November 3, 2022

Legislative Council
Hamden Memorial Town Hall
Hamden, CT 06518

Re: ORDINANCE REGULATING THE PRESERVATION OF RECORDS IN ACCORDING WITH THE MUNICIPAL RETENTION SCHEDULE FOR PUBLIC SAFETY AND EMERGENCY SERVICES RECORDS

Honorable Members:

Enclosed please find an Ordinance adding Chapter 106 to Title IX: General Regulations of the Town of Hamden’s Code of Ordinances and adopting section 106.01 through 106.04 for the regulation, preservation and retention of the Hamden Police Department and Hamden Fire Department records related to citizen and departmental complaints.

By copy of this letter, Town Attorney Sue Gruen is asked to attend your meeting to respond to any questions you may have.

Your approval of this Ordinance is respectfully requested.

Sincerely,

Lauren Garrett, Mayor

LG/rr

Enclosures

cc: Town Attorney Sue Gruen, Acting Chief of Police Timothy F. Wydra, Acting Fire Chief Jeffrey G. Naples, FD Curtis Eatman, DFD Rick Galarza, COS Sean Grace, DCOS Alexa Panayotakis, Mayor’s Office File
TOWN OF HAMDEN
LEGISLATIVE COUNCIL

ORDINANCE REGULATING THE PRESERVATION OF RECORDS IN ACCORDANCE WITH THE MUNICIPAL RETENTION SCHEDULE FOR PUBLIC SAFETY AND EMERGENCY SERVICES RECORDS

Presented by: ________________________________

WHEREAS, the Town wishes to provide further for the preservation and retention of police department and fire department records related to citizens and departmental complaints.

NOW THEREFORE BE IT ORDAINED that Chapter 106 is added to Title IX: General Regulations of the Code of Ordinances and Sections 106.01 to 106.04 are hereby adopted as set forth below.

§106.01. Definitions.

1. “Records” shall include any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received, retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218 of the Connecticut General Statutes, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

2. “Investigation Files” shall reference investigations of civilian and/or departmental complaints whether conducted by a/an internal or external investigator(s).

3. “Records Retention Schedule” shall refer to a comprehensive list of record series created by the State of Connecticut Office of the Public Records Administrator which indicates for each series the length of time it is to be maintained until it is reviewed for destruction or archival retention. It is also indicates retention in active and inactive storage areas.

4. “Destruction Hold” shall be defined as a designation given to a record indicating that it may not be destroyed if there is pending or active litigation; investigations; audits; Freedom of Information Act (FOIA) requests; or other cases, claims, or actions.

§106.02. Preservation of Records.

The Police and Fire Departments shall retain copies of all records pertaining to investigations as follows:

1. For investigation files that result in discipline or action greater than a letter of reprimand or supervisory counseling, the Department(s) must retain the record(s) for the duration of the employee(s) employment plus thirty (30) years.

2. For investigation files that result in no discipline or action greater than a letter of reprimand or supervisory counseling, without the presence of active litigation, the Department(s) must retain the record(s) for a period no less than two (2) years more than the minimum required by the applicable Records Retention Schedule for Municipalities, as may be amended from time to time, from the date the case is closed.
3. For investigation files that result in a finding of unsubstantiated, the Department(s) must retain the records for a period no less than the current year in which the result was determined plus no less than two (2) years more than the minimum required by the applicable Records Retention Schedule for Municipalities, as may be amended from time to time.

§106.03. Notice Prior to Destruction.

1. The Chief of the Police Department must provide the Police Commission with two (2) months written notice prior to the submission of the Records Disposition Authorization form to Connecticut Office of the Public Records Administrator of plans to destroy any records covered by this ordinance.

2. The Chief of the Fire Department must provide the Fire Commission with two (2) months written notice prior to the submission of the Records Disposition Authorization form to the Connecticut Office of the Public Records Administrator of plans to destroy any records covered by this ordinance.

§106.04. Development of Policy.

The Police Chief and Fire Chief shall develop policies and procedures related to destruction holds to ensure compliance with this ordinance.

Approved by the Legislative Council at its meeting on _________________, 2022.

APPROVED AS TO FORM:

_________________________________________  _______________________________________
Susan Gruen  Dominique Baez, President
Town Attorney  Legislative Council

_________________________________________
Kim Renta, Clerk
Legislative Council

APPROVED

_________________________________________
Mayor Lauren Garrett

DATE: _________________

Ordinance Number:
Published:
Newspaper:
Date: