A scathing 168-page report on the state police internal affairs unit has found the very structure designed to promote integrity within the department to be riddled with misconduct and improper influence.

Some of the 19 internal affairs cases investigated by the New York State Police may lead to criminal charges or disciplinary action against troopers involved in sexual assaults, domestic violence, drunk driving and larceny, Attorney General Richard Blumenthal said.

The report, which calls for an overhaul of the unit, prompted Gov. M. Jodi Rell to order an independent commission to oversee its reform and an outcry from other public officials to eliminate what some perceive as corruption within the state police.

Released during a press conference Monday, the report points the finger at top managers and raises questions about the ability of the department's elite major crime squad to investigate criminal allegations that arose in some internal affairs cases. In several instances, the major crime squad failed to properly document or complete cases.

Responding to the worst black eye for the department since a 1989 scandal involving illegal taping of prisoners, a grim-faced Public Safety Commissioner Leonard C. Boyle took responsibility for the problems outlined in the yearlong investigation.

"I'm responsible for everything that happens and responsible for trying to fix it," Boyle said.

Blumenthal thanked state troopers who came forward "to make complaints about a system that is dysfunctional, in disarray, and ultimately discredited."

"More importantly than what we call it is what we do about it," he said. He turned the report over to Chief State's Attorney Kevin Kane for investigation.

Col. Edward Lynch, commander of the state police, who announced his retirement Friday, said the timing had nothing to do with the report. He said he is taking a job in the private sector.
Rell ordered Boyle to set up a commission that will include expertise from outside the state police to oversee systemic reforms.

"This is necessary so that we may have an unbiased and professional group charged with transforming the internal affairs process," Rell said in a statement. "I am deeply concerned by the troubling practices exposed by this report and am firmly committed to reforms that will ensure they never occur again."

Lt. Gov. Kevin Sullivan, who has been critical of state police management, said Boyle properly called in an outside agency to do the investigation. "[The report] says there is a culture gap between the expectation of modern police management and the historical clubhouse nature of the state police," Sullivan said. "This blows the lid off the clubhouse."

Investigators from the New York State Police, a department recognized internationally as a leader in internal affairs, found that Connecticut's state police command staff improperly interfered with and influenced internal affairs cases, and that citizens' complaints were regarded as nuisances rather than legitimate cases warranting investigation.

Col. Joseph Loszynski, deputy superintendent of the New York State Police who led the investigation, said the report and recommendations should lay a foundation for a new era. He said 11 New York investigators conducted 262 interviews, and spent 9,500 hours on the investigation.

Loszynski and the team of investigators issued more than 60 recommendations, including making the internal affairs division completely autonomous, and having its supervisor hold the rank of lieutenant colonel or higher. The report recommends a centralized complaint system for the public, including a way to make complaints via the Internet. Rell also ordered a 24-hour complaint hot line.

Some recommendations already have been implemented, Boyle said, and others will be soon.

Blumenthal's office worked jointly with New York investigators and released a separate report of 11 whistleblower cases that were brought to his attention. The report names several managers who had some involvement in internal affairs cases. Mentioned by name or rank were: Boyle; Lynch; Lt. William Podgorski, Lynch's chief of staff; Lt. Col. Vincent McSweeney; and Capt. Michael Guillot, who supervised the internal affairs unit before he was removed.

New York officials found no evidence of anyone in the command structure purposefully trying to harm or improperly target any employee for launching an internal affairs investigation, as was initially claimed by the state police union.

What New York found was far worse than what state police union members had anticipated. The report criticized the actions of rank and file troopers as much as it did command staff.

"In numerous cases reviewed, supervisors or command staff directed investigators to ignore evidence, limit the scope of their investigation to the point of not following obvious leads, not open or pursue a case that was
already being investigated by an outside agency or not open an administrative case with strong evidence of misconduct if a separate criminal investigation did not find proof," the report says.

Among the most egregious cases outlined in the report are:

Neither prompt nor appropriate action was taken against a state trooper involved in seven alcohol-related incidents, four of which involved possible drunken driving in his cruiser and his personal car, and other instances that involved suicide threats and medical treatment for alcohol. One sergeant who responded to several incidents was a close friend of the trooper and protected him.

Although the trooper was found to have violated department standards -- conduct unbecoming an officer and improper drug or alcohol use -- Guillot, former internal affairs unit supervisor, directed a sergeant to "delete or change all references to suicide threats and medical treatment" in the official internal affairs report.

Coincidentally, during the course of the New York investigation, that same trooper was stopped by a New York State Trooper who, while on patrol near the Connecticut border on I-84, noticed a car parked on a ramp, with the driver passed out behind the wheel. The trooper realized he was in Connecticut and called Connecticut state police. The Connecticut trooper was never arrested for drunken driving and no official report was made.

Four separate internal affairs investigations remain open in the case of the trooper.

The trooper was never arrested; his license was suspended but later reinstated. He was suspended and placed on light duty.

At one troop, an "open competition" existed among some troopers over who could make the most drunken-driving arrests on the midnight shift. A report in February 2004 conducted by the department's own inspection unit raised questions about improprieties in the administration of tests to determine a suspect's blood-alcohol level, and that troopers might be improperly encouraging suspects to refuse breath tests.

Several DWI suspects had complained to prosecutors that the troopers told them they would be released from the barracks lockup earlier if they refused the test, but if they took it, would have to post bail and remain in custody longer. Refusing the test results in easier convictions.

When the internal affairs unit was brought into the case, it investigated only one trooper in connection with the allegations. They interviewed none of the hundreds of citizens who were arrested for DWI to determine whether there were irregularities in their arrests or processing.

"It demonstrates the tendency of some command staff to exclude certain personnel as targets of investigations," the report says, adding that this case had the most direct effect on the public.

Sgt. Jae Fontanella was found guilty in an internal affairs investigation of submitting false documentation for overtime hours worked in the amount of $5,227.24. He received a five-day suspension.
In a whistleblower case reported to Blumenthal, it was alleged that Fontanella received light discipline because he was a close friend of Lynch and because he reinvestigated a highly controversial 1999 automobile accident "involving a person with strong political connections."

Fontanella was one of the troopers who investigated the death of prominent Hartford-area businessman Neil Esposito, who was killed in 1999 on Route 9 near the junction of I-91 in Cromwell. Police initially said Esposito was driving, but changed their story.

New York investigators were stunned the department did not pursue criminal charges for the more than 11 counts of falsifying records, and New York state police said the discipline imposed "was grossly insufficient in relation to the seriousness of the conduct."

"The department allowed Sgt. Fontanella to keep the proceeds of his fraudulent action rather than requiring him to repay the overtime received for unverified hours," the report says.

Fontanella is now commander of the accident reconstruction unit, which investigates motor vehicle fatalities.

State police failed to properly investigate allegations by a defense attorney that a trooper on the statewide narcotics task force had been paid $2,000 to $5,000 a month to protect a drug dealer. No case number was ever assigned and no report filed.

There were several instances of domestic violence by troopers for which there were no arrests or discipline, the report says.

Union President Steven Rief said the union asked for the investigation, but it reaped more than any one expected.

"Apparently, it was well-founded. Where was the oversight with management?" he said.

Courant Staff writers Christine Dempsey and Chris Keating contributed to this report.

A discussion of this story with Courant Staff Writer Tracy Gordon Fox is scheduled to be shown on New England Cable News each hour today between 9 a.m. and noon.

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