



TOWN OF NEWTOWN
BOARD OF POLICE COMMISSIONERS

MINUTES FROM THE BOARD OF POLICE COMMISSIONERS
REGULAR MEETING HELD TUESDAY, DECEMBER 6, 2011
IN THE MEETING ROOM OF TOWN HALL SOUTH
3 MAIN STREET, NEWTOWN

**These minutes are not finalized until approved
At the next regularly scheduled meeting.*

Vice-Chairman Brian Budd called the meeting to order at 7:30 pm.

PRESENT: Brian Budd, Joel Faxon, Paul Mangiafico., Andrew Sachs, and James Viadero

ABSENT: none

ALSO PRESENT: Police Chief Michael Kehoe, Police Captain Jose Rios, Police Union President Scott Ruszczuk and Dr. Curtis Beck

ADMINISTRATIVE BUSINESS:

Selection, discussion and vote on Police Commission Chairman and Vice Chairman -
Commissioner Budd nominated Mr. Mangiafico. as Chairman. Commissioner Viadero seconded and the nomination was unanimous approved.

Commissioner Viadero nominated Commissioner Budd as Vice-Chairman. Commissioner Faxon seconded and the nomination was unanimously carried.

Acceptance of Schedule of Meeting Dates for 2012 -

Commissioner Faxon moved to accept the schedule of meeting dates for 2012. Commissioner Viadero seconded and motion was unanimously approved.

PUBLIC PARTICIPATION: Commissioner Budd read a letter from former Chairman Duane Giannini and asked that it be attached to the minutes.

POLICE UNION PARTICIPATION:

Union President Scott Ruszczuk reported that he had no concerns this month. He noted that the survey had been completed by Dr. McCabe and he heard very positive feedback from the sworn personnel.

The Union President informed commissioners that they were doing Toys for Tots in front of TJ Maxx.

Chairman Mangiafico. said that he had read over the minutes and sensed that the Union President was concerned or confused about his roll attending the Board of Police Commissioner meetings. President Ruszczuk indicated that this was only his second meeting and that confused was a strong word. He stated that he knows the "why-to's" here but beyond that he doesn't know what else they want from him.

Commissioner Budd recommended that any questions the commissioners have to voice them.

**CONSIDERATION AND ACTION OF THE MINUTES FOR: REGULAR MEETING
OCTOBER 4, 2011 AND THE SPECIAL MEETING NOVEMBER 22, 2011 –**

Commissioner Budd moved to accept the minutes of the regular meeting of October 4, 2011 and the addendum. Commissioner Viadero seconded and the motion was approved. Chairman Mangiafico. and Commissioners Faxon and Sachs abstained as they did not attend the meeting.

Commissioner Sachs moved to accept the minutes of the special meeting of November 22, 2011. Commissioner Viadero seconded and the motion was approved. Chairman Mangiafico. and Commissioner Faxon abstained as they were not present at the meeting.

CHIEF’S REPORT: Personnel Report – Field Training - Chief Kehoe reported that the Field Training was ongoing. He noted that three of the new officers were in Phase III of the four field training phases. He explained that following the academy the officers enter into a four phase field training program with an increasing amount of independent work as they progress - Phase I – 25%, Phase II – 50%, Phase III – 75%, and Phase IV - 100%.

In addition to the officers in field training, the Chief informed Commissioners that he had an officer in the academy that was expected to graduate in January 2012

Chairman Mangiafico. questioned where the money for the field training came from. Chief Kehoe indicated that originally the State Legislature increased the dollar amount of the infractions with the understanding that increase in revenue would pay for the training. The Chief noted that although the fines had been increased almost tenfold what they were they had not seen any of that money as of yet.

Commissioner Faxon asked if the Department had seen any rebates from the infractions fines and Chief Kehoe that they received approximately \$2,000 or \$3,000 from the select 10 or 12 offenses that come back. Commissioner Faxon asked if the Town received money back from the speeding infractions and the Chief said no.

