



Substitute House Bill No. 5349

Public Act No. 22-61

**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:

Section 1. (NEW) (*Effective October 1, 2022*) (a) If a peace officer who is a sworn member of a law enforcement agency responds to an incident involving a deceased person or the remains of a person or otherwise encounters a deceased person or the remains of a person while such officer is on duty, such officer shall ensure that a person who is a next of kin of such person is notified of such person's death in a manner provided for in applicable guidelines used by the law enforcement agency employing such officer. Such law enforcement agency shall ensure such notification is made as soon as practicable, but not later than twenty-four hours following the identification of such person, except as provided in subsection (b) of this section.

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

(c) If a next of kin of a deceased person resides in a town in which the peace officer does not serve, such officer may notify such next of kin of

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such person's death in a manner provided for in applicable guidelines used by the law enforcement agency employing such officer, or provide notice to the law enforcement agency that serves such town in which such next of kin resides, which agency shall ensure notification in a manner provided for in such agency's applicable guidelines.

(d) If no person who is a next of kin of a deceased person is notified of such person's death as required under subsection (a) or (c) of this section, a person who is a next of kin of the deceased person may request of the Office of the Inspector General, established under section 51-277e of the general statutes, as amended by this act, an investigation of such lack of notification or timely notification.

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

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

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

(2) (A) Except as provided under subdivision (1) of this subsection, whenever a person dies in the custody of a peace officer or law

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enforcement agency, the Inspector General shall investigate and determine whether physical force was used by a peace officer upon the deceased person, and if so, whether the use of physical force by the peace officer was justifiable under section 53a-22. If the Inspector General determines the deceased person may have died as a result of criminal action not involving the use of force by a peace officer, the Inspector General shall refer such case to the Chief State's Attorney or state's attorney for potential prosecution.

(B) Except as provided under subdivision (1) of this subsection or subparagraph (A) of subdivision (2) of this subsection, whenever a person dies in the custody of the Commissioner of Correction, the Inspector General shall investigate and determine whether the deceased person may have died as a result of criminal action, and, if so, refer such case to the Chief State's Attorney or state's attorney for potential prosecution.

(3) Whenever a person who (A) is a next of kin of a deceased person, (B) is not notified of such deceased person's death as required pursuant to section 1 of this act and no other person who is a next of kin of the deceased person was so notified, and (C) requests of the Office of the Inspector General an investigation of the lack of notification or timely notification of such death, the Inspector General shall investigate and determine whether there was any malfeasance on the part of a peace officer or a supervisor of the peace officer in the failure to provide such notification or timely notification, and if so, may make recommendations to the Police Officer Standards and Training Council established under section 7-294b concerning censure, suspension, renewal, cancelation or revocation of the peace officer's or supervisor's certification, provided any such recommendation may be made to said council only in a case where such failure is found to be intentional or made with reckless indifference. If there is no finding that such failure was intentional or made with reckless indifference, a recommendation

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may be made to the officer's or supervisor's employing agency for any further disciplinary action as so determined by such employing agency.

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

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

(b) Upon the conclusion of the investigation of [the] an incident described in subdivision (1) or (2) of subsection (a) of this section, the Inspector General shall file a report with the Chief State's Attorney which shall contain the following: (1) The circumstances of the incident, (2) a determination of whether the use of physical force by the peace officer was justifiable under section 53a-22, and (3) any recommended future action to be taken by the Office of the Inspector General as a result of the incident. The Chief State's Attorney shall provide a copy of the report to the chief executive officer of the municipality in which the incident occurred and to the Commissioner of Emergency Services and Public Protection or the chief of police of such municipality, as the case

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may be, and shall make such report available to the public on the Division of Criminal Justice's Internet web site not later than forty-eight hours after the copies are provided to the chief executive officer and the commissioner or chief of police.

