

BOARD OF POLICE COMMISSIONERS

MINUTES of the Meeting of the Board of Police Commissioners held at the Southington Police Department in the Community Room on March 12, 2009.

The meeting is called to order by Chairman Verderame at 6:00 p.m.

Commissioners Triano, Bedard, Nevelos and Della Vecchia were present. Chief John Daly was present

The Pledge of Allegiance is led by Chairman Verderame.

Chairman Verderame called for motions to approve the minutes of the Special Meeting of February 18, 2009 and the Regular Meeting of February 19, 2009.

MOTION made by Commissioner Bedard to approve the minutes of the Special Meeting of February 18, 2009, seconded by Commissioner Nevelos. Commissioner Triano abstains. Motion passed.

MOTION made by Commissioner Della Vecchia to approve the minutes of the Regular Meeting of February 19, 2009, seconded by Commissioner Bedard. Motion passed.

Chairman Verderame called for a motion to approve billings presented to the Commissioners for payment.

Chairman Verderame commented on the new format for the approval of billings developed in conjunction with the Munis System that is being used by all Town Departments. The summary sheets indicated the amounts paid to different vendors as well as a short synopsis delineating the reason for the payment. The summary sheets presented were for period July, 2008 to February, 2009 and for period February, 2009 to March, 2009. The summary sheet presented at each future meeting will be payments made monthly. Short discussion concerning the Munis System and a motion was made.

MOTION made by Commissioner Triano to approve summary sheets for period July, 2008 to February, 2009 and period February, 2009 to March, 2009, seconded by Commissioner Bedard. Motion passed.

Chairman Verderame requested Chief Daly to give his report to the Commissioners.

Chief Daly read a message received by Sgt. Nicholas Spratto concerning an incident on January 25 2009 at the O'Keefe residence and how grateful he was for the police and EMS service he had received. The message also spoke of Officer Joseph D'Agostino. The message read in part, on the morning of Sunday, January 25, 2009, Officer Joseph D'Agostino and myself (Sgt. Spratto) responded to Mr. O'Keefe's residence after he suffered a heart attack. While on this scene, we assisted AMR as they provided the needed medical assistance to Mr. O'Keefe. Knowing that time was critical, we went out to the ambulance and obtained the stretcher/gurney and set it up for the AMR personnel. During this process, we also moved furniture out of the way. Once Mr. O'Keefe was transported, we moved the furniture back to its original place and cleaned up the discarded medical wrappers, etc. that was left behind by AMR. Assistance was also provided to Mr. O'Keefe's family regarding a disabled vehicle when all of this was occurring. When speaking with Mr. O'Keefe at SHS, he stated that within 15 minutes of arriving at Waterbury Hospital, he was receiving the required surgery for his heart attack.

Chief Daly gave a summary concerning incidents which occurred as follows: A 20-year old female was reported missing on February 10, 2009. She had been missing since February 9, 2009 from her Southington home. Southington Police Department conducted an investigation into the incident. The television media was used as an investigative resource which led to the missing female to call police and advise she was fine and in no danger.

Bank (ATM) burglaries: Kurt Kilbourn was arrested on two warrants for entering in to the Valley Bank and doing damage to the ATM machines Kilbourn entered the bank on two separate occasions which were, November 1, 2008, burglary 3rd and criminal mischief 3rd. He was held on \$50,000 surety bond and November 23, 2008 burglary 3rd and criminal mischief 1 and criminal attempt to commit larceny 1st. He was held on \$50,000 surety bond.

Warrant Service: The Patrol Division and Net Unit worked together and

served 23 arrest warrants for various drug charges. These warrants cover drug investigations from 2007 thru 2008. The Net Unit also had two (2) on-site drug arrests during this enforcement detail.

Next item to be addressed by Chief Daly were fees currently being charged. He commented in comparison to other towns, Southington is relatively equivalent to other towns. He did note the fee for solicitors stood out. In other towns there are varying prices. In Southington we currently charge \$25 where Bristol charges \$250, Cheshire charges \$200, Plainville charges \$25, Meriden charges \$150, Wallingford charges \$25 and Berlin charges \$200. Chief Daly further commented that in the past the Department had been asked by the Apple Festival Committee to increase those fees because the number of vendors for the Festival. Chief Daly did note that Southington residents do not pay a vendor's fee. Chief Daly suggested this could be an area to look at being increased.

