

STATE OF CONNECTICUT
DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE MARSHAL COMMISSION
450 Columbus Blvd., Suite 1403, Hartford, CT 06103
Tel. 860-713-5372 Fax. (860) 622-2938
Meeting is in North Plaza Meeting Room J at 4:30 p.m.

(DRAFT) MINUTES
STATE MARSHAL COMMISSION MEETING
February 27, 2020

Commissioner Harrell, Vice-Chair, called the meeting to order at 4:43 p.m.

Acting Chair Commissioner Harrell confirmed all members and persons in attendance, and verified that a 5 voting member quorum was present.

Members present: Vice-Chair/Acting Chair Shirley Harrell; Bryan Cafferelli; Michael Desmond (via teleconference call); Mildred Torres-Ferguson (via teleconference call); John Vamos (via teleconference call); Ex-officio (non-voting) Member State Marshal Thomas Burke; Staff Director Doug Moore; Staff Attorney Thomas J. Sousa, Jr.

Members absent: Honorable Susan Connors; Ex-officio (non-voting) Member State Marshal Lisa Stevenson.

Guests/Members of the public present: State Marshal Brendan Noonan; Barbara Murray; Brenda Ward.

Topics:

1. Minutes: January 23, 2020 Meeting:

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Desmond, voted 5-0 to adopt the minutes from the January 23, 2020 regular meeting.

2. SMC Chair/Commissioner Vacancies and Staff Issues:

Staff Director Douglas Moore reported that the State Marshal Commission currently has two vacant commissioner positions – the governor’s appointment, and the speaker of the house’s appointment. Staff Director Moore continues to work to get those appointments filled, but has no update at this time.

Staff Director Moore also continues to pursue the hiring of a full-time administrative assistant for the commission, but also has no further updates on that effort at this time. Roz White’s position has been extended through June 4, 2020; she currently answers the DMV line and is helping to assist with addressing the complaint backlog.

3. Restraining Order Duty/Online Calendar:

Staff Director Moore stated that the restraining order duty online calendar system seems to be running well. The marshals appear to be getting comfortable with using the new system. The only calendar action a marshal does not have the ability to change involves a situation where the marshal is assigned to a different courthouse in the same county and wants to take over duty for another marshal, right now they are unable to make that change. One of the commission’s full time staff administrators has

to go into the system to make that type of change. Otherwise the system seems to be working well and has been a time saver for the commission staff.

4. State Marshal Access to DMV Records

Staff Director Moore stated the commission staff is working with the Connecticut Criminal Justice Information System (CJIS) on this initiative. CJIS is developing the online platform which is in design development, with a projected rollout during the 2nd quarter of 2020. We're hopeful that marshals should have direct access to the DMV system by our goal of June 4, 2020. The intent is to initially use some marshals as volunteers to test the new system.

Acting Chair Commissioner Harrell asked about any known issues with the impending rollout. Staff Director Moore stated the transition to the new web-based platform may pose some challenges, but we have not reached the point where specific problems have arisen.

Marshal Burke stated he has asked about procedures that will track the searches and require marshals to cite a case, party/client names, or docket number the search was based on. He also thinks the marshals should sign a form indicating they are aware that this is to be used in their official capacity only.

Commissioner Caffarelli asked if we have enforcement capabilities in the regulations for misuse of the system. Staff Director Moore responded that the existing disciplinary oversight measures would apply.

Marshal Burke stated that he stressed at CJIS that if a red flag goes up regarding potential misuse of the system, that the individual user should be suspended in the system and immediate notification sent to the State Marshal Commission.

Staff Director Moore then commented that marshals must be reminded about using proper procedures to safeguard the system integrity and sensitive information, and discussed timeout protocols.

Acting Chair Commissioner Harrell asked Staff Attorney Sousa if a breach of DMV safeguards would fall under existing ethics rules. Attorney Sousa replied that there are several sections of the code of conduct which would apply, and it would fall under misuse of professional credentials. Marshal Burke opined that the situation would be no different that if a marshal misuses the existing DMV call in process.

5. eLicense Initiative:

Staff Director Moore updated the Commission on the new eLicense proposal which will modernize our administrative processes. Many state agencies, like the Department of Consumer Protection, use this licensing service. If implemented, it would create an electronic record for each state marshal, and allow us to process complaints electronically. System generated letters could significantly reduce administrative staff workload. Annual compliance requirements would be streamlined. The overall platform is owned by DAS. Marshals could also complete certain transactions on their own, like reporting their address or telephone number changes. A planning meeting is scheduled next Thursday, March 5, 2020.

