

**RTM Meeting
October 5, 2021**

The call

1. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to approve the First Selectmen salary increase to \$150,000.00 per year.
2. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Human Services, to approve an appropriation of \$75,000.00 for Architectural Services and an Environmental Evaluation for Asbestos and Lead at the Gillespie Center. These funds are eligible for reimbursement through a previously approved State Grant.
3. To take such action as the meeting may determine, upon the request of at least 20 electors, to adopt an ordinance to create a Civilian Police Review Board. (Second reading. Full text available in the Town Clerk's Office).
4. To take such action as the meeting may determine, upon the request of the RTM Code of Conduct Special Committee, to adopt the Westport Representative Town Meeting Conduct Guidelines and Expectations.
5. To take such action as the meeting may determine, upon the request of 3 RTM members, to adopt an ordinance restricting the use of gas-powered leaf blowers in Westport. (First reading. Full text available in the Town Clerk's Office).

The meeting

Deputy Moderator Jeff Wieser:

Good evening. This meeting of Westport's Representative Town Meeting is now called to order and we welcome those who are joining us the evening. My name is Jeff Wieser and I am the RTM Deputy Moderator. I am sitting in tonight for Velma Heller, our Moderator. As you know, Velma's husband of 64 years, Gar, passed away last week. Not only has Velma committed much of her time to the service of Westport, Gar also served on the RTM for 14 years and since 1983 has been a member of the Board of Assessment Appeals. I'd like to begin this evening's session with a moment of silence in honor of Garson Heller, and so we can all send very loving vibes to Velma. Those who are on the video, Velma will be joining us.

Special notice about procedures for this electronic meeting:

Pursuant to Sections 163-167 of Senate Bill 1202, there is not a physical location for this meeting. This meeting is being held electronically and live streamed on westportct.gov and shown on Optimum Government Access Channel 79 and Frontier Channel 6020. Meeting materials will be available at westportct.gov along with the meeting notice posted on the Meeting List & Calendar page.

Public comments:

Members of the Westport electorate attending the meeting by telephone or video may comment on any agenda item during the comment period for the public. Comments will be limited to three minutes. Emails may be

sent to RTMmailinglist@westportct.gov, which goes to all RTM members who can read them before, during or after the meeting. These emails will not be read aloud during the meeting.

Tonight's invocation will be delivered by Diane Lowman, Westport's Poet Laureate. Ms. Lowman is a graduate of Middlebury College and received her Master of Arts degree in Shakespeare Studies from the Shakespeare Institute at the University of Birmingham, U.K. Ms. Lowman has lived in Westport for nearly 25 years and was appointed as Westport's first Poet Laureate in July, 2019. Welcome, Ms. Lowman.

Invocation, Diane Lowman:

I am completely honored to have been asked to do this and be part of this meeting. When Jeff asked me, I gave an awful lot of thought to what I could possibly say to what you all do for us. I fell back on what my stock in trade is and my *raison d'être* is in general which is words. Words are so important and they have weight and they matter. In fact, I'm sitting here noticing that I have this compact which I find amusing OED behind me which weighs more than my children did when they were born, possibly more than they do now and they're 26 and 28. There are a lot of clichés around words: "look before you leap" might translate to think before you speak. As Mae West (is credited with having) said, "It's not what you say, it's how you say it." Language and its use impacts us in our daily life, especially in our governing. Aristotle had some interesting thoughts about how language impacts governing. He said "It is not enough to know what we ought to say; we must also say it as we ought," He gave guidelines for public address that one should: Think about the audience, not the self; that the speaker should make the audience happy, and the speaker should speak in the audience's language. I thought those were some interesting thoughts from Aristotle. Shakespeare, who is my hero as you can tell from the shrine behind me, said from King Lear, "Mind your speech a little lest you should mar your fortunes,:" (*King Lear*) and "Give every man thy ear, but few your voice." (*Hamlet*) In other words, listen more and talk less! So kind of, listen more than you talk and I think we all talk more than we listen. In the interest of that last admonition, I will close simply with a haiku which is the poetry that I wrote in honor of this meeting and Jeff I'd be happy to send it to you if you like. It reads: Seemingly weightless/Yet each one contains a world/The impact of words So thank you for letting me join the meeting and to kick it off for you.

Mr. Wieser:

Words to live by. You are of course welcome to stay and listen to tonight's proceedings, but we will not hold it against you if you have some better entertainment for the evening! We now have our zoom-era Mandell Montage Pledge of Allegiance.

Town Clerk Jeffrey Dunkerton:

Jeff, I think we're going to have to do a backup plan here. Zoom is not letting me share my screen.

The RTM members then said the pledge of allegiance.

Mr. Wieser:

I do want to point out that Velma is listening. She will be here for part of the meeting. She has been very busy. Velma, we just had a moment of silence for Gar. I don't think you were here. I'd like to do one more thing, I would like to blow her a big kiss. We love you and miss you so hurry back Velma. We might be hearing from you tonight.

The minutes of the September meeting have been posted on the Town website. Are there any corrections to minutes at this time? Seeing none, the minutes are accepted as submitted. If you later find any corrections, please inform Jackie Fuchs, Jeff Dunkerton, Velma Heller or me.

Announcements:

Birthdays Greetings to: Tatiana Plachi, who keeps everything going for us in Town Hall along with Jeff, Lauren Soloff, Christine Meiers-Schatz, and Lisa Newman.

Congratulations to all!

Jackie Fuchs, RTM Secretary: Karen Kramer!

Mr. Wieser:

Are these the right month? Nicole (Klein), you have your hand up.

Nicole Klein, district 5:

My birthday is in October but that is not why I have my hand up. I have an announcement.

Mr. Wieser: Did I miss any October birthdays?

RTM Announcements

Ms. Klein:

As we all know, the municipal elections are happening this Nov. 2 and the League of Women Voters will be hosting the debates. They will be occurring on Monday, Oct. 25 and Tuesday, Oct. 26 and you can view them from 7-9 in the evening for the various candidates running the same way you watch an RTM meeting, on channel 79, live streamed when you go to the westportct.gov website, stream from your computer. So, don't miss it.

Matthew Mandell, district 1:

A lot going on in Westport and I am working my you know what off to make sure it all occurs. We just finished the Slice of Saugatuck and had a really great afternoon in Saugatuck. We came very close to our record number from 2019 and during the pandemic, still, and other things going on, we're quite pleased with what occurred. We'll be getting our numbers together to see what donation we will be giving to the Gillespie Center from the proceeds. This coming Sunday, the Westport Dog Festival is on. If you have a dog or don't have a dog, come on out to the park, three ring circus, everything canine, police presentations and demonstrations. Come on out. Next Tuesday, the

twelfth, the Chamber of Commerce along with the Westport Library will be hosting our annual Candidate Debate. It is for the First Selectman and we're having all six candidates, both First and Second Selectman will be there. I will be the Moderator of it. It will be an engrossing debate. There will be discussions so come on out. As Nicole said, just like hers, it will be live on channel 79, you can also watch it streaming on video but we'll also be having live people in the audience in the library. A limited number of tickets will be available tomorrow at 10 a.m. Go to the chamber website is Westportwestonchamber.com/debate2021 and you can get your tickets and come. You will have to wear a mask. It should be an engrossing debate and I think all of you should come out. We also have the Halloween Window Painting Contest. We have a record number of kids so we're really pushing hard to the businesses to give up their windows to be painted. Restaurant Week is coming as well. It is a very big month for Westport and the Chamber. So, come on out.

Upcoming committee meetings:

Mr. Mandell:

The RTM Planning and Zoning Committee will be meeting later this month. We haven't set a date yet.

Mr. Wieser:

Our next regularly scheduled meeting of the RTM will be on Nov. 9th at 7:30 p.m. which is one week after the election. For your planning purposes, for our returning and newly-elected RTM members, there will be a Swearing In ceremony on Monday, Nov. 15. Details will follow, but we are hoping that will be an in-person event in the Town Hall Auditorium. It's always subject to change but mark Monday, Nov. 15.

It's also Jim Marpe's birthday this month, I am told and Nicole and Karen Kramer.

There are 34 members present. Ms. Soloff advised she would be absent due to the death of her father-in-law. We all pass on our condolences to Lauren and Wes. Ms. Rea was also absent.

Getting on with the business of the agenda

The secretary read item #1 of the call - To approve the First Selectmen salary increase to \$150,000.00 per year.

Presentation

Ralph Chetcuti, Director, Personnel Department:

Very simply, this is an adjustment to the First Selectman's salary that has only been increased once since 2003. That was a 2.5 percent cost of living adjustment that was done in November of 2019. It is very limited as to when the First Selectman's salary can be increased. It must be before an election so the Board of Finance asked me to do a study as to what the correct salary should be for this position. I also compared it to other towns and cities and then I limited it to Fairfield County. Simply, the Board of Finance has recommended that the salary be increased from the current amount of \$104,925 to \$150,000. I did do a study of what the salary would have been if the position was given

the same increases as other non-union employees of the town. If that had been done, the salary would be roughly \$162,000. I also looked at what the salary would be based on the cost of living increases from 2003 to 2021 and, in that case, the salary would be \$154,000. This position also gets a stipend of \$4,800/year for a car allowance. At one point, the stipend was \$6,000. During the recession in 2008, it was reduced to \$4,800 and it was never increased to what it was before. That's basically it. I'll be happy to answer any questions that you might have.

Committees report

Employee Compensation and Finance Committees, Lou Mall, district 2:

The meeting was held via Zoom on Tuesday, Sept. 28, 2021 at 7:30 p.m. The purpose of the meeting was to take such action as the meeting may determine, to recommend to the RTM to approve upon the recommendation of the Board of Finance, the First Selectmen salary increase to \$150,000 per year. Both committees were in great attendance with the absence of Peter Gold from Employee Compensation and Cathy Talmadge from Finance. Others in attendance were Ralph Chetcuti, who you just heard, Assistant Town Attorney Eileen Flug and Andrew Colabella. Background: Personnel Director Ralph Chetcuti presented. Board of Finance formed sub-committee of Sheri Gordon and Andrea Moore to review and recommend salary of the next First Selectman. They proposed a two-tier increase to \$125,000, then again two years later to \$150,000. Board of Finance discussion led to determination that the position was valued at \$150,000, then it should be that. They approved an increase to \$150,000 effective with the next administration. The Town charter C38-4 states, "The Board of Finance will recommend in September and the Representative Town Meeting will approve in October the salaries of the Selectmen and members of the Board of Assessment Appeals. Mid-term salary adjustments may be approved by the Representative Town Meeting without the recommendation of the Board of Finance. Outside of a cost of living increase, the Selectmen shall not have an increase during their term in office." So, this is really the time that the salary can be increased substantially. Discussion centered on the large increase and what the position should be. There was concern that this was a public service position and not a career path, while others expressed a desire to compensate fairly for the value of the position. It was concluded that we want the best person for the position (period) and he/she should be paid accordingly. Several members of the RTM Comp and Finance committees expressed concern that we have done nothing to 2nd and 3rd selectmen's stipends. It was also felt that the Board of Finance and the RTM should be more cognizant of the timeline for increases in the future. **Action:** A motion was made and seconded to recommend to the RTM to approve the recommendation of The Board of Finance, the First Selectmen salary increase to \$150,000 per year. The Employee Compensation Committee voted 8-0-0; Finance voted 8-0-0 to recommend to the RTM to approve. The meeting was adjourned at 8:00 p.m. for Employee Compensation while Finance members continued with their next meeting. Respectfully submitted, Louis Mall, Employee Compensation Committee Chair

Mr. Wieser:

Thank you, Mr. Mall. We now open the discussion to the public for any comments. Members of the electorate who raise their hands to speak during the public comment period for each agenda item will be called upon by the Moderator. Please remain on mute until you are recognized to speak and when you are finished speaking. Public comments are limited to three minutes. Mr. Braunstein has graciously accepted the unenviable task of being our time keeper, and he will speak to that issue as the evening progresses. We ask that you avoid repeating comments already made. Would members of the public like to comment on this request?

Members of the Westport electorate:

Connor Hanley of Westport, currently in college in Vermont:

I lived in Westport for 19 years growing up. I just find it kind of ridiculous. We don't even have a minimum wage of \$15/hour in Connecticut when kids in Bridgeport go hungry. I understand that the cost of living in Westport is quite exorbitant which is almost by design one could say. The people that take this job, it's generally not your only income. Everyone has pre-established wealth to live in Westport. It's generally not whoever is taking the job's only source of income. I know it has support from all of you'all but raising it so much with little good reason when the fact of the matter is most common people in this state still can't afford enough to live, especially in our neighboring towns like Fairfield and Bridgeport, it seems a bit extreme and I think there are more important matters at hand than giving people with lots of money even more money.

Mr. Wieser:

Thank you Connor for staying in touch with Westport and good luck in Vermont. You've made your comment and we all take it very seriously. It's not part of the program to comment on comments. We appreciate your interest.

Ms. Karpf read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Board of Finance, the First Selectmen salary increase to \$150,000.00 per year is hereby approved.

Members of the RTM

Mr. Wieser:

Members are asked to raise their hands electronically and wait to be to be recognized, be sure your mike and video are on when it is time for you to speak and state your name and district. Please limit your remarks to 10 minutes in the interest of fairness to others who wish to speak. Be sure your mike is turned off when you are finished.

Peter Gold, district 5:

Just a quick question for Ralph. When Lou read the Charter, it said we have to improve the salary of the Board of Assessment Appeals. When was the last time we changed their salary?

Mr. Chetcuti:

Peter, I don't know the answer to that. I didn't look into that because I wasn't asked to.

Mr. Gold:

Not in my recollection. Jack, you've been on the RTM a real, long time. Do you remember ever doing it? I'm just curious. It's been a long time.

Jimmy Izzo, district 3: That's not on the agenda. Is it?

Mr. Gold:

No. It's not. Lou said that we had the right. I just wondered when it was last done.

Mr. Izzo: Ask in an email.

Mr. Gold: I just asked Ralph. He said he didn't know.

Jay Keenan, district 2:

When we met last week, one of the things that we didn't have an answer on was whether we have to approve this as a yes or no, it stays at \$104,000 or it goes to \$150,000. Eileen actually informed me today that we could have, at that meeting, made a motion to reduce it to come up with another number. We couldn't have gone more but we could have gone less. I think I would have done that at the meeting if I knew that we could. I think the optics of taking any salary, regardless of the position, and increasing it by 45 percent is really bad optics. I agree with what the subcommittee of the Board of Finance actually started with to do it in two tranches. I won't be supporting \$150,000. I think we should have stuck with what the Board of Finance recommended originally in two tranches.

Wendy Batteau, district 8:

I have to agree with what Jay said. We're in a period where the economy is pretty lousy and we're not increasing anybody else's salary by 40 percent or barely four percent. In the last eight years, we added a position to the Selectman's Office. I forget what the exact title is but that was a \$90,000 position so that effectively added to the Selectman's Office's salaries and I just have to say that at this particular time, increasing the Selectman's salary by close to 50 percent seems unseemly and excessive so I don't think I can vote for that at this point.

Dick Lowenstein, district 5:

I have a question for Mr. Chetcuti. You said you analyzed the executive salaries of the other Fairfield towns, Mayors and First Selectpersons. Did you include in your analysis

whether they were supported by an Executive Assistant like Sara Harris supported Jim Marpe. We are spending almost \$190,000 on the First Selectman's Office as opposed to the pure salary. Did you analyze that at all?

Mr. Chetcuti:

Yes I did. I'll go down the short list: Greenwich, Stamford, Bridgeport, Fairfield, Danbury, Trumbull and New Canaan, they all have a second person who works with the Mayor or First Selectman. In most cases, it's called the Chief Appointed Official. Some towns actually have a Deputy Chief Appointed Official as well. So, I did take that into account.

Mr. Lowenstein:

What was the result? Were the Chief Executive's salaries lower with the combined assistant, quite high? What was the net of the analysis?

Mr. Chetcuti:

In some cases, ironically, the Chief Appointed Official was higher than the Chief Executive. In some cases, substantially.

Mr. Lowenstein: Like a City Manager as opposed to a Mayor, for example.

Mr. Chetcuti:

Correct. For example, in Greenwich, the First Selectman is making \$150,000 and the Chief Appointed Official is making \$192,000. It's similar in other towns.

Lisa Newman, district 8:

I have a comment and a question for Ralph or the Employee Comp Committee. I just wanted to respond to something Connor had suggested. I don't think it's fair that because many people in this town have means to step up into what is essentially a full-time role to run this town that it should not be compensated adequately. What we do if we're not compensating that role adequately, then we are limiting that role to only those who can afford to stay in that role which means they have a spouse to help support their family or they are retired and they can live off their savings but I think it would be remiss not to just touch on, not the amount, I understand the concerns about the dollar amount and the percentage we are raising it but we don't want to limit the position of CEO of our town to only those who can afford to serve in such a role. I think that's not really the look that any of us are going for. I, myself, at one time was a single mother. I would not have been able to leave a full-time job even if I was highly qualified. I wasn't qualified at the time to be CEO of a town; however, I wouldn't have been able to swing that. We may have single parents in this town who can't afford to leave their full-time job. They might be highly qualified. I worry about access to that role if we're not compensating

adequately. My question is if we were to vote no tonight as a body, correct me if I'm wrong, that this is an adjustment that can only be made in certain times in the cycle so if we say no tonight, we don't get to look at this for another four years. Is that correct?

Mr. Chetcuti: Yes. That's correct.

Mr. Lowenstein: That's not correct.

Mr. Mall:

The salary being set, the number that it is at this period of time. We could do a cost of living mid-term or we could amend the dollar amount to something less but not something more. That's what I understand.

Ms. Newman:

Yes but we have to keep in mind that the mid-term cost of living increase is not a substantial raise for this position. We're talking a small percentage. We passed one two years ago and it was very minimal. It amounted to \$2,000 or \$3,000. So, I think it's important for people to be aware if we were to vote no outright or amend or not amend, we lose this window for another four year.

Mr. Mall:

The last major salary increase for the First Selectman happened during Diane Farrell's administration in 2003. There was no increase in Gordon Joseloff's administration for eight years. Jim Marpe became First Selectman in 2013 and it became a question by the Board of Finance before the election, 'Do you want a pay raise?' and both candidates said 'No. Thank you very much' because that would have become a campaign issue. Then in 2017, it was brought up again and they said that we had just started the new position of Director of Operations. We had Dewey Loselle in it and now Sara Harris. The one thing I'd like to say about that is Sara Harris who was an employee of the town of Westport that helped get the work done. We don't go and say to the Director of Public Works, for example, or Parks and Rec., we're going to give you a lower paid position but we're going to take that salary out of yours and not give you a pay raise. That is a poor argument. What I'm trying to bring this back to is this hasn't had a significant pay increase since 2003. The cost of living was 2.5 percent, what we managed to get it up to. It's no reflection of the amount of time and the work that was done by our First Selectman. We got off really cheap. We had a First Selectman that was 24/7 working with the RTM until one o'clock in the morning and then he is in his office at nine o'clock conducting First Selectman meetings. Jim Marpe set the high bar. It's going to be tough for the next Selectman or Selectwoman, whoever it's going to be, they have big shoes to fill. What we came out of the committee meeting with was the

position warrants \$150,000 as the CEO of the town of Westport. That's what the Board of Finance is recommending to the RTM. Speaking as a member of the RTM, I think that is valuing it at a reasonable salary in this day and age, comparable to other towns, within the positions of our town employees, etc., school officials, you name it. This is what we think the position is worth. So, I am in full support of the \$150,000. I'll turn it back to the rest of the members of the RTM to decide.

Chris Tait, district 1:

I guess on this issue I just look at Ralph has done some of the comps of what the pay is. This is not out of the realm. It is not extraordinary. Like he said, over the years there hasn't been a pay raise but the bottom line for me is that I want to get more people involved and more people that want to run for this position and I think that being in the ballpark, not out of the realm, in our comp set, maybe gives an opportunity for people who can't but maybe with that salary could and I think it's just good for Westport. I understand some of the optics but, again, it's not out of our comp set and it gives us a chance for the opportunity to get more people involved.

Rick Jaffe, district 1:

Contrasting the comments made by Mr. Keenan and Ms. Newman, Mr. Keenan, if I understood him correctly, is concerned with the optics of a large pay raise all in one fell swoop and Ms. Newman points out the economics of the matter which are that the First Selectman's job is worth a certain amount of money and if we don't pay it to what is the face of Westport, we could find ourselves in the position of having an ordinary, unexceptional person in that job because that person can afford it and a more qualified person cannot. By the way, I'm a member of both the Employee Compensation Committee and the Finance Committee so I've already voted twice in favor of this proposal. We don't want to wait four more years with an inadequate compensation for the leader of our community. So, economics trumps optics. I side with Ms. Newman. Please pass the measure.

Mr. Izzo:

We're going to have police, fire and probably teacher negotiations coming. I think we're averaging \$180,000 for Assistant Principals, something like that. That's not chump change but they're not 24/7. God bless them. They're administrators. I think we're going to unroll a lot of money. Their salaries are not going to be flat. They're not rolling back. This is the face of our community. Sara Harris does a job that I think allows the First Selectman to do what he is supposed to do which is manage the Town of Westport and be able to work with issues like our schools, the issues we're dealing with in our national world. He is a leader. We've seen it through and through. This is really the last time we're going to be able to do this for a while. So, I voted for it in committee and I urge

you all to vote for it now. I don't think we'll be doing this again any time soon. It has my support to pass this.

Karen Kramer, district 5:

I'm torn both ways but this is our CEO, for better or for worse. Westport has to be run whether it's Jim Marpe, Jonathan, Jennifer, T.J., it has to be run like a business. During this pandemic, we've had unbelievable support and leadership and should that be compensated? I think it should. Is it an unseemly amount? Probably not, not for what they do. I don't think anybody would want to be the First Selectman for just money. That's my own opinion. Maybe a single mother couldn't do it and I understand that or a single father. It isn't just a rich town. I have constituents that I know have fallen on hard times so we can't just think the whole town is rich. We just want to weigh, I'm a Libra. I want to look at both sides but I want to look at that too.

