



General Assembly

**Bill No. 7103**

*June Special Session, 2015*

LCO No. 9652



Referred to Committee on No Committee

Introduced by:

REP. SHARKEY, 88<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

***AN ACT CONCERNING EXCESSIVE USE OF FORCE.***

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

1 Section 1. (NEW) (*Effective October 1, 2015*) Each police basic or  
2 review training program conducted or administered by the Division of  
3 State Police within the Department of Emergency Services and Public  
4 Protection, the Police Officer Standards and Training Council  
5 established under section 7-294b of the general statutes or a municipal  
6 police department in the state shall include tactical training for police  
7 officers regarding the use of physical force, training in the use of body-  
8 worn recording equipment and the retention of data created by such  
9 equipment, and cultural competency and sensitivity and bias-free  
10 policing training.

11 Sec. 2. (NEW) (*Effective October 1, 2015*) Not later than January 1,  
12 2016, each law enforcement unit, as defined in section 7-294a of the

13 general statutes, shall develop and implement guidelines for the  
14 recruitment, retention and promotion of minority police officers, as  
15 defined in section 7-294a of the general statutes. Such guidelines shall  
16 promote achieving the goal of racial, gender and ethnic diversity  
17 within the law enforcement unit.

18       Sec. 3. (NEW) (*Effective October 1, 2015*) If a law enforcement unit  
19 serves a community with a relatively high concentration of minority  
20 residents, the unit shall make efforts to recruit, retain and promote  
21 minority police officers so that the racial and ethnic diversity of such  
22 unit is representative of such community. Such efforts may include,  
23 but are not limited to: (1) Efforts to attract young persons from the  
24 community such unit serves to careers in law enforcement through  
25 enrollment and participation in police athletic leagues in which police  
26 officers support young persons of the community through mentoring,  
27 sports, education and by fostering a positive relationship between such  
28 persons and police officers, the implementation of explorer programs  
29 and cadet units and support for public safety academies; (2)  
30 community outreach; and (3) implementation of policies providing  
31 that when there is a vacant position in such unit, such position shall be  
32 filled by hiring or promoting a minority candidate when the  
33 qualifications of such candidate exceed or are equal to that of any other  
34 candidate or candidates being considered for such position when such  
35 candidates are ranked on a promotion or examination register or list.  
36 For purposes of this section, "minority" means an individual whose  
37 race is defined as other than white, or whose ethnicity is defined as  
38 Hispanic or Latino by the federal Office of Management and Budget  
39 for use by the Bureau of Census of the United States Department of  
40 Commerce.

41       Sec. 4. Section 51-277a of the general statutes is repealed and the  
42 following is substituted in lieu thereof (*Effective October 1, 2015*):

43       (a) Whenever a peace officer, in the performance of [his] such  
44 officer's duties, uses [deadly] physical force upon another person and

45 such person dies as a result thereof, the Division of Criminal Justice  
46 shall cause an investigation to be made and shall have the  
47 responsibility of determining whether the use of [deadly] physical  
48 force by the peace officer was appropriate under section 53a-22. The  
49 division shall request the appropriate law enforcement agency to  
50 provide such assistance as is necessary to determine the circumstances  
51 of the incident.

52 (b) In causing such an investigation to be made, the Chief State's  
53 Attorney [may,] shall, (1) as provided in section 51-281, designate a  
54 prosecutorial official from a judicial district other than the judicial  
55 district in which the incident occurred to conduct the investigation, or  
56 [may,] (2) as provided in subsection (a) of section 51-285, appoint a  
57 special assistant state's attorney or special deputy assistant state's  
58 attorney to conduct the investigation. [If the Chief State's Attorney  
59 designates a prosecutorial official from another judicial district or  
60 appoints a special prosecutor to conduct the investigation, the] The  
61 Chief State's Attorney shall, upon the request of such prosecutorial  
62 official or special prosecutor, appoint a special inspector or special  
63 inspectors to assist in such investigation. [Any person may make a  
64 written request to the Chief State's Attorney or the Criminal Justice  
65 Commission requesting that the Chief State's Attorney so designate a  
66 prosecutorial official from another judicial district or appoint a special  
67 prosecutor to conduct the investigation.]

68 (c) Upon the conclusion of the investigation of the incident, the  
69 division shall file a report with the Chief State's Attorney which shall  
70 contain the following: (1) The circumstances of the incident, (2) a  
71 determination of whether the use of [deadly] physical force by the  
72 peace officer was appropriate under section 53a-22, and (3) any future  
73 action to be taken by the Division of Criminal Justice as a result of the  
74 incident. The Chief State's Attorney shall provide a copy of the report  
75 to the chief executive officer of the municipality in which the incident  
76 occurred and to the Commissioner of Emergency Services and Public  
77 Protection or the chief of police of such municipality, as the case may

78 be.

