

# **STATE OF CONNECTICUT**

## **POLICE OFFICER STANDARDS and TRAINING COUNCIL**

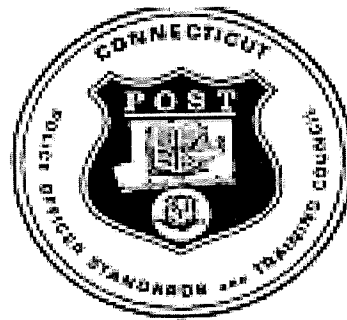
and the

## **DIVISION OF CRIMINAL JUSTICE**

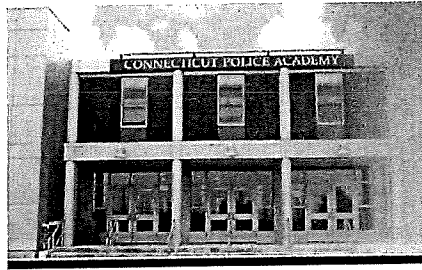
**2019 JOHN M. BAILEY SEMINAR  
On New Legal Developments Impacting  
On Police Policies And Practices**



**Kevin T. Kane**  
Chief State's Attorney



**Karen Boisvert**  
Acting Academy Administrator



**Police Officer Standards  
and Training Council**



**Division of Criminal  
Justice**

Kevin T. Kane, Chief State's Attorney

## **Legal Update - 2019**

### **Juvenile Laws, Procedures & Forms**

**Presented by: Francis J. Carino  
Supervisory Assistant State's Attorney**

## ***2019 Public Acts Impacting Juvenile Justice***

### ***2019 Public Acts Impacting Juvenile Justice***

- PA 19-64 adds “any victim services advocate employed by the Judicial Branch” to the list of mandated reporters of child abuse or neglect.

Also provides for payment for losses to a victim or family of victim for attendance at juvenile proceedings.

- PA 19-120 adds “any person who, in the performance of such person’s duties, has regular contact with and provides services to or on behalf of children pursuant to a contract with or credential issued by DCF” and “any employee of a juvenile justice program operated by or pursuant to a contract with CSSD” to the list of mandated reporters of child abuse or neglect.

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### ***2019 Public Acts Impacting Juvenile Justice***

- PA 19-135 provides for the suspension of delinquency prosecution for up to one year when a juvenile is charged with “an act of fire setting” to allow the juvenile to participate in a “fire starting behavior treatment program.”
- PA 19-147 requires police and fire service training in juvenile matters to include training in handling incidents involving juveniles and adults with “cognitive impairment.”

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## ***2019 Public Acts Impacting Juvenile Justice***

- PA 19-110 provides for the suspension of delinquency prosecution for six months when a juvenile is charged with a “delinquency offense involving a motor vehicle” to allow the juvenile to participate in “services to address any condition or behavior related to such offense.”

### Questions:

- Are there any such “services” available?
- What “condition” or “behavior” are the services supposed to address?
- Can the “conditions” or “behaviors” be treated in six months?

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## ***Suspension of delinquency prosecution procedure***

1. The court, on motion of a child charged with a delinquency offense involving a motor vehicle for which such child is not yet adjudicated as delinquent, may order the suspension of the delinquency proceedings for a period of up to six months and order the child to participate in services to address any condition or behavior directly related to such offense during the period of suspension if the court, after consideration of the information before it, finds:
  - the child is likely to benefit from supervision and participation in the recommended services, and
  - the suspension of the delinquency proceedings will advance the interests of justice.

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### ***Suspension of delinquency prosecution procedure***

2. As a condition of eligibility for suspension of prosecution, the child shall agree to:
  - cooperate with an assessment to determine whether such child would benefit from supervision and service;
  - participate in and satisfactorily complete the recommended services; and
  - comply with any orders of the court.
3. if successful, court may dismiss the charge for which the delinquency proceedings had been suspended;
4. not available for SJO charges of if used previously;

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### ***2019 Public Acts Impacting Juvenile Justice***

PA 19-110 also says that a juvenile “poses a risk to public safety,” for purposes of detention, if the juvenile has previously been adjudicated as delinquent for or convicted of or pled guilty or nolo contendere to two or more felony offenses, has had two prior dispositions of probation and is charged with commission of larceny of a motor vehicle.

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### ***2019 Public Acts Impacting Juvenile Justice***

- PA 19-166 changes, effective 7/1/21, an existing definition of “bullying” from:
  - (A) the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or
  - (B) a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that:

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### ***2019 Public Acts Impacting Juvenile Justice***

- (i) Causes physical or emotional harm to such student or damage to such student's property,
- (ii) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property,
- (iii) creates a hostile environment at school for such student,
- (iv) infringes on the rights of such student at school, or
- (v) substantially disrupts the education process or the orderly operation of a school

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## ***2019 Public Acts Impacting Juvenile Justice***

to a new definition: “an act that is direct or indirect and severe, persistent or pervasive, which

- (A) causes physical or emotional harm to an individual,
- (B) places an individual in reasonable fear of physical or emotional harm, or
- (C) infringes on the rights or opportunities of an individual at school.”

Questions:

- Does “severe, persistent or pervasive” apply only to “indirect” acts?
- Can the target now be an “individual” other than a student?

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## ***2019 Public Acts Impacting Juvenile Justice***

- PA 19-187 keeps transferred cases confidential until a guilty verdict or plea is entered in the adult court. Proceedings and records are confidential but transferred juveniles are still housed with DOC. Efforts underway to study how other states house transferred juveniles pretrial and post conviction.

Also extends FWSN to 6/30/2020.

Unless further amended, the remaining FWSN offenses will be removed from the jurisdiction of the juvenile court on 6/30/20. After that date, FWSN cases will no longer be referred to the court. Local service providers, such as the local Youth Service Bureaus should be utilized.

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## July Memo About Detention

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State of Connecticut  
JUDICIAL BRANCH  
COURT SUPPORT SERVICES DIVISION  
Central Office and Operations  
934 Silas Deane Highway, Waterbury, CT 06109  
Tel. (860) 721-2100 FAX (860) 258-0976

RE: Juvenile Justice Functions Transfer

To Whom It May Concern:

Effective July 1, 2018, the juvenile justice functions of the Department of Children and Families were transferred to the Judicial Branch. As a result, all juveniles on a DCF delinquency commitment prior to 7/1/18 have come under the legal authority of the Judicial Branch and are deemed to be on juvenile probation.

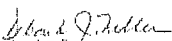
Please be advised that this change affects Delinquency Commitments ONLY – it will not impact Child Protection commitments. A number of the juveniles who are on delinquency commitment have also been committed to DCF on a Child Protection case (commonly referred to as "crossovers" youth). For those juveniles, DCF will continue to function as their statutory parent and should be contacted whenever a parent would be contacted.

For questions concerning juveniles who are on Probation, including those whose delinquency commitment to DCF has been converted to Probation Supervision, please proceed as follows:

- Normal Business Hours: Contact the Juvenile Probation Supervisor for the Juvenile Court serving your town/area.
- After Hours: Contact the Control Unit at the Juvenile Detention Center serving your town/area at the following numbers:  
Bridgeport 203-579-6548  
Hartford 860-244-7961

Please be advised that juveniles in a DCF placement as the result of a delinquency commitment will continue on in that placement – the only thing that will change is that they will be under the supervision of a Juvenile Probation Officer rather than a DCF Parole Officer.

We look forward to working with you.

  
Deborah Fuller  
Director, Juvenile and Family Services

An Equal Opportunity/Affirmative Action Employer

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## ***Prawn Issues***

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## ***Prawn Issues***

In September 2018, PRAWN was reprogrammed to accommodate Juvenile Take Into Custody Orders

- Officers should check PRAWN when dealing with juveniles to determine if they are the subject of a Take Into Custody Order;
- Police departments executing Take Into Custody Orders in PRAWN should transport the juvenile to the nearest juvenile detention center in the same manner as when executing a paper Take Into Custody Order;
- It is not necessary to take the child to the detention center specified on the Order;
- The police department executing the Order must then remove the Order from PRAWN upon execution of the Order;

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## ***Summary of Court Custody Orders***

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## ***Summary of Court Custody Orders***

### **Juvenile Arrest Warrant (JD-JM-176 Rev 7-18)**

Used to arrest a juvenile for a delinquent act (crime) when time has elapsed following the offense and there is a need to take the juvenile into custody or to place the juvenile in detention.

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| <b>JUVENILE ARREST WARRANT APPLICATION</b><br><small>STATE CT Rev. 7-18 P.A. 19-31</small>  | <b>INSTRUCTIONS:</b><br><small>The Jurat is to be completed for each page of the affidavit. The Probation Officer and Judge are to date and sign or initial each page to indicate that they have reviewed it.</small> | <b>STATE OF CONNECTICUT SUPERIOR COURT</b>                                   |  |   |  |  |  |  |  |  |
|---|---|--|--|---|--|--|--|--|--|--|
| Name and residence (Twenty of City) _____   |   | Juvenile Court to be held at (Town) _____                                    |  |   |  |  |  |  |  |  |
| <b>Application for Arrest Warrant</b><br>To: A Judge of the Superior Court<br>The undersigned hereby applies for a warrant for the arrest of the above-named child on the basis of the facts set forth in the: <input type="checkbox"/> Affidavit below, <input type="checkbox"/> Affidavit(s) attached.  |   |  |  |   |  |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">Date and Signature</th> <th style="width: 10%;">Date</th> <th style="width: 40%;">Signed (Probation Officer)</th> <th style="width: 20%;">Type or Print Name of Probation Officer</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>                                      | Date and Signature  | Date   | Signed (Probation Officer)   | Type or Print Name of Probation Officer |  |  |  |  |  |  |
| Date and Signature  | Date  | Signed (Probation Officer)   | Type or Print Name of Probation Officer                                      |   |  |  |  |  |  |  |
|   |   |  |  |   |  |  |  |  |  |  |
| <b>Affidavit</b><br>The undersigned affiant, being duly sworn, deposes and says:  |   |  |  |   |  |  |  |  |  |  |
|   |   |  |  |   |  |  |  |  |  |  |
| <small>(This is page 1 of a 4 page Affidavit)</small>   |   |  |  |   |  |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">Date and Signature</th> <th style="width: 10%;">Date</th> <th style="width: 40%;">Signed (Affiant)</th> <th style="width: 20%;">Type or Print Name of Probation Officer</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>  | Date and Signature  | Date   | Signed (Affiant)   | Type or Print Name of Probation Officer |  |  |  |  |  |  |
| Date and Signature  | Date  | Signed (Affiant)   | Type or Print Name of Probation Officer                                      |   |  |  |  |  |  |  |
|   |   |  |  |   |  |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">Jurat</th> <th style="width: 10%;">Date</th> <th style="width: 40%;">Signed (Judge/Clerk, Commissioner of Superior Court, Deputy Public Defender)</th> <th style="width: 20%;">Type or Print Name of Probation Officer</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> | Jurat   | Date   | Signed (Judge/Clerk, Commissioner of Superior Court, Deputy Public Defender) | Type or Print Name of Probation Officer |  |  |  |  |  |  |
| Jurat   | Date  | Signed (Judge/Clerk, Commissioner of Superior Court, Deputy Public Defender) | Type or Print Name of Probation Officer                                      |   |  |  |  |  |  |  |
|   |   |  |  |   |  |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">Reviewed (Probation Officer)</th> <th style="width: 10%;">Date</th> <th style="width: 40%;">Reviewed (Judge)</th> <th style="width: 20%;">Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>   | Reviewed (Probation Officer)  | Date   | Reviewed (Judge)   | Date                                    |  |  |  |  |  |  |
| Reviewed (Probation Officer)  | Date  | Reviewed (Judge)   | Date   |   |  |  |  |  |  |  |
|   |   |  |  |   |  |  |  |  |  |  |
| <input type="button" value="Print Form"/>   |   | <input type="button" value="Reset Form"/>                                    |  |   |  |  |  |  |  |  |

