

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 22-61—sHB 5349

Judiciary Committee

Public Safety and Security Committee

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

SUMMARY: This act generally requires on-duty peace officers (i.e., law enforcement officers, see BACKGROUND) to notify a deceased person's next of kin about the deceased's death. The law enforcement agency (i.e., the State Police or municipal police department) must ensure the notification is made as soon as practicable, but within 24 hours after the deceased person is identified.

The act also requires the Office of the Inspector General (OIG) to investigate any failure to report a death as required by the act. 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 act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2022

POLICE NOTIFICATION REQUIREMENT

Under the act, 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 (i.e., spouse, adult child, parent, adult sibling, or grandparent) is notified about the death according to the officer's law enforcement agency's applicable guidelines.

If the next of kin resides in a town where the peace officer does not serve, the officer may notify the (1) next of kin about 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.

OIG INVESTIGATIONS

Upon a next of kin's request, the act 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 act requires.

If OIG finds malfeasance, it may make recommendations to POST concerning

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censuring, suspending, renewing, canceling, or revoking the officer or supervisor's certification. But OIG may only make these recommendations if it finds that the failure was 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 act expands these grounds by specifying that undermining public confidence includes failing to report or timely report a death in violation of the act.

BACKGROUND

Peace Officers

By law, 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 State Treasurer's Office, certified Department of Motor Vehicles 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), as amended by PA 22-117, § 8).