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TITLE 51. Courts

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*Agency*

**Criminal Justice Commission**

*Subject*

**Organization, Rules of Procedure, and Appointment and Removal of Attorneys**

*Inclusive Sections*

**§§ 51-275a-1—51-275a-14.3**

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**Organization, Rules of Procedure, and Appointment and Removal of Attorneys**

**PART I: Definitions and General Provisions**

**Sec. 51-275a-1. Definitions**

“Chairman” means the member of the Criminal Justice Commission appointed by the Governor to serve as Chairman.

“Chief State’s Attorney” means the chief of the Division of Criminal Justice appointed by the Criminal Justice Commission in accordance with Conn. Gen. Stat. § 51-278 (a).

“Commission” means the Criminal Justice Commission except that where specifically so provided by statute “Commission” means the members of the Commission other than the Chief State’s Attorney.

“Division of Criminal Justice” means the agency in the executive department established pursuant to Conn. Gen. Stat. § 51-276 in charge of the investigation and prosecution of all criminal matters in the Superior Court.

“Meeting” means any hearing or proceeding of a quorum of the Criminal Justice Commission in which the business of the Criminal Justice Commission is being conducted.

“Member” means the Chief State’s Attorney or any of the six individuals nominated by the Governor and appointed by the General Assembly to serve on the Criminal Justice Commission, except that “Member” does not include the Chief State’s Attorney in those areas where statute specifically provides that the Criminal Justice Commission means the members of the Commission other than the Chief State’s Attorney.

“Person” shall have the same meaning as set forth in subsection (k) of Conn. Gen. Stat. § 1-1.

“Presiding Officer” means a member of the Commission designated by the Commission to preside over a hearing conducted in accordance with these regulations.

“Quorum” means four members of the Criminal Justice Commission.

(Effective September 17, 1987)

**Sec. 51-275a-2. Description of organization**

The Criminal Justice Commission was established by virtue of Conn. Const. Amend. Art. XXIII and Conn. Gen. Stat. Sec. 51-275a (a). The Commission is composed of the Chief State’s Attorney and six members nominated by the Governor and appointed by the General Assembly. Two of the members of the Commission are judges of the Superior Court. One of the members of the Commission is appointed by the Governor as Chairman. The Commission is responsible for the appointment and discipline, unless otherwise provided by collective bargaining agreement, of attorneys in the Division of Criminal Justice, according to law.

(Effective April 27, 1993)

**Sec. 51-275a-3. Meetings**

(a) The Commission will hold its meetings in accordance with the provisions of the

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Freedom of Information Act. The Chairman may cancel meetings.

(b) The Chairman may call special or emergency meetings of the Commission whenever he feels that such meetings are necessary.

(c) Notice of meetings shall be provided to members of the Commission and to the public in accordance with the requirements of the Freedom of Information Act.

(d) A quorum of the Commission must be present at a meeting in order for business of the Commission to be conducted.

(e) Minutes of meetings shall be kept in accordance with the provisions of the Freedom of Information Act.

(Effective September 17, 1987)

**Sec. 51-275a-4. Requests for information, and complaints**

(a) Records of the Commission will be made available for inspection and copying pursuant to the requirements of the Freedom of Information Act. Requests for inspection or copying records of the Commission should be addressed to the Chairman of the Criminal Justice Commission, c/o OCSA, 340 Quinipiac Street, P.O. Box 5000, Wallingford, CT 06492.

(b) Any complaint concerning the performance or conduct of any employee of the Division of Criminal Justice shall be in writing and sent to the Chairman, c/o OCSA, 340 Quinipiac Street, P.O. Box 5000, Wallingford, CT 06492. The Chairman shall take whatever action he deems to be appropriate including investigation of the complaint by himself, or referral to the Chief State's Attorney or appropriate State's Attorney for investigation. The chairman may call a meeting of the Commission to discuss and act on any complaint or results of the investigation of any complaint. Nothing in this section shall be construed to require the Chairman to take any action on a complaint.

(Effective April 27, 1993)

**Sec. 51-275a-5. Official address**

All written communications directed to the Commission should be sent to the Chairman of the Criminal Justice Commission, c/o OCSA, 340 Quinipiac Street, P.O. Box 5000, Wallingford, CT 06492.

