



General Assembly

Amendment

January Session, 2021

LCO No. 9277



Offered by:

REP. HORN, 64th Dist.
SEN. OSTEN, 19th Dist.
REP. HOWARD, 43rd Dist.
SEN. CHAMPAGNE, 35th Dist.
REP. PAOLILLO, 97th Dist.
REP. FERRARO, 117th Dist.

REP. BORER, 115th Dist.
REP. DIMASSA, 116th Dist.
SEN. MARONEY, 14th Dist.
SEN. HWANG, 28th Dist.
SEN. SOMERS, 18th Dist.

To: Subst. House Bill No. 6597

File No. 310

Cal. No. 242

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 7-294ee of the general statutes is repealed and the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

5 (a) [Until December 31, 2024, the] The Police Officer Standards and
6 Training Council, established under section 7-294b, and the
7 Commissioner of Emergency Services and Public Protection or the
8 commissioner's designee, shall jointly develop, adopt and revise, as
9 necessary, minimum standards and practices for the administration,
10 [and] management and operation of law enforcement units, as defined
11 in section 7-294a. Such minimum standards and practices shall be based
12 upon standards established by the International Association of Chiefs of
13 Police and the Commission on Accreditation for Law Enforcement
14 Agencies, Inc., and shall include, but need not be limited to, standards
15 and practices regarding bias-based policing, use of force, response to
16 crimes of family violence, use of body-worn recording equipment,
17 complaints that allege misconduct by police officers, use of electronic
18 defense weapons, eyewitness identification procedures, notifications in
19 death and related events and pursuits by police officers and compliance
20 with the guidance issued by the council pursuant to subdivision (1) of
21 subsection (g) of section 7-294d regarding reporting procedures to be
22 followed by chief law enforcement officers for certificate suspension,
23 cancellation or revocation. Not later than January 1, 2022, the council
24 shall, within available appropriations, divide the minimum standards
25 and practices into three tiers, to be known as tier one, tier two and tier
26 three. Tier one shall consist of minimum standards and practices
27 designed to protect law enforcement units from liability, enhance the
28 delivery of services and improve public confidence in law enforcement
29 units. Tier two shall consist of minimum standards and practices for the
30 administration, management and operation of law enforcement units.
31 Tier three shall consist of higher minimum standards and practices for
32 the administration, management and operation of law enforcement
33 units. The council shall post [such] the minimum standards and
34 practices of each tier on the council's Internet web site and disseminate
35 [such] the minimum standards and practices of each tier to law
36 enforcement units. The council and commissioner or the commissioner's
37 designee shall jointly develop a process to review a law enforcement
38 unit's compliance with [such] the minimum standards and practices of
39 each tier and issue a certificate of compliance with [law enforcement]

40 the minimum standards and practices of tier one, tier two or tier three,
41 as the case may be, to a law enforcement unit that meets or exceeds
42 [such] the minimum standards and practices of such tier.

43 (b) On and after January 1, 2019, and until December 31, [2024] 2021,
44 each law enforcement unit shall adopt and maintain (1) the minimum
45 standards and practices developed by the council pursuant to
46 subsection (a) of this section, or (2) a higher level of accreditation
47 standards developed by the council or the Commission on Accreditation
48 for Law Enforcement Agencies, Inc.

49 (c) On and after January 1, 2022, and until December 31, 2022, each
50 law enforcement unit shall adopt and maintain (1) the minimum
51 standards and practices of tier one developed by the council pursuant
52 to subsection (a) of this section, or (2) a higher level of accreditation
53 standards developed by the council or the Commission on Accreditation
54 for Law Enforcement Agencies, Inc.

55 (d) On and after January 1, 2023, and until December 31, 2024, each
56 law enforcement unit shall adopt and maintain (1) the minimum
57 standards and practices of tier two developed by the council pursuant
58 to subsection (a) of this section, or (2) a higher level of accreditation
59 standards developed by the council or the Commission on Accreditation
60 for Law Enforcement Agencies, Inc.

61 [(c)] (e) On and after January 1, 2025, each law enforcement unit shall
62 [obtain and maintain accreditation] adopt and maintain (1) the
63 minimum standards and practices of tier three developed by the council
64 pursuant to subsection (a) of this section, or (2) a higher level of
65 accreditation standards developed by the Commission on Accreditation
66 for Law Enforcement Agencies, Inc.

67 (f) If a law enforcement unit fails to [obtain] adopt or maintain [such
68 accreditation] the minimum standards and practices or a higher level of
69 accreditation standards developed by the council or the Commission on
70 Accreditation for Law Enforcement Agencies, Inc., in accordance with
71 the provisions of subsections (b) to (e), inclusive, of this section, the

72 council shall work with the law enforcement unit to [obtain] assist such
73 unit to adopt and maintain [such] the minimum standards and practices
74 or the higher level of accreditation standards.

