

**REGULAR SESSION MINUTES
FEBRUARY 11, 2020
BOARD OF POLICE COMMISSIONERS
NEW HAVEN, CONNECTICUT**

PRESENT: Commissioners Anthony Dawson; Evelise Ribeiro; Gregory Smith (via telephone); and Donald Walker

Mayor Justin Elicker: City of New Haven
Chief Otoniel Reyes: Department of Police Service
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 Yelena Borisova: 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
Ramon Davis: Administrative Assistant II
Bruce Fischer: Department of Transportation, Traffic and Parking
Doug Hauseladen: Department of Transportation, Traffic and Parking
Michael Wolak, Esquire: Senior Deputy Corporation Counsel

Shafiq Abdussabur: Retired NHPD officer
Ana Alvarado
Viki Alvarado
Gerald Antunes: Board of Alders
Justin Augustine, Sr.: PSAP
William Augustine
Allan Brison
Jaynn Carter
Arthur Edwards
Barbara Fair
Wendy Hamilton: Mayoral candidate
Sabrina Harris
Sherena Harris
Catherine John
Kevin Keenan
Ben Lambert: New Haven Register
Jennifer Mendoza: Unidad Latina en Accion
James Moore
James Newman: Pastor
Patricia Newton-Forster
Christopher Peak: New Haven Independent
Mr. Perick: Unidad Latina en Accion
Miguel Pittman, Sr.: Community and Police Relations

Rodney Williams

OPEN SESSION

The meeting was called to order at 6:04 p.m., Anthony Dawson, Chair, presiding.

■ Mayor Elicker was welcomed to the meeting. The mayor is an ex officio member of the Board of Police Commissioners and has one vote. He can preside over the meeting, if he so chooses.

■ Ms. Hamilton asked if there was sound system for the hard of hearing. Commissioner Dawson replied that there was none. She requested that all speak louder.

■ Everyone at the table introduced themselves.

REGULAR MEETING OF THE TRAFFIC AUTHORITY

Following the regular meeting of the Traffic Authority, Mr. Hausladen and Mr. Fischer excused themselves at 6:14 p.m.

DISCUSSION AND APPROVAL OF MINUTES

** Commissioner Ribeiro moved to Approve the January 16, 2020 Special Meeting Minutes

** Commissioner Walker seconded

** Motion passed

MOTION TO ADD TO THE AGENDA

** Mayor Elicker moved to add Discussions of the Change of Location of the Board of Police Commissioners' Meetings

** Commissioner Walker seconded

** Motion passed

MOTION TO AMEND THE AGENDA

** Commissioner Walker moved to Change the Order of the Agenda to Discuss the Change of Location of the Board of Police Commissioners' Monthly Meetings

** Commissioner Ribeiro seconded

** Motion passed

CHANGE OF LOCATION OF THE BOPC'S MONTHLY MEETINGS

Mayor Justin Elicker

■ Mayor Elicker stated that there has been a lot of interest for quite some time from some community members about having the police commission's meetings outside of the police department to make it more accessible to people that may be concerned about coming to the police department.

- This concern was also raised by a number of people at the transition team meetings. A lot of people again expressed the same desire.
- Mayor Elicker stated he had had discussions with Commissioner Dawson and Chief Reyes about the viability of this. It was his understanding that Commissioner Dawson was open to the idea. It was suggested that City Hall might be the next step just to make this meeting more accessible to the public.
- It was discussed that the commission try another location and see how it goes to see if there are any issues. The thought was that next month's meeting was a good time as any to start the process.
- Commissioner Dawson added that this Board had been transparent. This Board was the first to allow public comments at its meetings. This body has not been one to slow down progress. When Mayor Elicker asked him, he immediately said he would discuss it with the commissioners for the commission to vote it up or down. He added that he supported the change of location.
- Commissioner Walker asked if this was on a trial basis.
- Mayor Elicker responded by saying that the goal is to have all meetings at a more accessible location, and for some people a less intimidating location. Commissioner Dawson expressed some concerns. There were discussions to try it out and see how it goes.
- Mayor Elicker added that it is up to the chair and the commission as to where future meetings are held. The commission could always change course should it find that this does not work out. He added that he was confident that it would work out.
- Commissioner Walker added that he is okay with having another venue for these meetings. The only concern is that sometimes personnel matters and confidential matters come to the forefront and personnel records will not be readily accessible. In addition, some of the records should not be unsecured out of this building.
- Mayor Elicker responded by saying that there were discussions surrounding the records issue. A separate location within City Hall was discussed for executive session or people could leave the room while the commission is in executive session. This concern can be discussed with the chief in the future if there are records issue to make sure it is addressed.
- Commissioner Dawson said that regarding the records the CompStat room could also be used allowing more room for the general public without records moving out of the building. He would like to have that option.
- Mayor Elicker responded by saying that it does not address the concerns that the public have that the meetings are held outside of the police station. The concerns could be raised with the chief to come up with ideas.
- Chief Reyes added that when personnel matter arise, there is the option to do address those in special sessions. So those meetings could be held at the police headquarters. These are issues that could be addressed as they arise.
- Commissioner Ribeiro stated that this was something the commission had discussed and voted on previously. So if the board wants to vote on this again, that's fine. It was discussed months ago and there was a consensus to hold the meetings outside of the police station. She doesn't necessarily think voting is necessary.
- Commissioner Dawson replied that Mayor Elicker has made a good point that the decision rests with the commission.
- Commissioner Ribeiro said the commission had already voted on this issue on the record. It just has not been implemented.

