



General Assembly

February Session, 2008

Raised Bill No. 5752

LCO No. 2521

02521_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE INVESTIGATION OF THE USE OF
DEADLY PHYSICAL FORCE BY PEACE OFFICERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-277a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Whenever a peace officer, in the performance of his duties, uses
4 deadly physical force upon another person and such person dies as a
5 result thereof, the Division of Criminal Justice shall cause an
6 investigation to be made and shall have the responsibility of
7 determining whether the use of deadly physical force by the peace
8 officer was appropriate under section 53a-22. The division shall
9 request the appropriate law enforcement agency to provide such
10 assistance as is necessary to determine the circumstances of the
11 incident.

12 (b) In causing such an investigation to be made, the Chief State's
13 Attorney [may] shall designate, as provided in section 51-281,
14 [designate] a prosecutorial official from a judicial district other than
15 the judicial district in which the incident occurred to conduct the

16 investigation or [may] appoint, as provided in subsection (a) of section
17 51-285, [appoint] a special assistant state's attorney or special deputy
18 assistant state's attorney to conduct the investigation. [If the Chief
19 State's Attorney designates a prosecutorial official from another
20 judicial district or appoints a special prosecutor to conduct the
21 investigation, the] The Chief State's Attorney shall, upon the request of
22 such prosecutorial official or special prosecutor, appoint a special
23 inspector or special inspectors to assist in such investigation. [Any
24 person may make a written request to the Chief State's Attorney or the
25 Criminal Justice Commission requesting that the Chief State's Attorney
26 so designate a prosecutorial official from another judicial district or
27 appoint a special prosecutor to conduct the investigation.]

28 (c) Upon the conclusion of the investigation of the incident, the
29 division shall file a report with the Chief State's Attorney which shall
30 contain the following: (1) The circumstances of the incident, (2) a
31 determination of whether the use of deadly physical force by the peace
32 officer was appropriate under section 53a-22, and (3) any future action
33 to be taken by the Division of Criminal Justice as a result of the
34 incident. The Chief State's Attorney shall provide a copy of the report
35 to the chief executive officer of the municipality in which the incident
36 occurred and to the Commissioner of Public Safety or the chief of
37 police of such municipality, as the case may be.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	51-277a

Statement of Purpose:

To require the Chief State's Attorney to designate a prosecutor from a judicial district other than the judicial district in which the incident occurred or to appoint a special prosecutor to conduct the investigation of the use by the police of deadly physical force that resulted in the death of another person.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]