



## City of New Haven Civilian Review Board

### Monthly Board Meeting Minutes

February 28, 2022

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Date: February 28, 2022, 6:00 pm

[02-28-22 CRB Agenda](#)

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: August 28, 2023

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#### 1. Call to Order: 6:06pm.

##### Attendance:

- a. **Present:** Members Carter, Counsel, Crouse, Hamm, Jenkins, Johnson, Peralta, Pescatore, Richardson, Rivera-Berrios, Ross-Lee
- b. **Absent:** Members Avshalom-Smith, Wingate.
- c. **Guests:** Captain Zanelli, LT Colon, Al Lucas (BoA), Catherine LaMarr (Corp. Counsel).
- d. **Members of the Public:** Mary O'Leary (press).

#### 2. Approval of Minutes -

Crouse: Pescatore motioned to approve the minutes from January 2022. Seconded by Hamm. Unanimously approved.

#### 3. Internal Affairs report

##### A. 21C-092

Received: November 30, 2021

Summary: Complainant Curler filed a complaint stating that she was in a Starbucks and per establishment rules all persons must wear a mask. An individual entered Starbucks without a mask and staffers requested that he put one on, which he refused to do. He was told to put a mask on or leave, or else the police would be called, and responded by pulling out a NHPD shirt from his bag and saying he was an NHPD officer and would not comply. The incident was captured on film. It was determined when the barista was interviewed that this man was not a police officer but an uber eats driver. Patrol was notified of the description of the man who was impersonating officers.

Determination: Unfounded.

Discussion: None.



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#### **B. 21C-088**

Received: November 9, 2021

Summary: Spencer filed this complaint against Officer Connelly, which stated that she was involved in a road rage incident at Temple and Chapel streets, and then called the police. She claimed the officer arrived on scene and told her to shut up multiple times and she was upset that she was charged with Breach of Peace and the other women involved were only charged with Breach of Peace and not assault when she was the one who called the police. Connolly was on body-worn camera (BWC) telling Spencer to calm down and “be quiet” while the complainant was yelling. Both parties said the other one started the incident. When the complainant was spoken to by the investigator and the footage was reviewed it was explained to Spencer that no one told her to shut up, but that it was interpreted by her as such, and the charges were explained to Spencer. No misconduct was found.

Determination: Unfounded.

Discussion: None

#### **C. 21C-081**

Received: October 14, 2021

Summary: Complainant Price alleged she was wrongfully arrested and detained and that her vehicle was left unattended with valuables inside. She also claimed she was missing items when she left the detention facility. Price was scheduled for multiple interviews with IA but never showed up to them. The investigation showed that police were called to Sam’s Mart on Whaley Ave where the store clerk told the officers that Price had urinated on the floor. She was going to be issued a summons, but her refusal and behavior resulted in a custodial arrest. During intake her property was taken and put into a bag at the detention facility, and items were recorded. All recorded items were returned when she left per the inmate property release form. Officer conduct was deemed lawful and appropriate.

Determination: Unfounded.

Discussion: None.

#### **D. 21C- 069**

Received: November 16, 2021

Summary: James Parker filed a complaint for an interaction he had with an officer at 767 Congress Ave. Police report showed that the officers were on patrol looking for drug activity in the area and witnessed someone in Parker’s vehicle participating in a hand to hand drug transaction. Based on the actions two



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vehicles were searched and marijuana was found. Sgt Connig (IA) explained to Parker why he was stopped (conversation is on the BWC), and the complaint was withdrawn. This was Parker's second complaint in this area of town and he was arrested at that time for drug activity.

Determination: Withdrawn

Discussion: None.

#### E. 21C- 064

Received: August 2021

Summary: Mr. Lesante filed a complaint against officer Giovanni, who had issued him a summons for criminal mischief after an incident was reported by Lesante's landlord. The summons was withdrawn and charges were dropped against Lesante. The officer was spoken to and it was explained what went wrong with the incident that led to the investigation being thoroughly conducted before summons or arrests are made. The officer was given guidance and further training on what constitutes lawful arrest based on evidence and training on landlord-tenant laws.

