
OLR Bill Analysis

sHB 5220 (as amended by House "B")*

AN ACT AUTHORIZING THIRD-PARTY FINGERPRINTING SERVICES.

SUMMARY

This bill makes changes affecting the Department of Emergency Services and Public Protection (DESPP) and the Police Officer Standards and Training Council (POST). Generally, it:

1. allows the DESPP commissioner to enter into agreements with contractors to electronically take and transmit fingerprints and demographic information to the State Police Bureau of Identification (SPBI) for processing criminal history record checks;
2. requires, within available appropriations, POST and the DESPP commissioner to jointly develop (a) minimum standards and practices for administering and managing law enforcement units and (b) a process for reviewing compliance, including a certificate of compliance;
3. requires, beginning January 1, 2019, law enforcement units to adopt and maintain POST's minimum standards and practices or a higher level of accreditation standards; and
4. establishes a series of reporting requirements concerning police pursuits, including for police officers, local police chiefs, the DESPP commissioner, and POST.

The bill also makes technical changes.

*House Amendment "B" requires, rather than allows, the DESPP commissioner to prescribe terms and conditions for fingerprinting contractors. It also adds provisions concerning (1) minimum

standards and practices for administering and managing law enforcement units and (2) reporting on police pursuits.

EFFECTIVE DATE: July 1, 2018, except that the provisions on (1) police pursuits are effective October 1, 2018, and (2) minimum standards and practices are effective January 1, 2019.

FINGERPRINTING CONTRACTORS

The bill allows the DESPP commissioner to enter into one or more agreements with independent contractors to electronically take and transmit fingerprints and demographic information to SPBI for processing criminal history record checks. Under the bill, the commissioner must require the contractor to (1) collect and remit the statutory fingerprinting fee (currently \$15) to SPBI and (2) comply with terms and conditions that the commissioner must prescribe to ensure the security, privacy, confidentiality, and value of the fingerprints and demographic information transmitted to SPBI. The commissioner may allow contractors to charge a convenience fee for fingerprinting, which must not exceed \$15.

MINIMUM STANDARDS AND PRACTICES

Within available appropriations, the bill requires POST and the DESPP commissioner (or her designee) to jointly develop, adopt, and revise, as necessary, minimum standards and practices for administering and managing law enforcement units. Under existing law and the bill, "law enforcement unit" means any state or municipal agency, organ, or department (or tribal agency, organ, or department created and governed under a legal memorandum of understanding) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime.

Under the bill, POST and the DESPP commissioner must develop the standards and practices based on standards established by the International Association of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) (see BACKGROUND). At a minimum, they must include:

1. bias-based policing,
2. use of force,
3. response to family violence crimes,
4. use of body cameras,
5. police misconduct complaints,
6. use of electronic defense weapons,
7. eyewitness identification procedures,
8. notifications of death and related events, and
9. police pursuits.

POST must publish the minimum standards and practices on its website and disseminate them to law enforcement units. POST and the DESPP commissioner must jointly (1) develop a process for reviewing compliance and (2) issue certificates of compliance to units that meet or exceed the standards and practices.

Beginning January 1, 2019, the bill requires law enforcement units to adopt and maintain (1) the minimum standards and practices developed by POST or (2) a higher level of accreditation standards developed by POST or CALEA. The bill prohibits a civil action from being brought against a law enforcement unit for damages arising from failure to adopt and maintain the minimum standards and practices or a higher level of accreditation standards.

POLICE PURSUITS

Existing law requires the DESPP commissioner, in conjunction with POST and other related entities, to adopt a uniform statewide police pursuit policy. The bill requires POST, by December 1, 2018, to develop and promulgate standardized forms for (1) reporting each police pursuit and (2) submitting annual reports on such pursuits.

Beginning January 1, 2019, the bill requires the DESPP

commissioner and local police chiefs to require each police officer who engages in a pursuit to report the pursuit using POST's standard form. By January 31, 2020, and annually thereafter, it also requires the DESPP commissioner and local police chiefs to submit an annual report to POST, using POST's standard form, regarding pursuits by their police officers.

By April 30, 2020, and annually thereafter, POST must compile, analyze, and summarize the annual reports and submit a consolidated police pursuit report with any legislative recommendations to the Public Safety and Security Committee. POST may partner with a Connecticut institution of higher education or a professional police organization to prepare or assist in preparing its report.

BACKGROUND

CALEA

A nonprofit corporation, CALEA's purpose is to improve the delivery of public safety services, primarily by maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence. CALEA is governed by a 21-member board, including 11 law enforcement practitioners. The members serve without compensation and are appointed by the four law enforcement organizations that founded CALEA (i.e., the International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, National Sheriffs' Association, and Police Executive Research Forum).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 2 (03/16/2018)