

**MADISON DEPARTMENT OF  
POLICE SERVICES  
REGULAR MEETING – February 1, 2007  
9 CAMPUS DRIVE, MADISON– 7:30 PM**

Attendees: Commissioner Emile Geisenheimer, Commissioner Thomas Cartledge, Commissioner David Smith, Commissioner Michael Rollinson arrives at, Commissioner Michael Heaney, Chief Paul Jakubson

Also Present: Lt. Robert Stimpson; Charles Walz; Sgt. Tim Heiden, Union President

**CALL TO ORDER**

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

**PUBLIC COMMENTS**

Chairman Geisenheimer opened the meeting to the public for their comments. None

**GRIEVANCE(S)**

- IBPO Grievance: 01-2007 – 2<sup>nd</sup> Step

Sgt. Heiden asked to have 02-2007 tabled to March as the grievant (Maxwell) could not attend.

This (01-2007) is a union grievance which includes denial of a postponement request for an IA (Internal Affairs) hearing/interview for Officer Joseph Gambardella, who was advised 1/16/07 to report for an interview which could result in discipline. Sgt. Heiden said by contract a hearing could be postponed for up to 10 days; the union submitted a request on 1/16/07 for a postponement as the union attorney was not available. The request was denied by the Chief and the interview of Officer Gambardella did take place. Sgt. Heiden said this grievance indicates that Article 16, Section 1 allows for a 7-day postponement

Chief Jakubson responded, he did not consider this IA either disciplinary or a discharge action so the article cited was not applicable; rather, this was an order to appear before the IA investigators and the officer was given ample opportunity to have union representation present. He feels it is not germane to Article 16. Commissioner Heaney commented, the Chief's position is that the interview on 1/16 was not a disciplinary or discharge hearing? Chief Jakubson answered, correct although Sgt. Heiden feels it was. Sgt. Heiden continued, Officer Gambardella was placed on administrative leave with pay and locked out of the building. He feels a hearing is testimony from witnesses; Officer Gambardella was an accused person at that time and it was a preliminary interview. Sgt. Heiden continued, Joseph Gambardella was subject to discipline. Weingarten Rights (union representation during investigatory interviews) allows for a legal rep to be present with union attorney consultation; without that representation they are not required to participate. The request was made because the union attorney was not available. It was bad faith to deny the request because the contract didn't fit the request. The Union felt it necessary to have a union rep available. As a result of denial, the union attorney needed to reschedule other appointments. It was a simple request to aid in the ease of the attorney being there; it was denied because that part of the contract didn't fit and the Union feels it was a hearing by definition. Chief Jakubson said he contacted town counsel who was in agreement as to the contract's interpretation.

Chairman Geisenheimer said he assumes you (Heiden) and he (Gambardella) were aware this was an interview to give testimony as part of an IA? Investigation is differentiated from a hearing. You are aware of the distinction between a hearing and an investigation? Sgt. Heiden said it could have been both and he felt it was language that applied; it was a good faith consideration to reschedule, as we do repeatedly at the request of Attorney Ravel. The Union is completely amenable to rescheduling. Joseph Gambardella had been on administrative leave for 3 months; under Weingarten Rules they would be able to consult and have a schedule to fit everyone's calendar. Chairman Geisenheimer asked if Officer Gambardella had counsel available? Sgt. Heiden replied, yes.

Commissioner Heaney asked if it is counsel's view that he was somehow prejudiced by not getting a postponement and that he didn't have a chance to prepare? Sgt. Heiden felt that would be a question for the union's attorney. The reason for the request was the attorney's scheduling conflict. Commissioner Heaney

asked if Officer Gambardella was represented at this interview? Sgt. Heiden answered, yes. Chairman Geisenheimer added, Officer Gambardella had been on paid suspension for some time and was aware of the facts of the suspension. The Union felt it is a disciplinary hearing and by definition, that is a hearing.

Chairman Geisenheimer answered, the facts are, there are going to be hearings, not investigations. This was an investigatory interview. Sgt. Heiden said there is a difference of opinion in what constitutes a hearing, to which Chairman Geisenheimer answered, this was clearly not a hearing but was an interview. Chief Jakobson added, Officer Gambardella was not disciplined – he was on administrative leave with pay. Chairman Geisenheimer added, there was no change in his (Gambardella's) status made at that meeting. Sgt. Heiden answered, as a result of the meeting there was a status change as he is now on unpaid suspension. A result of that meeting was discipline and he said he maintains it was a hearing; whether there is a definition that an IA interview is not a hearing is what we are arguing. Chairman Geisenheimer said there was a hearing scheduled for 2/1/07 with a requested continuance of 7 days, which was granted. The behavior on the part of the town is differentiated with respect to a hearing. His interpretation is there is a difference between a hearing and an investigatory interview. Sgt. Heiden concluded, he feels this was a disposition of sorts; his documentation leads him to believe it was a formal hearing. If you have documentation that says it was not a hearing, he would look at it.

