

SMOLINSKI CASE TRIGGERS REFORM IN THE WAY POLICE RESPOND TO MISSING PERSONS IN CONNECTICUT

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Janice and Bill Smolinski's relentless search for their son ignited a chain reaction that has changed the way law enforcement officers in Connecticut respond to the report of a missing person.

Billy Smolinski vanished from his life three and half years ago and a bungled investigation led the Smolinski's to question procedure inside the Waterbury Police Department. Reports hadn't been filed with federal agencies, three DNA samples were lost, and detectives were lackadaisical about investigating the disappearance of a vitally fit 31 year old male.

"Everything that could go wrong in our case, went wrong," Janice Smolinski said.

As the Smolinski's pressed authorities to assist in finding Billy they ran head first into a shattered bureaucracy that extended well beyond Waterbury and Connecticut. The system for handling missing person cases in the United States was as solid as a piece of Swiss cheese. Data bases couldn't communicate, police officers across the country lacked basic DNA training, and there were more than 110,000 people currently missing in the United States.

Instead of throwing their arms up in frustration, the Smolinskis set about changing the system. They began their efforts by introducing a bill in the 2007 legislative session in Hartford, sponsored by State Representative Vicki Nardello that would create a uniform response by law enforcement to the report of a missing person.

Using model legislation crafted by the Department of Justice,

the Smolinski's testified in front of several committees in 2007. They were instrumental in pushing the issue into the public spotlight and the bill flew through the legislature without one representative or senator voting against it. Governor Jodi Rell signed the bill last summer, but at the last minute, all the procedures that the law would mandate were watered down to recommendations. Then the bill was handed over to Police Officers Standards and Training (POST) for review. POST had until January 1st to submit final recommendations that would then be disbursed to law enforcement agencies throughout Connecticut. When the mandatory procedures mysteriously transformed into recommendations at the last hour, Janice and Bill Smolinski were frustrated.

"I thought they were patting us on the head and shoving us out of the way," Janice said. "I wasn't happy."

But Chief Thomas Flaherty of POST took his assignment seriously. He met with Waterbury Police Chief Neil O'Leary for several hours to go over the Smolinski case, and then he spent several hours meeting with Janice Smolinski at her Cheshire home to discuss her perspective. POST also reached out to national experts on DNA and the missing. POST contacted states that have implemented new systems for handling missing person cases, and in the end, the 19 page report that Flaherty and POST published was thorough and well researched.

The only problem the Smolinskis have is that the procedures are recommendations for police to follow, not mandatory law. "Chief Flaherty was very responsive to this issue," Janice Smolinski said. "He proved to be a very caring and dedicated man."

That being said, Janice Smolinski isn't satisfied.

"I want these changes to be mandatory," she said. "We've started collecting signatures on a petition and are going to try and get 40,000 signatures by next January."

Recommendations are nice, but we are going back to Hartford to make these procedures mandatory.”

Chief Neil O’Leary agrees that the procedures should be mandatory to ensure that police officers across Connecticut are all doing the same thing.

On the heels of the negative publicity the Waterbury PD got for the botched Smolinski investigation, O’Leary revamped training inside the department on handling missing person reports.

“What I learned from the Smolinski case is that we should be treating every missing person case as a homicide until we know otherwise,” O’Leary said. “We made these changes before POST came out with their recommendations.”

The Smolinskis still don’t know what happened to Billy in August 2004, but they know that their search for their missing son hasn’t been in vain. They have successfully changed police procedure in Connecticut and they are now talking with Congressman Chris Murphy and Senator Joe Lieberman about trying to pass federal legislation that would force law enforcement officers all across America to handle the report of a missing person in a uniform manner.

Chief O’Leary has spoken with Senator Lieberman and recommended that federal legislation be pursued.

“It’s really amazing what Janice accomplished in such a short time,” O’Leary said. “She found a broken system and she’s trying to fix it.”