

Dear Representative Town Meeting Members,

I am writing to you in my capacity as the Chair of the Board of Police Commissioners to express our bi-partisan concerns and opposition to the newly proposed noise ordinance for the Town of Fairfield. It has come to our attention that there are certain aspects of the ordinance that raise significant issues related to police officer discretion in enforcing noise, and standards for permissible noise for both daytime and nighttime hours.

Throughout our discussions with the Chief and his command staff, they have consistently emphasized the importance of maintaining the same degree of officer discretion, regardless of whether we are operating under a local ordinance or a state statute to investigate and enforce noise complaints. Officer discretion is a vital tool that allows our law enforcement officers to exercise judgment in their daily operations and ensures the fair and reasonable application of the law.

One particular point of concern is the enforcement of the "plainly audible" language that has been proposed in the ordinance. We have taken a deeper analysis of this provision and have realized the potential confusion it may create in terms of aligning with our current discretionary practices or undermining them altogether. The key question that arises from the "plainly audible" standard is whether it refers to a sound that justifies the initiation of the investigative process, where an officer would use their usual discretion to determine enforcement, or whether it refers to a sound that automatically constitutes a violation that must be enforced. In simpler terms, does it justify an officer knocking on a resident's door to inquire about the noise and use their judgment to assess the reasonableness of enforcement, or does it justify an officer issuing a citation without question or comment? Given our unwavering commitment to discretion, the latter scenario poses significant concerns for us, as I believe it does for our community as well.

To illustrate the importance of officer discretion, let us consider the domestic violence laws, where the language unequivocally states that officers "shall arrest" when probable cause of a violation is determined. This eliminates officer discretion for good reason. On the other hand, despite the pressing issue of the nationwide mental health crisis, which we also witness in Fairfield, the statute guiding police authority in these matters states that officers "may" take a person into custody or request an emergency psychiatric evaluation when it is determined that the individual is a danger to themselves or others. This example highlights the sacred nature of officer discretion in and of itself.

While the Fairfield Police Department remains committed to engaging in all forms of community problem solving, the Town of Fairfield Board of Police Commissioners respectfully decline to support a local ordinance that mandates or implies that an officer *shall* issue a citation. Our officers are entrusted with a great deal of responsibility in evaluating the unique circumstances of each situation and make informed decisions based on their experience and training. Removing this discretion would hinder our ability to maintain a fair and effective law enforcement approach that takes into account the individual needs and nuances of our community.

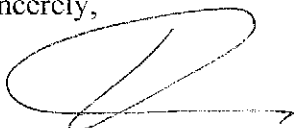
Additionally, one must consider the potential for the new, more stringent, ordinance to be misused as a means for neighbors to weaponize the police in an attempt to settle civil complaints

with one another. It is not uncommon for individuals to exploit the noise ordinance to serve their personal agendas, and we fear that the inclusion of daytime hours provision will only contribute to such efforts. We believe that it is important to strike a balance between addressing legitimate noise concerns and preventing the misuse of law enforcement resources for personal disputes.

While the Board recognizes the importance of addressing noise concerns in our community, we believe that the proposed noise ordinance in its current form imposes unnecessary challenges and strains on both the police department and the residents. We urge you to reconsider certain provisions and find a balanced approach that takes into account the interests of all stakeholders in the entire Town of Fairfield. Collaborative efforts between law enforcement, community members, and local authorities can help address noise-related issues effectively while maintaining the primary focus on public safety and other pressing matters our police department faces.

We appreciate the efforts made by the RTM Members in addressing the concerns related to noise in our town. We understand the importance of balancing the rights and interests of residents, and we are committed to working collaboratively to find a solution that addresses noise-related issues while preserving the discretion that is crucial to the success of our law enforcement operations. We further suggest reconsidering the adoption of this ordinance in its current form. Thank you for considering our perspective on this matter. I encourage you to discuss these concerns with your colleagues as you deliberate further on the proposed noise ordinance. We remain committed to working together to ensure the safety and well-being of our community.

Sincerely,



Attorney Peter Ambrose, Chair
Board of Police Commissioners
Town of Fairfield

6/22/23