



**STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION**

**Police Officer Standards and Training Council
Connecticut Police Academy**

POLICE OFFICER STANDARDS AND TRAINING COUNCIL

MINUTES OF MEETING

JANUARY 10, 2013

CONNECTICUT POLICE ACADEMY

MERIDEN, CONNECTICUT

Council Members Present: Chairman Anthony J. Salvatore, Sr.; Commissioner Reuben Bradford, DESPP; Richard Boccaccio; Officer William Brevard, Jr.; Kurt Cavanaugh; Dr. Amy Donahue; Chief Joseph Dooley; Chief Douglas Dortenzio; First Selectwoman Laura Francis; Chief State's Attorney Kevin Kane; Chief Duane Lovello; Special Agent In-Charge Kimberly Mertz; James Tallberg, Esq.; and Town Administrator John Ward

Other Attendees: Thomas Flaherty, Police Academy Administrator; Certification Manager William Klein; Accreditation Manager Ted LeMay; Director of Field Services Susan Rainville; Assistant Attorney General DeAnn Varunes for Assistant Attorney General Stephen Sarnoski and Director of Basic Training William Schultz

Council Members Absent: Howard Burling, II; Chief Christopher Edson; Chief Louis Fusaro; Chief Lisa Maruso-Bolduc and Jack Moshier

CALL TO ORDER

Chief Anthony Salvatore, Sr., called the meeting to order at 9:30 AM. At this time he announced that an amended agenda had been placed in the members' day packets which added a second item under Certification Committee, Request for Recertification and Full or Partial Waiver of the Basic Training Academy, Donald T. Allen- Groton Long Point Police Department.

Mr. Cavanaugh moved to approve the amended agenda adding Donald T. Allen, Groton Long Point Police Department, under Certification Committee, Request for Recertification and Full or Partial Waiver of the Basic Training Academy, it was seconded by Chief State's Attorney Kevin Kane. The motion carried.

ACTION ITEMS

MINUTES

Chief State's Attorney Kevin Kane moved to approve the minutes of the November 8, 2012 meeting, it was seconded by Chief Lovello. The motion carried.

CHIEFS/PUBLIC COMMENTS

There were no comments to report.

CERTIFICATION COMMITTEE

CONSIDERATION OF REVOCATION OF POLICE OFFICER CERTIFICATION

Linda LoPresto

A copy of the report of the Hearing Officer regarding Ms. LoPresto was included in the Council members' mailed packets. Ms. LoPresto was represented by Counsel at this meeting. The Chairman allowed Ms. LoPresto's attorney to make a brief presentation to the Council, after which time the Chairman would entertain a motion based on the Academy Administrator/Hearing Officer's report. The Attorney addressing the Council introduced himself as Norm Pattis representing Linda LoPresto. She was allowed to read a prepared statement by Attorney Pattis. She had requested the opportunity to do so at this Council meeting and acknowledged an error on her part by not speaking at her DeNovo hearing proceedings. The statement allowed Ms. LoPresto to speak on her own behalf regarding the incident and investigation of the incident of September 30, 2011. She was terminated from the Wallingford Police Department on March 7, 2012, as a result of the September 30, 2011, incident. She gave a brief background of her employment and accomplishments with the Wallingford Police Department. She had been with the Department without incident since being hired in February 1999. She acknowledged mistakes and errors in judgment regarding the incident on September 30, 2011, and also expressed regret in underestimating the seriousness of the inquiries and investigations that followed. She stated that she was being truthful during the investigation process even though there were details and events she could not recall due to the lapse of time between the time of the incident and the time of the investigation process. She stated that overall, she felt the inquiries and investigation was unfair. She accepts her termination from the Wallingford Police Department, but requests to maintain her certification.

Attorney Pattis also addressed the Council. He stated that he had made the decision for Ms. LoPresto not to testify at her De Novo hearing. He stated that the Internal Affairs investigation that Ms. LoPresto was summoned to, did not provide any advanced notice of the subject matter of the detailed questions she was asked. He felt that the way the questioning was done and without advanced notice caused her to fumble. The investigation process used is not something he would want his clients to be subjected to. He requested Council members to listen to the tapes presented as evidence to reach their own conclusions as to whether or not the process was fair. He added that Ms. LoPresto did violate policy, and did not contest arbitration. He feels she has been telling the truth and should be given the benefit of the doubt. There is no proof she lied, and she should be allowed to retain her certification.

The Chairman reminded Council that they are not ruling on the Wallingford Police Department investigation. The Statute indicates that Wallingford had to conduct their own internal investigation. The Council is required by law to conduct its own DeNovo hearing with Chief Flaherty as the Hearing Officer. The Council would then be voting on the findings of the DeNovo hearing.

