

**REGULAR SESSION MINUTES
APRIL 14, 2020
BOARD OF POLICE COMMISSIONERS
NEW HAVEN, CONNECTICUT**

PRESENT: Commissioners Anthony Dawson; Isaias Miranda; Evelise Ribeiro; Gregory Smith; and Donald Walker

Assistant Chief Renee Dominguez: Department of Police Service
Assistant Chief Karl Jacobson: Department of Police Service
Assistant Chief Herbert Sharp: Department of Police Service
Lieutenant David Zannelli: Department of Police Service
Sergeant Dana Smith: Department of Police Service
Officer Todd Kelley: Department of Police Service
Officer Raul Pereira: Department of Police Service
Ramona Davis: Administrative Assistant II

Michael Wolak, Esquire: Senior Deputy Corporation Counsel

Gerald Antunes: Board of Alders
Christopher Dady
Alezandria Dowdy
Ahmed Hamad
Johnny Oeung
Miguel Pittman, Sr.: Community and Police Relations

OPEN SESSION

The meeting was called to order at 6:09 p.m., Anthony Dawson, Chair, presiding.

The Chair read an excerpt from Meeting Notification into the record as follows: The special monthly meeting of the Board of Police Commissioners will take place on Tuesday, April 14, 2020 at 6:00 p.m. There will not be a meeting of the Traffic Authority. The regular meeting will be conducted, due to the current public health crisis, as a virtual meeting utilizing “Zoom” technology ... The public can access the meeting by the following methods: ... Respectfully submitted, Ramona Davis for the Board of Police Commissioners.

■ The commissioners introduced themselves.

DISCUSSION AND APPROVAL OF MINUTES

** Commissioner Walker moved to Approve the March 10, 2020 Regular Meeting Minutes and March 24, 2020 Special Meeting Minutes
** Commissioner Ribeiro seconded
** Motion passed

- ** Commissioner Smith moved to Approve the March 31, 2020 Special Meeting Minutes
- ** Commissioner Miranda seconded
- ** Commissioner Walker abstained
- ** Motion passed

INTERNAL AFFAIRS REPORT

Lieutenant David Zannelli

CLOSED CASES:

IA CASE NO. 003-20-C: The complainant alleged that Officers Torres and Blanco continually harass and arrest her. A specific incident was not identified by the complainant. A review of three recent arrest reports and the corresponding body-worn camera footage confirmed that the officers responded to investigate various complaints of domestic violence where the complainant was identified as the suspect by various family members. Probable cause existed in these circumstances to arrest the complainant and no misconduct was observed.

IA CASE NO. 20C-023: The complainant sent an e-mail to city hall alleging that his son was racially profiled and falsely arrested. Through the IA investigation it was discovered that the East Haven Police Department, not the New Haven police, arrested the complainant's son. The complainant was advised of this and how to file a complaint with the East Haven Police Department. He subsequently withdrew his complaint.

IA CASE NO. 20I-008: Chief Reyes ordered an IA investigation after information was received from city hall that Officer Gogliettino was posting inappropriate memes on his social media page. The IA investigation confirmed that Officer Gogliettino did in fact post inappropriate memes on his social media page, which was left open to the public and not a private setting. His social media page contained a background photo of him clad in a New Haven police uniform in a police cruiser. He was off duty at the time he posted the memes. However, the case was sustained and has been referred to Chief Reyes for discipline.

IA CASE NO. 001-20-C: The complainant alleged that officers illegally searched him, his vehicle, that he was threatened and disrespected by the officers and that the officers lied in their police report. This incident was captured on body-worn camera footage which corroborated the incident report and the GPS for the officers' cruiser at the time of the incident. The incident report and footage were both reviewed by the New Haven State's Attorney's Office who advised IA investigators that probable cause existed and that they would have supported a criminal charge for the complainant for interfering should the officers had pursued the matter further. The footage and incident report were also reviewed by a certified use-of-force instructor who confirmed that the officers did not act excessively or act outside of their training during the motor vehicle stop investigation. Furthermore, the body-worn camera footage confirmed that the officers did not swear at or threaten the complainant at any point. Two U.S. Supreme Court cases allow officers to take the actions they did given the totality of the situation, *PA v. Mimms* and *Texas v. Brown*. Officers exercised discretion by not taking enforcement action against the complainant. They were exonerated.

IA CASE NO. 20C-109: The complainant alleged that Officer Pesino told her that she was traveling at a speed that was different than the speed the officer put on the infraction. Traffic Unit Supervisor Sergeant Colon investigated this complaint and reviewed the body-worn camera footage of the encounter. The footage confirmed that Officer Pesino told the complainant the same speed that he later listed on the infraction that he issued her. This was unfounded.

