



**STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION**

**Police Officer Standards and Training Council
Connecticut Police Academy**

POLICE OFFICER STANDARDS AND TRAINING COUNCIL

MINUTES OF MEETING

JUNE 7, 2012

CONNECTICUT POLICE ACADEMY

MERIDEN, CONNECTICUT

Council Members Present: Chief Anthony J. Salvatore, Sr., Chairman; Mr. Richard P. Boccaccio; Commissioner Reuben Bradford; Mr. Howard L. Burling, II; Mr. Kurt P. Cavanaugh; Chief Douglas L. Dortenzio; Chief Christopher J. Edson; First Selectwoman Laura L. Francis; Chief Louis J. Fusaro; Chief Lisa Maruzo-Bolduc; Special Agent In-Charge Kimberly Mertz; James N. Tallberg, Esq.; and Town Administrator John D. Ward

Other Attendees: Thomas E. Flaherty, Police Academy Administrator; Certification Manager William Klein; Accreditation Manager Ted LeMay; Susan Rainville, Director of Field Services; Assistant Attorney General Stephen Sarnoski; William Schultz, Director of Basic Training

Council Members Absent: Mr. William Brevard, Jr.; Dr. Amy K. Donahue; Chief State's Attorney Kevin T. Kane; Chief Harry W. Rilling

CALL TO ORDER

Chief Anthony Salvatore, Council Chairman, called the meeting to order at 9:30 AM. Chairman Salvatore asked the Council members to act on the amended agenda that was included in the day packs. He then requested that Council consider moving the Accreditation Committee's agenda item for Tier III State Accreditation for the UConn Police Department before the Action Items. Once that has occurred, Council would take a very brief recess to present them with their certificate. Moving this item would allow more time for discussions with items on the agenda that had originally been scheduled before the UConn item. The Chairman wanted to allow enough time for those discussions as they may be lengthy.

Chief Fusaro moved to approve the amended agenda and allow the Accreditation Committee's item for the University of Connecticut Police Department Tier III accreditation be moved before the agenda's action items, it was seconded by Kurt Cavanaugh. The motion carried.

ACCREDITATION COMMITTEE

Chief Edson, Chair of the Accreditation Committee, reported that the University of Connecticut Police Department submitted a request to be reaccredited at the Tier III level. They are already a CALEA accredited program and have submitted the eight standards not found in CALEA. They have been found to be in full compliance with all applicable POST Council and CALEA accreditation standards. The

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Committee recommends the POST Council award Tier III reaccreditation to the University of Connecticut Police Department.

Chief Edson moved to approve the request of the University of Connecticut Police Department to award Tier III Connecticut State Law Enforcement reaccreditation to the University of Connecticut Police Department, it was seconded by Mr. Burling. The motion carried.

MINUTES

Mr. Ward moved to approve the minutes of the May 2, 2012 meeting, it was seconded by Commissioner Bradford. The motion carried. Chief Dortenzio and First Selectman Francis abstained from the vote. There was a correction on page 8, under the item of Israel Lugo, Waterbury Police Department, second paragraph under that item. After review of the minutes of May 2, 2012, it has been clarified that Mr. Cavanaugh's motion was not voted on. At that time there was a vote to enter into Executive Session at 10:19 AM. Further clarified on page 8, second to last paragraph on the page, Mr. Cavanaugh (not Attorney Kane) moved to withdraw his previous motion approving the recommendation of the Certification Committee that the full Council deny the request of Chief Gugliotti for reinstatement and recertification of former Waterbury Police Officer Israel Lugo, because it had been determined that the Council was not obligated to take any action on Mr. Lugo who is not a police officer because of his arrest and termination.

CHIEFS/PUBLIC COMMENTS

There were no comments to report.

CERTIFICATION COMMITTEE

Request for Comparative Certification

Michael Haniuk – Greenwich Police Department – (Police Officer position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief James Heavey, Greenwich Police Department, on behalf of Michael Haniuk for a Certificate of Comparative Certification and Full or Partial Waiver of the POSTC Basic Training Requirements. The document was included in the packet that was mailed to Council members. Michael Haniuk has previously attended both the Capitol Police Department's Training program in Washington, DC and the Federal Law Enforcement Training Center in Georgia. The Committee has reviewed his credentials and recommends he attend the 18 classes listed in the document in the council packet. Until such time as the classes are completed, his duties and authority is restricted. The Certification Committee recommends the full Council approve the staff recommendation subject to the restrictions that are laid out in the document.

Chief Dortenzio moved to approve the request of Chief Heavey, Greenwich Police Department, specifying that Probationary Officer Haniuk be granted a Certificate of Comparative Certification subject to his successful completion of the 18 specific courses, it was seconded by Mr. Burling. The motion carried.

