

City of Cambridge

In City Council June 11, 1984.....

The

Ordinance

Committee

comprised of the entire membership of the City Council

to which

was referred two proposed amendments to the General Ordinances of the City of Cambridge met on Tuesday, June 5, 1984 at five o'clock and forty-three minutes p. m. in the City Council Chamber.

Councillor David Sullivan, Chairman, presided.

The Committee had before it two proposals for their consideration as follows:

Proposed amendment to the General Ordinances providing for the establishment of a Cambridge Civilian Policy Advisory Board to the Chief of Police, under the provisions of Chapter 43, Section 104 and Chapter 42, Section 105 of the Plan E Charter sponsored by Councillor Vellucci.

Proposed draft of an Ordinance for a Civilian Review Board as drawn up by the City Solicitor's Office in response to an order of the City Council.

At the request of the Chair Councillor Vellucci outlined his proposal which he described as an intelligent and gentle approach to deal with problems that may arise in the conduct of police community relations and in accordance with the divisions of powers under the City Charter. He stressed that his proposal was not an effort to interfere with the operation of the Police Department as to assignments, promotions and operating procedures rather that it was intended to have a group of people sitting down to deal with problems arising out of police activity, to seek solutions in a sensible manner as the problem arise. He further cautioned the Committee that a sensible solution to these problems could be achieved under his proposal and in the event that if it failed, it was possible that the Committee would not recommend any ordinance to the full Council. He urged the Committee to bring out amendments which would be acceptable to all concerned.

Councillor David Sullivan stated that the Committee has the power to report to the City Council with no final action on the proposals that in the last analysis, the Council has the final say.

#8

17.

6/15/84

REPORT

Committee on Ordinances

Re: proposed amendment to the General Ordinances providing for establishment of a Cambridge Civilian Policy Advisory Board to the Chief of Police & a second proposal drafted by the City Solicitor for a Civilian Review Board; said report without recommendations.

Entered #8 6/25/84

*See Substituted Version
By G. Vellucci - Present
to End Reading*

In City Council,

June 11, 1984

6/11/84

*Report Received -
No Action Taken on
Proposals -*

Filed by G.D. Sullivan

The Committee then heard from City Manager, Robert Healy, who stated that the second proposal before the Committee was drafted by the Law Department at the request of the City Council and was the result of research and study of several review boards now in operation in several cities throughout the country. He introduced Attorney Severlin B. Singleton, III of the Law Department to summarize the proposal which called for a five member Board of Police Commissioners who would be residents of the City of Cambridge, who would meet in public session except in causes where executive sessions are required with membership prohibited to employees of the City elected or appointed officials of the City within three years of their appointment or election, and present and former police officers and members of their families. He outlined the duties of the Board to establish rules, policies and regulations of the department, reviewing budgets, receiving and resolving complaints, making recommendations to the City Manager regarding discipline, submitting annual reports to the City Manager, the Council and the public of the departments activities including the handling of crime, complaints, future plans and the power to subpoena witnesses and produce evidence and application to courts of law when required.

In answer to the Chairman, Attorney Singleton stated that this proposal was based on the Detroit Statute after a review of other boards now in operation.

In answer to an inquiry by Councillor Duehay, the City Manager stated that the Internal Affairs Department would be retained.

Chief of Police, Paolillo informed the City Council that twenty-six investigations was the average per year over the last five years, that thirty-three investigations was the high figure in 1974, that in 1984 the department had recorded nine in five months.

In answer to Councillor David Sullivan the City Manager stated that less than fifty percent of all complaints were initiated by citizens.

Councillor Duehay inquired as to whom would perform the investigations if the proposed ordinance was adopted and the Manager indicated that it would provide for a more detailed type of investigation and a change in the procedure previously followed.

Councillor David Sullivan stated that he would allow testimony to be heard relative to the Third proposal submitted by the Committees Acting Together.

