



General Assembly

Substitute Bill No. 5372

February Session, 2022



AN ACT CONCERNING PERIODIC BEHAVIORAL HEALTH ASSESSMENTS, POLICE OFFICER RECRUITMENT, SCHOOL RESOURCE OFFICERS, REPORTING OF VIOLATIONS TO THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL, INVESTIGATIONS BY THE INSPECTOR GENERAL AND MINIMUM STANDARDS AND PRACTICES FOR THE ADMINISTRATION, MANAGEMENT AND OPERATION OF LAW ENFORCEMENT UNITS.

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

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 Section 7-291e of the general statutes is repealed and the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

3 (a) As used in this section: (1) "Administrative head of each law
4 enforcement unit" means the Commissioner of Emergency Services and
5 Public Protection, the board of police commissioners, the chief of police,
6 superintendent of police or other authority having charge of a law
7 enforcement unit; and (2) "behavioral health assessment" means a
8 behavioral health assessment of a police officer conducted by a board-
9 certified psychiatrist, [or] psychologist licensed pursuant to the
10 provisions of chapter 383 or a clinical social worker licensed pursuant
11 to the provisions of chapter 383b, who has experience diagnosing and
12 treating post-traumatic stress disorder.

13 (b) On and after January 1, 2021, the administrative head of each law
14 enforcement unit shall require each police officer employed by such law

15 enforcement unit to submit, as a condition of continued employment, to
16 a periodic behavioral health assessment. Each police officer employed
17 by a law enforcement unit shall submit to a periodic behavioral health
18 assessment not less than once every five years. In carrying out the
19 provisions of this section, the administrative head of each law
20 enforcement unit may stagger the scheduling of such behavioral health
21 assessments in a manner that results in approximately twenty per cent
22 of the total number of police officers in the law enforcement unit
23 receiving behavioral health assessments each year over a five-year
24 period. Notwithstanding the provisions of this subsection, the
25 administrative head of a law enforcement unit may waive the
26 requirement that a police officer submit to a periodic behavioral health
27 assessment when the police officer has submitted written notification of
28 his or her decision to retire from the law enforcement unit to such
29 administrative head, provided the effective date of such retirement is
30 not more than six months beyond the date on which such periodic
31 behavioral health assessment is scheduled to occur.

32 (c) In addition to the behavioral health assessments required
33 pursuant to subsection (b) of this section, the administrative head of
34 each law enforcement unit may, for good cause shown, require a police
35 officer to submit to an additional behavioral health assessment. The
36 administrative head of a law enforcement unit requiring that a police
37 officer submit to an additional behavioral health assessment shall
38 provide the police officer with a written statement setting forth the good
39 faith basis for requiring the police officer to submit to an additional
40 behavioral health assessment. Upon receiving such written statement,
41 the police officer shall, not later than thirty days after the date of the
42 written request, submit to such behavioral health assessment.

43 (d) A law enforcement unit that hires any person as a police officer,
44 who was previously employed as a police officer by another law
45 enforcement unit or employed as a police officer in any other
46 jurisdiction, may require such new hire to submit to a behavioral health
47 assessment not later than six months after the date of hire. When

48 determining whether such new hire shall be required to submit to a
49 behavioral health assessment, the law enforcement unit shall give due
50 consideration to factors that include, but are not limited to, the date on
51 which such new hire most recently submitted to a behavioral health
52 assessment.

53 (e) Any person conducting a behavioral health assessment of a police
54 officer pursuant to the provisions of this section shall provide a written
55 copy of the results of such assessment to the police officer and to the
56 administrative head of the law enforcement unit employing the police
57 officer.

58 (f) The results of any behavioral health assessment conducted in
59 accordance with the provisions of this section and any record or note
60 maintained by a psychiatrist, [or] psychologist, or clinical social worker
61 in connection with the conducting of such assessment shall not be
62 subject to disclosure under section 1-210.

63 Sec. 2. Section 7-291b of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective October 1, 2022*):

65 Not later than January 1, 2016, each law enforcement unit, as defined
66 in section 7-294a, shall develop and implement guidelines for the
67 recruitment, retention and promotion of minority police officers, as
68 defined in section 7-294a. Such guidelines shall promote achieving the
69 goal of racial, gender, ideological and ethnic diversity within the law
70 enforcement unit and community involvement.

