

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

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

**MINUTES OF MEETING
JANUARY 12, 2017
CONNECTICUT POLICE ACADEMY
MERIDEN, CONNECTICUT**

IT SHOULD BE NOTED THAT THIS DOCUMENT IS AN ABRIDGED VERSION OF THE MINUTES OF THE JANUARY 12, 2017 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: Chairman/Chief Duane Lovello; Sergeant William Brevard; Kurt P. Cavanaugh; Chief John F. Daly; Dr. Amy Donahue; Special Agent in Charge Patricia Ferrick; Town Administrator Michael Freda; Douglas Gianville; Chief State's Attorney Kevin Kane; Chief Thomas Kulhawik; Chief Michael Maniago; Chief Keith Mello; Chief Mark Palmer; Commissioner Dora Schriro and Dr. Guy Vallaro.

Other Attendees: Police Academy Administrator Thomas E. Flaherty; Director of Field Services Susan Rainville; Director of Basic Training William Schultz; Accreditation Manager William Tanner; Holly King, CSP - TA Administrative Staff; Assistant Attorney General Stephen Sarnoski; Pamela Hayes, CPCA Executive Director; Chief John Salvatore, CPCA President.

Council Members Absent: Chief Ronnell Higgins; State Victim's Advocate Natasha Pierre.

CALL TO ORDER

Chief Duane Lovello, Chairman, called the meeting to order at 9:32 A.M.

Introduction of newest council member, Chief Mark Palmer of Coventry.

In attendance, CPCA President, Chief John Salvatore of Monroe.

ACTION ITEMS:

MINUTES OF THE NOVEMBER 17, 2016 MEETING

Chief Lovello requested a motion to accept the Minutes of November 17, 2016 Meeting as submitted. Motion made by Chief Daly, seconded by Chief Maniago, motion carried.

CERTIFICATION COMMITTEE:

Request for a Certificate of Comparative Certification and Full or Partial Waiver of the Basic Recruit Training Academy

1. **James T. Gilman** – Stonington Police Department (Officer)

Mr. Cavanaugh moved to approve the request of Chief Darren Stewart, of the Stonington Police Department has requested council consideration of certificate of comparative certification for James T. Gilman; currently retired from CSP in 2016. The certification committee has reviewed this application and moves that the council approve this certificate of comparative certification consistent with training requirements and associated conditions as specified within the contents of the council packet forwarded to each council member in advance of today's meeting; seconded by Mr. Freda. The motion carried.

2. **Justin R. Martella** – Wolcott Police Department (Officer)

Mr. Cavanaugh moved to approve the request of Chief Edward Stephens, of the Wolcott Police Department has requested council consideration of certificate of comparative certification for Justin Martella; currently employed with the Palm Beach County, Florida Sheriff's Department. The certification committee has reviewed this application and moves that the council approve this certificate of comparative certification consistent with training requirements and associated conditions as specified within the contents of the council packet forwarded to each council member in advance of today's meeting; seconded by Sgt. Brevard. The motion carried.

3. **Edward E. Wooldridge** – Westport Police Department (Officer)

Mr. Cavanaugh moved to approve the request of Chief Foti Koskinas, of the Westport Police Department has requested council consideration of certificate of comparative certification for Edward Wooldridge; currently employed with the Connecticut State Police. The certification committee has reviewed this application and moves that the council approve this certificate of comparative certification consistent with training requirements and associated conditions as specified within the contents of the council packet forwarded to each council member in advance of today's meeting; seconded by Ms. Ferrick. The motion carried.

Revocation of Police Officer Certification

1. **Leighton H. Gibbs** – Meriden Police Department

This individual has pled guilty to a felony charge of Larceny 3rd degree. Certification Committee recommends Council vote to approve the immediate revocation of Leighton H. Gibbs Connecticut Police Officer Certification POST ID for being found guilty of a felony in violation of Section 7-294d(2)(I), of the Connecticut General Statutes, seconded by Chief Daly. Ms. Ferrick abstained. Motion carried.

Basic Training Academy Applications

1. New Britain Police Academy

Mr. Cavanaugh, on behalf of the Certification Committee, recommends the Council approve the New Britain Police Department's application to commence a Basic Police Recruit Training Academy of forty (40) recruits noting items 1-12, seconded by Chief Daly. Motion carried.

