



General Assembly

Amendment

January Session, 2015

LCO No. 8710



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. COLEMAN, 2nd Dist.
REP. TONG, 147th Dist.
SEN. WINFIELD, 10th 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. DARGAN, 115th 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.

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."

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 physical injury or serious physical
86 injury, each as defined in section 53a-3 of the general statutes, to
87 another person or the death of another person, including, but not
88 limited to, striking another person with an open or closed hand, club
89 or baton, kicking another person or using pepper spray or an
90 electroshock weapon on another person, or (2) discharges a firearm.

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

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

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

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

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

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

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

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

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

132 (b) The Commissioner of Emergency Services and Public Protection
133 shall evaluate and approve models of body-worn recording equipment
134 that may be worn by police officers pursuant to this section and digital
135 data storage devices or services that may be used by a law enforcement
136 agency to retain the data from the recordings made by such

137 equipment. Not later than January 1, 2016, the commissioner shall
138 include on a list any such model of equipment or device or type of
139 service that the commissioner approves and shall make such list
140 available to each law enforcement agency in a manner determined by
141 the commissioner. The commissioner may add or remove a model of
142 equipment or device or type of service from such list, as the
143 commissioner determines such addition or removal is necessary.

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

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

167 (3) Each police officer shall position body-worn recording
168 equipment above the midline of such officer's torso when using such
169 equipment.

170 (4) Body-worn recording equipment used pursuant to this section
171 shall be of a model approved pursuant to subsection (b) of this section,
172 except that a police officer may use body-worn recording equipment of
173 a model not approved pursuant to subsection (b) of this section, if such
174 equipment was purchased prior to January 1, 2016, by the law
175 enforcement agency employing such officer.

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

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

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

193 (g) Except as otherwise provided by any agreement between a law
194 enforcement agency and the federal government, no police officer shall
195 use body-worn recording equipment to intentionally record (1) a
196 communication with other law enforcement agency personnel, except
197 that which may be recorded as the officer performs his or her duties,
198 (2) an encounter with an undercover officer or informant, (3) when an
199 officer is on break or is otherwise engaged in a personal activity, (4) a
200 person undergoing a medical or psychological evaluation, procedure
201 or treatment, (5) any person other than a suspect to a crime if an officer

202 is wearing such equipment in a hospital or other medical facility
203 setting, (6) in a mental health facility, unless responding to a call
204 involving a suspect to a crime who is thought to be present in the
205 facility, or (7) when an officer is on the scene of an incident that such
206 officer knows involves domestic or sexual abuse. No record created of
207 an occurrence or situation described in subdivisions (1) to (7),
208 inclusive, of this subsection, shall be deemed to be a public record for
209 purposes of section 1-210 of the general statutes.

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

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

226 (j) Not later than January 1, 2016, the Commissioner of Emergency
227 Services and Public Protection and the Police Officer Standards and
228 Training Council shall jointly issue guidelines pertaining to the use of
229 body-worn recording equipment, retention of data created by such
230 equipment and methods for safe and secure storage of such data. Each
231 law enforcement agency and any police officer and any other
232 employee of such agency who may have access to such data shall
233 adhere to such guidelines. The commissioner and council may update
234 and reissue such guidelines, as the commissioner and council

235 determine necessary. The commissioner and council shall, upon
236 issuance of such guidelines or any update to such guidelines, submit
237 such guidelines in accordance with the provisions of section 11-4a of
238 the general statutes to the joint standing committees of the General
239 Assembly having cognizance of matters relating to the judiciary and
240 public safety.

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

253 (b) (1) (A) Any municipality that purchased such body-worn
254 recording equipment and digital data storage devices or services
255 during the fiscal year ending June 30, 2017, shall be reimbursed for up
256 to one hundred per cent of the costs associated with such purchases,
257 provided the costs of such digital data storage services shall not be
258 reimbursed for a period of service that is longer than one year, and
259 provided further that such body-worn recording equipment is
260 purchased in sufficient quantity to ensure that each sworn member of
261 such municipality's police department is supplied with such
262 equipment while interacting with the public in such sworn member's
263 law enforcement capacity.

264 (B) Any municipality that purchased such body-worn recording
265 equipment or digital data storage devices or services on or after
266 January 1, 2014, but prior to July 1, 2016, shall be reimbursed for costs
267 associated with such purchases, but not in an amount to exceed the

268 amount of grant-in-aid such municipality would have received under
269 subparagraph (A) of this subdivision if such purchases had been made
270 in accordance with said subparagraph (A).

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

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

287 Sec. 8. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this
288 section, "peace officer" has the same meaning as provided in section
289 53a-3 of the general statutes, except "peace officer" does not include a
290 special agent of the federal government or a member of a law
291 enforcement unit of the Mashantucket Pequot Tribe or the Mohegan
292 Tribe of Indians of Connecticut.

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

298 (c) An employer of a peace officer shall not be liable under

299 subsection (b) of this section if the peace officer had reasonable
300 grounds to believe that the peace officer was interfering with the
301 taking of such image in order to (1) lawfully enforce a criminal law of
302 this state or a municipal ordinance, (2) protect the public safety, (3)
303 preserve the integrity of a crime scene or criminal investigation, (4)
304 safeguard the privacy interests of any person, including a victim of a
305 crime, or (5) lawfully enforce court rules and policies of the Judicial
306 Branch with respect to taking a photograph, videotaping or otherwise
307 recording an image in facilities of the Judicial Branch.

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

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

319 Sec. 10. Section 53-39a of the general statutes is repealed and the
320 following is substituted in lieu thereof (*Effective October 1, 2015*):

321 Whenever, in any prosecution of [an officer of the Division of State
322 Police within the Department of Emergency Services and Public
323 Protection, or a member of the Office of State Capitol Police or] any
324 member of a law enforcement unit, as defined in section 7-294a, any
325 person appointed under section 29-18 as a special policeman for the
326 State Capitol building and grounds, the Legislative Office Building
327 and parking garage and related structures and facilities, and other
328 areas under the supervision and control of the Joint Committee on
329 Legislative Management, or [a local police department] any inspector
330 in the Division of Criminal Justice for a crime allegedly committed by

331 such [officer] person in the course of his or her duty, [as such,] the
 332 charge is dismissed or the [officer] person found not guilty, such
 333 [officer] person shall be indemnified by [his] such person's employing
 334 governmental unit for economic loss sustained by [him] such person as
 335 a result of such prosecution, including the payment of attorney's fees
 336 and costs incurred during the prosecution and the enforcement of this
 337 section. Such [officer] person may bring an action in the Superior
 338 Court against such employing governmental unit to enforce the
 339 provisions of this section."

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
Sec. 10	<i>October 1, 2015</i>	53-39a