



City of New Haven Civilian Review Board

Monthly Board Meeting Minutes

May 23, 2022

Date: May 23, 2022, 6:00 pm

[05-23-22 Agenda](#)

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: DRAFT

1. Call to Order: 6:08pm.

Attendance:

- a. **Present:** Chair Ross-Lee, Crouse, Carter, Counsel, Fawcett, Hamm, Jenkins, Johnson, Peralta, Pescatore.
- b. **Absent:** Avshalom-Smith, Richardson, Rivera-Berrios
- c. **Guests:** Captain Zanelli, LT Mk Colon (IA), Al Lucas (BoA), Catherine LaMarr (Corp. Counsel).
- d. **Members of the Public:** Leon Hunter

2. Approval of Minutes -

Crouse: Changes to minutes to include Carter as having attended.

Motion to approve minutes: Hamm, Fawcett Seconded

Carter: yes

Counsel: yes

Crouse: yes

Hamm: yes

Fawcett: yes

Jenkins: yes

Johnson: yes

Peralta: yes

Pescatore: abstain

Ross-Lee: abstain

Motion passes to approve the April 25, 2022 minutes 8-0-2.

3. Internal Affairs report

A. 21C-095



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Received: November 30, 2021

Summary: Complainant Pascal filed a complaint about rudeness from Officer Stone and alleged that Stone was going to arrest her for falsely reporting an incident. The complainant's ex boyfriend called the police about a vandalized vehicle that his new girlfriend believed was spray painted by the complainant. The complainant denied the allegation and then attempted to make a counter complaint about the ex boyfriend texting her constantly. The police officer warned her not to file false reports and Stone decided to file a misdemeanor summons and asked for her social security number to verify her ID. The complainant refused to provide that information and so Officer Stone told her that the alternative was to be brought into detention. Body cam footage did not show Officer Stone as being rude, but direct and straightforwardly explaining the consequences of not participating in the investigation.

Determination: Unfounded.

Discussion: None.

B. 22C-002

Received: January 22, 2022

Summary: Gideon is the complainant against Officer Zullo, who stated that after being assaulted by security at BAR restaurant, the officer did not investigate fully. The complainant stated there may be video footage of the incident from the restaurant. Officer Zullo attempted to contact the restaurant to obtain the footage, but was unsuccessful. Those attempts were captured in Zullo's reports and on his body-work camera. The investigation revealed that there was a delay in the investigation between October when the incident occurred, and November when the email was sent to the restaurant to request the footage. The officer was counseled on timely investigation as a result. There was an officer in the area who caught the removal of Gideon from the restaurant that night: he was escorted out by multiple employees and did not appear to be injured in any way.

Determination: Summary Action described above.

Discussion:

Member Pescatore: how long are businesses expected to keep video footage?

Lt Colon: depends on the venue and how many cameras. There is no requirement. Many larger businesses will keep the footage for 30 days.

Member Crouse: Timely collection of on-site video footage is extremely important in an investigation. Any delay will run the risk of footage being deleting if not acquired quickly. Do you train and counsel officers overall of best practices for acquisition of footage when someone tells an officer there may be footage.



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Lt Colon: We train officers to seize footage immediately, depending on the severity of a case. Murder and robbery for example require immediate, top priority action. In this incident of an alleged assault the footage should have been acquired immediately. Our advice is to go in person instead of emailing the staff, have the body camera on, and document the attempt.

C. 22C-026

Received: March 24, 2022

Summary: L'Oroco filed a complaint about a person who ended up being a Yale Protective Services Officer, not a NHPD officer. The incident occurred inside Yale New Haven Hospital, and there was no record of L'Oroco having been in contact with any NHPD members prior to hospitalization or after. The complaint was closed with the NHPD and forwarded to Yale PD, who acknowledged receipt.

Determination: Closed April 16, 2022.

Discussion: None.

D. 21C-098

Received: December 6, 2021

Summary: Neil Currie filed a complaint against Officers A Moore and C Simon. He alleged that the officers were biased towards him when he filed a complaint against a black female who had threatened him. The black female was an uber driver who had double parked her car momentarily to make a food delivery. Currie approached the driver and asked her to move her car immediately and alleged she threatened to "have someone pop him." He claimed that she hit him with her vehicle as she was attempting to leave; fearing for his life, he then called the police. He purposely stood in front of the vehicle and prevented her from leaving the scene until officers arrived. The officers explained that his interpretation of "pop" could be different from others and not necessarily a threat and Currie accused the officer of siding with the Uber Driver because they were both black. The Uber Driver later made a counter complaint against Currie for harassment. Body worn cameras and reports showed that no department policies were violated by the officers.

Determination: Unfounded, closed April 16, 2022.