| <b>JUVENILE ARREST WARRANT</b><br><small>JD-04-174 Rev. 7-18 C.G.S. §§ 46b-12b, 12b, 133, 142, P.A. 19-31</small>   | <b>INSTRUCTIONS to officer:</b><br><small>1. To be presented to a Judge of the Superior Court with the Juvenile Arrest Warrant Application and Juvenile Arrest Petition/Information.<br/>         2. If admission to a juvenile detention center is not warranted or approved, but the child is in need of immediate care, call the DCF Careline at 660-350-6530.</small> |   |                                      |                                      |  |  |  |  |  |  |
|---|---|---|--------------------------------------|--------------------------------------|--|--|--|--|--|--|
| Court location _____  |   |   |                                      |                                      |  |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%;">Name of child</th> <th style="width: 30%;">Address of child</th> <th style="width: 10%;">Sex</th> <th style="width: 20%;">Date of birth</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>  | Name of child   | Address of child                          | Sex                                  | Date of birth                        |  |  |  |  |  |  |
| Name of child   | Address of child  | Sex                                       | Date of birth                        |                                      |  |  |  |  |  |  |
|   |   |   |                                      |                                      |  |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%;">Name of mother</th> <th style="width: 60%;">Address of mother</th> </tr> <tr> <td> </td> <td> </td> </tr> </table>  | Name of mother  | Address of mother                         |                                      |                                      |  |  |  |  |  |  |
| Name of mother  | Address of mother   |   |                                      |                                      |  |  |  |  |  |  |
|   |   |   |                                      |                                      |  |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%;">Name of father</th> <th style="width: 60%;">Address of father</th> </tr> <tr> <td> </td> <td> </td> </tr> </table>  | Name of father  | Address of father                         |                                      |                                      |  |  |  |  |  |  |
| Name of father  | Address of father   |   |                                      |                                      |  |  |  |  |  |  |
|   |   |   |                                      |                                      |  |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%;">Name of guardian, if any</th> <th style="width: 60%;">Address of guardian</th> </tr> <tr> <td> </td> <td> </td> </tr> </table>  | Name of guardian, if any  | Address of guardian                       |                                      |                                      |  |  |  |  |  |  |
| Name of guardian, if any  | Address of guardian   |   |                                      |                                      |  |  |  |  |  |  |
|   |   |   |                                      |                                      |  |  |  |  |  |  |
| <b>Finding</b><br>The foregoing Application for an arrest warrant, and affidavit(s) attached to the Application, having been submitted to and considered by the undersigned, the undersigned finds from said affidavit(s) that there is probable cause to believe that a delinquent act has been committed and that the child committed it and, therefore, that probable cause exists for the issuance of a warrant for the arrest of the above-named child.  |   |   |                                      |                                      |  |  |  |  |  |  |
| To: Any Proper Officer of the State of Connecticut<br>By Authority of the State of Connecticut, you are hereby commanded to arrest the body of the within-named child:<br><small>( "A, B, or C below )</small>  |   |   |                                      |                                      |  |  |  |  |  |  |
| <input type="checkbox"/> A. The child and the parent or guardian of the child or some other suitable person or agency is to be issued a Juvenile Summons form JD-118-05 to appear in the Superior Court for juvenile matters at _____ no less than five (5) days and no more than ten (10) days after the date of service of this warrant upon the child.   |   |   |                                      |                                      |  |  |  |  |  |  |
| <input type="checkbox"/> B. Bail set at \$ _____. If the child is unable to post bail in the amount specified, the child may be delivered to the custody of the Superintendent of the Juvenile Detention Center at _____ until the specified bail is posted, or until further order of the court.   |   |   |                                      |                                      |  |  |  |  |  |  |
| <input type="checkbox"/> C. On the basis of the facts alleged in the affidavit(s) in support of this warrant, the Court finds probable cause to believe that one or more of the circumstances indicated below (are applicable and that detention is the appropriate least restrictive alternative available):   |   |   |                                      |                                      |  |  |  |  |  |  |
| 1. There is probable cause to believe that the level of risk that the child poses to public safety if released to the community prior to the court hearing or disposition cannot be managed in a less restrictive setting.<br>2. There is a need to hold the child to ensure the child's appearance before the court or compliance with court process, as demonstrated by the child's previous failure to respond to the court process.<br>3. There is a need to hold the child for another jurisdiction. |   |   |                                      |                                      |  |  |  |  |  |  |
| And therefore you are hereby commanded to:<br>To take the above named child into custody and deliver him or her to the custody of the Superintendent of the Juvenile Detention Center at _____ to be held until review.   |   |   |                                      |                                      |  |  |  |  |  |  |
| <input type="checkbox"/> Said child is ordered not to be released by the Juvenile Detention Superintendent or designee.   |   |   |                                      |                                      |  |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">Date, Time and Signature</th> <th style="width: 10%;">Date (Month, Day, Year)</th> <th style="width: 40%;">At (Town, A.H. or P.A.U.)</th> <th style="width: 20%;">Signed (Judge of the Superior Court)</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>   | Date, Time and Signature  | Date (Month, Day, Year)                   | At (Town, A.H. or P.A.U.)            | Signed (Judge of the Superior Court) |  |  |  |  |  |  |
| Date, Time and Signature  | Date (Month, Day, Year)   | At (Town, A.H. or P.A.U.)                 | Signed (Judge of the Superior Court) |                                      |  |  |  |  |  |  |
|   |   |   |                                      |                                      |  |  |  |  |  |  |
| <b>Return on Arrest Warrant</b><br>Town of _____ Date _____ State of Connecticut _____  |   |   |                                      |                                      |  |  |  |  |  |  |
| Then and there, by virtue of the within and foregoing petition/information/warrant, I arrested the body of the child and have executed the issuance of said warrant on the child pursuant to the order of the Court.  |   |   |                                      |                                      |  |  |  |  |  |  |
| <small>Arrest Officer's signature and department</small> _____  |   |   |                                      |                                      |  |  |  |  |  |  |
| <small>(This is page 4 of a 4 page Affidavit)</small>   |   |   |                                      |                                      |  |  |  |  |  |  |
| <input type="button" value="Print Form"/>   |   | <input type="button" value="Reset Form"/> |                                      |                                      |  |  |  |  |  |  |

**NOTE:** the language, formerly in box A, that used to permit the police to place a juvenile in a detention center if "the officer is unable to release the child on the child's own recognizance or locate a parent, guardian or other suitable person or agency willing and able to take custody of the child within a reasonable period of time" has been eliminated. If the juvenile cannot be released as directed, the police should contact the DCF Careline at 860-550-6550, a dedicated law enforcement line, to seek their assistance in either placing the juvenile in a shelter or taking temporary custody of the juvenile.

To: Any Proper Officer of the State of Connecticut

By Authority of the State of Connecticut, you are hereby commanded to arrest the body of the within-named child:  
(~~X~~ A, B, or C below)

A. The child and the parent or guardian of the child or some other suitable person or agency is to be issued a Juvenile Summons form JD-JM-95 to appear in the Superior Court for juvenile matters at Bridgeport no less than five (5) days and no more than ten (10) days after the date of service of this warrant upon the child.

B. Bail set at \$ 50,000. If the child is unable to post bail in the amount specified, the child may be delivered to the custody of the Superintendent of the Juvenile Detention Center at Bridgeport until the specified bail is posted, or until further order of the court.

C. On the basis of the facts alleged in the affidavit(s) in support of this warrant, the Court finds probable cause to believe that one or more of the circumstances indicated below is/are applicable and that detention is the appropriate least restrictive alternative available:

- 1. There is probable cause to believe that the level of risk that the child poses to public safety if released to the community prior to the court hearing or disposition cannot be managed in a less restrictive setting.
- 2. There is a need to hold the child to ensure the child's appearance before the court or compliance with court process, as demonstrated by the child's previous failure to respond to the court process.
- 3. There is a need to hold the child for another jurisdiction.

And therefore you are hereby commanded to:  
To take the above named child into custody and deliver him or her to the custody of the Superintendent of the Juvenile Detention Center at Bridgeport to be held until review.

Said child is ordered not to be released by the Juvenile Detention Superintendent or designee.

| Date, Time and Signature | Date (Month, day, year) | At (Time, A.M. or P.M.) | Signed (Judge of the Superior Court) |
|--------------------------|-------------------------|-------------------------|--------------------------------------|
|                          | 7/10/19                 | 10:30 PM                | Michael J. Jones                     |

## Summary of Court Custody Orders

### Order to Detain (JD-JM-190 Rev 7-18)

Used when a juvenile has already been arrested for an on sight violation, on speedy information, with exigent circumstances or other basis for a warrantless arrest and placement in detention is requested.

**ORDER TO DETAIN —  
PROBABLE CAUSE  
DETERMINATION REQUEST**  
JD-JM-189 Rev. 7-18

STATE OF CONNECTICUT  
SUPERIOR COURT  
JUVENILE MATTERS  
www.jud.ct.gov

**Instructions to Officer**

- Bring to a Judge prior to bringing any child to a Juvenile Detention Center regardless of the seriousness of the alleged delinquency charge. An Order to Detain is not required if there already exists an Order to Take Into Custody Delinquency (JD-JM-32A), Juvenile Arrest Warrant Application (JD-JM-174), or an Interstate Compact for Juveniles Take Into Custody Application and Order Delinquency Case (JD-JM-192) authorizing detention of the child.
- Complete the Probable Cause language in the Finding by attaching the documents submitted in support of this request.
- The original or a copy of the completed request should be brought to the Juvenile Detention Center with the child being admitted.

**Instructions to Judge**

- Verify the accuracy of the description and date of the documents listed in the Finding.
- Sign the Finding. Return all copies of the Finding and any documents submitted in support of the Finding to the officer.
- If an Order to Detain is not warranted but the child is in need of immediate temporary care, the Judge should advise the police to call the DCF Careline at (800) 557-8550.

**Request for Probable Cause Determination  
To: A Judge of the Superior Court**

Address of court: \_\_\_\_\_ Date: \_\_\_\_\_ (Time of event (A.M. or P.M.)) Police Department: \_\_\_\_\_

Officer: \_\_\_\_\_

Name and address of child (last, first, middle initial): \_\_\_\_\_ Date of birth: \_\_\_\_\_

Address of legal guardian and residence: \_\_\_\_\_

Delinquency: \_\_\_\_\_ Town code: \_\_\_\_\_ Delinquency case number: \_\_\_\_\_

The officer signing below requests that the attached signed and sworn copy of the police report in this case be reviewed for a determination of probable cause.

|                    |       |                  |
|--------------------|-------|------------------|
| Date and Signature | Title | Signed (Officer) |
|--------------------|-------|------------------|

**Finding**

Upon review of the following document(s) identified as \_\_\_\_\_ and dated \_\_\_\_\_ in affidavit form as submitted, I find that:

Probable cause exists to believe that a delinquent act has been committed by the child, and there is no appropriate less restrictive alternative available, and the circumstance(s) indicated below warrant the detention of the child at this time: *(at least one must be checked)*

- A. There is probable cause to believe that the level of risk the child poses to public safety if released to the community prior to the court hearing or disposition cannot be managed in a less restrictive setting.
- B. There is a need to hold the child to ensure the child's appearance before the court or compliance with court process, as demonstrated by the child's previous failure to respond to the court process.
- C. There is a need to hold the child for another jurisdiction.

Probable cause exists to believe the child has absconded, escaped, or run away from a residential facility in which such child has been placed by court order.

Probable cause exists to believe that the child has committed a delinquent act but detention is not warranted at this time.

There is no probable cause.

**Order**

Effective immediately, the child shall be transported by the police and detained in the Juvenile Detention Center and held until further review.

Said child is ordered not to be released by the Juvenile Detention Superintendent or designee.

The child is to be released from custody.

|                          |      |                         |                                    |                     |
|--------------------------|------|-------------------------|------------------------------------|---------------------|
| Date, Time and Signature | Date | At (Home, P.M. or P.M.) | Signed Judge of the Superior Court | Print Name of Judge |
|--------------------------|------|-------------------------|------------------------------------|---------------------|

## Summary of Court Custody Orders

### Take Into Custody Order (JD-JM-32A Rev 7-18)

Issued by the court when a juvenile has failed to appear in court, has violated conditions of probation or other court orders. Order directs the police to arrest a juvenile and place them in detention.

**ORDER TO TAKE INTO CUSTODY  
DELINQUENCY**  
JD-JM-192, Rev. 6/19  
P.A. 16-31, P.B. 1514-15

STATE OF CONNECTICUT  
SUPERIOR COURT  
JUVENILE MATTERS  
www.jud.ct.gov



Address of court \_\_\_\_\_ Judicial number \_\_\_\_\_  
 Name of child \_\_\_\_\_ Age of child \_\_\_\_\_  
 Name of probation officer \_\_\_\_\_

To: Any Proper Officer

Upon the oath or affidavit of the Prosecutorial Official or Probation Officer, the court finds that there is probable cause to believe that: (*X* appropriate box)

- Said child has committed the acts alleged in the Petition/Information attached to the application for a Take Into Custody Order, or
- Said child has failed to appear for a court hearing, pretrial conference or \_\_\_\_\_ on 8/14/10 after being duly summoned or otherwise ordered by the court to appear, or
- Said child has violated one or more of the conditions of release from detention.

