

Sec 2-91. – Civilian Public Safety Departments Review Board

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. § 7-294aaa (pertaining to the Police Department), there is hereby created a Civilian Public Safety Departments Review Board (“Board”) for the purpose of working closely with the members of the Town’s Police, Fire and Emergency Medical Service (“EMS”) Departments to diversify hiring, oversee the investigation of civilian complaints, and evaluate opportunities to improve transparency and accountability.

(2) **Mission:** The mission of the Board is to build on the foundation of public trust between the Police, Fire and EMS Departments and Westport residents by conducting the activities described herein.

(3) **Membership:** The Board shall consist of five (5) civilian members, all of whom shall be electors of the Town: two (2) members of the Westport electorate to be appointed by the First Selectman; one (1) member of TEAM Westport, to be nominated by TEAM Westport and appointed by the First Selectman (at the First Selectmen’s discretion); and two (2) other members of the Westport electorate to be appointed by the Representative Town Meeting (RTM).

- i. **First Selectman Appointments:** The terms of the initial three members appointed by the First Selectman shall be two (2) years, and all subsequent terms for members appointed by the First Selectman shall be four (4) years. The TEAM Westport member shall be ex officio and shall no longer serve if he or she is no longer a member of TEAM Westport. If no eligible TEAM Westport member desires to serve, then the First Selectman may appoint any member of the Westport electorate to serve instead, and such member shall serve the term (or remainder of the term) of the TEAM Westport member.
- ii. **RTM Appointments:** The terms of the two members appointed by the RTM shall be four (4) years. If the RTM does not fill any appointment within ninety (90) days after notice from the First Selectman that the position needs to be filled, then the First Selectman may make the appointment(s), and the appointed member(s) shall serve the term (or remainder of the term) for that particular position.
- iii. **Vacancies:** The First Selectman shall fill any vacancies in the First Selectman-appointed members, whether caused by resignation of a Board member or otherwise. The RTM shall fill any vacancies in the RTM- appointed members, whether

caused by resignation of a Board member or otherwise. Members appointed to fill vacancies shall serve for the remaining portion of the vacant term and may be reappointed as provided herein, subject to the applicable term limits.

- iv. **Term Limits:** There are no limits on the number of terms any member may serve, generally. However, members may serve no more than two (2) consecutive full terms, regardless of how they were appointed. Service of a partial term by reason of appointment to fill a vacancy shall not count towards this two-consecutive-term limit. By way of illustration, a member could serve two consecutive terms (whether appointed by the RTM or the First Selectman), then step down for a full four-year term, and then serve another two consecutive terms.
- v. **Alternate:** The First Selectman shall appoint one (1) member of the Westport electorate as the Board's alternate member. The alternate member shall be available to serve as a participating and voting member on any investigation where at least one regular member is unavailable to serve. He or she shall not be required or expected to attend any meetings other than those for a particular investigation in which he or she is participating, though he or she shall be permitted to attend any meetings of the Board, including executive sessions. The term of the alternate member shall be four (4) years. Should the alternate member position become vacant for any reason, the First Selectman shall appoint a new alternate member, who shall serve out the remainder of the four-year term. No person may serve more than two (2) full consecutive terms as the alternate member of the Board.
- vi. **Miscellaneous:** No more than a bare majority of the members of the Board may be members of the same political party. Each member, including ex officio members, shall have equal voting rights and shall count towards the determination of a quorum. The Board members shall elect a Chair of the Board annually, at the first meeting after December 1 of each year. No member of the Board shall be an employee, or a family member of an employee, of the Police, Fire or EMS Departments, and no member of the Board of Selectman shall be a member of the Board. The terms "Selectman" and "Selectmen" include elected Selectpersons of any gender.

(b) *Powers and duties.* The Board shall have the following powers and duties:

- (1) **Hiring Feedback:** The Board will participate in the interview process of both new hires and lateral transfer applicants of the Police, Fire and EMS Departments. While the final decision on hiring will remain with the Chiefs of the departments

and the First Selectman as provided by the Town Charter, the Board will offer substantive feedback on the selection of candidates through a direct line of communication with both the Chiefs and command staff, which may include offering scored feedback during the interview process.

(2) **Complaint Oversight:** The Board will review and provide feedback on (i) all documented complaints regarding Police and EMS Department personnel (both paid and volunteer) that are investigated by the Police Department's Office of Professional Standards, and (ii) all documented complaints regarding Fire Department personnel (both paid and volunteer) that are received by the Fire Department. Review of such complaints will be conducted regardless of whether the complaint was received by the applicable department, or received by the Board, and including anonymous complaints. A documented complaint is one that is either written or one in which the applicant verbally responds in the affirmative that he/she requests his/her complaint be considered a formal complaint for further investigation. The Board will also have the option, at its discretion, to review and provide feedback on any documented complaint that falls below the threshold for investigation by the Police Department's Office of Professional Standards. The Police Department, however, has no obligation to affirmatively report to the Board on documented complaints that fall below the threshold for investigation by the Police Department's Office of Professional Standards unless the Board has affirmatively exercised its option to review and provide feedback on a particular complaint.

