

**Meriden Police Department
Professional Standards Unit
Office of Internal Affairs**

Investigative Report

IA #: IA-11-44

Category: Class 1

Complainant: Detective Mike Siegler

Allegations: Dishonesty and untruthfulness

Officer(s) Accused: Brian Sullivan and Don Huston

Date(s) of Incident: Upon release of complaint letter to city manager

Time of Incident: N/A

Place of Incident: N/A

Type of Incident: Written complaint

**Involved Parties: Off. Brian Sullivan
Off. Don Huston
Chief Jeffry Cossette
Off. Evan Cossette
Off. Chris Fry
Beau Casanova
Off. Rich Giammarco
Off. David Buck
Off. Michael Ford
Pedro Temich
Off. Allan Ganter
Nancy Stanley
Det. Wagner
Det. Dave Visconti**

**Robert Methvin
Det. John Cerejo
Steve Farkas
Dep. Chief Topulos
Off. B. Wilkinson
Brian Lawlor
Off. John Femia
Robert Green
Det. John Williams
Off. J. Slezak
Det. Kristin Muir
Off. Selander
Off. Gibbs**

Complaint:

On June 8, 2011, Detective Mike Siegler filed a formal complaint with the Office of Internal Affairs regarding the formal two-part letter sent to Meriden's city manager from Officers Brian Sullivan and Don Huston. Siegler's complaint contains a 13-page rebuttal (enclosed) of the letter sent by Huston and Sullivan. Going through Siegler's rebuttal, I have outlined 22 separate allegations he disputes. This report will investigate each of those 22 incidents and try to determine whether they can be confirmed or denied by a preponderance of evidence. Supporting paperwork can be found in the tabbed sections. The number on the tab corresponds with the report section number.

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1. Chief's Comments Regarding Grievances

Det. Siegler's first dispute with the Huston/Sullivan formal complaint to the city manager is their allegation about the police chief's comments regarding the grievances that Huston and Sullivan filed regarding disparate treatment. Huston and Sullivan felt that the City of Meriden has not taken their grievances seriously and that Police Chief Jeffrey Cossette "openly expressed that he does not care because he won't be here when they reach the labor board."

In Siegler's rebuttal, he writes that he has never heard the chief make that statement. (It should be noted, for the uninitiated, that, as then-vice president of the Meriden Police Union [Local 1016], Siegler meets with the chief frequently.) Siegler goes on to write that he has heard the chief say that he will not leave as long as the Huston/Sullivan allegations are "out there." I can also confirm that I have heard Chief Cossette state that he was not going to retire until the independent investigation and federal probe were concluded.

In the Huston/Sullivan complaint to the city manager, they write that the chief "openly expressed" his feelings about the grievances. Although I can attest that I have never heard the chief make that comment—and I have never heard from anyone saying that he made those comments—I feel that the matter is irrelevant anyway. Even if the chief did make that comment, it does not violate any policy, procedure, rule, or regulation. Huston and Sullivan followed the protocols available to them by filing their grievances. If the chief and personnel director do not agree with the grievor, the grievance moves to Step 3, which entails a decision from the Connecticut State Board of Mediation and Arbitration. Once the grievances move to the labor board, there isn't much for the chief to do except wait for the ruling and then abide by their decision. If the chief did say that he didn't care about the grievances because he wouldn't be working at the police department anymore, the comment would have been nothing more than an honest outlook.

The only question that remains is whether the comment was actually made or not. Siegler insinuates in his complaint that the chief did not, in fact, make such a statement. But although he frequently meets with the chief, he is not with him all the time to hear everything he says.

I spoke with Chief Cossette on Aug. 18, 2011, and asked him if he ever said that comment. He told me that he never said—and never would say—that he "does not care" about the grievances. As mentioned earlier, the chief is aware that he would have to comply with the labor board ruling.

On November 29, 2011, I spoke with Officer Brian Sullivan about the comment. He was asked where he heard that the chief made that comment. Sullivan said that Det. John

Williams and Lt. Pat Gaynor (both union officials at that time) told him that the chief had said that. On December 5, 2011, I spoke with Officer Don Huston and asked him the same question. He said that Det. Mike Siegler (another union official) had told him the chief had made that comment. However, as stated earlier, Siegler denies hearing the chief make that comment, thereby making it a part of his own complaint.

Because there is no way to confirm whether the chief made the remark or not (absent a recording or his admission), there is no way to substantiate that Huston or Sullivan are lying in this aspect of Siegler's complaint.

Based on the information contained above, it is my opinion that this specific portion of Siegler's complaint be given the following disposition: *Not Sustained.*

2. Officer Fry/Evan Cossette arrest of Nancy Stanley

This portion of Siegler's complaint was already investigated under Internal Affairs case number #IA-11-26, which was initiated by a complaint filed by Officer Chris Fry. It will not be examined here to eliminate the potential for double jeopardy.

3. Evan Cossette/Maloney's Pub incident

Siegler's third contention is that Huston and Sullivan lied in their complaint letter when they described the altercation between Evan Cossette and (now former officer) Beau Casanova at Maloney's Pub at 676 W. Main St.

Huston and Sullivan write that Cossette was drinking alcohol and intoxicated at the pub while he was under the legal-drinking age of 21.

During my interview with Off. Sullivan, he was asked if he was a witness to the acts he wrote about. He responded that he did not personally witness the events at Maloney's Pub. Sullivan said he obtained the information "strictly" from Casanova. He then went on to say that he believed Off. Huston had conversations with Casanova in preparation for their complaint to the city manager.

During my interview with Off. Huston, he told me that he did not witness the incident and was not present at the bar either. He said that he attempted to talk to Casanova about the incident but that Casanova was very tight lipped. Huston said he could not remember specific names of people who told him about what had happened. I asked Off. Huston how he knew that Evan Cossette was under 21 years of age at the time of the incident. He replied that he wasn't aware how old Evan was at the time and that Off. Sullivan was responsible for most of this portion of the complaint letter.

The two components involved in this portion of the investigation include: 1) whether Evan Cossette was drinking underage at Maloney's Pub, and 2) whether Internal Affairs was aware of the incident. The second component (IA's knowledge of the situation) was separately investigated under case number IA-11-23 and will not be reinvestigated for this complaint.

The first component (Evan's underage drinking), however, has not been previously investigated. Nevertheless, my investigation has not been able to prove the exact date of when the Maloney's Pub incident occurred, thereby prohibiting me from determining Evan Cossette's age at the time of the incident.

Based on the information contained above, it is my opinion that this specific portion of Siegler's complaint be given the following disposition: **Not Sustained.**

4. Westfield Meriden Shopping Center Incident with Evan Cossette

The fourth issue that Siegler mentions is the incident at 470 Lewis Ave., the Westfield Meriden Shopping Center. The incident occurred on February 12, 2009, and initially involved a bomb scare. Mall security then pointed out to the police three male subjects who were causing a disturbance. The initial officers involved were Richard Giammarco, Evan Cossette, and Brian Wilkinson. According to police reports regarding the incident, the officers had to tell the three suspects numerous times to leave the property, as the suspects moved slowly, stopped, and turned around to glare at the police. The officers then continued their response to the more serious call of the bomb scare.

About 30 minutes later, Giammarco and Cossette went outside to move their vehicle to cordon off the area. Once outside, they encountered the three suspects again, who still had not left the mall property. Again, the officers told the suspects to leave, but the suspects continued their defiance and refusal to leave. Officers Giammarco and Cossette then placed the individuals under arrest.

In Siegler's rebuttal, he writes that the suspects "began to protest the infraction." This is a response to the line in the Huston/Sullivan complaint that reads, "Officers were at the mall and issued a party a simple trespass ticket." That line is included in a paragraph on page two of the first formal complaint letter sent to the city manager by Huston and Sullivan. In that paragraph, Huston and Sullivan indicate the mall incident "was one of the first signs of Officer Cossette's inability for him to control his anger and temper." They then go on to write, "Officer Cossette took a situation that was a simple infraction, and escalated it into becoming a criminal offense . . ."

A search of the Records Unit indicated that no infraction was issued by any officer to the suspects. This indicates that the Huston/Sullivan account of a party being issued a simple trespass ticket is false.

On Aug. 30, 2011, I spoke with Officer Rich Giammarco regarding the incident. He told me that he had no issue with Off. Cossette's use of force on the call. He went on to state that he was never on a call where he saw Cossette use excessive force. Giammarco said that the only issue he had with Cossette on this particular call was when he (Cossette) left Giammarco alone with the suspect in an attempt to apprehend the other suspects on scene. Giammarco also said that he had been upset to hear that Cossette had told other officers (at the time) that Giammarco was the one who had left him, and not vice versa.

Giammarco went on to say that he totally disagrees with what Sullivan and Huston wrote in their complaint, including the fact that a simple trespass ticket was issued. As already noted, no such infraction exists.

Additionally, Giammarco stated that he was never called in to the Internal Affairs office regarding the incident, and he does not even think an administrative investigation was opened regarding the case.

I ended the interview by asking Giammarco if he knew how Huston and Sullivan obtained their information about the incident. He said he didn't know, but whatever information they were given became distorted in their account. Giammarco also added that, prior to the Huston/Sullivan allegations, he hadn't talked to anyone about the incident for about two years.

I then spoke to Officer Brian Wilkinson. Wilkinson had very little to add to this complaint because he arrived on scene after Giammarco and Cossette had called for assistance. He told me that he did not observe Evan use any unnecessary force. He also stated that he was not called in for an Internal Affairs investigation and does not know if one was initiated for this case.

A check of the records in the Internal Affairs Unit revealed that no complaint was made by anyone regarding this incident. Huston and Sullivan wrote that Cossette was "exonerated of all charges," indicating that an investigation had taken place, but that was not the case.

During my interview with Off. Sullivan, he was asked where he obtained the information from this incident. Sullivan said that Off. Giammarco provided him with the details of the case. Off. Sullivan said that he talked to Off. Wilkinson about the case, as well. The conversations that took place occurred several days after the incident, not years after the fact. Off. Sullivan also stated in the interview that the incident "did go to IA." When I brought up to Off. Sullivan that there was no Internal Affairs complaint or investigation on file regarding this incident, he said that he thought there was one. He did not have any documentation of a filed complaint.

Off. Sullivan was then asked if he spoke to anyone else about this incident since he originally spoke to Off. Giammarco about it in early 2009. He said he did not.

Off. Sullivan was asked about the line in his complaint letter where it is stated, "[a]s you can expect he [Evan Cossette] was exonerated of all charges." Sullivan responded that he assumed an IA investigation was done. Sullivan also agreed in his interview that it was possible that IA or the administration may not have been aware of the incident. However, he does not make that qualification in his letter to the city manager.

I then asked Off. Sullivan if he ever confirmed that a simple trespass ticket was issued to the party at the mall. He said he believed a ticket was issued, but he never confirmed that fact.

At the end of this portion of Sullivan's interview, he conceded that he could be incorrect and inaccurate regarding his assertion that an IA investigation was filed. He does,

however, recall the family being at police station's entry window immediately after the incident.

In Off. Huston's interview, he stated that he was "totally unaware" of this particular incident. He also stated that he never spoke to Off. Giammarco about this incident prior to the filing of the complaint. Huston said he didn't have any input regarding this portion of the complaint, and he was unaware of it until Off. Sullivan spoke of it. Huston said that Sullivan told him that he (Sullivan) had obtained the information from Off. Giammarco. Huston also said that he did not review any of the reports for this particular incident, and he was not sure if anyone—including Off. Sullivan—reviewed the reports. Huston did not seem to have much knowledge as to the particulars of this incident.

On Feb. 16, 2012, I spoke to Off. Evan Cossette regarding this incident. He told me that there was no Internal Affairs investigation regarding this incident. He also said that the suspect in this case was struggling with the police and ignoring commands. Cossette also confirms that Giammarco did mention something to him about leaving his (Giammarco's) side.

Summary

The information obtained regarding this veracity of this portion of Huston and Sullivan's complaint revealed the following:

- There were no signs that Officer Cossette could not control his anger.
- No simple trespass ticket was issued.
- No Internal Affairs complaint was filed against Officer Cossette.
- Since there was no infraction, Officer Cossette did not take "a situation that was a simple infraction, and escalated [sic] it into becoming a criminal offense..."
- Officer Cossette was not "exonerated of all charges," because there were no charges.

Also, because Huston and Sullivan's lawyer, Sally Roberts, released the first complaint letter to the media (as indicated by Patch.com reporter Laurie Salerno), the statements in the letter were made public for all to read.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

- ✓ **Meriden Police Department Rules and Regulations**
Section 2 Improper Conduct
2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.
- ✓ **Meriden Police Department Rules and Regulations**

Section 1 General

1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute "conduct unbecoming an employee."

5. Summer St. incident

Siegler next disputes Huston and Sullivan's depiction of an incident that occurred on Summer St. Because the Huston/Sullivan complaint does not provide specifics such as date, case number, or arrestee information, I had to conduct research in order to pin down the case report in question. It is believed that the case Huston and Sullivan refer to is an incident that occurred on April 24, 2010 (Case #10-9738).

The primary investigator for the incident was Det. John Cerejo, working a patrol overtime shift. Cerejo's report describes a disturbance call that devolved into a chaotic situation with numerous individuals involved. A review of Cerejo's case report indicates that four arrests were made. Evan Cossette's name is never mentioned in the narrative portion of the report. He is, however, listed in the heading, presumably because he was there assisting. There is no indication in Cerejo's report that Cossette acted inappropriately in any way.

The Huston/Sullivan complaint based its accusation for this incident on the covertly taped conversation between Brian Sullivan, Michael Ford, and David Buck in the police department locker room. In that conversation Buck can be heard saying, "me and Pierce were there," describing the Summer St. incident. He goes on to say that he and Pierce "tackled him [the suspect, Daniel Kenealy], put him in cuffs; all of the sudden Evan comes over. . . whack, whack, whack." Sullivan then asks, "While he was cuffed?" Buck hesitates and then responds, "I think he was, yeah." Sullivan then states, "And then hit him with his baton and just walked away."

On Aug. 31, 2011, I interviewed Officer David Buck regarding the incident. Buck recalled the conversation he had with Sullivan and Ford in the locker room. He believes that it occurred some time in the fall of 2010. Regarding the conversation, Buck said, "a lot of it was exaggerated." He added, "it was locker room talk. We tell stories down there."

Buck was then asked to explain the events that occurred during the apprehension of the suspect. Buck said that he and Off. Pierce were attempting to take the suspect into custody, but that the suspect was not complying and was using "positive resistance." The suspect was resisting while he was lying on the ground on his stomach. Buck then said that Off. Cossette approached them and jabbed the suspect—who was still not handcuffed—a couple of times with his baton.

Buck went on to say that he did not think Evan's use of force at the scene was excessive, and that is why he did not report it to a supervisor. He also added that the suspect, Kenealy, showed no signs of physical injury, did not complain of physical injury, and, as far as he knows, did not file any type of formal complaint. (A check of Internal Affairs records indicated that, indeed, no complaint was filed.)

Finally, Buck was then asked if he ever witnessed Off. Cossette use excessive force. He answered that he had not. He was also asked if he would report Evan Cossette to a supervisor if Cossette were seen using excessive force. Buck answered that he would. He said that he is not fearful to make a report or complaint against the chief's son.

On Sept. 6, 2011, Officer Jen Pierce was interviewed regarding her involvement in the incident. She said that she was assisting Off. Buck take Kenealy into custody. Kenealy was lying on the ground prone as Pierce was on top of him, straddling his body. She said that Off. Buck and Kenealy were rolling around, tussling. Kenealy's arms were tucked under his body. At some point during that time, Kenealy said, "Why are you hitting me?" Pierce then turned around and saw Off. Cossette with his baton out. Although she did not actually see Cossette strike Kenealy, she assumed it was he. She also knew that if Cossette did strike Kenealy, then the hits must have been on his legs because she was sitting on his midsection and had full view of his upper body.

Pierce was asked if Kenealy was cuffed at the time. She responded that she didn't know. She did feel that Kenealy was not "aggressively" fighting and believed that Cossette's assistance was not necessary, but she also said that the force he used was not excessive because she would have reported it if it was.

Pierce went on to say that Cossette could not have struck Kenealy more than two times because the time that lapsed between Kenealy's query of who was hitting him to when Pierce turned around was extremely short, a matter of seconds. Pierce said that Kenealy never cried out in pain from the incident, and she wasn't aware of any complaints from him after the fact.