79 Sec. 5. (NEW) (*Effective October 1, 2015*) Each law enforcement unit,  
80 as defined in section 7-294a of the general statutes, shall create and  
81 maintain a record detailing any incident during which a police officer,  
82 as defined in section 7-294a of the general statutes, (1) uses physical  
83 force that is likely to cause serious physical injury, as defined in section  
84 53a-3 of the general statutes, to another person or the death of another  
85 person, including, but not limited to, striking another person with an  
86 open or closed hand, club or baton, kicking another person or using  
87 pepper spray or an electroshock weapon on another person, or (2)  
88 discharges a firearm, except during a training exercise or in the course  
89 of dispatching an animal. Such record shall include, but not be limited  
90 to: The name of the police officer, the time and place of the incident, a  
91 description of what occurred during the incident and, to the extent  
92 known, the names of the victims and witnesses present at such  
93 incident.

94 Sec. 6. (NEW) (*Effective October 1, 2015*) (a) No law enforcement unit,  
95 as defined in section 7-294a of the general statutes, shall hire any  
96 person as a police officer, as defined in said section 7-294a, who was  
97 previously employed as a police officer by such unit or in any other  
98 jurisdiction and who (1) was dismissed for malfeasance or other  
99 serious misconduct calling into question such person's fitness to serve  
100 as a police officer; or (2) resigned or retired from such officer's position  
101 while under investigation for such malfeasance or other serious  
102 misconduct.

103 (b) Any law enforcement unit that has knowledge that any former  
104 police officer of such unit who (1) (A) was dismissed for malfeasance  
105 or other serious misconduct, or (B) resigned or retired from such  
106 officer's position while under investigation for such malfeasance or  
107 other serious misconduct; and (2) is an applicant for the position of  
108 police officer with any other law enforcement unit, shall inform such  
109 other unit of such dismissal, resignation or retirement.

110 (c) The provisions of this section shall not apply to any police officer  
111 who is exonerated of each allegation against such officer of such  
112 malfeasance or other serious misconduct.

113 (d) For purposes of this section, (1) "malfeasance" means the  
114 commonly approved usage of "malfeasance"; and (2) "serious  
115 misconduct" means improper or illegal actions taken by a police officer  
116 in connection with such officer's official duties that could result in a  
117 miscarriage of justice or discrimination, including, but not limited to,  
118 (A) a conviction of a felony, (B) fabrication of evidence, (C) repeated  
119 use of excessive force, (D) acceptance of a bribe, or (E) the commission  
120 of fraud.

121 Sec. 7. (NEW) (*Effective from passage*) (a) For purposes of this section  
122 and section 8 of this act:

123 (1) "Law enforcement agency" means the Division of State Police  
124 within the Department of Emergency Services and Public Protection,  
125 the special police forces established pursuant to section 10a-156b of the  
126 general statutes and any municipal police department that supplies  
127 any of its sworn members with body-worn recording equipment;

128 (2) "Police officer" means a sworn member of a law enforcement  
129 agency who wears body-worn recording equipment;

130 (3) "Body-worn recording equipment" means an electronic  
131 recording device that is capable of recording audio and video; and

132 (4) "Digital data storage device or service" means a device or service  
133 that retains the data from the recordings made by body-worn  
134 recording equipment using computer data storage.

135 (b) The Commissioner of Emergency Services and Public Protection  
136 and the Police Officer Standards and Training Council shall jointly  
137 evaluate and approve the minimal technical specifications of body-  
138 worn recording equipment that may be worn by police officers

139 pursuant to this section and digital data storage devices or services  
140 that may be used by a law enforcement agency to retain the data from  
141 the recordings made by such equipment. Not later than January 1,  
142 2016, the commissioner and council shall make such minimal technical  
143 specifications available to each law enforcement agency in a manner  
144 determined by the commissioner and council. The commissioner and  
145 council may revise the minimal technical specifications when the  
146 commissioner and council determine that revisions to such  
147 specifications are necessary.

148 (c) (1) On and after July 1, 2016, each sworn member of (A) the  
149 Division of State Police within the Department of Emergency Services  
150 and Public Protection, (B) the special police forces established pursuant  
151 to section 10a-156b of the general statutes, (C) any municipal police  
152 department for a municipality that is a recipient of grant-in-aid as  
153 reimbursement for body-worn recording equipment pursuant to  
154 subparagraph (A) or (C) of subdivision (1) of subsection (b) of section 8  
155 of this act or subdivision (2) of said subsection (b), and (D) any  
156 municipal police department for any other municipality that is a  
157 recipient of grant-in-aid as reimbursement for body-worn recording  
158 equipment pursuant to subparagraph (B) of subdivision (1) of said  
159 subsection (b) if such sworn member is supplied with such body-worn  
160 recording equipment, shall use body-worn recording equipment while  
161 interacting with the public in such sworn member's law enforcement  
162 capacity, except as provided in subsections (g) and (j) of this section.