Determination: Sustained. Summary Action - written warning.

Discussion: Pescatore: the subject of apologies has come up a few times in subcommittee meetings as a potential outcome. Is this an instance where an apology would be warranted?

Captain Zanelli: Sometimes we don't want to bring an officer and the complainant together because we want to avoid escalation of an issue, but the district manager does reach out and explain the situation to the complainant and did so in this case. The district manager will apologize if necessary. The letters that are sent to complainants where something is sustained does include an apology also.

Ross-Lee: The written letter is better because they have the apology in writing. But why did the investigation on this take so long?

LT Colon: the officer was out for covid three times in the interim and the summons was resolved right away.

#### Disciplinary Breakdown and Stats Report:

Crouse: there are 2 open cases from 2020 - does Sent Back to Patrol or referred to a different investigatory agency count as still open?

LT Colon: no, open means open within IA. The reason there are still some open is that we lost an investigator and they were transferred to a new investigator.



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Crouse: we had issues with the redacted complaint of 22C-005 with the legibility - can you please send us a new copy if possible that removes the static from the scanning/faxing?

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

None.

Members of the police department left at this time.

#### 5. Subcommittee reports

##### a. 21C-065 (Crouse, Fawcett, Rivera-Berrios, Peralta)

Recommendations: For the following recommendations, we believe it would be helpful to know how they align with current procedures and, if they differ, the justification for the current procedures. For instance, are there quick reference/checklists for car accidents already available to officers; if not, what are the reasons for not having this? As another example, why are body cameras not left on for the entirety of an interaction with the public, including when an officer may step away for a portion of time.

1. Case Checklist - Create a checklist (digital, hand held reference guide for car) for each case/scenario/investigation (i.e. car accident, handling firearms, domestic violence...)
2. Handling firearms – procedure discussion about having an evidence bag to be kept on the patrol vehicles' dashboard (to hold at all items)
3. Body Cameras - should be on during the \*entirety\* of any incident. Body cameras should be \*required\* to be turned on while handling firearms.

Discussion: Crouse stated that this recommendation was sent to the Chief, and we did not receive a response so we would like some feedback about whether recommendations should be sent on official letterhead. This was already sent to CRB Members and feedback was requested due to the very short window we had to submit the recommendation.

##### b. 21I-041 (Pescatore, et al.)

Recommendations: The subcommittee has three recommendations *for the CRB* (not to the NHPD) - we want the investigation paused as we don't have any legal access to the case anymore. The I indicates this is an internally filed complaint, not a civilian complaint and our Investigator (Liam Brennan) had access terminated due to language in the ordinance limiting our board's scope to C-type complaints only. The second is that we ask all CRB members to review the report from Investigator Brennan, which will include a redacted version. And third, the CRB is advised to reopen investigation into this case should the CRB be given oversight on I-type cases again in the future.



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Hamm motioned to **accept the recommendation of the subcommittee**, Rivera Berrios and Carter seconded. 11-0-0, unanimously accepted.

**c. 21C-020** (Pescatore presented)

Recommendations were sent by email to members of the board.

[Case 21C-020\\_recommendation](#)

Hamm motioned to **accept the recommendation of the subcommittee for the CRB on Case 21C-020**, Pescatore seconded. 11-0-0, unanimously accepted.

**d. 20C-055** (Ross Lee presented)

Recommendation of the subcommittee was to uphold the findings of IA.

Hamm motioned to **accept the recommendation of the subcommittee on case 20C-055**, Pescatore seconded. 11-0-0, unanimously accepted.

**e. 20C-082**

Tabled. Committee could not meet to discuss.

**f. 21C-007** (Hamm presented)

[Recommendation concerning case 21C-007.docx](#)

Recommendation discussion: The subcommittee had questions about the high risk procedure involved, but it was clear that the officers followed the procedure. The complainant was stopped and had firearms pointed at her, and she filed the complaint later saying her rights were violated. The reason for the call and stop was about something that had just happened nearby, and officers were investigating the shooting of a person and a dog. And this was a situation where we feel perhaps an apology on the scene could have solved the matter. An apology is the minimum.

