



**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**

**MARCH 7, 2013**

**CONNECTICUT POLICE ACADEMY**

**MERIDEN, CONNECTICUT**

**Council Members Present:** Chairman/Chief Anthony J. Salvatore, Sr.; Commissioner Reuben Bradford, DESPP; Officer William Brevard, Jr.; Howard L. Burling, II; Kurt P. Cavanaugh; Dr. Amy K. Donahue; Chief Joseph Dooley; Chief Douglas L. Dortenzio; Chief Christopher J. Edson; First Selectwoman Laura L. Francis; Chief Louis J. Fusaro; Chief State's Attorney Kevin T. Kane; Chief Duane J. Lovello; Special Agent In-Charge Kimberly K. Mertz; James N. Tallberg, Esq.; and Town Administrator John D. Ward.

**Other Attendees:** Executive Director Thomas E. Flaherty, Certification Manager William Klein, Accreditation Manager Ted LeMay, Director of Field Services Susan E. Rainville and Assistant Attorney General DeAnn Varunes.

**Council Members Absent:** Richard P. Boccaccio; Chief Lisa Maruzo-Bolduc and Jack Mosier.

**CALL TO ORDER**

Chief Anthony Salvatore, Sr. (Chairman), called the meeting to order at 9:30 AM.

**ACTION ITEMS**

**MINUTES**

***Officer Brevard moved to approve the minutes of the January 10, 2013 meeting, it was seconded by Mr. Ward. The motion carried.***

**CHIEFS/PUBLIC COMMENT**

There were no comments to report.

**CERTIFICATION COMMITTEE**

**CONSIDERATION OF REVOCATION OF POLICE OFFICER CERTIFICATION**

**Linda LoPresto**

This item was tabled at the last meeting, and all members were afforded the opportunity to review evidence as requested by Ms. LoPresto's Attorney, Norm Pattis. The Chairman allowed Attorney Pattis to make a brief statement. He also allowed follow up statements by the Certification Officer of POSTC and Executive Director Flaherty who was also the hearing officer in this case.

***Mr. Cavanaugh moved to remove this item from the table, it was seconded by First Selectwoman Francis. The motion carried.***

Attorney Pattis thanked the Council for reconsidering their opportunity to revoke Ms. LoPresto's certification at the last meeting. He appreciated the Council's decision to allow Council members to review the evidence and the DVD after the last meeting. He reviewed his prior comments by stating that Ms. LoPresto was not given any notice when she was called in to be questioned about an incident that took place 81 days prior. As a result of not being prepared, she was accused of lying. He asked that Council consider not decertifying Ms. LoPresto as she has left the Wallingford Police Department, does not plan to return and will probably leave the state. His client has received the message from Council from this situation which is to be more careful. He asked that Council be merciful in their decision. He also asked if Ms. LoPresto could read a statement. The Chairman did allow a statement to be read.

Ms. LoPresto stated she had made good faith errors in judgment. There was no intent or malice. She did not feel that her errors constituted termination or revocation of her certification, but admitted that she did violate department policy. She felt that her termination was severe and unwarranted. If she was thought of as a problem officer, she would not have been allowed to receive special training opportunities and a promotion during her career. She stated that she and her family were moving to North Carolina, and asked Council to allow her to retain her certification in order that she may pursue a career in law enforcement in another state. She is currently in the background process for a police officer position in North Carolina. She is not a convicted felon, and there were no criminal charges against her. She explained there are three prongs that would allow a police officer to be decertified; perjury, tampering with evidence and providing a false statement. She stated that Chief Dortenzio had stated that Ms. LoPresto did not purge herself. Tampering with evidence was also not applicable because the DVD she turned in was not tampered with, altered or destroyed. It was complete in its entirety. There was no fabricated DVD. It had the wrong date on it, which was an error on Ms. LoPresto's part when she labeled it. She also stated she did not provide a false statement. She failed to recall an incident when questioned 81 days later. Ms. LoPresto felt that none of the three prongs were met that would constitute clear and convincing evidence. Therefore, she respectfully requested that Council vote in favor of her retaining her certification.

At this point the Chairman asked the Certification Officer if he wished to make any further comments. The Certification Officer had no further comments to make. Chief Flaherty, who served as the hearing officer for this case, was asked if he had any further comments. Chief Flaherty had no further comments and stood by his report. The Chairman asked if any Council members had any comments.

