



Summary of proposed Civilian Review Board Ordinance changes: June 2024

CONCERN	SOLUTION (WITH REFERENCES TO PROPOSED MODIFICATIONS)
<p>NEED FOR COMPLAINANT CONTACT INFORMATION IN A TIMELY MANNER: The CRB had not been given the contact information for the complainant(s) when copies of the complaint were provided to the CRB. The NHPD had been redacting that information as a matter of course when copies of the complaint were provided, and it interpreted the current ordinance to allow for such redactions. The CRB was 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 was given the complainant's contact information only after the IA report has been completed, and in many instances, that gap of time was 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>UPDATE: The NHPD now provides the CRB with the contact information of complainants as the result of an agreement that was reached in March. In light of that recent agreement, the CRB has drafted and approved of an informational letter that will be sent out to complainants shortly after the filing of their complaint. That letter describes the complaint/investigation process, explains the CRB role, and provides a central point of contact for any questions or concerns.</p> <p>The NHPD is in agreement with this proposed modification to the ordinance.</p>
<p>EARLIER ACCESS TO NHPD MATERIALS: The CRB is not given early access to the IA file and its contents, and it cannot begin its review of the complainant’s case until <i>after</i> IA 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 IA report has been completed. While the NHPD aims to complete their IA investigations within 90 days of the filing of a citizen complaint, that time frame is sometimes extended due to IA’s caseload and/or the need for additional time due to the nature/scope of a more-complicated investigation. The CRB is therefore unable to access a complainant’s file materials for a time frame of at least 90 days, and this delay may significantly impede the CRB’s ability to conduct an effective and timely independent review/investigation.</p>	<p>Sec. 801-2(c) would allow that the attorney and/or investigator for the CRB have access to all materials related to 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 will allow the attorney and/or investigator to take an earlier look at the case file to prepare for the later review by Board members once IA has completed its report. This section also allows Board members to have access to the IA file and its report once the IA investigation is completed.</p> <p>NOTE: This provision implements Sec. 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>



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<p>THE CHIEF DOES NOT REVIEW CRB RECOMMENDATIONS PRIOR TO CLOSING MANY IA CASES: Under the current practice, if an IA investigation is completed and there are no findings of any departmental policy violations, the Chief is notified and closes the case once he approves of the IA report. This occurs almost immediately after the IA report is completed, and the case is then “closed”. The CRB has not had the opportunity to conduct its independent review of those cases, and were they to disagree with the findings or conclusions of IA after conducting their review/investigation, any input would be academic because the case has already been “closed” without the imposition of any sanction.</p>	<p>Sec. 2-796 (b) requires that the Chief review the input of the CRB before making any disciplinary decision in connection with a complaint. Any CRB input must be provided within forty-five (45) days of the completion of the IA report.</p> <p>Secs. 2-801(a) and 2-802 (e) already 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. The language in Sec. 2-796(b) was added in our “authorities” provision to reiterate the importance of that requirement.</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>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></p> <p>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.</p> <p>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></p> <p>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>