Hamm motioned to **accept the recommendation of the subcommittee on case 21C-007**, Crouse seconded. 10-1-0, with Pescatore opposed.

Ross-Lee motioned that **before the CRB votes to make recommendations to high risk procedures that the members must seek to understand exactly what those procedures are and why they are in place**. Jenkins, Johnson, Rivera-Berrios seconded. 11-0-0.

This will be added to the procedures description of how the CRB investigates complaints.

## 6. Unfinished business and General Policy Items



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#### a. Corporation Counsel-led FOIA Training.

Attorney LaMarr presented on the Connecticut FOIA compliance rules for Open Meetings.

For background on this issue: a complaint was filed by the Police Union against the CRB and City of New Haven with the following issues:

- The CRB held a subcommittee meeting about an I-type case without the authority to hold such a meeting.
- The CRB went into executive session to discuss the case and the officer involved without inviting the officer.
- The subcommittee meeting was not properly noticed.
- There were no vote logs shared from this meeting.
- Minutes were not taken.

Executive Sessions can only be held if notice is given in advance, and only for 5 reasons covered under the FOIA regulations. For the CRB, this means that any officer who will be discussed in a committee meeting should be notified through IA or through their union to let them know when the subcommittee meetings related to their case will be held.

Emergency Meetings are called when something is a true emergency.

Virtual Meetings must be posted to the City Clerk with 48 hours notice so that the public has the right to request a physical location, which must be submitted in writing.

Agendas must have details of what will be discussed. To add things to the agenda during a meeting you need a vote of 2/3rds of the members present. But you cannot do that for special meetings.

Communicating with one another via text, notes, etc during a meeting is subject to FOIA. Screenshots of Executive Session materials are not appropriate.

Carter: What is the punishment for violations?

Atty LaMarr: the state's freedom of information commission has oversight over FOIA complaints and conduct hearings. There are civil penalties and actions of the board may be reversed if a meeting is deemed unlawful. Personal fines exist of up to \$2,000 for violators as well.

Ross-Lee requested the slide deck be shared with members.

Peralta: Do we have to reach out to officers as an extra step to invite them when we discuss their case?

Atty LaMarr: They have the right to be heard if you go into executive session and if the public meetings are noticed properly, they will know about their case coming up for discussion. If an executive session is held during that meeting you should reach out individually to the officer.



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Counsel: How should we ensure that officers must be contacted in the future?

Atty LaMarr: use your contacts in IA. Start with LT. Colon and Capt. Zanelli. I would like to see the agendas and minutes that come out of this board for a couple months to ensure compliance. I would also like to schedule a time to meet with the Chair, executive board and the consultant Ms. Jones to discuss further.

Atty LaMarr left the call at this time.

#### **b. Subcommittee procedures.**

Crouse: how should we best log the findings of the subcommittees in a quick and meaningful way that allows us to capture the data of the subcommittee outcomes? Proposed that there is a spreadsheet where subcommittee findings are recorded as "Concur or Dissent with IA" and "with or without recommendation." Then link to the recommendations. Ross-Lee: This would be available to the public. Then we should always link to the recommendations.

Crouse: We could also add a status "In progress" "review suspended" "delayed" - for example when legal actions or decisions are pending.

Hamm motioned to **add the outcomes of recommendations to the investigation procedures document**. Ross-Lee seconded.

Carter: Abstain

Counsel: Yes

Crouse: Yes

Fawcett: Yes

Hamm: Yes

Jenkins: Yes

Johnson: Abstain

Peralta: Yes

Pescatore: Yes

Richardson: Yes

Rivera-Berrios: Yes

Ross-Lee: Yes

10-0-2, motion passes.

#### **c. Google Drive Documents**

Crouse: Let's discuss where to put recommendations that come from the subcommittees, as suggested by Mary O'Leary, a member of the press, who commented in the chat about document accessibility.



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We have links to each case and each review committee can link to those documents that were generated from the Board as well as redacted complaint files sent from IA. Hamm suggested the creation of a Read Me document that explains how the CRB drive is organized.

