



POLICE COMMISSION

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

MINUTES OF REGULAR MEETING
BETHEL POLICE COMMISSION
WEDNESDAY, JUNE 15, 2011
BETHEL POLICE DEPARTMENT-CONFERENCE ROOM

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

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2011 JUN 20 A 11:15

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

1. General Public Comments:

Ann Cleary of 2 Eagle Rock Hill Rd requested answers from the Commission for various items of concern ranging from Commission minutes to policy procedure practices.

James Wright of 49 Plumtrees Rd requested that his issue concerning an internal investigation be handled in executive session with the First Selectman and fellow officers invited to attend. Chairman Ellis preferred open session and stated that Detective Sergeant Wright could continue. Motion by Comm McCollam to put James Wright's complaint on the agenda as item 5c; Seconded by Comm Ochs – motion defeated. Det Sgt Wright related a recent event wherein a returned denied warrant went missing. He obtained a States Attorney's cover sheet, not the warrant face sheet from the secretary of the States Attorney's office showing by their notes the fact that the warrant was denied. Subsequently he was pressed with questions of an interrogatory nature via a 22 minute phone call initiated by Chairman Ellis on 6/6 at 5:36 pm concerning warrants in general and the extent of Det Sgt Wright's involvement in this case. There was also a 7:30pm call to Chief Finch on 6/6 from Chariman Ellis. This led to an investigation being initiated and in that this matter fell within the boundaries of an internal investigation, Chairman Ellis went far beyond the duties of Commission chair, involving himself in a matter beyond his duty as Chairman and knowledge of police work. Also Det Wright considered the Chairman's involvement "inappropriate" and the language of the call "deceitful". In the 6/6 (5:36) call the Chairman went on to question Det Wright's management of cases in general and the activity of other detectives in his department. Because the Chairman has no authority to act independently outside of the Board of Police Commissioners, this accusation and the inappropriate questioning of matters outside of his authority, Det Wright asked that Chairman Ellis resign as Commission Chairman and failing this, that the Commission vote to remove Nick Ellis from the position of Chairman. The Chairman refused to resign. George Bryce asked if the Union can be on the public agenda so discussion can

be had with the Commissioners. Motion by Chairman Ellis to place the Union on the agenda to discuss Police Dept protocols and the behavior of Chairman Ellis Complaint on the agenda as item 5c; seconded by Comm Greco – unanimous. Chief Finch stated again that because this concerns a confidential police investigation and a personal accusation against the Chairman that it should be discussed in executive session. Chairman Ellis stated for the record that he favored the openness of public discussion.

Motion by Comm McCollam to go into Executive Session at 6:40 for the purpose of addressing Police Dept protocols and the behavior of Chairman Ellis and allow the First Selectman, James Wright, Chief Finch, Capt Cedergren and George Bryce (Union Pres) to attend; seconded by Comm Ochs – unanimous

At 7:24 the Commission came out of executive session

Motion by Nick Ellis that Chris McCollam become Commission Chairman; seconded by Comm Ochs; motion passed 3 to 2 with Nick Ellis breaking the tie.

Comm Ellis left the meeting at 7:25

Motion by Comm Ochs to adjourn for 5 minutes; seconded by Comm Grosso – unanimous.

At 7:35 the Commission came back into session.

At 7:37 motion by Comm Ochs to go into executive session with the First Selectman and Chief present; seconded by Chairman McCollam – unanimous.

At 8:08 the Commission came out of executive session.

Chairman McCollam on behalf of the Commission made the following statement. The Commission has no reason to believe that Det Sgt Wright had done anything improper. Nick Ellis has resigned his position as Chairman. The Commission has unanimously elected Chris McCollam as Chairman.

Public input was again allowed. Ann Cleary spoke briefly on behalf of Nick Ellis' past service.

2. Review Past Minutes 5/18/11

Motion by Comm Ochs to accept the minutes of 5/18/11; seconded by Comm Greco – motion passed with Comm Grosso abstaining due to his absence at that meeting.