(Effective April 27, 1993)

**PART II: Miscellaneous Proceedings**

**Sec. 51-275a-6. Petitions concerning adoption of regulations**

**Sec. 51-275a-6.1. General rule**

These rules set forth the procedure to be followed by the Commission in the disposition of petitions concerning the initiation of proceedings to promulgate, amend, or repeal a

regulation of the Commission.

(Effective September 17, 1987)

**Sec. 51-275a-6.2. Form of petitions**

Any interested person may at any time petition the Commission to initiate proceedings to promulgate, amend or repeal any regulation of the Commission. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment or repeal. Such petition shall also state the facts and arguments in support thereof, either in the petition or in a brief annexed thereto. The petition shall be addressed to the Chairman and sent to him by mail, or delivered in person during normal business hours to the Office of the Chief State's Attorney which shall then forward the petition to the Chairman. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name and address of petitioner's attorney, if applicable.

(Effective September 17, 1987)

**Sec. 51-275a-6.3. Procedure after petition filed**

(a) Upon receipt of the petition, the Commission shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(b) If the Commission denies the petition, the petitioner shall be given notice in writing stating the reasons for the denial.

(c) If the Commission grants the petition, it shall initiate regulation making proceedings. The Commission may modify or restructure the proposed regulation before notice of intent to adopt regulations is published.

(Effective September 17, 1987)

**Sec. 51-275a-7. Requests for declaratory rulings**

**Sec. 51-275a-7.1. General rule**

These rules set forth the procedure to be followed by the Commission in the disposition of requests for declaratory rulings as to the applicability of any statute administered or enforced by the Commission or applicability of any regulation or order of the Commission.

(Effective September 17, 1987)

**Sec. 51-275a-7.2. Form of petition for declaratory ruling**

(a) Any interested person may at any time request a declaratory ruling of the Commission with respect to the applicability of any statute administered or enforced by the Commission, or applicability of any regulation or order of the Commission.

(b) Such request shall be addressed to the Commission and sent to the Chairman of the Commission by mail or delivered in person during normal business hours to the Office of the Chief State's Attorney which shall then forward the request to the Chairman. A request

which was mailed shall be considered to have been filed at the time it is received at the Office of the Chief State's Attorney.

(c) Such request shall be made by way of a petition in the following form:

(1) The petition shall be in writing and shall state the factual background of the issue.

(2) The petition shall be signed by a person on his own behalf or as representative of an organization in whose behalf it is made and shall state the address of such person or organization and the name and address of the petitioner's attorney, if applicable.

(3) A petitioner shall send a copy of the petition by registered or certified mail to any person or organization that may be immediately affected by the petition. The petition shall state the persons or organizations so notified. If the petitioner is in doubt as to who should be notified it may apply to the Commission for an Order of Notice.

(4) The petition shall clearly and concisely state the substance and nature of the request. It shall identify the statute, regulation or order concerning which the request is made and shall identify the particular aspect thereof to which the question of applicability is directed.

(5) The petition shall state the position of the petitioner with respect to the question of applicability.

(6) The petition or brief attached thereto may include an argument in support of the position of the petitioner with such legal citation as may be appropriate.

(Effective September 17, 1987)

**Sec. 51-275a-7.3. Procedure after petition filed**

(a) Within thirty days following the receipt of the petition, the Chairman will determine whether or not the petition complies with the requirements of Sec. 51-275a-7.2 (c) of these regulations.

(b) If the Chairman determines that the petition does not comply with Sec. 51-275a-7.2 (c) of these regulations, he will send a letter to the petitioner informing him of the noncompliance.

(c) Where the Chairman has determined that a petition is in the correct form, he shall refer the petition to the Commission for a decision, and send a letter to the petitioner stating that he has referred the petition to the Commission. The Chairman may, on his own motion, or on the request of the petitioner, include an Order of Notice requiring the petitioner to notify other interested persons of the petition. Any person provided notice in an Order of Notice may move for permission to intervene in accordance with these regulations. For the purposes of declaratory ruling proceedings, the parties are the petitioner, any person or organization whose motion to intervene is granted, and the Chief State's Attorney should he participate in the proceeding.

