

**REGULAR SESSION MINUTES
MAY 12, 2020
BOARD OF POLICE COMMISSIONERS
NEW HAVEN, CONNECTICUT
*VIRTUAL AND TELEPHONIC VIA ZOOM***

PRESENT: Commissioners Anthony Dawson; Isaias Miranda; Evelise Ribeiro; Gregory Smith; and Donald Walker

Chief Otoniel Reyes: Department of Police Service
Assistant Chief Renee Dominguez: 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

Michael Wolak, Esquire: Senior Deputy Corporation Counsel

Gerald Antunes: Board of Alders
Victor Lopez
Dominick Maturo
Miguel Pittman, Sr.: Community and Police Relations

OPEN SESSION

The meeting was called to order at 6:04 p.m., Anthony Dawson, Chair, presiding.

- The Chair read an excerpt of the Notification for the record.
- The commissioners introduced themselves.

MOTION TO APPROVE THE AGENDA

- ** Commissioner Ribeiro moved to Approve the Agenda
- ** Commissioner Walker seconded
- ** Motion passed

DISCUSSION AND APPROVAL OF MINUTES

- ** Commissioner Ribeiro moved to Approve the April 14, 2020 Special Meeting Minutes With a Correction
- ** Commissioner Miranda seconded
- ** Motion passed

- ** Commissioner Ribeiro moved to Approve the April 30, 2020 Special Meeting Minutes

** Commissioner Miranda seconded
** Motion passed

INTERNAL AFFAIRS REPORT

Lieutenant David Zannelli

CLOSED CASES:

IA CASE NO. 20C-024: The complainant alleged that Officer Gutierrez was neglectful of his duty since he did not provide her a case number for a noise complaint. This complaint was forwarded to the Fair Haven District Manager, Sergeant Fumiatti, who spoke with the complainant and explained that a police report is not mandated for noise complaints; however, they can be requested by complainants if the issues are persistent and ongoing. The complainant advised Sergeant Fumiatti that she wished to withdraw her complaint, and this was mediated on patrol level. She withdrew her complaint ultimately.

IA CASE NO. 092-19-C: The complainant alleged that Officer Pressley used excessive force on him during an arrest at Wal-Mart. Store surveillance and body-worn camera footage showed the complainant dragging a carriage upside down inside the store. Officer Pressley was working an extra-duty job detail at the time inside Wal-Mart and was alerted that the complainant was damaging the store floor. Officer Pressley approached the complainant and a conversation ensued. During the conversation Officer Pressley told the complainant to leave the store. And the complainant responded, "You are going to have to throw me out." Officer Pressley called for additional units and followed directly behind the complainant towards the cash register. Once additional units arrived on scene, Officer Pressley attempted to take the complainant into custody, but the complainant resisted arrest. The use of force was reviewed by a certified use-of-force instructor and deemed appropriate given the totality of the circumstances. And Officer Pressley was exonerated as a result of this.

- Commissioner Dawson asked if an instructor reviewed the footages. Lieutenant Zannelli responded by saying that David Costa who is the use-of-force instructor at the academy reviewed the footages and was interviewed during the course of this investigation.
- Lieutenant Zannelli stated the use-of-force totals were trending downward. The use-of-force totals in 2018 was 380, 252 in 2019, and to date there are 93. At this time last year there were 95 uses of force. The trend is slightly downward.
- Lieutenant Zannelli stated that the breakdown chart for the civilian complaints had been e-mail to the commissioners. There are 32 civilian complaints 18 of which are open, one has been sustained, two have been withdrawn, three have been exonerated, seven are unfounded and one not sustained. These figures are updated every month on the city's website under the Internal Affairs' tab.
- Further, just recently the online compliant form was updated. It is a fillable online form. Once it is completed online it can be forward to Lieutenant Zannelli.
- Commissioner Dawson thanked Lieutenant Zannelli.

CHIEF'S REPORT

Chief Otoniel Reyes

- Chief Reyes began with the COVID-19 update. It is almost two months to the day with the pandemic. The Department has significantly changed how it performs its services and its interdepartmental operations.
- The Department has adopted a policy that has helped govern it during this pandemic and will inform the Department moving forward to help it establish a General Order for pandemics for future use.
- Chief Reyes added that there have been significant changes to the Department's policies and procedures in an effort to maintain compliance with CDC guidelines and to ensure the health and safety of our community and members of the Department. That said, though, the Department's focus continues to be public safety and to maintain a high level of services to the city's citizens.
- Ninety-eight officers have been affected by this pandemic throughout the past two months. Fifteen are currently still out. They are from the Patrol Division and from the Detective Bureau. Out of those 98, 83 have returned to work. There are five officers taking advantage of the Department's respite facility at the University of New Haven for precautionary reasons.
- Chief Reyes stated that the actual strength including the two most recent additions are 340 sworn personnel out of the current budgeted strength of 434 sworn officers. There are 94 vacancies based on the current budgeted strength.
- The Department's focus continues to be, even in the midst of this pandemic, to sell the Department in order to recruit and to continue with the process of doing background checks to replenish the force.
- The Department is facing the grim reality that it will continue to lose officers through attrition. It is anticipated that from now until June about seven people could leave; by the end of the year in December a total of 20 to 25 people could conceivably leave the Department.
- Chief Reyes added that the commissioners will be getting a reporting from Chief Sharp and Commissioner Ribeiro on the status of the background checks. The goal is to start a class on June 29, 2020. Obviously, the COVID-19 virus presents some challenges for the Department. The Department has done a good job at working with POST to figure out ways to overcome those challenges.
- Chief Reyes stated that they feel confident that the Department will start a class. The estimated number of recruits are between 20 to 25. He was optimistic of the higher number.
- There have been 24 shooting. There was a shooting today at the Exit 8 area. There have been three homicides year to date. At this time last year there were 27 shootings and one homicide.
- So there is a spike in homicides. The latter part of May last year was very violent. The hope is to bring these shootings under control. These individuals are known to the public. The shooting victim today has been uncooperative.
- The Intel Division, Detective Bureau and Patrol Division have been working very hard to identify the individuals. And they have done that.
- Robberies and burglaries are actually flat compared to last year.
- Arrests in Detention have dropped dramatically. Obviously, the main contributor is the Department's new policy modifying its protocol which lends itself to more misdemeanor summons and things of that nature, and fewer custodial arrests in order to adhere to best practices.

