Mr./Madam Chairperson and members of the Juduciary Committee, my name is Elliot Spector and I write in support of HB 6462. I have been a resident of Connecticut for over 70 years. I have been working in and for law enforcement for 50 years, first as a police officer and then as a police instructor, attorney and criminal justice professor. The word "exhausted" in subsection (B) must be replaced with "considered" when addressing reasonable alternatives. It is unrealistic in deadly force situations where officers must make split second decisions to have to "exhaust" all reasonable alternatives. Exhausting all alternatives will compromise officer's primary duty to protect life and will subject officers to sanctions when critics accuse them by suggesting, in the comfort of their offices and armed with post incident information, that there was some other alternative.

The words "no substantial" should be replaced with the word "unreasonable" for the same reasons. These standards are in conflict with Constitutional and clearly established law ingrained in police training and practices for over 35 years. For example, before Columbine active shooter protocols called for officers to wait for supervisors, set up a perimeter, call for SWAT and negotiators and attempt to communicate. Now officers risk their lives abandoning the alternative protocol to save lives. By doing so they may confront the active shooter resulting in the mistaken wounding or death of a third party when a stray bullet goes through a door or wall or ricochets. Such officers will have violated the present wording by not exhausting some reasonable alternative. The statute will also be violated even though they used constitutionally reasonable force because there was some substantial risk of injury to a third party even if it was not apparent to the officer. This is but one example of hundreds of possible scenarios where we will be asking officers to ignore their duty to protect life in compliance with the existing language.

The deletion of "dangerous instrument" in subsection (2) is also contrary to established law and makes no sense. A criminal with an axe, hammer, pitchfork or any other "dangerous instrument" poses an equal or greater risk of serious physical injury or death than one armed with a knife, blackjack or other cutting or striking "deadly weapon." The word "unreasonable" should precede "conduct" in subsection (2) because deadly force situations are emotional and often rapidly evolving where officers have to make split second decisions. There will rarely be a perfect response to such circumstances and someone will almost always be able to, after the fact, dissect the officer's actions to allege something he/she did that may have increased the risk.

We do not want our officers hesitating under these unrealistic standards when they must act quickly to protect lives. Fortunately, most officers recognize their solemn duty to protect their communities and will continue to act in accordance with our Federal and State Constitutions and clearly established law and, as a practical matter, will choose to protect the lives of innocent citizens over the unreasonable standards recently enacted. If the more reasonable version in HB 6462 is not enacted the beneficiaries will be the dangerous criminals who have force used against them and their attorneys who claim there was some other alternative, or he was armed with only a tire iron or the officer did some imagined thing which increased the risk.

Please vote for passage of HB 6462. Thank you for your consideration.