(Effective September 17, 1987)

**Sec. 51-275a-7.4. Intervention**

Any person desiring to intervene in any proceeding arising out of a petition for a declaratory ruling shall file with the Commission, at least five days before the date a hearing

is scheduled, a written motion to intervene, setting forth the facts upon which such person claims an interest in the proceeding. Such motion shall be served upon all the parties. Failure to serve the motion upon all parties is itself sufficient cause for the denial of the motion, except that the Commission may excuse the failure to serve any party if the moving party shows good cause. The Commission shall rule upon any such motion to intervene as a preliminary matter at the hearing. The Commission may permit intervention to such an extent and upon such conditions as it determines may effectuate the purpose of the hearing. Any intervention is permissive only.

(Effective September 17, 1987)

**Sec. 51-275a-7.5. Hearing**

(a) Where a petition has been referred to the Commission for a decision, it shall be assigned for a hearing at the next meeting of the Commission after the referral. The Chairman shall provide notice of the hearing to the petitioner and to any person or organization responding to the order of notice at least two weeks prior to the scheduled date of the hearing. Once the hearing commences, it may be continued to such time and place as the Commission designates at any point during the hearing.

(b) Where any party desires to present evidence, the order of proceedings shall be as follows:

- (1) Parties may make opening statements, if they desire.
- (2) Parties may present evidence.
- (3) Parties shall present closing arguments.

(c) At each stage of the proceedings, the parties shall proceed in the following order:

- (1) The petitioner shall proceed first.
- (2) Following the petitioner, all parties in support of the petition shall proceed in such order as the Commission shall determine.

(3) Then, all parties in opposition to the petition shall proceed in such order as the Commission shall determine.

(4) The Commission in its discretion may allow the petitioner the opportunity for rebuttal.

(5) For the purposes of this section, any party that is uncertain as to whether it supports or opposes the petition shall present its factual and legal position along with the parties opposing the petition.

(Effective September 17, 1987)

**Sec. 51-275a-7.6. Rules of evidence**

(a) No formal rules of evidence shall govern proceedings on a petition for a declaratory ruling. It is within the discretion of the Commission to receive any oral or documentary evidence, but the Commission shall exclude any evidence it deems to be irrelevant, immaterial or unduly repetitious. Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy

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with the original if the original is readily available, and such comparison will not unduly delay the hearing. All evidence shall be taken in the presence of the Commission. The Commission may request such additional information as it deems necessary to render a decision. In order to enter a document or record into evidence at the hearing, the party must identify the document or record and must allow it to be marked. The party offering the exhibit shall provide eight copies for the Commission and one copy for each party. Other parties will be allowed to inspect the document or record and to state any objections to the proposed exhibit. A member of the Commission designated by the Chairman shall rule on objections, as specified below. If the objection is overruled, the Commission shall receive the document or record into evidence. It is solely the function of the Commission to assess the weight and credibility of the witnesses and evidence. All evidence admitted and the names and addresses of all witnesses shall be made a part of the record of the proceeding.

(b) All rulings as to the admissibility of evidence shall be made by a member designated by the Chairman. The ruling shall be conclusive, except that if any member of the Commission desires a vote as to a ruling on evidence, said member may immediately following the ruling request a vote by the Commission. If such a request is made, the ruling shall stand unless overruled by a majority vote of those members present. The opportunity of a Commission member to request a Commission vote on an evidentiary ruling is waived if it is not made immediately after the ruling.

(Effective September 17, 1987)

**Sec. 51-275a-7.7. Closing argument**

Prior to the close of the hearing, each party shall be entitled to present legal argument to the Commission. The petitioner is entitled to open and close the legal argument. The Commission may prescribe a time limit for this argument at the hearing, before the parties give their closing argument.

(Effective September 17, 1987)

**Sec. 51-275a-7.8. Transcript**

All hearings on petitions for declaratory rulings shall be transcribed. Parties desiring transcripts are to order them from the reporter transcribing the hearing.

Requests for copies or certified copies of transcripts that have been filed with the Commission will be processed in accordance with the provisions of the Freedom of Information Act.

(Effective September 17, 1987)

**Sec. 51-275a-7.9. Posthearing brief**

Each party shall have the opportunity to file a post hearing brief at a time to be designated by the Commission. The Chairman shall notify all parties when the transcript has been filed.

(Effective September 17, 1987)

**Sec. 51-275a-7.10. Decision**

The Commission shall expeditiously issue its declaratory ruling after the receipt of posthearing briefs as soon as practicable given the scope and complexity of the issues presented in the petition. A copy of the decision of the Commission shall be sent to each party, or if represented by an attorney, to the attorney for the party, and to any other person who has filed a written request for a copy with the Commission.

