

STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

Police Officer Standards and Training Council
Connecticut Police Academy

MINUTES OF MEETING

March 9, 2018

Training Academy, 285 Preston Avenue
Meriden, CONNECTICUT

IT SHOULD BE NOTED THAT THIS DOCUMENT IS AN ABRIDGED VERSION OF THE MINUTES OF THE MARCH 9, 2018 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: Sergeant William Brevard; Kurt P. Cavanaugh; Chief John F. Daly; Special Agent in Charge Patricia Ferrick; 1st Selectman Laura Francis; Town Administrator Michael Freda; Douglas Glanville; Chief Ronnell Higgins; Chief Thomas Kulhawik; Chief Keith Mello; Chief Mark Palmer; State Victim's Advocate Natasha Pierre; Commissioner Dora Schriro; Dr. Guy Vallaro; Chief James Viadero and Chief Thomas Wydra.

Other Attendees: Police Academy Administrator Thomas E. Flaherty; Basic Training Director William Schultz; Accreditation Manager William Tanner; Holly King, CSP - TA Administrative Staff; Assistant Attorney General Stephen Sarnoski; Pamela Hayes, CPCA Executive Director; DC State's Attorney Leonard Boyle; Deputy Chief Michael Guillot – Groton City PD; Corporal Fernando Goncalves – Groton City PD; Chief Michael Spellman – City of Groton; Chief Ray Osborne – Darien PD; Lieutenant Robert Shreders – Training Division, Darien PD and Ms. Patricia Maich – POST Training Officer.

Council Members Absent: Dr. Amy Donahue; Chief State's Attorney Kevin Kane; Chief Michael Maniago and Patrick Rittmon.

CALL TO ORDER

Chief Keith Mello, Chairman, called the meeting to order at 9:28 A.M.

Motion made by Chief Daly, seconded by Chief Palmer to accept the amended agenda.

Welcome Mrs. Laura Francis – 1st Selectman of Durham.

ACTION ITEMS:

1. MINUTES OF THE January 18, 2018 MEETING

Chief Mello requested a motion to accept the Minutes of January 18, 2018 Meeting as submitted. Motion made by Mr. Freda, seconded by Chief Daly; minutes accepted, Mrs. Francis abstained.

CERTIFICATION COMMITTEE:

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

1. **Grasso, Mark D.** – Westport Police Department (Officer)

The certification committee recommends the council approve the request on behalf of Mark D. Grasso, for Police Officer Certification by way of a Certificate of Comparative Certification subject to State of Connecticut certification/recertification; motion made by Mr. Cavanaugh, seconded by Chief Higgins. The motion carried.

Request for a Certificate of Comparative Certification

1. **William Cario** – Roxbury Police Department (Officer)
2. **James P. Connelly** – Westbrook Police Department (Officer)
3. **Jeffrey S. Dubuc** – Beacon Falls Police Department (Officer)
4. **Michael Dyki** – Oxford Police Department (Officer)
5. **Alaric J. Fox** – Enfield Police Department (Chief)
6. **John D. Toromanides** – UCONN Police Department (Officer) - **Tabled.**
7. **Arthur H. Walkley** – Southington Police Department (Officer)
8. **Wiener, Mark** – New Britain Police Department (Officer)
9. **Ralph Medina** – Hartford Police Department (Deputy Chief)
10. **Matthew Comeau** – Prospect Police Department (Officer)

The certification committee has reviewed the following applications and moves that the council approve the certificates 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 council member in advance of today's meeting (lists the above 10 names, noting that item #6 has been tabled); motion made by Mr. Cavanaugh, seconded by both Chief Kulhawik & Mr. Freda. The motion carried.

Waiver of Entry Level Requirement

1. **Edward Rivera** – UCONN Police Department

The Certification Committee recommends the Council deny the request of Chief Hans Rhyhart, on behalf of Edward Rivera, to waive Council Regulation 7-294e-16(h). Motion made by Mr. Cavanaugh seconded by Chief Daly. Motion carried.

After additional information/clarity, hearing from Mr. Edward Rivera himself (including reading a letter from Chief Rhyhart), as well as open council discussion, Mr. Cavanaugh & Chief Daly both agreed to withdraw their initial motions to deny Mr. Edward Rivera's request for a waiver. Reconsider the waiver of entry level requirement; Certified Police Officer until June 2019.

Highlights from council discussion/clarification: (not an exact transcription of the discussion)

Mr. Tanner: *The rule was in place January 1st '95, Bridgeport hired Mr. Rivera in '97; he appealed to the Civil Service Commission who inappropriately overrode POST rules and hired him anyway; POST did not know that until December when he was looking to go elsewhere. Yes they overrode us, we weren't aware of it, they can't do that. I've taken steps to correct that.*

Mr. Sarnoski: *To clarify the legal situation because there has been a lot of conversation about it and I have not had the opportunity to review that labor decision back then. I am surmising that it could well be correct based on the retroactivity point that I just made earlier. If the triggering act, the conviction happened before the statute was in effect the retroactivity rule would suggest they can't be taken into account only things that happened after the law comes (unless the law itself says it's meant to be retroactive, which I'm sure it doesn't). So they might have come to the right answer for the wrong reason. I don't know on what basis they made their decision, but it seems to me that it would not have been appropriate to use that pre-1995 conviction as a basis for not hiring or certifying or being making a gentleman eligible because the statute was not in effect at that time. I don't know if that was the reason for the decision, but they could be correct in that regard. Otherwise it's always been our position that the labor board, to the extent that they require municipalities to hire and fire police officers, have nothing to say about their certification as a police officer; that's POST.*

Mr. Freda: *Does POST have the authority to grant him what he is looking for and if so, what type of precedent does it set if any?*

Chief Mello: *We do have the authority to grant a waiver, correct?*

Mr. Sarnoski: *POST does have the authority to grant a waiver.*

Chief Mello: *Have we ever done that before Chief?*

Chief Flaherty: *Not to my knowledge.*

Chief Mello: *Ok not in this type of issue, where it's a conviction of an A or B misdemeanor.*

Mr. Boyle: *If the retroactivity issue was live meaning that a pre-1995 conviction can't be a basis for refusal to recertify, is there any reason for a waiver here now? The triggering event was pre '95 and it wasn't a retroactive statute*

Mr. Sarnoski: *If it was pre 1995 unless the statute was specifically meant to be retroactive and I don't believe it was; it was effective 1995, a act that happened before the statute existed before it was a requirement, before he even knew, or anyone knew that was going to be an issue would not apply.*

Chief Daly: *So anyone as a chief that we turned away because they had a class A or B misdemeanor if this occurred before '95 we shouldn't have done it. This is not clear.*

Mr. Sarnoski: *My understanding of the retroactivity statute grew measurably as a result of the Bryant case which we had a year ago... this is a clone of that particular issue with a different question, but unless the statute is clearly retroactive and that's very rare and I don't think that applies here*

Chief Daly: *Do we have the authority to issue him a temporary, like pending his pardon? If he's truly trying, can we issue a one year*

Mr. Sarnoski: *If it was brought to litigation it, what we just discussed on retroactivity, would probably be the result. It would not be proper to take that into consideration because it was a pre-1995 conviction which was not a bar to employment as a police officer until the statute was in effect.*

Chief Higgins: *I would be remiss if I didn't say until he stood up and opened his mouth, I worked*

with him and I didn't realize that. We worked together as correction officers in Bridgeport prior to becoming police officers. He went to Bridgeport 1 year before I left and so I'd be remiss if I didn't want the council to not know so I wanted to get that on record. If there's any way based on what we heard thus far, to take an interim step to get him back in working class. I vote to do that.

