



House of Representatives

File No. 752

General Assembly

January Session, 2021 **(Reprint of File No. 310)**

Substitute House Bill No. 6597
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 27, 2021

**AN ACT CONCERNING THE ACCREDITATION, REPORTING
REQUIREMENTS, MENTAL HEALTH, BODY-WORN RECORDING
EQUIPMENT, DATA STORAGE SERVICES, TRAINING AND HIRING
OF LAW ENFORCEMENT OFFICERS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 7-294ee of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) [Until December 31, 2024, the] The Police Officer Standards and
4 Training Council, established under section 7-294b, and the
5 Commissioner of Emergency Services and Public Protection or the
6 commissioner's designee, shall jointly develop, adopt and revise, as
7 necessary, minimum standards and practices for the administration,
8 [and] management and operation of law enforcement units, as defined
9 in section 7-294a. Such minimum standards and practices shall be based
10 upon standards established by the International Association of Chiefs of
11 Police and the Commission on Accreditation for Law Enforcement
12 Agencies, Inc., and shall include, but need not be limited to, standards

13 and practices regarding bias-based policing, use of force, response to
14 crimes of family violence, use of body-worn recording equipment,
15 complaints that allege misconduct by police officers, use of electronic
16 defense weapons, eyewitness identification procedures, notifications in
17 death and related events and pursuits by police officers and compliance
18 with the guidance issued by the council pursuant to subdivision (1) of
19 subsection (g) of section 7-294d regarding reporting procedures to be
20 followed by chief law enforcement officers for certificate suspension,
21 cancellation or revocation. Not later than January 1, 2022, the council
22 shall, within available appropriations, divide the minimum standards
23 and practices into three tiers, to be known as tier one, tier two and tier
24 three. Tier one shall consist of minimum standards and practices
25 designed to protect law enforcement units from liability, enhance the
26 delivery of services and improve public confidence in law enforcement
27 units. Tier two shall consist of minimum standards and practices for the
28 administration, management and operation of law enforcement units.
29 Tier three shall consist of higher minimum standards and practices for
30 the administration, management and operation of law enforcement
31 units. The council shall post [such] the minimum standards and
32 practices of each tier on the council's Internet web site and disseminate
33 [such] the minimum standards and practices of each tier to law
34 enforcement units. The council and commissioner or the commissioner's
35 designee shall jointly develop a process to review a law enforcement
36 unit's compliance with [such] the minimum standards and practices of
37 each tier and issue a certificate of compliance with [law enforcement]
38 the minimum standards and practices of tier one, tier two or tier three,
39 as the case may be, to a law enforcement unit that meets or exceeds
40 [such] the minimum standards and practices of such tier.

41 (b) On and after January 1, 2019, and until December 31, [2024] 2021,
42 each law enforcement unit shall adopt and maintain (1) the minimum
43 standards and practices developed by the council pursuant to
44 subsection (a) of this section, or (2) a higher level of accreditation
45 standards developed by the council or the Commission on Accreditation
46 for Law Enforcement Agencies, Inc.

47 (c) On and after January 1, 2022, and until December 31, 2022, each
48 law enforcement unit shall adopt and maintain (1) the minimum
49 standards and practices of tier one developed by the council pursuant
50 to subsection (a) of this section, or (2) a higher level of accreditation
51 standards developed by the council or the Commission on Accreditation
52 for Law Enforcement Agencies, Inc.

53 (d) On and after January 1, 2023, and until December 31, 2024, each
54 law enforcement unit shall adopt and maintain (1) the minimum
55 standards and practices of tier two developed by the council pursuant
56 to subsection (a) of this section, or (2) a higher level of accreditation
57 standards developed by the council or the Commission on Accreditation
58 for Law Enforcement Agencies, Inc.

59 ~~[(c)]~~ (e) On and after January 1, 2025, each law enforcement unit shall
60 [obtain and maintain accreditation] adopt and maintain (1) the
61 minimum standards and practices of tier three developed by the council
62 pursuant to subsection (a) of this section, or (2) a higher level of
63 accreditation standards developed by the Commission on Accreditation
64 for Law Enforcement Agencies, Inc.

65 (f) If a law enforcement unit fails to [obtain] adopt or maintain [such
66 accreditation] the minimum standards and practices or a higher level of
67 accreditation standards developed by the council or the Commission on
68 Accreditation for Law Enforcement Agencies, Inc., in accordance with
69 the provisions of subsections (b) to (e), inclusive, of this section, the
70 council shall work with the law enforcement unit to [obtain] assist such
71 unit to adopt and maintain [such] the minimum standards and practices
72 or the higher level of accreditation standards.

