

## **Public Testimony for Bill Number 3471 An Act Concerning Police Accountability**

Dear Senator Winfield, Representative Stafstrom, Senator Kissel, and Representative Rebimbas, and members of the Judiciary Committee of the Connecticut General Assembly:

I am providing my testimony and statement to increase police accountability in the State of Connecticut. While I support the Policing Act/Bill, I believe it is inadequate and must be strengthened. I base my testimony and my suggestions on my incredibly traumatic personal experiences with racism, violence and crimes committed by local police in Wilton, CT, and their complete lack of accountability.

I am a resident of Wilton, CT. On April 29, 2015 I was brutally assaulted by members of the Wilton Police Department and Wilton EMS. This occurred after I called 911 to report what I believed to be an imminent home-invasion or break in<sup>1</sup>. The Wilton Police Officers who finally responded after three hours addressed me using racial slurs; when I asked for their names and informed them that I would be filing a complaint they dragged me out of my home and ended up brutally assaulting me<sup>2</sup>.

I sent in multiple written complaints to the Wilton Police Department: the first written complaint I sent was on August 18, 2015. The complaint was acknowledged as received, but there was never any action taken on my complaint. To silence me, the Wilton Police officers and EMTs involved in the incident of April 29, 2015 obtained a warrant for my arrest by falsely claiming that I had assaulted them while in the ambulance. According to the Wilton Police and EMTs, I, a 5'3"

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<sup>1</sup> Less than a week later, a man, Dylan Garner, committed a home invasion and assault of the homeowner at a location less than 10 minutes away from my home. Dylan Garner is currently imprisoned for this and multiple other home break-ins in the area.

<sup>2</sup> After almost 3 hours and after multiple calls, three Wilton Police Officers, Robert Cipolla, Robert Smaldone and Michael Tyler arrived at my home. Once at my home, and standing outside my door, Wilton officer Michael Tyler discussed with the other two that they were responding to a "religion complaint", a statement captured on various audio recording devices. When I opened the door and asked for their names, and informed them I would be filing a complaint against them, I was dragged out of my home by these Wilton Police Officers, who referred to me as "Muslim bitch". I was forcibly separated from my four-year-old child who was left unattended, terrified, crying, and running between vehicles outside my home. After more than thirty minutes of keeping me imprisoned in a police car, terrified, desperately crying for help and asking to see my child, the Wilton police officers called an ambulance. I was placed in the ambulance. Once outside of view of any recording cameras and within the ambulance the Wilton police officer Robert Smaldone discussed with the two Wilton EMTs that they were going to "teach me a lesson". The Wilton police officer Robert Smaldone and the two EMTs Daniel Monahan and Richard Janes brutally assaulted me in the ambulance. One of the officers, Robert Cipolla, was witnessed by removing money and jewelry from my home, while I was being forcibly detained.

tall, 135-pound woman was able to commit this assault upon three burly males while I was handcuffed and fully restrained to a stretcher within the ambulance.

The State's Attorney, Katherine E. Donoghue, who was prosecuting the matter admitted to me on multiple occasions that she knew of the horrifying assault upon me: she urged me to file a criminal complaint with the Connecticut State Police and to file a civil lawsuit against the Wilton police and EMTs involved<sup>3</sup>. Eventually the State's Attorney's Office unilaterally dismissed all criminal charges against me, despite my insistence on going to trial and absolute refusal to engage in any plea bargains or "AR".

I did partially act upon Katherine E. Donoghue's advice: I attempted to file a criminal complaint against the Wilton Police Officers and EMTs with the Connecticut State Police (CSP). The CSP refused to accept the complaint. I filed a civil complaint against the Wilton Police Officers and EMTs and the Wilton Police Department<sup>4</sup>.

During December 2018, I contacted State's Attorney Richard Colangelo and requested that he direct an independent investigation be conducted into the criminal actions of the Wilton Police Officers and EMTs. In response, Attorney Richard Colangelo's representative, Inspector Gary Mecozzi, instructed me that I had to go in person and file a complaint regarding the brutal and horrifying assault, yet again, with the Wilton Police Department. After the filing of this complaint, and my repeated requests for information regarding the status of the investigation, I was advised six months ago by Chief State's Attorney Richard Colangelo (via email) that he was still "gathering information" about the assault that took place more than five years ago.