Pierce indicated that she wasn't upset with the amount of force used by Cossette at the scene; rather, she just felt that his presence was not needed. Nevertheless, she did admit that she does not know how the scene looked to Cossette as he approached, and she cannot speak for his perception of the situation.

When asked if she was aware of or witnessed any misuses of force by Off. Cossette in other situations, she said she had not. She was then asked if she had any problem reporting any such misuses by the chief's son if she had seen them. She replied that there would be no problem and that Cossette's relation to the chief would not even cross her mind.

At the end of the interview, Pierce was read a portion of the Huston/Sullivan complaint, specifically:

The suspect was placed in handcuffs with his hands cuffed behind his back. He was kneeling on the ground with his hands behind his back. Moments later Officer Cossette approached the handcuffed male, and struck him several times in the back with a baton.

Pierce was then asked if that account was accurate and she responded, "Absolutely not."

On Sept. 6, 2011, I spoke to Det. Cerejo about his knowledge of this incident. He said that he did not know any specifics about Off. Cossette's involvement and doesn't even remember him being there. Cerejo said he wasn't near the area where Kenealy was apprehended.

Cerejo did state, however, that he talked at length with Kenealy after his arrest, taking three pages of statements from him. Cerejo said that at no time did Kenealy appear injured or make any mention or indication of having been injured. (It should be noted that three separate statements from Kenealy are included with Cerejo's case, with no mention of injury.)

In my interview with Off. Sullivan regarding this incident, he makes the statement that he doesn't know who tells the truth around here anymore because he initially was told one thing by officers and is then told conflicting stories about what he was told.

I asked Sullivan if he took into consideration the fact that the statements he heard were during a locker room discussion and that sometimes conversations that take place there are exaggerated or embellished. Sullivan conceded that "there is locker room gossip," but said there is a good deal of facts that are discussed there, as well. Sullivan said that what he had gathered regarding this case was second hand information.

I then told Sullivan that based on what he was saying, if he believed what officers were telling him throughout the department (SWAT meetings, locker room, etc.), even though some of the supposed victims did not make complaints, then there must be many officers lying in their police reports. Sullivan agreed and felt they were.

Regarding this particular incident, Off. Sullivan said he heard about the details of this case from not only Officer Buck (in the locker room conversation that Sullivan recorded), but also from Off. Michael Fonda, who is Off. Pierce's boyfriend. Fonda told Sullivan he heard that information from Pierce.

Off. Sullivan then played the recording of his locker room conversation with Officers Buck and Ford. Although it was pointed out to Sullivan that Buck responded, "I think he was, yeah," when Sullivan asked Buck if the suspect was cuffed at the time of Off. Cossette's intervention, Sullivan did not include that qualification ("I think he was...") in his complaint to the city manager.

Sullivan also agreed that neither Ford nor Buck told him that Cossette's involvement amounted to "a criminal assault with the use of a weapon," as was written in the Huston/Sullivan complaint. Sullivan made that assessment on his own.

Sullivan/Huston also wrote that on-scene "officers were too afraid to come forward and report the Chief's son for excessive force, knowing that his actions would result in a criminal arrest if they had done so." When Sullivan was asked about this portion of the complaint, he stated the officers "never said that," but he felt that was the truth.

The Huston/Sullivan complaint letter also indicates that officers “were fearful because they know how vindictive the chief can be when you cross him, and they felt as though IAD would just sweep it under the carpet, as they have done so many times before.” Here, Sullivan admits again that this was his opinion.

Sullivan went on to say that all the information he received from Off. Buck was what was captured on the recording. He had no other conversations with Buck on the matter.

Also, although the recording does not indicate that the suspect referred to by Off. Buck was struck in the back by a baton, Off. Sullivan said that Off. Fonda told him that Off. Cossette struck the suspect in the back. Off. Fonda, in turn, obtained his information from Off. Pierce.

When I spoke to Off. Fonda about what Sullivan had said, he denied ever telling Sullivan anything about the Summer St incident, although he did agree that Off. Pierce had talked to him about the incident.

Off. Huston, during his interview, said that he was working the evening of the incident and “everybody was talking about it.” Huston was not present at the Summer St. scene. He also said that Evan Cossette openly admitted to striking the person in the back with his baton. That account is inconsistent with Off. Pierce’s explanation, where she said that Cossette must have struck the suspect on his legs because she was sitting on the suspect’s midsection/back area.

Huston then added that he heard from other people in the locker room and the “rumor mill” that the suspect had been handcuffed at the time. He also said that people on the department were not going to speak up about Evan Cossette’s actions because they knew nothing would happen to him because of his relation to the chief. When asked who had actually said that, Huston replied, “I don’t know.” He said he couldn’t remember who said it, but just remembers that people did say it. He could also not remember who specifically had called Cossette a loose cannon, but maintains that it was said.

Huston then admits that he had heard different versions of what took place on Summer St. regarding the suspect’s position. For example, he said that the first time he heard of the incident, the suspect was kneeling, another time he heard that the person was face down on the ground. He then said, “The specifics on how he [the suspect] was positioned, I’m not sure, but each time I did hear that he was handcuffed.”

Huston concedes that the only person he spoke to directly involved with the incident was Off. Buck, and that the rest he had heard from people in the locker room. Off. Huston said he made no effort to speak with Off. Pierce about the matter.

Off. Huston was then asked about his feeling of the locker room environment and how officers may exaggerate or embellish the facts regarding their investigation in a show of bravado or braggadocio. He admitted that he has heard a couple of officers “over

exaggerate,” but he feels for the most part that everything is true that he hears there. Huston feels that the individuals exaggerate about themselves but not others.

On Feb. 16, 2012, I interviewed Officer Evan Cossette. He told me that he did, indeed, strike the suspect (Kenealy) with his ASP baton. Cossette believes he struck Kenealy in the back or the leg, and he said that Kenealy was not handcuffed. Cossette said when he came to assist Officers Buck and Pierce, the two officers were in the process of trying to take Kenealy into custody.

Summary

As stated earlier, Off. Sullivan received some of his information by surreptitiously recording Officer Buck. During that conversation, Sullivan was given the impression that Off. Cossette had committed some form of misconduct, namely, using excessive force. Although Buck did not tell Sullivan the details that were written in the Sullivan/Huston complaint letter to the city manager, he was told that it appeared as if Cossette had struck the suspect. Even though Buck and Pierce told me that Cossette committed no violation at the scene, Sullivan could only be held responsible for what he was told at the time. Also, Sullivan told me that Off. Fonda gave him additional information, but according to Off. Fonda, that was not the case. However, I cannot verify Sullivan or Fonda’s assertion.

The part of Huston and Sullivan’s writing that does appear to be either false or a reckless disregard of the truth is when they indicate:

Officers on scene witnessed the brutal assault, but were too afraid to come forward and report the Chief’s son for excessive force, knowing that his actions would result in a criminal arrest if they had done so. They were fearful because they know how vindictive the chief can be when you cross him, and they felt as though IAD would just sweep it under the carpet, as they have done so many times before.

Both Officers Buck and Pierce stated that the above depiction is false, and Sullivan himself said that the officers never said that, and the statement was his opinion.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

✓

Meriden Police Department Rules and Regulations

Section 2 Improper Conduct

2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.

✓

Meriden Police Department Rules and Regulations

Section 1 General

1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute "conduct unbecoming an employee."

6. Curtis St. incident with Officers Ford and Cossette

Siegler next discusses the allegation made by Huston and Sullivan on the third page of their first letter (second paragraph). There, Huston and Sullivan write about a conversation with Officer Michael Ford regarding the apprehension of a bank robbery suspect (Case #10-15075). To summarize, Joshua White was accused of robbing the People's Bank branch within Stop and Shop at 485 Broad St. on Sept. 5, 2010. Several officers converged on the scene and, after a brief chase, caught White. Then-Officer Wagner, Officer Cossette, and Officer Ford took White into custody.

The locker room conversation between Sullivan and Ford was recorded without Ford's knowledge. During the conversation, Ford reveals the following:

1. The suspect was 110 pounds soaking wet.
2. The suspect offered little resistance to the three officers.
3. Officer Ford raised his arm and blocked Off. Evan Cossette's ASP when Cossette tried to strike the suspect in the head.
4. Off. Ford had words with Off. Cossette regarding the incident.

Huston and Sullivan then closed the paragraph by writing "Officers on scene were once again too fearful to report the criminal actions of Officer Cossette."

I first reviewed all the reports written for the incident. Off. Gabe Mejias was assigned as the primary. Supplemental reports were written by Lt. Lespier, Off. C. Rodriguez, Off. Hancort, Off. Giammarco, Off. Ford, then-Off. Wagner, and Off. Cossette.

All the police reports correspond with each other regarding the case particulars. Despite what Officer Ford told Sullivan in their conversation, Ford's official sworn report describes the arrest in a different way:

Mr. White stumbled to the ground and fell face first. I jumped on Mr. White and he began to resist. I grabbed Mr. Whites left hand and placed it in hand cuffs. I commanded Mr. White to give me his right hand, Mr. White placed his right hand under his torso. I punched Mr. White in his right arm to get him to release his arm. [sic]

Then-Officer Wagner's report describes the arrest as follows:

Once this officer chased the male onto the property of 72 Curtis Street, Officer Ford and Officer Cossette arrived on scene to assist this officer. These three officers then chased the male through the yard, through a fence and into a lot directly east of 25 Markham Place. At this point Officer Ford and Cossette were ahead of this officer. As this officer went through the fence this officer saw that

the other two officer's had the black male on the ground. Once the male was on the ground he was still refusing to comply with officer's commands to lay flat and take his hands out from underneath him. At this point this officer assisted the other two with handcuffing the male. [sic]

Finally, the third officer, Evan Cossette, described the incident this way in his police report:

Ofc. Ford and I then proceeded to chase the suspect on foot, over a fence, and through bushes. I gave the male several loud verbal commands to get on the ground, but he refused. The male began to stumble and I struck him in the thigh with my ASP. The male fell to the ground and Ofc. Ford, Ofc. Wagner, and I attempted to handcuff him. Ofc. Ford successfully grabbed hold of the suspect's left wrist, but the suspect's right hand was under his body. The suspect was ordered to show us his hands, but he refused. After a short struggle, the suspect was finally handcuffed and a large amount of cash was recovered from his person.

After I reviewed the entire case, I was now able to address the four points outlined above regarding Officer Ford's comments to Sullivan.

1. The suspect was 110 pounds soaking wet. This statement is clearly not true. Not only is Joshua White's (suspect) weight listed at 160 lbs. on the Meriden P.D. booking/photo system, but a separate check of Department of Corrections files also lists his weight at 160 lbs.
2. The suspect offered little resistance to the three officers. "Little resistance" seems to be the key phrase here. What one officer perceives as little resistance, may be moderate resistance to another. Some officers feel that verbal indication of non-compliance may be "little resistance," while others would feel that some physical non-compliance would qualify. Regardless, Officers Ford, Wagner, and Cossette all write in their reports that the suspect was actively resisting physically. During my interview with Officer Ford, he stated that the suspect was struggling by not releasing his arm from underneath him.
3. Officer Ford raised his arm and blocked Off. Evan Cossette's ASP when Cossette tried to strike the suspect in the head. This point is one that needed definite clarification. Any individual that would block an ASP strike with his arm would suffer a significant injury. Off. Ford did not report being injured at the incident. On my interview with Ford on Aug. 31, 2011, Ford stated that he never saw Off. Cossette swing his ASP at the suspect. (This also includes the strike to Joshua White's thigh that Cossette readily admits to in his report.) Ford told me that he felt it was unnecessary for Cossette to have his ASP out at the time and that he (Ford) swung it away from him when Cossette got near him, as Ford was trying to handcuff the suspect.

Ford was then asked if he saw Evan Cossette use any excessive force at the scene. He replied that he didn't see Cossette use any force. Ford simply felt that Cossette should not have had his ASP deployed at that time and that is why Ford and Wagner spoke to Cossette about that fact later in the day. However, Ford did not feel that Cossette's actions were severe enough to warrant a report to a supervisor.

Ford also said that he was told that he was secretly recorded by Brian Sullivan in the locker room when he made comments about Cossette's actions at the scene. On the tape, Ford can be heard saying that he "blocked the shot, cuz he [Evan] was going right for his head and my head." Brian Sullivan then says, "With a baton, when you had the guy down." Ford then said he put his "arm up and blocked him out of the way and told him to 'Get the fuck outta here.'"

When I questioned Ford about the discrepancy between his report and what he said in the locker room, Ford said that he stands by his police report and that the locker room comment could be attributed to "locker room rhetoric."

Finally, Ford was asked if he agreed with Huston and Sullivan's assertion that "Officers on scene were once again too fearful to report the criminal actions of Officer Cossette." Ford said he disagreed with that statement and that he is not fearful to report any misconduct on the part of the chief's son.

On Feb. 16, 2012, I spoke with Off. Evan Cossette. He said that he did not try to strike the suspect in the head and that Ford did not block a shot. Cossette does not recall striking the suspect while he was on the ground.

On Feb. 27, 2012, I spoke with Det. John Wagner. He told me that the suspect was actively resisting and refusing officers' commands. Wagner recalls that he and Ford were trying to cuff the suspect, and he didn't know what Cossette was doing at the time. Wagner said he didn't see Cossette's ASP out until he got up after the suspect was under control. He also said that he never saw Cossette try to hit the suspect in the head, and he never saw Ford "block the shot." Wagner did tell me, however, that Ford later told him that Cossette's ASP did make contact with Ford at some point. Wagner was not aware of that at the scene.

4. Off. Ford had words with Off. Cossette regarding the incident. Officer Ford admitted that he and Wagner did speak with Off. Cossette inside a booking interview room regarding Cossette's ASP baton deployment.

Det. Wagner told me that he later told Off. Cossette to be more careful using an ASP when officers are "rolling around" with a suspect, or to use a different tool. Wagner said he talked to Cossette in a booking interview room and that Cossette was receptive to the critique.

Off. Cossette confirmed that Wagner and Ford told him in the booking area that he should not use his ASP when a suspect is on the ground with officers. They indicated to him that he needed to be more careful.

I spoke with Off. Sullivan on Nov. 29, 2011, regarding this portion of his complaint to the city manager. He said this portion of his complaint was obtained from his recorded conversation with Officers Ford and Buck in the locker room. When asked if Off. Ford said that he was "too fearful to report the criminal actions of Officer Cossette," as written in the complaint to the city manager, Sullivan answered that that was his own (Sullivan's) assumption and opinion. Off. Sullivan said that he did not ask Ford why he did not report that misconduct if he had witnessed it.

I then asked Off. Sullivan if he found it strange that Off. Ford could block an ASP strike with his arm without sustaining injury. Sullivan said he didn't find it strange, saying it would depend on where Ford actually blocked Cossette's strike, saying that Ford may have blocked Cossette's arm instead of the actual weapon. Sullivan does, however, admit that "Ford may exaggerate and embellish a little bit."

Again, Off. Sullivan is asked about his feeling toward the credibility of information he received in the course of locker room talk. He maintained that he believed what he was told to be true. He also said that most of his information as it related to his complaint to the city manager was obtained from locker room talk.

Off. Sullivan was asked if he spoke with Det. Wagner about what had happened at the incident for purposes of corroboration. Sullivan responded that he did not verify the information with Wagner, saying that it wasn't his job to investigate the matter and that he didn't want to taint any impending investigation.

Off. Sullivan also agreed that Det. Wagner should have reported what happened at the scene "if what he [Ford] said was true."

In my interview with Off. Huston on Dec. 5, he indicated that he and Off. Sullivan were made aware of the Curtis St. incident only when Off. Ford started talking about the incident while they were recording Ford and Buck. Once obtaining the recording, however, Huston said he did not talk with Ford again about the incident in preparation for the letter to the city manager. Huston also said that he did not verify the information with Det. Wagner.

Off. Huston was also asked about the line in the letter that states "[o]fficers on scene were once again too fearful to report the criminal actions of Officer Cossette." He said that was his and Officer Sullivan's opinion. Huston never heard Ford or Buck say they were fearful to report the incident.

I then asked Off. Huston if an officer would sustain injury when blocking a shot from an ASP or baton. He felt that the officer would sustain some injury. I asked Huston if he saw

an injury on Officer Ford and he replied that he did not because when Ford told him about the incident in the locker room, it was well after the fact, which is true. Huston also said that he did not remember seeing an injury to Ford's arm in the past. To confirm, I asked Off. Huston if he felt it was possible for Off. Ford to block a shot from an ASP without sustaining injury. He responded that he didn't feel that was possible.

During my interview with Det. Wagner, I asked him if he was too fearful to report any misconduct by Off. Cossette. He told me that he would have no problem reporting Evan Cossette.

