

**MADISON DEPARTMENT OF  
POLICE SERVICES  
REGULAR MEETING – March 9, 2006  
9 CAMPUS DRIVE, MADISON– 7:30 PM**

Attendees: Commissioner Emile Geisenheimer, Commissioner Thomas Cartledge; Commissioner David Smith, Commissioner Michael Rollinson, Commissioner Michael Heaney; Chief Paul Jakobson.

Also Present: Attorney Judith Ravel; press; department officers; community members; Charles Walz, Board of Selectmen Liaison; Jim Deephouse, Board of Finance Liaison; First Selectman Tom Scarpati; William Ruddell, IBPO rep; Shari Murphy, Officer Mulhern's attorney

**REGULAR SESSION CALL TO ORDER**

Meeting was called to order at 7:32 PM by Chairman Geisenheimer, followed by the Pledge.

**PUBLIC COMMENTS**

There were no public comments. Chairman Geisenheimer acknowledged the presence of First Selectman Scarpati, Selectman Walz, Board of Finance Representative Deephouse and former Police Commission Chair Cerosky. Chairman Geisenheimer then invited commissioner comments.

Commissioner Heaney commented he has several topics:

- On the change of the regular meeting time from 7:00 PM to 7:30 PM he said while he has no personal objection, he has objections to the changed time not being the result of a formal commission vote. None of us individually has the right to change date, time, place he stated. He will offer a motion to change the time to 7:30 so it is a formal motion for commission vote.
- The intervention process is not on the agenda as requested; he would like it on the next meeting's agenda. While it is the chairman's prerogative not to include a specific item the first time it is requested, under the BOPC rules, it must be on the agenda if there is a second request.
- He would like the protocol to request attorney advice or presence be discussed or on the agenda. Has no objection to Ms. Ravel appearing for a grievance, but she was at the entire last meeting. Her presence was not requested or voted on by the commission. He would like to discuss how we will handle that matter in the future on the next regular meeting agenda.
- Would like the FOI pending complaint discussion held in public. This is not a legal tactic, but thinks whether or not the board opts to settle that case and undergo the consequences that might occur, are almost nonexistent rather than litigate and cost money. Wants to see that happens.
- While he appreciates that some of the items on the agenda were those he requested, he asks that the other items he requested which were not included be on next month's agenda.

Chairman Geisenheimer said he will respond later in the meeting; Commissioner Heaney agreed.

**EXECUTIVE SESSION**

The grievant requested that his grievance be held in open session.

**IPBO Grievance: 01-2006**

Officer Robert (Neal) Mulhern explained the South Central Criminal Justice Assn.'s promotional process, in that SCCJA conducts the first two portions (written & oral with a panel of officers from other agencies for a point score of 40% EACH). He was told the eight candidates will be judged solely by the Commission on their answers for 20% of the grade. After the SCCJA scoring of its two components, he was ranked #2 of 8; after the BOPC's rankings were factored in, he ranked #4. Commissioner Cartledge

asked Officer Mulhern if he is satisfied with the commission's scores, to which he replied he is, with 3 of the 4 commissioners' scores. Commissioner Cartledge then asked how he felt towards the score calculation? Officer Mulhern said he has a problem with the scoring of only one commissioner. He handed out a packet with grades and explained the scores of all the candidates and the corresponding commissioner. Both the candidates and commissioners were anonymously listed by numbers not names.

He reviewed the scoring sheets and the difference of his score, which on a particular question showed as 32.4% below the next lowest candidate from this one particular commissioner. Officer Mulhern admitted he scored both lower and higher on some questions. Commissioner Cartledge asked if there was a reason to think, due to the question, that your number would be so far off? Atty. Ravel advised the Board it could not get into the questions. Commissioner Cartledge replied, it is not the question, but a particular nature which might have a more dramatic difference than any other.

Officer Mulhern then went to #4 and shared his scores with the public as "Actual Mulhern" and reviewed his actual grade per question. He relayed the average scores per commissioner. When recalculated minus Commissioner #4 he increased 8.41 points. He reviewed the questions and scoring by each commissioner; there is a 30.66 point difference from commissioner #4; 35.66 and 40.66 question difference points were recited. Officer Mulhern feels one person should not control an entire oral board; if #4's scores were dropped, he would place #2, not #4. SCCJA is paid for scoring oral boards so such discrepancies don't occur. He has spoken to Charles Sherwood (SCCJA) who didn't give an opinion that there are rules to prevent such discrepancies.

Mr. Ruddell added, Mr. Sherwood is very qualified and feels Mr. Sherwood would explain the SCCJA rules for their oral boards to the Commission. Those rules guarantee fairness. Atty. Ravel feels those are SCCJA's rules but they are not binding on the Commission's 20%. Chairman Geisenheimer said counsel says we are not bound by the SCCJA rules; Officer Mulhern's point was there are established rules. Mr. Ruddell said the point he is raising is the Commission's part of the promotion process has nothing to do with SCCJA's role. Officer Mulhern commented that 42% disparity is not possible; they all have the same baseline. It is drastic. The commissioner with a law background scored him at 90; much higher than #4's. The biggest effects are for the two most junior people who took the exam. The day before the boards were conducted, one commissioner was reviewing personnel files although the judging was to be "solely on the basis of their answers".

