

NEW HAVEN
CIVILIAN REVIEW BOARD
BYLAWS

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NEW HAVEN CIVILIAN REVIEW BOARD BYLAWS

Adopted by the CRB – January 25, 2021

SECTION 1. PURPOSE.

The purpose of these bylaws is to facilitate the operation of the New Haven Civilian Review Board, as authorized by Provisions of the Charter and Code of Ordinances, Public Acts and General Statutes. Complaints subject to review are those which allege improper or illegal conduct of police officers arising out of the performance of their duties or the exercise of police officer authority.

In order that this purpose can be achieved, the New Haven Civilian Review Board, hereafter referred to as the Board or CRB, shall review and report on citizen complaints in accordance with these bylaws.

These bylaws are to provide for the fair, impartial, independent, and prompt resolution of citizen complaints in a manner which a) protects both the public and the New Haven Police Department and (to the extent permitted by law) other agencies and departments that police New Haven, which are involved in such complaints, and b) enhances the relationship and mutual respect between the Departments, agencies and the public.

The Board shall publicize the review process in a manner that encourages and gives the public confidence that they can come forward when they have a legitimate complaint regarding the conduct of police officers. The Board shall also make every effort to ensure public awareness of the seriousness of the process, and that fabricated complaints will neither be tolerated nor reviewed. The statutory and constitutional rights of all parties shall be safeguarded during the review process.

SECTION 2. DEFINITIONS.

Wherever used in these bylaws, unless plainly evident from the context that a different meaning is intended, the following terms mean:

2.1 “Subject Officer” - The police officer employed by the New Haven Police Department and to the extent permitted by law other agencies and departments that police in New Haven, against whom has been filed a citizen complaint alleging improper or illegal conduct as set forth in sections 6.1 and 6.2.

2.2 “Complainant” - Any person who alleges in a complaint to have suffered injury, harm, humiliation, indignity, or any other damage as a result of actions by a police officer in the performance of his or her official duties or the exercise of police officer authority.

2.3 “Complaint” - A complaint received from any person without regard to age, citizenship, residence, criminal record, incarceration, or any other characteristic of the complaint alleging an improper act or misconduct, as further defined in sections 6.1 and 6.2 below, of a New Haven police officer, or to the extent permitted by law an officer of department or agency engaged in policing in New Haven, in the performance of his or her official duties.

2.4 “Chair” -The Chairperson of the Civilian Board, or the Vice-Chairperson if the Chairperson is not able to preside.

2.5 “City” or “New Haven” - The City of New Haven, Connecticut

2.6 “Law” - Provisions of the Charter and Code of Ordinances, Public Acts and General Statutes and other local, state, or federal law.

2.7 “Member”- A member of the Civilian Review Board nominated and elected or appointed in accordance with the provisions of the Provisions of the Charter and Code of Ordinances, Public Acts and General Statutes.

2.8 “Board” - The Civilian Review Board

2.9 “Mayor” -Mayor of the City of New Haven

2.10 “Chief” - The Chief of the Department of Police Services of the City of New Haven

2.11 “Managing Consultant” is the person selected to manage the activities and daily Civilian Review operations of the Board, including the conduct of complaint reviews. Referred to as “MANAGING CONSULTANT” throughout these Bylaws.

SECTION 3. ORGANIZATION.

3.1 Address. The official address of the Board is:

New Haven Civilian Review Board

165 Church Street, Floor 2

New Haven, CT 06510

3.2 Composition of the Board. The Board shall be comprised as follows: One member from each Police District within the City; two at large members appointed by the Board of Alders; and one member of the Board of Alders. Each nominee must be confirmed pursuant to local law prior to sitting as a member of the Board except the Board of Alders representative who shall be appointed by the President of the Board of Alders.

3.3 Term of Membership. Appointees shall serve a term of two years.

3.4 Vacancies on the Civilian Review Board. When a vacancy occurs, the Chair shall notify the Mayor, the Board of Alders and, where appropriate, the authority that appointed the vacating member of the vacancy. Persons appointed to fill such vacancies shall serve the balance of the unexpired term and shall be appointed by the same authority and same process as the vacating member who previously filled the position. A member of the Board shall be deemed to have vacated membership on the Board before the expiration of their term upon the happening of any of the following events:

- (a) Death;
- (b) Resignation;
- (c) Ceasing to be a resident of the City of New Haven;
- (d) Ceasing to be an elector of the City of New Haven;
- (d) Absence from meetings of the Board;

1. Absence from two (2) consecutive meetings will result in the Managing Consultant and/or Chair

notifying the appointing body of the absences unless notified by Board member of extenuating circumstances. A leave of absence may be granted by the Executive Committee for up to 6 months. If Board member is unable to return at the end of the 6-month period, member' appointing authority shall be notified, and the seat will become vacant. 2. Absence from three (3) consecutive regular meetings of the Board shall cause the seat to become vacant.

3. If CRB member fails to read assigned cases for two (2) consecutive months, notification will be sent to the appointing authority requesting a replacement. If request for replacement goes without attention for 30 days, CRB Executive Committee member shall notify the Mayor, the President of the Board of Alders, and the authority that appointed the vacating member of the vacancy

(e) Failure to attend and complete a training program as set forth in paragraph 3.8 hereafter.

3.5 Compensation. Members shall serve without compensation.

3.6 Officers of the Board. The members of the Board shall elect from its membership an Executive Committee ("Officers of the Board"), comprised of a Chair, Vice-Chair, and Secretary, biennially at its first meeting each odd numbered calendar year. Each Officer shall be elected to serve a two- year term concurrent with their membership on the Board. An Officer who has served two consecutive terms may not stand for re-election to that office for years after the end of their second consecutive term.

In election years, nominations shall be made at the December meeting of the full Board in each even numbered year. New Officers shall commence their terms at the next regular monthly meeting of the full Board immediately following the election.

In the event of a vacancy of any office at any time during the term, a Special Election shall be held.

Nominations to fill the vacated office shall be made at the next regular monthly meeting of the Board following the vacancy. Voting shall take place at a special meeting called for the purposes of a Special Election to fill the vacancy. The Special Meeting shall occur no later than the next regular meeting of the Board. The newly elected Officer(s) elected to fill a vacated office shall take office immediately. If the time remaining between commencement of this interim term and the next regular election of Officers is greater than twelve months, the interim term shall be considered a full term with respect to the term limitation.