3. Budget Report

Chief Finch stated he is still attempting to get the Comptroller Budget Report properly formatted. The Chief will approach the Comptroller again. Motion by Comm Greco to approve the budget report as presented; seconded by Comm Ochs – unanimous.

4. Old Business

a) Monthly Reports

A few extra reports were included. Comm Grosso questioned the lack of activity by offense for various officers. Chief Finch explained that certain officers often concentrate their efforts on particular offenses. That is one reason their past 4 year activity is included to show their activity over a larger time span. Motion by Comm Ochs to accept the monthly reports as presented; seconded by Comm Grosso – unanimous.

5. New Business

a) New Policy on Warrants

Chief Finch reported on a new policy as a response to refused warrants which gave rise to Det Sgt Wright's previous issue. In addition to a copy of the warrant being left for the involved officer and the shift sergeant by the Detective Bureau, the original will be forwarded to records. This policy will be incorporated into a written general order in the future.

b) New Draft on Animal Control Officer Duties

Currently the Department is advertising for the MACO (Municipal Animal Control Officer) position. Chief Finch asked for Commission approval of the clarified duties which includes clerical functions and traffic control parking enforcement. Motion by Comm Greco to accept Chief Finch's recommendation in drafting new duties for the MACO position; seconded by Comm Ochs – unanimous.

6. Correspondence

a) Mr Harry Reynolds. WWII Veteran, thanked the Department for good time he had and the recognition he was afforded at the recent Memorial Day Parade.

b) Lt Dickinson, DOT. This notice showing DOT's request concerning signs for school buses as well as Lt Dickinson's response. DOT wants to be sure the signs are still needed at their indicated locations.

7. Chiefs Report

a) Training Report

Lt Kennedy's training report was in the hands of the Commissioners.

Off Whaley still in field training

Firearms qualification was held in June

Det Zavatsky completed a two week detective school at Fairfield PD.

Off Christos completed a traffic safety course

8. Commissioner Comments

Motion by Comm Ochs to adjust the minutes of April 20, 2011 to not have page 4 as blank and leave the rest of the report intact; seconded by Comm Greco - unanimous * See ATTACHED *

Chairman McCollam stated that this Commission will move forward from this point, the unfortunate event which gave rise to the previous chairman resigning his position.

9. Executive Session

At 8:25, motion by Comm Ochs to go into executive session for the purpose of the Chief's evaluation and invite Chief Finch to attend; seconded by Comm Grosso – unanimous.

At 9:07 the Commission came out of executive session.

Motion by Comm Greco on behalf of himself and Commissioners Grosso, Ochs and McCollam stated that the "Chief has been doing a great job for two years now, improved a lot better in the Police Department and I feel myself and the Commissioners have tonight decided that the Chief is doing a great job, an excellent job and good luck to him to do a better job next year"; seconded by Comm Grosso – unanimous.

Chairman McCollam added that it would be good if the Chief can add more community policing activity.

At 9:10 motion by Comm Ochs to adjourn; seconded by Comm Grosso – unanimous.

Respectfully Submitted,



Ferdinand Miller Jr

Secretary



* RE FILED TO CORRECT OMISSION OF Numbered pg 4 *

POLICE COMMISSION

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

RECEIVED
JUNE 20, 2011
@ 10:42 AM

MINUTES OF REGULAR MEETING
BETHEL POLICE COMMISSION
WEDNESDAY, APR 20, 2011
BETHEL POLICE DEPARTMENT-CONFERENCE ROOM

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

Comm Ochs was absent because of family obligations in the South.

Chairman Nicholas Ellis opened the meeting at 6:15 p.m. First Selectman Matt Knickerbocker was in attendance.

1. General Public Comments:

Ann Cleary of 2 Eagle Rock Hill Rd complained about "biased and incorrect case reporting" concerning a car accident report on 2/23/07. She asked that she be allowed to attach her own supplements to cases in which she was involved. Ms. Cleary asked the Chairman to attach her notes to these minutes, a request to which Chairman Ellis agreed. See Addendum.

