



General Assembly

Amendment

January Session, 2017

LCO No. 8455



Offered by:

REP. PORTER, 94th Dist.
SEN. WINFIELD, 10th Dist.
REP. ARCE, 4th Dist.
REP. ADAMS, 146th Dist.
REP. MCGEE, 5th Dist.
REP. SOTO, 39th Dist.
REP. SANTIAGO, 130th Dist.
REP. SANTIAGO, 84th Dist.
REP. REYES, 75th Dist.
REP. LEMAR, 96th Dist.
REP. WALKER, 93rd Dist.
REP. MILLER P., 145th Dist.
REP. ROSARIO, 128th Dist.
REP. VARGAS, 6th Dist.

REP. CANDELARIA, 95th Dist.
REP. SANCHEZ, 25th Dist.
REP. LUXENBERG, 12th Dist.
REP. TONG, 147th Dist.
REP. STAFSTROM, 129th Dist.
REP. ELLIOTT, 88th Dist.
REP. STALLWORTH, 126th Dist.
REP. HALL, 7th Dist.
SEN. MCCRORY, 2nd Dist.
REP. BARAM, 15th Dist.
REP. GONZALEZ, 3rd Dist.
REP. TERCYAK, 26th Dist.
REP. HADDAD, 54th Dist.
REP. CURREY, 11th Dist.

To: House Bill No. 6663

File No. 221

Cal. No. 174

"AN ACT CONCERNING POLICE MISCONDUCT."

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

3 "Section 1. Section 51-277a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2017*):

5 (a) (1) Whenever a peace officer, in the performance of such officer's

6 duties, uses physical force upon another person and such person dies
7 as a result thereof, the Division of Criminal Justice shall cause an
8 investigation to be made and shall have the responsibility of
9 determining whether the use of physical force by the peace officer was
10 appropriate under section 53a-22. The division shall request the
11 appropriate law enforcement agency to provide such assistance as is
12 necessary to determine the circumstances of the incident.

13 (2) On and after July 1, 2017, whenever a peace officer, in the
14 performance of such officer's duties, uses physical force upon another
15 person and such person dies as a result thereof, the Division of
16 Criminal Justice shall cause a preliminary status report to be
17 completed that shall include, but need not be limited to, (A) the name
18 of the deceased person, (B) the gender, race, ethnicity and age of the
19 deceased person, (C) the date, time and location of such death, (D) the
20 law enforcement agency involved, (E) the status on the toxicology
21 report, if available, and (F) the death certificate, if available. Such
22 status report shall be completed not later than forty business days after
23 the death of the person.

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

34 (c) Upon the conclusion of the investigation of the incident, the
35 [division] Division of Criminal Justice shall file a report with the Chief
36 State's Attorney which shall contain the following: (1) The
37 circumstances of the incident, (2) a determination of whether the use of
38 physical force by the peace officer was appropriate under section 53a-

39 22, and (3) any future action to be taken by the [Division of Criminal
40 Justice] division as a result of the incident. The Chief State's Attorney
41 shall provide a copy of the report to the chief executive officer of the
42 municipality in which the incident occurred and to the Commissioner
43 of Emergency Services and Public Protection or the chief of police of
44 such municipality, as the case may be, and shall contemporaneously
45 make such report available to the public on the division's Internet web
46 site.

47 Sec. 2. (NEW) (*Effective July 1, 2017*) (a) No police officer shall use
48 deadly force upon another person in a motor vehicle if such police
49 officer reasonably believes that he or she can avoid using deadly force
50 by attempting to retreat from the path of the motor vehicle or the
51 deadly force, except that such police officer may use deadly force
52 when such other person poses an imminent threat of serious physical
53 injury or death directed at such police officer or another person.

54 (b) No police officer shall discharge his or her firearm at a motor
55 vehicle to merely disable such motor vehicle.

