
OLR Bill Analysis

sHB 6597 (as amended by House "A")*

AN ACT CONCERNING ACCREDITATION, REPORTING REQUIREMENTS, MENTAL HEALTH, DATA STORAGE SERVICES AND TRAINING OF LAW ENFORCEMENT OFFICERS.

SUMMARY

This bill makes several changes affecting law enforcement and related agencies, including the Department of Emergency Services and Public Protection (DESPP), the Police Officer Standards and Training Council (POST), and law enforcement units (see BACKGROUND). Generally, it:

1. modifies the POST-DESPP minimum standards and practices that law enforcement units must adopt and maintain, including eliminating a requirement that units obtain and maintain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) by 2025;
2. extends existing employment protections to certain police officers who seek or receive mental health care services after undergoing a required behavioral health assessment;
3. requires the Department of Administrative Services (DAS) to issue a request for proposal (RFP) for purchasing body-worn recording equipment (i.e., body cameras), dashboard cameras with a remote recorder (i.e., dashboard cameras), and camera-related digital data storage devices and services to support law enforcement units and police officers in complying with state law's camera use requirements;
4. explicitly excludes animal control, all-terrain, and certain other police vehicles from having to be equipped with a dashboard camera;

5. replaces police basic and review training on handling incidents involving individuals affected with a serious mental illness with a training curriculum on interacting with people who have mental or physical disabilities;
6. modifies statutes concerning the hiring and certification of police officers who were dismissed for malfeasance or serious misconduct; and
7. authorizes the West Haven police department to acquire a mine-resistant, ambush-protected vehicle from the Farmington police department.

Lastly, the bill makes numerous technical and conforming changes.

*House Amendment "A" (1) moves up the end date for maintaining at least the Tier I minimum standards and practices by a year; (2) removes a provision allowing POST to recommend withholding state funds from a unit for failing to comply with specific POST guidance; (3) eliminates provisions increasing grant funding to municipalities for purchasing body cameras and dashboard cameras and establishing a cooperative purchasing plan for camera-related digital data storage devices and services; (4) adds the camera-related RFP issuance provision; (5) excludes animal control, all-terrain, and certain other police vehicles from dashboard camera requirements; (6) replaces police basic and review training on handling incidents involving individuals affected with a serious mental illness with a training curriculum on interacting with people who have mental or physical disabilities; (7) modifies statutes concerning the hiring and certification of police officers who were dismissed for malfeasance or serious misconduct; and (8) authorizes the West Haven police department to acquire a mine-resistant, ambush-protected vehicle from the Farmington police department.

EFFECTIVE DATE: Upon passage, except the provisions concerning the hiring and certification of police officers (§§ 7 & 8) are effective July 1, 2021, and the provision eliminating the training on handling incidents involving individuals affected with a serious

mental illness (§ 10) is effective October 1, 2022.

§§ 1 & 2 — MINIMUM STANDARDS AND PRACTICES

Until December 31, 2024, current law requires POST and DESPP to jointly develop, adopt, and revise, as necessary, minimum standards and practices for administering and managing law enforcement units, based in part on standards from CALEA. Additionally, law enforcement units must, from January 1, 2019, until December 31, 2024, adopt and maintain (1) POST-DESPP’s minimum standards and practices or (2) a higher level of accreditation standards developed by POST or CALEA. Under current law, starting in 2025, units must obtain and maintain CALEA accreditation.

The bill eliminates the (1) sunset date on POST-DESPP developing, adopting, and revising their minimum standards and practices and (2) requirement that units obtain and maintain accreditation from CALEA by 2025. It instead requires POST to, within available appropriations, divide the current minimum standards and practices into three tiers by January 1, 2022, thereby codifying POST’s existing three-tiered accreditation structure. The table below describes the minimum standards and practices of each tier, higher accreditation standards developed by POST or CALEA that are otherwise acceptable for each tier, and the dates by which units must adopt and maintain the acceptable standards for each tier.

