



General Assembly

**Substitute Bill No. 892**

January Session, 2021



**AN ACT CONCERNING THE CRIMINAL JUSTICE COMMISSION,  
DIVISION OF CRIMINAL JUSTICE AND THE OFFICE OF THE  
INSPECTOR GENERAL.**

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

1 Section 1. Section 51-275a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) There is established a Criminal Justice Commission which shall be  
4 composed of the Chief State's Attorney and six members nominated by  
5 the Governor and appointed by the General Assembly in accordance  
6 with [section 4-2] subsection (i) of this section, two of whom shall be  
7 judges of the Superior Court.

8 (b) The chairman shall be appointed by the Governor.

9 (c) Members shall serve without compensation but shall be  
10 reimbursed for actual expenses incurred while engaged in the duties of  
11 the commission.

12 (d) The commission shall post notices concerning the time, date and  
13 place of meetings of the commission on an Internet web site operated by  
14 the commission.

15 (e) Any meeting of the commission held pursuant to section 51-278,

16 as amended by this act, or section 51-278b, the sole purpose of which is  
17 to appoint, reappoint, remove or otherwise discipline the Chief State's  
18 Attorney, a deputy chief state's attorney or a state's attorney, shall be  
19 held in the Legislative Office Building and shall include an opportunity  
20 for public testimony.

21 (f) The commission may adopt such rules as it deems necessary for  
22 the conduct of its internal affairs.

23 (g) The commission may adopt regulations in accordance with  
24 chapter 54 to carry out its responsibilities under this chapter.

25 (h) The commission shall be within the Division of Criminal Justice.  
26 Said division shall provide staff support for the commission.

27 (i) Any appointed member serving on the commission on October 1,  
28 2021, may continue to serve until the expiration of his or her term. On  
29 and after October 1, 2021, each nomination for appointment to the  
30 commission by the Governor shall be referred, without debate, to the  
31 joint standing committee of the General Assembly having cognizance of  
32 matters relating to the judiciary which shall report on each appointment  
33 not later than thirty days after the date of reference. Each appointment  
34 by the General Assembly of any such commission member shall be by  
35 concurrent resolution.

36 Sec. 2. Subsection (b) of section 51-278 of the general statutes is  
37 repealed and the following is substituted in lieu thereof (*Effective from*  
38 *passage*):

39 (b) (1) (A) The Criminal Justice Commission shall appoint (i) two  
40 deputy chief state's attorneys as assistant administrative heads of the  
41 Division of Criminal Justice, one of whom shall be deputy chief state's  
42 attorney for operations and one of whom shall be deputy chief state's  
43 attorney for personnel, finance and administration, who shall assist the  
44 Chief State's Attorney in his duties, and (ii) one deputy chief state's  
45 attorney who shall be [nominated] appointed by the commission, as  
46 provided in subdivision (8) of this subsection, to serve as Inspector

47 General in accordance with section 51-277e, as amended by this act, who  
48 shall receive his or her prosecutorial powers as a designee of the Chief  
49 State's Attorney. The term of office of a deputy chief state's attorney  
50 shall be four years from July first in the year of appointment and until  
51 the appointment and qualification of a successor unless sooner removed  
52 by the Criminal Justice Commission. The Criminal Justice Commission  
53 shall designate one deputy chief state's attorney appointed under  
54 subparagraph (A)(i) of this subsection who shall, in the absence or  
55 disqualification of the Chief State's Attorney, exercise the powers and  
56 duties of the Chief State's Attorney until such Chief State's Attorney  
57 resumes his duties. For the purposes of this subparagraph, the Criminal  
58 Justice Commission means the members of the commission other than  
59 the Chief State's Attorney. (B) The Criminal Justice Commission shall  
60 appoint a state's attorney for each judicial district, who shall act therein  
61 as attorney on behalf of the state. The Criminal Justice Commission shall  
62 also appoint, from candidates recommended by the appropriate state's  
63 attorney and deemed qualified by the commission, as many assistant  
64 state's attorneys and deputy assistant state's attorneys on a full-time or  
65 part-time basis for each judicial district as the criminal business of the  
66 court, in the opinion of the Chief State's Attorney, may require, and the  
67 commission shall also appoint, from candidates recommended by the  
68 Chief State's Attorney and deemed qualified by the commission, as  
69 many assistant state's attorneys and deputy assistant state's attorneys as  
70 are necessary, in the opinion of the Chief State's Attorney, to assist the  
71 Chief State's Attorney. Assistant state's attorneys and deputy assistant  
72 state's attorneys, respectively, shall assist the state's attorneys for the  
73 judicial districts and the Chief State's Attorney in all criminal matters  
74 and, in the absence from the district or disability of the state's attorney  
75 or at his request, shall have and exercise all the powers and perform all  
76 the duties of state's attorney. At least three such assistant state's  
77 attorneys or deputy assistant state's attorneys shall be designated by the  
78 Chief State's Attorney to handle all prosecutions in the state of housing  
79 matters deemed to be criminal. Any assistant or deputy assistant state's  
80 attorney so designated should have a commitment to the maintenance  
81 of decent, safe and sanitary housing and, to the extent practicable, shall

