

STATE OF CONNECTICUT
DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE MARSHAL COMMISSION
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Meeting Was Conducted Remotely Using Microsoft Teams

MINUTES
STATE MARSHAL COMMISSION MEETING
October 27, 2022

Commissioner Skyers-Thomas, Vice Chairperson, called the meeting to order at 4:39 p.m. Staff Attorney Sousa advised all participants that the proceedings were being recorded.

Vice Chairperson Skyers-Thomas confirmed all members in attendance and verified that a minimum 5 voting member quorum was present.

Members present and participating remotely: Vice-Chairperson Shirley Skyers-Thomas; Bryan Cafferelli; Michael Desmond; Hon. Leo Diana; Mildred Torres-Ferguson; John Vamos; Ex-officio (non-voting) Members State Marshal Thomas Burke and State Marshal Lisa Stevenson.

Commission Staff present: Staff Director Douglas Moore (non-voting); Staff Attorney Thomas J. Sousa, Jr. (non-voting); and Special Investigator Anthony Valenti (non-voting).

Members Absent: Commissioner Salvatore Vitrano.

Topics:

1. Minutes of the September 22, 2022 Regular Meeting:

Commissioner Vamos made a motion to accept the minutes of the September 22, 2022 regular meeting. Seconded by Commissioner Cafferelli, the motion passed unanimously.

2. Annual Pistol Range Qualification Firing:

Staff Special Investigator Valenti reported on the annual pistol range qualification firing conducted on 10/08/2022 and 10/15/2022 at the Connecticut Police Academy. Sixteen state marshals fired for record. Based upon their demonstrated performance at this year's range, the staff recommends the commission authorize fourteen state marshals to carry a firearm during the course of their state marshal duties during 2023.

Commissioner Torres-Ferguson made a motion that the State Marshal Commission adopt the staff's recommendation to authorize fourteen state marshals to carry a firearm during 2023. The motion was seconded by Commissioner Cafferelli. A discussion then took place. Ex-officio State Marshal Burke asked if marshals who fail to meet qualification requirements would have their permission to carry revoked immediately. Staff Director Moore suggested the commission conduct a separate vote to revoke carry privileges for any marshals who did not qualify or failed to demonstrate an appropriate level of proficiency.

The commission then unanimously voted to authorize 2023 firearms carry for the fourteen state marshals who successfully completed the October 2022 training and qualification range.

Commissioner Torres-Ferguson made a motion that the State Marshal Commission adopt the staff's recommendation to immediately revoke the authorization to carry a firearm for the two state marshals who failed to qualify and/or demonstrated a lack of proficiency during the October 2022 live fire range operation. Seconded by Commissioner Cafferelli, the commission unanimously voted in favor of the motion.

Commissioner Skyers-Thomas requested that any proposed changes to the firearms policy be placed on the agenda for discussion at a future meeting.

3. Retirements/Resignations/Inactive/Deaths:

Commissioner Vamos made a motion that the commission accept Middlesex County State Marshal Michael Casserino's request to retire effective October 10, 2022, and issue him a retired badge. Seconded by Commissioner Diana, discussion then followed. Ex-officio State Marshal Burke asked if Marshal Casserino has a client fund account and if so, has a designated successor been named? Staff Attorney Sousa replied that Marshal Casserino does have a client fund account and designated Marshal Stuart Woods as preferred successor. Following a discussion the commissioners unanimously voted to approve the motion.

4. Complaints:

Commissioner Vamos made a motion to adopt the final proposed resolutions made by oversight committees in the following complaint files, as noted:

Complaint file 22-02, *Olivarez v. Dussault* – dismissal of the complaint.

Complaint file 22-17, *In Re Green* – issue a reprimand.

Complaint file 22-22, *In Re Salafia* – issue a reprimand.

Seconded by Commissioner Torres-Ferguson, the motion passed unanimously.

5. Administrative Updates:

2022 State Marshal Commission Use of Force Policy – Staff Attorney Sousa reported that a review by the AG's office, as was suggested by Commissioner Vitrano during last month's regular meeting, is now completed. The AAG suggested three minor changes, which Staff Attorney Sousa has made. Yesterday the final version as approved by the AAG was emailed out to the commissioners for review.

Staff Attorney Sousa suggests the commission adopt this draft *2022 Use of Force Policy*, which is ready for an approval vote if the commissioners concur. Commissioner Cafferelli raised a question regarding pepper spray which was the subject of an email that circulated this morning. Commissioner Cafferelli asked if there is a deadline the commission has to meet regarding passage of a revised *Use of Force Policy*. Staff Attorney Sousa replied that there is no

deadline for the commission, however the *Use of Force Policy* is a component of the State Marshal Manual, and thus the 2022 State Marshal Manual update cannot be completed until a *Use of Force Policy* is finalized.

Ex-officio Stevenson stated that pepper spray used to be offered to multiple marshals who were outside the capias team for use during evictions or when dealing with dogs. Under the existing *Use of Force Policy* that has not been available, and it would be nice to have the AG Office clarify if non-capias marshals can use pepper spray during evictions. Marshal Stevenson raised the additional issue of securing firearms when delivering capias arrestees to court because the capias vans do not contain lock boxes that allow for proper secure storage of firearms.

Staff Attorney Sousa recommended the State Marshal Advisory Board submit proposed *Use of Force Policy* language to the commission for review and further submission to the AG's Office. He stated the commission would have to look at training and other requirements for general pepper spray use; and Staff Director Moore may be able to help obtain secure firearms containers in the capias vans.

State Marshal Burke asked if the commission might approve the 2022 State Marshal Manual with the existing *Use of Force Policy*, until such time as a revised *Use of Force Policy* can be approved. Marshal Burke raised additional questions about pepper spray requirements regarding liability, training, medical response, etc.

Commissioner Torres-Ferguson suggested the *Use of Force Policy* issue be tabled pending further review. Commissioners Vamos concurred with Commissioner Torres-Ferguson. Commissioner Cafferelli stated he would like to see proposed language from the State Marshal Advisory Board before the commission takes further action. Commissioner Skyers-Thomas opined it would be best to adopt the *Use of Force Policy* first, and then incorporate that approved policy in the updated State Marshal Manual.

Staff Attorney Sousa asked if the commission's intent would be to send the new proposed pepper spray language changes to the AG's Office for review. Commissioner Cafferelli recommended that the AG's Office should once again be consulted concerning any new *Use of Force Policy* changes.

The Commissioners stated that once the proposed *Use of Force Policy* language is received from the Advisory Board and reviewed by the AG's Office, the commission could meet for a special meeting to vote on adoption of the *Use of Force Policy* and updated State Marshal Manual. The special meeting can be scheduled prior to the November regular monthly meeting if the changes are ready. If the changes are not ready in time, then the *Use of Force Policy* changes can be voted on during the regular monthly meeting in November.

Staff Attorney Sousa reported that on October 18th at the state armory, Commissioner Skyers-Thomas administering the oath of office and appointed 20 new state marshals. One remaining new state marshal from the 2022 class will be sworn in on November 1, 2022 in Hartford. Once that final marshal is sworn in, this office will run the BizNet calendar which schedules courthouse TRO duty shifts for the first six months of 2023. With one state marshal lost this month to retirement, and the 21 new state marshals added, the overall state marshal total strength will increase to 173.

Staff Attorney Sousa provided an update on the current complaint backlog. He sent an email to the commissioners requesting dates they would be available to sit on Oversight Committee hearings during the month of November. He stated that once he has a commitment from at least one commissioner, he will immediately send out hearing notices to the parties.

Commissioner Skyers-Thomas then asked Commissioner Cafferelli to discuss the recent discussion that several commissioners had with individuals from the Judicial Branch regarding overdue payments to state marshals for restraining order duty. Commissioner Cafferelli stated that the Judicial Branch acknowledged that there was a backlog of unprocessed payments and promised to place emphasis on expediting payments and allocating resources toward addressing the problem. It appears the CO-17 logjam has been removed. State Marshal Stevenson stated the situation appears to be improving and thanked the commissioners for their help.

Vice-Chairperson Skyers-Thomas stated there was no other business to discuss.

A motion to adjourn was made by Commissioner Cafferelli. Seconded by Commissioner Torres-Ferguson, the motion passed unanimously.

The meeting was adjourned at 5:27 p.m.

Approved:

A handwritten signature in black ink, appearing to read 'S. Skyers-Thomas', written in a cursive style.

Shirley Skyers-Thomas
Vice Chairperson