

Old Saybrook Police Commission

Regular Meeting

April 24, 2023

MINUTES

A regular hybrid meeting of the Old Saybrook Police Commission was held on Monday, April 24, 2023. The meeting was recorded and can be viewed in its entirety at <https://youtu.be/h4M7Fd4WVMA>

Present: Chairman Wilcox, Vice Chairman Shippee, Secretary Notar-Francesco, Commissioners Manning, Maselli and Von Dassel. Commissioner Calle was present virtually. Chief Spera and Captain DePerry were present from the Department of Police Services.

I. Call to Order / Pledge of Allegiance (0:22)

Chairman Wilcox called the meeting to order at 6:30 PM and led those in attendance with the Pledge of Allegiance.

II. Comments from the Public (0:46)

Linda Mahal commented.

III. Discussion and Possible Action on the Meeting Minutes for: (1:58)

a. Regular Meeting – March 27, 2023 (2:00)

Secretary Notar-Francesco made a motion to accept the March 27, 2023 Regular Meeting Minutes. Commissioner Maselli seconded the motion. The motion to accept the March 27, 2023 Regular Meeting Minutes passed with a vote of 7 in favor, 0 opposed and 0 abstaining.

IV. Executive Reports (2:15)

Chief Spera stated that there has been much community speculation on agenda item 14 (Discussion and Possible Action to Enter into Executive Session for the Purpose of Discussing the Employment of the Chief of Police). He reassured all that he was not leaving and thanked people for their kind words and concern.

a. FY 23 Operating Budget (2:54)

Chief Spera stated that he wanted to highlight some items in the FY 23 Operating Budget to the Commission.

Chief Spera advised the Commission that the line item “Extra Personnel” will run into the red, but “Salary” will be in the black due to officer vacancies. He also stated that the line item “Holiday Replacement” will be merged with the “Vacation Replacement” line item as part of the annual budget process.

Chief Spera advised the Commission that, even though the “Legal” line item is over budget, he feels that it will not negatively impact the overall budget. He also reminded the Commission that monies will be

put back into the budget from the Outside Jobs account at the end of the year, which will supplement the fuel overages.

b. FY 24 Budget Process (4:52)

Chief Spera stated that May 1st at 6:30PM at the Old Saybrook Middle School is the Annual Town Meeting to send the budget to referendum.

c. Off Budget Accounts (5:18)

Chief Spera stated that the Commission was given summaries of the various accounts in their packets and asked if any Commissioners had questions.

Secretary Notar-Francesco asked about the check to Downes Construction under the PD Insurance/Exchange Account.

Chief Spera stated that it was for the doors that had to be replaced throughout the building following an insurance claim.

d. Personnel Matters (12:13)

Chief Spera updated the Commission on the following personnel matters.

Patrolman Rachel O'Connell, a member of the United States Air Force Reserve, was accepted into an elite leadership school. She is currently out serving her country and will be back on May 8th.

Patrolman Christopher Dwyer is out injured until at least May 3rd.

There were two resignations. Patrolman Anthony Inzitari and Patrolman Tyler Moreau both resigned with no notice, with less than 5-6 hours before the start of their shifts.

Custodian Patrick Hanley remains out on an unpaid one-year leave of absence.

Chairman Wilcox asked if it is correct to say that Old Saybrook did not have to pay for the Police Academy for Inzitari or Moreau.

Chief Spera advised that is correct for Tyler Moreau, but that Old Saybrook will be sending a bill to Waterbury for Anthony Inzitari as he was not CT POST certified when was hired in accordance with state statute.

Chief Spera stated that there are currently four vacancies with no names attached to them, 2 officers are halfway through academy and 1 officer is currently in field training. He stated that the Police Department is operating with 16 full time police officers which is getting close to a critical level.

e. Professional Development Update (13:38)

Chief Spera advised the Commission on the following professional development updates.

Patrolman Egan graduated from the Police Academy and is currently Field Training with Patrolman Milardo and Detective First Class Williams.

Detective Tabor recently attended and completed an advanced interview and interrogation course.

Patrolman Simpson completed the patrol rifle certification course.

Captain DePerry completed his intoxalyzer instructor course.

Chairman Wilcox asked if Chief Spera could prepare a detailed report on how officers are trained in the operation of body worn cameras for the next meeting.

Chief Spera stated that there is more to it than the training. He stated that body worn cameras are worn by Police Officers in Connecticut because it is the law. He stated that there are several different vendors for body worn cameras and all of them in some way, shape or form have passive recording. When a police officer goes to a call for service and the body camera has its power on, it's activated by either a push of a button or when the lights on the police car go on. After that incident the officer returns to the station to write their reports and, when they do so, they can watch their body camera footage. When they watch their video file, they see one minute of passive recording prior to activating the camera. There is no way that a sworn law enforcement officer does not know that it is passively recording because that's the only possible way they could view one minute of video footage prior to the activation of the camera.

