

STATE OF CONNECTICUT
DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE MARSHAL COMMISSION
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Meeting is in North Plaza Meeting Room J at 4:30 p.m.

MINUTES
STATE MARSHAL COMMISSION MEETING
August 24, 2017

Members present: Chairperson W. Martyn Philpot, Jr., Esq., Vice-Chairperson Michael Cronin, Esq., Robert P. LaTorraca (via teleconference call), Tracy Lee Dayton, Esq., Michael Desmond and John Vamos. Also present were ex-officio members Julianne Ingham and Keith Niziankiewicz (non-voting), Staff Director Jeffrey Beckham, and Staff Attorney Jennifer Y. Montgomery. Tracy Lee Dayton, Esq. arrived during the discussion of Agenda Item 4. Honorable Lisa K. Morgan and Mildred Torres-Ferguson were not present.

The following Marshals were present for the public session: Suzann Corbett, Beth Ostrowski, Lisa Stevenson, Arthur Quinn, III, and Kevin McNeill.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:32 p.m.

1. Minutes: June 22, 2017 meeting

The Commission, after a motion by Robert P. LaTorraca, seconded by Vice-Chairperson Michael Cronin, Esq., voted 5-0 to adopt the minutes from the June 22, 2017 meeting.

Old Business

2. Capias Unit Policy

Attorney Jeffrey Beckham briefly introduced the topic of the proposed Capias Unit Training Policy first discussed at the June 22, 2017 Commission Meeting after which the Chairperson tabled the item to discuss at the next Commission Meeting. Attorney Beckham described the proposed policy under which, where a state marshal has participated in the taxpayer-paid Capias Unit training, they are required to, absent good cause, serve on the Capias Unit for three years until the next training. Vice-Chairperson Michael Cronin inquired about how we could bind the state marshals. Attorney Beckham noted that the state marshals could be disciplined. Ex-Officio Keith Niziankiewicz raised the question of whether this would be treating state marshals as employees by creating a directive. Chairperson W. Martyn Philpot, Jr., Esq. noted his belief that this would absolutely not be treating the state marshals as employees and noted that the Capias Unit is not mandatory. He further noted that, if a marshal participates in taxpayer-funded training the Commission would like a return on its investment and the marshals would know going in that they have made this commitment.

Chairperson Philpot noted his belief that the policy was reasonable but invited the Ex-Officios to provide their insight. Both Ex-Officios noted that they were not on the Capias Unit. Attorney Beckham raised

that we have recently had several members of the Capias Unit take the training and then indicate that they did not want to be on the unit. Chairperson Philpot noted his belief that this was a waste of money. Ex-Officio Ingham invited State Marshal Kevin McNeill to speak on the issue, which Chairperson Philpot permitted noting that it was normally not allowed but he would make an exception. State Marshal McNeill noted that his initial thought was that state marshals are taxpayers too and noted his belief that the directive is unnecessary because state marshals that do the training want to be on the unit. He also noted that some of the marshals are incapable of completing the new training at POSTC. Ex-Officio Ingham noted that this may be an aberration due to the new Use of Force Policy. Attorney Beckham clarified that this policy would be applied going forward starting in 2019.

Attorney Beckham analogized the policy to the service academies where participants have an expectation of service. Ex-Officio Niziankiewicz noted his desire to table the issue again so that they could bring the issue to the Advisory Board. Upon question by Vice-Chairperson Michael Cronin, Esq., Attorney Beckham noted that the training cost approximately \$40,000 in 2016. Chairperson Philpot tabled the item for one more meeting.

New Business

3. State Marshal Manual

Attorney Beckham advised that the staff had updated the State Marshal Manual. He noted that this manual would now be available as a pdf on the Commission website and that, this winter, it would further interactive with embedded links. He noted that DAS was upgrading its web presence globally and that this would be part of that endeavor. Ex-Officio Ingham clarified that the manual would no longer be printed. Attorney Beckham confirmed this noting that there would be a few printed copies for the State Library. She stated that this was wonderful and her belief that this would make updates and changes to the manual more easily achieved. Chairperson Philpot stated for the record that he wanted to commend Attorneys Beckham and Montgomery for updating the manual.

Attorney Montgomery thanked Ex-Officios Ingham and Niziankiewicz as well as State Marshal Lisa Stevenson who provided review and input for every section of the manual that required substantial changes due to legislative action. She specifically thanks State Marshal Stevenson's assistant Jen who assisted with revising template sample affidavits, returns and forms. She mentioned that the staff anticipates updating the manual more frequently.

