

# STATE OF CONNECTICUT

## POLICE OFFICER STANDARDS and TRAINING COUNCIL

and the

## DIVISION OF CRIMINAL JUSTICE

### 2015 JOHN M. BAILEY SEMINAR On New Legal Developments Impacting On Police Policies And Practices



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**AN ACT CONCERNING THE DISCLOSURE OF ARREST RECORDS DURING A PENDING PROSECUTION UNDER THE FREEDOM OF INFORMATION ACT.**

Effective October 1, 2015, General Statutes § 1-215, which governs the disclosure obligations of a public agency under the Freedom of Information Act during the pendency of a prosecution, will be amended to as follows:

(a) For the purposes of this section, "record of the arrest" means (1) the name, race and address of the person arrested, the date, time and place of the arrest and the offense for which the person was arrested, and (2) in addition, in a case in which (A) the arrest has been by warrant, the arrest warrant application, including any affidavit in support of such warrant, or (B) the arrest has been made without a warrant, the official arrest, incident or similar report, provided if a judicial authority has ordered any such affidavit or report sealed from public inspection or disclosure, in whole or in part, the portion of the affidavit or report that has not been sealed, if applicable, as well as a report setting forth a summary of the circumstances that led to the arrest of the person in a manner that does not violate such order. "Record of the arrest" does not include any record of arrest of a juvenile, a record erased pursuant to chapter 961a or any investigative file of a law enforcement agency compiled in connection with the investigation of a crime resulting in an arrest.

(b) Notwithstanding any provision of the general statutes, and except as otherwise provided in this section, any record of the arrest of any person shall be a public record from the time of such arrest and shall be disclosed in accordance with the provisions of section 1-212 and subsection (a) of section 1-210. No law enforcement agency shall redact any record of the arrest of any person, except for (1) the identity of witnesses, (2) specific information about the commission of a crime, the disclosure of which the law enforcement agency reasonably believes may prejudice a pending prosecution or a prospective law enforcement action, or (3) any information that a judicial authority has ordered to be sealed from public inspection or disclosure. Any personal possessions or effects found on a person at the time of such person's arrest shall not be disclosed unless such possessions or effects are relevant to the crime for which such person was arrested.

(c) In addition, any other public record of a law enforcement agency that documents or depicts the arrest or custody of a person during the period in which the prosecution of such person is pending shall be disclosed in accordance with the provisions of subsection (a) of section 1-210 and section 1-212, unless such record is subject to any applicable exemption from disclosure contained in any provision of the general statutes.

(d) Any law enforcement agency receiving a request for a record described in subsection (c) of this section shall promptly provide written notice of such request to the office of the state's attorney for the appropriate judicial district where the arrest occurred. The state's attorney for such district shall be afforded the opportunity to intervene in any proceeding before the Freedom of Information Commission concerning such request.

(e) The provisions of this section shall only be applicable to any record described in this section during the period in which a prosecution is pending against the person who is the subject of such record. At all other times, the applicable provisions of the Freedom of Information Act concerning the disclosure of such record shall govern.

## **THE CHANGES EMBODIED IN THE NEW PUBLIC ACT**

While Public Act 15-164 does not change the fact that § 1-215 remains the exclusive portal under the Freedom of Information Act to the criminal case records of law enforcement agencies during the pendency of a prosecution, it does change the records that become public at the time of the arrest.

### **A. The "Record of Arrest"**

Effective October 1, 2015, the existing definition of the "record of arrest" ceases to exist and the new definition goes into operation, which makes the following two changes.

#### **1. Blotter information**

The "record of arrest" will continue to include the basic "blotter" information, which it will expand to include the race of the arrested person.

#### **2. Warrant Applications/Affidavits Or Arrest Reports**

In cases in which the arrest has been made by warrant, the application and affidavit filed in support thereof become a public record at the time of the arrest subject to any court order sealing all or any part of the application and affidavit from public inspection.

In cases in which the arrest has been made without a warrant, the official arrest report, incident report or similar report becomes a public record at the time of the arrest, also subject to any court order sealing all or any part of the report in question.

For purposes of complying with § 1-215 as amended by Public Act 15-164, the report in question, regardless of what it is called, is best described as an essential probable cause document that sets forth the facts and circumstances that gave rise to probable cause to believe that the arrested person committed the offense for which he or she was arrested. As will be discussed, this report does not include the entire investigative file relating to the case.

In cases in which the court has ordered that all or any part of the warrant application and affidavit or the "probable cause" report be sealed from public inspection, any unsealed portions become a public record at the time of the arrest, and the agency must also provide a "report setting forth a summary of the circumstances that led to the arrest of the person in a manner that does not violate such order."

Common sense is the order of the day. If the extent of the sealing order is such that sufficient public information remains in the document to permit the reader to ascertain the

essential circumstances that led to the arrest, an additional report is unnecessary because it would serve no purpose. If the entire document is ordered sealed, or if so much of it is ordered sealed that the reader cannot ascertain the essential circumstances that led to the arrest, a report which generically summarizes those circumstances, without disclosing any of the specific information that was ordered sealed, must be issued.

### **3. Other Public Records That Document Or Depict the Arrest or Custody**

As amended by Public Act 15-164, § 1-215 further provides that "any other public record of a law enforcement agency that documents or depicts the arrest or custody of a person during the period in which the prosecution of such person is pending" is subject to disclosure under the general provisions of the FOIA - sections 1-210 and 1-212 - subject to any applicable exemption from disclosure contained in any provision of the general statutes.

Note the emphasized language, which limits the records to those which document or depict the arrest or custody of the person, and which makes disclosure thereof subject to any applicable exemption contained anywhere in the general statutes. This subsection was designed with body and dash camera footage that records images of the events leading to the arrest, the arrest being made, and the arrested person's custody in mind.

This additional information is not subject to public disclosure merely upon request. An agency receiving such a request "shall promptly provide written notice of such request to the office of the state's attorney for the appropriate judicial district where the arrest occurred."

The state's attorney is afforded the opportunity to intervene in any proceeding before the Freedom of Information Commission concerning such request, and it is for him or her to decide whether and to what extent to comply with a request for this additional information.

### **4. Redactions**

The new version of § 1-215 will allow redactions to be made to the publicly disclosed records for "(1) the identity of witnesses, (2) specific information about the commission of a crime, the disclosure of which the law enforcement agency reasonably believes may prejudice a pending prosecution or a prospective law enforcement action, or (3) any information that a judicial authority has ordered to be sealed from public inspection or disclosure.

For purposes of subdivision (1), a "witness" means any person who may be called upon to testify in court with respect to the matter. A "witness" always includes the complainant.

The purpose of subdivision (2) is to enable the agency to hold back crime specific information that may be needed to test the reliability of sources and information. For example, information regarding the specific manner of death, or the specific instrumentality that was used to bring it about, may be redacted.

## **5. Information that does not become public**

Consistent with existing law, the new "record of the arrest" still does not include any record of the arrest of a juvenile, a record erased pursuant to chapter 961a or any investigative file of a law enforcement agency compiled in connection with the investigation of a crime resulting in an arrest.

Also consistent with existing law, "any personal possessions or effects found on a person at the time of such person's arrest shall not be disclosed unless such possessions or effects are relevant to the crime for which such person was arrested."

### **B. The Purpose Behind Public Act 15-164**

Public Act 15-164 is a product of the times and a compromise that was intended to bring about uniform and consistent compliance with § 1-215 by more precisely defining and reasonably expanding the information that becomes public at the time of the arrest, and doing so in a way that balances two equally important social interests - society's interest in having access to information regarding the arrest of a person that is sufficient to permit citizens to be aware of, review and report on the activities of its government, and its equally important interest in regulating such access to information in a reasonable and considered manner that permits the government to effectively fulfill its vital law enforcement mission.

**CASE LAW UPDATES**  
**AUGUST 2014 - AUGUST 2015**

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## **SUPREME COURT OF THE UNITED STATES**

### **Rodriguez v. US, 575 U.S. \_\_\_\_ (2015)**

Previously, in Illinois v. Caballes, 543 U.S. 405 (2005), the United States Supreme Court held that a dog sniff conducted without reasonable suspicion or probable cause during a lawful, routine traffic stop does not violate the Fourth Amendment so long as conducting the sniff does not prolong the stop beyond the time reasonably required to complete it and issue a summons.

In Rodriguez, the court adhered to the line it drew in Cabales, and held that a dog sniff conducted without reasonable suspicion or probable cause which prolonged the duration of an otherwise completed traffic stop violated the Fourth Amendment. In such situations, absent additional reasonable suspicion, the officer must allow the seized person to leave once the purpose of the stop has concluded.

### **Heien v. North Carolina, 574 U.S. \_\_\_\_ (2014)**

The United States Supreme Court has concluded that an objectively reasonable mistake of law may support the reasonable suspicion needed to stop a vehicle under the Fourth Amendment.

In Heien, the officer stopped a vehicle because it had only one functioning brake lamp based on his mistaken legal belief that North Carolina law required two functioning brake lamps. The mistake was objectively reasonable because the motor vehicle statutes in question had never been construed by a court in this context and they were genuinely ambiguous and posed a difficult question of statutory interpretation. It was objectively reasonable, therefore, for a police officer to believe that the law required two functioning brake lamps in vehicles equipped with two such lamps.

**Note:** The objectively reasonable mistake of law that the court recognized here as supporting the stop related solely to the question of whether the defendant's conduct was illegal, not whether the officer's conduct in stopping a motor vehicle fell within the scope of the Fourth Amendment. A mistake regarding the scope, application or requirements of the Fourth Amendment will not save a search or seizure under the Heien rationale.

## **SUPREME COURT OF CONNECTICUT**

### **State v. DeCiccio, 315 Conn. 79 (2014)**

The court took a stab and a whack at determining the legality of two counts of conviction for violating General Statutes sec. 29-38 (weapon in a motor vehicle) that were based on the defendant using his motor vehicle to transport a dirk knife and an expandable police baton from one residence to another one into which he was moving.

The court rejected the defendant's claim that 29-38 was unconstitutionally vague as applied to the defendant's conduct. In so doing, the court concluded that a dirk knife includes a knife that is designed primarily for stabbing purposes rather than utilitarian purposes, has a blade with sharpened edges that tapers to a point, and has a handle with guards intended to facilitate the act of stabbing. The court further concluded that a police baton includes a telescoping metal rod that is one-half inch in diameter and approximately 18 inches long when expanded.

The court also rejected the defendant's claim that the moving exception to the weapon in a motor vehicle statute - 29-38 (b)(5) – was unconstitutionally vague absent clarification.

The court concluded, however, that a dirk knife and a police baton are protected arms for purposes of the Second Amendment and lawfully may be possessed in a person's home, and that an absolute ban on transporting dirk knives and police batons between residences unduly burdens the person's Second Amendment right to keep and bear arms.

