

**MADISON DEPARTMENT OF POLICE SERVICES
SPECIAL MEETING – July 28, 2009
9 CAMPUS DRIVE, MADISON– 8:00 PM**

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

Absent: Commissioner Edward Kritzman

REGULAR SESSION

• **Discuss and take action on the Heiden Settlement**

Chairman Emile Geisenheimer called the Special Meeting of July 28, 2009 to order at 8:11 PM, noting there are two items for action, one of which is the settlement agreement with Mr. Heiden, former Madison Police Department sergeant. He said each commissioner received this signed agreement and, as he understands, this agreement has been signed by Board of Selectmen and Mr. Heiden. Several things in the agreement necessitate a vote by the Board of Police Commission; therefore they have to take action.

Personally, and he added he would ask other members for their comments, he felt that this is very likely legal costs that would be required to pursue this to a final adjudication relative to the multiple actions that former Sgt. Heiden has taken against the town would likely exceed the cost of this settlement. The goal was to have Mr. Heiden not return to Madison as an officer in this department. The press has unfortunately given a lot of play to the one appeal by Mr. Heiden at the time of this hearing which was the anti-union animus on the part of the Police Commission. For the record, Chairman Geisenheimer stated he does not believe a single commissioner on this commission holds, with respect to any member of the union, any anti-union animus – that was not their motive and feels the public needs to understand that the law of the State of Connecticut and in most jurisdictions provides extraordinary protection to police officers in their employment. That protection is done to protect the public from the ability of elected officials and politicians to manipulate the police department where the police department becomes their servant doing what the elected officials want - not necessarily in the objective pursuit of justice. We are stuck with the fact that we have all the protection and no less than three appeals which were in process with respect to former sergeant Heiden, in addition to court appeals available to him beyond those three appeals. You can well imagine the likely cost of pursuing those matters to their solution. He feels it is very appropriate, from his perspective for the town, to take this action on this particular matter. With that he asked for comments from the commissioners.

Commissioner Smith echoed the sentiments of the Chairman and said he believes this is an equitable settlement based on the potential legal exposure and cost the town could potentially face. Surely Mr. Heiden feels this is a reasonable and fair settlement; he stated he does not need to say anything more beyond that.

Commissioner Gyenizs said from his perspective, it is known how he voted in the Heiden hearing. Both parties are happy with the settlement and he is happy with it; financially it makes sense for the town.

Commissioner Moon said he had nothing to add – everyone summed up things perfectly.

Chairman Geisenheimer entertained a motion to approve the Settlement Agreement with Mr. Timothy Heiden.

MOTION by Smith, second by Moon to approve the Settlement Agreement between Timothy Heiden and the Town of Madison. All in favor. None opposed. So moved. 4-0. Chairman Geisenheimer noted, for the record, the motion was unanimously approved by the members of the Board of Police Commission present this evening.

8:15 PM

Mr. Goldberg addressed the Board, adding the Board of Selectman was also receptive to this agreement, not only for the reasons mentioned but in addition, it was felt this community wants to move on and start talking about the police chief and the police department of tomorrow. The community has been looking backward for too long and what has gone on in the past; the Selectmen felt that was an additional incentive to move to this settlement. He also pointed out that one more signatory of the document was the Union.

- **Discuss and take action on Recruitment Process**

Chairman Geisenheimer thanked Mr. Goldberg for his comments and moved on to the other subject of the evening which was the process for the selection of the new chief of police. In the interest of moving on, that is an important subject for them to continue to address until completion. He stated in the past we have had a rather truncated and closed door process for the selection of the chief of police; unfortunately that has made the last chief controversial from 'day one'. As he understands what happened, there was a departure which in itself was controversial and an emergency weekend meeting without notice to other public officials. The Police Commission appointed the last chief without interviewing other candidates and that started a decade-long time of circumstances where there was a certain amount of displeasure in the community about the appointment. This Board certainly does not want to start off that way with a back office process where the chief of police is selected. The chief of police is an extremely important public servant; he manages a police department, is a very senior person who interacts with every other agency in town and interacts with every citizen of town whether directly or indirectly. His leadership of the police department, his management skills and administration of expenses are all matters of public interest. As a result of that, we have tried to devise a process for the selection of the next chief that is responsive to a lot of public scrutiny and public involvement.

In previous public meetings the hiring process has been discussed. Chairman Geisenheimer wanted to advise of the process used by most Connecticut communities. Generally speaking, the subcommittee of the Board of Police Commission or the governing board of the Police Department establishes a smaller group of committee members. They usually involve the public agency of the state and typically will advertise for the position rather narrowly in the State of Connecticut for the most part, maybe New England. They appoint a board of other police officers, usually sitting chiefs, who will screen applicant resumes and then a subcommittee of police commissioners will make a selection of the person, appoint the person and that's it.

