

**MADISON DEPARTMENT OF  
POLICE SERVICES  
REGULAR MEETING – July 13, 2006  
9 CAMPUS DRIVE, MADISON– 7:30 PM**

Attendees: Commissioner Emile Geisenheimer, Commissioner David Smith, Commissioner Michael Heaney; Chief Paul Jakubson

Also Present: Members of the community; press; department officers; Charles Walz, Board of Selectmen Liaison; James Deephouse, Board of Finance Liaison.

Absent: Commissioner Thomas Cartledge; Commissioner Michael Rollinson

**CALL TO ORDER**

Meeting was called to order at 7:35 PM by Chairman Geisenheimer, followed by the Pledge

**RECOGNITION**

- Robert Cerosky: November 1999-January 2006
- Craig Caplinger: July, 1999-January, 2006
- William Nicholls: November 2001-January, 2006

Chairman Geisenheimer recognized the three gentlemen who, as he described, each served many years diligently as members of the Board. He thanked them for the many hours that they put forth for the people of the Town of Madison. From his experience, in the spirit of public service, he said they have worked hard in what they believed in and they served the town well.

Commissioner Heaney wanted to publicly say to them and their supportive spouses how lucky he was to share his first couple of years on the Commission with them. He learned a great deal, lessons in leadership, consensus, dignity and maturity which he benefited from seeing modeled. As the minority party member the Commission established a great bi-partisan partnership and he felt part of the team. He feels they should take a great deal of credit for being on the Commission as the police building was being built. He continued, without getting into details, his first two/their last two years were difficult with other boards and commissions. He congratulated all three of the former commissioners for sticking to their guns and speaking out on what was the right thing to do when there was pressure to cave in and compromise. He complimented each of the commissioners on their personal attributes and their kindness and good humor.

Chairman Geisenheimer called for an adjournment at 7:44 for a brief reception.  
Meeting reconvened at 7:55.

The Chair continued by saying, although two commissioners are absent, there is a quorum. First order of business is public comments.

**PUBLIC COMMENTS**

Barry Dicker of Madison Springs Drive congratulated the former commissioners. He also extended his condolences to the William Dana family (retired police lieutenant) and asked that the Commission consider having public comments at the end of the meeting.

He continued, the second topic item is from the June meeting. Although he has never commented on this, he wanted to speak about the retirement of the chief of police, who he never heard say was planning to retire. He finds that personally offensive, but when it comes to the Board of Selectmen having veto power, every time there is a request made of the Police Commission, the request has always contained criteria, i.e., retirement. There was a request made of the deputy chief position – what is the process, how it is done, etc. He thinks the Board of Selectmen should not have veto power. Secondly, if that was ever to happen, it cannot be arbitrary. If you do everything the Chair talked about, feeling confident with whomever was selected, it seems a veto without discussion is totally out of order. In speaking about the Chief, someone

mentioned in May he was honored with a distinguished Chief's award. He is one of 9 chiefs of 102 who has been so honored by the Police Commission Association. Because no one already has, read into the record the brochure from the Police Commission Association of Connecticut :

“Paul Jakubson was born and raised in New Haven, graduated from Notre Dame High School in West Haven and earned his Bachelor's Degree in Physical Education from Ft. Hays Kansas State University in 1971. He served as an MP in the US Army from 1971-1974. His career in law enforcement began in 1974 as a patrol officer with the Madison Department of Police Services. He rose through the ranks of sergeant, lieutenant and captain before being appointed its Chief of Police in December 1997.

The Chief's very strong computer background was instrumental in computerizing the department. He has been Chairman of the Connecticut Police Chiefs' Association Technology and Telecommunications Committee since 2002. This CPCA committee has as its membership chiefs, deputy chiefs, department technology specialists and officers of every rank from departments throughout the state. This committee meets monthly as they keep each other apprised of new technology, grant availability and data sharing.