Attorney Tallberg made a statement as he was one of the Council members who reviewed the evidence. The evidence was made available on January 30, 2013, at the Police Academy for any Council members who wished to review it. Mr. Tallberg took advantage of reviewing the evidence at that time based on the fact that revocation of certification is a harsh penalty. He reviewed the entire record consisting of exhibits 1 through 28, the video of the pursuit, listened to the internal affairs interviews and read the transcripts from the 4 hearings that took place on August 17, September 19, September 24 and September 26, 2012. He hoped to find something in the record that would support that the hearing officer erred or missed something. He did not find anything. He stated that specifically the reason for his vote today is because the pursuit video was dramatic. It shows a police vehicle in pursuit driven by a junior officer in

training with the supervisor in the car. When the junior officer goes to call it in, he is told not to call it in. It is a dramatic video with a police vehicle being driven the wrong way on a one way street as the subject is being pursued. The most compelling fact was when the respondent was asked about her incident over two months later, she indicated that she did not recall the details, but yet she also indicated that it was the first and only pursuit of her career. This statement was troubling because one would assume that a reasonable officer or supervisor in that circumstance would recall that incident standing out since it was the only one of its kind in their career. Attorney Tallberg felt that the Sgt.'s explanation was not plausible, especially when compared to the investigative record. Because the Sgt. did not testify at the hearing, the only inference to be drawn from that is a negative inference. While there may be a right against self incrimination, at the end of the analysis with the Sgt.'s testimony, we are left with her prior statements to investigating officers about the missing video of the pursuit. Those statements were proved to be false. Based on Attorney Tallberg's review of the entire record, there is ample support for the hearing officer's recommendation. He expressed regret, but advised that he will be voting to accept the recommendation of the hearing officer.

***Mr. Ward moved to uphold the recommendation of the hearing officer to revoke the Police Officer Certification for Linda J. LoPresto, it was seconded by Chief Edson. The motion carried. Chief Dortenzio abstained.***

#### **REVOCATION OF POLICE OFFICER CERTIFICATION**

##### **Joseph R. Gambardella – Madison Police Department (Felony Conviction)**

Chief Dortenzio, Chair of the Certification Committee, explained that this was a former Madison Police Officer who entered a plea of Nolo Contendere to a felony in 2008. The documentation had been mailed to Council members in their packets. It has been on file for some time and followed up in January 2013. A due process notice was sent to Officer Gambardella, and was received by someone in that household. After 34 days of receipt there has been no response. It is deemed he has waived his right to a hearing. Therefore, the Certification Committee recommends the full Council approve the revocation of police officer certification of Joseph R. Gambardella immediately for having been convicted of a Class D felony crime.

***Chief Dortenzio moved to approve the recommendation of the Certification Committee for the revocation of Officer Gambardella's Police Officer certification effective immediately for having been convicted of a Class D felony crime, it was seconded by Chief State's Attorney Kane. The motion carried.***

#### **REQUEST FOR COMPARATIVE CERTIFICATION**

##### **David J. Coyle – Town of Roxbury Police Department (Admin. LT position)**

Chief Dortenzio, Chair of the Certification Committee, presented the request of First Selectwoman Barbara Henry, Town of Roxbury, on behalf of David J. Coyle 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. He is in the process of completing the entry level standards set forth in Council regulations. He is employed by the Town of Roxbury as a Special Enforcement Officer. He was formerly employed by the Connecticut State Police retired after 29 years at the rank of Lieutenant in 2011. The Committee has reviewed his training records, and it is recommended that certain classes be successfully completed before certification is awarded. The Committee recommends Council approve the request as submitted subject to the successful completion of the 12 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 Selectwoman Barbara Henry, Town of Roxbury, specifying that Probationary Officer Coyle 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.***

**Patrick C. Seeley – Brookfield Police Department (Police Officer position)**

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief Robin L. Montgomery of the Brookfield Police Department, on behalf of Patrick C. Seeley 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. The request documents indicate Officer Seeley was with the United States Park Service Police in Texas. He has been to a number of training programs at FLETC in Glynco, GA. The Committee has reviewed his training records, and recommends his attendance and successful completion of approximately 21 courses listed in 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 Robin Montgomery, Brookfield Police Department, specifying that Probationary Officer Seeley be granted a Certificate of Comparative Certification subject to his successful completion of the twenty-one specific courses, it was seconded by Chief Edson. The motion carried.***

