



East Windsor Police Department



Internal Affairs Investigation Final Findings

Date: 01/16/07

IA Number: 06-04-IA

Name of Employee(s): Officer William Ludemann
Sergeant Kenith Smith

5860

Address of Employee(s): 25 School Street
East Windsor, CT. 06088

Ava Hill

Name of Investigator: Sergeant Michael Hannaford

Nature of Complaint: Conduct Unbecoming
Insubordination
Violation of Department Publications/Traffic Accident Investigation

Conclusion of Complaint: Substantiated

On December 27, 2006 the undersigned investigator was assigned an Internal Affairs Investigation by the Chief of Police, Edward J. DeMarco, Jr., relative to a complaint received from an Ava Saccoccio Hill. The complaint received involved the investigation of a Motor Vehicle Accident, which had occurred in this town on June 25, 2006 at 22:04 hours, reference EWPD case # 06-178-AC. The stated Motor Vehicle Accident involved the daughter of Ava Saccoccio Hill, Michele Saccoccio, who tragically lost her life as a result of this accident.

On November 20, 2006 a letter was authored by Ava Saccoccio Hill to the Honorable Richard Blumenthal, Attorney General for the State of Connecticut, expressing her displeasure and/or concerns with the manner in which her daughters accident was investigated by this department. Further, Mrs. Saccoccio Hill expressed displeasure with the manner in which her family was notified of the death of her daughter, as well as other information which was not readily made available to the family. The stated letter consists of six (6) pages, and details events that had allegedly occurred between June 25, 2006 and August 4, 2006. The letter was also sent to the office of the Honorable Joseph Lieberman, United States Senator representing the State of Connecticut.

On December 27, 2006 a "Notice to Personnel", regarding the Internal Affairs Investigation, was drafted to Officer William Ludemann, Sergeant Kenith Smith and Sergeant Michael Poliquin. Each stated officer was directed to draft and submit an explanatory report to the undersigned investigator, relative to this accident investigation, their assignment to same, as well as addressing the complaints and/or actions alleged by Mrs. Saccoccio Hill. The stated officers were provided a copy of the letter drafted by Ava Saccoccio Hill to allow for proper response to her allegations. Each stated officer was directed to submit such explanatory report no later than Friday, January 5, 2007.



EAST WINDSOR POLICE DEPARTMENT

Edward J. DeMarco, Jr.
Chief of Police

Internal Affairs Investigation
06-04-IA
Supplemental Report

Date: 06/28/2007

By: Captain Roger T. Hart

After I reviewed the initial investigation conducted by Sergeant Michael Hannaford, I determined there were still some unanswered questions regarding the conduct of the supervisory staff, specifically Sergeant Kenith Smith, during the investigation of fatal motor vehicle accident 06-178-AC. Therefore, this document was created as a supplement to the original report.

On 06/27/2007 at approximately 10:30 hours, I began a review of the East Windsor Police Department's digital audio recordings of the telephone and radio conversations that occurred the night of June 25th, 2006.

In doing so, I located several audio recordings that indicated members of the East Windsor Police Department knew the identity of the deceased, Michelle Saccoccio, early in the investigation. Sergeant Smith explained in his written report that he had contacted Enfield Police Department and advised them to go to 560 Hazard Avenue, Enfield to identify who may have been driving one of the vehicles involved in the accident and not to make a death notification.

On 06/28/2007 at 10:55 hours, I went to Enfield Police Department and met with Sergeant Willy Pedemonte. Sgt. Pedemonte was the Enfield Police Department's desk officer who initially spoke to Sgt. Smith in regards to sending Enfield officers to the Saccoccio residence. Sgt. Pedemonte told me when he spoke to Sgt. Smith he was aware that the deceased, Michelle Saccoccio, had been identified by a photo identification. He remembered Sgt. Smith asked him not to tell the Saccoccio family where the accident occurred because he didn't want them to come to the scene of the accident. Sgt. Pedemonte told me after he ended the telephone call with Sgt. Smith, he contacted Sergeant Marianne Christensen and Officer Shagmann and advised them to go to 560 Hazard Avenue, Enfield and notify the family that Michelle Saccoccio had been killed in a motor vehicle accident in the Town of East Windsor. Sgt. Pedemonte said there was no doubt in his mind that Sgt. Smith was requesting Enfield to make a death notification.

