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**In The Matter Of:**

*Special Meeting : Board of Police Commissioners*

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*Special Meeting*

*August 25, 2022*

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CITY OF NEW HAVEN  
DEPARTMENT OF POLICE SERVICE  
BOARD OF POLICE COMMISSIONERS

SPECIAL MEETING  
AUGUST 25, 2022  
6:02 p.m.  
Held Via:  
Zoom Videoconferencing Platform

RE: Consideration and vote on the recommendation from  
Chief Karl Jacobson to terminate Sergeant  
Shayna Kendall, Internal Affairs Investigation 21C-053.

Present: Commissioner Evelise Ribeiro, Chair  
Commissioners Darrell Brooks, Donald Walker, Isaias  
Miranda, Michael Lawlor and Tracey Meares

Chief Karl Jacobson  
Chief Administrative Officer Regina Rush-Kittle  
Assistant Chief David Zannelli  
Assistant Chief Bertram Ettienne  
Michelle Duprey, Esq., Corporation Counsel  
Patricia King, Esq., Corporation Counsel  
Officer Florencio Cotto, President, Elm City Local  
Officer John Lambe, Vice President, Elm City Local  
Christopher Henderson, Esq., Counsel for the Department  
Marshall Segar, Esq., Counsel for Sergeant Kendall  
Erick Brown, Esq., Counsel for Sergeant Kendall

Reporter: Theresa Bergstrand, CSR #406

1 (The hearing commenced at 6:02 p.m.)

2  
3 CHAIRMAN RIBEIRO: Good evening, everyone. It is  
4 now 6:02 p.m. I do believe all the Commissioners have  
5 entered the room, so I will call the Special Meeting of  
6 Thursday, August 25, 2022 to order. As I stated, it is  
7 actually now 6:03 p.m. And for the record we have  
8 Commissioners Lawlor, Commissioner Walker, Commissioner  
9 Miranda and Commission Meares, Commissioner Brooks and  
10 myself, Commissioner Ribeiro, here. And this Special  
11 Meeting is to consider and vote on a recommendation from  
12 Chief Jacobson causation to terminate Sergeant Shayna  
13 Kendall per Internal Affairs Investigation 21C-053.

14 Just making sure our transcriptionist is here. I  
15 believe she said she is, if you could just indicate  
16 that.

17 COURT REPORTER: Yes, Ma'am. I am here.

18 CHAIRMAN RIBEIRO: Okay. Thank you. Also want to  
19 acknowledge, we have our Corporation Counsel Attorneys,  
20 Attorney Duprey and Attorney Pat King. We also have our  
21 CAO Regina Rush-Kittle. And just to lay a couple of  
22 ground rules before we start, for those who are not  
23 familiar with this proceeding. We will always have an  
24 opportunity for the City, the Police Department, to  
25 present, to make an opening statement. We will then

1 allow the Union to make an opening statement, and then  
2 we will have the Police Department state their case.

3 Just want to note, are there any witnesses, excuse  
4 me, that will be presented this evening for either side?  
5 Attorney Henderson, who is representing the Department,  
6 will you be having any witnesses?

7 MR. HENDERSON: Yes, Madam Chair. Just Sergeant  
8 Fennesey(sic) who conducted the IA investigation. And  
9 then I'll have the Chief just testify very briefly at  
10 the end of that. And that is it is for witnesses.

11 CHAIRMAN RIBEIRO: Okay. And Attorney Segar, will  
12 you be having any witnesses?

13 MR. SEGAR: No.

14 CHAIRMAN RIBEIRO: Okay. Okay. We need to make  
15 sure exhibits -- we did receive the packets in advance.  
16 I am assuming that those are the only exhibits that will  
17 be presented for the evening, is that correct?

18 MR. HENDERSON: That's correct.

19 CHAIRMAN RIBEIRO: Okay.

20 MR. SEGAR: Yes.

21 CHAIRMAN RIBEIRO: So at some point we do need to  
22 make sure the transcriptionist has a copy of the  
23 exhibits to enter for the record as appropriate.

24 Okay. Are there any questions from either side  
25 before we start?

1 MR. SEGAR: I just have one procedural issue, Madam  
2 Chair, if I may.

3 CHAIRMAN RIBEIRO: Yes.

4 MR. SEGAR: The Union has co-counsel today,  
5 Attorney Erick Brown, my colleague, will be  
6 participating in our presentation. We have divided the  
7 presentation in half, Attorney Brown will be addressing  
8 the IA findings, and I'll be addressing the procedural  
9 due process issues.