■ Mayor Elicker added that it was up to the chair to determine where the meeting is held. There need not be a vote on this. It seems like there is consensus among the commission members that this a good idea. Next month's meeting can be at City Hall. He agreed with Commissioner Ribeiro that there need not be a vote on this.

- ** Commissioner Ribeiro moved the Motion that the Board of Police Commissioners' Meetings on March 10, 2020 be Held at City Hall in Order to Make the Meeting Accessible to the Public
- ** Commissioner Smith seconded
- ** Motion passed

INTERNAL AFFAIRS REPORT

Lieutenant David Zannelli

CLOSED CASES:

IA CASE NO. 078-19-C: The complainant alleged that Officers Gamarra and Torres swore at her when she refused to open her door to speak with them regarding a complaint her neighbor made against her. Body-worn camera footage confirmed that the officers did not swear at the complainant when she refused to open her door to speak with them in person. The complainant withdrew her complaint and stated that she wanted the officers to follow-up on her counter-complaint against her neighbor which was agreed to. This was not sustained.

IA CASE NO. 084-19-C: The complainant alleged that Officer Aviles was rude to him and refused to write a police report or take action on his landlord/tenant complaint, claiming it was a civil matter. This complaint was assigned to Fair Haven District Manager Sergeant Fumiatti for follow-up. Sergeant Fumiatti made several attempts to speak with the complainant, however he received no correspondence. Body-worn camera footage confirmed that Officer Aviles was not rude to the complainant during the incidence. Officer Aviles was dispatched to speak with the complainant after the complaint's tenant called the police on him for sending harassing text messages. The complainant believed it was illegal for his tenants to dispose of bulk trash on the curb in front of a multi-family dwelling. Sergeant Fumiatti contacted LCI and had the bulk trash removed and Officer Aviles did document the incident accordingly. This was unfounded.

IA CASE NO. 074-19-1: Chief Reyes ordered an IA investigation to determine if Lieutenant Colon or Officer Montalvo used excessive force on an arrestee by kicking or striking him while he was handcuffed. Body-worn camera footage of the incident was reviewed and showed the two officers attempting to secure a physically resistant subject in handcuffs after fleeing from Officer Montalvo. The body-worn camera footage confirmed that neither officer kicked or struck the subject at any point while an irate crowd formed around them. The body-worn camera footage was shown to several witnesses from the crowd that were involved in the complaint along with the arrestee who confirmed that he was never struck while in handcuffs. The body-worn camera footage was also viewed by the use-of-force instructor who confirmed the take-down technique used in the arrest was appropriate. This was unfounded.

IA CASE NO. 048-19-C: The complainant alleged that she was pulled over and arrested without cause. The complainant did not respond to several attempts by IA to schedule her for an interview. Body-worn camera footage showed that the complainant was pulled over for driving an unregistered motor vehicle and for misusing a marker plate. During the stop the complainant refused to answer questions by the officer on scene or to exit her vehicle. Officers were able to unlock the doors of the vehicle with the assistance of the driver's kids inside and she was escorted out of the vehicle. The complainant's mother arrived on scene and attempted to de-escalate the complainant along with the officers. The complainant was subsequently arrested for interfering in addition to the motor vehicle violations. All actions were deemed appropriate. The officer was exonerated.

