

A close-up, slightly blurred photograph of a police car's roof. The car is white with a black roof rack. A blue and red emergency light bar is mounted on the roof, with the blue lights flashing. The word "POLICE" is printed in large, white, sans-serif letters on the side of the car. The background is out of focus, showing other vehicles and street lights.

# Recent Changes to Police Practices

2020 Issues Conference  
Office of Legislative Research



# Agenda

- I. Police Organizations
- II. Officer Certification and Training
- III. Department Policies and Accreditation
- IV. Equipment
- V. Police Powers and Duties
- VI. Officers' Mental Health
- VII. Oversight
- VIII. Going Forward



# Police Organizations

# Statutory Definitions

## **Police Officer**

(CGS § 7-294a(9) as amended by PA 20-1, July Special Session (JSS))

1. Sworn members of a municipal police department or the State Police in the Department of Emergency Services and Public Protection (DESPP)
2. Appointed constables
3. Special policemen
4. Law enforcement unit members



# Statutory Definitions (cont'd)

## **Law Enforcement Unit**

(CGS § 7-294a(8) as amended by PA 20-1, JSS)

Any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include:

1. Enforcing criminal or traffic laws
2. Preserving public order
3. Protecting life and property
4. Preventing, detecting, or investigating crime



# Major Police Organizations

## Municipal Police

5,981\*

## State Police

864

Source: FBI's *Crime in U.S. 2019*

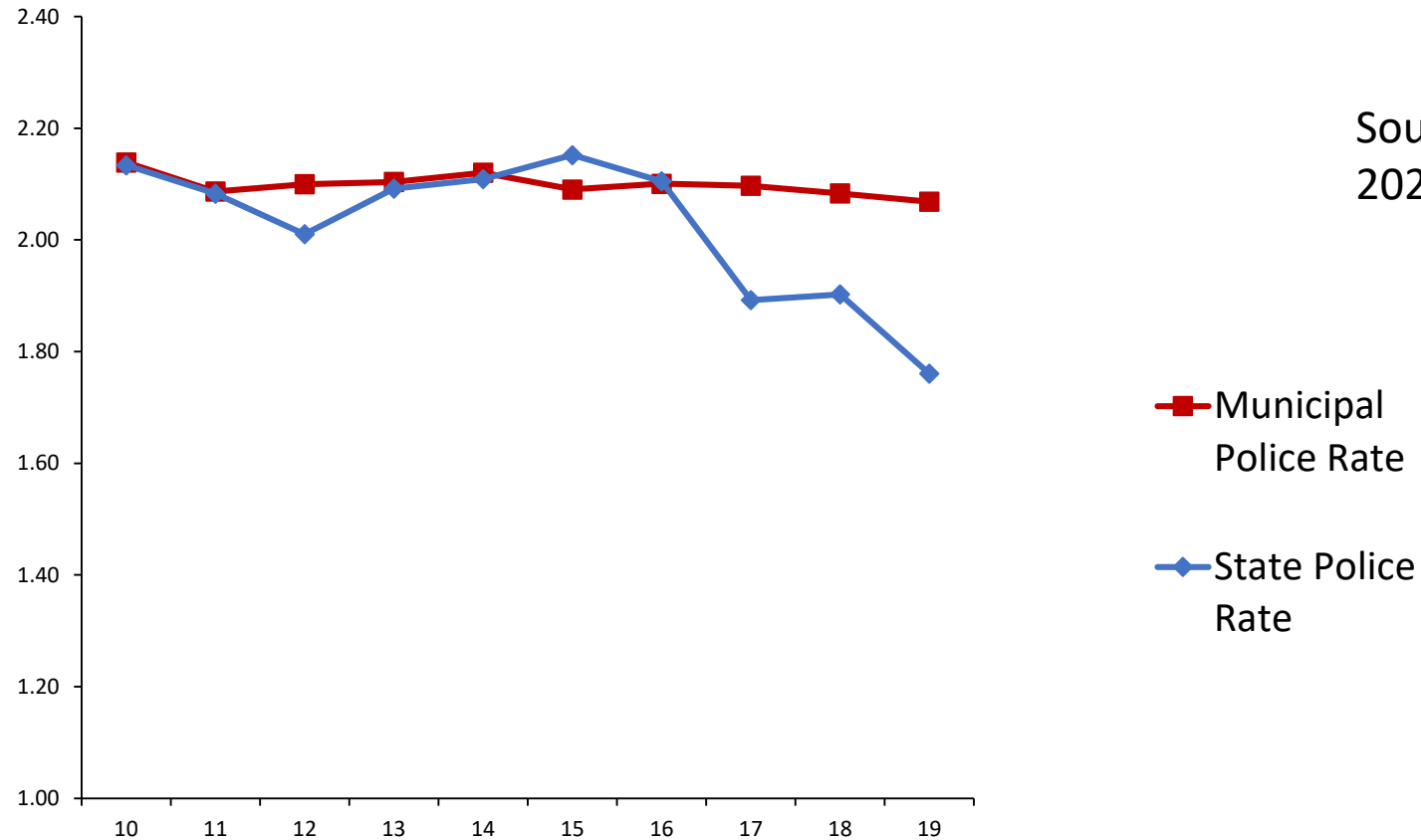
## Local Policing Groups

1. Local organized police department
2. Resident State Trooper contract with special constables
3. Resident State Trooper contract without special constables
4. State police troop



# Historical Information

## Rates of Sworn Municipal and State Police Officers (2010-2019)



Source: OLR Report  
2020-R-0316





# Officer Certification and Training





# Police Officer Standards and Training Council (POST)

## Responsibilities and Powers

(CGS § 7-294d as amended by PA 20-1, JSS)

1. Establishing and periodically updating comprehensive state and municipal police training plans