We agree that some of the elements of that search are important, i.e., a board to screen applicants made up largely of police chiefs is important; we've elected to find three retired chiefs of police who have no vested interest in candidates because they are no longer active in policing and do not have officers whose careers they are trying to promote, per se. We are going to have a panel. In discussion with other people in town we have decided we should add people to the panel who are not sitting or retired chiefs of police but would bring something from a private citizen perspective; we want to give a flavor for how this is generally done. We talked about this at the regular meeting last month advising the Police Commission appointed a search committee for the chief which met on July 16. At that meeting they adopted a process which was previously publicly discussed; the process has had some changes. The process will be posted on the police department website; the public will be able to see what the steps are. We will also post a job specification so everyone can see the description of the process. On July 16 we also put together a timeline for the process which runs from that date through the first of October; hopefully by the first of October we will have the selection made.

The nature of the background and skills required have been discussed and are further described in the job posting that will be used. There was discussion about having a committee of the chiefs to include outside individuals who are not chiefs; working with the agency, they will review resumes. The Board looked at who could provide the advertising services for this position; it was concluded we want a nationwide search – not just Connecticut or New England - to attract the best candidates available to this opportunity. The Board looked at who could help do that – private consulting firms as well as semi-public agencies. Based on the recommendations of Chief Nolan they selected the International Association of Chiefs of Police (IACP). The Board will ask them for an early posting of the job specs in way accessible to the broadest number of applicants. IACP will process and screen the applications and get the applicants to 20-25 who meet the criteria. Those applicants would then be referred to the Chiefs' Screening Committee, comprised of, as related by Chief Nolan: Chief (ret) William Farrell, New Haven Police; Chief (Ret) John Ambrogio

of Hamden Police; civilians David Klein, Superintendent of Schools in Madison and Dan Sullivan, retired New York City attorney and prosecutor. That cross section should do an excellent job in reviewing the applications. Chairman Geisenheimer said each individual has been approached and agreed to work on this committee – he feels each will do a wonderful job.

Once the Chiefs' Screening Committee has narrowed the 20-25 applications down to 4-6, the next level of screening will involve the commissioners, and if agreed, two members of the board of selectman and two members of the board of finance who will join in the interviews. He would prefer having the representatives of the boards of finance and selectmen each be from two different parties to make this process as apolitical as they can. The person we hire is likely to outlast all the board members in their public roles – politics cannot enter the selection process. Once that is done, the background checks will take place and will be done in part by the agency and in part by other agencies known to Chief Nolan. The Commission will thoroughly vet this person prior to appointment by the Police Commission, with the assent of the Board of Selectmen. He hopes the process will be completed by October 1. In the midst of the process they expect to have a public forum for the public to express their opinions about the nature of the background, experience, skills, attributes, mission of the department and anything else related to this search which is germane to the process. Hopefully, this will take place in late August or early September; there will be at least one such forum.

Background checks will be done when we have the final candidates. Chief Nolan said through the application process and questionnaire and possible telephone interviews at the preliminary stage, usually, in a search such as this, IACP will get as much preliminary data together and let the process go forward. When the Commission feels they have a viable candidate they would like to appoint, the appointment would be contingent upon the remainder of the background check, the polygraph check, physical, etc. (all of which is normal). They will not conduct six full background checks – only do the one. Chief Nolan agreed with Chairman Geisenheimer that there is no expense involved in the preliminary stages, only when the final candidate is chosen; checks would not be done on the six candidates, only the final candidate.

Commissioner Smith asked about POST certification. Chief Nolan said the requirement would be they would have to obtain POST certification in accordance with POST rules – for someone out of state they usually give a year. Commissioner Smith asked, once the individual is vetted and approved, do they still have to meet the POST certification requirements – Chief Nolan answered, yes.

Mr. Goldberg asked if there are any other POST certification requirements that should be listed in our specifications – Chief Nolan answered, not really, when the POST certification requirement is noted, that could vary with every candidate depending on what state they come from – i.e., a Connecticut candidate would have substantially less requirements. POST recognizes certification from some states; they may only be required to take classes in Connecticut law; POST makes that determination.

Chairman Geisenheimer said there is something of a 'gap' analysis done by POST; what are the training requirements, what is the training record, etc. POST identifies where the training gaps are and sets up a certification curriculum based on those gaps. In the screening process, both at the Chiefs' Screening Committee and the selective level we will do some of that work so we aren't choosing someone who would need extensive certification training. We will look at what some of those gaps might be before we make our decision. Commissioner Gyezniz added, the requirements already say POST certified and give a couple of examples. Chairman Geisenheimer feels that is why it is so important that this first screening is done by experienced chiefs – they know all of this cold and can screen candidates based on the requirements.

