

**AN ACT CONCERNING THE TIMELY REPORTING BY THE POLICE OF
A DEATH.**

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

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) If a peace officer
2 responds to an incident involving a deceased person or the remains of a
3 person or otherwise encounters a deceased person or the remains of a
4 person while such officer is on duty, such officer shall ensure that a
5 person who is a next of kin of such person is notified of such person's
6 death in a manner provided for in applicable guidelines used by the law
7 enforcement agency employing such officer. Such law enforcement
8 agency shall ensure such notification is made as soon as practicable, but
9 not later than twenty-four hours following the identification of such
10 person, except as provided in subsection (b) of this section.

11 (b) If a peace officer is unable to notify a person who is a next of kin
12 of a deceased person as required under subsection (a) of this section,
13 such officer shall document the reason for the failure or delay of
14 notification and any attempts made to make such notification.

15 (c) If no person who is a next of kin of a deceased person is notified
16 of such person's death as required under subsection (a) of this section, a
17 person who is a next of kin of the deceased person may request of the
18 Office of the Inspector General, established under section 51-277e of the
19 general statutes, as amended by this act, an investigation of such lack of
20 notification or timely notification.

21 (d) For purposes of this section, "peace officer" has the same meaning
22 as provided in section 53a-3 of the general statutes, "next of kin" has the
23 same meaning as provided in section 19a-415a of the general statutes
24 and "law enforcement agency" means the Division of State Police within
25 the Department of Emergency Services and Public Protection or any
26 municipal police department.

27 Sec. 2. Section 51-277a of the 2022 supplement to the general statutes
28 is repealed and the following is substituted in lieu thereof (*Effective*
29 *October 1, 2022*):

30 (a) (1) Whenever a peace officer, in the performance of such officer's
31 duties, uses physical force upon another person and such person dies as
32 a result thereof or uses deadly force, as defined in section 53a-3, upon
33 another person, the Division of Criminal Justice shall cause an
34 investigation to be made and the Inspector General shall have the
35 responsibility of determining whether the use of physical force by the
36 peace officer was justifiable under section 53a-22.

37 (2) (A) Except as provided under subdivision (1) of this subsection,
38 whenever a person dies in the custody of a peace officer or law
39 enforcement agency, the Inspector General shall investigate and
40 determine whether physical force was used by a peace officer upon the
41 deceased person, and if so, whether the use of physical force by the
42 peace officer was justifiable under section 53a-22. If the Inspector
43 General determines the deceased person may have died as a result of
44 criminal action not involving the use of force by a peace officer, the
45 Inspector General shall refer such case to the Chief State's Attorney or
46 state's attorney for potential prosecution.

47 (B) Except as provided under subdivision (1) of this subsection or
48 subparagraph (A) of subdivision (2) of this subsection, whenever a
49 person dies in the custody of the Commissioner of Correction, the
50 Inspector General shall investigate and determine whether the deceased
51 person may have died as a result of criminal action, and, if so, refer such
52 case to the Chief State's Attorney or state's attorney for potential
53 prosecution.

54 (3) Whenever a person who (A) is a next of kin of a deceased person,
55 (B) is not notified of such deceased person's death as required pursuant
56 to section 1 of this act and no other person who is a next of kin of the
57 deceased person was so notified, and (C) requests of the Office of the
58 Inspector General an investigation of the lack of notification or timely
59 notification of such death, the Inspector General shall investigate and
60 determine whether there was any malfeasance on the part of a peace
61 officer or a supervisor of the peace officer in the failure to provide such
62 notification or timely notification, and if so, may make
63 recommendations to the Police Officer Standards and Training Council
64 established under section 7-294b concerning censure and suspension,
65 renewal, cancelation or revocation of the peace officer's or supervisor's
66 certification.

67 ~~[(3)]~~ (4) The Inspector General shall request the appropriate law
68 enforcement agency to provide such assistance as is necessary to
69 investigate and make a determination under subdivision (1) or (2) of this
70 subsection.

