



City of New Haven Civilian Review Board

Monthly Board Meeting Minutes

October 24, 2022

Date: October 24, 2022, 6:00 pm

[October 2022 CRB Modified Agenda](#)

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: DRAFT

1. Call to Order: 6:10pm

Attendance:

- a. **Present:** Acting Chair Rivera-Berrios, Member Counsel (left meeting at 7:09pm), Member Fawcett, Member Jenkins, Member Johnson, Member Pescatore (joined late at 6:50pm), Member Richardson.
- b. **Absent:** Member Avshalom Smith (excused for illness), Member Carter, Member Peralta.
- c. **Guests:** Chief Karl Jacobson, Assistant Chief Betram Ettienne, LT Mk Colon, Al Lucas (BoA)
- d. **Members of the Public:** none.

2. Approval of Minutes - None to approve.

3. Chief's Presentation - Continuing with the recommendation update on what the CRB provided, this week will address the Police Station and Body-worn Camera footage.

Recommendations for Police Department Lobby

Recommendation: Advise members of the PD who staff the front desk that professionalism and courtesy when dealing with members of the public is imperative via a memorandum to all staff.

Recommendation: officers in the lobby should turn on their body cams when they start dealing with the public. Officers are required to do this already and we will ask that people in the front area set their cameras to continuous, rather than motion activated.

Recommendation: NHPD should explore how other police departments design their lobby regarding colors, lighting, seating, privacy issues. Officer Acosta is stationed out front to take reports - he also speaks Spanish. Changing the lobby may be expensive but we can meet



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on it. We have considered moving IA off-site so people feel more comfortable, but we can discuss that.

IA complaints can now be made online.

Discussion: Acting Chair Rivera-Berrios - is there a way to have a tablet/ kiosk on site so someone could navigate filing a complaint or report without interacting with an officer. Even if just forms were also available elsewhere and could be returned in a slot for those without computers. Perhaps forms can be made available at the libraries.

Asst. Chief Ettienne: there are forms at city hall and at libraries already.

Member Richardson: For how many years has the department known that there were members of the public who felt uncomfortable filing the IA complaints at the police station? This was brought up a long time ago.

Chief Jacobson: NHPD knew it was a problem for them to go deep into the police station to file complaints before I got there three years ago. As a response, in 2016 we moved the credit union out of the front lobby and put the IA office there to make it accessible as soon as someone walked into the station. As to when the department was first alerted to this issue, Chief Jacobson doesn't have an exact date.

Member Jenkins: Is there a link to submit the forms online or is it just an online download?

Chief Jacobson: the link is in the chat: newhaven.seamlessdocs.com/f/NHPDIACCF

Acting Chair Rivera-Berrios: Is there a QR code?

Chief Jacobson: no, but we can make that quickly.

Acting Chair Rivera-Berrios: Please elaborate on the work of Officer Acosta.

Chief Jacobson: Acosta has taken 198 complaints so far this year and he also serves to help direct people to the train station, to IA and other departments, and acts as a welcoming face that people who come to the HQ can recognize each time.

Asst. Chief Ettienne: He's been stationed there for four years. He also has acted as a deterrent for graffiti and vandalism, and stealing from cars. He escorts people from outside to the correct people inside.

Recommendations for Body Camera Policy:

Recommendations: Body cameras should be turned on as soon as an officer arrives on scene, before they begin engaging with the public and be kept on for the entirety of the interaction. Body Cameras also need to be on whenever officers handle firearms. Clarity on that point - does the CRB mean when pulling a weapon in public or when handling their weapon at the station?

Acting Chair Rivera-Berrios: In a few cases the cameras were turned off after confiscating a weapon from a member of the public, and there should be footage of taking the weapon back to the police vehicle, how they disarm it, if they count bullets.



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Lt. Colon: We had one incident where a person was placed into an ambulance, and the complaint alleged that the officer took a round from the gun. That complaint was sustained for other reasons including body cam violations.

Chief Jacobson: If it's handling evidence then that should all be on camera. If it's a legal gun that should be filmed. For illegal guns the officer should not be handling it too much as there may be DNA ramifications so they should be just putting it into an evidence container with gloves on.

Recommendation: Work with the body camera provider to remove the 30 second buffer for filming start.

Chief Jacobson: Body cameras should be turned on once an officer knows they are going to a call.

Asst. Chief Ettienne: The policy says turn it on at inception of engagement with the public - and we are looking to change that policy to better capture the full interactions. The warm up time on the camera is something we are looking to account for in a new policy approach.

Recommendation: increase the disciplinary action outcomes for not having your body camera on.

Chief Jacobson: it is a violation of our procedures to not have your camera on. I believe it's truly important. I haven't seen anything for disciplinary action over this, but I will consider all of my disciplinary abilities when someone is found in violation of not turning on body cameras.