Table 1. Minimum Standards & Practices Tiers Schedule

	<i>Tier I</i>	<i>Tier II</i>	<i>Tier III</i>
Minimum Standards & Practices Description	Minimum standards and practices designed to protect law enforcement units from liability, enhance service delivery, and improve public confidence in units	Minimum standards and practices for unit administration, management, and operation	Higher minimum standards and practices for unit administration, management, and operation
Accepted Higher Level of Accreditation	Developed by POST or CALEA	Developed by POST or CALEA	Developed by CALEA

Standards			
Required Adoption and Maintenance Dates	By January 1, 2022, and until December 31, 2022	By January 1, 2023, and until December 31, 2024	By January 1, 2025, and after

The bill makes conforming changes to extend to each tier the current requirements for POST to (1) publish and distribute the standards and practices and (2) jointly review and certify unit compliance with DESPP.

The bill also requires that the minimum standards and practices include compliance with specific POST guidance on reporting procedures for police officer certificate suspension, cancellation, or revocation (i.e., POST General Notice 20-09). Under the bill, if a law enforcement unit fails to comply with the guidance, then POST may revoke the unit's certificate of compliance with the minimum standards and practices.

§ 3 — EMPLOYMENT PROTECTIONS

Existing law generally prohibits a law enforcement unit from discharging, disciplining, discriminating against, or penalizing a police officer it employs solely because the officer, among other things, seeks or receives mental health care services. The bill extends this prohibition to cover officers who seek or receive services as a result of a statutorily required behavioral health assessment. By law, administrative heads of law enforcement units must require each police officer employed by the unit to submit to a behavioral health assessment at least every five years as a condition of continued employment.

Under existing law and the bill, the prohibition does not apply to officers who seek or receive mental health care services to avoid disciplinary action by their units.

§§ 4 & 6 — BODY AND DASHBOARD CAMERAS

Current state law generally requires police officers to use body

cameras while interacting with the public in their law enforcement capacity if they are sworn members of (1) the State Police, (2) a public university or college special police force, or (3) a municipal police department that has received certain state reimbursement grants for body camera purchases. Under existing law, beginning July 1, 2022, this requirement is expanded to include all sworn members of state, municipal, and tribal law enforcement units and members of those units who perform police duties. It also obligates each of those units to require the use of dashboard cameras with a remote recorder in each police patrol vehicle used by any of the officers it employs (CGS § 29-6d).

The bill requires DAS, in consultation with the Office of Policy and Management and DESPP, to issue an RFP, by October 1, 2021, for purchasing body and dashboard cameras and digital data storage devices and services to support law enforcement units and police officers in complying with the above requirements. Under the bill, the deadline for submitting proposals must be no more than 60 days from the date the RFP is issued. By January 1, 2022, a DAS-established screening committee must evaluate the proposals submitted and determine the highest scoring proposers based on the RFP's criteria. The bill requires any contract awarded under the RFP to be available to other state governments, political subdivisions of the state (e.g., a municipality), and nonprofit organizations in accordance with the state's "piggyback" purchasing law (i.e., CGS § 4a-53).

The bill also modifies the current statutory definition of "police patrol vehicle." The bill explicitly excludes the following types of vehicles from the term: (1) bicycles, (2) motor scooters, (3) all-terrain vehicles, (4) electric personal assistive mobility devices, and (5) animal control vehicles.

§§ 5 & 10 — OFFICER TRAINING CURRICULUM

The bill requires POST to develop a training curriculum, by July 1, 2022, for police officers on interacting with people who have mental or physical disabilities, after consulting with these people and their advocates. Beginning October 1, 2022, each police basic or review

training program conducted or administered by POST, the State Police, or a municipal police department must include this curriculum.

Under current law, state and local police basic and review training must include, among other things, specific training on handling incidents involving (1) juveniles with autism spectrum disorder or nonverbal learning disorder and (2) individuals affected with a serious mental illness (CGS §§ 7-294h & -294r). The bill eliminates the second training requirement on individuals with a serious mental illness.

§§ 7 & 8 — POLICE OFFICER HIRING AND CERTIFICATION

Existing law prohibits a law enforcement unit from hiring a police officer who was previously employed by the unit or in another jurisdiction and (1) was dismissed for malfeasance or serious misconduct calling into question his or her fitness to serve as an officer or (2) resigned or retired during an investigation into such conduct. The bill:

1. expressly prohibits POST from certifying these officers;
2. allows POST to hold hearings for units and officers to determine whether a specific hiring or certification denial is improper; and
3. expands the type of actions considered “serious misconduct,” principally to include taking improper or illegal actions that could result in a gross deviation from generally accepted police officer standards and behavior.

