



**REPORT RE: COMPLAINT CONCERNING
NAUGATUCK POLICE CHIEF STEVEN K. HUNT
INDEPENDENT INVESTIGATION**

Dated: April 9, 2021

**BY: JAMES N. TALLBERG, ESQ.
Karsten & Tallberg, LLC
500 Enterprise Drive, Suite 4B
Rocky Hill, CT 06067
T: 860-233-5600
F: 860-233-5800
jtallberg@kt-lawfirm.com**

TABLE OF CONTENTS

I.	Overview and Scope of Investigation	1
II.	Factual Background.....	2
	A. The Child’s Snapchat Posts.....	2
	B. Police Chief Steven K. Hunt.....	7
	1. The Employment Agreement.....	7
	2. Disclosure of the “Snapchat” Posts.....	8
	3. Johnna Hunt	11
	C. Relevant Naugatuck Policies and Procedures	13
	1. Naugatuck Police Department’s Social Networking Policy	13
	2. Naugatuck Police Department’s Code of Conduct and Canons of Police Ethics.....	14
	3. Naugatuck Police Department Recruitment Plan	15
	4. Naugatuck Police Department’s Embrace of Fair and Impartial Policing.....	18
	5. Naugatuck Department’s Implicit Bias Training.....	19
	6. Naugatuck Police Department’s Traffic Stop Statistics.....	20
	7. Naugatuck Police Commission	22
	D. Prior Race-Based Complaints.....	23
	1. IA 08-01 and Subsequent CHRO Complaint.....	23
	2. IA 2017-09	24
	3. IA 2019-03	25
	4. IA 2020-02	26
	E. Alleged Misconduct Not Based on Original Complaint	28
	1. Alleged Favoritism in Hiring.....	28
	2. Chief Hunt’s Personnel File.....	30
III.	Legal Analysis.....	31
	A. Naugatuck Police Department’s Social Networking Policy	31
	B. Connecticut General Statutes § 7-294d(c)(2) and POST General Notice 20-09.....	33
	C. The Just Cause Standard	34
IV.	Conclusion	39

TABLE OF CONTENTS - APPENDIX

Addendum A – Employment Agreement	3,9
Addendum B – Hunt Family Statement – Open Letter, January 23, 2021	8,10
Addendum C – Naugatuck Police Department Social Media Policy	13
Addendum D – Naugatuck Police Department Code of Conduct	14
Addendum E – Naugatuck Police Department Canons of Police Ethics	14
Addendum F – Naugatuck Police Department Recruitment Plan.....	15
Addendum G – Implicit Bias Training for Officers	19, 20
Addendum H – Naugatuck Traffic Stop Statistics	21
Addendum I – Professional Development Proposal Naugatuck Police Department Implicit Bias, July 1, 2020	19
Addendum J – MOA Re: IA 08-01, August 11, 2009	24
Addendum K –Employment Agreement, December 6, 2019	29
Addendum L – Minutes, Regular Meeting of the Board of Mayor and Burgesses, 12/3/19	29
Addendum M – Memorandum of Understanding Between the Naugatuck Police Union (The Union) and the Borough of Naugatuck (The Borough)	29
Addendum N – Collective Bargaining Agreement, July 1, 2018 – June 30, 2022 (Section 23.08 only)	30
Addendum O – POST General Notice 20-09	33

I. Overview and Scope of Investigation

On or about January 22, 2021, certain Snapchat messages purportedly taken and captioned by a minor child of Naugatuck Police Chief Steven K. Hunt (hereinafter the “Child”) were released to the public.¹ Upon information and belief, those messages were taken between February and March 2019, and contain various racially charged sentiments and commentary on Mr. Hunt’s appointment as Chief of Police of the Borough of Naugatuck Police Department. Almost immediately after the public disclosure of these messages, this independent investigation was requested by Naugatuck’s Mayor, N. Warren Hess.

No limitations were placed on the undersigned or on the scope of this review. This investigator was given full access to all necessary documents and personnel and was afforded complete and unfettered discretion regarding witness interviews and information gathering. The undersigned reviewed the entirety of the Borough of Naugatuck Police Department’s voluminous Policies and Procedures, as well as all documented complaints of racial discrimination arising from the Naugatuck Police Department spanning back approximately thirteen (13) years to 2008. Those complaints are specifically addressed in Section I.D., at pages 23-28 of this Report.

Although the nature of the messages originating from the Chief’s Child, and not the Chief himself, militated toward a narrow review regarding whether the actions of the child of a public official can result in disciplinary action in the employment context against a public official, during the course of this investigation other allegations were brought to light by the Naugatuck Police Union and presented to Mayor Hess. Certain of these allegations are addressed in Section I.E., at

¹ In accordance with the spirit and intent of Connecticut’s General Statutes and Practice Book provisions governing the protection of the identities of minor children in family law disputes; see General Statutes § 46b-142 (b) and Practice Book § 79a-12; as well as Federal Rule of Civil Procedure § 5.2(a)(3), the names of the minor children involved in this investigation will not be used or disclosed within this written report.

pages 28-31 of this Report. Claims made by the Police Union regarding alleged disparate treatment of a sergeant who is African American, and alleged favoritism in the supervision of the Department's Field Training Officer (FTO) Program, are not addressed in this Report for two principal reasons: first, there are robust mechanisms available should any member of the Police Union or the public wish to make a formal complaint, or file a grievance, concerning those new claims; and, second, because there are no complaints or grievances currently pending against Chief Hunt, any new complaints or grievances should be dealt with through the ordinary Independent Affairs ("IA") process outlined in the Department's Policy & Procedure 6.1.

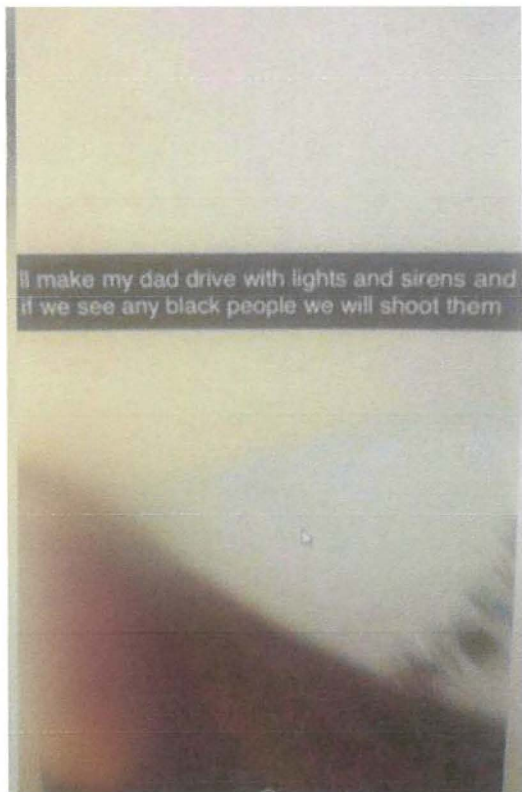
To the extent that there has been a general demoralizing effect on the Naugatuck Police Department as a result of the intense and negative media attention brought about by this controversy, and the leadership void created by Chief Hunt being placed on administrative leave, there are myriad other mechanisms to resolve those newly surfaced issues.²

II. Factual Background

A. The Child's Snapchat Posts

On or about Friday, January 22, 2021, messages purportedly sent by the Child began circulating on various social media platforms after the apparent recipient of such messages decided to make them public. The publicized posts contain racially charged, violent sentiments including "I'll make my dad drive with lights and sirens and if we see any black people we will shoot them,"

² To the extent that any members of the Department, or the public, have legitimate complaints that they have been the victim of any form of discrimination, there are multiple avenues of redress via a civilian complaint process, union grievance process, administratively through the Commission on Human Rights and Opportunities (CHRO), the Equal Employment Opportunity Commission (EEOC), and judicially through the state and federal courts. In addition, all rank-and-file officers have union protections that would ultimately be reviewed by the Naugatuck Police Commission, the State Labor Board, and the courts. As more fully detailed in this Report, there have been instances over the years in which complaints have been made, and in each instance they have been fully investigated, adjudicated, and resolved.



and “[m]y dad is now officially police chief so that means he’s more advanced in shooting black people than he just was a couple minutes ago.”³ Another of her posts contains the “N” word.

