



Senate

General Assembly

File No. 22

February Session, 2022

Substitute Senate Bill No. 135

Senate, March 16, 2022

The Committee on Public Safety and Security reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ACCREDITATION STANDARDS FOR LAW ENFORCEMENT UNITS.

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

1 Section 1. Section 7-294ee of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) [Until December 31, 2024, the] The Police Officer Standards and
4 Training Council, established under section 7-294b, and the
5 Commissioner of Emergency Services and Public Protection or the
6 commissioner's designee, shall jointly develop, adopt and revise, as
7 necessary, minimum standards and practices for the administration,
8 [and] management and operation of law enforcement units, as defined
9 in section 7-294a. Such minimum standards and practices shall be based
10 upon standards established by the International Association of Chiefs of
11 Police and the Commission on Accreditation for Law Enforcement
12 Agencies, Inc., and shall include, but need not be limited to, standards
13 and practices regarding bias-based policing, use of force, response to
14 crimes of family violence, use of body-worn recording equipment,

15 complaints that allege misconduct by police officers, use of electronic
16 defense weapons, eyewitness identification procedures, notifications in
17 death and related events and pursuits by police officers and compliance
18 with the guidance issued by the council pursuant to subdivision (1) of
19 subsection (g) of section 7-294d regarding reporting procedures to be
20 followed by chief law enforcement officers for certificate suspension,
21 cancellation or revocation. Not later than January 1, 2023, the council
22 shall, within available appropriations, divide the minimum standards
23 and practices into three state-accreditation tiers, to be known as tier one,
24 tier two and tier three. Tier one shall consist of minimum standards and
25 practices designed to protect law enforcement units from liability,
26 enhance the delivery of services and improve public confidence in law
27 enforcement units. Tier two shall consist of minimum standards and
28 practices for the administration, management and operation of law
29 enforcement units. Tier three shall consist of higher minimum standards
30 and practices for the administration, management and operation of law
31 enforcement units. The council shall post [such] the minimum standards
32 and practices of each tier on the council's Internet web site and
33 disseminate [such] the minimum standards and practices of each tier to
34 law enforcement units. The council and commissioner or the
35 commissioner's designee shall jointly develop a process to review a law
36 enforcement unit's compliance with [such] the minimum standards and
37 practices of each tier and issue a certificate of compliance with [law
38 enforcement] the minimum standards and practices of tier one, tier two
39 or tier three, as the case may be, to a law enforcement unit that meets or
40 exceeds [such] the minimum standards and practices of such tier.

41 (b) On and after January 1, 2019, and until December 31, [2024] 2022,
42 each law enforcement unit shall adopt and maintain (1) the minimum
43 standards and practices developed by the council pursuant to
44 subsection (a) of this section, or (2) a higher level of accreditation
45 standards developed by the council or the Commission on Accreditation
46 for Law Enforcement Agencies, Inc.

47 (c) On and after January 1, 2023, and until December 31, 2023, each
48 law enforcement unit shall (1) be certified, at a minimum, as meeting the

49 requirements for state-accreditation tier one developed by the council
50 pursuant to subsection (a) of this section, or (2) meet a higher level of
51 accreditation standards developed by the Commission on Accreditation
52 for Law Enforcement Agencies, Inc.

53 (d) On and after January 1, 2024, and until December 31, 2025, each
54 law enforcement unit shall (1) be certified, at a minimum, as meeting the
55 requirements for state-accreditation tiers one and two developed by the
56 council pursuant to subsection (a) of this section, or (2) meet a higher
57 level of accreditation standards developed by the Commission on
58 Accreditation for Law Enforcement Agencies, Inc.

59 [(c)] (e) On and after January 1, [2025] 2026, each law enforcement
60 unit shall [obtain and maintain accreditation] (1) be certified as meeting
61 the requirements for state-accreditation tiers one, two and three
62 developed by the council pursuant to subsection (a) of this section, or
63 (2) meet a higher level of accreditation standards developed by the
64 Commission on Accreditation for Law Enforcement Agencies, Inc.

65 (f) If a law enforcement unit fails to obtain or maintain [such
66 accreditation] the appropriate certification for a state-accreditation tier
67 or tiers or the higher level of accreditation standards developed by the
68 Commission on Accreditation for Law Enforcement Agencies, Inc., as
69 required by the provisions of subsections (b) to (e), inclusive, of this
70 section, the council shall work with the law enforcement unit to obtain
71 and maintain such certification or accreditation standards.

72 (g) If a law enforcement unit fails to comply with the guidance issued
73 by the council pursuant to subdivision (1) of subsection (g) of section 7-
74 294d regarding reporting procedures to be followed by chief law
75 enforcement officers for certificate suspension, cancellation or
76 revocation, the council may revoke the certificate of compliance with the
77 appropriate state-accreditation tier or tiers, as the case may be, issued
78 pursuant to this section.

79 [(d)] (h) No civil action may be brought against a law enforcement
80 unit for damages arising from the failure of the law enforcement unit to

81 (1) adopt and maintain such minimum standards and practices or a
 82 higher level of accreditation standards pursuant to subsection (b) of this
 83 section, or (2) obtain and maintain the appropriate certificate of
 84 compliance with the appropriate state-accreditation tier or tiers or
 85 accreditation by the Commission on Accreditation for Law Enforcement
 86 Agencies, Inc., [pursuant to subsection (c) of this section] as required by
 87 subsections (c) to (e), inclusive, of this section.

88 Sec. 2. Subdivision (22) of subsection (a) of section 7-294d of the 2022
 89 supplement to the general statutes is repealed and the following is
 90 substituted in lieu thereof (*Effective from passage*):

91 (22) (A) [Until December 31, 2024, to] To develop, adopt and revise,
 92 as necessary, comprehensive accreditation standards, and designation
 93 of such standards as state-accreditation tiers one, two and three, for the
 94 administration and management of law enforcement units, to grant
 95 accreditation to those law enforcement units that demonstrate their
 96 compliance with such standards and, at the request and expense of any
 97 law enforcement unit, to conduct such surveys as may be necessary to
 98 determine such unit's compliance with such standards; and (B) on and
 99 after January 1, [2025,] 2023 to work with any law enforcement unit that
 100 has failed to obtain or maintain [accreditation from] its certification of
 101 compliance with the appropriate tier or tiers or a higher level of
 102 accreditation standards developed by the council or the Commission on
 103 Accreditation for Law Enforcement Agencies, Inc., pursuant to section
 104 7-294ee, as amended by this act;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	7-294ee
Sec. 2	<i>from passage</i>	7-294d(a)(22)

PS *Joint Favorable Subst.*

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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Department of Emergency Services and Public Protection	GF - Cost	144,188	144,188
State Comptroller - Fringe Benefits ¹	GF - Cost	58,439	58,439

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	Potential Savings	See Below	See Below

Explanation

The bill requires the Police Officer Standards and Training Council (POST) to develop three tiers of minimum standards and practices for law enforcement units resulting in POST needing to hire two field program assistants for a cost of \$202,627 in FY 22 and FY 23 (costs include salary and fringe benefits). The new employees are needed to help develop the standards, accredit and reaccredit law enforcement units, and review and certify unit compliance. It's anticipated that 150 law enforcement units will have to meet the new standards, 50 currently meet tier one but approximately 100 would need to start the process from the beginning.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

The bill also results in potential savings to municipalities from eliminating the requirement that law enforcement units receive accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc (CALEA) by 2025. There is a cost to receiving accreditation from CALEA related to compliance and payment to CALEA.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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
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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)