

Connecticut Racial Profiling Complaint Process Summary

**Institute for Municipal and Regional Policy
Central Connecticut State University**

The process for filing a racial profiling complaint in Connecticut has been met with some confusion from local law enforcement. Any person who believes that a law enforcement agent has engaged in bias-based policing has the right to file a formal complaint.

Public Act 99-198: Alvin W. Penn Act

P.A. 99-198 defines racial profiling as the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.

Definition of Bias Based Policing: is the differential treatment of individuals in the context of rendering police service based solely on one or more suspect classifications, such as race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background. Bias based policing may also be defined as a police action based on an assumption or belief that any of the aforementioned classifications have a tendency to participate or engage in criminal activity.

The Alvin W. Penn act states the following regarding complaints of racial profiling:

(c) Each municipal police department and the Department of Public Safety shall provide to the Chief State's Attorney (1) a copy of each complaint received pursuant to this section, and (2) written notification of the review and disposition of such complaint.

The act also required the Chief State's Attorney to develop:

(2) a form, in both printed and electronic format, to be used to report complaints pursuant to section 2 of this act by persons who believe they have been subjected to a motor vehicle stop by a police officer solely on the basis of their race, color, ethnicity, age, gender or sexual orientation.

According to the Racial Profiling Prohibition survey, many police departments have outlined a process for citizens to file complaints. Please see summary of examples below:

Farmington Police Department:

General Order 3. 109 establish a department policy prohibiting profiling practices. This policy outlines the Field Officers responsibilities, Supervisors responsibilities, Executive Officer responsibilities and the reporting requirements.

The General Order states the role of the supervisor to respond immediately to any complaint alleging improper profiling. It is also the responsibility of the supervisor to provide a complaint form to the individual. It is the role of the executive officer to investigate the allegation and provide a copy of the report to the Chief of Police.

A copy of the complaint and the findings are sent to the African American Affairs Commission and the Chief State's Attorney.

City of Groton Police Department:

The City of Groton Police Department establishes procedures for prohibiting bias based policing and the role of the department. The policy outlines the role of the officer during a traffic stop. It also outlines the role of the Supervisor to ensure that officers understand and comply with the policy. It is also the responsibility of the Supervisor to make sure complaints are recorded and submitted to the Chief of Police.

The City of Groton Police Department has developed a customer complaint form to be used to file a complaint with the department. Please see Appendix A for a copy of the form.

Meriden Police Department:

Meriden Police Department has a policy prohibiting bias based policing. The policy states that members of the department shall receive training in the legal aspects of bias based profiling issues. The Internal Affairs Unit shall conduct an annual administrative review of agency practices. The Internal Affairs Unit will document incidents of bias based policing and forward through the proper chain of command.

Meriden has developed a form for both complaints and commendations to be used by citizens. They also use the form developed by the Chief State's Attorney specific to racial profiling complaints. Please see Appendix B for a copy of the Meriden complaint form.

Rocky Hill Police Department:

The Rocky Hill Police Department established General Order 88-02 to prohibit bias based policing. The policy outlines the responsibility of the officer during a traffic stop. The Shift Commander has the responsibility to review the dispatch log to determine whether a stop was made using race as a factor.

Please see Appendix C for a copy of the Rocky Hill Civilian Complaint form.

Chief State's Attorneys Role in the Complaint Process:

Complaints are not filed directly with the Chief State's Attorney office. They are filed with the respective departments pursuant to procedures adopted by the departments. When a complaint is filed the Chief State's Attorney Office receives a copy of the complaint and disposition of the complaint. All individual identifying information is removed before submitting. The complaint is then reviewed to determine whether any further action by the Chief State Attorney is required.

Each complaint and disposition is then sent to the State's Attorney in whose jurisdiction the department resides for his/her review. As the chief law enforcement officer in the jurisdiction the State's Attorney can take action if he/she deems it appropriate.

Commission on Human Rights and Opportunities:

CHRO has a process for filing complaints on several levels, one of which is for individuals to file complaints if they feel like they were profiled during a traffic stop.

Brief summary of process:

- A phone call, letter or visiting the office can be done to file a complaint within 180 days of the alleged incident.
- An investigation is conducted by CHRO to determine if there is “reasonable cause” to believe that an individual’s rights were violated under the law.

Possible issues with the current complaint process:

1. Filing a complaint with the police department where an incident was alleged to occur can be intimidating. An internal investigation is completed to determine the outcome of the allegation.
 - It can be difficult to access the complaint form.
 - Some complaint forms are also used as commendation forms, which can add to the confusion.
 - The process for reviewing complaints is not clear with each department.
2. Lack of public awareness about the complaint process.
 - Filing can be done at the local level, with CHRO and the Chief State’s Attorney
3. There can be a perceived weakness with the internal investigation and the outcome.

