

[DRAFT] ORDINANCE OF THE TOWN OF ENFIELD ESTABLISHING THE CIVILIAN REVIEW BOARD

WHEREAS, the Town of Enfield and its residents depend for their peace and security upon the services of a professional municipal police department employed by the Town of Enfield.; and
WHEREAS, with this new addition, the Town of Enfield can continue to boast of a trustworthy and efficient corps of peace officers as are to be found anywhere.; 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 Town of Enfield, 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, agreements such as civil settlements and consent decrees often limit the presentation of facts to the public, thereby depriving the public of the full factual picture.; 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
WHEREAS, police departments generally conduct internal reviews of civilian complaints in non-public proceedings.; and
WHEREAS, the Town of Enfield is empowered to act incident to the management of the government and affairs of the town by its Charter, the General Statutes, and the Constitution;
NOW, THEREFORE, BE IT ORDERED, the Town of Enfield hereby enacts a Civilian Review Board, for the sole and exclusive purpose of assuring public confidence in the use of police powers in the Town of Enfield 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, review, and conduct independent investigations of civilian complaints of police misconduct by police officers empowered to act with municipal police powers in the Town of Enfield.
- b. The Office of the Civilian Review Board may 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 Town of Enfield.
- c. The Office of the Civilian Review Board may not be eliminated by any action of any part of the executive branch of government of the Town of Enfield.

Section 2. Objectives.

The Civilian Review Board's function is to create a public, transparent, and impartial means by which to review, monitor and independently investigate any civilian complaints of police misconduct against a police officer employed by a police department empowered to act with municipal police powers in the Town of Enfield.

Section 3. Membership.

- a. The Civilian Review Board shall consist of an odd number of members, with no more than eleven (11), and with a quorum of six (6), and shall, at a minimum, consist of members selected as follows: one member from each of the Voting Districts in the Town of Enfield, and two (2) at-large members.
- b. All members of the Civilian Review Board shall be residents of the Town of Enfield.
- c. No member of the Civilian Review Board shall be a current sworn officer of any police department or law enforcement entity.
- d. No current elected official shall be a member of the Civilian Review Board.
- e. At-large members of the Civilian Review Board shall be of different political parties if they are registered voters.

Section 4. Appointment.

- a. The Town Council shall nominate all members of the Civilian Review Board, except the at-large members, by simple majority vote.
- b. One at-large member shall be nominated by the Mayor of the Town of Enfield. The other at-large member shall be nominated by agreement of the Town Council members who are of a different party than the Mayor.
- c. All nominees shall be confirmed by a majority vote of the Town Council.
- d. The Town Council shall maintain a list of town residents who have demonstrated their interest in being nominated to the Civilian Review Board by submitting a letter to the Town Council that details this interest and notes the Voting District that they reside in.
- e. Civilian Review Board nominees shall be selected from among the names of residents who have submitted a letter of interest to the Town Council.
- f. The Civilian Review Board shall be reflective of the Town of Enfield's diversity.
- g. If there is no nomination made by the Mayor within ninety (90) days of an at-large member vacancy, the Town Council members who are of a different party than the Mayor may nominate a resident to fill that vacancy. If there is no nomination made by the Town Council members who are of a different party than the Mayor within ninety (90) days of an at-large member vacancy, the Mayor may nominate a resident to fill that vacancy.

Section 5. Term.

- a. The term of office for each Civilian Review Board member shall be two (2) years, except for the term of the initial Civilian Police Review Board.
- b. The term of the initial Civilian Police Review Board shall begin tolling on January 1st, 2021.

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 monitor, review and independently investigate civilian complaints of alleged police misconduct against any police officer acting in the Town of Enfield pursuant to municipal police powers; to monitor and review the processing of Internal Affairs complaints by any police department acting within the Town of Enfield pursuant to municipal police powers in order to make sure such processing is complete, accurate and factually supported; and to make recommendations to the police chief alongside any recommendations made by Internal Affairs;
- b. To receive a copy of any civilian complaint of alleged police misconduct filed against any police officer acting in the Town of Enfield pursuant to municipal police powers within five (5) days 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, 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 Town of Enfield pursuant to municipal police powers;
- e. To require any police department acting within the Town of Enfield 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 prepare an annual written report to the office of the Mayor and the Town Council indicating (1) the number, type, and basic facts of complaints filed; (2) The number of police officers against whom complaints were filed and the number of police officers against whom multiple complaints were received; (3) the Civilian Review Board's findings and recommendations on the complaints; (4) Internal Affairs' findings and recommendations on the same complaints; and (5) the disposition of the complaints, provided such disclosure does not violate confidentiality laws and regulations; This annual report will be archived in the same manner as other Town of Enfield legislative documents;
- g. To require any police department acting within the Town of Enfield pursuant to municipal police powers to reopen 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;

h. 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 Town of Enfield pursuant to municipal police powers;

i. 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 community-based agencies and organizations, as selected by said Board, to be determined by majority vote of the Board.

Section 7. Investigations.

a. When the Civilian Review Board by simple majority vote of members present determines it in the public interest, the Civilian Review Board shall recommend to the Town Council that it authorize the Civilian Review Board to contract or hire the services of certified independent investigators who are not active, sworn police officers.

b. The independent investigator shall have access to the same files and reports as Internal Affairs, as allowed by existing statutes or requirements of law.

c. In appropriate circumstances, the Civilian Review Board may take sworn testimony from witnesses concerning the alleged misconduct which is the subject of the complaint. Any officer or member of the police department may be called to attend and participate, as allowed by existing statutes or requirements of law.

d. Following the review of a civilian complaint, the Civilian Review Board will promptly report its findings and recommendations, to the police chief, the Board of Police Commissioners, and the complainant. These recommendations may include discipline or other actions the Civilian Review Board deems appropriate. The findings and recommendations of the Board will be determined by majority vote and based in evidence reviewed by the Board.

e. The police chief shall not make a decision regarding a civilian complaint until he or she has received the findings and recommendations of both the Civilian Review Board and Internal Affairs. Should the police chief elect not to accept either the findings or the recommendations of the Civilian Review Board, he or she shall promptly notify in writing the Civilian Review Board of her or 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 Review Board, he or she shall promptly notify in writing the Civilian Review Board.

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.

Section 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. '

Section 11. Conflicting Ordinances.

All other ordinances of the Town of Enfield that conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 12. Effective date.

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