



General Assembly

Amendment

January Session, 2019

LCO No. 10039



Offered by:

SEN. WINFIELD, 10th Dist.
REP. STAFSTROM, 129th Dist.
SEN. LOONEY, 11th Dist.
SEN. FASANO, 34th Dist.
SEN. DUFF, 25th Dist.
SEN. SLAP, 5th Dist.

SEN. MCCRORY, 2nd Dist.
SEN. WITKOS, 8th Dist.
SEN. KISSEL, 7th Dist.
REP. PORTER, 94th Dist.
REP. MCGEE, 5th Dist.

To: Senate Bill No. 380

File No. 590

Cal. No. 298

"AN ACT CONCERNING MENTAL HEALTH CARE AND WELLNESS TRAINING AND SUICIDE PREVENTION FOR POLICE OFFICERS."

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

3 "Section 1. Section 7-282e of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2019*):

5 (a) Each law enforcement unit, as defined in section 7-294a, shall
6 create and maintain a record detailing any incident during which a
7 police officer, as defined in section 7-294a, (1) uses physical force that
8 is likely to cause serious physical injury, as defined in section 53a-3, to
9 another person or the death of another person, including, but not
10 limited to, striking another person with an open or closed hand, club

11 or baton, kicking another person, [or] using pepper spray or an
12 electroshock weapon on another person [,] or using a chokehold or
13 other method of restraint applied to the neck area of another person,
14 (2) discharges a firearm, except during a training exercise or in the
15 course of dispatching an animal, or (3) engages in a pursuit, as defined
16 in subsection (a) of section 14-283a, as amended by this act. Such
17 record shall include, but not be limited to: The name of the police
18 officer, the time and place of the incident, a description of what
19 occurred during the incident and, to the extent known, the names of
20 the victims and witnesses present at such incident.

21 (b) Not later than February 1, 2020, and annually thereafter, each
22 law enforcement unit shall prepare and submit a report concerning
23 incidents described in subsection (a) of this section during the
24 preceding calendar year to the Criminal Justice Policy and Planning
25 Division within the Office of Policy and Management. Such report
26 shall include (1) the records described in subsection (a) of this section,
27 (2) summarized data compiled from such records, and (3) statistics on
28 each use of force incident, including, but not limited to, (A) the race
29 and gender of such person upon whom force was used, provided the
30 identification of such characteristics shall be based on the observation
31 and perception of the police officer, (B) the number of times force was
32 used on such person, and (C) any injury suffered by such person
33 against whom force was used. Each law enforcement unit shall, prior
34 to submission of any such report pursuant to this subsection, redact
35 any information from such report that may identify a minor, witness
36 or victim.

37 Sec. 2. Subsection (f) of section 29-6d of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective*
39 *October 1, 2019*):

40 (f) If a police officer is giving a formal statement about the use of
41 force or if a police officer is the subject of a disciplinary investigation in
42 which a recording from body-worn recording equipment or a
43 dashboard camera with a remote recorder, as defined in subsection (c)

44 of section 7-277b, is being considered as part of a review of an incident,
45 the officer shall (1) have the right to review such recording in the
46 presence of the officer's attorney or labor representative, and (2) have
47 the right to review recordings from other body-worn recording
48 equipment capturing the officer's image or voice during the incident.
49 Not later than forty-eight hours following an officer's review of a
50 recording under subdivision (1) of this subsection, or if the officer does
51 not review the recording, not later than ninety-six hours following the
52 recorded incident, whichever is earlier, such recording shall be
53 disclosed, upon request, to the public, subject to the provisions of
54 subsection (g) of this section.

55 Sec. 3. Section 51-277a of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective October 1, 2019*):

57 (a) (1) Whenever a peace officer, in the performance of such officer's
58 duties, uses physical force upon another person and such person dies
59 as a result thereof or uses deadly force, as defined in section 53a-3,
60 upon another person, the Division of Criminal Justice shall cause an
61 investigation to be made and shall have the responsibility of
62 determining whether the use of physical force by the peace officer was
63 appropriate under section 53a-22, as amended by this act. The division
64 shall request the appropriate law enforcement agency to provide such
65 assistance as is necessary to determine the circumstances of the
66 incident.

