



City of New Haven Civilian Review Board

Monthly Board Meeting Minutes

September 26, 2022

Date: September, 2022, 6:00 pm

[09-26-22 Agenda](#)

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: DRAFT

1. Call to Order: 6:08pm.

Attendance:

- a. **Present:** Acting Chair Rivera-Berrios, Avshalom-Smith, Carter, Counsel, Crouse, Fawcett, Jenkins (joined 6:15pm), Johnson, Pescatore.
- b. **Absent:** Peralta, Richardson (joined late)
- c. **Guests:** Chief Karl Jacobson, Assistant Chief Betram Ettiienne, LT Mk Colon (IA), Al Lucas (BoA), Catherine LaMarr (Corp. Counsel).
- d. **Members of the Public:** Emma Jones.

2. Approval of Minutes - 2 sets sent out on 9/26/2022 for approval and review.

Motion to approve July made by Rivera-Berrios, Pescatore seconded. 6-0-1.

Motion to approve August made by Rivera-Berrios, Pescatore seconded. 7-0-1. (Member Jenkins joined just prior to the vote)

3. Internal Affairs report

A. 21C-070

Received: 9/15/2021

Summary: Filed by a mother on behalf of her son who was "choked out" during a football game at Bowen Field on September 10, 2021. No description of the officer was given.

Determination: Misconduct found not based on complaint.

Discussion: Member Pescatore: Can you give us some details about the sporting event at which the fights broke out, because that was in the news. What two schools were playing?



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Chief Jacobson: Hamden and Hillhouse were playing football at Hillhouse.

Member Pescatore: Officer Zullo was not on scene, he was driving a prisoner transport van- he said that he couldn't recall if he turned his camera on or if he put his hands on anyone. That seems like a significant event that he would remember, so was he ever questioned about this incident? Officer Zullo also seemed to have intentionally turned off his camera in a different case, so this seems like another instance of that.

Lt. Colon: He did not seem to be involved in anything else, but he was found in violation of the Body worn camera, and the punishment is going to change based on if this is his first offense or a pattern of behavior.

Member Pescatore: It's concerning that he said he cannot remember if he used force.

Lt Colon: yes, that is concerning.

Member Pescatore: I'm not sure I would be making this comment if we didn't just recently have a case where someone accused officer Zullo of doing something he shouldn't have done regarding turning his camera off and then back on so as not to capture that action. But not remembering anything about that day or the call and not having his camera on, again, is worrisome. I'd like to point out the pattern, and make sure he gets training.

Lt Colon: we will be keeping an eye on this. He has been on the job for two years.

Member Avshalom-Smith: What are the rules about using force on a minor?

Lt Colon: Depends on the age of the child, or the situation. In this scenario the officers were trying to terminate pockets of fights - there were 8 fights happening in the crowd and officers were trying to remove the people involved quickly as part of crowd control while other fights were popping up. Using force in this instance would look bad to others in the crowd and cause more problems.

Chief Jacobson: the kid in question was 5'10" and around 200 lbs. He was a big kid and there was no way to know he was 15 and if you watch the camera footage he looks older and was involved actively in fighting with other kids.

Member Avshalom-Smith: When there are situations like this do you notice an increase in the number of complaints? Trying to see if there is a correlation between when there is a brawl and it's jarring for everyone involved, and if use of force is required for this situation.

Lt. Colon: the biggest issue was putting their body camera on in time because if they put it on when they arrive on the scene, that is sometimes too late as they run out of the vehicle and immediately engage. They need to turn it on when they are dispatched to capture the arrival and not forget once they see the situation at



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hand. The correlation you're talking about mostly comes from domestic disputes and sex work - those types of interactions will result in higher complaint rates.

B. 22C-011

Received: 9/15/2021

Summary: An anonymous complaint was filed against the manager of the Animal Shelter saying that animals were not being attended to properly when they required medical care and animals were being marked as Dead on Arrival (DOA) when they were alive at the time of intake, but severely malnourished and only had a few days to live.

Determination: Poor record keeping was addressed and corrected.

Discussion: Member Crouse: This is not poor record keeping. Poor record keeping is saying the animal is gray when it is black. This is juking stats to where you're saying animals aren't dying in your care. I'm unclear as to why there is leniency here. This should be serious and egregious fallacies in the record keeping.

Lt Colon: DOA was for the animals who died the same day they came in. They were seriously ill. There were 16 instances of this.

