

**REGULAR SESSION MINUTES
FEBRUARY 9, 2021
BOARD OF POLICE COMMISSIONERS
NEW HAVEN, CONNECTICUT
VIRTUAL AND TELEPHONIC VIA ZOOM**

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

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

Michelle Duprey, Esquire: Deputy Corporation Counsel
Bruce Fischer: Traffic and Parking
Doug Hausladen: Traffic and Parking
Michael Wolak, Esquire: Senior Deputy Corporation Counsel

Talat Aman
Gerald Antunes: Board of Alders
Daniels
Aaron Goods
Andrew Hoover
Daniel Hunt
Lukas Nel
Albert Lucas
Miguel Pittman, Sr.
Abigail Roth: Board of Alders

OPEN SESSION

The meeting was called to order at 6:00 p.m., Anthony Dawson, Chair, presiding.

- Commissioner Dawson read an excerpt of the Notice for this meeting for the record.

REGULAR MEETING OF THE TRAFFIC AUTHORITY

Following the regular meeting of the Traffic Authority, Mr. Fischer and Mr. Hausladen excused themselves at 6:16 p.m.

OTHER BUSINESS

Election of Officers and the appointment of Committees for the Board of Police Commissioners.

■ Commissioner Dawson stated that he would like this item tabled until the March, 2021 regular meeting by which time he hoped Mayor Elicker would have appointed his replacement. The new commissioner should have an opportunity to participate in this process.

- ** Commissioner Walker moved to Table the Election of Officers and Appointment of Committees
- ** Commissioner Meares seconded
- ** Motion passed unanimously.

DISCUSSION AND APPROVAL OF MINUTES

- ** Commissioner Lawlor moved to Accept the January 12, 2021 Regular Meeting Minutes
- ** Commissioner Walker seconded
- ** Motion passed unanimously

INTERNAL AFFAIRS REPORT

CLOSED CASES:

IA CASE NO. 20C-088: The complainant, Mr. Tyrone Grant, alleged that then Officers Folch and Portela used excessive force on him and testified differently from what a medical report detailed. This investigation confirmed that the same exact civilian complaint had already been investigated under the two previous Internal Affairs case numbers. And it was confirmed that the officers involved in the complaint testified consistently based upon the facts they listed in their official police report. No new evidence was presented by Mr. Grant during his IA interview. The officers were exonerated.

IA CASE NO. 20C-065: The complainant, Mr. Eric Bratten, alleged that officers used excessive force on him and illegally searched his vehicle. IA scheduled the complainant for an interview with Internal Affairs. However, he did not show up for his scheduled interview. He indicated in his subsequent follow-up e-mail that he did not wish to participate in any further investigation by IA. Based on the results of the IA Investigation, which included body-worn camera analysis, officer interviews and a use-of-force instructor interview/analysis of the incident, the conduct of the officers were deemed appropriate, minimal to no force was used and no violations of the policy was detected. The officers were exonerated.

IA CASE NO. 21C-001: The complainant, Mr. George Grayson, alleged that the officers woke him up and asked him to leave 331 North Street, although he had permission to be there from his conservator. This complaint was forwarded to the Patrol Division. And Lieutenant Healy viewed the body-worn camera footage which showed Mr. Grayson sleeping in the hallway at 331 North Street. Lieutenant Healy confirmed with Mr. Grayson's conservator and the landlord at 331 North Street that Mr. Grayson did not in fact have permission to sleep in the hallway and was not a resident. However, Lieutenant Healy's investigation revealed that Officer Ofiara did not have her body-worn camera activated as required during their encounter with Mr. Grayson. However, the incident was captured by Officer Eisenhard's body-worn

camera. She was reprimanded for the violation. However, the officers' actions were deemed appropriate. This was closed by summary action.

