

City of New Haven Civilian Review Board

Monthly Board Meeting Minutes

Date: February 27, 2023, 6pm

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: DRAFT



1. Attendance:

- a. **Present:** Acting Chair Maria Rivera-Berrios, Member Carter, Member Counsel, Member Fawcett, Member Jenkins, Member Johnson, Member Pescatore, Member Richardson
- b. **Absent:** Member Peralta (resigned)
- c. **Guests:** Chief Carl Jacobson, Assistant Chief Bertram Etienne, LT Mk Colon, Al Lucas (BoA)
- d. **Members of the Public:** Mary O'Leary (press), Alyson Heimer

2. Approval of Minutes - January no minutes to approve.

3. Motion/Voting on Hiring Alyson Heimer.

Chair Rivera-Berrios: Vote on the bid from Alyson Heimer who submitted an RFP - Corporation counsel suggested that the backlog increase the one time payment to \$20,000. When the RFP went out the count of backlog cases was 13, now it is 25.

Motion by Chair Rivera-Berrios: "The Civilian Review Board shall hire Alyson Heimer for \$20,000 payment of completion of the backlog cases and \$32,000 for a total of \$52,000. An invoice must be submitted monthly to the Chair seven days before the monthly meeting for release of payment."

Second: Members Pescatore.

Discussion: Member Richards raised questions about how widely the position was publicized. And asked to defer the vote. The Chair reminded all members that if they disagree with the motion, they can vote Nay - there was prior discussion on this issue before the RFP was approved and made public, at the prior meeting (January 23, 2023) about the RFP proposal. If anyone had additional discussion or things they wanted to add to the agenda, notice to do so

was sent out prior to the meeting. No one contacted the chair about this topic. Member Counsel asked for clarification of the job. Chair Rivera-Berrios clarified that This vote is just the position of Administrator for Administrative work, backlog, secretarial services, and clerical assistance as discussed and does not have to do with the Consultant, which will be a separate vote. The motion was added to the chat for all members. The motion was amended to be a total of \$52,000 not \$55,000 as originally written, which is reflected above. Member Johnson asked for clarification on the Administrative work. The administrative work was defined in the RFP and at two prior meetings for which this bid was discussed.

Voice Vote:

Member Carter: Yes
Member Counsel: Yes
Member Fawcett: Yes
Member Jenkins: Yes
Member Johnson: Abstain
Member Pescatore: Yes
Member Richardson: Abstain
Chair Rivera-Berrios: Yes
Motion passes: 6-0-2.

4. Motion/Voting to amend the bylaws

Chair Rivera-Berrios motioned: Section 4.2(d) of The New Haven Civilian Review Board Bylaws is hereby amended to read: "A quorum shall constitute fifty percent (50%) of the seated members of the Civilian Review Board. The clause shall not be inconsistent with the ordinances of the City of New Haven."

Seconded: Member Pescatore

Discussion: This is just to ensure that we have enough people to make votes - we would need 50% of the active members present in order to vote. Corporation Counsel advised on language.

Voice Vote:

Member Carter: Yes
Member Counsel: Abstain
Member Fawcett: Yes
Member Jenkins: Abstain
Member Johnson: Abstain
Member Pescatore: Yes
Member Richardson: Abstain
Chair Rivera-Berrios: Yes

Motion passes: 4-0-4. ** Motion was later stricken and held for a future meeting.

5. Motion/Voting on amending the the ordinance

Chair Rivera-Berrios motioned: “The Civilian Review Board shall seek an amendment to the ordinances of the City of New Haven to define a quorum of the CRB to mean fifty percent (50%) of the seated members of the Civilian Review Board.”

Second: Member Fawcett

Discussion: Member Carter asked for clarification of the process. Chair Rivera-Berrios clarified that this motion is a vote to request a change to the ordinance, which will then go to the Board of Alders who will give final approval of the change. Nothing happens until a final decision is made by the Board of Alders.

Voice Vote:

Member Carter: Yes

Member Counsel: Abstain

Member Fawcett: Yes

Member Jenkins: Abstain

Member Johnson: Abstain

Member Pescatore: Yes

Member Richardson: Abstain

Chair Rivera-Berrios: Yes

Motion passes : 4-0-4.

Item 4 Revisited Motion/Voting to amend the bylaws.

Discussion: Al Lucas added the following to the chat: This will also have to be amended 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.

