



# House of Representatives

**File No. 682**

General Assembly

February Session, 2022

**(Reprint of File No. 492)**

Substitute House Bill No. 5349  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 29, 2022

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

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) If a peace officer who  
2 is a sworn member of a law enforcement agency responds to an incident  
3 involving a deceased person or the remains of a person or otherwise  
4 encounters a deceased person or the remains of a person while such  
5 officer is on duty, such officer shall ensure that a person who is a next  
6 of kin of such person is notified of such person's death in a manner  
7 provided for in applicable guidelines used by the law enforcement  
8 agency employing such officer. Such law enforcement agency shall  
9 ensure such notification is made as soon as practicable, but not later than  
10 twenty-four hours following the identification of such person, except as  
11 provided in subsection (b) of this section.

12 (b) If a peace officer is unable to notify a person who is a next of kin  
13 of a deceased person as required under subsection (a) or (c) of this

14 section, such officer shall document the reason for the failure or delay  
15 of notification and any attempts made to make such notification.

16 (c) If a next of kin of a deceased person resides in a town in which the  
17 peace officer does not serve, such officer may notify such next of kin of  
18 such person's death in a manner provided for in applicable guidelines  
19 used by the law enforcement agency employing such officer, or provide  
20 notice to the law enforcement agency that serves such town in which  
21 such next of kin resides, which agency shall ensure notification in a  
22 manner provided for in such agency's applicable guidelines.

23 (d) If no person who is a next of kin of a deceased person is notified  
24 of such person's death as required under subsection (a) or (c) of this  
25 section, a person who is a next of kin of the deceased person may request  
26 of the Office of the Inspector General, established under section 51-277e  
27 of the general statutes, as amended by this act, an investigation of such  
28 lack of notification or timely notification.

29 (e) For purposes of this section, "peace officer" has the same meaning  
30 as provided in section 53a-3 of the general statutes, "next of kin" has the  
31 same meaning as provided in section 19a-415a of the general statutes  
32 and "law enforcement agency" means the Division of State Police within  
33 the Department of Emergency Services and Public Protection or any  
34 municipal police department.

35 Sec. 2. Section 51-277a of the 2022 supplement to the general statutes  
36 is repealed and the following is substituted in lieu thereof (*Effective*  
37 *October 1, 2022*):

38 (a) (1) Whenever a peace officer, in the performance of such officer's  
39 duties, uses physical force upon another person and such person dies as  
40 a result thereof or uses deadly force, as defined in section 53a-3, upon  
41 another person, the Division of Criminal Justice shall cause an  
42 investigation to be made and the Inspector General shall have the  
43 responsibility of determining whether the use of physical force by the  
44 peace officer was justifiable under section 53a-22.

45 (2) (A) Except as provided under subdivision (1) of this subsection,  
46 whenever a person dies in the custody of a peace officer or law  
47 enforcement agency, the Inspector General shall investigate and  
48 determine whether physical force was used by a peace officer upon the  
49 deceased person, and if so, whether the use of physical force by the  
50 peace officer was justifiable under section 53a-22. If the Inspector  
51 General determines the deceased person may have died as a result of  
52 criminal action not involving the use of force by a peace officer, the  
53 Inspector General shall refer such case to the Chief State's Attorney or  
54 state's attorney for potential prosecution.

55 (B) Except as provided under subdivision (1) of this subsection or  
56 subparagraph (A) of subdivision (2) of this subsection, whenever a  
57 person dies in the custody of the Commissioner of Correction, the  
58 Inspector General shall investigate and determine whether the deceased  
59 person may have died as a result of criminal action, and, if so, refer such  
60 case to the Chief State's Attorney or state's attorney for potential  
61 prosecution.

62 (3) Whenever a person who (A) is a next of kin of a deceased person,  
63 (B) is not notified of such deceased person's death as required pursuant  
64 to section 1 of this act and no other person who is a next of kin of the  
65 deceased person was so notified, and (C) requests of the Office of the  
66 Inspector General an investigation of the lack of notification or timely  
67 notification of such death, the Inspector General shall investigate and  
68 determine whether there was any malfeasance on the part of a peace  
69 officer or a supervisor of the peace officer in the failure to provide such  
70 notification or timely notification, and if so, may make  
71 recommendations to the Police Officer Standards and Training Council  
72 established under section 7-294b concerning censure, suspension,  
73 renewal, cancelation or revocation of the peace officer's or supervisor's  
74 certification, provided any such recommendation may be made to said  
75 council only in a case where such failure is found to be intentional or  
76 made with reckless indifference. If there is no finding that such failure  
77 was intentional or made with reckless indifference, a recommendation  
78 may be made to the officer's or supervisor's employing agency for any

79 further disciplinary action as so determined by such employing agency.

