



TOWN OF NEWTOWN
BOARD OF POLICE COMMISSIONERS

MINUTES FROM THE BOARD OF POLICE COMMISSIONERS
REGULAR MEETING HELD TUESDAY, August 4, 2015
TOWN HALL SOUTH CONFERENCE ROOM
3 MAIN STREET, NEWTOWN

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

Chairman Mangiafico called the regular meeting to order at 6:30 p.m.

PRESENT: Brian Budd, Joel Faxon, Andy Sachs, , and Paul Mangiafico

ABSENT: Virgil Procaccini

ALSO PRESENT: Chief Michael Kehoe, Captain Jose Rios, Union President Scott Ruszczyk, Michael Galante Executive Vice-President and traffic engineer at Frederick P. Clark Associates, John Whelan of Gregory and Howe, Inc., Beth Scanlon Program Administrator at Connecticut Conference of Municipalities (CCM), 1 member of the press, and 3 members of the public.

PUBLIC PARTICIPATION: Joan Getty, the Regency, said she heard the high school had approached the Board of Police Commissioners about opening emergency gate to allow teachers and staff to use it. She indicated that 50-75 cars would be using the entrance each day and stressed how dangerous the main road was already without the use of that emergency gate. Ms. Getty questioned why the teachers and school staff were allowed to use the emergency entrance but everyone else can't. She told the Board she is not opposed to the emergency access road being used but recommends the Town fix the situation to make it safer.

Chairman Mangiafico stated that the school authorities had made a request through the First Selectman allowing 30-50 teachers to use the access road. He noted that originally the road was designed strictly for emergency vehicles only. The Chairman said he would put the item on the Board's next agenda for discussion.

UNION PARTICIPATION: Union President Ruszczyk stated he had nothing to report.

CONSIDERATION AND ACTION ON THE MINUTES: Regular Meeting June 2, 2015 -
Commissioner Faxon moved to accept the minutes from the Regular Meeting June 2, 2015.
Commissioner Budd seconded and the motion was unanimously approved.

To accommodate those in attendance with regard to specific items on the agenda, Chairman Mangiafico recommended that the items pertaining to the Discussion with regards to Main Street and Church Hill Road and the discussion on Drug Policy and Procedure be heard first.

OLD BUSINESS:

Discussion on Drug Policy and Procedure – Mrs. Scanlon from CCM introduced Mr. Whelan from Gregory and Howe to tell the Board a little about the company he works for and the drug and alcohol detection and testing service they provide while working closely with CCM and the municipality they are servicing.

According to Mr. Whelan, Gregory and Howe has been working with CCM since 2002, doing drug and alcohol testing of CDL drivers and municipal employees. He told the board that they provide tests of a certain percent of the employees based on the policy and procedures of a municipality using a computer generated random selection.

Mr. Whelan indicated that they have been working with the Town's Highway Department employees as well as for other municipalities and police agencies. He stated that they are currently working with Police Departments including Danbury, Westport, Wilton and Shelton. He added that they provide drug training programs and education with the Towns and are available 24 hours a day, 7 days a week for their clients.

Chairman Mangiafico asked Mr. Whelan to give the Board a specific example of what they do. First, Mr. Whelan said. They are provided a list of employees chosen through random testing process.

Second, he said. They set up the testing in accordance with the Town's police for that quarter. The list of 25% of the employees provided through computerized random selection or whatever the parameters are based on the municipality's policy.

Mr. Whelan suggested that it is possible 1 person could be picked every time or never based on the computerized random selection.

Third, he said. The employee would be notified the day they show up for their shift. He added that the municipalities chose the dates and times that are best.

Commissioner Budd asked how they charged for it given the fact they might have to come and test multiple times for one given batch.

Mrs. Scanlon said they charge a flat fee for the year. Typically \$80 per employee for the year but the amount is split with a January invoice and a July invoice so municipalities don't have to pay the full amount all at once.

Commissioner Faxon asked what drugs are found in the urine and which are found in the blood. Mr. Whelan explained that they only do urine testing for drugs. He indicated that typically they do a panel screening for top drugs – Marijuana, Cocaine, PCP, Opiates and Amphetamines; but added that some municipalities and departments require a steroid test as well. He added that the steroid tests generally run \$250 per test and are usually administered to 25% of those randomly chosen to be screened.