Mr. Scarpati realizes he can't ask the questions, but can they be told what the type of questions they are? Qualitative, descriptive? What kind of answer does it solicit? Chief Jakubson explained they are objective questions regarding issues; not specific to enumerate against a statute; geared to a supervisory environment. It is qualitative.

Officer Mulhern asked to read a letter for the record which was received by his father who is a Police Chief in another state. The letter was written by John Sofis Scheft, Esq. of *Law Enforcement Dimensions*.

Atty. Ravel objected, saying the writer is not here to be cross-examined or questioned. This is a relaxed procedure but this is unsubstantiated because we don't have the author. She wanted her objection noted. Chairman Geisenheimer advised he would like to hear the letter. Mr. Ruddell wanted it clarified that the person who wrote the letter is qualified.

"Dear Chief Mulhern:

You requested that I review Officer Robert Mulhern's oral board results, which were conducted by four commissioners of the Madison Police Department.

Based on my experience as a designer of promotional examinations and a designer and participant in oral board and assessment processes, I am very concerned about a disparity in the grading of Officer Mulhern (Candidate 4) by the individual designated as Commissioner 4. *See Attachment A, 2005 Sergeant Score Sheet.*

On the first three questions, Commissioner 4 assessed the same score – 60 – for each response by Officer Mulhern. Yet, the other three commissioners, in various arrangements, scored Officer Mulhern at 90, 90 and 92 – on all three questions! This consistency stands in marked contrast to Commissioner 4.

With Question 4, the initial three Commissioners registered scores of 85, 90 and 82, yet Commissioner 4 assessed the shockingly low score of 50. Of greatest concern is the series of scores reported for Question 5. While the three commissioners independently assessed scores of 90, 90 and 92, Commissioner 4 again assessed the low score of 50. This dramatic score differential coming on the last two questions of the process suggests either: (1) a failure of Commissioner 4 to follow the grading guidelines adhered to by the other evaluators; or (2) a lack of subject matter awareness by the Commissioner resulting in an artificially low grading standard; or (3) a deliberate attempt to score this particular candidate artificially low to skew the results of the exercise and promotional process – a most disturbing possibility.

It is hard (if not impossible) to find such a difference of opinion on any validly conducted and evaluated oral board procedure. While such a difference might occur on one (or even two) questions, the fact that it presented itself on all five questions and involved the same commissioner each time is cause for concern and administrative – if not judicial – review.

While admittedly, Commissioner 4's grades are lower for other candidates, no candidate came close to the grading disparity that Commissioner 4 exhibited toward Officer Mulhern (Candidate 4).

At a minimum, I would recommend that Commissioner 4's specific grading sheets be reviewed and compared to the specific criteria used to grade the candidates' responses. In addition, Commissioner 4 should be called to a deposition or town hearing to answer inquiries about the training he received in rating candidates, the criteria that he applied in judging candidates, the interactions that he had with other Commissioners and the justifications that he may offer for such obviously low scores – especially in relation to the other Commissioners.” End of letter.

Commissioner Heaney understood that Officer Mulhern is asking that the grades of Commissioner #4 be eliminated. Mr. Ruddell corrected, they are asking that entire procedure be reevaluated. Commissioner Heaney questioned the proposed grievance settlement which was requesting that promotions from the list not be made until this is resolved. He asked, do you mean Mulhern would be moved up on the list, but you are not asking for the rescission of the promotions already made? He should be the next person to be promoted? Mulhern answered, he should have been promoted. Commissioner Heaney asked, even though there is not a sergeant's position currently, you feel you should be promoted into one? Mulhern said he was denied a promotion he earned. Commissioner Heaney asked, would that not move #3 to #4? Mulhern answered, if that's the case.

Commissioner Heaney explained, after the promotion process was completed the former Commission voted to adopt the list and keep it in place for one year; the next promotion would be from this list. Chief Jakubson agreed, that is historical. Commissioner Heaney continued, so then effectively, #3 would be moved to #4. Mulhern said the problem is, if there are no promotions within that time frame, the list expires and there would be no remedy. Feels scores were skewed and he was denied promotion. Commissioner Heaney asked Atty. Ravel that as the only commissioner who was on the former board, he knows who #4 is and can figure out all the others. He asked if he should disqualify himself? Atty. Ravel answered, you are not conflicted – it is how you feel. She thinks the grievance is untimely per the contract – this is weeks after the grievance timeframe. Commissioner Heaney said he is not uncomfortable. Commissioner Cartledge asked, if you recuse yourself and a decision is called for the Commission to vote, leaving 4 members, would that affect the majority if we don't agree? Commissioner Rollinson asked if the test documents of the commissioner were kept? Notes, scoring, etc? Are we privy to that information? Atty. Ravel answered, the documents are not subject to FOI – you are commissioners – but she thinks they should decide if they want to get into it. Chairman Geisenheimer feels this discussion by the commissioners should be in Executive Session and suggested after Officer Mulhern concludes his presentation they enter Executive Session. Commissioner Smith asked why the grievance took so long? Mr. Ruddell answered, the information was not provided within the time period to Officer Mulhern; he had to do an FOI request, which was timely within the 20 days. It took a while to generate the request, he did

his data and filed the grievance. Atty. Ravel felt that is a novel interpretation of the timeline. Commissioner Heaney stated, you know who #4 is – did you have any prior relationship? Officer Mulhern answered no, doesn't know him, has not had any previous contact, but as the shop steward he has filed past grievances. He has had no negative contact with #4. Atty. Ravel said she would assume you are not claiming any anti-Union feeling because the Union president was promoted.