One of the photos in one of the posts appears to have been taken in the hallway outside Chief Hunt’s office in the Naugatuck Police Department. Chief Hunt reports that, although the Child visited him on occasion at the Department, the Child was never allowed in restricted areas, and there is no prohibition against any sworn member of the Department having occasional visitors in unrestricted areas within the

Department.⁴

Upon information and belief, the messages at issue were sent via Snapchat as “snaps” to another minor child (hereinafter the “other minor”) – who shall not be publicly identified in this Report – when the Child was thirteen (13) years old and the other minor was fourteen (14) years old, during or around February – March 2019. This investigator is unaware of any report filed

³ This patently offensive comment, in addition to being abhorrent and suggesting conduct that would plainly be criminal if carried out, is also nonsensical. Police chiefs, including Chief Hunt, are administrators whose essential duties and responsibilities are to develop and administer policies and procedures and manage the Department’s operating and capital budget, along with numerous other supervisory functions. See Addendum A, Employment Agreement, Ex. A (Job Description). Chief Hunt does not perform a patrol function, nor is he personally involved in the detection of criminal activity. Thus, it is unlikely that Chief Hunt would ever be called upon to use force, much less deadly force, in his current capacity as Chief.

⁴ There are two secure areas within the Naugatuck Police Department where civilians are not allowed unaccompanied: 1) the prisoner cell blocks; and 2) the dispatch center. There is no evidence that the Child was ever allowed in those restricted areas.

against the Child's Snapchat account pursuant to Snapchat's reporting system, discussed below. Therefore, this Report will not address whether any Snapchat Terms of Service or Community Guidelines were actually violated. However, a detailed discussion of Snapchat's purpose and functionality is important to the analysis that follows with respect to the inquiry into Chief Hunt's involvement.

Snapchat, a product of Snap Inc., is a popular messaging application available in both the Apple App Store and the Android Marketplace that lets users exchange pictures and videos (called "snaps") that are meant to disappear after they are viewed.⁵ In addition to sending snaps, users are able to post photos and videos to a "story," or a collection of moments in the form of pictures and videos that, taken together, create a narrative. Stories may be limited in who can view them or open to all friends of a user, and are generally viewable for twenty-four (24) hours unless they are



voluntarily taken down prior to their expiration. Id. Snapchat also provides its users with direct messaging capabilities similar to platforms like Facebook Messenger or Instagram direct messages, allowing them to type out a text-based message or send previously taken pictures directly to another user. Id. The pictures and messages may be retained indefinitely in this medium if the sender or recipient taps on the message, thus "saving" it for future review; otherwise, the

⁵ <https://www.pocket-lint.com/apps/news/snapchat/131313-what-is-snapchat-how-does-it-work-and-what-is-it-used-for>.

messages erase themselves after they are seen. Id. Senders of messages that are saved are notified that the messages have been saved. Additionally, recipients of all snaps, stories, or messages can screenshot posts they view, and the original poster will receive a notification if this occurs, thus allowing the user to know if another individual has a copy of their message saved somewhere on their device. Id.

The Snap Inc. Terms of Service⁶ provide, in pertinent part, as follows:

1. Who Can Use the Services

No one under 13 is allowed to create an account or use the Services. We may offer additional Services with additional terms that may require you to be even older to use them. So please read all terms carefully.

* * *

6. Respecting Other People's Rights

Snap Inc. respects the rights of others. And so should you. You therefore may not use the Services, or enable anyone else to use the Services, in a manner that:

- violates or infringes someone else's rights of publicity, privacy, copyright, trademark, or other intellectual property right.
- bullies, harasses, or intimidates.
- defames.
- spams or solicits our users.

* * *

8. Safety

We try hard to keep our Services a safe place for all users. But we can't guarantee it. That's where you come in. By using the Services, you agree that:

- You will not post content that contains or links to pornography, graphic violence, threats, hate speech, or incitements to violence.

Additionally, the Snapchat Community Guidelines⁷ provide as follows:

Threats, Violence & Harm

- Encouraging violence or dangerous behavior is prohibited — never threaten to harm a person, a group of people, or someone's property.

⁶ <https://snap.com/en-US/terms>.

⁷ <https://snap.com/en-US/community-guidelines>.

Terrorism, Hate Groups, and Hate Speech

- Terrorist organizations and hate groups are prohibited from using our platform and we have no tolerance for content that advocates or advances violent extremism or terrorism.
- Hate speech or content that demeans, defames, or promotes discrimination or violence on the basis of race, color, caste, ethnicity, national origin, religion, sexual orientation, gender identity, disability, or veteran status, immigration status, socio-economic status, age, weight or pregnancy status is prohibited. Please remember that you can always file a report with our safety team using our in-app reporting feature or by completing this form. We review these reports to determine whether there is a violation of these Guidelines and any action needs to be taken. . . . If you violate these Community Guidelines, we may remove the offending content, terminate or limit the visibility of your account, and/or notify law enforcement. If your account is terminated for violating our Terms of Service or these Guidelines, you may not use Snapchat again. Please take these Guidelines seriously and honor them in the spirit in which they are intended.

Thus, any user over the age of thirteen (13) is permitted to use the application pursuant to the Terms of Service and Community Guidelines so long as they provide their name, an email address, and their birth date; no parental verification or notification is required. Regarding enforcement of its terms, Snapchat maintains a reporting service whereby a user may report any content they believe to be in violation of the Terms of Service, and upon review, Snapchat reserves the right to terminate an offending user's account or take other retroactive measures to reduce that user's visibility. Snapchat also reserves the right to notify law enforcement if illegal or threatening content is posted. Absent a report filed against an account, however, a purported violation of Snapchat's Terms of Service and/or Community Guidelines does not connote any sort of civil or criminal liability on its own.

Upon information and belief, and after reviewing the messages released to the public, it appears that the messages at issue were sent as "snaps" directly to the other minor, with whom the

Child was once friends, and toward whom the Child had feelings of affection. They were not posted as a “story” and, thus, were only intended to and able to be viewed by the other minor to whom they were sent. Upon receiving the snaps, the other minor took screenshots of them, and the Child received a notification indicating that this had occurred. Accordingly, the Child asked the other minor to delete those screenshots. It is believed that, at the time, the other minor complied with this request. Almost two (2) years later, in January 2021, the other minor claims to have discovered copies of those screenshots in their iCloud Photos backup,⁸ and decided to release the images to the public.

The posts quickly gained attention and, shortly thereafter, various news publications began reporting on the posts and their potential implications for the Borough. On January 23, 2021, Chief Hunt and his wife released a joint statement in which they condemned the actions of their Child, while expressing compassion for their Child in light of the remorse the Child had shown. Among other things, their letter stated, “[w]e were alerted on Friday of racist statements made by our [Child] approximately two years ago when [they were] 13 years old. The statements, which were sent privately to a juvenile acquaintance, were despicable in nature and inexcusable. There are many details as to how these messages became public two years later, but our purpose for releasing

⁸ Upon information and belief, iCloud is Apple’s name for all of its cloud-based services, including iCloud Photos. These cloud-based services allow Apple product owners to store data and information securely on Apple’s remote servers. See www.howtogeek.com/669830/what-is-apples-icloud-and-what-does-it-back-up/.

According to the Apple website, iCloud Storage “automatically backs up the information on your iPhone, iPad, or iPod touch over Wi-Fi every day when the device is turned on, locked, and connected to a power source.” <https://support.apple.com/guide/icloud/what-is-icloud-backup-mm085db3a8d6/icloud>. Therefore, if a user has enabled the iCloud Photos feature on their device, all photos from their Camera Roll are routinely uploaded and backed up to one of Apple’s remote servers.

this statement is focused only on the conduct of our [Child] and our response as a family moving forward.” See Addendum B, January 23, 2021 Open Letter.

On or about January 25, 2021, the Borough retained the undersigned to conduct an independent investigation. Chief Hunt had taken personal leave the week of January 25, 2021, and the Borough thereafter placed him on paid administrative leave starting February 1, 2021, pending the conclusion of all investigations into his conduct. Chief Hunt’s wife, Johnna Hunt, was also placed on paid leave from her position at Naugatuck High School. This investigator conducted separate interviews of Chief Hunt and his wife on February 15, 2021, and also gathered documentary evidence from a variety of sources, including the Naugatuck Police Department, police personnel, the Naugatuck Police Commission, and the Office of the Mayor. Summaries of the relevant testimony and additional background information is as follows:

B. Police Chief Steven K. Hunt

1. The Employment Agreement

Steven K. Hunt was hired as a Naugatuck Police Officer on or about August 6, 2000. Prior to that, he was a member of the Waterbury Police Department from approximately December 1994 until August 2000. Chief Hunt reports that he earned a Bachelor’s Degree in Criminal Justice in 2004 from Post University and a Master’s Degree in Criminal Justice from Boston University in 2005. On March 3, 2019, he was sworn in as Naugatuck’s Police Chief. Chief Hunt’s employment is governed by an Employment Agreement, executed on March 1, 2019, which includes a clause that mirrors the “Just Cause” protections provided in Connecticut General Statutes § 7-278.⁹ The term of Chief Hunt’s Employment Agreement terminates on

⁹ Connecticut General Statutes § 7-278 provides, in pertinent part, that “[n]o active head of any police department of any town, city or borough shall be dismissed unless there is a showing of just cause by the authority having the power of dismissal and such person has been given notice

June 30, 2022, unless the parties agree to extend that Agreement. See Addendum A, Employment Agreement, March 1, 2021.

