



POLICE COMMISSION

49 Plumtrees Road, Connecticut 06801 • Phone: (203) 743-5500 • Fax: (203) 748-1333

MINUTES OF REGULAR MEETING
BETHEL POLICE COMMISSION
WEDNESDAY, JAN 19, 2011
BETHEL POLICE DEPARTMENT-CONFERENCE ROOM

ATTENDING: CHAIRMAN NICHOLAS ELLIS
COMMISSIONER HUGO GRECO
COMMISSIONER BILL OCHS
COMMISSIONER DAN GROSSO
CHIEF JEFFREY W FINCH

ABSENT: COMMISSIONER CHRIS McCOLLAM

RECEIVED

2011 JAN 24 A 10:43

TOWN OF BETHEL
TOWN CLERK

Chairman Nicholas Ellis opened the meeting at 6:05 p.m. First Selectman Matt Knickerbocker was in attendance

1. General Public Comments:
Police Union President George Bryce read into the minutes a letter addressed to the Police Commission which he requested and the Chairman agreed be attached to these minutes (see addendum). The letter was concerned with the Union's stand on Off Conroy's enforcement actions (see minutes 12/15/10 items 6b and 6c).
2. Review of Past Minutes Dec 15, 2010
Motion by Comm Greco to accept the minutes of the 12/15/10 meeting; seconded by Comm Grosso – unanimous.
3. Budget Report:
The Commission considered the reports which also include an expenditure and a overtime analysis report. Chief Finch reported that overall overtime has come down over the last two weeks, but overall is still \$23K over last year-to-date. Communication staffing expenditures are still high because of being one dispatcher short. Motion by Comm Ochs to accept the current budget report as presented; seconded by Comm Grosso – unanimous.
4. Old Business:
 - a) Monthly Reports
Extra reports were included in the packet according to the Chief including response times, criminal charges with type and count. All time highs of 85 DUI arrests and 466 criminal arrests for 2010 were noted. Also included were extra duty police vehicle charges, parking tickets, activity code responses by shifts and response times. Motion by Comm Greco to accept the Monthly Reports as presented; seconded by Comm Grosso – unanimous.

Chief Finch requested that two site plans be added to New Business.

Motion by Chairman Ellis to add "The Glen" at Nashville Rd as New Business item b; seconded by Comm Greco – unanimous.

Motion by Chairman Ellis to add Vail and Hawleyville Rd as New Business item c; seconded by Comm Grosso – unanimous.

5. New Business:

a) Grievance

George Bryce, Police Union President presented the Union's grievance. The grieved incident took place on the 12/23/10 evening shift. None of the officers were qualified to run the shift and no qualified officers were hired. Instead a lieutenant, Lt Dickinson, supervised the shift. Section 8.02 of the contract states the minimum shift composition of three officers, including the supervisor all in police cruisers. The issue before the Commission is that a supervisor was not provided as specified in the contract, section 8.02. The request is that the Commission acknowledge this fact and that the Chief must revert to "standard practice" of hiring a supervisor when this situation occurs in the future. Any changes in the lieutenant's job in this area is subject to negotiation. Traditionally road supervision has always been by a patrol sergeant or a corporal or a qualified officer in charge. As administrators, lieutenants do not have the responsibility of daily supervising the shifts. This according to Off Bryce is supported by the Table of Organization showing Support Services Commander (Lt Kennedy) and Administrative Services Commander (Lt Dickinson) as never being shown as shift supervisors. Past history also indicates that they have never acted as supervisors in this capacity. Off Bryce used several examples ranging from roll call policy to the schedule book organization to job descriptions to illustrate past practice and procedure concerning this issue. The command structures do not include a lieutenant because their primary function has always been in an administrative capacity. The same officers who worked the third shift on 12/23, also worked 10/6, 10/19, 11/23 when shift supervisors were hired in spite of the fact that Lt Dickinson was also working. Past practice shows that when short a supervisor, a sergeant, corporal or officer in charge is hired to cover the shift but never a lieutenant. Each division works independently. Chairman Ellis pointed out that a past request for more supervision was addressed by promoting a sergeant. The Chairman also pointed out budgetary problems required the Department to "do more with less". A lieutenant, already at work can make the same calls as a shift sergeant.

