

TOWN OF HAMDEN, CONNECTICUT

CHARTER REVISION COMMISSION

MINUTES OF MEETING

April 17, 2021

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A meeting of the Charter Revision Commission was held on Saturday, April 17, 2021 via Zoom due to the Covid-19 Pandemic. The meeting was called to order at 9:00 AM by the Chair, Mr. Dixon and roll call was taken.

MEMBERS PRESENT: Frank Dixon, Chair, Jackie Downing, Vice Chair, Lamond Battle, Secretary, Jeffrey Cohen, Thomas Figlar, Frank LaDore, Jackie Downing, Nancy Olson, Myron Hul, Sarah Gallagher, Jay Kaye, Joshua Sprague-Oliveira, Todd Berton, Marnie Hebron, Todd Moler

MEMBERS ABSENT: Tiffany Artis-Wilson

ALSO PRESENT: Steve Mednick, Counsel

Mr. Dixon went to Agenda Item # 2. Discussion of Police/Fire Commissions and Civilian Review. Mr. Mednick directed to Charter Section 7-2C, 1. – The establishment clause for the Police Commission.:

“There shall be a Police Commission which shall have the authority to exercise the powers and duties contained in this Charter and Ordinances pertaining to the oversight of the general management (including operations) of the Police Department of the Town and the equipment used by the members of the Department. In this regard, the Commission shall approve or disapprove policies, rules and regulations proposed by the Chief of Police as set forth in S8-5.A(4) of this Charter”.

Mr. Mednick asked the commissioners to take up the wording for the expanding of the establishment clause. He referenced the previous discussions in which it was indicated that we need to craft a more robust definition of what the commission does. What does the Police Commission do and who are they accountable to? (the public). He believes the real issue is

outreach. He reminded of the discussion at the previous meeting with a Panel of speakers on this, and in the research materials reviewed, a number of different standards were established –outreach to population, accountability to the public, being clear that the Police Commission is not an arm of the Police Department, but an oversight body which the Charter already says, but it should be underscored in order to ensure accountability to the public and there must be access, visibility, legitimacy- all of this should all be made clear. It should be made clear in the Charter that they are a body able to engage in critical analysis, hire attorneys and other professionals conduct business including disciplinary matters and internal investigations covered by collective bargaining agreements, (there may be limitations in this, but give them the authority to do so). It had been suggested that they have a line item for a budget. Mr. Mednick said, while we are making significant change here, he wished to express one caveat, that we do nothing to jeopardize the place of the Police Commission in the collective bargaining agreement. We should not do anything that will alter the underlying foundation of the commission as an entity within the Executive Branch because it might give an opening to the Police Union to question whether it should be a disciplinary body within the collective bargaining agreement.

Mr. Dixon opened the discussion by saying he believes the main thing in whatever is put in here, must be to build public trust and police accountability. How do we empower the Police Commission in these aspects? From the public trust standpoint, we discuss whether this is an elected or appointed board and how they are appointed, and, their background and suitability to be on the commission, and, having some authority either as a separate arm of a Civilian Review Board, or an entirely new Civilian Review Board. A discussion followed in which the commissioners shared various thoughts and opinions on elected vs. appointed, what does “qualification” mean in this conversation/commission. Mr. Mednick asked to remember that to begin, focus first on: What is the purpose of the commission?

Ms. Olson offered comments indicating the commission here can’t establish trust, we can only establish a framework through which trust can be built. With the Police Commission, it needs to be ensured all people are heard, items can be investigated and action can be taken. Ms. Olson expressed concern about having a list of qualifications that could possibly appear to be categorizing people, and make it difficult to fill these positions and she strongly advocates that this be made “inclusive”, rather than subject to all the qualifications mentioned.

Mr. Moler also expressed concerns about qualifications, asking what exactly was meant by “qualifications” and questioned if that means there are “disqualifications”. He asked why can’t any citizen be qualified? Mr. Moler strongly advocates for “inclusion” also. Mr. Dixon said any citizen can be qualified.

