REPRESENTATIVES: Blumenthal, Carpino, Concepcion, Conley, Champagne, Cummings, Currey, Dillon, Dubitsky, Fox, Godfrey, Harding, Haskell, Hill, Horn, Luxenberg, McGorty, Miller, O'Dea, O'Neil, Palm, Porter, Riley, Smith, Young

REP. STAFSTROM (129TH): Call to order. The Judiciary Committee Public Hearing for Wednesday, February 27, 2019. If we can find our airport safety instructions.

Exits, hearing rooms behind us and lock down announcement, stay in the room and away from the doors. Beverage service will begin shortly. We are going to start with our state agency heads and Chief Elected Officials. First will be Tonya Hughes, the Director of the CHRO. Good morning. Good to see you.

TANYA HUGHES: Good morning. Thank you for having us. My name is Tanya Hughes and I am the Executive Director of the Commission on Human Rights and Opportunities. With me is Cheryl Sharp and we're
here to testify on SB 857, AAC Expedited Approval of Affirmative Action Plans. And basically we'd just like to say that this puts into law a process that we're already exercising at the Commission and we're in support of this Bill. And if you have any questions, both of us are here to answer any questions that you have for us.


NICOLE LAKE: Good morning. The Attorney General is under the weather this morning so he apologizes for not being here in person. But good morning Chairman Stafstrom, Senator Kissel, other members. My name is Nicole Lake. I'm Counsel to the Attorney General. And with me I have Assistant Attorney General Rob Teitelman. We're here this morning to testify on behalf of 7187, AN ACT CONCERNING REVOCATION OF A PUBLIC OFFICIAL'S PENSION OR A STATE OR MUNICIPAL EMPLOYEE'S PENSION.

Sure, most of you are familiar with this statute. It was passed in 2008. This Bill seeks to make really a procedural fix to how the statute operates. So as background information, there are two steps that are sequential to seeking a revocation or reduction of a pension first. A criminal case is brought by the State's Attorney or it could be brought in federal court as well. If there's a conviction, a guilty plea or a nolo contendere on kind of one of these underlying predicate crimes; so we're talking about embezzlement, fraud, bribery,
crimes that are in the category of being kind of related to that individual's position as a public official or a state or municipal employee.

If there is a conviction there then our office proceeds with a civil action in Superior Court to seek the reduction or revocation of the public pension. The way that the statute is written right now our office is charged with notifying the prosecutor of the Pension Revocation Statute. It's just backwards. We actually are not aware in the first instance of all the proceeding criminal cases but the State's Attorneys would be aware of these cases. So we're just asking for a flip in the notice provision. This would put the notice requirement on the State's Attorney to let us know and then we could move forward with bringing the civil action.

In practice because of the way that the statute is currently written, we've been finding out about cases through news reports, social media, the public letting us know. I mean as you all know, these are typically high-profile cases, but the flow of information is imperfect at best at this point. We are kind of reliant on -- on finding out about the cases. But if that notification is flipped we'll know about the cases earlier on and will be able to move forward.

REP. STAFSTROM (129TH): So Attorney Lake to summarize then this is purely a procedural change and not a substitute change in any way to the Revocation Statute?

NICOLE LAKE: Yes, sir.

SENATOR KISSEL (7TH): Good morning Attorney Lake. And just to confirm this is one of the requests from the Attorney General's Office?

NICOLE LAKE: Yes, it is. And we also spoke with the Chief State's Attorney understanding that all the other State's Attorneys as well and they were amenable to us seeking this change as well, but yes, it is -- the request is coming from our office.

SENATOR KISSEL (7TH): Okay, great. Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Further questions from the Committee? Seeing none, thank you very much and give the -- give the Attorney General our best. Tell him to take some Vitamin C pills.

NICOLE LAKE: I will let him know. Thank you very much.

REP. STAFSTROM (129TH): Representative Camillo joining us so we're going to move on to the public list and first up I have is Rebecca St. George. Okay. Kris Eng -- Eng -- Engstrand.

KRIS ENGSTRAND: Good morning. I -- as you stated, I am Sergeant Kris Engstrand from the Stamford Police Department. I am the President of the Stamford Police Association and I'm here to testify on behalf of the Police Mental Health and Wellness Bill.

When I did this last year some of the feedback I got from several politicians and some people in the community were, why do cops feel they need to be treated differently than the general public in
regards to the gun laws? Well, we carry a gun for a living so this has to do with our job and the ability to do -- seek mental health help when it's needed and the fear of losing your gun and/or your job if you seek help is -- is a big problem in our industry. So to answer the general question, which was actually just asked to me by my Mayor and one of his assistance was, why should we treat you any different than anybody else?

As people, we shouldn't be treated different. We are just like everybody else. We put our pants on one leg at a time but what we do for a living is very different and it's very special. And I think it's time that people understand that. And in regards to this law, this would just allow us to go back to work sooner once cleared and whatever illness the officer has, is addressed.

So if I could just take a moment of your time to understand and maybe explain why I think and some people out there think yes, what we do for a living is very different; I have a letter that from 2014. The statistics may be a little off at this point because new ones have come out from the FBI but this is a letter that was written by the wife of a fallen police officer and I think it really explains what we go through in a general day, to help you guys understand what we go through. And in regards to that, can you guys do me a favor? All of you take your smart phones, put it on video. Turn it at yourself and/or the general public and do it for the rest of the day because that's what we do. Everything we do is scrutinized 24/7. We are under video. So that stress is big. And we understand that. We signed up for it. I have no problem of it. I'm actually a supporter of the body cams
'cause it works for us to show us that -- show you guys and the general public that we do our job, and that we are good people. And for the small percentage of a whole, we're getting criticized over that but the cameras haven proven us to be right.

So let me read this letter. It's titled, Your Just a Cop For What It's Worth. What will it take to see the truth about law enforcement? Our law enforcement officers are being murdered as well as laying down their lives on duty every 58 hours. They are being shot at while sitting at traffic lights, executed in coffee shops on their lunch breaks, lured into ambushes and blown away while removing debris from the roadway, which just happened the other day. A Tennessee Sergeant, 27 years on the job was helping somebody, got shot and just succumb to his injuries last night and now makes the statistic to nine police officers have been shot and killed since the start of the year nationwide. While responding to alarm calls, which were set up for an ambush. They are being killed in their own driveways while off duty. They are being shot inside their own precincts.

If celebrities, professional athletes or politicians were being targeted, shot and murdered to the tune of one dead every 58 hours there would be an instant demand for answers and protection. There would be a national cry to stop the violence before it impacted reality TV or Sport Center. Regardless of the proven statistics which tell us otherwise, our officers continue to get blamed as a whole for the actions of less than 1 percent. Regardless of common sense in the world, where would we have all of the encountered the bad -- we all have
encountered a bad mechanic, a bad doctor or plumber. We all -- we blame all cops for just a few.

We don't need to condemn their entire profession. It's asinine to even consider, but with law enforcement it's instant condemnation for all. What exactly does an officer have to do for you to say his or her life has worth? What will it take for you to see the family? I understand that's the bell.

REP. STAFSTROM (129TH): Just summarize.

KIRS ENGSTRAND: Summarize is, what's it going to take for everybody to realize what we go through in a day and the pressures and this Bill will help the people who succumb to these pressures and constant daily grind to go get the help they need without the fear of losing their job.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Senator Champagne.

SENATOR CHAMPAGNE (35TH): Thank you. I'm going to use you a little bit because I'm going to show you why I support this Bill.

A few years ago I was a policeman. Did 22 years on the job and I had three incidents happen within a short period of time. The first one was a young man who was riding his bicycle and he was struck by a car. I arrived on scene, did what I could. He didn't make it so I had to go tell his mother that her teenage son had passed away. He had just celebrated his birthday and just got that bike. And walking up to the house with a -- another policeman and a -- and a priest; the mom walks out. She sees this and she immediately collapses. She knows which child is at home and she knows we didn't show up for
no reason. I then got to stand there and as family members arrived I had to tell each one of them what was going on.

Not even a short time later the next incident was a dad leaving for work and his daughter, three years old ran out to give him something to take to work with him and dad backed over that child. Dad put that daughter in a car seat and raced to the hospital. I met him at the hospital and carried him -- you know, went into the hospital with him. Nothing could be done but this father collapsed at the door of the -- of the room and they couldn't get anybody in there, so I had to pick this father up and I had to wash his daughter off of him. And shortly after that a mother had fallen asleep nursing her child and that baby had died.

From that point forward I couldn't sleep at night. Maybe getting an hour or two. Was having some serious problems but I didn't want to go forward. I didn't want to go forward because I didn't want to be seen as weak. This is something common amongst police officers. This went on for a year and a half. Finally I got the help I needed, but the Chief had sent me when I had asked him; he sent me to UConn and this -- this -- I got assistance up there and when I started to tell the story of just the -- the young child that was hit the person treating me says, you know, I remember this story from a year and a half ago. Half the emergency room showed up. What took you so long?

But this is what officers go through. You know this isn't the policeman is out there looking for things. These are things that somebody has to go to and the officer is usually the first ones on the scene. And
the officer fears for his job because you don't want to be seen as weak, you don't want to be taken off the road. And it's time we start protecting them, we start looking out after these officers.

My good friend is in the audience here and her husband took his life because he didn't -- he wasn't able to get that help. You know this is a serious problem. You know I've gone into basements looking for guys with guns, pitch dark. I've got to do because you're upstairs, you want me to get this guy out of your house. And I've done a lot of other very dangerous things. I've had guns pulled on me and almost had to shoot somebody once. I thank the Lord I didn't have to. But it's time for us to take care of our policeman because what happens is, you know here I am suffering a little posttraumatic stress syndrome during this incident and I pull somebody over and the first thing I hear out of the person's word is him cursing me out just because I stopped him for going through a red light. I get mad, already have some mental health stuff going on, didn't get the help and so I give it back to him. You know, who's in trouble? I am. Because I should be under control. But the longer we prevent officers from getting the help; and that's every part of it; the worst this could become.

So I'm going to ask this Committee, especially those in charge, really consider this Bill. This is needed. And I want to thank you for showing up today. I'm sorry I used you, but --

KRIS ENGSTRAND: No, I'm fine with that.

SENATOR CHAMPAGNE (35TH): I think you understand where I'm coming from.
KRIS ENGSTRAND: 100 percent. I'm living proof that it works, that getting help works. I've gone through some traumatic stuff myself from three days on the job out of the Academy I went to a homicide/suicide where the 21-year-old male shot his 20-year-old girlfriend in front of his mother 5-year-old brother. I'd been a police officer literally out of the Academy for three days, and that's how my career started. And I still took it on. And I loved it. And I won't change it. 23 years, I wouldn't change it but I've seen a lot as you just described. From that to the incident that made probably Stamford even more famous was the -- the orangutan incident.

SENATOR CHAMPAGNE (35TH): Right.

KRIS ENGSTRAND: I was on that.

SENATOR CHAMPAGNE (35TH): Okay. And so you've lived through kind of the -- some of the same stuff?

KRIS ENGSTRAND: 100 percent.

SENATOR CHAMPAGNE (35TH): All right. And your fellow officers, how often have you seen that happen?

KRIS ENGSTRAND: Very much so.

SENATOR CHAMPAGNE (35TH): And how many times --

KRIS ENGSTRAND: It was kind of funny -- ironic as I was just sitting here, one of our officers who had to retire because of it -- I don't know if some of you remember the story of Officer Try Strauser, we got in a chase of an armed robber. We actually chased him in Norwalk and he ended up jumping off the I-95 bridge and landed face first. Ripped his face off, broke his arm, blew out his stomach. He's
still alive but he had to retire. And he has PTSD and we -- you know, he went through it. He tried to come back two and a half years after getting through his injuries and he just called me as I walking in here, and I said it's kind of ironic that you call me right now.