4. Advisory Board Items

a. Emergency suspension procedures

Commissioner Tracy Lee Dayton, Esq. entered the meeting at this time. Ex-Officio Ingham raised that she had concerns with the Summary Suspension Policy adopted by the Commission in 2011. She felt that it made marshals guilty until proven innocent. She mentioned that with a recent suspension the marshal ended up being suspended for 4 or 5 days before the suspension was lifted. She inquired whether the full Commission is informed about summary suspensions.

Chairperson Philpot asked Attorney Montgomery to talk about the policy. Attorney Montgomery noted the Uniform Administrative Procedures Act sets the standard for summary suspensions where the health, safety, and welfare of the public imperatively requires emergency action. She noted that it is very rare for the Commission to receive a complaint that is so severe that this process is triggered. She noted that the staff reviews the complaints but the Chairperson ultimately makes the determination as to whether or not

to move forward with a summary suspension. The idea is that the suspension is for the shortest amount of time possible to account for the public policy of protecting the public welfare as well as the economic hardship to the marshal. The timeframe under the Summary Suspension Policy is seven days. Once the suspension is effective, within seven days there will be a hearing at which the hearing officer will decide whether or not to lift that suspension.

Ex-Officio Niziankiewicz noted his concern was the lack of reaching out to a respondent before a suspension is imposed. Attorney Montgomery noted that the hearing on the summary suspension is the evidentiary proceeding at which the respondent is able to respond to the allegations and that, after this hearing, the suspension may be lifted. Chairperson Philpot noted that this was a due process issue and analogized what happens in the criminal law arena. He noted his belief that the policy here passes due process muster. Vice-Chairperson Cronin noted that the Commission tries to hold these hearings more quickly. Attorney Montgomery analogized this situation to temporary restraining orders and noted that this was a high standard that is rarely met. Ex-Officio Ingham inquired whether the Commission staff could keep state marshals on the state marshal list during this suspension. Attorney Montgomery noted that the Commission had to inform both the Judicial Branch and the public when a marshal is suspended and noted that it was possible that a marshal's summary suspension would be extended after the summary suspension hearing. Commissioner LaTorraca noted that these suspensions are rare and he believed that it was working well. Chairperson Philpot noted that at this time the Commission was not inclined to change the policy.

b. Hartford court parking

Ex-Officio Ingham explained that, for the 4:30 p.m. restraining order duty shift at 90 Washington Street, the on-call marshal has no place to park at the courthouse. She noted that the Advisory Board was requesting that the Commission or the Commission staff's assistance in acquiring parking for that shift. She noted that the marshals have been "closed out" of parking in various lots and parking was no longer available on Washington Street at that time as the Parking Authority had instituted a parking ban after 4:30 p.m. The marshals were parking in a designated spot for several months but it has been blocked off. At this point, the closest parking is two blocks away which the marshals feel is unsafe, particularly in the winter. She noted that there is parking behind 90 Washington Street which would provide a solution.

Chairperson Philpot inquired whether this was an outgrowth of the Hartford Parking Authority court case. The Ex-Officios represented that they did not think so, rather, this was an issue with the Judicial Branch. Ex-Officio Niziankiewicz noted that they were requesting the Commission's assistance because the Judicial Branch would not discuss the topic with them as a non-state agency. He noted that Eric Boone from the Hartford Parking Authority was trying to assist but had been unsuccessful. Chairperson Philpot noted that it was difficult because the issue was with the Judicial Branch and the Commission has no authority over the branch. He noted that he was not opposed to the Commission staff having a conversation.

Attorney Beckham noted that he had discussed the parking issue with the Judicial Branch at least twice and we had not received a satisfactory answer. He noted that the Judge in the Hartford Parking Authority case was not very empathetic regarding parking on Washington Street. There was a general discussion of various options and Attorney Beckham noted that he was not opposed to making a call to the Judicial Branch.

c. Stamford TRO Rotation

Ex-Officio Ingham explained that, months ago, they had raised that there were issues with the restraining order duty in the Stamford courthouse, largely due to low volumes of restraining orders issued and high

volumes of traffic in that area resulting in marshals appearing for duty and having there be no orders there. She noted that there are twice as many restraining orders issued in Bridgeport as in Stamford. She also noted that there are 20 marshals on duty in Bridgeport but only 11 in Stamford. She noted a general concern about constables in Stamford taking orders. The Advisory Board proposed adding Stamford to the Call-in Pilot Program. Ex-Officio Ingham inquired whether the Chairperson would permit State Marshal Kevin McNeill to address the issue as a state marshal serving restraining orders in that court. Ex-Officio Niziankiewicz noted that Litchfield and Tolland participate in the call-in program and have many more orders. Attorney Beckham at Chairperson Philpot's request, spoke briefly about the history of the statutory mandate regarding restraining order service. He noted that when the General Assembly recently amended the statutes as part of larger domestic violence legislation, they created the obligation that the Commission shall ensure that there is prompt service of these orders. He noted his concern with having the Commission get involved with this issue given this political climate. He also noted that advocating for the marshals is not within the Commission's mandate.

