

SB# 991

April 15, 2013

Requested Action; Testimony, Discussion and Change in the Whistle Blower Statute as it now applies to include protection for Municipal Employee's Particularly Police Officer in the performance of their duties. This change would be for the purposes of protecting municipal police officers / law enforcement officers from retaliation from superior officers and any and all elected or appointed municipal officials when reporting alleged acts of corruption and or abuse of power granted to their appointed position within their organization and or within their municipality.

Dear ladies and gentlemen of the State Senate, I would like to take this to thank you for allowing me the opportunity to address you concerning this topic which I feel so strongly about that I feel was inadvertently over looked when the Whistle Blower Statute was written several years ago.

I'd like to first introduce myself. My name is Michael Shelton Bracken Jr., I am 50 years of age and I was raised and lived in the town of Windsor Locks for approximately 47 years. During my younger years and into my teens my life was influenced by those around me. I had the opportunity to watch as my uncle served with the Hartford Police Department eventually retiring at the rank of Captain in charge of the patrol division. I also had the opportunity to watch the local Windsor Locks Volunteer Fire Department and the Lions Ambulance Service in my town respond to assist residents and visitors within my community which shaped my mind set for what it was that I wanted to do for a career when it was my turn to step up to the plate and enter into the work force. I served a total of 17 years in the Windsor Locks Fire Department with 2 of these years beginning as a junior firefighter at the age of 16. While in the fire department I had the opportunity to save a man's life carrying him down a 50 foot ladder as he lay unconscious in my arms from the third story of a boarding house during a structure fire. This task I was assisted with after getting the victim partially down the ladder due to his size. I also served 10 years on the Lions Volunteer Ambulance Corps receiving awards for taking more than 100 calls per year. I served an additional 2 years riding commercial ambulance in the city of Hartford, Ct where I experienced the ultimate dream of delivering a baby boy into this world. And at the age of 18 directly out of high school, I joined the Windsor Locks Police Department as a Supernumerary Police Officer. Too young to purchase a firearm, I had to have a senior officer go with me to purchase my on duty weapon. During my time as a Supernumerary Officer, I made case history in the state of Connecticut and my case is still referred to today in many cases with respect to seasonal and part time employees.

I was promoted to a fulltime police officer in September 1987 and after which I enjoyed my job immensely. Granted there were ups and downs but when I took my oath of office and raised my hand swearing to up hold the law, municipal, state and federal I took this oath seriously. I also took seriously my promise to protect and serve those who I had sworn to protect. It did not matter to me what a person's skin color was, their religion, sexual orientation, or any other differences that there

were between us. I looked at the situation that all people were created equally and deserved equal protection.

Unfortunately this did not sit well within my own department. I was often skipped over for promotion or assignment to specialized training based upon my beliefs and nearly on a daily basis subjected to continued harassment and intimidation which would be rewarded by the chief of police to officers involved in the harassment. I filed hostile work environment complaints only to have them fall on deaf ears and be swept under the carpet. I watch as some of my coworkers tampered with audio recording made during the normal course of the police department's procedures to record incoming calls that were tampered with and or erased to make sure that there was no record of the call. What did the chief do about it? Absolutely nothing. I watched in horror as a coworker used police department computer to go to the Ku Klux Klan website and down loaded applications to join the Ku Klux Klan and then distribute the applications into another officers mail box. The officer that received the applications filed a complaint with Human Resources' only to have the chief apply pressure to that officer to withdraw his complaint and then the chief white washed the complaint. The complaint is still on fire with HR in Windsor Locks. How does one take a complaint about an officer going to a known Hate Group down loading an application and then white wash the complaint without any action?