10 CHAIRMAN RIBEIRO: Okay. Duly noted. Can you tell  
11 me his first name again, for the record?

12 MR. SEGAR: Attorney Erick, E-r-i-c-k, Brown,  
13 common spelling.

14 CHAIRMAN RIBEIRO: Okay. Thank you. Anything else  
15 from either side?

16 Okay. I am sorry, does anyone see Commissioner  
17 Miranda on?

18 COMMISSIONER MIRANDA: I am here now.

19 CHAIRMAN RIBEIRO: You are here. Okay. Thank you.  
20 Okay. So we will begin, and we will start with Attorney  
21 Kennedy, correct? I am sorry.

22 MR. BROWN: Hi, this is Attorney Erick Brown. I  
23 just wanted to confirm that this hearing is closed to  
24 the public?

25 CHAIRMAN RIBEIRO: I am sorry. My apologies for

1 not asking for that. Yes. Would you like for this to  
2 be an open or a closed session?

3 MR. BROWN: Closed, please.

4 CHAIRMAN RIBEIRO: Okay. Thank you for that.  
5 Okay. So this hearing will be closed. So I will  
6 invite, of course, the Commissioners. I will invite the  
7 Chief. Chief, who on your staff?

8 CHIEF JACOBSON: The Assistant Chiefs, the Internal  
9 Affairs Investigators, the CAO. That is about it.

10 CHAIRMAN RIBEIRO: Okay. And I invite the Union's  
11 attorneys, the Union President. Who else on the Union  
12 side?

13 MR. SEGAR: Sergeant Kendall, please.

14 CHAIRMAN RIBEIRO: Okay. Thank you. I was trying  
15 to look through the room to see Sergeant Kendall. Will  
16 that be all?

17 MR. SEGAR: Florencio, I don't see any need to  
18 bring anybody else in. If John is on the call, I am  
19 sure that we can bring John in, but I don't see anybody  
20 necessary, other than myself, you, Attorney Brown and  
21 Sergeant Kendall.

22 CHAIRMAN RIBEIRO: Okay. And who is John?

23 MR. SEGAR: John Lambe. I am sorry, Ma'am, John  
24 Lambe is the Union Vice President. I don't know if he  
25 is on this call or not, I just didn't want to leave him

1 out, if he is.

2 CHAIRMAN RIBEIRO: Okay. Okay. Duly noted.

3 COMMISSIONER BROOKS: Madam Chair?

4 CHAIRMAN RIBEIRO: Yes, who is speaking?

5 COMMISSIONER BROOKS: Commissioner Brooks.

6 Procedural question.

7 CHAIRMAN RIBEIRO: Absolutely.

8 COMMISSIONER BROOKS: Would it be appropriate for  
9 Attorney Michele Duprey to join us?

10 CHIEF JACOBSON: She normally does.

11 CHAIRMAN RIBEIRO: I am sorry, did someone --

12 CHIEF JACOBSON: She normally does, right?

13 CHAIRMAN RIBEIRO: Yes. Attorney Duprey and  
14 Attorney King.

15 COMMISSIONER BROOKS: Thank you, Madam Chair.

16 CHAIRMAN RIBEIRO: Okay. Thank you.

17 MR. COTTO: Madam Chair, if I may, Vice President  
18 Lambe is on the call, if you could just bring him in, as  
19 well.

20 CHAIRMAN RIBEIRO: Okay.

21 CHIEF JACOBSON: Is his name, is it under Lambe?  
22 Just when I am clicking over, I didn't see him.

23 MR. COTTO: Yeah, he is on there.

24 CHAIRMAN RIBEIRO: Okay. Ms. Bergstrand, did you  
25 get all those names for the record, as to who is going



1 into Executive Session, or do we need to repeat it?

2 COURT REPORTER: No, I got it. Thank you.

3 CHAIRMAN RIBEIRO: Okay. With that being said,  
4 I'll entertain a motion to go into Executive Session for  
5 discussion on a personnel matters.

6 COMMISSIONER WALKER: I make a motion that we go  
7 into Executive Session on personnel matters.

8 COMMISSIONER BROOKS: Second.

9 CHAIRMAN RIBEIRO: I am sorry, can you complete the  
10 rest of the motion, to consider a vote on the  
11 recommendation --

12 COMMISSIONER WALKER: To consider a vote on the  
13 recommendation of Chief Jacobson regarding Sergeant  
14 Kendall for termination.

