

Complaint:

On April 26, 2011, Detective John Williams (Meriden P.D.) filed a formal complaint against Officers Don Huston and Brian Sullivan regarding the contents of their second official complaint to the city manager.

Det. Williams attached a five-page document to his complaint form rebutting the allegations of the Huston/Sullivan complaint. Specifically, Williams takes umbrage with Huston/Sullivan's account of how the crime suppression unit and the Meriden P.D. administration handled the investigation of the 2041 Club in 2008/2009. Huston/Sullivan contend that then-patrol lieutenant Robert Green was allowed to retire rather than face disciplinary action, and thereby given preferential treatment as compared with other officers.

Investigation:

On June 23, 2011, I met with Det. Williams to further discuss his complaint. Also present was Attorney Tom Daily, the independent investigator hired by the City of Meriden to conduct his own impartial inquiry into the Huston/Sullivan matter. Williams supplied us with additional information during this interview that helped clarify certain matters. His input during that interview will be addressed throughout this report.

The portion of the Huston/Sullivan letter that Williams is complaining about comes down to about 25 lines in a single paragraph. However, there is much information alleged in that one paragraph.

The Huston/Sullivan letter correctly describes that the crime suppression unit (CSU) executed a search warrant for prostitution at 2041 North Broad St. and that a prostitute was arrested who had a large quantity of money in her apartment. They also accurately state that videos were seized from the investigation. In fact, hundreds of videos were seized during the course of the investigation from various locations. Many of the videos were sexual in nature, containing footage of men having sexual relations with the prostitutes but not knowing that they (the men) were being recorded during the sex acts. Huston and Sullivan then base the rest of their account of Green's behavior on the seized videos.

An important fact to acknowledge at this point is the date that the videos were seized. The very first day that any type of seizure took place occurred on Jan. 20, 2009, which was the date of the actual raid on the 2041 Club. Additional videos were also seized from a suspect's condo on Jan. 21 and from Northside Self Storage in Meriden on Jan. 22.

Det. Williams stated in his interview with me—and documented in his case report (09-598, p. 2, March 26, 2009)—that during his review of some of the seized videos, he saw then-active Lieutenant Robert Green (Meriden P.D.) captured on video “inside the club in police uniform consuming a beverage.” This fact is also mentioned in Huston and Sullivan’s complaint, although they state that the beverage is “assumed to be alcohol but never investigated.”

Williams went on to say that once Green was seen on video at the club, the fact was brought to the chief’s attention. The chief then decided that all the tapes needed to be examined.

Huston and Sullivan then go on to write that it “was determined that he [Green] was having sexual relations with the prostitutes in the establishment. . . . He was not relieved from duty but instead this information was disclosed to him several days later and he was afforded [sic] the opportunity to retire and it was all swept under the carpet.” This is the point in Huston/Sullivan’s complaint where the facts simply do not add up.

Recall earlier that CSU raided the 2041 Club on Jan. 20, 2009. That was the first day that any videos were seized. Additional videos were also taken on the following two days, as well. Some of the videos were then reviewed several days after the seizures. That is when Green was spotted on the video at the club consuming a beverage in uniform. Huston and Sullivan’s letter contends that “this information was disclosed to him several days later,” which allowed Green to retire. The problem with that contention, however, is that Green’s official retirement date was Jan. 18, 2009, according to Meriden personnel records. Green was already retired when the videos were not only examined, but also when they were seized. It was impossible for Green to have been given the chance to retire after he was found to be on one of the videos in the club. He was already retired for at least a week. Administrative investigations or discipline cannot be dispensed once an individual retires.

Huston and Sullivan then write that if Green had been a patrolman, he would have been “relieved from duty immediately and a THOROUGH criminal investigation would have been conducted.” Although these comments can be considered a matter of opinion, it is difficult to perceive how the criminal investigation could have been any more thorough. As a supervisor in the detective division at the time of the 2041 Club investigation, I am personally aware of the manpower and man-hours that were used to ascertain whether any evidence could be gathered to file charges against Green. Hundreds of videos were examined by almost every detective in the division for several weeks. Prosecutors were kept informed of the progress of the investigation against Green. Green was even called in for an interview by Det. Sgt. Baustien on Feb. 9, three weeks after Green had retired. CSU—aware that administrative sanctions against Green were impossible—was trying to see if any type of criminal charge could be supported. In the end, though, no such charges were filed for a variety of reasons, including the lack of physical evidence, lack of witness cooperation, and the time limitation for prosecution.

