



General Assembly

Amendment

January Session, 2015

LCO No. 9140



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. COLEMAN, 2nd Dist.
REP. TONG, 147th Dist.
SEN. WINFIELD, 10th Dist.
SEN. FASANO, 34th Dist.
SEN. KISSEL, 7th Dist.
SEN. WITKOS, 8th Dist.
SEN. LARSON, 3rd Dist.
REP. MORRIS, 140th Dist.
REP. WALKER, 93rd Dist.
REP. PORTER, 94th Dist.
REP. LEMAR, 96th Dist.
REP. STAFSTROM, 129th Dist.
REP. CURREY, 11th Dist.
REP. SIMMONS, 144th Dist.

REP. MCGEE, 5th Dist.
REP. MCCRORY, 7th Dist.
REP. RITTER M., 1st Dist.
SEN. FONFARA, 1st Dist.
REP. ADAMS, 146th Dist.
REP. HEWETT, 39th Dist.
REP. BAKER, 124th Dist.
REP. LESSER, 100th Dist.
REP. SANCHEZ, 25th Dist.
REP. CUEVAS, 75th Dist.
REP. CANDELARIA, 95th Dist.
REP. SANTIAGO, 130th Dist.
REP. ROSARIO, 128th Dist.
REP. BUTLER, 72nd Dist.
REP. STALLWORTH, 126th Dist.
SEN. LINARES, 33rd Dist.

To: Subst. Senate Bill No. 1109

File No. 758

Cal. No. 368

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING EXCESSIVE USE OF FORCE."

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- 1 Strike everything after the enacting clause and substitute the
 - 2 following in lieu thereof:

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

13 Sec. 2. (NEW) (*Effective October 1, 2015*) Not later than January 1,
14 2016, each law enforcement unit, as defined in section 7-294a of the
15 general statutes, shall develop and implement guidelines for the
16 recruitment, retention and promotion of minority police officers, as
17 defined in section 7-294a of the general statutes. Such guidelines shall
18 consider achieving the goal of racial and ethnic diversity through
19 policies that ensure that the unit makes efforts to recruit, retain and
20 promote minority police officers. If a law enforcement unit serves a
21 community with a relatively high concentration of minority residents,
22 the unit shall make efforts to recruit, retain and promote minority
23 police officers so that the racial and ethnic diversity of such unit is
24 representative of such community. Such efforts may include, but are
25 not limited to: (1) Efforts to attract young persons from the community
26 such unit serves to careers in law enforcement through enrollment and
27 participation in police athletic leagues in which police officers support
28 young persons of the community through mentoring, sports,
29 education and by fostering a positive relationship between such
30 persons and police officers, the implementation of explorer programs
31 and cadet units and support for public safety academies; (2)
32 community outreach; and (3) implementation of policies providing
33 that when there is a vacant position in such unit, such position shall be
34 filled by hiring or promoting a minority candidate when the
35 qualifications of such candidate exceed or are equal to that of any other
36 candidate or candidates being considered for such position when such

37 candidates are ranked on a promotion or examination register or list.
38 For purposes of this section, "minority" means an individual whose
39 race is defined as other than white, or whose ethnicity is defined as
40 Hispanic or Latino by the federal Office of Management and Budget
41 for use by the Bureau of Census of the United States Department of
42 Commerce.

43 Sec. 3. Section 51-277a of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

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

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

81 Sec. 4. (NEW) (*Effective October 1, 2015*) Each law enforcement unit,
82 as defined in section 7-294a of the general statutes, shall record and
83 maintain any information detailing any incident during which a police
84 officer, as defined in section 7-294a of the general statutes, (1) uses
85 physical force that is likely to cause serious physical injury, as defined
86 in section 53a-3 of the general statutes, to another person or the death
87 of another person, including, but not limited to, striking another
88 person with an open or closed hand, club or baton, kicking another
89 person or using pepper spray or an electroshock weapon on another
90 person, or (2) discharges a firearm, except during a training exercise or
91 in the course of dispatching an animal.

92 Sec. 5. (NEW) (*Effective October 1, 2015*) (a) No law enforcement unit,
93 as defined in section 7-294a of the general statutes, shall hire any
94 person as a police officer, as defined in said section 7-294a, who was
95 previously employed as a police officer by such unit or in any other
96 jurisdiction and who (1) was dismissed for malfeasance or other
97 serious misconduct calling into question such person's fitness to serve
98 as a police officer; or (2) resigned or retired from such officer's position
99 while under investigation for such malfeasance or other serious
100 misconduct.

101 (b) Any law enforcement unit that has knowledge that any former
102 police officer of such unit who (1) (A) was dismissed for malfeasance

103 or other serious misconduct, or (B) resigned or retired from such
104 officer's position while under investigation for such malfeasance or
105 other serious misconduct; and (2) is an applicant for the position of
106 police officer with any other law enforcement unit, shall inform such
107 other unit of such dismissal, resignation or retirement.

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

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

119 Sec. 6. (NEW) (*Effective from passage*) (a) For purposes of this section
120 and section 7 of this act:

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

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

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

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

133 (b) The Commissioner of Emergency Services and Public Protection
134 and the Police Officer Standards and Training Council shall jointly
135 evaluate and approve a list of models of body-worn recording
136 equipment that may be worn by police officers pursuant to this section
137 and digital data storage devices or services that may be used by a law
138 enforcement agency to retain the data from the recordings made by
139 such equipment. Not later than January 1, 2016, the commissioner and
140 council shall include on such list any such model of equipment or
141 device or type of service that the commissioner and council approve
142 and shall make such list available to each law enforcement agency in a
143 manner determined by the commissioner and council. The
144 commissioner and council may add or remove a model of equipment
145 or device or type of service from such list, as the commissioner and
146 council determine such addition or removal is necessary.