Chief Jakubson is a respected member of various state level committees and boards to include: the E911 Commission; CJIS Implementation Board; Connecticut Police Chiefs Association Board of Directors; FBI Northeast Working Group where he represents the interests of local law enforcement as it relates to the National Crime Information Center (NCIC); the IACP Technology Committee; International Association of Chiefs of Police; South Central Police Chiefs Association; Statewide Radio Interoperability Committee; Madison Exchange Club; New Haven Police Emerald Society. He is a resident of Clinton and has been a member of the Clinton Board of Selectmen (5 ½ years); Clinton Planning and Zoning Committee (chairman for 1 year); and the Clinton Technology Committee.

Chief Jakubson and his wife Judy have been married for 32 years and have two sons; 1<sup>st</sup> Lt. Michael Jakubson is proudly serving with the US Army in Iraq and Brian Jakubson is a senior at Eastern Connecticut State University.”

After reading the flyer, Mr. Dicker stated he feels the people of Madison should know how well respected their Chief of Police is and spoke of his shooting prowess.

Ed Kritzman of Yankee Peddler Path, read his prepared comments which primarily dealt with the Commission's policy of calling for public comments at the beginning of the meeting instead of at the end, as was past practice. He feels that order significantly affects comments, leading to further discussion as, at the next meeting, the topic may no longer be on the agenda. Some other issues he touched upon included:

- Off duty construction jobs: determination of fees; administrative costs for providing said services; how are vehicle costs determined/how often are they updated
- Status of the transfer of fire and ambulance dispatch to Guilford
- Why would the town finance a \$300,000 expenditure for short-term dispatching from Guilford
- Why did it take 18 months to determine if dispatching would move to Guilford
- Proposed Charter revision (7.1.2) to allow Board of Selectmen to appoint the chief of police relative to public comments by Mr. Scarpati and Mrs. Traugh which endorse the Selectmen having the power to approve or disapprove the candidate
- Comments on the selection process without a challenge to the statutory responsibility of the Board of Police Commission

Mr. Kritzman commented that his primary purpose for speaking is with regard to 'Public Comments' being on the agenda at the beginning of the meeting. He feels issues to be commented on from the current agenda could not be addressed in the public section until the next meeting and are no longer on the agenda, making them untimely and irrelevant. He feels this makes public comments less useful to the Commission.

Specifically, he referred to line item transfers for outside jobs and dispatching the ambulance from Guilford. He is thankful that the dispatch transfer is on hold. Regarding the comments of outside jobs, he said Mr. Deephouse stated that charges for service did not include officer salary. If public comments were allowed, he would have asked: how do other departments do this; does salary include benefits; is a service fee charged above the actual costs; if a vehicle is involved, how is that determined and how often is it updated? Is there a clear understanding to the police department for providing services – the cost of billing should be included in the initial charges but all other monies should transfer to the police. This may be a small revenue source.

In terms of the dispatch transfer to Guilford, it has been delayed. During a discussion between Mr. Deephouse and Mr. Walz, Mr. Walz said in any event this would probably come back to the town in 2 years. If that is the case, the town would finance almost one-third of a million dollars for a temporary shift by the Board of Selectmen. Had the public been allowed to comment, he would have asked why this went on for 18 months – who failed to take a leadership role? Mrs. Kokoruda had previously stated the Selectmen should have stepped in earlier. This turned into a turf war. The accountability issue on these types of disputes needs to be addressed.

Mr. Kritzman continued, last month the Charter Revision Commission discussed giving authority to the Selectmen to appoint the chief of police. Mr. Scarpati, in *The Shore Line Times*, said he wants the Board of Selectmen to be able to approve said appointment at their discretion. Ms. Traugh said, before hiring they have to get the permission of the Board of Selectmen. Mr. Heaney has said the authority cannot be delegated and is statutory. Mr. Kritzman read the statute, Title 7, Section 276, “Powers of Commissioners” which indicates such board shall have sole power of appointment, promotion and removal of the officers of the police department. The Board of Selectmen can be brought into the selection process – there is plenty of time to do so.