Prior to the election, the Chair may appoint an officer on an interim basis.

3.7 Duties of Officers.

A. Chair: The Chair shall preside over all meetings of the Board and shall have the right to vote on all matters put before the Board for a vote. The Chair shall ensure that the laws of the City and Connecticut State Law pertaining to the conduct of Board meetings and other activities of the Board are followed, and that all recommendations of the Board are properly conveyed.

The Chair, or his or her authorized designee, shall act as the spokesperson in all matters pertaining to the Board. The Chair shall sign all documents on behalf of the Board after the same have been approved by the Board and shall perform such other duties and delegated responsibilities as may be imposed upon him or her by the Board. The Chair shall appoint all subcommittees, and, ex-officio, be a member of all subcommittees.

B. Vice-Chair: In the absence of the Chair, the Vice-Chair shall perform all the duties of the Chair with the same force and effect as if performed by the Chair.

C. Secretary: The Secretary shall ensure that the Managing Consultant records the attendance of each Board meeting; records the minutes of each meeting in a timely manner for filing and distribution via hard copy, or digital and electronic means; receives all reports, books, papers, and records of the Board. In the absence of both the Chair and Vice Chair, the Secretary shall perform all the duties of the Chair with the same force and effect as if performed by the Chair.

D. In the absence of the Chair, Vice Chair, and the Secretary, at a regular monthly meeting, the Board members present shall elect a temporary chair to perform all the duties of the Chair with the same force and effect as if performed by the Chair until such time as an officer is present. Once an Officer is present the duties of the chair shall be carried out by such officer in the same order of precedence as noted in sections A, B, and C of this section.

3.8 Orientation and Training. The Managing Consultant is responsible for the establishment of an orientation and training program for all members including a review of the relevant provisions of the Charter and Code of Ordinances, Public Acts and General Statutes, local, state and federal law. Each member shall attend and complete the training program. Failure to attend and complete the program shall be deemed as vacating membership on the Board before the expiration of their term and automatically create a vacancy and the seat shall be subject to the provisions herein and in all applicable laws for filling said vacancy.

The orientation and training program will include familiarization with the following:

- (a) City Government structure and the Board;
- (b) The conduct of Public Meetings and the Connecticut Freedom of Information Act.
- (c) State Law and Department policies relating to confidentiality;
- (d) Operations of the New Haven Police Department and to the extent permitted by law other agencies and departments that engaged in policing in New Haven;
- (e) Operations of the Police Services Internal Affairs Unit ("IA") and progressive discipline policies applicable to police officers;
- (f) Police Departments' training programs and recruitment;
- (g) Community perspective on Law Enforcement and the Board;
- (h) Constitutional and civil rights law relating to police misconduct and citizen's rights; (i) anti bias training including training related to biased on mental and physical disabilities.

3.9 New Members. New members shall: a) Comply with initial orientation as outlined in 3.8; and b)

agree to training as outlined in 3.8. After completing training pursuant new members shall be eligible to full participate immediately upon the official approval of their appointment and to local laws including participating in making motions, voting on issues, voting in Board elections, attending executive sessions, and participating in Review Committees.

3.10 Board Staff. The City shall fund personnel necessary to support the Board. A Managing Consultant shall be selected and shall be responsible for coordinating and organizing the daily activities and operations of the Board, including the scheduling of review Committees, keeping track of investigations, administering subpoenas, and preparing and monitoring the necessary standardized forms for the conduct of the responding to citizen complaints and completed IA investigations, recording the minutes of all Board meetings, and serving as a the administrative liaison between the Board and complainants, officials, agencies, the public and policing personnel and representatives.

SECTION 4. MEETINGS.

4.1 Transaction of Business. The Board shall meet monthly. The meetings shall occur in such a manner that residents of the City of New Haven may attend and participate when appropriate and at such times as may be established by the Board to encourage public attendance. The Board shall give public notice of the time and place of the meetings.

4.2 The meetings and business of the Board will be conducted in accordance with the following:

(a) The agenda for each meeting will normally be provided to all members in time to be received at least four days before the regularly scheduled meeting.

(b) The agenda for each meeting will be posted, distributed, and otherwise made public in accordance with the requirements of State and City laws applicable to boards and commissions.

(c) All meetings of the Board shall be open to the public and subject to the Connecticut Freedom of Information Act and provisions of any relevant Collective Bargaining Agreements.

(d) Seven (7) members of the Board shall constitute a quorum.

(e) A quorum and the affirmative vote of the majority of the members present shall be required to carry a motion or proposal.

(f) In all procedures not provided for by these Bylaws, or provisions of the Charter and Code of Ordinances, Public Acts and General Statutes, the Board shall be governed by the latest version of Robert's Rules of Order, Newly Revised.

(g) The Board shall keep written minutes of all meetings and a copy shall be filed in the Office of the City Town Clerk and on the City of New Haven's website.

(h) Subcommittees may be established by the Board as appropriate, however, no more than seven (7) members of the Board (including the Chair as ex-officio member) shall serve on any one subcommittee

(i) The Board Chair shall designate the members and the Chair of each subcommittee.

(j) Normally, the order of business for the Board meetings shall be as follows:

1. Roll Call.
2. Approval of Minutes.
3. Internal Affairs report.
4. General Public Comment.
5. Subcommittee reports.
6. Unfinished business and General Policy Items.
7. New business.
8. Discussion of complaints and reports.
9. Public Comment on Complaints and Reports
10. Recess to closed session, if appropriate.
11. Return to open session after closed session.
12. Act on complaints and reports.
13. Adjourn.

4.3 Special Meetings of the Board. Special meetings may be held at the call of the Chair, or the Vice Chair in the absence of the Chair, or upon petition of six (6) members of the Board. Special meetings shall be held no later than one (1) week from the call or petition for said meeting. Board members will be given no less than twenty-four-(24) hours' notice prior to any special meeting. The notice for any special meeting shall be posted in accordance with all applicable laws governing meetings. No business other than that specified in the special meeting agenda shall be considered at a Special meeting.

SECTION 5. REVIEW COMMITTEES.

