



WATERTOWN POLICE DEPARTMENT
195 FRENCH STREET
WATERTOWN, CT 06795
860-945-5200



John C. Gavallas
Chief of Police

Joshua N. Bernegger
Deputy Chief

07/16/20

Members of Judiciary Committee,

The purpose of this letter is to express the Watertown Police Department's Union, Lodge #38 with the Fraternal Order of Police, vehement opposition of LCO #3471 "An Act Concerning Police Accountability." We feel this bill has been written by people who watch police shows and think they know what this job truly entails but have no realization. We strongly believe that if this bill passes, there will be a mass exodus of law enforcement officers throughout the state. There are many flaws with this bill; many of them feel more like a punishment to law enforcement than reform. This bill is an absolute betrayal to law enforcement. How can we, as a great law enforcement family, be judged as a whole on the actions of a few bad police officers?

Reform is defined as to make changes in something, typically a social, political, or economic institution or practice in order to improve it. We would be naive to think that there are things within the law enforcement community that don't need change but some of the following changes are unnecessary and potentially dangerous to police officers and the communities they serve.

Starting with Section 10 and 11, police departments have been trying to improve procedures to recruit, retain, and promote minority police officers. The problem we are facing is that minorities are not applying for the position of a police officer for reasons unknown. One can only speculate, that due to the loathing that minority groups have towards law enforcement, a minority that is interested in becoming a police officer, may think twice for fear that he/she is betraying their own. Also, why would anyone want to become a police officer during these times? Between the bashing and horrendous portrayal, that we get receive the media, and the new laws being put in place by politicians, society has lost all respect and faith in law enforcement. As a solution, we as a society have to come together to eliminate this animosity.

Section 16 is an area that is also concerning. Requiring a mental health assessment every five years can lead to serious repercussions to the department and the town they serve. For example, in order to become a police officer, we must submit and pass a psychological assessment. In five years' time, that officer will now have to take another test, per this bill. What happens now if the police officer fails this test? One can only conclude that the officer must have sustained some type of mental health issue while on the job which now makes this a worker's compensation issue. Is that officer now terminated and who is responsible for helping that officer seek treatment? We are not against mental health assessments, however, we must have to think about what has to happen if the officer fails.



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Section 17 talks about civilian review boards and their authority. What disturbs our union with this is the mere fact that a civilian is given the power to determine if what we did was right or wrong. That civilian has no law enforcement training or experience. I compare this to a person with no medical experience sitting on a review board for a neurosurgeon after conducting brain surgery. How can someone with no experience tell someone with experience how to do their job? I highly doubt a civilian has been put in a position that the split-second decision they have to make will cause someone to either live or die. We are not against a “civilian review board” but feel that multiple people on the review board should have some type of law enforcement experience.

Section 21 and 22 are unreasonable. Per the Fourth Amendment of the U.S. Constitution and Article 1, Section 7 of the Constitution of the State of Connecticut, people shall be secure in their persons, houses and possessions from unreasonable searches and seizures and that no warrant shall issue without probable cause and particularly describing the place to be searched and the persons or things to be seized. Within the context of the amendment, there are seven exceptions of the search warrant rule; two of them being consent and motor vehicle searches. This bill will now eliminate the option of obtaining consent from the individual. If we can't ask for consent to search a car or person, any drug interdiction will cease to exist from that point forward. Society asks that police officers be proactive in the fight against drugs but how can we when tools such as verbal consent are taken away from us.

The changes to the use of force in section 29 create an unnecessary and even dangerous situation for a police officer. The changes are now requiring that the officer exhaust all feasible alternatives to the use of deadly physical force. Does this mean that an officer must articulate that he showed physical presence, tried to speak to the individual, went hands on with the individual, then used a baton and oc spray, then a taser before using his gun? There are situations where an officer will not have the time to use all his tools and must use the tool that he reasonably believes will affect the arrest. We find no need to change any language when it comes to use of force.

Duty to Intervene in section 30 is another concern to law enforcement. What happens to an officer who witnesses what they believe to be a reasonable use of force at that time and does not act. Fast forward to a later point of time during which an investigation into the use of force is being conducted and that a Civilian Review Board has deemed the use of force excessive. Does the witnessing officer get in trouble as well? Any officer that fails to intervene during a time of an excessive use of force should face repercussions.



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Qualified Immunity is supposed to protect police officers against false claims of misconduct. Qualified immunity may decrease and possibly eliminate police misconduct but it will also decrease police proactivity. With the elimination of qualified immunity, suggestions have been made that police officers will now have to obtain their own insurances at personal cost like doctors do. This cost would not be financially possible on our modest salaries. Simply put, we could not afford to be police officers.

In conclusion, if this bill or any part of this bill were to be made into law, police officers will no longer be proactive but reactive. We will be walking on eggshells with every interaction we have with the public and will start to second guess ourselves when a split-second decision has to be made. There will be a mass exodus of police officers leaving departments short-staffed and the public at risk. The pool of qualified candidates will decrease as well because no one will want to risk their lives for what little we have left. At the end of the day, our main goal is to protect and serve our community and to make it home safe to our families. This bill will only make that goal even harder and deter future candidates from applying. If we are being asked to change the way we conduct our jobs, then society should also consider a reform.

Ofc. Christopher Donston

Vice-President of Lodge#38 FOP

Watertown Police Department