

TOWN OF HAMDEN, CONNECTICUT

CHARTER REVISION COMMISSION

MINUTES OF MEETING

July 26, 2021

* To view the recording, please click the following link and observe the instructions when/if prompted:

https://us06web.zoom.us/rec/share/ymGOVkeE6gyWCCeTypKsnyRxbdHUrmYIs126GofWrXhd63WlhOCcFSLvW Dd_N1Pax.SrJO6M-adlcBWeKs

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A meeting of the Charter Revision Commission was held on Monday, July 26, 2021 via Zoom due to the Covid-19 Pandemic. The meeting was called to order at 7:08 P.M. by the Chair, Mr. Dixon and roll call was taken.

MEMBERS PRESENT: Frank Dixon, Chair; Jackie Downing, Vice Chair; (at approximately 7:40pm); Lamond Battle, Secretary (after roll call); Tom Figlar; Frank LaDore; Tiffany Artis- Wilson; Nancy Olson; Sarah Gallagher; Myron Hul; Jay Kaye; Joshua Sprague Oliveira; Todd Berton; Marnie Hebron; Cohen (after roll call)

MEMBERS ABSENT: Todd Moler

ALSO IN ATTENDANCE: Steve Mednick, Counsel; Kathleen Schomaker, Legislative Council President Pro Tempore; Betty Wetmore Legislative Council Minority Leader

APPROVAL OF MINUTES: July 14, 2021 – Moved by Mr. LaDore, seconded by Mr. Sprague-Oliveira. **DISCUSSION:** Mr. Hul said he appreciates getting the minutes in a timely manner but he wishes they included more of the discussion like they used to. A vote was taken and approved unanimously.

AGENDA:

3A. – LCR #16 and #19: Police Commission dedicated funding provision

Ms. Gallagher thanked everyone for this and said she likes the language. She said it's what they wanted and it is well written and then **moved a motion** to accept the changes/new language. The motion was seconded by Mr. Sprague-Oliveira.

Ms. Olson said she hasn't looked at it, she only got it at 5:30pm. Mr. Mednick said this went out this morning, it was the other stuff that went out at 5:30pm. Mr. Hul said he got it at 11:14 am but a lot of people work so may not have gotten it.

Mr. Hul asked Mr. Mednick for clarification of discipline and asked if the commission still has authority to discipline. Mr. Mednick said they never did, the Chief does and it's governed by collective bargaining. He said they can appeal to the commission. Mr. Hul asked if an officer appeals can the commission discipline short of termination. Mr. Mednick said he'd have to look at the CBA's. Mr. Hul said on page 5 the commissioners still talk of voting districts. Mr. Mednick explained what was approved the other night which is creating the commission by district and giving the DEI the authority to study geographic and see how that would work and then make a recommendation to the Council for an ordinance based on geographic. Mr. Hul then expressed his concern that if any civilian made a complaint his concern is the description of limitation is not strong enough in terms of identifying the CBA as being an absolute partner in getting this accomplished. Mr. Mednick said the Town Attorney's been mindful of any kind of legal challenge and they constantly acknowledge the CBA in this section.

Mr. Kaye asked if (ii) would be in the body or a footnote. Mr. Mednick said it could go either way, he proposed it in the body.

There was then a lengthy discussion on CBA's.

Ms. Gallagher said she thinks it's clear and concise and the public may not like it if it's any deeper.

Mr. Hul asked if the Police Commission could set up rules for what they appeal. Mr. Mednick said it would have to be consistent with the CBA's. Ms. Downing stated the language was created to give the power to the commission to set for themselves the criteria for appeals.

Ms. Gallagher said she'd like to see one addition **and moved a motion** to add language in (i) in the Note and after the word understanding to read "and, following such modification the promulgation of procedures for said appeals by the commission." Mr. Hul said he's torn and has reservations on this but he'll vote for it with reservations.

A roll call vote was taken and it passed with 11 in favor (Artis-Wilson) (Battle) (Berton) (Cohen) (Dixon) (Downing) (Gallagher) (Hebron) (Hul) (Kaye) (Sprague-Oliveira) – 2 opposed (Figlar) (LaDore) – 1 abstention (Olson) and 1 absent (Moler)

3B. – LCR #22 For "cause" termination

Mr. Mednick explained how he tried to go through the top 12 communities and show how Dept. Heads are treated and in most cases they are nominated by the Mayor and approved by the Legislative Council. He said some are coterminous and some are terminus and in many of those cases employees are given rights to be terminated for only just cause. He said it's a very complicated issue. By taking the concept of a term out this commission can only recommend termination for cause or not. Coterminous Dept. Heads can be terminated beyond a Mayor's term.

Mr. Dixon reminded everyone how they didn't have much time to research this like they've done with other aspects so he's not on board with tying the Mayor's hands for removal.

Mr. Kaye asked the intent of the Council. Ms. Schomaker said her recollection is they had a long conversation and just decided to send it over. Ms. Wetmore said she doesn't remember. Mr. Dixon said it was brought up and we said we didn't do the due diligence into this because it came up at the last minute.

Ms. Olson asked if they are talking about non-civil service Dept. Heads and Ms. Schomaker said yes. Ms. Olson said she remembers there's been a few court cases for removal for cause only to be reinstated. Mr. Mednick said he'd have to read those cases.

There was then some discussion on how statutes protect certain ones.

Mr. LaDore said he did bring it up late because he thinks continuity in a Department Head is important and not having it he thinks is a problem and an issue in this Town. He said he just wanted to take the politics out of it.

There was then a lengthy discussion.

Mr. Mednick said you have 2 options. Agree and establish the for cause standard or retain the current language.

Ms. Gallagher moved a motion to not go forward and to retain the current language. The motion was seconded by Ms. Downing.

Mr. LaDore said he will vote against this. Mr. Hul said he will vote no too and put a new motion to accept the LC recommendation and hope it passes.

A vote was taken on Ms. Gallagher's motion and it failed by a roll call vote of 6 in favor (Artis-Wilson) (Dixon) (Downing) (Gallagher) (Hebron) (Sprague-Oliveira) – 7 opposed (Berton) (Cohen) (Figlar) (Hul) (Kaye) (LaDore) (Olson) and 2 absent (Battle) (Moler)

Mr. Hul then moved a motion to accept recommendation #22 from the LC and to include language that Dept. Heads shall be removed for cause in all cases. The motion was seconded by Mr. LaDore.

Ms. Downing offered a friendly amendment that causes are defined in the charter and insubordinate added as a cause. Mr. Hul asked Mr. Mednick if cause was in the statutes. Mr. Mednick said its case law. Mr. Hul said he'd like to redefine to say "for cause as defined in case law." There was some discussion on this. Ms. Downing said there are already causes there, she just wants to add insubordination. Mr. Hul said he'll modify it to say for cause insubordination and already in the charter. Mr. LaDore agrees with the friendly.

Mr. Kaye asked if there are any Department Heads the Council wouldn't want at just cause. Ms. Schomaker said she can't answer that for the Council. Ms. Wetmore said she thinks they should all be at cause.

There was the some discussion on this matter and Mr. Mednick said that a Mayor doesn't have to reappoint a Department Head and just cause doesn't come into play.

Mr. Kaye said he doesn't have a problem with this if the coterminous language is still in there.

Mr. Sprague-Oliveira asked about transferring a Department Head as was done with a previous Finance Director and wondered would a Mayor still be able to do that. Mr. Mednick said it would have to be

agreed upon.

Ms. Gallagher said this feels like a problem that isn't there and something they can't give due diligence to and that concerns her. Mr. Dixon said he echoes Ms. Gallagher with fixing something that doesn't need fixing and almost seems they're protecting status quo.

Mr. Cohen said the Town leaves itself open to legal actions and that they need definitions. He said if it's left to case law it's a gray area so insubordination needs to be defined and he has exact language he'll send to Mr. Mednick.

Mr. LaDore said insubordination is broad and he'll withdraw his second to the motion due to that part. Mr. Mednick said he'd go over Mr. Cohen's definition with the Town Attorney.

Mr. Hul said he'll amend his motion to accept #22 and include for cause and to include Mr. Cohen's language for the definition of insubordination and that legal counsel will define insubordination into the draft language. The motion was seconded by Ms. Olson.

Mr. Cohen stated that this is a separate point and in his opinion this is new business and adding something.

A roll call vote was taken and the motion failed with a tie of 6 in favor (Berton) (Cohen) ((Hul) (Kaye) (LaDore) (Olson) – 6 opposed (Artis-Wilson) (Dixon) (Downing) (Gallagher) (Hebron) (Sprague-Oliveira) and 3 absent (Battle) (Figlar) (Moler)

Mr. Mednick said it means the language in the charter remains and report to the Council this item didn't pass.

4A. LCR #4: Chief Operating Officer (Discussion)

Mr. Mednick said the Legislative Council was very clear that they are not thrilled with a COO and asked to eliminate it and replace it with Chief of Staff with responsibilities. Mr. Mednick then said he can draft language of a traditional COS job or you can vote to send it back saying you want the COO.