Discussion: Member Crouse: the description of "pop" doesn't seem that it could be misconstrued as anything other than a threat.

Lt. Colon: The officers stated that it could mean being slapped or hit, which are both threats of physical violence, but Currie believed it meant he was going to be shot.



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E. 22C-013

Received: February 13, 2022

Summary: Angel Lenusa filed a complaint against Officer Leonardo alleging false arrest. The officer had responded to the scene where an ongoing dispute was occurring between the complainant and his child's mother. The child's mother called the officer and Lenusa can be heard on the call telling her that he will "knock her out." Officer attempted to speak to the mother once on scene but Lenusa kept interjecting and interfering with the conversation. Lenusa began speaking loudly to prevent the mother from filing a statement about being "mushed" or shoved in the face. Officer Leonardo arrested Lenusa for interfering with the investigation. After Lenusa was arrested, the investigation continued and the mother revealed she had been physically assaulted by Lenusa that morning. Lenusa was subsequently arrested for assault. He did not show up to the Internal Affairs interview. Based on the body-worn camera, officer's statements, and police report, IA found the officer's actions to be lawful and appropriate.

Determination: Unfounded.

Discussion: Member Pescatore: The complaint states that the officer arrived but did not identify himself by name or badge number and that he was aggressive.

Lt. Colon: That was disputed by the body-worn camera footage.

F. 21C-105

Received: December 14, 2021

Summary: Perino filed a complaint against officer Ramirez, claiming rudeness during a traffic stop. She claimed she had no idea why she was stopped. Body work camera footage revealed that she was told she had run a red light and was issued an infraction. Perino appeared upset on the BWC, but did not appear hurt or in distress. The stop lasted 7 minutes. The Officer's supervisor called the complainant and explained that he reviewed the footage and did not see an issue or any violations.

Determination: Unfounded

Discussion:

G. 22C-010

Received: January 31, 2022

Summary: Reyes filed a civilian complaint against Officer Ricci stating that he did not do a welfare check on his daughter when he asked him to do so and had to call a second time for the officers to conduct a welfare check on his daughter. According to the body-worn camera footage, Reyes spoke with Officer Ricci about custodial interference; however, he could not provide the officers with any



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official documents from court that would show his custodial rights, therefore the officers did not further investigate his complaint. Reyes then told the officers that he received a text message from his daughter the day prior. His daughter expressed to him she did not feel safe around her grandfather. Officer Ricci asked Reyes why the police weren't called when he first came across the text message from his daughter. Officer Ricci questioned Reyes about making false statements in the past about his daughter's welfare. The officer asked to see the text but no such text was located in the phone.

Reyes called the police again, this time asking for the officers to conduct a welfare check. At this time, officers did perform a welfare check and found that Reyes' daughter was assaulted by her maternal grandfather. The grandfather was appropriately charged, and his daughter was provided medical attention on scene. Lt. Marshall made several attempts to contact Reyes to obtain a statement to no avail. Based on the dispatch notes, police report, body-worn footage, Officer Ricci's interview, it was determined that Officer Ricci was not neglectful and he acted accordingly on the information as it was provided to him. His actions were deemed lawful and appropriate.

Determination: Unfounded

Discussion: Member Hamm: There was an assault on the young person, why wasn't the case pursued initially?

Lt. Colon: The report came in initially as a custodial interference. There was no proof or reason to believe that a welfare check was needed and the person making the complaint could not show that he had any authority or rights related to this teenage girl.

Member Hamm: So if someone believes something is happening to someone else it will only be investigated if they have a document in their hand?

Lt. Colon: there has to be a little more information that indicates an issue. This individual has a history of false reporting against his child's mother. If officers feel there is enough reason to conduct a welfare check, they will do so.

Member Jenkins: Can you clarify why a welfare check wouldn't be done with custodial interference.

Lt Colon: If we deem the call to be custodial interference, police going to the house would be us harassing the parent or guardian on behalf of the person who called - and if the person doesn't have any parental rights, this is using the police to harass. There has been a lot of back and forth between these parents before.

Member Crouse: Looking at the complaint numbers, there seems to be a discrepancy with the numbering for 2022. There were 18 complaints listed, then it went to 10, then back to 18.



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Lt. Colon: there was a misnumbering, but that has been corrected.

Member Crouse: there has been some discrepancy with the numbers of complaints overall in 2021 as well. There's also a correction to the count for Officer Outcomes, where 13 is written but 15 is spelled out. And for 2022's Use of Force statistics, it looks like it dropped from 6 to 5 over the last month, but my count is 7.

Lt. Colon: When we start an investigation, sometimes the case will be filed as one thing but when we finish the investigation we may need to recategorize.

