

Concern	Solution (ref.)
<p>NEED FOR COMPLAINANT CONTACT INFORMATION IN A TIMELY MANNER: The CRB is not given the contact information for the complainant(s) when copies of the complaint are provided to the CRB. The NHPD currently redacts that information as a matter of course when copies of the complaint are provided, and it interprets the current ordinance to allow for such redactions. The CRB is not able to reach out to citizen complainant(s) to explain the CRB's role, its process, and/or to answer any immediate questions in a timely manner. The CRB is given the complainant's contact information only after the IA report has been completed, and in many instances, that gap of time is more than a six-month period.</p>	<p>Sec. 2-801(b) requires the NHPD to provide <i>unredacted</i> copies of incoming citizen complaints within five days so that the CRB can communicate with citizen complainants in a timely manner—which should be almost immediately after the filing of a complaint. Under certain circumstances, the NHPD would be permitted to redact complainant contact information, but a “compelling basis” warranting that redaction must be provided to the CRB and approved by the Chief.</p>
<p>TIMELY ACCESS TO NHPD MATERIALS: The CRB is not given timely access to the IAD file and its contents, and it cannot begin its review of the complainant's case until after the IAD has completed its investigation and filed a report. The NHPD's interpretation of the current ordinance is that IA will only provide the CRB access to case materials for what they classify as a “closed” case—where the IAD report has been completed. While the NHPD should normally complete their IA investigations within 90 days of the filing of a citizen complaint, that time frame is often extended due to IA's heavy caseload and/or the need for additional time due to the nature/scope of a more-complicated investigation. The CRB is therefore denied access to file materials for a time frame that often exceeds 90 days, and this delay significantly impedes the CRB's ability to conduct an effective and timely independent review/investigation.</p>	<p>Sec. 801-2(c) requires that the CRB have access to all materials from an incoming complaint file within 90 days of the filing of that complaint. This includes “all police reports, body camera footage, witness statements, police officer statements, and any other discovery materials that were provided to the Internal Affairs Division as part of their investigation.” This section implements section 17(b)(2) of the CT Police Accountability Law, which states that a CRB is authorized to “require the production for examination of any books and papers that such board deems relevant to any matter under investigation or in question”.</p> <p>Secs. 2-801(d) and (e) establish confidentiality mandates that must be adhered to by both Board members and the Board Attorney while accessing and reviewing the above-described materials that are contained in the IAD's file.</p>
<p>REQUIREMENT THAT CHIEF REVIEW CRB RECOMMENDATIONS PRIOR TO RENDERING DISCIPLINARY DECISION: On occasion, and due to various NHPD time deadlines, the Chief of Police has needed to take disciplinary action in accordance with the IA investigation before the CRB has had the opportunity to conduct its investigation and submit any recommendations. While this has not been a frequent occurrence, it has happened enough times to warrant clarification and to require new language that would mandate that the <i>Loudermill</i> hearing cannot take place unless and until the CRB has completed its independent review and investigation.</p>	<p>Secs. 2-796 (b) and 2-801(a) both require the Chief of Police to review any recommendations of the CRB that are made in connection with their independent review and investigation of a complaint <i>prior to</i> the rendering of any disciplinary sanction of an officer who is the subject of that citizen complaint.</p> <p>Sec. 2-802(e) requires the Chief of Police to provide at least two week's notice to the CRB if, for any reason, s/he would be required to act on a disciplinary decision without having first received the recommendations from the CRB.</p> <p>Sec. 2-801(k) would permit the re-opening of an IAD case if the Chief of Police were to “take disciplinary action regarding a citizen complaint without having first reviewed the report and recommendations made by the Civilian Review Board.”</p>
<p>AUTHORITY FOR CRB TO INITIATE INVESTIGATIONS: There is no mechanism in the current ordinance for the CRB to initiate investigations in cases where, even if no citizen complaint was filed, a matter is brought to the CRB's attention (either through the media or by a concerned member of the public) that would warrant an investigation.</p>	<p>Sec. 2-801(i) would allow the CRB, by a majority vote, to initiate an investigation of the NHPD if it is determined that a “matter of significant public interest is at stake”.</p>

