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Hearing Before the United States Senate Committee on the Judiciary “Constitutional and Common Sense Steps to Reduce Gun Violence”

Written Testimony of Fernando Spagnolo
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Chairman Durbin, Ranking Member Grassley, and Distinguished Members of the Judiciary Committee. Thank you for inviting me to testify today. My name is Fernando Spagnolo, and I am the Chief of Police for the City of Waterbury, Connecticut. I joined the Waterbury Police Department in 1992, and served in a wide range of roles over the past 25 years before becoming Chief in December of 2018, including the Patrol Division, Motorcycle Unit, Tactical Narcotics Team, Vice and Intelligence Division, and Aide to the Chief of Police.

I am a graduate of the FBI's Law Enforcement Executive Development School in Quantico, Virginia, and have participated in numerous projects and investigations with both the State and Federal Departments of Homeland Security. I am a member of the Connecticut Police Chiefs Association and the Western Police Chiefs Association and I serve as the President of Waterbury Police Activity League, a nonprofit organization which promotes partnerships between youth, law enforcement, and the community. I have dedicated most of my adult life to public service — sworn to protect the people and to uphold the Constitution.

I am honored to testify before you today on common sense solutions to prevent gun violence.

When the national press talks about gun violence and Connecticut, it's usually to discuss the brutal and unspeakable murders at Sandy Hook Elementary School in Newtown nearly 10 years ago. The events of that day, the loss of those young children and their teachers, shook the nation to its very core.

As chief administrator of one of the largest police departments in the State of Connecticut, the gun violence that I am most familiar with rarely makes national headlines, but it is just as consequential for the people that it affects. The toll of daily gun violence that disproportionately affects Black and Brown communities in cities like mine across the country is a serious problem, requiring serious solutions.

Following Sandy Hook, the people of Connecticut worked together to improve the state's existing laws and develop a comprehensive strategy to reduce gun violence, including instituting universal background checks — a common sense policy supported by almost every American. As someone who is responsible for the safety of the men and women in uniform, ensuring that all

individuals get a background check before a firearm can be transferred, and that there is ample time to complete that check, is a top priority of mine.

We also expanded the state's assault weapons ban and outlawed the sale of new high capacity ammunition magazines. These are items that belong on the battlefield and not on American streets.

Likewise, recognizing the heightened risk posed by domestic abusers, in 2016, a law was passed to prohibit those subject to temporary domestic violence restraining orders from accessing guns. This law was passed after Lori Jackson was shot and killed by her estranged husband. A woman is shot and killed every 16 hours in America by a current or former romantic partner,¹ and this is something that needs to stop.

More recently, the Connecticut General Assembly passed Ethan's Law, a common sense measure that requires guns to be safely stored if children might have access to them. This law is named in honor of Ethan Song, a 15-year-old boy from Guilford, CT, who died when unintentionally shot with an unsecured firearm. Nationwide, nearly 4.6 million children live in homes with access to unsecured and loaded firearms,² and eight children and teens are unintentionally shot with an unsecured firearm on a daily basis.³

These all built off of Connecticut's existing gun laws, including the nation's first Extreme Risk law, known in-state as a Risk Warrant, which allows for a law enforcement officer to petition a court to temporarily separate an individual from firearms if they pose a risk of imminent harm to themselves or others. According to a recent study, for every 10 to 20 risk warrants issued in Connecticut, one suicide is prevented.⁴

In addition to these common sense laws, in Waterbury we have invested in community solutions to prevent gun violence, and partner with local leaders, institutions, and nonprofits to help remove the root causes of violence. This includes youth violence prevention programs, including one-on-one mentoring for high-risk youth, and providing mental health and substance abuse recovery services to members of our community. It also includes an annual gun buyback program which gets about 100 firearms off the street each year.

¹ Mascia, Jennifer, "Once Every 16 Hours, an American Woman Is Fatally Shot by a Current or Former Romantic Partner", *The Trace* (Feb 9, 2016) available at <https://www.thetrace.org/2016/02/women-domestic-violence-death-statistics/>

² Azreal, Deborah, *et al.*, Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey, *Journal of Urban Health*, 2018, available at <https://link.springer.com/article/10.1007/s11524-018-0261-7>

³ National Center for Injury Prevention and Control, US Centers for Disease Control and Prevention. Web-Based Injury Statistics Query & Reporting System (WISQARS) Fatal Injury Reports and Nonfatal Injury Reports, National, Regional and States, 1999 to 2017, available at <https://www.cdc.gov/injury/wisqars/fatal.html> and <https://www.cdc.gov/injury/wisqars/nonfatal.html>

⁴ Gardner, Christopher, "Yale, Duke, UConn researchers: Gun-seizure law prevents suicides", *Yale School of Medicine* (Nov. 28, 2016), available at <https://medicine.yale.edu/news-article/13939/>

Additionally, to break cycles of violence and reduce recidivism we have post-incarceration violence prevention programs that facilitate services such as housing, healthcare, harm reduction, workforce training, education, and faith-based outreach. This is especially important, as the majority of weapons offenses in Waterbury are being committed by individuals with prior weapons convictions. Across Connecticut those who have been convicted of a weapon charge are nearly 10 percent more likely to be sentenced to prison for a subsequent offense than those who did not have a prior weapons charge.⁵ As recently released individuals are being reintegrated into society, often with their support networks in disarray, we must find ways to give them a stake in their community and their future to reduce recidivism and prevent further violence.

The efforts to prevent gun violence in Connecticut since the massacre at Sandy Hook have worked. In 2019, Waterbury experienced some of its lowest levels of gun violence in years. Statewide, since 2014 we saw a 41 percent reduction in gun homicides and a 15 percent reduction in gun suicides.⁶ In the midst of the COVID-19 crisis and the huge national surge in gun purchases, incidents of gun violence have skyrocketed in cities all over the country in 2020 and Waterbury was no exception.

Despite these recent setbacks, Connecticut still has one of the lowest gun death rates in the nation, but Connecticut is not an island and without federal action we remain at the mercy of states with weak gun laws — Over two-thirds of the crime guns traced by law enforcement in Connecticut come from other states, and gun traffickers will continue to exploit weaknesses in federal law.⁷ Unless we can stop the unchecked flow of guns into cities like mine, preventing cycles of violence will be almost impossible.

Gun violence is not inevitable, and the members of this body are in a position to enact sensible solutions that are in line with the Second Amendment. Preventing gun violence requires a comprehensive approach and a strong investment in our communities.

I am grateful for the opportunity to testify before you today and I look forward to your questions.

⁵ Recidivism & Weapons, *Criminal Justice Planning and Policy Division of the State of Connecticut Office of Policy and Management and the CT Statistical Analysis Center* (August 2010) available at https://www.ct.gov/opm/lib/opm/cjppd/cjcjpac/recidivism_and_weapons_report_pdf.pdf

⁶ *Ibid*, WISQARS Fatal Injury Data.

⁷ Firearms Trace Data - 2016, *Bureau of Alcohol, Tobacco, Firearms and Explosives* (Nov. 17, 2020) available at <https://www.atf.gov/resource-center/firearms-trace-data-2016>