

## **Police Officer Appeals – Civil Service Commission Special Meeting**

City Hall, 45 Lyon Terrace, Bridgeport, CT 06604 Wheeler Rooms A+B

Tuesday, February 25, 2014

### **MINUTES**

Commissioner Eleanor Guedes called the February 25, 2014 special meeting of the Civil Service Commission to order at 10:10 a.m. Present were Commissioners Rodgers, Plummer and McBride. Personnel Director David Dunn and Clerk to the Commission Deborah Brelsford were also in attendance. Police Chief Joseph Gaudett and Assistant Police Chief James Nardoizzi were in attendance as well. Personnel Assistant I Eric Amado and Intern Gareth Rulewski from the office of the Civil Service Commission attended some of the hearings. City Attorney John Mitola joined the Commission at 10:50 a.m.

#### **1. Request for Appeal - Denied**

The Commission received a request from Mr. Fernando DeOliveira for an appeal regarding his disqualification from Police #2302 for failing his psychological evaluation. On a motion made by Commissioner McBride and seconded by Commissioner Plummer the Commission entered executive session at 10:13 a.m. The Commission returned to public session at 10:25 a.m. Attorney Bucci submitted documents for the Record. Commissioners McBride, Plummer and Rodgers respectively denied the appeal of Mr. Fernando DeOliveira.

#### **2. Request for Appeal – Denied**

The Commission received a request from Mr. Jean Surin for an appeal regarding his disqualification for habits and conduct from Police #2302. On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission entered executive session at 10:27 a.m. The Commission returned to public session at 10:50 a.m. Attorney Bucci entered documents for the Record. Commissioners Rodgers, Plummer and McBride respectively denied the appeal of Mr. Jean Surin.

#### **3. Request for Appeal - Denied**

The Commission received a request from Mr. Herold Joseph for an appeal regarding his disqualification for habits and conduct from Police #2302. On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission entered executive session at 10:48 a.m. The Commission returned to public session at 11:11 a.m. Commissioners McBride, Plummer and Rodgers respectively denied the appeal of Mr. Herold Joseph.

#### **4. Request for Appeal - Denied**

The Commission received a request from Mr. Michael Allen for an appeal regarding his disqualification for habits and conduct from Police #2302. Assistant Chief Nardoizzi recused himself. He stated that he knew Mr. Allen from when he worked for the Waterbury Police department. On a motion made by Commissioner Plummer and seconded by Commissioner McBride the Commission entered executive

session at 11:14 a.m. Commissioners McBride, Rodgers and Plummer respectively denied the appeal of Mr. Michael Allen.

The Commission took a short break requested by Commissioner Guedes. At 11:38 a.m. the Commission returned to public session at 11:38 a.m.

#### **5. Request for Appeal - Denied**

The Commission received a request from Mr. Wilfredo Agosto for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Agosto requested a public session and was represented by Attorney Thomas Bucci.

Mr. Dunn reported his concerns based on Mr. Agosto's polygraph report. These included that he was a gang member when he was younger and that he had been incarcerated. Mr. Dunn reminded the Commission that Bridgeport is the only agency in the State of Connecticut that has the appeal process and that there are no other state agencies with a similar process. Mr. Dunn further added that other Police departments have taken a pass on hiring Mr. Agosto as a Police Officer for whatever reasons.

Mr. Dunn noted that in 1998 there were still incidents occurring in his background. These included motor vehicle and employment concerns, such as walking out on the job. Mr. Dunn said that Mr. Agosto's current age is 38 and while issues took place some 20 years ago it does not mitigate the fact that he was a member of a crime gang in Chicago and that he was incarcerated and that he was rejected by other Police departments in the State of Connecticut.

Attorney Bucci said that Mr. Dunn cannot speculate as to why Mr. Agosto was not accepted by other state Police departments. He said that this appeal is about Bridgeport. Attorney Bucci stated that it was a tragedy for Mr. Agosto, at age 16, and that he escaped that environment. Mr. Agosto currently has commendations from the Bridgeport Public School System for his volunteer work regarding anti-gun activities. He also said that his supervisor from Schick reports an exemplary employment record for Mr. Agosto.

Mr. Jonathan Rodgers (supervisor at Schick) addressed the Commission. He told the Commission that Mr. Agosto is like a brother to him and that he knows he is a hard working, dedicated family man. He said that not having Mr. Agosto on the police force in Bridgeport is doing a disservice to the City. Mr. Rodgers said that Mr. Agosto has worked 9 years at Schick.

Mr. Jose Lathom, Mr. Agosto's prior supervisor at Optimus Health Care told the Commission that he had a similar background. He said that Mr. Agosto's mother was alcoholic and moved away from Bridgeport to Chicago. Mr. Agosto lost a brother due to gang violence. Mr. Lathom said that Mr. Agosto worked at Optimus for 9 years and that there was no funding to keep him, although they wished they could. He reported that he knew Mr. Agosto adopted a child that was not his own

and that he was a father of 4. He volunteered with Sgt. Daniels and in a basketball program. He got his GED at the youth detention center.

Attorney Bucci added that since Mr. Agosto was a teenager he made a very productive life for himself and contributed to the community. Mr. Agosto addressed the Commission. He stated that he made mistakes and paid his debt for them. He lost his brother. He is a respectable father, husband and can make a difference in people's lives and that he wants a chance to do this. Commissioner Guedes asked Chief Gaudett to comment. Chief Gaudett commended Mr. Agosto for the huge changes he made. The Chief stated that he has concern because it is not possible to make all that past behavior go away because it is still there. He added that these things follow a person for his entire life and that good choices need to be made from a young age.

Commissioner McBride also commended Mr. Agosto. He encouraged him to keep making differences in people's lives and that there are many ways to continue to do this outside of the police department. Commissioners Rodgers, Plummer and McBride respectively denied the appeal of Mr. Wilfredo Agosto.

**6. Request for Appeal - Denied**

The Commission received a request from Mr. Robert Tyghter-Twigg for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Tyghter-Twigg requested a public session. Commissioner McBride recused himself from voting because he has personal relationships with some of the appellant's relatives. Mr. Dunn stated concerns with downloading music illegally, motor vehicle history, and financial history. He said there is a matter of maturity and that he needs a few more years when he does not have any of these issues.

Mr. Tyghter-Twigg read a letter thanking the Commission for the opportunity to appeal. He said his mother is an officer in the City. He said that through Torrent it is not illegal to download the music. He stated that alcohol was not a problem and that in his college career he did drink. He stated that has been 7 years since his last car accident.

Chief Gaudett stated that he shared the same concerns that Mr. Dunn has. He said there is an immaturity here and thinks the appellant needed more time. Commissioners Rodgers and Plummer respectively denied the appeal of Mr. Robert Tyghter-Twigg. Commissioner Guedes encouraged Mr. Tyghter-Twigg to take the next exam and give more time to put the matters of youthful indiscretion behind him.

**7. Request for Appeal - Denied**

The Commission received a request from Mr. John Bras for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Bras did not appear for his hearing. On a motion made by Commissioner McBride and seconded by Commissioner Plummer the Commission unanimously denied the appeal of Mr. John Bras.

**8. Request for Appeal - Denied**

The Commission received a request from Mr. Evens Saint Juste for an appeal regarding his disqualification for habits and conduct from Police #2302. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer the Commission entered executive session at 12:10 p.m. The Commission returned to public session at 12:32 p.m. Commissioners McBride, Plummer and Rodgers respectively denied the appeal of Mr. Evens Saint Juste.

**9. Request for Appeal - Denied**

The Commission received a request from Mr. Juan Oquendo for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Oquendo requested a public session. Mr. Dunn stated that Mr. Oquendo was disqualified for false statement, driving under the influence, illegal sexual activity, financial liabilities and debt obligations. Mr. Oquendo said he felt the polygraph was not honest regarding alcohol. The last time he had a beer was August at a baseball game. He said he felt pressured by the polygrapher. He said he gave his neighbor rides and he knew her for years. When she needed money he would give her some. He said she would flirt with him. At a point when he and his wife were having problems he did get involved sexually with the neighbor. He said he has been a foster parent for 8 years and adopted 2 children. He also volunteered with the Bridgeport Police Cadets with Mike Marella and he coached t-ball. He passed background checks. He is concerned with this process and the marks it has put on his character.

Commissioner McBride asked about the polygraph report indicating significant reactions. Mr. Dunn stated that there was conflicting testimony to the examiner. In the beginning Mr. Oquendo stated he drinks 1 drink every 3 or 4 months. At other times in the polygraph the number of drinks reported is different. Mr. Dunn said he is concerned with the testimony. Commissioner McBride questions about earnings under the table and if Mr. Oquendo was collecting unemployment compensation at the time. Mr. Oquendo said he was not collecting unemployment.

Chief Gaudett said that there were also issues of finance with a foreclosure and tax evasion and he recommended that the Commission deny Mr. Oquendo's appeal. Commissioners Rodgers, Plummer and McBride respectively denied the appeal of Mr. Juan Oquendo.

On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission took a half-hour break for lunch at 12:50 p.m. At 1:22 p.m. the Commission entered public session.

**10. Request for Appeal - Denied**

The Commission received a request from Mr. Peter DeMonte for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. DeMonte requested a public session. Attorney Stuart Hawkins represented Mr. DeMonte in Attorney Daniel Shepro's absence. Mr. Dunn explained that there is a

matter of maturity. He cited employment history, earning \$2,500 cash under the table and not paying taxes, stealing paper towels and toilet paper from his employer. Mr. Dunn noted that Mr. DeMonte was not hired by the Stamford or Fairfield Police departments. Those towns require a 50% threshold for the agility test. Mr. Dunn added that Mr. DeMonte self-reported alcohol blackouts and purchasing marijuana while he was in the process of the Bridgeport Police process.

Attorney Hawkins said Mr. DeMonte did not have addictions and went through more of an experimental phase in high school. In 2011 Mr. DeMonte earned his BS in Criminal Justice from Sacred Heart University. He spent 1 year at Quinnipiac but moved back to Fairfield County to help his family and the family business. He noted that Mr. DeMonte made lots of strides in the past years. He is working on a Master's degree and taking a cyber crime course. He has no arrests and no criminal convictions. He does not drink excessively and was forthright and honest to the polygrapher. After a background check Mr. DeMonte received a gun permit. He is now 24 years old and has a college degree.

Mr. DeMonte addressed the Commission. He said he was written up 1 time for using a supplemental ingredient at work and it was not a problem. He added that he tried to help his family and was not defrauding his family. He said his employer did not have an issue with him taking 12 rolls of paper towels over 6 years. He also noted that he had a platinum card to purchase things for the company. Mr. DeMonte did not light any of the fireworks from his house. He was not devious in mass producing fake IDs and he did this before taking the police exam. He did this to be able to drink in bars at the age of 19 and 20. He said he did get into a fight at a party because somebody called his mother an obscenity. He pressed the individual against the wall. He explained that he drank alcohol on the grounds of his job, after work, not while on the clock. He said the polygrapher asked him how many times he was drunk. He was also asked if he was buzzed. When he had marijuana it was 6 years ago. Mr. DeMonte stated that he attended college and worked 40-50 hours per week. He took the business from \$750 thousand/year to a \$3 million gross. Further, he stated that he could not do this if he was as he was portrayed in the report. He added that he grew up in Bridgeport. He said he made mistakes during his childhood.

Chief Gaudett commented that there was too much explaining to be done. He said some more time was needed and that the level of maturity had not yet been reached that is required by a Police Officer. Commissioners Rodgers, Plummer and McBride respectively denied the appeal of Mr. Peter DeMonte.

#### **11. Request for Appeal - Denied**

The Commission received a request from Mr. Colin Clarke for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Clarke requested an executive session. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer the Commission entered executive session at 1:49 p.m. The Commission returned to public session at 2:00 p.m. Mr. Clarke requested a

new disqualification letter and Mr. Dunn explained that the statements on the disqualification letter are general statements and that he is happy to explain that to other police departments that may inquire about the appellant. Commissioners Rodgers, Plummer and McBride respectively denied the appeal of Mr. Colin Clarke.

**12. Request for Appeal - Denied**

The Commission received a request from Mr. Louis Treschitta for an appeal regarding his disqualification for habits and conduct from Police #2302. On a motion made by Commissioner McBride and seconded by Commissioner Plummer the Commission entered executive session at 2:05 p.m. The Commission returned to public session at 2:23 p.m. A letter of character was submitted for the Record. Mr. Ray Osborne, a Lieutenant from Darien and Mr. Nelson LaDeu were witnesses for Mr. Treschitta. Commissioners McBride, Rodgers, and Plummer respectively denied the appeal of Mr. Louis Treschitta.

Commissioner McBride requested a short break.

**13. Request for Appeal - Denied**

The Commission received a request from Ms. Marki Woods for an appeal regarding his disqualification for habits and conduct from Police #2302. Ms. Woods was accompanied by Charlie Stallworth. Ms. Woods requested an executive session. On a motion made by Commissioner McBride and seconded by Commissioner Plummer the Commission entered executive session at 2:27 p.m. Commissioner Plummer recused himself from voting because he knew Reverend Stallworth. The Commission returned to public session at 2:44 p.m. Commissioner Rodgers and McBride respectively denied the appeal of Ms. Marki Woods.

**14. Request for Appeal – Tabled to March 11, 2014**

The Commission received a request from Mr. Hector Rivera for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Rivera informed Mr. Dunn that he would like his hearing tabled. On a motion made by Commissioner Rodgers and seconded by Commissioner McBride, the Commission unanimously tabled Mr. Rivera's hearing to March 11, 2014.

**15. Request for Appeal - Denied**

The Commission received a request from Mr. Quentin Cunningham for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Cunningham did not appear for his hearing. On a motion made by Commissioner McBride and seconded by Commissioner Rodgers the Commission unanimously denied the appeal of Mr. Quentin Cunningham.

#### **16. Request for Appeal - Denied**

The Commission received a request from Mr. Peter Calo for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Calo requested a public session. He was represented by Attorney Edward Czepiga. Mr. Dunn stated activities that Mr. Calo was involved with and had occurred while Mr. Calo was a candidate to be a Police Officer in Bridgeport. These included illegal criminal activity and motor vehicle history. Mr. Calo explained that he was unaware of a gun and drugs in the trunk of the car and that because he was out with friends who were drunk he took the keys and drove the car. He just wanted to get everyone home safely. He was speeding and pled guilty to speeding. He was arrested as part of a crowd that was fighting. He was released.

Mr. Calo added that he worked for Verizon Wireless for 9 years and was a supervisor at this company. He also explained that the tinted windows on his 2006 Dodge Magnum came tinted from the factory. Attorney Czepiga addressed the Commission and said that Mr. Calo was in the wrong place at the wrong time. He said when he was stopped by police and a gun and marijuana were found in the car that was a real horror story for Mr. Calo. The Prosecutor understood Mr. Calo had no involvement with the gun and drugs. As for the tinted windows on the Car, Attorney Czepiga said he tried to get a photo of the vehicle. He added that Mr. Calo was not being contumacious and was not disregarding the law. He said the car came with factory installed tints and it would have taken several thousand dollars of body work to remove the tints. These tints were not the type that could be pulled off the window. This involved the rear window and 2 back windows. Attorney Czepiga said that Mr. Calo has a strong desire to be a Bridgeport Police Officer and would be a real asset to the department. Commissioner Guedes asked for Chief Gaudett's comments. Chief Gaudett stated that there is an established pattern over the years. He did not know if it was ideology or a willingness to try to break up fights, or really bad luck or not good timing. The Chief said that it was not good decision making and was concerned with this pattern. Commissioners McBride, Rodgers, and Plummer respectively denied the appeal of Mr. Peter Calo.

#### **17. Request for Appeal - Denied**

The Commission received a request from Mr. Edward McAleese for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. McAleese requested an executive session. On a motion made by Commissioner McBride and seconded by Commissioner Rodgers the Commission entered executive session at 3:08 p.m. The Commission returned to public session at 3:23 p.m. Commissioners McBride, Plummer and Rodgers respectively denied the appeal of Mr. Edward McAleese.

The Commissioners requested a short break at 3:25 p.m.

**18. Request for Appeal - Denied**

The Commission received a request from Mr. Kevin Johnson for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Johnson was represented by Attorney Jesse Langer from Updike and Kelly and requested an executive session. On a motion made by Commissioner McBride and seconded by Commissioner Plummer the Commission entered executive session at 3:33 p.m.. The Commission returned to public session at 3:50 p.m. Commissioners McBride, Rodgers, and Plummer respectively denied the appeal of Mr. Kevin Johnson.

**19. Request for Appeal - Denied**

The Commission received a request from Mr. Kevin Grinvalsky for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Grinvalsky requested an executive session. On a motion made by Commissioner McBride and seconded by Commissioner Rodgers the Commission entered executive session at 3:52 p.m. The Commission returned to public session at 4:05 p.m. Commissioner Rodgers, Plummer, and McBride respectively denied the appeal of Mr. Kevin Grinvalsky.

**20. Request for Appeal - Denied**

The Commission received a request from Mr. Victor Dawson for an appeal regarding his disqualification for habits and conduct from Police #2302. Commissioner McBride recused himself from voting because he went to school with Mr. Dawson. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer the Commission entered executive session at 4:12 p.m. The Commission returned to public session at 4:30 p.m. Commissioners Plummer and Rodgers respectively denied the appeal of Mr. Victor Dawson.

**21. Request for Appeal - Denied**

The Commission received a request from Mr. Andres Albaladejo for an appeal regarding his disqualification for habits and conduct from Police #2302. Mr. Albaladejo requested an executive session. On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Commission entered Executive Session at 4:32 p.m. The Commission returned to public session at 4:45 p.m. Commissioners McBride, Plummer, and Rodgers respectively denied the appeal of Mr. Andres Albaladejo.

On a motion made by Commissioner McBride and seconded by Commissioner Plummer the Commission adjourned the February 25, 2014 special meeting of the Civil Service Commission at 4:45 p.m.