



STATE OF CONNECTICUT
ATTORNEY GENERAL WILLIAM TONG

August 19, 2019

Representative Mitch Bolinsky
Assistant Republican Leader
Legislative Office Building
Room 4200
300 Capitol Avenue
Hartford, CT 06106

Re: Sandy Hook Workers' Assistance Program

Dear Representative Bolinsky:

I write to follow up on our February 27, 2019 meeting and in response to your follow-up message from July. In our meeting, you shared your concerns about donations made to the Sandy Hook Worker's Assistance Program (the "Program") for first responders. Specifically, you were concerned about the use and availability of these funds. You shared the story of a constituent state trooper who responded to a recent bomb threat at the Sandy Hook Elementary School and subsequently sought treatment. You expressed your concerns about obtaining reimbursement for this officer, as well as the general administration of the funds.

Immediately following our meeting, the Attorney General directed the Assistant Attorneys General in the Charities division to review the matter. They have worked diligently to address and resolve this issue. As I notified you in June, we not only addressed the reimbursement concern with respect to the single officer, but also restored donor intent as it relates to the use of the funds. I write now to provide you with a summary from the attorneys assigned to matter, and how and why we believe this issue has been resolved to our satisfaction.

Background

As you know, the legislature created the Program pursuant to Special Act 13-1 (the "Act") to provide immediate financial help for emergency responders, medical and mental health professionals, and Sandy Hook Elementary School employees who suffered a mental or emotional impairment because of the Sandy Hook Elementary shooting on December 14, 2012. The legislature named the Connecticut Judicial Branch's Office of Victim Services ("OVS") to serve as the administrator.

As required by the Act, OVS began accepting applications on April 1, 2013, and as of June 30, 2014 (the statutory end of the application period), they had received 94 applications. Of the total 94 applications, only 28 were approved as the remaining 65 were determined as "approved without payment" as the losses applicants incurred were paid by other funding sources, or the applicants did not submit bills for eligible losses. The Act directed that no assistance would be paid to any affected person after August 31, 2015. The cumulative total of donations, gifts and grants deposited into the Fund was \$388,266.83 (as of April 30, 2015) with \$216,728.64 paid to applicants.

Teachers, paraprofessionals and employees of the Sandy Hook Elementary School filed 64 of all of the applications received and 27% of the funds were awarded to this group. Police officers and firefighters (including volunteer and auxiliary) filed 34% of all applications and received 73% of the funds. Medical professionals filed 3% of all of the applications received and no funds were awarded to this group. The OVS Executive Director, Linda Cimino, reported that they did extensive outreach through in-person meetings with various individuals and groups in Newtown.

The Act directed that on or before May 1, 2015, OVS report to the General Assembly and "include recommendations to distribute any moneys remaining in the fund to such other charitable trusts or entities, including any community trust or foundation, as the administrator may determine will best fulfill the purposes of the program upon the termination of the program." The Act did not provide for any express process with regard to the funds following OVS's report.

In the months leading up to the May 1, 2015 recommendation deadline, OVS learned that many teachers and other school personnel felt that their needs were not being addressed by any funding sources. As OVS explained, first responders' utilization of the Program far outweighed that of the teachers and school personnel because of the initial availability of other funding sources. Immediately after the shooting and for a few years following, significant funds were raised and earmarked specifically for the different groups affected by the shooting. However, by March and April of 2015, many of these funding streams were diminishing, and resources were being eliminated for those who remained in the school system. The reality of the emerging long term mental health effects of this tragedy on teachers specifically, it appears, were not being recognized. Teachers were inquiring about support to retrain unsure that they could continue in the teaching profession. Ms. Cimino reports the teachers used the terms "fragmented," "anxious" and "paralyzed" to describe how they were feeling. Ms. Cimino and her team from OVS were in Newtown on a weekly basis talking with officials, mental health and other related professionals, as well as all of those affected. Through these discussions, it became clear that in addition to the needs of the police officers, the school personnel needed more intensive support and had defined needs that were not being met.

