

**MADISON DEPARTMENT OF POLICE SERVICES
SPECIAL MEETING – May 11, 2009
9 CAMPUS DRIVE, MADISON–6:00 PM**

Attendees: Chairman Emile Geisenheimer; Commissioner Edward Kritzman, Commissioner Larry Moon, Commissioner Garry Gyenizs

Absent: Vice-Chairman David Smith; Acting Chief Robert Nolan

Also Present: Town Attorney William Clendenen; Attorney John Kelly; Chief Paul Jakubson; Press; Members of the Public

Call to Order

Chairman Geisenheimer called the Special Meeting of the Board of Police Commission to order at 6:01 PM on May 11, 2009, advising this meeting is being called for the establishment of administrative hearings. There will be no comments taken from the public; he asked that be respected. This meeting has a very limited purpose – to present the charges that were accepted by the Board of Police Commission from the Police Department and Attorney William Clendenen to Chief Paul Jakubson and his attorney, John Kelly and schedule future hearing dates. This should not take too long; he concluded that he would not entertain any motions or objections from either side.

Atty. Clendenen distributed the charges to Atty. Kelly. Chairman Geisenheimer advised there are procedures; he heard Atty. Kelly wanted to receive materials from the Connecticut State Police (CSP). Atty. Clendenen offered Mr. Kelly access to the documents and advised him that the CSP exhibits and reports have been transferred to CD ROMs, to include the reports on Lt. O'Connor and Chief Jakubson as one report – the exhibits cover both. There is a box of evidence in the evidence room; he invited Atty. Kelly to join him to review the contents of the safe from the Chief's office at a future date.

Atty. Kelly said it is his intent to state what he believes he needs, based on the 9-month long state police investigation. The CSP report, which he has been in possession of since April 20, includes testimony of 35 witnesses, some of whom were interviewed more than once; most interviews were recorded. He has not received any of the recordings. Atty. Clendenen advised that in the CDs are all the transcripts provided to the Department by the CSP, in addition to every exhibit that they note; there is an identifying inventory. Atty. Kelly said given there are 35 witnesses he would anticipate thousands of pages of testimony. Additionally, he said pages 19 & 20 list supportive documents; pages 21 and 22 are evidence exhibits and two portable drives of computers – he doesn't have any of the items or reports from forensics; 6 pages list 69 exhibits including 33 transcripts, asset forfeiture fund documents for 10 years and other documents. Since this is involving 10 officers from the period 1987 to 2008 he presumes there would be thousands of pages. He needs to read each and every one of the documents and the charges against the Chief. There are a large number of witnesses; it appears he has received some, but not all, of the information he seeks. He asked that be kept in mind when scheduling the hearings. Atty. Clendenen answered he is happy to provide anything the Department has that is not confidential and asked for a letter from Atty. Kelly, after he looks at the inventory, identifying the items he needs; he will coordinate that expeditiously. Atty. Kelly noted that on May 7 he asked for expedited delivery of items referencing the CSP letter. Atty. Clendenen said he believes Atty. Kelly has most of the documents and noted that he now has it in CD format for quick access. Atty. Kelly he will review everything within the next couple of days and send a letter with additional requests.

Chairman Geisenheimer said it seems a reasonable approach for both gentlemen to take and asked if they visualize a lengthy preparation process. Atty. Kelly answered that based on what he has received there are thousands of pages involved; to properly defend his client he needs to read all the materials before presenting. Chairman Geisenheimer asked Atty. Kelly when he thought he would be ready. Atty. Kelly answered that he has a very active practice and anticipates needing approximately 45-60 days to prepare. He added, keep in mind the CSP investigation took nine months and the materials go back 20 years. He thinks 45-60 days is a reasonable request. If he completes his review earlier he will notify Atty. Clendenen to expedite the hearings.

Chairman Geisenheimer concluded, he appreciates the concern to move things along and is thinking the end of June, first of July? Atty. Kelly answered, yes and noted that his client had interviews that lasted 4 hours; he talked about the length of time needed to review the transcripts.

Atty. Clendenen voiced concern that the Department has in that we currently have Mr. Nolan as the consultant for the chief of police. Both Mr. Nolan and Chief Jakubson are being paid by the town; in addition he is sure the commissioners have vacation plans which may slow things down. He is prepared to begin on May 28 and proceed expeditiously. He understands Atty. Kelly's concerns and reiterated that the Department will be ready to go forward on May 28. Atty. Kelly responded that Atty. Clendenen has been involved for a year; he is not asking for that length of time but is asking for 45-60 days and again stated if he is ready before then he will contact Atty. Clendenen. He anticipates tens of thousands of documents to review.

Chairman Geisenheimer noted to Atty. Kelly that he read in the press he and Chief Jakubson wish to have the hearing in public and asked for some idea of how many days will be needed. Atty. Kelly said yes, it would be a public hearing but he can't give an idea of the number of days he will need without reviewing the materials. Atty. Clendenen noted that he believes that with the truncated materials he can put on a full and complete case in five days or less.

Atty. Clendenen advised Atty. Kelly with one exception he can come and look at the documents with or without the Chief. Both attorneys agreed to confer over the next couple of days and advise the Commission of the schedule for coordination. Chairman Geisenheimer said he doesn't want to impose a burden on Atty. Kelly and wants to be able to get back to him on the scheduling. They will work very hard to limit the proceedings to 10 calendar days of testimony. Atty. Kelly said he feels that is unrealistic. Chairman Geisenheimer responded that at this point Atty. Kelly doesn't know how many of the witnesses he will need. Atty. Kelly said he anticipates all or most will testify; no way can they all be examined or cross-examined in 10 days; that is not realistic. Chairman Geisenheimer said they will try to do this expeditiously.

Chairman Geisenheimer asked the attorneys to confer and get back to him to look at the calendars, being mindful of Atty. Kelly's need to catch up. Atty. Kelly asked if a deadline would help - if they confer within one week, to which Chairman Geisenheimer answered, yes. Atty. Clendenen said if he can get Atty. Kelly's letter within a couple of days he can get his staff to assemble the documents for Atty. Kelly's review.

Atty. Kelly said he is seeking the list of items that are noted in the CSP reports; he needs to read each one and may need copies. Atty. Clendenen advised he provided a CD with 6 sets and asked Atty. Kelly to tell him what he wants and needs and he'll work toward that. Chairman Geisenheimer concluded, once that is done and he hears back, they'll set a date for the first hearing and will try their best to arrange the date as quickly as possible.

Chairman Geisenheimer asked both attorneys if there was anything else - Atty. Kelly said not at this point and Atty. Clendenen answered no.

ADJOURN

MOTION by Kritzman, second by Moon to adjourn at 6:21 PM. All in favor. None opposed. So moved. 4-0. Atty. Clendenen reiterated that anything Atty. Kelly wants will be provided.

Minutes accepted: May 14, 2009