Ross Lee motioned to approve the rearrangement of files to make navigation more streamlined in the Google Drive. Counsel seconded.

Carter: Yes

Counsel: Yes

Crouse: Yes

Fawcett: Yes

Hamm: Yes

Jenkins: Yes

Johnson: Yes

Peralta: Yes

Pescatore: Yes

Richardson: Yes

Rivera-Berrios: Yes

Ross-Lee: Yes

12-0-0, motion passed unanimously.

Hamm brought up the procedural question of who would be contacting the chief with recommendations, and should the officers and complainant be notified as well.

Ross-Lee: That written record is important.

Fawcett: before we send things directly to officers we should ask legal counsel and make sure we aren't stepping on toes with chain of command.

Hamm motioned that after the board makes a recommendation about cases that the complainant and police officer(s) involved be notified of the recommendation. The Chair of the CRB should send that out. Pescatore seconded.

Carter: Yes

Counsel: Yes

Crouse: Yes

Fawcett: No

Hamm: Yes

Jenkins: No

Johnson: Yes

Peralta: Yes

Pescatore: Yes





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Richardson: Yes  
Rivera-Berrios: No  
Ross-Lee: Yes  
9-3-0, motion passes.

#### 7. New Business

##### a. Executive Board meeting summary

Following the February 8, 2022 meeting between IA, Corp Counsel, and the CRB executive committee, there were three pages of recommended actions for the board to take. Specifically expanding the ordinance to include I-type cases; the possibility of a professional who reviews cases on behalf of the CRB; adding confidentiality clauses to bylaws.

Hamm: we should create a subcommittee to amend the ordinance. We also should examine the Hartford model about having an investigator to look at all cases. Pat King recommended changing to the Hartford model.

Ross-Lee stated that the executive committee should review those recommendations and move forward with them.

Rivera-Berrios: I was at the meeting and heard exactly as Steve heard. 2. I was going to recommend that the same committee meet with the Board of Alders and the Attorney to move forward.

Hamm motioned that **the CRB's executive committee meet with Corp Counsel and the Alders and take actions to change the ordinance, expand purview, align the ordinance and bylaws, and explore other models.** Fawcett seconded.

Carter: Yes  
Counsel: Yes  
Crouse: Yes  
Fawcett: Yes  
Hamm: Yes  
Jenkins: Yes  
Johnson: Yes  
Peralta: Yes  
Pescatore: Yes  
Richardson: Yes  
Rivera-Berrios: Yes  
Ross-Lee: Abstain  
11-0-1, motion passes.



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#### **b. Minutes and Agendas**

Crouse: who is handling minutes and agendas. The bylaws say the managing consultant is responsible.

AI: I work with Ms. Jones to do the minutes and she is not trained to do them and we are working on training. If the process is to take a vote to approve the minutes, then the minutes need to be voted on at the next meeting and cannot comply with the 7 days.

Crouse: we need to send out the agenda after the IA report comes out, but we need to send it out 48 hours before the meeting.

AI: in the CRB bylaws you have a template for the agenda and you can make the agenda as detailed as you want, if there are items up for vote, those should be listed. You may not know exactly what cases will be discussed.

Crouse: if anyone wants to add to the agenda, please email me those items a week before the meeting.

#### **c. In-person meetings**

Ross-Lee I am comfortable staying with remote meetings. Do you want to change to hybrid or in person meetings?

Jenkins: We should stay virtual.

No change was approved.

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

No cases were selected for subcommittee review.

#### **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**

None.

#### **13. Adjournment** motioned by Ross-Lee, seconded by Hamm.

Carter: Yes

Counsel: Yes

Crouse: Yes

Fawcett: Yes



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Hamm: Yes  
Jenkins: Yes  
Johnson: Yes  
Peralta: Yes  
Pescatore: Yes  
Richardson: Left the call.  
Rivera-Berrios: Yes  
Ross-Lee: Yes  
11-0-1, motion passes.

Meeting adjourned at 8:35pm.