2. Review Past Minutes 3/16/11

Motion by Comm Greco to accept the minutes of 3/16/11; seconded by Comm Grosso – motion passed with Comm McCollam abstaining due to his absence at this minutes.

3. Budget Report

Chief Finch stated he is still attempting to obtain financial reports comparable to those issued by the previous comptroller. Formatting problems appear to be the cause. First Selectman Knickerbocker stated that problems still exist in the transition of one software product to another. Several pages were noted as missing which the Chief stated will be complete at the next meeting. Chairman Ellis stated he was not comfortable in approving expenses based on inadequate information. To-date overtime is still high, the large part due to communication staffing expenses. Motion by Comm Grosso to approve the budget report as presented; seconded by Comm McCollam – unanimous.

Motion by Comm McCollam to move up item 6, Correspondence as item 4 and item 9, Executive Session as item 5; seconded by Chairman Ellis – unanimous.

TOWN OF BETHEL
TOWN CLERK

2011 JUN 20 A 10:42

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Chairman Ellis to accept the Special Meeting Minutes of 3/27/11
 Seconded by Comm Grosso - motion passed with Comm McCollam abstaining
 due to absence at this meeting

POLICE COMMISSION

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4. Correspondence

Chief Finch presented a letter of gratitude on behalf of the Police Department to R. Verdi, whose donation of lights on behalf of Verdi Construction, represented the finishing touch in the transformation of this bus to a police command vehicle. This has been an ongoing project for some time representing considerable effort, the entire project overseen by Capt Cedergren. The Chief also mentioned other past contributions by Mr. Verdi including police radios and a high tech rifle.

The meeting adjourned for 20 minutes so Commission members, the public and members of the press could view the command vehicle parked in front of the Department.

5. Executive Session

At 6:49, motion by Chairman Ellis to go into executive session to discuss contractual issues and invite Chief Finch, Matt Knickbocker and Attorney Shea to attend; seconded by Comm McCollam – unanimous.

At 7:38 the Commission came out of executive session.

6. Old Business

a) Monthly Reports

Comm McCollam commented on the big jump in criminal arrests for 18 year olds and up. Chief Finch stated this indicative of what is going on in the country due to the economic conditions compared to previous years. Motion by Comm Greco to accept the monthly reports as presented; seconded by Comm McCollam – unanimous.

7. New Business

a) General Order Revisions

Eight revisions were considered by the Commission.

2000-05 Use of Force. Clarifications were made. "Executive Officer" title change replaced "Field Operations Officer; "internal investigations update". Motion by Comm McCollam to approve revisions to 2000-05 Use of Force; seconded by Comm Grosso – unanimous.

2003-02 Family Violence. Update to an existing policy. Added were "U-Visa" protection from deportation"; "tazer" added to list of on-sight weapons officers have a right to seize; "conditions of release set by officers consistent with case at hand". Motion by Comm Greco to approve revisions to 2003-02 Family Violence; seconded by Comm McCollam – unanimous.

2005-01 Arrest. Motion by Chairman Ellis to approve revisions to 2005-01 Arrest; seconded by Comm Grosso – unanimous.

2006-12 Warrant less Searches. Motion by Comm McCollam to approve changes to 2006-12 Warrant less Searches; seconded by Comm Grosso – unanimous.

2007-04 Assistance to Victims and Witnesses. “U-Visa” protection from deportation was added. Motion by Chairman Ellis to approve revisions to 2007-04 Assistance to Victims and Witnesses; seconded by Comm Grosso – unanimous.

2007-25 Property and Evidence. Small changes clarifying authority and responsibility of property room officer (Detective Sergeant) and his designee, computerized records and identification of property. Motion by Comm Greco to approve revisions to 2007-25 Property and Evidence; seconded by Chairman Ellis – unanimous.