Atty. Ravel continued, the Chief denied the grievance of 2/14; there was no allegation of favoritism or discrimination, just that the scores were so varied. Chief Jakobson said there has been no articulated reason to support anything that this individual was discriminated against or other candidates were favored. This grievance is purely based on the scores that occurred. Atty. Ravel asked if the promotion process used is part of the contract? The Chief answered, no. She asked if it is a negotiation with the Union? The Chief replied no. Atty. Ravel continued, when the FOI request was made, it was some months after the exam. The Chief said the initial set was provided to the grievant and his scores were released to him.

Officer Mulhern reviewed the grievance timeline, starting from the September 15 Oral Board, to the September 21 written request to the Chief for the scores of all candidates' written & oral boards, SCCJA scores and Commission scores. He also requested the grading process, written instructions and ranking of officers. He continued, the FOI request to the Chief was 10/21; he had already been given his individual scores by each commissioner via a spreadsheet.

Atty. Ravel commented, the FOI Commission was consulted by her at the Chief's request immediately before the complaint. She was advised by the FOI attorney that the first submission by the Chief to the grievant satisfied the FOI request. Anything that would reveal the questions is not allowed.

Officer Mulhern said the date he received all the scores is the grievance date; that was when he was aware of the discrimination.

- September 25, Officer Mulhern said the Chief released a letter of final ranking and cumulative scoring to him via a certified letter. Atty. Ravel added, that is what FOI said was to be released.
- September 28, Officer Mulhern said he received a letter dated September 26 from the Chief stating that he (the Chief) forwarded Officer Mulhern's request to the Town's attorney and would be out of state for two weeks - no one else would have access to the scores file. After his return, the Union vice-president was advised to make the inquiry through Atty. Ravel. She did not provide info because she represents the Chief.
- February 3, Officer Mulhern received the scores he need via FOI - that is the date of the violation he used because that was the justifying documentation.

Commissioner Cartledge asked if there was anything between 10/27 & 2/3? Officer Mulhern – no.

Atty. Ravel stated, Officer Mulhern got information without an FOI request, filed FOI, the Commission sat on it; the Commission had a settlement; Officer Mulhern has not filed a withdrawal of the complaint. Atty. Murphy said the complaint was filed by her office. Atty. Ravel advised, she has not gotten it after asking. Atty. Murphy will provide it.

Chairman Geisenheimer asked Officer Mulhern what made him think in September there was discrimination. If you needed the data to establish the grievance, what made you think there was such a difference in scores?

Officer Mulhern stated, the Chief said he would show the scores, which he reviewed. He saw the actual scores but only saw he was graded the lowest. The Chief said he couldn't have a copy of the other officers' scores until he (the Chief) asked all the other tested officers if their scores could be released.

Commissioner Heaney summarized, until Officer Mulhern got the other scores he couldn't determine the case? Mr. Ruddell - correct.

Chief Jakobson said the process has been the same for a significant period of time; scoring remains the same. The process is similar to that of new candidates as far as percentages. Random questions are generated by the Commission.

At that point, Chairman Geisenheimer said there is a lot of business on the agenda and a number of executive session items. Atty. Ravel advised, the Commission has taken all the evidence of the grievant and the Chief; now the Commission has to discuss this in Executive Session. Chairman Geisenheimer would like to discuss this further in Executive Session at the end of the meeting, as is standard. Atty. Ravel advised the Commission that they have 5 days to render a decision.

Chief Jakobson advised, Atty. Ravel has other business to attend to and cannot stay to the end of the meeting

**MOTION** by Rollinson, second by Smith to move into Executive Session at 8:31 PM. All in favor. None opposed. So moved.

Mr. Ruddell stated, the grievant will waive the 5 day requirement for a decision until the next regular meeting of the Board. Chairman Geisenheimer stated, he feels it very important to judge this properly and is very mindful how this would affect all the officers.

Present: Chairman Geisenheimer, commissioners Smith, Cartledge, Heaney, Rollinson; Chief Jakobson; Atty. Ravel; Selectman Scarpati.

**MOTION** by Smith, second by Rollinson to return to Regular Session at 9:10 PM. All in favor. None opposed. So moved.

**MOTION** by Heaney, second by Smith to accept the grievance offer to waive the usual 5-day response time until the next regular meeting in April. All in favor. None opposed. So moved. Commissioner Heaney stated, he will recuse himself from voting on this grievance as he was involved in the promotional process with the former Commission.

#### **CONSENT AGENDA – CHIEF’S REPORTS**

**MOTION** by Smith, second by Cartledge to accept the minutes of the meeting of February 9, 2006. All in favor. None opposed. So moved. Given that no commissioners asked for anything to be removed, Chairman Geisenheimer asked for a motion to accept the Consent Agenda.

**MOTION** by Cartledge, second by Rollinson to accept the Consent Agenda as presented. All in favor. None opposed. So moved.

