

January 22, 2019

Kathryn Emmett
Corporate Counsel

Dear Attorney Emmett:

Representations were made to our Committee that the City of Stamford faced serious liability issues based on the way Park Police are being managed, and that the only possible remedy is a complete transfer of the Park Police under the Police Department, complete with the Park Police salary line item. We would like a further explanation and legal opinion on the following:

BACKGROUND

During several months of Committee meetings devoted to this issue, the Committee learned that Park Police have been a budget line item for Parks & Recreation dating to at least the late 1970s, and quite possibly for many years prior to that. During that time, Parks & Recreation set hours and assignments but all law enforcement oversight was performed by Stamford Police supervisors. While on-duty, Park Police Officers were effectively treated like any other officer but simply were assigned to the parks. Historically it appears that Special Police, from which the Park Police are drawn, performed these sorts of functions for multiple other City departments: Parks & Recreation, Traffic & Parking, and the Housing Authority (the latter program ended in the late 1990s due to a lack of federal funds). In all cases the officers were employed by the other city agency, which managed budget, hours and assignments, but while working they were overseen by the Police chain of command. This appears to have been the normal order of business for decades and a way that other city agencies needing enforcement services that were not priorities of the Police Department could budget for and obtain them. To all accounts this approach appears to have worked to the benefit of the City and its residents and visitors.

The one exception to this history regarding the Park Police was from about 1997 through the beginning of 2003, when the Malloy Administration transferred them directly to the Police Department upon similar claims of liability if they remained with Parks & Rec, and “better management” if they were moved over to the Police Department. We have heard from multiple credible witnesses that the result was disastrous for the Park Police, as managerial individuals within the Police Department who had hostile intent toward the Park Police Officers mistreated them in a variety of ways, transferred funds from the Park Police salary line item into accounts unrelated to Park Police (such as regular police overtime), and consequently reduced the hours of Park Police to accommodate the pilfering of funds from their salary account. They also appear to have forced out the two full-time Park Police Officers who were employed at the time of the transfer, one of whom appeared before us with a vivid and extremely disturbing account of her experiences leading to her separation from the City. In addition to the reduction in hours, we have concluded that the former full time Park Police Officer who appeared before us, as well as multiple part-time Park Police Officers, resigned due to the mistreatment they experienced while under the control of the Police Department. Finally, we learned that the Park Police were moved back to Operations in 2003 by Mayor Malloy when he became fully aware of the problems they were experiencing and the negative impact this was having on the services they were rendering to the City. Far from “kicking the can down the road,” as this was described by Mayor Martin, this appears to have solved a problem that had gotten out of control at the hands of the Police Administration. From what we

have learned, the transfer back to Parks & Rec resulted in a complete turnaround for the better, both for the Parks Officers themselves and for the service they provide to the City.

Our Committee and many of our constituents do not wish to see the negative experiences of the past repeated, as we believe the Park Police perform a valuable service to the City of Stamford, and they (and their budget) should be overseen by a department that values them and benefits directly from the services they provide, rather than assigning them to a department that does not consider the services they perform to be a priority, and whose management contains individuals who seem to oppose their existence.

PRESENT SITUATION

During our months of meetings we have reached the conclusion that the management of the Police Department and the Director of Public Safety misrepresented the situation involving Park Police when appearing before us. For instance, we were told that Police Department managers do not know when Park Police are working, or where they are assigned, or what they are doing. Additionally, we were told that at least one Park Police officer had never been properly trained and was “grandfathered in” when state training standards changed. At one point we were told Park Police perform virtually no actual enforcement and were given statistics suggesting that Park Police issue very few summonses. We were told that it is impossible to hire new Park Officers because the training requirement is so onerous for brand new employees and because regular police retirees would not want the job. Finally, we were told that the FBI, in 2008 and again in 2016, had demanded such a move in connection with the Park Police Officers’ access to the NCIC and COLLECT systems.