Commissioner Faxon asked if the Chief if he had any idea what the gross revenue was that the Town generated for the State in infractions. The Chief said no but he could work up a report. Commissioner Faxon noted he was interested to know what the Town gets back especially with the effort they put in. Chief Kehoe agreed and reminded commissioners that Newtown does things that many towns don’t such as its heavy truck enforcement, adding that the Town often makes \$5,000 to \$7,000 in infractions for the State a stop. Commissioner Faxon expressed his concern that Town works hard generating money for the state without getting anything in return. He noted that the Town pays the officers to do their job and write the infractions, but sees no return.

Lieutenant and Sergeant Positions - Chief Kehoe reported that the Lieutenant and Sergeant positions were filled at the special meeting November 22 and would commence January 1, 2012.

Budget – Chief Kehoe went over the budget with Commissioners line by line. Chairman Mangiafico. asked why some items came in at 100% and some came in at 20%. The Chief indicated that the budget was a snap shot of right now.

In regards to the new budget, the Chairman asked who presents the budget. The Chief stated that last year he, the Captain and the Chairman met with the subcommittee of the Legislative Council and noted that at the Chairman was present at the Board of Selectman meeting.

Chairman Mangiafico. asked if there was schedule and the Chief indicated it was a very loose schedule. The Chief noted that when they first develop a budget he meets with the First Selectman and the Finance Director to go over it line by line. He added that the format of the budget is new this year.

Fleet - Chief Kehoe reported that the fleet was status quo. He informed Police Commissioners that the department had two new vehicles waiting to be introduced into the fleet. The Chief added that they needed to hasten this process due to mechanical issues involving two of their older vehicles – one has a blown engine and the other is down for repair.

Training Report – Chief Kehoe noted he had two reports for the Board – Oct. 2011 and Nov. 2011. He informed commissioners that they had received two very detailed reports in their packets with all the training required by the state and the department.

The Chief was pleased to report that Officer Wood had been selected for Drug Recognition Expert (DRE) training and was #1 in her class. He noted that she was already trained by the State of Arizona as a DRE and noted that she was one of the first 30 officers to be selected for this training by the State of Connecticut. The Chief indicated that the next training will be in Arizona and informed Commissioners that this was all paid for by state and federal government grants.

Commissioner Faxon asked what percentage of the stops were drug related and the Chief indicated he was not exactly sure, but noted that they had seen a greater increase of people being perceived as under the influence of drugs.

Captain Rios stated that the DRE could not only be used in traffic stops but also for family crisis situations.

Supervisor Training Program – Chief Kehoe reported that the supervisors were participating in a team building program which is comprised of four 4-hour workshops.

Letters of Gratitude – Chief Kehoe noted the letters were in their packets.

Correspondences – The Chief reported that the Department had received several correspondences which were in the Commissioners' packets.

Chief Kehoe told commissioners that the Department had finally gotten the approval from State regarding the Castle Hill Road speed limit. He added that now they are going to change the speed limit signs.

Chairman Mangiafico. questioned the fact that the speed limit on Castle Hill Road was posted at 25 mph when the speed limit was actually 30 mph and so they had to request the speed limit be reduced to 25 mph. The Chief explained to the new Chairman that the State Traffic Commission mandates the posted speed limits on all the roads. He noted that the department had been looking into all the road signs in Town and correcting the ones necessary in accordance with the State approved limits.

AAA Awards – According to Chief Kehoe, he and the Captain went to the National AAA Awards and the department received a Silver Award for the traffic safety initiatives.

Jean Sandler Letter – The Chief told commissioners that the letter was part of an ongoing issue regarding the unnecessary noise in her neighborhood. The Chief noted that the department has put an effort into targeting loud motorcycles.

Captain Rios noted that they give the driver of the motorcycle a written warning to get the bike inspected by the DMV. He indicated that if the bike is found in violation then the driver is fined.

Connecticut Magazine – Chief Kehoe reported that Connecticut Magazine ranked Newtown 4th in the State being safe against crime

Holiday Related Initiatives – The Chief informed the Board that they were participating in Toys for Tots, Stuff the Cruiser on Dec. 17, 2011 at Big Y, and the Mitten Tree located in the lobby of the Police Department.

DUI Grant – Chief Kehoe reported that the department had submitted for a grant for DUI initiatives. He noted that the Department received the \$86,000 grant which will fund DUI initiatives from the month of November through October of the next year.

Response to Storm Alfred – Chief Kehoe commended all the officers in the field during the very difficult time caused by Storm Alfred that struck on October 27. He noted that throughout the storm and everyday afterwards the officers patrol despite down trees and power lines. In

addition, the Chief explained that the Officers also were transporting residents to shelters. Chief Kehoe added that the overall task was a combined effort of town officials.

CAPTAIN'S REPORT: Independent Analysis Report November 2011 – Captain Rios reported that for the first couple of weeks in November the department was busy with the storm, however he noted that the Motor Vehicle activity was still up 49% over last year. In addition, the Captain indicated that in the past 30-day period the department had 6 DUI arrests.

Traffic Enforcement Unit (TEU) November 2011 – Captain Rios reported that the Traffic Unit made 88 traffic stops.

Click It or Ticket - The Captain noted that they are participating in a 4-town “Click It or Ticket” program November 28-December 12. He explained that the program is done in three stages – the preliminary survey, enforcement of the law and then a post survey.

Distracted Driving – Captain Rios informed the Board that the department recently completed its Distracted Driving campaign which ran from November 14 – November 30 targeting motorists using cell phones and other distracted driving. He indicated that they made 147 contacts and were very successful in combating it. Commissioner Faxon asked if the Distracted Driving push was ongoing and the Captain said yes.

Detective Division Report November 2011 – Captain Rios reported that the detectives had been part of a major drug bust with the help of an officer in Statewide. The Captain congratulated the officer for making this effort work. Chief Kehoe noted that the bust of a local man and woman yielded 1000 Oxycontin (Oxycodone), 750 Xanax (Alprazolam), and \$130,000 in cash. Chairman Mangiafico. asked what happens to the seized \$130,000. The Chief stated that the department makes a request to have a portion of the seized funds. Commissioner Viadero added that typically the majority – approximately 75% - goes to the home agency.

UNFINISHED BUSINESS:

Discussion and action on request for stop signs at Glenmor Drive and Taunton Ridge Road - Chief Kehoe indicated that commissioners had a follow-up report in their packets from Officer Ketchum in response to residents that were concerned that what was being done to correct the problem didn't make sense. The Chief explained that after revisiting the area it was Officer Ketchum's recommendation to leave it status quo without the stop signs because of the configuration of roadway.

Commissioner Faxon told fellow commissioners that he had driven down the road today and stated that there was plenty of visibility. He agrees with the report to keep it status quo.

Discussion and consideration on subcommittee reports of the Strategic Goals and Objectives for the Police Commissions – Labor Relations – Chief Kehoe noted that commissioners had received an update from Union President Ruszczyk earlier and hoped that Dr. McCabe will have his report in 6 weeks. Commissioner Viadero reported that there was a set line of communication with the Union. He noted that President Ruszczyk stepped in and the Union asked for participation and an impartial employee job satisfaction survey. Commissioner Viadero told commissioners that Dr. McCabe, a retired NYPD inspector, was contacted to do the survey and he did it at no cost.

Chairman Mangiafico. asked the objective was and Commissioner Viadero indicated there was concern regarding the tenuous relationship between the administration and Union management. He noted that this will help mediate and launch initiative.

The Union President added that the entire Union asked for this – a third person perspective of what's going on.

Commissioner Viadero suggests that if the report is completed by the end of December he would like it put it on the agenda for January. Commissioner Budd indicated that it should be in executive session and Commissioner Viadero agreed. Union President Ruszczyk indicated that

he would lean towards executive session because it was really not for public consumption. Chairman Mangiafico. agreed.

Commissioner Viadero indicated that the survey is solely focused on employee management relations so the initial discussion should be in executive session.

