
OLR Bill Analysis

sHB 5372

AN ACT CONCERNING PERIODIC BEHAVIORAL HEALTH ASSESSMENTS, POLICE OFFICER RECRUITMENT, SCHOOL RESOURCE OFFICERS, REPORTING OF VIOLATIONS TO THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL, INVESTIGATIONS BY THE INSPECTOR GENERAL AND MINIMUM STANDARDS AND PRACTICES FOR THE ADMINISTRATION, MANAGEMENT AND OPERATION OF LAW ENFORCEMENT UNITS.

SUMMARY

This bill makes various changes in the laws governing law enforcement units. Specifically, it:

1. allows licensed clinical social workers, in addition to psychiatrists and psychologists, to conduct the behavioral health assessments of police officers required under existing law (§ 1);
2. expands the requirements for law enforcement unit guidelines on minority police officer recruitment, retention, and promotion to include, among other things, the goal of achieving ideological diversity, in addition to racial, gender, and ethnic diversity, within law enforcement units and community involvement (§ 2);
3. requires the Board of Regents for Higher Education (BOR) to select an institute of higher learning to (a) study and evaluate school resources officers' role and impact on students with disabilities and (b) report its findings to the Judiciary Committee by December 1, 2022 (§ 3);
4. requires (a) law enforcement units to report to the Police Officer Standards and Training Council (POST) instances where police officers commit certain prohibited actions (e.g., excessive force or failure to intervene) and (b) the Office of the Inspector General (OIG) to investigate law enforcement units who fail to report and submit its findings to the governor and Judiciary Committee (§§

4 & 5); and

5. modifies minimum accreditation standards and practices for administering and managing law enforcement units including, (a) requiring POST to establish a three-tiered accreditation system starting July 1, 2022, and (b) eliminating the requirement that units obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) starting in 2025 (§ 6).

EFFECTIVE DATE: October 1, 2022, except the provisions on the (1) school resource officer study and law enforcement unit accreditation standards take effect upon passage and (2) social worker behavioral health assessment take effect July 1, 2022.

§ 1 — SOCIAL WORKER BEHAVIORAL HEALTH ASSESSMENT

Existing law generally requires police officers to submit to a periodic behavioral health assessment at least once every five years as a condition of continued employment. (Officers may also be required to submit to an additional assessment for good cause shown.)

The bill allows licensed clinical social workers to conduct the assessments, in addition to board-certified psychiatrists and licensed psychologists, as under current law.

As under current law, behavioral health assessments conducted by clinical social workers are not subject to disclosure under the Freedom of Information Act.

§ 2 — MINORITY POLICE OFFICER GUIDELINES

By law, each law enforcement unit (see BACKGROUND) must develop and implement guidelines for recruiting, retaining, and promoting minority police officers.

The bill requires the guidelines to promote the goal of achieving ideological diversity within law enforcement units, in addition to racial, gender, and ethnic diversity, as under current law. It also requires the guidelines to promote achieving these diversity goals within

community involvement, in addition to law enforcement units.

§ 3 — SCHOOL RESOURCE OFFICER STUDY

The bill requires, within 30 days after its passage, BOR to select a public higher education institution to study and evaluate the role and impact of school resource officers on students with disabilities.

Under the bill, the selected institution must:

1. determine the number of school resource officers employed in the state and located in each school district;
2. detail the funding mechanisms each district uses to employ these officers;
3. develop metrics for assessing the officers' efficacy, particularly in the context of interacting with students with disabilities;
4. determine the chain of command structure when students with disabilities experience crises in school, including who responds and when;
5. determine the process for entering into memoranda of understanding between school districts, boards of education, and school resource officers, and the public's accessibility to this process; and
6. explore other issues the institution deems relevant.

The bill requires the selected institution to report its findings to the Judiciary Committee by December 1, 2022.

§§ 4 & 5 — USE OF EXCESSIVE FORCE REPORT

The bill requires each law enforcement unit's chief law enforcement officer to report to POST anytime the unit found, based on its established procedures, that a police officer:

1. used unreasonable, excessive, or illegal force that (a) caused serious physical injury to or death of another person or (b) was

- likely to cause serious physical injury or death to another person;
2. while acting in a law enforcement capacity, failed to (a) intervene or stop the use of unreasonable, excessive, or illegal force by another police officer that caused or was likely to cause serious physical injury or death to another person, or (b) notify a supervisor and submit a written report of these acts when the police officer has personal knowledge of these acts and the ability to prevent them;
 3. intentionally intimidated or harassed another person based on actual or perceived protected class membership, identity, or expression and in doing so threatened to commit or caused physical injury to another person; and
 4. has been terminated, dismissed, resigned, or retired due to the state law prohibiting the hiring of certain officers who committed, or were investigated for, prior malfeasance.

The bill requires POST to notify OIG if the municipal chief law enforcement officer or Department of Emergency Services and Public Protection (DESPP) fails to make this required report. OIG must then investigate the failure and submit its findings to the governor and Judiciary Committee.

§ 6 — LAW ENFORCEMENT UNIT MINIMUM STANDARDS AND PRACTICES

The bill eliminates the sunset date for current law's requirement that POST and DESPP jointly develop, adopt, and revise minimum accreditation standards and practices for administering and managing law enforcement units. Under current law, this requirement sunsets on December 31, 2024. By law, these standards and practices must be based, in part, on CALEA standards.

Current law requires law enforcement units to adopt and maintain either (1) POST-DESPP's minimum accreditation standards and practices or (2) a higher level of accreditation standards developed by POST or CALEA. Units must also obtain POST-DESPP certification that

they meet these accreditation standards.

Starting July 1, 2022, the bill instead requires law enforcement units to obtain certification for a three-tiered state-accreditation system that POST must establish. Specifically, the bill requires POST, by this date and within available appropriations, to divide the current minimum accreditation standards and practices into three tiers. (In doing so, it codifies POST's existing three-tiered accreditation structure.)

The bill also requires law enforcement units to obtain POST-DESPP certification for each accreditation tier over a prescribed period of time. Table 1 below describes the minimum standards and practices of each tier and the dates by which units must obtain certification.

Table 1: Minimum Standards and Practices Tiers Schedule

	<i>Tier I</i>	<i>Tier II</i>	<i>Tier III</i>
<i>Minimum Standards & Practices Description</i>	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
<i>Required Certification Dates</i>	Starting July 1, 2022, through December 31, 2022	Starting January 1, 2023, until December 31, 2024	On and after January 1, 2025

Additionally, the bill eliminates current law's requirement for law enforcement units to maintain CALEA accreditation starting January 1, 2025.

Lastly, the bill makes several related conforming changes to provisions on (1) publishing and distributing accreditation standards, (2) POST-DESPP joint review and issuance of compliance certifications, (3) POST assistance to law enforcement units who fail to obtain certification, and (4) the prohibition of civil actions for failure to comply with accreditation standards.

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 135, reported favorably by the Public Safety and Security Committee, also contains provisions eliminating the CALEA accreditation requirement and establishing a three-tiered accreditation system.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (03/29/2022)