



City of New Haven Civilian Review Board

Monthly Board Meeting Minutes

September 27, 2021

Date: September 27, 2021, 6:00 pm

[w 09-27-21 Agenda.docx](#)

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: DRAFT

1. Call to Order: pm.

Attendance:

- a. **Present:** Avshalom-Smith, Carter, Crouse, Fawcett, Hamm, Jenkins, Johnson, Peralta, Pescatore, Richardson, Rivera-Berrios, Ross-Lee, Wingate
- b. **Absent:**
- c. **Guests:** Captain Zannelli (NHPD), Lt. Colon (NHPD), Al Lucas (Board of Alders)
- d. **Members of the Public:** Tymothee Anderson,

2. Approval of Minutes -

There were no minutes to review.

Crouse: is there anything the board can do to make the minutes happen more easily?

Lucas: The minutes are taken after the meeting has concluded. If Board members have been taking notes that they would like included in the minutes, they are welcome to send them to me and I can add them.

Rivera-Berrios: Rick (Crouse) and I have been doing the minutes.

3. Internal Affairs report

Capt. Zannelli read a summary of all of the cases per a request from member Richardson. Summaries were provided prior to the meeting and also made available to the public.

Lt Colon attended the meeting and was introduced as Capt Zannelli's replacement now that he has been promoted from Lieutenant to Captain.



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Cases

A. 21C-043

Summary: Complainant stated that officers took too long to respond to an accident and the person who hit the complainant vehicle had evaded responsibility, but had time to come back around and brandish a firearm at them. When the call came in it was a motor vehicle accident. A stolen car had struck the complainant and when the car came back around the complainant, who had a legal permit to own a firearm, showed his firearm back at the people in the stolen vehicle while calling the police to update the call to involve weapons. At that time the officers arrived within minutes. These were considered two separate calls. The officers showed up and not understanding why the complainant had his weapon out, drew their weapons and put him in handcuffs. This complaint was later withdrawn after the individual sat with the officers involved and the district manager to have coffee and have the police perspective explained.

Determination: Exonerated (Withdrawn).

Discussion: Crouse: The complainant withdrew the complaint, was that before the exoneration?

Capt Zannelli: The Dept still conducted the Internal investigation even though the complaint was withdrawn. After that request the case was investigated and the investigation led to the disposition of exonerated.

Crouse: Is it standard procedure to hold someone in handcuffs even if they have a permit?

Capt Zannelli: once everything was assured they were removed. Pistol permit was provided and reviewed.

Johnson: Is it standard procedure for the complainant to meet with 2 officers and their district manager?

Capt Zannelli: This was the request of the complainant to discuss the case over coffee. The standard is that the complainant is interviewed, the officers are interviewed separately, and the evidence is reviewed. Then someone from IA communicates to the complainant the outcome of that investigation and sends a certified letter.

B. 21C-044

Summary: Complainant alleged the officer was rude and racially motivated during a traffic stop. The officer stated that he had pulled the vehicle in question over based on a laser speed test and could not see the occupant of the vehicle well enough to judge his race before the stop. BWC footage showed that officer was not rude, and the operator of the vehicle was only given an infraction for speeding - despite not having their license on them, which could have resulted in an additional violation.



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Determination: Unfounded

Discussion: None.

C. 21C-056

Summary: Alleged that task force officers arrested him for having a stolen vehicle, when he did not and that officers told him to be quiet accompanied with a hushing gesture. BWC showed that officers acted on informant information. They smelled marijuana on the individual, which led to a search of the car, where a handgun was found - that corroborated the information given by the informant. The police report did not include any information claiming the car was stolen.

Determination: Unfounded

Discussion: Crouse: The complaint listed as Frank and "John" as the officers.

Lt. Colon: IA determined the officer in question was Detective Sanchez, who were the arresting detectives.

Crouse: What does IA do with information like when the complainant said they would shoot at cops next time they try to stop him?

Lt. Colon: They place a warning in their system in case they interact with this person or license plate again to know ahead of time this person has threatened officers.

D. 21C-047

Summary: Complainant alleges that Officer Salvati shared personal information with their landlord because the officer is related to their landlord. Investigation revealed that they are not related. BWC footage showed that the complainant gave the officer permission to speak to her landlord on their behalf - as the complainant wanted to break their lease to get away from an abusive domestic relationship.

Determination: Unfounded

Discussion: Wingate wanted to clarify the relationship in this case.

Capt Zannelli: they are not related by blood or marriage.

E. 21C-050

Summary: Officer was aggressive with family members when responding to a call involving a dead body. Claimant says the officer put his hand on his baton when they attempted to touch the deceased. Untimely death investigation with a medical examination team. When there might be foul play, the body is evidence, The BWC footage showed that (unfortunately) the two medical workers had trouble lifting the large person and the body fell during transport. The family members rushed to help and the officers had stopped them.



