

SUMMARY OF DISCIPLINARY PROCEDURES FOR THE HAMDEN POLICE DEPARTMENT

Discipline or discharge of a Hamden Police Officer must follow the process that is set forth in the Collective Bargaining Agreement (“CBA”) between the Town and the Union. The Hamden Charter, the Rules and Regulations of the Police Department and state statutes may affect such discipline, but the CBA is the controlling document. Under state law a CBA takes precedence over any conflicting provision of a charter, special act, ordinance, rule or regulation. See Section 7-474(f) of the General Statutes. Under the Hamden CBA only the Chief of Police has the power to initiate discipline of a Police Officer, regardless of whether the original complaint against the Police Officer was initiated by the public or within the Police Department.

1. Who can discipline a Police Officer? The disciplinary process is detailed in Article 46 of the CBA. Section 46.9 provides that the Chief of Police may impose up to a five (5) day suspension. Termination, or a suspension exceeding five days, can be imposed only by the Board of Police Commissioners (“Commission”) after a matter is referred to them by the Chief of Police. A Police Officer disciplined by the Chief can appeal such discipline to the Commission. A decision of the Commission imposing or upholding discipline can be appealed by the Police Officer to arbitration. An arbitration decision can be appealed to court by the Police Officer/Union or the Town.

2. How does a discipline case get to the Commission? The Commission cannot initiate discipline itself. It can act only on disciplinary charges preferred by the Chief of Police. Although the Charter gives it the sole power to remove Police Officers, the Commission cannot exercise that power unless the Chief first prefers charges against the Police Officer, the Police Officer is given timely written notice and the Commission holds a hearing. There are no exceptions to this procedure. No disciplinary matter can be heard by the Commission unless the Chief prefers charges and recommends discipline.

3. What are the steps in the termination process from start to finish?

- Departmental investigation ordered by Chief of Police and completed by Ethics and Integrity Unit.
- Charges preferred by Chief of Police within the time limitations required by Section 46.2 of CBA.
- Charges referred to Commission for adjudication.
- Hearing conducted by Commission within time limits imposed by Section 46.3(A) of CBA. Stenographic transcript must be made. Accused officer has right to counsel.
- Recommendation to Commission by Chief of Police.
- Decision by Commission.

- Potential appeal to arbitration by the Police Officer/Union.
- Potential appeal of arbitration award to court by the Town or Police Officer/Union.

4. **What if the Commission votes to terminate a Police Officer outside the CBA process?** An attempt by the Commission to terminate a Police Officer without following the CBA would be defective and would be overturned by an arbitrator or court. The officer would be granted both reinstatement and back pay. Ignoring the contractual process could also constitute a prohibited practice in violation of the Municipal Employees Relations Act and subject the Town to a remedial order of the State Board of Labor Relations.

5. **Can the Legislative Council change the discipline process to permit immediate termination of a Police Officer?** No. As indicated above, the CBA supersedes any conflicting provision of a charter, special act, ordinance, rule or regulation. The CBA protects Police Officers from being terminated without written charges, notice and a hearing. The Town cannot amend the CBA unilaterally. The term of the current CBA extends to June 30, 2022.

6. **Must a Police Officer be paid by the Town when placed on administrative leave?** Generally yes. Under Section 46.3 (B) of the CBA, an officer may be placed on administrative leave without pay pending a disciplinary hearing in only two circumstances: (a) if the officer has been arrested for felony charges; (b) if the officer is unavailable for duty because of incarceration.

7. **Is there a separate discipline process for civilian complaints to the Commission or the Police Department?** No. The Charter provides that upon written request the Commission shall meet and hear the complaint of a citizen of the Town alleging misconduct by a Police Officer. The CBA, however, establishes the procedure for handling civilian complaints that could result in discipline or discharge. Civilian complaints must be made to the Police Department in writing and signed by the complainant. The Police Chief then determines whether disciplinary charges are warranted. If so, the Chief specifies the charge in writing and notifies the Commission and the Police Officer. The Commission then holds a disciplinary hearing in the same manner as for departmental charges.