Walter Lippmann, Sycamore Drive said he concurs with the prior two speakers regarding the order of public comments on the agenda – can this be discussed now? He would like to put the Police Commission on record if they will do this; Chairman Geisenheimer answered that they will not do this. Chairman Geisenheimer said that the boards and commissions, generally speaking, receive their comments at the beginning of the meeting and do not engage in a debate. He will hear Mr. Lippmann’s comments. Mr. Lippmann continued, when new business is to be discussed, old business is not as important as the new.

Next, he commented, Chief Jakubson is the duly appointed chief of police of this town; he would litigate the discussion of the ‘new chief’ when he is gone. He continued, Mr. Scarpati has stated he will litigate everything – is that in the best interest of the town? Unless you bring this chief up on charges, leave him alone because you are undercutting his authority. Mr. Lippmann said he thinks this is one of the finest PDs around. He stated he is not a social friend of the chief - these are his observations.

Mr. Lippmann said he was shocked that there were no members of the Board of Selectmen or Board of Police Commission at the funeral today of a former retired Madison police lieutenant (William Dana). He would like the commission to go on record that they notify the Board of Selectmen in writing when they are aware of the death of a former officer. There is an etiquette regarding the death of an active or retired officer and he requested that the Commission establish a protocol.

He asked that the fees for the use of the police cars at a construction sites be increased; he asked for more cops on the street.

Barry Dicker, Madison Springs: Mr. Dicker stated, regarding the report on staffing. In support of being able to talk contemporaneously, he would hope he could help influence what is decided by providing input before a vote. He will have to wait a month and cannot provide any thoughts that might influence the Board regarding the staffing report. Chairman Geisenheimer advised, tonight they are presenting Commissioner Smith’s fact finding data. They will not vote – there is no analysis or conclusion, recommendations, decisions. They are allowing ample time for the public to digest the data. They have other things to do before they make a decision. Mr. Dicker reiterated, he would like to provide input before the vote.

Mr. Kritzman said he hopes the Board has not rejected his request to reconsider time for public comment. Chairman Geisenheimer said he will not debate this tonight and the Board will consider the request, which is different than all the other town boards. If there is an issue on a current subject, he has made exceptions in the past to hear the topic; there are situations that may provide helpful information. Chairman Geisenheimer reminded Mr. Kritzman that the dispatch issue came to the Commission out of public comments. He was not aware of the urgency of the issue or that there would be a meeting held on [the following Monday]. The Board listened and took action based on the public comments. They are not trying to stifle public comments, but they have to conduct their business.

## **CONSENT AGENDA**

**MOTION** by Smith, second Heaney to accept the minutes of the meeting of June 8, 2006. All in favor. None opposed. So moved. Two corrections were made by Chairman Geisenheimer.

Chief Jakobson advised the financial report in the agenda was generated on July 6, showing a balance of \$79,000+; he was not sure if the last payroll had been applied. He continued, overall the Department finished in the black. Chairman Geisenheimer said, so noted – well done.

Two traffic issue letters were sent directly to Chairman Geisenheimer, one concerning Mungertown Road/Johnson Lane and one from a spokesman for The Hearth. Chief Jakobson received said letters at the meeting and advised he will forward them to his traffic officer.

