

REGULAR SESSION MINUTES
AUGUST 13, 2020
BOARD OF POLICE COMMISSIONERS
NEW HAVEN, CONNECTICUT
VIRTUAL AND TELEPHONIC VIA ZOOM

PRESENT: Commissioners Anthony Dawson; Tracey Meares; Isaias Miranda; Evelise Ribeiro; and Donald Walker

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Chief Otoniel Reyes: Department of Police Service
Assistant Chief Herb Sharp: Department of Police Service
Lieutenant David Zannelli: Department of Police Service
Sergeant Yelena Borisova: Department of Police Service
Sergeant Dana Smith: Department of Police Service
Ramon Davis: Administrative Assistant II

Bruce Fischer: Traffic and Parking
Michael Wolak, Esquire: Senior Deputy Corporation Counsel

Julio Alicea-Ortiz
Gerald Antunes: Board of Alders
Mark Berretta
Christopher Butler
Jazmine Delgado
Daniel Hunt
Ben Lambert: New Haven Register

OPEN SESSION

The meeting was called to order at 6:02 p.m., Anthony Dawson, Chair, presiding.
Commissioner Dawson read an excerpt of the Notice for this meeting for the record.

MOTION TO ACCEPT THE AGENDA:

- ** Commissioner Meares moved to Accept the August 13, 2020 Regular Meeting Agenda
- ** Commissioner Miranda seconded
- ** Motion passed

■ The commissioners introduced themselves.

REGULAR MEETING OF THE TRAFFIC AUTHORITY

- ** Commissioner Ribeiro moved to begin the Meeting of Traffic Authority
- ** Commissioner Meares seconded

** Motion passed

Following the regular meeting of the Traffic Authority, Mr. Fischer excused himself at 6:13 p.m.

DISCUSSION AND APPROVAL OF MINUTES

** Commissioner Ribeiro moved to Approve the July 14, 2020 Regular Meeting Minutes
** Commissioner Miranda seconded
** Motion passed

** Commissioner Ribeiro moved to Approve the July 7, 2020 Special Meeting Minutes
** Commissioner Miranda seconded
** Motion passed

INTERNAL AFFAIRS REPORT

Lieutenant David Zannelli

CLOSED CASES:

IA CASE NO. 20C-007: The complainant alleged that the officers used excessive force on her during her arrest. The complainant did not respond to Internal Affairs after numerous attempts were made to contact her. Body-worn camera footage revealed that officers used minimal to no force in arresting the complainant for a domestic violence incident. The complainant was brought to the hospital for complaints of pain immediately after she was detained by officers on scene. All officers were professional during the encounter. This was unfounded

IA CASE NO. 20I-029: Chief Reyes ordered an internal investigation regarding the suicide of a prisoner in the Detention Center at One Union Avenue. Internal Affairs investigation concluded that Detention officers did not follow the General Orders on Detention procedures. They failed to complete the required cell block tours and log book at the facility. They were found in violation of various General Orders. And they have been referred to Chief Reyes for further discipline. This was sustained.

IA CASE NO. 20C-051: The complainant alleged officers entered onto his property and driveway and looked into his backyard without cause. The complainant indicated that officers knocked on his door but he did not answer. Lieutenant Colon investigated this complaint further and spoke with the complainant. Officers received information that a suspect from a hit and run evading investigation was in the area of his home, and they were there to investigate further. The suspect was ultimately located one street over and arrested accordingly. Officers acted professionally during this incident. This was unfounded.

■ Lieutenant Zannelli added that these were the only three closed cases for the month.

■ Commissioner Walker stated that the officers involved in the matter regarding the suicide of a prisoner in Detention were brought up on charges for not following procedure. He wanted to know whether the supervisor was ever addressed in this investigation.

■ Lieutenant Zannelli stated that the supervisor was also found to have been in violation of General Orders. That particular supervisor was out due to an injury presently. She has also been referred to Chief Reyes for discipline.

