

AGENDA
CHARTER REVISION COMMISSION
April 14, 2021
7:00 PM

Electronic Meeting Pursuant to Paragraph 1 of Executive Order 7Bⁱ

THIS MEETING WILL BE A 100% ELECTRONIC MEETING

**LEGISLATIVE COUNCIL CHAMBERS AT MEMORIAL TOWN HALL WILL BE
CLOSED PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDERS 7B and 7D**

Comments can be sent to CRC2021@hamden.com

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1. Call of the meeting and roll call
2. Panel: the role and Responsibility of the Police commission: Impact of Collective Bargaining Agreements and, Civilian Review
 - a. Hon Michael McGarry, President, Hamden Legislative Council
 - b. Hon. Michael J. Freda, First Selectman, North Haven; Municipal Representative, Police Officer Standards and Training Council; Past President Connecticut Conference of Municipalities
 - c. Jorge X. Comacho, Clinical Lecturer in Law and Policing, Law and Policy Director of the Justice Collaboratory, Yale Law School
 - d. Addys Maria Castillo, M.S., M.P.A., Executive Director, Citywide Youth Coalition and Anti-Racist Community Organizer
 - e. Carolilne Nobo Sarnoff, Research Scholar in Law and Executive Director of the Justice Collaboratory at Yale Law School
 - f. Melvin Medina, National Campaign Strategist, American Civil Liberties Union

3. Discussion of Schedule

4. Adjournment

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ⁱ Under Executive Order 7B Electronic Meetings are subject to the following: (a) The public shall have the ability to view or listen to each meeting or proceeding in real time, by telephone, video, or other technology; (b) Any such meeting or proceeding shall be recorded or transcribed, and such recording or transcript shall be posted on the Town's website within seven (7) days of the meeting or proceeding, and made available within a reasonable time in the Town Clerk's office; (c) The required notice and agenda for each meeting or proceeding is posted on the agency's website and shall include information about how the meeting will be conducted and how the public can access it; (d) Any materials relevant to matters on the agenda, including but not limited to materials related to specific applications, if applicable, shall be submitted to the agency a minimum of twenty four (24) hours prior and posted to the agency's website for public inspection prior to, during, and after the meeting, and any exhibits to be submitted by members of the public shall, to the extent feasible, also be submitted to the agency a minimum of twenty-four (24) hours prior to the meeting and posted to the agency's website for public inspection prior to, during, and after the meeting; and, (e) All speakers taking part in any such meeting or proceeding shall clearly state their name and title, if applicable, before speaking on each occasion that they speak.

HAMDEN CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #10

POLICE COMMISSION-CIVILIAN REVIEW BOARDS

CURRENT HAMDEN CHARTER PROVISION

CHAPTER VII: POLICE COMMISSION

THE ROLE AND RESPONSIBILITY OF THE POLICE COMMISSION; IMPACT OF COLLECTIVE BARGAINING AGREEMENTS; AND, CIVILIAN REVIEW

Hon. Michael McGarry

President, Hamden Legislative Council

Hon. Michael J. Freda

First Selectman, North Haven; Municipal Representative, Police Officer Standards and Training Council; Past President Connecticut Conference of Municipalities

Jorge X. Camacho

Clinical Lecturer in Law and Policing, Law and Policy Director of the Justice Collaboratory, Yale Law School

Addys Maria Castillo, M.S., MPA

Executive Director, Citywide Youth Coalition and Anti-Racist Community Organizer

Caroline Nobo Sarnoff

Research Scholar in Law and Executive Director of the Justice Collaboratory at Yale Law School

Melvin Medina

National Campaign Strategist, American Civil Liberties Union

SECTION 7-2.C: BOARDS AND COMMISSIONS ESTABLISHED BY CHARTER – POLICE COMMISSION.

(1) **Establishment**¹. 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 Department². In this regard, the Commission shall approve or disapprove policies, rules and regulations proposed

¹ NEW (Charter Revision of 2011).

² NEW (Charter Revision of 2011). See, C.G.S. § 7-276. Powers of Commissioners. 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

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by the Chief of Police as set forth in §8-5.A (4) of this Charter³.

(2) **Appointment and Membership**⁴. The Commission shall consist of five (5) Electors of the Town appointed as set forth in §7-1.B of this Charter. The Commission shall choose a chair and such other officers as it may desire^{5 6}.

(a) **Term**⁷. Following the municipal election of 2013 and biennially thereafter, the Mayor shall appoint members for a term of two (2) years, for a term commencing on the 1st Day of January of the year of appointment⁸.

