
STATE OF CONNECTICUT
CITY OF NEW HAVEN

Office of the Chief of Police

To: James Evarts, a Patrolman of the Department of Police Service.

You are hereby commanded to appear before *the BOARD OF POLICE COMMISSIONERS OF THE CITY OF NEW HAVEN*, at its office at 1 Union Avenue, New Haven, CT on the 30th day of JUNE A.D. 2011, at SIX o'clock P.M. to answer unto the charges filed against you before said Board of Police Commissioners, a copy of which said charges are herewith attached to this summons.

Dated at New Haven, this 31st day of May A.D., 2011.

Attest,



Chief

STATE OF CONNECTICUT
CITY OF NEW HAVEN
OFFICE OF THE CHIEF OF POLICE

TO: James Evarts

I, Frank Limon, Chief of the Department of Police Services of the City of New Haven, do hereby prefer charges pursuant to the authority granted by the Charter of the City of New Haven and Rules and Regulations of said Department against James Evarts, a Patrolman of the Department of Police Service of said City of New Haven, to wit:

Violation #1: Rule 15, Article 5

Employees of the Department shall not engage in any conduct that would cause to discredit, lower or injure the morale of the Department or that of any individual of the Department.

In sum, a newspaper article from February 1, 2011 indicated Officer Evarts was going to serve to a 10 day jail sentence for DUI. Furthermore, Officer Evarts embarrassed the department by trying to use accrued vacation time to conceal his period of incarceration.

Violation #2: Rule 15, Article 15

No employee of the Department shall make false official reports or knowingly or willingly enter or cause to be entered into any department books, records or reports any inaccurate, false or improper information or material matter.

In sum, when Officer Evarts applied to be a police officer in 1997, he failed to disclose a previous DUI arrest in an official application packet. Additionally, he gave false statements during his disciplinary hearing, causing false information to be entered into official transcripts reflecting his hearing.

Violation #3: Rule 15, Article 33

Employees of the Department shall report immediately to their Superior Officers any information they have concerning the violation of any law or ordinance or any matter that should properly come to the attention of the Department.

In sum, Officer Evarts failed to notify the New Haven Police department of his pending incarceration and attempted to keep his incarceration secret by using vacation days to cover his sentence.

Violation #4: Rule 15, Article 37

No employee of the Department shall be principal or part to any criminal offense.

In sum, during his court proceedings, Officer Evarts agreed to plead Nolo Contendere and serve ten days in exchange for not being charged with Perjury.

Violation #5: Rule 15, Section 38

No employee of the Department shall engage in any act which would constitute conduct unbecoming an officer.

In sum, Officer Evarts has not been truthful since the very day he applied to the New Haven Police Department. He withheld pertinent information from his application, committed perjury during his DUI court proceedings, and attempted to conceal his ten day's of incarceration by taking accrued vacation time. Furthermore, Officer Evarts misled his Local 530 appointed attorney during his discipline hearing with the Board of Police Commissioners.

On January 21, 2011 Officer James Evarts returned to full duty following a three month unpaid disciplinary suspension. Unbeknownst to the City, Officer Evarts was scheduled to be incarcerated, effective January 26, 2011, as a result of a criminal conviction for DUI. Prior to his scheduled incarceration, Officer Evarts verbally requested to use accrued vacation time to cover his work absences during his period of incarceration. Sergeant Murphy approved the vacation request and did so without any knowledge of Evart's pending confinement.

On February 1, 2011, the New Haven Register published an article detailing the facts of Officer Evarts jail sentence. Once he learned of the incarceration, Chief of Police Limon immediately placed Officer Evarts on Administrative Leave, and ordered his department issued firearm and badge be returned to the department.

An internal affairs investigation was subsequently initiated. Through this investigation, the following facts were uncovered. Officer Evarts was required to appear in court on several occasions due to his DUI arrest. On October 13, 2010, Officer Evarts was sworn in by a court official. As indicated in the court transcripts, Evarts swore to: "...solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God, or upon penalty of perjury?" Officer Evarts replied "Yes." Later in the proceedings Evarts was asked "have you ever been convicted of operating under the

influence before?" Officer Evarts replied "No." His court appearance was continued to November 19, 2010.

