

3 MAIN STREET
NEWTOWN, CONNECTICUT 06470
TEL. (203) 270-4360
FAX. (203) 270-4247



Joel Faxon
Andrew Sachs
Scott Cicciari
Neil Chaudhary
Joan Plouffe

TOWN OF NEWTOWN

BOARD OF POLICE COMMISSIONERS

The Board of Police Commissioners
Regular Meeting, Tuesday, February 2, 2021

This meeting was held remotely due to COVID-19 mandates and precautions and lack of appropriate space due to Election Day

MINUTES ARE NOT FINALIZED UNTIL APPROVED BY THE BOARD OF POLICE COMMISSIONERS

Present: Joel Faxon, Scott Cicciari, Neil Chaudhary, Joan Plouffe, Andy Sachs

Also Present: Chief Viadero, Capt., Officer James, one member of the public and one member of the press.

Chairman Faxon called the meeting to order at 6:31p.m.

Public Participation: none.

Police Union Participation: Officer James said that the union is looking at the booking area, working logistically to determine how it will be handled as safely for the prisoner, as well as the officers, as the area is larger than what patrol is used to at 3 Main St. All noted suggestions will be presented to upper administration. This month there is a better idea of how to finish the gym at the new PD but the priority is transitioning booking safely from the old to the new.

Consideration and action on the minutes: Commissioner Plouffe moved to accept the minutes of January 5, 2021. Commissioner Chaudhary seconded. All in favor.

Chief's Report: The budget has gone through the Board of Selectmen; the next steps are the Board of Finance and the Legislative Council. There is an \$8,600 increase due to the Police Accountability bill for police psychological and drug testing. There is also a one time software charge related to the new fingerprint system that will be in February or March. January was a busy month but nothing out of the ordinary. Chief Viadero talked about an alarming video out of Rochester, NY. In response to phone calls Chief Viadero states he is very confident our officers know how to handle a situation such as this. Most officers are trained well in crisis intervention, well versed in mental health issues and able to deal with youth in crisis. The department polices strongly dictate what is permissible and what is not. Chief Viadero offered condolences to Commissioner Chaudhary, on behalf of the Newtown Police Department, on the loss of his mother, as did Chairman Faxon, on behalf of the Police Commission. Taunton Hill Road, Toddy Hill Road and Poverty Hollow Road are traffic focuses now. There is a focus on commercial truck traffic on Taunton Hill Road; the traffic commission is moderating as far as signage. Poverty Hollow is also a cut through. Enforcement continues on Toddy Hill Road. Capt. Vanghele reported a spike in COVID cases in early January, beginning in one specific room. Three to four members went out with COVID like symptoms, eventually snowballing to ten or eleven people with symptoms resulting in staff out to be tested. Eleven officers tested negative; three tested positive. All were properly quarantined and are now back at work. Additionally, all three will be getting the second shot of the vaccine. The spike was over within a two week period. Chief Viadero talked about the articles in the Newtown Bee and the Danbury News Times relative to AED's that were donated to the NPD. A Newtown resident and member of the Danbury Emergency Department, Dr. Robert Bazuro, was an instrumental part of the donation initiative. Chairman Faxon voiced appreciation for the very important equipment that was donated as you never know when the officers will need them. Chief Viadero said that the storage capacity for the body cams is phenomenal and part of the

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Town Clerk of Newtown 10:21 am
Debra G. Gaudin, Clerk

original grant. The current cameras are 4 ½ years old; some are damaged. There are funds in asset forfeiture; additionally the First Selectman understands the need. This is a statutory requirement as a result of the Police Accountability bill. Chairman Faxon recognized the importance of this tool in this environment and believes it should be suggested to the elected representatives that there be funding available either through the state or federally. Chief Viadero said there are still grant funds with changing availability. The department is not looking to get into a service contract as there is currently server capacity that will support the cameras.