The Committee heard from the following persons who recorded themselves in favor of the third proposal:

Brenda Walcott, 12 Prince Street, Cambridge
Mr. Rodman
Jim Packer, employee of the Rent Control Board

Sybil Hendrickson of the Women's Rights Commission
Howard Freedman of 110 Orchard Street
Dorothy Smith, 2 Woodrow Wilson Court
A spokesman from the CCA recorded that organization in favor.
Attorney Richard Clearly, practicing attorney in Boston
Larry Aronson, Rindge Avenue member of CRLS Faculty.

Brenda Walcott who served as the spokesman for the Committee stated that they had researched several proposals including the Berkeley, California ordinance that their proposal would make the police force answerable directly to the citizens and would show young people that it works, that their committee conducted an objective study and checked it with attorneys to insure it did not violate the City Charter. She further indicated that many complaints go unanswered and their proposal would provide an alternative for action, that the other two proposals had many good features but that their proposal would allow citizens to monitor actions and the Committee which serves them and introduced John Parsons of 15 Bishop Allen Drive outlined the differences in all the proposed drafts. He stressed that citizens from all neighborhoods of the City can call meetings to meet in the neighborhoods to address local problems and guarantee effective action to deal with the problem, propose solution and prevent problems from festering.

Brenda Walcott stated that the Committee studied Berkeley and Richmond and Washington, D. C. then came up with a new proposal which was in accordance with State Law.

Councillor Duehay inquired as to whether the Committee had considered the Civil Service appeal process and the manner in which the committees recommendations are handled.

Councillor Vellucci outlined the manner in which his proposed ordinance covered procedural questions and stressed the powers of the Police Chief under Chapter 42 of General Laws and stated that he should have an Advisory Board in the same manner as the other departments in the City.

The Committee heard from James Packer who outlined his personal problem with seeking redress from Internal Affairs and stressed the difficulty he experienced in getting witnesses to present his side of a dispute and that a Board would help in this situation.

Howard Freedman of Orchard Street expressed his frustration with the procedure used by Internal Affairs in handling complaints and the need for more investigative procedures.

The City Manager stated in answer to Councillor Duehay that he had submitted a proposal drafted by the City Solicitor pursuant to the request of the City Council, that he had no budget figures at this time, that less than one legal judgment per year was rendered against the Police Department which he considered minimal in a city the size of Cambridge, that the Chief had assigned one Lieutenant, one Sergeant, one detective and one female to the Juvenile Department as a result of the January 1st incident. The City Manager further stated that an additional seventeen Police Officers will be appointed.

In reference to one case the City Manager stated that his decision was overturned by an independent arbitrator, that the Internal Affairs review had resulted in charges against an officer which do not receive publicity.

Councillor David Sullivan at eight o'clock and two minutes p. m. called for the opposition to appear.

Reuben Dottin assigned to Internal Affairs recorded his opposition to any Review Board and outlined in great detail how complaints are handled and resolved and the record keeping involved.

Edward Loder, President of the Police Association recorded his opposition and presented David Betts, representing the 200 man department who read a prepared statement which is attached to this report and designated as Appendix A.

Lieutenant Harold Murphy of 102 Clay Street, appeared in opposition and cited instances where boards of review were instituted and failed, that the Internal Affairs System works, that the police officers do have Civil Rights that Civil Service Law protects all citizens.

Mark Levine of 154 Magaine Street of Cambridgeport Residents Against Crime (CRAC) submitted a two page document which is attached to the record and designated as Appendix B. His communication calls for increased monitoring of police action and citizen participation in police affairs.

Officer Glenn Marshall appeared in opposition and stated that he favored judgment by judges and jury.

Chief Paolillo submitted a crime analysis covering the period 1979 to 1983 which is attached to the record and designated as Appendix C. He stated that a fair conclusion was that Review Boards were not successful citing Washington, D. C., Rochester and Philadelphia, that New York voted two to one against, that the Los Angeles City Council were also against, that the Council as elected respected representatives can entertain complaints against the department.