2. Training, certifying, and establishing minimum qualifications for state and municipal police officers
3. Enforcing professional standards for certification and decertification of police officers
4. Developing standards for law enforcement units and granting accreditation to units that meet the standards



# POST (cont'd)

## Membership

(CGS § 7-294b as amended by PA 20-1, JSS)

### Governor's Appointees

- Two municipal chief elected officials or chief executive officers
- One CT higher-ed faculty member with a criminal justice background
- Three CT Police Chiefs Association members
- Two sworn municipal police officers
- One person with a physical disability background from the public
- One crime victim or immediate family member of a deceased crime victim
- One medical professional

### Legislative Appointees

- Three CT Police Chiefs Association members or Police Chiefs
- Two justice-impacted people from the public
- One person with a mental disability background from the public

### Ex-Officio Members

- DESPP Commissioner
- FBI Special Agent-in-Charge
- Chief State's Attorney
- CT State Police Academy's Commanding Officer

# Officer Certification

## General Requirements

(CGS § 7-294d as amended by PA 20-1, JSS)

- Police officers serving for more than one year must be POST-certified
- Certification requires completion of minimum basic training programs
- 40 hours of review training must be completed every three years to maintain certification
- POST may cancel or revoke certification based on specific circumstances



# Officer Certification (cont'd)

## Changes from PA 20-1, JSS

- Requires State Police officers to be POST-certified but deems current State Police officers to be POST-certified
- Authorizes POST to require police officers to pass a drug test as a condition of renewing their certification
- Expands the reasons for which POST may cancel or revoke a police officer's certification to include conduct undermining public confidence in law enforcement or the use of excessive or unjustified force
- Allows POST to develop guidance for law enforcement units on grounds for certification suspension, cancellation, or revocation