Mr. Mednick pointed out that two years ago when the Council adopted the resolution calling for a more diverse Police Commission and the expanded district base, they laid out qualifications, not to specify that a commissioner should be a social worker or should be this, but that those are the kinds of things we should be looking at to ensure a diverse group of citizens as opposed to five people who used to be on the Hamden Police Force or three lawyers, or two doctors to the exclusion of everyone else. Mr. Mednick also pointed out that the Civil Service Commission, the Finance Board and Board of Ethics have limitations on political involvement. If you have been involved in a politically or civically in an elected office you cannot sit on those boards for a period of two or three years. Perhaps this should apply to the Police Commission. Mr. Kaye asked if the

language from the previously mentioned Council resolution regarding “qualifications” could be referenced. Mr. Mednick said read form it, saying this written in the aftermath of the shooting two years ago and was a resolution of what the Council would like, it is not directive. – “Members of the commission should have personal experience, business and professional experience in the following fields: law, public policy, social work, psychology, mental health, law enforcement, (not in the Hamden Police Department), community organizing, civil rights advocacy on behalf of immigrant or undocumented people and advocacy on behalf of LGBTQ people, in addition to these requirements, the Mayor is required to consider appointments reflective of the various neighborhoods and the ethnic, racial, gender and cultural mix of the Town in order to achieve a balance on the commission of equal weight with the foregoing requirements, the Mayor is obligated to take into consideration the diversity of backgrounds, life experience, expertise as well as personal integrity and commitment to ensuring an ethical and transparent local government. No more than two members of the commission shall be current or retired law enforcement officers, employees or immediate family”. A robust discussion followed regarding this language as it might pertain to the Police Commission Charter wording going forward. At a point it was suggested that the group discussion return to what is the purpose/role of the Police Commission.

Mr. Berton asked about the current balance and background on the Police Commission, Mr. Mednick said, historically it has not been balanced and has not been reappointed in four years. Ms. Gallgher offered info on the make-up of the current Police Commission as follows: Five members, one from the 8th district, one from the 9th district, one form the 1st district and two from the 3rd. Two Republicans, Two Democrats and one Unaffiliated. Mr. Berton asked what asked if we know the racial composition, Mr. LaDore replied one African American female, one African American male, one white female and two white males. Mr. Berton asked if we know their backgrounds. Mr. LaDore answered one is a retired Police Officer, one is a retired small business owner, one is a retired Union Representative. Mr. Berton said it sounds diversified. A robust discussion continued regarding composition of the Police Commission. At a point, Mr. Mednick offered that he recently learned that the Police Department does its own recruiting independent of the Civil Service/Human Resources/Personnel Department. This was surprising to the group and all agreed that should be changed. Mr. Mednick said he will verify with the Personnel Department that this is accurate before they continue with it.

Mr. Mednick also pointed out, he said, although not directly connected but related, such as having the help of legal professionals when examining a complaint.re: volunteers for Boards and Commissions. He referenced previous discussion in which the group wanted publication of Boards and Commissions seeking volunteers to be pushed out at least twice a year. Mr. Mednick said this should actually be expanded to outreach. This pertains to underserved communities. There should be outreach to groups throughout the Town, foundations, charities, churches, fraternal organizations, businesses, The Chamber of Commerce, the whole range of organizations. Twice a year the Clerk’s office should send notice to these organizations that these positions are open on Boards and Commissions.

Mr. Kaye referenced Section 7C, 3a. pertaining to functions of the Police Commission, which reads “confer with and advise the Mayor and the Chief of Police with respect to the general management of the Police Department” He asked if wording should be added that the Legislative

Council also be consulted, and also the Diversity, Equity and Inclusion Commission. Mr. Mednick and Mr. Dixon approved of this idea.

Next there was a discussion pertaining to the management of Police complaints. Mr. Mednick suggested having a robust system of management. He suggested that the Police Commission be responsible for, working along with the Police Department, a dashboard of logging and tracking complaints. Mr. Mednick reminded of the importance of this related to the sixty day time frame under collective bargaining in which a complaint must be turned around. There should be a policy reflecting an aggressive complaint system. At this point there was a discussion on the suggestion of having a budget available for the Police Commission to be used in performing their work, such as having the assistance of legal professionals when examining a complaint, and if so, what account it could come from. Mr. Dixon is in favor of the Police Commission having a budget. He recommends that this budget come from the Police Department Budget. More discussion followed reviewing the earlier points made about Police Complaints, Collective Bargaining Agreement role, community involvement, accountability, functions of the Police Commission, Best Practices, and a possible community needs assessment and clarification of the language for this section being worked on. Ms. Gallagher suggested tasking the Police Commission with an annual community needs assessment/ data analysis. A discussion followed. It was pointed out that data analysis is underway and presented to the Police Commission by the Police Chief at every meeting. Ms. Downing explained that needs assessment is different than analyzing crime data. Needs assessment looks at what is missing/needed. The crime data provides the reports and the incidents to understand what it is showing us in real time. Perhaps the charge to the commission should be what to do based on that data.