CHIEF'S REPORT

Chief Otoniel Reyes

■ Chief Reyes began with salutations.

■ Year-to-date homicide number stands at 14. Shooting numbers year to date are at 62. The homicide numbers have doubled. At the same time last year there were 7 homicides. There were 44 shootings at the same time last year.

■ This past month there has been a dip in combined robberies. For the first six months of the year there was an increase of 22 percent from last year's robbery and burglary numbers.

■ The Department has done a lot of work in the month of July given the spike in violence. It has seized over 24 guns just in the month of July. There were significant arrests associated with the individuals that were carrying out the violence.

■ There was a homicide arrest. The Department was in the process of securing an arrest warrant, hopefully, for one of the homicide suspects.

■ Detectives continue to work very hard along with the officers to really address the spike in crime. Chief Reyes was confident that the Department will be able to get that under control.

■ Chief Reyes added that the Department worked very hard on pushing the supervision of many of the individuals that were out. Over 50 percent of the shooting victims were either on probation or on parole. A staggering number on probation or parole were on the Department's suspect pool for those shootings and homicides this year.

■ Obviously, COVID-19 had an impact on the supervision of these individuals that were out either on probation or parole.

■ The Department noticed that a good number of the shooting victims had been released in the last six to eight months. The Department has beefed up the supervision of these people.

■ The Department continues to work with its law enforcement partners. This has made a significant impact especially in the last few weeks regarding gang-related crimes.

■ The cadets are currently in the eighth week of training at the Academy. Seventeen cadets remain. One of the cadets resigned. They are doing very well. Chief Reyes added that he had the opportunity to do a two-hour training with them the week before. He's very impressed with the way they are coming along. He looks forward to having them on board fully in January, 2021.

■ The Department continues to recruit. It is currently recruiting for a test that's going to be occurring on September 18 through September 20.

■ The Department is limited in its ability to do in-person recruiting. The Department's social media footprint is very strong. There are some engagements with the universities and having them send information out to people. There is Women in Policing forum in the month of August where a few of the high-ranking members of the Department will participate.

■ There are four retirements pending which will leave the Department with 342 sworn personnel out of a budgeted 406. This does include the 17 cadets currently at the Academy.

■ The Department is doing very well. There were some very high-profile cases that the officers have been involved in and doing great work. He is very proud of the Department that they've really stood up to the challenges it has been facing this year. There's been no shortage of challenges.

■ Chief Reyes stated that he is appreciative of all the support that the Board gives the Department.

■ Commissioner Walker asked when the application for new recruits will open up. Assistant Chief Sharp replied August 17th, 2020.

■ Commissioner Walker asked how interested persons can get applications. Assistant Chief Sharp said by going online to www.Policeapp.com. Everything is done through this app.

■ Chief Reyes stated that there are links at the New Haven Police Department's website that will take interested persons to www.Policeapp.com which provides information about the process.

■ Commissioner Meares commented that she understands why folks find it convenient to use year-to-date numbers for comparisons. She said she would find it helpful, as would other members of the Board and the general public, to get three-year averages. They are much more elucidating of what the numbers are.

■ Commissioner Meares further stated that at the last meeting they spoke about the difficulties of doing the kind of necessary in-person work that the focus strategies require. Given that the state's infection rates are so low now, she wondered if the Chief Reyes could speak about how the Department was handling it. Is the Department able to do things in-person with masks? Does the Department expect to maintain or is there a worry that with the students coming back, that you might have to go back to some kind of remote strategy?

■ Chief Reyes replied that for future meetings he can show some of the charts and send the commissioners the information. He agreed that three-year averages might be helpful go give all a better overall picture of the trends.

■ Chief Reyes replied that regarding customs, toward the end of July the Department began to do the in-home customs. There are just no substitutes for face-to-face contacts and to really deliver the message that needed to be delivered to these individuals that were either at a greater likelihood of being shot or to commit shootings.

