

Town of Montville
Montville Law Enforcement Feasibility Committee
Meeting Minutes for Tuesday, January 6, 2014
6:30 p.m. – Room 203 – Montville Town Hall

1. Call to Order

Chairman Pike called the meeting to order at 6:30 p.m. after establishing a quorum.

2. Pledge of Allegiance

3. Roll Call

Present were Bill Bucko, Jeff Buebendorf, Joe DePasquale, Victor Lenda, Tim May, and Wills Pike. Absent was Robert Giffen. Also present were Lt. Leonard Bunnell, Resident State Trooper Sgt. James Smith.

4. Presentations

a. District Commander, CT State Police

Chairman Pike welcomed State Police Major Mark Darcy and Lt. Michael Thomas and introduced the Committee and stated their charge.

Major Darcy related his background as a State Police officer stating that he has worked with Troop E, where he also spent his formative years as a Trooper, for nearly 27 years. He also worked with Troop D (Danielson) for approximately a decade fulfilling various capacities and as a RST Sergeant in Mansfield, where the staffing included a RST Sergeant, four (4) RSTs, and seven (7) Town Officers, for five (5) years. He also commanded Troop E from April 2008 to May 2010. The State Police Department is divided into three Districts and he is the Commander of Eastern District, which is comprised of Troop C (Tolland), Troop D (Danielson), Troop E (Montville), and Troop K (Colchester). Of the three Districts, the Eastern District has the most RSTs. Having always lived and been stationed nearby, he is aware of the history and challenges the Town has encountered and recalls similar discussions. He responded to the questions as provided by Sgt. Smith on behalf of the Committee, some of which he also discussed with his Superior.

1) What do you envision for the future of the RST Program?

The RST Program has been in existence since 1947. Along with Major Crimes and Emergency Services, the RST Program is considered one of the four (4) core pillars of the Agency. It is a unique program, which will exist as long as there is a need and desire. As far as he is aware, there are no plans to disband the Program. Though State Police coverage is provided to the small Rhode Island town of Exeter, which does not have any local police officer(s), and the Los Angeles County Sheriff's department in California engages in contract policing services similar to the RST Program, and, in Texas, the Deputy Sheriff (elected) provides services to those Towns without a Police Department, to the best of his knowledge, CT is the only state with such a program. Other States,

including Maine, have attempted to create such a program or a variation of the program, it has never gained any traction. To the best of his knowledge, there is no desire to either phase out or disband the Program.

- 2) What do you think the future costs of the Program will be and how will it evolve over the next few years?

CT General Statutes 29-5 governs the cost of the RST Program. Since 1992, participating towns have paid 70% of the costs, which includes the RST's salary, depreciation of the vehicle, gas, etc. More recently (approximately two (2) years ago), the Statute was revised such that towns are now required to pay 100% of the overtime costs, in addition to the 70%. The costs are established by the Legislatures and the Office of Policy and Management rather than the State Police Department. While he is not aware of any indication(s) or existing projections resulting in any change(s) to the Statute resulting in any increases/decreases, Major Darcy felt that the question might best be answered by the Town's legislative delegation. He believed that the State Police would not encourage an increase as the Department believes in and recognizes the value of the program. The funds received by the towns for the Program is deposited into the State's General Fund rather than to the State Police. There has been some concern in recent years regarding the rising fringe costs (retirement, medical, workers compensation, etc.) by town officials, particularly the Council of Small Towns. Understanding the towns' concerns, they have been engaged in dialogues with the Council regarding the issue. A misconception exists regarding the economic feasibility of the Program since an RST's salary is sustained by the participating town(s), should towns decide to transition to an independent PD. As such, he does not foresee the costs of the Program increasing in the near future, with the exception of salary increases due to inflation and collective bargaining agreements. Increases in the Program may derive from the State's need for funds. There are 169 towns in the State of CT and approximately 80 (eighty) of those towns do not have a police department. Of those 80 towns, 56 are under the RST Program with a total of 112 RSTs.