Summary

Similar to the previous incident (Summer St.), Officer Sullivan obtained most of his information from a locker room recording. He wrote in his complaint to the city manager what Off. Ford told him. Sullivan did not bother trying to corroborate Ford's comments. He told me that it wasn't his job to investigate their veracity. Nevertheless, Sullivan documented what Ford had told him, and he should not be held responsible if Ford's comments are inaccurate, as my investigation indicates.

When taking Ford's comments to Sullivan out of the equation, I could find only two inaccuracies in this portion of the letter that could be attributed to Huston and Sullivan:

- Ford never told Sullivan that the suspect "offered little resistance," and examination of the arrest reports demonstrate that the suspect was, indeed, resisting arrest. So much so that Officer Ford needed to punch the suspect in the arm.
- I could find no evidence that officers "on scene were once again too fearful to report the criminal actions of Officer Cossette." Huston and Sullivan make that statement as if it were fact, but Sullivan and Huston told me that the sentence was their opinion and that they never heard Buck or Ford make that claim.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

- ✓ **Meriden Police Department Rules and Regulations**
Section 2 Improper Conduct
2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.

- ✓ **Meriden Police Department Rules and Regulations**
Section 1 General
1.1 Any violation of the rules and regulations, general orders, special orders, written

directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute “conduct unbecoming an employee.”

7. Off. Cossette's push of Pedro Temich

Siegler then writes about the night that Pedro Temich was arrested for evading responsibility and resisting arrest on May 1, 2010. The incident occurred at 23 Putnam St. and stemmed from a complainant who had called police because her vehicle had been struck by another car whose driver did not stop. Officers dispatched to the scene were Selander, Cossette, and Huston.

According to all three officers' reports, the suspect in the evading (Temich) became very uncooperative when confronted by police, resulting in the use of force to effect an arrest. All three officers stated that they believed Temich was highly intoxicated and physical force was necessary to take him into custody.

After questioning Huston's version of events for that evening—is Huston's sworn police report correct, or is his complaint to the city manager?—Siegler then states that Huston and Sullivan outright lied about Cossette when they describe his height and weight. According to their complaint to the city manager, Huston and Sullivan write "Officer Cossette stands at 6 feet 3 inches tall and weighs nearly 270 pounds." The two officers make this claim to show the difference in height and weight between Cossette and the suspect. However, a check of Off. Cossette's police identification lists his height as 6'1" and his weight as 230 pounds. I asked Cossette if that is still his current weight and he told me that he is about 235 pounds. I then asked him what his weight was at the time of the Temich arrest and he said it was 230 pounds. Despite the five pound difference, it is safe to say that Cossette is nowhere close to the "nearly 270 pounds" as written in Huston and Sullivan's complaint letter. Even a simple visual inspection of Off. Cossette would reflect that he nowhere near 270 pounds.

As for the pushing incident, Off. Cossette was already subject to a disciplinary hearing and incurred a written reprimand for his actions. The Federal Bureau of Investigation also investigated the incident.

On Sept. 8, 2011, I spoke with Officer Jeff Selander, who was present at the initial call with Temich along with Officers Cossette and Huston. Selander explained that he was initially the primary officer investigating the complaint. He also said that he was the first officer to arrive. When Selander encountered a large group of Hispanic individuals at a party while he was looking for the suspect (Temich), he utilized Off. Cossette's Spanish-speaking abilities to create a dialog. Selander did not want Off. Huston involved in speaking with the parties because Selander has had problems with Huston in the past regarding Huston's people skills, saying that Huston "doesn't know how to talk to people" and that he is "condescending."

Selander goes on to say that when he was dealing with Temich, who appeared intoxicated, the suspect was cooperative until he realized that he was going to be arrested. It was then that Temich began to resist arrest. At that point, Huston and Cossette began to

attempt to place handcuffs on Temich. Selander expressed his displeasure with Huston's cuffing technique because Temich was able to get free from Huston as Cossette and Huston had Temich on the ground. Selander said that he later spoke to Huston about his poor cuffing technique and that he should work on it, but Huston told Selander to mind his own business.

Selander said it was at that point that the crowd of individuals (25-30) at the party began running toward the officers. Selander then took out his Taser and pointed it toward the crowd, yelling at them to stop, which they did. Selander held the crowd back as Huston and Sullivan continued to try to take Temich into custody.

Selander was then asked if he witnessed any excessive force by any of the officers as Temich was taken into custody. Selander replied, "None whatsoever."

Once Temich was secured, he was placed in the rear of Cossette's cruiser because that was the closest transport vehicle. Selander said that Temich was actively resisting his placement into the cruiser. Temich was "bucking, jerking, trying to flop down on the ground" and trying to break free. Selander also added that Temich showed no signs of injury at the scene, saying that Temich was "fine." Once Temich was placed in the rear of the cruiser, he began smashing his face into the Plexiglas divider and yelling obscene comments toward officers.

After Cossette departed with the prisoner, Huston offered to take the case from Selander because the incident had happened toward the end of the 1500-2300 shift, and Huston was working the upcoming midnight shift, as well. Selander gladly turned the case over to Huston, who then became the primary officer.

A check of scheduling records confirms that Huston was working on that midnight shift. Also, examination of the case reports prepared by Huston, Selander, and Cossette prove that Huston was the primary officer of the call. On Meriden Police Department Incident Reports, the upper right corner contains a descriptor box titled "Report Type." A primary officer will label that box with the word "Original," while assisting officers will label the box as "Supplemental." Huston's report is marked as "Original," and Selander and Cossette's report are labeled as "Supplemental." Also, the primary officer is responsible for indicating all charges against the suspect in his/her report, as well as the completion of the warrantless affidavit. In both instances, Huston is the author. Finally, Huston is listed as the primary officer in the Records Unit computerized database.

Huston and Sullivan's complaint to the city manager asserts the following:

Officer Evan Cossette used excessive force that was border line on Police brutality while taking Pedro into custody. So much so, that investigating Officer, Officer Selander turned the case over to Officer Cossette because he didn't want to be responsible for the injuries that Pedro had sustained. [sic]

Based on Selander's comments, the labeling of the police reports, and the forms that Huston completed, the preceding accusation made by Huston and Sullivan can clearly be classified as false. The investigation was never turned over to Officer Cossette.

Selander went on to say that when he arrived back at the station and found out that Temich had been brought to the hospital, he assumed that the suspect had injured his shoulder or head from the way that he had been thrashing about in the cruiser.

Selander was then asked if he agreed with the following sentence written in Huston and Sullivan's complaint: "On scene Officers have conveyed that Officer Evan Cossette used excessive force that was border line on police brutality while taking Pedro into custody." Selander responded that the claim was false. (It should also be noted that Selander, Cossette, and Huston were the only officers on scene at the time that Temich was being arrested.)

Selander was then asked if he agreed with the next sentence: "So much so, that investigating Officer, Officer Selander turned the case over to Officer Cossette because he didn't want to be responsible for the injuries that Pedro had sustained." Selander said that sentence was also false. He also added that when he first read that statement, he approached Huston and asked him if that statement was made in retaliation to Selander for correcting Huston on his "sloppy handcuffing techniques." Huston responded by saying he didn't write that, but Sullivan did.

Selander went on to say that he has absolutely no problem reporting the chief's son (or any other relative for that matter) if he witnesses a violation being committed by the officer. He said that Cossette's father being the chief "has no bearing" on his duty to report.

On Oct. 3, 2011, I received Pedro Temich's medical records from his attorney, Sally Roberts. The Hunter's Ambulance Prehospital Care Report Summary indicates that Temich "became extremely combative with EMT and medic" during transport from the police department to the hospital. Temich "was restrained using soft restraints to keep him from swinging at [the medics]."

According to the records, Temich was admitted on May 1 at 11:46 p.m. and discharged on May 2 at around 10:33 a.m.

Huston and Sullivan incorrectly assert that Temich sustained a fractured skull as a result of the push. In the first letter/complaint to the city manager, they write in the penultimate paragraph about "the incident in which Officer Cossette fractured the skull and seriously injured a prisoner that was in his custody.

In their second letter to the city manager, Huston and Sullivan mention twice that Temich sustained a fractured skull due to the push in the cell. However, Temich's medical records refute that allegation. The Midstate Medical Center Preliminary Report indicates that Temich received a CT scan of his head while at the hospital. Radiologist Bharath

Chinta, MD, writes that Temich had “[n]o evidence of intracranial hemorrhage, mass effect or calvarial fracture [emphasis mine].” In other words, Temich did not have a fractured skull.

This fact is confirmed again in the Midstate Medical Center Patient Results Final Report by Dr. James Carroll on May 2, 2010, at 8:53 a.m. where he describes Temich’s injury prior to discharge. In his conclusion, Dr. Carroll records that “[s]uperficial skin staples are present. No calvarial [skull] fracture. No high density intracranial blood, mass effect, shift or subdural collection.”

Besides being false, Huston and Sullivan’s assertion that Temich cracked his skull was quickly picked up by the media and reported as fact. Newspapers such as *The Harford Courant* and the *Record-Journal* reported that Temich had a fractured skull, causing the public to be given faulty information, thereby affecting the reputation of the Meriden Police Department.

When Off. Sullivan was questioned about this portion of his letter to the city manager, he said that he obtained most of the information from Off. Huston, case reports, and videos. Sullivan also said that he spoke to Off. Buddy Gibbs about the incident and Gibbs had told him that he was asked to lie about what transpired in the cell. Gibbs also told Sullivan that Lt. Richards was at the booking desk watching the incident. Sullivan then adds that he feels Lt. Richards must have seen what happened in the cell because it is human nature to look and see what is going on when an “unruly” prisoner is brought in. Although in his complaint Sullivan writes that the suspect was “never a threat to Officer Cossette,” he used the term *unruly* to describe the suspect in our interview. Sullivan also qualified his statement by saying, “This is my opinion again...”

Sullivan was then asked whom he first spoke to about this information when it first circulated around the department. He could not remember any specific name, besides Gibbs. When Sullivan was asked when he knew about Gibbs’s lying to Sgt. Caponigro in Internal Affairs, he replied, “I would’ve had it before the letter [to the city manager] obviously.” However, Sullivan was then asked why he didn’t include that in his complaint to the city manager. He then recants and said that he did not know about Gibbs’s lying until after his letter was released because he would have included that information.

Off. Sullivan goes on to add that some people “do embellish” and “exaggerate,” giving an example of how some officers originally thought that Cossette had killed Temich. He also added that at that time he really didn’t care about the case until after January 2011.

Off. Sullivan goes on to explain how some people have different views and perceptions when it comes to injuries. He said, “Alacoque [Gonzalez, dispatcher] that night said she thought the guy was dead. I mean that’s her opinion. I may see a bruise or cut and say, ‘It’s no big deal,’ where a citizen would be like, ‘Oh, my god, that’s horrible.’”

The interview with Sullivan then focused on the allegation that Off. Selander had turned the case over to Off. Cossette because Selander didn't want to be responsible for the injuries that Temich sustained. Sullivan maintains that Selander told him that, but the facts do not support what was written in the complaint letter.

For example, I obtained dispatch recordings from the night of the incident. At around 10:31 p.m., Off. Egan (an early midnight unit) is dispatched to take the case, but shortly thereafter, Off. Huston is heard on the radio saying, "I'm working midnights, as well, I can take it," referring to his volunteering as primary officer on the case, since it was his patrol area.

At 10:35 p.m., Off. Selander asks dispatch who the case officer is "out here." Due to the fracas at the scene, Selander apparently did not hear Huston volunteer to take the case. Selander is then told that Off. Huston is the case officer. These audio recordings, coupled with Selander's interview with me where he recounts Huston taking the call, as well as the police incident reports which verify that Huston was the primary officer, disprove the allegation in the Huston/Sullivan complaint that "Selander turned the case over to Officer Cossette because he didn't want to be responsible" for Temich's injuries.

I asked Sullivan if he had listened to the dispatch recordings and he said that he did not.

When asked if he had ever spoken to Pedro Temich, Sullivan said that he did not.

Off. Sullivan was then asked how he came to the conclusion that Off. Cossette stands at 6'3" and weighs 270 pounds. He said that was based on his observation. Sullivan then quickly added that he has since heard that Cossette is only 250 pounds.

At this point in his interview, Off. Sullivan describes watching the video of Temich being walked into the booking area. Sullivan describes Temich as being cooperative, "nonresistive," and passive. This contradicts Sullivan's earlier assessment of Temich as unruly. Sullivan had said that Lt. Richards would have seen what was happening in the cell because it is human nature to see what is happening when an unruly prisoner is brought in.

However, both Lt. Richards and Sgt. Mennone, who were present at the booking desk at the time of the Temich push, said that they did not see what happened in the cell.

Off. Sullivan was then asked where he obtained the list of injuries sustained by Pedro Temich. Sullivan replied that he learned of Temich's injuries from his attorney, Sally Roberts, who is also Temich's attorney.

Off. Sullivan then speaks again of Off. Cossette's height, saying that "he's gotta be 6'2", 6'3" all day long."

Off. Sullivan was then asked about his description of Pedro Temich's Intoxilyzer sample where his blood alcohol content was shown to be over .300. Sullivan responded, "Well

maybe it wasn't an Intoxilyzer," and went on to say that he believed the BAC level had been obtained from the hospital or from Temich's medical records which he had seen from Attorney Roberts.

During the interview of Officer Huston, I asked him why his letter to the city manager states that Officer Selander turned the case over to Off. Cossette when it is clear that Off. Huston is the case officer. I explained to Off. Huston that as one reads the sentence "...Officer Selander turned the case over to Officer Cossette because he didn't want to be responsible for the injuries that Pedro had sustained," it can easily be interpreted that Officer Cossette became the primary officer. I asked Huston, "But that's not the case?" Huston replied, "Right."

Off. Huston went on to say that a supervisor told him to take the case, but he could not remember which supervisor. However, that does not jibe with the dispatch recordings. At 10:30 p.m., Lt. Richards can be heard on the department's taped telephone line telling a dispatcher to assign the case to Off. Egan because he is an early unit and would thus save the city overtime costs. At 22:31:13 dispatch assigns the case to Off. Egan. Egan acknowledges dispatch at 22:31:34. Two seconds after Egan finishes his transmission, Off. Huston tells dispatch, "I'm working midnights, as well. I can take it. This is my area." Dispatch then cancels Off. Egan and Off. Huston was assigned the case.

Based on the preceding information, it is clear that Off. Huston was never told by a supervisor to take the case, and he volunteered to take it before he even arrived. Off. Huston arrives on scene at 10:35 p.m. when he is heard telling dispatch that he is "rolling up" at that time.

The Huston/Sullivan letter also states that "[o]n scene Officers have conveyed that Officer Evan Cossette used excessive force that was border line on Police brutality while taking Pedro into custody." [sic]

It is clear that the only officers on scene at the time of Temich's arrest were Cossette, Selander, and Huston. Since it is obvious that Cossette would not be the one to make that statement, Off. Huston and Off. Selander would be the only possible sources of that information. However, during Huston's interview, he said, "I didn't observe it." He admitted that he never saw Off. Cossette use excessive force at the scene. Huston was then asked if it was Off. Selander who told him that Off. Cossette used excessive force that was borderline police brutality. He said, "He never said it... Whether he told it to Officer Sullivan or not, I don't know."

Based on Officers Sullivan, Selander, and Huston's statements in their interviews, at the most, there was one officer (Selander) who relayed concern about Cossette's actions. That is according to Officer Sullivan, but Selander denies ever making that claim to Sullivan.

I then asked Off. Huston if Off. Selander had talked to him about his technique on scene since Selander had told me that he spoke to Huston about his handcuffing technique. Huston told me that Selander did not talk to him about that.

Huston then goes on to talk about the force that was needed to effect an arrest on Temich, stating that he believes he struck Temich with his baton a couple of times.

Off. Huston was asked where he obtained the information that Pedro Temich had received a fractured skull as the result of his injuries. He replied that that he had learned that from the Internal Affairs report. [The IA report does not mention a fractured skull.]

When I asked Off. Huston to provide me with the section of the IA report that indicates Temich suffered a fractured skull, he could not find it. He then conceded that he must have received the medical information from Attorney Sally Roberts.

I then asked Off. Huston where he acquired Evan Cossette's height and weight as 6'3" and 270 pounds. Huston replied, "That was from Sullivan. I don't know Evan's exact weight." Huston then went on to say, "I would say he's 230-240. No way he's 270."