<p>QUORUM DEFINITION MADE IT IMPOSSIBLE TO HOLD MEETINGS WHEN ATTENDANCE WAS LOW.</p>	<p>Sec. 2-798 removed the definition of quorum as being seven members. This is automatically replaced by the language of the Charter Art. VII, Sec 1.H stating quorum for Boards and Commissions is a simple majority of seated members.</p>
<p>VACANT BOARD SEATS ARE DIFFICULT TO FILL.</p>	<p><i>When due to membership application process:</i> Sec. 2-799 (c) created the ability for individuals to self-nominate directly to the Mayor to serve their community as a representative from a neighborhood or Community Management Team. Sec. 2-798 (e) membership definition to include that neighborhood representatives must live in that neighborhood.</p> <p><i>When due to abrupt resignation:</i> Sec. 2-798 (e) resignation from the board must be done in writing and members must serve for 60 days thereafter to prevent extended vacancies.</p>

Ordinance revisions were proposed on October 25, 2023 to the Legislative Affairs Committee.

DIVISION 10. - CIVILIAN REVIEW BOARD

Sec. 2-796. - Civilian Review Board.

- (a) The Civilian Review Board has the authority to monitor, ~~and to review~~, and ~~to~~ conduct timely 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 Civilian Review Board has the further authority to make findings and recommendations based upon its independent investigation of any civilian complaint and to provide a written investigative report to the Chief of Police containing said findings and recommendations. Said report shall be submitted to the Police Chief before any disciplinary decision is made by the Chief of Police or any other member of that Department.
- (c) The office and the professional staff that provide assistance to the Civilian Review Board shall be located in, the office of the Commission on Equal Opportunities.
- (d) 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.
- (e) 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.

(Ord. No. [1853](#), § 1, 1-7-19)

Sec. 2-797. - 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. The Civilian Review Board seeks to have an active role in the thorough and impartial investigations and adjudications of complaints made against the New Haven Police Department with the goal of developing increased trust and confidence between the citizens of New Haven and the members of its police department.

(Ord. No. [1853](#), § 2, 1-7-19)

Sec. 2-798. - Membership.

- (a) The Civilian Review Board shall consist of a 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 (1) member, ~~from who~~ resides in each of the police districts in the City of New Haven, one (1) member of the ~~board~~ Board of ~~alders~~ Alders, and, at least, two (2) at-large members.
- (b) At any meeting of the Civilian Review Board, the quorum requirement for voting or for conducting any other type of business shall be met whenever there is a majority of the current Board members present at that meeting.
- (c) All members of the Civilian Review Board shall be residents of the City of New Haven.

- (d) No member of the Civilian Review Board shall be a current sworn officer of any police department or law enforcement entity.
- (e) Except for the member of the Board of Alders appointed by the president of the Board of Alders, no current elected official shall be a member of the Civilian Review Board.
- (f) Any Civilian Review Board member who seeks to resign must do so in writing to the Board Chair and its administrator. Such resignation will be effective sixty (60) days from the receipt of that letter, and such Board member shall remain as an active Board member up until that date. This provision will not apply to any unexpected emergency circumstance that would require the immediate resignation of a Board member.
- (g) The Civilian Review Board shall comply with its enumerated bylaws as enacted in January 2021 or as amended thereafter. Should the Chair of the Civilian Review Board have a basis to believe that any Board member is not in compliance with one or more of those bylaws, and/or is not fulfilling the required role of a Board member, she or he may initiate steps to remove that person from the Board, and the remaining majority of Board members will immediately consider the appropriate course of action.

(Ord. No. [1853](#), § 3, 1-7-19)

Sec. 2-799. - 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 members of the community, community engagement organizations and similar neighborhood-based organizations 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.
- (e) The Civilian Review Board shall be reflective of the city's diversity.
- (f) If there is no recommendation to the Mayor from a community management team within ninety (90) days of a vacancy, the Board of Alders in consultation with the Mayor will nominate an eligible resident 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 the ordinance from which this section is derived. The Mayor then shall make appointments pursuant to ~~article~~ Article II, ~~section~~ Section 8 and ~~article~~ Article VII, ~~section~~ Section 1 of the Charter.