- 3) What services will the Town be able to access from the State should the Town decided to go independent?

All of the resources of the State Police is at the disposal of all towns at no cost. Should, for example, an officer be lost in the line of duty, the State Police would come in and run the town for a day to enable the Police Department to attend the memorial service, but they will not cover their Police Department should they decide to take a vacation. While some towns, including Hartford, New Haven, Waterbury, Bridgeport, handle their own homicides, the State's Major Crimes Unit will handle such cases for other towns. Similarly, their Tactical Team will also aid local police departments. The State Police will support and provide such support to the Town, free of charge, whether they opt to stay with the RST Program or transition to an independent PD.

- 4) Are there possibilities of cooperative resources (prisoner handling, impound lots)?
An independent PD should have its own prisoner detention center and impound lot. Troop E would not hold prisoners for an independent police department, with the exception of an emergency situation or, possibly, on a case-by-case basis. Prisoner overflow, he felt, would be rare. While in the past, the State Police held prisoners for an extended period of time, i.e., long holiday weekends, they now aim to move prisoners to a correctional facility as soon as possible to not only decrease any liability issues, but also eliminate the need to monitor the prisoner, which takes an officer off the road. Similarly, the State Police will not be able to accommodate the Town's seized vehicles on their impound lot as their lot are usually full.

With regards to the police radios, Major Darcy suggested looking into the possibility of re-programming their current State radios to accommodate their needs. In addition, an independent PD will need to create their own report and records system, handle FOI requests and requests from defense attorneys, private attorneys, as well as private citizens for copies of in-car videos, cell block surveillance videos, radio transmissions, and the like. Such requests are currently handled by the Legal Affairs Department of the State Police for the roughly 1,200 State Troopers of various ranks and the over 150 Town Offices.

While, on rare occasions, the State Police may pull out a RST assigned to a town due to a major conflict or for performance reasons, they would not do so without providing a replacement. He agreed that the constant turn-around of RST Troopers in some areas has not been beneficial to the town he/she serves. Should a RST be injured or not be available due to unforeseen circumstances, the State Police will replace the Trooper at no cost to the Town to fulfill their service to the town.

Should the Town decide to have an independent PD, the State Police would aid the Town with the transition to ensure as smooth a transition as possible. Per contract, the Town or State may opt to end the contract, given a 30-day notice. From his recollection, the last RST town to go independent in this part of the State was Coventry during the 1960's. Conversely, Jewett City transitioned from an independent PD to the RST Program.

Under the Program, the State Police is responsible for the town it serves, whether the town, e.g., Montville, has its own police department, with its own ranking structure, or not. As such, when a State Police Sergeant is called to a scene along with the Town's Police Sergeant, the investigation, usually a serious incident (fatal accident, untimely death, etc.) is officially a State Police investigation. While issues may arise due to the various personalities involved, the State Police aim to do their best to work with the Town Officers and handle the situation as best they can without disempowering them. The Town of Montville instituted the rank of Sergeant in 1995 and is currently gaining more supervisory duties and authority within the Department.

With regards to the question of appropriate staffing, Major Darcy stated that, while there is no cookie-cutter approach to the matter, there are three main criteria for determining appropriate staffing level. The FBI's recommended formula of 1.5 to 2 officers per population of 1,000, he felt, applies more to municipalities rather than State or Sheriff Departments that are covering a large, wide rural area. For example, the town of Thompson, which is under the RST Program and relies solely upon Troop D to police the town, has a population of 9,000. If one were to go by the FBI's formula, the town would require a, relatively, large police department that would not make practical sense. The three main criteria are the: (1) population the town serves, (2) geographic area, and (3) socio-economic factors of the town. Other factors for consideration include daytime vs. nighttime population, e.g., an abundance of commercial development would result in more shopliftings, traffic, etc. requiring additional police coverage during the day, or if there are any colleges in the town. It is also difficult to find comparable towns as each town has its own unique features and issues though they may be similar in other aspects such as population and geographic area.

