

DIVISION 5. - CIVILIAN POLICE REVIEW BOARD^[6]

Footnotes:

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Editor's note— Ord. No. 20-06, adopted June 12, 2006, amended Division 4, § 2-196 in its entirety. Formerly, said section pertained to similar subject matter and derived from Ord. No. 29-92, adopted June 22, 1992.

Charter reference— City manager, Char. ch. V, § 6.

Cross reference— Human relations commission, § 2-157, chief of police, § 29-5.

Sec. 2-196. - Established; composition; meetings; functions.

- (a) *Established.* There is hereby established a civilian police review board to hear public complaints against members of the Hartford Police Department. It is in the interest of Hartford residents and citizens, generally, and of the Hartford Police Department that investigations of complaints concerning misconduct by police officers involving members of the public be complete, thorough and impartial. These inquiries must be conducted fairly and independently, and in such a manner that the public and the police department have confidence. An independent civilian complaint review board is hereby established, as a body comprised of voting members who are civilians. The civilian police review board shall have the authority to investigate allegations through independent investigators, of police misconduct, to review reports and conclusions of the Hartford Police Department's Internal Affairs Division to determine that they are complete, accurate and factually supported, to make recommendations to the police chief and to the mayor in connection therewith.
- (b) *Composition.* The civilian police review board shall be comprised of nine (9) regular voting members and two (2) alternates who shall be regular voting members when they sit. The mayor shall appoint eight (8) of the nine (9) regular members, pursuant to Section 2(d) of Chapter IV of the City Charter, no more than two (2) of whom may be non-residents of the city, and the mayor shall appoint both of the alternates. The commission on human relations shall appoint one (1) member. Both alternates and the member appointed by the commission on human relations shall be Hartford residents.

The Office of Human Relations shall procure the services of independent investigators who are not active, sworn police officers to work on behalf of the civilian police review board. The civilian police review board shall rely upon the findings, and investigative reports of the independent investigator in making recommendations. The independent investigator shall have access to the same files and reports as the Hartford Police Department's Internal Affairs Division as allowed by existing statutes or requirements of law.

No civilian member of the civilian police review board shall be an officer of the Hartford Police Department or employee of the City of Hartford, or an immediate family member of an officer of the Hartford Police Department or employee of the City of Hartford, as governed and defined by the City of Hartford Code of Ethics.

Members and alternates selected for the civilian police review board shall be chosen based on their experience and expertise in fields relevant to the charge of the civilian police review board. The civilian police review board shall be reflective of the city's neighborhoods and communities and of its business, labor and legal communities and, as well as, of the city's ethnic, gender, racial and sexual orientation composition.

The police chief shall designate one (1) non-voting member and one (1) non-voting alternate from the Hartford Police Department who shall advise the civilian police review board as to police policies and procedures. The said designees, each to be of a rank of at least Lieutenant, shall have first undergone diversity and cultural sensitivity training.

Of the members initially appointed to the civilian police review board by the mayor, four (4) shall be appointed for four (4) years each; three (3) shall be appointed for three (3) years each, and one (1) shall be appointed for a term of two (2) years. Thereafter each and all appointments shall be for a term of four (4) years. The two (2) alternates shall each be appointed for a four (4) year term. The member appointed by the commission on human relations shall serve for four (4) years. Each member shall serve until his/her successor is appointed and any member may be reappointed. Any member of the civilian police review board appointed by the mayor may be removed for cause by the mayor. Any member of the civilian police review board appointed by the commission on human relations may be removed for cause by the commission on human relations.

Any member of the civilian police review board who misses, without excuse or permission, three (3) consecutive meetings or four (4) meetings in a twelve (12) month period of the civilian police review board's regularly scheduled meetings shall be considered to have resigned. Any vacancy on the civilian police review board occasioned by resignation, death, inability to serve or removal of a member shall be filled for the unexpired term by appointment by the mayor within forty-five (45) calendar days of the date when the vacancy occurred.

The members of the civilian police review board shall undergo training in the policies, procedures and directives of the Police Department relevant to their duties. The police department and the Office of Human Relations shall cooperate in the development and provision of such training.

(c) *Jurisdiction.* The civilian police review board shall investigate through independent investigators and the staff of the Office of Human Relations all citizen complaints against City of Hartford police officers filed with the Police Department or with the Office of Human Relations. Complaints may be filed directly with the Office of Human Relations or with the police department or with community based agencies, registered by the Office of Human Relations and the police department. Each citizen complaint received by the Office of Human Relations, whether directly or from a community agency, shall be forwarded to the police department within three (3) business days.

The civilian police review board shall have jurisdiction over citizen complaints against police officers related to, but not limited to, the following:

- (1) Slow or poor service.
- (2) Discourteous attitude.
- (3) Profane language.
- (4) Improper handling of citizen's property.
- (5) False arrest; improper detention.
- (6) Violation of the code of conduct.
- (7) Excessive use of force.
- (8) Civil rights violation.
- (9) Illegal search and seizure.
- (10) Failure to provide medical attention.
- (11) Harassment.
- (12) Use of racial or ethnic slurs/discriminatory language.
- (13) Crime committed by police.
- (14) Abuse of authority.
- (15) Retaliation for filing a complaint.

The civilian police review board shall have the right to request on its own motion an investigation of a public incident when the public interest may be served by so doing. However, the civilian police review

board may not initiate complaints as to police conduct or claimed misconduct and may not issue recommendations for discipline on its own motion.

The Office of Human Relations will provide training and information to community-based agencies regarding the citizen complaint process.