(Ord. No. [1853](#), § 4, 1-7-19)

Sec. 2-800. - 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. Any Board member may be reappointed for subsequent and/or consecutive terms pursuant to the Appointment provision above (Sec. 2-799).

(Ord. No. [1853](#), § 5, 1-7-19)

Sec. 2-801. - Duties.

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

- (a) To 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; 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 written recommendations to the Police Chief in connection with the Board's independent investigation that shall be considered prior to the rendering of any decision regarding disciplinary action.
- (b) To receive a copy of any civilian complaint (and any attachments thereto) 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. Said copy shall not be redacted unless there is some compelling basis that would warrant such redaction, and in those circumstances, the Civilian Review Board shall be notified of the reason(s) for said redaction. Any proposed redaction must be approved by the Chief of Police.
- (c) To be given full access to all police reports, body camera footage, witness statements, police officer statements, and any other discovery materials that were provided to the Internal Affairs Division as part of their investigation. Such materials shall be made available to the Civilian Review Board and/or its investigator within ninety (90) days of the filing of the citizen complaint, either by way of providing copies and/or by arranging for the review of those materials with appropriate logistical accommodations.
- (d) All Civilian Review Board members must comply with any confidentiality and/or non-disclosure agreements that the New Haven Police Department establishes with regard to the Civilian Review Board's review of any Internal Affairs documents, and a Board member who is conducting an independent investigation shall not share any Internal Affairs document with any party who is outside of said confidentiality agreement.
- (e) Upon request, an attorney acting on behalf of the Civilian Review Board shall be provided with copies of any of the materials enumerated in (c) above and said attorney's review of those materials will remain confidential and within the attorney-client privilege.
- (f) To receive from the Internal Affairs Division a written copy of any investigative report, findings of fact and/or recommended disposition that was prepared in connection with a civilian complaint immediately upon its completion and approval. Said report must be provided to the Civilian Review Board before it is submitted for final disciplinary action to the

Police Chief. Board members shall have the opportunity to conduct an interview of the Internal Affairs officer(s) who prepared said report as part of its independent investigation.

~~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.~~

- (g) To ~~review and~~ 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.
- (h) 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 that when it has been determined that~~ no investigation has been commenced after the filing of an initial complaint.
- (i) ~~To initiate and conduct an independent investigation of an incident involving any member(s) of the New Haven Police Department where, even in cases where no civilian complaint has been brought, a majority vote of the Board decides that a matter of significant community interest is at stake. This provision shall apply to any case investigation that was initiated by either the Chief of Police or the Internal Affairs Division where a citizen complaint had not been filed.~~
- (j) 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;

~~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;~~
- (k) ~~To request any police department within the City of New Haven acting pursuant to municipal police powers to reopen any closed Internal Affairs investigation and to continue that investigation, if in the judgment of the Civilian Review Board and based upon its own independent investigation, the initial Internal Affairs investigation was incomplete, unfair, or otherwise warrants further review. If for any reason the Chief of Police has taken disciplinary action regarding a citizen complaint without having first reviewed the report and recommendations made by the Civilian Review Board, that case investigation shall be reopened in accordance with this provision.~~
- (l) 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;
- (m) 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.
- (n) 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.

(Ord. No. [1853](#), § 6, 1-7-19)

Sec. 2-802. - 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 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 Board members and /or the~~ independent investigator shall have access to the same files, ~~reports, statements and all other materials and reports~~ as Internal Affairs, as allowed by existing statutes or other requirements of law.
- (c) In appropriate circumstances, the Civilian Review Board ~~and/or its independent investigator~~ 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 may be called to attend and participate in a Civilian Review Board investigation as allowed by existing statutes or other 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. Said reports shall include findings of any misconduct with supporting evidence and its articulated bases, any disciplinary recommendations, and/or any other recommended courses of action that the Civilian Review Board deems appropriate.~~
- (e) The Police Chief shall not make a decision regarding the disposition of a civilian complaint until she or he has received the written findings and recommendations of both the Civilian Review Board and the Internal Affairs Division. If for any reason, the Chief of Police must make a decision regarding the disposition of a civilian complaint before he or she has received the findings and recommendations from the Civilian Review Board, the Police Chief must notify the Civilian Review Board at least two weeks before that decision is to be made so that the Civilian Review Board will have an opportunity to respond. 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.

