

Legislative History for Connecticut Act

SB 449	PA 219	1996
Senate :	866, 4017-4023	(8)
House :	6359-6376	(18)
Legislative Management :	5-14, 20-26	(17)
	total	43 pg

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1996

VOL. 39
PART 3
618-992

So ordered.

SEN. FLEMING:

Calendar 184. Madam President, I would move that that item be referred to the Committee on Appropriations.

SB449

THE CHAIR:

Without objection, so ordered.

SEN. FLEMING:

Calendar 185. Madam President, I would move that that item be referred to the Committee on Appropriations.

SB475

THE CHAIR:

Without objection, so ordered.

SEN. FLEMING:

Calendar 186. Madam President, I would mark that pass retained.

On Calendar Page 13, at the top of the page, Calendar 187 is marked pass retained.

Calendar 188 is marked pass retained.

Calendar 189. Madam President, I would move that that item be referred to the Committee on Judiciary.

SB 211

THE CHAIR:

Without objection, so ordered.

SEN. FLEMING:

Calendar 190 is marked Go.

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SENATE

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VOL. 39
PART 12
3878-4255

Senate

Friday, May 3, 1996 004017

chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all members voted? Have all members voted?
Senator Prague. Senator Prague.

SEN. PRAGUE:

Madam President, could I just ask for just one moment.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. Clerk please take a tally.

THE CLERK:

Total Number Voting	36
Necessary for Passage	19
Those Voting Yea	21
Those Voting Nay	15

THE CHAIR:

The bill as amended is passed.

THE CLERK:

Page 16, Calendar 184, SB449, File 248, AN ACT
CONCERNING THE OFFICE OF STATE CAPITOL POLICE.
Favorable Report of Committee on Legislative

Management, and Appropriations. And the Clerk has two Amendments.

THE CHAIR:

Senator Fleming.

SEN. FLEMING:

Yes, thank you Madam President. Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill, and request permission to summarize.

THE CHAIR:

Question is on passage. Please proceed.

SEN. FLEMING:

Yes, thank you Madam President. Madam President, this bill will do what the title says, and that is to create a state capitol police force which by the bill will report to the Legislative Management Committee. It will leave essentially the same duties that the state capitol police have right now. But rather than have.

THE CHAIR:

Senator Fleming, just a minute please. Senator Fleming.

SEN. FLEMING:

Thank you Madam President. Rather than have the state capitol police report up through two authorities.

One, as they do now, to the Joint Committee on Legislative Management and to the Division of State Police. The bill will provide that there will be a state capitol police chief. And, Madam President, at this time I would yield to Senator Sullivan who has an Amendment.

THE CHAIR:

Senator Sullivan.

SEN. SULLIVAN:

Thank you Madam President. I choose to offer what I hope will be a friendly Amendment, and ask the Clerk to call LCO-3509.

THE CLERK:

Senate Amendment Schedule "A" LCO-3509, offered by Senator Sullivan.

THE CHAIR:

Senator Sullivan.

SEN. SULLIVAN:

Madam President, I move adoption of the Amendment, and request permission to summarize.

THE CHAIR:

Question is on adoption, will you remark?

SEN. SULLIVAN:

Yes, thank you. Senator Fleming has indicated in general how the management committee has recommended

that we resolve the issue of dual jurisdiction. I think, certainly agree that it's time that we have oversight of our police force.

The only thing that was I think confused, and I think he and I agree that it was confused when it came out of the committee was, this individual, the police chief, should not be in a position of reporting, excuse me, the oversight on a day-to-day basis should not be the Legislative Management Committee.

It should be the chief of police. That chief of police should report to the director of the Office of Legislative Management, and then the director should report to the Legislative Management Committee. That is the way we do everything else.

There is no reason we would want, as much fun as it might be for those of us on Legislative Management, to sit around day after day trying to run a mini police department.

THE CHAIR:

Will you remark further? Senator Fleming.

SEN. FLEMING:

Yes, thank you Madam President. Madam President, I support the Amendment but only have one question to the proponent.

THE CHAIR:

Please proceed.

SEN. FLEMING:

Yes, Madam President through you. I was wondering inasmuch as both the Senator from the 5th District and I serve on the Legislative Management Committee, I was wondering if this Amendment would mean that we don't get to wear uniforms.

THE CHAIR:

Senator Sullivan.

SEN. SULLIVAN:

Through you Madam President to Senator Fleming. Actually, I have an Amendment to be offered later that you and I will be the only ones that get to wear uniforms.

THE CHAIR:

Senator Fleming.

SEN. FLEMING:

Thank you Madam President. Madam President, this is a good Amendment. For those of us who come from small towns, it's not unlike the situation that exists in our small towns where the police chief does in fact report to the First Select person of that town.

The whole idea behind this bill is to be sure that there are clear lines of authority for our state capitol police. And I think this makes it very clear

that they are reporting to that individual on a daily basis.

THE CHAIR:

Thank you Senator. Will you remark further on Senate Amendment "A"? Will you remark further. If not, all those in favor indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed nay? Aye's have it, Senate "A" is adopted. Will you remark further on the bill as amended? If not, would the Clerk please announce a roll call vote. The machine will be open.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. Clerk please take a

tally.

THE CLERK:

Total Number Voting	35
Necessary for Passage	18
Those Voting Yea	33
Those Voting Nay	2

THE CHAIR:

The bill as amended is passed.

THE CLERK:

An immediate roll call in the Senate on the Consent Calendar. Will all Senators return to the chamber. An immediate roll call in the Senate on the Consent Calendar. Will all Senators return to the chamber.