5.1 Review Committees. Review Committees appointed by the Chair, shall review all civilian complaints, and completed investigations of complaints and report findings to the full Board.

5.2 Composition of Review Committees. Review Committees of the Board shall consist of at least four (4) members of the Board. In cases involving the death of a person, and in such other cases as the Board Chair or the majority of the Board shall decide, the Board will sit as a "Committee of the Whole".

5.3 Selection of Review Committees. Selection of Review Committees under this section shall be made by rotation among the members, such that no member is on more than one review committee with the same set of other members active during their term except when sitting as a member of the Committee of the Whole.

A member may request that he or she be temporarily excused to avoid conflicts of interest or for other good causes. In the event a member is so excused, the Chair shall assign another Member. Members have a responsibility to read and participate in everything required for the review committee to which they are assigned.

5.4 Conflicts of Interest or Bias and Recusals related to Review Committees.

(a) Conflict of Interest or Bias. A Member sitting on a Review Committee shall review and consider all complaints and investigations in a fair and impartial manner and act consistent with all applicable law concerning conflicts of interest. A Member who could reasonably be thought to have a personal interest in the outcome of a complaint, or the appearance thereof, shall recuse themselves and not sit on the Review Committee reviewing that Complaint or its investigation. Examples of personal interest include, but are not limited to:

1. Familial relationship or close friendship with parties material to the inquiry;
2. Witnessing events material to the inquiry from a non-neutral perspective;
3. Being a party to the inquiry;
4. Having a financial interest in the outcome of the inquiry;
5. Holding a bias against a particular party that is sufficient to impair the Board member's impartiality.

Personal interest in the outcome of a Complaint does not include holding or manifesting any political or social attitude or belief, where such belief or attitude does not preclude objective consideration of a complaint on its merits.

(b) Replacement of Conflicted Board Member. Any member removed, or who removes themselves from a Review Committee due to a conflict of interest shall be replaced by the Chair with another member.

5.5 Public Comments. Board members shall sign a non-disclosure agreement committing to avoiding public comment on pending complaints, reviews, and hearings. Inquiries and requests for such comments shall be referred to the Chair. All members retain the right to comment publicly on complaints, reviews, and hearings once the Board has taken a final action and notified the parties involved of said action.

SECTION 6. GENERAL PROCEDURES REGARDING COMPLAINTS.

6.1 Policy. The following shall provide a framework for the receipt, screening, processing, and disposition of citizen complaints regarding alleged illegal or improper conduct by employees of the New Haven Police Department and to the extent permitted by law employees of other agencies engaged in policing in New Haven:

(a) It is the policy of the Board to encourage citizens who have complaints concerning the conduct of police officers employed by the City of New Haven to file complaints. The Board through its Managing Consultant will attempt to assist and accommodate complainants regarding the complaint filing process.

(b) The review of complaints shall be conducted in a fair, impartial, objective, and ethical manner.

(c) Complaints will be considered, reviewed, and disposed of in accordance with the procedures set forth herein.

(d) Citizen complaints shall be transmitted to the Board with the agenda of the Board meeting and pursuant to the timeframe laid in in the New Haven Code of Ordinances when received by the Police Department or received by other agencies engaged in policing in New Haven to the extent permitted by law.

(e) The Board through its Managing Consultant will make every effort to consider and to respond to citizens' complaints and, where review is necessary, will conduct an impartial and fair review into any such complaints.

(f) The right of any complainant to bring a complaint shall be absolute and unconditional. The reluctance or refusal of the complainant to prepare a complaint form shall not impair his or her right to lodge a complaint. No complaint shall be reviewed, however, until a complaint on behalf of the person aggrieved has been received and transmitted to the Board.

(g) The review of a complaint by the Board will be conducted in a manner designed to avoid unnecessary inconvenience or embarrassment to the complainant, the aggrieved person, the witnesses, the subject officer, and any agency or instrumentality of the City.

(h) To the extent possible consistent with its duties and responsibilities, the Board shall communicate with the appropriate and necessary entities to perform its duties fully and properly.

6.2 Lodging and Filing of Complaints. All Complaints and requests for review of an IA investigation shall be filed with the Board, through its Managing Consultant.

6.3 Time for Filing of Complaints. Complaints shall be considered by the Board if filed no later than one (1) year after the date of the incident giving rise to the complaint.

6.4 Who May File Complaint. Any person may file a complaint and requests for review of an investigation or an IA investigation, without regard to the person's age, citizenship, residence, criminal record, incarceration, or any other characteristic.

6.5 Termination, Resignation or Retirement of Subject Officer. The Board shall have the discretion to continue or terminate a review, if, after a complaint is filed and before the Board completes its review, the subject officer terminates employment with the New Haven Police Department or other agency, or department engaged in policing in New Haven. The Department or Agency shall notify the Board when the subject officer's employment is terminated, has resigned, or retired.

SECTION 7. COOPERATION AND COORDINATION.

In the discharge of its duties, the Board shall receive complete and prompt cooperation from all officers and employees. The Board and other public officers, including the Police Chief, shall coordinate their activities so that the other public officers and the Board can fully and properly perform their respective duties. Such cooperation shall include appearing at and answering questions during meetings, assisting with access to physical evidence, documents and records, and cooperation with any other relevant review procedures.

SECTION 8. CONFIDENTIALITY OF RECORDS.

8.1 Any personnel records, information obtained from these records, citizen complaints against New Haven personnel in the Police Department or , as the law permits, other agencies engaged in policing in New Haven , and reports from the respective IA unit or related investigations which are in the possession of the Board or its staff, shall be confidential and shall not be disclosed to any member of the public, except in accordance with applicable State and City laws and procedures.

8.2 File Accessibility. Every member shall have full access to all complaints and any reports, statements, files, records, documents, tapes, and other materials maintained by the Board or its staff.

8.3 The Board shall not disclose to the public or the press any reports, statements, files, records, documents, tapes, or other items whose confidentiality is protected by law. This confidentiality may be waived only in accordance with applicable law, statute, ordinance, or legal proceedings. Moreover, evidence contained in a Board's review file may only be disclosed to the complainant and the subject officer to the extent and in the manner authorized by law and by these Bylaws.

SECTION 9. REVIEWS.