# Specific Training Requirements

- Sexual assault investigation and rape crisis intervention (CGS § 7-294f)
- Domestic violence, child abuse, and suicide intervention procedures (CGS § 7-294g)
- Juvenile matters and incidents involving adults with autism spectrum disorder, nonverbal learning disorder, and cognitive impairment (CGS § 7-294h as amended by PA 19-147)
- Gang-related violence (CGS § 7-294l)
- New legal developments that affect police policies and practices (CGS § 7-294m)
- Crimes motivated by bigotry or bias (CGS § 7-294n)
- Missing person reports (CGS § 7-294o)
- Eye witness identification procedures (CGS § 7-294q)
- Incidents involving individuals with serious mental illnesses (CGS § 7-294r)
- Physical force, body-worn recording equipment and data, cultural competency and sensitivity, and bias-free policing (CGS § 7-294s as amended by PA 20-1, JSS)
- Resilience and self-care technique (CGS § 7-294gg)
- Handling of family violence incidents (CGS § 46b-38b(h))



A stack of several thick books with white pages and dark covers, arranged in a slightly overlapping manner. The lighting is dramatic, highlighting the edges of the pages and the texture of the covers. The background is dark, making the books stand out.

# Department Policies and Accreditation

# Policies

- Accepting and responding to missing person reports (CGS § 7-294o)
- Handling and processing juvenile matters (CGS § 7-294y)
- Using electronic defense weapons (e.g., Tasers) (CGS §§ 7-294cc and 54-1t)
- Identifying and notifying family members concerning a fatal motor vehicle accident (CGS § 14-108a)
- Disseminating information on a mass casualty event (CGS § 29-1/)
- Making arrests in family violence incidents (CGS § 46b-38b)
- Conducting eyewitness identifications (CGS §§ 54-1p and 7-294t)



# Policies (cont'd)

- Accepting, processing, and investigating law enforcement misconduct allegations from the public (CGS § 7-294bb)
- Providing critical incident and peer support to aid officer mental health and wellness (CGS § 7-294ff)
- Handling pursuits by police officers (CGS § 14-283a as amended by PA 19-90)
- Minimal technical specifications and guidelines for body cameras, dashboard cameras with a remote recorder, and digital data storage devices and services (CGS §§ 29-6d(b) & (j) as amended by PA 20-1, JSS)
- Managing crowds by police officers (PA 20-1, JSS § 5)
- Displaying police officer badges and name tags (PA 20-1, JSS § 14)





# Accreditation

## Minimum Standards and Practices

(CGS § 7-294ee as amended by PA 20-1, JSS)

- Bias-based policing
- Use of force
- Response to family violence crimes
- Body camera use
- Police misconduct complaints
- Electronic defense weapons use
- Eyewitness identification procedures
- Notifications of death and related events
- Police pursuits



## Accreditation (cont'd)

Currently, law enforcement units must adopt and maintain

1. POST-DESPP's minimum standards and practices,  
or
2. A higher level of accreditation standards  
developed by POST or CALEA

Starting in 2025 law enforcement units must obtain and maintain CALEA accreditation





# Equipment

# Equipment

## Recent Changes

- Military Equipment Prohibition and Disposition
- Police Badge and Name Tag Identification
- Police Recording Devices



# Body Cameras

## Current Training and Use Requirements

- Requires police basic and review training programs include training on using body cameras and retaining the records they create (CGS § 7-294s)
- Prescribes how body cameras must be worn
- Requires officers to regularly inspect and report on the cameras' condition
- Prohibits altering or sharing camera recordings except as required by state or federal law
- Makes some specific recordings confidential (CGS § 29-6d, as amended by PA 19-11 and PA 19-90)



# Body Cameras (cont'd)

## Required Users

### Current Law

1. State Police
2. A public university or college special police force
3. A municipal police department that has received certain state reimbursement grants for body camera purchases (CGS § 29-6d, as amended by PA 19-11)

### Future Law

January 1, 2021 – Every uniformed State Police trooper (Governor Lamont's Executive Order No. 8)

July 1, 2022 - All sworn members of state, municipal, and tribal law enforcement units and members of those units who perform police duties (CGS § 29-6d, as amended by PA 20-1, JSS)



# Dashboard Cameras

## **January 1, 2021**

DESPP must equip every State Police marked vehicle with a dashboard camera (Governor Lamont's Executive Order No. 8)

