

**REGULAR SESSION MINUTES
DECEMBER 14, 2021
BOARD OF POLICE COMMISSIONERS
NEW HAVEN, CONNECTICUT
VIDEOCONFERENCE AND CONFERENCE CALL VIA ZOOM**

PRESENT: Commissioners Darrell Brooks (joined - 6:12 p.m.); Michael Lawlor; Tracey Meares; Evelise Ribeiro; and Donald Walker

Interim Chief Dominguez: Department of Police Service
Assistant Chief Carl Jacobson: Department of Police Service
Captain David Zannelli: Department of Police Service
Lieutenant Manmeet Colon: Department of Police Service
Sergeant Paul Finch: Department of Police Service

Regina Rush-Kittle, CAO, City of New Haven
Michelle Duprey, Esquire: Deputy Corporation Counsel

Board of Alders
Thomas Breen - New Haven Independent
Salvatore E. DeCola
Richard Furlow
Ben Lambert - New Haven Register

OPEN SESSION

The meeting was called to order at 6:09 p.m., Evelise Ribeiro, Chair, presiding.
Commissioner Ribeiro indicated that Commissioner Miranda was excused for the evening.

AGENDA

- ** Commissioner Lawlor motioned to Approve the Agenda
- ** Commissioner Walker seconded
- ** Motion passed unanimously

DISCUSSION AND APPROVAL OF MINUTES

Discussion and Approval of the Regular Meeting Minutes of November 9, 2021.
Discussion and Approval of the Special Meeting Minutes of November 29, 2021.

- ** Commissioner Walker motioned to Approve the November 9, 2021 Regular Meeting Minutes
- ** Commissioner Lawlor seconded
- ** Motion passed unanimously

Commissioner Brooks joined the meeting at this time.

- ** Commissioner Walker to Approve the November 29, 2021 Special Meeting Minutes
- ** Commissioner Lawlor seconded
- ** Motion passed unanimously

PUBLIC COMMENTS

There were none.

CHIEF'S REPORT

Chief Renee Dominguez

■ Chief Dominguez began by speaking about the events following the Board of Alders' vote against installing her as the next permanent Chief of Police. She indicated that she withdrew her name for consideration for this post on Friday, December 10, 2021.

■ She indicated that she would remain the Interim Chief as the national search was beginning. She would remain in the Department to help with the transition once the new Chief of Police is appointed.

■ Chief Dominguez indicated that it had been emotional for her. It had also been emotional for the rank and file. She had addressed all line-ups and her command staff. She reiterated that they joined the police force for the love of the community and the job. So, it does not matter who the chief is. The upper echelon of the Department has been instilling in the officers that they are the best in their line of work as change and uncertainty are very difficult.

■ Chief Dominguez stated that as a result of officers being mandated to work overtime due to staff shortages, management has had to address the myriad of issues that had arisen and also supported officers on and off duty.

■ Chief Dominguez went on to the crime statistics. She indicated that there were 105 non-fatal shootings and 25 homicides. Last year at the same time there were 112 non-fatal shootings and 20 homicides. The 2020 year ended with 20 homicides.

■ The Department has seized 197 guns related to crimes. There have been 186 arrests. Last year at the same time, the Department seized 144 guns related to crimes and made 150 arrests. So the work the Investigative Services and Patrol Divisions have done had exceeded what was done last year. They are doing great work even with less officers.

■ The numbers of sworn personnel getting vaccinated had gradually increased. Sixty-four percent of sworn personnel were vaccinated. Ninety-three percent of non-sworn personnel have been vaccinated. In total, 69 percent have been vaccinated. Individuals are continuing to opt for vaccinations.

■ There had been a little bit of a spike in the Department with COVID-positive test results. So, it is individuals who are vaccinated. There have been nine employees who testified positive in the last three or four weeks and more than half of these individuals had been vaccinated.

■ The Department continues to stress its COVID protocols and the city's protocols by encouraging officers to get booster shots especially those vaccinated much earlier. They are also addressing areas within the Department with spikes such as Detention where a number of officers testified positive for COVID. The area has been expeditiously cleaned and disinfected thoroughly.

■ A Project Longevity call-in had been scheduled for December 16, 2021 at Gateway Community College. They are finally able to go back to Gateway which allows for social distancing.