Member Crouse: The animal was alive, and then it entered your care and it died. It is categorically different. It is one thing to say "animal gravely ill, may not survive very long" and "animal arrived dead." You can give me some insight as to what the counseling was for the officer and what it means by, "he understood the changes."

Chief Jacobson: We put a new manager over the animal shelter and if officer Manganiello is not the correct person for this post he will be replaced.

Member Crouse: what quantitative objective measures are in place to evaluate the changes here.

Chief Jacobson: we will be routinely checking in on the position and the record keeping at the animal shelter.

C. 22C-038

Received: 9/15/2021

Summary: The complainant (Pauker) states they left three voicemails and was not alerted to progress on a fraud case which was reported to Officer Testa on October 6, 2021. Sgt. Alvarado was apologetic about not picking up Pauker's phone calls and explained that he primarily uses his department cellphone for confidential informants. He was issued an oral reprimand and counseled for the importance of checking voicemails.



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Regarding Officer Testa, he merely documented Pauker's criminal complaint and did not investigate it before forwarding it to Financial Crimes. He did not make an attempt to follow-up with the suspect. Lt. Rosa, who is Officer Testa's District Manager, spoke with him. Officer Testa was counseled on furthering his initial investigation and making an attempt to reach out to suspects.

Determination: Unfounded

Discussion: Member Crouse: This is another case that jumped out at me for the phrase "no serious misconduct occurred." This case was labeled unfounded when both officers were found in violation of exactly what the complainant reported. This was considered neglect of duty. If this would have been filed as false reporting or some other category, would this complaint be regarded as founded? It seems like the violations reported occurred and the case determination should be changed.

Lt Colon: The individual initially did not want to file a complaint, her main concern was follow up on the fraud investigation. She wanted the case investigated, not to punish the officers for not investigating. She wanted to follow up about the fraud. The supervisor did receive several voicemails that weren't being answered and he had been transferred to another unit, which is why he was not responding. We made it right, we got the follow up needed on the Fraud case, and the detective has been in touch ever since. The officers involved were counseled. If the officers have this type of violation again they will face different punishment.

Member Crouse: So the misconduct resulted in verbal guidance and retraining, but it still seems like it should have the determination of "sustained" as the violations were real and they were addressed.

Lt Colon: this was not a neglect of duty, this was a follow up error. But I see what you're saying.

Asst Chief Ettienne: the complainant never alleged Neglect of Duty, the complaint was labeled that, the complainant did not give it that title. The officer assumed that once the report was done that the detective would follow up with it - that was not a good assumption. That happens a lot at the patrol level. The officer is supposed to do additional investigation and did not. It was a failed communication between Patrol and investigation. He never listened to his voicemails, and calls from unknown numbers were being ignored.

Member Crouse: Something was wrong and it was discovered because of the citizen complaint and corrected. The categorization of "unfounded" does not accurately capture the outcome of this investigation and it has repercussions at the statistics level because you're only going to know something was wrong and corrected if you look at the case file.

4. Chief's Report



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Chief thanked the Board for providing some recommendations to the NHPD and he will address them in order. Beginning with **Courtesy/De-escalation/Honesty/Profanity/Respect/Trust**, which has 8 bullet points

1. When police officers lie to civilians or other police, they should face significant punishment, up to and including a multiple-day suspension, demotion or even firing. If they remain on the PD, they should be retrained and should make a public apology to the complainant, to signal that this kind of behavior will not be tolerated. We also think the police leadership should reiterate that they don't tolerate lying and should intercede early in an officer's career if they're concerned about credibility

Chief Jacobson: we are committed to this principle and have fired two officers over issues like this. Lying to the community and treating the community poorly will get you into a lot of trouble. You can make mistakes but you cannot lie, and you cannot treat the community poorly. If you lie to Internal Affairs we will bring that officer to the State's Attorney's office. This can be an issue if an officer is involved in a case that goes to court, if they testify in court, issue a warrant, usually the Attorney's office will give us a letter stating the individual poses an issue and that's grounds for firing. Officers with letters like that in their file will not be hired.

2. The CRB notes a pattern of discourteousness/disrespect in a number of cases. All officers should be cautioned to show empathy and respect for civilians, especially people of color—recognizing the effects of systemic racism. We also note that officers frequently use profanity. The careless use of profanity is highly unprofessional and it's not de-escalation

Chief Jacobson: Totally agree, Kingian Training, which is new to the training program in New Haven will specifically address racism issues and use of profanity, name calling of the public and this behavior will not be tolerated. It's designed after Martin Luther King's practices and is the new standard in professional training for Police.