A. REVIEWS OF CIVILIAN COMPLAINTS

1. The Board shall have no authority with respect to alleged improper activities and misconduct regarding incidents for which no complaint has been filed. The Board shall not have jurisdiction to take any action in respect to complaints made more than one year after the date of the incident giving rise to the complaint.

2. The Board shall review all civilian complaints filed with the Department of Police Services or as the law permits other agencies engaged in policing in New Haven. Such complaints shall be provided to the Board pursuant to the timelines established by law. The complaints shall be reviewed with the cooperation of the New Haven Department of Police Services and as the law permits the other relevant agencies engaged in policing in New Haven pursuant to all applicable law.

4. The Managing Consultant shall provide a monthly report to the Board as to the progress and status of each complaint.

B. REVIEW OF COMPLETED INTERNAL AFFAIRS INVESTIGATIONS

1. The Board shall review all civilian complaints submitted to and investigations completed by the IA unit of the New Haven Police Department or as the law permits other relevant entities engaged in policing in New Haven.

2. Upon completion of its review, the Board will report its findings and recommendations to the Chair of the supervisory entity and the Chief of the relevant agency of the subject officer engaged in policing in New Haven

The Board may:

- a. recommend further investigation;
- b. recommend suspension, termination, or other corrective action
- c. inform the Chief that the Board believes that the IA's determination was biased or incomplete;
- c. state that the investigation appears to have been complete and unbiased;
- d. recommend such other actions the Board deems appropriate.

C. REVIEWS OF INVESTIGATIONS REQUESTED BY COMPLAINANTS

1. A Complainant may request the Civilian Review Board review a completed IA investigation. Such a request must be submitted in writing within ninety (90) days of the completion of that investigation.

The Managing Consultant shall prepare forms for complainants' use in making such requests, but the

use of a particular form is not required as long as the request includes the name, address, and telephone number of the complainant, and the reason for the complainant's dissatisfaction with the IA investigation.

2. Notwithstanding such a request, the Board may, in its discretion, determine whether to grant such a request for review. If the Board decides to deny a request for review, it shall notify the complainant making the request of that decision with a brief rationale and explanation.

3. If the Board determines to review an IA investigation, then upon completion of that review, the Board shall report its determination in writing, to the Chair of the supervisory entity and the Chief of the relevant department engaged in policing in New Haven

Including in the statement- that the Board:

a. affirms the finding; or

b. has referred the matter back to recommending further investigation; or

c. has determined that determination was incomplete or biased, for further action.

4. Recommendations for further investigation. The Board may recommend further investigation of some or all of the allegations of a Complaint if it Board determines that such a further investigation may facilitate the fact-finding process. Further review may be deemed to facilitate the fact-finding process

when the Board determines:

a. There has been an undue lapse of time since the occurrence of the incident which is the subject of the complaint; or

b. There are additional witnesses, evidence, or information that contradicts, supplements, or has not been disclosed by, the Internal Affairs unit; or

c. There is reason to question the conclusion of the Internal Affairs unit; or

d. Other stated reasons justifying further investigation.

5. Scope of Further Investigation. The scope of any recommendation for further investigation may vary. It may consist of a single, narrowly drawn issue; multiple issues; or an entire complaint or investigation. To the extent feasible, the Board shall set forth in its written findings and recommendation to the Chair of the supervisory entity and the Chief of the subject agency engaged in policing in New Haven, the scope of any additional investigation the Board may recommend, as clearly as possible.

D. ADDITIONAL REVIEWS

In addition to the reviews described in the previous sections, the Board may, in its discretion, by itself or through staff when directed by the Board:

1. Conduct random or targeted reviews of civilian complaint investigations to determine whether the investigations were thorough and unbiased.

2. To the extent permitted by law review (a) any incident resulting in the death of any individual arising out of or in connection with actions of one or more officers or employees of agencies engaged in policing in New Haven, in the performance of their official duties, or (b) any incident where any officer discharges a firearm, regardless of whether a citizen complaint regarding such death has been filed with the Board or the Department or Agency. The Board shall have jurisdiction in respect to all deaths of individuals or discharge of firearm by an officer within the provisions of this subsection provided however, that the Board may not commence review of any death of an individual or discharge of a weapon by an officer coming within the provisions of this subsection more than one year after the date of the death of such person or discharge of an firearm by an officer.

3. In such cases:

a. The Board will undertake such review only when a Board member requests the action and a majority of the entire Board votes to initiate the review.

b. The review shall otherwise proceed in the same manner, pursuant to these bylaws and regulations, as in cases initiated by a complaint or request for review of an IA investigation.

4. Conduct random or targeted reviews of IA files on complaints that were not pursued, to determine whether to recommend changes in the processing and investigation of such complaints.

5. Conduct review and analysis of crime data, complaints, and statistics to identify and address patterns of racial profiling.

SECTION 10. BOARD FINDINGS AND RECOMMENDATIONS.

A. Finding and Report by Review Committee. At the conclusion of a review of a complaint and/or IA investigation by a Review Committee, the Members shall recommend a finding to the full Board.

B. Submission to full Board. The Members of the Review Committee will present a report of their review to all members of the Board, at the next regularly scheduled meeting or at a special meeting of the Board when included on the special meeting agenda.

Consideration by full Board. The Board, during the closed session, shall consider the report of the Review Committee and any other information that may be brought to its attention at the meeting. Thereafter, the Board in open session shall accept the report as presented or take or direct any action set forth in Section 9 of these bylaws.

Final Report by Board. The Board in open session shall by majority vote to adopt and have staff prepare a written final report with respect to the complaint or matter under consideration. This written report shall include findings as to the facts and conclusions relating to any complaint or investigation. Dissenting members may set forth reasons for their dissent in writing and any such dissent(s) shall be included with the final report.

Recommendation of Discipline. A recommendation of discipline shall include an explanation of the finding of improper conduct; recommendations relating to the imposition of discipline, including the facts relied on in making such recommendations, and recommendations relating to any trends regarding employees involved in citizen complaints; and/or recommendations for remedial changes in policies or practices where appropriate.

Transmittal of Final Report. The final report adopted by the Board shall be immediately forwarded to the Board of Police Commissioners, the New Haven Chief of Police, and the supervisory entity and the Chief of any other relevant department engaged in policing in New Haven related to the subject officer(s) in the report.