Ex-Officio Niziankiewicz noted that they did not want to diminish the importance of serving restraining orders, simply to voice frustration at the fact that marshals appear at the courthouse to find that there are no orders to serve. Vice-Chairperson Cronin inquired whether there would be difficulties if an order is made during the shift and the marshal then has to make it through traffic to the courthouse. State Marshal McNeill noted that it is not the way there that is a problem, it is the way home after the shift.

Ex-Officio Ingham inquired who chose which courthouses would be part of the pilot program. Attorney Montgomery noted that it had been Judicial in cooperation with the Commission. State marshal Lisa Stevenson represented that she, as a then-member of the Commission, was on a working group regarding what was "fair and equitable." Originally everyone had the same duty shifts. The smaller counties came and represented that there were geographical concerns as they were too far from the courthouses. So they instituted the call-in policy. She noted that they had the blessings of the clerks in those courthouses but that the clerk in Stamford had not been amenable for various reasons.

Chairperson Philpot noted that any changes would require cooperation of Judicial. Marshal Stevenson noted that Judicial was unwilling to speak with the Advisory Board members and would only speak with Commission staff. Attorney Montgomery noted that Commission staff had had a conversation with Judicial prior to the new legislation and, even at that point, Judicial was not amenable to the change. Ex-Officio Niziankiewicz noted that in the alternative they wanted the Commission to take some of the Bridgeport marshals and move them down to Stamford to make it "fair and equitable." Attorney Montgomery inquired regarding the efficacy of taking state marshals away from a courthouse which had double the amount of restraining orders. Ex-Officio Niziankiewicz clarified that if the Stamford marshals are not permitted to participate in the call-in program, then the Commission, in order to make the distribution fair and equitable, needed to make all of the marshals currently assigned to either the Bridgeport or Stamford courthouses serve duty in both.

Attorney Beckham noted that marshals have expressed a preference for the courthouse in which they serve duty and he would like to explore the history of how shifts have been assigned. Attorney Montgomery confirmed that this was her understanding. She clarified with Ex-Officio Niziankiewicz that this proposal came from the Advisory Board. Chairperson Philpot noted that given that this is a substantial change and required some investigation, it needed to be tabled until the next meeting.

Commission Tracy Lee Dayton, Esq. inquired whether the Advisory Board had consulted with the broader group of marshals prior to making its recommendation. Ex-Officio Niziankiewicz confirmed that it was discussed amongst the members of the Advisory Board who then took a vote.

d. Legislation regarding service on LLCs

Ex-Officio Ingham noted that discussion on this agenda item was no longer necessary.

e. Ex-Officio notification of complaints against state marshals

Ex-Officio Ingham noted that often marshals do not seem aware of how to respond appropriately and submit the proper documentation when a complaint is filed against them. She inquired whether, when the Commission office receives a complaint, and we notify the state marshal about the complaint against them, the staff could also notify the Ex-Officio members. She noted that they were privy to the complaints when they are brought to the Commission meeting, but figured that they could help the respondents file their response. Chairperson Philpot noted that this is something that all marshals should be aware of and it is a training issue. He noted that when lawyers are grieved the Grievance Committee does not assist them in making a response. Commissioner Tracy Lee Dayton, Esq. noted that this notice of the complaint should come from the marshal directly and not the Commission office. The Advisory Board should advise marshals to call for assistance. Vice-Chairperson Cronin noted that it is a fine line between helping them and representing them as an attorney.

Attorney Montgomery noted that the Commission office does not instruct marshals how to respond to a complaint and she knew of no administrative agencies that would do so. She further noted her belief that it is the marshal's responsibility to retain counsel, contact the union or reach out to advisory board members. She expressed more global concerns about ex-parte communications and privacy. She also noted that the Commission staff has started sending correspondence to Respondent's asking for more information if it has not been submitted with a response.