Officers are starting to understand that they can be judged by the tone, the body language and the words chosen which are recorded by the body-worn cameras and this is beginning to change their behavior. Allowing officers to listen to themselves and how they come across on the body worn camera is an idea that came from Asst Chief Ettienne and we are going to implement that as a training technique so officers can understand how they come across to the public.

3. We recommend that the Chief advise officers that when they engage intensely with civilians who turn out to be innocent, including pointing guns at them and putting them in handcuffs, that they issue apologies afterwards. Officers should explain why they



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followed the procedures as they did and should apologize to the person for inconveniencing them and putting them into a frightening situation.

Chief Jacobson: This comes up in the ICAT and ABLE trainings we do, it's about de-escalation but also mentoring and letter officers talk to each other when they notice patterns or issues and empowers them when they feel they need to apologize to a member of the public on behalf of another officer. We will have the plain clothes officers, who are very good at this, you don't see a lot of civilian complaints against the plain clothes officers, we can have them mentor and show how to apologize effectively and explain situations that occur so it doesn't result in complaints or arguments.

4. We note that in many instances we have reviewed, officers frequently use profanity. The careless use of profanity is highly unprofessional and it's not de-escalation. We also note that in one of the cases officers on the scene of the arrest congratulated other officers, proclaiming loudly, "That was great! Great call out!," as if it was a sporting event victory. We don't think this kind of behavior is appropriate; on the contrary, it is dehumanizing.

Chief Jacobson: We recognize that self-congratulation looks bad to the community, but officers get excited and are proud when they get a gun off the street or drugs off the street, and they catch someone safely and no one gets hurt. We also acknowledge that when officers are standing around a crime scene for several hours and the news footage has them huddled and laughing, it's a bad look, they can't be doing that at a crime scene, at a murder scene, it's unprofessional. We train that and talk about that a lot.

5. Shouting is counterproductive, and escalates tensions, precisely when officers should be working to de-escalate emotions. Police officers are adults with extensive training, and the CRB is aware that "de-escalation" is a significant and important part of officer training. Shouting and cursing at civilians, especially youth, reflects poorly on the NHPD, and raises questions about the effectiveness of the current training standards for de-escalation

Chief Jacobson: You are correct about this, and it's taken many years for the training to catch up. I think you might benefit from coming to all our trainings to see that we do cover that.

6. Developing Community Relationships: In an effort to restore a stronger relationship between the police department and the families, officers should make in-person, public apologies to the juveniles and their parents in cases where it is warranted. Developing community relationships are important. The Department should explore Community



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Policing, being involved in community events and determining how to develop positive relationships with the youth.

Chief Jacobson: We have lots of youth-focused programs, we have police officers do programs in the schools, we have an afterschool jiu jitsu program, we have backpack and school supply drives. We also have officers who are encouraged to hand out food and candy and toys during the shift. We have holiday gift and food drives. We are trying to get officers to community events, we have officers who will help set up ring cameras for the elderly, and so on.

7. We have seen a few cases where if police officers had explained themselves as we're recommending here, it would have helped build trust

Chief Jacobson: the officers who are doing this don't get complaints, you're correct in pointing this out. Communicating effectively with the community can make all the difference.

8. We recommend that officers be trained to recognize when people they are dealing with feel they are being singled out and treated poorly because of their race, and respond appropriately

Chief Jacobson: In some instances officers can be impatient and community policing is about seeing it from the community perspective. We find that there are some people who try to make everything about race when race has nothing to do with the situation. The officers' interactions can make a huge difference but we definitely address this with training.

Discussion: Acting Chair Rivera-Berrios: we moved away from community policing and bringing it back is very important. There are a lot of jobs with a high stress level but we don't move towards profanity - as a teacher it's a high stress job sometimes but swearing at the students is not acceptable. So we need to promote treating everyone with respect at all times.

Member Pescatore: What is a line-up when it comes to police.

Chief Jacobson: A lineup is where officers meet before their shift and are given their beats, given updates, but we can also use it as a fast training.

Member Pescatore: I want to mention that for the officers who were congratulating one another, the specific incident that brought this about was a young kid who had run from the police not because he did anything wrong, but because he was scared. And when the officers tackled him, put him on the ground, and then started congratulating one another, when the kid was eventually found to have done nothing wrong, it was humiliating and dehumanizing for this child.



