



General Assembly

January Session, 2017

Committee Bill No. 6663

LCO No. 5025

* _____HBO6663LAB___031017_____*

Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING POLICE MISCONDUCT.

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

1 Section 1. (NEW) (*Effective July 1, 2017*) No collective bargaining
2 agreement entered into on or after July 1, 2017, shall contain any
3 provision that limits the application of the provisions of section 51-
4 277a of the general statutes, as amended by this act, to any peace
5 officer, as defined in section 53a-3 of the general statutes.

6 Sec. 2. Section 51-277a of the general statutes is repealed and the
7 following is substituted in lieu thereof (*Effective July 1, 2017*):

8 (a) Whenever a peace officer, in the performance of such officer's
9 duties, uses physical force upon another person, [and such person dies
10 as a result thereof,] the Division of Criminal Justice shall cause an
11 investigation to be [made] completed not later than five business days
12 after such use of physical force and shall have the responsibility of
13 determining, based upon a preponderance of the evidence, whether
14 the use of physical force by the peace officer was appropriate under
15 section 53a-22. The division shall request (1) the [appropriate]
16 employing law enforcement agency to provide all information in its

17 possession relevant to such use of physical force, and (2) such
18 assistance as is necessary from any appropriate law enforcement
19 agency, other than the employing law enforcement agency, to
20 determine the circumstances of the incident.

21 (b) In causing such an investigation to be made, the Chief State's
22 Attorney shall, (1) as provided in section 51-281, designate a
23 prosecutorial official from a judicial district other than the judicial
24 district in which the incident occurred to conduct the investigation, or
25 (2) as provided in subsection (a) of section 51-285, appoint a special
26 assistant state's attorney or special deputy assistant state's attorney to
27 conduct the investigation. The Chief State's Attorney [shall] may, upon
28 the request of such prosecutorial official or special prosecutor, appoint
29 a special inspector or special inspectors to assist in such investigation.

30 (c) Upon the conclusion of the investigation of the incident, the
31 division shall file a report with the Chief State's Attorney which shall
32 contain the following: (1) The circumstances of the incident, (2) a
33 determination of whether the use of physical force by the peace officer
34 was appropriate under section 53a-22, and (3) any future action to be
35 taken by the Division of Criminal Justice as a result of the incident. The
36 Chief State's Attorney shall provide a copy of the report to the chief
37 executive officer of the municipality in which the incident occurred
38 and to the Commissioner of Emergency Services and Public Protection
39 or the chief of police of such municipality, as the case may be, and shall
40 contemporaneously make such report available to the public.

41 (d) If the division determines that the use of physical force was not
42 appropriate under section 53a-22, the peace officer shall be
43 immediately suspended without pay by the appropriate law
44 enforcement agency until the conclusion of any further proceedings
45 involving such incident.

46 (e) Notwithstanding any provision of the general statutes, on or
47 after July 1, 2017, if any peace officer is convicted of or pleads guilty or
48 nolo contendere to any (1) inappropriate use of physical force in

49 violation of section 53a-22, or (2) crime of violence involving the
50 unlawful use or threatened use of physical force under any other
51 provision of the general statutes related to such peace officer's
52 employment, the appropriate law enforcement agency shall
53 immediately terminate such peace officer's employment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	New section
Sec. 2	<i>July 1, 2017</i>	51-277a

LAB *Joint Favorable*