

NEW HAVEN DEPARTMENT OF POLICE : NEW HAVEN POLICE DEPARTMENT
SERVICE :

v. : AT NEW HAVEN, CONNECTICUT

OFFICER MONIQUE MOORE : JANUARY 26, 2023

BEFORE: BOARD OF POLICE COMMISSIONERS

A P P E A R A N C E S:

BOARD OF POLICE COMMISSIONERS:

EVELISE RIBEIRO, CHAIR
DONALD WALKER, VICE CHAIR
ISAIAS MIRANDA
MICHAEL LAWLOR
DARRELL BROOKS

DEPARTMENT OF POLICE SERVICE:

CHIEF KARL JACOBSON
ASSISRTNT CHIEF BERTRAM ETTIENNE
LEIUTENANT MANMEET COLON
SERGEANT SCOTT SHUMWAY
OFFICER R. MELENDEZ

REPRESENTING THE CITY OF NEW HAVEN:

FLOYD DUGAS, ESQUIRE
BERCHEM MOSES PC
75 BROAD STREET
MILFORD, CONNECTICUT 06460

REPRESENTING THE BOARD OF POLICE COMMISSIONERS:

MICHELLE DUPREY, ESQUIRE
DEPUTY CORPORATION COUNSEL
OFFICE OF THE CORPORATION COUNSEL
165 CHURCH STREET
NEW HAVEN, CONNECTICUT 06510

REPRESENTING THE ELM CITY LOCAL:

MARSHALL T. SEGAR, ESQUIRE
OFFICES OF MARSHALL T. SEGAR, LLC
50 COLUMBUS BOULEVARD, THIRD FLOOR
HARTFORD, CONNECTICUT 06016

ELM CITY LOCAL

OFFICER FLORENCIO COTTO, PRESIDENT
SERGEANT JONATHAN LAMBE, VICE PRESIDENT

CITY OF NEW HAVEN:

REGINA RUSH-KITTLE, CAO

SOTONYE OTUNBA-PAYNE
COURT REPORTERS' OFFICE
235 CHURCH STREET
NEW HAVEN, CONNECTICUT 06510

1 COMMISSIONER RIBEIRO: Okay. Good evening,
2 everyone. It's 6:01 p.m. Commissioner Meares will
3 not be in attendance. Commissioner Brooks will not
4 be in attendance. However, we do have a quorum.

5 So, it is 6:01 p.m. And I will start -- call to
6 order the special meeting of January 26th, 2023.
7 This meeting is for consideration and vote on a
8 recommendation from Chief Karl Jacobson to terminate
9 Officer Monique Moore, Internal Affairs
10 Investigations 21I-076.

11 For the record, in attendance, myself,
12 Commissioner Ribeiro, we have Commissioner Isaias
13 Miranda, Commissioner Mike Lawlor and Commissioner
14 Donald Walker. So, we do have a quorum in order to
15 proceed with this hearing.

16 What I would just like to do first, I just want
17 to make sure that the attorneys are here and the
18 union are here so we can with the attorney who is
19 representing the police department. If you can just
20 identify yourself for the record to let us know that
21 you are here.

22 ATTY. DUGAS: Yes. Good evening, Commissioners.
23 Attorney Floyd Dugas from the law firm Bercham Moses
24 representing the administration.

25 COMMISSIONER RIBEIRO: Okay, thank you. And for

1 the union, if the attorney can identify himself for
2 the record.

3 ATTY. SEGAR: Yes. Good evening, Commissioner.
4 Attorney Marshall Segar for Elm City Local.

5 COMMISSIONER RIBEIRO: Okay. Okay. And so
6 before we move into the proceedings I just want to
7 ask, is this meeting -- will be in closed or open
8 session?

9 ATTY. SEGAR: Closed, please.

10 COMMISSIONER RIBEIRO: Commissioners, do you --
11 you have heard the request for a closed session.
12 What is your pleasure? The motion to go into
13 executive session.

14 COMMISSIONER MIRANDA: Madam Chair, I'll -- I'll
15 move that motion. And I also want to point out that
16 Commissioner Brooks is with us.

