

Attorney General, Richard Blumenthal

September 21, 1993

T. William Knapp

Executive Director

Municipal Police Training Council

285 Preston Avenue

Meriden, CT 06450-4891

Dear Mr. Knapp:

You have asked our opinion on several matters pertaining to the extent of the authority of the Municipal Police Training Council (MPTC) to impose mandatory training requirements upon those persons empowered by statute to act in the capacity of a police officer. Our continuing discourse upon the subject has clarified your request as seeking responses to the following questions. First, you have asked whether individuals receiving their law enforcement powers pursuant to certain statutes listed in your letter require police officer training. Second, if the answer to the first question is affirmative, you have asked whether the authority to train falls under the provisions of Conn. Gen. Stat. §§ 7-294a through 7-294e (1993). Because of the number of statutes which are the subject of your inquiry, and due to the disparate nature of the duties of the individuals who are the subjects thereof, these questions do not lend themselves to a succinct response. Accordingly, our advice will address each statute separately so as to provide appropriate guidance concerning your responsibilities toward the individuals empowered thereunder.

I.

The authority of the MPTC to require certain persons to obtain training and certification as police officers is found in the provisions of Conn. Gen. Stat. §§ 7-294a through 7-294e (1993). Specifically, Conn. Gen. Stat. § 7-294d(a) provides, in pertinent part, that the MPTC shall have the following powers:

(1) To develop and periodically update and revise a comprehensive municipal police training plan;

* * * *

(5) To require that all probationary candidates receive a minimum of four hundred eighty hours of basic training before being eligible for certification...;

* * * *

(7) To issue appropriate certification to police officers who have satisfactorily completed minimum basic training programs;

(8) To require that each police officer satisfactorily complete at least forty hours of certified review training every three years in order to maintain his certification . . . ;

(9) To renew the certification of those police officers who have satisfactorily completed review training programs; [and]

(10) To establish uniform minimum educational and training standards for employment as a police officer in full-time positions, temporary or probationary positions and part-time or voluntary positions

Id. Subsection (b) of § 7-294d further provides that

No person may be employed as a police officer by any law enforcement unit for a period exceeding one year unless he has been certified under the provisions of subsection (a) of this section or has been granted an extension by the council. No person may serve

as a police officer during any period when his certification has been cancelled or revoked pursuant to the provisions of subsection (c) of this section

Subsection (c) of § 7-294d, as amended by Public Act No. 92-128, provides, in pertinent part, that the MPTC "may refuse to renew any certificate if the holder fails to meet the requirements for renewal of his certification." It further sets forth specific criteria upon which a certification may be cancelled or revoked. Id.

While the statutory responsibilities of the MPTC are principally described in the statutes in terms of "police officers," subsection (e) of § 7-294d provides that "[t]he provisions of this section shall apply to any

person who performs police functions"¹ Id. (emphasis supplied). Thus, the MPTC's training responsibilities extend beyond police officers to individuals who are not police officers, but who perform police functions.²

Conn. Gen. Stat. § 7-294a defines a "police officer" as one who is "a sworn member of an organized local police department, an appointed constable who performs criminal law enforcement duties, a special policeman appointed under §§ 29-18, 29-18a or 29-19 or any member of a law enforcement unit who performs police duties" Id. (emphasis supplied). A "law enforcement unit" is further defined as "any agency, organ or department of this state or a subdivision or municipality thereof, whose primary functions include the enforcement of criminal or traffic laws, the preservation of public order, the protection of life and property, or the prevention, detection or investigation of crime" Id. The statute does not precisely define what constitutes a "primary function" of a state agency, department or subdivision thereof. However, we interpret such primary functions as including those which are objectively integral to the proper performance of the entity's overall duties and responsibilities.³

The terms "criminal law enforcement duties", "police duties" and "police functions" are also not specifically defined within the statutory scheme described above. However, where particular words or sections of the statute, considered separately, are lacking in precision of meaning, the statute should be construed as a whole. Mitchell v. King, 169 Conn. 140, 144, 363 A.2d 68 (1975). Related statutory provisions also provide guidance in determining the meaning of a particular word. See State v. Hill, 201 Conn. 505, 515, 518 A.2d 388 (1986); Connecticut Light & Power Co. v. Costle, 179 Conn. 415, 422, 426 A.2d 1324 (1980). Viewed as such, in our opinion the performance of criminal law enforcement duties, police duties and police functions is properly seen as encompassing one or more of the following activities: (1) enforcement of criminal or traffic laws, (2) preservation of public order, (3) the protection of life or property, and (4) the prevention, detection or investigation of crime.⁴ See Conn. Gen. Stat. § 7-294a.

II.

We turn now to an examination of the specific statutory classifications of law enforcement personnel, about which you have inquired, to determine first, whether they are "police officers" within the meaning of that term as defined by Conn. Gen. Stat. § 7-294a, or "person[s] who perform police functions" according to Conn. Gen. Stat. § 7-294d(e), and second, if so, whether they are subject to the training and certification requirements of § 7-294d as summarized above.

Sheriffs and Deputy Sheriffs

Conn. Gen. Stat. § 6-31 (1993) provides that:

Each sheriff may execute in his county all lawful process directed to him, shall be conservator of the peace and may, when necessary, with force and strong hand, suppress all tumults, riots, unlawful assemblies and breaches of the peace and may raise the power of the county and command any person to assist him in the execution of his office.

