

ORDINANCE OF THE CITY OF NEW HAVEN ESTABLISHING
THE CIVILIAN REVIEW BOARD

WHEREAS, in the 2013 Charter Revision, the public voted to institute a Civilian Review Board.; and

WHEREAS, with this new addition, New Haven can continue to boast of a trustworthy and efficient corps of peace officers as are to be found anywhere.; and

WHEREAS, the City of New Haven and its residents depend for their peace and security upon the services of a professional municipal police department employed by the City of New Haven, and a police department authorized to act with the powers of a municipal police department employed by Yale University.; and

WHEREAS, it is the unique power and privilege of police officers acting within the scope and course of their employment in these departments to use force, even deadly force, in making arrests.; and

WHEREAS, the powers and duties of local police officers to interfere with, to restrict, and to abridge the liberty of citizens, guests, and visitors to the City of New Haven, by way of arrests, searches, investigative stops, interrogations, and other means, are extensive and are securely anchored in state and federal law.; and

WHEREAS, the state and federal courts have shown an increasing reluctance to review the day-to-day exercise of police powers through the development of legal doctrines such as qualified immunity, limitations on supervisory liability, and other means that effectively deprive jurors and ordinary citizens from exercising effective oversight over police officers in their communities.; and

WHEREAS, public confidence in law enforcement is undermined by secret, non-transparent, and unaccountable police use of force and exercise of police powers generally.; ~~and~~

WHEREAS, police departments generally conduct internal reviews of civilian complaints in secret proceedings; ~~and~~

WHEREAS, the Civilian Review Board and its procedures are governed by the provisions of the City Charter and the Special Act of 1899, Section 131;

NOW, THEREFORE, BE IT ORDERED, the City of New Haven hereby enacts a Civilian Review Board, for the sole and exclusive purpose of assuring public confidence in the use of police powers in the City of New Haven by means of providing a mechanism for fair, independent, complete, and transparent review of civilian complaints of alleged police misconduct.

Section 1. Civilian Review Board.

- a. The Civilian Review Board has the authority to monitor, review, and conduct independent investigations of civilian complaints of police misconduct by police officers empowered to act with municipal police powers in the City of New Haven.
- b. The office and the professional staff that provides assistance to the Civilian Review Board shall be ~~a permanent part of, and permanently~~ located in; the Office of the Commission ~~on~~ Equal Opportunities.
- c. The Office of the Civilian Review Board shall be funded permanently by annual allotments for personnel, services, equipment, supplies, and facilities in an amount no less than that of similarly sized existing departments, offices, and agencies of the City of New Haven.
- d. The Office of the Civilian Review Board may not be eliminated by any action of any part of the executive branch of government of the City of New Haven.

Section 2. Objectives.

The Civilian Review Board's function is to create a public, transparent, and impartial means by which to review, ~~monitor~~ and independently investigate any civilian complaints of police misconduct against a police officer employed by a police department empowered to act with municipal police powers in the City of New Haven.

Section 3. Membership.

- a. The Civilian Review Board shall consist of ~~an odd~~ number of members, with no more than fifteen (15), and with a quorum of seven (7), and shall, at a minimum, consist of members selected as follows: one member from each of the Police Districts in the City of New Haven, one member of the Board of Alders, and; at least two, three at-large members ~~selected by the Board of Alders~~.
- b. All members of the Civilian Review Board shall be residents ~~and electors~~ of the City of New Haven.
- c. No member of the Civilian Review Board shall be a current sworn officer of any police department or law enforcement entity.

- d. Except for the member of the Board of Alders appointed by the President of the Board of Alders, nNo current elected official shall be a member of the Civilian Review Board.

Section 4. Appointment.

- a. The Mayor shall nominate all members of the Civilian Review Board, except the at-large members, who shall be nominated by the Board of Alders, and the aldermanic representative, who shall be a member of the Board of Alders appointed by the President of the Board of Alders.
- b. All nominees shall be confirmed by a majority vote of the Board of Alders.
- c. Mayoral nominees shall be selected from among the names recommended by each Community Management Team, which shall make said recommendations at a mandatory biennial meeting, where it elects officers. Said recommendations shall be made from among the names submitted to each Community Management Team by community engagement organizations and similar neighborhood-based organizations ~~such as Neighborhood Associations and Block Watches~~ in each respective Police District.
- d. The Board of Alders shall maintain a list of community engagement organizations or similar neighborhood-based organizations, who are interested in offering names of prospective Civilian Review Board members.
- ~~d.e.~~ The Civilian Review Board shall be reflective of the city's diversity.
- ~~e.f.~~ If there is no recommendation to the Mayor from a Community Management Team ~~or a Police District~~ within ninety (90) days of a vacancy, the Board of Alders in consultation with the Mayor will nominate an eligible resident ~~elector~~ to fill that vacancy.
- g. For initial implementation, each Community Management Team shall make recommendations of names to the Mayor within ninety (90) days of the passage of this ordinance. The Mayor then shall make appointments pursuant to Article II Section 8 and Article VII Section 1 of the Charter.

Section 5. Term.

Except for the initial term of the representatives for the odd number policing

districts which shall be three (3) years, the term of office for each member shall be two (2) years. The terms shall be staggered as follows: initial appointments to odd-numbered police districts shall be for a period of three years only, and all other and all subsequent appointments shall be for a period of two years. The initial term of the member of the Board of Alders shall end on December 31, 2019, or until a successor is appointed and duly qualified.-

Section 6. Duties.