2. Bridgeport Police Academy

Mr. Cavanaugh, on behalf of the Certification Committee, recommends the Council approve the Bridgeport Police Department's application to commence a Basic Police Officer Recruit Training Academy for a maximum of forty (40) recruits noting items 1-12, seconded by Chief Maniago. Motion carried.

ACCREDITATION COMMITTEE:

1. Tier III Accreditation – Monroe Police Department

Monroe Police Department is under the command of Chief John Salvatore has been accredited since 2002. On November 15, 2016 a team of State Assessors met and completed an assessment of Tier III State Accreditation Standards. The assessment team found the agency in compliance with 291 applicable Standards, 16 were non-applicable and the agency opted out of 1 additional Standard. Only one file required minor additions, two files require some discretion on the assessors' part involving minor policy adjustments. The assessment team concluded based upon the file review that they are in compliant consistent with POSTC Tier III State Accreditation.

Chief Kulhawik and the Accreditation Committee make the motion that the POST Council award Tier III Connecticut State Re-Accreditation to the Monroe Police Department, seconded by Chief Palmer. The motion carried.

ACTION COMMITTEE:

1. COLLECT Certification – Council appointed a working committee to look into issues associated with COLLECT certification, with Chief Maniago heading up the working committee. Chief Maniago gives a brief rundown of what has transpired in this meeting. *Committee met on Dec 19, 2016. Answers to the three (3) questions:*
 - #1 – Yes, POST can adopt a regulation as to COLLECT certification being part of mandatory training to be a police officer and it can be part of our recertification program*
 - #2 – Right now, POST cannot decertify an officer for losing their COLLECT certification*
 - #3 – The Labor Board cannot overturn a POST ruling to decertify an officer.*

Chief Maniago and Committee have suggested a 3-Prong Approach to this issue. (Included in your packet)

- 1- *POST Council will adopt a regulation that will require certified officers to maintain their COLLECT certification and recertification becoming part of the 60 hour recertification training*
- 2- *State Legislation to make COLLECT certification a requirement to be a certified officer*
- 3- *Have a warning on all MDT terminals and hard COLLECT terminals that reaffirm to those using the system are certified in COLLECT and that the system is for official law enforcement use only.*

3-Prong Approach that is recommended by the committee. Mr. Sarnoski reviews the "White Paper" which is included in packet, (attached below).

White Paper:

Whether and, If So How, the Police Officer Standards and Training Council (POSTC) Should Implement a Requirement Mandating that Police Officers Certified Under the Auspices of POSTC Obtain As a Part of Their Recruit Training, and Maintain As a Part of Their In-Service Training, Certification to Access NCIC and C.O.L.L.E.C.T Databases¹

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January 4, 2017

Introduction / Background

It is undisputed that, in the digital age, Connecticut police officers must have access to criminal information databases such as the National Crime Information Center (NCIC) and the Connecticut On-Line Law Enforcement Communications Tele-Processing (C.O.L.L.E.C.T.) Program in order to proactively engage in preventative law enforcement, to investigate criminal complaints, or to support others involved in such activities and investigations. These systems provide officers on routine patrol, as well as those responding to potentially violent incidents, with critical information such as whether vehicles involved are properly registered and, if so, to whom, whether such vehicles are stolen or otherwise associated with criminal incidents, whether persons encountered might have prior criminal records or histories of violent engagements with the police, whether there may be outstanding arrest warrants on file for persons encountered during the course of their official duties, whether such persons have permits to carry firearms, or are registered as firearms owners, and other such background information. Access to such information in a timely manner is of the utmost

¹ This document is subject to the attorney-client privilege and/or the deliberative processes privilege. Neither this document nor any of its contents may be disclosed without the specific authority of the Police Officer Standards and Training Council.

² The contents of this White Paper are a compilation of the discussions and concerns raised by the members of the Sub-Committee for the Council's consideration, and not merely the work of the author. Opinions expressed herein are those of the author alone, and should not be attributed to the Attorney General, or to the State of Connecticut, unless later promulgated in the form of a formal opinion letter upon request.

importance to officer safety as incidents are developing, and is similarly of critical importance to police officers and to public safety as investigations develop.

