

STATE OF CONNECTICUT
DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE MARSHAL COMMISSION
450 Columbus Blvd., Suite 1403, Hartford, CT 06103
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Meeting is in North Plaza Meeting Room J at 4:30 p.m.

DRAFT MINUTES
STATE MARSHAL COMMISSION MEETING
November 21, 2019

Members present: Chairperson W. Martyn Philpot, Jr., Esq.; Vice-Chairperson Shirley Harrell, Esq.; Honorable Susan Connors; Michael Desmond (via teleconference call); Mildred Torres-Ferguson (via teleconference call); John Vamos (via teleconference call); Staff Director Doug Moore; Staff Attorney Thomas J. Sousa, Jr.; Administrative Assistant Gina Samples; Ex-officio (non-voting) Members State Marshals Thomas Burke and Lisa Stevenson.

Members absent: Bryan Cafferelli, Esq.

Guests/Members of the Public present: State Marshal (Tolland County) Gregory Woodruff.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:35 p.m.

As an initial matter, Chairperson W. Martyn Philpot, Jr., Esq. confirmed all members and persons in attendance, and verified that a 6 voting member quorum was present.

Topics:

1. Minutes: September 26, 2019 Meeting

The Commission, after a motion by Vice Chairperson Shirley Harrell, Esq., seconded by the Hon. Susan Connors, voted 6-0 to adopt the minutes from the September 26, 2019 regular meeting.

2. Staff Issues:

Staff Director Douglas Moore formally introduced Staff Attorney Thomas J. Sousa, Jr., who started with the State Marshal Commission on November 8, 2019. Attorney Sousa has met with his predecessor, Attorney Jennifer Montgomery. There is quite a large backlog of cases that Attorney Sousa will have to start working on. Attorney Sousa has been acclimating himself to the position and absorbing everything the commission does.

In regard to the administrative assistant or secretarial position, Staff Director Moore continues to pursue it, and he is still trying to get the position filled.

3. Restraining Order Duty/Online Calendar:

Staff Director Moore stated that the restraining order duty online calendar system is essentially finished. We are currently writing an administrative bulletin which will explain in detail to a state marshal how the

marshal will gain access to the BIZNET account. The marshal can then see, and make adjustments to the schedule. Marshals will be able to assign themselves duty, and make real-time changes to the schedule which is connected to the judicial branch website. The new system will save the State Marshal Commission a lot of time and effort when it comes to making administrative penciled in changes, and it should make it easier for the marshals themselves to make changes. As soon as the administrative bulletin, which includes screen shot pictures, is finished and distributed to the marshals we will go active with the online calendar system.

Chairperson W. Martyn Philpot, Jr, Esq. inquired as to when we can expect the online calendar to be operative. Staff Director Moore replied that the system is currently up and live right now, but the marshals have not yet be shown how to use it. The current calendar goes out to January 28, 2020 and marshals will be able to view calendar assignment data for the next 6 month period. We are hopeful the administrative bulletin/instruction book will go out tomorrow afternoon.

Ex-officio Marshal Thomas Burke asked the question of when a schedule change is made, if the respective courthouse will be aware. Staff Director Moore replied that the change will be immediately shown on the calendar that is on the judicial website.

4. State Marshal Access to DMV Records

Staff Director Douglas Moore stated DAS is still working with DMV regarding cost sharing, and Connecticut Justice Information System (CJIS) continues to design and build the platform so marshals will have direct access to specific DMV information from their own home computer or laptop. It will probably be about two months before this is up and running. In the meantime DAS continues to man the DMV telephone access line. The individual who does the work is in a job class that has been earmarked for being let go. The worker is actively seeking employment elsewhere, and if that worker leaves then all bets are off.

Commission member Mildred Torres-Ferguson asked what the breakdown is on the initial payment to get the system up. Staff Director Douglas Moore replied the breakdown is 50/50 between DAS and DMV. It is a \$60,000 cost to establish the system, so each agency will provide \$30,000. Once the system is active, it should cost approximately \$8,000 annually to operate, which DMV will pay.

Ex-officio Marshal Thomas Burke stated that when he and Marshal Stevenson attended meetings with DMV and CJIS, someone stated that Karen Jarmoc, the President& CEO of Connecticut Coalition Against Domestic Violence, may have access to funds that could be used to support the initiative. Staff Director Moore stated that no one has mentioned this possible funding source to him. Commission member Torres-Ferguson stated she had discussed the program with Karen Jarmoc yesterday; she has also discussed the ongoing cost issues with OPM, with no further resolution.

5. Proof of Liability Insurance and Annual Fees:

Staff Director Moore updated the members on the status of state marshal compliance with proof of liability insurance and the payment of annual fees. All marshals (excluding those that are suspended or on inactive status) are current regarding the proof of liability insurance requirement. One active marshal has failed to pay the annual \$750 fee, mandated by C.G.S. §6-38m, that was due by October 1, 2019. An administrative complaint will be filed against State Marshal Peter Karpovich for his failure to remit the required annual fee by October 1, 2019.

Chairperson Philpot asked if it is our practice to make an overture or telephonic communication to contact non-compliant marshals. Gina Samples stated that she called and spoke with Marshal Karpovich.

Ex-officio Marshal Burke asked if the information is forwarded to the court clerks, to which Staff Director Moore responded that we have to go through a hearing process first.

6. DOC Service of Process (CGS § 52-54 Summons)

Staff Attorney Sousa addressed the commission regarding proposed statutory language changes to personal service of process requirements for Department of Correction (DOC) employees. A proposed change would designate an individual at each DOC facility as the agent-for-service for all employees assigned to that facility. Attorney Sousa stated the suggested change might prove unwieldy as there are at least 20 correctional facilities in the state, thus a better model may be to locate one agent-for-service for all DOC employees at a single location – perhaps the DOC Central Office. Similar statutory provisions already exist, such as C.G.S. §38a-25 (appoints Insurance Commissioner as agent for 15 different categories of respondent), and C.G.S. §52-62 (appoints DMV Commissioner as agent for out of state drivers who operate on Connecticut roads) among others. Attorney Sousa would like to hear input from the State Marshals, and then review the proposed statutory changes with DOC staff.

Chairperson Philpot asked if there had been resistance from the State Marshals to the proposed language. Ex-officio Marshal Stevenson stated the marshals have already discussed this issue, and the State Marshal Advisory Board supports the concept of one streamlined DOC agent-for-service at a centralized location.

Ex-officio Marshal Stevenson stated the advisory board has drafted some suggested statutory language, which she believes State Marshal Brian Mezick has. Attorney Sousa indicated that he has not seen the language proposal endorsed by the advisory board to which Ex-officio Marshal Stevenson refers.

Member Hon. Susan Connors requested clarification of the proposed changes, and a general discussion followed regarding the main point of establishing one central location in the state for the service of process on all DOC employees.

Chairperson Philpot requested that the Ex-officio members provide the advisory board's endorsed proposed statutory language to Attorney Sousa, who can then contact DOC staff and report back to the commission.

7. State Marshal Commission 2020 Regular Meeting Dates

Chairperson Philpot read aloud the proposed regular meeting dates for 2020. Staff Director Moore commented that, due to the legislative session calendar, historically the commission does not meet in April of even numbered years, and March of odd-numbered years.

The Commission, after a motion by Member Mille Torres-Ferguson, seconded by Member Hon. Susan Connors, voted 6-0 to approve the proposed State Marshal Commission regular meeting dates for 2020.

8. Danbury Courthouse Call-In Procedures

Staff Director Moore discussed the request submitted by State Marshals who perform restraining officer duty at the Danbury Courthouse to participate in call-in procedures. Ex-officio Marshal

Burke reported that similar procedures are already employed in New London County and Litchfield.

Following further discussion, the Commission, after a motion by Member Hon. Susan Connors, seconded by Mildred Torres-Ferguson, voted 6-0 to authorize State Marshals assigned to restraining order duty at the Danbury Courthouse to participate in call-in procedures, provided said procedures are acceptable to the courthouse clerks, operations and administrative staffs.

9. POSTC Training for Capias and Armed Marshals; Time Extension

Staff Director Moore reported that, due to administrative staff shortages at the State Marshal Commission, training sessions at the Connecticut Police Academy have not been offered in a timely manner to current marshals, so the marshals could satisfy mandatory training requirements. The commission will pay for Capias Unit training. Individual marshals have to pay for firearms related training.

Ex-officio Marshal Stevenson reported on past situations where marshals faced hardship due to little advance notice of training dates for these mandatory courses. Ex-officio Marshal Burke stated he would like to see the training offered on a more frequent basis, perhaps quarterly. He also requested the commission consider the possibility of allowing individual training sessions with POSTC qualified instructors.

Attorney Sousa reported that he will attend a meeting, at the Connecticut Police Academy on December 2, 2019, to plan and schedule the upcoming training sessions. Academy instructors are confident the training can be scheduled during the month of February.

Following further discussion, Staff Director Moore reinforced the fact that he is requesting an extension of time, to afford the State Marshals an opportunity to complete the training courses.

Member Shirley Harrell, Esq., made a motion to extend the expiration date of mandatory formal training requirements, for state marshal firearms and capias unit individuals, through March 1, 2020; seconded by Member Mildred Torres-Ferguson, the motion passed by a 6-0 vote.

Following the vote, Ex-officio Marshal Stevenson raised an issue for discussion regarding retention of training records and documentation by the State Marshal Commission and Advisory Board. Staff Director Moore emphasized the current lack of full-time staff to maintain files.

10. Retirement/Resignation

The Commission, after a motion by John Vamos, seconded by Mildred Torres-Ferguson, voted 6-0 to accept the retirement of State Marshal Frank D. Monico III of Hartford County.

The Commission, after a motion by Mildred Torres-Ferguson, seconded by John Vamos, voted 6-0 to approve the request for issuance of a retirement badge to State Marshal Frank D. Monico III of Hartford County.

11. State Marshal Arthur P. Johnston

Staff Director Moore reported with sadness the recent death of State Marshal Arthur P. Johnston of Windham County. State Marshal Kathleen Doherty has been assigned as successor marshal to close out Marshal Johnston's business affairs.

Ex-officio Marshal Burke provided some personal background about Marshal Johnston, who served on the advisory board for many years.

Closing Business

Ex-officio Marshal Burke took the opportunity to recognize and thank Chairperson W. Martyn Philpot, Jr., Esq., for his years of dedicated service in support of the State Marshal Commission and to wish him well.

The Commission, after a motion by the Honorable Susan Connors, and seconded by Vice-Chairperson Shirley Harrell, Esq.; voted 6-0 to adjourn the meeting.

The meeting was adjourned at 5:15 pm.