(Ord. No. [1853](#), § 7, 1-7-19)

Sec. 2-803. - 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.

(Ord. No. [1853](#), § 8, 1-7-19)

Sec. 2-804. - 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.

(Ord. No. [1853](#), § 9, 1-7-19)

Sec. 2-805. - 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.

(Ord. No. [1853](#), § 10, 1-7-19)

Secs. 2-806—2-808. - Reserved.

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ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS TO SECTION 2-796 ET. SEQ. OF THE CODE OF ORDINANCES OF THE CITY OF NEW HAVEN UPDATING SECTIONS OF THE CIVILIAN REVIEW BOARD ORDINANCE.

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DIVISION 10. CIVILIAN REVIEW BOARD

Sec. 2-796: Civilian Review Board: Function and Jurisdiction

- (a) The Civilian Review Board has the authority to monitor and review all incoming civilian complaints that have been filed against the New Haven Police Department or any other police officers empowered to act with municipal police powers in the City of New Haven.
- (b) The Civilian Review Board has the further authority to conduct independent investigations of all incoming civilian complaints of police misconduct by police officers empowered to act with municipal police powers in the City of New Haven, and said investigations shall be conducted concurrently with any investigation that the Internal Affairs Division of the New Haven Police Department is conducting with regard to that same complaint.
- (c) The Civilian Review Board has the further authority to make findings and recommendations based upon its independent investigation of any civilian complaint and to provide a written investigative report to the Chief of Police containing said findings and recommendations. Said report will be submitted before any disciplinary decision is made by the Chief of Police.

(Ord. No. 1853, § 1, 1-7-19)

Sec. 2-796.5: Structure and Funding

- (a) The office and the professional staff that provide assistance to the Civilian Review Board may operate remotely, and/or shall be located in City Hall with appropriate office space made available as needed.
- (b) 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. Any surplus funding from previous years will be kept by the Civilian Review Board and will be carried over and may be allocated as approved by the Civilian Review Board.

(c) The Civilian Review Board shall comply with its enumerated bylaws as enacted in January 2021. Should the Chair of the Civilian Review Board have a basis to believe that any Board member is not in compliance with one or more of those bylaws, and/or is not fulfilling the required role of a Board member, she or he may initiate steps to remove that person from the Board, and the remaining majority of Board members will immediately consider the appropriate course of action.

(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.

(Ord. No. 1853, § 1, 1-7-19)

Sec. 2-797: Objectives

The objective of the Civilian Review Board is to establish a public, transparent, and independent entity whereby members of the New Haven community who are appointed to that Board will have the authority to review, monitor, investigate, render findings upon, and make recommendations with regard to, all incoming civilian complaints that have been filed against the New Haven Police Department or any other police officers empowered to act with municipal police powers in the City of New Haven. The Civilian Review Board seeks to have an active role in the thorough and impartial investigations and adjudications of complaints made against the New Haven Police Department with the goal of developing increased trust and confidence between the citizens of New Haven and the members of its police department.

Sec. 2-798. Membership.

(a) The civilian review board shall consist of a number of members with no more than fifteen (15), and shall, at a minimum, consist of members selected as follows: one (1) member from each of the police districts in the City of New Haven, one (1) member of the Board of Alders, and, at least, two (2) at-large members.