17 COMMISSIONER RIBEIRO: Oh, he did show. Okay.
18 Okay. We have a mo --

19 COMMISSIONER LAWLOR: I'll second -- I'll second
20 that motion, Madam Chair.

21 COMMISSIONER RIBEIRO: Okay. All right. Any
22 discussion?

23 COMMISSIONER WALKER: Aye.

24 COMMISSIONER RIBIERO: Okay. All those in favor
25 of the motion to go into executive session to discuss

1 personnel matters, please signify by saying aye.

2 COMMISSIONER WALKER: Aye.

3 COMMISSIONER LAWLOR: Aye.

4 COMMISSIONER MIRANDA: Aye.

5 COMMISISONER BROOKS: Aye.

6 COMMISSIONER RIBEIRO: Opposed? Abstention?

7 Motion carry. So, I'm going to invite into the room
8 the commissioners, the attorneys, Attorney Seger and
9 Attorney Dugas. I see Officer Moore is here. We'll
10 invite Officer Moore. Chief, who on your staff? Oh,
11 I'm sorry. Before we -- before we do that -- my --
12 my apologies, everyone.

13 Before we actually go into executive session I
14 did need to ask -- I did need ask, if we are going to
15 have any witnesses because we do need swear them in
16 on the record. So, Attorney Dugas?

17 ATTY. DUGAS: Yes. Yes, Sergeant Brendan
18 Canning and the Chief.

19 COMMISSIONER RIBEIRO: And, Attorney Marshall,
20 you have any witnesses? I mean, Segar. Sorry,
21 Attorney Segar. Is he still here?

22 ATTY. DUGAS: Oh, it looks like he disappeared.

23 MS. PERRY-LAMBERT: Yes, I'm going to have to --
24 while I was doing that I was inviting him to room. I
25 was just trying to pull up with the name. Sorry.

1 I'll get him out of the room.

2 COMMISSIONER RIBEIRO: Okay. And while we are
3 waiting for him to come back, is there anyone else
4 from the Department side that needs to be invited in
5 the room once we go in officially? Anyone else you
6 wanted in -- in the room or from the union side?
7 Okay, sorry.

8 ASSISTANT CHIEF ETTIENNE: Assist -- Assistant
9 Chief Ettienne, Lieutenant Colon.

10 COMMISSIONER RIBEIRO: Okay.

11 CHIEF JACOBSON: And Regina Rush-Kittle, the
12 CAO.

13 COMMISSIONER RIBEIRO: Okay.

14 PRESIDENT COTTO: Madam Chair, --

15 COMMISSIONER RIBEIRO: Yes.

16 PRESIDENT COTTO: -- myself, the president, as
17 well as the vice president, Jonathan Lambe.

18 COMMISSIONER RIBEIRO: Okay. Attorney Segar, my
19 apologies. I actually should have asked before going
20 to executive session. Do you have any witnesses that
21 you will present because we need to have them sworn
22 in on the record. You are on mute.

23 ATTY. SEGAR: I haven't had a discussion with
24 Attorney Dugas regarding the process for this
25 evening. I don't know if this is going to be direct

1 examination or cross-examination or presentation of
2 cases. I -- I haven't had that discussion with him.
3 And I don't know what was said while I was out of the
4 room. So, I apologize.

5 COMMISSIONER RIBEIRO: He does have witnesses.
6 Sergeant Canning and Chief Jacobson. If you -- if
7 you guys -- if you want, I will let you two take a
8 motion -- I mean take a minute if you want to call
9 each other and --

10 ATTY. SEGAR: No, that's -- that -- that's fine.
11 There's no -- there's no witnesses other than
12 potentially Officer Moore, if she can be sworn in,
13 but I'm -- I'm not committing to that.