Page 18, SB 343 Calendar 324. Page 18, Calendar 331. SB 587
Page 21, Calendar 309. SB 608

THE CHAIR:

The machine will be open. Have all members voted? If all members have voted, the machine will be locked. Clerk please take a tally.

THE CLERK:

Total Number Voting	35
Necessary for Passage	18
Those Voting Yea	35
Those Voting Nay	0

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CONNECTICUT
GEN ASSEMBLY
HOUSE

PROCEEDINGS
1996

VOL. 39
PART 18
VETO SESSION
6223 6611

House of Representatives

Wednesday, May 8, 1996

On page 16, Calendar 605, Senate Bill Number 449.

AN ACT CONCERNING THE OFFICE OF STATE CAPITOL POLICE.

As amended by Senate amendment schedule "A." Favorable report of the committee on Appropriations.

SPEAKER RITTER:

The Honorable Representative who I serve on Legislative Management with Representative Beamon you have the floor sir.

REP. BEAMON: (72nd)

Thank you Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER RITTER:

Motion is on acceptance and passage in concurrence with the Senate, please proceed sir.

REP. BEAMON: (72nd)

Mr. Speaker, the Clerk has an amendment, LCO 3509 previously designated Senate "A" will the Clerk please call and may I be allowed to summarize?

SPEAKER RITTER:

Clerk has LCO 3509 previously designated Senate "A" if you may call and Representative Beamon would like to summarize.

CLERK:

LCO 3509 Senate "A" offered by Senator Sullivan.

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SPEAKER RITTER:

Representative Beamon.

REP. BEAMON: (72nd)

Mr. Speaker, members of the House, this amendment basically replaces some of the duplicative language in the file and I move adoption.

SPEAKER RITTER:

Question on adoption will you remark further? If not I'll try your minds all in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed no, House "A" is adopted. Will you remark further on this bill as amended?

REP. BEAMON: (72nd)

Yes Mr. Speaker, basically this bill come to us in order to eliminate the dual oversight and authority and to implement some of the recommendations of the Legislative Commissioner's Office and I move its passage.

SPEAKER RITTER:

Will you remark further? The Honorable Chair of the Appropriations Committee, Representative Dyson.

REP. DYSON: (94th)

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Thank you Mr. Speaker. Mr. Speaker, this item is something that I have opposed, and I think it's probably known by members of the Chamber that what is being undertaken here is not something that I necessarily agree with.

My reason for disagreeing, I have pointed out at the Management Committee, and I point it out to the full body here. I think people are aware of things that have taken place and indeed are concerned about them.

I am concerned too. And I think I need to make it explicitly clear that this has nothing to do with the personnel that's presently employed by the capitol police. I think all of us here know them in a very cordial and friendly and intimate way and there is nothing I would want to do to jeopardize that.

However, I do feel strongly, based upon what's happened before and the reason that it happened or took place in my estimation--and I want to make that explicitly clear--in my estimation had more to do with the structure that was in place.

The structure that was in place did not necessarily provide the supervision that I think was needed. The supervision wasn't there and as a result anything that one might have wanted to report was not

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clear as to where one would have to go to do that.

But I think the solution is probably worse. I think the solution is worse is because the temptation that I think we would provide by virtue of any new arrangement we endeavor to make--and that's what this bill does--does not make it better, but I think in my view, makes it worse.

It makes it worse in that, it makes the capitol police, puts them--and I think in a very delicate kind of situation--in which they might become more politicized than they presently are. And I think the manner in which they operate now is to be commended because they do not exhibit or demonstrate any partiality to one side of the aisle or the other.

I think that's the manner in which they are to operate and should be operating. But I think what we are offering here as a solution, does not make it better. I think it makes it more responsive to a new structure, a new structure in an environment in which there have been some changes to make take place, changes in which there would be a new executive director.

A change in which the tone that will be set, will not necessarily come from the person they will report to in the future. Which means that they're being

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susceptible to political influence bothers me.

It bothers me big time because it means regardless as to who is the leader of either Chamber or whatever party can work their will upon them. And I have a deep and abiding problem with that. Because what it suggests to me now, is that application and treatment and the law may not be obliged in the same fashion across the floor.

And as a result is not a direction I would like to take. I would not like to take that, because I think the benefits that are to be derived from this new arrangement does not all set the shortcomings I think that existed before.

I don't, by any stretch of the imagination, endeavor now to make this a battle that many of us are familiar with here. This is profound to me, and I think with the length of time that I have been here and the manner in which they have been administered to and supervised I can find something to liken that.

And they have dealt, as I said before, equally and fairly across the board with everybody regardless of the party. I'm not sure that's going to remain. And because of that uncertainty of what I think will result and this bill passing, and the new structure being put in place, the atmosphere that I think will evolve out

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of that new personnel coming on, the tone being set by someone, or no tone being set at all raises some fears in me that I think ought to be dealt with and I think the manner in which that is to be dealt with I would suggest that this bill be voted down.

It is to be voted down, at my recommendation, my hope and then I think what we ought to do we could fine tune, take more heed and pay close attention to the present relationship that exists with state police.

I think the state police has a desire and wants to make the relationship better, try to improve upon what was there before, so that any experience that we've had in the past will not repeat themselves. I think it is something that we ought to take a chance on seeing whether or not that relationship can be improved upon.

So my suggestion would be and my hope is that members of this body will not vote to support the bill as amended that is before us. Thank you Mr. Speaker.

SPEAKER RITTER:

Thank you sir. Will you remark further?

Representative Fritz.

REP. FRITZ: (90th)

Mr. Speaker, in some ways I associate myself with many of the comments that Representative Dyson has made and I have been very public in my comments with regard

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to this issue. I have great respect for the people who have brought this bill before us today, and I have great respect for our capitol police.

