

**Meriden Police Department  
Internal Affairs Unit**

**Investigative Report**

**IA #: IA-11-24**

**Category: Class 1**

**Complainant: Officer Robii Abouchacra**

**Allegations: Dishonesty and untruthfulness; unauthorized release of information**

**Officer(s) Accused: Officers Don Huston and Brian Sullivan**

**Date(s) of Incident: Upon release of second complaint letter**

**Time of Incident: N/A**

**Place of Incident: N/A**

**Type of Incident: Written complaint**

**Involved Parties: Off. Robii Abouchacra  
Off. Brian Sullivan  
Off. Don Huston  
Off. Jen Pierce**

**Finding: Results of this investigation indicate that the accused officer may have violated one or more Meriden Police Department policies, procedures, or rules and regulations.**

**Complaint:**

On May 3, 2011, Officer Robii Abouchacra of the Meriden Police Department filed a formal complaint with the Office of Internal Affairs against Officers Don Huston and Brian Sullivan. The complaint is one of several that have been filed against the two officers since they released their own official complaint to the city manager and the media regarding corruption and nepotism within the department. Abouchacra attached a separate narrative explaining his allegations. He focuses on two issues that he believes to be department violations. First, that Huston and Sullivan publicly disseminated his previous internal affairs investigation that was expunged from Abouchacra's personnel file and, second, that Huston and Sullivan depict Abouchacra as being a favorite within the department and that his discipline was more lenient than that of another officer, namely, Jennifer Pierce. Abouchacra wrote that Huston and Sullivan "portrayed only one side of my discipline and failed to depict that our department policy regarding discipline is progressive and that I have never been in trouble prior to that incident compared to other officers that they have compared me to."

The section where Huston and Sullivan mention Abouchacra is described in the supplemental letter that they sent to the city manager. There is no evidence that the supplemental letter was sent to the media as the first one was. However, the local newspaper (*Record-Journal*) did obtain a copy of the second letter. Abouchacra, though, was never mentioned publicly.

**Investigation:**

On May 17, 2011, I was assigned the investigation of Officer Robii Abouchacra's complaint against Officers Don Huston and Brian Sullivan. Notification letters were sent to the complainant and the accused on the same date. After reading Abouchacra's narrative regarding his complaint, I made an appointment with him to meet me in my office on June 16. The meeting was also attended by Attorney Tom Daily, who is the independent investigator hired by the City of Meriden to examine all aspects of the Huston/Sullivan complaint.

### *A. Regarding Disclosure of Off. Abouchacra's Discipline*

Abouchacra does not feel that Huston/Sullivan had the right to release information regarding his internal affairs investigation. On Nov. 1, 2009, Abouchacra was recorded driving in a police vehicle on Interstate 91 South at speeds up to 116 mph. An internal affairs investigation was initiated, and Chief Cossette sustained two charges against Abouchacra, who was suspended for one (1) day without pay. The suspension, however, was held in abeyance for one year, and if Abouchacra committed no further sustained violations of department policy or rules and regulations during that year, the one-day suspension could be removed from his personnel file.

According to records in the database of the Internal Affairs Unit, Abouchacra did not have any other sustained violations during the one-year period, and, as such, his discipline was removed from his personnel file. It is important to note that this speeding offense is the only sustained offense incurred by Off. Abouchacra.

The question now becomes whether an officer's expunged discipline rises to the level of "confidential." Currently, I can find no evidence to support that it does. Although one can understand Abouchacra's displeasure at the release of his discipline, the fact remains that it did occur and was not only common knowledge with most of the department's personnel, but it also appears to be public information. A review of Connecticut General Statute 1-210, which deals with the Freedom of Information Act, indicates that "all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records. . ." Although the discipline is no longer reflected in Abouchacra's personnel file, Connecticut's record retention schedule dictates that all internal affairs investigations be retained for at least two years (depending on the disposition of the investigation). Internal affairs records are not listed as one of the 25 exceptions of disclosure to the Freedom of Information Act.

Therefore, based on the preceding information, it does not appear that the Huston/Sullivan complaint letter violated any rule or policy by disclosing Off. Abouchacra's internal affairs investigation and disposition.

### *B. Regarding Huston/Sullivan's Omission of Facts*

The second part of Abouchacra's complaint addresses the fact that Huston/Sullivan's complaint letter paints Abouchacra as a favorite within the department. As mentioned earlier, a portion of the Huston/Sullivan complaint letter describes Abouchacra's internal affairs investigation for speeding. Immediately prior to and following their description of Abouchacra's offense, Huston/Sullivan describe Off. Jen Pierce's own speeding incident and the fact that she was given a five-day suspension. It is then followed by the line, "Yet again another example depending on who you are will determine your discipline." It is clear that Huston/Sullivan feel that the discipline received by the two officers is disparate and favorable toward Abouchacra.

Abouchacra, however, makes a valid point in his complaint narrative when he writes, “Both Sullivan and Huston portrayed only one side of my discipline and failed to depict that our department policy regarding discipline is progressive and that I have never been in trouble prior to that incident compared to other officers that they have compared me to.” Indeed, in Meriden Police Department General Order 26.1.4 (Disciplinary System→ Progressive Disciplinary Action), it is clearly written that

Disciplinary action is administered in a progressive fashion utilizing the principle of “equity.” Equity means that the Chief of Police will review the employee’s performance deficiency and consider the following factors to help determine the amount and degree of administrative action to take.