2. Disclosure of the “Snapchat” Posts

Chief Hunt reports that, on January 22, 2021, he was alerted to the fact that the Snapchat posts were being publicly shared via social media. Chief Hunt denies any knowledge regarding the Snapchat posts prior to their public dissemination, which occurred on January 22, 2021, when a youth previously acquainted with Chief Hunt’s minor Child publicly disclosed the Snapchat posts.

Chief Hunt reports that he immediately confronted his Child and the Child admitted that, approximately two years prior, when the Child was 13, they sent the messages using Snapchat. The messages were intended for the other minor with whom the Child had a dating-type relationship. Chief Hunt’s Child believed that the messages had been instantly deleted, as that is Snapchat’s normal protocol. Apparently, the other minor who received the Snapchat posts took screenshots of the posts, which were then saved in back up form in the Cloud. The recipient minor has publicly claimed that they recently discovered these saved screenshots and decided to publicly disseminate them. It is significant to note that the Chief’s Child never publicly disseminated the offensive material. Rather, there is no dispute that the other minor publicly disclosed the posts and made themselves available for an interview with Channel 3 WFSB.¹⁰

in writing of the specific grounds for such dismissal and an opportunity to be heard in his own defense, personally or by counsel, at a public hearing before such authority.”

¹⁰ The other minor, who was reportedly 16 at the time that they publicly disclosed these posts, told a television news reporter that the messages were “sent to [them] privately two years ago, when they [and the Chief’s Child] used to be friends.” [https://www.wfsb.com/news/investigation-underway-after-naugatuck-police-chief-s-\[child\]-makes-alleged-racial-comments-on-social-media/article_54b23a6c-5d17-11eb-a628-2b5974f53762.html](https://www.wfsb.com/news/investigation-underway-after-naugatuck-police-chief-s-[child]-makes-alleged-racial-comments-on-social-media/article_54b23a6c-5d17-11eb-a628-2b5974f53762.html), at 1:02. There is no dispute that the time of the exchange of the Snapchat messages, the Chief’s Child was 13 and the other minor was no older than 14.

Chief Hunt reports that he was grossly offended by the material that was transmitted by his Child; he does not condone it; and he condemns it - unequivocally. He reports that his entire family was shocked and saddened, and he does not believe that his Child meant what was said in the posts. Chief Hunt and his wife, Johnna Hunt, were adamant that this is not how they raised their children.

On January 23, 2021, Chief Hunt and his wife released an open letter to the community in which they condemned the statements made by their juvenile Child as “despicable in nature and inexcusable.” See Addendum B, January 23, 2021 Open Letter. Chief Hunt wrote that he and his wife raised their children “in a loving household always appreciative of the rich diversity in our community and the complex and often inequitable history of race in our society.” Id. He condemned the racist comments and conduct of his Child in the strongest terms and disavowed the words used, which the Hunts state, “do not represent the words spoken in our home or the values and lessons we have taught our children.” Id. In separate interviews with this Investigator, Chief Hunt and his wife were emotional while attempting to convey their utter dismay and shock at the inexcusable conduct of their 13- year-old Child.¹¹

¹¹ Because there are no genuine issues of material fact in dispute concerning the origin of the posts, the Chief’s Child was not interviewed. The Child is reported to be an A student, active in youth sports, had been Class President, volunteered at the YMCA, had participated in the “Best Buddies” program working with individuals with intellectual and developmental disabilities, and had never been disciplined or suspended from school. According to the parents, this Child had a diverse group of friends and had never displayed any inappropriate race related statements. To try to explain the aberrational and wholly inappropriate conduct exemplified by the Snapchat posts would be to engage in sheer speculation, which this investigator will not do.

3. Johnna Hunt

Mrs. Hunt is an Associate Principal at Naugatuck High School. She earned a Bachelor's Degree from Central Connecticut State University and a Master's Degree in Educational Leadership from the University of Cincinnati. Prior to her current position, she was the Principal of Hillside Intermediate School. In 2014, she was recognized as Principal of the Year by the Connecticut Association of Schools. She is a lifelong resident of Naugatuck who is actively engaged in many community activities.

Mrs. Hunt expressed outrage and sorrow upon learning that her minor Child had sent the posts that sparked this controversy. During her interview, Mrs. Hunt was literally at a loss for words, and became emotional, when trying to explain how it could be possible that her Child wrote these posts. Yet, that fact is not in dispute, and Mrs. Hunt readily acknowledged that her Child immediately expressed profound regret when these posts were publicly disseminated on or about January 22, 2021.

Mrs. Hunt reported that the other minor, towards whom her Child had previously had affectionate feelings, told the Child to send the posts and instigated the racist communications. Mrs. Hunt reported that her Child sent the posts to try to get the other minor "to like" the Child. But the relationship between the two children ended badly, as evidenced by what appears to have been an attempt by this other minor to harm the Child, and the Hunt family. This other minor also hacked into the Child's school computer last year, and the Board of Education's IT Department traced the hack to an IP address in the town in Massachusetts where this other minor now resides.

Mrs. Hunt reported that she has spent her entire career as an educator working to make children feel loved and nurtured. She provided examples of her outreach to minority children,

including one particular instance in which there was a black child whose family could not afford to get the child into a YMCA youth sports activity. Mrs. Hunt reported that she and her husband helped provide transportation for that child to ensure the child's participation in the program. She provided other examples of having assisted minority families with shopping.

Mrs. Hunt is trained as a leader to conduct workshops on equity. She volunteered to participate in an Equity Alliance Group, which includes segments on "white privilege." For the past three years, Mrs. Hunt has been actively involved in co-facilitating forums that address racial stereotypes and diversity. Mrs. Hunt has been trained by Attorney Kathy K. Taylor on these topics, and it was Mrs. Hunt who recommended Attorney Taylor to Chief Hunt after the George Floyd tragedy in the summer of 2020, which resulted in Chief Hunt bringing Attorney Taylor into the Naugatuck Police Department to conduct a training on "Implicit Bias."¹²

Mrs. Hunt adamantly denied that the Child was raised in a racist environment. To the contrary, she reiterated her mortification and shame at the fact that her Child was in any way involved in the creation of the racist snaps at issue, which Mrs. Hunt immediately and vehemently condemned. Mrs. Hunt has deep ties to the community and an exemplary record as a community leader. That her Child is at the center of this controversy is difficult to understand, and perhaps can never be fully explained.

¹² Attorney Taylor is a well credentialed and respected Professor at Naugatuck Valley Community College who also works as an equity consultant under the name Taylor Consulting. See <https://www.linkedin.com/in/kathy-taylor-esq/>.

C. Relevant Naugatuck Policies and Procedures

1. Naugatuck Police Department Social Networking Policy

The Naugatuck Police Department Social Networking Policy¹³ states, in pertinent part, as follows:

V. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA

2.20.21. Employees are free to express themselves as private citizens on social media sites to the degree that their speech and/or language does not impair working relationships of the Naugatuck Police Department, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.

2.20.22. Employees shall not divulge information gained by reason of their authority; make any statements, speeches, appearances, or endorsements; or publish materials that appear to represent the views or positions of the Naugatuck Police Department without prior authorization from the Chief of Police or his designee.

...

2.20.24. Employees shall not post speech involving on-duty conduct of themselves or other employees that reflects behavior that would reasonably be considered reckless or irresponsible or tending to bring discredit to themselves, the Naugatuck Police Department, or the Borough of Naugatuck.

2.20.25. Employees shall not post speech to social media networks that contain obscene or sexually explicit language, images, acts, statements, or other forms of speech that ridicule, malign, disparage, or otherwise express bias toward any individual or group.

2.20.26. Employees shall not post speech involving themselves or other employees reflecting behavior that maligns, embarrasses, or causes disrepute to the Department.

* * *

VI. THIRD PARTY INVOLVEMENT

2.20.31. Employees shall not authorize, facilitate, distribute, or request any third party to display or post any images or comments involving him or herself that would violate any provision in this policy.

2.20.32. Employees should make reasonable efforts to remove any posts made by a third party on a social networking site under the employee's control, which is not in accordance with departmental policy.