Member Crouse asked that board members streamline their requests for contact info for complainants through himself and Emma Jones, the consultant, to maximize organization of requests.

Member Crouse raised the issue of an article that was published about police statistics ranking New Haven as one of the least transparent departments (This is the article: <https://policetransparency.vera.org/>). He requested a comment.

Lt. Colon: the article used the websites for police departments to gauge transparency. The top performers had more interactive websites that allow people to sift through the data and create different graphics. They also have different reports about crime. We have COMPstat, which is broken down by district and provided by PDF - the other websites seemed more interactive.

Member Crouse: this is an area where the CRB can provide meaningful input and we can help improve transparency.

Lt. Colon: We would appreciate that and will work with IT on improving this overall.

Member Crouse raised two cases that Ms. Jones had been asked to look into: Cases 21C-035, and 21C-089 - there is a discrepancy between the NHPD stating that the complaints were withdrawn, but the complainants said they had not withdrawn the complaints when contacted by Ms. Jones.

Lt. Colon: these are the same complainants and similar complaints both filed against officers who stopped him. The first was against plain clothes officers, and then for a second stop. The IA investigators wear BWCs when doing interviews - that footage is available in IA and on the camera the complainant states he does not wish to pursue the case further.

Emma Jones was asked to comment and was not available for comment at that time.



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H. Confidentiality agreement

Lt. Colon: Most members have signed the waiver about confidentiality when looking at case files. Members Johnson, Richardson, Peralta, Pescatore, Rivera-Berrios and Avshalom-Smith have yet to sign.

I. Number of complaints by officer

Member Crouse: Member Rivera-Berrios asked about the number of complaints per officer.

LT Colon is working on that.

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

None.

Members of the police department left at this time.

5. Subcommittee reports

a. 20C-082 (Counsel, Fawcett, Jenkins, Ross-Lee)

Members Jenkins and Fawcett reviewed the case and body cam footage. There were no issues with what was seen and they agree with the findings of IA.

Unsubstantiated was an appropriate determination. This will be tabled until the subcommittee can meet and write a formal report.

Tabled.

b. 21C-053 (Crouse, Hamm, Peralta, Richardson)

No chair was designated, and assignments were based on members who had served on the fewest subcommittees to date, so Richardson and Peralta were added. Members Hamm and Crouse reviewed the case but Peralta and Richardson were not able to make it to AI nor schedule a subcommittee meeting.

Tabled.

c. [21C-082](#) (Carter, Hamm, Avshalom-Smith, Peralta)

Hamm was chair, and no subcommittee meeting was held because not enough people could meet at the same time. A recommendation was written (linked above) but not voted on.

Tabled.

d. 21C-086 (Hamm, Richardson, Johnson, Rivera-Berrios)

Member Hamm: Subcommittee made a recommendation last month, and the subcommittee voted on the recommendation but when it was presented in April, Member Richardson said he was dropped from the subcommittee call and not able to participate and asked that the subcommittee meet again to discuss. The members were not able to find a suitable time to meet over the last month and member Richardson was non-responsive to emails so no meeting was held.



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- e. [21C-087](#) (Counsel, Hamm, Johnson, Pescatore)
Member Hamm: Subcommittee met last month, but because Iva Johnson was not able to participate in the meeting, a second meeting was scheduled and held. Member Johnson concurred with the vote held at the original meeting. During the meeting, Ms. Jones reported that she had spoken to the complainant and they asked to speak at the meeting, but said she needed a Spanish translator. This was deemed un-credible as a request because the BWC footage associated with the case shows the complainant speaking in English for hours and she communicated the request to Ms. Jones in English. Report (linked above) was approved by the committee. The subcommittee agreed with the disposition from IA without comment or recommendation.

- f. 21C-096 (Carter, Counsel, Fawcett, Jenkins)
Member Fawcett (chair) and Jenkins reviewed the case, member counsel also reviewed the case. Member Carter was not able to review and did not comment. The other three members met and agreed with the IA report and made no further recommendations upon review. Report to be written and sent to the Chief.

6. Unfinished business and General Policy Items

- a. Managing Consultant Case Reports: 21C-035, 21C-089, 21C-087
Emma Jones, the consultant, was not present at the meeting during this time for comment. The consultant was asked to reach out to the complainants who were reported by IA to have withdrawn their complaint. Ms. Jones reported the number of attempts made to contact these individuals. One complaint was withdrawn while filmed on body camera footage. One respondent said she did not want to talk on the first call and did not pick up additional calls from Ms. Jones.
Member Hamm: if the complainant said she didn't want to be bothered, we shouldn't have called her three more times.
Member Johnson: when you are working with someone who speaks a different language then I think Emma was correct is pursuing it to get more clarity.
Member Ross-Lee: When a person says they don't want to be bothered, you think we should call them three more times?
Member Johnson: I don't know how many times but if there was a language barrier, yes for clarity, call back with a translator.
Member Hamm: The complainant doesn't speak Spanish. She said in the first call she did not want to be bothered and Ms. Jones called back three more times. On the fourth call the woman said she wanted to address the subcommittee but needed a Spanish translator and we know from reviewing the case, and from Emma speaking to her in English, that the request was not a legitimate request.



