NEWS

"Hey little apple blossom, what seems to be the problem?"
APPLE BLOSSOM THE WHITE STRIPES

New Haven police officer turns himself in after use-of-force verdict

BY EVELYN RONAN
STAFF REPORTER

A New Haven Police Department officer and use-of-force instructor turned himself in to state law enforcement Thursday morning for allegedly assaulting a woman, according to an NHPD press release.

The officer, Evan Kelly, had been on leave from the police department since January after he punched a handcuffed woman in the head several times while trying to arrest her at Elm City Social in downtown New Haven last October. After a year-long investigation, Connecticut State Police posted an arrest warrant for Kelly for assault in the third degree. Six days later, he turned himself in.

Kelly's head punching did not follow departmental guidelines of "necessary, reasonable, and proportionate" use of force, according to the press release, which was signed by Mayor Justin Elicker and Chief David Zanelli. The internal affairs division of the police department, which investigates instances of officer misconduct, has resumed its investigation into Kelly now that the state-level verdict is in, the press release said.

Last October, Kelly was responding to a call around 1 a.m. at Elm City Social. According to the 12-page warrant, Kelly struck the woman in the head twice in retaliation for what he alleged was an attempt to dislodge his pepper spray from his duty belt.

In body camera footage published on the Connecticut Office of the Inspector General's website, Kelly can be heard telling Brian Watrous, the on-scene shift supervisor, that the woman was "pulling gear off my belt." Watrous asked if the woman was pulling at Kelly's gun, and Kelly repeated, "she was pulling gear off my belt."

In an interview with the state police, according to the warrant, Kelly said that his actions were based on an "understanding of use-of-force policy" and that he believed the woman was resisting arrest and attempting to escape. The woman, whose name is redacted from the warrant, denied any attempt to escape or resist arrest in an April interview with a state police detective.

Kelly did not have any prior use-of-force incidents, according to NHPD spokesperson Christian Bruckhart, who added that "there did not seem to be a pattern associated with this officer."

After Kelly's case was reviewed by two NHPD use-of-force instructors and determined to be "excessive," New Haven State's Attorney John Doyle requested a warrant for his arrest.



ADRIAN KULESZA
After a year-long misconduct investigation, a New Haven Police Department officer turned himself in to Connecticut State Police on a warrant for assault in the third degree for punching an arrestee in the head repeatedly last year.

Bruckhart said that the woman did not file a complaint against Kelly with internal affairs and that the report on Kelly's behavior was a result of the NHPD "self-policing."

"It was our department that initiated this and then brought in and referred to the CSP," Bruckhart said.

Kelly was released after his arraignment without bail and will appear again in court Nov. 3.

Norah McPartland contributed reporting.

Contact
EVELYN RONAN *at*
evelyn.ronan@yale.edu.

Footage shows Yale police officer shoot into car to stop suicide attempt

BY EVELYN RONAN
STAFF REPORTER

A Yale Police Department officer responding to a Wednesday morning call shot into both backseat windows of a suicidal man's car, according to body camera footage published Friday by the Connecticut Inspector General's office.

The officer, Ancil Farrier, was responding to a 9 a.m. call about an "emotionally distressed person" in a Whitney Avenue parking lot, according to a press release from the Connecticut Office of the Inspector General. Upon arrival, a family member of the suicidal man, Jose Cubiz, led Farrier and several other officers to the white SUV when Cubiz began to exclaim, "I'm gonna kill myself if you come in here."

Shortly after, Cubiz started screaming and appeared to begin stabbing himself with a kitchen knife. Officers attempted to open the driver's seat window of Cubiz's car and asked other officers on the scene to assist him in breaking into the car.

"I need someone to break the window," Farrier said.

Farrier then announced he would attempt to shoot through the window. He fired one round into each side of Cubiz's car before other officers extracted the man from the driver's seat and began administering medical aid.

Cubiz was treated at Yale New Haven Hospital for self-inflicted stab wounds and did not appear to have been struck by gunfire, according to the Inspector General's press release.

Last Thursday, Duane Lovello, Yale's head of public safety, wrote in an email to the News that in "an effort to intercede, the officer broke the vehicle's window using a firearm that discharged."

