

STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

Police Officer Standards and Training Council
Connecticut Police Academy

MINUTES OF MEETING

June 17, 2019

Training Academy, 285 Preston Avenue
Meriden, CONNECTICUT

IT SHOULD BE NOTED THAT THIS DOCUMENT IS AN ABRIDGED VERSION OF THE MINUTES OF THE JUNE 17, 2019 POST COUNCIL MEETING. THE ORIGINAL MINUTES ARE IN THE FORM OF A DIGITAL RECORDING AND AVAILABLE UPON REQUEST FROM THE ACADEMY ADMINISTRATOR.

Council Members Present: Kurt P. Cavanaugh; Chief John F. Daly; Dr. Amy Donahue; 1st Selectman Laura Francis; Town Administrator Michael Freda; Douglas Glanville; Chief Ronnell Higgins; Chief State's Attorney Kevin Kane; Chief Thomas Kulhawik; Chief Paul Melanson; Chief Keith Mello; Chief Mark Palmer; Chief Vernon Riddick, Jr.; Commissioner James Rovella; Special Agent in Charge Brian C. Turner; Dr. Guy Vallaro and Chief James Viadero.

Other Attendees: Police Academy Administrator Karen Boisvert (Acting); Compliance Officer/Certification Manager William Tanner; Basic Training Director (Acting) & Accreditation Manager/Compliance Officer Marc Fasano; Holly King, CSP - TA Administrative Staff; Pamela Hayes, CPCA Executive Director and Colin Milne – DESPP Staff Attorney 3.

Council Members Absent: State Victim's Advocate Natasha Pierre; Patrick Rittmon and Assistant Attorney General DeAnn Varunes.

CALL TO ORDER

Chief Keith Mello, Chairman, called the meeting to order at 9:34 A.M.

ACTION ITEMS

1. Approval of the Minutes of the March 7, 2019 Regular Meeting
Chief Mello requested a motion to accept the Minutes of March 7, 2019 Meeting as submitted. Motion made by Chief Daly, seconded by Mr. Freda; minutes accepted.
2. Chiefs/Public Comment

CERTIFICATION COMMITTEE

Request for Comparative Certification

1. DIOGO, David, A. - Mohegan Tribal Nation PD (Officer)
2. FRATE, Eric, J. - Mashantucket Pequot Tribal Nation PD (Officer)

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3. MCCUSKER, Joseph, P. – Killingly PD (Officer)
4. MERRIAM, David, J. – Bethany PD (Officer)
5. OWENS, Jonathan – Mohegan Tribal Nation PD (Officer)

The certification committee recommends the council approve the above certificate requests for Police Officer Certification by way of a Certificate of Comparative Certification subject to State of Connecticut certification/recertification or proof of current certification consistent with training requirements and associated conditions as specified within the contents of the council packet forwarded to each member in advance of today's meeting; motion made by Mr. Cavanaugh, seconded by Chief Daly. The motion passes.

Basic Training Academy Applications

1. Hartford Police Academy – Hartford Police Department
2. New Britain Police Academy – New Britain Police Department
3. Waterbury Police Academy – Waterbury Police Department

The Certification Committee recommends the Council approve the Hartford, New Britain and Waterbury Police Department applications for Basic Police Officer Recruit Training Academy as outlined with the recommendations numerated in the motions; motion made by Mr. Cavanaugh seconded by Chief Viadero. Motion passes.

One-year Probationary Extensions

1. IADAROLA, Michael, E. – Bethel PD
2. VLAKE, Ginarose – Bloomfield PD

*The certification committee recommends the council approve an extension of the one-year probationary candidate status for Probationary Officer Michael E. Iadarola, POST ID 17515 for a period not to exceed March 15, 2020 **and** Probationary Officer Ginarose Vlake, POST ID 17673 for a period not to exceed August 31, 2019, in order to complete their field training requirements; motion made by Mr. Cavanaugh, seconded by Chief Higgins. The motion passes.*

Revocation of Police Officer Certification

1. HUDSON, Richard, T. – Guilford PD

The certification committee recommends the council vote to approve the immediate revocation of Richard T. Hudson's Connecticut Police Officer Certification POST ID 15108, for being found (Pled) guilty of two felonies in violation of Section 7-294d (2) (I), of the Connecticut General Statutes; motion made by Mr. Cavanaugh, seconded by Chief Daly. The motion passes.