And our guys go through this every day and the stuff they talk about you know, we can't -- Jim Moscati of our EAP, I don't know if he's coming today but he's fantastic. The stuff we talk about is don't be afraid to go get help and they are because the way the current gun laws read; the officer would lose his gun for a mandatory amount of time. We're just asking for it to change slightly. They still need to be cleared and approved and all that good stuff and have their handled and treated by a doctor. And we're trying to get on top of that. The police suicide is out of control. And hopefully if they reach out and get help we can start to prevent some of that, and that's what this is about.

SENATOR CHAMPAGNE (35TH): And every year police suicides out number the number of officers killed in the line of duty.

KRIS ENGSTRAND: Correct.

SENATOR CHAMPAGNE (35TH): Thank you for coming today and thank you for bringing this forward.

KRIS ENGSTRAND: Thank you.

REP. STAFSTROM (129TH): Thank you, Senator. Thanks for sharing your story with us. Vice-Chairman Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. And I want to thank Sergeant Engstrand who represents my
police department for coming up here. And I want to thank Senator Champagne and Sergeant Engstrand for sharing your stories today. I think it's tremendously important and tremendously powerful for leaders in any community to be -- to share their mental health stores in order to encourage people to get the help that they need.

When I was in a Marine Corp I know that was a culture where people did not feel comfortable with their stories and getting the help they needed. Police suicide and Veteran suicide is a big problem so I think we need to encourage leaders in all professions, but especially professions where mental health issues may be stigmatized. We need to encourage them to come forward, set the example so we can reduce that stigma and allow people to get the help that they need and deserve, so thank you to both of you today for doing that.

So you know I think that we should be doing -- everything we reasonably can to allow police to get the help they need and to get back on the job. And I guess my one question would be, you mentioned that small minority of officers that do engage in misconduct. I think one concern that people may have is how, if in any way will this Bill affect those officers. And so I would just ask you, what can you say to address those people's concerns that this Bill may allow officers who do engage in misconduct, that small minority to escape accountability in some way?

KRIS ENGSTRAND: I don't know how one equals the other. Just because an officer engages in misconduct, that doesn't mean he has a mental health issue. This is more addressed to the mental health
issue. We are always unfortunately -- it's human nature, going to have the percentage that have -- or do things they're not supposed to just like in any profession. You know if we put enough of them together the law of odds are that something -- somebody is going to do something wrong. I hope we catch them and get them out of our profession because again we are you know; we are governed by what happens in the entire country not just what we do as a profession. Does that make sense?

But I don't know how this Bill could stop the 1 percent from doing wrong. But in order to be cleared to go back to duty you still have to pass certain mental health wellness and I don't think you can mask that and it would be by -- according to this Bill, an approved set of doctors, clinicians, whatever through the state and through the associations, unions, whoever it is that approves that would allow for that so it would be a joint effort to clear that person in order to go back. Does that answer your question?

REP. BLUMENTHAL (147TH): Yes, I think so Sergeant. Just to be clear, it's fair to say that this Bill is not meant to affect disciplinary proceedings in any way.

KRIS ENGSTRAND: No, not at all.

REP. BLUMENTHAL (147TH): And so it sounds like this Bill is meant to address mental health and any action that may require discipline, those two things are meant to go on separate tracks, correct?

KRIS ENGSTRAND: Correct. Absolutely.

REP. BLUMENTHAL (147TH): Thank you Sergeant Engstrand.
KRIS ENGSTRAND: Thank you.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions? Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thank you for coming in. Your testimony is very powerful and I certainly agree that we need to have a process in place where officers can get the treatment that they need without fear of losing their job.

But going to the -- your initial statement that you've heard people ask, why are police different. Let me ask you in a different way. Why shouldn't this also apply to everybody who has a pistol permit or everybody who has access to firearms for their own personal protection?

KRIS ENGSTRAND: I can answer that easy. I'm -- I'm not opposed to it being -- changing the law for regular "citizens," but they're not forced to go get help and they didn't volunteer to go get help. They can just automatically be sent to a hospital and/or not claim it and hide it. Ours is not hidden and it's very known that we are getting the treatment that we need to get and is followed up on and approved to get back. If there was some sort of system put in place for the general public in that manner, I'd be all for it. To monitor their treatment and to prove that they've gone to the treatment that they need by the approved doctors that the Committee has set and you went to one of their doctors; I don't see why they shouldn't be allowed. But right now it's not set up -- that system is not set up that way for the general public. They can go to any doctor they choose.
REP. DUBITSKY (47TH): Thank you. Thank you, Mr. Chair.


REP. PALM (36TH): Thank you, Mr. Chair. Good morning and thank you for your service in such a hard industry. I have a couple of questions of clarification. Do you believe that there is a greater stigma in your line of work for coming forward when there is a mental health issue?

KRIS ENGSTRAND: Absolutely. Just like Representative Blumenthal stated. In the military or anything, we're supposed to be superheroes, right? We have that sigma that we're not supposed to be mentally challenged sort of speak, or have a mental health issue. You know we're always supposed to be strong and supposed to be able to handle everything and swallow it and move onto the next thing. And yes we do, we do that every day. But at the end it builds up and yes, we absolutely have that sigma.

REP. PALM (36TH): And do you think that emanates from a sort of peer to peer relationship or is that something that the higher ups --

KRIS ENGSTRAND: I think it's both. I think it works in joint. Amongst your peers you know, you're always supposed to be strong, the mighty. And also in society you're always thought of as that -- unfortunately we can get into that whole discussion about how we're portrayed in the media nowadays. I can't remember the last police movie that was made where we looked like Adam 12 or Mayberry. We all look like Training Day and/or you know, that we're
going to go shoot up the place. So cops are already aren't in a good light, and now they're going to be -- oh, now they have mental health issues? So that's tough so it's societal and its within itself, the department itself.

REP. PALM (36TH): Yeah, it seems to me it's only logical that the trauma of seeing the kinds of situations that you witness on a daily basis would cause a kind of trauma. I guess my question has to do with, are there not job protections already in place? Especially for unionized people against any kind of dismissal or discriminatory action?

KRIS ENGSTRAND: There is to an extent. There's appeal processes, there's grievances and there's stuff like that but why force them to worry about that when they want to get help?

REP. PALM (36TH): So this is in addition to the job protection?

KRIS ENGSTRAND: This is in addition to that and this would just alleviate one of the barriers of getting people to come forward. It's not automatically guaranteeing their job back. It doesn't mean they're going to get it back. They may have an illness that a clinician and even themselves hopefully; because the biggest thing they can do is look in the mirror and realize where they really are in life. So this doesn't guarantee their job back. They still may not be given their job back. They still may not ever get their service weapon back. They may not be fit for duty but we don't -- we don't want that person who falls into that unfit for duty category to stay on the street because they never came forward.
REP. PALM (36TH): Right.

KRIS ENGSTRAND: Because of the fear of that. So it may help that, to get that person off the street who shouldn't be there.

REP. PALM (36TH): Right. Okay, thank you for that. I understand. My second line of inquiry is about the procession of the firearm. Is this -- do you believe that an officer who has deemed to have some sort of mental situation, even temporary who surrenders a -- an official firearm should also be allowed to keep any personal firearm? Does this -- does this -- in your opinion does this overreach into personal procession of a firearm?

KRIS ENGSTRAND: I think it should. I think if you're mentally declared that you have that issue that yes, you -- you shouldn't be. Just because it's a "belongs to your organization firearm" versus yourself; I feel just like getting a restraining order or something like that, you should have to surrender all of your firearms until you have proven to be okay.

REP. PALM (36TH): Do you feel that that's a common -- I mean that's --

KRIS ENGSTRAND: The general public has to do that as well, so in that way, yes we are the same. We shouldn't be treated different. But we should -- I think it shouldn't be the mandatory length of time can be -- can be quicker.

REP. PALM (36TH): Okay. Thank you, thank you very much.

KRIS ENGSTRAND: Just so they can return to work.

REP. PALM (36TH): Thanks for clarifying that.

SENATOR BERGSTEIN (6TH): Hi Sergeant. Thank you so much for your testimony, and thank you for your years of dedicated service to protecting Stamford, which I also represent. I -- something that you said really -- I think it -- our expectations -- public expectations for what you are supposed to do in your line of duty which is be strong and clear-headed but also compassionate and calm are probably unrealistic expectations for human beings in general in all situations. So it seems to me that we actually have an affirmative duty to support police officers, fire officers -- fire -- firemen and women and anybody who is putting their lives on the line and in stressful situations in the course of their daily duties that are intended to -- to help others.

So I just wanted to ask you, you know eliminating a barrier for an officer to seek help is great but I just wonder if there is even a step further that we could take to affirmatively create a system where someone checks in with officers on a regular basis just to say -- because -- just to ask, how are you doing? Because for someone who is suffering, sleep deprived, you know post traumatic stress disorder, whatever it is; it's very difficult for them to be self-aware enough to actually seek help. And having someone you know, just check in and say what's going on, how are you in a confidential way might help facilitate the process of them getting help.

KRIS ENGSTRAND: I 100 percent agree. We at Stamford are very progressive in that area. We have a support system -- group that we've developed. It's 100 percent confidential. Again Jim Moscati
who is the head of our EAP group, Dr. Moscati, we have that group that's confidential. They can come to us. I am a member of it. We have several other officers, patrolmen of all ranks that are on that. We check in with people on incidents. We send them to counselling and it's all set up by us, paid for by the union and the city themselves. And I give kudos to the City where they have established a direct payment line to our EAP, which is 100 percent confidential and it is separate for police, fireman, EMS, that we can go and get our help and is not part of the regular City EAP, and supports our group in that way.

And we have developed it within our own department to give that exactly what you said to those officers. Anybody who’s going through -- whether it's an on-the-job related incident, financial crisis, marriage crisis, anything like that. They can come to us and it's completely 100 percent confidential. We send guys to their houses. We check up on them. And this is exactly what we do and what I would hope this -- this side of the suicide for police officer part of this Bill could kind of force departments into starting to create those own under that topic and maybe broaden it after that. But that's exactly what we do when we started that years and years ago and many departments have called us to ask us how we do it.

SENATOR BERGSTEIN (6TH): That's really great to hear. So you've sort of developed a model of internal support, which is terrific. Do you have a sense of how many other towns are doing similar things, or is it still pretty rare?
KRIS ENGSTRAND: I think it's becoming more and more commonplace. I don't know how big they've gotten. We are actually trying to get together at least with all of the Fairfield County Departments to where we are to assist with their creation of them, and I know several of our guys have been called out by other departments. Part of our peer group, 'cause we go to Crisis Intervention Training. We send our guys to all that kind of stuff and Peer Support Group Training and stuff. So other departments have called me, have called our other liaison who is Sergeant Kennedy and said, can you send one of your guys to our department to come talk to them, because they just suffered a traumatic incident.

So we have actually shipped our guys out to other departments to help them in that regard. I know we went to Bridgeport. We've been to Danbury. We've gone to Fairfield. So yes, other departments are trying to develop it.

SENATOR BERGSTEIN (6TH): Yeah, and I imagine there's a question of resources involved too. But it's really great to know that you've developed this model and maybe we can aspire as a state to replicate it and scale it. So thank you for everything you're doing. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you, Senator. Senator Kissel.

SENATOR KISSEL (7TH): Thank you, Chairman Stafstrom. Sergeant again, thank you for coming to testify. I feel a little bit that my colleague, Senator Champagne has left momentarily because I wanted to commend him because it's really, really hard whether you're here testifying before a Committee or a member of a Committee, relating
personal experiences that would help to bolster claim for legislation or oppose a claim for legislation. But sort of the confessional approach, I always appreciate that. Representative Blumenthal, again thank you for your service to our nation. Any other folks who have served our nation in that kind of capacity deserves an awful lot of credit.