Chief Finch displayed the table of organization which has been in effect for a long while. Uniform patrol answers to the lieutenants who in turn answer to the Captain. Lieutenants have always been in place during the evening shift to "command and control the operations of the patrol division". The term "shift" refers to the entire department, not just patrol. The highest ranking officer is the shift commander, the lieutenant. The type of supervision exercised over patrol is an item the Chief is attempting to improve. Command Authority policy clarifies the fact that lieutenants on duty as shift commanders during the 4 to 12 shift is not new. 8.02 is only a minimum manpower clause specifying the supervisor as being part of the count of three. The Chief took exception to the idea that each

division works independently outside of the shift command. One duty of the lieutenant as shift commander is to "represent the whole department" to make sure all work together and properly in the absence of the Captain and the Chief. In this situation "they, the lieutenants, are operating this police department". Overtime is the underlying concern for the Union. The Chief stated he is trying to control overtime "within reason" by not having to unnecessarily hire an additional supervisor while one is already in place. 8.02 in the Chief's opinion does not mandate that he hire that additional supervisor. Comm Ochs asked the sergeants in the room if anything occurred that they felt Lt Dickinson could not handle during the shifts in question. Sgt Wright clarified the realities of Department operation which leave Lt Dickinson in his office performing his assigned duties while incidents occurring in the field often require that the decision maker be readily available to make on the scene spot decisions. In reply to a question by Chairman Ellis, Sgt Kaluta stated that 70% to 80% of the time the shift sergeant is in his car out in the field. "Supervision is that you are there when things are happening", not "call me if you have a tough one". Off Bryce stated that while it is best if a shift sergeant is always in charge of shift, for financial reasons the Union "tried to reestablish the stability of the corporal position". Through the bid process, the three named corporals all fell into one shift instead of the more desirable solution of promote more corporals and have two per shift. "Job function" becomes the issue according to Det Bryce. Someone like a lieutenant performing a non road job function would in a critical situation, often necessitate making command decisions by phone. The overall issue is "conformity to the contract". 8.02(a) specifies the composition of the shift patrol division and the lieutenant is not part of it. Tactical command resides with the patrol division shift supervisor. Thirty years of past practice and the contract says the lieutenant is not to act in that capacity. Having a different job function, it would not be practical to have him perform such a function.

Chief Finch stated that "supervisors such as lieutenants in fact delegate tactical command to the Sergeant. The Sergeant does not have tactical command unless given it" by his supervisor. A lieutenant has the right to assume tactical command if he so desires. "Shift" as defined in policy, does not exclusively mean uniform street patrol but rather the entire shift at work. The lieutenant is working 4 to 12 "because it is expected he will act as a commander and supervise the operation of the shift". The Chief has been clarifying over the past few months what operational responsibilities the lieutenant always has had in overseeing and supervising patrol, one being the right to determine if necessary to hire, or not. Comm Grosso asked if money saved by this practice would benefit the entire Department in this tight economy allowing it to obtain needed assets. Det Bryce considers this the "ends justifying the means" ignoring the contract by redefining it with new policies.

b) "The Glen" Nashville Rd

In his letter, Capt Cedergren noted this project had previously been approved by the Commission and Town Planning and Zoning in 2005. The project was never completed as originally designed and the latest proposal has single family dwellings replacing the original multifamily ones. The realignment of Nashville Rd Ext into a tee intersection was completed as recommended and has improved traffic flow. In consultation with the Town Planner, the Capt recommends

approving the new submittal as traffic flow would not be impacted by the proposed change. Motion by Comm Ochs to accept Capt Cedergren's recommendation for "The Glen" Nashville Rd; seconded by Comm Grosso – unanimous.

c) Vail and Hawleyville Rd

In his letter Capt Cedergren described this proposal as a "change in use application for the property at the corner of Vail and Hawleyville Rd". Existing buildings of the former Charles Chips distributorship will be "His Vineyard Church" currently located on Grassy Plain St. The existing traffic island in front of the driveway would only cause an impact upon churchgoers. While not ideally situated, adequate sightlines and road width and the fact that the heaviest traffic would occur on Sunday morning, the Town Traffic Engineer recommends acceptance of the proposal as long as the applicant submits a report to P&Z documenting any traffic issues six months after the church is in operation and if the applicant documents any traffic accident reports at this location for a period of 12 months after the church is in operation. The Captain recommends Commission approval with the stipulation that if the reports show "plans were faulty", P&Z can have the applicant remedy problems related to the driveway and traffic island.