In attempt to support these affected groups and in a direct response to OVS's thorough due diligence to determine need, on May 4, 2015 (letter attached), Judge Carroll, Chief Court Administrator at the Judicial Branch, recommended to the General Assembly that 75% or \$86,788 of the remaining Program funds be transferred to the United Labor Agency ("ULA") and the remaining 25% or \$29,038.60 to the Newtown Police Union, AFSCME AFL-CIO, Council

15 (the "Police Union"). The ULA is a charitable organization that was established by the CT ALF-CIO to meet the human service needs of workers and their families. The ULA had been working with the Newtown Federation of Teachers Local 1727 and was willing to accept funds to ensure that the teachers and school personnel affected by the tragedy would continue to have access to programs and services. The division of funds and subsequent distribution was done without any involvement or input from the Office of the Attorney General.

Further, Ms. Cimino has informed us that she spoke directly with Newtown Police Chief Kehoe (who retired in 2015), the Monroe Police Chief, and Jason Frank, President of the Newtown Police Union, who all reported that they had received a lot of money and had more than enough to support the ongoing needs of their rank and file, and simply didn't need any more. Chief Kehoe specifically stated to Ms. Cimino that he did not want to be responsible for administering a fund that would include vetting claims, determining eligibility, and endeavoring to best fulfill the purposes of the program (i.e. donor intent). That said, however, the Police Union was aware of unmet needs of police officers who responded to the call for mutual aid in surrounding towns and, therefore, initially agreed to accept the funds on behalf of these individuals.

On August 13, 2015, Judge Carroll, Chief Court Administrator at the Judicial Branch/OVS sent a second letter (attached) indicating its intention to distribute the funds in the manner set forth in the May 4, 2015 report.

Before the distributions were to be made, OVS received notice that the Police Union no longer wanted to accept the funds. In an email exchange on August 23, 2016, Police Union President Detective Jason Frank confirmed that the Police Union was not going to accept the Program monies. Specifically, Detective Frank wrote, "Thank you for all that you and your office has done over the past few years to help us all. With that being said, the Newtown Police Union would like to decline whatever monies that have been set aside for us and request that monies be given to United Labor Agency." Having heard no response from the General Assembly by the time its ability to distribute funds had come to an end on August 31, 2015, OVS distributed all remaining funds to ULA in an effort to maintain and support the charitable purposes for which the funds were originally donated. Ms. Cimino indicated that upon expiration of the legislation, OVS's administrative role ended, and they were concerned about their continuing authority to hold the funds.

There are two Memorandums of Understanding ("MOU") between ULA and OVS, signed by Linda Cimino for OVS and Amy Blackwood of ULA. The first was executed on July 6, 2016 and reflects the 75% or \$86,788 distribution to ULA. The terms of the MOU stated that the funds would be used "exclusively to ensure that unionized and non-unionized school personnel who were affected persons under the act continue to have access to programs and services."

The second MOU was signed on August 26, 2016 and reflects the \$29,038.60 declined by the Police Union. Our office asked Ms. Cimino why the language in this second MOU mirrors the first ("exclusively to ensure that unionized and non-unionized school personnel who were affected persons under the Act continue to have access to programs and services"), she said it

was a complete oversight on their part. There was never any intent by OVS to exclude the first responders and they, along with those identified as affected persons by the Act, are the intended beneficiaries of these funds.

Investigation and Outcome

Since our February meeting, the Charities Division attorneys have worked with ULA and OVS to restore the monies so to realign their intended use with OVS's recommendation, as well as for the charitable purposes for which the funds were originally donated. On June 26, 2019, ULA and OVS executed an amendment (MOU attached) restoring use of the 25% to meet the ongoing needs of members of police departments or state troopers who are "affected persons" pursuant to the Act and legislative intent.

In light of all of the foregoing facts, we have no basis to believe that there has been any misuse or misapplication of the funds in question, or any other impropriety. I hope that this information is helpful. Please feel free to contact me if you have any further concerns.

Sincerely,



Nicole E. Lake
Counsel to the Attorney General