#### **State v. Kendrick, 314 Conn. 212 (2014)**

The court upheld the warrantless entry by the police into the bedroom of an apartment under the exigent circumstances doctrine. The police were lawfully in the apartment on the basis of consent and had arrived there by methodically following a logical chain of clues, including a cellular ping and information from various sources, that pointed to the presence in the apartment of a suspect who was the subject of an active New Jersey arrest warrant for murder. This decision overrules the contrary decision of the Appellate Court in State v. Kendrick, 132 Conn. App. 473 (2011).

The Court's opinion offers a helpful clarification and discussion of three related exceptions to the warrant requirement:

1. The **exigent circumstances** exception: Rooted in the investigative and crime control functions of police. Applies to permit entry into premises when the police, having probable cause to either arrest or search, have a reasonable belief based on the totality of the circumstances that immediate action is necessary to either protect the safety of those present (including themselves); or to prevent the flight of a suspect; or to prevent the destruction of evidence.
2. The **protective sweep** exception: Rooted in the investigative and crime control functions of police. Applies when the police are lawfully present on premises and have a reasonable belief based on the totality of the circumstances that the area to be swept may harbor an individual posing a danger to those on the scene.

3. The **emergency exception**: Rooted the community caretaking function of the police. Applies to permit entry into premises when the police have a reasonable belief based on the totality of the circumstances that life or limb is in jeopardy and immediate assistance is required.

**State v. Revels, 313 Conn. 762 (2014)**

The court upheld as necessary under the circumstances the police use of a one-on-one show-up to attempt to obtain an identification of the suspect by an eyewitness. Although such a procedure is suggestive, the court ruled that it was not unnecessarily so and, therefore, proper because of the exigencies presented by the situation: a report of shots fired, knowledge that a man lay dying on the street with what was likely his own firearm near his body, and reason to believe that the shooter was likely on the run, in the area, and armed. Under these circumstances, which also included the fact that no firearm had been recovered from the suspect, the police needed to act quickly to determine whether the eyewitness to the shooting could or could not identify the suspect. An immediate attempt at an identification further ensured that the victim viewed the suspect while her recollection was still fresh. The court also took into account the lateness of the hour (11:40 p.m.), which it said made a quick line-up effectively impossible and a quick photo array impracticable.

**State v. Buckland, 313 Conn. 205 (2014)**

In this case, the defendant claimed that a constable lacked the authority to make a warrantless arrest pursuant to General Statutes sec. 54-1f. In rejecting this claim, the court noted that the law provides for three types of constables:

- those elected by municipal voters pursuant to sec. 9-200. In accordance with sec. 54-1f (a), elected constables shall not be considered “peace officers” thereunder unless there is a specific municipal ordinance that so provides.

- those appointed by a municipal chief executive officer pursuant to sec. 9-185, which requires an ordinance expressly authorizing the CEO to do so.

- special constables appointed by a municipal CEO pursuant to 7-92, which does not require an enabling ordinance, and which expressly authorizes those appointed “to serve criminal process and make arrests for commission of crime...” The special constable in Buckland fell into this category.

**State v. Kelly, 313 Conn. 1 (2014)**

In this case, the court held that, when the police lawfully detain a suspect whom they reasonably believe poses a threat to their safety, article first, sections 7 and 9 of the state constitution, permit the officer to also briefly detain any companion of the suspect for protective purposes absent any individualized suspicion attaching to the companion. In so doing, the court affirmed the result previously reached by the Appellate Court in State v. Kelly, 129 Conn. App. 109 (2011).

The propriety of the protective detention of a companion is contingent upon the legality of the seizure of the person for whom the suspicion of criminality attached; the detention of the innocent must be limited in time and manner to the minimum intrusion necessary for officers to ensure their safety; and the police must possess an objectively reasonable basis to believe both that the suspect poses a threat to their safety and that the suspect and the innocent are associated or connected beyond mere close physical proximity. Consequently, there is no bright line authority to detain a companion any time the suspect is detained. In Kelly, the police reasonably believed that the suspect was a person who they knew was the subject of an outstanding felony arrest warrant for violation of probation and who they also knew, from reliable informant, was likely carrying a firearm. The court did not define “companion” because in Kelly, no claim was raised that the suspect and the innocent were not connected or associated.

Although the court’s opinion sadly was not unanimous, the five-justice majority offers what in today’s world is a clear and refreshing reaffirmation of the dangers inherent in police work, the long tradition of American criminals for armed violence, and the societal importance of ensuring police officer safety and police control of potentially dangerous, rapidly evolving situations.

## **APPELLATE COURT OF CONNECTICUT**

### **State v. Michael D., 153 Conn. App. 296 (2014)**

The court upheld the warrantless chemical analysis of clothing (a pair of shorts) for DNA evidence because:

(1) The defendant failed to establish that he had a reasonable expectation of privacy therein. The shorts belonged to, and had been worn exclusively by, the minor victim, not the defendant, who had merely taken them and put them into his vehicle; and

(2) Even if the defendant possessed an expectation of privacy in the content of the shorts, the police possessed the lawful authority to search them based on the consent of the victim’s mother. The mother had searched the defendant’s vehicle for evidence of infidelity, found a bag containing the shorts, removed them and kept them hidden for a few years, and turned them over to the police for investigatory purposes when her daughter reported being abused by the defendant.

More importantly, Michael D. makes abundantly clear the limited nature of our Supreme Court’s holding in State v. Joyce, 229 Conn. 10 (1994). Recall that, in Joyce, the police took custody of the defendant’s clothing under their community caretaking function before any criminal activity was apparent, suspected, or being investigated. When the ensuing investigation led the police to believe that the defendant had committed an arson, acting without a search warrant, they submitted the clothing to the forensic lab for a chemical analysis. Our Supreme Court determined that the warrantless chemical analysis constituted a search which violated the state constitution because there is a reasonable expectation of privacy in the clothes that one wears.

Michael D. explains that a warrant was required in Joyce because the police had obtained custody of the clothing exclusively under their community caretaking function, which did not authorize them to search the chemical content of the clothing. (It justified a visual inspection, of course, and the police could lawfully have inventoried the contents upon taking possession). Because the authority of the police in Joyce was limited and did not include chemical analysis, further legal authorization, in the form of a warrant, or an applicable exception to the warrant requirement, was required to justify any further intrusion into the person's expectation of privacy in the clothing.

Michael D. further explains that Joyce does *not* apply to require further legal authorization where the police have lawfully seized an item for criminal investigatory purposes. Generally speaking, the lawful seizure of an item for investigatory purposes legitimately breaches any expectation of privacy therein. An example noted by the court is State v. Bernier, 246 Conn. 63 (1998). In Bernier, residential flooring samples had been taken by the police and fire marshals pursuant to a statutory scheme that authorized them to undertake cause and origin investigations of fires. Acting without a warrant, the police submitted the flooring to the forensic laboratory for chemical analyses. No warrant was required to do so because whatever expectation of privacy the defendant possessed in the chemical content of the flooring, if any, was breached by its lawful seizure for cause and origin investigatory purposes. Another example, not noted by the court, is United States v. Edwards, 415 U.S. 800 (1974), which held that no Fourth Amendment violation occurred where clothing, which was seized incident to lawful custodial arrest based on probable cause to believe it contained evidence of the crime, was later subjected to warrantless forensic testing.

**State v. Wright, 152 Conn. App. 277 (2014)**

The court held that the trial court's limitation of the scope of the defendant's cross-examination of several police witnesses regarding differences between what they did or did not do in their investigation and general, ordinary or standard police investigative procedures in like cases amounted to harmful constitutional error. The Appellate Court concluded that the trial court should have afforded the defendant more leeway in this regard, but it did not clearly articulate the degree of such leeway. Please review this opinion carefully as it will undoubtedly result in defense counsel seeking to make similar inquiries in almost every criminal trial.

## AAC Excessive use of Force

### **Public Act 15-4**

### Excessive Force

#### Sec 1

- Requires Specific training for police regarding the:
  - Tactical use of physical force
  - Use of body cameras and storage of data
  - Cultural competency and sensitivity
  - Bias free police training

## Excessive Force

### Sec 2 and 3

- Requires Police Departments to develop and implement guidelines for recruitment retention and promotion of minority candidates.
- Requires Departments that serve communities with a “relatively high concentration” of minorities to make efforts to make department representative of community. Promotional opportunities included.

## Excessive Force

### Sec 4

- Requires the DCJ to investigate use of the use of physical force, not just “deadly physical force”, that results in a death.
- Requires the CSA to appoint a prosecutorial official from another district to conduct the investigation

## Excessive Force

### Sec 5

- Requires police department to create and maintain record detailing when an officer uses force likely to cause serious physical injury or discharge a firearm.
  - including, but not limited to, striking another person with an open or closed hand, club or baton, kicking another person or using pepper spray or an electroshock weapon on another person

## Excessive Force

### Sec 5 (cont)

- Record shall contain:
  - Name of Police Officer
  - Date and Time of incident
  - Witnesses
  - Description of what occurred

## Excessive Force

### Sec 6

- No Law Enforcement Unit shall:
  - Hire a Police officer who has been dismissed for malfeasance or misconduct
  - Or resigned or retired while under investigation for such misconduct.
    - Malfeasance=commonly used definition.
    - Misconduct=(A) a conviction of a felony, (B) fabrication of evidence, (C) repeated use of excessive force, (D) acceptance of a bribe, or (E) the commission of fraud.

## Excessive Force

### Sec 7

- DESPP and POST shall create minimum technical standards/guidelines for the use of body cameras and the storage of digital images.
  - Directs State Police to use body cameras by 2016
  - Requires the use of cameras by departments that use grant in aid funding for the cameras

## Section 7

- Provides that officer can look at recording to assist in writing a report
- Provides that officer who is giving a formal statement about the use of force or is subject of discipline
  - Can look at recording with attorney or union rep
  - Can look at other recordings of incident

## Excessive Force

### Sec 7

- Unless provided by an agreement with the federal government, no police officer shall use body-worn recording equipment to intentionally record
- (1) a communication with other law enforcement agency personnel, except that which may be recorded as the officer performs his or her duties.
- (2) an encounter with an undercover officer or informant,
- (3) when an officer is on break or is otherwise engaged in a personal activity,

## Excessive Force Sec 7 (cont)

- (4) a person undergoing a medical or psychological evaluation, procedure or treatment,
- (5) any person other than a suspect to a crime if an officer is wearing such equipment in a hospital or other medical facility setting, or
- (6) in a mental health facility, unless responding to a call involving a suspect to a crime who is thought to be present in the facility.

