AGENDA
Local Emergency Coordinating Committee Meeting
August 6, 2020
5:00 PM
Virtual Meeting Via ZOOM application - see log-in details below

1. Call To Order, Roll Call
2. Audience Of Citizens
3. Acceptance Of Minutes: May 7, 2020 (E)
   Documents:
   LECC MINUTES 5-7-20.PDF

4. COVID-19 Updates:
5. Agency Updates
6. Events:
   6.A. 2020 Steeplechase Bike Tour (E)
   Documents:
   STEEPLECHASE 2020.PDF

7. Radio Communications With Police & Fire And Future Public Works
8. Fire Transition Study Committee: Progress Report
9. Public Gathering Ordinance (E)
   Documents:
   SPECIAL EVENT ORDINANCE PROPOSED REVISIONS 7-28-20.PDF

10. Police Accountability Bill (E)
   Documents:
   CCM EMAIL POLICE ACCOUNTABILITY.PDF
   HB 6004 - POLICE ACCOUNTABILITY SUMMARY AND FAQ.PDF

11. Other Business
12. Adjournment

Join Zoom Meeting
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(E) denotes enclosure
Minutes
Local Emergency Coordination Committee
May 7, 2020
(Virtual meeting due to COVID-19 safety guidelines)

1. The meeting was called to order at 5:01 PM.
   Present: John Elsesser, Annemarie Sundgren, Mark Palmer, Rob Biller, Emily Oliver, Margaret Khan, John Alosky, Jim McLoughlin, Mark Kiefer, Ryan Boutin, Ken Boutin, Donald Figiela, David Petrone, Bud Meyers, Eric Trott, Amanda Backhaus, Julie Blanchard

2. Audience of Citizens: none

3. COVID-19 Update:
   John Elsesser noted that we are merging two meetings today – the monthly LECC meeting and the weekly COVID-19 Planning Group, so there are a lot of people participating. Julie Blanchard said it is nice to have such a large group.

   Rob Miller shared the latest statistics. There are 138 confirmed cases in the Health District with seven fatalities. The State has experienced a decline in hospitalizations for the past 14 days. We hope that continues to the next milestone of 5/20. Coventry is up to 27 cases. Currently we have completed 107 case contact investigations. We are going to participate in a beta test of a statewide platform and anticipate training next week. We expect full transition by the 20th. Staff has been directed to work with local COVID officials as we work on phase 1 guidelines to re-open the State. We are waiting for State guidelines - an imagine they will cover a number of areas including restaurants and retail. One area we anticipate additional guidance for is beaches and public settings. We sent out a memo to CEOs and frontline town staff today that the Health District is fully transitioned to the Viewpoint cloud payment system. Options include website or mail applications, or a drop box at the main office. Questions can be directed to Millie.

   Julie Blanchard asked if the payment system is for farmers’ market vendors, etc? Rob said yes, anything we charge a fee for. The only exception is food license renewals. Those who renew on an annual basis do so in March and it will be set up by then. We don’t anticipate many market applications this year because they can’t do sampling.

4. Agency updates:

   Police Department – Mark Palmer:
   - We had our CALEA assessment Monday-Wednesday. It was done remotely by two assessors. It went very well. They had an opportunity to talk with 10 staff members and did a video of the police department. They went through the booking area. They talked with a number of people. The report will be issued and a remote conference will take place instead of the venue at Oklahoma City.
   - We continue to make two pick-ups per week for PPE. Some of the equipment has gone to EMS/Fire, some to PD and some for local businesses.
   - The new boat is going in the water on Monday. Docks are in at the boat launch as of today. The boat is really nice and we are glad we were able to get it. We had to do some work on it
but it should service us well. We will auction off the old one on GovDeals. He will send a link to the Town Manager.

- Staff are doing well. Everyone is coming to work. No vacation or overtime is being used.