Each sheriff is empowered to appoint deputies to act under him. Such deputies have the same power as the sheriff to serve civil process. See Conn. Gen. Stat. § 6-37 (1993).

Further, Conn. Gen. Stat. § 6-43 (1993) provides that:

In case of riot or civil commotion or reasonable apprehension thereof, or when he deems it necessary for the prevention or investigation of crime, or when needed for attendance at court, the sheriff of any county may further appoint special deputy sheriffs in such numbers as he deems necessary. Special deputy sheriffs shall be sworn to the faithful performance of their duties and, having been so sworn, shall have all the powers of the sheriff as provided by law, except as to service of civil process; and such special deputies shall continue to hold their office as long as the sheriff appointing them deems necessary but not longer than the term of his office.

Sheriffs and their special deputies are members of a law enforcement unit whose primary functions include the performance of police duties; specifically, the preservation of public order, the protection of life and property and the prevention or investigation of crime. They are "police officers" within the meaning of that term as defined by § 7-294a. Conn. Gen. Stat. § 6-32b (1993), however, vests authority over the training of deputy sheriffs and special deputy sheriffs with the Sheriffs' Advisory Board, not with the MPTC. Where the terms of two statutes appear to conflict, that statute having the specific terms covering the given subject matter will prevail over the general language of the same or another statute which might otherwise prove controlling. See Budkofsky v. Commissioner of Motor Vehicles, 177 Conn. 588, 592, 419 A.2d 333 (1979). Thus, § 7-294d notwithstanding, sheriffs and their deputies are not subject to the authority of the MPTC over the training and certification of police officers.

Special Constables

Conn. Gen. Stat. § 7-92 (1993) provides, in pertinent part, that "[t]he chief executive officer of any municipality may appoint such number of special constables as he deems necessary to preserve the public peace within such municipality ... and such special officers shall have the authority of constables of such town to serve criminal process and make arrests for commission of crime." Such special constables explicitly fall within the definition of a police officer under Conn. Gen. Stat. § 7-294a. Accordingly, they are subject to the authority of the MPTC.

Lake Patrolmen

Conn. Gen. Stat. § 7-151b (1993), subsection (a), provides, in pertinent part, that "[t]he commissioner of environmental protection may appoint lake patrolmen to enforce any boating laws delegated by said commissioner." Several of the boating laws referred to in § 7-151b carry significant terms of imprisonment for violation thereof. See Conn. Gen. Stat. §§ 15-140k through 15-140n (1993). Subsection (b) of § 7-151b, however, specifically relegates responsibility for the formulation of training of lake patrolmen to the commissioner of environmental protection. Accordingly, such individuals are not within the scope of authority of the MPTC.

However, subsection a of 7-151b also provides that "[a]ny such lake patrolman may carry a firearm only upon completion of a basic police training course defined in section 7-294a or a firearms safety course offered by the department of environmental protection." Thus, to the extent lake patrolmen are to carry firearms, such training, at the discretion of the commissioner of environmental protection, may be under the direction of the MPTC or the department of environmental protection.

Housing Authority Police

Conn. Gen. Stat. § 8-44b (1993) provides that "[h]ousing authority police officers shall have and exercise the powers and authority conferred upon municipal police officers and shall be subject to the ultimate supervision and control of the chief of police of the municipality in which the housing authority operates." Pursuant to the provisions of § 8-44b, "[n]o person shall be appointed to such housing authority police force unless he has been awarded a certificate attesting to his successful completion of an approved municipal police basic training program, as provided in section 7-294d." Such individuals are, therefore, subject to the authority of the MPTC, and must comply with the statutory requirements of § 7-294d concerning their training and certification.

Commissioner of Motor Vehicles and Inspectors

Conn. Gen. Stat. § 14-8 (1993), subsection (a), provides, that:

The commissioner, each deputy commissioner and any salaried inspector of motor vehicles designated by the commissioner, when engaged in the discharge of the duties of his office, shall have, in any part of the state, the same authority to make arrests or issue citations for violations of any statute or regulations relating to motor vehicles and to enforce said statutes and regulations as policemen or state policemen have in their respective jurisdictions.

The commissioner and deputy commissioners of motor vehicles, as well as all inspectors thereof, when exercising such statutory duties perform police functions; to wit, the enforcement of traffic laws. Therefore, to the extent those individuals directly exercise such police functions they are subject to the authority of the MPTC as concerns the training and certification of police officers.⁵

Marine Officers

Conn. Gen. Stat. § 15-154a (1993) provides that:

The selectmen of any town may appoint for such length of time as they determine such number of special constables to be called town marine officers as they deem necessary to enforce the provisions of this chapter, section 53-134, subsection (b) of section 53a-119b and section 53a-182 on any body of water that lies wholly or partially within the jurisdiction of the town, and the provisions of section 22a-250 on any body of water that lies wholly or partially within the jurisdiction of the town or upon land adjacent to such body of water and within the jurisdiction of the town.

As special constables, town marine officers appointed pursuant to the provisions of § 15-154a perform police functions. Accordingly, absent the specific delegation of responsibility for their training to another entity, they are subject to the authority of the MPTC.