■ There was a gun buyback on Saturday, December 11, 2021. Forty-four guns were turned in. It was a smaller response than the Department experienced in the spring. The weather was not conducive to such an event as it rained all day. The Department is awaiting the results of comparisons regarding what occurred during the buyback event in December, 2020 to this recent buyback event. Moving forward, the date may be adjusted.

■ The academy class was in. They are going into their second week of training. There was a spike of COVID-positive tests at the academy as well. There were four recruits with COVID of which three were vaccinated. This necessitated remote classes for 10 days to try to contain the number of infected personnel. They are confident that the instructions could continue. The Department had prepared for the possibility of the happening.

■ The oral and written tests were rendered to the new applicants. Lieutenant Colon will report on this.

■ Sixty-one detectives put in for the test and 44 took the Detective Test on December 4th and 5th of 2021. They were hopeful the results would come out soon so they can have that list certified. The Detective Bureau was in need of new detectives to fill the vacancies.

■ Chief Dominguez indicated that she had spoken with Commissioner Ribeiro in order to assess why some applicants were not moving long in the process, 320 took the agility test and only 150 or thereabouts ended up taking the written and oral tests. The Department would like to send out a survey on the police app to everyone who applied (523 applicants). The data collected from the survey would help the Department do better avoid losing a big chunk of individuals in the initial part of the process in the future. Before the list could even be certified the numbers dropped off markedly.

■ Commissioner Lawlor indicated that he wondered whether the phenomena Chief Dominquez just mentioned whereby the numbers drop-off from application to agility tests to the next steps implied that the drop-off resulted from the fact that some of these people were unable to pass the agility test. He wondered if that could explain some of the reasons from the drop-off.

■ Chief Dominguez replied by saying that 222 had passed the agility and only 151 or thereabouts showed up. So, people had passed and did not show up for the next phase in the process. The biggest drop is from application to agility. So, people who did not take the agility test were automatically removed. She asked Lt. Colon or Captain Zanelli to report on what the failure rate for the agility test was.

■ Lt. Colon indicated that she could look it up. She indicated that the applicants were given four different opportunities to take the agility test.

■ Commissioner Lawlor indicated he was curious as to the number. He wondered if it was a handful or more. He wanted a general sense. Lt. Colon indicated she would circle back to that.

■ Assistant Chief Karl Jacobson indicated that many departments throughout the state were hiring. So, people sign up and take the agility test and do not show up for the oral and written tests as they were offered jobs in other places. A couple of people he was trying to recruit took the tests and did not take the written tests because they were hired by North Haven, Orange or other departments. It is a tough time right now for recruitment. However, the Department has to look into what more it could do during the hiring process.

■ Captain Zannelli added by saying that the conditional clinics had been very beneficial. The Department hosted these clinics several times. They got some folks on the cusp of failing for the Department's academy over to the finish line because of these clinics. This is one of the remedies that the Department could implement moving forward as well.

- Commissioner Lawlor indicated that some of the candidates he interviewed made that point. They said it was extremely helpful. There was one trainer in particular that people mentioned. It seems like a great idea.
- Captain Zannelli indicated that it was Mr. Davis. Commissioner Lawlor indicated the name rang a bell.
- Commissioner Meares indicated that she did not know much about other departments. She knows that the Department is sometimes perceived as less competitive because of pay and the like. She wondered whether the barrier to enter into some of these other departments are lower. She indicated that she would assume that all the written tests are the same essentially. What would be distinguishing this Department is that it's less attractive and not that it's harder?
- Assistant Chief Jacobson indicated that the entry level requirements would be the same.
- Chief Dominguez added that the agility is the same but the written and oral tests are pretty standard. She further indicated that the Department had become more competitive in terms of income. They are trying to close that gap regarding other departments.
- Chief Dominguez indicated that some who applied were not as prepared for the agility test as they thought. The clinics have been helpful.
- Commissioner Meares indicated that Chief Dominguez had indicated that she had been more verbal and interactive with personnel. She had noted that Chief Dominguez had indicated that some of the those who tested positive for COVID had been vaccinated. Although, the science is pretty clear that people who are vaccinated are much likely to get it from people who are unvaccinated who have COVID. In other words, the lower your vaccinations rates are, the higher the risk that a vaccinated person would get it just because the viral load is higher. The point the Chief brought up about Detention is consistent with that as people in Detention are not just officers.
- Commissioner Meares indicated that in whatever forum the conversation is happening that the Department is making it clear that the people who are not vaccinated are putting everybody as risk including their vaccinated brothers and sisters. It is not good for everybody. The data is pretty clear what the highest cause of deaths of police officers this year is COVID.
- Chief Dominguez indicated they welcome the increase in vaccination rate. The hope is that the number of vaccinated personnel continue to rise especially as winter approaches.
- Commissioner Ribeiro asked if everyone was getting the CompStat reports as these numbers are in the reports. She asked the Chief to send a summary sheet with these statistics just before the meetings.