Mr. Freda: *I would support that. In listening to his story, this is a man that appears to have made one mistake in his life at the age of 17 and from what we see here he has an impeccable record in law enforcement including serving his country. I would definitely support Chief Higgins and Chief Daly if we can grant that maybe as an interim step. Let's face it he made one mistake, he's paid the price and he's had an impeccable record since he was 17 years old.*

Chief Mello: *And what if he doesn't get the pardon as an interim step, is it something we want to consider whether we*

Chief Daly: *We fail to recertify him.*

Chief Mello: *On the expiration date?*

Chief Palmer: *Perhaps he can come back to the council at that time and we can reconsider it.*

Chief Mello: *And consider a waiver at that point? Obviously I guess the choices are we have a motion on the table we can act upon that motion or amend that motion to approve the application or approve the waiver or we can entertain a new motion, we can withdraw that motion and entertain a new motion to do an interim waiver which we would have to revisit it again. I don't know but it almost seems like several of you have enough information now to make that decision. And is it something that you really want to prolong and wait and see if he has his waiver or not.*

Mrs. Francis: *As someone who frequently works with law enforcement to try to divert 17 year olds (16 year olds, 15 year olds) into alternative measures so this doesn't happen to our youth from making one bad decision, I would entertain a motion to disapprove, to approve the waiver. Go straight to it because I believe this gentleman has proven himself as a good law enforcement professional. However, I want to know if this waiver is granted will it diminish our certification process in any way to my previous point about setting a precedent?*

Chief Kulhawik: *If this happened today, it would be a juvenile crime and it wouldn't even be an issue. So that is another point to think about.*

Mr. Glanville: *Before hearing Mr. Rivera, 'New York statutes do not allow for erasure dismissal or expungement of a conviction'. In some respects we are taking New York law and sort of applying it as sort of a proxy for Connecticut law right? But if he was in Connecticut, from what I understand of expungement law and you can help me if, is that he could of gotten that expunged completely, it would have never happened. So if we are going to compare apples to apples, let us compare apples to apples. If he was 17 years old in the state of Connecticut which is how we are converting his New York experience to Connecticut, he had the opportunity to take measures where this didn't even happen and we wouldn't even have this conversation. I think the idea, to me in law enforcement and criminal justice is about second chances. When it is about second chances and you have someone who has had this type of track record, that's exactly what you want to represent law enforcement is someone that has had this type of experience and corrected his mistake and so just on the spiritual moral level, that's where I come down on that. I'm*

not sure what steps, I know we have to be concerned about precedence, get the legal "dot the i's and cross the t's" so to speak, but I think we should think about that factor.

Chief Mello: *Just to your point, and this is just my view, and you asked the question does it diminish our certification process. I would leave that up to you as individuals. I don't think it does, we act upon waivers all the time and that's why we're here to dissect these things, debate 'em and make decisions. If we were just going to be a, if things were set in stone based upon just a report or the application of this, provision of the statute or in the regulation, then they don't need us here, anybody can do that. They can just say you didn't meet this requirement under this statute and I think that our job is to really look at these things on a case by case basis.*

Mr. Sarnoski: *In response to Ms. Francis' concern, I don't know that this diminishes the councils' waiver ability, its reputation or professionals in any way, if as I believe without having had the opportunity to thoroughly research it but I think we are probably on point here. That the retroactivity issue is real and if another situation came up tomorrow with the same circumstances the interpretation of Connecticut statutes and retroactivity would be the same which means that it's not something you can prevent because it is something that happened before the statute because effective. I haven't been asked to give a formal opinion and I haven't done the research but I think that is probably correct so I don't think there is any diminishment whatsoever if we had the same situation with somebody else we'd probably come to the same conclusion.*

Chief Daly: *So we've never waived an entry level requirement, are we now going to be opening ourselves up for every Chief to come forward with a, because this is entry level, this isn't a certification, this is an entry level requirement are we going to open ourselves up for every chief to come forward with an entry level person who has a A or B misdemeanor who wants a second chance and the chief thinks he's a nice guy and is requesting a waiver is the certification committee going to be inundated with requests for entry level waivers? I think, I feel for him, I understand but I'm afraid we're opening a can of worms here.*

[He's - Mr. Rivera - a lateral transfer]

Chief Palmer: *I think we also have to defer somewhat to Chief Rhynhart's judgement, he runs a professional organization, I'm sure he's vetted Mr. Rivera to the degree necessary to for us to make a decision on that.*

Mr. Sarnoski: *The question is if you want to act on it today in difference to Mr. (said Perez' meant) Rivera's financial issues and requirements that would require the waiver. If you want me to do the research and issue the opinion I'm happy to do that but that is not going to happen this week and that's going to take a little bit more time. And it's got to run through our internal review process and it could take a little while. I think that would be the result though.*

