



# House of Representatives

General Assembly

**File No. 310**

January Session, 2021

Substitute House Bill No. 6597

*House of Representatives, April 7, 2021*

The Committee on Public Safety and Security reported through REP. HORN of the 64th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. Section 7-294ee of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) [Until December 31, 2024, the] The Police Officer Standards and  
4 Training Council, established under section 7-294b, and the  
5 Commissioner of Emergency Services and Public Protection or the  
6 commissioner's designee, shall jointly develop, adopt and revise, as  
7 necessary, minimum standards and practices for the administration,  
8 [and] management and operation of law enforcement units, as defined  
9 in section 7-294a. Such minimum standards and practices shall be based  
10 upon standards established by the International Association of Chiefs of  
11 Police and the Commission on Accreditation for Law Enforcement  
12 Agencies, Inc., and shall include, but need not be limited to, standards  
13 and practices regarding bias-based policing, use of force, response to  
14 crimes of family violence, use of body-worn recording equipment,  
15 complaints that allege misconduct by police officers, use of electronic

16 defense weapons, eyewitness identification procedures, notifications in  
17 death and related events and pursuits by police officers and compliance  
18 with the guidance issued by the council pursuant to subdivision (1) of  
19 subsection (g) of section 7-294d regarding reporting procedures to be  
20 followed by chief law enforcement officers for certificate suspension,  
21 cancellation or revocation. The minimum standards and practices shall  
22 be divided into three tiers, known as tier one, tier two and tier three. Tier  
23 one shall consist of minimum standards and practices designed to  
24 protect law enforcement units from liability, enhance the delivery of  
25 services and improve public confidence in law enforcement units. Tier  
26 two shall consist of minimum standards and practices for the  
27 administration, management and operation of law enforcement units.  
28 Tier three shall consist of higher minimum standards and practices for  
29 the administration, management and operation of law enforcement  
30 units. The council shall post [such] the minimum standards and  
31 practices of each tier on the council's Internet web site and disseminate  
32 [such] the minimum standards and practices of each tier to law  
33 enforcement units. The council and commissioner or the commissioner's  
34 designee shall jointly develop a process to review a law enforcement  
35 unit's compliance with [such] the minimum standards and practices of  
36 each tier and issue a certificate of compliance with [law enforcement]  
37 the minimum standards and practices of tier one, tier two or tier three,  
38 as the case may be, to a law enforcement unit that meets or exceeds  
39 [such] the minimum standards and practices of such tier.

40 (b) On and after January 1, [2019] 2022, and until December 31, [2024]  
41 2023, each law enforcement unit shall adopt and maintain (1) the  
42 minimum standards and practices of tier one developed by the council  
43 pursuant to subsection (a) of this section, or (2) a higher level of  
44 accreditation standards developed by the council or the Commission on  
45 Accreditation for Law Enforcement Agencies, Inc.

46 (c) On and after January 1, 2023, and until December 31, 2024, each  
47 law enforcement unit shall adopt and maintain (1) the minimum  
48 standards and practices of tier two developed by the council pursuant  
49 to subsection (a) of this section, or (2) a higher level of accreditation

50 standards developed by the council or the Commission on Accreditation  
51 for Law Enforcement Agencies, Inc.

52 [(c)] (d) On and after January 1, 2025, each law enforcement unit shall  
53 [obtain and maintain accreditation] adopt and maintain (1) the  
54 minimum standards and practices of tier three developed by the council  
55 pursuant to subsection (a) of this section, or (2) a higher level of  
56 accreditation standards developed by the Commission on Accreditation  
57 for Law Enforcement Agencies, Inc.

58 (e) If a law enforcement unit fails to [obtain] adopt or maintain [such  
59 accreditation] the minimum standards and practices or a higher level of  
60 accreditation standards developed by the council or the Commission on  
61 Accreditation for Law Enforcement Agencies, Inc., in accordance with  
62 the provisions of subsections (b) to (d), inclusive, of this subsection, the  
63 council shall work with the law enforcement unit to [obtain] assist such  
64 unit to adopt and maintain [such] the minimum standards and practices  
65 or the higher level of accreditation standards.

66 (f) If a law enforcement unit fails to comply with the guidance issued  
67 by the council pursuant to subdivision (1) of subsection (g) of section 7-  
68 294d regarding reporting procedures to be followed by chief law  
69 enforcement officers for certificate suspension, cancellation or  
70 revocation, (1) the council may recommend to the Office of Policy and  
71 Management, and the Secretary of the Office of Policy and Management  
72 may order, an appropriate penalty in the form of the withholding of  
73 state funds from such law enforcement unit, and (2) the council may  
74 revoke the certificate of compliance with the minimum standards and  
75 practices of tier one, tier two or tier three, as the case may be, issued  
76 pursuant to this section.

77 [(d)] (g) No civil action may be brought against a law enforcement  
78 unit for damages arising from the failure of the law enforcement unit to  
79 [(1)] adopt and maintain [such] the minimum standards and practices  
80 or a higher level of accreditation standards developed by the council or  
81 the Commission on Accreditation for Law Enforcement Agencies, Inc,  
82 pursuant to [subsection] subsections (b) to (d), inclusive, of this section.

83 [, or (2) obtain and maintain accreditation by the Commission on  
84 Accreditation for Law Enforcement Agencies, Inc., pursuant to  
85 subsection (c) of this section.]

86 Sec. 2. Subdivision (22) of subsection (a) of section 7-294d of the  
87 general statutes is repealed and the following is substituted in lieu  
88 thereof (*Effective from passage*):

89 (22) (A) [Until December 31, 2024, to] To develop, adopt and revise,  
90 as necessary, comprehensive accreditation standards for the  
91 administration and management of law enforcement units, to grant  
92 accreditation to those law enforcement units that demonstrate their  
93 compliance with such standards and, at the request and expense of any  
94 law enforcement unit, to conduct such surveys as may be necessary to  
95 determine such unit's compliance with such standards; and (B) [on and  
96 after January 1, 2025,] to work with any law enforcement unit that has  
97 failed to [obtain] adopt or maintain [accreditation from] the minimum  
98 standards and practices or a higher level of accreditation standards  
99 developed by the council or the Commission on Accreditation for Law  
100 Enforcement Agencies, Inc., pursuant to section 7-294ee, as amended by  
101 this act;

102 Sec. 3. Subsection (a) of section 7-291d of the general statutes is  
103 repealed and the following is substituted in lieu thereof (*Effective from*  
104 *passage*):

105 (a) (1) No law enforcement unit, as defined in section 7-294a, shall  
106 discharge, discipline, discriminate against or otherwise penalize a police  
107 officer, as defined in section 7-294a, who is employed by such law  
108 enforcement unit solely because the police officer (A) seeks or receives  
109 mental health care services, [or] including such services as a result of a  
110 behavioral health assessment conducted pursuant to section 7-291e, or  
111 (B) surrenders his or her firearm, ammunition or electronic defense  
112 weapon used in the performance of the police officer's official duties to  
113 such law enforcement unit during the time the police officer receives  
114 mental health care services.

115       (2) The provisions of this subsection shall not be applicable to a police  
116 officer who [(1)] (A) seeks or receives mental health care services to  
117 avoid disciplinary action by such law enforcement unit, or [(2)] (B)  
118 refuses to submit himself or herself to an examination as provided in  
119 subsection (b) of this section.

120       Sec. 4. (*Effective from passage*) (a) The Commissioner of Administrative  
121 Services, in consultation with the Commissioner of Emergency Services  
122 and Public Protection, shall study and make recommendations  
123 regarding ways to lower the costs incurred by municipal police  
124 departments for digital data storage devices or services, as defined in  
125 section 29-6d of the general statutes. Such study shall examine, at a  
126 minimum, (1) the feasibility of, and costs associated with, expanding the  
127 storage system used by the Department of Emergency Services and  
128 Public Protection or building a new storage system to provide digital  
129 data storage devices or services for municipal police departments, (2)  
130 compliance with the Freedom of Information Act, as defined in section  
131 1-200 of the general statutes, if a municipal police department stores  
132 data from the recordings made by body-worn recording equipment on  
133 a state-owned storage system, (3) cost-sharing arrangements with  
134 municipal police departments that use a state-owned storage system  
135 that consider a specific cost per police officer and police departments in  
136 large municipalities and distressed municipalities, as defined in section  
137 32-9p of the general statutes, and (4) any issues associated with a  
138 municipal police department transferring data from one storage system  
139 to a state-owned storage system.

140       (b) Not later than February 1, 2022, the Commissioner of  
141 Administrative Services shall submit, in accordance with the provisions  
142 of section 11-4a of the general statutes, its findings and  
143 recommendations to the joint standing committee of the General  
144 Assembly having cognizance of matters relating to public safety and  
145 security.

146       Sec. 5. Section 4a-53 of the general statutes is repealed and the  
147 following is substituted in lieu thereof (*Effective from passage*):

148 (a) The Commissioner of Administrative Services may join with  
149 federal agencies, other state governments, political subdivisions of this  
150 state or nonprofit organizations in cooperative purchasing plans when  
151 the best interests of the state would be served thereby.

152 (b) The state, through the Commissioner of Administrative Services,  
153 may purchase equipment, supplies, materials and services from a  
154 person who has a contract to sell such property or services to other state  
155 governments, political subdivisions of this state, nonprofit  
156 organizations or public purchasing consortia, in accordance with the  
157 terms and conditions of such contract.

158 (c) The Commissioner of Administrative Services, in conjunction with  
159 the Department of Energy and Environmental Protection and within  
160 available appropriations, shall make known to the chief executive  
161 officer of each municipality the existence of cooperative plans for the  
162 purchase of recycled paper.