PERSONNEL MATTERS

There were none.

INTERNAL AFFAIRS REPORT

Lieutenant Manmeet Colon

- Lieutenant Colon began with the use-of-force statistics as follows: Year to date, the OC Spray deployment had remained consistent compared to 2020 at 23; firearms displays were 103 compared to 68 at the same time last year, significantly higher; there has been no baton used this year compared to the same time last year with four; there were 148 hands and takedowns compared to 116 at the same time last year; there have been three canine deployments this year compared to six last year; so far no there have been no officer-involved shooting; taser

deployment was trending downward with 24 this year and 33 at the same time last year; and Taser-laser is also declining with 29 this year compared to 39 at the same time last year. The total use-of-force reports for this year was 324 compared to 289 at the same time last year and 380 at the same time in 2018 (as spoken).

■ Commissioner Meares asked, given the new use-of-force General Order to be discussed later, are more data required by state statute such that the Department's the use-of-force numbers could potentially increase? She further indicated she had not taken the time to compare what used to be collected to what is now required to be collected.

■ Lt. Colon indicated Taser-laser would be collected as it had been with the new use-of-force General Order.

■ Commissioner Meares asked if no new categories of data would be required to be collected.

■ Captain Zannelli indicated the Department would be capturing the same data because the Department was ahead of the curve as an agency in some categories. So, the Department is not anticipating spikes due to the policy change as the data being collected would remain consistent.

IA CASE NO. 21C-037: The complainant filed a case against Officer Reynolds stating that she was wrongfully arrested and that excessive force was used during the arrest. Internal Affairs Lieutenant Fennessy made several attempts to contact the complainant to no avail. Based on the body-worn camera footage, the police report authored by Officer Reynolds, it was found that the officers had a lawful reason to stop the more vehicle that the complainant was in. During the motor vehicle stop, the complainant began screaming at her boyfriend and assaulted him also during this. Based on the body-worn camera footage, police report and statements obtained, there was lawful reason to arrest the complainant, and the force used by the officer was determined to be within the New Haven Police Department General Order. The officer in this case was exonerated. This case was closed on November 9, 2021.

IA CASE NO. 21C-062: The complainant filed a complaint against Lieutenant McDermott and Officer Jacques stating that he has not received a response from the lieutenant or Officer Jacques regarding a fatal motor vehicle accident that he was part of. This is the second Internal Affairs complaint that this complainant has filed throughout the criminal investigation of this complainant. Lieutenant Bullock (now retired), Officer Jacques and Captain Dell had spoken to the complainant on numerous occasions. He was told that his vehicle was seized under a search warrant and is now considered evidence of crime of Manslaughter in the Second Degree. He was arrested for that actual charge. The investigation is still pending. He was told to reach out to the Clerk's Office at GA23 in order to retrieve his property back. This complaint was unfounded. A letter was sent to the complainant on November 9, 2021.

IA CASE NO. 21C-065: The complainant in this case alleged that Officer Faya-Sanchez failed to make a DUI arrest on the operator who struck his vehicle causing the accident. The complainant alleged that his ammunition went missing after Officer Faya-Sanchez removed it from his handgun and the ammunition from him. The allegations against Officer Faya-Sanchez were not sustained. However, during this investigation it was discovered that Officer Faya-Sanchez did not properly and accurately document this incident. He violated several Department General Orders including traffic crash investigation, body-worn camera, Incident

Reports and Patrol Operations. Therefore, this case was sustained and closed out on November 12, 2021. They are awaiting discipline regarding this case.

IA CASE NO. 21C-059: The complainant stated that Officer M. Williams caused an injury to his son when he was placed in handcuffs. The complainant also alleged that Officer Williams harassed him for a parking complaint which occurred at the private lot of Stop & Shop. Sergeant Fennessy interviewed the complainant and asked him to provide medical records for the injured son which he never did. Sergeant Fennessy also spoke with Officer Williams who told the complainant several times to move his vehicle. The complainant became irate and told Officer Williams to give him a parking tag. Upon Officer Williams asking the complainant several times for his ID, he became agitated and refused to comply. Officer Williams then detained the complainant in handcuffs. When the complainant indicated that the handcuffs were too tight, the handcuffs were adjusted. Once the complainant's ID was verified, he was released without incident. In this case Officer Williams was exonerated. This case was closed on November 17, 2021.

