



General Assembly

February Session, 2020

Raised Bill No. 267

LCO No. 2048



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

AN ACT ESTABLISHING A DEPARTMENT OF CIVILIAN JUSTICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2021*) (a) There is established a
2 Department of Civilian Justice, which shall be under the direction and
3 supervision of a Commissioner of Civilian Justice appointed by the
4 Governor in accordance with the provisions of sections 4-5 to 4-8,
5 inclusive, of the general statutes, as amended by this act, with the
6 powers and duties prescribed in said sections. A commissioner may be
7 reappointed but may not serve as commissioner for more than eight
8 years, except as provided in section 4-6 of the general statutes.

9 (b) (1) There is established within the department an investigative
10 unit. There shall be a deputy commissioner for investigative operations,
11 who shall be appointed by the commissioner to supervise and direct
12 such unit. The deputy commissioner for investigative operations shall
13 have professional training in investigations and at least five years of
14 managerial and practical experience in matters relating to
15 investigations. The deputy commissioner for investigative operations
16 shall, within available resources, hire and supervise investigative

17 supervisors and investigators, provided such investigative supervisors
18 and investigators are not law enforcement officers.

19 (2) There is established within the department an adjudicatory unit.
20 There shall be a deputy commissioner for adjudicatory operations, who
21 shall be appointed by the commissioner to supervise and direct such
22 unit. The deputy commissioner for adjudicatory operations shall be an
23 attorney-at-law and have at least five years of managerial and practical
24 experience in judicial or administrative adjudications. The deputy
25 commissioner for adjudicatory operations shall supervise the
26 department's adjudicatory unit and shall, within available resources,
27 hire and supervise hearing officers.

28 Sec. 2. (NEW) (*Effective January 1, 2021*) (a) As used in this section and
29 sections 3 to 9, inclusive, of this act:

30 (1) "Department" means the Department of Civilian Justice
31 established in section 1 of this act;

32 (2) "Employing agency" means (A) for a state police officer, the
33 Division of State Police within the Department of Emergency Services
34 and Public Protection, and (B) for a municipal police officer, the
35 municipal police department employing the officer; and

36 (3) "Police officer" means a state or municipal police officer.

37 (b) The department shall have the following duties and powers:

38 (1) To receive and investigate complaints from a police officer
39 alleging misconduct by another police officer in the performance of the
40 officer's duties;

41 (2) To review records and files of a police officer who is under
42 investigation pursuant to this section or sections 3 to 9, inclusive, of this
43 act and to issue subpoenas as necessary to conduct such an
44 investigation;

45 (3) To conduct adjudicatory proceedings in accordance with chapter

46 54 of the general statutes, and during such proceedings administer
47 oaths, examine witnesses, receive oral and documentary evidence and
48 issue subpoenas to compel the attendance of witnesses and the
49 production of documents a hearing officer deems relevant, under
50 procedural rules the department shall adopt as regulations in
51 accordance with chapter 54 of the general statutes;

52 (4) To consult with the Chief State's Attorney or the Attorney General
53 on any matter the department deems appropriate;

54 (5) To consult with the United States Department of Justice and the
55 United States Attorney for the district of Connecticut on any
56 investigation;

57 (6) To impose discipline on a police officer found in an adjudicatory
58 proceeding to have committed misconduct in the performance of the
59 officer's duties in violation of any provision of the general statutes, the
60 regulations of Connecticut state agencies, an ordinance or a policy of the
61 employing agency;

62 (7) To issue a cease and desist order related to a finding of misconduct
63 in violation of any provision of the general statutes, the regulations of
64 Connecticut state agencies, an ordinance or a policy of an employing
65 agency by a police officer or an employing agency and to take
66 reasonable actions necessary to compel compliance with such provision
67 of the general statutes, the regulations of Connecticut state agencies, an
68 ordinance or a policy of the employing agency;