Anecdotally, there have been several cases in the recent past wherein Connecticut, POSTC-certified police officers have accessed the NCIC / C.O.L.L.E.C.T. databases and searched for, disclosed, or utilized information contained therein for purposes unrelated to their official duties. Such access and use violates official NCIC / C.O.L.L.E.C.T. security protocols and, in most instances, also constitutes a computer crime in violation of Conn. Gen. Stat. § 53a-250 *et seq.* Typically, such incidences are first addressed through a police department's internal investigative processes. If it appears that the alleged misconduct constitutes a criminal offense, an arrest warrant affidavit will be prepared and submitted to the court for consideration. Where the court approves an arrest warrant affidavit, an arrest warrant is issued, the officer involved is arrested, and the case runs its course through the established criminal justice system.

Because an arrested police officer seldom has a previous criminal record, most alleged computer crimes result in a diversionary program, following the successful completion of which, criminal charges against the officer are dismissed. However, in matters involving the alleged commission of a serious felony, this may not be the case. Where serious felonies have been committed, it is possible that a police officer might be tried and convicted for, or plead guilty to, commission of a computer crime. If this is the case, the police officer certification of such individuals will be revoked in accordance with the provision of Conn. Gen. Stat. § 7-294d(c)(2). More commonly, however, an accused officer is rehabilitated, and criminal charges are dismissed.

Periodically, police officers involved in misconduct related to their use of confidential computer databases in violation of NCIS / C.O.L.L.E.C.T. protocols are terminated from employment based on their department's internal administrative investigation into such incidents. Contemporaneous with such dismissals, the terminated officer's certification and authority to access NCIC / C.O.L.L.E.C.T. databases is administratively revoked by the State Criminal Justice Information Services (CJIS) Systems Officer (CSO) at the Department of Emergency Services and Public Protection (DESPP) pursuant to the U.S. Department of Justice, Federal Bureau of Investigation (FBI), Criminal Justice Services Division, Criminal Justice Information Services (CJIS) Security Policy, Version 5.5 CJISD-ITS-DOC-08140-5.5 (06/01/2016).³

³ The stated purpose of the CJIS Security Policy is to provide " Criminal Justice Agencies (CJA) and Noncriminal Justice Agencies (NCJA) with a minimum set of security requirements for access to Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division systems and information and to protect and safeguard Criminal Justice Information (CJI). This minimum standard of security requirements ensures continuity of information protection. The essential premise of the CJIS Security Policy is to provide the appropriate controls to protect CJI, from creation through dissemination;

(Footnote cont'd on next page)

If neither the termination of employment nor the administrative revocation of an officer's NCIC / C.O.L.L.E.C.T. access is appealed, this ends the case.

Where an aggrieved officer appeals his/her termination from employment and, following the applicable Connecticut Labor Department and/or employment contract grievance process, is reinstated, the employing agency is put in a difficult position. While the Labor Department possesses the statutory authority to reinstate the aggrieved officer, it cannot order the FBI CJIS CSO to reissue that officer's NCIC / C.O.L.L.E.C.T. certification. While such officers may pursue a completely separate legal claim against DESPP for reissuance of his/her NCIS / C.O.L.L.E.C.T. certification, a successful result to such litigation is far from guaranteed. As a result, the officer is returned to duty, but cannot access NCIC / C.O.L.L.E.C.T. databases.

This creates an impossible quandary for the employing agency. Lacking the ability to access the necessary investigative databases, an officer cannot effectively perform his/her professional duties as a police officer. Moreover, the officer's safety, and that of other officers with whom he/she works, as well as that of the public in general, is potentially compromised. Historically, when faced with this quandary, the employing department has found atypical, non-investigative duties for such officers to perform. This "solution," however, is far from perfect. While the officer remains classified and paid as a police officer, and must be counted on the roster of authorized sworn employees, he/she cannot effectively function as a police officer. The result is wasted resources, and a degradation of the quality of public safety services performed by the employing agency.

(Footnote cont'd from previous page)

whether at rest or in transit." The CJIS Security Policy integrates presidential directives, federal laws, FBI directives, the criminal justice community's Advisory Policy Board (APB) decisions along with nationally recognized guidance from the National Institute of Standards and Technology (NIST) and the National Crime Prevention and Privacy Compact Council (Compact Council).