Mr. Mednick pointed out to the commissioners that important thing here is to establish what many of them have said – that there needs to be a more robust public component and participation. The Charter can create the vehicle for the change involving public participation to happen as the Commission goes forward and that, is where the data can be examined and worked with.

Mr. Hul indicated with regard to public input and needs assessment, that from his experience especially on the BOE, he knows this is very important. Once a year is not good. It does not allow for real time ability to make adjustments. It is a continuous process. Mr. Hul said, regarding nine members on a commission, that is what we have focused on, but he does not know if there is a right number. It might be eleven or seven. He said if we only do the members by district, we might end up doing a disservice. Even on the Council, we have at large. The whole town should be taken into consideration by all members. He said he is also concerned about the matrix of qualifications being discussed. It could become so defined and restrictive, we might not find anyone. With regard to a budget, he said the Police Commission should definitely have a budget and they should be in control of it no matter what account it is from. They need it to do their work and conduct independent investigations. Mr. Hul said the Police Commission needs to receive complaints directly and they need to be able to investigate them. That is why they need subpoena power and a budget, in order to do that. He said there needs to be language that allows the Police Commission to act as the Civilian Review Board, because you must have subpoena power to conduct investigations. Mr. Hul said in regard to the aforementioned Dashboard idea of logging Police complaints, that he is reiterating what Mr. Mednick said, we need to be really cognizant of the personal identifiable information and whether it is restricted. We must be careful with an

individual's personal information. We do not want to violate a person's rights or a law or statute. With regard to Police officers not being allowed on the Police Commission, Mr. Hul said while he may (or may not?) believe a former Police Officer should be on the commission, it does not necessarily remove them. It should be case by case. We must look at experience, background, perspective, etc. of a candidate for the commission. If we start excluding Police Officers, where do we stop? With the maintenance mechanic for the PD? The family member? The Dispatcher? What about someone with a criminal justice background, do we exclude them? He said "All of that should not be taken into consideration, but, everything should be taken into consideration". We must look at the individual and ask will the person make a good commissioner. Mr. Hul reminded that as far as membership, The Mayor Recommends, the Council approves. That is a balance which already exists. Mr. Hul asked Mr. Mednick if the Police Commission is in charge of discipline now, is it mandatory or optional. Mr. Mednick said it is all covered by the collective bargaining agreement and certain decisions are made by the Chief and provided to the commission. If possible, Mr. Hul would like to see something in the Charter that the Police Commission does discipline Police officers as a matter of course, rather than the exception.

Mr. Cohen asked Mr. Mednick, with regard to accountability, if it is possible to have the Police Commission subject to The Connecticut Rules of Professional Responsibility. Mr. Mednick said lawyers are subject to them. He does not believe it applies to this commission. He said we have a robust local ordinance, which if we supplement with the earlier discussed and further restrictions, political restrictions, former office holder restrictions, some limitation on Hamden Police official participation in the commission, that we can establish a level of responsibility for the Police Commission that would be on par with a fiduciary responsibility. Mr. Cohen would like to build in wording regarding due diligence and the proper administration of justice, and timeliness of handling complaints. Mr. Mednick will definitely be working on this in the language of this going forward.

Mr. Dixon briefly commented on the importance of everything discussed and said the real focus is the public trust. He looks at the commission as a body that is put into place by appointment, with certain diverse background -socio-economic, industry etc., with accountability authority, again emphasizing public trust.

Mr. Mednick indicate he will be adding in a clause regarding continuing education after a person is on the commission. It is professional development. The group can review this and decide upon whether to include it.

Mr. Dixon expressed how shocked he was pertaining to learning earlier that the Human Services is not a part of the hiring of Police Officers. Mr. Mednick emphasized that he while he is fairly sure that is what he was told, he will immediately check into this to ascertain the exact facts on this issue. Ms. Olson said that Police testing, recruitment and background check etc. is done on a regional level and the localities draw from that pool. Mr. Mednick said that may be why Human Resources is not involved, but it does not mean they shouldn't be.

Mr. Dixon emphasized how important he believes the earlier discussed outreach for Boards and Commissions is going forward.

The commissioners reviewed topics for the next meeting.

With no further business Mr. Dixon requested a motion to adjourn. Moved by Mr. LaDore, seconded by Mr. Kaye and the meeting adjourned at 11:25 AM

This meeting had no clerk. Meeting starting/ending times and attendance were best guessed by watching the video.

Discussion summary typed while viewing the video and submitted by Rose Lion, Secretary to the Legislative Council

Ms. Renta, Legislative Council Administrator/Clerk reviewed the minutes, added any additions needed and added the video link before filing.