56 Sec. 3. Section 29-6d of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective January 1, 2019*):

58 (a) For purposes of this section and section 7-277b:

59 (1) "Law enforcement agency" means the Division of State Police
60 within the Department of Emergency Services and Public Protection,
61 the special police forces established pursuant to section 10a-156b, any
62 municipal police department for a municipality with a population that
63 is greater than seventy-five thousand, and any other municipal police
64 department that supplies any of its sworn members with body-worn
65 recording equipment;

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

68 (3) "Body-worn recording equipment" means an electronic

69 recording device that is capable of recording audio and video; and

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

73 (b) The Commissioner of Emergency Services and Public Protection
74 and the Police Officer Standards and Training Council shall jointly
75 evaluate and approve the minimal technical specifications of body-
76 worn recording equipment that may be worn by police officers
77 pursuant to this section and digital data storage devices or services
78 that may be used by a law enforcement agency to retain the data from
79 the recordings made by such equipment. Not later than January 1,
80 2016, the commissioner and council shall make such minimal technical
81 specifications available to each law enforcement agency in a manner
82 determined by the commissioner and council. The commissioner and
83 council may revise the minimal technical specifications when the
84 commissioner and council determine that revisions to such
85 specifications are necessary.

86 (c) (1) [On and after July 1, 2016, each] Each sworn member of (A)
87 the Division of State Police within the Department of Emergency
88 Services and Public Protection, (B) the special police forces established
89 pursuant to section 10a-156b, (C) any municipal police department for
90 a municipality with a population that is greater than seventy-five
91 thousand, (D) any municipal police department for a municipality that
92 is a recipient of grant-in-aid as reimbursement for body-worn
93 recording equipment pursuant to subparagraph (A) or (C) of
94 subdivision (1) of subsection (b) of section 7-277b or subdivision (2) of
95 said subsection (b), and [(D)] (E) any municipal police department for
96 any other municipality that is a recipient of grant-in-aid as
97 reimbursement for body-worn recording equipment pursuant to
98 subparagraph (B) of subdivision (1) of said subsection (b) if such
99 sworn member is supplied with such body-worn recording equipment,
100 shall use body-worn recording equipment while interacting with the
101 public in such sworn member's law enforcement capacity, except as

102 provided in subsections (g) and (j) of this section.

103 (2) Any sworn member of a municipal police department, other
104 than those described in subdivision (1) of this subsection, may use
105 body-worn recording equipment as directed by such department,
106 provided the use of such equipment and treatment of data created by
107 such equipment shall be in accordance with the provisions of
108 subdivisions (3) and (4) of this subsection, and subsections (d) to (j),
109 inclusive, of this section.

110 (3) Each police officer shall wear body-worn recording equipment
111 on such officer's outer-most garment and shall position such
112 equipment above the midline of such officer's torso when using such
113 equipment.

114 (4) Body-worn recording equipment used pursuant to this section
115 shall conform to the minimal technical specifications approved
116 pursuant to subsection (b) of this section, except that a police officer
117 may use body-worn recording equipment that does not conform to the
118 minimal technical specifications approved pursuant to subsection (b)
119 of this section, if such equipment was purchased prior to January 1,
120 2016, by the law enforcement agency employing such officer.

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

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

129 (f) If a police officer is giving a formal statement about the use of
130 force or if a police officer is the subject of a disciplinary investigation in
131 which a recording from body-worn recording equipment is being
132 considered as part of a review of an incident, the officer shall (1) have

133 the right to review such recording in the presence of the officer's
134 attorney or labor representative, and (2) have the right to review
135 recordings from other body-worn recording equipment capturing the
136 officer's image or voice during the incident.

137 (g) (1) Except as otherwise provided by any agreement between a
138 law enforcement agency and the federal government, no police officer
139 shall use body-worn recording equipment to intentionally record (A) a
140 communication with other law enforcement agency personnel, except
141 that which may be recorded as the officer performs his or her duties,
142 (B) an encounter with an undercover officer or informant, (C) when an
143 officer is on break or is otherwise engaged in a personal activity, (D) a
144 person undergoing a medical or psychological evaluation, procedure
145 or treatment, (E) any person other than a suspect to a crime if an officer
146 is wearing such equipment in a hospital or other medical facility
147 setting, or (F) in a mental health facility, unless responding to a call
148 involving a suspect to a crime who is thought to be present in the
149 facility.