67 (2) On and after January 1, 2020, whenever a peace officer, in the
68 performance of such officer's duties, uses physical force upon another
69 person and such person dies as a result thereof, the Division of
70 Criminal Justice shall cause a preliminary status report to be
71 completed that shall include, but need not be limited to, (A) the name
72 of the deceased person, (B) the gender, race, ethnicity and age of the
73 deceased person, (C) the date, time and location of the injury causing
74 such death, (D) the law enforcement agency involved, (E) the status on
75 the toxicology report, if available, and (F) the death certificate, if
76 available. The division shall complete the report and submit a copy of

77 such report not later than five business days after the cause of the
78 death is available in accordance with the provisions of section 11-4a to
79 the joint standing committees of the General Assembly having
80 cognizance of matters relating to the judiciary and public safety.

81 (b) In causing [such] an investigation to be made pursuant to
82 subdivision (1) of subsection (a) of this section, the Chief State's
83 Attorney shall, (1) as provided in section 51-281, designate a
84 prosecutorial official from a judicial district other than the judicial
85 district in which the incident occurred to conduct the investigation, or
86 (2) as provided in subsection (a) of section 51-285, appoint a special
87 assistant state's attorney or special deputy assistant state's attorney to
88 conduct the investigation. The Chief State's Attorney shall, upon the
89 request of such prosecutorial official or special prosecutor, appoint a
90 special inspector or special inspectors to assist in such investigation.

91 (c) Upon the conclusion of the investigation of the incident, the
92 [division] Division of Criminal Justice shall file a report with the Chief
93 State's Attorney which shall contain the following: (1) The
94 circumstances of the incident, (2) a determination of whether the use of
95 physical force by the peace officer was appropriate under section 53a-
96 22, as amended by this act, and (3) any future action to be taken by the
97 [Division of Criminal Justice] division as a result of the incident. The
98 Chief State's Attorney shall provide a copy of the report to the chief
99 executive officer of the municipality in which the incident occurred
100 and to the Commissioner of Emergency Services and Public Protection
101 or the chief of police of such municipality, as the case may be, and shall
102 make such report available to the public on the division's Internet web
103 site not later than forty-eight hours after the copies are provided to the
104 chief executive officer and the commissioner or chief of police.

105 Sec. 4. Subsection (c) of section 53a-22 of the general statutes is
106 repealed and the following is substituted in lieu thereof (*Effective*
107 *October 1, 2019*):

108 (c) A peace officer, special policeman appointed under section 29-

109 18b, motor vehicle inspector designated under section 14-8 and
110 certified pursuant to section 7-294d or authorized official of the
111 Department of Correction or the Board of Pardons and Paroles is
112 justified in using deadly physical force upon another person for the
113 purposes specified in subsection (b) of this section only when he or she
114 reasonably believes such to be necessary to: (1) Defend himself or
115 herself or a third person from the use or imminent use of deadly
116 physical force; or (2) (A) effect an arrest [or prevent the escape from
117 custody] of a person whom he or she reasonably believes has
118 committed or attempted to commit a felony which involved the
119 infliction or threatened infliction of serious physical injury, or (B)
120 prevent the escape from custody of a person whom he or she
121 reasonably believes has committed a felony which involved the
122 infliction or threatened infliction of serious physical injury and if,
123 where feasible under this subdivision, he or she has given warning of
124 his or her intent to use deadly physical force.

125 Sec. 5. Section 14-283a of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective October 1, 2019*):

127 (a) As used in this section, "police officer" [has] and "law
128 enforcement unit" have the same [meaning] meanings as provided in
129 section 7-294a, and "pursuit" means an attempt by a police officer in an
130 authorized emergency vehicle to apprehend any occupant of another
131 moving motor vehicle, when the driver of the fleeing motor vehicle is
132 attempting to avoid apprehension by maintaining or increasing the
133 speed of such vehicle or by ignoring the police officer's attempt to stop
134 such vehicle.