## **July 1, 2022**

All law enforcement units must require the use of dashboard cameras with a remote recorder in each police patrol vehicle used by any of the officers it employs (CGS § 29-6d, as amended by PA 20-1, JSS)



# State Funding for Police Recording Devices and Services

**Original Grant Program** - \$12M (\$5M-DESPP, \$7M-Municipalities)

**Additional Grant Program** - \$4M (Municipalities)

ORIGINAL GRANT PROGRAM		
Purchasing Conditions	Purchases	Reimbursement Rate
Purchased from January 1, 2012, through June 30, 2016	<ul style="list-style-type: none"> <li>Body cameras or</li> <li>Digital data storage devices or services</li> </ul>	100% of the costs associated with the purchases*
Reimbursed for purchases made from January 1, 2012, through June 30, 2016, and made additional purchases during FY 17 or 18	<ul style="list-style-type: none"> <li>Body cameras (if a sufficient quantity is purchased)</li> </ul>	100% of the costs associated with the purchases
Purchased during FY 17 or 18	<ul style="list-style-type: none"> <li>Body cameras (if a sufficient quantity is purchased),</li> <li>Digital data storage devices or services,</li> <li>Electronic defense weapon recording equipment,</li> <li>First-time purchases of dashboard cameras with a remote recorder, or</li> <li>Dashboard cameras with a remote recorder that replace cameras purchased before December 31, 2010</li> </ul>	100% of the costs associated with the purchases**
Purchased during FYs 17 or 18 and paid for by August 31, 2018	<ul style="list-style-type: none"> <li>Body cameras (if a sufficient quantity is purchased)</li> </ul>	100% of the costs associated with the purchases

ORIGINAL GRANT PROGRAM (cont'd)		
Purchasing Conditions	Purchases	Reimbursement Rate
Purchased during FYs 19-21 and not reimbursed for purchases from January 1, 2012, through FY 18	<ul style="list-style-type: none"> <li>Body cameras,</li> <li>Digital data storage devices or services,</li> <li>Electronic defense weapon recording equipment,</li> <li>First-time purchases of dashboard cameras with a remote recorder, or</li> <li>Dashboard cameras with a remote recorder that replace cameras purchased before December 31, 2010</li> </ul>	50% of the costs associated with the purchases**

ADDITIONAL GRANT PROGRAM		
Grant Availability	Purchases	Grant Amount
FYs 21 and 22	<ul style="list-style-type: none"> <li>Body cameras,</li> <li>Digital data storage devices or services,</li> <li>First-time purchases of dashboard cameras with a remote recorder, or</li> <li>Dashboard cameras with a remote recorder that replace cameras purchased before December 31, 2010</li> </ul>	50% of the associated costs for distressed municipalities and 30% for all other municipalities**

\*Amount for body cameras must not exceed value for a sufficient quantity and digital data storage services is limited to the cost for up to one year  
 \*\* Amount for digital data storage services is limited to the cost for up to one year

Source: OLR Report  
2020-R-0173







# Police Powers and Duties

# Limits on Consent Searches and What Police May Ask for

- PA 20-1, JSS, §§ 21 & 22, limits when a police officer may conduct consent searches on:
  - an individual and
  - motor vehicles stopped solely for motor vehicle violations
    - Searches must be based on probable cause or written or recorded consent
- Generally prohibits officers from asking for non-driver identification for stops solely for motor vehicle violations



# Police Pursuits

- PA 19-90 (§ 5) generally prohibited a police officer
  - Engaged in a vehicle pursuit from discharging a firearm into or at a fleeing motor vehicle
  - From intentionally positioning his or her body in front of a fleeing vehicle



# Justified Use of Deadly Physical Force and Chokeholds

- By law, police officers are justified in using deadly force under certain conditions (CGS § 53a-22(c))
- Beginning April 1, 2021, PA 20-1, JSS, § 29:
  - Further limits when a law enforcement officer may use deadly physical force
  - Establishes factors to consider whether the officer's action was reasonable
  - Limits an officer's use of a chokehold to self-defense