¹³ The Naugatuck Police Department Social Media Policy is attached hereto as Addendum C.

(Emphasis added).

Notably, there are no policies pertaining to social media use of family members, and all provisions regarding personal social media use apply only to the employee's own use of their personal social media pages.

2. Naugatuck Police Department's Code of Conduct and Canons of Ethics

The Naugatuck Police Department Code of Conduct¹⁴ provides as follows:

The Code of Conduct prohibits specific conduct of employees. Any violation of the code may constitute grounds for disciplinary action. The code cannot, and does not itemize every possible act or omission which could be grounds for disciplinary action.

6.4.1. Conduct Unbecoming an Employee - This offense shall consist of a violation of policies and procedures, the Code of Conduct, Special Orders, memorandums, or any lawful order. Any act detrimental to the good order or integrity of the police department.

Additionally, the Naugatuck Canons of Police Ethics¹⁵ provides, in pertinent part, as follows:

6.3.6. Article VI. Private Conduct

Law enforcement officers shall be mindful of their special identification by the public as upholders of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no person special prerequisites. It does give the satisfaction and price of following and furthering the unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, they will so conduct their private life that the public will regard them as an example of stability, fidelity, and morality.

¹⁴ The Naugatuck Police Department Code of Conduct is attached hereto as Addendum D.

¹⁵ The Naugatuck Police Department Canons of Police Ethics is attached hereto as Addendum E.

3. Naugatuck Police Department Recruitment Plan

The Naugatuck Police Department is accredited by the Connecticut Police Officer Standards and Training Council (“POST”) as a Tier III accredited agency. Chief Hunt was involved in the accreditation process beginning in approximately 2008, first as a Sergeant rewriting all of the Department’s Policies and Procedures; then as the Accreditation Manager when he was a Lieutenant; and also, when he was a Captain at which point he trained a Lieutenant to be the new accreditation manager.

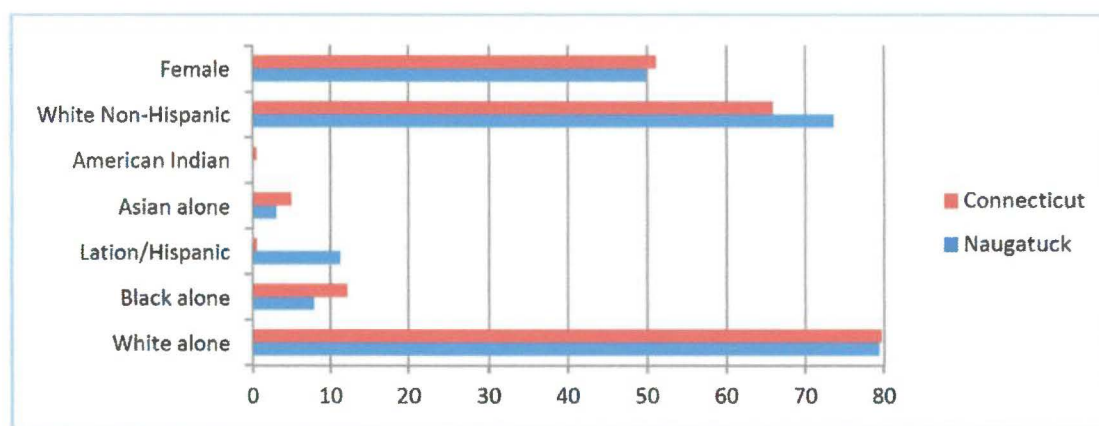
Not all Connecticut law enforcement agencies have this accreditation. In fact, as of the writing of this report, only twenty-four (24) of Connecticut’s ninety-four (94) independent municipal law enforcement agencies have obtained Tier III POST accreditation.¹⁶ Thus, the Naugatuck Police Department is in the top 26 percent (26%) of all Connecticut law enforcement agencies in terms of accreditation. In this regard, Naugatuck is ahead of its peer law enforcement agencies by virtue of the fact that it has already undergone a rigorous accreditation process through POST.

One of the requirements of being a POST accredited law enforcement agency is that Naugatuck must have a written Recruitment Plan that is updated annually. Naugatuck’s Recruitment Plan was last updated in September 2020, under the tenure of Chief Hunt. See Addendum F, NPD Recruitment Plan Sept. 2020. The Recruitment Plan is a voluntary effort, first undertaken by Chief Hunt’s predecessor, Police Chief Christopher Edson, but expanded by Chief Hunt. The stated purpose of the Recruitment Plan is to reaffirm the Department’s

¹⁶ Pursuant to Public Act 20-1, *An Act Concerning Police Accountability*, § 3(23) all Connecticut law enforcement agencies have until December 31, 2024, to obtain accreditation “from the Commission on Accreditation for Law Enforcement Agencies, Inc. [CALEA].” CALEA accreditation is substantially similar to the POST Tier III accreditation that has already been achieved by the Naugatuck Police Department.

commitment to provide equal employment opportunities and to prevent discrimination in the hiring process.

Chief Hunt reported at his interview, and it is documented in the Recruitment Plan, that the Department has had success in attracting qualified minority candidates by attending career fairs, and by posting and advertising through traditional and social media. In his interview, Chief Hunt highlighted that, on October 24, 2020, he selected several minority officers to participate in a recruitment event on the Naugatuck Town Green. Chief Hunt stated that he involved minority officers in the Town Green recruitment event for the specific purpose of trying to attract additional minority officers to join the Department.



(Bureau, 2020)

According to statistics contained within the Department's Recruitment Plan (see Graph, above), as of July 1, 2019, the United States Census Bureau reported that Naugatuck's population was comprised of approximately 79.4 % of persons who identified as "White alone," 7.9 % of persons who identified as "Black alone," and 11.3 % of persons who identified as "Latino/Hispanic." See Table, below.

	Naugatuck	Connecticut
White alone	79.4	79.7
Black alone	7.9	12.2
Latino/Hispanic	11.3	0.6
Asian alone	3.1	5
American Indian	0.1	0.6
White Non-Hispanic	73.6	65.9
Female	49.9	51.2

In terms of Black and Latino/Hispanic representation, the Naugatuck Police Department's workforce of sworn officers is not far off from these Borough-wide population percentages, with 3 of 57 (5.2%) officers being Black and 5 of 57 (8.8%) officers being Latino/Hispanic. See "Utilization Analysis for the Naugatuck Police Department" Table, below.

Utilization Analysis for the Naugatuck Police Department September 15, 2020

Black	Latino/Hispanic	Female	Asian
3 out of 57	5 out of 57	7 out of 57	0 out of 57
5.2	8.8%	12.3 %	0%

Thus, as compared to the statistics that were present when IA 08-01 was conducted in 2007-2008 (as discussed below in Section I.D.1., at pages 23-24), when the Naugatuck Police Department had only one Black officer, the Department has made progress in terms of minority recruitment.

4. Naugatuck Police Department's Embrace of Fair and Impartial Policing

Chief Hunt reported at his interview that the Department has two officers, Lt. Daniel Norck and Sgt. Otis Baskins, who are trained in the concept of “Fair and Impartial Policing.” Fair and Impartial Policing is a law enforcement training methodology that is one of the recommendations to have emanated from the Final Report of the President’s Task Force on 21st Century Policing, commissioned by former President Barack Obama. See e.g., www.Recommendation 5.7 (“POSTS should ensure that basic officer training includes . . . fair and impartial policing.”).¹⁷ Among the topics covered in Fair and Impartial Policing training are implicit bias; race-crime association studies; economic status, race and crime bias; combatting stereotypes; and understanding history, specifically the horrific systemic racism that has blemished our country since its inception. Id.

Currently, Connecticut law enforcement officers are only mandated to undergo training on Fair and Impartial Policing at the recruit level, and thereafter for a minimum number of hours during POST recertification training. Naugatuck’s training on Fair and Impartial Policing, however, goes above and beyond the POST training requirements. For example, in 2020, Lt. Norck and Sgt. Baskins provided several blocks of additional training to the Department. Specifically, between July 20, 2020, and July 24, 2020, fifty-two (52) sworn officers attended a full-day training, three (3) hours of which were dedicated entirely to providing education on Fair

¹⁷ The Final Report of the President’s Task Force on 21st Century Policing is far too comprehensive to address in full here; however, the Report is premised upon six pillars, the first of which – “Building Trust & Legitimacy” – relies heavily on the concepts covered in the Fair and Impartial Policing training, with an emphasis on eliminating bias, real or implicit, from policing.

and Impartial Policing. See Addendum G, Implicit Bias Training. Chief Hunt participated in the training.

