

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-892

AN ACT CONCERNING THE CRIMINAL JUSTICE COMMISSION, DIVISION OF

Title: CRIMINAL JUSTICE AND THE OFFICE OF THE INSPECTOR GENERAL.

Vote Date: 3/29/2021

Vote Action: Joint Favorable Substitute

PH Date: 2/22/2021

File No.:

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SPONSORS OF BILL:

The Judiciary Committee

Rep. Steve Stafstrom, 129th District

REASONS FOR BILL:

During the July 2020 Special Session, An Act Concerning Police Accountability was passed, establishing the Office of the Inspector General within the Division of Criminal Justice independent of the Chief State's Attorney to investigate police use of deadly force. This bill would require the Inspector General appointment be made by the Criminal Justice Commission and approved by the Connecticut General Assembly. This bill would make various changes to the Criminal Justice Commission including appointments, annual reviews, evaluations and recommendations for discipline of the Division of Criminal Justice, including appointment of a member of the Criminal Justice Commission to the Division of Criminal Justice's Advisory board.

SUBSTITUTE LANGUAGE:

The substitute language changes the process in which an Inspector General is confirmed by removing the requirement that the nomination go through the Connecticut General Assembly. It states that if there is a deadlock in nominating the Inspector General, the Chair of the Criminal Justice Commission shall be the tie-breaker. The substitute language clarifies that the Office of the Inspector General is a separate office within the Division of Criminal Justice and shall be selected within the confines of any existing collective bargaining agreement. The substitute language requires that Criminal Justice Commission members now be confirmed by the Judiciary Committee. The substitute language clarifies that the Criminal Justice Commission member is a nonvoting member of the Division of Criminal Justice's Advisory Board and annual reviews and evaluations are to occur biennially.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of Connecticut, Division of Criminal Justice supports the creation of the Office of the Inspector General understands and appreciates the concept of an independent Inspector General, and it finds no constitutional fault with legislation which bestows upon the Inspector General the authority to investigate the use of force by law enforcement officials, and to recommend prosecution in appropriate cases. It was stated that the authority to make the decision to prosecute rest exclusively with the Chief State's Attorney or a state's attorney.

Such a requirement will not undermine or impugn the independence of Inspector General because neither the Chief State's Attorney, nor a state's attorney, can credibly refuse to ratify a well-founded recommendation by the Inspector General to prosecute a particular case. Transparency and accountability are ensured by the existing requirements that interim and final reports be prepared, submitted, and publicly available, and by any other public disclosures that the Inspector General chooses to make.

NATURE AND SOURCES OF SUPPORT:

None stated.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Association of Prosecutors, President, Charles M. Stango opposes this bill stating that it would give the Criminal Justice Commission the authority to remove, terminate or discipline unionized prosecutors which contradicts the collective bargaining agreement between the unionized prosecutors and State of Connecticut. (This opposition was satisfied by the substitute language.)

ACLU-CT, Interim Senior Policy Counsel, Kelly McConney Moore opposes this bill stating that the Inspector General must be appointed with speed and clarity which would not happen with the current language requiring the Inspector General to be confirmed by the Connecticut General Assembly. It is stated that designating the Chief State's Attorney to be the tiebreaker after purposefully excluding the Chief State's Attorney from voting on the nominee position, could destroy the appearance of independence of the Inspector General. It is encouraged that the Committee selects a different tiebreaker process (which was addressed in substitute language).

Connecticut, Resident, Maureen Blum opposes this bill stating that the Inspector General position should be elected, not appointed.

Reported by: Justin Kaiser

Date: April 6, 2021