75 (g) If a law enforcement unit fails to comply with the guidance issued
76 by the council pursuant to subdivision (1) of subsection (g) of section 7-
77 294d regarding reporting procedures to be followed by chief law
78 enforcement officers for certificate suspension, cancellation or
79 revocation, the council may revoke the certificate of compliance with the
80 minimum standards and practices of tier one, tier two or tier three, as
81 the case may be, issued pursuant to this section.

82 ~~[(d)]~~ (h) No civil action may be brought against a law enforcement
83 unit for damages arising from the failure of the law enforcement unit to
84 [(1)] adopt and maintain [such] the minimum standards and practices
85 or a higher level of accreditation standards developed by the council or
86 the Commission on Accreditation for Law Enforcement Agencies, Inc.,
87 pursuant to [subsection] subsections (b) to (e), inclusive, of this section.
88 [, or (2) obtain and maintain accreditation by the Commission on
89 Accreditation for Law Enforcement Agencies, Inc., pursuant to
90 subsection (c) of this section.]

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

94 (22) (A) [Until December 31, 2024, to] To develop, adopt and revise,
95 as necessary, comprehensive accreditation standards for the
96 administration and management of law enforcement units, to grant
97 accreditation to those law enforcement units that demonstrate their
98 compliance with such standards and, at the request and expense of any
99 law enforcement unit, to conduct such surveys as may be necessary to
100 determine such unit's compliance with such standards; and (B) [on and
101 after January 1, 2025,] to work with any law enforcement unit that has
102 failed to [obtain] adopt or maintain [accreditation from] the minimum
103 standards and practices or a higher level of accreditation standards

104 developed by the council or the Commission on Accreditation for Law
105 Enforcement Agencies, Inc., pursuant to section 7-294ee, as amended by
106 this act;

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

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

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

125 Sec. 4. (*Effective from passage*) (a) For the purposes of this section, "law
126 enforcement unit", "police officer", "body-worn recording equipment",
127 "dashboard camera" and "digital data storage device or service" have the
128 same meanings as provided in section 29-6d of the general statutes, as
129 amended by this act.

130 (b) Not later than October 1, 2021, the Department of Administrative
131 Services, in consultation with the Office of Policy and Management and
132 the Department of Emergency Services and Public Protection, shall issue
133 a request for proposal for the purchase of body-worn recording
134 equipment, digital data storage devices or services and dashboard
135 cameras to support law enforcement units and police officers to comply

136 with the provisions of section 29-6d of the general statutes, as amended
137 by this act. The deadline for submitting proposals shall be not more than
138 sixty days from the date the request for proposal is issued.

139 (c) Not later than January 1, 2022, a screening committee, as
140 established by the Department of Administrative Services, shall
141 evaluate the proposals submitted in response to the request for proposal
142 and determine the highest scoring proposers in accordance with the
143 criteria set forth in the request for proposal.

144 (d) Any contract awarded pursuant to this section shall be available
145 to other state governments, political subdivisions of the state and
146 nonprofit organizations in accordance with the provisions of section 4a-
147 53 of the general statutes.

148 Sec. 5. (NEW) (*Effective from passage*) (a) Not later than July 1, 2022,
149 the Police Officer Standards and Training Council, after consultation
150 with persons with mental or physical disabilities and advocates on
151 behalf of such persons, shall develop a training curriculum for police
152 officers regarding interactions with persons who have mental or
153 physical disabilities.

154 (b) On and after October 1, 2022, each police basic or review training
155 program conducted or administered by the Police Officer Standards and
156 Training Council, the Division of State Police within the Department of
157 Emergency Services and Public Protection or a municipal police
158 department shall include the training curriculum developed pursuant
159 to subsection (a) of this section.

160 Sec. 6. Subdivision (6) of subsection (a) of section 29-6d of the general
161 statutes, as amended by section 19 of public act 20-1 of the July special
162 session, is repealed and the following is substituted in lieu thereof
163 (*Effective from passage*):

164 (6) "Police patrol vehicle" means any state or local police vehicle,
165 [other than] but does not include an administrative vehicle in which an
166 occupant is wearing body-worn camera equipment, a bicycle, a motor

167 scooter, an all-terrain vehicle, an electric personal assistive mobility
168 device, as defined in subsection (a) of section 14-289h, or an animal
169 control vehicle.

170 Sec. 7. Section 7-291c of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective July 1, 2021*):

172 (a) No law enforcement unit, as defined in section 7-294a, shall hire
173 any person as a police officer, as defined in said section, [7-294a,] who
174 was previously employed as a police officer by such unit or in any other
175 jurisdiction and who (1) was dismissed for malfeasance or other serious
176 misconduct calling into question such person's fitness to serve as a
177 police officer; or (2) resigned or retired from such officer's position while
178 under investigation for such malfeasance or other serious misconduct.