Ex-Officio Niziankiewicz inquired whether all of the Commissioners are notified when there is a probable cause hearing. Attorney Montgomery noted that the Commission has three Commissioners presently authorized to sit on Oversight Committees and they are notified. Ex-Officio Niziankiewicz requested notification. Commissioner Tracy Lee Dayton, Esq. noted that it should be the responsibility of the marshal to tell them. Ex-Officio Niziankiewicz and Vice-Chairperson Michael Cronin briefly discussed the fact that marshals may not want the Ex-Officio Commissioners to have notice of their hearings.

Deliberations were proposed for executive session pursuant to Sections 1-200 and 1-225 of the Connecticut General Statutes to discuss the appointment, performance, evaluation, health or dismissal of a public officer. The Commission, after a motion by Vice-Chairperson Michael Cronin, Esq., seconded by Tracy Lee Dayton, Esq., voted 6-0 to enter executive session.

The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Michael Desmond, voted 6-0 to return to the public record. No votes were taken in executive session.

Chairperson Philpot welcomed and provided a brief introduction of new Commissioner John Vamos. Vice-Chairperson Cronin noted that he had known and worked with Commissioner Vamos for many years and he would prove to be a good and productive member of the Commission.

5. Request for Reconsideration

The Commission, after a motion by Vice-Chairperson Michael Cronin, Esq., seconded by W. Martyn Philpot, Jr., Esq., voted 6-0 to deny the Respondent's Request for Reconsideration of the Commission's Final Decision in File No. 15-44 Abdul/Lakowsky.

6. Complaints

The Commission, after a motion by after a motion by Vice-Chairperson Michael Cronin, seconded by Chairperson W. Martyn Philpot, Jr., Esq., voted 6-0 to find probable cause to convene an Oversight Committee hearing in the following files:

File No.	Name
16-16	In re Kraimer
16-46	Huntington/Allen
16-49c	Ganim/Nikola, N.
16-51	Colbeth/Heap

The Commission, after a motion by Vice-Chairperson Michael Cronin, Esq., seconded by Tracy Lee Dayton, Esq., voted 6-0 to dismiss the following files:

16-49a	Ganim/Goulet
16-49b	Ganim/Broderick
16-50	Hart/Felner
16-53	Baker/Casserino
16-54	Thomas/Woods
16-56	Vargas/Longobardi

The Commission, after a motion by Vice-Chairperson Michael Cronin, Esq., seconded by Tracy Lee Dayton, Esq., voted 6-0 to lift the stay in and administratively dismiss the following file:

14-14	Sass/Plamondon
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The Commission, after a motion by Vice-Chairperson Michael Cronin, Esq., seconded by Tracy Lee Dayton, Esq., voted 6-0 to stay the following files:

16-61	In Re Tasillo
17-11	Moose/Tasillo
17-17	Kuzoak/Tasillo
17-19	Quinn, III/Poeti
17-22	Wright/Pichiarello

7. Inactive Status

The Commission, after a motion by Vice-Chairperson Michael Cronin, Esq., seconded by Tracy Lee Dayton, Esq., voted 6-0 to grant the requests for inactive status for a period of one year for the following marshals:

Name	County
Peter Meshanic	Tolland
Timothy Poeti	Fairfield

Robert Tasillo Hartford

8. Extension of Inactive Status

The Commission, after a motion by Vice-Chairperson Michael Cronin, Esq., seconded by Michael Desmond, voted 6-0 to extend the inactive status of the following marshal for an additional year:

Name	County
Ronald Kadar	Hartford

9. Resignation/Retirement

The Commission, after a motion by Vice-Chairperson Michael Cronin, Esq., seconded by Tracy Lee Dayton, Esq., voted 6-0 to accept the resignation of the following marshal:

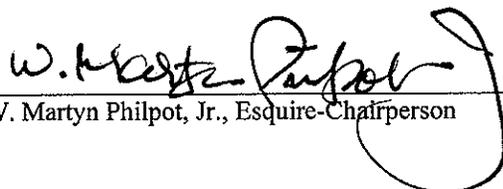
Name	County
Theodore Plamondon	Hartford

10. Capias Unit Firearms Authorization

The Commission, after a motion by Vice-Chairperson Michael Cronin, Esq., seconded by Chairperson W. Martyn Philpot, Jr., Esq., voted 5-1, to grant State Marshal Anthony Cipriano, authorization to carry a firearm subject to completing the requisite training and requirements pursuant to the Use of Force Policy. Vice-Chairperson Michael Cronin, Esq. voted no.

The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Robert P. LaTorraca, voted 6-0 to adjourn the meeting at 5:54 p.m.

Minutes were approved by the Commission on September 28, 2017.



W. Martyn Philpot, Jr., Esquire-Chairperson