IA CASE NO. 080-19-I and IA CASE NO. 20I-047: The complainant in both of these are Chief Reyes. Chief Reyes ordered two separate Internal Affairs investigations after information was provided by Ms. Beatrice Codianni of SWAN (Sex Workers and Allies Network) alleging that a New Haven Police Officer who worked in the Fair Haven section of the city was sexually assaulting sex workers. Some details were provided by Ms. Codianni on behalf of the sex workers. Although, the sex workers were eventually interviewed, their cooperation in the subsequent investigations that followed wavered. IA was eventually able to identify the suspect officer as Officer Gary Gamarra. During his IA interview, Officer Gamarra eventually admitted to having sexual relations with known sex workers from the Fair Haven section of the city. During the first incident, Officer Gamarra explained that he made plans with a known sex worker while on duty to sign her up as an informant off duty. However, this eventually led to consensual sex off duty. During the second incident, Officer Gamarra explained he picked up a known sex worker off duty that he knew from his on-duty encounters. He admitted to receiving sexual services from the sex worker, but not paying her money for the sexual services after it was requested by the sex worker. This was a violation of multiple General Orders which included Rules of Conduct, Body-Worn Cameras, Incident Reports and Patrol Operations. It should be noted that the Internal Affairs Division consulted with both the FBI and the State's Attorney's Office during the duration of this investigation. At the conclusion of Gamarra's interview, he did resign from his position of as a police officer in the New Haven Police Department. This was sustained by two.

■ Commissioner Dawson asked if Officer Gamarra is now attempting to sue the city saying that he was forced to resign. Lieutenant Zannelli replied that this is an allegation, but he was unaware of anything official being filed. Attorney Wolak stated he was unaware of any such filing.

■ Commissioner Meares asked: In a case where an officer is subject to these kinds of allegations that are sustained and even if the officer resigns rather than having to be fired or something else, are there any other consequences for that type of behavior?

■ Lieutenant Zannelli responded by saying that when an officer resigns from an Internal Affairs investigation due to serious misconduct, it is also a disqualifier which is something he believed Chief Reyes was moving to do at that point in time. And in accordance with the Connecticut Police Accountability House Bill 6004 this is a decertifiable offense.

■ Commissioner Meares asked if that was it. Lieutenant Zannelli replied by saying that criminal charges could be filed, but the lack of cooperation of victims would hinder charges being filed.

■ Commissioner Meares stated she wanted to avoid specifically discussing this matter. She asked about accessibility to pension and if this was an option. Lieutenant Zannelli replied, no.

■ Commissioner Meares stated she was asking questions she thought members of the public would be interested in.

■ Chief Reyes added that due to the short duration of time this particular police officer was on the job, the issue of pension does not come into play. If it a situation where a similar action is taken against a vested officer and/or that officer is eligible for retirement because he has 20 years on the job, it doesn't automatically trigger his pension to stop. That is something that can be considered. There is currently legislation that when officers retire or resign because of either a criminal act or because of a malfeasance, they could be subject to losing their pension. However, there is a process for that. It's not automatic. An example of such that is currently pending is the issue regarding the former Chief of the Bridgeport Police Department who is fighting for keep his pension.

■ Commissioner Walker asked how long an officer needs to be on the job before he or she becomes vested.

■ Chief Reyes replied that an officer is vested after 10 years of service.

CHIEF'S REPORT

Chief Otoniel Reyes

■ Chief Reyes began with salutations.

■ Chief Reyes stated he wanted to give the commissioners general updates about the Department. With respect to the COVID update and the COVID situation, he was happy to report that after a spike the Department experienced primarily in the month of December, 2020 the numbers are trending downward. There were three officers that tested positive and an additional three officers were being quarantined based upon the Department's contact-tracing efforts. It is expected that in the next week or two all of these officers will return to the Department. An officer tested positive and was in the hospital. The officer is doing much better.

■ Since the inception of COVID-19, 55 sworn personnel have tested positive and a total of 295 officers quarantined since March of 2020.

■ Chief Reyes shared the crime updates on the screen. He shared a graph that showed the crime statistics for the last 10 years. The other graph reflects five or six years' worth of data being tracked by the Department in order to assess how the Department was doing since 2011.

■ At this time last year there were zero homicides and three shootings. The year started off fairly consistent with previous years and the numbers are in fact better than previous years.

■ This year began with very high crime trends in terms of violent crimes. On Saturday, the 6th of February, the city experienced its sixth homicide. To date, there have been 13 non-fatal shootings.

■ The graph shows comparatively how the Department is doing. There hasn't been 13 shootings in the last 10 years year to date. Six homicides represents the highest ever homicides year to date in the last 10 years. These are very concerning numbers.

