



General Assembly

**Substitute Bill No. 6840**

January Session, 2023



**AN ACT EXPANDING MEMBERSHIP OF THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL, REQUIRING GUIDELINES REGARDING BODY-WORN RECORDING EQUIPMENT AND REQUIRING A REPORT REGARDING CONDUCT THAT UNDERMINES PUBLIC CONFIDENCE IN LAW ENFORCEMENT.**

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

1 Section 1. Section 7-294b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 1, 2024*):

3 (a) There shall be a Police Officer Standards and Training Council  
4 which shall be within the Department of Emergency Services and  
5 Public Protection. [Until December 31, 2020, the council shall consist of  
6 the following members appointed by the Governor: (1) A chief  
7 administrative officer of a town or city in Connecticut; (2) the chief  
8 elected official or chief executive officer of a town or city in  
9 Connecticut with a population under twelve thousand which does not  
10 have an organized police department; (3) a member of the faculty of  
11 The University of Connecticut; (4) eight members of the Connecticut  
12 Police Chiefs Association who are holding office or employed as chief  
13 of police or the highest ranking professional police officer of an  
14 organized police department of a municipality within the state; (5) the  
15 Chief State's Attorney; (6) a sworn municipal police officer whose rank  
16 is sergeant or lower; and (7) five public members.]

17 (b) [On and after January 1, 2021, the] The council shall consist of  
18 the following members:

19 (1) The chief elected official or chief executive officer of a town or  
20 city within the state with a population in excess of fifty thousand,  
21 appointed by the Governor;

22 (2) The chief elected official or chief executive officer of a town or  
23 city within the state with a population of fifty thousand or less,  
24 appointed by the Governor;

25 (3) A member of the faculty of an institution of higher education in  
26 the state who has a background in criminal justice studies, appointed  
27 by the Governor;

28 (4) A member of the Connecticut Police Chiefs Association who is  
29 holding office or employed as the chief of police, the deputy chief of  
30 police or a senior ranking professional police officer of an organized  
31 police department of a municipality within the state with a population  
32 in excess of one hundred thousand, appointed by the Governor;

33 (5) A member of the Connecticut Police Chiefs Association who is  
34 holding office or employed as chief of police or the highest ranking  
35 professional police officer of an organized police department of a  
36 municipality within the state with a population in excess of sixty  
37 thousand but not exceeding one hundred thousand, appointed by the  
38 Governor;

39 (6) A member of the Connecticut Police Chiefs Association who is  
40 holding office or employed as chief of police or the highest ranking  
41 professional police officer of an organized police department of a  
42 municipality within the state with a population in excess of thirty-five  
43 thousand but not exceeding sixty thousand, appointed by the  
44 Governor;

45 (7) A sworn municipal police officer from a municipality within the  
46 state with a population exceeding fifty thousand, appointed by the

47 Governor;

48 (8) A sworn municipal police officer from a municipality within the  
49 state with a population not exceeding fifty thousand, appointed by the  
50 Governor;

51 (9) The commanding officer of the Connecticut State Police  
52 Academy;

53 (10) A member of the public, who is a person with a physical  
54 disability or an advocate on behalf of persons with physical  
55 disabilities, appointed by the Governor;

56 (11) A victim of crime or the immediate family member of a  
57 deceased victim of crime, appointed by the Governor;

58 (12) A medical professional, appointed by the Governor;

59 (13) The Chief State's Attorney;

60 (14) A member of the Connecticut Police Chiefs Association or the  
61 person holding office or employed as chief of police or the highest  
62 ranking professional police officer of an organized police department  
63 within the state, appointed by the speaker of the House of  
64 Representatives;

65 (15) A member of the Connecticut Police Chiefs Association or the  
66 person holding office or employed as chief of police or the highest  
67 ranking professional police officer of an organized police department  
68 within the state, appointed by the president pro tempore of the Senate;

69 (16) A member of the Connecticut Police Chiefs Association who is  
70 holding office or employed as chief of police or the highest ranking  
71 professional police officer of an organized police department of a  
72 municipality within the state with a population not exceeding thirty-  
73 five thousand, appointed by the minority leader of the Senate;

74 (17) A member of the public who is a justice-impacted person,

75 appointed by the majority leader of the House of Representatives;

76 (18) A member of the public who is a justice-impacted person,  
77 appointed by the majority leader of the Senate; [and]

78 (19) A member of the public who is a person with a mental  
79 disability or an advocate on behalf of persons with mental disabilities,  
80 appointed by the minority leader of the House of Representatives;

81 (20) A sworn police officer who is not in a command position within  
82 such officer's law enforcement unit, appointed by the Senate  
83 chairperson of the joint standing committee of the General Assembly  
84 having cognizance of matters relating to public safety and security;  
85 and

86 (21) A sworn police officer who is not in a command position within  
87 such officer's law enforcement unit, appointed by the House  
88 chairperson of the joint standing committee of the General Assembly  
89 having cognizance of matters relating to public safety and security.