I just want to take a moment to maybe pay a little homage to my younger brother who passed away almost three years ago who was an Emergency Medical Technician and they also -- and I think this lead to his passing at age 51; the stories that he would relate to me, granted no firearms involved but just being first on the scene with a lot of really horrendous things that they just -- that's their job. That's where they're going. They're going to be seeing bad stuff every single day.

And I remember him relating a story to me where a young man was hit by a train and so in his zeal to try to help that young man he raced over and gave him CPR only to find that the young man's brain sort of came out in the back of his hand. It obviously traumatized him. So there's a lot of folks out there that are seeing things that we -- when we go to work no matter what our capacity is, we're not going to be exposed to that. And the fact that you're actually carrying a firearm as a law enforcement person puts you in a position where you may end up even having to take a person's life which can have serious mental health consequences as well. So I'm certainly going to give this proposal a long, hard look. There seems to be a developing awareness that there's a need out there.
I know I've heard from some of my constituents who say, hey this is what these folks signed up for. They knew what they were getting, but that doesn't mean that we have a turn a blind eye to the deleterious consequences of people that are doing their utmost to protect our health and safety as free citizens here in the state of Connecticut. So thank you for taking the time to come and testify.

KRIS ENGSTRAND: Thank you.

REP. STAFSTROM (129TH): Thank you, Senator.

Further questions from the Committee?

Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chairman. And no questions, just a comment. I just wanted to kind of chime in on what's already been said and to thank you for coming in today to share your story and to speak to this. I mean it is prevalent, it is a serious problem. I have family members, friends, constituents that serve as police officers, firemen, emergency techs. It impacts a wide variety of folks but I think specifically when we talk about police officers and the work that they do in our communities it is imperative that we make sure that they have the resources they need to be healthy mentally, physically and otherwise. And it's unrealistic to think that you witness the things that you witness and it doesn't impact you mentally. And that you should absolutely have resources and outlets to address that so that you can get the help you need, and come back to being in a health mindset and a health state of mind so that you can better serve the community. I think that's very important.

So I just wanted to say that because I also hear from my family members and friends and I see. I
have witnessed. You know we haven't talked about; you know there's a suicide epidemic that is attached to this but there's also domestic violence that erupts from this as well and I've personally seen it in my own family. Very good person. Good, great heart. Wants to serve. This is what he wants to do, but because of how he has been impacted mentally and it's not cool and ain't attractive, especially as a man to admit that you have these kind of issues and that you can't sleep at night as the Senator said. And that you're having trouble, you're not supposed to have those kind of troubles and that's just unrealistic.

It's not real and we need to address these issues head on to make sure that you guys are getting what you need to better serve our communities 'cause at the end of the day, you signed up for that but you also are still human and we need to address the fact that we all fall short and we all need help in different instances and I think it's really escalated in your case because of the duty -- you know the nature of your duty and what you've chosen to do in serving the state or the city or whatever -- whatever level it is you serve on. So thank you. I really do appreciate you coming in and putting a voice and a face to this issue.

KRIS ENGSTRAND: Thank you. Thank you very much.

REP. PORTER (94TH): You're welcome.

KRIS ENGSTRAND: You know you speak of another topic that's -- that's very prevalent. Whether it's the police suicide of this or where -- where they outlet, it's often substance abuse and/or domestic violence which is a whole other category but that's where this help, the EAP side of this and letting
them go get that help is very beneficial and important because if they're not afraid to go get it, hopefully we can start to prevent some of that stuff and fix it.

You know, I know the perception out there is that police officers are more likely to shoot and kill a bad guy sort to speak but the statistics say that they're more likely to shoot and kill themselves than they are to actually kill a bad guy.

REP. PORTER (94TH): That's so true. It's beneficial for all of us, not just you guys.

KRIS ENGSTRAND: Correct.

REP. PORTER (94TH): It's beneficial for the family, it's beneficial for the public and it's beneficial for the public servant. So it's a win-win when we talk about addressing this issue. So thank you again. And thank you for your service.

KRIS ENGSTRAND: Thank you very much.

REP. PORTER (94TH): You're welcome. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions? Seeing none, thank you very much for being with us. We really do appreciate it. Next up with Trish Buchanan followed by

TRISH BUCHANAN: Good morning. My name is Trish Buchanan and thank you for this opportunity.

Paul hurt himself they said. Your husband has sustained a non-survivable self-inflicted gunshot wound to the head. I can still hear those words from that tragic day March 12, 2013. Suicide, such a terrible, ugly, taboo word.
I am the widow of East Hartford Police Officer Paul Buchanan Badge #208. Paul was a police officer who served the East Hartford Community for almost 24 years with pride, honor and integrity. He was East Hartford's Police officer of the Year in 2008 and a decorated officer and a friend to all. Paul and I were married for almost 29 years. We have two amazing sons. Sadly, Paul was diagnosed with job-related PTSD/Panic Disorder/Depression/Anxiety. In his final written words to my boys and me Paul wrote "make my death an issue and help for others that are like me."

Since it's -- since his passing, it has been my mission to fulfill his wish. In 2014 together with the Connecticut Alliance to Benefit Law Enforcement the Believe 208 Mission was born. Our mission is to increase awareness of the unique challenges facing first our responders and to be a trusted, influential source for first responders, their families and community stakeholders.

Did you know these past several years in Connecticut have been devastating for police suicides? We lost five officers in a span of four months in 2017. Now more than ever our local law enforcement officer -- officers and first responders need our support. They give so much to our community.

So I am personally reaching out to you to urge your support of this Bill to help our police officers with legal protections and mental health services by removing any penalties for any officer who seeks mental health assistance in this state. A lot of times they go out of state because of our laws here. This Bill would also allow for the return of a
police officer's firearm after his release from a voluntary admission for psychiatric care.

Please pass this Bill to help our officers who suffer from job-related trauma and mental health impairments. Can you imagine being subjected to horrific incidents on a daily basis, being the first on the scene whether for a gruesome murder, a suicide, a car accident? This is all in a day's work for our police officers. There's a limit to how much tragedy they can take. How can we send them into harm's way without supporting them?

East Hartford Officer Paul Buchanan and those officers lost in Danbury, Milford, Westport, Bethel, Bridgeport, New Haven, Naugatuck, Vernon, Glastonbury, Groton, it's too late for them. Now is the time to change the laws and break the resistance that is presently in place for our officers to reach out for help. Please raise -- please pass Raised Bill 824 and let's find a way to work together to bring officer mental health and wellness and suicide prevention to the forefront. Alone, I can do so little but together we can do so much. Thank you.

REP. STAFSTROM (129TH): Thank you, Ma'am. And I must say I'm amazed by your composure to sit here and tell your story, so thank you so much. Questions from the Committee? Senator Kissel.

SENATOR KISSEL (7TH): Not a question. I just really want to be on record as in agreement with Chairman Stafstrom. It's very difficult to tell a heart-wrenching personal life story and you've done it so well. And the ball is now in our court to see what we can do. But clearly your words resonate this morning. Thank you.

REP. PORTER (94TH): You know that's two days in a row I've been called Senator all day. No thanks. (Laughing) No offense to the Senators, but no thanks.

REP. STAFSTROM (129TH): I was going to say, whose district do you live in? (Laughing)

REP. PORTER (94TH): I just really want to echo the sentiments. I was most -- I mean first of all, heart wrenching story. Your composure speaks volumes and I think it also speaks to your husband's fortitude. And I'm sitting here looking at him and my heart goes out to you. My most deepest, heartfelt condolences for what you've had to suffer through and what I'm sure you still suffer to some point. But thank you for being here today and thank you for sharing that story. I really appreciate hearing it from you because nobody can deliver a story like the person that knows it best, so I just want to applaud you for that and again, offer you my condolences.

TRICH BUCHANAN: Thank you so much. Thank you for your support.

REP. PORTER (94TH): You're welcome. Thank you, Mr. Chair

REP. STAFSTROM (129TH): Thank you, Representative. Senator Bergstein.

SENATOR BERGSTEIN (6TH): Thank you for your testimony and your courage in bringing this story to the public. And I was really moved by what you said that your husband said in his parting words or
letter, make my death an issue. Which is just so profound, that he recognized in the depths of his despair he recognized that there was an alternative, and he wasn't able to access it because we failed in our duty to provide help. But it didn't have to turn out that way. So I just want to say thank you and thanks to him for his -- his service and for modeling that for all of us, that we really can do better. Thanks.

TRISH BUCHANAN: Thank you. Thank you very much. And if I could just have a minute just to share also our Believe 208 Mission. Every year we have a race, a 5K that we put out -- put on in East Hartford supported by the East Hartford Police Department and I invite you all to come. If you can't run, please come and walk. All the funds raised go back to our officers for peer support programs. Sometimes they don't have the funds available to go and get the treatment that they need. We're able to help them with that. Really what we need to do is make mental health and suicide awareness -- bring it to the forefront, change the laws.

My husband was very afraid to go for help for -- with the stigma, afraid of losing his gun. That was the big thing. And not being able to keep his job. That was his -- his big fear.

REP. STAFSTROM (129TH): Thank you, Ma'am. Thank you for all the -- all the work you're doing and for being with us today. Thank you. Next up will be Chris Fryxell followed by Attorney Linc Woodard.

CHRIS FRYXELL: Good morning Chairman Stafstrom, Ranking Member Kissel and members of the Judiciary Committee. My name is Chris Fryxell. I am the President of Associated Builders and Contractors of
Connecticut or CT ABC. CT ABC is a statewide trade association of over 200 member companies that represents Merit -- Merit Shop contractors. I appreciate the opportunity to speak to you today on behalf of my members in support of Senate Bill 857, AN ACT CONCERNING EXPEDITED APPROVAL OF AFFIRMATIVE ACTION PLANS SUBMITTED BY CONTRACTORS TO THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

CT ABC has always been supportive of CHRO’s mission in relation to the construction industry. Providing opportunity to small businesses, minority owned businesses, and women owned businesses benefits both the contractor and the industry by helping small businesses grow.

This bill would simply require that CHRO approve, reject or conditionally approve a contractor’s submitted affirmative action plan within 120 days. And in the absence of such decision, CHRO would be required to notify the contractor within 15 days that the plan is either approved or deficient without consequence.

This Bill has been before this Committee for a few years now and so I think we've -- we've tweaked the language to a point that everyone is okay with it. In fact I was happy to see CHRO submitted testimony in support of this Bill, which is online. And basically these changes would safeguard predictability and fairness for businesses. So I give CHRO a lot of credit and we as an association and our members specifically have a great working relationship with CHRO. I have a lot of respect for their staff over there. I've met with them personally myself.
And so currently what this Bill would -- would codify current practice. Unfortunately it hasn't always been current practice that these plans were ruled upon within that timeframe. And in some cases in recent history those affirmative action plans were not approved or rejected for well over a year and in some cases after a project had reached substantial completion. And so those lengthy delays really cause a lot of problems for contractors who have 2 percent retainage withheld until those plans are approved. That's money that could be reinvested into the workforce or in their company. And it also prevents the contractor from fixing deficiencies that they could otherwise fix before the -- before the construction was completed.

So we urge Committee -- the Committee to take action to expedite the approval of these plans. We think it will create consistency and predictability for contractors. It will be beneficial to the construction industry. There's also no cost associated with this and so hopefully we can move this Bill along. Any questions?

REP. STAFSTROM (129TH): I think certainly -- certainly we did hear testimony from CHRO that sounds like you know, they're in support and everybody is swimming up the same stream. Questions? Senator Kissel.

SENATOR KISSEL (7TH): Thank you. Chris, good to see you. I think we -- I think we've gotten there. It's taken a number of years. There's been some twists and turns. I had an opportunity to meet with the folks from CHRO earlier this year. They said on their own they're going out, working with companies, explaining to them how the process works, working to
make it a much better process. Frankly I was amazed that this morning they came in 'cause typically agencies will say, if we're solving the problem the legislation is not needed. But rather than trying to push back on the legislation they said they're fine with it.

