

**MADISON DEPARTMENT OF POLICE SERVICES
REGULAR MEETING – April 7, 2009
9 CAMPUS DRIVE, MADISON– 7:30 PM**

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

Also Present: Lt. Allen Gerard; First Selectman Al Goldberg, Officer Sam Brown, Michael Lewis, UPSEU Representative; Mike Ott, Town Engineer, Town Residents; Press

REGULAR SESSION

Opening and Call to Order at 7:34 PM by Chairman Geisenheimer. He asked that all rise to recite the Pledge of Allegiance.

Chairman Geisenheimer advised that the Board would go in to Executive Session, after which Officer Brown would be given the opportunity to enter Executive Session to meet with the commissioners.

MOTION by Smith, second by Kritzman to adjourn to Executive Session at 7:36 PM. All in favor. None opposed. So moved.

EXECUTIVE SESSION

Discussion: Legal and/or Personnel Matters

Present: Commissioners Geisenheimer, Smith, Kritzman, Moon and Gyenizs, Acting Chief Nolan, First Selectman Goldberg

REGULAR SESSION

Return to Regular Session at 9:07 PM

PUBLIC COMMENTS: None

CONSENT AGENDA

CHIEF'S REPORTS

MOTION by Smith, second by Kritzman to add three line item transfer requests to the agenda. All in favor. None opposed. So moved.

MOTION by Moon, second by Gyenizs to address the line item transfers in the financial component of the Chief's Report. All in favor. None opposed. So moved.

Acting Chief Nolan asked that the Commission review three line item transfers:

- \$15,000 transfer from Grants (\$10,000) and Wages-Vacation (\$5,000) to Prof. Tech. Services to cover the line shortfall through the end of the fiscal year
- \$7,000 from Part-time Officers to Telephone to cover line shortfall through the end of the fiscal year
- \$8,000 from Wages to OT Investigations to cover line shortfall through the end of the fiscal year

MOTION by Smith, second by Moon to accept the Line Item Transfers. All in favor. None opposed. So moved.

MOTION by Kritzman, second by Smith to accept the minutes of the Regular Meeting of March 12, 2009. All in favor. None opposed. So moved.

The minutes of the Special Joint Meeting between the Board of Police Commission and the Board of Selectmen of March 23, 2009 were not voted on.

Traffic:

Acting Chief Nolan noted a discussion under old business to review some traffic items.

Training:

Acting Chief Nolan advised that the only training item, which they are in the process of getting approval for, is to use the firing range of the National Guard for training and certification purposes.

CID: Acting Chief Nolan reported there had been another arrest involving a pedophile; said arrestee will go to court again.

Committee Reports: None

MOTION by Smith, second by Kritzman to accept the Chief's Report. All in favor. None opposed. So moved.

OLD BUSINESS

- **Recruitment Status**

Acting Chief Nolan reported they are still conducting interviews and background checks; hopefully, of the candidates recently interviewed, there will be good prospects. They will try to recruit more lateral candidates and have gone on a couple of state websites to raise some interest for laterals. There is a time element and cost factor for laterals. We are short 4 officers and are currently at 21.

Chairman Geisenheimer asked why the 'No Right Turn on Red' sign has reappeared at the intersection of Island Avenue and Route 1. Mike Ott said it was just removed by DOT within the past month; Chairman Geisenheimer told him it is back. Mr. Ott did not know it was back up – he will call DOT to check the status.

Traffic Updates by Town Engineer Mike Ott

- **No Parking along Rte. 79**

The only requirement for DOT to put no parking signs on Rte 79 is proof that the town notified the adjoining property owners on Rt. 79. Chairman Geisenheimer noted there are no access cuts; Mr. Ott agreed, that is a no access area. Once the notifications go out and DOT responds, the signs will be installed.

- **Rte. 1 / Lantern Hill Crosswalk**

Mr. Ott wrote a request letter for the Chairman's signature to go to the state to initiate the process for their investigation of the crosswalk situation. The Commission as a body has acted on this previously. Vice Chairman Smith noted, it is recorded in the minutes.

