

EXECUTIVE ORDER
NO. 01-01
3/21/01

WHEREAS, at the time of the 1999 municipal election, the citizens of New Haven approved an aldermanic resolution calling for the establishment of Civilian Review Board (“CRB”) to review and act upon citizens complaints about actions of police officers;

WHEREAS, the Charter of the City of New Haven (hereinafter "Charter") assigns the power to discipline police officers to the Chief of Police and the Board of Police Commissioners (“BPC”) (New Haven Charter §§ 101, 102);

WHEREAS, the Charter provides that:

a. [The Mayor] " . . . shall be the Chief Executive and Administrative Officer of the City . . ." (§10a);

b. [The Mayor shall] have the duty “to conserve the peace within the city” (§12(a)) and is authorized to " . . . have and exercise all other executive powers conferred by the laws of the state" (§11h);

c. "The Chief [of Police] shall be the head of the Department of Police Service appointed by and subject to the authority of the Mayor” and is “responsible for the efficiency, discipline and good conduct of the department of police service” (§101);

d. “[The] Board of Police Commissioners . . . shall advise and consult with the chief of police concerning matters pertaining to . . . the conduct of the department, and together with the chief shall make all rules and regulations relating to the administration of the department” (§102);

WHEREAS, Mayor John DeStefano, Jr. has determined that preservation of the peace and implementation of the Civilian Review Board preferred by the Electors of the City of New Haven in the aforesaid referendum, requires that he exercise his power to implement a Civilian Review Board within the authority of the City Charter; and

WHEREAS, an informal group of City officials, members of the Board of Aldermen and community representatives have met and discussed alternative structures and powers of such a Civilian Review Board, but have not yet reached consensus;

NOW, THEREFORE, in recognition of the hard work of these individuals and in the satisfaction of his Charter responsibility and to comply with the mandate of the aforesaid referendum, Mayor John DeStefano, Jr., does hereby issue the following Executive Order:

1. The Legislative Assistant to the Mayor shall work with the Civilian Review Board (described below), the Chief of Police and the Board of Police Commissioners to secure the power to implement a Civilian Review Board in the City of New Haven with subpoena power.
2. The Board of Police Commissioners shall meet to consider the creation of a Civilian Review Board constituted and empowered substantially as set forth below to monitor and administer a

process that encourages, accepts, investigates and acts upon citizen complaints of alleged police officer misconduct.

3. The Civilian Review Board shall perform the following duties and responsibilities:
 - Review all civilian complaints filed with the Department of Police Services (DPS). (The Chief may take appropriate actions to maintain the security of Police documents, reports, or files examined by the Board.)
 - Charge, through the Chief, the Department of Police Services Internal Values and Ethics unit to investigate any civilian complaint filed with the DPS.
 - Review all investigations completed by the Internal Values and Ethics unit, and recommend to the Chief further investigation, if appropriate, prior to any disciplinary action that may be taken.
 - Charge civilian staff to conduct random or targeted reviews of investigations completed by Internal Values and Ethics to determine whether they were complete and unbiased. Complainants may appeal to the CRB for review of completed IVE investigations within 90 days following completion of the investigation. The CRB shall have discretion to determine which requests for review it will grant. The CRB will investigate the adequacy of the investigation and whether the IVE determination was supported by the findings of the investigation. The CRB may affirm IVE's finding, refer the matter back to IVE for further investigation, or inform the Chief in writing that the determination by IVE was incomplete or biased, for the Chief's further action.
 - Report regularly, in writing and with the assistance of civilian staff, observations, findings, and recommendations regarding the Internal Values and Ethics unit investigations and practices, and make these reports available to the public. 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.
 - Recommend discipline, when appropriate, to the Chief and the Board of Police Commissioners, prior to any disciplinary action being taken by the Chief or BPC. The CRB is not authorized to determine discipline. The Chief or Board of Police Commissioners, as appropriate, shall make the decision regarding discipline, but shall explain the decision in writing if it differs from the recommendation of the Civilian Review Board.
4. Meetings of the Civilian Review 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.
5. The Civilian Review Board shall be provided adequate staff to carry out its mission. This staff shall be housed away from police headquarters to maintain independence and credibility with the public.
6. To ensure diversity and broad representation of the City's population, the Civilian Review Board shall be comprised as follows:
 - Two representatives appointed by the Mayor
 - One representative appointed by the President of the Board of Aldermen
 - One representative elected by the Board of Police Commissioners
 - One representative from each Police District or portion thereof to be elected by the Community Management Team for that geographical area. These elections shall take

place pursuant to rules approved by the Board of Police Commissioners to ensure fairness and inclusion.

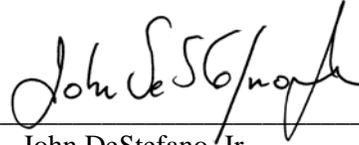
CRB members shall serve three (3) year staggered terms.

CRB members shall elect a chairperson.

7. The CRB shall meet monthly, preferably at locations throughout the City. The CRB shall adopt such rules as are necessary to perform its duties and responsibilities pursuant to this Order.
8. The Civilian Review Board, in consultation with the Board of Police Commissioners, shall appoint and supervise one or more employees (as needed and as permitted by the budget) to be charged with:
 - review of all complaints after filing and at the time reports are completed by the Internal Values and Ethics unit
 - production of regular reports to the public
 - such other duties as necessary to fulfill the mission of the CRB as outlined in this order and approved by the Board of Police Commissioners
9. The Board of Police Commissioners shall meet, consider and act upon the proposed creation within thirty (30) days of this order.
10. The Department of Police Services shall:
 - revise the General Orders as a clear guide for police conduct, and disseminate with training to all department employees, and to Civilian Review Board and the public
 - make civilian complaint forms available in locations throughout the City, including, but not limited to, City Hall, public libraries, and police substations, as well as venues not affiliated with the City, including churches, hospitals, and social service providers
 - train civilians designated by the Civilian Review Board to assist others in filing complaints
 - staff a bilingual civilian complaint hotline.
11. The Internal Values and Ethics unit shall:
 - acknowledge receipt of complaints to complainants within 72 hours
 - review complaints and complete investigations within 90 days, or explain in writing to complainants when and why additional time is needed
12. The Chief Administrative Officer, in consultation with the Chief of Police, the Chairman of the Board of Police Commissioners and the leadership of the Board of Aldermen, shall undertake to organize and train the members of the Civilian Review Board in the performance of their duties and responsibilities, with training required for CRB members as approved by the BPC and provided by the Police Training Academy.
13. The Chief Administrative Officer, the Chief of Police, the Chairman of the Board of Police Commissioners, the Chair of the Civilian Review Board and the staff Director of the Civilian Review Board shall implement the revised civilian complaint procedures not later than June 1, 2001.

14. The Chief Administrative Officer, Chief of Police, Board of Police Commissioners, and Civilian Review Board shall issue a report to the Mayor and Board of Aldermen not later than June 1, 2002 reviewing the effectiveness of the CRB and recommending any changes to it.

Dated and signed this 21st day of March 2001, at New Haven, CT.

A handwritten signature in cursive script, reading "John DeStefano, Jr.", written over a horizontal line.

John DeStefano, Jr.
Mayor, City of New Haven