82 handle housing matters on a full-time basis. At least one assistant state's  
83 attorney shall be designated by the Chief State's Attorney to handle all  
84 prosecutions in the state of environmental matters deemed to be  
85 criminal. Any assistant state's attorney so designated should have a  
86 commitment to protecting the environment and, to the extent  
87 practicable, shall handle environmental matters on a full-time basis. (C)  
88 The Chief State's Attorney may promote any assistant state's attorney,  
89 or deputy assistant state's attorney who assists him, and the appropriate  
90 state's attorney may promote any assistant state's attorney or deputy  
91 assistant state's attorney who assists such state's attorney in the judicial  
92 district. The Chief State's Attorney shall notify the Criminal Justice  
93 Commission of any such promotion.

94 (2) On and after July 1, 1985, the Chief State's Attorney, deputy chief  
95 state's attorneys, state's attorneys, assistant state's attorneys and deputy  
96 assistant state's attorneys shall receive salaries in accordance with a  
97 compensation plan approved by the Department of Administrative  
98 Services.

99 (3) Each state's attorney who, on June 30, 1973, was included in the  
100 provisions of sections 51-49, 51-287 and 51-288 may elect to continue to  
101 be so included and, each state's attorney, incumbent on July 1, 1978, who  
102 was an assistant state's attorney, chief prosecuting attorney or deputy  
103 chief prosecuting attorney on June 30, 1973, may elect to be included in  
104 sections 51-49, 51-287 and 51-288, and, in each such case, the  
105 Comptroller shall deduct from his salary five per cent thereof as  
106 contributions for the purposes of sections 51-49, 51-287 and 51-288,  
107 provided any person who has so elected may thereafter elect to  
108 participate in chapter 66 and thereupon his past contributions to the  
109 State's Attorneys' Retirement Fund shall be transferred to the State  
110 Employees Retirement Fund and he shall be credited with all prior  
111 service. All other persons appointed under the provisions of this section  
112 shall be subject to the provisions of chapter 66.

113 (4) Each Chief State's Attorney, deputy chief state's attorney or state's  
114 attorney who (A) is ineligible to elect under subdivision (3) of this

115 subsection, (B) is not subject to the provisions of chapter 66, and (C) had  
116 vested under the State Employees Retirement Fund, prior to his  
117 appointment to such office, shall vest under the State's Attorneys'  
118 Retirement Fund upon reappointment to any such office by the Criminal  
119 Justice Commission.

120 (5) The several state's attorneys shall each hold office for eight years  
121 from July first and until the appointment and qualification of a successor  
122 unless sooner removed for just cause by the Criminal Justice  
123 Commission.

124 (6) When any vacancy in the office of the Chief State's Attorney or the  
125 office of a state's attorney is to be filled, the commission shall make its  
126 appointment from the various recommendations of the Chief State's  
127 Attorney or the appropriate state's attorney. The commission shall  
128 determine how many recommendations it shall require for each  
129 appointment.

130 (7) Each deputy chief state's attorney and state's attorney incumbent  
131 on the date of certification by the Secretary of the State of the  
132 constitutional amendment concerning appointment of state's attorneys,  
133 shall serve the term for which he had been appointed prior to said date.

134 (8) When any appointment of a deputy chief state's attorney to serve  
135 as Inspector General in accordance with section 51-277e, as amended by  
136 this act, is to be made, the commission shall make such appointment by  
137 majority vote. In the event that there is a tie vote for such appointment,  
138 the chairperson of the commission shall select the nominee from  
139 amongst the candidates in the tie position and said candidate shall be  
140 appointed to serve as Inspector General.

