

Subject Modifying the authorization for peace officers to use deadly force

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Overview

Before 2020, Minnesota’s law authorizing peace officers to use deadly force stated that an officer could use such force in the line of duty “to protect the peace officer or another from apparent death or great bodily harm.” In 2020, the legislature amended the law to incorporate a standard from the U.S. Supreme Court case *Graham v. Connor*, removed the word “apparent,” and specified three factors that must be met to justify an officer’s use of deadly force. That change included a statement on legislative intent that said an officer’s decision should be assessed from the perspective of a reasonable officer, based on the circumstances known to or perceived by the officer. The portion of the statute authorizing the use of deadly force refers to facts known to an officer. It says that an officer’s use of deadly force is justified if an objectively reasonable officer would believe, based only on the facts known at the time, that deadly force was needed to protect the officer from a threat of death or great bodily harm that (1) can be articulated with specificity, (2) is reasonably likely to occur absent action by the officer, and (3) must be addressed through the use of deadly force without unreasonable delay.

This bill would amend the portion of the statute authorizing the use of deadly force to say that the officer’s determination that deadly force was necessary should be assessed based on the facts perceived by the officer in addition to those known to the officer.

Summary

Section	Description
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1	Use of deadly force. Amends the statute authorizing the use of deadly force by peace officers to say that the assessment of an officer’s determination that deadly force was necessary should include consideration of facts perceived by the officer.
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