IA CASE NO. 073-19-C: The complainant alleged that he was bullied and arrested by officers for no reason. The complainant did not correspond to IA after several attempts were made to schedule him for a voluntary interview. Body-worn camera footage showed that the officers were dispatched to a domestic violence incident where the victim told the officers that the complainant broke her cell phone along with other household items, which the officers observed to be broken. While speaking with the victim, the complainant arrived home and refused to provide his name or explain what transpired between him and the victim. A records check revealed that the complainant also had an active arrest warrant for previous domestic violence charges with the victim. The complainant was subsequently arrested for the appropriate charges. The officers' actions were deemed appropriate. This was unfounded.

IA CASE NO. 087-19-C: The complainant alleged that officers were rude to her and refused to investigate her complaint. During the IA investigation the complainant withdrew her complaint. Body-worn camera footage showed the complainant and her two friends appeared to be intoxicated and confrontational and rude to the officers at the scene (commenting on the female officer's eyelashes). The officers viewed the complainant's cell phone video of the incident, which showed that the complainant and her group provoked another group at the Shell and Bones bar/restaurant. The bartender advised officers on scene that the opposing group apologized to the complainant's group for being too loud, but the complainant's group continued yelling and filming the opposing group on their cell phones. At one point the complainant's cell phone was knocked out of her hand as the opposing group was exiting and one member of the complaint's group ran after the opposing grouping into the parking lot. The complainant's group ultimately stated to officers on scene that they were leaving before the officers were done investigating and weren't sure if they wanted to proceed with a police report. This complaint was subsequently withdrawn.

■ Lieutenant Zannelli provided the use-of-force totals for January, 2020 and comparison to the previous months. The downward trend continues. There were 18 use of force for the month of January.

CHIEF'S REPORT

Chief Otoniel Reyes

■ Chief Reyes stated that in the interest of time he would be brief given the agenda. There are updates and these are statistics that could be e-mailed to the commissioners.

- Chief Reyes stated he would answer any questions the commissioners had.

CORPORATION COUNSEL REPORT

Attorney Michael Wolak

- Attorney Wolak said he had nothing to report. This is the fourth for fifth month in a row where there has been no police misconduct litigation or claims.
- There was a small claims case against a police officer for a motor vehicle accident and liability is being disputed. The other claim is another motor vehicle accident involving a PSAP employee who was driving a city car and collided with another car.
- Commissioner Smith asked if a PSAP employee would be a supervisor. Attorney Wolak responded that it was indeed a supervisor.
- Commission Smith asked if that was a take-home vehicle. Attorney Wolak responded by saying he did not know. It had a City of New Haven plate.
- Chief Reyes said two supervisors do, the director and deputy director. No one else had take-home cars.
- Attorney Wolak added that the PSAP employee thought he was in a travel lane when he was not. When he proceeded to go straight, he collided with another vehicle at the intersection. There were minor damages. Both cases are just property damages.

RETIREMENTS (For Board information only)

Officer Salvatore Rodriguez, - eff., January 31, 2020

RESIGNATIONS (For Board information only)

Officer Steven Teague, Jr., - eff., January 26, 2020

Denise Spallone, Records Clerk, - eff., February 1, 2020

- Commissioner stated that he thought the Records Clerk retired.
- Assistant Chief Sharp stated that she went to another employment. She did not retire.

RECRUITMENT/SELECTION COMMITTEE REPORT

- Commissioner Ribeiro stated that the committee is looking at several different options in addition to new applicants wanting to become police officers. Another option are other officers in other agencies who want to transfer to the New Haven Police Department through a lateral process. The process has begun. The application has been posted.
- Assistant Chief Sharp said that the lateral application ends on February 21st, 2020.
- Chief Reyes said it was extended.
- Commissioner Ribeiro said the application was available on police app.
- Commissioner Ribeiro spoke about starting a policy on former New Haven Police Department officers who want to return. Over the years the department has not had a formal process for this. The goal is to formalize it.
- Since the new contract has been signed there have been a number officers who have expressed their desires to return to the department.
- The staff has been working on a policy which will be a general order.

- Commissioner Ribeiro said she had had the opportunity to see the draft of this new policy but had not had an opportunity to go over it with the committee. For the next meeting, the committee will review the draft and bring it to the full board and possibly a vote at the next meeting. Once that is approved, the process of interviewing and considering former police officers of the department will commence. The goal is to have this commence in April.
- Commissioner Smith asked if the union has had an input as it is going to be a general order.
- Commissioner Ribeiro replied that the union had not seen it. The draft was supposed to be presented to this committee after which it will be shared with the commission for its input and a vote. It has not been shared with the union yet.
- Chief Reyes added that there is language in the collective bargaining agreement that any policy adopted will adhere to the existing language in the CRB. Furthermore, if there is anything that necessitates a demand to bargain on (which in the case of someone returning to the department is almost nonexistent) it will be discussed with the union prior to presenting a final draft.
- Commissioner Smith asked if Corporation Counsel was involved in this.
- Commissioner Ribeiro stated that all the processes for approving any general order will be followed. At this point she is the only one who has received a copy because she is chairing the Recruitment and Selection Committee.

