



# House of Representatives

**File No. 828**

General Assembly

January Session, 2013

**(Reprint of File No. 673)**

Substitute House Bill No. 6663  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 17, 2013

***AN ACT CONCERNING COMPLAINTS ALLEGING MISCONDUCT BY  
LAW ENFORCEMENT AGENCY PERSONNEL.***

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

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) Not later than July 1,  
2 2014, the Police Officer Standards and Training Council shall develop  
3 and implement a written policy concerning the acceptance, processing  
4 and investigation of a complaint from a member of the public relating  
5 to alleged misconduct committed by law enforcement agency  
6 personnel.

7 (b) In developing such policy, the council shall consider: (1)  
8 Whether all sworn officers and civilian employees of a law  
9 enforcement agency shall be required to accept complaints alleging  
10 misconduct by the agency's law enforcement personnel, (2) the means  
11 or processes to be used for accepting complaints from members of the  
12 public, including the acceptance of complaints that are anonymously  
13 made or made by a complainant on behalf of another person, (3) the  
14 necessity of requiring a sworn statement from a complainant, (4)

15 protections that may be afforded to a complainant who fears  
 16 retaliation associated with the filing of a complaint, (5) the use of a  
 17 standardized form to record any complaint of alleged misconduct, (6)  
 18 permissible time frames associated with the filing of a complaint, (7)  
 19 protocols for the investigation of complaints, (8) documentation  
 20 requirements relating to the receipt of any complaint and its  
 21 disposition, and (9) the process for informing a known complainant of  
 22 the disposition of the complaint.

23 (c) Upon the implementation of such policy, each law enforcement  
 24 agency shall adopt the policy developed by the Police Officer  
 25 Standards and Training Council or develop an alternative policy for  
 26 such law enforcement's agency provided such alternative policy (1)  
 27 takes into consideration the issues described in subsection (b) of this  
 28 section, and (2) exceeds the standards of the policy developed by the  
 29 Police Officer Standards and Training Council. Upon the adoption of  
 30 the policy developed by the Police Officer Standards and Training  
 31 Council or the development of an alternative policy, each law  
 32 enforcement agency shall make its policy available to the public and  
 33 shall ensure that (A) copies of the policy are available at the town hall  
 34 or another municipal building located within the municipality served  
 35 by the law enforcement agency, other than a municipal building in  
 36 which the law enforcement agency is located, and (B) the policy is  
 37 available on the law enforcement agency's Internet web site or the  
 38 Internet web site of a municipality served by the law enforcement  
 39 agency.

40 (d) For purposes of this section, "law enforcement agency" means  
 41 the Division of State Police within the Department of Emergency  
 42 Services and Public Protection or any municipal police department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Emergency Services and Public Protection	GF - Cost	See Below	See Below

**Municipal Impact:**

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Municipalities	STATE MANDATE - Cost	See Below	See Below

**Explanation**

The bill requires the Police Officer Standards and Training Council (POST) to develop and implement a policy concerning complaints of alleged misconduct by law enforcement personnel. After POST has developed a policy, law enforcement agencies must implement that policy or another that exceeds the standards of the POST policy. In implementing their selected policy, law enforcement agencies must make the policy publicly available in both paper and electronic formats.

To the extent that law enforcement agencies elect to develop such policies, rather than utilizing the policy developed by the Police Officer Standards and Training Council, they may potentially incur policy development costs.

Both the Department of Emergency Services and Public Protection and municipal police departments are anticipated to incur minimal costs in making the policy publicly available. Any additional costs

associated with implementing the policy would depend on the details of the policy adopted by law enforcement agencies.

House "A" allows law enforcement agencies to develop alternative policies regarding alleged misconduct by law enforcement personnel. As noted above, if law enforcement agencies elect to develop such policies, those agencies may incur policy development costs dependent upon how the policies are developed.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 6663 (as amended by House "A")\******AN ACT CONCERNING COMPLAINTS ALLEGING MISCONDUCT  
BY LAW ENFORCEMENT AGENCY PERSONNEL.*****SUMMARY:**

This bill requires the Police Officer Standards and Training Council (POST) to develop and implement a written policy for the State Police and municipal law enforcement agencies (collectively, "law enforcement agencies") on accepting, processing, and investigating public complaints against them alleging misconduct. POST must develop and implement the policy by July 1, 2014. The bill specifies several factors that POST must consider in developing this policy.

Under the bill, when POST has implemented its complaint policy, law enforcement agencies must either adopt it or develop their own alternative policy. If a law enforcement agency chooses to develop its own policy, the policy must (1) take into consideration the issues that POST must consider in developing its policy and (2) exceed the standards of POST's policy. Each agency must make the policy it will use (whether POST's or a policy it develops) available to the public, including making copies available at certain municipal buildings and online.

\*House Amendment "A" adds the requirement that law enforcement agencies either adopt POST's policy or develop their own.

EFFECTIVE DATE: July 1, 2013

**POST POLICY FOR COMPLAINTS AGAINST POLICE**

The bill requires POST, in developing the complaint policy for law enforcement agencies, to consider:

1. whether all of an agency’s sworn officers and civilian employees must be required to accept complaints alleging misconduct by its law enforcement personnel;
2. the means or processes for accepting complaints from the public, including those that are anonymous or made on behalf of someone else;
3. the need to require a sworn statement from a complainant;
4. protections for a complainant who fears retaliation associated with filing a complaint;
5. a standardized form to record complaints;
6. permissible timeframes for complaint filing;
7. protocols to investigate complaints;
8. documentation requirements relating to the receipt and disposition of complaints; and
9. the process to inform a known complainant of the disposition of his or her complaint.

**POSTING OF COMPLAINT POLICIES**

The bill requires law enforcement agencies, after adopting POST’s policy or implementing its own, to make the policy available to the public. This includes ensuring that:

1. copies of the policy are available at the town hall or another municipal building in the municipality served by the agency, other than a building where the agency is located and
2. the policy is available on the agency’s or municipality’s website.

**BACKGROUND**

***Police Officer Standards and Training Council***

POST (1) trains, certifies, and establishes minimum qualifications

for municipal police officers and (2) enforces professional standards for certifying and decertifying them.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 33 Nay 11 (04/12/2013)

Appropriations Committee

Joint Favorable

Yea 47 Nay 1 (05/13/2013)