Off. Huston was asked about the sentence in the complaint to the city manager that reads, "...everyone is afraid to do what is right even though Officer Cossette is wild and out of control." Huston acknowledged that although he has no specific names of people who are "afraid to do what is right," it is his opinion based on "the fact that everybody knows what goes on and nobody has filed a report on it."

On Feb. 16, 2012, I interviewed Off. Evan Cossette regarding this incident. Cossette said that Selander never turned the case over to him, as Huston and Sullivan indicated. Cossette also said that Selander never talked to him about his use of force on Temich.

Cossette goes on to admit that both he and Huston used physical force on Temich when taking him into custody because Temich was actively resisting their attempt to handcuff him.

Cossette also said that besides receiving a letter of reprimand for his actions, he was also ordered to attend a four-hour use-of-force training class.

Summary

My review of Officers Huston and Sullivan's account of this portion of their letter to the city manager has resulted in findings that indicated several inaccuracies:

- Officer Selander never turned over the case to Officer Cossette "because he didn't want to be responsible for the injuries that Pedro had sustained."

- Officer Cossette is not 6'3" and 270 pounds. His police identifications lists him two inches shorter and 40 pounds lighter. That is a significant difference when alleging a case of brutality which was subsequently sent to the media.
- Pedro Temich's skull was not fractured as a result of the push. This is another serious accusation.

Huston and Sullivan state those accusations as fact, and their attorney released the claims to the media, thereby allowing false and reckless information to be conveyed to the public. The false accusations brought much discredit to Off. Cossette and the Meriden Police Department.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

- ✓ **Meriden Police Department Rules and Regulations**
Section 2 Improper Conduct
2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.
- ✓ **Meriden Police Department Rules and Regulations**
Section 1 General
1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute "conduct unbecoming an employee."

My interview with Officer Huston also leads to me to believe that he may have been untruthful with me when he told me that a supervisor instructed him to take the investigation. The dispatch recordings seem to disprove his statement to me.

Based on that information, I feel that the preponderance of the evidence shows that Off. Huston may have committed the following violation(s) when he offered conflicting statements in his interview:

Meriden Police Department Rules and Regulations

- ✓ **Section 2 (Improper Conduct)**

2.11 (p. 31)

Knowingly and willfully making a false entry in any official department record.

✓ **Article XIII**

13.11 (p. 13)

No employee of the Department shall make false official reports nor knowingly enter or cause to be entered in any department book, record, or report any inaccurate, false, or improper police information.

✓ **Meriden Police Department General Orders
General Order 1.0.2 (Oath of Office)**

8. Officer Ganter incident

Siegler next discussed the incident where Off. Ganter pushed a handcuffed prisoner, as witnessed by Sgt. Caponigro. However, this matter was already investigated in the complaint filed by Sgt. Caponigro and then-Sgt. Milslagle (IA-11-23). Therefore, it will not be reexamined here.

9. Officers Cerejo and Cossette incident with Robert Methvin

This incident (at 3 Pasco St.) concerns a disturbance call made to the Meriden Police Department from Tammy Methvin, the wife of Robert Methvin. Mrs. Methvin relayed that her husband was also drunk and may be problematic with officers. Det. Cerejo (working a patrol shift) and Off. Cossette were dispatched to the scene. Siegler disputes many of the allegations Huston and Sullivan make in reference to this incident in their complaint to the city manager.

The first disputed point that Huston and Sullivan make is that “Officer Cerejo took Methvin to the ground with little resistance . . .” According to Cerejo and Cossette’s reports, the opposite is described. Cerejo writes, “I used a take down maneuver to quickly take Methvin to the ground and I then attempted to get his arms behind his back. He resisted with maximum effort as Officer Cossette and myself struggled to do so.” (Cerejo, p. 2)

Off. Cossette’s report indicates that after Methvin was taken to the ground, “Robert began to actively and aggressively physically resist arrest.” (Cossette, p.4)

All documentation regarding the incident indicates that the handcuffs were not placed on Methvin until after Cossette’s assistance, which is at variance with the allegation made by Huston and Sullivan. In fact, Off. Hancort also arrives as a third unit to make sure Cerejo and Cossette are all right.

It is concerning that Huston and Sullivan describe what happened even though they were not present. Huston and Sullivan do not indicate in their complaint how they obtained the information for their accusations. Rather, they write their description of the incident as though it was a fact they observed instead of something that was relayed to them.

Also, it is strange that Huston and Sullivan only seem to be focusing their attention on Cossette, even though all aspects of the case, including the dashboard video from Cossette’s car, indicate that both Cerejo and Cossette were equally involved. Even Methvin’s formal complaint to Internal Affairs shows that Methvin “claims *officers* used excessive force.”

Huston and Sullivan then write that Cossette “delivered a crushing knee strike to the head/face of Methvin. The knee strike was so intense that if [sic] forced Methvin’s teeth through his face severely injuring Methvin.”

None of the police reports mention Methvin’s teeth going through his face. Upon review of Cossette’s dashboard camera and body microphone, medical personnel on scene tending to Methvin tell him, “Your lip’s not bleeding anymore.” (22:29:12 mark of recording) Medical personnel were not acting as if Methvin had severe injuries. In fact, a medic could be heard telling officers that he only recommends that Methvin get checked out at the hospital because of his prior head injury in a motorcycle crash.

On the scene, Cossette states to Cerejo and medical personnel that he put his knee to Methvin's face. There is no indication of how hard he hit Methvin in the face. For Huston and Sullivan to write—without some type of evidence—that a “crushing knee strike” was delivered is suspect, along with the fact that they only accuse Cossette of wrongdoing and not Cerejo.

Huston and Sullivan's assertion that a “knee strike to the head would be considered deadly physical force” is arguable at best. So many factors need to be taken into consideration. A knee strike on its own to the head is not deadly force. It is considered a hard technique (like a punch or an elbow). It may become deadly force when those types of strikes are delivered to the temple area or in rapid succession.

Huston and Sullivan go on to write that it “was clearly apparent the Methvin had sustained serious physical injury.” (p.5, letter 1) Such an injury would involve a risk of death or serious disfigurement, none of which is apparent at the scene. Methvin's bleeding had stopped, he was only transported to the hospital for precautionary reasons, and Methvin's photos do not depict serious physical injury. In fact, the labeling of Methvin's injuries as superficial is strictly an opinion and can in no way be classified as a lie, as Huston and Sullivan contend. For example, Dr. Gerard Curran, the attending emergency department physician, labels one of Methvin's facial lacerations at “superficial” in his medical report.

On Oct. 3, 2011, I received a copy of Robert Methvin's medical records from the night of the incident. Huston and Sullivan's claims are not supported by what Dr. Curran wrote in his assessment of Methvin.

For example, Huston and Sullivan wrote in their first complaint letter, “Methvin had to be transported to Midstate Medical Center where it required nearly 6 staples to close the laceration to his face caused by the knee strike.” They also wrote that it “was clearly apparent that Methvin had sustained serious physical injury.”

In the second complaint letter, Huston and Sullivan write that Methvin's teeth “were pushed threw [sic] his lower lip and he sustained facial injury. The lacerations caused by his teeth had to be stapled closed. Methvin's facial injury caused him to lose a large amount of blood.”

However, once at Midstate Medical Center, Methvin was diagnosed with:

- Alcohol intoxication
- A black eye
- Head injury (referring to his previous motorcycle accident)
- Laceration (inside mouth)
- Laceration on face
- Subconjunctival hemorrhage (bleeding in the eye)

All of these injuries can be considered minor and not considered life threatening. As stated earlier, EMT personnel only wanted to transport Methvin to the hospital because of his previous head injury in a motorcycle accident. Hunter's Ambulance Service Prehospital Report indicates that Methvin exhibited "a small amount of bleeding from his mouth."

The Midstate Medical Center records for Methvin also indicate that no staples or stitches were administered to Methvin. On Oct. 9, 2011, I went to Midstate Medical Center and spoke with Dr. Curran to verify this fact. Curran told me he remembered the patient and assured me that Methvin did not receive any type of suture. Methvin's entire stay at the hospital was about three hours, as he was discharged at about 1:45 a.m.

Huston and Sullivan falsely reporting Methvin's injuries simply contributed to negative public perception of the police department. The media also ran with the erroneous information. Mary Ellen Godin of the *Record-Journal* wrote on April 8, 2011, "Methvin received six staples on his lip." Dave Altimari of *The Hartford Courant* wrote, "Although Cossette later described the injuries as "superficial" in his internal affairs interview, Methvin was transported to the hospital and needed six stitches to close the gash on his jaw where his teeth ripped through." However, besides not getting any stitches or staples, Methvin's chin injury is described by Dr. Curran as a "superficial laceration 1cm in beard of chin."

Thus, serious damage was sustained to the Meriden Police Department's reputation because of the media's reporting of the false information contained in Huston and Sullivan's complaint.

Again in their description of the incident, Huston and Sullivan are subjective in their account, focusing only on Cossette and not even detailing the fact that it is clear that Cerejo is yelling "I will break your face" at Methvin while trying to arrest him. In fact, upon reading the details, anyone not familiar with Cerejo's and Cossette's voices can easily infer that Cossette was the one yelling at Methvin, based on how Huston and Sullivan wrote their complaint. For example, the *Record-Journal* fell victim to this presumption when it uploaded the video of the Methvin incident on its Web site and credited Cossette as making statements that were clearly (for those who know his voice) and admittedly made by Det. Cerejo. The *Record-Journal* Web site contains subtitles in the video and incorrectly attributes the following statements to Cossette:

22:17:12	Cossette: Turn around and put your hands behind your back.
22:17:16	Cossette: Turn around now before I throw you on the ground.
22:17:18	Cossette: Turn around and put . . .
22:17:22	Cossette: I'm going to fuck you . . .
22:17:24	Cossette: . . . going to break your fucking face!
22:17:27	Cossette: I fucking told you to turn around and put your hands behind your back!
22:17:37	Cossette: I will fucking break your neck!

Each one of the above-listed statements was made by Det. Cerejo, which—besides being obvious—he readily admitted to in his interview detailed below.

Local TV news station WTNH (News 8) also incorrectly attributed Cerejo's dialogue to Cossette. In an article dated April 8, 2011, Reporter Kent Pierce writes the following:

Huston and another officer filed a complaint last week about the special treatment. He gave News 8 a recording from officer Cossette's patrol car the night the Chief's son responded to a disturbance where he ended up hitting suspect Robert Methvin in the face with his knee. You can't see it, but you can hear it on the officer's mic.

"I'll f***ing break your f***ing face. Do you understand me," says Officer Cossette on a recorded incident.

Again, News 8 either presumed that Cossette was the officer yelling at Methvin, based on the how Huston and Sullivan's complaint is written, or it was given the wrong information directly by Huston and/or Sullivan.

On Sept. 6, 2011, I spoke with Det. Cerejo. He took great umbrage at Huston and Sullivan's depiction of the incident, and he gave a different account of what happened at the scene. For example, Cerejo stated that Off. Cossette arrived at the scene and began assisting him prior to Methvin being handcuffed. Cerejo said that the use of force stopped once the handcuffs were applied.

When questioned about Methvin's injuries, Cerejo said that he did not feel Methvin had any significant injury. "I really don't remember seeing any kind of open wound or gash or anything." Cerejo said that he went down to the hospital with Methvin after the incident and was with him for twenty or thirty minutes and does not recall seeing any injury to his face. Cerejo said that he saw no evidence of Methvin's teeth going through his face.

Although Cerejo does admit that Methvin was bleeding at the scene, he felt that Cossette was making a bigger deal of the amount of blood than reality indicated. Cerejo said the injury and blood did not appear inordinate to him, and he attributes Cossette's reaction to the amount of blood to Cossette's still-rookie status (Cossette had about one year of road experience at that point), indicating that Cossette's comments were boastful and exaggerated, as many officers are when involved in such altercations.

Cerejo went on to say that he did not see Off. Cossette do anything inappropriate or in violation of policy at the scene. However, at the same time, he indicated that he was so preoccupied with trying to control and cuff Methvin that he wasn't really paying attention to what Cossette was doing. Cerejo did add, however, that once Methvin was handcuffed and compliant, he [Cerejo] would then have been able to see if Evan did anything violative.

As far as the laughing that can be heard on the video, Cerejo said that he and Cossette were laughing about who was going to handle the call. This in fact can be heard on the video of the incident, although there can also be some giggling heard when the two are discussing how the injuries happened to Methvin's face.

Also, as mentioned earlier, Cerejo admitted that it was he who had yelled at Methvin that he would "break [Methvin's] face" and "fucking break [Methvin's] neck." Cerejo went on to say that Sullivan knew that it was Cerejo who had said those statements because Sullivan was assigned in Cerejo's unit for a few months and Cerejo had told Sullivan that it was his voice on the video making those comments. Cerejo went on to add that they (Huston and Sullivan) had documented it [in their complaint to the city manager] in a way that made it sound like Cossette had said those things. As stated earlier, the *Record-Journal* newspaper and TV station WTNH (News 8) assumed that Cossette was the one making the remarks. (See attached copy of News 8 article and *Record-Journal* Web video with subtitles.)

During Officer Sullivan's interview for this incident, he said that he obtained most of his information from Detective Cerejo. Sullivan said he attained much of the information while he was assigned to the Crime Suppression Unit with Cerejo.

Off. Sullivan also said that when he wrote his complaint to the city manager, he had assumed that it was Off. Cossette who was yelling at Methvin on the video. Sullivan said he later learned that it was actually Det. Cerejo who was yelling.

Sullivan then brings up the use of knee strikes and said that two of the department's use-of-force instructors, Sgt. John Mennone and Off. Mike Lancaster, disagree on whether knee strikes to the head are allowable or not.

I then asked Off. Sullivan if he reviewed Methvin's medical records prior to writing his complaint to the city manager. He said he did not.

I asked Sullivan why he was focusing only on Evan Cossette for this particular incident when Robert Methvin's official complaint was against both Cerejo and Cossette. Sullivan said that he felt Cossette was the aggressor based on the audio/video recording and Sullivan's conversations with Cerejo.

Off. Sullivan then went on to discuss his relationship with Robert Methvin. He said he investigated Methvin's motorcycle accident a couple years ago. Sullivan then became acquainted with Methvin's daughter at Platt High School and would help her with behavioral problems. Sullivan said that the Methvin family really liked him because of his interaction with the daughter. When Off. Sullivan was asked about his contact with Methvin regarding this incident, he said, "I spoke to him very briefly, and I told him to contact the attorney." Sullivan was then asked who reached out to whom, and he said that Methvin's other daughter approached him about what had happened to her father.

I then again asked Off. Sullivan where he obtained the details of Methvin's injuries. He said that Methvin gave him "a handful of pictures." Sullivan said that he then sent everything to the attorney (Ms. Roberts).

Off. Sullivan was then asked about the portion of his supplementary complaint to the city manager where he writes, "The knee strike was not necessary and by Officer Cossette's own admittance was clearly delivered for the sole purpose of causing serious physical injury to Methvin." Sullivan was asked if Cossette actually said that and Sullivan responded, "Cerejo said it wasn't necessary." Sullivan said he also based that sentence on hearing Cossette laugh on the video and his interpretation of the force used during the incident. Sullivan agrees that he never heard Cossette verbally make that admittance.

When Officer Huston was interviewed in regards to the Methvin incident, he was asked where he obtained the information described in the letter. Huston said that he heard the information from Off. Sullivan, who had said he received the details from Det. Cerejo. Huston went on to say that he learned of the extent of Methvin's injuries from Attorney Roberts, based upon the pictures she showed him. He did not see the medical records.

Huston said that he never spoke with Robert Methvin or Pedro Temich regarding the incidents depicted in his letter to the city manager.

I then asked Off. Huston if he knew who was yelling, "I will break your face," in the recording of the Methvin arrest. Huston replied, "I assume it's Officer Cossette...whether or not it is, I don't know, but that's my assumption."

I then prepared to ask Off. Huston some questions regarding the supplementary letter sent to the city manager. When I was ready to do so, Huston told me that he had never read that second letter. I then confirmed with Off. Huston that he signed that letter, which he agreed he did. However he said that when Sullivan was putting together the second letter, Sullivan asked him if he wanted to see it and Huston said, "No...I trust you." Huston said he knew what was in it from prior discussions with Sullivan, but he never reviewed it. I then asked Huston if he felt it was risky signing his name to a letter he didn't read. He answered, "Yes, but I did trust him." Huston said that he has still not read it.

I asked Off. Huston why his complaint to the city manager did not mention the letter that Sgt. Caponigro had sent to Robert Methvin requesting additional information. Off. Huston said he was not aware that such a letter existed.

