

Connecticut Bar Association Policing Task Force Recommendation

Recommendation: Amend the law to prohibit discharging, disciplining, discriminating, or otherwise penalizing a police officer because of the results of a behavioral health assessment.

Connecticut General Statutes § 7-291d currently states: “(a) No law enforcement unit, as defined in section 7-294a, shall discharge, discipline, discriminate against or otherwise penalize a police officer, as defined in section 7-294a, who is employed by such law enforcement unit solely because the police officer seeks or receives mental health care services or surrenders his or her firearm, ammunition or electronic defense weapon used in the performance of the police officer’s official duties to such law enforcement unit during the time the police officer receives mental health care services. The provisions of this subsection shall not be applicable to a police officer who (1) seeks or receives mental health care services to avoid disciplinary action by such law enforcement unit, or (2) refuses to submit himself or herself to an examination as provided in subsection (b) of this section.”

The CBATF recommends amending section 7-291d(a) as follows: “(a) No law enforcement unit, as defined in section 7-294a, shall discharge, discipline, discriminate against or otherwise penalize a police officer, as defined in section 7-294a, who is employed by such law enforcement unit solely because (i) the police officer seeks or receives mental health care services; (ii) the police officer surrenders his or her firearm, ammunition, or electronic defense weapon used in the performance of the police officer’s official duties to such law enforcement unit during the time the police officer receives mental health care services; **or (iii) because of the results of a behavioral health assessment conducted pursuant to section 7-291e. Nothing in this subsection should be construed as preventing a law enforcement unit from considering the results of a behavioral assessment in evaluating whether a subsequent fitness-for-duty evaluation is appropriate.**

Rationale:

Section 16 of An Act Concerning Police Accountability, Bill 6004, requires behavioral health assessments for police officers when they begin their employment, not less than once every five years, and for good cause shown. The CBATF’s proposed amendment seeks to protect law enforcement officers who undergo required periodic behavioral assessments or for good cause shown. The proposed amendment will help eliminate any stigma or adverse employment effects that may result from such assessments.

The CBATF makes this recommendation because ensuring the health and wellbeing of all police officers is a priority and serves the public good. Police officers should be encouraged to disclose mental health issues and to seek treatment without fear of discipline, loss of employment, or any other adverse effect on their careers. The same legal protections that are currently afforded officers who voluntarily seek or receive mental health care services should be extended to officers when they are required to obtain behavioral health assessments.

This recommendation is not intended to shield any officer from a more comprehensive follow-up examination, should such an examination be deemed necessary. The CBATF also encourages municipalities and police departments to consider requiring behavior assessments of

officers more frequently than once every five years, and allocating additional resources to permit more frequent assessments and availability of mental health treatment for officers.