



## State of Connecticut

### SENATE

STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

**SENATOR ANDREW J. McDONALD**  
DEPUTY MAJORITY LEADER  
TWENTY SEVENTH DISTRICT

23 PIERCE PLACE  
STAMFORD, CONNECTICUT 06906

TELEPHONES:  
HOME: (203) 348-7439  
CAPITOL: (860) 240-8600  
TOLL FREE: 1-800-842-1420  
FAX: (860) 240-0021  
E-MAIL: [McDonald@senatedems.ct.gov](mailto:McDonald@senatedems.ct.gov)

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February 25, 2010

Senator Andrew J. McDonald  
Testimony for Labor and Public Employees Committee  
S.B. 168, An Act Concerning Workers' Compensation And A Police Officer's Use Of  
Deadly Force On An Animal.

Good afternoon Senator Prague, Representative Ryan, and members of the Labor and Public Employees Committee. I apologize for being unable to testify before you in person today, but a previously scheduled professional obligation prevents me from making it to Hartford to stand, as I do, with Officer Frank Chiafari in support of S.B. 168, An Act Concerning Workers' Compensation and a Police Officer's use of Deadly Force on an Animal. I thank this Committee for raising this important legislation, and I urge its passage.

I was first contacted about six months ago by the Stamford Police Association and then Police Chief Brent Larrabee after one of Stamford's most seasoned and veteran officers was denied workers' compensation benefits for emotional injuries suffered by him in the performance of job-related duties. As members of this Committee are certainly aware, about a year ago a tragic incident occurred in my city, and many brave police officers responded to an emergency call for help. But one of those officers was put in an unimaginable situation of personal danger, and was forced by circumstances entirely beyond his control to fatally shoot a dangerously deranged chimpanzee to protect his own life. By now the circumstances of this tragedy are well known, and don't need to be repeated in detail. But one aspect of this tragedy has been overlooked for too long, and has resulted in an honorable and brave officer suffering silently for more than a year.

After the brutal attack on Charla Nash, Travis the chimp turned his aggression and brute power toward Officer Chiafari. First he ripped the side-view mirror off Officer Chiafari's cruiser and then, unbelievably, opened the driver's side door in an attempt to make Officer Chiafari his next victim. There was no choice, given the imminent risks

presented, but that Officer Chiafari had to shoot multiple rounds into the chimp to ward him off. The gruesome risks presented to Officer Chiafari that day were far beyond those any sworn officer should have to bear, and the burden he carries with him every day since is just as unbearable.

As the law is currently written, an officer in the exact same situation, using the same deadly force on a person in order to save himself from serious physical injury or death, would be entitled to receive workers' compensation for emotional distress injuries. Because this officer was forced to shoot and kill a 220 pound chimpanzee, who was more dangerous and powerful than a 220 pound man, he is not covered under current law.

This bill was carefully drafted. It seeks only to extend existing law to afford police officers an opportunity to receive compensation for injuries associated with mental or emotional impairments where the use of deadly force is needed to prevent an animal from seriously injuring or killing an officer. The physical and emotional injuries that can be sustained by an officer in such a violent and dangerous situation are very real, and circumstances involving life and death will have an impact on the person experiencing them whether they involve another person or an animal. As we have seen, there are extraordinary cases where animals create devastation equal to, or greater than, that of man. That devastation can have both physical and emotional components, and one should not be treated differently than the other under our law.

Officer Chiafari responded honorably to the call of duty that day -- and has risen every day to the highest ideals of law enforcement since that tragedy. He performed bravely in a devastating situation which would have been worse had he not thought and acted quickly.

This state's laws ought to recognize, and honor, that service, and the injuries he has suffered. Frank Chiafari has not sought public acclaim for his heroic acts. He simply performed his job in the most honorable way he knew how. Now is our chance in the legislature to perform our job with an equal measure of humility and honor, and to rectify a significant shortfall in our current workers' compensation system.

Thank you again for taking the time to address this important issue, and for recognizing the service and sacrifice of Officer Chiafari to the people of Stamford.