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Determination: Unfounded

Discussion: Ross-Lee - Wanted to clarify if it was explained to the family that they could not touch the body due to the investigation. It would be beneficial if it was explained to the family on scene.

Capt Zannelli: It was explained to the family.

Wingate: Was the body camera footage reviewed to see if the officer's hand was on the baton?

Capt Zannelli said there was no evidence to show this was the case. He put his hand out to stop them, there were no force like strikes or pushes to keep the family back. That is not what the footage showed.

F. 211-041

Summary: Internal investigation started by Chief Dominguez related to the issuance of a summons to a domestic violence suspect for a crime. The individual later committed suicide. A firearm check was not conducted and the supervisor had approved the report with known errors.

Determination: Sustained

Discussion: Crouse asked for clarity on this case. There are individuals that will go forward for discipline and the CRB is allowed to make recommendations on discipline.

Capt Zannelli: Inappropriate to issue a misdemeanor summons in this case.

Hamm: Was the man who was issued the summons triggered by this event and that is what led to the suicide? What were the details of this case and why was the misdemeanor summons inappropriate?

Capt Zannelli: An ex boyfriend broke into the ex girlfriends house and the complainant called the police. The ex boyfriend came in a second time, committing burglary, which is a felony. Issuing a misdemeanor summons was incorrect, it should have been a felony. And a summons was inappropriate, it should have been an arrest. A firearms check should have been conducted, and it was not.

Avshalom-Smith: How can we obtain the information regarding who was involved with this case? How can we view the body camera footage?

Captain Zannelli: You can come to the police HQ to review the footage. Members of the CRB are supposed to come to IA to see the footage from cases. Medical actions/childrens' faces can not be viewed by the public. Members can come to the Department to view cameras. All information is FOI' able once closed.

Wingate: I think we need to view all footage related to this case before determining discipline.

Fawcett: has gone down to the Department to view the body cameras. You should go to IA because you can also ask the people who did the investigation. She said



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what she saw in the body cameras and to her it looked a mess. She has a lot of questions about this case. She took 12 hours to review all cases presented today.

G. 21I-010

Summary: Chief Reyes brought this investigation following an arrest at 157 Church Street to see if the amount of force used was justified. BWC footage showed that the officers responded to a harassment complaint and then received a counter complaint about trespassing by an individual (the caller) - because they went into office areas that they hadn't rented and their service agreement was terminated. The individual who called was asked to leave and officers attempted to de-escalate for one hour and helped to carry their bags after they agreed to leave the property. The individual began yelling in the main lobby and was asked to leave. They continued being disrupted and was threatened with being arrested. When the individual continued to cause a scene, the officers attempted to arrest him and a struggle ensued. The individual kicked officer Paul in the chest, knocking off his BWC. The officer punched the individual in the head several times. Pepper spray was utilized. Officers poured water on the individual's head until an ambulance arrived.

Determination: Exonerated.

Discussion:

Hamm: Is there a moment in the engagement with the public when it is determined that resources would be called in to determine if someone has special needs or mental illness?

Capt Zannelli: That can happen when someone says they will hurt themselves, but the protocol is to call an ambulance to Yale Psychiatric. That was not the case here. They have a partnership with CMHC, where they can do visits with Wanda Jofre. Does anyone try to set them up with services.

Avshalom-Smith: I can't get comfortable hearing multiple reports with officers punching multiple people in the face or head. I have not seen the BWC footage. If people in my neighborhood knew that use of force was a potential outcome, it would stop them from reaching out for help in a situation like this. Do we need to engage elected officials to change the ordinance so we can see the details of cases like this sooner. I am hoping to see some progress soon.

Rivera-Berrios asked about the status of getting social workers involved in calls. The Mayor and Chief are still in talks about this.

Capt Zannelli: Kicking an officer is a felony. The officer does have the right to defend themselves as any average individual would. In this case, the use of force was deemed justified because the officer was kicked first. That changes this from a misdemeanor disruptive behavior call to an assault. This individual has been arrested 6



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or 7 additional times since this incident. He has made members of the community uncomfortable to the point where they have to call the police for assistance removing him. The NHPD has requested services from the state for this individual but he has to be willing to accept the help.

Rivera-Berrios mentioned that there was a difference between receiving services on site vs after the incident. On-site counseling may result in a non-arrest, whereas going to the hospital may result in mandatory holds.

Pescatore: Why was the response to being kicked for the officer to punch the individual in the head? Is that considered self defense or de-escalation in this event? Are punches to the head a way to get the person under control vs some other use of force? There is a high likelihood that other things could be done besides punches to the head.

