



# Meriden Police Department Employee Complaint Form

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

<i>Office Use Only:</i>	
LA#:	IA 11-23
Initials:	LC
Date:	5-3-11

**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		FIRST NAME	M.I.	DATE OF BIRTH / /
STREET ADDRESS and APT#		CITY	STATE	ZIP CODE
HOME PHONE ( ) -	WORK PHONE ( ) -	CELL PHONE ( ) -	SEX <input type="radio"/> MALE <input type="radio"/> FEMALE	

*Information about the incident*

LOCATION OR ADDRESS OF INCIDENT		DATE OF INCIDENT / /	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 Sullivan Huston	NAME OR ID# OF OFFICER OR EMPLOYEE		

*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.

Misconduct

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

Signature: *[Signature]* Date: 5-3-11



# Department of Police



JEFFRY W. COSSETTE  
Chief of Police

50 WEST MAIN STREET  
MERIDEN, CONNECTICUT 06451

To: Chief Jeffry W. Cossette  
From: Sergeant Leonard Caponigro  
Re: Letter from Officers Sullivan & Huston  
Date: May 3, 2011

Sir,

On behalf of myself and Sergeant Glenn Milslagle of the Internal Affairs Division, I write this letter to request an internal investigation concerning the false facts and allegations contained in the recent letter written by Officers Sullivan and Huston.

The fact that this letter became public at the hands of these officers leads me to believe that they have violated numerous sections of the rules and regulations. Some of their statements in the letter may have violated criminal statutes.

Their allegations concerning what the members of Internal Affairs knew about certain situations are false and untruthful. The allegations are without foundation and outright lies.

The Internal Affairs unit has always conducted investigations under the policies outlined in the rules and regulations, and every case is decided by the preponderance of the evidence provided, or uncovered.

I also find it disturbing that three individuals who have recently filed lawsuits against the city are named in their letter. It leads one to believe that these officers may have associated with them and perhaps solicited them to file these suits. It is also interesting that these three individuals and the two officers have the same lawyer.

To have our names slandered with untruthful allegations is a travesty. I request an investigation into these allegations be initiated as soon as possible to look into the following potential violations:

Meriden Police Department Rules & Regulations

Conduct of Officers--	Section 13.2	Page 12
Official Business--	Section 13.9	Page 13
Divulging Criminal Records—	Section 13.10	Page 13
False Reports--	Section 13.11	Page 13
Article XXII Code of Conduct	Section 1 General	Page 29
Improper Conduct	Section 2. 2.15	Page 31
Improper Conduct	Section 2 2.16	Page 31
Improper Conduct	Section 2 2.19	Page 32
Neglect of Duty	Section 5 5.5	Page 35

We are upset at these allegations, and hope that a swift investigation will be initiated.

Thank you

Sincerely,

  
Sergeant Leonard Caponigro  
Internal Affairs Division

  
Sergeant Glenn Minslagle  
Internal Affairs Division

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

**Investigative Report**

**IA #: IA-11-23**

**Category: Class 1**

**Complainant(s): Sgt. Len Caponigro; Sgt. Glen Milslagle**

**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: Sgt. Caponigro  
Then-Sgt. Milslagle  
Off. Brian Sullivan  
Off. Don Huston**

**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 3, 2011, Sergeants Len Caponigro and Glen Milslagle filed a joint formal complaint against Officers Don Huston and Brian Sullivan. The complaint accuses the officers of being dishonest and untruthful in their letters to the city manager, the first of which was released to the public by Huston and Sullivan's attorney, Sally Roberts. After interviewing both Caponigro and Milslagle on separate occasions (October 12<sup>th</sup> and 27<sup>th</sup>, respectively) to obtain specifics from their complaint, I have itemized their complaints as follows:

1. Nancy Stanley internal affairs complaint.....p. 3
2. Cossette/Casanova Maloney's incident.....p. 6
3. Westfield Shopping Mall incident.....p. 8
4. Summer St. IA reference.....p. 9
5. Pedro Temich IA investigation.....p. 10
6. Methvin IA investigation.....p. 14
7. Private duty tardiness.....p. 19
8. Visconti/Wilkinson PBA incident.....p. 20
9. Pierce discipline.....p. 21
10. Milslagle/Mennone gun discovery.....p. 22

## **1. Nancy Stanley internal affairs complaint**

Caponigro and Milslagle take umbrage with the following statements contained in the Huston/Sullivan letter: "Off. Sullivan recently requested a copy of the internal affairs investigation into this incident, and as you can guess the entire incident was swept under the carpet and never investigated. Everyone plead [sic] ignorance to the incident. Off. Sullivan has made them aware, yet they still have not looked into this incident." Sullivan and Huston were referring to an incident that occurred on April 7, 2006, where suspect Nancy Stanley was taken into custody for several charges after fleeing an accident she had been involved in. They allege that Evan Cossette (then a police explorer) used excessive force and tackled Stanley, breaking her arm. Huston and Sullivan feel Cossette should have been investigated for his actions.