IA CASE NO. 21C-078: The complainant alleged that Officer Larnell Jackson did not properly talk to her during an incident where she was arrested. She also claimed that the information was left out of the police report. According to the complaint, the police report contained inaccurate information. On scene she spoke with Sergeant Smith who informed her that a follow-up would be conducted. At that point Lieutenant Smith followed up with the complainant. She noted that she did eventually communicate with Officer Jackson and her report was corrected eventually. This case was unfounded. The case was closed on November 17, 2021.

IA CASE NO. 21C-079 (sic): The complainant in this case alleged that he was sexually assaulted by officers at a motor vehicle stop. The complainant alleged that he was stopped for a motor vehicle violation at which time officers made contact with him. He appeared to be nervous and physically shaken. Officers suspected that he was in possession of weapons. He was removed from the vehicle and a pat-down was conducted. A large bulge was felt by the officers conducting the pat-down during the pat-down. The complainant alleged that officers put their fingers inside his buttocks and removed contraband which later were determined to be drugs, crack cocaine. According to the police report, the complainant was suspected of concealing drugs in his buttocks. Officers told him to squat and the contraband released was later determined to be 27 individually-wrapped Ziploc bags containing crack cocaine. He bent straight over the vehicle and clenched his buttocks and the drugs were concealed in between his lower buttocks and near his upper thigh. He squeezed his cheeks to keep them from being located. Based on the body-worn camera footage, police report, supplemental reports and statements obtained, it was determined that officers did not insert their hands or fingers into the complainant's anatomy. The officers on scene used their thumbs to swipe the drugs from the thigh area which became loose and fell down on his pant leg. AMR was requested to the scene to render aid to the complainant as he claimed sexual assault. He was arrested and transported to the hospital for medical treatment. He did not provide the investigators with any medical records after being asked to do so. The officers' actions were deemed lawful and appropriate in this case. This case was not sustained. It was closed out on November 22, 2021.

IA CASE NO. 21C-049: The complainant in this case was displeased with the way Officer Luciani handled a harassment investigation. And the complainant ended up having a warrant for this investigation. The complainant alleged that the officer did not make proper attempts to speak with her and ascertain her side of the story related to the incident. According to the police report, it was confirmed that the officer had attempted to reach out to the complainant by phone and had a teletype request sent to Norwalk to locate the complainant at her house. Officer Luciani additionally noted in her report that this was an ongoing issue involving said parties, and due to the frequency of threats and her knowledge of other parties addressed in this it was a constant threat. Captain Healy explained the above to the complainant several times. She stated that she had additional information related to the case. And he explained that she could report this on a supplemental report and any additional information with the officer. Based on the investigation, the officer's actions were deemed to be lawful and appropriate. This case was unfounded. The case was closed on November 25, 2021.

IA CASE NO. 21C-073: The complainant filed a complaint against Officers Rindfleisch and Connelly. She was upset that no one was arrested for assaulting her and she was now suffering from medical issues stemming from the incident. The complainant told the officers that two women were responsible for her assault. She also wanted all thirty people that were at the party that caused the incident arrested. She claimed that all attacked her and assaulted her. She denied assaulting anyone else. Lieutenant Przybylski, the district manager of the area, spoke with the complainant and told her that Officer Rindfleisch would be contacting her for a follow-up. When Officer Rindfleisch contacted her on the follow-up, she refused to speak with him. She at that time called the front desk and complained that the officer was harassing her by calling her back to back. Based on the information available to the officer, he submitted a warrant for the two women and the warrant was eventually denied by the court for lack of probable cause. Lieutenant Przybylski notified the complainant informing her that the warrants were denied. The complainant was not happy with the outcome. Based on the police report, body-worn camera footage and statements obtained, the officers' actions in this were deemed appropriate and lawful.

