



# OLR RESEARCH REPORT

November 9, 2007

2007-R-0654

## **PROPOSAL 1:**

### **AN ACT CONCERNING THE PARTICIPATION OF PROBATION OFFICERS IN WARRANT SQUADS.**

By: Kevin E. McCarthy, Principal Analyst

You asked us to summarize Proposal 1, *AAC the Participation of Probation Officers in Warrant Squads* for the Judiciary Committee public hearing scheduled for November 27, 2007.

#### **SUMMARY**

The bill specifies that any probation officer who in the discharge of his or her duties acts as a member of an ad hoc fugitive task force that seeks out and arrests persons who have unexecuted state and federal warrants lodged against them is considered to be acting as a state employee while carrying out the duties of the task force. The bill is effective upon passage.

#### **CURRENT PRACTICE**

The Judicial Branch has authorized certain probation officers to participate on an ad hoc fugitive task force with the U.S. Marshal Service. The task force apprehends individuals wanted on state and federal warrants, including violation of probation warrants. The participating agencies determine which outstanding warrants the task force will work on and how often and when apprehension teams will operate.

## **RELATED LAWS**

Under CGS § 5-141d, the state must indemnify any state employee from financial loss and expense arising from any claim or judgment by reason of his alleged negligence or alleged deprivation of any person's civil rights or other act or omission that results in damage or injury, if the employee is found to have been acting in the discharge of his duties or within the scope of his employment and the act or omission is found not to have been wanton, reckless, or malicious.

The state, through the attorney general, must provide for the defense of the employee in any civil action or proceeding in state or federal court arising out of an alleged act, omission, or deprivation that occurred or is alleged to have occurred while he or she was acting in the discharge of his or her duties or in the scope of his employment. But this is not required when the Attorney General, based on his investigation of the facts and circumstances of the case, determines that it would be inappropriate to do so and so notifies the employee in writing.

The state must bear the legal fees and costs incurred as a result of the retention of an attorney by the employee to defend his or her interests in such civil actions or proceedings only in those cases where (1) the attorney general has stated in writing to the employee that the state will not provide an attorney to defend the employee's interests; and (2) the employee is thereafter found to have acted in the discharge of his duties or in the scope of his employment, and not wantonly, recklessly or maliciously. The employee's legal fees and costs must be paid to the employee after the final disposition of the suit, claim or demand and in amounts the attorney general considers reasonable.

Under CGS § 5-143, a state employee who sustains an injury "arising out of and in the course of his employment" is eligible for compensation under the workers' compensation law.

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