

Members of the Judiciary Committee,

My name is James Gustafson Jr. I have been a Police Officer in Connecticut since 2003, and I am currently the President of the Windsor Locks Police Union, IBPO #523.

I am contacting you today in regards to H.B 6462 proposing changes to the Use of Force provision in the Police Accountability Act. In my opinion the entire Police Accountability Act was enacted hastily based on emotion and not facts. I feel H.B. 6462 is a crucial beginning to correcting errors that were made in the Use of Force Section of the Police Accountability Act.

I feel changing the implementation date from April 1, 2021, to October 1, 2022, is important because it will allow enough time for lawmakers to properly analyze this section and receive input from various sources to ensure it's in line with clearly established case law. This time extension will also allow Police Departments to determine the impacts of this section and properly train their personnel.

As I read the proposed bill the thing that stood out most to me is how four changes, which entail a total of five words, makes such a large impact on this section of the Police Accountability Act. It appears to be a good illustration of how, in my opinion, the Police Accountability Act is flawed due to being created out of emotion and not facts.

Requiring Police Officer's to "exhaust" reasonable alternatives to the use of deadly physical force and requiring the use of force to not create a "substantial risk" is basically impossible. Following a deadly use of force incident Police Officers are judged by hindsight. If a Police Officer utilizes ten different techniques prior to using deadly physical force, when judged after the incident, if another technique is presented as a reasonable alternative, that the Police Officer may not have thought of or had the time to implement, he or she would be in violation of this section. By changing these two words, from "exhausted" to "considered" and "substantial" to "unreasonable", it increases a Police Officer's ability to protect the public and comply with this section.

In the Police Accountability Act the section on Use of Force states (in summary) that a Police Officer can only use deadly physical force against a person who possessed or appeared to possess a deadly weapon. While I agree that a Police Officer should be able to use deadly physical force against a person who possesses or appears to possess a deadly weapon, the omission of the term "dangerous instrument" was a grave oversight. A deadly weapon (in summary) is a device designed for violence and capable of inflicting serious bodily injury or death. Without the term "dangerous instrument" in this section a Police Officer would not be able to shoot a suspect who was actively assaulting someone with an object that was not "designed for violence" even if the object being used could be used to kill someone. The fact that the term "dangerous instrument" was removed from the use of force section, but remained in other sections of the CT general statues, such as 53a-60 Assault 2<sup>nd</sup>, I believe is another illustration of how the entire Police Accountability Act was hastily enacted.

I would like to encourage all of the Members of the Judiciary Committee to continue to work on the Police Accountability Act with an open mind in order to make the changes that are

necessary to not only protect the public, but also protect the hard-working men and women of law enforcement that go to work every day to Protect and Serve the public.

Thank you for your time and I urge you to pass this bill.

Sincerely,

James Gustafson Jr.