



Senate Bill No. 380

Public Act No. 19-90

AN ACT CONCERNING THE USE OF FORCE AND PURSUITS BY POLICE AND INCREASING POLICE ACCOUNTABILITY AND TRANSPARENCY.

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

Section 1. Section 7-282e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Each law enforcement unit, as defined in section 7-294a, shall create and maintain a record detailing any incident during which a police officer, as defined in section 7-294a, (1) uses physical force that is likely to cause serious physical injury, as defined in section 53a-3, to another person or the death of another person, including, but not limited to, striking another person with an open or closed hand, club or baton, kicking another person, [or] using pepper spray or an electroshock weapon on another person [,] or using a chokehold or other method of restraint applied to the neck area of another person, (2) discharges a firearm, except during a training exercise or in the course of dispatching an animal, or (3) engages in a pursuit, as defined in subsection (a) of section 14-283a, as amended by this act. Such record shall include, but not be limited to: The name of the police officer, the time and place of the incident, a description of what occurred during the incident and, to the extent known, the names of

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the victims and witnesses present at such incident.

(b) Not later than February 1, 2020, and annually thereafter, each law enforcement unit shall prepare and submit a report concerning incidents described in subsection (a) of this section during the preceding calendar year to the Criminal Justice Policy and Planning Division within the Office of Policy and Management. Such report shall include (1) the records described in subsection (a) of this section, (2) summarized data compiled from such records, and (3) statistics on each use of force incident, including, but not limited to, (A) the race and gender of such person upon whom force was used, provided the identification of such characteristics shall be based on the observation and perception of the police officer, (B) the number of times force was used on such person, and (C) any injury suffered by such person against whom force was used. Each law enforcement unit shall, prior to submission of any such report pursuant to this subsection, redact any information from such report that may identify a minor, witness or victim.

Sec. 2. Subsection (f) of section 29-6d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(f) If a police officer is giving a formal statement about the use of force or if a police officer is the subject of a disciplinary investigation in which a recording from body-worn recording equipment or a dashboard camera with a remote recorder, as defined in subsection (c) of section 7-277b, is being considered as part of a review of an incident, the officer shall (1) have the right to review such recording in the presence of the officer's attorney or labor representative, and (2) have the right to review recordings from other body-worn recording equipment capturing the officer's image or voice during the incident. Not later than forty-eight hours following an officer's review of a recording under subdivision (1) of this subsection, or if the officer does

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not review the recording, not later than ninety-six hours following the recorded incident, whichever is earlier, such recording shall be disclosed, upon request, to the public, subject to the provisions of subsection (g) of this section.

Sec. 3. Section 51-277a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(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 shall have the responsibility of determining whether the use of physical force by the peace officer was appropriate under section 53a-22, as amended by this act. The division shall request the appropriate law enforcement agency to provide such assistance as is necessary to determine the circumstances of the incident.

(2) On and after January 1, 2020, 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, the Division of Criminal Justice shall cause a preliminary status report to be completed 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 division 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 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.

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(b) In causing [such] an investigation to be made pursuant to subdivision (1) of subsection (a) of this section, the Chief State's Attorney shall, (1) as provided in section 51-281, designate a prosecutorial official from a judicial district other than the judicial district in which the incident occurred to conduct the investigation, or (2) as provided in subsection (a) of section 51-285, appoint a special assistant state's attorney or special deputy assistant state's attorney to conduct the investigation. The Chief State's Attorney shall, upon the request of such prosecutorial official or special prosecutor, appoint a special inspector or special inspectors to assist in such investigation.

(c) Upon the conclusion of the investigation of the incident, the [division] Division of Criminal Justice 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 appropriate under section 53a-22, as amended by this act, and (3) any future action to be taken by the [Division of Criminal Justice] division 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 may be, and shall make such report available to the public on the division'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.

Sec. 4. Subsection (c) of section 53a-22 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(c) A peace officer, special policeman appointed under section 29-18b, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d or authorized official of the Department of Correction or the Board of Pardons and Paroles is

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justified in using deadly physical force upon another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such to be necessary to: (1) Defend himself or herself or a third person from the use or imminent use of deadly physical force; or (2) (A) effect an arrest [or prevent the escape from custody] of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury, or (B) prevent the escape from custody of a person whom he or she reasonably believes has committed a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible under this subdivision, he or she has given warning of his or her intent to use deadly physical force.

Sec. 5. Section 14-283a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) As used in this section, "police officer" [has] and "law enforcement unit" have the same [meaning] meanings as provided in section 7-294a, and "pursuit" means an attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing motor vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.

