




City of New Haven Civilian Review Board

Minutes for Monthly Board Meeting

Date: May 22, 2023, 6:00 pm

 NHCRB Agenda - May 22, 2023

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: June 26, 2023

In-Person Attendance:

New Haven City Hall, Meeting Room 3
165 Church Street
New Haven, CT 06510

Virtual Attendance:

<https://us02web.zoom.us/j/86705554239?pwd=SS91bFM4Uk1YM05WREF5bIBzMTBDUT09>

Agenda:

1. Call to order (6:00)
 - a. Present: Carter, Fawcett, Jenkins, Johnson, Pescatore, Richardson, Rivera-Berrios, Council joined at 6:10.
 - b. Absent: Avshalom-Smith,
 - c. Guests: LT D. Smith, Investigative services (Asst. Chief B. Ettienne), Alyson Heimer (Administrator), Al Lucas.
 - d. Members of the Public: Mary O'Leary (press), Tasha Blanco.

2. Approval of Minutes from Prior meeting: (6:05)
 - a. April 28, 2023
 - i. Motion to approve by Rivera-Berrios, seconded by Fawcett. 7-0-0.
 - b. Sub committee May 8 2023
 - i. Motion to approve by Rivera-Berrios, seconded by Johnson. 7-0-0.
Member Counsel joined at this time.
 - c. Monthly meeting January 2023
 - i. Motion to approve by Rivera-Berrios, seconded by Johnson. 8-0-0.
 - d. Monthly meeting November 2022
 - i. Motion to approve by Rivera-Berrios, seconded by Carter.



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8-0-0.

e. Monthly meeting October 2022

i. Motion to approve by Rivera-Berrios, seconded by Johnson.

8-0-0.

3. Vote on 22C - 070 Recommendations from Sub-Committee (Rivera-Berrios, Subcommittee Chair)

a. Rivera Berrios motioned to pass the Recommendations, seconded by Johnson. 8-0-0.

4. IA Report (6:10)

(Submitted and sent by email from Lt. Smith for our review before meeting. Summaries will be displayed on the screen so please be sure to review them before the meeting.)

a. Use of Force Statistics

b. IA Statistics for Complaints

c. Closed IA Cases

i. 23C-016

Received: March 15, 2023

Summary: The complainant filed an IA report with multiple allegations against friends, family, and officers including that the complainant felt that he was forced to speak to mental health professionals when he did not require those services.

Determination: Unfounded.

Discussion: Member Richardson: You said no violations from the statute were violated, which statutes were you referring to.

Lt. Smith: there were no Connecticut state statutes that were violated. His civil rights were not violated.

Member Richardson: he's making an allegation that he was violated, followed. And you're saying based off of the camera that none were violated. What statutes did he state were being violated?

Lt Smith: each time officers had an interaction with the individual, the officer conduct did not violate any state laws. The individual was upset that the officers got him mental health services, when he felt he didn't need them.



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Member Richardson: And what happened with that evaluation.

Lt Smith: that would violate his HIPAA rights to tell you that.

Member Johnson: what statute or policy would make an officer decide to refer a person to mental health services?

Lt Smith: there are no statutes about mental health in the criminal code - but if an officer feels an individual needs help or an evaluation based on the interaction.

Member Johnson: in the red book, there's no advisory rule or policy that says based on certain behaviors a person would need to be referred to mental health care providers?

Lt Smith: It's up to officer discretion.

Acting Chair Rivera Berrios: is it common for an officer to make the call that someone needs mental health services?

Lt. Smith: an officer will decide if that is needed.

Acting Chair Rivera Berrios: does a person have a right to refuse those services or will an officer force a transport to the hospital?

Lt Smith: it depends on if they are being a threat to themselves or others. They are not under arrest.

Acting Chair Rivera Berrios: Can they sign themselves out once they get to the hospital or is it mandatory that they go?

