

1 **IN GENERAL ASSEMBLY**

2 **XXXXX SESSION, A.D. 2015**

3 **AN ACT RELATING TO POLICE ACCOUNTABILITY**

4 It is enacted by the General Assembly as follows:

5 **SECTION 1. SHORT TITLE.**

6 This Act may be cited as the “Police Accountability Act”.

7 **SECTION 2. LEGISLATIVE DECLARATION OF INTENT.**

8 The General Assembly hereby finds and declares that:

9 (1) Officer-involved shootings are exceedingly rare, but when an incident occurs, it is in the
10 public interest to guarantee that thorough, transparent, and objective reviews are conducted

11 (2) Utilizing outside assistance in both manpower and resources promotes a better and more
12 complete investigation before turning the matter over to district attorneys for a decision on
13 whether or not the shooting was justified. Further, including outside agencies in an investigation
14 promotes and encourages a greater level of transparency and objectivity that provides increased
15 credibility to the final outcome. And finally, including outside agencies eliminates biases,
16 whether real or perceived, which in turn strengthens public confidence in the outcomes of such
17 investigations

18 (3) Public confidence in the process is critical to the overall efficacy of the criminal justice
19 system

20 (4) Confidence in the process is equally important to the officer involved as well as it is to any
21 suspect or other citizen involved, and;

1 (5) Everyone involved in an officer-involved shooting is entitled to know that the investigation
2 and final determination related to such incidents will be made in a fair and just manner

3 Therefore, the General Assembly determines it is in the interest of public safety and responsible
4 government that all law enforcement agencies develop protocols for the reporting of information
5 regarding officer-involved shootings to assist the state in better accessing and recording data
6 related to officer-involved shootings; to provide for equal treatment of all persons who engage in
7 conduct that would constitute an offense under Section XXXX; to improve the public's trust in
8 the delivery of law enforcement services; to promote transparency in law enforcement interaction
9 with the public; enhance use of force reporting and review procedures; and enhance law
10 enforcement officer training and sensitivity in the use of force to prevent or stop illegal or
11 inappropriate use of force.

12 **SECTION 3. ASSAULT OR HOMICIDE BY CERTAIN STATE OR LOCAL LAW**
13 **ENFORCEMENT OFFICERS**

14 (a) **OFFENSE.** Whoever, being a law enforcement officer in any public agency, engages in
15 any conduct in the line of duty that would constitute an offense under Section XXX of the
16 State Criminal Code, shall be punished as is provided for that offense under such section.

17 (b) **DEFINITION.** In this section, the following definitions shall apply:

18 (1) the term law enforcement officer shall mean any employee of a state, county, or local
19 governmental agency who

20 (a) has statutory authority to make arrests or apprehensions

21 (b) is authorized by their agency to carry or use firearms

22 (c) is primarily involved in the engagement in or supervision of the prevention,

1 detection, investigation, or prosecution of, or the incarceration of, any person for
2 violation of any law

3 (d) is involved in the protection of federal, state, county, local or foreign government
4 officials against threats to personal safety

5 (2) the term governmental agency shall mean the government of the state or any political
6 subdivision thereof

7 (c) **INDEPENDENT INVESTIGATION OF OFFENSES REQUIRED.** Whenever an
8 alleged offense involving police misconduct resulting in serious bodily injury or death
9 occurs, the investigation of such offense shall be conducted by an agency other than the
10 agency for whom the officer is employed. No person assigned to or involved in such
11 investigation shall have any personal affiliation with any other persons involved in such
12 investigation.

13 (d) **JUDGE MAY REQUIRE PROSECUTION.** The judge of a court having jurisdiction of
14 an alleged offense involving police misconduct resulting in serious bodily injury or death,
15 upon affidavit filed with the judge alleging the commission of a crime and the unjustified
16 refusal of the prosecuting attorney to prosecute any person for such crime, may require
17 the prosecuting attorney to appear and explain such refusal. If after such proceeding,
18 based on competent evidence in the affidavit, the explanation of the prosecuting attorney,
19 and any arguments of the parties, applying only an abuse of discretion standard, the judge
20 finds that the refusal of the prosecuting attorney to prosecute was an abuse of discretion,
21 the judge may order the prosecuting attorney to file an information and prosecute the case
22 or may appoint a special prosecutor to do so.

