

REGULAR SESSION MINUTES
JULY 14, 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

Chief Otoniel Reyes: Department of Police Service
Assistant Chief Renee Dominguez: Department of Police Service
Assistant Chief Karl Jacobson: Department of Police Service
Assistant Chief Herbert 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
Officer Raul Pereira: Department of Police Service
Ramon Davis: Administrative Assistant II

Officer Florencio Cotto: President New Haven Elm City Local
Scott Jackson: Chief Administrative Officer
Michael Wolak, Esquire: Senior Deputy Corporation Counsel

Julio Alicea-Ortiz
Gerald Antunes: Board of Alders
Clancy Emanuel
Eric Flores
Daniel Hunt
Erik Lossing
Dylan McDonnell
Daniel Patterson
Miguel Pittman, Sr.: Community and Police Relations
Omar Robles
Abigail Roth
Jameson Rowland
Anthony Serra
Honda Smith: Board of Alders
Kennen Wright

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 today's meeting.

■ Commissioner Dawson stated the agenda would be changed to include the swearing in of

Commissioner Tracey Meares.

- The commissioners introduced themselves.
- Commissioner Meares was sworn in by Attorney Wolak.
- Commissioner Meares was congratulated.

DISCUSSION AND APPROVAL OF MINUTES

** Commissioner Ribeiro moved to Approve the June 9, 2020 Regular Meeting Minutes
** Commissioner Miranda seconded
** Motion passed

** Commissioner Ribeiro moved to Approve the June 16, 2020 Special Meeting Minutes
** Commissioner Miranda seconded
** Motion passed

** Commissioner Ribeiro moved to Approve the June 23, 2020 Special Meeting Minutes
** Commissioner Walker seconded
** Motion passed

INTERNAL AFFAIRS REPORT

Lieutenant David Zannelli

CLOSED CASES:

IA CASE NO. 20C-025: The complainant lodged a civilian complaint with the Internal Affairs Division alleging that two officers were neglectful of duty and did not arrest her daughter during a domestic violence incident. The complainant later became uncooperative with the IA investigation and declined to participate in an interview. However, body-worn camera footage revealed that probable cause did exist for a domestic violence arrest, and that the complainant asked for her daughter to be arrested several times. The officers were found in violation of several sections of the Rules of Conduct. This case was sustained. They have been referred to Chief Reyes for discipline.

IA CASE NO. 20I-022: Chief Reyes ordered an internal investigation after Officer Ofiara's department-issued firearm, radio and duty belt were reported stolen from her personal vehicle in Meriden while she was off duty. The investigation concluded that Officer Ofiara did not properly secure her PD-issued equipment in an appropriate locked container. She was found in violation of General Order 7.1, Firearms. This case was sustained.

IA CASE NO. 081-19-C: The complaint alleged that he worked for Officer Varkos, and Officer Varkos wrote a false report. Assistant Chief Jacobson confirmed that the complainant did not work for Officer Varkos in any capacity and also has a history of mental illness. This was unfounded.

IA CASE NO. 20C-041: The complainant alleged that Officer Santiago was rude to him in front of his child for littering. Officer Santiago was terminated by the Board of Police

Commissioner by recommendation of Chief Reyes last session. He is no longer employed by the Department.

IA CASE NO. 20C-020: The complainant alleged that Detective Malloy made a family violence arrest without probable cause. He never viewed available video surveillance of the incident. The investigation into his complaint concluded that Detective Malloy did attempt to view the available video surveillance at Albertus Magnus College. However, the system was down due to technical problems. And the arrest was based on the victim's statement and a statement from a bystander. Probable cause was sufficiently developed. This was not sustained.

