

Old Saybrook Police Commission
Regular Meeting
January 24, 2022
MINUTES

A regular hybrid meeting of the Old Saybrook Police Commission was held on Monday, January 24, 2022. The meeting was recorded and can be viewed in its entirety at <https://youtu.be/XSvfWUZFW8>

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

I. Call to Order / Pledge of Allegiance (0:07)

Chairman Wilcox called the meeting to order at 7:00 PM and led those in attendance with the Pledge of Allegiance.

II. Comments from the Public (3:31)

Keith Margotta commented.

A resident of Church Street commented.

Mike Looney commented.

Colin Heffernan commented.

Eric Dussault commented.

III. Discussion and Possible Action on the Meeting Minutes for:

a. September 27, 2021 (13:03)

Commissioner Von Dassel made a motion to accept the September 27, 2021 meeting minutes. The motion was seconded by Commissioner Maselli.

Vice Chairman Shippee stated that item number VII should be omitted as the Executive Session was accomplished under Item VI.

The motion to accept the September 27, 2021 meeting minutes with the above changes passed with a vote of 4 in favor (Wilcox, Shippee, Maselli, Von Dassel) 0 opposed, and 3 abstaining (Notar-Francesco, Calle, Manning)

b. November 22, 2021 (15:17)

Secretary Notar-Francesco made a motion to accept the November 22, 2021 meeting minutes. Commissioner Maselli seconded the motion.

Secretary Notar-Francesco stated that under item "VI. Establish Schedule for Coming Year's Regular Meetings", the alternate dates chosen should be listed. The alternate meeting dates are as follows:

- December 27, 2021 will be held on December 21, 2021
- September 26, 2022 will be held on September 19, 2022
- December 26, 2022 will be held on December 19, 2022

Also, under item XI, Vice Chairman Shippee made a motion to change "*FOI compliant*" not "*complaint*".

The motion to accept the November 22, 2021 meeting minutes with the above changes passed with a vote of 7 in favor and 0 opposed.

c. January 6, 2022 (17:08)

Secretary Notar-Francesco made a motion to accept the January 6, 2022 meeting minutes. Commissioner Manning seconded the motion.

Secretary Notar-Francesco noticed the following errors in the minutes:

- On page 2, paragraph 3, it is written *Commissioner Maselli "understand"* which should be "*understands*".
- Page 3, paragraph 7, it is written *Chief Spera stated that "its"* and it should read "*it's*".
- Page 3, paragraph 9, should read *certain things such as the K9 account "which" has monies in there* rather than "*certain things such as the K9 account has monies in there*"
- She also stated that on page 4 "*technical difficulty*" should read "*technical difficulties*" where ever the phrase "technical difficulty" appears.

The motion to accept the January 6, 2022 meeting minutes with the above changes passed with a vote of 7 in favor and 0 opposed.

d. January 7, 2022 (18:49)

Secretary Notar-Francesco made a motion to accept the January 7, 2022 meeting minutes. Commissioner Maselli seconded the motion. The motion to accept the January 7, 2022 meeting minutes passed with a vote of 7 in favor and 0 against.

e. January 10, 2022 (19:11)

Secretary Notar-Francesco made a motion to accept the January 10, 2022 meeting minutes. Commissioner Maselli seconded the motion.

- Secretary Notar-Francesco stated that on page 2, paragraph 6, the minute's state *shall have an evaluation*. She stated it should read, that *the Chief shall have an evaluation*.
- Page 2, the last line, should read "*evaluation process which his employment contract*" instead of "*evaluation process which is his employment contract*".
- Same for page 3, at the end of the page, which starts with Vice Chairman Shippee, the minutes should read "*evaluation process which his employment contract*" instead of "*evaluation process which is his employment contract*".

- The motion to accept the January 10, 2022 meeting minutes with the above changes passed with a vote of 7 in favor and 0 opposed.

IV. Executive Reports (20:45)

a. FY 22 Operating Budget (20:50)

The Chief asked the Commission if they had any questions regarding the FY 22 operating budget and updated the Commission on a \$34,000 increase to the FY 23 budget. Commissioners asked the Chief questions. This increase is due to a change in the formula on how much of a percent the Police Department was paying into the town pension.

b. Off Budget Accounts (25:10)

The Commission discussed off budget accounts and how it is decided which accounts donated monies get deposited into.

c. Personnel Matters (33:39)

Chief Spera updated the Commission regarding the following personnel matters.

Patrolman Milardo is out on unpaid family medical leave.

Patrolman Nyenhuis will soon be off field training and be on her own.

A new dispatcher will soon be hired to fill an open position.

