



**Substitute Senate Bill No. 892**

**Public Act No. 21-8**

**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:

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 Section 51-275a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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

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

**Substitute Senate Bill No. 892**

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

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

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

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

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

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 Subsection (b) of section 51-278 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) (A) The Criminal Justice Commission shall appoint (i) two deputy chief state's attorneys as assistant administrative heads of the Division of Criminal Justice, one of whom shall be deputy chief state's attorney for operations and one of whom shall be deputy chief state's attorney for personnel, finance and administration, who shall assist the

**Substitute Senate Bill No. 892**

Chief State's Attorney in his duties, and (ii) one deputy chief state's attorney who shall be [nominated] appointed by the commission, as provided in subdivision (8) of this subsection, to serve as Inspector General in accordance with section 51-277e, as amended by this act, who shall receive his or her prosecutorial powers as a designee of the Chief State's Attorney. The term of office of a deputy chief state's attorney shall be four years from July first in the year of appointment and until the appointment and qualification of a successor unless sooner removed by the Criminal Justice Commission. The Criminal Justice Commission shall designate one deputy chief state's attorney appointed under subparagraph (A)(i) of this subsection who shall, in the absence or disqualification of the Chief State's Attorney, exercise the powers and duties of the Chief State's Attorney until such Chief State's Attorney resumes his duties. For the purposes of this subparagraph, the Criminal Justice Commission means the members of the commission other than the Chief State's Attorney. (B) The Criminal Justice Commission shall appoint a state's attorney for each judicial district, who shall act therein as attorney on behalf of the state. The Criminal Justice Commission shall also appoint, from candidates recommended by the appropriate state's attorney and deemed qualified by the commission, as many assistant state's attorneys and deputy assistant state's attorneys on a full-time or part-time basis for each judicial district as the criminal business of the court, in the opinion of the Chief State's Attorney, may require, and the commission shall also appoint, from candidates recommended by the Chief State's Attorney and deemed qualified by the commission, as many assistant state's attorneys and deputy assistant state's attorneys as are necessary, in the opinion of the Chief State's Attorney, to assist the Chief State's Attorney. Assistant state's attorneys and deputy assistant state's attorneys, respectively, shall assist the state's attorneys for the judicial districts and the Chief State's Attorney in all criminal matters and, in the absence from the district or disability of the state's attorney or at his request, shall have and exercise all the powers and perform all the duties of state's attorney. At least three such assistant state's

***Substitute Senate Bill No. 892***

attorneys or deputy assistant state's attorneys shall be designated by the Chief State's Attorney to handle all prosecutions in the state of housing matters deemed to be criminal. Any assistant or deputy assistant state's attorney so designated should have a commitment to the maintenance of decent, safe and sanitary housing and, to the extent practicable, shall handle housing matters on a full-time basis. At least one assistant state's attorney shall be designated by the Chief State's Attorney to handle all prosecutions in the state of environmental matters deemed to be criminal. Any assistant state's attorney so designated should have a commitment to protecting the environment and, to the extent practicable, shall handle environmental matters on a full-time basis. (C) The Chief State's Attorney may promote any assistant state's attorney, or deputy assistant state's attorney who assists him, and the appropriate state's attorney may promote any assistant state's attorney or deputy assistant state's attorney who assists such state's attorney in the judicial district. The Chief State's Attorney shall notify the Criminal Justice Commission of any such promotion.

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

(3) Each state's attorney who, on June 30, 1973, was included in the provisions of sections 51-49, 51-287 and 51-288 may elect to continue to be so included and, each state's attorney, incumbent on July 1, 1978, who was an assistant state's attorney, chief prosecuting attorney or deputy chief prosecuting attorney on June 30, 1973, may elect to be included in sections 51-49, 51-287 and 51-288, and, in each such case, the Comptroller shall deduct from his salary five per cent thereof as contributions for the purposes of sections 51-49, 51-287 and 51-288, provided any person who has so elected may thereafter elect to

**Substitute Senate Bill No. 892**

participate in chapter 66 and thereupon his past contributions to the State's Attorneys' Retirement Fund shall be transferred to the State Employees Retirement Fund and he shall be credited with all prior service. All other persons appointed under the provisions of this section shall be subject to the provisions of chapter 66.

(4) Each Chief State's Attorney, deputy chief state's attorney or state's attorney who (A) is ineligible to elect under subdivision (3) of this subsection, (B) is not subject to the provisions of chapter 66, and (C) had vested under the State Employees Retirement Fund, prior to his appointment to such office, shall vest under the State's Attorneys' Retirement Fund upon reappointment to any such office by the Criminal Justice Commission.

