



City of New Haven Civilian Review Board

Case 21C-006 Review Meeting

August 18, 2022

Date: August 18, 2022 8:00 am

[Zoom recording](#)

Minutes by Alyson Heimer, CRB Administrator

Approved by the Board: DRAFT

1. **Call to Order** at 8:07am.

2. **Attendance:**

- a. **Present:** Carter, Pescatore, Richardson, Rivera-Berrios
- b. **Absent:** None.
- c. **Guests:** Al Lucas (Board of Alders).

3. **Case 21C-006**

Received: November 21, 2021

Summary: Summary: Officer Prusinski responded to a domestic dispute at 75 Houston Street to assist officers with a subject, Lopez, who had barricaded himself in a dark room. Lopez was non-compliant with Officers' commands and was under the influence of PCP. According to people present during the incident Lopez was high on PCP and had assaulted multiple individuals on scene. Officer Prusinski arrived on scene and issued verbal commands to Lopez who did not respond. As Officer Prusinski attempted to enter the room and gain visual of Lopez, Lopez assaulted him and pinned him in the door frame preventing him from moving. Officer Prusinski issued the bite command to K-9 Bruce which resulted in Lopez grabbing the K-9 and pinning him to the ground, assaulting the K-9.

Officer Prusinski was finally able to gain entry into the room where Lopez was choking K-9 Bruce by holding him off the ground with his leash and collar. Officer Prusinski issued verbal commands to Lopez to release the K-9 to which Lopez refused to comply. Officer Prusinski struck Lopez several times which was eventually effective at Lopez releasing the K-9. Lopez continued to refuse to comply and the began to assault another officer at which point Officer Prusinski issued the bite command again to K-9 Bruce which resulted in an apprehension. Lopez was placed in handcuffs and once under control Officer Prusinski released K-9 Bruce's bite with a bite stick. Officer Prusinski acted in accordance with New Haven Police Department General Order 452, Police Service Dog Program. Officer Prusinski utilized his K-9 partner to apprehend a violent offender who was concealed in an area where entry by other than the patrol K-9 would pose a threat to the safety of Officers and the public. Lopez was known to assault officers in previous incidents while he was under the influence of PCP.



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The investigation determined by a preponderance of the evidence that the alleged act did occur, but the officer engaged in no misconduct because the act was lawful, justified, and proper. This case shall be closed with the official determination of Exonerated.

IA Determination: Unfounded – certified letter sent

Pescatore chaired the meeting. Pescatore called for initial comments and reactions. This is the first canine case that has come before the board.

Richardson: There should have been more discussion before releasing a dog on a person. I don't want to tell officers how to do their job, but they should have de-escalated the situation. The COMPASS team or some other entity that deals with mental health could have assisted. The officers seemed to escalate it.

Carter: So I wanted clarification because on the video the man was intoxicated, he was not responding, but you see him make progress towards the door, in a slow motion. It may have been the effects of the drugs, but it wasn't threatening. It may have environmental things, but that was when the dog was sent to bite him, and that's what sped up the reaction and the arrest. Was it a busy night that made the officer hurry up the situation? The write up also seemed like the man was trying to harm the dog - but in the video it just looked like he was trying to protect himself from the dog. There could have been a better way to get the outcome, but I understand that the call was "he's under the influence and is being aggressive to his mom and sister."

Pescatore: yeah, they showed up and it looked like they went straight for the dog, even though the family was asking them not to use the dog. There was no patience. Somehow because they had incidents with this guy before, it seemed like no time was given to try and talk this victim out of the situation. If the family asked for the officers not to use the dog, why were they ignored - since they made the call. It seemed like the officers were escalating the situation, swearing and demanding actions, "Show me your F-ing hands." And he had his hands up as high as he felt comfortable because the dog was inches away and he was trying to protect himself and the officer just let the dog go. It doesn't look like he wanted to harm the dog, just protect himself. How do you keep your hands up in the air when the dog was being directed to bite him in the leg? He was following the instructions and doing as he was asked. There were a lot of problems. They didn't give him time to not be violent. I don't see that the man was pinning the officer in the doorway.

Richardson: because they know this guy and had arrested him before, the officers were anticipating and taking precautions, but the family was giving the officers directions on how to deal with the situation that were ignored. They should have had (mental health counselors as)



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extra assistance. This guy was going through something, on drugs. Someone should coach cops on how to deal with this. If I see someone trying to let a dog into the room to get me, I might want to close the door too.

Rivera-Berrios: There isn't enough training for officers to deal with mental health and disabilities, and especially for drugs and alcohol abuse. We need to have a plan for continued training and special teams who respond to these calls even if there is a threat of violence. Was having the dog do that work the best protocol? Training should no longer be optional, it should be required.

Carter: It may be that there was communication between the officers as they were arriving on the scene, option a, b, c to figure out how to address this repeat call situation. How were they supposed to get this guy out of a storage closet? What were the other options that they didn't use that would have resulted in the outcome they wanted?

Pescatore: They only gave the guy 4 minutes after they arrived before they got the dog and the dog went into the room after the guy. They didn't even say "We have the dog, we don't want to use the dog, please come out." Maybe because there was a protective order on file, or because they had gotten multiple calls it seems hasty.

Richardson: One of the facts of this case is that they tased this guy before and he took the tasers. Maybe that's why they went with the dog. But this escalation was not the right way to do this. They seem to have already been thinking in the mode of escalation. They should have consulted with the people who were in the room.

Rivera-Berrios: its important not to prejudge people. Don't treat people like criminals because they have been a criminal in the past. Treat them like a person.

Carter: Something stood out to me also from the letter that the mom sent about this. She said she regrets calling the police and those are the worst 17 minutes of her life. With her son being under the influence, she cried out for help because she couldn't do anything else. There was a long part of the day, where he was using drugs, and the other encounters during the day she had been successful to keep him isolated and rest it (the drug effects) off. But when he became aggressive, kept using, she thought at the time that the best thing would be to call the police because he's putting his hands on her and his sister. But there needs to be reassurance to her that the authorities are there to protect her. When she says she wouldn't call the police, and she knows she's not equipped to handle the situation - and now she thinks the police are also ill-equipped and she won't use them as a resource.



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Pescatore: the recommendation should include somehow conveying to the officers what it is that the public is expecting when they show up. I will write up the summary and send it around by email.

Recommendation:

https://drive.google.com/drive/folders/172JO2_AI7cvy8II7zkFthzH4oT2m88YQ

4. Adjournment motioned by Pescatore. Meeting adjourned at 8:48 am.