The other area is the fingerprinting process. This year the Department fingerprinted 652 people. He commented that some towns charge \$5 or \$10 while other towns do not charge anything.

In discussing these two areas, Chief referred back to the vendor fees and stated for those fees to increase we would have to write a letter to the Town Council because those fees are in the Town Charter. Commissioner Triano questioned what would an increase mean to the Town? Chief Daly responded that the Department had issued 45 permits at a fee of \$25 per permit. Reiterating once again what the area Towns charged ranging up to \$250 per permit. Chairman Verderame voiced his opinion that \$250 was too much of an increase, to go from \$25 to \$250. After discussion between Commissioners, the following motion was made:

MOTION made by Commissioner Bedard to Authorize Chief Daly to send a letter to the Town Council requesting that said Town Council approve an increase in the current vendor fees from \$25 to \$50, seconded by Commissioner Nevelos. Motion passed.

Next discussion was about the possible finger printing fees. After some discussion, Chairman Verderame suggested that due to the current economic conditions, that the no fee policy be kept in place. Consensus vote taken and all

agreed to have a “no charge” for the fingerprinting process right now.

Next item Chief Daly presented a request by Capt. William Palmieri to enroll in the University of Phoenix Master of Science in administration of Justice and Security program. Chief Daly commented that permission from the Commission was necessary prior to any officer returning to school to continue an education. Query of Chief Daly if there was enough money in the current budget to cover the cost. Chief Daly responded yes we have enough for this budget year and we have budgeted money for next year. He further commented that the cost for education is a contractual item and has always been afforded to those who wish to educate. A consensus was taken by commissioners, all in favor.

Chief Daly distributed a budget summary sheet for Commissioners to review which indicated that we are currently 73.08% through the budget and the overtime account is at 64.52% with a projected surplus of \$65,104 at this point.

Next item Chief Daly discussed a couple of events that the Department would like to take part in. The first was the Eleventh Annual Officer Brian A. Aselton Memorial Motorcycle run sponsored by Gengras Harley-Davidson to be held on Sunday, May 31, 2009. He stated, if you recall, Officer Aselton was the East Hartford Police Officer who was killed in the line of duty.

The next event was concerning the area of Child Passenger Safety. Chief Daly read a synopsis from Officer Thomas Gallo to Sgt. Lowell DePalma concerning the program, which indicated that the SPD has conducted at least one of these events per year since the programs inception in December, 1998. These events are sponsored by the SPD and assisted by numerous other agencies and organizations have sent people and supplies at no cost to the Department and it also reduces our costs by approximately 50%. The memo listed the agencies and businesses who have supported this worthwhile program. The memo indicated that our five certified CPS Technicians would be used. During the events between 55 to 60 child safety seats are completed versus the two or three conducted by appointment during the normal course of this program. The request was to hold two events this year. If approved, the first event would be May 2, 2009 and the second event would be scheduled sometime in the fall. It was noted that Target has committed to host the first event free of charge. Total charge would be \$989.43 for the event.

A consensus of the Commissioners agreed the above events would be good for the Department to participate in.

Next item for discussion was Car 10, a K-9 vehicle, which was totaled in a car accident. Chief Daly stated that we will be receiving money from the insurance company to cover damages. Upon request the Chief commented that he had spoken with Mr. Weichsel and as a result of that conversation, Mr. Weichsel indicated for the remainder of this fiscal year, the Department would not be getting a new car and the other K-9 vehicle should be shared between two officers. The issue has come up concerning the officers that are going to have to share a car. The issue is how we go about sharing a vehicle as the officers always had their own vehicles to take home. The Chief then discussed an option: Officers could come to the Department in their own cars, pick up the shared vehicle and go back home to get their dog and go on patrol. The officers choose not to put the dogs in their own personal vehicles as they are afraid damages may occur to their cars. Chief Daly asked the Commissioners for direction.