Off. Huston was then read the following line from the supplementary letter: "Officer Evan Cossette delivered a knee strike to the head of Methvin while he lie defenseless face down on the ground with his hands cuffed behind his back." Huston was then asked to confirm that Off. Sullivan had written that. Huston replied, "[I] don't know if he was handcuffed at the time that it occurred." Huston was then told, "It sounds like you don't know that to be true [whether Methvin was handcuffed]." Huston said, "I don't know whether or not it's true, no." He then added, "The one thing I can say that's true about that is he [Methvin] was on the ground."

Off. Huston said that he has not spoken to Robert Methvin personally.

On Feb. 16, 2012, I spoke with Off. Evan Cossette. He told me that he did, in fact, deliver a knee strike to Robert Methvin. Cossette struck Methvin in the right cheek while he was lying on his back. The strike stunned Methvin, thereby allowing Cerejo and Cossette to handcuff Methvin. Cossette said that Methvin was not cuffed during the knee strike.

I asked Off. Cossette about his comment on the amount of blood at the scene. Cossette said that he exaggerated the amount, telling me that there wasn't that much there. Although this confirms what Det. Cerejo said in his interview and the comments made on scene by medics, when one listens to Cossette's comment on the quantity of blood, it would be reasonable for an individual to believe that there was a significant amount.

I then asked Off. Cossette who was screaming at Methvin on the audio recording. He said that was Det. Cerejo's voice. Cossette also told me that he did call Off. Sullivan (although not in a panic as the Huston/Sullivan letter alleges) and ask him why he wanted the recording of the incident. Cossette said that Sullivan told him he had something special planned for him.

Off. Cossette was then asked if he admitted to delivering the knee strike to Methvin for "the sole purpose of causing serious physical injury to Methvin," as stated on the fourteenth page of Huston and Sullivan's supplemental letter. Cossette doesn't know why Huston and Sullivan wrote that and that it is not true.

Summary

Det. Siegler has some valid points in his rebuttal to Huston and Sullivan's depiction of this incident, and I have uncovered some, as well. Among them:

- All evidence (police reports, interviews, audio recording, Methvin's history) indicates that Officers Cerejo and Cossette *were* met with resistance from Robert Methvin.
- To call a knee strike to the head deadly physical force is reckless. There are several factors that would need to be considered to determine if such a strike were deadly, including amount of force and placement of strike. A blanket qualification of "deadly physical force," without supporting facts is irresponsible.
- Methvin did not require "nearly 6 staples" to close his wound. In fact, his medical records indicate that he was not given any stitches or staples.
- Huston and Sullivan write their letter in a way to insinuate that Off. Cossette was the one yelling at Methvin when in reality it was Cerejo.

- For not having been present at the scene of the incident, Officers Huston and Sullivan paint a very descriptive picture that seems to be antagonistic toward Officer Cossette. Huston and Sullivan claim he delivered a “crushing” knee strike and describe him as “wild and out of control,” even though there is no video showing the altercation. They also claim several times that Methvin sustained “serious physical injury” or severe injuries, yet Methvin was discharged a little more than 3 hours after his admission. Also, Huston and Sullivan omit the fact that Methvin filed a complaint against both Cossette *and* Cerejo, focusing their accusations solely on Cossette.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

- ✓ **Meriden Police Department Rules and Regulations**
Section 2 Improper Conduct
2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.
- ✓ **Meriden Police Department Rules and Regulations**
Section 1 General
1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute “conduct unbecoming an employee.”

10. Officer Farkas

Next, Siegler disputes Huston and Sullivan's allegation that former Officer Steve Farkas was "threatened with an arrest if he didn't retire." (p. 6, letter 1) That allegation is in reference to a call Farkas went on where it was believed he did not take appropriate action. Huston and Sullivan did not document the source of that information.

On August 25, 2011, I spoke with Steve Farkas. I asked him if it was true that he was threatened with arrest or face retirement. He said that was not true at all. He told me that he was never threatened with an arrest and retired on his own terms. I could find no one that could corroborate that Farkas was threatened with arrest unless he retired.

I then spoke with Chief Cossette, who was deputy chief at the time Farkas retired. He told me that he remembered the situation and said that at no time was Farkas ever threatened with an arrest in order to gain his resignation.

During my interview with Off. Sullivan, I asked him if he had talked to Farkas while composing his complaint to the city manager. He said he did not. I then asked Sullivan where he obtained the information that Farkas "was threatened with arrest if he didn't retire." Sullivan said it was "the talk of the department." Sullivan also admitted that Farkas never told him at the time that he was going to face criminal charges, but other people—who Sullivan could not name—were talking about it.

Sullivan then digressed and talked about how news travels quickly throughout the department and cited as an example how he learned via text about a recent warrant application that was submitted to State's Attorney Dearington's office in New Haven for the arrest of Officer Huston regarding computer crime charges. However, no such warrant application exists.

Sullivan then went on to read to me a text conversation between him and Det. Siegler talking about the Huston warrant being reviewed at the state's attorney's office. However, this was obviously a conversation of misinformation, as no such warrant was ever applied for.

When I asked Off. Huston about the Farkas claim, he said that account was from Sullivan. Huston said he never met Off. Farkas and has "no clue who he is."

Summary

Off. Sullivan was unable to provide any real source for his allegation that Farkas was threatened with arrest. Farkas, on the other had, has not worked for the Meriden Police Department in years and has no reason to be untruthful. In fact, had he actually been threatened with an arrest, this would have been a perfect opportunity for him to discuss it.

Officer Sullivan, on the other hand, admitted that he simply documented the “talk of the department” without corroborating what he heard.

His attorney subsequently provided the media with the letter, bringing discredit on the police department by stating his allegation as fact rather than classifying it as something he had heard around the police station.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

- ✓ **Meriden Police Department Rules and Regulations**
Section 2 Improper Conduct
2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.

- ✓ **Meriden Police Department Rules and Regulations**
Section 1 General
1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute “conduct unbecoming an employee.”

11. Visconti and Wilkinson PBA incident

Siegler writes that the altercation between Dave Visconti and Brian Wilkinson at the PBA was not physical. Huston and Sullivan wrote that it was. They did not, however, include a date as to when the altercation occurred.

On Aug. 30, 2011, I spoke with Officer Brian Wilkinson. He said that he and many other officers were at the Police Benevolent Association (PBA) on Birdsey Ave. celebrating Peter Owen's 30th birthday. Owen was born in October 1977, which would presumably put the party in October 2007, although Wilkinson thought it was in November.

Wilkinson said that he and Visconti had a very brief physical altercation that night. It happened about a year after Visconti had stayed with him for a brief time. Wilkinson said that Visconti had stayed with him on and off for about four to six weeks because Visconti was experiencing marriage problems. Following the incident, then-Captain Topulos sat down with Visconti and Wilkinson in an effort to make sure that the discord was remedied so as not to affect their work assignments.

On Sept. 8, 2011, I spoke with Detective Dave Visconti regarding the incident. He also stated that the PBA party was a celebration of Peter Owen's 30th birthday. Visconti said the altercation between him and Wilkinson was a verbal argument with a punch thrown. He said that the whole thing lasted less than a minute.

I then asked Visconti about his living arrangements with Wilkinson during the time he stayed with him. Visconti said that he lived with Wilkinson "on and off" for a brief time at Wilkinson's house because he [Visconti] was experiencing marital problems. Visconti said he stayed at other places besides Wilkinson's home during that time period, including his parents' house. Visconti said the most he stayed at Wilkinson's house was "a couple of weeks at a time," but that the total time period did not amount to "several months" as documented in the Huston/Sullivan complaint letter. Visconti added that he never had a key to Wilkinson's home, never received mail there, did not move any items in, and never changed his address from his home address where he had been living with his wife.

Visconti confirmed Wilkinson's account that they were each called in to speak with Captain Topulos about the incident. This corroborates Huston and Sullivan's assertion that "the parties were called in for an informal meeting to squash the matter." Indeed, no criminal investigation or Internal Affairs complaint was lodged.

Huston and Sullivan contend, however, that Visconti and Wilkinson's relationship will forever "fall under domestic violence" because they resided together. They are referring to Connecticut's domestic violence law, which mandates officers to arrest suspects who commit family violence acts against family or household members. Connecticut statute defines "family and household members" as:

(A) spouses, former spouses; (B) parents and their children; (C) persons eighteen years of age or older related by blood or marriage; (D) persons sixteen years of age or older other than those persons in subparagraph (C) presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or have recently been in, a dating relationship.

Specifically, Huston and Sullivan are referring to subsection (D), which includes “persons . . . who have resided together.” However, taking into consideration the intent of the domestic violence law, the definition of the word “reside,” and a consultation with the Assistant State’s Attorney’s Office, it becomes apparent Visconti and Wilkinson’s prior living arrangement does not, in fact, classify their relationship as “family and household members.”

Connecticut’s domestic violence law was enacted in response to the 1984 federal lawsuit *Thurman v. City of Torrington* in an effort to protect those who are victimized in their relationships by their spouses or other family members. The law was passed in order to force officers to make an arrest when probable cause existed, despite protestations from the victim. In an effort to encompass all possible victims that may be subject to domestic violence, the term “family and household members” was made very broad.

Examination of subsection (D) of the definition (“persons . . . who have resided together”), the criteria for individuals who fall into this category are vague. Since no statutory definition exists for the word *reside*, one must refer to a dictionary to achieve a clearer guideline. After all, one could make the argument that spending one night at a person’s dwelling would constitute residing with someone and classify the two as “family and household members.” But, again, that does not seem to follow the intent of the law or common sense, for that matter.

According to *The New Oxford American Dictionary, Third Edition*, the word *reside* is defined as “have one's permanent home in a particular place.”

Merriam-Webster’s Collegiate Dictionary, Eleventh Edition, defines *reside* as “to dwell permanently or continuously: occupy a place as one’s legal domicile.”

Based on Visconti and Wilkinson’s statements, as well as records within Meriden’s Personnel Department, there is no indication that Visconti lived with Wilkinson on a permanent or continuous basis, or that he designated Wilkinson’s address as his legal residence.

Finally, I checked with prosecutors from the Assistant State’s Attorney’s Office (G.A. 7) about the matter. They told me that Visconti and Wilkinson’s situation would not classify them as a “family and household member.” The prosecutors stated that a circumstance such as Wilkinson’s and Visconti’s was not part of the intent of the law. They stated that officers would not be mandated to make an arrest in that instance if probable cause existed.

During my interview with Officer Sullivan, he maintained that since Visconti and Wilkinson lived together, their relationship falls under domestic violence guidelines. He stated that this incident is an example of how individuals are only investigated depending on who they are.

I then asked Sullivan if his conclusion that Visconti and Wilkinson's relationship should be labeled a domestic was his own, or if he verified that with a prosecutor. He said it was based on his own assessment.

Sullivan felt that it was a very serious incident and stated that the bartender called for the SWAT team to respond. I asked him where he received the information that SWAT was requested. He said a dispatcher told him, but he doesn't remember which one. I asked him if he ever listened to the actual 911 tapes. He said he did not.

Sullivan, who was not at the PBA on the night of the incident, said that he received most of his information from Lt. Guidobono, then-Off. Wagner, Visconti, and Wilkinson. He said they talked about it at SWAT practices.

When Off. Huston was interviewed regarding his knowledge of this portion of the complaint to the city manager, he was asked if he was present at the PBA during the altercation. He said that he was not. He said he was made aware of it from everyone talking about it in the locker room, but he was unable to provide any actual names of people who had told him about it.

Huston was then asked how long Visconti and Wilkinson were living together. He said, "A month, two, three months, I don't know. I'm not sure."

I then asked Huston if he verified his belief that Visconti and Wilkinson's relationship was a domestic one. He said he didn't, and that anytime two people have ever lived together, their status would be forever a domestic one.

Off. Huston was then asked where he heard that an informal counseling session occurred between Visconti, Wilkinson, and the administration. He said that he heard it from everybody because it was the talk of the department.

I then asked Huston where he obtained the information that SWAT had been requested to respond to the PBA. He said that Sullivan had received that information from Dispatcher Dawn Lyons. (Sullivan had told me, however, that he couldn't remember which dispatcher had given him that information.)

I listened to the dispatch recordings from the night in question. Linda, the PBA manager called 911 and spoke to Dispatcher Lyons. Linda said that the party was "out of control outside on the deck" and that she needed someone to come up there to break it up. Linda said the cops were "fist fighting." She said that she hated to call, but the group would not calm down. She never once asked for or mentioned SWAT.

I also spoke with Detective John Wagner. He told me that he was present at the PBA the night of the altercation, and he said that the incident was physical.

Summary

Huston and Sullivan are correct that the PBA incident between Wilkinson and Visconti was a physical fight, and they are also correct that the two officers were called in for an informal meeting to mediate the situation. However, they are incorrect in two areas of their depiction of the skirmish:

- Review of the 911 calls from the PBA bartender indicate that she never mentioned or requested a SWAT response. (See attached disc.)
- More importantly, the Visconti/Wilkinson relationship did not (and does not) fall under domestic violence guidelines. Huston and Sullivan are mistaken in their interpretation of domestic violence law and, in disseminating their letter to the media, misled the public.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

- ✓ **Meriden Police Department Rules and Regulations**
Section 2 Improper Conduct
2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.
- ✓ **Meriden Police Department Rules and Regulations**
Section 1 General
1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute "conduct unbecoming an employee."

12. Officer Lawlor

Next, Siegler brings up Huston and Sullivan's depiction of former-Officer Brian Lawlor's brutality case and termination. The incident occurred in September 2005. Huston and Sullivan allege the Meriden Police Department "aggressively shopped the warrant around to different G.A.'s because Meriden would not sign the warrant." The warrant being referred to is regarding Lawlor's arrest for assaulting a suspect.

Huston and Sullivan wrote that the chief is vindictive against personnel he does not like, while his son (Evan Cossette) is given preferential treatment. Siegler wrote that the chief did not "shop" the warrant around from G.A. (geographic area) to G.A. He makes the correct point that if a particular jurisdictional court denies a warrant or decides not to sign it, the warrant is not then brought to another court in hopes that it will be signed.

On August 29, 2011, I spoke with Chief Cossette about his recollection of the matter. Chief Cossette stood by his decision in pursuing criminal charges against Lawlor. However, he denied "shopping around" any warrant to numerous courts until one would sign it. In fact, the chief told me that Meriden P.D. never even prepared a warrant, so one couldn't have been presented for viewing. The chief told me that Lawlor's warrant was completed by the Chief State's Attorney's Office, specifically Michael Gailor (Executive Assistant State's Attorney) and Lawrence Skinner (Chief Inspector).

I then asked the chief if he could provide any documentation corroborating what he had told me. He supplied me with a copy of a letter dated December 7, 2005, that was written to State's Attorney Michael Dearington of the New Haven Judicial District (which also comprises of—and oversees—the Assistant State's Attorney's Office, G.A. 7, in Meriden). The letter was written by Chief State's Attorney Christopher Morano.

In the letter, Morano writes to Dearington:

Your letter of December 7, 2005, to Deputy Chief State's Attorney Paul Murray concerning your request that this office appoint a prosecutor to handle a Meriden Police Department investigation into the conduct of Officer Brian Lawlor of that department has been referred to me. . . . I concur that this is an appropriate case to be reassigned to someone outside of the Judicial District of New Haven . . .

I then met with Supervisory Assistant State's Attorney James Turcotte of G.A. 7. Chief Cossette had told me that he had met with him at some point after the Lawlor incident because he wanted SASA Turcotte to watch the video and give his opinion.

Turcotte told me that he remembered watching the video several times and felt, in his opinion, that Lawlor's force was excessive and that he could be charged with assault. After viewing the video, Turcotte called Dearington's office (which supervises Turcotte's office) to report what he had seen in the video. When Dearington's office became aware of the possible prosecution against Lawlor, it immediately recognized the conflict of

interest in accepting the case because Lawlor's father, Robert Lawlor, works as an inspector in Dearington's office. Therefore, as indicated in the letter from Chief State's Attorney Morano to Dearington, the case was referred to Morano's office.

I then asked Turcotte if he ever reviewed a warrant for the Lawlor incident. He told me that he did not. No warrant for then-Officer Lawlor was ever produced by the Meriden Police Department. The warrant that ultimately led to the arrest of Brian Lawlor originated from the Chief State's Attorney's Office.

Huston and Sullivan also write, "During the Brian Lawlor excessive force incident, the department visited a prison multiple times to solicit a complainant in the case." This is a false statement.

