



General Assembly

February Session, 2022

Raised Bill No. 5351

LCO No. 2613



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT REVISING VARIOUS POLICE ACCREDITATION, CERTIFICATION, TRAINING, IMMUNITY, USE OF MILITARY GRADE EQUIPMENT AND SEARCH AND PURSUIT STATUTES, AND CONCERNING THE STATE POLICE SHOOTING RANGE.

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

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 Section 7-294ee of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [Until December 31, 2024, the] The Police Officer Standards and Training Council, established under section 7-294b, and the Commissioner of Emergency Services and Public Protection or the commissioner's designee, shall jointly develop, adopt and revise, as necessary, minimum standards and practices for the administration, [and] management and operation of law enforcement units, as defined in section 7-294a. Such minimum standards and practices shall be based upon standards established by the International Association of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies, Inc., and shall include, but need not be limited to, standards

and practices regarding bias-based policing, use of force, response to crimes of family violence, use of body-worn recording equipment, complaints that allege misconduct by police officers, use of electronic defense weapons, eyewitness identification procedures, notifications in death and related events and pursuits by police officers and compliance with the guidance issued by the council pursuant to subdivision (1) of subsection (g) of section 7-294d regarding reporting procedures to be followed by chief law enforcement officers for certificate suspension, cancellation or revocation. Not later than January 1, 2023, the council shall, within available appropriations, divide the minimum standards and practices into three tiers, to be known as tier one, tier two and tier three. Tier one shall consist of minimum standards and practices designed to protect law enforcement units from liability, enhance the delivery of services and improve public confidence in law enforcement units. Tier two shall consist of minimum standards and practices for the administration, management and operation of law enforcement units. Tier three shall consist of higher minimum standards and practices for the administration, management and operation of law enforcement units. The council shall post [such] the minimum standards and practices of each tier on the council's Internet web site and disseminate [such] the minimum standards and practices of each tier to law enforcement units. The council and commissioner or the commissioner's designee shall jointly develop a process to review a law enforcement unit's compliance with [such] the minimum standards and practices of each tier and issue a certificate of compliance with [law enforcement] the minimum standards and practices of tier one, tier two or tier three, as the case may be, to a law enforcement unit that meets or exceeds [such] the minimum standards and practices of such tier.

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

(c) On and after January 1, 2023, and until December 31, 2023, each law enforcement unit shall adopt and maintain (1) the minimum standards and practices of tier one developed by the council pursuant to subsection (a) of this section, or (2) a higher level of accreditation standards developed by the council or the Commission on Accreditation for Law Enforcement Agencies, Inc.

(d) On and after January 1, 2024, and until December 31, 2025, each law enforcement unit shall adopt and maintain (1) the minimum standards and practices of tier two developed by the council pursuant to subsection (a) of this section, or (2) a higher level of accreditation standards developed by the council or the Commission on Accreditation for Law Enforcement Agencies, Inc.

~~[(c)]~~ (e) On and after January 1, [2025] 2026, each law enforcement unit shall [obtain and maintain accreditation] adopt and maintain (1) the minimum standards and practices of tier three developed by the council pursuant to subsection (a) of this section, or (2) a higher level of accreditation standards developed by the Commission on Accreditation for Law Enforcement Agencies, Inc.

(f) If a law enforcement unit fails to [obtain] adopt or maintain [such accreditation] the minimum standards and practices or a higher level of accreditation standards developed by the council or the Commission on Accreditation for Law Enforcement Agencies, Inc., in accordance with the provisions of subsections (b) to (e), inclusive, of this section, the council shall work with the law enforcement unit to [obtain] assist such unit to adopt and maintain [such] the minimum standards and practices or the higher level of accreditation standards.

(g) If a law enforcement unit fails to comply with the guidance issued by the council pursuant to subdivision (1) of subsection (g) of section 7-294d regarding reporting procedures to be followed by chief law enforcement officers for certificate suspension, cancellation or revocation, the council may revoke the certificate of compliance with the minimum standards and practices of tier one, tier two or tier three, as

the case may be, issued pursuant to this section.