- Commissioner Dawson asked that given the situation in the nation, how impacted is the Department's normal business at the academy.
- Chief Reyes responded by saying that it has an impact on the ability to do in-person classes. Presently, in-service training has already been completed. The Department is dealing with establishing classes both virtual and in person, sort of a hybrid class, in addition to incorporating some best practices to comply with CDC guidelines. There are going to be some challenges, but the officers are up to the challenge.
- Chief Reyes said he is confident that the Department will be able to move forward. There's been a lot of guidance as well from POST. POST began an academy on the 11th of May and they doing it as a hybrid academy.
- Commissioner Dawson asked if POST has a smaller class or whether it is still the same normal class with 30 to 40 recruits?
- Chief Reyes said it was a good question. He was not sure if his staff knows what the number is. He will find that out the answer to the commissioner's question.
- Commissioner Dawson commended the chiefs and the Department for their hard work during these challenging times.

CORPORATION COUNSEL REPORT

(In Executive Session.)

PERSONNEL MATTERS

Discussion and action on the recommendation to remove the following candidates from the Eligibility List #19-37:

- Victor Lopez
- William Morey
- Joshua Brown
- Dominick Mastro
- Lucas Swan

- Assistant Chief Sharp stated that of the five candidates being presented for removal two candidates, Lucas Swan and William Morey, were not present. Mr. Lopez has requested to be heard in open session.
- Mr. Lopez addressed the commissioners. And Mr. Lopez was asked questions by the commissioners.
- Mr. Lopez thanked the commissioners.

EXECUTIVE SESSION

- ** **Commissioner Ribeiro moved to Enter Executive Session for Preliminary Drafts and Notes, Internal Affairs and Personnel Matters Regarding the Removal of Candidates**
- ** **Commissioner Walker seconded**
- ** **Unanimously passed**

The Board entered Executive Session at 7:12 p.m.

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

The Board exited Executive Session at 7:27 p.m.

OTHER BUSINESS

■ While waiting for all to join the open session after the Executive Session, Commissioner Dawson suggest a discussion ensue regarding the following:

Notice of proposed amendment to the Rules of Order of the Board of Police Commissioners whereby the time period for notification of the members of the Board for the holding of a Special Meeting be changed from three (3) days to one (1) day.

- Commissioner Walker said he would not like to see that changed. If any one of the commissioners have a previous commitment, the one-day notice would put the commissioner in a bind.
- Commissioner Smith concurred with Commissioner Walker.
- Commissioner Dawson stated that the commissioners would have a day to digest the information.
- Commissioner Smith added that since the commissioners do not get information in a timely fashion, the one-day rule would be really tough.
- Commissioner Dawson asked if the general consensus was to leave it the way it is currently.
- Commissioner Walker responded that it should be left as is.
- Commissioner Ribeiro stated that the notice is just that. No action can be taken. It can be taken up next month and acted upon then.
- Commissioner Smith asked if this notice was just for discussion.
- Commissioner Ribeiro replied that the current by-law states that if the Board wants to change anything in the Board of Police Commissioners' Rules of Order, it would have to be noticed in the meeting prior to the discussion. Hence, the reason for the notice.

RETIREMENTS (For Board information only)

Sergeant Jacqueline Hoyte - eff., June 5, 2020

RESIGNATIONS (For Board information only)

Officer Marco Correa - eff., May 11, 2020

RECRUITMENT/SELECTION COMMITTEE REPORT

■ Commissioner Ribeiro stated that the committee could not meet prior to this meeting. The goal is to schedule a mutually agreeable date for both Commissioners Ribeiro and Walker to revisit the General Order regarding the Reinstatement Policy.

EFFICIENCY COMMITTEE REPORT

There was none.

FINANCE COMMITTEE REPORT

There was none.

PUBLIC COMMENT

There were none.

PERSONNEL MATTERS

Discussion and action on the recommendation to remove the following candidates from eligibility list #19-37:

** Commissioner Walker moved to Approve the Removal of Joshua Troy Brown from the Eligibility List #19-37

** Commissioner Miranda seconded

** Motion passed

** Commissioner Walker moved to the Approve the Removal of Victor Lopez from the Eligibility List #19-37

** Commissioner Miranda seconded

** Motion passed

** Commissioner Walker moved to Approve the Removal of Lucas Swan from the Eligibility List #19-37

** Commissioner Miranda seconded

** Motion passed

** Commissioner Walker moved to Approve the Removal of William Morey from the Eligibility List #19-37

** Commissioner Miranda seconded

** Motion passed

** Commissioner Walker Motioned to Table Discussions Regarding Dominick Mastro Until There is Another Psychological Evaluation

** Commissioner Smith seconded

** Voting against: Commissioners Ribeiro and Miranda

** Voting for: Commissioners Dawson, Smith and Walker

** Motion passed (3-2-0)

** **Commissioner Walker moved to Adjourn the Regular Meeting**

** **Commissioner Ribeiro seconded**

** **Unanimously passed**

The next regular meeting is scheduled for June 9, 2020.

The Board adjourned at 7:39 p.m.

Respectfully submitted,

Sotonye Otunba-Payne