Zannelli said the de-escalation effort that the officers had been trying for an hour - praying with the individual, carrying his bags, those efforts had failed by this point. The policy is online and posted for everyone to see. It is currently being updated. De-escalation is just a tool on the tool belt. In this case de-escalation failed. They tried to do that for over an hour in this circumstance. The individual continued to resist until pepper spray was used.

Johnson: Is it true that an altercation happened for an hour?

Zannelli clarified that de-escalation happened for over an hour.

Johnson: The individual has special needs.

Zannelli: It was not known to the department before this. This incident set up a series of interactions and we learned later that I think it would be useful to update training to officers.

Crouse: Wanted to clarify that the way to finally get them to comply was with pepper spray?

Captain Zannelli said it was a component of this case. Compliance is checked on many levels for many cases. Stature has to be taken into account as well. It is considered a compliance strike. All of these things would have been acceptable or justified considering the individual's situation. Hands are a lower use of force than the pepper spray.

Peralta: In terms of security in the building at what point does NHP intervene with private security matters? At what point does the hand-off happen?

Capt. Zannelli: the NHPD responds whenever someone calls. When on site security, which is not a certified law enforcement officer, needs assistance we go and help.

Pescatore: It is great to see the Chief is investigating cases. Sounds like good things are happening in the process. It sounds like procedures are being followed and that is good. Did the officers put the body camera back on when they had the altercation?



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Capt Zannelli: The main officer had the BWC kicked off but there was footage from the other two officers as well as camera from the security of the building. Private cell phone videos were seen as well from people who witnessed the incident.

Fawcett: She recommends everyone sees this video. The individual did this from the 19th floor. The officer showed extreme patience in the video and got the individual out of the office and down into the lobby. The individual said "arrest me" and then he started fighting. The individual was using stalling techniques of trying not to leave the building where he was trespassing. He continued kicking. The three punches were knocks on the head and I asked the investigating officer about this. The training officer said the knocks on the head were allowed (3 knocks) to stop the violence and that was an allowed protocol. She couldn't believe the office had so much constraint in this case after watching the footage.

Ross-Lee In general about all cases, we should not just look at what is allowed, but if what is allowed, should be allowed.

Avshalom-Smith: This is not an indictment of NHPD, but people typically will prefer not to be punched in the head. Are we thinking about what the health effects of being punched in the head might be for someone in his state, with his mental illness, not knowing his mental state. But we are charged to think deeply about this.

Chair Ross-Lee: Thank you Captain Zannelli for your service to the Board and we look forward to working with Lt. Colon.

Disciplinary Breakdown and Stats Report:

Crouse: Looking at data - Zannelli did you have a chance to look at the data? He wants to make sure he is accurately representing it now that categories for complaint dispositions have changed.

In the The discipline breakdown - what is the definition of "Suspensions in abeyance."

Capt Zannelli: Officers not completing reports the same night (unless further info is needed). Audit showed this and discipline occurred.

Crouse: We have 39 closed cases so far this year and a bunch of suspensions in abeyance. It would be helpful to see what was in response to an IA case instead of patrol level response.

Members of the police department left at this time.

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

Members of the public wanted to know if the public gets to see the case summaries before the meeting.

Member Crouse answered and explained that the IA report is publicly available.



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Chair Ross-Lee echoed that the summary was read today in front of the public. We are representatives chosen from the public to represent the public - and we don't need to provide a summary to the public every time.

Wingate disagreed. The Captain, or whoever represents IA, has to explain the cases.

Pescatore thinks we should only have presentations and discussions on the cases that the board wants to explore in more depth.

Rivera-Berrios: We need to fix the CRB website so the public can see the cases as we go through them.

Richardson: We should know the perspective of the officers and the public should know the summaries of each case.

Member of the public comment in chat: The community should have access to redacted files. It is important to have the information readily available to the public on the city website and at the meeting

Member of the public comment in chat: Does the community have access to Board training?

Al Lucas: any meeting of the board would be publicly posted, yes.

5. Subcommittee reports

a. 21I-019 + 21C-018 Hamm (Chair), Crouse, Carter, Counsel

These two cases are related to the same officer at Walmart. Members in the subcommittee had no direction on what was supposed to do next - so the meeting of the sub committee made a proposal for procedure of what the steps are to get the information to the committee.

Rivera-Berrios Motioned : Hamm will send the proposal over the subcommittee recommendation for how the reviews in sub committees should be done, to the rest of the board for them to review the recommendation. Pescatore seconded. Unanimous approval.