Kristan Hamlin, district 4:

I have a couple of comments and then I have a question. With respect to what Connor said, I know he's not living here but during the pandemic, six percent of Westporters were living with food insecurity. It means that a very good portion of Westporters didn't have enough to eat. So, to say that everybody is rich in this town is not true. There are a lot of people who are unemployed during the pandemic, particularly mothers, because somebody had to take care of the children. So, I don't think we should paint with a broad brush that everybody here is wealth and privileged. That's not true. I do agree with Lisa that it has to be a compensated job where more than just rich people or retired people or people who have spouses can take it. I think we want to encourage the best people to take the job but I think the most important thing for us is to fairly compensate. So, I disagree with what Connor said. I agree with what Lisa said on that issue. I disagree with what somebody said that over the years there hasn't been a pay raise and they mention 2003. I've only been on the RTM for eight years and I know that I voted for a pay raise just four years ago? So, I believe that it is not true that there has not been a pay raise since 2003 and I recall it was a good size pay raise. This is my question. I think it is interesting what Jay Keenan was saying. I don't think that \$150,000 sounds like a lot to me for being a CEO of a town where we have a quarter of a billion dollar annual budget and you're a CEO running a town with 28,000 people particularly given the way the last couple of years have gone with hurricanes and tornados and pandemics and disasters, I think it's a job that requires a good amount of work. But I did find it interesting what Jay Keenan said and I'd like to ask some questions about that. I can understand that a 45 percent increase all at once is a lot and it seems unseemly. That one point did appeal to me. He mentioned that the BoF did think it could be done in two tranches. If he had known it could be voted on that way, he would have preferred to do it that way. I'm wondering if there is anything that stops us from making a motion to

amend and doing it that way tonight, in two tranches, the way the BoF, according to Mr. Keenan originally indicated and the way Mr. Keenan said that he would have voted had he known that there was an opportunity. So, I guess my question is for Mr. Keenan and to others who may be able to elucidate whether it is possible for us to make a motion to amend and to do this in two tranches.

Mr. Keenan: I think that question would be for Eileen, not me.

Eileen Lavigne Flug, Assistant Town Attorney:

The Constitution of the State of Connecticut only allows one midterm adjustment. Our Charter only allows a cost of living midterm adjustment so doing it in two tranches would not be allowed because the second... I assume what you mean is to vote now for a substantial increase and vote now for another substantial increase midterm. That's not what our Charter contemplates. We would set one salary increase now and do a cost of living increase two years from now. You can't have a step up two years from now other than a cost of living increase. That is not to say that you couldn't reduce the salary now with a majority vote. You could do that. I don't think our Charter allows a two tranche since it only allows a cost of living two years in.

Mr. Hanley: Can I just say something?

Mr. Wieser:

Connor, typically when public comment is closed, it is closed but we like having students around so we will get to you. You can talk in just a minute.

Ms. Batteau: Harris has raised his hand and I already spoke.

Mr. Hanley:

I just have one thing to say and I'll let you get on with it. I hear what you are saying that there are people who don't fit the Westport stereotype. I'm well aware of that. I was raised most of my life by a single mother. I know you know what Hales Court is. Everybody calls it the "ghetto" of Westport. That's where I grew up most of my life in Westport. I'm quite aware that not everybody has those resources but the only type of First Selectman is an older white rich First Selectman. That's all I've seen. That's all that there has been for all of Westport's history so, yes, there are people who don't have the same access to resources who probably would be qualified for the position of First Selectman but they're not getting elected anyway. Tell me that you truly believe that a black man could be elected First Selectman of Westport. I don't. I recognize you guys are going to disregard this and go ahead with this but I'm here for the Police Oversight Board and if I hear a single comment that we don't have the funds for that...

Mr. Wieser:

Thank you Connor. We are talking about the First Selectman's salary.

Harris Falk, district 2:

Going back to the two tranche method, it's not that we would be coming back in two years to vote for it. We would be voting now for both of it. You get this raise now and the next raise kicks in. You can do that with law so we would just be dividing the raise up.

Ms. Flug:

I understand what the proposal was and I don't think you can do it that way. You can't have a midterm adjustment even if you vote on it today. That's what I was saying.

Mr. Chetcuti:

Can I clarify something please? The Board of Finance established a subcommittee of Andrea Moore and Sheri Gordon to work with me to look into this. It was their recommendation to the Board of Finance that we do this in two stages. It would have been now and four years from now when we could have done it again. That was when the discussion was had and it was determined that if the job was worth \$150,000 now, let's just make it \$150,000 and not wait another four years to bring it to the level that it should be. Ms. Hamlin, there has been no increase in the First Selectman's salary since the cost of living was done in 2019 or, prior to that, since 2003.

Mr. Falk:

Was this raise put in our budget already? The Board of Finance knew that it was coming up. Did we already approve this budget for this or is this going to be extra?

Ms. Flug:

I don't know if this was put in the budget as part of that line item. I don't think it was in the budget for the spring so this vote, if you vote to increase the salary to \$150,000, that vote will be considered an appropriation of that amount. It was recommended by the Board of Finance and this will be your appropriation of the additional amount needed to bring the salary up to \$150,000. The Finance Director, Gary Conrad, will make the adjustment based on that appropriation.

Mr. Wieser:

Typically Department Head increases are not specifically listed in the budget. It's some sort of catch all. But this is, as Ms. Flug said, an appropriation.

Ms. Batteau:

Since I spoke, I think I've heard some good points; particularly, Lisa Newman. I think we don't want to limit the position to people who can afford it, for want of a better phrase. I don't think this is about optics. I think the reason not to do this as a 50 percent or 45 percent increase is fairness. Our other increases are going to be what? Two to three percent? However, my real question was similar to Haris' and Kristan's. What if we said that the salary was going to be \$150,000 but it would only reach that amount in three years or four years. It would kick in at a lesser amount and escalate to \$150,000. There's just something about raising it by so much at such a point of time of scarcity for other people that seems unfair to me and, yet, we do want to compensate our First Selectperson for doing the job they do.

Ms. Flug:

Just to reiterate, you cannot do a step up. You cannot vote now to step up the salary later. What you're doing now is establishing the salary for the position that starts in November. It is the salary that will last for four years. You cannot vote on an increase two years from now. You cannot vote on an increase four years from now. You will vote on one salary that will begin in November with the new term and what you'll do with a cost of living increase in two years. So, I think it's really important to focus on the salary for the position that starts in November.

Ms. Batteau:

But we wouldn't be voting on it in two years. We would be saying ...

Ms. Flug:

I understand the mechanism that you're talking about. Please understand, you cannot vote now to do a step up. You can vote now for one salary.

Ms. Batteau: Okay.

Seth Braunstein, district 6:

I don't have much to add. I think both sides of this have been sufficiently argued. I would just add one data-driven element to this based upon a presentation that Mr. Chetcuti gave us in committee. I think it does bear repeating. If you look at the list of compared towns, we've got the second lowest mill rate and our First Selectman had the second lowest compensation level amongst those comparators. I think what we need to come away with is the very clear message that leadership in Westport has been exceptionally effective and we do want to make sure it is adequately compensated. I will be voting in favor of this this evening.

Andrew Colabella, district 4:

When you are thinking about the \$150,000 salary, out of the \$72,800,000 town budget that was proposed for this year, you are talking about a .00206044 percent part of the budget. When you think about \$150,000, given what Mr. Seth Braunstein has just mentioned, while we do have one of the lowest mill rates in the State of Connecticut, you are also talking about one of the lowest compensations. This would be a great salary and also what Lisa Newman said from district 8. This would be something that would be more adequate if we vote on it now, given the fact that what Mr. Connor Hanley said earlier that there are people struggling outside of Westport. I am completely aware of it and I am also aware of people that are struggling in Westport. Mr. Hanley mentioned that he lived in Hales Court and that's part of the district that I represent. I'm not in Hales Court every week but I'm in other parts of town where people are struggling. I think everyone on the RTM is pulling to help that, as well. We also have to keep in mind that this is the only time that we are going to be able to do this in the next four years. That's why I'm very inclined to vote in favor for this.

Mr. Gold:

I think the job is probably worth \$150,000 and I understand from Eileen that we can't vote for the salary to be \$150,000 starting in two years as a step up but I guess if Jay Keenan or people wanted to nibble around the edges, we could say we know we want to give him a cost of living increase in two years of five percent, we could give him five percent less now and make it up in two years. If you wanted to have a little bit of a compromise, I guess you could do something like that.

Mr. Mall:

What I said was that the last time the Board of Finance set the salary for the First Selectman was 2003. The only salary increase was a cost of living adjustment in 2019. If we made this increase to \$150,000, I seriously doubt that I could even get a motion. One year, I couldn't get a motion on a cost of living adjustment in, I think, 2015. So we probably won't make that adjustment in 2023 and in 2025, the voters get to decide how the First Selectman earned his or her compensation. Do they deserve another four years or not or does somebody else. So, in four years, it probably would be revisited. The current Selectman gains no benefit from this whatsoever. It's only going to be whoever the new selectperson is who will benefit from what we do tonight.

By roll call vote, the motion passes 32-1-1; Mr. Keenan is opposed; Mr. Mandell abstains.

The secretary read item #2 of the call - To approve an appropriation of \$75,000.00 for Architectural Services and an Environmental Evaluation for Asbestos and

Lead at the Gillespie Center. These funds are eligible for reimbursement through a previously approved State Grant.

Presentation

Elaine Daignault, Director, Human Services Department:

I visited with several of your smaller committees including the Finance Committee and the Health and Human Services Committee and also went before the Board of Finance with this request. Today's request is asking for a \$75,000 appropriation which is part of our pre-project funding for a \$500,000 Department of Housing grant. This grant was given to us through the Cares Act funding to assist in preparedness, prevention and response to COVID-19. This grant, itself, will be used for the Gillespie Center, an enhancement project which will increase safe access to the homelessness, diversionary, and food services at Gillespie. We are making minor, but structural changes to the facility in order to meet CDC guidelines, improve safe distancing between clients, staff and volunteers. The requested funds are eligible and will be reimbursed through the Department of Housing grant which we have already been approved for. Interestingly, this particular grant, through Small Cities, is something where we do have to front the money so I will be coming back to you again for an appropriation which will also be reimbursed through the State grant. As was stated in the proposal, we are looking for pre-project funding. That phase basically includes the architectural drawings, the necessary environmental assessments for the building. We are working with Steve Smith of the Building Department and members of the Public Site and Building Committee to complete this project in a timely manner. I'm open to questions.

Committee report

Health and Human Services Committee, Jessica Bram, district 6:

Our committee met on August 23, 2021. Town employees were Elaine Daignault, Director of the Health and Human Services Department, and Steve Smith, Westport Building Inspector. RTM members were Jessica Bram, Andrew Colabella, Arlene Gertzoff, Karen Kramer, Jack Klinge, Kristin Schneeman, Lauren Soloff and Chris Tait. I don't want to be repeating what you just heard. This is a request from Ms. Daignault for an appropriation in the amount of \$75,000. Westport was awarded a \$500,000 Department of Housing grant for improvement to the Gillespie Center. This was part of a special round of COVID-19 Cares Act funding which came to Westport via a Small Cities Grant. The proposed project incorporates a renovation to the shelter that will allow safe distancing, better access to the food pantry and laundry area, and separate office space. Again, you've heard this already that these funds are eligible for reimbursement through the previously approved grant. I would suggest that you look at page 23 and 24 of the material that we received because it talks about what the Gillespie Center does which is to have 10 occupied beds for men and two occupied beds for women. It shelters non-residents in cold weather. The Gillespie Center also serves approximately 2100 meals a year to those in need and houses the food pantry which distributes approximately 1400 bags of nonperishable food annually so that our

committee looked very favorably. We wanted to make sure that it applauded the work of the Gillespie Center. The committee voted unanimously to approve the request.

Mr. Wieser: Did that include the subsequent meeting?

Ms. Bram:

The subsequent meeting was informational. It did not refer to this particular request.

Mr. Wieser:

I believe it did have the Finance Committee also in attendance and they did vote. The Finance Committee did meet on the second informational meeting.

Ms. Bram: That is correct.

Mr. Wieser: We voted unanimously.

Members of the Westport electorate – no comments

Ms. Karpf read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Human Services, the sum of \$75,000.00 for Architectural Services and an Environmental Evaluation for Asbestos and Lead at the Gillespie Center is hereby appropriated. These funds are eligible for reimbursement through a previously approved State Grant.

Members of the RTM – no comments

By roll call vote, the motion passes unanimously, 34-0.

Mr. Falk:

The discussion on the next item may be ridiculously long. I move to suspend the rules to **move up the fifth item which is the second first reading of an ordinance** which I don't believe has changed since the first time it was read in April, anyway.

Mr. Wieser: I believe that requires a 2/3 vote.

Mr. Lowenstein: Did it get a second?

Mr. Colabella: I'll second it.

Mr. Falk: I don't believe it is a debatable item.

Ms. Schneeman: It is just a first reading. There is no presentation.

By roll call vote, the motion passes unanimously 34-0.

The secretary read item #5 of the call - To adopt an ordinance restricting the use of gas-powered leaf blowers in Westport. (First reading. Full text available in the Town Clerk's Office).

Mr. Wieser:

Since there is no presentation, we will talk about that at the next meeting and at committees during the month. We are going to thank you, Mr. Falk, in a few hours.

The secretary read item #3 of the call - To adopt an ordinance to create a Civilian Police Review Board. (Second reading. Full text available in the Town Clerk's Office).

Presentation

Jason Stiber, lead petitioner:

I am very excited to be here tonight as the lead petitioner representing the more than 100 Westporters who signed the petition and countless others who have written to you seeking a Civilian Review Board. I want to thank you for your time tonight, commitment and service to our town on the RTM and participation in this meeting tonight. These meetings are long and hard and God bless you all as the very same time as a Yankees/Red Sox playoff no less. My thoughts and prayers are also with Velma for her loss. For two years, the petitioners and interested members of the RTM have worked alongside Assistant Town Attorney Eileen Flug, the town Labor Attorney, the Police Department, 100 petitioners, numerous citizens, the Connecticut ACLU and two RTM Committees, Ordinance and Public Protection, to hammer out the best Civilian Review Board for the town of Westport. Thank you for all your efforts. The efforts represented a combined cooperative effort with contributions and compromises from all sides. After two years, the proposed CRB is optimal for Westport. It is not and has never been anti-police. It has always been about generating even more faith in our police and we all enjoy the protective services our police provide and respect the tough work that they perform. But things can happen and it's really important to have an unbiased method to address grievances and work corrective actions. It represents great compromise and thought by a broad array of people in our community. This is in sharp contrast to the First Selectman's panel which reflects no input from the RTM, no input from the petitioners or residents and no input from any lawyer who has any background in law enforcement. In contrast, the Civilian Review Board proposal that the petitioners are bringing forward is optimal for our community and far more consistent with guidelines from the Connecticut Bar Association, the Connecticut ACLU and the Justice Department. First, for those of you who are not familiar with this issue, some background is necessary. Two years ago, I contacted the RTM about my desire to bring a petition for a Police Commission. At that time, there was no such thing as the 2020 Police Accountability Act. I knew no one on the RTM. I researched what the surrounding towns were doing. On my own, I contacted the Connecticut ACLU. I talked to people and had meaningful discussions about transparency, bias and accountability and got

over 100 petitioners to sign onto my petition and understand the issue. The police and the First Selectman vehemently opposed having a Police Commission at the time even though the vast majority of our Fairfield County neighbors have them. The Police Commission statute has been around since before most of us were born. It was enacted in 1949. Given the opposition of the Westport Police Department and the First Selectman to the Police Commission, when the State of Connecticut passed the Police Accountability Act which permitted, amongst other things, Civilian Review Boards, petitioners had another first reading and brought this police oversight request under the new legislation. I'd like to share my screen to show the whole Civilian Review process, how it will work and also to provide all of you with a comparison of Westport to our neighboring towns so that you all understand where are we in terms of police accountability and oversight.

Before I begin, this is a search for common ground. With the lively debates, we can all agree on one thing that oversight of civilian complaints is necessary. How will the proposed ordinance process work? The following slides will illustrate the nine step process that the CRB will follow. First, Civilian complaint is filed It now goes simultaneously to the CRB and the Westport Police Department. Step 2: The Westport Police Department initiates and conducts investigation into complaint while CRB schedules a meeting to review the complaint and to meet with complainant. Step 3: CRB contacts complainant to schedule meeting, and to request list of evidence and witnesses that the complainant suggests to be interviewed. Information is jointly shared with the Westport Police Department. Step 4: Westport Police Department conducts the full investigation including any interview it feels is necessary and then shares the results of that investigation with CRB. If the Westport Police Department needs subpoena power, it asks CRB for a subpoena. Step 5: CRB reviews the Westport Police Department investigation and conducts interviews with complainant and with accused officers and witnesses. All the while, the Westport Police Department Professional Standards Captain is present at such CRB meetings and provides advice and provides Westport Police Department policies. If, in the course of meeting with witnesses, the CRB determines more investigation is needed, it can provide that feedback to Westport PD and ask for the investigation to continue and be completed by the Westport Police Department as indicated by CRB. This allows the CRB to have investigatory powers, to ask questions that may not have been answered by the Westport Police Department acting alone. Step 6: CRB weighs evidence, makes credibility findings and fact findings and issues recommendation to (1) sustain or not sustain the complaint and (2) make recommendations as to whether to administer discipline, training, or exonerate with no discipline. Step 7: The Chief of Police receives recommendation and decides whether to accept recommendation or not. The Chief decides now what discipline, if any, to impose and that does not change. Step 8: Chief writes report explaining why he/she agreed or disagreed with CRB recommendation. Step 9: At the end of the year, annual Accountability Reports as set forth in the ordinance are made by the CRB and the Westport Police Department Chief to the Selectman and can be shared with the public. So now that we have the process laid out and hopefully that clarifies how the ordinance will work, look at the big question: What is the best model for police accountability for Westport? To determine the best model, we must be able to answers these questions:

What is the best model for providing the oversight that the Westport Police Department already agrees is needed? What are our neighboring towns doing and why? What is the rest of Fairfield doing? Why is this proposal, that the RTM committees have worked on for two years and reflects great compromise with all parties, the best model in the petitioners' opinions and that of numerous other RTM members? First, some history in terms of laws and enabling legislation: Connecticut legislation enacted 72 years ago in 1949 allows police commissions. In contrast, Civilian Review Boards were prevented by our town Charter but had enabling legislation which just went into effect in January when the Police Accountability Act went into effect • That is why all of our neighboring towns have Police Commissions, as it was the model that was first available. When the petitioners first came forward with a Police Commission Ordinance, it was opposed. Quite simply, Police Commissions have broader powers than CRB's. This is from the Connecticut General Statutes Sec. 7-276. Powers of commissioners: "Such Boards shall have all of the powers given by the General Statutes to Boards of police commissioners, shall have general management and supervision of the Police Department of such town and of the property and equipment used in connection therewith, shall make all needful regulations for the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer or member of such Police Department. Such Board shall have the sole power of appointment, promotion and removal of the officers and members of such Police Department, under such regulations as it adopts for the purpose, and such appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing. The members of such Police Department shall have all such authority with respect to the service of criminal process and the enforcement of the criminal laws as is vested by the general statutes in police officers and constables. Here are the key takeaways: Police Commissions have all the powers for discipline as our Chief of Police in Westport does. Police Commissions do not have subpoena power but the Police Accountability Act enables CRB's for the issuance of subpoenas. You might be wondering, how do we compare with neighboring towns in Fairfield County? All towns in Fairfield County that have Police Departments, with the exception of only two, have Police Commissions. Only Westport and Greenwich do not. • However, Greenwich's Charter gives power to the Board of Selectman control over discipline and procedures. We don't have that Charter provision. Commissions or the Selectman in all other Fairfield County towns handle all disciplinary decisions. So discipline is firmly in the control of civilians in all other Fairfield County towns. This chart shows the sphere of influence and compares it from a CRB that we are proposing and the Police Commission. Police Commissions handle all discipline including time and attendance issues and supervisor issued discipline related to job performance and CRBs, the tiny sphere, constitute only a tiny subset of disciplinary cases handled by Police Commissions. They focus only on civilian complaints. Let's look at Ridgefield. Ridgefield has a Police Commission. They handle all management and supervision of Ridgefield Police Department. They have sole power to appoint, promote, and terminate police and they promulgate rules and regulations. Fairfield Police Commission appoints the Police Chief, manages and supervises the Fairfield Police Department and makes penalties for violations. Darien Police Commission has complete control and management of the Police Force including

investigations, review, appointments, establishing rules and procedures. Again, the proposed Westport CRB is a small, tiny subset of responsibilities of all of these entities. Finally, Greenwich has the entire disciplinary authority through the Charter and has review and investigations. The following slides provide the language from the Town Charters or from the Police Commission Charter statements. Darien: The commission shall have the management and control of the Police Force of the town and shall adopt rules and regulations for the government of said police force. Fairfield Police Commission: Managing and supervising the Police Department, making rules and regulations, appointing the Chief of Police, determining qualifications for each rank and grade in the Police Department. Ridgefield: General management and supervision of the Police Department. Sole power of appointment, promotion and termination of officers. Again, Greenwich does not have a Police Commission but the Charter gives the Board of Selectmen authority for investigation, review and discipline which we don't currently have in our Charter. In conclusion, all of these prominent Fairfield County towns provide for all disciplinary authority including investigations and review. Moreover, their disciplinary powers cover all disciplinary cases both those that are civilian complaint driven and police supervisory operations. Westport is behind the times of our peer towns. The proposed ordinance is extremely limited in scope, limited to civilian complaints. We aren't talking about radically changing our organizational structure in our Police Department. We are asking to improve accountability, transparency and oversight by creating a Board of civilians to review complaints submitted by fellow residents of the community to promote confidence in the process and remove all bias. The ordinance has the Westport Police Department handle the investigation including getting statements from witnesses. This Westport Police Department investigation may include interviewing witnesses. The Board, however, will be required to interview the witnesses and make credibility finding. This is not to the exclusion of the police doing prompt interviews. It simply insures that an objective Board of civilians provide interviews. As I have demonstrated with the civilian complaint circulated yesterday, most civilian complainants have never been interviewed by the Westport Police Department. Now, with this ordinance, if the Westport Police Department continues to fail to interview complainants and their witnesses, these complainants and their witnesses will be insured by the CRB and have a neutral, objective body. Yesterday, the Chief's submission indicates that he misunderstands this issue. He said investigation-focused models conduct the investigation in its entirety. The proposed ordinance is more akin to the investigation-focused model. Clearly, it is not true that the proposed ordinance conducts the investigation in its entirety. The clear language in section e-4 states that all aspects of the investigation of the complaint shall be delegated to the Westport Police Department to perform. This is also the way it works with the Police Commission model used by neighboring towns. The Police Commissions are the ones handling all discipline. Here, this proposed ordinance is being far more indulgent in police control than what surrounding towns permit because even after the CRB makes its recommendation, it is the Westport Chief of Police who has the sole power to veto or adopt the recommendation. That is not the way it works in all Fairfield County towns that have Police Commissions. There, the express language on the websites of those towns makes it clear that it is the civilian commissioners that decide the discipline, not the Police Chief. It is essential that complainants have credibility determinations made by

an independent body. That's the way it works for complaints filed against lawyers and doctors and it is an independent Board that does the investigation. In this proposed ordinance, a subpoena can only be issued if both the Westport Police Department Professional Standards Officer and a majority of the Board agree to issue a subpoena. The subpoena provision of the ordinance was effectively modified when the CRB Ordinance was revised to make the power of the investigation delegated to the police. Section e-4 now says:

All aspects of the investigation of the complainant shall be delegated to the Westport Police Department to perform with the following exceptions: As provided in g-3 below, the Review Board will conduct the interviews and take the sworn testimony of the complainant and his or her identified and designated witnesses.

