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
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TO:	Members of the New London City Council
FROM:	Jeffrey T. Londregan, Esq., Law Director's Office 
DATE:	7 31 2013
RE:	Proposed K-9 Ordinance

Please be advised that I have reviewed the proposed ordinance providing for the establishment of a K-9 Patrol Division within the New London Police Department. It is my understanding that this ordinance is scheduled to be discussed during a Public Safety Committee meeting on August 5, 2013. Please be advised that, for the following reasons, it is my opinion that any attempt at establishing this ordinance would be inappropriate as it would be in violation of the City Charter:

The proposed ordinance attempts to mandate that the City of New London Police Department maintain a minimum of four canine units consisting of a canine officer and handler, and that the cost of maintaining the canine unit be included in the Police Department's annual budget. In essence, this ordinance is attempting to dictate to the Police Department how it should operate and what assets it must maintain. Section 40 of the City Charter specifically states the following,

Neither the Council nor any of its committees or members shall dictate, or attempt to dictate, the appointment of any person to office or employment by the Mayor, or in any manner interfere with the Mayor or prevent the Mayor from exercising the Mayor's own judgment in the appointment and removal of officers or employees in the administrative service of the City. Except for the purpose for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Mayor's office and neither the Council nor any member thereof shall give orders to any subordinate of the Mayor either publically or privately (emphasis added).

Section 73 of the Charter provides,

[T]he services of the chief of police and the other officers, members and employees of the police force shall be under [the Mayor's] control in the performance of his duties as chief executive of the city.

Pursuant to the City Charter, the Chief of Police and the Police Department are clearly within the administrative service of the City, and answer to the Mayor directly and are under his control. As the proposed K-9 Patrol Division ordinance is an attempt to give an order to the Police Department to maintain certain services and patrol divisions, it is in direct conflict with the provisions of the City Charter.

For these reasons it is my opinion that this ordinance is impermissible and would not be legally binding upon the Police Department as it would be a direct violation of the City Charter.

cc: Daryl Justin Finizio, Mayor

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