

Good afternoon.

My name is Fernando Spagnolo, I am the chief of police of the Waterbury Police Department. I joined the Waterbury Police Department in July of 1992. During my tenure here I served in the Patrol Division, Motorcycle Unit, Tactical Narcotics Team, Vice and Intelligence Division, and Aid to the Chief of Police. I have also participated in numerous projects and investigations with both the State and Federal Departments of Homeland Security. After being promoted to numerous positions within the department within the past 25 years, I became chief in December 2018. I am recognized by the courts as an expert witness in several areas. I am a graduate of the 69th session of the FBI's Law Enforcement Executive Development School in Quantico, Virginia.

I currently serve as the President of Waterbury PAL Inc., and I am a member of CT Police Chiefs Association and the Western Police Chiefs Association.

I have dedicated most of my adult life to public service. As Chief of police, I have led my department with a philosophy of community oriented policing, to include interaction with all members of the community, with a focus on the impoverished black and brown community.

I come before you today as a chief administrator of one of the largest police organizations in the State of Connecticut, to provide testimony on behalf of all the men and women in law enforcement

First, I would like to acknowledge the recent events which gather us here today, to include the senseless and tragic death of George Floyd on May 25th 2020. [PAUSE] What happened to George Floyd was inherently wrong. ALL men and women in Law Enforcement agree with this, and want to take measures to prevent this type of tragedy from occurring again.

This event and others, where law enforcement have improperly treated members of the black and brown community, highlight the need for change.

I would first like to acknowledge the hard work of our legislators and committee members who spent the time crafting this proposed legislation on police accountability.

Our state needs a bill that provides more transparency and takes steps toward rebuilding public trust in law enforcement, especially with regard to the black and brown communities. The current bill provides a great foundation for these necessary changes to occur.

A number of the proposals contained within the bill are already in existence and included in current practices, policies and procedures of CT municipal law enforcement agencies. Training to all municipal law enforcement officers currently exists in the following areas:

- De-escalation
- Mental Health
- Implicit Bias
- Crowd Control and Civil Disorder
- Justified Use of Deadly Force and chokeholds
- Search and Seizure
- Duty to intervene

There are some components of the bill that provide a good starting point for change.

I would like to commend the legislators and committee on their recommendations concerning Mental Health, diversity, and minority recruitment, retention, and promotion.

The proposed task force on police accountability is another positive step.

As a law enforcement officer, some parts of this bill are very troubling, and they include:

- The elimination of the “objectively reasonable” standard regarding the use of force.

More importantly:

- The elimination of Governmental and Qualified Immunity

By eliminating immunity, an unnecessary burden is placed on law enforcement officers who no longer will be protected against personal liability for some actions taken in the course of their daily duties.

Municipal police officers in CT respond to hundreds of thousands of calls for service per year. Many of these calls require officers to make split second decisions. For officers to apply deliberate, critical thinking skills that require officers to make a decision to protect the safety of the community and themselves is a daunting task.

Holding officers personally liable will create safety risks to the public and police officers. Officers will hesitate in making a decision that was once considered “objectively reasonable” and protected by governmental immunity, but will be no longer.

Some reforms are necessary, but taking away immunity from officers at the municipality level is punitive. In essence, this bill will make it easier to file lawsuits against officers and municipalities in state court. Currently, the best avenue for the public to file claims is through federal court.

By eliminating immunity, police officers and their families will be impacted. Examples include

- the ability to provide for their families
- the additional cost of personal liability insurance
- the additional stress of making the wrong decision in good faith
- financial impositions placed on an officer during civil litigation

Another unintended consequence, at municipal level, will be that towns or cities will be named in many more lawsuits and will be required to defend themselves. The direct impact on the community will culminate into the need for a revenue source to pay for all of this and it will land on the shoulders of the tax payers.

Through no one’s fault, but due to the potential for an influx of civil lawsuits, the state judicial system could be overburdened to the breaking point.

In order to understand these implications fully, the proposed elimination of governmental/qualified immunity requires significant research and study; therefore, this bill should not be rushed into legislation.

Most police officers make split second decisions based on their training and professional experiences. We are in times where discretion in these split second decisions, saves lives. These are times when an officer needs to focus on their duty to protect and serve the community and not on the financial repercussions they may face.

Under this proposed bill officers can act reasonably and in good faith and still be sued. Officers need the ability to function with discretion to protect society as a whole, without fear of losing their certification or being held financially liable, in hindsight.

Police officers need support through mental health and diversified councils governing policies that they perform under.

The overwhelming majority of police officers act under color of the law. Denying protections to those officers, because of the actions of a few who may act willfully, wantonly, or maliciously, is simply wrong. There are already mechanisms in place to hold accountable, those who act willfully, wantonly, or maliciously.

I am here to empathetically state that law enforcement wants to be a part of this positive change.

This bill should be sent to the police accountability task force for a study to avoid unintended consequences and financial impacts that will directly and negatively impact the safety of our communities and jeopardize the liberty of our citizens. This has to be done right and should not be rushed. To do that, Law enforcement needs to be a part of this conversation.