150 (2) No record created using body-worn recording equipment of (A)
151 an occurrence or situation described in subparagraphs (A) to (F),
152 inclusive, of subdivision (1) of this subsection, (B) a scene of an
153 incident that involves (i) a victim of domestic or sexual abuse, (ii) a
154 victim of homicide or suicide, or (iii) a deceased victim of an accident,
155 if disclosure could reasonably be expected to constitute an
156 unwarranted invasion of personal privacy in the case of any such
157 victim described in this subparagraph, or (C) a minor, shall be subject
158 to disclosure under the Freedom of Information Act, as defined in
159 section 1-200, and any such record shall be confidential, except that a
160 record of a minor shall be disclosed if (i) the minor and the parent or
161 guardian of such minor consent to the disclosure of such record, (ii) a
162 police officer is the subject of an allegation of misconduct made by
163 such minor or the parent or guardian of such minor, and the person
164 representing such officer in an investigation of such alleged
165 misconduct requests disclosure of such record for the sole purpose of
166 preparing a defense to such allegation, or (iii) a person is charged with

167 a crime and defense counsel for such person requests disclosure of
168 such record for the sole purpose of assisting in such person's defense
169 and the discovery of such record as evidence is otherwise discoverable.

170 (h) No police officer shall use body-worn recording equipment prior
171 to being trained in accordance with section 7-294s in the use of such
172 equipment and in the retention of data created by such equipment,
173 except that any police officer using such equipment prior to October 1,
174 2015, may continue to use such equipment prior to such training. A
175 law enforcement agency shall ensure that each police officer such
176 agency employs receives such training at least annually and is trained
177 on the proper care and maintenance of such equipment.

178 (i) If a police officer is aware that any body-worn recording
179 equipment is lost, damaged or malfunctioning, such officer shall
180 inform such officer's supervisor as soon as is practicable. Upon
181 receiving such information, the supervisor shall ensure that the
182 equipment is inspected and repaired or replaced, as necessary. Each
183 police officer shall inspect and test body-worn recording equipment
184 prior to each shift to verify proper functioning, and shall notify such
185 officer's supervisor of any problems with such equipment.

186 (j) Not later than January 1, 2016, the Commissioner of Emergency
187 Services and Public Protection and the Police Officer Standards and
188 Training Council shall jointly issue guidelines pertaining to the use of
189 body-worn recording equipment, retention of data created by such
190 equipment and methods for safe and secure storage of such data. Each
191 law enforcement agency and any police officer and any other
192 employee of such agency who may have access to such data shall
193 adhere to such guidelines. The commissioner and council may update
194 and reissue such guidelines, as the commissioner and council
195 determine necessary. The commissioner and council shall, upon
196 issuance of such guidelines or any update to such guidelines, submit
197 such guidelines in accordance with the provisions of section 11-4a to
198 the joint standing committees of the General Assembly having
199 cognizance of matters relating to the judiciary and public safety.

200 Sec. 4. Section 7-282e of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective from passage*):

202 (a) Each law enforcement unit, as defined in section 7-294a, shall
203 create and maintain a record detailing any incident during which a
204 police officer, as defined in section 7-294a, (1) uses physical force that
205 is likely to cause serious physical injury, as defined in section 53a-3, to
206 another person or the death of another person, including, but not
207 limited to, striking another person with an open or closed hand, club
208 or baton, kicking another person, [or] using pepper spray or an
209 electroshock weapon on another person, or using a chokehold on
210 another person, or (2) discharges a firearm, except during a training
211 exercise or in the course of dispatching an animal. Such record shall
212 include, but not be limited to: The name of the police officer, the time
213 and place of the incident, a description of what occurred during the
214 incident and, to the extent known, the names of the victims and
215 witnesses present at such incident.