The Windsor Locks Police Department received a \$59,000 State / Federal grant (actually total of 3 for the same thing In Car Video Cameras and a Police Cruiser for the purposes) that were never used. Camera were bought for every cruiser, they were installed by a friend of the Captain, all of them installed improperly, never put in service and then removed. I questioned this as well as the cruiser which was supposed to be on display for high school students which was never done. The Captain testified at a police commission meeting and I learned just last week at a deposition of Chief Suchocki that the state checked into my complaint with the chief and allegedly sided with the chief that the cameras had been in service. I filed an FOI request for the VHS tapes made by the in car cameras and the Captain had to finally admit to the First Selectmen Steven Wawruck that there were no tapes because the cameras had never been put in service. The Capatin and Chief got away with lying to the state auditors regarding the in car cameras and the auditors should be sent back to do exactly as I did FOI the VHS cassettes. Civil and or Criminal action should be taken against the Chief and Captain for lying to the state auditors when they told the auditors that the cameras had been in service and had been taken out because they were now obsolete. This was a waste of \$59,000 of tax payer's money.

The lies go on and on with the town of Windsor Locks and the Chief and Captain of the Windsor Locks Police Department.

In March 2007 I was assigned to investigate a motor vehicle accident involving a town vehicle and another motorist. The accident was serious in nature and the operator of the civilian vehicle was

unconscious and trapped in her vehicle. She was extricated by the Windsor Locks Fire department. I spent hours at the scene taking measurements and investigating the accident and upon returning to the police department I was confronted by the police chief who ordered me when he discovered that I intended to ascertain information from the town vehicle black box how fast the town vehicle was going to not to even mention the black box in my report. The chief gave me a direct order that I was not to even try to get the information contained in the black box, to with hold mentioning the black box and to include damage done to a flood light by me at the scene as being done by the accident to prevent the town from having to pay for the damage. The chief attempted to pressure me into finding the operator of the civilian vehicle at fault for the accident stating that it was his responsibility to prevent the town of Windsor Locks from being drawn into civil litigation. I told that chief that he was giving me an unlawful order and that I would not, could not abide by his order. The chief threw me out of his office at that time.

I spoke to a union attorney about what occurred and the union attorney Michael Brady and I coauthored a letter dated March 19, 2007 explaining to the chief that I would not obey his order because his order was illegal. I then drove out to the Connecticut Police Academy and spoke to the director in charge of certification. I do not remember the gentlemen's name but he is a former DEA agent. After explaining the circumstances to the director, he informed me that I was doing the right thing and what was expected of me under the law. I then asked why I am being punished for doing the right thing. The simple answer was, I have no protection under the Whistle Blower Statute.

I was forced to Dr John Meyer by the Chief for a fitness for duty exam. The chief was trying to fire me by finding someone that would say I was unfit for duty. This beause after being grilled for an hour by the chief I went home from duty. I was upset and I do not feel that it is in anyones best interest to have an officer who is upset stop them or to have and upset officer on the road answering calls when he or she is not in their best frame of mind.

At about this same time I had some involvement into a case involving suicidal person who was reportedly coming to the Windsor Locks Police Department. I was off duty at the time of the call but asked the Captain if he wished that I stay over and assist until the situation was under control. The Captain requested that I stay over. After the person was taken into custody and transported to a hospital for evaluation I went home. It was not until August 23, 2007 that I found out that I was the subject of an internal investigation regarding this suicidal male. I was alleged to have said that this man was enrout to the Windsor Locks Police Department to have a shoot out with officers at the police department and that this man wanted to die by suicide by cop. Something I adamantly deny and can prove. I have an audio CD made by the police departments Dictaphone system and even though it is tampered with, the audio recording proves that I was not involved in the making of any of these statements and that the one conversation that is recorded of me was tampered with to include part of a conversation that is not possible. I was advised that I was suspended for ten days

and referred to Dr. Meyers for a fitness for duty exam. Dr. Meyers found me fit for duty. I went into the department with my return to work notice but the chief refused it even though Dr Meyers was the chiefs own physician that he had sent me to. The next thing I know I was told I was being place on administrative paid leave until further notice. I remained on paid leave until being told that the chief was now sending me to Dr Sarfaty a Pyschologist whose speciality is Traumatic Brain Injury. I had no brain Injury. As it turns out Sarfaty testified that he has done more than 1 but less than 5 fitness for duty exams. Sarfaty administered 4 written tests to me, he admitted that I passed all 4 and that he decided after a interview that I was unfit for duty based solely on his interview. Sarfaty was given material for review that was sealed from view and the chief knew this as well as private medical records and a grievance that I had filed regarding the exam which infuriated Sarfaty and caused him to argue with me for close to an hour the second day of my exam with Sarfaty.