At the request of the Chair, fifteen recorded themselves in favor of the proposals and thirty-five were recorded against.

Councillor Walter Sullivan recorded himself against the proposals.

Lieutenant Timothy Toomey recorded himself against and stated that Internal Affairs was a quality operation.

Henry Gallager, Police Captain in charge CIP, recorded his opposition and stated that the majority of complaints were not sustained.

Also recorded in opposition were the following:

Lt. George Donahue
Capt. Patrick Corcoran
Detective Domenic Scalese
Lorraine Delaney of 523 Cambridge Street.

At nine o'clock and twenty-eight minutes p. m. the hearing was closed and the proposed ordinances were referred to the City Council, without recommendation for their consideration.

For the Committee,

David E. Sullivan

Councillor David Sullivan,
Chairman.

Encs. PROPOSALS ONE, TWO AND THREE
APPENDIX A
APPENDIX B
APPENDIX C
APPENDIX D (list of amendments to Proposal # 3)



City of Cambridge

#/

10.

IN CITY COUNCIL

March 26, 1984

COUNCILLOR VELLUCCI

ORDERED:

That the enclosed amendment to the Ordinances of the City of Cambridge entitled:

CAMBRIDGE CIVILIAN POLICY ADVISORY BOARD TO THE CHIEF OF POLICE

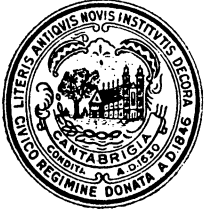
be referred to the Committee on Ordinances for public hearing and to the City Solicitor for review and comment.

In City Council March 26, 1984.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred 84

AN ORDINANCE

CAMBRIDGE CIVILIAN POLICY ADVISORY BOARD TO THE CHIEF OF POLICE

Be it ordained by the City Council of the City of Cambridge as follows:

Inasmuch, as the City Manager has the Powers of a Police Commissioner under Chapter 43 Section 104 and the Chief of Police has the Powers of a Department Head under Chapter 42 Section 105 of the City of Cambridge Plan E Charter.

There shall be a Board known as the CAMBRIDGE CIVILIAN POLICY ADVISORY BOARD TO THE CHIEF OF POLICE and shall be appointed by the City Manager with notification to the City Council.

CAMBRIDGE CIVILIAN POLICY ADVISORY BOARD TO THE CHIEF OF POLICE (hereinafter referred to the Advisory Board.)

- (A) There shall be an Advisory Board consisting of nine members, which number may be altered by an amendment to this ordinance by the City Council.

- (B) The members shall be appointed by the City Manager for terms of three years. Initial appointments shall be for the following terms: three members for a term of three years, three members for a period of two years and three members of a period of one year.

- (C) Not less than two months prior to making such appointments, or re-appointments, the City Manager shall solicit nominations from as many public service groups and other sources which he deems appropriate as possible, including but not limited to:
 - 1. Criminal Justice Professionals such as police officers, lawyers, court personnel, academics with expertise in the field, probation officers and other citizens with similar careers in the field of criminal justice.
 - 2. Other Public Interest Professionals such as teen workers, youth counselors, rape crisis counselors, drug and alcohol abuse professionals, crime watch members, the clergy, the business community organizations, social agencies and other professionals as may be suitable.

3. Consumers of Police Service, representing as much as possible low income, elderly and non-English speaking groups.

The City Manager, in making his appointments to the Advisory Board, shall attempt to maintain a semblance of balance among these three groups and shall as well attempt to represent the city's racial, ethnic and socio-economic diversity. He further shall attempt to locate individuals with a demonstrated and significant commitment to the public good. All members of the Advisory Board must have been residents of the City of Cambridge for at least four (4) years.