IA CASE NO. 21C-008: The complainant alleged that he was falsely arrested by the New Haven PD Officer Pereira. He alleged that the accusations made against him were false, and that he never threatened anyone. A review of the police report determined that the responding officer spoke with the complainant's adoptive mother who reported that the complainant was outside of her house yelling that he was going to harm the family meanwhile reciting rap lyrics and gesturing a finger gun in the air which made her feel threatened by her erratic behavior. Residential Ring camera depicted that the complainant's actions were corroborated by his adoptive mother who gave the statement that he was harassing her and threatening her. A warrant was submitted for the complainant which was later signed by the court, and he was subsequently arrested. Several attempts were made by IA to contact the complainant to no avail. Based on the police report, supplemental report and body-worn camera footage the officer's actions were deemed lawful and appropriate. Therefore, the officer was exonerated. This case was closed out November 29, 2021 (sic).

IA CASE NO. 21C-035: The complainant alleged that the New Haven Police Department detectives hopped out on him at a bus stop and searched him several times as they touched his

penis. He alleged that he was sexually assaulted by the New Haven PD Plainclothes Detectives. Plainclothes Detectives were conducting surveillance in an area known for drug trafficking. They noticed several individuals including the complainant in the area where the drugs were being stored and sold. They noticed several hand-to-hand transactions. At that time they were detained by Patrol officers and the Plainclothes Unit. The officers felt a small hard object on the complainant crotch area. They removed him from handcuffs and asked him to remove the object in his pants which he eventually did, and he attempted to crush the object which was later determined to be crack cocaine. At the time he was placed under arrest. Officers were interviewed and they denied grabbing any of his anatomy and causing it to hurt. They also searched the crotch area for an extremely brief moment to check for contraband. Probable cause did exist to arrest the complainant for Narcotics and Sale of Narcotics. Based on the police report, supplement reports and body-worn camera footage the actions of the officers involved were deemed lawful and appropriate. Therefore, this case was not sustained. The case was closed on November 26 2021.

- Commissioner Ribeiro requested that for the cases that are sustained, the Board should receive some type of information regarding the disposition of the matter whether it was verbal counseling, etc. Commissioner Ribeiro indicated that she would like this report on a regular basis regarding the disposition of sustained complaints.
- Commissioner Meares indicated that she had had a conversation about coming up with some kind of report that summarizes these types of dispositions, such as percentages of those sustained versus the unfounded ones, what kinds of dispositions. This kind of transparency is important for the public. Transparency does not mean a list of everything either. She indicated that all should think about the shape and form of the report. Rather than transparency think about legibility, what would be legible to the public that would help them understand.
- Commissioner Ribeiro indicated that the Board used to receive reports years ago. The Department then had a system it used. Lieutenant Colon indicated that the system was still in use.
- Commissioner Ribeiro suggested that since the system could generate certain reports, perhaps some of the reports could be made available to the Board. Given Commissioner Meares' suggestion, perhaps the report could be streamlined to provide only useful information.

RETIREMENTS (For Board information only)

Officer Miguel Aponte, eff., December 31, 2021

Officer Jason Jackson, eff., December 31, 2021

RESIGNATION (For Board information only)

Officer Jazmin Delgado, eff., December 2, 2021

Officer Vincent DeStefanis, eff., December 22, 2021

Officer Joseph Mortali, eff., December 22, 2021

- Commissioner Ribeiro inquired as to whether the resignation dates for Officers DeStefanis and Mortali were earlier than the indicated dates above.
- Chief Dominguez responded by saying that Commissioner Ribeiro was right. She thought their resignation date was December 8, 2021. She further indicated that she would check to ensure that the correct resignation dates for the two officers are reflected in the minutes.

RECRUITMENT/SELECTION COMMITTEE REPORT

- Lieutenant Colon indicated that 158 reported for the written examination which was given on December 11, 2021, and 151 reported for the oral examination which was given on December 12, 2021.
- HR had indicated that it would take two weeks to sort through the data to render an updated report which would indicate where most applicants were lost. She would send an e-mail with the updated report once she receives it.
- The Department had begun background investigations regarding the current process with a list that would expire on March 27, 2022. The interviews had been scheduled for the prospective candidates. The plan is to send them for their polygraph examination. There were two to three candidates ready to take this test. By the next meeting, January 11, 2022, they hopefully would have a list of new hires for the Board. Any removals would be presented on this date in January as well. The plan is to exhaust this list until the next list is approved.
- Sergeant Finch is continuing the recruitment as well. He had been attending some events.
- Lieutenant Colon indicated she would touch base with Sergeant Finch regarding the planned survey for the applicants.