I recount these personally traumatic incidents for you, not because I expect you to engage in fact finding. That fact finding should be the purview of a jury sitting at a criminal trial where the Wilton Police Officers and EMTs involved are charged with the crimes of sexual assault,

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<sup>3</sup> These statements made by State's Attorney Katherine Donoghue to me are preserved in an audio recording.

<sup>4</sup> On May 4, 2018, the civil complaint and summons were served upon the Wilton Police Department and its officers Robert Smaldone, Robert Cipolla, and Michael Tyler. On May 5, 2018 three Wilton Police Officers arrived at my home on a pretext and proceeded to threaten and terrorize me and my family, and assault me, severely and permanently injuring my hand. During the incident one of the Wilton Police Officers, Mark Canepari, informed me that he knew about the civil lawsuit, and stated words to the effect "this is what happens when you sue us". Another Wilton Police officers, Arnault Baker, discussed with Police officer Anna Tornello, about what the allegations against me were and Sgt. Baker simply stated "no allegations....Indian family"; both then appeared to laugh or make light of their egregious actions.

physical assault and battery, theft, threatening and intimidation, amongst other charges. But there can be never be charges if there is no investigation. I have provided written, notarized complaints multiple times, including to the Chief State's Attorney Richard Colangelo. Despite this, no investigator has ever obtained a statement from me or from various witnesses including my family members. For more than five years, there has simply never been any independent investigation.

Where can a victim of a crime committed by police turn to for accountability? At present, in Connecticut there is no independent entity or individual that can credibly and timely investigate criminal acts committed by police. This is something that this Bill, and eventually the law can address: by creating a truly independent entity to receive, investigate and issue final dispositions in complaints against police officers. The entity must be independent of local police departments, and the States Attorney's Office<sup>5</sup>.

A second addition to strengthen the Bill and eventually the law should be to preclude Police Unions from engaging in any negotiations, contract or otherwise, which would seek to limit police accountability. Police unions should retain and exercise their ability to negotiate wages and benefits, and some conditions related to the workplace. Through the unfettered exercise of power, police unions have effectively subverted accountability for its members for any misconduct or crime, no matter how egregious. The very existence of unions in emergency services makes the public less safe. Police unions are engaging in malicious and vindictive acts, as witnessed by the public at large – the coordinated assaults upon peaceful protestors and the withholding, and threats of withholding emergency services are prime examples. The activities of Police Unions must be statutorily limited by imposing narrow restrictions.

Finally, the Bill and eventually the law should mandate that each police office carry individual professional liability insurance. Professionals such as physicians and nurses are faced with split-second life and death situations daily and can use good judgment within the standards

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<sup>5</sup> In 2019, the State Attorney's Office adopted a code of Ethics, at the direction of State's Attorney Richard Colangelo, which identifies police officers as members of the States Attorneys' "team". This creates a barrier to independence, and an presents an inherent ethical and professional conflict which should disqualify the State's Attorneys from investigation or prosecuting police officers who are designated as members of the "team".

of care in making decisions. While insurance is not a substitute for sound judgment, it can provide a powerful incentive for police to conduct themselves with certain standards of care. As present, police are completely unfettered and view themselves as unrestrained forces, with no boundaries or rules of conduct. The adjustment of premiums on individual liability insurance will serve as a powerful deterrent to police who willfully engage in misconduct and criminal behavior.

As elected officials, each of you have a duty to the people to ensure that justice is equally served, regardless of race, religion, ethnicity, gender and indeed even employment status as police. In fact, police officers and departments should be held to a higher standard of conduct. I urge each of you to increase police accountability by passing this Bill into law, along with the additions that I, and so many others have suggested. Hold true to the promise you made to the people who elected you: strengthen and pass this Bill into law, and ensure that society does not continue to veer into chaos, where the enforcers of the law themselves are left unfettered to engage in brutality, misconduct and criminality.



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