Chief Mello: *Maybe instead of making Mr. Rivera wait we do have a motion on the floor we can amend that motion if so desire, act upon that now and take further action after Steve (Mr. Sarnoski) does his research and determines that the point was really mute because it doesn't, the statute doesn't apply or the regulation doesn't apply.*

Ms. Francis: *Can you restate the motion please?*

Chief Daly: *The motion was to deny*

Chief Mello: *deny the request for the waiver from Mr. Cavanaugh.*

Chief Palmer: *Vote on that motion and make another one?*

Mr. Sarnoski: *Or you can withdraw it*

Chief Mello: *Withdraw it and make another one*

Mr. Cavanaugh: *Before that I just want to say that the certification committee had not met Mr. Rivera at our sub-committee meetings, so we didn't know his personal story. We just went based on the documents and from the certification officer. We strive to adhere to the rules, I think it was Chief Daly at the meeting said we have rules and rules apply. We don't want someone's situation to end up in a John Lender column some Sunday in the Hartford Courant and make us all look bad so we try to make sure we are consistent, we follow the rules and that no one can impinge on our integrity. We all know there are swords out there for law enforcement and we try to just make sure everybody that comes before us, gets treated fairly, the same way, equally and that all the rules are applied. So I just don't want folks to think that the certification committee was inhuman to the situation we were just going by the documents that we had, we didn't have the personal story.*

Chief Mello: *We have far more information today than you had initially*

Mr. Cavanaugh: *We did not discuss the retroactivity of the misdemeanor. So that's something that was not discussed at our*

Chief Kulhawik: *I was just going to say that based on the information I had, I was ready to vote in favor of that motion, based on the discussion I have changed my opinion and I'm ready to vote as opposed to*

Chief Mello: *So again Mr. Cavanaugh we can vote on your motion or you can withdraw your motion and we can entertain a second motion.*

Mr. Cavanaugh: *I will withdraw the motion*

Mr. Sarnoski: *And the second*

Chief Mello: *And the second*

Chief Daly: *I'll withdraw the second*

Chief Mello: *Jack with the second, Mr. Cavanaugh withdraws his motion.*

Mr. Glanville: *Is it worthwhile Chief to I don't know if it's something off line we need to discuss at some point about maybe the statute or the language to revisit. I don't know if the sub-committee or something but if you're doing that research I think it would be worth looking, you know as looking forward according to Chief Daly I think it makes a point to make sure we tighten it up or whatever we need to do.*

Chief Mello: *Maybe it would be appropriate to bring that back to the certification committee once Steve has done his research we can throw it back to your committee for an analysis. Is there a motion to approve the waiver of Mr. Rivera in this matter? Motion to approve the waiver of Mr. Rivera in this matter was made by Ms. Francis seconded by Mr. Freda. Motion passes.*

As noted above in the discussion captured regarding Mr. Rivera, the original motions (by Mr. Cavanaugh and Chief Daly) were withdrawn; Motion to approve the waiver of Mr. Rivera in this matter was made by Ms. Francis seconded by Mr. Freda. Motion passes.

Extension of 1 year Probationary Period

- 1. Alexander Cruz, III – Simsbury Police Department**
- 2. Jordan Fitzpatrick – Guilford Police Department (second extension request)**
- 3. Adriana Reyes – Bridgeport Police Department**
- 4. Angelica M. Rodriguez – Hartford Police Department**

5. Robert Roj – Bridgeport Police Department

The Certification Committee recommends the Council approve the extension of the one-year probationary candidate status to the Officers listed above according to their timeframes mentioned in their letters in order for them to complete their field training requirement to achieve police officer certification. Motion made by Mr. Cavanaugh seconded by Chief Higgins. Motion carried.

Refusal to Certify

1. Erich Grasso – Bridgeport Police Department

The Certification Committee recommends the Council refuse to certify Erich Grasso as a Police Officer, requiring him to repeat the hiring process for Bridgeport or any other police agency in Connecticut. Motion seconded by Chief Daly. Motion carried.