But there are two reasons I cannot support this bill. I do not believe number one that any kind of law enforcement entity should be run by a civilian, number one. And number two, nor do I believe that any kind of law enforcement entity should be run by a committee made up of legislators.

For that reason Mr. Speaker, I cannot support this bill.

SPEAKER RITTER:

Representative Beamon.

REP. BEAMON: (72nd)

Mr. Speaker, before I respond to some of the comments by my good friends Representative Fritz and Representative Dyson. I first would like to thank some of the members of the subcommittee who in a very difficult atmosphere came together in order to try and get a resolution to what was perceived as a problem in the chain of command.

And even though we disagree, I really would like to thank Representative Fritz for her hard work, Representative Collins for his hard work and Representative Dargan. I think the members of the

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House, we looked at this not as partisans, but as those who want to see a professional--as we have now--a professional police department continue on.

I too have similar reservations of Representative Dyson. He talked about the tone and the structure. Well, and I tend to disagree but what we seem to want to put in place would be worse than what we had.

I think we do need a distinct line of authority. And this is our authority. As legislators, the Legislative Management Committee. Representative Fritz's objection is she does not feel that civilians should run a police department.

Well, in my city, believe it or not, civilians run the police department. The mayor runs the police department, there's board of police commissioners and they run the police department. They may not run the day to day operation, but they run the police department.

And there again, where should the authority lie? It should lie in our laps. And as I mentioned the other night, when rooms 2A and 2C were too hot, we went to work on it. We as Legislative Management Committee members of physical facilities. We did not look to say well, the Republicans are hot, so the Democrats we're hot too but let's cool our room off first and let them

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sweat.

I don't think members of that committee, a leadership only committee come to that committee being partisan. We get there through our partisan offices and our caucuses, but once you're there, everyone is the same.

And I would hope that our police department as constituted as a municipal police department, covering the things that we do every day would not be politicized. That is my hope, that is what basically the legislative commissioners said. Yes, we're bringing two new people in, a police chief.

Well you many not notice but we have just as many police officers covering this building and covering the grounds as many small police departments throughout the state. They still have been trained in Meriden, they still have to do certifications. This is no joke what we do here.

We need a professional police department. We also know those on the top to administer that police department as professionals. And yes, we need legislative oversight as well. And I hope we can do that and will do that in a non-partisan fashion.

And I want to send a message to our police department, yes you've done a great job, and yes you

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continue to do a great job and under this new structure we'll be watching you even harder to continue to make sure that you do a great job.

I have reservations as well. But it's time for us to close this and make a definable chain of command. And that chain of command should be in Legislative Management. And for that reason I urge our members this early evening to vote this up.

SPEAKER RITTER:

Thank you sir. Representative Farr.

REP. FARR: (19th)

Thank you Mr. Speaker. Speaking against the proposal. The fact of the matter is this is supposed to be a part-time legislative body. We are in session over a two year period about one third of the year. It seems to me that while my constituents are concerned about crime, to go back and tell them, don't worry we now have a full-time police department for the legislature is not exactly what they were concerned about.

We have 26 people, as I understand it, working as capitol police officer right now. To create that as a separate police department with its basic responsibility to ensure that we're safe to me is not the highest priority I have. I would point out to the

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body that probably half the towns in this state don't have police departments as large as ours.

I view this as just another legislative prerogative. That we're giving more power to the legislature and I don't think that's healthy for our society. We're supposed to be citizen's legislators. If we're citizen's legislators why do we need to have our own police force? That doesn't make any sense to me. I would urge rejection of this.

SPEAKER RITTER:

Representative Collins.

REP. COLLINS: (117th)

Thank you Mr. Speaker. I rise in strong support of the bill. I did serve on the subcommittee with Representative Beamon and I thank him for the courtesies that he showed us. The came about because of some serious problems that went on with the capitol police.

We knew we had to address them somehow. We footballed every idea that could possibly be out there around in our minds. And we came to this decision and I believe the proper and only decision, which I also know is strongly supported by yourself and the Senate president, Senator Eads. Members of different parties but coming to a common conclusion. It has been

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mentioned the size of the force--I just asked Representative Santa Maria the size of his police department it's 28 members about the same as our own capitol police. I cannot see a police force of this size, not having an entity that they answer to that says finite, which Representative Beamon has said before.

You must have a line of direction. It is crazy not to. And it is a crazy situation in which we are under. These officers I think serve us and the state admirably. We had talked one idea of just making it state troopers and having them come through here.

The problem is the troopers rotate through here. One of the things that I think that our capitol police are magnificent at, is that when situations arise, and I had used when we were having our meetings, the situations of when we were doing the income tax and when we were doing the gay rights.

Both of those very explosive situations with a lot of people around the building and our police were able to quietly and efficiently and effectively get between us and the protestors because the protestors had no idea of what side of the issue we were on.

It was a nice feeling of protection, I felt completely safe and comfortable in both circumstances,

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and mind you I was on one of another and one side of the other. But I was comfortable and I felt and safe and protected. The capitol police knew who I was, what I was, and they knew the people that were here were not part of us.

We change every two years. You have to have capitol police who understand who we are and what we're doing here. They've done, I think, an outstanding job, we've provided them a venue for leadership. I believe it's the best venue. It achieves the goal that both Representative Dyson and I and others want to achieve.

We disagree on how we get there. I think this does it and it does it in a very fine fashion and I urge your support for the bill.

SPEAKER RITTER:

You ready to vote? Representative Sellers.

REP. SELLERS: (140th)

Thank you Mr. Speaker. I also rise in support of the bill. With no reservations. I went right to the horse's mouth as one might say and I spoke with the officers concerned, I guess that's the best way you do it.