In sum, by this metric, the Naugatuck Police Department is well ahead of its peer law enforcement agencies in that it has embraced the concept of Fair and Impartial Policing as an integral part of its routine, continued education and training efforts. The Department, of its own volition, trained two of its officers in that topic, and those officers regularly and repeatedly share their up-to-date knowledge and techniques with the rest of the Department – and, as recently as the July 2020 session, enjoyed 90% attendance by all sworn personnel, including Chief Hunt. This progressive adoption of one of the key recommendations of President Obama’s Task Force on 21st Century Policing demonstrates the Department’s overall efforts to adapt its policing methods to the needs of its community.

5. Naugatuck Police Department’s Implicit Bias Training

Chief Hunt reported at his interview that, following the tragic death of George Floyd, he took the initiative to arrange a professional development presentation by Attorney Kathy K. Taylor, which was focused on understanding structural racialization, social cognition, and implicit bias, as well as racial bias in policing. Attorney Taylor submitted a proposal to the Naugatuck Police Department, dated July 1, 2020, to provide up to three workshops, for up to 65 police officers and dispatchers, including an assessment tool to gather feedback from participants. See Addendum I, Professional Development Proposal Naugatuck Police Department Implicit Bias, July 1, 2020.

According to records obtained from the Naugatuck Police Department, this training occurred between August 3, 2020 and August 5, 2020. Sixty (60) officers and civilian dispatchers participated. The Department reports that 92% of the Department participated. The

sign-in sheets indicate that Chief Hunt participated in the presentation provided by Attorney Taylor on August 5, 2020. It should be emphasized that this implicit bias training was supplemental to both the mandatory training that all sworn members of the Naugatuck Police Department underwent pursuant to POST mandates, as well as the Fair and Impartial Policing training that was provided by Lt. Norck and Sgt. Baskins.¹⁸ In other words, in 2020, during a period of incredible unrest in America, and in the midst of a pandemic, Chief Hunt ensured that members of the Naugatuck Police Department received in-depth training regarding the aforementioned topics. This training exceeded the requirements mandated by POST, and Chief Hunt reported he did this because, after the George Floyd tragedy, he felt it was important to address these issues of race and policing in a thoughtful head-on manner, in order to prompt candid discussions about racial bias.

6. Naugatuck Police Department's Traffic Stop Statistics

First enacted in 1999, Connecticut's anti-racial profiling law, The Alvin W. Penn Racial Profiling Prohibition Act (Public Act 99-198), prohibits any law enforcement agency from stopping, detaining, or searching any motorist when the stop is motivated solely by considerations of the race, color, ethnicity, age, gender, or sexual orientation of that individual. See Conn. Gen. Stat. §§ 54-11, 54-1m. All municipal law enforcement agencies are required to collect and report to the State traffic stop data for analysis by the Office of Policy and Management (OPM). The Institute for Municipal and Regional Policy (IMRP) at Central Connecticut State University

¹⁸ According to documentation obtained from the Department, each POST certified officer completed the mandatory one-hour block of bigotry/bias training; the one-hour implicit bias training; the one-hour cultural awareness training; and the one-hour fair and impartial policing training. See Addendum G, Implicit Bias Training.

(CCSU), under the auspices of OPM, issues an annual report analyzing compliance with the Alvin Penn Act.

Chief Hunt was questioned regarding the Department's Racial Profiling Traffic Stop Data and was conversant with Naugatuck's compliance with that law. Pursuant to Racial Profiling Reports provided to this investigator, Naugatuck's most recent data does not raise any concerns regarding racial disparity relating to traffic stops. Rather, in 2020, of the total 2,956 traffic stops by Naugatuck Police, approximately 79.87 percent were of white operators, and 17.76 percent were of black operators. See Addendum H, Naugatuck Traffic Stop Statistics 2019 - 2020.

In 2019, of the total 5,111 traffic stops by Naugatuck Police, approximately 81.96 percent were of white operators and 16.20 percent were of black operators. Naugatuck's population, like that of Connecticut as a whole, is approximately 79 percent white. While Naugatuck's "black alone" population is approximately 7.9 percent, the slight deviation between Naugatuck's black population and the number of black operators who were the subject of motor vehicle stops does not appear to raise significant concerns when one considers: 1) that the number of motor vehicle stops of white operators (79 percent) mirrors the population and; 2) there was only a single motor vehicle operator who claimed that his motor vehicle stop was based on impermissible considerations and, as described more fully below, that complaint was not substantiated based on a thorough IA investigation, which included a review of the body-worn camera video of the stop.¹⁹

¹⁹ In 2013, the Naugatuck Police Department was one of the first law enforcement agencies in Connecticut to implement body-worn cameras. It is significant to note that this is yet another area in which the Naugatuck Police Department is ahead of its peer law enforcement agencies by voluntarily taking steps designed to implement accountability and transparency in policing.

7. The Naugatuck Police Commission

The Borough of Naugatuck is one of approximately fifty-one (51) municipalities in the State of Connecticut that has an established Police Commission.²⁰ The Naugatuck Police Commission (hereinafter, the “Commission”), established and governed by a Special Act of the General Assembly – Special Laws 1953, Act No. 321, § 4 – consists of the Mayor²¹ and five (5) electors of the Borough, appointed by the Mayor, no more than three of whom may belong to the same political party.

Pursuant to the governing Special Act, the Commission is tasked with the administration, maintenance, and control of the Naugatuck Police Department, including the appointment of all police officers including the chief. The Commission also establishes all department regulations, standards governing the conduct and discipline of personnel, standards governing the hiring and promotion of officers, including written examinations. Notably, the Commission is also charged with the power to remove, “for malfeasance or neglect of duty,” any member of officer of the police department, including the chief of police, upon reasonable notice and after due hearing. Thus, while the Chief is the “titular head of the department of police protection,” and therefore has charge and control of the administration of such department with respect to the discipline of its members and officers, that control is subject to the direction of the Commission, which serves as a direct check on the Chief’s power to hire, fire, or promote department personnel.

²⁰ See Directory of Local Traffic Authorities, March 8, 2021, <https://portal.ct.gov/-/media/DOT/documents/dstc/ltalistpdf.pdf?la=en>.

²¹ Under the 1953 Special Act, the Mayor was to be an “ex-officio” member of the Commission and, thus, was to be a non-voting member. Pursuant to Special Laws 1969, Act No. 30, § 1, the Charter of the Borough of Naugatuck was amended to provide the Mayor with a vote, as well as an additional tie-breaking vote, in his capacity as a member of, inter alia, the Naugatuck Police Commission.

D. Prior Race-Based Complaints

During the course of this investigation, the undersigned became aware of four (4) Internal Affairs Investigations that involved allegations of racial discrimination arising from operations of the Naugatuck Police Department, going back thirteen (13) years, to 2008. To preserve the confidentiality of both the complainants, and the respondents, none of the names of the officers involved will be disclosed here. These incidents will be addressed in turn.

1. IA 08-01 and Subsequent CHRO Complaint

In 2008, an IA investigation was conducted regarding a situation in which one officer housed a student from Naugatuck High School, where he also served as an SRO. The officer and his wife took in a seventeen (17) year old female student following that student's arrest stemming from a domestic incident with her sister at her family home. The officer, who had been a recipient of similar hospitality during his youth, offered to have the minor live in his home in order to mentor and watch over her. This lasted for approximately one and a half months, at which point the Naugatuck Police Department was notified of the situation. An internal investigation was conducted, after which the Chief at that time, Christopher Edson, issued the officer a three (3) day suspension.

In response, the officer filed a complaint with the CHRO alleging that he was being unlawfully discriminated against on the basis of his race and/or color, as he was the only African American or Black officer in the Department. As a part of his CHRO claim, he alleged that Steven Hunt, who was Detective Sergeant at the time, had periodically harassed and/or punished him more severely for late reports or parking infractions at the Department than he did to other white officers.

As part of the Borough's defense during the proceedings, Steven Hunt submitted an affidavit in which he provided an explanation for his treatment of the officer. Among other things, Chief Hunt explained that at one point, the officer was late completing seventeen (17) reports,

some of which dated back two months when they were supposed to have been completed within three (3) days. Additionally, he explained that he ordered the officer to write a memorandum explaining what he had done wrong after he parked his department issued vehicle in front of the police department, despite there being an explicit department policy prohibiting this conduct. Hunt explained that he did not issue formal discipline for this infraction. He also stated that he recommended the officer multiple times for certain departmental awards based on his performance.