IA CASE NO. 005-20-C: The complainant alleged via a telephone call to Internal Affairs that Detectives Soto and Cuddy stole his/her cellphone, pushed him/her onto the ground and assaulted him/her. The complainant did not respond to calls or certified mail by the Internal Affairs Division. The investigation revealed that the complainant was believed to have child pornography on his cellphone. The complainant voluntarily agreed to meet with the detectives in East Haven with an East Haven officer present. The complainant refused to provide the cellphone and it was removed from the complainant's person. However, no force was used against the complainant. The complainant subsequently fell onto the ground claiming that he/she had chest injuries and an ambulance was called to the scene. The detectives and the East Haven officer confirmed no force was used on the complainant. Multiple search warrants were executed on the complainant's cellphone which revealed erotica websites of adults portraying themselves as teens. The detectives were exonerated.

IA CASE NO. 009-20-C: The complainant alleged that he was falsely arrested and racially profiled. Body-worn camera footage showed that the complainant was detained for matching the description of a suspect who was seen masturbating in East Rock Park and leaving the area of the park where the masturbating allegedly occurred. Officers conducted a show-up with a witness and the complainant was positively identified by the witness with a 100 percent certainty as the suspect masturbating. The witness also completed a written statement confirming he was 100 percent certain of his identification of the complainant. The complainant was arrested based on probable cause from this identification procedure. The criminal case was later dismissed in court because the witness later recanted and said he was unsure of his identification. All the officers' actions were deemed appropriate at the time of the incident. This complaint was unfounded.

IA CASE NO. 20C-018: The complainant alleged that officers falsely arrested his mother. Both the complainant and his mother did not respond to repeated attempts by Internal Affairs investigators via certified mail, phone calls and door knocks to get more details about the complaint. Body-worn camera footage showed that the officers were professional and made a mandated arrest for a domestic violence incident based upon sound probable cause. This complaint was unfounded.

IA CASE NO. 20C-016: The complainant alleged that the officer was rude, biased and that the report contained errors. Body-worn camera footage showed the officer cordially speaking with the complainant in a professional manner. The footage showed the two laughing together and the officer even wishing the complainant a happy birthday. The officer did ask the complainant if she knew the complainant from a previous occasion. However, after the complainant responded "no," no other concerns were raised and the conversation continued. The complainant documented that she was never affiliated with "Riverside Academy" which was

listed in the police report. The officer explained that she used the entry of the complainant, an RMS, that already existed by candidating the complainant's name, which is a taught technique when entering records into the RMS system. The complainant was upset about her vehicle being privately towed without cause and the alleged damage during the tow. The complainant had a parking sticker, but it was placed incorrectly behind the windshield with illegal sunscreen tint which made it difficult for the tow truck operator to see. The vehicle was returned back to the owner and a report was issued. However, the complainant was upset that an arrest was not made of the tow truck driver. The actions were deemed appropriate by the officer. And this was unfounded.

■ Lieutenant Zannelli stated that the spreadsheet was included in the package that was e-mailed to the commissioners. As of 2020, there have been 27 total Internal Affairs complaints received, 13 remain open, one is sustained, one has been withdrawn, four have been exonerated, seven are unfounded and one not sustained. And all statistics are posted on the New Haven Police Department's website, Internal Affairs tab, for public viewing.

■ Commissioner Dawson said the statistics was neat and understandable. He commended Lieutenant Zannelli for this.

CHIEF'S REPORT

Assistant Chief Sharp

■ Assistant Chief Sharp greeted the commissioners and welcomed Alder Antunes to the meeting.

■ He said Chief Reyes apologized for his absence. Assistant Chief Sharp stated he would be reporting to the Board in Chief Reyes' stead.

■ Assistant Chief Sharp stated that the Department had finalized its pandemic response plan for COVID19. This covers a wide range of service modifications designed to minimize officers' exposure by ensuring continuity of service to its community. It modifies the Department's arrest protocols. It modifies the Department's response calls to service. It modifies internal procedures such as virtual lineups. Assistant Chief Dominquez came up with this plan whereby officers are no longer required to stand in lineup which would expose all those officers to the possibility of being diagnosed with the disease. Virtual lineup enables officers to access information from their NDPs or their cell phones.

■ Assistant Chief Sharp stated that since the outbreak six sworn members and two non-sworn members had tested positive for COVID-19. Over 70 sworn members have been required to self-quarantine or self-isolate due to the exposure. Fifty-one members have returned to work including one of the officers that tested positive for COVID-19. Twenty officers remain out of work, five of which are the officers that tested positive for COVID-19. By April 18th seven more officers will return from quarantine.

■ Crime has been steady across the board. There have been 20 shooting this year compared to 20 last year at this time. There have been two homicides this year compared to one last year at this time.

■ The Department had recently made significant arrests of the individuals responsible for much of the violence.