1 **SECTION 4. DATA COLLECTION RELATED TO OFFICER-INVOLVED**

2 **SHOOTINGS**

3 (a). **DEFINITIONS.** Any state, county, or local law enforcement agency that employs a law
4 enforcement officer who is involved in an officer-involved shooting that results in a person
5 suspected of criminal activity being shot at, or by, the officer, shall report the following
6 information to the Office of the State Attorney General, in a format specified by that office

7 1. If known, the age, gender, sexual orientation, race, ethnicity, and medically-
8 documented physical or mental disability of the suspect;

9 2. if known, the age, gender, race and ethnicity of the officer(s) involved;

10 3. the officer’s basis for the contact or stop that led to the officer-involved shooting;

11 4. the officer’s basis for the shooting

12 5. whether the officer, or any other responding officer, conducted a search and, if so,
13 whether such search was pursuant to probable cause, by consent, or pursuant to any lawful
14 exception to the warrant requirement, and whether any contraband was found and, if so, the
15 nature of same

16 6. whether the officer or any other responding officer issued a verbal warning before the
17 shooting

18 7. whether the officer or any other responding officer arrested or issued a citation to
19 anyone and, if so, the crimes charged as a result of the arrest or citation

1 (b). **REPORTING OF INFORMATION GATHERED.** If any state, county, or local law
2 enforcement agency employed or employs a law enforcement officer who is involved in an
3 officer-involved shooting, it shall report the information required under subsection 4 (a) of this
4 Section to the Office of the State Attorney General not later than September 30th of each year.

5 1. the Office of the State Attorney General shall compile and report the data pursuant to
6 subparagraph (b) of this section by March 1 of the following year. The report shall be considered
7 a public record.

8 **SECTION 5. TASK FORCE ON POLICE USE OF FORCE; Composition**

9 (a). There is created the Task Force on Police Use of Force (hereinafter the Task Force),
10 composed of the following members:

11 1. one member appointed by the Governor who shall serve as Chairperson;

12 2. one member of the House of Representatives appointed by the Speaker of the House of
13 Representatives

14 3. one member of the Senate appointed by the President of the Senate

15 4. one member of the Law Enforcement Peace Officer Standards and Training Committee

16 5. one member of the State Bar Association appointed by the President of the Bar
17 Association

18 6. one member of any state-wide or local branch of the National Association for the
19 Advancement of Colored People, appointed by the President of such branch

1 7. one member of any recognized community activist organization, appointed by the
2 President of such organization

3 8. one member of any local or national organization representing the concerns and
4 interests of law enforcement officers of color, appointed by the President of such organization

5 9. one member of the state chapter of the Fraternal Order of Police, appointed by the
6 President of such chapter

7 (b). The Task Force shall employ skilled experts and receive the cooperation of those
8 governmental agencies it deems appropriate to assist the Task Force in carrying out its duties

9 ©. The members of the Task Force shall serve without compensation but shall be reimbursed for
10 expenses necessarily incurred in the performance of their duties from any appropriations made to
11 the Task Force for that purpose.

12 (d). **Powers and Duties.** The Task Force shall:

13 1. investigate reported instances of police use of force;

14 2. make recommendations for disciplinary procedures for improper or excessive use of
15 force;

16 3. obtain testimony from persons affected by police use of force;

17 4. study past and current use of force reporting practices;

18 5. study past and current use of force training procedures;

1 6. work in conjunction with and make recommendations to the Peace Officer Standards
2 and Training Committee on suggested revisions to existing use of force training and reporting
3 practices; and

4 7. advise and assist the General Assembly in the passage of laws concerning police use of
5 force training and reporting practices

6 (e). **Public Hearings; Report.** The Task Force shall hold public hearings twice each year and
7 issue a written report of its findings and recommendations to the Governor and General
8 Assembly. Such report shall be considered a public record.

9 **SECTION 6. COMMUNITY OUTREACH.** Not later than January 1, 2016, each law
10 enforcement agency, as defined in the general statutes, shall develop and implement guidelines
11 for the recruitment and retention of minority police officers. Such guidelines shall consider the
12 racial and ethnic background of the community such agency serves, as well as the immediate
13 surrounding areas, and contain policies to ensure that the agency makes efforts to recruit and
14 retain minority police officers so that the racial and ethnic background of the agency closely
15 resembles that of the community which it serves. For purposes of this section, "minority" means
16 an individual whose race is defined as other than white, or whose ethnicity is defined as Hispanic
17 or Latino by the federal Office of Management and Budget for use by the Bureau of Census of
18 the United States Department of Commerce.

19 **SECTION 7. EFFECTIVE DATE.** This Act shall take effect upon passage.

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