Caponigro and Milslagle assert that they knew nothing about the Stanley incident, and nothing indicates otherwise. There are no known officers or civilians (including Stanley herself) who made a complaint to Internal Affairs following the Stanley arrest. For that matter, there is nothing that can be found to be improper in that incident. Therefore, if no one notifies Internal Affairs, they would know nothing about the incident.

On October 17, 2011, I visited Nancy Stanley at the York Correctional Institute in Niantic, CT. I asked her if she remembered the incident in question. Stanley told me that she did and that she is not one to engage in get rich quick schemes, such as lawsuits that are not accurate. She also said that she did not want to lie to me.

Stanley then provided me with a sworn written statement explaining that her arm was broken as a result of the car accident she was in prior to her apprehension, as stated by Officer Fry in his report. She told me that she had crushed her arm against the steering wheel and was in extreme pain. Also, Stanley told me that she was not tackled or hurt by any of the officers at the scene of her apprehension, which corroborates the account given by Salvatore Barbar, a witness at the scene who said that he turned Stanley over to the police and never saw her get tackled or mistreated.

It should also be noted that the Stanley incident occurred prior to Sgt. Milslagle's appointment to Internal Affairs.

On November 29, 2011, I spoke with Off. Brian Sullivan regarding his knowledge of this incident. He admitted that a lot the information he put in his complaint to the city manager regarding this incident was "hearsay" and "based on brother officers," and information that people told him that he believed was true. Sullivan went on to say that he attempted to get the police reports of this case from Internal Affairs but they gave him a great deal of resistance. He was not able to review the reports prior to his letter to the city manager.

Sullivan goes on to say that his facts for this incident are “inaccurate” insofar that Evan Cossette was not a PST at the time but, in fact, a Police Explorer. Sullivan said that without the report he knew that Cossette was working in a civilian capacity of some sort.

I then asked Sullivan if that was the only error in this section of his letter. He said it was and that he stood by the rest of the account. He said that this incident was highly talked about throughout the department, including jokes made to Evan Cossette in roll call where officers would say, “I hope you’re not going to go out and break a woman’s arm.” Sullivan also said that he got a good deal of his information from talks with other officers on the SWAT team.

Sullivan goes on to say that Off. Fry told him that Evan Cossette was responsible for Stanley’s broken arm. Sullivan said, “When an officer tells me something, I believe what they say is true.” Sullivan feels that what an officer says in a SWAT meet or in a locker room should be given the same weight as what an officer says on a call or during an investigation.

Officer Sullivan was then asked that since the comments in roll call were made in a joking matter, was it possible that those who heard the comments took them for just that—jokes or exaggerated material. Sullivan agreed that that was possible.

Sullivan was then asked if what Officer Fry told him was true, would Fry have an obligation to report the incident to Internal Affairs. He said yes. Sullivan was then asked if he had an obligation to report the incident to Internal Affairs. He replied, “I should’ve, yes.”

On December 5, 2011, I spoke with Officer Don Huston regarding this incident as it relates to his complaint to the city manager. He said that Officer Brian Sullivan brought up this incident, although Huston does remember hearing discussions of the incident in the locker room and around the department. Huston does not remember speaking to Fry about this incident, and he concedes that he did not review a copy of the incident reports regarding the case.

On February 16, 2012, Off. Evan Cossette was interviewed regarding this matter. He denied ever using any type of force against Nancy Stanley, and said that he called out for Officer Fry when he (Cossette) saw her exit the home.

As stated in the introduction of this report, the first Huston/Sullivan letter to the city manager (which contained the Stanley incident) was released to the public by their attorney, Sally Roberts, when she sent a copy to the press.

### **Summary**

This portion of Sgt. Caponigro and Sgt. Milslagle’s complaint only pertains to the allegation made by Huston and Sullivan that “the entire incident was swept under the

carpet and never investigated.” (A separate complaint was filed by Officer Fry regarding the allegation that Evan Cossette tackled Nancy Stanley and broke her arm. That investigation is labeled under #IA-11-26.)

My review of the information in this case reveals that nothing was “swept under the carpet” because no complaint was ever made, meaning Internal Affairs never knew about the incident. Huston and Sullivan’s complaint to the city manager states that “everyone [pled] ignorance to the incident,” when asked about the internal investigation into the matter. That statement—when taken in context with the rest of the document—gives the impression of some type of impropriety. Since all evidence indicates that Stanley’s arm was not broken as a result of her arrest (as admitted by Stanley herself), there would have been no reason for an internal affairs investigation, contrary to what was released to the public by Huston and Sullivan.

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.”**

## 2. Cossette/Casanova Maloney's incident

Caponigro and Milslagle next contend that they knew nothing about the off-duty incident between Beau Casanova and Evan Cossette at Maloney's Pub. Caponigro and Milslagle both stated that the incident was not brought to their attention, as alleged by Huston and Sullivan. In fact, the next sentence supports that fact: "They [Chief Cossette and Deputy Chief Topulos] would not initiate a formal investigation, of course, because it would expose the fact that PST Cossette was drinking underage in a local bar."