[(d)] (h) No civil action may be brought against a law enforcement unit for damages arising from the failure of the law enforcement unit to [(1)] adopt and maintain [such] the minimum standards and practices or a higher level of accreditation standards developed by the council or the Commission on Accreditation for Law Enforcement Agencies, Inc., pursuant to [subsection] subsections (b) to (e), inclusive, of this section. [, or (2) obtain and maintain accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc., pursuant to subsection (c) of this section.]

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

(22) (A) [Until December 31, 2024, to] To develop, adopt and revise, as necessary, comprehensive accreditation standards for the administration and management of law enforcement units, to grant accreditation to those law enforcement units that demonstrate their compliance with such standards and, at the request and expense of any law enforcement unit, to conduct such surveys as may be necessary to determine such unit's compliance with such standards; and (B) [on and after January 1, 2025,] to work with any law enforcement unit that has failed to [obtain] adopt or maintain [accreditation from] the minimum standards and practices or a higher level of accreditation standards developed by the council or the Commission on Accreditation for Law Enforcement Agencies, Inc., pursuant to section 7-294ee, as amended by this act;

Sec. 3. Subsection (a) of section 7-291d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) No law enforcement unit, as defined in section 7-294a, shall discharge, discipline, discriminate against or otherwise penalize a police officer, as defined in section 7-294a, who is employed by such law

enforcement unit solely because the police officer (A) seeks or receives mental health care services, [or] including such services as a result of a behavioral health assessment conducted pursuant to section 7-291e, or (B) surrenders his or her firearm, ammunition or electronic defense weapon used in the performance of the police officer's official duties to such law enforcement unit during the time the police officer receives mental health care services.

(2) The provisions of this subsection shall not be applicable to a police officer who [(1)] (A) seeks or receives mental health care services to avoid disciplinary action by such law enforcement unit, or [(2)] (B) refuses to submit himself or herself to an examination as provided in subsection (b) of this section.

Sec. 4. (NEW) (*Effective from passage*) (a) Not later than July 1, 2023, the Police Officer Standards and Training Council, after consultation with persons with mental or physical disabilities and advocates on behalf of such persons, shall develop a training curriculum for police officers regarding interactions with persons who have mental or physical disabilities.

(b) On and after October 1, 2023, each police basic or review training program conducted or administered by the Police Officer Standards and Training Council, the Division of State Police within the Department of Emergency Services and Public Protection or a municipal police department shall include the training curriculum developed pursuant to subsection (a) of this section.

Sec. 5. Subdivision (6) of subsection (a) of section 29-6d of the 2022 supplement to the general statutes, as amended by section 19 of public act 20-1 of the July special session, section 3 of public act 21-33 and section 26 of public act 21-40, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(6) "Police patrol vehicle" means any state or local police vehicle, [other than] but does not include an administrative vehicle in which an occupant is wearing body-worn camera equipment, a bicycle, a motor

scooter, an all-terrain vehicle, an electric personal assistive mobility device, as defined in subsection (a) of section 14-289h, or an animal control vehicle.

Sec. 6. Section 7-291c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) No law enforcement unit, as defined in section 7-294a, shall hire any person as a police officer, as defined in said section, [7-294a,] who was previously employed as a police officer by such unit or in any other jurisdiction and who (1) was dismissed for malfeasance or other serious misconduct calling into question such person's fitness to serve as a police officer; or (2) resigned or retired from such officer's position while under investigation for such malfeasance or other serious misconduct.

(b) Any law enforcement unit that has knowledge that any former police officer of such unit who (1) (A) was dismissed for malfeasance or other serious misconduct, or (B) resigned or retired from such officer's position while under investigation for such malfeasance or other serious misconduct; and (2) is an applicant for the position of police officer with any other law enforcement unit, shall inform such other unit and the Police Officer Standards and Training Council established under section 7-294b of such dismissal, resignation or retirement.

(c) The Police Officer Standards and Training Council shall not certify any police officer who (1) was dismissed for malfeasance or other serious misconduct, or (2) resigned or retired from such officer's position while under investigation for malfeasance or other serious misconduct.

[[c)] (d) The provisions of this section shall not apply to any police officer who is exonerated of each allegation against such officer of such malfeasance or other serious misconduct.