**Fire/EMS/Emergency Management – Jim McLoughlin:**

- We are following up on a request from DEMAHS on the resource update. This is to be done before 6/1.
- Kudos to the FD for their response to a structure fire this morning.
- We continue to develop, review and revise policies for a unified department as we build a manual in preparation for 7/1. Some of the policies have been implemented already.
- We got information that $100 million is being released through FEMA for PPE. We will be looking at what level we are at to engage in the process. It is a quick turnaround with an application due by next Friday.
- Jim is working with Parks & Rec, Human Services, and the Health District on a draft plan for summer camps and beaches. OEC will be releasing additional guidance.
- We are also working in collaboration with the farmers’ market to make the drive-through market work by providing fire police support. We will have two personnel each Sunday, plus Ray Oliver will be there.
- The FD is using Zoom for meetings and drills. It is going well.
- We continue to do birthday drive-by parades, which lift community spirit.
- We are working on an ID card template.
- Social media posts are up – we are trying to drive the positive.
- We are also looking to reestablish our status as a heart-safe community. Bud Meyers noted that Alex Bohr is working on that, and should be done by the end of the week.

**North Coventry Volunteer Fire Department – Bud Meyers/John Alosky:**

- Bud provided stats for the month of April:
  - 1 trash fire
  - 2 MVA’s
  - 3 Hazardous materials
  - 6 electrical wiring/equipment problems
  - 9 power lines down
  - 9 good intent
  - 2 false alarms
  - 3 EMS
- We have new drivers: Rick Grimaldi for ET211 and 311, and Jared Dewy for Truck 111.
- We have done about 30 of the combined birthday party parades. There has been fantastic support. Sgt. Opdenbrouw has been fantastic with scheduling – thanks to the PD for their involvement.
- John Alosky noted that North Coventry is working toward elections coming up in June, and we are working closely with Jimmy and John on modifications to contract.

**EMS – DJ Figiela:**

- Thanks to the paid staff and volunteers who have been working hard during the pandemic. Call volume has gone up this past week.
- Stats for the month of April:
  - 79 medical calls for service with 60 transports
  - 57 transports with paid staff and 3 with volunteer staff
  - Of the 57 transports, 20 were suspected to have COVID and universal precautions were utilized. Two transported patients were found to be positive for COVID
3 cardiac arrests – cardiac arrests are up 30% - we only had 10 last year. The county is up 40% for month of April.

- No paid staff or volunteers are out sick for COVID at the present time. One paid staff member has symptoms and is going for testing tomorrow. No volunteers have symptoms.
- We got two new intubation pods that go over patient’s face to help reduce exposure during CPR.
- Thanks to DPW for servicing our vehicles.
- We await receipt of infrared thermometers, which have been on order since April 1.

Coventry Volunteer Fire Association – Ken Boutin:
- All staff is healthy and we hope it stays that way.
- We are adapting training to use distance learning. We had a joint department drill last night using Zoom. It was timely since we had a structure fire this morning. It went well with a quick knockdown.
- We are responding to calls and assisting with EMS.

Fire Police – Ray Oliver:
The Fire police meeting with the farmers’ market went well. We reviewed street layouts and don’t see any issues. We are sending out a note for the final list of interested people and look forward to market season.

Coventry Public Schools – David Petrone:
- The Governor announced that schools are closed for the remainder of the school year. We anticipated this and prepared for it. The next step is to deal with end of year close-out – including return of student belongings, graduation, return of devices, summer school and enrichment camps.
- We anticipate a lot of guidance from the State over the next few weeks and don’t want to do too much work prematurely only to find out that the guidance has changed. Busing is also a consideration given the need for social distancing.
- We are also talking about planning for the 20/21 school year. We are hearing many scenarios from starting up in September and having to close again, living with it, etc. It is just guesswork at this point.
- The free lunch program is serving approximately 340 meals a day, 7 days a week, with pick-ups Monday, Wednesday & Friday.

Public Works – Mark Kiefer:
- We are practicing social distancing. The crew is healthy.
- We are getting out crew back full steam at the end of the month.
- The auxiliary crew is putting recycling stickers on the tipper barrels with two days left.
- The remainder of the crew is working to get maintenance done.
- John Elsesser said that we are re-opening the transfer station just on Saturdays starting this week. We are working to increase safe practices by encouraging payment by check and will not be offering help unloading. It is on overtime to continue isolation of the treatment plant staff.