(b) (1) The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall adopt, in accordance with the provisions of chapter 54, a uniform, state-wide policy for handling pursuits by police officers. Such policy shall specify: [(1)] (A) The conditions under which a police officer may engage in a pursuit and discontinue a pursuit, [(2)] (B)

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alternative measures to be employed by any such police officer in order to apprehend any occupant of the fleeing motor vehicle or to impede the movement of such motor vehicle, [(3)] (C) the coordination and responsibility, including control over the pursuit, of supervisory personnel and the police officer engaged in such pursuit, [(4)] (D) in the case of a pursuit that may proceed and continue into another municipality, [(A)] (i) the requirement to notify and the procedures to be used to notify the police department in such other municipality or, if there is no organized police department in such other municipality, the officers responsible for law enforcement in such other municipality, that there is a pursuit in progress, and [(B)] (ii) the coordination and responsibility of supervisory personnel in each such municipality and the police officer engaged in such pursuit, [(5)] (E) the type and amount of training in pursuits, that each police officer shall undergo, which may include training in vehicle simulators, if vehicle simulator training is determined to be necessary, and [(6)] (F) that a police officer immediately notify supervisory personnel or the officer in charge after the police officer begins a pursuit. The chief of police or Commissioner of Emergency Services and Public Protection, as the case may be, shall inform each officer within such chief's or said commissioner's department and each officer responsible for law enforcement in a municipality in which there is no such department of the existence of the policy of pursuit to be employed by any such officer and shall take whatever measures that are necessary to assure that each such officer understands the pursuit policy established.

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

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subdivision (1) of this subsection.

(c) No police officer engaged in a pursuit shall discharge any firearm into or at a fleeing motor vehicle, unless such officer has a reasonable belief that there is an imminent threat of death to such officer or another person posed by the fleeing motor vehicle or an occupant of such motor vehicle.

(d) No police officer shall intentionally position his or her body in front of a fleeing motor vehicle, unless such action is a tactic approved by the law enforcement unit that employs such police officer.

(e) If a pursuit enters the jurisdiction of a law enforcement unit other than that of the unit which initiated the pursuit, the law enforcement unit that initiated the pursuit shall immediately notify the law enforcement unit that has jurisdiction over such area of such pursuit.

[[c)] (f) (1) Not later than December 1, 2018, the Police Officer Standards and Training Council, established under section 7-294b, shall develop and promulgate a standardized form for (A) reporting pursuits by police officers pursuant to subdivision (2) of this subsection, and (B) submitting annual reports pursuant to subdivision (3) of this subsection.

(2) On and after January 1, 2019, the chief of police or the Commissioner of Emergency Services and Public Protection, as the case may be, shall require each police officer who engages in a pursuit to report such pursuit on the standardized form developed and promulgated under subdivision (1) of this subsection.

(3) Not later than January 31, 2020, and annually thereafter, each chief of police and the Commissioner of Emergency Services and Public Protection shall submit an annual report to the Police Officer Standards and Training Council regarding pursuits by police officers

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on the standardized form developed and promulgated under subdivision (1) of this subsection.

(4) Not later than April 30, 2020, and annually thereafter, the Police Officer Standards and Training Council shall compile, analyze and summarize the annual reports and submit, in accordance with section 11-4a, a consolidated report regarding police pursuits and any recommendations for legislation to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security. The council may partner with an institution of higher education in this state or a professional police organization to prepare or to assist in the preparation of the consolidated report.

Sec. 6. (*Effective from passage*) (a) There is established a task force to study police transparency and accountability. The 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 and 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.

(b) The task force shall consist of the following members:

(1) Two appointed by the speaker of the House of Representatives, one of whom is an individual with a mental, intellectual or physical disability;

(2) Two appointed by the president pro tempore of the Senate, one of whom is a justice-impacted individual;

(3) One appointed by the majority leader of the House of Representatives, who shall be a member of the Black and Puerto Rican Caucus of the General Assembly;

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(4) One appointed by the majority leader of the Senate, who shall be a member of the Connecticut Police Chiefs Association;

(5) Two appointed by the minority leader of the House of Representatives;

(6) Two appointed by the minority leader of the Senate;

(7) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management, or the undersecretary's designee, as a nonvoting member;

(8) The Commissioner of the Department of Emergency Services and Public Protection, or the commissioner's designee, as a nonvoting member; and

(9) The Chief State's Attorney, or the Chief State's Attorney designee, as a nonvoting member.

(c) Any member of the task force appointed under subdivision (1), (2), (3), (5) or (6) of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety shall serve as administrative staff of the

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task force.

(g) Not later than January 1, 2020, the task force shall submit a preliminary report and not later than December 31, 2020, a final report on its findings and any recommendations for legislation to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or December 31, 2020, whichever is later.

Sec. 7. (*Effective from passage*) (a) The Police Officer Standards and Training Council, established under section 7-294b of the general statutes, shall study and review the use of firearms by police officers engaged in a pursuit. Not later than February 1, 2020, the council shall, in accordance with the provisions of section 11-4a of the general statutes, report its findings and any recommendations for legislation arising from such findings to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety.

(b) For purposes of this section, "police officer" has the same meaning as provided in section 7-294a of the general statutes and "pursuit" has the same meaning as provided in section 14-283a of the general statutes, as amended by this act.

Approved July 1, 2019