Commissioner of Consumer Protection and Agents

Conn. Gen. Stat. § 21a-261 (1993), subsection (d), provides that:

The commissioner of consumer protection and his authorized agents are authorized and empowered to obtain and serve search warrants and arrest warrants; to seize

contraband controlled substances; and to make arrests without warrants for offenses under sections 21a-243 to 21a-282, inclusive, if the offense is committed in their presence or, in the case of a felony, they have probable cause to believe that the person so arrested has committed, or is committing, such offense. The commissioner and his authorized agents when executing the powers authorized pursuant to this subsection, except when using deadly physical force, shall be deemed to be acting in the capacity of a peace officer as defined in subsection (9) of section 53a-3. The commissioner of consumer protection and the commissioner's agents, when exercising such powers, clearly perform police functions. Therefore, to the extent those individuals directly exercise such police functions, they are subject to the authority of the MPTC.

Special Police for Fair Grounds

Conn. Gen. Stat. § 22-124 (1993) provides that:

The board of managers or executive committee of any agricultural society may appoint as many citizens of this state as it deems necessary to be policemen on its grounds and in its fair buildings, who shall preserve order, prevent trespasses within and around such grounds and buildings, protect the property therein, arrest, eject or temporarily confine in a suitable lockup, on the grounds, all persons guilty of disorderly conduct or other violation of law upon such grounds and generally have the same power upon such grounds as constables or policemen.

Clearly, such individuals perform police functions.⁶ Thus, special police for fairgrounds are subject to the authority of the MPTC as concerns their training and certification.

Animal Control Officers

Conn. Gen. Stat. § 22-330 (1993) provides that:

The commissioner [of agriculture], the chief canine control officer and any canine control officer in any part of the state, any regional animal control officer in the territory to which he is assigned and any municipal animal control officer in the municipality for which he has been appointed may exercise the same authority to arrest any person and may issue a written complaint and summons in furtherance thereof for any violation of any law relating to dogs or to any domestic animal as sheriffs, police officers or constables may exercise in their respective jurisdictions.

The commissioner and all canine or animal control officers can enforce the provisions of Chapters 435, 436 and 436a of the General Statutes, both criminal and non-criminal, and may also issue complaints and summons or make arrests for violations of any other law relating to dogs or any other domestic animal. See Conn. Op. Atty. Gen. No. 86-045. Such persons who directly perform such police functions are subject to the authority of the MPTC with regard to police training and certification.

Municipal animal control officers appointed pursuant to Conn. Gen. Stat. § 22-331 (1993) are in a somewhat different position, however. The legislative bodies of the respective municipalities may waive any requirement as to education and training applicable to such wardens and their assistants which might otherwise apply to them and to other members of the police department. See Conn. Gen. Stat. § 22-331(a); D'Amico v. Willis, 13 Conn. App. 124, 127-28, 534 A.2d 1251 (1987). To the extent that a local warden's municipality has waived such education and training requirements, that warden is not subject to the authority of the MPTC.

State Park Police

Pursuant to the provisions of Conn. Gen. Stat. § 23-18 (1993), [t]he commissioner of public safety may, upon application of the commissioner of environmental protection, appoint, during his pleasure, one or more persons employed upon the public reservations in charge of the commissioner of environmental protection and designated by him, who, having been sworn, may arrest any person in such reservation for any offense committed therein and take such person before some competent authority. Each such policeman shall, when on duty, wear in plain view a shield bearing the words "State Park Police" or "State Forest Police", whichever is appropriate.

As is readily apparent from the nature of their appointed duties, such individuals belong to a law enforcement unit within a department of this state whose primary functions include the enforcement of criminal or traffic laws. As a result, they are subject to the authority of the MPTC as regards the training and certification of police officers.

Forest Fire Patrolmen

Conn. Gen. Stat. § 23-40 (1993) provides, in pertinent part, that "[t]he state forest fire warden may appoint patrolmen, who shall ... have all the powers of a deputy sheriff in the arrest of any person for an alleged violation of any provision of the statutes for the protection of forest and timber land" Several of the statutes referred to in § 23-40 above provide for significant periods of imprisonment as a penalty for violation thereof. Cf. Conn. Gen. Stat. § 23-48 (1993) (kindling fire in the open - six months imprisonment authorized if convicted). Thus, forest fire patrolmen perform police functions and are subject to the authority of the MPTC as concerns their training and certification.

Special Police for Waterworks

Conn. Gen. Stat. § 25-44 (1993) provides that:

The governor, upon the application of any town, city or borough or of any subdivision thereof, or of any company, owning or controlling any system of waterworks or water supply, may commission, during his pleasure, one or more persons who, having been sworn, may act as policemen for the purpose of preventing and abating nuisances and protecting such water supply from contamination. Such policemen shall arrest, without previous complaint or warrant, any person for an offense under the provisions of any law for the protection of water supplies, when the offender is taken or apprehended in the act or on speedy information of others; and all persons so arrested shall be immediately presented before competent authority. Each such policeman shall, when on duty, wear in plain view a shield bearing the words "Special Police" and the name of the town, city, borough or company for which he is commissioned.

Such special policemen for waterworks are empowered to perform police functions, and they are therefore subject to the direction of the MPTC concerning requirements of training and certification pursuant to Conn. Gen. Stat. § 7-294d (e).