Basic Training Academy Applications

1. Waterbury Police Academy – Waterbury Police Department

The Certification Committee recommends the Council approve the Waterbury Police Department's application to commence a Basic Police Officer Recruit Training Academy for a maximum of forty (40) recruits noting items 1-12; Motion seconded by Chief Daly. Motion carried.

Request of a change in Instructor Criteria (Area 302D)

The Certification Committee recommends the Council approve the following replacement language for the instructor criteria for Area 302D (Special/Chemical Munitions).

302-D Less Than Lethal Force (Spec/Chem Munitions)

- a) If the delivery of the spec/chem munition is via a platform that can also deliver lethal munitions then, **the Instructor Must be certified in area 301 firearms to obtain this area, or***
- b) Successful completion of an instructor level train-the-trainer course for the product being used.*

Motion made by Mr. Cavanaugh seconded by Chief Daly. Motion carried.

Request for an Addition of a teaching area and Instructor Criteria (Area 304A)

The Certification Committee recommends the Council approve the following instructor area and criteria be added to the teaching topics' Area 304A (General Medical).

- a) Successful completion of an instructor level train-the-trainer course for the process being used (i.e. tourniquets, blood clot, CPR, Tactical Casualty Care, etc.) or*
- b) A fully licensed Medical Doctor, in good standing, or*
- c) Minimum of three-year assignment to a Tactical Medical Team*

Motion made by Mr. Cavanaugh seconded by Chief Daly. Motion carried.

ACCREDITATION COMMITTEE:

1. Tier II Re-Accreditation – Darien Police Department

Darien Police Department, under the command of Chief Raymond Osborne has been accredited since 2009. On February 8, 2018 a team of State Assessors and found the

agency in compliance with 200 applicable Tier II standards, 9 standards were non-applicable. In conclusion, based upon the file review and physical inspection, Darien Police Department has established policies and practices consistent with the POSTC Tier II State Law Enforcement Accreditation Standards.

Chief Kulhawik and the Accreditation Committee make the motion that the POST Council award Tier II State reaccreditation to the Darien Police Department, seconded by Chief Palmer. The motion carried.

2. Tier I Re-Accreditation – Groton City Police Department

City of Groton Police Department, under the command of Chief Michael Spellman has twenty-eight (28) sworn Officers and nine (9) civilian Personnel. On February 12, 2018 a team of State Assessors found the agency in compliance with 117 standards, 9 standards were non-applicable. In conclusion, based upon the file review and physical inspection, the City of Groton Police Department has established policies and practices which are consistent with the POSTC Tier I State Law Enforcement Accreditation Standards.

Chief Kulhawik and the Accreditation Committee make the motion that the POST Council confer Tier I State Re-Accreditation to the Groton City Police Department, seconded by Chief Palmer. The motion carried.

Curriculum Committee Memo: Chief Mello announces Gary Fredericks (POST Driving Instructor) is retiring. With this, Chief Mello makes the motion to Adopt EVOC Training as part of our curriculum for driver training for new recruits, seconded by Mrs. Francis.

INFORMATION ITEMS:

1. Executive Director's Report

Chief Flaherty, Police Academy Administrator – Thank you for accommodating the change in the date of this meeting due to the storm yesterday. Tim Coon and I have met with Dr. Mike Rickenbach from the Forensics Science Lab about providing Intoxilizer Training here at the academy which has not been finalized yet; Hosted students from Granby High School for job shadowing; Hosted #360 Recruit Session Family Night; Intern Almedina Keranovic (University of Hartford) to be with us for 120 hours; Retired CSP Llewynn Rowe who is a Trainer for New Mexico Tech contacted POST offered to bring a number of anti-terrorism classes for free; Gary Fredericks is retiring; Gary being one of our two primary driving instructors (Patty Maich being the other and present) has necessitated a review of the current POST driving curriculum; Sergeant Tom Gorman (CSP Driving Instructor) conducted a review of both POST and CSP driving curriculum – called the EVOC curriculum; POST has decided to adopt EVOC training; once we get the Train-the-trainer program up and running we can invite trainers from the satellite academy's; Juma Jones' appeal decision included in day pack by Mr. Sarnoski.