141 Sec. 3. Section 51-279a of the general statutes is repealed and the  
142 following is substituted in lieu thereof (*Effective October 1, 2021*):

143 The Division of Criminal Justice Advisory Board is established,  
144 comprised of a nonvoting member designated by the Criminal Justice  
145 Commission, the Chief State's Attorney or his designee and the state's

146 attorney for each judicial district or his designee. The board shall meet  
147 at least once a month to advise on state-wide prosecutorial standards  
148 and guidelines and other policy matters, including peer review and  
149 resolution of conflicts. The board shall adopt such rules as it deems  
150 necessary for the conduct of its internal affairs.

151 Sec. 4. Section 51-280 of the general statutes is repealed and the  
152 following is substituted in lieu thereof (*Effective October 1, 2021*):

153 The Chief State's Attorney and each state's attorney shall biennially  
154 prepare a merit and performance rating for each state's attorney,  
155 assistant state's attorney and deputy assistant state's attorney and shall  
156 submit the biennial merit and performance rating conducted pursuant  
157 to the policy of the Division of Criminal Justice for each state's attorney  
158 to the Criminal Justice Commission for its consideration at the time for  
159 reappointing such attorneys to any new term or terms. As part of any  
160 such biennial merit and performance rating process, the commission  
161 may call a state's attorney before the commission for questions  
162 concerning any issue raised in a biennial merit and performance rating.

163 Sec. 5. Section 51-285 of the general statutes is repealed and the  
164 following is substituted in lieu thereof (*Effective October 1, 2021*):

165 (a) The Chief State's Attorney may [appoint] recommend to the  
166 Criminal Justice Commission for appointment by said commission  
167 special assistant state's attorneys, special deputy assistant state's  
168 attorneys and special inspectors on a contractual basis for a temporary  
169 period of time.

170 (b) Upon the request of the Attorney General, the Chief State's  
171 Attorney may designate any attorney requested by the Attorney  
172 General as a special assistant state's attorney to prosecute any criminal  
173 offense, except violations of titles 9, 14, 18, 29, 46a, 53 and 53a, chapters  
174 420b and 420c of title 21a and sections 17b-97 and 17b-99. If such  
175 designation of any attorney is denied, the Chief State's Attorney shall  
176 state the reasons for such denial in writing.

177 (c) The Chief State's Attorney may designate any assistant state's  
178 attorney from the office of the Chief State's Attorney or any other  
179 assistant state's attorney on request of the appropriate state's attorney  
180 for appointment as a special assistant United States attorney to assist in  
181 the investigation and prosecution of specific criminal matters in federal  
182 court.

183 Sec. 6. Section 51-277e of the general statutes is repealed and the  
184 following is substituted in lieu thereof (*Effective from passage*):

185 (a) There is established the Office of the Inspector General that shall  
186 be [an independent] a separate office within the Division of Criminal  
187 Justice. Not later than October 1, [2020] 2021, the Criminal Justice  
188 Commission established pursuant to section 51-275a, as amended by  
189 this act, shall [nominate] appoint a deputy chief state's attorney [from  
190 within the division] as Inspector General who [, subject to appointment  
191 by the General Assembly pursuant to subsection (c) or (d) of this  
192 section,] shall lead the Office of the Inspector General. The office shall:  
193 (1) Conduct investigations of peace officers in accordance with section  
194 51-277a, as amended by this act; (2) prosecute any case in which the  
195 Inspector General determines a peace officer used force found to not be  
196 justifiable pursuant to section 53a-22 or where a police officer or  
197 correctional officer fails to intervene in any such incident or to report  
198 any such incident, as required under subsection (a) of section 7-282e or  
199 section 18-81nn, as applicable; and (3) make recommendations to the  
200 Police Officer Standards and Training Council established under section  
201 7-294b concerning censure and suspension, renewal, cancelation or  
202 revocation of a peace officer's certification.

203 (b) The Inspector General shall serve a term of four years [. On or  
204 before the date of the expiration of the term of the Inspector General or  
205 upon the occurrence of a vacancy in the Office of the Inspector General  
206 for any reason, the Criminal Justice Commission shall nominate a  
207 deputy chief state's attorney from within the Division of Criminal  
208 Justice to fill that vacancy] from July first in the year of the appointment  
209 unless sooner removed by the Criminal Justice Commission. The

210 commission shall not be precluded from [renominating] reappointing  
211 an individual who has previously served as Inspector General. [The  
212 Inspector General shall, upon nomination by the commission, be  
213 appointed by the General Assembly pursuant to subsection (c) or (d) of  
214 this section.]

