

HB 6004: AN ACT CONCERNING POLICE ACCOUNTABILITY

House Democratic Caucus Bill Summary

Brings Greater Oversight and Uniformity to State Police through requiring POST Certification and Oversight

Current law exempts the State Police and any State Police training program from the requirement that police officers serving for more than one year be certified by the Police Officers Standards and Training Council (POST). This act eliminates this exemption, thus requiring State Police Officers to be POST-certified within one year of appointment. Additionally, it requires State Police appointed on or after the act's passage to become POST-certified within one year of their appointment. Upon passage, this act automatically deems certified any sworn, full-time State Police Officers and requires these deemed certified officers to reapply for recertification within a time frame established by POST unless they retire.

This act makes changes to POST's authority to include State Police. This includes, developing and revising comprehensive training plans for state and municipal police, not just municipal police. It requires POST to consult with DESPP when establishing uniform minimum educational and training standards for police. POST's authority over police training schools will include schools for both state and municipal police and provides that DESS's regulations implementing POST-related laws are binding on the State Police.

Checking for Steroid Use Among Officers

By law police officers must renew their POST Certification every three years. As a condition of renewing their certification, this bill authorizes POST to require police officers to pass a urinalysis drug test that screens for controlled substances, including anabolic steroids. These provisions apply to all police officers under POST's jurisdiction, under this bill, it also applies to the State Police.

Making it Easier to De-Certify Bad Officers

Under existing law POST may cancel or revoke a police officer's certification on various grounds, such as if the officer falsified a document to obtain or renew the certificate or was convicted of a felony. This act expands these grounds to include conduct undermining public confidence in law enforcement and excessive force or physical force found to be unjustified after an investigation. Undermining public confidence in law enforcement includes, discriminatory conduct, falsifying reports or racial profiling in violation of state law. Existing law already allows POST to cancel or revoke an officer's certification if the officer used a firearm in an improper manner that resulted in someone else's death or serious injury. This act permits POST to suspend an officer's certification for up to 45 days. POST may do so if it finds clear evidence of improper conduct but that the severity of the act does not warrant cancellation or revocation. Any hearing to suspend, cancel or revoke a certification must be conducted in accordance with the Uniform Administrative Procedure Act (UAPA) and any certificate holder may appeal to a court under UAPA.

Behavioral Health Assessments for Police Officers

Starting January 1, 2021, each police officer must undergo a behavioral health assessment at least every 5 years as a condition of employment. The assessment must be conducted by a board-certified psychiatrist or psychologist with experience diagnosing and treating PTSD. The person conducting the assessment must give a written copy of the results to the officer and administrative head of the unit employing that officer. The results of any assessment and any

records or notes that a psychiatrist or psychologist maintains are exempt from disclosure under FOIA.

The scheduling of these assessments can be staggered so that 20% of the unit's officers receive assessments each year over a five-year period. If an officer submits written intent to retire, the assessment may be waived, if the retirement occurs within six months after the assessment was scheduled to occur.

Officers hired from another law enforcement unit, in CT or elsewhere, may be required to submit a behavioral health assessment within 6 months of being hired. The hiring unit must consider how recently the officer submitted to a behavioral health assessment when deciding whether to require an assessment.

POST is authorized to develop policies for these assessments by January 1, 2021 that protect the officer's privacy rights and ensure that if they need support, they get it.

Crowd Management

This act requires POST to adopt a uniform statewide policy for crowd management by police officers. The policy must establish guidelines that protect individual rights and preserves the peace during demonstrations, addresses permissible and impermissible use of force by a police officer and the type and amount of crowd management training that each police officer must undergo. The policy must also require documentation after any physical confrontation between a police officer and a civilian during a crowd management incident.

Under current law, the State Police are entitled to the same privileges and immunities as organized militia when participating in suppressing a riot. Once the crowd management policy is adopted, these privileges and immunities only apply to State Police members who substantially comply with the policy.

Implicit Bias Training for Police Officers

This act adds implicit bias training to the cultural competence, sensitivity and bias-free training that police officers must receive under existing law. The implicit bias training will help officers recognize and mitigate unconscious biases against particular people that might influence their judgments and decisions. By law, police training programs administered by the State Police, POST and municipal police departments must include using physical force, using body cameras and retaining the records they create, and cultural competence, sensitivity, and bias-free policing.

Civil Cause of Action

The bill established a civil cause of action in state court if an officer or group of officers violates an individual's civil rights and the officer(s) did not have an objectively good faith belief that their conduct was lawful. Each municipality or law enforcement agency is required to protect officers from financial loss and expense unless the officer's conduct is deemed a malicious, wanton or willful act in a court of law, then the officer shall be held liable for any financial loss or expense resulting from their conduct and must reimburse the municipality for expenses incurred in providing for their defense. All claims must commence not later than one year from the date on which the cause of action occurred.

Collective Bargaining and Public Records Disclosure

No collective bargaining agreements between the state and the State Police entered into before, on or after the passage of this act may prohibit the disclosure of any disciplinary action based

on a violation of the code of ethics. The bill also removes FOI exemptions for disciplinary matters for any collective bargaining agreement entered into before, on or after the passage of this act.