FINANCE COMMITTEE REPORT

- Commissioner Ribeiro indicated that she had been receiving the budget report and had met with Chief Dominguez and Ms. Alissa Ebbson. Mr. Michael Gormany was unable to attend the last meeting she had with Chief Dominguez and Ms. Ebbson.
- Commissioner Ribeiro indicated further that it did appear that the Department was on target. The Department was a little over in overtime as could be expected. The hope is that the budget can balance out as the fiscal year progresses.

EFFICIENCY COMMITTEE REPORT

Consideration and vote on proposed General Order 6.01 "Use of Force," which supersedes existing General Order 6.01 issued on 2.15.18.

- Commissioner Meares indicated that Captain Zannelli would present this General Order. She and Captain Zannelli had done a lot of great work on this. They had gone over it in detail. After the presentation, she had a couple of things she would like to point out.
- Captain Zannelli stated that this arguably is one of the Department's more important General Orders. They have updated it almost in its entirety from the previous General Order. This General Order grew from 12 pages to 20 pages. The latest updated draft was e-mailed to the commissioners.
- Some of the new changes have to be in effect by January 1, 2022 because of the House Bill 6004 which is the Police Accountability Act.
- Captain Zannelli highlighted some sections. For example, under "Purpose" there is a section that reads "... police officers must use only the level of force necessary to achieve legitimate, lawful purposes and resolve each situation ...". The word "necessary" was in the previous General order. However, this is the prevailing theme of the new General Order. It is not going to be focused on the word "justified" but the word "necessary."

■ On page 2, under the “Policy” paragraph addresses the fact that the NHPD must use only minimal level of force necessary to achieve a lawful purpose. Any use of force must be reasonable and proportionate ... There had always been the word “reasonable” in the General Order, but the word “proportionate” is also a new word that the Department will be implementing and training on.

■ On page 3, definitions of words and terms were added which are from the POST model policy. The first eleven or twelve pages were incorporated into the Department’s culture, but from the POST model policy which Commissioners Lawlor and Meares assisted in creating.

■ The definition of “Officer Created Jeopardy” reads as follows: Situations where officers needlessly put themselves in a position where they must use deadly force to protect themselves.” The Department is now training against this. The big focus is on using tactics to ensure that officers do not contribute to scenarios where the use of force is increased as a result of bad tactics. There is a part here that speaks to the fact that an officer not only could be found in violation of the policy but also could be held liable for contributing to the amount of force needed.

■ Page 4 addresses the “Duty to Render Aid,” “Duty to Intervene” and a “Duty to Report.” The Department already had a semblance of these terms in its existing General Order under Rules of Conduct when these came out. However, a lot of details have been added to these terms than the current policy under Rules of Conduct, 1.03. They have stipulated to some of the procedural matters that have to be followed here. There is clarity as to what is expected of the officers.

■ Page 6 addresses “De-escalation” in more detail. It addresses what could be done in order to effectively utilize de-escalation tactics. A through H are listed as some of the things that could be utilized during some given scenarios to decrease the need for force.

■ Page 8 addresses “Prohibitions on the Use of Physical Force.” One of the pieces here, of course, are standing and kneeling on the neck of another person. This has come up in questions with the Civilian Review Board. They are pointing out that this is something officers are not allowed to do absent a deadly force scenario. They go into detail about what the prohibitions are and what the restrictions are as well.

■ For example, there is a lot of focus on the term “chokehold. Chokeholds are restricted and can only be used in a situation where deadly force is authorized or a life-and-death scenario, for example. The Department was ahead of the curve regarding this. However, more details have been added to include the only times chokeholds would ever be permissible.

■ On page 9, under “Permissible Purposes for Deadly Force,” it addresses that it has got to be objectively reasonable and necessary.

■ One of the sections of this General Order that is unique to the New Haven Police Department procedures is how the Department reports and reviews reported uses of force. So, according to the NHPD, a reportable use of force is anything above unresisted handcuffing and general escorting. Now, if an officer applies force with an escort like a drag, that would then require a use-of-force report to be completed. The relevant section addresses everything that would require an officer to complete a use-of-force form.

■ Displays of force is misinterpreted. If an officer displays his/her firearm, this would be considered a display of force which differs from an officer firing his/her firearm which would be considered the use of the firearm.