Commissioner Triano questioned Chief Daly that the Town Manager indicated that the Department would not have access to the money coming from the insurance company. He further stated if the money comes from the insurance company it is in appropriation form and it goes to the Board of Finance and is put back into our budget correct? Chief Daly then responded with this budget containment policy any money we spend during this time we have to request it from Mr. Weichsel first, he has to okay it and he told me not until the end of the fiscal year. Chairman Verderame commented that he had told the Chief to make the request and Mr. Weichsel's answer was that Mr. Weichsel is going to adhere to the budget containment policy right now. Chairman Verderame stated, we would have to get an appropriation over and above the insurance company check to purchase a vehicle. Commissioner Triano responded so you are saying even though we have money in that line account we are being told we can't use it and I am not following this logic. Also, there isn't any appropriation above what is in the budget to make the replacement correct? Chief Daly responded yes, we can't spend what we are getting nor can we spend what is in the budget, without permission and that is the budget containment policy. Commissioner Triano indicated he would like to review this further and Chairman Verderame agreed.

In the meantime, however, Chairman Verderame stated that the best thing would be for the officers to drive in to the Department, pick up a vehicle and go get their dog. He did not want them to use their personal vehicles until we can get them a car. All Commissioners agreed.

Chief Daly then discussed the sick leave for the month of February 1 to February 28, 2009 and indicated sick, injured, sick, no pay and family sick there were 117 days used versus same time last year 107 days. Capt. Palmieri continues to monitor the sick time and working effectively on that.

Next issue the lieutenants have petitioned the Labor Department to unionize. They will be scheduling a hearing and a vote will be held for the three lieutenants. No questions from Commissioners.

Chairman Verderame commented on a letter he had received from retired Lt. Saucier thanking the Commissioners for attending his dinner. Letter attached.

Last item under report to Commissioners was the discussion of recently issued parking tags. Letters from recipients were distributed to the Commissioners, Chief Daly read each letter and reviewed each contested tag letter and the Commissioners decided as to the action to be taken. A letter will be sent to each individual who has contested their issued tag.

Under the parking issues, Chief Daly informed Commissioners that the Parking Authority has changed the restrictions. He cites the new restrictions: Monday through Friday 8 a.m. to 6 p.m., two hour parking Saturday from 8 a.m. to 12 noon. No restrictions on Sunday at all. Chief Daly further indicated that he changed the on street parking to be the same so people understand it is the same all down town, no confusion, uniformity.

No further comments by Chief Daly and no questions from the Commissioners.

Public Communication:

Stephen Salerno, 69 Lazy Lane. Mr. Salerno asked the Chief if he inquired of the Town Manager about retrofitting another vehicle? Chief Daly responded I was told to inquire about a new car because we have the money from the insurance company and the money in the line item to replace the vehicle. Mr. Salerno commented the arrangement makes it very difficult when we have to train or for call outs. Inquired as to whether or not a cage could be put in another vehicle?

Next item Mr. Salerno wanted to discuss the investigation with Bernie Sullivan that is taking place and inquired if Chief Daly would like to leave. Chief

Daly stated, we are in public session unless you want to discuss it in executive session because it is a personnel matter I do have rights also. Mr. Salerno proceeded that he had sent a letter on Friday to the Chairman and was there any response to the letter? Chairman Verderame indicated that he gave the letter to every commissioner. Chairman Verderame instructed Mr. Salerno to read the letter. Letter attached. After the letter was read, Mr. Salerno stated that there is an opinion that Chief Daly is not under the same scrutiny as other police officers would be. Commissioner Triano disputed that statement commenting that the union could not say the Chief was not under the same heat as the officers because he was with the Commissioners and just because you are not present at the time and we do not share it with you does not mean that it does not happen.

Mr. Salerno then stated you brought in Bernie Sullivan to conduct this review and he is suppose to be doing this for you and he will not even interview us. Is that what his contract states and that is why we are letting you know. Commissioner Triano stated I have not talked to him and what is his reasoning? Mr. Salerno stated that he indicated he wants to do this review via e mail and that is all he needs. There is nothing clear and that is our concern.