216 (b) Not later than February 1, 2018, and annually thereafter, each
217 law enforcement unit shall prepare and submit a report concerning
218 incidents described in subsection (a) of this section during the
219 preceding calendar year to the Criminal Justice Policy and Planning
220 Division within the Office of Policy and Management. Such report
221 shall include (1) the records described in subsection (a) of this section,
222 (2) summarized data compiled from such records, and (3) statistics on
223 each use of force incident, including, but not limited to, (A) the race
224 and gender of such person upon whom force was used, provided the
225 identification of such characteristics shall be based on the observation
226 and perception of the police officer, (B) the number of times force was
227 used on such person, and (C) any injury suffered by such person
228 against whom force was used.

229 Sec. 5. (NEW) (*Effective July 1, 2017*) (a) Not later than seven days
230 after the death of any person whose death occurs in an interaction with
231 a peace officer of any law enforcement agency, such law enforcement
232 agency shall submit a report to the Criminal Justice Policy and

233 Planning Division within the Office of Policy and Management. The
234 report shall include, but need not be limited to, (1) the name of the
235 deceased person, (2) the gender, race, ethnicity and age of such person,
236 (3) the date, time and location of such death, and (4) a description of
237 the circumstances surrounding the death, including the type of force
238 used, if any.

239 (b) Not later than October 1, 2017, the Police Officer Standards
240 Training Council shall create a form related to the incidents described
241 in subsection (a) of this section. Such form shall include spaces for (1)
242 the name of the deceased person, (2) the gender, race, ethnicity and age
243 of such person, (3) the date, time and location of such death, and (4) a
244 description of the circumstances surrounding the death, including the
245 type of force used, if any.

246 Sec. 6. (NEW) (*Effective July 1, 2017*) Not later than October 1, 2017,
247 the Police Officer Standards Training Council shall develop and
248 implement a written policy requiring the shielding of bodies from
249 public view.

250 Sec. 7. Section 7-294bb of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective October 1, 2017*):

252 [(a) Not later than July 1, 2015, the Police Officer Standards and
253 Training Council shall develop and implement a written policy
254 concerning the acceptance, processing and investigation of a complaint
255 from a member of the public relating to alleged misconduct committed
256 by law enforcement agency personnel.

257 (b) In developing the written policy, the council shall consider: (1)
258 Whether all sworn officers and civilian employees of a law
259 enforcement agency shall be required to accept a complaint alleging
260 misconduct by the agency's law enforcement personnel, (2) the means
261 or processes to be used for accepting such complaint from a member of
262 the public, including the acceptance of an anonymous complaint or a
263 complaint made by a complainant on behalf of another person, (3) the
264 necessity of requiring a sworn statement from a complainant, (4)

265 protections that may be afforded to a complainant who fears
266 retaliation associated with the filing of such complaint, (5) the use of a
267 standardized form to record such complaint, (6) permissible time
268 frames associated with the filing of such complaint, (7) protocols for
269 the investigation of such a complaint, (8) documentation requirements
270 relating to the receipt of such complaint and its disposition, and (9) the
271 process for informing a known complainant of the disposition of such
272 complaint.

273 (c) Upon the implementation of such policy by the Police Officer
274 Standards and Training Council, each law enforcement agency shall, in
275 consultation with a representative of a union that represents members
276 of the law enforcement agency, adopt the policy implemented by said
277 council or develop and implement an alternative policy that: (1)
278 Addresses the issues described in subsection (b) of this section, and (2)
279 exceeds the standards of the policy developed by said council. Upon
280 the adoption of the policy developed by the Police Officer Standards
281 and Training Council or the implementation of an alternative policy,
282 each law enforcement agency shall make its policy available to the
283 public and shall ensure that: (A) Copies of the policy are available at
284 the town hall or another municipal building located within the
285 municipality served by the law enforcement agency, other than a
286 municipal building in which the law enforcement agency is located,
287 and (B) the policy is available on the law enforcement agency's Internet
288 web site or the Internet web site of the municipality served by the law
289 enforcement agency.]