Indeed, all internal affairs investigations are assigned to Internal Affairs by the Chief or Deputy Chief, as written in General Order 2.7, which defines an Internal Affairs investigation as "An administrative investigation of serious allegations of misconduct assigned to the Professional Standards Unit by the Chief or Deputy Chief of Police, from which Departmental disciplinary action may result." Therefore, if Internal Affairs is not assigned the case, it cannot be investigated, or possibly even known.

Caponigro and Milslagle also take offense to Huston and Sullivan's public questioning of the integrity of Internal Affairs when they wrote, "...if Internal Affairs had any integrity, they would have conducted a full investigation." Again, all IA investigations are assigned through the Chief's Office. They are then assigned a control number within Internal Affairs and investigated. There is no evidence to support the fact that Caponigro or Milslagle had any knowledge of incident at Maloney's.

### Summary

Neither Huston nor Sullivan was able to provide any proof that Internal Affairs was aware of the incident. On the same token, Sgt. Caponigro and then-Sgt. Milslagle could not prove that they *weren't* aware of the incident. Therefore, neither assertion could be verified.

However, as stated earlier, Internal Affairs does not investigate an incident unless it is assigned by the chief or deputy chief. For Huston and Sullivan to publicly state, "if Internal Affairs had any integrity, they would have conducted a full investigation," is reckless and troubling. A layperson would not be aware that all investigations need to be assigned by the chief or deputy chief. For Huston and Sullivan not to include that in their public letter gives the impression that Internal Affairs can investigate whatever they want. To state it simply, the issue is not of the integrity of Internal Affairs, but of what assignments they are given through the Office of the Chief. Even if Internal Affairs were aware of the Cossette/Casanova incident, the case would still need to be formally assigned to them.

Therefore, if Huston and Sullivan felt that an incident should have been investigated, their focus should be with the Office of the Chief and not Internal Affairs.

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.**
  
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### **3. Westfield Shopping Mall incident**

Caponigro and Milslagle next dispute the allegation that Huston/Sullivan made regarding an incident involving Officers Cossette and Giammarco at the Westfield Shopping Mall. However, to avoid a double jeopardy scenario, this portion of Caponigro and Milslagle's complaint will be skipped since it was already investigated under #IA-11-44, which was Det. Mike Siegler's complaint of untruthfulness against the duo.

#### **4. Summer St. IA reference**

For their next contention, Caponigro and Milslagle both take issue with the last line in the top paragraph of the third page of the first complaint letter, specifically: "...and they felt as though IAD would just sweep it under the carpet, as they have so many times before." That sentence followed an accusation by Huston/Sullivan that Off. Cossette used excessive force on an individual on Summer St. and that witnesses were too fearful to report it or felt that Internal Affairs would "sweep it under the carpet." Caponigro, during his interview with me, called Huston and Sullivan's claim "an allegation without foundation."

Both Caponigro and Milslagle also maintain that, again, they were never aware of the Summer St. incident and no one (police or citizen) had reported it to their office. No documentation was found that could prove otherwise.

Huston and Sullivan's contention that Caponigro and Milslagle would sweep a case under the carpet, "as they have so many times before," is a significant one. But there is no evidence support their claim. This is an instance of one person's word against another's.

Based on the preceding information, I have labeled this case with the following disposition: **Not Sustained.**

## **5. Pedro Temich IA investigation**

Caponigro and Milslagle then contend that Huston and Sullivan's allegation regarding the role Internal Affairs played in the Pedro Temich push is false. As it relates to this portion of the Huston/Sullivan letter, Internal Affairs is mentioned in the following bulleted sentences:

- “To add insult to injury, that matter was not investigated by internal affairs although everyone in the department was well aware that it had occurred.”

It can only be assumed that Huston/Sullivan meant to write that the matter was not *immediately* investigated by Internal Affairs because two paragraphs later, Huston and Sullivan write, “Ultimately IAD investigated Officer Cossette.” Also, there is documentation of an internal affairs investigation initiated by Sgt. Caponigro, assigned by Deputy Chief Topulos, and conducted by Sgt. Caponigro (IA-10-32).

- “He [Cossette] is dangerous and has seriously hurt several people and yet he faces no discipline when any other Officer in his situation would face criminal charges.”

This statement is false on two counts because 1) Cossette was disciplined with a letter of reprimand (and not a letter of counseling, as indicated by Huston/Sullivan) and 2) another officer (Ganter) who *was* in Cossette's situation (pushing a handcuffed prisoner) did *not* face criminal charges.

Huston and Sullivan mischaracterized the discipline administered to Cossette. Twice in their complaint letter to the city manager they indicate that Off. Cossette was given a letter of counseling. This simply is not true. A letter of counseling is not one of the recognized categories of discipline within the Meriden Police Department. A letter of counseling is simply a documented record of a meeting between a subordinate and a superior officer when the superior officer calls “to the employee's attention a specific deficiency in performance or improper action, however, counseling sessions are not a prerequisite, in all cases, to discipline.” (G.O. 26.1.4)

Also, the *Supervisory Authority* section of General Order 26.1.5 states even more clearly that if “the misconduct is very minor, such as a minor mistake, departure from procedure, or the exercise of inappropriate judgment, the supervisor may take immediate corrective action in the form of counseling. Counseling is not considered a form of discipline.”