Sgt. Pedemonte gave me a copy of the Enfield Police Department service report completed by Officer Shagmann on 06/25/2006. The report was labeled an AOPA (Assist Other Police Agency) and was assigned dispatch number 2006-26391 at 22:22 hours. In the remarks area it is clearly written "make a death notification". Sgt. Pedemonte suggested I speak with Sgt. Christensen about her dealings with Sgt. Smith that night. Sgt. Pedemonte agreed to contact Sgt. Christensen and have her call me.

On December 28, 2006 the undersigned investigator made contact with Ava Saccoccio Hill, via the telephone, and requested an opportunity to speak with her, in person, regarding her allegations against this department and the stated officers, most specifically Officer William Ludemann and Sergeant Kenith Smith. During this initial contact with Mrs. Saccoccio Hill, the undersigned investigator explained that this department had received a copy of the complaint she had filed with the Attorney General's Office, and that it was the intent of this department to determine the validity of her complaint and to take what ever action was deemed appropriate. The undersigned investigator conveyed to Mrs. Saccoccio Hill that her complainant would be investigated fully with any and all violations of policy, procedure, rules, regulations, departmental operational directives and/or investigative protocol, addressed appropriately, if found to have occurred. Mrs. Saccoccio Hill was willing to speak with the undersigned investigator, however, it was agreed that due to the holidays it would be most convenient for the meeting to occur after January 2, 2007, sometime during the remainder of that week. It was further agreed between Mrs. Saccoccio Hill and the undersigned investigator that she would decide on the date and time to meet and would contact myself with same. Mrs. Saccoccio Hill was told that she could leave a message on the departmental voice mail if she was not able to make contact with the undersigned investigator directly.

On January 4, 2007, after having not received a phone call from Mrs. Saccoccio Hill, the undersigned investigator made a second call to her home. The call was answered by an answering machine and the undersigned investigator left a message for Mrs. Saccoccio Hill asking that she contact me with the date and time to meet.

On January 5, 2007, upon reporting for work at 08:00 hours, the undersigned investigator had received a voice mail from Ava Saccoccio Hill stating she "had no intentions of meeting with me regarding this complaint." The call was direct and her statement appeared final. This phone call has been recorded for reference to this investigation.

The undersigned investigator, believing it was prudent to interview Ava Saccoccio Hill with regards to her complaint, for the purpose of addressing questions I had developed from same, and in order to investigate this complaint thoroughly, drafted a letter to Mrs. Saccoccio Hill re-affirming my desire to meet. The stated letter was drafted and sent on January 5, 2007.

As stated previously, the Motor Vehicle Accident in question occurred on June 25, 2006 at 22:04 hours. The patrol shift on that date and time consisted of Sergeant Kenith Smith, Supervisor, Sergeant Michael Poliquin, District 1 Officer and Officer Eric Petlik, District 2 Officer. When the Motor Vehicle Accident was initially reported and upon the response of the stated officers, Sergeant Smith was to be the assigned investigator based on his training in Accident Reconstruction. Officer Ludemann, who was assigned to the oncoming midnight shift, was called into work early to assist with this accident and/or any other incidents, which might require police response. Upon the arrival of Officer Ludemann to the stated Motor Vehicle Accident he had made a request of Sergeant Smith to allow him the opportunity to investigate the accident. Officer Ludemann is trained as an Accident Reconstructionist also. Sergeant Smith allowed Officer Ludemann to become the primary investigator of this accident, and stated he would supervise the investigation to assure it was completed to the standards he (Sergeant Smith) has established for this department. Further, Officer Petlik had apparently expressed an interest to assist in the investigation and Sergeant Smith had directed Officer Ludemann to allow Officer Petlik to assist.