Ultimately, the officer withdrew his CHRO complaint following an agreement between the parties by which the three (3) day suspension he was initially ordered to serve would be reduced to a one (1) day disciplinary counseling. The written Memorandum of Agreement (“MOA”) by which the claims of the officer who was the subject of IA 08-01 were resolved was executed almost twelve (12) years ago, in August 2009. In that MOA, the officer who had alleged that he had been discriminated against agreed, as part of a negotiated settlement, to “release the Borough, its present or former Mayors, Burgesses, the Chief of Police, officers, agents, employees or any other person acting on behalf of the Borough with respect to the issues set forth and addressed [in the CHRO charge of discrimination and a related grievance arbitration].” See Addendum J, MOA Re: IA 08-01, August 11, 2009 (redacted to prevent disclosure of the identify of complainant and respondent).

2. IA 2017-09

In August 2017, when Chief Hunt was Captain, it was discovered that a Naugatuck Police Officer had engaged in an online argument on a Facebook post thread using his personal social media profile. The Police Department received a civilian complaint from a woman who claimed that the officer had called her a “mud shark.” Upon information and belief, “mud shark” is a derogatory term that is used to refer to a white woman who exclusively dates black men, and equates those women with “bottom feeders.” The term is racially charged and highly offensive.

The civilian complainant contacted the Police Department upon discovering who the officer worked for and informed them of the conversation. She also provided screenshots from the thread.

Following an IA investigation, the investigating officer concluded that the officer had violated various provisions of the Department Social Media Policy, as well as sections of the Department Code of Conduct and Canons of Police Ethics. Then-Captain Steven Hunt served as a witness to the officer's receipt of Garrity rights. The officer was issued a ten (10) day suspension consisting of five (5) days without pay, and five (5) days forfeiture of accrued sick and holiday time. The officer was additionally required to attend training and counseling for six (6) months.

3. IA 2019-03

In February 2019, a Naugatuck Police Officer was investigated following complaints about videos posted on his personal Facebook page. The videos, which the officer created as an attempt at humor and satire, were picked up by the CT Post and included in an article commenting on the racially insensitive nature of the videos, particularly in light of his profession as a police officer. In particular, one of the videos featured the officer, in character as his persona dubbed the "Moron Whisperer," explaining that he had been having "good fortune" in stores and at a "walk-in clinic" because he had an easy time and people get out of his way. He then reveals that he wears a black hat with "ICE" written in yellow on the front of it, implying that store patrons avoid him because they believe him to be an immigration and customs enforcement agent. After the IA investigation, the investigating officer concluded that the officer had violated a provision of the Department Social Media Policy, and a provision of the Code of Conduct.

Pursuant to the Naugatuck Police Department Policy & Procedure 6.1, the authority to discipline officers within the Naugatuck Police Department is vested with the police chief. There is an administrative review process that includes potential appeals to the Board of Police

Commissioners, and to the State Labor Board, but the “Office of the Police Chief” has oversight and authority over officer discipline. Id. Thus, in IA 2019-03, once there was a finding that the subject officer had violated the Department Social Media Policy and the Code of Conduct, the decision concerning whether, and to what extent, to discipline the officer was left to the discretion of Chief Hunt.

Chief Hunt ordered that the officer be: 1) suspended for five (5) days without pay; 2) removed from his position as the department’s Public Information Officer; 3) removed as administrator of the Department’s social media pages; and 4) ordered the officer to complete retraining in the area of “Fair and Impartial Policing.” Thus, by meting out this substantial discipline after a finding of inappropriate conduct by an officer under his command, Chief Hunt demonstrated that, under his leadership in the Department, racially insensitive conduct would not be tolerated. Pursuant to the procedures governing discipline of police officers in Naugatuck, the Naugatuck Police Commission had the final authority to impose the discipline; however, Chief Hunt fully endorsed the discipline and reported to this investigator that he does not tolerate racial insensitivity by those under his command.

4. IA 2020-02

In March 2020, Chief Hunt received a complaint from a citizen who claimed to have he been a victim of a racially motivated traffic stop executed by a Naugatuck Police Officer. An IA investigation was initiated, and the following facts were uncovered: On the day in question, the subject officer witnessed a vehicle with North Carolina license plates drive past where his vehicle had been parked to observe traffic. Upon running the car’s license plates through his cruiser’s plate readers, his computer indicated that the car’s plates had expired. Accordingly, the officer pulled the vehicle over and informed the driver as such.

The driver, an African American male in his sixties, informed the officer that his plates expire at the end of the month, so the officer took the driver's information and ran this information through his cruiser's computer again. The officer was ultimately able to locate the proper expiration within the system, confirming the driver's valid expiration date. The officer then exited his vehicle and returned to the driver, informing him of the correction, and speculating that there could have been system confusion in transferring the North Carolina registration to the Connecticut system. The driver then became combative, expressing his "problem" with the situation, and accusing the officer of unnecessarily asking for his license despite the fact that the driver claimed his registration was not expired. He called the officer's actions, "profiling if I ever saw it. I don't like it," and indicated he would be filing a complaint, to which the officer responded by offering to give the driver "the number." The driver declined, and the officer said, "Okay, have a good day," returned to his vehicle, and photographed the registration expiration notice that inspired the motor vehicle stop. No reports were generated, and no enforcement action was taken. The entire encounter lasted approximately eight (8) minutes.

The investigating officer attempted to contact the complainant for a statement, but the complainant never returned his call. Accordingly, the investigating officer identified five different avenues of racial profiling to investigate. He examined the officer's motor vehicle stop racial profiling statistics and compared them to the department's overall statistics, ultimately concluding that there was no evidence to support a conclusion that the officer has any racial bias when conducting motor vehicle stops. He also reviewed the officer's body-worn camera footage from the incident, and issued a set of questions, to which the officer provided written responses. Among other things, the investigating officer determined that the officer's purpose for, demeanor, and

conduct during the motor vehicle stop were consistent with the Connecticut Statutes and the Department's policies and procedures. The complaint was not sustained.

E. Alleged Misconduct Not Based on Original Complaint

After the commencement of this investigation, representatives of the Police Union presented other largely undocumented allegations of alleged misconduct by Chief Hunt. These claims are addressed in turn.

1. Alleged Favoritism in Hiring

Members of the Naugatuck Police Union complained to Mayor Hess, after the inception of this investigation, that Police Chief Hunt has hired officers and/or an animal control officer, who are either friends, associates, or relatives of Chief Hunt. These complaints do not allege racial discrimination but were brought to the attention of this investigator and were reviewed.

As set forth above, the Naugatuck Police Commission is the entity vested with the power to appoint officers to the Department. In interviews with the Chairman of the Police Commission, who is himself African American, he reported that all candidates to be appointed to as police officers must first undergo an interview with the Police Commission, which must approve the candidate before they are hired. The Chairman of the Police Commission specifically refuted the suggestion that Chief Hunt has abused his power to hire officers, since that power actually is vested with the Police Commission, not with the Police Chief. Records from the Naugatuck Police Commission document that the two recent hires that the Police Union claims were the result of alleged favoritism were both interviewed by the Naugatuck Police Commission, which then approved both of these new hires.

In addition, as it pertains to the hiring of an animal control officer, while it is true that the Borough's animal control officer is the brother-in-law of Chief Hunt, he was not hired by Chief

Hunt. Rather, by an agreement dated December 6, 2019, the Borough entered into a written contract with a person who is a “non-affiliated part-time Police Officer assigned to Animal Control/Evidence duties.” See Addendum K, Employment Agreement, December 6, 2019.

Upon information and belief, the Borough saved considerable money by entering into a contract with a single independent contractor who, by the nature of the contract, is not afforded fringe benefits. That person is a certified police officer; yet rather than serve in the traditional role of a sworn officer, he performs two vital services: 1) animal control; and 2) evidence control duties. The arrangement is an at-will agreement, which can be terminated by the Borough, or the contractor, at any time, with or without cause. Id.

Although that individual reports to the Police Chief, the employment agreement was also unanimously approved by the Board of Burgesses at a public meeting on December 3, 2019. See Addendum L, Minutes, Regular Meeting of the Board of Mayor and Burgesses, December 3, 2019. In addition, on May 19, 2020, the Naugatuck Police Union entered into a written Memorandum of Understanding (“MOU”) with the Borough regarding the employment of this “non-affiliated part-time Police Officer assigned to Animal Control/Evidence duties.” See Addendum M, MOU, May 19, 2020. In sum, the Naugatuck Police Union has specifically consented to this employment arrangement concerning the hiring of an animal control officer.

By all accounts, this independent contractor relationship has filled an important void that existed, has worked quite well, and has saved the Borough money. Accordingly, this investigator concludes that the claim that Chief Hunt abused the power of his office in relation to the Borough’s decision to enter into an independent contractor agreement regarding animal control/evidence duties, is unfounded.