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Member Johnson: We don't know if she was on the phone talking through someone or needed to seek advice from someone who speaks Spanish. Emma is highly educated and made the right choice to keep reaching out.

Member Ross-Lee: I want to go on record as saying that if we reach out to a complainant and in any of those engagements they indicate clearly and in a language that can be understood by the caller that they do not want to be contacted again, that they should not be contacted again.

b. Executive Committee's meetings with Corporation Counsel

Attorney LaMarr: I looked into the finances and you can hire whatever staff you need to assist with the Board. It would be nice to have support staff to help with the minutes. It was clear that the board should restructure the agreement with Emma. Also worked with the Police Department to make sure they are comfortable with the reaffirmation of commitment to confidentiality of cases. This would enable the Board to monitor cases and submit recommendations at the same time as IA reports their recommendation and closes a case.

Corp counsel is reviewing software to allow off-site viewing of case files and video outside of IA without going to the police department. This would make it easier for board members to review cases.

There are a number of terms for members that have expired or are expiring and Attorney LaMarr will look into that process on behalf of the Board.

c. Ethics training

Attorney Pat King will be meeting with me to determine what training will be required for the board.

d. Hiring administrative support

See section b.

e. CRB Inspector General model

Member Crouse will reach out to Beth Merkin, the Hartford Inspector General for a presentation on their model for comparison.

7. New Business

a. 211-076 Letter

Member Crouse: this letter was written by a civilian and asked us to look into a case that was closed, but it's an internal case and there are complicating factors with the CRB reviewing Internal (I) cases.

Member Fawcett: there's not much we can do about that, but I saw the case and saw something else.



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Member Ross-Lee: Unfortunately that is beyond our purview at this time.

- b. Member Ross Lee informed the Board of Alders and President Walker-Myers as well as Al Lucas and Corp Counsel, that the workload, time constraints are not feasible to continue. His term ends in June and he will not be staying on. This will be his last meeting.
- c. Member terms limits were split between expiration on 7/1/2021 and 7/1/2022. At the end of next month all members will officially expire.

Attorney LaMarr stated that members will be able to stay on until their CMT appoints a new person to fill their seat. They can also seek reappointment.

Member Hamm: we already have trouble getting subcommittees to meet and it seems like with all terms being expired or expiring soon that the CRB will continue to not be able to function. I moved out of my district last year and am waiting for someone new to be appointed from downtown/wooster square. What can the board do about this to improve participation and responses from members?

Member Pescatore: The board has not been as effective as we hoped, but we are continuing to build a foundation and struggled with our start during COVID.

Member Johnson: we started from the ground up but I strongly believe that we can continue on as members begin to turn over. When we pass the torch we should pass the torch with respect.

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

Member Crouse: there were a number of complaints that were closed over the holiday in December that were not reported on to the CRB. A list will be compiled and distributed.

Member Fawcett proposed that when cases are assigned, let's pick a chair at that time so we have a clear point of contact.

Other Board members agreed.

- a. 22C-010 was proposed for further investigation by Member Crouse. Hamm concurred. Crouse motioned to send case 22C-010 to the subcommittee. Hamm Seconded.

Carter: yes

Counsel: yes

Crouse: yes

Hamm: yes

Fawcett: yes

Jenkins: yes

Johnson: yes

Peralta: yes

Pescatore: yes

Ross-Lee: abstain



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Motion passes 9-0-1.

Members were assigned to the subcommittee: Avshalom-Smith, Fawcett, Peralta, Pescatore, and Richardson.

9. Public Comment on Complaints and Reports

None.

10. Recess to Executive Session, if appropriate

Not required.

11. Return to open session after Executive Session

12. Act on complaints and reports

- a. 22C-017 the committee decided not to make a recommendation, and if the report is approved then the report will not be seen as a recommendation but as a finding. Motioned to accept the committee's report on 22C-017 by Hamm, seconded by Pescatore - 10-0-0 unanimous vote.
- b. 21C-096 the committee decided not to make a recommendation, and if this report is approved then the report will not be seen as a recommendation but as a finding. Motioned to accept the committee's report on 21C-096 by Johnson, seconded by Jenkins - 10-0-0 unanimous vote.

13. Adjournment motioned by Johnson, seconded by Counsel. Meeting adjourned at 8:07pm.