During his court appearance on November 19, 2010, Attorney Canace, Evarts' attorney, is quoted in the court transcripts as addressing the court: "It's come to our attention that Mr. Evarts may not be eligible for the Alcohol Education Program. He may have a prior conviction. He doesn't believe that's true." The prosecutor, Attorney Kennedy responded later in the proceedings: "**Well, I have a prior section 14-227a conviction, yes.**" Attorney Kennedy's statement confirms that Officer Evarts was previously convicted for a violation of C.G.S. § 14-227a (DUI).

On January 26, 2011, Officer Evarts submitted a written plea of "Nolo Contendere" for his DUI charge. Attorney Canace, on Officer Evarts behalf, represented the following to the court: "Your honor, he would like me to put on the record that he's- he's pleading voluntarily of his own free will, with the caveat that the warrant will not be served on him—that pending matter." The Court responded: "**Well, part of this deal is they are not going to process the perjury warrant Mr. Evarts.** Do you understand that?" Officer Evarts answered: "Yes." The documents supporting a Perjury allegation were obtained. The document was signed under oath by Officer Evarts, and indicated he had never been enrolled in the Alcohol Education Program.

Officer Evarts had an obligation to inform the police department of his January 26, 2011 conviction, and an obligation to relinquish his department issued firearm. Officer Evarts requested to utilize accrued vacation time to account for his absence from work due to his incarceration. Officer Evarts also asked a fellow officer, Officer Steven McMorris, to retrieve his weapon and keep possession of it. Officer McMorris denied any previous knowledge of the incarceration, with Officer Evarts only asking him to hold the firearm while he was dealing with pending "court issues."

Furthermore, the internal affairs investigation revealed that Officer Evarts had been arrested February 27, 1993 for DUI by the Plymouth Police Department. **Records indicate Officer Evarts was convicted and sentenced to six months suspended incarceration, and one year probation beginning on April 29, 1993.** Officer Evarts was also given the following Court Ordered Conditions of Probation as a condition of this conviction: Alcohol Treatment, Other, Community Service, Alcohol Evaluation, and No Operation under Suspension.

Officer Evarts' initial application for employment with the New Haven Police Department was also reviewed. On his application for employment, Officer Evarts indicated he had no prior criminal convictions. Although the 1993 conviction did not appear on his State Police Record Check at the time of application for employment, Officer Evarts was obligated to tell the truth, and disclose the incident. During Officer Evarts' background check, several different record checks were performed to gather criminal and motor vehicle history. On August 3, 1998, a III (Interstate Identification Index) was run for Officer Evarts, which indicated that he had no wants or warrants for him from any police agencies. On August 4, 1998, a COLLECT Stolen/Wanted query was run on Officer

Evarts, indicating no hits for his name and driver's license number. An NCIC query showed no criminal history file. There was no indication during the background investigation process that Officer Evarts had any criminal history. When the 1993 arrest for DUI in Plymouth, CT was discovered, COLLECT employees were contacted and advised that it may have been a clerical error that caused the arrest not to appear on the online system.

Finally, based on the aforementioned evidence, Officer Evarts perjured himself on October 13, 2010, when he answered a question, under oath, denying having ever been convicted of operating under the influence. On November 19, 2010 States Attorney Kennedy confirmed that Officer Evarts did, in fact, have a prior conviction for the offense. Moreover, **Officer Evarts falsified his New Haven Police Department job application when he untruthfully indicated that he had never been convicted of any offense other than a minor traffic violation or juvenile offense.**

Dated at New Haven, Connecticut, this 31st day of May 2011.

Respectfully submitted,

A handwritten signature in cursive script that reads "Frank Rimón".

Chief of Police

To: Capt Denis Blanchard, of New Haven, a proper officer and/or
indifferent person,

Greetings:

By the Authority of the Charter of the City of New Haven and Rules and
Regulations of the Department of Police Service, you are hereby directed to serve a
true and attested copy of the within charges upon James Everts of One Union Avenue,
New Haven, Connecticut, by leaving the same in his (her) hands on or before 1st
day of June, 2011.

Hereof fail not but due service and return make.

Dated at New Haven, Connecticut, this 1st day of June, 2011.

Then and there by virtue hereof, I left with and in the hands of within named
Officer James Everts, a true and attested copy of within summons and
charges accompanying same, with my doings thereon endorsed.

Attest:

Capt Denis M. Blanchard

A Proper Officer
Indifferent Person

CITY OF NEW HAVEN

Department of Police Service

Summons and Charges Against

Filed _____, 20____

Attest

Clerk