

REGULAR SESSION MINUTES
OCTOBER 13, 2020
BOARD OF POLICE COMMISSIONERS
NEW HAVEN, CONNECTICUT
VIRTUAL AND TELEPHONIC VIA ZOOM

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

Chief Otoniel Reyes: Department of Police Service
Assistant Chief Renee Dominguez: Department of Police Service
Assistant Chief Herb Sharp: Department of Police Service
Lieutenant David Zannelli: Department of Police Service
Sergeant Dana Smith: Department of Police Service
Ramon Davis: Administrative Assistant II

Bruce Fischer: Traffic and Parking
Doug Hausladen: Traffic and Parking
Michael Wolak, Esquire: Senior Deputy Corporation Counsel

Gerald Antunes: Board of Alders
Allan Appel: New Haven Register
Black and Brown United in Action
Jamar Daniels
Barbara Fair
Evette Hamilton: Board of Alders
Daniel Hunt
Jean
Ben Lambert: New Haven Register
Miguel Pittman, Sr.
Abigail Roth: Board of Alders
Ed Stannard
John Taylor

OPEN SESSION

The meeting was called to order at 6:04 p.m., Anthony Dawson, Chair, presiding.
Commissioner Dawson read an excerpt of the Notice for this meeting for the record.

■ The commissioners introduced themselves.

REGULAR MEETING OF THE TRAFFIC AUTHORITY

Following the regular meeting of the Traffic Authority, Mr. Fischer and Mr. Hausladen excused themselves at 6:31 p.m.

DISCUSSION AND APPROVAL OF MINUTES

- ** Commissioner Ribeiro moved to Approve the September 8, 2020 Regular Meeting Minutes
- ** Commissioner Walker seconded
- ** Motion passed

MOTION TO AMEND THE AGENDA:

- ** Commissioner Ribeiro moved to Amend the Agenda in order to have the Internal Affairs Report follow Personnel matters
- ** Commissioner Miranda seconded
- ** Motion passed

CHIEF'S REPORT

Chief Otoniel Reyes

- Chief Reyes began with salutations.
- Update on crime statistics, specifically the three main categories: Year to date there have been 17 homicides compared to 9 at the same time last year; there are currently 83 shootings, the most recent being on October 12, 2020, compared to 71 at the same time last year; and there are 234 combined robberies compared to 215 at the same time last year.
- The Department continues to focus its efforts on crime prevention and dealing with the spike in violent crime. The Department has been very successful in seizing numerous weapons over the last few months. Group-involved violence has diminished since the month of July which was one of the banner months this year in terms of violent crimes.
- However, the Department continues to work with its federal state and local partners in implementing crime-prevention strategies throughout the city to mitigate and prevent further violence.
- There are 16 cadets at the New Haven Academy. Class 24, as they are referred to, are entering their 16th week at the academy. There are six additional cadets in the POST Training Academy in Meriden. They are in their fifth week. They are doing very well. Unfortunately, the Department lost one of its recruits during the process. Chief Reyes wished the cadet well.
- The Department is eager to get them on the road as soon as possible. The Department is working with its training academy to implement some scheduling changes that might offer an opportunity to get the cadets to complete their required coursework in a shorter amount time. The anticipation is that the Department might be able to shave a month off of their training, not by reducing their hours, but by shifting the schedule and extending their days.
- Chief Reyes expressed his gratitude to the academy staff and Chief Sharp for all their hard work to ensure that the cadets are well prepared when they complete the academy.

