

Draft Recommendation: Amendment Regarding Deadly Use of Force and Training

The CBAPTF recommends that the Connecticut General Assembly pass H.B. 6462, *An Act Concerning Use of Force By A Peace Officer*.

Background:

On March 8, 2021, the Judiciary Committee unanimously approved H.B. 6462 (Joint Favorable Substitute), which provides that Section 29 of Public Act 20-1 of the July special session concerning the use of force by peace officers (1) shall take effect on January 1, 2022; and (2) shall be amended as follows:

- (a) Clarify that whether a police officer's actions were "objectively reasonable" should be determined based upon "the given circumstances at that time," rather than just "the circumstances";
- (b) to require that before a police officer may use deadly force, the officer must, among other requirements, have "reasonably determined that there are no available reasonable alternatives to the use of deadly physical force," instead of requiring officers to have "exhausted" any such reasonable alternatives;
- (c) require that before a police officer may use deadly force, the officer must, among other requirements, "reasonably believe[] that the force employed creates no unreasonable risk of injury to a third party," rather than a "substantial" risk of such injury;
- (d) require that before a police officer may use deadly force to "effect an arrest of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction of serious physical injury," the officer must, "where feasible," provide "warning of his or her intent to use deadly physical force";
- (e) require that before a police officer may use deadly force to "prevent the escape from custody of a person whom he or she reasonably believes has committed a felony which involved the infliction of serious physical injury," the officer must also reasonably believe that the person "poses a significant threat of death or serious physical injury to others" (and, "where feasible," provide "warning of his or her intent to use deadly physical force"); and
- (f) for purposes of evaluating whether actions of a police officer are "reasonable" under the statute, the (non-exhaustive) factors to be considered include whether "any unreasonable conduct" of the officer led to an increased risk of an occurrence of the situation that precipitated the use of such force, rather than "any conduct" of such officer.

Rationale:

The CBAPTF supports passage of H.B. 6462 as adopted on a unanimous, bipartisan basis by the Judiciary Committee. The bill makes small, but important, textual amendments to Section 29 Public Act 20-1 of the July special session that are consistent with the spirit and intent of last

year's Police Accountability Act. These amendments provide important clarifications that will help further guide the use of deadly force by police officers in the field. The amendments also provide additional protections for the public against unreasonable uses of deadly force by the police. Lastly, the bill provides a realistic timeline for implementation of the new deadly use of force statute that will allow police officers in the state to be properly trained on the law.