Based on our assessment, none of these representations were true, and they appeared to have been made for the purpose of manipulating our Committee to reach the conclusion desired by the people who were misinforming us. We are concerned that the Mayor and the members of the Police Commission may have been similarly misled. The Mayor made statements to our Committee that he originally strongly supported the Park Police but then learned of grave issues they presented that had not been addressed by prior administrations. His description of these “issues” matched the misstatements that were made to us by the Police Department administration. We believe this reveals that the Mayor was intentionally given information crafted to alter his perception of and support for Park Police. In addition to the statements made directly to our Committee, several of our members have seen recordings of some of this misinformation being given by police managers to the Police Commission.

The truth, as we have ascertained, is as follows:

1. All Park Police Officers were fully trained prior to commencing service and have been continuously certified by the state as law enforcement officers, including both of the current remaining incumbents. In fact, while there is a “grandfathering” statute (see Sec. 7-294d(d)), it applies only to regular police and would not have covered Park Police; hence, the state would never have certified them if they had not been properly trained.
2. The Police Department was always fully informed as to when and where Park Police were working and what they were doing, through its own “TeleStaff” scheduling system, through the fact that Park Officers sign on to the Police computerized dispatching system and radio system at the beginning of each shift, and through the fact that virtually their every move is reported over the Police dispatching system either by the Park Officer being dispatched to a call for service or said officer reporting that they were in the process of taking some sort of action.

3. When police supervisors have wanted Park Police Officers to do something in a particular way or to refrain from doing something, the supervisors gave instructions to that effect and the Park Police Officers obeyed. This was because under the City Charter, Special Police have always fallen under the Police Department chain of command with regard to the performance of police duties. Therefore, Park Officers have always been subject to Police Department oversight, including disciplinary action up to and including removal as a Special Police Officer by the Chief of Police.
4. Reports written and police actions taken by Park Officers are reviewed and approved or rejected by Police supervisors and every comment regarding the Park Officers' performance under the existing system has been that "they do great work." Not one comment made to us has indicated any deficiency in performance or questionable behavior by any Park Police Officer at any time.
5. Summonses issued by Park Police exceed what was reported to us by at least a factor of ten, a fact that was revealed after investigation by the Park Police Officers themselves and ultimately verified by the Police Department. The eagerness with which the original underreporting took place raised additional questions about motivation.
6. Alleged attempts to hire additional Park Officers at the request of Parks & Rec appear to have been virtually crafted to result in failure. An open Permanent Part Time position with benefits was posted only as a seasonal no-benefit position. The single individual who applied did so after being personally contacted by an incumbent Park Officer and not in response to any job announcement. Our request for documentation on how the position was publicized, and what recruiting efforts were undertaken, was never answered, leading to the conclusion that there may well have been no publicity or other recruiting effort at all.
7. With regard to NCIC, we discovered that the 2008 incident involved the FBI apparently being misinformed about what Park Police Officers actually are. It seems the representatives from the FBI were told that Park Police were Special Constables appointed by the Mayor under Sec. 7-92 of the General Statutes, which would render them ineligible for NCIC. Once the FBI officials learned Park Police are Special Police Officers appointed by the Police Commission, and that they are supervised, while working, by the Police Department chain of command, the objection was withdrawn even though the FBI representatives were aware Park Police are on the Parks & Recreation payroll. We further learned that in 2016, the FBI again withdrew its objections when they were informed – apparently after a second instance of being misled – that the Park Police are supervised, when working, by police sergeants, lieutenants and captains, and not by civilian employees of Parks & Recreation.
8. Finally, it was evident to us that the types of duties primarily performed by Park Police Officers, such as routine nighttime park closings, investigating unlicensed park vendors, enforcing leash laws, addressing loud radios, dealing with unruly beach patrons, ensuring bicycles operate in the proper lane, enforcing park restrictions on alcohol and glass containers, etc., are matters of great concern to the Parks & Recreation Administration but cannot be high priorities to a Police Department that must concern itself with citywide crime fighting including the most serious felonies. Therefore, were the Park Police budget to be moved directly under the Police Department, it would move from the high priority item the Parks & Recreation consider it to be, to quite probably the lowest priority budget item for the Police Department. The Police Administration pointed to Animal Control as an example of a similar service that is budgeted year after year, but Animal Control is a service that the City is mandated to provide as a matter of state law; Park Police service is not. The two are therefore quite different. At a time when budgets are under intensive scrutiny, we cannot imagine a single other budget item the Police Department would ever give up in order to ensure it retained Park Police. Since Park Police appears to have been created specifically to address issues the Police Department does not have time to address and can never consider to be high priority issues, allowing them to control the