Old Business:

a.) Civilian Review Board: Chief Viadero received a legal opinion from David Grogins, Town Attorney relative to the Civilian Review Board (att.). His opinion is that the Board of Police Commissioners is acting as a Civilian Review Board. There should be mention in the Charter that the Police Commission is acting in authority with the State Statute as the Civilian Review Board. This would alleviate any confusion and there wouldn't be conflicting boards. The Newtown Board of Police Commissioners authority and duties are given by Charter and State Statute. Commissioner Cicciari agrees a recommendation should be made. Chairman Faxon said he received an email from Paul Lundquist, Chairman of the Legislative Council, requesting input on the board for the upcoming Charter revision. The Board of Selectman sent a recommendation to Mr. Lundquist that the Board of Police Commissioners should be noted as the Civilian Review Board in section 2-160. There was discussion on subpoena powers; the State Statute gives the Police Commission subpoena powers. The Charter has limited language. Chairman Faxon moved that the Board of Police Commissioners convey to Paul Lundquist that the Board of Police Commissioners recommends amending the Charter to include the following provision, under 2-160 "The Board of Police Commissioners shall be authorized to act as the Civilian Review Board for the Town of Newtown." Commissioner Chaudhary seconded. All in favor.

b.) Police Building Update: For the most part everything is settled in the new building. Dispatch and booking is still done out of 3 Main Street. Dispatch will be in the new building by March 16; at that time the new building will be 100% in use.

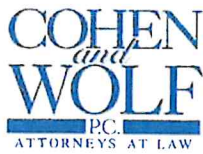
Correspondence: There have been emails thanking officers.

Commissioner Participation: Commissioner Plouffe inquired about concerns she's heard about school drop off and pick up. Chief Viadero said officers have been out sick. The SRO is back at the Middle School and the SSO's are doing traffic at the High School and Hawley. The traffic control signal at Reed has been working fine. All points are covered.

Public Participation: none.

Adjournment: Having no further business to report Commissioner Cicciari moved to adjourn the regular meeting of the Board of Police Commissioners at 7:02 p.m. Commissioner Plouffe seconded. All in favor.

Respectfully submitted,
Susan Marcinek, Clerk



HERBERT L. COHEN
(1928-1983)

AUSTIN K. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
NEIL R. MARCUS
G. KENNETH BERNHARD
DAVID L. GROGINS
GRETA E. SOLOMON
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RICHARD J. DI MARCO
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SARA K. BONAIUTO
ANDREW S. PHILBIN
DAYNA M. CHUCTA
JONATHAN W. FAZZINO

OF COUNSEL
JANE B. EMONS
CLIFFORD A. MERIN
JOSHUA PEDREIRA
MICHAEL S. ROSTEN
SUZANNE B. SUTTON

DAVID L. GROGINS
Please Reply To Danbury
e-mail: dgrogins@cohenandwolf.com

February 2, 2021

Chief James Viadero
Newtown Police Dept.
191 South Main Street
Newtown, CT 06470

Re: Civilian Police Review Board

Dear Chief Viadero:

Per our telephone conversation of January 21, 2021, you have requested that I review the provision of the Police Accountability Bill (House Bill No. 6004, signed into law on July 31, 2020) with regard to the provision of Section 17 thereof creating the "Civilian Police Review Board".

In this regard, you have requested that I opine as to whether the creation of a Civilian Review Board is required by the Bill, and what is the effect of the Bill on the existing Board of Police Commissioners (Section 2-160, Newtown Town Charter).

As to the first question, it is clear that the creation of a Civilian Review Board (created in Section 17 of the Bill) is not required. Its creation is optional as stated explicitly in the Bill. It is also clear that the Civilian Review Board, as provided for in Section 17, could overlap in its functions with the Board of Police Commissioners ("Board") (see Section 2-160(c)(3), which grants authority to the Board of Police Commissioners to deal with violations by police officers of regulations adopted by the Board, including the "power to suspend or remove members and officers" of the police force.

In reviewing the Bill, the only functions which are provided for in the Bill, as opposed to the power granted in the Charter, is the power of subpoena, and the power to "compel books and papers".

Perhaps the about to be appointed Charter Review Commission could look at this issue and adjust the powers of the Board of Police Commissioners accordingly.

Very truly yours,

David L. Grogins
David L. Grogins

DLG:pld

1115 BROAD STREET
P.O. Box 1821
BRIDGEPORT, CT 06601-1821
TEL: (203) 368-0211
FAX: (203) 394-9901

158 DEER HILL AVENUE
DANBURY, CT 06810
TEL: (203) 792-2771
FAX: (203) 791-8149

320 POST ROAD WEST
WESTPORT, CT 06880
TEL: (203) 222-1034
FAX: (203) 227-1373

