

**City of New Haven Civilian Review Board**

**Monthly Board Meeting Minutes**

Date: March 27, 2023, 6pm

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: April 24, 2023



Meeting called to order at 6:05pm

**Attendance:**

**Present:** Acting Chair Rivera-Berrios, Members Fawcett, Johnson, Pescatore, Jenkins

**Absent:** Members Devin, Smith, Carter, Richardson.

**Excused:** Member Counsel

**Also in Attendance:** Asst Chief Etienne Bertram, Asst Chief M. Colon, Lt. Smith

Alyson Heimer, Administrator

Mary O'Leary, press, New Haven Register

Al Lucas, Board of Alders Liaison

**1. Minutes**

Minutes were not available to vote on for the prior meeting.

**2. RFP Update**

Chair Rivera-Berrios: The RFPs have gone out to the Finance Department for the Attorney and the Consultant. The contact for Alyson Heimer is complete and she has been officially hired.

**3. Internal Affairs Report**

Asst Chief Bertram: Asst Chief Colon having been promoted, this will be her final meeting. We have appointed Lieutenant Smith as the new liaison to the Civilian Review Board on behalf of the Police Department.

Asst Chief Colon: She remarked on how grateful she is for her time serving with the CRB and has enjoyed her time working with the Board. Lt. Smith will be taking over and she is confident he will do a great job. Asst Chief Etienne will be overseeing his IA role. Colon noted that it is routine that a Lieutenant hold this position.

**I. Case 22c-064**

Lt. Smith: - This complaint was made by Marvin Write on September 26, 2022, and centers on Officer Zerella and Officer in Training Clara Hill, who had threatened to arrest individuals

associated with a domestic violence incident. There was physical evidence on the scene to support the statements, and a mandated arrest was not made despite statements in the body cam footage stating that both parties should be arrested but the officer was giving them an opportunity to leave. The individual identified as the dominant aggressor was made to leave his home or else be arrested and that Officer Zerella was agitated.

Disposition: Sustained

Closed: 3/13/2023

Member Pescatore Asked for clarification on who will be responsible for training, punishment, or mediation following the sustained ruling on this case now that there is a personnel change. Colon noted that mediation and disciplinary response to substantiated claims is completed as a group effort within the next month. An update will be given via the IA statistics spreadsheet on what disciplinary action was taken.

Member Johnson: was the dominant aggressor determined, and were they arrested or sent away from the property?

Colon: a warrant was submitted by the officer to arrest the aggressor after the incident, two days afterward.

Member Johnson: The dominant aggressor was not arrested on scene. What evidence was there? Physical harm to another individual?

Colon: In this case there was destroyed property: a kicked in door. The officers did have a warrant the day after but they did violate policy by not making an arrest that day.

Member Jenkins: who was arrested for this?

Colon: a warrant was made for the person who kicked in Mr Wright's door.

Member Jenkins: In the past in Connecticut there is a history of people not being arrested for domestic violence and this was an officer who was supposed to be training the officer she was with. After watching the video I understand why this was sustained because the mother wanted the son out of the house with his girlfriend in the house and the mother wanted the child, a grown man who was violent, out of the house. Even though the officer was using her judgment trying to let him leave.

Acting Chair Rivera-Berrios: I agree with that - there was a lot of back and forth, and when you got to the end you realize why this action was taken.

Member Johnson: So are you saying the officer did the right thing on site?

Member Jenkins: no, I did watch the video, and agree with the disposition.

Member Pescatore: I don't want to imply that this should not be sustained, but I feel some things are missing in the summary. Who was the warrant issued for?

## **II. Case 22C-076**

Lt. Smith: on Dec 2 2022 Belinda Jacobs contacted the front desk to inform the police that her vehicle was involved in a shooting incident and Mrs. Jacobs was having a hard time locating the vehicle. Detective White had never contacted the owner of the vehicle to recover the vehicle. She was not given updates or timelines on when she would have her vehicle back, and the only person who could release it was the court. The officer who answered the call was unable to help locate it, but this case was considered reconciled, and an officer was able to help her get her vehicle, restart it, and Sgt. Cameron released it from the police garage after the State's Atty Strollo approved the release.

Disposition: Reconciled

Closed: 3/13/2023

Member Pescatore: Was she never given any updates for a year about the vehicle? Some people who don't have a vehicle can't work and it can be extremely disruptive.

Asst. Chief Colon: We have to work on improving the process for getting seized vehicles back to individuals in a timely manner, sometimes it's one to two months after we're done investigating before we get the vehicle back to the owner and we need to be more proactive.

Member Pescatore: was this vehicle actually involved in an incident?

Asst. Chief Colon: The vehicle was involved in a shooting, and called in for evidence, yes.

Chair Berrios-Rivera: We also discussed doing more for the lobby area to make it more inviting and able for people who are visiting the police department to be able to wait and ask these kinds of questions.

Member Johnson: is there any reimbursement for people or refund for a vehicle that's held for so long?

Asst. Chief Colon: In this case the vehicle was seized in connection with a crime, so we don't have anything set in stone for a refund or payment.

#### **4. Statistical update:**

15 currently open cases.