- (b) All members of the Civilian Review Board shall be residents 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, no current elected official shall be a member of the Civilian Review Board.
- (e) Members who represent community management teams must reside in the corresponding police district.
- (f) At any meeting of the Civilian Review Board, the quorum requirement for voting or for conducting other types of business shall be met whenever there is a majority of the current Board members present at that meeting.
- (g) Any Board member who seeks to resign must do so in writing to the Board Chair and its administrator. Such resignation will be effective sixty (60) days from the receipt of that letter, and such Board member shall remain as an active Board member up until that date.

(Ord. No. 1853, § 3, 1-7-19)

Sec. 2-799. 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, or as needed to fill vacancies. Said recommendations shall be made from among the names submitted to each community management team by interested individuals, community engagement organizations, and similar neighborhood-based organizations 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.
- (e) The members of the Civilian Review Board shall be reflective of the city's diversity.

- (f) If there is no recommendation to the mayor from a community management team within ninety (90) days of a vacancy, the Board of Alders in consultation with the mayor will nominate an eligible resident 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 the ordinance from which this section is derived. The mayor then shall make appointments pursuant to article II section 8 and article VII section 1 of the Charter.

(Ord. No. 1853, § 4, 1-7-19)

Sec. 2-800: 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. Any Board member may be reappointed for subsequent and/or consecutive terms pursuant to the Appointment provision above (Sec. 2-800).

(Ord. No. 1853 , § 5, 1-7-19)

Sec. 2-801: Duties, Scope of Authority and Investigative Procedures

The Civilian Review Board shall have the following authority, along with such other authority as may be set forth by ordinance or state statute:

- (a) To monitor, review, and independently investigate civilian complaints of alleged police misconduct against any police officer acting in the City of New Haven pursuant to their municipal police powers.
- (b) To 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 ensure that such processing is complete, accurate and factually supported.
- (c) To conduct concurrent, independent investigations of all incoming civilian complaints to those that are being conducted by the Internal Affairs Division, and to hold public hearings in order to render findings and make recommendations with regard to said investigations. Such findings and

recommendations will be provided to the Police Chief alongside any recommendations made by Internal Affairs.

- (d) To receive a copy of all incoming civilian complaints (and any attachments thereto) made against any police officer acting in the City of New Haven pursuant to their municipal police powers within five days of its filing with the Department.
- (e) To be given full access to all police reports, body camera footage, witness statements, police officer statements, and any other discovery materials that were provided to the Internal Affairs Division as part of their concurrent investigation. Such materials shall be made available to the Citizen Review Board subcommittee members and/or its investigator either by way of providing copies and/or by arranging for the review of those materials with appropriate logistical accommodations.
- (f) To receive from the Internal Affairs Division a written copy of any investigative report, findings of fact and/or recommended disposition that was prepared in connection with a civilian complaint immediately upon its completion and approval. Said report must be provided to the Civilian Review Board before it is submitted for final disciplinary action to the relevant chief of police. Board members shall have the opportunity to conduct an interview of the Internal Affairs officer(s) who prepared said report.
- (g) To review and hear any appeal from a civilian complainant who disagrees with the findings and/or recommendations of an Internal Affairs investigation by any police department acting within the City of New Haven pursuant to municipal police powers, within ninety (90) days of the completion of that investigation.
- (h) To require the Internal Affairs Division of 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 that no investigation has been commenced after the filing of an initial complaint.
- (i) To initiate and conduct an independent investigation of a New Haven Police Department incident where, even in cases where no civilian complaint has been brought, a full vote of the Board members decide that a matter of significant community interest is at stake.
- (j) To request any police department within the City of New Haven acting pursuant to municipal police powers to reopen any closed Internal Affairs investigation and to continue that investigation, if in the judgment of the Civilian Review Board, the initial investigation was incomplete, unfair, or otherwise warrants further review.
- (k) 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. Said recommendations will be made to protect the best interests of the civilian community and to promote a high quality of life.

- (l) 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 alleged police misconduct by an officer employed by Yale and acting within the City of New Haven pursuant to municipal police powers.
- (m) To have access to trainings, conferences and other relevant materials offered to the New Haven Police Department that will assist Board members in the completion of their duties. Independent training may also be provided to Board members upon approval by the Civilian Review Board.
- (n) To be provided with access to all New Haven Police Department policies, procedures and written protocols so that Board members will be familiar with the Department's internal rules and regulations.

