

REGULAR SESSION MINUTES
MAY 14, 2024
BOARD OF POLICE COMMISSIONERS
NEW HAVEN, CONNECTICUT
VIDEOCONFERENCE AND CONFERENCE CALL VIA ZOOM

PRESENT: Commissioners Michael Lawlor (in person.); Tracey Meares;
Isais Miranda (joined - 6:05 p.m.); Evelise Ribeiro (in person); and
Donald Walker

Chief Karl Jacobson: Department of Police Service
Assistant Chief Manmeet Bhagtana: Department of Police Service
Assistant Chief Bertram Ettienne: Department of Police Service
Lieutenant Jessie Agosto: Department of Police Service
Sergeant Yelena Borisova: Department of Police Service
Sergeant Paul Finch: Department of Police Service
Asia Johnson-Clark: Administrative Assistant

Florencio Cotto: President of Elm City Local
Michelle Duprey, Esquire: Deputy Corporation Counsel
Regina Rush-Kittle: CAO, City of New Haven

Gerald Antunes: Alder
Vadid Bien-Aime
Glendys Franco
Miguel Pittman, Sr.

OPEN SESSION

The Regular Session Meeting of the Board of Police Commissioners was called to order at 6:03 p.m., Evelise Ribeiro, Chair, presiding.

■ Commissioner Ribeiro indicated that Commissioner Lawlor was with her in person at One Union Avenue, New Haven. Commissioners Meares and Walker were also present. Commissioner Brooks was excused. Commissioner Miranda would join a little later.

AGENDA

- ** Commissioner Lawlor motioned to approve the Agenda for May 14, 2024
- ** Commissioner Walker seconded
- ** Motion passed unanimously

DISCUSSION AND APPROVAL OF MINUTES

Discussion and Approval of the Regular Meeting Minutes of April 9, 2024
Discussion and Approval of the Special Meeting Minutes of April 24, 2024

- ** Commissioner Walker motioned to Approve the Regular Meeting Minutes of April 9, 2024
- ** Commissioner Lawlor seconded
- ** Motion passed unanimously

■ Commissioner Ribeiro indicated that Commissioner Miranda had joined the meeting.

- ** Commissioner Walker motioned to Approve the Special Meeting Minutes of April 24, 2024
- ** Commissioner Lawlor seconded
- ** Motion passed unanimously

CHIEF'S REPORT

Chief Karl Jacobson

■ Chief Jacobson greeted everyone. He reported that had just returned from a Project Safe Neighborhood meeting during which they spoke to returning citizens from probation and parole. Services were offered to them. The message delivered to the returning citizens was that the Department wants them safe, alive and out of jail. It was a very successful meeting. He thanked all of their partners for participating in this meeting.

■ The Department is also continuing canvasses with Clifford Beers, Yale Child Study, street outreach workers and officers. On Wednesday, May 15, 2024 they would hit the Starr Street area where there was a recent shooting and the Goodrich area with the Hamden Police Department where there was a shooting right over the line. They appreciate all the cooperation by their partners.

■ The test scores for sergeants are expected on May 15th, 2024. The hope is to get the commissioners to interview the candidates and make some sergeants real soon.

■ On the academy side, the Department lost Cadet Flores who resigned after struggling with practical skills. Class No. 27 consisting of 16 cadets will be graduating on Thursday, May 23rd from 5 p.m. to 6:30 p.m. at the University of New Haven's Bucknall Theater. It's 300 Boston Post Road, West Haven, Connecticut. The cadets will all begin their careers with the Department. They are happy about that.

■ The Department lost another cadet at the New Britain academy who had struggled with the agility test from the beginning. There are still six cadets at this academy and five at POST. So in total there are 11 cadets in training.

■ Chief Jacobson stated that the Department was preparing for an August 1st academy in New Haven. They hope to get as many people as possible for that academy.

■ On May 23rd, 2024 Officer Hooper will be added to the Connecticut Police Memorial as a line-of-duty death. He thanked all the officers who worked on this some years ago. The Department successfully got this to the finish line.

■ Officer Charles A. Hooper died on November 4th, 1892. He was the first black officer to die in the line of duty. Officer Charles Hooper and Officer Richard Moore were sent to an area due to a report of two burglars in the area. Upon arrival, one suspect fled towards Hill House and Officer Moore was in pursuit. The second suspect fled down Farmington Canal railroad tracks with Officer Hooper in pursuit. While pursuing the suspect on the tracks, Officer Hooper fell

and had a very serious knee injury. He later developed rheumatism in his knee and abscesses set in. He succumbed to his injuries.