I have also been seen by a Forensic Psychiatrist, Psychiatrist, files reviewed by Forensic Psychologist and Dr Meyers all of who have said that there is absolutely nothing wrong with me.

In trying to get help with my situation;

I have attempted to speak to Windsor Locks Police Commission Chairman James Gaylord who refused to talk to me regarding the incident involving Chief Suchocki.

I Called and wrote to the State of Connecticut Public Integrity Bureau, speaking with Investigator James Looby who refused to speak with me and suggested that I attempt to speak to the First Selectman Steven Wawruck.

I contacted and spoke to Windsor Locks Human Resources Director Shannon Walker who set up a meeting between First Selectman Steven Wawruck and I in which she attended where I laid out all of my evidence to show Wawruck that Suchocki was covering up the accident that I had been assigned to investigate. Wawruck refuses to take any action stating that he does not have the authority to intervene.

I contacted the Public Integrity Bureau again, Looby was avoiding me at which time I spoke to the secretary and asked for the fax number. I faxed my complaint over to the Public Integrity Bureau and verified that the complaint was received by the Public Integrity Bureau and later received a call from Investigator James Looby advising me that States Attorney Gail Hardy refused to her my complaint. Here I was with proof of corruption, tampering with evidence, tampering with witnesses as Sgt Koistinen who was the shift commander the day of the suicidal man incident provided false testimony not only at the labor department but at my termination hearing and in return Kointinen's son Michael was given a job on the department as a fulltime police officer even though there were indicators showing that he was not the best candidate for the job that would later go onto kill a 15 year old boy while allegedly driving drunk and more than 73 MPH. Detective Morini also provided false testimony at the labor board testifying that I had a history of problems when she in fact did

not even work with me. If at all, Morini work one case with me in the past several years but for her testimony she was given preferential treatment by receiving assignment to straight day shift Monday through Friday with every weekend off until this was caught after the chiefs retirement and the police commission caught what had been done and they placed Morini on the evening shift.

Suchocki testified at his deposition that I had gone to the Connecticut State Police with my complaint. Although I don't remember this directly, it certainly is a possibility since I have touched base with so many agencies only to be turned away. Suchocki admitted during his deposition that the State Police questioned him regarding the black box.

I went to the F.B.I. located in Meriden and spoke with two agents for more than three hours. The agent's took copies of my documents and took notes about the testimony that I provided. I was told by the agents that I had a very good case but that they were unsure if a federal prosecutor would be able to bring my case in front of a federal judge. I was told that my case belonged in front of a state judge. I was further advised by the F.B.I. agents that they felt that I had a very strong federal rights civil action and they suggested that I seek the help of a civil rights attorney. After ending the meeting with the F.B.I. agents, I received a telephone call approximately three days later. The agent that called me informed me that the federal prosecutor had advise him that although he understood where I was coming from that the prosecutor had discussed my case with his superiors and that my case was not the type of case that he would be able to get in front of a federal judge. The agent wished me luck and offered to assist me if there was any other help he could provide.

I wrote to Governor Rell requesting assistance explaining to her that every where I turned I was meeting resistance in seeking help. My first attempt to write to Governor Rell was intercepted by a Governors Aide who wrote a short memo back to me telling me how important this was to the Governor but, the governor never responded to my letter.

I sent a second letter to Governor Rell this time attempting to bypass her Aide, I got past the original Aide but the letter was intercepted by a second aide who again wrote me a letter telling me how important the governor feels about corruption yet again no response from the governor.