**Stephen A. Cowf – Norwalk Police Department (Police Officer position)**

Chief Dortenzio, Chair of the Certification Committee, presented the request of Chief Thomas E. Kulhawik of the Norwalk Police Department, on behalf of Stephen A. Cowf 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. Officer Cowf attended basic recruit training at the Florida Department of Law Enforcement in 2009. He has been a police officer for the Ocala, FL Police Department. He is relocating to Connecticut. The Committee has reviewed his training records, and recommends his attendance and successful completion of the 23 courses listed in 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 Thomas Kulhawik, Norwalk Police Department, specifying that Probationary Officer Cowf be granted a Certificate of Comparative Certification subject to his successful completion of the twenty-three specific courses, it was seconded by Chief Fusaro. The motion carried.***

**Jeffrey S. Rhoades – Town of East Haddam Police Department (Police Officer position)**

Chief Dortenzio, Chair of the Certification Committee, presented the request of First Selectman Mark Walter, Town of East Haddam, on behalf of Jeffrey S. Rhoades 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. Officer Rhoades is currently employed by the Connecticut State Police and holds the rank of Trooper First Class. He is interested in leaving the CSP and working for the Town of East Haddam. The Committee has reviewed his training records, and recommends his attendance and successful completion of the 12 courses listed in 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 Mark Walter, Town of East Haddam, specifying that Probationary Officer Rhoades be granted a Certificate of Comparative Certification subject to his successful completion of the twelve specific courses, it was seconded by Mr. Burling. The motion carried.***

## **REQUEST EXTENSION OF PROBATIONARY CANDIDATE STATUS**

### **Joseph Cullen – Hartford Police Department (Medical Extension)**

Chief Dortenzio, Chair of the Certification Committee, presented the request of Joseph Cullen. Joseph Cullen is attending the Hartford Police Academy, 177<sup>th</sup> class. He injured his ankle while participating in the physical fitness portion of training. He missed a number of hours of physical training and failed to complete the Cooper Standards exit exam required by regulations. He graduated from the Hartford Academy in September and subsequently had surgery on his ankle and is recuperating. Hartford is requesting an extension of the Statutory requirement so that Officer Cullen can complete his rehabilitation and continue with his certification requirements. The Committee recommends that Council approve the request for a period of 18 weeks once the officer returns to full police duty. That extension will expire on July 15, 2013.

***Chief Dortenzio moved to approve the request of the Hartford Police Academy to extend the Statutory requirement for completion of the Cooper Standards exit exam, with the extension expiring on July 15, 2013, it was seconded by Chief Edson. The motion carried.***

## **ACCREDITATION COMMITTEE**

### **DISCUSSION OF PROPOSED REVISIONS TO THE POST ACCREDITATION STATE PROGRAM STANDARDS**

Chief Edson, Chair of the Accreditation Committee, stated that all members should have received a document in their packets with the proposed revisions to the accreditation standards. The revisions were reviewed by the accreditation managers, and assessors and are deemed to be appropriate. Most of the revisions are consolidation standards, and putting standards in the appropriate tiers. The other issue is in Tiers II and III. There is a recommendation from the Accreditation Office to allow departments to opt out of 5% of the standards in Tier II and Tier III. This is something that CALEA is also allowing CALEA accredited departments to do. All the standards in Tier I which are a majority of the liability standards have to be met. The optional standards are things that some departments have trouble meeting because of their size or collective bargaining agreements, etc. It is the recommendation of the Accreditation Committee that the revisions be moved forward.