## Excessive Force Sec 7 (cont)

- No record created using body cameras for a situation described in (1) to (6) shall be deemed a public record for purposes of Sec 1-210 CGS
- Also not deemed to be public record:
  - A recording of the scene of an incident that involves a victim of domestic or sexual abuse, or
  - A recording of a victim of homicide or suicide or a deceased victim of an accident,

## Section 8

- Grants for body worn cameras
- Can include reimbursement for cameras purchased already

## Excessive Force

### Sec 9

- An employer of a peace officer who interferes with any person taking a photographic or digital still or video image of such peace officer or another peace officer acting in the performance of such peace officer's duties shall be liable to such person in an action at law, suit in equity or other proper proceeding for redress (Tribal Police excluded)

## Excessive Force

### Sec 9 (Cont)

- An employer of a peace officer shall not be liable under subsection (b) of this section if the peace officer had reasonable grounds to believe that the peace officer was interfering with the taking of such image in order to (1) lawfully enforce a criminal law of this state or a municipal ordinance, (2) protect the public safety, (3) preserve the integrity of a crime scene or criminal investigation, (4) safeguard the privacy interests of any person, including a victim of a crime, or (5) lawfully enforce court rules and policies of the Judicial Branch with respect to taking a photograph, videotaping or otherwise recording an image in facilities of the Judicial Branch.

## Public Act 15-216

- Allows police officers to request to see someone's pistol permit if the officer sees the person carrying the pistol or revolver and the officer has reasonable suspicion that a crime has been committed.
- The officer can request the permit to verify the validity of the permit or the identity of the holder.

## Public Act 15-83

- Police can't pursue someone beyond boundaries of jurisdiction for the violation of a municipal ordinance

## Public Act 15-211

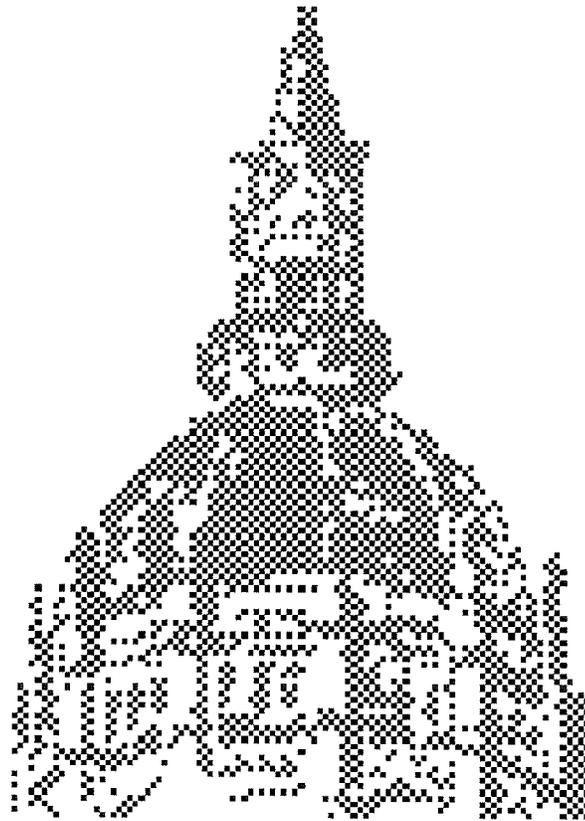
- Assault 2 is a C felony if it results in serious physical injury

## Public Act 15-207

- Requires departments to send rape kits to lab within ten days of receipt of the kit
- If the victim reports the incident to the police after the evidence has been collected the department must let the lab know within five days



## ACTS AFFECTING CRIME AND PUBLIC SAFETY



2015-R-0180

Christopher Reinhart, Chief Attorney

July 30, 2015

## NOTICE TO READERS

This report provides brief highlights of new laws affecting crime and public safety enacted during the 2015 regular and June special sessions. Each entry indicates the public act (PA) or special act (SA) number. We do not include vetoed public acts.

Not all provisions of the acts are included here. Complete summaries of all 2015 public acts will be available when OLR publishes its Public Act Summary book; some are already on OLR's website. ([www.cga.ct.gov/olr/OLRPASums.asp](http://www.cga.ct.gov/olr/OLRPASums.asp)).

All acts summarized here are effective October 1, 2015, unless otherwise noted.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website ([www.cga.ct.gov/](http://www.cga.ct.gov/)).

## TABLE ON PENALTIES

The law authorizes courts to impose imprisonment, fines, or both when sentencing a convicted criminal. Table 1 displays the range of prison terms and fines that judges may impose for each classification of crime. Some crimes have a mandatory minimum sentence not specified in the table. Also, repeated or persistent offenders may face higher sentences than specified here.

**Table 1: Crime Classifications and their Penalties**

<i><b>Felony or Misdemeanor</b></i>	<i><b>Prison Term</b></i>	<i><b>Fine</b></i>
Class A felony—murder with special circumstances	Life without the possibility of release	Up to \$20,000
Class A felony—murder	25 to 60 years	Up to \$20,000
Class A felony—aggravated sexual assault of a minor	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony—1st degree manslaughter with a firearm	5 to 40 years	Up to \$15,000
Class B felony	1 to 20 years	Up to \$15,000
Class C felony	1 to 10 years	Up to \$10,000
Class D felony	Up to 5 years	Up to \$5,000
Class E felony	Up to 3 years	Up to \$3,500
Class A misdemeanor	Up to 1 year	Up to \$2,000
Class B misdemeanor	Up to 6 months	Up to \$1,000
Class C misdemeanor	Up to 3 months	Up to \$500
Class D misdemeanor	Up to 30 days	Up to \$250

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## **CRIMES**

### ***Assault Crimes***

**PA 15-211, §§ 4 & 15**, increases the penalty for assaults in three separate circumstances. It:

1. makes it a form of 2<sup>nd</sup> degree assault to intentionally cause physical injury to someone by striking or kicking the other person in the head while the person is in a lying position, thus increasing the penalty for this conduct from a class A misdemeanor to a class D felony;
2. increases the penalty for 2<sup>nd</sup> degree assault from a class D felony to a class C felony when serious physical injury results; and
3. makes assaulting a state or municipal animal control officer or a licensed and registered security officer a class C felony.

### ***Commercial Fishing***

**PA 15-52** makes numerous changes to the commercial fishing statutes. Among other things, it:

1. increases the general penalty for violating the commercial fishing licensing statutes from up to 30 days in prison, a fine of up to \$500, or both, to a class C misdemeanor for a first offense and class B misdemeanor for subsequent offenses;
2. decreases the penalty for violating blue crab sport fishing regulations from up to 30 days in prison, a fine of up to \$500, or both to an infraction; and

3. increases the penalty for falsifying a quota-managed species report submitted to the Department of Energy and Environmental Protection commissioner from an infraction to a class D misdemeanor.

EFFECTIVE DATE: January 1, 2016

### ***Drug Possession***

**PA 15-2, June Special Session, §§ 1-8, 19 & 21**, replaces the prior penalty structure for drug possession crimes, which punished possession of most types of illegal drugs as felonies. It creates a new structure that punishes possession of .5 ounces or more of marijuana or any amount of another illegal drug as a class A misdemeanor. But it allows the court to (1) suspend prosecution for a second offense and order treatment for a drug dependent person and (2) punish third-time or subsequent offenders as persistent offenders, which subjects them to the penalties for a class E felony. It also reduces the enhanced penalty for drug possession near schools or day care centers from a two-year mandatory prison sentence to a class A misdemeanor with a required prison and probation sentence.

### ***Electronic Stalking***

**PA 15-175** creates the crime of electronic stalking and makes it a class B misdemeanor. A person commits this crime when he or she willfully and repeatedly uses a global positioning system or similar electronic monitoring

system to remotely determine or track another person's position or movement, thereby recklessly causing the individual to reasonably fear for his or her physical safety.

### ***Evidence Tampering***

**PA 15-211, § 9**, expands the scope of this crime to include activities that occur while a criminal investigation, in addition to an official proceeding, is pending or anticipated.

### ***Failing to Stop After an Accident***

**PA 15-211, § 28**, increases the penalty for drivers who fail to stop after being involved in accidents causing serious physical injury or death. It doubles the (1) prison penalty from between one and 10 years to between two and 20 years and (2) maximum fine from \$10,000 to \$20,000.

### ***Felony Murder***

**PA 15-211, § 3** expands the crime of felony murder to include when a person (1) commits or attempts to commit home invasion and (2) during or in furtherance of the crime, or while fleeing the crime, the person or any other participant in the crime causes the death of someone not participating in the crime. By law, felony murder includes causing a death as described above related to the crime of robbery, burglary, kidnapping, 1<sup>st</sup> or 3<sup>rd</sup> degree sexual assault, 1<sup>st</sup> degree aggravated sexual assault, 3<sup>rd</sup> degree sexual assault with a firearm, or 1<sup>st</sup> or 2<sup>nd</sup> degree escape.

### ***Mandated Reporters Failing to Report Child Abuse***

**PA 15-205** increases, from a class A misdemeanor to a class E felony, the penalty for a mandated reporter who fails to report suspected child abuse or neglect to the Department of Children and Families (DCF), if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge of the abuse, neglect, or sexual assault. The act establishes that a mandated reporter's suspicions or beliefs do not require certainty or probable cause and may be based on observations; allegations; facts; or statements by a child, victim, or third party.

Among other things, the act also expands the reporting requirement for school employees (also see "Schools" below).

### ***"Revenge Porn"***

**PA 15-213** creates a new crime of unlawful dissemination of an intimate image, which is sometimes referred to as "revenge porn." This new crime is a class A misdemeanor.

### ***Simple Trespass***

By law, a person commits simple trespass by entering any premises knowing he or she is not licensed or privileged to enter, without intent to harm the property. **PA 15-211, § 8**, expands this infraction to include when a person remains in or on the premises.

## ***Voyeurism and "Upskirting"***

**PA 15-213** makes a number of changes to voyeurism crimes by:

1. expanding these crimes to cover, among other things, conduct sometimes referred to as "upskirting;"
2. increasing the penalty from a class D to a class C felony when the victim is under age 16 or the offender has a prior conviction of voyeurism or certain other crimes;
3. extending the statute of limitations for voyeurism under certain circumstances;
4. increasing the possible probation term for certain types of voyeurism; and
5. extending to voyeurism victims three protections existing law gives to certain sexual assault victims about disclosure of their names, addresses, and other identifying information.

## **INCARCERATION ALTERNATIVES**

### ***Data on Military and Veteran Participation***

**PA 15-246** requires the Judicial Branch, beginning January 1, 2016, to collect data on the number of armed forces members, veterans, and nonveterans who apply for and are granted admission or denied entry into the:

1. accelerated rehabilitation (AR) program,

2. pretrial supervised diversionary program for veterans and individuals with psychiatric disabilities, and
3. pretrial drug education and community service program.

These programs allow eligible defendants to avoid prosecution and have their charges dismissed upon successfully completing the program.

Beginning January 15, 2017, the branch must annually report the prior year's data to the Veterans' Affairs and Judiciary committees.

EFFECTIVE DATE: January 1, 2016

### ***Drug Education Program***

**PA 15-211, § 12**, requires the drug education program portion of the pretrial drug education and community service program to be a 15-session, rather than a 15-week, program.