The court further finds that one or more of the circumstances indicated below are applicable:

- A. There is probable cause to believe that the level of risk the child poses to public safety if released to the community prior to the court hearing or disposition cannot be managed in a less restrictive setting.
- B. There is a need to hold the child to ensure the child's appearance before the court or compliance with court process, as demonstrated by the child's previous failure to respond to the court process.
- C. There is a need to hold the child for another jurisdiction.
- D. A ground for detention does not exist at this time.

And it is further found that there is no appropriate less restrictive alternative available and that the child should be immediately taken into custody and placed in a juvenile detention center.

(*X* if appropriate)

- Said child is ordered not to be released by the Juvenile Detention Superintendent or designee.

**Order**

Application to Take Into Custody denied.

Now, therefore, you are hereby ordered to take the above-named child into custody and deliver the child to the custody of the Juvenile Detention Superintendent or designee.

Having found probable cause that said child has absconded, escaped, or run away from a residential facility in which such child has been placed by court order, therefore you are hereby ordered to take the above-named child into custody and deliver the child to the custody of the Juvenile Detention Superintendent or designee.

Juvenile Detention Superintendent (Name) \_\_\_\_\_ Location (City/Town) \_\_\_\_\_  
 State (State) \_\_\_\_\_ City (City) \_\_\_\_\_

**Return**

The child \_\_\_\_\_ named in the foregoing Order was on this day \_\_\_\_\_ taken into custody by the undersigned and delivered to the Juvenile Detention Superintendent or designee, \_\_\_\_\_ Connecticut.

## Summary of Court Custody Orders

Interstate Compact For Juveniles – Take Into Custody  
Application & Order – Delinquent Child (JD-JM-192 Rev 6/19)

Used when a juvenile residing in another state is wanted in a delinquency case in the juvenile's home state and is found in Connecticut.

**INTERSTATE COMPACT FOR JUVENILES  
TAKE INTO CUSTODY APPLICATION AND ORDER  
DELINQUENT CHILD**  
JD-M-192 Rev. 5-10  
P.B. § 31a-13

STATE OF CONNECTICUT  
SUPERIOR COURT  
www.jud.ct.gov



|  |                |
|--|----------------|
| Judicial District                      | Courtroom      |
| Date of Birth                          | Date of Birth  |
| Address of Child                       | Date of Arrest |
| Home Address (if different from above) |                |

**Affidavit**

I certify that the following statements are true and accurate to the best of my knowledge and belief.

The child named above is a resident of the state of \_\_\_\_\_ and has been designated by the child's home state as:

- An alleged delinquent child who is wanted pursuant to an arrest warrant or other order to be taken into custody;
- An alleged delinquent child who has been arrested but not yet adjudicated;
- An adjudicated delinquent, pending disposition;
- A child who is on probation;
- A child who has escaped from custody;
- A child who is under a delinquency commitment in another state;
- Other (specify): \_\_\_\_\_

The child is reported to have unlawfully left the jurisdiction of the child's home state or other lawful place of abode and is believed to be located at \_\_\_\_\_ in the State of Connecticut. The State of \_\_\_\_\_ has indicated that it will be responsible for the reasonable expenses relating to the child's return to that state.

The affiant bases this information and belief on the following documents that are incorporated and made part of this application: (check all that apply)

- Requisition issued through the Interstate Compact For Juveniles;
- Affidavit from probation officer or parole officer or court officer;
- Arrest Warrant;
- Court Order;
- Verified NCIC communication;
- Other (specify): \_\_\_\_\_

Based on this information and the belief that it is in the best interests of the child that the child be taken into custody to be presented before a judge of the Superior Court Juvenile Matters for proceedings as provided by the terms of the Interstate Compact For Juveniles, I request that the court issue a Take into Custody Order and that the child be taken into custody and brought immediately before a judge of the Superior Court Juvenile Matters. If court is not in session, then the child is to be placed in the juvenile detention facility located at 60 Housatonic Avenue, Bridgeport, CT, 06604, or 820 Broad Street, Hartford, CT, 06106, pending a hearing on the next court day.

This affidavit is made voluntarily, knowing that it may result in the apprehension, detention and return of the child after a hearing to the child's home state and affirm that it is true to the best of my knowledge and belief.

|   |                                |                 |            |
|---|--------------------------------|-----------------|------------|
| Signed (Probation Officer, Parole Officer or Court Officer)     | Printed Name of Person Signing | Date of Signing | Use (Date) |
| Signed (Judge, Clerk, Commissioner of Superior Court or Warden) | All (Name)                     | All (Date)      | On (Date)  |

[Print Form](#)

(Page 1 of 2)

[Reset Form](#)

**Finding**

I have reviewed this Application, affidavit(s) and other supporting documents and find that there is probable cause to believe that the child has unlawfully left the child's home state or lawful place of abode in violation of the laws of the child's home state or the orders of the court in the child's case, that there is a need to hold the child for the child's return to the child's home state, that there is no less restrictive alternative available and that it is in the child's best interests to be taken into custody and presented before a judge of the Superior Court Juvenile Matters for further proceedings on the request to return the child to the child's home state. I also find that the state of \_\_\_\_\_ will be responsible for the reasonable expenses relating to the child's return to that state.

**Take Into Custody Order**

To: Any Proper Officer of the State of Connecticut

By Authority of the State of Connecticut, you are commanded to take the child named in this application into custody and present the child immediately before a judge of the Superior Court Juvenile Matters. If court is not in session, then the child is to be placed in the juvenile detention facility located at 60 Housatonic Avenue, Bridgeport, CT, 06604, or 820 Broad Street, Hartford, CT, 06106, pending a hearing on the next court date.

Said child is ordered not to be released by the Juvenile Detention Superintendent or designee.

|                          |                         |                          |   |
|--------------------------|-------------------------|--------------------------|---|
| Date, Time and Signature | Date (Month, day, year) | All (Time, A.M. or P.M.) | Signature (Judge of the Superior Court) |
|--------------------------|-------------------------|--------------------------|---|

**Return On Take Into Custody Order**

|         |      |                      |
|---------|------|----------------------|
| Time of | Date | State of Connecticut |
|---------|------|----------------------|

Then and there, by virtue of the within and foregoing affidavit/warrant, I took the child named in this application into custody and have executed the issuance of the Take into Custody Order on the named child pursuant to the order of the Court and (check one):

- Brought the child to the Superior Court Juvenile Matters at \_\_\_\_\_ for presentation before said court.
- Placed the child in the juvenile detention facility located at \_\_\_\_\_ to be held pending presentation before a judge of the Superior Court.

Print Officer's signature and institution

[Print Form](#)

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# Summary of Court Custody Orders

## Interstate Compact For Juveniles – Take Into Custody Application & Order – Non-Delinquent Runaway (JD-JM-193 Rev 6/19)

Used when a juvenile residing in another state is reported as a runaway from their home state and is found in Connecticut.

29

**INTERSTATE COMPACT FOR JUVENILES  
TAKE INTO CUSTODY APPLICATION AND ORDER  
NON-DELINQUENT RUNAWAY**  
JD-JM-193 Rev. 6/19

STATE OF CONNECTICUT  
SUPERIOR COURT  
www.jud.ct.gov



P.B. § 31a, 13A

|                                  |                |
|----------------------------------|----------------|
| Address of Child                 | Docket Number  |
| Name of Child                    | Date of Birth  |
| Address of Parent                | State of Birth |
| Name, address and title of agent |                |

**Affidavit**

I certify that the following statements are true and accurate to the best of my knowledge and belief.

The child named above is a resident of the State of \_\_\_\_\_ and has been reported to be a runaway from home or other lawful place of abode in that State and is believed to be located at \_\_\_\_\_ within the State of Connecticut. The State of \_\_\_\_\_ has indicated that it will be responsible for the reasonable expenses relating to the child's return to that state.

The affiant bases this information and belief on the following documents that are incorporated and made part of this application: (check all that apply)

- Requestion issued through the Interstate Compact For Juveniles;
- Affidavit from parent/guardian/court officer;
- Court Order;
- Verified NCIC communication;
- Other (specify): \_\_\_\_\_

Based on this information and the belief that it is in the best interests of the child that the child be taken into custody to be presented before a judge of the Superior Court Juvenile Matters for proceedings as provided by the terms of the Interstate Compact For Juveniles, I request that the court issue a Take Into Custody Order and that the child be taken into custody and brought immediately before a judge of the Superior Court Juvenile Matters. If court is not in session, then I request that the child be placed in a staff secure facility pending a hearing on the next court date.

This affidavit is made voluntarily, knowing that it may result in the apprehension and return of the child after a hearing to the child's home state and affirm that it is true to the best of my knowledge and belief.

|   |  |                  |           |
|---|--|------------------|-----------|
| Signed (please print name and title of affiant) | Print the name of person signing                             | Signed at (City) | On (Date) |
| Subscribed and sworn to before me               | Signed (Judge/Judge, Commissioner or Superior Court Justice) | At (Town)        | On (Date) |

**\*NOTE:** Non-delinquent runaways from out of state are not to be placed in a juvenile detention center. (Section 46b-40f) of the Connecticut General Statutes). To comply with Rule 8-102 of the Interstate Compact For Juveniles, the holding state may hold non-delinquent runaways from out of state in a secure facility if it is an appropriate planning center.

For the police officer, probation officer or professional clinician: Contact the appropriate Program and Service Supervisor at (860) 214-4137 or (860) 233-7913 to arrange for placement in a Community Residential Program.

If the appropriate Community Residential Program cannot take the child, contact the Law Center at 1-800-542-2288 to arrange for placement in a suitable alternative facility.

Print Form

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**Finding**

I have reviewed this Application, affidavit(s) and other supporting documents and find that there is probable cause to believe that the child has unlawfully left the child's home state or lawful place of abode in violation of the laws of the child's home state or the orders of the court in the child's case, that there is a need to hold the child for the child's return to the child's home state, that there is no less restrictive alternative available and that it is in the child's best interests to be taken into custody and presented before a judge of the Superior Court Juvenile Matters for further proceedings on the request to return the child to the child's home state. I also find that the State of \_\_\_\_\_ will be responsible for the reasonable expenses relating to the child's return to that state.

**Take into Custody Order**

To: Any Proper Officer of the State of Connecticut

By Authority of the State of Connecticut, you are commanded to take the child named in this application into custody and present the child immediately before a judge of the Superior Court Juvenile Matters. If court is not in session, then the child is to be placed in the designated Community Residential Program pending a hearing on the next court date.

Date, Time and Signature: \_\_\_\_\_  
Deputy Attorney General: \_\_\_\_\_  
At Test, A.J. of P.M.: \_\_\_\_\_  
Superior Judge of the Superior Court: \_\_\_\_\_

**Return On Take Into Custody Order**

Name of \_\_\_\_\_  
Case: \_\_\_\_\_  
State of Connecticut

Then and there, by virtue of the within and foregoing affidavit/warrant, I took the child named in this application into custody and have executed the issuance of the Take Into Custody Order on the named child pursuant to the order of the Court and (check one).

- Brought the child to the Superior Court Juvenile Matters at \_\_\_\_\_ for presentment before said court.
- Placed the child in the staff secure facility located at \_\_\_\_\_ to be held pending presentment before a judge of the Superior Court.

Agent's Office signature and department

*Prepared by:*

**Francis J. Carino  
Supervisory Assistant State's Attorney  
Office of the Chief State's Attorney**

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**CASE LAW UPDATES**  
**August 2018 - August 2019**

**Timothy J. Sugrue**  
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## UNITED STATES SUPREME COURT

### Mitchell v. Wisconsin, 588 U.S. \_\_\_\_ (2019)

A valid drunk driving arrest, by itself, justifies a warrantless and nonconsensual *breath test*, but not a warrantless and nonconsensual *blood test*. Birchfield v. North Dakota, 579 U.S. \_\_\_\_ (2016). The natural dissipation of alcohol from a person's bloodstream *may*, but does not necessarily, create an exigent circumstance justifying a warrantless and nonconsensual blood test in every case in which a suspected drunk driver is arrested. Missouri v. McNeely, 569 U.S. 141 (2013). In Schmerber v. California, 384 U.S. 757, 770 (1966), for example, the delay in seeking a warrant that was caused by the officer being confronted with an emergency and pressing duties relating to an automobile accident would have threatened the destruction of blood alcohol content evidence and thus presented an exigent circumstance justifying a warrantless and nonconsensual blood test.