71 Sec. 3. (*Effective from passage*) (a) Not later than thirty days after the
72 effective date of this section, the Board of Regents for Higher Education
73 shall select a public institution of higher education to study and evaluate
74 the role and impact school resource officers have on students with
75 disabilities.

76 (b) As part of such study, the selected public institution of higher
77 education shall:

78 (1) Determine how many school resource officers are employed in
79 this state and the number of such officers in each school district;

80 (2) Detail the funding mechanisms each district uses to employ school
81 resource officers;

82 (3) Develop metrics for assessing the efficacy of school resource
83 officers, particularly in the context of interactions with students with
84 disabilities;

85 (4) Determine the chain of command structure when students with
86 disabilities experience crises in school, including who responds and
87 when;

88 (5) Determine what the process is for entering into memoranda of
89 understanding between school districts, boards of education and school
90 resource officers, and public accessibility to such process; and

91 (6) Explore other issues that the public institution of higher education
92 conducting the study deems relevant to such study.

93 (c) Not later than December 1, 2022, the selected public institution
94 shall report its findings in accordance with the provisions of section 11-
95 4a of the general statutes to the joint standing committee of the General
96 Assembly having cognizance of matters relating to the judiciary.

97 Sec. 4. Section 7-294d of the 2022 supplement to the general statutes
98 is amended by adding subsection (h) as follows (*Effective October 1,*
99 *2022*):

100 (NEW) (h) (1) The chief law enforcement officer of each law
101 enforcement unit shall report to the council any violation where a
102 certificate holder has been found by the law enforcement unit, pursuant
103 to procedures established by such unit, to have: (A) Used unreasonable,
104 excessive or illegal force that causes serious physical injury to or the
105 death of another person, or used unreasonable, excessive or illegal force
106 that was likely to cause serious physical injury or death to another

107 person; (B) while acting in a law enforcement capacity, failed to
108 intervene or stop the use of unreasonable, excessive or illegal force by
109 another police officer that caused serious physical injury or death to
110 another person, or unreasonable, excessive or illegal force that was
111 likely to cause serious physical injury or death to another person, or to
112 notify a supervisor and submit a written report of such acts where the
113 holder has personal knowledge of such acts and had the ability to
114 prevent such acts; (C) intentionally intimidated or harassed another
115 person based upon actual or perceived protected class membership,
116 identity or expression and in doing so threatened to commit or caused
117 physical injury to another person; and (D) been terminated, dismissed,
118 resigned or retired under circumstances described in section 7-291c.

119 (2) If the chief law enforcement officer of any municipal police
120 department or the Department of Emergency Services and Public
121 Protection fails to report to the council as required in subdivision (1) of
122 this subsection, the council shall notify the Inspector General who shall
123 investigate such failure to report. The Inspector General shall report the
124 findings of the investigation to the Governor and joint standing
125 committee of the General Assembly having cognizance of matters
126 relating to the judiciary in accordance with the provisions of section 11-
127 4a.

128 Sec. 5. Subsection (a) of section 51-277e of the 2022 supplement to the
129 general statutes is repealed and the following is substituted in lieu
130 thereof (*Effective October 1, 2022*):

131 (a) There is established the Office of the Inspector General that shall
132 be a separate office within the Division of Criminal Justice. Not later
133 than October 1, 2021, the Criminal Justice Commission established
134 pursuant to section 51-275a shall appoint a deputy chief state's attorney
135 as Inspector General who shall lead the Office of the Inspector General.
136 The office shall: (1) Conduct investigations of peace officers in
137 accordance with section 51-277a, as amended by this act; (2) prosecute
138 any case in which the Inspector General determines a peace officer used
139 force found to not be justifiable pursuant to section 53a-22 or where a

140 police officer or correctional officer fails to intervene in any such
141 incident or to report any such incident, as required under subsection (a)
142 of section 7-282e or section 18-81nn, as applicable; [and] (3) investigate
143 any failure to report in accordance with the provisions of subdivision
144 (1) of subsection (h) of section 7-294d, as amended by this act; and (4)
145 make recommendations to the Police Officer Standards and Training
146 Council established under section 7-294b concerning censure and
147 suspension, renewal, cancelation or revocation of a peace officer's
148 certification.