So the fact that it will actually put into statute what is a practice that's ongoing, yeah there's been problems in the past but I'm looking towards the future. I think this is one issue. It's been kicking around here for four, five, six years. I think we're -- I think we've -- we're on the verge of solving it with this legislation, putting into law what is being done and I think CHRO deserves an awful lot of credit by stepping up and coming up with a plan to address the needs of businesses in the state of Connecticut. So I think everybody is on -- as the Chairman said, everybody is on the same page, swimming up the stream in the same direction and I think it's a Kumbaya moment here in the legislature which we don't have -- wish we had more of, but sometimes it does take a number of years to solve -- solve problems. So congratulations to you and your organization for I think on the verge of victory. Thank you, Mr. Chairman.

CHRIS FRYXELL: Yeah, and if I may just follow that up. I would like to echo what you said about CHRO. As I mentioned they've been very open to meeting with the contractors who want to come and say, okay, what can I do differently to -- to make this better? What can I do to improve my plans going forward? I've sat in on those meetings. The staff has been great so you know, a lot of deference to them for the work that they're doing, so.
REP. STAFSTROM (129TH): Thank you. Further questions? Seeing none, thank you very much.

CHRIS FRYXELL: Thank you.

REP. STAFSTROM (129TH): Linc Woodard followed by Dr. Larry Deutsch. Good morning Attorney Woodard.

LINCOLN WOODARD: Good morning Chairman Stafstrom, members of the Committee. Again, my name is Lincoln Woodard. I'm President of the Connecticut Trial Lawyer's Association. We're an organization of 1,300 trial attorneys who represent tens of thousands of Connecticut citizens. Our mission is to protect individual rights through fair laws and access to justice.

I'm here today on behalf of CTLA opposed Raised Bill 7185, which involves the alternation of the definition of recklessness when it comes to inspections by municipalities. There are a number of Bills also on today's calendar that I'm not going to take up time with but we have submitted written testimony on Raised Bills 864, 910 and 7190.

The reason I want to focus on this particular Bill is because it is a subtle attempt to essentially eliminate a very, very particular portion of municipal immunity law when it comes to inspections and the performance of inspections in our state. And this statute 52-557(n) is extremely complicated but I believe that the proposed legislation is response to a case but the proposal would really reconstruct the body of law that's gone back for years and it was essentially made part -- or was the purpose of 52-557(n).

Recklessness is very different than the bringing of a negligence case and municipalities are largely
almost in all instances immune from negligent actions. And they are immune from negligent performance of inspections. The -- the statute specifically carves out an exception where there is recklessness under all the relevant circumstances in the performance of an inspection and a recklessness with the respect of health and safety of others.

The proposed changes try to take that law and make it particular to the given case. So in otherward if there was a systemic pattern of recklessness that could be proven, very difficult high bar to prove; this statute would make you require -- make you show that the recklessness applied to the specific identifiable person and they do it with just a few minor changes to the statute. However, this particular subsection, subdivision 8 already provides that if you -- if you are a municipality and you are a notice of a particular health and safety hazard, an actual notice of a particular case that you -- that case, you are already liable. But the statute -- what this statute does is try to apply that same particular standard to recklessness, and recklessness has never been so narrowed.

The statute itself if I may just point to the language of it. It's trying to take out the portion of it -- the statute that says that the recklessness -- it constitutes a reckless disregard, the lack of inspection under all of the relevant circumstances and instead make it point to that identify -- an identifiable instance. And that is unprecedented in our law and would make it necessarily impossible to prove.

REP. STAFSTROM (129TH): Let me jump in Attorney Woodard. I'm sure there will be some questions for
you on this. But let me start with, I know you referenced a case and I think that case was a fairly recent Supreme Court decision of Williams vs. the Bridgeport Housing Authority, correct?

LINCOLN WOODARD: Yes, that's correct.

REP. STAFSTROM (129TH): And I think we're going to hear testimony later I believe from CCM on this point and I think it's their position and admittedly it's been a while since I read that case -- that decision, but that decision seemed to broaden the scope of what would be considered reckless disregard under the statute and under what folks had understood the term reckless disregard in 52-557(n) to mean prior to that case decision. Would -- would you agree with that?

LINCOLN WOODARD: I agree that's their position. I don't agree that that was the result of the case though.

REP. STAFSTROM (129TH): Okay. Do you want to expand on that?

LINCOLN WOODARD: Sure. The -- the -- there were some cases that were drawing a fairly narrow distinction when it comes to inspections but what has happened is we are blurring -- we're blurring different aspects of tort law when we're talking about inspections versus premises liability. There are -- there are a lot of cases about when you have to prove notice of a particular defect or a particular hazard or health safety issue. And in those cases we are almost exclusively talking about negligence. And in this statute what the court specifically pointed to in deciding that you have the ability to come try to prove that there is some
systemic broad reckless conduct on the part of a municipality that resulted in this harm, in this particular harm.

You do not have to show that the municipality's actions and the recklessness conduct was only with respect to this harm or had a specific target of this -- this person, this apartment in this case. And what they did is they looked into the statute itself when it was passed and there's -- there's a -- there's a subdivision 7 and this involved -- inspections are subdivision 8, but in subdivision 7 they do talk about failure to issue a permit or improper issuing of a permit. And if that is done recklessly with respect to that particular permit, then you have the right to bring an action if you can prove it.

But in -- in that section it does not say under all the relevant circumstances. But when it comes to inspections and the duty to inspect and the laws largely passed by this body to require inspections, that if a municipality is reckless in its failure to follow those laws under all of the circumstances, it's something that a plaintiff is entitled to prove. And this law tries to get rid of that requirement or that permit to prove a broader systemic problem.

This was a very difficult case. This was not a case that -- this was a summary judgement decision that went up to the Supreme Court where they were saying there wasn't enough evidence. But they essentially were not performing fire inspections the way they were supposed to. But to get over that to actually prove the recklessness in -- at trial to a fact finder is a whole other issue. This was just
interpreting whether they had enough -- enough evidence to move forward on a question of fact.

REP. STAFSTROM (129TH): And obviously what happened in that case and the facts -- the facts of that case were particularly horrific. I know 'cause I lived through it and it occurred -- the incident occurred in my district. But you know, it was a -- you know a horrific fire in a public housing facility that resulted in a loss of life and you know, the claim was that the City was at fault for not -- or the Housing Authority was at fault for not having done a fire inspection within the, I forget what it is, every two years that the City is supposed to do a fire inspection. And you know, of course the claim from the -- the defense said from places like at Bridgeport or New Haven or Hartford is there are so many units that have to be inspected within those cities that they could not possibly hire enough fire inspectors to do that work.

And that issue has been attempted to be addressed many, many, many different ways in this building with -- without subsequent -- without resolution to date. But I you know; I appreciate you getting into the nitty-gritty of the actual statute here and the liability piece to -- to the city. Further questions? Senator Kissel.

SENATOR KISSEL (7TH): Thank you much. Thank you very much, Mr. Chair. So Attorney Woodard, if you could just somehow briefly -- I haven't had an opportunity yet to review that case. But just sketch out a scenario where this Bill would work an injustice and that's why you oppose it.

LINCOLN WOODARD: So even kind of addressing it I would probably have to change the case to make it a
really a case that was strong and could be proven. But in this particular case there is a law that I -- I think it's yearly inspections of multifamily units. The fire department is required by a statute here on the books in Connecticut to perform yearly inspections of multifamily units. So when they -- in this particular case they had not performed those inspections and I think -- again, I can't site all of the particulars but they essentially were saying we can't afford to do this. It's impossible. As Chairman Stafstrom has indicated, that we don't have the resources.

And so the case was going forward trying to establish that that failure to do that -- follow that law, constituted recklessness and recklessness specifically defined is -- is a very high bar. It's a -- it's a knowing and conscious disregard of a substantial risk to health and safety and that language has been around forever. But -- so in this circumstance if -- let's say they could afford it and they just decided they didn't want to do it, they wanted to put their resources somewhere else and you could somehow establish just a -- a conscious disregard of the risk and the consequences of not doing annual fire inspections and a reckless disregard of the health and safety, you may be able to prove that.

In this case there were other inspectors going in. They had been there I think the day before checking the fire alarms. So that the facts of this case were not -- they were nowhere close to a strong case to the point of in order to prove recklessness and that's the concern here; is that we're now going to require under this -- under the existing law to say if this fire happened in another building where
there had been no inspections at all that they would need some notice of a particular problem with this building and this identifiable person under the changes that they're trying to propose in order to bring a case. Whereas in a situation where they could afford to do it, but chose not to do it.

Again, it's not -- it's a very high bar and a hard case to bring and succeed on, but that's a situation where I think using the facts of the case where you know, under the -- the changes that are proposed you would be narrowing the recklessness standard to something that makes it essentially unprovable.

SENATOR KISSEL (7TH): And therefore the -- the next step is that if we legislate those changes there will be less of an impetus on the part of municipalities to at least attempt to try to respond to their statutory mandate of inspections, and that would work a disservice to the health and safety of the public at large. Is that sort of where the next step goes?

LINCOLN WOODARD: Yes, because essentially what you're doing is you're taking any ability of -- of a citizen to bring a case for reckless conduct on a systemic level. And using this identifiable person, putting this into the -- into this language -- saying that the unjustifiable risk has to -- will harm an identifiable person that has been carefully -- I mean that has -- there's lots of case law about that in another area of the law, which having to do with duties under the negligent standard and it's -- it's essentially been defined as you know, that class of victims is very specific and hard to prove. And trying to now throw it into recklessness, I mean it's just sort of unprecedented to say that you're --
- you know you're just -- you're going to wipe out any ability to bring a claim for reckless conduct I the following of the laws requiring inspections. And that's -- that's essentially the result of these changes.

SENATOR KISSEL (7TH): Thank you very much. Thank you, Mr. Chairman.


REP. AUTHUR O'NEILL (69TH): So am I understanding you correctly, and I -- absolutely sure I am, but essentially the current state of the law is if there is a complete disregard across the entire city or community for doing a particular type of inspection, and you can show that this is -- meet all the standards that you identify for recklessness that you can prove your case?

LINCOLN WOODARD: Yes.

REP. AUTHUR O'NEILL (69TH): And that's the current statute. So a widespread total disregard of the duty gets to the point of being able to prove recklessness?

LINCOLN WOODARD: That's correct.

REP. AUTHUR O'NEILL (69TH): And what we're saying now is that if this Bill passes that you have to prove that there was a particular person whose safety and welfare you were basically ignoring and you have to identify who that building is, or who that person was or something to that effect?

LINCOLN WOODARD: Yes, if you -- if I may just read what's proposed. It says for the purpose of this
subsection if a person acts with reckless disregard when he or she is aware and consciously disregards of a substantial and unjustifiable risk that an act or omission will harm an identifiable person. It's that last -- it's the end phrase that's the giant problem.

REP. AUTHUR O'NEILL (69TH): Okay. 'Cause it just strikes me that the -- a policy effectively of not doing inspections because either insufficient or resources or we just don't care or we just don't like doing this kind -- we don't think it's a good inspection to do or whatever the basis of in effect neglecting that responsibility is -- is much worse than if the building inspector just doesn't want to respond when you call for an inspection to your particular building.

But this would say if that was part of the proof, there would be some evidence that maybe you called up the building department and said, please come and inspect this building I think there's a fire hazard. Absent something like that, some kind of notice or effort to get an inspection done on a particular building, you would not be able to prevail under the new statute if this becomes law.

LINCOLN WOODARD: That's correct. And I would also note that already built into this before we even get to the recklessness question under what you just said, if you can prove notice of a violation of the law or a safety hazard as it relates to an inspection, then you only need to prove negligence in that regard. That's how the law currently exists but they're essentially trying to make it -- narrow it for purposes of recklessness as well by this language.
REP. AUTHUR O'NEILL (69TH): Okay, thank you.

LINCOLN WOODARD: Thank you.

REP. STAFSTROM (129TH): Representative Smith followed by Representative Blumenthal.

