

POLICE OFFICER STANDARDS AND TRAINING COUNCIL

MINUTES OF MEETING

November 12, 2020

CONNECTICUT POLICE ACADEMY

MERIDEN, CONNECTICUT

Remotely via Zoom

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Council Members Present: Town Administrator Michael Freda; First Selectman Laura Francis; Dr. Amy Donahue; Chief State's Attorney Richard Colangelo; Chief John Daly; Chief Ronnell Higgins; Chief Thomas Kulhawik; Chief Paul Melanson; Chief Keith Mello; Chief Mark Palmer; Chief Vernon Riddick, Jr.; Chief James Viadero; Douglas Glanville; Kurt Cavanaugh; State Victim Advocate Natasha Pierre; Mr. Patrick Rittmon; Director Guy Vallaro; Commissioner James Rovella.

Other Attendees: Academy Administrator Karen Boisvert; Director Marc Fasano, POSTC; Director William Steck, POSTC; AG Terrance O'Neill, Attorney General's Office; Attorney Colin Milne, DESPP Legal; Barbara Fullenwiley (POSTC) Administrative Staff; Carrie Jo McGuffey, Certification Officer

Plainville Police Department: Chief Matthew Catania, Attorney John Chomick; Attorney Pat Tomaskiewicz; Town Manager Robert Lee; Probationary Officer Justin Cullen

Council Members Absent: Special Agent- In-Charge David Sundberg.

CALL TO ORDER

Chief Keith Mello, POST Council Chairman, called the meeting to order at 9:00 a.m.

ACTION ITEMS

1. Approval of the Minutes of the October 15, 2020 Regular Meeting.

Chief Mello requested a motion to accept the Minutes of the October 15, 2020 regular meeting as submitted. Motion to accept the minutes made by Chief Daly; seconded by Chief Viadero. Motion passes.

2. Chiefs/Public Comment: None

CERTIFICATION COMMITTEE

Request for Comparative Certification

1. RUBY, Matthew – Rocky Hill Police Department

RECOMMENDATION

Recommendation to confer a comparative certification to Matthew Ruby pursuant to Section 7-294d(5) of the CGS with the completion of the specific requirements approved by Council within one calendar year from the date of appointment. Motion made by Mr. Cavanaugh; seconded by Chief Daly. Motion passes.

Request for Certification Extension

1. MARTIN, Craig – Danbury Police Department

The Certification Committee recommends the Council approve an extension of the one-year probationary candidate status for Probationary Officer Martin for a period not to exceed Midnight 6/30/2021. Motion made by Mr. Cavanaugh; seconded by Chief Kulhalik. Motion passes.

Request for Reactivation of Previously Certified CT Police Officer

1. HOWELL, Kenny – Hartford Police Department
2. NACCARATO, James – Southern CT State University Police Department
3. POWERS, Chris – Somers Police Department

RECOMMENDATION

The Certification Committee recommends the Council approve reactivation of previously certified CT police officers 1) Howell, Kenny, 2) Naccaroto, James, and 3) Powers, Chris. Motion made by Mr. Cavanaugh; seconded by Chief Viadero. Motion passes.

Discussion: During discussion with Mr. Glanville regarding Kenny Howell, Mr. Cavanaugh explained the comparison as to his recommendation. Chief Daly mentioned the change of the amount of years being out of service. Recommendation moved forward.

Request for Waiver of Entry Level Requirements

1. GUTIERREZ, Jose – Willimantic Police Department

RECOMMENDATION

The Certification Committee determined that POST doesn't have the authority to grant a certification to this individual giving our standards, regulations, and no accommodations for non-citizens and to table this item until we have further information.

Request for Correction to POSTCATS

1. MacNAMARA, Gary – Fairfield Police Department

The Certification Committee recommends the approval of the request for correction to POSTCATS for Gary MacNamara. Motion made by Mr. Cavanaugh; seconded by Chief Daly. Motion passes.