163 (d) The Commissioner of Administrative Services, in conjunction  
164 with the Department of Emergency Services and Public Protection, shall  
165 enter into a cooperative purchasing plan with each municipality that  
166 seeks to enter into such plan for the purchase of digital data storage  
167 devices or services, as defined in section 29-6d, for use by municipal  
168 police departments.

169 Sec. 6. (NEW) (*Effective from passage*) (a) Not later than July 1, 2022,  
170 the Police Officer Standards and Training Council, after consultation  
171 with persons with mental or physical disabilities and advocates on  
172 behalf of such persons, shall develop a training curriculum for police  
173 officers regarding interactions with persons who have mental or  
174 physical disabilities.

175 (b) On and after October 1, 2022, each police basic or review training  
176 program conducted or administered by the Police Officer Standards and  
177 Training Council, the Division of State Police within the Department of  
178 Emergency Services and Public Protection or a municipal police  
179 department shall include the training curriculum developed pursuant

180 to subsection (a) of this section.

181 Sec. 7. Subsection (c) of section 7-277c of the general statutes is  
182 repealed and the following is substituted in lieu thereof (*Effective from*  
183 *passage*):

184 (c) The Office of Policy and Management shall distribute grants-in-  
185 aid to any municipality pursuant to this section during the fiscal years  
186 ending June 30, 2021, and June 30, 2022. Any such grant-in-aid shall be  
187 for up to fifty per cent of the cost of such purchase of body-worn  
188 recording equipment, digital data storage devices or services or  
189 dashboard cameras with a remote recorder, [if the municipality is a  
190 distressed municipality, as defined in section 32-9p, or up to thirty per  
191 cent of the cost of such purchase if the municipality is not a distressed  
192 municipality,] provided the costs of such digital data storage services  
193 covered by a grant-in-aid shall not be for a period of service that is  
194 longer than one year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	7-294ee
Sec. 2	<i>from passage</i>	7-294d(a)(22)
Sec. 3	<i>from passage</i>	7-291d(a)
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	4a-53
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	7-277c(c)

**Statement of Legislative Commissioners:**

In Section 1(a) and (f), "subdivision (1) of" was inserted for accuracy.

**PS** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Department of Emergency Services and Public Protection	GF - Cost	139,312	143,491
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	57,536	59,262
Treasurer, Debt Serv.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	Potential Cost	See Below	See Below
Various Municipalities	Potential Savings	See Below	See Below

**Explanation**

The bill makes numerous changes affecting state and local law enforcement resulting in the various impacts described below.

**Sections 1-2** require the Police Officer Standards and Training Council (POST) to develop three tiers of minimum standards and practices for law enforcement units resulting in POST needing to hire two field program assistants for a cost of \$196,848 in FY 22 and \$202,753 (costs include salary and fringe benefits). The new employees are

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.



needed to help develop the standards, accredit and reaccredit law enforcement units, review and certify unit compliance, and recommend to the Office of Policy and Management an appropriate penalty for units not in compliance. It's anticipated that 150 law enforcement units will have to meet the new standards, 50 currently meet tier one but approximately 100 would need to start the process from the beginning.

Sections 1 and 2 also result in potential savings to municipalities from eliminating the requirement that law enforcement units receive accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc (CALEA) by 2025. There is a cost to receiving accreditation from CALEA related to compliance and payment to CALEA.

There is also a potential cost to any municipality that does not comply with guidance regarding reporting procedure, to the extent that the Office of Policy and Management may withhold state funds from the local law enforcement unit.

**Section 3** prohibits a law enforcement unit from disciplining or penalizing a police officer as a result of a behavioral health assessment resulting in no fiscal impact.

**Sections 4-5** require the Department of Administrative Services, in consultation with DESPP, to study and make recommendations on ways to lower the costs incurred by municipal police departments for digital data storage devices and services related to body-worn recording equipment and enter into a cooperative purchasing plan with municipalities for data storage resulting in no fiscal impact to the state.

**Section 6** requires POST to develop a training curriculum for police officers interacting with people who have mental or physical disabilities resulting in no fiscal impact because POST has the expertise to meet the requirements of this section.

**Section 7** increases reimbursement rates for the municipal purchase of body-worn cameras and related technology from 30 percent of costs

to 50 percent for non-distressed municipalities; the bill does not change the current 50 percent reimbursement rate for distressed municipalities. State reimbursements for body-worn cameras are funded through General Obligation (GO) bond funds. Future General Fund debt service costs may be incurred sooner under the bill to the degree that it causes authorized GO bond funds to be expended or to be expended more rapidly than they otherwise would have been.

As of March 1, 2021, the unallocated bond balance available under the relevant authorization is \$4 million. The bill does not change GO bond authorizations relevant to the program.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the terms of any bonds issued.

**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>
<b>Minimum Standards &amp; Practices Description</b>	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
<b>Accepted Higher Level of Accreditation Standards</b>	Developed by POST or CALEA	Developed by POST or CALEA	Developed by CALEA
<b>Required Adopted Dates</b>	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)