- (D) The Advisory Board shall hold regular meetings at least once each month with the Chief of Police and if board members fail to attend a third of the regular meetings without proper explanation, the City Manager may at his direction replace such members by the same method.
- (E) The Advisory Board shall elect a Chairperson from among its members.
- (F) The Advisory Board is just that, advisory in nature. It shall work with the Chief of Police and advise the Chief of Police on matters of Police Department Policy. The main purpose for which this ordinance is written is to enhance public safety in the City of Cambridge. It is the intent of this ordinance to create a formal working relationship between an organized group of citizens and the Chief of Police while at the same time allowing the Chief of Police to retain full authority for action as he now possesses under the General Ordinances of the City of Cambridge and the General Laws of the Commonwealth of Massachusetts.

- (G) The Advisory Board shall discuss major problems areas and proposed policy changes with the Chief of Police prior to implementation.
- (H) The Advisory Board shall request of the Chief of Police such information and staff support as is reasonable so that it may be properly informed.
- (I) The Advisory Board shall make review and comment on the Police Department Budget prior to the Chief's submitting same to the City Manager.
- (J) The City Manager shall appoint a secretary or a part-time secretary for the Advisory Board who shall prepare meeting notices and agendas, coordinate information needs of the Board, record minutes of Board meetings, distribute materials to Board members and perform whatever additional duties are assigned by the Board. The secretary to the Board shall also keep the Board informed of the nature of calls which come into the office from the public.
- (K) Every two years, the Advisory Board and the Chief of Police, either together or separately, shall report to the City Manager and the City Council in writing as to the progress that is being made under this ordinance. These written reports may properly contain suggestions which will further the aims of this ordinance.

(L) If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

C. Vellucci order re: referring the enclosed proposed amendment to the General Ordinances entitled "Cambridge Civilian Policy Advisory Board to the Chief of Police" to the Ordinance Committee & City Solicitor for review.

sent to Ordinance Committee
Chairman 3/30/84
hand delivered copy of this order +
proposed amendment to Law Dept.
3/28/84

In City Council,

March 26, 1984

3/26/84
Referred to the
Committee on Ordinances
L. Wolfe REPORT OF
CITIZENS -
- L. Vellucci - Revised 111
- The Paper -

#2

1. Board of Police Commissioners

There shall be a five (5)-member Board of Police Commissioners (the "Board"). Members of the Board shall be appointed by the City Manager. The term of membership on the board is five (5) years. No person may serve consecutive terms as a member of the Board. The City Manager may remove members of the Board only for cause. All members of the Board shall be residents of the City of Cambridge (the "City"). As nearly as possible, the City Manager shall choose members of the Board so that the Board is representative of the various ethnic and cultural groups within the City.

The Board shall elect a chairperson annually. The Board shall meet at the call of its chairperson, but shall meet at least once a month. Meetings of the Board shall be open to the public except when the Board, in its discretion, meets in executive session in private. The following shall not be eligible for appointment to the Board: (1) employees of the City; (2) citizens who are currently or have been in the previous three years, elective or appointed officers of the City; and (3) present and former police officers and members of their immediate family. Members of the Board shall be compensated at a level established by the City Manager.

2. Duties of the Board of Police Commissioners

The Board shall have the following duties:

- a. In consultation with the Chief of Police and with the approval of the City Manager, the Board shall establish policies, rules and regulations for the Department;
- b. The Board shall review the Department budget before it is submitted to the City Manager;
- c. The Board shall receive and resolve, as provided in sections six (6) and seven (7) of this ordinance, any complaint concerning the operation of the Department;
- d. The Board shall make recommendations to the City Manager in matters concerning the discipline of employees of the Department;
- e. The Board shall make an annual report to the City Manager, the mayor, city council, and to the public, of the Department's activities during the previous year, including the handling of crime and complaints, and of future plans;
- f. The Board shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The Board shall apply to the appropriate court to

enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order.

The Board may delegate in writing to a member of its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power by the Board.