6. Unfinished business and General Policy Items

a. Training - individuals who are not registered for training and who have not yet done the anti-bias training. Please select a time. Dates are in member's emails. Crouse- Forward the draft Training curriculum to the full board for approval, in order to move forward with scheduling it.

b. Update from Emma Jones (via AI): Jones emailed the PD and asked for files. The case information that was requested is still being processed. The NHPD was focused on an officer who died during a trip to Vegas.



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7. New Business

- a. Discussion of timed agenda was tabled at the last meeting. This would help the Board stay on task.

Wingate supports this idea.

Chair Ross-Lee wants to know how we decide how much time each item gets?

Rivera-Berrios: the IA report would get 30 minutes, and other items could be shorter. If there is extra time at the end of the meeting we can return to another topic that needs more discussion.

Rivera-Berrios motioned to create a timed agenda for the next meeting to try out a new style. Pescatore amended the motion to add that members will respond to the agenda by email with changes.

Motion passed unanimously.

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

Pescarote made a motion to have Crouse send out the backlog list of cases and respond by email to any that members want to create subcommittees for. Johnson seconded.

Carter: yes

Counsel: yes

Crouse: yes

Fawcett: yes

Hamm: yes

Jenkins: yes

Johnson: yes

Peralta: yes

Pescatore: yes

Richardson: no

Rivera-Berrios: yes

Ross-Lee: yes

Wingate: no

11-2-0

Crouse - Will make a google form for members to respond with which cases they feel need further review and will send an email with all of the cases we have yet to determine if we need to investigate any of these cases further.



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Everyone needs to review cases and determine if the cases need to be reviewed. This means everyone reviewing the cases in their entirety and reviewing documents and being prepared to determine if cases need to be investigated further

Wingate made a motion that we have a special meeting to review/go over the 31 cases in the backlog and have the chief or captain share the summaries and then decide if they need subcommittees. Richardson seconded.

Carter: yes

Counsel: yes

Crouse: yes

Fawcett: no

Hamm: yes

Jenkins: yes

Johnson: yes

Peralta: yes

Pescatore: yes

Richardson: yes

Rivera-Berrios: yes

Ross-Lee: yes

Wingate: yes

12-1-0

A conversation about terminology:

Review: When the Board reads the summary and asks questions of IA about a case with the purpose of deciding if a subcommittee is needed.

Investigation: A subcommittee's work to examine a case in detail, which must include going to IA and reviewing footage, files, and the IA investigative report.

Cases CRB decided to investigate:

211-041: Wingate, Johnson, Richardson, Peralta volunteered to serve, however, Crouse mentioned that if the case involves a death of a person (the arrested individual committed suicide) - section 5.2 of the bylaws states subcommittees must be a committee of the whole. Therefore this is now **a committee of the whole.**

211-010: Hamm, Johnson, Pescatore, Richardson



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Richardson: Can we make sure that we, as a committee, that we all ask for documents ourselves, because if Emma Jones doesn't get us the documents then we're wasting time.

Member Ross-Lee: no, that's her job, she has to do that.

Fawcett: Email Capt Zannelli and ask when you can review the files - its the fastest way is to go down to IA and ask to see the files. You get to talk to the officer who did the investigation when you are there.

Crouse: It is Emma Jones' job as the coordinating consultant to get us these documents from IA. She is supposed to be updating us each month of each case and the status. She needs to send the email and say "these are the people on the review committee. They will come to IA, at this time. Please have the documents ready."

Ross Lee: That's the procedure.

9. Public Comment on Complaints and Reports

Johnson: The public comments on cases should be heard before we vote on which cases to review.

Rivera- Berrios: I used to answer the questions in the chat, but the chair asked me to stop and wait until the public comment time on the agenda.

Johnson motioned to move the public comment portion up on the agenda in the future.
Hamm Seconded.

Ross-Lee: there is a lot to do in the zoom meeting - to manage the attendees, the speakers, raising hands, answering comments and questions, and adding more times for public comment is a lot.

Wingate explained how the Board of Alders handles public comment and that their method may not work for the board.

Johnson motioned to table this discussion to the next meeting. Avshalom-Smith seconded.

No public comment.

10. Act on complaints and reports

Crouse sent an email about how the board is not following the bylaws and getting documents from IA within 5 days of complaints being filed. Crouse asked all members to review the 6-page document showing what the bylaws say and make a decision about what the police department is doing is not line with our



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ordinance and we need to either send an email to the Mayor and Chief or else change our bylaws.

Avshalom-Smith: The ordinance says we should be reviewing in parallel with IA, not just closed cases.

Al Lucas: The Mayor is aware of this.

Crouse motioned all members read the document and respond. Johnson seconded.

Motion passed unanimously.

11. Adjournment motioned by Wingate, seconded by Hamm.

Meeting adjourned at 9:44pm.