



General Assembly

Amendment

January Session, 2021

LCO No. 8834



Offered by:

REP. HORN, 64th Dist.
REP. PAOLILLO, 97th Dist.
SEN. OSTEN, 19th Dist.
SEN. CHAMPAGNE, 35th Dist.

SEN. MARONEY, 14th Dist.
SEN. HWANG, 28th Dist.
SEN. SOMERS, 18th Dist.

To: Subst. House Bill No. 6597

File No. 310

Cal. No. 242

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

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

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 Section 7-294ee of the general statutes is repealed and the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

5 (a) [Until December 31, 2024, the] The Police Officer Standards and
6 Training Council, established under section 7-294b, and the
7 Commissioner of Emergency Services and Public Protection or the
8 commissioner's designee, shall jointly develop, adopt and revise, as
9 necessary, minimum standards and practices for the administration,

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

42 (b) On and after January 1, 2019, and until December 31, [2024] 2021,
43 each law enforcement unit shall adopt and maintain (1) the minimum

44 standards and practices developed by the council pursuant to
45 subsection (a) of this section, or (2) a higher level of accreditation
46 standards developed by the council or the Commission on Accreditation
47 for Law Enforcement Agencies, Inc.

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

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

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

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

74 (g) If a law enforcement unit fails to comply with the guidance issued
75 by the council pursuant to subdivision (1) of subsection (g) of section 7-

76 294d regarding reporting procedures to be followed by chief law
77 enforcement officers for certificate suspension, cancellation or
78 revocation, the council may revoke the certificate of compliance with the
79 minimum standards and practices of tier one, tier two or tier three, as
80 the case may be, issued pursuant to this section.

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

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

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

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

108 *passage*):

109 (a) (1) No law enforcement unit, as defined in section 7-294a, shall
110 discharge, discipline, discriminate against or otherwise penalize a police
111 officer, as defined in section 7-294a, who is employed by such law
112 enforcement unit solely because the police officer (A) seeks or receives
113 mental health care services, [or] including such services as a result of a
114 behavioral health assessment conducted pursuant to section 7-291e, or
115 (B) surrenders his or her firearm, ammunition or electronic defense
116 weapon used in the performance of the police officer's official duties to
117 such law enforcement unit during the time the police officer receives
118 mental health care services.

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

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

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

138 (c) Not later than January 1, 2022, a screening committee, as
139 established by the Department of Administrative Services, shall

140 evaluate the proposals submitted in response to the request for proposal
141 and determine the highest scoring proposers in accordance with the
142 criteria set forth in the request for proposal.

143 (d) Any contract awarded pursuant to this section shall be available
144 to other state governments, political subdivisions of the state and
145 nonprofit organizations in accordance with the provisions of section 4a-
146 53 of the general statutes.

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

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

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

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

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

171 (a) No law enforcement unit, as defined in section 7-294a, shall hire
172 any person as a police officer, as defined in said section, [7-294a,] who
173 was previously employed as a police officer by such unit or in any other
174 jurisdiction and who (1) was dismissed for malfeasance or other serious
175 misconduct calling into question such person's fitness to serve as a
176 police officer; or (2) resigned or retired from such officer's position while
177 under investigation for such malfeasance or other serious misconduct.

178 (b) Any law enforcement unit that has knowledge that any former
179 police officer of such unit who (1) (A) was dismissed for malfeasance or
180 other serious misconduct, or (B) resigned or retired from such officer's
181 position while under investigation for such malfeasance or other serious
182 misconduct; and (2) is an applicant for the position of police officer with
183 any other law enforcement unit, shall inform such other unit and the
184 Police Officer Standards and Training Council established under section
185 7-294b of such dismissal, resignation or retirement.

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

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

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

203 malfeasance or other serious misconduct, or (4) the conduct at issue
204 constituted malfeasance or serious misconduct.

205 (f) Nothing in this section shall preclude the Police Officer Standards
206 and Training Council from suspending, cancelling or revoking the
207 certification of a police officer pursuant to subsection (c) of section 7-
208 294d.

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

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

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

235 (b) The Police Officer Standards and Training Council may
 236 recommend to the Commissioner of Emergency Services and Public
 237 Protection any regulations it deems necessary to carry out the
 238 provisions of section 7-291c, as amended by this act, 7-294a, subsection
 239 (a) of section 7-294b, sections 7-294c and 7-294d, as amended by this act,
 240 and this section, giving due consideration to the varying factors and
 241 special requirements of law enforcement units.

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

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

258 Sec. 10. Section 7-294r of the general statutes is repealed. (*Effective*
 259 *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