Ms. Schomaker stated it's late and she's not at her best but her recollection is they didn't want to hire another high level position and that the Chief of Staff could assume some of those responsibilities. Ms. Wetmore said that's exactly right, they do not want a new position.

Mr. Hul said the discussion resolved around no head increase only budget implementation. After some discussion Mr. Hul said you could wipe out the COS and budget a COO. Ms. Schomaker said they do not want to do that. After some more discussion on the Council's expectations Mr. Mednick asked if he should put language together.

Mr. Dixon mentioned how hard they worked on this section based on testimony from the public who felt this was very important.

Ms. Downing also explained how they worked hard on this provision based on the public and that the COO was a compromise for a Town Manager. She thinks they can remove COO completely or change COO to COS and modify the description.

Mr. LaDore said he agrees with Ms. Downing that they addressed what the people wanted and said they only put in for 1 position.

Mr. Mednick asked if they go with the Chief of Staff are all Mayoral appointments subject to Council approval, saying many in the State are not. Ms. Schomaker said the Council hasn't thought of that so she doesn't know but she'll think about that and talk to some folks.

Mr. Kaye said he agrees with Mr. LaDore that their intention was not to add a position, the intention was to replace that and any budget impact would have been maybe that that one position would cost more than Chief of Staff. He said he thought this was good for the Council and was a little shocked to see it come back like that and short of changing the letters around he's hesitant to change any of the functions that they attributed to the COO.

Mr. Dixon said he's on board with all that was said by Mr. LaDore, Ms. Downing and Mr. Kaye.

Mr. Hul said this was carefully crafted to give the Town an opportunity to have professional management skills instilled within the Town government. He said to skinny down the definition into something that looks, smells and tastes like a Chief of Staff would really do a disservice to what they were trying to accomplish and it's a disservice to the Town.

Mr. Mednick said they already have one alternative and he'll give them a second one tomorrow and draft a COS standard and try to see what functions we have attributable in the COO that would be attributable to the COS, and he'll try to do it with the Leadership of Council and some members of this body as well.

Mr. Dixon asked if there were any objections to Mr. Mednick doing this and there were none. Ms. Olson said she would just request they get it in a timely manner. Mr. Mednick said with all due respect they're in the end of this process and we're drafting up until the 11th hour. He said in the morning he will get them an updated charter and he will try to draft some language, but we didn't meet until tonight and he has to talk to people tomorrow to get as much due diligence as possible to get this done in the proper way and if he can get it to them before the meeting he swears he wants to do that but he can't guarantee it when we're drafting in the 11th hour. It'll either be late in the afternoon if not at the meeting itself and he apologizes for that and they can always act on it on Wednesday as well.

There being no further business Mr. Dixon requested a motion to adjourn. Moved by Mr. Figlar and Ms. Downing, seconded by Mr. Kaye and the meeting adjourned at 10:01 P.M.

Respectfully submitted,

Kim Renta
Legislative Council Clerk

POLICE COMMISSION REVISIONS IN ACCORD WITH RECOMMENDATION #16 (MODIFIED)

D. Police Commission¹

(1) Establishment: Police Department Operations and Traffic Authority².

There shall be a Police Commission which shall have the authority to exercise the powers, duties and authority exclusively set forth in this Charter and Ordinances and such incidental powers as may be necessary to enable it to review, render decisions and approve or disapprove policies and regulations necessary for the effective operation of the Police Department, including operational review and oversight authority, that requires the cooperation of all personnel (sworn and civilian) in order to meet the public safety needs of the Town, as set forth in and permitted or required by Law, this Charter and Ordinances of the Town. Moreover, the Commission shall serve as the Traffic Authority in accordance with the requirements of Law³. The Police Commission may act as a Civilian Review Board with the authority to issue subpoenas, if so designated by Ordinance⁴.

(2) Functions of the Commission⁵. The role of the Police Commission is to provide civilian oversight and ensure a platform for residents, civilians and members of the Department to speak and attain greater understanding through dialogue and interaction of public safety and law enforcement throughout Hamden. For the purposes

of serving the public interest as set forth in §7-1.A of this Charter and meeting the requirements of the General Statutes, including but not limited to the Municipal Employee Relations Act, this Charter, any applicable Ordinances, the responsibilities of the Commission shall include⁵:

(a) Consultations with the Mayor and Chief of Police⁶. The

Commission shall confer with and advise the Mayor and the Chief of Police with respect to the general management and oversight of the Police Department.

