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NEW HAVEN CIVILIAN REVIEW BOARD BYLAWS

Adopted by the CRB - December 2008

SECTION 1. PURPOSE.

The purpose of these bylaws is to facilitate the operation of the New Haven Civilian Review Board, as authorized by Executive Order No. 01-01, March 21, 2001. Complaints subject to review are those which allege improper or illegal conduct of police officers arising out of the performance of their duties or the exercise of police officer authority.

In order that this purpose can be achieved, the New Haven Civilian Review Board, hereafter referred to as the Board or CRB, shall review and report on citizen complaints in accordance with these bylaws. These bylaws are to provide for the fair, impartial, independent and prompt resolution of citizen complaints in a manner which a) protects both the public and the New Haven Police Department, which are involved in such complaints, and b) enhances the relationship and mutual respect between the Department and the public it serves.

The Board shall publicize the review process in a manner that encourages and gives the public confidence that they can come forward when they have a legitimate complaint regarding the conduct of police officers. The Board shall also make every effort to ensure public awareness of the seriousness of the process, and that fabricated complaints will neither be tolerated nor reviewed. The statutory and constitutional rights of all parties shall be safeguarded during the review process.

SECTION 2. DEFINITIONS.

Wherever used in these bylaws, unless plainly evident from the context that a different meaning is intended, the following terms mean:

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| 2.1 | “Subject Officer” | The police officer employed by the New Haven Department of Police Services against whom has been filed a citizen complaint alleging improper or illegal conduct as set forth in sections 6.1 and 6.2. |
| 2.2 | “Complainant” | Any person who alleges in a complaint to have suffered injury, harm, humiliation, indignity, or any other damage as a result of actions by a police officer in the performance of his or her official duties or the exercise of police officer authority. |
| 2.3 | “Complaint” | A complaint received from any person without regard to age, citizenship, residence, criminal record, incarceration, or any other characteristic of the complaint alleging an improper act or misconduct, as further defined in sections 6.1 and 6.2 below, of a New Haven police officer in the performance of his or her official duties. |
| 2.4 | “Chair” | The Chairperson of the Civilian Board, or the Vice-Chairperson if the Chairperson is not able to preside. |
| 2.5 | “City” | The City of New Haven, Connecticut |
| 2.6 | “Executive Order” | Executive Order No. 01-01, dated March 21, 2001 and issued by Mayor John DeStefano, Jr. |
| 2.7 | “Member” | A member of the Civilian Review Board nominated and elected or appointed in accordance with the provisions of the Executive Order. |
| 2.8 | “Board” | The Civilian Review Board |
| 2.9 | “Mayor” | Mayor of the City of New Haven |
| 2.10 | “Chief” | The Chief of the Department of Police Services of the City of New Haven |

- 2.11 “Manager of Civilian Review Board Services” The Coordinator appointed by the City to coordinate the activities and daily operations of the Board, including the conduct of complaint reviews. Referred to as “Coordinator” throughout these Bylaws.

SECTION 3. ORGANIZATION.

- 3.1 Address. The official address of the Board is:

Civilian Review Board
New Haven City Hall
165 Church Street, Floor 3R
New Haven, CT 06510

- 3.2 Composition of the Board. The Board shall be comprised as follows:

- a) two (2) members appointed by the Mayor;
- b) one (1) member appointed by the President of the Board of Alderman;
- c) one (1) member appointed by the Chair of the Board of Police Commissioners;
- d) One member from each Community Management Team for each Police District or portion thereof within the City, elected by each Community Management Team in accordance with rules approved by the Board of Police Commissioners.

- 3.3 Term of Membership. Initial appointees shall draw lots and shall serve an initial term of two years or three years. One-third of the total number of initial members shall serve a three-year term; two-thirds shall serve a two-year term. The Members appointed to succeed the initial two-year term Members shall draw lots, and one-half of those Members shall serve a two-year term, and one-half shall serve a three-year term. Thereafter, each Member shall serve a three-year term, so that no more than approximately one-third of the Members' terms shall expire in any one year.

- 3.4 Vacancies on the Civilian Board. When a vacancy occurs, the Chair shall notify the Mayor and, where appropriate, the authority that appointed the vacating member of the vacancy. Persons appointed to such vacancies shall serve the balance of the unexpired term, and shall be appointed by the same authority as the vacating member who previously filled the position. A member of the Board shall be deemed to have vacated membership on the Board before the expiration of their term upon the happening of any of the following events:

- (a) Death;
- (b) Resignation;
- (c) Ceasing to be a resident of the City of New Haven;
- (d) Absence from three consecutive regular meetings of the Board;
 - 1. Absence from two (2) meetings will result in the Coordinator and/or Chair notifying the appointing body of the absences.
 - 2. Absence from three (3) consecutive regular meetings of the Board shall cause the seat to become vacant.
- (e) Failure to attend and complete a training program within the time period set forth in paragraph 3.8 hereafter.

3.5 Compensation. Members shall serve without compensation.

3.6 Officers of the Board. The members of the Board shall elect an Executive Committee (“Officers of the Board”), comprised of a Chair, Vice-Chair and Secretary, biennially from its membership. Each Officer shall be elected to serve a two- year term. An Officer who has served two consecutive terms may not stand for re-election until a full two- year term has passed. This limitation may be waived by a 2/3 majority vote of the entire board.

In election years, nominations shall be made at the November meeting of the full Board. Election, by secret ballot, shall take place at the December meeting of the full Board. Officers shall commence their terms on January 1 of the following year.

In the event of a vacancy of any office at any time during the term, a Special Election shall be held. Nominations to fill the vacated office shall be made at the next regular monthly meeting of the Board following the vacancy. Voting, by secret ballot, shall take place at the second regular monthly meeting of the Board following the vacancy. The newly elected Officer(s) shall take office immediately. If the time remaining between commencement of this interim term and the next regular election of Officers is greater than twelve months, the interim term shall be considered a full term with respect to the term limitation described in the first paragraph of this section (3.6). Prior to the election, the Chair may appoint an officer on an interim basis.

3.7 Duties of Officers.

A. Chair: The Chair shall preside over all meetings of the Board and shall have the right to vote on all matters put before the Board for a vote. The Chair shall ensure that the laws of the City and Connecticut State Law pertaining to the conduct of Board meetings and other activities of the Board are followed, and that all recommendations of the Board are properly conveyed. The Chair, or his or her authorized designee, shall act as the spokesperson in all matters pertaining to the Board. The Chair shall sign all documents on behalf of the Board after the same have been approved by the Board and shall perform such other duties and delegated responsibilities as may be imposed upon him or her by the Board. The Chair shall appoint all subcommittees, and, ex-officio, be a member of all subcommittees.

B. Vice-Chair: In the absence of the Chair, the Vice-Chair shall perform all the duties of the Chair with the same force and effect as if performed by the Chair.

C. Secretary: The Secretary shall record the attendance of each Board meeting. The Secretary shall also record the minutes of each meeting and pass them to the Coordinator in a timely manner for distribution. The Secretary shall ensure that the Coordinator receives all reports, books, papers, and records of the Board. In the absence of both the Chair and Vice Chair, the Secretary shall perform all the duties of the Chair with the same force and effect as if performed by the Chair.

3.8 Orientation and Training. The Chief Administrative Officer is responsible for the establishment of an orientation and training program for the Members as specified in section 12 of the Mayor's Executive Order No. 01-01, March 21, 2001. Each Member shall attend and complete the training program. Failure to attend and complete the program at the earliest available date shall result in the Member's removal from the Board and automatically create a vacancy. The orientation and training program will include familiarization with the following:

(a) City Government structure and the Board;

(b) The conduct of Public Meetings and the Connecticut Freedom of Information Act.

(c) State Law and Department policies relating to confidentiality;

- (d) Operations of the New Haven Department of Police Services;
 - (e) Operations of the Police Services Internal Affairs Unit (“IA”) and progressive discipline policies applicable to police officers;
 - (f) Police Departments’ training programs and recruitment;
 - (g) Community perspective on Law Enforcement and the Board;
 - (h) Constitutional and civil rights law relating to police misconduct and citizen’s rights;
 - (i) Attendance at three (3) Board meetings as a non-voting member;
 - (j) Attendance at the Citizen’s Police Academy.
- 3.9 New Members. New members shall attend executive sessions of the Board and shall be eligible to participate in review panels and vote in executive sessions after having attended three Board meetings and having complied with the orientation and training program.
- 3.10 Board Staff. The City shall appoint personnel necessary to support the Board as may be authorized by the City. A Coordinator shall be appointed by the City and shall be responsible for coordinating and managing the daily activities and operations of the Board, including the scheduling of review panels, preparing necessary standardized forms for the conduct of the review of citizen complaints and completed IA investigations, recording the minutes of all Board meetings, and serving as a liaison between various City officials, State agencies, the public and Police unions.

SECTION 4. MEETINGS.

- 4.1 Transaction of Business. The Board shall meet monthly at such public locations throughout the City, at such times as may be established by the Board to encourage public attendance. The Board shall give public notice of the time and place of the meetings.
- 4.2 The meetings and business of the Board will be conducted in accordance with the following:
- (a) The agenda for each meeting will normally be provided to all members in time to be received at least one week prior to the regularly scheduled meeting.
 - (b) The agenda for each meeting will be posted, distributed, and otherwise made public in accordance with the requirements of State and City laws applicable to boards and commissions.
 - (c) All meetings of the Board shall be open to the public and subject to the Connecticut Freedom of Information Act and provisions of the Local 530/City of New Haven Collective Bargaining Agreement.
 - (d) Six (6) members currently appointed or elected to the Board shall constitute a quorum.
 - (e) A quorum and the affirmative vote of the majority of the Members present shall be required to carry a motion or proposal.

- (f) In all procedures not provided for by these Bylaws, or Executive Order No. 01-01, the Board shall be governed by Robert's Rules of Order, Newly Revised.
- (g) The Board shall keep written minutes of all meetings and a copy shall be filed with the City Secretary.
- (h) Subcommittees may be established by the Board as appropriate, however, no more than seven (7) members of the Board (including the Chair as an ex-officio member) shall serve on any one subcommittee
- (i) The Board Chair shall designate the Members and the Chair of each subcommittee.
- (j) Normally, the order of business for the Board meetings shall be as follows:
 1. Roll Call.
 2. Approval of Minutes.
 3. Special order of business; announcements; communications.
 4. Public comment.
 5. Coordinator's report.
 6. General policy items.
 7. Subcommittee reports.
 8. Unfinished business.
 9. New business.
 10. Discussion and consideration of complaints and reports.
 11. Recess to closed session, if appropriate.
 12. Adjourn.

4.3 Special Meetings of the Board. Special meetings may be held at the call of the Chair, or the Vice-Chair in the absence of the Chair. Upon petition of six (6) members of the Board, the Chair shall call a meeting of the Board within one (1) week. Board members will be given at least twenty-four-(24) hours notice prior to any special meeting. The notice for any special meeting will be posted in accordance with State of Connecticut laws. No business other than that specified in the special meeting agenda shall be considered.

SECTION 5. REVIEW PANELS.

- 5.1 Review Panels. A Review Panel appointed by the Chair, shall review all civilian complaints and completed investigations of complaints and report its findings to the full Board.
- 5.2 Composition of Review Panels. Review Panels of the Board shall normally consist of at least four (4) members of the Board. In cases involving the death of a person, and in such other cases as the Board shall decide, the Board will sit as a Board of the Whole with a majority of the Members present.
- 5.3 Selection of Review Panels. Selection of Review Panels under this section shall be made by rotation among the Members, as appointed by the Chair using any basis (including lottery) that balances the workload among Members. A Member may request that he or she be temporarily excused to equalize caseload, avoid conflicts of interest, or for other good causes. In the event a Member is so excused, the Chair shall assign another Member.
- 5.4 Challenges to Members on Panels.
 - (a) Challenge for Conflict of Interest or Bias. A Member sitting on a Review Panel shall review and consider all Complaints and investigations in a fair and impartial manner. A Member who could reasonably be thought to have a personal interest in the outcome of a Complaint, or

the appearance thereof, shall not sit on the Review Panel reviewing that Complaint or its investigation. Personal interest in the outcome of a Complaint does not include holding or manifesting any political or social attitude or belief, where such belief or attitude does not preclude objective consideration of a Complaint on its merits. Examples of personal bias include, but are not limited to:

1. Familial relationship or close friendship with parties material to the inquiry;
 2. Witnessing events material to the inquiry from a non-neutral perspective;
 3. Being a party to the inquiry;
 4. Having a financial interest in the outcome of the inquiry;
 5. Holding a bias against a particular party that is sufficient to impair the Board member's impartiality.
- (b) Procedure for Challenges. Challenges for conflict of interest or bias must substantiate the challenge in terms of the standard set forth in Section 5.4 (a) above. When a challenge for cause is filed, the Chair shall contact the challenged Board Member as soon as possible, and if the Member agrees that the challenge is for good cause, or otherwise agrees, the Chair shall assign another Member to serve. If the challenged Member does not agree that the challenge is for good cause, the Chair shall poll the other members of the Review Panel, and if both agree that the challenge is for good cause the Chair shall so notify the challenged Member that he or she is disqualified from serving on the Review Panel. Thereafter, the Chair shall appoint another member to serve on said Review Panel. If a challenge to a Member is rejected and the Member serves, the written challenge and the Member's written response shall be incorporated in the investigative record as part of the record of the Complaint.
- (c) Replacement of Challenged Board Member. Any Member removed, or who removes him/herself, from a Review Panel due to a challenge for cause shall be replaced by the Chair with another Member.

5.5 Public Comments. Board members shall avoid public comment on pending complaints, reviews, and hearings. Inquiries and requests for such comments shall be referred to the Chair.

SECTION 6. GENERAL PROCEDURES REGARDING COMPLAINTS.

6.1 Policy. The following shall provide a framework for the receipt, screening, processing, and disposition of citizen complaints regarding alleged illegal or improper conduct by employees of the New Haven Police Department:

- (a) It is the policy of the Board to encourage citizens who have complaints concerning the conduct of police officers employed by the City of New Haven to file complaints with the Police Department. The Board will attempt to assist and accommodate complainants regarding the complaint filing process.
- (b) The review of complaints shall be conducted in a fair, impartial, objective and ethical manner.
- (c) Complaints will be considered, reviewed, and disposed of in accordance with the procedures set forth herein.
- (d) As promptly as possible, citizen complaints received by the Police Department shall be transmitted to the Board.

- (e) The Board will make every effort to consider and to respond to citizens' complaints against police officers, and, where review is necessary, will conduct an impartial and fair review into any such complaints in accordance with the procedures set forth herein.
 - (f) The right of any complainant to bring a complaint shall be absolute and unconditional. The reluctance or refusal of the complainant to prepare a complaint form shall not impair his or her right to lodge a complaint. No complaint shall be reviewed, however, until a complaint signed by or on behalf of the person aggrieved has been received by the Police Department and transmitted to the Board.
 - (g) The review of a complaint by the Board will be conducted in a manner designed to avoid unnecessary inconvenience or embarrassment to the complainant, the aggrieved person, the witnesses, the subject officer, and any agency or instrumentality of the City.
 - (h) To the extent possible consistent with its duties and responsibilities, the Board shall coordinate its activities with the Police Department and its Internal Affairs ("IA") unit so that the Department and the Board can fully and properly perform their respective duties.
- 6.2 Lodging and Filing of Complaints. All Complaints shall be received through the New Haven Police Department, in accordance with the Department's procedures. All requests for review of an IA investigation by the Board shall be filed with the Board, through its staff.
- 6.3 Time for Filing of Complaints. Complaints shall be considered by the Board if filed no later than one (1) year after the date of the incident giving rise to the complaint.
- 6.4 Who May File Complaint. Any person may file a Complaint or request review of an IA investigation, without regard to the person's age, citizenship, residence, criminal record, incarceration, or any other characteristic.
- 6.5 Termination, Resignation or Retirement of Subject Officer. The Board shall have the discretion to continue or terminate a review, if, after a complaint is filed and before the Board completes its review, the subject officer terminates employment with the New Haven Police Department. The Chief shall notify the Board when the subject officer's employment is terminated.

SECTION 7. COOPERATION AND COORDINATION.

In the discharge of its duties, the Board shall receive complete and prompt cooperation from all officers and employees of the City. The Board and other public officers, including the Police Chief, shall coordinate their activities so that the other public officers and the Board can fully and properly perform their respective duties. Such cooperation shall include appearing at and answering questions during meetings, assisting with access to physical evidence, documents and records, and cooperation with any other relevant review procedures.

SECTION 8. CONFIDENTIALITY OF RECORDS.

- 8.1 Any personnel records, information obtained from these records, citizen complaints against New Haven personnel in the Police Department, and reports from the IA unit which are in the possession of the Board or its staff, shall be confidential and shall not be disclosed to any member of the public, except in accordance with applicable State and City laws and procedures.
- 8.2 File Accessibility. Every Member shall have full access to all complaints and any reports, statements, files, records, documents, tapes, and other materials maintained by the Board or its staff.

- 8.3 The Board shall not disclose to the general public any reports, statements, files, records, documents, tapes or other items whose confidentiality is protected by law. This confidentiality may be waived only in accordance with applicable law, statute, ordinance, or legal proceedings. Moreover, evidence contained in a Board's review file may only be disclosed to the Complainant and the Subject Officer to the extent and in the manner authorized by law and by these Bylaws.

SECTION 9. REVIEWS.

A. REVIEWS OF CIVILIAN COMPLAINTS

1. The Board shall have no authority with respect to alleged improper activities and misconduct, to take action in regard to incidents for which no Complaint has been filed. The Board shall have jurisdiction in respect to all Complaints arising out of incidents occurring on or after March 21, 2001; provided, however, that the Board shall not have jurisdiction to take any action in respect to Complaints made more than one year after the date of the incident giving rise to the complaint.
2. The Board shall review all civilian Complaints filed with the Department of Police Services. The Complaints shall be reviewed with the cooperation of the Police Department pursuant to Executive Order No. 01-01.
3. The Coordinator shall periodically advise the Board as to the progress and status of each Complaint that has been sent to the Chief for final review.

B. REVIEW OF COMPLETED INTERNAL AFFAIRS INVESTIGATIONS

1. The Board shall review all civilian complaint investigations completed by the Police Department's IA unit.
2. Upon completion of its review, the Board will report its findings and recommendations to the Chief. The Board may:
 - a. recommend further investigation;
 - b. inform the Chief that the Board believes that the IA's determination was biased or incomplete;
 - c. state that the investigation appears to have been complete and unbiased;
 - d. recommend such other actions the Board deems appropriate.
3. Upon completion of its review, the Board shall notify the Chief in writing of any findings and recommendation as to disciplinary action, if any, recognizing that such recommendations are not binding. Each such recommendation shall contain the following statement: "This shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court or judge of Connecticut or the United States."

C. REVIEWS OF INVESTIGATIONS REQUESTED BY COMPLAINANTS

1. A Complainant may request the Civilian Review Board to review a completed IA investigation. Such a request must be submitted in writing within ninety (90) days of the completion of that investigation. The Coordinator shall prepare forms for Complainants' use in making such requests, but the use of a particular form is not required as long as the request includes the name, address and telephone number of the Complainant, and the reason for the Complainant's dissatisfaction with the IA investigation.

2. Notwithstanding such a request, the Board may, in its discretion, determine whether or not to grant such a request for review. If the Board decides to deny a request for review, it shall notify the Complainant making the request of that decision. Reasons for such determination may include, but are not limited to:
 - a. The Board does not have jurisdiction over the subject matter of the Complaint.
 - b. The Board does not have jurisdiction because the Complaint was not timely filed.
 - c. The Complaint is so clearly without merit that no reasonable person could sustain a finding based on the facts.
3. If the Board determines to review an IA investigation, then upon completion of that review, the Board shall report its determination in writing to the Chief, including the statement that the Board:
 - a. affirms the IA's finding; or
 - b. has referred the matter back to IA recommending further investigation; or
 - c. has determined that IA's determination was incomplete or biased, for the Chief's further action.
4. Recommendations for Further Investigation. The Board may recommend further investigation of some or all of the allegations of a Complaint if it Board determines that such a further investigation may facilitate the fact-finding process. Further review may be deemed to facilitate the fact-finding process when the Board determines:
 - a. There has been an undue lapse of time since the occurrence of the incident which is the subject of the complaint; or
 - b. There are additional witnesses, evidence, or information that contradicts, supplements, or has not been disclosed by, the Internal Affairs unit; or
 - c. There is reason to question the conclusion of the Internal Affairs unit; or
 - d. Other stated reasons justifying further investigation.
5. Scope of Further Investigation. The scope of any recommendation for further investigation may vary. It may consist of a single, narrowly drawn issue; multiple issues; or an entire Complaint or investigation. To the extent feasible, the Board shall set forth as clearly as possible the scope of any additional investigation the Board may recommend in its written findings and recommendation to the Chief.

D. ADDITIONAL REVIEWS

In addition to the reviews described in the previous sections, the Board may, in its discretion, by itself or through staff:

1. Conduct random or targeted reviews of civilian complaint investigations by IA to determine whether the investigations were thorough and unbiased.
2. Review any incident resulting in the death of any individual arising out of or in connection with actions of one or more City police officers in the performance of his or her official duties, regardless of whether a citizen complaint regarding such death has been filed with the Board or the Department. The Board shall have jurisdiction in respect to all deaths of individuals coming within the provisions of this subsection occurring on or after March 21,

2001; provided however, that the Board may not commence review of any death of an individual coming within the provisions of this subsection more than one year after the date of the death of such person.

3. In such cases:
 - a. The Board will undertake such review only when a Board member requests the action and a majority of the Board votes to initiate the review.
 - b. The review shall otherwise proceed in the same manner, pursuant to these bylaws and regulations, as in cases initiated by a Complaint or request for review of an IA investigation.
4. Conduct random or targeted reviews of IA files on Complaints that were not pursued, to determine whether to recommend changes in the processing and investigation of such Complaints.

SECTION 10. BOARD FINDINGS AND RECOMMENDATIONS.

- A. Finding and Report by Review Panel. At the conclusion of a review of a Complaint and/or IA investigation by a Review Panel, the Members shall recommend a finding to the full Board.
- B. Submission to full Board. The Members of the Review Panel will present a report of their review to all members of the Board, at the next regularly scheduled or special meeting of the Board.

Consideration by full Board. The Board, meeting in closed session, shall consider the report of the Review Panel and any other information that may be brought to its attention at the meeting. Thereafter, the Board may accept the report as presented or take or direct any action set forth in Section 9 of these bylaws.

Final Report by Board. The Board shall deliberate and, by majority vote, shall adopt and prepare a written final report with respect to the complaint or matter under consideration. This written report shall include findings as to the facts and conclusions relating to any complaint or investigation. Dissenting members may set forth reasons for their dissent in writing and any such dissent(s) shall be included in the final report.

Recommendation of Discipline. A recommendation of discipline shall include an explanation of the finding of improper conduct; recommendations relating to the imposition of discipline, including the facts relied on in making such recommendations, and recommendations relating to any trends in regard to employees involved in citizen complaints; and/or recommendations for remedial changes in policies or practices where appropriate.

Transmittal of Final Report. The final report adopted by the Board shall be immediately forwarded to the Chief and the Board of Police Commissioners.

Reconsideration of Final Report. Upon request by the Complainant, the subject officer, or their representatives, the Final Report may be re-opened for reconsideration by the Board provided that: (a) previously unknown relevant evidence is discovered which was not available to the Board before it issued its Final Report; and (b) there is a reasonable likelihood the new evidence will alter the findings and recommendations contained in the Final Report. A Final Report may also be re-opened for reconsideration by the Board at the request of the Mayor or upon initiative of the Board when such reconsideration is in the public interest. Every party to the proceeding or their representative(s) shall be notified of any request or proposal for reconsideration and shall be given the opportunity to respond to the Board before the request or proposal is acted upon.

Communications with the Public and the Press. The Members will speak as a Board, and not individually, and shall do so through the Chair or his or her authorized designee.

SECTION 11. GENERAL REPORTS.

- A. The Board shall report regularly in writing to the Mayor, the Chief, and the Board of Police Commissioners the following:
 - 1. The Board's observations, findings, and recommendations regarding the Internal Affairs unit investigations and practices. These reports will include complaint statistics and identify any concerns with the General Orders and other Department policies as they relate to police officer misconduct. Patterns of behavior, unclear procedures, policy issues and training needs may be identified for review.
 - 2. Prepare an annual report summarizing the activities and recommendations of the Board including the tracking and identification of trends in respect to all Complaints received and investigated during the reporting period.
 - 3. Review and make recommendations on policies and procedures to the Mayor, Police Chief, and President of the Board of Aldermen.
 - 4. The Board may make recommendations to the Department regarding its procedures, to facilitate the formal filing of Complaints.
- B. The reports referred to in this section shall be made public.

SECTION 12. DELEGATION OF FUNCTIONS TO COORDINATOR.

The Board may, in its discretion, from time to time delegate to the Coordinator certain of the procedural and administrative functions or duties assigned to the Board by these Bylaws. The Board shall not, however, delegate to the Coordinator any functions, duties or responsibilities that are required by Executive Order No. 01-01 to be performed by the Board.

SECTION 13. ADOPTION OF BYLAWS; AMENDMENTS TO BYLAWS.

These Bylaws are subject to adoption by the Board as required by Executive Order No. 01-01. Once approved, these Bylaws may be amended by a simple majority vote of the Board sitting in a quorum.