Summary of Complaint – Ava Saccoccio Hill

On June 25, 2006, According to the letter drafted by Ava Saccoccio Hill her issues with this department began on the night of this accident. Mrs. Saccoccio Hill states her family was contacted by two

The third telephone conversation was when Sgt. Smith telephoned Sgt. Pedemonte and advised him that they had located a college identification and they were certain the victim had been identified as Michelle Saccoccio. Sgt. Smith then asked Sgt. Pedemonte to make a death notification to the Saccoccio family.

Sgt. Smith advised Sgt. Pedemonte that Michelle was alone in the vehicle and it appeared she lost control of her vehicle on a curve and crossed into the oncoming lane where she collided head on with another vehicle. Sgt. Smith also told Sgt. Pedemonte, that it may be comforting to the family to know, it appeared Michelle's death was instantaneous.

CONCLUSION: A supervisor does not relinquish the responsibility associated with a task after it has been assigned. The overall supervision of this fatal motor vehicle accident fell within Sergeant Kenith Smith's area of responsibility. I concur with Sergeant Hannaford's assessment when he states in his Internal Affairs report "Sergeant Smith indicates he had instructed Officer Ludemann to make notification the morning hours of June 26, 2006. Sergeant Smith failed to assure this directive was carried out." In addition to this statement, it is my opinion that Sergeant Smith failed to ensure that other basic investigatory procedures were adequately followed. (See Initial Accident Report & Sgt. Hannaford's IA report: i.e., scene photography, timely witness interview)

Sergeant Smith's decision, the night of the fatal motor vehicle accident, to keep the location of the accident from the Saccoccio family may not appear to be a sympathetic decision. However, Sergeant Smith was attempting to control an already busy accident scene where one of the involved operator's families was present. Sgt. Smith had to make a decision based on the totality of the circumstances. To notify the Saccoccio family that the incident occurred only five miles from their home may have caused them to come to the scene and to cause further taxing of the manpower on scene.

The East Windsor Police Department failed to notify the Saccoccio family of Michelle Saccoccio's death in a timely and sympathetic fashion. This responsibility ultimately rests upon the shoulders of the supervisor in charge of the accident, Sergeant Smith.

It was alleged that Sergeant Smith failed to foster a good working relationship with the Enfield Police Department the night of the incident. During the interviews with both Enfield Sergeants, they lend me to believe Sgt. Smith was unsympathetic to the situation and rude, especially when he hung up on Sgt. Christensen. The recorded telephone conversations between Sgt. Smith and Sgt. Pedemonte seem to clearly refute, in part, their accusations. Sergeant Smith abruptly ending a telephone conversation by hanging up the telephone does indicate a level of frustration that could have been handled more appropriately. But in regards to the alleged lack of information, it is clear that Enfield Police Department had as much information regarding the death of Michelle Saccoccio as the East Windsor Police Department had at the time of the death notification. Sgt. Christensen's lack of knowledge regarding the circumstances which lead to Michelle Saccoccio's death cannot be faulted to this agency or to Sgt. Smith.

I respectfully submit that Sergeant Kenith Smith violated the following rules, regulation, policies and/or procedures of the East Windsor Police Department:

- **Department Directive: 53.1 Line Inspections**
- **Police Manual: 5.01.01** It shall be the responsibility of the position of Captain, Lieutenant and Sergeant to see that the department's objectives are carried out in accordance with this manual, current job description, Chain of Command and department orders to ensure the efficient operation of the department at all times

I further find that Dispatcher Lorelei Rounds, in dealing with the caller who identified himself as Michelle Saccoccio's father, violated the following rules, regulation, policies and/or procedures of the East Windsor Police Department:

- **Department Directive: 5-2 Dispatch Procedures**

Sincerely,

A handwritten signature in black ink that reads "Capt. R. Hart". The signature is written in a cursive style and is followed by a horizontal line that extends to the right.

Captain Roger T. Hart
East Windsor Police