Commissioner Triano responded well this Board is staying out of it. The union made it perfectly clear that you did not feel we were capable of doing an investigation and that is okay so we gave it to someone else. Mr. Salerno then stated we do not know if he was directed not to interview us or what. These allegations that have been made are serious and this guy will not even sit down and meet with us.

Chairman Verderame asked if anyone had been interviewed by the state's attorney? Answer no. Chairman indicated he was and was told they are just about done, stress on why? Mr. Salerno stated you can not conduct a complete investigation without speaking to the complainant. Mr. Salerno indicated that answers have to be forthcoming. Chairman Verderame stated that the Council had sent him a letter and told him to get an ex-captain or chief from the Chiefs Association. Attorney Sciota acquired two names we interviewed them, no one on the Board knew either one of them and we chose Sullivan and both of them were quite clear by indicating that the Board had no input as to how they do their investigation. Chairman then stated, if you have a problem, and Mr. Salerno interjected, do we go to Mark Sciota and tell him this guy is not doing the job? Chairman Verderame then stated why don't we wait for the investigation to be completed, see what he has and see what input is there and we will go from there.

Question from Mr. Salerno, how much are we paying Mr. Sullivan? The answer was \$200 per hour. That is a lot of money for what he is doing. Chairman Verderame commented he was more surprised about the state's attorneys office because Sullivan had the items that were not of a criminal nature.

Chairman Bedard questioned how is he doing this through an e mail? Mr. Salerno commented, he asked two questions based on the information in the complaint. The questions are very broad and difficult to answer in an e mail. Commissioner Triano said may be he has found through his investigations in the past that this is the best approach to take as he has it all documented and in writing. Mr. Salerno commented that this is very disturbing and he will not even work with us. Chairman Verderame indicated that Sullivan said he had 25 different responses to the e mails and that is quite a bit so he has a lot of different views on what took place.

Mr. Salerno inquired when will this review be done? Soon replied Chairman Verderame, he is waiting for one more piece of information. Mr. Salerno asked when would the union be able to view the report? Chairman Verderame replied, after the Commission and I believe according to the Town Attorney that he will have to review it after the Commission reviews it and there might be some things that have to be redacted, but I do believe you will see at least 90% of it.

Mr. Salerno then asked about the restructuring plan reminding the Commissioners that back in January they had indicated there might be something in writing for us, is there anything? Chief Daly commented that he had discussed this with them at the last meeting, we are not putting the "cart before the horse". Chairman indicated that there is an outline but it is not for the public and then Commissioner Triano commented there is no money appropriated right now and therefore nothing has gone forward, when we get something you will get something too.

Mr. John Mahon, 69 Lazy Lane. He had one question, is it acceptable practice for an employee of the Southington Police Department to write articles for publication while being paid by the Southington Police Department on Department time? He further commented that during the Freedom of Information request documents were given that indicated that Attorney Daigle was paid, on Departmental time, for writing articles for LEEDA. Chief Daly asked if there were dates available and Mr. Salerno gave the dates of August 16, 19, 21, 24 and 26, 2008. Chairman Verderame stated the Commission would look into this and get

back to the Union.

Mr. Benjamin Doerfler, 69 Lazy Lane. He asked if the Chairman had seen Mr. Sullivan's contract? Response was yes. Mr. Doerfler continued that in the emails that he had received, Mr. Sullivan stated that the contract he signed with the Town required him to review and respond to the Commission concerning the letter of complaint by the union and he had received enough specific reports to prepare a response and he would not be conducting personal interviews. Apparently he has been hired to perform this investigation as a review and I was just curious if you had a definition of a review versus an investigation.

Commissioner Triano commented that when the Commissioners had met with Mr. Sullivan, the Commissioners referred to the matter as an investigation and Mr. Sullivan commented he referred to it as a review so they all agreed okay the review. He continued and I am not trying to second guess Mr. Sullivan so I guess a review takes place to see if it warrants an investigation.

Mr. Doerfler commented, then this review, and I can't say I have ever known an investigation where you don't speak to the complaintant, if it does come back and there is some substantiation for these allegations or there is a dispute of facts based on the complaint will it be referred to another agency or someone else for an actual investigation.