71 ~~[(4)]~~ (5) Whenever a peace officer, in the performance of such officer's
72 duties, uses physical force or deadly force upon another person and
73 such person dies as a result thereof, the Inspector General shall complete
74 a preliminary status report that shall include, but need not be limited to,
75 (A) the name of the deceased person, (B) the gender, race, ethnicity and
76 age of the deceased person, (C) the date, time and location of the injury
77 causing such death, (D) the law enforcement agency involved, (E) the
78 status on the toxicology report, if available, and (F) the death certificate,
79 if available. The Inspector General shall complete the report and submit
80 a copy of such report not later than five business days after the cause of
81 the death is available to the Chief State's Attorney and, in accordance
82 with the provisions of section 11-4a, to the joint standing committees of
83 the General Assembly having cognizance of matters relating to the
84 judiciary and public safety.

85 (b) Upon the conclusion of the investigation of ~~[the]~~ an incident of the
86 use of force, the Inspector General shall file a report with the Chief

87 State's Attorney which shall contain the following: (1) The
88 circumstances of the incident, (2) a determination of whether the use of
89 physical force by the peace officer was justifiable under section 53a-22,
90 and (3) any recommended future action to be taken by the Office of the
91 Inspector General as a result of the incident. The Chief State's Attorney
92 shall provide a copy of the report to the chief executive officer of the
93 municipality in which the incident occurred and to the Commissioner
94 of Emergency Services and Public Protection or the chief of police of
95 such municipality, as the case may be, and shall make such report
96 available to the public on the Division of Criminal Justice's Internet web
97 site not later than forty-eight hours after the copies are provided to the
98 chief executive officer and the commissioner or chief of police.

99 (c) The Office of the Inspector General shall prosecute any case
100 involving an incident of the use of force in which the Inspector General
101 determines that (1) the use of force by a peace officer was not justifiable
102 under section 53a-22, or (2) there was a failure to intervene in such
103 incident or to report any such incident, as required under subsection (a)
104 of section 7-282e or section 18-81nn.

105 Sec. 3. Subsection (a) of section 51-277e of the 2022 supplement to the
106 general statutes is repealed and the following is substituted in lieu
107 thereof (*Effective October 1, 2022*):

108 (a) There is established the Office of the Inspector General that shall
109 be a separate office within the Division of Criminal Justice. Not later
110 than October 1, 2021, the Criminal Justice Commission established
111 pursuant to section 51-275a shall appoint a deputy chief state's attorney
112 as Inspector General who shall lead the Office of the Inspector General.
113 The office shall: (1) Conduct investigations of peace officers in
114 accordance with section 51-277a, as amended by this act; (2) prosecute
115 any case in which the Inspector General determines a peace officer used
116 force found to not be justifiable pursuant to section 53a-22 or where a
117 police officer or correctional officer fails to intervene in any such
118 incident or to report any such incident, as required under subsection (a)
119 of section 7-282e or section 18-81nn, as applicable; [and] (3) investigate

120 any failure to report the death of a person in accordance with the
121 provisions of section 1 of this act; and (4) make recommendations to the
122 Police Officer Standards and Training Council established under section
123 7-294b concerning censure and suspension, renewal, cancelation or
124 revocation of a peace officer's certification.

125 Sec. 4. Subsection (c) of section 7-294d of the 2022 supplement to the
126 general statutes is repealed and the following is substituted in lieu
127 thereof (*Effective October 1, 2022*):

128 (c) (1) The council may refuse to renew any certificate if the holder
129 fails to meet the requirements for renewal of his or her certification.

