



EAST HAVEN DEPARTMENT OF POLICE SERVICES

471 NORTH HIGH STREET • EAST HAVEN, CONNECTICUT 06512

Mayor Joseph Maturo, Jr.



Honorable Board of
Police Commissioners

HONORABLE BOARD OF POLICE COMMISSIONERS SPECIAL MEETING MINUTES

JANUARY 14, 2019 AT 7:00 PM
EAST HAVEN POLICE DEPARTMENT
471 NORTH HIGH STREET
EAST HAVEN, CT

COMMISSIONER(S) PRESENT: Chairman William Illingworth, Vice Chairman Joseph DiSilvestro, Commissioner Dawne Flynn, Commissioner Eduardo Torrealba, Commissioner Paul Carbo

ALSO PRESENT: Chief Edward Lennon, Deputy Chief James Naccarato, Professional Standards/IA Officer Detective Robert Brockett, Attorney Joseph Zullo, Stephen M. Sedor, Esq. (Pullman & Comley, LLC), Officer Vincent Ferrara, Norm Pattis, Esq. (Pattis & Smith Law Firm), Cheryl Ferrara, Howard Ferrara, Michele Black, Leslie Mordarski, Marie Mordarski, Ken Dixon (New Haven Register), Louise Bouteiller (Certified Shorthand Reporter)

Chairman Illingworth called the meeting to order at 7:00 PM.

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call – Quorum obtained
4. Disciplinary hearing regarding Officer Vincent Ferrara related to Internal Affairs Investigation 17-13

Chairman Illingworth acknowledged Attorney Sedor for the East Haven Police Department and Attorney Pattis for Officer Vincent Ferrara.

Attorney Sedor asked if, as a procedural matter, the meeting should be conducted in executive session. Chairman Illingworth deferred to the defendant whose attorney said they would prefer executive session. Vice Chairman DiSilvestro made a motion to go in to executive session; seconded by Commissioner Flynn. Before the motion could carry, Attorney Pattis requested a moment and upon further consultation with his client, Mr. Ferrara would prefer not to go in to executive session. Motions withdrawn.

Chairman Illingworth requested the other individuals in the room identify themselves: Marie Mordarski (Sister, North Branford), Cheryl Ferrara (Wife, Branford), Leslie Mordarski (West Haven), Ken Dixon (New Haven Register), Howard Ferrara (Brother, Guilford), Michele Black (Sister, Orange).

Attorney Sedor presented the Chief of Police's request that Officer Ferrara be terminated from the East Haven Police Department. He summarized internal affairs investigation 17-13 by stating that in approximately September 2017, Officer Ferrara was found to have sent seven (7) nude or partially nude photographs of three (3) women in suggestive positions through his

Department email. Through the investigation of that matter, Officer Ferrara not only denied having done that but then denied knowing who those individuals were. Upon investigation, not only did he know who they were, he was friends with them and at least one of the women had sent the photographs to him, thus he misrepresented during the IA investigation what his conduct truly was, and lied about what he had actually done. It was also found during the IA investigation that one of the women in the nude photos – again, a friend of his – he was actually involved in a conflict of interest by investigating a domestic disturbance involving this individual on April 9, 2017. Although he represented that this was a simple noise complaint to Dispatch and to Officer Brockett during the IA investigation, the truth actually is that he was at this residence for the entire evening because he was asked to be there by a female individual via text to investigate the matter. This is also a case of an officer who is not without discipline. Most recently, he was given a 10-day unpaid suspension for using excessive force on a teenage Hispanic male while the Department was still under the DOJ Consent Decree, he has received a 5-day unpaid suspension for divulging confidential juvenile material to a friend, and also disciplined for failing to report force. Attorney Sedor distributed his presentation binders to the Board, Attorney Zullo and Attorney Pattis. The presentation binder was divided into three parts: 1) the Internal Affairs Investigation with all the exhibits attached; 2) East Haven Police Department Policies and Procedures; and 3) an outline summary of prior discipline for Officer Ferrara.

A supplemental binder with the timeline for notification of Internal Affairs Investigation 17-13, subsequent pre-disciplinary and disciplinary hearings with Chief Lennon and the BOPC along with Officer Ferrara's postponement requests through his attorney, and communications regarding FMLA, return to work status and independent evaluation by the Town.

