

STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
POLICE OFFICERS STANDARDS AND TRAINING COUNCIL

In the matter of:

Charles DellaRocco	:	February 12, 2025
State Animal Control Officer	:	
Connecticut Department of Agriculture	:	Petition (Declaratory Ruling)

PETITION FOR DECLARATORY RULING

Pursuant to Regulations of State Agencies, 7-294e-5, I Charles DellaRocco in my capacity as a State Animal Control Officer and prior POSTC certified officer, do hereby request a declaratory ruling on the matter set forth below.

I. Factual Background of the Issue

I, Charles DellaRocco POSTC #8347, had been hired by the Connecticut Department of Agriculture (DoAG) as a State Animal Control Officer (SACO) on July 3, 2019 as a lateral transfer from the Supreme Court Police Department.

On November 14, 2019, DoAG Operations Chief Nathan Wilson advised POSTC Compliance Officer William Tanner that I was sworn in as a State of Connecticut Animal Control Officer (see Attachment A).

After supplying POSTC with updated training records, POSTC Compliance Officer William Tanner, on December 6, 2019 approved the request for a lateral police officer certification and that the effective date of July 5, 2019 (see Attachment B).

In a letter dated January 21, 2022, POSTC Compliance Officer Brian Enns, suspended my POSTC Certification (see Attachment C). The letter states that POSTC Administrative Staff mistakenly recertified Animal Control Officer DellaRocco despite DoAG not being a law enforcement unit.

On March 14, 2022, DoAG Director of Operations Nathan Wilson sent an affidavit to POSTC stating that DoAG is not nor does it have a law enforcement unit with-in the Department for purposes of CGS 7-294a (see Attachment D).

On May 24, 2022, just days before a formal suspension hearing was to commence, POSTC/DESPP Staff Attorney Colin Milne authored a letter reinstating my POSTC Certification #8347 (see Attachment E).

Prior to the expiration of my POSTC Certification #8347, I completed the required recertification training courses and forwarded all documents to POSTC. In an email dated July 13, 2022, Academy Administrator Karen Boisevert informed me that they have received insufficient paper from DoAG and that my certification will not be renewed.

II. Statute or Regulation for which a Ruling is Sought.

I request a declaratory ruling regarding the status of State Animal Control Officer as police officers and their unit as a law enforcement unit as defined by CGS 7-294a along with 7-294d(f). Supporting legal documentation please see Attorney General Opinion 86-045, Attorney General Opinion 93-028, Public Act 95-108, Attorney General Opinion 2013-006, Attorney General Opinion 2023-02 as well as Office of Legislative Research November 15, 2021 report labeled 2021-R-0107.

III. Position of the Petitioner

It is the position of the petitioner, that during the course of many Connecticut General Assemblies, they intended to have State Animal Control Officers be classified as "police officers" under the statute and their units identified as "law enforcement unit" within the meaning 7-294a. It was also their intentions to have State Animal Control Officers POSTC certified providing these officers with state of the art training so as to protect them and the citizens of the State of Connecticut from unlawful arrests and unlawful search and seizure. The Police Accountability Act and the requirements thereof only clouds the water as it pertains to Animal Control Officers throughout the stated. Clarification and a ruling are needed.

IV. Argument in Support of the Position of the Petitioner

It is clear that Animal Control Officers have arrest powers and can enforce any law as it pertains to domestic animals. In Attorney General Opinion 86-045, Attorney General Joseph Liberman wrote:

"To summarize, reading Conn. Gen. Stats. 22-328 and 22-330 together, the jurisdiction of canine control officers is as follows: canine control officers may enforce both civil and criminal provisions contained in Chapters 435, 436 and 436a of the Connecticut General Statutes; in addition, canine control officers may issue complaints and summons or make arrests for the violations of any animal law relating to dogs or to any other domestic animals contained in any other chapter of the Connecticut General Statutes."

This would mean that Animal Control Officers can enforce Title 14 statutes, 53 statutes, 53a statutes etc... as long as it pertains to domestic animals.

It is clear that Animal Control Officers are "police officers" and their units are "law enforcement units" as defined by CGS 7-294a. In Attorney General Opinion 93—028, Attorney General, now U.S. Senator, Richard Blumenthal wrote as it pertains to Animal Control Officers;

"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.”

