



Legislation Text

File #: OR-2023-0040, **Version:** 3

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.

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.

DIVISION 10. CIVILIAN REVIEW BOARD

Sec. 2-796. 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 provide assistance to the Civilian Review Board shall be 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.

(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.

(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 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) A non-at-large member, who moves from one policing district to another policing district, may complete the term to which that member was appointed.
- (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.

(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.
- (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.

(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.

(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:

- (1) 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 recommendations to the police chief alongside any recommendations made by internal affairs;
- (2) 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;
- (3) 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;
- (4) 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;
- (5) 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;
- (6) To prepare an annual report to the Office of the Mayor and the Board of Alders indicating:

- a. The number, type, and basic facts of complaints filed;
- b. The number of police officers against whom complaints were filed and the number of police officers against whom multiple complaints were received;
- c. The Civilian Review Board's findings and recommendations on the complaints;
- d. Internal affairs' findings and recommendations on the same complaints; and
- e. The disposition of the complaints, provided such disclosure does not violate confidentiality laws and regulations;
- 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;
- 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;
- 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;
- 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.

(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 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 may be called to attend and participate 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.

(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.