149 Sec. 6. Section 7-294ee of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective from passage*):

151 (a) [Until December 31, 2024, the] The Police Officer Standards and
152 Training Council, established under section 7-294b, and the
153 Commissioner of Emergency Services and Public Protection or the
154 commissioner's designee, shall jointly develop, adopt and revise, as
155 necessary, minimum standards and practices for the administration,
156 [and] management and operation of law enforcement units, as defined
157 in section 7-294a. Such minimum standards and practices shall be based
158 upon standards established by the International Association of Chiefs of
159 Police and the Commission on Accreditation for Law Enforcement
160 Agencies, Inc., and shall include, but need not be limited to, standards
161 and practices regarding bias-based policing, use of force, response to
162 crimes of family violence, use of body-worn recording equipment,
163 complaints that allege misconduct by police officers, use of electronic
164 defense weapons, eyewitness identification procedures, notifications in
165 death and related events and pursuits by police officers. Not later than
166 July 1, 2022, the council shall, within available appropriations, divide
167 the minimum standards and practices into three tiers, to be known as
168 tier one, tier two and tier three. Tier one shall consist of minimum
169 standards and practices designed to protect law enforcement units from
170 liability, enhance the delivery of services and improve public confidence
171 in law enforcement units. Tier two shall consist of minimum standards
172 and practices for the administration, management and operation of law

173 enforcement units. Tier three shall consist of higher minimum standards
174 and practices for the administration, management and operation of law
175 enforcement units. The council shall post [such] the minimum standards
176 and practices of each tier on the council's Internet web site and
177 disseminate [such] the minimum standards and practices of each tier to
178 law enforcement units. The council and commissioner or the
179 commissioner's designee shall jointly develop a process to review a law
180 enforcement unit's compliance with [such] the minimum standards and
181 practices of each tier and issue a certificate of compliance with [law
182 enforcement] the minimum standards and practices of tier one, tier two
183 or tier three, as the case may be, to a law enforcement unit that meets or
184 exceeds [such] the minimum standards and practices of such tier.

185 (b) On and after January 1, 2019, and until [December 31, 2024] June
186 30, 2022, each law enforcement unit shall adopt and maintain (1) the
187 minimum standards and practices developed by the council pursuant to
188 subsection (a) of this section, or (2) a higher level of accreditation
189 standards developed by the council or the Commission on Accreditation
190 for Law Enforcement Agencies, Inc.

191 (c) On and after July 1, 2022, and until December 31, 2022, each law
192 enforcement unit shall adopt and maintain the minimum standards and
193 practices of tier one developed by the council pursuant to subsection (a)
194 of this section.

195 (d) On and after January 1, 2023, and until December 31, 2024, each
196 law enforcement unit shall adopt and maintain the minimum standards
197 and practices of tier two developed by the council pursuant to
198 subsection (a) of this section.

199 [(c)] (e) On and after January 1, 2025, each law enforcement unit shall
200 [obtain and maintain accreditation by the Commission on Accreditation
201 for Law Enforcement Agencies, Inc. If a law enforcement unit fails to
202 obtain or maintain such accreditation, the council shall work with the
203 law enforcement unit to obtain and maintain such accreditation] adopt
204 and maintain the minimum standards and practices of tier three

205 developed by the council pursuant to subsection (a) of this section.

206 [(d)] (f) No civil action may be brought against a law enforcement
207 unit for damages arising from the failure of the law enforcement unit to
208 [(1)] adopt and maintain [such] the minimum standards and practices
209 or a higher level of accreditation standards pursuant to [subsection (b)
210 of] this section. [, or (2) obtain and maintain accreditation by the
211 Commission on Accreditation for Law Enforcement Agencies, Inc.,
212 pursuant to subsection (c) of this section.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	7-291e
Sec. 2	<i>October 1, 2022</i>	7-291b
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2022</i>	7-294d
Sec. 5	<i>October 1, 2022</i>	51-277e(a)
Sec. 6	<i>from passage</i>	7-294ee

Statement of Legislative Commissioners:

In Section 4(h)(1), changes were made for accuracy and consistency.

JUD *Joint Favorable Subst.*