REP. SMITH (108TH): Thank you, Mr. Chairman. Good morning, sir. Just to follow up on Rep. O'Neill's questions to you. So if an inspector knew that failure to take action could result in a harm to say, Richard Smith and in fact the harm was not to Richard Smith because he wasn't in the building at the time but to somebody else who happened to be there; is it your suggestion that the language as proposed here would not allow -- would not apply in that situation to the -- because Richard Smith wasn't in the building but somebody else was?

LINCOLN WOODARD: Essentially, yes. Because he's not the identifiable. The harm will result to an identifiable person. Now it could -- we could end up in a long-protracted law in a scenario like yours whether the identifiable person's standard is going to include someone else specifically.

REP. SMITH (108TH): Yeah, I think that's where I was going because the law tends to go that way, an unjustifiable risk to reasonable interpretation of that or a group of people that might be in that building

LINCOLN WOODARD: And whether that constitutes identifiable person is sort of a complex unknown has -- how the case law would develop. But I know that in the context of the other area in -- in interpreting that phrase in the context of negligence and discretionary acts and duties of municipalities in general, that standard is more --
more points to a class of identifiable victims. And in that standard we're down to the -- the Supreme Courts narrow that down to the only to apply to children in school, in class at a particular -- you know, in the school system engaged in school activities. But that -- that it deals with the negligence in the duties of discretionary actions. But here the concern is that the phrase that you can prove recklessness under all of the relevant circumstances, which is what the language says as it was legislated in 1986, that that's going to now go away and be replaced by recklessness of -- that's going to cause an unjustifiable risk to harm to an identifiable person.

REP. SMITH (108TH): Well I appreciate you coming up and clarifying that for us. Sometimes we do things up here, we don't realize the consequences in real life but it's good to have somebody who is practicing in this area.

I'm going to just shift gears for a second and thank you for indulging me Mr. Chairman. You know we have judges come before this Committee all the time and we get from other groups similar to yours, recommendations for or against particular judges and we never seem to receive anything from CLTA. I know we've asked for that and would hope you as President would consider that because I think from my perspective to have the folks who appear in front of the judges on a daily basis who are in the courts all the time, the feedback from those persons is helpful to the Committee. So I would hope you'll consider that. Thank you, Mr. Chairman.
LINCOLN WOODARD: Thank you. I appreciate that and I will certainly take that back to our Executive Committee and discuss it promptly.

REP. STAFSTROM (129TH): Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chairman. And thank you for your testimony Mr. Woodard. So a couple quick questions. It's true -- isn't it under the current law that although the plaintiff could prove some sort of widespread practice that constitutes recklessness, they would still have to prove that practice proximately caused their injuries, correct?

LINCOLN WOODARD: Exactly, yes.

REP. BLUMENTHAL (147TH): So there's already a -- essentially a protection built into the current law to make sure that the plaintiff has to connect whatever the conduct was; whether it was pattern of practice or individual conduct, back to their injury.

LINCOLN WOODARD: Yes, exactly. And I think that was -- that is largest challenge. If any of the members of this Committee read the Williams case, I think they'll quickly see just how hard that -- the proof of that in this particular case would have been.

REP. BLUMENTHAL (147TH): Thank you. And it's true also that in addition to compensating people who have been wronged and injured, a core function of tort law is to detour wrong-doers and promote responsible conduct.

LINCOLN WOODARD: Certainly, yes.
REP. BLUMENTHAL (147TH): And we place trust in our government institutions to perform vital functions like performing these sorts of checks and inspections, right?

LINCOLN WOODARD: Yes, sir.

REP. BLUMENTHAL (147TH): And if we didn't have some sort of deterrence through the tort system, our trust in that system would potentially be lessened, correct?

LINCOLN WOODARD: Absolutely, yes.

REP. BLUMENTHAL (147TH): Thank you.

LINCOLN WOODARD: That's our overall concern as an organization.

REP. BLUMENTHAL (147TH): Thank you very much. Thanks, Mr. Chair.


LINCOLN WOODARD: Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Next up I see that Representative Camillo has joined us so we're going to allow him to go next and he will be followed by Larry Deutsch. Representative, how are you?

REP. CAMILLO (151ST): Good morning, Representative Stafstrom.

REP. STAFSTROM (129TH): It seems like Groundhog Day for you.

REP. CAMILLO (151ST): Back again. It wouldn't be a session if I wasn't here to testify on this Bill. But I want to thank you and Senator Winfield and Senator Kissel and Representative Rebimbas and the
good members of the Judiciary Committee for once again giving this Bill, HB 7188, AN ACT CONCERNING PROPERTY OWNERS LIABILITY FOR EXPENSES FOR THE REMOVAL OF A FALLEN TREE OR LIMB.

This Bill introduced in 2014 and it passed unanimously and was passed out of the House and Senate and was vetoed by then Governor Malloy because a provision had been removed that we had in there, which called for somebody to get a licensed arborist to certify that this tree was either a tree that's on a property that's about to fall down into a neighbor's property, is either dead, diseased or decaying. And we put it back in and it passed again and again but has died a few times on the House or Senate Calendar. So the Bill is improved and it's - - it's gained the support of the tree -- the Conservation groups and tree advocates around the state.

At first -- the first year that wasn't the case because we you know, we had to put in the fact that you know, the licensed arborist provision was there. We never wanted this to ever be something where a healthy tree may be targeted you know, between a dispute between property owners. So we took care of that. And you would really have -- you'd have to -- a lot would have to happen for this to -- if this passes, for this to take place. Somebody would have to see the tree, you know. Have a licensed arborist go there, assess it and then give a professional recommendation that it is ready to go. Then there will be a certified letter and then if the person didn't act within a certain amount of time and it fell and it didn't hit anything in the yard, then they would be responsible for the removal. So it's pretty much the same as it was last year.
REP. STAFSTROM (129TH): So for the record, no changes from the Bill last year?

REP. CAMILLO (151ST): No.


SENATOR BERGSTEIN (6TH): Hi Fred.

REP. CAMILLO (151ST): Hello Senator, how are you?

SENATOR BERGSTEIN (6TH): Thank you, Mr. Chair. I'm fine, thanks. Since we live in the same town, I'm just curious, how big of an issue is this really? What -- and what sort of incidence prompted you to take this initiative?

REP. CAMILLO (151ST): Thank you for the question. Yeah, it -- it is a problem. It's actually happened to me twice in two different properties in our town, but it's not why I put it in. People have -- in 2014 a couple of people had called me the year before and said that it happened to them. Out of all the Bills that I've put in in 10 years here and many of which I've been fortunate enough to have pass, this one gains the most attention around the state.

I just got a call yesterday from somebody in our town about this but it's all over the state. People are concerned about the trees that are you know, on their properties that some are quite large and for whatever reason; sometimes they don't have the best of relationships with their neighbors and so they're just looking for some protection at all as long as they fulfill the requirements of the Bills -- of the Bill.
SENATOR BERGSTEIN (6TH): Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. Representative Smith.

REP. SMITH (108TH): Mr. Chairman, thank you and good morning my good friend, Representative Camillo. Good to see you here again testifying before this Committee. I'm familiar with the Bill. You know having practiced law for -- probably over 35 years now I would say during those -- the first 34 years I may have received questions about tree limbs and trees falling maybe a couple of times over a five-year period. So would get calls, I'd do some research but it was never -- never much of an issue. However, in May of 2018 New Fairfield, Sherman, New Milford, Danbury, Newtown, Southbury had a microburst which was really a tornado that just devastated the area and as I drive through the town today I still see -- because it's winter, so many of these fallen trees that remain where they were and I can tell you after the microburst I have received countless calls on this very issue.

And it was interesting OLR did some -- a research paper on it years ago, which is still kind of the law of the land. But I think having gone through what we just went through -- and I know this Bill wasn't designed for that particular purpose, but it would serve a purpose because so many of these folks, the trees come down which were live, healthy trees and a lot of trees came down which were not so healthy. And this type of Bill is a step in the direction of determining who's liable, who should be responsible when you have trees falling from one property to another property. I was quite surprised
to find out the law at the time, but it's been that way for years.

So I commend you for bringing it again and wanted to just let the Committee know that at least in my area last year, this Bill became very, very important so I would hope we would continue to move on it and get it out. I know Rep. O'Neill being from Southbury I'm sure experienced many losses and damages in his area as well, so. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Sounds like you have a cosponsor there Representative Camillo. (Laughing) Questions from the Committee? Seeing none, thank you very much for being with us.

REP. CAMILLO (151ST): Thank you, Mr. Chair. I appreciate it. Next up will be Larry Deutsch followed by Jeff Gentes.

LARRY DEUTSCH: Good morning and thank you for appearing. I am Dr. Larry Deutsch, not a lawyer or a politician but a pediatrician but on the municipal government in the City of Hartford. And the discussion we just heard; I should say parenthetically was fascinating in terms of some issues that a city with financial needs has had in terms of inspections even to the point of an arborist being involved in a case.

What I'd like to address this morning is Raised Bill 857, which has already been discussed before you, the expedited approval of affirmative action plans submitted by contractors. And I think some very correct statements have been made. I would add that there are times in the city that contractors claim that they cannot find qualified minority workers to fulfill their commitments to affirmative action.
We've heard this commonly with terms like Good Faith Efforts and so on and so forth. So what I would like to address first is support for these efforts to expedite any decisions for the sake of contractors, workers and the city itself so that we can clarify whether goals have been met, or possibly exceeded.

What I would like to add though, and it's in the -- it's in the recorded record now is to make that affirmative action possible you need workers in the pipeline, those who are qualified to do the work and enough individuals and we find as a city that many times a claim is made, we don't have enough applicants. And we also know as a city that there are many young people or older people who are incarcerated and have decimated an able population in some cases with long sentences. And that we have addressed in some other forms where we need more expeditious and just means that -- that those who are incarcerated get a fair hearing after a certain amount of time spent, and also ex-offenders and formally incarcerated individuals are not deprived their rights to a job once they're out. And I know there's legislation on that also that I'm sure you've all heard. The discrimination against those who have been incarcerated.

But in particular now you'll have on the record, and I hope this comes in the next raise bill from Judiciary Committee a means to give the opportunity, a fair opportunity access to a sentence modification hearing so that these unduly long sentences are not without examination by an impartial individual. And there's some new legislation. And I hope you'll consider, and it's in the record, to give the right to sentence modification hearing through impartial
means, a judge or a commission. This is something which is not in current law but has been proposed since 2011 by Senator Coleman. Each time it's fallen in the very last rung of the ladder. So I hope you'll consider it in the next round of raised bills. Thank you.

REP. STAFSTROM (129TH): Thank you very much. Questions from the Committee? Seeing none, thanks for being with us today, sir. Next up is Jeff Gentes.

JEFF GENTES: Good morning. I'd like to share my three minutes with my -- the other person who is scheduled to testify about the same Bill, Adam Bendett. The Bill is Senate Bill 911.

REP. STAFSTROM (129TH): We love that.

JEFF GENTES: All right. So Representative Stafstrom, distinguished members of the Committee. My name is Jeff Gentes. I'm with the Connecticut Fair Housing Center and Yale Law School. In short, my job involves suing banks and representing homeowners defending against foreclosures, which means I sue Adam's clients and I sue and I defend against foreclosures brought by Adam's Clients. We are in short opposed to the Bill as drafted. That's AN ACT CONCERNING THE JUDGEMENT OF STRICT FORECLOSURE, Senate Bill 911. However we would support it if it consisted solely of Sections 1, 3 and 5. In otherward based on a conversation with Attorney Bendett outside, we're amending my written testimony to reflect that. So again, 1, 3 and 5 I that's what the Bill consisted of, that would work for me. Thanks.
ADAM BENDETT: Hi, good afternoon distinguished Chairpersons and members of the Committee. My name is Adam Bendett. I'm with the law firm of Bendett and McHugh. We've been practicing foreclosure work for over 30 years in Connecticut as have I, and we're members of the Connecticut Mortgage Banker's Association and we're here in conjunction with that organization.