Additionally, Mr. Whelan noted that many of the municipalities and departments follow the DOT regulations – 50% tested for 5 panel and 10% are tested for alcohol. He informed the police commissioners that the alcohol test administered is the DOT standard breath test. He added that is the breath test is over .02 a second test is administered 15 minutes later and if that one is over .02 then the individual is removed from the job for safety. According to Mr. Whelan, the second test is administered 15 minutes later to remove a false positive caused by use of mouthwash or breath-spray for which the alcohol would evaporate after that period in time.

Chairman Mangiafico told those in attendance that the reason they were discussing this was due to complaint made in May against two employees one of which was a police officer. He reminded them that the Board had said in a press release on May 15 that they review policies and Article 28 of the Collective Bargaining Agreement. He added that the Board agreed policies and procedures need to be adjusted.

Chief Kehoe said their agency discussed the policies and shared their thoughts with the Union President who suggested that the Union would be happy to talk to the Bridgeport Policy.

The Chief noted they had a few options – adjust their policy to match the Bridgeport Policy or adopt the Bridgeport Policy as it is.

Chairman Mangiafico asked when, and Chief Kehoe suggested they could have it for September. Chairman Mangiafico asked fellow police commissioners how they felt.

Commissioner Budd said Stratford had just ratified its TA April 28. He indicated it was a hybrid of other Town's policies. He handed out a copy of Stratford's policy for the Board to review.

Chairman Mangiafico suggested police commissioners review the policies for next month's meeting so they could decide what they wanted to do.

Union President Ruszczyk stated that wanting to open the contract was not a simple thing but he stated that the Union agreed with Bridgeport's policy in theory.

Chairman Mangiafico noted that the item would be on the agenda for next month. He thanked Mrs. Scanlon and Mr. Whelan for attending the meeting and offering their input, and they left the meeting at 7:02 pm.

Discussion on Main Street and Church Hill Road – Mr. Galante addressed Police Commissioners suggesting that he was asked to do a traffic study regarding the intersection at the Flag Pole. He handed out copies of two different aerial images to Board members as well as a “draft for discussion purposes only” of a “Proposal to Provide Traffic Evaluation/ Conceptual Intersection Improvement Plans – Modifications to Main Street/Church Hill Road/Center Street Intersection (Flag Pole Intersection)” in Newtown.

Chairman Mangiafico recalled that back in January Mr. Galante had submitted a proposal regarding the area to Mr. Benson. He asked if it was related to Hook and Ladders' request for a new fire station. Mr. Galante said that it wasn't related to the fire station but it was around the same time.

Commissioner Faxon then asked if the proposal was for discussion regarding remedies for flag pole but that concepts for signal were not suppose to be part of the proposal. Mr. Galante stated that was correct and added that he heard nothing after that.

Mr. Galante informed Police Commissioners that this proposal considers 4 recommendations which include signalization. He said the proposal addresses the safety concerns regarding accidents and pedestrians. He suggested that although a study was done before the new proposal suggests the following options be considered: Maintain current traffic control (STOP signs on side road approaches); Signalization; Roundabout; Current traffic control, with pavement marking modifications (lane designations); Signalization, with pavement marking modifications (lane designations); Turn restrictions; On-Street parking removal/relocation; and, Combinations of each of the items noted.

Mr. Galante reassured everyone that the Flag Pole stays but suggested that they may have to remove parking in the area around the Flag Pole.

He stated that they would be doing 12-hour traffic counts after school begins any time from September on but before the cold weather sets in to get the best traffic and pedestrian counts.

Mr. Galante informed the Board that from the data collected they have different types of warrants - DOT (Department Of Transportation) Standards - capturing peaks. He said that if warrants meet standards they would need the Boards approval to move forward as well as the approval of the State DOT and ultimate approval from OSTA (Office of the State Traffic Administration).

Mr. Galante stressed that pedestrians and their safety were important.

He told the Board that they would be looking at approaches to the intersection' parking, pavement width, posted speed limit, crosswalks, sightlines, and traffic counts.

Captain Rios asked Mr. Galante if his report would indicate the impact within the Borough (i.e.) diverted traffic.

Mr. Galante said he was not suggesting they analyze that in the proposal, but recommended they wait and see what the results are. He added that he would make a note of it.

Chief Kehoe suggested that parking in the area of the Flag Pole was very different because of the churches and Captain Rios added that there was also probably more pedestrian traffic.

Mr. Galante said he would look into it.

Commissioner Faxon asked what the time frame of the study would be and Mr. Galante said it would be done in September or October. Commissioner Faxon questioned if they could have a discussion in November or December; and Mr. Galante said yes adding that the data collection would take two weeks.

Mr. Galante recommended that at some point they have a discussion with DOT as DOT would welcome input from the Town. He added that the DOT had welcomed input from the Town in the Sandy Hook center study.

Chairman Mangiafico pointed that this has always been a very touchy subject. He said some have privately argued with this Board that this Board and the Boards before it have done nothing and others have argued the opposite and to leave it alone. He added that it was a touchy subject with the Borough because of the Flag Pole.

Chairman Mangiafico said he wants a thorough analysis done with recommendations and said he doesn't want to spend more money on a study just to have it sit in a drawer. He added that it has to be done and done for the good of the town.

Mr. Galante indicated that traffic volumes are just trying to come up again and that there is also a significant change in traffic patterns. He said that trucks are switching from 95 to 84 corridor and people are switching from the 84 corridor to roads like Route 25. Mr. Galante added that he would rather have congestion at the risk of making it safer.

Commissioner Budd stated that public safety is the priority to the Board of Police Commissioners and if the commissioners are not open to new ideas to improve public safety they are not doing their job.

Chairman Mangiafico suggested that Mr. Galante add truck traffic turning restrictions to his list of options. He told Mr. Galante that unless there was an objection he had the green light to continue.

Mr. Galante said he would make the adjustments, such as truck turning and making counts for weekend activity, and update his proposal.

Chairman Mangiafico thanked Mr. Galante and he left the meeting at 740 pm.

CHIEF'S REPORT: Personnel – New Hires - Chief Kehoe reported that the two new officers Thibodeau and Pereira were off probation and on the road. **SROs** - The Chief also indicated that two of the Department's SRO's Penna and Smith had decided not to return to their assignments for the coming school year. He added that the Department has a plan of action to meet the needs of the school district and added that Officers Seabrook and Chapman would cover the positions. The Chief suggested that the assignment as an SRO is difficult as it is Monday through Friday job that limits the opportunities for the officers to earn extra income from side jobs. Captain Rios commended Officer Penna for his work as an SRO over the past 7 years and added that Officer Penna did a fine job. **Budget** – The Chief informed Commissioners that he had nothing for the 14/15 budget regarding the final numbers. **Fleet Report** – Chief Kehoe said there was nothing. **Training Report** – The Chief told the Police Commissioners they copies of the three training reports in their packets. **Letters of Gratitude** – Chief Kehoe reported that he had received several letters of gratitude which were in their packets as well as the **Correspondences**. **Alarm Ordinance Update** – the Chief indicated that he had met for about an hour with Brian Neff of the Ordinance Sub-Committee of the Legislative Council who said they are beginning to craft an ordinance change. Commissioner Faxon stated that given the amount of unnecessary hours staff spend responding to false alarms, he thinks this should be approached with some earnestness. He

added that the Ordinance Sub-Committee should have ideas by now as they have all the material. **PD Space Needs Update** – Chief Kehoe told the Board that he did meet with that group and they made a preliminary draft and presented it to the Board of Selectmen. **3 feet sign update** – The Chief reported that the Public Works Director Fred Hurley indicates it is ongoing. **Key Rock Road Update** – Chief Kehoe reported that Mr. Hurley expects Key Rock Road to be done in the next few months. The Chief informed the Board that Queen Street would be closed for some time and that Mr. Hurley indicated the project would take until October. He added that Mr. Hurley hopes to have the speed tables on Queen Street back before the snow. **Double Yellow Striping** – Chief Kehoe told Police Commissioners that most of the municipalities have double yellow lines. The Chief suggested double yellow striping on the Town roadways and widening them enough to allow two cars to pass.