Chairman Geisenheimer suggested getting some data on speeding. The Chief said, The Hearth request concerns the building of new businesses in town that the police, as traffic authority, should be able to give input prior to construction. Chairman Geisenheimer added, the building (The Hearth) appears to be set back from Bradley Road. Chief Jakobson said he thought when it was in the new construction stage it was to be a right turn only from that driveway. It also deals with residents who may not be totally aware of their surroundings. Commissioner Heaney added, in New Jersey it was statutory that all new development be submitted to the traffic and fire authorities for review and he is surprised that is not done routinely by P & Z. Chief Jakobson commented that the police only receive information from the State of CT because they understand the importance of police involvement. This Board has never received any information relative to developments asking for their recommendations. The Board of Police Commission is the traffic authority. It should be done on a local level. Commissioner Heaney said he doesn't want to decrease the regulatory process but thinks the police chief and fire chief should be advised of new construction. Chief Jakobson added, regarding the new high school, his signature was needed stating that Route 79 and Green Hill Road would be able to handle the increased traffic. He was asked by someone in town to sign off on it. It should not be done that way. Chairman Geisenheimer suggested the Board discuss this and perhaps should have it on the next agenda to review regulations and talk to various boards. Commissioner Heaney added, the First Selectman has started to talk about prioritizing capital projects; he thinks police and/or fire review of those projects ought to take place as they affect traffic circulation. Chairman Geisenheimer concluded, the downtown concept/parking is in the future.

Chairman Geisenheimer asked for a one-time request for 2-years of past data, i.e., June had 8 accidents of following too closely. Is that consistent or a one-time occurrence?

**MOTION** by Heaney, second by Smith to accept the Consent Agenda. All in favor. None opposed. So moved.

## **OLD BUSINESS**

- Accreditation Process – Status

Chief Jakobson reported he continues to receive 2-3 SOP revamps from the committee weekly. The process is continuing.

Chief Jakobson then asked to have the agenda opened to discuss a rate change to the charge for a police vehicle from \$50 to \$100 given the cost of fuel, maintenance, etc. at an outside job. When Chairman

Geisenheimer asked if the increase is enough, the Chief said it is in keeping with other departments. He continued, the Board of Finance is looking for a vote from the Police Commission.

- Radio System – Tabled. Chief Jakubson recommended this be tabled again.
- Staffing Study – Presentation of Findings

After his PowerPoint presentation, Commissioner Smith was complimented by Chairman Geisenheimer for all his work and data recovery in preparation; next will be the analysis. Commissioner Smith wanted to emphasize that this is not cut and dried, but we need to start with ‘where are we’ before we know ‘where we want to go’. He has looked at public info on response times and goal setting for other departments. Other departments have plans and studies of efficiency; a lot of departments establish response times as a major goal. Some have 95% dispatch time – calls received until a unit arrives on scene in 5 minutes or less – we are at 62%. If you swathe 112 categories for ‘Priority 1’, you would conclude not all ‘Priority 1’ calls are equal. He feels the Board needs to sit with the Chief and look through what is really a ‘Priority 1’ call and set goals. Also, it was not intended to have the element of police work that cannot be measured, which is the deterrent factor of patrol. To what extent does active patrol prevent crime? Almost everyone agrees that you cannot prove that this level of patrol leads to that level of crime reduction, or conversely, the absences lead to crime increase. It is judgmental. The Commission will have to study this to move forward. He would like the Chief’s input to the Commission on his views on crime in Madison. What crimes are deterable? Some things cannot be deterred with patrol (deer strikes); burglaries might be deterred. The Chief will check actual reported crime statistics and lay out his point of view on what can be affected by police patrol; then it can be analyzed. Tonight is intended to get the facts on the table with a data presentation.

Based on Commissioner Smith’s PowerPoint presentation, Mr. Dicker asked, where the officer initiated calls for service gives ‘0’ for time in queue and ‘0’ for time for service, that call does not involve dispatch. When the officer initiates a call, he responds immediately, so essentially there is an immediate dispatch by the officer and his time is immediate. Are those calls included in the averages? He continued, dispatch time is immediate when initiated by the officer. Is that counted in the call? You are putting in a ‘0’. Commissioner Smith explained, it would be more meaningful to look at on-demand calls. He continued, at the time of the Crockett Report they couldn’t differentiate all the distinctions and then look at calls by priority. He will separate response times for officer-initiated and dispatch calls.