Public Act 95-108 changed MPTC to Police Officer Standards and Training Council (POSTC). It also defined “a person with police functions” for the purpose of determining who is subject to the council’s training and certification requirements, as anyone who, in the course of official duties, carries a firearm, exercises arrest powers, or engages in the prevention, detection, or investigation of crime. The bill also explicitly exempts state police officers, fire police, **municipal animal control officers**, and sheriffs and deputy sheriffs. It should be noted that the House Amendment “A” defines police functions and modifies the exemptions in the original bill. The original exemption applied to people in law enforcement units who did not carry firearms or exercise arrest powers. Office of Legislative Research did a Bill Analysis. Attorney General Opinion 2013-006 Attorney General George Jepsen wrote, “...Aware of the 1993 Opinion of Attorney General Blumenthal’s conclusions, the legislature nonetheless chose not to exempt Fish & Game Constables from POSTC training. Where a statute has been amended after the issuance of an Attorney General’s opinion, there is a presumption of legislative acquiescence, and the Attorney General’s opinion serves as “highly persuasive” evidence of the meaning of the statute. *Wiseman v. Armstrong*, 269 Conn. 802, 826-27 (2004); see *Thomas v. Dept. of Developmental Services*, 297 Conn. 391, 404 (2010) (doctrine of legislative acquiescence applies when legislature has amended a statute previously subject to court interpretation).

V. Conclusion and Request for a Ruling Consistent with the Petitioner's Position

State Animal Control Officers are "police officers" under the statute and their units are "law enforcement units" as defined by Connecticut General Statutes.

And because of this POSTC is required to train and certify State Animal Control Officers. State Animal Control Officers are not exempt from this requirement which was codified at CGS 7-294d(f).

RESPECTFULLY SUBMITTED,

Charles DellaRocco
6 Bartkiewicz Road
Chester, CT 06412

CERTIFICATION

The original petition was sent to POSTC via certified mail (RRR) to its address of record on September 8, 2022. Additionally, a copy of this petition was sent to the Attorneys of Connecticut Judicial Branch (CSSD) via electronic mail on that same date.

POSTC

285 Preston Avenue

Meriden, CT

06450

7021 2720 0001 9289 2684

Judicial CSSD

Cristina.Johnson@jud.ct.gov

CERTIFICATION

The original petition was sent to POSTC via certified mail (RRR) to its address of record on February 13, 2025. Additionally, a copy of this petition was sent to the Connecticut Department of Agriculture by certified mail on that same date.

POSTC
285 Preston Avenue
Meriden, CT
06450

Charles DellaRocco

A



Bryan P. Hurlburt
Commissioner

STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner



860-713-2501
www.CTGrown.gov

November 14, 2019

William Tanner, III MPA
Acting Director – Field Services Division
Compliance Officer – Certification Division
Connecticut Police Academy
285 Preston Avenue
Meriden, CT. 06450

Dear Director Tanner,

This is to inform you that on July 5, 2019, Charles A. DellaRocco POST#8347, was sworn in as a State of Connecticut Animal Control Officer.

At the moment we are reviewing the training files of Officer DellaRocco to determine if any additional training is necessary to meet the requirements set by Connecticut Police Officer Standards and Training.

Sincerely,

Nathan Wilson
Operations Chief
Office of the Commissioner

B



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
Police Officer Standards and Training Council
Connecticut Police Academy

December 6, 2019

Mr. Nathan Wilson
Operations Chief
Department of Agriculture
450 Columbus Boulevard
Hartford, CT. 06103

RE: Lateral Hire - Officer Charles A. DellaRocco, POST ID 8347


Dear Mr. Wilson:

On December 6, 2019, the Certification Division received and approved your request for a lateral police officer certification for Officer Charles A. DellaRocco, POST ID 8347. This is effective as of his appointment date of July 5, 2019.

Our records indicate that Officer DellaRocco's certification is valid until **June 30, 2022**. A new POST ID card indicating his new agency has been attached for distribution.

If my office can be of any further assistance, please do not hesitate to contact me.

