



General Assembly

February Session, 2022

***Raised Bill No. 5349***

LCO No. 2443



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

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

11 (b) If a peace officer is unable to notify the next of kin of a deceased  
12 person as required under subsection (a) of this section, such officer shall  
13 document the reason for the failure or delay of notification and any  
14 attempts made to make such notification.

15 (c) If the person who is the next of kin of a deceased person is not

16 notified of such person's death as required under subsection (a) of this  
17 section, such person may request of the Office of the Inspector General,  
18 established under section 51-277e of the general statutes, as amended by  
19 this act, an investigation of such lack of notification or timely  
20 notification.

21 (d) For purposes of this section, "peace officer" has the same meaning  
22 as provided in section 53a-3 of the general statutes, "next of kin" has the  
23 same meaning as provided in section 19a-415a of the general statutes  
24 and "law enforcement agency" means the Division of State Police within  
25 the Department of Emergency Services and Public Protection or any  
26 municipal police department.

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28 is repealed and the following is substituted in lieu thereof (*Effective*  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

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

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

47 (B) Except as provided under subdivision (1) of this subsection or

48 subparagraph (A) of subdivision (2) of this subsection, whenever a  
49 person dies in the custody of the Commissioner of Correction, the  
50 Inspector General shall investigate and determine whether the deceased  
51 person may have died as a result of criminal action, and, if so, refer such  
52 case to the Chief State's Attorney or state's attorney for potential  
53 prosecution.

54 (3) Whenever a person who (A) is the next of kin of a deceased person,  
55 (B) is not notified of such deceased person's death as required pursuant  
56 to section 1 of this act, and (C) requests of the Office of the Inspector  
57 General an investigation of the lack of notification or timely notification  
58 of such death, the Inspector General shall investigate and determine  
59 whether there was any malfeasance on the part of a peace officer in the  
60 failure to provide such notification or timely notification, and if so, may  
61 make recommendations to the Police Officer Standards and Training  
62 Council established under section 7-294b concerning censure and  
63 suspension, renewal, cancelation or revocation of the peace officer's  
64 certification.

65 ~~[(3)]~~ (4) The Inspector General shall request the appropriate law  
66 enforcement agency to provide such assistance as is necessary to  
67 investigate and make a determination under subdivision (1) or (2) of this  
68 subsection.

69 ~~[(4)]~~ (5) Whenever a peace officer, in the performance of such officer's  
70 duties, uses physical force or deadly force upon another person and  
71 such person dies as a result thereof, the Inspector General shall complete  
72 a preliminary status report that shall include, but need not be limited to,  
73 (A) the name of the deceased person, (B) the gender, race, ethnicity and  
74 age of the deceased person, (C) the date, time and location of the injury  
75 causing such death, (D) the law enforcement agency involved, (E) the  
76 status on the toxicology report, if available, and (F) the death certificate,  
77 if available. The Inspector General shall complete the report and submit  
78 a copy of such report not later than five business days after the cause of  
79 the death is available to the Chief State's Attorney and, in accordance  
80 with the provisions of section 11-4a, to the joint standing committees of

81 the General Assembly having cognizance of matters relating to the  
82 judiciary and public safety.

83 (b) Upon the conclusion of the investigation of [the] an incident of the  
84 use of force, the Inspector General shall file a report with the Chief  
85 State's Attorney which shall contain the following: (1) The  
86 circumstances of the incident, (2) a determination of whether the use of  
87 physical force by the peace officer was justifiable under section 53a-22,  
88 and (3) any recommended future action to be taken by the Office of the  
89 Inspector General as a result of the incident. The Chief State's Attorney  
90 shall provide a copy of the report to the chief executive officer of the  
91 municipality in which the incident occurred and to the Commissioner  
92 of Emergency Services and Public Protection or the chief of police of  
93 such municipality, as the case may be, and shall make such report  
94 available to the public on the Division of Criminal Justice's Internet web  
95 site not later than forty-eight hours after the copies are provided to the  
96 chief executive officer and the commissioner or chief of police.

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

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

106 (a) There is established the Office of the Inspector General that shall  
107 be a separate office within the Division of Criminal Justice. Not later  
108 than October 1, 2021, the Criminal Justice Commission established  
109 pursuant to section 51-275a shall appoint a deputy chief state's attorney  
110 as Inspector General who shall lead the Office of the Inspector General.  
111 The office shall: (1) Conduct investigations of peace officers in  
112 accordance with section 51-277a, as amended by this act; (2) prosecute

113 any case in which the Inspector General determines a peace officer used  
114 force found to not be justifiable pursuant to section 53a-22 or where a  
115 police officer or correctional officer fails to intervene in any such  
116 incident or to report any such incident, as required under subsection (a)  
117 of section 7-282e or section 18-81nn, as applicable; [and] (3) investigate  
118 any failure to report the death of a person in accordance with the  
119 provisions of section 1 of this act; and (4) make recommendations to the  
120 Police Officer Standards and Training Council established under section  
121 7-294b concerning censure and suspension, renewal, cancelation or  
122 revocation of a peace officer's certification.