(b) Oversight and General Management⁷. Provide oversight and

governance¹⁰ of the general management (including operations) of the Police Department of the Town and the equipment used by the members of the Department¹¹. The Commission shall ensure that the Department utilizes best practices in public safety and policing across all operational units of the

^B 2021 Charter Revision Commission Commentary: Purpose of the Police Commission.

The role of the Police Commission is not to administer the day-to-day operations of the Police Department; but rather to serve as an entity that provides civilian oversight with the ultimate goal of ensuring: (i) The creation of a platform for residents and civilians to speak and attain greater understanding of public safety and law enforcement through dialogue and interaction; (ii) The safety and security of the Town, it's citizens and guests; (iii) The Improvement of Department policies and procedures in order to operate in an effective and ethical manner; (iv) The goals and objectives of the Department are accomplished and that broader policy measures of the Town that could address public safety and crime reduction are developed; (v) Liability management to reduce the likelihood of costly litigation by identifying problems and proposing corrective measures; (vi) Policies to that promote accountability by the Police Commission, Chief of Police and all Police Department employees to the citizens of Hamden; and, (vii) Adequate resources and utilization of best practices to eliminate misconduct, reduce high profile incidents and to provide Department employees with a safe and accountable working environment.

Commented [S1]: RECOMMENDATION #16: The Charter Commission should streamline the language in this provision to facilitate clarity and understanding; including the relationship between the Commission and the Chief of Police as well as other boards, commissions and outside citizen and neighborhood organizations.

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THE TOWN ATTORNEY AND CHIEF PREFER "OVERSIGHT AUTHORITY" IN LIEU OF "INVESTIGATORY AUTHORITY." I HAVE NO OBJECTION TO THAT ALTERNATE LANGUAGE

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PERHAPS WE CAN MOVE THIS LANGUAGE TO FN #E.

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POLICE COMMISSION REVISIONS IN ACCORD WITH RECOMMENDATION #16 (MODIFIED)

Department as well as transparency and public accessibility of information and data^C, in a time-frame and manner consistent with the interests of the Town and in accordance applicable laws governing the disclosure of information¹². Moreover, there shall be a clear standard and channel for direct public communication with the Police Commission as required by §7-1.B(7)(a) of this Charter¹³.

(c) **Budget Review.** Review and comment on the annual budget request of the Police Department prior to its submission to the Mayor¹⁴ and work with the Chief of Police to ensure budget compliance through the year^D ¹⁵. In particular, the Commission shall work with the Chief of Police to review analyze the projected overtime in order to assess and report the amount required to meet contractual provisions of collective bargaining agreements (and other agreements relating thereto)^E pertaining to minimum mandatory workforce requirements as opposed to expenditures related direct public services¹⁶.

(d) **Policies, Rules and Regulations¹⁷.** Approval or disapproval of the policies, rules and regulations proposed by the Chief of Police as set forth in §8-5.A (4) of this Charter¹⁸. In addition, the Commission may, upon its own motion, initiate all necessary policies, rules and regulations pertaining to the general management and oversight of the Department and the provision of public safety of the Town by all Department personnel, following review, inquiry and due diligence

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Commented [S10]: **RECOMMENDATION #17:** The Charter Commission should replace language referring to "electronic access" and dedicated email addresses and establish a clear standard for direct public communicate with the Commission, as required by §7-1.B(7)(a) of the Charter.

Commented [S11]: **RECOMMENDATION #18:** The charter Commission should add language recommended by Labor Counsel.

^C **2021 Charter Revision Commission Commentary: Information Sharing and Transparency.** The Commission and the Chief of Police shall develop, propose and implement technologies to provide the public with public safety information sharing and transparency of information in a timely manner consistent with Law and any applicable provision of a collective bargaining agreement. Information sharing shall be a foundation for the development of policies and strategies in the Town and especially in neighborhoods disproportionately affected by crime. Information sharing should include readily accessible data pertinent to the composition of the Police Department, such as race, gender, age and other relevant demographic data, disposition of civilian and departmental complaints, crime and response statistics by neighborhood as well as community policing and other efforts to engage the community. The Commission shall regularly analyze crime and incidence data, trends in best practice of policing, public safety and law enforcement and solicit input from Hamden residents in order to inform policing policy and practice and the effective management of police services in the Town.