In Mitchell v. Wisconsin, the United States Supreme Court has concluded that: “When the police have probable cause to believe that a person has committed a drunk-driving offense and the driver’s unconsciousness or stupor requires him to be taken to the hospital or similar facility before the police have a reasonable opportunity to administer a standard evidentiary breath test, they may almost always order a warrantless blood test to measure the driver’s BAC without offending the Fourth Amendment.”

In essence, the driver’s unconsciousness creates an exigent circumstance because the police are unable to administer a breath test, and it presents a medical emergency that creates a pressing need for action. The court’s “almost always” rule is general and did “not rule out the possibility that in an unusual case a defendant would be able to show that his blood would not have been drawn if police had not been seeking BAC information, and that police could not have reasonably judged that a warrant application would interfere with other pressing needs or duties.”

Whether the police order a blood test that the medical facility otherwise would not perform, or whether the police confirm that the medical facility will perform a blood test in the course of treatment, a search warrant should be obtained to seize the facility's records relating to the blood test.

## CONNECTICUT SUPREME COURT

### State v. Jacques, 332 Conn. 271 (2019)

In this case, the court concluded that the police unlawfully entered and searched the defendant’s leased apartment and, therefore, the fruits of the illegality were subject to suppression.

On June 10, 2015, the defendant, a parolee, rented an apartment on a month-to-month basis and paid the landlord the first month’s rent. Five days later, the defendant was arrested and

incarcerated on drug charges. While incarcerated on the pending drug charges, he was arrested and charged with murder. The defendant did not pay his July rent nor did he make any arrangements with his landlord regarding his possessions or his tenancy. On July 15, 2015, while the defendant was incarcerated on the pending drug and murder charges, the police, acting without a warrant and on the written consent of the defendant's landlord, entered the defendant's apartment and conducted a limited search in order to confirm an investigative lead. The police thereafter secured the apartment, obtained and executed a search warrant, and seized evidence relating to the murder.

Several factors informed the court's conclusion that, despite being incarcerated and not paying his rent in a timely fashion, the defendant retained a reasonable expectation of privacy in the apartment. Importantly, neither incarceration nor the nonpayment of rent alone results in the loss of an otherwise reasonably held expectation of privacy. Here, the defendant's rent was only five days overdue, he was absent from the apartment only as a result of being arrested and held, and the record contained no evidence that he did anything *affirmatively* to clearly and unequivocally abandon the apartment or relinquish his right of privacy in it. The actions or non-actions of the defendant's landlord are a pertinent factor in the reasonable expectation of privacy analysis. Here, the landlord never communicated to the defendant that he was required to vacate the apartment, the landlord made no attempt to get the keys back from the defendant, and he had not commenced eviction proceedings. Similarly, property law concepts are a pertinent factor in the reasonable expectation of privacy analysis. Here, Connecticut's landlord tenant statutory scheme supported the defendant's belief that he retained a right of privacy in the apartment. See e.g., § 47a-11b (a) (defining abandonment); § 47a-15a (9-day grace period before terminating month-to-month lease for nonpayment of rent); and § 47a-23 (eviction procedure). Landlords, moreover, generally cannot lawfully retain the authority to grant the police entry to rented premises for the purpose of conducting a search, and relying upon a landlord's consent to enter such premises for this purpose entails significant legal risk.

**Note:** Although *parole status* did not play an important role in this case, do not overlook it in the context of search and seizure because it is well established that parolees have a diminished expectation of privacy. See State v. Jacques, 332 Conn. at 303 (*Kahn, J., concurring*).

**State v. Purcell, 331 Conn. 318 (2019)**

In Davis v. United States, 512 U.S. 452 (1994), the court concluded that police officers conducting a custodial interrogation of a suspect who has been advised of, and waived, his *Miranda* rights are not constitutionally obligated to cease the interrogation in order to clarify ambiguous remarks by the defendant that may or may not be an invocation of the right to counsel. The court ruled that the onus rested upon the suspect to clearly and unequivocally invoke his or her right to have counsel present during the interrogation.

In Purcell, the defendant was advised of, and waived, his Miranda rights and, during the interrogation, he made comments alluding to having counsel present. For example, he said, "See, if my lawyer was here ... then ... we could talk", and "I'm supposed to have my lawyer here. You know that." The interrogating officers responded to these, and like remarks, by saying, "We'll leave it up to you", and "It's up to you." The officers also encouraged the defendant to continue with the interrogation, saying, among other things that, "The problem is, at your age, you don't want to go to prison," and that the interrogation would be the last time that the defendant would be able to talk to the police about the case.

The court concluded that, under the Davis standard, the defendant's remarks regarding his lawyer were not clear and unequivocal invocations of the right to have counsel present and that, therefore, the defendant had no cause for complaint under the federal constitution.

The court further concluded, however, that the Davis standard does not adequately safeguard Miranda rights and that, therefore, the Connecticut constitution embodies a prophylactic rule requiring that, "if a suspect makes an equivocal statement that arguably can be construed as a request for counsel, interrogation must cease except for narrow questions designed to clarify the [unclear] statement and the suspect's desire for counsel.'" (Emphasis added.) Clarifying questions cannot be adversarial or designed to influence the subject not to invoke his rights.

Applying its new rule, the court also concluded that the defendant's rights were violated under the state constitution because the officers' did not seek to clarify the defendant's intent regarding counsel and they attempted to convince him that it was in his interest to continue the interrogation without counsel. The court rejected the state's argument that the exclusionary rule should not apply in this case because the officers conducted themselves in objectively reasonable reliance on existing law, and because the defendant had made no claim on appeal that his statements were involuntary or untrustworthy. The court viewed this argument as akin to a "good faith" exception to exclusion which Connecticut has declined to recognize in the context of deficient warrants (and now here).

The new Purcell rule applies to cases that are pending either in the Superior Court or on appeal. One argument that prosecutors may wish to bear in mind, and offer in defense of a Purcell claim in an appropriate case, is that the defendant's statements regarding counsel clearly and unequivocally conveyed the defendant's intention to seek counsel at some future time or proceeding.

#### **State v. Brown, 331 Conn. 258 (2019)**

In this case, the court concluded, based on Carpenter v. US, \_\_ U.S. \_\_, 138 S.Ct. 2206 (2018), that state's seizure of approximately three months of the defendant's historical cell site location information (CSLI) absent a warrant based on probable cause violated the Fourth Amendment. [Note, § 54-47aa, the ex parte statute under which the records in this case had been obtained

based on an order setting forth reasonable suspicion has since been amended to require a finding of probable cause. See Public Act 16-148, §1].

The court further concluded that, despite the fact that police had complied with the statute as it existed at the time, suppression of the CSLI was the appropriate remedy based on State v. Marsala, 216 Conn. 150 (1990), which categorically rejected the good faith exception to the exclusionary rule on state constitutional grounds.

Lastly, the court concluded that the trial properly determined that the post-arrest statement and prospective testimony of a witness who had been confronted with the CSLI was tainted by the illegality and was subject to suppression because the state failed to prove that the evidence inevitably would have been obtained.

**State v. Davis, 331 Conn. 239 (2019),**

In this case, an anonymous caller reported to the police that a “young man” among a “whole bunch” of men were gathered around a black Infiniti automobile in front of a residence had a gun. The caller reported that he could see the gun, but he could not identify the specific person who was carrying it because all of the men were wearing dark clothing. No other information of criminality was provided. Within minutes, three police cars, carrying at least five uniformed officers arrived on-scene. At least one police car did so with its siren sounding. As the officers exited the cars, some unholstered their sidearms. The officers observed half a dozen men standing around a black Infiniti. As the officers approached, the men began to walk away. An officer told them to stop. Two officers recognized two of the men from prior criminal interactions. The defendant continued to walk away, despite additional orders to stop. The defendant moved his arm in the vicinity of his waist and dropped an object into a garbage can. He then submitted to the authority of the police. A handgun was located in the garbage can.

Based on the above facts, the court concluded that the anonymous tip was sufficiently reliable under the standard articulated by the United States Supreme Court in Navarette v. California, 572 U.S. 393 (2014) (*which the court assumed, without deciding, applied outside the context of reports of drunken driving*) to support a reasonable suspicion that a young man in the reported vicinity was in possession of a handgun, but that it did not give rise to a particularized and individualized suspicion that the defendant was the man who was in possession of that gun. [Note: The court in this case expressly declined to decide the broader question of whether the mere report that a person is in possession of a handgun establishes a suspicion of *criminality*.]

In essence, the court has held that information that is provided by a tipster, whether anonymous or not, that relates to individualized criminal activity must be sufficiently detailed and specific to allow the police to identify the particular individual (or vehicle, if that is the case) suspected of engaging in such activity. Consequently, in a case such as this one, unless and until the police possess the requisite particularized and individualized suspicion, they must confine their responsive and

investigatory actions to those which do not amount to a seizure (*which, in Connecticut, is use of physical force or a **show of authority***).

**Commissioner, DESPP v. FOIC, 330 Conn. 372 (2018)**

In this case, the court held that recorded data or information obtained by a law enforcement agency via a search and seizure warrant is a public record for purposes of the Freedom of Information Act and, therefore, available to the public pursuant to the provisions of the FOIA. At this early juncture, several points come to mind.

First, this ruling does not mean that all the fruits of the execution of a search warrant are subject to the FOIA. Per the definition of “public records or files” in § 1-200 (5), the public is entitled to access to “recorded data or information ... whether such data or information be handwritten, typed, tape-recorded, printed, photographed, or recorded by any other method.”

Second, recall that General Statutes § 1-215, provides “the exclusive disclosure obligation under the [FOIA] for law enforcement agencies with respect to documents relating to a pending criminal prosecution.” (Emphasis added.) Gifford v. FOIC, 227 Conn. 641, 651 (1993); accord Commissioner of Public Safety v. FOIC, 312 Conn. 513 (2014); see also § 1-215 (e) (statute applies “during the period in which a prosecution is pending against the person who is the subject of such record.”) Pursuant to § 1-215 (a), the “record of arrest” that is publicly accessible upon an arrest “does not include ... any investigative file of a law enforcement agency compiled in connection with the investigation of a crime resulting in an arrest.” This means that requests for the FOI-able fruits of a search warrant that are made after an arrest has been made and before the case is disposed of may be denied.

Third, both prior to arrest, and after the case is disposed of, public requests for the FOI-able fruits of a search warrant are governed by § 1-210, the pertinent aspects of which are subdivision (b) (3) (law enforcement exception) and perhaps on occasion (b) (27) (images of homicide victims).

**CONNECTICUT APPELLATE COURT**

**State v. Gray-Brown, 188 Conn. App. 446 (2019)**

In this case, the court concluded that the adult defendant's mother validly consented to a search of the defendant's bedroom.

Generally speaking, a parent possesses the authority to consent to a police search of a home that is effective against a resident child, whether or not a minor. To defeat this authority, and render parental consent ineffective, the child must sufficiently establish exclusive possession of the room or area of the house that is searched. Pertinent factors include: ownership of the dwelling; whether the child is paying rent; whether the door to the room or area is generally kept closed

and/or locked; whether other residents use the room; and whether other residents have access to the room for any reason.

Here, the mother's consent was valid because she and her husband were the leaseholders, as well as the defendant's parents; the door to the defendant's bedroom had a lock, but it was not always or regularly kept locked, and it wasn't locked when the police searched it; the mother regularly entered the bedroom to clean the floor; and the defendant never told the mother that she was not allowed in the room. Although there was evidence that the defendant "chipped in" with the rent and bills, the evidence was vague and general, and it offered no concrete details, such as that the defendant regularly paid a fixed amount of rent.

Consent was voluntarily given under circumstances where the officers arrived early in the morning (about 6 a.m.), but did not rouse the mother out of bed from sleep; did not force entry; did not unholster, brandish or point any weapons; and did not use loud or threatening language.