Reconsideration of Final Report. Upon request by the complainant, the subject officer(s), or their representatives, the Final Report may be re-opened for reconsideration by the Board provided that:

(a) previously unknown relevant evidence is discovered which was not available to the Board before it issued its Final Report; and (b) there is a reasonable likelihood the new evidence will alter the findings and recommendations contained in the Final Report.

A Final Report may also be re-opened for reconsideration by the Board upon initiative of the Board when such reconsideration is in the public interest. Every party to the proceeding or their representative(s) shall be notified in writing of any request or proposal for reconsideration and shall be given the opportunity to respond to the Board before the request or proposal is acted upon.

Communications with the Public and the Press. Prior to the issuance of a final report of the Board and the notification to the parties involved the members of the Board will speak as a Board, and not individually, and shall do so through the Chair or the Chair's authorized designee.

SECTION 11. GENERAL REPORTS.

A. The Board shall submit a report each April and August to the Board of Police Commissioners and the Board of Alders that includes but is not limited to the following: The Board's observations, findings, and recommendations regarding the Internal Affairs units' investigations and practices of agencies policing in New Haven. These reports will include complaint statistics and identify any concerns with the General Orders and other policies as they relate to police officer misconduct. Patterns of behavior, unclear procedures, policy issues and training needs may be identified for review.

B. The Board shall prepare and submit each December an annual report to the Board of Police Commissioners and Board of Alders summarizing the activities and recommendations of the Board including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period and making recommendations on policies and procedures including changes to facilitate the formal filing of complaints.

C. The reports referred to in this section shall be made public.

SECTION 12. DELEGATION OF FUNCTIONS TO MANAGING CONSULTANT.

The Board may, in its discretion, from time to time delegate to the Managing Consultant or other staff certain of the procedural and administrative functions or duties assigned to the Board by these Bylaws. The Board shall not, however, delegate to the Managing Consultant or other staff any functions, duties or responsibilities that are required by Provisions of the Charter and Code of Ordinances, Public Acts and General Statutes or other laws to be performed by the Board.

SECTION 13. ADOPTION OF BYLAWS; AMENDMENTS TO BYLAWS.

These bylaws were adopted by this Board on January 25, 2021 and may be amended by affirmative vote of 10 members of the Board at any regular or special meeting of the Board provided that previous notice

was given at a preceding meeting that amendments to the bylaws would be considered and the proposed amendment(s) were circulated no later than 4 days prior to the meeting. The bylaws shall be reviewed at each biennial meeting of the Board.

SECTION 14. CONFLICTS OF INTEREST OR BIAS AND RECUSALS RELATED TO MEMBERS.

(a) Conflict of Interest or Bias. A Member shall review and consider all Board business in a fair and impartial manner and act consistent with all applicable law concerning conflicts of interest. A Member who could reasonably be thought to have a personal interest in the outcome of business before the Board, or the appearance thereof, shall recuse themselves and participate in the deliberation of that business. Examples of personal interest include, but are not limited to:

1. Familial relationship or close friendship with parties material to the business;
2. Being a party to the business;
4. Having a financial interest in the outcome of the business different from that of other similarly situated members;
5. Holding a bias that is sufficient to impair the Board member's impartiality.

Personal interest in the outcome of a Complaint does not include holding or manifesting any political or social attitude or belief, where such belief or attitude does not preclude objective consideration of a complaint on its merits.

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APPENDIX A

CONNECTICUT STATE STATUTES ON PROTECTION OF MUNICIPAL OFFICERS AND MUNICIPAL EMPLOYEES FROM DAMAGE SUITS; AND LIABILITY OF MEMBERS OF LOCAL BOARDS AND COMMISSIONS

Sec. 7-101a. Protection of municipal officers and municipal employees from damage suits. Reimbursement of defense expenses. Liability insurance. Time limit for filing notice and commencement of action. (a) Each municipality shall protect and save harmless any municipal officer, whether elected or appointed, of any board, committee, council, agency or commission, including any member of a local emergency planning committee appointed from such municipality pursuant to section 22a-601, or any municipal employee, of such municipality from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence, or for alleged infringement of any person's civil rights, on the part of such officer or such employee while acting in the discharge of his duties.

(b) In addition to the protection provided under subsection (a) of this section, each municipality shall protect and save harmless any such municipal officer or municipal employee from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand or suit instituted against such officer or employee by reason of alleged malicious, wanton or wilful act or ultra vires act, on the part of such officer or employee while acting in the discharge of his duties. In the event such officer or employee has a judgment entered against him for a malicious, wanton or wilful act in a court of law, such municipality shall be reimbursed by such officer or employee for expenses it incurred in providing such defense and shall not be held liable to such officer and employee for any financial loss or expense resulting from such act.

(c) Each such municipality may insure against the liability imposed by this section in any insurance company organized in this state or in any insurance company of another state authorized to write such insurance in this state or may elect to act as self-insurer of such liability.

(d) No action shall be maintained under this section against such municipality or employee unless such action is commenced within two years after the cause of action therefor arose nor unless written notice of the intention to commence such action and of the time when and the place where the damages were incurred or sustained has been filed with the clerk of such municipality within six months after such cause of action has accrued.

(e) For the purposes of this section “municipality” means any town, city, borough, consolidated town and city, consolidated town and borough, district, district department of health, or authority established by the general statutes, a special act or local law, ordinance or charter or any public agency.

(1971, P.A. 726; P.A. 75-408, S. 1; P.A. 77-399; P.A. 80-403, S. 9, 10; P.A. 89-212, S. 11; 89-378.)

History: P.A. 75-408 included both elected and appointed members and included members of councils as well as of board, committees and commissions in indemnification and added claims arising from infringement of civil rights; P.A. 77-399 substituted “municipal officer” for “member” and included officers of agencies and full time municipal employees, inserted new provisions re protection against alleged malicious, wanton, wilful etc. acts as Subsec. (b), making previous provisions Subsecs. (a) and (c); P.A. 80-403 added Subsec. (d) re limits on notice and commencement of action; P.A. 89-212 amended Subsec. (a) to include members of local emergency planning committees in indemnification; P.A. 89-378 substituted “municipality” for “town, city, borough, consolidated town and city and consolidated town and borough”, added Subsec. (e) defining municipality, extended the protection to part-time employees, and provided for reimbursement to a municipality if a judgment is entered against an officer or employee for a malicious, wanton or wilful act.