Human Services – Annemarie Sundgren:
- First impressions as a new employee: she is falling in love with this town. She hasn’t met more generous people in her life. She is overwhelmed by the generosity of town residents.
- The food bank is running fabulously with eight people picking up donations from the vestibule.
- Staff has been fantastic and helpful as she learns how things are done.
- There are a couple of opportunities for improvement that she looking forward to rolling out.
Town Manager – John Elsesser:

- The Presidential Primary has been moved to 8/11. We are working toward holding it at the gym in high school which will free us up from setting up two locations.
- A subcontractor from Sprint is doing some repairs to the tower at Erickson.
- We just signed a contract to get the CGS parking lot expansion going. Earth Dynamics was the low bidder. Given that school is closed they may mobilize as early as 5/18.
- Other projects scheduled for this summer include repairs to auditorium and band room walls at the high school, we are out to bid on asbestos removal with a lot of contractors lining up. We opened bids for unit ventilator replacement – they came in significantly over budget so Fuss is reviewing.
- Cumberland Farms has started work again on a limited basis with full work resuming 6/1.
- There is an EDC forum tonight on assistance for small businesses.
- It is a complicated budget year. There is no typical town meeting or referendum per executive order. The Council agreed to finish a proposed budget by 5/18. There is Board of Education meeting on 5/21 with a presentation to the community by John and Dave on 5/22. Comments to the Council will be due by 5/29 with final budget adoption by 6/1. The goal is to work toward a zero tax increase, backing out revaluation. We anticipate significant impact to capital projects, operating budgets and debt service. The general sense is there will be big segments of the community that will be short on cash.
- Town hall is starting to have discussions about what we need to do to be prepared for full re-opening. We have been doing a good job keeping permits and licensing going. We will probably do a phased-in re-opening once we have protective barriers in place.

Booth & Dimock Memorial Library – Margaret Khan:

- We are plugging along. Staff has been working from home but staying busy with virtual training, online webinars and planning for the future.
- The Bibliomation migration has required a great deal of work. Also social media has significantly increased. Seventy percent of our interactions are coming from program posts. We are offering virtual cooking classes, book clubs, etc.
- We are planning for summer reading and have determined it will probably be virtual. We may start in July instead of early June.
- We are working to implement curbside service 5/26. We collaborated with neighboring towns to ensure we are offering similar services at a similar timeline.
- There is a Finance Committee meeting tonight to review the budget. We had a resignation and will not be filling that position. We are cutting the program budget since it appears it will not take place in the traditional way at least through the end of the calendar year. We are looking at a holiday shut down as a cost savings measure.
- Staff is excited to get curbside pickup going, as are patrons.

Land Use/Development – Eric Trott:

- We are working vigilantly on the farmers’ market for the 2020 season. We are retooling to allow for in-field pick up of online orders. We are working with vendors to work out the logistics.
- We are getting together with local businesses tonight to see how we can assist. We will be working with food service businesses to allow outdoor seating. The zoning agent will work with them to enable permitting.
- The vestibule permit hub has been very successful and we are very busy despite the pandemic.
- Land Use Board and Commission meetings are being done through Zoom and have gone smoothly.
• Our open space properties, trails and parks are getting heavy use. We are pleased to facilitate with online trail maps and maintenance with the stewardship committee.

5. **Radio communications/police, fire, public works:**
   Jim McLoughlin reported that the next phase would be moving DPW to the new statewide system and abandoning their low band system. We would like to include emergency management in that portion. Tolland County was here yesterday looking at the crooked antenna on the tower. They think it is a broken bracket. It is attached it to the old police department low band antenna which is not being used. We are looking at converting to new pagers to participate in the new system Tolland County is implementing. Low band pagers will no longer be supported. We will try to work with other departments to reduce the per-unit price. We are combining from two systems to one as we gear up for a unified department. There will be some communication expenses coming up as we migrate to the new system.

6. **Fire Transition Study Committee Update:**
   Jim McLoughlin said that the committee has begun to meet with the Board of Fire Officers. They made a recommendation to the Town Council for the interim chief of the unified department. We will likely meet jointly again in May as the chief begins to select his staff for approval. Some operational changes will be needed in respect to paging and dispatch. We hope to have all that in place before 7/1.

7. **Adjournment:**
   The meeting was adjourned at 5:50 PM on a motion by Bud Meyers, seconded by Mark Palmer and unanimously approved.

Respectfully submitted,

Laura Stone
Hi,

I wanted to provide an update on this year's ride as it will be due to the COVID-19 pandemic. Organizers are asking people to donate and ride on their own, independent of the event. They are offering the 20-mile ride with a single rest stop at my home where we will have strict safety measures in place. We anticipate a very small participation rate and of course like all years, is dependent on weather. This means the cyclists will only be riding through Mansfield, Windham, and Chaplin as part of the Perceptions sponsored event. Thank you for your continued support and we look forward in hopes that next year being COVID free.

