

Logistics Subcommittee Recommendation Regarding Inspector General (09/08/2020)

Background:

The Connecticut Bar Association Policing Task Force shared a draft recommendation regarding the Inspector General position with the Logistics Subcommittee during our September 8, 2020 meeting. After careful consideration, the subcommittee endorsed the recommendation outlined below. The recommendation reflects the consensus of the subcommittee.

Recommendation:

Section 33 of Public Act 20-1 should be modified to permit candidates outside of the Division of Criminal Justice be eligible for the position of Inspector General and for positions within the staff of the Inspector General's Office.

Implementation of Section 33 should be delayed until April 1, 2021 if the recommended change is unable to be made prior to the appointment of a candidate.

Rationale:

An Act Concerning Police Accountability, Bill 6004 ("the Act"), Section 33(a) states:

"There is established the Office of the Inspector General that shall be an independent office within the [Connecticut State] Division of Criminal Justice. Not later than October 1, 2020, the Criminal Justice Commission . . . shall nominate a deputy chief state's attorney from within the division as Inspector General who . . . shall lead the Office of the Inspector General. The office shall: (1) Conduct investigations of peace officers . . .; (2) prosecute any case in which the Inspector General determines a peace officer used force found to not be justifiable . . . or where a police officer or correctional officer fails to intervene in any such incident or to report any such incident . . .; and (3) make recommendations to the Police Officer Standards and Training Council . . . concerning censure and suspension, renewal, cancelation or revocation of a peace officer's certification."

The Act requires that all candidates for the position of Inspector General (IG) and for IG staff positions be from within the Division of Criminal Justice ("DCJ"). See also Section 33(j) (IG Office Staff). This precludes the Criminal Justice Commission from making selections from a larger pool of well-qualified candidates including, but not limited to, federal prosecutors, private practitioners from the plaintiff's bar and/or civil rights attorneys. As these other potential candidates are independent from the DCJ, they would avoid the appearance of a conflict of interest which members of the DCJ will face as they regularly work with police officers some of whom will be the subject of the IG investigations. As it is critical that these investigations have the full confidence of the public and avoid any appearance of a lack of independence, we recommend that the Act be amended to allow the Criminal Justice Commission to consider candidates outside of the DCJ for the position of IG as well as IG staff positions.