Chief Jakubson added, this presentation will be made available on our website for the public’s viewing. Chairman Geisenheimer said he would expect they will have this item at upcoming meetings with progress reports at each meeting as they go through the steps. Commissioner Heaney complimented Commissioner Smith’s work and said he thinks this is a wonderful job. Chief Jakubson agreed; it is a great first step which validates what had been presented via the Crockett Report and his past comments relative to staffing this department by calls for service. There are other factors besides calls for service for staffing.

Ed Kritzman commented, if you took out the officer-initiated calls, it would give a better sense for demand. His concern is the public might not appreciate that. Commissioner Smith answered, that is not different than what was in the Crockett Report and he realizes that – it is a good point. Chairman Geisenheimer added, the public needs to understand this is a presentation of facts – it is not to be analyzed. No one is offering up conclusions or observations. The analysis will be done next; it is assumed the response times are longer when officer initiated calls are taken out. A lot of analysis needs to be done. Sharing the raw data is fine. Chief Jakubson suggested a letter be authored that this is the first part of the study to be read prior to opening up the PowerPoint demo. Commissioner Heaney added, we can’t assume everyone will understand this is raw data.

- Standards of Conduct Manual

Chairman Geisenheimer advised, this has been tabled until the Collective Bargaining Agreement (CBA) is in place and asked what its status is. Chief Jakubson recommended this be tabled again and asked that the litigation underlying be discussed only in executive. Commissioner Heaney said he was inquiring that when Mr. Scarpati was here, he announced there had been a meeting of the minds on the CBA subject to

reducing the tentative agreement to writing by attorneys. Is there anything concrete? Chief Jakubson said it is not for public discussion; Chairman Geisenheimer noted, it will be discussed in executive session.

Chief Jakubson asked that the agenda be opened and that the Commission ask the Town to change the charge from \$50 to \$100 for the use of a police cruiser on an outside job.

**MOTION** by Smith, second by Heaney to open the agenda to discuss vehicle charges. All in favor. None opposed. So moved.

**MOTION** by Heaney, second by Smith to increase the price for a patrol car on an outside job from \$50 to \$100 as suggested by Chief Jakubson. All in favor. None opposed. So moved.

Chairman Geisenheimer commented, the financial matter related to employing officers for special jobs has come up before. Chief Jakubson asked Mr. Deephouse – what do you mean by miscommunication with the police department? Mr. Deephouse said the point was made by the Police Commission that they don't receive much information from the finance office relative to the revenue. They brought this up at the last Board of Finance meeting. The Finance Director went through, in detail, how some of these things were arrived at. There are a certain number of add ons (social security, etc.), which do not appear in the Police budget; it appears as a town cost. The Police Department is being reimbursed for all the expenses for which they are charged and the town picks up money to pay other expenses in the town budget. There is no accumulation for additional medical or insurance. The pay is not used in the calculation of retirement; those items are not the cost of an officer working regular duty. Overtime is credited to pension; outside jobs (construction site) are not calculated toward pension.

Chairman Geisenheimer said they are asked to authorize money in a particular account; the Police Department gets no reimbursement for it. There are duty hour limitations for the officers; for an outside job, we give up someone who might be used for patrol.

Mr. Kritzman added, he has not heard if there is a factor for managing the program – supervision – answering calls from contractors – calling officers? Is there a quotient built into our hourly charge? Chief Jakubson answered no; Mr. Kritzman said that is a legitimate cost. The Chief continued, there is a processing fee for the Finance Dept. but there is not a processing fee to the hourly rate for the call received and filled here; we just started charging for the car. The Chief suggested looking at whether there needs to be an additional fee to address our processing here, whether the Commission can convince the boards of finance and selectmen that the Police Department should reap a portion of that funding as opposed to it all going to the general fund.