6. State Marshal Badges

Staff Attorney Sousa reported that the commission has submitted a purchase order for 10 retired badges; and the first test batch of 5 or 6 used badges have been shipped out to the vendor for refurbishment.

Marshal Burke commented on the fact that Commissioners have been issued identification badges in the past.

7. Client Fund Account Reporting

Attorney Sousa stated a poorly-worded Administrative Bulletin was sent out to the marshals, which contained ambiguous language concerning the specific reporting due date deadline. Next year the advisory board will be consulted in advance regarding the clarity of the language.

This is an annual recurring requirement, generally due on or about each February 15th. This year the marshals were afforded an additional week to comply. Records are being reviewed, but it is clear at this point that not all marshals are in compliance.

Marshal Burke inquired if the proposed new eLicense system would track this requirement, and Staff Director Moore stated he expects that it would.

Acting Chair Harrell asked if there would be any further general extension of time contemplated, to which Staff Attorney Sousa stated that a general overall extension of time is not being proposed or considered.

8. DOC Service of Process

This morning Attorney Sousa received the specific proposed bill (Raised H.B. No. 5394) language from Marshal Stevenson regarding statutory changes involving the appointment of a designated Agent for Service and service of process requirements for Department of Correction (DOC) employees or affiliates being served in their individual capacity, usually stemming from inmate complaints.

Attorney Sousa feels the proposed language is very good and, if adopted, should significantly reduce the number of inmate complaints against marshals.

Staff Director Moore asked Ex-officio member Marshal Burke about the impact of out-of-county service. Marshal Burke stated the proposed language incorporates a provision allowing out of precinct service.

Staff Director Moore asked if the commission should submit written testimony in support of the raised bill. Commissioners Cafferelli and Harrell felt it would be helpful. Commissioner Cafferelli asked if there is any downside to this bill. Acting Chair Harrell asked if the marshals are in favor of the changes, and Marshal Burke stated they support it because it should make it easier for marshals to successfully complete service on DOC employees who may not be at work on the day or time when a marshal shows up to serve them at a specific correctional facility.

Following the discussion, Commissioner Cafferelli made a motion that the commission submit written testimony in support of Raised Bill No. 5394, regarding the commissioner of corrections accepting service of process on behalf of an employee of the Department of Corrections. Seconded by Commissioner Torres-Ferguson, the motion passed by a vote of 5-0.

Acting Chair Harrell stated that Staff Attorney Sousa will be tasked with preparing the written testimony.

9. State Marshal Audit Requests

Attorney Sousa reported that three statutory audits requests for deceased marshals have been referred to the State Auditors of Public Accounts. The State Auditors of Public accounts have requested the Commission provide further documentation regarding prior filings, which Attorney Sousa is in the process of assembling. One of the auditors is scheduled to be in the building tomorrow morning to meet with Attorney Sousa regarding this topic.

10. POSTC Training for Capias Unit & Armed Marshals

Staff Attorney Sousa reported that the training sessions at the Connecticut Police Academy for Capias Unit and firearms marshals are scheduled for the end of April, 2020. The proposed 2020 training schedule has been received from POSTC.

Attorney Sousa will be calling the Connecticut Police Academy next week, after which he will send out specific updates and additional details to the marshals.

11. Raised H.B. No. 5284 Session Year 2020

Commissioner Vamos discussed the background of Raised H.B. 5284, which he reports was incorrectly drafted. The raised bill was intended to cap excessive fees the state is being charged for computerized research associated with criminal investigations and criminal proceedings. The bill was not intended to apply to state marshals.

Marshal Burke asked if substitute language could be inserted to clarify that the bill does not apply to state marshals. Commissioner Vamos stated there should be a public hearing scheduled on the bill within the next few weeks, and we may want to submit testimony in opposition, just so there is something on the record.

Commissioner Cafferelli made a motion that the commission submit testimony in opposition to H.B. 5284, if it ever comes to a hearing. Seconded by Commissioner Vamos, the motion passed by a vote of 5-0.

Acting Chair Harrell then directed Attorney Sousa to prepare the written testimony in opposition, for a hearing date to be determined.