Chairman Verderame responded as far as the dispute if it is the emails that he has there should be no dispute. Mr. Doerfler disagreed commenting that the person who sent the e mail might have a different chain of events than the person who was actually there so if the review comes back and the person e mailed says one thing and the person who was there says another then what do you do? Chairman Verderame commented he will give his opinion.

Mr. Doerfler referred to the restructuring plan indicating that he had read in a recent article that there was a working draft and were they at liberty to disclose this working draft? Also did this working draft exclusively deal with a third Captain position? Commissioner Triano stated that everything is on hold until we have the funds appropriated, everything has stopped. Mr. Doerfler continued well it must be tied to this third Captain position because that was what was eliminated out of the budget. Mr. Doerfler questioned should the third captain position be restored to the budget, will this Board establish promotional regulations to fill the position? Commissioner Triano responded, if we were to decide and finalize a third captain position is your question would we established some regulations for

promotion, yes is the answer. Chairman Verderame commented that it will definitely be out in the open.

Concerning this budget containment policy, the Chief has stated that he can not spend money in the budget that has already been budgeted without permission, permission by who? Chief Daly responded, the Town Manager. He further stated he has never seen a copy of the budget containment policy and this was what he was told by the Town Manager. Further, there was a Department head meeting that at one point, we were told, that the budget containment policy did not affect the fire and police except we were told to watch our overtime. Subsequent to that now everything over \$100 has to be sent via e mail to Mr. Weichsel to request it. Commissioner Triano stated this is similar to the same question I brought up, we have the money within our own budget and we should be able to use those funds.

Discussion on retrofitting the car for the K-9 use, Mr. Doerfler stated, I would think the monies from the insurance company would cover those costs. Chief Daly responded you don't understand if I spend anything over \$100 I have to get it approved by the Town Manager. The Town Manager today told me to have them share the car. Mr. Doerfler stated, yes but that was for a new car. Discussion continued and Commissioner Triano then stated I think we need to get some clarification from the Town Manager as to what he considers to be part of the containment versus what we consider. Chairman Verderame indicated that they would probably go back to the Manager after tonight to see what the options are.

Mr. Doerfler then discussed Internal Affairs/Administrative Investigations commenting that an A.I. was something less than I.A. He questioned, when the police chief initiates or authorizes one of these investigations is the Board notified? Answer, yes. At the conclusion are you informed of the findings or results? Answer, yes.

Mr. Mel Emond, 69 Lazy Lane. He stated that through their Freedom of Information request they uncovered that Attorney Daigle recorded time for payment in riding the Department's ATV at Tilcon/Tomasso property. To my knowledge he also recorded time for the tune up of our ATV policy which we do not have. Chief asked for dates. Mr. Emond responded, he rode on March 23, 2007 for 2 hours at Tilcon/Tomasso; March 26, 2007 for 1.5 hours and on March 27, 2007 he worked on an ATV policy for 1 hour. Mr. Emond further stated to his knowledge Attorney Daigle has not gone through training that is needed for this Department to ride an ATV. My question is, is it proper policy to let him ride the

Department ATV without training? Chairman Verderame responded again it will be looked into.

No other business to come before the meeting. Chairman Verderame calls for a motion to go into Executive Session.

MOTION made by Commissioner Triano to adjourn the regular meeting and go immediately into executive session, including Chief Daly, excluding the press and the public for the purpose of discussing personnel and contractual issues, seconded by Commissioner Bedard.

Motion passed at 7:20 p.m.

Respectfully submitted,

Joanne D. Palmieri
Recording Secretary

BOARD OF POLICE COMMISSIONERS
Executive Session

March 12, 2009

Chairman Verderame called the Executive Session to order at 7:20 p.m.

Present: Commissioners Triano, Bedard, Nevelos and Della Vecchia
Chief John Daly

Chief Daly is requested to leave Executive Session at 7:32 p.m.

Personnel and Contractual issues were discussed.

**MOTION made by Commissioner Triano
to adjourn the executive session and go back
into regular session. Seconded by Commissioner
Bedard. Motion passed unanimously.**

Meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Joanne D. Palmieri
Recording Secretary

Commissoners did not go back into Regular Session.