- The recruitment process continues. The Department is currently in the written examination stage of the testing process.
- There were 454 applicants. Again, this is a testament to the hard work that the staff did within one month of recruitment to get this many applicants during the COVID pandemic and during the current climate in the country.
- The 454 applicants comprised of 83 New Haven residents and 371 non-residents; 127 of the applicants were African American or black applicants; 110 were Hispanic; and 108 were females. So, 345 of that 454 were from underrepresented groups which is really remarkable.
- The challenge continues to be recruitment and retention. The Department will continue its efforts throughout the better part of 2021. The goal is to put another academy class once this list has been exhausted as it attempts to keep up with its rate of attrition.
- On September 23rd the Department graduated its first ever Chaplaincy Program. The press reported it as a Clergy Academy and a lot was made about it. However, it is a Chaplaincy Program. The first ever for the city. These 19 faith leaders are going to be utilized to help augment the work that the Department does in the communities to bridge gaps and improve the Department's legitimacy and overall relationships with the community.
- They have been instrumental already in helping the Department reach out to the community and engage the community after significant events. The most recent was the October 12, 2020 incident that involved the discovery of an eight-month-old child found in a Dumpster. It is something that rattled the community. Fortunately, the child is safe. The child suffered some severe injuries, but is expected to make a recovery.
- The Investigative Services has made an arrest. The chaplains immediately engaged the Department. And they are working together to go out and mobilize and speak to the community about that incident and making sure they satisfy any needs the community may have as a result of incidents like these.
- In addition to recruitment, there is a need to continue to promote from within. Sergeants' examination will be conducted by the end of October, beginning of November. Captains' examination is also expected to be administered by the end of this year. Lieutenants' and detectives' examinations are slated for early 2021.
- The Department is obviously continuing to navigate through the challenges of COVID and also learning a lot of lessons having to do with the current climate with policing with regard to the call for police accountability and police reform.
- He did send all the commissioners the Duty to Intervene Policy just before this meeting in order to be compliant with HB-6004, Section 30 of the Police Accountability Bill. This is a special order on Duty to Intervene. This is representative of what already existed in the Department's policies. It was streamlined and made a stand-alone policy.
- This is policy will be followed up with a General Order early next year which will come before the Board for its consideration. The Department intends on being as restrictive as, if not even more restrictive than the state policy on Duty to Intervene. The general consensus is accountability starts from within and the Department must hold itself to higher standard when it comes to ensuring the community is kept safe and officers are engaging in behavior that is just.
- Commissioner Ribeiro inquired about the status of the process for the 454 applicants.
- Chief Reyes stated that they are going to be entering the written stage. Out of the 454 applicants, 233 passed the physical agility examination, and will take the written examination. The 45 applicants who failed will be given another opportunity to retake the physical agility test. There were 89 no-shows. The Department will reach out to the 89 applicants in an effort

to give them another opportunity to take the physical examination as well.

■ Some of the applicants were impacted by the stipulations with COVID. A few people traveled out of state.

■ The Department is extending the process to try to accommodate as many of the applicants as possible.

■ Commissioner Dawson added that it is fair to say that when the Department starts out its recruitment efforts in advance or in good enough time, there's other mechanisms that affords the applicants a second bite at the apple.

■ Chief Reyes stated that the Department's goal is to build capacity and to help people with these processes. More often than not, people find themselves ill-prepared for the processes even though much information is given to the applicants. However, this was a very short recruitment period.

■ The Department had some engagements with the community in terms of workshops to help the applicants with the process. The goal is to keep the process open and available to as many as possible and help them work through any challenges they encounter especially earlier on in the process. The hope is to bring the number of applicants up.

■ The Department anticipates a greater response next year. Hopefully, with COVID behind us some time in the near future, the Department will be able to augment its recruitment efforts and expand beyond what the limitations were this year.

PERSONNEL MATTERS

1. Consideration, discussion and action on the proposed changes to General Order 2.14 entitled "Reinstatement of Officer Separated from Service."
2. Consideration, discussion and action on the proposed General Order 2.15 entitled "New Hire Policy."

■ Assistant Chief Sharp is requesting the Board's consideration and approval of General Order 2.14 and 2.15.

■ Commissioner Ribeiro asked for an update on what the changes are.

■ Lieutenant Zannelli stated that General Order 2.14 was an existing General Order. It was just updated. This was brought before the Board several months ago. There were concerns regarding the order in which the process took place. That was ironed out with the assistance of Corporation Counsel and Civil Service.

■ There were some additions requested by the commissioners. On page 3, the top paragraph indicates that Internal Affairs and the Background Division will complete a report for the Board.

■ General Order 2.14 was reviewed by Attorney Wolak.

■ Attorney Wolak added that there were always questions about what the "one year" meant whether they had to be rehired. Based on what Human Resources states, they not only have to be rehired but they also have to be back at work within one year of their separation.

■ Chief Reyes stated that there was no General Order for reinstatements. Much of it was governed by the Collective Bargaining Agreement and essentially the lion share of the responsibility in terms of reinstating someone laid with the Office of the Chief.

■ Chief Reyes added that there has been conversations earlier on in his tenure about this.

He agreed and saw that it was important in the interest of fairness, transparency and consistency of this process that there be a General Order.

■ Chief Reyes expressed his gratitude to Commissioners Ribeiro and Walker and the commissioners for working with the Department to ensure a process that was one all could stand behind.

