

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 within forty-five (45) days of the completion of the Internal Affairs Investigation and 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.

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page 6.

(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.

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(Ord. No. [1853](#), § 2, 1-7-19)

Sec. 2-798. - Membership.

SECTION 2-798 NOT DISCUSSED WITH NHPD;
ADDRESSES INTERNAL ADMINISTRATIVE CRB

- (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 of 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.

SECTION 2-799 NOT DISCUSSED WITH NHPD;
ADDRESSES INTERNAL ADMINISTRATIVE CRB

- (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 II section 8 and article VII section 1 of the Charter.

(Ord. No. [1853](#), § 4, 1-7-19)

Sec. 2-800. - Term.

SECTION 2-800 NOT DISCUSSED WITH NHPD;
ADDRESSES INTERNAL ADMINISTRATIVE CRB

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 either the attorney for 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. Such materials shall be made available to the Civilian Review Board members immediately after the completion of the Internal Affairs report.
- (d) All Civilian Review Board members, the attorney for the CRB, and the investigator for the CRB 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.

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(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.~~

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(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;

~~(k) 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;~~

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 re-

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(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. In cases where the Civilian Review Board disagrees with the outcome of the Internal Affairs investigation, it shall provide its findings and/or recommendations to the Chief for consideration within forty-five (45) days of the completion of the Internal Affairs report. ~~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 ORIGINAL LANGUAGE (IN BLACK) MANDATES THAT THE CHIEF CANNOT SIGN OFF ON AN IA REPORT THAT FINDS NO MISCONDUCT AND APPROVE THE CLOSING OF THAT CASE UNLESS AND UNTIL THE CRB PROVIDES INPUT. THE ADDED LANGUAGE PROVIDES A TIME-FRAME

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.