### ***Program Eligibility***

**PA 15-211** makes changes to eligibility for programs that provide alternatives to incarceration for defendants. It

1. excludes from participation in AR, health care providers or vendors participating in the state's Medicaid program who are charged with (a) 1<sup>st</sup> degree larceny or (b) 2<sup>nd</sup> degree larceny involving defrauding a public community of \$2,000 or less;
2. excludes from participation in the pretrial alcohol education

program, people charged with (a) 2<sup>nd</sup> degree manslaughter with a vessel or (b) 1<sup>st</sup> degree reckless vessel operation while under the influence, and makes other changes to eligibility based on prior convictions and program usage; and

3. allows people who would otherwise participate in the family violence education program to participate in the supervised diversionary program when the court finds it is appropriate.

## **JUVENILE JUSTICE**

### ***Mechanical Restraint Use***

**PA 15-183** (1) creates a presumption that mechanical restraints (such as shackles) will be removed from a juvenile during juvenile court proceedings before a determination of delinquency, (2) specifies when these restraints may be allowed, and (3) requires the Judicial Branch to keep related statistical information.

### ***Risk and Needs Assessments***

**PA 15-58** requires DCF to conduct risk and needs assessments to ensure that delinquent girls and boys in the highest risk level are placed in appropriate secure treatment settings. Prior law required DCF to conduct the assessments to ensure only that delinquent boys in the highest risk level were placed in the male-only Connecticut Juvenile Training School. The training school is currently the only secure facility for boys.

## ***Sentencing Juveniles in Adult Court***

**PA 15-84** makes a number of changes related to sentencing and parole release of offenders who were under age 18 at the time they committed crimes, including:

1. retroactively eliminating (a) life sentences for capital felony and arson murder and (b) convictions for murder with special circumstances;
2. establishing alternative parole eligibility rules that can make someone eligible for parole sooner if he or she was sentenced to more than 10 years in prison;
3. requiring criminal courts, when sentencing a juvenile transferred to adult court and convicted of a class A or B felony, to (a) consider certain mitigating factors of youth and (b) indicate the maximum prison term that may apply and whether the person may be eligible for release under the act's alternative parole eligibility rules; and
4. prohibiting a child convicted of a class A or B felony from waiving a presentence investigation or report and requiring the report to address the same sentencing factors the act requires a criminal court to consider.

EFFECTIVE DATE: October 1, 2015; the provisions regarding capital felony, murder with special circumstances, and arson murder apply regardless of when an offender is or was convicted.

### ***Sex Abuse in Juvenile Facilities***

Within available appropriations, **PA 15-218** requires state and municipal agencies that incarcerate or detain juvenile offenders, including immigration detainees, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission. These standards cover preventing, detecting, monitoring, and responding to sexual abuse. The agencies covered are prisons, jails, community correction facilities, juvenile facilities, and lockups.

This requirement already applies to agencies incarcerating adult offenders.

### ***Strategic Planning***

**PA 15-183** expands the Juvenile Justice Policy and Oversight Committee's membership and responsibilities. For example, it requires the committee to (1) implement a strategic plan and report on the plan by January 1, 2016 and (2) annually report on certain matters beyond the current January 1, 2017 end date for its responsibilities.

### ***Transferring Juveniles to Adult Court***

**PA 15-183** changes when cases may or must be transferred from juvenile court to adult criminal court, including:

1. eliminating automatic transfers for children aged 14 through 17 charged with certain class B felonies and

2. raising the minimum age, from 14 to 15, for (a) automatic transfers for other class B felonies or more serious crimes and (b) discretionary transfers for felonies not subject to automatic transfer.

## **LAW ENFORCEMENT**

### ***Access to Law Enforcement Records***

**PA 15-164**, expands law enforcement agencies' disclosure obligations under the Freedom of Information Act (FOIA) for records relating to a person's arrest. It requires agencies to disclose the:

1. arrest warrant application and supporting affidavits, if the arrest was made by warrant, or
2. official arrest, incident, or similar report, if the arrest was made without a warrant.

If a judicial authority orders the affidavits or report sealed, in whole or in part, then the agency must disclose (1) the unsealed portion, if applicable, and (2) a report summarizing the circumstances that led to the arrest, without violating the order. The act establishes limited circumstances under which the agency may redact such records.

The act also requires that, during the period when a person's prosecution is pending, law enforcement agencies disclose under FOIA any public record that documents or depicts a person's arrest or custody, unless there is an

applicable statutory exemption from disclosure. At other times, the applicable provisions of FOIA govern disclosure of the record (i.e., the record must be disclosed unless there is a statutory exemption from disclosure).

### **Booting Vehicles**

**PA 15-42** regulates the use of wheel locking devices used to immobilize unauthorized vehicles on private property (i.e., "booting"). Among other things, it:

1. limits boot removal fees to \$50 or less and requires 10% of the fee to be remitted to local police;
2. requires entities hired by property owners to boot unauthorized vehicles to notify the local police chief, in a manner he or she directs, at least five days before booting any vehicles in that municipality;
3. requires (a) entities that boot vehicles to notify local police within two hours of doing so in writing or by email and (b) local police, within 48 hours of receiving a notice, to enter the vehicle identification number in specified databases to check if the vehicle has been reported stolen and notify any department that reported it as stolen; and
4. requires entities that boot vehicles to retain police notification records on the property where cars are booted for at least six months and make the records available for inspection by a Department of

Motor Vehicles inspector or local police.

The act also makes it a \$50 infraction for a first time violation of the act's booting requirements and subjects subsequent violators to up to 30 days in prison, a fine of \$50 to \$100, or both.

### **Damage Caused by Law Enforcement Dogs**

The law imposes strict liability on the owner or "keeper" of a dog for any damage to a person or property the dog causes, except when the damage was done to someone who was (1) teasing, tormenting, or abusing the dog or (2) committing trespass or another tort.

**PA 15-26** creates a rebuttable presumption that a member of a law enforcement officer's household where the officer keeps a dog assigned to him or her by the town, state, or federal government is not the dog's keeper. (A "rebuttable presumption" is an assumption of fact accepted by the court until disproved.) Therefore, in any action against such a household member for damage done by the dog, the plaintiff has the burden to prove that the household member was the dog's keeper and had exclusive control of the dog.

### **Day Care Centers Notifications**

**PA 15-161** requires each day care center licensee to give the center's contact information to the local police department and State Police troop that has jurisdiction where the center is located.

It requires the department or troop to notify licensees that submit this information about any conditions caused by a fire, a criminal act, an emergency, or an act of nature in the day care center's vicinity that may endanger the children's safety or welfare.

### ***Dirt Bike or All-Terrain Vehicle (ATV) Violation Fines***

**PA 15-100** subjects a first-time violator of a dirt bike or ATV ordinance to a possible fine. It does so by allowing municipal officers or employees to issue citations without providing a warning of a dirt bike or ATV violation. Previously, as required for other ordinances enforced by citations, a municipal officer or employee had to issue a written warning providing notice of a violation before issuing a citation.

### ***Minority Police Officer Hiring and Promotion***

**PA 15-4, June Special Session, §§ 2-3**, requires law enforcement units, by January 1, 2016, to develop and implement guidelines to recruit, retain, and promote minority police officers. Units serving communities with a relatively high concentration of minority residents must make efforts to recruit, retain, and promote minority officers so that the unit's racial and ethnic diversity is representative of the community.

### ***Parole Officers' Access to Firearm Information***

**PA 15-216** allows parole officers, when performing their duties, to access

the names and addresses of people (1) issued permits to carry or sell handguns, handgun or long gun eligibility certificates, assault weapon possession certificates, or ammunition certificates or (2) who declared possession of large capacity magazines. By law, this information can also be disclosed to law enforcement officials, the Department of Mental Health and Addiction Services (DMHAS) for statutory gun-related responsibilities, and gun or ammunition sellers when required to verify a prospective gun or ammunition buyer's credential.

### ***Police Body Cameras***

Beginning July 1, 2016, **PA 15-4, June Special Session, §§ 7 & 8**, requires sworn officers of the State Police, public university police departments, and municipal police departments that receive state grants under the act, to use body cameras while interacting with the public in their law enforcement capacity. It requires the Department of Emergency Services and Public Protection (DESPP) and Police Officer Standards and Training Council (POST), by January 1, 2016, to jointly create a list of minimal technical specifications for body cameras and digital data storage devices or services.

The act specifies (1) certain activities that officers cannot record with body cameras and (2) when certain images do not need to be disclosed to the public. It requires DESPP and POST

to develop guidelines on equipment use and data retention.

EFFECTIVE DATE: Upon passage, except the grant provisions are effective January 1, 2016.

### ***Police Officer Misconduct and Hiring***

**PA 15-4, June Special Session, § 6,** prohibits a law enforcement unit from hiring an officer who (1) was previously dismissed from a unit for malfeasance or serious misconduct or (2) resigned or retired during an investigation for such conduct. It also requires a law enforcement unit to inform another unit about an officer's dismissal, resignation, or retirement under these circumstances if it knows the officer is applying for a position as a police officer with the other unit.

### ***Police Training***

**PA 15-4, June Special Session, § 1,** requires police basic and review training programs conducted by the State Police, POST, and municipal police departments to include training on (1) using physical force; (2) using body-worn recording equipment and retaining the records it creates; and (3) cultural competency, sensitivity, and bias-free policing.

### ***Police Use of Force***

**PA 15-4, June Special Session, §§ 4 & 5** expands the circumstances when the Division of Criminal Justice must investigate a death involving a

peace officer to include cases involving any use of physical force, not just deadly force as previously required. For these investigations, it requires, rather than allows, the chief state's attorney to appoint a prosecutor from a judicial district other than the one where the incident occurred or a special prosecutor to conduct those investigations.

The act also requires law enforcement units to record information about incidents in which a police officer discharges a firearm or uses physical force that is likely to cause serious physical injury or death.

### ***Pursuit Outside Precinct***

Existing law allows local police officers and certain other law enforcement officers to pursue someone outside of their precincts, while in immediate pursuit of someone the officers have authority to arrest. **PA 15-83** specifies that this does not apply if the person is alleged to have violated only a municipal ordinance.

### ***Recording Police Activity***

**PA 15-4, June Special Session, § 9,** with some exceptions, makes a peace officer's employer liable in a court or other proceeding if the officer interferes with someone taking a photo or digital still or video image of the officer or another officer performing his or her duties.

### ***Resident State Troopers***

Previously, towns participating in the resident trooper program paid 70% of the regular cost and expenses of troopers assigned to the town and 100% of their overtime costs and associated fringe benefits. **PA 15-244, § 170**, instead requires them to pay 85% of the compensation, maintenance, and other expenses of the first two assigned troopers and 100% of such costs for any additional troopers. They must continue to pay 100% of the overtime costs and the portion of the fringe benefits directly associated with those costs.

EFFECTIVE DATE: July 1, 2015

### ***Showing Pistol Permits***

**PA 15-216** requires a pistol or revolver permit holder to present his or her permit to a law enforcement officer for purposes of verifying the permit's validity or person's identity if the officer (1) observes the person carrying a pistol or revolver and (2) has reasonable suspicion of a crime. By law, permit holders must carry their permits while carrying a pistol or revolver.