Respectfully;


William E. Tanner, III, Compliance Officer
POST-C, Certification Division
william.tanner@ct.gov

State of Connecticut
POLICE OFFICER STANDARDS and TRAINING COUNCIL
Police Officer Certification

This card certifies that all requirements of the Police Officer Standards and Training Council and Section 7-294d of the Connecticut General Statutes are met and authorization to serve as a Police Officer in the State of Connecticut is granted to:

NAME: **Charles A. DellaRocco** ID #: **8347**
DEPARTMENT: **Department of Agriculture**
CERTIFICATION DATE: **05/30/1995** EXPIRATION: **06/30/2022**


Compliance Officer, POST-C
COPY

C



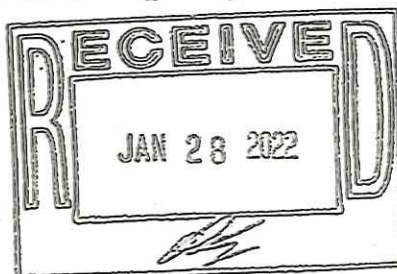
STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

Police Officer Standards and Training Council
Connecticut Police Academy

Certified Return Receipt Requested

January 21, 2022

Charles DellaRocco
6 Bartkiewicz Road
Chester, CT 06412



COPY

Subject: Notice of the Intent of the Police Officer Standards and Training Council to Summary Suspend and Revoke your Connecticut Police Officer Certification POST ID # 83407

Dear Mr. DellaRocco,

Pursuant to statutory authority under Connecticut General Statutes Section 7-294d(c)(2), the Police Officer Standards and Training Council (hereinafter the "Council") is initiating procedures for the cancellation, revocation or suspension of your Connecticut police officer certification POST ID # 83407.

Council administrative staff have completed a preliminary inquiry and have determined that there exists a reasonable basis upon which to consider revocation of your certification as a police officer in the State of Connecticut, pursuant upon the following ground:

Connecticut General Statutes Section 7-294d(c)(2)(A) "The certificate was issued by administrative error"

In support of its decision, the POSTC Certification Unit relies on the following factual basis. In 2018, the Connecticut State Supreme Court Police were disbanded, and Officer DellaRocco was separated from service. Officer DellaRocco exercised his reemployment rights and was hired for the position of State Animal Control Officer. The Council, however, has no record of a POSTC Form 51 (Entry Requirements for Appointment as a Police Officer) from an appointing authority. In 2019, Animal Control Officer DellaRocco presented a POSTC Form 52 (Police Officer Recertification) to POSTC Administrative Staff. Council staff mistakenly recertified Animal Control Officer DellaRocco based on this form despite the State Department of Agriculture (DOAG) not being a law enforcement unit.

Council staff further finds that continued certification may impact public safety where an individual has gained police powers in error by leading to confusion over the extent of the officer's powers. Therefore, the Council is suspending your certification on an emergency basis pursuant to Connecticut General Statutes Section 4-182(b) pending a compliance conference and/or formal hearing. You are required to surrender your police officer certification documents to the Connecticut Police Academy's Certification Division within

five (5) days. Please note the Council's suspension only applies to your current POSTC Certification and not to any other statutory authority you possess as a State Animal Control Officer. **COPY**

Section 7-294d(c)(2) of the Connecticut General Statutes and Section 7-294e-18 of the Regulations of Connecticut State Agencies provides you with an opportunity to show your compliance with all lawful requirements for retention of your certification as a police officer prior to the institution of formal agency proceedings pursuant to the Connecticut Uniform Administrative Procedures Act, Connecticut General Statutes § 4-166 *et seq.* In addition to, or in lieu of attending a formal compliance conference, you are entitled to a formal hearing conducted in accordance with the requirements of the Connecticut Administrative Procedures Act, Chapter 54 of the Connecticut General Statutes. You may represent yourself or be represented by an attorney (at your own expense) during any such proceeding. Sections 7-294e-17 to 7-294e-24 of the Regulations of Connecticut State Agencies, inclusive, provide further guidance regarding these administrative proceedings.

In order to meet the applicable statutory and regulatory requirements summarized above, you are requested to select one or more of the options set forth below, as desired, and to sign and date this letter, and return it to the Police Officer Standards and Training Council for appropriate action within five (5) days of receipt. Council Administrative Staff shall contact you to schedule the respective formal compliance conference and hearing.

OPTIONS:

Initials I hereby request an opportunity to show compliance with all lawful requirements for retention of my Connecticut police officer certification at a compliance conference convened in accordance with the provisions of section 7-294e-18 of the Regulations of Connecticut State Agencies.

Initials I hereby request an opportunity for an informal conference to discuss compliance with all lawful requirements for retention of my Connecticut police officer certification at a compliance conference convened in accordance with the provisions of section 7-294e-20 of the Regulations of Connecticut State Agencies.