What this means in practical terms is that no subpoena would be issued by the Board unless the investigating officer from the Westport Police Department Professional Standards were to ask the Board to issue a subpoena. Nonetheless, we have said that we can make that even more abundantly clear with a motion to amend that states:

No subpoena shall be issued by the Board without the agreement of the investigating Westport Police Department officer.

The enabling legislation of the Police Accountability Act permits subpoenas for civilian complaint investigations. The enabling legislation for Police Commissions, in contrast, does not. Most Fairfield County towns implemented Police Commissions decades ago and that is why they do not have subpoena power. The reason the petitioners, working with the RTM Committee, chose to include subpoena power is because the Connecticut ACLU and other bodies studying what makes effective Civilian Review Boards recommends having subpoena power. The Connecticut ACLU has stated "the first major thing that CRB's must be structured to include is investigative powers including subpoena power. The subpoena power specifically authorized in Public Act 20-1 is an irreplaceable tool for conducting meaningful oversight. Without subpoena power, CRB's can be stonewalled and denied access to critical documents. With subpoena power, CRB's have a better chance of getting to the truth so that improper police actions can be sniffed out and addressed." Who should appoint the Board members? The ACLU and other organizations recommend against having the Selectman make the appointments because of the inherent conflict of interest in having the executive who hires the Chief of Police also review complaints about the Police Department when he or she has a vested interest in making the Police Chief he or she chose look good. Moreover, the current CRB Ordinance requires some expertise, whereas the Selectman's panel has no such requirements. The proposed CRB indicates that people with a background in criminal law, investigations, legal background and persons of diverse backgrounds should be considered. In comparison, it is unclear what is the expertise of the Second and Third Selectmen in regards to those qualities. There is no doubt that the Selectman's panel members could be accused of conflict of interest and lack of expertise that the proposed CRB does not. Let's talk about objectivity. [inaudible] DOJ and the Connecticut ACLU recommend such objective independence. Indeed, the apolitical Connecticut Bar Association recommended that all towns with Police Departments have independent Police Review Boards or Commissions. Some have asked whether the training of the Review Board will be sufficient to handle these

obligations. The resounding answer is yes. The CRB requires that the Board go through the same training that the Selectman's Panel presently requires. Unlike the Selectman's Panel, the CRB lists relevant expertise for Board Members. The CRB requires that the Professional Standards Officer provides the policies and assistance to the Board members. Unlike the Selectman's panel, the Board Members' terms are staggered so there are always more experienced members on the Board. With the Selectman's Panel, in contrast, every time a Selectman's administration ends, two of the three members are gone and the expertise is lost. Anyone who has reviewed what the nature of the Westport Police Department complaints are can see that it does not take a lot of expertise to investigate those matters. Moreover, it is clear that the Westport Police Department's investigations, in the past, have sometimes been cursory and usually do not involve interviews of the complainants. There is a fail/safe in case all else fails because the Board only has recommendation authority. If the Chief disagrees with the recommendations, he or she is always allowed to veto the decisions. The job of the RTM is to represent the town's residents. No other petition in decades has been signed by so many town residents. Many organizations studying the issue indicate that Police Departments often resist such accountability measures. But you have to balance fairness to all. Residents want an objective Board to interview us when we complain about police misconduct. We give police guns and the power to take life and liberty away. We owe it to our community to have civilian oversight when we give such enormous power. A Selectman's temporary panel does not meet the Connecticut Bar Association's requirements.

Before I end this presentation, I want to share that my family is going through a chronic health crisis right now since my wife got diagnosed with cancer in July. I thank all the RTM members who personally reached out to offer thoughts and prayers. It warms my heart and means a lot to my entire family. I want to thank Kristan and Stephen for proxying for me at committee meetings that I had to miss. Please excuse me, given the circumstances, if you go long and late tonight, if I can't stay on the meeting as I have children to take care of. It has been a very difficult time given my wife's fatigue as she goes through Chemotherapy. Thank you for your understanding in advance and for all of your time. God bless all of you and God bless Westport.

Mr. Wieser:

Thank you, Mr. Stiber. God bless you and all of your family. It is a terrible thing to go through.

Committee reports

Ordinance Committee, Brandi Briggs, district 7:

This is from the meeting of January 19, 2021. All members were present including myself, Lauren Karpf, Peter Gold, Kristan Hamlin, Kristin Schneeman, Stephen Shackelford, and Christine Meiers Schatz. Others present included Jason Stiber, the petitioner, Assistant Town Attorney Eileen Flug, Police Chief Foti Koskinas, as well as other police officers, RTM members and others. The meeting was held by Zoom to discuss and review the proposed ordinance to create a Civilian Police Review Board (CRB). This was a continuation of ongoing meetings to discuss the ordinance proposed

by Mr. Stiber. At the beginning of the meeting it was noted that all members of the committee in earlier meetings had agreed that there was a need at this time for some sort of police oversight/review but there were questions of who would do it and how it would be done. The meeting began with Michael Guadarrama, a Westport resident, detailing issues he had during an interaction with the Westport Police Department. Ryan Paulson of the Westport Police Department (WPD) then went through a detailed process of the WPD complaint procedure from beginning to end. We then briefly discussed the current Civilian Review Panel (CRP) that was put into place by First Selectman Jim Marpe and the process of the CRP with regard to civilian complaints about the Westport PD or an officer of the Westport PD. We debated the differences between the CRB and the CRP. Assistant Town Attorney Eileen Flug noted that the CRP was an oversight panel, not an appellate panel. We started to go through the Ordinance checklist. One of the questions in the checklist refers to "is there a need for this ordinance?" This led into a substantive discussion about the ordinance. The main issues of contention amongst the committee members and others present were elected vs. appointed members of the Board, the investigative powers and the need for subpoena powers. Kristan Hamlin, whom Mr. Stiber had stated could speak on his behalf, addressed the need for both subpoena and investigative powers in the CRB as well as the process for electing members of the Board. The committee also discussed the costs involved for the Town and asked for more details about the costs associated with the CRB including training of civilians to educate them regarding police procedure, policy and how to handle an investigation. Chief Koskinas then spoke that he supports transparency in the Westport Police Department but has concerns regarding the need for the investigation to start as soon as possible once the complaint is filed and was concerned that the CRB could not convene immediately to start the investigation. He also addressed concerns regarding the level of expertise needed to conduct a proper investigation as well as concerns about who was in charge of the investigation and regarding punishment decisions. There were a few comments from others in attendance questioning the need for the ordinance and asking what problem are we trying to solve. We then went through the language and made some changes addressing the investigation as well as minor corrections. It was discussed that the ordinance should be sent to the Public Protection Committee to discuss the substantive issues including elected vs. appointed members, investigative powers and subpoena powers. It was noted by several of the committee members that the charge of the Ordinance committee is to review and revise the language to make sure it is ready for full RTM review, not to decide on substantive issues and that a vote on the language was not necessarily a vote for or against the Ordinance being adopted. Lauren Karpf made a motion that the ordinance was ready for full RTM review, Peter Gold seconded and the committee voted unanimously that it was ready for full RTM review.

The Ordinance Committee then met on September 1. This was after changes had been made and different forms of the ordinance had been through changes. At this meeting, everybody was present except for Christine Meiers Schatz and we had many of the same people that were there at the January meeting. We met again to review the meeting and, at the beginning of the meeting, Kristan Hamlin and Stephen Shackelford stated that they were going to be the proxies for Jason Stiber since he could not attend

due to a personal family matter. The committee sent their best wishes to Mr. Stiber and his family. Mr. Shackelford gave his presentation regarding the need for subpoena powers when it is appropriate to use them. Ms. Hamlin then addressed that they had changed the ordinance from elected Board members to appointed Board members which would be appointed by the RTM. Ms. Hamlin stated the Petitioners had tried to address most of the Public Protection concerns. The committee recognized and appreciated the efforts of the petitioners to address the issues that had been raised. Chief Koskinas then spoke regarding that the police chief can compel his officers to speak to the CRB as part of their employment so the subpoena power is not necessary. He also addressed the need once again for investigations to begin quickly, especially the initial interviews. He stated that all police interviews are recorded and documented, something the CRB might not have capability to do. (Assistant Town Attorney Flug noted that not all town meetings including the proposed CRB meetings are recorded). He also discussed the matrix that the WPD uses in their complaints process. Chief Koskinas discussed the current Civilian Review Panel and that they have been involved in the every step of the process. We then turned to Attorney Flug to go through her concerns she had sent to the Petitioners. We reviewed her concerns and made the appropriate changes. She said that in the Westport Town Charter states the Chief of Police is in charge of discipline and that the Ordinance cannot conflict with the charter. There was a discussion of this and how to amend the charter if so desired in the future. We then went to the language and reviewed the full text of the ordinance line by line and made changes as necessary. We then went through the effective date and how to stagger the terms as well as a discussion of how to include TEAM Westport on the CRB. It was once again noted that the responsibility of the Ordinance committee is to ensure that the language of the ordinance is ready for full review of the RTM and that we are not voting for or against adoption of the ordinance. Peter Gold made a motion and Kristan Hamlin seconded that the proposed ordinance to create a Civilian Police Review Board is ready for full RTM review. I took a roll call vote and the vote was unanimous that the ordinance is ready for full RTM review.

Public Protection Committee, Mr. Izzo:

First of all, I want to thank all the members of our committee and the Ordinance Committee for all the hard work and countless meetings. I think we attended 10 meeting altogether on this and they were lengthy. The RTM Public Protection Committee met on Wednesday September 8, 2021 via Zoom to discuss and vote on a proposed town ordinance to create a Civilian Police Review Board (CPRB) by Jason Stiber. The objective of this was to investigate complaints concerning members of the Westport Police Department (WPD), to participate in hiring decisions for officers of the law of the WPD, and to make recommendations for service awards for our officers of the law who are nominated by civilians for contributions to our Westport community. Background: Two years ago town resident Jason Stiber as lead petitioner proposed the CRB Ordinance. In that time frame we have had multiple RTM Public Protection Committee meetings and five RTM Ordinance Committee meetings to discuss, reshape, and try to come up with an Ordinance that would be acceptable to be discussed in even greater detail, at the full RTM level. As Proxies for the petitioner, Steven Shackelford and Kristan Hamlin both had very strong opinions that subpoena power belonged in CRB,

while other members of the committee had a different take on the need for such. The vote went as follows: Izzo – no; Mall – no; Braunstein – no; Banks- no; Colabella – no; Hamlin - yes; Hammond – yes; Lowenstein – Abstain; Jaffe – Abstain. The main reason the vote came this way folks is that we don't see the need for subpoena power. That is one of the biggest hang ups with this and I don't see how we can even amend this now.

Mr. Wieser: We now move to the public.

Mr. Braunstein:

As timekeeper, may I make a few brief comments? [Yes.] Just to set expectations as we move to the participatory part of the meeting. I just want to reiterate what Deputy Moderator Wieser said at the outset of our meeting. We strongly encourage participation in this process but we also need to adhere to a structured approach. That structure will limit comments to three minutes. Members of the public are asked to adhere to that. I know it is difficult to organize your thoughts and get them out in a cogent statement within three minutes but we are going to give you a 30 second warning when the three minutes is about to end. We will mute the microphone when that three minute period ends particularly since this will be a very active discussion. We really need to adhere to that. When it comes time for RTM comment, there are limits there as well. Each RTM member will be limited to a 10 minute window. I just want to make clear that the window includes not just your own comments but any comments you may solicit from the public. It is a 10 minute block.

Ms. Fuchs:

Mr. Wieser, please make sure everyone says their name and address.

Mr. Wieser:

Also, the public is only allowed to speak one time for the sake of the meeting. When we move onto the RTM, the public comment is closed. Thank you for adhering to that.

Members of the Westport electorate

Jen Tooker, 56 Sylvan Road North, current 2nd Selectwoman and candidate for First Selectman:

I thought it was really important for you all to hear from me directly tonight on this issue. I am going to answer one question and one question only with my comments. As your next First Selectman, I am committed to the Civilian Review Panel that Jim Marpe instituted as currently formed with its current membership and mission statement. I do believe in the need for oversight of police and EMS and fire. I feel strongly that this is the right approach for Westport's public safety operations. That's all I have to say.

Johnetta Cephas:

I am not a resident of Westport; however, I must travel through your gorgeous town to get to work every day. I had a personal experience with the Westport Police Department just driving to work one morning. I was going through the light and the next thing I knew, I was being pulled over. Since I was not sure why I was being pulled over, I asked the

policeman why he stopped me. Because I kept asking that, which I know is my right, he told me 'Either give my your license or you're going to jail.' So, right away, I'm threatened about a traffic stop. When I informed the officer that I did not know what I did wrong, he told me I went straight in a turning lane which did not happen. I explained I was just trying to get to work. His response to me was 'Yeah. I'm sure.' As if me, being a Black person meant I'm unemployed. So, right away, that's two things and I'm just trying to get to work. It bothered me so much that I actually filed a complaint with your Police Department and I never heard anything back. I still don't know whatever was done with that, if he was reprimanded. I have no idea. No one even had the consideration to tell me if this was even investigated or not. I go to work. I don't cause trouble. I have a family. I've been in my job for 11 years. I have a prominent position. I work for a multi-million dollar global market research company so it's not like I flip burgers at MacDonald's (not knocking anyone.) Maybe Westport doesn't realize they need this because you guys don't go through the same thing. Jeff, I'm speaking to you because you're on my screen right now but I'm sure you driving by the police and me driving by the police are two totally different situations. It was sad to see that report that said only two towns don't have this, Westport and Greenwich which happen to be the two richest towns in Connecticut. That really speaks volumes to me. I just hope guys are open and listen to what everybody has to say and really research this thing because it is needed. Like I said, the majority of Westport are Caucasian individuals who are probably not harassed by police when you are just driving, not doing anything wrong. Just look at both sides. That's all I ask of you. Because you haven't had it happen to you doesn't mean it isn't happening in your town.

Jonathan Steinberg, 1 Bushy Ridge Road:

I'm going to start off with an unofficial objection to the statement by my esteemed opponent regarding her future prospects but we'll put that aside for the time being. As this discussion has already begun to reveal, this is a very complicated subject and a very important one. Having been involved with the discussion at the State level with the Police Accountability Bill, I know how complicated it is. Everyone in every community deserves justice. Having said that, I'm going to confine my remarks along the lines of Ms. Tooker's to suggest that I support the concept of a transparent and effective Board. I am not prepared to weigh in on the specifics of it other than to say that I agree that at least the majority of the Board should be appointed by somebody other than the First Selectman to remove any prospect of conflict. Perhaps the RTM Public Safety Committee ought to play a role in those appointments. Beyond that, I wish you the best of luck with your deliberations. It's a real challenging subject. I hope that the RTM comes to a successful conclusion.

Foti Koskinas, Police Chief:

Many of us have spent quite a few hours on these topics. I do want to start by saying we can't highlight enough that we are looking to be accountable. I have highlighted at every meeting that our good work can only be shown through accountability. I think we were able to show that at the time that everything broke out with the George Floyd incidents. I sent that email to you highlighting that and I would ask that it be placed in the record rather than reading the entire document. I'm a little disheartened and discouraged at

times because I feel most of my talking is actually to correct misinformation that goes out, what the basis has been at the last nine to 10 meetings. Even today, some of the emails that were sent out by Mr. Stiber or prepared by Ms. Hamlin, I'm not quite sure when I look at them, who they were sent out by, but certainly, an email that was sent out Sunday evening almost soliciting complaints about the Police Department which makes me a skeptic as we continue to hear different people speak but I certainly sympathize because you are absolutely right. Whether a visitor or a resident, you should always feel welcome and should not feel afraid of the Westport Police. It is a very complicated topic. Mr. Stiber went ahead and once again in his presentation cherry picked things about Police Commissions. There's a lot more to it and if you actually identified what those Police Commissions do in the towns he showed, you would see that they had very little involvement with discipline and not a single one of them is involved in the investigation of any internal affairs. They don't. Investigations are conducted by the police. As far as our current CRP model, it is the most transparent and most comprehensive currently. Other towns are looking at what we're doing at the CRP level and looking at what they should be doing. A lot of Police Commissions will only see when it reaches a certain level of discipline or when the officer objects to what the findings are; the same thing for the complainant. When the First Selectman put this in place, we welcomed it. We did not have input as to the people who would be on it but we couldn't be more pleased that the top two officials, people who were most recognized in their communities, people who get the most votes and people who have the most impact in those positions would be part of it. Additionally, we welcomed and couldn't be more open to TEAM Westport being a huge part of it because we understand that diversity and having another set of eyes outside of exactly what we do. As far as those go, it has been a success. I think if you would speak to the members that have been on it so far, they would tell you how surprised they are at the amount of transparency and the amount of work that goes into it. I'll wait to continue until I'm asked another question. I hope that someone would ask Captain Paulsson what our process is if a complaint is filed. I'll stop there and wait for the next question.

Jennifer Johnson, 28 Tamarac Road:

I am going to be brief which I'm usually not. I just want to say having been a former RTM representative and engaged in some topics in town, I am absolutely blown away by Jason's presentation. I don't know Jason. I have not sat through the meetings that you all have sat through so I don't have the knowledge base that many of you have. The comprehensiveness of his presentation, especially in light of what he is personally moving through as a family, we all wish him God speed in his struggles right now. But there is just a level of his efforts, especially the amount of time. I wasn't going to speak tonight but that was very inspiring to me. That is my first point. My second point is I have tremendous respect for Foti and our Police Department. I think that Foti does an amazing job. I have no particular issues with the Police Department; occasionally questions about the Railroad Parking budget but that's a separate issue. In general, I think we are very blessed having Foti and his team serving our town. That being said, there are 28,000 people in this town and they don't know Foti like I might know him as well as others in this call so I think it is critically important that we provide our community with the objectivity that other towns feel that they have and what they need.

So, I genuinely urge you to move forward with some sort of Civilian Review Board that is separate from the First Selectman's Office. My third point is that I have no issues with the First Selectman's Office other than the fact that it really doesn't work because it's tied to a political cycle. We should uncouple certain things in our community that transcend a political cycle so there isn't any interruption with that. Those are my three points. Thank you very much.

Maddison Tirado, 1655 Post Road East:

I am a long-time resident of Westport. I am a graduate of Staples. I would like to say that, first of all, it is very disheartening that no one addressed anything that Johnetta said about her experience with the Westport Police. I don't think it takes much reasoning to come to the understanding that the Civilian Review Board is not designed for the majority of people who are in attendance at this meeting. It is designed for the people that run the day-to-day functions of this community. The history of Black people and police in this country has been nothing but sheer brutality. It is not a question of do we trust the police? These are pure semantics and word games. The data everywhere shows that people who live in conditions of poverty, no matter what race you are, you live in a police state. The question of a Civilian Review Board is a question of how much the people of Westport are willing to protect the people who keep the community running...the MacDonald's employees, the Stop and Shop cashiers, the country club servers, Ms. Johnetta going to work. We live in a country where 55 percent of police reports on killings are under reported or unreported. This isn't a matter of trusting or healing the police. It is a matter of accountability and democracy. How will we reform the profession where people have the ability to end lives in order to make it so that it works for the people who they are supposed to "serve and protect?" That is the simple question of what a Civilian Review Board is about. It is about who are the people that get affected by policing and how are we going to make it so that they do not suffer this sheer police brutality. I don't think the majority of you know what it I like to be Black in America and experience being patrolled by the police. It is a scary thing. I don't care where you are, a city, a suburb. I am scared when I walk by the police. My family members are scared. It is a fear. So, if we don't have the ability to curb the people who walk around with guns and have the ability to end our lives, then I don't see what the semantics that are happening in this conversation are about. We are talking about people's lives here and I haven't heard that being addressed.

Mr. Hanley, 9 Robin Hill Road:

I have been in attendance at meetings discussing this very topic since April and I know that it has been in discussion a lot longer than that. Everyone keeps saying it's a complicated issue. It's not that complicated. Madison said perfectly what needed to be said. This is about lives. You all do not understand the experience of what Madison and I forget the name of the other woman who spoke. You don't understand that experience and you never will but that's okay. This has been in discussion for so long. You all are public servants. This has public support. You're not getting it done. We have the money and the resources. The whole thing is laid out. We've seen a whole presentation. I've seen so many presentations about this laying out every minute detail. All you have to do is say "yes". That's all that needs to happen. We lose nothing by passing this proposal.

There is not a single thing that Westport stands to lose. All we stand to gain is accountability and justice for people who provide you with the everyday necessities that you use, like Madison said, people who work in grocery stores, people who work in Westport, people who work and live in neighboring towns. We can't pretend, just because we have had no problems with Westport Police. I have had no problems with Westport Police. If we were going by my opinion alone, Westport Police would be the best police department in the whole wide world but it's not just me. Hearing what everybody else has gone through, what my friends have gone through, how can we allow this to continue on our doorstep. How can we allow our friends and family to be unsafe. I don't know how we can sit here and talk about little tiny details for six months. Six months and not a single thing has progressed in this bill. Where are we? Nothing has changed since George Floyd. That's what policing in America continues to be like. You haven't gotten anything done. How can you excuse that?

Adam Vengrow, 16 Juniper Lane:

I have been a Westport resident for 17 years and we just spent a lot of time talking about a \$50,000 raise, which we moved on from which is two percent a year from the time it hasn't been raised. This whole process, while I feel terrible for what Madison and Johnetta have gone through, but this is very dangerous to bring the entire racial debate problem that exists in the U. S. to this RTM meeting. We're not going to solve it so what we have to do is say, It's terrible. It doesn't belong here." For Madison and Johnetta, it's a terrible thing. But here's what I would say, Westport, as a town, supports more charities, more organizations than any other town in Fairfield County. We give to a number of different causes. We have a process in place, through the Selectman's Office to deal with these issues. Giving the subpoena capabilities to people who have no abilities and no training to issue subpoenas is a very dangerous in time and expensive process. We are talking about hundreds of thousands of dollars, if not millions that will likely go to this issue. There is no question that Foti has an open door policy in Westport. When George Floyd happened, I was disgusted. I grew up with no money. I grew up earning everything for myself in Framingham, Massachusetts. Half of my friends were African American and I love them. They are still half of my best friends. I see one color. My kids see one color. I don't want any of them to go through what they have gone through in Westport but giving a subpoena capability to people who don't know what to do with it is just outright dangerous. There are plenty of pieces in place. We are electing a new Selectman or Selectwoman. Foti was just reinstated in office. When George Floyd happened, he immediately reached out to the public, what can we do? At every protest, he was there. At every event, he was there. And you know what? There are going to be bad people all over the country but in the town of Westport, we have one of the greatest police forces. We have one of the greatest towns that cares about helping and bringing people up. So, there are isolated incidents. I'm sorry. If they happen as they did, knock on my door. I'd love to sit down and talk with you and see what I can do. I've raised over seven figures for three charities that support a lower income class, veterans and kids with cancer. I will do everything in my power to let people know how great Westport is, how great the elected officials make this town and how great our police force is and our fire team. So, I'm sorry that you've gone through that but we're not going to solve the racial debate in this country on this RTM Board.

