

**BOARD OF ESTIMATE AND TAXATION (BET)
AUDIT COMMITTEE
“LESSONS LEARNED”
GUSTOVICH CASE**

Minutes

**Thursday, October 26, 2017 8:00 A.M.
Cone Meeting Room**

Present:

Committee: Arthur Norton, Chairman; John Blankley, Michael Mason, Jill Oberlander

Attendees: Peter Mynarski, Comptroller; John Wayne Fox, Town Attorney; James Heavey, Police Chief; Mark Kordick, Police Captain; BET Members: Beth Krumeich, Leslie Moriarty, Jeff Ramer & Leslie Tarkington (via telephonic hookup); Debra Hess, BET 2018 Nominee; Thomas Caruso, Greenwich Resident

The meeting was called to order at 8:04 A.M.

1. Greenwich Police Department Presentation

Mr. Norton referred to a memorandum that was sent from Town Attorney Fox to BET Audit Committee members regarding the Gustovich versus Town of Greenwich case. Attorney Fox stated in the memorandum that there is currently no litigation pending and the Gustovich case was settled in 2017. However, he reminded the Audit Committee members that there is a mutual non-disparagement clause contained within the agreed upon settlement that provides that the Town would not make, publish or communicate any defamatory comments, remarks or statements concerning the each other. He informed the BET Audit Committee members that they have a right to go into executive session if they preferred. Mr. Ramer asked if the Committee was relieved of this constraint if the meeting goes into executive session. Attorney Fox indicated that the Committee would not be relieved of any such constraint. Attorney Fox cautioned again that the Committee should be careful to avoid asking questions that could violate the non-disparagement clause in the settlement agreement. There was no motion to go into executive session.

Mr. Blankley asked about the role of the Audit Committee regarding this case and whether it is more appropriately handled by the BET Human Resources Committee. Mr. Norton answered by explaining that the “Lessons Learned” policy was started about 12 years ago by the BET Audit Committee and it dealt only with legal settlements out of the Risk Fund for more than \$100,000 and this case falls within that description.

Ms. Oberlander reminded the Committee that this item, regarding the independent consultant’s report on this case, will be before the HR Committee at its November meeting. Mr. Blankley stated that he is not comfortable dealing with a personnel matter in an Audit Committee meeting.

Mr. Norton continued by stating that he wanted to accomplished four objectives during this meeting. He felt the Committee should know 1) how this happened, 2) why this happened, 3) what changes have been made and 4) what remedies are in place?

Attorney Fox began by saying that the basic concerns around this case have been addressed with proper leadership and oversight in place.

Chief Heavey said he would try to address the how did this happen and why did this happened from Mr. Norton's question. However, he reminded the Committee that he was cautious to publicly address questions that may violate the non-disparagement agreement clause.

At this point Mr. Norton asked the Committee members again if anyone wanted to go into Executive Session. There was no motion to go into Executive Session.

Chief Heavey told the Committee that there was a lack of adequate training and refresher training previously as stated in the independent report and that changes have been made. Specifically, Chief Heavey said that the report made recommendations in four key areas; 1) leadership training for the Senior Command Team, 2) training development for all police department staffing, 3) provide clarity around the Premium Pay Position Process and 4) the Timely Dissemination of Information.

Chief Heavey continued explaining that the Police Department has partnered with the Town's Human Resources Department on sexual harassment training, and now has weekly command staff meetings as recommended in the study. The weekly command staff meetings are covered by note taking and this information is disseminated to the entire Police Department staff. Chief Heavey told the Committee that the promotional process, led by Captain Robert Berry, has been changed.

Ms. Oberlander asked Chief Heavey if existing policies have been ignored by some, how do you implement cultural and structural changes. Chief Heavey answered that supervisory training has been enhanced since this incident.

Mr. Norton then asked who is responsible for adherence to the human resources process at the Police Department. Chief Heavey stated that Captain Kraig Gray is in charge of human resources policies and procedures and their enforcement at the Police Department.

Ms. Oberlander asked the Chief if he could comment on demographics. More specifically, she wanted to know the gender and race makeup of the department. Chief Heavey stated he would get back to the Committee, but offered a guess. Chief Heavey thought that the female makeup was about 10% of the sworn police force and the civilian group working at the Police Department was higher percentage wise. When asked, Chief Heavey stated there are 154 sworn personnel and the total number of employees at the Police Department was 212.

Ms. Oberlander asked why only two female police officers responded to the consultant study's survey. Chief Heavey responded that the survey was offered to 100% of the sworn police staffing. When asked about the hiring process, Chief Heavey responded that the Town encourages diversity in the hiring process.

Mr. Norton asked about the timing of dissemination of information. Chief Heavey stated again that they now have weekly meetings with the command staff and the information is disseminated immediately.

Mr. Norton asked if police personnel using social media is an asset or a liability. Chief Heavey responded by saying that, with the exception of a few police personnel, it is considered an asset.

Mr. Norton asked the Chief to state if there was a remedy in place. Chief Heavey answered that Captain Kraig Gray was reviewing the mission statement and that they were working on accreditation at the State of Connecticut level, which would hopefully lead to national accreditation. Mr. Norton asked when they thought State Accreditation could be achieved. Chief Heavey responded that they probably could attain this accreditation by May 2018.

Ms. Oberlander asked the Chief how he would measure success in response to the independent consultant's study's recommendations.

Chief Heavey responded that he has been with the Greenwich Police Department for 32 years and that it is a much better department then when he started.

Ms. Oberlander asked again, if the training techniques recommended from the study are implemented, how will you know if you have effectively met your goals.

Chief Heavey responded by saying that they would probably conduct another survey of the police staffing to determine that.

Mr. Norton asked if this was a one-time event. Chief Heavey answered that there will always be personnel issues. He added that the environment is better to avoid this from reoccurring and that there is still work to be done.

Mr. Norton asked the Committee members if there should be a report back to the Audit Committee. Mr. Mason suggested that another survey should be conducted a year subsequent to the previous survey and the results reported back to the Audit Committee.

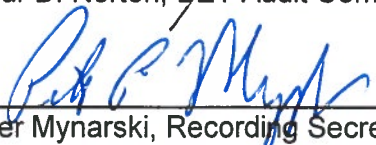
Mr. Norton asked if there were any questions of those in attendance. Mr. Ramer responded by saying that he felt that Lessons Learned presentation appeared to center on training as a solution to avoid a repeat of the discussed Gustovich case. He strongly felt that training is not the answer, but implementation or enforcement of existing policies is the answer.

2. Adjournment

Upon a motion by Mr. Mason, seconded by Mr. Blankley, the Committee voted 4-0 to adjourn the meeting 9:38 A.M.



Arthur D. Norton, BET Audit Committee Chairman



Peter Mynarski, Recording Secretary