Motion by Chairman Ellis to approve the proposal with the stipulations noted in Capt Cedergren's letter; seconded by Comm Greco – unanimous.

6. Correspondence:

None

7. Chief's Report

a) Training Report

Lt Kennedy's training reports were in the hands of the Commission.

Off candidate at the Academy is doing well in the top ¼ of her class.

Comm Ochs asked if a letter could be drafted to the First Selectman to return to the Department insurance money from recently wrecked Detective Bureau car to be earmarked for the purchase of a replacement vehicle. Chairman Ellis stated he will send the letter.

Town Counsel John Shay was introduced to Commission members.

b) Dispatch Opening

A new hire is imminent.

c) Injuries

Two officers are out, one on long term disability the other injured during a motor vehicle accident during the recent heavy snow storm.

8. Commissioner Comments:

Comm Ochs on behalf of the Commission expressed condolences to Chris McCollam and his family over the loss of his father Charles (Chad) McCollam Jr.

9. Executive Session:

At 7:30 Motion by Chairman Ellis to go into executive session, excuse the Chief and invite labor counsel John Shay to attend. The motion received no second.

At 7:40 Motion by Comm Greco to go into executive session and invite Chief Finch and Town Counsel John Shay to attend; seconded by Comm Grosso – passed with a 3 to 1 vote, Chairman Ellis casting the no vote.

At 8:15 the Commission came out of executive session.

Motion by Comm Ochs to deny the grievance brought forth by the Police Union; seconded by Comm Grosso – unanimous. This will be put in writing to the Union.

At 8:20 motion by Comm Greco to adjourn; seconded by Comm Ochs – unanimous.

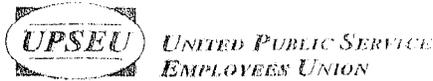
Respectfully Submitted

Ferdinand Miller Jr.



Secretary

Addendum



Bethel Police Union

UCOP LOCAL 1
49 Plumtrees Road
Bethel, Connecticut 06801

January 19, 2011
Bethel Police Commission
49 Plumtrees Road
Bethel, CT 06801

Commission Members,

In the regularly scheduled Bethel Police Commission meeting dated Wednesday December 15, 2010 a matter was reviewed in the correspondence section regarding Officer Conroy. The purpose of this communication is not to discuss the situation involving Officer Conroy, but the actions of this commission and how they impact the Bethel Police Union as a whole.

Connecticut General Statute 54-1f is the state law which gives sworn Police Officers arrest powers in this state. That statute states that "Peace officers, as defined in subdivision (9) of section 53a-3, in their respective precincts, shall arrest, without previous complaint and warrant, any person for any offense in their jurisdiction, when the person is taken or apprehended in the act or on the speedy information of others." C.G.S. 53a-3 defines members of an organized local police department as "peace officers" and neither statute makes any reference to any requirement that an officer be "on-duty" at the time. In fact under Connecticut law, police officers are required by law to act in certain situations whether they are "off duty" or "on duty." Furthermore, the jurisdiction of a sworn member of the Bethel Police Department without taking into account mutual aid compacts includes the town of Bethel for the purposes of misdemeanor arrests and the entire state of Connecticut for felony arrests.

Secondly, this union finds it concerning that this commission is making a permanent public record of complaints lodged by persons that members of this commission have in the past stated they are personal friends with without any due process for the accused officer. The minutes of this commission are available to the public as well as other future prospective employers and there was no attempt to obtain the other side of the incident nor was it properly taken into account that a state agency, which is the primary body for the enforcement for hunting laws, made the determination that a law had been violated and that a member of that agency independently issued enforcement action.

In summation, when members of this police department have complied with applicable state statutes, and previous orders from the chief of police or his designee, and particularly when the enforcement action is taken by a separate agency which this commission has no authority over, this union requests that the Bethel Police Commission refrain from using its standing to further personal agendas or attempt to influence or control the discretion of said officers.



George J. Bryce, Jr. Bethel Police Union President