69 (8) To refer to the Attorney General evidence for injunctive relief and
70 any other ancillary equitable relief relating to a violation of any
71 provision of the general statutes, the regulations of Connecticut state
72 agencies, an ordinance or a policy of an employing agency;

73 (9) To refer to the Chief State's Attorney evidence of a criminal
74 violation of the general statutes by a police officer;

75 (10) To conduct outreach to communities throughout the state to

76 inform the public about the department's services and complaint
77 procedures;

78 (11) To enter into such contractual agreements as may be necessary
79 for the discharge of its duties; and

80 (12) To adopt regulations in accordance with chapter 54 of the general
81 statutes to establish any procedures necessary for receiving,
82 investigating and adjudicating complaints regarding misconduct by a
83 police officer.

84 (c) Department investigators shall investigate complaints in an
85 impartial manner and shall not be unduly influenced by an employing
86 agency or any other agency of the state or a political subdivision of the
87 state.

88 (d) Hearing officers shall conduct adjudication proceedings
89 regarding complaints in an impartial manner and shall not be affiliated
90 with or unduly influenced by an employing agency or any other agency
91 of the state or a political subdivision of the state.

92 Sec. 3. (NEW) (*Effective January 1, 2021*) (a) As used in sections 2 to 8,
93 inclusive, of this act, "complaint" means a complaint filed by a police
94 officer or initiated by the department under subsection (e) of section 6
95 of this act alleging misconduct by another police officer in the
96 performance of the officer's duties in violation of any provision of the
97 general statutes, the regulations of Connecticut state agencies, an
98 ordinance or a policy of the employing agency.

99 (b) Any police officer may file a complaint with the department,
100 provided the misconduct alleged in the complaint occurred within the
101 six months preceding the date of the complaint's filing, unless the
102 deputy commissioner for investigative operations finds good cause to
103 excuse delay in filing. The officer need not be a witness to or victim of
104 the alleged misconduct. The department's investigative unit shall
105 investigate each complaint received under this subsection. An
106 investigator shall complete an initial investigation not later than

107 fourteen days after receiving a complaint. After such initial
108 investigation, the deputy commissioner for investigative operations
109 shall:

110 (1) Issue a final decision ordering the complaint dismissed: (A) For
111 failure to state a claim within the department's jurisdiction; (B) as
112 untimely, if the complaint involves an incident that occurred more than
113 six months prior to the complaint's filing date, unless there is good cause
114 to excuse the delay in filing; (C) as frivolous, vexatious or made in bad
115 faith; or (D) as more appropriate for another agency to investigate and
116 resolve;

117 (2) Order the investigation of the complaint suspended until (A) the
118 conclusion of a criminal investigation, or (B) the filing of a report at the
119 conclusion of an investigation conducted pursuant to section 51-277a of
120 the general statutes;

121 (3) Order the complaint referred to the relevant employing agency for
122 investigation and resolution; or

123 (4) Order the investigation of the complaint to continue.

124 (c) The department shall inform the complainant, subject of the
125 complaint and employing agency of the order of the deputy
126 commissioner under subsection (b) of this section and the reasons for
127 the order.

128 (d) (1) If the deputy commissioner for investigative operations orders
129 the investigation to continue pursuant to subdivision (4) of subsection
130 (b) of this section, the complaint investigator shall resume the
131 investigation and the deputy commissioner shall order the complaint
132 placed on the docket of the adjudicatory unit.

133 (2) The department may resolve a complaint at any stage by
134 stipulation, agreed settlement or consent order, if the deputy
135 commissioner for investigative operations determines that the
136 complaint alleges misconduct that is not of a serious nature.

137 (3) An investigator may require the production of documents, data or
 138 other information relevant to the investigation. Personnel of an
 139 employing agency shall, upon request, provide reasonable assistance to
 140 the investigator, including assistance as necessary to allow the
 141 investigator to understand any document, data or information is
 142 relevant to the investigation.