#### **OLD BUSINESS**

- Overtime Results
  - Hours
  - Dollars

Chief Jakobson advised, since we have put into practice the minimum staffing levels, he will distribute the results from our payroll program and email it via a spreadsheet. Dollars have dropped significantly for the outflow at this stage of the game. He will put it into a chart form. Each week of payroll he will increase it. Commissioner Smith asked for the differential between January and February.

The Chief reviewed the first 3-weeks, 1/12 through 2/1. The ‘Special Situation’ line, which includes vacation replacement, was \$4000; after the manpower reduction was initiated it was \$1271; ‘Other Replacement’ (sick, short shifts) was \$5700, for the second three week period it was \$1000. There are fluctuations, but the spreadsheet will show all the numbers and be easier to read. Commissioner Smith summarized, the bottom line is, there is significant impact.

- **Manual of Conduct Policy – Status**

Commissioner Heaney summarized, we are working with a current duty manual adopted in 1986; some sections deal with standards but are very sketchy as to enforcement. Several years ago (2002) or earlier, the Commission drafted new standards. The Union objected, believing it had to be negotiated. The Commission at that time said it does not need to be negotiated. Attorneys Devlin (BOPC) and Walsh (IBPO) negotiated provisions regarding the Union. In May 2003, the Union filed an MPP (Municipal Prohibitive Practice), formally objecting. During that month they also had a final draft, approved by the Commission. By May 2003, Atty. Devlin was replaced by Atty. Ravel. In 2003, Atty. Walsh wrote to Atty. Ravel specifying the Union's objections. Atty. Ravel and Atty. Walsh had at least 2 subsequent settlement sessions. Most or all of the objections were resolved and Atty. Walsh sent a letter to show it was settled. The agreement was to be in the next CBA but Atty. Ravel didn't follow through. Atty. Walsh was replaced by the Union so he didn't follow up, however, Atty. Walsh believes the copy was given to the new Union counsel and said Atty. Ravel is uncommunicative. In May 2005, Commissioner Heaney said he wrote to Union President Tim Heiden in response to Atty. Walsh's original comments; he did not respond. He said he tried to get clarification from Atty. Ravel but got none. He continued, former Chairman Cerosky believed the MPP was resolved in the Commission's favor. In June, 2005, a negotiation session was held. At that time, and without the Commission's knowledge, Atty. Ravel and Helen Burland (former Town Administrator) reached a 'so-called' settlement with the Union under which, ostensibly on the Commission's behalf, they (Ravel & Burland) agreed to negotiate any 'circumstances of employment' changes and the Union withdrew its MPP. This was not communicated to the Commission in June or since. He has communicated with Atty. Ravel and finally got a copy from IPBO President Heiden which was signed by Atty. Ravel, Helen Burland, Union Pres. Heiden and police representatives. This intruded on responsibilities of this Commission and settled it away. Intrusion was unlawful; the problem with the unlawfulness is, the police acted in good faith in dealing with Commission representatives. The Union had no reason to question Atty. Ravel's authority but Commissioner Heaney feels we are stuck with what Atty. Ravel and Mrs. Burland signed. His view is, we have to start from scratch. There is no record of what was agreed to twice by two sets of attorneys; now we have a settlement agreement which binds us to negotiate anything which the Union can argue is a subject of mandatory negotiations. Despite the settlement agreement, these conditions of employment were not part of the most recent negotiations. The Commission didn't raise them because they were unaware of the agreement. He recommends this now be turned over to the new Policy or Personnel committees to begin again to open negotiations with the Union to reach agreement on the manual. If we can't, we should revise it ourselves and adopt it. People have not been candid with him or the former Commission. The former Commission was criticized for not devoting enough attention to management issues, which were impeded behind our backs by others. He concluded, he will submit a memo with all the particulars to the Commissioners and his letter to Union Pres. Heiden to enable the Commission to start over.

- **Accreditation Process – Status**

Chief Jakubson discussed the process which is under the direction of Lt. Stimpson. The Accreditation Committee is currently addressing Tier 1 standards.

Chairman Geisenheimer asked what the Commission's role is in this process and if they review the policies? Chief Jakubson explained, a lot of the policies are currently in place and are being brought up to date. Ray Bouchard (the State's Accreditation Program Consultant) will be invited to a meeting to explain the process to the Commission. Chairman Geisenheimer concluded, rather than absorbing at the end, it might be useful to be advised along the way. Chief Jakubson invited the Commissioners to contact Lt. Stimpson for copies of the folders; once we have completed the process the policies will be reduced to a bound manual and distributed.

- **Second Reading of Policy Amendment: XIV. Operations – Manpower**

Chairman Geisenheimer asked the Commission for comments on the policy, which will be adopted at the April meeting. He then asked the public; there were no requests to have the policy read aloud.

- **Update on 12/27/05 Skully & Wolf Letter to Board of Selectmen**

As a result of his research, Commissioner Smith reported that the software between the police department and the Town is not compatible. It is not done electronically due to the many nuances of the police payroll. The question is, what would the Board of Selectmen prefer be done? Who should investigate and what actions should be taken? Chief Jakubson explained this research is in reference to the letter sent to the Board of Selectmen by the previous chairman per Skully & Wolf's audit response letter. One finding dealt with the incompatibility of the system which points to ways we use our electronic cards to access payroll for time punch ins/outs when officers come to work. The time sheet that is printed is translated into a pay sheet for Chris Hodge who then inputs the data into our payroll program. The card program is no longer being sold by the company from which it was purchased due to inherent problems. The referenced Skully & Wolf letter asked if the Board of Selectmen wishes us to proceed looking for a potential software package or are we to work with the IT people to find an integrated program. Police payroll is very complex; the Town's program cannot handle it on a direct payroll basis. We need a methodology to track the various times officers arrive and leave, which we now do electronically. It is tedious because the current time card program has faults and we are constantly calling the company for corrections. Not worth resolving. Need direction.

