
OLR Bill Analysis

sHB 5055 (as amended by House "A")*

AN ACT STRENGTHENING POLICE DATA REPORTING REQUIREMENTS.

SUMMARY

This bill makes it a class D felony to make a false statement in a law enforcement record (see below). Under the bill, a person is guilty of “false statement in a law enforcement record” when the (1) person intentionally makes a false written statement or enters false information or data in a law enforcement record that he or she does not believe to be true and (2) statement or entry is intended to mislead a public servant performing his or her official function. (A class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both.)

The bill authorizes the Police Officer Standards and Training Council (POST) to cancel or revoke a police officer’s certification if the officer’s law enforcement unit (see BACKGROUND), under its established procedures, finds the officer made a false statement in a law enforcement record. Existing law already authorizes POST to do this if, among other things, the officer is found to have committed any act that would (1) undermine public confidence in law enforcement, including falsifying reports; or (2) constitute the crimes of tampering with or fabricating physical evidence, perjury, or false statement (see BACKGROUND).

The bill also expands current law’s requirements to report law enforcement officers’ violations to POST in two ways. First, it expands the types of violations that the chief law enforcement officer or the appointing authority, as applicable, must report to POST (see below). Secondly, it requires the chief law enforcement officer’s appointing authority to report the violation to POST in cases where the violator is the chief law enforcement officer.

The bill also requires the chief law enforcement officer to promptly notify the appropriate state's attorney about any matter in which the officer reasonably suspects that a certificate holder has engaged in criminal conduct that violates state law.

It also specifies that the Freedom of Information Act (FOIA) does not require disclosure of any record related to a formal complaint against a police officer (see BACKGROUND) before the proper legal authority investigates and adjudicates the complaint.

Lastly, it also makes conforming changes.

*House Amendment "A" (1) further expands current law's violation reporting requirements by requiring the chief law enforcement officer's appointing authority to report the violations the chief law enforcement officer commits and (2) adds the FOIA provision.

EFFECTIVE DATE: October 1, 2024

VIOLATION REPORTING TO POST

Under existing law, each law enforcement unit's chief law enforcement officer must report to POST when, under the unit's established procedures, an officer is found to have committed certain violations. The bill expands this reporting requirement in two ways.

Expanded Violations

First, the bill expands the types of violations that must be reported to POST by the chief law enforcement officer when the officer is found to have done the following:

1. engaged in misconduct that reflects on his or her truthfulness, including any act that constitutes the crimes of tampering with or fabricating physical evidence, perjury, false statement, or false statement in a law enforcement record, or
2. knowingly made a statement while acting in a law enforcement capacity, which was found to be untruthful during a criminal, civil, or administrative inquiry or proceeding.

Under the bill, a “law enforcement record” is information collected or maintained in connection with a law enforcement unit’s detection or investigation of crimes or motor vehicle violations that is inscribed on a tangible medium, electronically stored, or other medium and is retrievable in perceivable form.

CHIEF LAW ENFORCEMENT OFFICER’S APPOINTING AUTHORITY

Secondly, the bill requires the chief law enforcement officer’s appointing authority to report the violation to POST when the violator is the chief law enforcement officer. Including the new violations that the bill adds (see above) and those under current law.

Under current law, each law enforcement unit’s chief law enforcement officer unit must report to POST when a certificate holder (i.e., the officer) has been found by the unit, under its established procedures, to have:

1. used unreasonable, excessive, or illegal force that (a) causes serious physical injury to, or the death of, another person, or (b) was likely to cause serious physical injury or death to another person;
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 (i) caused serious physical injury or death to another person or (ii) was likely to cause serious physical injury or death to another person, or (b) notify a supervisor and submit a written report of the acts where the holder has personal knowledge of the acts and had 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. been (a) terminated or dismissed for malfeasance or other serious misconduct or (b) resigned or retired while under investigation.

BACKGROUND

Law Enforcement Unit

By law, and under the bill, 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).

Existing False Statement Crime

Under existing law, a person is guilty of making a false statement, which is a class A misdemeanor, when he or she (1) intentionally makes a false written statement that the person does not believe to be true with the intent to mislead a public servant performing an official function; and (2) makes the statement under oath or in a form bearing notice, authorized by law, that false statements made in the form are punishable (CGS § 53a-157b). (A class A misdemeanor is punishable by up to 364 days in prison, a fine of up to \$2,000, or both.)

Police Officer

By law, and under the bill, “police officer” means a sworn member of an organized local police department or of the Division of State Police within the Department of Emergency Services and Public Protection, an appointed constable who performs criminal law enforcement duties, certain special policemen, or any member of a law enforcement unit who performs police duties (CGS § 7-294a).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/26/2024)