Therefore, since counseling is not considered a form of discipline, Huston and Sullivan write a very reckless (not to mention false) statement by indicating that Cossette “was given a letter of counseling” for his actions. Their statement gives the impression that Cossette faced no sanction for his actions.

In actuality, the Office of the Chief administered Off. Cossette a written reprimand, which is defined as follows:

A documented censure for a more serious situation, or as a result of a continuing pattern of behavior involving repeated minor misconduct or mistakes, that serves as a notice to the employee that strongly admonishes the employee's behavior, conduct, and/or performance, and that corrected performance must take place immediately in order to avoid further disciplinary action including dismissal. (G.O. 26.1.4)

This discipline to Officer Cossette was delivered on August 31, 2010, by Deputy Chief Tim Topulos, about two months after Sgt. Caponigro notified the deputy chief about the video (June 22, 2010) and then began the investigation.

During my interview with Officer Sullivan, I asked him why he wrote that Off. Cossette received a letter of counseling for his actions. Sullivan then reviewed his documents and said, "Oh, a letter of reprimand." I asked him if he was aware they were not the same, and he said no. I asked him if he was aware of the five discipline steps. Again he said no. He then said that a "letter of discipline and a letter of reprimand are the same thing." However, there is no letter of discipline classification within the department's punitive options.

Officer Huston was also asked why he and Sullivan wrote that Cossette had received a letter of counseling. He responded that for the Temich case, Cossette received a letter of reprimand. I again asked him why his letter indicates a letter of counseling was issued. He replied, "I have no idea... Yeah, it should read, actually, letter of reprimand."

- "Interesting how Sergeant Caponigro was aggressive in pursuing the investigation [Ganter's]."

Caponigro was able to actively pursue the Ganter investigation because he personally witnessed it. Both Milslagle and Caponigro maintain that they only became aware of the Temich incident when Lt. Gaynor alerted them to the matter. There is no evidence to indicate that Caponigro or Milslagle knew anything about the incident prior to Gaynor's notification. Both Caponigro and Milslagle readily admit that Internal Affairs is not the most popular office in the department, and that officers are not eager to convey information to them.

- "Both Internal Affairs Investigators were aware of this situation as well as the Deputy Chief and Chief. It was a complete cover up and in our opinion is Police corruption. They knowingly allow Officer Cossette to get away with this brutal assault that could have killed this suspect in police custody." [sic]

Caponigro and Milslagle argue that they were not aware of the situation and that there was no cover up. Huston and Sullivan wrote that Internal Affairs "knowingly allow[ed] Officer Cossette to get away with" the push, but as stated earlier, Caponigro and Milslagle only became aware of the Temich push when they were alerted to it. Plus, once

Caponigro did become aware of the incident (Mislagle was not involved in the Temich investigation), he notified the Deputy Chief who in turn assigned it to be investigated, resulting in Cossette's discipline. Therefore, for Huston/Sullivan to write that Internal Affairs allowed Cossette to "get away" with what he did is simply not true.

When I interviewed Off. Sullivan, he said that he finds it hard to believe that IA and administration did not know about the incident because "it was common knowledge around the PD." He also feels that they would know about the incident because of the suspect-resistance forms. However, upon my review of the forms, they do not indicate anything out of the ordinary that would lead one to believe any wrongdoing occurred. Also, when a suspect-resistance form is completed, it is forwarded to the captain of patrol, signed off by the deputy chief, and then filed with the Professional Standards Unit. The forms do not go to the Office of Internal Affairs.

Off. Sullivan then brings up another reason for why he felt Internal Affairs knew about the pushing incident. Sullivan stated that he was told by Sgt. Caponigro that in-house videos were only saved for 30 days. However, during Caponigro's IA investigation with Off. Cossette, which occurred about seven weeks after the incident, Caponigro makes reference that the video from the camera outside the door to the cell didn't catch anything of evidentiary value because "when they opened the door it blocked the view." Therefore Off. Sullivan feels that Sgt. Caponigro must have known about the video within 30 days of the incident, not at the seven-week point as he contends.

However, as Sgt. Caponigro described in his interview with me, videos from the old system (which was in effect at the time of the incident) were preserved from 60 to 70 days, or even longer, depending on the number of cameras in use. (A new system has since been put in effect.) I spoke to Lt. Elionfante and a representative from Mule Security, both of whom are familiar with the system. They confirmed that the old video system could go back about a couple of months, but that the exact number of days could not be determined because it was contingent upon the amount of cameras in use.

Based on this information, it was entirely possible that Caponigro did view the cell footage seven weeks after the incident occurred, when he was made aware of the footage. In his internal affairs investigation regarding Cossette's actions, he wrote that he was notified of the incident on June 21, 2010, and watched the video on the same day. (The incident occurred on May 1, 2010.)