We have no objection to the -- the dropping of sections 2 and section 6 as Mr. Gentes has requested and there's also one additional item that I did notice this morning that I think needs modification. Line 15 in section 1, the 'and' before the (B). I believe should be an 'or.' But other than that, the reason for this Bill is to bring the -- the Connecticut statutes in line with the bankruptcy code. The way the statutes are written right now, section 59-15(b) which was added in 2002 is that the filing of a bankruptcy automatically opens a judgement of strict foreclosure.

And the reason for the change is that the bankruptcy law as it's presently written delineates several types of bankruptcies which the -- which the code -- the drafters of the code found abusive which do not give bankruptcy protection to a foreclosure action. And those three types of when there's been a scheme to delay, hinder or defraud creditors and there's been multiple transfers of property or the property has been transferred among a number of individuals who have then filed bankruptcy. The court at that point for a two-year period will order what's called in RIM bankruptcy relief which means that within two years no bankruptcy that's filed against that property will impact any impending foreclosure action.
There's also another circumstance where three bankruptcies have been filed and two have been dismissed within the past year. And there's another provision where no stay applies where the person is eligible to file bankruptcy or the court has -- they file bankruptcy in direct contra vision to an order of the court. For instance, if the bankruptcy court ordered a relief from stay and prohibited or dismissed the bankruptcy and prohibited a debtor from filing within 180 days, which is called a bar date, basically what the code states now if you file bankruptcy within that 180 days you wouldn't get the stay.

So what we're trying to do with this legislation is make the statute correspond with the bankruptcy law so that you're not giving protections under state law in abusive bankruptcy settings where you're getting protections -- where you're not giving protections under bankruptcy law.

REP. STAFSTROM (129TH): And Mr. Bendett, is your organization okay with the request to drop sections 2, 4 and 6?

ADAM BENDETT: So we are okay with dropping 2. And I believe the next section we were dropping was 6.


ADAM BENDETT: Yes.

JEFF GENTES: There's no change contemplated in section 4, just renumbering it.

REP. STAFSTROM (129TH): Ah, I see. Okay. And then was the 'and' or the 'or'?

ADAM BENDETT: It was line 15, section 1. The second word 'and' should instead be an 'or.'
REP. STAFSTROM (129TH): Questions from the Committee? Representative Smith.

REP. SMITH (108TH): Thank you, Mr. Chairman. Good morning. Just -- I'm trying to make sure I understand what this Bill is proposing. So as you both know, when a bankruptcy is filed in a foreclosure action there is an automatic stay so that the person bringing the foreclosure or the bank bringing the foreclosure action is prohibited from doing anything further. Does the language of this Bill as proposed change that all?

JEFF GENTES: Essentially it says there's an argument under our state statutes that say somebody who files for bankruptcy, even though they didn't get the automatic stay, nevertheless would get a reset on their law days.

REP. SMITH (108TH): Right.

JEFF GENTES: And I think what this Bill, and why we don't have a problem with it, would clarify that. If you don't get the stay under the bankruptcy code, you don't get the vacating of the Law Day.

REP. SMITH (108TH): But, I'm just trying to work this out in practice. So you know typically the foreclosure is scheduled for a Saturday and the bankruptcy comes in on Friday and the Committee who is conducting the sale, all the Committee knows is I have a bankruptcy notice, I can't do anything. So they're stayed automatically regardless whether the bankruptcy court subsequently lifts the stay at some point in the future, but there has to be a motion and action in the bankruptcy court as far as I understand to do all that. So how does this Bill change that procedure?
ADAM BENDETT: So there are three situations where there is not an automatic stay under the bankruptcy code when somebody files bankruptcy. And basically they were created under the 2005 amendments of the bankruptcy code to stop abusive bankruptcy practice. And those are where there's an abuse of the bankruptcy process that --

REP. SMITH (108TH): Can I interrupt you for a second? Thank you for your indulgence, Mr. Chairman.

REP. STAFSTROM (129TH): Can I just ask -- can I just ask before you -- before you continue Representative Smith, I wanted to make sure I'm following the conversation. As -- as I understand the statute, this only applies to resetting a Law Day, not a sale day?

ADAM BENDETT: Correct. That is true. It only applies to strict foreclosure.

REP. STAFSTROM (129TH): Right. So I think the scenario Representative Smith was discussing when involving a Committee would only be if there's a foreclosure by sale not a -- not a strict foreclosure in a Law Day set.

ADAM BENDETT: Correct. It would not change that circumstance at all.

REP. SMITH (108TH): All right.

REP. STAFSTROM (129TH): Go ahead, Representative.

REP. SMITH (108TH): They should help clarify things. All right, thank you. So we're just talking about a strict foreclosure at this point?

ADAM BENDETT: Correct.
REP. SMITH (108TH): Okay. And the purpose of the Bill then is -- so we're not going to automatically reset the law days if there was an abuse of the bankruptcy practice or one of these other two items that fall into line?

ADAM BENDETT: Correct.

REP. SMITH (108TH): Okay. All right, thank you.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions? Seeing none, thank you both.

ADAM BENDETT: Thank you.

REP. STAFSTROM (129TH): Next up will be Marcus Spinner followed Mike Muszynski.

MARCUS SPINNER: Good morning Representative Stafstrom and members of the Judiciary Committee. I would like to thank you for this opportunity to speak on an issue very close to my heart. My name is Marcus Spinner and I'm a Lead Mental Health Assistant with Whiting Forensic Hospital and a graduate student at the UConn School of Social Work studying policy and practice.

My testimony reflects my opinion and not of those institutions. I'm here to testify in support of Senate Bill 824, particularly sections 1(b) lines 15 through 26. AN ACT CONCERNING MENTAL HEALTHCARE AND WELLNESS TRAINING AND SUICIDE PREVENTION FOR POLICE OFFICERS.

According to the National Center for Women and Policing, two separate studies have found that at least 40 percent of police officer families experience domestic violence. 40 percent of police officer families experience domestic violence in comparison to 10 percent of families in the general
population. According to the New Haven Independent in the summer of 2018, four New Haven police officers were charged with domestic violence. One was charged with strangulation and plead guilty to breach of peace and reckless endangerment.

Another officer held his wife and three children hostage in their home. A third officer was charged with violating a protective order. A fourth was arrested by Waterbury police accused of kicking, slapping and bruising his wife. Many of these incidents were not isolated -- many of these arrests were not isolated incidents but part of a pattern of abuse.

This past November in Vernon a former Hartford police officer was arrested after barricading himself in his home following a domestic disturbance call. This officer was fired by the Hartford Police Department after an incident with security at Fox Sports where he hurled insults and racist comments while belligerently intoxicated. The Hartford Police Union defended him by claiming it was an isolated incident despite him being suspended twice prior.

This summer a different Hartford police officer was arrested for using cocaine and alcohol on the job. This officer was accused of using his police-issued vehicle to drive to Farmington where he purchased cocaine and drank alcohol during his shift. It is reported that this police officer stole police equipment to sell to his dealer to fund his drug habit.

These are not isolated incidents. These public instances are demonstrative of a pattern of domestic violence and substance abuse within our policing
systems. Police are frequently exposed to stressful situations while working lengthy 16-hour shifts on limited sleep. Police are forced to witness traumatic situations on a regular basis. Domestic violence, drug abuse and overdose, car accidents, violent assaults and murder. Maintaining a state of hypervigilance while being subjected to repeated traumatic events puts police officers at an increased risk of depression and suicide.

As a matter of routine we expect police to witness the depths of human suffering with no expectation of mental health support. Nearly 1 in 4 police officers consider suicide and more police officers die by suicide than in the line of duty. To better protect and serve our community it is imperative that you take action on improving the mental health and wellness of fraternal order of the police. Thank you.

REP. STAFSTROM (129TH): Thank you very much for your passionate testimony. Questions from the Committee? Seeing none, thank you very much. Appreciate -- oh, oh, I'm sorry. Representative Smith.

REP. SMITH (108TH): Would you be in favor of immunity for the municipalities if something were to happen while this either -- let's assume a police officer sought some help for mental issues that he or she was having and got the help and then was put back on the force, but then subsequent to that engaged in some conduct where somebody was hurt as a result of that. You know, he abused his -- his or her spouse or somebody else. And I can just see the lawsuit already developing in my mind you know whoever was -- whoever suffered the injury would
say, well why did you let this particular person back on the force? Is there any type of immunity proposed in this Bill to the towns -- I know some language about a police unit, but is there immunity for the towns in that type of situation?

MARCUS SPINNER: My concern would be immunity for the licensed mental health professional who allowed them to return to work. And I think that as a -- as a master's in social work student facing my licensing test, I would be extremely hesitant to sign off on any authorization for a police officer to return to work if I did have any concerns that they were not mentally fit to return. So I would expect that that standard of care would be applied to any mental health professional.

In regards to the municipality, I don't see where the municipality would be held accountable for the decision of a licensed mental health professional.

REP. SMITH (108TH): Oh, they be, yeah.

MARCUS SPINNER: Would they be -- are you proposing that they would be employed by the City?

REP. SMITH (108TH): Well they typically are employed by the City or the State, so.

MARCUS SPINNER: Okay. Well then -- the City would need to be held accountable, yes, for allowing them to return.

REP. SMITH (108TH): So your major concern is the liability to the potential healthcare professionals who would render the decision to allow that person to go back to work?

MARCUS SPINNER: My major concern is the mental health and wellness of police officers and to ensure
that they seek mental health treatment after discharging their weapon.


MARCUS SPINNER: Thank you.

REP. STAFSTROM (129TH): Thank you, Representative. Senator Winfield.

SENATOR WINFIELD (10TH): Marcus, thank you. Thank you for your testimony. I think this is an important Bill. This Bill or a Bill like it came around to us last year and didn't get finished, although there was a lot of work being done on the Bill. I didn't hear the beginning of your testimony. I'm assuming some things about your testimony so could you just clarify what your position was, pro or against the Bill.

MARCUS SPINNER: I'm actually in favor of the Bill. I think it's extremely important.

SENATOR WINFIELD (10TH): Do you think that there are things that need to be done to the Bill or do you think it's fine the way that it's presented?

MARCUS SPINNER: I'm sorry. Can you repeat that?

SENATOR WINFIELD (10TH): Do you think there are things that need to be done as we move forward or do you think the Bill is fine in the manner that it's presented, as it currently sits before us?

MARCUS SPINNER: I spoke out in favor of section 1(b) lines 15 through 26. Earlier today I heard some testimony that kind of clarified a little bit more about the Bill that I do have some concerns about in regards to returning a service weapon, but
my main -- my main emphasis is seeking mental health treatment after discharging a weapon.

To the best of my knowledge, and again I'm not a police officer, but police officers are trained that they fire their weapon when they fear for their life, if I'm correct. Please do correct me. But if you fire your weapon in fear for your life, that is a traumatic incident and I do think that someone should seek mental health treatment in that instance. And should be required to seek mental health treatment before going on to work with the community.

SENATOR WINFIELD (10TH): Okay, thank you. And thank you for your work on this and many other Bills that are floating around the building. Thank you.

REP. STAFSTROM (129TH): Thank you. Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. Thank you for taking the time from work and studies to be here. Most of the people we heard from have been on the law enforcement side of the issue, and could you just tell us a little bit more about how this affects your work as a healthcare provider?

MARCUS SPINNER: At Whiting Forensic Hospital I'm subjected to somewhat similar conditions. Again, I'm not working with the public. I'm not facing deadly violence although I am facing extreme assault. I am working under often conditions with limited sleep and working in a state of hypervigilance.

Many of you are familiar with what happened at Whiting Forensic Hospital in regards to the patient abuse scandal. I think that there are some extreme
parallels between the patient abuse scandal at Whiting Forensic Hospital and the domestic violence rates that we see within the police force.