Selectman Scarpati reported, the Town's IT people were asked to see if there is a software system anywhere in law enforcement that could be utilized. It would be nice to have a system to address the issues electronically. Art Sickle (Town's IT Manager) said there is nothing available right now that can deal with this issue directly. There are revisions to the basic finance package being discussed which need to be viewed by the new commissioners. Chris Hodge can take you through chapter and verse of the payroll program. Coming from the corporate world, he can recognize the difficulty of how it is done. Doesn't see a way to do it other than how it is done at this time. Chief Jakubson said he has not worked directly with Art Sickle but he knows the original package company now has new systems. Can we investigate those new systems to be compatible with future changes? It is a manual entry for each officer. Payroll is input, signed by him and brought to the Town Hall's payroll department to be re-entered by them.

The Chief continued, he has spoken with Mr. Sickle and will be meeting with the IT person and Chris because of the changes to occur with the payroll package. Mr. Sickle is looking to automate the program so it can be transmitted to the Payroll Dept. and verified. Need to be able to gather all the info before we can enter it into their system. Selectman Scarpati said he would be in favor of anything to streamline the process. Chairman Geisenheimer asked the Chief to find out alternatives and such costs and report back to them.

Commissioner Heaney commented on the letter and the importance for this Commission, which is new, to understand the actual genesis of this audit request. The audit was requested by the former commissioners for only one reason and that was because of an insinuation by two unnamed selectmen that an officer of this department was tampering with the O/T payroll books. The audit was conducted and the officer was exonerated; that finding was buried and a report went into items not requested by the Commission. We reviewed and responded to everything in the report. Commissioner Heaney continued, he asked that this item be put on the agenda as a follow up to the letter written by former Chairman Cerosky to ask for guidance from the Selectmen; that has never been received. There has never been an acknowledgement, an apology or at the least an acceptance of the accuracy of that report that exonerated the officer and he finds that very disappointing. He wanted all the new commissioners to know the real background of the audit and the spin put on it.

**Chief's Benefit Statement**

**MOTION** by Smith, second by Cartledge that the Chief's Benefit Statement recommendation be put forward as presented. All in favor. None opposed. So moved.

- **Budget Committee**

Chairman Geisenheimer reported that the Committee met March 8 with the Chief, Lt. Stimpson, First Selectman Scarpati, Dave Burns (police dept.), himself and Commissioner Heaney for budget development. The budget approved by the Commission tonight will be next addressed at the Board of Selectmen meeting

on March 13 and the Board of Finance meeting on March 15. Chairman Geisenheimer explained, this is an amendment to the budget previously submitted; the data shows changes from last year's budget

The Budget Subcommittee's spreadsheet was distributed with the proposed budget. Highlighted areas reflect the areas of the budget to show pluses or minuses and are within the First Selectman's given guidelines.

The budget for 2005/06 was \$2,629,891.56; the proposed 2006/07 budget is \$2,758,170.24 with an increase over current levels of \$128,278.68 or 4.88%.

Selectman Scarpati asked if this is with dispatchers? What level of staffing will that provide? Chief Jakubson answered, only 5 F/T and 2 P/T dispatchers. A fifth F/T dispatcher was hired to replace one dispatcher who resigned (Loucks). Another P/T position needs to be added. Selectman Scarpati asked if that will that provide shift coverage? Chief Jakubson doesn't think a F/T position needs to be increased, but he may need to look at a P/T position so there will be two dispatchers per day and evening shifts.

Selectman Scarpati continued, as of this time, 911 is going to Guilford but protocols as to what calls come back here are being documented. Staffing is necessary as a residual here; that needs to be addressed. He thinks it needs to be looked at and presented to the Commission.

Commissioner Heaney commented that Selectman Scarpati's statement raises a question regarding the 5 F/T and 2 P/T positions and asked Mr. Scarpati if he is stating, if the proposed plan to move some functions to Guilford goes forward we will have fewer dispatchers here? Selectman Scarpati – no, with 911 going to Guilford, there is still a requirement for dispatching here. Police will be simulcast for fire, traffic control. Police are first responders- the call will come here; police will call the ambulance. Guilford will not launch the ambulance directly, per the Ambulance Association.

All 911 calls will go to Guilford and be transferred back to Madison. Staffing needs to be understood for the shifts. Commissioner Heaney said staffing needs to be understood, but we need to look at this number. It means to him we may need to request fewer dollars to downsize. Selectman Scarpati advised, right now it is handled as OT; for staffing to be at the level it is, we need to get rid of OT that is being spent. We might need more. A decision should be made as to how many will stay here. Chairman Geisenheimer asked if dispatch will be only to dispatch fire? Selectman Scarpati advised it will dispatch fire. The medical calls that come in with information to be provided by dispatch is more advanced in Guilford. Our police are medical first responders, unlike Guilford's police. This situation creates complications in the Guilford model. Commissioner Heaney commented, we won't send people to Guilford, but will pay for them - is that out of this budget? Selectman Scarpati advised no, that is a separate line item.