The RST may be similar to that of a local Police Chief in terms of his/her distinct professionalism to provide administrative oversight for shift work allocation, personal growth, personal discipline, and the oversight for the lessening of burden of overtime for the town. That being said, the administrative duties and responsibilities of the RST differ from town to town. In some towns, the RST is charged with the handling of the budget, shifts, and administrative duties, while in other towns, such as Montville, the town's Lieutenant will handle such duties. In such case, the RST works to encourage and provide officers with any updates to the State Police functions that directly affect them and information on existing or upcoming programs. He/She also aims to work with the staff to create a unified working unit and an environment of camaraderie. Both Ledyard and East Lyme are similar to Montville, but in Ledyard, the RST Sergeant handles the budget and some of the administrative tasks while in East Lyme there is an Administrative Sergeant. In Ledyard, where the current Lieutenant recently announced his retirement, the State Police was tasked with determining the duties and responsibilities that the RST Sergeant will now need to assume until the town decides what they would like to do. In Mansfield, Major Darcy fulfilled all of the administrative and budgetary duties and was well-received by the town's existing officers as such a system was already in place prior to his arrival. In terms of training, officers are trained and certified by the Municipal Training Council and have access to the same opportunities as any State Trooper or Town Officer.

With regards to mutual aid and the RST Program, the State Police will locate officers from other, neighboring barracks to aid the local police department should the officers of both the local and State Police be otherwise engaged, as they are responsible for and to the town. A town with an independent PD, on the other hand, would not be able to rely upon the State Police for additional coverage for routine calls. Should a State Police Officer or an officer from a neighboring town be in the vicinity, he/she may stand by at a scene until the Town

officer is available, but he/she will not handle the investigation. Major Darcy commented that, during the two years he spent as the Troop E Commanding Officer, he witnessed, from his office, which had a view of the sally port, the high number of prisoners being brought in by the Montville PD in comparison to those of Ledyard and East Lyme, both of which have a similar population and number of officers. Should the town currently have an adequate number of officers and decide to go independent, they would, most likely, require additional officers to fill the void and provide that “blanket coverage”.

The importance for adequate staffing to provide adequate policing and maintain and ensure the safety of the officers and the Town was discussed. The town of Waterford has approximately 4-5 officers per shift, with an overlap of hours, while Stonington has approximately 3-4 officers per shift. In Montville, there are usually three officers on duty, including the Sergeant. Should the town have an adequate number of officers and decide to go independent, it may also be necessary to add additional officers to each shift as the Sergeant may be charged with other duties including prisoner holding, sign off on reports, and/or other administrative tasks. Appropriate staffing is also necessary when considering the prioritization of calls, as the more urgent calls would take precedence. Adequate staffing levels must be obtained prior to the town adopting an independent PD and the structure of the department can, then, be determined. With additional staffing also comes the need for additional supervision as the lack of proper supervision would be a liability. Days off, sick time, and the like will also need to be taken into consideration. Both short- and long-term planning is necessary.

The members of the Committee thanked the Major and Lieutenant for meeting with them, providing them with their insight, and engaging in a well-informed and valuable conversation.

It was noted that, should the town decide to remain with the RST Program, a percentage of the Town’s Public Safety Building was overbuilt. The Town approved the construction of the \$6.5 million Public Safety Building, 30% of which is currently not in use. Should the Town decide against an independent PD, Lt. Bunnell questioned the chances of using the lock up facilities and the proposed impound lot, located at the old DOT electrical garage on Routes 32 and 2A, by the State under the RST Program. While the Major will enquire as to the possibilities, Lt. Thomas stated that the use of the impound lot would require discussions between the Town, State Police, and State Attorney’s office as any evidence that is part of an investigation would require a secure, 24/7 manned facility.

The Committee took a short recess at 8:49 p.m. and reconvened at 8:54 p.m. and Councilor May exited the meeting.