CAPTAIN’S REPORT: Calls for Service Reports: May 1, 2014 to June 30, 2015: Captain Rios reported there were 1528 motor vehicle stops, 16 DUI arrests, and 81 total cell phone violations which included 27 infractions and 54 written warnings. **Traffic Unit Report for June through July 2015: Written Report Sgt. Aaron Bahamonde:** The Captain indicated the report highlighted that the Traffic Unit was busy with enforcement – approximately 101 motor vehicle stops, as well as responding to complaints and taking part in various other activities. **Patrol Division Report: June 2015: Written Report Lt. Vanghele:** Captain Rios indicated that the new report was in their packets and highlights cases and grants. He reported that the High Risk Rural Roads Grant offers officers overtime conducting speed enforcement and that the Department purchased two new E-ticket printers and is hoping to have them online in September. **Detective Division Report for June - July 2015 – Written report by Lt. Robinson:** Captain Rios stated that burglaries were down and the report indicated that there were 3 burglaries, 11 larcenies, 1 sex offence, 3 narcotics charges and 5 fraud/ bad checks. **DUI Check Point:** The Captain said the check point was held from 7 pm to 3 am July 31 through August 1 by the Reed School and added that he would give commissioners the report next month.

OLD BUSINESS (continued):

Update on Police Chief Search – Chairman Mangiafico reported that the posting for the Police Chief position has been up for several weeks and will be taken down the end of August. The Chairman informed the Board that they have three applicants so far.

NEW BUSINESS:

Body Camera Discussion: Captain Rios stated that he was aware Commissioner Budd had sent out several articles. He said that the Department was looking at Body Cameras several months ago and he continues to look very slowly with caution as there are many types. The Captain stated that the Department currently has in-car cameras and is looking ahead to body cameras used in several departments such as East Haven, Madison, Redding, Westport, and Hamden. Captain Rios stated that the reasons for Body Cameras are: improved accountability beyond scope of in-car cameras and statistics done regarding cost and benefit of Body Cameras based on complaints.

The Captain suggested the limits of the Body Cameras were as follows: they don’t follow the officer’s eyes; if officer gets into physical confrontation body camera could be blocked; difficult to judge distances as depth perception is not picked up, privacy concerns – when on when off, retention periods, data storage issues and related costs, and trust concerns raised by officers. Captain Rios noted that in regards to trust concerns he thinks Body Cameras would support an officer doing their job 90% of the time.

Captain Rios stated that he didn't look at the true costs. He said there are various vendors out there with price ranges from \$400 to \$700. The Captain added that they are looking at 45 to 55 cameras and those initial costs don't include docking stations, licensing and storage costs. Captain Rios reported that the State of CT is starting a pilot program to outfit State Police Officers with Body Cameras. The Captain said he is treading slowly waiting for the State to take the lead. He noted that State Law will require Troopers and University Police Officers to wear Body Cameras but it doesn't require municipal police to wear them.

Captain Rios suggested that if Panasonic (which provides Newtown Police Department's in-car cameras) would provide Body Cameras it would make it easier for them to tie in.

Commissioner Budd suggests they get everything in order, and line up costs and support; and if the State indicates they have to have Body Cameras – they are ready.

Chief Kehoe noted that the money for them won't be available until 2017 and suggested that it might be to the Town's benefit as the capability of capturing images on the devices may vastly improve.

Commissioner Faxon supports the use of the body cameras. He said that the vast majority of the interactions are going to exonerate the police officers. The Commissioner said he does this for a living as an attorney and said there is much more of an advantage of having audio body cameras vs. not having them. He added that it was good for training and for promoting as the police commission has a record of past appropriate conduct.

Chairman Mangiafico expressed concern about what the Captain had said regarding the pros and cons of the Body Cameras and said he wasn't sure whether the Captain was in favor of them or not.

Captain Rios stated that he was in favor of Body Cameras but that he didn't want to jump into it. He said he is in favor of it as long as it is done properly and the proper training is provided.