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Chief Jacobson: That's an excellent example I can bring to officers because sometimes when you're congratulating one another, you could be wrong. And especially when you're wrong to congratulate each other you're doubling down. For my personal experience and reference point, we did a raid and a kid pulled a gun on me and I gave him that extra second to drop the gun, and he did, so we congratulated one another on not having to hurt someone and getting out of the situation.

Member Pescatore: The yelling and use of profanity seems very regular and there are a lot of jobs out there where you lose your job for yelling profanity and rudeness. And while I can understand why it's used, it's not de-escalation.

Member Crouse: For Use of Force statistics I want to verify that this is just a reporting change. It has increased by 250%.

Chief Jacobson: Yes, each individual must do a unique report for use of hands now rather than an officer filing reports for the group and list participants. Additionally there are more events now, like the football game, post COVID, and so crowd control is happening whereas there were no crowds allowed to gather in 2020 and 2021. We were very hands off during COVID, there were fewer incidents overall, so this is both a reporting change, six or seven people may fill out a form for a single incident instead of just one, and during COVID we told officers for their safety please not to touch people at all.

Member Crouse: The city's CRB ordinance says that the Chief must respond via email about our recommendations before choosing discipline. Are you planning to respond before you choose your course of action?

Chief Jacobson: Yes, I plan to do that.

Member Johnson: What does the end of the day report look like for officers? What gets filed at the end of the day?

Chief Jacobson: throughout the day, an officer will file reports and those go to the supervisor. The next shift is given the information that was passed to the supervisor.

Member Johnson: Is there any time for them to reflect on the day, or what happened and how it could have gone better, or what went well?

Chief Jacobson: generally no, there is no period of time when officers could have a reflection period in the locker room or walk out together and destress. Its a big department and the supervisors oversee many people. When its a bad call, we will do an after action.

Asst. Chief Ettienne: at the line up the next day, those short discussions will occur. There are also one-on-ones that happen and supervisors are there to support.

Member Avshalom-Smith: I recognize the work and duty that officers have in our neighborhoods, this conversation has been helpful in building the foundation blocks



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between the Board and the Department. From what I have seen in the past few weeks with a few shooting incidents in my ward, I'm seeing progress and changes on the ground. Police are conducting themselves well during challenging incidents, like shootings and one death that occurred this month. Thank you for implementing the changes we needed.

Acting Chair Rivera-Berrios: the remaining topics will be tabled and the conversation continued at the next CRB monthly meeting (in October).

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

None.

Members of the police department left at this time.

6. Subcommittee reports

- a. **22C-010 (Avshalom-Smith, Fawcett, Peralta, Pescatore, Richardson)**
 - i. More time needed to discuss.
- b. **21C-006 (Carter, Pescatore, Richardson, Rivera-Berrios)**
 - i. Members voted to move the recommendations forward: 8-1-0. Recommendation will be sent to the chief by Member Pescatore.. [\(Recommendation\)](#)
- c. **21C-077 (Carter, Counsel, Richardson, Rivera-Berrios)**
 - i. Member Carter was the chair, but left due to a family emergency. Table the discussion until Member Carter is able to join us.
- d. **Any outstanding Subcommittee reports**
 - i. None.

7. Unfinished business and General Policy Items

a. Scope of work for Administrative Management Services

Attorney LaMarr: RFP is being put out for Administrative services. This includes two sections: Minutes backlog and administrative tasks going forward. 19 months of monthly meetings, estimated recording time is 45 hours of meetings, 2.5 hours per meeting, some are significantly longer. We would like a timeframe, a price, and credentials. For the second part it's about meetings going forward - noticing the meetings, running the meetings, providing administrative services on the back end, tasks, etc. A review team will need to review the applications that come in and recommend someone or a company to the Board based on who applies.



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Acting Chair Rivera-Berrios: This was written after a lot of discussion about finding someone who is interested in doing this work and tell us how to best accomplish these goals.

Member Crouse: it would be important to have a schedule of work to be performed and a timeline, and then base the pay off of deliverables.

Attorney LaMarr: It's important to note that this work can be bundled and completed by one person, or else separated into two contracts and we expect to negotiate with the respondents to set up expectations and payment schedules. This is intentionally broad and we will work with the respondents to determine who works best for the board.

As for space in city hall to house documents related to the CRB or provide office space to the Board, there is space available. There is space that has been earmarked for you.

Acting Chair Rivera-Berrios: What's the timeline for responses?