147 (c) (1) On and after July 1, 2016, each sworn member of (A) the
148 Division of State Police within the Department of Emergency Services
149 and Public Protection, (B) the special police forces established pursuant
150 to section 10a-156b of the general statutes, (C) any municipal police
151 department for a municipality that is a recipient of grant-in-aid as
152 reimbursement for body-worn recording equipment pursuant to
153 subparagraph (A) or (C) of subdivision (1) of subsection (b) of section 7
154 of this act or subdivision (2) of said subsection (b), and (D) any
155 municipal police department for any other municipality that is a
156 recipient of grant-in-aid as reimbursement for body-worn recording
157 equipment pursuant to subparagraph (B) of subdivision (1) of said
158 subsection (b) if such sworn member is supplied with such body-worn
159 recording equipment, shall use body-worn recording equipment while
160 interacting with the public in such sworn member's law enforcement
161 capacity, except as provided in subsection (g) and (j) of this section.

162 (2) Any sworn member of a municipal police department, other
163 than those described in subdivision (1) of this subsection, may use
164 body-worn recording equipment as directed by such department,
165 provided the use of such equipment and treatment of data created by

166 such equipment shall be in accordance with the provisions of
167 subdivisions (3) and (4) of this subsection, and subsections (d) to (j),
168 inclusive, of this section, and shall be subject to the provisions of
169 subsection (k) 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 be of a model approved pursuant to subsection (b) of this section,
176 except that a police officer may use body-worn recording equipment of
177 a model not approved pursuant to subsection (b) of this section, if such
178 equipment was purchased prior to January 1, 2016, by the law
179 enforcement agency employing such officer.

180 (d) No person employed by a law enforcement agency shall edit,
181 erase, copy, share or otherwise alter or distribute in any manner any
182 recording made by body-worn recording equipment or the data from
183 such recording without the prior written approval of the law
184 enforcement agency employing such person.

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 option of reviewing 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 (A) of an occurrence or situation described
210 in subdivisions (1) to (6), inclusive, of this subsection, (B) when an
211 officer is on the scene of an incident that such officer knows involves
212 domestic or sexual abuse, or (C) of a victim of homicide, suicide or an
213 accident, shall be deemed to be a public record for purposes of section
214 1-210 of the general statutes.

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

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

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

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

246 Sec. 7. (NEW) (*Effective January 1, 2016*) (a) The Office of Policy and
247 Management shall, within available resources, administer a grant
248 program to provide grants-in-aid to reimburse each municipality for
249 the costs associated with the purchase by such municipality of body-
250 worn recording equipment for use by the sworn members of such
251 municipality's police department and digital data storage devices or
252 services, provided such equipment and device or service is of a model
253 or type approved pursuant to subsection (b) of section 6 of this act.
254 Any such municipality may apply for such grants-in-aid to the
255 Secretary of the Office of Policy and Management in such manner as
256 prescribed by said secretary. Such grants-in-aid shall be distributed as
257 provided in subsection (b) of this section.

258 (b) (1) (A) Any municipality that purchased such body-worn
259 recording equipment and digital data storage devices or services
260 during the fiscal year ending June 30, 2017, shall be reimbursed for up
261 to one hundred per cent of the costs associated with such purchases,
262 provided the costs of such digital data storage services shall not be

263 reimbursed for a period of service that is longer than one year, and
264 provided further that such body-worn recording equipment is
265 purchased in sufficient quantity to ensure that each sworn member of
266 such municipality's police department is supplied with such
267 equipment while interacting with the public in such sworn member's
268 law enforcement capacity.

269 (B) Any municipality that purchased such body-worn recording
270 equipment or digital data storage devices or services on or after
271 January 1, 2014, but prior to July 1, 2016, shall be reimbursed for costs
272 associated with such purchases, but not in an amount to exceed the
273 amount of grant-in-aid such municipality would have received under
274 subparagraph (A) of this subdivision if such purchases had been made
275 in accordance with said subparagraph (A).

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

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

292 Sec. 8. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this
293 section, "peace officer" has the same meaning as provided in section
294 53a-3 of the general statutes, except "peace officer" does not include a

295 special agent of the federal government or a member of a law
296 enforcement unit of the Mashantucket Pequot Tribe or the Mohegan
297 Tribe of Indians of Connecticut.

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

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

313 Sec. 9. Section 5-217 of the general statutes is repealed and the
314 following is substituted in lieu thereof (*Effective from passage*):

315 The Commissioner of Administrative Services shall specify, at the
316 time any candidate list is promulgated, the period during which such
317 list shall remain in force. In no case shall a candidate list remain in
318 force for a period of less than three months or more than one year,
319 [provided] except (1) such period may be extended not more than [one
320 year] two years by the commissioner as appropriate based upon the
321 needs of the state, [except that extensions concerning] and (2)
322 candidate lists for continuous recruitment examinations shall be based
323 on the needs of the service."

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>	51-277a
Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>January 1, 2016</i>	New section
Sec. 8	<i>October 1, 2015</i>	New section
Sec. 9	<i>from passage</i>	5-217