Robert D. Burke – Southbury Police Department – (Police Officer position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of First Selectman Ed Edelson, Town of Southbury, on behalf of Robert D. Burke for a Certificate of Comparative Certification and Full or Partial Waiver of the POSTC Basic Training Requirements. Robert D. Burke is a retired State Trooper from the Connecticut State Police who retired last year. The documents were included in the Council's day packets for this meeting. He had been with the Connecticut State Police for 22 years, retiring at the rank of Trooper First Class and as the Sherman Resident Trooper. The Committee has reviewed his credentials and recommends he attend the 10 classes listed in the document. Until such

time as the classes are completed, his duties and authority is restricted. The Certification Committee recommends the full Council approve the staff recommendation subject to the restrictions that are laid out in the document.

Chief Dortenzio moved to approve the request of First Selectman Ed Edelson, Town of Southbury, specifying that Probationary Officer Burke be granted a Certificate of Comparative Certification subject to his successful completion of the 10 specific courses, it was seconded by Chief Fusaro. The motion carried.

Revocation of Police Officer Certification

Andrew N. Stinson – Newtown Police Department (Felony Conviction)

Chief Dortenzio, Chair of the Certification Committee, reported that Andrew Stinson is a convicted felon formerly with the Newtown Police Department. He was convicted on March 16, 2011. There are documents in the day packets outlining the charges for which he was convicted. The Certification Committee recommends the full Council approve the revocation of Andrew Stinson's certification card.

Chief Dortenzio moved to approve the revocation of Andrew N. Stinson's Police Officer Certification, it was seconded by Chief Edson. The motion carried.

Domenic C. Costello – Newtown Police Department (Felony Conviction)

Chief Dortenzio, Chair of the Certification Committee, reported that Domenic Costello is a convicted felon formerly with the Newtown Police Department. He was convicted on March 16, 2011. There are documents in the day packets outlining the charges for which he was convicted. The Certification Committee recommends the full Council approve the revocation of Domenic Costello's certification card.

Chief Dortenzio moved to approve the revocation of Domenic C. Costello's Police Officer Certification, it was seconded by Mr. Burling. The motion carried. It was noted that in the last paragraph of page 1 of Mr. Costello's revocation documents, the first sentence should read, "On May 9, 2012, COSTELLO, pled ...", not STINSON.

Request Authorization to Have an Academy Recruit Before Completion of FTO

Chief Dortenzio stated that this item is for the Council's information only. The Certification Committee does not believe any action is necessary at this time. The issue for discussion today is an inquiry from the North Branford Police Department asking whether or not they can hire a person seated in the current Academy class that was originally hired by another police department. They are seeking to hire the person on or about the date of graduation, and they will assume responsibility for the individual's FTO instruction and eventual certification as an officer in their Department. As Council is aware, the State has appealed the two-year rule, and the waiver forms are no longer used that the employer and the prospective employer would sign to acknowledge the events about to take place and would waive certain rights under the existing Statute. The most recent legislative change has done away with those practices. The two-year rule had secured a police department with its training academy graduates for at least two years before they would be allowed to work in another police department.

The Statute currently states any certified police officer may accept a position with another police department within the State without repeating minimum basic training. However, a person is not certified until the successful completion of the FTO program in addition to the academy. The candidate in question will not be certified upon taking the position in North Branford because the person will just be graduating from the Academy and not have completed their FTO training. Given the language of the Statute and the current circumstances before this Council, the Certification Committee does not believe there is any action to be taken on their part at the present time. However, the Committee recognizes that this issue is complicated, and it is believed there will be more similar concerns once tuition is implemented in July. Also noted is that municipalities are investing in selection costs, salary, uniforms

and equipment prior to graduation. Current Statute requires that in the situation before the Committee today, the individual repeat the Academy because they have not been certified at the time they changed departments. It is possible that the current employer will terminate the individual because there is no point in continuing to invest in the individual. The new employer would have to have the person repeat the academy. It was mentioned that there have been instances in the past of individuals trying to “swap patches” during the academy process. This was why the two-year rule was instituted.

There was a lengthy discussion regarding whether or not to revisit the two year rule, requirements to certify officers, requirements in order for officers to change departments and the impact on the effected Police Departments when those changes occur. Police Departments will have the additional tuition expense to consider. Also discussed was the process for recruits when asked by polygraphers if a candidate has applied to other departments. It is possible that the information provided by a candidate is false. Attorney Sarnoski suggested a policy be adopted by the Council to clarify that there be no “patch swapping” while an individual is in the Academy. Chairman Salvatore suggested that the Council recommend to the Commissioner’s Office to revisit the Statute that was changed, and reinstitute language and legislation for the two year rule. The two year rule did address some of the problems that the police departments were facing. The Chairman further stated that the elimination of the two year rule was an oversight. At that time there was also an effort to eliminate all entry level standards for certified officers without recognizing the two year rule was being eliminated. The ramification on new recruits was not realized at the time, and that was the oversight. The Chairman recommended that this be referred to the Commissioner’s office for the next legislative session. Mr. Ward asked who the advocate was for the abolishment of the two year rule. The Chairman responded that the catalyst for the changes was not the Council, the Police Chiefs or management. It was suggested to refer this issue to the Planning Committee with their recommendations being referred to the full Council.