***Chief Edson moved to accept the recommendation of the Accreditation Committee to move forward on the proposed revisions, it was seconded by Chief Lovello. The motion carried.***

## **INFORMATION ITEMS**

### **EXECUTIVE DIRECTOR'S REPORT**

Chief Flaherty reported that since the last meeting he has been working with Assistant State's Attorney Patrice Palumbo and Trooper Karen O'Connor on modifying the mandatory domestic violence policy that was mandated by the Public Act in 2012. The trainers who teach that policy had noticed some errors and mistakes with old forms. Although the policy was adopted by the Public Act, it delegates to the POST Council the authority to make any future recommendations through the Chairman. Chief Flaherty stated that the members would probably be seeing the recommended changes to the policy at the next meeting. It will be redistributed to all law enforcement agencies in the State. The Chief attended the CTIC Executive Board meeting at the Academy. The Academy hosted a tour for Senator Markley from Southington followed by a discussion regarding police training. The Chief attended a meeting at the Department of Corrections with Maj. Hyatt of the CSP and Terry O'Neill from the Attorney General's Office. The discussion was about several DOC officers who are currently working various task forces somehow attained police certification and fulfilled training requirements. Under the current law and regulations they are not eligible to do that. Chief Salvatore added that there is pending legislation regarding the possibility of police powers for that group. It is an issue Council members should think about if there are future discussions on this topic. Chief Flaherty and Ted LeMay attended a

demonstration on Power DMS software at DESPP headquarters. It is software used for accreditation. He reported that POST could probably get by without it, but if DESPP were to purchase it, POST would take advantage of its availability. Chief Flaherty attended a one-day training session held at the Academy by CCADV (CT Coalition Against Domestic Violence). The training was for law enforcement domestic violence liaisons. It was very well attended. Chief Flaherty has been trying to schedule a visit to the range for Senator LeBeau. With the Legislature in session, there is a lot of interest in gun issues. There have not been many dates when the Senator is available. The Chief has been working on fine tuning the electronic control device policy. It should be on the next Council agenda with Sgt. Robert Palmer, CSP and Sgt. Mike Georgoulis from Danbury who is a use of force trainer. Ted LeMay has been representing POST at the CCADV Advisory Board meetings per Chief Flaherty's request. Chief is working on forming a new Committee per the request of Laura Cortes from ConnSAC (CT Sexual Assault Coalition). There is federal money that has to be used by May. They want to revise a Sexual Assault Investigation Manual that was used 10-12 years ago. A work group of sexual assault criminal investigators will be working on that manual over the next few weeks.

## **DIRECTORS REPORTS**

### **Basic Training**

Copies of the Basic Training Report had been included in the Council packets. Director Schultz was not available for this meeting.

### **In-Service Training**

The In-Service Training Report had been included in the Council packets which covered the period of January 2013 through March 2013. Mrs. Rainville reported that the course sponsored by the CCADV and POST was held in the auditorium with 105 attendees that included officers and victim advocates. The instructor was Lt. Mark Wynn. Two DWI enforcement classes were held. Mrs. Rainville stated that this class is being over booked because there is such a need for this class. Another class is scheduled for April. There are two crime scene courses, one was just completed, the other is in session. One class was a basic class, and the other an intermediate level. The next one will also be an intermediate level in May. A crime scene practical course will be scheduled for June. An advanced crime scene class will be scheduled for May. The First Line Supervisor and Critical Incident Management class was held with 30 attendees. There is also a Critical Incident First Responder: Train-the-Trainer class in progress. It is a two week class which concludes this Friday. Chief Flaherty passed along information to Mrs. Rainville that the Bureau of Justice Assistance had funding possibly available for active shooter training. There are two courses scheduled on March 25 and 26 and again on March 27 and 28. It will be held in Milford with approximately 25 in each session. Four sessions of Eye Witness ID have been scheduled on March 19 and 20. They are half-day sessions 8:30 AM - 12:00 PM and 1:00PM - 4:00PM. The attendance numbers are lower for the second day. Notices have been sent out, and satellite academies have also been notified. The Chief of Norwood, MA will do the presentation. Chief Justice Borden will also be there for the opening on March 19. Mrs. Rainville also noted that there will be a class for Administrative Investigations for Supervisors. It was held last year, and the class was full. A basic accident class is scheduled for 30 for Monday, March 11. A class on responding to situations involving people with mental illness instructed by staff from the Department of Mental Health and Addiction Services will be held in March and April. The Night school of legal courses through the State's Attorney's Office with Judge Clifford and Judge Gold began last week.