90 (c) The Commissioner of Emergency Services and Public Protection  
91 and the Federal Bureau of Investigation special agent-in-charge in  
92 Connecticut or their designees shall be voting ex-officio members of  
93 the council. Any member who fails to attend three consecutive  
94 meetings or who fails to attend fifty per cent of all meetings held  
95 during any calendar year shall be deemed to have resigned from the  
96 council. Any nonpublic member of the council shall immediately,  
97 upon the termination of such member's holding the office or  
98 employment that qualified such member for appointment, cease to be  
99 a member of the council. Any vacancy shall be filled by the appointing  
100 authority. A member appointed to fill a vacancy shall be appointed for  
101 the unexpired term of the member whom such member is to succeed in  
102 the same manner as the original appointment. The Governor shall  
103 appoint a chairperson and the council shall appoint a vice-chairperson  
104 and a secretary from among the members.

105 (d) Membership on the council shall not constitute holding a public

106 office. No member of the council shall be disqualified from holding  
107 any public office or employment by reason of his appointment to or  
108 membership on the council nor shall any member forfeit any such  
109 office or employment by reason of his appointment to the council,  
110 notwithstanding the provisions of any general statute, special act or  
111 local law, ordinance or charter.

112 Sec. 2. Section 29-6d of the general statutes is repealed and the  
113 following is substituted in lieu thereof (*Effective July 1, 2023*):

114 (a) For purposes of this section and section 7-277b:

115 (1) "Law enforcement unit" has the same meaning as provided in  
116 section 7-294a;

117 (2) "Police officer" means a sworn member of a law enforcement unit  
118 or any member of a law enforcement unit who performs police duties;

119 (3) "Body-worn recording equipment" means an electronic  
120 recording device that is capable of recording audio and video;

121 (4) "Dashboard camera" means a dashboard camera with a remote  
122 recorder, as defined in section 7-277b;

123 (5) "Digital data storage device or service" means a device or service  
124 that retains the data from the recordings made by body-worn  
125 recording equipment using computer data storage; and

126 (6) "Police patrol vehicle" means any state or local police vehicle  
127 other than an administrative vehicle in which an occupant is wearing  
128 body-worn camera equipment, a bicycle, a motor scooter, an all-terrain  
129 vehicle, an electric personal assistive mobility device, as defined in  
130 subsection (a) of section 14-289h, or an animal control vehicle.

131 (b) The Commissioner of Emergency Services and Public Protection  
132 and the Police Officer Standards and Training Council shall jointly  
133 evaluate and approve the minimal technical specifications of body-

134 worn recording equipment that shall be worn by police officers  
135 pursuant to this section, dashboard cameras that shall be used in each  
136 police patrol vehicle and digital data storage devices or services that  
137 shall be used by a law enforcement unit to retain the data from the  
138 recordings made by such equipment. The commissioner and council  
139 shall make such minimal technical specifications available to each law  
140 enforcement unit in a manner determined by the commissioner and  
141 council. The commissioner and council may revise the minimal  
142 technical specifications when the commissioner and council determine  
143 that revisions to such specifications are necessary.

144 (c) (1) Each police officer shall use body-worn recording equipment  
145 while interacting with the public in such sworn member's law  
146 enforcement capacity, except (A) as provided in subsection (g) of this  
147 section, [or] (B) in the case of a municipal police department, in  
148 accordance with the department's policy adopted by the department  
149 and based on guidelines maintained pursuant to subsection (j) of this  
150 section, concerning the use of body-worn recording equipment, or (C)  
151 in accordance with guidelines adopted pursuant to subsection (k) of  
152 this section.

153 (2) Each police officer shall wear body-worn recording equipment  
154 on such officer's outer-most garment and shall position such  
155 equipment above the midline of such officer's torso when using such  
156 equipment.

157 (3) Body-worn recording equipment used pursuant to this section  
158 shall conform to the minimal technical specifications approved  
159 pursuant to subsection (b) of this section, except that a police officer  
160 may use body-worn recording equipment that does not conform to the  
161 minimal technical specifications approved pursuant to subsection (b)  
162 of this section, if such equipment was purchased prior to January 1,  
163 2016, by the law enforcement unit employing such officer.