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

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

128 (2) The council may cancel or revoke any certificate if: (A) The  
129 certificate was issued by administrative error, (B) the certificate was  
130 obtained through misrepresentation or fraud, (C) the holder falsified  
131 any document in order to obtain or renew any certificate, (D) the holder  
132 has been convicted of a felony, (E) the holder has been found not guilty  
133 of a felony by reason of mental disease or defect pursuant to section 53a-  
134 13, (F) the holder has been convicted of a violation of section 21a-279,  
135 (G) the holder has been refused issuance of a certificate or similar  
136 authorization or has had his or her certificate or other authorization  
137 cancelled or revoked by another jurisdiction on grounds which would  
138 authorize cancellation or revocation under the provisions of this  
139 subdivision, (H) the holder has been found by a law enforcement unit,  
140 pursuant to procedures established by such unit, to have used a firearm  
141 in an improper manner which resulted in the death or serious physical  
142 injury of another person, (I) the holder has been found by a law  
143 enforcement unit, pursuant to procedures established by such unit and  
144 considering guidance developed under subsection (g) of this section, to  
145 have engaged in conduct that undermines public confidence in law

146 enforcement, including, but not limited to, discriminatory conduct,  
147 falsification of reports, issuances of orders that are not lawful orders,  
148 failure to report or timely report a death in violation of section 1 of this  
149 act or a violation of the Alvin W. Penn Racial Profiling Prohibition Act  
150 pursuant to sections 54-1l and 54-1m, provided, when evaluating any  
151 such conduct, the council considers such conduct engaged in while the  
152 holder is acting in such holder's law enforcement capacity or  
153 representing himself or herself to be a police officer to be more serious  
154 than such conduct engaged in by a holder not acting in such holder's  
155 law enforcement capacity or representing himself or herself to be a  
156 police officer; (J) the holder has been found by a law enforcement unit,  
157 pursuant to procedures established by such unit, to have used physical  
158 force on another person in a manner that is excessive or used physical  
159 force in a manner found to not be justifiable after an investigation  
160 conducted pursuant to section 51-277a, as amended by this act, or (K)  
161 the holder has been found by a law enforcement unit, pursuant to  
162 procedures established by such unit, to have committed any act that  
163 would constitute tampering with or fabricating physical evidence in  
164 violation of section 53a-155, perjury in violation of section 53a-156 or  
165 false statement in violation of section 53a-157b. Whenever the council  
166 believes there is a reasonable basis for suspension, cancellation or  
167 revocation of the certification of a police officer, police training school  
168 or law enforcement instructor, it shall give notice and an adequate  
169 opportunity for a hearing prior to such suspension, cancellation or  
170 revocation. Such hearing shall be conducted in accordance with the  
171 provisions of chapter 54. Any holder aggrieved by the decision of the  
172 council may appeal from such decision in accordance with the  
173 provisions of section 4-183. The council may cancel or revoke any  
174 certificate if, after a de novo review, it finds by clear and convincing  
175 evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of  
176 this subdivision, or (ii) that the holder of the certificate committed an act  
177 set forth in subparagraph (H), (I), (J) or (K) of this subdivision. In any  
178 such case where the council finds such evidence, but determines that the  
179 severity of an act committed by the holder of the certificate does not  
180 warrant cancellation or revocation of such holder's certificate, the

181 council may suspend such holder's certification for a period of up to  
182 forty-five days and may censure such holder of the certificate. Any  
183 police officer or law enforcement instructor whose certification is  
184 cancelled or revoked pursuant to this section may reapply for  
185 certification no sooner than two years after the date on which the  
186 cancellation or revocation order becomes final. Any police training  
187 school whose certification is cancelled or revoked pursuant to this  
188 section may reapply for certification at any time after the date on which  
189 such order becomes final. For purposes of this subdivision, a lawful  
190 order is an order issued by a police officer who is in uniform or has  
191 identified himself or herself as a police officer to the person such order  
192 is issued to at the time such order is issued, and which order is  
193 reasonably related to the fulfillment of the duties of the police officer  
194 who is issuing such order, does not violate any provision of state or  
195 federal law and is only issued for the purposes of (I) preventing,  
196 detecting, investigating or stopping a crime, (II) protecting a person or  
197 property from harm, (III) apprehending a person suspected of a crime,  
198 (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency  
199 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)

**Statement of Purpose:**

To require the timely reporting by the police of a death to the next of kin.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*