Basic Training One-Year Probationary Extension

1. Norwich Police Department, Chandler Overton

The Certification Committee recommends the Council approve an extension of the one year probationary candidate status for Probationary Officer Overton for a period not to exceed Midnight December 31, 2020. Motion made by Mr. Cavanaugh; seconded by Chief Daly. Motion passes.

ACCREDITATION COMMITTEE

1. Coventry Police Department – Tier III Reaccreditation

The Accreditation Committee therefore makes the following motion; that the POST Council confer Tier III State reaccreditation to the Coventry Police Department. Motion made by Chief Kulhawik; seconded by Chief Higgins. Motion passes.

Chief Palmer acknowledge acceptance.

2. Southington Police Department – Tier 1 Reaccreditation

The Accreditation Committee therefore makes the following motion; that the POST Council confer Tier I State reaccreditation to the Southington Police Department with the following conditions: 1) Standard 1.5.1(d) the agency must submit to the POST Accreditation Program Manager the updated policy including LGBTQ guidance within 30 days and show it has been distributed to all employees and 2) to satisfy Standard 1.3.13 the agency must submit to the POST Accreditation Program Manager in six months from this award proof that the prisoner checks and counts are being completed as required . Motion made by Chief Kulhawik; seconded by Mr. Freda. Motion passes.

Chief Daly acknowledge acceptance.

USE OF FORCE SUB-COMMITTEE

1. Report on the Use of Force Policy

Chief Duane Lovello, Chairman of the Use of Force subcommittee noted the members of the subcommittee and their credentials. The subcommittee held their first meeting on 7/1/20 prior to the passage of PA 20-01. Chief Lovello stated the subcommittee had the benefit of reviewing contemporary and forward making policies from Baltimore, Camden County New Jersey, New York City and elsewhere; he also noted they reviewed best practices both here and abroad and noted the terms “necessary”, “reasonable” and “proportionate” were commonly used and also they had the additional benefit of a listening session where they heard from an assortment of persons including persons of color, members of the law enforcement community, lawyers, members of clergy and police chiefs. The committee met every week from July 1 thru November 5th being cognizant of the relatively short time frame to which they have worked and recognizing the substantial work required to build a training curriculum in abeyance of the April, 2021 implementation date.

The subcommittee has submitted a design and development approach document to assist and inform you of the process undertaking in the development of the draft policy. The subcommittee has offered recommendations regarding the policy and limitations; also have identified areas of the bill where challenges were encountered along with what we hopefully receive as thoughtful potential remedies should those forwardly conversations takes place. The policy is a set of guiding principles to guide in the decision making process toward a rational and hopefully a desirable outcome. A policy cannot be expected to cover every conceivable circumstance. Well-developed lesson plans remains a critical component in training and educating police officers regarding the policy and decision making process. A policy does not simply replicate a law but decadents of the law but as far as this policy is concern the committee was bound by the language of the bill some of which brings new elements into consideration to the use of force pyridine here in Connecticut. The policy cannot disregard, alter, or delete specific language in the bill as pass. The committee did draft language to offer guidance in those areas of the bill where clarity was less than a nil or undefined. We were also

afforded the opportunity to incorporate the language not in the bill that will result in best practices. The draft policy is intended as American standard. Departments are certainly able to apply the restricted standards as they need to build them.

Finally the committee took care of constructing this policy which is simple and concise language to facilitate the needs of comprehension as one would have it stated police officers to understand what they can and cannot do.

Chief Mello entertained a motion to accept the Use of Force Policy with the suggested edit. Motion made by Chief Viadero; second by Chief Higgins. Motion passes.

