



Substitute House Bill No. 5372

Public Act No. 22-114

AN ACT CONCERNING PERIODIC BEHAVIORAL HEALTH ASSESSMENTS, POLICE OFFICER RECRUITMENT, SCHOOL RESOURCE OFFICERS, REPORTING OF VIOLATIONS TO THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL, INVESTIGATIONS BY THE INSPECTOR GENERAL, MINIMUM STANDARDS AND PRACTICES FOR THE ADMINISTRATION, MANAGEMENT AND OPERATION OF LAW ENFORCEMENT UNITS AND THE CORRECTION ADVISORY COMMITTEE.

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

Section 1. Section 7-291e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) As used in this section: (1) "Administrative head of each law enforcement unit" means the Commissioner of Emergency Services and Public Protection, the board of police commissioners, the chief of police, superintendent of police or other authority having charge of a law enforcement unit; and (2) "behavioral health assessment" means a behavioral health assessment of a police officer conducted by a board-certified psychiatrist, [or] psychologist licensed pursuant to the provisions of chapter 383 or a clinical social worker licensed pursuant to the provisions of chapter 383b, who has experience diagnosing and treating post-traumatic stress disorder.

(b) On and after January 1, 2021, the administrative head of each law

Substitute House Bill No. 5372

enforcement unit shall require each police officer employed by such law enforcement unit to submit, as a condition of continued employment, to a periodic behavioral health assessment. Each police officer employed by a law enforcement unit shall submit to a periodic behavioral health assessment not less than once every five years. In carrying out the provisions of this section, the administrative head of each law enforcement unit may stagger the scheduling of such behavioral health assessments in a manner that results in approximately twenty per cent of the total number of police officers in the law enforcement unit receiving behavioral health assessments each year over a five-year period. Notwithstanding the provisions of this subsection, the administrative head of a law enforcement unit may waive the requirement that a police officer submit to a periodic behavioral health assessment when the police officer has submitted written notification of his or her decision to retire from the law enforcement unit to such administrative head, provided the effective date of such retirement is not more than six months beyond the date on which such periodic behavioral health assessment is scheduled to occur.

(c) In addition to the behavioral health assessments required pursuant to subsection (b) of this section, the administrative head of each law enforcement unit may, for good cause shown, require a police officer to submit to an additional behavioral health assessment. The administrative head of a law enforcement unit requiring that a police officer submit to an additional behavioral health assessment shall provide the police officer with a written statement setting forth the good faith basis for requiring the police officer to submit to an additional behavioral health assessment. Upon receiving such written statement, the police officer shall, not later than thirty days after the date of the written request, submit to such behavioral health assessment.

(d) A law enforcement unit that hires any person as a police officer, who was previously employed as a police officer by another law

Substitute House Bill No. 5372

enforcement unit or employed as a police officer in any other jurisdiction, may require such new hire to submit to a behavioral health assessment not later than six months after the date of hire. When determining whether such new hire shall be required to submit to a behavioral health assessment, the law enforcement unit shall give due consideration to factors that include, but are not limited to, the date on which such new hire most recently submitted to a behavioral health assessment.

(e) Any person conducting a behavioral health assessment of a police officer pursuant to the provisions of this section shall provide a written copy of the results of such assessment to the police officer and to the administrative head of the law enforcement unit employing the police officer.

(f) The results of any behavioral health assessment conducted in accordance with the provisions of this section and any record or note maintained by a psychiatrist, [or] psychologist, or clinical social worker in connection with the conducting of such assessment shall not be subject to disclosure under section 1-210.

Sec. 2. Section 7-291b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

Not later than January 1, 2016, each law enforcement unit, as defined in section 7-294a, shall develop and implement guidelines for the recruitment, retention and promotion of minority police officers, as defined in section 7-294a. Such guidelines shall promote achieving the goal of racial, gender, ideological and ethnic diversity within the law enforcement unit and community involvement.

Sec. 3. (*Effective from passage*) (a) Not later than thirty days after the effective date of this section, the Board of Regents for Higher Education shall select a public institution of higher education to study the role and

Substitute House Bill No. 5372

impact school resource officers have on students with disabilities.