^D **Charter Revision Commission Commentary: Audits.** The Commission is authorized to conduct regular audits of police internal complaints and disciplinary processes and where necessary and permitted by Law, to conduct due diligence reviews, on its own motion. The Department share provide the Commission with actions taken in individual cases, stating the reasons for action or inaction. The Commission, where permitted by Law may issue reports to the public, at least annually, giving relevant data, including the types of complaints as well as information regarding the race and gender of complainants and the officer-respondent.

COMMISSIONERS DOWNING AND GALLAGHER REQUESTED DELETION OF THE EARMARK. Mayor, a review and comment on the contents of collective bargaining agreement in order to effectuate the alignment of such agreement with the public service requirements of the Town as well as the best practices of a Department in diversity, recruitment, promotion, training, community interaction and operations as well as other areas as may be set forth by Ordinance, provided; however, that such review and comments are for consideration only and shall not be deemed a directive to the Mayor or the Town's negotiating committee

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POLICE COMMISSION REVISIONS IN ACCORD WITH RECOMMENDATION #16 (MODIFIED)

in consultation with the Chief¹⁹. Said policies, rules and regulations shall be printed and made available to the public through outreach and interaction with the public^{F 20}. Notwithstanding the foregoing, the policies, rules and regulations of the Commission shall be in (i) furtherance of best practices in the policing, public safety and law enforcement; and (ii) compliance with the requirements of Law and any applicable regulatory authority or applicable provisions of a collective bargaining agreement.

(e) **Personnel.** The sole power to appoint, promote and remove all sworn personnel, including officers (with the exception of the Chief and other department personnel subject to the appointment authority of the Mayor under the Section 8-2 of this Charter), of the Police Department under such regulations as it adopts for that purpose²¹ as well as the provisions of any applicable collective bargaining agreement.

(i) **Recruitment**²³. Working with the Director of Personnel and the Civil Service Commission, the Commission and the Chief of Police should develop recruitment strategies in accordance with nationally accepted best practices^G.

(ii) **Training**²⁴. Working with the Chief of Police the Commission should align police training and recruitment practices with demonstrated needs of communities and the best practices in the field. In addition to police training requirements required by law, training should focus on, but not be limited to, interpersonal skills, active listening and effective communication strategies, community interactions and problem-solving principles, bias awareness, trauma informed strategies, responding to persons experiencing a mental health crisis, overdose prevention, scenario-based situation decision-making, de-escalation strategies, crisis intervention, language and cultural responsiveness; and other nationally recognized best practices.

(iii) **Appointment**²⁵. Said power to appoint personnel shall be

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^F **Charter Revision Commission Commentary: Community Collaboration, Outreach and Interaction.** Promulgation of policies that are reflective of community values, which reduce practices that result in disparate impacts on various segments of the community. The Commission will proactively develop policies and recommendations with public input, including surveys, and work with the Chief to implement the same transparently in order to establish credibility throughout the Town and within the neighborhoods through a continuous iterative trust building process utilizing baselines and metrics to measure progress. The Commission shall interact with any other Town Boards or Commissions formed to address civilian review and strategic planning.

^G **Charter Revision Commission Commentary: Recruitment.** As of the time of adoption of this Charter it is recommended that the Commission and Department should focus on the following, not to the exclusion of other best practices that are promulgated from time to time: (1) critical skills, including interpersonal and communications; (2) educational background, level and achievement; (3) prior employment history and contact with the criminal justice system; (4) psychological testing and assessment; (5) residency in the Town, and, if legally, permissible residency incentives; and, (6) diversity

POLICE COMMISSION REVISIONS IN ACCORD WITH RECOMMENDATION #16 (MODIFIED)

exercised, by majority vote of the Commission, present and voting, in accordance with the certification rule²⁶ governing the selection of candidates on any applicable Merit System eligibility list promulgated under civil service rules and regulations²⁷ of the Civil Service Commission²⁸ and Law.

(iv) **Promotion**²⁹. Said power to promote personnel shall be exercised, by majority vote of the Commission, present and voting, in accordance with the certification rule³⁰ governing the selection of candidates on any applicable Merit System eligibility list promulgated under civil service rules and regulations³¹ of the Civil Service Commission³² and consistent with Law and the provisions of the applicable collective bargaining agreement³³.

(v) **Removal**³⁴. Said power to remove shall be in accordance with the provisions of this Charter and Law³⁵, including provisions of any applicable collective bargaining agreement³⁶.