Chief Spera stated that on March 31st the Inspector General released a report concerning an officer involved shooting in Norwich. The Norwich Police Department uses the Watchguard Motorola camera systems, same as the Old Saybrook Police Department. The Norwich Police Union is the same Union as OSPD, UPSEU. When the officer who was involved in the shooting was giving his statement to the Inspector General's office, with his union attorney by his side, he said that things were happening so fast that he never had time to activate his body worn camera. Yet, in the inspector general's report there is a link to that officer's body camera footage. All video, no audio. The Norwich Police Department used the passive recording of that officer involved shooting incident to show that their employee was correct in his actions. Same system, similar policy, same union. Why is it an issue here, he asked.

Chief Spera stated that the Department had Motorola do an independent audit of the system. Motorola found that we have downloaded passive video twice. Once for Mr. Zarbo and once for Mr. Dwyer who was working with Mr. Zarbo. There is zero evidence that the Department is viewing passive recordings. Additionally, the Department has a policy stating that you cannot record yourself in the bathroom.

Chief Spera stated that he trusts his police officers to have guns so we have to trust them to turn off or remove the body worn camera when going to bathroom.

Chief Spera stated that the Department is certainly not misusing it. He stated that he feels the claims are ridiculous.

Commissioner Calle asked how long the passive recording lasts.

Chief Spera stated that it depends on how active that individual body camera is. It sits on a thumb drive inside the individual camera.

Commissioner Manning asked if the Chief wears a body camera.

Chief Spera stated, yes, he has a body camera.

Commissioner Calle asked if there has ever been a situation when the Chief didn't have his body camera on.

Chief Spera stated, yes, because he was off duty in his personal vehicle.

The Commission and Chief Spera discussed policy and powering the body worn cameras off when entering into the locker room, using the restroom or entering into a medical facility.

f. Activity Report (33:09)

Chief Spera stated that the activity report was included in packet.

There were no questions on the activity report.

V. Discussion and Possible Action to Support the Recommendations of the Safety, Nonlethal, and Lethal Equipment Committee as Presented by the Chief of Police (33:20)

Commissioner Manning made a motion to table this agenda item to the next regular or special meeting of the Police Commission (whatever comes first). Vice Chairman Shippee seconded the motion.

Commissioner Manning stated that receiving a five-page document on Friday does not allow sufficient time for due diligence. She stated that requesting each Commissioner to contact the Chief over the weekend with questions is not good process. She feels that it merits discussion in Executive Session.

Chief Spera stated that the Chairman asked him to send the memo so the Commission could review it over the weekend.

Commissioner Manning stated that the process is not a good process for the Commission as a whole.

Chief Spera stated that, if the Commission listens to the presentation, maybe some questions would be answered.

Chief Spera stated that it does involve officer safety so he does not want to delay. Also using surplus funds from FY 23 means that purchases have to be made this month.

Secretary Notar-Francesco stated that supply chain issues would also mean that it is best to order soon.

Chief Spera agreed.

Commissioner Manning asked if this has to go to Town Meeting.

Chief Spera stated that it does not.

Chairman Wilcox stated that the explanation in the document provided by the Chief was very compelling and he is not in favor of delaying.

Secretary Notar-Francesco agreed, stating that the document was very extensive.

Vice Chairman Shippee stated that she isn't against the purchase, but it is the matter of process.

Chairman Wilcox stated that, if the Commission had the luxury of time, it would have been far better to have the meeting in Executive Session; however, this is the meeting and time is getting short.

Commissioner Manning reread her motion.

The motion did not pass with a vote of 5 opposed (Wilcox/Notar-Francesco/Calle/Maselli/Von Dassel) 2 in favor (Manning/Shippee) and 0 abstaining.

Chief Spera presented the recommendations of the Safety, Nonlethal, and Lethal Equipment Committee.

Secretary Notar-Francesco pointed the language within in the document: *"The committee was asked to consider safety, industry standards, ease of use, operational efficiency, want vs need, recent events and fiscal impacts."* She thought that this was good language that incorporated the Committee's charge and why all this came together.

Secretary Notar-Francesco made a Motion to Endorse the Police Chief's Plan to Use Existing Operating Funds to Make Such Individual Purchases that Satisfy the Department's Safety, Nonlethal, and Lethal Equipment Committee's Recommendations That Increase Officer Safety and Operational Efficiency. Commissioner Maselli seconded the motion.

Commissioner Manning stated that it was an excellent piece of work and congratulated everyone who worked on it. She stated that she's not against the enhancements but rather against the process.

Vice Chairman Shippee stated that she echoes Commissioner Manning's sentiment.

Chief Spera reminded the Commission that this project satisfies one of his executive goals for the year.

The motion passed with 7 in favor, 0 opposed and 0 abstaining.

VI. Presentation of a New Feature on the Department's Website Designed to Enhance Transparency and Community Engagement (47:18)

Chief Spera presented the new features of the Department's website. Chief Spera walked the Commission and the audience through the new features.

Chief Spera stated that Public Safety Dispatchers Dan Adams and Charles Moriarty worked very hard to put this together and were very responsive to all the revisions he requested.

Chief Spera stated that this project is in concert with one of his executive goals for the year.

Chairman Wilcox asked, what is the cost.

Chief Spera stated that it is nothing. He stated that they are not the only Police Department that has something similar to this.