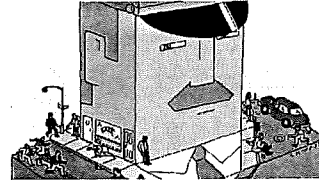
## DCJ HOUSING UPDATE



The 2019 John M. Bailey Seminar on  
Instruction Re: New Legal Developments  
Which Concern Police Policies and Practices

### *"Broken Windows" Theory (1982)*

- Political Scientist James Q. Wilson and Rutgers Criminologist Georg Kelling
- <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>



### TYPES OF CASES WE HANDLE

#### CRIMINAL MATTERS ARISING OUT OF A LANDLORD-TENANT RELATIONSHIP

- Criminal lockout at residential or commercial property (CGS §53a-214)
- Illegal utility shut-off on tenant by landlord/agent (CGS §19a-109)
- Criminal damage of landlord's property by a tenant (CGS §53a-117 e-f)
- Criminal trespass by landlord into tenant's unit (CGS §53a-107-109, 110a)
- Bad checks for rent or security deposit (CGS §53a-128)

#### VIOLATIONS OF HEALTH AND SAFETY CODE ORDERS/INJURIES RESULTING

- Fire Safety, Building, Health, Housing, Zoning and Anti-Blight
- Severe Hoarding Cases

#### ADMINISTRATIVE SEARCH WARRANTS FOR CODE INSPECTIONS

TRADE PRACTICE VIOLATIONS CGS 20-341a

### The *"Broken Windows"* Theory

- Criminals perceive broken windows and other forms of disorder as signs of weak social control.
- In turn, they assume crimes committed there are unlikely to be checked.

### Fixing *"Broken Windows"*



### Criticisms of *"Broken Windows"*

- Motivation for "zero tolerance" policing, wherein officers arrest for petty crimes and courts punish for convictions of them.
- In practice resulted in stopping, frisking and arresting more people, particularly in high crime areas which were populated with minorities and low income persons.
- Resulted in a spike in reports of police unfairly targeting minorities, especially black men.

### Consider the Theory

(The famous evocation of how disorder begins)

*A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unattached adults move in. Teenagers gather in front of the corner store. The merchant asks them to move; they refuse. Fights occur. Litter accumulates. People start drinking in front of the grocery; in time, an inebriate slumps to the sidewalk and is allowed to sleep it off. Pedestrians are approached by panhandlers.*

### What's the Problem With Abandoned Structures?

- Good place to run and hide from police
- Easy place to store fire arms
- Notoriously useful for drug dealing
- Dangerous attractive nuisance for children
- Susceptible to arson
- Promotes fear of the area



### Look again at the first steps...

- *A piece of property is abandoned,*
- *weeds grow up,*
- *a window is smashed.*



### Abandoned Housing/Crime Studies

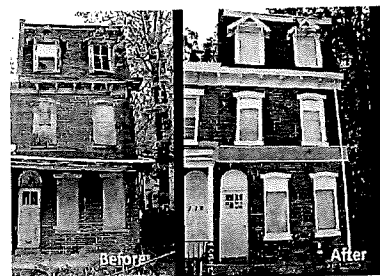
- 1993- Criminologist William Spelman in Austin, TX : Crime rates on blocks with open abandoned buildings were twice as high as rates on matched blocks without open buildings.
- 2005 – Sociologist Lance Hannon in NYC: in high poverty areas, the number of abandoned houses in a given census tract correlated with homicide levels.

### What if...

- What if the authors of "Broken Windows" and policy makers who heeded them had taken another track?
- What if vacant property had received the attention that, for thirty years, was instead placed on petty criminals?

### Remediating Abandoned, Inner City Buildings Reduces Crime and Violence in Surrounding Areas

[http://www.safeguardproperties.com/News/Industry\\_Updates/2015/07/Remediating\\_Abandoned\\_Inner\\_City\\_Buildings\\_Reduces\\_Crime\\_and\\_Violence\\_in\\_Surrounding\\_Areas.aspx](http://www.safeguardproperties.com/News/Industry_Updates/2015/07/Remediating_Abandoned_Inner_City_Buildings_Reduces_Crime_and_Violence_in_Surrounding_Areas.aspx)



**CT STATE BUILDING CODE SEC. 116:  
UNSAFE STRUCTURES AND EQUIPMENT**

- Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided in SBC 116.
- **A vacant structure that is not secured against entry shall be deemed unsafe.**

**HOT TIP**



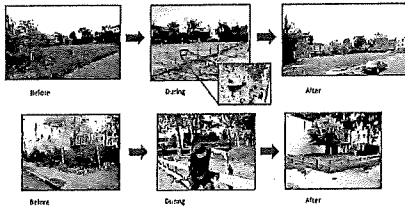
Enforcement of this provision by the building official can be a tremendous help to community safety. See also SBC Sec. 118 on Vacant Structures.

**BLIGHT  
CRIMINAL REMEDIES**

- CCS Sec. 7-148o. Willful violation of ordinances concerning prevention and remediation of housing blight. Penalties. (a) Except as provided in subsection (b) of this section, any person who, after written notice and a reasonable opportunity to remediate blighted conditions, willfully violates any regulation adopted pursuant to subparagraph (H)(vi) of subdivision (7) of subsection (c) of section 7-148 concerning the prevention and remediation of housing blight shall be fined by the state not more than two hundred fifty dollars for each day for which it can be shown, based on actual inspection of the property on each such day, that the blighted conditions continued to exist after written notice to the owner or occupant as provided in this section, and the expiration of a reasonable opportunity to remediate.
- (b) Any person who is a new owner or new occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to subsection (a) of this section. For the purposes of this section, "new owner" means any person or entity who has taken title to a property within thirty days of the notice, and "new occupant" means any person who has taken occupancy of a property within thirty days of the notice.

**New Study Shows Restoring Blighted, Vacant Land Significantly Reduces Gun Violence, Crime and Fear**

<https://www.pnas.org/content/115/12/2946>



**2019 PUBLIC ACTS  
ADDRESSING ABANDONED AND  
BLIGHTED PROPERTIES**

- P.A. 19-92 – An Act Concerning Abandoned and Blighted Property Receiverships  
Effective 1/1/2020
- P.A. 19-175 – An Act Concerning the Creation of Land Bank Authorities  
– Effective now

**ANTI-BLIGHT LAWS**



**LACK OF HOUSING STANDARDS –  
THE EFFECT**



Driving Public Health 3.0  
in the Motor City

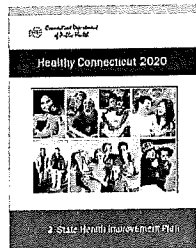
07/12/2016 10:53 AM EDT



If you start at City Hall and drive 15 minutes east to Gross Pointe, a wealthy suburb of Detroit, you'll cross a difference of nearly 12 years in life expectancy and 10 percent in teen pregnancy rates. Detroit's children continue to suffer infant mortality, asthma, and lead exposure at higher rates than their counterparts elsewhere.

Source: Office of the United States Assistant Secretary of Health with support from Healthy People 2020

**THE STATE HEALTH IMPROVEMENT PLAN  
includes INCREASED CODE ENFORCEMENT  
TO PREVENT INJURIES AND ILLNESS**



**LEGAL TRAINING ON HOUSING MATTERS**  
An Overview For Mediation, Investigation And Enforcement

Course Announcement

- POST's Field Services Training Division, in cooperation with the Office of the Chief State's Attorney, is offering a one-day seminar titled "Legal Training on Housing Matters." The seminar will take place on **Friday, November 15, 2019** from 8:30 a.m. to 4:00 p.m. and is important for officers of every level. The seminar will be presented in the auditorium at the Connecticut Police Academy, 285 Preston Avenue, Meriden, CT in order to allow for open enrollment. All applicants registered will be accepted and no confirmation of enrollment will be sent out.

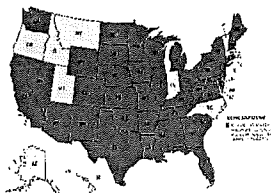
SHIP Advisory Council *approved*  
**HEALTHY HOUSING STRATEGIES**  
Environmental Health Action Agenda

- 1 **ADOPT A STATEWIDE PROPERTY MAINTENANCE CODE.**
- 2 **ESTABLISH CLEAR INCENTIVES FOR PROPERTY OWNERS TO COMPLY WITH CT'S HEALTH AND SAFETY CODES THROUGH A "COOPERATIVE COMPLIANCE" MODEL.**
- 3 **INCREASE AWARENESS ON THE IMPORTANCE OF HEALTHY HOUSING IN PREVENTING INJURY AND ILLNESS, ADDRESSING INEQUALITIES IN HEALTH, ECONOMIC AND SOCIAL FACTORS, AS WELL AS IN REDUCING CRIME.**

**CT Division of Criminal Justice  
Housing Bureau Assignments  
Current to September 2019**

- Judith R. Dicine, Supervisory Assistant State's Attorney**  
Litchfield, Tolland and Windham JDs  
([judith.dicine@ct.gov](mailto:judith.dicine@ct.gov)) 203-773-6755
- John F. Kerwin III, Senior Assistant State's Attorney**  
Ansonia/Milford, New Haven and Waterbury JDs  
([john.kerwin@ct.gov](mailto:john.kerwin@ct.gov)) 203-773-6755
- Maura K. Coyne, Senior Assistant State's Attorney**  
Fairfield, Stamford/Norwalk and Danbury JDs  
([maura.coyne@ct.gov](mailto:maura.coyne@ct.gov)) 203-579-7237
- Donna Parker, Senior Assistant State's Attorney**  
Hartford, Middlesex, New Britain and New London JDs  
([donna.parker@ct.gov](mailto:donna.parker@ct.gov)) 860-756-7810

**ICC Property Maintenance Code  
Whole or Partial U.S. State Adoption Map (2018)**



**Implemented Statewide:**  
District of Columbia, Illinois, Maryland, New York, Rhode Island,  
South Dakota, Tennessee, Virginia, and West Virginia



**CONTACT INFORMATION  
OCSA – HOUSING BUREAU:**

**Judith Rothschild Dicine, Supervisory Assistant  
State's Attorney, Housing Matters**  
121 Elm Street, New Haven, CT 06510  
Office Phone: 203-773-6755  
Cell/Text: 203-410-2931 (Private)  
FAX: 203-789-6459  
Email: [judith.dicine@ct.gov](mailto:judith.dicine@ct.gov)

# Legislative Updates

Legislative Session 2019  
Office of the Chief State's Attorney  
EASA Amy Bepko  
860-258-5919

## SEX ASSAULT AND THE STATUTE OF LIMITATIONS

P.A. 19-16 and P.A. 19-93

### Sexual Assault in Spousal or Cohabiting Relationship

§53a-70b of the general statutes

is Repealed

P.A. 19-169 Section 44 (10/1)

### Sexual Assault in the 3<sup>rd</sup> Degree

53a-72a(a)(2) " ... subjects another person to sexual contact and such other person is mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to sexual contact"

Class D Felony (A-misd-under-SEX4), V < 16 = C Felony (D-fel-under-SEX4)

P.A. 19-93 Sec. 9 and P.A. 19-16 Sec. 17 (10/1)

### Statute of Limitations for Sexual Offenses

§54-193a Limitation of Prosecution for Offenses Involving Sexual Abuse of a Minor

is REPEALED

P.A. 19-16 Sec. 23 (10/1)

### Statute of Limitations for Sexual Offenses

Effective October 1, 2019, and applicable to any offense committed on or after October 1, 2019, and to any offense committed prior to October 1, 2019, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2019.