- **Reduced School Speed Zone**

Mr. Ott advised there is a request letter to the state for their review of the proposed speed zone on Green Hill Road. Chairman Geisenheimer noted that issue was acted on at a previous meeting.

Mr. Ott said he still owes the Board several traffic signals; at this time there is nothing else to report. The Board thanked Mr. Ott for his report.

NEW BUSINESS

- **New Police Equipment**

Acting Chief Nolan reported, as he has mentioned to the commissioners, in addition to sending paperwork for their advisement is that the new equipment he is requesting for consideration is the purchase and extensive training of on-duty officers with the newest Taser equipment available. This equipment includes video tracking and computerized tracking via a computer camera. It is considered a means for an officer to disable an individual if need be with a considerably less lethal system, which does less harm than a baton. There are more lawsuits against the use of batons and pepper spray than the Taser. The commissioners have been supplied with a sample of a very strict policy that would be enacted should this procurement take place, including a very in-depth report. If we go forward with this built in video equipment and enact this policy, officers will be thoroughly trained. The Taser would be signed out when on duty and signed back in when off duty at the end of the shift; it would be money wisely spent for the Town of Madison and would be very helpful in the protection of the officers.

Chairman Geisenheimer asked for a motion and said he would like to discuss the process. He continued that he and the Chief have discussed this; he has personally been very skeptical because the device has had a

controversial history with two elements. One element he noted is that it is used on people; there is the likelihood that is to be used by officers where they are not replacing the use of deadly force but are using it in a lower standard. It is to be used in lieu of a firearm, in a situation when a firearm would normally be used by an officer. He has told the Chief that the facts which would have him support this are to have a very strict policy and procedure controlling the use of the device to mirror our firearms policy, with the same adjudication of an incident where used. Even though it is more expensive, he liked the recording video camera for cases where officers are reported to have used the device improperly and have had complaints filed by citizens; with the video camera that will not happen. The third thing he would want is that the public have an opportunity to appear at a Commission meeting to comment and ask questions before we take this step. He would like to hear from the public as to their opinions on the use of this device. The fourth is where we would get the money. He knows our officers would like to have this available and knows there have been incidents where individuals have been difficult to overcome.

Chairman Geisenheimer continued, he is aware we currently have an officer severely injured. He needs to be convinced we can control and use this device properly and not expose citizens to improper use. The Chief has told him that the company provided information on insurance, that they never lost a case, etc. He would suggest that the motion we entertain is to move that at our next meeting we allocate time for public comment and a full presentation by the supplier and maybe positive experiences from other departments.

Vice Chairman Smith asked if there are situations for the discharge of a firearm which are different than that of a Taser? Acting Chief Nolan said the Taser would not replace the possible use of a firearm but there could be situations to cut down on major injury to the officer or suspect. If you're going to use a firearm, you best use it to kill, not wound. You should never take a firearm out to wound – expect to kill. Commissioner Kritzman noted there is an increasing use of Tasers in departments across the country; he has read the policy carefully on the use of the Taser, including all the paperwork to be completed, even if there is an accidental discharge. Penalties are severe for improper use; Tasers can be used on a combative subject – perhaps where a baton or pepper spray cannot be used. A lot of injuries occur with the use of a baton, which is a debilitating weapon. The person who is tasered regains his muscular ability within 5-6 seconds. There is a lack of officers getting support; police officers are trained to shoot the center mass, not to shoot the gun out of someone's hand. The public may have views, pros and/or cons; he would rely on the opinion of the Chief of Police if it is viable for officer safety and the person on whom it might be used. He said he doesn't know that public comment is necessary any more than it would be, for example, in the department's choice of a weapon. These are tools of the trade; we asked the Chief for information and he has provided data with terms of use, accountability, etc. Every day we don't provide this resource to our officers is a day they face danger.

MOTION by Kritzman to authorize Acting Chief Nolan to order this equipment, to adopt this SOP and agree that the equipment not be utilized until the officer is trained by certified Taser personnel and we train in the Department or participate in training elsewhere with certified Taser trainers. Officers would have to read and understand the policy. Second by Gyenizs. There was further discussion before the vote was taken.