Chief Spera thanked Dan Adams and Charlie Moriarty for all the work they put into this.

VII. Discussion and Possible Action to Approve the Recommendation for the 2023 Golf Cart Registration Rates. (54:15)

Chief Spera stated that his recommendation is to keep fees the same as last year.

\$25 for the first golf cart registered at a specific address

\$20 for the second golf cart registered at a specific address

\$15 for the third golf cart registered at a specific address

\$45 for an approved vanity plate

Chief Spera stated that this year the Town will accept credit card payments. The costs associated with the credit card fees or the cost to mail the plates would be passed on to the golf cart owner.

Commissioner Manning asked if she can do this online from home.

Chief Spera stated not yet, but at some point they will.

Commissioner Von Dassel made a motion to approve the proposal to keep the rates the same as last year with the addition of any credit card fees and/or postage. Commissioner Calle seconded the motion. The motion passed with a vote of 6 in favor (Wilcox/Notar-Francesco/Calle/Maselli Von Dassel/Manning), 0 opposed and 1 abstaining (Shippee).

VIII. Report of the Sub Committee to Develop a Proposed By-Law Concerning Responsibilities of Commissioners. (58:13)

Secretary Notar-Francesco stated that the subcommittee met on April 6th and had rich and significant discussion. She stated that there was agreement on many points discussed and included. The meeting ended with some differences, but the discussion will be taken up again April 25th at 6:30 PM at Town Hall.

IX. Correspondence (59:23)

All correspondence received has been shared.

X. Comments from the Public (1:01:24)

Linda Mahal commented.

XI. Discussion and Possible Action to Enter into Executive Session for the Purpose of Interviewing a Candidate for the Position of Per Diem Patrolman (School Resource Officer – To Fill an Anticipated Vacancy) (1:06:00)

Secretary Notar-Francesco made a motion to enter into Executive Session for the Purpose of Interviewing a Candidate for the Position of Per Diem Patrolman, inviting Chief Spera and Captain DePerry to join. Commissioner Maselli seconded the motion. The motion passed with a vote of 7 in favor, 0 opposed and 0 abstaining.

The Commission entered into Executive Session at 7:36 PM.

Larry Hayden entered into Executive Session at 7:38 PM for technical matters.

Paul Maturo entered into Executive Session at 7:44 PM.

Paul Maturo exited Executive Session at 8:10 PM.

The Commission exited Executive Session and resumed public session at 8:15 PM.

XII. Discussion and Possible Action to Appoint a Per Diem Patrolman (1:06:58)

Commissioner Maselli made a motion to offer employment as a per diem position to Lieutenant Paul Maturo after the completion of any additional hiring items and at a time determined by the Chief that supports the operation. Secretary Notar-Francesco seconded the motion. The motion passed with a vote of 7 in favor, 0 opposed and 0 abstaining.

XIII. Discussion and Possible Action to Enter into Executive Session for the Purpose of Discussing Matters Related to Collective Bargaining (1:08:20)

Commissioner Manning made a motion to enter into Executive Session for the Purpose of Discussing Matters Related to Collective Bargaining, inviting Chief Spera, Captain DePerry and Larry Hayden to join. Commissioner Von Dassel seconded the motion. The motion passed with a vote of 7 in favor, 0 opposed and 0 abstaining.

The Commission entered into Executive Session at 8:18 PM.

Larry Hayden and Captain DePerry exited Executive Session at 9:01 PM.

XIV. Discussion and Possible Action to Enter into Executive Session for the Purposed of Discussing the Employment of the Chief of Police (1:08:20)

Commissioner Manning made a motion to enter into Executive Session for the Purpose of Discussing the Employment of the Chief of Police, inviting Chief Spera to join. Commissioner Von Dassel seconded the motion. The motion passed with a vote of 7 in favor, 0 opposed and 0 abstaining.

Chief Spera exited Executive Session at 9:23 PM.

The Commission exited Executive Session and resumed public session at 9:48 PM.

XV. Discussion and Possible Action on the Creation of a Citizen's Complaint By-Law. (1:09:29)

Chairman Wilcox stated that he was announcing a change in direction that the Commission in Executive Session has agreed upon. He stated that the Commission is not 100% behind the language suggested by the Chief of Police, but the structure has been very well received. He stated that the Commission has agreed to schedule a special meeting and will bring concrete suggestions to the meeting.

Chairman Wilcox thanked the Chief for the thought he has put into this and the basic structure of his proposal.

XVI. Comments from the Chief of Police (1:10:58)

Chief Spera commented which included thanking the employees of the department for their hard work, especially when there are many personnel vacancies.

XVII. Comments from Police Commissioners (1:12:02)

There were none.

XVIII. Adjournment (1:12:11)

Commissioner Maselli made a motion to adjourn. Secretary Notar-Francesco seconded the motion. The motion to adjourn passed with a vote of 7 in favor, 0 opposed and 0 abstaining.

The meeting adjourned at 9:52 PM.

Respectfully submitted by:

Jennifer D'Amato
Records Clerk for the Old Saybrook Police Commission