(b) As part of such study, the selected public institution of higher education shall:

(1) Determine how many school resource officers are employed in this state and the number of such officers in each school district;

(2) Detail the funding mechanisms each district uses to employ school resource officers;

(3) Develop metrics for assessing the efficacy of school resource officers, particularly in the context of interactions with students with disabilities;

(4) Determine the chain of command structure when students with disabilities experience crises in school, including who responds and when;

(5) Determine what the process is for entering into memoranda of understanding between school districts, boards of education and school resource officers, and public accessibility to such process; and

(6) Explore other issues that the public institution of higher education conducting the study deems relevant to such study.

(c) Not later than December 1, 2022, the selected public institution shall report its findings in accordance with the provisions of section 11-4a of the general statutes to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary.

Sec. 4. Section 7-294d of the 2022 supplement to the general statutes is amended by adding subsection (h) as follows (*Effective October 1, 2022*):

(NEW) (h) (1) The chief law enforcement officer of each law

Substitute House Bill No. 5372

enforcement unit shall report to the council any violation where a certificate holder has been found by the law enforcement unit, pursuant to procedures established by such unit, to have: (A) Used unreasonable, excessive or illegal force that causes serious physical injury to or the death of another person, or used unreasonable, excessive or illegal force that was likely to cause serious physical injury or death to another person; (B) while acting in a law enforcement capacity, failed to intervene or stop the use of unreasonable, excessive or illegal force by another police officer that caused serious physical injury or death to another person, or unreasonable, excessive or illegal force that was likely to cause serious physical injury or death to another person, or to notify a supervisor and submit a written report of such acts where the holder has personal knowledge of such acts and had the ability to prevent such acts; (C) intentionally intimidated or harassed another person based upon actual or perceived protected class membership, identity or expression and in doing so threatened to commit or caused physical injury to another person; and (D) been terminated, dismissed, resigned or retired under circumstances described in section 7-291c.

(2) If the chief law enforcement officer of any municipal police department or the Department of Emergency Services and Public Protection fails to report to the council as required in subdivision (1) of this subsection, the council shall notify the Inspector General who shall investigate such failure to report. The Inspector General shall report the findings of the investigation to the Governor and joint standing committee of the General Assembly having cognizance of matters relating to the judiciary in accordance with the provisions of section 11-4a.

Sec. 5. Subsection (a) of section 51-277e of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) There is established the Office of the Inspector General that shall

Substitute House Bill No. 5372

be a separate office within the Division of Criminal Justice. Not later than October 1, 2021, the Criminal Justice Commission established pursuant to section 51-275a shall appoint a deputy chief state's attorney as Inspector General who shall lead the Office of the Inspector General. The office shall: (1) Conduct investigations of peace officers in accordance with section 51-277a, as amended by this act; (2) prosecute any case in which the Inspector General determines a peace officer used force found to not be justifiable pursuant to section 53a-22 or where a police officer or correctional officer fails to intervene in any such incident or to report any such incident, as required under subsection (a) of section 7-282e or section 18-81nn, as applicable; [and] (3) investigate any failure to report in accordance with the provisions of subdivision (1) of subsection (h) of section 7-294d, as amended by this act; and (4) make recommendations to the Police Officer Standards and Training Council established under section 7-294b concerning censure and suspension, renewal, cancelation or revocation of a peace officer's certification.

Sec. 6. Subsection (a) of section 18-81jj of the general statutes, as amended by section 1 of public act 22-18, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established the Correction Advisory Committee that shall consist of [nine] eleven members. Such members shall be appointed as follows:

(1) One who is directly impacted, appointed by the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction;

(2) One who has expertise in law, specifically the rights of incarcerated persons, appointed by the House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction;

Substitute House Bill No. 5372

(3) One who has a demonstrated interest in advancing the rights and welfare of incarcerated persons, appointed by the president pro tempore of the Senate;

(4) One who has a demonstrated interest in advancing the rights and welfare of incarcerated persons, appointed by the speaker of the House of Representatives;

(5) One who has expertise in the provision of mental health care to incarcerated persons or formerly incarcerated persons, appointed by the minority leader of the Senate;

(6) One who has expertise in the provision of medical care to incarcerated persons or formerly incarcerated persons, appointed by the minority leader of the House of Representatives; [and]

(7) One of whom is a victim of a violent crime, a person who advocates for victims' rights or an attorney who has represented a victim of a violent crime, appointed by the House ranking member of the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction;

(8) One who has an expertise in corrections, appointed by the Senate ranking member of the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction; and

(9) Three who are appointed by the Governor, one of whom has expertise in corrections, one of whom has expertise in medication in a correctional setting and one of whom is directly impacted.

Approved May 27, 2022