

March 10, 1998

To: Capt. Manfred Brideau

From: Insp. Michael Beal

I am presently employed by the Department as a "retired-rehiree" in the Special Licensing and Firearms Unit, working under the direction of Det. Claudia Tino - Tomassetti. I have functioned in this position through several "cycles" dating back to July of 1996. During my original tenure, Lt. Herbert Burnham assigned me the task of developing material and giving a presentation on the then new firearms laws. Along with Lt. Burnham, I made these presentations in seminars to the State's Attorneys, and the Chiefs of Police and their designees. I bring this to your attention to make the point that I know my job. Of equal importance, I do my job. I do not avoid any aspect of my job, nor do I avoid answering questions I am competent to answer. I have never shirked from accepting a task and fully applying myself to that task. If I find myself unable to fully perform my duties I will prepare myself to do so by whatever means necessary, (that is, I will ask questions of those who possess greater knowledge, and I will research a subject and analyze the issues to the fullest extent of my abilities). I have had the pleasure of working for and with Det. Tomassetti who shares the same work ethic. She deserves a high degree of respect for her commitment to her job and this Agency. Det. Tomassetti handles her substantial responsibilities very well in view of the fact that she and I are the sum total of this Agency's commitment to handling the avalanche of work associated with the issuance/denial and revocation of pistol permits.

Since the beginning of my tenure with the firearms unit **I have been aware of the common practice of local police officers taking State pistol permits from individuals, sometimes forwarding them to us, and sometimes holding on to them.** Unless the holder is not in legal possession of the permit, or a court of competent jurisdiction has ordered seizure, or the local agency takes the permit for evidentiary purposes, I can find no statutory authority to support this practice which leads to the conclusion that this is an illegal taking of property. Besides the considerable administrative problems this has created within the permits unit, as I represent a law enforcement agency I thought it my responsibility to bring any potential illegal activity, (no matter how well intentioned), to the attention of my superiors. To that end, I discussed this with Det. Tomassetti. Much to her credit, Det. Tomassetti chose to devote what little time she has to addressing a problem. **Det. Tomassetti was already aware of some instances where this practice of "constructive revocation" had resulted in problems and she had also noted, through her contacts with attorneys representing permit holders, that these attorneys were questioning the taking of their client's permits by the local police officials.** Wishing to avert any potential crisis, Det. Tomassetti asked me to draft an informational letter to be directed to all the Chiefs. (I will digress at this point to note that my initial reaction to this was to tell Det. Tomassetti that she might not want to do this given the politics involved as the State might be resented as telling the locals what to do). Once again, much to her credit, Det. Tomassetti felt it was her responsibility to share information with brother police officers so that they might avoid a problem. She found this to be more compelling than the avoidance of potential petty internecine quarreling. Det. Tomassetti took a draft of her informational letter to Sgt. Christopher Arciero for his review and approval. Before Sgt. Arciero could use his legal expertise to analyze this draft and the issue

contained therein, the then Lt. Paul Samuels appeared. Within moments, without benefit of Sgt. Arciero's legal analysis, Lt. Samuels said that he did not want to take away any officer's ability to confiscate a permit and he instructed Sgt. Arciero to, within 20 minutes, draft a letter to all the Chiefs informing them that all confiscated permits should be submitted to us in a timely fashion so that they may be acted on. There was no discussion on the matter, in fact all discussion was ended when Lt. Samuels told Sgt. Arciero that I'm a Lieutenant and you're a Sergeant.....I want the draft in 20 minutes. **Lt. Samuels' directive was, therefore, based solely on what he wanted. He did not research the statute, nor did he seek out the advice of anyone before concluding that what he wanted trumped any legal niceties that might stand in the way.**

On March 9, 1998, the now Capt. Samuels approached me with a letter received from Chief Joseph Faughnan of Clinton. Although my reading of this letter was cursory, I noted that it cited a January 29, 1998 conversation that I had with a Clinton corporal in which I told this officer that only the Commissioner of Public Safety had the statutory authority to confiscate a State permit. Chief Faughnan went on to complain of this. My recollection of this conversation was that a police officer called and asked the question, could they confiscate State permits? I informed this officer that pursuant to relevant statutes, their ability to take a State permit was limited to those not legally in possession (CGS 29-28), or by court order, or if it was evidence. I recall using the example of the taking of a person's drivers license; that this was limited by the statutes. This January 29th conversation occurred before the above incident in which Lt. Samuels issued his edict to Sgt. Arciero. By that time, I had, on many occasions been asked a question similar to the one asked of me by the Clinton corporal in January, and I had always responded in the same fashion. Frankly, I was surprised to find out that what I felt was a thoughtful response, **based on my reading of the statutes and my understanding of the Constitution**, could be so grotesquely at odds with what the Lieutenant wanted. I have, apparently, been delusional in believing that police officers were bound by the law and what they wanted was, therefore, somewhat constrained. I have been ordered by Capt. Samuels to no longer give my "opinion". I resent this on two levels. Firstly, as previously mentioned, I feel a responsibility to answer questions from fellow police officers and, if I were giving my opinion, the listener would clearly be made to understand that. Secondly, if Capt. Samuels properly managed the Unit there would be a qualified person there at all times to answer phone calls besides Det. Tomassetti and myself. Furthermore, I find it extraordinary that Capt. Samuels would wither in the face of criticism by Chief Faughnan while demonstrating a complete unwillingness to determine what the correct course of action should be or if I had answered the question posed to me correctly. I hope he will research this matter and base his response **on what is legal rather than seeking to appease Chief Faughnan by telling him what he wants to hear.** What the Chief wants and the Capt. wants are tempered by the law.

Under these circumstances, at your earliest convenience I wish to relinquish my position. I am willing to stay on in order that you can find and train someone to fill my position should you wish me to do so. I sincerely hope that Det. Tomassetti will be given the resources and respect that she deserves in attempting **to keep the dam from breaking**. The practice of giving her every additional task that pops up should be avoided so that she can attend to this job. Her employer should give some serious consideration to not discouraging their employees from being thoughtful and conscientious. The message to them seems fairly clear; shut up and collect your paycheck.