Chairman Mangiafico said he is in favor of the use of them but also agrees they have to be careful how they use them and have policies. He added that there has to be a discussion of the pros and cons of the use of them but added that he personally thinks it's an aid.

Chairman Mangiafico asked everyone whether they were in favor of the Body Cameras. The Captain said yes. The Chief said absolutely. Commissioner Sachs said he was concerned about the cost but was in favor of their use. Commissioners Budd and Faxon said they were in favor as well.

Chairman Mangiafico asked the Chief and Captain to let them know if they feel there are any significant changes.

Discussion on Open Dialogue – Prior to starting the meeting, Chairman Mangiafico handed out a letter he had written regarding the need for open dialogue. He told the Board that he has had this concern for a long time that they, as a Board, don't facilitate an open dialogue with the public.

The Chairman indicated that Boards and Commissions don't have to let people speak during the meeting and if they do they can restrict them to only speaking about things on the agenda.

Chairman Mangiafico suggested that when 5 or 6 people are speaking and asking questions it can take up a considerable amount of time. As a solution, he believes that once every three or four meetings the Board should hold a meeting where there is nothing on the agenda so there can be an open dialogue with the public.

Commissioner Sachs said he thought it was a great idea. Commissioner Faxon agreed.

Commissioner Budd said he thought the Board had made tremendous strides in that area and that the Chairman had done a fantastic job adding a second public participation at the end of the agenda. Commissioner Budd said that although he is not opposed to the idea, he doesn't think it's necessary. He said he believes they address the public's concerns on a monthly basis.

Chief Kehoe said he agrees with everything that has been said.

Chairman Mangiafico indicated that he hopes The Bee would publicize this. He suggested that he doesn't want to tie it into an agenda. The Chairman added that he wants to do this so that people can talk to the Board about whatever they want.

Chairman Mangiafico asked fellow police commissioners if they believed he should move forward with this and they all said yes.

Secondary Employment Request – Chief Kehoe informed the Board that Lt. Vanghele had request approval for secondary employment. He said the Lieutenant had done a significant job explaining and that his start date was July 23, 2015. With regards to the request, the Chief said that Lt. Vanghele is paid to speak to emergency management. Chairman Mangiafico said he sees no problem with the Lieutenant's request.

Commissioner Faxon moved to permit the Secondary Employment Request of Lt. Vanghele. Commissioner Budd seconded and the motion carried unanimously.

Revision to Policy and Procedure: Investigation of Employee Misconduct Citizens

Complaints and the Disciplinary Process – Chief Kehoe commended those who assisted him with the revisions to the policy.

Commissioner Budd indicated that he would like to see the State's policy and suggested they table the item.

Chief Kehoe said he had a copy of the statewide policy. He added that the policy was generated from the ACLU report of 2012.

Commissioner Budd indicated there were several parts of the policy he was uncomfortable with and he asked Union President Rusczyk if he had looked at it. Union President Rusczyk said that the only thing they agreed to was the amount of time of investigation. He added that POST dictated everything else.

Chief Kehoe said there were some traps there but it was the job of the Chiefs and commanders to look at that.

Union President Rusczyk said that he went through the revisions in the policy thoroughly with the Chief and there was not a lot of difference.

Commissioner Budd said he was comfortable with it if that was the case.

Commissioner Faxon stated that he was not really concerned about the content adding that if a person making a statement is intoxicated it would be realized and if a 13-year old makes a complaint it would go back to the parent.

Commissioner Budd suggested that if a person is intoxicated that should be video monitored when making a statement.

Captain Rios added that they still would look to prosecutor's office for guidance.

Chief Kehoe suggested that they could adhere to the policy and still be fair balanced.

Commissioner Faxon moved to accept the revised Policy and Procedure: Investigation of Employee Misconduct Citizens Complaints and The Disciplinary Process. Commissioner Sachs seconded and the motion was unanimously approved.

COMMISSIONERS PARTICIPATION: None

PUBLIC PARTICIPATION: None

ADJOURNMENT: Commissioner Faxon motion to adjourn at 8:55 pm. Commissioner Budd seconded and the motion was unanimously approved.

Ted Swigart, Clerk