2. Chief Hunt's Personnel File

Members of the Police Union have also complained, after the inception of this investigation, that Chief Hunt's personnel file lacks any documentation of him ever having been disciplined as a police officer, although there are rumors that he may have been accused at some point in his career, not of racial discrimination, but some other form of misconduct.

The employment relationship between the Borough and the Naugatuck Police Department is governed by a Collective Bargaining Agreement, which includes the following provision:

Section 23.08

a. Upon request of an employee, all disciplinary action(s) of eighteen (18) months or more shall be removed from the employee's personnel file and kept in a separate locked file. The Borough agrees not to use such removed disciplinary action(s) in any future employment record or proceeding unless a pattern of similar repeated conduct occurs. Suspensions of two (2) weeks or more shall be exempt from this provision. Employees shall be notified and receive copies each and every time an item is placed into their personnel file.

Collective Bargaining Agreement Between the Borough of Naugatuck and the Naugatuck Police Union, 7/1/18 – 6/30/22 (CBA). See Addendum M, Section 23.08 of CBA.

Upon information and belief, this provision has been included in every contract between the Borough and the Naugatuck Police Union for many years. To the extent that there is no documentation in Police Chief Hunt's personnel file, it can reasonably be inferred that is because he either never engaged in misconduct that resulted in discipline, or because the discipline imposed was insignificant and he invoked his rights to have the discipline removed from his personnel file and kept in a separate locked file pursuant to Section 23.08 of the CBA.

Although Section 23.08 of the CBA on its face appears inconsistent with the Freedom of Information Act (FOIA); see Conn. Gen. Stat. § 1-201(a); the segregation of disciplinary records

at the Naugatuck Police Department pre-dated Chief Hunt's tenure as Chief and the procedure would have been available to all union members. The Police Union and the Borough are equally responsible for the presence of Section 23.08 in the CBA. Although the FOIA issues arising from Section 23.08 should be addressed when the CBA is renegotiated upon its approaching expiration on June 30, 2022, this investigator will not probe further into that practice, which preceded Chief's Hunt's promotion to Chief on March 3, 2019.

At this point, if the Police Union were to seek to abrogate the applicability of Section 23.08 to the detriment of a former union member (Chief Hunt) and seek to disclose records that both the Police Union and Borough agreed would not be used in future employment disputes,²² this could give rise to a variety of new claims, including potential claims of a breach of the duty of fair representation. This investigator will not venture down that path.

Thus, the claim that Chief Hunt in some manner abused the power of his office in relation to the contents, or lack thereof, in his personnel file, is unfounded and will not be further examined by this investigator.

III. Legal Analysis

A. Naugatuck Police Department's Social Networking Policy

Theoretically, Section 2.20.32 under the "Third Party Involvement" section could impose a duty upon an employee to monitor their minor child's social media use; however, Chief Hunt reported that the cell phone at issue was given to the Child as a gift from a grandparent at a time when the Child was hospitalized in order that the Child could communicate while in recovery. In addition, the Snapchat terms and conditions permit users thirteen (13) years of age and older to

²² Section 23.08 of the CBA contains exceptions for "a pattern of similar repeated conduct" and "[s]uspensions of two (2) weeks or more," neither of which are applicable here.

use their app. Thus, the Child's use of Snapchat in the manner alleged here would not subject the Chief to discipline pursuant to 2.20.32, as the app was not "under [the Chief's] control," constructively or otherwise, since his Child was at least thirteen (13). Moreover, our research has not revealed a single case in which a public employee was subjected to discipline as a result of the conduct of that employee's minor child.

If his Child had been under the age specified in the Snapchat terms, it is possible a duty to monitor may have arisen such as to trigger a liability for use of the application. However, the "private" nature of Snapchat communications, as opposed to other social media sites like Facebook or Instagram, makes it harder to supervise another person's use, which, in turn, creates a possibility that inappropriate photos will be shared via its platform more frequently. Facebook and Instagram posts remain visible on a user's individual profile page until they decide to delete them, or they are removed for inappropriateness; whereas on Snapchat, posts are harder to monitor simply because they exist for an average of ten (10) seconds and, at most, for twenty-four (24) hours. Thus, to impose a duty upon a parent to monitor their child's use of Snapchat, particularly where that child is older than the platform's Terms of Service-designated age requirement, would be a difficult if not impossible task. Thus, it is not apparent to this investigator that the Chief could be subject to any legal liability arising purely from the way in which his Child utilized the Snapchat application.

In the IA investigations referenced above, three (3) of the subject officers were found to have violated provisions of either the Code of Conduct, the Canons of Police Ethics, or both. In each of those instances, it was the conduct of the officers themselves, and not of any child or relative of the officers, who made the social media posts that constituted their violation of the Code of Conduct. It is significant that, in IA 2019-03, Chief Hunt exercised his considerable

discretion to recommend to the Naugatuck Police Commission relatively harsh discipline against a subordinate officer (who was white) as a result of a finding that the officer had engaged in conduct that was unbecoming because it was racially insensitive.²³ Again, it should be highlighted that the conduct at issue in IA 2019-03 involved the conduct of a sworn officer, not the conduct of a family member (much less a minor child) of that officer.

To the knowledge of this investigator, there have been no instances involving Naugatuck police officers' children or relatives resulting in a finding of conduct unbecoming or a violation of the Private Conduct provision, and a review of the language used in those provisions confirms that it is the conduct of the officers themselves that is subject to their governance. Accordingly, there is no basis to conclude that the posts at issue in this instance could substantiate a Code of Conduct violation.

B. Connecticut General Statutes § 7-294d(c)(2) and POST General Notice 20-09

Connecticut General Statutes § 7-294d(c)(2), as modified by July Special Session, Public Act 20-1, *An Act Concerning Police Accountability*, § 3(23), provides numerous grounds on the basis of which POST may suspend, cancel, or revoke an officer's certification. According to the Special Act, the Council may "suspend, cancel, or revoke any certificate if . . . [t]he holder has been found by a law enforcement unit, pursuant to procedures established by such unit and considering guidance developed under subsection (g) of this section, to have engaged in conduct that undermines public confidence in law enforcement, including discriminatory conduct, falsification of reports or a violation of the Alvin W. Penn Racial Profiling Prohibition Act pursuant to sections 54-1l and 54-1m." See P.A. No. 20-1, (24)(C)(2)(I).

²³ Pursuant to the procedures that govern Naugatuck's Police Commission, Chief Hunt's recommended discipline in IA 2019-03 was affirmed by the Police Commission, which body has the final say regarding police hiring and discipline.

In response to this legislation, POST issued General Notice 20-09²⁴ in which it identified five categories of conduct that may undermine public confidence in law enforcement: (1) Discriminatory Conduct; (2) Abuse of Power; (3) Untruthfulness and Lack of Integrity; (4) Failure to Intervene; and (5) Dismissal or Resignation under § 7-291c. General Notice 20-09 further breaks down the category related to Discriminatory Conduct into (a) Intentional Acts of Bigotry or Bias; (b) An Act or Acts that Constitute Sexual Harassment; and (c) Conduct that Constitutes Racial Profiling, and provides definitions of what is meant by each subcategory.

However, in both the enabling statute and in General Notice 20-09, the language is focused specifically on the conduct of “the holder” of a certificate to be a police officer. See Connecticut General Statutes § 7-294d(c)(2)(I) (“[t]he holder has been found . . .”). General Notice 20-09 references at least twenty (20) different examples of potential misconduct by a *holder* of a certificate to be a law enforcement officer, which conduct could lead to a censure, suspension, or certificate revocation by POST. See General Notice 20-09. But POST can only censure, suspend or revoke a law enforcement officer’s certification based on the conduct of *the holder of that certificate*, not based on the misconduct of a family member of that certificate holder. Certainly, under no circumstance could POST censure, suspend, or revoke the certificate of a police officer based on the conduct of that officer’s minor child.

Similarly here, this investigator has concluded that there is no legal basis to attribute the misconduct of the Child to Chief Hunt.

C. The Just Cause Standard

Ordinarily, private employers may terminate employees at any time for any reason, so long as that reason is not based on an illegal discriminatory purpose. This type of employment

²⁴ POST General Notice 20-09 is attached hereto as Addendum N.

relationship is one that is “at-will,” meaning there is no protected property interest in the employee’s occupation.