Existing law requires a unit, if it knows that such an officer is applying to another unit, to inform POST and the other unit about the officer’s dismissal, resignation, or retirement. By expanding the definition of “serious misconduct,” the bill correspondingly expands when these units must report to POST and other units.

Under existing law and the bill, the hiring, certification, and reporting provisions do not apply to officers exonerated from malfeasance or serious misconduct allegations. Additionally, the bill does not preclude POST from suspending, cancelling, or revoking an

officer's certification based on its existing statutory authority.

Officer Certification

The bill explicitly prohibits POST from certifying any officer who (1) was dismissed for malfeasance or other serious misconduct, as defined below, or (2) resigned or retired during an investigation for such conduct. Under existing law, unchanged by the bill, "malfeasance" has its common meaning (i.e., a wrongful, unlawful, or dishonest act).

By law, POST enforces professional standards for certifying and decertifying police officers, among other duties. Existing law allows POST to cancel or revoke a police officer's certification for several actions included in the below definition of serious misconduct, such as fraud, document falsification, or felony convictions (CGS § 7-294d). POST must (1) investigate if it believes there is a reasonable basis for cancelling or revoking an officer's certificate and (2) institute cancellation or revocation procedures if it determines probable cause exists (Conn. Agencies Reg. § 7-294e-11).

POST Hearings

The bill allows POST to hold a hearing, in accordance with the Uniform Administrative Procedure Act (UAPA), for any (1) law enforcement unit prohibited from hiring a person by the provisions described above and (2) police officer denied certification by the bill. The hearing's purpose must be to determine whether the (1) police officer was dismissed for malfeasance or other serious misconduct, (2) police officer resigned or retired while under investigation for malfeasance or other serious misconduct, (3) police officer was exonerated of each allegation of malfeasance or other serious misconduct, or (4) conduct at issue constituted malfeasance or serious misconduct.

Under existing law, unchanged by the bill, before cancelling or revoking an officer's certification, POST must (1) give the officer notice and an adequate opportunity for a hearing and (2) make a finding of the improper conduct by clear and convincing evidence. Any hearing to suspend, cancel, or revoke a certification must be conducted in

accordance with the UAPA, and any certificate holder aggrieved by a POST decision may appeal to court under the UAPA (CGS § 7-294d).

Serious Misconduct

Under current law, “serious misconduct” means an officer’s improper or illegal actions connected with official duties that could cause a miscarriage of justice or discrimination, such as a felony conviction, evidence fabrication, repeated use of excessive force, bribe acceptance, or fraud.

The bill expands the definition of “serious misconduct” to include an officer’s improper or illegal actions connected with official duties that could cause a gross deviation from generally accepted police officer standards and behavior. It also expands the type of actions that explicitly constitute serious misconduct, to include:

1. evidence falsification;
2. failure to intervene or stop unreasonable, excessive, or illegal use of force by another officer; and
3. intimidation or harassment causing injury based upon actual or perceived protected class membership, identity, or expression.

Additionally, the bill changes when a police officer’s use of force rises to “serious misconduct.” Under current law, “serious misconduct” includes repeated use of excessive force. Under the bill, it instead includes the use of physical force found to be unjustifiable after a statutory investigation by the Office of the Inspector General (OIG). (By law, these OIG investigations are limited to circumstances in which a person dies as a result of an officer’s use of force (CGS § 51-277a).)

§ 9 — CONTROLLED EQUIPMENT ACQUISITION

Existing law prohibits law enforcement agencies (i.e., State Police and municipal police departments) from acquiring certain military equipment, including mine-resistant ambush-protected vehicles (i.e., “controlled equipment”) (CGS § 7-294jj). Notwithstanding this law, the bill allows the West Haven municipal police department to acquire, by

January 1, 2022, one mine-resistant ambush-protected vehicle from the Farmington municipal police department. The bill provides that the West Haven municipal police department is otherwise subject to existing law concerning controlled equipment (e.g., law enforcement agencies that are allowed to keep controlled equipment are prohibited from using it for crowd management or intimidation tactics.)

BACKGROUND

Law Enforcement Units

By law, a “law enforcement unit” is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

Related Bill

sSB 572, reported favorably by the Public Safety and Security Committee, requires POST to, among other things, study the current police basic and review training curriculum relative to (1) interactions with people with a mental, intellectual, or physical disability, (2) mental health awareness, and (3) de-escalation practices and techniques.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/18/2021)