



City of New Haven Civilian Review Board

Minutes for May Monthly Meeting of the Board

May 20, 2024

6:00 PM

In-Person Attendance: 165 Church Street
Meeting Room 3 [Recording](#)
New Haven City Hall

1. Present: Kimbro, Carter, Fawcett, Comins, Pescatore, Rivera-Berrios, Alder Redente

Absent: McClure, Jenkins (excused for graduation),

Invited Persons: Lt. Jessie Agosto, Alyson Heimer (Administrator), Beth Merkin (Attorney)

Members of the public: Carmela, Stress Farwell, Mary O'Leary (Press), Al Lucas

2. Approval of Minutes motioned by Rivera-Berrios. Seconded by Fawcett

a. Monthly meeting April 22, 2024 approved 6-0-0.

3. IA Report

Member Redente Joined at 6:10pm

a. Closed Cases

i. 23C-015

Received: March 3, 2023,

Closed April 9, 2024.

Sustained for a use of force policy violation. This was an assist for an MTA police call. The arrestee was being combative and the New Haven Police were assisting the MTA. The arrestee was being handcuffed and the officer was in control of the situation while two persons were filming the incident. The individuals to the side were yelling and asked to leave multiple times. The officer approached the individual who was filming, and then shoved him to the side and the individual fell. Medical attention was offered at the time, but was declined. Actual use of force was deemed justified but the situation failed to be a de-escalation and the Loudermill is scheduled for July 1.

Rivera-Berrios: Can we be provided with past disciplinary for patrol and IA for this officer?

Lt. Agosto: I can request the patrol cases from the Chief, but you would have access to any cases that are in IA.

Rivera-Berrios: that officer had worked a lot of overtime, can we get totals on how much overtime that individual worked.

Agosto: yes.

Comins: Should it be noted that the individual asked for monetary compensation in exchange for withdrawing the complaint and related suit?



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Agosto: that is noted in the investigative report but not pertinent to the final report and determination. The policy violation is independent.

ii. 23C-041

Received: June 20, 2023

Closed: April 4, 2024

Not Sustained. The complainant felt that this officer had a history of repeatedly following this individual. This was a legitimate stop because the individual was driving the wrong way up the street. He was given a ticket and the complaint stated rudeness, which was not observed, and that the ticket was thrown at him, which was not seen on the body cam. Additional complaints or cases against this person were not found.

Rivera-Berrios: the people who reviewed this case felt that because this person was escalating the situation it became worse than the police had intended it to be.

Agosto: the officer did their due diligence to determine there was no suspended drivers license but a suspended CDL, which reduced the cost of the traffic infraction for the complainant.

iii. 23C-033

Received: June 3, 2023

Closed April 4, 2024

Exonerated. Complainant was stopped for fitting the description of someone who was witnessed breaking into a building. His coat was torn in the same area as where the person who broke into a location would have received a tear on their clothing from broken glass. The individual did time for this crime. The arrest was lawful and not based on racial factors, but the description of the individual. The individual claimed false imprisonment.

Rivera-Berrios: Atty Merkin would like details on if this individual was found guilty for this crime and how much time was served. The case was based on an incident from 2019.

Comins: how long do people have to file a civilian complaint.

Agosto: there is no statute of limitations on civilian complaints.

Pescatore: was any evidence recovered that tied the individual to the attempted burglary?

Agosto: no, it was an attempted charge.

iv. 24C-010

Received January 8, 2024

Closed: April 25, 2024

Unfounded. This involved a domestic arrest. The complainant reported that the report was a distorted reflection of events. Once IA explained what happened to the complainant he seemed satisfied with the explanation of events.

b. Statistics and Use of Force update

c. Loudermill Hearing 24C-015

Members must go to IA to review the file before June 1.

d. Member Pescatore: Questions about 23C-022



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e. Pescatore: regarding the wrongful entry, proposes that we form a review committee for this case. There are no procedures for wrongful entry, so procedures must be created to know how to address this in the future. Officers should be taught about the harm that can go wrong with a wrongful entry.

Agosto: the I-complaint from the chief is separate from the C-complaint that you are seeing and the chief is not necessarily looking at the same things as was in the complaint.

Rivera-Berrios: The CRB already voted last time not to open a review group for this complaint.

Agosto: The department has already created a special review of serving search warrants to verify an address.

Pescatore: I don't believe there is any misconduct. We do not need to review quickly to add a recommendation for the officer's discipline. Instead we should create some rules about search warrants.

Agosto: We worked with our states attorney and have new rules in place. We will take any opinions and ideas from the CRB to better the new rules.

Atty Merkin: Can we see the special order?

Agosto: Those are not publicly available.

Comins: Could we know the additional language so we can know if we have other changes?