The Civilian Review Board shall have the following authority, and such other authority as may be set forth by ordinance:

- a. To ~~examine~~ monitor, review and -independently investigate civilian complaints of alleged police misconduct against any police officer acting in the City of New Haven pursuant to municipal police powers; ~~and~~ to monitor and review the processing of Internal Affairs complaints by any police department acting within the City of New Haven pursuant to municipal police powers in order to make sure such processing is complete, accurate and factually supported; and to make recommendations to the police chief alongside any recommendations made by Internal Affairs;
- b. To receive a copy of any civilian complaint of alleged police misconduct filed against any police officer acting in the City of New Haven pursuant to municipal police powers within five (5) days of the filing of said complaint;
- c. To receive, in writing, a copy of any findings of fact and/or recommended disposition of a complaint at the same time it is forwarded to Internal Affairs, before it is submitted for final action to the relevant chief of police and to interview the officer(s) preparing such proposed findings of fact and/or recommended disposition;
- d. To hear appeals from any civilian complainant within ninety (90) days of the completion of an internal affairs investigation by any police department acting within the City of New Haven pursuant to municipal police powers;
- e. To require any police department acting within the City of New Haven pursuant to municipal police powers to investigate civilian complaints of alleged police misconduct in the event no investigation has been commenced after an initial complaint;

f. To prepare an annual report to the office of the Mayor and the Board of Alders indicating (1) the number, type, and basic facts of complaints filed; (2) The number of police officers against whom complaints were filed and the number of police officers against whom multiple complaints were received; (3) the Civilian Review Board's findings and recommendations on the complaints; (4) Internal Affairs' findings and recommendations on the same complaints; and (5) the disposition of the complaints, provided such disclosure does not violate confidentiality laws and regulations;

g.g. To require any police department acting within the City of New Haven pursuant to municipal police powers to reopen any closed investigation and to continue an investigation, if in the judgment of the Civilian Review Board, an initial investigation was incomplete, unfair, or otherwise unresolved;

g.h. To recommend revisions to policies, the manner of processing civilian complaints, training protocols, and/or provisions of general orders or departmental standards, to any police department acting within the City of New Haven pursuant to municipal police powers;

h.i. To develop policies and procedures for the filing and processing of civilian complaints to the Civilian Review Board, for the operations of said Board, and for the training of members of said Board and the community-based agencies and organizations, as selected by said Board;

i.j. To develop a Memorandum of Understanding with the Yale University Police Department designed to effectuate the goal of assuring transparent civilian review of any civilian complaint of an alleged police misconduct by an officer employed by a police department acting within the City of New Haven pursuant to municipal police powers.

Section 7. Investigations.

a. When the Civilian Review Board by simple majority vote of members present determines it in the public interest, the Civilian Review Board shall ~~contract or hire procure~~ the services of certified independent investigators who are not active, sworn police officers. The Civilian Review Board shall rely upon the findings and investigative reports of the independent investigator in making recommendations.

- b. The independent investigator shall have access to the same files and reports as Internal Affairs, as allowed by existing statutes or requirements of law.
- c. In appropriate circumstances, the Civilian Review Board may take sworn testimony from witnesses concerning the alleged misconduct which is the subject of the complaint. Any officer or member of the police department ~~against whom a complaint is filed~~ may be called to attend and participate, ~~provided that no such officer or member of the police department shall be compelled to testify or submit evidence as allowed by existing statutes or requirements of law.~~
- d. Following the review of a civilian complaint, the Civilian Review Board will promptly report its findings and recommendations to the police chief, the Board of Police Commissioners, and the complainant. These recommendations may include discipline or other actions the Civilian Review Board deems appropriate.
- e. The police chief shall not make a decision regarding a civilian complaint until she or he has received the findings and recommendations of both the Civilian Review Board and Internal Affairs. Should the police chief elect not to accept either the findings or the recommendations of the Civilian Review Board, she or he shall promptly notify in writing the Civilian Review Board of her or his decision and the reasons for said decision related to the specific civilian complaint. In the event the police chief adopts the findings or accepts the recommendation of the Civilian Review Board, she or he shall promptly notify in writing the Civilian Review Board.

Section 87. Staff.

The Civilian Review Board shall have the authority to hire, with the approval of the Board of Alders, such staff as is necessary to perform the duties herein described and to perform such other tasks as the Civilian Review Board may in its discretion require with the exception of the first Civilian Review Board Coordinator, who shall be hired by the Board of Alders

Section ~~98~~. Applicability of other laws.

Nothing in this article shall exempt any person from applicable provisions of any other laws of the city, state, federal, or other appropriate jurisdiction.

Section ~~109~~. Confidentiality of records.

The provisions of this chapter are intended to preserve and enhance the security of persons and property within the City. Where public release of certain information may put someone in jeopardy, it shall be the intent of the Civilian Review Board to preserve the confidentiality, where permitted by law.

Section ~~1110~~. Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion thereof, or the invalidity of the application of any portion of this chapter to any person or circumstances, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.

Section ~~1211~~. Conflicting Ordinances.

All other ordinances of the City of New Haven that conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section ~~1312~~. Effective date.

The ordinance from which this article derives shall become effective upon passage.

Section ~~1413~~. Review of effectiveness.

The joint Legislation-Public Safety Committee will hold a Public Hearing to assess the effectiveness of the Civilian Review Board ~~about a year after~~ within one year of the first meeting of this Board.