■ And the rest of the Department's CompStat numbers city-wide regarding combined robberies are 14 compared to 33 last year at the same time. So the is a significant reduction in combined robberies and shots. Aggravated assaults are down significantly as well.

■ Property crimes numbers are generally down by 23 percent. And all other purpose crimes are down 42 percent. So, overall the city is starting the year well. Unfortunately, violent crime which is concerning is significantly high. There are even more shots fired than last year. It has more than doubled. Last year, the shots fired were up significantly from the year before. It is a number that continues to trend upward.

■ Chief Reyes stated he wanted to share with the Board a sense of where the Department was. This is an important number to share because there is a correlation in terms of some of the stories in terms of crime within the city. Cops matter. And right now the Department is down to its lowest number of officers. There are currently 331. The graph showing the number of officers in the past 20 years was unavailable to be shared on the screen. However, this graph was created to show the correlation between the level of crime in the city and the number of sworn personnel. It's something that's not dispositive necessarily, but it is an important consideration. It's something worth noting

■ There are currently 331 officers. Of the 331 officers 16 officers are brand new officers in the FTO program. These officers are in training. For all intents and purposes, the 331 number is lower as a result of the 16 training officers in terms of being called for service and street service.

■ One of the biggest impact is the vacancies in the rank of sergeant. There are currently seven vacancies. This number which is budgeted at 43 is significantly down from what the budgeted number was before. The Department is hoping to get the results of the sergeant's test any day now. The hope is to present the list to the Board for ratification and promotion. The Department needs more supervisors on the streets. It is a definite overtime driver for the Department.

■ The Department also down by three lieutenants and down two captains.

■ Chief Reyes stated that he also provided for the Board a sense of the demographic breakdown in the city. Of the sworn personnel, 40 percent are classified as minority officers and combined minority and females officers is 48 percent. The Department was significantly higher than that previously, closer to 57 in that total number. The Department lost many of its minority officers to other agencies as many departments are looking to increase their footprint of minority officers as well. So, the Department has suffered some losses due to that.

■ There are 167 new applicants on the list that will be presented today for ratification. Hopefully, conditional offers will be sent and the background process can begin. The hope is to begin a new academy class by the spring.

■ The Department is expecting the retirement list to come out by the end of the month. The Department will then have a better sense of how many people are expecting to retire this year. It is important that the Department continue its recruitment efforts either through lateral transfers or new hires.

■ Some of the front burner issues the Department is dealing with is this past weekend involving the homicide and gunshots fired into the home of the city's Deputy Superintendent, Dr. White. The Department is making some headway regarding the incident at Dr. White's home. Until the case is resolved, the Department is taking necessary precautions to ensure Dr. White and his family are safe. No information has been developed to suggest that he was targeted.

■ This has been a shock to the school community and the Board of Education.

■ On February 6, 2021 there was a homicide of a Yale University graduate student on Warren Street. Twenty-six-year old Kevin Jiang was killed senselessly in the middle of the street with multiple gunshot wounds. The case has really branched out. Investigations are ongoing.

■ Chief Reyes thanked Commissioner Dawson for joining the press conference regarding this homicide. He thanked the Board for reaching out to the Department. He also thanked Chief Higgins and Assistant Chief Campbell for availing themselves to aid the Department as these investigations are labor intensive.

■ Chief Reyes ended by thanking the men and women of the Department for their tremendous ongoing work. They continue to be proactive. They've been doing a lot of good work out there. They have seized approximately 16 guns and made over 150 felony arrests this year alone. The hope is to fill in the vacant ranks as it is needed. Cops matter.

■ Commissioner Meares said she appreciated the last slide regarding the number of sworn personnel and the demographics. She agreed with Chief Reyes that sergeants are sort of the lynchpins for thinking about what happens on the streets and making sure that officers are held accountable and that the Department's policies are carried out. It is important for the public to see that those people reflect the community just as much as it's important for them to see that the officers do. She wondered if Chief Reyes could say a little bit about what the Department is doing to address demographic change for leadership other than encouraging people to take the exam, etc. At some of the Board's past meetings and today Chief Reyes has indicated that there has been some effort for lateral hiring for officers. She imagined that would be difficult to do for leadership. She, however, does not know. She meant this as a question. Is it possible? And if so, how would that work in terms of getting even experienced leadership at the sergeant's level laterally? No matter how well the Department does in terms of recruiting, if the Department has to wait for people rise up the ranks, it might not get the Department the kind of change needed quickly.

