



## City of New Haven Civilian Review Board

### Minutes for October Monthly Meeting of the Board

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October 23, 2023

6:00 PM

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**Hybrid meeting:**  
New Haven City Hall Room 3

165 Church Street  
Video Recording available upon request

1. Meeting called to order at 6:10pm.

Present: In person: Comins, Fawcett, Pescatore, Rivera-Berrios, Online: Kimbro, Richardson\*, Jenkins (joined at 6:34pm)

Absent: Carter, Avshalom-Smith, McClure.

Members of the public: Mary O'Leary (NHR), Jane Kinity, Anstress Farwell.

Invitees: Asst Chief B. Ettienne, LT D. Smith, Beth Merkin, Alyson Heimer.

\* Member Richardson has continued a five month long pattern of logging into the meeting virtually but never speaking, not even to respond to attendance or votes. Therefore his true attendance at these meetings is left in question.

2. IA - *(Submitted and sent by email for review before meeting.)*
  - a. General questions or comments about statistics, Statistics Graph
  - b. Use of Force update
  - c. Case Updates and Questions

- i. 23C-046

Lt Smith: Complainant alleged that officers did not take her report and refused her request for a supervisor. Footage shows that the complainant withdrew her request to file a noise complaint so she could go home.

Member Kimbro asked if this was the kind of case that COMPASS should have gotten involved in.

- ii. 22C-067

Excessive force was claimed during an incident on October 7, 2022. The claim of excessive force was not-sustained but the sergeant in question was found in violation of arrest procedures, rules of conduct, citizen right to record, and general order front desk supervisor.



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Pescatore: So there was no excessive force?

Lt Smith: the individual should have been allowed to record in the lobby and the officer was wrong to attempt to take the phone, which caused the phone to break.

Pescatore: There was no reason for him to be detained? What was the reasoning?

Lt. Smith: The arrest was not warranted.

Rivera-Berrios: Is there body cam footage for this one?

Lt. Smith: yes.

Fawcett: the individual did seem to goad the officer to react. When you look at the footage, in my opinion, the officers outside were very nice to him, and he went into the station and the situation escalated when he attempted to record. The officers were trying to move him, but he seemed to have a chip on his shoulder. He was getting very excited.

iii. 22C-027

Lt Smith: Individual claimed that he was pulled over for not having a license and the window of his car was broken. The Complainant alleged excessive force.

Merkin: What caused the officer to break the window?

Lt. Smith: He wouldn't come out, the officers asked him to come out - he didn't have a license, insurance, or a license plate.

Fawcett: there was fault found with the supervisor for not turning on his body camera. Member Jenkins joined at this time.

iv. 23C-049

Lt Smith: The complainant alleged improper investigation of his case and was unlawfully arrested.

No discussion.

### 3. Old Business

#### a. Election of Chair, Vice Chair, Secretary and Treasurer

Nomination for Chair: Rivera-Berrios, made by Member Fawcett, seconded by Jenkins.

No other nominations.

Comins: yes

Fawcett: yes

Jenkins: yes

Rivera-Berrios: yes

Kimbro: yes

Pescatore: yes

Richardson: abstain

6-0-1.



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Nomination for Vice Chair: Rovera-Berrios nominated Member Pescatore, Jenkins seconded.

Comins: yes

Fawcett: yes

Jenkins: yes

Rivera-Berrios: yes

Kimbro: yes

Pescatore: abstain

Richardson: abstain

5-0-2

Nomination for Secretary: Fawcett nominated by member Jenkins, Rivera-Berrios seconded.

No other nominations.

Comins: yes

Fawcett: yes

Jenkins: yes

Rivera-Berrios: yes

Kimbro: yes

Pescatore: yes

Richardson: abstain

6-0-1.

b. Administrator Contract

The renewal will be discussed in November with a revised Scope of Services.

4. Approval of Minutes motioned by Rivera-Berrios to approve, Fawcett seconded.

Comins: yes

Fawcett: yes

Jenkins: yes

Rivera-Berrios: yes

Kimbro: yes

Pescatore: yes

Richardson: abstain

6-0-1



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

None

6. Chair's Report

a. December Meeting Date: Proposed Change to December 18th.

b. Holiday Party

Board members discussed inviting police, city hall staff, elected officials, CMT chairs, past members, who would be invited to the event.

Board members discussed a possible budget cap.

Member Richardson logged off at 7:27pm, but never confirmed verbally that he was present and abstained from all voting.

Attendance at this time was:

Present: In person: Comins, Fawcett, Pescatore, Rivera-Berrios, Jenkins (joined at 6:34pm) Online: Kimbro.

Absent: Carter, Avshalom-Smith, McClure, Richardson.

Members of the public: Mary O'Leary, Jane Kinity.

Invitees: Beth Merkin, Alyson Heimer.

7. Administrator's Report - 7:00

a. Data and Web Hosting Update

Administrator met with IT and Atty LaMarr about sharepoint and access is coming, Administrator will be responsible for moving data over to the new drive.

The website will be reconfigured to allow for transparent access to documents for the public including the redacted complaints, minutes and agendas for subcommittees, and recommendations made by the board.

8. CRB Attorney's Report - 7:05

a. Ordinance Revision Update

Atty Merkin and Chair Rivera-Berrios met with the chief about the ordinance revision. Police have concerns with access to contact information for the complainant at the outset of an investigation.

Jenkins: would the Chief approve a single point of contact with the CRB to allow for communicating with the complainant describing the process and what to expect?



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Rivera-Berrios: The chief was asked that and felt more comfortable with the Atty or investigator reaching out but still would not like the investigation to be hindered by contact from the CRB.

The Ordinance will be before the Board of Alders in November.

9. Unfinished business and General Policy Items

None.

10. Discussion of complaints and reports and vote on new cases to review - 7:25

a. Discussion on any current cases

b. 22C-051 (Fawcett, Jenkins, Rivera, Comins)

Fawcett: member Jenkins originally felt there might be racism involved but upon further review it is clear that the officer came upon a fight and dispelled it to the best of his ability, reducing the stress of the situation and everyone walked away. No recommendations.

c. 23C-013 (Pescatore, Rivera, Jenkins, Comins)

Emails have been exchanged with Atty Merkin and no recommendations are ready to be written up

d. 21C-103 (Carter, Comins, McClure, Pescatore)

Tabled until November.

11. No executive session.

12. New Business:

a. Administrator Heimer suggested to create a one-page letter or graphic explaining what happens when you file a police complaint with IA and post it at any location where complaint forms are available and on our website. RiveraBerrios motioned add complaint form and brochure to the agenda for November

13. Motion to adjourn at 8:01pm by Rivera-Berrios, Jenkins seconded. 6-0-0.

Present: In person: Comins, Fawcett, Pescatore, Rivera-Berrios, Jenkins. Online: Kimbro.

Absent: Carter, Avshalom-Smith, McClure, Richardson.

Members of the public: Mary O'Leary.

Invitees: Alyson Heimer.

Per Order: Hon. Anne Marie Rivera-Berrios, Chair;

Minutes Prepared by Administrator Alyson C. Heimer.