Attorney LaMarr: I recommend 4 weeks.

Member Johnson: Is this action going to be ongoing, or will someone be paid at the end of the work?

Attorney LaMarr: This will be ongoing, and I would think people who are interested would want to be paid monthly. I would prefer a flat fee rather than hourly, because hourly might be an incentive to have it last longer. But it depends on the proposals.

Member Johnson: Is this a job that anyone on the committee would take on? Would anyone want to do this job?

Acting Chair Rivera-Berrios: No, the subcommittee is to review the bids, and choose the one that is best.

Attorney LaMarr: I wouldn't want to do this job, I have a job.

Member Pescatore: This is a lot of work.

Attorney LaMarr: The first part you want it to be done before the end of the fiscal year. For the second part, if you want to engage this person after the first year, you may do so, or you can put out another RFP for the work.

Member Crouse: Is this work appealing? Do you think we will get applicants based on how this work is described?

The members decided to have a discussion about what to do if no one applies only after that potential outcome occurs.

Motion made to approve the RFP by Acting Chair Rivera Berrios, Member Jenkins seconded. 9-0-0. Motion passes.

b. Emma Jones proposal

Attorney LaMarr: The Chair and I have spoken to Ms. Jones multiple times and asked for her to put a proposal together by September 14th. We did not hear from her. We emailed her on the 15th and she did not respond. We assume at this time that she does not want to move forward with a short term agreement.



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Member Johnson: are we going to hear from Ms. Emma about a consultant proposal?

Acting Chair Rivera-Berrios: I have scheduled a time to speak with her tomorrow. As of right now we do not have an agreement with Ms. Jones or anyone as a consultant.

Emma Jones: The CRB needs to make a determination on if they would like an investigator or a consultant, or if they are satisfied with just an administrative person only. I had hesitation because members of the board reached out to me and asked if Corp Counsel would be doing the hiring for the Administrator or if the CRB would take responsibility. In the ordinance, it is the CRB that has the authority to hire and decide if they want to have certain positions. "It is not going to matter to me a whole lot if the board makes a decision that they only want an administrative secretary, and I'm assuming that this is the person that the board has just voted on." I can move forward with the board on a volunteer basis without pay also to do some work for the CRB. I'm willing to move forward with the tasks we've discussed.

Attorney LaMarr: Corporation Counsel does not have a seat on the Board.

Emma Jones: correct. This board exists because of the work Al and I did behind the scenes. Once the first term is up for the consultant then it becomes the total authority of the board to make determinations of hiring of staff based on the needs of the board.

Member Johnson: the board is not an entity of the city but is independent.

Emma Jones: re:space, the ordinance says that there will be space for the Board in the Office of the Commission on Equal Opportunities. As a result of COVID that office is no longer there and no one was able to tell me what happened to the Office of Commission on Equal Opportunities. Another thing is that the ordinance is that I can help train CRB members on the ordinance and work with the investigator- I don't think it would be a good idea for me to be the investigator, but I am capable of doing that. The board also needs training on how to investigate the cases. It's nothing but an orientation. I don't want to discuss things with you (referring to Atty LaMarr and Acting Chair Rivera-Berrios) and I said I would call you back, I don't want it to sound like I didn't answer because when I called, you didn't answer.

Attorney LaMarr: This board is a subdivision of the city of New Haven and to make payments to anyone we need contracts in place.

c. RFP Review subcommittee

Rivera-Berrios, Johnson, Jenkins, Avshalom-Smith, and Fawcett volunteered to review the RFP results.

Motion to create a subcommittee moved by Acting Chair Rivera-Berrios, Johnson seconded.

8-0-0 (Richardson left the meeting).

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

None.



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9. New Business

Member Crouse: this is my last meeting. I resigned as secretary and I'm happy to help move all the documents to the google drive.

Acting Chair Rivera-Berrios: Thank you for that Rick. We will add nominations for new positions to the agenda for the next meeting.

Member Avshalom-Smith: Thank you Member Crouse for setting a foundation for us to have metrics, tracking, data storage, and all the document management he has done for the Board. I have benefited from his leadership and follow through.

Member Pescatore: Thank you member Crouse, your work has helped us stay on task and focused and we appreciate you.

Member Jenkins: We will miss Rick and his meticulousness. Thank you.

9. Adjournment - Chair Rivera-Berrios motioned to adjourn, Member Crouse Seconded. Meeting adjourned at 8:45pm.