

**Police Transparency and Accountability Task Force
Logistics Subcommittee**

Draft Recommendation 1

Because Connecticut relies upon police officers to enforce criminal law, and because of the due process dispensed prior to a finding of guilt beyond a reasonable doubt, it is recommended a conviction for a felony or drug possession violation pursuant to Connecticut General Statute §21a-279 shall be grounds for automatic decertification by the Police Officer Standards and Training Council (POSTC).

A chief of any law enforcement unit or commissioner of the Department of Emergency Services and Public Protection (DESPP) shall notify POSTC in writing within 48 hours of becoming aware that any certified police officer currently employed by that unit has been convicted of a felony or convicted of a violation of section 21a-279, and provide such documentation as required by POSTC. Upon notification, POSTC shall immediately revoke the certification of the officer.

If an officer resigns or is terminated from a law enforcement unit or DESPP before a conviction, he or she shall surrender certification to POSTC and may not be hired by another law enforcement unit until a final disposition of not guilty or dismissal of those charges by the court.

An automatic decertification may only be appealed to POSTC by the certificate holder if (1) the conviction is overturned or vacated by the court, (2) the certificate holder is employed by or has a valid offer of employment from a law enforcement unit or DESPP, *and* (3) the chief of the law enforcement unit employing the certificate holder at the time of the alleged offense or DESPP commissioner provides written documentation in support of reinstatement of the holder's certificate. The certification holder shall apply for reinstatement, in a process proscribed by POSTC, including the providing the official court transcript of the appeal and any other documentation required by POSTC. POSTC executive director has discretion to accept or deny the application for review in a manner to be determined by the council.

POSTC may approve or deny reinstatement of certification and shall articulate in writing its decision. If POSTC reinstates certification, it shall impose any training or other requirements that shall be completed by the certificate holder prior to full reinstatement of the police officer certification and remove the officer's name from CDD and NDI. If POSTC denies reinstatement, there shall be no further appeal to Superior Court^[RLM1].

Rationale

As a result of rogue officers and failures to properly address clearly wrongful actions, Police throughout the country are facing a crisis of confidence and legitimacy within the communities they serve^[SS2]. Police must share a common set of values with the communities they serve and be held accountable for the outcomes of their services.

There are various ways to improve public confidence and trust in police and enhance transparency and accountability. It is critical to ensure that department policies are followed and enforced, and officers do not break the law. An officer convicted of a felony or drug

possession violation is fundamentally unsuitable and unfit to continue to police a community. A criminal conviction is incompatible with the goals and standards of policing. It erodes and undermines the public's confidence in law enforcement.

Police officers charged with a crime, like all defendants, are afforded certain due process rights and procedural protections whether at trial or as a result of a negotiated plea. A defendant convicted at trial has the right to appeal a conviction under the protections of due process rights; defendants who accept a negotiated plea waive the right to appeal the conviction and sentence.

Therefore, an officer convicted of a felony or drug possession violation and subjected to automatic decertification has had sufficient opportunity to avail him or herself of all due process rights and procedural protections that criminal procedure provides to all criminal defendants. An information hearing or full administrative hearing would not offer the certificate holder any further fact-finding or rights. A criminal conviction imposed by the court is a reliable basis for POSTC automatic decertification.

Recommendation 2

POSTC shall develop a best practices model for conducting internal investigations that shall be adopted by law enforcement units and DESPP, that includes but is not limited to: (1) intake, processing and classification of complaints; (2) investigation and interview protocols, reporting standards, and evidence gathering and processing; (3) investigations during lawsuits and post-resignation investigations; and (4) mediation, adjudication and disposition.

By January 1, 2022, POSTC shall develop curriculum and provide training for officers assigned to internal investigation units. The curriculum should recognize the difference in roles and responsibilities between investigative staff and command staff. Law enforcement units shall have significantly adopted such training and best practices by January 1, 2025. Failure to do so will prevent Connecticut from granting accreditation to such units.^[SS3]

Rationale

Ensuring ethical and legal conduct among police officers and a transparent and fair internal investigation process is essential in building and maintaining mutual trust and respect between police departments and the public.

POSTC decertification process is dependent upon the internal investigation conducted by the law enforcement unit or DESPP referring the case. There is disparity in the investigative process and records, and little means of assuring the use of best practices in internal police investigations across Connecticut. Having a best practice model adopted throughout the police departments statewide will enable law enforcement units and those they serve to have confidence that the base level of competency and consistency established by these best practices in ways that nonetheless enable those units to incorporate differences appropriate to their respective collective bargaining agreements, organizational and political cultures, and local communities.

Recommendation 3

POSTC shall report to the Office of Policy and Management (OPM) any municipal police department chief or DESPP commission who fails to comply with its mandated reporting policy^[SS4]. OPM shall consider ordering the withholding of state funds to such municipal police department or DESPP.

POSTC shall adopt standards for compliance with the mandatory reporting requirement in the Connecticut Law Enforcement Standards Policies and Practices (CLESP). Failure to comply shall result in loss of accreditation in one or more CLESP tiers^[RLM5]^[SS6].

Rationale

POSTC requires police chief and DESPP commission to report and provide documentation of all violations of: (1) unreasonable, excessive, or illegal use of force that caused or would reasonably cause death or serious physical injury to another person, (2) duty to intervene to stop the unreasonable, excessive or illegal use of force or to fail to notify a supervisor, (3) intentional intimidation or harassment of a member of a protected class, and (4) prohibition against hiring police officer dismissed for misconduct or who resigned or retired while under investigation.

Under this policy, failure to notify POSTC and supply all required documentation shall result in delays or refusal to bring a request to the POST Council Certification Committee for review. POSTC presently has no consequence to departments for failure to comply with the mandated reporting requirement. POSTC should have some authority and options to deal with noncompliance.