Mr. Deephouse suggested that the Commission ask the finance director for an itemization; she also had a comparison of different areas and what they charge. Chairman Geisenheimer added, if we are spending our resources but income goes to the general fund, we should get something back. Mr. Deephouse said the police departments like the idea of construction jobs and they have fought to prevent private contractors from doing highway security. Mr. Walz said the Commission might want to ask the finance director to make a presentation as to how this flows – it may not be as unfair as it might appear. Mr. Kritzman concluded, until you know you have captured all the actual costs for a clerk, scheduler, etc., there should there be a surcharge to provide a 'profit' to the department.

#### **NEW BUSINESS**

- IBPO Grievance: 2006-02 - Tabled

**COMMISSIONER COMMENTS:** Commissioner Heaney said that concerning citizens' comments, his personal view is, meetings are a participatory democracy – if we expect citizens to help shape the government, we need to hear them speak. He would be in favor of more public comments and move it to the end of the agenda but would also allow, at the discretion of the chair, some reasonable comments on an item by item basis if we are discussing it at that time. Also, Commissioner Heaney said he would like to see a regular part of the agenda be committee reports, even if there is nothing to report. This would be so committees are reminded there are things they should be pursuing. Commissioner Heaney encouraged the

first selectman to resume attending our meetings as an *ex officio* member of the commission. He came to the February and March meetings and expressed an intention to participate more regularly. Commissioner Heaney said he thinks that would address communication problems that arise and Mr. Scarpati can report on issues he has become involved in such as CBA, dispatch issues, the standards issue, police chief appointment, etc. He needs to be here so we can have direct communication. For example, the first selectman has become involved in an issue (CBA) without our knowledge. Productively, he would like to invite him to start coming to meetings. Lastly, with regard to the Board of Selectmen's veto power regarding the hiring of a police chief, he agrees with Ed Kritzman that veto power invites litigation as it is not a resolution and does not give the first selectman the security he seems to want in the terms of appointing our next chief. It is a violation of state law. What will a final police chief candidate, approved by this commission and vetoed by the Selectmen, do? He will sue the town, which has had not involvement with his selection – just had an arbitrary veto. We are the board to supervise the police department through the police chief. You cannot delegate that power to a board without those responsibilities, which is not accountable.

#### **CHAIRMAN COMMENTS**

Chairman Geisenheimer spoke regarding the chief's appointment and said this came out of the failed attempt to create a deputy chief. It was brought up because the concern on the part of the first selectman was that it was a ruse to create an incumbency for the next chief. There is also history – in the view of town, that the process in place by previous commissioners for the selection of the chief was not followed by the commissioners themselves. The question is not of the quality of the person, it was that the process was not followed. The reason is to ensure we follow our policy. If we do that as a commission, he cannot imagine elected politicians willing to take the heat when a commission has followed the rules. They are concerned there be a right to overrule them if they don't follow their own policy. The Board of Selectmen will not risk vetoing the Police Commission's choice. Commissioner Heaney commented to Chairman Geisenheimer that he has left it in the minds of the public that former boards did not follow their policy. Chairman Geisenheimer responded, a concept of the policy was not followed in the previous choice. Commissioner Heaney then thanked Commissioner Smith for his work on the staffing study.

#### **MISCELLANEOUS CORRESPONDENCE**

Chief Jakubson reviewed traffic control requests and will report back; Governor Rell has sent letters to congratulate the two new officers; the Women's Club donated afghans and stuffed toys to be put in patrol cars; he reviewed a letter of thanks to Officer Fox for his assistance to the recent Cystic Fibrosis "Great Strides" walk. He concluded by reporting that Explorer Post #492 members are in Arizona for their national convention.

#### **EXECUTIVE SESSION**

**MOTION** by Smith, second by Heaney to adjourn to Executive Session at 10:05 PM to discuss personnel issues. All in favor. None opposed. So moved.

Present in Executive Session:

Commissioner Emile Geisenheimer, Commissioner David Smith, Commissioner Michael Heaney; Chief Paul Jakubson

- The IBPO labor contract was discussed

Return to Open Session.

**MOTION** to adjourn meeting at 10:45 PM by Geisenheimer, second by Heaney.

Minutes accepted: August 10, 2006

