



## New Haven Civilian Review Board

### Minutes for August 28, 2023 Monthly Meeting of the Board

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**August 28, 2023**

6:00 PM

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: TBD

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#### 1. Roll Call

Present: Carter, Comins, Fawcett, Jenkins, Pescatore, Rivera-Berrios

Absent: Avshalom-Smith, Counsel, Kimbro, Richardson.

Special Guests: Assistant Chief Bertram Etienne, Lt. Dana Smith, Al Lucas (Board of Alders), Atty Beth Merkin (CRB Legal Counsel).

Members of the Public: Mary O'Leary (NHR).

Acting Chair Rivera-Berrios mentioned that Alyson Heimer (Administrator) would be absent due to a medical emergency.

#### 2. Approval of Minutes

- a. Rivera Berrios motioned to approve the monthly meeting minutes for July 24, 2023. Pescatore Seconded. Unanimous Voice Vote 8-0-0.
- b. Rivera Berrios motioned to approve the backlog monthly meeting minutes for February 2022. Fawcett Seconded. Unanimous Voice Vote 8-0-0.
- c. Rivera Berrios motioned to approve the backlog monthly meeting minutes for September 2021. Jenkins and Fawcett Seconded. Unanimous Voice Vote 8-0-0.
- d. Rivera Berrios motioned to approve the backlog monthly meeting minutes for June 2021. Fawcett Seconded. Unanimous Voice Vote 8-0-0.
- e. Rivera Berrios motioned to approve the backlog monthly meeting minutes for January 2021. Fawcett Seconded. Unanimous Voice Vote 8-0-0.

#### 3. Internal Affairs presentation.

Rivera-Berrios thanked the Chief for meeting with her the week prior to discuss numerous topics including the ordinance revisions.

*(Submitted and sent by email for review before meeting.)*

- a. Case Updates and Questions
  - i. 23C-027  
Date: April 20, 2022



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Complainant Durant claimed an unlawful stop by police who followed him into his apartment complex. The vehicle had a suspended registration. The stop was deemed lawful.

Disposition: Exonerated.

Discussion: Pescatore: what was the complaint?

Lt Smith.

ii. 22C-009

Date: January 22, 2022

The complainant alleged that she was the subject of an illegal strip search and they violated her rights. Review of the footage says this was not a strip search.

Disposition: Unfounded.

Discussion: Fawcett: The police asked her to remove her jacket and she did not want to, but a female officer wanted to pat her down.

iii. 23C-011

Date: February 14, 2023

Miller alleged that officers did not properly investigate a complaint she made when calling for the police.

Disposition: Unfounded

Discussion: none.

iv. 23C-021

Date: April 4, 2023

Russell stated that her son was recorded while using the restroom in the school district. The officer's body camera footage was reviewed and no malfeasance was found in the investigation.

Disposition: Unfounded.

Discussion: Rivera-Berrios: officers did their due diligence.

v. 22C-051

Date: February 14, 2023

Police responded to a fight on Chapel street and the complainant said there was misconduct in the investigation.

Disposition:

Discussion: Jenkins: I saw that video and I don't understand why the officers held one woman but let the other walk away. I think because she was a white girl they let her walk down Chapel Street and they had to



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then get in the car and find her. She seemed like the one who started everything but they held the other girl. They were both homeless, so can you tell me why they only held one?

Lt Smith: they did go get her.

Jenkins: Yes but they let her walk off the scene first and had to track her down. So if this is unfounded, help make it make sense - the other girl was gone down the block.

Lt. Smith: where was the misconduct?

Jenkins: the officer was holding the woman's arm and let the other go even though the other was the aggressor. The officer hurt her arm.

Lt. Smith: they were fighting one another. Both intoxicated.

Fawcett: there was one cop on scene who was waiting for backup. He could only hold one of them. They knew each other. They lived in the same encampment.

Lt Smith: if the officer had put one in the car, the other still would have been able to get away.

Rivera-Berrios: What else could the officer have done in this situation? (Rhetorical).

Lt. Smith: The officer did the best he could while awaiting backup.

Asst Chief Ettiene: The body cam footage is the perspective of the camera, not the officer. The officer may see something that camera doesn't pick up. (Intimating that the officer would be able to keep an eye on the other woman while holding the first.)

Pescatore: We never saw the initial complaint. Please send it along.

Rivera: The redacted complaint was sent out in 2022.

vi. 22C-021

Date: March 7, 2022

The complainant Carano alleged rudeness from Officer Hayden. The camera footage from the incident was erased because the complaint was made four months after the incident (November 23, 2021).

Disposition: Unfounded

Discussion: Commins: If the video was missing, its not able to be verified or unverified so is "unfounded" the best disposition for that type of scenario?

Lt Smith: Yes, Unfounded is the best disposition because no fault was found.

vii. 21C-079

Date: October 12, 2021



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Disposition: Complainant states she was attacked by a group of people after leaving the hospital. Interviews and investigation show that the incident did not occur.

Discussion: Pescatore: This is from two years ago, I need a copy of the complaint. What was the complaint against the police?

Lt. Smith: The complaint was that the police did not investigate fully.

Jenkins: Did the police investigate? What is she saying the police did wrong?

Lt. Smith: The issue was she felt the officers did not believe her.

Jenkins: was anyone arrested?

Lt. Smith: no. Her involvement was just as much as the other person.

viii. 23C-013

Date: February 23, 2023

Cunningham complained about an illegal pull over of him and his girlfriend and subsequent search and seizure of his vehicle outside a convenience store by Officer Fumiati. The officer did not report the incident. This was a violation.

