
OLR Bill Analysis

sHB 5372 (as amended by House "A")*

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 does the following:

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 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. adds two members to the Correction Advisory Committee established in sSB 459, as amended by Senate “A”, and passed by both chambers.

*House Amendment “A” (1) requires a BOR-selected institution to study, rather than study and evaluate as in the underlying bill, school resource officers’ role and impact on students with disabilities; (2) eliminates the provision on police accreditation, and (3) adds the provision on the Correction Advisory Committee membership.

EFFECTIVE DATE: October 1, 2022, except the provisions on the (1) school resource officer study and Correction Advisory Committee membership 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.

§ 3 — SCHOOL RESOURCE OFFICER STUDY

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

Under the bill, the selected institution must do the following:

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 did the following:

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 — CRIMINAL ADVISORY COMMITTEE

sHB 459, as amended by Senate “A” and passed by both chambers, establishes a Correction Advisory Committee to, among other things, submit a list of correction ombuds candidates to the governor and meet quarterly with the ombuds. The bill increases the committee membership, from nine to 11, by adding the following appointments:

1. a member who is a victim of violent crime, a person who advocates for victims’ rights, or an attorney who represented a victim of a violent crime, appointed by the Judiciary Committee House ranking member and

2. a member who has expertise in corrections, appointed by the Judiciary Committee Senate ranking member.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (03/29/2022)

Appropriations Committee

Joint Favorable

Yea 49 Nay 1 (04/22/2022)