



Senate

General Assembly

February Session, 2014

File No. 105

Senate Bill No. 55

Senate, March 25, 2014

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING COMPLAINTS THAT ALLEGE 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, 2014*) (a) Not later than July 1,
2 2015, 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 the written 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 a complaint alleging
10 misconduct by the agency's law enforcement personnel, (2) the means
11 or processes to be used for accepting such complaint from a member of
12 the public, including the acceptance of an anonymous complaint or a
13 complaint 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 such complaint, (5) the use of a
 17 standardized form to record such complaint, (6) permissible time
 18 frames associated with the filing of such complaint, (7) protocols for
 19 the investigation of such a complaint, (8) documentation requirements
 20 relating to the receipt of such complaint and its disposition, and (9) the
 21 process for informing a known complainant of the disposition of such
 22 complaint.

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

39 (d) For purposes of this section, "law enforcement agency" means
 40 the Division of State Police within the Department of Emergency
 41 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, 2014	New section

JUD *Joint Favorable*

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 15 \$	FY 16 \$
Emergency Services and Public Protection, Dept.	GF - Cost	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
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.

The Department of Emergency Services and Public Protection (DESPP) is anticipated to incur cost costs in the development of the policy by POST. These costs may include consultant or overtime costs for development of the new policy. To the extent that law enforcement agencies elect to develop such policies, rather than utilizing the policy developed by POST, they may potentially incur policy development costs.

Both the DESPP 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.

The Out Years

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

OLR Bill Analysis**SB 55*****AN ACT CONCERNING COMPLAINTS THAT ALLEGE 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 police departments (collectively, “law enforcement agencies”) on accepting, processing, and investigating public complaints against them alleging misconduct. POST must do so by July 1, 2015. The bill specifies several factors that POST must consider in developing the policy.

Under the bill, once POST implements its complaint policy, law enforcement agencies must either adopt it or develop and implement their own policies. If a law enforcement agency chooses to develop its own policy, the policy must (1) address 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 available to the public.

EFFECTIVE DATE: July 1, 2014

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 public complaints,

including those that are anonymous or made on behalf of someone else;

3. the need to require a complainant's sworn statement;
4. protections for a complainant who fears retaliation for filing a complaint;
5. using a standardized form to record complaints;
6. permissible timeframes for complaint filing;
7. protocols to investigate complaints;
8. documentation requirements for complaint receipt and disposition; and
9. the process for informing a known complainant about his or her complaint's disposition.

POSTING OF COMPLAINT POLICIES

The bill requires each law enforcement agency, after adopting POST's policy or implementing its own, to make the policy available to the public. The agency must make the policy available (1) at the town hall or another municipal building in the municipality, other than a building where the agency is located, and (2) 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

Yea 41 Nay 1 (03/10/2014)