(vi) **Recommendation of the Chief of Police**³⁷. With regard to the power to appoint, promote and remove the sworn personnel, including officers (with the exception of the Chief and other department personnel subject to the appointment authority of the Mayor under the Section 8-2 of this Charter), of the Police Department, the Chief of Police shall provide a recommendation to the Commission. Other non-sworn personnel of the Department shall be subject to the authority of the Chief in accordance with the Merit System and Personnel and Human Resources policies of the Town as well as any applicable collective bargaining agreements.

(f) **Complaints: Discipline, Discharge and Removal**³⁸. The appointed officers and members of the Department shall hold office during good behavior and until removed for just cause (or such standard of Law or collective bargaining agreement). Final determinations of removal or discipline shall be considered by the Commission upon appeal by the affected party or complainant following a disciplinary action (under §8-5.A(4)(c) of this Charter) or referral by the Chief of Police in accordance with Law or with any applicable provisions of collective bargaining agreement. In such event, the Commission shall meet and hear, the appeal of:

(i) any member of the Police Department by reason of the acts or conduct of any officer³⁹.

(ii) any civilian⁴⁰ by reason of any alleged misconduct or malfeasance or other violations of Law and the policies, rules and regulations of the Department⁴¹ of any member of the Police Department. (Note: Civilian appeals of an action of the Chief of Police would require modification of Law, collective bargaining agreement or memorandum of agreement or understanding)⁴³.

Said referrals and appeal proceedings shall be conducted in accordance with the Law and any applicable provision of a collective bargaining agreement as well as

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POLICE COMMISSION REVISIONS IN ACCORD WITH RECOMMENDATION #16 (MODIFIED)

any regulations of the Department and the Commission consistent therewith. As a party to any proceeding or hearing, any member of the Police Department may be represented by counsel⁴⁴.

Receipt and notice of all complaints shall be transmitted to the Commission by the Chief in accordance with applicable regulations⁴⁵. Procedures for civilian complaints shall permit complainants to file with the Commission under circumstances set forth by the Commission in writing⁴⁶. Said Commission shall make such recommendations as it deems reasonable to adjust a complaint heard by it but shall not commit the Town for the payment of money damages and may not affect the rights of any person under the Merit System⁴⁷.

(g) Professional Services⁴⁸. While the Commission is an instrumentality of the executive departments of the Town and is obligated to comply with Law and any agreements pertaining to the Town, the Commission may retain any necessary professional services for advice on specific matters under their jurisdiction, following consultation with the Town Attorney. In furtherance of this authority, the annual Town Budget shall include a specific line-item appropriation for the Police Commission for said professional services.

(3) Appointment and Membership⁴⁹. The Commission shall consist of nine (9) Electors of the Town, one each selected from the Legislative Council Districts of the Town, appointed as set forth in §7-1.B of this Charter⁵⁰. The Commission shall choose a chair and such other officers as it may desire⁵¹.

(a) Term⁵². Following the completion of the transition terms set forth below the Mayor shall appoint members for a term of three (3) years, for a term commencing on the 1st Day of January of the year of appointment⁵³.

(b) Transition Terms. The Mayor shall each appoint:

i. One member each from the 1st, 4th and 7th Legislative Council Districts to a term of three (3) years commencing on the 1st Day of January 2022 and thereafter to a term of three (3) years commencing on the 1st day of January 2025.

ii. One member each from the 2nd, 5th and 8th Legislative Council Districts to a term of two (2) years commencing on the 1st Day of January 2022 and thereafter to a term of three (3) years commencing on the 1st day of January 2024.

iii. One member each from the 3rd, 6th, and 9th Legislative Council Districts to a term of one (1) year commencing on the 1st Day of January 2022 and thereafter to a term of three (3) years commencing on the 1st day of January 2023.

(c) Qualifications⁵⁴. Members of the Commission shall have a variety of personal, business and professional experience, including any of the following fields: law, public policy, social work, psychology, mental health, law enforcement (although not in the HPD), community organizing, civil rights, the planning, design

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Commented [S24]: RECOMMENDATION #5: Eliminate the utilization of representation by Legislative Council Districts and utilize the term "geographic representation and diversity" to be monitored by the Diversity, Equity and Inclusion Commission.

POLICE COMMISSION REVISIONS IN ACCORD WITH RECOMMENDATION #16 (MODIFIED)

and permitting of traffic and transportation projects (including traffic analysis and impact), engineering, land development and infrastructure projects; and advocacy on behalf of (1) immigrant or undocumented people; people with disabilities and/or mental health disorders or (3) LGBTQ+ people. In addition to these requirements the Mayor and President of the Legislative Council are required to comply with the requirements of §7-1.G of this Charter. No more than two (2) members shall be current or retired law enforcement officers or officials or immediate family of such member or official, as said term may be defined by the Board of Ethics, and no member or retired member of the Hamden Police Department shall be appointed to said Commission in order to avoid appearance or violation of the provisions of this Charter or Ordinances pertaining to conflict of interest.