Statute to be given prospective application only. 190 C. 77. Cited. 197 C. 9. Statute does not apply to suits brought by municipalities against their own officers. 200 C. 367. Cited. 214 C. 632; 221 C. 149; 223 C. 731; 229 C. 716; 237 C. 501.

Cited. 1 CA 709; 4 CA 216; 28 CA 277; 38 CA 546. The language “protect and save harmless” establishes a duty to indemnify, not a duty to defend; the cause of action for plaintiff’s claim for indemnification accrued, and the six month notice period and the two year limitation period of Subsec. (d) began to run, when plaintiff first could have successfully held defendant liable, which plaintiff could not have

done until the prior action concluded; section does not authorize an award of costs expended to enforce the right to indemnification under this section against a municipality. 178 CA 469.

Cited. 39 CS 102; 41 CS 420; Id., 548; 44 CS 477.

See Sec. 52-557n re liability of an employee, officer or agent of a political subdivision of the state.

Sec. 52-557n. Liability of political subdivision and its employees, officers and agents. Liability of members of local boards and commissions. (a)(1) Except as otherwise provided by law, a political subdivision of the state shall be liable for damages to person or property caused by: (A) The negligent acts or omissions of such political subdivision or any employee, officer or agent thereof acting within the scope of his employment or official duties; (B) negligence in the performance of functions from which the political subdivision derives a special corporate profit or pecuniary benefit; and (C) acts of the political subdivision which constitute the creation or participation in the creation of a nuisance; provided, no cause of action shall be maintained for damages resulting from injury to any person or property by means of a defective road or bridge except pursuant to section 13a-149. (2) Except as otherwise provided by law, a political subdivision of the state shall not be liable for damages to person or property caused by: (A) Acts or omissions of any employee, officer or agent which constitute criminal conduct, fraud, actual malice or wilful misconduct; or (B) negligent acts or omissions which require the exercise of judgment or discretion as an official function of the authority expressly or impliedly granted by law.

(b) Notwithstanding the provisions of subsection (a) of this section, a political subdivision of the state or any employee, officer or agent acting within the scope of his employment or official duties shall not be liable for damages to person or property resulting from: (1) The condition of natural land or unimproved property; (2) the condition of a reservoir, dam, canal, conduit, drain or similar structure when used by a person in a manner which is not reasonably foreseeable; (3) the temporary condition of a road or bridge which results from weather, if the political subdivision has not received notice and has not had a reasonable opportunity to make the condition safe; (4) the condition of an unpaved road, trail or footpath, the purpose of which is to provide access to a recreational or scenic area, if the political subdivision has not received notice and has not had a reasonable opportunity to make the condition safe; (5) the initiation of a judicial or administrative proceeding, provided that such action is not determined to have been commenced or prosecuted without probable cause or with a malicious intent to vex or trouble, as provided in section 52-568; (6) the act or

omission of someone other than an employee, officer or agent of the political subdivision; (7) the issuance, denial, suspension or revocation of, or failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authorization, when such authority is a discretionary function by law, unless such issuance, denial, suspension or revocation or such failure or refusal constitutes a reckless disregard for health or safety; (8) failure to make an inspection or making an inadequate or negligent inspection of any property, other than property owned or leased by or leased to such political subdivision, to determine whether the property complies with or violates any law or contains a hazard to health or safety, unless the political subdivision had notice of such a violation of law or such a hazard or unless such failure to inspect or such inadequate or negligent inspection constitutes a reckless disregard for health or safety under all the relevant circumstances; (9) failure to detect or prevent pollution of the environment, including groundwater, watercourses and wells, by individuals or entities other than the political subdivision; or (10) conditions on land sold or transferred to the political subdivision by the state when such conditions existed at the time the land was sold or transferred to the political subdivision.

(c) Any person who serves as a member of any board, commission, committee or agency of a municipality and who is not compensated for such membership on a salary or prorated equivalent basis, shall not be personally liable for damage or injury occurring on or after October 1, 1992, resulting from any act, error or omission made in the exercise of such person's policy or decision-making responsibilities on such board, commission, committee or agency if such person was acting in good faith, and within the scope of such person's official functions and duties, and was not acting in violation of any state, municipal or professional code of ethics regulating the conduct of such person, or in violation of subsection (a) of section 9-369b or subsection (b) or (c) of section 1-206. The provisions of this subsection shall not apply if such damage or injury was caused by the reckless, wilful or wanton misconduct of such person.

(P.A. 86-338, S. 13; P.A. 92-198; P.A. 93-290.)

History: P.A. 92-198 added Subsec. (c) concerning immunity of members of local boards and commissions who are not compensated for their membership; P.A. 93-290 added Subsec. (b)(10) re preexisting conditions on land sold or transferred by the state.

Cited. 208 C. 161; 214 C. 1. Court construed statute to provide action under Sec. 13a 149 is plaintiff's exclusive remedy against political subdivision for damages resulting from a defective road or bridge. 219 C. 179. Common law action for nuisance is barred by section. Id., 641. Cited. 229 C. 829; 231 C. 370; 233 C. 524;

235 C. 408; 238 C. 653; *Id.*, 687. Section allows plaintiffs to bring direct cause of action for negligence against municipality; in absence of reference to Sec. 7-308 or 7-465, statutes can coexist and a party may choose to rely on either statute. 263 C. 22. Whether driveway upon which plaintiff was driving was a private thoroughfare, thereby falling within the purview of section, or whether it was public, thereby falling within the purview of Sec. 13a-149, is a question of fact to be determined by the trial court. 315 C. 606. Action was untimely and savings provision in Sec. 52-593 does not apply in municipal liability action under this section because plaintiff could have recovered from defendants in original action, based on the factual allegations and causes of action in the original complaint. *Id.*, 821.