IA CASE NO. 20C-013: The complainant alleged that Officer Vernik along with Hamden and West Haven officers pulled her and boyfriend over, pointed their guns at them. And that Officer Vernon took her cellphone and keys. The investigation revealed that West Haven officers pulled the complainant and her boyfriend over. New Haven Officers were in the area assisting West Haven with their armed robbery complaint. That the complainant's boyfriend's cousin was caught on video doing an armed robbery of an assault rifle in West Haven and was associated with her boyfriend's address. That the complainant and her boyfriend were pulled over by West Haven officers after being seen leaving the same address. That her cellphone was temporarily seized while West Haven officers executed a search warrant at the residence for officer safety. West Haven officers ultimately located the suspect of the armed robbery inside the same residence the complainant and her boyfriend left from. The suspect later admitted to participating in the armed robbery. And body-worn camera footage confirmed that Officer Vernick was professional during the entire encounter and even offered to adjust handcuffs and allow the complainant to sit in his vehicle in a different position for comfort. He was exonerated.

IA CASE NO. 20C-032: The complainant alleged that officers wrote her attempted robbery complaint inaccurately. This complaint was forwarded to the Patrol Division for follow-up. Sergeant Marshall reviewed the body-worn camera footage of the incident and concluded that the officer's incident report accurately reflected the footage. And Sergeant Marshall spoke with the complainant further. He stated it was a misunderstanding and just wanted an additional incident report generated for a separate incident that occurred. So, Sergeant Marshall advised the officers to generate a separate a separate incident report and she was pleased with the outcome. And this was unfounded.

- Lieutenant Zannelli added that there are 45 complaints.
- Commissioner Ribeiro asked if the report indicating May, 2002 should be June, 2020. Lieutenant Zannelli responded in the affirmative. He stated he would make the correction.

CHIEF'S REPORT

Chief Otoniel Reyes

- Chief Reyes began by welcoming the Board's newest commissioner, Dr. Tracey Meares. He further stated he looked forward to working closely with Commissioner Meares to help the Department move forward. Her reputation precedes her. They had worked together in the past.

- So far this year there are nine homicides compared to six the same time this year.
- Chief Reyes reported that as the meeting was ongoing, there was a report that there was another shooting on Monsoon Street. If that is confirmed, the number shootings will be up to 55. Last year at the same time there were 37 shootings.
- Combined robberies for this year are 153. There is an increase of 25 percent from last year's number of 122. Shots fired are at 94 versus 77 at the same time last year.
- Chief Reyes stated that the statistics and crime report was presented the day before during a press conference just to address the concerns that the community has and that the Department has over the spike in violence crime.
- The biggest concern the Department has is that crimes seem to be spread out throughout the city. While the Department can account for much of it being retaliatory and attributable to several groups within the city, the Department is very concerned at the sort of sporadic and really unknown nature of many of the shootings.
- The Department is working very hard. The Department's proactive efforts have been impacted by COVID.
- The Department is meeting with its federal and state partners, social service partners and all of its partners to start coming up with a proactive crime plan for the city. Irrespective of COVID-19, the Department has to take some drastic measures to correctively address the violence crimes.
- The Department has identified individuals that are related to these. Some enforcement actions have been taken already. Some arrests are expected relating to the homicides.
- Chief Reyes stated that he's not throwing in the red flag, but certainly the caution flag is up.
- As a result of the Department's standards, it has lowered crime in the city steadily over the past five, six years. Any spike in crime needs to be a cause for alarm for all.
- Chief Reyes further stated that he has been very vocal about the Department's resources being an issue. There are currently 351 officers of 18 which just started the academy on June 29th, 2020. As everyone knows, it's a six-month journey followed by a three-month FTO program. The reality is that those 18 men and women will not hit the streets and will not be visible to the public until well into the spring of next year.
- That said, all is not grim. The Department continues to work with the community and to try to reinforce its partnerships.
- The city is doing very well regarding its COVID response. The Department is no different. There are no current officers out on quarantine or isolation as a result of COVID-19. The Department has managed that very well. All should be very proud of the way that the Department and the city has handled the pandemic. Presently, the Department's efforts are focused on preventing any spikes which is happening around the country.
- Commissioner Meares asked about the issues regarding resources. She wondered about resources with the Department's community partners especially the people that the Department collaborates with on violence reduction strategies. She asked if they have been impacted by COVID-19 and what their personnel situation is like. She asked if they are able to actually access the resources. She added that as Chief Reyes and her know, it's a critical collaborative strategy to address violence as both noted in the New Haven Independent that day. While she is familiar with Chief Reyes' position regarding this issue, she has been less able to get information.
- Chief Reyes said he appreciated that question. It is an important point to make because the Department is so dependent on those partnerships for its success. The limitations that have

