

**MADISON DEPARTMENT OF
POLICE SERVICES
REGULAR MEETING – July 10, 2008
9 CAMPUS DRIVE, MADISON– 7:30 PM**

Attendees: Chairman Emile Geisenheimer; Commissioner David Smith, Commissioner Edward Kritzman, Commissioner Garry Gyenizs, Acting Chief Robert Nolan

Absent: Commissioner Larry Moon

Also Present: Assistant Town Engineer Mike Ott, Citizens of Madison

CALL TO ORDER

Chairman Geisenheimer called the July 10, 2008 regular meeting to order at 7:38 PM and asked that all rise to recite the Pledge of Allegiance.

Chairman Geisenheimer said that there was an extensive amount of time already spent relative to a discussion concerning Seaview Avenue; there will be no further decisions tonight on that topic. He is happy to hear comments if there is something new. It is on the agenda under old business for discussion if a further study needs to be taken.

PUBLIC COMENTS:

Herb Webber; 74 Webster Point. Commented on the high legal charges that have escalated over the past years. Chairman Geisenheimer said the legal expenses are budgeted by the town, to include all town legal activity. He feels a majority of the expense concerns the police department due to circumstances that have arisen and continued, we have needed to take action relative to officers involving protracted hearings and appeal rights at the State Board of Arbitration level. Chairman Geisenheimer continued while he regrets the legal costs, it is the duty of the Board to balance the importance of having an honest, disciplined police force; we follow the dictates of the Supreme Court. The purpose of the statutory protection is to protect the public because it is very difficult to take arbitrary actions against police officers. It is in the public's interests to have these legal standards in place which is why there is an elaborate system of certification for officers. It is an investment for the future. Mr. Webber feels that the costs can go to \$1MM this year and asked if there are some officers that we should not suspend? Some we should have not suspended? The town can't afford these legal bills- need to think this out. Chairman Geisenheimer answered, the Board has thought this out and he does not believe any officer has been suspended unjustly. The Board can't be governed only by dollars – but rather, needs to be governed by justice. Mr. Webber asked to rethink people being suspended – the town can't afford it.

Jim Carrigan, Wellsweep Drive, spoke in defense of Lt. Mike O'Connor, noting his personal interactions with him. Mr. Carrigan questioned department policy and procedures which are implemented and signed off on and asked if they were signed off on by Lt O'Connor. He asked, if the policies were not adhered to, was Lt. O'Connor put on a performance plan and given an opportunity to be successful? He feels Lt. O'Connor is the most honest, respected cop in town. He concluded, the Police Commission has done a great job and thinks money can be saved by not going through this hearing process with Lt. O'Connor.

Chairman Geisenheimer advised that this panel has not made any judgments and has not charged Lt. O'Connor; the Department has charged him. The Board will hear his case and make their decision based on the facts presented. The procedure to set forth how the hearings are conducted was established and accepted by both attorneys. Each officer is represented by counsel, as is the town; the Board established rules of evidence. Chairman Geisenheimer then overviewed the entire process for hearings, noting it is very important that everyone know that the Police Commission does not make its judgments based on public opinion; if the evidence supports the charges, they will act. All the emails, letters, statements, etc. being sent around will not be the basis for the Board's judgment. The Board has dismissed IA charges, with no resulting discipline. The public doesn't know the evidence; in every case that has come before the Board, much of the evidence is in writing and becomes a sealed file to respect privacy and potential pending criminal investigations, at the request of the defense. In no case, at any hearing has all the evidence been made public. The Commission has no bias against any officer or lieutenant; if you trust the system, the jury will do its job. Mr. Carrigan said he thinks if someone does not perform, they should be put on a performance plan without incurring ridiculous legal fees.

Chairman Geisenheimer answered, this is the accepted administrative process in police departments – nationwide.

Donna Farrell – Country Way: Mrs. Farrell said she was a Madison police dispatcher in 2001 for 1½ years and asked how the public can participate in the hearing process. Chairman Geisenheimer advised her to talk to Lt. O’Connor’s attorney – if you have something relative to the charges you will be called as a witness. He continued, we are acting as the jury and as such, do not consider public opinion when the facts of two opposing attorneys are considered.

Bill Barker – Hamilton Drive asked why Bridgeport Police Department was selected to do an investigation on Lt. O’Connor. Chairman Geisenheimer said the Madison Police Department did not make the decision; there was a concern about the closeness of a small department and manpower to conduct an IA. There is an expertise for IAs in a larger department which has specialists. There is no connection to lead to any bias.

Chairman Geisenheimer continued in his explanation of the hearing process and noted the Department brings forward the charges – everyone is represented by an attorney. We have sworn to live up to our oath of office. Mr. Carrigan asked if every IA leads to a charge? Chairman Geisenheimer answered, absolutely not and noted some charges are dismissed if there is not enough support for them. The Commission does not bring the charges; they hear them and represent the public. There is a wall between the Police Commission and the officers conducting the IAs so there is no influence. The Commission does not tweak the investigation. The charges arise, come to the Board and the Board makes the decision. Mr. Carrigan asked who makes the decision [to bring the charges]? Chairman Geisenheimer answered, the Chief does.

CONSENT AGENDA – CHIEF’S REPORTS

Commissioner Kritzman pointed out some clarification changes to the minutes of June 12, 2008.

MOTION by Kritzman, second by Smith to accept the Regular Meeting Minutes of June 12, 2008 as amended. All in favor. None opposed. So moved.

MOTION by Kritzman, second by Smith to accept Special Meeting Minutes of June 23, 2008. In favor. None opposed. So moved.

Commissioner Moon arrives at 8:03PM.