■ This is a definitive process that is legally defensible, and more importantly is fair, and will stand the test of time regardless of who our successors are in our respective positions.

■ Commissioner Ribeiro asked, for clarity, whether an officer who did not return within the one year would then have to go through the New Hire Policy.

■ Lieutenant Zannelli responded that it was on the first page, 2.14.03, Eligibility. He added it in the last sentence. As read, if the officer's reinstatement is beyond the one-year period or reinstatement cannot be achieved within the one-year period, then the officer will be required to follow the components of General Order 2.15, New Hire Policy.

■ Commissioner Miranda stated that in 2.14.03, toward the end of the section reads, in a vacant position in the same class and range held at time of separation. He asked if it should read "rank."

■ Lieutenant Zannelli stated that it mirrors the contractual language. If the officer returns within that one-year period, the Department is obligated to the Collective Bargaining Agreement as long as those stipulations are met to return that person to rank.

■ Chief Reyes added that the contractual language says "rank." If it says, "range," it should be changed to "rank." If there a reference to "range," the Department will make the distinction and clarify that.

** Commissioner Ribeiro moved to Approve General Order 2.14, Reinstatement of Officer Separated from Service with the Latest Recommendation to Add Rank and/or Pay Range to Section 2.14.03, Eligibility

** Commissioner Walker seconded

** Motion passed

■ Assistant Chief Sharp stated that 2.15 was before the Board for its approval.

■ Commissioner Ribeiro stated that there should be an explanation of the General Order.

■ Chief Reyes stated that the biggest distinction of this policy is that it allows the Department to bifurcate or separate the laterals from the new hires' process.

■ One of the Department's challenges in terms of recruitment and retention is that it has been somewhat behind the eight ball in its ability to hire laterals or more clearly officers from other departments that are already certified and are able to easily transfer into the Department with minimal process.

■ There was a lot of work done with Civil Service and the Board to separate that process and make it a stand alone where there is a separate process for brand new officers and new hires that are certified either in Connecticut or outside of the state. The laterals can have a more streamlines process to enter the Department.

■ This will make the Department more much competitive in the recruitment process.

■ This process will enable a continuous list of laterals that will be available for the Board's consideration.

■ This is consistent with state mandates and the Department's Collective Bargaining Agreement.

- Assistant Chief Sharp stated he would let Lieutenant Zannelli chime in on this as he worked very hard on this policy.
- Lieutenant Zannelli stated that in the recent past there was a request for the Board to approve an eligibility list for laterals. The Board expressed feeling more comfortable with a policy in effect. The Department and the Board have gone over this several times.
- Lieutenant Zannelli added that this policy is in compliance with POST's requirements.
- Like the Chief Reyes stated, it's not just for laterals in the state, but provides a process for laterals out of state if the laterals have comparative certifications.
- Commissioner Ribeiro added that there would be one policy for New Hires versus Laterals. There is clarity in this General Order regarding the distinction in the processes between new hires/new recruits and laterals.
- Commissioner Dawson thanked all for their hard work.

- ** Commissioner Walker moved to Approve the General Order 2.15, New Hire Policy
- ** Commissioner Ribeiro seconded
- ** Motion passed

RETIREMENTS (For Board information only)

There were none.

RESIGNATIONS (For Board information only)

- Records Clerk, Aneeka Lambert - eff., September 18, 2020
- Recruit, Travis Miller - eff., September 28, 2020
- Records Clerk, Courtney Reed - eff., October 17, 2020
- Officer Paul Mandel - eff., December 31, 2020

EFFICIENCY COMMITTEE REPORT

There was none.

RECRUITMENT/SELECTION COMMITTEE REPORT

- Commissioner Ribeiro stated that she just wanted to thank the staff for their hard work on the two General Orders and also Commissioner Walker. They met several times and worked hard to ensure that is a very clear General Order that the Department can follow. It was a great team effort.
- Commissioner Dawson thanked everyone and Commissioner Ribeiro's leadership on this.

FINANCE COMMITTEE REPORT

There was none.

OTHER BUSINESS

- Detective Juan Ingles - Reimbursement for Costa Permit Sunglasses
- Detective Kyle Malloy - Reimbursement for Costa Permit Sunglasses

- Commissioner Ribeiro stated that she had all the information needed to make a decision on each of these requests for reimbursement. She hoped the other commissioners did as well.