(Effective September 17, 1987)

**Sec. 51-275a-7.11. Review**

Any person who has filed a Petition for a Declaratory Ruling who is aggrieved by an adverse ruling by the Commission on his Petition, or is aggrieved by the failure or refusal of Commission to issue such a ruling may seek review of that action in accordance with Conn. Gen. Stat. § 4-176.

(Effective September 17, 1987)

**PART III: Appointment of Attorneys in the Division of Criminal Justice**

**Sec. 51-275a-8. Appointment of Chief State's Attorney**

The Commission appoints the Chief State's Attorney in accordance with Conn. Gen. Stat. § 51-278 (a).

(Effective September 17, 1987)

**Sec. 51-275a-9. Appointment of Deputy Chief State's Attorneys**

(a) The Commission appoints two Deputy Chief State's Attorneys, 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, in accordance with Conn. Gen. Stat. § 51-278 (b) (1) (A).

(b) The Commission designates one Deputy Chief State's Attorney 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 the Chief State's Attorney resumes his duties, in accordance with Conn. Gen. Stat. § 51-278 (b) (1) (A).

(c) When a Deputy Chief State's Attorney is unable to perform his duties due to absence or other cause, the Commission may designate any other employee of the Division of Criminal Justice to exercise the power and duties of that Deputy Chief State's Attorney until the Deputy Chief State's Attorney is able to resume his duties.

(Effective September 17, 1987)

**Sec. 51-275a-10. Appointment of State's Attorneys**

The Commission appoints a State's Attorney for each judicial district in accordance with Conn. Gen. Stat. § 51-278 (b) (1) (B).

(Effective September 17, 1987)

**Sec. 51-275a-11. Appointment of other attorneys**

The Commission appoints Assistant State's Attorneys and Deputy Assistant State's Attorneys in accordance with Conn. Gen. Stat. § 51-278 (b) (1) (B).

(Effective September 17, 1987)

**Sec. 51-275a-12. Recommendations on filling vacancies**

(a) When there are vacancies in Assistant State's Attorney or Deputy Assistant State's Attorney positions in the office of the Chief State's Attorney or the housing division of the Superior Court, the Commission shall make its appointment from the recommendations of the Chief State's Attorney.

(b) When there are vacancies in Assistant State's Attorney or Deputy Assistant State's Attorney positions in any judicial district, the Commission shall make its appointment from the recommendations of the Chief State's Attorney or the appropriate State's Attorney.

(Effective September 17, 1987)

**Part IV: Removal of Attorneys in the Division of Criminal Justice**

**Sec. 51-275a-13. Removal of the Chief State's Attorney**

(a) Whenever the Commission has reason to believe or is of the opinion that the Chief State's Attorney is guilty of misconduct, material neglect of duty or incompetence in the conduct of his office, it shall make such investigation as it deems proper, and shall prepare a statement in writing of the charges against such official summoning him to appear before the Commission at a date named and show cause why he should not be removed from office. Such official shall have the right to appear with counsel and witnesses and be fully heard. If after full hearing of all evidence, the Commission finds that the evidence warrants the removal of such official, the Commission shall make a written order to that effect and shall cause a copy thereof to be given such official and shall also file a copy thereof with the Secretary of the State. Upon the filing of such copy with the Secretary of the State, the office held by such official shall become vacant, and the Commission may thereupon proceed to fill such vacancy in the manner provided by law.

(b) The procedure set forth in these regulations for initiating, hearing, and deciding removal proceedings against other attorneys in the Division of Criminal Justice shall govern initiation of, hearing on and decision on proceedings for the removal of the Chief State's Attorney, except that only the Commission shall have the authority to recommend the removal of the Chief State's Attorney.

(Effective September 17, 1987)

**Sec. 51-275a-14. Removal of other attorneys in the Division of Criminal Justice**

**Sec. 51-275a-14.1. Initiation of removal proceedings**

(a) The Chief State's Attorney may recommend the removal of any Deputy Chief State's Attorney, State's Attorney, Assistant State's Attorney or Deputy Assistant State's Attorney

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in the Division of Criminal Justice, unless otherwise provided by collective bargaining agreement.

(b) A State's Attorney may recommend the removal of any Assistant State's Attorney or Deputy Assistant State's Attorney serving under his supervision, unless otherwise provided by collective bargaining agreement.

