

**Meriden Police Department
Internal Affairs Unit**

Investigative Report

IA #: IA-11-29

Category: Class 1

Complainant: Off. Evan Cossette

Allegations: Dishonesty and untruthfulness

Officer(s) Accused: Brian Sullivan; Donald Huston

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

Time of Incident: N/A

Place of Incident: N/A

Type of Incident: Written complaint

**Involved Parties: Off. Evan Cossette
Off. Brian Sullivan
Off. Donald Huston
Sgt. Jeff Herget**

Finding: Results of this investigation indicate that the accused officer(s) may have violated one or more Meriden Police Department policies, procedures, or rules and regulations.

Complaint:

On May 13, 2011, Officer Evan Cossette (Meriden P.D.) filed a formal complaint to Deputy Chief Tim Topulos requesting that an Internal Affairs investigation be initiated into the veracity of the letters written by Officers Huston and Sullivan that were sent to City Manager Lawrence Kendzior. The first letter was also released to the media (and subsequently made public) by Huston and Sullivan's attorney, Sally Roberts, Esq.

Cossette's complaint is one of several that were made in response to the letters released by Huston and Sullivan. Although Off. Cossette attached a two-page narrative explaining his concerns, most of the subject matter involving him in the two letters has already been investigated in the other complaints that were made. For example, complaints filed by Off. Chris Fry (IA-11-26), Det. Mike Siegler (IA-11-44), and Sergeants Caponigro and Milsagle (IA-11-23) involve the same concerns shared by Off. Cossette. But since those cases have already been investigated, the reader is asked to reference those cases for further specifics.

After removing the duplicate matters that have already been investigated, I was left with only one incident that was not covered in the other cases, but mentioned by Off. Cossette in his complaint.

Off. Cossette takes issue with the portion of Huston and Sullivan's second letter to the city manager when they mention that Cossette was "written up" on three separate occasions—twice by Sgt. Jeff Herget, and once by Sgt. Darrin McKay. Off. Cossette claims that Sgt. Herget spoke to him only once.

Investigation:

Looking through Off. Cossette's file, I was able to find only one "write up" by Sgt. Herget to Off. Cossette. I also confirmed that Sgt. McKay did indeed write up Cossette as well. McKay had written a letter to Capt. Zakrzewski documenting his concerns with the incident. An Internal Affairs investigation was initiated, and Sgt. Glenn Milsagle felt that Off. Cossette may have violated the vehicle operation section of the Meriden Police Department's General Orders. Off. Cossette was subsequently issued a counseling letter by Deputy Chief Topulos. (See IA-09-65).

Since I was not able to find a second letter of counseling by Sgt. Herget to Off. Cossette, I e-mailed Herget and asked him to confirm or deny Huston and Sullivan's allegation. Herget responded by stating that he only counseled Cossette on one occasion. He also admitted to documenting the letter and giving a copy to Lt. Gaynor, the watch commander. Although Herget's letter states that Cossette is not being counseled, it is easy to conclude that the letter is an actual documentation of counseling, as Herget himself told me he believed it was.

Huston and Sullivan end this portion of the letter by stating, "All three incidents were investigated and Officer Cossette faced no discipline." That statement is false because there were only two incidents, and only one was investigated (McKay's), as confirmed by Cossette's file and the two supervisors involved (McKay and Herget).

During my interview with Officer Sullivan, he said that Sgt. Herget told him that he had written up Cossette on two separate occasions and that Sgt. McKay had written up Cossette, as well. Sullivan said that Herget came to him and offered that information. Sullivan was asked if he obtained any reports corroborating what Herget had told him. He said he only used what Herget told him.

Off. Sullivan also indicated that Off. Sullivan was "cleared" for his pursuit. That would depend on one's definition of "cleared," as Internal Affairs concluded that Cossette might have violated a general order. As mentioned earlier, Cossette was issued a letter of counseling. He was not exonerated of the charge.