The Criminal Justice Information System Agency (CSA) – in Connecticut, the Department of Emergency Services and Public Protection - is responsible for establishing and administering an information technology security program throughout the CSA's user community, to include the local levels. The head of each CSA shall appoint a CJIS Systems Officer (CSO). Among other things, the CSO is responsible for standards for the selection, supervision, and separation of personnel who have access to Criminal Justice Information (CJI), policy governing the operation of computers, access devices, circuits, hubs, routers, firewalls, and other components that comprise and support a telecommunications network and related CJIS systems used to process, store, or transmit CJI, guaranteeing the priority, confidentiality, integrity, and availability of service needed by the criminal justice community, ensuring appropriate use, enforcing system discipline, and ensuring that FBI CJIS Division operating procedures and approved policies are followed by all users of the respective services and information. The CSA may impose more stringent protection measures than outlined in the FBI Criminal Justice Information Services (CJIS) Security Policy. See FBI CJIS Security Policy, ¶¶ 1.1 and 3.2.

The question, then, is whether this is an acceptable use of scarce public safety resources. If the answer to this question is "no," as expected, the next question is how best to address the problem.

Courses of Action: Pros and Cons

The Sub-Committee of POSTC charged with the mandate to examine and to recommend potential courses of action to remedy the problem met on Monday, December 19, 2016 and identified three possible courses of action. Each potential course of action comes with associated benefits and potential pitfalls. The "Pros and Cons, so to speak, of each such course of action are identified here for the Council's consideration.

1. The Legislative Option. Currently, Conn. Gen. Stat. § 7-294d(c)(2) provides, in relevant part, as follows:

(2) The council may cancel or revoke any certificate if: (A) The certificate was issued by administrative error, (B) the certificate was obtained through misrepresentation or fraud, (C) the holder falsified any document in order to obtain or renew any certificate, (D) the holder has been convicted of a felony, (E) the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13, (F) the holder has been convicted of a violation of subsection (c) of section 21a-279, (G) the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision, (H) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical injury of another person, or (I) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in violation of section 53a-157b.

Authority does not currently exist for POSTC to revoke a police officer's certification whose authority to access NCIC / C.O.L.L.E.C.T. databases has been denied or revoked. If POSTC wishes to pursue this option, the statute must be amended. If this option is chosen, it is recommend that Conn. Gen. Stat. § 7-294d(c)(2) be so amended to read as follows:

(2) The council may cancel or revoke any certificate if: (A) The certificate was issued by administrative error, (B) the certificate was obtained through misrepresentation or fraud, (C) the holder falsified any document in order to obtain or renew any certificate, (D) the holder has been

convicted of a felony, (E) the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13, (F) the holder has been convicted of a violation of subsection (c) of section 21a-279, (G) the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision, (H) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical injury of another person, or (I) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in violation of section 53a-157b, or (J) the holder is refused authority to access National Crime Information Center (NCIC) or Connecticut On-Line Law Enforcement Communication Tele-Processing (C.O.L.L.E.C.T.) Program databases, or such authority is revoked.

The benefit of this option is that it affords POSTC the power to immediately revoke an officer's certification as a probationary candidate or as a police officer once it becomes clear that the holder is refused authority to access National Crime Information Center (NCIC) or Connecticut On-Line Law Enforcement Communication Tele-Processing (C.O.L.L.E.C.T.) Program databases, or such authority, once granted, is revoked. In turn, the employing agency is then in a position to terminate the employment of an individual who, absent POSTC certification, cannot lawfully perform the essential job requirements of a police officer.⁴

A possible counter consideration is that it is by no means certain that an officer whose employment has been terminated in this manner will not sue his employing agency to reverse that decision. It will certainly be argued that POSTC, as the state agency charged with the responsibility to set the requirements for police officers in the State of Connecticut, has determined that authority to access NCIC / C.O.L.L.E.C.T. databases is so critical that an individual cannot adequately perform his/her job responsibilities as a police officer without this certification. It would be further argued that the DESPP CSO, charged under federal law with the responsibility to administer the FBI CJIS Security Policy in the State of Connecticut, has determined that the