The Huston/Sullivan letter also alleges “it was rumored that the details or possibly a warrant was brought to GA 07 but nothing was signed.” Although the assistant state’s attorneys were briefed on Green’s involvement, no warrant was ever applied for due to the lack of probable cause of any crime being committed.

Det. Williams also disputes Huston and Sullivan’s assertion that “. . . Green admitted to have sex, oral sex and masturbating within the club. [sic]” In actuality, according to Det. Sgt. Baustien’s report, “Green acknowledged that he has been to the club for sexual encounters but wouldn’t go into detail as to how often the acts took place.” I double-checked with Baustien to see if Green had told him of specific sex acts, but he told me that Green did not go into any detail. Therefore, based on their complaint to the city manager, Huston and Sullivan seem to be putting words into Green’s mouth, since he did not admit to anyone exactly what type of sexual conduct he engaged in.

Huston and Sullivan also write that they were advised “that there was no Internal Affairs investigation conducted or criminal investigation into his [Green’s] conduct.” As stated earlier, internal affairs investigations are not assigned for individuals that are no longer employed with the police department. However, it is clear that a criminal investigation was indeed initiated into Green’s actions, with a conclusion of lack of probable cause, not to mention the time limitation of prosecution for misdemeanors. Even if Green had not retired when he did, an internal affairs investigation would likely still have been postponed until the conclusion of the criminal investigation, as allowed by policy: “A parallel Internal Affairs investigation will be conducted to ensure no administrative departmental violations have occurred, but may be delayed until the resolution of the criminal investigation.” (G.O. 2.7.2, p.7)

Interview of Off. Sullivan

On November 30, 2011, Officer Sullivan was interviewed regarding his knowledge on this topic. He was asked if he was directly involved in this investigation. He said he was not. Sullivan said that he received his information from Off. Shean and Det. Williams, including an unsigned copy of Williams’s report, which was given to Sullivan prior to the case being closed.

Sullivan maintained that administration was aware of Green’s activities at the club, yet they refused to investigate him in an administrative capacity. Sullivan contended that the anonymous letter written by “Jack,” which precipitated the entire 2041 investigation, contained Web site links that—once accessed—mention Lt. Green and describe how he “gets in on the action every week,” according to one such posting left by an individual with the screen name “Monger” on May 28, 2008.

I asked Sullivan if he could understand why it might be problematic in this instance to initiate an internal investigation on Green concurrent with the criminal case. I explained to him that during an administrative investigation Green would be required to receive a notice of the investigation against him, thereby jeopardizing the criminal case. Sullivan

said that he could agree with that rationale. But he then added, "I don't know how IA really works." Nevertheless, Huston and Sullivan did not include that specific concern in their complaint letter. Their letter simply relates that Green was not administratively investigated after the videos were seized.

I then asked Sullivan about the discrepancy in his second letter to the city manager about Green's sexual relations at the club. On page 3, Sullivan writes, "without viewing the tapes it is unknown if this was on [or] off duty." However, a few pages later (on page 6) he writes, "There have been Officers who have been captured on video who were having sexual relations while on duty and in full uniform at a well known prostitution establishment," referring to Green. Sullivan told me that he was told by Det. Williams that Green had sex at the club on duty. However, Det. Williams told me that he never said that to Sullivan, and there is nothing in the 2041 case file that indicates Green was captured on video having sex either on or off duty. There is no mention of any video depicting Green having sex besides the assertion made in the Huston/Sullivan letter. Sullivan admits that the case file does not mention that type of video.

I continued to ask Sullivan why his two references to Green's sexual relations at the club contradict each other. Sullivan again said that he was given that information from Williams and that he [Sullivan] could not confirm that unless he saw the video himself. However, Sullivan does not indicate that in that portion of the letter, which is a significant qualifier. In fact, Sullivan admits that much by saying "it seems almost contradictory." Sullivan goes on to say, "I should've wrote 'it was conveyed to me...but it's unknown if that really occurred.' "

Sullivan also said that Det. Williams told him that Green retired after they (CSU) found the videos. But, as described above, that is not true. Lt. Green retired prior to the discovery of the videos.

Sullivan was then asked if Det. Williams told him that there was a criminal investigation against Green. Sullivan said he was not told that. Sullivan was then asked if there was a criminal investigation against Green. He replied, "I believe there was not." He then said that he heard there was a warrant "shopped around," but he couldn't confirm that. Sullivan then clarified that he understood there was a criminal investigation into Green's conduct after he retired, but he wasn't sure if one was initiated on Green at the outset when the letter from "Jack" was first received.

