

Law Enforcement officers across our state support changes to our laws that will make law enforcement work safer for members of the community and safer for law enforcement officers. We support Accountability for police officers and desire to build stronger relationships with the communities that we serve and protect.

However, respectfully, the July 9, 2020 Draft does not do enough to encourage and achieve these goals. And while there are worthy provisions in the bill that we support, such as uniform standards for all police departments, improved and uniform training of all police officers, and increased use of body cameras, to name a few, there are certain provisions that we must oppose as drafted, including:

1. SECTION 29 CHANGES LEGAL STANDARD FOR JUSTIFIED USE OF DEADLY FORCE.

We oppose changing the standard articulated by the US Supreme Court in Graham v. Connor, 490 U.S. 386, 396(1989). **“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”**

Section 29 would judge an officer’s actions based on whether *his or her actions are objectively reasonable under the circumstances-* (a reasonable regular person standard)

and says before using deadly force, an officer should *exhaust all feasible alternatives AND there is no substantial risk of injury to a third party AND is necessary to effect an arrest of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the ACTUAL infliction of serious physical injury*

2. SECTION 3 POST DECERTIFICATION AND SUSPENSION.

POST can decertify a police officer if *“found that an officer’s conduct tends to undermine the public confidence in police work”* and provides a list of some – but not all (including but not limited to) -- of the ways that an officer could be subject to such a broad and wide-sweeping finding of “undermining the public confidence” including words or actions that an officer may use when he/she is **off duty**.

AND Allows POST to issue **“45 day suspension”** and censure even if the officer’s conduct does not rise to the level of revocation of his/her certificate.

3. SECTION 41 QUALIFIED IMMUNITY

This section would repeal Governmental Qualified Immunity which are defenses which protect police officers and the municipality from lawsuits where the Court finds that there are not sufficient facts in the case to support a claim that a person’s civil rights were violated.

4. SECTION 12 TASK FORCE

Task force would study taking road jobs away from police officers, and they would study requiring all police to purchase their own professional liability insurance. These issues should be left to the towns in the interest of public safety.

5. SECTION 16. MENTAL HEALTH

Requires an officer to have mandatory mental health evaluations every 5 years. Can this result in

personnel action? Given the passage of the Mental Health bill last year, PA 19-17, that requires all police Departments to adopt policies and programs to support the mental wellness of police officers, this section is unnecessary and confusing. It could harm the progress that has been made with respect to getting officers the help that they may need early on through Early Intervention Programs.

6. SECTION 17. Civilian Review Boards.

Civilians would be permitted to issue subpoenas and compel testimony as part of an investigation. This right should not be granted to civilians.

I hope that this letter finds you well and that you share my concerns for the aforementioned points being included in this bill. I feel that if the bill was to move forward as it stands right now it would have a negative impact on the communities that these officer have dedicated themselves to serving. You will see that officers will be less inclined to do “pro active police work” if this bill passes. Additionally it will also make it more difficult than it already is to recruit quality candidates to this job. It is my hope and goal that police continue to be afforded protection under the law, but are also held accountable for their actions and wrongdoings just as any member of the community. I hope this bill does not pass because it will make an extremely difficult job, much more difficult and less desirable. Thank you for your time.

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Sent from my iPhone