I sent a letter to then Attorney General Blumenthal informing him about what was occurring. Attorney General Blumenthal wrote back informing me that he considered what I was telling him very important and that he would assist me if he could. I never received any help pertaining to my situation.

I wrote a letter of complaint asking for help to the U.S. Justice Department Civil Division as I was instructed to do regarding a violation under the color of law. I waited months for an answer and after not hearing from them for months I called Washington only to discover that the U.S. Justice

Department had lost my complaint. I sent a second copy of my complaint to the U.S. Justice Department again waiting months for a comply. Still no comply. This time upon calling I was informed that the U.S. Justice Department Civil Division was just a branch responsible for gathering documentation but that they did not act on complaints. I was then advised to forward my complaint to the U.S. Justice Department Criminal Division which I did. Again I waited months calling back on many occasions asking the status of my complaint but never getting a response.

After months and months of waiting for some type of answer, I finally sat down and wrote a letter to President Obama explaining to him what I have been going through for years. With the help of President Obama, President Obama was able to get the U.S. Justice Department involved who in turn contacted the Connecticut States Attorney's Office and involved Legislative Aide Wilfred Blanchette who met with me at the state capital regarding my complaint. Mr. Blanchette promised to assist me in speaking with members of the senate including State Senator John Kissel who I had previously spoken with and also promised to assist me in seeking a change in the Whistle Blower Statute which does not protect Municipal Police Officers in the performance of their duties especially when exposing corruption and abuse of police powers within their own department without the fear of retaliation.

Because of what I have been through, I have no job, no medical insurance; I am close to \$100,000 upside down on my mortgage, \$25,000 in debt to a credit card, more than \$40,000 in debt in medical bills, loss of personal property such as a boat, automobile, and no sight in end. All because I stood my ground and told the truth and wouldn't be bullied into lying to support that of a corrupt chief of police. One that was allowed to retire and walk away with his pension intact days before the release of an investigation that found him criminally responsible for the way the Henry Dang investigation was conducted. An investigation in which I told that States Attorney's Office 3 years earlier that Chief Suchocki was covering up investigation but States Attorney Gail Hardy refused to listen too.

In bringing my testimony to you my fellow citizens, members of the State Senate, I am asking you to consider that we as your foot soldiers in the streets of Connecticut need your support not only in the making and enforcement of laws that govern the way that society acts and reacts but in how we the foot soldiers and our superiors act. To allow members of law enforcement to become involved in corruption and abuse the authority of their office unchecked is a mockery of the justice system. During my career as a law enforcement officer I have often heard the term "Blue Wall" or "Thin Blue Line". In some ways the saying bears some truth but as a law enforcement officer I also feel that the "Blue Wall" and or "Thin Blue Line" is merely a matter of a catch all and that most of the officers caught up in this phrase are merely officers who are in fear of stepping forward to afraid to turn their superiors or others in for corruption or abuse of authority. I have had many officers come to me and say that they could never go through what I have gone through because they have a family so they keep their mouth shut.

I too submit that I was ready to settle down and get married. I dated the same woman for just over 5 years and I would have loved to have settled down and had a family. That is something that I was cheated out of and I know that I would have been a good husband and father but I also chose to stand my ground and fight for what was right. Although my significant other knew I was being harassed at work she had no idea how bad and to what extent the harassment was. When will I have the opportunity to recover from what I have been put through by Chief Suchocki and the town of Windsor Locks if ever?

I ask that the State Senate add Municipal Employees / Municipal Police Officers to the Whistle Blower Statute and to protect them from corruption, abuse of authority and unnecessary action taken against police officers for bringing to light violations against the non law abiding individuals. In taking this into mind, law enforcement officers are subject to time limits when it comes to their certifications. A police officer loses his or her certification after 3 years and must repeat the entire police academy if he/she goes beyond that period. If it is found that the complaining party was subjected to corruption or abuse of power any time period should be waived and the officer should be returned to full duty after recertifying with his regular certification of 40 hour certification which is based on a regular three year basis.

Sincerely,



Michael Shelton Bracken Jr.