80 [(3)] (4) The Inspector General shall request the appropriate law  
81 enforcement agency to provide such assistance as is necessary to  
82 investigate and make a determination under subdivision (1), [or] (2) or  
83 (3) of this subsection.

84 [(4)] (5) Whenever a peace officer, in the performance of such officer's  
85 duties, uses physical force or deadly force upon another person and  
86 such person dies as a result thereof, the Inspector General shall complete  
87 a preliminary status report that shall include, but need not be limited to,  
88 (A) the name of the deceased person, (B) the gender, race, ethnicity and  
89 age of the deceased person, (C) the date, time and location of the injury  
90 causing such death, (D) the law enforcement agency involved, (E) the  
91 status on the toxicology report, if available, and (F) the death certificate,  
92 if available. The Inspector General shall complete the report and submit  
93 a copy of such report not later than five business days after the cause of  
94 the death is available to the Chief State's Attorney and, in accordance  
95 with the provisions of section 11-4a, to the joint standing committees of  
96 the General Assembly having cognizance of matters relating to the  
97 judiciary and public safety.

98 (b) Upon the conclusion of the investigation of [the] an incident  
99 described in subdivision (1) or (2) of subsection (a) of this section, the  
100 Inspector General shall file a report with the Chief State's Attorney  
101 which shall contain the following: (1) The circumstances of the incident,  
102 (2) a determination of whether the use of physical force by the peace  
103 officer was justifiable under section 53a-22, and (3) any recommended  
104 future action to be taken by the Office of the Inspector General as a result  
105 of the incident. The Chief State's Attorney shall provide a copy of the  
106 report to the chief executive officer of the municipality in which the  
107 incident occurred and to the Commissioner of Emergency Services and  
108 Public Protection or the chief of police of such municipality, as the case  
109 may be, and shall make such report available to the public on the  
110 Division of Criminal Justice's Internet web site not later than forty-eight  
111 hours after the copies are provided to the chief executive officer and the

112 commissioner or chief of police.

113 (c) The Office of the Inspector General shall prosecute any case in  
114 which the Inspector General determines that (1) the use of force by a  
115 peace officer was not justifiable under section 53a-22, or (2) there was a  
116 failure to intervene in such incident or to report any such incident, as  
117 required under subsection (a) of section 7-282e or section 18-81nn.

118 Sec. 3. Subsection (a) of section 51-277e of the 2022 supplement to the  
119 general statutes is repealed and the following is substituted in lieu  
120 thereof (*Effective October 1, 2022*):

121 (a) There is established the Office of the Inspector General that shall  
122 be a separate office within the Division of Criminal Justice. Not later  
123 than October 1, 2021, the Criminal Justice Commission established  
124 pursuant to section 51-275a shall appoint a deputy chief state's attorney  
125 as Inspector General who shall lead the Office of the Inspector General.  
126 The office shall: (1) Conduct investigations of peace officers in  
127 accordance with section 51-277a, as amended by this act; (2) prosecute  
128 any case in which the Inspector General determines a peace officer used  
129 force found to not be justifiable pursuant to section 53a-22 or where a  
130 police officer or correctional officer fails to intervene in any such  
131 incident or to report any such incident, as required under subsection (a)  
132 of section 7-282e or section 18-81nn, as applicable; [and] (3) investigate  
133 any failure to report the death of a person in accordance with the  
134 provisions of section 1 of this act; and (4) make recommendations to the  
135 Police Officer Standards and Training Council established under section  
136 7-294b concerning censure and suspension, renewal, cancelation or  
137 revocation of a peace officer's certification, provided in the case of a  
138 failure to report a death of a person, any such recommendation may be  
139 made to said council only in a case where such failure is found to be  
140 intentional or made with reckless indifference, or if there is no finding  
141 that such failure was intentional or made with reckless indifference, a  
142 recommendation may be made to the officer's employing agency for any  
143 further disciplinary action as so determined by such employing agency.

144 Sec. 4. Subsection (c) of section 7-294d of the 2022 supplement to the  
145 general statutes is repealed and the following is substituted in lieu  
146 thereof (*Effective October 1, 2022*):

147 (c) (1) The council may refuse to renew any certificate if the holder  
148 fails to meet the requirements for renewal of his or her certification.