EFFICIENCY COMMITTEE REPORT

There was none.

FINANCE COMMITTEE REPORT

There was none.

OTHER BUSINESS

Election of officers and committees.

** Commissioner Smith moved to Nominate Commissioner Anthony Dawson as Chair of the Board of Police Commissioners

** Commissioner Walker seconded

** Motion passed

** Commissioner Walker moved to Nominate Commissioner Gregory Smith as Vice Chair of the Board of Police Commissioners

** Commissioner Dawson seconded

** Motion passed

■ Commissioner Ribeiro expressed an interest in remaining on the Recruitment and Selection Committee.

** Commissioner Dawson moved that Commissioner Evelise Ribeiro Remain on the Recruitment and Selection Committee

** Commissioner Smith seconded

** Motion passed

** Commissioner Walker moved that Commissioner Donald Walker Remain on the Committee

** Commissioner Smith seconded

** Motion passed

** Commissioner Ribeiro moved to Table Nominations for Other Committees

** Commissioner Smith seconded

** Motion passed

■ Mayor Elicker stated that he would like to note that the letters the commissioners received regarding the addition of a new commissioner to the Board of Police Commissioners was an appointee by Mayor Toni Harp and the Board of Alders prior to his taking the reins. The letter was just to congratulate the appointee for having gone through the process prior to his administration.

■ Commissioner Dawson said he would invite the new commissioner and Mayor Elicker could swear him in at a later date.

PUBLIC COMMENT

■ **Ms. Catherine John, New Haven, Connecticut**, read her statement. She said it would be referred to IA. See attached statement.

■ **Mr. Rodney Williams, 222 Division Street, New Haven, Connecticut**. He stated he had lived in Newhallville all his life.

■ He said he appreciated Mayor Elicker being in attendance.

■ The city has many issues. And that now all will come together to find resolutions.

■ He spoke about concerns in the community and that people in the community do not want to come to the police station.

■ He said they should not be patted down when coming into the building.

■ The commissioner are political appointments.

■ He implored Mayor Elicker to appoint people who share the same concerns as the community in the future.

■ For years the community's concerns have gone unaddressed.

■ There have been quick votes today. It's the same old thing. It is time for change

■ He had never been to any meeting where the mayor has showed up. He appreciated the Mayor showing up.

■ **Ms. Wendy Hamilton** said for the most part the city has wonderful police officers. Unfortunately, the city cannot afford them.

■ The union is weak as they did not allow communication while she was running for mayor.

■ If she had been elected mayor, she would have allowed the department to pick the chief they wanted. She would have moved the department to the Armory immediately and provided better pay. There would be renegotiation of the pension fund because the city cannot afford it right now.

■ The city is this close to bankruptcy.

■ The city cannot afford to pay the officers what they are worth, unfortunately.

- Agree with Mr. Williams. The base of the city has never really felt comfortable with the police department
- She took umbrage with the fact that the building has a doorman. Every time she attempted to get into the building last year she was now allowed.
- She believes anyone should be able to get into the police station as it is a public building paid for by taxpayers. She could not make appointments with the chief.
- The officers need a better union to get you better pay and better conditions.
- Why arrest Harvard and Yale students?
- The focus should be on crime.
- The chief is a victim as he is under the Mayor. However, she expects good things from Mayor Elicker. Otherwise, she would run again.
- She is on the Department's side.

■ **Mr. Kevin Keenan, New York City**, is a former New Haven resident. He's recently had very positive interactions with City of New Haven officials and the rank and file officers. He appreciates that.

