



General Assembly

February Session, 2022

Raised Bill No. 305

LCO No. 2524



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT REVISING STATUTES GOVERNING ACTIONS BY THE POLICE, PROACTIVE POLICING AND ENHANCING RECRUITMENT EFFORTS.

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

- 1 Section 1. (NEW) (*Effective from passage*) (a) On or before January 1,
2 2023, the Board of Regents for Higher Education shall establish a pilot
3 program for the purpose of recruiting individuals to pursue law
4 enforcement careers at the state and local level. The pilot program shall
5 be a partnership between universities and state and local law
6 enforcement agencies that pairs criminal justice majors with law
7 enforcement mentors. Upon graduation from the university,
8 participating students shall be guaranteed a law enforcement position
9 with at least one participating law enforcement agency. The board shall
10 (1) prescribe the form and manner in which local and state law
11 enforcement agencies and institutions of higher education may apply to
12 the board to participate in the pilot program, and (2) establish the
13 criteria to be used by the board in selecting agencies and institutions.
- 14 (b) Any four-year public institution of higher education and any local

15 or state law enforcement agency may apply to participate in the pilot
16 program in the form and manner prescribed by the Board of Regents for
17 Higher Education. Each institution and agency that is selected and
18 chooses to participate in the pilot program shall enter into a
19 memorandum of understanding and any other relevant agreement with
20 the Board of Regents for Higher Education for the operation of the law
21 enforcement officer pipeline pilot program. The Board of Regents for
22 Higher Education may enter into memoranda of understanding and any
23 other relevant agreement with local and state law enforcement agencies
24 for the purposes of this section.

25 (c) Not later than January 1, 2024, and annually thereafter, the
26 president of the Board of Regents for Higher Education shall report, in
27 accordance with the provisions of section 11-4a of the general statutes,
28 to the joint standing committees of the General Assembly having
29 cognizance of matters relating to higher education and employment
30 advancement and public safety on the operation and effectiveness of the
31 pilot program and any recommendations to expand the pilot program.

32 Sec. 2. (NEW) (*Effective from passage*) Local and regional boards of
33 education may expand or develop and offer as an elective credit for
34 purposes of section 10-221a of the general statutes an explorer program
35 for students who have an interest in learning about law enforcement.
36 Any high school participating in any such program shall work with a
37 local or state law enforcement agency to ensure that students in such
38 program are exposed to various aspects of law enforcement through
39 training, activities and other experiences.

40 Sec. 3. (NEW) (*Effective July 1, 2022*) The Office of Policy and
41 Management shall, within available resources, administer a grant
42 program to provide a grant-in-aid to any municipality approved for
43 such a grant-in-aid by the office, for the costs associated with
44 investigations and proactive policing by such municipality's law
45 enforcement agency through the use of data-driven intelligence to
46 prevent crime. Grants-in-aid awarded pursuant to this section may be
47 used for the purpose of modernizing intelligence tools.

48 Sec. 4. Subsection (b) of section 14-283a of the general statutes is
49 repealed and the following is substituted in lieu thereof (*Effective October*
50 *1, 2022*):

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

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

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

94 Sec. 5. Subsection (d) of section 52-571k of the 2022 supplement to the
95 general statutes is repealed and the following is substituted in lieu
96 thereof (*Effective October 1, 2022*):

97 (d) (1) In any civil action brought under this section, governmental
98 immunity shall [only] be a defense to a claim for damages, except when,
99 at the time of the conduct complained of, the police officer [had an
100 objectively good faith belief that such officer's conduct did not violate
101 the law. There shall be no interlocutory appeal of a trial court's denial of
102 the application of the defense of governmental immunity] acted in a
103 manner evincing extreme indifference to human life. Governmental
104 immunity shall not be a defense in a civil action brought solely for
105 equitable relief.

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

110 Sec. 6. Section 54-33o of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2022*):

112 (a) (1) No law enforcement official may ask an operator of a motor

113 vehicle to conduct a search of a motor vehicle or the contents of the
114 motor vehicle that is stopped by a law enforcement official solely for a
115 motor vehicle violation, except as provided in subdivision (2) of this
116 subsection.

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

128 (3) Any law enforcement official who solicits consent of an operator
129 of a motor vehicle to search such vehicle shall, whether or not the
130 consent is granted, complete a police report documenting the reasonable
131 and articulable suspicion for the solicitation of consent, or the facts and
132 circumstances that support the search being reasonably necessary to
133 further an ongoing law enforcement investigation.

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

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

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

157 (2) Any police officer who witnesses another police officer use what
158 the witnessing officer objectively knows to be [unreasonable, excessive
159 or] illegal use of force or is otherwise aware of such use of force by
160 another police officer shall report, as soon as is practicable, such use of
161 force to the law enforcement unit, as defined in section 7-294a, that
162 employs the police officer who used such force. Any police officer
163 required to report such an incident who fails to do so may be prosecuted
164 and punished in accordance with the provisions of sections 53a-165 to
165 53a-167, inclusive.

166 (3) No law enforcement unit employing a police officer who
167 intervenes in an incident pursuant to subdivision (1) of this subsection
168 or reports an incident pursuant to subdivision (2) of this subsection may
169 take any retaliatory personnel action or discriminate against such officer
170 because such police officer made such report and such intervening or
171 reporting police officer shall be protected by the provisions of section 4-
172 61dd or section 31-51m, as applicable.

173 Sec. 8. Subsection (c) of section 7-294d of the 2022 supplement to the
174 general statutes is repealed and the following is substituted in lieu
175 thereof (*Effective October 1, 2022*):

176 (c) (1) The council may refuse to renew any certificate if the holder

177 fails to meet the requirements for renewal of his or her certification.

