

## **Highlights of New Law HB 6004**

### **'An Act Concerning Police Accountability'**

*The Bill enacted several police reforms that have impacts on both police officers and the organizations/municipalities employing them.*

By David Rosado

### **Police Officer Standards and Training Council**

This Bill requires any sworn state police officer appointed by the Commissioner of the Department of Emergency Services and Public Protection ("DEPPS"), on or after the effective date, to be certified by the Police Officer Standards and Training Council ("POST") within one year of appointment.

The effect of these changes bring state police officers under the umbrella of POST, whereas before this, only municipal officers were.

Other highlights in this section are as follows:

1. POST has the ability to revise and update state police training plans.
2. POST has the ability to approve, or revoke the approval, of state police training academies, and to issue certification, or revoke certification, of the state police academies.
3. POST has the ability to set the minimum courses and attendance requirements for the state police training academy.
4. POST has the ability to issue certifications to law enforcement

instructors in the field of expertise that the instructors will be teaching.

5. POST can now require officers seeking renewal of their law enforcement certifications to submit to a urinalysis drug test.

6. On or before January 1, 2021, POST shall develop and implement written policies concerning the requirement that all police officers undergo periodic behavioral health assessments.

- The chief law enforcement executive of each department shall require that as a condition of continued employment, each police officer submits to a periodic health assessment, not less than once every five years.
- This may be waived for an individual officer if that officer has submitted written notification of an intent to retire

7. POST can now cancel or revoke the certification of a police officer if it is found that the officer “engaged in conduct that undermines public confidence in law enforcement, including, but not limited to, discriminatory conduct, falsification of reports or a violation of the Alvin W. Penn Racial Profiling Prohibition Act” or if the officer is found to have used physical force excessively on another person or used physical force in a manner not to be justifiable.

8. POST, in consultation with DEPPS, the Chief’s State’s Attorney, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers shall adopt a uniform, state-wide policy for crowd management. No later than December, 1, 2020, POST is to post a notice of intent to adopt these regulations on its website.

## **Implicit Bias Training**

All police departments in the state of Connecticut must incorporate into their policies training on Implicit Bias.

Implicit Bias is defined as “training on how to recognize and mitigate unconscious biases against a particular segment of the population that might influence a police officer’s judgments and decisions when interacting with a member of such segment of the population.”

## **Disciplinary Records**

No collective bargaining agreement or arbitration award entered into before, on or after the effective date may prohibit the disclosure of any disciplinary action imposed on a police officer.

## **Diversity**

If a police department serves a community with a high concentration of minority residents, that department shall make efforts to recruit, retain and promote minority officers so that the racial and ethnic diversity is representative of the community.

No later than January 1, 2021, and annually thereafter, the chief law enforcement officer of the respective department shall report to POST on the organization’s efforts to recruit, retain and promote minority police officers.

In turn, POST, not later than January 1, 2021, and annually thereafter, shall submit an annual report to the Governor and joint standing committees (judiciary and public safety) on (1) comprehensive police training plans, (2) recruitment, retention, and promotion of minority police officers, and (3) an accounting of all grants, contributions, gifts, donations or other financial assistance.

## **Transparency and Accountability Task Force**

A task force is established to study police transparency and accountability. The task force will study:

- police officer interactions with individuals with a mental, intellectual or physical disabilities
- motor vehicle stops and the reasons for those stops
- recruitment, retention, promotion
- the feasibility of police officers and police departments procuring and maintaining professional liability insurance
- Creation of secondary traffic violations
- The establishment of a requirement that any police traffic stop be based on the enforcement of a primary traffic violation
- Execution of Search Warrants
- Bondsman procedures
- Mandatory revocation compared to discretionary revocation procedures by POST
- Other issues deemed appropriate by the task force

## **Police Officer Identification**

On and after January 1, 2021 all police officers shall be required to affix and prominently display on the outermost garment the badge and name tag of that officer.

POST will develop a model policy by December 31, 2020.

## **Civilian Police Review Boards**

Any town may, by ordinance, establish a civilian police review board. The ordinance, at minimum, should prescribe:

- 1) The scope of authority of the board
- 2) The number of members
- 3) The process for selection
- 4) The term of office for board members
- 5) The procedures for filling any vacancies

Any civilian police review board may be vested with the authority to issue subpoenas and require the production of any information relevant to a matter under investigation.

## **Social Service Workers**

Not later than six months after the passage of this Bill, each police department shall complete an evaluation of potentially using social workers on calls where the experience and training of a social worker could provide assistance. Such evaluations should be submitted to POST.

## **Body-Worn Recording Equipment**

POST shall have the authority to set minimum technical specifications for the use of body-worn recording equipment.