For clarity Chief Mello requested an **Update on POST Staffing Levels** – Per Chief Flaherty they are down 50%, used to have 26 full-time employees, now 13 soon to be 12; OPM backstops the paperwork for the positions. Secretary 1 – Basic Training (without for 2 years), but that has been approved; Field Program Manager – we expect has been approved by OPM and advertised very soon; Part-time clerk typist (for Bill Tanner for Accreditation) – denied; Basic Training is down 3 full-time instructors and Mr. Tanner is doing 3½ persons jobs.

2. Directors Reports, William Schultz: (highlighted and agreed with Chief Flaherty regarding staff reductions not sure how much more they can take, but committed to providing the best they can to the chiefs as they continue to do)
 - a. Basic Training – (Information provided in the packet)
 - 359th Training Session began on October 6, 2017 currently has 41 recruits; set to graduate on March 28, 2018 at 11:00am at Central Connecticut
 - 360th Training Session began on December 29, 2017 currently has 49 recruits; set to graduate on June 12, 2018
 - 361st Training Session set to begin on April 6, 2018
 - b. In-Service Training – Information provided in the packet
3. Accreditation Manager’s Report – William Tanner (nothing new to add, materials are in the Council packets)
4. Compliance Officer’s Report – William Tanner (nothing new to add)
5. Audit Reports – in packet
6. Correspondence – in packet

Chief Mello mentioned that they would like to assist in getting the “decertification process” more up to date, but the staffing issues are creating the backlog. Rest of council agrees to offer resources to help.

OLD BUSINESS:

1. EDW Committee Report – Chief Maniago

Electronic Defense Weapon Analysis and Findings, 2015 Action Committee – Chief Maniago

Chief Maniago was absent, but Chief Kulhawik mentioned that the committee developed questions and asked Ken Barone to come in and discuss the recommendations they had to try and get a better feel for it.

NEW BUSINESS:

Mr. Freda – (a question ties in with “lack of funding”) *Sgt. Paula Keller (New Britain PD) offered her services (at her expense) if we needed to have more hours on training of animal control officers – no cost to POST, something we are doing at the state level.*

Ms. Pierre – *Free Training Workshop “Victim Rights Symposium” on April 13th, 2018. It is an all-day training at the Radisson in Cromwell. See the Victim Advocate Website for more information.*

Commissioner Schriro – *Touch on the status of the positions.*

Chief Mello – (Chief Flaherty mentioned previously about staffing for POST) *Mandatory ‘Accreditation’ – Final Report for the Law Enforcement Task Force on training and education. One of the recommendations that came out of that Task Force allowed POST to set minimum standards, each agency would have to adopt and maintain those standards; and we would verify each agency is complying with those standards. That requires additional staffing... we requested two positions in order to do that only one of those positions have been approved. Leaves us short one position and we’ll have to discuss how to manage that, it may impact exactly how many standards we’re going to enact. There was legislation (in your packet) that was introduced last week by the Public Safety Committee – page 3, Section 23. Language gives POST the authority to*

set minimum standards (the minimum standards included are the Mandatory policies that we already put in place). Real question... What are the Minimum Standards? Challenge is to adopt the standards and do the audits and compliance checks.

Chief Kulhawik – *(They did meet and he provided an update) There were 47 standards including some standards that don't exist because the model policies don't all have standards in any position in the tier. We determined it would not be called accreditation, it would be something less – compliance something like that. We did attach a full time position and a part time clerk in order to be able to do this based on calculating on how much time it would take to do an audit. We're figuring an audit a year or two depending on how often these agencies are going to be reviewed, we didn't know what that was going to look like. If we were to go every 3 years, one person should definitely be able to handle that. If everyone has Power DMS, it can be done remotely. There is a nominal cost associated with Power DMS - \$850 per agency; lower level would be less than that. If you don't have Power DMS you need a staff of people to do it because it is time consuming.*

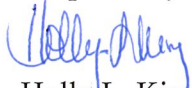
Mr. Tanner – *On page 4, Agencies are required to have this rolled out by January 2019; this is rather aggressive.*

Chief Mello will keep council informed if it (Bill No. 5303) does pass or if any modifications.

Chief Mello moved to adjourn the meeting; seconded by Chief Daly. Motion carried.

The meeting was adjourned at 10:50 A.M.

Respectfully Submitted,



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