**MOTION** by Smith, second by Cartledge to sustain the Chief's denial of Grievance 01-2007. Commissioner Heaney said he is uncomfortable due to the lack of a definition of a hearing and sees some confusion may exist. There is no text that defines the process for purposes such as this. In this case, the individual was able to get counsel but that he/she was not able to prepare adequately is a matter of basic fairness for the standard. All in favor. None opposed. So moved.

- **IBPO Grievance: 02-2007 – 2<sup>nd</sup> Step**

**MOTION** by Smith second by Cartledge to table grievance 02-2007. All in favor. None opposed. So moved.

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

Chairman Geisenheimer said it would be unfortunate to have two ethics policies in place; the Board of Police Commission had one in place for some time, which is tailored to law enforcement. To avoid conflicts, he does not wish to have a town ethics policy, which would supercede the police commission policy. By state statute, the police commission is the sole authority to exercise discipline/termination on a breach of ethics. He emailed his response to Helen Burland and suggested if there are aspects that the town wishes to adopt that the police commission does not have in place, they will entertain same. Commissioner Smith thanked Commissioner Heaney for bringing the potential town/police ethics policies conflict to their attention.

**MOTION** by Smith, second by Cartledge to accept the minutes of the Regular Meeting of January 8, 2007. All in favor. None opposed. So moved.

**MOTION** by Smith, second by Cartledge to accept the minutes of the Special Meeting of January 25, 2007. Vote taken, Motion carried: 4-1-0 (Heaney abstained).

Chief Jakobson advised, at last month's meeting, Commissioner Heaney asked for a monthly half-page duty roster to show a summary of the status of each officer – patrol, CID, on-leave, training at the Academy, etc. Chief Jakobson provided a roster by date, adding he can prepare it by shift if needed.

The Chief continued, there are initial steps to coordinate traffic data for a better picture of various incidents and he distributed a preliminary report for the year 2006 with raw data to show case numbers, locations, accident codes, dates and hours.

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

Chief Jakobson advised, he can and will refine the report. Chairman Geisenheimer added, this data can be refined in a chart to show highest to lowest numbers of accidents, areas, times of day, etc. to be used to deploy law enforcement for traffic control. He would like to give thought to each commissioner taking on assignments to work with the senior command structure, namely with the chief and his senior staff, on various aspects of the department so the commissioners can have a more in-depth understanding of particular areas, such as traffic.

**Committee Reports – Tabled****8:00 PM****OLD BUSINESS**

- Accreditation Process

Lt. Stimpson provided a handout to show progress to date relative to SOPs (Standard Operating Procedure) and their status – everyone was amazed at how far they've come in a short time. The next section is a snapshot relative to Tier 1 accreditation and how much needs to be done; there are some SOPs not yet matched up. The overall process for Tier 1 for Madison is a little slower than for other agencies because they are modeling the policies of an accredited department and are reworking and tailoring these policies. The overall accreditation of tiers 1, 2, 3 will be coming much quicker than normal. The committee has reworked 80% of the model department's policies, which means the overall process will wrap up quickly. It normally takes a department 18 months per tier; Madison will complete theirs much sooner. Mr. Ted LeMay is now the Accreditation Manager at POST, replacing Ray Bouchard; he will review our accreditation. Sgt. Heiden is an integral part of the committee, which meets weekly which is diligently and need to be complimented. The committee members are: Sgt. Pardo, Lt. O'Connor, Officer Mulhern, and Sgt. Heiden. Officer Hedges was originally a member but was unable to participate due to shift duties. Chairman Geisenheimer commented that he wants to make sure the Commission doesn't get all the SOPs at once to review and act on. Lt Stimpson answered, some policies are currently in place; they are keeping them in sequential order, or are finding a replacement area. When the manual is finished it will have new numbering system. Each policy has two numbers – the existing number and what the new number will be once it is reindexed and put in the book form. There are 2 accreditation possibilities, the State's which is free and the CALEA Accreditation Process, which is expensive. The State wanted to give departments the ability to receive recognition for what they've done by tier levels. Tier 3 is the completion of all accreditation standards. Chairman Geisenheimer commended Lt. Stimpson for the good work he has done. Chief Jakubson added, these gentlemen have spent a lot of time working on this accreditation. Lt. Stimpson concluded, this is a great committee to work with as there is a diversity among the members.