15 CHAIRMAN RIBEIRO: Okay. Thank you. Is there a  
16 second?

17 COMMISSIONER BROOKS: Second.

18 CHAIRMAN RIBEIRO: Okay. Any further discussion?  
19 Okay. All those in favor, please signify by saying  
20 aye.

21 ALL COMMISSIONERS: Aye.

22 CHAIRMAN RIBEIRO: Opposed? Motion carried. Okay.  
23 Can you --

24 CHIEF JACOBSON: I am going to start going to the  
25 break-out room.

1           COMMISSIONER LAWLOR: Madam Chair, can I can just  
2 ask a question? This is Mike Lawlor. I am in here on  
3 my phone. I am not sure I can connect to the break-out  
4 room, because I am in the car at the moment. I had to  
5 pick up my son at football practice at Wilbur Cross, so  
6 I won't be home for another five minutes or so.

7           CHAIRMAN RIBEIRO: Okay.

8           CHIEF JACOBSON: You should be fine, Commissioner  
9 Lawlor. You should be able to click over on your phone.

10          COMMISSIONER LAWLOR: All right. Yeah. But I am  
11 driving, so I don't know.

12          CHAIRMAN RIBEIRO: Okay.

13          COMMISSIONER LAWLOR: I am not sure if I will be  
14 able to make that happen.

15          CHAIRMAN RIBEIRO: Okay. If not, when you are near  
16 a computer, just let us know and we will let you in. If  
17 you are not --

18          COMMISSIONER LAWLOR: I might be able, because we  
19 are at a dead stop here, so I can look down and figure  
20 out how to do it.

21          MR. BROWN: Hi. With all due respect, this is  
22 Erick Brown, I would ask that the Commissioners be  
23 available and not driving their vehicles during the time  
24 that there's being argument and evidence presented. I  
25 think it is only fair to Sergeant Kendall.

1           COMMISSIONER LAWLOR: Yes. Well I'll be home in  
2 five minutes. So if that's helpful, if you want to sit  
3 tight for five minutes. I don't care.

4           MR. BROWN: That would be our preference.

5           COMMISSIONER MEARES: It will probably take us five  
6 minutes to get into this break-out room.

7           COMMISSIONER LAWLOR: I apologize, but duty calls.

8           COMMISSIONER MEARES: Given past experience, just  
9 saying.

10          CHIEF JACOBSON: No confidence, Commissioner  
11 Meares.

12          COMMISSIONER MEARES: I am just --

13          COMMISSIONER LAWLOR: So if you want, when I get  
14 home I'll run upstairs and you will see me join, if I  
15 still --

16          CHAIRMAN RIBEIRO: Okay. That's fine.

17          COMMISSIONER LAWLOR: I got to start my computer  
18 and stuff. So, anyway, I apologize for this, but --

19          CHAIRMAN RIBEIRO: No worries. No worries. Thank  
20 you.

21  
22                 (Whereupon the Commission, All Counsel, Chief  
23 Jacobson, Assistant Chiefs Ettienne and Zannelli,  
24 Union President Cotto and Union Vice President  
25 Lambe went into Executive Session at 6:11 p.m.)

1  
2 (The Commission, All Counsel, Chief Jacobson,  
3 Assistant Chiefs Ettienne and Zannelli, Union  
4 President Cotto and Union Vice President Lambe  
5 came out of Executive Session at 9:29 p.m.)  
6

7 COMMISSIONER MEARES: Madam Chair?

8 CHAIRMAN RIBEIRO: Yes, Ma'am.

9 COMMISSIONER MEARES: I move that we come out of  
10 Executive Session.

11 COMMISSIONER WALKER: I'll second that.

12 CHAIRMAN RIBEIRO: Okay. We have a motion by  
13 Commission Meares and seconded by Commissioner Walker to  
14 come out of Executive Session. Is our transcriptionist  
15 still here, first of all?

16 COURT REPORTER: Yes, Madam Chair, I am here.

17 CHAIRMAN RIBEIRO: Any discussion. Okay. All  
18 those in favor, signify by saying aye.

19 ALL COMMISSIONERS: Aye.

20 CHAIRMAN RIBEIRO: Opposed? Motion carried.  
21 Okay. Commissioners, what is your pleasure, we  
22 have a motion?

23 COMMISSIONER WALKER: I'll make a motion that we  
24 act on, act to support the Chief's recommendation for  
25 termination of Sergeant Shayna Kendall.