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

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

(a) There is established the Office of the Inspector General that shall be a separate office within the Division of Criminal Justice. Not later than October 1, 2021, the Criminal Justice Commission established pursuant to section 51-275a shall appoint a deputy chief state's attorney as Inspector General who shall lead the Office of the Inspector General. The office shall: (1) Conduct investigations of peace officers in accordance with section 51-277a, as amended by this act; (2) prosecute any case in which the Inspector General determines a peace officer used force found to not be justifiable pursuant to section 53a-22 or where a police officer or correctional officer fails to intervene in any such incident or to report any such incident, as required under subsection (a) of section 7-282e or section 18-81nn, as applicable; [and] (3) investigate any failure to report the death of a person in accordance with the provisions of section 1 of this act; and (4) make recommendations to the Police Officer Standards and Training Council established under section 7-294b concerning censure and suspension, renewal, cancelation or revocation of a peace officer's certification, provided in the case of a failure to report a death of a person, any such recommendation may be made to said council only in a case where such failure is found to be

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intentional or made with reckless indifference, or if there is no finding that such failure was intentional or made with reckless indifference, a recommendation may be made to the officer's employing agency for any further disciplinary action as so determined by such employing agency.

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

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

(2) The council may cancel or revoke any certificate if: (A) The certificate was issued by administrative error, (B) the certificate was obtained through misrepresentation or fraud, (C) the holder falsified any document in order to obtain or renew any certificate, (D) the holder has been convicted of a felony, (E) the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13, (F) the holder has been convicted of a violation of section 21a-279, (G) the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision, (H) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical injury of another person, (I) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit and considering guidance developed under subsection (g) of this section, to have engaged in conduct that undermines public confidence in law enforcement, including, but not limited to, discriminatory conduct, falsification of reports, issuances of orders that are not lawful orders, failure to report or timely report a death in violation of section 1 of this act or a violation of the Alvin W. Penn Racial Profiling Prohibition Act

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pursuant to sections 54-1l and 54-1m, provided, when evaluating any such conduct, the council considers such conduct engaged in while the holder is acting in such holder's law enforcement capacity or representing himself or herself to be a police officer to be more serious than such conduct engaged in by a holder not acting in such holder's law enforcement capacity or representing himself or herself to be a police officer, [;] (J) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used physical force on another person in a manner that is excessive or used physical force in a manner found to not be justifiable after an investigation conducted pursuant to section 51-277a, as amended by this act, or (K) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in violation of section 53a-157b. Whenever the council believes there is a reasonable basis for suspension, cancellation or revocation of the certification of a police officer, police training school or law enforcement instructor, it shall give notice and an adequate opportunity for a hearing prior to such suspension, cancellation or revocation. Such hearing shall be conducted in accordance with the provisions of chapter 54. Any holder aggrieved by the decision of the council may appeal from such decision in accordance with the provisions of section 4-183. The council may cancel or revoke any certificate if, after a de novo review, it finds by clear and convincing evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii) that the holder of the certificate committed an act set forth in subparagraph (H), (I), (J) or (K) of this subdivision. In any such case where the council finds such evidence, but determines that the severity of an act committed by the holder of the certificate does not warrant cancellation or revocation of such holder's certificate, the council may suspend such holder's certification for a period of up to forty-five days and may censure such holder of the certificate. Any

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police officer or law enforcement instructor whose certification is cancelled or revoked pursuant to this section may reapply for certification no sooner than two years after the date on which the cancellation or revocation order becomes final. Any police training school whose certification is cancelled or revoked pursuant to this section may reapply for certification at any time after the date on which such order becomes final. For purposes of this subdivision, a lawful order is an order issued by a police officer who is in uniform or has identified himself or herself as a police officer to the person such order is issued to at the time such order is issued, and which order is reasonably related to the fulfillment of the duties of the police officer who is issuing such order, does not violate any provision of state or federal law and is only issued for the purposes of (I) preventing, detecting, investigating or stopping a crime, (II) protecting a person or property from harm, (III) apprehending a person suspected of a crime, (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency relief, including the administration of first aid.

Approved May 23, 2022