We share a similarity in many of the senses. And again I have nothing but the highest praise for the supervision as such. And as smooth as the capitol

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normally runs in my presence I almost think we wouldn't need them. However, they are there.

And they are there for all instances, not just some. They're there for the battery charges, they're there for the transportations to and from and they're there to assist each and every member here in this house regardless if they are sheep or cattle.

And I only mention that because we can all graze in the same pond, Car 54 Where are You? I think that we should unify ourselves and look at this as being a beginning of unity. And in that I have to say that I strongly support that and I urge everyone to vote for this bill. Thank you Mr. Speaker.

SPEAKER RITTER:

Thank you sir. Are we ready to vote?

Representative Garcia.

REP. GARCIA: (4th)

Thank you Mr. Speaker. I rise in support of this bill. And I have the fortunate luck, or privilege to work with these men and women on the capitol police force especially on midnights. And as a Hartford police sergeant this is my area of supervision, this downtown, the west end, all the way to the middle section of the city. And on many occasions these men and women, these fine men and women from the capitol

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police have assisted the people that I supervise and have assisted me. And they have conducted themselves in a professional manner, they've apprehended serious felons that cut through our back yards, after robbing people down on Union Place, or like we had a shoot out recently, a year ago.

And I feel that they deserve to have their own chief of police and the Legislative Management Committee could be the Committee like we have in Hartford where the city council oversees the budge and oversees the policy of our department. They're fine people, they do an excellent job, and they respond quick when we need assistance and I support this bill.

SPEAKER RITTER:

Thank you sir. Representative Gerratana.

REP. GERRATANA: (23rd)

Thank you Mr. Speaker. I'll be very brief, but this comes from the heart. I wanted to speak in strong support of this bill. I have known many of the men and women who have served on state capitol police for many years starting in the early 80's when I was director of capitol information and tours.

I've seen it from both sides, both being on the outside and being an employee here and not an elected official and also being an elected official. I know

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that they are looking to us for our support today and I urge the Chamber to please support this bill in front of us. Thank you.

SPEAKER RITTER:

Will you remark further? If not, staff and Representative DiMeo.

REP. DIMEO: (103rd)

Thank you Mr. Speaker. I sometime wonder why we don't trust ourselves. We have a structure on the local level of civilian boards, police commissions which overview a police department. Not in their operations but in disciplining and hiring and being an advisor to the chief.

It does work on the local level. Any democratic institution has its problems as far as there being a potentiality of influence. But I don't think that, that necessarily has to be if the people are quality and I think we have that quality here in the General Assembly.

I think that the police, our police department should be treated as a police department to have it's own commanders to command the police structure and a police structure even today in modern society is a quasi military unit. I think it can work. I think that they have come up with a solution to a unfortunate

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problem which can be mitigated and which can be
 overviewed, still be overviewed by civilians but
 commanded by professionals. Thank you Mr. Speaker.

SPEAKER RITTER:

Thank you sir. Will you remark further? If not,
 staff and guests to the well of the House, the machine
 is open.

CLERK:

The House of Representatives is voting by roll
call, members to the Chamber. The House is voting by
 roll call, members to the Chamber please.

SPEAKER RITTER:

Have all the members voted? Please check the roll
 call machine to make sure your vote is properly cast.
 Let me just say this, my guess is we're going to be
 rolling bills very quickly, the machine will be locked.
 Representative Tymniak in the affirmative. Clerk
 please take a tally. Clerk please announce the tally.

CLERK:

Senate Bill Number 449 as amended by Senate
schedule "A" in concurrence with the Senate.

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	122
Those voting Nay	25

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Those absent and not voting 3

SPEAKER RITTER:

Bill as amended passes. Clerk, Representative,
Clerk please call Calendar 618.

CLERK:

Calendar 618, Senate Bill Number 642. AN ACT
CONCERNING THE EXPENDITURES OF THE OFFICE OF POLICY AND
MANAGEMENT. Favorable report of the committee on
Appropriations.

SPEAKER RITTER:

The Honorable Chair of the Appropriations
representing the City of New Haven, Representative Bill
Dyson, you have the floor.

REP. DYSON: (94th)

Thank you Mr. Speaker. Mr. Speaker I move
acceptance of the Joint Committee's favorable report
and passage of the bill please.

SPEAKER RITTER:

Motion is on acceptance and passage in concurrence
with the Senate, please proceed sir.

REP. DYSON: (94th)

Thank you Mr. Speaker. Mr. Speaker, the Clerk has
LCO 5786 previously designated Senate amendment "A."

SPEAKER RITTER:

Clerk has LCO 5786 previously designated Senate

JOINT STANDING COMMITTEE HEARINGS LEGISLATIVE MANAGEMENT 1-27 1996 INDEX

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LEGISLATIVE MANAGEMENT

March 6, 1996

10:30 a.m.

PRESIDING CHAIRMAN: Speaker Ritter

COMMITTEE MEMBERS PRESENT:

SENATORS: Eads, Crisco, Daily,
Fleming, Gunther, Upson

REPRESENTATIVES: Beamon, Belden, Chase,
Collins, Currey, Dyson,
Fritz, Fuchs, Godfrey,
Hartley, Hyslop, Lyons,
O'Neill, Publin, Tulisano,
Ward

SPEAKER RITTER: Let me just say from the outset, you're going to see members of the Committee come in and out. We've just had one meeting a little later -- as we were coming back and forth -- we want to try to do this as expeditiously as possible. I know there's a Republican caucus at 11 o'clock and a Democratic caucus at 11:15.

So, obviously, we'll listen to everybody, but I would just encourage everybody to be concise in your statement so that we can, again, get through today on time.