Attorney Pattis, representing Officer Ferrara, noted that Mr. Ferrara has pending litigation against the Town and the Police Union represented by his independent counsel, Attorney James Brewer, who brought him in to handle these limited matters under Mr. Brewer because he could not appear on the Union's behalf, and he defers to Mr. Brewer's strategic decisions in this case and to advance Mr. Ferrara's interests. He stated that Mr. Ferrara has a 16-year history as a law enforcement officer – eleven with EHPD, he has some blemishes on his record, however, officers are not expected to be perfect, they are expected to be reasonable, make instantaneous decisions and snap judgements on a day-to-day basis. We ask them to remember their training, follow the rules, and not make mistakes that put the public at risk. He asserts that despite the history of misconduct and discipline, there is no pattern of rampant lawlessness, exposing the city to liability and no pattern of discernable harm except for one use of force incident.

Attorney Pattis states that the photos speak for themselves but do not violate the limited use of departmental email and he concedes that the most serious offense is Officer Ferrara's lack of candor throughout the Internal Affairs investigation, acknowledging he could have been more forthcoming. He suggested that shame was Officer Ferrara's motivation, not deception.

Attorney Pattis advised the Board to defer making a decision pending the outcome of the independent medical evaluation stating that the Town and the residents of East Haven owe Officer Ferrara that for putting his life on the line. Although Mr. Ferrara struggles with health issues, his doctor says he is clear to return to work. If he is cleared to return to work, then make a decision. If he is not cleared to return to work, please afford him an opportunity to apply for a disability retirement. If he is clear to return to work and the Board still chooses to terminate Officer Ferrara on his record, it will only fuel Mr. Brewer's lawsuit.

[Note: Exact presentations were formally documented by the Certified Shorthand Reporter.]

Chairman Illingworth asked if there were any witnesses either attorney would like to present. There were none.

Chairman Illingworth stated that the Board would begin their deliberations, charge by charge.

Attorney Pattis requested a brief recess for his client to use the restroom which Chairman Illingworth granted. Meeting recessed at 7:49 PM and resumed at 7:56 PM.

Chairman Illingworth gave Attorney Pattis another opportunity to address any of the charges specifically. Attorney Pattis summarized by saying that in his experience, officers are massively overcharged and recommended the Board adopt a center of gravity on essentially three (3) charges: 1) salacious material, 2) the misuse of the internal email system of the police department, and 3) lack of candor. He further requested that the Board take all the time necessary to review the substantial amount of material. Although his client had requested a public hearing, they would consent to private deliberations and therefore withdraw their request for a public hearing insofar as the Board's deliberations go.

Chairman Illingworth called for a motion to go in to executive session. Vice Chairman DiSilvestro made a motion to go in to executive session with only the Board and Commission Counsel Town Attorney Zullo; seconded by Commissioner Flynn. All in favor. No one opposed or abstained. Motion carried unanimously. Executive Session commenced at 8:02 PM.

Vice Chairman DiSilvestro made a motion to conclude executive session and return to public session; seconded by Commissioner Flynn. All in favor. No one opposed or abstained. Motion carried unanimously. Public session resumed at 8:23 PM.

Chairman Illingworth stated that due to the volume of evidence presented this evening and the serious recommendation facing Officer Ferrara, the Board needs more time to examine all the evidence and do a thorough and fair job of judging this matter. Vice Chairman DiSilvestro made a motion to have this Special Meeting continued to Tuesday, January 22 at 7:00 PM to make a recommendation, and at that point in time, Attorney Zullo would advise the Board their responsibility with regard to the Disciplinary Matrix and the charges against Officer Ferrara; seconded by Commissioner Carbo. All in favor. No one opposed or abstained. Motion carried unanimously.

5. Adjournment

Vice Chairman DiSilvestro made a motion to adjourn; seconded by Commissioner Flynn.

Chairman Illingworth adjourned the meeting at 8:24 PM.

Respectfully submitted,

Marsha M. Maldonado

Clerk to the Honorable Board of Police Commissioners

[Three-part audio recording on file]