

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6462

**Title:** AN ACT CONCERNING USE OF FORCE BY A PEACE OFFICER.

**Vote Date:** 3/8/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/22/2021

**File No.:** 45

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

## **SPONSORS OF BILL:**

The Judiciary Committee

Rep. Steven J. Stafstrom, 129th Dist.,  
Rep. Craig C. Fishbein, 90th Dist.,  
Rep. Tammy Nuccio, 53rd Dist.,  
Rep. Greg S. Howard, 43rd Dist.

## **REASONS FOR BILL:**

During July 2020 Special Session, An Act Concerning Police Accountability was passed. In order to ensure police departments can implement changes to the peace officer's use of force, this bill delays the effective date to October 1, 2022. This bill makes changes to the use of force provisions, to include whether the officer has "considered" rather than "exhausted" reasonable alternatives. An officer would no longer have to reasonably believe there is no "substantial" risk of injury to third parties, only need to believe there was no "unreasonable" risk of injury to third parties. When evaluating the actions of an officer in a use of force case, possession or the appearance of possession of a "dangerous instrument" may be considered and only "unreasonable" conduct may be considered instead of all conduct of an officer.

## **SUBSTITUTE LANGUAGE:**

The substitute language changes the effective date to January 1, 2022 and adds objectively reasonable under the "given circumstances at that time" to Section 2(c)(1). The substitute language allows the use of deadly force only if a person is a "significant threat of death or serious injury to others."

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

None stated.

## NATURE AND SOURCES OF SUPPORT:

Connecticut General Assembly, State Senator, Catherine Osten supports substitute language to delay the effective date enacted by Public Act 20-1 of the July Special Session to allow municipal departments time to implement these changes. It is also stated that substitute language should require annual joint committee meetings of the Judiciary and Public Safety and Security Committees to discuss POST recommendations. It is also recommended that the committee add language to include several changes to PA 20-1 not specifically relating to use of force.

Connecticut Conference of Municipalities, State and Federal Relations Manager, Mike Muszynski supports this bill stating that the delay in implementation and modification of the use of force section in order to reduce ambiguity will provide law enforcement with greater direction of the actions police officers will need to employ in the field.

POST Council/City of Milford, Chief of Police/Chair, Keith Mello supports this bill stating that these changes do not significantly alter the intent of the section but provide clarity to police officers who may have to use force to save lives, including their own. It is stated that use of force must be considered a necessary and last resort when there is no other **reasonable alternative** available under the unique circumstances each interaction presents.

Council 4 AFSCME, Legislative Coordinator, Brian Anderson supports this bill stating that pushing back the effective date is crucial because with new changes to training standards, training itself is crucial.

Connecticut Police and Fire Union, Interim President, William Boucher supports the bill stating that an extension of the effective date under Section 29 will provide for more adequate time to review and prepare for the proper implementation of this section.

Connecticut Police Chiefs Association supports this bill stating that the language creates a standard that allows officers to apply a consistent application of the law in order to protect police officers and others. It was also stated that the new effective date will allow for the standardized training of officers.

New Haven Police Union/Police Officers Association of Connecticut, Police Officer/President, Florencio Cotto supports this bill stating that the changes proposed are significant which will allow police officers to be fully trained, a change that is imperative for the safety of police officers. It is also stated that the bill adds new requirements for police officers in the use of deadly force.

Rocky Hill Police Union, President, Nick DeNovellis, supports extending the effective date to October 1, 2022. (Substitute language changes the effective date to January 1, 2022).

Farmington Police Union, President, Stephen Egan supports this bill stating that extending the effective date will save lives because officers will have more time for training. It is also stated that substitute language should be considered in Section 2(b) for clarity for officers because many police use of force encounters occur in a rapid circumstance and officers may not have time to consider alternatives.

Judicial Marshal's Union (IBPO Local 731), President, Joe Gaetano supports this bill stating that extending the effective date is a good first step in addressing issues in Public Act 20-1. (Substitute language changes the effective date to January 1, 2022).

Connecticut Council of Small Towns, Executive Director, Betsy Gara supports this bill stating that extending the effective date ensures that there is enough time for peace officers to obtain the necessary training in use of force policies.

Windsor Locks Police Union (IBPO 3523), President, James Gustafson Jr. supports this bill stating that changing the implementation date allows police departments to determine impacts of the section and properly train police officers. It is suggested that changing the word "exhausted" to "considered" and "substantial" to "unreasonable" increases a police officer's ability to protect the public. It is also noted that "dangerous weapon" should be added to the language.

Judicial Professional Employees Union, President, Robert Moreau supports this bill stating that extending the effective date is the first step in addressing the shortcomings of PA 20-1.

Town of Farmington, former Police Officer, Jeffrey J. Hogan supports this bill stating that the language will remove ambiguity and brings greater clarity to the existing definition of use of force.

Connecticut, Police Officer, Jeffrey Lampson supports this bill stating that extending the implementation date would afford legislators more time to provide clearer and unambiguous guidance to police officers. It is noted that more discussion is required.

East Haddam Police Union (IBPO Local #394), President, Jeffrey Rhoades supports this bill stating that extending the effective date is the first step in addressing the shortcomings of PA 20-1.

Hartford, Connecticut, Resident, Mark A Bibbins supports this bill stating that crime is on the rise and law enforcement need the support of communities and state and local politicians.

Connecticut, Resident, Elliot Spector supports this bill with changes. It is suggested that changing the word "exhausted" to "considered" and "substantial" to "unreasonable" increases a police officer's ability to protect the public. It is also noted that "dangerous weapon" should be added to the language.

#### **NATURE AND SOURCES OF OPPOSITION:**

ACLU-CT, Interim Senior Policy Counsel, Kelly Moore opposes this bill stating that measures are being significantly rolled back through this language. It is also stated that there is nothing that explains what kind of consideration is necessary or whether a police employee can consider an alternative to deadly force for the briefest of time periods and then reject it for any reason at all, or none. It is stated that the changes create too many opportunities to opt for risky, unnecessary use of force without accountability.

Howd & Ludorf, LLC, Attorney, Thomas R. Gerarde does not explicitly state support nor opposition but raises concerns in Section 2 of the bill. It is stated that Connecticut police

officers are trained on the United States Supreme Court standard of objective reasonableness and judged by whether they had an objectively reasonable perception of death or serious physical injury at the time deadly force was employed. It is stated that the requirements in Section 2 of the bill change the objective reasonableness standard and undermines United States Supreme Court justices regarding the most appropriate way to judge a police officer's use of deadly force.

Stamford, Connecticut, Resident, Maureen Blum does not express support nor opposition adding that use of force is necessary in many situations.

**Reported by: Zoë Gluck**

**Date: 3/12/2021**