Chair Rivera Berrios read this into the record. The Board agreed to strike the passage of the motion until 10 members are present and prior notice is given at a special meeting. The motion was circulated with enough notice - but the issue is the 10 members present. The chair struck the vote and will set up a special meeting to vote on this issue.

6. Motion/Voting for an Attorney

Chair Rivera-Berrios motioned: “The Civilian Review Board shall request the Office of the Corporation Counsel to initiate an RFP process seeking proposals to serve the Civilian Review Board as outside counsel. Members of the Civilian Review Board shall serve on the selection

committee to review proposals, interview respondents, and provide the Corporation Counsel with the preference of the CRB.”

Seconded: Member Fawcett

Discussion: The City must engage all lawyers directly so the step we are voting on is to put out an RFP to hire an attorney to work for the CRB as needed, per diem. If something comes up that needs to be addressed by the CRB’s lawyer, we will have someone. The committee on this will meet and set a proposed budget. Member Jenkins: Clarification, did Corporation Counsel say we need an attorney? Chair Rivera-Berrios: This motion is after the discussion from Board members who were concerned that there may be a conflict of interest between the CRB and the City and so we want to pursue our own attorney. The Corporation Counsel will put out the RFP and then we will review those applications. Member Richards stated that if complaints come in, corporation council for the city was at all of our meetings and hears CRB discussions about those cases, so if someone sues the city, then corporation counsel has to represent the City and that’s the conflict of interest.

Voice Vote:

- Member Carter: Yes
 - Member Counsel: Yes
 - Member Fawcett: Yes
 - Member Jenkins: Yes
 - Member Johnson: Yes (technical difficulties)
 - Member Pescatore: Yes
 - Member Richardson: Abstain
 - Chair Rivera-Berrios: Yes
- Motion passes: 7-0-1.

7. Motion/Voting for a Consultant

Chair Rivera-Berrios motioned: “The Civilian Review Board shall request that the Purchasing Division issue an RFP for the Managing Consultant.”

Seconded: Member Fawcett

Discussion: the RFP that was put out has expired, and so a new RFP for a consultant must be sent out. The purchasing division will send out the RFP, and submissions will be reviewed by the Board.

Voice Vote:

- Member Carter: Yes
- Member Counsel: Yes
- Member Fawcett: Yes
- Member Jenkins: Yes

Member Johnson: Yes
Member Pescatore: Yes
Member Richardson: Left the call.
Chair Rivera-Berrios: Yes
Motion passes: 7-0-0.

8. Chief Presentation

Chief Jacobson: After reviewing the packet of recommendations, the Chief wants to continue the open dialogue with the CRB, and has attended the past 4 meetings. Any specific recommendations made by the Board, the Chief wants to maintain open communication and attend as needed, all the CRB has to do is make a request and send the agenda. Comments on the East Shore piece,

On the training that was provided, Chair River-Berrios was grateful for the experience and would like additional training for the board in the future.

For the in-school training, Member Fawcett had recommended that Police go into the schools and teach people what the important parts of a 9-1-1 call are - stating the problem clearly, adding your address, and not assuming the police know who you are or where you are calling from. This will help children feel confident in calling for help and that the help will arrive.

Member Pescatore asked for an update on COMPASS and if there has been any statistical evidence of a decrease in calls or change in call type since launch. And asked for any inside feedback, like if the chief is hearing about from officers about the program so far.

Chief Jacobson stated that right now there are limited hours to COMPASS and perhaps more severe situations occur at night, which would be a good reason to expand the program to 24/7. Homelessness, substance abuse and mental health issues are not limited to daytime hours. Waiting on numbers in July to see the trending data.

Member Carter recommended that local politicians also go through a training similar to what was held for the CRB members. He also brought up the Howard Avenue substance abuse issues and asked that COMPASS be able to respond to call there.

Chief Jacobson aims to set up training for politicians based on that recommendation. He also said that COMPASS can self-dispatch, and that he personally has called COMPASS over to Daggett Street and a couple other areas where he noticed vagrancy, homelessness, substance abuse just for the team to check on. "The police department needs the consent of the community - they have to allow the police to police them and if

we aren't doing it right, they won't let us police them and boards like yourself help us move in the right direction.”

9. Internal Affairs (IA)

LT Colon: Stats were sent in advance of the meeting.