14 COMMISSIONER RIBEIRO: Okay. So, if you so
15 decide and we have to come back out of executive
16 session and have her sworn in -- do you want her
17 sworn in with the possibility that she will --

18 ATTY. SEGAR: Yes, swear -- swear her in.
19 That's fine.

20 COMMISSIONER RIBEIRO: Okay. Okay. Sotonye?

21 MS. OTUNBA-PAYNE: Yes, I'm here. Can you hear
22 me?

23 COMMISSIONER WALKER: She is muted.

24 MS. OTUNBA-PAYNE: Oh. Can you hear me?

25 COMMISSIONER RIBEIRO: Yes, I hear you now.

1 Okay.

2 MS. OTUNBA-PAYNE: Okay.

3 COMMISSIONER RIBEIRO: We are going to
4 potentially have three witnesses, Sergeant Canning,
5 Chief Jacobson and Officer Moore. Can you swear them
6 in for the record?

7 MS. OTUNBA-PAYNE: Yes. Do you solemnly swear
8 or sincerely affirm, as the case may be, that the
9 evidence you are about to give will be the truth --
10 truth and nothing but the truth, so help you God?

11 CHIEF JACOBSON: I do.

12 SERGEANT CANNING: I do.

13 OFFICER MOORE: I do.

14 COMMISSIONER RIBEIRO: Okay.

15 MS. OTUNBA-PAYNE: Pleas could --

16 COMMISSIONER RIBIERO: Thank you.

17 MS. OTUNBA-PAYNE: -- um, um, um, Officer Ken --
18 did you say Kenning (phonetic)? Can he spell his
19 last name?

20 COMMISSIONER RIBEIRO: Oh, Sergeant -- Yeah.

21 MS. OTUNBA-PAYNE: Yeah.

22 COMMISSIONER RIBEIRO: Sergeant Brendon Canning.
23 It looks like C-a-n-n-i-n-g.

24 MS. OTUNBA-PAYNE: Okay. Thank you so much.
25 I'm sorry. Thank you.

1 COMMISSIONER RIBIRO: You are welcome.

2 COMMISSIONER LAWLOR: Madam Chair, I just have a
3 question.

4 COMMISSIONER RIBEIRO: Yes.

5 COMMISSIONER LAWLOR: So, these three
6 individuals that just swore to the tell the truth,
7 but it's my understanding once we go into a closed
8 session there is no record at all being kept of what
9 is being testified to. Is that true?

10 COMMISSIONER RIBEIRO: Correct.

11 COMMISSIONER LAWLOR: So, I just don't -- I -- I
12 know I said this once before. Perhaps, Attorney
13 Duprey can help out here. But if no record at all is
14 being create -- created for what is being said in a
15 closed session, first of all, I don't know what the
16 value of swearing people in is because how you would
17 prove they said whatever you think they might have
18 said based on a recollection is -- is pointless. And
19 I do think that these closed sessions should be -- a
20 record should be kept of them. There should be a
21 transcript. And that can be sealed, right. But
22 because going forward -- at least it was my
23 experience in the last couple of times. I -- people
24 said things that I thought were maybe not true. And
25 how one would establish that they had said those

1 things under oath is beyond me.

2 So, I -- I guess my question is what's the
3 purpose of taking an oath if there's going to be no
4 record of what's being said?

5 ATTY. DUGAS: If I may, Commissioner?

6 COMMISSIONER RIBEIRO: Yes.

7 ATTY. DUAGAS: I -- I think the purpose is to
8 get -- you know get a -- a commitment and ensure, if
9 you will, that they promise to tell the truth,
10 understanding that without a transcript it would be
11 difficult to prosecute somebody for perjury, but I
12 don't -- I don't think that's the spirit of -- of
13 what we are trying to do here. We are trying to, you
14 know, give you -- give you all a flavor, in addition
15 to the documents, of what happened so you can make an
16 informed decision.

17 So, I don't see that it's critical. Although,
18 it's an interesting question you raise and one we can
19 certainly talk about for future hearings.

20 COMMISSIONER LAWLOR: And I only say that
21 because every other thing we've got, like there's
22 extensive documentation and transcript of who said
23 what and when, and -- and -- and, you know, this will
24 be the moment where people can rebut that or reaffirm
25 or whatever, and -- and it's lost to history. And I

1 mean I don't --

2 What is the down side of having a record of what
3 we're about to do? You know, it doesn't have to be
4 public. It's just just in case someone makes an
5 assertion that's completely contradicted by the facts
6 with the intent to mislead us.

