

Police Accountability and Transparency Task Force
Logistics Subcommittee
Police Union Contracts

Recommendation

It is recommended a legislative task force be established to assess the process of state and municipal police union collective bargaining specifically in the contractual development of police internal investigation and disciplinary procedures to ensure accountability, fairness, equity, and transparency. The task force shall, if necessary, make recommendations to amend state labor laws to increase accountability and transparency in the departmental investigation and discipline of alleged misconduct or criminal actions by police officers. The review shall include, but not be limited to:

- State labor laws and civil service regulations and explore removing police disciplinary procedures from the list of appropriate subjects for collective bargaining;
- Existing due process, procedural safeguards, and contractual limits on internal investigations and disciplinary actions established through collective bargaining;
- Internal and external investigation and disciplinary policies and procedures for non-union POSTC certified officers;
- Role of civilian review boards and police commissions in the disciplinary process;
- Disproportionate impact of the internal investigation and disciplinary processes, if any, on police officers identified as members of protected classes;
- Departmental appeal and grievance process and outcomes and the use and outcomes of arbitration after departmental discipline is imposed;
- Costs associated with internal investigations, disciplinary actions, arbitration, and civil suits and settlements;
- Options to allow for public input such public hearings or notice-and-comment before agreeing to a package of disciplinary procedures via closed collective bargaining negotiations; and
- Alternatives discipline processes such as discipline matrix, education-based discipline, early intervention, mediation, peer review, and other non-punitive processes.

The task force shall be comprised of the key stakeholders that represent the various communities across the state in the collective bargaining process including, but not limited to:

- POSTC member;
- municipal elected officials;
- municipal police administrators,
- commanding officer of the Connecticut State Police;
- state and municipal police union representatives;
- negotiators for police unions and the state and municipalities;
- municipal and police union attorneys;
- academics and experts in labor law and collective bargaining;

- attorneys experienced in the representation of police officers in departmental disciplinary proceedings, arbitration, and civil or criminal cases;
- state legislators;
- Representative from the Commission on Human Rights and Opportunities (CHRO);
- community representatives specifically from minority groups most at risk of experiencing police misconduct;
- POSTC certified police officers; and
- representatives from fraternal police organizations including those that represent officers of protected classes (e.g., The Guardians, Hispanic Officers Association, Connecticut Association Women Police, and associations representing LGBTQ officers, etc.)

The task force co-chairpersons shall be appointed by the speaker of the House of Representatives and the president pro tempore of the Senate.

The task force shall collaborate with a state institute of higher education to staff and assist during the review. The task force shall issue its report to the legislative committees having cognizance over labor, public safety, government, and law by December 2023.

Rationale

The Connecticut Police Accountability and Transparency Task Force is required to submit its final report to the state legislature in December 2021. In light of that deadline, the work of the task force and its various subcommittees must be completed by early December.

The Logistics Committee began a review of the collective bargaining process for police union contracts in October 2021. The focus of the review was narrowed to examine the contractual development of police department internal investigation and disciplinary policies and procedures during police union contract negotiations. There are 94 municipal police departments and the Connecticut State Police, each with its own police union contract. Given this, the complexity of this issue quickly became apparent.

Therefore, the Logistics Subcommittee did not have enough time to sufficiently complete a full review of the issues of negotiating departmental internal investigation and discipline policies during collective bargaining. It recognized the importance of this issue and that there may be opportunities to improve the process for municipalities and the state employers, police officers, and the citizens they protect and serve. The committee found, therefore, that a legislative task force comprised of all stakeholders and subject matter experts should conduct a comprehensive review and, if necessary, make recommendations.