(3) **Functions of the Commission**. For the purposes of meeting the requirements of the General Statutes, this Charter and any applicable Ordinances, the Commission shall⁹:

(a) confer with and advise the Mayor and the Chief of Police with respect to the general management of the Police Department¹⁰;

(b) review and comment on the budget request of the Police Department prior to its submission to the Mayor¹¹;

the police department of such town and of the property and equipment used in connection therewith”.

³ NEW (Charter Revision of 2011). See, 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”.

⁴ Modification of 1983 Charter section 10-3 (first sentence).

⁵ Modification of 1983 Charter section 10-3.

⁶ PROPOSAL: The Commission shall consist of nine (9) Electors of the Town one from each of the Legislative Council Districts of the Town, appointed as set forth in 7-1.B of this Charter.

⁷ 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.

⁸ 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”.

⁹ See, C.G.S. §14-297, definition of “Traffic Authority”.

¹⁰ Modification of 1983 Charter section 10-3 (first paragraph, third sentence)

¹¹ Modification of 1983 Charter section 10-3 (first paragraph, fourth sentence) by adding the term “and comment on...”.

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(c) have the sole power to appoint, promote and remove all personnel, including officers and members of the Police Department under such regulations as it adopts for that purpose¹².

(i) Said power to appoint and promote personnel shall be exercised, by majority vote, from the top three (3) candidates on any applicable Merit System eligibility list promulgated under civil service rules and regulations¹³.

(ii) Said power to remove shall be in accordance with the provisions of this Charter and law¹⁴.

(iii) With regard to the power to appoint, promote and remove officers and members of the Department, the Chief of Police shall provide a recommendation to the Commission¹⁵.

(4) **Complaints.** The appointed officers and members of the Department shall hold office during good behavior and until removed for cause upon written charges and after hearing¹⁶. The Commission shall meet and hear, upon written request, the complaint of:

(a) any member of the Police Department by reason of the acts or conduct of any officer¹⁷.

(b) any citizen of the Town by reason of any alleged misconduct or malfeasance of any member of the Police Department¹⁸.

¹² Modification of 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”.

¹³ 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”.

¹⁴ NEW (Charter Revision of 2011).

¹⁵ Modification of 1983 Charter section 10-3 (second paragraph, second sentence).

¹⁶ NEW (Charter Revision of 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”.

¹⁷ Modification of 1983 Charter section 10-3 (third paragraph, first sentence).

¹⁸ Modification of 1983 Charter section 10-3 (third paragraph, second sentence).

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As a party to any proceeding or hearing, any member of the Police Department may be represented by counsel¹⁹. 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 System²⁰.

C.G.S. §7-294AAA. ESTABLISHMENT OF CIVILIAN POLICE REVIEW BOARDS

(a) The legislative body of a town may, by ordinance, establish a civilian police review board. The ordinance shall, at a minimum, prescribe:

- (1) The scope of authority of the civilian police review board;
- (2) the number of members of the civilian police review board;
- (3) the process for the selection of board members, whether elected or appointed;
- (4) the term of office for board members; and
- (5) the procedure for filling any vacancy in the membership of the civilian police review board.

(b) Any civilian police review board established pursuant to subsection (a) of this section may be vested with the authority to:

- (1) Issue subpoenas to compel the attendance of witnesses before such board; and
- (2) require the production for examination of any books and papers that such board deems relevant to any matter under investigation or in question.

(c) The provisions of this section shall not be construed to affect the operation of, or impose any limitation upon, a civilian police review board established prior to the effective date of this section.

(d) Upon receipt of a written request from the Office of the Inspector General, established pursuant to section

¹⁹ Modification of 1983 Charter section 10-3 (third paragraph, third sentence)

²⁰ The remainder of the section following the last footnote is 1983 Charter section 10-3 (third paragraph, fourth sentence).

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33 of this act, a civilian police review board shall stay and take no further action in connection with any proceeding that is the subject of an investigation or criminal prosecution that is being conducted pursuant to said section or section 51-277a of the general statutes. Any stay of proceedings imposed pursuant to this subsection shall not exceed six months from the date on which the civilian police review board receives such written request from the Office of the Inspector General, and such stay of proceedings may be terminated sooner if the Office of the Inspector General provides written notification to the civilian police review board that a stay of proceedings is no longer required.

History. Added by P.A. 20-0001, S. 17 of the 2020 July Special Session, eff. 7/31/2020.