■ Commissioner Lawlor indicated that what is definitely not reported under this policy and under state law is when the firearm is taken out, when it’s at the low ready. He was only

raising this because there were journalists in attendance. There may be instances where the officer draws his or her weapon but as long as they do not point at anyone and it's at the low ready position that is considered a use of force. Commissioner Lawlor indicated that he was only emphasizing this because he was not clear about this until someone clarified it for him. So, for people who assume now that anytime a police officer draws his/her weapon, that in and of itself is going to be a reported use of force, that is not the case, unless and until they point the weapon at a person. This is a distinction that might prompt a lot of concerns in the future when people feel that certain things are not being reported when they should be.

■ Captain Zannelli indicated that Commissioner Lawlor was quite right. A display of force is defined in the General Order. Display of force is when an officer points the Taser or any firearms at or in the direction of another human being. This is what would be reportedly use of force. An officer having the gun at the low ready (a definition adopted from POST) alone is not a reportable display of force or use of force for our purposes.

■ Commissioner Lawlor indicated he only emphasized this because there had been some incidents. For example, there was an incident regarding an officer with the Yale Campus Police drawing his gun which he did not point at anyone. There was a fair amount of controversy about why that happened, etc. This would not be a reportable use of force, to be clear, unless the weapon is pointed at somebody.

■ Captain Zannelli indicated that on page 12 they have adopted some new disposition codes for the Department's use-of-force policy.

■ He indicated that Lieutenant Colon, Captain Dell and himself had attended a use-of-force summit. They incorporated this from the training.

■ Captain Zannelli indicated that the forms will help the Department increase efficiency. This would help the upper echelon develop the rank and file. That display of force might be in the policy, but the Department might think that training for de-escalation might have diffused it before it got to that level. This allows for training opportunities and to develop officers as they grow. This is also a way for the training academy to track it and to ensure training plays a more integral role in the Department's use of force.

■ Commissioner Lawlor indicated that the form that was being referred to here did not yet exist. The POST-approved form is not in existence. It is not anticipated that that form would be approved and useable until April 1, 2022. In that vein, it was his understanding that POST was looking for Departments to pilot this new form just to work out the kinks. And he believed that it's the case that POST did not yet have a big city that had agreed to do this on a pilot basis. So, if that's anything that the Chief or anyone else was interested in, POST would welcome another department trying to implement this draft from to get it to the point where it is approved.

■ Commissioner Lawlor pointed out one hyper technical thing to him. In several places in the General Order there is reference to the Office of the Chief State's Attorney Inspector General. There is an important distinction here because the Inspector General is completely independent of the Chief State's Attorney. It's located within the Division of Criminal Justice but it's not part of the Chief State's Attorney domain. It might be better to refer to it as the Division of Criminal Justice Inspector General. It was a very significant part of the discussions in the formulation of the Office of the Inspector General that it be actual and perceived as completely independent of any prosecutor outside the Inspector General's Office.

■ Captain Zannelli thanked Commissioner Lawlor for the clarification. He took the term directly from the POST model policy.

- Commissioner Lawlor indicated he would reason with POST regarding this as well as this was an important point.
- Commissioner Ribeiro asked if the amendment could be made then or at a later date.
- Commissioner Lawlor indicated he did not know how complicated it would be. He was just pointing out the inaccuracy of the title. Maybe POST should change what they are recommending. He just wanted to point it out.
- Captain Zannelli indicated he would make the amendment to the policy before Chief Dominguez signs it, if the Board so chooses.
- Commissioner Lawlor added that physically by statute the Inspector General cannot be located in the same building as any other prosecutors. Things like this became very important as that bill was being formulated.
- Captain Zannelli emphasized that page 14 consisted of a new policy for the Department. When an in-person supervisory response is required (he and Commissioner Meares discussed this at great length), he felt that a supervisor should be launching a response on scene for certain scenarios. The scenarios are if an officer's use of force results in hospitalization, an allegation of excessive force or when an officer needs to use force when utilizing the duty to intervene. A supervisor should respond to the scene and do a preliminary investigation. This is important because evidence can get lost, witnesses could disappear, if not identified. Certain things should be handled quickly as they are evolving. This section articulates procedures for both officers and supervisors.
- Captain Zannelli indicated this would be useful for the Department to get ahead of things so that injuries could be photographed as they are and evidence is not lost and the like.
- Page 17 addresses the Use-of-Force Review Task Force. They had language with respect to this. However, it speaks to all the different divisions that review a use of force which would be the training academy, IA staff and the Patrol commander. So, that there are multiple eyes reviewing the uses of force to ensure that officers are adhering to this policy and that the use of force is necessary and the most limited scope is used when it is appropriate.
- Commissioner Meares indicated that Captain Zannelli had covered everything except for one little piece with respect to the immediate supervisor which was Captain Zannelli's idea. It is important to understand that Captain Zannelli's suggestion was a clever solution to the way the different pieces of the policy work together. The immediate supervisor cannot show up unless there's a duty to report to the immediate supervisor. It is important to see how those sections work together.
- Commissioner Meares added that she and Captain Zannelli had spoken about the policy being lengthy and detailed and whether it made sense to include explanatory notes. She does not think so. It is important to note how they work together.
- Commissioner Meares indicated that Captain Zannelli was explaining the differences between prohibitions, restrictions and permissions. Captain Zannelli described prohibitions as prohibited unless some circumstance took place. Her understanding is that's a restriction. When things are prohibited, they are prohibited outright.
- Captain Zannelli thanked Commissioner Meares for the distinction.
- Commissioner Meares added that the thing that's nice about this piece of work is that the Department will train to policy and there is very little left to the imagination. So, this will be very clear for training purposes.
- Captain Zannelli thanked Commissioner Meares for her time and patience.