⁴ As a collateral matter, employing agencies would be well-advised to revise and update their internal job descriptions and/or collective bargaining agreements to make it clear that individuals cannot remain employed as police officers without the required NCIC / C.O.L.L.E.C.T. certification, and that it is the individual officer's responsibility to maintain all required training and certifications as a condition of continued employment.

individual in question is not entitled to such access, and that this determination is not subject to review through the state labor arbitration process. However, a terminated employee will also point out that the labor arbitrator who ordered his return to duty is deemed to have been aware of POSTC's and DESPP's authority in this regard and ordered him to be reinstated notwithstanding. Of course, neither POSTC nor DESPP would generally be party to such proceedings and, as a result, is not bound by the labor arbitrator's decision. The ultimate outcome of this dispute will be decided by the courts, most probably between the individual officer whose employment was terminated, and the Town or City in which he was employed. Depending upon the circumstances, however, POSTC and/or DESPP may wish to enter the litigation as a necessary party, or as an amicus, in order to have a say in the outcome.

Apart from this, the amendment of a statute is fraught with political considerations. In order to increase the chances of a bill being passed, the support of professional organizations such as the Connecticut Police Chief's Association and similar regional professional organizations would be well-advised. The opposition of labor unions may also be expected. The outcome of this effort in the upcoming legislative session in which difficult, statewide budgetary issues are almost certain to take priority is, at best, uncertain.

2. The Regulatory Option. As set forth in Conn. Gen. Stat. § 7-294d(a), POSTC is empowered by statute with the authority to "develop and periodically update and revise a comprehensive municipal police training plan," to "set the minimum courses of study and attendance required and the equipment and facilities to be required of approved police training schools," to "require that each police officer satisfactorily complete at least forty hours of certified review training every three years in order to maintain certification, unless the officer is granted additional time not to exceed one year to complete such training by the council,"⁵ to "establish uniform minimum educational and training standards for employment as a police officer in full-time positions, temporary or probationary positions and part-time or voluntary positions, and to "renew the certification of those police officers who have satisfactorily completed review training programs." Accordingly, POSTC has the power to administratively require that all recruits receive training and attain certification for access to NCIC / C.O.L.L.E.C.T. databases as a condition of their initial certifications as police officers in the State of Connecticut, and to maintain such certification through that officer's triennial in-service training requirements as a condition of continued certification as a police officer. Where officers fail to maintain the required certification, POSTC may refuse to

⁵ The forty hour minimum requirement for in-service training set by statute was administratively increased to sixty hours of in-service training by vote of the Council. See Regulations of State Agencies § 7-294e-14(c); Minutes of POSTC Meeting of July 18, 1998.

renew their certificates as police officers. Presumably, such officers will then be terminated by their employing agencies due to their failure to maintain certification as a police officer. See Conn. Gen. Stat. § 7-294d(b) (No person may be employed as a police officer by any law enforcement unit for a period exceeding one year unless such person has been certified under the provisions of subsection (a) of this section or has been granted an extension by the council. No person may serve as a police officer during any period when such person's certification has been cancelled or revoked pursuant to the provisions of subsection (c) of this section).

If POSTC determines to impose such a requirement as part of its triennial in-service training requirements, the current sixty hour training requirement will not necessarily be increased. Rather, the current 28 hours of mandatory in-service training subjects set by statute and POSTC policy will be increased to 32 hours, while the current 32 hours of training electives will be reduced to 28 hours. As academy recruits are currently required to achieve NCIC / C.O.L.L.E.C.T. certification as a prerequisite to their initial certification as a police officer, imposition of such a requirement will result in no additional basic training hours, and no additional expense. The CJIS CSO currently requires review and recertification for authority to access NCIC / C.O.L.L.E.C.T. databases once every two years. See Connecticut C.O.L.L.E.C.T. Training Manual, 2012 Revision (NCIC Operating Manual), Introduction, ¶ 3. As DESPP is rapidly moving toward an on-line recertification program for NCIC / C.O.L.L.E.C.T., recertification costs for this four-hour training requirement, which could be completed during duty hours from an officer's Mobile Data Terminal (MDT), will also likely be negligible.