Any department that is a recipient of grant-in-aid as reimbursement for body-worn recording equipment shall be required to:

- Have each police officer use the body-worn recording equipment while interacting with the public in such member's law enforcement capacity
- Have each police officer wear body-worn recording equipment on such officer's outermost garment positioned above the torso
- Use a dashboard camera in each patrol vehicle used by any officer in accordance with the department's policy

The Office of Policy and Management (“OPM”) shall administer a grant to provide aid to municipalities for the costs associated with the purchase of body-worn recording equipment. Any municipality can apply for aid through OPM, and funds will be distributed during the fiscal years ending June 30, 2021 and June 30, 2022.

## **Motor Vehicle Searches**

Police officers cannot ask an operator of a motor vehicle to conduct a search of a motor vehicle or its contents for a stop that is initiated solely for a motor vehicle violation. For such stop, the search must be:

- Based on probable cause, or
- Unsolicited consent from the operator in written form or captured by the body-worn recording equipment

Police officers cannot ask an operator of a motor vehicle to provide any documentation other than an operator’s license, motor vehicle registration, insurance card, or other documentation directly related to the stop when the stop has been initiated solely for a motor vehicle violation.

## **Expanded Definition of Falsely Reporting an Incident**

A new circumstance is added when a person, with intent, falsely reports an incident, knowing the information is false, “because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons.”

A person is guilty of misuse of the 911 system when that person makes “specific intent to make a false alarm or complaint or report false information about another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons.”

## Use of Force

The Bill outlines that an officer's use of deadly physical force must be "objectively reasonable under the circumstances", and:

- a) He or she reasonably believes such use is necessary to defend him/herself or a third person from the imminent use of deadly physical force,
- b) He or she has exhausted reasonable alternatives, and
- c) reasonably believes that force creates no substantial risk to a third person and reasonably believes such force to be necessary to:
  - i) Effect an arrest of a person whom he or she reasonably has committed, or attempted to commit, a felony which involved serious physical injury, or
  - ii) Prevent the escape from custody of a person whom he or she reasonably believes has committed a felony which involved serious physical injury and if, where feasible, has given warning of his or her intent to use deadly physical force.

In order to evaluate the standard of objective reasonableness, the Bill outlines factors that should be weighed. Specifically, it lists whether:

- a) The person upon whom deadly physical force was used possessed or appeared to possess a deadly weapon,
- b) The officer engaged in reasonable deescalation measures prior to using deadly physical force, and
- c) Any conduct of the officer that led to an increased risk of an occurrence of the situation that precipitated the use of such force.

The Bill outlines that chokeholds can only be used in situations where an officer believes such force is necessary to defend himself or herself from the imminent use of deadly physical force.

## **Use of Force Reporting**

Effective October 1, 2020, the Bill mandates that any officer who witnesses another officer using unreasonable, excessive, or illegal use of force shall intervene and attempt to stop that officer from using such force. (There is an exception on this mandate for undercover officers)

Additionally, such officers shall be required to report such inappropriate use of force as soon as practicable to the department who employs the offending officer. No police department is permitted to retaliate or discriminate against an officer who has intervened.

The Bill outlines that police departments shall keep a record of their organization's use of force incidents, and not later than February 1, 2021, and annually thereafter, submit a report to the Criminal Justice Policy and Planning Division within OPM.

## **Security Officer Licenses**

The Bill adds to the list of disqualifiers preventing one from obtaining a security officer license to include officers who have had their certification canceled, revoked, or canceled.

## **Office of the Inspector General**

A new independent Office of the Inspector General has been established. A Deputy Chief State's Attorney shall be nominated as Inspector General, and the office shall:

- 1) Conduct investigations of officers involved in the use of deadly physical force
- 2) Prosecute any case in which the Inspector General determined that an officer's use of deadly physical force upon another person was found to be not justifiable



## **Office of the Chief Medical Examiner**

In addition to its established responsibilities, the Office of the Chief Medical Examiner is required to investigate any death, not clearly the result of natural causes, that occurs while the deceased was in the custody of a law enforcement official or organization.

## **Quotas**

Police departments are not permitted to implement quotas requiring officers to issue citations to pedestrians or summonses for motor vehicle violations.

## **Civil Actions - Qualified/Governmental Immunity**

Effective July 1, 2021, any person feeling that they have been deprived of the equal privileges and immunities under the laws of this state, by a police officer, police department or municipality, may bring a civil action for equitable relief or damages in Superior Court.

Under this Bill, municipalities and police departments will be required to indemnify their officers and pay for their legal defense, except for cases involving a malicious, wanton, or willful act.

Officers will have immunity if they had “an objectively good faith belief that their conduct did not violate the law.”

A civil action must be commenced no later than one year after the date on which the cause of action accrues.

## **Commission of Accreditation for Law Enforcement Agencies (“CALEA”)**

Effective July 1, 2025 all police departments in the state shall have obtained and

maintained CALEA accreditation. POST will work with departments on this effort.

