



City of New Haven Civilian Review Board

Minutes for November Monthly Meeting of the Board

November 27, 2023

6:00 PM

In-Person Attendance:

New Haven City Hall Room 3
165 Church Street

Virtual Attendance:

[Recording of Meeting](#)

Passcode: +JF@4^7G

1. Meeting called to order:

Present: In person: Carter, Comins, Fawcett, Pescatore, Rivera-Berrios, Online: Jenkins McClure.

Absent: Avshalom-Smith, Kimbro, Richardson,

Members of the public: Mary O'Leary (NHR), Jane Kinity.

Invitees: Asst Chief B. Ettienne, Lt. D. Smith, Beth Merkin, Alyson Heimer.

2. Old Business

Motion: The Board Chair moved the approval of a one year extension for the Administrator's Contract for January 2024-December 2024. Pescatore seconded.

Discussion: Commins: What is included in the contract?

Rivera-Berrios: the contract is for \$32,800. This will include the operation of the meetings, backlog of minutes, doing the brochure, public outreach and membership management.

Jenkins: what sub-committee minutes would need to be included?

Rivera-Berrios: We would otherwise have to put it out for bid for an additional expense. The administrator is also responsible for maintaining the share drive, city website, foia compliance, meeting management, agenda, minutes, and community outreach documents.

Carter: yes

Comins: yes

Fawcett: yes

Jenkins: abstain

McClure: abstain

Pescatore: yes

Rivera-Berrios: yes

Vote count: 5-0-2.



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3. Approval of Minutes

- a. Rivera Berrios motioned to approve the Monthly meeting October 23, 2023. Fawcett seconded. Unanimous approval 7-0-0.

4. IA - (*Usually submitted and sent by email for review before meeting.*) 6:10-6:25

- a. General questions or comments about statistics, Statistics Graph
For 2023, 37 cases are open in IA. 25 open cases for 2022, and 2 open from 2021.

Member Comins: what does open in patrol mean?

Lt. Smith: when something is sent to a different department, then it no longer gets investigated by IA but by the other department. ISU: Investigative Services Unit.

- b. Use of Force update

Total of 248 uses of force for the year, compared to last year's 694 at this same time. The numbers are drastically reduced. A reminder that Taser-Laser is just when an officer shows a taser and does not use it, but explains that the citizen is approaching a threshold for usage.

Member Comins: the numbers look to be decreasing significantly over last year and I want to say thank you and commend you all for that.

Lt. Smith and Asst. Chief thanked the Board for noticing. Members of the Police have been making great decisions.

Jenkins: People are still texting me that there are attacks in New Haven - little things are still happening. Is there anything that can be done to reduce petty quick crimes of opportunity and little street attacks? Packages will be taken more and more soon. What can residents do to stay safe?

Asst. Etienne: We are down on officers. We have ongoing recruitment. We have 29 officers who will be trained at the academies starting December 1. As a community, walk with someone, walk in well-lit areas. Avoid walking at night. Walk where lots of people are walking. Make sure you have packages delivered to the back or ask a neighbor to pick it up for you.

Jenkins: robberies are happening in Dixwell, the Hill, Newhall.

Asst. Chief: holidays and summertime the robberies go up. We have three new people in our robbery and burglaries Unit, so once we start making arrests it will minimize the people who are making this a habit.

Lt. Smith: speak to district managers at the CMT meeting to alert them where these things are happening. Get LCI involved in more lights, tree cutting to have more light, and other quality of life concerns.

Member Carter: Shot spotters were being activated in certain areas, why are they going off in certain areas and not others.



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Lt. Smith: When they go off, the police are sent to the area. For the recent event at Terminal, the shot spotter was not activated.

Carter: Why would that be the case?

Lt. Smith: Unfortunately there are some parts of the city that are not covered.

Jenkins: And for the cameras at the intersections are they all working?

Lt. Smith you'd need to talk to patrol for that.

Asst Chief: some areas are not covered. In that particular instance there was gunfire recognized by the system, but the police were not notified.

c. Case Updates and Questions

i. 23C-020 - Complaint regarding improper procedure and bias investigation. Case was Unfounded.

ii. 23C-053 - Claim of wrongful arrest. Unfounded as the complainant was arrested on an outstanding warrant.

Pescatore: The Board did not see that complaint.

Lt. Smith: I will send this to the attorney.

Rivera-Berrios: Can we have a paper copy?

Lt. Smith: I told member Fawcett.

Asst. Chief: The LT is advising the chair via text. But he will send a blanket email to all members moving forward when cases are closed.

Member McClure: I don't have access to my email.

Asst Chief: can we email everything to the admin person?

Rivera-Berrios: yes.

Comins: I was able to get down to IA but I was told to review three different cases from what was presented here.

Asst Chief: all cases and complaints will be sent to the Admin for dissemination.

Lt. Smith: once you are acclimated there will be someone who can train him on how to review a case.

Fawcett: Friday at 10am is when I go, anyone is welcome to go and shadow.

Lt. Smith: Please email 24 hours in advance - dsmith@newhavenct.gov

Rivera-Berrios: Are we no longer allowing off-site viewing?

Lt. Smith: confidentiality and security of files is key.