7 Why not make a record of it? I mean it could
8 easily be recorded here without a problem. And then
9 that recording could be secured just like 9,000 other
10 recordings that are done by the police department. I
11 -- I don't understand why not.

12 And especially, on top of that, depending on the
13 outcome, there might be an appeal. So, someone is
14 going to have to figure out was there a basis for
15 terminating the individual in this particular case.

16 ATTY. DUAGS: All right. Well, the -- the
17 appeal would be a grievance to the State Board of
18 Mediation and Arbitration. And it's a de novo
19 hearing, if you would. So, you know, I -- I don't
20 see that -- you know, frankly, employers in the
21 public sector fire employees all the time without
22 having to go through this level of due process first.

23 So, I don't see it as an impediment. And I see
24 that as, you know, a de novo hearing. And, you know,
25 with all due respect, I'm not sure an arbitrator is

1 going to be concerned, you know, in detail with --
2 with -- with your thought and your analysis, just
3 what your ultimate outcome was.

4 COMMISSIONER LAWLOR: Well, but, but the thing
5 is evidence is being presented here which might be
6 relevant evidence to be presented at a -- at a de
7 novo hearing, right? I mean I'm just saying like
8 this is the only part of this entire process for
9 which there won't be a record which to me makes no
10 sense. It doesn't -- again, it doesn't have to be
11 public. It just can be preserved.

12 ATTY. DUGAS: Yeah. I think we'd have to look
13 at -- and I would defer to Attorney Duprey on this
14 and -- and -- and her office. But we have to think
15 about because you are not allowed to keep minutes of
16 an executive session which is what this is.
17 Although, I can think of other circumstances in which
18 we've had a transcription, for example, a student
19 expulsion hearing. And I -- somehow we -- we -- we
20 allow that to happen. So, we'll just have to figure
21 out how to do it and make sure we are not running
22 afoul of FOIA.

23 ATTY. LAWLOR: Yeah, I -- I'd feel more
24 comfortable if we did that and so ...

25 ATTY. DUPREY: I will talk to Catherine Lamar

1 who is our Freedom of Information attorney. But it
2 is standard practice at the city that execution
3 session is not recorded. And so that's -- that's
4 been our practice. And so I'll -- I'll raise it
5 tomorrow with -- for future -- future hearings.

6 COMMISSIONER LAWLOR: Okay.

7 COMMISSIONER RIBEIRO: Okay. Are -- are we or
8 least satisfied for the moment, the discussion,
9 Commissioner Lawlor?

10 COMMISSIONER LAWLOR: Yes, yes.

11 COMMISSIONER RIBEIRO: All right, thank you.
12 Thank you for raising that important issue. Okay.
13 With that being said, we already had a motion to move
14 into executive session.

15 So, we will do that now inviting the
16 commissioners, Chief Jacobson, Chief Ettienne, the
17 attorneys, Attorney Dugas, Attorney Segar, Attorney
18 Duprey, CAO Rush-Kittle, Officer Moore, Sergeant
19 Canning, the union president and vice president,
20 Cotto and Lambe. And I think that should be
21 everyone. Oh, I'm sorry. I thought Lieutenant
22 Colon, my apologies. Okay.

23 **(Whereupon, the Board went into executive session at**

24 **6:14 p.m.)**

25 COMMISSIONER RIBEIRO: I don't think it gave us

1 an option to just leave the room. I think --

2 ATTY. LAWLOR: Yeah, we had to get back --

3 COMMISSIONER RIBEIRO: We are going to leave the
4 meeting and come back. Okay. So, I wasn't the only
5 one. All right. Do we have everyone back yet?

6 ATTY. DUPREY: I don't believe so, comm --

7 COMMISSIONER RIBEIRO: I don't see Commissioner
8 Walker and Commissioner Brooks.

9 COMMISSIONER MIRANDA: They may be trying to log
10 back in -- back into the original meeting.

11 COMMISSIONER RIBEIRO: Okay.

12 COMMISSIONER MIRANDA: I -- I left as well.

13 COMMISSIONER RIBEIRO: Yeah. For whatever
14 reason it was an option to just leave the room, but
15 okay. We'll give them one minute to log back in.
16 Commissioner Brooks is here. I guess we've just --
17 Commissioner Walker.