179 (b) Any law enforcement unit that has knowledge that any former
180 police officer of such unit who (1) (A) was dismissed for malfeasance or
181 other serious misconduct, or (B) resigned or retired from such officer's
182 position while under investigation for such malfeasance or other serious
183 misconduct; and (2) is an applicant for the position of police officer with
184 any other law enforcement unit, shall inform such other unit and the
185 Police Officer Standards and Training Council established under section
186 7-294b of such dismissal, resignation or retirement.

187 (c) The Police Officer Standards and Training Council shall not certify
188 any police officer who (1) was dismissed for malfeasance or other
189 serious misconduct, or (2) resigned or retired from such officer's
190 position while under investigation for malfeasance or other serious
191 misconduct.

192 [(c)] (d) The provisions of this section shall not apply to any police
193 officer who is exonerated of each allegation against such officer of such
194 malfeasance or other serious misconduct.

195 (e) The Police Officer Standards and Training Council may afford any
196 law enforcement unit prohibited from hiring a person as a police officer
197 pursuant to subsection (a) of this section and any police officer denied

198 certification pursuant to subsection (c) of this section an opportunity for
199 a hearing in accordance with the provisions of chapter 54 to determine
200 whether (1) the police officer was dismissed for such malfeasance or
201 other serious misconduct, (2) the police officer resigned or retired while
202 under investigation for such malfeasance or other serious misconduct,
203 (3) the police officer was exonerated of each allegation of such
204 malfeasance or other serious misconduct, or (4) the conduct at issue
205 constituted malfeasance or serious misconduct.

206 (f) Nothing in this section shall preclude the Police Officer Standards
207 and Training Council from suspending, cancelling or revoking the
208 certification of a police officer pursuant to subsection (c) of section 7-
209 294d.

210 [(d)] (g) For purposes of this section, (1) "malfeasance" means the
211 commonly approved usage of "malfeasance"; and (2) "serious
212 misconduct" means improper or illegal actions taken by a police officer
213 in connection with such officer's official duties that could result in a
214 miscarriage of justice, [or] discrimination or a gross deviation of the
215 generally accepted standards and behavior of a police officer, including,
216 but not limited to, (A) a conviction of a felony, (B) fabrication or
217 falsification of evidence, (C) [repeated] use of [excessive] physical force
218 in a manner found to not be justifiable after an investigation conducted
219 pursuant to section 51-277a, (D) acceptance of a bribe, [or] (E) the
220 commission of fraud, (F) failure to intervene or stop unreasonable,
221 excessive or illegal use of force by another police officer, or (G)
222 intimidation or harassment causing injury based upon actual or
223 perceived protected class membership, identity or expression.

224 Sec. 8. Section 7-294e of the general statutes is repealed and the
225 following is substituted in lieu thereof (*Effective July 1, 2021*):

226 (a) Notwithstanding the provisions of any general statute or special
227 act or local law, ordinance or charter, [to the contrary,] each police
228 officer shall forfeit such officer's appointment and position unless
229 recertified by the council according to procedures and within the time

230 frame established by the council. Any sworn member of the Division of
231 State Police within the Department of Emergency Services and Public
232 Protection who is deemed certified under subsection (d) of section 7-
233 294d is required to apply for recertification by the council within the
234 time frame established by the council, unless such member retires from
235 said division within such time frame.

236 (b) The Police Officer Standards and Training Council may
237 recommend to the Commissioner of Emergency Services and Public
238 Protection any regulations it deems necessary to carry out the
239 provisions of section 7-291c, as amended by this act, 7-294a, subsection
240 (a) of section 7-294b, sections 7-294c and 7-294d, as amended by this act,
241 and this section, giving due consideration to the varying factors and
242 special requirements of law enforcement units.

243 (c) The Commissioner of Emergency Services and Public Protection
244 may adopt regulations, in accordance with the provisions of chapter 54,
245 as are necessary to implement the provisions of section 7-291c, as
246 amended by this act, 7-294a, subsection (a) of section 7-294b, sections 7-
247 294c and 7-294d, as amended by this act, and this section. Such
248 regulations shall be binding upon all law enforcement units.

249 Sec. 9. (*Effective from passage*) Notwithstanding the provisions of
250 subsection (b) of section 7-294jj of the general statutes, not later than
251 January 1, 2022, the municipal police department for the town of West
252 Haven may acquire one mine-resistant, ambush-protected vehicle from
253 the municipal police department for the town of Farmington. The
254 municipal police department for the town of West Haven shall
255 otherwise be subject to the provisions of section 7-294jj of the general
256 statutes.

257 Sec. 10. Section 7-294r of the general statutes is repealed. (*Effective*
258 *October 1, 2022*)"

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>	New section
Sec. 6	<i>from passage</i>	29-6d(a)(6)
Sec. 7	<i>July 1, 2021</i>	7-291c
Sec. 8	<i>July 1, 2021</i>	7-294e
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>October 1, 2022</i>	Repealer section