- i. 22C-037: Disrespect from an officer who was responding to a call.
NHPD Involved: Officer Murcko
Received: May 24, 2022.
Disposition: unfounded

Discussion: Member Pescatore pointed out that the officer may have come off as disrespectful based on the types of questions asked and the tone. Lt Colon reviewed the footage personally and did not see any action that could be perceived as dismissive, skeptical or inappropriately. Member Fawcett concurred with LT Colon's read on the video footage from the body cam. CRB recommended that officers try to introduce themselves and give their name or card within the first few minutes of a conversation. Member Johnson stated that members are not investigators and we should not judge just based on the body cam footage.

Lt Colon mentioned that it is a priority for all officers to have business cards and the print shop is working on that to maximum professionalism.

- ii. 22C-056: Communication with the member of the public was unprofessional, and possible racial remarks.
NHPD Involved: Officer B. Hines
Received: August 18, 2022.
Disposition: Summary Action; Officer Hines did not have his body camera on from the outset of the incident and did not record much of the event.
The officer was found to be in violation of General Order 7.10 Body-worn cameras.

Discussion: Member Pescatore pointed out that the summary action reacts to the body camera issue but not to the discrimination or disrespectful attitude of the officer. LT Colon stated that the complainant felt that the officers were laughing at a member of the public who was struggling, having a seizure, for which the complainant had interacted with the officers (in search of help for someone having a medical issue). Lt Colon stated that the complainant, Mr Jerry Bellamy, was reported as being hostile when approaching the officer and the officer was reacting to Bellamy's demeaning approach. Bellamy has a history of being confrontational with officers previously. The officer rolled his window up while Bellamy was talking to him, LT Colon said, in an effort to secure the vehicle before exiting the police car and attending to the scene. This was seen as disrespectful by the complainant. The officer then got out of the car and it was claimed that

Officer Hines invaded the personal space of the complainant and started yelling, "Guys like you, guys like you start trouble." The incident was captured on the body camera of a different officer who was on the scene, in the same car.

Acting Chair Rivera-Berrios noted that it was captured on multiple cameras at this point.

LT Colon stated that it was not a polite back and forth.

Member Pescatore pointed out that "guys like you" is a loaded phrase and the officer was not calm and escalated the situation.

LT Colon said that the statement was uttered by the officer while he was under the impression that Mr. Bellamy was trying to get him to say something out of line, trying to rile up a bad police reaction - the Officer stated this when interviewed by IA. The officer was trying to maintain composure and calm. The medical incident was happening behind the officer, who could not see it.

Member Pescatore asked if Mr. Bellamy had asked for help with a man who was having a medical issue. Officer Hines seemed to be more concerned with arguing with Mr. Bellamy over helping the person having a seizure.

Lt Colon: The body cam videos did not show the claim Mr. Bellamy made: that the Officer approached him and his partner had to pull him back. Officer Hines then realized his body camera was not on, and turned it on 3 to 4 minutes into the call.

Member Fawcett called on other members to go to AI and review the video and IA investigation case files.

Member Jenkins agreed with there being a serious issue with the officer not having his own body camera on. Police are supposed to de-escalate situations. The "guys like you" phrase isn't appropriate. Every officer's body camera is supposed to be on and the only reason we have body cam footage for this incident is that other officers were on the scene.

Member Counsel: This is the type of case where we need an investigator. I don't feel comfortable going in [to the IA's office] to review a case and make a ruling on an issue like this. Are our opinions on this going to hold up in court without an official investigator?

Acting Chair Rivera-Berrios stated that this was an important topic, but the Board should reserve conversation on the Investigator role until after the IA report has concluded.

Asst Chief Bertan Ettienne: As someone who has spent several years investigating, if you want to have a sound discussion surrounded by facts then it's important to see all the information, not just a summary of the complaint, without seeing the files, the written statements, and camera footage. [The Board] can hire an investigator if it chooses, but that person is going to provide an opinion, just like all the opinions you all are sharing right now. Look at all the information and not a synopsis to make a decision. It's not fair to any of the parties to make a judgment off of a synopsis.

Acting Chair Rivera-Berrios reminded residents that the job of the CRB is to represent the public and review all the facts, not just the complaint.

- iii. Updates on any complaints currently in IA - none.

10. General Public Comment (Questions in chat and public comment)

None.