**MOTION** by Smith, second by Cartledge to approve and submit this budget to the Board of Finance.

Commissioner Heaney commented that this budget reflects the new Commission and is quite different than that of the former Commission whose budget proposal included line items for 5 additional officers to bring staffing from 24 back to 29 where it was 2 years ago. He appreciates the work done by the new Commission to come up with a new proposal and figure out the levels. This budget says the proper level is 24 for next year. While p/t police officers have been added, that has difficulties; the 2 new personnel are in but the staff of 24 represents a 5 officer reduction from the former Commission's request. Five officers were reduced from the total of 2 years ago. That is a 6 officer reduction from what our paid police consultant recommended a decade ago. Chairman Geisenheimer advised, we are discussing the budget, not the staffing issue you have been on for two years. Commissioner Heaney responded that he is addressing the motion and is entitled to put his reasons on the record, asking, are you cutting me off? Chairman Geisenheimer advised, this budget is not a staffing recommendation; Commissioner Heaney asked, what else is it? Chairman Geisenheimer answered, the Commission has completed its work. This budget proposes 24 officers plus p/t officers. He will tell the Board of Finance and Board of Selectmen that if we need more staffing we will ask for it. Commissioner Heaney asked – in the middle of the budget year? Chairman Geisenheimer answered, it happens all the time. We will make a staffing recommendation but we are not there yet. We will not force it in the time frame – staffing is very complex. Commissioner

Heaney's response was, that is the problem when four new people try to make a decision in 2 months. Chairman Geisenheimer - we have done more work in 2 months that you did in 2 years. Commissioner Heaney said he is not casting aspersions he is trying to address the motion. Chairman Geisenheimer asked that he please proceed but keep it short.

Commissioner Heaney continued, this budget recommendation with a specific line item for 24 officers represents a 6 officer reduction from the 30 recommended by the only paid police consultant we had when we had a smaller population.

Chairman Geisenheimer addressed Commissioner Heaney by saying he has made those same misleading statements – there are no standards. You also know that the Crockett Report says clearly that the manpower level was based on a minimum staffing level of this Commission, not on any independent judgment. It was based on the standard in place for patrol. How do you get the department to cover calls, backup officer safety, crime prevention? Crockett didn't address those points. You continue to try to mislead the public that we are ignoring a consultant's report. A former chief decided to hire 7 officers but an expected attrition didn't happen. Each point is not enough to make a staffing decision without study. We are doing a lot of work on this with a lot of cooperation from the Department. We will then make a recommendation. It is not a final recommendation of staffing We will determine staffing and you can then challenge the analysis. Commissioner Heaney asked what prevented Chairman Geisenheimer from doing this in his 17 months on board?

Regarding P/T officers, Commissioner Rollinson asked if the Commission will have the opportunity to interview them? Are they certified? Chief Jakubson answered, 1 is certified and F/T with another agency, one is certified but no longer an officer. The F/T officer is certified with his agency. We will bear the responsibility of the P/T officer's training who is not with an agency. Commissioner Rollinson asked how will 2/shifts/month will be enforced? The Chief replied, it will be agreed on before the P/T officers start. For the record, this is not to supplant normal staffing. Commissioner Rollinson asked, if a supervisor and 2 patrol are on a shift, the P/T person would be the 3<sup>rd</sup> officer? The Chief answered yes, and he will be programmed in during high traffic times.

**MOTION** was voted: 4-1-0 (Heaney)

- **Staffing Committee**

Commissioner Smith reported he has worked with various databases, the Chief and Dave Burns to understand calls for service, priority levels, call frequencies and multiple responses to less than priority 1 calls. He will have an analysis report ready for next meeting. Chairman Geisenheimer commented, many commissioners have been on ride alongs to meet officers, see how work is affected by calls for service, staffing, etc. to get a first hand feel of a patrol.

He continued, we see this as a multi-tiered report to show staffing required for calls for service. Second tier is needed to provide adequate response for officer safety and to provide the force to respond when an officer is busy on a call; also, what is required for crime prevention. Need to get a sense of what is required; what we do today and what we need to do. This is quite complex. It deals with how many have to patrol, what is the deployment strategy. Part of the issue is 5-on 2-off, which affects the number of officers. He thanked the Chief and his staff for their full cooperation and feels they are making progress.

- **Committee Assignments**

Chairman Geisenheimer asked the Chief if all committees have been fully staffed in the past? Chief most, not all. Chairman Geisenheimer continued, the policy manual is not clear if they must have all the committees in place; the Executive Committee is de facto. Chief Jakubson advised, it is in the best interest of the Commission to have a commissioner dealing with publicity; long-range issues and projection issues. Commissioner Smith agreed someone should be nominated for press relations.

**MOTION** by Rollinson, second by Cartledge that Chairman Geisenheimer be named the publicity liaison. All in favor. None opposed. So moved.

Chief Jakubson then asked the commissioners to consider a long-range committee for future operation aspects as to equipment, personnel matters, cars, space.

The Budget Committee of Chairman Geisenheimer and Commissioner Smith was named at the January 12, 2006.