Recommendation: NHPD automated the dashboard and body camera so that as soon as they activate the lights and sirens all the body cameras and dashboard cameras go on. Even the officers in the area near where that car is will be activated.

Use of Force Recommendations:

Recommendation: CRB felt that use of force happened too quickly in multiple incidents - please provide more focus on de-escalation.

Chief Jacobson: It would be beneficial for CRB members to go through some of the scenario training we do like the "shoot, no shoot" and "use of force" training where you decide to put hands on people so you can get a feeling for what goes through the officer's mind. We do monitor to make sure officers are escalating too much. We did a new de-escalation training with ICAT and we are incorporating the Kingian training for the new Academy Class in November. There used to be one de-escalation training and now we have one.

Recommendation: Remove punches to head, face or other body part where it could cause risk of injury to organs from the list of permitted use of force.

Chief Jacobson: I think there are many circumstances when we would prefer punches to a baton or a taser. To remove punches completely - I don't see that happening. The head is a different situation. But when two people are fighting - a punch or a kick can cause a reaction different from what spraying or tasing might do to someone.

Recommendation: Officers should be cautioned that choking is not permitted.



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Chief Jacobson: We don't allow choking unless use of deadly force is permitted - if the situation warrants that you could shoot them, then you can choke them. De-escalation training will be required yearly.

Discussion: Member Fawcett: Training for the CRB would be helpful so we can have a better perspective and not just see what the body camera sees.

Chief Jacobson: Work with the acting chair to find some times that work for CRB members and we will do it around your schedule.

Acting Chair Rivera-Berrios: officers need to take into account when someone might have mental health issues or impairment.

Chief Jacobson: Of course. We train officers on how to handle that, how to work with children. And the new COMPASS program is also going to be key because we will have someone who is trained that officers can call to assist once substance abuse or mental health issues that fit the COMPASS path become apparent in an interaction. Everyday there are a couple of incidents where de-escalation is the correct course of action. These interactions don't result in arrests. We don't have statistics on the positive outcome calls.

Member Richardson: COMPASS sounds like a good asset - what was the issue that the police union had with the program?

Chief Jacobson: I can't discuss that - but when COMPASS is fully activated there may be times when the Police don't go to the call, only COMPASS goes. If there's no violence or weapons involved then COMPASS can go with better resources.

4. Internal Affairs report

The following closed complaints were received this week: 22C-019, 22c-048, 21C-048, 22C-032. (*Submitted and sent by email from Lt Colon for review before meeting*)

- a. General questions or comments about [statistics](#)
 - i. 68 complaints filed so far in 2022, 50 still open. 9 unfounded.
- b. Use of Force update
 - i. One officer involved shooting has occurred in 2022. There were none in 2020 or 2021 and one in 2019.
 - ii. Policy has changed twice in the past two months, so the officers are now required to input data whenever they touch an individual - even if it's 4 officers moving someone into an ambulance. Now we report that as 4 incidents of hands on a civilian rather than one incident with four officers listed on the form. That is changing the number of incidents reported.
 - iii. Taser usage has decreased each of the last 3 years. 2019 saw 33 uses, 2022 has seen 14.



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c. Closed cases

i. 22C-019

Received: 2/28/22

Summary: Report was against Lt. Colon for being rude about a complaint previously filed. The case was closed out and LT Colon contacted the individual to explain the outcome. Body cam footage captured the conversation and no malfeasance was found.

Disposition: Not sustained.

Discussion: Member Pescatore: Is it common to turn your body camera on for phone calls? How else are calls recorded?

Lt Colon: Policy is to turn the camera on any time an officer engages with the public. We also have recordings of all phone calls that are automatically uploaded to our database.

Member Richardson: I thought that the Board agreed the LT would read the summary and then we would discuss as a board. Did we change that policy?

Acting Chair Rivera-Berrios: we had a conversation a few months ago that it would be faster to just share the updates, since all of these cases were shared publicly prior to the meeting and available for review at IA. Not everyone is making themselves available to view files, body camera footage, and this is problematic because we need to use our time wisely to review cases. When you view the paperwork and footage instead of just the summary then you see the full story and not just IA's version of it.

Member Richardson: I thought we decided to read it out so the public could hear the summary at these meetings.

There are no members of the public in attendance.

Member Fawcett: the summaries are not the same as reading the files and seeing the footage - the synopses don't include tone of voice, gestures, details, etc. I urge everyone to go down and look at the cases and not rely on the summaries as the whole story.

Member Jenkins: If you watch the videos you'll see that Lt Colon was professional and never called him any names. It makes a difference - the summary is fine but if you heard him on the phone he was being rude.