135 (b) (1) The Commissioner of Emergency Services and Public
136 Protection, in conjunction with the Chief State's Attorney, the Police
137 Officer Standards and Training Council, the Connecticut Police Chiefs
138 Association and the Connecticut Coalition of Police and Correctional
139 Officers, shall adopt, in accordance with the provisions of chapter 54, a
140 uniform, state-wide policy for handling pursuits by police officers.
141 Such policy shall specify: [(1)] (A) The conditions under which a police

142 officer may engage in a pursuit and discontinue a pursuit, [(2)] (B)
143 alternative measures to be employed by any such police officer in
144 order to apprehend any occupant of the fleeing motor vehicle or to
145 impede the movement of such motor vehicle, [(3)] (C) the coordination
146 and responsibility, including control over the pursuit, of supervisory
147 personnel and the police officer engaged in such pursuit, [(4)] (D) in
148 the case of a pursuit that may proceed and continue into another
149 municipality, [(A)] (i) the requirement to notify and the procedures to
150 be used to notify the police department in such other municipality or,
151 if there is no organized police department in such other municipality,
152 the officers responsible for law enforcement in such other
153 municipality, that there is a pursuit in progress, and [(B)] (ii) the
154 coordination and responsibility of supervisory personnel in each such
155 municipality and the police officer engaged in such pursuit, [(5)] (E)
156 the type and amount of training in pursuits, that each police officer
157 shall undergo, which may include training in vehicle simulators, if
158 vehicle simulator training is determined to be necessary, and [(6)] (F)
159 that a police officer immediately notify supervisory personnel or the
160 officer in charge after the police officer begins a pursuit. The chief of
161 police or Commissioner of Emergency Services and Public Protection,
162 as the case may be, shall inform each officer within such chief's or said
163 commissioner's department and each officer responsible for law
164 enforcement in a municipality in which there is no such department of
165 the existence of the policy of pursuit to be employed by any such
166 officer and shall take whatever measures that are necessary to assure
167 that each such officer understands the pursuit policy established.

168 (2) Not later than January 1, 2021, and at least once during each five-
169 year period thereafter, the Commissioner of Emergency Services and
170 Public Protection, in conjunction with the Chief State's Attorney, the
171 Police Officer Standards and Training Council, the Connecticut Police
172 Chiefs Association and the Connecticut Coalition of Police and
173 Correctional Officers, shall adopt regulations in accordance with the
174 provisions of chapter 54, to update such policy adopted pursuant to
175 subdivision (1) of this subsection.

176 (c) No police officer engaged in a pursuit shall discharge any
177 firearm into or at a fleeing motor vehicle, unless such officer has a
178 reasonable belief that there is an imminent threat of death to such
179 officer or another person posed by the fleeing motor vehicle or an
180 occupant of such motor vehicle.

181 (d) No police officer shall intentionally position his or her body in
182 front of a fleeing motor vehicle, unless such action is a tactic approved
183 by the law enforcement unit that employs such police officer.

184 (e) If a pursuit enters the jurisdiction of a law enforcement unit
185 other than that of the unit which initiated the pursuit, the law
186 enforcement unit that initiated the pursuit shall immediately notify the
187 law enforcement unit that has jurisdiction over such area of such
188 pursuit.

189 ~~[(c)]~~ (f) (1) Not later than December 1, 2018, the Police Officer
190 Standards and Training Council, established under section 7-294b,
191 shall develop and promulgate a standardized form for (A) reporting
192 pursuits by police officers pursuant to subdivision (2) of this
193 subsection, and (B) submitting annual reports pursuant to subdivision
194 (3) of this subsection.

195 (2) On and after January 1, 2019, the chief of police or the
196 Commissioner of Emergency Services and Public Protection, as the
197 case may be, shall require each police officer who engages in a pursuit
198 to report such pursuit on the standardized form developed and
199 promulgated under subdivision (1) of this subsection.

200 (3) Not later than January 31, 2020, and annually thereafter, each
201 chief of police and the Commissioner of Emergency Services and
202 Public Protection shall submit an annual report to the Police Officer
203 Standards and Training Council regarding pursuits by police officers
204 on the standardized form developed and promulgated under
205 subdivision (1) of this subsection.