**MOTION** by Smith, second by Rollinson that Commissioner Heaney and Commissioner Cartledge be named to the Personnel Committee. All in favor. None opposed. So moved.

**MOTION** by Heaney, second by Cartledge that Commissioner Rollinson and Commissioner Smith be named to the Long Range Planning Committee. All in favor. None opposed. So moved.

**MOTION** by Smith, second by Cartledge that Chairman Geisenheimer and Commissioner Rollinson be named to the Policy Committee. All in favor. None opposed. So moved.

Commissioner Rollinson said the press has questioned the FBI Academy discussion as a potential FOI issue; the Chief answered, this is a personnel discussion for Executive Session.

**MOTION** by Cartledge, second by Smith to add the proposed vehicle purchase item to the agenda. All in favor. None opposed. So moved.

**MOTION** by Heaney, second by Rollinson to add the meeting time change from 7:00 PM to 7:30 PM to the agenda. All in favor. None opposed. So moved.

- **Line Item Transfers**

- ❑ \$8,000: from Radio Maintenance (\$4000) and Staff Development (\$4000) to Class. OT-ED & Training to provide funds for overtime expense incurred from mandated training classes
- ❑ \$20,000: from Part-Time Officers to Classified OT-Replace to provide funds needed for the balance of the fiscal year. This still leaves \$6000 for testing p/t officers.
- ❑ \$669.13: from Wages to Sal-Admin to balance account and correct shortfall (meeting minutes)
- ❑ \$3,304.74 from Wages to Sal-Dept. Head to balance account and remove end of year shortfall (vacation buy-back)

Discussion concerning the \$20,000 line item: Mr. Scarpati asked the Chief if he could still run two shifts with them? Chief Jakubson responded, that wasn't what the money was originally for; he is trying to avoid a special appropriation although that is an option and this is the only line item they can tap. Needs money to cover future expenses. Mr. Scarpati asked, if you offset OT with a P/T officer do you need the concurrence of the Union? The Chief replied, the current contract is for OT to go to F/T officers first; that is being done. We don't have program time for P/T officers for this fiscal year. This transfer still would leave money for recruitment of P/T personnel. Given that there are three months left in this fiscal year, it would cover physicals, psychological and poly exams – but it is not intended for salaries in this fiscal year. Mr. Scarpati told the Chief he is right as the original \$26,000 was for recruitment and outfitting. Mr. Deephouse asked if it would come out of the wage account when working as an officer? The Chief answered, correct.

**MOTION** by Smith second by Rollinson to approve all the line item transfers. All in favor. None opposed. So moved.

**Proposed Vehicle Purchase**

Chief Jakubson explained, one CID vehicle has 5 years of service, over 100,000 miles and is a liability. The proposal by Lt. Stimpson cites \$17,000+ in the vehicle reserve account. He proposes trading the CID vehicle, while it still has value, in this current fiscal year for an off lease vehicle. Chairman Geisenheimer commented that the Vehicle Maintenance account is going up due to this car's maintenance; they have cut that budget item back in anticipation of this purchase. Chief Jakubson added, these are existing funds. He would like to take advantage of a trade before repairs are a liability. Chairman Geisenheimer added, Lt.

Stimpson has done a terrific job with past purchases of 3 cars for the cost of 1¼. The Chief said that is the direction we explore.

**MOTION** by Smith, second by Heaney to accept the proposed vehicle purchase. All in favor. None opposed. So moved.

Chairman Geisenheimer responded to time change motion request by Commissioner Heaney. He commented, whether or not we have to vote to change time, he feels the Chair is probably empowered to change the time. He would be happy to have a motion to vote to change the meeting times from 7:00 to 7:30. Commissioner Heaney stated, Section 8 of the policy manual says a change should be voted on by the Commission and he thinks changes that need to be made by the Board should be made by the Board.

**MOTION** by Heaney, second by Smith to change the time of the regular meetings from 7:00 PM to 7:30 PM. All in favor. None opposed. So moved.

Chairman Geisenheimer said he doesn't blame Vice Chairman Smith for working out this agenda with the Chief (in his absence). Commissioner Smith saw Mr. Heaney's agenda items request and made his judgments; Chairman Geisenheimer said he supported them. As to the Intervention Process, it was discussed at the last meeting and unless and until the Commission has a position on staffing, that settlement process is redundant – there is no dispute. The Commission has no position on staffing levels. He would be happy to add the report to the agenda, but he will suggest we have a motion to have no further meetings.

Commissioner Heaney said he would be happy to take the Intervention Process up at the next meeting to explain the history and feels it is not a matter of the Commission having a position. The Commission never took a position – none of the parties did – that wasn't the purpose. Settlement process is the wrong term; the group was a forum. As such, it was the only forum at which the 4 principal 'actors' could get frankly discuss views which didn't bind anyone – none of the boards took a position to their delegates as to what position to take as it was a discussion by leaders of the parties. It was effective to a point – good exchanges. Some were optimistic, including moderator Ed Kritzman who suggested this process. The problem is, other occasions were cumbersome joint meetings where there was a lot of posturing before the public and no headway was made.