Chief Nolan reported traffic controls during the fireworks went very smoothly. He talked about the police scooter demo, which drew a crowd and was a hit, was ridden by Lt. Gerard during the parade and fireworks patrol.

Chief Nolan said he was not at liberty to report details other than to say the investigation is moving forward relative to the jewelry store robbery. He made it clear to the Commission and the public the individuals involved were opportunists.

In conclusion, he reported that financially we’re fine – this is a new fiscal year. For fiscal year 2007/08 we finished within 97.2% of the budget.

8:07 PM

Traffic

Seaview Avenue: Chairman Geisenheimer said an issue has been raised about other areas with bigger problems and while he wanted to address the safety issues of Seaview Avenue, he would like more of a study for a final determination. A commissioner (Kritzman) will work with Lt. Dobbin and report back to the Commission. He continued, the population in the Seaview Avenue area has increased; he wants it to be used by the public but there is a complexity with pedestrians, walkers, carriages, roller bladders, etc., in addition to the parking issues. The Commission has a need to be concerned primarily with safety and while trespassing laws may enter into other activities, their decision is safety based.

Commissioner Moon said he feels there is a problem in the summer with getting through the Seaview area due to all the street activity. Chief Nolan said they are going to work at solving the traffic problems; it is an area of concern with people walking around landscaping trucks, etc. and gave the example that an ambulance would have a real problem getting through – it is very tight.

OLD BUSINESS

Recruiting

Chief Nolan explained changes he has made in the hiring practices. There is a human resource director in place so initially all testing will be done by her (Rita Umile). The Department will not see any paperwork until Mrs. Umile provides the applicant names and rankings, at which time the Department will start background checks. At that point the applicant would have been interviewed, had a written test and passed agility testing. After the backgrounds are complete, the polygraph exam is scheduled followed by the psych exam, then the physical. The cost factor portions are at the very end of the process rather than up front. At the decision-making stage the commissioners will receive full files; the person who did the backgrounds will be at the decision-making meeting.

Chief Nolan continued, the Department has interviewed certified police officers looking to transfer to Madison; an uncertified hire could be close to 12 months to begin working on his/her own. Chairman Geisenheimer explained, we initially made conditional offers then did backgrounds, which he said was illogical. Chief Nolan reported the Department has started interviewing certified officers; he explained the testing process of certified officers v. recruits relative to physical fitness testing and briefly discussed the FTO training of new officer Justin Stysly.

Surf Club Traffic:

Chief Nolan has discussed this with Mike Ott and Scot Erskine – they are going to increase patrol in the area plus Mr. Erskine is checking his budget to see if he can hire an officer for peak times. Chairman Geisenheimer noted that a citizen had written about safety concerns of children at the Surf Club near the roadway, which led to an investigation of the traffic situation. He stressed – it is the parents' responsibility to hold their children's hands so they are not in harm's way.

Assistant Town Engineer Mike Ott reported his department could install additional speed signs on Surf Club Road and within the park in both directions. He added, Surf Club Road has a couple of curves that you can't see around while driving – they will clear some of the vegetation to improve the sight lines for visibility such as a child on a bike in the wrong lane. He is also talking with Scot Erskine about modifying some of the islands in the parking lot for better control and installing crosswalks to control crossing sites. Chairman Geisenheimer said he feels crosswalks would be a great addition. When asked by Commissioner Moon if there is fencing to guide people to safe areas, Mr. Ott said it was fenced at one time - now there is a timber post & rail fence. For now they will try new signs and clearing vegetation.

When asked by Commissioner Kritzman how many speed bumps might be installed, Mr. Ott said speed 'humps' can become a safety issue; he has not investigated that yet. Putting speed 'humps' on a town road would require an extended study and a decision by the Board of Selectmen.

NEW BUSINESS

Academy School Zone: Mr. Ott reported that on behalf of the Board of Education, he reviewed several schools looking to change some traffic control signs on Green Hill & Copse Road which would involve removing old yellow signage (school assembly signs) to be replaced with pedestrian with child signs which are fluorescent green to be used only on school property and around schools. The new signs are regulatory traffic signs; not asking to speed change limits. Commissioner Gyenizs asked Lt. Dobbin about the traffic incident history; Lt. Dobbin said Green Hill has speed issues, as does Copse Road. He and Mike Ott had discussed the possibility of doubling speed fines imposed in school zone areas. Chief Nolan mentioned changing the Academy School area signage which currently makes the area in front of the school one-way.

MOTION by Smith, second by Gyenizs to follow the Assistant Town Engineer's recommendation to install school assembly signs on Green Hill Road and Copse Road. All in favor. None opposed. So moved.

MOTION by Smith, second by Moon to remove the one-way traffic restriction signs on School Street at Academy School. All in favor. None opposed. So moved. Commissioner Kritzman asked Mr. Ott to have his office determine if striping is needed in that area.

Commissioners' Comments: None

Misc. Correspondence

Chief noted officer congratulatory and complimentary letters.

MOTION by Smith, second by Gyenizs to add to the agenda review of the DUI Comprehensive Enforcement Grant. All in favor. None opposed. So moved.

MOTION by Smith, second by Gyenizs to approve the extension to next year of the DUI Comprehensive Enforcement Grant. All in favor. None opposed. So moved.

EXECUTIVE SESSION

MOTION by Smith, second by Moon to adjourn the meeting at 8:45 PM to Executive Session. All in favor. None opposed. So moved.

Present: Commissioners Geisenheimer; Smith, Kritzman, Gyenizs, Moon Acting Chief Robert Nolan
Discussion: Personnel issues

Return to Open Session at 9:32 PM.

REGULAR SESSION

MOTION by Smith, second by Kritzman to adjourn at 9:32 PM. All in favor. None opposed. So moved.

Minutes accepted: August 14, 2008