■ At the time of Officer Hooper's death he lived at 465 Orchard Street. The house is still there on the corner of Orchard and Elm. They are very happy to be able to put him as a line-of-duty death at the state level. Next year, they will be soliciting to have his name added to the police memorial down in Washington, D.C. He thanked all the officers that worked on this.

■ Chief Jacobson reminded everyone that Freddie Fixer Parade was scheduled for June 2nd, 2024 at 10:00 a.m. They are looking forward to the parade this year.

■ Chief Jacobson, Assistant Chief Ettienne and Chief Reynolds from the Hamden Police Department attended a youth event, Youth Violence Prevention Symposium. It was a great event. There were a lot of young people from different schools within Hamden and New Haven talking about mental health, human trafficking and gun violence. They let the kids do the talking. They broke into sessions and spoke with the kids. It was a good day of listening to the kids.

■ Former officer, Nancy Jordan, got the Department involved in it as well Chief Reynolds. They appreciate that.

■ When it comes to violent crimes, they are trending in the right direction. There are currently three homicides. Last year at the same time, there were 11 homicides. There are 21 non-fatal shootings. Last year at the same time, there were 27. Confirmed shots fired are down by 48 percent.

■ Chief Jacobson attributed this to a lot of the things such as Project Longevity, Project Safe Neighborhood, the canvassing, the follow-ups with victims, with Clifford Beers and Yale Child Study. They are just really hitting the streets and talking to people and trying to resolve conflicts before they happen. He thanked the officers who are doing a great work along with working with the Department's partners.

■ Commissioner Meares indicated she had a question that didn't necessarily require Chief Jacobson to respond immediately. It's something to put on the docket for conversation. This has to do with the relationship between the Department's policies on First Amendment expression, demonstration and so on and Yale Police Department's policies. She had seen both sets of policies. She felt very good about this Department's policies and felt less good about Yale Police Department's policies. The concern of course, from her perspective, the police powers that they have, they get from the City of New Haven. So anything that they do that reflects poorly on them actually ends up reflecting poorly on us because the people in the city and the students don't actually make a distinction often between the two.

■ Commissioner Meares further stated that Chief Jacobson didn't have to respond right then. However, she would like to have a discussion about those policies. In her view, Yale Police Department's policies need to be at least as good as this Department's, if not better. She did not think they were. If Chief Jacobson had any thoughts, he could share them. She definitely would like to have a longer discussion about this issue.

■ Chief Jacobson indicated he appreciated Commissioner Meares' comments. He was not familiar with Yale Police Department's policies. He would have to read up on their policies before commenting.

■ Chief Jacobson stated that during this whole time of protests, there had been a lot of different situations. The Department has not arrested anyone. People had been given warnings and some people left the area. They had given protesters ample amount of time. He does not want

to be critical of the Department's partners. This Department has been successful with its efforts. He would get back to Commissioner Meares. He thanked her for the question.

■ Commissioner Meares agreed that this Department has been excellent but that's the issue.

■ Commissioner Walker indicated he would ask his standard question. He wondered how the negotiations for a contract were going. He asked if there was any substantial progress.

■ Chief Jacobson responded by saying that he thought they might be at a stalemate. He could not talk too much about it. It's unfortunate because he does not want this to drag on anymore. That's all he could say because it's confidential.

■ Commissioner Walker added that he understood that the chief could not speak much about this issue. However, this has been going on for longer than he could remember. They go through this every time there's a new contract being negotiated. When will they get to a point where they have to go to binding arbitration?

■ Chief Jacobson said he could not answer that directly. They are coming to a stalemate. That would be the next phase.

■ Commissioner Walker indicated he appreciated the fact that Chief Jacobson could not comment. It is demoralizing to the officers. It's impairing us from getting more officers. His opinion is that it seems as soon as a new contract is reached, it's time to negotiate for the next contract which makes no sense to him. It's beyond baffling to him that this is the process of negotiating a new contract after one expires. It does no one any good. It's more expensive from the perspective of overtime. It hurts our officers from a psychological and physical perspective. He expressed frustration with the process. It's a no-win situation for everybody.

■ Chief Jacobson concurred. The Department needs more officers. They need a contract that meets the need. The Department needs to be competitive with other towns. Right now, the Department is not competitive at all. They are getting low numbers. He just recently mentioned two people leaving the academy. The Department is doing the best it can with what it has. They need to have better numbers. They need to retain more officers. Every time this process ensues, the Department loses a bunch of officers.