3. Staff

a. Secretary to the Board. The Board, with the approval of the City Manager, shall appoint a Board secretary. The secretary shall attend Board meetings.

b. Investigative Staff. The Board, with the approval of the City Manager, shall also appoint a chief investigator and such additional staff of investigators as it deems necessary. The chief investigator shall not have been an employee or elective or appointive officer of the city within three (3) years prior to appointment. They must possess skills and experience necessary for investigative work.

- c. Other Staff. The Board, with the approval of the City Manager, may hire, in accordance with existing regulations and law, such additional staff as is necessary to carry out its duties.

All members of the staff are under the direction of the Board and the Chief of Police shall have no authority over any member of the staff.

4. Duties of the Chief of Police.

The Chief of Police shall administer the Department pursuant to existing laws and policies, and the rules and regulations established by the Board.

The Chief of Police shall:

- a. Organize the Department with the approval of the Board and City Manager;
- b. Recommend rules, regulations, and procedures to the Board for its approval;
- c. Recommend to the City Manager an annual budget for the Department after having submitted it to the Board for review;
- d. Recommend to the City Manager all hirings, promotions, commendations, transfers, and discipline of employees of the Department;

- e. Recommend to the City Manager suspensions and discharges of employees of the Department;
- f. File complaints against employees of the Department with the Board secretary;
- g. Direct employees of the Department in the performance of their duties;
- h. Except as otherwise provided by the Board or existing law, keep and control all property and equipment belonging to the Department or held by the Department as evidence;
- i. Submit to the Board an annual report of the operations of the Department for forwarding to the City Manager, the mayor, the city council, and the public; and
- j. Present annually to the Board, City Manager, the mayor, the city council, and the public, any recommendations he or she deems necessary.

5. Discipline

- a. Manual. The Board, in consultation with the Chief of Police, shall adopt a manual of rules, regulations and procedures for the Department. The manual shall define categories of major and minor offenses and shall set forth the maximum and minimum penalties for each offense. Said

offenses and penalties shall not be defined in a manner that is inconsistent with existing Civil Service laws.

- b. Summary Discipline. The Chief of Police may implement summary discipline for a minor offense. A disciplined employee may request the Board to set aside the summary discipline.
- c. General Discipline. The Chief of Police shall recommend to the City Manager the discharge or indefinite suspension of any employee of the Department for a major offense.

When the Chief of Police has made a recommendation concerning discipline for a major offense and the employee contests the recommended discipline, the matter shall be referred to a trial board. The procedure for trial boards shall be established by the Department's rules and regulations. All trial board proceedings concerning civilian complaints shall be public. The decision of a trial board may be appealed to the Board.

Instead of hearing an appeal itself, the Board may appoint a fact finder as provided in section six (6). The fact finder shall conduct a hearing and report findings of fact to the Board. The Board shall then make its recommendation concerning the final disposition

of the matter to the City Manager.

6. Complaints

Complaints concerning the Department and filed with the Department shall be forwarded immediately to the Board secretary. Copies of the complaint shall be made available to each member of the Board, the chief investigator, and the Chief of Police. The Chief of Police shall investigate a complaint immediately and file a report of findings with the Board within 45 days. The Board shall also receive complaints concerning any violation of its rules and regulations. The Board may, in its discretion, at any time order an investigation by its own investigative staff of complaints concerning the Department or violations of the Board's rules and regulations.

The Board secretary shall keep a public docket of complaints and the disposition of each complaint after investigation.

7. Resolution of Complaints

If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent employee, or a member of the Board,

either the complainant, the respondent employee, or the Board member may request the full Board to hear or review the matter. The Board may, as its option, when it determines that a hearing or review is warranted by the evidence, hear or review the matter itself or refer the matter to a fact finder.

The fact finder shall be an attorney and, in the conduct of the hearing, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the fact finder shall apply to the appropriate court. The costs of the fact finder shall be borne by the City.

