
OLR Bill Analysis

sSB 135

AN ACT CONCERNING ACCREDITATION STANDARDS FOR LAW ENFORCEMENT UNITS.

SUMMARY

This bill makes several changes to the minimum standards and practices for administering and managing law enforcement units (see BACKGROUND), including eliminating a requirement that units obtain and maintain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) by 2025. Instead, by 2026, units must either (1) be certified as meeting the requirements for three state-accreditation tiers developed by the Police Officer Standards and Training Council (POST) or (2) meet a higher level of accreditation standards developed by CALEA.

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 appropriate state-accreditation tier or tiers.

Lastly, the bill makes several conforming changes, including to the law on POST's authority and a prohibition on civil actions against a law enforcement unit for damages from failing to obtain and maintain the required certification or accreditation.

EFFECTIVE DATE: Upon passage

ADJUSTED MINIMUM STANDARDS AND PRACTICES

Until December 31, 2024, current law requires POST and the Department of Emergency Services and Public Protection (DESPP) to jointly develop, adopt, and revise, as necessary, minimum standards

and practices for administering and managing law enforcement units, based in part on CALEA standards. Additionally, law enforcement units must:

1. from January 1, 2019, until December 31, 2024, adopt and maintain (a) POST-DESPP’s minimum standards and practices or (b) a higher level of accreditation standards developed by POST or CALEA; and
2. starting in 2025, obtain and maintain CALEA accreditation.

The bill eliminates the sunset date on POST-DESPP developing, adopting, and revising their minimum standards and practices and requires POST to, within available appropriations, divide the current minimum standards and practices into three state-accreditation tiers by January 1, 2023, thereby codifying POST’s existing three-tiered accreditation structure. Across a prescribed period of more than three years, the bill requires units to (1) be certified as meeting the acceptable standards for each tier or (2) meet higher accreditation standards developed by CALEA that are otherwise acceptable for each tier.

Table 1 below describes the minimum standards and practices of each state-accreditation tier and the dates by which units must have certification.

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 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 |
| Required Certification Dates | By January 1, 2023, and until December 31, 2023 | By January 1, 2024, and until December 31, 2025 | By January 1, 2026, 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, (2) jointly review and certify unit compliance with DESPP, and (3) work with units to obtain the required certification or accreditation if they fail to do so.

BACKGROUND

Current Minimum Standards and Practices

The current version of the DESPP-POST minimum standards and practices is published within POST General Notice 20-04. By law, they must include standards and practices regarding:

1. bias-based policing,
2. use of force,
3. response to family violence crimes,
4. body camera use,
5. police misconduct complaints,
6. electronic defense weapons use,
7. eyewitness identification procedures,
8. notifications of death and related events, and
9. police pursuits.

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).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 1 (03/03/2022)