

MINUTES OF THE CIVILIAN REVIEW BOARD MEETING

August 22, 2022

• **Roll Call.**

The meeting was called to order by Acting Chair Rivera Berrios at 6:05 PM. Members in attendance were: Rivera-Berrios, Carter, Counsel, Crouse, Fawcett, Hamm, Jenkins, Peralta, Peralta, Pescatore, Richardson.

Members Absent: Avshalom-Smith

• **Approval of Minutes.**

The minutes were received but not reviewed by all the members so it was agreed to approve them at the September meeting.

• **Members who have resigned or plan to resign**

Acting Chair asked that all members fill out their applications for reappointment and the survey she sent out. She noted four people have submitted it so far. She asked that all get them in by October 1st so they can be sent to the Mayor.

• **Internal Affairs report**

Lt. Manmeet Colon presented on cases: 21C-077; 22C-015; and 22C-005 .

Member Johnson asked for clarification on the " accommodation" provided in case 21C-077. Lt. Colon explained that it was that the adjustment of the handcuffs.

There were no questions on case 22C-015 and 22C-005.

Lt. Colon presented an additional closure from August Case 22C-011.

On advice of counsel this case was held for the September meeting.

Member Crouse said this seemed like a light month for cases. Lt. Colon noted that officers are on vacation so it take time to catch up.

Member Hamm asked about the status of the Sgt. Shayna Kendall case and the Chief attending this meeting.

Lt. Colon noted that two officers received written reprimands and training for situations that they were involved in. She noted that the IA reports is updated with the disciplinary actions and in the closure reports for the previous month.

Member Crouse noted the Chief is not supposed to issue discipline for civilian cases until he hears from both the CRB and IA. (Ord. No. 1853 , § 6, 1-7-19)Sec. 2-802.

Member Pescatore added that the discipline is not supposed to be decided by chief until that occurs.

- **General Public Comment**

There was no general public comment.

- **Subcommittee reports**

-22C-010 No report. Meeting will be Wednesday, August 24, 2022

-21C-084- Member Crouse presented the subcommittee report https://docs.google.com/document/d/1PpYPF_gJucHrNXjOeOztIRcZ68ANeT3yuYG1QSYDPBI/edit. The recommendation of the committee was that the Chief review the complaint, the body worn camera footage and the investigation to review again to consider appropriate discipline. Suggested a flow chart of discipline. The committee expressed concern about bias in language and more thorough closure summaries and how officers are expected to react to public in heated situations and the efficacy deescalation training. Member Carter suggested that the issue of whether issuing an infraction in this case would be considered intimidation.

Lt. Colon noted that equipment violation starts with counseling and goes through progressive discipline for continued offenses. She noted that Louisville has clear matrix but we don't but are exploring it. Currently we use a master discipline log and chief asks for comparables of last five years. Lt. Colon noted the officer involved had another equipment violation recently.

-21C-006 Member Pescatore noted the committee will need to meet again. He noted that the subcommittee had concern about the speed that the canine was employed in this case (less than 4 minutes) and also what else was happening in the city that night.

Lt. Colon explained there is no timeframe. The officer were familiar with this individual due to prior interactions. She noted that while the department believes in deescalation not every case is one where deescalation is an option.

-22C-003 Member Hamm presented the subcommittee's recommendation <https://docs.google.com/document/d/1XABKULG8MSKswZnVzIc-X6BJQ7e6aW--8J9XQhMZmyQ/edit>

The subcommittees recommendation included the following we believe police should have a protocol in situations like this to make sure that injured or mentally impaired people in incidents are capable of answering questions. We would like to understand the procedures for police handling civilians' possessions during incidents, and documenting it.

The subcommittee concurred with part of this but do believe that excessive force was used.

CRB members expressed concerns about making sure that medical is administered to injured people.

Lt. Colon responded that medical is always first priority. Lt. Colon noted that depending on case questions needed for investigation information may be asked first.

- **Professional Services Subcommittee-**

Member Fawcett presented on behalf of the subcommittee that they would support the recommendation of Member Hamm
(<https://docs.google.com/document/d/1ACcnsimYpeq1jGyc8k5jmFnBkXNBqYdTOtt-lCjOVDc/edit?pli=1>)

and expressed that the administrative and data work will be with a competent and detail oriented.

Attorney Lamar noted that the subcommittee and she came up with five areas of need as follows: Administrative Services, Investigative Services, Legal Advice, Consulting Services, and Data and Document Management. She noted that an RFP can be put out soon for the administrative services and the pay and payment schedule can be negotiated. And a separate proposal for Investigative Services and an engagement agreement with outside counsel. She recommended having current consultant present information on what services are needed. She noted that they could piggy back off data and document services that corporation counsels office and police department are considering.