5. Alterations to the Agenda — *none*

6. Approval of the Regular Meeting Minutes of December 16, 2014
Motion made by Mr. Buebendorf, seconded by Mr. Bucko. Discussion: Chairman Pike noted that Councilor May was not present at the meeting.
Motion made by Chairman Pike, seconded by Mr. Buebendorf, to accept the minutes as amended. Voice vote, 5-0, all in favor. Motion passed.

7. Remarks from the public relating to matters on the agenda with a three-minute limit — *none*

8. Unfinished Business

- a. Review of previous independent Police Department studies and reports

- 1) Presentation of Findings

Discussion ensued regarding the necessity of obtaining the feedback of the officers. It was suggested that the Committee, instead, engage the Union President or a representative in a conversation. Gaining the feedback and support of the officers, as well as involving the community, would be an important factor in fulfilling their task. For the safety of the officers' and the public, the need for the police force to reach a level of staffing that is appropriate and sustainable prior to even considering the issue and/or presenting their findings was discussed. It was suggested that a three or five year action plan be presented during which appropriate staffing levels can be reached and their recommendations can be fulfilled.

Extending an invitation to the Town Council Chairman Joe Jaskiewicz in addition to the Executive Board, of which the Union President is included, as well as the community, to a meeting would be beneficial to the Committee. The Lieutenant is currently working on a two-year, \$170,000.00 plan for the replacement the State police radios. Whether the current or proposed State Police radios may be upgraded will need to be discussed with Fire Marshal Occhialini.

Commissioner dePasquale noted that the involvement of both the Public Safety Commission and the Police Department in the dispatching talks have been limited. Lt. Bunnell stated that limited staffing within the Police Department precludes them from being involved with the process. The Town's current radio system is not powerful enough to fulfill their needs.

The Committee agreed to invite Town Council Chairman Jaskiewicz.

Following the formation of the report, the Committee will request the help of Finance Director Terry Hart.

With respect to the actual cost of the officers' fringe benefits, the top total pay for a State Police Sergeant is approximately \$138,000.00, 43% of which is fringe benefits and includes the top Sergeant base salary of approximately \$90,000.00 - \$94,000.00. The overtime fringe benefits is approximately 85%, includes FICA, Social Security, FICA Medicare, Retirement, and Unfunded Retirement and is taken out of each

overtime hour. The funds earned for the fringe benefits are deposited into the State's General Fund.

The Committee agreed to invite the Executive Board of the Police Union.

Lt. Bunnell reported that two prospective officers have been sent to the Academy, two additional prospects will be attending the Academy in April, and he is hopeful that that one or two additional prospects will be attending the Academy in July. While their application for a COP (Community Oriented Policing) grant has been twice denied, he stated that, perhaps, the inclusion of a statement regarding their goal of adding an additional officer(s) on the application might improve their chances for approval.

b. Status and scheduling of the following presentations:

- 1) Fire Marshal Ray Occhialini – scheduled for January 20, 2015 – 30 minutes

While they have been liberal with time with the Police Chiefs and Major/Lieutenant, the Committee will be limiting the time spent with future presenters:

Fire Marshal Occhialini – 30 minutes

Town Council Chairman Jaskiewicz – 30 minutes – to be invited for January 20, 2015

Union Executive Board Members (Robin Salvatore, President; Karen Moorehead, Vice President; Addison Saffioti, Treasurer; Joe Kondash, Union Steward, and; Mike Pierce, Recording Secretary) – 60 minutes – to be invited for February 3, 2015

9. New Business — *none*

10. Remarks from the Public with a three-minute limit — *none*

11. Remarks from the Committee Members

Chairman Pike reported that he has been in touch with Town Planner Marcia Vlaun who has offered to help the Committee with their final PowerPoint presentation. He also plans to request a one-month extension (end of March 2015) for the reporting of their findings.

12. Adjournment

Motion made by Chairman Pike, seconded by Mr. Bucko, to adjourn the meeting at 9:34 p.m. Voice vote, 5-0, all in favor. Meeting Adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary