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## **OLR Bill Analysis**

### **sHB 5349 (as amended by House "A")\***

#### ***AN ACT CONCERNING THE TIMELY REPORTING BY THE POLICE OF A DEATH.***

#### **SUMMARY**

This bill generally requires peace officers (i.e., law enforcement officers) to notify a deceased person's next of kin (i.e., spouse, adult child, parent, adult sibling, or grandparent) about the deceased's death as soon as practicable, but within 24 hours after identifying the deceased.

The bill also requires the Office of the Inspector General (OIG) to investigate any failure to report a death as required by the bill. It allows OIG to make recommendations to the Police Officer Standards and Training Council (POST) or to the employing agency to discipline an officer or his or her supervisor.

The bill also makes minor, technical, and conforming changes.

\*House Amendment "A" (1) adds the provisions on notifying next of kin residing in another town, (2) modifies the OIG recommendations provision by (a) limiting the recommendation to POST to intentional failures or those made with reckless indifference and (b) allowing recommendations for discipline to the officer's employing agency, and (3) makes technical changes.

EFFECTIVE DATE: October 1, 2022

#### **POLICE NOTIFICATION REQUIREMENT**

Under the bill, if a sworn on-duty peace officer responds to an incident involving, or otherwise encounters, a deceased person or a person's remains, the officer must ensure that the deceased person's next of kin is notified about the death according to the officer's law enforcement agency's applicable guidelines. The law enforcement

agency must ensure the notification is made as soon as practicable, but within 24 hours after the identification of the person.

If a next of kin resides in a town where the peace officer does not serve, the officer may notify the (1) next of kin of the person's death according to the officer's law enforcement agency's applicable guidelines or (2) law enforcement agency that serves the town where the next of kin resides, and that agency must ensure notification based on its applicable guidelines.

If a peace officer is unable to notify any next of kin, the officer must document the reason for the failure or delay and any attempts to make the notification. If no person who is a next of kin is notified, a deceased person's next of kin may request an OIG investigation into the lack of notification or timely notification.

Under the bill, the following individuals are designated peace officers: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the Office of the State Treasurer, POST-certified motor vehicle inspectors, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

Under the bill, a "law enforcement agency" is the State Police or any municipal police department.

## **OIG INVESTIGATIONS**

Upon a next of kin's request (see above), the bill requires OIG to investigate and determine whether there was malfeasance on the part of the peace officer or his or her supervisor for failing to provide the notification or timely notification the bill requires.

If OIG finds malfeasance, it may make recommendations to POST concerning censuring, suspending, renewing, canceling, or revoking the officer or supervisor's certification. But OIG may only make these recommendations if it finds that the officer's failure is intentional or made with reckless indifference. Otherwise, OIG may recommend to the officer's or supervisor's employing agency any further disciplinary action as the employing agency determines.

### **CANCELLATION OR REVOCATION OF POLICE CERTIFICATION**

Existing law sets various grounds upon which POST may cancel or revoke a police officer's certification, including for undermining public confidence in law enforcement. The bill expands these grounds by specifying that undermining public confidence includes failing to report or timely report a death in violation of the bill.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 2 (03/29/2022)

Public Safety and Security Committee

Joint Favorable

Yea 13 Nay 10 (04/25/2022)