### ***U.S. Marshals as Peace Officers***

**PA 15-211, § 18**, expands the definition of a "peace officer" to include U.S. marshals and deputy marshals. Among other things, this gives them certain arrest powers under state law; access to certain information; and legal protections when using force to

apprehend someone, prevent an escape, or protect themselves or others.

EFFECTIVE DATE: Upon passage

### **SCHOOLS**

#### ***Agreements Governing School Resource Officers***

**PA 15-168** and **PA 15-5, June Special Session, § 342**, require a local or regional school board that assigns a sworn police officer to a school (i.e., school resource officer) to enter into a memorandum of understanding (MOU) with the local police department that defines the officer's role and responsibilities. The MOU must address daily interactions among students, school personnel, and police officers, and include a graduated response model for student discipline.

EFFECTIVE DATE: July 1, 2015

#### ***Data Reporting***

By law, each local and regional school board must submit to the State Department of Education (SDE) commissioner an annual strategic school profile with certain required data (e.g., student performance and school resources) for each of its schools and the district as a whole. **PA 15-168** adds to this requirement data on (1) in-school and out-of-school suspensions and expulsions and (2) school-based arrests.

As a separate reporting requirement, SDE must disaggregate the new data the act requires by school, race,

ethnicity, gender, age, disability status, English language learner status, free and reduced price lunch eligibility, offense type, and the number of arrests at each school. SDE must report annually to the State Board of Education (SBE) on the disaggregated data and make the report available to the public on the department's website.

EFFECTIVE DATE: July 1, 2015

### ***School Employees and Child Abuse Reporting***

**PA 15-205** expands the mandated reporting requirements for school employees to report suspected child abuse and extends the mandated reporter law protection to high school students ages 18 or older who are not enrolled in an adult education program. Among other things, the act also:

1. requires school employees to report to DCF suspected sexual assault of any student who is not enrolled in adult education by a school employee;
2. requires the (a) principal for each school under the jurisdiction of a local or regional board of education to annually certify to the superintendent that school employees completed mandated reporter training and (b) superintendent to certify compliance to SBE;
3. requires each local or regional board to (a) update its written policy and (b) establish a confidential rapid response team

to coordinate with DCF to ensure prompt reporting;

4. prohibits the boards from hiring someone who was terminated or who resigned after a license suspension for certain convictions, failing to report abuse, or interfering with a mandated reporter; and
5. requires SBE to revoke the certification, permit, or authorization of anyone convicted of certain crimes.

EFFECTIVE DATE: October 1, 2015, but certain provisions take effect July 1, 2015.

### **SENTENCING AND RELEASE FROM PRISON**

#### ***Board of Pardons and Paroles***

##### **PA 15-2, June Special Session**

reduces the board's size from 20 to between 10 and 15 members, while increasing the number of members who serve full-time from six to 10. It also removes the prohibition on board members serving on both parole and pardons panels.

EFFECTIVE DATE: June 30, 2015

#### ***Parole Release Without a Hearing***

##### **PA 15-2, June Special Session**

allows the Board of Pardons and Paroles to consider an inmate for release on parole without a hearing if the (1) inmate was convicted of a non-violent crime, (2) board evaluates the inmate,

and (3) board does not know of any victim of the crime.

EFFECTIVE DATE: July 1, 2015

### ***Probation***

**PA 15-211, § 1**, requires a person's probation term to begin after he or she serves any prison sentence.

### ***Risk Reduction Credits***

**PA 15-216** prohibits an inmate from earning risk reduction credits if he or she was convicted (1) of 1<sup>st</sup> degree manslaughter, 1<sup>st</sup> degree manslaughter with a firearm, or aggravated sexual assault of a minor or (2) as a persistent dangerous felony offender or persistent dangerous sexual offender. By law, an inmate eligible for these credits can earn up to five days per month to reduce his or her maximum prison sentence and, if convicted of a non-violent crime, can have his or her parole eligibility based on the sentence as reduced by the credits.

The act also requires:

1. wardens to verify that an inmate being released from a prison earned the credits that are reducing his or her sentence and
2. the Department of Correction (DOC) commissioner, quarterly beginning by January 1, 2016, to report to the General Assembly and post on the DOC website certain information about inmates earning risk reduction credits.

### ***Victim Notification from Judicial Branch***

**PA 15-2, June Special Session** requires the Judicial Branch's Office of Victim Services to (1) notify victims registered with the Board of Pardons and Paroles about parole hearings, (2) notify victims and the public about how victims can register for hearing notices, and (3) provide notice or seek to locate certain victims.

EFFECTIVE DATE: July 1, 2015

### ***Victim Notification Study***

**PA 15-84** requires the Sentencing Commission to study how to notify victims of the parole eligibility laws and release mechanisms available to people sentenced to more than two years in prison. The commission must report on its study and any recommendations to the Judiciary Committee by February 1, 2016.

## **SEX OFFENSES**

### ***Sexual Assault Evidence***

**PA 15-207** makes various changes affecting evidence in sexual assault cases. It establishes deadlines for transferring and processing sexual assault evidence police obtain from health care facilities that collect it.

If an accused seeks to introduce evidence of a victim's sexual conduct in a sexual assault case, the act requires the hearing on the motion to be held in camera (i.e., in private), rather than allowing the court to grant a motion to hold the hearing in that manner. By law, evidence of a victim's sexual

conduct in these cases is admissible only in limited circumstances.

The act requires sealing motions and documents related to these hearings and permits the court to unseal them if it finds the evidence admissible and the case goes to trial.

### ***Sexual Assault Forensic Examiners***

**PA 15-16** allows sexual assault forensic examiners (SAFEs) to treat sexual assault victims who are patients in certain licensed and accredited health care facilities operated by higher education institutions. The act requires SAFE services to be:

1. aligned with the health care facility's policies and accreditation standards and
2. pursuant to a written agreement between the health care facility and (a) the Department of Public Health (DPH) and (b) the Office of Victim Services, about the facility's participation in the SAFE program.

EFFECTIVE DATE: July 1, 2015

### ***Sex Assault Sentencing***

**PA 15-211, §§ 16 & 17**, makes changes affecting sentencing for 1<sup>st</sup> degree sexual assault and 1<sup>st</sup> degree aggravated sexual assault, such as expanding when the court can order probation for these crimes and increasing the mandatory minimum sentence for the latter crime in some circumstances.

### ***Sex Offender Registration***

**PA 15-211, §§ 5-7**, specifies that the 10-year registration period required for certain sex offenders begins when the offender is released into the community.

### ***Sex Offender Study***

**SA 15-2** requires the Sentencing Commission to study a number of issues regarding sex offenders including sentencing; risk assessment and management; registry requirements, the information available to the public and law enforcement about sex offenders, whether a tiered system based on risk of re-offense would be effective, and options for appealing an offender's registry status; ways to reduce recidivism; housing opportunities and obstacles for these offenders; victim and survivor needs and services; and community education.

The commission must provide an interim report to the Judiciary Committee by February 1, 2016 and a final report by December 15, 2017.

### ***Statewide Sexual Abuse and Assault Awareness Program***

**PA 15-5, June Special Session, § 415**, extends, from July 1, 2015 to July 1, 2016, the date by which DCF, together with SDE and Connecticut Sexual Assault Crisis Services, Inc., or a similar organization, must identify or develop a statewide sexual abuse and assault awareness and prevention

program for use by regional and local school boards. It also extends, from October 1, 2015 to October 1, 2016, the date by which school boards must implement the program.

EFFECTIVE DATE: Upon passage

## **MISCELLANEOUS**

### ***Credit Security Freeze Fees***

**PA 15-53, § 9**, prohibits credit rating agencies from charging certain fees related to credit freezes to:

1. an identity theft victim, his or her spouse, or another person who is covered by certain health insurance policies held by the victim, upon submitting a copy of a police report to the credit rating agency;
2. anyone under age 18 or at least age 62;
3. anyone who has a court-appointed guardian or conservator; or
4. a person who provides evidence to the credit rating agency that he or she is a domestic violence victim.

The fees that would otherwise apply are those for (1) placing, removing, or temporarily lifting a freeze on a person's credit report (up to \$10) or (2) temporarily lifting one for a specific party (up to \$12).

EFFECTIVE DATE: Upon passage

### ***Credit Security Freezes for Minors***

**PA 15-62** allows a parent or legal guardian of a minor (i.e., under age 18) to place a security freeze on the minor's credit report, prohibiting the credit rating agency from releasing information in the report without the parent's or guardian's express authorization. To initiate a freeze, a parent or guardian must request it in writing and provide the credit rating agency with proper identification and sufficient proof of authority to act for the minor.

### ***Criminal and Juvenile Justice Program Inventories***

**PA 15-5, June Special Session, §§ 486-489**, requires the Judicial Branch's Court Support Services Division (CSSD), DOC, DCF, and DMHAS, by January 1, 2016, to (1) compile complete lists of each agency's criminal and juvenile justice programs and (2) categorize them as evidence-based, research-based, promising, or lacking any evidence. The agencies must also do this by October 1 every even-numbered year after that.

The agencies must submit their program inventories to the Office of Policy and Management (OPM), legislature, Office of Fiscal Analysis (OFA), and Institute for Municipal and Regional Policy (IMRP) at Central Connecticut State University. IMRP must use the data to develop a cost-benefit analysis for each program and

report its analyses to OPM, the legislature, and OFA, by March 1, 2016 and by each November 1 thereafter. OPM and OFA can use the analyses in their annual fiscal accountability reports to the legislature.

Under the act, OPM must also (1) review the inventories and analyses to meet its existing requirement to develop a plan to promote a more effective and cohesive state criminal justice system and (2) consider incorporating them in its budget recommendations to the legislature.

EFFECTIVE DATE: July 1, 2015, except certain provisions are effective July 1, 2016.

### ***Criminal Justice Information System (CJIS)***

**PA 15-1, June Special Session, §§ 2(d) & 21(c)**, authorizes \$27.1 million in general obligation bonds (\$17.1 million in FY 16 and \$10 million in FY 17) for designing and implementing CJIS (an electronic offender-based tracking system which contains offender and case data on crimes, violations, and infractions).

EFFECTIVE DATE: July 1, 2015 for the FY 16 authorization and July 1, 2016 for the FY 17 authorization.

### ***Criminal Justice Policy Advisory Commission Membership***

**PA 15-44** adds the veterans' affairs commissioner or his designee as a member of the commission, with

authority to vote on matters concerning veterans in the criminal justice system, including the reentry needs of incarcerated veterans. By law, the commission analyzes the criminal justice system, recommends policy priorities, and advises the governor and legislature.

### ***Cybersecurity Study***

Within available appropriations, **SA 15-13** requires the Department of Administrative Services (DAS), with DESPP, to study cybersecurity issues facing Connecticut. It must recommend actions the state can take to promote and coordinate communication between government entities, law enforcement, higher education institutions, the private sector, and the public to improve cybersecurity preparedness. DAS must report to the Public Safety and Security Committee by January 1, 2017.