been placed on its partners are very glaring and have a direct impact on the city and the Department's ability to do some proactive work.

■ Specifically, there have been discussions with regard to, for example, the Department's Project Longevity efforts. The Department does a lot of work with its social services partners, its state and federal partners behind the scenes like custom notification, parole and probation checks and enforcement. All of that has been thwarted. Many of the Department's partners are working from home. Many of them have stipulations that do not allow them to do home visits, that does not allow them to take certain proactive measures, do not allow them to have any contact with people that are being supervised. Most of it has been on the phone or via Zoom or things of that nature. Those limitations have impacted the Department for sure. Chief Reyes further added that this goes across the spectrum, not just the Department's law enforcement partners but its social services partners as well.

■ Commissioner Dawson asked if there had been any coordination with the various departments around regarding the teenagers involved with stealing cars and committing other serious crimes in the Greater New Haven area. Hamden has a pending case involving someone racing and also involved the killing an individual. He wondered if there were coordinated efforts surround juveniles in New Haven that have been committing some other crimes.

■ Chief Reyes replied by saying that, fortunately, the Department has been able to maintain its communication with its law enforcement partners. Daily intel meetings are continuing on Zoom. There has been a more consistent participation with its partners. The Department is staying on top of crime that are interrelated between cities.

■ Assistant Chief Jacobson added that the Department continues to have its daily intel meetings. The Department has Hamden, West Haven, East Haven, Woodbridge on pretty much every day on the four days these meetings take place. There are collaborations with juvenile coalition from New Haven, but also with Hamden. There are calls with Mary Hall and Ronald Huggins from the city during which discussions are held with juvenile probation. Plans are made regarding who will speak to which juveniles and which juveniles are in or out. These collaborations have been very effective.

PERSONNEL MATTERS

■ Commissioner Dawson stated that it had come to his attention that the candidates present had opted to be heard in closed session.

■ Assistant Chief Sharp stated that a candidate, Erik Lossing, who joined the Zoom meeting late had not viewed his background information. However, he is present. He does not know if he is going to opt to be heard in a closed or open session.

■ Commissioner Dawson stated that he should be asked in order to proceed expeditiously.

RETIREMENTS (For Board information only)

Officer Brian Pazsak - eff., June 30, 2020

Sergeant Richard Benson - eff., August 1, 2020

RESIGNATIONS (For Board information only)

Officer John Schmaltz - eff., June 16, 2020

RECRUITMENT/SELECTION COMMITTEE REPORT

There was none.

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 unsure if she had the complete package or not. In addition, the way it was presented was confusing. She wondered if anyone on staff could expound on these requests for reimbursements

■ Commissioner Dawson stated he was unable to review all the documents prior to the meeting.

■ Assistant Chief Jacobson responded that he was unaware of these and would look into it. He added that these matters could be tabled until the next meeting.

** Commissioner Ribeiro moved to Table the Reimbursements for Costa Permit Sunglasses for Detective Juan Ingles and Detective Kyle Malloy

** Commissioner Walker seconded

** Motion passed

PUBLIC COMMENT

■ Alder Antunes stated that a few minutes ago reports were requested from the various committees. Again, this month there are no reports from the Finance Committee. There is a real concern for the city’s budget. He has attended many, many of this commission’s meetings. There’s never been a report from the Finance Committee. However, every month, every week, every year, the police department spends thousands of the taxpayers’ dollars on overtime. The police department takes in thousands of dollars in grant money. Now, he sees that district managers are all taking vehicles home which is an added expense. He would like to know why there has never been any Finance Committee report.