(d) Adherence to Best Practices and Standards: Grounds for Removal. In order to manifest and exemplify the highest standards of conduct and best public safety and police practices and traffic planning standards, members are required to engage initial training programs offered by the Citizens' Police Academy operated by the Department or any successor program of the Department or the monthly police training certified by the Police Officer Standards and Training Council. Additional training shall utilize organizations recognized for their advocacy of best practices in the public safety services as well as internal (agency culture, policy administrative processes or training) and external (transparency, community engagement and interactions with various populations) policing strategies^H. In the event such training programs are not available, the Town shall support and fund mandatory training for the members and other programs recommended by the Chief of Police or by a majority vote of the Commission present and voting. Said training shall not later than six (6) months following confirmation to the Commission by the Legislative Council and prior the commencement of a new term. Failure to participate in training sessions constitutes grounds for removal from the Police Commission. The Chief of Police shall be responsible for notifying members of their training requirements.

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Commented [S25]: THIS IS LANGUAGE I DEvised IN ORDER TO MOVE THE ORGANIZATIONS TO THE FN. THE "INTERNAL" AND "EXTERNAL REFERENCES" ARE MODELED ON AN IACP TRAINING PROTOCOL FOR 21st CENTURY POLICING INITIIVES.

Commented [S26]: BASED UPON MY DISCUSSION WITH SUE GRUEN.

^H **Charter Revision Commission Commentary: Training.** At the time of the adoption of this Charter the following organizations would qualify as training resources: International Association of Chiefs of Police ("IACP"), Police Officer Standards and Training Council ("P.O.S.T"), Federal Law Enforcement Training Center ("FLETC"), Office of Community Oriented Policing Services, DOJ ("COPS"), National Association for Civilian Oversight of Law Enforcement, the National League of Cities, United States Conference of Mayors, Connecticut Conference of Municipalities ("CCM"), Connecticut Interlocal Risk Management Agency ("CIRMA"), the American Planning Association (Transportation Planning Division) or regional affiliates, National Alliance on Mental Illness ("NAMI") and the Council of State Governments Justice Center, their successor organizations or other similar organizations.

POLICE COMMISSION REVISIONS IN ACCORD WITH RECOMMENDATION #16 (MODIFIED)

¹ 1983 Charter section 10-3.

² Modification of 2011 Charter Section 7-2.C (1), which was approved in the 2011 Charter Revision. See also 1983 Charter section 10-3.

³ NEW (2021). See, See, C.G.S. §14-297, definition of “Traffic Authority”.

⁴ NEW (2021).

⁵ NEW (2021).

⁶ Recodification and modification of 2011 Charter section 7-2.C(3)(a) which modified Modification of 1983 Charter section 10-3 (first paragraph, third sentence).

⁷ Recodification and modification of the following clause of 2011 Charter section 7-2.C (1): ... “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.”

¹⁰ NEW (2021) (“governance”).

¹¹ NEW (Charter Revision of 2011). The Charter cites C.G.S. § 7-276. Powers of Commissioners as a point of reference: “Such boards [established by ordinance] shall have all of the powers given by the general statutes to boards of police Commissioners, shall have general management and supervision of the police department of such town and of the property and equipment used in connection therewith”.

¹² NEW (2021).

¹³ NEW (2021)

¹⁴ Recodification and modification of 2011 Charter section 7-2.C(3)(b) which modified 1983 Charter section 10-3 (first paragraph, fourth sentence) by adding the term “and comment on...”.

¹⁵ NEW (2021)

¹⁶ NEW (2021) (Final clause).

¹⁷ Recodification and modification of the following clause of 2011 Charter section 7-2.C (1): “In this regard, the Commission shall approve or disapprove policies, rules and regulations proposed by the Chief of Police as set forth in §8-5. A (4) of this Charter.”

¹⁸ NEW (Charter Revision of 2011). Again citing C.G.S. § 7-276. “Such boards...shall make all needful regulations for the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer or member of such police department”.

¹⁹ NEW (2021).

²⁰ NEW (2021).

