AN ACT ESTABLISHING A DEPARTMENT OF CIVILIAN JUSTICE.

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

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

(b) (1) There is established within the department an investigative unit. There shall be a deputy commissioner for investigative operations, who shall be appointed by the commissioner to supervise and direct such unit. The deputy commissioner for investigative operations shall have professional training in investigations and at least five years of managerial and practical experience in matters relating to investigations. The deputy commissioner for investigative operations shall, within available resources, hire and supervise investigative
supervisors and investigators, provided such investigative supervisors and investigators are not law enforcement officers.

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

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

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

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

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

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

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

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

(3) To conduct adjudicatory proceedings in accordance with chapter
54 of the general statutes, and during such proceedings administer
oaths, examine witnesses, receive oral and documentary evidence and
issue subpoenas to compel the attendance of witnesses and the
production of documents a hearing officer deems relevant, under
procedural rules the department shall adopt as regulations in
accordance with chapter 54 of the general statutes;

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

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

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

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

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

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

(10) To conduct outreach to communities throughout the state to
inform the public about the department’s services and complaint procedures;

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

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

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

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

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

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

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

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

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

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

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

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

(2) The department may resolve a complaint at any stage by stipulation, agreed settlement or consent order, if the deputy commissioner for investigative operations determines that the complaint alleges misconduct that is not of a serious nature.
(3) An investigator may require the production of documents, data or other information relevant to the investigation. Personnel of an employing agency shall, upon request, provide reasonable assistance to the investigator, including assistance as necessary to allow the investigator to understand any document, data or information is relevant to the investigation.

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

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

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

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

(b) To the extent that the department is involved in the investigation of an alleged criminal violation of any provision of the general statutes by a police officer in the performance of the officer's duties, the department shall be deemed a law enforcement agency for purposes of
subdivision (3) of subsection (b) of section 1-210 of the general statutes, provided nothing in this section shall be construed to exempt the department in any other respect from the requirements of the Freedom of Information Act, as defined in section 1-200 of the general statutes.

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

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

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

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

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

(5) Reprimanded, orally or in writing;

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

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

(b) The department's authority to impose discipline on a police officer shall be in addition to the authority of an employing agency, licensing authority or other entity with authority over such person under the general statutes, the regulations of Connecticut state agencies, an ordinance, a policy of the employing agency or a collective bargaining agreement.
(c) (1) If a police officer is dismissed or resigns pending dismissal pursuant to an order under subdivision (1) of subsection (a) of this section, the officer shall be (A) prohibited from employment as a police officer, if the hearing officer finds that the police officer committed malfeasance or serious misconduct calling into question the police officer's fitness to serve as a police officer, or (B) prohibited from employment as a police officer for five years following the date of dismissal or resignation, if such police officer's conduct was not malfeasance or serious misconduct.

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

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

(e) The department may initiate a complaint for investigation under section 3 of this act or for referral to an employing agency if (1) a police officer obstructed a department investigation or adjudicatory proceeding, (2) a police officer retaliated against another officer for filing a complaint with the department, or (3) the department's investigation of a complaint indicates that another police officer may have committed misconduct in the performance of the officer's duties in violation of any provision of the general statutes, the regulations of Connecticut state agencies, an ordinance or a policy of the employing agency.
(f) If the department's investigation of a complaint identifies an issue of a systemic nature in an employing agency, the department may make recommendations to the agency to address the issue, refer the matter to the Chief State's Attorney for a criminal investigation or submit recommendations to the General Assembly for legislative changes to address the issue.

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

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

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

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

(b) Not later than January 1, 2022, and annually thereafter, the department shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to public
safety and security. Such report shall include a description of the
department's activities in the past year and data on complaints received
and their disposition.

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

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

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

As used in sections 4-6, 4-7 and 4-8, the term "department head"
means Secretary of the Office of Policy and Management, Commissioner
of Administrative Services, Commissioner of Revenue Services,
Banking Commissioner, Commissioner of Children and Families,
Commissioner of Consumer Protection, Commissioner of Correction,
Commissioner of Economic and Community Development, State Board
of Education, Commissioner of Emergency Services and Public
Protection, Commissioner of Energy and Environmental Protection,
Commissioner of Agriculture, Commissioner of Public Health,
Insurance Commissioner, Labor Commissioner, Commissioner of
Mental Health and Addiction Services, Commissioner of Social Services,
Commissioner of Developmental Services, Commissioner of Motor
Vehicles, Commissioner of Transportation, Commissioner of Veterans
Affairs, Commissioner of Housing, Commissioner of Aging and
Disability Services, the Commissioner of Early Childhood, the
Commissioner of Civilian Justice, the executive director of the Office of Military Affairs, the executive director of the Office of Health Strategy and the executive director of the Technical Education and Career System. As used in sections 4-6 and 4-7, "department head" also means the Commissioner of Education.

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

As used in sections 4-6, 4-7 and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Services and Public Protection, Commissioner of Energy and Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Commissioner of Mental Health and Addiction Services, Commissioner of Social Services, Commissioner of Developmental Services, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Veterans Affairs, Commissioner of Housing, Commissioner of Rehabilitation Services, the Commissioner of Early Childhood, the Commissioner of Civilian Justice, the executive director of the Office of Military Affairs and the executive director of the Technical Education and Career System. As used in sections 4-6 and 4-7, "department head" also means the Commissioner of Education.

Sec. 12. Section 4-38c of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2021):
There shall be within the executive branch of state government the following departments: Office of Policy and Management, Department of Administrative Services, Department of Aging and Disability Services, Department of Revenue Services, Department of Banking, Department of Agriculture, Department of Children and Families, Department of Consumer Protection, Department of Correction, Department of Economic and Community Development, State Board of Education, Department of Emergency Services and Public Protection, Department of Energy and Environmental Protection, Department of Public Health, Board of Regents for Higher Education, Insurance Department, Labor Department, Department of Mental Health and Addiction Services, Department of Developmental Services, Department of Social Services, Department of Rehabilitation Services, Department of Transportation, Department of Motor Vehicles, Department of Veterans Affairs, Department of Civilian Justice and the Technical Education and Career System.

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

There shall be within the executive branch of state government the following departments: Office of Policy and Management, Department of Administrative Services, Department of Revenue Services, Department of Banking, Department of Agriculture, Department of Children and Families, Department of Consumer Protection, Department of Correction, Department of Economic and Community Development, State Board of Education, Department of Emergency Services and Public Protection, Department of Energy and Environmental Protection, Department of Public Health, Board of Regents for Higher Education, Insurance Department, Labor Department, Department of Mental Health and Addiction Services, Department of Developmental Services, Department of Social Services, Department of Rehabilitation Services, Department of Transportation, Department of Motor Vehicles,
Sec. 14. Section 7-291c of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2021):

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

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

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

(d) For purposes of this section, (1) "malfeasance" means the commonly approved usage of "malfeasance"; and (2) "serious
misconduct" means improper or illegal actions taken by a police officer in connection with such officer's official duties that could result in a miscarriage of justice or discrimination, including, but not limited to, (A) a conviction of a felony, (B) fabrication of evidence, (C) repeated use of excessive force, (D) acceptance of a bribe, or (E) the commission of fraud.

This act shall take effect as follows and shall amend the following sections:

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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.]