Sandy

-----Original Message-----
From: Sandyzerio <sandyzerio@aol.com>
To: firstselectman@ashfordtownhall.org; firstselectman@canterburyct.org; firstselectman@chaplinct.org; severett@Columbiact.org; jelsesser@coventryct.org; firstselectman@townofeastford.com; franklin@99main.com; firstselectman@hamptonct.org; firstselectman@Lebanonct.gov; maureen.nicholson@Pomfretct.gov; scotlandselect1@yahoo.com; brian.sumner@ct.gov; jgardner@windhamct.com; selectmen@woodstockct.gov; cabikoff@ashfordtownhall.org; smason@canterburyct.org; assistant@chaplinct.org; kbona@columbiact.org; adminasst@hamptonct.org; firstselectman@lebanontownhall.org; bonnie.ryan@pomfretct.gov; scotlandctaa@gmail.com
Cc: mcfalotico@comcast.net
Subject: Action Required: 2020 Steeple Chase Bike Tour Application

Dear Local Traffic Authority,

I want to thank you for your continued support of the Steeple Chase bike tour. We would like to route the ride through your town again this year. Here is a link to the website if you would like more information.

The routes are the same as last year and are attached for your convenience. At the bottom of this email is a grid showing which routes go through your towns. Riders are required to sign a release form promising to ride safely obeying all traffic laws & highway signs and to hold the towns and others involved in this event harmless. Enclosed you will also find a copy of our liability insurance policy for your review. I realize the effective dates are (7/1/19-7/1/20) and I will send the renewal once it is received in June.
The State Department of Transportation (DOT) requires each town involved in this event to sign the enclosed "Application for the Use of State Highways for Special Events" form which indicates you have all of the information regarding how this event will impact your town. We have pre-filled the form so that all it requires is your signature.

Please email the signed form to:
   Email: sandyzerio@aol.com

Feel free to contact me at 860-965-1413 with any questions.

Sandy Stevens

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Ord. No. 104, § 2, 10-4-71; Ord. No. 227, § 1, 8-14-08

**Cross reference**—Definitions generally, § 1-2.

Sec. 66-38. - Penalty for violation of article.

Any person, corporation, partnership, club or association violating any of the provisions of this article shall be subject to punishment as provided in section 1-10 for each offense.

Ord. No. 104, § 9, 10-4-71

Secs. 66-39—66-60. - Reserved.

DIVISION 2. - LICENSE

Sec. 66-61. - Required; application generally; public notice; grant or denial.

(a) No special event shall be held without a valid license.

(b) Applications for such licenses shall be made to the town manager not later than 30 days before the starting date of the special event upon forms to be supplied by him for that purpose. An accelerated process of 14 days may be used if the applicant accepts a pre-planned location and conditions developed and approved by the Local Emergency Coordinating Committee.

Ord. No. 104, § 3, 10-4-71; Ord. No. 227, § 1, 8-14-08

Sec. 66-62. - Application; contents.

The application for such a license shall contain the following information under oath:

1. Name(s) of the applicant(s). If the applicant is a partnership, corporation, limited liability company or partnership, club, association, or other organization, the application must identify the person who will have the primary responsibility for managing the special event (the "responsible person").

2. Residential and business addresses of the applicant(s).

3. Whether the applicant(s), if individual(s), is/are 21 18 years of age or older; if a corporation, club, partnership, limited liability company or partnership, association or other organization, the date the same was organized or formed and under the laws of what state.

4. The type of business or activity.

5. Whether the applicant(s), or if a corporation, club, partnership, limited liability company or partnership, association or other organization, whether the Responsible Person has ever been convicted of a crime.

6. A description of the type of event to be held.

7. The location where the event will be held.

8. The anticipated maximum number of persons who will be assembled at one time for the event. No persons in excess of this number shall be permitted within the confines of the location of the event.

9. Whether alcohol will be served or available for purchase or consumption at the event.
Whether any roads will need to be closed to accommodate the event, and whether any traffic management devices or signs will be needed or used.