Off. Sullivan also admitted that he left out pertinent information regarding Cossette's discipline hearing. Specifically, he omitted the union's involvement in guiding the deputy chief's discipline decision. The union had brought forward a prior incident of driving misconduct involving Sgt. John Raszcewski, which allowed Cossette to receive a lesser sanction. The former union president, Lt. Patrick Gaynor, confirmed that that had occurred.

When I asked Officer Sullivan if he had the three Internal Affairs files (based on the last line of the paragraph), he said that he knew that the McKay incident went to Internal Affairs, but he didn't believe that other two went to IA. Sullivan added that he felt there must have been an investigation of some level on the other incidents, but he never saw Cossette's personnel file to confirm that belief.

During my interview with Off. Huston, he said he was not aware over the specific details of the incidents, as this portion of the letter was handled by Officer Sullivan.

Summary

It is my opinion that Off. Cossette's complaint against Officers Huston and Sullivan has merit. Huston and Sullivan incorrectly state that Cossette was involved in three incidents involving vehicle uses that were subsequently written up by supervisors. Based on

information provided by Cossette, McKay, Herget, and Cossette's personnel file, I could find only two such incidents.

Further, only one of the incidents was investigated, as the second one was simply documented.

Finally, the paragraph omits information (such as the union's input during the disciplinary hearing) that may have explained why Cossette faced no discipline. Not including that information paints a different picture involving the relationship between Off. Cossette and administration.

Taken as a whole, the paragraph written the way it was can be seen as bringing discredit to the Meriden Police Department and Officer Cossette. It is written as a factual account and does not indicate that Huston/Sullivan were simply told the information. Had Huston and Sullivan provided sources in the paragraph (i.e., Herget told Sullivan about the incidents) it would have left a different impression. However, the way the paragraph is written, along with a majority of the letter, implies that what Huston and Sullivan wrote is hard fact.

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):

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**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."**

Det. Lt. Mark Walerysiak
Internal Affairs Unit



March 21, 2012



Meriden Police Department

Employee Complaint Form

50 West Main Street
Meriden, CT 06451
203-630-6339
www.cityofmeriden.org

Office Use Only:

LA#: 11-29

Initials: A.C

Date: 5-16-11

Instructions: If you would like to file a complaint against a police employee, please write legibly and fill out this form. Personal information will not be disclosed to the public, unless required by law. You can submit this form by mailing or returning it to the Meriden Police Department at the address given at the top of this page.

I wish to file a (please check one):

If you are filing a complaint, indicate the type of complaint you wish to file (you must check one):

- Formal Complaint:** Involves a serious allegation of misconduct, and I want my complaint officially investigated, for which discipline may be imposed, if the allegation(s) are sustained.
- Informal Complaint:** Involves a minor complaint or concern, and I only want my complaint/concerns on record. I understand it will be for informational purposes only, will not be formally investigated. However the matter will be discussed with the employee(s) involved.

Information about you

LAST NAME <u>Cossette</u>		FIRST NAME <u>Evan</u>		M.I. <u>J</u>	DATE OF BIRTH <u>1, 21, 87</u>
STREET ADDRESS and APT# <u>50 W Main St</u>		CITY <u>Meriden</u>		STATE <u>CT</u>	ZIP CODE <u>06451</u>
HOME PHONE () -	WORK PHONE <u>(203) 630-6201</u>	CELL PHONE () -		SEX <input checked="" type="radio"/> MALE <input type="radio"/> FEMALE	

Information about the incident

LOCATION OR ADDRESS OF INCIDENT <u>See Attached</u>		DATE OF INCIDENT <u>5 / 1</u>	TIME OF INCIDENT : AM / PM
WITNESS LAST NAME	FIRST NAME	AGE	SEX <input type="radio"/> MALE <input type="radio"/> FEMALE
WITNESS ADDRESS	CITY	STATE	PHONE () -
NAME OR ID# OF OFFICER OR EMPLOYEE <u>Ofc Huston #410</u>		NAME OR ID# OF OFFICER OR EMPLOYEE <u>Ofc Sullivan #373</u>	

Nature of action: Please use the narrative section below to briefly describe what happened. If you need to use a separate sheet of paper to continue, please make sure to date & sign it.