Let's come up with realistic scenarios of what we can do to fix it and let's go through government, have all the analysis we want but giving a subpoena capability is the same as going into a restaurant and telling the how to cook the food.

Louis Liebert, 3 Tupelo Road:

I have a variety of comments on this. The first thing that I think is the hot topic of the moment are the comments of Madison and Johnetta talking about treatment and racial equality. That has nothing to do with the difference between the review panel and the review Board and the ability to issue subpoenas and have investigative power. We're talking about policy issues and let's also look at the history of the Westport Department. In 2016, Westport was already leading the way in reforming and getting into new areas of police reform. They didn't wait until 2020 and after George Floyd. So, as we talk about addressing racism and we talk about addressing modern police technology, techniques and all that, Westport has actually been ahead of all that. Their credit is a level two, one of only 30 percent in the State. If we compare ourselves to others and say how do we compare to Greenwich, Darien, New Canaan, let's also compare and look at what we've done correctly in achieving these goals to be a pioneering Police Department. I think it's also important when we talk about commissions, as said in the presentation. They are not there to investigate, primarily, they are there to manage: HR administration, financial administration, policies and rules like that, not to issue subpoenas. That is generally not the purpose of Police Commissions. Part of the problem here is that we start with a divide between the public and the police right there that we feel the inherent need to have a civilian Board have subpoena power and very broad investigative scope. Then we get into the qualifications. Who are the people? It was said in the proposal that people should have law enforcement background, legal background or diverse background. As we talk about those in law enforcement and legal, we're not going to look at most corporate attorneys, bankruptcy attorneys, banking attorneys and whatnot to get into actual laws in regards to policing. So we look at criminal attorneys. Now we talk about bias. I, myself, have a bachelor's degree in administration of justice. I was a fire fighter. I was an EMT. I was the ex-chief of the Mamaroneck Ambulance Corps. I was a paid EMT in New York City at 9/11. I was also an Incident Commander. I personally spent many years in this capacity dealing with complaints... Complaints about ambulance drivers using lights and sirens in the middle of the night because they didn't understand the policy that required them to do it; complaints about the mishandling of patients when someone's ribs broke during CPR. That's a known, if somewhat likely effect on elderly patients. So, people complain. They look for review and that's appropriate. I think, as Chief Koskinas has made quite clear, he welcomes the review and transparency and he has provided that. But we are talking about the uniquely qualified group of people and, in the past, when Police Departments have had independent review Boards like this and those individuals on the Board were given the opportunity to participate in a police training event, live fire exercise, some kind of vehicular exercise. They often are shocked at what they learn and realize it's not at all what they thought. Now, you are talking about people who are not qualified. I don't know what training that is being proposed here but I can tell you that, having a 15 plus year career in emergency services, I don't feel qualified to judge the police and what they do with a subpoena and investigative power. It's too broad and too far reaching.

There are privacy concerns of people in the community having this. There are budget concerns, opportunities for witch hunts and, certainly, based on some of the comments tonight, confusion about what the purpose of that Board is.

Jonathan Prager, 35 Owenoke:

First, I'd like to have a moment of silence for all the police officers who have been killed in the line of duty which is a sad thing. Then, I'd like to have a moment of silence for all the people who have been interacting with the police that have been killed while being apprehended. That is also a very sad thing. One of the reasons that these are so sad is that police carry weapons of deadly force which means also that they expect that the people that they are apprehending may be carrying weapons of deadly force. That makes this an incredibly risky, dangerous, escalating proposition and I think both the police and the people that they interact with need the support of independent and objective oversight. Human beings are fallible. Police people are human beings and so police people, like everybody else are fallible but police people can deny liberty, they can inflict punishment and they can even kill. When police people make mistakes, there can be devastating repercussions. There must be independent and objective oversight. Right now, the town is withholding a police bulletin issued against a person who filed a police complaint and withholding, as well, a portion of the bodycam footage of the incident in question. How can a panel make a reasonable assessment of police conduct when panel members are beholden to town officers who themselves are fighting to withhold evidence? Oversight can never be furnished by the institution meant to be overseen. No matter how wonderful Westport's police may be, Westport's police are not exempt. One of the dynamics that made Derrick Chauvin possible is that he had gotten away with misconduct in the past. He could get away with misconduct in the present and the future was because the people he was accountable to were fellow police. Independent oversight supports police by inspiring higher quality conduct. Objective oversight also creates a body to which upstanding officers can report problems without fear of reprisal. In a democracy, there must be accountability for the law enforcement officers of that democracy, especially those who carry weapons of deadly force. Last I checked, Westport is a town in a state in a nation which is a democracy. We the people are meant to check and balance police power. The people are sovereign. Westport's police, like police everywhere, must be accountable to independent, objective people who serve on an independent and objective Civilian Review Board. That's primarily what I wanted to say. In my personal experience, my fiancé was killed in Westport. Police came to my house. They didn't tell me what happened to her. They confiscated stuff and I had no way of getting that stuff back when it turned out that she was killed by being run over by a train. I had no way to appeal and no way to get her and my possessions back from the police which they refused to return. I think there should have been an independent Civilian Review Board that I could have appealed to to get her stuff back.

Mr. Wieser:

Chief Koskinas, I see that your hand when up just when Mr. Prager was mentioning something which I would like an answer to and I suspect the RTM would as well so, I'm

going to break convention here and allow public to speak twice during this period and ask you to tell us what was on your mind.

Point of order, Ms. Hamlin:

The rules are that people who haven't gotten to speak yet should get to speak and Harold Bailey has his hand up.

Mr. Wieser:

It was just such a direct thing but that's fine. Mr. Bailey, go ahead.

Harold Bailey, 15 Regent's Park, Chair of the current Civilian Review Panel:

First, I want to get back to the comments made by Madison and the comments made by Johnetta, I don't know your last name. But I want to say that they are not talking about the national issue with respect to race. They are talking about the issue and I think the real focus here is how does the Westport Police Department interact with people who go through town? who live here? work here? and I think we're missing the point if we try to brush it off and say this is some greater issue. The issue here is how do people get any kind of recourse if they feel they are treated incorrectly? Also, how do the police get protected from the perception that they think they've done something wrong when they haven't? That's what the Review Panel is all about. I'm here and I can tell you I've had experiences, over some 10 years ago, that are certainly equal to what Ms. Johnetta talked about. When my wife and I were walking to the beach, a police car went by us, turned around, come up on the sidewalk in front of Longshore and ask us what we were doing as we were just walking to the beach. When I objected to why we were being stopped, he put his hand on his gun and said, 'What are you doing here?' I've got to tell you, I was upset. I ended up calling the Chief at that time and what I was told was 'We've had robberies in the neighborhood. Don't you want your neighborhood to be protected?' That was it. There was no recourse. I agreed to sit and be a part of this council strictly because I wanted to make sure that nobody has to go through that or any of these other issues again. To the extent that I know Foti and I know most of the leadership and I have worked with them, I am confident that wouldn't happen now. The problem is and what we should be planning for is what happens when there is no Foti and there is no good leadership? So, my take is whatever happens here, there has to be something permanent versus temporary. The Panel is temporary. And it has to be owned by the RTM which codifies whatever it thinks that structure ought to be. If it's going to be a Board, that's great. If it's going to be a Panel, then come up with something that's got the setup of a panel and put that into some sort of law or ordinance. The other thing is the subpoena power protects the police as much as it protects the citizens outside. If there's a complaint and there is someone there who is a witness, or some set of people who are witnesses who are afraid to come in and testify in support of the officer who may not have done anything wrong, we want to be able to bring those people in to testify in order to make sure this is fair on both sides. The subpoena power is something that's there. There ought to be some safeguards. Remember, in the Board structure that was just mentioned, it has to have the approval of the Police Department in order to be invoked. Keep that in mind. If you do go with the Civilian Review Panel, there should be an agreement to come back within the next year

or so to find out what we've learned to put something into an ordinance that makes this permanent.

Chief Koskinas:

I will start with a brief comment on Harold's comments. The First Selectman is not here but we've certainly had discussions. There has been extreme support for the current Panel and the model that is in place to be codified and become an ordinance. Nobody has argued or has said that's not a good idea or it shouldn't be permanent or we should identify the terms and stagger terms. All that has been in consideration and waiting to see how this would proceed which could be adopted if this was turned down. I would strongly agree with that. I would agree with Harold. For this to be permanent has not been an argument on the town administration side. I would rarely speak for the Selectman but being that he is out of the country, it has been part of the conversation and I wanted to make that very clear. As far as Mr. Prager, Jeff, did you have a question that you wanted me to answer?

Mr. Wieser: It's just that your hand went up.

Chief Koskinas:

I don't believe it's intentional when correcting misinformation. There was no body camera footage that was edited or not released during the Freedom of Information involving Mr. Guadarrama's incident. There is a police information flyer and, while I will tell you, and I probably shouldn't go down the road, there is nothing sensitive. There is actually more in the incident reports than there is in the actual flyer. The problem with that is those informational flyers are meant for police only situations and although it doesn't directly apply to Mr. Guadarrama there are sensitive cases when it comes to domestic violence, when it comes to drug activity, when it comes to different things that we don't want those, through freedom of information, to be released. It gives us a network within the Police Department for sensitive information. That's the only reason that letter has not been released. There is no data in there that was not included in the actual police report. We'll go through the Freedom of Information Commission on that and navigate through. As far as Mr. Prager not receiving property from losing his loved one, once we seize property, that becomes property of the court. The Westport Police does not have the authority, nor would any CRB or CRP on releasing any evidence back to victims or victim's families. That is handled directly through our State Court System. It's a very strict system. At the beginning, it was a very sad incident. I sympathize with Mr. Prager. I was there from the beginning through the end but there were a lot of questions as to what happened. It was very unfortunate but we did have an active investigation and it took quite a bit of time to discover what the findings were during that time. I do apologize for his loss but it was not a Westport Police matter when he came down to the actual evidence.

Mr. Wieser:

Thank you Chief. I'm sorry to break protocol there but it's good to hear your input on those and our condolences as well as apologies to Mr. Prager. Connor, sorry, we're done with public comment.

Ms. Karpf read the resolution and it was seconded.

RESOLVED: That upon the request of at least 20 electors, a Civilian Police Review Board Ordinance is hereby adopted. (Second reading. Full text is as follows).

Mr. Wieser:

Are there Members of the RTM who would like to comment on this issue? As with the public, I remind all members of the RTM who would like to speak, to raise your hand on zoom and wait to be called on, please. When you are called on, I ask that you keep your comments to ten minutes. I also remind you of Velma's great math: if each of us takes our full ten minutes, each debate will take 360 minutes or six hours.

Members of the RTM

Ms. Hamlin:

As I talked with you earlier, the petitioner has responded to some issues where indicated that needed to have some clarification. The actual ordinance was intended to be clear on two points regarding the subpoenas and also with respect to the investigation. There were some people on the Public Protection Committee, for instance, who said that they were in favor of a CRB but they had some concerns regarding the subpoena and the investigations so I have been asked to make a motion to amend two sections. 1) No subpoena shall be issued except upon the joint agreement of the Westport Police Department Professional Standards Investigating Officer and a majority of the Review Board. So, section d-3 shall be amended to read as follows:

The Review Board shall have the power to issue subpoenas to compel witness attendance before the Review Board and to require the production of records it deems relevant to any matter under investigation or in question **only upon the joint agreement of the WPD Professional Standards Investigating Officer and the majority of the Review Board.**

So that would be the first section that would be amended. The second issue is the requirement that the Review Board would conduct such interviews is not intended to preclude the WPD from promptly conducting interviews or any other part of the investigation that it thinks is necessary. So, section e-4 shall be amended to read as follows:

All aspects of the investigation of the complaint shall be delegated to the WPD to perform with the following exceptions. As provided in g-3 below, the Review Board will conduct the interviews and take the sworn testimony of the complainant and his or her identified and designated witnesses and the accused police officer and the identified and Designated police or respondent witnesses. The oath for such sworn testimony shall be administered by either a Connecticut admitted attorney who is a member in good standing of the Connecticut Bar, an officer of the Superior Court, a Justice of the Peace, a

Notary Public, the Town Clerk, Assistant Town Clerk or anyone else qualified to administer such oaths under Connecticut General Statutes 1-24. (This is the part that is new:) **This provision is not intended to preclude the WPD investigating officer from promptly conducting interviews as deemed necessary or appropriate or in conducting any other part of the investigation.**

So that is the motion to amend two sections that we are making and since it's just clarifying what had previously been intended, the petitioner and others thought it was important to make that motion right up front so that people understood that this is what was intended and to provide this clarifying language about allowing the police to promptly complete their investigation and also to insure that, like Mr. Bailey said, the subpoena power is there. It's something that a lot of different organizations have said is valuable. But to insure that there is no abuse, to require that upon the agreement of the WPD Professional Standards Investigating Officer and the majority of the Review Board. So, that's the motion to amend. I hope that somebody will second it and then we can move on to discuss that motion before we... It is my hope that we will make that amendment and then move on to discuss other things about the substance of the ordinance.

Mr. Burkhardt seconded the motion.

Mr. Wieser:

There has been a second. We can now discuss the amendments. We will vote on them separately.

Ellen Lautenberg, district 7:

My comments were not about the amendments so if you are going to discuss the amendments, please go forward and I'll hold my thoughts.

Point of order, Mr. Lowenstein: Shouldn't we go to the public first?

Mr. Wieser: Yes. I'm sorry.

Members of the Westport electorate – no comments

Members of the RTM

Mr. Mall:

I am surprised with this amendment considering we have had five Ordinance Committee meetings and four Public Protection Committee meetings that lasted roughly four hours a night. This came across our screen at 7:01 p.m. the night of the meeting after we've

had all of these different meetings. I really have a problem with it. One thing that I think all people should consider and I think it's really important that you hear this that there is not a single Board or commission in the town of Westport that has subpoena power. So, however we fix this up, it doesn't matter. We do not have a single Board or commission that we have given subpoena power to. I will tell you that, as a member of the RTM, I do not want us giving an unknown entity with unknown members, untried, untested subpoena power. I am all with Harold Bailey's suggestion that we give the panel a chance to operate, to see how it works and then codify. But to start out with the heavy hand of subpoena power, let's see [inaudible.]

Mr. Falk:

I would just like to point out, forgetting anything about this, the reason why the RTM hasn't given anyone subpoena power is because the State hasn't permitted anyone to give subpoena power. We get our authority from the State and the State has not given us the power to subpoena; however, they did give authority for this and that's the only reason we haven't given it to anyone else. I'm sure subpoena power would come in very handy on other Boards and commissions.

Mr. Lowenstein:

Looking at the red highlighted material that Ms. Hamlin presented, I'm wondering if these changes as presented are really procedural things. If this Board is constituted, can members of the Board make that as part of their process as opposed to having it in the ordinance itself? I don't know who can answer that question.

Mr. Wieser: We'll get an answer on that later.

Mr. Gold:

I'm a member of the Ordinance Committee. I've sat in I don't know how many meetings on this ordinance. We have gone through it word by word many times. Without taking a position on whether or not subpoena powers are warranted, should they be granted, this is an improvement. It doesn't mean they should be granted, but if they are granted, this is an improvement. Both of Kristan's amendments improve the proposed ordinance. You may not like it, but if it is adopted, they will improve it.

Ms. Batteau:

I agree with Peter and I also think this is not an appropriate moment to discuss whether we should be giving subpoena power. We should just speak to the amendments and vote on them so we can get on with the general conversation.

Mr. Izzo:

I have a question for Attorney Flug. These amendments, aren't there legal issues with these? Is this changing the ordinance from what came before us? I'm not sure whether there are issues with the Police Union? Whether this needs to go all the way back to Ordinance?

Ms. Flug:

These amendments are consistent with what the RTM can do. I don't see how they would impact the union. It seems to give more authority to the police to share in the decision making about the subpoenas. It is within the authority of the RTM to make any amendments to any motion that are germane and this is consistent with the ordinance. I don't have any problem with it.

Mr. Izzo: Thank you Attorney Flug.

Ms. Hamlin:

I just thought I would address a couple of questions. One was by Lou where he might of misspoken about nowhere else in Westport do we do this and Harris Falk was absolutely right in that regard. On that, there was concern that the other towns in Fairfield County. They created Police Commissions.

Mr. Wieser: Is that apropos to the amendments?

Ms. Hamlin:

Absolutely. He said there is no other subpoena power in the other commissions.

Mr. Wieser:

But we have already been told that his comments were no apropos to the amendments. So, I'm wondering if that should be in the main conversation.

Ms. Hamlin:

I'm trying to say that you have to have enabling legislation that permits it and the Police Commission enabling legislation doesn't permit subpoenas. That's why it's a new thing that we're looking at right now. But the point is to put controls that would require agreement by both sides and it's absolutely true that you could use this to exonerate police officers when sometimes witnesses wouldn't want to come forward to exonerate a police officer. I gave the example before, if there were a suggestion that a police officer committed sexual assault and there was a friend who knew that was not true and the police wanted to secure the testimony of that third party, they would have no means to do it because this is not a civil case or a criminal case and it's not pending in court. So they might believe it is appropriate at that point in time in order to exonerate the

police officer to go to the Board and ask the Board to issue a subpoena. Then it would be by joint agreement only. So, this amendment gives us the best of all possible worlds. It gives us the controls by allowing it to be only done by joint agreement but gives the police authority to secure testimony that would exonerate police officers. With respect to the question from Mr. Lowenstein as to whether this amendment should be part of the process instead of the ordinance itself, I don't think that would be appropriate. I think it is important for people to vote on this knowing how it's going to work. These two amendments one, provide investigative power to the police to conduct their interviews, their investigations and do as much as they want in that regard. It was also something Foti raised in the last meeting so that it was something that provides clarification that was needed at least from the police's perspective and now they've got that clarification. With respect to the subpoena, I know that was something that a number of people including Mr. Jaffe, made some very good and articulate points about. Seth Braunstein did, as well. This clarifies that and I think it gives the security to people to understand how this is going to work. Certainly, there will be tweaks to process that occur once the Board is approved if it is approved but this is the kind of thing that people are entitled to know about going in when they are voting.

Sal Liccione, district 9:

This question is for Captain Paulsson or the Chief. I wonder if you guys agree or disagree with Ms. Hamlin.

Point of order, Ms. Hamlin:

I believe the public comment period is over and it is only a discussion for the RTM at this point.

Mr. Wieser:

An RTM member can ask anyone a question so that is an appropriate question to Mr. Paulsson or Koskinas.

Chief Koskinas:

I am also taken back at the last minute amendment. I can see that we're trying to compromise and reach an agreement that works. I would want to review the language. Quite honestly, the second part, and I'll go back to the subpoena, currently in the proposal there are four different areas that state the word investigate as the CRB having access to investigate. I continue to have concerns as to who investigates, how wide is the delegation of the investigation. I have current police officers now and others that interviewed asking questions. How is their consistency? Who will be investigating? What will the questioning be like? Right after I got it, about 10 after seven or 7:15, I spoke to Attorney Floyd Dugas briefly. He said this is just wordsmithing of who is

investigating. The way it reads now, it's still the CRB having investigative power. I have been very open. If we were to go to an investigative model that the CRB is in total control and they have their own investigators, that's a decision the town has to make and negotiate it with our Police Union but there is a level of anxiety; there is a level of confusion that, depending on the complaint, who would actually be doing the investigation. Further, Mr. Dugas stated that we can't forget that as the Police Department and police management, we have the right to invoke Garrity any time it looks like there might be a criminal aspect to this. The Civilian Review Board or Panel would not have the right to invoke Garrity rights to the police officers which raises another question as to how does that apply and how does the officer feel going into an interview not knowing that their Garrity rights have been invoked? There are major concerns. It may seem a simple amendment as to where this goes. It's not as simple as it sounds. There's still wording for extensive investigative power by the CRB which is concerning, which we would have to outline. I don't think we can do it after nine or 10 meetings, four or five hours each; to do that right now, I think would be rushing and I'm not prepared to agree to that. Not that I have the final say, by any means, I'm just giving my opinion. Back on subpoena powers, I appreciate the compromise completely. I see what Mr. Stiber and Mrs. Hamlin are trying to do in order that it's fair. I think that, as a community, I know you don't want me to take off my police hat and put my resident hat on, but I did grow up here and my parents are still here, we need to identify what are the consequences if the subpoena is not adhered to and the lengths that the town will go to punish that person, one of our community members or someone else and it will vary depending on the circumstance. If it is a sexual assault, that's a criminal offense and we would have other options, we wouldn't necessarily have to go to a subpoena compared to a much lesser offense. Would the subpoena powers adhere and what would be the penalties? So, I think we have to weigh two different things. First, the actual amendment on the language of investigative power and second, what does subpoena power mean and what level will the town go to to adhere to the penalties of our community members or visitors?

Mr. Wieser:

Thank you Chief. Just a reminder, any RTM member can ask a question to the public but their response is part of the 10 minutes allowed for the RTM member.

Mr. Lowenstein:

I would suggest if we are going to take a vote that we divide the question into two amendments.

Jack Klinge, district 7:

I'm not close to being a lawyer and I must confess to being somewhat dazzled by Ms. Hamlin's two amendments. My first reaction was if I ever thought this ordinance was going to pass, I suspect the amendments would make it a better ordinance but I'm not particularly sure that's the way it's going to turn out so I'll look forward to the vote on each amendment separately. I'll probably vote against them but I do think it's possible that they might make it a better overall ordinance if it passes. I'll let better educated lawyers explain that one to me.

Ms. Hamlin:

I just want to make sure that we follow the rules and one of the things that I heard was Foti mentioned he had a separate conversation with a labor lawyer. We have a rule that we don't speak for other people or share the comments by other people. We speak for ourselves. I think that's particularly important when you are talking about legal issues and you're not a lawyer because we talked about Garrity many, many, many months ago and I talked about it with Mr. Flug [Floyd Dugas?] I don't want to go into it right now but I think that some of the comments misstate the law and misstate Mr. Flug's [?] position but I think it is very important that we do not quote other people who are not here. It's just not fair and in this case, it was not accurate. In terms of the investigation issue, I understand that Foti is not a lawyer and this is an ordinance. It's a law. He says he's not clear about the investigation stuff and how it works. I don't know how the language could be any clearer when it says that the investigation will be delegated to the Police Department and it also says that now "This provision is not intended to preclude the WPD Investigating Officer from promptly conducting interviews deemed necessary or appropriate or conducting any other part of the investigation." and that's the last sentence and the first sentence says "All aspects of the investigation of the complaint shall be delegated to the WPD to perform with the following exceptions..." In other words, what this means is the Police Department can handle the investigation completely, 100 percent, do everything that they normally do but complainants are going to have an opportunity after that happens to be in front of an independent Board and be interviewed and have those credibility evaluations done and the interviews will happen de novo. By the way, that's exactly the way it works on the criminal side. Police do their investigation; they come to a civilian such as a prosecutor; the prosecutor may send them back to do more investigations but once there is a presentation, the interview is under oath, once there is a presentation of the testimony of a witness, it's not done by a police officer, ever, in the criminal context. It's done before a grand jury, a petit jury, at a preliminary hearing, always by a civilian lawyer and the people who end up making the decisions are jury members who are not lawyers or police officers. They are just common citizens, civilians. For much more serious cases, cases that involve loss of liberty, they are criminal cases, have civilians do that work. So there is nothing about this that is inconsistent with the last 225 years in the United States where the police do

their investigation and the interview is provided. When I was a prosecutor, I would get a case from a police officer and I'd look at it. Maybe I'd send it back to do more of the investigation but I always wanted to interview the witnesses myself. Then I would make the presentation of the witnesses. Police officers don't do that. It's always somebody else who does that so they're accustomed to this kind of thing. It is not confusing. Nobody could possibly be confused by language that says "All aspects of the investigation of the complaint shall be delegated to the WPD" and the last sentence which says "This provision is not intended to preclude the WPD Investigating Officer from promptly conducting interviews deemed necessary or appropriate or conducting any other part of the investigation." There are no questions that anyone could legitimately have about the bounds of the investigation after that language is added so it's just not an authentic argument. With respect to the issue of the subpoena, someone could make a motion to delete the whole subpoena power from this ordinance. That's something that people could do. But right now, the Police Accountability Act which provides this power has said, the Connecticut ACLU has said that this is a really important aspect of insuring that the CRB is effective. People had concerns that it could possibly be abused so there was a failsafe put in place that it had to be the CRB and Police Department jointly. People should vote on that. Organizations that have studied this for years and years and years have said 'You should do this. You should have subpoena power.' Our Attorney General and our Governor and our State Legislators have all said you should have subpoena power. The Connecticut Bar Association approved it. The Connecticut ACLU approved it. That's what this enabling legislation allows. The Police Commissions enabling legislation does not allow it. So, we can use this to our advantage but there are safeguards now. We have to decide. Do we want to take all of the benefits that all these major organizations have said are important and valuable and said you should have subpoena power. It's an opportunity. Now we've got the safeguards to make sure there's no abuse. Or, does somebody just want to make a motion to delete the subpoena power from this ordinance. It can go either way. I think we've got the best of all possible worlds right now. We've got the benefits, all these organizations, everybody went along with this for a reason. They saw benefits after studying this for a long time. We've compromised on this and made sure that it can only happen if there's joint agreement by the WPD Professional Standards Investigating Officer and a majority of the Board. That's the proposal to make it joint. Clearly, everybody agrees that it makes the ordinance better than it was before. So, I respectfully suggest that we approve these amendments and then we vote or discuss the ordinance with those two amendments. Really, they are just intended to clarify because that's what was intended but then when I had a discussion with Eileen Flug a few weeks ago, she said, 'I understand what you intended. It's certainly what Stephen Shackelford said in his first reading of this. It's certainly what was intended all along but she believed that clarifying it would be better. She said it wasn't clear and she's a smart

lady so I decided to make it clear that's what the petitioner wants to do. So, let's vote for the ordinance he intended.

Mr. Braunstein:

You need to unmute my phone line. My mic quality is very bad.

Mr. Lowenstein:

Redundancy seems to be the word around here. That first sentence and the one that was added about the powers are redundant. One can go in or the other but I don't think we need that last paragraph at all. I don't have my copy in front of me, I think it's redundant to have that second amendment and the first line in the paragraph where the amendment is referred to. They are the same thing and saying it twice doesn't make it more definitive. That's my suggestion. The other thing is an observation. I think that Chief Koskinas and Harold Bailey should not be considered members of the public for this ordinance at all. They are directly affected by it either because of the Panel or because the Chief's Police Department is affected. So, I don't think there should be any restrictions on their speaking as such.

Mr. Wieser:

I think Jimmy is going to take me out of this. Would you like to ask a question?

Mr. Izzo:

I would like Mr. Koskinas to talk about what Ms. Hamlin just spoke to.

Chief Koskinas:

Thank you Mr. Izzo. While I'm listening to what Ms. Hamlin is saying as far as the amendment, there still continues to be four different sections in the current proposal starting with the first sentence:

There is hereby established a civilian police review Board ("Review Board") to investigate complaints concerning misconduct.

If that's the case, that comes up in the following three pages of who investigates so, is the Westport Police Department delegated? If it's delegated, forget the word *delegation* and say the Westport Police Department will investigate complaints of misconduct. Why do we need to use the word delegate or in four different sections in the actual ordinance proposal put down that the Civilian Review Board will continue to investigate? Either we clarify all of that without shaking our head or it's not a real amendment as far as to who actually investigates this. I also can't highlight enough the interviewing of witnesses, police officers and complainants is the actual investigation. We are trying to wordsmith in every possible way to ultimately have an investigative body in the Civilian Review Board. If that's the case, let's vote on that. I'm not sure. I've been doing this a long time. There's not a lot left after you interview a complainant, a witness, a victim and other people involved. There's not much more to investigate. That

is the investigation. So, we can word this any way you want but let's just call it what it is. Either it's an investigative model or a review model. It can't be both. We're trying to find a happy medium so the RTM feels good enough that they appeased the police and please Mr. Stiber and Ms. Hamlin. That cannot happen tonight. There are two options. We can shake our head all we want. We've been through this for two years. Let's call it what it is. If we're trying to send a message, let's send a message to the Police Department. If we're trying to correct a problem, let's identify the problem we're correcting. But to try to adjust words and try to push this through when we know what the motives are; we saw what the emails were on Sunday. We saw what the emails were this morning. To say it's not anti-police, I'm not buying it and I hope you're not either.

Point of order, Ms. Hamlin:

This is not addressing the motion. They were ad homonym. They were inappropriate.

Mr. Wieser:

That's not a point of order. We're going to go to Mr. Braunstein.

Mr. Braunstein:

Apologies for the microphone issues. I want to make sure I understand specifically what we're addressing at this point in the discussion because I feel like we're having comments about the body of the issue as opposed to the amendments. I happen to feel that there have been many opportunities for this ordinance to be amended and, in fact, I would argue that it has come a long way but throughout the process, these two issues are not somehow being revealed this evening as the key sticking points. Many of us focused on these issues from the very first meeting up to and through the most recent meetings we had. As Kristan has explained, the ordinance process is a very iterative process that goes back and forth in committee. I'm not sure that the place to be doing the adjustments, in my mind, substantive adjustments is on the floor of the RTM. Quite frankly, I think these should have been addressed in committee. First, I'm a bit confused about what we're specifically addressing right now because I have a lot of comments about the body of the issue and I kind of feel that giving the amendment sort of short shrift here while we're in motion without devoting the full attention to them is not necessarily the best process for us when we're trying to come up with the best piece of legislation to be adopted. That's point number one. Point number two, if we are going to address some of the substantive issues here, I agree that a CRB is the right way forward. I kind of feel that the First Selectman's CRP is exceptionally well intentioned. It may even be effective but it suffers from a couple of key issues. I think Mr. Bailey highlighted this far more effectively than I could. Having it be an impermanent structure subject to being changed or eliminated if and when the next Selectperson comes into power, that's not the way we want to address this issue. I am very much for a CRB that creates a truly independent, objective body but I believe the one we have in front of us, by virtue of the two specific issues that Ms. Hamlin is trying to amend at the eleventh hour, I don't believe that that allows the best possible way forward. The same way I feel about the CRB and Westport being one of only two

communities in Fairfield County that doesn't have a Board, that's not right. Similarly, the number is slightly wrong here but I believe Chief Koskinas told us there are 90 different policing districts or police entities in the State of Connecticut.

Mr. Wieser: This is not about the amendment.

Mr. Braunstein:

That's what I said in the beginning. I'm not quite sure if we're talking about the body or the amendment. Subpoena power is something that is being addressed in the amendment so I think it is appropriate to discuss it. I'm not quite sure who is going to adjudicate that. Just think about it, 88 of the 90 policing districts so not have subpoena power.

Point of order, Ms. Hamlin: This is not...

Mr. Braunstein: I'll stop for now.

Ms. Bram:

I actually have a question, not about the amendment, per se, which I don't think was very clear, to be honest. I would like to ask the Chair of our Ordinance Committee, Ms. Briggs, and our Assistant Town Attorney, Ms. Flug, if this amendment materially changes the ordinance, which it seems to me that it does, does this need to go back to the Ordinance Committee and, if not, why not?

Ms. Flug:

I can address that. It doesn't matter if it materially changes the ordinance. The public has been on notice that this item would be addressed at the meeting tonight. Any amendment that is germane to the original motion, which is the ordinance itself, is fair game. The public can be here to express their opinions about the amendment. The RTM can express their opinions about the amendment. All of this can be cited in the meeting today.

Ms. Bram:

It sounds as though we're trying to develop our new ordinance by committee. That's what bothers me here.

Mr. Mandell:

Ms. Flug, what you just said doesn't preclude us from asking it to go back to committee, does it?

Ms. Flug:

No. It does not. You can certainly send it back to the committee for further discussion.

Mr. Mandell:

Specifically discussing the amendment, I'm not quite sure I understand what the Professional Standards Investigating Officer is different from an officer who's investigating. That needs to be explained by someone so we understand what modification is occurring here. A minor typo is that the comma should be in red as well because it was a period prior just so we know what's going on. In the second one, e-4, it says "... this shall not preclude the WPD investigating officer..." What if there's more than one officer who should be investigating? Who determines which one it is? So, there's a lot of confusion in this and to get it at 7:01, it's parsed out for us to try to figure it out, I find it problematic. I think that's what Mr. Braunstein was talking about, Ms. Bram was talking about and I'm not sure we should move forward at this point without really taking it back to ordinance and figuring out what does this really mean? I believe these are substantive changes and not just minor modifications. I'm interested in what other people have to say about sending it back. I am game for that occurring. I don't want to make an amendment to it at the moment but if other people come forward, I don't want to be the lone person saying let's scuttle this right now. There are a number of different ways because we are at the end of our session here. So there is different verbiage that we could use to do this. I heard Mr. Mall have an issue with it, Mr. Braunstein, Ms. Bram. I'm not sure Ms. Batteau also said it as well. There's an issue here and I think we should be looking at that. Is this substantive enough to have it looked at again by Ordinance to understand it and make sure we're moving forward. This is no small matter for the town.

Mr. Tait:

Just to jump on what Matt and Jessica said, this amendment is tough at 11 o'clock at night to decipher what it means and what Seth was talking about so something as important as this...I'm not a lawyer so I would like to get some feedback so do we vote on the amendment and move on and vote on the whole thing and move on or do we take it back but right now I think we should vote on this amendment and move on if we want to say no to what's in front of us and come back with something else. That said, I think there is too much here to look at this amendment and vote on it as is.

Mr. Wieser:

That is a suggestion that I can't do anything about with five hands up so as long as people want to discuss the amendment, we can't not vote on it.

Ms. Batteau:

In light of the ruckus that this is causing, I think it might be worthwhile asking the petitioners if they want to withdraw the amendment at the current so that we can on to discussing the substance of the issue and then if it seems appropriate later on to raise the amendments.

Mr. Wieser: We'll let that question settle. In the meantime, Mr. Gold...

Mr. Gold:

Again, I will reiterate what I said before. This is not about the timing of the amendment. Yes, it would have been nicer if we got it earlier. That's not the issue. It's not an issue about whether we want a permanent review Board or a temporary review Board. It's not an issue about whether we have an investigative body or an appellate body, whether we have subpoena power or not have subpoena power. These are all issues we can debate when we debate the actual ordinance. This is just a question of whether we want to make these wording changes. If we want to make the wording changes, fine. If we don't want to make the wording changes, they can always be made at a later date if we adopt the amendment and we can always amend it at a later date. But we need to proceed and move on here. It's 11 o'clock and we're not getting anywhere.

Ms. Flug:

I wasn't consulted on this language before tonight. I saw it at the same time all of you received it. But I just wanted to point out that if the RTM adopts this language, I do have some concerns about the second one because I think, the way it's written, in the context of all the other places where it says the Civilian Review Board has the authority to investigate. This new sentence, it's unclear who decides whether it's necessary and appropriate for the investigating officer to promptly conduct interviews. It says:

This provision is not intended to preclude the WPD investigating officer from promptly conducting interviews deemed necessary or appropriate, or in conducting any other part of the investigation.

In the context of the entire ordinance, I think there is a fair reading that it is the Review Board who would deem it necessary and appropriate for the police to do the investigation so it doesn't give the police the authority that I think Ms. Hamlin was intending here. If it's intended that the police would have the discretion to conduct interviews when they deem it necessary and appropriate, I think that language needs to be changed.

Ms. Hamlin:

That would only require saying "by police":

...deemed necessary or appropriate *by the WPD*

That's only two words. I don't think it's as confusing as you think it is but it's really easily changed by saying

...deemed necessary or appropriate *by the WPD*

Ms. Flug:

That's what I'm saying. Those words to be in there if that is what the intent is because, given the context where there are several places in the ordinance where the Board conducts the investigation, I would read that to mean they would determine what's necessary and appropriate for the investigation.

Ms. Hamlin:

It says right at the outset...

Point of order, Mr. Mandell:

Is Ms. Flug asking a question of Ms. Hamlin? Ms. Hamlin has already spoken twice so she would have to ask a question.

Ms. Flug:

No I wasn't asking a question. No one asked me my opinion about the new language but I thought it was important for the RTM to have that information. I think the way it's written, it would not give the police the discretion I think Ms. Hamlin was looking for and I think it would need to be changed in order to make that clear.

Point of order, Mr. Falk:

Wouldn't we have to get through this amendment before we bring it back in and amend the amendment?

Ms. Flug: You can have two amendments on the floor at the same time.

Ms. Briggs:

I just wanted to comment as Chair of Ordinance that, listening to Matt and Seth and Jess, if there is confusion, and myself, whether we vote on this and then move onto the big ordinance or not vote on this, if we are going to pass this with the amendment, I do have some concerns about looking at this in the whole context of it and making sure all the language is correct and goes together because even Chief Koskinas was alluding to the fact that there were still some things with the investigation that he was having issues with, that he thought that there was stuff that conflicted. So, I'm not sure exactly the process it would take but I do think there are questions or things that the Ordinance Committee may have to look at before we can say that this is ready to go. Whether we do that now or we vote on the substance of the ordinance, I'm not sure.

Mr. Wieser:

We have an amendment on the floor and a motion on the floor so we have to act on those so there are other hands coming up.

Ms. Karpf:

What I was going to say has been said multiple times so, real quickly, this feels very backwards to me. We can end run around a first reading but it feels backwards to talk in a vacuum about these points without talking about the ordinance as a whole. I would strongly suggest withdrawing this amendment. Let's have the conversation. If it gets to the point about the subpoenas, let's get to it there but I think this doesn't make any sense whatsoever to talk about it without talking about the ordinance as a whole.

Ms. Hamlin: I will withdraw the motion to amend.

Ms. Flug:

I'm sorry. You can't withdraw a motion once it's been seconded. It belongs to the RTM.

Ms. Hamlin:

Lauren, I tried. I want to say that I do believe, with respect to Brandi's point, just because Chief Koskinas is concerned that he's confused, he's not a lawyer. I'm sorry he's confused. It's very, very clear. I'm sure the Town Attorney will explain to him it's not confusing. Just because he's confused, it doesn't mean we bring it back to Ordinance. The Ordinance Committee looked at the same language that Chief Koskinas said he's confused about and voted unanimously that it was ready for RTM review. So, just because he says he's confused now doesn't mean we go back to Ordinance. The Ordinance Committee voted that it was ready for RTM review.

Mr. Wieser: And we're reviewing it now so thank you for that.

Mr. Mall:

I'll keep my comments to the amendments because, once again, we've had five Ordinance meetings and four Public Protection meetings so I thought we were going to be presented with the ordinance and to vote up or down on it. So, I would like, by the end of the night to vote yes or no and if it gets rejected, it gets rejected. So, let's move on. I intend to abstain from the amendments because obviously the author of the amendments isn't clear to anyone. Let's just move on to the regular ordinance and be done with it tonight.

Ms. Flug:

Can I please just correct what I said before. I just checked *Robert's Rules of Order*. There is a procedure for withdrawing a motion but it requires unanimous consent of the body. So, if Kristan would like to withdraw these amendments, it would just require unanimous consent.

Mr. Wieser: Are you still willing to do that Ms. Hamlin?

Ms. Hamlin:

I see that Harris Falk has got his hand up so let's listen to Harris and Ellen Lautenberg has got her hand up. Let's listen to everybody. I'm going to take my hand down.

Ms. Lautenberg:

I just feel like we're going a little bit in circles. I don't know who the right person is to give us guidance as to what the next steps should be here in terms of ...I think that everybody wants to be able to weigh in on the substance if we are going to get to that place. So, I think we need to move forward to withdraw the amendment unless somebody has another way of doing it, so that we can talk about the substance of the ordinance.

Mr. Wieser: Mr. Faulk, did you take your hand down?

Mr. Falk:

I did; although I have a question for you, Mr. Moderator. Would Ms. Hamlin like us to remove it or would she like us to vote on it?

Mr. Wieser: She said she was waiting to hear your question among others.

Mr. Falk: That's my question.

Ms. Hamlin:

I think that since everybody seems to agree that this improves it, we should just vote to approve this amendment and then just look at and discuss the substance of the ordinance. Nobody says that it doesn't improve it. Some people are saying that they're concerned that there is a motion to amend that has been made now but in the eight years that I have been on the RTM, substantive motions are made all the time, particularly for ordinances. It's parts of *Robert's Rules*. It's allowed.

Mr. Wieser:

That's fine. We just need to know that you're not withdrawing. There are no other RTM hands up so we can vote.

Mr. Falk:

I'm taking my time. She was using my time to answer my question. I move this question.

Mr. Wieser:

We have one more hand up and then we might vote. Rather than voting on calling the question, can we hear Mr. Mandell's question?

Mr. Mandell:

I'm not one of the people who believes this improves the ordinance. Ms. Hamlin says she didn't hear anybody. I only heard Mr. Braunstein say he approves it. I don't think anybody else actually said so. I'm not sure if it improves it or not. It certainly confuses it. I'm willing to vote on it to move forward as Mr. Izzo said so let's go for it.

Mr. Wieser:

So, let's vote. We're voting on one amendment two times.

The first amendment: ... **only upon the joint agreement of the WPD Professional Standards investigating officer and the majority of the Review Board.**

By roll call vote, the motion fails 14 – 20. Those in favor: Meiers Schatz, Burkhardt, Friedman, Hamlin, Gold, Lowenstein, Braunstein, Klinge, Lautenberg, Batteau, Shackelford, Liccione, Schneeman, Wieser. Those opposed: Jaffe, Mandell, Purcell, Tait, Falk, Keenan, Mall, Gertzoff, Izzo, Colabella, Hammond, Klein, Kramer, Banks, Bram, Talmadge, Briggs, Karpf, Newman, Heller.

The second amendment:

This provision is not intended to preclude the WPD investigating officer from promptly conducting interviews deemed necessary or appropriate, or in conducting any other part of the investigation.

By roll call vote the motion fails 4-30. Those in favor: Friedman, Hamlin, Gold, Shackelford. Those opposed: Jaffe, Mandell, Purcell, Tait, Falk, Keenan, Mall, Meiers Schatz, Burkhardt, Gertzoff, Izzo, Colabella, Hammond, Lowenstein, Klein, Kramer, Banks, Bram, Braunstein, Talmadge, Briggs, Karpf, Klinge, Lautenberg, Batteau, Newman, Heller, Liccione, Schneeman, Wieser.

RTM Discussion of the full ordinance:

Mr. Jaffe:

I'm in favor of a Civilian Review Board and against the current proposed ordinance. Here's why: Our Ordinance Committee has recommended that the proposed ordinance be presented for review by the entire RTM but it's not Ordinance's job to determine what is best for Westport. That's the job of the full RTM. In this case, it is our Public Protection Committee's responsibility to get into the details. As a member of our Public Protection Committee, I am not comfortable with the language of the proposed ordinance. I come from the management consulting world and the software engineering world. We start with a careful definition of the need; in other words, of exactly what problem we are trying to solve. If we don't, the our work doesn't satisfy the client's need and the whole thing is worthless or worse. The number one reason I do not like the proposed ordinance is that I cannot figure out exactly what need we are satisfying. As a result of not having been crafted to satisfy our community's exact needs, the proposed ordinance reads to me like a bunch of so called "best practices" which may or may not be what's best for our community. The creation of a Police Civilian Review Board is a complicated issue, one that can reach into the fabric of what we are as a community. It's not like banning plastic bags. I can tell you that our Public Protection Committee has not yet begun to delve into the possible effects of the proposed ordinance on our public protection. For example, Public Protection has not yet had the chance to discuss the Power Point presentation made by Mr. Stiber tonight because the presentation hasn't been shown to us. As another example, the knee bone is connected to the thigh bone. If we hire, train and supervise only the best public protection people, I think it's pretty clear that police versus us problems will be fewer than if we hire only ordinary public protection people. We don't want to do anything to interfere with our Police Department's ability to hire and retain only the very best. Is there language in the bill that accidentally hurts our Police Department? Is there language that might be tweaked or changed? I don't know. The Public Protection Committee doesn't know. In short, Public Protection has hardly begun the job of

studying this issue and how well it meets the needs of our town. In any case, given the magnitude and complexity of how the ordinance will affect our community, I could not support it under any circumstances without a sunset clause. A sunset clause, once it ends the ordinance at some future date, forces a future RTM to look at the issue again and add, modify or delete the ordinance as necessary. We cannot let inertia let a bad law remain on our books unmodified. There's no sunset clause in the proposed ordinance. That's what's wrong with the proposed ordinance. Here's what I propose to do about it: I want to defeat the proposed ordinance tonight and then get to work to build one that properly serves the needs of our community. So, let's call my plan "Phase II". In Phase II, we go back to the drawing Board. I suggest that a small committee of interested, motivated people including one of our Town Attorneys first identify the exact needs of our community in this matter; in other words, figure out exactly what problem we are solving, then craft ordinance language to serve those needs. Please vote the current proposed ordinance down and then let's get to work for whatever is best for Westport.

Ms. Meiers Schatz:

Respectfully, throughout the committee meetings on this issue, I've heard the question 'What problem are we trying to solve? We need to find the need and I think you would have to be living under a rock not to realize what the need is for an independent Civilian Review Board. We even heard it tonight. There are people who live in our town, there are people who do not feel safe and that has, with respect to the police, that has nothing to do with our particular Police Department. I couldn't think more highly of Police Chief Foti and our Westport Police Force is exemplary and I know a lot of you do as well. We're lucky that we get to have more contact with them than the average person in town or the average person traveling through town and, in some ways, that makes us kind of the worst people to be voting on this because what we are trying to do is make people feel safe, people who aren't us who don't have that same experience with the police. This isn't a problem that our police force has created. This is a problem that comes from inherent biases that we don't realize we have. It comes from history. It's a difficult problem to solve. I don't think it's solved by the Civilian Review Panel that the First Selectman has created because the First Selectman is the person appointing the people on that panel, among other things. I don't think either that this ordinance is the answer. I would be willing to work in creating something else in conjunction with the police and Chief Foti in the next term. I think that what a lot of people who have not been part of this process who are tuning in have to understand is that there is a lot of backstory to some of the players involved in this ordinance that I'm not even aware of that makes passing this Civilian Review Board ordinance more difficult. I think if it were sponsored by different people in partnership with the police because I know our police force wants everybody to feel comfortable with the police in town. I think we could get something good and much better than what we have on the table either by the First Selectman or through this ordinance. So, I am not going to vote in favor of this ordinance but I am willing to work towards and sponsor something else.

Ms. Lautenberg:

I agree with some of the points that were just made and I think the whole question of

subpoena power/ not subpoena power is going to go back to how the members are selected. I think that's a longer part of the conversation that we haven't really gotten to delve into. I think that Jason's presentation was excellent but it was quick. I would have like to have spent more time looking at some of the specifics and I think somebody mentioned that should be part of sending it back for more review. I do think this question of subpoena power does go hand in hand with how the members are selected. That's going to be a big part of the conversation. I also just wanted to mention that I fully support the concept of this ordinance. It may go back to the drawing Board. It may not but I think it is really important to acknowledge some of the stories that we've heard here tonight. I think Chief Koskinas has great intentions. He runs a great department. But I also know that he cannot always be there to witness every incident or to monitor every situation. I know that he would like to believe that all of his police force does the right thing at the right time but I think that these stories need to be taken to heart and whether we pass this ordinance tonight, I truly hope that the Police Department as a whole, the Chief and members of the department, take these stories to heart. I think they were eloquently stated. I know that these are not the only people who have encountered these kinds of problems. So, whether or not this ordinance passes, I think this is something that needs to start now. I do think an independent review Board will help people report incidents such as that, people who may not want to report it to the Police Department or people who do not get satisfaction from the Police Department. I am happy to hear more about how members of this Board are selected. For me, that question needs to be answered before we talk about whether or not there should be subpoena power.

Arline Gertzoff, district 3:

I've been in this town longer than anyone else tonight because I am older than any of the other natives. I agree and fully support the idea of some sort of Civilian Review Board, call it what you like, but I cannot support the current proposal. I have real questions about the subpoena power and I also have serious questions about appointments, how we would choose the people. It's just not in the correct sense. Also, I wish more people had the opportunity that I had to do the civilian police course which I did some years ago which was an absolute eye-opener. I cannot support this ordinance. I don't want to be listed as against it. I am for it but not in the form that is currently being presented and I also would be very willing to serve on a smaller committee that would look into this and come up with something that fits Westport.

Mr. Klinge:

I'll try to be brief. It is getting late. I'm totally in favor of accountability. It's necessary. It's something that goes with the territory when it comes to having a police force in any town. I come from the position that we have a good relationship with our police, fire and EMT's and they are doing a good job. There's not a great problem that we're trying to solve. I look at the ordinance as proposed and I see something that is complex, very inflexible, cut out of boiler plate, over-structured, something for a much bigger city not a town of 28,000 people. It doesn't seem consistent with the Westport that I have lived in for the last 55 years. However, I do want to continue the idea of the Review Panel but I want to see it done quite a bit differently. I want to see flexibility, the idea of

transparency, people with common sense on it, reasonable, work with the police but I see it expanded to five members not selected by the Board of Selectmen, not town employees, people we may have to go out and recruit to get the best and the brightest, most respected citizens in Westport, we recruit them. I don't want people who raise their hands and say 'Pick me, pick me, pick me.' I want to get the best people in town to serve on it. Maybe we get them through the RTM or some other body. We find a way to rotate them through. It would be a new look at the Review Panel for the next administration.

Ms. Batteau:

We live in a democracy. People raise their hands and say 'Pick me. Pick me. Pick me' and then they're chosen. That's what democracy is. I agree with Ellen and I agree with Christine Meiers Schatz. I can't imagine anyone not understanding that there is a need for a Civilian Review/Appeals Panel in this day and age, not after hearing the stories we've heard tonight; not after looking at the world and we exist in the world but, more than that, not after living in town. We are living in a kind of Halcion day. I couldn't be more supportive of Chief Foti and the force that we have now. We didn't always have this force and, as is obvious, we won't always have it. The changes in the force, just over the last few months are fairly extreme and there isn't a normal that we can count on. So, we have to do what we can to create an enduring structure so that, if things do go wrong, we have a way of remedying them. That I think does call for a Review Panel or Appeals Board. I certainly know teenagers and women in the past who had very bad experiences with police in Westport in latter days. I speak personally and I speak of people whose children are part of the government structure and have been part of the government structure and that's just the way it was. Our police now have made great strides to correct that but who knows if they will? So, I do think we need some kind of structure. I am not interested in having a panel selected by the First Selectman, no matter who that Selectman may be. I don't see what qualifications people who have qualifications for running the town would have for investigating and evaluating problems people in town have had. I agree. I think we really have to look at who is going to be on this committee. As far as the subpoena issue goes, I'm not so sure. I think there's been a good case made for it. I wonder about the privacy aspect of it, not just on the police's side but also on the side of the people being interviewed. If some part of their files are subpoenaed, is that then going to be part of the public domain? Does anybody want that to be part of the public domain? It seems to me that it might be ripe for mishandling so I worry about that with respect to the subpoena power. I also wonder why a Civilian Review Panel would be part of a hiring process. I'm not sure what an Appeals Board would have to say about hiring. All in all, I don't think that we're there yet. I know that this language has gone through finer and finer and finer sifters until we've come out with something that is maybe too finely sifted. I think there is more work to be done. My field is language. I'd be happy to help with language crafting. Everybody wants transparency. Everybody wants accountability. The question is what are we going to do when Chief Foti isn't there or Assistant Chief Sam isn't there. We have to create a superstructure not something that works with what we have in place now. So, yes but no, I guess is what I'm saying.

Mr. Lowenstein:

Back in January, at an Ordinance Committee meeting, I made some notes to myself which I still have regarding this proposal. I said 'Are we trying to make a statement or solve a problem?' I've had that mantra in my mind ever since then. My conclusion is a lot of what has been said is making a statement not solving a problem we're having. Somebody said we're the only town in the surrounding area that doesn't have one of these Boards or commissions. It's not necessarily bad to stand alone. I'm going to vote no. The Panel has come up in a lot of discussion and I was very pleased to see Harold Bailey tonight say that the Panel has some real issues that have to be resolved. I'm willing to start with the Panel next year and make that Panel into a much more effective organization, especially starting with the membership of the organization. One of the things that bothers me is we heard some personal stories of people who had problems in Westport. I went back to look at a description of the panel and it says that anybody can file a complaint with the panel. I think that the problem is not that the Panel is there but that it doesn't know how to solicit complaints and people don't know about it. I think the two complaints we heard about people in the streets could have been filed with the Panel but weren't so one of the things the Panel should do is publicize itself more so that people who have complaints can file directly with the panel when they have them. That said, as I said earlier, I'm going to vote no and I'm hoping that the next result in the next session of the RTM the results will be more positive.

Mr. Izzo:

Hi everyone. I look at this whole thing from many perspectives. The one perspective that I'm not hearing is the involvement of our Police Chief and our Police Department with this. I, like Lou Mall, Arline and Rick Jaffe had the privilege of taking the citizen's class for police. It's nine weeks. I learned more about what goes on behind the doors than any attorney here knows about in terms of our Police Department. You might know something about prosecuting, you might know something about law but these are not people who come off the street and you put a badge on them and say 'You're a cop.' They go through extensive training in this town. They are vetted before they're hired. Most have Masters Degrees. Some are lawyers. Some are moms, dads. They're everyday people like you and me. One thing that this Chief does and this department does is they get involved. They get involved with all the religious organizations. They get involved in Westport. They are here for us. Anything we do moving forward, we must get the police involved in cultivating something if it's going to work. One of the things that bothers me about this Police Accountability Act at the State level, nobody took into consideration police input. We have a problem right now. Guns are running up and down our highway because no one can get pulled over. That's fine. You know what they've become? Observers. We have to get together and find a happy medium between what is going on in our society and policing. You see what's happening in the cities and just let it go. We have to get together to work as a team, not like Legislators in Hartford that do a one way legislation out of fear, not out of doing something that is right. Have input from your law enforcement. Have input from the minority community. Have input from everyone. Work together to make something right. That's what I think our objective should be moving forward as a community, as Westporters. Work with our police. Work together with our town bodies and get something in place that works.

Mr. Braunstein:

I'd like to start with a couple of comments. First of all, I'd like to thank Jason for the effort he has put in over the last year and a half to get us to this point this evening. I also want to thank our First Selectman, Jim Marpe, because there is a Panel that is in motion. I don't have statistics. I don't know how many complaints they've actually fielded, how many issues they've resolved at this point but I do want people to understand that the town does have the function in place currently. Personally, I feel that that function is faulty. It's not faulty because of the initiative or the intent. It's faulty because, unfortunately, it's an impermanent vehicle and it's a vehicle that can be perceived to be biased. I don't think it is biased. I trust that the people that are making the decisions on that Board are fair people who are objective. But I can also understand that if you have a complaint, you could potentially view that panel as being an imperfect means by which to have that complaint adjudicated. So, I think what we're dealing with is a perception issue. And I like to always put myself in the shoes of somebody who would be potentially aggrieved and try and see it from their perspective. I think this conversation has to start with the absolutely acknowledgement that the Westport Police Department has consistently distinguished themselves as an excellent public protection body. They have real professionals who approach their job with the utmost respect for the law and have done an excellent job. But we can certainly empathize with the stories we've heard here this evening that if you have a complaint, you want to know that there is a truly independent body there to hear that complaint. It's really hard, from my vantage point for the complainant to then have an issue if they had their complaint addressed on a basis where it is very, very difficult to question whether or not it was objective. I want to say I think we have to get to that point. Personally, I think we've gotten very close to having the language of a Board that would be acceptable. I serve on the Public Protection Committee and I've said from the very beginning that the ordinance needed work. It's gotten a lot of work by the way. If you looked at where we were when we started versus where we are today, there have been significant changes made. I don't remember who said it but the starting point was at the extreme end of the spectrum. It is taking what the Connecticut ACLU and the Connecticut Bar Association recommended but that recommendation is for Police Departments that are problematic, not for the Police Department of Westport. We don't have the kind of problems that have been experienced in other communities and we should be very thankful for that. By the way, the Connecticut Bar Association says that there are two paths forward: an investigative basis and a review basis. Personally, I think we should be pursuing a review basis where the Board is in place to review the investigation that the police has completed. Because, quite frankly, I don't know that civilians are qualified to really opine whether or not what the Police Department is appropriate except for the most egregious situations. So, the review, as opposed to the investigation, the review would be there in those instances where something stands out as being particularly egregious. I also think about the subpoena power as something that creates a lot of problems. I'm a big civil liberties person. I am surprised that the ACLU is recommending that a Board has subpoena power to compel people to testify potentially against their neighbor. To me, that's a difficult starting point. I'm also very sympathetic to that Professional Standards Officer who would potentially be really put

on the spot as to whether or not there is a basis to issue a subpoena and the pressure that that individual would be under if it came to that. As I was trying to say in my earlier comment, 88 out of 90 police districts don't have subpoena. The two that do have it, it is not really equivalent to what is attempted to be put in place here. I kind of feel if we could snap our fingers right now and come up with perfect language to address the subpoena, frankly eliminate it, and address the investigative language and make it more so that the CRB is review-based, then I think we're very close to getting this passed. I don't really want to abandon ship here but a big part of me says that these are the two most important issues and we would really be doing a disservice if we just at 11:49 p.m. wanted to change those two specific things on the fly. I feel there is an urgency. We really owe it to every member of our community to make sure that they feel that they have access to a process that is completely 100 percent independent but I also feel that we owe it to all the members of our community to really get this right and I don't think that means coming up with language right here, right now to make those changes.

Mr. Wieser:

Thank you Mr. Braunstein. It is 11:49 and there are 10 hands still up. We've heard a lot of good comments here. A lot of it has a pattern so I would encourage you come up with new things and express everything else fairly concisely so we'll get through this speedily.

Mr. Liccione:

Mr. Moderator, it's almost 12 o'clock. Do we make a motion to continue?

Mr. Wieser:

No. We have to finish this and then we'll get to that motion, Sal.

Mr. Tait:

Wow to the fact that we have a Police Chief who is open and agreeable to having oversight and wants this to be part of his department and have that independence. So, we're lucky to have that cooperation. Some departments don't. Some people don't. I look at this as the Marpe administration has put together a Review Board but I don't really think that Review Board is in place because a big part of it is there had to be appointed a TEAM Westport person and also two people from the RTM which hasn't been done yet so that part hasn't been so we don't have a reflection of whether the Review Board is working or not since, from what I understand, it has not been put together to know what it looks like. Again, looking at other towns,

Point of information, Mr. Falk: Is that correct?

Ms. Flug:

Yes. It has been fully constituted and it has been meeting.

Mr. Tait: Has there been a TEAM member and also the RTM?

Ms. Flug:

Yes the Chair, Harold Bailey, is also the Chair of TEAM Westport and he's the Chair of the CRP.

Mr. Wieser: Chief Koskinas, you wanted to respond to that?

Chief Koskinas:

I was just going to speak up what Mrs. Flug said. I do have some other stuff to add but I don't want to speak out of order. I was hoping to get invited in while this conversation was being had.

Mr. Tait:

I just thought there were going to be appointments from the RTM on the First Selectman's Review Board.

Mr. Wieser: That's not something we can do.

Mr. Tait:

Looking at other towns, Wilton for example, has a Review Board but it is appointed 100 percent by the First Selectman. So, there are variations on how we appoint this and I think that we are looking at something good about how we are going to appoint the people for that review. I have trouble with the subpoena power. I think it's overkill. I think right now we need to look at what's best for Westport. I just don't see getting to the point of having the subpoena power. There hasn't been anything there to demand it. Can it be done in the future? Yes but I don't think there is anything now to demand it. I think we need to look at review and I think our Police Chief supported that. I think that's amazing. I think that is something where we can get to a common ground. I think it's a path forward.

Mark Friedman, district 3:

I want to start on a note of gratitude because I really do appreciate the tone of this conversation and the thoughtfulness and the heartfelt quality of everyone's comments. It has really been stirring, both in terms of content and in terms of process. I also want to give particular attention to the comments of Madison and Johnetta and Harold whose comments were especially, I think, courageous and personally powerful for me and they moved me very much towards we need to think about having a CRB in place as opposed to a CRP. Their comments cemented that in my mind. One thing that I haven't heard is that I do believe that a CRB has tremendous potential to increase trust and cooperation between the public and the police. I feel like this is a good faith effort to build cooperation and trust. I think that it's a tremendous opportunity in that regard. While I understand that there can be concerns about change, I also think that, hopefully, the spirit that this is intended will assuage some of those concerns because I

personally feel and I've heard over and over tonight that Westport holds its police in tremendously high regard. We think so highly of the Chief and the officers. We also have to think, not just in terms of individuals but systems of governance, as well. So, when we design a system that lives beyond the career of any particular individual, we also want to think about what kind of system could be permanent and endure the test of time. With that in mind, I do feel the current CRP falls short for reasons that Seth was alluding to, lack of permanence and the possibility that there could be a perception of bias, given the appointment process. I do believe that a CRB which would be permanent would be protected by a force of law as well as certain procedural safeguards that we have in mind. Like some other folks have mentioned tonight, I do have some questions about two main topics that come to mind with the CRB. One is how are we going to select the members? There have been various kinds of thoughts shared about that. I think it's very healthy to consider this. One thing I do want to mention, I do want to put in a little bit of a plug for at least having some of the members elected by the public. This is a complicated issue. I know that but I do believe in democracy and I like the idea of letting the people decide, at least of having some input. Maybe there's a possibility of some sort of hybrid composition where some are elected, perhaps, some are appointed by the RTM. There is going to be time to talk about this but I do want to make a plug for a democratic component to the composition of this Board. The other thing I want to talk about is the subpoena power which I have a healthy respect for the subpoena power as well as concerns for it. I understand that it's possible that it could be abused so if there were a subpoena power in place, I would really want to think more about what kinds of procedural safeguards we can employ so that it isn't abused because a lot of people alluded to it, I don't need to go into that. But, on the other hand, I do know that, at times, bureaucracies are not as forthcoming as the public might want them to be and the subpoena power can be an extraordinarily effective tool. I think as we go forward and we balance these competing interests, maybe we can arrive at something that is a little bit more finely honed with respect to that. I guess I have to say I'm sympathetic to the subpoena but I'm also concerned so I don't know that I've seen the language yet that gets me all the way there. I think that covers what I have to say for now but I wanted to thank everyone for their comments and I look forward to listening to others.

Stephen Shackelford, district 8:

I am a strong supporter of a CRB. I have been throughout the process. A great amount of work has gone into this process. I thank Mr. Stiber. I thank all the people who have worked on this. As we know, a great many people have worked to get this into shape that a majority can support. I have two comments: One is this is not any sort of a political statement. Those of us who have been to these committee meetings have heard a number of stories from people who are clamoring for some form of more independent review. I am a great fan of Chief Koskinas. I think he does a great job and he also acknowledges that independent review is good. The fact that we already have a panel in place that is supported by a large cross section of town including elected officials indicates to me that we've already acknowledged that there is a need for this so the only question is what form it should take and I'm a strong supporter of a Board that is permanent and I like the current version as appointed by the RTM. The other

thing I'm going to say is that it seems that a lot of people are concerned about the language. If this does not pass tonight and I'm not making any predictions, I hope that the public, there will be a number of disappointed member of the public who have been watching this throughout, I hope the public has heard, which I have heard, that a great many RTM members and the Chief and a number of other people in our community have said this is not the end if this is voted down tonight. We are going to get something done and we're not going to take another two years to do it. We are going to get something good done that has broad support from the town, that takes account of the stories that we've heard and that we can all be proud of. So, if this does get voted down tonight, it's not over yet. We have work ahead of us but I think we've made a great stride so far and I hope the people who have been pushing for this understand that it is not the end today.

Ms. Kramer:

I will definitely try to make this short. I think we all agree we know something has to be done. We all agree that there needs to be a panel. We all agree that we like the Chief but he's not going to be here forever so we have to plan ahead. So, we know we don't like the rigidity of what we got put before us so how do we call it a day and put it back to committee so it can come back to us in another form that has been accepted and not a last minute change at the end? Tell me how to do that.

Mr. Wieser: If that's a question, I don't think we can do it tonight.

Ms. Kramer:

Do you mean we have to stay here all night because we all agree it isn't going to pass the way it is? How do we do this?

Mr. Wieser:

Until all the people with their hands raised have what they have to say which they have a right to do...

Ms. Kramer:

We all agree we want something done. We just have to come back to committee and get it done right.

Mr. Gold: Isn't the next meeting the last meeting of the session?

Mr. Wieser:

If we decide not to do the code of conduct tonight, I think we come back in two weeks.

Mr. Gold:

Isn't November the last meeting of the current legislative session? So, if it doesn't pass by November, it has to start from the beginning again, correct?

Ms. Flug:

If it has been referred to committee, it doesn't need to start all over again. There are two options here. I'm hearing that there is not a lot of support for the language as it stands. So, if the RTM were to vote this down, the other people could come forward with a new ordinance, new language of the ordinance. Another alternative is to vote to refer this back to the committee to continue to work on the language of this one. Karen, those are the two options to answer your question.

Ms. Kramer: Could we bring this to a vote now?

Ms. Flug:

Someone could call the question. You'd have to make a motion to call the question.

Ms. Kramer: Can we call the question?

Mr. Wieser:

You'd have to make a motion and there are probably 12 hands up of people who want to talk to it so I would discourage calling the question so that people can talk.

Mr. Falk:

The way government works, we have the Selectman, the executive, they're speed. We're the RTM, the legislative, we're deliberative. We take our time. We can come up with stuff. It's great that we had the Panel. We needed something done quick. It actually wasn't really done quick. It took a really long time but we'll get back to it. This isn't quite right. I'd like to see...we need a Board. It can't be done by the Selectman because it's just done by the whim of the Selectman. Like this one. George Floyd got murdered and there were protests. Suddenly, our Selectman said, 'I have formed a review panel.' Then we didn't hear anything about that Civilian Review Panel for three and a half months until it was coming before the RTM that we were making one. Then it came suddenly to the Board of Selectman --- oh it's almost done. We waited a little bit longer and then it was coming before the RTM Committee again and then, suddenly, it was completed. It can be tweaked in the hands of the Selectman which is why it needs to be an ordinance. I don't think this is the one. I think we need a Board made up of some selected by the RTM, somebody from the police, somebody from TEAM, perhaps, even somebody place by the Selectman. By having the police, hopefully, a high ranking member of the police, we can also take care of Garrity because if they have the authority from the Chief, then, even if they are subpoenaed, they can just be informed by Garrity, you'll be okay. You won't be prosecuted from anything you say here even though the police can compel them. Or, then you won't even need a subpoena because the police can compel them on their own as being their boss. The thing is investigations always require speed. This type of Board here will be far too slow. If we had a Board that worked with the police so the police investigation happens but a person from the Board is immediately assigned. The police

say they are starting an investigation and the Board has someone immediately on call. It doesn't matter what time of the day. They're brought on board. The investigation is started by the police but the Board is there the entire way, every step of the way. But this just seems to be too combative. You can't have police policing police but you can't just have public policing police because, unfortunately, the public don't have investigative knowhow. You're going to stand up for your own group no matter which group you're in. This was a roundabout way of me saying I don't particularly care for this one but yes, we do need a Board.

Mr. Burkhardt:

I'm going to make this real short. I think I've got to thank all the people who served on the committees and the other presentations that were made tonight for the real hard work that went into it. I think it was really important to hear from the Chief of Police and his opinions on this matter. I do think it needs to go back to committee. I don't think we should try to drag this out in the committee level. I will say we do need to think how the Board is elected or selected and I would agree with Mark Friedman from district 3 and I strongly believe that the board has got to have some sort of legal power to investigate things, some sort of subpoena power to give it the ability to really investigate things that need to be investigated.

Kristin Schneeman, district 9:

I will try to be brief but when I talk too fast Jackie Fuchs gets mad at me. I'm happy...

[Mr. Gold: Music!!!]

Mr. Wieser: Peter is really happy!

Ms. Schneeman:

I'm very happy that there is clear support for civilian oversight of the police in general. There seems to be a lot of support for a permanent structure, particularly one that has members, not necessarily elected. So, I think we're converging on some things. I do want to say I very much align myself with all of Seth Braunstein's comments as I often find myself doing and I have the utmost respect for Stephen Shackelford and his involvement with this as well. I just want to make a couple of points. If we reopen this and revisit this issue, we should think about opening the aperture a little bit and not just tweaking the existing language. I'll try to describe my thinking here. There have been a couple of fundamental issues I've had with this ordinance from the beginning which have sort of been addressed by not in ways that got us where I think we should be. One of them is that it is complaint driven. So, if somebody makes a complaint, it kicks into gear. If there's no complaint, nothing happens. So in some of the compelling and moving stories that we've heard from people, for instance, in Ms. Cephas' case, she did make a complaint which apparently was not addressed, maybe one good outcome from this evening would be that the existing Civilian Review Panel could look into Ms. Cephas' case. I remember in a previous meeting, Mr. Turato telling a story about someone in his family or who he considered family who had a negative experience that

really stuck with me but I don't think there was a complaint made. I'm guessing that's more often the case, the rule rather than the exception. One potentially positive aspect of the current Civilian Review Panel powers and duties is

Evaluating opportunities to improve transparency and accountability and it may advise on policies and procedures.

So, it seems to have more flexibility in how it can look at what the police does and ask questions about trends or policies. I'm not saying I know what that looks like but I just feel like there's this whole potential field that we're not looking at because we're limiting ourselves to looking at how complaints are addressed. So, that's one thing I wanted to put on the table for future consideration. The other thing is just the overall model, the investigation driven model, I was interested to hear Mr. Jaffe that he thought that it felt like a series of cobbled together best practices. One of my issues is that it doesn't seem to be much of best practice. I know there are some recommendations that have very much been taken into account about the use of subpoena power and who should nominate the members of the board, etc. but civilian oversight of police is a thing and it's been around for a long time. There's a whole national association, literally, a National Association for Civilian Oversight of Law Enforcement, NACOLE, and they have a lot of resources and a lot of research and history and they kind of categorize different models. There is the investigation driven model but that usually involves the Board actually doing investigations and having investigators. That requires resources and budgets. It's serious business. But there is also the review model or the appeal model which Seth was referring to which, to me, feels a little more appropriate for the Westport context and there's other models like auditing and monitoring police. So, there are like actual models that we could look at and ask if these seem to apply here. It seems like they started with this investigatory model. In the beginning, it really was that the Board does the investigation and they've tried to make it more manageable or more amenable to the comments they've heard from the RTM but now what we have is an investigatory model where the investigation is automatically handed over to the police and a subpoena cannot be requested without the involvement of the police which leaves me wondering if we are accomplishing the goal of having a Civilian Review Board. I feel like it has only confused the model for me from the beginning. So, I am just making an appeal that if and I very much hope that we're not letting this go if we don't approve this version, but that we not just limit ourselves to what's on the page right now if we're revisiting this issue. That's really what I wanted to say. We owe it to the people in this community. We owe it to the Police Department and members of the police force and we owe it to the people who are not Westport residents who pass through here, who work here, who are part of our community even if they don't live here. Thanks everybody for the dialog tonight.

Mr. Wieser:

Chief Koskinas has had his hand up for a long time and, if there are no objections, I'd like to give him three minutes here.

Ms. Hamlin:

I object. I think this is the RTM time and possibly after the people who haven't spoken

yet he could speak. He has spoken a number of times and he is a member of the public.

Mr. Wieser: Okay. Sorry Chief. Ms. Newman.

Ms. Newman:

This is timely. I actually have a question for the Chief so I will bounce this over to you in a second. I don't want to reiterate everything that has been said here but I will say there are so many people not on this call as members of the community who have put so much time and dedication and effort to this work over the last year and a half and that is appreciated. The constant chorus during this discussion saying we do need something, I think, is due to the awareness that has been raised by the petitioner and the people who are assisting him so, for that, I thank everybody involved. Certainly, I thank the community members who have come forward with their stories. I've emailed them individually. A few of them are very moving and it takes courage to come forward and speak publically about such sensitive experiences that people have gone through so I just want to acknowledge that I do appreciate the tremendous work that has gone into to get us to the point where we are tonight. But what I am hearing is that this does not seem to have widespread support in its current form but a constant theme that is recurring in these comments is people mentioning possible work in the future towards something different in the future. I was really intrigued when Christine said perhaps she'd like to work directly with Foti in the Police Department to create something that is a little bit more customized to our town. So, my question for the Chief is, if that possibility comes to fruition, if this doesn't pass tonight and the RTM or a small committee of the RTM or a cohort of RTM members pursues work in partnership with the Police Department on the next iteration of this proposal, what would that look like to you? Is that something you are willing to do? Would you be willing to work hand in hand with the RTM to come up with a CRB that is not a Panel but is a Review Board that is permanent which is something that everybody seems to support? My question to you is are you willing to take on that process with the RTM and what does that look like to you?

Chief Koskinas:

Thank you Lisa. First and foremost I am absolutely willing and will make it my priority to work with a group of people for the common goal of having a codified Board, absolutely, without question, that's my goal here. I do want to address a few statements that Ms. Lautenberg made when I first put my hand up. I completely agree with her. We've had bad apples before. We absolutely need the police and there's a combination that we always may get a bad apple that we were not aware of through our hiring practices but we also have to realize officers are people and we will also encounter mistakes. Mistakes will happen. There are split second decisions and while going through this, I need to be part of, at least, if not directly part of, the men and the women who put the uniform on day in and day out have to have the confidence that they will be treated fairly. Throughout this process, because of the national climate or the way different people presented it, even to the most recent emails, the last 48 hours,

the Police Department is vilified. The approach was that we were the villains in coming into this rather than working. I hear and appreciate all the incredible comments and support and what you think of me and the Police Department. If that's the approach of working together and the men and women of this department have the sense that they will be treated fairly, that goes without saying. I don't often speak for the union president or the prior union president. They will be the first ones that will stick out the bad apples and want to weed them out but, at the same time, they want to make sure that their membership is treated fairly. It's all that they're looking for. If I support the organization and I support the community, I have an obligation to them also. We've gone through comments, and I don't want to peel the scab, but comments were made that it was more dangerous to be a landscaper in town. That hurts the officer. That's not the model that we're looking to work towards. It may seem like a small deal but that really hits home. Making statements when officers are taking guns and drugs off the street, that all officers do in Westport is stop white, middle aged women? It doesn't help the cause of all of us working together. To close, even if our only goal in this is to further closer relationships with the community, and there's many, we absolutely owe that. I owe that to you. I owe that to the community. The community needs to feel safe and that there's a process in place and I am absolutely committing to making that happen.

Ms. Newman:

I appreciate that and, certainly, I think we all share that sentiment that we're hoping for the community to feel comfortable and we certainly don't want to disrespect the Police Department. You've maintained great community relationships but I guess my question remains Foti, if you could give some examples, if you have the opportunity to work with the RTM on the ordinance in its next iteration, are there a few things in its current version that you wouldn't go forward with and what would be a priority to get in such a CRB that you feel would meet the needs of keeping the community feeling comfortable, safe, etc.? I'm looking for some details if this doesn't get passed tonight and we start rebuilding a different version of the CRB, what does that look like to you?

Chief Koskinas:

Mr. Jaffe put a lot of things into perspective. I don't necessarily agree with every word but having a sunset clause, having an opportunity to review, having an opportunity to, as we navigate through this, adjust in certain ways and the flexibility. I would ask for a period of time that it is strictly a review-based model. If we see that there are problems, we can always go back, no matter who is the Chief, go back and say we need to go to an investigative model because the review based model is not working. I think technology works. Even in a review based model there are recordings, audio and video of the incidents. I know an email was sent that that doesn't happen. Well, complaints that happened in 2014 or 2008, it certainly didn't happen. Since we have been an accredited organization and certainly in the last two years, it certainly did happen. We demand that it happens. So, if there is a question that the interviewing was not done properly or it seemed to favor the officer, I would expect that a well-educated, well selected panel would be able to identify those issues and navigate through them. That would be an initial response. I'm not even completely against the subpoena power as

long as it's clearly outlined who has the authority. On the other side, I've been the victim of abuse of subpoena power or threat of subpoena power so it concerns me because a lot of times it will be used in a scenario that if you don't comply, you will be subpoenaed even though there may not be legal grounds to it. So, there is another whole side that comes into play that I'm extremely concerned about. That's another isolated incident that doesn't need to be part of this situation but it is certainly out there. So, there's a lot at stake. I am here to serve the community but at the same time I do have to look at the interests of the officers to feel comfortable and supported, not just by me but by our community as they put on their uniforms and go perform their duties day in and day out. I can't emphasize enough that if we don't do a good enough job that everybody feels safe around us, we need to continue to do better and this is a necessary step.

Ms. Newman:

That is exactly the answer to my question. Thank you Foti. Jackie, I'm sorry, this is Lisa Newman, district 8.

Mr. Colabella:

I thank everyone for their hard work. It's not easy. This has gone on for two years. A tireless effort by Mr. Stiber and 100 people who have written. I have read all their emails and I appreciate their input because without input you have nothing but I also want to reiterate what other members of the public have spoken about with their officers and that's not easy. What I do have to say is what is currently in place now is effective and is fair and is fair. For those who do have complaints right now against officers, guess what? You have a place that you can go to that currently stands right now. It was created under Jim Marpe under executive order where the Second Selectman, Third Selectman and Mr. Bailey of TEAM Westport are standing on. There are two open positions that have not been filled because Mr. Marpe was waiting to see what would happen with this ordinance tonight which I think is very fair because as a leader and as a manager, you are going to vet that out with all possibilities. I would say that with the past two years, this is definitely the most civil meeting that we've had to discuss this ordinance. If you are talking about a Civilian Review Panel, there have been a lot of uncivil comments that have been made and a lot of us practice and preach that hate has no home here but some people did speak out and have very nasty things to say. You should really practice what you preach. One of the problems that I have with this ordinance is the subpoena power. Everyone has said it. I don't need to say it. I don't like it. I think it's a little terrifying to have someone who is appointed or elected to a Board have subpoena power who is not an attorney, who is not an expert on this. Over the past 20 years, I think everyone has known someone who has passed away from prescription drug abuse prescribed by a doctor and if they have to go in front of a Board to say why they did what they did, guess what? They go in front of doctors. When a fire fighter screws up and has to go in front of a Board, guess what? It's fire fighters. I think the ordinance that is standing right now is a duplication of the current standing ordinance minus the subpoena power. I also think it incredibly undermines our officers. Over the last two years, we have become very reactive as a society, extremely hot headed and a lot of us don't think before we speak.

I think a lot of people don't know what it takes to become a police officer. I could get into it but I'm not going to. It's not worth the time But I can tell you that officers are constantly being disciplined through their training which is every three to six months, whether it is CPR, ADD, firearms, maneuvers. Someone said choke holds. Well, guess what? The Connecticut State Police Academy does not institute that, has not taught that and does not use that in any of their practices ever in the current academy or in the past decades. The Connecticut State Police Academy, for those of you who don't know, is one of the top police academies in the United States. Before COVID, you could go for a tour but when I was a legislative analyst and I was working for Thomas Reynold, Senator Edith Prague, Jodi Rell, I got to tour the facility and see what they were doing because I wanted to be a police officer and I did go through that process. I didn't get selected because they went through officers who were already officers. But guess what's happening in Connecticut right now and across the United States. There are little to no officers who are applying to become officers because of the treatment. People are taking national issues and they're bringing it to their town and to their doorstep and they are thinking that it's going on here. Most of the time, it's not. But, if there is something that is a problem, guess what? You have a place that you can report that to. Just because something goes on in this world, whether something happens in Missouri or Michigan, those officers were completely wrong. Derrick Chauvin should never have been an officer and there were signs that he should not have been an officer and he should have been reprimanded but don't take it out on our officers. Has anyone here talked to the officers here in town? There are 64 uniformed officers. You can talk to them whether or not they like the ordinance, how they like their job. I can tell you right now, they call home from their front desk or in their squad car where they are using their time, whether it is eight hours or it's a forced shift where they have to go for another eight hours, they are ready to go at the drop of a dime. It's not getting any easier. For some reason, our society has forgotten how to lock our cars and there's more crime and our officers have to deal with it. Now that they get out of the system, they come back and do it again. I don't see how this ordinance is not going to protect our officers but protect the public. I can tell you what is currently standing, the officers do like and no one has tried to improve or work with what we have right now. I think what Mr. Jim Marpe has done, Jen Tooker, Melissa Kane, Harold Bailey have all proactively sought to improve the public for the goodness of their hearts for the majority of all. They are doing the best that they can. But they can't do the best that they can when you are going after them negatively. Be proactive. Work with your community. Work with the people who are trying to make this a better place. The majority of the officers you speak with right now, they like what's there. Keep it. If there is a problem, you can raise it and they can change but I do think what's standing now should be permanent.

Mr. Mandell:

At the end of tonight, no one in this town should think that we do not want to have oversight over our police. No one in this town should think that we don't have coverage in some form that we voted it down so we're not interested in this. That's not the case; the discussion tonight, how we've been involved, how we've listened to people which is most important. There won't be a gap in the coverage because we do have the Panel

that has been put together and that's what Andrew was talking about. The interesting thing about this is it's not so off from where we're going. The Second Selectman and Third Selectman, these are elected officials, one from the winning part and one, not. The Third Selectman is someone who one party thought would be good enough to be leader of the town. A Democrat and a Republican. TEAM Westport, a third entity. These three would be selected by the First Selectman. The RTM would pick the other two. That would create five individuals who are not selected by the First Selectman. We could offset those terms of those two for three years so there would be more of a permanency if necessary to keep going. Why do I mention this? Because while this panel is in force and is doing its job, we can then take our time and work towards the Panel that many people believe should be the case. So, at the end of the night, it's not like we've said 'No, we don't want this.' We have something in place that we can work for. We are going to have a new First Selectman in a couple of months. They can set this up and away we go. Tonight has been an exceedingly special night because we've listened, we've heard and we've been talking about a very special issue in taking care of our community and those that move through the community. I want to thank the police force for what they do. I want to thank Chief Foti. He's retiring. He's not an old man yet. He's almost there. But thank you for the work that you've done and for spending so many hours and to everybody who has worked on this. There's no gap while we do this. We're going to be moving forward and taking care of it, making sure that we have proper oversight while we look for a better way of doing it with more permanency that's talked about by Mr. Shackelford and others. So, I think we've done a good job tonight. I'm going to be voting this down. I think most people are. But the town shouldn't think that we're not involved and don't care what's going on.

Ms. Hamlin:

I spoke on the amendments but this is the first time on the body of the ordinance. I waited until everyone spoke before I raised my hand. I haven't spoken the first round yet.

Mr. Wieser:

But you spoke the first round when you did the amendments. We had a motion about this main ordinance. You spoke and raised the amendment. That counts as the first round. I'm not trying to cut you off here. You still get to speak here.

Ms. Hamlin:

I would defer to Eileen Flug on this issue. I don't think you're correct. I think the subject of the motion was separate. Mr. Braunstein spoke on that. I have not spoken yet on the substantive ordinance. I waited for everybody else to speak. Ms. Flug might agree with you or she might say it's a separate subject.

Mr. Wieser:

So, we had a motion and it was seconded and I called on Ms. Hamlin whose hand was raised to discuss that motion. She discussed some aspects of that motion and made a motion of two issues. That's really our rules of procedure. It counts as one of her times

on that motion but I'll stand corrected if that's wrong.

Ms. Flug:

I think it's the Moderator's decision but I think the first time Ms. Hamlin spoke was on the main motion.

Mr. Wieser:

This way, Ms. Hamlin, you'll have the last word, after everyone. I think that's fair. I'm not trying to pull anything here. Go ahead Mr. Braunstein. Let's keep this moving along.

Mr. Braunstein: I feel like I have spoken twice.

Mr. Wieser:

Everyone has spoken twice on the amendment and I'm counting that you're allowed to speak twice on the main motion and I have you once.

Mr. Braunstein:

I'll go quickly. My interest was really to make sure that Chief Koskinas or any one of his designees got a chance to speak. I know that Lisa's questions provided Chief Koskinas with that opportunity but I know that he had also mentioned earlier that perhaps Officer Paulsson would want to respond in some way. I just wanted to make sure that that opportunity was afforded to any member of the Police Department. I was going to allot my time to anyone who wanted to speak. It may be academic at this point.

Chief Koskinas:

If anyone thinks it's beneficial at this point and the direction this is going for Captain Paulsson to go over what the procedural process is for filing a complaint currently, the different committees have certainly seen it but I think we were in a much different place earlier. He's certainly available. I just don't want to take up any unnecessary time on that topic.

Mr. Wieser:

One thing we have been doing a lot here lately is writing a prospective ordinance and I think it is all good thinking in terms of getting ready to talk about something in the future but, if it's alright with everybody, I would prefer to hold that until we regroup.

Mr. Tait:

I was wondering if Chief Koskinas would like to comment on the policies.

Chief Koskinas:

A question was brought up earlier or a statement was made regarding the CRP and having access to policies and input on policy changes. What we have learned from training and experience and it certainly is part of best practices, when there is a

discipline issue, or when an issue arises involving a police officer or a civilian complaint, it often comes down to our policies. While the officer may have appeared to have done something wrong, there needs to be an adjustment to policies. That happens even when we have best policies in place. So, when we were putting the CRP together, we were asked for input from the Police Department, it was important for the CRP, as they reviewed the case, it may not have just been an officer's fault. The policy may have not been the best possible policy that applied to how we do things in Westport. So, the incorporation was not by any means for any extra language. So, for an example, six years ago when I first made Chief, it was my first exposure to Harold Bailey and TEAM Westport. One of the first things he brought up to me was 'Foti, how do these shootings happen? How do white police officers kill black men and things like that and then they're justified?' That goes right back to there are a lot of changes that have happened, especially the last two years. There are phrases such as "lawful but awful" which is just that. That's why we wanted the CRP to have input and policies and possible policy change depending on how things happened and what the outcome was. Some new language that is going to be very applicable whether it's a CRP or a CRB is we no longer operate under was the incident justified? It comes down to was it necessary? No longer can an officer with the new rules be justified for their actions is somebody can show while justified, they weren't necessary. These are key words and key things we need to take into account while we work into the CRP and the CRB. Again, that's building that trust with the community understanding that no longer can somebody get away with something because it was justified. It also needs to be necessary and did we take appropriate action to avoid something so there's a lot of language and that's where I think Mr. Jaffe hit it right on the head. It really needs to be looked at closely. It needs a holistic approach and we need to have a lot of flexibility as we navigate through this. The other part, and I promise I'll stop after this, when we talk about when the CRP was put in place, there is no question after the George Floyd incident that that was the nudge to put it in place. I don't think anybody would say otherwise on that. Also, realize, for two years, the amount of meetings and the amount of brilliant people sitting on this panel and the difficulties we have had putting together something that is viable, the CRP faced the same challenges so less than a year to have something that people can report to if there is a problem is a step in the right direction. It might not be perfect but until we get perfect or close to perfect it is addressing an issue and while the timeline may seem very long, think about this timeline and how long it has taken us to get here.

Ms. Batteau:

As has been recently noted, we're spending a lot of time talking about what another ordinance would look like and how it might be written. I think we don't need to do that right now. I think that rather than have Public Protection or something like that, one standing committee going forward, we could do what has been done before. The Moderator of the RTM could appoint a committee with a limited time to come up with the basis for an ordinance. Almost everybody who is on this meeting is going to be on the RTM in the future with the exception of Kristan to whom many thanks for working so hard on this; the same thing with Stephen and certainly Jason Stiber and everybody else who has worked so hard on it. But I think that time to write an ordinance or even

contemplate what should go in it now is not for the point. My question for Eileen is if a committee is appointed now by the RTM Moderator, would that go forward into the next term or would a new committee have to be appointed and, similarly, I suppose the First Selectman wouldn't appoint an overall committee of RTM members and other town body members since he's already got his Board but I'm just wondering what the policy is at the end of terms.

Ms. Flug:

Typically, the new Moderator appoints special committees and makes the appointments to the standing committees. So, I might recommend that the New Moderator appoint this committee. That is not to say that there couldn't be a petition by two RTM members to work on it together or six RTM members that want to work on it together, that's not officially a committee but I think rather than have the current Moderator create the new committee to extend into the next term, I'm not sure that the committee would extend because, as I said, the committees tend to get populated by the new Moderator.

Point of order, Mr. Gold:

Can a committee of the RTM draft an ordinance? Doesn't an ordinance have to be presented to the RTM by either 25 petitioners or two RTM members?

Ms. Flug:

If you have a committee of the RTM presenting it, they would be the two petitioners.

Ms. Batteau: We've done that before, Peter.

Mr. Gold: I'm just trying to understand, Wendy.

Ms. Batteau: Thank you to everybody for all your thoughtful, hard work.