Conservation Officers

Conn. Gen. Stat. § 26-5 (1993) provides, in pertinent part, that:

The commissioner of environmental protection shall appoint such number of conservation officers as may be necessary for the efficient execution of the duties of the department under section 26-6. The commissioner may supplement the regular conservation officer force by appointing as special conservation officer or as patrolman any employee of the department. Each conservation officer, special conservation officer

or patrolman shall complete a police training course at the state police training school or an equivalent course approved by the commissioner of public safety.

In addition, subsection (b) of Conn. Gen. Stat. § 26-6 (1993), as amended by Public Act No. 91-402, provides as follows:

Conservation officers, special conservation officers and patrolmen may, without warrant, arrest any person for any violation of any of the provisions set forth in subsection (a) of this section, and any full-time conservation officer shall, in the performance of his duties in any part of the state, have the same powers to enforce such laws as do sheriffs, policemen or constables in their respective jurisdictions. Any full-time conservation officer shall, incident to a lawful arrest while enforcing such laws in the performance of his duties in any part of the state, have the same powers with respect to criminal matters and the enforcement of the law relating thereto as sheriffs, policemen or constables have in their respective jurisdictions.

Pursuant to subsection (a) of Conn. Gen. Stat. § 26-6, as amended by Public Act No. 91-402, conservation officers possess enforcement powers over a wide array of environmental and criminal matters enumerated therein. As cited above, however, conservation officers are required to "complete a police training course at the state police training school or an equivalent course approved by the commissioner of public safety." Conn. Gen. Stat. § 26-5. This provision demonstrates the legislature's intent to withhold any authority that the MPTC might otherwise be deemed to possess over such conservation officers. Consequently, the certification and training of such conservation officers is not within the authority of the MPTC. See Conn. Gen. Stat. § 7-294d(f); note 2, *supra*.

Constables for Fish and Game Protection

Pursuant to the provisions of Conn. Gen. Stat. § 26-6a (1993), [t]he chief executive authority of any town, city or borough, with the consent and approval of the local police commission of such town, city or borough, if any, otherwise the chief of police, if any, may appoint and administer the oath of office to special officers to be known as constables for fish and game protection, whose duties shall be limited to the enforcement, in the municipality of their appointment, of state and local fish and game laws and regulations issued by the commissioner of environmental protection, any local ordinances relating to hunting, fishing and trapping and any provision of section 53-205 and 53a-109 [concerning the carrying of loaded weapons in vehicles and criminal trespass, respectively, within the appointing municipality].

Despite their limited jurisdiction, such constables for fish and game protection perform police functions and are, therefore, subject to the authority of the MPTC as concerns the training and certification of police officers.

Shellfish Wardens

Pursuant to the provisions of Conn. Gen. Stat. § 26-205 (1993),

The commissioner of agriculture may appoint two or more persons in each town bordering on Long Island Sound to be shellfish wardens, who shall assist in detecting and prosecuting offenses against the shellfish laws, shall have the same powers as other officers to arrest for the violation of the shellfish laws and shall hold office until their respective successors are appointed and have qualified.

Shellfish wardens perform police functions. Accordingly, they must comply with any and all training or certification requirements promulgated by the MPTC.

Shellfish Police

Conn. Gen. Stat. § 26-206 (1993) provides, in pertinent part, that:

The commissioner of agriculture may, upon the application of the Oystermen's Protective Association of Connecticut or the owner of any oyster franchise or grounds or any natural growers' association, during such time as the commissioner may determine, appoint and commission such number of policemen as he deems necessary to be designated by such association or owner, who, having been sworn to the faithful performance of their duties, may act as policemen upon the tidal waters and flats of this state and upon any boats, wharves or docks owned, leased or controlled by said association, or a member thereof or an owner of oyster grounds Any person so appointed shall have the powers of a sheriff in making arrests and, when on duty, shall wear in plain view a badge bearing conspicuously the words "Shellfish Policeman." Shellfish police perform police functions. Accordingly, they must comply with the provisions of § 7-294d(e) concerning the authority of the MPTC over the training and certification of police officers.

Special Constables for the Towns of Clinton and Madison

Conn. Gen. Stat. § 26-277 (1993) provides, in pertinent part, as follows:

The towns of Clinton and Madison may appoint, at annual or special town meetings, two or more special constables, who may inspect and measure shellfish and shells taken by any person in one day from the portion of the Hammonasset River over which such constables have supervision, authority and control as provided in section 26-278, and may arrest, without warrant, within such portion of said river or within the town to which the officer making the arrest belongs, any person found violating section 26-276 [concerning limits upon the lawful daily shellfish catch from designated portions of the Hammonasset River], or who has in his possession shellfish or shells taken, gathered or collected by him within said limits in violation of said section.

Notwithstanding the limited nature of their jurisdiction, such special constables are members of a law enforcement unit whose primary functions include the performance of police duties, i.e., the enforcement of criminal laws. Accordingly, they are subject to the training and certification requirements of the MPTC.