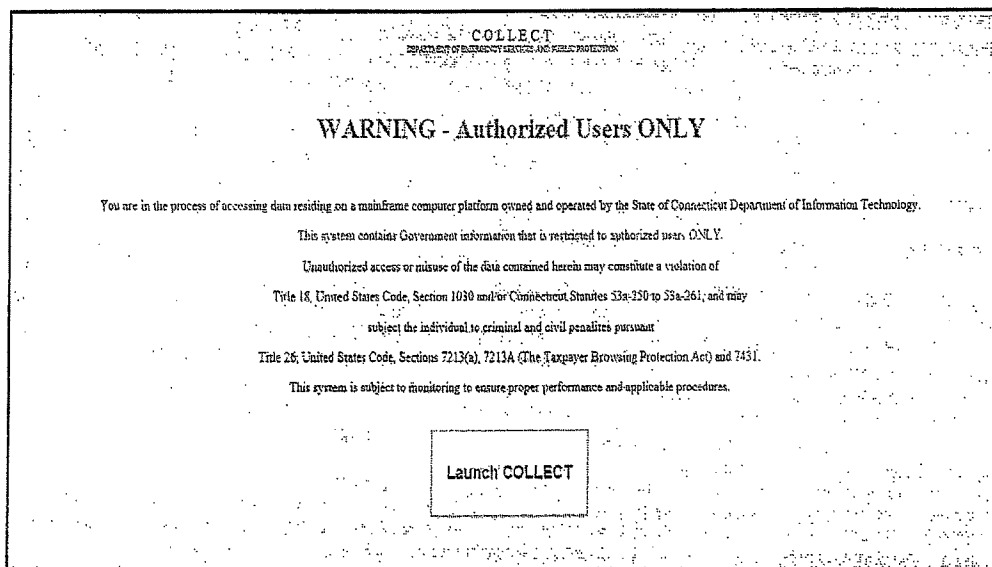
It should be noted that the regulatory option, while simple and convenient, is not without its drawbacks. While POSTC recertifies its police officers following compliance with the mandatory triennial in-service training requirements established by POSTC, the CJIS Security Policy requires that system operators be initially certified through an approved course of instruction, and recertified through review and refresher training thereafter at two year intervals. The intrinsic lack of coordination imposed by the two disparate training requirements introduces an element of discord in implementing the regulatory option.

At the conclusion of each triennial in-service training period, POSTC audits the records of certified police officers to ensure that the hours of training and subject matter areas required by statute, regulation and policy have been completed. If an officer's records are in order, he/she will be routinely recertified as a police officer. If, however, an officer's records do not demonstrate compliance with established in-service training requirements, and an extension is not granted by POSTC, see Conn. Gen. Stat. § 7-294d(a)(8) (requiring that each police officer satisfactorily complete at least forty hours of certified review training every three years in order to maintain certification, unless the

officer is granted additional time not to exceed one year to complete such training by the council), POSTC may refuse to renew that officer's certification as a police officer. See Conn. Gen. Stat. § 7-294d(c)(1) (The council may refuse to renew any certificate if the holder fails to meet the requirements for renewal of his or her certification).

The difference between the POSTC triennial in-service training requirement and the CJIS biennial recertification requirement creates a disconnect wherein an officer whose certification for authorized access to NCIC / C.O.L.L.E.C.T. databases has been revoked, or whose certification for such has lapsed, will retain his/her certification as a police officer for up to three years before the POSTC triennial in-service training audit will flag such an individual for decertification. Hence, even if the administrative option is fully implemented by POSTC, a police department who has been ordered to reinstate an officer whose employment was initially terminated as a result of a violation of official NCIC / C.O.L.L.E.C.T. security protocols, may find itself in the unenviable position of temporarily employing an officer who cannot lawfully access NCIC / C.O.L.L.E.C.T. databases until such time as the officer's current certification as a police officer expires. Nevertheless, while imperfect, the administrative option does provide for a definite time period upon the expiration of which the employment of an individual whose police officer certification cannot be renewed may be terminated.