Lt. Smith: The officer will have the individual escorted down for evaluation but this is not an arrest that goes on their record.

Asst Chief: we have a statute on handling mental health and a general order on emotionally disturbed persons.

ii. 22C-077:

Received: December 22, 2022

Summary: The complainant felt that she was wrongfully arrested rather than given a summons but the body worn cameras captured due cause for the arrest.

Determination: unfounded

Discussion: Member Jenkins: So the individual felt that she should have been given a summons rather than taken into custody.

Asst Chief Ettienne: Yes, but there was a reason for the arrest.



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.... Any other closed IA cases
None.

5. Public comment (in-person and via chat) (6:45)

None.

6. Chair's Report (6:55)

a. Financial Report

Acting Chair Rivera-Berrios presented a three page summary of the CRB account with links to back up documentation associated with payments and communications with city officials and departments related to said payments. The total unencumbered amount in the CRB account as of May 22, 2023 is \$348,000 with \$150,000 pending approval from the Board of Alders as part of the 2023-2024 budget - which is occurring simultaneously with the CRB meeting. A further \$52,000 remains in the CRB account but is encumbered for personnel-related costs for the Administrator (\$32,000), and for the CRB Minutes Backlog project (\$20,000).

b. Subcommittee for choosing an attorney to meet June 15, 2023 at 6pm remotely. Bonfire documents to be reviewed by June 14, 2023.

Acting Chair Rivera Berrios: Motion to create an RFP for an Investigator, Member Johnson seconded.

Pescatore: yes

Jenkins: yes

Fawcett: yes

Carter: yes

Johnson: yes

Rivera-Berrios: yes

Member Richardson has left the meeting and there is no quorum present. The vote cannot continue.



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7. Administrator's Report (7:00)
 - a. Minutes backlog tracker

Administrator Heimer presented a tracker of the backlog of Monthly Meeting Minutes, for which there were 26 total meetings, 19 of which needed to be written or edited heavily to meet state open meeting compliance standards as of the date she was hired.

Heimer has so far completed seven backlogged minutes, which the Board has approved. Heimer: upon requesting from the AI Lucas of the Board of Alder's Office the recording for any other meetings that may exist for the CRB, a data transfer for 61 additional subcommittee and case review meetings, and 11 special meetings were presented. These meetings occurred between 1/25/21 and 10/18/22 and no meeting minutes can be found for them.

Due to the specificity of the Backlog contract, clarification was requested of corporation counsel to see if Heimer could complete these minutes as well, or if a new RFP or contract extensions was needed.

A healthy discussion of who bore original responsibility for these minutes followed, as well as a request for further searching for any meeting minutes that may exist for the subcommittees.

Member Johnson: Was Ms. Emma Jones at all of these case review meetings? If she was not able to attend some of the meetings and would therefore not have been responsible for taking minutes.

Member Rivera-Berrios: There was a secretary on the Executive Board at the time who may have been responsible for some of these but who stated at multiple meetings that it seemed unfair to have a paid consultant who has minutes in her purview but require a volunteer member to take minutes instead.

- b. Off-site IA file review feedback

The first off-site IA case review was made available to CRB members on May 8th. No members had feedback on this. Three members used the service provided



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by the New Haven Police Department. Sgt. Koenig, Lt. Smith and Asst Chief Ettienne were present during the launch to ensure it ran smoothly.

8. Old Business (7:05)
 - a. None.

9. Discussion of complaints and reports and vote on new cases to review (7:20)
 - a. Members elected not to review any of the closed cases that were presented this evening.

10. Executive session was not required.

11. Adjournment, Motion to adjourn made by Member Johnson, Jenkins seconded. Meeting adjourned at 7:54pm.

Per Order: Hon. Anne Marie Rivera-Berrios, Chair; Attest: Hon. Michael Smart,
City/Town Clerk.

Agenda Prepared by Administrator Alyson C. Heimer.