P.A. 19-16 Sec. 17, 22

### SOL for Sexual Offenses §54-193, §54-193b

| LIMITATION   | WHEN APPLICABLE   |
|--|---|
| No limitation  | <p><b>Authority</b><br/>Sexual abuse, sexual exploitation, or sexual assault where V is a minor at the time of the offense<br/>§54-193(b)(1) Amended by PA 19-16 Sec. 17</p>  |
| Who 20Y next after the offense was committed           | <p>Class A felony violation: §§ 53a-70, 53a-70a, 53a-70b<br/>Class C felony violation: §§ 53a-71, 53a-71b<br/>Class D felony violation: § 53a-72a<br/>§54-193(d)(1) by PA 19-16 Sec. 17</p>   |
| Not later than 20Y next after V attains the age of 21Y | <p>Any offense involving sexual abuse, sexual exploitation, or sexual assault of a V who is 18, 19, or 20Y old at the time of the offense<br/>§54-193(d)(2) by PA 19-16 Sec. 17</p>   |
| Who 10Y next after the offense was committed           | <p>Class A misdemeanor violation of 53a-73a if V was 21Y + at the time of the offense<br/>§54-193(d)(3) by PA 19-16 Sec. 17</p>   |
| No limitation / DNA                                    | <p>Violation of §§ 53a-70, 53a-70a, 53a-70b, 53a-71, or 53a-71b-1f<br/>(1) Verified police or prosecutorial official testing their official capacity not more than 2Y after the commission of the offense, AND<br/>(2) Identity of the person who committed the offense was established by DNA profile using evidence collected at the time of the offense<br/>§54-193b by PA 19-16 Sec. 22 (bill edit)</p> |

PA 19-16 Sec. 17, 22

### “Upskirting” and Voyeurism CGS §53a-189a

Clarifies what “in plain view” means: “(b) ... does not include any view that is achieved by photographing, filming, videotaping or otherwise recording under or around a person’s clothing

Provides for circumstances where the target victim is in a public place but still has a reasonable expectation of privacy (a)(4)

Ex. The defendant was arrested for the act of placing his cell phone on the ground near the customer’s dress in order to video record her genitals without her consent so that he may be sexually aroused.

PA 19-14 Section 1 (10/1)

### Mandated Reporters §17a-101(b)

(b) The following persons shall be mandated reporters: ...

(33) Any employee of the Department of Children and Families (NEW) “or any person who, in the performance of such person’s duties, has regular contact with and provides services to or on behalf of children pursuant to a contract with or credential issued by the Dept. of Children and Families” ...

NEW: “(40) Any victim services advocate employed by the Office of Victim Services within the Judicial Department, and” (“PA 19-64 (7/1)) ...

NEW: “(41) Any employee of a juvenile justice program operated by or pursuant to a contract with the Court Support Services Division of the Judicial Department.”

PA 19-320 Section 1 (10/1\*)

### Defenses and Justified Use of Force

53a-13(2) “No defendant may claim as a defense under this section that such mental disease or defect was based solely on ...”

53a-16 “Justification as a defense does not include provocation that resulted solely from ...”

53a-18(b) No person is justified in using force upon another person which would otherwise constitute an offense based solely on ...”

PA 19-27 Section 3,2,3, (10/1)

### Defenses and Justified Use of Force

“...based solely on the discovery of, knowledge about or potential disclosure of the victim’s actual or perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship.”

NO defense, UNjustified

PA 19-27 (10/1)

### Freedom of Information Act §1-210(b), §1-215(b)

1-215(b) Any record of arrest of any person shall be public record from the time of such arrest and shall be disclosed without redaction, unless the statute says you can.

NEW: “(2) the name, address or other identifying information of any victim of sexual assault under sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a, voyeurism under section 53a-189a, injury or risk of injury, or impairing of morals under section 53-21 or family violence, as defined in section 46b-38a, or of an attempt thereof”

PA 19-43 Section 2 (10/1)

### Family Violence Crime §46b-38b

(j) The provisions of this section do not apply to persons who are ...

(1) Attending an institution of higher education and presently residing together in on-campus housing, or in off-campus housing that is owned, managed or operated by the institution of higher education or its agent, provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E), or (F) of subdivision (2) of section 46b-38a, or

(2) Presently residing in a dwelling unit, as defined in section 47a-1, and making payments pursuant to a rental agreement, as defined in section 47a-1, provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E), or (F) of subdivision (2) of section 46b-38a

P.A. 19-189 Section 43 (7/1)

### Transfer of Law Enforcement Agency Records Between Agencies

NEW: "A law enforcement agency that discloses records that may be withheld from disclosure under subdivision (3) of subsection (b) of section 1-210 of the general statutes to another law enforcement agency that is permitted to receive such records shall not be liable for any further disclosure of such records by the agency receiving the records."

P.A. 19-30 Section 1 (7/1)

## DRUGS

P.A. 19-38 and P.A. 19-3

### Fentanyl

21a-240(30): Fentanyl is now a narcotic substance; split into two subcategories to account for Fentanyl-like substances

21a-277(a) Sale, PWITS 1<sup>st</sup> Offense: NMT 15Y (~~7Y~~as-a-CS)

21a-278(b) Sale, PWITS by a non-drug dependent person 1<sup>st</sup> Offense: 5Y min/min (~~2Y~~as-a-CS)

P.A. 19-38 Section 1 (10/1)

### Opioid Antagonists New: C.G.S. Section TBA

Higher education institutions in CT are required to implement policies regarding the use and administration of opioid antagonists, including the requirement that a representative of the institution call 9-1-1 prior to, during, or as soon as practicable after each use of an opioid antagonist on campus *unless the person to whom the antagonist was administered has already received medical treatment for the opioid-related drug overdose.*

P.A. 19-191 Section 7 (7/1)

### HEMP New C.G.S. Section TBA

P.A. 19-3 was proposed with the intent that CT farmers could take advantage of the 2018 Federal Farm Bill that made it legal on the federal level to cultivate Hemp and manufacture Hemp products (Dept. of Agriculture)

Act covers the process for obtaining a license, specifications for seeds, and permission to grow and harvest hemp in a registered location that is non-disclosable under FOI laws.

Implicates the Dept. of Consumer Protection, Law Enforcement Agencies and the Division of Criminal Justice

P.A. 19-3 (10/1)

HEMP (ctd.)

(m)(1) \$250 fine for unlicensed cultivation or processing hemp w/o a license or with a suspended or revoked license

(n)(2) \$2,500 fine for business entity that cultivates or processes hemp w/o a license or with a suspended or revoked license

(o) "Negligent" violations as described in the federal act are subject to enforcement in accordance with the federal act ("... shall not as a result of that violation be subject to any criminal enforcement action...")

P.A. 19-3 Section 1 (10/1)

HEMP (ctd.)

(f)(1) \$250 fine for manufacturing (hemp products) w/o a license or with a suspended or revoked license

(2)(2) \$2,500 fine for business entity that manufactures (hemp products) w/o a license or with a suspended or revoked license

P.A. 19-3 Section 2 (10/1)

HEMP (ctd.)

Some issues currently being discussed by all implicated agencies:

CBD is not a "controlled substance" - what level of regulation, if any, will there be over CBD products?

Hemp is not a "controlled substance" - Hemp is not "Marijuana" (21a-240(29)) or a "Cannabis-type substance" (21a-240(7)). Hemp has no more than 0.3% THC but looks like MJ and smells like MJ. There is no field test for % THC.

How to regulate the transportation of Hemp - verification the substance is "hemp" and not MJ in a way that does not interfere with interstate commerce by causing undue delay or spoiling the product.

Probable cause - Legal issues related to the detection of contraband that poses a significant risk to public safety

P.A. 19-3 (10/1)

Cigarettes, Tobacco Products, E-Cig Products, and Vaping

§53-344(b) and §53-344b(b) Fines for sale, give, or deliver Cigarettes, tobacco products, e-nicotine delivery device, or vapor products to persons under (18) 21: 1<sup>st</sup> Off. NMT (\$200) \$300, 2<sup>nd</sup> Off. (\$350) \$750, 3<sup>rd</sup> Off. (\$500) \$1K \*on or before 24 months after the date of the first offense.

§53-344(c) and §53-344b(c) Fines for person under (18) 21 who misrepresents his/her age to purchase cigarettes, tobacco products, e-nicotine delivery device, or vapor products; eliminates prohibition on poss. tobacco products, e-nicotine delivery device, or vapor products by a minor in a public place.

P.A. 19-13 Section 14, 16 (10/1)

Persistent Larceny Offenders §53a-40(e)

PLO: Stands convicted of Larceny 4,5, or 6 AND At separate times, twice convicted of (any degree of) Larceny

NEW: Convictions must be for violations committed during the ten years prior to the commission of the present larceny

NEW: (m)(1) authorized sentence for present conviction for acts committed prior to 10/1/19 is a D Felony (nmt 5Y)

NEW: (m)(2) authorized sentence for present conviction for acts committed on or after 10/1/19: L4 (E Felony-nmt 3Y), L5, (A Misd), L6 (B Misd)

P.A. 19-151 Section 3 (10/1)

Parole and Special Parole §54-129(a), 54-124a(f)(5)

Board of Pardons and Paroles can, if it determines the inmate will lead an ordinary life, terminate a person's period of special parole

Board has independent decision-making authority to discharge any person on parole or eligible for special parole, or terminate special parole

P.A. 19-84 Section 2, 4 (10/1)



# FIREARMS

PA. 19-5, PA. 19-6, PA. 19-7

## Criminally Negligent Storage of a Firearm §29-37i, §53a-217a

- Safe storage of a firearm law now pertains to any "firearm" as defined in 53a-3(19): "any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, *whether loaded or unloaded* from which a shot may be discharged."
- Requires firearm be kept in a securely locked box or other container or in a (location) manner which a reasonable person would believe to be secure
- "Minor" is a person under the age of (16) 18.
- Crime/Penalty (§53a-217a) amended to reflect new §29-37i

PA. 19-5 Section 1, 3 (10/1)

## Storage of Pistol or Revolver in a MV (New CGS Section TBA)

"(a)(1) No person shall store or keep any pistol or revolver in any motor vehicle that is unattended unless such pistol or revolver is in the trunk, a locked safe, or locked glove box."

- (a)(2)(A) "unattended" - there is no owner or passenger who is at least 21Y inside or w/in close enough proximity to the MV to prevent unauthorized access to MV.
- (B), (C) - "pistol", "revolver", "motor vehicle" previously defined by CGS §29-27 and §14-1

PA. 19-7 Section 1 (10/1)

## Storage of Pistol or Revolver in a MV (ctd.)

"(a)(2)(d)"trunk" means (i) the fully enclosed and locked main storage or luggage compartment of a motor vehicle *that is not accessible from the passenger compartment*, or (ii) a locked toolbox or utility box attached to the bed of a pickup truck, as defined in §14-1 of the general statutes."

"Trunk" does not include the rear of a pickup truck, hatchback, station-wagon-type automobile or sport utility vehicle or any compartment that has a window.

PA. 19-7 Section 1 (10/1)

## Storage of Pistol or Revolver in a MV (ctd.) Exceptions

(b) Pistol or revolver issued or possessed by ... Common sense exceptions encompassing various law enforcement agencies for use in the discharge of their duties or when off duty

\*PROVIDED the pistol or revolver issued or possessed by any such person described in (b) is being kept or stored in accordance with the issuing/possessing agency's policy concerning safe keeping or storage of a pistol or revolver in a MV.

PA. 19-7 Section 1 (10/1)

## Storage of Pistol or Revolver in a MV (ctd.) Suspension of Prosecution (AR)

(c) Suspend prosecution for a period not to exceed 2Y if court finds:

Violation of this section is not of a serious nature AND

- (1)(A) will probably not offend in the future, and
  - (1)(B) not previously convicted of a violation of *this section*, and
  - (1)(C) has not used this program
- OR
- (2) person was charged as a result of having reported the pistol or revolver lost or stolen

PA. 19-7 Section 1 (10/1)

## An Act Concerning Ghost Guns

- Section 1. Revises 29-36 (Alteration of Firearm ID Marks/Oblit SN)
- Section 2. Ghost guns + Ghost Gun AR
- Section 3. DESPP shall develop a system to issue serial #/ID mark
- Section 4. Polymer plastic guns prohibited + Polymer AR
- Section 5. Unfinished Frames and Lower Receivers + Unfinished AR

P.A. 19-6

## An Act Concerning Ghost Guns (ctd) DESPP / SERIAL #'S

DESPP shall, no later than October 1, 2019, develop and maintain a system to issue serial #'s or other mark of identification to persons requesting such pursuant to Sec. 2 or Sec. 5 of this Act

AND provide notice that the system is operational via: (1) DESPP web site and (2) electronic notification to federally licensed firearm dealers

DESPP must maintain identifying information of person requesting the # or mark and of the firearm or unfinished frame or lower receiver for which each such # or mark is requested.

P.A. 19-6 Section 3 (6/9)

## An Act Concerning Ghost Guns (ctd) C.G.S. §29-36

(a) No person shall remove, deface, alter or obliterate the name of any maker or model or any maker's number, unique serial number or other mark of identification on any firearm ...