■ In addition, the Department wants to prevent the next shooting either by way of identifying these victims and really trying to find either an alternative plan for them or to deal with people that could engage in retaliation for some shooting that already occurred. There were face-to-face time, some wrap-around services for them, and more importantly the delivery of the message that the Department was aware of the dynamics and that the Department would not tolerate any more violence.

■ The Department's goal was to deliver that message that has become sort of its footprint in terms of Project Longevity and its collaborations to address crime in the city.

■ So, the Department has taken some measures. However, face-to-face contact is what the Department is doing. The decrease in infections has given the Department an opportunity to do so with less risk, but it is still taking the necessary precautions in doing the home visits. And the Department is seeing almost immediate dividends on that.

■ Commissioner Dawson asked about the morale of the men and women in the Department in terms of going to the community. Shootings are up in addition to stabbings. There's been quite a few drug overdoses.

■ Chief Reyes replied by saying he appreciated Commissioner Dawson asking this question.

The men and women of the Department, as he stated, have been facing a lot of challenges. There have been some troubling incidents, not the least was the overdose of a child on narcotics and an eight-year-old boy that was fatally shot in the Hill. He recalls arriving at the scene and seeing the faces of the men and women of the Department, Detective Bureau included. It's just something that cannot be put into words, the impacts that these incidents have on the officers. Chief Reyes further stated it's also an opportunity and a moment for all to see the value and the importance of the work that officers do.

■ He recalled having a conversation during the shooting of the eight-year-old. The Department has as strong partnership with the Yale Child Study. He had a discussion with Dr. Marans regarding the current climate and the crossroads that the Department is in now in terms of policing and the importance of delivering a message that the work that police do just really cannot be replaced. Policing certainly needs to be reformed in many ways and there are some positive outcomes that can come of that, but there's no denying that it cannot be replaced.

■ There was an officer that stood with the 11-year-old sister the entire time they were in the hospital. She was going through some significant, obviously, emotional trauma after the death of her eight-year-old brother. It was a sight to behold to that officer, and the engagement of all in the police Department through that.

■ In light of everything, the officers' demeanor is a reflection of their character. They've been doing a lot of tremendous work as of late to reduce crime, to really pick up the slack during a time when the Department is obviously very short, but still the demand on the Department is high.

■ The morale of the Department is very positive. There are concerns surrounding the police reform efforts. Chief Reyes stated that his job is to give his staff clear guidance and a clear understanding of what these reform efforts mean.

■ The Department is working with POST and Connecticut Police Chiefs Association. Chief Reyes stated he was doing trainings with the officers to really help them understand the scope and the interpretation of the new reform bill. Overall, under the circumstances, the officers are doing very well.

■ Commissioner Walker asked whether anyone was charged in the accidental death of the eight-year-old boy.

■ Unfortunately, that investigation just kept taking a turn for the worst. Some disturbing information has surfaced as the investigation has progressed. It is too early to tell what types of charges there will be.

■ Commissioner Miranda asked if the officers who responded to the traumatic incidents involving children have been offered assistance and whether any officers have taken advantage of the resources.

■ Chief Reyes responded by saying that there is a very robust peer support team within the Department. The peer support team was immediately activated for their support. They physically came in and reached out to officers. The Department also reached out to its Employee Assistance Program. Chief Reyes addressed all lineups the next day along with a representative from the Employee Assistance Program to reinforce the program, to remind officers that it's available to them and their families. There was some engagement with both the Patrol Division and the Detective Bureau immediately thereafter.

PERSONNEL MATTERS

1. Discussion and action on the recommendation to remove the following candidate from Eligibility List #19-37C:

Julio Alicea-Ortiz

■ Assistant Chief Sharp stated that Julio Alicea-Ortiz had opted to be heard in executive session.