The Town Manager may require a plot plan or a sketch of facilities and a writeup demonstrating adequate plans to meet local, state and other applicable standards for the following, as may be required by the event:

a. Parking;
b. Food services;
c. Drinking water;
d. Toilets;
e. Lodging;
f. Fire prevention;
g. Fire protection;
h. Refuse disposal;
i. Public notice of the event as determined by the Town Manager; and
j. Law enforcement.

The facilities for the event shall be subject to review by the chief of police, fire marshals, building inspector and director of health of the town within 48 hours of the time that the licensed event will begin.

Dates and hours of the special events must be specified, and no licenses shall be valid for more than three consecutive calendar days.

Sec. 66-63. - Investigation of applicants.

The town manager shall investigate the character and record of the applicants and the location wherein it is proposed to hold a special event described in the application and shall not approve such application or issue a license unless he finds that the applicants are over 18 years of age, have not been convicted of a crime involving moral turpitude, and are persons of good moral character and that the business or activity in such location is a bona fide and lawful one. The town manager in granting or refusing the license shall consider each of the sections of this article as well as all other valid concerns of the residents relating to the lack of good moral character on the part of the applicant or applicant's conformance to the requirements of this article or any other applicable law, rule or regulation, brought before him. In case of the denial or refusal to grant a license, the town manager shall notify the applicant by certified mail of his proposed action and set a day and place for a hearing thereon, giving the applicant reasonable notice in advance thereof and an opportunity to be represented by counsel at such hearing.

Sec. 66-64. - Fees.

A license shall be issued by the town manager in the name of each applicant. The license fee shall be $50.00 for each special event applied for.
Early this morning the Senate passed **HB 6004 - An Act Concerning Police Accountability**. The bill was adopted by the House last week and it is anticipated that Governor Lamont will sign it. Attached you will find a summary of the bill along with answers to frequently asked questions.

CCM still has concerns with the bill. Unfortunately, CCM and its membership are disappointed that suggested changes were not adequately addressed. While there were improvements made to Section 41, we find it troubling that the liability for an offending officer’s action will be transferred to municipalities, which will ultimately be paid by property taxpayers.

In addition to Section 41, Section 29 is extremely problematic since it codifies two dramatic changes to CGS § 53a-22, adding a “de-escalation” requirement and recognizing the “provocation doctrine,” that will have serious consequences for municipalities and their police officers.

Yesterday, CCM held a webinar in which attorneys Jim Tallberg and Tom Gerarde went into detail regarding the legal implications of the bill, in particular those associated with Sections 29 and 41. In order to view and access the recording you will need to enter your name and email address, please use this link: [CCM Police Accountability Webinar](mailto:CCM Police Accountability Webinar).

Several provisions of the bill do not go into effect for a year. CCM is hopeful to continue to work with legislators to make modifications to some of the problematic sections for municipalities during subsequent special sessions and the 2021 regular session.

In addition to the police accountability bill, the Senate also passed three other bills:

- **HB 6001 - An Act Concerning Telehealth**: Modifies telehealth services until 2021 as a result of COVID-19
- **HB 6002 - An Act Concerning Absentee Ballots**: Makes changes to the absentee voting for the 2020 election as a result of COVID-19
- **HB 6003 - An Act Concerning Diabetes and High Deductible Health Plans**: Requires pharmacists, in certain emergency situations, to prescribe and dispense up to a 30-day supply of certain diabetes related drugs and devices.

If you have any questions regarding any of the bills adopted during the special session, please contact [Brian O’Connor](mailto:Brian O’Connor), Director of Public Policy, at 203-804-4658.
On July 24th the House of Representatives passed HB 6004, An Act Concerning Police Accountability. The proposal has been modified from earlier versions, especially in regards to government immunity. The bill has 45 sections with approximately 27 varying proposals that address police officer training, oversight, actions in the field, equipment and liability.

This document (1) provides an overview of some of the important sections that are relatable to municipalities, and (2) a series of answers to frequently asked questions regarding the bill.

**HB 6004 Summary:**

- **Sections 1-4, and 15:** Modifies the POST Council membership, authority and requires them to enact new policies (ex. implicit bias training, managing crowds, mental health assessment policies, etc.). The additional changes associated with POST include:
  - Requires police officers to pass a drug test as a condition of renewing their certification (which must be done every three years). This would include testing for anabolic steroids.
  - Allowing the Council to cancel or revoke an officer’s certification for conduct undermining public confidence in law enforcement, including (1) discriminatory conduct, (2) falsifying reports, (3) racial profiling in violation of state law, or (4) used excessive force or physical force found to be unjustified after investigation. *(Current law already allows revocation of certification for improper use of a firearm that result in death or serious bodily injury)*
  - Permits POST to suspend an officer’s certification for up to 45 days and censure the officer upon any of the grounds that could lead to cancellation or revocation.
  - Modifies the membership of POST to include additional members.

