

Michael Iezzi, Chair
Hamden Police Commission
2750 Dixwell Avenue
Hamden, CT
06518

May 14, 2019

Re: public records request

Dear Mr. Iezzi:



765 Asylum Avenue
Hartford, CT 06105
(860) 923-5146
acluct.org

Hamden's town charter establishes that its Police Commission "*shall meet and hear, upon written request, the complaint of . . . any citizen of the Town by reason of any alleged misconduct or malfeasance of any member of the [p]olice [d]epartment.*"¹ The Commission appears to acknowledge this obligation on its website, advertising that it "*meet[s] and hear[s] the written complaint of any town citizen who requests it, concerning a member of the [p]olice [d]epartment.*"² The law of our state empowers the Commission to conduct such hearings in a thorough manner, including by compelling the attendance of witnesses and production of documents through subpoena.³

So you can imagine our surprise to read press accounts that the Commission refused to hear duly filed complaints of Hamden residents about police employee Devin Eaton's having shot Paul Witherspoon and Stephanie Washington in April. You were quoted as refusing to "discuss this case in any way shape or form,"⁴ and as describing the Commission as unable to "decide whether to fire until the investigation into [Devin] Eaton's conduct ends."⁵

We have been unable to locate any authority excusing the Commission from hearing residents' complaints upon their being tendered in writing, or devolving the Commission's oversight duties to the very entity it is charged with overseeing. Perhaps the Commission can assist us.

(over)

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- 1 Hamden, Conn. Charter § 7-2(C) (emphasis added).
 - 2 Town of Hamden, *Police Commission*, <http://www.hamden.com/content/7089/7093/7966/8241> (emphasis added).
 - 3 Conn. Gen. Stat. § 7-279.
 - 4 New Haven Register, *'Fire the Officer' Chants Disrupt Hamden Police Comm'n Meeting*, May 9, 2019, <https://www.nhregister.com/news/article/Hamden-Police-Commission-disrupted-by-fire-the-13830720.php>.
 - 5 Rob Polansky and Eva Zymaris, *Hamden Police Comm'n Meeting Canceled Due to Protesters*, May 9, 2019, https://www.wfsb.com/news/hamden-police-commission-meeting-canceled-due-to-protesters/article_bc75c2f8-70f2-11e9-8b88-3b3986f65fdc.html.

Pursuant to Conn. Gen. Stat. §§ 1-200 -242, the ACLU Foundation of Connecticut requests that the Hamden Police Commission furnish copies of the following records:

1. All ordinances, policies, procedures, rules, regulations, or other document that the Commission deems to permit it not to hear residents' complaints upon their being tendered in writing, and
2. All ordinances, policies, procedures, rules, regulations, or other document that the Commission deems to permit it to delay or forgo a hearing in favor of a different entity's action or investigation.

We have addressed this request to the Commission in the belief that it either has physical custody, or legal control, of such records. If it is not, please forward this request to the proper custodian of such documents and inform me of who the proper custodian is.

This request is made to benefit the general public welfare as we are attempting to understand and publicize the Commission's basis for refusing to discharge what the municipal charter seems to make mandatory. For this reason, we request that the you waive all fees associated with this request pursuant to Conn. Gen. Stat. § 1-212(d)(3). If you do not agree to waive these fees, please provide us with a basis for your decision.

If an otherwise public record has a portion that is exempt from disclosure, the Commission should redact the exempt portion and release a copy of the rest of the record together with a notation identifying the specific exemption that you believe applies to the portion withheld. If you have questions about this request, please feel free to contact me.

Yours sincerely,



Dan Barrett
Legal Director
legal@acluct.org