2. Chief Reyes is requesting approval by the Board of Police Commissioners to send out conditional offers of employment from Eligibility List #20-22 to the position of Police Officer (Lateral):
Jazmine Delgado.
Mark Berretta.
Christopher Butler

** **Commissioner Ribeiro moved to Table this Matter.**

** **Commissioner Walker seconded**

■ Commissioner Ribeiro stated that she moved to table this item for a few reasons mainly to do with process. This had nothing to do with the recommendations.

■ The Selection Committee has been waiting for staff regarding the General Order regarding Laterals, saying that they worked on the General Order and approved the General Order for Reinstatements. The staff has been working on a General Order for Lateral hires. Her understanding from the last time it was discussed was that this was being reviewed by Corporation Counsel and the Labor Department. She has unreadiness in approving the laterals not knowing how the eligibility list was created and when it was certified, and without having a specific process in place for this process the Board is trying to do moving forward.

■ Commissioner Meares asked what office or person can provide an answer to Commissioner Ribeiro's question. She fully understands Commissioner Ribeiro's recitation of unease. It was not clear to her how it could be resolved.

■ Chief Reyes stated he had an opportunity to speak with Commissioner Ribeiro and fully understood her unreadiness with the recommendation. He agreed with Commissioner Ribeiro after having a conversation with her that it is in the best interest of both the Department and the Board to agree with tabling this and to wait to finalize the process of the General Order so that all can proceed with absolute clarity in terms of process. He fully understood her reservations.

■ Commissioner Ribeiro responded that after having a meeting with the staff, her understanding was that the draft was in the hands of Corporation Counsel. There were discussions going back and forth between Corporation Counsel and Labor Relations. It's being reviewed. There may have been some conversations regarding some language. The hope is that it can be resolved soon so the subcommittee can review and then hopefully bring it to the Board for approval. She hoped it could be done at the September meeting.

■ Commissioner Dawson thanked Commissioner Ribeiro for bringing this to the Board's attention, as it is the subcommittee that she chairs, and for looking out for the Board's interests. He is looking forward to a resolution and the draft being before the Board by September.

** **Unanimously passed**

■ Commissioner Dawson stated that this matter will be tabled until clarification is given by Corporation Counsel and Labor Relations.

RETIREMENTS (For Board information only)

Sergeant Richard Miller - eff., July 15, 2020
Sergeant Charlette Barham - eff., August 1, 2020
Lieutenant Robert Criscuolo - eff., August 1, 2020
Detective Juan Monzon - eff., August 1, 2020
Detective Juan Ingles - eff., August 8, 2020

RESIGNATIONS (For Board information only)

Probationary Police Officer Michael Giammattei - eff., July 15, 2020

RECRUITMENT/SELECTION COMMITTEE REPORT

■ Commissioner Ribeiro stated that the committee was looking forward to meeting with the staff to review the two General Orders that were alluded to earlier. The Reinstatement General Order was actually approved a few months ago, maybe back in May or June. Commissioner Walker, the other committee member, met with staff to add a little bit of language for clarity. So, they are waiting for the draft to be returned to the committee. The General Order on the Lateral hires is also something that the committee is looking forward to bringing to the Board.

■ Commissioner Dawson stated that the Board is still short one commissioner on this body. While the Board is awaiting the appointment of a new commissioner, he wanted the commissioners to think about which committees they would like to serve on so that the Board can hit the floor running once it gets a new commissioner.

■ Attorney Wolak echoed Commissioner Dawson's sentiment by stating that any commissioner who wants to serve on the other committees should contact Commissioner Dawson as to which committees they would like to serve on so that it can be handled at the September meeting, at least getting those positions filled. Those positions were not filled before because there weren't sufficient committee members at the time.

■ Commissioner Ribeiro stated that commissioners are not limited to one committee. However, the Board members are limited to two, no more than three committees.

■ Commissioner Meares stated she had read the bylaws which are not very long. The bylaws do not actually say what the committees do. It just says what the committees are. It's a bit difficult to self-nominate if one is unsure exactly what these committees are doing.