- Chief Dominguez thanked the commissioners and Captain Zannelli for their hard work. The training academy ensured that every single officer would be trained by the time the law takes effect on January 1, 2022. Secondly, the Department made sure, with the help of the Board, that the Department would have policy to go with law and training, all coinciding together.
- Chief Dominguez added that the Department took this pretty seriously. They wanted to ensure that all officers working were equipped to adhere to this policy by the time the law takes effect on January 1, 2022. This was a big task to train all 330 officers within a short period of time. It was a great team effort.
- Captain Zannelli concurred that it was a great team effort.
- Commissioner Ribeiro indicated that the use-of-force document was sent to the commissioners in addition to other documents. She wondered if the form had been updated.
- Captain Zannelli indicated that the form would be the new form that Commissioner Lawlor had spoken about earlier. He indicated that they would have to add a fourth category to the form which the IT Department is finalizing which has to do with electronic submissions. The goal is to go paperless. This form captures more data than the forms used in the past.
- Commissioner Ribeiro asked if there was anything about the form Captain Zannelli would like to bring to the Board's attention.
- Captain Zannelli indicated that the form was very clear. They could keep track of the trends. One of incidents that officers are using force on is domestic. They can track this a little bit cleaner in that form. The data would be readily available to the Department.
- Commissioner Ribeiro asked if the recommendation was to approve the form this evening.
- Captain Zannelli indicated that that would be the request.
- Commissioner Walker commended Commissioner Meares and Captain Zannelli for their hard work on this General Order. It is a huge change from the previous version.
- Commissioner Brooks indicated he, unfortunately, did not get a copy of the General Order and could not read it as he would have liked to. However, it sounded like Commissioner Meares and Captain Zannelli did some extensive work on this.
- Commissioner Ribeiro indicated that if she and Commissioner Brooks did not get the General Order via e-mail, someone ought to straighten out the accounts.

** **Commissioner Walker moved to Approve General Order 6.01 as Amended**
 ** **Commissioner Meares seconded**
 ** **Voted for: Commissioners Lawlor, Meares, Ribeiro and Walker**
 ** **Abstained: Commissioner Brooks**
 ** **(4-0-1)**

- Commissioner Ribeiro thanked Commissioner Meares, Captain Zannelli and his team for all their hard work.
- Commissioner Ribeiro added that with regards to the disciplinary hearing that took place at the Board's special meeting on November 29, 2021, the hearing is still on recess. Documents were requested from the staff which were timely delivered to the commissioners the previous week. However, it is a lot of information. They have not had enough time to digest everything in order to put it on the agenda for tonight's meeting. The Board would continue to review them. It may be scheduled for a special meeting or it may resume during the Board's regularly scheduled meeting on January 11, 2022,

- ** Commissioner moved to Enter Executive Session for Preliminary Reports and Notes ending and IA Business**
- ** Commissioner Brooks seconded**
- ** Motion passed unanimously**

The Board entered Executive Session at 7:23 p.m.

- ** Commissioner Walker moved to Exit Executive Session**
- ** Commissioner Meares seconded**
- ** Motion passed unanimously**

The Board exited Executive Session at 7:30 p.m.

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

The next special meeting will be on January 11, 2022.
The Board adjourned at 7:31 p.m.

Respectfully submitted,

Sotonye Otunba-Payne