Chairman Geisenheimer said he thinks lots of useful things will come from those joint sessions and he is hopeful we will not need a moderator, because there won't be things to be settled. If we all know our jobs, there is no need. As of right now, we don't have a position on issues – doesn't know what would be moderated. Commissioner Heaney responded, you never went to one of these meetings. Chairman Geisenheimer answered, you want this because it is a way to moderate between the parties. Commissioner Heaney said it sounds like you don't want this exchange to happen. Chairman Geisenheimer said there is not a present need; he then asked Selectman Scarpati for comments. Commissioner Heaney said he would rather this wait until next month so they would have a chance for discussion.

Mr. Scarpati said, this involved himself, representatives of the boards of selectmen and finance (Fillmore McPherson), Commissioner Heaney and Ed Kritzman – he indicated it would be pointless if key members of the police department were not involved. Tim Heiden came to the meetings. There was an exchange of views; he went out of respect for the process as a continuation of Commissioner Heaney's hearings of last year. Mr. Scarpati continued, he did and still feels the issues discussed (levels of service, staffing, affordability, etc.) are best handled by the organizations that should handle them. He pointed out, once we got into negotiations with the Union, two parties were going to the table and many issues which were discussed informally in the ad hoc group became formal negotiations, discussions. He said he felt a majority of problems would have to be resolved in agreement with the Union. With the new Commission, he didn't feel it was necessary to continue at this point while they are deliberating staffing and the Board of Selectmen is discussing lost time, which affects the multiplier. At this point, he sees no reason to continue as long as issues are being worked out and he feels they are. Chairman Geisenheimer addressed Commissioner Heaney and said he wants to suspend participation until the Commission decides to revitalize the meetings for special items to be resolved in the right forum. You are not the prevailing viewpoint. Commissioner Heaney said he doesn't understand, he wants to correct the history.

**MOTION** by Cartledge, second by Smith that Commission hold off on the Intervention Process until all issues are resolved.

Commissioner Heaney addressed Selectman Scarpati and said that everything you said, you knew in September - nothing has changed. The process limped along. You (Mr. Scarpati) asked to have the meetings in your office. Commissioner Heaney thought the meetings were very productive; the group agreed on a multiplier to determine patrol staff, to hire to put a patrol officer in the field – an agreement was reached all the way around. The real subject of that process was not so much Union issues, which we made clear. He continued, Mr. Scarpati kept bringing up Union issues. The most fundamental issue was what level of services do the residents want – how much will they pay for the services and how do we get and assess that information - that was one of the primary objectives. After the first of the year when Mr. Kritzman told the First Selectman he wasn't behind this, you asked Mr. Kritzman to hang in because the process would continue once the negotiations were complete. You reneged on that by not emailing everyone to re-start the process. It would serve us to continue because this is unlike any other process. There has been substantial misrepresentation in the history – it seems like a set up. Mr. Scarpati disagreed with Commissioner Heaney regarding that view of the history.

Chairman Geisenheimer said he is not taking a position – the motion says it is not timely at this time. Commissioner Heaney replied, that is fair. Chairman Geisenheimer said he feels it should be set aside – it may be a very useful format, but the new commission hasn't had a chance to try. Wants to try to make progress without the intervention forum and he needs to know what we want to achieve. Commissioner Heaney agreed and said there is wisdom in what you said, but his concern is we are trying very hard to have a policy on staffing –you are all putting in a lot of work. We haven't asked the basic question of what services should we provide – how do we make that determination? That was the fundamental question of the 4-party settlement group. Chairman Geisenheimer feels we need to ask the town, not each other. We need to do a citizen survey. For you to discuss options with the boards of selectmen and finance is not what the Town wants. He wants to table it for a while. There was no further discussion.

**MOTION** was called by Chairman Geisenheimer. The vote was 4-1-0 (Heaney). So moved.

#### **MISCELLANEOUS CORRESPONDENCE**

Chief Jakubson reviewed the various letters of commendation sent to several officers for services to the youth participating in Arts Barn activities, Lt. Stimpson and Lt. O'Connor.

The Chief advised of the upcoming Police Commissioners' Association meetings and his May 24 recognition for their Distinguished Chief's award.

He further advised that Heritage Livery Service, which made an application in 2005 to provide service within town has requested a letter of concurrence be provided; the background letter was positive. Their letter was received too late to be acted on at the DOT's taxi hearing. Another hearing is coming up in Guilford on April 6. Heritage will re-submit its application, which is valid for two years from the Commission's original approval date of January 13, 2005. Heritage Livery has asked for the attendance of any commissioners at this hearing.

Commissioner Cartledge commented that he found the Police Commissioners' Association to be very valuable and informative. Because this Commission is inexperienced, he feels it will be beneficial to participate in these new events.

**EXECUTIVE SESSION**

**MOTION** by Smith, second by Cartilage to adjourn to Executive Session at 11:10 PM. All in favor. None opposed. So moved.

Present: Chief Jakubson; Atty. Judith Ravel; First Selectman Scarpati;  
Commissioners Geisenheimer, Heaney, Smith, Rollinson and Cartledge.

Discussion: Letter of February 9, 2006 for resolution of a complaint by Belinda Wade; brief review of the contract process between the Town and IPBO (no details mentioned); CID overview will be given by Sgt. Curry at the April meeting; FBI Academy review for officer participation in Spring, 2007; FOI complaint status questioned by Commissioner Heaney.

**MOTION** by Smith, second by Cartledge, to adjourn Regular Session at 11:45 PM. All in favor. None opposed. So moved.

Minutes accepted: April 18, 2006