Sidewalks – Chief Kehoe informed the new commissioners that the Board had made recommendations that they could such as the crosswalk at Meadow and Glover and the flashing lights at the Middle School. The Chief added that the monies set aside for the flashing lights were from State grants that never went through.

Commissioner Budd told new commissioners that every year the Board tries to come up with small committees for various issues. He noted that the committees are comprised of two members and are bipartisan. Commissioner Budd suggested that commissioners saw issues of concern that they bring them up to the Chairman or himself.

Speed Tables on Key Rock Road – Chief Kehoe reported that the speed tables were put in on Key Rock Road last week. He stated that they were going to monitor the speed bumps for the next two years and noted that this was the first time in the community that speed tables have been put on a road.

NEW BUSINESS:

Discussion and action on 12 Queen Street project – Commissioners heard Dr. Beck’s request to relocate the exit driveway and change the zone from residential to commercial. Chief Kehoe noted that there was concern regarding the proximity of 12 Queen Street to the traffic light. Dr. Beck noted that he has a total of 20 patients and the majority of them are students who could walk to his office. He explained that after his current office was destroyed by the storm and flooding, Jean St. Jean helped him to fast track the new office.

Commissioner Viadero moved to approve the 12 Queen Street project if the necessary approvals by Planning and Zoning are obtained. Subsequent to these approvals, the Board of Police Commissioners will make a motion to approve the rest of the project. Commissioner Budd seconded and the motion was unanimously approved

Discussion and action on budget transfer for FY 11-12 Budget – According to Chief Kehoe in 2011/2011 budget didn’t allow for any more improvements such as the cost of hiring. He indicated that the department transferred \$4000 to cover cost, but it is now short \$322.

Commissioner Faxon moved to transfer \$322 from Account 01310-1003, Sworn Personnel, to Account 01310-2015, Police Recruitment. Commissioner Budd seconded and the transfer was unanimously approved.

Discussion and action on Town Wide Traffic Safety Message – Chief Kehoe informed the new Police Commissioners that the Board is looking at a theme or message, as part all the initiatives in Town. He indicated that the Board wanted to look at the various slogans in Town and stated that a list of 20 of them had been put together and was in their packets. The Chief suggested the commissioners take a few minutes to read through them and add any if they wanted to, and noted that they only needed to come up with only one.

Commissioner Sachs suggested #9 “Drivers are Nicer in Newtown” because it was in line with the Town’s slogan “Nicer in Newtown.” The Chairman and other Commissioners agreed.

Commissioner Sachs moved to adopt the Town Wide Traffic Safety Message “Drivers are Nicer in Newtown.” Chairman Mangiafico. seconded and the motion unanimously carried.

Discussion and action on FY 12-13 Police Budget – Chief Kehoe asked the Board to review the proposed FY 2012-2013 Police Budget and indicated that line items 2001 to 2007 were all new. He noted that the budget was amended last year to include the new items.

Commissioner Faxon asked what the length of the Chief’s contract. The Chief indicated he had a 3-year contract. He added that it had expired and he was working on it with the First Selectman.

Chief Kehoe indicated that there was a spread sheet in their packet which list the base pay of all the sworn personnel. He added that they were going to a 4.2% increase.

Chairman Mangiafico. questioned what portion of the 4.2% are step increases. Commissioner Budd noted that it was about 2% and suggested that it seemed like a slim budget

Commissioner Sachs questioned the cost of computer operations and indicated that the cost of storing data was much cheaper.

Commissioner Faxon asked how much requested by the department was trimmed in last year's budget cycle – what was asked for and what went before voters. The chief referred to a document in the commissioners packets and noted that each line item was reduced at various points in the budget cycle. Commissioner Budd suggested that it was a good document to look over.

