
OLR Bill Analysis

sHB 5420 (as amended by House "A")*

AN ACT CONCERNING MENTAL HEALTH NEEDS OF AND SERVICES FOR POLICE OFFICERS, CERTAIN REQUIREMENTS REGARDING POLICE TRAINING AND CERTAIN REPORTS.

SUMMARY

This bill makes several changes affecting law enforcement and related agencies, including the Police Officer Standards and Training Council (POST), mainly about mental health (for both police officers and those with whom they interact). Generally, it:

1. extends existing employment protections to certain police officers who seek or receive mental health care services after undergoing a required behavioral health assessment (§ 1);
2. eliminates police basic and review training on handling incidents involving a person affected with a serious mental illness and replaces it with training on interacting with people who (a) have mental or physical disabilities or (b) are deaf, hard of hearing, or deaf-blind (§§ 2 & 7);
3. sets up a task force to study law enforcement officers' mental health needs (§ 3);
4. by January 1, 2023, requires UConn's Institute for Municipal and Regional Policy, in consultation with the United Way of Connecticut, to submit a report to the Public Safety and Security Committee that includes a study of a representative sample of 911 calls and analyzes the percentage of the calls that would be more appropriately directed to the 2-1-1 Infoline program (which the United Way of Connecticut operates) (§ 4);
5. requires a report on the use of online or remote technology by POST for police officer training after initial certification (§ 5); and

6. requires the Department of Mental Health and Addiction Services (DMHAS) to report to the legislature about the Community and Law Enforcement for Addiction Recovery project's status (§ 6).

The bill also makes technical and conforming changes.

*House Amendment "A" eliminates the underlying bill's \$100,000 FY 23 appropriation for DMHAS to give grants to nonprofit organizations to provide crisis intervention training to police officers.

EFFECTIVE DATE: Upon passage, except the repeal of the current training on handling incidents involving an individual affected with a serious mental illness is effective October 1, 2023.

§ 1 — EMPLOYMENT PROTECTIONS

Existing law generally prohibits a law enforcement unit from discharging, disciplining, discriminating against, or penalizing a police officer it employs only because the officer, among other things, seeks or receives mental health care services. The bill extends this protection to officers who seek or receive services due to a required behavioral health assessment. (By law police officers must submit to a behavioral health assessment at least every five years as a condition of continued employment (CGS § 7-291e).)

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

§§ 2 & 7 — OFFICER TRAINING CURRICULA

Current law requires state and local police basic and review training to include a course on handling incidents involving a person affected with a serious mental illness (CGS § 7-294r). The bill eliminates this course requirement and instead requires POST to develop training curricula, by July 1, 2023, for police officers on interacting with people who (1) have mental or physical disabilities and (2) are deaf, hard of hearing, or deaf-blind. In developing both curricula, POST must first consult with individuals with these characteristics and advocates on

their behalf. Beginning October 1, 2023, each police basic or review training program conducted or administered by POST, the State Police, or a municipal police department must include the new curricula.

Existing law, unchanged by the bill, requires police basic and review training programs to include training on handling incidents involving juveniles and adults with autism spectrum disorder, cognitive impairment, or nonverbal learning disorder (CGS §§ 7-294h).

§ 3 — MENTAL HEALTH TASK FORCE

Purpose

The bill creates an 11-member task force to study law enforcement officers' mental health needs. The task force must:

1. examine these officers' mental health needs;
2. list the programs that serve or could be available to serve them;
3. identify barriers to accessing those programs, such as issues of confidentiality and disclosure of treatment information; and
4. make recommendations for policies, practices, and legislation to address these officers' mental health needs, encourage officers to access programs, and eliminate access barriers.

Under the bill, the task force must submit a report with its findings and recommendations to the Public Safety and Security Committee by January 1, 2023.

Membership

The task force consists of the Department of Emergency Services and Public Protection and DMHAS commissioners and POST chairperson, or their respective designees; two gubernatorial appointments; and six legislative appointments. Table 1, below, provides the qualifications for the appointed members.

Table 1: Task Force Appointments and Qualifications

<i>Appointing Authority</i>	<i>Qualification</i>
Governor	<ul style="list-style-type: none"> • a municipal police chief representing the Connecticut Police Chiefs Association • a labor organization representative for sworn members of municipal police departments
House speaker	<ul style="list-style-type: none"> • a representative of the Honor Wellness Center or another nonprofit organization that provides mental health treatment for police officers
Senate president pro tempore	<ul style="list-style-type: none"> • a representative of the Connecticut Alliance to Benefit Law Enforcement or another nonprofit organization that trains police officers on mental health issues
House majority leader	<ul style="list-style-type: none"> • a labor organization representative for sworn members of the State Police
Senate majority leader	<ul style="list-style-type: none"> • a police officer from a municipal police department
House minority leader	<ul style="list-style-type: none"> • a representative of the Police Officers Association of Connecticut
Senate minority leader	<ul style="list-style-type: none"> • a police officer from a municipal police department

Under the bill, the appointing authorities must make their appointments within 30 days after the bill's passage and fill any vacancies. The legislative appointments may be legislators.

The bill requires the House speaker and the Senate president to select the task force's chairpersons from among its members. The chairpersons must schedule and hold the task force's first meeting within 60 days after the bill's passage.

Administration

The Public Safety and Security Committee's administrative staff serves as task force staff. The task force terminates when it submits its report or January 1, 2023, whichever is later.

§ 5 — ONLINE POLICE TRAINING REPORT

Under existing law, POST may (1) develop an interactive electronic

computer platform to administer training courses and (2) authorize police officers to complete certified review training at a local police department facility using the platform (CGS § 7-294d(a)(9)). The bill requires POST, by January 1, 2023, to submit a report to Public Safety and Security Committee that:

1. provides the implementation status of its interactive electronic computer platform;
2. describes any criteria it used to determine when officers may use the platform to complete certified review training;
3. determines whether any other police officer training that is required after initial certification may be done through the platform or another online or remote format without compromising training quality; and
4. recommends any legislation necessary to carry out its findings.

§ 6 — COMMUNITY AND LAW ENFORCEMENT FOR ADDICTION RECOVERY REPORT

The bill requires DMHAS to submit a report to the Public Safety and Security Committee by January 1, 2023, that examines its Community and Law Enforcement for Addiction Recovery project. The report must include (1) an analysis of whether the project has successfully achieved its goals, (2) recommendations on improving the project, and (3) whether it should be expanded throughout the state.

BACKGROUND

Law Enforcement Unit and Police Officers

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.

“Police officers” generally are sworn members of an organized local police department or the State Police; appointed constables who

perform criminal law enforcement duties; special police officers appointed under law (e.g., public assistance fraud investigators); or any members of a law enforcement unit who perform police duties (CGS § 7-294a).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/22/2022)

Appropriations Committee

Joint Favorable

Yea 48 Nay 0 (04/18/2022)