** Commissioner Ribeiro moved to Approve the Reimbursement for Costa Permit Sunglasses for Detective Juan Ingles up to the Uniforms and Clothing Allotment of \$250

** Commissioner Walker seconded

** Motion passed

** Commissioner Ribeiro moved to Approve the Reimbursement for Costa Permit Sunglasses for Detective Kyle Malloy up to the Uniforms and Clothing Allowance Amount of \$250

** Commissioner Ribeiro seconded

** Motion passed

■ Commissioner Dawson stated that no one has assigned anyone to any of the committees. He implored the commissioners interested in any particular committees to notify him. The issues of committees will be discussed at the next meeting. There will be discussions regarding the Board's bylaws. He commended Commissioner Ribeiro for her hard work on the bylaws.

■ Commissioner Ribeiro stated that the bylaws would be before the Board at the November meeting.

PUBLIC COMMENT

■ Barbara Fair thanked the Board for the opportunity to address it with a few concerns.

■ He attends the meetings and when unable, she reads the minutes. She had noted many rejections of candidates applying to be police officers. They are hearing that the Department is trying to recruit applicants from the community. She is puzzled by this phenomenon. Because discussions related to candidates are held behind closed doors, it's difficult to understand why.

■ As a member of the former mayor's task force she questions the legitimacy and integrity of background checks and psychological testing. She saw evidence of implicit bias in hiring practices. Questions such as experiences with police which might unfairly disqualify members of communities that are overpoliced by officers.

■ She looked at the language in General Orders to find excessive force and what's reasonable. Sadly, the task force was dissolved before any work of substance could be done.

■ Years ago, a conference was held addressing policing in America. Several recommendations were made to build public trust and the legitimacy of the profession. It talked about agencies involved should acknowledge the past and present racial injustice as a cradle to overcome and promote public trust. It also said the agency should consider potential damage to public trust when implementing crime-fighting strategies such as stop and frisk and crowd control, etc.

■ It also talked about the use of force should emphasize de-escalation and alternatives to arrest when appropriate.

■ After a Freedom of Information request for every officer involved in my arrest in 2017, she found disturbing information about officers who remained employed and were actually promoted.

■ She found officers on what is called the *Brady* List who cannot write reports or testify in criminal cases due to proven credibility issues. Due to this character flaw of dishonesty, they are unable to fulfill all the duties of an officer for which they are being paid.

■ She wonders if any candidates were disqualified because they might have left out details or disclosures of past indiscretions. She would hope not, because, otherwise, *Brady* candidates should not be police officers. Trust is a major factor when an officer's word controls the outcome of cases brought before the state for prosecution.

■ We have heard stories of officers involved in domestic violence, drunk driving, off-duty bar fights, testing positive for drugs, yet, they remain on the force. How does this promote integrity within a police department and criminal justice?

■ An officer placed on administrative leave after reportedly tipping off a drug-dealing friend that he was being investigated by police has returned to duty with no demotion, actually, supervising other officers. Months prior, his wife was arrested for stealing a computer. The Chief was going to bring her before the Board for termination. But before that occurred, she claimed an on-duty injury which allowed her to retire with benefits at taxpayers' expense. How exactly does that promote public trust?

■ I say that believing there are officers, including the Chief, who truly are concerned about the community and trusting the police. When things like these happen, they actually undermine public trust. She hopes that this commission with the new members and new leadership will somehow make a difference in how this police department is perceived in the community because there is no way to explain disallowing some members of the community to be police officers because of some indiscretion when there are police officers on the force involved in countless indiscretions with continuous employment.

■ Commissioner Dawson thanked her.

INTERNAL AFFAIRS REPORT

(In Executive Session.)

CLOSED CASES:

IA CASE NO. 086-19C: The complainant alleged the officer completed a false report and did not properly investigate an accident which caused her serious injuries. The complainant and all the occupants of the vehicle did not cooperate with the Internal Affairs' investigation after several attempts to call and contact them were made. Body-worn camera footage revealed that the officer properly investigated the accident based on the totality of the facts and the set of circumstances on scene. A minor clerical error was reported and was corrected with a supplemental report done. The officer completed a search warrant and an arrest warrant for the suspected drunk driver, all of which were approved and signed by GA23. The suspected driver of this accident later died in a separate unrelated motor vehicle accident in New Haven. The officers in this incident were exonerated.

