
OLR Bill Analysis

sHB 6597

AN ACT CONCERNING ACCREDITATION, REPORTING REQUIREMENTS, MENTAL HEALTH, DATA STORAGE SERVICES AND TRAINING OF LAW ENFORCEMENT OFFICERS.

SUMMARY

This bill makes several changes affecting law enforcement, including the Department of Emergency Services and Public Protection (DESPP), the Police Officer Standards and Training Council (POST), and law enforcement units (see BACKGROUND). Generally, it:

1. modifies the POST-DESPP minimum standards and practices that law enforcement units must adopt and maintain, including eliminating a requirement that units obtain and maintain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) by 2025;
2. extends existing employment protections to certain police officers who seek or receive mental health care services after undergoing a required behavioral health assessment;
3. increases grant funding to many municipalities for purchasing body-worn recording equipment (i.e., body cameras) and dashboard cameras with a remote recorder (i.e., dashboard cameras) and establishes a cooperative purchasing plan for camera-related digital data storage devices and services; and
4. adds curriculum on interacting with people who have mental or physical disabilities to police basic and review training.

Lastly, the bill makes numerous technical and conforming changes.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — MINIMUM STANDARDS AND PRACTICES

Until December 31, 2024, current law requires POST and DESPP to jointly develop, adopt, and revise, as necessary, minimum standards and practices for administering and managing law enforcement units, based in part on standards from CALEA. Additionally, law enforcement units must, from January 1, 2019, until December 31, 2024, 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, units must obtain and maintain CALEA accreditation.

The bill eliminates the (1) sunset date on POST-DESPP developing, adopting, and revising their minimum standards and practices and (2) requirement that units obtain and maintain accreditation from CALEA by 2025. The bill also requires the minimum standards and practices to be divided into three tiers, thereby codifying POST's existing three-tiered accreditation structure. The table below outlines the minimum standards and practices of each tier, what higher level of accreditation standards developed by POST or CALEA are otherwise acceptable for each tier, and the associated adoption deadlines.

Table 1. Minimum Standards & Practices Adoption Schedule

| | <i>Tier 1</i> | <i>Tier 2</i> | <i>Tier 3</i> |
|--|--|--|---|
| <i>Minimum Standards & Practices Description</i> | Minimum standards and practices designed to protect law enforcement units from liability, enhance the delivery of services, and improve public confidence in units | Minimum standards and practices for the administration, management, and operation of units | Higher minimum standards and practices for the administration, management, and operation of units |
| <i>Accepted Higher Level of Accreditation Standards</i> | Developed by POST or CALEA | Developed by POST or CALEA | Developed by CALEA |
| <i>Required Adopted Dates</i> | By January 1, 2022, and until December 31, 2023* | By January 1, 2023, and until December 31, 2024 | By January 1, 2025, and after |

*Presumably this should be 12/31/22 to avoid an overlap

The bill makes conforming changes to extend to each tier the current requirements for POST to (1) publish and distribute the standards and practices and (2) jointly review and certify unit compliance with DESPP.

The bill also requires that the minimum standards and practices include compliance with specific POST guidance regarding reporting procedures for police officer certificate suspension, cancellation, or revocation (i.e., POST General Notice 20-09). Under the bill, if a law enforcement unit fails to comply with the guidance, then (1) POST may recommend to the Office of Policy and Management (OPM), and the OPM secretary may order, an appropriate penalty involving the withholding of state funds from the unit and (2) POST may revoke the unit's certificate of compliance with the minimum standards and practices.

§ 3 — EMPLOYMENT PROTECTIONS

Existing law generally prohibits a law enforcement unit from discharging, disciplining, discriminating against, or penalizing a police officer it employs solely because the officer, among other things, seeks or receives mental health care services. The bill extends this prohibition to cover officers who seek or receive services as a result of a statutorily-required behavioral health assessment. By law, administrative heads of law enforcement units must require each police officer employed by the unit to submit to a behavioral health assessment at least every five years as a condition of continued employment.

Under existing law and the bill, the prohibition does not apply to officers who seek or receive mental health care services to avoid disciplinary action by their units.

§§ 4-5 & 7 — BODY AND DASHBOARD CAMERA RELATED GRANTS AND COOPERATIVE PURCHASING

Under current law, OPM must distribute up to \$4 million in grants

to municipalities in FYs 21 and 22 toward certain purchases of body cameras, dashboard cameras, and related equipment and service purchases (i.e., digital data storage devices or services). The bill allows any municipality to receive a grant of up to 50% of associated costs, rather than 50% for distressed municipalities and 30% for all other municipalities, as under current law.

Relatedly, the bill requires the Department of Administrative Services (DAS) commissioner, in conjunction with DESPP, to enter into a cooperative purchasing plan with each municipality that opts into the plan for buying digital data storage devices or services for use by its police department.

Additionally, the bill requires the DAS commissioner, in consultation with the DESPP commissioner, to study and make recommendations on ways to lower the costs incurred by municipal police departments for digital data storage devices and services, including:

1. the feasibility of, and costs associated with, expanding DESPP's storage system or building a new system to provide digital data storage devices or services for municipal police departments;
2. compliance with the Freedom of Information Act if a municipal police department stores data from body camera recordings on a state-owned storage system;
3. cost-sharing arrangements with municipal police departments that use a state-owned storage system that consider a specific cost per police officer and police departments in large municipalities and distressed municipalities; and
4. any issues associated with a municipal police department transferring data from one storage system to a state-owned storage system.

The DAS commissioner must submit his findings and recommendations to the Public Safety and Security Committee by

February 1, 2022.

§ 6 — OFFICER TRAINING CURRICULUM

The bill requires POST to develop a training curriculum for police officers on interacting with people who have mental or physical disabilities by July 1, 2022, after consulting with such people and their advocates. Beginning October 1, 2022, each police basic or review training program conducted or administered by POST, the State Police, or a municipal police department must include this curriculum.

Under existing law, state and local police basic and review training must include, among other things, specific training on handling incidents involving (1) juveniles with autism spectrum disorder or nonverbal learning disorder and (2) individuals affected with a serious mental illness (CGS §§ 7-294h & -294r).

BACKGROUND

Law Enforcement Units

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).

Related Bill

sSB 572, reported favorably by the Public Safety and Security Committee, requires POST to, among other things, study the current police basic and review training curriculum relative to (1) interactions with people with a mental, intellectual, or physical disability, (2) mental health awareness, and (3) de-escalation practices and techniques. By February 1, 2022, POST must submit its results and recommendations to the Public Safety and Security Committee.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/18/2021)