

SUBSTITUTE

Introduced by:

Mayor Bronin

HEADING AND PURPOSE

AN ORDINANCE AMENDING ARTICLE V, DIVISION 5, SECTION 2-196 OF
THE HARTFORD MUNICIPAL CODE

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

July 13October 13,
2020

Be It Ordained by the Court of Common Council of the City of Hartford:

That Article V, Division 5, Section 2-196, of the Municipal Code of the City of Hartford be amended as follows:

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] the inspector general, of police misconduct, [to review reports and conclusions of] concurrent to the Hartford Police Department's Internal Affairs Division review of a complaint, and to reach an independent judgment and [to determine that they are complete, accurate and factually supported,] to make [recommendations] findings and transmit them to the police chief and to the mayor in connection therewith. Said review board shall be in the Office of Equity and Opportunity for administrative purposes only.
- (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. In nominating members of the CPRB, the mayor shall give substantial weight to nominees recommended (a) by a majority of members of the Court of Common Council or (b) through any community recommendation process jointly established by the Mayor and the Court of Common Council by Resolution passed by Council and approved by the Mayor. For any vacancy, no fewer than five recommended nominees will be provided to the mayor by the council or through the community recommendation process. If the mayor has been provided with five recommended nominees and does not select a nominee from that list, the mayor shall provide a public justification for such decision.

[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] inspector general in making recommendations. In addition to other information and testimony of witnesses, the [independent investigator] inspector general 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] a current, former, or retired officer of the Hartford Police Department or any other law enforcement agency 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. In making appointments to the board, the Mayor shall solicit and consider recommendations from organizations representing various communities of interest, including but not limited to, organizations in the City advocating for criminal and social justice reform, neighborhood organizations, business and labor organizations, and organizations advocating for diversity and equality within the City.

In transmitting the name of a nominee to the City Council, the Mayor shall provide the qualifications of the nominee as well as a list of the organizations from which the Mayor sought input and recommendations.

The police chief shall designate one (1) non-voting member and one (1) non-voting alternate from the Hartford Police Department who shall be available to [advise] attend meetings of the civilian police review board, as requested by the board. The Hartford Police Department shall timely provide information as to police policies, training and procedures upon request by the Board, except as otherwise required by law or to the extent that disclosure could compromise public safety. 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 or by a two-thirds vote of the city council. 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 and staff of the civilian police review board shall undergo training in the policies, procedures and directives of the Police Department relevant to their duties, including training relating to racial profiling. The police department and the [Office of Human Relations] inspector general 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] the inspector general [all]

citizen complaints against City of Hartford police officers filed with the Police Department or with the [Office of Human Relations] civilian police review board, concurrent to any investigation conducted by Police/Internal Affairs. Complaints may be filed directly with the [Office of Human Relations] the civilian police review board or with the police department or with community-based agencies, registered by the [Office of [Human Relations] civilian police review board and the police department. Each citizen complaint received by the [Office of Human Relations] civilian police review board, whether directly or from a community agency, shall be forwarded to the police department within three (3) business days. Complaints received by the Police Department shall be forwarded to the civilian police review board 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.]
- (1) Improper handling of citizen's property.
- (2) False arrest; improper detention.
- (3) Violation of the code of conduct.
- (4) Excessive use of force.
- (5) Civil rights violation.
- (6) Illegal search and seizure.
- (7) Failure to provide medical attention.
- (8) Harassment.
- (9) Use-Racial profiling and/or use of racial or ethnic slurs/discriminatory language.
- (10) Crime committed by police.
- (11) Abuse of authority.
- (12) Retaliation for filing a complaint.

Allegations in a complaint of slow or poor service, discourteous attitude or use of profane language shall be investigated by Police/Internal Affairs and reported to the civilian police review board on a quarterly basis. In cases in which an officer has had repeatedly been the subject of complaints for slow or poor service, discourteous attitude or use of profane language, based upon a vote of the civilian police review board, a full inspector general investigation may be required.

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] civilian police review board, through the inspector general, 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 be a City resident and 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] Equity and Opportunity 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] civilian police review board 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. All meeting minutes shall be posted to the City's website and also made available to the public at the Office of the Town and City Clerk.
- (6) When sufficient cause exists, the civilian police review board may convene special meetings, in accordance with its policies and procedures and in accordance with the Freedom of Information Act.
- (7) The reports of the [independent investigators] inspector general 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] inspector general from being completed within forty-five (45) days, a request for additional time shall be submitted to the [Director of Human Relations] chair of the civilian police review board, 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. All meeting minutes shall be posted to the City's website and also made available to the public at the Office of the Town and City Clerk.
- (9) In the course of its [proceedings with respect to] investigation into citizen complaints, in [an] appropriate circumstances, the [civilian police review board] inspector general 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.