Ms. Hamlin:

A year ago, I had a phone conversation with Stephen Shackelford about this. It was right after sense of the meeting. I said the sense of the meeting was empty because there's not something we can actually do about and the thing that we could actually do to make a difference for people of color is to address the most glaring problem that people of color have said for them which is justice equity. I said to Stephen, 'You watch. The very people that say they care about racism and really care about justice equity will come up with little excuses about why they can't back it. Because they won't have the guts; because it's hard to do something the police don't want. The ACLU has said there are three stages of grief with police being confronted with CRB's. First, they say, 'Not over my dead body.' Secondly, if there's pushback they say, 'Okay, let's just figure out a way to make it really weak.' And the third stage is acceptance. The stage that we've been at for the last year is how to make it weaker and weaker and weaker and we've come up with a lot of compromises. I told Stephen I thought that the perfect

would be the enemy of the good and people would demand perfection but there would be 36 different views of what perfection should be instead of coming to a compromise. I'm finding it frustrating because there are a lot of people who just parachuted in at the end. More than half of the people on the RTM, many of them on this call ever showed up for a single one of the nine committee meetings. You're all talking now about why don't we put together a committee and really work hard and look at this. Let me explain to you how that happened for the last two years. Jason talked to Christine Meiers Schatz numerous times and implemented a lot of what she wanted. They talked a lot. The first draft came from the two of them as far as I know. She gave him some directions on where to look and how to get it drafted. I spoke on the phone with Christine Meiers Schatz and with Jason. I spoke for over two hours with Jason and Lauren Karpf. Every single member on the Ordinance Committee that wanted to talk and give us their ideas on how to make this better, we spoke to. Some of the best minds on the RTM sit on that Ordinance Committee. Those folks had a lot of input over a long period of time so for those of you who are parachuting in now, most of you never attended a single committee, all of this work was done. Very smart people on the RTM were consulted and a large percentage of them were on that committee that worked for a long time. I made phone call after phone call to Seth Braunstein to try to talk about it with him. Jimmy Izzo and I spent hours on the phone talking and this has been more than iterative. We've met nine different times with the Chief of Police and Deputy Chief Arciola. All nine times Eileen has been present. I picked up the phone and called her. I picked up the phone and called Floyd Dugas. I know that Jason did as much as he could until he had a newborn infant in March and a wife with terminal cancer in July. I then asked Stephen to come on board and then Stephen did as much as he could with his big job. He's a busy man but we appreciate the efforts that he made. And I talked about it with Stephen too. So, there have been people, maybe not in a big meeting all at once, but all of those people have had input and made significant changes. Obviously, this ordinance would be nowhere without Peter Gold who is the master wordsmith of the RTM and he's provided a lot of input over the last two years. The reason that this particular ordinance is complaint oriented, as somebody noted, is because it is brought under the Police Accountability Act and the Civilian review Board and that's what the enabling legislation talks about. So, if we wanted it to be about something else, management creating procedures, etc., it would have to be under a different enabling legislation. Maybe that distinction is something that escapes non-lawyers but you can't bring an ordinance under a particular statute and then just do something completely different. If you want this to be a management oriented Board, then we would have had to have made it a Commission. The reason this is complaint oriented and it doesn't include awards for the police is because of the nature of the ordinance that we were required to proceed under because of the opposition of the police and the First Selectman and his lawyer to having a Commission like every other surrounding town, every neighboring town has in our Fairfield County. In terms of this being a review oriented approach or an investigative oriented approach, this is principally a review oriented approach. It was originally an investigation oriented approach and the reason it was an investigation oriented approach was because we followed the studies that were done by the Connecticut ACLU and the Department of Justice which has been studying effective CRB's for many, many years. They found the

most effective approaches were investigative approaches. But, over time, we've had so much push back from the police about that that we came up with a review oriented approach but the one thing that we kept in place was that there would be an opportunity at the end of the investigation for the civilians to appear before the CRB and have an opportunity to talk to the Board members and be interviewed by them and have them make the credibility findings. That's the way it works in the criminal field and it's something that was important to the petitioners and to the residents and to other people with whom we spoke because I know everybody is singing the praises of our police but if you look at some of the...and I agree it's a good department but if you look at some of the complaints that were provided to by the petitioner, some of the notes from the police officer are how unhappy folks were with the results. You heard today from Johnetta Cephas that she was never interviewed and she was never even told what the results were. You saw a letter from Mr. Connelly who said that he was never interviewed, his child was never interviewed and he was treated very shabbily. So, one of the reasons that we wanted to guarantee that there was an interview finally by a Board member was because our investigation over many years showed there was no interview that was provided. Moreover, a lot of people who wanted to complain, didn't complain because they believed there would be wagons circling. I've often said if you complain to a priest about a priest, he'll circle the wagons. If you complain to a judge about a judge, he'll circle the wagons. If you complain to a police officer about a police officer, there is a wagon circling. There's an esprit de corps there. I think it's called "the blue line". People said they didn't go to the police with some of their complaints formally because they just didn't think it was going to get anywhere. So, we ended up making this a review process like it was requested. All of the investigation was delegated to the police. If there was dissatisfaction with the investigation, the CRB could make them go back and get this evidence, or whatever. But the one thing that seemed very important and was the minimum thing that the Connecticut ACLU wanted is that there would be an opportunity for interviews before somebody objective, Board members who were objective even after the entirety of the investigation was done before the police. You can't call this an investigation oriented Board. It's, at best, a hybrid where 95 percent of the investigations and the interviews are done by the police but, at the end of the day, there's an opportunity to speak to objective people and to tell your story and to make sure that the people who were making the credibility findings are not best friends that go to lunch with other police officers. It's very hard to hear people parachuting in who haven't done the research and the studying about effective Boards. There's a whole body of research out there about what makes an effective Board and some of the ideas that I'm hearing from the police, it should be 100 percent review with no interviews, that is not what the DOJ, the Connecticut ACLU or the Connecticut Bar Association says is the most effective approach. So, we chose a hybrid approach where most of the investigation is done and it would be completely unfair to call this an investigative approach given that the investigation is delegated to the police with simply an opportunity at the end of the process to have an objective, independent person make the decisions or make the recommendation.

Mr. Wieser: Now we have the four people you mentioned. Mr. Shackelford.

Mr. Shackelford:

I will be as brief as I can. I did, in fact, have that conversation with Kris Hamlin. On a number of occasions, Ms. Hamlin said she was concerned that people would come up with all sorts of excuses not to support this ordinance. I did not agree with Ms. Hamlin then and I don't agree with her now. I don't think anybody, right now, is trying to come up with excuses. I think we're 85 percent there toward something that we can get 95 percent of the RTM for. But, we're not all the way there. People have concern about confusing language. People have concern about some of the structure. I think it's good faith but, you know what, the proof will be in the pudding. I'm willing to start working on a revised or somewhat from scratch ordinance tomorrow. I don't need a special committee put together for that. We'll prove it or we won't prove it. I think the issues that were raised were good faith issues but we're close and I'm willing to put the work in as I think other people are and they've said that tonight. I don't think we need a special committee on this. I think we can start working on it tomorrow if it does not get voted in tonight and I trust the good faith of my fellow RTMers and other members of the community to work in good faith towards that over the next few months not the next couple of years.

Ms. Karpf:

I just wanted to jump in. I think everything has been said. I think we're ready to go to a vote. Kristan, as you said, we spoke many times and I think you were really great throughout this process at listening to feedback. I think what was missing here was what was best for the community and working with the police, particularly with Foti, to come together. The Panel and the Board at their core really aren't so drastically different. We all want the same thing here and I think it's promising going forward. I think we can get it done. I think it could have been done had that happened from the beginning but it started the dialog and here we are and we'll move on from here. I just wanted to jump in and say that.

Ms. Meiers Schatz:

I just want to say I did meet with Jason early on in this. I would totally do it again. Jason is in my district and, like I've said, I think we do need a Civilian Review Board here. What I also said to him at the time was that this was going to be an incredibly difficult road because the two people in charge of this ordinance already had a history of complaints with the Police Department. I am hopeful that this next go 'round and, like Stephen said, I'm happy to start right away, is going to be more of a partnership and get us to the independent Board that will be best for our town.

By roll call vote, the motion fails 1-32-1. In favor – Hamlin; Abstaining – Liccione; the remainder are opposed.

Mr. Wieser:

Thank you Mr. Falk for getting item #5 out of the way. I said I'd thank you in a few hours. I didn't think it would be so many. We still have the Code of Conduct. Since it is past 11:30, with a show of hands we can defer it until the next meeting.

Mr. Liccione made a motion to **move the discussion of the Code of Conduct to the next meeting** and it was seconded by Ms. Hamlin.

Mr. Wieser:

The next meeting may be December or it may be two weeks time.

Velma Heller, district 9:

No, no, no. The next meeting is Nov. 9. You read it tonight.

Mr. Wieser:

Okay. So, we'll have our next meeting Nov. 9. So says my boss!

Mr. Falk:

Is that what the Charter says? I thought we had to move it to two weeks.

Dr. Heller:

It could have been in two weeks but since we have a meeting scheduled in November, we can move it to the next meeting.

Mr. Wieser: This is not time critical.

Mr. Falk: Can we check on that?

Dr. Heller: We've already checked, Harris, very carefully.

Mr. Wieser:

So we will see you Nov. 9 and we will talk in the meantime but that was quite a meeting, very interesting and we covered a lot of bases and we have something that is going to continue. And I hope it does.

Ms. Fuchs: Mr. Wieser, we should wish Ms. Kramer a happy birthday!

Mr. Wieser: Happy birthday. Is it today?

Ms. Kramer:

Yes it is and I couldn't think of a better way to start it than with all of you.

Various members: Happy birthday.

Mr. Wieser: Thanks to all for hanging in including Dr. Heller.

Dr. Heller: Thank you all.

The meeting adjourned at 1:09 a.m.

Respectfully submitted,
Jeffrey M. Dunkerton
Town Clerk

A handwritten signature in cursive script that reads "Jacquelyn Fuchs".

by Jacquelyn Fuchs

ATTENDANCE: October 14, 2021

	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Richard Jaffe	X			
	Matthew Mandell	X			
	Kristin M. Purcell	X			
	Chris Tait	X			
2	Harris Falk	X			
	Jay Keenan	X			
	Louis M. Mall	X			
	Christine Meiers Schatz	X			
3	Ross Burkhardt	X			
	Mark Friedman	X			
	Arline Gertzoff	X			
	Jimmy Izzo	X			
4	Andrew J. Colabella	X			
	Kristan Hamlin	X			
	Noah Hammond	X			
	Jeff Wieser	X			
5	Peter Gold	X			
	Dick Lowenstein	X			
	Nicole Klein	X			
	Karen Kramer	X			
6	Candace Banks	X			
	Jessica Bram	X			
	Seth Braunstein	X			
	Cathy Talmadge	X			
7	Brandi Briggs	X			
	Lauren Karpf	X			
	Jack Klinge	X			
	Ellen Lautenberg	X			
8	Wendy Batteau	X			
	Lisa Newman	X			
	Carla Rea		X		
	Stephen Shackelford	X			
9	Velma Heller	X			
	Sal Liccione	X			
	Kristin Schneeman	X			
	Lauren Soloff		X	X	
Total		34	2		

Appendix I – Item #3

RESOLVED: That upon the request of at least 20 electors, a Civilian Police Review Board Ordinance is hereby adopted.

Sec X-XXX. - Civilian Police Review Board.

(a) Establishment.

There is hereby established a civilian police review Board (“Review Board”) to investigate complaints concerning members of the Westport Police Department (“WPD”), to participate in hiring decisions for officers of the WPD, and to receive and make recommendations for service awards for officers of the WPD who are nominated by civilians for their outstanding contributions to the community. It is in the interest of Westport residents and the WPD that investigations of complaints concerning police officers and hiring decisions be thorough, transparent and impartial.

(b) Composition.

(1) The Review Board shall be comprised of five voting members appointed by the Representative Town Meeting (RTM) by a majority vote of a quorum of the RTM. The RTM shall also appoint two alternates. Except as provided in subsection (b)(5) below, each member shall serve for a term of four-years or until his successor is appointed and sworn in.

(2) The appropriate RTM committee, as appointed by the Moderator, will interview candidates for the Review Board; the recommended nominees will be considered and voted on by a quorum of the entire RTM. Relevant considerations for Review Board candidates include, amongst other considerations, those with legal and evidentiary skills, investigative skills, and diverse backgrounds. Subject to the approval by vote of a quorum of the entire RTM, TEAM Westport shall either nominate one of its members to be one of the five members of the Review Board, or shall nominate a Westport resident from outside TEAM Westport. If the RTM does not approve TEAM Westport’s nominee, TEAM Westport shall submit subsequent nominees, until one TEAM Westport nominee is approved.

(3) Review Board members shall be electors of the Town who are at least 21 years of age and who have no felony convictions. Review Board members shall not be current employees of the WPD or the Town of Westport, elected officials of the Town of Westport or an immediate family member of a current WPD employee.

(4) Party Affiliation of Members. In accordance with CGS § 9-167a and Chapter 2 of the Town Charter, no more than a bare majority of members of the Review Board shall be members of the same political party.

(5) Staggered Terms. Board members will serve staggered terms. For the term beginning in November 2021, three members shall each be appointed for four-year terms and two members shall be appointed for two-year terms. The RTM will make the initial appointments before March 15, 2022. Beginning in 2023, appointments, except those filling the vacancy in accordance with subsection (c), shall be for four-year terms.

(6) Review Board members shall be sworn to the faithful performance of their duties and shall serve without compensation and will not be reimbursed for personal expenses such as travel or paper/ink for home printing. Any actual expenses and disbursements such as expenses for stenographer, transcripts and subpoena service costs incurred in the performance of the Review Board’s duties shall be paid from the Westport Town treasury.

(c) Resignation.

Any member of the Review Board who misses three consecutive regularly scheduled Review Board meetings or four regularly scheduled Review Board meetings in a twelve consecutive month period shall be considered to have resigned. Any vacancy on the Review Board occasioned by resignation, death, inability to serve, or otherwise shall be filled for the unexpired term in accordance with Section C38-3 of the Town Charter.

(d) Powers, Jurisdiction and Duties Regarding Complaints.

(1) With the assistance of the WPD as indicated in subsection (e), the Review Board shall review, investigate and have jurisdiction over all citizen complaints against WPD officers. The Review Board, as a Board within the Town government, shall have the authority and responsibility to review and investigate civilian allegations of police misconduct, and to review input from WPD's Professional Standards Division to ensure that reports and conclusions are complete, accurate and factually supported, to hold hearings and make credibility determinations, and to make recommendations to the Chief of Police or Acting Chief of Police ("Chief") in connection therewith.

(2) The Review Board and WPD shall inform all complainants that complaints should be filed contemporaneously with both the WPD and the Review Board. Upon receipt of a complaint, the WPD and Review Board shall promptly share such complaints with each other in order to ensure both have been contemporaneously notified of a new complaint. The WPD shall post a sign in the lobby of WPD headquarters and on the WPD website informing complainants of the dual-filing requirement. The WPD and Review Board complaint forms must have the same dual-filing instructions clearly printed at the top of the complaint forms, along with notification that the Review Board will investigate and respond to the complaint. Complaints are to be filed with the WPD in accordance with CT Gen Stat § 7- 294bb.

(3) The Review Board shall have the power to issue subpoenas to compel witness attendance before the Review Board and to require the production of records it deems relevant to any matter under investigation or in question.

(i) The person to whom such subpoena is issued may, not later than fifteen days after service of such subpoena, or on or before the time specified in the subpoena for compliance if such time is less than fifteen days after service, serve upon the Board written objection to the subpoena and file such objection in the Superior Court which shall adjudicate such objection in accordance with the rules of the court.

(ii) If the person to whom such subpoena is issued fails to appear or if having appeared refuses to testify or produce the evidence required by such subpoena, the Superior Court, upon application of such Board, shall have jurisdiction to order such person to appear or to give testimony or produce such evidence, as the case may be.

(4) The Review Board may take measures, as permitted under the law, to promote independent testimony and to deter witness intimidation. Except as provided under the Law Enforcement Officers Safety Act (LEOSA), 18 USC §§ 926B and 926C, and other applicable law, no firearms will be permitted at a Review Board hearing.

(5) The Review Board may refer to the Connecticut Rules of Evidence for guidance during all hearings, proceedings, and in determining the scope of subpoenas. The Review Board may refer to the Connecticut Rules of Civil Procedure for guidance in proceedings to the extent the Board members consider it useful or necessary.

(e) WPD Support for the Review Board

(1) The WPD shall provide members of the Review Board with copies of the policies, procedures and directives of the WPD relevant to the WPD's duties.

(2) The Review Board and WPD's Professional Standards Division shall have access to the same files and reports to the extent legally permissible.

(3) When requested by the Review Board, the Chief shall assign the Captain of Professional Standards to advise the Review Board as to police policies and procedures and to attend any meetings at which the Review Board requires

his or her presence, and to assist with Board investigations of complaints pursuant to (e)(5), below.

(4) All aspects of the investigation of the complaint shall be delegated to the WPD to perform with the following exceptions: as provided in (g)(3) below, the Review Board will conduct the interviews and take the sworn testimony of the complainant and his or her identified and designated witnesses, and the accused police officer and the identified and designated police or respondent witnesses. The oath for such sworn testimony shall be administered by either a Connecticut admitted attorney who is a member in good standing of the Connecticut Bar, an officer of the Superior Court, a justice of the peace, a notary public, the town clerk, assistant town clerk, or anyone else qualified to administer such oaths under CGS1-24.

(5) If, prior to the Board's determination and final recommendation, the complainant objects to any portion of the investigation that was performed by the police, the Board will review the portion of the police investigation complained of, and determine whether it was done appropriately, and will have the power to conduct that portion of the investigation directly, when the Review Board deems it necessary to do so. As necessary in accordance with this provision, the WPD shall assist the Review Board with the Review Board's investigations when reasonably requested to do so by the Review Board.

(f) Evaluation of Prospective Police Hires.

The Review Board shall be included in the evaluation process for prospective police officer hires and will make recommendations to the First Selectman and Chief in connection therewith. Solely for purposes of hiring decisions, the Chief shall serve as an *ex officio* non-voting member of the Review Board.

(g) Operations.

The Review Board shall elect one (1) of its members to be Chair and one (1) of its members to be Secretary on an annual basis. It shall hold regular monthly meetings whenever there are open complaint investigations or hiring decisions to be made and shall keep written records of all meetings. Such monthly meetings can be cancelled with advance notification if there is no business to be conducted. When sufficient cause exists, the Review Board may convene special meetings, in accordance with its policies and procedures, with advance published notice as required by FOIA. A majority of the members of the Review Board shall constitute a quorum.

(1) The Review Board shall designate a spokesperson for, and as liaison between, the Review Board and the First Selectman with respect to each decision, recommendation and finding, as described further herein.

(2) The meetings of the Review Board shall be open to the public, except that the Review Board may hold executive sessions in accordance with state law. Meetings of the Review Board shall be held at Town Hall or at such other place, or electronically, as determined by the Chair of the Review Board and permitted by state law. The Review Board can adopt rules and regulations for its operation, so long as they are not inconsistent with this legislation.

(3) In the course of its proceedings with respect to citizen complaints, the Review Board may take testimony from witnesses concerning the alleged conduct which is the subject of the complaint. All testimony by witnesses before the Review Board shall be sworn under oath, and recorded or transcribed. The Review Board may require a WPD officer to participate in a meeting where the Review Board is evaluating a complaint against that officer, provided that no such WPD officer shall be compelled to testify in the event his or her Fifth Amendment right is implicated.

(4) Following the review of a citizen complaint, the Review Board will determine whether or not the citizen complaint is upheld and make its recommendation for or against disciplinary

action. The Review Board will promptly report its findings and determinations to the Chief. A copy of the complaint and the Review Board's findings and determinations shall be maintained by the Review Board. Final decisions upheld by the Chief shall be maintained in the WPD officer's personnel file.

(5) (i) The Review Board will use its best efforts to complete its review of every civilian complaint within sixty (60) days of receipt thereof. In the event that circumstances prevent the completion of a review of a civilian complaint within sixty (60) days, the Review Board will submit written cause for the delay and reason(s) for the same to the office of the First Selectman.

(ii) The Chief shall consider the findings and recommendations of the Review Board and decide whether to accept or reject the recommendation within two weeks of the Chief's receipt of the Review Board's decision. In the event that the Chief seeks an extension, the Board may grant it if good cause is shown. Within two weeks of receipt of the Review Board's decision, or upon the end of any extension granted by the Review Board if later, the Chief shall notify the Review Board in writing of his or her decision and the reasons for said decision related to each specific civilian complaint.

(iii) The Chief must impose the discipline, if any, as soon as possible, after notifying the Review Board of his or her decision, unless the Chief determines that public safety requires discipline to be imposed earlier.

(6) Nothing herein shall prevent the Chief from immediately placing an employee on administrative leave, should circumstances so warrant.

- (h) Continuous Improvement of Complaint Process. The Review Board may also make recommendations to the Chief and First Selectman for revision of specific police department policies and procedures related to the civilian complaint process.
- (i) Accountability.
 - (1) The Review Board shall prepare an annual report to the First Selectman indicating: the total number of complaints filed, the number of each type of complaint filed, the names of police officer(s) about whom complaints were filed, the name and number of complaints filed against each police officer against whom multiple complaints were filed, and the disposition of the complaints.
 - (2) The Chief shall prepare an annual report to the Review Board and the First Selectman indicating any disciplinary actions taken and training offered to police officer(s) against whom civilian complaints were received.
- (j) Police and Citizen Awards.

Westport citizens may also submit to the Review Board any recommended commendations of WPD officers whose conduct goes above and beyond the call of duty. Each year, the Review Board shall determine whether to recognize WPD officers for commendable service, to be announced at an annual awards ceremony.
- (k) Effective date.

This ordinance shall be effective November_____, 2021.

Appendix II – Proposed amendment to ordinance

Motion to Amend two sections:

1. No subpoena shall be issued except upon the joint agreement of the WPD Professional Standards Investigating Officer and a majority of the Review Board

Section d.3 shall be amended to read as follows:

The Review Board shall have the power to issue subpoenas to compel witness attendance before the Review Board and to require the production of records it deems relevant to any matter under investigation or in question, **only upon the joint agreement of the WPD Professional Standards investigating officer and the majority of the Review Board.**

2. The requirement that the Review Board conduct such interviews is not intended to preclude the WPD from promptly conducting interviews or any other part of the investigation.

Section e.4 shall be amended to read as follows:

All aspects of the investigation of the complaint shall be delegated to the WPD to perform with the following exceptions: as provided in (g)(3) below, the Review Board will conduct the interviews and take the sworn testimony of the complainant and his or her identified and designated witnesses, and the accused police officer and the identified and designated police or respondent witnesses. The oath for such sworn testimony shall be administered by either a Connecticut admitted attorney who is a member in good standing of the Connecticut Bar, an officer of the Superior Court, a justice of the peace, a notary public, the town clerk, assistant town clerk, or anyone else qualified to administer such oaths under CGS1-24. **This provision is not intended to preclude the WPD investigating officer from promptly conducting interviews deemed necessary or appropriate, or in conducting any other part of the investigation.**