(c) At any time after receiving a recommendation from the Chief State's Attorney or a State's Attorney for removal, the Commission may take whatever action it deems appropriate which may include but is not necessarily limited to one of the following actions:

(1) The Commission may dismiss the recommendation if it does not feel that the recommendation warrants further consideration by the Commission. Dismissal of a recommendation for removal is without prejudice to the Chief State's Attorney's or the appropriate State's Attorney's renewing the recommendation at a later time.

(2) The Commission may request the Chief State's Attorney or the appropriate State's Attorney to provide more information with the recommendation. The Commission may request more information more than once.

(3) The Commission may vote to initiate proceedings to consider whether or not to remove the attorney who is the subject of the recommendation.

(d) The Commission may, on its own motion, initiate proceedings to consider whether or not to remove any Deputy Chief State's Attorney, State's Attorney, Assistant State's Attorney or Deputy Assistant State's Attorney, unless otherwise provided by collective bargaining agreement.

(e) Upon a vote to initiate proceedings to consider whether or not any Deputy Chief State's Attorney, State's Attorney, Assistant State's Attorney or Deputy Assistant State's Attorney should be removed, whether upon the recommendation of the Chief State's Attorney or the appropriate State's Attorney, or by the Commission upon its own motion, the Commission shall frame the charges against the employee. Removal charges shall be in writing and shall contain: (1) the legal authority under which the removal will be considered, (2) a reference to statutes or regulations involved, (3) a concise statement of the matters asserted and of the conduct forming the basis of the charges, (4) the fact that removal is being sought, and (5) if the charges were initiated following a recommendation for removal by the Chief State's Attorney or the appropriate State's Attorney, they shall have attached to them a copy of the recommendation for removal. The Commission may also consider a form of discipline less severe than removal without the need to amend the charges or file new charges.

(f) The charges shall be served upon the employee who is the subject of charges by hand delivery or by U.S. Mail, certified, return receipt requested. Where service by hand is used, the person serving the charges shall file an affidavit with the Commission stating the manner of service. Any other notices to be provided in connection with the charges, other than notice provided on the record at a hearing, shall be sent by first class U.S. Mail, postage prepaid, certified, return receipt requested.

(Effective April 27, 1993)

**Sec. 51-275a-14.2. Hearing of removal proceedings**

(a) Proceedings for Removal shall be considered at a hearing to be conducted by the Commission.

(b) The employee who is the subject of disciplinary charges may be represented by himself or by counsel whom he designates.

(c) (1) Where the proceedings for removal were initiated following a recommendation for removal by the Chief State's Attorney, or the appropriate State's Attorney, the disciplinary case against the employee shall be presented by the Chief State's Attorney, the appropriate State's Attorney, or their designees.

(c) (2) Where the charges were initiated by the Commission on its own motion, the case against the employee shall be presented by a person or persons designated by the Commission.

(d) Following the initiation of removal proceedings, and the designation of the person or persons who will present the case against the employee, the Commission shall have no communication regarding the disciplinary case with any party or his representative except upon notice and opportunity for all parties to participate.

(e) The parties to proceedings for removal are the employee who is the subject of the charges and the authority recommending removal unless the authority recommending removal is the Commission in which case the parties shall be the employee who is the subject of the charges and the person or persons designated by the Commission to present the case against the employee.

(f) The person or persons presenting the case against the employee has the burden of going forward and of establishing by a preponderance of the evidence that there is just cause for removing the employee.

(Effective September 17, 1987)

**Sec. 51-275a-14.3. Hearing and decision by commission**

(a) In conducting a hearing, the Commission shall be presided over by the Chairman, or by a member of the Commission designated by the Commission, who shall be referred to in these regulations as the presiding officer.

(b) The presiding officer shall schedule a hearing. Notice of the time, date and place of the hearing will be provided to the employee subject to the disciplinary charges, to his counsel, if any, and to the person or persons who will be presenting the case against the employee. The presiding officer may, in his sole discretion, grant postponements of the hearing at the request of a party. The Commission may grant postponements on its own motion.

(c) Prior to the hearing, the presiding officer may schedule an informal prehearing conference between the parties or their representatives and the presiding officer or other member of the Commission, if requested by both parties or at the direction of the presiding officer. The following issues may be considered at such a prehearing conference:

(1) Simplifying or narrowing issues in dispute, if feasible.