Cited. 32 CA 373; judgment reversed, see 229 C. 829; 36 CA 601; 42 CA 624. Absent specific language in this section modifying common law rule of governmental immunity for claims of strict liability pursuant to Sec. 22-357, that section should not be so construed. 58 CA 702. Section does not bar recovery from a political subdivision where circumstances make it apparent to the public officer that his or her failure to act would be likely to subject an identifiable person to imminent harm. 60 CA 178. Court provided jury with clear guidance on the issue of agency with respect to town's potential liability. 68 CA 284. Complaint alleging that city negligently failed to maintain a stairway in a reasonably safe condition constituted an allegation of negligent performance of a discretionary, rather than ministerial, act and therefore city was immune from liability pursuant to statute that exempts political subdivisions from liability for negligent acts of its employees that require the exercise of judgment or discretion. 71 CA 844. Plaintiff's statutory negligence claims were barred by governmental immunity. 87 CA 353.

Cited. 41 CS 420; 42 CS 22; 44 CS 45; *Id.*, 527. Summary judgment granted for municipal defendants in matter where plaintiff alleged that defendant's failure to timely respond to 911 call and provide effective medical care resulted in her son's death; plaintiff unable to invoke identifiable person, imminent harm exception to defendant's claimed governmental immunity because decedent was not identifiable nor was the harm imminent. 49 CS 200.

Subsec. (a):

Subdiv. (1)(C): Liability in nuisance can be imposed on a municipality only if condition constituting the nuisance was created by positive act of the municipality. 245 C. 385. Subdiv. (2)(A): Plaintiff's claim against city for intentional infliction of emotional distress by city employee is barred by governmental immunity. 267 C. 669. Subdiv. (1)(B) codifies common law rule that municipalities are liable for their negligent acts committed in their proprietary capacity. 279 C. 830. Appellate Court

improperly concluded that plaintiff, the mother of a 6-year-old child attending after school program located within a public school, fell within identifiable person, imminent harm exception to governmental immunity; only persons recognized for purposes of exception are school children attending public schools during school hours. 284 C. 91. Subdiv. (2)(B): Governmental immunity applicable to defendants, board of education and certain public school officials, because plaintiff, a summer program supervisor who slipped on urine in the school bathroom where program was located, was not an identifiable person subject to imminent harm because the potential for harm was neither sufficiently immediate nor sufficiently certain. 294 C. 265. Subdiv. (1)(A): The identifiable person, imminent harm common-law exception to municipal employee's qualified immunity is also applicable in an action brought directly against a municipality under Subdiv., regardless of whether an employee or officer of municipality is also a named defendant; plaintiff resident who was injured at transfer station was not a member of a class of foreseeable victims because he was not legally required to dispose of his refuse by taking it to transfer station and could have hired an independent contractor to do so. Id., 324. Subdiv. (1)(C): Trial court properly struck plaintiffs' claims asserted pursuant to Subpara. (C) on grounds that defendants may not

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be held liable for damages caused by their failure to act to abate an alleged public nuisance because Subpara. (C) contains a positive act requirement. 295 C. 141. Common law identifiable person, imminent harm exception to governmental immunity for discretionary acts applicable in action solely against municipality under Subdiv. (1)(A). 296 C. 518. Subdiv. (1)(A) is grounded in common law negligence cause of action and does not create a new kind of cause of action, but provides that political subdivisions may be held liable for certain common law negligence claims against them and their employees; negligence claims against chaperones at a school dance are barred by doctrine of qualified immunity because such chaperones were performing governmental acts, were acting in the exercise of discretion and no exception applied. 301 C. 112. Subdiv. (1): Town is protected by governmental immunity and duty to warn of hazardous conditions is discretionary; failure to allege town owned or controlled land the use of which unreasonably interfered with plaintiffs' use or enjoyment of their property does not render nuisance claim insufficient, but motion to strike nuisance claim properly granted because plaintiffs could not have alleged facts sufficient to establish town created or participated in creating alleged nuisance or had duty to warn of risks. 307 C. 364. Subdiv. (1): Pertains only to municipal roads and bridges and not to state roads and bridges; town may be liable for nuisance on state highway if nuisance was created by the town; legislature sought to ensure that a person who sustains injuries or property damage as

a result of a nuisance created by a municipality may recover against the municipality either by way of an action sounding in nuisance or, if the nuisance was created on a road or bridge that the municipality was legally responsible for maintaining, under Sec. 13a-149. *Id.*, 620. Specially chartered municipal corporation water supply company liable for negligent conduct when bicyclist rode her bike into gate on company property; gate was maintained in an unsafe and dangerous condition and maintenance of gate was inextricably linked to proprietary function of operating the company. 309 C. 282. Subdiv. (2): Town not liable under identifiable person/imminent harm exception for injuries sustained by passenger in vehicle pursued by volunteer firefighter while firefighter was on telephone call with town's 911 dispatcher where it was not apparent to dispatcher that firefighter was pursuing vehicle at excessive rate of speed and improperly using blue courtesy lights that were similar to police lights, and that dispatcher's response or lack thereof likely would have subjected the passenger to imminent harm. 311 C. 217. Police officers' duty to remain at the scene of a domestic violence incident was discretionary and not ministerial, therefore defendant municipality is entitled to governmental immunity. 312 C. 150. Under identifiable person-imminent harm exception to governmental immunity, the standard to determine whether harm was imminent is whether it was apparent to municipal defendant that the dangerous condition was so likely to cause harm that defendant had a clear and unequivocal duty to act immediately to prevent harm. 314 C. 303. Municipal immunity was not abrogated under Subdiv. (1)(B) by proprietary function exception because defendant's operation of pool was for general public purpose, did not result in excess revenues and was used by private company only for short periods of time without any formal lease or contract, and was not abrogated under Subdiv. (1)(A) by application of the identifiable person, imminent harm exception because plaintiff was not compelled to attend aqua therapy sessions offered by private company at defendant's pool, and therefore was not an identifiable person. 326 C. 420.

