

HEALTHCARE PROVIDER'S GUIDE TO WORKING WITH PATIENTS WHO EXPERIENCED POLICE BRUTALITY



When a patient reports an experience of police brutality, healthcare providers can play a pivotal role in helping the patient cope with their experience, referring the patient to resources, and in documenting the patient's experience.

Validating the Patient's Experience:

When a patient reports a traumatic experience like police brutality, it's important that the healthcare system responds in a trauma-informed manner, including:

- Expressing care and concern for the patient.
- Communicating to the patient that they are safe and supported.
- Assessing for PTSD symptoms, including intrusive memories (distressing memories of the event, flack back, and nightmares), avoidance symptoms (avoiding thinking about the event and avoiding place, activities, or people that are a reminder of the event), negative changes in thinking and mood (negative thoughts about the self or world, hopelessness, memory problems, difficulty maintaining relationships, emotional numbness, and detachment) and changes in physical and emotional reactions (including being easily startled or frightened, being on guard for danger, difficulty sleeping and concentrating, guilt, shame, and irritability).
- Referring the patient to additional support, such as mental health treatment as appropriate.

Documentation:

Healthcare providers should document all details of police brutality experienced by patients, including:

- The officers' badges and patrol car numbers (if known)
- The agency or department that the officers were from (if known)
- A detailed account of the incident, including the date, who was present, what occurred, and the patient's report of how injuries were sustained.
- Additionally, any physical exam findings should be included in documentation, and pictures included in the chart where applicable.
- Contact information for witnesses.

Documentation by healthcare providers is especially important when a patient is considering filing a civil rights lawsuit against the police. Typically, testimony about an event by someone who was not present would not be admissible in court because it is hearsay. **However, there is a hearsay exception for healthcare providers, such that a statement made for medical diagnosis or treatment is admissible, including statements about the cause of an injury.** Thus, notes and testimony from healthcare providers are often extremely important in civil rights cases involving police brutality.

Refer Patient to File a Complaint or Report their Experience:

If a patient wishes to **file a complaint with the police department** they will first need to:

- File a written complaint with the agency's internal affairs division or civilian complaint board.

This is not legal advice. We encourage you to consult with an attorney to discuss your legal rights and options for remedy.

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- In most states, you have the right to file an anonymous complaint, but some police departments have made that difficult or have created internal policies that treat anonymous complaints less seriously.
- If you experience issues filing a complaint, contact the ACLU.

Additionally, the patient can seek the assistance through their local NAACP or by submitting a **report to the U.S. Department of Justice Civil Rights Division**. The following link includes the form to file a complaint with the U.S. Department of Justice Civil Rights Division: <https://civilrights.justice.gov/>

If the patient is interested in **filing a lawsuit in federal court**, they can consult with an attorney who specializes in §1983 civil rights lawsuits. Most attorneys will not ask for any fees up front and will instead be paid on a contingency basis if there is a verdict or settlement (typically 33-40% of the verdict or settlement). The statute of limitations for a federal §1983 civil rights lawsuit varies by state but is typically 2-3 years from the date of the injury. A patient can file a civil rights lawsuit in **both state and federal court**.

A healthcare provider can also encourage patients to seek assistance through local civil rights organizations, such as:

- (1) NAACP Branch Chapter: <https://naacp.org/our-work/working-your-region>; and/or
- (2) Local ACLU affiliate: <https://www.aclu.org/about/affiliates>

Witnessing Police/Correctional Officer/Hospital Security Violence:

If a healthcare provider witnesses violence perpetrated by police, correctional officers, or hospital security, the provider can play an important role in reporting their observations. In addition to documenting the patient's experience in the electronic health record as described above, the provider can file a complaint with the police department by:

- (1) File a written complaint with the agency's internal affairs division or civilian complaint board.
- (2) In most states, you have the right to file an anonymous complaint, but some police departments have made that difficult or have created internal policies that treat anonymous complaints less seriously.
- (3) You can file a report with the U.S. Department of Justice Civil Rights Division: <https://civilrights.justice.gov/>
- (4) If you experience issues filing a complaint, contact the ACLU.

Connecticut-Specific Reporting Resources:

If the arrest was proceeded by a traffic stop, the newly created **Office of the Inspector General investigates traffic stop complaints motivated by racial profiling**. The following link includes the form to file a complaint with the Office of the Inspector General: <https://portal.ct.gov/DCJ/Programs/Programs/Traffic-Stops-Complaints>