The chief has freely admitted that once he viewed the video of the Lawlor incident, he assigned an Internal Affairs investigation into the matter, as well as a criminal investigation. Therefore, the chief was the complainant in the incident. Det. Lt. William Staton was assigned as investigator for the criminal case. Staton completed his investigation on Oct. 26, 2005. Staton felt that there was insufficient probable cause to make an arrest on Lawlor; therefore, no warrant was applied for or submitted. (See case #05-26758.)

Upon review of Staton's investigation, the chief disagreed with the conclusion and felt the video depicted excessive use of force. At that point the video was shown to Turcotte, who then notified the State's Attorney's Office in New Haven, who in turn notified the Chief State's Attorney's Office, which commenced that agency's involvement.

On Sept. 30, 2011, I visited the State of Connecticut Department of Corrections Central Records Unit. I looked through the file of Alexis Hernandez, who was the suspect in Lawlor's arrest and subject to Lawlor's use of force. Upon examination of Hernandez's file, I reviewed all his visitation paperwork and discovered that Hernandez was never visited in prison by the Meriden Police Department after the date of the incident. Records do indicate, however, that Chief Investigator Skinner and Inspector Rodriguez of the Chief State's Attorney's Office did visit Hernandez on March 28, 2006, and June 19, 2007 (see attached documentation). This would be expected since Skinner and Rodriguez were responsible for the warrant application.

I then interviewed Off. Sullivan on Nov. 30, 2011. Sullivan was asked where he obtained his information regarding this portion of his complaint to the city manager. He said that Lawlor supplied him with most of the information at the time of the incident. He said that (former Officer) Ray Barnes also spoke to him about the case. Sullivan said he did not recently review the case reports or internal investigative reports of the incident, and he never read Det. Lt. Staton's criminal investigation into Lawlor. He also said that most of his knowledge of the event was gleaned at the time of the Lawlor investigation. Sullivan said that he has not spoken to Lawlor in years.

Off. Sullivan was then asked his source for his assertion in the complaint letter that “the [Meriden Police] department visited a prison multiple times to solicit a complainant in the case.” Sullivan responded that he was given that information from Brian Lawlor who (according to Sullivan) had learned that from Lawlor’s wife who was a parole officer at the time. Sullivan also did not know which specific prison was visited.

Sullivan goes on to say that although he didn’t read Det. Lt. Staton’s report, he did have conversations with Staton who had told Sullivan that Meriden’s prosecutors decided not to pursue criminal charges against Lawlor. This account contradicts what Supervisory State’s Attorney Turcotte told me, as well as Det. Lt. Staton’s report, which concluded that there was insufficient probable cause to apply for an arrest warrant.

I then asked Off. Sullivan to explain what “other locations” the Meriden Police Department traveled to as documented in his complaint. Sullivan said that he was referencing other G.A.s (courts), as explained in the next sentence: “The department aggressively shopped the warrant around to different GA’s because Meriden would not sign the warrant.”

However, as stated earlier, the Meriden Police Department never applied for a warrant in this case, so there was no warrant to “shop around.” Again, Off. Sullivan explained to me that he had received that information from Brian Lawlor, but he never mentions that in his complaint to the city manager. Rather, he and Huston state what they heard from others as though it was fact or as if they had first-hand experience with the matter. In fact, at one point as Officer Sullivan explained what he had been told by then-Officer Lawlor, he qualified his description at one point by saying, “I don’t know how true this is.” But that type of statement is never made in his complaint letter to the city manager.

Off. Sullivan then admitted that he did not know who did the “final” warrant, or how it was done, or where it was brought. However, there was no final warrant; there was only one, and it was completed by the Chief State’s Attorney’s Office.

Next, Officer Don Huston was interviewed. He was asked where he obtained the information for his complaint letter. Huston said that the Lawlor information came from Sullivan. Huston said he had no specific information into his letter’s assertion that personnel from the Meriden Police Department visited a prison to solicit a complainant.

Off. Huston went on to say that he had heard rumors that they (administration) were aggressively shopping the warrant around. However, neither Huston nor Sullivan writes in their complaint that some of the bases of their accusations are, in fact, rumors. Huston then says, “Whether or not it’s true, I don’t know.” This is significant because, as stated before, no such uncertainty is conveyed in their complaint to the city manager.

Summary

There are several inconsistencies from what is stated in the Huston/Sullivan letter and what I have found in this portion of my investigation:

- Prison visitor logs indicate that no representatives from the Meriden Police Department ever visited Alexis Hernandez while he was incarcerated.
- The Meriden Police Department did not shop “the warrant around to different GA’s because Meriden would not sign the warrant” because
 - A warrant needs to be signed by the court within the GA of the commission of the crime (in this case, Meriden G.A. 7).
 - There was no existing warrant to shop around.
- The Huston/Sullivan letter gives the impression that the Meriden Police Department applied for a warrant for Lawlor’s arrest. This is not true. The Chief State’s Attorney’s Office applied for the warrant.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

- ✓ **Meriden Police Department Rules and Regulations**
Section 2 Improper Conduct
2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.

- ✓ **Meriden Police Department Rules and Regulations**
Section 1 General
1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute “conduct unbecoming an employee.”

13. Off. Huston's private duty tardiness

Siegler next disputes Huston and Sullivan's account of why Huston was ordered to supply Sgt. Caponigro with a written explanation of his tardiness to a private duty job on March 29, 2011. Huston and Sullivan write that Caponigro's order was a result of "targeting" them because their complaint to the city manager had been posted on the *Record-Journal's* Web site on the previous day.

Huston and Sullivan are correct when they wrote on page seven, paragraph two (first letter) that they "will not tolerate any form of retaliation or hostile treatment" as a result of their complaint. No individual who makes a complaint should be subjected to such reprisal. However, that clearly does not mean that Huston and Sullivan are immune from further discipline when warranted, which happens to be the situation for this incident.

First, Huston and Sullivan contend that they were targeted "the day after the news article was posted on record journals website." [sic] They write the following:

Here is an example as far as the targeting. The day after the news article was posted on record journals website. Off. Huston was working a road job. Officers are hired and it is through the company that they work for. Off. Huston was approximately ten minutes late for this detail and was informed to write a detailed report as to why he was late by Sergeant Caponigro. [sic]

After reading that paragraph, one would assume that Huston and Sullivan are referring to the media coverage of their complaint to the city manager. However, the earliest online article regarding their complaint was on April 1, 2011, via meriden.patch.com. In fact, this would have to be the earliest date of release because that is the actual date recorded on their complaint. The *Record-Journal* covered their complaint on April 2, 2011.

I then researched the Google search engine on the Internet to see what possible article Huston and Sullivan could be referring to. Since they write that Huston's road job occurred the day after the news article, I found a *Record-Journal* item dated March 28 (the day before Huston's road job) that describes the intent of Robert Methvin and Joseph Bryans to sue Officer Evan Cossette. Nowhere in the article are Huston and Sullivan mentioned, and there would be no reason to target Huston and Sullivan after reading the article.

Furthermore, Huston and Sullivan write, "Officers are hired and it is through the company that they work for." Although officers are paid by the private company, all police department rules apply to officers working extra-duty. According to General Order 22.3 (Compensation, Benefits, and Conditions of Work), specifically, G.O. 22.3.4 (B), "All employees working extra-duty employment shall be considered in an on-duty capacity and shall be governed by all policies, procedures, rules and regulations of the Department and the City."

Also, that same general order goes on to discuss the rules for tardiness:

Employees are reminded that they must arrive on time for all extra-duty assignments. Failure to arrive on time is cause for discipline. Employees checking in for an extra-duty assignment more than six (6) minutes after the assignment starting time must notify the on-duty Supervisor in the Operations Center so that the pay can be properly coded and adjusted, if necessary. Failure to do so is considered payroll fraud.

Since Huston and Sullivan write that “Off. Huston was approximately ten minutes late for this detail . . . ,” and since Sgt. Caponigro writes in his memo to Capt. Zakrzewski that Huston did not arrive to his job until 7:45 a.m., it is safe to say that Huston was late and in violation of department policy.

The Office of Internal Affairs was instructed by Capt. Zakrzewski—who was instructed by Deputy Chief Topulos—to make extra checks of officers at extra-duty job sites to ensure that “officers are properly attired, giving attention at the job at hand, and reporting to their perspective jobs in a timely manner.” This order was given in mid-March 2011, when extra-duty jobs had come under scrutiny after several complaints by vendors and citizens about officers’ conduct on those jobs. As a result, the City of Meriden and the police union (Local 1016) discussed the possibility of officers losing their traffic extra-duty overtime to private flagmen. In order to prevent the transition from occurring, then-Union President Pat Gaynor sent an e-mail dated March 14, 2011, urging officers to “be mindful that the public and the contractors (CL&P, AT&T) are watching” them on the jobs.

On the next day, March 15, Gaynor wrote another e-mail, this time saying, “Each time one of us does something wrong, it weakens our argument. Be on time for the [extra-duty] job. Pay attention to your duties and don’t get caught on the phone/texting.”

Those e-mails from Gaynor followed several other e-mails that have been sent over the years by Meriden Police administrators reminding officers to be on time for their extra-duty assignments:

- May 21, 2007: Capt. Zakrzewski writes an e-mail to supervisors telling them to remind officers to—among other things—be on time: “Officers are expected to be on time, ready to work at the assigned time, when they accept a private duty job.”
- March 31, 2009: Capt. Zakrzewski initiates discipline against an officer for leaving an extra-duty job before it finished.
- September 8, 2010: Capt. Zakrzewski writes an e-mail regarding private duty punctuality: “When you are given a starting time for a private duty assignment, training class, or meeting—**be on time.**”

Based on all the notifications from police administrators and the union, officers were given many warnings to be on time for their jobs. The fact that Huston was late—especially at a time when the enforcement of the officers' timeliness was being scrutinized—and subsequently asked to explain his actions, does not mean that Huston was being targeted. He had violated a policy (by his own admission) and was then asked to explain his actions. Huston and Sullivan are not exempt from following orders just because they filed a complaint with the city manager. Also, it is important to note that the Internal Affairs investigation initiated by Capt. Zakrzewski (who is not one of the five accused individuals named in Huston and Sullivan's letter) was primarily assigned because of the captain's discovery of "possible untruthfulness" in Huston's report to Caponigro. While Capt. Zakrzewski did ask the deputy chief to assign to Internal Affairs Huston's tardiness violation, he also requested that Internal Affairs "investigate the serious violation of untruthfulness in his report." Indeed, dishonesty and untruthfulness are listed as examples of Class 1 violations (most serious), whereas tardiness would be considered a Class 2 violation (less serious).

Huston and Sullivan write, "interesting how being tardy to a road job requires such an immediate IAD Investigation but as previously stated it took IAD nearly 6 weeks to initiate an investigation into the incident in which Officer Cossette fractured the skull and seriously injured a prisoner that was in his custody."

Again, upon examination of Capt. Zakrzewski's memo to the deputy chief on March 31, 2011, it wasn't the tardiness that precipitated the swift Internal Affairs investigation, but rather the captain's discovery of possible untruthfulness in Huston's report. Also, comparing that Internal Affairs investigation with the one involving Evan Cossette's push of Pedro Temich is unfair because Internal Affairs investigators were quickly made aware of Huston's possible untruthfulness, whereas for the Cossette incident, administrative investigators were not made aware until "an Officer exposed the fact" to them, as Huston and Sullivan admit in their complaint.

According to Sgt. Caponigro and A/Lt. Milslagle (who were both assigned to Internal Affairs at that time), in the two-week time that they had been assigned to perform spot checks of officers on extra-duty, Huston was the only one who was witnessed being tardy.

Huston and Sullivan then mention that "there have been people with approximately 20 previous tardiness's [sic] and have never had an internal affairs investigation filed." They do not mention, however, that the officer they are referring to (John Williams) was late for roll call at the beginning of his shift and not any private duty jobs. There is a distinction, as described in the previously mentioned general order, which specifically addresses punctuality for extra-duty assignments.

During my interview with Off. Sullivan, I asked him who the 20 individuals were with previous tardiness issues. He responded that he didn't know because this entire portion of the letter was supplied by Off. Huston.

I then asked Sullivan if he was aware that there was a separate general order regarding private duty punctuality. He said he was not.

When I spoke to Off. Huston about this portion of his letter, he agreed that the article on the *Record-Journal* was not about Sullivan and his complaint letter to the city manager, but rather the lawsuit filed against the City by Robert Methvin and Joseph Bryans. Huston contended that it was well known throughout the department that he and Sullivan requested the Methvin and Bryans cases under the Freedom of Information Act. Huston thinks that he was thus targeted by the administration and Internal Affairs now that a lawsuit was pending. However, Off. Huston did go on to admit that Internal Affairs was also investigating him for dishonesty and untruthfulness in that same incident, but he did not document that in his complaint letter.

Off. Huston was then asked if he was aware the e-mails written by the patrol captain and the union president regarding private duty punctuality. Huston said that he was. Huston also agreed that there was some added emphasis being put on the timeliness of officers working private duty. Off. Huston was then asked if that could have been a reason why Sgt. Caponigro was checking on private-duty officers. Huston responded, "It could have." But Huston then added, "Why launch an Internal Affairs investigation when proper policy and procedure would be a tardy slip." However, as mentioned earlier in my report, policy and procedure state that, besides discipline, an actual criminal investigation may be initiated for payroll fraud.

Off. Huston then goes on to say that he was told by Det. John Williams that there have been officers who have been tardy 22 times who have never had to do tardy slips. I asked Huston if those officers were late to private duty jobs or to the start of their shift (roll call). He responded, "I have no clue." When I informed Huston that there was a policy distinction between private duty tardiness and being late for roll call, he responded, "Right, I was told it would be a tardy slip, is what the department should do," regarding his private-duty tardiness. Off. Huston said he received that information from Det. John Williams, a union official.

Summary

All evidence leads to the conclusion that Off. Huston was found to be late for a private-duty job. His own admission of being "approximately ten minutes late" corroborates that notion. Although Huston was found to be late the day after two lawsuits were filed against Off. Cossette, there is no indication of targeting. In fact, the information I found refutes that claim. Sgt. Caponigro, Lt. Milslagle, Capt. Zakrzewski, and Deputy Chief Topulos all confirm that Internal Affairs was assigned the duty of checking on officers working private jobs. Documents also confirm that assertion. I also remember speaking to Sgt. Caponigro during one his several days of doing those extra checks. At the time, he explained to me that he was assigned to check on the officers working private jobs. Also, Local 1016 e-mails confirm that there was a problem at the time with officers' punctuality, not to mention Capt. Zakrzewski's periodic e-mails reminding officers of the same.

It should also be noted that this portion of the complaint letter was not sent to the media and subsequently released to the public. However, the allegation appears to have undermined the “good order, efficiency and discipline of the department,” as stated below.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

✓

Meriden Police Department Rules and Regulations

Section 1 General

1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute “conduct unbecoming an employee.”

14. Off. Femia/Det. Visconti driving incidents

Siegler next challenges Huston and Sullivan's depiction of discipline disparity between Officer John Femia and Det. Dave Visconti. Huston and Sullivan describe how Femia was investigated for being involved in an accident with his cruiser when he crashed into a cement barrier while responding to a burglary in progress. He subsequently received an infraction and was subject to an Internal Affairs investigation.

They then describe Det. Visconti's accident involving his collision with a civilian's vehicle. In concluding their depiction of Visconti's accident, Huston and Sullivan write that ". . . Det. Visconti faced no action for this reckless act. Det. Visconti is very good friends with Det. Lt. Merrigan and as you can see depending on who your are depends whether you will face discipline." [sic]

Femia's accident in question was his first in a series of accidents he was involved in. It is true that the chief ordered an internal affairs investigation into the matter. However, the investigation was not so much for Femia's driving, but more for his failure of notifying dispatch that he was responding to the call.

Visconti's accident was the result of a fight-in-progress call that escalated into a home invasion situation. As Visconti was responding to assist officers, he stuck a vehicle that he was attempting to pass. I investigated the Visconti accident since I was in charge of detective personnel that day (in an acting capacity). Detective Lieutenant Merrigan was not working at the time of the accident. As a result of my investigation, it was apparent that Visconti was at fault, and he admitted as much. I did not feel that the Accident Investigation Unit needed to be called, as there were no injuries, and I did not feel that the damage was extreme, especially since the vehicle was not a city-owned car, but rather a rental.

Lt. Tom Cossette—who heads the Accident Investigation Unit—told me that his criteria for activating an AI investigation for officer-involved collisions includes sustained injuries and/or heavy damage.