Mr. Cavanaugh moved that in the matter of Linda J. LoPresto, the Full Council accept the recommendation of the Certification Committee and recommend the revocation of Linda J. LoPresto's police officer's certification, POST ID #1046, effective immediately. Correction noted that the matter did not go to the Certification Committee, but rather the Full Council. The motion was seconded by Chief Dooley, but did not carry.

Attorney Tallberg noted that the revocation of a police officer's certification is one of the most difficult decisions the Council makes, and it is not taken lightly. In this case there was no criminal action related to the officer's conduct. He also is taking into consideration Attorney Pattis' argument about underlying evidence. He asked if the POST Council was bound by the factual findings of the hearing officer. Assistant Attorney General Varunes responded that in her experience it was usually the findings of the

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Hearing Officer that would be voted on. However, Attorney Varunes asked that the question and issue be tabled and addressed later on in the meeting while she had some time to review the issue. Chief State's Attorney Kane also had the same concerns as Attorney Tallberg. Attorney Tallberg also asked whether or not the evidence presented to the hearing officer could be reviewed by Council members. Is Council bound by the report of the hearing officer?

Mr. Boccaccio moved to table this issue temporarily until such time as Assistant Attorney General Varunes has an opportunity to review all of the information regarding this case and answer the questions presented by Council members. The motion was seconded by Chief State's Attorney Kane. The motion carried.

REVOCATION OF POLICE OFFICER CERTIFICATION

Harold D. Setzer – Waterbury Police Department (Felony Convictions)

Chief Dortenzio, Chair of the Certification Committee, explained that information regarding Harold Setzer had been distributed to Council members for review. Mr. Setzer had been employed by the Waterbury Police Department, subsequently arrested as a result of an investigation and pled guilty to one Class D felony and an Unclassified Felony in Superior Court, sentenced to a 5 year prison term (execution suspended) and a 3 year probation. The Certification staff sent by certified mail a notice of POSTC's intent to revoke his certification. The letter was received at the residence of record. As of December 11, 2012, 33 days later, Mr. Setzer has not responded to the letter indicating he has waived his right to a hearing. The Certification Committee is recommending the Council revoke Connecticut Police Officer Setzer's certification and law enforcement instructor certification effective immediately after his having been convicted of two felony crimes and violations of State Statute.

Chief Dortenzio moved to approve the recommendation of the Certification committee for the revocation of Officer Setzer's Police Officer certification effective immediately for having been convicted of a Class D felony and an Unclassified felony. The motion was seconded by Chief Dooley. The motion carried.

REQUEST FOR COMPARATIVE CERTIFICATION

Michael J. Brown – Madison Police Department (Police Officer position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief John Drumm, Madison Police Department, on behalf of Michael Brown for a Certificate of Comparative Certification and Full or Partial Waiver of the POSTC Basic Training Requirements. The request had been included in the packets mailed to Council members. Probationary Officer Brown retired from the Connecticut State Police in late 2012 at the rank of Trooper after approximately 18 years of service. Staff has reviewed his training history which is included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a certificate of comparative certification subject to the successful completion of the twelve items listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief John Drumm, Madison Police Department, specifying that probationary Officer Brown be granted a Certificate of Comparative Certification subject to his successful completion of the twelve specific courses, it was seconded by Special Agent In-Charge Mertz. The motion carried.

Jeff R. Mazzetta – Madison Police Department (Police Officer Position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief John Drumm, Madison Police Department, on behalf of Jeff Mazzetta for a Certificate of Comparative Certification and Full or Partial waiver of the POSTC Basic Training Requirements. The request had been included in the

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packets mailed to Council members. Probationary Officer Mazzetta retired from the Connecticut State Police in late 2012 at the rank of Trooper after approximately twenty years of service. Staff has reviewed his training history which is included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a certificate of comparative certification subject to the successful completion of the twelve items listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief John Drumm, Madison Police Department, specifying that probationary Officer Mazzetta be granted a Certificate of Comparative Certification subject to his successful completion of the twelve specific courses, it was seconded by Dr. Donahue. The motion carried.