So we'll start the public hearing with Commissioner Kirschner.

COMMISSIONER KIRSCHNER: Good morning, Mr. Chairman. SB 449
Members, good morning. If I may begin, sir.

SPEAKER RITTER: Yes, please.

COMMISSIONER KIRSCHNER: I would like to make a short, brief statement. Before I speak I would like to say that the testimony -- my testimony here this morning and my letter that was forwarded to the Committee in advance here today -- in no way constituted an admission in the pending civil action regarding this matter.

Members of the Committee, the Department of Public

Safety would like to continue its service to the Connecticut General Assembly as the provider of security and police protection.

Department of Public Safety, through the Connecticut State Police has been proud to serve the General Assembly for over 25 years. We've been through much together, from the Black Panthers occupying the hall of the House in the '70's to the massive tax rally in the '90's.

We're very proud of our record of service over these 25 years. We are, however, embarrassed about the incident which brought disfavor on the State Police and the Capitol Police.

The method and system which provided security and police protection to the General Assembly evolved over the years without set policy for communication and supervision. This informal arrangement contributed to the cause of the embarrassing incident.

And we would like to take the opportunity to correct that process and establish a method of supervising the police operation at the capitol which will provide clear lines of supervision and communication.

The Department of Public Safety is committed to meet with you, the Legislature Commissioner's Office and the Legislative Management to formulate a memorandum of understanding which will clearly establish administrative and operational procedures so that the one mistake of recent time in the past will not repeat itself.

The Department of Public Safety would be proud to provide professional, experienced and cost effective services to the General Assembly for years to come.

Following that open statement, I am here to address any questions that you might have of me.

SPEAKER RITTER: Are there any questions. Yes, Representative Fritz.

REP. FRITZ: Good morning, Commissioner.

COMM. KIRSCHNER: Good morning, representative.

REP. FRITZ: I have just a couple of questions. We all know that the incident was unfortunate and we would not want that to happen again. So, I guess my first question is to ask you what has transpired under your watch that would prevent such a situation from occurring again?

COMM. KIRSCHNER: Yes, ma'am. That's a fair question. Since that occurred, as you know, when that came to my attention, I immediately asked that both a criminal and an internal affairs investigation be conducted regarding the incident here, at the General Assembly. That investigation is continuing. It's expected that it will be concluded very shortly.

For your information -- the Committee's knowledge, the charges against Sergeant Murphy have been sustained. He is facing, or would have faced, had he not retired, very serious discipline which could have included dismissal from the force.

He has, in the due process an opportunity to come in and explain his actions, before me, very shortly and following that hearing, this matter will be concluded regarding Sergeant Murphy.

At the same time I initiated the investigations, Lieutenant Paul Fitzgerald, our agency's legislative liaison officer, has been put in charge and responsible for overseeing the day-to-day operations of both the State Police and the Capitol Police force.

I also replaced Sergeant Murphy. And I think you'll agree -- I had a chance to see Sergeant Cholsow's performance in the past year -- an outstanding officer -- was hand selected to come here, to insure that the matters that were happening here were not continuing. He's done an excellent job since he's been here.

And I pledge to this Committee and look forward to

working with the Legislative Management Committee, in continuing that kind of professional service. Whether it's Sergeant Cholsow or whether it's another sergeant that is placed under Lieutenant Fitzgerald here, to run the day-to-day operations.

We look forward to working with the Legislative Management Committee in continuing that professional service.

REP. FRITZ: Okay. My second question is would you have any suggestions with regard to how the bill that's before us, the Raised Bill No. 449 -- how the language of this proposal could be changed to prevent such a situation from occurring again.

Because as I read it, it appears that it -- there is only a position change established and the situation that occurred, or any similar situation -- there is no addressing that problem, to prevent it from occurring again.

COMM. KIRSCHNER: As I said, we're very proud of the State Police history of over 93 years of providing professional service to the citizens of Connecticut. I pledge that professional service, here at the Legislature, in the same manner as which we perform our duties on a day-to-day basis.

I would hope that we can work with the Legislative Management Committee and its leaders in solidifying the relationship between the Legislative Management Committee and the State Police.

I have various programs I could discuss with the Legislative Management Committee to formulate a type of program and would be acceptable to both agencies to provide that guaranteed oversight.

REP. FRITZ: Okay.

SPEAKER RITTER: Representative Beamon.

REP. BEAMON: Thank you, Mr. Speaker. Good morning, Commissioner.

COMM. KIRSCHNER: Good morning, sir.

REP. BEAMON: I just have a few comments I'd like to make and maybe you can clarify this a little for me and members of the Committee, because we're looking here to establish, basically, our own police force, I guess, if you read this bill.

Now obviously, all officers are trained at the State Police Academy. Is that correct?

COMM. KIRSCHNER: Yes, sir.

REP. BEAMON: So the Capitol Police force is really no different than a municipal police force, at this juncture. Would that be correct? With the exception of the administration, thereof.

COMM. KIRSCHNER: Well there are really two separate tracks. The State Police share the training facility of Meriden and the State Police train troopers. There is a Municipal Police Council that's responsible for training all other officers in the State of Connecticut. The Capitol Police officers do complete the local police department's criteria.

REP. BEAMON: Okay. Thank you. And in the many years that we have had a Capitol Police force here and, obviously, it's grown immensely -- what is the consideration of your department for equipment to the Capitol Police as of now. Whether it be cars, and radios, bullet-proof vests or whatever you may issue. Uniforms -- we take care of the uniforms.