73 (g) If a law enforcement unit fails to comply with the guidance issued
74 by the council pursuant to subdivision (1) of subsection (g) of section 7-
75 294d regarding reporting procedures to be followed by chief law
76 enforcement officers for certificate suspension, cancellation or
77 revocation, the council may revoke the certificate of compliance with the
78 minimum standards and practices of tier one, tier two or tier three, as

79 the case may be, issued pursuant to this section.

80 [(d)] (h) No civil action may be brought against a law enforcement
81 unit for damages arising from the failure of the law enforcement unit to
82 [(1)] adopt and maintain [such] the minimum standards and practices
83 or a higher level of accreditation standards developed by the council or
84 the Commission on Accreditation for Law Enforcement Agencies, Inc.,
85 pursuant to [subsection] subsections (b) to (e), inclusive, of this section.
86 [, or (2) obtain and maintain accreditation by the Commission on
87 Accreditation for Law Enforcement Agencies, Inc., pursuant to
88 subsection (c) of this section.]

89 Sec. 2. Subdivision (22) of subsection (a) of section 7-294d of the
90 general statutes is repealed and the following is substituted in lieu
91 thereof (*Effective from passage*):

92 (22) (A) [Until December 31, 2024, to] To develop, adopt and revise,
93 as necessary, comprehensive accreditation standards for the
94 administration and management of law enforcement units, to grant
95 accreditation to those law enforcement units that demonstrate their
96 compliance with such standards and, at the request and expense of any
97 law enforcement unit, to conduct such surveys as may be necessary to
98 determine such unit's compliance with such standards; and (B) [on and
99 after January 1, 2025,] to work with any law enforcement unit that has
100 failed to [obtain] adopt or maintain [accreditation from] the minimum
101 standards and practices or a higher level of accreditation standards
102 developed by the council or the Commission on Accreditation for Law
103 Enforcement Agencies, Inc., pursuant to section 7-294ee, as amended by
104 this act;

105 Sec. 3. Subsection (a) of section 7-291d of the general statutes is
106 repealed and the following is substituted in lieu thereof (*Effective from*
107 *passage*):

108 (a) (1) No law enforcement unit, as defined in section 7-294a, shall
109 discharge, discipline, discriminate against or otherwise penalize a police
110 officer, as defined in section 7-294a, who is employed by such law

111 enforcement unit solely because the police officer (A) seeks or receives
112 mental health care services, [or] including such services as a result of a
113 behavioral health assessment conducted pursuant to section 7-291e, or
114 (B) surrenders his or her firearm, ammunition or electronic defense
115 weapon used in the performance of the police officer's official duties to
116 such law enforcement unit during the time the police officer receives
117 mental health care services.

118 (2) The provisions of this subsection shall not be applicable to a police
119 officer who [(1)] (A) seeks or receives mental health care services to
120 avoid disciplinary action by such law enforcement unit, or [(2)] (B)
121 refuses to submit himself or herself to an examination as provided in
122 subsection (b) of this section.

123 Sec. 4. (*Effective from passage*) (a) For the purposes of this section, "law
124 enforcement unit", "police officer", "body-worn recording equipment",
125 "dashboard camera" and "digital data storage device or service" have the
126 same meanings as provided in section 29-6d of the general statutes, as
127 amended by this act.

128 (b) Not later than October 1, 2021, the Department of Administrative
129 Services, in consultation with the Office of Policy and Management and
130 the Department of Emergency Services and Public Protection, shall issue
131 a request for proposal for the purchase of body-worn recording
132 equipment, digital data storage devices or services and dashboard
133 cameras to support law enforcement units and police officers to comply
134 with the provisions of section 29-6d of the general statutes, as amended
135 by this act. The deadline for submitting proposals shall be not more than
136 sixty days from the date the request for proposal is issued.

137 (c) Not later than January 1, 2022, a screening committee, as
138 established by the Department of Administrative Services, shall
139 evaluate the proposals submitted in response to the request for proposal
140 and determine the highest scoring proposers in accordance with the
141 criteria set forth in the request for proposal.

142 (d) Any contract awarded pursuant to this section shall be available

143 to other state governments, political subdivisions of the state and
144 nonprofit organizations in accordance with the provisions of section 4a-
145 53 of the general statutes.

146 Sec. 5. (NEW) (*Effective from passage*) (a) Not later than July 1, 2022,
147 the Police Officer Standards and Training Council, after consultation
148 with persons with mental or physical disabilities and advocates on
149 behalf of such persons, shall develop a training curriculum for police
150 officers regarding interactions with persons who have mental or
151 physical disabilities.