Also, the fact that Caponigro retrieved, viewed, and made copies of the other two video recordings of the incident (the sally port view and the interior cell video) seven weeks after the event indicates that he most likely viewed the third recording at the same time. The third recording was captured from the camera on the south wall of the booking area and points into the Intoxilyzer room. In his interview with me, Sgt. Caponigro indicated that when he viewed this third recording, it simply depicted the top of the cell door and had no evidentiary value. Therefore, he did not make a copy of the footage, and it was subsequently recorded over after the passage of time.

Finally, when I asked Officer Huston about the sentence, “Both Internal Affairs Investigators were aware of this situation as well as the Deputy Chief and Chief.” Huston said, “I don’t know what Brian [Sullivan] meant by that.”

### Summary

Huston and Sullivan’s description of Internal Affairs’ role in the Temich incident is false or reckless in several areas. Specifically, contrary to their claims,

- Off. Evan Cossette was disciplined, not simply counseled.
- Off. Ganter *was* involved in a very similar incident and did not face criminal charges.
- Sgt. Caponigro was performing his duty by alerting the Office of the Chief when he became aware of both incidents of misconduct (Cossette and Ganter). There is not evidence of his “aggressiveness” in pursuing Ganter.
- Huston and Sullivan’s assertion that Internal Affairs was aware of Cossette’s misconduct simply does not jibe with statements given by Sgt. Caponigro, Lt. Milslagle, Lt. Gaynor, and Deputy Chief Cossette. All gave similar accounts of how the Temich push was brought forward, investigated, and ultimately concluded. Huston and Sullivan were unable to prove that Internal Affairs was aware of the incident when it happened. On the contrary, the preponderance of the information indicates that Internal Affairs not only investigated the matter, but also brought it to the Deputy Chief’s attention when it came to light.

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.**
  
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## **6. Methvin IA investigation**

Caponigro and Milslagle next dispute Huston and Sullivan's account of Internal Affairs' handling of the Robert Methvin incident. The first mention of Internal Affairs in this portion of the complaint includes the following sentences:

"I was met with such a great deal of resistance attempting to obtain a copy of the recording. Internal Affairs refused to release a copy of the tape....I was forced to submit a request to Meriden's Legal Department and they authorized the release this recording."

Milslagle told me that he did not investigate the Methvin investigation because it was assigned to Caponigro. Milslagle also said that neither Huston nor Sullivan asked him for a copy of the internal investigation or any recording.

Caponigro told me, however, that he recalls Sullivan asking him for a copy of the Methvin internal affairs investigation. He also told me that he did not immediately provide a copy of the case to Sullivan because Caponigro was under the impression that he needed to notify the officer who was subject to the complaint by providing that officer an Objection Form, which would allow the officer to object to the release of the information based on privacy interest that was described in Connecticut General Statute 1-214. Caponigro provided officers with such forms as a matter of course whenever administrative cases were requested. In fact, on Dec. 3, 2002, Caponigro sent a memo to all department personnel notifying them of that fact. (See attached memo and Objection Form)

However, after Sullivan's request, Caponigro was notified by Meriden's Legal Department that administrative investigations are not considered part of an employee's personnel files, which are covered under the privacy interest of C.G.S. 1-214. The report was then released.

In regards to this incident, I spoke to Meriden's city attorney, Debbie Moore. She told me that there are indeed some instances when an officer can be given the opportunity to object to an FOI request regarding his/her personnel files. When it was determined that this particular request did not meet that criteria (as indicated in state statute), the files were released. Attorney Moore then provided me with an updated version of an FOI objection form. (The old and new forms are provided with this report.)

Huston/Sullivan do not mention the reason that Caponigro delayed the release the report. Rather, with their account of the situation in their complaint letter, one can easily conclude that the report was not immediately released because Internal Affairs was trying to hide something. However, there is simply no evidence to support that.

Huston and Sullivan then write, "Sergeant Caponigro makes no attempt to question Methvin or obtain any medical records to substantiate his injuries." This is clearly not true as a letter from Caponigro to Methvin is included in the administrative case file. The letter requests that Methvin submit a statement of what happened on the night in question

(see attached letter). The letter to Methvin included Caponigro's phone number, and Caponigro said he does not remember getting a return call from Methvin.

Huston/Sullivan next complain that when the internal affairs investigation was conducted, Caponigro did not ask Off. Cossette where Cossette's knee strike was delivered. This is true, and Caponigro told me that, in retrospect, he should have asked where the strike was delivered. However, Caponigro also added that he was actually doing more than he would normally do on an investigation where the complainant does not cooperate. Caponigro said that fact also explained his "going through the motions" comment. He admits that he, indeed, was doing just that. Because he did not have a cooperative complainant, Caponigro was going through the motions and preparing to close the case.

Despite what Huston/Sullivan write in their complaint letter, Caponigro did not say, "We are just going through the motions and make this one go away." That quote implies that Caponigro is covering up any potential misconduct on the part of Cossette or Cerejo (who Methvin also criticized in his formal complaint), and it is a serious accusation. However, review of the audio recording reveals that Caponigro actually said, "Okay, like I said, I was going through the motions." He then indicates that he will talk to Cerejo and close investigation. At no time does he say "and make this one go away."

