

**ORDINANCE ESTABLISHING AN
INDEPENDENT POLICE DEPARTMENT**

Section 1 Establishment of Police Department

Pursuant to Conn. Gen. Stat. §7-148(c)(4)(A), the Town of Southbury (the “Town”) hereby establishes an Independent Police Department (the “Department”) to provide police services to the Town.

Section 2 Powers and Responsibilities.

The Department shall have the authority to perform all functions and take all actions that an organized municipal police department in the State of Connecticut is allowed by federal and state law to perform. It shall generally provide for police protection, and perform criminal law enforcement activities within the limits of the Town of Southbury and, to the extent allowed by state and federal law, outside its limits. The Department shall utilize personnel and resources pursuant to any agreements authorized by the Board of Selectmen and entered into by the Town.

Officers of the Department shall have the full authority to act in pursuance of state law and are hereby granted the fullest extent of authority as is currently provided by state law to act as Police Officers for the Department.

The Department shall be under the command of the Chief of Police, as outlined herein.

Section 3 Chief of Police

a.) Creation and Appointment

There is hereby created the position of Chief of Police. The Chief shall be appointed by the Board of Selectmen. Prior to appointment of the Chief, the Board of Selectmen shall determine the processes and procedures that will be utilized for the interviewing, selection, and appointment of the Chief.

The Chief of Police shall be accountable to and under the general supervision of the Board of Selectmen. The Board of Selectmen shall be responsible for disciplinary decisions concerning the Chief, up to and including dismissal, which shall be in accordance with the General Statutes, including Conn. Gen. Stat. §7-278.

b.) Powers and Responsibilities

The Chief of Police, or in his or her absence, the officer of rank designated by the Board of Selectmen, shall be responsible for the administration of the affairs of the Police Department, under the direction of the Board of Selectmen.

The Chief shall have all powers and duties provided by state law, the Charter, and any ordinances, which shall include, but shall not be limited to, the following:

- (a) Be responsible for the day to day operation of the Police Department, and report on the operation and affairs of the Department to the Board of Selectmen and to the First Selectman at such intervals as each shall require;
- (b) General management and supervision of the Department and of the property and equipment used in connection therewith in accordance with policies and procedures of the department, and consistent with all requirements of federal and state law;
- (c) Initiate and cause to be carried out a continuing program for instruction and training of personnel for the Department;
- (d) General authority and control over all Department employees and overseeing scheduling, assignments, and property fulfillment of all assignments, tasks, and duties of the Department;
- (e) Preparation and presentation of Department budgets;
- (f) Development and implementation of a system to maintain and preserve records with respect to law enforcement and other activities of the Department;
- (g) Maintain records of all personnel within the Department, by rank, grade and category, and render periodic reports to the First Selectman and Board of Selectmen with respect to the performance of duty of such personnel at intervals that each shall require;
- (h) Establish schedules and rules with respect to duties within the Department;
- (i) Be personally responsible for the review of records with respect to all arrests, accidents and complaints made by or to the Department and render reports to the First Selectman and to the Board of Selectmen at such intervals as each shall require;
- (j) Report to the Board of Selectmen any neglect of duty or violation of the Department's rules and regulations promptly after any such neglect or violation comes to his or her attention; and
- (k) Within the powers granted by the Charter, and pursuant to the General Statutes and any Collective Bargaining Agreement, and under state and federal law, taking all personnel actions the Chief of Police deems appropriate including without limitation assigning and reassigning personnel, supervising personnel, enforcing discipline, and making recommendations for hiring.

Section 4 Department Staffing

The Chief of Police may be assisted in the execution and performance of his/her management duties by a non-union employee who will act as second in command. After consultation with the Chief of Police, the Board of Selectmen shall establish this position which may be a deputy chief, captain, lieutenant, or some other position that will effectuate the needs of the Department.

The Police Department shall consist of a Chief of Police and such other officers of rank, patrol officers, and clerks as may be necessary to discharge the duties of the Police Department, as may be established by the annual Town Budget. The establishment of grades, ranks and positions within the Department shall be at the discretion of the Board of Selectmen.

The Town may employ up to the maximum number of police officers permitted by the annual Town Budget. However, not including the Chief of Police, the Town may not employ more than 25 police officers without amendment to this ordinance.

Section 5 Effective Date

The provisions of this ordinance establishing an Independent Police Department shall not take effect until all of the following occur: 1.) passage of a ballot question by the voters of the Town establishing an Independent Police Department at Referendum; 2.) notice to the state of Connecticut that the Town will no longer participate in the Resident State Trooper program; and 3.) the hiring and swearing in of the Chief of Police.