Security Officers or Institutional Patrolmen at the Veteran's Home and Hospital

Subsection (b) of Conn. Gen. Stat. § 27-107 (1993) provides that:

The commissioner [of public safety], subject to the approval of the state traffic commission, may prohibit, limit restrict or regulate the parking of vehicles, may determine speed limits, may restrict roads or portions thereof to one-way traffic and may designate the location of crosswalks on any portion of any road or highway upon the grounds of the veterans' home and hospital, and may erect and maintain signs designating such prohibitions or restrictions. Security officers or institutional patrolmen appointed to act as state policemen under the provisions of section 29-18 may arrest or issue a summons for violation of such restrictions or prohibitions. Any person who fails to comply with any such prohibition or restriction shall be fined not more than twenty-five dollars, and the court or traffic or parking authority having jurisdiction of traffic or parking violations in the town of Rocky Hill shall have jurisdiction over violations of this section. Conn. Gen. Stat. § 7-294a expressly provides that special policemen appointed under § 29-18 are "police officers" as that term is defined therein. Thus, persons appointed as

security officers or institutional patrolmen pursuant to Conn. Gen. Stat. § 27-107 are subject to the training and certification requirements of the MPTC.

Commissioned Officers, Warrant Officers, Petty Officers, and Noncommissioned Officers of the National Guard

The Connecticut Code of Military Justice, Conn. Gen. Stat. § 27-141 et seq. (1993), provides that all "[c]ommissioned officers, warrant officers, petty officers and noncommissioned officers have authority to quell quarrels, frays and disorders among persons subject to this code and to apprehend persons subject to this code who take part therein." Conn. Gen. Stat. § 27-146 (c). By the terms of the statute, the exercise of such powers are limited to persons within the state's military system.

The provisions of Conn. Gen. Stat. § 7-294d(f) specifically exempt Connecticut National Guard personnel from the purview of the MPTC where such personnel have completed a program of police training conducted by the United States army or air force. The exercise of police powers within the military infrastructure is unique in that any superior officer may apprehend a subordinate for a violation of the Code. Throughout our country's history, courts have held that "[t]he military constitutes a specialized community governed by a separate discipline from that of the civilian [T]he special relationships that define military life have supported the military establishment's broad power to deal with its own personnel." See, e.g., Chappell v. Wallace, 462 U.S. 296, 301-05, 103 S.Ct. 2362, 76 L.Ed.2d 586 (1983). Accordingly, the MPTC does not have authority over the training and certification of military personnel in the performance of their internal law enforcement duties under the Connecticut Code of Military Justice.

Auxiliary Police Officers Through Local Civil Preparedness Organizations

Conn. Gen. Stat. § 28-7 (1993) recognizes the existence of civil preparedness auxiliary police within local civil preparedness organizations whose duties include the "protection of the health and safety of the people" during serious disasters or sudden emergencies. See Conn. Gen. Stat. § 28-7(f). The statutes do not, however, clearly define the duties of such auxiliary police, nor do they clearly delineate the specific authority of such persons. We note, however, that in addition to the provisions of § 7-294d(e) which subject "any person who performs police functions ..." to the authority of the MPTC, subsection (10) of § 7-294d(a) authorizes the MPTC to "establish uniform minimum educational and training standards for employment as a police officer in ... part-time or voluntary positions."

Among the duties assigned to civil preparedness forces during disasters and emergencies are the evacuation of personnel to shelter areas; the control of traffic and panic; and the provision of rescue, emergency medical, health and sanitation services following such disasters and emergencies. See Conn. Gen. Stat. § 28-12(d). Such duties fall within the purview of what has traditionally been viewed as police functions in this state. They are, therefore, subject to the authority of the MPTC.⁷

Special Policemen for Department of Revenue Services

Conn. Gen. Stat. § 29-18b (1993) provides that:

The commissioner of public safety may appoint persons nominated by the commissioner of revenue services to act as special policemen in the special investigation section of the department of revenue services. Such appointees shall serve at the pleasure of the commissioner of public safety and, during such tenure, shall have all the powers conferred on state policemen. They shall, in addition to their duties

with said special investigation section, be subject to call by the commissioner of public safety for such emergency service as said commissioner may prescribe.

Special policemen for the Department of Revenue Services are "police officers" within the meaning of § 7-294a. Accordingly, in the absence of specific provision to the contrary, they are subject to the training and certification requirements of the MPTC. See note 3, supra.

Special Policemen for Division of Special Revenue

Conn. Gen. Stat. § 29-18c (1993) provides that:

The commissioner of public safety may appoint not more than four persons employed as investigators in the security unit of the division of special revenue, upon the nomination of the executive director of the division of special revenue, to act as special policemen in said unit. Such appointees shall serve at the pleasure of the commissioner of public safety. During such tenure, they shall have all the powers conferred on state policemen while investigating or making arrests for any offense arising from the operation of any off-track betting system or the conduct of any lottery game. Such special policemen shall be certified under the provisions of sections 7-294a to 7-294e, inclusive.

These individuals are "police officers" within the meaning of that term as used in § 7-294a. Moreover, by the express terms of the statute itself, they are subject to the authority of the MPTC as concerns the training and certification of police officers.