I think that a greater emphasis on self-care for police in regards to seeking mental health treatment and destigmatizing seeking mental health treatment would do a lot to repair some of the damage between the community and the police department.

REP. PALM (36TH): If I may, do you see a parallel between the kind of frontline trauma care that you give and what police do?

MARCUS SPINNER: Very much so, yes.

REP. PALM (36TH): Thank you.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions? Seeing none, thanks again for being with us.

MARCUS SPINNER: Thank you.

REP. STAFSTROM (129TH): Mike Muszynski.

MIKE MUSZYNSKI: Good afternoon Chairman Winfield, Chairman Stafstrom, members of the Judiciary Committee. My name is Mike Muszynski with the Connecticut Conference and Municipalities. We are Connecticut's statewide association of towns and cities. I've submitted testimony on a number of Bills that are on today's agenda but wanted to focus my remarks on just a couple.

First House Bill 7185. CCM appreciate the Committee raising this Bill which will provide clarity to a provision within the Municipal Immunity Statute. As we've heard from the previous speaker, this is a complicated issue. This provision provides immunity
protection to municipalities and municipal officials for specific activities including particularly municipal inspections. That is unless the municipality or official failed to act on a notice where there was a reckless disregard for their health or safety. We don't feel as if this is a necessarily unprecedented change in practice. The courts have traditionally agreed that there must be knowledge of a dangerous condition in order to demonstrate recklessness. The reason that this Bill is that the scope of reckless disregard has been brought in by an essence from removing that knowledge component and as a result it would be difficult to distinguish between recklessness and mere negligence. And this was actually acknowledged by Justice McDonald in his decent in the Williams case.

For practical purposes based on this change that has occurred, it's questionable whether a firefighter that responds to a fire alarm would not only need to address that fire alarm issue, but ensure that every other safety measure is in place. It could also have broad implications for other municipal employees, health inspectors and public works employees.

The intent is not to provide an excuse for completing these inspections, but it's intended to clarify the law in order for local officials to adequately complete their duties without fear of ligation.

Another Bill I'll touch on is Senate Bill 864. Again we appreciate the Committee for raising it as it's an effort to help those towns that have and maintain skateboard parks or dog parks. We would
suggest some modifications to accurately help these towns complete this. In particular I've submitted in my written testimony some specific injections. But in brief, in section 1 in regard to skateboard parks, remove the phrase that's found after the work 'unless' in line number 5. This would mirror the assumption of risk that currently exists for ski areas.

And then for section 2 in regard to the dog park provision, the intent is to mirror the recreational use immunity statute and our testimony has some suggestions on how to obtain that. We feel as if without these fears there would be no real practical changes in current law.

And then the final Bill I'll touch on is Senate Bill 824 regarding mental health and wellness training for our first responders. This is obviously an issue that as an organization we have worked on for a number of years. Most recently over the past seven months we have convened a group of interested parties including municipal officials, police and fire employees to look at this issue, to examine it. In fact just yesterday we had testified before the Labor Committee as a coalition group to just provide an update on our efforts. We have looked at the issue of awareness, treatment and coverage for mental health issues that our first responders are facing.

And we're hopeful to have a final product to deliver to the legislature in the upcoming weeks, and therefore we suggest the Committee hold that Bill until we're able to deliver that product. But we do know that if you're going to move with something, limit it to the final section, which is the
provision of allowing the returning of a law enforcement's firearm. We had worked language last year and we suggest mirroring that language that was found in LCO 5568 from 2018. And with that I'd be happy to -- happy to answer any questions.

REP. STAFSTROM (129TH): Questions from the Committee? Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. Could you just tell us if you know, how would you define a risk that's unjustifiable?

MIKE MUSZYNSKI: In -- within the --

REP. PORTER (94TH): Within this Bill.

MIKE MUSZYNSKI: Within 7185?

REP. PORTER (94TH): Yes, I'm sorry. 'Cause you did testify on two different Bills. 7185 that's correct.

MIKE MUSZYNSKI: That's a good question. I'm not a lawyer so I wouldn't be willing to provide an adequate response.

REP. PORTER (94TH): Okay. So I will defer my second question (laughing) with that response. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Further questions? Mike on 7185, picking up where I think Representative Porter was kind of going with this. So you -- there seems to be sort of a disconnect between the testimony from the trial lawyers and you guys on exactly what the import of the Williams decision was and whether to what extent that decision you know, reinterpreted I guess I'll say the term reckless disregard in the statute. Is there prior -- is there precedent prior
to Williams that you're aware of that you can point to in -- in making that statement in your testimony?

MIKE MUSZYNISKI: I believe -- I don't have anything offhand but I believe in Justice McDonald's decent he references a couple of instances. I don't have that before me. But I believe that's where the crucks of our acknowledgement that this does change prior interpretation.

REP. STAFSTROM (129TH): Okay. I mean I guess we can -- we can probably take -- you know we can take this offline a little bit but it seems to me that there -- you know we need -- we need to figure out first of all whether you know, whether there's a change to the statute that needs to be made and if so it seems like some of this may be just massaging some language.

MIKE MUSZYNISKI: Yeah. I would -- I would agree with that statement in particular. So this Bill does make two changes in two different sections. I don't think it's necessarily -- they both need to occur. I believe it can be an and or an or -- I mean or. It can be one over another as well as that -- that final piece in regards to -- I know there were a number of discussions previously in regards to will harm in an identifiable person. That's certainly language that I think can be massaged as you -- as you had stated earlier.

REP. STAFSTROM (129TH): Okay. Why don't -- if they're willing to do it, why don't you -- why don't you chat with the trial lawyer folks and see where you guys end up on that? Any further questions? Seeing none, thanks so much.

MIKE MUSZYNISKI: Thank you.
REP. STAFSTROM (129TH): Next up we're going to call back up Rebecca St. George.

REBECCA ST. GEORGE: Good afternoon ladies and gentleman. My name is Rebecca St. George and I'm testifying on behalf of the PoACT as a member of the Naugatuck Police Union. I'm a law enforcement officer with four years of service. The reason I'm here today is to discuss mental health for first responders, specifically police officers. I'm speaking on a topic that is difficult to discuss among our community due to the stigma that still exists. Unfortunately during my short time as a police officer I have seen firsthand the tragedy of an officer suicide within my own department in late 2017.

The suicide of the officer was traumatic to not just the department as our family, but also the community, which is our extended family. Its effects still ripple out to this day and is a painful wound that will take years to heal. November 3, 2017 is a day that will forever be burned into my mind. I remember vividly my supervisors walking into the high school where I am the school resource officer and telling me that we had to make a death notification. I remember my Lieutenant telling me that our brother officer, Tommy had committed suicide and that we needed to tell his sister.

His sister is not only someone I work closely with every day as she is my coworker at the high school, but someone I consider a very dear friend. In shock I walked into the office where she was just in time to see her collapse to the ground as my Captain told her what had happened. What happened next is
something I will never forget. I rushed over to her as two of the other secretaries tried to hold her up and in that moment one of them keyed the mic on my portable radio. Her cries echoed through every vehicle, portable radio and throughout the whole police department for a split second. That split second seemed like eternity to everyone listening.

The aspect of police officer mental health that goes beyond the headlines and the tragedies aftereffects is often the struggles beforehand for police officers in trying to find trained clinicians that can treat police officers and responders. The process is done through word of mouth and in the shadows, out of officer's concerns of the stigma of requesting formal assistance.

While each of the stories of a police officer suicide comes when -- with its unique threads, there also emerges similar storyline of family members and coworkers trying to find help through a mental health worker that specializes in the field. We are done with the times where we need to convince the officer to come forward and accept treatment despite professional ramifications. The reason this Bill and your support for this Bill from both sides of the aisle is so important is that it addresses the concerns that so many of our brothers and sisters have when trying to give -- trying to give help or seek help.

Where I have witnessed firsthand the tragedy of seeing an officer and a friend take his own life, I have also seen the success of officers who when properly placed can thrive as a result of first responder mental health treatment. I would
respectfully ask all of you to support this Bill, SB 824 in the 2019 legislative session.

SENATOR WINFIELD (10TH): Thank you for your testimony. Are there questions or comments? Senator Kissel.

SENATOR KISSEL (7TH): Thank you very much, Chairman Winfield. And again, thank you for your testimony now afternoon. There's been a lot of heart wrenching stories told and yours is yet another one where it really brings into focus what's going on out there and as previous speakers have indicated, we have interesting observations through media of law enforcement officers in particular but first responders in general and you know, sometimes law enforcement is portrayed as just gun happy and out there and always using as much force as humanly possible and it's a very negative kind of stereotype or image of law enforcement.

Conversely on a lot of television shows and things like that they're almost like superheroes, nothing phases them. They can go from one tragedy to the next and there's no emotional response. But -- but law enforcement is -- you're all human and you don't know at the beginning of your shift what you're going to encounter. That's part of the draw. I've talked to a lot of folks involved in either firefighting or emergency response or law enforcement and they like the fact that it's not just the same routine every single day. But also you can find yourself in the matter of a short period of time in some really tragic situations that are not necessarily stopping crime, but it can be a car accident with minors involved. It can be a you know, a suicide. It can be a horrible, some kind of
accident and it also could be you know, just being confronted with an individual that has very evil intentions and you have got to be able to respond in less than a second.

So I think this is like so many other issues in this building that it takes a while for the legislature to come up to speed as to the total ramifications, but I will look at this proposal very seriously. And again your testimony is yet more important information for us to digest regarding this very important issue. So thank you for coming today.

REBECCA ST. GEORGE: Thank you.

SENATOR WINFIELD (10TH): Thank you. Representative Smith.

REP. SMITH (108TH): Thank you, Mr. Chairman. And I too thank you for coming up and sharing a painful story, I'm sure of what you know, went through and what you go through. And thank you for your service.

REBECCA ST. GEORGE: Thank you.

REP. SMITH (108TH): My question to you is -- I'm not really familiar what the procedure is now in terms of a police officer so if -- if somebody has experienced a traumatic event and I'm sure most of -- most of you do, what is the process now and how does this Bill actually help you?

REBECCA ST. GEORGE: So the process now, and it varies department to department, is if -- when we have a critical incident or we have something big happen EAP comes in. We sit down -- I know especially after Tommy's death one of the pastors came in and we all got together. And they try to figure out who’s having a hard time and who’s not
having a hard time. But the difficult part is, there's a lot of people that aren't willing to admit that they're having a hard time.

You know they're scared about what's going to happen with their job. They're scared about people losing faith in them. What this Bill does is it gives the protection that if you're able to step forward and admit that you need help, you can do so without the fear of losing your job. Because for us, if you take our gun we can't work.

REP. SMITH (108TH): So I'm just -- if I can interrupt you for a second. So the fear of losing your job; why would one have a fear of losing his or her job if they admit, listen I just experienced this traumatic event and I need some help. So is the protocol then they go get the help and if they're not deemed qualified then they lose their job; is that how it works?

REBECCA ST. GEORGE: No, so we -- what we're trying to do with this Bill is that we're trying to take away the time that you're able to take the gun for. So if a police officer goes into treatment they can lose their gun up to six months. Even after they've gotten out of treatment and after they've been cleared. So what we're trying to do is once a police -- police officer goes into treatment and they're cleared, they're able to return back to work. So if we don't have the gun back then we can't work and then that's six months that we can't provide for ourselves or for our families. So that's what a lot of times is stopping people from asking for help because they're afraid of losing their livelihood.
REP. SMITH (108TH): Okay. It's starting to make sense to me now. So during this period that you're out -- Rep. Porter just stepped out. We both serve on the Labor Committee so we've seen some Bills come through there. Is the police officer -- does the police officer receive compensation either through unemployment compensation or disability compensation during the time period that they're unable to work because their -- their weapon is taken away?

REBECCA ST. GEORGE: Now do you mean if the weapon was not returned to them; is that what you're asking?