Member Redente: People need to go down to IA before this point when we need to review cases. Thank you to those who are putting in the work but everyone needs to do that.

Member Redente was excused at this time (6:45)

Pescatore: I will start a google doc on this and send it around to the members.

Use of force: So far 100 uses of force in 2024.

4. General Public Comment (Questions in chat and public comment) - 6:30 PM

Anstress Farwell: There's a bill in the legislature about changing the usage of the Union Police Station detention center going back to State control and use rather than city use. The NHPD has been trying to turn over the role of running a detention center to the State. What are the criteria for the new location, the standards of operation, how easy is it to visit, and what is the process for evaluating the location.

Agosto: The bill was passed and will go into effect January 2026. Currently you can house people for a significant period of time, but the location will not change. The martials may go back to running it, or DOC. NHPD would still be stationed there for bookings.



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Rivera-Berrios: how will this impact the number of officers and budget?

Agosto: This will be a positive - it will free up officers for other duties. Judicial Marshalls who have complaints filed against them in that facility would have the complaints referred to the state.

5. Chair's Report - 6:35 PM

a. Annual Report Vote

Rivera-Berrios: The Police Department has reviewed the CRB Annual Report and we can move forward with approving the report. Motion to approve the CRB Annual Report for 2024 as distributed. Fawcett seconded.

Carter: yes

Comins: yes

Fawcett: yes

Kimbro: yes

Pescatore: yes

Rivera-Berrios: yes

6-0-0.

Motion to accept the changes to goals section of the Annual Report as discussed. Comins seconded.

Carter: yes

Comins: yes

Fawcett: yes

Kimbro: yes

Pescatore: yes

Rivera-Berrios: yes

6-0-0.

b. Discussion on Bylaws

Atty Merkin will review Bylaws and make some suggestions by email and at the next meeting.

c. Requirements for Board Members to review cases

The ordinance requires this and the bylaws state that without reviewing cases your membership may be terminated.

Atty Merkin: For example, things are missing from this report and the witness said this is not the man and the complainant had a very good reason to file a complaint here.



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d. Recommendations-90 days

Because the Chief must move forward within 90 days, the CRb has a responsibility to review well before that so we can decide whether to pursue a case or not with a subcommittee.

e. Investigator Contact

Atty LaMarr, some documents are still needed from the Investigator to get that contract locked up.

f. Administrator's contract

Atty LaMarr has said this is in the works. It is important for us to have contracts in effect because we currently have not compensated individuals for work rendered. Pescatore: we want a provision that says we will compensate the individuals regardless of late contract signing.

6. Administrator's Report

a. Brochure

The CAO recommended asking the PD for graphics assistance.

b. Update on Payment

None.

c. Membership status

Official letter requested by the Chair to formally request renewal of terms and filling of vacant CMT seats.

CMT visits For June asking for membership.

7. CRB Attorney's Report - 7:10 PM

a. Ordinance Revisions at Leg Committee June 4, 2024 at 6pm

The chief has been notified to meet so we can be cohesive at this presentation.

We have already solved many of these issues without official ordinance changes and so we can pass many of these as an update rather than a change without unison.

b. Letter to complainants

Atty Merkin will receive a city iphone and number to be the point of contact on the letter. Email will be added now.

Rivera-Berrios Motioned to approve a \$40 recurring bill for phone usage.

Carter: yes

Comins: yes

Fawcett: yes

Kimbro: yes

Pescatore: yes

Rivera-Berrios: yes

6-0-0.



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Rivera-Berrios Motioned to approve the Letter. Carter seconded.

Carter: yes

Comins: yes

Fawcett: yes

Kimbro: yes

Pescatore: yes

Rivera-Berrios: yes

6-0-0.

Rivera-Berrios motioned to approve reimbursement for any printing and postage costs related to communication with complainants.

Carter: yes

Comins: yes

Fawcett: yes

Kimbro: yes

Pescatore: yes

Rivera-Berrios: yes

6-0-0.

This will be billed separately for anything received after February 29th.

Member Rivera-Berrios motioned that the Administrator contact the PD and ask about the missing Compstat reports for 2024.

Carter: yes

Comins: yes

Fawcett: yes

Kimbro: yes

Pescatore: yes

Rivera-Berrios: yes

6-0-0.

8. Vote to review cases and discussion on any closed cases
 - a. 21C-015 - A recommendation document has been created and all members may comment after they review at IA.
 - b. 23C-022 - no sub committee, but a recommendation document will be created.
9. New Business: Administrator to identify where the missing NHPD reports for COMPSTAT are and request that they be uploaded to the city's website more routinely.
10. Motion to adjourn; meeting adjourned at 7:58pm.