3. The Administrative Option. Separate and apart from the preceding two options, POSTC is empowered to revoke the certification as a police officer of an individual who "has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute . . . false statement in violation of section 53a-157b." See Conn. Gen. Stat. § 7-294(d)(c)(2)(l). Currently, all computer screens through which NCIC / C.O.L.L.E.C.T. databases are accessed are opened via the following screen:



POSTC may recommend that the FBI CJIS CSO at DESPP modify the above access screen for all state-owned or administered NCIC / C.O.L.L.E.C.T. terminals, whether desktop or mobile. It is recommended that the modified access screens include the following statement:

By entering this system the user affirms that he/she is an authorized person, is aware that access to information in this system is approved for official law enforcement purposes only, and that he/she intends to make no use of the system other than that for which it is authorized. Misuse of this system may constitute a computer crime in violation of Connecticut General Statutes §§ 53a-250 through 261. The making of a false statement with intent to mislead a public servant in the performance of his/her official functions in violation of Connecticut General Statutes § 53a-157b is a crime punishable by law.

It is further recommended that the sign-on block at the bottom of the access screen be revised to read: "ACCEPT AND LAUNCH COLLECT."

By so doing, an authorized operator who signs into the NCIC / C.O.L.L.E.C.T. databases subject to the foregoing, and then intentionally misuses the system for other than official law enforcement purposes, makes a false statement in violation of Conn. Gen. Stat. § 53a-157b.⁶ Following an appropriate internal affairs investigation, if the holder of a Connecticut police officer certification is found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute the making of a false statement, such act is grounds for revocation of the offender's certification as a police officer. As set forth above, it is assumed that, upon revocation of an offending officer's certification as a police officer, the employing agency will terminate the individual as required by Conn. Gen. Stat. § 7-294d(b).

Communication with Darryl Hayes, FBI CJIS CSO at DESPP, indicates that the CSO is already moving toward uniformly implementing this recommendation for all desktop terminals and mobile data terminals (MDTs) in use in the State of Connecticut. In this case, no further action on the part of POSTC is required until such time as an employing agency provides investigative records supporting the possible decertification of an offending officer.

⁶ Conn. Gen. Stat § 53a-157b, entitled "False statement in the second degree: Class A misdemeanor," provides as follows:

(a) A person is guilty of false statement when such person (1) intentionally makes a false written statement that such person does not believe to be true with the intent to mislead a public servant in the performance of such public servant's official function, and (2) makes such statement under oath or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

Summary

Our Supreme Court has explicitly recognized that "there is a public policy against intentional police officer dishonesty in connection with official duties because integrity and trustworthiness are integral to performing these duties." *Town of Stratford v. American Federation of State, County and Municipal Employees, Council 15, Local 407*, 315 Conn. 49, 55 (2014). Intentional misuse of authority granted to public safety personnel, and specifically to sworn police officers, providing access to sensitive NCIC / C.O.L.L.E.C.T. databases is just such a serious integrity violation. Once such a violation has been committed, and a police officer's authority to access these critical databases has been denied or revoked, that officer's ability to effectively perform critical law enforcement functions is irretrievably compromised. Equally important, the safety of such officers, and that of their peers, is also compromised by their inability to access information critical to their daily job responsibilities, whether of a routine nature, or during a burgeoning public safety crisis.

While individual law enforcement agencies are not the final arbiters with regard to the termination of employment of such officers, POSTC is uniquely charged with the authority to determine what training and professional certifications are required of a police officer, and whether the inability to obtain or maintain such training and certifications are of such critical importance that the ability of a particular individual to perform in the capacity of a certified police officer in the State of Connecticut is fatally impaired. Where POSTC judges this to be the case, the ability to decertify such officers is required, not only for the safety of individual officers and citizens, but also for the integrity of the criminal justice system.

The three options presented for the consideration of POSTC focus on the ability to ensure that police officers whose integrity and ability to perform their official job functions has been fatally impaired by the denial or revocation of their authority to access NCIC / C.O.L.L.E.C.T. databases can be decertified by establishing broadened statutory authority, by exercising regulatory powers currently within the authority of POSTC, or by supporting and recommending the exercise of administrative authority which lies resident elsewhere within the Department of Emergency Services and Public Protection. The Council itself must determine whether the concerns summarized herein warrant the exercise of one or more of the options presented.