Five full time patrolmen are waiting to circle back with Commission on their training.

d. New Records System Update (34:43)

The Chief updated the Commission regarding the new records system.

e. Edward Byrne Memorial Justice Assistance Grant Program (36:40)

The Chief advised the Commission that the Police Department received a grant for \$25,000.00 which will be used for policy development.

The Commission discussed the grant and policy development.

f. Fleet Update (47:12)

The Chief advised the Commission that four cars are 80% complete and three are currently getting outfitted.

V. Discussion and Possible Action to Authorize the Chief of Police to Auction Decommissioned Police Vehicles. (48:32)

The Chief proposed auctioning off the old police cars as outfitted police cars instead of removing the police equipment and trading them in as done in years past. A minimum price would be established and the bid process would occur online through a vendor. Monies received could be anywhere between \$1,000.00 to around \$12,000.00 per vehicle. The Chief stated that if the auction did not yield what he was expecting he would return to the Commission for further direction.

Commissioner Maselli made a motion to authorize the Chief of Police to auction the decommissioned police vehicles one by one as he described. The motion was seconded by Commissioner Manning.

Commissioner Calle questioned if the SROs could get newer cars and the Commission discussed that option but it would mean trading in less cars which the Commission chose not to entertain.

The motion to authorize the Chief of Police to auction the decommissioned police vehicles passed with a vote of 6 in favor (Wilcox, Shippee, Notar-Francesco, Manning, Maselli, Von Dassel) and 1 opposed (Calle).

VI. Discussion and Possible Action on Police Commissioner Email Addresses on the Town of Old Saybrook Website. (56:12)

The Commission discussed each police commissioner having an individual email address on the Town website with Town IT Director Larry Hayden giving his opinion and what he found in his research.

Secretary Notar-Francesco made a motion to approve putting the commissioners' email addresses on the town website if the commissioner so elects, with cautions on the website that communications through the website are not confidential and should not be used for anything in the nature of an emergency. Commissioner Maselli seconded the motion. The motion to add police commissioner email addresses on the Town of Old Saybrook website passed with a vote of 6 in favor (Wilcox, Shippee, Notar-Francesco, Calle, Manning, Maselli) and 1 opposed (Von Dassel).

VII. Discussion and Possible Action on Engaging an Attorney to Opine on Police Commission Authority. (1:11:02)

Chairman Wilcox met with First Selectman Fortuna and he stated that the Town would pay \$5,000.00 for the Police Commission to engage an attorney to research Police Commission authority.

Secretary Notar-Francesco made a motion to authorize Chairman Wilcox to engage attorney Chris Hodgson to advise the Commission on two questions. 1. Is the police commission's authority limited to actions pertaining to hiring, firing, disciplining and promoting of the department's sworn officers? If not, is the police commission's authority limited to "non-operational" matters. Vice Chairman Shippee seconded the motion. The motion to hire attorney Chris Hodgson passed with a vote of 7 in favor and 0 against.

VIII. Discussion and Possible Change to Police Commission By-Laws. (1:16:27)

The Police Commission discussed the possible By-Law changes proposed by Chairman Wilcox. The Police Commission will be discussing it next meeting with further advice from legal counsel. The proposed By-Laws have been attached to the minutes.

IX. Discussion Concerning Progress Toward Annual Evaluations of the Chief of Police. (1:19:15)

Commissioner Calle updated the Commission regarding her research on Chief of Police evaluations in other Connecticut towns and New England states.

The Commission discussed her findings.

X. Comments from the Public (1:22:21)

Mike Looney commented.

Bob Gery commented.

Gloria Gery commented.

Keith Margotta commented.

XI. Discussion and Possible Action to Enter into Executive Session for the Purposes of Interviewing a Candidate for the Position of Patrolman. (1:28:01)

Commissioner Maselli made a motion to enter into Executive Session for the purposes of interviewing a candidate for the position of Patrolman inviting Chief Spera, the candidate, and Captain DePerry to join. The motion was seconded by Secretary Notar-Francesco. The motion to enter into Executive Session passed with a vote of 7 in favor and 0 against.

The Commission entered into Executive Session at 8:28PM

Christopher Dwyer entered into Executive Session at 8:50PM

Christopher Dwyer exited Executive Session at 9:19PM

The Commission exited Executive Session and resumed public session at 9:21PM

XII. Discussion and Possible Action to hire a Patrolman to fill an Existing Vacancy. (1:28:50)

Commissioner Maselli made a motion to hire Christopher Dwyer for the position of patrolman at a time determined by the Chief of Police to suit the needs of the Department. Commissioner Manning seconded the motion. The motion to hire Christopher Dwyer for the position of patrolman passed with a vote of 7 in favor and 0 against.