See Attached

I attest that the above information and my statement is true and correct to the best of my recollection

Signature: Evan Cossette Date: 5, 13, 11

TO: Deputy Chief Topulos

FROM: Evan Cossette

DATE: 13 May 2011

RE: Request for an internal affairs investigation

I have been the subject of an all out attack by officers Huston and Sullivan. They have gone above and beyond in their attempts to bring discredit and embarrassment to the City of Meriden, the Meriden Police Department, various members of the Meriden Police Department, my family, and me. I believe that they are targeting me in order to get to Chief Cossette. A private investigation firm, Investigative Partners LLC, has been employed to follow members of my family and me. Officers Huston and Sullivan have lied, exaggerated, and given misleading information and half-truths about cases and the inner workings of the Meriden Police Department. They have given oral and written communications and interviews to City Manager Lawrence Kendzior and numerous media outlets while acting as agents of the City of Meriden Police Department. Throughout these communications, they have signed and identified themselves as officers and attached their badge numbers. They disseminated this information knowing that it would be relied upon due to their affiliation with this department.

Officers Sullivan and Huston have created a hostile work environment in which I have been the subject of undue criticism, jokes, ridicule, and embarrassment.

To see these officers on a daily basis causes undue stress upon me. It seems as though everywhere I go I am asked about the situation or a comment is made. Recently when I attended and volunteered at the 2011 Meriden Daffodil Festival, I was approached by countless citizens, city employees, and city officials regarding the allegations by officers Huston and Sullivan. These officers have done their best to defame my reputation, characterizing me as a "coward", criminal, liar, alcoholic, and brute.

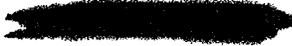
Officers Sullivan and Houston have utilized a tactically planned time release of information in order to prolong the criticism and exposure of the Meriden Police Department. The coverage by numerous news agencies has been unrelenting and ongoing since the initial complaint. I have been harassed by a variety of media outlets for comments and interviews. The second complaint letter has been disseminated throughout the city to sworn and civilian members of the fire and police departments. This letter has also likely circulated throughout other departments. Also, an article in the May 13, 2011 issue of the Record Journal confirms their receipt of the second complaint. This front page article cites the sexual assault.

As a result of the actions by officers Huston and Sullivan, I have lost work credibility and it is no longer reasonable to expect that I can be neither effective nor efficient in my patrol officer job assignment at this time. This is evident in the official notification from

the City of Meriden that placed me on administrative duty. I believe that these officers' actions have negatively affected my working conditions and my potential for advancement, promotion, and appointment.

Section 13 of the Meriden Police Department Rules and Regulations states that, "Police must win and retain the confidence and respect of the public whom they serve. This can be accomplished only by constant effort by all members of the department. Efficient, honest, and professional conduct will cultivate in the minds of the community that the men and women of the Meriden Police Department are dedicated to providing a vital public service." The actions and false allegations by officers Huston and Sullivan have eroded the confidence of the public in the Meriden Police Department. They have made false and malicious criticisms that lack truth, evidence, or basis of fact. I respectfully request that the false statements and malicious actions by officers Sullivan and Huston be investigated and addressed. I also request that this investigation be referred to the Police Officer Standards and Training Council (POST C) if deemed necessary.

I believe that officers Huston and Sullivan may have committed several violations which include, but are not limited to the following:



Meriden Police Department Law Enforcement Code of Ethics

Meriden Police Department Oath of Honor

City of Meriden Code of Ethics 21-8(D),(F)

Meriden Police Department Rules and Regulations:

13.2, 13.4 (pp 12); 13.9, 13.11 (pp 13); 13.13, 13.16 (pp 14); 13.26 (pp 26)

Meriden Police Department General Orders:

1.1.1, 1.1.2