Mr. Sarnoski breaks down and reviews the "White Paper" document; open for discussion.

This all gets a bit choppy (due to back and forth, personal clarification, levels of misuse, recommend to vote on the 3-prong approach, many layers added, etc.), but after hearing further individual discussion(s) there are a few motions entertained, seconded and then tabled in order to collect further data and bring to the table at a later date.

Chief Lovello entertains a motion that the POST Council support the COLLECT CSO's efforts to have the "Administrative Option" (regarding the sign on / login screen) approved. Motion Mr. Kane, seconded by Dr. Donahue; motion carried.

For the remaining... Mr. Sarnoski made a recommendation to make a motion, then table it to go back to flush out the logistics of training later.

Chief Lovello entertain a motion for the "Regulatory Option"; Mr. Sarnoski makes a recommendation that 'POST Council require for recertification as a Police Officer, that Police Officers demonstrate authorized access to sensitive criminal justice databases including but not limited to the Connecticut Criminal Justice Information Systems (CJIS), the National Crime Information Center (NCIC) and the Connecticut Online Law Enforcement Communication Teleprocessing Program (COLLECT) databases.'

Mr. Cavanaugh made a motion to adopt Mr. Sarnoski's language, seconded by Chief Maniago. Further discussion? Motion to table by Chief Daly, seconded by Dr. Donahue; no discussion; all in favor; motion carried.

INFORMATION ITEMS:

1. Executive Director's Report

Chief Flaherty, Police Academy Administrator mentioned Susan Rainville's intent to retire March 1st; Updated the Council on the MILO Simulator taking over the location of the current "library" (the Milo Range/Driver Training System Agreement included as an attachment of the minutes) awaiting delivery of this simulator to be shared by POST and CSP, then tours will be offered. Chief Flaherty then reported his activity to the Council since the last Council meeting. Hosted a visit for interns at the academy from the Attorney General's Office; attended a meeting with the representatives from satellite academies with Bill Tanner to make sure they are all on the same page; attended first 2 meetings of the law enforcement curriculum task force, Chief Mello to speak on; presentation hosted by Commissioner Schriro regarding minority hiring; Intern will begin working at POSTC on Jan 24th splitting his time with Bill Tanner; official minutes are included with the day pack.

*Milo Range/Driver Training System Agreement Attachment – at end of minutes

2. Directors Reports:

a. Basic Training – William Schultz, the Director of Basic Training provided a report on the status of the classes (355th & 356th) currently in session and the incoming 357th Training Session:

- 355th Training Session – began October 7, 2016 with forty-five (45) recruits; scheduled to graduate on March 29, 2017 at CCSU.

- 356th Training Session – began December 30, 2016, with forty-eight (48) recruits; one recruit resigned on day one, prior to arriving at the academy and two failed the Cooper Test; holding at forty-five (45).
- b. In-Service Training – Susan Rainville, the Director of Field Services provided a report on the activities of her division including in-service training classes provided and scheduled; highlighting those that attracted popularity for various reasons.

Chief Mello congratulates and thanks Susan for her time served for law enforcement statewide.

3. Accreditation Manager's Report – William Tanner had nothing to add to the material that was in the Council packets regarding accreditation or for certification either.
4. Audit Reports –in packet
5. Correspondence – in packet

OLD BUSINESS:

Update on Task Force Committee:

Chief Mello was appointed as the POST Council representative so he gave a briefing. Chief Mello (along with Dr. Donahue) there have been two meetings so far 1st December 6th at LOB; 2nd meeting was on January 10th. Co-chairs of the committee are interested in conducting a survey on community satisfaction in term of operations (our training programs). Next meeting (February) will involve, as they have been asked, the State of Washington Police Academy where they train municipal officers – similar to what we do here at POST – what the structure of a training environment should look like. In April or May, whenever they decide to hold this meeting, Chief Flaherty has been invited to present on behalf of POSTC to this meeting. Deadline for this report is October 17, 2017.

Chief Lovello announced his retirement date as of February 15, 2017 and thanked everyone for their friendship and collegial nature of the group.

Chief Lovello moved to adjourn the meeting, seconded by Chief Maniago; motion carried.

The meeting was adjourned at 11:09 A.M.

Respectfully Submitted,



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