ACCREDITATION COMMITTEE

1. Wethersfield Police Department – Tier III (Reaccreditation)
Chief Kulhawik on behalf of the Accreditation Committee makes the motion that the POST Council confer Tier III State Reaccreditation to the Wethersfield Police Department, seconded by Chief Palmer. The motion passes.

INFORMATION ITEMS

1. Academy Administrator's Report (Karen Boisvert, Acting Administrator)
 - a. **Commuter Class Update:**
 - i. First class starts July 5th, 2019 – Jan 20th, 2020;
 - ii. Stress Model vs. Hybrid;
 - iii. Stress Debriefing with Recruits
 - b. Financial Report
 - c. Updated Recruit Rules
2. Director's Reports (Marc Fasano, Acting Director, Basic Training)
 - a. Basic Training
 - 363rd Training Session graduated at Southern Connecticut State University with 49 recruits on March 27th, 2019.
 - 364th Training Session began on Monday, December 31, 2018 with 48 recruits; one was removed by their department continuing with 47 recruits; set to graduate at the Palace Theater in Waterbury on June 26th, 2019.
 - 365th Training Session began on April 5, 2019 with 50 recruits; 2 recruits were removed from the academy leaving 48 recruits; scheduled to graduate the third week of September.
 - 366th Training Session scheduled to begin July 5, 2019. This session is being offered as a commuter class and we anticipate it being a full class.
 - b. In-Service/Compliance/State Accreditation (Marc Fasano, Accreditation Manager/Compliance Officer)
3. Correspondence (in packet)
 - a. Lt. Jon Laughlin, Manchester PD

OLD BUSINESS

Curriculum Committee – looking to have something for September meeting

NEW BUSINESS

1. Presentation for Decertification Model (Power Point, 4 page hand-out below, prepared 6/13/19):

POSTC Decertification Process

Colin Milne
Staff Attorney 3
DESPP Legal Affairs
Colin.Milne@ct.gov

POSTC Decertification Overview

- Process Summary
- Statutory Authority
- Regulatory Authority
- Hearing Procedures
- Proposed Amendments

Process Summary

- POST Council Certification Office receives information/complaint regarding officer.
- Certification Office reviews relevant information to determine reasonable basis for cancellation or revocation certificate.
- Certification Officer issues notice to Officer of allegations, requires formal compliance conference.
- Certification Officer presides over formal Compliance Conference and issues report to Executive Director.
- If Officer not in compliance, Certification Office sends notice to Officer for formal hearing.
- The Executive Director presides over formal hearing.
- Executive Director issues proposed final decision to parties. Parties may present written and/or oral briefing to action committee.
- Action Committee renders final decision.

**Statutory Authority for Revocation
(C.G.S. Section 7-294d(c)(2))**

- If council has reasonable basis for canceling or revoking certification, council must give adequate notice and opportunity for hearing.
- The council may cancel or revoke any certificate if, after a de novo review, it finds by clear and convincing evidence any revocable offense.

Revocable Offenses(C.G.S. Section 7-294d(c)(2))

- A. Administrative Error
- B. Misrepresentation or Fraud
- C. Falsify any documents to obtain certification
- D. Felony Conviction
- E. Not Guilty by Mental Disease or Defect
- F. Possession of Controlled Substance Conviction
- G. Revocation or Refusal from other jurisdiction
- H. Found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act Improper Use of Firearm causing death or serious injury
- I. Found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act Tampering with Physical Evidence, Perjury, and False Statement (C.G.S. 53a-155, C.G.S. 53a-156, or C.G.S. 53a-157b)

Statutory Authority for Regulations C.G.S. Section(s) 7-294e(b)-(c)

- POST Council may recommend to the Commissioner of Emergency Services and Public Protection any regulations it deems necessary to carry out the provisions authorized by related statutes, giving due consideration to the varying factors and special requirements of law enforcement units.
- The Commissioner of Emergency Services and Public Protection may adopt regulations as are necessary to implement the provisions authorized by related statutes. The regulations shall be binding upon all law enforcement units, except the Division of State Police within the Department of Emergency Services and Public Protection.
- POST Council will accept petitions requesting promulgation, amendment or repeal of regulations pursuant to R.C.S.A. Sec. 7-294e-6.