- He was arrested at the Yale-Harvard game. He was one of the three people arrested and subjected to custodial detention. He was brought to the NHPD's headquarters and locked in the lock-up downstairs. He was there for six hours. It was an eye-opening experience.
- It was a disturbing personal experience. He was concerned for the man across from him who was going to spend the whole weekend in lock-up
- The conditions were concerning. There are metal beds. It is cold. There is nothing to read and nothing to do. You are allowed one phone call but only after they finish processing you which in my case was six hours. People didn't know where he was.
- The arrestees are fed only twice a day, a baloney sandwich at 11:00 a.m. and 6:00 p.m.
- The arrestees are in a windowless atmosphere where the lights are on day and night.
- The most shocking thing he learned was that arrestees can spend more than four days in there on metal beds in tiny rooms in these terrible conditions with really challenging ways to sleep.
- He frequently visits New Haven. He's worked on criminal justice reform issues. He's been in dozens of jails and prisons. He had no idea that such conditions existed in this building.
- There are 55 cells with the capacity of 100 and arrestees can be kept for more than four days.
- Experiencing it firsthand was really shocking.
- He wrote a letter to the chief and chairman. It was surprisingly hard to get a meeting with the department. He's glad to be having communications via telephone with the department the following day, February 12th, 2020 at 10:00 a.m. He thanked everyone for that.
- However, it took a lot to communicate these concerns.
- He distributed copies of a letter and diagram that encapsulated his concerns.
- The solutions to this are quick, cheap and easy. He suggested grabbing some rubber mattresses from Whalley Avenue jail; take 10 of the 55 cells for people you think will stay overnight, let them have a mattress, give them that area; give them snacks between the 11:00 a.m. and 6:00 p.m. terrible sandwiches; let them have reading materials.
- These are our friends and neighbors and sons and daughters who are locked up and not yet guilty of any crime. We need to treat them with the utmost human dignity that they deserve and respect.
- The man across from him said he felt like a caged dog.

■ He was looking forward to talking further with officials about this and hoped to have their support in fixing this. Let's make the New Haven Police Department's lock-up the national best standard. Let's turn it around.

■ **Ms. Barbra Fair** thanked the mayor for coming. She is glad the meeting will be held at City Hall next month. She read her statement. See attached statement.

■ **Mr. Miguel Pittman, Sr., 82 Orchard, New Haven.** Mr. Pittman thanked everyone that was present.

■ He stated he made a lot of phone calls over the last five days.

■ This was very emotional for him because all see a lot of things go on throughout the city. And people are passionate about what is going on and what's not being done.

■ But as Barbara said, when it hits home, it hits home. It is felt in your heart.

■ As Barbara also said, are our kids perfect? No one is perfect. We are all learning as we move through this journey. There are some things we do that we regret. We just try to move on and aim to be a better person.

■ His son is on the list for removal tonight. He saying this because this is not the first time. However, his son does not give up. He said, he's going to keep applying and he is going to be a better person.

■ He thanked everyone again for being there.

■ The commission took a five-minute recess.

EXECUTIVE SESSION

** **Commissioner Ribeiro moved to Enter Executive Session for Internal Affairs and Personnel Matters**

** **Commissioner Walker seconded**

** **Unanimously passed**

The Board entered Executive Session at 7:12 p.m.

** **Commissioner Ribeiro moved to Exit Executive Session**

** **Commissioner Smith seconded**

** **Unanimously passed**

The Board exited Executive Session at 9:20 p.m.

PERSONNEL MATTERS

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

■ Mayor Elicker asked if discussions could ensue.

■ Commissioner Dawson replied no.

■ Commissioner Walker added that it is part of the reason the applicants requested hearings in executive session.

■ Mayor Elicker stated he understood. However, without stating anything that occurred during the executive session, he would like to make a statement. If the commission feels uncomfortable with that, that's fine.

■ Commissioner Ribeiro asked Attorney Wolak.

■ Attorney Wolak advised the commission not to do so.

** Commissioner Walker moved to Approve to the Removal of Raul Castro from the Eligibility List #19-37

** Commissioner Ribeiro seconded

** Motion passed

** Commissioner Walker moved to the Approve the Removal of Troyanna Hie from the Eligibility List #19-37

** Commissioner Ribeiro seconded

** Motion passed

** Commissioner Walker moved to Approve the Removal of Miguel Pittman, Jr., from the Eligibility List #19-37

** Commissioner Ribeiro seconded

** Motion passed

** Commissioner Walker moved to Approve the Removal of Martin Llerena from the Eligibility List #19-37

** Commissioner Dawson seconded

** Motion passed

** Commissioner Ribeiro moved to Adjourn the Regular Meeting

** Commissioner Walker seconded

** Unanimously passed

** Commissioner Ribeiro moved to Rescind Adjourning the Regular Meeting

** Commissioner Walker seconded

** Unanimously passed

** Commissioner Walker moved to Approve to Table the Disciplinary Hearing of Officer Alex Mongillo

** Commissioner Ribeiro seconded

** Motion passed

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

** **Commissioner Walker seconded**

** **Unanimously passed**

The next regular meeting is scheduled for March 10, 2020.

The Board adjourned at 9:29 p.m.

Respectfully submitted,

Sotonye Otunba-Payne