Disposition: Sustained.

Discussion: Jenkins: So what was the gist of the complaint and what was the problem? He didn't document anything? What did he do?

Lt. Smith: he didn't document pulling over a vehicle or the tow of the vehicle.

Fawcett: It was a procedural policy failure.

Lt. Smith: Correct. He did not properly report the seizure of the vehicle.

Jenkins: why was it seized?

Lt. Smith: Come read the file.

Jenkins: I don't remember seeing this one.

Rivera-Berrios: what date did it close?

Lt. Smith: July 24th.

Pescatore: I do not have this complaint either.

Rivera-Berrios: we never received this one either. Please send to all members.

Pescatore: To me the fact that the complaint was that there was illegal search and seizure. That it was sustained to me means that there was illegal action.

Lt. Smith: Come in and read the file, I cannot speak to that.

4. General Public Comment (Questions in chat and public comment) - 6:46-6:50  
None.



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#### 5. Chair's Report 6:40

Attorney Beth Merkin is officially on board. She is working on the Ordinance revisions. Chair met with the Police Chief and other stakeholders about Changes. Administrator Heimer, Atty Merkin, and Chair Rivera Berrios presented to the Alders on August 1 and have tabled the item for a month to make additional edits. Board members will be able to weigh in before it goes back to the Alders.

Atty Beth Merkin: 34 Years of legal experience, working at UNH teaching criminal justice. My role will be to help identify and change the CRB to make it more effective. From what I've seen so far the biggest concern is the timing of investigations and when the CRB gets documents so the work of the board can be completed in time enough for it to matter.

Rivera-Berrios: Feel free to email or chat with her any time if you have any questions.

Member Carter (in chat): When I did my research the adjustments we are requesting are within the boundaries of the state law.... what concerns if any do the other components disagree with (if there is a disagreement)?

Rivera-Berrios: They think if we do investigations side by side it will change their job and how they do it so the union attorney will be present tomorrow.

Carter: Those adjustments will need to be with the state law because we are adjusting to allow the board to function with its full authority

Jenkins: I feel like Lt. Smith didn't know the cases. A member of the community made a complaint that was sustained and he needs to talk about it. I am getting a feeling that something is being left out. And this also has to do with the timing of when we get cases. So the car was registered and has insurance and he seized it and didn't report it? I don't like when it's cloudy.

Rivera-Berrios: We can choose to investigate that. There are two complaints we did not receive.

Pestacore: we need to make sure we receive every single complaint.

#### b. Yale Police Department

Rivera-Berrios: Something came out in the news, and we oversee all police who operate in New Haven. Administrator Heimer sent two emails and got no response, so we will send a formal letter.

#### c. Meeting Agenda Reorganization

Rivera-Berrios: I'd like to include an update from each member for what has happened in their community and report back from their community management team if you represent a CMT. You should meet up routinely with the district manager from the NHPD as well. You should also make sure to look at the ones that relate to your area.

Jenkins: I do that now. We talked about profiling at our last meeting. They were saying that 300 cars are pulled over in the city every day. They say crime is down but people are having home invasions. We have students who woke up with people in their house.



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Rivera-Berrios: And that's why we should add the Yale Police because there are students in our neighborhoods.

Carter: Administrator Heimer was helpful is putting together a one pager on the ordinance changes for the last meeting - can we have her put together something about the CRB for those meetings?

Rivera-Berrios: She is putting together the annual report and you will be able to present that.

d. Ordinance Revision Update discussed at opening of Chair's Report.

e. Cases for review were put into a letter the chief requesting for them to hold off on making disciplinary recommendations until we can review 23C-004 and 23C-063

#### 6. Administrator's Report

Administrator Heimer is working on the Annual Report Update

b. Subcommittee backlog of minutes

i. Backlog Tracker was put together and all of the backlog minutes have been completed. There are also a lot of files and we are trying to check our own filing system with Corp Council and IT.

ii. August 18, 2022 - Case Review Meeting 21C-006

iii. April 20, 2022 - Case Review Meeting 21C-091

iv. July 13, 2021 - Case Review Meeting 21C-040

#### 7. Unfinished business and General Policy Items

We need to have the information for each of these cases and put it into a comprehensive system to get all the data in one place.

Administrator Heimer's contract is up in December and we need to start the process of renewing or redoing that contract.

Ordinance meeting for the Board of Alders in early October.

Jenkins: are we putting the Administrator position out for bid again?

Rivera-Berrios: we can talk about that next month.

Carter: i've been asked to go before the Board of Alders about reappointment.

Rivera-Berrios: yes, if you have perfect attendance you are automatically reappointed and other are asked to go before the board.

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

a. Discussion on any current cases

Pescatore: There are two cases where we have not acted on the cases yet. 22C-037 and 22C-056 need to be voted on by the full board so we can send off recommendations to the chief. I was the chair for those.

Rivera Berrios: please resend.



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Jenkins moved to create a subcommittee for **Case 22C-051** about the two girls fighting.  
Subcommittee members: Jenkins (Chair), Comins, Rivera-Berrios, Fawcett

Pescatore moved to create a subcommittee for **Case 23C-013** about the search/seizure.  
Subcommittee: Pescatore (Chair), Rivera-Berrios, Jenkins, Comins

The Administrator can reach out to the person who complained about rudeness and the body camera was missing. Then if they want us to look into it, we can set up a subcommittee for 22C-021.

11. Motion to adjourn by Member Rivera-Berrios, Fawcett seconded. Unanimous agreement.  
Meeting adjourned at 7:50pm.

Minutes Prepared by Administrator Alyson C. Heimer.