Huston/Sullivan conclude the Methvin portion of their complaint by alleging that Methvin came to the police department "on multiple occasions attempting to get the status of his complaint." They cite Officer Glen Felton as their source for this information. On Sept. 29, 2011, I spoke with Officer Glen Felton. (Felton's interview was also used for Det. Siegler's complaint against Huston and Sullivan.) Felton said that during the time period in question, he had been assigned to the entry window on a light-duty status. Felton recalls that on one of the days he was working entry, Methvin came in and requested to talk to someone in Internal Affairs. Felton then called Caponigro, who in turn responded that Methvin needed to make an appointment. Felton said that he then gave Methvin a complaint form, but Methvin said that he already filled one out.

Although Felton cannot remember the date that Methvin came in, he does recall seeing some bruising on him. Felton went on to say that this was the only time that he spoke with Methvin or that Methvin came to the entry window while he was working. The only other time that Felton saw Methvin was days later when he saw Methvin at the Records window. Felton said that he doesn't know exactly what Methvin was doing there the second time, as he did not speak to him.

Felton said that after he saw Methvin on that second occasion, he did not see him again at the police department.

At the conclusion of the interview, Felton was asked if he had had any conversations with Sullivan or Huston regarding Methvin's visits. Felton said that he did speak to Sullivan about seeing Methvin twice, including the one time that Methvin asked to speak with someone from Internal Affairs. This would seem to contradict Huston and Sullivan's

claim that “Officer Felton working entry can attest to the multiple times that Methvin came to entry, attempting to speak with Sergeant Caponigro.”

Also, it is unknown whether Methvin came in to the police department asking to speak with someone in Internal Affairs before or after Caponigro sent him the letter. Off. Felton said that he believes that he spoke with Caponigro when Methvin came in, but it is possible he spoke to Sgt. Milslagle. Since it is unknown what date Methvin came in and spoke to Felton, it is difficult to corroborate other particulars. Both Milslagle and Caponigro have no recollection of talking to Off. Felton or Robert Methvin on the telephone.

Huston/Sullivan then write, “Even in the event that Methvin never filed a complaint. The department is obligated to contact an investigation of any misconduct of an Officer.” [sic] This is not always the case. Most cases are extremely difficult to investigate without a complainant. This is true in both the criminal and administrative realm. Off. Sullivan has even benefited from this logic. For example, on June 9, 2011, Off. Blake, who is the school resource officer for Platt High School, came to my office to let me know that he had heard concerns from teachers and students at the school that when Off. Sullivan was the school resource officer he engaged in extremely inappropriate behavior including—among other things—having female students sit on his lap, telling students he could get away with things because he was a cop, showing students pictures of him having sex with his girlfriend, and sending a lesbian student an instant message indicated that he wanted to have sex with her ex-girlfriend.

Although these allegations were made by several individuals, without a complainant that is willing to step forward to corroborate the claims they are simply speculation and rumor. An investigation would be fruitless without a complainant.

Sgt. Caponigro was then asked if any of his investigations were influenced by the fact that Off. Cossette was the chief’s son. He responded that he has investigated individuals that have held the rank of patrolman up to and including chief of police. He said that Off. Cossette’s relation to the chief had nothing to do with any of his findings.

On November 29, 2011, I interviewed Officer Sullivan. He said that he was given the run around when he requested the video from the Methvin arrest. Sullivan said that he was told that there was a delay in obtaining the video because it had to be determined whether the officer objected to it or not. Sullivan then said, “It doesn’t matter if they object, you have to release it.”

Off. Sullivan went on to say that he heard from Methvin’s daughter that Methvin had come to the police station on two separate occasions. Sullivan also mentions the information that Off. Felton had regarding Methvin’s visit to the police station.

Next, Off. Sullivan was confronted about the Caponigro quote that he and Off. Huston cited in their letter (i.e., “we are just going to go through the motions and make this one go away.”). When told about the issue of whether those were the words used by

Caponigro, Sullivan said they were the “exact” words. However, Caponigro never said “and make this one go away,” as written by Huston and Sullivan. The audio recording was played for Sullivan to demonstrate that fact.

During my interview with Officer Huston, he said that he spoke with Officer Felton regarding Methvin coming to the P.D. to talk to an Internal Affairs investigator, but Felton didn’t mention how many times Methvin came in.

Huston also said that the majority of the letter was written by Off. Sullivan.