206 (4) Not later than April 30, 2020, and annually thereafter, the Police

207 Officer Standards and Training Council shall compile, analyze and
208 summarize the annual reports and submit, in accordance with section
209 11-4a, a consolidated report regarding police pursuits and any
210 recommendations for legislation to the joint standing committee of the
211 General Assembly having cognizance of matters relating to public
212 safety and security. The council may partner with an institution of
213 higher education in this state or a professional police organization to
214 prepare or to assist in the preparation of the consolidated report.

215 Sec. 6. (*Effective from passage*) (a) There is established a task force to
216 study police transparency and accountability. The task force shall
217 examine: (1) Police officer interactions with individuals who are
218 individuals with a mental, intellectual or physical disability; (2) the
219 feasibility of police officers who conduct traffic stops issuing a receipt
220 to each individual being stopped that includes the reason for the stop
221 and records the demographic information of the person being stopped;
222 and (3) any other police officer and transparency and accountability
223 issue the task force deems appropriate.

224 (b) The task force shall consist of the following members:

225 (1) Two appointed by the speaker of the House of Representatives,
226 one of whom is an individual with a mental, intellectual or physical
227 disability;

228 (2) Two appointed by the president pro tempore of the Senate, one
229 of whom is a justice-impacted individual;

230 (3) One appointed by the majority leader of the House of
231 Representatives, who shall be a member of the Black and Puerto Rican
232 Caucus of the General Assembly;

233 (4) One appointed by the majority leader of the Senate, who shall be
234 a member of the Connecticut Police Chiefs Association;

235 (5) Two appointed by the minority leader of the House of
236 Representatives;

- 237 (6) Two appointed by the minority leader of the Senate;
- 238 (7) The undersecretary of the Criminal Justice Policy and Planning
239 Division within the Office of Policy and Management, or the
240 undersecretary's designee as non-voting member;
- 241 (8) The Commissioner of the Department of Emergency Services
242 and Public Protection, or the commissioner's designee as a nonvoting
243 member; and
- 244 (9) The Chief State's Attorney, or the Chief State's Attorney designee
245 as a nonvoting member.
- 246 (c) Any member of the task force appointed under subdivision (1),
247 (2), (3), (5) or (6) of subsection (b) of this section may be a member of
248 the General Assembly.
- 249 (d) All appointments to the task force shall be made not later than
250 thirty days after the effective date of this section. Any vacancy shall be
251 filled by the appointing authority.
- 252 (e) The speaker of the House of Representatives and the president
253 pro tempore of the Senate shall select the chairpersons of the task force
254 from among the members of the task force. Such chairpersons shall
255 schedule the first meeting of the task force, which shall be held not
256 later than sixty days after the effective date of this section.
- 257 (f) The administrative staff of the joint standing committees of the
258 General Assembly having cognizance of matters relating to the
259 judiciary and public safety shall serve as administrative staff of the
260 task force.
- 261 (g) Not later than January 1, 2020, the task force shall submit a
262 preliminary report and not later than December 31, 2020, a final report
263 on its findings and any recommendations for legislation to the joint
264 standing committees of the General Assembly having cognizance of
265 matters relating to the judiciary and public safety, in accordance with
266 the provisions of section 11-4a of the general statutes. The task force

267 shall terminate on the date that it submits such report or December 31,
 268 2020, whichever is later.

269 Sec. 7. (*Effective from passage*) (a) The Police Officer Standards and
 270 Training Council, established under section 7-294b of the general
 271 statutes, shall study and review the use of firearms by police officers
 272 engaged in a pursuit. Not later than February 1, 2020, the council shall,
 273 in accordance with the provisions of section 11-4a of the general
 274 statutes, report its findings and any recommendations for legislation
 275 arising from such findings to the joint standing committees of the
 276 General Assembly having cognizance of matters relating to the
 277 judiciary and public safety.

278 (b) For purposes of this section, "police officer" has the same
 279 meaning as provided in section 7-294a of the general statutes and
 280 "pursuit" has the same meaning as provided in section 14-283a of the
 281 general statutes, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	7-282e
Sec. 2	<i>October 1, 2019</i>	29-6d(f)
Sec. 3	<i>October 1, 2019</i>	51-277a
Sec. 4	<i>October 1, 2019</i>	53a-22(c)
Sec. 5	<i>October 1, 2019</i>	14-283a
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section