But what is the consideration that the State Police right now have in terms of the equipment that our officers here in the --

COMM. KIRSCHNER: Sir, attached to that letter that I forwarded to each Committee member, you'll find on the last page the various items of which you ask about that are provided to the officers. They're enumerated between the Department of Public Safety and the Capitol Police.

The point of your question is are they adequately supplied with equipment to do their jobs. I think you'll see that they aren't.

REP. BEAMON: The question, basically, Commissioner was the commitment of the State Police inasmuch as equipment is concerned for the officers here. If it's state-of-the-art? If it's the same as the road officers of the State Police currently get?

The other consideration that I would have is the size of our police force here, as I mentioned earlier, is growing. Could you give me the amount of officers which are stationed at Troop H?

COMM. KIRSCHNER: There's approximately 55 troopers stationed at Troop H, here in Hartford.

REP. BEAMON: Thank you. Also, you note in your attachment, that everything, basically, would be negotiated between our new State Capitol Police Department, along with the State Police the State Police still serve in the administrative directorship, without -- in concert, rather, with the Office of Legislative Management.

Would that include an employee assistance program for the officers here now, a ranking structure and some tenure and time in.

COMM. KIRSCHNER: Yes, sir, that's correct. You're assumption is correct.

REP. BEAMON: And also, in the event -- you noted in your testimony that from the instances here, obviously -- whether it's the Black Panthers or the massive tax rally. There would not be a call for mutual aid when we had Intelligence to let our Capitol Police know that we expect a giant crowd.

I mean mutual aid would go out immediately. Is that correct? Or is it even called mutual aid?

COMM. KIRSCHNER: Well we receive calls many times for many things at various institutions and to support local police departments. So we would treat this no differently from a call from an organized police department.

REP. BEAMON: And then, finally, as I mentioned earlier, it seems to me that a police officer is a police

officer. My brother's a lieutenant in Waterbury. Would it be the feeling of the State Police that these officers here should be State Troopers?

COMM. KIRSCHNER: It's the feeling -- my feeling, that if they're State Troopers that they'll be State Troopers if they complete the State Trooper training program at our academy. So I would -- if that's the wishes of the Legislative Management Committee, to make them troopers, we would have them in our -- one of our training classes and if they succeed that class they'll be troopers.

REP. BEAMON: That wasn't the intent of my question, Commissioner.

COMM. KIRSCHNER: I'm sorry.

REP. BEAMON: That's okay. Thank you.

SPEAKER RITTER: Representative Belden.

REP. BELDON: Thank you. Good morning, Commissioner.

COMM. KIRSCHNER: Good morning, sir.

REP. BELDON: Let me pose a theoretical -- we're hearing about the incident that occurred. With my very limited knowledge of the law regarding harassment, et cetera, if -- I think it was Lieutenant Murphy or was it Sergeant Murphy?

COMM. KIRSCHNER: Sergeant Murphy.

REP. BELDON: If Sergeant Murphy's supervisor knew that harassment was going on and took no action, my understanding would be that the civil action can be taken personally against that supervisor. Is that correct?

COMM. KIRSCHNER: Yes, sir.

REP. BELDON: And so, if we, in fact, had our own police department here, with a police chief, and that police chief knew about a harassment incident, or his supervisor did -- which might be the Executive Director of Legislative Management -- and took no

action, would they also have civil actions -- personal civil action filed against them.

COMM. KIRSCHNER: Yes, sir.

REP. BELDON: Thank you. So in that particular case, if we think that that addresses the issue of whether or not somebody is harassing somebody, this particular legislation, one way or the other -- I think I'm just trying to get on the record -- that's not the case.

The case is whenever there is harassment and it becomes known in the supervisory chain and that person in charge of supervision does not take prompt and immediate corrective action, then they are civilly liable.

And so I just think -- I want to make sure of that, regardless of where this legislation does or does not go. That problem does not solve itself by establishing our own police department. Thank you.

COMM. KIRSCHNER: Yes, sir.

SPEAKER RITTER: Anybody else? Thank you. I'm sorry. Representative Chase.

REP. CHASE: Thank you, Mr. Speaker. Good morning, Commissioner.

COMM. KIRSCHNER: Good morning, Representative.

REP. CHASE: In the attachment on potential costs that you provided, you wouldn't have any dollar figures on these, would you?

COMM. KIRSCHNER: No, sir. I haven't analyzed that and it goes back to -- if that is the case, that the Legislature wants to establish their own police department, I certainly don't have any idea of what they want that police department to have as far as equipment and size and so forth.

REP. CHASE: For the size of the current security that we have on the premises now to take care of both facilities, what is the clerical support? Do you

know what we currently have here or do you provide that?

COMM. KIRSCHNER: Lieutenant Fitzgerald advises me that we do not have clerical staff here assigned. However, they receive whatever assistance is needed back at State Police Headquarters, to process their paperwork.

REP. CHASE: Would that be one body or two bodies? I mean do you have a sense of how many we're talking about here?

COMM. KIRSCHNER: Well they have the ability of tapping into the entire headquarters staff, whether it's -- they need criminal checks, the message center, reports and records, personnel matters and the like.

REP. CHASE: So you don't have a sense on the number of additional staffing that might be required?

COMM. KIRSCHNER: I would say to you, sir, that similar to many of our resident State Trooper Offices -- a compliment of this size -- there's normally one to two clerks.

REP. CHASE: And the next question I have has to do with this issue -- and I'm not sure I understand. If there is -- if a member of our security team here, becomes ill or is injured we have immediate replacement. That means immediate replacement from your ranks? Is that what -- from the State Police Ranks?

COMM. KIRSCHNER: No, sir. They have -- they replace them with Capitol Police officers. Sir, are you talking about the Capitol Police or the trooper?