Special Policemen for War Industry Premises

Conn. Gen. Stat. § 29-21 (1993) provides, in pertinent part, as follows:

Upon the application of any person, firm or corporation engaged in the production of war materials owning, leasing, maintaining, managing or controlling any property, plant or equipment in this state, the commissioner of public safety may, during his pleasure and for such period as is declared by the governor to be a war emergency or an emergency that affects the interests of state and national defense, commission one or more suitable persons designated by such person, firm or corporation, who, having been sworn, may act at the expense of such person, firm or corporation in its business, or with the approval of the chief executive officer of the police department of the municipality in which such premises are located, upon any highway adjacent to such premises, for the protection of such plant or property. Each special policeman so appointed may be armed while on duty upon such premises and may arrest and take before some proper authority any person in his precinct for any offense committed therein Each such policeman shall, when on duty, wear in plain view a shield bearing the words "special police" and the name of the person, firm or corporation for which he is commissioned. War industry policemen are not "police officers" as that term is defined by § 7-294a. However, as special police for war industry premises are all empowered to perform police functions, personnel appointed under § 29-21 are subject to the direction of the MPTC concerning training and certification.

Connecticut Humane Society Agents as Special Police Officers

Conn. Gen. Stat. § 29-108b (1993) provides that:

The commissioner of public safety may appoint, at the request of the Connecticut Humane Society, accredited agents of that society as special police officers to serve for two years from the date of their respective appointments, subject to removal by said commissioner. Such officers shall serve without pay, except their regular compensation

as agents of said society. They shall receive no fees for service or return of any criminal process and shall have, throughout the state, the powers of sheriffs, constables and police officers to arrest and detain any person violating any provision of the statutes concerning cruelty to animals.

Accredited agents of the Connecticut Humane Society are persons who perform police functions as provided for by § 7-294d(e). Accordingly, they are subject to the training and certification requirements of the MPTC.

Juvenile Probation Officers and Juvenile Matters Investigators

Conn. Gen. Stat. § 46b-125 (1993), as amended by Public Act No. 93-391, provides, in pertinent part, as follows:

(b) [Juvenile] probation officers shall make such investigations and reports as the court directs or the law requires. They shall execute the orders of the court; and, for that purpose, such probation officers, and any other employees specifically designated by the court to assist the probation officers in the enforcement of such orders, shall have the authority of a deputy sheriff in each county of the state. They shall preserve a record of all cases investigated or coming under their care, and shall keep informed concerning the conduct and condition of each person under supervision and report thereon to the court as it may direct. Any juvenile probation officer or juvenile matters investigator, authorized by the Office of the Chief Court Administrator, may arrest any juvenile on probation without a warrant or may deputize any other officer with power to arrest to do so by giving him a written statement setting forth that the juvenile has, in the judgment of the juvenile probation officer or juvenile matters investigator, violated the conditions of his probation. When executing such orders of the court, except when using deadly physical force, juvenile probation officers and juvenile matters investigators shall be deemed to be acting in the capacity of a peace officer, as defined in subdivision (9) of section 53a-3.

Juvenile probation officers and juvenile matters investigators are police officers within the meaning of that term as defined in § 7-294a. Accordingly, they are subject to the training and certification requirements of the MPTC.

Adult Probation Officers

Conn. Gen. Stat. § 54-103 (1993) provides for the establishment of an office of adult probation within the judicial department of the State of Connecticut. Conn. Gen. Stat. § 53a-32 (1991) provides, in pertinent part, that "[a]ny probation officer may arrest any defendant on probation without a warrant or may deputize any other officer with power to arrest to do so by giving him a written statement setting forth that the defendant has, in the judgment of the probation officer, violated the conditions of his probation." Conn. Gen. Stat. § 54-108 (1993) provides further, in pertinent part, that "[p]robation officers shall investigate all cases referred to them for investigation by the director or by the court."

Like juvenile probation officers and juvenile matters investigators, adult probation officers are empowered to independently arrest any defendant on probation, with or without a warrant, if, in the judgment of the officer, that defendant has violated the conditions of his probation. They are, thus, members of a law enforcement unit whose primary functions include the enforcement of criminal laws and the preservation of public order. Such individuals are, therefore, "police officers" subject to the training and certification authority of the MPTC.

III.

In addition to the statutory sections included in your letter we have identified several other categories of individuals who potentially fall within the authority of the MPTC as concerns the training and certification of police officers. Although you did not originally request our opinion concerning these statutory sections in your letter, you have since then indicated your desire to have us address them as well. We have, therefore, done so in an effort to satisfy your overall concern over the scope of the MPTC's jurisdiction.

Fire Police

Conn. Gen. Stat. § 7-313a (1993) provides, in pertinent part, that:

The authorities having the supervision of the fire department of any town, city, borough or district may appoint such number of persons, within the available appropriations, as they deem necessary to be fire policemen of such municipality or district, who shall have the powers and perform the duties in such municipality or district as designated and authorized by the fire chief of such municipality or district, and such fire policemen may exercise such powers and duties in any adjoining municipality or district while on duty with the fire department or with a cooperating fire department, where the department is engaged in mutual assistance. Such powers and duties shall include traffic control and regulation and may be exercised by such fire police during any fire drill or fire call or at any other time when such fire police are serving with the fire department, with any other fire department in an adjoining municipality or district or with any fire department rendering mutual assistance. Each such fire policeman shall, while in the performance of his duties as such, wear his badge of office in plain view of any observer. Each such fire policeman, while directing traffic, shall wear a white helmet with the words "Fire Police" in red letters on the front thereof or regulation fire-police dress uniform cap

Fire police have only the powers and perform only the duties designated and authorized by the fire chief of the town, city, borough or district, in which he is appointed, limited solely to traffic control and regulation at the scene of any fire drill or fire emergency. Fire policemen do not have the authority to effect an arrest. Neither does the fire chief have the authority to designate that a fire policeman shall have such power. See Conn. Gen. Stat. § 7-313e (1993) (authority of fire officer during emergency). As such, these individuals are not police officers as that term is defined by § 7-294a. Moreover, the extremely limited nature of their authority and responsibility compel us to conclude that they do not perform what is traditionally viewed as a police function either. Accordingly, they are not subject to the authority of the MPTC.