152 (b) On and after October 1, 2022, each police basic or review training
153 program conducted or administered by the Police Officer Standards and
154 Training Council, the Division of State Police within the Department of
155 Emergency Services and Public Protection or a municipal police
156 department shall include the training curriculum developed pursuant
157 to subsection (a) of this section.

158 Sec. 6. Subdivision (6) of subsection (a) of section 29-6d of the general
159 statutes, as amended by section 19 of public act 20-1 of the July special
160 session, is repealed and the following is substituted in lieu thereof
161 (*Effective from passage*):

162 (6) "Police patrol vehicle" means any state or local police vehicle,
163 [other than] but does not include an administrative vehicle in which an
164 occupant is wearing body-worn camera equipment, a bicycle, a motor
165 scooter, an all-terrain vehicle, an electric personal assistive mobility
166 device, as defined in subsection (a) of section 14-289h, or an animal
167 control vehicle.

168 Sec. 7. Section 7-291c of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective July 1, 2021*):

170 (a) No law enforcement unit, as defined in section 7-294a, shall hire
171 any person as a police officer, as defined in said section, [7-294a,] who
172 was previously employed as a police officer by such unit or in any other
173 jurisdiction and who (1) was dismissed for malfeasance or other serious

174 misconduct calling into question such person's fitness to serve as a
175 police officer; or (2) resigned or retired from such officer's position while
176 under investigation for such malfeasance or other serious misconduct.

177 (b) Any law enforcement unit that has knowledge that any former
178 police officer of such unit who (1) (A) was dismissed for malfeasance or
179 other serious misconduct, or (B) resigned or retired from such officer's
180 position while under investigation for such malfeasance or other serious
181 misconduct; and (2) is an applicant for the position of police officer with
182 any other law enforcement unit, shall inform such other unit and the
183 Police Officer Standards and Training Council established under section
184 7-294b of such dismissal, resignation or retirement.

185 (c) The Police Officer Standards and Training Council shall not certify
186 any police officer who (1) was dismissed for malfeasance or other
187 serious misconduct, or (2) resigned or retired from such officer's
188 position while under investigation for malfeasance or other serious
189 misconduct.

190 [(c)] (d) The provisions of this section shall not apply to any police
191 officer who is exonerated of each allegation against such officer of such
192 malfeasance or other serious misconduct.

193 (e) The Police Officer Standards and Training Council may afford any
194 law enforcement unit prohibited from hiring a person as a police officer
195 pursuant to subsection (a) of this section and any police officer denied
196 certification pursuant to subsection (c) of this section an opportunity for
197 a hearing in accordance with the provisions of chapter 54 to determine
198 whether (1) the police officer was dismissed for such malfeasance or
199 other serious misconduct, (2) the police officer resigned or retired while
200 under investigation for such malfeasance or other serious misconduct,
201 (3) the police officer was exonerated of each allegation of such
202 malfeasance or other serious misconduct, or (4) the conduct at issue
203 constituted malfeasance or serious misconduct.

204 (f) Nothing in this section shall preclude the Police Officer Standards
205 and Training Council from suspending, cancelling or revoking the

206 certification of a police officer pursuant to subsection (c) of section 7-
207 294d.

208 [(d)] (g) For purposes of this section, (1) "malfeasance" means the
209 commonly approved usage of "malfeasance"; and (2) "serious
210 misconduct" means improper or illegal actions taken by a police officer
211 in connection with such officer's official duties that could result in a
212 miscarriage of justice, [or] discrimination or a gross deviation of the
213 generally accepted standards and behavior of a police officer, including,
214 but not limited to, (A) a conviction of a felony, (B) fabrication or
215 falsification of evidence, (C) [repeated] use of [excessive] physical force
216 in a manner found to not be justifiable after an investigation conducted
217 pursuant to section 51-277a, (D) acceptance of a bribe, [or] (E) the
218 commission of fraud, (F) failure to intervene or stop unreasonable,
219 excessive or illegal use of force by another police officer, or (G)
220 intimidation or harassment causing injury based upon actual or
221 perceived protected class membership, identity or expression.

222 Sec. 8. Section 7-294e of the general statutes is repealed and the
223 following is substituted in lieu thereof (*Effective July 1, 2021*):

224 (a) Notwithstanding the provisions of any general statute or special
225 act or local law, ordinance or charter, [to the contrary,] each police
226 officer shall forfeit such officer's appointment and position unless
227 recertified by the council according to procedures and within the time
228 frame established by the council. Any sworn member of the Division of
229 State Police within the Department of Emergency Services and Public
230 Protection who is deemed certified under subsection (d) of section 7-
231 294d is required to apply for recertification by the council within the
232 time frame established by the council, unless such member retires from
233 said division within such time frame.