REP. CHASE: The Department of Public Safety -- it says here -- if there's illness or injury there's immediate replacement. Are you referring to just the supervisor or to the rank and file?

COMM. KIRSCHNER: I'm sorry. It's a replacement of the trooper -- of the Sergeant.

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LEGISLATIVE MANAGEMENT

March 6, 1996

REP. CHASE: Of the Sergeant. Okay. I'm sorry. I understand. Thank you.

COMM. KIRSCHNER: You're welcome.

SPEAKER RITTER: Anybody else? Thank you very much. Let me just say one thing, Commissioner. You know, obviously, we'll be considering this bill. But this bill -- I just wanted to let you know, we think Sergeant Chelsow's done a terrific job. He worked -- he came in here under very difficult circumstances and we feel very good about the service he's provided us.

So, just as you started off by saying -- the suit -- you know, we're not talking about the suit, we're not even talking about Sergeant Chelsow, but I just wanted to make the record clear that we feel very positive about the contributions that the Sergeant has done in this building in an atmosphere, which we discussed when he first came here, is quite not like anything he's ever been used to in his life. So I just want to make the record clear.

COMM. KIRSCHNER: I appreciate your saying that, sir. Thank you very much.

SPEAKER RITTER: Thank you very much.

COMM. KIRSCHNER: Thank you for allowing me to testify here.

SPEAKER RITTER: Thank you, Commissioner. The next person is Bruce Rubenstein, who is the Chairman of the Compensation Commission. Bruce, go ahead.

BRUCE RUBENSTEIN: Good morning, Mr. Speaker, members of the Committee. My name is Bruce Rubenstein. I chair the Compensation Commission of Elected Officials and Judges. The Committee is a bipartisan, independent committee established in 1971 to investigate, make recommendations with regard to salaries of state constitution elected officers, state representatives and senators and judges.

HB 5591

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STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
DIVISION OF STATE POLICE

*Colonel Kenneth H. Kirschner
Commissioner*

March 1, 1996

The Honorable M. Adela Eads
The Honorable Thomas D. Ritter
Co-Chairs of the Legislative Management Committee
State Capitol
Hartford, CT 06106

Re: SB449 An Act Concerning the Capitol Police

Dear Senator Eads and Speaker Ritter:

The Department of Public Safety would like to continue its service to the Connecticut General Assembly as the provider of security and police protection.

The Department of Public Safety, through the Connecticut State Police, has been proud to serve the General Assembly for over twenty-five years. We have been through much together; from Black Panthers occupying the Hall of the House in the seventies to the massive tax rally in the nineties.

We are proud of our record of service over these 25 years. We are however, embarrassed about the incident which brought disfavor on the State Police and the Capitol Police.

The method and system which provided security and police protection to the General Assembly evolved over the years without set guidelines for communication and supervision. This informal arrangement contributed to the cause of the embarrassing incident. We would like the opportunity to correct that process and establish a method of supervising the police operation at the Capitol which will provide clear lines of supervision and communication.

1111 Country Club Road
P.O. Box 2794
Middletown, CT 06457-9294
(203) 685-8000

An Equal Opportunity Employer

Senator Eads and Speaker Ritter
March 1, 1996
Page 2

The Department of Public Safety is committed to meet with you, the Legislative Commissioner's Office and Legislative Management to formulate a memorandum of understanding which will clearly establish administrative and operational procedures so that the one mistake of the past will not repeat itself.

The Department of Public Safety would be proud to provide professional, experienced and cost effective service to the General Assembly for years to come.

Sincerely,

COLONEL KENNETH H. KIRSCHNER
COMMISSIONER

William T. McGuire

By: William T. McGuire
LIEUTENANT COLONEL

SUGGESTED MEMO OF UNDERSTANDING

PAST

COMMUNICATION:	No formal procedure for communication between administrative and agency heads.	Clearly defined lines, schedule and method of communication.
SUPERVISION:	Perception of dual system of supervision.	Clearly defined line of supervision and evaluation.
GRIEVANCE PROCEDURE:	Unclear path to file grievances and perception of reprisals.	Clearly defined and protected method raising grievances
AFF. ACTION:	Unclear system of filing a complaint.	Clearly defined system to redress complaints.

DEPARTMENT OF PUBLIC SAFETY

NEW CAPITOL POLICE DEPARTMENT

SUPERVISOR

Sgt. provided (Lt. suggested)
(24 hr. support from Troop H)

Director/Chief position created
(substantial increase in cost)
Additional Supervisors required
(additional staffing)
overtime, new hire
due process, just cause, litigation?

SUPERVISOR REPLACEMENT

(illness, injury)
(poor performance)

immediate
immediate

SEPARATION OF BRANCHES OF

GOVERNMENT

maintained

PARTISAN INFLUENCE

minimized

VICARIOUS LIABILITY

DPS

???
???
???

CRUISERS:

(maintenance, fuel)

6 provided (spares available)

provided

COMMUNICATION FREQUENCIES

provided

REPORT FORMS:

provided

REPORT MANAGEMENT

provided

(F.O.I., criminal/victim confidentiality, retention sch. dule)

purchase a sufficient amount
contract for services
purchase
create, print
establish system and position
establish a system

PRISONER LOCK UP:

provided

PRISONER MONITORING

provided

(prisoner injury, illness, feeding)

procedures/protections in place

(use of force, vehicle pursuits)

policies procedures in place

CLERICAL SUPPORT

provided

CRIMES ANALYSIS SYSTEM

provided

EVIDENCE HOLDING

provided

SUPPORT SYSTEMS

criminal intelligence, bomb tech./dogs

support Troopers/Det., a pool of experienced

personnel continually and immediately available

EMPLOYEE ASSISTANCE PROGRAM

provided

MEDIA RELATIONS

provided

FIREARMS TRAINING/AMMUNITION

provided

INSPECTION TEAM

provided

TRAINING

in service, training bulletins

establish by contract
establish system and/or position
purchase materials/arrange training location
establish system and/or position

POTENTIAL INCREASE IN BUDGET: minimal

establish a system
substantial

STATE CAPITOL POLICE

March 5, 1996

Committee on Legislative Management
Legislative Office Building
Hartford, CT 06106

Dear Legislators:

We the undersigned members of the State Capitol Police would like to express our support for senate bill no. 449.