After Friday's incident, Cubiz was remanded to the custody of the state Department of Corrections because he was serving a 54-month parole sentence for first-degree robbery.

Norah McPartland contributed reporting.

Contact
EVELYN RONAN *at*
evelyn.ronan@yale.edu.

Compensating wrongful convictions, city contends with past misconduct

BY EVELYN RONAN AND NELLIE KENNEY
STAFF REPORTERS

The $30.5 million settlement deal New Haven reached in August with two wrongfully convicted men was the largest of its kind in Connecticut history — but it may not be the city's last.

New Haven is challenging a May decision that would have it pay $38 million to Stefon Morant, who spent over two decades in prison for a double murder he has long said he did not commit. The city did not have insurance at the time of that conviction, so the settlement will not be covered if its challenge fails, Mayor Justin Elicker said. A federal jury attributed Morant's conviction to "widespread practice" of misconduct within the city's police department, which Elicker disputed in a May statement.

"The city and its residents should not be made to pay damages for the actions of two officers who knowingly wrongfully engaged in isolated, unsanctioned actions over 35 years ago. That is unfair to the hard-working residents and taxpayers of New Haven, and the city will appeal," Elicker said in that statement.

At least 20 people who were wrongfully convicted in the Judicial District of New Haven have been exonerated, with the majority of the original convictions originating in the 1980s and 1990s, according to data published by the National Exoneration Registry. All have received settlement payouts of varying amounts.

Elicker said the city has had liability insurance since 2020, but that insurance coverage is not retroactive and cannot extend to policing cases from decades ago.

John DeStefano, who served as mayor from 1994 through 2013, said in a phone interview that he didn't know what kind of insurance Elicker was referring to in his statement.

DeStefano said that it is difficult to distinguish between "what was a mistake and what was an institutional failure" when considering the NHPD's conduct in the 1980s and 1990s. He pointed to the case of Randy Cox — who was paralyzed after an officer made a hard stop while he was in the backseat of a police car in June 2023 — as an example of police misconduct that happened during Elicker's tenure. Cox was subsequently awarded a $45 million settlement.

Former Mayor Biagio DiLieto, who served from 1980 to 1989, died in 1999 and former Mayor John Daniels, who served from 1990 to 1993, died in 2015.

Steve Mednick, a former alder who served as the city's corporation counsel — its chief legal advisor and attorney — from 1994 until 1996, said in a phone interview that New Haven has a "long history" with legal clashes over police misconduct. He pointed in particular to the trial of Black Panther Party leaders Bobby Seale and Ericka Huggins in the early 1970s.

Mednick guessed that he saw around 40 police misconduct cases a year while serving as counsel, although he said the scale of those cases varied and that the city prevailed in most of them.

He said that he believes that the city had "some level of insurance" at the time, but that insurance did not cover lawyers' fees, meaning that most cases were handled "in-house" by city lawyers.

"Anyone who has served in my office as corporation counsel has had to deal with police misconduct over the course of the last 50 or 60 years, easily," Mednick said.

In a Tuesday phone interview, Yale Law professor David Schleicher said that jurisdictions have a few options when financing police misconduct cases. To the extent that suits are a "regular problem," cities can treat them as "the kind of thing you budget for." Schleicher called that option "dark" but said it is often practical for larger cities.

Debt financing, such as the bonds New Haven has taken out to pay off some settlements, can get "a little weird" in police misconduct cases, Schleicher said.

Typically, cities use debt to finance infrastructure like bridges, which are used for many years as the debt is paid off, Schleicher said. Debt financing is "not ideal" for financial settlements because it doesn't make "theoretical sense" for payments related to past misconduct to fall on future city residents, Schleicher added. Nonetheless, he said the strategy is not unheard of.

Maleek Jones and J'Veil Outing, two New Haven men who are currently incarcerated, have alleged misconduct, collusion and witness coercion by law enforcement officials and are seeking to have their cases reopened by a federal court, according to previous reporting by Yale's Investigative Reporting Lab.

New Haven was defended in the Morant case by an attorney from Howd & Ludorf, though the city dropped the firm following the May jury decision.

Contact
EVELYN RONAN *at*
evelyn.ronan@yale.edu and
NELLIE KENNEY *at*
nellie.kenney@yale.edu.