If Visconti did commit any type of administrative violation, it would have been up to Det. Sgt. Pekrul (Visconti's front-seat passenger) to report any misconduct that he observed on Visconti's part, but no such misconduct was ever brought to the attention of Internal Affairs, and I found no evidence of it, as well, in my investigation.

Although I did not issue Visconti an infraction for his motor vehicle offense (Passing on the Right, 14-233), I easily could have, but elected instead to issue him a verbal warning.

Although Huston and Sullivan write, "depending on who you are depends whether you will face discipline," there is much more to consider. All law enforcement officers are allowed to use discretion in most of their decisions. This includes internal functions, as well. Individual histories; extent of the violation; monetary cost (if any); overall effect on

the department; repeat infractions; and the best interest of the officer, department, and community are among some of the factors to examine when considering discipline of an officer.

In any event, this portion of Huston and Sullivan's complaint does not seem to contain any blatant falsehoods or reckless disregard of facts, although one can make an argument that Sullivan worded this passage in a way to insinuate that Visconti's claim to assist fellow officers was suspect. Huston and Sullivan are simply stating their opinion that officers are being treated inequitably, and they cited two accidents involving two officers as examples.

During my interview with Officer Sullivan on this matter, he said that he felt that Det. Visconti was not given any discipline for his accident because he was a friend of Det. Lt. Merrigan. He also said that the reason an accident reconstruction team wasn't called out was because Visconti was a friend of Merrigan's. However, since Merrigan wasn't working at the time, it would have been my responsibility to recommend accident reconstruction. But since no injuries were sustained and damage was not major, a reconstruction was not necessary.

Off. Sullivan did, however, state in his letter to the city manager that the operator of the vehicle that was struck by Visconti "sustained injuries." When I asked Sullivan where he obtained that information, he told me he heard the woman had later reported injury. When I asked him where he got that information, he said he was "not sure exactly." He said he couldn't tell me definitively where he heard it from, but it "was talk for awhile." Sullivan then admitted that he could not confirm or provide a document that she had claimed injury after the fact.

On March 15, 2012, I spoke to the civilian who was stuck by Det. Visconti. Although she said that she never actually sustained an injury, she did go to her doctor a day or two later to get checked out.

I then interviewed Off. Huston regarding his knowledge of the incident. He said this portion of the letter (in fact, the entire second letter) was written by Off. Sullivan based on information that Sullivan had gained. (Recall that Off. Huston had not read the second letter, which contained this portion of the complaint.)

Although this portion of the Huston/Sullivan letter does contain some questionable allegations, I do not feel I can definitively corroborate either Siegler's or Huston/Sullivan's claim.

Therefore, based on the information contained above, it is my opinion that this specific portion of Siegler's complaint be given the following disposition: **Not Sustained**.

15. Lt. Green (2041 Club)

This portion of Siegler's complaint was already investigated under Internal Affairs case number #IA-11-21, which was initiated by a complaint filed by Detective John Williams.

Based on the information contained in that investigation, I have labeled this specific portion of Siegler's complaint with the following disposition:

16. Off. Sullivan's DWI arrest

Siegler took umbrage with Huston and Sullivan's comparison of officers who have been arrested for domestic violence incidents and Sullivan's drunk-driving arrest. Siegler stated that "for [Sullivan] to say that his case will be dismissed is not true." Sullivan does state that his "case . . . will be dismissed." Neither Siegler nor Sullivan can definitively make those statements, for no one can know the actual outcome until the case is disposed of in court.

Sullivan and Huston then take exception with the fact that Sullivan was told that he would not be able to operate any type of city vehicle because he was classified as an "Unacceptable Operator" due to his drunk-driving arrest. They write, "This was the first time in the history of Meriden PD this insurability had become an issue." That statement may be true, but it is true because it's also the first time that the Meriden Police Department has had an officer arrested for drunk driving. Therefore, there was no standard set.

Huston and Sullivan are incorrect to list the insurability issue as an example of disparate treatment from the chief and deputy chief. Reading through the cascade of e-mails between Chief Jeffry Cossette, Personnel Director Caroline Beitman, and Safety and Risk Manager Robert Homiski, which began the day after Sullivan's arrest, one can easily ascertain that the chief or deputy chief had nothing to do with Sullivan's insurance issue. The entire topic was precipitated by Homiski, who alerted Beitman and Chief Cossette that Sullivan could no longer be covered to drive a city vehicle. Homiski received a letter from Trident Insurance (subsidiary of Argonaut Group, Inc.) that "employee Brian Sullivan no longer meets our criteria for an acceptable driver."

Under the Trident Insurance guidelines, covered drivers are deemed "unacceptable" if they commit any "Type A" violations. Driving while intoxicated is considered a Type A violation. However, a driver is also deemed unacceptable if they commit "three (3) or more accidents, regardless of fault, in the last three (3) years."

Huston and Sullivan make reference to this fact in their complaint:

However that insurance declaration also listed several other situation that would make city employee not insurable. There were several other Officers that would be in this status of uninsurability however they were still allowed to operate a city vehicle. (ie Lt Guidobono would not be insurable because of his three (recently totaled a 4 vehicle) at fault accidents that occurred with city vehicle, amongst others. [sic]

They are right in explaining that other officers could be deemed unacceptable operators (by Trident's standards), but only one officer would have fit that classification at the time of Sullivan's discipline. For example, in researching the accident statistics of the department for the years 2008, 2009, and 2010 (since those are the "last three (3) years" as Trident Insurance specifies), only one officer has had three or more accidents in that

time period. Officer John Femia was involved in four separate accidents (two in 2010, one in 2009, and one in 2008). No other officer fell under the guidelines of “unacceptable operator” as listed by Trident Insurance.

Lt. Guidobono, who was specifically mentioned by Huston and Sullivan as one who should be an “unacceptable operator,” had one accident in that three-year period, not three or four as mentioned in their complaint. Guidobono did, however, have three accidents in a previous three-year period, 2005-2007 (two in 2005 and one in 2007), and could have been classified as “not insurable” in 2007.

As stated earlier, Officer John Femia is the only officer that could also be deemed an unacceptable driver at the same time as Officer Sullivan under Trident Insurance’s guidelines. There were no other officers who were in three or more accidents in the last three years. After discovering Femia’s accident history, I asked Meriden’s Safety and Risk Manager, Robert Homiski, how the City handles individuals who have been involved in three accidents in the past three years. He responded via e-mail:

To my knowledge this is the first officer [Sullivan] which was excluded from the policy based on a major violation. There can be an appeal to an exclusion from the policy which would have to be approved and granted by the insurance company. There is no special exemption for police officers. As far as the insurance companies protocol on three accidents within three years, records MVR's are run on a random basis. They would track a driver if there were issues on an annual basis.

Therefore, according to Trident Insurance guidelines, Off. Femia should have also been considered an unacceptable operator, but he would have been the only one at the time. Other officers should previously have been classified as not insurable, as I mention later.

Upon examination of the e-mails between Chief Cossette, Beitman, and Homiski, the chief clearly goes out of his way to convince Homiski to appeal to Trident Insurance to allow Sullivan to continue to be insured. Chief Cossette even writes a formal letter to Homiski praising Officer Sullivan and stressing his importance to the agency. Chief Cossette describes Sullivan as “a valued and dedicated member of the Meriden Police Department” who “possesses a critical skill-set that is essential to the mission and operation of the” department. The chief goes on to write that the Meriden Police Department “has invested heavily in the career development of Officer Brian Sullivan.” The purpose of that letter from the chief to Mr. Homiski was to persuade Homiski to ask the insurance company for an exemption on Sullivan’s insurability. The exemption was subsequently granted.

When I spoke to Chief Cossette about this incident, he told me that he did not even know about the criteria for being labeled as an “unacceptable operator.” It was Homiski—upon his discovery of Sullivan’s arrest—who informed the chief that Sullivan was uninsurable.

The evidence clearly shows the chief’s support for Sullivan. If Sullivan had an issue with anyone regarding unfair treatment for this incident, his focus should have been on Trident

Insurance through Mr. Homiski's office, as it does appear that one other officer (Femia) was simultaneously in the same category as Sullivan, although for a different violation.

Although Off. Femia is the only other officer that would fall under the "not insurable" category, there are at least four other officers who would fall under that label if the insurance guidelines included drivers involved in an accident, regardless of fault, in *any three-year period*, and not the "last three (3) years," as described in the underwriting guidelines.

For example, Officer Nick Sherwood was involved in three accidents in three years (2006, 2007, and 2008). As stated earlier, Lt. Guidobono was involved in three accidents, as well (two in 2005 and one in 2007). Off. Huston was involved in three accidents in a three-year span (two in 2007 and one in 2008). Also, Off. Pierce was involved in three accidents between 2006 and 2007. However, none of these accidents occurred in the "last three (3) years," as stated in the guidelines. It is possible that the same guidelines were in place in 2008, which would have made those four officers not insurable. I e-mailed Mr. Homiski again and asked him if the three-accident rule was in effect several years ago. His response:

These Guidelines are not new and have been in place for many years, although I was not aware of the specifics until the Sullivan incident.

Based on that response from Homiski, it appears that "the last three years" guideline was in effect in 2008, but no one from the city was aware of it. Since the accidents involving Sherwood, Guidobono, Pierce, and Huston no longer fall under "the last three years," it is presumed that they are no longer not insurable. This would leave (besides Sullivan) Off. Femia as the only officer who was—at the time of the Huston/Sullivan letter—not insurable.

During my interview with Off. Sullivan, he explained that he felt his discipline was unjust. Although he did admit, "the chief wrote a really nice letter for me," he took umbrage with his discipline as compared to other officers who have been arrested.

Sullivan then discussed the issue of insurability. He stated that it was unfair that he was labeled as not insurable, yet others who also fell under that classification were not given the same label. Sullivan said that there were five other officers who should have been labeled as not insurable. (To reiterate: Off. Femia was the only current individual that was not insurable. Officers Huston and Sherwood could have been considered not insurable in 2008, and Lt. Guidobono in 2007. Officer Pierce also fit the criteria.) I asked Officer Sullivan where he received his information and he told me that Det. Williams told him that. I then asked him who the five officers were. Sullivan could only name Lt. Guidobono. I told him to provide me with additional officers' names after the interview if he found any documents to support his claim.

I then asked Off. Sullivan if he felt the chief was to blame for his insurability issue. Sullivan said, "The chief obviously has nothing to do with the insurability." He conceded

that the insurance issue is handled at City Hall. However, his letter is not clear as to whom he is blaming for the insurability matter.

Sullivan went on to say that he doesn't understand why police administrators moved so quickly to discipline him, yet other officers (such as Lt. Guidobono) who were arrested for domestic violence charges were not disciplined as quickly (or at all).

Sullivan then spoke about the paragraph on page two of his supplemental report where he describes other officers who have been arrested and the discipline (or lack thereof) that they received. He stated that he had no actual records, but that he received his information from Det. Williams.

Sullivan was then asked if he saw a distinction between certain arrests regarding the evidence that was available at the time of the arrest. Specifically, he was asked if he saw the difference between a readily available blood alcohol content level for a DWI arrest and a domestic violence situation, which is sometimes not immediately verifiable. Sullivan said that he does see a distinction and added, "It's undeniable with a BAC that you have evidence to substantiate that." He then went on to say, however, that he felt the Guidobono cases involved evidence. Sullivan said that he heard Guidobono's first arrest involved a text message, and his second arrest included photographs, which he said he learned from Det. Siegler. Sullivan qualified what Siegler told him by saying, "I don't know how credible this information is." Sullivan then goes on to say, "I agree with you, if it's one person's word against the other, you have to wait for the adjudication of the court case, cuz how do you prove who's telling the truth?" (It should be noted that the text message Sullivan described in Guidobono's first arrest was innocuous and not pertinent to the case. It was not threatening in nature, as Sullivan said he was told. Guidobono's arrest was, in fact, a statement-based investigation. Guidobono's second arrest did include photographs of his wife, but they do not show any injury.)

On the day after my interview with Off. Sullivan, he sent me an e-mail regarding the five officers who have been involved in three or more accidents. Sullivan listed Officers Huston, Sherwood, Pierce, Femia, and Lt. Guidobono. Sullivan provided me with case numbers of the incidents, but some of the numbers were not correct. For example, Sullivan stated that case #06-3920 was an Off. Pierce accident, but it was not. It involved former detective Lou Sobieraj.

Off. Huston was then interviewed regarding his knowledge of this portion of the letter. He said that Sullivan put together all the information. Huston had nothing to offer for this portion of the letter.

Summary

Officers Sullivan and Huston make very valid points regarding the enforcement of the City's insurance policy. According to Safety and Risk Manger Homiski's e-mail response to me, the insurance guidelines have been in place for several years. It does seem unfair that the City enforced Sullivan's DWI insurability issue and yet did not do the same for other officers who had three or more accidents within a ten-year period. Regarding that

aspect of their letter, Huston and Sullivan make a strong argument, and I have found no areas of concern.

Based on the information contained above, it is my opinion that this specific portion of Siegler's complaint be given the following disposition: **Not Sustained**.

18. Off. Cossette's underage drinking investigation

Siegler's next contention is that Huston and Sullivan embellish and misstate the facts of an incident where Evan Cossette investigated an underage drinking party. Although no date of incident is provided, it is clear that the reference is in regard to case #10-17237 from October 30, 2010.

Huston and Sullivan correctly state that Cossette issued numerous tickets for possession of alcohol by a minor. They also write that Cossette had prior knowledge that the party was going to occur, but did nothing to prevent it. Cossette documents in his police report that he, indeed, was given information about the party and that he had made "several" extra checks of the area.

Huston and Sullivan go on to write that it was unreasonable for Cossette to "arrive there later in the evening and issue all the underage youths at the party." This would lead the reader to believe that Cossette wrote out 35 tickets that night to all the youths on his own accord. Huston and Sullivan also write "its just ironic that Officer Evan Cossette would handle the incident in the manner that he did." In reality, Lt. Sal Nesci told Cossette to issue the infractions to the youths. I spoke to Nesci on Oct. 19, 2011, and he told me that once he became aware of the underage party, he talked it over with Captain Zakrzewski and they determined that Off. Cossette should cite all the youths from the party that the law would allow.

Off. Sullivan was then interviewed for this portion of the supplemental letter to the city manager. He was asked where he obtained the information that Off. Cossette had prior knowledge that the party was going to occur. Sullivan said he heard that Cossette's girlfriend had told him (Cossette) about an underage drinking party that was going to occur. Sullivan believes that Huston told him that information. Sullivan said he did not have any independent knowledge of the party.

Sullivan went on to say that all the teens were cleared to leave the scene and issued infractions later. Sullivan said that Lt. Gaynor later clarified for him the fact that Cossette was ordered by Lt. Nesci to issue the infractions to everyone involved. I asked Sullivan why he didn't include that fact in his letter to the city manager. He replied, "I didn't know that until after."

When Officer Huston was questioned regarding this incident, he said he didn't know about it and that Officer Sullivan gathered all the information. That contradicts Sullivan's claim that he obtained some the information in this matter from Huston.

It should also be noted that I spoke with Evan Cossette's girlfriend, Melaina Barillaro, and asked her if she had told Cossette about the underage party in advance. She said she didn't know about it and never told him any such thing.

On Feb. 16, 2012, I spoke with Off. Evan Cossette about this incident. He confirmed that Lt. Nesci told him to issue the infractions. When I asked Cossette if he had prior

knowledge of the party, he told me that he did. He said that when he heard it might be taking place, he told Capt. Parker about it who told him to keep an eye on it and address it if needed.

Huston and Sullivan's objective in this section of the letter is to question the procedure used by Off. Cossette in his handling of the incident. Different officers would have handled the case in different ways. However, Cossette is portrayed in an unflattering manner, even though the issuance of the infractions was not his idea, but, rather, an order he was given by a supervisor. By not including the actual circumstances relating to the incident, the depiction of Cossette's actions is one that can bring discredit upon him.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

✓

Meriden Police Department Rules and Regulations
Section 1 General

1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute "conduct unbecoming an employee."

19. Police Week in Washington, D.C.

Siegler writes that Huston and Sullivan's depiction of Police Week 2010 in Washington, D.C., (referenced in their second complaint letter, page 8) is filled with "hatred, anger and lies."

Upon examination of that portion of Huston and Sullivan's complaint, the subject matter seems to be a criticism into Evan Cossette's character. Huston and Sullivan write that Cossette "urinated in a beer bottle" and "all over himself and the van." They then admit to making fun of Cossette on Facebook, as well as "humiliating him." They also refer to Cossette as a "coward."