- i. Upon the receipt by the Board of any documented complaint regarding Police, Fire or EMS personnel, the Board will promptly forward that complaint to the appropriate department for the department's review according to its standard procedures. Upon the receipt (i) by the Police and EMS Departments of any documented complaint regarding its personnel that is investigated by the Police Department's Office of Professional Standards, or (ii) by the Fire Department of any documented complaint regarding its personnel, then the applicable department will promptly forward the complaint to the Board. Thereafter, the Captain of Professional Standards of the Police Department, or the Deputy Fire Chief of the Fire Department, as the case may be, will provide regular updates on investigations and the conclusions and result of the investigation.
- ii. For all complaints to be reviewed by the Board, the Board shall have the duty to examine all records available to the relevant department, evaluate the departmental investigation, hold at least one meeting to discuss the complaint, and make recommendations to the relevant department after concluding its own evaluation. The Board shall also have the right (but not the obligation), at any time, to call for further investigation, including

specific additional steps by the relevant department, such as interviewing or

re-interviewing a witness on specific topics.

- iii. The Chief of the relevant department shall report to the Board within two (2) weeks regarding whether the Board's recommendations are being followed, including an explanation of the Chief's decision. The inclusion of the Board maintains the integrity of the current process by insuring thorough investigation and proper attention to every received complaint. The Chiefs of the departments shall retain responsibility for the ultimate decisions related to the severity of any imposed discipline.

(3) **Transparency & Accountability Improvements:** The Board may advise the departments on policies and procedures that improve transparency and accountability.

(4) **Public Meetings:** The Board is a public agency under the Connecticut Freedom of Information Act and will conduct public meetings. In compliance with FOIA, the Board may discuss the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee in executive session. If such public officer or employee requests that the discussion be held in an open meeting, the Board shall not meet in an executive session. The Board shall hold special meetings as needed. All meetings will be appropriately noticed.

(5) **Training:** The Police, Fire and EMS Departments shall provide training to the members of the Board as needed, in order for the Board to fully understand current policies, procedures, general orders, internal affairs, and legal issues.

(6) **Reporting:**

- i. Each department shall provide an annual report to the First Selectman and the Board of all disciplinary complaints received and the status and resolution of those complaints. The departments shall ensure that information protected from disclosure under the Connecticut Freedom of Information Act is not available to the public.
- ii. The Board shall provide an annual report on its activities to the First Selectman, the RTM, and the Departments.

(c) *Recusals and Quorum.*

(1) **Required recusals:** Any member of the Board shall recuse him- or herself from (1) any hiring oversight when a candidate for the position is a member of that person's family or a business partner of that person, and (2) any complaint review

where the complainant, or any subject of the complaint, is a member of that person's family or a business partner of that person.

(2) **Discretionary recusals:** Where a candidate for a position, complainant, or subject of a complaint is a personal friend of a member, or has some other personal or professional relationship with the member other than those described above, the member shall disclose that

relationship to the Board before engaging in hiring oversight or complaint review involving that person. In such circumstances, the member may choose to recuse him- or herself from the relevant Board activity, or the Board may require such recusal if at least three (3) of the remaining members vote in favor of requiring recusal.

(3) **Quorum:** The participation of at least three (3) members of the Board in a particular Board activity shall constitute a quorum of the Board. If the Board is unable to achieve a quorum for a particular activity because of recusals, the First Selectman shall appoint additional, temporary members to the Board solely for the purpose of the activity in question.

(d) *Website.* The Board shall develop and maintain a website, within the Town's general website, describing the Board's duties and responsibilities, hosting copies of the Board's annual reports, and providing an easy-to-use mechanism for persons to file complaints with the Board.

(e) *Miscellaneous.*

(1) **No subpoena power.** The Board shall not have the power to issue subpoenas to compel either the attendance of witnesses or the production of records.

(2) **Office of the Inspector General.** As required by Connecticut General Statutes Sec. 7-294aaa(e), upon receipt of a written request from the State Office of the Inspector General, established pursuant to C.G.S. Sec. 51-277e, the Board shall stay and take no further action in connection with any proceeding that is the subject of an investigation or criminal prosecution that is being conducted pursuant to said section or C.G.S. Sec. 51-277a. Any stay of proceedings imposed pursuant to this subsection shall be subject to such state statutes, as they may be amended from time to time.

Jeffrey M. Dunkerton
Town Clerk