After a hearing, the fact finder shall, within thirty (30) days, submit findings of fact to the Board. The Board, upon receipt of the report of the fact finder, shall within thirty (30) days recommend to the City Manager any discipline to be imposed. Any report or action involving a civilian complaint shall be made public.

Any employee against whom a complaint is filed is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board, except with the concurrence of four members of the Board. All pleadings filed and all hearings before the

Board and the fact finder which involve a civilian complaint shall be public. The parties to any hearing are the complainant and the respondent employee. Each has a right to counsel. The complainant's case may be presented by the complainant or complainant's counsel. Any probative evidence may be admitted.

8. Hiring and Promotions.

Entry into employment with the Department as a police officer is by appointment of the City Manager, in accordance with the rules, regulations, and procedures established by the Board in consultation with the Chief of Police.

Promotions shall be made on the basis of training, experience, education and competitive examinations, all in accordance with existing law. The City Manager shall make all promotions within the Department. However, no person shall be promoted unless the Chief of Police and the Board recommends their promotion.



City of Cambridge

#3
See Amendment 4.

COUNCILLOR GRAHAM
COUNCILLOR WOLF

IN CITY COUNCIL

May 21, 1984

ORDERED:

That the attached ordinance concerning the establishment of a Policy Review Commission be referred to the Ordinance Committee for review.

POLICE REVIEW COMMISSION

Submitted by Communities Acting Together

Section 1. The general purpose of this ordinance is to provide for community participation in setting and reviewing police department policies, practices, and to provide a means for prompt, impartial and fair investigation of complaints brought by individuals against the Cambridge Police Department.

Section 2. There is hereby established a Police Review Commission of the City of Cambridge. Said Commission shall consist of eleven (11) members. Each Councilmember shall submit to the City Manager one nomination for appointment to the Commission. The City Manager shall request from an appropriate high school committee a list of nominations of youths between the ages of sixteen to eighteen. The City Manager shall appoint the eleven (11) members to the Commission, of which two must be youths. All members shall be residents of the City of Cambridge.

No employee, or immediate family of any employee, of the City of Cambridge shall be appointed to the Commission. To the extent possible the membership of the commission shall the population of the City of Cambridge in its racial, sexual, ethnic, and economic make up.

Section 3. The term of each member shall be two (2) years commencing on October 4 of each even numbered year and ending on October 3 of each succeeding even numbered year. Any vacancy occurring during the term of any member shall be filled by the City Manager upon receipt of a nomination made by the Councilmember whose nominee has ceased to serve, or, if such Councilmember is no longer a member of the Council, by the Councilmember who has no nominee then serving on the Commission, or, (i) if there be more than one, by such of said Councilmembers as shall be determined by lot, or, (ii) if there be none, by the Council. No member shall serve more than two (2) consecutive terms or portions thereof.

Section 4. Vacancies on said Commission, from whatever cause, except temporary vacancies as hereinafter provided, shall be filled for the unexpired term by the City Council member whose appointee has ceased to serve. The appointment of any member of the Commission who has been absent and not excused from three (3) consecutive regular or special meetings shall automatically expire effective on the date the fact of such absence is reported by the Commission to the City Clerk. The City Clerk shall notify any member whose appointment has

has automatically terminated and report to the City Council that a vacancy exists on said Commission and that an appointment should be made for the length of the unexpired term. A member of the Commission may be granted a leave of absence not to exceed three (3) months by the City Council, and a temporary vacancy shall thereupon exist for the period of such leave of absence. During the period of such temporary vacancy, the Council may fill such vacancy by a temporary appointment to said Commission; provided, however, that the period of such temporary appointment shall not exceed the period of the temporary vacancy. At the expiration of a leave of absence so granted, the member shall automatically resume full and permanent membership on said Commission.

Section 5. The Commission shall elect one of its members as Chairperson and one as Vice-Chairperson, who shall each hold office for one (1) year and until their successors are elected. No officer shall be eligible to succeed himself or herself in the same office. Officers shall be elected no later than the second meeting of the Commission following its appointment.

