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Police Veteran's Settlement is Official

NEW MILFORD - The final chapter in the saga of former police Lt. James Duda and town leaders is closed.

On Wednesday, Mayor Patricia Murphy complied with The News-Times' Freedom of Information request for a copy of the settlement of a federal lawsuit that Duda, 46, filed in August against the mayor and Police Chief Shawn Boyne, protesting his March 2011 termination.

The settlement guarantees Duda his full pension, medical benefits for him and his wife, and related lump-sum compensation of about \$30,000.



The settlement includes a confidentiality agreement that prohibits the parties from speaking about the matter, but the document says both Duda and the town deny any wrongdoing alleged by the other.

It says they decided to settle to "avoid the delay, disruption and expense" of protracted legal proceedings.

The settlement says the agreement was the product of "arm's-length negotiation" and "is solely a compromise of disputed claims and is not an admission of liability by anyone."

The agreement also ensures that the town will indemnify

Duda from any claims or lawsuits that might result from his actions as a police officer, but "explicitly excludes defense and indemnity" for any actions that go beyond those duties.

In the lawsuit filed seven months ago in U.S. District Court in New Haven, Duda alleged he was fired without proper due process, violating his civil rights.

He denied allegations that he destroyed police department computer equipment or ordered that it be destroyed.

An internal affairs investigation conducted by Boyne -- a copy of which remains in Duda's personnel file -- alleges Duda did sabotage department equipment to obtain warranty reimbursement, and that as a supervisor he breached his sworn oath of duty.

Since his termination, Duda and his attorney, Daniel Hunsberger, of Ridgefield, have denied all such accusations.

The settlement requires the town to pay Duda \$12,375 for accrued vacation days, and an additional \$16,500 of accrued sick time to cover the administrative leave period between when he was fired on March 4, 2011, and his eligibility for retirement on May 27.

Duda's annual pension, based on official calculations connected to his annual salary of \$71,500, is expected to be between \$42,000 and \$45,000. The pension is calculated based on the average of the top three salary years multiplied by 2.5 and the number of years served.

Duda is entitled to the return of his bullet-proof vest and an internal laser sight and other components that were left on his department weapon.

The settlement specifies "the parties will refrain from making any disparaging comments orally or in writing about the other parties regarding the conduct alleged in the lawsuit ..."

The mayor and chief agreed to respond to any requests for confirmation of employment with a simple acknowledgment that Duda was employed as a police officer from May 27, 1986, served for 25 years in the department and retired as a lieutenant.