## **ACCREDITATION MANAGER'S REPORT**

Mr. LeMay stated that the Accreditation Report was included in the members' packets. Regarding the revisions of the standards, he thanked the Council for their confidence in the group that met and worked on the revisions. One clarification he reported was that in Tier II and III, there are only certain standards that are eligible for the 5% opt out. There are 8 standards in Tier II and 13 in Tier III that are eligible for the 5%. The others are mandatory. Mr. LeMay is planning to get the standards ready to be distributed, and email the standards to all Chiefs in the State. He will explain what the differences are, the changes

that were made and invite them to participate in the program. The Academy will have an on-site inspection from CALEA August 25-28, 2013. Next month there will be 5 agencies here for awards. Chief Edson noted that a correction needed to be made in Mr. LeMay's report. The Naugatuck Police Department presented their files for review for Tier III re-accreditation and not Tier II re-accreditation as stated in his report.

### **COMPLIANCE OFFICER'S REPORT**

Mr. Klein stated that his statistical report was included in the members' packets. He had a few quick items to discuss. The first item was that Gateway Community College has hired their first certified police officer who was a lateral hire and 25 year veteran from the New Haven Police Department. They have an MOU with the New Haven Police Department regarding detention and finger printing facilities. If there are any arrests on campus, the New Haven Police Department has agreed to have this officer process the arrest at the New Haven Police Department. The Mashantucket Police Department now has 8 certified police officers. They have 2 recruits in the New Haven Police Academy. The Chief has the authority to hire as many as 20 certified police officers. There is legislation pending. On Friday, March 1, 2013, Mr. Klein testified at Governor Malloy's Sandy Hook Commission and spoke about the process of becoming a certified police officer.

### **AUDIT REPORTS**

The reports had been included in the members' packets which included a final inspection report for the Bridgeport Police Academy 2012 session, 180 BPT.

### **CORRESPONDENCE**

There was correspondence included in the members' packets. There was a thank you letter from Chief Flaherty to Sgt. Craig Elkin author of, "A Cop's Tale," which he donated to the POST Library. A copy of a thank you email from Officer Rob Riccobon, West Hartford Police Department, for allowing the 11<sup>th</sup> session of the, "Behind the Badge," college Police Academy to visit and tour the Connecticut Police Academy. Lastly, a copy of an article in the February 11, 2013 edition of the Connecticut Law Tribune, Vol. 39, issue 6, entitled, "Award Violated Public Policy Against Police Officer Dishonesty," which was published under the action Alternative Dispute Resolution.

### **OLD BUSINESS**

The Chairman asked about the status of hiring. Chief Flaherty responded that he had a discussion with Commissioner Bradford before this meeting. The Commissioner is doing everything he can to get two of the three training officer positions filled. It will be up to OPM to authorize the hires. The Commissioner also mentioned that they will be trying to add an additional class to the POST schedule. Instead of 4 classes per year, it will be 5.

### **NEW BUSINESS**

First Selectwoman Francis asked the Chairman if there was any legislation the Council members should be advocating for. The Chairman responded that there is legislation on electronic control devices. The Council had been ahead of the curve with this issue by having a meeting with representatives from the Attorney General's Office, Chief State's Attorney, CT State Police and the Chief Medical Examiner. The Chairman has been working to not put this issue in the form of a bill so that any changes that may need to be made to the policy in the future, would not have to go through the legislative process. Chief Flaherty gave some background on this issue. It was suggested to develop an electronic control device policy as there have been an increased number of cases on taser and electronic control device use. The first meeting consisted of members of civil rights organizations. Some information was gathered through CPCA. A second meeting was held and included the Deputy Director of the civil rights division in Washington, DC. There were nine or ten points that the Justice Department thought were lacking in most policies they reviewed. Use of force trainers are Mike Georgoulis from Danbury and Sgt. Robert Palmer

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from the CT State Police. They have agreed to work with Chief Flaherty to address taser use issues and electronic control devices, specifically including the point recommended by the US Attorney. Several versions of the policy have been drafted. A final version will be forwarded to DeAnn Varunes for review. It is a work in progress. It should be ready for the Council's review in the near future.

**ADJOURNMENT**

***First Selectwoman Francis moved to adjourn the meeting, it was seconded by Mr. Cavanaugh. The motion carried. The meeting adjourned at 10:15 AM.***

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