Public Act 12-74: An Act Concerning Traffic Stops

P.A. 12-74 modifies the original Alvin W. Penn act and addresses the complaint process. The Office of Policy and Management must develop and implement a standardized method to do the following:

1. *i) notice to be given to the person stopped that if such person believes that such person has been stopped, detained or subjected to a search solely because of race, color, ethnicity, age, gender, sexual orientation, religion or membership in any other protected class, such person may file a complaint with the appropriate law enforcement agency, and (ii) instructions to be given to the person stopped on how to file such complaint*
2. *(2) To be used to report complaints pursuant to this section by any person who believes such person has been subjected to a motor vehicle stop by a police officer solely on the basis of race, color, ethnicity, age, gender, sexual orientation or religion*

Instructions on how to file a complaint to the driver of the motor vehicle has been discussed as a potential issue. One of the discussed solutions is to have the citation modified to include instructions on the back. There is a cost and time concern associated with this solution. This also does not address the need to give drivers instructions if the stop results in a verbal or written warning.

The project team has developed a racial profiling website that will outline the complaint process and be made available to police agencies and the public.

The law still requires that a copy of the complaint be given to the Chief State's Attorney and the Office of Policy and Management:

(e) Each municipal police department and the Department of Emergency Services and Public Protection shall provide to the Chief State's Attorney and the Office of Policy and Management (1) a copy of each complaint received pursuant to this section, and (2) written notification of the review and disposition of such complaint. No copy of such complaint shall include any other identifying information about the complainant such as the complainant's operator's license number, name or address.

The advisory board will need to discuss with OPM and the Chief State's Attorney what their role will be in reviewing complaints. Expectations should be clearly outlined and available to the public.

The advisory board will need to do the following prior to July 1, 2013:

1. Develop a process for filing and reviewing all complaints of bias based policing.
2. Assure adoption of the new policy by all police agencies
3. Inform the public of the bias based policing complaint process

How Other States Collect and Review Complaints:

Rhode Island

The state of Rhode Island included in their traffic stop law, a section defining complaint procedures. The law states the following:

- (a) Each state and municipal law enforcement agency shall establish a procedure to investigate complaints of police misconduct by members of the public against personnel of these agencies, and shall make a written description of the procedure available to the public. Copies of any departmental complaint forms shall be available in at least one governmental location other than the police department. The procedure and forms shall also be made available on any website of a law enforcement agency.*
- (b) At a minimum, complaints shall be accepted in person by mail or by facsimile.*
- (c) Information on the complaints received by each law enforcement agency shall be submitted on an annual basis under uniform criteria established by the Select Commission on Race and Police-Community Relations. The information provided by each department shall include the total number of complaints received, a breakdown by category of the type of complaint and a further breakdown by category of the disposition of the complaints.*

There were several critiques of the Rhode Island complaint process and compliance:

1. Although the racial profiling law requires police departments with operating websites to post their complaint form and procedures online, not all departments comply were seen in compliance
2. Each complaint forms and procedures varies between departments
3. Some departments require unnecessary information by the individual complainant, such as social security number, potentially deterring individuals from filing a complaint
4. Many police departments are not in compliance with the current racial profiling law

Please see appendix D for a sample of the Rhode Island complaint process.

Texas

The state of Texas included in their traffic stop law, a section defining complaint procedures. The law states the following:

(b) each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted

In Texas, each county has published their racial profiling policy and the process for filing a complaint. Please see the example of Dallas County below:

Dallas County Sherriff's Department Racial Profiling Policy:

1. Any person may file a complaint with the Sheriff's Department if they feel that they have been stopped, detained, or searched based solely on a racial-based profile.
2. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
3. Any Sheriff's Department personnel contacted by a person who wishes to file such a complaint will immediately contact a supervisor who will respond to the scene. The Supervisor shall advise the complainant of the complaint process procedures and document the complaint. All complaints will be forwarded to the Division Commander who will review and process the complaint in accordance with Chapter 400 of the Sheriff's Department's General Orders.

4. All complaints of racial-based profiling, upon conclusion will be forwarded to the Sheriff and will contain findings, suggestions for disciplinary action, or changes in policy, training, or tactics.
5. Dependent on the findings of each complaint as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include but are not limited to, training, counseling, policy review, and discipline up to and including termination of employment.
6. On an annual basis, the Internal Affairs Division will compile a statistical summary of all racial-based profiling complaints which will include the findings as to whether each case was sustained, not sustained, or exonerated. Supplemental statistical data may be obtained from a variety of sources to include Communications CAD system, MDC logs and inquiries, and activity reports.

Please see appendix E for a sample of the Texas complaint forms by county.