130 (2) The council may cancel or revoke any certificate if: (A) The
131 certificate was issued by administrative error, (B) the certificate was
132 obtained through misrepresentation or fraud, (C) the holder falsified
133 any document in order to obtain or renew any certificate, (D) the holder
134 has been convicted of a felony, (E) the holder has been found not guilty
135 of a felony by reason of mental disease or defect pursuant to section 53a-
136 13, (F) the holder has been convicted of a violation of section 21a-279,
137 (G) the holder has been refused issuance of a certificate or similar
138 authorization or has had his or her certificate or other authorization
139 cancelled or revoked by another jurisdiction on grounds which would
140 authorize cancellation or revocation under the provisions of this
141 subdivision, (H) the holder has been found by a law enforcement unit,
142 pursuant to procedures established by such unit, to have used a firearm
143 in an improper manner which resulted in the death or serious physical
144 injury of another person, (I) the holder has been found by a law
145 enforcement unit, pursuant to procedures established by such unit and
146 considering guidance developed under subsection (g) of this section, to
147 have engaged in conduct that undermines public confidence in law
148 enforcement, including, but not limited to, discriminatory conduct,
149 falsification of reports, issuances of orders that are not lawful orders,
150 failure to report or timely report a death in violation of section 1 of this
151 act or a violation of the Alvin W. Penn Racial Profiling Prohibition Act
152 pursuant to sections 54-1l and 54-1m, provided, when evaluating any

153 such conduct, the council considers such conduct engaged in while the
154 holder is acting in such holder's law enforcement capacity or
155 representing himself or herself to be a police officer to be more serious
156 than such conduct engaged in by a holder not acting in such holder's
157 law enforcement capacity or representing himself or herself to be a
158 police officer, [;] (J) the holder has been found by a law enforcement
159 unit, pursuant to procedures established by such unit, to have used
160 physical force on another person in a manner that is excessive or used
161 physical force in a manner found to not be justifiable after an
162 investigation conducted pursuant to section 51-277a, as amended by this
163 act, or (K) the holder has been found by a law enforcement unit,
164 pursuant to procedures established by such unit, to have committed any
165 act that would constitute tampering with or fabricating physical
166 evidence in violation of section 53a-155, perjury in violation of section
167 53a-156 or false statement in violation of section 53a-157b. Whenever the
168 council believes there is a reasonable basis for suspension, cancellation
169 or revocation of the certification of a police officer, police training school
170 or law enforcement instructor, it shall give notice and an adequate
171 opportunity for a hearing prior to such suspension, cancellation or
172 revocation. Such hearing shall be conducted in accordance with the
173 provisions of chapter 54. Any holder aggrieved by the decision of the
174 council may appeal from such decision in accordance with the
175 provisions of section 4-183. The council may cancel or revoke any
176 certificate if, after a de novo review, it finds by clear and convincing
177 evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of
178 this subdivision, or (ii) that the holder of the certificate committed an act
179 set forth in subparagraph (H), (I), (J) or (K) of this subdivision. In any
180 such case where the council finds such evidence, but determines that the
181 severity of an act committed by the holder of the certificate does not
182 warrant cancellation or revocation of such holder's certificate, the
183 council may suspend such holder's certification for a period of up to
184 forty-five days and may censure such holder of the certificate. Any
185 police officer or law enforcement instructor whose certification is
186 cancelled or revoked pursuant to this section may reapply for
187 certification no sooner than two years after the date on which the

188 cancellation or revocation order becomes final. Any police training
189 school whose certification is cancelled or revoked pursuant to this
190 section may reapply for certification at any time after the date on which
191 such order becomes final. For purposes of this subdivision, a lawful
192 order is an order issued by a police officer who is in uniform or has
193 identified himself or herself as a police officer to the person such order
194 is issued to at the time such order is issued, and which order is
195 reasonably related to the fulfillment of the duties of the police officer
196 who is issuing such order, does not violate any provision of state or
197 federal law and is only issued for the purposes of (I) preventing,
198 detecting, investigating or stopping a crime, (II) protecting a person or
199 property from harm, (III) apprehending a person suspected of a crime,
200 (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency
201 relief, including the administration of first aid.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2022</i>	New section
Sec. 2	<i>October 1, 2022</i>	51-277a
Sec. 3	<i>October 1, 2022</i>	51-277e(a)
Sec. 4	<i>October 1, 2022</i>	7-294d(c)