(e) The Police Officer Standards and Training Council may afford any law enforcement unit prohibited from hiring a person as a police officer pursuant to subsection (a) of this section and any police officer denied

certification pursuant to subsection (c) of this section an opportunity for a hearing in accordance with the provisions of chapter 54 to determine whether (1) the police officer was dismissed for such malfeasance or other serious misconduct, (2) the police officer resigned or retired while under investigation for such malfeasance or other serious misconduct, (3) the police officer was exonerated of each allegation of such malfeasance or other serious misconduct, or (4) the conduct at issue constituted malfeasance or serious misconduct.

(f) Nothing in this section shall preclude the Police Officer Standards and Training Council from suspending, cancelling or revoking the certification of a police officer pursuant to subsection (c) of section 7-294d.

~~[(d)]~~ (g) For purposes of this section, (1) "malfeasance" means the commonly approved usage of "malfeasance"; and (2) "serious misconduct" means improper or illegal actions taken by a police officer in connection with such officer's official duties that could result in a miscarriage of justice, ~~[or] discrimination or a gross deviation of the generally accepted standards and behavior of a police officer,~~ including, but not limited to, (A) a conviction of a felony, (B) fabrication ~~or falsification~~ of evidence, (C) ~~[repeated]~~ use of ~~[excessive]~~ physical force in a manner found to not be justifiable after an investigation conducted pursuant to section 51-277a, (D) acceptance of a bribe, ~~[or]~~ (E) the commission of fraud, (F) failure to intervene or stop unreasonable, excessive or illegal use of force by another police officer, or (G) intimidation or harassment causing injury based upon actual or perceived protected class membership, identity or expression.

Sec. 7. Section 7-294e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) Notwithstanding the provisions of any general statute or special act or local law, ordinance or charter, ~~[to the contrary,]~~ each police officer shall forfeit such officer's appointment and position unless recertified by the council according to procedures and within the time

frame established by the council. Any sworn member of the Division of State Police within the Department of Emergency Services and Public Protection who is deemed certified under subsection (d) of section 7-294d is required to apply for recertification by the council within the time frame established by the council, unless such member retires from said division within such time frame.

(b) The Police Officer Standards and Training Council may recommend to the Commissioner of Emergency Services and Public Protection any regulations it deems necessary to carry out the provisions of section 7-291c, as amended by this act, 7-294a, subsection (a) of section 7-294b, sections 7-294c and 7-294d, as amended by this act, and this section, giving due consideration to the varying factors and special requirements of law enforcement units.

(c) The Commissioner of Emergency Services and Public Protection may adopt regulations, in accordance with the provisions of chapter 54, as are necessary to implement the provisions of section 7-291c, as amended by this act, 7-294a, subsection (a) of section 7-294b, sections 7-294c and 7-294d, as amended by this act, and this section. Such regulations shall be binding upon all law enforcement units.

Sec. 8. Section 7-294jj of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section:

(1) "Law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department; and

(2) "Controlled equipment" means military designed equipment classified by the United States Department of Defense as part of the federal 1033 program that is (A) a controlled firearm, ammunition, bayonet, grenade launcher, grenade, including stun and flash-bang, or an explosive, (B) a controlled vehicle, highly mobile multi-wheeled vehicle, mine-resistant ambush-protected vehicle, truck, truck dump,

truck utility or truck carryall, (C) a drone that is armored or weaponized, (D) controlled aircraft that is combat configured or combat coded or has no established commercial flight application, (E) a silencer, (F) a long-range acoustic device, or (G) an item in the federal supply class of banned items.

(b) On and after July 31, 2020, no law enforcement agency may acquire controlled equipment, except a municipal police department may acquire controlled equipment provided (1) the municipal police department holds a public hearing in the municipality it serves concerning the proposed purchase of controlled equipment, and (2) the Commissioner of Emergency Services and Public Protection approves the proposed purchase in writing.

(c) Not later than December 31, 2020, each law enforcement agency shall report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety its inventory of controlled equipment possessed on July 31, 2020. As part of such report, the agency shall include the use or proposed use of each item in its inventory and whether such use or proposed use is necessary for the operation and safety of the department or is for emergency response or relief or rescue efforts in the case of a natural disaster or for other public safety purposes.