149 (2) The council may cancel or revoke any certificate if: (A) The  
150 certificate was issued by administrative error, (B) the certificate was  
151 obtained through misrepresentation or fraud, (C) the holder falsified  
152 any document in order to obtain or renew any certificate, (D) the holder  
153 has been convicted of a felony, (E) the holder has been found not guilty  
154 of a felony by reason of mental disease or defect pursuant to section 53a-  
155 13, (F) the holder has been convicted of a violation of section 21a-279,  
156 (G) the holder has been refused issuance of a certificate or similar  
157 authorization or has had his or her certificate or other authorization  
158 cancelled or revoked by another jurisdiction on grounds which would  
159 authorize cancellation or revocation under the provisions of this  
160 subdivision, (H) the holder has been found by a law enforcement unit,  
161 pursuant to procedures established by such unit, to have used a firearm  
162 in an improper manner which resulted in the death or serious physical  
163 injury of another person, (I) the holder has been found by a law  
164 enforcement unit, pursuant to procedures established by such unit and  
165 considering guidance developed under subsection (g) of this section, to  
166 have engaged in conduct that undermines public confidence in law  
167 enforcement, including, but not limited to, discriminatory conduct,  
168 falsification of reports, issuances of orders that are not lawful orders,  
169 failure to report or timely report a death in violation of section 1 of this  
170 act or a violation of the Alvin W. Penn Racial Profiling Prohibition Act  
171 pursuant to sections 54-1l and 54-1m, provided, when evaluating any  
172 such conduct, the council considers such conduct engaged in while the  
173 holder is acting in such holder's law enforcement capacity or  
174 representing himself or herself to be a police officer to be more serious  
175 than such conduct engaged in by a holder not acting in such holder's  
176 law enforcement capacity or representing himself or herself to be a  
177 police officer, [;] (J) the holder has been found by a law enforcement unit,

178 pursuant to procedures established by such unit, to have used physical  
179 force on another person in a manner that is excessive or used physical  
180 force in a manner found to not be justifiable after an investigation  
181 conducted pursuant to section 51-277a, as amended by this act, or (K)  
182 the holder has been found by a law enforcement unit, pursuant to  
183 procedures established by such unit, to have committed any act that  
184 would constitute tampering with or fabricating physical evidence in  
185 violation of section 53a-155, perjury in violation of section 53a-156 or  
186 false statement in violation of section 53a-157b. Whenever the council  
187 believes there is a reasonable basis for suspension, cancellation or  
188 revocation of the certification of a police officer, police training school  
189 or law enforcement instructor, it shall give notice and an adequate  
190 opportunity for a hearing prior to such suspension, cancellation or  
191 revocation. Such hearing shall be conducted in accordance with the  
192 provisions of chapter 54. Any holder aggrieved by the decision of the  
193 council may appeal from such decision in accordance with the  
194 provisions of section 4-183. The council may cancel or revoke any  
195 certificate if, after a de novo review, it finds by clear and convincing  
196 evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of  
197 this subdivision, or (ii) that the holder of the certificate committed an act  
198 set forth in subparagraph (H), (I), (J) or (K) of this subdivision. In any  
199 such case where the council finds such evidence, but determines that the  
200 severity of an act committed by the holder of the certificate does not  
201 warrant cancellation or revocation of such holder's certificate, the  
202 council may suspend such holder's certification for a period of up to  
203 forty-five days and may censure such holder of the certificate. Any  
204 police officer or law enforcement instructor whose certification is  
205 cancelled or revoked pursuant to this section may reapply for  
206 certification no sooner than two years after the date on which the  
207 cancellation or revocation order becomes final. Any police training  
208 school whose certification is cancelled or revoked pursuant to this  
209 section may reapply for certification at any time after the date on which  
210 such order becomes final. For purposes of this subdivision, a lawful  
211 order is an order issued by a police officer who is in uniform or has  
212 identified himself or herself as a police officer to the person such order

213 is issued to at the time such order is issued, and which order is  
214 reasonably related to the fulfillment of the duties of the police officer  
215 who is issuing such order, does not violate any provision of state or  
216 federal law and is only issued for the purposes of (I) preventing,  
217 detecting, investigating or stopping a crime, (II) protecting a person or  
218 property from harm, (III) apprehending a person suspected of a crime,  
219 (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency  
220 relief, including the administration of first aid.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section
Sec. 2	<i>October 1, 2022</i>	51-277a
Sec. 3	<i>October 1, 2022</i>	51-277e(a)
Sec. 4	<i>October 1, 2022</i>	7-294d(c)



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill requires the Office of the Inspector General (OIG) to investigate untimely reporting by peace officers of a death to the person's next of kin, and in situations where OIG determines malfeasance, it may make recommendations to the Police Officers Standards and Training Council to discipline the peace officer. This additional responsibility is not anticipated to result in a fiscal impact as minimal violations are anticipated.

House "A" makes procedural changes that do not result in a fiscal impact.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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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)