²¹ Recodification and modification of 2011 Charter section 7-2.C(3)(c) which modified 1983 Charter section 10-3 (second paragraph, first sentence) by adding the term “sole” and the clause “remove officers and members of the police department under such regulations as it adopts for that purpose” as set forth in C.G.S. § 7-276. “Such board...shall have the sole power of appointment, promotion and removal of the officers and members of such police department, under such regulations as it adopts for the purpose”.

²³ NEW (2021).

²⁴ NEW (2021).

²⁵ Recodification and modification of 2011 Charter section 7-2.C(3)(c)(i) (deletion of “promote”)

²⁶ Note: The applicable rule at the time of adoption of this amendment in 2021 was the “Rule of Three;” in other words, the “top three (3) candidates.”

²⁷ Modification of 1983 Charter section 10-3 (second paragraph, first sentence), by using the following in lieu of the term “Civil Service”: “...Merit System eligibility list promulgated under civil service rules and regulations”.

²⁸ NEW (2021).

²⁹ Recodification and modification of 2011 Charter section 7-2.C(3)(c)(i) (deletion of “appoint”)

³⁰ Note: The applicable rule at the time of adoption of this amendment in 2021 was the “Rule of Three;” in other words, the “top three (3) candidates.”

³¹ Modification of 1983 Charter section 10-3 (second paragraph, first sentence), by using the following in lieu of the term “Civil Service”: “...Merit System eligibility list promulgated under civil service rules and regulations”.

³² NEW (2021).

³³ NEW (2021) (“...and law, including provisions of any applicable collective bargaining agreement.”). At the time of adoption promotions are further governed by Article 36 of the “Tentative Agreement between

Deleted: ⁸ NEW (2021) (“control”). ¶
⁹ NEW (2021) (“governance”).¶¶

Deleted: supervision”).

Deleted: ²² NEW (2021).¶¶

POLICE COMMISSION REVISIONS IN ACCORD WITH RECOMMENDATION #16 (MODIFIED)

the Town of Hamden and UPSEU / COPS, LOCAL 062 (The Hamden Police Department), effective July 1, 2014 - June 30, 2022 ("2014 – 2022 CBA").

³⁴ Recodification and modification of 2011 Charter section 7-2.C(3)(c)(ii)

³⁵ Recodification and modification of 2011 Charter section 7-2.C(3)(c)(iii) which recodified 2011 Charter section 7-2.C(3)(c)(i).

³⁶ NEW (2021) (final clause).

³⁷ Modification of 1983 Charter section 7-2.C (3)(c)(iii) (second paragraph, second sentence).

³⁸ Recodification and modification of 2011 Charter section 7-2.C (4), which was approved in 2011. See, C.G.S. § 7-276 "...and such appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing". At the time of adoption promotions are further governed by Article 36 of the 2014 – 2022 CBA

³⁹ Recodification and modification of 2011 Charter section 7-2.C(4)(a), which modified 1983 Charter section 10-3 (third paragraph, first sentence).

⁴⁰ NEW (2021) ("civilian" replaces "citizen of the Town").

⁴¹ NEW (2021) ("other violations of Law and the policies, rules and regulations of the Department")

⁴³ Recodification and modification of 2011 Charter section 7-2.C(4)(b), which modified 1983 Charter section 10-3 (third paragraph, second sentence).

⁴⁴ Recodification and modification of 2011 Charter section 7-2.C (4) (first sentence of last paragraph), which modified 1983 Charter section 10-3 (third paragraph, third sentence)

⁴⁵ NEW (2021)

⁴⁶ NEW (2021)

⁴⁷ Recodification and modification of 2011 Charter section 7-2.C (4) (second sentence of last paragraph), which modified The remainder of the section following the last footnote is 1983 Charter section 10-3 (third paragraph, fourth sentence).

⁴⁸ NEW (2021).

⁴⁹ Modification of 1983 Charter section 10-3 (first sentence).

⁵⁰ Modification of 1st sentence Sec. 7-2.C (2).

⁵¹ Modification of 1983 Charter section 10-3.

⁵² In lieu of the following language in 1983 Charter section 10-3 (first paragraph, second sentence): "The Mayor shall during the month of December in odd-numbered years, appoint such Commissioners who shall serve for a term of two (2) years from January 1st following their appointment, and until their successors have been appointed and qualified.

⁵³ Modification of the following language in 1983 Charter section 10-3 (first paragraph, first sentence): "...no more than three (3) of the members of such Commission shall belong to the same political party".

⁵⁴ NEW (2021)

Deleted: ⁴² Recodification and modification of 2011 Charter section 7-2.C(4)(b), which modified 1983 Charter section 10-3 (third paragraph, second sentence).¶