(d) (1) The office of the Governor and the Commissioner of Emergency Services and Public Protection may order a law enforcement agency to lawfully sell, transfer or otherwise dispose of controlled equipment they jointly find is unnecessary for public protection. A municipal police department may request the office of the Governor and the commissioner to reconsider such order. The office of the Governor and the commissioner may jointly amend or rescind such order if the police department has held a public hearing in the municipality it serves concerning the proposed request for reconsideration and the department demonstrates in its request for reconsideration that the use or proposed use of the controlled equipment is necessary for the

operation and safety of the department or is for emergency response or relief or rescue efforts in the case of a natural disaster or for other public safety purposes. The provisions of this subdivision shall not apply to controlled equipment purchased by a municipal police department pursuant to the provisions of subsection (b) of this section.

(2) The office of the Governor and the Commissioner of Emergency Services and Public Protection shall notify the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety of controlled equipment that is ordered to be sold, transferred or otherwise disposed of pursuant to subdivision (1) of this subsection.

(e) No law enforcement agency [that is permitted to retain controlled equipment] may use any such equipment for crowd management or intimidation tactics.

Sec. 9. Subsection (d) of section 52-571k of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(d) (1) In any civil action brought under this section, governmental immunity shall [only] be a defense to a claim for damages, [when] unless, at the time of the conduct complained of, the police officer [had an objectively good faith belief that such officer's conduct did not violate the law. There shall be no] deprived any person or class of persons of the protections, privileges and immunities guaranteed under article first of the Constitution of this state. A party may make an interlocutory appeal of a trial court's denial of the application of the defense of governmental immunity. Governmental immunity shall not be a defense in a civil action brought solely for equitable relief.

(2) In any civil action brought under this section, the trier of fact may draw an adverse inference from a police officer's deliberate failure, in violation of section 29-6d, as amended by this act, to record any event that is relevant to such action.

Sec. 10. Subsection (b) of section 14-283a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(b) (1) The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall adopt, in accordance with the provisions of chapter 54, a uniform, state-wide policy for handling pursuits by police officers. Such policy shall specify: (A) The conditions under which a police officer may engage in a pursuit and discontinue a pursuit, (B) alternative measures to be employed by any such police officer in order to apprehend any occupant of the fleeing motor vehicle or to impede the movement of such motor vehicle, including permitting the use of stop sticks or a similar tire-deflation device without requiring the officer to obtain prior authorization for such use for the purpose of preventing a crime or reckless driving, (C) the coordination and responsibility, including control over the pursuit, of supervisory personnel and the police officer engaged in such pursuit, (D) in the case of a pursuit that may proceed and continue into another municipality, (i) the requirement to notify and the procedures to be used to notify the police department in such other municipality or, if there is no organized police department in such other municipality, the officers responsible for law enforcement in such other municipality, that there is a pursuit in progress, and (ii) the coordination and responsibility of supervisory personnel in each such municipality and the police officer engaged in such pursuit, (E) the type and amount of training in pursuits, that each police officer shall undergo, which may include training in vehicle simulators, if vehicle simulator training is determined to be necessary, and (F) that a police officer immediately notify supervisory personnel or the officer in charge after the police officer begins a pursuit. The chief of police or Commissioner of Emergency Services and Public Protection, as the case may be, shall inform each officer within such chief's or said commissioner's department and each officer responsible for law

enforcement in a municipality in which there is no such department of the existence of the policy of pursuit to be employed by any such officer and shall take whatever measures that are necessary to assure that each such officer understands the pursuit policy established.

(2) Not later than January 1, 2021, and at least once during each five-year period thereafter, the Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall adopt regulations in accordance with the provisions of chapter 54, to update such policy adopted pursuant to subdivision (1) of this subsection.

Sec. 11. Section 54-330 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) (1) No law enforcement official may ask an operator of a motor vehicle to conduct a search of a motor vehicle or the contents of the motor vehicle that is stopped by a law enforcement official solely for a motor vehicle violation, except as provided in subdivision (2) of this subsection.

