POACT
Police Officers Association of Connecticut

February 11, 2019
Public Health Committee

Testimony in Support of:
Proposed S.B. No. 380 AN ACT CONCERNING MENTAL HEALTH AND WELLNESS TRAINING AND SUICIDE PREVENTION FOR LAW ENFORCEMENT OFFICERS.

The Police Officer’s Association of CT (POACT) is an association of 20 Police Unions with over 2000 members state-wide. We are very appreciative that the Public Health Committee has raised SB 380 for a public hearing. The issue of mental wellness for police officers has become a critical issue for our police officers and their families. Connecticut, in the past year has seen too many police officers take their own lives. This bill is essential to ensuring that this trend does not continue.

Our goal is to ensure that police officers, who are struggling with mental health issues or PTSD, be able to request and get treatment – without fear of losing their jobs. The problem with the current Connecticut law and practice is that if a police officer admits that he/she needs help, then the officer would be required to turn in his/her badge and service weapon in to the police chief – which puts the officer’s job and career in jeopardy. Therefore, many police officers suffer in silence, and others discretely seek treatment out-of-state.

We will be grateful if the Public Health Committee drafts and JF’s SB 380; and we respectfully propose language that is included at the end of this document (this language also appears in SB 824 in the Judiciary Committee) It provides for the following:

- Section 1. Prevents the law enforcement unit from penalizing a police officer who turns in his/her service weapon and seeks mental health treatment. This section also provides for the return of an officer’s service weapon if the officer has received appropriate treatment and is determined to be fit to return to duty.

- Section 2. Recognizes that police officers should be able to get treatment in Connecticut and requires DESPP to develop a list of qualified and available health care providers where police officers can seek mental health treatment.

- Section 3. Amends the current law under Section 53a-217 to clarify that a police officer would not be charged with illegal possession of a firearm if such officer received treatment and had his/her service weapon appropriately returned.

- Section 4. Amends the current law under Section 53a-217c to clarify that a police officer would not be charged with illegal possession of a pistol/revolver if such officer received treatment and had his/her service weapon appropriately returned.

We greatly appreciate your consideration and support for SB 380.

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Proposed Language for SB 380

Section 1. (NEW) (Effective October 1, 2019) (a) No law enforcement unit, as defined in section 7-294a of the general statutes, shall discharge, discipline, discriminate against or otherwise penalize a police officer, as defined in said section, who is employed by such law enforcement unit solely because the police officer seeks or receives mental health care services or surrenders his or her firearm, ammunition or electronic defense weapon used in the performance of the police officer's official duties to such law enforcement unit during the time the police officer receives mental health care services. The provisions of this subsection shall not be applicable to a police officer who (1) seeks or receives mental health care services to avoid disciplinary action by such law enforcement unit, or (2) refuses to submit himself or herself to an examination as provided in subsection (b) of this section.

(b) Prior to returning a surrendered firearm, ammunition or electronic defense weapon used in the performance of the police officer's official duties to a police officer, such law enforcement unit shall request the police officer to submit himself or herself to an examination by a licensed mental health care provider, psychiatrist or psychologist from the list published pursuant to subsection (a) of section 2 of this act if the police officer is employed by the state or subsection (b) of section 2 of this act if the police officer is employed by a municipal police department, as the case may be. The examination shall be performed to determine whether the police officer is ready to report for official duty and shall be paid for by such law enforcement unit.

(c) No civil action may be brought against a law enforcement unit for damages arising from actions taken by a police officer using his or her personal firearm during the time period the police officer does not possess his or her firearm used in the performance of the police officer's official duties or for a period of six months after the police officer surrenders his or her firearm used in the performance of the police officer's official duties to the law enforcement unit, whichever is longer.

Sec. 2. (NEW) (Effective from passage) (a) Not later than October 1, 2019, the Commissioner of Emergency Services and Public Protection, the Police Officer Standards and Training Council established under section 7-294b of the general statutes and representatives from labor organizations representing police officers in this state shall develop and thereafter maintain a list of licensed mental health care providers, psychiatrists or psychologists in the state. Such list shall be published on the Department of Emergency Services and Public Protection's Internet web site.

(b) Not later than October 1, 2019, for each municipality with a police department, the municipal police department and representatives from labor organizations representing the municipality's police officers shall develop and thereafter maintain a list of licensed mental health care providers, psychiatrists or psychologists in the state. Such list shall be published on the municipality's Internet web site.

Sec. 3. Subsection (a) of section 53a-217 of the general statutes is repealed and the following is
(a) A person is guilty of criminal possession of a firearm, ammunition or an electronic defense weapon when such person possesses a firearm, ammunition or an electronic defense weapon and (1) has been convicted of a felony committed prior to, on or after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 2013, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (5) (A) has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29-28 or 29-36f in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not (i) solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, or (ii) a police officer who has been voluntarily admitted and had the firearm, ammunition or electronic defense weapon returned in accordance with section 1 of this act, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person, or (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction, "ammunition" means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm, and a motor vehicle violation for which a sentence to a term of imprisonment of more than one year may be imposed shall be deemed an unclassified felony.

Sec. 4. Subsection (a) of section 53a-217c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) A person is guilty of criminal possession of a pistol or revolver when such person possesses a pistol or revolver, as defined in section 29-27, and (1) has been convicted of a felony committed prior to, on or after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 1994, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) (A) has been confined prior to October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in
section 17a-495, within the preceding twelve months by order of a probate court, or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or, with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29-28 or 29-36f in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and (i) not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, or (ii) a police officer who has been voluntarily admitted and had the pistol or revolver returned in accordance with section 1 of this act, (5) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person, (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United States. For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction.