

I move that this Board adopt a position statement in regard to recent events involving the Stony Creek Quarry. The Commission must examine the underlying facts as they relate to the management practices and structure of the Department

We need also to inform the public and all members of the Department that we expect adherence to clear and unambiguous guidelines in the conduct of police activities.

An inquiry initiated either by Town Counsel or the First Selectman seemingly had an innocuous beginning since it appeared to look into the lessee's compliance with a town lease. It quickly exploded, however, into an unwarranted intrusion into the personal and business affairs of a Branford citizen. The details of the incidents have come to the attention of the media and the public. They appear in the Department's four Case/Incident Reports numbered 0600006838 and are included in tonight's informational packet. In examining the activities described therein, we can only conclude that members deviated from the basic principles of police practices. These are codified in the Rules and Regulations of The Branford Department of Police Service updated and adopted by this Board on January 1, 2000. I will refer to three applicable provisions of this document.

First is the Act of the State legislature, approved June 3rd, 1939 that created a Board of Police Commissioners for the Town of Branford. It is set forth on the page one. It states:

"The Board is authorized to maintain a police department. Said Board shall appoint such officers and policemen in said town as may be necessary, Such officers and policemen shall have the authority and perform all duties delegated to town constables in criminal matters."

The statute, by implication, limits the scope of the department's investigative powers solely to criminal matters. The Department should have refused to undertake the task of auditing books and records of the lessee in search of possible lease violations. That's what accountants do. Breach of the terms of a lease is within the realm of civil law, not criminal law. Other concerns having to do with unsafe working conditions or managing explosives fall under the scrutiny of entities such as O.S.H.A., or Fire Marshall's office. Neither the Chief nor the detective should have obeyed a directive to investigate a non-criminal matter.

Secondly lets look at Rule III entitled "Chief of Police." Section 1 says:

"The Chief of Police under the direction of the Board of Police Commissioners, shall have command of the force and shall be responsible for the execution of all requirements of these rules and the general efficiency of the department."

And Section 4 provides:

“ The Chief shall prescribe the beats, patrols and duties of all officers of the department. The Chief shall detail the patrol officers for duty in such manner and such times as will be best conducive to the efficiency of the department.”

The detective violated the above sections of Rule III in two respects: first in agreeing to meet Town Counsel in the First Selectman's office to discuss police business and second, in taking Town Counsel's directions to initiate a criminal investigation. Not even a Police Commissioner is empowered to do this, much less the Town Counsel who has no authority whatsoever over the Department. The day to day running of the Department is under the control of the Chief and the sworn officers acting under his command. An individual, who is not part of that chain of command, therefore, is barred from exercising that authority. Further mention of this prohibition can be found in the report of P.M.G. Associates entitled "Policing Branford", dated March, 1989, which this Board approved and adopted. On page 9 under the heading "The Proper Role of the Chief" the following appears:

“We believe the Chief of Police must be the executive officer in charge of daily operation of the Police Department. As such he should have control over the allocation of resources, assignment of personnel, supervision and management functions, determination of tactics to be used and investigation of crime and citizen complaints against the police.”

The third controlling precept is contained in Rule IX , Section 2 It reads:

” No member of the Department shall commit any act of oppression or tyranny or which constitutes an abuse of authority. The civil rights of all citizens shall be observed and respected.”

The detective entered the premises of a citizen of Branford without probable cause or a search warrant. He had no legitimate reason for intruding on private property. He proceeded to ask questions and undertake a snooping expedition aimed at gathering incriminating evidence. This action clearly violates the rule.

This Commission's role is to protect the citizens of the Town of Branford and intercede when members of the Department succumb to the exertion of undue pressure and influence under the guise of a proper inquiry. In our capacity as overseers of the department we have the obligation to assert our authority when a breach of our rules and regulations occurs. Again I refer to "Policing Branford". On page 8 the report notes:

“Even from the earliest days, there has been concern in American local government that police receive careful oversight and be responsive to local issues and concerns. Branford adopted the Police Commission as the means of providing this important oversight, to ensure that the police didn't become a power unto themselves...”

In this instance the Chief and the detective were overly accommodating. In so doing they exceeded the limits of their duties and responsibilities. They erred, however innocently or naively. As a consequence the independence of the Department was compromised and a citizen was subjected to unwarranted harassment. The board must voice its disapproval. A very scary and ominous series of events did occur. This must never again happen.

We the members The Board of Police Commissioners do not condone the use of The Police Department of The Town of Branford for what appears to be political purposes. It's unfortunate that The Chief or the Detective did not seek the advice of any member of the Board before beginning these investigations. It is our job to step in and protect our chief and officers when they are being forced to comply with orders motivated by a partisan political agenda. We trust that in the future persons within and without the Department will observe the boundaries we reiterated tonight.

I ask that my fellow Commissioners join me in adopting this statement and I so move.