(2) Any search by a law enforcement official of a motor vehicle or the contents of the motor vehicle that is stopped by a law enforcement official solely for a motor vehicle violation shall be (A) based on probable cause, (B) solicited consent by the operator of the vehicle if the official has reasonable and articulable suspicion that weapons, contraband or other evidence of a crime is contained within the motor vehicle, provided such official complies with the provisions provided in subdivision (3) of this subsection, or ~~[(B)]~~ (C) after having received the unsolicited consent to such search from the operator of the motor vehicle in written form or recorded by body-worn recording equipment or a dashboard camera, each as defined in section 29-6d, as amended by this act.

(3) Any law enforcement official who solicits consent of an operator

of a motor vehicle to search such vehicle shall, whether or not the consent is granted, complete a police report documenting the reasonable and articulable suspicion for the solicitation of consent, or the facts and circumstances that support the search being reasonably necessary to further an ongoing law enforcement investigation. Such report shall be completed not later than forty-eight hours after such solicitation of consent.

(b) No law enforcement official may ask an operator of a motor vehicle to provide any documentation or identification other than an operator's license, motor vehicle registration, insurance identity card or other documentation or identification directly related to the stop, when the motor vehicle has been stopped solely for a motor vehicle violation, unless there exists probable cause to believe that a felony or misdemeanor offense has been committed or the operator has failed to produce a valid operator's license.

Sec. 12. Subsection (a) of section 7-282e of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) (1) Any police officer, as defined in section 7-294a, who while acting in such officer's law enforcement capacity, witnesses another police officer use what the witnessing officer objectively knows to be [unreasonable, excessive or] illegal use of force, shall intervene and attempt to stop such other police officer from using such force. Any such police officer who fails to intervene in such an incident may be prosecuted and punished for the same acts in accordance with the provisions of section 53a-8 as the police officer who used [unreasonable, excessive or] illegal force. The provisions of this subdivision do not apply to any witnessing officer who is operating in an undercover capacity at the time he or she witnesses another officer use [unreasonable, excessive or] illegal force.

(2) Any police officer who witnesses another police officer use what the witnessing officer objectively knows to be [unreasonable, excessive

or] illegal use of force [or is otherwise aware of such use of force] by another police officer shall report, as soon as is practicable, such use of force to the law enforcement unit, as defined in section 7-294a, that employs the police officer who used such force. Any police officer required to report such an incident who fails to do so may be prosecuted and punished in accordance with the provisions of sections 53a-165 to 53a-167, inclusive.

(3) No law enforcement unit employing a police officer who intervenes in an incident pursuant to subdivision (1) of this subsection or reports an incident pursuant to subdivision (2) of this subsection may take any retaliatory personnel action or discriminate against such officer because such police officer made such report and such intervening or reporting police officer shall be protected by the provisions of section 4-61dd or section 31-51m, as applicable.

Sec. 13. (*Effective July 1, 2022*) Any plan to improve or develop the Department of Emergency Services and Public Protection's shooting range in the town of Simsbury shall detail the sufficiency of any such proposed improvements or developments in providing the State Police safe and adequate training facilities and shall be submitted to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, appropriations and the budgets of state agencies, public safety and government administration. No funds shall be expended by the Department of Emergency Services and Public Protection or the Department of Administrative Services in furtherance of such plan without approval by the majority of each such committee.

Sec. 14. Section 7-294r of the general statutes is repealed. (*Effective October 1, 2023*)

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)
Sec. 3	<i>from passage</i>	7-291d(a)

Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2022</i>	29-6d(a)(6)
Sec. 6	<i>July 1, 2022</i>	7-291c
Sec. 7	<i>July 1, 2022</i>	7-294e
Sec. 8	<i>from passage</i>	7-294jj
Sec. 9	<i>July 1, 2022</i>	52-571k(d)
Sec. 10	<i>October 1, 2022</i>	14-283a(b)
Sec. 11	<i>October 1, 2022</i>	54-33o
Sec. 12	<i>October 1, 2022</i>	7-282e(a)
Sec. 13	<i>July 1, 2022</i>	New section
Sec. 14	<i>October 1, 2023</i>	Repealer section

Statement of Purpose:

To revise statutes concerning police accreditation, certification, training, immunity, use of military grade equipment and search and pursuit statutes, and prohibit the improvement or development of the State Police shooting range without a majority vote by certain legislative committees.

[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.]