Vice Chairman Smith said if the motion was his to make, he would modify it. He continued, this is a substantial policy and he would like to have the manufacturer and trainers have interaction before the final decision since this is substantial to him. He would like a model of operation for the Department and an opportunity for the public to make their comments, but the decision belongs to the Board. The public could provide their perception. His recommendation is to bring the manufacturer in to inform the Board on the high technology of Tasers. Secondly, either then or shortly following there would be an opportunity for the public to comment; then the Board would make their determination. Commissioner Moon agreed would like to see the manufacturer come in, along with the public. There has been a little bit of concern on how it might be misused; let the public come in. If there are objections, they can air them.

Commissioner Gyenizs added, although this is new to this Department, it is not new to the police – it is proven. The question is, would you rather be hit by a baton or a Taser? He said he doesn't think we need to make a mountain out of a mole hill. Chairman Geisenheimer commented - we are in a public fishbowl; if there is public opposition, it may not get approved. He agrees with Commissioner Smith and respects Commissioner Kritzman's experience and knowledge of this device, but he thinks we have to be deliberate. He continued, this is a fundamental change of policy; we normally have multiple readings of such a change – it is not unusual to have public input. Even if we go forward with concerns, we can formulate a better means to manage the

concerns. We have discussed this for quite a time. He commented to Commissioner Kritzman that it is clear there will not be approval tonight and asked how he would like to present the motion. Should we withdraw and have a Taser rep at the next meeting when they can respond? Commissioner Kritzman said he doesn't think it is unfair to be able to act next month at the meeting – we have information from the Chief.

MOTION by Kritzman to invite a representative of Taser to make a presentation to the Board and to the public. Chairman Geisenheimer suggested we get a small community police chief who is experienced with Tasers. Acting Chief Nolan said he has 15 years of Taser experience. Second by Smith. It was noted, if the public does not attend, the Board will make their decision on the information at the time. All in favor. None opposed. So moved.

MISCELLANEOUS CORRESPONDENCE

Acting Chief Nolan commented that we are in total firearms compliance with the State.

COMMISSIONER COMMENTS: Commissioner Kritzman asked about the pending grant proposal. Acting Chief Nolan said we have submitted the request, now we have to wait to see what happens. We are looking at several other areas under the Byrne grant. Commissioner Kritzman said as he understands the grant, it is based on and built around the policy of community policing. Acting Chief Nolan said yes, that would be totally incorporated. The grant would also look at a resource officer for the high school/middle school.

Acting Chief Nolan then called on Lt. Allen Gerard to discuss a special tow truck addendum for consideration to be added to our current tow truck policy.

Lt. Gerard said this is based on the State Police requirement for tow trucks making a call on the highway – the operators receive state sanctioned training for 16 hours from on-the-scene safety, to wearing a vest, to safety procedures such as hooking up their chains; this is specific to wreckers. To get on state lists, wrecker drivers have to complete this minimal course which is state sanctioned for agencies. There would be a timeline. Chairman Geisenheimer said this would be adopted as part of our tow truck regulations. Acting Chief Nolan said if the Commission decides to do this, we would immediately notify the applicants that we would be looking at this at the next bid; he said he thinks this is a good idea for safety – the public is part of this. Lt. Gerard added, part of the training is the proper way to remove vehicles quickly from the scene so the officers are not tied up.

MOTION by Kritzman, second by Smith that we adopt this certification. All in favor. None opposed. So moved. Vice Chairman Smith noted the Commission will add to the criteria.

Lt. Gerard added, one of the local garages offered to donate a lock out tool. He was advised that would be addressed at the next meeting.

Chairman Geisenheimer reported the Commission had an Executive Session meeting this morning to receive a briefing of ongoing and completed IAs. He advised the Commission will be scheduling future meetings although they had disposed of a number of matters without hearings.

ADJOURN

MOTION by Smith, second by Moon to adjourn at 9:47 PM. All in favor. None opposed. So moved. . All in favor. None opposed. So moved.

Minutes accepted: May 14, 2009