### Summary

Sergeants Milslagle and Caponigro have valid points regarding portions of their complaint. Some points that appear to be false or reckless in Huston and Sullivan’s letter include:

- the “great deal of resistance” encountered by Off. Sullivan in obtaining a copy of the Internal Affairs recording of Off. Evan Cossette’s interview by Sgt. Caponigro. While it is technically true that Sullivan was encumbered by the sergeant’s belief that he allow an officer to object to the release of his information (as described in Connecticut General Statutes), once Caponigro was corrected by Meriden’s legal department, the audio was released. Failure to mention that skews one interpretation of Caponigro’s motives.
- “Sergeant Caponigro makes no attempt to question Methvin or obtain any medical records to substantiate his injuries.” This was clearly not the case, as the IA file contains a letter sent to Methvin requesting a statement from him.
- “We are just going through the motions and make this one go away.” Huston and Sullivan claim that Sgt. Caponigro made this statement to Off. Cossette at the end of the interview. While it is true that Caponigro did say that he was going through the motions, he did not say that he was going to make the case go away.
- Sullivan and Huston claimed “Officer Felton working entry can attest to the multiple times that Methvin came to entry, attempting to speak with Sergeant Caponigro.” When I interviewed Officer Felton, he said that Methvin spoke to him only one time requesting to speak to someone in Internal Affairs.

When taken individually, these conflicting statements may seem slight, but when examined as a whole, the accusations in the Huston/Sullivan letter seem much worse than if they had contained the actual situations as they occurred.

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. Private duty tardiness**

Caponigro and Milslagle also challenge Huston/Sullivan's portrayal of being targeted ever since "coming forward and looking to stop the nepotism and disparate treatment." This portion of Huston/Sullivan's complaint letter was already investigated under #IA-11-44, which was Det. Mike Siegler's complaint of untruthfulness against the duo. It will not be examined here to eliminate the potential for double jeopardy.

## **8. Visconti/Wilkinson PBA incident**

Sergeants Caponigro and Milslagle then take umbrage with Huston and Sullivan's depiction of the Visconti/Wilkinson PBA altercation and how it was handled. Both Caponigro and Milslagle insist that they had no knowledge of the incident. But even if they had, it would have been up to the Chief's Office to assign the case, since Internal Affairs does not take it upon itself to investigate cases unless they are assigned, as mentioned earlier in this report.

However, because this portion of the Huston/Sullivan complaint letter is already investigated in #IA-11-44, it will not be examined here to eliminate the potential for double jeopardy.

**9. Pierce discipline**

Caponigro and Milslagle next challenge Huston/Sullivan's account of the alleged disparate treatment shown to Off. Pierce. This account is detailed in the second page of Huston and Sullivan's second letter. This portion of the complaint was already investigated under #IA-11-24, which was Off. Robii Abouchacra's complaint of untruthfulness against the duo. Therefore, it will not be examined again here.

## **10. Milslagle/Mennone gun discovery**

Huston and Sullivan then go on to describe an incident involving Sgt. John Mennone. They describe how Mennone had investigated an incident where an individual had been discovered in possession of a firearm. Mennone had seized the firearm and was to apply for an arrest warrant for the suspect. However, he never did.

Four-and-a-half years later, during an inventory of the police department's evidence room, Sgt. Milslagle had found the weapon and asked Sgt. Mennone if it was still needed. Mennone, who had forgotten about the weapon, told Milslagle that the weapon could be destroyed. Mennone did, as Huston and Sullivan wrote, close the case and never made the arrest.

I interviewed Acting Lieutenant Milslagle on Oct. 27, 2011. He told me that he had no idea about anything regarding the case particulars of the seized gun. He simply asked the investigating officer (Mennone), who was a supervisor when Milslagle asked him, whether the gun was still needed.

Milslagle then told me that he had not heard anything further on the matter until he read the Huston/Sullivan letter. When police administration became aware of the matter, they immediately opened an internal investigation. Sgt. Caponigro investigated the incident and felt that Mennone violated Section 5 of the Rules and Regulations (*Neglect of Duty*).

At Mennone's disciplinary hearing, Chief Cossette issued him a letter of counseling. He also wrote, "According to the Personnel Director, Caroline Beitman, an employee cannot receive formal discipline for an incident that occurred 5 years prior to the hearing. Had this not been the case, a more severe sanction would have occurred."

Milslagle told me that he took issue with Huston/Sullivan's claim that "Administration was aware and the matter was not investigated." Milslagle said that no one knew that there was a violation. Only Mennone, upon checking into the case number assigned with the gun, would have known that he was in violation of a procedure. The fact that he wrote and swore to his own report would lead one to believe that he did not want anyone else to find out about the matter. As stated other times throughout this report, Internal Affairs can only investigate violations that it is aware of.

I could find no one besides John Mennone who was aware of the violation. However, it is clear in Huston and Sullivan's second letter that they were aware of the problem, as well. They wrote, "The disclosure was leaked from the evidence room."

Off. Sullivan was then interviewed for this portion of his complaint. When asked where he received his information, he said that everyone in the rumor mill was talking about it. He also said it was "locker room talk." Sullivan said he doesn't remember specifically whom he was talking to about it.

He then went on to say that once he had heard about the Mennone incident, he started looking for the case number, which he eventually obtained from the evidence room technician (Mary Weber-Dorau) and Records Unit clerk (Diane Ritchie).