143 Sec. 4. (NEW) (*Effective January 1, 2021*) (a) Not later than thirty days
 144 after a complaint is filed under section 3 of this act, a hearing officer in
 145 the adjudicatory unit shall hold a hearing on the complaint to determine
 146 if there is probable cause that a police officer committed misconduct in
 147 violation of any provision of the general statutes, the regulations of
 148 Connecticut state agencies, an ordinance or a policy of the employing
 149 agency.

150 (b) If the hearing officer does not find probable cause, the hearing
 151 officer shall order the complaint dismissed and inform the complainant,
 152 subject of the complaint and employing agency of the order.

153 (c) If the hearing officer finds probable cause, the case shall proceed
 154 as a contested case, and the officer who is the subject of the complaint
 155 shall have a right to a hearing and a right to appeal, in accordance with
 156 chapter 54 of the general statutes.

157 Sec. 5. (NEW) (*Effective January 1, 2021*) (a) If a person refuses to
 158 comply with a subpoena issued pursuant to a department investigation
 159 or adjudication or to testify with respect to a matter upon which the
 160 person may be lawfully interrogated, the superior court for the judicial
 161 district of Hartford, on application of the department, may issue an
 162 order requiring such person to comply with such subpoena or to testify,
 163 as the case may be. Any person who fails to obey such order of the court
 164 may be punished by the court as for contempt thereof.

165 (b) To the extent that the department is involved in the investigation
 166 of an alleged criminal violation of any provision of the general statutes
 167 by a police officer in the performance of the officer's duties, the
 168 department shall be deemed a law enforcement agency for purposes of

169 subdivision (3) of subsection (b) of section 1-210 of the general statutes,
170 provided nothing in this section shall be construed to exempt the
171 department in any other respect from the requirements of the Freedom
172 of Information Act, as defined in section 1-200 of the general statutes.

173 Sec. 6. (NEW) (*Effective January 1, 2021*) (a) If a hearing officer finds
174 that a police officer who is the subject of a complaint committed
175 misconduct in the performance of the officer's duties in violation of any
176 provision of the general statutes, the regulations of Connecticut state
177 agencies, an ordinance or a policy of the employing agency, the hearing
178 officer shall issue a final decision and may order the police officer:

179 (1) Dismissed from employment at the officer's employing agency
180 immediately, or dismissed within a specified period of time, not to
181 exceed seven days, unless the officer resigns or retires;

182 (2) Demoted by the officer's employing agency, in a manner and for
183 a specified period of time not to exceed one year;

184 (3) Suspended, with or without pay, for a specified period of time not
185 to exceed thirty days;

186 (4) To forfeit up to three days of pay;

187 (5) Reprimanded, orally or in writing;

188 (6) To attend counseling, a treatment program, additional training or
189 any other relevant program or activity; or

190 (7) To be subject to any combination of discipline under subdivisions
191 (2) to (6), inclusive, of this subsection.

192 (b) The department's authority to impose discipline on a police officer
193 shall be in addition to the authority of an employing agency, licensing
194 authority or other entity with authority over such person under the
195 general statutes, the regulations of Connecticut state agencies, an
196 ordinance, a policy of the employing agency or a collective bargaining
197 agreement.

198 (c) (1) If a police officer is dismissed or resigns pending dismissal
199 pursuant to an order under subdivision (1) of subsection (a) of this
200 section, the officer shall be (A) prohibited from employment as a police
201 officer, if the hearing officer finds that the police officer committed
202 malfeasance or serious misconduct calling into question the police
203 officer's fitness to serve as a police officer, or (B) prohibited from
204 employment as a police officer for five years following the date of
205 dismissal or resignation, if such police officer's conduct was not
206 malfeasance or serious misconduct.

207 (2) If a police officer, who is the subject of a complaint, resigns or
208 retires before proceedings on the complaint conclude, the department
209 shall terminate the proceedings. The department shall reinstate the
210 proceedings if the person is reemployed as a police officer and such
211 reemployment occurs (A) at any time, if the officer allegedly committed
212 malfeasance or serious misconduct calling into question the officer's
213 fitness to serve as a police officer, or (B) within five years following the
214 date of resignation or retirement, if such officer's conduct was not
215 malfeasance or serious misconduct.

