



## City of New Haven Civilian Review Board

### Case 22C-010 Review Meeting

September 7, 2022

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Date: September 7, 2022 8:00 am

[Zoom recording](#)

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: DRAFT

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1. **Call to Order** at 5:38pm.

2. **Attendance:**

a. **Present:** Avshalom-Smith, Fawcett, Pescatore (Chair), Richardson

b. **Guests:** Al Lucas (Board of Alders), Emma Jones

### 3. **Case 22C-010**

Date Received: 1/31/22

Complainant: Rafael Reyes

Officer(s): S. Ricci

IA Summary: Reyes filed a civilian complaint with the Office of the Internal Affairs. Reyes alleged that Officer Ricci did not do a welfare check on his daughter when he asked him to do so. That he had to call a second time for the officers to conduct a welfare check on his daughter. According to the body-worn camera footage, Reyes spoke with Officer Ricci about custodial interference however, he could not provide the officers with any official documents from court that would show his custodial rights, therefore the officers did not further investigate his complaint. Reyes then told the officers that he received a text message from his daughter the day prior. His daughter expressed to him she did not feel safe around her grandfather. Officer Ricci asked Reyes on why the police wasn't called when he first came across the text message from his daughter. Officer Ricci questioned Reyes about making false statements in the past about his daughter's welfare. Reyes called the police again, this time asking for the officers to conduct a welfare check. At this time, officers did perform a welfare check and found that Reyes' daughter was assaulted by her grandfather. The grandfather was appropriately charged, and his daughter was provided medical attention on scene. Lt. Marshall made several attempts to contact Reyes to obtain a statement to no avail. Based on the dispatch notes, police report, body-worn footage, Officer Ricci's interview, it was determined that Officer Ricci was not neglectful and he acted accordingly on the information as it was provided to him. His actions were deemed lawful and appropriate.

Disposition: Unfounded – certified letter sent

Date Closed: 5/15/2022

Discussion: Richardson: Personal feelings shouldn't come into it when you respond to a call. I didn't feel the cops did anything wrong with this.



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Fawcett: the case evolved. The reason the police were called originally was because someone was angry over custody, he had no proof he had custody. It came down to the man who called the police was allowed to have the child on weekends and holidays and the day of the call was neither. A police officer cannot be called to enforce a court order unless someone has the paperwork. When the child was asked questions, the mother overtalked her. When the officers eventually got proof of abuse, they went in and did something about it. It didn't help that the father had lied to the police in the past. It puts a cloud over all of his statements.

Pescatore: The father let the police know that he had a text message from the daughter that she didn't feel safe with the grandfather - and until that was shared with the police there was no reason to step in.

Avshalom-Smith: What are we deliberating on?

Pescatore: we were tasked to look at this because the welfare of a child was involved.

Avshalom-Smith: I'm going to listen for a bit. I don't have anything of value to add at the moment.

Richardson: When a call is made that a child was in harm's way, the police or DCF should have gotten involved. The dynamics of the fact that this guy who called had lied to police before doesn't matter when a child's welfare is at risk.

Pescatore: It does seem like sometimes parents who are at odds can use the police and welfare checks as a way to harass the other parent. How would we respond if these calls are being abused by a parent?

Richardson: if a call is true or not, a child is at stake. It can be a ploy or a beef between parents, but there is too high of a risk to worry about that. The mother was talking over the child in this case so the police couldn't really know what was happening.

Pescatore: perhaps the way the officer responded was by the book because of the way in which these calls are weaponized.

Avshalom-Smith: what is the policy and procedure for officers in situations like this. We should look at that policy.

Richardson agreed.

Fawcett: The call was not for a welfare check. I don't think police can go in and do welfare checks all the time just because someone asks for one. They need proof of something.

Recommendations:

1. Request to look at the policy regarding welfare checks.

**4. Adjournment** motioned by Pescatore. Richardson seconded. Meeting adjourned at 6:07 pm.

Pescatore's notes from this meeting can also be reviewed here:

[Notes: Review Committee Meeting for Case 22C-010](#)