Discussion Mashantucket Pequot Tribal Police Department

Assistant Attorney General Steve Sarnoski had requested that this item be placed on the agenda because there has been a request from the Chief of Police of the Mashantucket Pequot’s on behalf of himself and eight other tribal police officers to be considered for comparative certification by POST. This had been done routinely in the past for the Mohegan tribal police. Copies of two newspaper articles were included in the Council members’ day packs regarding current tribal police events. Attorney Sarnoski stated there have been issues raised regarding the tribal police and their ability to enforce the law and if they are effective in tribal court, or if they are qualified to be certified. Additional information would be needed to make that determination because the only information made available is what has been published in newspapers. It is not clear if any investigations have been conducted. Commissioner Bradford reported that the entire Mohegan Tribal Police Department is certified by POST and the Bureau of Indian Affairs. When POST certified the Mohegan’s, the Mohegan’s wanted everyone in their Department certified, and Chief Flaherty confirmed that individual polygraphs, psychological testing and background investigations were done. They also participate in the selection process for certified officers. Commissioner Bradford recommended that Chief State’s Attorney Kevin Kane and the Chief State’s Attorney from New London be involved in further discussions regarding the Mashantucket Pequot Police Department.

Chief Dortenzio asked if the Council has the authority to regulate a Sovereign Nation. Attorney Sarnoski responded that although both the Mohegan’s and Mashantucket’s are sovereign nations, they each have Compacts with the State of Connecticut that have been adopted through federal law. Their police officers have jurisdiction to enforce Connecticut laws, just as Connecticut has Connecticut State Police who can enforce Connecticut laws on the reservations. Attorney Sarnoski stated that these types of issues would need to be addressed in more detail. A written agreement would need to be drafted if the relationship between the Tribal Police and State Police is altered in any way. Chairman Salvatore stated that the issue before the Council today is whether or not there is a mechanism to certify the individuals who are presently policing the Mashantucket’s. Chief Flaherty reported that in 1998 a plan was put together by the Certification Officer at POST. The Mashantucket’s had agreed to it, all background work was done, and it was to come before the Council for certification as an agency and also individually to each Mashantucket officer. At the last minute the Mashantucket’s reconsidered and backed out. However, it

appears that the Mashantucket's do not want to pay for the services of the State Police which would necessitate a new agreement between them. If a new agreement is indicated, some of POST's concerns should be addressed at that time. Attorney Sarnoski reminded the Council that the Mashantucket's are tribal police, and the Council cannot require them to be certified.

Ms. Mertz asked if the Mashantucket officers would need to go through POST training before becoming certified. Mr. Klein stated that he had been working with Chief Collins. The Chief is no longer there, but he had started the process with Mr. Klein. The Chief had sent training records for himself as well as the other eight officers for consideration for comparative certification. Each officer has training from the Bureau of Indian Affairs and FLETC. Mr. Klein has reviewed the curriculums and compared the core series against POST. They receive over 1,000 hours of training. In his opinion the core training seems to be equivalent with the POST Academy. Mr. Klein feels that we can accept their training towards comparative certification vs. basic training. Attorney Sarnoski added that he will have copies distributed with the minutes, of the 1997 Opinion regarding standards for training and certification of Police Officers employed by the Mashantucket Pequot and Mohegan Tribes. Attorney Sarnoski had concerns about information given via newspaper articles regarding whether or not any officers were involved with tampering of evidence, obstruction of justice or committing a felony. This question has never been addressed on a comparative certification. He questioned whether or not the newspaper information is reliable or was ever investigated. Chief Flaherty commented that there is no information on file. Mr. Ward added that whenever someone has been brought before this Council for Comparative Certification the educational and training backgrounds have been addressed, but he does not recall addressing their conduct or character background. Chief Salvatore stated that the Council would act after the agency does their investigations. Recruits cannot begin their training academy requirements until the Entry Level forms are sent to POST. The form indicates if a background check was done or any felonies, fingerprint cards and Polygraph test. Mr. Klein noted that Chief Collins had begun the process and asked Mr. Klein to put in writing what would be required. He never heard from Chief Collins after that conversation.