Member Johnson: I understand about members going to IA, but what about for complainants or members of the public who want to view the videos. They should at least be able to see and hear the summary.

Acting Chair Rivera-Berrios: we can add this topic to the next agenda for a group discussion (not germane to this case),



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Member Richardson: I wasn't making a point about this case. I was saying that for all the cases we need to have the officer read the cases and elaborate on each case.

Member Fawcett: Officers were not coming to fill us in on these cases. But we need to look at the evidence and then ask questions as informed members. Officers can't come address every case we view. We need to look at the case and see if it's needed. If complainants need to review files they can come to us or talk to IA.

ii. 22C-030

Received: 4/8/22

Summary: Complainant said the appropriate filing with DCF was never completed by the officer regarding someone assaulting her 17 year old daughter. The SGT made several attempts to contact the complainant who said they wanted to withdraw the complaint and handle it as a family. After reviewing Body-worn Camera and related notes from the call, there were possible policy violations found and the 17 year old was found to be the dominant aggressor. No arrests were made and DCF was not notified. Arrest warrants were issued for the 17 year old and the aunt following review Officer Dragoi and Sgt Eisenhard were found in violation of not following up on a domestic dispute properly.

Disposition: Sustained

Discussion: Member Richardson requested that the Board review prior meeting minutes or recordings to determine how the Board had decided to move forward.

Acting Chair Rivera-Berrios: Do you have a question about case 22C-030?

Member Johnson: I have a question about how we are moving forward with this meeting.

Acting Chair Rivera-Berrios: okay so we have added this to the agenda to discuss at a different time, how we are handling the reading of the summaries.

Member Johnson: if we are going to discuss things as a board and two meetings later we change it up, that's a problem.

Member Pescatore: That DCF was not notified on this complaint was one of the issues with this complaint?

Lt Colon: yes, DCF has alerted the mother that there was an incident. And when patrol's actions were corrected and told that an arrest should have been made DCF was eventually notified.

Member Pescatore: Has there been any disciplinary action?

Lt Colon: the chief has 90 days from the date of closure, which was October 7th. So if the Board has recommendations then the Chief may take those into



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consideration at the disciplinary hearing. The Chief can make those disciplinary recommendations sooner so let us know if the CRB wants to weigh in.

iii. 21C-048

Received: 6/17/2021

Summary: Question about the legitimacy of an arrest of the complainant on May 4 2017. Jones has an extensive history of violent domestic abuse against his child's mother. He mailed the complaint to IA while incarcerated for 8 years for charges stemming from his arrest on May 4, 2017. Jones claimed that the officer who made the arrest was involved in a relationship with the child's mother. Jones alleged she was involved with many members of the NHPD. The child's mother was asked if she knew the officer in question and she said she did not. The officer in question had located the child in a driveway while operating a transport van. Jones was charged with kidnapping. The officer denied having ever met either Jones or the child's mother. He did work two extra-duty shifts at the same Walmart the mother worked at on June 26, 2015 and July 16, 2016. However it was determined that no misconduct or malfeasance did not occur.

Disposition: Unfounded.

Discussion: Lt Colon: There were some other allegations and this is the kind of case you'd want to go to IA and read for more details. But no evidence of misconduct was found.

Member Pescatore: why was there a 4 year delay between the arrest and the filing of the complaint?

Lt. Colon: unknown. We don't have a reason for that.

Member Jenkins: Is there any body cam footage? Can you summarize the gist of the complaint?

Lt. Colon: We didn't have body cams in 2017. The complaint is that Jones was arrested only because the officer responding to the scene was dating the mother. That would be the basis for an unlawful arrest.

iv. 22C-032

Received: 4/25/22

Summary: Complainant (Nelson) was put into detention and his earring, shoe laces, and sweatpants drawstring were taken, but the earring was not returned when he made bail. Body camera footage shows Nelson taking his earring out and handing it to the intake officer, as well as the



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placement of an earring into the clear plastic bag, and the sealing of the bag, which was put into the prisoner property closet. All items were logged as required. The complainant declined to come into IA to make a further statement. There was no indication that the property was mishandled.

Disposition: Not sustained

Discussion: Member Pescatore: why did the complainant refuse to come in and make further statements about the complaint?

Lt. Colon: the complainant was invited to review body camera footage but self-admitted to taking PCP that day and was satisfied with the word of the SGT doing the investigation that found no evidence of mishandling. I called Nelson myself and asked if he ever found the earring - because it was sealed in the bag, then went to the courthouse, and should have been returned once he made bail.

Member Pescatore: but the earring has not been found?

Lt. Colon: correct.

Member Richardson: Nelson indicated that he had been high during the arrest. Was there any indication he was high during the phone calls regarding the complaint?