■ Chief Reyes replied by saying that the Collective Bargaining Agreement precludes transfer laterally into rank. The transfer would only pertain to the officer rank. The only option to bring leadership or infuse leadership outside of the Collective Bargaining Agreement would be administrative staff which would comprise chiefs and assistant chiefs.

■ In terms of what the Department is doing internally, because of Civil Service rules and Collective Bargaining Agreement, is that it has a process by which it promotes. The process entails testing which comprises oral and written components. Depending on the rank, there are variations in the oral component that represents more of what the responsibilities would be and attempt to gauge what other aptitudes and other abilities the applicants have that are taking these tests and making it more multifaceted or trying to get a better read on the applicants and their qualifications for their respective positions.

■ In terms of the Department's demographics representing the city it serves, the most important work is done during the entry process. If there is a diverse group of people within the Department, then organically those numbers would translate into the representation in leadership eventually. It is not necessarily the case all the time. It ebbs and flows. The only thing the Department can do is provide a fair process. The Department will encourage people to take the tests and prepare for tests and build capacity within the Department. And then the Civil Service test will be taken and people fall in the list. And then people are selected based on the procedures that are in place to do so.

■ Commissioner Dawson asked about the juveniles committing crimes in both New Haven and Hamden.

■ Chief Reyes replied that the Department has very strong communications and relationship with Hamden Police Department and that's been borne out of common interests. Crime has been a common denominator here. Hamden Police Department has been dealing with a significant increase in crime that many times are connected to people that live in New Haven or there is some connectivity in terms of the methods and the things that happened. The Department has been working very closely with the Hamden Police Department for a while.

Last year, there were a lot of commonalities in terms of their robberies and juvenile-related crimes.

■ This year there was a recent incident where officers made an arrest of four juveniles that conducted a robbery in Hamden. A broadcast was put out. The Department did a great job in apprehending these juveniles and actually seized a handgun that was utilized in the Hamden incident. The Department was looking at these individuals as possibly being connected to the recent violence in the city. The Department hopes to solve one particular violent incident in the city recently. The investigations are ongoing.

■ There's a lot of work being done between the cities and they are dealing with common actors and crimes being conducted in our respective cities. The Department is making sure it's connecting the dots and leveraging its relationships and that they are not missing anything and increasing its chances of apprehending these people and to prevent these crimes.

■ Commissioner Dawson commended the officers.

PERSONNEL MATTERS

Chief Reyes is requesting approval by the Board of Police Commissioners to send out 167 Conditional Offers of employment for the position of Police Officer from Eligibility List #21-01.

** Commissioner Ribeiro moved to Accept Chief Reyes' recommendation for Approval to Send Out 167 Conditional Offers of Employment for the Position of Police Officer Eligibility List 21-01

** Commissioner Walker seconded

■ Commissioner Lawlor stated that he was new at this. He asked Chief Reyes based on his experience if 167 conditional offers are sent, what it would yield in general in terms of real candidates.

■ Chief Reyes replied that give or take, the rule has been one out of every four. Bear in mind that by the time this process starts some of the individuals might not be interested anymore. There are a myriad of reasons for this, including the vetting-out process. It's about a one-out-of-four, one-out-of-five situation.

■ Commissioner Lawlor asked at this stage of the process, whether the list was generated because they applied for a job and there has not been any actual vetting that's taken place.

■ Chief Reyes responded by saying that this was a list that was a result of two examinations done by the third-party vendor contracted by the city that comprised a written test designed to gauge certain aptitude factors and the physical agility test. So, it's a two-part test. Now, they will be eligible once it is approved by the Board. They become eligible for the Department to begin its portion of the assessment which is all background investigations and all it entails.

■ Commissioner Ribeiro asked for the demographics of the 167 applicants.