■ The Department continues to work with its partners proactively in order to prevent future crime and retaliation. Assistant Chiefs Dominquez and Jacobson are doing a phenomenal job

as they have their fingers on the pulse. They know who these individuals are and they continue to stay on top of that to prevent further violence in the city.

■ Assistant Chief Sharp added that Chief Reyes also wanted him to mention that the average number of custodial arrests during these changes to the Department's protocols have been 3.5 per day compared to the daily average of 14 custodial arrests before the pandemic response.

■ Assistant Chief further stated that Chief Reyes wanted him to express how proud he is of this organization and of the officers, of his command staff. Officers are coming to work every single day. Sick time is at its lowest at a time when all are experiencing an unusual event within our country.

■ With regard to recruitment, the Department is experiencing a little bit of difficulty because of the medicals. The physicians are presently not allowing any procedures to move forward. There is a standstill presently. The Department will continue to push forward until it gets to that point where it can no longer move forward with the required tests.

■ Commissioner Dawson asked about the 15-, 16-, 17-year-old males robbing as well as stealing cars. Several of them have been arrested a number of times.

■ Commissioner asked if there were any special programs or groups of people that can be called on to assist the city with these children.

■ Assistant Chief Jacobson replied that an incident occurred recently where a rabbi was carjacked, the two males identified as the attackers were taken into custody as adults because they have long, juvenile criminal histories. For the other juveniles they are not being held in juvenile at this time. The Department is working with Juvenile Probation and the streets outreach workers and youth staff from the city especially Ronald Huggins. The Department is reaching out and communicating with these kids and trying to get them jobs through Project Longevity and Youth Stat.

■ Every week a meeting is held to talk about the troubled group of kids in the city and to explore the services the kids can get. The kids cannot be seen as often as they had been seen in the past but the channel of communication is being kept open with the kids' parents.

■ Commissioner Dawson said the number of kids involved was in the teens.

■ Assistant Chief Jacobson said there are services. It's just a matter of whether they take them or not. They are putting the available services in front of them for sure.

■ Commissioner Dawson added that he knew some people including himself who are willing to get involved by talking to the parents and kids.

■ Assistant Chief Jacobson said the Department is thinking about putting together a Project Longevity call-in for juveniles just like the one for adults as soon as the pandemic is over. He said he would reach out to Commissioner Dawson for additional names.

■ Commissioner Dawson added that the additional persons would stay in contact with the kids and their parents outside of Project Longevity call-in.

■ Assistant Chief Jacobson said the Department is working on a mentor-type program with Juvenile Probation. He added that he would reach out to Commissioner Dawson.

■ Commissioner Dawson thanked the chiefs.

CORPORATION COUNSEL REPORT

There was none.

RETIREMENTS (For Board information only)

Officer Carlos Ortiz, - eff., March 24, 2020

RESIGNATIONS (For Board information only).

There were none.

RECRUITMENT/SELECTION COMMITTEE REPORT

There was none.

EFFICIENCY COMMITTEE REPORT

There was none.

FINANCE COMMITTEE REPORT

There was none.

OTHER BUSINESS

There were none.

PUBLIC COMMENT

There were none.

■ Assistant Chief Sharp had indicated that all the candidates listed for removal from the Eligibility List #19-37 were present with the exception of one, Cooper Whiteside. All the candidates present opted to be heard in executive session.

EXECUTIVE SESSION

- ** **Commissioner Ribeiro moved to Enter Executive Session for Personnel Matters**
- ** **Commissioner Walker seconded**
- ** **Unanimously passed**

The Board entered Executive Session at 6:32 p.m.

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

The Board exited Executive Session at 7:49 p.m.

PERSONNEL MATTERS

Discussion and action on the recommendation to remove the following candidates from eligibility list #19-37:

- ** **Commissioner Ribeiro moved to Approve to the Removal of Alezandria Dowdy from the Eligibility List #19-37**
- ** **Commissioner Smith seconded**
- ** **Motion passed**

** Commissioner Ribeiro moved to the Approve the Removal of Coopher Whitside from the Eligibility List #19-37

** Commissioner Walker seconded

** Motion passed

** Commissioner Ribeiro moved to Approve the Removal of Johnny Oeung from the Eligibility List #19-37

** Commissioner Walker seconded

** Motion passed

** Commissioner Ribeiro moved to Approve the Removal of Christopher Dady from the Eligibility List #19-37

** Commissioner Walker seconded

** Motion passed

** Commissioner Ribeiro moved to Approve the Removal of Ahmed Hamad from the Eligibility List #19-37

** Commissioner Smith seconded

** Motion passed

** **Commissioner Ribeiro moved to Adjourn the Regular Meeting**

** **Commissioner Walker seconded**

** **Unanimously passed**

The next regular meeting is scheduled for May 12, 2020.

The Board adjourned at 7:53 p.m.

Respectfully submitted,

Sotonye Otunba-Payne