(Ord. No. 1853 , § 6, 1-7-19)

Sec. 2-801.5: Reporting Requirements

The Civilian Review Board shall prepare an annual report and provide it to the Office of the Mayor and the Board of Alders. Said report shall include:

- (a) The number, type, and basic facts/allegations of each civilian complaint that was filed;
- (b) The names of officers and district assignment for each complaint filed, along with its filing date;
- (c) The total number of police officers against whom complaints were filed and the number of police officers against whom multiple complaints were received;
- (d) The findings and recommendations of the Civilian Review Board made in connection with its review/investigation of civilian complaints;
- (e) The findings and recommendations of the Internal Affairs Division as reported in connection with its investigation of those same complaints; and
- (f) The final disposition of the complaints as acted upon by the New Haven Police Department, provided such disclosure does not violate confidentiality laws and regulations.

Sec. 2-802: Investigations

- (a) Members of a designated subcommittee of the Civilian Review Board may be assigned to conduct investigations of incoming civilian complaints and to render findings and make recommendations accordingly.
- (b) When the Civilian Review Board by simple majority vote of members present determines it is in the public interest, the Civilian Review Board shall contract for hire the services of trained, certified independent investigators who are not active, sworn police officers. The Civilian Review Board shall rely upon the findings and investigative reports prepared by the independent investigator in making its recommendations.
- (c) The Civilian Review Board investigative subcommittee and/or the independent investigator shall have access to the same files, reports, statements and other discovery materials as does the Internal Affairs Division, and also as provided by existing statutes or requirements of law.
- (d) In appropriate circumstances, the Civilian Review Board may take sworn testimony from lay witnesses and/or sworn officers concerning the alleged misconduct which is the subject of the complaint. Any officer or member of the police department may be called to attend and participate in a Civilian Review Board investigation as governed by existing statutes or requirements of law.
- (e) Following the investigation and 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 reports will include findings of any misconduct with supporting evidence, disciplinary recommendations, and/or other recommended courses of action the Civilian Review Board deems appropriate.
- (f) The Police Chief shall not make a decision regarding the disposition of a civilian complaint until she or he has received and considered the reported findings and recommendations of both the Civilian Review Board.
- (g) 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 supporting said decision related to the specific civilian complaint. In the event that the Police Chief adopts the findings and/or accepts the recommendations of the Civilian Review Board, she or he shall promptly provide written notification to the Civilian Review Board regarding that outcome.

- (h) Should the Civilian Review Board be unable to conduct its investigation and issue its reported findings and recommendations before the Police Chief has made a final determination about a case outcome and taken subsequent action due to time frame requirements for acting on complaints, the Civilian Review Board may still issue written recommendations that should be considered by the Chief, and further, a request to re-open the case investigation may be warranted under those circumstances (see Sec. 2-101(10)).

Sec. 2-803: Staff

The Civilian Review Board shall have the authority to hire 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. Staff positions shall be determined by approval from the majority of the Civilian Review Board and may be expanded based on need, caseload, or special circumstances.

The New Haven Police Department will provide staff access to any and all trainings, or equivalent, that they provide their police officers.

(Ord. No. 1853 , § 8, 1-7-19)

Sec. 2-804: 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.

(Ord. No. 1853 , § 9, 1-7-19)

Sec. 2-805: 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 confidentiality, where permitted by law.

(Ord. No. 1853 , § 10, 1-7-19)

Secs. 2-806—2-808: Reserved

Revised Title and Order

..title

ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS TO SECTION 2-796 ET. SEQ. OF THE CODE OF ORDINANCES OF THE CITY OF NEW HAVEN UPDATING SECTIONS OF THE CIVILIAN REVIEW BOARD ORDINANCE.

..body

NOW, THEREFORE, BE IT ORDAINED by the New Haven Board of Alders that the Civilian Review Board Ordinance Section 2-796 be amended as follows below and attached hereto in Schedule A.