215 [(c) Each nomination made by the Criminal Justice Commission to the  
216 General Assembly for Inspector General shall be referred, without  
217 debate, to the joint standing committee of the General Assembly having  
218 cognizance of matters relating to the judiciary, which shall report on the  
219 nomination not later than thirty legislative days from the time of  
220 reference, but no later than seven legislative days before the adjourning  
221 of the General Assembly. An appointment by the General Assembly of  
222 an Inspector General shall be by concurrent resolution. The action on  
223 the passage of each such resolution in the House and in the Senate shall  
224 be by vote taken on the electrical roll-call device. The commission shall,  
225 not later than five days after receiving notice that a nomination for  
226 Inspector General has failed to be approved by the affirmative  
227 concurrent action of both houses of the General Assembly, make  
228 another nomination for Inspector General.

229 (d) No vacancy in the position of Inspector General shall be filled by  
230 the Criminal Justice Commission when the General Assembly is not in  
231 session unless, prior to such filling, the commission submits the name  
232 of the proposed vacancy appointee to the joint standing committee of  
233 the General Assembly having cognizance of matters relating to the  
234 judiciary. Within forty-five days, the committee on the judiciary may,  
235 upon the call of either chairman, hold a special meeting for the purpose  
236 of approving or disapproving such proposed vacancy appointee by  
237 majority vote. Failure of the committee to act on such proposed vacancy  
238 appointee within such forty-five-day period shall be deemed to be an  
239 approval. Any appointment made pursuant to this subsection shall be  
240 in effect until the sixth Wednesday of the next regular session of the  
241 General Assembly, and until a successor is appointed.

242 (e) A deputy chief state's attorney nominated for the position of



243 Inspector General by the Criminal Justice Commission shall serve as  
244 interim Inspector General pending appointment by the General  
245 Assembly.]

246 [(f)] (c) An Inspector General may be removed or otherwise  
247 disciplined only in accordance with section 51-278b.

248 [(g)] (d) The Inspector General may issue subpoenas to  
249 municipalities, law enforcement units, as defined in section 7-294, the  
250 Department of Correction and any employee or former employee of the  
251 municipality, unit or department (1) requiring the production of reports,  
252 records or other documents concerning an investigation described in  
253 subsection (a) of this section that is undertaken by the Inspector General,  
254 and (2) compelling the attendance and testimony of any person having  
255 knowledge pertinent to such investigation.

256 [(h)] (e) A chief of police of a municipality, the Commissioner of  
257 Emergency Services and Public Protection or the Commissioner of  
258 Correction may refer and the Inspector General shall accept any such  
259 referral of an incident described in subsection (a) of this section for  
260 purposes of an investigation.

261 [(i)] (f) The Office of the Inspector General shall be at a location that  
262 is separate from the locations of the Office of the Chief State's Attorney  
263 or any of the state's attorneys for the judicial districts.

264 [(j)] (g) The Inspector General may employ necessary staff to fulfil the  
265 duties of the Office of the Inspector General described in subsection (a)  
266 of this section. Such staff shall be selected [from staff of the Division of  
267 Criminal Justice] by the Inspector General within the confines of any  
268 existing collective bargaining agreement and shall include, but not be  
269 limited to, an assistant state's attorney or a deputy assistant state's  
270 attorney, an inspector and administrative staff. As needed by and upon  
271 request of the Inspector General, the Office of the Chief State's Attorney  
272 shall ensure assistance from additional assistant state's attorneys or  
273 deputy assistant state's attorneys, inspectors and administrative staff.

274 [(k) The Inspector General and any staff employed by the Office of  
275 the Inspector General, who is not in a bargaining unit established  
276 pursuant to sections 5-270 to 5-280, inclusive, shall, upon completion of  
277 employment with the office of the Inspector General be transferred back  
278 to the Division of Criminal Justice into a position equivalent or  
279 comparable to the position such person held in the division prior to  
280 being employed by the Office of the Inspector General. Upon such  
281 transfer back to the division, such person shall be compensated at the  
282 same level such person was compensated immediately prior to being  
283 transferred back to the division.]

284 Sec. 7. Section 51-277a of the general statutes is repealed and the  
285 following is substituted in lieu thereof (*Effective from passage*):

286 (a) (1) Whenever a peace officer, in the performance of such officer's  
287 duties, uses physical force upon another person and such person dies as  
288 a result thereof or uses deadly force, as defined in section 53a-3, upon  
289 another person, the [Inspector General shall investigate and determine]  
290 Division of Criminal Justice shall cause an investigation to be made and  
291 the Inspector General shall have the responsibility of determining  
292 whether the use of physical force by the peace officer was justifiable  
293 under section 53a-22.

294 (2) (A) Except as provided under subdivision (1) of this subsection,  
295 whenever a person dies in the custody of a peace officer or law  
296 enforcement agency, the Inspector General shall investigate and  
297 determine whether physical force was used by a peace officer upon the  
298 deceased person, and if so, whether the use of physical force by the  
299 peace officer was justifiable under section 53a-22. If the Inspector  
300 General determines the deceased person may have died as a result of [a  
301 possible] criminal action not involving the use of force by a peace officer,  
302 the Inspector General shall refer such case to the [Division of Criminal  
303 Justice] Chief State's Attorney or state's attorney for potential  
304 prosecution.

305 (B) Except as provided under subdivision (1) of this subsection or

306 subparagraph (A) of subdivision (2) of this subsection, whenever a  
307 person dies in the custody of the Commissioner of Correction, the  
308 Inspector General shall investigate and determine whether the deceased  
309 person may have died as a result of [a possible] criminal action, and, if  
310 so, refer such case to the [Division of Criminal Justice] Chief State's  
311 Attorney or state's attorney for potential prosecution.

312 (3) The Inspector General shall request the appropriate law  
313 enforcement agency to provide such assistance as is necessary to  
314 [determine the circumstances of an incident investigated] investigate  
315 and make a determination under subdivision (1) or (2) of this  
316 subsection.

317 (4) Whenever a peace officer, in the performance of such officer's  
318 duties, uses physical force or deadly force upon another person and  
319 such person dies as a result thereof, the Inspector General shall complete  
320 a preliminary status report that shall include, but need not be limited to,  
321 (A) the name of the deceased person, (B) the gender, race, ethnicity and  
322 age of the deceased person, (C) the date, time and location of the injury  
323 causing such death, (D) the law enforcement agency involved, (E) the  
324 status on the toxicology report, if available, and (F) the death certificate,  
325 if available. The Inspector General shall complete the report and submit  
326 a copy of such report not later than five business days after the cause of  
327 the death is available to the Chief State's Attorney and, in accordance  
328 with the provisions of section 11-4a<sub>2</sub>, to the joint standing committees of  
329 the General Assembly having cognizance of matters relating to the  
330 judiciary and public safety.

331 (b) Upon the conclusion of the investigation of the incident, the  
332 Inspector General shall file a report with the Chief State's Attorney  
333 which shall contain the following: (1) The circumstances of the incident,  
334 (2) a determination of whether the use of physical force by the peace  
335 officer was justifiable under section 53a-22, and (3) any recommended  
336 future action to be taken by the Office of the Inspector General as a result  
337 of the incident. The Chief State's Attorney shall provide a copy of the  
338 report to the chief executive officer of the municipality in which the

339 incident occurred and to the Commissioner of Emergency Services and  
340 Public Protection or the chief of police of such municipality, as the case  
341 may be, and shall make such report available to the public on the  
342 Division of Criminal Justice's Internet web site not later than forty-eight  
343 hours after the copies are provided to the chief executive officer and the  
344 commissioner or chief of police.

345 (c) The Office of the Inspector General shall prosecute any case in  
346 which the Inspector General determines that (1) the use of force by a  
347 peace officer was not justifiable under section 53a-22, [and any] or (2)  
348 there was a failure to intervene in [any] such incident or to report any  
349 such incident, as required under subsection (a) of section 7-282e or  
350 section 18-81nn.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	51-275a
Sec. 2	<i>from passage</i>	51-278(b)
Sec. 3	<i>October 1, 2021</i>	51-279a
Sec. 4	<i>October 1, 2021</i>	51-280
Sec. 5	<i>October 1, 2021</i>	51-285
Sec. 6	<i>from passage</i>	51-277e
Sec. 7	<i>from passage</i>	51-277a

**JUD**      *Joint Favorable Subst.*