Chief Flaherty asked the Council to authorize him to write a letter on behalf of the Council to the Mashantucket Pequot's regarding the misconduct allegations and inquire whether or not they have conducted an internal affairs investigation or criminal investigation, and ask for copies of those reports. He feels that should be done before the Council considers a request for comparative certification. A concern was whether or not the Mashantucket's pursue any investigations. They are still able to take polygraphs and psychological for certification, however, POST does not require a pass or fail on those tests. They meet POST requirements just by taking the tests to become certified. Whether they pass or fail is not relevant. There was a lengthy discussion regarding the POST certification requirements. Specifically, a candidate must take a polygraph test, psychological test, have a background investigation but there is no pass or fail criteria. If an admission of guilt to any criminal charges on those tests is discovered, should it be relevant whether or not some type of investigation was done.

Chief Fusaro moved to authorize Chief Flaherty to sent a letter on behalf of the Council to the Mashantucket Pequot Police Department to inquire about the misconduct allegations and whether or not any internal affairs investigations or criminal investigations have been performed and request copies of any related documents and reports. Included with that letter will be a copy of the POSTC Certification Standards, it was seconded by Chief Edson. The motion carried. Chief Maruzo-Bolduc abstained.

INFORMATION ITEMS

EXECUTIVE DIRECTOR'S REPORT

Chief Flaherty reported that the POSTask award this year was presented to Judge Jon Blue. The program was well attended, which included the POST recruits as well as students from Criminal Justice Programs around the State. The Chief attended a DESPP Outside Employment Committee meeting and Commissioner Bradford's Executive Staff meetings. A POST tour was given for the Vernon High School Criminal Justice Club. POST sponsored a full-day, In-Cop train-the-trainers class which included information on counter terrorism. POST also hosted a visit by a Fulbright scholar from Bangladesh who

was visiting the University of New Haven. The Connecticut Law Enforcement Memorial Committee held the Memorial Service at the Academy on May 24, 2012. Chief Flaherty attended a meeting with Assistant Attorney General Steve Sarnoski on Electronic Control Devices at the U.S. Attorney's Office. He also attended the Anti-Terrorism Advisory Committee meeting last week. Members of POST staff and the CSP training staff met with Michele Cruz to finalize the Missing Person Policy. The Chairman suggested that the Council draft some guidelines on Electronic Control Devices based on the meetings attended by Chief Flaherty and Attorney General Sarnoski. This issue will be discussed under New Business.

Chief Edson moved to suspend the reading of the Directors Reports, the Accreditation Manager's Report and the Compliance Officer's Report in the interest of time, seconded by Chief Dortenzio. The motion carried.

NEW BUSINESS

Council Briefing on U.S. Attorney's Control Weapon Initiative

Chief Flaherty reported that he has been invited along with Assistant Attorney General Sarnoski to attend meetings with the U.S. Attorney on their electronic control weapon initiative. The meetings have included members of the Civil Rights Division from the Justice Department, the former President of the CT Chiefs and others. The purpose of the meetings has been to evaluate the use of electronic control devices around the Country. There have been some deaths and injuries. There is also a lot of litigation, specifically, two cases out of the Ninth Circuit. The U.S. Attorney here is in the process of gathering information on the subject. There was a meeting last week with an Attorney from the Civil Rights Division. They have given some direction to agencies where there are model policies on electronic control weapons and nine issues that the U.S. Attorney and the Justice Department has with existing policies. It has been suggested that a model policy be developed for Connecticut Law Enforcement Agencies. Not mandatory, but a model policy that can be disseminated to those Departments that would like to use it. Chief Flaherty has collected material from the State of Maryland which had a Task Force Report, and their curriculum and training materials. That Academy certifies officers in the use of electronic control devices. They have an annual recertification which Connecticut does not have. He has reviewed the material, which seems to be relevant. He has briefed Chief Salvatore on the information he has collected.

Attorney Sarnoski reported that the U.S. Attorney's office is encouraging the State of Connecticut to move forward on the taser issue. The Civil Rights Division gained a lot of responses from surveys that were sent to Police Departments in Connecticut, and received copies of each Department's taser policies. Their conclusion was that there were not a lot of consistencies between the policies. They were complimentary about the State Police policy, but noted there were a lot of differences in the policies of the municipalities. Attorney Sarnoski noted that a model policy would be a positive influence in terms of professionalism. Chief Edson suggested to also establish a POST-approved lesson plan for initial certification for instructors. There is a lot of reliance on industry information without initial instruction.

Mr. Ward moved to authorize the Executive Director to draft a model policy on the use of electronic devices as well as looking at establishing instructor certification for those devices, it was seconded by Chief Dortenzio. The motion carried.

ADJOURNMENT

Chief Fusaro moved to adjourn the meeting, it was seconded by Mr. Ward. The motion carried.

The meeting was adjourned at 11:03 AM.

***Thomas E. Flaherty
Police Academy Administrator***