Making Body Cameras and Dashboard Cameras Mandatory

The act requires that all police officers who are engaged in enforcing criminal and traffic laws, preserving public order, protecting life and property, and preventing, detecting or investigating crime to wear a body camera while performing their duties. It also requires all police patrol vehicles to be equipped with a dashboard camera. Those provisions are effective July 1, 2022. In order to assist municipalities pay for the new equipment, the act establishes a four million dollar grant program to reimburse fifty percent of the cost for distressed municipalities and thirty percent for all other municipalities.

Office of the Inspector General

The act establishes an Office of the Inspector General as an independent office within the Division of Criminal Justice to conduct investigations of peace officers and to prosecute any case where the Inspector General determines a peace officer used unjustifiable force. The IG shall be nominated by the Criminal Justice Commission and approved by the General Assembly.

Military Equipment

The act prohibits law enforcement from acquiring certain military equipment under the federal 1033 program. It requires each law enforcement agency to provide an inventory of military equipment that an agency already owns and the use or proposed use of that equipment to the Judiciary and Public Safety Committees. The act also allows the governor's office and DESPP to order a law enforcement agency to sell, transfer or otherwise dispose of such equipment. A municipality may request that the governor's office and the commissioner reconsider such order.

Justified Use of Deadly Physical Force

This act narrows the circumstances where an officer is justified in using deadly force. Under this act an officer may use deadly force when they reasonably believe it is necessary to defend themselves or a third person; or, in limited circumstances, if they are arresting or preventing the escape of an individual who they reasonably believe has committed a felony.

Chokeholds

Bans the use of chokeholds and any other method of restraint that impedes the ability to breath, or restricts blood circulation to the brain, unless the officer reasonably believes such use is necessary to defend themselves from deadly physical force.

Officer's Duty to Intervene and Report Use of Excessive Force

The act requires police or corrections officers to intervene and attempt to stop another officer from using force that they objectively know is unreasonable, excessive, or illegal unless the officer is operating undercover. It also requires officers who witness such force to report it to their law enforcement agency. An officer who fails to report as soon as practicable may be prosecuted for hindering prosecution. Retaliation against officers who have intervened or reported such incidents is prohibited and provides that officer protection under our state's whistleblower laws.

Limits on Consent Searches

The act generally prohibits frisking of individuals, even if the individual has consented to such search, unless there is probable cause. The act also prohibits law enforcement from requesting

consent to search a motor vehicle stopped solely for a motor vehicle violation unless there is probable cause or the officer received the driver's unsolicited consent in writing or recorded from a body-worn camera or dashcam.

Penalties for False Reporting

This act raises the penalties for false reporting and misusing the 911 system if there is specific intent to do so based on the race, religion, ethnicity, disability, gender, sexual orientation, gender identity or gender expression of the person or group the report or call is made against.

Prohibition on Asking for Non-Driving Identification or Documentation

The act prohibits an officer from requesting documentation or identification not directly related to the stop and the operation of a motor vehicle unless there exists probable cause to believe that a felony or misdemeanor has been committed or the operator has failed to produce a valid driver's license.

Chief Medical Examiner Investigation of Deaths in Police Custody

The act requires the Chief Medical Examiner to investigate all deaths that occur in the custody police or the Department of Corrections.

Prohibition on Pedestrian Citation Quotas

The act extends the prohibition on quotas for motor vehicle violation to include pedestrian citations.

Law Enforcement Unit Accreditation

Beginning in 2025, the act requires law enforcement units to obtain accreditation from the Commission for Law Enforcement Agencies.

Police Transparency and Accountability Task Force

The act expands the scope and extends the reporting deadlines of the task force to study police transparency and accountability to require it to examine, among other things, the feasibility of requiring police to have professional liability insurance and how police execute no-knock warrants.

Reconstituting the POST Council

Under current law, the POST council consists of 20 members, 17 appointed by the governor and three serving ex-officio (the DESPP commissioner and FBI special agent-in-charge for Connecticut, or their designees, and the chief state's attorney). Beginning January 1, 2021, the council's size will increase to 21 members by adding the Connecticut State Police Academy's commanding officer. The number of gubernatorial appointments is reduced from 17 to 11, adds 6 legislative appointments and requires representation from additional stakeholders. As under current law, appointed members serve for a term coterminous with their appointing authority (CGS § 4-1a). The bill deems a member to have resigned from POST if they miss three consecutive meetings or 50% of the meetings held during the calendar year. The bill retains provisions in current law that require the governor to appoint the chairperson and specify that a nonpublic member ceases to be on the council if they terminate their holding of the office or employment that qualified them for appointment.

Police Badge and Name Tag Requirements

The act generally requires police officers to prominently display their employer-issued badge and name tag on the outermost layer of their uniform. The requirement applies to police officers who are authorized to make arrests or required to interact with the public daily.

Civilian Review Boards

The act allows each town's legislative body to establish a civilian police review board by ordinance.

Feasibility and Impact of Social Workers Responding to Certain Police Calls

The act requires DESPP and local police departments to evaluate the feasibility and potential impact of using social workers to respond to calls for assistance or accompany a police officer on certain calls.

Use of Force Recordkeeping and Reporting

The act expands a law enforcement unit's recordkeeping and reporting requirements to include reports on police use of excessive force and requires OPM to review use of force reports.

Security Officer Qualifications

The act prohibits decertified police officers from acquiring a security services license or performing security officer work.

Pre-docketing Prosecutorial Review of Criminal Charges

The act requires the Chief State's Attorney, in consultation with the Chief Court Administrator, to prepare a plan to have a prosecutorial official review each charge in any criminal case before the case is docketed.