1 CHAIRMAN RIBEIRO: Okay. Do we have a second?

2 COMMISSIONER MEARES: Second.

3 CHAIRMAN RIBEIRO: Okay. So we have a motion made  
4 by Commissioner Walker, seconded by Commission Meares.  
5 Is there any discussion on the motion?

6 COMMISSIONER LAWLOR: Madam Chair?

7 CHAIRMAN RIBEIRO: Yes.

8 COMMISSIONER LAWLOR: So Madam Chair. Thank you.  
9 Obviously we had, in Executive Session, a very lengthy  
10 opportunity to hear from counsel on both sides, and the,  
11 and have the opportunity to discuss a lot of the basis  
12 for the decision that each of us is being asked to make  
13 tonight. And I think I speak for all the Commissioners  
14 --

15 CHAIRMAN RIBEIRO: I am sorry, can you, before  
16 that, can we take the vote, or do you want to make --

17 COMMISSIONER LAWLOR: No, I am discussing the  
18 motion.

19 CHAIRMAN RIBEIRO: Okay. I am sorry. I thought  
20 you were --

21 COMMISSIONER LAWLOR: And I think I speak for all  
22 of the Commissioners that, that I hate to be in this  
23 position because, you know, I have worked with Sergeant  
24 Kendall in the past and I hold her in very high regard.  
25 But, my vote tonight is mainly based on the fundamental

1 issue of the obligation of police officers to be  
2 truthful in any official proceeding, whether it is a  
3 police report, an arrest warrant, affidavit or search  
4 warrant affidavit or an Internal Affairs interview where  
5 everyone is put on notice that they have an absolute  
6 legal obligation to make truthful statements in response  
7 to questions. And if I were persuaded that the  
8 statements that were made were arguably truthful, I  
9 would have a very different vote tonight. But I think  
10 the message needs to be loud and clear to every police  
11 officer that in your official capacity, you must be  
12 truthful, and there will be no exceptions to this. If  
13 you don't know, you don't know. If you don't remember,  
14 you don't remember. If you made a mistake, and you own  
15 up to it, and we all make mistakes, we all have bad  
16 days, but when you are asked questions about it, you  
17 must be truthful. And I hope that message rings loudly  
18 and clearly to every sworn officer on our department and  
19 throughout the State of Connecticut. Because this is  
20 such a critical time in our Country's history that we  
21 need police officers to be absolutely truthful when they  
22 are acting in their official capacity.

23 So as I said earlier, I very much regret being  
24 placed in the position I am in tonight, but I am very  
25 confident that the vote I am casting is based on my

1 individual judgement, based on the facts, based on the  
2 hearing we had tonight.

3 CHAIRMAN RIBEIRO: Thank you. Any further  
4 discussion?

5 COMMISSIONER MIRANDA: Commissioner Miranda, did  
6 you raise your hand? Sorry. Okay. All right. No  
7 further discussion. We will take the vote.

8 All those in favor of the motion, please signify by  
9 saying aye.

10 ALL COMMISSIONERS: Aye.

11 CHAIRMAN RIBEIRO: Any opposed? Any abstentions?  
12 Motion carried.

13 Commissioners, that concludes the business for this  
14 evening. Thank you for, for your time. Thank you to  
15 counsel for being here and for your time, and to staff.

16 And with that being said, I will entertain a motion  
17 for adjournment.

18 COMMISSIONER MIRANDA: So moved.

19 COMMISSIONER MEARES: Second.

20 CHAIRMAN RIBEIRO: Okay. I believe Commissioner  
21 Miranda made the motion, Commissioner Meares seconded.  
22 Any discussion?

23 Okay. Seeing none, all those in favor signify by  
24 saying aye.

25 ALL COMMISSIONERS: Aye.

1           CHAIRMAN RIBEIRO: Opposed? Abstentions? Motion  
2 carried.

3           Thank you everyone. Have a good night.

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5           (Whereupon the hearing concluded at 9:34 p.m.)  
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STATE OF CONNECTICUT

I, THERESA BERGSTRAND, a Licensed Professional Reporter/Commissioner within and for the State of Connecticut, do hereby certify that I took the Special Meeting minutes of the New Haven Board of Police Commissioners, on August 25, 2022 Via Zoom Videoconferencing Platform.

I further certify that the within proceeding was taken by me stenographically and reduced to typewritten form under my direction by means of computer assisted transcription; and I further certify that said deposition is a true record of the proceeding.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

WITNESS my hand and seal the 2nd day of September, 2022.

*Theresa Bergstrand*

Theresa Bergstrand, CSR.  
My commission expires 3/31/2026