Mr. Goldberg had a question related to nomenclature – if the chiefs' panel will include more than just chiefs, he suggested the term, for example, 'Finalist Screening Panel. Chairman Geisenheimer said he was only using the term 'Chiefs' Screening Committee' because that is traditionally what is done – a chiefs' panel. If you were looking to screen candidates for the position of lieutenant it would be a command level officers' panel. Chairman Geisenheimer said we are phasing this committee in the terms of the law enforcement community.

Mr. Goldberg asked why it is believed IACP is the most cost-effective way to conduct the search for a new chief. Chairman Geisenheimer said he would let Chief Nolan answer because it is his recommendation to use IACP, but he said the Board did look at non-police specialist consulting firms and learned they charge much more money than IACP. There are other semi-public agencies locally in the State of Connecticut and the New England Assn. that will do all or some of this work, however we wanted to do this nationally and wanted objectivity. For objectivity you need to go beyond the 'neighborhood' per se. He feels this is the best of both worlds – national orientation and reasonable cost. Chief Nolan added, IACP is world-wide and has been in the business a long time. As an example, he noted a very long list of cities and states throughout the country where IACP has conducted the search for chiefs, to include municipalities and universities. They have done searches for the Tennessee Bureau of Investigation, including several Connecticut police departments. Mr. Goldberg thought it impressive that this organization would seek recommendations from other bodies. Commissioner Moon asked, if he was a command officer looking for a job, would he go to IACP? Chief Nolan said they have country-wide and world-wide coverage with their literature, magazines, website, etc. It is very difficult for anyone else to do that. They have a magazine that goes to every police department on a monthly basis; there is a section on both their website and in the magazine for positions; their coverage is extensive – that's the main thrust. If you want a national search – this is the quickest and easiest way to get the information out there. He thinks there will be a large number of applicants. The job description and how this is handled by this process will let applicants know up front this is an extensive and complete search. There will be a lot who may eliminate themselves – but he feels there will be quality applicants. Madison is a beautiful town in a beautiful state and the pay level is where it should be. The facility is great, as is the equipment. He can't believe there won't be a lot of people applying. Mr. Goldberg is very impressed that the IACP works with other professional associations. Chief Nolan said they update, regularly, what different cities and towns require for chief executive officers – police, security, universities, etc. Most everyone he knows belongs to this association and has input.

Chairman Geisenheimer entertained a motion to post the materials on the department website so the public has access and that the Commission ratify the process the committee has adopted in the position description. This description is designed to be what IACP will use to advertise. It is a summary of some of the things that are put in the process. Chief Nolan said it should read – limited travel, not 'no travel'; he also noted blank areas that can't be filled in until a decision is made with IACP. Chairman Geisenheimer asked about the salary, which was left blank on the description. Chief Nolan asked for further information from the Commission as the range had not yet been determined. Chairman Geisenheimer suggested "commensurate with experience" so we know what their salary requirements ahead of time. Chief Nolan said the IACP postings note a figure or commensurate with experience. Chairman Geisenheimer suggested: the 5-year initial term; Mr. Goldberg suggested 'up to 5 years' since there could be candidates who don't want to commit to 5 years. Chief Nolan said it could deter applicants; Chairman Geisenheimer said they want someone who is willing to commit to a 5 year term.

Mr. Goldberg said job descriptions usually mention physical fitness or health. Chief Nolan noted at the bottom of the position description it states 'physical exam plus drug screening'. Mr. Goldberg asked if there is something the Board is looking for that a physical exam might demonstrate? Chief Nolan responded, like with any candidate, the doctor's report states this person is certified to be physically able to do the job as a police officer. Chairman Geisenheimer noted POST has requirements based on fitness; there is another physical based on medical which the department requires. He asked for other comments on the job specifications.

MOTION by Smith, second by Gyenizs to adopt the job specification as amended for posting. All in favor. None opposed. So moved. 4-0

Chairman Geisenheimer noted this will get posted. He said a date is needed to schedule the public forum and asked everyone get their available dates to Chris.

For clarification Chief Nolan advised that he would post the job description and the process. Chairman Geisenheimer said it was adopted at the committee and commission level tonight, with changes agreed to. Commission Smith noted a punctuation change from a semi-colon to a period. Chairman Geisenheimer said once the Commission has a firm financial proposal from IACP, it will need to be funded. He suggests

once the proposal arrives they will look at the budget and do some line items transfers to the outside services account so we have the funds. Once we have the proposal we can facilitate the line item transfer(s).

MOTION to adjourn by Smith, second by Moon at 8:50 PM. All in favor. None opposed. So moved.

Minutes accepted: August 13, 2009