Other than attacking Cossette's character in this portion of the letter, as well as admitting to belittling Cossette at the Police Week event, there does not seem to be much in the way of relevant content from Huston and Sullivan, save for two department related points:

1. They allege that Chief Cossette asked Sgt. Rob Nesci to approach Sullivan and have him remove the pictures of Evan that were on Facebook.
2. They allege that the D.C. incident where Beau Casanova slapped Cossette in the face and poured beer on his head "was brought to internal affairs."

On Oct. 20, 2011, I spoke to Det. Sgt. Rob Nesci. He told me that it was the chief's wife, not the chief, who had called him and asked if Nesci could ask Sullivan to remove the postings from Facebook. When Nesci asked Sullivan to remove the photos, Sullivan told him that the photos were posted on Christian Rodriguez's Facebook page. Nesci told me that he never spoke to the chief about the incident.

As for the Casanova/Cossette incident in Washington, DC, a check of the Internal Affairs database shows that the incident was never brought to Internal Affairs as declared by Huston and Sullivan. Sgt. Caponigro never investigated any such incident and neither did Sgt. Milslagle.

When Off. Sullivan was interviewed regarding this portion of the letter, he said that he went to the Police Week event. He also said that he had nothing to do with the locker room postings of Evan Cossette, and he was upset that he was approached by Nesci to take down the photos.

He then said that he was approached by Internal Affairs while he was working a private duty job on Hanover St. and asked about Casanova's confrontation with Cossette. However, as mentioned earlier, there is no actual record of an internal investigation having been initiated.

Sullivan also said that he agreed with the sentence, "Even [sic] is a coward, although he beats handcuffed prisoners he does not have the courage to stand up to someone."

Sullivan said that the sentence was an opinion, based on what other officers had told him about Cossette's behavior.

Off. Huston stated in his interview that he was not present at Police Week 2010, but he did see pictures on Facebook. Huston said that Brian Wilkinson, Brian Sullivan, and Beau Casanova posted a few of the Facebook photos online. Huston did not have any other information to provide regarding this case.

When I spoke to Off. Cossette about this incident, he admitted that he was made fun of at the Police Week event by Casanova and others. He said that he was not spoken to by the deputy chief or anyone else regarding his behavior on the trip. Cossette also said that he did not file a complaint about how he was treated.

Summary

This portion of the Huston/Sullivan letter seems to be a personal attack on Evan Cossette. Huston and Sullivan describe embarrassing moments involving Cossette during the D.C. trip. They report that he "urinated in a beer bottle," and that he "urinated all over himself." They indicate that they "made fun of him on Facebook and humiliated him." Cossette was also described as having his face slapped a few times and beer poured on his head. Finally, Huston and Sullivan call Cossette a "coward."

Huston and Sullivan's depiction seems more of an attempt to discredit Cossette than to provide any supporting evidence for disparate treatment or corruption.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

✓

Meriden Police Department Rules and Regulations

Section 1 General

- 1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute "conduct unbecoming an employee."**

20. Local 1016 golf tournament

Siegler next takes issue with Huston and Sullivan's depiction of Evan Cossette at the 2008 Meriden Police Union Golf Classic. Examination of this portion of the complaint to the city manager reveals nothing substantial. Besides being impossible to prove the behavior of Cossette's behavior and level of intoxication at the event, it is also irrelevant.

It is well known amongst the union members that these events provide alcohol to the participants and that it is not uncommon for attendees (sworn and non-sworn alike) to become intoxicated.

Since there is nothing of significance revealed in this portion of the Huston and Sullivan complaint—as it is more of a charge against Evan Cossette's character than any actual departmental issue—and since the incident occurred more than three years prior to this report, I have no way to corroborate whether Huston and Sullivan are embellishing this portion of their complaint.

During my interview with Off. Sullivan, I asked him if he was present at the tournament. He said he was not. Sullivan also said that he obtained his information for this incident from Off. Slezak, who was assigned to the Crime Suppression Unit at the same time as Sullivan.

Sullivan also said he wasn't sure exactly which year the tournament took place ('09, '08, '07), but that was the information conveyed to him.

Whatever year the incident did occur, it is clear that it was not the 2008 tournament, as Evan Cossette was in the police academy on the date of that golf event, which was July 17, 2008 (Thursday).

I then spoke to Off. Huston about his knowledge of the events that transpired at the golf tournament. Huston said he was not present at the golf tournament but "a lot of people did talk about" and "make fun" of Cossette regarding what occurred.

Although Officers Huston and Sullivan were not present at this event and reported second-hand information, I do not feel this depiction of Off. Cossette rises to the level of discredit as the previous one (Washington D.C., Police Week).

Based on the information contained above, it is my opinion that this specific portion of Siegler's complaint be given the following disposition: **Not Sustained.**

21. Evan Cossette's Cooper Standard bench press

Siegler then addresses Huston and Sullivan's assertion that Evan Cossette was given "numerous opportunities" to pass his bench press. Siegler feels that Huston and Sullivan imply that Cossette did not pass the bench press when they write, "It's anyone's guess if he successfully completed" the bench press.

It is not uncommon for law enforcement officers to be given more than one opportunity to pass a test. Because of the major financial investment police employees represent to their agencies, such additional opportunities are allowed through further training and testing. Besides the bench press, officers are also allowed to redo running, driving, shooting, and other activities.

Regardless, the bench press that Huston and Sullivan speak of was passed by Cossette. A review of Evan Cossette's training file verifies that much. A December 3, 2008, letter to Cossette from POSTC indicated that even though he completed the Basic Police Officer Training Program, Cossette's certification would be withheld because he had failed his physical wellness skills during his basic training. The POSTC letter clearly indicates that he would be given another opportunity to pass the examination: "Appropriate certification will be issued to you upon receipt by the Basic Training Division of the POST Council of documentation of successful completion of all the deficiencies." (See Basic Police Officer Training Program Final Activity Report.)

On January 12, 2009, Cossette is shown to have passed his physical performance examination (including his bench press), which was administered by Fitness Specialist and POSTC instructor Gary Fredericks. This allowed Cossette to obtain his certification. (See accompanying training documents.) Nevertheless, Huston and Sullivan accuse Fredericks of impropriety when they write, "It's anyone's guess if he [Cossette] successfully completed this bench press..."

Additionally, this portion of the Huston/Sullivan letter does not deal with any aspect of department policy, since the physical standards for recruits are set by and approved by POSTC.

Therefore, although this segment by Huston and Sullivan appears to single out Evan Cossette rather than all officers that have been given additional opportunities to pass tests or standards, as well as casting doubt on the integrity of a POSTC instructor, there is nothing that can be proven as being false.

During my interview with Off. Sullivan, he told me that Off. Marc Gibbs (who attended the academy with Evan) told him that Cossette struggled with the bench press before he was accepted in the academy. As for the bench press Cossette had to make up while he was still on FTO, Sullivan had heard that directly from Cossette.

I asked Sullivan if he went through Evan Cossette's training records. He said that he did not. I asked him if he knew who conducted the final bench press test with Cossette. Sullivan said he did not.

I then interviewed Off. Huston. He said that it was common knowledge around the department that Evan Cossette had to go back to the academy several times to try and pass his bench press. Huston also said that he had heard from Off. Gibbs about Cossette's problems with the bench press.

I asked Huston if he had seen any of Evan Cossette's personnel files. He said he did not.

Based on the information contained above, it is my opinion that this specific portion of Siegler's complaint be given the following disposition: ***Not Sustained.***

22. Joseph Bryans incident at Midstate Medical Center

Siegler's final contention involves Huston and Sullivan's fifth example of excessive force by Off. Cossette, which they describe in their second letter to Meriden's city manager. Although Huston and Sullivan both admit to not reading any of the reports or Internal Affairs investigations, they write about allegations of excessive force. They're description of the incident is accurate. However, they then express their opinion that Officer Nowak "was present but not involved in the physical altercation." Although Huston and Sullivan are allowed to their opinion, examination of the incident's police reports written by Nowak and Cossette, as well as Nowak's statements made during his interview with me, clearly indicate that both Nowak and Cossette used force on the suspect, Joseph Bryans.

Huston and Sullivan list no specifics for this incident, but simply list it as another lawsuit brought forward against Evan Cossette. Therefore, notwithstanding their belief that Nowak was not involved in the physical confrontation—despite information to the contrary—there is nothing in this portion of the complaint that can be construed as dishonest or untruthful.

During my interview with Off. Sullivan, he said that he had received the information for this incident from Meriden police dispatcher Diane Larson. Sullivan said that Larson's niece is Joseph Bryan's girlfriend and that Larson was told of the hospital incident by her niece. Sullivan then began a Facebook dialogue with the niece (Courtney Larson), where he was given Courtney's account of the incident at the hospital. Sullivan therefore based his description of the Bryans incident on Courtney's description, even though he admitted in his interview that she had given him incorrect information relating to one of the letters Bryans received from Internal Affairs. Sullivan also revealed that this portion of the letter was based on some information he had received from Attorney Roberts, who is believed to be representing Joseph Bryans in his lawsuit against Evan Cossette.

Since Sullivan was unable to review the police reports or internal affairs investigation until after the release of his letters to the city manager (since the criminal case was not disposed of), I asked him if he would change anything in his depiction of the incident. He said that he didn't have any first hand knowledge of the incident and realizes that if two people see the same thing they will "react to it a totally different way." He then said, "It [his complaint letter] probably wouldn't have been written the same exact way." He then added, "But I was going by a one-sided story."

Sullivan went on to say that he also spoke to Off. Nowak about the incident, but he does not remember if he spoke to him before after the release of his letters to the city manager. Sullivan said that Nowak told him that he had nothing to do with the incident, that it "was all Evan." Sullivan interpreted that as meaning Nowak was not involved physically with Bryans (even though Nowak didn't actually say that). However, this contradicts what Off. Nowak told me in his interview, as well as his police report, and the account given to me by security guards who witnessed the incident. Guard Phil Costanzo told me that he

saw both officers trying to get Bryans under control because he was actively resisting. Guard Corey Wilson did not witness Bryans's apprehension, but did hear him threaten the officers.

During my interview with Off. Huston on this incident, Huston said that Joey Bryans is related to dispatcher Diane Larson, and that was how the information became known to Off. Sullivan. Huston said that this part of the letter was handled by Sullivan, although Huston does admit to meeting Joey Bryans on one occasion with Attorney Sally Roberts after his letter was made public.

On Sept. 20, 2011, I interviewed Off. Nowak. He said that Bryans was fighting with both him and Off. Cossette. He said that Bryans was not allowing the officers to cuff him so he and Cossette brought Bryans to the ground. Nowak said Bryans was a strong individual and he (Nowak) didn't have any problem with the force used on Bryans.

Nowak went on to say that he didn't see Cossette use the TASER, but he heard it, and it was the TASER that made Bryans comply. Nowak said he felt the TASER was necessary, and he said he *was* involved in the physical altercation despite what the Huston/Sullivan letter stated.

On Feb. 16, 2012, I spoke with Off. Cossette. Regarding the night in question, he said that he and Off. Nowak were approached by a hospital employee to retrieve Bryans, who had just left but still needed to be examined. When he and Nowak left the back exit, Cossette saw Bryans about 150 yards away. When both officers reached Bryans, Cossette tried to physically restrain him to return him to the hospital. Bryans began to pull away and struggle with the officers. Nowak and Cossette then tackled Bryans and was still actively resisting. Cossette began punching Bryans in the torso, but the strikes had no effect. Cossette then used his TASER (in drive-stun capacity). Cossette told me that the first stun did not work, so he used his TASER again, this time with success. Cossette said that Nowak was on top of Bryans at the time trying to control him. The second TASER hit allowed Bryans to be handcuffed. Cossette told me that he used the TASER on Bryans's upper right back area.

Summary

The only issue with this portion of the supplemental letter is the statement that Huston and Sullivan make indicating that it is their "belief that Officer Nowak was present but not involved in the physical altercation." They give no reason for why they feel that way, but they do indicate that it is their "belief." Since a belief or opinion cannot be categorized as untruthful, I don't feel that there is a violation in this portion of the letter. However, by not citing their reason for feeling that Nowak was not involved, their depiction of this incident again appears to be a slanted one focused on Off. Cossette.

Based on the information contained above, it is my opinion that this specific portion of Siegler's complaint be given the following disposition: ***Not Sustained.***

Conclusion

Det. Siegler's complaint against Officers Huston and Sullivan has merit to it. There are many aspects of their letters that are false, and the letters also appear to be an attack against Evan Cossette. Although Huston and Sullivan consider themselves whistleblowers, their letters paint a different picture when assessed objectively.

My interviews with Officers Huston and Sullivan were especially revealing. Most of their evidence regarding their accusations in their letters was simply rumors, hearsay, and the "talk of the department." Some of their statements even contradicted what they wrote in the letters. In fact, Officer Sullivan at one point said, "Looking back on it, I would have changed the entire thing and worded it differently." (1:52:05) Officer Huston said he would change the way the letter reads, adding, "This letter was never intended to say, 'This is fact.'" (5:09:09) However, it is the way the letter reads that caused the matter to become such a firestorm. Attorney Sally Roberts's (representing Officers Huston and Sullivan) release of the letter to the media immediately and continuously affected the order, efficiency, and discipline of the Meriden Police Department, bringing much discredit to its reputation and officers. Had Huston and Sullivan's letters been written in a way that conveyed that the contents were not all facts, but rather their opinion or other officers' opinions, the conclusions reached by readers may have been dramatically different. Although Huston and Sullivan did indicate in certain portions of the letter that a statement was their opinion or based on another officer, it comprised a minority portion of the letters.

Many times throughout their letter, Huston and Sullivan indicate that many police officers were scared of the chief and afraid to report Off. Cossette, fearing retaliation. However, Huston and Sullivan were unable to name any officer that felt that way, and during my interview with dozens of officers, I was unable to find an officer who corroborated that allegation.

Officer Huston's admission to me that he did not read the supplemental letter prior to signing it is particularly distressing. Although it is respectable that he trusted Officer Sullivan with its content, it is also extremely risky to put his name on a document containing such significant accusations without at least reading it to see if he agrees with its components.

The Meriden Police Department contains a culture of misinformation among its officers. Officers will frequently give other officers exaggerated or false information. Those who receive that information then disseminate it to others, and on and on. Even during my interviews with Officers Huston and Sullivan they were giving me information that they felt was true, but I knew was not. For example, Officer Sullivan at one point told me that there was a warrant being reviewed at the New Haven State's Attorney's Office for Officer Huston's arrest regarding computer crime. There is—and was—no warrant

applied for. That is just one example of an employee obtaining incorrect gossip from other employees. Personnel constantly speculate about what they've "heard" regarding retirement dates, promotions, discipline actions, police incidents, dating relationships, off-duty conduct, transfers, organizational changes, and much, much more. To rely on the grapevine, rather than a first-person account or official reports, is irresponsible. Officer Sullivan even admitted in his interview that "everyone has their own interpretation of what they see," (1:16:27) and "People exaggerate..." (00:13:05)

The issue at hand is not so much the fact that Huston and Sullivan made the complaint. It was the *manner* in which they did it. Whistle-blowing is something that should be encouraged within an organization. Misconduct and illicit activity should not be tolerated, and individuals who expose wrongdoings should be praised. However, a whistle-blower also needs to provide factual information, not simply opinion and rumor.

Therefore, to summarize, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

✓ (8 counts) **Meriden Police Department Rules and Regulations**

Section 2 Improper Conduct

2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.

✓ (12 counts) **Meriden Police Department Rules and Regulations**

Section 1 General

1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute "conduct unbecoming an employee."

✓ (1 count) **Meriden Police Department General Orders
General Order 1.0.2 (Oath of Office)**

Also, I believe that the preponderance of the evidence shows that Off. Huston may have separately committed the following violation(s) when speaking to me about the Temich case:

Meriden Police Department Rules and Regulations

- ✓ **Section 2 (Improper Conduct)**
2.11 (p. 31)
Knowingly and willfully making a false entry in any official department record.

- ✓ **Article XIII**
13.11 (p. 13)
No employee of the Department shall make false official reports nor knowingly enter or cause to be entered in any department book, record, or report any inaccurate, false, or improper police information.

- ✓ **Meriden Police Department General Orders**
General Order 1.0.2 (Oath of Office)



Det. Lt. Mark Walerysiak
Internal Affairs Unit

March 19, 2012

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General Order 1.0.2 (Oath of Office)



Det. Lt. Mark Walerysiak
Internal Affairs Unit

March 19, 2012