THANK YOU

Lt. Clifford R. Saucier, retired
Southington Police Department

February 2009

To the Southington Board of Police Commissioners

Dear Commissioners:

I want to thank you for all the thought and consideration given me and my family for my retirement. I was honored that the Board was well represented at my retirement party. I hope you had a good time; I surely did.

I am overjoyed with the photo-portrait the department gave me as a send off. I couldn't expect a better gift. I am truly impressed by it. It is something I will always cherish. I have it on display at home. When I look at it, it reminds me of how much has happened over the past forty years. I can not think of any career I could have been better suited for.

I want you to rest assured that I will always be there for the department when needed. My loyalty has always been to the Town of Southington, the Police Department, and to the badge.

With great respect and thanks,

Sincerely,

Lt. Clifford R. Saucier, retired

Stephen Salerno
President
Law Enforcement Alliance of Southington

March 6, 2009

Board of Police Commissioners
Southington Police Department

Dear Chairman James Verderame,

On December 30, 2008, the Southington Police Union filed a formal complaint with your board concerning allegations Chief John Daly violated numerous Southington Police General Orders, Southington Police Department Rules and Regulations, violated the Southington Police Department's Code of Ethics, possible violations of the Connecticut General Statutes, and engaged in conduct which is unbecoming of a police officer. Many of these allegations were of a serious nature that, if substantiated, would undermine the integrity of the department and erode the public trust with the citizens of the Town of Southington. Therefore, the Southington Police Union requested an **investigation** by an unbiased outside law enforcement agency with no personal or professional ties to any members of the Southington Police Department. As you may or may not know, an investigation is a fact finding mission, a search for the truth, if you will. It involves the proper collection of information and evidence, interviewing witnesses, following up on new information, preparing affidavits, etc. The Board of Police Commission chose not to commence an investigation of these serious allegations of Chief Daly, but merely a review of the complaint by Mr. Bernard Sullivan, who is even quoted in a local news paper as saying he doesn't look his assignment as an investigation, but as a **review** of the complaint.

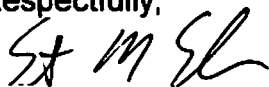
In recent weeks several members of the Southington Police Department have received emails from Mr. Sullivan regarding the allegations in the complaint. Several members have expressed an interest in meeting with Mr. Sullivan to discuss the matter in person. Mr. Sullivan is refusing to meet with potential witnesses which may further his investigative efforts to determine whether or not Chief Daly was in violation of any such standards. Is this a proper way to conduct an investigation? This is a former Chief of Police from the City of Hartford; he is well aware of how to conduct a proper investigation, yet he chooses not to. Why? Was he directed by the Police Commission not to interview officers? On February 23, 2009, I spoke with Mr. Sullivan by phone and asked him if he was going to interview any of the witnesses to the incidents being investigated. Mr. Sullivan responded, "No." He stated he would be conducting his investigation by email.

As chairman of the board, you're surely aware the Chief of Police has the authority to conduct Internal Affairs Investigations and Administrative Inquires into police misconduct by any member of the department. Investigations of this nature involve the collections of information and evidence, interviewing subjects and witnesses in the investigation and following up on new information. The department has conducted numerous investigations of this nature during Chief

Daly's tenure, so he too is well aware of how a proper investigation should be conducted. It is becoming increasingly apparent that the Board of Police Commissioners is not holding Chief Daly to the same standards that those under him are held to. It is also becoming increasingly apparent that this mere review of the complaint by Mr. Sullivan is an overt attempt to protect Chief Daly and minimize his conduct which is under investigation.

Mr. Chairman, the integrity of the Chief of Police, the Southington Police Department as an organization and the Board of Police Commissioners is at stake. The citizens of the Town of Southington are looking to you and your board to ensure this investigation is conducted with the utmost integrity. We urge you to take the necessary and proper steps to see this is being done. The current direction of Mr. Sullivan's investigation will most certainly cast an even darker cloud over the tenure of Chief Daly and that of this Police Commission.

Respectfully,



Stephen Salerno, President
Law Enforcement Alliance of Southington



John Mahon
Vice President

Cc

Town Manager: John Weichsel
Asst. Town Manager: Mark Sciota
Chairman Of Town Council: John Barry
Town Councilor: Michael Riccio