163 (2) Any sworn member of a municipal police department, other  
164 than those described in subdivision (1) of this subsection, may use  
165 body-worn recording equipment as directed by such department,  
166 provided the use of such equipment and treatment of data created by  
167 such equipment shall be in accordance with the provisions of  
168 subdivisions (3) and (4) of this subsection, and subsections (d) to (j),  
169 inclusive, of this section.

170 (3) Each police officer shall wear body-worn recording equipment

171 on such officer's outer-most garment and shall position such  
172 equipment above the midline of such officer's torso when using such  
173 equipment.

174 (4) Body-worn recording equipment used pursuant to this section  
175 shall conform to the minimal technical specifications approved  
176 pursuant to subsection (b) of this section, except that a police officer  
177 may use body-worn recording equipment that does not conform to the  
178 minimal technical specifications approved pursuant to subsection (b)  
179 of this section, if such equipment was purchased prior to January 1,  
180 2016, by the law enforcement agency employing such officer.

181 (d) Except as required by state or federal law, no person employed  
182 by a law enforcement agency shall edit, erase, copy, share or otherwise  
183 alter or distribute in any manner any recording made by body-worn  
184 recording equipment or the data from such recording.

185 (e) A police officer may review a recording from his or her body-  
186 worn recording equipment in order to assist such officer with the  
187 preparation of a report or otherwise in the performance of his or her  
188 duties.

189 (f) If a police officer is giving a formal statement about the use of  
190 force or if a police officer is the subject of a disciplinary investigation in  
191 which a recording from body-worn recording equipment is being  
192 considered as part of a review of an incident, the officer shall (1) have  
193 the right to review such recording in the presence of the officer's  
194 attorney or labor representative, and (2) have the right to review  
195 recordings from other body-worn recording equipment capturing the  
196 officer's image or voice during the incident.

197 (g) Except as otherwise provided by any agreement between a law  
198 enforcement agency and the federal government, no police officer shall  
199 use body-worn recording equipment to intentionally record (1) a  
200 communication with other law enforcement agency personnel, except  
201 that which may be recorded as the officer performs his or her duties,

202 (2) an encounter with an undercover officer or informant, (3) when an  
203 officer is on break or is otherwise engaged in a personal activity, (4) a  
204 person undergoing a medical or psychological evaluation, procedure  
205 or treatment, (5) any person other than a suspect to a crime if an officer  
206 is wearing such equipment in a hospital or other medical facility  
207 setting, or (6) in a mental health facility, unless responding to a call  
208 involving a suspect to a crime who is thought to be present in the  
209 facility. No record created using body-worn recording equipment of an  
210 occurrence or situation described in subdivisions (1) to (6), inclusive, of  
211 this subsection shall be deemed a public record for purposes of section  
212 1-210 of the general statutes. No record created by a police officer  
213 using body-worn recording equipment of (A) the scene of an incident  
214 that involves a victim of domestic or sexual abuse, or (B) a victim of  
215 homicide or suicide or a deceased victim of an accident, shall be  
216 subject to disclosure under the provisions of section 1-210 of the  
217 general statutes to the extent that disclosure of such record could  
218 reasonably be expected to constitute an unwarranted invasion of  
219 personal privacy.

220 (h) No police officer shall use body-worn recording equipment prior  
221 to being trained in accordance with section 1 of this act in the use of  
222 such equipment and in the retention of data created by such  
223 equipment, except that any police officer using such equipment prior  
224 to October 1, 2015, may continue to use such equipment prior to such  
225 training. A law enforcement agency shall ensure that each police  
226 officer such agency employs receives such training at least annually  
227 and is trained on the proper care and maintenance of such equipment.

228 (i) If a police officer is aware that any body-worn recording  
229 equipment is lost, damaged or malfunctioning, such officer shall  
230 inform such officer's supervisor as soon as is practicable. Upon  
231 receiving such information, the supervisor shall ensure that the  
232 equipment is inspected and repaired or replaced, as necessary. Each  
233 police officer shall inspect and test body-worn recording equipment  
234 prior to each shift to verify proper functioning, and shall notify such

235 officer's supervisor of any problems with such equipment.