178 (2) The council may cancel or revoke any certificate if: (A) The
179 certificate was issued by administrative error, (B) the certificate was
180 obtained through misrepresentation or fraud, (C) the holder falsified
181 any document in order to obtain or renew any certificate, (D) the holder
182 has been convicted of a felony, (E) the holder has been found not guilty
183 of a felony by reason of mental disease or defect pursuant to section 53a-
184 13, (F) the holder has been convicted of a violation of section 21a-279,
185 (G) the holder has been refused issuance of a certificate or similar
186 authorization or has had his or her certificate or other authorization
187 cancelled or revoked by another jurisdiction on grounds which would
188 authorize cancellation or revocation under the provisions of this
189 subdivision, (H) the holder has been found by a law enforcement unit,
190 pursuant to procedures established by such unit, to have used a firearm
191 in an improper manner which resulted in the death or serious physical
192 injury of another person, (I) the holder has been found by a law
193 enforcement unit, pursuant to procedures established by such unit and
194 considering guidance developed under subsection (g) of this section, to
195 have engaged in conduct [that undermines public confidence in law
196 enforcement,] including, but not limited to, discriminatory conduct,
197 falsification of reports, issuances of orders that are not lawful orders or
198 a violation of the Alvin W. Penn Racial Profiling Prohibition Act
199 pursuant to sections 54-1l and 54-1m, provided, when evaluating any
200 such conduct, the council considers such conduct engaged in while the
201 holder is acting in such holder's law enforcement capacity or
202 representing himself or herself to be a police officer to be more serious
203 than such conduct engaged in by a holder not acting in such holder's
204 law enforcement capacity or representing himself or herself to be a
205 police officer; (J) the holder has been found by a law enforcement unit,
206 pursuant to procedures established by such unit, to have used physical
207 force on another person in a manner that is excessive or used physical
208 force in a manner found to not be justifiable after an investigation
209 conducted pursuant to section 51-277a, or (K) the holder has been found
210 by a law enforcement unit, pursuant to procedures established by such

211 unit, to have committed any act that would constitute tampering with
212 or fabricating physical evidence in violation of section 53a-155, perjury
213 in violation of section 53a-156 or false statement in violation of section
214 53a-157b. Whenever the council believes there is a reasonable basis for
215 suspension, cancellation or revocation of the certification of a police
216 officer, police training school or law enforcement instructor, it shall give
217 notice and an adequate opportunity for a hearing prior to such
218 suspension, cancellation or revocation. Such hearing shall be conducted
219 in accordance with the provisions of chapter 54. Any holder aggrieved
220 by the decision of the council may appeal from such decision in
221 accordance with the provisions of section 4-183. The council may cancel
222 or revoke any certificate if, after a de novo review, it finds by clear and
223 convincing evidence (i) a basis set forth in subparagraphs (A) to (G),
224 inclusive, of this subdivision, or (ii) that the holder of the certificate
225 committed an act set forth in subparagraph (H), (I), (J) or (K) of this
226 subdivision. In any such case where the council finds such evidence, but
227 determines that the severity of an act committed by the holder of the
228 certificate does not warrant cancellation or revocation of such holder's
229 certificate, the council may suspend such holder's certification for a
230 period of up to forty-five days and may censure such holder of the
231 certificate. Any police officer or law enforcement instructor whose
232 certification is cancelled or revoked pursuant to this section may
233 reapply for certification no sooner than two years after the date on
234 which the cancellation or revocation order becomes final. Any police
235 training school whose certification is cancelled or revoked pursuant to
236 this section may reapply for certification at any time after the date on
237 which such order becomes final. For purposes of this subdivision, a
238 lawful order is an order issued by a police officer who is in uniform or
239 has identified himself or herself as a police officer to the person such
240 order is issued to at the time such order is issued, and which order is
241 reasonably related to the fulfillment of the duties of the police officer
242 who is issuing such order, does not violate any provision of state or
243 federal law and is only issued for the purposes of (I) preventing,
244 detecting, investigating or stopping a crime, (II) protecting a person or
245 property from harm, (III) apprehending a person suspected of a crime,

246 (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency
 247 relief, including the administration of first aid.

248 Sec. 9. Subsection (g) of section 7-294d of the 2022 supplement to the
 249 general statutes is repealed and the following is substituted in lieu
 250 thereof (*Effective October 1, 2022*):

251 (g) The council may develop and issue written guidance to law
 252 enforcement units concerning grounds for suspension, cancellation or
 253 revocation of certification. Such written guidance may include, but not
 254 be limited to, (1) reporting procedures to be followed by chief law
 255 enforcement officers for certificate suspension, cancellation or
 256 revocation, (2) [examples of conduct that undermines public confidence
 257 in law enforcement, (3)] examples of discriminatory conduct, and [(4)]
 258 (3) examples of misconduct while the certificate holder may not be
 259 acting in such holder's law enforcement capacity or representing himself
 260 or herself to be a police officer, but may be serious enough for
 261 suspension, cancellation or revocation of the holder's certificate. Such
 262 written guidance shall be available on the council's Internet web site.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2022</i>	New section
Sec. 4	<i>October 1, 2022</i>	14-283a(b)
Sec. 5	<i>October 1, 2022</i>	52-571k(d)
Sec. 6	<i>October 1, 2022</i>	54-33o
Sec. 7	<i>October 1, 2022</i>	7-282e(a)
Sec. 8	<i>October 1, 2022</i>	7-294d(c)
Sec. 9	<i>October 1, 2022</i>	7-294d(g)

Statement of Purpose:

To establish a pilot program to increase police recruitment, expand the police explorer program, provide grants to municipalities for proactive policing using data driven intelligence, permit the use of stop sticks without prior authorization under certain circumstances, restore

qualified immunity to police, and amend statutes concerning consent searches, duty to intervene and certification.

[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.]