University Police

Conn. Gen. Stat. § 10a-142 (1993) provides, in pertinent part, as follows:

(a) There is established a special police force for the University of Connecticut at Storrs and its several branches, the University of Connecticut Health Center in Farmington, Central Connecticut State University in New Britain, Southern Connecticut State University in New Haven, Eastern Connecticut State University in Willimantic and Western Connecticut State University in Danbury, the members of which shall have the same duties, responsibilities and authority under sections 7-281, 14-8, 54-1f and 54-33a and title 53a, as members of a duly organized local police department. The jurisdiction of said special police force shall extend to the geographical limits of the property owned or

under the control of the above institutions, except as provided in subsection (b) of section 7-277a.

Individuals so appointed are police officers within the meaning of § 7-294a. Accordingly, they are also subject to the training and certification requirements of the MPTC.

Special Policemen for State Property

Conn. Gen. Stat. § 29-18 (1993) provides that:

The commissioner of public safety may appoint one or more persons nominated by the administrative authority of any state buildings or lands including, but not limited to, state owned and managed housing facilities, to act as special policemen in such buildings and upon such lands. Each such special policeman shall be sworn and may arrest and present before a competent authority any person for any offense committed within his precinct.

Special policemen for state property are "police officers" within the meaning of that term as defined in § 7-294a. Accordingly, in the absence of specific provisions to the contrary, they are subject to the training and certification requirements of the MPTC.

See note 3, supra.

Special Policemen for Investigating Public Assistance Fraud

Conn. Gen. Stat. § 29-18a (1993) provides as follows:

The commissioner of public safety may appoint one or more persons to act as special policemen in the department of public safety, for the purpose of investigating public assistance fraud relating to the beneficiaries of public assistance in this state. Such appointees, having been sworn, shall serve at the pleasure of the commissioner of public safety and, during such tenure, shall have all the powers conferred on state policemen, sheriffs and their deputies. They shall, in addition to their duties concerning public assistance cases, be subject to the call of the commissioner of public safety for such emergency service as he may prescribe.

Special policemen for investigating public assistance fraud are "police officers" within the meaning of that term as defined in § 7-294a. Accordingly, in the absence of specific provisions to the contrary, they are subject to the training and certification requirements of the MPTC. See note 3, supra.

Special Policemen for Utility and Transportation Companies

Conn. Gen. Stat. § 29-19 (1993) provides, in pertinent part, as follows:

(a) The commissioner of public safety may, upon the application of any electric, gas telephone, telegraph or water company owning, leasing, maintaining, managing or controlling any property, plant or equipment in this state, commission, during his pleasure, one or more persons designated by such company who, having been sworn, may act at the expense of such company as policemen upon the premises used or occupied by such company in its business, or upon any highway adjacent to such premises, for the proper protection of such plant or property, and each policeman so appointed may arrest and take before some proper authority any person in his precinct for any offense committed therein

(b) Said commissioner may, upon application of any railroad, express company or steamboat company, engaged in the business of transportation in this state, or upon the application of any corporation owning or having control of the roads in any private residence park, commission, during his pleasure, one or more persons designated by such company or by such corporation, who, having been sworn, may act, at the

expense of such company or corporation, as policemen upon the premises used by such company in its business, or upon its cars or vessels, or upon the roads and land owned by or under control of such corporation, and each policeman so appointed may arrest and take before some proper authority any person in his precinct for any offense committed therein Each such policeman shall, when on duty, wear in plain view a shield bearing the words "railroad police", "steamboat police", "express company police" or "special police", as the case may be, and the name of the company for which he is commissioned.

As special policemen for utility and transportation companies are all empowered to perform police functions, personnel appointed under § 29-19 are subject to the authority of the MPTC.

Special Police for Armored Cars

Conn. Gen. Stat. § 29-20 (1993) provides that:

The commissioner of public safety may, upon the application of any person, firm or corporation operating an armored car service within this state, commission during his pleasure one or more suitable persons, designated by such armored car operator, who regularly transport securities across state lines and who, having been sworn, may act at the expense of such armored car operator as policemen upon the premises used or occupied by such armored car operator in its business or in or upon armored car vehicles or upon any highway adjacent to such premises for the proper protection of such property and such armored car vehicles and their contents.

As special policemen for armored cars are all empowered to perform police functions, personnel appointed under § 29-20 are subject to the authority of the MPTC.

