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Revised Connecticut Department of Emergency Services and Public Protection Standards Require Municipal Police Departments to Immediately Amend Their Use of Force Policies

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by Hon. Robert L. Holzberg (Ret.)

On June 12, 2020, the Police Officer Standards and Training Council (POST), a division of the Department of Emergency Services and Public Protection, amended its Compliance to Law Enforcement Standards and Practices (CLESP) Standard #16 governing the use of force by Connecticut municipal law enforcement agencies. General Statutes 7-294ee previously mandated that by no later than January 1, 2019, all “law enforcement units” including municipal police departments, were required to adopt the minimum law enforcement standards, policies and methods of compliance promulgated by POST.

On June 12 POST revised the applicable use of force standard and made its revision effective immediately. It imposes sweeping changes on law enforcement officers’ use of force. Most notably it bans the use of chokeholds and similar restraints, imposes an affirmative obligation on police officers to intervene and report when they witness misconduct of other officers, and requires that officers deploy de-escalation strategies and/or verbal warnings prior to the use of force when feasible. The full text of CLESP Standard #16, Use of Force is available here: https://portal.ct.gov/-/media/POST/GENERAL_NOTICES/2020/20-04-Revision-to-CLESPP-16-Use-of-Force-PA.pdf

These revisions impose immediate obligations on local municipalities and their law enforcement agencies, and any private entity such as universities and secondary schools whose police officers are POST-trained and certified, to revise

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and amend their policies to insure compliance with the new POST use of force standard. While the focus of this Alert is on Standard #16 Use of Force, specific attention should also be given to the other fifteen standards and policies governing local and private law enforcement entities. They include fair and impartial policing, response to crimes of family violence, use of body-worn camera equipment, and recruitment and retention of minority officers.

Reforms of law enforcement policies and procedures arising from the public outcry over the deaths of George Floyd and Rayshard Brooks are occurring at lightning speed. On June 15, 2020 Governor Lamont announced fundamental revisions to the Connecticut State Police policies and practices that mirror the changes in POST Standard #16. The Connecticut General Assembly is likely to consider similar reforms in a special session.

We recommend that municipal law enforcement departments and private law enforcement agencies whose officers are POST trained immediately undertake the following review and implementation:

- Make sure that their departments have adopted as of January 1, 2019, and maintained since then, the 16 minimum standards and practices promulgated by POST, or the more exacting standards developed by the Council on Accreditation for Law Enforcement Agencies.
- Revise their use of force policies and procedures to make sure they conform with the language and intent of the June 12, 2020 revision to POST Standard #16.
- Make sure that the use of force policies are posted prominently in public spaces and on the municipal and law enforcement websites.
- Make sure that pursuant to General Statutes Section 7-294bb the law enforcement agency has established a written policy concerning complaints from the public alleging police misconduct and that the policy is available in the municipal building or town hall and on the law enforcement agency's or municipal internet website.
- Make sure that all law enforcement leadership and sworn officers as well as municipal chief executives and governing bodies such as town councils and boards of selectmen are familiar with and understand the sixteen POST standards.
- Schedule, as needed, special informational and training sessions on POST standards and policies for the public, municipal and law enforcement administrators and law enforcement personnel.
- Carefully monitor any legislation or revisions to POST policies that will affect law enforcement standards and procedures.
- Make sure that municipal and law enforcement leadership have copies of and are familiar with the policy recommendations of The 2015 Final Report of the President's Task Force on 21st Century Policing and the implementation strategies issued by the Task Force in 2017. Both the 2015 Report and 2017

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implementation recommendations form the core of many of the current proposed reforms to police policies and procedures.

If you seek further information or guidance please feel free to contact Judge Robert L. Holzberg (Ret.) or your Pullman & Comley attorney.

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