- The seriousness of the deficiency or offense
- Management’s expectation that the type and level of administrative action will facilitate or deter the conduct, work proficiencies or behaviors of others
- The member’s overall conduct, work history, time between other violations (if other offenses occurred) and behavior record
- Management’s expectation based on the member’s misconduct or behavior, that the type and level of administrative action will improve the member’s future performance

Based on this utilization of progressive discipline, it is important to point out that Off. Pierce incurred four sustained complaints that were investigated by Internal Affairs. These four sustainments all occurred prior to Abouchacra’s meted discipline. On Jan. 9, 2008, a complaint was filed against Pierce for several alleged violations. These multiple accusations were filed under one internal affairs case number, IA-08-04. The internal affairs investigation resulted in a finding that Pierce may have violated Meriden Police Rules and Regulation Section 5.23, *Performing assigned duties or other official work in a careless or negligent manner or in disregard of proscribed procedures or established practice*. As a result of that investigation, Pierce was given supervisory counseling.

On July 2, 2008, another internal affairs investigation was initiated on Pierce regarding possible mishandling of evidence (IA-08-27). The result of that inquiry was a sustained finding of a violation of Section 5.23 of the Meriden Police Rules and Regulations. She was issued a written reprimand on Oct. 23, 2008.

On October 14 and 21, 2008, Pierce was subjected to two additional internal investigations (IA-08-40 and IA-08-41), both regarding her driving abilities. The chief also sustained these two incidents, and Pierce received a five-day suspension (total) for both sustainments. The Huston/Sullivan letter incorrectly indicates that Pierce was given a five-day suspension for the one driving incident described. Huston and Sullivan

neglected to include her previous discipline history and concurrent administrative investigation regarding a separate driving incident.

It is also important to note that Pierce (up to that point) had been involved in three at-fault accidents resulting in property damage ranging from minor to extensive, including personal injury. This was also taken into account when determining her discipline.

Furthermore, in early September 2010, a stipulated agreement was reached between the City of Meriden, Off. Pierce, and Local 1016 where Off. Pierce's five-day suspension was reduced to one, with four days pay being reimbursed to Pierce.

Therefore, Off. Pierce's actual discipline was a one-day suspension. However, Huston and Sullivan did not mention this fact in their letter, either.

After examining these facts and comparing them to the statements made in Huston/Sullivan's complaint letter, it is readily apparent that the two officers omitted significant information that, had it been included, would have definitely changed the weight of the accusation provided to the city manager. By only mentioning one of Pierce's disciplinary findings, the complainant does give the impression of some type of unfair treatment. But had their complaint to the City included all the facts of Pierce's disciplinary record as it compares with Abouchacra's sole sustainment, one would easily be able to understand why the two officers received different sanctions, especially as it relates to the concept of progressive discipline as outlined in police department policy. Also, had Huston and Sullivan included the fact that Pierce's five-day suspension was lowered to one day, it would have proven that the safeguards and checks and balances in place regarding discipline were fully functional.

### **Interview of Off. Sullivan**

Off. Sullivan was then interviewed regarding this matter. He said he obtained his information regarding Off. Pierce from Off. Mike Fonda and (possibly) Lt. Gaynor. Sullivan also admitted that he knew—prior to writing the complaint—that Off. Pierce had been involved in several driving mishaps and that her five-day suspension was a cumulative result of those incidents. He acknowledged that he did not include that in his letter to the city manager. I indicated to Sullivan that that was a significant omission. I asked him if he had the opportunity, would he change anything. He replied, "Looking back at it, I would have changed the entire thing, and worded it differently." He also goes so far as to admit that in reading this portion "it would be misleading." Sullivan said he left out the additional Pierce information because if he had included everything he wanted to, his complaint would have been much longer.

Sullivan was then asked where he got the information regarding Off. Abouchacra's discipline. He said he spoke to Abouchacra directly. He then went on to explain that this portion of the letter is not meant to compare and contrast Pierce's discipline with Abouchacra's. Rather he said he was using both of their disciplines as a comparison to

Det. Visconti's lack of discipline. (Visconti is mentioned earlier in the complaint letter.) However, that rationale is clearly not evident when one reads this section of the letter, especially the following lines:

Yet again another example depending on who you are will determine your discipline. Pierce responding to a request to step it up receives a 5 day suspension yet Abouchacra having absolutely no reason to be speeding gets only 1 day in abeyance.

A reasonable person reading that passage would clearly understand that the comparison is being made between Abouchacra and Pierce.

### **Interview of Off. Huston**

A few days after Off. Sullivan's interview, Off. Huston was interviewed regarding this portion of the letter. He immediately offered that he was aware that Pierce's suspension was reduced to one day, which he acknowledged is not mentioned in his letter to the city manager. I asked him why that wasn't included in the letter and he said, "I don't know why it wasn't put into there." Huston then said that he didn't know any other information or details regarding Pierce's discipline.

Off. Huston was then asked where he obtained the information regarding Abouchacra's discipline. He said he heard that from Abouchacra directly. He was then asked if this portion of the letter was comparing Abouchacra's discipline to Pierce's as an example of disparate treatment. He said it was. This was contrary to what Officer Sullivan had said.

### **Summary/Conclusion:**

Off. Abouchacra has a valid complaint. The fact that objective, impartial information was omitted from Huston and Sullivan's comparison of Off. Pierce and Off. Abouchacra's discipline significantly alters one's conclusion on the matter. Had Huston and Sullivan included the full history and circumstances of Pierce's discipline to the city manager, it would be readily apparent why the two officers (Pierce and Abouchacra) received two different penalties.

Off. Abouchacra feels that Huston and Sullivan's act of sending the city manager inaccurate information regarding his discipline brought discredit upon him and the department.

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):

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**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