Asst Chief: we are trying to make the IA location at City Hall a part time space with routine staffing. To do that there are changes that need to be made to the general orders regarding civilian interactions. When you wanted an off-site location we immediately put it into action.



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- iii. 22C-061 - Ms. Harris filed a complaint about a domestic dispute and there was bias during the investigation.
Rivera-Berrios: This took 13 months to close - was there any particular reason as to why the investigation took as long as it did.
Lt. Smith: other case loads took precedence. A major case with a use of force, for example, would take priority for an investigator's time.
 - iv. Updates on any complaints currently in IA
Lt Smith: no new complaints have been filed in November of 2023.
Carter: What can the CRB help the NHPD find talent?
Asst Chief: Great question. Jobs are posted online on the city's website. Don't let false narratives circulate. People don't want to be on a losing team.
5. General Public Comment (Questions in chat and public comment) - 6:25-6:35
None.
 6. Chair's Report - 6:35
 - a. A letter was sent to the Chief today regarding concerns about not receiving complaints within 5 days, the CRB asked for IA clarity on their protocols, and thirdly the off-site location access was not allowed. Moving forward the agenda will be sent out a week prior and the IA report will be forwarded once available. Our administrator shall be receiving all incoming complaints moving forward.
 - b. Off-site location is currently not usable and we will try to set up a recurring time.
 - c. December Meeting Date shall be December 18th - food will be ordered. Comins, Carter, Pescatore, Fawcett, Jenkins +1, Rivera-Berrios, Merkin, Heimer, (maybes) McClure
 7. CRB Attorney's Report - 7:00
 - a. Ordinance Revision Update - The ordinance revision was not moved, and will be taken up at a later meeting for consideration.
Merkin: The process is new for me, but there was some resistance to certain provisions. The CRB in its current form is a reviewing body, and not an investigatory body, but the original ordinance does have an investigatory component that we have not activated yet. And doing so may make the CRB more active in the community.
Comins: When I saw Lt. Smith and R. Melendez in IA they spoke about the changes for the ordinance. The NHPD is aware of the changes and making plans to allow for them.
Rivera-Berrios: when we last discussed the investigator role we lacked the quorum to move on putting out an RFP. But we have it in the contract with Attorney Merkin that she can oversee investigators if necessary. This should streamline the process.
Merkin: Perhaps not a full time person, but called in for certain cases. They would have more of a role in the higher profile and more complicated cases.



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Fawcett: There wouldn't be very many cases that an investigator would want to be tasked with. The investigators are doing what they can to do a very good job, but to have it in the system to have them review all cases. We don't want someone impeding the investigation.

Carter: working together with the police department they prefer something like that.

Jenkins: We do need an investigator. I don't have a good feeling that it should be kept in Corp Counsel. If there was a professional who could reach out, that would be helpful. I'm not sure what's going on with the summaries for Lt. Smith because they are light and he doesn't seem to want to give the information up. He's just yes and no and not elaborating on the procedures, on how it was investigated, what the details are.

Rivera-Berrios: We are supposed to be told if the Chief has granted an extension. So should we have a subcommittee to find out why the timeline was so extended?

Jenkins: maybe.

Merkin: Why did it take 13 months to report?

Fawcett: the details were vague and people were arrested for interfering with an investigation, and she told police she had a mental issue, and people had to be found.

Pescatore: Some cases are just going to be hard to close in 90 days.

McClure: Is 5 days in stone?

Rivera-Berrios: Yes, that's in our ordinance.

McClure: Who is the voice of the board?

Rivera-Berrios: the chair. I sent out a letter today and that is how we got a response tonight.

Motion to accept the process of hiring an investigator through Attorney Merkin. The investigator will be used on an as-needed case to be approved by the Board, report to the Board Chair and hours are run through the board. Seconded by Jenkins.

Discussion:

Rivera-Berrios: Let's discuss costs.

Administrator: If costs exceed \$5,000 or more, report to the board.

Atty Merkin: safe estimate is \$125/hour.

Carter: yes

Comins: yes

Fawcett: yes

Jenkins: yes

McClure: yes

Pescatore: yes

Rivera-Berrios: yes

Vote count: 7-0-0.



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8. Administrator's Report

a. Data and Web Hosting Update

SharePoint and OneDrive are both operational. IA will be transferring files per tonight's agreement. Archives have been uploaded.

Meeting recordings from prior meetings will be added per request of the Board.

Anyone having technical difficulties please reach out to webmaster@newhavenct.gov

b. Subcommittees to select dates

- i. 21C-103 (Carter, Comins, McClure, Pescatore) - Scheduled for 5:30 pm on 12/7/23

9. Tabled: Unfinished business and General Policy Items

10. Tabled: Discussion of complaints and reports and vote on new cases to review

a. Discussion on any current cases

b. 22C-051 (Fawcett, Jenkins, Rivera, Comins)

c. 23C-013 (Pescatore, Rivera, Jenkins, Comins)

11. Adjourn - target of 8:03 PM

Per Order: Hon. Anne Marie Rivera-Berrios, Chair; Attest: Hon. Michael Smart, City/Town Clerk.

Agenda Prepared by Administrator Alyson C. Heimer.