Chief Inspectors and Inspectors

Conn. Gen. Stat. § 51-286 (1993) provides, in pertinent part, as follows:

(a) The chief state's attorney shall appoint four suitable persons to assist, on a state-wide basis, all the state's attorneys and whose title shall be chief inspector. The chief state's attorney shall appoint such inspectors as the criminal business of the office of the chief state's attorney, in the opinion of the chief state's attorney, may require, and each state's attorney may appoint such inspectors as the criminal business of the judicial district, in the opinion of the chief state's attorney, may require. Each inspector shall make investigations concerning criminal offenses which the chief state's attorney or the appropriate state's attorney may have reason to believe have been committed or which may be committed and to assist in all investigations and other matters pertaining to the criminal business of the office or the judicial district and in procuring evidence for the state in any criminal matter, provided, to the extent practicable, one of the inspectors appointed by the chief state's attorney shall investigate, and procure evidence in, environmental matters on a full-time basis.

(b) Any person so appointed shall have the same power of arrest within the state as has any officer of the state police

Regardless of whether or not they might otherwise fall within the statutory definition of a police officer, Public Act No. 91-186 recently amended Conn. Gen. Stat. § 7-294d so as to remove chief inspectors and inspectors appointed pursuant to § 51-286 from the purview of that statute, so long as they have instead completed an alternative program of police training conducted by the Division of Criminal Justice. As such an alternative training program is provided all chief inspectors and inspectors by the Division of

Criminal Justice, such individuals are not subject to the authority of the MPTC as concerns the training and certification of police officers.

We hope that our opinions concerning the authority of the MPTC as pertains to each of the categories of individuals described above fully responds to your request. Please do not hesitate to request further clarification should additional advice become necessary.

Very truly yours,

RICHARD BLUMENTHAL

ATTORNEY GENERAL

Stephen R. Sarnoski

Assistant Attorney General

RB/SRS/td

¹ The statute specifically exempts from its scope any state police training school or program and Connecticut national guard personnel, when acting within the scope of national guard duties, and who have satisfactorily completed a program of police training conducted by the United States army or air force. See Conn. Gen. Stat. § 7-294d(f).

² The training and certification scheme created by Conn. Gen. Stat. §§ 7-294a through 7-294e established the MPTC as the primary agency having authority over the requirements for the qualification and continuing education of persons exercising police powers in this state. Where the legislature saw fit to enact exceptions to this scheme, it did so by specific and explicit language in the statutes themselves. See Conn. Gen. Stat. §§ 6-31 (sheriffs and deputy sheriffs), 7-294d(f) (state and military police), 7-151b (lake patrolmen), 22-331 (local dog wardens), and 26-6 (conservation officers). Thus, any police officer or person performing police functions who is not excepted from the MPTC training requirements must comply with them. We cannot, by construction, read into legislation provisions not clearly stated. See Thornton Real Estate, Inc. v. Lobdell, 184 Conn. 228, 230, 439 A.2d 946 (1981). Our role is to construe legislation as we find it, regardless of whether we think it might have been improved or a preferable result reached by the inclusion of other provisions. Galullo v. Waterbury, 175 Conn. 182, 186, 397 A.2d 103 (1978).

All persons exercising police functions in the State of Connecticut, however, are not required to receive the same training. The specific training requirements set forth in Conn. Gen. Stat. § 7-294d(5) are applicable only to "police officers" or "probationary candidates;" police officers who have not yet satisfied the MPTC training requirements. Persons falling outside the statutory definition of police officer or probationary candidate, who nonetheless perform police functions, are not subject to those specific requirements. Thus, the MPTC has the authority to formulate other appropriate training curricula for persons performing police functions as a prerequisite to their certification, depending on the statutory source of their appointment and the individual needs of their respective offices.

³ Webster's Third New World International Dictionary of the English Language Unabridged, 1971, in relevant part, defines the term "primary" as meaning "something that stands first in order, rank or importance: FUNDAMENTAL"

⁴ This definition is consistent with the comments of Senator Herbst during the debate which preceded the enactment of Substitute Senate Bill 1040, AN ACT CONCERNING

CERTIFICATION BY THE MUNICIPAL POLICE TRAINING COUNCIL, Public Act No. 87-560, wherein the senator remarked, "Basically, if you're going to hold a gun, arrest somebody or detain a person, then you should be fully certified whether you are a part-time officer or a full-time officer." 30 S.Proc., Pt.9, 1987 Sess., p. 3337.

⁵ Such individuals are not sworn members of an organized local police department. Neither are they constables appointed under § 7-92 to perform criminal law enforcement duties. They do not fall within any of the statutory sections enumerated under the definition of a police officer under § 7-294a, and because they do not belong to an agency, organ or department of this state or a subdivision or municipality thereof, they cannot be members of a law enforcement unit who perform police duties. Accordingly, they are not "police officers" within the meaning of that term as defined by statute. Although they do not fit within the definition of a "police officer" as set forth by Conn. Gen. Stat. § 7-294a, the training and certification requirements of § 7-294d are nonetheless applicable to "any person who performs police functions" Id. at § 7-294d(e) (emphasis supplied).

⁶ Unlike constables or policemen, however, they are not appointed by public authorities. The agricultural societies empowered to appoint such "fair grounds police" are private, non-profit corporations. See Conn. Gen. Stat. § 22-119 (1993).

⁷ Auxiliary police officers typically carry firearms, wear uniforms similar to those of the police officers whom they assist, and often accompany regular police officers during the performance of their normal duties. These observations lend further strength to our opinion that auxiliary police officers organized pursuant to Conn. Gen. Stat. § 28-7 require training and certification by the MPTC. See note 5, supra.