Sullivan then goes on to explain how he thinks then-Sgt. Milslagle should have reported or acted on his discovery of what Mennone had done. But Sullivan makes this assertion not knowing the specifics of what exactly transpired when Milslagle found the gun. Sullivan makes the assumption that Milslagle knew what Mennone did and subsequently decided not to act on it. However, there is nothing to indicate that that was the case. Milslagle stated that he found the gun and then asked Sgt. Mennone whether it was okay to destroy it or not.

Sullivan goes on to say that Internal Affairs should have initiated a complaint against Mennone, adding, "When the chief found out this happened, he initiated an IA." The chief initiated the internal investigation against Mennone when he found out about the possible misconduct since it was included in Huston and Sullivan's letter to the city manager. Sullivan does not, apparently, feel that Internal Affairs also found out about the specifics of the incident by reading the letter.

Sullivan was later asked why he felt Milslagle did not open an internal investigation on Sgt. Mennone. Sullivan answered, "I don't know why he didn't open it."

I then asked Sullivan who the people were who "feared retaliation if the[y] attempted to find out what happened," as documented in his letter. His response:

There's a lot of people that talked to me that don't want to be mentioned, so I won't mention their names. They told me off the record. I'm not gonna tell you this that. So I won't mention people's names...

I then reminded Off. Sullivan that he was mandated under his Garrity Warning to answer my questions. I then asked him again who the individuals were that feared retaliation. He told me that he didn't have specific names and that when people gave him information they didn't want to get "involved in saying stuff." I then told Sullivan that he just said that "a lot of people" talked to him that didn't want to be mentioned. He also said that he "won't mention people's names," indicating that he knew the individuals that told him. Sullivan acknowledged that he did just say that, but said, "I actually don't really have everybody's names." Sullivan could not name one individual who feared retaliation.

I then asked Sullivan about the line, "Administration was aware and the matter was not investigated." I asked him what he meant by "administration." Sullivan said he was referring to Milslagle.

During Off. Huston's interview, he was asked about his knowledge of the incident. He replied that Sullivan provided him with all the information and also gave him a copy of the report.

Huston was then asked if he was aware of the Mennone incident prior to Sullivan giving him the information. He said he wasn't. This would counter Sullivan's claim that everyone knew about it.

Huston then went on to talk about how he had been given conflicting union information by John Williams and Mike Siegler. I asked if that made him wonder about the accuracy of all the information he hears throughout the department. Huston admitted, "Sometimes the facts aren't 100% [true]." However he did feel that if enough people were talking about it, then the validity would increase.

### Summary

My interviews with Sgt. Caponigro, then-Sgt. Milslagle, Sgt. Mennone, Deputy Chief Topulos, and Chief Cossette, were all consistent. They all (except Mennone, obviously) confirm that they knew nothing of Mennone's actions until the Huston/Sullivan letter became public. Once the Huston/Sullivan supplemental letter was dispersed to officers and administration became aware of the incident, the chief assigned Mennone's possible misconduct to Sgt. Caponigro. Caponigro's investigation resulted in a finding of neglect of duty, but because of the delay since the transgression, Mennone was given only a counseling letter.

Officers Huston and Sullivan provided no evidence to support their claim that "[a]dministration was aware" of the matter, other than the claim that it "was the talk of the department." Meanwhile the supervisors listed above give logical and similar explanations of their knowledge into the incident. Milslagle would never have known about the specifics of Mennone's gun case unless Mennone told him, and the information I gleaned indicates that he did not.

Officer Sullivan also contradicted himself in his interview when I asked him to tell me what officers "feared retaliation" in this matter. He initially said that the officers did not want their names mentioned. When I reminded him that his Garrity Warning was in effect, he told me that he actually didn't have any officers' names.

Huston and Sullivan's description of the incident concludes with the line, "Troubling because IAD investigated Officer Shean around the same time for having outstanding cases yet because of who you are will determine if it is investigated and brushed to the side. [sic]" In actuality, my investigation revealed that what administration *is aware of* will determine whether one is investigated or not.

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.”**

I also believe that the preponderance of the evidence shows that Off. Sullivan 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)**

## **Conclusion**

Because of the amount of possible violations committed by Officers Huston and Sullivan, it is believed that they may have violated their oath of office, as well. Therefore, as a result of the complaint made by Sergeants Caponigro and Milslagle, I have determined that Officers Huston and Sullivan may have committed the following violations:

### **Officers Huston and Sullivan**

Four counts of **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.**

Five counts of **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."**

One count of **Meriden Police Department General Orders**

#### **General Order 1.0.2 (Oath of Office)**

### **Officer Sullivan**

One count of **Meriden Police Department General Orders**

#### **General Order 1.0.2 (Oath of Office)**

One count of each of **Meriden Police Department Rules and Regulations**

#### **Section 1 (General)**

**1.1 (p. 29)**

*Any violation of the rules and regulations...or any act which tends to undermine the good order, efficiency and discipline of the department...shall constitute "conduct unbecoming an employee."*

**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.*

Det. Lt. Mark Walerysiak  
Internal Affairs Unit  
Meriden Police Department

March 2, 2012