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

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

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

(8) When any appointment of a deputy chief state's attorney to serve as Inspector General in accordance with section 51-277e, as amended by this act, is to be made, the commission shall make such appointment by

***Substitute Senate Bill No. 892***

majority vote. In the event that there is a tie vote for such appointment, the chairperson of the commission shall select the nominee from amongst the candidates in the tie position and said candidate shall be appointed to serve as Inspector General.

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

The Division of Criminal Justice Advisory Board is established, comprised of a nonvoting member designated by the Criminal Justice Commission, the Chief State's Attorney or his designee and the state's attorney for each judicial district or his designee. The board shall meet at least once a month to advise on state-wide prosecutorial standards and guidelines and other policy matters, including peer review and resolution of conflicts. The board shall adopt such rules as it deems necessary for the conduct of its internal affairs.

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

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

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

(a) The Chief State's Attorney may [appoint] recommend to the

**Substitute Senate Bill No. 892**

Criminal Justice Commission for appointment by said commission special assistant state's attorneys, special deputy assistant state's attorneys and special inspectors on a contractual basis for a temporary period of time.

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

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

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

(a) There is established the Office of the Inspector General that shall be [an independent] a separate office within the Division of Criminal Justice. Not later than October 1, [2020] 2021, the Criminal Justice Commission established pursuant to section 51-275a, as amended by this act, shall [nominate] appoint a deputy chief state's attorney [from within the division] as Inspector General who [, subject to appointment by the General Assembly pursuant to subsection (c) or (d) of this section,] shall lead the Office of the Inspector General. The office shall: (1) Conduct investigations of peace officers in accordance with section 51-277a, as amended by this act; (2) prosecute any case in which the Inspector General determines a peace officer used force found to not be

**Substitute Senate Bill No. 892**

justifiable pursuant to section 53a-22 or where a police officer or correctional officer fails to intervene in any such incident or to report any such incident, as required under subsection (a) of section 7-282e or section 18-81nn, as applicable; and (3) make recommendations to the Police Officer Standards and Training Council established under section 7-294b concerning censure and suspension, renewal, cancelation or revocation of a peace officer's certification.

(b) The Inspector General shall serve a term of four years [ . On or before the date of the expiration of the term of the Inspector General or upon the occurrence of a vacancy in the Office of the Inspector General for any reason, the Criminal Justice Commission shall nominate a deputy chief state's attorney from within the Division of Criminal Justice to fill that vacancy] from July first in the year of the appointment unless sooner removed by the Criminal Justice Commission. The commission shall not be precluded from [renominating] reappointing an individual who has previously served as Inspector General. [The Inspector General shall, upon nomination by the commission, be appointed by the General Assembly pursuant to subsection (c) or (d) of this section.]

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



**Substitute Senate Bill No. 892**

concurrent action of both houses of the General Assembly, make another nomination for Inspector General.

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

(e) A deputy chief state's attorney nominated for the position of Inspector General by the Criminal Justice Commission shall serve as interim Inspector General pending appointment by the General Assembly.]

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

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

**Substitute Senate Bill No. 892**

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

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

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

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

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

**Substitute Senate Bill No. 892**

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

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

(B) Except as provided under subdivision (1) of this subsection or subparagraph (A) of subdivision (2) of this subsection, whenever a person dies in the custody of the Commissioner of Correction, the Inspector General shall investigate and determine whether the deceased person may have died as a result of [a possible] criminal action, and, if so, refer such case to the [Division of Criminal Justice] Chief State's Attorney or state's attorney for potential prosecution.

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

**Substitute Senate Bill No. 892**

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

(b) Upon the conclusion of the investigation of the incident, the Inspector General shall file a report with the Chief State's Attorney which shall contain the following: (1) The circumstances of the incident, (2) a determination of whether the use of physical force by the peace officer was justifiable under section 53a-22, and (3) any recommended future action to be taken by the Office of the Inspector General as a result of the incident. The Chief State's Attorney shall provide a copy of the report to the chief executive officer of the municipality in which the incident occurred and to the Commissioner of Emergency Services and Public Protection or the chief of police of such municipality, as the case may be, and shall make such report available to the public on the Division of Criminal Justice's Internet web site not later than forty-eight hours after the copies are provided to the chief executive officer and the commissioner or chief of police.

(c) The Office of the Inspector General shall prosecute any case in which the Inspector General determines that (1) the use of force by a peace officer was not justifiable under section 53a-22, [and any] or (2)

***Substitute Senate Bill No. 892***

there was a failure to intervene in [any] such incident or to report any such incident, as required under subsection (a) of section 7-282e or section 18-81nn.

Approved May 6, 2021