- **Sections 10 and 11:** Requires each law enforcement agency in a municipality that serves a “relatively high concentration of minority residents” to develop a report regarding efforts to recruit, retain and promote minority police officers.

- **Sections 3, 15-16:** Requires police officers to undergo mental health assessments every five years:
  - The assessments must be conducted by a board-certified psychiatrist or a licensed psychologist that has experience diagnosing and treating PTSD.
  - Allows law enforcement administration to stagger the scheduling of police officer assessments of an entire department to ensure at least 25% are conducted each year over a five-year period.
  - Allows law enforcement administration, for good cause and in writing, to require additional mental health assessments of an officer. The officer would need to comply within 30 days.
The results of any assessment would be provided to both the law enforcement administration and police officer.
Requires POST and DESPP to create policies which will examine, among other things, the fiscal implications of such assessments as well as permissible personnel actions, if any, that law enforcement units may take based on the assessments’ results, all while considering the officers’ due process rights. *(The full list can be found in the FAQ section).*

- **Section 17:** Allows the creation of a police civilian review board within a municipality and provides them with specific authority.

- **Section 18:** Requires each municipal police department to evaluate the feasibility and impact of using social workers for the purpose of remotely responding to particular calls, or accompanying officers on certain calls where their assistance may be needed.

- **Sections 19-20 and 45:** By July 1, 2022 bill requires all police officers and agencies to deploy and use body and vehicle dash cameras. Specifically, the bill:
  - Extends policies and provisions regarding body camera usage and footage to dashboard cameras.
  - Requires POST and DESPP to create policies regarding the usage of body cameras for sensitive law enforcement work, such as detective and undercover activities.
  - Prohibits policies and guidelines on retaining body and dashboard camera data in storage for longer than a year except, in cases where units know the data is pertinent to any ongoing civil, criminal, or administrative matter.
  - Requires OPM to administer a grant program for FY21 and FY22 to fund up to 50% for distressed municipalities and 30% for other municipalities, the cost of purchases of equipment, devices and/or one-year of digital data storage services for municipalities. The State would utilize $4 million in general obligation bonds to fund the program.

- **Section 29:** Modifies the law regarding excessive use of force by narrowing the circumstances which an officer is justified in using deadly physical force. In particular, establishes two new factors to consider when evaluating whether an officer’s use of deadly physical force was “objectively reasonable” to include whether:
  - The person upon whom deadly physical force was used possessed or appeared to possess a deadly weapon (current law);
  - (New) The officer engaged in reasonable de-escalation measures before using deadly physical force; and
  - (New) Any of the officer’s conduct led to an increased risk of the situation that led up to the use of such force.

The two new requirements - de-escalation measures and provocation - would be new elements that a police officer in a deadly force case would need to prove (it is unclear which party would have the burden of proof on these issues). It should be noted that the provocation doctrine, was explicitly rejected by the United States Supreme Court, *City and County of Los Angeles v. Mendez*, 137 S.Ct. 1539 (2017).
• **Section 30 and 43**: Requires a police officer that witnesses another officer use “unreasonable or illegal use of force” to intervene and attempt to stop the excessive force. In addition, requires particular reporting requirements for the witnessing officer.

• **Sections 21-22**: Prohibits consent searches of individuals and limits searches of motor vehicles stopped solely for motor vehicle violations.

• **Sections 33-35 and 46**: Creates a new Office of the Inspector General within the Division of Criminal Justice specifically to investigate and prosecute deadly police use-of-force incidents.

• **Section 40**: Prohibits state and local police from obtaining surplus military equipment (the specific types of equipment are prescribed in the bill and referenced in the FAQ section). In addition, allows the Governor’s office or DESPP to require a municipality to sell, transfer or dispose of any prohibited equipment.