216 (d) Upon the refusal of any person to comply with an order of the
217 department issued pursuant to this section, the superior court for the
218 judicial district of Hartford, on application of the department, may issue
219 a further order to comply. Any person who fails to obey such further
220 order may be punished by the court as for contempt thereof.

221 (e) The department may initiate a complaint for investigation under
222 section 3 of this act or for referral to an employing agency if (1) a police
223 officer obstructed a department investigation or adjudicatory
224 proceeding, (2) a police officer retaliated against another officer for filing
225 a complaint with the department, or (3) the department's investigation
226 of a complaint indicates that another police officer may have committed
227 misconduct in the performance of the officer's duties in violation of any
228 provision of the general statutes, the regulations of Connecticut state
229 agencies, an ordinance or a policy of the employing agency.

230 (f) If the department's investigation of a complaint identifies an issue
231 of a systemic nature in an employing agency, the department may make
232 recommendations to the agency to address the issue, refer the matter to
233 the Chief State's Attorney for a criminal investigation or submit
234 recommendations to the General Assembly for legislative changes to
235 address the issue.

236 (g) The department shall publish on the department's Internet web
237 site data on the disposition of each complaint received.

238 Sec. 7. (NEW) (*Effective January 1, 2021*) (a) If a police officer files a
239 complaint with an employing agency or the department refers a
240 complaint to the employing agency, the employing agency shall inform
241 the officer of the department's complaint process under the provisions
242 of sections 2 to 9, inclusive, of this act. The employing agency shall
243 conduct an investigation of such complaint. If the employing agency
244 determines that the department would be better suited to investigate the
245 complaint or the employing agency cannot resolve the complaint within
246 thirty days of filing, the employing agency shall forward the complaint
247 to the department. If the employing agency investigates and resolves a
248 complaint and the officer who filed the complaint is not satisfied with
249 the resolution, the officer may refile the complaint with the department.

250 (b) An employing agency shall report to the department on the
251 disposition of each complaint received from a police officer by the
252 employing agency.

253 Sec. 8. (NEW) (*Effective January 1, 2021*) (a) The department shall make
254 information about its complaint process available to the public,
255 including on its Internet web site. The department shall conduct
256 outreach activities and assist police officers and employing agency
257 personnel in understanding the complaint process.

258 (b) Not later than January 1, 2022, and annually thereafter, the
259 department shall submit a report, in accordance with the provisions of
260 section 11-4a of the general statutes, to the joint standing committee of
261 the General Assembly having cognizance of matters relating to public

262 safety and security. Such report shall include a description of the
263 department's activities in the past year and data on complaints received
264 and their disposition.

265 Sec. 9. (NEW) (*Effective January 1, 2021*) (a) The provisions of sections
266 2 to 8, inclusive, of this act shall not be applicable to any complaint
267 against a police officer who is covered by a collective bargaining
268 agreement that (1) governs the investigation and discipline of such
269 person, and (2) is in effect on January 1, 2021.

270 (b) Each collective bargaining agreement covering a police officer that
271 is entered into, amended, revised or renewed after January 1, 2021, (1)
272 shall contain a provision that incorporates the provisions of sections 2
273 to 8, inclusive, of this act governing the investigation and discipline of
274 such police officers; and (2) may not alter the provisions of sections 2 to
275 8, inclusive, of this act.