When I asked Sullivan why he wrote, "We were advised that there was no Internal Affairs investigation conducted or criminal investigation into his conduct," he responded that he was not satisfied with the way the criminal investigation was handled. I then asked him, "So it's not *a* criminal investigation you're concerned [with], it's the *type* of criminal investigation. Is that fair to say?" Sullivan replied, "Yes." This is a significant admission because it paints a different picture than the one depicted in his letter to the city manager, which suggests to the reader that nothing was pursued regarding Green's conduct.

I asked Off. Sullivan if he read the entire 2041 case report. He said he did not.

When asked again why he indicated at one point that there was no criminal investigation into Green's conduct, Sullivan said, "Maybe I worded it wrong."

I then asked Sullivan where he received the information that "[Green] was interviewed several days after his retirement. Its [sic] documented in the case report. It was very vague but Lt Robert Green admitted to have sex, oral sex and masturbating within the club." Sullivan said he misquoted that portion of the letter. He said he misquoted it because of the way he interpreted Det. Sgt. Baustien's report.

Interview of Off. Huston

On December 5, 2011, Off. Huston was interviewed regarding this portion of the letter. Huston said that he was not involved in the 2041 investigation. He also said that when he first heard of the allegations against Green, he felt that they were "far-fetched." Huston had received the information from Sullivan and had little input.

Summary/Conclusion

After examining the information and evidence available in this incident, I feel that Det. Williams has a valid complaint. Officers Huston and Sullivan describe their concerns with the 2041 case in their supplemental letter to the city manager. They write that Green's conduct at the club was revealed after the seized videos were reviewed. Although there was an unconfirmed allegation that Green was frequenting the club in the initial, anonymous letter (which Huston and Sullivan did not mention in their complaint), the evidence seized after the raid (videos, diaries, etc.) was what helped support that accusation. Green, however, had already retired prior to those seizures, which is a significant detail.

Also, Huston and Sullivan wrote that they were told that there was no internal or criminal investigation into Green's conduct, but acknowledge that Green was called in for an interview by Det. Sgt. Baustien regarding the matter. Many detectives were assigned the task of reviewing all the videos to see if Green was recorded committing a crime. Therefore, although no internal investigation was conducted (since Green was retired), a criminal investigation indeed did take place. Baustien's report states as much: "There isn't any probable cause to arrest Robert Green at this time but the case remains open for further investigation."

Furthermore, Green never admitted to a specific type of sexual act (oral or otherwise) or masturbating at the club. Huston and Sullivan state that Green's admission to those acts is documented in a case report, but that is not true. The report indicates that Green only admitted to "sexual encounters."

Finally, Huston and Sullivan contradict themselves when they write on page 3 of their complaint that Green “was having sexual relations with the prostitutes in the establishment. (without viewing the tapes it is unknown if this was on or off duty),” but on page 6 write, “There have been Officers who have been captured on video who were having sexual relations while on duty and in full uniform at a well known prostitution establishment that were not immediately relieved from duty or investigated,” when describing disparate treatment within the police department. No such video has been found.

The inaccuracies in the Huston/Sullivan letter give the impression that the Meriden Police Department allowed Lt. Green to retire after finding incriminating evidence against him. I have not been able to find any indication of that.

Also, the *Record-Journal* was given a copy of the second complaint letter and reported on it (focusing on the Green matter) in a May 12, 2011, letter by reporter Dan Ivers. This enabled Huston and Sullivan’s description of the Green incident to go public, even though it appears that there are inaccuracies in their account.

Based on the preceding information, I believe that the preponderance of the evidence shows that Off. Huston and Off. Sullivan may have committed the following violation(s):

- ✓ **Meriden Police Department Rules and Regulations**
Section 2 Improper Conduct
2.16 Making public statements which are known to be false or to be a reckless disregard of known facts related to department policy.

- ✓ **Meriden Police Department Rules and Regulations**
Section 1 General
1.1 Any violation of the rules and regulations, general orders, special orders, written directives, memoranda, lawful orders or any act which tends to undermine the good order, efficiency and discipline of the department or which brings discredit upon the department or any member of the department, shall constitute “conduct unbecoming an employee.”

Det. Lt. Mark Walerysiak
 Internal Affairs Unit

February 15, 2012