

**MADISON DEPARTMENT OF
POLICE SERVICES
October 25, 2007
9 CAMPUS DRIVE, MADISON– 9:30 AM**

Attendees: Chairman Emile Geisenheimer, Commissioner David Smith, Commissioner Thomas Cartledge, Chief Paul Jakubson; Atty. William Clendenen (Town); Atty. Michael Brady (IBPO); First Selectman Thomas Scarpati.

Absent: Commissioner Garry Gyenizs

Also present: Lt. Robert Stimpson; Lt. Allen Gerard; Lt. Jonathan Dobbin; Press; Department officers; Community members

The Special Hearing was called to order 9:47 AM by Chairman Geisenheimer who stated the single purpose of this meeting was the continuation of the discipline hearing of Sgt. Timothy Heiden.

Chairman Geisenheimer asked Atty. Clendenen if he had completed his presentation of his case against Sgt. Heiden; Atty. Clendenen said that was correct.

Atty. Brady began his presentation by asking to have Union exhibits (IBPO Current Bargaining Agreement) and the Affidavit of IBPO Connecticut Director Joseph Pastorella admitted.

Sgt. Heiden was sworn in to testify at 9:52 AM and was questioned by Atty. Brady.

After a brief recess to change the videotape, the cross-examination by Atty. Clendenen of Sgt. Heiden began at 11:36 AM.

12:16 PM

Atty Clendenen completed his cross-examination of Sgt. Heiden.

12:18 PM

Atty Brady re-directed additional questions to Sgt. Heiden.

12:29 PM

Chairman Geisenheimer called for a 10 minute recess.

12:45 PM

Return to open session at 12:45 PM / Sgt. Heiden dismissed.

12:46 PM

Atty. Clendenen called Chief Jakubson to testify.

12:49 PM

Chief Jakubson dismissed.

Atty. Clendenen said that due to the gravity of the issues raised by Atty. Brady, he was requesting the opportunity to a prepare a brief to be presented to the Commission within the next 30 days; Atty. Brady said he had no problem with that request.

Chairman Geisenheimer framed the parameters of the attorney's briefs which are to be on two points:

- 1) as to any authority or case law that either of you can cite with respect to the charges and specifications and,

- 2) in particular to any authority that you believe is out there that we should know about with respect to a union representative being immunized by his service as a union representative from his duty as a police officer with respect to a criminal investigation or otherwise.

He continued, the Commission will not deliberate today; they will wait for the charges and briefs.

Chairman Geisenheimer added, he would like to see recommendations included in the briefs for appropriate discipline along with all relevant facts and arguments which might affect the nature of discipline. With respect to that, if there is any testimony (or discipline) the Commission will entertain that as well. They will make sure they have given every opportunity for this.

Chairman Geisenheimer continued, as to the 30-day timeline, he is not happy with that and is troubled by uncertainty for Sgt. Heiden and the Department, noting he wants as early a date as possible. Sgt. Heiden will remain on paid suspension. The attorneys are to settle with the Chief's assistant on as early a date as possible that they will be prepared to re-convene.

Atty. Brady questioned the briefs – as to charges and secondary appropriate discipline. Chairman Geisenheimer said if we get to discipline Sgt. Heiden, he wants to give the opportunity to both sides to suggest the level of discipline to be administered.

Chairman Geisenheimer adjourned the hearing at 12:56 PM and immediately advised he was calling the hearing back in order.

MOTION by Geisenheimer, second by Smith at 12:58 PM to continue Sgt. Heiden's suspension, with pay, until the next hearing date. All in favor. None opposed. So moved.

Minutes Accepted: November 8, 2007