■ Presently, the Department is lucky it has not lost a lot of officers. It has lost a few officers. There are two more names on the agenda. This cannot drag out much longer without a contract. He thanked Commissioner Walker for bringing it up.

INTERNAL AFFAIRS REPORT

Lieutenant Agosto

■ Lieutenant Agosto indicated there were four closed cases.

IA Case No. 23C-015: This case was received on March 3, 2023. The complainant only identified himself as Mr. Mattera. This incident happened at 98 Union Avenue which is the train station. Officers responded to 98 Union Avenue to assist MTA officers in effecting an arrest. So the individual was pulling away and resisting the MTA officers. New Haven police officers arrived and were able to assist in finally handcuffing the arrestee. During that time there were other subjects that were in close proximity to the officers who were yelling and videotaping. They were told to back away several time. One of them backed away, another one just continued recording and yelling. At which time Officer Canace who was handling the arrestee handed the arrestee over to someone else, walks towards this person and shoves him lightly but the complainant fell to the ground and claims injury. The complainant makes claims

of wanting to sue and such. The actual use of force was reviewed by the Department's training instructors. And the use of force was deemed reasonable. However, it was still in violation of the Department's use-of-force policy because Officer Canace did not use de-escalation techniques. Officer Canace's movement towards the person who was already being handled by other officers, kind of increased the need for the use of force. So that case was sustained against Officer Canace. Officer Canace has a Loudermill hearing on July 1st to allow the CRB their 70-day window to review the case.

IA Case No. 23C-041: The compliant was received on June 13, 2023. The complaint asserts that Officer Hayden was targeting him and that it was an unjust stop. Upon reviewing the reports and a body-worn camera footage, Mr. Huff, the complainant, was traveling the wrong way on Charles Street when he was stopped by Officer Hayden. There was no history or ties between Officer Hayden and Mr. Huff. Mr. Huff claimed that Officer Williams, who was with Officer Hayden, threw a ticket at him. The body-worn camera footage did not bear out this claim against Officer Williams. The claim of ongoing harassment by Officer Hayden could not be sustained.

IA Case No. 23C-033: This complaint was received on June 3, 2023. New Haven police officers responded to a burglary complaint on Whalley Avenue, the Racquet Koop. The officers conducted an investigation and arrested Mr. Sye Lipscomb for the burglary. Mr. Lipscomb claimed that he was racially profiled and falsely imprisoned. A look at the body-worn camera footage and the reports showed that the officers did establish probable cause for the arrest. Officer Valente, who the complaint was against, was exonerated.

IA Case No. 24C-010: This complainant is Erick Dundy. The complaint was received on January 8, 2024. The complaint was against Officer Nguyen. Officers were dispatched to a domestic between Mr. Dundy and his son. He was agitated and intoxicated. Mr. Dundy claimed officers distorted the truth in arresting him. The body-worn camera footage and report were reviewed. It showed that the officers did establish probable cause. The officers did not distort their documentation of events in the reports. The incident was deemed unfounded.

- Commissioner Ribeiro indicated that they received the other reports.
- Lieutenant Agosto added that the Department had reached its Tier 1 accreditation for its POST standards. Currently, they were about 25 percent into Tier 2.
- Chief Jacobson thanked Lieutenant Agosto and Assistant Bhagtana for all the work they did on this. It's a provisional Tier 1, but the provisional part of it has been completed.
- Lieutenant Agosto indicated the Department is at Tier 1 with the provision that they had to complete the required submissions which had been done.
- Chief Jacobson thanked the team who worked on this.

PERSONNEL MATTERS

1. Discussion and action on the recommendation of Chief Karl Jacobson to remove the following candidates from Police Eligibility List 22-68CR dated February 12, 2024:
 - A. #1 Trevis Ifandy-Smith

- B. #38 Vadid Bien-Aime
- C. #39 Glendys Franco

- Commissioner Ribeiro asked if all the candidates were present.
- Sergeant Finch indicated two out of the three were present. Trevis Ifandy -Smith withdrew the previous day.
- Commissioner Ribeiro went on to explain what having the opportunity to be heard in a closed session and an open session meant.
- Commissioner Ribeiro indicated they would still have to act on the record with regard to Trevis Ifandy-Smith since his name was on the agenda.
- Commissioner Ribeiro asked each candidate in what forum the candidates would like to be heard. Both candidates present opted to be heard in closed session.