236 (j) Not later than January 1, 2016, the Commissioner of Emergency  
237 Services and Public Protection and the Police Officer Standards and  
238 Training Council shall jointly issue guidelines pertaining to the use of  
239 body-worn recording equipment, retention of data created by such  
240 equipment and methods for safe and secure storage of such data. Each  
241 law enforcement agency and any police officer and any other  
242 employee of such agency who may have access to such data shall  
243 adhere to such guidelines. The commissioner and council may update  
244 and reissue such guidelines, as the commissioner and council  
245 determine necessary. The commissioner and council shall, upon  
246 issuance of such guidelines or any update to such guidelines, submit  
247 such guidelines in accordance with the provisions of section 11-4a of  
248 the general statutes to the joint standing committees of the General  
249 Assembly having cognizance of matters relating to the judiciary and  
250 public safety.

251 Sec. 8. (NEW) (*Effective January 1, 2016*) (a) The Office of Policy and  
252 Management shall, within available resources, administer a grant  
253 program to provide grants-in-aid to reimburse each municipality for  
254 the costs associated with the purchase by such municipality of body-  
255 worn recording equipment for use by the sworn members of such  
256 municipality's police department and digital data storage devices or  
257 services, provided such equipment and device or service conforms to  
258 the minimal technical specifications approved pursuant to subsection  
259 (b) of section 7 of this act. Any such municipality may apply for such  
260 grants-in-aid to the Secretary of the Office of Policy and Management  
261 in such manner as prescribed by said secretary. Such grants-in-aid  
262 shall be distributed as provided in subsection (b) of this section.

263 (b) (1) (A) Any municipality that purchased such body-worn  
264 recording equipment and digital data storage devices or services  
265 during the fiscal year ending June 30, 2017, shall be reimbursed for up  
266 to one hundred per cent of the costs associated with such purchases,

267 provided the costs of such digital data storage services shall not be  
268 reimbursed for a period of service that is longer than one year, and  
269 provided further that such body-worn recording equipment is  
270 purchased in sufficient quantity to ensure that each sworn member of  
271 such municipality's police department is supplied with such  
272 equipment while interacting with the public in such sworn member's  
273 law enforcement capacity.

274 (B) Any municipality that purchased such body-worn recording  
275 equipment or digital data storage devices or services on or after  
276 January 1, 2012, but prior to July 1, 2016, shall be reimbursed for costs  
277 associated with such purchases, but not in an amount to exceed the  
278 amount of grant-in-aid such municipality would have received under  
279 subparagraph (A) of this subdivision if such purchases had been made  
280 in accordance with said subparagraph (A).

281 (C) Any municipality that was reimbursed under subparagraph (B)  
282 of this subdivision for body-worn recording equipment and that  
283 purchased additional body-worn recording equipment during the  
284 fiscal year ending June 30, 2017, shall be reimbursed for up to one  
285 hundred per cent of the costs associated with such purchases,  
286 provided such equipment is purchased in sufficient quantity to ensure  
287 that each sworn member of such municipality's police department is  
288 supplied with such equipment while interacting with the public in  
289 such sworn member's law enforcement capacity.

290 (2) Any municipality that was not reimbursed under subdivision (1)  
291 of this subsection and that purchased such body-worn recording  
292 equipment and digital data storage devices or services during the fiscal  
293 year ending June 30, 2018, shall be reimbursed for up to fifty per cent  
294 of the costs associated with such purchases, provided the costs of such  
295 digital data storage services shall not be reimbursed for a period of  
296 service that is longer than one year.

297 Sec. 9. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this

298 section, "peace officer" has the same meaning as provided in section  
299 53a-3 of the general statutes, except "peace officer" does not include a  
300 special agent of the federal government or a member of a law  
301 enforcement unit of the Mashantucket Pequot Tribe or the Mohegan  
302 Tribe of Indians of Connecticut.

303 (b) An employer of a peace officer who interferes with any person  
304 taking a photographic or digital still or video image of such peace  
305 officer or another peace officer acting in the performance of such peace  
306 officer's duties shall be liable to such person in an action at law, suit in  
307 equity or other proper proceeding for redress.

308 (c) An employer of a peace officer shall not be liable under  
309 subsection (b) of this section if the peace officer had reasonable  
310 grounds to believe that the peace officer was interfering with the  
311 taking of such image in order to (1) lawfully enforce a criminal law of  
312 this state or a municipal ordinance, (2) protect the public safety, (3)  
313 preserve the integrity of a crime scene or criminal investigation, (4)  
314 safeguard the privacy interests of any person, including a victim of a  
315 crime, or (5) lawfully enforce court rules and policies of the Judicial  
316 Branch with respect to taking a photograph, videotaping or otherwise  
317 recording an image in facilities of the Judicial Branch.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	New section
Sec. 4	<i>October 1, 2015</i>	51-277a
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>January 1, 2016</i>	New section
Sec. 9	<i>October 1, 2015</i>	New section