# Deadly Physical Force

- Existing law, unchanged by the act, allows police officers to use deadly physical force to:
  - Defend themselves or a third person from the use or imminent use of deadly force



# Deadly Physical Force (cont'd)

- **Law until April 1, 2021 (CGS § 53a-22(c))**
  - Arrest
  - Prevent the escape
    - In either case, have felony that involved the infliction or threatened infliction of serious physical injury
- **Law after April 1, 2021 (PA 20-1, JSS, § 29 )**
  - Narrows the law by eliminating the justifications based on threats



# Deadly Physical Force (cont'd)

- Under PA 20-1, JSS, § 29, the justifications involving arrest and preventing escape, the officer must:
  - exhaust the reasonable alternatives to the use of deadly physical force and
  - reasonably believe that the force
    - creates no substantial risk of injury to a third party and
    - is necessary to arrest or prevent the escape



## Deadly Physical Force (cont'd)

- Factors to consider whether deadly physical force was objectively reasonable, include whether the:
  - person upon whom deadly physical force was used possessed or appeared to possess a deadly weapon,
  - officer engaged in reasonable de-escalation measures before using deadly physical force, and
  - officer's conduct led to an increased risk of the situation that preceded the use of such force





# Duty to Intervene

- PA 20-1, JSS, § 30, requires police officers to
  - intervene when fellow officers use unreasonable, excessive, or illegal force
  - report the incident to the law enforcement unit that employs the officer who used the force
- Hindering prosecution penalty applies
- Prohibits law enforcement units from retaliating against intervening and reporting officers





# Officers' Mental Health

# Behavioral Health Assessments and Mental Health Care and Wellness

- PA 20-1, JSS, §§ 3 & 15-16, requires police officers to receive behavioral health assessments at least every five years
  - Assessment results and records are exempt from FOIA disclosure
- PA 19-17 (§§ 7-10) requires:
  - the development and adoption of a model critical incident and peer support policy and
  - resilience and self-care technique training for police officers, among others



# Surrendered Work Weapon

- PA 19-17 (§§ 4-6) generally prohibits law enforcement units from disciplining officers solely because they :
  - seek or receive mental health care services or
  - surrender their work weapons or ammunition
- Under certain conditions, allows officers who surrender work weapons to use them within six months of being voluntarily admitted for psychiatric treatment
  - The act creates an exemption in the criminal possession statutes



# Workers' Compensation

- PA 19-17 (§§ 1-3) allows police officers, among others, to receive certain workers' compensation benefits for PTSD for certain "qualifying events"
- Such events include seeing, while in the line of duty, a deceased minor, someone's death, or a traumatic physical injury that results in the loss of a vital body part



# Oversight



# Use of Force Recordkeeping and Reporting

- PA 20-1, JSS, § 30, expands law enforcement units' recordkeeping and reporting requirements to include reports on police use of excessive force incidents
- Requires OPM to review and report on those incidents to the governor and legislature



# Police Officer Misconduct

## Recent Changes

- Rules mandating the disclosure of body camera footage in use of force or discipline situations (CGS § 29-6d, as amended by PA 19-90)
- Laws preventing collective bargaining agreements and arbitration awards from blocking the disclosure of discipline and alleged misconduct documents (PA 20-1, JSS §§ 8 & 9)
  - See CT State Police Union v. Rovella (3:20-cv-01147)
- Prohibition on hiring police officers who were dismissed for malfeasance or serious misconduct calling into question fitness to serve and requirement to inform other units (CGS § 7-291c)





# Chief Medical Examiner

- PA 20-1, JSS, §§ 36 & 37 generally requires the chief medical examiner to investigate deaths of people in police or Department of Correction custody
- Existing law already requires the chief medical examiner to investigate all deaths in certain categories (e.g., violent deaths)



