



PA 22-114—sHB 5372

Judiciary Committee

Appropriations Committee

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, MINIMUM STANDARDS AND PRACTICES FOR THE ADMINISTRATION, MANAGEMENT AND OPERATION OF LAW ENFORCEMENT UNITS AND THE CORRECTION ADVISORY COMMITTEE

SUMMARY: This act makes various changes in the laws related to law enforcement. Specifically, it does the following:

1. allows licensed clinical social workers, in addition to psychiatrists and psychologists, to conduct the behavioral health assessments of police officers required under existing law (§ 1);
2. expands the requirements for law enforcement unit guidelines on minority police officer recruitment, retention, and promotion to include the goals of achieving (a) ideological diversity, in addition to racial, gender, and ethnic diversity, within law enforcement units and (b) community involvement (§ 2);
3. requires the Board of Regents for Higher Education (BOR) to select a public higher education institution to (a) study school resource officers' role and impact on students with disabilities and (b) report its findings to the Judiciary Committee by December 1, 2022 (§ 3); and
4. requires (a) law enforcement units to report to the Police Officer Standards and Training Council (POST) instances where police officers commit certain prohibited actions (e.g., excessive force or failure to intervene) and (b) the Office of the Inspector General (OIG) to investigate law enforcement units who fail to report and submit its findings to the governor and Judiciary Committee (§§ 4 & 5).

PA 22-18 establishes the Correction Advisory Committee, which, among other things, must submit a list of correction ombuds candidates to the governor and meet quarterly with the ombuds. This act adds two additional members to the committee (§ 6).

EFFECTIVE DATE: October 1, 2022, except the provisions on the (1) school resource officer study and Correction Advisory Committee membership take effect upon passage and (2) social worker behavioral health assessments take effect July 1, 2022.

OLR PUBLIC ACT SUMMARY

§ 1 — SOCIAL WORKER BEHAVIORAL HEALTH ASSESSMENTS OF POLICE OFFICERS

Existing law generally requires police officers to have a periodic behavioral health assessment at least once every five years as a condition of continued employment. (Officers may also be required to submit to an additional assessment for good cause shown.)

The act allows licensed clinical social workers (LCSWs) to conduct the assessments, in addition to board-certified psychiatrists and licensed psychologists as under existing law. As under existing law for these other professionals, the LCSWs must have experience diagnosing and treating post-traumatic stress disorder.

As under existing law for psychiatrists and psychologists, behavioral health assessments conducted by LCSWs, and the providers' related records or notes, are not subject to disclosure under the Freedom of Information Act.

§ 2 — MINORITY POLICE OFFICER GUIDELINES

By law, each law enforcement unit must develop and implement guidelines for recruiting, retaining, and promoting minority police officers. Under the act, the guidelines must promote achieving the goal of (1) ideological diversity within the unit and (2) community involvement. By law, a "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

§ 3 — SCHOOL RESOURCE OFFICER STUDY

The act requires, by June 26, 2022 (i.e., within 30 days after its passage), BOR to select a public higher education institution to study the role and impact of school resource officers on students with disabilities.

Under the act, the selected institution must do the following:

1. determine the number of school resource officers employed in the state and located in each school district;
2. detail the funding mechanisms each district uses to employ these officers;
3. develop metrics for assessing the officers' efficacy, particularly when interacting with students with disabilities;
4. determine the chain of command structure when students with disabilities experience crises in school, including who responds and when;
5. determine the process for entering memoranda of understanding between school districts, boards of education, and school resource officers, and the public's accessibility to this process; and
6. explore other issues the institution deems relevant.

The act requires the selected institution to report its findings to the Judiciary Committee by December 1, 2022.

OLR PUBLIC ACT SUMMARY

§§ 4 & 5 — VIOLATION REPORT

The act requires each law enforcement unit's chief law enforcement officer to report to POST anytime the unit found, based on its established procedures, that a police officer did the following:

1. used unreasonable, excessive, or illegal force that caused or was likely to cause another person's serious physical injury or death;
2. while acting in a law enforcement capacity, failed to (a) intervene or stop the use of unreasonable, excessive, or illegal force by another police officer that caused or was likely to cause another person's serious physical injury or death or (b) notify a supervisor and submit a written report on these acts when the officer has personal knowledge of these acts and the ability to prevent them;
3. intentionally intimidated or harassed another person based on actual or perceived protected class membership, identity, or expression and in doing so threatened to commit or caused physical injury to another person; and
4. has been terminated, dismissed, resigned, or retired due to the state law prohibiting the hiring of certain officers who committed, or were investigated for, prior malfeasance.

The act requires POST to notify OIG if the municipal chief law enforcement officer or Department of Emergency Services and Public Protection fails to make this required report. OIG must then investigate the failure and submit its findings to the governor and Judiciary Committee.

§ 6 — CORRECTION ADVISORY COMMITTEE

PA 22-18 establishes a Correction Advisory Committee to, among other things, submit a list of correction ombuds candidates to the governor and meet quarterly with the ombuds. The act increases the committee membership from nine to 11 by adding the following appointments:

1. a member who is a victim of violent crime, a person who advocates for victims' rights, or an attorney who represented a victim of a violent crime, appointed by the Judiciary Committee House ranking member and
2. a member who has expertise in corrections, appointed by the Judiciary Committee Senate ranking member.