■ Commissioner Ribeiro stated that she would be more than happy to speak with her about these committees. One of the tasks that she is working on is the bylaws. She wants to put more teeth to it for clarity.

EFFICIENCY COMMITTEE REPORT

There was none.

FINANCE COMMITTEE REPORT

There was none.

OTHER BUSINESS

Detective Juan Ingles - Reimbursement for Costa Permit Sunglasses

Detective Kyle Malloy - Reimbursement for Costa Permit Sunglasses

■ Commissioner Ribeiro stated that she was not satisfied with the information, but she would not hold up the commissioners if the other commissioners were satisfied.

■ Commissioner Meares wanted to know why Commissioner Ribeiro was not satisfied.

■ Commissioner Ribeiro stated she was not satisfied because the last time the Board got the package, the package was confusing in terms of who was requesting what and how much the request was. She asked for individual memos from both officers. It appears to be one incident to these officers. The documentation presented are not clear in terms who is being reimbursed for what. There is a limit per the policy of \$250. And she had asked for that to be submitted to the commissioners. That particular documentation was provided this time around, but there was nothing else provided to the Board. She does not know if everyone present has a sufficient package to make a decision. She does not know who submitted what. One officer's request was less than \$250 and the other was more than \$250, but there is no documentation to show which is which.

■ Commissioner Dawson stated that they could approved not to exceed \$250.

■ Commissioner Ribeiro stated she would like to have the complete paperwork. She requested it and did not receive it. That's the reason she is not satisfied. She had stressed previously that the Board deserves to have complete packages when it is approving things. This is why she had unreadiness, and nothing to do with what they are asking for.

■ Commissioner Meares added that it's not just what the Board deserves, the public deserves this in terms of accountability. Presumably, the officers who are submitting these requests are aware of the appropriate procedures from what she had heard. She is a new commissioner. It is not too much to ask people to follow the rules.

■ Chief Reyes added that it's not too much to ask. They will endeavor to comply with submitting the appropriate paperwork. He was apologetic that the Board did not receive the appropriate paperwork in advance of those requests. The requesting officer should be providing memos in addition to supporting documentation to justify the specific request for reimbursement such as receipts. These requests will be rescinded. The Board will receive the appropriate paperwork in advance of approving any requests for reimbursement.

■ Commissioner Dawson stated this matter remain tabled.

PUBLIC COMMENT

There were none.

■ Attorney Wolak stated he had nothing to report since he has been working remotely. The last misconduct case that came in does not involve the New Haven Police Department.

■ Commissioner Dawson asked if the misconduct cases were trending downward.

■ Attorney Wolak replied that it seemed to be the trend. So far this year, he was only aware of one actual police misconduct lawsuit that has been filed in 2020 other than the one that just came in which does not involve the New Haven Police Department. He thought body-worn cameras and training have a lot to do with it.

EXECUTIVE SESSION

- ** **Commissioner Ribeiro moved to Enter Executive Session for Personnel Matters, Preliminary Drafts and Notes**
- ** **Commissioner Walker seconded**
- ** **Unanimously passed**

The Board entered Executive Session at 6:53 p.m.

- ** **Commissioner Walker moved to Exit Executive Session**
- ** **Commissioner Ribeiro seconded**
- ** **Unanimously passed**

The Board exited Executive Session at 7:33 p.m.

- ** Commissioner Ribeiro moved to Approve the Removal of Julio Alicea-Ortiz from the Eligibility List #19-37C
- ** Commissioner Walker seconded
- ** Motion passed

- ** Commissioner Ribeiro moved to Adjourn the Regular Meeting
- ** Commissioner Meares seconded.
- ** Motion passed

The next regular meeting will be on September 8 , 2020.
The Board adjourned at 7:38 p.m.

Respectfully submitted,

Sotonye Otunba-Payne