Still a C Felony w/ 2Y man/min + \$5K fine

P.A. 19-6 Section 1 (10/1)

## An Act Concerning Ghost Guns (ctd) NEW: Ghost Guns / CGS Section: TBA

(a) No person shall complete the manufacture of a firearm w/o (1) obtaining a unique serial number or other mark of ID from DESPP AND (2) engraving or permanently affixing it to the firearm in a way that complies with 18 USC 923(f)

(b) Person must notify DESPP of manufacture of FA and any identifying information concerning the FA and the owner NLT 30d from manufacture or 90D from DESPP notice that ID system is operational (whichever is later); DESPP has NMT 3D w/in receipt of the request to determine if owner is prohibited from carrying a FA. If not, DESPP must issue the #.

P.A. 19-6 Section 2 (10/1)

## NEW: Ghost Guns (ctd.)

### Subsection (f) definitions:

"Manufacture" means to fabricate or construct a firearm including the initial assembly

"Firearm" means firearm, as defined in section 53a-3 of the general statutes

"Law enforcement agency" means law enforcement agency, as defined in section 29-11 of the general statutes

P.A. 19-6 Section 2 (10/1)

## NEW: Ghost Guns (ctd.)

(d) Transferring a firearm that does not comply with this statute is a crime.

(f) No person shall facilitate, aid, or abet the manufacture of FA (1) by or for a person who can't legally possess one, or (2) a FA that is otherwise prohibited by law.

(c) Does not apply if the firearm was manufactured using an unfinished frame or lower receiver with an engraved or permanently affixed serial number or other mark.

(e) Does not apply to federally licensed firearms manufacturers, firearms manufactured prior to 10/1, or delivery/transfer of FA to a LE agency

P.A. 19-6 Section 2 (10/1)

**NEW: Ghost Guns (ctd.)  
Penalty**

(h) Violation of any provision of this section is a Class C Felony w/2Y man/min + \$5K fine

P.A. 19-6 Section 2 (10/1)

**NEW: Ghost Guns (ctd.)  
Suspension of Prosecution (AR)**

(g) Suspend prosecution for a period not to exceed 2Y if court finds:

Violation of this section is not of a serious nature AND

- (1) will probably not offend in the future, and
- (2) not previously convicted of a violation of *this section*, and
- (3) has not used this program

P.A. 19-6 Section 2 (10/1)

**An Act Concerning Ghost Guns (ctd)  
NEW: Polymer Plastic Guns / CGS Section: TBA**

"(a) No person shall manufacture any firearm that, after removal of grips, stocks and magazines, is not as detectable as the security exemplar, by walk-through metal detectors calibrated and operated to detect the security exemplar."

(c) Class C Felony w/2Y man/min +\$5K fine

P.A. 19-6 Section 4 (10/1)

**NEW: Polymer Plastic Guns (ctd.)**

Subsection (d) definitions:

"Firearm" means firearm, as defined in section 53a-3 of the general statutes, *but does not include* the frame or receiver of any such weapon

"Security Exemplar" as defined in 18 USC 922(p)

P.A. 19-6 Section 4 (10/1)

**NEW: Polymer Plastic Guns (ctd.)  
Suspension of Prosecution (AR)**

(b) Suspend prosecution for a period not to exceed 2Y if court finds:

Violation of this section is not of a serious nature AND

- (1) will probably not offend in the future, and
- (2) not previously convicted of a violation of *this section*, and
- (3) has not used this program

P.A. 19-6 Section 4 (10/1)

**An Act Concerning Ghost Guns (ctd)  
NEW: Unfinished Frames & Lower Receivers  
CGS Section: TBA**

"(a) No person shall purchase or receive or sell, deliver or otherwise transfer an unfinished frame or lower receiver, except as provided" in this section:

(b) Procedure for purchase or receipt or sale, delivery or other transfer shall be the same as those that apply to a pistol or revolver under 29-33(b) thru (e)

(c)(1) No sale, delivery, or transfer pursuant to (b) without a unique serial # or other ID mark issued by ATF or DESPP that is engraved or permanently affixed

"(f) On and after 10/1/19 no person shall poss. an unfinished frame or lower receiver unless such person is eligible to purchase a firearm under state and federal law."

P.A. 19-6 Section 5 (6/3)

### NEW: Unfinished Frames & Lower Receivers (ctd.)

(c)(2) A person may obtain a SN or ID mark for an unfinished frame or lower receiver from DESPP by providing same information to DESPP as with a Ghost Gun, except that DESPP has NMT 3D from receipt of the request *or* 10D after the system becomes operational (whichever is later – slightly different because this section is effective from passage).

(c)(3) SN or ID mark must be engraved or permanently affixed to unfinished frame or lower receiver in a manner that conforms with 18 USC 923(i)

P.A. 19-6 Section 5 (6/3)

### NEW: Polymer Plastic Guns (ctd.)

#### Subsection (i) definitions:

"Unfinished frame or lower receiver" means a blank, casting or machined body intended to be turned into the frame or lower receiver of a firearm, as defined in section 53a-3 of the general statutes, with additional machining, and which has been formed or machined to the point where most major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm, even if the fire-control cavity area of such blank, casting, or machined body is still completely solid and unmachined."

It is not a firearm as defined in 18 USC 921(a).

P.A. 19-6 Section 5 (6/3)

### NEW: Unfinished Frames & Lower Receivers (ctd.)

(d) Does not apply to sale, delivery or transfer between federally licensed manufacturers, dealers, and importers

(e) Any person may contact DESPP or a local PD to arrange for the delivery or transfer of an unfinished frame or lower receiver to DESPP or the local PD

P.A. 19-6 Section 5 (6/3)

### NEW: Unfinished Frames & Lower Receivers(ctd.)

#### (h) Penalties:

Class C Felony w/2Y man./min + \$5K fine for violation of any provision

Class B Felony w/3Y man./min + \$10K fine for sale, delivery or transfer in violation of this section *knowing* such unfinished frame or lower receiver is stolen or the SN/ID mark is altered, removed, or obliterated

P.A. 19-6 Section 5 (6/3)

### NEW: Unfinished Frames & Lower Receivers(ctd.) Suspension of Prosecution (AR)

(g) Suspend prosecution for a period not to exceed 2Y if court finds:

Violation of this section is not of a serious nature AND

- (1) will probably not offend in the future, and
- (2) not previously convicted of a violation of *this section*, and
- (3) has not used this program

P.A. 19-6 Section 5 (6/3)

### Pre-trial Diversionary Programs – Timing of Seal

Alcohol Education Program

Drug Education/Community Service Program

"Upon application the court shall, but only as to the public, order the court file sealed ..."

P.A. 19-151 Section 4, 5 (7/8)

## Freedom of Information Act §1-210(b), §1-215(b)

1-210(b) "Nothing in the FOI Act shall be construed to require the disclosure of: (3) ... records of law enforcement agencies not otherwise available to the public ... compiled in connection w/the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of ..."

NEW: The name and address of the victims of family violence as defined in 46b-38a\* is added to (G) with victims of Sex Assault, Voyeurism, and Risk of Injury

PA. 19-43 Section 1 (10/1)

# MOTOR VEHICLES

MISC PA.

## Negligent Homicide w/ a MV and Illegal Racing CGS §14-222a, §14-224(g)(2)

14-222a - Any person who, in consequence of the negligent operation of a MV, causes the death of another person shall be fined NMT (\$1K) \$3500 +/or imprisoned NMT (6 months) 3Y. \*No more distinction between an operator of a MV or commercial MV

14-224(g)(2) Penalty for Racing: 1<sup>st</sup> offense is NLT (\$75) \$150 and NMT \$600 +/or NMT 1Y; Subsequent offense NLT (\$100) \$300 and NMT \$1K +/or NMT 1Y.

14-224(g)(3) Penalty for poss. a MV w/the intent it be used for illegal racing, acting as a starter, timekeeper, judge, or spectator, or wagering on an illegal race is now separate from the person who races: 1<sup>st</sup> Off NLT \$75 and NMT \$600 +/or 1Y; Subseq Off NLT \$100 and NMT \$1K +/or 1Y.

PA. 19-53 Section 2,3 (10/1)

## Illegal Racing (ctd.) §14-224(c)(1) and §14-111g

Suspension statute now specifically requires any person who is convicted of illegal racing be sent to a motor vehicle operator's retraining program

PA. 19-53 Section 1 (10/1)

## Public Act 19-161

"An Act Concerning the Operation Lifesaver Program, Transportation Network Companies, Public Electric Vehicle Charging Stations, the Use of Colored and Flashing Lights, Road and Bridge Designations, the Issuance of Removable Windshield Placards, Snow Removal Services Contracts, Reports by the Department of Transportation and other Transportation Statutes."

PA. 19-161

## Public Act 19-161

§14-290 MV in the custody an use of officers in the performance of their duties are exempt from traffic regulations, "including but not limited to, regulations concerning the payment of parking meters"

§16-19ggg(c) no person shall park at an electric charging station unless charging an electric car ... *is an infraction.*

PA. 19-161 Section 5, 9 (10/1)

### Public Act 19-161

#### Color / Flashing / Steady Lights §14-96g

- (a) A permit is required for use of colored or flashing lights on all MV or equipment unless otherwise specified by this section
- (c) Through (i) amendments make "light", "lights", or "flashing lights" uniform throughout
- (j) *Green, Yellow, or Amber lights/flashing lights may be used by DOT vehicles*
- (k) *Only Police Officers and DMV Inspectors operating a state or local police vehicle can use steady blue and/or steady red illuminated lights*
- (l) Violation of this section is (still) an infraction.

P.A. 19-161 Section 10 (10/1)

### Public Act 19-161

#### Placards for Persons Who are Blind and Persons with Disabilities §14-253a(e)

The Commissioner of MV can issue one placard to qualifying applicants, *"except the commissioner shall issue one placard to ea. applicant who is a parent or guardian or any person who is blind or any person w/disabilities, if such person is under 18 at the time of the application, provided no more than two such placards shall be issued on behalf of such person."*

*"Does not relieve the placard user of the requirement that the blind or disabled person for which the placard was issued be present"*

P.A. 19-161 Section 37 (10/1)

### Public Act 19-161 NEW: Blue Envelopes for Autism CGS Section TBA

A person w/ASD or their parent/guardian may request a "blue envelope" on and after January 1, 2020.

Blue envelopes are capable of holding a person's MV ops. license, registration, and insurance ID card AND

*"Provide written information and guidance on the outside of the envelopes regarding ways to enhance effective communication between a police officer and a person w/ASD"*

P.A. 19-161 Section 39 (7/12)

### P.O.S.T. CGS §7-294h

LE basic or field training program will include techniques for handling incidents involving adults w/ASD and cognitive impairment

P.A. 19-147 by 1/1/2020

### Public Act 19-90 – Candlewood Lake

Environmental conservation police officer of DESPP has authority to enforce noise ordinances or any municipality that abuts Candlewood Lake on the waters of the lake

If there is more than one municipality having an ordinance, the most restrictive standard for noise upon the waters of the lake prevails

P.A. 19-90 Section 3

### PROTECTION OF CONFIDENTIAL COMMUNICATIONS BETWEEN A FIRST RESPONDER AND A PEER SUPPORT TEAM MEMBER

Includes oral and written communication transmitted *in confidence*

Peer support team member shall not disclose *confidential communication* (1) to any third person unless disclosure is reasonably necessary to accomplish purpose for which support team member was consulted, (2) civil or criminal cases or proceedings, or (3) any legislative or administrative proceeding

No person in a civil or criminal case or proceeding or legislative or administrative proceeding can request or require information relating to the first responder's participation in a peer support program

Where consent is not needed – (1) otherwise mandated by law, (2) peer support team member believes in good faith that failure to disclose presents clear and present danger to any individual, including the first responder, or (3) peer support team member was a witness or party to incident that resulted in the delivery of PSS.

P.A. 19-188 (10/1)

**STATUTE OF LIMITATIONS FOR SEXUAL OFFENSES:** Effective October 1, 2019, and applicable to any offense committed on or after October 1, 2019, and to any offense committed prior to October 1, 2019, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2019.