Discussion: Mr. Glanville asked if the annual report would have demographics and how the data will be used in the report. Chief Mello mentioned that this report is separate from this policy and there is a reporting requirement that was addressed earlier in the police accountability bill. This is phase 1 and phase 2 of this project is to develop goals and objectives and develop lesson plans to set the new standards for all police departments to train your officers. The next phase will be to as many members of the committee ask to work with use of force instructors, asking Academy Administrator Boisvert to appoint someone to work towards that goal. Chief Palmer mentioned forwarding a recommendation to Chief Lovello on section 4 subsection A - Duty to render aid on if it was consistent with the statute. Chief Lovello referred comment to Dr. Donahue who authored the document. Chief Palmer read the section 4 subsection A of the Use of Force Policy. Recommended edit to remove the word "immediately" and replace it with "as quickly as reasonably possible". Dr. Donahue agreed with the suggested edit. Chief Melanson questioned section 4c - Duty to report - the officer that otherwise becomes aware of the UOF by another officer has a criminal component to it. Incident on TV do you call the police department because you are aware. Chief Lovello element of reasonableness. Dr. Donahue responded TV is general public knowledge, not unique to that officer this would not apply. Only if officer learn info that no one else has than report. Chief Melanson mentioned If you are watching TV you are not acting in a law enforcement capacity. Dr. Donahue will make the edit and send to Chief Mello as final.

INFORMATION ITEMS

1. Academy Administrator's Report

Academy Administrator Boisvert reported on the Presidential Order No. 13929 (COPS Grant). All agencies participating in discretionary COP Grants will have to show compliance to federal, state and local laws and have to show that they have a prohibition against the choke holds. POST is the independent credentialing agency; a meeting with the Department of Justice is set for next week to discuss credentialing. POST staff CLESP Standards will satisfy this credentialing. Second item: POSTC had

its CALEA onsite assessment. It was done remotely due to COVID; completed assessment exit interview with assessor; all seems to be in order; Waiting for final report expect it sometime in December of 2020.

OLD BUSINESS

1. Mental Health Screening Review

Chief Viadero reported the document stands the same as last meeting with the recommendation that we remove the last paragraph.

Chief Mello entertained a motion to accept the Mental Health Screening. Motion made by Chief Palmer; seconded by Chief Higgins. Motion passes.

Discussion: Chief Viadero mentioned a caveat he is looking to get added to the bill to include license clinical social workers on the legislative end.

2. Drug Screening Review

Academy Administrator Boisvert met with Quest Diagnostics and is working with Quest to come up with a reasonable panel and the cost to the agencies and once finalize will report back to the Council. The estimated cost will be more than \$50 but less than \$200 (+/-).

3. Hearing Re: Conn. Gen. Stat. Section 7-291c and Officer Certification of Justin Cullen; POST ID # 17880

Chief Mello mentioned on October 29th a special meeting was held to allow Officer Cullen and the Plainville Police Department the opportunity to be heard regarding their request for certification. That hearing lasted about 4 ½ hours at which time Plainville and Officer Cullen had the opportunity to present evidence regarding the request to be certified. Transcript was sent by Plainville of the meeting. Chief Mello updated the Council with the summation of Plainville Police Department's request.

Chief Mello requested a motion to go into Executive Session, Motion made by Ms. Francis; seconded by Mr. Cavanaugh. Chief Mello did a roll call of the council members to go into executive session also invited AG Terrence O'Neill, Attorney Colin Milne, Academy Administrator Karen Boisvert and Certification Officer C.J. McGuffey.

NEW BUSINESS

1. Crowd Control Policy – postponed until the November 19th special meeting.

EXECUTIVE SESSION

Convened public session at 11:15 a.m.

Officer Certification of Justin Cullen; POST ID # 17880

Chief Mello entertained a motion to grant certification to Officer Justin Cullen. Motion made by Chief Daly; seconded by Dr. Donahue. Chief Mello poled the Council for a vote. Motion unanimously denied.

ADJOURNMENT

Chief Mello moved to adjourn the meeting; motioned by Chief Melanson; seconded by Chief Daly.

The meeting adjourned at 11:20 a.m.

Respectfully Submitted,



Barbara Fullenwiley
Administrative Assistant
POSTC