■ Commissioner Dawson responded that there are no Finance Committee reports as the Board does not really have a Finance Committee. He further added that a relationship with the Board Alders could be established to look at some of the information that the Board of Alders may have. There’s never been any information presented to the Board of Police Commissioners that he knows about. No one has had time to go the Finance Committee or to talk to the mayor about the Department’s finances. He was open to suggestions.

■ Commissioner Ribeiro added that the Board in the very current past have not had the care for that particular committee. Now that there are two new commissioners on the commission, offline discussions will ensue to see if anyone would be interested in either chairing or joining the Finance Committee to satisfy the Board’s bylaws as well the suggestion by Alder Antunes.

- Commissioner Dawson said he agreed. However, the committees within the Board of Alders responsible for the budget for the police department could communicate with the commissioners if a red flag goes up or any issues arise that warrant the Board's attention.
- Alder Antunes said he's not a member of Finance Committee of the Board of Alders. All he can say is it's pretty much a red flag every month with the overtime and expenses. He asked through the chair, Commissioner Dawson, a list outlining each committee and its responsibilities in order to aid the members of the Public Safety Committee in communicating with the right member on the Board of Police Commissioners.
- Commissioner Dawson said it was not a problem at all.

PERSONNEL MATTERS

Discussion and action on the recommendation to remove the following candidates from the Eligibility List #19-3C:

Anthony Pepe	Keenen Wright	Anthony Serra
Erik Lossing	Julio Alicea-Ortiz	
Daniel Patterson	Eric Flores	
Jameson Rowland	Omar Robles	
Michael Davis	Peter Monaco	

- Sergeant Smith indicated that Mr. Erik Lossing opted to be heard in executive session.
- Commissioner Dawson explained what closed session meant and that after that the Board would return to open session to record its decision regarding each candidate.

EXECUTIVE SESSION

- ** **Commissioner Walker moved to Enter Executive Session for Personnel Matters**
- ** **Commissioner Ribeiro seconded**
- ** **Unanimously passed**

The Board entered Executive Session at 6:34 p.m.

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

The Board exited Executive Session at 7:43 p.m.

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

- ** Commissioner Walker moved to the Approve the Removal of Erik Lossing from the Eligibility List #19-37C
- ** Commissioner Ribeiro seconded

- ** Motion passed

- ** Commissioner Ribeiro moved to Approve the Removal of Daniel Patterson from the Eligibility List #19-37C
- ** Commissioner Miranda seconded
- ** Motion passed

- ** Commissioner Walker moved to Approve the Removal of Jameson Rowland from the Eligibility List #19-37C
- ** Commissioner Miranda seconded
- ** Motion passed

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

- ** Commissioner Miranda moved to not Approve the Removal of Julio Alicea-Ortiz from the Eligibility List #19-37C
- ** Commissioner Walker seconded
- ** For: Commissioners Mearns, Miranda and Walker
- ** Against: Commissioners Dawson and Ribeiro
- ** (3-2-0)
- ** Motion passed

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

- ** Commissioner Walker moved to Approve the Removal of Omar Robles from the Eligibility List #19-37C
- ** Commissioner Miranda seconded
- ** Motion passed

- ** Commissioner Walker moved to Approve the Removal of Anthony Serra from the Eligibility List #19-37C
- ** Commissioner Miranda seconded
- ** Motion passed

- ** **Commissioner Ribeiro moved to Adjourn the Regular Meeting**

The regular meeting will be on August 11, 2020.
The Board adjourned at 7:55 p.m.

Respectfully submitted,

Sotonye Otunba-Payne