• **Section 41**: Establishes a new civil cause of action in state court against police officers who deprive an individual of equal protection or privileges and immunities of state law. By creating a cause of action against police officers in statute, the bill, in certain circumstances, eliminates the possibility of claiming governmental immunity. In particular, governmental immunity is not a defense (1) for actions solely seeking equitable relief and (2) in actions seeking damages, unless at the time of the conduct, the officer had an *objectively good faith belief* that their conduct did not violate the law. As this is a new which mirrors federal doctrine regarding qualified immunity, federal case law regarding qualified immunity will likely be used on this instructive on this issue - even though not binding.

• **Section 44**: Requires law enforcement units to obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA) by 2025.

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**Frequently Asked Questions**
Below are some FAQ regarding provisions of HB 6004. Some expand upon the details that are outlined in the summary above.

➢ **Do police officers or municipalities need to purchase individual liability insurance for officers?**

No. The bill only requires the Police Accountability and Transparency Task Force to, among other things, *study* “the merits and feasibility of requiring a municipality to maintain professional liability insurance on behalf of its police officers”. The Task Force will need review these and other proposals and report to the Judiciary Committee their recommendations by January 2021. Once complete, the Judiciary would need to consider them for possible legislative action.
How does Section 41 affect the relationship between Resident State Troopers and their host municipalities?

Based on the recent contracts between the State and host municipalities for Resident State Trooper services, towns are generally removed from liability for any action of a state police officer within their jurisdiction.

How is “military equipment” defined:

The banned military style equipment includes:

- A controlled firearm, ammunition, bayonet, grenade launcher, grenade, including stun and flash-bang, or an explosive;
- A controlled vehicle, highly mobile multi-wheeled vehicle, mine resistant ambush-protected vehicle, truck, truck dump, truck utility, or truck carryall;
- An armored or weaponized drone;
- A controlled aircraft that is combat configured or combat coded or has no established commercial flight application;
- A silencer;
- Along-range acoustic device; or
- An item in the federal supply class of banned items.

What is the process for treatment for an officer after a mental health evaluation? What process will be established for their return to work? What will occur if an officer is not able to return to work?

The bill remains silent on several of the questions raised regarding the outcome of such assessments. Rather, the bill relies on POST to develop and implement written policies by January 1, 2021 on the outcome of the behavioral health assessments. At a minimum, these policies must address:

- Confidentiality of assessments, including compliance with the federal Health Insurance Portability and Accountability Act (HIPAA);
- Good faith reasons that law enforcement administrative leaders may rely upon when requesting that an officer undergo an additional assessment beyond those that are required;
- Availability of behavioral health treatment services for any police officers;
- The ability of an officer’s ability to review and contest their assessments’ results;
- Permissible personnel actions, if any, that law enforcement units may take based on the assessments’ results, while considering the officers’ due process rights; and
- Financial considerations that law enforcement units or police officers may incur due to the assessments.
What will happen if a municipality fails to obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA)?

While the bill does not impose direct penalties or consequences for failure to obtain accreditation, failure to do so would place the law enforcement agencies in non-compliance which could expose them to legal liability, as well may make them ineligible to obtain outside services or grants. Currently, there are 16 municipal police departments that are CALEA accredited.

Will towns or police departments be required to release personnel files of officers, including mental health records, upon a FOIA request?

There are no changes in regards to the current law and practice regarding municipal police departments reporting of personnel files through an FOIA request.

The bill requires only state police disciplinary records be subject to FOIA. This is done by prohibiting any collective bargaining agreement, either enacted or in the future, from including a provision that would prevent any disciplinary action contained in a sworn member's personnel file from being discussed under FOIA.

How does the bill address labor issues, specifically how does it address an officer that has been decertified or loses their certification?

Based on current law, an individual is prohibited from serving as a police officer if their certification has been canceled or revoked. The bill makes changes and expands the reasons for which an officer’s certification may be revoked or suspended. As referenced above, these include (1) discriminatory conduct, (2) falsifying reports, (3) racial profiling in violation of state law, or (4) used excessive force or physical force found to be unjustified after investigation. (Current law already allows revocation of certification for improper use of a firearm that result in death or serious bodily injury).

The bill also allows POST to develop and issue written guidance to law enforcement units on grounds for certification suspension, cancellation, or revocation. The guidance may include, among other things, (1) reporting procedures that must be followed concerning these actions; (2) examples of discriminatory conduct and conduct that undermines public confidence in law enforcement; and (3) examples of misconduct while off-duty.

This bill does not address precedent that has been established by the State Labor Board or through arbitration.