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(2) Discussing the scheduling of the hearing and of matters to be considered at the hearing.

(3) Obtaining stipulations as to matters of fact.

(4) Obtaining stipulations as to the authenticity or admissibility of documents.

(d) A prehearing conference need not be recorded, but a written record will be made of any stipulations. Any such written record will be signed by the parties, or their representatives.

(e) In the course of presiding over the hearing, the presiding officer shall:

(1) Regulate the course of the hearing and the conduct of the parties and their counsel therein.

(2) Insure that all testimony is given under oath.

(3) Rule upon offers of proof and questions of the admissibility of evidence, subject to a vote by the Commission, if any member of the Commission asks for a vote immediately subsequent to the ruling.

(4) Consider and rule upon all motions, subject to a vote by the Commission, if any member of the Commission asks for a vote prior to the decision on the motion.

(5) Take any other action necessary to insure the proper conduct of the hearing.

(f) After the hearing is formally called to order, the presiding officer shall enter the charges and the notice of hearing into the record, enter any stipulations into the record, rule upon any pending motions, and any other preliminary matters deemed necessary by the presiding officer, and the hearing shall then proceed in the following order:

(1) Opening argument by the person or persons presenting the case against the employee.

(2) Opening argument on behalf of the employee.

(3) Case in chief against the employee.

(4) Case in chief on behalf of the employee.

(5) Rebuttal or further evidentiary proceedings, in the discretion of the Commission, if the Commission is of the belief that further evidentiary proceedings would provide assistance in fully developing the facts.

(g) No formal rules of evidence shall govern removal proceedings. It is within the discretion to the presiding officer to receive any oral or documentary evidence, but he shall exclude any evidence he deems to be irrelevant, immaterial or unduly repetitious. The presiding officer shall be guided, but not bound by, the rules of evidence as applied in the courts of the State of Connecticut. Documentary evidence may be received in the forms of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy with the original if the original is readily available, and such comparison will not unduly delay the hearing. All evidence shall be taken in the presence of the Commission. The Commission may request such additional information as it deems necessary to render a decision. In order to enter a document or record into evidence at the hearing, the party must identify the document or record and must allow it to be marked. The party offering the exhibit shall provide eight copies for the Commission and one copy for each party. Other parties will be allowed to inspect the document or record and to state any objections to the

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proposed exhibit. The presiding officer shall rule on objections except that immediately following a ruling sustaining an objection to the admissibility of any document, any member of the Commission may request a vote by the Commission on the objection. If such a request is made, the ruling of the hearing officer sustaining the objection shall stand unless overruled by majority vote of those members present, in which case the Commission shall receive the document into evidence. It is solely the function of the Commission to assess the weight and credibility of the witnesses and evidence. All evidence admitted and the names and addresses of all witnesses shall be made a part of the record of the proceeding.

(h) Following the completion of the presentation of evidence, the Commission will set a deadline for receipt of written argument. The parties should, in addition to anything else they may wish to present in their written argument, address the issue of whether or not there is just cause for removal and the appropriateness of removal as opposed to some lesser penalty. The Commission may set limits on the length of written arguments.

(i) Following the receipt of written argument, oral argument may be scheduled by the Commission at the request of either party or at the direction of the Commission. The person or persons presenting the case against the employee shall open and close the argument, and the Commission may apportion the time allotted to the parties as they see fit. The Commission may set limits on the length of oral argument.

(j) The hearing and the meeting at which oral argument is to be received shall be transcribed. Parties should make their own arrangements with the stenographer for copies of the transcript, if desired.

(k) Following oral argument, or if oral argument is not conducted, following the deadline for presentation of written argument, the Commission shall render a final decision. If the Commission decides that disciplinary action is not warranted, the Commission will inform the parties of that determination. If the Commission decides that removal is warranted, the Commission shall issue a written decision which shall include findings of fact and conclusions of law separately stated, articulating the reasons for the action, findings as to the acts or omissions upon which the recommended action is based, and the effective date of the action.

(l) Where the Commission determines that disciplinary action less than removal is appropriate, the Commission shall issue a final decision imposing the lesser form of discipline.

(m) A copy of the final decision shall be sent by U.S. Mail, postage prepaid, certified mail, return receipt requested, to each party, to the Chief State's Attorney and to the appropriate State's Attorney, if any.

(Effective September 17, 1987)