11. Unfinished business and General Policy Items

- I. Member Fawcett wanted to make a motion to have everyone look at all the cases prior to the meeting so that folks are seeing more than just the complainant summary.

Member Fawcett Motioned: "Members shall review all closed cases prior to the meeting to enable a productive conversation on each case."

Discussion: Member Pescatore stated that for some members its not possible to review every case every time and this shouldn't be an excuse not to come to the meetings.

Acting Chair River-Berrios stated that there are some members who haven't ever gone to review cases at IA. To do your best on this Board you have to have all the facts to render an opinion.

Member Counsel: this is why we should have our own investigator.

Member Pescatore: It should only be the sub committee members who need to review the files at IA, we are only at the meeting to decide if we need to assign a review committee. Then the review committee can complete a more in depth review. You don't need to see the video to determine if a review committee should be assigned.

Acting Chair River-Berrios would like to table this motion and put this on the agenda for the next meeting. Please review the bylaws and ordinance and what that says the process is for doing a complete review on each case.

Member Johnson: Members signed up for this [board] for various reasons and we need to protect the integrity of the complainant and the police and to be fair. We are not licensed investigators. There are a few members who have been able to view all of these cases, and it is difficult, and we have a process that we are waiting on to review cases [off-site]. Going to the police department has been problematic. Let's not be judgmental about if members are being uncaring about their responsibilities by not going to the police department. We should form a committee that would send the case to an investigator. To be fair to the police and the community, we need to form a committee and hire an investigator.

Member Jenkins: Table this motion and tweak the motion - when I wanted to go to IA the police had something going on and I couldn't get in. As for the case [22C-056] the officer didn't have his camera on and that's unacceptable. I come from a police family, it's 2023 and everyone needs to have their cameras on. We should try to get down to IA every 3 or 4 months.

Acting Chair River-Berrios we might consider a rotation each month of people who are asked to go down to review.

Member Carter: We might not be considered professionals but our opinions are important and that's why we are on this board. I think [requiring viewing video and files] will help with time. There are times when I review cases and are able to answer questions in committee, but sometimes I only have time to review the synopsis. I think that goes with a lot of review boards for other things like doctors and fire, you're on the board to have an opinion. This is a volunteer board and so I thank everyone for doing their piece.

Member Fawcett agreed to table the motion for next month.

Member Johnson stated that we do have opinions and we need to give those opinions to an investigator who can say whether we should move forward or not. Without an investigator we are not serving the community fairly.

II. Conversation on the Investigator role

Member Counsel: We have discussed this. It will be added to the agenda for next month. If we are going to create a document and put our opinions on it, it needs to be through a professional. Someone who is trained in investigating cases.

Acting Chair River-Berrios will add this topic to the agenda next month.

Member Johnson brought up a scenario to consider: if your neighbors are fighting and they asked 4 neighbors to render an opinion on how the fight went and what should be done next, is that fair that there would be a judgment based on opinion? Or that a judgment should be made by someone who was able to investigate the fight and come to a thorough conclusion.

Acting Chair River-Berrios at the training it came up that officers are not investigators, and they are making a judgment call based on evidence people are providing.

Member Johnson: police have their investigators and we should have one too.

Member Pescatore: would an investigator be for all cases, or only cases we decide to review, or only for those that we think we can't handle on our own? My opinion is we don't need an investigator for every case.

Member Counsel: Not every case, I don't think we need to look at every case, but on cases that we agree need a professional view. There are cases where we don't need to view them and agree that IA got the judgment correct. But as needed, we should review with us or with an investigator.

Member Jenkins: the cases we chose to review is when the investigator should step in. They investigate and give us guidance on what they find. Especially for new incoming members.

12. Discussion of complaints and reports and vote on new cases to review

A. 22C-037

Member Pescatore motioned and Member Jenkins seconded to send this case to a subcommittee.

The following members volunteered to be on the sub committee:

Members Pescatore (Chair), Johnson, Jenkins, Counsel.

B. 22C-056

Acting Chair Rivera-Berrios motioned and Member Pescatore seconded to send this case to a subcommittee.

The following members volunteered to be on the sub committee:

Members Pescatore (Chair), Rivera-Berrios, Jenkins, Counsel and Carter.

13. No Recess to Executive Session

14. Acting Chair Rivera-Berrios motioned to **Adjourn**: 8:17PM, Jenkins seconded. Unanimous.