Member Crouse noted that he estimated that backlog is about 100 hours of work but that included already adopted minutes that were less thorough than the more recent ones.

Acting Chair Rivera-Berrios moved seconded by Member Carter to create a hiring sub-committee.

Member Richardson suggested having the consultant look for candidates for this jobs.

Attorney Lamar agreed and noted that a contract should be issued for that purpose.

Member Crouse asked the consultant how long this would take.

Managing consultant Emma Jones explained that this is something that she could do as she has done this her entire career. She suggested that she create a proposal and the CRB have a special meeting before the next meeting. She could draft the job descriptions. She noted that she would be willing to do anything that would help move the CRB forward including a 6 month contract.

Acting Chair Rivera-Berrios suggested getting this all done by January.

Managing consultant Emma Jones explained that this can be done before January.

Acting Chair Rivera-Berrios withdrew her motion to create a hiring subcommittee and moved to hire Emma Jones as Managing Consultant for six months to get all job description designed and to get candidates to hire.

Member Hamm expressed concern about getting this done as soon as possible.

Member Fawcett expressed that the consultant said she would submit a proposal and we should wait for that before next steps.

Attorney Lamar recommended that the CRB authorize her and the officers or the management consultant for the issuance of an RFP for the administrative services and also authorize her to create a scope of services for contracting with the Managing Consultant.

Member Jenkins, seconded by Member Richardson moved to get an RFP for administrative services issued by early September and authorize the creation of a specific scope of services to contract with

the current Managing Consultant Emma Jones to bring back to the CRB for approval.

The motion carried with the following members voting in favor; Rivera-Berrios, Carter, Counsel, Crouse, Fawcett, Hamm, Jenkins, Peralta, Peralta, Pescatore, Richardson. No members voted against.

Acting Chair Rivera-Berrios said she would meet with Attorney Lamar and Managing Consultant Emma Jones on this issues.

• **(Unfinished business and General Policy Items)**

-**Hartford Model** - There were no questions on the Hartford Model.

-**New Haven's Model** - Acting Chair Rivera Berrios noted that she sent out a survey for feedback and what came out was : In person meetings, checking dismissive attitudes at door, administrative support, and getting complaint forms in the community.

• **New business** - These items to be added to next months agenda

Items to be added to September's agenda:

-Chief will be attending to speak to us about our recommendations

-Discipline Cases- how to be better informed.

-Case 22C-011

-Attorney LaMarr's update on access to Files and Videos remotely. Attorney Lamar will see if company can do a demo.

-Answers to questions on Hartford Model

• **Discussion of complaints and reports**

Member Carter, seconded by Member Counsel moved for a subcommittee on 21C-077 .

The motion carried with the following members voting in favor; Rivera-Berrios, Carter, Counsel, Crouse, Fawcett, Hamm, Jenkins, Peralta, Peralta, Pescatore, Richardson. No members voted against.

The subcommittee includes: Members: Carter (chair), Counsel, Richardson, and Rivera-Berrios

• **Public Comment on Complaints and Reports**

There was no public comment on Complaints and Reports

• **Recess to Executive Session, if appropriate**

• **Return to open session after Executive Session**

There was not Executive Session

• **Act on complaints and reports**

Acting Chair Rivera Berrios moved seconded by Member Crouse to accept the recommendations of subcommittee on 22C-084. The motion carried unanimously.

The motion carried with the following members voting in favor; Rivera-Berrios, Carter, Counsel, Crouse, Fawcett, Hamm, Jenkins, Peralta, Peralta, Pescatore, Richardson. No members voted against.

Acting Chair Rivera Berrios moved seconded by Member Hamm to accept the revised recommendations of subcommittee on 22C-003. The motion carried unanimously.

The motion carried with the following members voting in favor; Rivera-Berrios, Carter, Counsel, Crouse, Fawcett, Hamm, Jenkins, Peralta, Peralta, Pescatore, Richardson. No members voted against.

Adjournment

On motion by Acting Chair Rivera-Berrios, seconded by Member Carter, the board voted to adjourn unanimously.

The motion carried with the following members voting in favor; Rivera-Berrios, Carter, Counsel, Crouse, Fawcett, Hamm, Jenkins, Peralta, Peralta, Pescatore, Richardson. No members voted against.

The meeting adjourned at 8:50 PM.

Respectfully submitted on behalf of

Emma Jones