Keith T. Loveland – Town of Ellington Police Department (Police Officer Position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of First Selectman Maurice W. Blanchette, Town of Ellington, on behalf of Keith Loveland for a Certificate of Comparative Certification and Full or Partial waiver of the POSTC Basic Training Requirements. The request had been included in the packets mailed to Council members. Probationary Officer Loveland retired from the Connecticut State Police in September 2012, at the rank of Trooper after approximately twenty years of service. Staff has reviewed his training history which is included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a certificate of comparative certification subject to the successful completion of the twelve items listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of First Selectman Blanchette, Town of Ellington, specifying that probationary Officer Loveland be granted a Certificate of Comparative Certification subject to his successful completion of the twelve specific courses, it was seconded by Officer Brevard. The motion carried.

Roberto Gomez – New Britain Police Department (Police Officer Position)

Chief Dortenzio, Chair of the Certification Committee, presented the pre-approved request of Chief Paul Hammick, Bloomfield Police Department, on behalf of Roberto Gomez for a Certificate of Comparative Certification and Full or Partial waiver of the POSTC Basic Training Requirements. Mr. Gomez was with the Bloomfield Police Department briefly. However, Mr. Gomez left the Bloomfield Police Department and is now seeking employment with the New Britain Police Department. Therefore, the same request has been filed by Acting Chief James Wardwell of the New Britain Police Department. The request had been included in the packets mailed to Council members. Probationary Officer Gomez is currently employed with the Connecticut State Police and holds the rank of Detective. He was hired by the CSP in July 1992 and graduated from the 102nd CSP Training Troop in January 1993 for a total of twenty years of service. Staff has reviewed his training history which is included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a certificate of comparative certification subject to the successful completion of the twelve items listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Acting Chief James Wardwell, New Britain Police Department, specifying that probationary Officer Gomez be granted a Certificate of Comparative Certification subject to his successful completion of the twelve specific courses, it was seconded by Chief State's Attorney Kane. The motion carried.

Joshua Wells – Vernon Police Department (Police Officer Position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief James Kenny, Vernon Police Department, on behalf of Joshua Wells for a Certificate of Comparative Certification and Full or Partial waiver of the POSTC Basic Training Requirements. The request had been included in the packets mailed to Council members. Probationary Officer Wells currently serves as a Police Officer with the District of Columbia Metropolitan Police Department, Washington, D.C., having so been employed since May 2007 for a total of 5 years and 7 months. Staff has reviewed his training history which is included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a Certificate of Comparative Certification subject to the successful completion of the twenty-two items listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief James Kenny, Vernon Police Department, specifying that probationary Officer Wells be granted a Certificate of Comparative Certification subject to his successful completion of the twenty-two specific courses, it was seconded by Mr. Ward. The motion carried.

Ethan Cohen – Mashantucket Pequot Tribal Police Department (Police Officer Position)

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief William Dittman, Mashantucket Pequot Tribal Nation Police Department, on behalf of Ethan Cohen for a certificate of Comparative Certification and Full or Partial waiver of the POSTC Basic Training Requirements. The request had been included in the packets mailed to Council members. Probationary Officer Cohen retired from the New York City Police Department on June 30, 2012, at the rank of Police Officer after serving twenty years. Staff has reviewed his training history which is included in the request documents. The Committee has reviewed the documents and recommends the full council approve the request for a Certificate of Comparative Certification subject to the successful completion of the twenty-one items listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief William Dittman, Mashantucket Pequot Tribal Police Department, specifying that Probationary Officer Cohen be granted a Certificate of Comparative Certification subject to his successful completion of the twenty-one specific courses, it was seconded by Chief Dooley. The motion carried.

Kevin M. Cardonne – Mashantucket Pequot Tribal Police Department (Police Officer Position)

Chief Dortenzio, Chair of the Certification Committee, presented the second request of Chief William Dittman, Mashantucket Pequot Tribal Nation Police Department, on behalf of Kevin Cardonne for a certificate of Comparative Certification and Full or Partial waiver of the POSTC Basic Training Requirements. The request had been included in the packets mailed to Council members. Probationary Officer Cardonne retired from the Carlisle, MA Police Department at the rank of Sergeant on December 17, 2010, serving sixteen and one-half years of service. Staff has reviewed his training history which is included in the request documents. The Committee has reviewed the documents and recommends the full Council approve the request for a Certificate of Comparative Certification subject to the successful completion of the twenty-one items listed on page 2 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief William Dittman, Mashantucket Pequot Tribal Police Department, specifying that Probationary Officer Cardonne be granted a Certificate of Comparative Certification subject to his successful completion of the twenty-one specific courses, it was seconded by Officer Brevard. The motion carried.

