practices are based on the understanding that police agencies need the trust of the communities they serve. That trust depends on accountability, which must include a fair and transparent process for investigating allegations that officers have abused the extraordinary authority they wield.

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.



State of Connecticut

African-American Affairs Commission

State Capitol

210 Capitol Avenue – Room 509

Hartford, CT 06106

860-240-8555

February 24, 2014

Good morning Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Glenn A. Cassis and I am the Executive Director of the African-American Affairs Commission (AAAC). The mission of the Commission is to promote and improve the economic, educational, health safety and political well-being of the African-American community in Connecticut. I wish to submit testimony in support of **Raised Bill No. 55 – An Act Concerning Complaints That Allege Misconduct By Law Enforcement Agency Personnel.**

For the past two years the African-American Affairs Commission (AAAC) has participated in numerous public meetings around the state on the issue of community and law enforcement. Members of the public initially came to these meetings to get a better understanding of Connecticut's Alvin W. Penn Racial Profiling Prohibition Act (Connecticut General Statutes Sections 54-11 and 54-1m) which prohibits any law enforcement agency from stopping, detaining, or searching any motorist when the stop is motivated solely by considerations of the race, color, ethnicity, age, gender or sexual orientation. During every meeting, without fail, we hear stories from attendees about alleged police misconduct against members of the community. In all cases the victims were people of color and mostly male. These reports have always concerned the AAAC but took on much more significance this past November when a member of my family was victimized by a sworn officer of a law enforcement agency.

Our Mission

To improve and promote the economic development, education, health and political well-being of the African-American community in the State of Connecticut

Early Saturday morning (approx. 2 AM) my godson was leaving a popular night club in New Haven near the Omni Hotel. He was in New Haven to attend The Game (Harvard vs Yale). After graduating Bloomfield High School at the top of his class he was awarded a full scholarship at Yale where he started on the varsity football team for three years (only 5'7" & 160 pounds) and graduated with honors in finance. Upon his graduation he worked for a year and a half for an international finance and banking firm in New York City. After advancing he moved to Florida and worked for a hedge fund company. After two years he earned enough to attend and later graduate from Columbia University with an MBA. With his degree in hand he was hired as a senior associate for a premier consulting and financial advisory firm with offices in NYC, Detroit, seven other major cities in the US, London, England and Frankfurt, Germany. He is happily married to an army reservist who directs human resources for a major professional sports franchise. This young African-American male was never in trouble and was living the American dream until he was victimized by an overzealous police officer.

Upon leaving the club just around the corner from the Omni Hotel where my godson was staying for the weekend, he was met with a very bright light from a police officer standing outside the club. Leaving a dark environment and getting hit in the face with a bright light was not a pleasant encounter. My godson inappropriately commanded the unidentified person to "get the f___ in' light out of my face." When he tried to walk past the person, he was shoved by the individual and asked what did you say?" Now realizing that the person holding the light was a police officer, my godson replied "nothing" and continued to walk past the officer towards his hotel. Not satisfied with the response, the officer became aggressive, shoved my godson to the ground, causing him to hit his face on the street resulting in a black eye. He was handcuffed, patted down, put into a vehicle, taken to police headquarters, booked for disorderly conduct and resisting arrest. Although taken to the hospital, he refused medical attention and went back to his hotel room.

When my godson called me the next day and told me what happened I was shocked and outraged. Just 3 days before this incident, I was part of a panel of officials who participated in a community meeting on policing at Career High School in New Haven. During the meeting we heard at least half dozen complaints for residents about misconduct by law enforcement. Never did I think that days later one of my own family would become a victim.

A month earlier we made plans for my godson and his wife to come to our home for Thanksgiving dinner. Little did we know that the day after Thanksgiving would we spend the morning in New Haven court requesting a continuance for the arrest charge. Our first reaction was to fight the charges and press charges on the officer. We considered requesting surveillance tapes from the street and getting sworn depositions from some of my godson's friends who witnessed the incident. We discussed filing with the ACLU and CHRO. We learned that although an injustice occurred, the immediate concern was to deal with the court before taking actions. After securing an attorney, we were advised to settle rather than get stuck in the system. Basically one of the best local attorneys on matters like this told us that unless my godson was roughed up to the point that he was injured, hospitalized, lost time from work or had a great deal of pain and suffering, he should work out a deal.

In mid-December my godson took a day off from his job in NYC, traveled to New Haven and appeared in court. For the first time we read the report filed by the arresting officer. It was filled with lies and misrepresented the incident. A copy of the report is included in my testimony. It accused my godson of shoving the officer, admitting to have been drunk, apologizing for his "actions" and using numerous profanities. Admittedly my godson uttered one profanity but that was all. This young man has been and continues to be a model citizen with never a detention or demerit in his entire time as a student much less any run-in with the law in his life. On occasion he has had a beer is far from a drinker. He has never been drunk and if he were drunk on the night in question why the charge of wasn't drunken disorderly filed? My godson had to seriously consider his options. Career wise he could not afford to be tied up in a long battle with the courts. He would rather not be burdened with court and attorney costs. The mental strain would be very taxing. The deal turned out to be a \$250 fine to a court selected charity and removal of the incident from the record in 30 days if no further incident occurred.