234 (b) The Police Officer Standards and Training Council may
235 recommend to the Commissioner of Emergency Services and Public
236 Protection any regulations it deems necessary to carry out the
237 provisions of section 7-291c, as amended by this act, 7-294a, subsection

238 (a) of section 7-294b, sections 7-294c and 7-294d, as amended by this act,
 239 and this section, giving due consideration to the varying factors and
 240 special requirements of law enforcement units.

241 (c) The Commissioner of Emergency Services and Public Protection
 242 may adopt regulations, in accordance with the provisions of chapter 54,
 243 as are necessary to implement the provisions of section 7-291c, as
 244 amended by this act, 7-294a, subsection (a) of section 7-294b, sections 7-
 245 294c and 7-294d, as amended by this act, and this section. Such
 246 regulations shall be binding upon all law enforcement units.

247 Sec. 9. (*Effective from passage*) Notwithstanding the provisions of
 248 subsection (b) of section 7-294jj of the general statutes, not later than
 249 January 1, 2022, the municipal police department for the town of West
 250 Haven may acquire one mine-resistant, ambush-protected vehicle from
 251 the municipal police department for the town of Farmington. The
 252 municipal police department for the town of West Haven shall
 253 otherwise be subject to the provisions of section 7-294jj of the general
 254 statutes.

255 Sec. 10. Section 7-294r of the general statutes is repealed. (*Effective*
 256 *October 1, 2022*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	7-294ee
Sec. 2	<i>from passage</i>	7-294d(a)(22)
Sec. 3	<i>from passage</i>	7-291d(a)
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	29-6d(a)(6)
Sec. 7	<i>July 1, 2021</i>	7-291c
Sec. 8	<i>July 1, 2021</i>	7-294e
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>October 1, 2022</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Department of Emergency Services and Public Protection	GF - Cost	139,312	143,491
State Comptroller - Fringe Benefits ¹	GF - Cost	57,536	59,262

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	Potential Cost	See Below	See Below
Various Municipalities	Potential Savings	See Below	See Below
West Haven	Potential Cost	See Below	See Below
Farmington	Potential Revenue Gain	See Below	See Below

Explanation

The bill makes numerous changes affecting state and local law enforcement resulting in the various impacts described below.

Sections 1-2 require the Police Officer Standards and Training Council (POST) to develop three tiers of minimum standards and practices for law enforcement units resulting in POST needing to hire two field program assistants for a cost of \$196,848 in FY 22 and \$202,753

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

(costs include salary and fringe benefits). The new employees are needed to help develop the standards, accredit and reaccredit law enforcement units, and review and certify unit compliance. It's anticipated that 150 law enforcement units will have to meet the new standards, 50 currently meet tier one but approximately 100 would need to start the process from the beginning.

Sections 1 and 2 also result in a potential savings to municipalities from eliminating the requirement that law enforcement units receive accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc (CALEA) by 2025. There is a cost to receiving accreditation from CALEA related to compliance and payment to CALEA.

There is also a potential cost to any municipality that does not comply with guidance regarding reporting procedure, to the extent that the Office of Policy and Management may withhold state funds from the local law enforcement unit.

Section 3 prohibits a law enforcement unit from disciplining or penalizing a police officer as a result of a behavioral health assessment resulting in no fiscal impact.

Section 4 requires the Department of Administrative Services, in consultation with various agencies to issue a request for proposal for the purchase of body-worn recording equipment, digital data storage devices or services and dashboard cameras to support law enforcement units and police officers resulting in no fiscal impact.

Section 5 requires POST to develop a training curriculum for police officers interacting with people who have mental or physical disabilities resulting in no fiscal impact because POST has the expertise to meet the requirements of this section.

Section 6 and 10 make technical and conforming changes resulting in no fiscal impact.

Sections 7-8 prohibits hiring police officers who were dismissed for malfeasance or resigned or retired while under investigation resulting in no fiscal impact to the state.

Section 9 allows the City of West Haven to acquire a mine-resistant, ambush-protected vehicle from the Town of Farmington. This results in a potential cost to the City of West Haven, and corresponding potential revenue gain to the Town of Farmington that will depend on the provisions of an agreement between the two municipalities for the acquisition of the vehicle.

House "A" strikes the underlying bill and its associated fiscal impact resulting in the impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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	Minimum standards and practices for unit administration, management, and operation	Higher minimum standards and practices for unit administration, management, and operation

	improve public confidence in units		
Accepted Higher Level of Accreditation Standards	Developed by POST or CALEA	Developed by POST or CALEA	Developed by CALEA
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)