

Dear Representatives Grad and Christie,

I hope this note finds you well and well-rested after the legislative break. Thank you for the important work you and your committee are doing on behalf of all Vermonters on H.145 and so much more.

The law enforcement community has offered testimony on H.145 indicating that we would like to prepend section (b)(5) with a few words, "to the extent feasible". In committee we have heard repeatedly from Rep. Lalonde, Leg Counsel Hare and others that this is not necessary as sections (b)(4) and (b)(5) "hang together" and would be considered together by a court in interpreting this statute.

In light of this, we offer the following edit as a simple improvement to H.145 v. 2.1 dated 02-25-21:

H.145 CURRENT LANGUAGE in section (b):

(4) Whether the decision by a law enforcement officer to use force was objectively reasonable shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances. A law enforcement officer's failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable.

(5) When a law enforcement officer knows that a subject's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the subject's control, the officer shall take that information into account in determining the amount of force appropriate to use on the subject, if any.

SUGGESTED IMPROVEMENT: Combine the two sections together. If it is smoother, insert the word "Further" like this:

*(4) Whether the decision by a law enforcement officer to use force was objectively reasonable shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances. A law enforcement officer's failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable. **Further**, when a law enforcement officer knows that a subject's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the subject's control, the officer shall take that information into account in determining the amount of force appropriate to use on the subject, if any.*

Thank you for your consideration in this matter. We would be happy to provide testimony or answer any questions you and the Committee may have. My cell phone number is in my signature below.

Respectfully submitted,

Jen

Jennifer L. Morrison

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