276 Sec. 10. Section 4-5 of the 2020 supplement to the general statutes is
277 repealed and the following is substituted in lieu thereof (*Effective January*
278 *1, 2021*):

279 As used in sections 4-6, 4-7 and 4-8, the term "department head"
280 means Secretary of the Office of Policy and Management, Commissioner
281 of Administrative Services, Commissioner of Revenue Services,
282 Banking Commissioner, Commissioner of Children and Families,
283 Commissioner of Consumer Protection, Commissioner of Correction,
284 Commissioner of Economic and Community Development, State Board
285 of Education, Commissioner of Emergency Services and Public
286 Protection, Commissioner of Energy and Environmental Protection,
287 Commissioner of Agriculture, Commissioner of Public Health,
288 Insurance Commissioner, Labor Commissioner, Commissioner of
289 Mental Health and Addiction Services, Commissioner of Social Services,
290 Commissioner of Developmental Services, Commissioner of Motor
291 Vehicles, Commissioner of Transportation, Commissioner of Veterans
292 Affairs, Commissioner of Housing, Commissioner of Aging and
293 Disability Services, the Commissioner of Early Childhood, the

294 Commissioner of Civilian Justice, the executive director of the Office of
295 Military Affairs, the executive director of the Office of Health Strategy
296 and the executive director of the Technical Education and Career
297 System. As used in sections 4-6 and 4-7, "department head" also means
298 the Commissioner of Education.

299 Sec. 11. Section 4-5 of the 2020 supplement to the general statutes, as
300 amended by section 6 of public act 17-237, section 279 of public act 17-2
301 of the June special session, section 20 of public act 18-182 and section 283
302 of public act 19-117, is repealed and the following is substituted in lieu
303 thereof (*Effective July 1, 2022*):

304 As used in sections 4-6, 4-7 and 4-8, the term "department head"
305 means Secretary of the Office of Policy and Management, Commissioner
306 of Administrative Services, Commissioner of Revenue Services,
307 Banking Commissioner, Commissioner of Children and Families,
308 Commissioner of Consumer Protection, Commissioner of Correction,
309 Commissioner of Economic and Community Development, State Board
310 of Education, Commissioner of Emergency Services and Public
311 Protection, Commissioner of Energy and Environmental Protection,
312 Commissioner of Agriculture, Commissioner of Public Health,
313 Insurance Commissioner, Labor Commissioner, Commissioner of
314 Mental Health and Addiction Services, Commissioner of Social Services,
315 Commissioner of Developmental Services, Commissioner of Motor
316 Vehicles, Commissioner of Transportation, Commissioner of Veterans
317 Affairs, Commissioner of Housing, Commissioner of Rehabilitation
318 Services, the Commissioner of Early Childhood, the Commissioner of
319 Civilian Justice, the executive director of the Office of Military Affairs
320 and the executive director of the Technical Education and Career
321 System. As used in sections 4-6 and 4-7, "department head" also means
322 the Commissioner of Education.

323 Sec. 12. Section 4-38c of the 2020 supplement to the general statutes is
324 repealed and the following is substituted in lieu thereof (*Effective January*
325 *1, 2021*):

326 There shall be within the executive branch of state government the
 327 following departments: Office of Policy and Management, Department
 328 of Administrative Services, Department of Aging and Disability
 329 Services, Department of Revenue Services, Department of Banking,
 330 Department of Agriculture, Department of Children and Families,
 331 Department of Consumer Protection, Department of Correction,
 332 Department of Economic and Community Development, State Board of
 333 Education, Department of Emergency Services and Public Protection,
 334 Department of Energy and Environmental Protection, Department of
 335 Public Health, Board of Regents for Higher Education, Insurance
 336 Department, Labor Department, Department of Mental Health and
 337 Addiction Services, Department of Developmental Services,
 338 Department of Social Services, Department of Rehabilitation Services,
 339 Department of Transportation, Department of Motor Vehicles,
 340 Department of Veterans Affairs, Department of Civilian Justice and the
 341 Technical Education and Career System.