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.]

(10) Following the review of a citizen complaint and subsequent investigation by the inspector general, the civilian police review board will determine whether or not the citizen complaint is [upheld] sustained. 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 relevant community-based agency, if applicable.

[(11) 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 of the same. The police chief shall cause notice of the decision to be given to the citizen complainant and to the relevant community-based agency, if applicable.

(12) 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.]

(11) The chief of police shall promptly review the findings and determinations of the civilian police review board and consider the recommendations of internal affairs. ~~A~~ Upon request by the chair of the civilian police review board, any proposed action by the Chief that adopts findings and determinations that ~~differs substantially~~ differs from the findings and determinations of the civilian police review board shall be the subject of review by an independent arbitrator, selected by the chief of police and the chair of the civilian police review board from a list of qualified individuals approved by the selection panel established herein ~~the three member panel established herein~~.

(12) (i) ~~There is hereby established a three member panel, which shall include the chief of police, the chair of the civilian police review board or a member designee, and an independent member selected by the chief of police and the chair of the civilian police review board from a list of qualified individuals approved by the selection panel established herein. The three member panel shall be empaneled to review any citizen complaint in which the findings and determinations of the civilian police review board and those of the chief of police differ. T~~ Upon request for review by an independent arbitrator, the ~~inspector general~~ chair of the civilian police review board, or designee, and the ~~commander of internal affairs~~ chief of police, or designee, shall present to the independent arbitrator their respective findings and recommendations. ~~Such panel~~ The independent arbitrator, after reviewing all the facts, reports, findings and presentations, and findings shall render a decision ~~by a majority vote, that either upholds the findings and proposed actions of the chief of police or upholds the findings and proposed actions of the civilian police review board. The decision of the panel arbitrator shall be reduced to writing and shall become a public document. The decision by the three member panel arbitrator shall be final, and the Chief of Police shall proceed in conformance therewith.~~

(ii) The independent panel member arbitrator ~~may~~ must be a retired state or federal judge, including a state judge-referee, or a retired judge of probate. Such independent member arbitrator may be entitled to a daily stipend for participating in a review.

[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.]

(13) There is hereby established a selection committee consisting of the Council President or their designee, the chief of police, the chair of the civilian police review board, the president of the Hartford Police Union, and the inspector general, which shall generate a list of

candidates qualified to serve as independent arbitors ~~members of the three member panel~~ established herein. To be eligible for inclusion on the list of qualified candidates, an individual must be a retired state or federal judge or state referee, or a retired judge of probate.

- (14) 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] inspector general, 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.

- (15) [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 and city council 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 and identity of police officer(s) complained against and the number and identity 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 identity of police officers with either (a) more than two complaints in any twelve-month span or (b) more than five total complaints during the previous ten years.

- (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. This annual report shall be posted to the City's website and also made available to the public at the Office of the Town and City Clerk.

- (f) (new) *Inspector General.* There is hereby established the position of inspector general. The inspector general shall be a member of the classified service and following a competitive selection process shall be appointed by a panel consisting of the chair of the civilian police review board, the mayor, and the president of the city council. The inspector general shall have the requisite skills and knowledge of general police policies and practices and the state of the law related to civil rights, and other claims made against police officers, and more generally have experience and expertise in fields relevant to the charge of the civilian police review board and . The inspector general may have a law enforcement background but may not be a member of a police department at the time of nomination to the position or have ever been a member of thin the selection of the Inspector General there shall be a preference for candidates with formal legal training. e Hartford Police Department. The inspector general may have such staff as may be provided for in the annual budget as adopted by the City Council. Such staff shall be members of the classified service and, subject to the rules of the classified service, shall be appointed and may be removed by the inspector general. Such staff may have a law enforcement background but may not be a member of a police department at the time of the nomination to the position or may not have ever been a member of the Hartford Police Department.

- (1) The inspector general reports to the civilian police review board.

- (2) The inspector general shall conduct a concurrent investigation, along with the Police Department/Internal Affairs investigation, into each citizen complaint referred by the civilian police review board.

(3) The chair of the civilian police review board shall refer complaints to the inspector general forthwith for investigation.

(4) The inspector general 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.

(5) Upon authorization under state law, the inspector general shall have subpoena power as part of an investigation of a complaint.

(6) The inspector general shall complete its investigation and provide its findings and recommendations within a forty-five day (45) period, unless that time is extended pursuant to the provisions of this section.

This ordinance shall take effect upon adoption.

(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)