Initials I hereby request a formal contested hearing convened in accordance with the requirements of the Connecticut General Statutes section 7-294d(c)(2) and the provisions of the Connecticut Uniform Administrative Procedures Act, Chapter 54 of the Connecticut General Statutes, to determine whether there exists a sufficient statutory basis upon which to revoke my Connecticut police officer certification.

Initials Waiver and Voluntary Surrender. I hereby waive my rights to a compliance conference convened in accordance with the provisions of section 7-294e-18 of the Regulations of Connecticut State Agencies, and waive a formal contested hearing convened in accordance with the requirements of Connecticut General Statutes section 7-294d(c)(2) and the provisions of the Connecticut Uniform Administrative Procedures

Act, Chapter 54 of the Connecticut General Statutes and voluntarily surrender my Connecticut police officer certification with no further action required.

COPY

If you do not complete and return this notification and election of rights within the allotted five (5) day time period, you will be deemed to have waived your rights as set forth above, and the Council will determine whether your Connecticut certification as a police officer may be revoked at its next regularly scheduled Action Committee Meeting based upon the available evidence. You will receive written notice of the Council's action. If your certification is revoked, you will be required to surrender your police officer certification documents to the Connecticut Police Academy's Certification Division forthwith.

Should you have any questions concerning this matter please feel free to contact the undersigned. Email is the preferred method of correspondence.


Respectfully,



Brian Enns, Compliance Officer
POST-C, Certification Division
Connecticut Police Academy
285 Preston Avenue
Meriden, CT 06450
203-427-2626
brian.enns@ct.gov

ACKNOWLEDGEMENT OF RECEIPT
AND ELECTION OF RIGHTS

I hereby acknowledge receipt of the foregoing Notice and Election of Rights. I understand my rights and obligations as set forth therein.


(Signature)

1/26/2022
(Date)

D

AFFIDAVIT OF NATHAN M. WILSON

Nathan Wilson, having been duly sworn, states the following:

1. I am over eighteen years old and understand the nature and obligation of an oath.
2. I make this Affidavit on behalf of the Connecticut Department of Agriculture.
3. I have been employed at the Connecticut Department of Agriculture ("the Department") for approximately four years and as the Director of Operations for approximately three years.
4. The Department of Agriculture is not, nor does it have a law enforcement unit within the Department for purposes of CGS 7-294a.

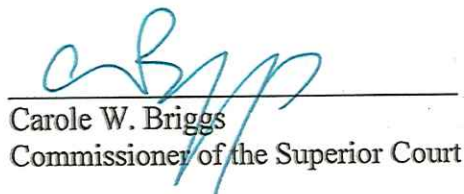
The foregoing is true to the best of my knowledge, information, and belief.



Nathan Wilson

State of Connecticut :
County of Harford : ss. Hartford, Connecticut, March 14, 2022

The foregoing affidavit was acknowledged to me this March 14, 2022, by Nathan Wilson of the Department of Agriculture.



Carole W. Briggs
Commissioner of the Superior Court

E



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
Police Officer Standards and Training Council
Connecticut Police Academy

May 24, 2022

Charles DellaRocco
6 Bartkiewicz Road
Chester, CT 06412

Subject: Reinstatement of POSTC Certificate #83407

Dear Mr. DellaRocco,

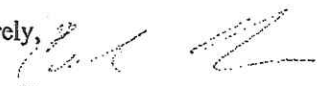
The Police Officers and Standards and Training Council (hereafter "POSTC") has come to the decision to remove the summary suspension status on your POSTC Certificate #83407, effective immediately. Therefore, POSTC shall not be moving forward with the contested case hearing on May 26, 2022.

Despite the decision not to move forward at this time, POSTC maintains its position that your 2019 lateral certification issued by Certification Officer William Tanner was in error as it did not have appropriate approval from the Academy Administrator or the Certification Committee. In addition, the required POSTC Form 51 was not provided by your employer.

Please note that your POSTC Police Officer Certificate shall lapse on June 30, 2022. Prior to recertification, you must submit proof of compliance with 7-294e-2 of the Regulations of Connecticut State Agencies including proof of employment from a sponsoring law enforcement unit.

Should you have any questions concerning this matter please feel free to contact the undersigned. Email is the preferred method of correspondence.

Sincerely,


Colin Milne
Colin.Milne@ct.gov
Staff Attorney 3
POSTC/DESPP