EFFECTIVE DATE: Upon passage

### ***Domestic Violence***

**PA 15-211, §§ 19-24**, makes three changes related to domestic violence. It:

1. creates a 16-member Domestic Violence Offender Program Standards Advisory Council to promulgate, review, update, and amend the domestic violence offender program standards;
2. extends to family violence victims the right to keep certain information confidential, as

existing law allows for certain sexual assault victims; and

3. changes the scope of the Superior Courts' local family violence intervention units' role in providing victim and offender treatment services (**PA 15-5, June Special Session, § 441**, also makes changes to these provisions).

EFFECTIVE DATE: Upon passage for the advisory council provisions, July 1, 2015 for the victim confidentiality provisions, and January 1, 2016 for the intervention unit provisions.

### ***Elder Abuse***

**PA 15-236** makes a number of changes regarding elder abuse. Among other things, it:

1. makes certain emergency medical service providers mandated reporters of elderly abuse and expands training requirements for employees of certain entities who care for adults ages 60 or older;
2. gives abused, neglected, exploited, or abandoned elderly people a civil cause of action against perpetrators;
3. requires certain financial agents to receive training on elderly fraud, exploitation, and financial abuse;
4. requires the Commission on Aging to (a) study best practices for reporting and identifying elderly abuse, neglect, exploitation, and abandonment and (b) create a portal of training

resources for financial institutions and agents; and

5. makes changes in definitions of elderly neglect and necessary services.

The act also prohibits someone convicted of 1<sup>st</sup> or 2<sup>nd</sup> degree larceny or 1<sup>st</sup> degree abuse of an elderly, blind, or disabled person or person with intellectual disabilities from inheriting, receiving insurance benefits, or receiving certain property from a deceased victim. It makes changes to the disposition of certain types of jointly owned personal property when one owner is convicted of one of these or certain other crimes against another owner.

EFFECTIVE DATE: October 1, 2015

### ***Extradition Study***

**PA 15-211, § 2**, creates a task force to study ways to reduce extradition costs and the feasibility of vacating bond forfeiture orders under certain circumstances.

EFFECTIVE DATE: Upon passage

### ***Human Trafficking***

**PA 15-195** makes a number of changes related to human trafficking. Among other things, it:

1. broadens the conditions under which a human trafficking crime is committed when the victim is under age 18;

2. requires DPH to provide human trafficking victims the same services it must provide certain sexual assault victims under existing law;
3. allows the Office of Victim Services, under certain circumstances, to waive the time limitation on crime victim compensation applications for minors who are human trafficking victims;
4. upon request, requires a court to order the erasure of a juvenile's police or court records after discharge from court supervision or court-ordered custody if the child's criminal record is the result of being a victim of human trafficking or related federal crimes;
5. expands the list of crimes, including human trafficking, for which wiretapping is authorized; and
6. increases, from 20 to 22, the membership of the Trafficking in Persons Council.

### ***Pardons***

#### **PA 15-2, June Special Session**

expands the Board of Pardons and Paroles chairman's authority, in consultation with the board's executive director, to adopt regulations on an expedited pardons review process. It allows anyone convicted of a nonviolent crime to receive a pardon under such an expedited process without a hearing unless a victim requests one.

The act also requires the board to develop a pardon eligibility notice explaining the pardons process and requires providing the notice to people when they are sentenced; are released from DOC; and complete parole, probation, or conditional discharge.

EFFECTIVE DATE: June 30, 2015 for the expedited pardons provision and July 1, 2015 for the pardon eligibility notice provision.

### ***Psychiatric Security Review Board***

**PA 15-211, § 14**, no longer requires the board, when conditionally releasing someone under its jurisdiction, to require that the person have outpatient treatment (although treatment is still required).

EFFECTIVE DATE: Upon passage

CR:cmg

# **Division of Criminal Justice**



Kevin T. Kane,  
Chief State's Attorney

## **POST Legal Update Juvenile Laws**

*Presented by:*  
*Francis J. Carino, Supervisory Assistant State's Attorney*  
**2015**

1

### ***Three significant changes for 2015:***

- ✓ Transfer to the adult criminal court (PA 15-183)***
- ✓ New mandated reporting requirement for "school employees" (PA 15-205)***
- ✓ Increased penalties for any mandated reporter that fails to make a timely report (PA 15-205)***

2

## ***Delinquency Offenders: Transfer to the Adult Court***

3

### ***Transfer to the Adult Court - Prior to 2012***

<u>TRANSFER TYPE</u>	<u>QUALIFYING OFFENSES</u>	<u>PROCEDURE</u>
<p style="text-align: center;">Automatic Transfer  CGS §46b-127(a)</p>	<p>Capital Felonies Class A Felonies Class B Felonies CGS §53a-54d (Arson Murder)</p>	<p>Automatic transfer. Class B Felonies and certain Class A sexual assault cases may be returned to juvenile court upon motion of the State's Attorney.</p>
<hr/>		
<p style="text-align: center;">Discretionary Transfer  CGS §46b-127(b)</p>	<p>Class C Felonies Class D Felonies Class E Felonies Unclassified Felonies</p>	<p>Prosecutor's motion; To transfer, court must find probable cause; Adult court may return case to juvenile court.</p>

4

## ***Transfer to the Adult Court - After 2012***

<u>TRANSFER TYPE</u>	<u>QUALIFYING OFFENSES</u>	<u>PROCEDURE</u>
Automatic Transfer CGS §46b-127(a)	Capital Felonies Class A Felonies Class B Felonies CGS §53a-54d (Arson Murder)	Automatic transfer. Class B Felonies and certain Class A sexual assault cases may be returned to juvenile court upon motion of the State's Attorney.

Consider:  
 ✓ any prior criminal or juvenile offenses;  
 ✓ seriousness of such offenses;  
 ✓ evidence of intellectual disability or mental illness;  
 ✓ availability of services in juvenile court;

Discretionary Transfer CGS §46b-127(b)	Class C Felonies Class D Felonies Class E Felonies Unclassified Felonies	Prosecutor's motion; To transfer, court must find probable cause and best interests of child & public are not served by keeping case as a juvenile matter; Adult court may return case to juvenile court.
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## ***Transfer to the Adult Court - After 2015***

<u>TRANSFER TYPE</u>	<u>QUALIFYING OFFENSES</u>	<u>PROCEDURE</u>
Automatic Transfer CGS §46b-127(a)	Capital Felonies Class A Felonies <u>Some Class B Felonies</u> CGS §53a-54d (Arson Murder)	Automatic transfer. Class B Felonies and certain Class A sexual assault cases may be returned to juvenile court upon motion of the State's Attorney.

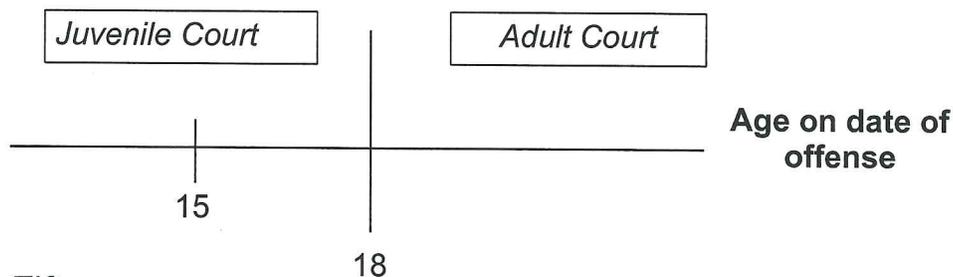
Discretionary Transfer CGS §46b-127(b)	<u>Some Class B Felonies</u> Class C Felonies Class D Felonies Class E Felonies Unclassified Felonies	Prosecutor's motion; To transfer, court must find probable cause and best interests of child & public are not served by keeping case as a juvenile matter; Adult court may return case to juvenile court.
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Class B felonies no longer automatically transferrable after 10/1/15:

- manslaughter 1<sup>st</sup>
- assault on DOC employee
- sexual assault 2<sup>nd</sup> (victim under 16)
- kidnapping 2<sup>nd</sup>
- burglary 1<sup>st</sup> w/injury or attempted injury (*still automatic transfer: §53a-101(a)(1) - armed w/explosives, deadly weapon or dangerous instrument or §53a-101(a)(3) a dwelling at night*)
- arson 2<sup>nd</sup>
- larceny 1<sup>st</sup>
- identity theft 1<sup>st</sup>
- robbery 1<sup>st</sup> (w/serious physical injury, use or threatens w/dangerous instrument or displays or threatens the use of what he represents to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; (*still automatic transfer: §53a-134(a)(2) - armed w/deadly weapon*)
- importing child porn
- possession child porn 1<sup>st</sup>
- computer crime 1<sup>st</sup>
- computer crime in furtherance of terrorist purposes

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***On 10/1/15 the minimum age for transfer changes***



~~Fourteen~~ Fifteen is the minimum age for transfer to the adult court.

No matter how serious the crime or how extensive the prior record might be, a child under age ~~fourteen~~ ~~fifteen~~ cannot be transferred.

8

## ***Mandated Reporting Requirements***

9

### ***What must be reported? (CGS §17a-101a)***

Police are mandated reporters and are required to report or cause a report to be made when, in their professional capacity, they have reasonable cause to suspect or believe that a child under the age of 18

- has been abused, neglected or
- has had non-accidental physical injury, or injury which is at variance with the history given of such injury
- is placed in imminent risk of serious harm

Police are also required to make a report of child abuse/neglect whenever a 16 or 17 year old is arrested for prostitution; (CGS §46-133(d)(2))

***Include in your report any evidence that the accused acted alone or willingly.***

10

## ***New Reporting Requirement for “School Employees”***

CGS §53a-65(13) “School employee” means: (A) A teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or a private elementary, middle or high school or working in a public or private elementary, middle or high school; or (B) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in (i) a public elementary, middle or high school, pursuant to a contract with the local or regional board of education, or (ii) a private elementary, middle or high school, pursuant to a contract with the supervisory agent of such private school.

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### ***What else must be reported? (NEW PA 15-205)***

Any school employee is required to report or cause a report to be made when, in the ordinary course of their employment has reasonable cause to suspect or believe that:

***NOTICE: No age limit for students not in adult ed!!!!***

- a person being educated by the technical high school system or a local or regional board of ed, other than as part of an adult ed program,
- is a victim under the provisions of:
  - §53a-70 (Sexual assault 1st),
  - §53a-70a (Aggravated sexual assault 1st),
  - §53a-71 (Sexual assault 2nd),
  - §53a-72a (Sexual assault 3rd),
  - §53a-72b (Sexual assault 3rd with a firearm) or
  - §53a-73a (Sexual assault 4th), and
- the perpetrator is a school employee.

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### ***What is reasonable cause to suspect or believe? (NEW PA 15-205)***

A mandated reporter's suspicion or belief may be based on factors including, but not limited to:

- observations,
- allegations,
- facts or
- statements
- by a child, victim, or third party.