REQUEST FOR RECERTIFICATION AND FULL OR PARTIAL WAIVER OF THE BASIC TRAINING ACADEMY

James F. Nardozzi - Bridgeport Police Department

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief Joseph Gaudett, Jr., Bridgeport Police Department, on behalf of James Nardozzi for a full or partial waiver of the basic training requirements and assistance in identifying the training requirements which must be met in order to recertify Probationary Assistant Chief Nardozzi. The request had been included in the packets mailed to Council members. Probationary Assistant Chief Nardozzi retired as the Deputy Chief of Police, Waterbury Police Department on March 8, 2007, where he served since 1989. He has been out of active police officer certified service for 5 years and 9 months. Chief Dortenzio reported that this is an unusual request because of the duration in his break in service and the type of work he has done in the interim. He has been the Dean at Post University teaching Criminal Justice and also been a consultant to many police departments in Connecticut. The Committee took note of the length of time of the break in service, and also took note of the work that has been done to stay current including the number of classes in law enforcement even though they were not required by POSTC. Upon its' review of those circumstances, the Committee recommends the full Council approve the request for a recertification and full or partial waiver of the basic training requirements subject to the completion of the twenty-two items listed on page 3 of the request documents. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Chief Joseph Gaudett, Jr., Bridgeport Police Department, specifying that Probationary Assistant Chief Nardozzi be granted a partial waiver of the basic training requirement for Police Officer Recertification subject to his successful completion of the twenty-two specific courses, it was seconded by Mr. Boccaccio. The motion carried.

Donald T. Allen – Groton Long Point Police Department

Chief Dortenzio, Chair of the Certification Committee, presented the request of Sergeant John F. Moore (Officer in Charge), Groton Long Point Police Department, on behalf of Donald Allen for a full or partial waiver of the basic training requirements. This request had been included in the day packets and included in the amended agenda. Probationary Officer Allen retired from the Vernon Police Department at the rank of Sergeant on January 31, 2008, serving 24 years. He also served with the Hartford Police Department for approximately 1 ½ years from July 7, 2008 to November 29, 2009, resigning at the rank of Police Officer. Probationary Officer Allen had a break in service of 3 years, 2 mos. which makes him ineligible for an automatic lateral certification and requires a full or partial waiver of the basic training requirements. Additionally, his prior police officer certification expired on June 30, 2011. Staff has reviewed the request documents, and recommends the full Council approve the request for a recertification and full or partial waiver of the basic training requirements subject to the successful completion of the full 60 hours of recertification training as noted in the request document. His duties and assignments shall be restricted until such time as the requirements have been successfully completed.

Chief Dortenzio moved to approve the request of Officer-in-Charge, Sgt. John Moore, Groton Long Point Police Department, specifying that Probationary Officer Allen be granted a waiver of the basic training academy requirement subject to the successful completion and satisfaction of sixty hours of mandated review training to validate his 2011 recertification period to expire on June 30, 2014, it was seconded by Dr. Donahue. The motion carried.

COUNCIL RESOLUTIONS

James E. Noonan – Retirement – Range Master

Chairman Salvatore read the resolution presented to Mr. Noonan at this meeting. A copy was distributed to Council members in their packets. Mr. Noonan served 23 years as Range Master at the Police Academy.

Stanley W. Konesky, Jr. – Retirement – Training Officer

Chairman Salvatore read the resolution presented to Mr. Konesky at this meeting. A copy was distributed to Council members in their packets. Mr. Konesky served 13 years as an Instructor at the Police Academy.

INFORMATION ITEMS

EXECUTIVE DIRECTOR'S REPORT

Chief Flaherty reported that he and Chief Lovello along with Chief State's Attorney Kevin Kane have been attending the Eye Witness ID Task Force training subcommittee meetings. At the last meeting it was announced that the Justice Education Foundation invited Chief Bill Brooks from Norwood, MA to do a train-the-trainer session at the Police Academy. Chief Flaherty has also been attending Commissioner Bradford's staff meetings and Advisory Board meetings. Director Schultz and Chief Flaherty attended the dedication of the Middletown Scale House in memory of CT State Police Trooper Kenneth Hall. The General Notice regarding the Eye Witness ID policy has been disseminated. Agencies have until May 1 to adopt the policy. Chief Flaherty attended the State Police graduation representing POST. Training Officer Richard Arsenault has submitted his resignation paperwork. He is retiring due to medical reasons which will be effective February 1, 2013. There are three full-time vacancies, and the Human Resources Division of DESPP is working hard to get the vacancies filled. This will include hiring part-time, per diem instructors as well. Chief Flaherty thanked the Commissioner for the cooperation of his Human Resources staff in recognizing the importance of filling those vacancies.