With respect to a scenario in which an employee of a private employer had a child who posted something inappropriate on social media, the employer could conceivably discipline or terminate that employee – even though the employee was not the person to make the posts – for a number of reasons. They could fire them because the negative press from the posts adversely affects the company’s image by association with the child’s parent; they could fire them because they believe the child’s actions reflect poorly on the parent’s own judgment; or, simply, they could fire them for no real reason other than “just because.” That is the nature of at-will employment. Thus, were this to have happened to a private employee, or a public employee with a contract term of “at-will,” discipline and/or termination may properly be initiated because there would be no prohibition from doing so, and discretion would be vested in the employer. The scenario shifts, however, when it is a public official that makes the inappropriate social media post.

Many public employees are protected in their employment by what is known as the “just cause” requirement. Pursuant to the governing collective bargaining agreement or contract of employment, as well as statutes like General Statutes § 7-278, employees with a “just cause” requirement for termination retain a property interest in their employment and, thus, cannot be deprived of that interest absent certain due process procedural requirements.

In Connecticut, General Statutes § 7-278 provides that “[n]o active head of any police department of any town, city or borough shall be dismissed unless there is a showing of just cause by the authority having the power of dismissal and such person has been given notice in writing of the specific grounds for such dismissal and an opportunity to be heard in his own defense, personally or by counsel, at a public hearing before such authority.” The statute itself does not

provide a definition for what constitutes “just cause,” but our Supreme Court has interpreted just cause, in the context of the dismissal of police and fire department personnel, as “a reasonable ground for removal as distinguished from a frivolous or incompetent ground.” See Lysaght v. Town of Newtown, No. CV000338910S, 2001 WL 438951, at *5 (Conn. Super. Ct. Apr. 16, 2001). Accordingly, this statute provides each police chief in the state with protection from termination from their employment in the absence of a showing, after a hearing, of a reasonable ground for removal. See Anziano v. Bd. of Police Com’rs of Town of Madison, 229 Conn. 703, 707 (1994) (“plaintiff can be removed from office only upon ‘a showing of just cause by the authority having the power of dismissal’”).

Additionally, the same Special Act that established the Naugatuck Police Commission also provides, in pertinent part, that, “[u]pon reasonable notice and after due hearing, the board of police commissioners may remove from office, for malfeasance or for any neglect or refusal to properly perform his duties, any member or officer of said department of police protection, including the chief of police.” See Clisham v. Bd. of Police Com’rs of Borough of Naugatuck, 223 Conn. 354, 360 (1992).²⁵ Ordinarily, a Naugatuck Police Chief can be removed from office only for “malfeasance or for any neglect or refusal to properly perform his duties.” See id.

²⁵ In Clisham, the Court provided the following guidance regarding the interplay of the 1953 Special Act and General Statutes § 7-278:

General Statutes § 7-278 provides in relevant part that “[n]o active head of any police department of any town, city or borough shall be dismissed unless there is a showing of just cause by the authority having the power of dismissal. . . .” This statewide “just cause” requirement was enacted in 1983. See Public Acts 1983, No. 83-212. “A special and local statute, providing for a particular case or class of cases, is not affected by a statute general in its terms, broad enough to include cases embraced in the special law, unless the intent to repeal or alter is manifest.” State ex rel. Wallen v. Hatch, 82 Conn. 122, 124–25 (1909). Because, in enacting § 7-278, the legislature has not shown a manifest intent to repeal 26 Spec. Acts 934, No. 321, § 4, to the extent that the provisions of the special act and the general statute are inconsistent, the special act is controlling. Id., 125. Consequently, the “malfeasance” standard of the special act governs this case.

With respect to Chief Hunt, the Naugatuck Police Department Code of Conduct provides that “[n]o person employed by the Naugatuck Police Department shall be punished or reprimanded except upon a finding of ‘just cause’.” Additionally, as discussed, Chief Hunt’s contract provides as follows:

7. TERMINATION: (a) Termination for just cause. In the event Mr. Hunt is discharged for “Just Cause” (as defined below), Mr. Hunt shall be provided with a hearing consistent with Connecticut General statutes § 7-278. “Just Cause” shall mean (i) any act or omission that constitutes a material breach by Mr. Hunt of any of his material obligations under this Agreement; (ii) the continued and repeated failure or refusal of Mr. Hunt to perform that material duties required of him as an employee; (iii) any wilful, material violation by Mr. Hunt of any law or regulation or Mr. Hunt’s conviction of a felony, or any willful perpetration by Mr. Hunt of a common law fraud; or (iv) any other willful misconduct by Mr. Hunt which is materially injurious to the financial condition or reputation of, or is otherwise materially injurious to the BOROUGH or any of its employees or agents.

See Addendum A.

Accordingly, in light of the explicit language adopting the “just cause” standard for termination within the department Code of Conduct and the Chief’s employment contract, the “just cause” standard, as modified by the remainder of the contract, applies here. Chief Hunt’s employment has a 3-year term, set to expire on or about June 30, 2022, and shall expire on that date absent an agreement to extend the contract by the Borough and Mr. Hunt. Chief Hunt, therefore, is subject to termination only for just cause shown until the date of his contract’s expiration.²⁶

Clisham, 223 Conn. at 360 n.12.

²⁶ While immediate termination is not a viable option in this matter, it should be noted that the Borough is not prohibited from considering the underlying facts of this investigation in determining whether to renew the Chief’s contract upon its expiration in June 2022. Refusing to renew the Chief’s contract on the basis of the dispute his Child’s actions have brought upon the Department and the Borough would not violate the Chief’s property interest in his employment, as such interest expires at the conclusion of his contract term. See, e.g., Gardiner v. Fairfield, 51 F. Supp. 2d 158 (D. Conn. 1999) (holding that a local fire chief was not dismissed in violation of

Although there is an abundance of cases in which a public official made a statement on or use of social media in a way that was determined to violate a relevant department policy and, thus, warrant their termination from employment, this investigator could not locate a single instance nationwide where a public official, like a police chief or a school principal, was definitively fired or administratively disciplined as a result of the actions of their minor child's use of social media alone. The lack of cases on point to guide our analysis is likely explained by the just cause requirement for termination. Unless and until a public official with just cause protections is determined to have violated department policy or procedure in a manner to warrant his discipline and/or termination, he has a protected property interest in his employment pursuant to the terms of the contract governing such relationship. In consideration of the relevant legal precedent and the facts of this case, therefore, it is the conclusion of this investigator that the just cause standard for termination would not be satisfied in this case, as it is not apparent that Chief Hunt violated any department rule, regulation, or policy. The conduct of the Chief's Child, while regrettable and alarming, cannot be imputed to the Chief for purposes of sustaining a finding of misconduct sufficient to warrant termination.

the related "just cause" statute pertinent to fire chiefs when his contract expired and was not renewed by his employer).

IV. Conclusion

After a thorough review of the relevant undisputed facts, and having considered the applicable legal standards, this investigator concludes that there was no misconduct by Chief Hunt regarding the Snapchat posts created by his Child sufficient to warrant any disciplinary action. It is obvious, based on other information set forth below, that this incident has undermined efforts that Chief Hunt himself has made to address racial diversity within the ranks of the Naugatuck Police Department. But there is no evidence that Chief Hunt is responsible, legally, for the dissemination of the original posts, or their subsequent public disclosure.

Allegations have surfaced on social media since the snaps were publicly disclosed claiming that the Naugatuck Police Department in general is racist, or more specifically, that Chief Hunt is racist. This investigator concludes that those allegations are unfounded. To the contrary, as more fully articulated above, the Naugatuck Police Department is ahead of most of its peer law enforcement agencies in Connecticut in terms of accreditation, minority recruitment, and training its officers regarding Fair and Impartial Policing and Implicit Bias. In addition, the Department has a vigorous Internal Affairs and Citizen Complaint process. Although there have been several racial discrimination complaints made over the past thirteen (13) years, each and every one of those complaints was thoroughly investigated and, in fact, discipline was meted out against officers in the two instances in which the complaints were substantiated. This demonstrates that racial insensitivity and discrimination is not tolerated.

While there is a possibility that the posts have undermined public confidence in the Department, there is no misconduct attributable to Chief Hunt to merit discipline. The conduct of a minor child of sworn personnel is not grounds upon which discipline or termination can be based. In sum, this investigator has concluded, after a careful review of the evidence and applicable

policies, procedures and law, that no misconduct or malfeasance was committed by Police Chief Steven K. Hunt regarding the Snapchat chat messages conveyed by his Child, and he is, therefore, exonerated.

Respectfully submitted.

BY: 

JAMES N. TALLBERG, ESQ.
Karsten & Tallberg, LLC
500 Enterprise Drive
Rocky Hill, CT 06067
T: 860-233-5600
F: 860-233-5800
jtallberg@kt-lawfirm.com

Dated: April 9, 2021