Such suspicion or belief does not require certainty or probable cause.

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### ***When and how is a report made? (CGS §17a-101b & c)***

- Persons required to make a report must make an oral report, by telephone or in person to DCF or the police, as soon as practical but not later than twelve hours after the reporter has reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm or a student is the victim sexual assault by a school employee.
- A written report (DCF form 136) shall be filed within 48 hours of the oral report.
- If the police receive an oral report, they shall immediately notify DCF.

14

**What is the penalty for failing to report? (CGS §17a-101a)**

Fine of not less than \$500 nor more than \$2500 and required participation in an educational and training program.

**PA 13-297 - Effective 10/1/13 - the penalty for the failure of a mandated reporter to make a timely report of suspected child abuse or neglect goes from a \$500 - \$2500 fine to a class A misdemeanor.**

**PA 15-205 - Effective 10/1/15 - the penalty is a class E felony if the violation is:**

- a subsequent violation, or
- was wilful, intentional or due to gross negligence, or
- if the person had actual knowledge that the victim was abused or neglected or the victim of one of the listed crimes.

Mandated reporters could also be sued for damages if further injury is caused to the child because they did not act.

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**Presented by:**

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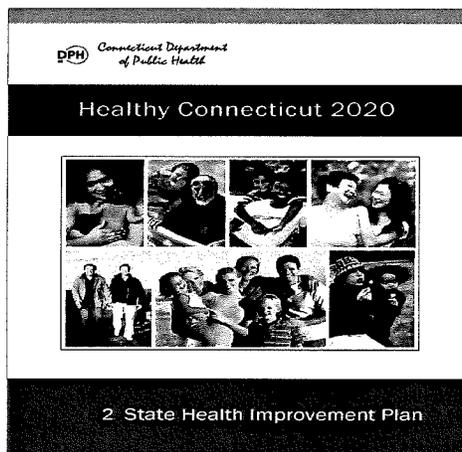
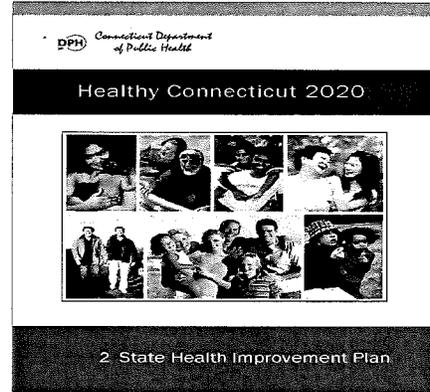
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# The State Health Improvement Plan: *Recognizing and Breaking the Links between Preventable Risks to Health and Public Safety*



Judith R. Dicine, Supv. ASA Housing Matters  
State of Connecticut  
Division of Criminal Justice  
Office of the Chief State's Attorney

The 2015 John M. Bailey Seminar on Instruction Re: New Legal  
Developments Which Concern Police Policies and Practices

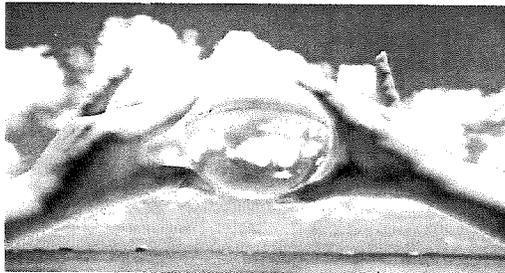


## Plan Overview

## Connecticut Health Improvement Coalition (CHIC) and the State Health Improvement Plan (SHIP)

The DPH Vision-

The Connecticut Department of Public Health, local health districts and departments, key health system partners, and other stakeholders integrate and focus efforts to achieve measurable improvements in health outcomes.



### The State Health Improvement Plan (SHIP) Overarching Determinants of Health

- Health Equity =
- Economic Factors
- Social Factors



# SHIP Roles and Responsibilities

## DPH Commissioner

- Leader, decision-making authority

## Executive Committee

- Thought leadership to advance strategic goals
- Build public health approach across sectors
- Time sensitive decision-making

## Advisory Council

- Integrating
- Managing
- Advising & Approving

## Lead Conveners/ Action Teams (7)

- Organizing Action Teams, scheduling meetings
- Completing Year 1 Action Agenda
- Prioritizing 2-3 strategies for the priority area that a critical mass of partners will address

## Supports

### HRiA

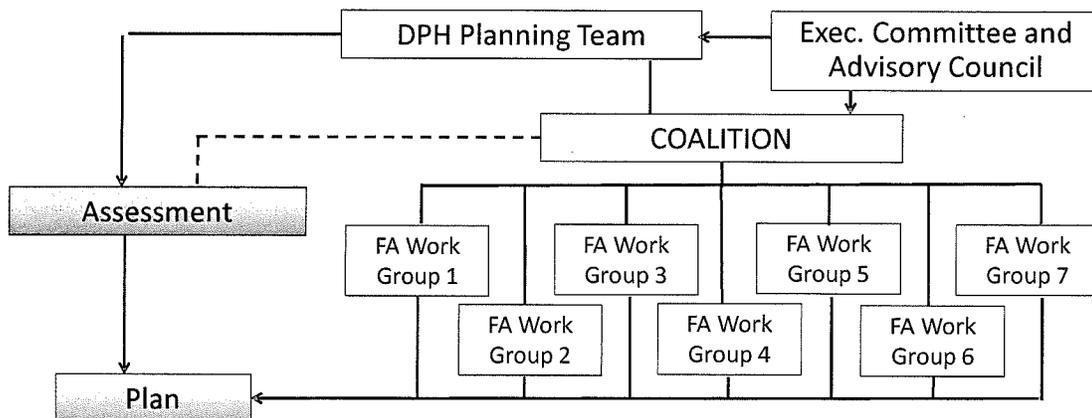
- Facilitation
- Group process
- Technical assistance

### DPH

- Administrative coordination & support

5

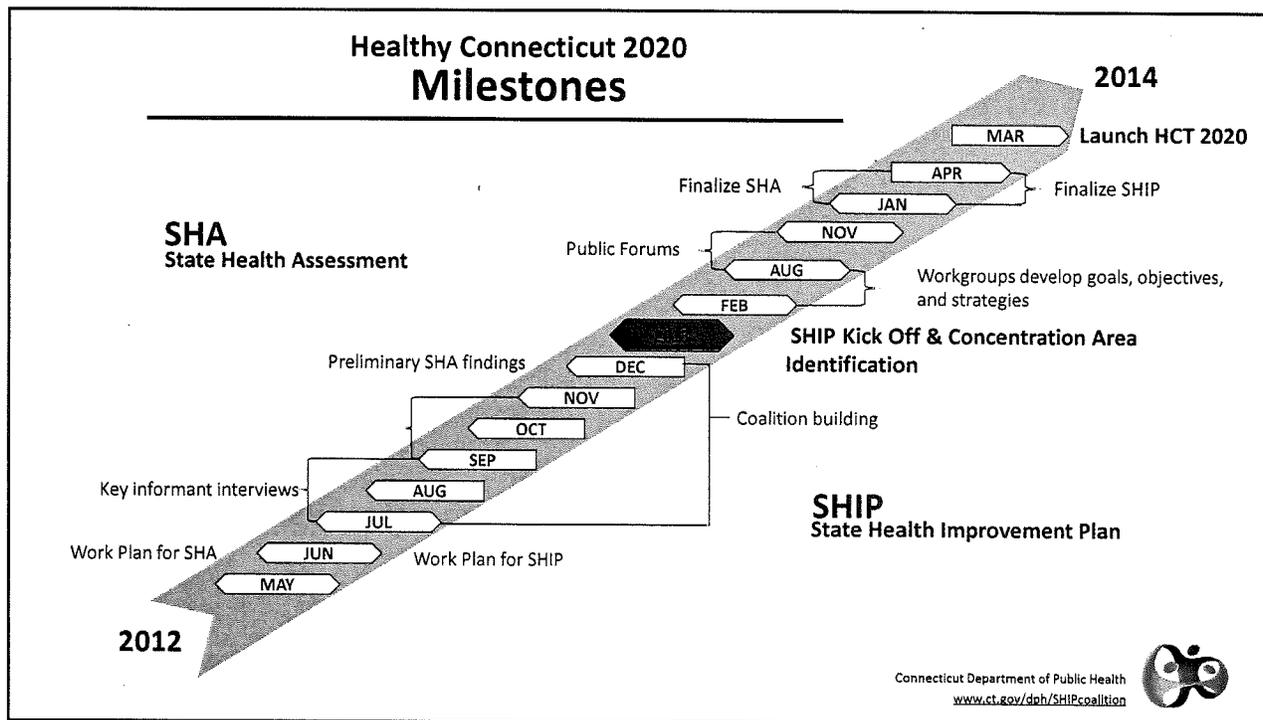
# Connecticut Health Improvement Coalition Planning Chart



# Lead Conveners

Focus Area	Lead Convener(s)
<b>Maternal, Infant and Child Health (MICH)</b>	MCH Advisory Council DPH Family Health Program
<b>Environmental Health (EH)</b>	DPH Environmental Health Program CT Association of Directors of Health
<b>Chronic Disease (CD)</b>	DPH Chronic Disease Program CT Hospital Association
<b>Infectious Disease (ID)</b>	DPH Infectious Disease Program
<b>Injury and Violence Prevention (IVP)</b>	St. Francis Violence & Injury Program
<b>Mental Health and Substance Abuse (MHSA)</b>	Dept. of Mental Health and Addiction Services
<b>Health Systems (HS)</b>	<i>In Progress</i>

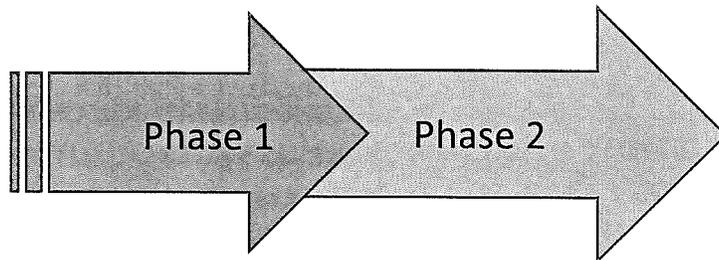
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## Action Agenda Implementation in 2 Phases

**Ph1** = Phase 1



| 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |

### 1. Maternal, Infant, and Child Health

*Goal: Optimize the health and well-being of women, infants, children, and families, with a focus on disparate populations.*

#### Areas of Concentration

- Reproductive and Sexual Health
- Preconception and Pregnancy Care
- Birth Outcomes
- Infant and Child Nutrition
- Child Health and Well-being

#### Objectives Selected for Phase 1 Implementation

- Unplanned pregnancies
- Prenatal care
- Infant deaths
- Breastfeeding
- Oral health for children
- Developmental screening

## 2. Environmental Risk Factors and Health

*Goal: Enhance public health by decreasing environmental risk factors.*

### Areas of Concentration

- LEAD
- DRINKING WATER QUALITY
- OUTDOOR AIR QUALITY
- HEALTHY HOMES
- HEALTHY COMMUNITIES

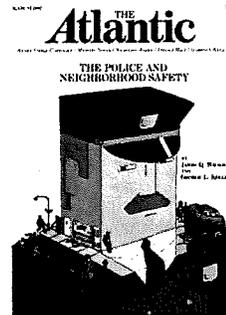
### Objectives Selected for Phase 1 Implementation

- CHILDHOOD LEAD POISONING
- DRINKING WATER QUALITY
- OUTDOOR AIR QUALITY
- ENHANCED CODE ENFORCEMENT – see following 4 slides on this.