Member Pescatore: has there been any update related to COMPASS, and has that been having any effect on the officers?

Asst. Chief Colon: I would like for the COMPASS team to attend the CRB. We get some weekly stats from the team and if it is something you all would like we can invite Dr, Tiebs to answer questions.

Chair Berrios-Rivera: We can add that, yes.

Asst. Chief Colon: I will clear the ability to share those stats with you.  
Lastly we will cover the use of force: The taser usage has been on a steady decline.

Member Pescatore: I noticed the Hands category was at 46, and for 2020 it was only 116 for the year. So it seems like we are kind of high. Can you say anything about this category with respect to the other categories, is it better results or lowering the other categories means using this type of action? Are they more comfortable using hands?

Asst. Chief Colon: We have been seeing officers reporting now that if groups use hands on individuals, so if 5 officers are on scene to load an individual onto a stretcher, that's 5 incidents reported. So that's a policy change. When a supervisor is on scene, which they are now required to do, the supervisor will direct them to update their use of force form more routinely. Officers seem to be using less force and using hands to de-escalate a situation.

Chair Rivera-Berrios: Do you have an update on future training?

Asst. Chief Colon: We would want it to be determined if there will be new members who should be trained first, but I'm excited you want to continue with phase two training.

**5. Public Comment:** None.

Members of the police department were excused.

**6. Unfinished business:**

Member Pescatore: we have a case still under review.

Chair Berrios-Rivera: We will put that pending case on the agenda for next time, I think some old members were on that case.

Member Pescatore: I believe its case 22C-010 or 22C-016.

Chair Berrios Rivera: These reports will be sent to the Chief, Asst Chief, and supervisor.

**7. New Business:**

Chair Rivera Berrios will send out an email about Classes and training, there is one in particular about reviewing cases that seems pertinent. \$695 per person, that the CRB would fund for people who wanted to attend.

Hiring an Investigator: Another thing to explore was us getting trained by an investigator so that we could have more knowledge with reviewing cases and what to look for. So that information was emailed out to everybody so they could take a look.

Member Jenkins: If we can find someone who can train people, this is a volunteer service by community members so that's expensive and I was thinking about something more free, and this is time consuming.

Chair Rivera Berrios: These training sessions would be online - so they are a little more convenient.

Member Johnson: So would an investigation company training be in lieu of us hiring an investigator?

Chair Rivera Berrios: so the training would be for us and they are used statewide. We don't have a quorum to take a vote, but putting it out there as information. Just take a look at your email so we can have this discussion.

Member Johnson: So this would be in lieu of an investigator? And then we would vote on if we want this class or else hiring someone.

Chair Rivera Berrios: No, these are two different things, we could explore both.

Member Pescatore: opined that regardless of how much training we have to investigate, we will find a case where we feel we should have an investigator to investigate. The other part is that since we are the civilian review board, what we are trying to provide is getting the civilian perspective out there, so if we get the training are we then still civilians or are we investigators? These are volunteer positions and I want to be effective.

Chair Rivera Berrios: I'm a firm believer in educating people, I don't think we take the civilian perspective away by getting trained. We should be able to have an investigator on call if we need one. And maybe even if this is something that's offered, maybe only half the members take the training.

Member Jenkins: I concur with Member Pescatore, if we are going to spend money to go to school to do this, what's the point in having an investigator. I'm an educator as well and I come from a family of law enforcement and I'm coming from a community in an urban area and maybe some people need more training. And our community expects us to represent them.

Chair Rivera Berrios: The reason this was put on the table was that we need to look at the budget and we looked at hiring an investigator - then we need to explore options for best use of the budget if a training will cover it, then how much will it cost us us hiring someone.

Member Johnson: How much was the budget for the investigator?

Chair Rivera Berrios: We did not put out a number. But we wanted to have a consultant and an administrator and a lawyer so I believe that hiring an investigator would potentially put us over budget.

Administrator Heimer: a third option is making the investigator role a chair-appointed individual for an on-call basis for only when an investigator was required, rather than as a full time hire.

Chair Rivera Berrios: The RFP process will hopefully bring out multiple offers of varying styles and perhaps someone will apply who is willing to work on a per case basis rather than for an annual salary.

#### **8. Subcommittee update:**

Member Pescatore chaired the subcommittee meeting in a separate call last week on Thursday and we discussed the cases and I am writing up the notes and recommendations now.

New Cases: Member Johnson: I am concerned about the domestic violence case and we should look into it a little more.

Member Pescatore: We might want to make recommendations for the type of disciplinary action taken.

Chair Rivera-Berrios: There is a motion on the table that we review Case 22C-064. Open for discussion.

Member Johnson: I think we should discuss, not necessarily have a subcommittee for it.

Member Fawcett: Let's all go to IA and review the footage and have a real discussion about this next time.

Member Jenkins: when we discuss the case, can we do it after IA is gone?

Chair Rivera-Berrios: We can do it during the executive session if that's what you want.

Member Jenkins will be replaced by Anthony Cordona in the coming months after it goes through the Board of Alders.

#### **9. Adjournment:** Meeting ended at 7:32pm.