IA CASE NO. 20C-011: The complainant alleged that officers were targeting her and used excessive force on her. The complainant failed to correspond with Internal Affairs after scheduling her interview. Body-worn camera footage in the Internal Affairs investigation revealed that the officers responded to a domestic violence incident where two of the complainant's family members indicated they had an active protective order against the complainant which was confirmed with a records check. While searching for the complainant, she ran from officers and assaulted them while being detained. After, when officers tried to place her in handcuffs for a more comfortable fit, she kicked the officer in the groin area

injuring him. The force was reviewed by a use-of-force instructor and expert and deemed appropriate and not excessive. The officers were exonerated.

IA CASE NO. 20I-050: The complainant is Chief Reyes. Chief Reyes ordered an internal investigation regarding the social media post made by former-Officer Bandy and Detective Brosnahan. Their posts were reposted and described in a public article by the New Haven Independent. The Internal Affairs investigation confirmed that Detective Brosnahan posted about the NHPD and information related to her position as a police officer in a negative way without Chief Reyes' express permission. The background photo of Detective Brosnahan on her social media post was of her in a police uniform with her name and indicators present. This photograph was taken in the basement of the NHPD Headquarters. This was sustained.

IA CASE NO. 20C-061: The complainant alleged that the officer did not document witness information in a PR-1 Accident Report. This complaint was returned to the Patrol Division. Their investigation confirmed that the officer is a newer officer who did not include the witness's name and information in the accident report. The officer was verbally reprimanded and a supplemental report was generated for the complainant which concluded all the information necessary. This was closed by summary action by the Patrol Division.

■ Assistant Chief Dominguez indicated that a member of the community wanted to speak, C.J. from Black and Brown United in Action. However, she was experiencing technical difficulties.

EXECUTIVE SESSION

- ** **Commissioner Ribeiro moved to Enter Executive Session for Preliminary Drafts and Notes**
- ** **Commissioner Walker seconded**
- ** **Unanimously passed**

The Board entered Executive Session at 7:18 p.m.

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

The Board exited Executive Session at 7:24 p.m.

■ Assistant Chief Dominguez stated that C.J. now had audio and would like to speak

PUBLIC COMMENT

- C.J. thanked Assistant Chief Dominguez.
- She wanted to speak about an incident which occurred outside of 126 Hazel Street this last Saturday, October 10, 2020, at around 10:37 a.m. wherein a NHPD officer sped down the

street. This was a public event where folks were gathered to received meals. The officers were traveling very, very fast. They public almost got hit. The officer did not stop. There are no speed bumps.

■ She watched the traffic portion of this and it broke her heart because there are many streets in Newhallville without lights and speed bumps. And while some residents can be held accountable for speeding. We also have to be cognizant of the fact that sometimes the officers do travel pretty fast on these streets that are not lit. Children are playing at 10:00 a.m., 11:00 a.m. on a Saturday. The public almost got hit. This is one part of what she wanted to say.

■ The second part is a request as an immigrant in this country after hearing what was said by the current head of state in regards to calling out certain individuals in the community, particularly the Proud Boys and so forth.

■ We are very concerned given that call-out. We are hopeful that NHPD will do what is needed and not hand over persons to ICE. We understand the impact of moral turpitude and hope that that is being considered. While there are a lot of crimes being committed, she hopes that all are using due diligence and really charging the crimes that should be charged and not just giving out charges like they are giving out candy.

■ As Barbara Fair pointed out, lots of brown and black officers do not make it past because of things that happened in their past. Whereas, others succeed. And then they turn out to be what? Abusers and other things.

■ This is all she wanted to say. She appreciated the time and consideration.

■ Commissioner Dawson thanked her.

■ Commissioner Miranda wanted to end on a positive note. He congratulated the Chief and his staff on the Chaplaincy Program that was established. He attended the graduation ceremony which was a very nice event. He asked the Chief to give a shout out to the lieutenant who handled the academy on his behalf.

■ Commissioner Miranda stated that on September 11th he drove up on an incident. With a little bit of help from Lieutenant Zannelli, he found out it was Sergeant Warner and Officer Burgess that were on that call. He stood by the side and observed the officers' professionalism and their courtesy throughout the whole call. He then approached the sergeant and introduced himself. The sergeant was very respectful. He wants anyone out there to give him a shout out.

■ Chief Reyes thanked Commissioner Miranda.

** Commissioner Miranda moved to Adjourn the Regular Meeting

** Commissioner Walker seconded.

** Motion passed

The next regular meeting will be on November 10, 2020.

The Board adjourned at 7:31 p.m.

Respectfully submitted,

Sotonye Otunba-Payne