Chief State's Attorney Kevin Kane moved to remove from being tabled the issues presented regarding the decertification of Linda LoPresto, it was seconded by Mr. Cavanaugh. The motion carried.

Assistant Attorney General Varunes had an opportunity to consult with her department head who handles more administrative issues than she does. He advised that Statute 4-179 through 4-181 allows the Council to review or listen to the audio tapes of the investigation before making a decision. That would mean that the issue would be tabled for the time being and could be voted on at a later time. If the revocation is denied, Ms. LoPresto would continue to retain her certification. If approved, the Hearing Officer's decision would stand, and her certification would be revoked. Chief State's Attorney Kane noted that if Council members are allowed to listen to the tapes, they are not bound by the Hearing Officer's findings. Attorney Varunes responded that listening to the tapes would allow the Council to accept the facts or not. If the decision is made to accept the facts, the matter could be appealed and taken to Superior Court by Attorney Pattis. At this time Chairman Salvatore allowed Attorney Pattis to address the Council. Attorney Pattis asked Council members to listen to the tapes before determining the appropriate sanctions. Dates will be made available for Council members to come to the Academy to review the tapes. There are two tapes, approximately 3 hours in length for both.

Attorney Tallberg moved to table this matter in order for Council members to have the opportunity to review the tapes, however, there was no second.

Chief State's Attorney Kevin Kane moved to table this matter and wait for an opinion from the Council's legal liaison regarding the council's right to review evidence, it was seconded by Mr. Boccaccio. The motion carried. Mr. Cavanaugh was opposed.

DIRECTORS REPORTS

Basic Training

A copy of the Basic Training report was included in the members' packets. Mr. Schultz reported that presently there are two sessions in progress, 339 and 340. Class 338 graduated on December 20, 2013, with 49 recruits. Session 339 began on October 5, 2012, with 50 recruits. One recruit resigned from their Police Department, leaving the class with 49. The 340th class began on January 4, 2013, with 50 recruits. There are 49 from that class confirmed at present. The 341st class will begin on April 5, 2013.

In-Service Training

A copy of the In-Service Training report had been mailed to members in their packets. Mrs. Rainville highlighted some of the courses in the report. A police background investigation course was held for 5 days with 29 attendees. It is one of the more popular courses. The Record Retention course had to be rescheduled because of weather. It was originally scheduled in October during Storm Sandy and was rescheduled in December with 90 attendees. An Advanced Tactics and Criminal Patrol class was held with 42 attendees in December. Also a Current Drug Crisis: Opiates & Bath Salts/Criminal Interdiction class was held with 76 attendees. The Curriculum Manager, Tim Coon, scheduled a middle management class for Captains and Lieutenants with 24 in attendance. The FBI provided a class in Interview Strategies Through Statement Analysis, however, attendance was down due to Storm Sandy. A course in Human Trafficking was given by the Chief State's Attorney's office. All the legal update classes were completed. A course calendar for January through March had been included in the members' packets.

ACCREDITATION MANAGER'S REPORT

The Accreditation Report had been included in the packets mailed to the members. Mr. LeMay added that the Connecticut State Police had an on-site visit recently, and they did very well. The CSP Accreditation Manager also helped Mr. LeMay gather information for DESPP. Mr. LeMay has a couple on-site visits coming up. He is working on a review of the Standards which should be available for the next Council meeting.

COMPLIANCE OFFICER'S REPORT

Mr. Klein reported that since the last Council meeting, there was a change in regulations that went into effect December 4, 2012, which was also filed with the Secretary of State's office. The major change states that lateral police officers joining another certified police force are not required to take the Cooper Standards Physical fitness test. Mr. Klein also reported that The New Haven Police Academy began their second satellite academy on January 2. He received an application from the New Britain Police Department for a satellite academy. They have just moved to a new facility. Mr. Klein stated that Council will be voting on the New Britain application at the next Council meeting after his initial inspection. The Fairfield County Training Officers Association is considering doing a regional training satellite academy. Greenwich Police Department is planning to host it. However, they have not applied yet.

AUDIT REPORTS

The reports were enclosed in the members' packets. There was a final inspection report for New Haven, and a second inspection report for Bridgeport.

CORRESPONDENCE

There were copies of correspondence in the members' packets from the Berlin Police Department and the Food Pantry of Tolland.

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OLD BUSINESS

There was no old business to report.

NEW BUSINESS

There was no new business to report.

ADJOURNMENT

***Mr. Ward moved to adjourn the meeting, it was seconded by Mr. Boccaccio. The motion carried.
The meeting adjourned at 10:30 AM.***

***Thomas E. Flaherty
Police Academy Administrator***