The Chief thanked the Commission for accepting his recommendation to hire Mr. Dwyer.

XIII. Comments from the Chief of Police (1:30:00)

There were no comments from the Chief of Police

XIV. Comments from Police Commissioners (1:30:07)

There were no comments from Commissioners

XV. Adjournment (1:30:11)

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

The meeting adjourned at 9:22 PM.

Respectfully submitted by:

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

Public Comment

4. Subject to the limitations below, speakers may make comments as to any topic within the jurisdiction of the Police Commission, including commendations, complaints or other comments about individual employees of the Department, as well as general or specific comments concerning Police Department policies, procedures, programs, budgets and the like. However, in order to protect the reputational interests of individual employees, speakers making a personnel complaint are to refrain from identifying individual employees by name, rank, badge number, or any other specific reference that tends to identify the employee. Speakers who desire to have the Commission initiate an investigation into a personnel complaint are directed to the section of these bylaws headed "Complaints Made to Commissioners."

Police Commission Correspondence

Correspondence addressed to one or more commissioners, or to “the Commission” or “Commissioners,” may be initially addressed to them at Town Hall, at the Department of Police Services building, or to one or more individual commissioners at their email or Post Office address. If addressed to them at the Police Services building, the Department shall promptly notify the addressee(s) that mail awaits them and may be picked up at the dispatch window. Mail addressed to “Commissioners” or “The Commission” shall be treated as though it were addressed to the Chair of the Commission, or Vice Chair in the absence of the Chair.

No matter how received, the addressee(s) shall promptly open the mail and review it. If the manner of address or the contents of the mail suggest that it was intended to be considered by the full Commission, the recipient shall cause a copy to be circulated to the full Commission. If the manner of address or the contents of the mail suggest that it was intended solely for the designated addressee(s), the recipient(s) should exercise their discretion as to how broadly or narrowly to share the correspondence. If the contents of the correspondence suggest the existence of a threat to public safety or to personnel or property of the Department, the Chief of Police shall also be notified of the correspondence and the threat described in it.

Complaints Made to Commissioners

Citizens may from time to time complain to one or more commissioners about some perceived wrongful action or inaction on the part of one or more members of the Department. When that happens, the commissioner(s) should proceed as follows:

1. The citizen should be advised that the Department has a procedure in place for complaints, including anonymous complaints, which may be made either using the Department's form, or by letter, or by telephone or voice message.
2. The citizen should be advised that the citizen may also submit a complaint directly to the Commission as a whole, but that such a complaint must be in writing so that each commissioner is aware of the exact same information about the complaint; although in writing, the complaint may still be anonymous, but should contain sufficient specificity that it can be meaningfully followed up on, which may compromise the anonymity of the complainant.
3. If the citizen wishes to proceed with a complaint directly to the Commission, the Commission shall receive that complaint and, in executive session (unless directed otherwise by the subject of the complaint, or unless otherwise required by the Connecticut Freedom of Information Act), decide upon an initial course of action. Depending on the nature of the complaint, the Commission might (a) turn the complaint over to the Department for processing in accordance with General Order 4.6; (b) refer the complaint to an appropriate State or Federal authority; (c) engage an independent attorney or investigator; (d) request that a neighboring municipality's internal affairs office investigate; (e) conduct a preliminary investigation itself; (f) pursue such different course as to the Commission appears appropriate.

Regardless of who or what agency initially pursues the complaint, the Commission shall retain jurisdiction over it to satisfy itself that the complaint has been appropriately investigated, determined, and if warranted resolved by disciplinary action up to and including termination.

Delete current section titled "Investigation of Personnel-Related Matters" and replace it with the following:

Responsibilities of Commissioners as to Inquiries

Commissioners should strive to keep themselves informed as to all matters within their jurisdiction, including personnel of the Department. To do so they are encouraged to discuss any such matters with citizens, with present and former employees of the Department, as well as with the Chief of Police.

Commissioners should be mindful of the fact that they may, on rare occasions, be called upon to act in a quasi-judicial capacity, such as when hearing a matter involving disciplining or terminating an officer. No commissioner may serve in such a capacity if she or he has demonstrated either actual bias against the officer in question, or prejudgment of the issue in question. Therefore, commissioners are advised to remember that there are usually two or more sides to any issue, and that they should keep an open mind as to any issue until they have heard from all interested parties in any proceeding. Commissioners are also advised that while bias is not to be inferred from pointed inquiries they might make into matters within their jurisdiction, bias might be inferred from inquiries into matters outside the jurisdiction of the Commission.