EXECUTIVE SESSION

- ** Commissioner Lawlor motioned to go into Executive Session to talk to these candidates
- ** Commissioner Meares seconded
- ** Motion passed unanimously

- Commissioner Ribiero invited the following to the closed session: The commissioners, Chief Jacobson, Assistant Chief Bhagtana, Sergeant Finch, Attorney Deprey, CAO Rush-Kittle and the background officers, Sergeant Borisova and Lieutenant Agosto.

Executive Session began at 6:28 p.m.

- Commissioner Ribiero noted for the record that when she invited people into the closed session, she did not invite Commissioner Lawlor and Assistant Chief Ettienne for the record. They were invited into the room, however.

- ** Commissioner Meares motioned to come out Executive Session to discuss personnel Matters
- ** Commissioner Walker seconded
- ** Motion passed unanimously

Executive Session ended at 6:48 p.m.

- ** Commissioner Walker motioned to adhere to Chief Jacobson's recommendation for the removal Trevis Ifandy-Smith from the Police Eligibility List 22-68CR
- ** Commissioner Lawlor seconded
- ** The motion passed unanimously
- ** Commissioner Walker motioned to adhere to Chief Jacobson's recommendation to remove Vadid Bien-Aime from the Police Eligibility List 22-68CR
- ** Commissioner Lawlor seconded
- ** Against: Commissioners Lawlor, Miranda, Ribeiro, Meares and Walker

** The motion failed unanimously.

■ Commissioner Ribeiro indicated that Vadid Bien-Aime would continue in the process because the motion failed.

** Commissioner Walker motioned to adhere to Chief Jacobson's recommendation for Glendys Franco to be removed from the Police Eligibility List 22-68CR

** Commissioner Lawlor seconded

** The motion passed unanimously

RETIREMENTS (For Board information only)

There were none.

RESIGNATIONS (For Board information only)

Officer Maria Legatos, eff., April 24, 2024

Officer Frank Kaminski, eff., May 8, 2024

RECRUITMENT/SELECTION COMMITTEE REPORT

Sergeant Paul Finch

■ Sergeant Finch reported that the written and oral examinations had just been completed. So there would be a new eligibility list forthcoming. The goal is do these backgrounds and prepare them for an August 1, 2024 academy.

■ Besides that, recruitment is ongoing.

EFFICIENCY COMMITTEE REPORT

■ Commissioner Meares indicated that she did not think there was anything to report.

■ Commissioner Ribeiro mentioned that the Department had concluded its Tier 1 accreditation. She congratulated the team for a job well done.

■ Commissioner Ribeiro indicated she believed there were some General Orders in the queue coming up in the next month or two.

■ Assistant Chief Bhagtana responded by saying yes.

FINANCE COMMITTEE REPORT

■ Commissioner Ribeiro indicated that all received the financial reports. She asked Assistant Chief Bhagtana if there was anything she would like to highlight for the Board.

■ Assistant Chief Bhagtana indicated that the reports were sent to the commissioners. There was an attachment that showed the revenues coming into the Department specifically.

■ Assistant Chief Bhagtana went on to speak about the following projects underway: The property room shelving will go over the next few months and city engineering was working on that; the chief already mentioned the promotional exam for sergeants; the Civil Service Board would certify the list on May 15, 2024. They are getting together a committee for uniforms.

As far as Facilities, they are upgrading for the safety of all police facilities. The Maintenance Department was power washing the substations. They are adding cooling and heating to the Animal Shelter.

■ Commissioner Meares asked if there was no heating and cooling system in the Animal Shelter.

■ Commissioner Jacobs responded that he knew the question was coming and that they were upgrading the cooling and heating system.

OTHER BUSINESS

There was none.

PUBLIC COMMENT

There was none

EXECUTIVE SESSION

■ Attorney Duprey gave a non-verbal response to Commissioner Ribeiro’s question regarding the need to go into executive session.

■ Commissioner Ribeiro indicated that since there was no other business, the Board should adjourn.

ADJOURNEMENT

** Commissioner Meares motioned to Adjourn the Regular Meeting

** Commissioner Miranda seconded

** Motion passed unanimously

The next regular meeting will be on June 11, 2024.

The Board adjourned at 6:57 p.m.

Respectfully submitted,

Sotonye Otunba-Payne

Sotonye Otunba-Payne