Lt. Colon: We like for people to come in and when they are under the influence we don't like to ask them questions - we can make that part of the phone call to ask if they are under the influence at the time of the call.

Member Richardson: because if he was high at the time of the call he may have dropped the complaint because he felt a certain way or intimidated.

Lt. Colon: great point. We should ask people when we talk to them if they are in a good frame of mind to have this discussion.

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

None.

Lt. Colon left the meeting at 7:55pm.

6. Subcommittee reports (7:45 - 8:00)

- a. **22C-010 (Avshalom-Smith, Fawcett, Peralta, Pescatore, Richardson)**
 - i. No further recommendations.
- b. **21C-006 (Carter, Pescatore, Richardson, Rivera-Berrios)**
 - i. Recommendation was sent to the chief.
- c. **21C-077 (Carter, Counsel, Richardson, Rivera-Berrios)**
 - i. Table the discussion until Member Carter is able to join us.



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d. Any outstanding Subcommittee reports

- i. none

7. Unfinished business and General Policy Items - 8:00 - 8:20

a. Update on proposal (8:00 - 8:05)

Ms. Jones submitted a proposal draft and Acting Chair Rivera-Berrios is going to speak with her in the next few days.

b. Issue to be discussed by Member Richardson (8:05 - 8:15)

Member Richardson: As a board we should review what we talked about concerning the matter and return to what we agreed on.

Acting Chair: can you please summarize the issue?

Member Richardson: people may not have had a chance to read the complaint --

Acting Chair: Sorry, this agenda item is for the topic you wanted me to add to the agenda from the last meeting in September. About Attorney LaMarr

Member Richardson: a lot of the members are not here so I don't know if it's appropriate to move forward with that.

Member Jenkins: it wasn't just with Attorney LaMarr but with the connection with Corp Counsel.

Member Richardson: we shouldn't discuss this with so many members missing.

Member Pescatore: this was originally brought up at a special meeting, which I missed, so is there a summary of the topic that I can have or a write up or a recommendation?

Acting Chair Rivera-Berrios: Member Richardson was worried that Attorney LaMarr was present at every meeting and for the entirety of all of the meetings and there may be a conflict of interest.

c. Nominations

Member Johnson mentioned she was interested in Vice-Chair, Member Richardson mentioned he was interested in Chair and no one has expressed interest in other positions. We also wanted to prioritize the addition of new members to be appointed by the CMTs and Board of Alders.

Member Johnson: New members need to be involved before we vote on leadership.

Member Richardson: How are board members going to be involved in that?

Acting Chair Rivera-Berrios: Well, it was up for discussion on if Board members should be involved. The proposal that Emma Jones wrote up said she wanted to be involved in that outreach.

Member Pescatore: Is there anything in the bylaws about CRB members being involved in getting new members - there's an argument for that being inappropriate but at the same time we need more members so there is a need for outreach.

Acting Chair Rivera-Berrios: Review of Ordinance and Bylaws would be needed.



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Member Pescatore: I'm in favor of members helping to attract new interest. I think we need to move forward with nominations now and when we have new members we can hand off positions if there are people with interest.

Member Jenkins: Has there been movement on our reappointments? Also I nominated Rivera-Berrios as Chair.

Acting Chair Rivera-Berrios: Thank you. I nominated Member Pescatore as Treasurer and Member Carter as Secretary and Member Johnson as Vice Chair.

Member Johnson: It was decided at the last meeting that we would not have nominations but that members would express interest in what they wanted to be a part of. Acting Chair Rivera-Berrios had mentioned she wanted more help. I am willing to help in any way you need, even though we are all outgoing members.

Acting Chair Rivera-Berrios: Member Johnson has also been helpful with reaching out to Emma Jones so that was helpful. Member Richardson has also offered help. The important thing is we need someone to take notes. I know we should wait for new members but we need to have someone taking notes.

Member Pescatore: I don't understand why we are waiting for new people to take executive board positions who don't have any experience on the board, and we won't have new members for months. We need to take this more seriously and put people in place now.

Member Johnson: I think we shouldn't assume the skill level of new members. And we should continue to have members assist the acting chair and say if they are interested in e-board positions.

Member Fawcett: it would be great if we had 14 members who are seated and participating but it's not realistic. If we are going to wait for months and months we won't be functioning properly.

Member Pescatore: Are we waiting for all seats to be filled before moving forward? Just three? How long will we wait?

Acting Chair Rivera-Berrios: When it comes down to it, this is a city board and we need to have an executive committee so I will put it on the agenda for a vote at the next meeting.

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

None.

9. Adjournment - Chair Rivera-Berrios motioned to adjourn, Member Johnson Seconded.

Meeting adjourned at 8:22pm.