This bill will go a long way to resolving the issues discovered in the Legislative Commissioners' report. This bill will establish the State Capitol Police as its' own department. This will allow for a direct response to the Legislative Management committee as necessary. Thus ensuring the present level of professionalism in policing here at the State Capitol.

Thank you for your support in this matter.

<u>Dep. Lawrence Collins</u>	<u>Off. Willie F. Meyer</u>	<u>John C. Devine</u>
<u>Off. Robert J. Kelly #239</u>	<u>Off. Robert H. Hagan</u>	<u>Off. Paul J. Longo #2311</u>
<u>Off. Leonard A. Smith #258</u>	<u>Off. Matthew J. Kuzni</u>	<u>Off. Tracy Schulz</u>
<u>Off. James F. Fano</u>	<u>Off. [Signature]</u>	<u>Off. Paul J. Ballman #2577</u>
<u>Off. Richard J. Fowlkes</u>	<u>Off. Bob #2583</u>	<u>Off. [Signature]</u>
<u>Off. [Signature] #2577</u>	<u>Off. [Signature] #2576</u>	<u>Off. John Fabali #2374</u>
<u>Off. [Signature]</u>	<u>Off. Gregory Miller #2577</u>	<u>Off. R. A. [Signature]</u>

March 6, 1996

Committee on Legislative Management
Legislative Office Building
Hartford, CT 06106

Dear Members of the Legislative Management Committee:

I, Tracy Schulz, would like to urge your support of Senate bill 449-An Act Concerning the Office of the State Capitol Police. I am a 16 year member of the State Capitol Police. For at least the past 12 years, I have been uncomfortable with having to answer to the State Police and Legislative Management. I have always been concerned as to where to go when problems would arise.

I believe it is unfair to ask members of this department to answer to both departments. The State Police who have directly supervised this department have been afforded the right of union representation, their training is different, and have different benefits. We have been asked to adhere to their rules and regulations as well as those set forth by Legislative Management but we have not been afforded the same benefits. I urge support of bill 449 so that the recommendations of the Legislative Commissioners may be followed. This department needs to look to the future by continuing with its main responsibilities and progressing to where it is able to directly function with those who are responsible for its authority.

The State Capitol Police has been established since 1974. Our level of expertise in the area of legislative security has grown over the past 22 years as well as the knowledge of what it takes to run a police department. The members of this department have the unique responsibility of protecting the Legislature while it goes through the process of creating the laws that govern us all while ensuring the rights of those citizens who take part in the process. With the exception of one, every member of this department has at least 5 years of experience and two officers have twenty years. Our members consider themselves professionals and that may be seen through the training that we are required to maintain. Three members of the department are EMTs, several officers have bachelor degrees and two members hold master degrees. One officer is currently attending law school. Each officer has expertise in areas that allow us to function well together. Several officers hold POST academy instructor certification as well as others are trained to instruct in other areas such as self defense, etc...

As the years have passed, I have always found it interesting while working the demonstrations, public hearings, inaugural ceremonies of different governors and legislatures, that when required to work with State Police who were brought in for additional support that the majority would state to me that they would not like to do what we, the State Capitol Police, do every day.

In advance, I would like to thank you for your time and support.

Sincerely,



Senior Officer Tracy Schulz

To: Co-chairs President Pro Tempore Eads and Speaker Ritter
Honorable members of the Legislative Management Committee

From: John Devine
East Hampton, Ct.

Date: March 6, 1996

Subject: Bill #449

I would like to express my support for bill #449.

The Capitol Police force consists of twenty four members whose functions include patrols of the Capitol complex, crowd control, handling emergency and medical incidents, traffic control, and investigating suspicious and criminal activity. A 1992 Legislative Program Review and Investigations committee report states that the Capitol complex attracts more than 100,000 visitors annually. Many of these citizens come to the Capitol to express their opinions on sometimes very volatile topics. As you are aware these topics have caused a number of demonstrations and written and verbal threats against legislators and staff. The criminal activity at the Capitol complex is minimal due to the efforts of the Capitol Police. They are a proactive, not reactive police force.

While performing their duties, the Capitol Police are exposed to many special interest and labor groups. For this reason the Capitol Police (and all other legislative offices) are not permitted to unionize. This allows the Capitol Police to function independently, without any ties and thus operate in an arena that is beyond reproach. The Capitol Police are presently under the command of the Connecticut State Police. As was pointed out in the Legislative Commissioners' Report dated October 1995, this present command system is flawed. The recommendations of Commissioners Case and Gilligan and therefore bill #449 appear to be the proper corrective action.

The Capitol Police need a single chain of command. At present there is no rank structure within the department other than supervisor because the highest ranking officer is a State Police sergeant. This commanding officer is represented by his or her own union. This commanding officer receives his orders and mission goals from the State Police. This does not always lend to what's best for the Capitol complex or the Capitol Police. All of the other legislative offices are headed by a member of that office who stands to gain or lose as his or her office gains or loses. The Capitol Police shouldn't be treated differently.

In closing, I ask for your support by passing bill #449, and make the Capitol Police *your* Capitol Police.