164 (4) Each law enforcement unit shall require usage of a dashboard  
165 camera in each police patrol vehicle used by any police officer

166 employed by such unit in accordance with the unit's policy adopted by  
167 the unit and based on guidelines maintained pursuant to subsection (j)  
168 of this section, concerning dashboard cameras.

169 (d) Except as required by state or federal law, no person employed  
170 by a law enforcement unit shall edit, erase, copy, share or otherwise  
171 alter or distribute in any manner any recording made by body-worn  
172 recording equipment or a dashboard camera or the data from such  
173 recording.

174 (e) A police officer may review a recording from his or her body-  
175 worn recording equipment or a dashboard camera in order to assist  
176 such officer with the preparation of a report or otherwise in the  
177 performance of his or her duties.

178 (f) (1) If a police officer is giving a formal statement about the use of  
179 force or if a police officer is the subject of a disciplinary investigation in  
180 which a recording from body-worn recording equipment or a  
181 dashboard camera is being considered as part of a review of an  
182 incident, the officer shall have the right to review (A) such recording in  
183 the presence of the officer's attorney or labor representative, and (B)  
184 recordings from other body-worn recording equipment capturing the  
185 officer's image or voice during the incident. Not later than forty-eight  
186 hours following an officer's review of a recording under subparagraph  
187 (A) of this subdivision, or if the officer does not review the recording,  
188 not later than ninety-six hours following the initiation of such  
189 disciplinary investigation, whichever is earlier, such recording shall be  
190 disclosed, upon request, to the public, subject to the provisions of  
191 subsection (g) of this section.

192 (2) If a request is made for public disclosure of a recording from  
193 body-worn recording equipment or a dashboard camera of an incident  
194 about which (A) a police officer has not been asked to give a formal  
195 statement about the alleged use of force, or (B) a disciplinary  
196 investigation has not been initiated, any police officer whose image or  
197 voice is captured on the recording shall have the right to review such

198 recording in the presence of the officer's attorney or labor  
199 representative. Not later than forty-eight hours following an officer's  
200 review of a recording under this subdivision, or if the officer does not  
201 review the recording, not later than ninety-six hours following the  
202 request for disclosure, whichever is earlier, such recording shall be  
203 disclosed to the public, subject to the provisions of subsection (g) of  
204 this section.

205 (g) (1) Except as otherwise provided by any agreement between a  
206 law enforcement unit and the federal government, no police officer  
207 shall use body-worn recording equipment or a dashboard camera, if  
208 applicable, to intentionally record (A) a communication with other law  
209 enforcement unit personnel, except that which may be recorded as the  
210 officer performs his or her duties, (B) an encounter with an undercover  
211 officer or informant or an officer performing detective work described  
212 in guidelines developed pursuant to subsection (j) of this section, (C)  
213 when an officer is on break or is otherwise engaged in a personal  
214 activity, (D) a person undergoing a medical or psychological  
215 evaluation, procedure or treatment, (E) any person other than a  
216 suspect to a crime if an officer is wearing such equipment in a hospital  
217 or other medical facility setting, or (F) in a mental health facility, unless  
218 responding to a call involving a suspect to a crime who is thought to  
219 be present in the facility.

220 (2) No record created using body-worn recording equipment or a  
221 dashboard camera of (A) an occurrence or situation described in  
222 subparagraphs (A) to (F), inclusive, of subdivision (1) of this  
223 subsection, (B) a scene of an incident that involves (i) a victim of  
224 domestic or sexual abuse, (ii) a victim of homicide or suicide, or (iii) a  
225 deceased victim of an accident, if disclosure could reasonably be  
226 expected to constitute an unwarranted invasion of personal privacy in  
227 the case of any such victim described in this subparagraph, or (C) a  
228 minor, shall be subject to disclosure under the Freedom of Information  
229 Act, as defined in section 1-200, and any such record shall be  
230 confidential, except that a record of a minor shall be disclosed if (i) the



231 minor and the parent or guardian of such minor consent to the  
232 disclosure of such record, (ii) a police officer is the subject of an  
233 allegation of misconduct made by such minor or the parent or  
234 guardian of such minor, and the person representing such officer in an  
235 investigation of such alleged misconduct requests disclosure of such  
236 record for the sole purpose of preparing a defense to such allegation,  
237 or (iii) a person is charged with a crime and defense counsel for such  
238 person requests disclosure of such record for the sole purpose of  
239 assisting in such person's defense and the discovery of such record as  
240 evidence is otherwise discoverable.