## What is the 'Broken Window Theory'?

'Broken Window Theory'  
(Wilson and Kelling, 1989).

- ▶ Broken Window Theory says Root Causes matter.
- ▶ Broken Windows asks about personal agency (free will), crimes of opportunity (situational crime prevention), and *the role of police in crime prevention*.
- ▶ How can police work *with the community* to reduce fear and create a less criminal environment?

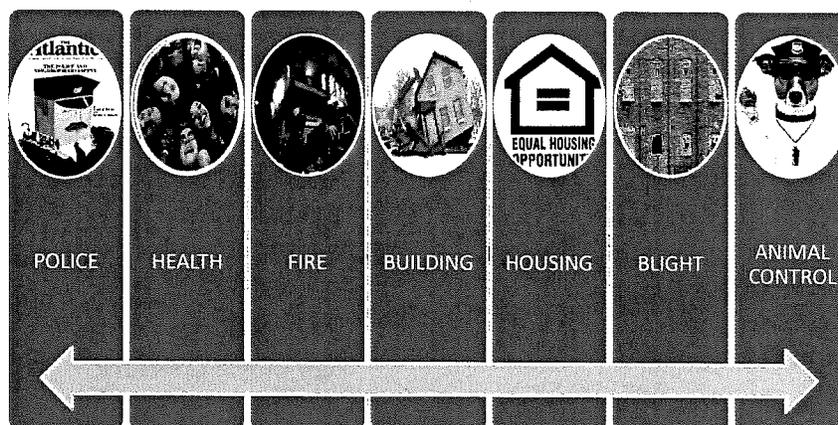


## What is “Broken Windows and Codes”? A new policy concept for Connecticut

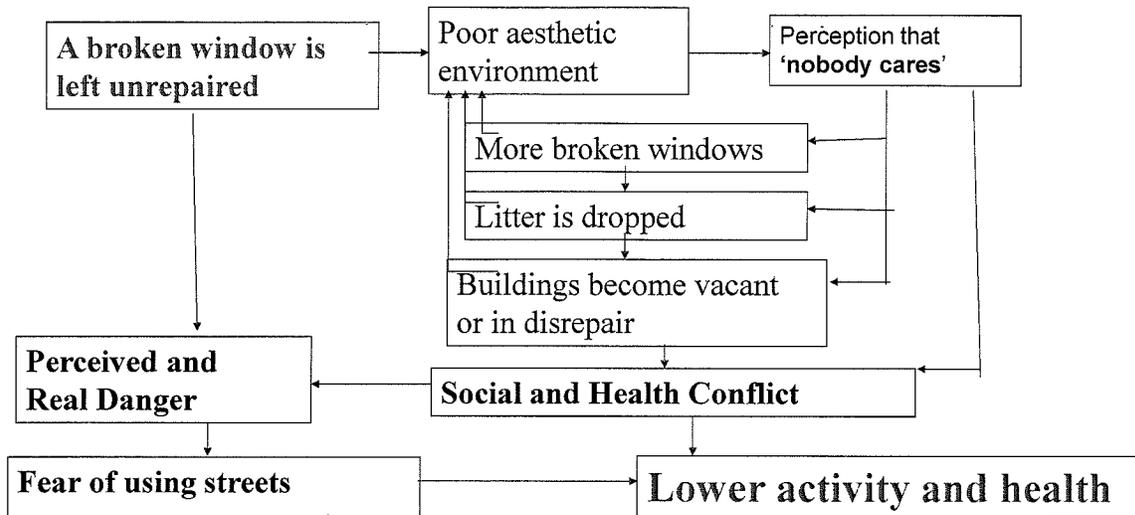
- ▶ Based on the “Broken Window Theory,” but expanded:
- ▶ Police and other public safety code officials working with the community and leaders *to lower crime and improve health and safety through coordinated code enforcement programs.*



## CT's Safety and Health Codes



## Broken Windows and Codes and Health



### 3. Chronic Disease Prevention and Control

*Goal: Reduce the prevalence and burden of chronic disease through sustainable, evidence-based efforts at risk reduction and early intervention.*

#### Areas of Concentration

- Heart Disease and Stroke
- Cancer
- Diabetes and Chronic Kidney Disease
- Asthma and Chronic Respiratory Disease
- Arthritis and Osteoporosis
- Oral Health
- Obesity
- Nutrition and Physical Activity
- Tobacco

#### Objectives Selected for Phase 1 Implementation

- Heart disease
- Diabetes
- Asthma
- Oral health for children
- High blood pressure
- Obesity
- Physical activity
- Smoking

## 4. Infectious Disease Prevention & Control

*Goal: Prevent, reduce and ultimately eliminate the infectious disease burden in Connecticut.*

### Areas of Concentration

- Vaccine-preventable Diseases
- Sexually Transmitted Diseases
- HIV
- Tuberculosis
- Hepatitis C
- Vector-borne Diseases
- Foodborne Illness and Infections
- Waterborne Illness and Infections
- Healthcare Associated Infections
- Preparedness for Emerging Infectious Diseases

### Objectives Selected for Phase 1 Implementation

- Vaccinations for children, pregnant women, and childcare providers
- Vaccinate adults against seasonal flu
- Vaccinate adolescents for HPV
- Chlamydia and gonorrhea
- HIV/AIDS
- Hepatitis C
- Healthcare associated infections
- Emerging infectious disease

## 5. Injury and Violence Prevention

*Goal: Create an environment in which exposure to injuries is minimized or eliminated.*

### Areas of Concentration

#### *Unintentional Injury*

- Falls
- Poisoning
- Motor Vehicle Crashes

#### *Intentional Injury*

- Suicide
- Homicide and Community Violence
- Child Maltreatment

#### *Either Intent*

- Traumatic Brain Injury
- Sports Injuries
- Occupational Injuries

### Objectives Selected for Phase 1 Implementation

- Falls
- Unintentional poisonings
- Motor vehicle crashes
- Motorcycle deaths
- Seatbelts and child safety restraints
- Suicide
- Firearms homicide
- Sexual violence
- Child maltreatment

## 6. Mental Health, Alcohol, and Substance Abuse

*Goal: Improve overall health through the lifespan, through access to quality behavioral health services that include screening, early intervention, prevention and treatment.*

### Areas of Concentration

- Mental Health and Mental Disorders
- Alcohol Abuse
- Substance Abuse
- Autism Spectrum Disorders
- Exposure to Trauma

### Objectives Selected for Phase 1 Implementation

- Mental health emergency room visits
- Excessive drinking by youths and adults
- Non-medical use of pain relievers
- Illicit drug use
- Screening for autism
- Screening for trauma

## 7. Health Systems

*Goal: Align efforts of health systems stakeholders to achieve sustainable, equitable, and optimal population health.*

### Areas of Concentration

- Access to Health Services
- Quality of Care and Patient Safety
- Health Literacy, Cultural Competency and Language Services
- Electronic Health Records
- Public Health Infrastructure
- Primary Care and Public Health Workforce
- Financing Systems
- Emergency Preparedness and Response

### Objectives Selected for Phase 1 Implementation

- Health insurance coverage
- Community-based health services
- Patient-centered medical homes
- Transportation to access health services
- Quality and patient safety standards for health systems
- Adoption of national Culturally and Linguistically Appropriate Services standards by health and social service agencies
- Professional health workforce shortages and diversity
- Funding to align with prevention and population health priorities

## DPH Statewide Priorities

- High blood pressure, heart disease, stroke
- Obesity
- Vaccine-preventable infectious disease
- Falls
- Preconception health, interconception care/ premature/preterm births, and low birth weight
- **Poor housing conditions**
- **Unhealthy community design**

## What Can You Do?

- Join the CT Health Improvement Coalition. Press “JOIN TODAY” at <http://www.ct.gov/dph/cwp/press.asp?a=3730&Q=515380&PM=1>
- Consider dedicated members to work on Action Teams
- Identify/align/fund policies to improve health under the SHIP
- Use/encourage use of evidence based actions
- Collaborate with other sectors
- Consider health impact assessments and health in decision making
- Participate in community health assessments and community health improvement plans



## Message from Department of Public Health



For general questions, additional comments, and information on the SHIP please e-mail:

[HCT2020@ct.gov](mailto:HCT2020@ct.gov)

For more information

[www.ct.gov/dph/HCT2020](http://www.ct.gov/dph/HCT2020)

and

[www.ct.gov/dph/Dashboard](http://www.ct.gov/dph/Dashboard)

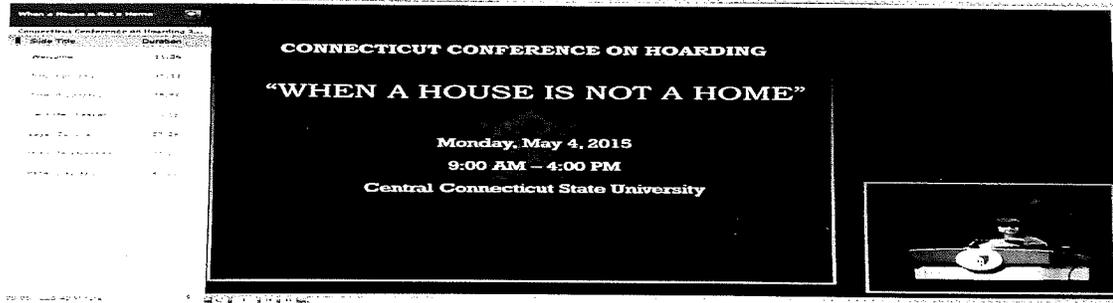
### **LEGAL TRAINING ON HOUSING MATTERS – OCTOBER 27, 2015** **An Overview for Mediation, Investigation and Enforcement**

- POST's Field Services Training Division, in cooperation with the Office of the Chief State's Attorney, is again offering a one-day seminar titled "Legal Training on Housing Matters." The seminar will take place on **Tuesday, October 27, 2015** from 8:30 a.m. to 4:00 p.m. and is important for officers of every level. The seminar is free. It will be presented at the Connecticut Police Academy, 285 Preston Avenue, Meriden, CT in order to allow for maximum open enrollment.

All applicants registered will be accepted and no confirmation of enrollment will be sent out.

A great Hoarding Hazard Response Resource:  
CT'S FIRST STATEWIDE FULL DAY CONFERENCE ON  
HOARDING

See it for free at <https://ct.train.org>



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