Chief Kehoe asked Police Commissioners to make a motion to put the budget before the Board of Selectmen. Commissioner Budd asked the Chief what items the department is underfunded on such as the cars. The Chief indicated that last year a car was cut from the budget and the year before that; and he stressed that it was going to be tough to catch up. He reiterated the fact that they just had a blown engine on one of the cruisers and noted that was a result of not replacing the vehicle. Commissioner Budd expressed his concern that an officer could be responding to an important call and the car could breakdown. Chief Kehoe noted that prior to 2001 the department had a plan of taking cars out of service and feeding them to personnel. He added that this year they were only replacing one and suggested that next year they might have to replace 5 or 6.

Commissioner Sachs asked if the department had a policy to replace vehicles and the Chief said yes. Chairman Mangiafico. expressed his concern about the situation and suggested that he will approve the budget based on the fact that Board will look into this further.

Commissioner Faxon stated that he was comfortable with sending the budget forward but noted that if some red flag sticks up he will bring it to someone's attention.

Commissioner Faxon moved to approve the draft of the proposed FY 2012-2013 Police Budget on the amount of \$5,097,304 and present it to the selectman's office. Commissioner Sachs seconded and the motion was unanimously approved.

Discussion and action on Policies: Medical Collection and Disposal Program #8-25 and Show-Ups, Photographic Identification and Live Lineups #5-11 – Chief Kehoe noted that the Medical Collection and Disposal Program #8-25 was in regard to moving the drop box inside the Police Department guaranteeing the security of the prescription drugs. He noted that they wanted the prescriptions out of residents' medicine cabinets that are often an attraction to youths.

Commissioner Sachs added that the purpose was also environmental.

Chairman Mangiafico. stated that he thought this was a great idea.

Commissioner Sachs moved to adopt the Medical Collection and Disposal Program #8-25 policy. Commissioner Viadero seconded and the motion was unanimously approved.

Chief Kehoe apprised Commissioners of the Show-Ups, Photographic Identification and Live Lineups #5-11 Policy. He indicated that the department will uses a double blond photo array and sequential identification system. The Chief explained that a sequential identification means that instead of putting down eight photos in front of a witness or victim to identify a suspect the photos will be placed down one after another. He also explained that a double blind photo array means that neither the victim/witness nor the person delivering the photo array knows the suspect. Commissioners Budd and Viadero noted what they believed was a necessary correction to the policy suggesting that where it says “apprehended suspect is brought back to the crime scene” should be updated to read “bring the victim/witness to wear the suspect is being held.”

Commissioner Faxon moved to adopt Show-Ups, Photographic Identification and Live Lineups #5-11 policy. Commissioner Viadero seconded and the motion unanimously carried.

PUBLIC PARTICIPATION: none

COMMISSIONER'S PARTICIPATION:

Commissioner Faxon stated that the meeting was very informative and he was looking forward to doing it regularly.

Chairman Mangiafico. questioned why grievances appear before the Board of Police Commissioners but not be part of the process, noting that they presently go from the Police Department directly to the First Selectman. Union President Rusczyk indicated that the Police Union had tried to affect this but the town objected to it.

Commissioner Viadero asked Chief Kehoe for information on closeouts for internal complaints – two in particular: a domestic situation where persons thought officers acted outside their scope of activity and another situation regarding an alleged assault of a child.

Chairman Mangiafico. thanked the Chief and Captain for helping the new Board members. He added that he thinks continuity is very important. The Chairman also thanked his Vice-Chairman, Commissioner Budd, for handling the meeting that evening.

The Chairman offered up several recommendations he had regarding how the meetings would be chaired:

- 1) The meetings will start on time.
- 2) The meetings should go on as long as necessary but suggests that some things can be handled on a consent agenda to save time
- 3) Move items up in the agenda to avoid having participants wait

Finally, Chairman Mangiafico. thanked the former commissioners not present at the meeting for the good work they had done for the town.

DISCUSSION AND POSSIBLE ACTION UPON STRATEGY AND NEGOTIATION WITH REGARD TO PENDING EMPLOYEE GRIEVANCES: none

ADJOURNMENT: Commissioner Faxon moved to adjourn at 9:54 pm. Commissioner Viadero seconded and the motion was unanimously approved.

Ted Swigart, Clerk