Hearing Procedure Regulations

R.C.S.A. Section 7-294e-17 to 24

Definitions (R.C.S.A. Section 7-294e-17)

- Notable Definitions
- "Action Committee" committee of the Police Officer Standards and Training Council appointed by the chairperson of the Council and acting on behalf of the full council for the purpose of reviewing the record of all hearings.
- "Executive director" means the executive director of the Police Officer Standards and Training Council.

Compliance Meeting (R.C.S.A. Section 7-294e-18)

- Notice
- Nature of the Compliance Meeting
- Date, Time, Location, and Legal Authority of the Compliance Conference
- Alleged Violations and Brief Factual Summary
- Officer may be represent by counsel
- Certification Officer presides over conference. Issues report to Executive Director.

Contested Case (R.C.S.A. Section 7-294e-19)

- Requires adequate notice prior to contested case hearing.
- Sets time limit for request for more particular statement. (15 days prior to hearing date)
- Clarity issues in R.C.S.A. Section 7-294e-19(c)(1)-(2)

Pre-hearing Procedure (R.C.S.A. Section 7-294e-20)

- Informal Pre-hearing conference
- Stipulations
- Scope
- Informal disposition

Conduct of Hearings (R.C.S.A. Section 7-294e-21 to 7-294e-22)

- Appoints Executive Director as Hearing Officer
- Parties have right to Cross Examine, Present Evidence.
- Hearings shall be recorded and conducted with the provisions of Chapter 54 of the General Statutes (Administrative Procedure Act)
- Any party may request transcript at their own expense

Proposed Final Decision (R.C.S.A. Section 7-294e-23)

- Hearing Officer sends Proposed Final Decision to Action Committee
- Action Committee may hear oral argument and/or accept written briefs before rendering final decision.
- The proposed final decision shall be in writing and contain a statement of reasons for the decision and findings of fact and conclusions of law on each issue of fact or law necessary to the decision, prepared by the person who conducted the hearing or one who has read the record.
- The parties may waive compliance with this section.

Final Decision (R.C.S.A. Section 7-294e-24)

- The final decision or order in a contested case shall be rendered by the action committee after due consideration of the entire record.
- A final decision or order adverse to a party in a contested case shall be in writing.
- Parties shall be notified by certified mail of the final decision or order.
- The action committee shall proceed with reasonable dispatch to conclude any matter pending before it and shall render a final decision in all contested cases within ninety days following the close of evidence or filing of briefs in such proceedings.

Initial Recommendations

- Fix and clarify R.C.S.A. Section 7-294e-19
- Define Executive Director to mean Academy Administrator.
- Allow for the designation of independent hearing officer.
- Change "prepared by the person who conducted the hearing or one who has read the record" to a "hearing officer shall, after hearing a matter, make a proposed final decision" to be in line with the Uniform Administrative Procedure Act (C.G.S. Section 4-179(c))

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Colin Milne, DESPP Staff Attorney 3 – to gather information for POST by September Meeting

2. Pursuits (Chief Mello) ~ POSTC Collecting data no later than February 2020 to see where we are; Chief Melanson to talk about Senate Bill 380
 - Use of Force Reporting to OPM
 - Look at policies
 - Task Force "Police Transparency and Accountability"

EXECUTIVE SESSION

Motion made by Mr. Cavanaugh to hold an Executive Session for a discussion on a personnel matter brought up previously, seconded by Chief Melanson. Motion passes.


~ No action taken ~

ADJOURNMENT

Chief Mello moved to adjourn the meeting; motioned by Chief Daly, seconded by Chief Palmer.
Motion passes.

The meeting was adjourned at 11:46 A.M.

Respectfully Submitted,



Holly L. King
DESPP, Connecticut State Police
Training Academy Secretary