2007-26 Collection and Presentation of Evidence. Minor changes naming the Captain as executive officer; clarifying duties of officers to oversee and assist when State Major Crime Unit is collecting and cataloging evidence; interaction with forensic lab. Motion by Comm McCollam that 2007-26 Collection and Presentation of Evidence be accepted; seconded by Comm Grosso Ellis – unanimous.

2000-02 Deer Accidents. Minor changes clarifying how to humanely dispatch injured deer and how to dispose of the carcass afterwards. Motion by Comm Greco to accept the revisions to 2000-02 Deer Accidents; seconded by Comm McCollam Ellis – unanimous.

8. Chief's Report

Lt Kennedy's training report was in the hands of Commissioners. MRT and EMR recertification is currently going on.

The Chief referenced a recent burglary with the burglar caught on the scene facilitated by the effective use of Police Officer Canine Asco.

9. Commissioner Comments

Comm McCollam stated the need to begin the process of replacement in advance of Asco's retirement when the time comes.

At 8:30 motion by Comm Greco to adjourn; seconded by Comm McCollam – unanimous.

Respectfully Submitted,

Ferdinand Miller Jr

Secretary

Addendum

Correspondence - Attach following public speaking.
BPC mtg
4-20-11

11-23-09

Ann Cleary
2 Eagle Rock Hill Rd
Bethel, Conn 06801

Bethel Police Commissioner
Chairman Nicholas Ellis,
acknowledges the chief (BPD
Jeffrey W. Finch, stating,
(also on ~~behalf~~ of officer
~~Brian Olmstead~~) that
they never confiscated
the alleged home video
of 2-23-2007, nor
in-house cell areas, recording:
2-23-2007, involving an
car accident, not Ann Cleary's
fault per ^{accident} report and ~~arrest~~,
2-23-2007.

signed by Nick Ellis
BPC 11/23/09

COHEN
and
WOLF
PC
ATTORNEYS AT LAW

As I also explained to you today, I have been in touch with the State's Attorney's Office and a captain at the Bethel Police Department about my going to view any videotape that department has on Tuesday morning.

JOSEPH G. WALSH, ESQ.

part of another letter attached to this one.

2007

COPY

State's Attorney's Office
146 White Street
Danbury, CT 06810

RE: State of Connecticut v. Ann

To whom it may concern:

[Redacted] serve a formal discovery request, [Redacted]

My client was told at the scene by the arresting officer (Police Officer Olmstead) that there was a videotape of this incident. She also believes that there may have been some video of the several hours that she spent in the lockup at Bethel Police Department following this incident. Please let me know if there is a videotape of any part of this incident or her stay at Bethel Police Department, and, if so, please preserve that tape(s).

Also, there was a witness at the scene with Ms. [Redacted] who spoke with the police. His name, though, was not listed in the police report, as far as I could see. I would like to know whether the police wrote down this individual's name anywhere. Perhaps, his name simply did not make it into the final report.

Eventually, Not able to be seen by my attorney, Thank you.

Very truly yours,

Joseph G. Walsh
Ann

:mpm

Officers Olmstead #68 grossly mistreated me in retaining cell, while officer Hupp watched. Also, I want accident scene videos, an assault Please reply to: 1115 BROAD STREET was made on ME!!! 158 DEER HILL AVENUE

officer Olmstead #68

Also, driver (at fault) Lee OKH witnessed and had a phone/video. All ignored, but report says assaulter Michael Jansen (renter Plumtree's Heights friend neighbor Bailey (in same bldg) had alleged officers ignored assault my complaints. 190 MAIN STREET 112 PROSPECT STR

I personally went to the Bethel Police Dept. within (2 weeks) after the incident for information and any/all including cell video, Captain Cederberg denied me, knowing at that time 1st attorney was drop the attorney a was no crimina. altern

Captain [Redacted] was [Redacted] have to subpoena Hupp in Fla. he retired right aft incident