12. Proposed Decisions

Staff Attorney Sousa reported that the Oversight Committee has completed 12 hearings over the past month. An additional 8 Oversight Committee hearings were scheduled but, following a request by one of the parties, have been postponed.

Staff Attorney Sousa stated that, having captured some lessons learned during the recent Oversight Committee hearings, he intends to publish an Administrative Bulletin to provide some general reminders and suggested best practices to the marshals. Specific areas of emphasis will be DCF review of procedures for capias arrestees who have minor children in the custody at time of apprehension; and a reminder of a marshal's duty to notify the commission within 48 hours of being arrested, and within 48 hours of learning of the disposition of the resulting criminal case.

Based on the number of complaints presented to the commission this month for probable cause deliberations, Staff Attorney Sousa stated he will require assistance from the commissioners with scheduling Oversight Committee hearings during the second half of March.

Commissioner Cafferelli made a motion to enter executive session. Seconded by Commissioner Vamos, the motion passed by a vote of 5-0 [at this point - 5:17 p.m. - deliberations were conducted in 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].

After a motion by Commissioner Cafferelli to come out of executive session, seconded by Commissioner Vamos, and motion passing by a vote of 5-0, the Commission went back on the record at 5:34 p.m.

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Torres-Ferguson, voted 5-0 to approve the Oversight Committee's recommendation to dismiss the following complaint cases:

<u>File No.</u>	<u>Name</u>
17-40	Huss/Woodruff
18-20	McNeill/Christiansen
18-50	Martinez/Poloski
18-53	Casciano/Conroy
18-72	Fabio Soto/McNicholas

13. Pending Complaints/Probable Cause Inquiry

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Vamos, voted 5-0 to dismiss the following complaints:

<u>File No.</u>	<u>Name</u>
19-08	Radziszewski/Zaniewski
19-11	Lytell/Winik
19-12	Ward/Verrico
19-14	Davenport/Reiff
19-18	Riberio/Pichiarallo
19-19	Agonito/Christiansen
19-22	Burgos-Torres/Reiff
19-23A	Tierinni/Fisher
19-23B	Tierinni/Noonan
19-25	Pyrch/McNeill
19-26	Tierinni/Fisher
19-34	Murray/Laden
19-35	Prokop/Verrico
19-39	Hyjek/McCrewell
19-41	Torgerson/Felner
19-45	Somley/Foldy
19-46	Fuentes/Kraimer
19-47	Smith/Nardini
19-59	Tierinni/Privitera
19-60A	Tierinni/Rodriguez
19-60B	Tierinni/Rodriguez
19-65	Shay/Nikola
20-02	Daoud/Carusone

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Torres-Ferguson, voted 5-0 to find probable cause for an Oversight Committee hearing in the following files:

<u>File No.</u>	<u>Name</u>
17-41	<i>In Re</i> John Sullivan
19-10	Lee/Dingle

19-13	Pace/Woodruff
19-31	Abbott/Winik
19-32	Golanski/Kehaya
19-38	Valentino/Zaniewski
19-42	Sazo/Woods
19-43	Robbins/Dingle
19-44	<i>In Re</i> Zaniewski
19-48	Cotter/Renz
19-52	McCaffrey/Delli Carpini
19-57	Richards-Jones/Dingle
19-63	Monaco/Karpovich

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Vamos, voted 5-0 to temporarily summarily suspend State Marshal Peter E. Karpovich effective 02/28/2020, regarding evidence received in cases 19-54 and 19-63.

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Vamos to appoint a successor marshal to take over Marshal Karpovich's ongoing collection actions, said successor to be designated by Staff Attorney Sousa, based on the following guidelines: from a county outside New Haven, who has no pending complaints, and has an active client fund trust account.

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Vamos, voted 5-0 to allow members of the public in attendance to briefly address the commission.

Brenda Ward, complainant in a dismissed case, stated the marshal who removed her property did not prove to her what happened to her stuff.

Barbara Murray, complainant in a dismissed case, stated she had submitted video evidence, which was disregarded and she intends to go to the media and her local politicians to express her displeasure.

Marshal Noonan requested clarification regarding the status of a complaint case.

Closing Business

The Commission, after a motion by Commissioner Cafferelli, and seconded by Commissioner Desmond; voted 5-0 to adjourn the meeting.

The meeting was adjourned at 5:51 p.m.

