

**PROPOSED ORDINANCE**

**[#date]**

**CO-SPONSORS: Candace Banks, Noah Hammond, Stephen Shackelford, and Claudia Shaum**

**CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT**

**Chapter 2 - ADMINISTRATION**

**ARTICLE IV. BOARDS AND COMMISSIONS**

**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 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 Board of Selectwomen (other than the First Selectwoman); one (1) member of TEAM Westport, to be appointed by the First Selectwoman; and two (2) other members of the Westport electorate to be appointed by the Representative Town Meeting.

- i. **First Selectwoman Appointments:** Each appointment of members from the Board of Selectwomen and TEAM Westport shall be ex officio. Each Board of Selectwomen appointee shall serve until the member no longer serves on the Board of Selectwomen. The TEAM Westport appointee shall serve until the swearing-in of the next elected First Selectwoman and may be reappointed for unlimited consecutive terms. If any Selectwoman member declines to serve, the First Selectwoman may appoint any member of the Westport electorate to serve instead, and such member shall serve until the swearing-in of the next Board of Selectwomen, at which time the First Selectwoman shall appoint a Selectwoman to the Board. If no eligible TEAM Westport member desires to serve, then the First Selectwoman may

appoint any member of the Westport electorate to serve instead, and such member shall serve until the swearing-in of the next elected First Selectwoman, at which time the First Selectwoman shall appoint an eligible member of TEAM Westport to the Board.

- ii. **RTM Appointments:** The terms of RTM-appointed members shall be four (4) years. The intent is that the RTM-appointed members shall be appointed on an alternating basis with the Board of Selectwomen members. If the RTM does not fill any appointment within ninety (90) days after notice from the First Selectwoman that the position needs to be filled, then the First Selectwoman may make the appointment(s), and the appointed member(s) shall serve for either two (2) years or four (4) years, as described in this paragraph. Each member appointed under this paragraph may be reappointed for unlimited consecutive terms, whether such appointment is made by the RTM or the First Selectwoman as described in this paragraph.
- iii. **Vacancies:** The First Selectwoman shall fill any vacancies in the Selectwoman members and the TEAM Westport member, whether caused by term limits or resignation of a Board member or otherwise. The RTM shall fill any vacancies in the RTM-appointed members, whether caused by term limits or 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 above.
- iv. **Term Limits:** There are no limits on the number of terms an RTM-appointed member may serve, generally. However, RTM-appointed members may serve no more than two (2) consecutive terms. 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, an RTM-appointed member could serve two consecutive terms, then step down for a full four-year term, and then serve another two consecutive terms.
- v. **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. 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 Emergency Medical Services (EMS) Departments, and the First Selectwoman shall not be a member of the Board. The terms "Selectwoman" and "Selectwomen" include elected Selectpersons of any gender.

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

(1) **Hiring Oversight:** 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 Selectwoman as provided by the Town Charter, the Board will offer measurable 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 Review:** 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 on a complaint form, 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.

- 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. The Board shall have the right, during and at the conclusion of the departmental investigation, to examine records, call for further investigation by the relevant department, evaluate the departmental investigation, and make recommendations to the relevant department.
- 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:** Each department shall provide an annual report to the First Selectwoman 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.

(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 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 Selectwoman shall appoint additional, temporary members to the Board solely for the purpose of the activity in question.