- Chief's Benefit Statement - There is nothing to report to date.

**8:15 PM****NEW BUSINESS**

- **Goals for 2007**

Chairman Geisenheimer explained, the staffing recommendation set concrete goals; the Chief said this is a cooperative effort to set goals which are agreed upon - it is achievable, but will cost money. Chairman Geisenheimer advised he will meet with the Chief to discuss these goals before getting too far into the year. For example, one deals with looking at call/priority codes. Chief Jakubson explained those codes were developed over 10 years ago. It looks like an unusual amount are 'code one' – burglary, alarm, assault. Chairman Geisenheimer said he understands the commissioners are in no position to qualify the codes. Chief Jakubson said they will review the list together and he will explain the codes. Commissioner Smith said he thinks they need a minimal level of acceptance response times – i.e., 80% of all priority calls should be responded to in 'XX' time. Chairman Geisenheimer added, in studying other departments, he sees that priority systems with respect to response times are stated: Priority 1 calls are responded to in 5 minutes or less; Priority 2 calls in 7 minutes or less, etc. This will show where the bottleneck is – with officers, dispatch, etc. Lt. Stimpson said he has spoken to Ed Brunt (Communications Director) over the past several months and knows they are installing 'Priority Dispatch' for emergency medical dispatch. The company makes a law enforcement product to provide a triage system for determining priority. Almost every dispatcher hired lacks a law background, but this product provides a background for them. You set up the priorities on this program; the Q & A model provides the data. Chairman Geisenheimer has asked Mr. Brunt to get the specs on this program. Lt. Stimpson added, Newtown, CT has this product up and running – he will research it. Chairman Geisenheimer said he feels it is critical that Dispatch have the software to do police dispatch. Commissioner Smith said the program provides a script and standard common language. Chairman Geisenheimer asked Lt. Stimpson to get the material from Priority Dispatch to review with the commission. Commissioner Smith concluded, as a goal, he thinks the each commissioner should individually submit their ideas about goals to Chairman Geisenheimer before the next meeting.

Rollinson arrives at 8:23

Commissioner Heaney added, he thinks this is a great topic and in terms of goal setting, he would like to see a process to get broad input from all community sectors as to what kind of services the town wants from the police; performance standards in all areas; performance evaluations; incentives, rewards, rank & file input and resident input. Topically, he feels they need planning and goals for patrol, crime prevention and crime solving; youth as an underappreciated issue in town; training, education and job satisfaction. What is the quality of the job/work for officers? He continued, looking at how this is to be done – assign each commission member a particular body of police work and that particular supervisor to get more familiar than the others. Lastly, start out with a consensus about how to best do this - legitimate resources so we all start on the same page. Commissioner Cartledge said those are excellent points and asked for a benchmark synopsis for the commission. Commissioner Heaney said he would be happy to do that by the next meeting as to goals.

- **FY 2007-2008 Budget Schedule**

Chairman Geisenheimer said at the March 8 regular meeting the Commission will take action on the 2007/08 budget. He then invited the commissioners to schedule times with the Chief and Lt. Stimpson to get an understanding of the budget process. Chief Jakubson added, this is your first budgetary year and first attempt to deal with this - hands on. There are significant contractual changes to be understood, which are being held separately. Commissioner Heaney asked for a copy of the working budget. Chief Jakubson will email one out.

- **Policy Revision – XI. Recruitment and Selection**

Chairman Geisenheimer advised, there is a concern relative to the length of time – at least 35 weeks - from when a candidate starts in the Academy to when they take their own shifts. They also learned the initial process can take as much as 4 months with no control over the Academy's schedule. He hopes to have a written amendment to the existing policy at the next meeting to provide an alternative relative to agility testing, interviews, oral boards, etc. Additionally, the commission wants to amend the policy to permit the Chief to do some of the steps internally to reduce the time of the process. Commissioner Heaney asked that the initial draft be emailed when it is circulated.

**MOTION** by Smith, second by Heaney to assign Commissioner Cartledge the responsibility of developing the draft revision for Policy XI. Recruitment and Selection. All in favor. None opposed. So moved.

- Report on action of Chief Jakubson on January 26, 2007 and Union Request for Extension to Time of Hearing

Chairman Geisenheimer reviewed and summarized, for the record, the steps taken to the completion of the investigation of Officer Joseph Gambardella.