Within fifteen (15) days of the conclusion of any discipline or disciplinary proceeding by the police department with respect to a sustained citizen complaint, the Office of Human Relations shall be notified and shall promptly notify the civilian police review board and any community-based agencies involved.

A notice and summary report of all citizen complaints investigated by the Hartford Police Department's Internal Affairs Division shall be forwarded to the Office of Human Relations for transmittal to the civilian police review board.

Citizen complaints of a less serious nature, as determined by the Director of the Office of Human Relations, or her/his designee, including complaints such as slow or poor service, or for discourteous attitude, shall be offered for voluntary mediation to all parties. Said mediation will be conducted at the Office of Human Relations. If mediation is not agreed to or is not successful in resolving the complaint, it shall be investigated.

(d) *Operations.*

- (1) The mayor shall designate the chairperson of the civilian police review board, who shall serve a one-year term which may be extended by designation of the mayor annually for no more than three (3) terms of one (1) year each. Annually, the civilian police review board shall elect a vice chairperson and a secretary. Said elections shall be by a quorum of the members at the meeting of the civilian police review board falling closest to the anniversary date of the previous election. The chairperson shall act as spokesperson for and as liaison between the civilian police review board and the mayor and the city. In the absence of the chairperson, the vice chairperson shall serve or act until a succeeding chairperson is appointed.
- (2) The city shall provide for the requisite staff assistance, supplies, equipment and facilities to the Office of Human Relations in order to facilitate the administration of the civilian police review board business. The Office of Human Relations may seek additional funding or resources through grant writing or otherwise on behalf of the civilian police review board. The Office of Human Relations will develop policies and procedures for the filing and processing of citizen complaints, for the operations of the civilian police review board and for training members of the civilian police review board and the community-based agencies.
- (3) The meetings of the civilian police review board shall be open to the public, except that the civilian police review board may hold executive sessions in accordance with state law. Meetings of the civilian police review board shall be held in accordance with the provisions of the Connecticut Freedom of Information Act.
- (4) The meetings of the civilian police review board shall be held at sites away from the police stations.
- (5) The civilian police review board shall meet monthly. A quorum of five (5) members is required to convene a regularly scheduled or specially called meeting and conduct business.
- (6) When sufficient cause exists, the civilian police review board may convene special meetings, in accordance with its policies and procedures.
- (7) The reports of the independent investigators associated with the civilian police review board shall normally be completed within forty-five (45) days from the date the investigation is initiated. If extenuating circumstances prevent the independent investigation from being completed within forty-five (45) days, a request for additional time shall be submitted to the Director of Human Relations, who may grant additional time for the completion and submission of the independent investigation.
8. At each meeting, the civilian police review board shall review pending citizen complaint cases; decide completed citizen complaint cases; and receive updates on its recommendations.

- (9) In the course of its proceedings with respect to citizen complaints, in an appropriate circumstances, the civilian police review board may take sworn testimony from witnesses concerning the alleged conduct which is the subject of the complaint. Any officer or member of the police department against whom a citizen complaint is filed may be required to attend and participate, except where the report and any recommendation of the independent investigator concurs with the recommendation of the Hartford Police Department/Internal Affairs that the citizen complaint is not sustained, provided that no such officer or member of the police department shall be compelled to testify or submit evidence.
- (10) The police chief will ensure that a non-voting designee of her/his choice shall be present at every meeting of the civilian police review board. In the event that the standing non-voting designee and alternate is unavailable, the police chief shall notify the Office of Human Relations and assign a substitute participant of the Hartford Police Department.
- (11) Following the review of a citizen complaint, the civilian police review board will determine whether or not the citizen complaint is upheld. The civilian police review board will promptly report its findings and determinations to the police chief. A copy of its determinations shall also be sent to the citizen complainant and to the community-based agencies, if applicable.

The police chief shall seriously consider the findings and recommendations of the civilian police review board. Should the police chief elect not to accept either the findings or the recommendation of the civilian police review board, she/he shall promptly notify in writing the civilian police review board of her/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 police review board, she/he shall promptly notify in writing the civilian police review board through the Office of Human Relations of the same. The police chief shall cause notice of the decision to be given to the citizen complainant and to the community-based agencies, if applicable.

- (12) The civilian police review board will seek to complete its review of every civilian complaint within ninety (90) days of receipt thereof. In the event that circumstances prevent the completion of a review of a civilian complaint within ninety (90) days, the Office of Human Relations, on behalf of the civilian police review board, will submit written cause for the delay and reason(s) for the same to the office of the mayor.
- (13) The Office of Human Relations shall monitor the activities of the civilian police review board and make recommendations to improve its operations.

The civilian police review board may also make recommendations to the office of the mayor for revision of specific police department policies and procedures related to civilian complaint process.

- (e) *Accountability.* The civilian police review board shall prepare an annual report to the office of the mayor and the court of common council indicating:
 - (1) The type and number of complaints filed,
 - (2) The number of police officer(s) complained against and the number of police officer(s) and members of the police department against whom multiple complaints were received, and the disposition of the complaints, and
 - (3) The dollar value, if any, of settlements ordered and/or paid arising out of the citizen complaints, provided such disclosure does not violate a confidentiality agreement

The chief of police shall prepare an annual report to the office of the mayor and the court of common council indicating disciplinary actions taken and assistance offered to police officer(s) and members of the Hartford Police Department against whom multiple civilian complaints were received.

(Ord. No. 29-92, 6-22-92; Ord. No. 8-00, 3-27-00; Ord. No. 51-03, 12-8-03; Ord. No. 05-06, 4-10-06; Ord. No. 20-06, 6-12-06)