# Office of Inspector General (OIG)

- PA 20-1, JSS, §§ 33-35 & 46, establishes the Office of the Inspector General
- Requires OIG, rather than the Division of Criminal Justice, to investigate use of force cases and prosecute cases where the inspector general determines that the use of force was not justified
- As of December 16, 2020, an Inspector General has not been hired



# OIG Investigations and Prosecutions

- Among other things, requires OIG to prosecute cases where:
  - a police officer's use of force was not justifiable and
  - a police officer fails to intervene in or report such an incident
- OIG must also investigate whenever a person dies in police custody



# Civilian Police Review Boards

- PA 20-1, JSS, § 17 allows municipalities to establish police review boards by ordinance
- The boards may issue subpoenas to compel witness attendance and require the production of documents
- If OIG provides written request, then boards must take no further action on a proceeding



# Civil Cause of Action Against Police Officers who Deprive Individuals of Certain Rights

- PA 20-1, JSS, § 41, establishes a new civil cause of action
  - Against police officers who deprive an individual or class of individuals of the equal protection or privileges and immunities of state law
  - Effective July 1, 2021
- Eliminates governmental immunity as a defense in certain suits under certain circumstances

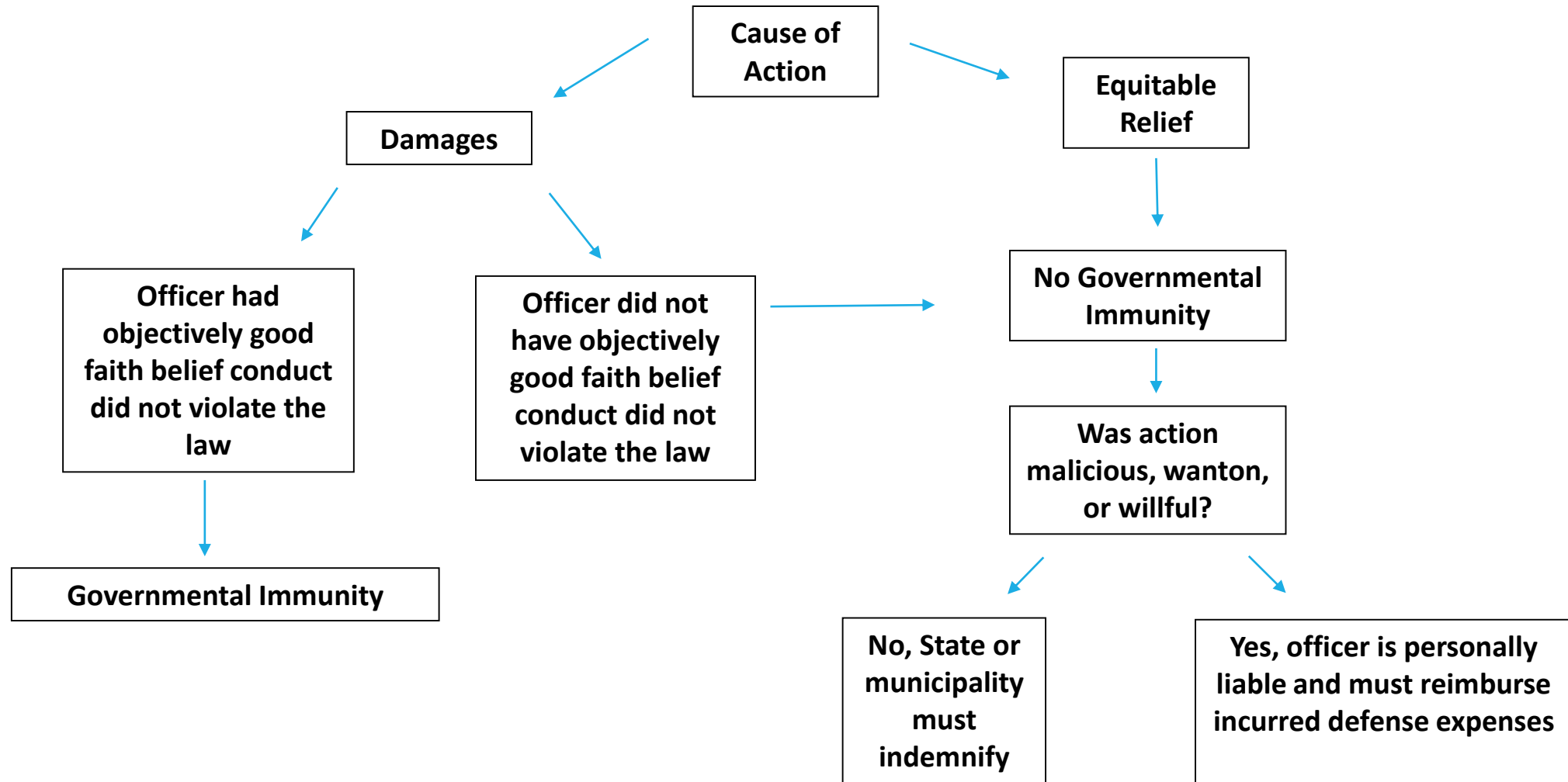


# New Civil Cause of Action

Current Law	Under the Act
<ul style="list-style-type: none"><li>• Governmental immunity is a defense for all cases</li></ul>	<ul style="list-style-type: none"><li>• Governmental immunity is not a defense for actions<ul style="list-style-type: none"><li>• solely seeking equitable relief (e.g., injunction)</li><li>• seeking damages unless, at the time at the time of the alleged misconduct, the officer had an objectively good faith belief that his or her conduct did not violate the law</li></ul></li></ul>
<ul style="list-style-type: none"><li>• Generally requires indemnification from financial loss arising out of legal proceedings unless wanton or malicious</li></ul>	<ul style="list-style-type: none"><li>• Generally the same</li></ul>