- 1/26: Chief Jakubson wrote a letter officially notifying Officer Gambardella of a 10-day suspension without pay and notified him of his recommendation for a termination hearing by the Commission. He included the charges and specifics arising out of the investigation.
- Officer Gambardella received a copy of the suspension letter; thereafter that letter provided a set date for a 2/1 hearing at 12:00 PM for termination and suspension without pay.
- The Chief received a request from Officer Gambardella's counsel for a 7-day continuance, to which he is entitled by contract. The continuance was granted. The hearing was set for 2/8.
- 1/31: Officer Gambardella's counsel requested another continuance. The continuance was granted, however the hearing notice was sent out for the hearing on the matter of suspension without pay for 2/8
- 2/8: The Commission will hold a scheduling conference for the termination hearing of Officer Gambardella.
- 2/8: The Commission will discuss and adopt rules and the process for the terms under which the termination hearing will be conducted. Counsel will discuss this in Executive Session.
- 2/8: The Commission will adopt the set of rules for the termination hearings in regular session. That is where this stands as of today.

Chief Jakubson told the Chairman he covered it concisely. For the record, the suspension took effect on Monday, 1/29; Officer Gambardella was sent, via Fed-Ex, a copy of the letter on that Saturday, 1/27, for receipt

by Officer Gambardella on Monday 1/29. Subsequently, Officer Gambardella was ordered to appear before the Chief on 1/29 so the Chief could personally hand Officer Gambardella the letter of suspension. Officer Gambardella did not appear because his wife gave birth to a healthy girl the night before, however his attorney, Michael Brady who did appear, was given the letter in person and advised that the full report was sent by Fed Ex to Officer Gambardella. It was tracked that Officer Gambardella received and signed for that packet at the Fed Ex facility in North Haven where he picked it up.

#### **COMMISSIONERS' COMMENTS**

Commissioner Smith reported that under the stewardship of John Bowers (Town's Director of Health) for emergency management, the Town has a Communications Committee. The goal of the Committee is to bring together various responding agencies to be part of a self-guided organization to identify and prioritize the communication needs of the town. They will present communications recommendations to the boards of finance and selectmen. Involved are: Madison communications, Madison Hose, North Madison Fire and Madison Ambulance. The outcome has been very positive; they will be presenting their recommendations. There is also an operations subcommittee. The findings will be presented for budgetary considerations. This is the first time this group is working on a solution for a difficult problem.

**8:45 PM**

#### **MISCELLANEOUS CORRESPONDENCE**

Chief Jakubson briefly reviewed: a letter from participants and Mrs. Kathy DeBurra, Senior Center Coordinator, thanking the Explorers and Officer Sterling for organizing a spaghetti dinner at The Depot. The kids in this Explorer Post, with advisors Officer Sterling and Lt. O'Connor, do a tremendous job; correspondence was reviewed from the Chief to the town engineers relative to signage at Concord Drive; a letter of thanks for assistance rendered by the department to members of the Regional Water Authority during its inspection of the Genesee Tunnel; and finally, he reviewed his reappointment to the IACP (International Association of Chiefs of Police) Technology Committee.

Chief Jakubson continued, relative to the drug use survey conducted recently at the middle and high schools, a strategic team has been coordinated with a cross section of community members to establish goals relative to what they want to see come out of the survey results.

As far as the mobile client software for the cruisers – the Chief said he finally got the letter of approval from DOT, which has released the funds. They are within a week of having it up and running. Our IT man (Tim Rowe) has been working on this to get everything ready. Madison will be hosting the server; other towns involved are Branford, North Haven, Hamden & North Branford. The Chief said he has discussed data sharing, which is high on the list for law enforcement, with the vendor. The data will piggyback on this project. Madison will be a test bed for a data sharing modem.

**MOTION** by Rollinson, second by Smith to adjourn to Executive Session at 8:58 PM. All in favor. None opposed. So moved.

#### **EXECUTIVE SESSION**

Present in Executive Session: Chief Jakubson; Lt. Stimpson; Chairman Geisenheimer; Commissioners Cartledge, Heaney, Smith and Rollinson. Discussed: Investigative process of Officer Gambardella.

9:55 PM – Commissioner Heaney leaves.

**10:35 PM:** Return to Open Session

**MOTION** by Rollinson, second by Smith to adjourn the regular meeting at 10:40 PM. All in favor. None opposed. So moved.

Minutes Accepted: March 8, 2007