Park Police budget would not make sense to us even in the absence of the hostility some police managers so clearly harbor for them.

The disconnect between what we were told and the apparent (and very different) reality has presented us with significant concerns about the motivation behind the effort to force the Park Police completely under the thumb of the Police Department. The additional fact that in trying to seize control of Park Police schedules, the Police Department has indicated as its first priority its desire to curtail Park Police hours, reveals similar intent to what was done during the prior move in 1997. We therefore are strongly concerned that if the Park Police were transferred entirely to the Police Department, the same sort of issues would arise today that were such a problem during the 1997-2003 transfer. Our Committee has grave misgivings about what would happen if such a transfer occurs again, especially when starting out with only two officers instead of the ten or so officers – two of them full time – who were transferred in 1997.

QUESTIONS

Given the history and the concerns outlined above, we would like the following questions to be answered:

1. Has the City of Stamford ever paid a judgment or settled a case, dating as far back as you are able to search, as a consequence of Park Police being paid out of a Parks & Recreation account instead of a Police Department account, or as the result of Parks & Recreation determining hours and assignments, or for any other reason?
2. Assuming Parks & Recreation management's involvement with Park Police is limited to managing their budget, determining their hours of work, and establishing what Parks & Recreation facilities need Park Police services, but have no involvement whatsoever in determining how the officers perform police duties, and assuming that the oversight of the Park Police Officers' performance of police duties comes exclusively from Police Department supervisors, is there any increased liability to the City of Stamford by keeping the Park Police under Operations as a Parks & Recreation line item so they remain a Parks & Recreation resource? If your answer is "yes," please provide a fully detailed explanation.
3. What is the difference in liability to the City between Parks & Recreation determining Park Police budget, hours, and assignments, based on its needs, on the one hand, and a regular Stamford Police Officer performing extra duty work for a private entity such as a construction company or supermarket, on the other? The two appear almost identical to us, given that in both cases, (a) an entity other than the Police Department is receiving the services of someone with law enforcement powers, (b) the outside entity is indicating what its needs are and the officers are there to satisfy those needs rather than the Police Department's needs, (c) the outside entity is indicating the hours when it wants those services to be performed and where it wants them performed, and (d) in both cases the officers when performing police services are supervised by police supervisors and presumably subject to discipline by such supervisors for misbehavior. Please fully explain the distinction, if any, and why you assert that liability would be greater in one case over the other.
4. To the extent you determine that there is a liability problem, how could the City minimize its liability while still having Parks & Recreation able to determine when and where it needs law enforcement services by the Park Police in order to address such things as vendors operating without permits, lifeguards needing assistance with uncooperative beach patrons, and other issues that may be extremely important to the Parks & Recreation Department but a low priority for the Police Department? How could Parks & Rec assure Park Police were sufficiently budgeted to perform these duties?

5. What power does the Board of Representatives have, under the City Charter, and what steps may it lawfully take, to ensure (a) that Park Police continue to receive funding from Operations under Parks & Recreation, (b) that Parks & Recreation receives from the Park Police the specific kinds of law enforcement services that it needs to fulfill its mission, and (c) that the Park Police budget and administrative connection are not forcibly transferred by the Administration from Operations to Public Safety / SPD?

Sincerely,