241 (h) No police officer shall use body-worn recording equipment prior  
242 to being trained in accordance with section 7-294s in the use of such  
243 equipment and in the retention of data created by such equipment. A  
244 law enforcement unit shall ensure that each police officer such unit  
245 employs receives such training at least annually and is trained on the  
246 proper care and maintenance of such equipment.

247 (i) If a police officer is aware that any body-worn recording  
248 equipment or dashboard camera is lost, damaged or malfunctioning,  
249 such officer shall inform such officer's supervisor in writing as soon as  
250 is practicable. Upon receiving such information, the supervisor shall  
251 ensure that the body-worn recording equipment or dashboard camera  
252 is inspected and repaired or replaced, as necessary. Each police officer  
253 shall inspect and test body-worn recording equipment prior to each  
254 shift to verify proper functioning, and shall notify such officer's  
255 supervisor of any problems with such equipment.

256 (j) The Commissioner of Emergency Services and Public Protection  
257 and the Police Officer Standards and Training Council shall jointly  
258 maintain guidelines pertaining to the use of body-worn recording  
259 equipment and dashboard cameras, including the type of detective  
260 work an officer might engage in that should not be recorded, retention  
261 of data created by such equipment and dashboard cameras and  
262 methods for safe and secure storage of such data. The guidelines shall  
263 not require a law enforcement unit to store such data for a period

264 longer than one year, except in the case where the unit knows the data  
265 is pertinent to any ongoing civil, criminal or administrative matter.  
266 Each law enforcement unit and any police officer and any other  
267 employee of such unit who may have access to such data shall adhere  
268 to such guidelines. The commissioner and council may update and  
269 reissue such guidelines, as the commissioner and council determine  
270 necessary. The commissioner and council shall, upon issuance of such  
271 guidelines or any update to such guidelines, submit such guidelines in  
272 accordance with the provisions of section 11-4a to the joint standing  
273 committees of the General Assembly having cognizance of matters  
274 relating to the judiciary and public safety and security.

275 (k) Not later than October 1, 2023, the Commissioner of Emergency  
276 Services and Public Protection and the Police Officer Standards and  
277 Training Council shall jointly adopt guidelines regarding the exigent  
278 circumstances under which a police officer may interact with the  
279 public without using body-worn recording equipment, such as when  
280 an officer responds to an incident while off duty or when body-worn  
281 recording equipment is not available to the officer. The commissioner  
282 and council may update and reissue such guidelines, as the  
283 commissioner and council determine necessary. The commissioner and  
284 council shall, upon issuance of such guidelines or any update to such  
285 guidelines, submit such guidelines in accordance with the provisions  
286 of section 11-4a to the joint standing committees of the General  
287 Assembly having cognizance of matters relating to the judiciary and  
288 public safety and security.

289 Sec. 3. (*Effective from passage*) Not later than January 1 2024, the  
290 Department of Emergency Services and Public Protection and Police  
291 Officer Standards and Training Council shall report, in accordance  
292 with the provisions of section 11-4a of the general statutes, to the joint  
293 standing committee of the General Assembly having cognizance of  
294 matters relating to public safety and security, on:

295 (1) Whether the council has cancelled or revoked the certification of  
296 a police officer for conduct that undermines public confidence in law

297 enforcement pursuant to subparagraph (I) of subdivision (2) of  
298 subsection (d) of section 7-294d of the general statutes and an  
299 explanation of the circumstances related to each such cancellation or  
300 revocation;

301 (2) Whether the council has considered but declined to cancel or  
302 revoke a police officer's certification for such conduct and the  
303 circumstances related to each such instance;

304 (3) Whether the provisions of subparagraph (I) of subdivision (2) of  
305 subsection (d) of section 7-294d of the general statutes and guidance  
306 issued pursuant to subsection (g) of said section, provide sufficient  
307 guidelines to police officers and law enforcement units regarding the  
308 types of conduct that undermine public confidence in law  
309 enforcement, and the disciplinary actions that should be taken in  
310 response to different types of such conduct; and

311 (4) Any recommendations for revisions to subparagraph (I) of  
312 subdivision (2) of subsection (d) of section 7-294d of the general  
313 statutes or guidance issued pursuant to subsection (g) of said section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2024</i>	7-294b
Sec. 2	<i>July 1, 2023</i>	29-6d
Sec. 3	<i>from passage</i>	New section

**Statement of Legislative Commissioners:**

Section 1 was rewritten and the effective date changed for consistency with standard drafting conventions; in Section 2, the effective date was changed to "July 1, 2023" for internal consistency; and in Section 2(j) and (k), "public safety" was changed to "public safety and security" for consistency with standard drafting conventions.

**PS**      *Joint Favorable Subst.*