Reluctantly we agreed that this was the best decision that my godson could expect. We were told that if he fought the charge, he could face a charge of assault, a long court battle, several trips to New Haven, a criminal record and the risk the consequences of being stopped in NYC under the stop and frisk and getting deeper in the criminal justice system. Unfortunately for too many African-American males, this is a reality

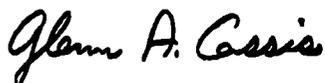
This is one incident that hit home to me but I am convinced it is happening too often. As painful and unjustified as this incident was with my godson, he was blessed. He is well educated, a model citizen, a clean history (until this incident), climbing the corporate ladder and blessed with a family ready to support him. What I am most concerned about, is what happens to other men of color who are average citizens without the social capital my godson has earned. He could not challenge law enforcement because the system does not allow for an even playing field.

A written policy needs to be in place that allows the complainant to file a complaint and be assured that a complete and fair investigation can be conducted. The written policy should be developed in concert with civilians not associated with law enforcement and the POST Council. In addition complainants should not be forced to bear unreasonable costs for filing complaints. The written policy should require that all previous complaints against the sworn officers be available to the complainant.

Understand that I do not have ill will against law enforcement. My deceased father, who I am celebrating the 86th anniversary of his birth, was an officer in the NYPD. I have many friends, acquaintances and colleagues in law enforcement who I respect and honor for putting their lives on the line to protect me, my family and community. However there are rouge officers who do a disservice to the uniform who must be removed from service. I want to believe that this is a very small percent who engage in this criminal behavior but lately my belief is being challenged. I am convinced that Raised Bill No. 55 begins to address the issue and must be supported.

Thank you for your time.

Submitted by,



Glenn A. Cassis

Executive Director

Attachment

INITIAL FVOR SUPPLEMENTAL VAR
NEW HAVEN DEPARTMENT OF POLICE SERVICE
CASE INCIDENT REPORT (NARRATIVE)

Page

2 of 4

COMPLAINT NO
13-56079

On 11/23/13 at 0000 hours Officer [REDACTED] and I were assigned to the bar detail as beat 134. We were supposed to stand in the front of Club Pulse but it was closed. We then got redirected to stand in the front of Lazy Lizards located at 201 Crown Street for crowd control. Officers get assigned to the bar detail in attempt to maintain crowd control. There have been multiple complaints regarding Weapons, drugs, excessive alcohol use, and other quality of life issues when the night clubs make everyone exit their establishments.

While we were at said location, I saw that the club had a big crowd inside so when it was time for everyone to leave, I called for more Officers to come and assist us. At approximately 0200 hours Lazy Lizards employees began to make people exit the club. In order to insure the safety of the people as they come out of the club, we have them move away from the exit points as quickly as possible. If the crowd is too slow in getting out or causing a big jam to occur in the door way, I shine my light towards the doorway in attempt to get their attention.

Some people would not obey our commands so I would personally escort them by the arm without further incident. A black male who was later identified as [REDACTED] (DOB 07/31/82) was exiting the club. He then came to a complete stop right in the middle of the doorway. People were telling him to move and they even tried to get around him but he did not comply. I shined my light in his direction and he said, "Get that fucking light out of my fucking face". I told him to leave the club if he did not want me to shine my light in his direction. [REDACTED] did not comply and he stayed in the middle of the doorway. I walked up to [REDACTED] and I grabbed him by his right arm in attempt to move him out of the middle of the door way.

In a very aggressive and agitated manner, [REDACTED] conducted a rear elbow strike in my direction. He did not make contact because I moved out of the way. I then attempted to grab his left arm. When I grabbed [REDACTED]'s left arm he said, "Get the fuck off of me". I tried to escort [REDACTED] further down the side walk by his arm but he was so agitated that we ended up in the street in front of said location. At that point, using my left hand, I had Lorenzo by his left wrist. I told [REDACTED] to just leave and go home and he said, "Fuck you" and made a fast movement as if he was going to punch me with his right closed fist. I then executed a right closed fist punch, connecting with the right side of his face in order to protect myself from being punched by [REDACTED].

Officer [REDACTED] then ran over to me in attempt to put [REDACTED] into hand cuffs. I told Lorenzo to stop resisting multiple times but he would not comply. Other fellow Officers arrived on scene and [REDACTED] was placed into hand cuffs without further incident. I asked [REDACTED] if he needed medical attention but he declined on scene.

When I escorted [REDACTED] to the rear of the prisoner conveyance van, he spontaneously uttered, "Can I go home I didn't mean to do that I was drunk". I asked [REDACTED] once again if he wanted medical attention but he declined once again.

Officer Jason Santlugo	814	DATE 11/26/13	PRINT AND SIGNATURE NAME AND TITLE Sgt. Rose J. Dell #405
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INITIAL FVOR SUPPLEMENTAL OVAR
NEW HAVEN DEPARTMENT OF POLICE SERVICE
CASE INCIDENT REPORT (NARRATIVE)

Page <u>4</u> of <u>4</u>	COMPLAINT NO 13-56079
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[REDACTED] was charged with interfering with a Police Officer C.G.S. 53a-167(a) and Disorderly Conduct C.G.S. 53a-182. He was then transported to 1 Union Avenue to in house Detention Center for further processing.

Upon his arrival the Marshals would not accept him because his left cheek had gotten swollen. I then was told to issue [REDACTED] a Misdemeanor Summons for the above stated charges per Sgt [REDACTED]. AMR then arrived to the Detention Center and [REDACTED] was then transported to Yale New Haven Hospital for further medical attention.

[REDACTED] is summoned to appear in court on 11/29/13 at 0900 hours under summons number MC 199105 for the above stated charges.

I filled out a use of force form and it was attached to this report. No further action taken by this Officer at this time.

Officer [REDACTED]	[REDACTED]	DATE 11/28/13	PARTY SUPERVISOR CASE AND MARK Sgt. Rose J. Dell #408
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