

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

WHEREAS: A police officer is expected to patrol the streets and to be found at their post of duty; to care for the lives and property of citizens while they sleep; to be present to preserve peace at large gatherings, political meetings, entertainments, and such like; to be an escort for processions, for lost children, the sick, injured or disabled; to be on hand to protect the people; to look after the violation of the city ordinances; and to perform an infinite range of other work; and

WHEREAS: There is no other department of the city government from which so much is exacted and where the conduct of employees is so much scrutinized that upon the slightest mistake made by one of them the whole police force is more or less subject to criticism; and

WHEREAS: When a mistake is made by any member of the police force, the entire police department is open to criticism, and oftentimes the entire force is stigmatized on account of the acts of an individual member; and

WHEREAS: Police work is of great importance and much depends upon an officer's sagacity and diligence in order to be successful; and

WHEREAS: Many important changes have taken place in the organization of the police department, all calculated to bring the force up to a high standard of efficiency, since the abolishment of the old Watch system in 1861, including, but not limited to, the adoption of a police uniform; the Gamewell system of a police telephone and signal service, the patrol wagon and the ambulance service; and

WHEREAS: Policing has adjusted, and continues to adjust, to the city's evolution as a result of industrialization, immigration, and urbanization; and

WHEREAS: Neighborhoods have been organized into policing precincts where individual officers determine how an area shall be policed; and

WHEREAS: New Haven's police force continues to evolve in response to changes in policing procedure and philosophy, transportation, communications technologies in order to respond to issues throughout the city; and

WHEREAS: In the mid-twentieth century, the police academy at 710 Sherman Parkway was created to centralize training officers; and

WHEREAS: Nationwide in the sixties, Supreme Court decisions led to stricter policing protocols; and

WHEREAS: In 1973, the City built the Department of Police Service building located on Union Avenue in the Church Street Redevelopment Area; and

WHEREAS: The policing strategy of the time was the traditional rapid response to emergency calls, targeted law enforcement in high crime areas, and making arrests;

WHEREAS: Roughly two decades later, a community policing philosophy was instituted in the City of New Haven, which echoed the community service roots of the night watch, constables, and the precinct-based walking beats of the initial New Haven Police Department; and

WHEREAS: The city was divided into policing districts to facilitate neighborhood patrols, get officers familiar with their beats and form block watch management teams that included officers; and

WHEREAS: Community policing included sensitivity training devoted to earning the community's trust, and developing sources from which to effectively investigate complaints; and

WHEREAS: Different chiefs of police, mostly not from the rank and file of the New Haven Police Department, subsequently moved away from prioritizing community policing by employing other targeted activity policing methods; and

WHEREAS: The public preferred the community policing style of policing and in response the New Haven Police Department emphasized walking beats, public events, interacting with community groups, and using substations for Management Team Meetings and community events; and

WHEREAS: Despite the progress made in recent years to return community policing to the Elm City there have been complaints about police misconduct; and

WHEREAS: These complaints resulted in requests for body cameras and a civilian review board; and

WHEREAS: The vast majority of New Haven's officers do a great job in a difficult profession; and

WHEREAS: Sometimes officers may violate regulations, statutes or laws; and

WHEREAS: In those cases, the public has the right to file a complaint, to have that complaint investigated, to review the investigation to assure that the investigation was complete and thorough; and

WHEREAS: The appropriate vehicle to do this is the Civilian Review Board; and

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 as 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 police departments generally conduct internal reviews of civilian complaints in secret proceedings:

NOW, THEREFORE, BE IT ORDAINED THAT:

The City of New Haven hereby enacts a Civilian Complaint 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 and to review 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 Corporation Counsel.
- 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.
- d. The Office of the Civilian Review Board may not be eliminated by any action of any part of the executive branch city government

Section 2. Objectives.

The Civilian Review Board's function is to create a public, transparent and impartial means by which to review and monitor any complaint 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 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, and, at least, three at-large members selected by the Board of Alders.
- b. All members of the Board shall be residents and electors of the City of New Haven.
- c. No member of the Civilian Review Board shall be a sworn officer of any police department or law enforcement entity.

- d. No 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.
- 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 recommendation at a mandatory biennial meeting where it elects officers. Said recommendation shall be made from among the names submitted to each Management Team by community engagement organizations and similar neighborhood-based organizations such as Neighborhood Associations and Block Watches in each respective policing 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 Board members.
- e. If there is no recommendation to the Mayor from a 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.

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, with all other and all subsequent appointments to be of two years duration.

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 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;

- 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 48 hours 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 and 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 require any police department acting within the City of New Haven pursuant to municipal police powers to re-open 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. 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. 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 designated by said Board;
- i. To develop of 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 a police department acting within the City of New Haven pursuant to municipal police powers.

Section 7. 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 board may, in its discretion, require.

Section 8. - 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.

Sec. 9 - 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 10 - 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.

Sec. 11. - Effective date.

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