# New Civil Cause of Action Flowchart





# Going Forward



# Police Transparency and Accountability Task Force



CONNECTICUT GENERAL ASSEMBLY  
State Capitol | Hartford, Connecticut 06106-1562

Quick Bill Search Employment

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C G A / COMMITTEES / JUDICIARY / POLICE TRANSPARENCY AND ACCOUNTABILITY TASK FORCE

## Police Transparency and Accountability Task Force

Public Act 19-90 Sec.6 To study police transparency and accountability. Task force shall examine: (1) Police officer interactions with individuals who are individuals with a mental, intellectual or physical disability; (2) the feasibility of police officers who conduct traffic stops issuing a receipt to each individual being stopped that includes the reason for the stop & records the demographic information of the person being stopped; and (3) any other police officer and transparency and accountability issue the task force deems appropriate

### Contact

Police Transparency and Accountability Task Force  
c/o JUDICIARY COMMITTEE  
LEGISLATIVE OFFICE BUILDING, ROOM 2500  
HARTFORD, CT 06106

### Information

### Documents and Meetings

Testimony ▾

Related Materials ▾

Preliminary Priorities & Recommendations ▲

- 6-16-20 Version Police Accountability and Transparency Task Force Preliminary Priorities and Recommendations
- 6-30-20 Version Police Accountability and Transparency Task Force Preliminary Priorities and Recommendations
- Comparison Task Force Priorities and Police Reform Bill 8.14.20



## PA 20-1, JSS

Evaluations on the feasibility and impact of social workers responding to certain police calls (§ 18)

Outstanding sections that have not taken effect

- Justified use of deadly physical force and chokeholds (§ 29)
- Civil cause of action against police officers (§ 41)
- Body cameras and dashboard cameras (§ 19)



A close-up, low-angle shot of a police car's roof. The car is white with a blue and red light bar on top. The word "POLICE" is visible on the roof in large, dark letters. The background is blurred, showing other police cars and lights. The text is overlaid on the image in white, bold font on black rectangular backgrounds.

**Questions? Contact OLR**

**Presenters**

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