■ Chief Reyes replied by saying, bear in mind, the Department did not know about the demographics of the candidates until they received the list. They got the list just a short while ago. Assistant Chief Sharp may have that.

■ Commissioner Sharp stated that the Department had requested this information. They are waiting for this information from Civil Service.

■ Chief Reyes indicated that the Board would also be provided information regarding the number of applicants that are New Haven residents as well.

** Motion passed unanimously.

RETIREMENTS (For Board information only)

Officer Paul Cavalier - eff., January 5, 2021
Officer William Gargone - eff., January 5, 2021
Officer Victor Fuentes - eff., January 29, 2021
Officer Donna Aponte - eff., January 31, 2021

RESIGNATION (For Board information only)

There were none.

RECRUITMENT/SELECTION COMMITTEE REPORT

■ Commissioner Ribeiro stated that the committee was still in the process of vetting out the guidelines for the background investigations. A matrix generated for this purpose was sent to her. She gave them her feedback. They were awaiting its return, for additional comments, if necessary.

EFFICIENCY COMMITTEE REPORT

There were none.

FINANCE COMMITTEE REPORT

There were none.

PUBLIC COMMENT

■ Mr. Lukas Nel asked for the spelling of Officer Gamarra name. Lieutenant Zannelli answered his question.

OTHER BUSINESS

Notification to the Board of Police Commissioners that Deputy Commissioner Counsel Michelle Duprey will be assuming the position to the Board, effective February 27, 2021, as Senior Assistant Corporation Counsel Michael A. Wolak, III, is retiring from the City of New Haven, effective that date.

■ Attorney Wolak introduced to the Board, Deputy Corporation Counsel Michelle Duprey who will be taking his place as counsel to the Board of Police Commissioners as he will be retiring from the City of New Haven as of February 27, 2021. He wanted the Board to meet Attorney Duprey. He asked if anyone had any questions for her.

■ Commissioner Dawson welcomed Attorney Duprey.

■ Commissioner Ribeiro welcomed Attorney Duprey. She looks forward to working with her and had worked with her in other areas before. She took a point of personal privilege to thank Attorney Wolak for his many, many, many years as the Board's counsel. She had worked closely with him and she has enjoyed working with him and enjoyed his expertise. She would miss him personally and professionally. She wished him well in his next endeavor. She hoped

he remains close by so they can reach out to him, if needed. Attorney Wolak was thanked for his service. Attorney Wolak thanked Commissioner Ribeiro.

■ Commissioner Dawson added that he first met Attorney Wolak on the Board of Alders and then at the Board of Police Commissioners. Attorney Wolak kept the Board out of litigations and things are working well within the Department. Because of Attorney Wolak there are lots of good things going at New Haven Police Department. Great retirement. He knows his grandchild would love having him around. Attorney Wolak said that's true and thanked Commissioner Dawson.

■ Commissioner Meares stated she also wanted to thank Attorney Wolak even though she has never met him in person throughout their entire relationship, if she can call it that. It has been virtual. She hoped that since this was his last meeting that there would be an opportunity to meet in real life on the other side of this pandemic. She thanked Attorney Wolak for all the help he offered her. He was so responsive by e-mail and welcoming virtually. Attorney Wolak thanked her.

■ Commissioner Walker seconded everything everyone said about Attorney Wolak. He went on to add that Attorney Wolak has been a very positive influence on the Board and very helpful for all the legal advice and all the information the Board had needed. He added, "Enjoy your second life." Attorney Wolak thanked Commissioner Walker.

EXECUTIVE SESSION

- ** **Commissioner Ribeiro moved to Enter Executive Session for the Purpose of Preliminary Drafts and Notes**
- ** **Commissioner Walker seconded**
- ** **Unanimously passed**

■ Attorney Wolak asked that Deputy Corporation Counsel Michelle Duprey be allowed to enter Executive Session to see what it is like.

The Board entered Executive Session at 7:02 p.m.

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

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

- ** **Commissioner Lawlor moved to Adjourn the Regular Meeting**
- ** **Commissioner Miranda seconded.**
- ** **Unanimously passed**

The next regular meeting will be on March 9, 2021.

The Board adjourned at 7:15 p.m.

Respectfully submitted,

Sotonye Otunba-Payne