18 COMMISSIONER LAWLOR: He says he's trying to log
19 back in. So, just, you know ... There you go.

20 COMMISSIONER RIBEIRO: Okay. And he's
21 connecting to audio. Perfect. All right. I'd
22 entertain a motion come out of executive session.

23 COMMISSIONER BROOKS: Madam Chair, I make a
24 motion we come out of executive session.

25 COMMISSIONER MIRANDA: Second.

1 COMMISSIONER RIBEIRO: Okay. There's a motion
2 and a second. Any discussion? All those in favor,
3 signify by saying aye.

4 COMMISSIONER LAWLOR: Aye.

5 COMMISSIONER BROOKS: Aye.

6 COMMISSIONER WALKER: Aye.

7 COMMISSIONER MIRANDA: Aye.

8 COMMISSIONER RIBIERO: Opposed? Abstentions?
9 Motion carry. And, Sotonye, you -- you got the maker
10 of the motion and the person who second -- the
11 commissioner who second?

12 MS. OTUNBA-PAYNE: Yes, --

13 COMMISSIONER RIBEIRO: Okay.

14 MS. OTUNBA-PAYNE: -- Commissioner Brooks and
15 Commissioner Miranda. Thank you.

16 **(Whereupon, the Board exited executive session at**
17 **8:08 p.m.)**

18 COMMISSIONER RIBIERO: All right. Thank you.
19 Okay. Commissioners, for the personnel matter the --
20 for consideration and vote on a recommendation from
21 Chief Karl Jacobson to terminate Officer Monique
22 Moore, Internal Affairs Investigation 21I-076, what
23 is your pleasure?

24 COMMISSIONER WALKER: I'll make a motion that we
25 vote on Chief Karl Jacobson's recommendation that we

1 terminate Officer Monique Moore.

2 COMMISSIONER LAWLOR: Second.

3 COMMISSIONER RIBEIRO: Okay. We have a motion
4 and a second. Any discussion? Okay. Seeing none,
5 all those in favor of the motion to terminate, please
6 signify by saying aye.

7 COMMISSIONER BROOKS: Aye.

8 COMMISSIONER WALKER: Aye.

9 COMMISSIONER MIRANDA: Aye.

10 COMMISSISONER LAWLOR: Aye.

11 COMMISSIONER RIBEIRO: Any opposed? Any
12 abstentions? Motion carry. Commissioners and
13 everyone, that concludes the business for this
14 evening. Thank you for being here this evening a and
15 participating. And any commissioner need to make any
16 comments before we entertain a motion to --

17 COMMISSIONER LAWLOR: -- adjourn.

18 COMMISSIONER RIBEIRO: -- to adjourn? Thank
19 you. Okay. Seeing none, I'll entertain a motion to
20 adjourn.

21 COMMISSIONER MIRANDA: So moved.

22 COMMISSIONER BROOKS: So moved, Madam Chair.

23 COMMISSIONER WALKER: Second.

24 COMMISSIONER RIBIERO: Okay. We have a motion
25 and a second. Any discussion? All those in favor,

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signify by saying aye.

COMMISSIONER BROOKS: Aye.

COMMISSIONER LAWLOR: Aye.

COMMISSISONER WALKER: Aye.

COMMISSIONER MIRANDA: Aye.

COMMISSIONER RIBEIRO: Opposed. Motion carry.

Thank you, everyone. Have a great evening.

ATTY. SEGAR: Thank you.

COMMISSIONER WALKER: Thank you.

CHIEF JACOBSON: Thank you, everyone. Take
care.

COMMISSIONER WALKER: Take care.

(Whereupon, the Board adjourned at 8:12 p.m.)

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OFFICER MONIQUE MOORE : JANUARY 26, 2023

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard at the New Haven Police Department, in New Haven, before the New Haven Board of Police Commissioners, on the 26th day of January, 2023 via Zoom videoconference and conference call.

Dated this 5th day of February, 2023 in New Haven, Connecticut.



Sotonye Otunba-Payne

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 OFFICER MONIQUE MOORE : JANUARY 26, 2023

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