PA 19-16 Section 17 and Sec. 22; C.G.S. §§ 54-193, 54-193b

| LIMITATION   | WHEN APPLICABLE   |
|--|---|
| No Limitation  | <p>Authority</p> <p>Sexual abuse, sexual exploitation, or sexual assault where V is a minor at the time of the offense</p>  |
| W/in 20Y next after the offense was committed          | <p>§54-193(a)(B) Amend by PA 19-16 Sec. 17</p> <p>Class A felony violation: §§ 53a-70, 53a-70a, 53a-70b</p> <p>Class C felony violation: §§ 53a-71, 53a-72b</p> <p>Class D felony violation: § 53a-72a</p>  |
| Not later than 30Y next after V attains the age of 21Y | <p>§54-193(b)(1) by PA 19-16 Sec. 17</p> <p>Any offense involving sexual abuse, sexual exploitation, or sexual assault of a V who is 18, 19, or 20Y old at the time of the offense</p>  |
| W/in 10Y next after the offense was committed          | <p>§54-193(b)(2) by PA 19-16 Sec. 17</p> <p>Class A misdemeanor violation of 53a-73a if V was 21Y + at the time of the offense</p>  |
| No Limitation / DNA                                    | <p>§54-193(b)(3) by PA 19-16 Sec. 17</p> <p>Violation of §§ 53a-70, 53a-70a, 53a-70b, 53a-71, or 53a-72b IF:</p> <ul style="list-style-type: none"> <li>(1) V notified police or prosecutorial official acting in their official capacity not more than 5Y after the commission of the offense, AND</li> <li>(2) Identity of the person who committed the offense is established by a DNA profile using evidence collected at the time of the offense</li> </ul> <p>§54-193b by PA 19-16 Sec. 22 (still exists)</p> |

**AN ACT CONCERNING THE USE OF FORCE AND PURSUITS BY POLICE AND INCREASING POLICE ACCOUNTABILITY AND TRANSPARENCY<sup>1</sup>**

Section 1. Section 7-282e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Each law enforcement unit, as defined in section 7-294a, shall create and maintain a record detailing any incident during which a police officer, as defined in section 7-294a, (1) used physical force that is likely to cause serious physical injury, as defined in section 53a-3, to another person or the death of another person, including, but not limited to, striking another person with an open or closed hand, club or baton, kicking another person, using pepper spray or an electroshock weapon in another person or using a chokehold or other method of restraint applied to the neck area of another person, (2) discharges a firearm, except during a training exercise or in the course of dispatching an animal, or (3) engages in a pursuit, as defined in subsection (a) of section 14-283a, as amended by this act. Such record shall include, but not be limited to: The name of the police officer, the time and place of the incident, a description of what occurred during the incident and, to the extent known, the names of victims and witnesses present at such incident.

(b) Not later than February 1, 2020, and annually thereafter, each law enforcement unit shall prepare and submit a report concerning incidents described in subsection (a) of this section during the preceding calendar year to the Criminal Justice Policy and Planning Division within the Office of Policy Management. Such report shall include (1) the records described in subsection (a) of this section, (2) summarized data compiled from such records, and (3) statistics on each use of force incident, including but not limited to, (A) the race and gender of such person upon whom force was used, provided the identification of such characteristics shall be based on the observation and perception of the police officer, (B) the number of times force was used on such person, and (C) any injury suffered by such person against whom force was used. Each law enforcement unit shall, prior to submission of any such report pursuant to this subsection, redact any information from such report that may identify a minor, witness, or victim.

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<sup>1</sup> Red font indicates new text



Section 2. Subsection (f) of section 29-6d of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(f) If a police officer is giving a formal statement about the use of force or if a police officer is the subject of a disciplinary investigation in which a recording from body-worn recording equipment or a dashboard camera with a remote recorder, as defined in subsection (c) of section 7-277b, is being considered as part of a review of an incident, the officer shall (1) have the right to review such recording in the presence of the officer's attorney or labor representative, and (2) have the right to review recordings from other body-worn recording equipment capturing the officer's image or voice during the incident. Not later than forty-eight hours following an officer's review of a recording under subdivision (1) of this subsection, or if the officer does not review the recording, not later than ninety-six hours following the recorded incident, whichever is earlier, such recording shall be disclosed, upon request, to the public, subject to the provisions of subsection (g) of this section.

Section 3. Section 51-277a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a)(1) Whenever a peace officer, in the performance of such officer's duties, uses physical force upon another person and such person dies as a result thereof or uses deadly force, as defined in section 53a-3, upon another person, the Division of Criminal Justice shall cause an investigation to be made and shall have the responsibility of determining whether the use of physical force by the peace officer was appropriate under section 53a-22, as amended by this act. The division shall request the appropriate law enforcement agency to provide such assistance as is necessary to determine the circumstances of the incident.

(2) On and after January 1, 2020, whenever a peace officer, in the performance of such officer's duties, uses physical force upon another person and such person dies as a result thereof, the Division of Criminal Justice shall cause a preliminary status report to be completed that shall include, but need not be limited to, (A) the name of the deceased person, (B) the gender, race, ethnicity and age of the deceased person, (C) the date, time and location of the injury causing such death, (D) the law enforcement agency involved, (E) the status on the toxicology report, if available, and (F) the death certificate, if available. The division shall complete the report and submit a copy of such report not later than five business days after the cause of death is available in accordance with the provisions of section 11-4a to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety.

(b) In causing an investigation to be made pursuant to subdivision (1) of subsection (a) of this section, the Chief State's Attorney shall, (1) as provided in section 51-281, designate a prosecutorial official from a judicial district other than the judicial district in which the incident occurred to conduct the investigation, or (2) as provided in subsection (a) of section 51-285, appoint a special assistant state's attorney or special deputy assistant state's attorney to conduct the investigation. The Chief State's Attorney shall, upon the request of such prosecutorial official or special prosecutor, appoint a special inspector or special inspectors to assist in such investigation.

(c) Upon the conclusion of the investigation of the incident, the Division of Criminal Justice shall file a report with the Chief State's Attorney which shall contain the following: (1) The circumstances of the incident, (2) a determination of whether the use of physical force by the peace officer was appropriate under section 53a-22, as amended by this act, and (3) any future action to be taken by the division as a result of the incident. The Chief State's Attorney shall provide a copy of the report to the chief executive officer of the municipality in which the incident occurred and to the Commissioner of Emergency Services and Public Protection or the chief of police of such municipality, as the case may be, and shall make such report available to the public on the division's Internet web site no later than forty-eight hours after the copies are provided to the chief executive officer and the commissioner or chief of police.

Section 4. Subsection (c) of section 53a-22 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(c) A peace officer, special policeman appointed under section 29-18b, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d or authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using deadly physical force upon another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such to be necessary to: (1) Defend himself or herself or a third person from the use or imminent use of deadly physical force; or (2) (A) effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury, or (B) prevent the escape from custody of a person whom he or she reasonably believes has committed a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible under this subdivision, he or she has given warning of his or her intent to use deadly physical force.

Section 5. Section 14-283a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) As used in this section, "police officer" and "law enforcement unit" have the same meanings as provided in section 7-294a, and "pursuit" means an attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing motor vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.

(b)(1) The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall adopt, in accordance with the provisions of chapter 54, a uniform, state-wide policy for handling pursuits by police officers. Such policy shall specify: (A) The conditions under which a police officer may engage in a pursuit and discontinue a pursuit, (B) alternative measures to be employed by any such police officer in order to apprehend any occupant of the fleeing motor vehicle or to impede the movement of such motor vehicle, (C) the coordination and responsibility, including control over the pursuit, of supervisory personnel and the police officer engaged in such pursuit, (D) in the case of a pursuit that may proceed and continue into another municipality, (i) the requirement to notify and the procedures to be used to notify the police department in such other municipality or, if there is no organized police department in such other municipality, the officers responsible for law enforcement in such other municipality, that there is a pursuit in progress, and (ii) the coordination and responsibility of supervisory personnel in each such municipality and the police officer engaged in such pursuit, (E) the type and amount of training in pursuits, that each police officer shall undergo, which may include training in vehicle simulators, if vehicle simulator training is determined to be necessary, and (F) that a police officer immediately notify supervisory personnel or the officer in charge after the police officer begins a pursuit. The chief of police or Commissioner of Emergency Services and Public Protection, as the case may be, shall inform each officer within such chief's or said commissioner's department and each officer responsible for law enforcement in a municipality in which there is no such department of the existence of the policy of pursuit to be employed by any such officer and shall take whatever measures that are necessary to assure that each such officer understands the pursuit policy established.

(2) Not later than January 1, 2021, and at least once during each five-year period thereafter, the Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall adopt regulations in accordance with the provisions of chapter 54, to update such policy adopted pursuant to subdivision (1) of this subsection.

- (c) No police officer engaged in a pursuit shall discharge any firearm into or at a fleeing motor vehicle, unless such officer has a reasonable belief that there is an imminent threat of death to such officer or another person posed by the fleeing motor vehicle or an occupant of such motor vehicle.
- (d) No police officer shall intentionally position his or her body in front of a fleeing motor vehicle, unless such action is a tactic approved by the law enforcement unit that employs such police officer.
- (e) If a pursuit enters the jurisdiction of a law enforcement unit other than that of the unit which initiated the pursuit, the law enforcement unit that initiated the pursuit shall immediately notify the law enforcement unit that has jurisdiction over such are of such pursuit.
- (f) (1) Not later than December 1, 2018, the Police Officer Standards and Training Council, established under section 7-294b, shall develop and promulgate a standardized form for (A) reporting pursuits by police officers pursuant to subdivision (2) of this subsection, and (B) submitting annual reports pursuant to subdivision (3) of this subsection.
- (2) On and after January 1, 2019, the chief of police or the Commissioner of Emergency Services and Public Protection, as the case may be, shall require each police officer who engages in a pursuit to report such pursuit on the standardized form developed and promulgated under subdivision (1) of this subsection.
- (3) Not later than January 31, 2020, and annually thereafter, each chief of police and the Commissioner of Emergency Services and Public Protection shall submit an annual report to the Police Officer Standards and Training Council regarding pursuits by police officers on the standardized form developed and promulgated under subdivision (1) of this subsection.
- (4) Not later than April 30, 2020, and annually thereafter, the Police Officer Standards and Training Council shall compile, analyze and summarize the annual reports and submit, in accordance with section 11-4a, a consolidated report regarding police pursuits and any recommendations for legislation to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security. The council may partner with an institution of higher education in this state or a professional police organization to prepare or to assist in the preparation of the consolidated report.

Section 6. (*Effective from passage*) (a) There is established a task force to study police transparency and accountability. The task force shall examine: (1) Police officer interactions with individuals who are individuals with mental, intellectual or physical disability; (2) the feasibility of police officers who conduct traffic stop issuing a receipt to each individual being stopped that includes the reason for the stop and records the demographic information of the person being stopped; and (3) any other police officer and transparency and accountability issue the task force deems appropriate.

(b) The task force shall consist of the following members:

- (1) Two appointed by the speaker of the House of Representatives, one of whom is an individual with mental, intellectual or physical disability;
- (2) Two appointed by the president pro-tempore of the Senate, one of whom is a justice-impacted individual;
- (3) One appointed by the majority leader of the House of Representatives, who shall be a member of the Black and Puerto Rican Caucus of the General Assembly;
- (4) One appointed by the majority leader of the Senate, who shall be a member of the Connecticut Police Chiefs Association;
- (5) Two appointed by the minority leader of the House of Representatives;
- (6) Two appointed by the minority leader of the Senate;
- (7) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management, or the undersecretary's designee, as a nonvoting member;
- (8) The Commissioner of the Department of Emergency Services and Public Protection, or the commissioner's designee, as a nonvoting member; and
- (9) The Chief State's Attorney, or the Chief State's Attorney designee, as a nonvoting member.

(c) Any member of the task force appointed under subdivision (1), (2), (3), (5), or (6) of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committees of the general assembly having cognizance of matters relating to the judiciary and public safety shall serve as administrative staff of the task force.

(g) Not later than January 1, 2020, the task force shall submit a preliminary report and not later than December 31, 2020, a final report on its findings and any recommendations for legislation to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or December 31, 2020, whichever is later.

Section 7 (*Effective from passage*) (a) The Police Officer Standards and Training Council, established under section 7-294b of the general statutes, shall study and review the use of firearms by police officers engaged in pursuit. Not later than February 1, 2020, the council shall, in accordance with the provisions of section 11-4a of the general statutes, report its findings and any recommendations for legislation arising from such findings to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety.

(b) For purposes of this section, "police officer" has the same meaning as provided in section 7-294a of the general statutes and "pursuit" has the same meaning as provided in section 14-283s of the general statutes, as amended by this act.

Approved July 1, 2019