290 [(d)] (a) For the purposes of this section, "law enforcement agency"
291 means the Division of State Police within the Department of
292 Emergency Services and Public Protection or any municipal police
293 department.

294 (b) (1) Not later than January 1, 2018, the Police Officer Standards
295 and Training Council shall create a standardized police complaint
296 form.

297 (2) The standardized police complaint form shall (A) allow for
298 anonymous complaints, (B) state that there are no time limits on the
299 acceptance of complaints, (C) not require notarization of the complaint
300 or any affirmation of possible penalties, (D) provide an explanation of
301 protections that may be afforded to a complainant who fears
302 retaliation associated with the filing of such complaint, (E) provide
303 known complainants a complaint tracking number associated with
304 such complaint, (F) detail the process for informing a known
305 complainant of the disposition of such complaint, and (G) be made
306 available in English and Spanish.

307 (3) The standardized police complaint form shall include check
308 boxes for the complainant to categorize his or her grievances. The
309 categories shall include, but not be limited to, (A) conduct unbecoming
310 an officer, (B) discourteous attitude, (C) harassment, (D) racial
311 profiling, as described in section 54-1m, (E) use of excessive force
312 during search and seizure, (F) use of excessive force during arrest, (G)
313 use of excessive force after arrest, and (H) use of excessive force
314 without arrest.

315 (4) The law enforcement agency shall notify the complainant, if
316 known, in writing not later than five business days after receiving such
317 completed form of the following: (A) That his or her complaint has
318 been received by the agency and that an investigation into such
319 complaint is pending, (B) the complaint tracking number assigned to
320 such complaint, (C) that the complainant will be informed in writing of
321 the outcome of the investigation into such complaint, and (D) that the
322 complainant may contact the investigator assigned to such complaint,
323 who shall be identified by name, at any time for further information
324 while the investigation is pending.

325 (5) If a law enforcement agency has a pattern or practice of not
326 complying with the provisions of this section, the Office of Policy and
327 Management shall recommend and the Secretary of the Office of Policy
328 and Management may withhold discretionary state funds from such
329 municipal police department or the Department of Emergency Services

330 and Public Protection.

331 (6) Not later than July 1, 2018, and annually thereafter, each law
332 enforcement agency shall prepare an annual report for the preceding
333 calendar year that details the complaints filed with such law
334 enforcement agency and includes (A) the number of complaints that
335 were filed, (B) a description of the types of complaints filed, and (C) a
336 description of the disposition of such complaints categorized by type
337 of complaint and shall submit the report to the Criminal Justice Policy
338 and Planning Division within the Office of Policy and Management.

339 (c) On and after January 1, 2018, each law enforcement agency shall
340 use the standardized police complaint form described in subsection (b)
341 of this section.

342 Sec. 8. (NEW) (*Effective July 1, 2018*) Not later than October 1, 2018,
343 the Division of State Police within the Department of Emergency
344 Services and Public Protection and each municipal police department
345 shall post any manuals regarding its nonexempt policies and
346 procedures on said division or municipal police department's Internet
347 web site.

348 Sec. 9. (*Effective July 1, 2017*) The Commission on Equity and
349 Opportunity established pursuant to section 2-127 of the general
350 statutes, in consultation with the Police Officer Standards and Training
351 Council, shall study and recommend model practices for independent
352 police oversight. Not later than January 1, 2018, the commission shall
353 report on such study, in accordance with the provisions of section 11-
354 4a of the general statutes to the joint standing committee of the General
355 Assembly having cognizance of matters relating to labor and public
356 employees."

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

Sec. 3	<i>January 1, 2019</i>	29-6d
Sec. 4	<i>from passage</i>	7-282e
Sec. 5	<i>July 1, 2017</i>	New section
Sec. 6	<i>July 1, 2017</i>	New section
Sec. 7	<i>October 1, 2017</i>	7-294bb
Sec. 8	<i>July 1, 2018</i>	New section
Sec. 9	<i>July 1, 2017</i>	New section