Cited. 39 CA 289. Language of section is clear and unambiguous in abrogating governmental immunity that common law gives to municipalities with respect to vicarious liability; parties need not comply with filing requirements of Sec. 7-465 in order to utilize this section, rather parties can bring a direct cause of action for negligence against a municipality under its provisions. 66 CA 669. Although trial court improperly analyzed plaintiff's claims under Subsec., which concerns claims brought directly against a municipality, rather than under applicable municipal indemnification statute, Sec. 7-465, which provides that qualified municipal immunity does not apply to claims for indemnification for acts by municipal employees unless the acts are willful or wanton, she could not prevail on claim that trial court improperly granted motion for a directed verdict because there is no recognized right to a claim for emotional

distress resulting to a person from loss of a pet. 84 CA 395. Trial court properly struck plaintiffs' negligence claim where plaintiffs claimed that city's negligence in failing to ensure security of the building after city had taken the property by eminent domain resulted in plaintiffs property being stolen and destroyed; pursuant to Subdiv. (2)(B) city cannot be held liable for the actions of its employees pertaining to security of the property. 88 CA 1. Because municipal status of city of New Haven was undisputed, the protection afforded under Subdiv. (2)(A) granted municipal immunity from liability for intentional tort committed by plaintiff's coemployee who was a city employee. 92 CA 558. Subdiv. (2)(A): A municipality may not be held liable for the intentional acts of its employees including the intentional infliction of emotional distress. 108 CA 710. When a law enforcement officer has been ordered by the court to vacate an arrest warrant, this is a mandatory duty; failure to do so may not be excused by governmental immunity. 110 CA 389. Section codifies the common law doctrine of qualified immunity; defendants, a municipality and police officers employed by the municipality, were entitled to qualified immunity in the performance of discretionary duties relating to the monitoring of an individual who committed suicide while being held in police department lock-up area. 120 CA 282. Decedent's estate could not prevail against police officers because of doctrine of governmental immunity since complaint did not demonstrate that decedent was an identifiable and foreseeable victim subject to imminent harm. *Id.*, 806. Subdiv. (2)(B): Trial court's conclusion that statutes, regulations and policies are most often held to create discretionary duties was overreaching; because standards exist for town firefighters to secure traffic accident scene in prescribed manner without the exercise of judgment or discretion, plaintiff's negligence action against town arose out of violations of ministerial rather than discretionary duties, and trial court improperly granted town's motion to strike on grounds of governmental immunity. 127 CA 254; judgment affirmed, see 307 C. 620. Subdiv. (2)(A): Neither the distinction between ministerial and discretionary acts nor the exceptions to discretionary act immunity factor into an analysis of governmental immunity when an intentional cause of action is alleged; the term "wilful" is synonymous with "intentional"; provision makes no distinction between ministerial and discretionary acts. 133 CA 215. City was immune from indemnity claim re fatal shooting at carnival because language in Sec. 7-284 concerning police protection at places of amusement describes a discretionary function, not a ministerial duty, and billing of operator for such police protection did not convert governmental function of providing security into a proprietary function. 138 CA 40. Subdiv. (1)(A): Police action was discretionary re homicide victim killed by domestic violence perpetrator while in the household of a person who was protected by an order of protection because the victim was not the person protected by the order of protection and law enforcement directives adopted under Sec. 46b-38b re domestic violence victims did not impose a duty re victim. 140 CA 315; judgment

affirmed, see 312 C. 150. Police officer's decisions whether or not to enforce certain statutes and to take other actions in securing traffic accident scene requires exercise of judgment and discretion and, therefore, entitles officer to governmental immunity. 142 CA 113. Subdiv. (1)(C): A public nuisance claim may not be brought independently of Sec. 13a 149 when plaintiff's claim for damages against a municipality resulted from an injury sustained by means of a defective municipal road. 150 CA 805. Subdiv. (2)(B): School superintendent's manner of communicating plaintiff's termination was a discretionary act to which municipal immunity attached. 158 CA 872. Subdiv. (2)(B): Police dispatcher's statement to caller that police officer would respond shortly did not create a ministerial duty for which governmental immunity is abrogated under Subdiv. (1), and plaintiff did not present any other evidence that police response to a call is a ministerial rather than discretionary act or that plaintiff was an identifiable victim subjecting defendants to identifiable person-imminent harm exception. 163 CA 847. To the extent that the phrase "wear shin guards for additional protection" is ambiguous, and thus susceptible to different meanings, that fact alone supports a determination that the language in the school's physical education guideline was not intended to create a ministerial duty that would be a clear and unequivocal waiver of governmental immunity under Subdiv. (2). 175 CA 613.

Cited. 41 CS 402. Governmental immunity inapplicable in case in which plaintiff was involved in assisting police when she was bitten by police dog. 46 CS 197.

Subsec. (b):

Cited. 226 C. 314. Subdiv. (6): Provision does not establish a sole proximate causation standard or some other heightened causation standard; codifies common law that municipal defendants are not liable for acts of nonemployees or nonagents of the municipality. 245 C. 385. Subdiv. (8): Subdiv. abrogates traditional common-law doctrine of municipal immunity, now codified by statute, in the two enumerated circumstances following the word "unless". 307 C. 364. Subdiv. (8): "Possible impact" standard for reckless disregard adopted by Appellate Court, requiring defendant merely disregard a possible impact on public or individual health or safety, would effectively eliminate distinction between negligence and recklessness - no indication legislature intended to adopt lower standard for recklessness in context of municipal inspections; municipal actor may demonstrate reckless disregard for health or safety when it is clear that the failure to inspect may result in a catastrophic harm, albeit not a likely one. 327 C. 338.

Subdiv. (8): A failure to inspect that constitutes a reckless disregard for health or safety under Subdiv. is one in which an individual is aware of the duty to inspect,

recognizes the possible impact on public or individual health or safety, and makes the conscious decision not to perform that duty. 159 CA 679; judgment affirmed on alternate grounds, see 327 C. 338.

Subdiv. (7): Section does not offer municipal immunity for allegedly unconstitutional taking through inverse condemnation. 51 CS 636.

Subsec. (c):

Subsec. does not authorize a private cause of action against zoning board of appeals as a whole but refers to the personal liability of an individual board member; since plaintiff directs his allegations against the board as an entity and not to any of its members individually, he fails to state a claim under Subsec. that would subvert governmental immunity. 160 CA 1. Section affords qualified immunity, rather than absolute immunity, because it expressly excepts from its purview any conduct that is not undertaken in good faith, that is in violation of any state, municipal or professional code of ethics, or that is reckless, wilful or wanton. 166 CA 685.