REP. SMITH (108TH): Correct. So let's assume they're cleared after three months but the weapon has been taken away for six months so you have that three-month gap that basically you know, the person cannot work. What happens then? Is there any money coming into the officer from any source?

REBECCA ST. GEORGE: At that point they wouldn't be allowed -- 'cause even with light duty, you know if you're working at the PD if you had an injury or something like that, if you couldn't carry your gun you can't work. So they can't pay you to do that. So I'm assuming you would have to be through -- they'd have to file through unemployment. But the PD can't employ somebody that can't carry their gun.

REP. SMITH (108TH): So the only -- okay. So what I'm getting at is then there is some compensation but it's not full compensation. It would be unemployment if that's available to the person during that time period that they can't have their weapon. So, I'm not trying to put you on the spot, I'm just trying to understand it so.
REBECCA ST. GEORGE: No, it's okay.

REP. SMITH (108TH): So the -- and the emphasis behind this Bill then would be to allow them to get their gun back -- weapon back quicker so they can return to work quicker?

REBECCA ST. GEORGE: Right.


SENATOR WINFIELD (10TH): Are there others with comments? Representative O'Dea.

REP. O'DEA (125TH): Thank you, Mr. Chairman. Just a brief -- thank you for your testimony.

REBECCA ST. GEORGE: Thank you.

REP. O'DEA (125TH): You mentioned Tommy. Was that Tom -- Thomas Forbes?

REBECCA ST. GEORGE: No, Tommy Byrne.

REP. O'DEA (125TH): Okay. I'd known Lieutenant Tom Forbes who took his life in Groton and I was wondering if that was who you were referring to. Going through the testimony I don't see anybody opposed. Are you aware of any testimony opposition to this Bill?

REBECCA ST. GEORGE: No, not personally. I know that last year when we were here we had a really strong group working on it so we're just hoping that this year the Bill does get passed. It was very sad for like our -- the law enforcement community last year. You know, everybody is really behind the Bill on our part.
 REP. O'DEA (125TH): Okay. Thank you very much for your service and your testimony. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Are there others? If not, thank you for your testimony. Next we'll hear from Shawn Lange, I don't see. Followed by Dr. Scott A. Whyte. Is Dr. Whyte here?

DR. SCOTT A. WHYTE: Good afternoon Co-Chairs and Committee members. It's my honor and privilege to be here today to represent the minority of four to five physicians in the state regarding support of Bill 910, regarding coverage for physicians volunteering their time for Special Weapons and Tactics teams throughout Connecticut.

I have had my pleasure in serving Waterbury police, ERT, SWAT for about five years. I also have worked as an emergency physician for about 20 years in Waterbury Connecticut. I'm also a Tactical Combat Casualty Care Provider and Instructor and so everyone has their own motivating factors and I appreciate all the officers here and all those testifying on behalf of support of mental health Bill.

My personal drive for becoming involved with assisting SWAT officers is from previous experiences of my own and knowledge through my training with tactical combat casualty care that a simple gunshot wound can result in someone's death in approximately three minutes from bleeding out.

As the current sort of paradigm exists for rendering aid to SWAT participants a scene has to be rendered safe before emergency technicians can enter the
facility and offer aid to officers or even perpetrators to try to save life and limb. The reason physicians volunteer their time, at least for myself and the four that I am friends with throughout the state, is because we have a strong sense of duty to try and support our brothers and sisters in blue as we call them, because they're putting their lives on the line every day.

My personal experience regarding civil liability which is what this Bill is aimed at is a personal one. I was able to obtain medical coverage as far as medical malpractice through MCARE that I worked for at the hospital. My disability is self-supplied. I spoke to my insurance broker regarding trying to obtain civil liability since I'm not a sworn officer and I'm not covered under the town or police coverage, and I essentially received a laugh from my insurance broker who said there would not be any underwriter that would undertake such a liability. So I am in strong support of the Bill 910 because not only will it help current physicians practicing to sort of protect from civil liability should someone decide that they've been wronged in a SWAT activity, but it should help to encourage additional physicians who might be worried about undertaking such liability coming to the -- the aid and volunteering for other teams in the state and community. I've tried to keep my statement fairly short. I hope it was not too short, but I'm happy to entertain any questions.

SENATOR WINFIELD (10TH): Thank you. Chairman Stafstrom.

REP. STAFSTROM (129TH): Thank you, sir. Thanks for coming to testify. You know admittedly you may not
be the right person to direct this question to but you're the only one signed up to testify on this Bill. The trial lawyer submitted testimony in opposition to this basically claiming that the -- the intent of this Bill, what it seeks to accomplish is already existing law; that you would be covered by the state's Good Samaritan Statute. I don't know whether you feel competent to address that question or not, but if you do I'd like to give the opportunity to.

DR. SCOTT A. WHYTE: I'd love to give it my best. I'm not versed in legal ease but this question was one of my own as far as Good Samaritan and if I could just briefly read from the Connecticut -- I'm not sure what it is, OLR, Office of -- all right, thank you. It says: Liability of volunteers by George Cappo, Chief Attorney dated March of 2003. You ask whether Connecticut law provides or protects volunteers from liability. Our office is not authorized to give legal opinions and this report should not be considered one. Summary: I'm just going to read the first sentence. Connecticut law protects volunteers who are engaged in certain activities under certain circumstances. The protection applies to volunteers who 1) render emergency medical services. And it goes on to list a whole bunch of other volunteer positions. And I'd like to just highlight that it says, medical services.

So as I addressed already, if I'm rendering aid to an officer, a civilian, perpetrator of any SWAT activity or even non-SWAT activity my insurance would cover me and I would feel confident the Good Samaritan Law would protect that. However, if the team as a whole is sued based on an activity
undertaken by the SWAT team for whatever claim may be, my understanding -- and speaking to the City lawyer and various other lawyers, my insurance broker, the one I initially tried to apply for civil liability is that I would not be covered for civil liability as a whole and I am essentially placing all of my assets including my house, retirement, etc. on the line each time I go out. And that's not just myself, that's my fellow physicians that volunteer their time for different SWAT agencies.

Again, I'm not a lawyer but when I've had a lawyer tell me this, my own insurance agent and others say this; I have to assume they are familiar with that type of legality.

REP. STAFSTROM (129TH): We're -- and not to get too lawyery on this but does -- were they drawing a distinction between whether you had defense coverage as opposed to liability coverage?

DR. SCOTT A. WHYTE: Essentially any coverage at all. I wouldn't be compensated for obtaining legal counsel nor for insurance regarding civil liability.

REP. STAFSTROM (129TH): Okay. And then -- I actually -- I'll pull that OLR report 'cause I would be interested because I think the trial lawyer's point was less as a volunteer but there is a -- you know there is a separate section of the Good Samaritan Law for somebody who is licensed to practice medicine.

DR. SCOTT A. WHYTE: Sorry, I'll just bring one other point up that I kind of forgot about. What -- I think the lawyer said was essentially that the Good Samaritan in its body is intended to protect people such as myself from walking along the street
and there's an incident, render aid, I've done everything I can. It protects me in that regard. The Good Samaritan Law in its intent from what I was told wouldn't be for someone who is training on a regular basis, has gone to SWAT school and other educational activities in regards to sort of practicing as a police officer on a SWAT team even though I'm not sworn or my fellow physicians are sworn, the statute would not likely hold up in a court of law.

REP. STAFSTROM (129TH): Okay, thanks.

SENATOR WINFIELD (10TH): Are there other -- Rep -- Senator Sampson.

SENATOR SAMPSON (16TH): Thank you very much, Mr. Chairman. And thanks also for Chairman Stafstrom for flushing out the one question I wanted to really address with -- with Dr. Whyte. Thank you for being here today and testifying in favor of this very important legislation and thank you also for the sacrifices you make to go out and the risk associated with it to be part of that team of you know, important people that help keep us safe.

Just a couple of things. So did I hear you correctly when you said it's a very small population of physicians that are involved in this type of volunteer effort? Five or six in the state; is that right?

DR. SCOTT A. WHYTE: Yes, sir. To the best of my knowledge there are currently five attending physicians. I'm friends with three besides myself that we attend the SWAT Challenge every year. There is one, I know his name but I've never personally met him, and yes it's a very small crowd.
SENATOR SAMPSON (16TH): All right. And is there any concern that's been expressed to you maybe by your employer or the hospital you work for that they might be exposed to some liability because of the lack of Good Samaritan protections?

DR. SCOTT A. WHYTE: There was some hemming and hawing when I initially approached my department director who directed me to the legal department who directed me to MCARE and their legal representatives. There is precedent for this throughout the country, predominantly throughout the west/southwest where MCARE is a large national organization. And they said, oh yes, this is no problem. We've done this multiple instances through different states, that portion of the country. We applaud you for doing it.

SENATOR SAMPSON (16TH): Right. Yeah, so I'm gathering that I guess the situation is that you're confident and so am I based on my understanding and the reason for putting in the Bill that the Good Samaritan protections would not hold up in your case. You could become personally liable, lose your home, something crazy like that. Does the lack of legislation protecting you potentially discourage you from continuing to participate?

DR. SCOTT A. WHYTE: As the Admiral at home would say, she's very disappointed with my activities. (Laughing) So yes, I have to answer to a higher command and it's very much disapproved at home. I can tell you that my fellow physicians, a little younger maybe a little less worried. I'm a little closer to retirement. Significantly more worried that someone is unhappy with the activities that were rendered upon them and being in court for the
next ten years and hoping I can hold onto my retirement.

SENATOR SAMPSON (16TH): Excellent. Well thank you very much. And consequently you're here doing your best to try and fix that situation and I applaud you for your effort and I hope we can get this over the finish line. Thank you very much, and thank you Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Are there others? Seeing none, thank you very much for your testimony.

DR. SCOTT A. WHYTE: Thank you.

SENATOR WINFIELD (10TH): Next we'll hear from Zak Leavy.

ZAK LEAVY: Good afternoon. My name is Zak Leavy. I represent -- I'm a legislative and political advocate with AFSCME Council 4 which represents over 32,000 union members including over 2,000 municipal police. I know we're at the end and I've already submitted testimony so I'll be brief. I want to thank the Committee for raising this Bill and giving it a hearing today. This Bill is an important step in allowing police officers to get the mental health coverage and access that they need. And as we've seen through testimony from officers, is something that will benefit departments, will benefit the police officers and will aid them in the jobs that they do.

This Bill helps align a couple issues. You know we don't have Worker's Compensation for PTSD which is often the result if they don't even get this mental health access training. Luckily we're working with CCM in coalition with other police unions to find a
deal with that. But what this Bill does is allows them to not have any undue consequences for simply getting the help that they need to get, that any of us would need to get I'm sure if we went through the day to day rigors that police officers do as we heard from Officer St. George; the kind of horrors that they can undertake.

This Bill also allows for the officers to get their guns back in a quicker time; their service weapon, would help prevent them from losing their employment from not being able to have their service weapon. It's important that we allow officers and that we encourage officers to get the mental health treatment that we need as research has shown that they are one and a half times more likely to commit suicide than members of the general public.

This will hopefully help reverse course on that and make it more acceptable both in their employment but to the police officers themselves to know that they can get the help they need and be protected. And with that said, I want to thank the Committee for this Bill again and for this time. Happy to answer any questions.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from the Committee? Just a question for you. So there was a Bill like this last year that did not make it. How similar or dissimilar is this Bill to that Bill; do you know?

ZAK LEAVY: From -- from my recollection of last year I believe it's substantively almost -- very similar. I believe it's substantively very similar. I think there might have been -- the difference might have been with the service weapon. I think it might have been that last year.
SENATOR WINFIELD (10TH): I just was checking. Thank you. No one else? Thank you very much for your testimony.

So we are at the end of the list. Is there anyone present who would like to testify? Going once, going twice, and I will call this public hearing to a close. Thank you very much for attending.