342 Sec. 13. Section 4-38c of the 2020 supplement to the general statutes,
 343 as amended by section 7 of public act 17-237, section 287 of public act
 344 17-2 of the June special session, section 21 of public act 18-182 and
 345 section 284 of public act 19-117, is repealed and the following is
 346 substituted in lieu thereof (*Effective July 1, 2022*):

347 There shall be within the executive branch of state government the
 348 following departments: Office of Policy and Management, Department
 349 of Administrative Services, Department of Revenue Services,
 350 Department of Banking, Department of Agriculture, Department of
 351 Children and Families, Department of Consumer Protection,
 352 Department of Correction, Department of Economic and Community
 353 Development, State Board of Education, Department of Emergency
 354 Services and Public Protection, Department of Energy and
 355 Environmental Protection, Department of Public Health, Board of
 356 Regents for Higher Education, Insurance Department, Labor
 357 Department, Department of Mental Health and Addiction Services,
 358 Department of Developmental Services, Department of Social Services,
 359 Department of Transportation, Department of Motor Vehicles,

360 Department of Veterans Affairs, Department of Civilian Justice and the
361 Technical Education and Career System.

362 Sec. 14. Section 7-291c of the general statutes is repealed and the
363 following is substituted in lieu thereof (*Effective January 1, 2021*):

364 (a) No law enforcement unit, as defined in section 7-294a, shall hire
365 any person as a police officer, as defined in said section 7-294a, who was
366 previously employed as a police officer by such unit or in any other
367 jurisdiction and who (1) (A) was dismissed for malfeasance or other
368 serious misconduct calling into question such person's fitness to serve
369 as a police officer; or [(2)] (B) resigned or retired from such officer's
370 position while under investigation for such malfeasance or other serious
371 misconduct; or (2) within the past five years, was dismissed, resigned or
372 retired from such officer's position, pursuant to an order of the
373 Department of Civilian Justice under subdivision (1) of subsection (a) of
374 section 6 of this act, for conduct other than malfeasance or other serious
375 misconduct calling into question such person's fitness to serve as a
376 police officer.

377 (b) Any law enforcement unit that has knowledge that any former
378 police officer of such unit who (1) (A) was dismissed for malfeasance or
379 other serious misconduct or pursuant to an order of the Department of
380 Civilian Justice under subdivision (1) of subsection (a) of section 6 of this
381 act, or (B) resigned or retired from such officer's position while under
382 investigation for [such malfeasance or other serious] misconduct; and
383 (2) is an applicant for the position of police officer with any other law
384 enforcement unit, shall inform such other unit and the Police Officer
385 Standards and Training Council established under section 7-294b of
386 such dismissal, resignation or retirement.

387 (c) The provisions of this section shall not apply to any police officer
388 who is exonerated of each allegation against such officer of [such
389 malfeasance or other serious misconduct] misconduct.

390 (d) For purposes of this section, (1) "malfeasance" means the
391 commonly approved usage of "malfeasance"; and (2) "serious

392 misconduct" means improper or illegal actions taken by a police officer
 393 in connection with such officer's official duties that could result in a
 394 miscarriage of justice or discrimination, including, but not limited to,
 395 (A) a conviction of a felony, (B) fabrication of evidence, (C) repeated use
 396 of excessive force, (D) acceptance of a bribe, or (E) the commission of
 397 fraud.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2021</i>	New section
Sec. 2	<i>January 1, 2021</i>	New section
Sec. 3	<i>January 1, 2021</i>	New section
Sec. 4	<i>January 1, 2021</i>	New section
Sec. 5	<i>January 1, 2021</i>	New section
Sec. 6	<i>January 1, 2021</i>	New section
Sec. 7	<i>January 1, 2021</i>	New section
Sec. 8	<i>January 1, 2021</i>	New section
Sec. 9	<i>January 1, 2021</i>	New section
Sec. 10	<i>January 1, 2021</i>	4-5
Sec. 11	<i>July 1, 2022</i>	4-5
Sec. 12	<i>January 1, 2021</i>	4-38c
Sec. 13	<i>July 1, 2022</i>	4-38c
Sec. 14	<i>January 1, 2021</i>	7-291c

Statement of Purpose:

To establish a Department of Civilian Justice to receive and investigate complaints from a police officer alleging misconduct by another police officer in the performance of the officer's duties.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]