Section 6. The Commission shall establish a regular time and place of meeting and shall meet regularly at least once every two weeks or more frequently as workload requires. The regular place of meeting shall be in an appropriate central location in the City capable of accomodating at least 75 people, but shall not be held in the building in which the Police Department is located. At least once every three months, or more frequently if the Commission desires, the Commission shall meet in other places and locations throughout the City, on a rotating basis, for the purpose of encouraging interest and facilitating attendance by people in the various neighborhoods in the City at the meetings.

Special meetings may be called by the Chairperson or by three (3) members of the Commission, upon personal notice being given to all members or written notice being mailed to each member and received at least thirty-six (36) hours prior to such meetings, unless such notice is waived in writing.

All Commission meetings, and agendas for such meetings shall be publicized in advance by written notice given to newspapers, radio and television stations serving the City at least three (3) days prior to regular meetings, and at the same time as members are notified of special meetings. In addition, notice of meetings shall be posted regularly on such bulletin boards and at such locations throughout the City as are designated by the Commission.

All meetings shall be open to the public, unless the Commission, in order to protect the rights and privacy of individuals, decides otherwise and if such closed meeting is not waived by the individual concerned. The Commission shall cause to be kept a proper record of its proceedings. The records and files of the Commission and its officers shall include, but not be limited to, all official correspondence, or copies thereof, to and from the Commission and its members, gathered in their official capacities, and shall be kept and open for inspection by the public at reasonable times in the office of the secretary to the Commission.

A majority of the appointed Commissioners shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of those present is required to take any action.

The Commission may appoint such subcommittees as are deemed necessary or desirable for the purposes of this ordinance, provided that, membership on such subcommittees shall not be limited to the Commission members but may include members of the public who express an interest in the business of the subcommittees. The members of such subcommittees shall serve without compensation.

Section 7. On the petition of fifty (50) or more citizens in the City of Cambridge filed in the office of the Secretary of the Commission, the Commission shall hold a special meeting in an appropriate and convenient location for the individuals so petitioning for the purpose of responding to the petition and hearing and inquiring into matters identified therein as the concern of the petitioners. Copies of the petition shall be filed by the Commission with the City Clerk and the City Council. Notice of such meeting shall be given in the same manner as notice is given for other meetings of the commission. In no case shall the Commission meet later than five (5) working days following the date the petition is filed.

Section 8. POWERS AND DUTIES

The Commission established by this Article shall have the following powers and duties:

a) To receive complaints directed against the Police Department and/or any of its officers and employees, other law enforcement agencies and intelligence and military agencies operating within the City of Cambridge. To carefully and completely investigate said complaints, and make appropriate findings, and to

recommend or mandate (in the Commission's discretion) appropriate disciplinary or other action; all pursuant to Section 10 of this Article. Any disciplinary action mandated by the Police Review Commission shall be final, after any appeal (if any) pursuant to Section 10 (f).

b) To establish and review all written and unwritten policies, practices and procedures of whatever kind and without limitation, in relation to the Cambridge Police Department, other law enforcement agencies and intelligence and military agencies operating within the City of Cambridge, and law enforcement generally, and based upon such review and investigation, to recommend or mandate (in the Commission's discretion) appropriate changes in said policies, practices and procedures, including, but not limited to:

1. Screening out job applicants with violent tendencies, through appropriate methods including psychological testing;
2. Identifying violence-prone officers and rehabilitating them, or, if rehabilitation efforts are futile, removing them from the Department;
3. Police relationship with minority communities;
4. Use of weapons and equipment;
5. Hiring, promotion, and training;
6. Priorities for policing and patrolling;
7. Review the Police Department budget before it is submitted to the City Manager;
8. Other concerns as specified from time to time by the City Council.

c) To exercise the power of subpoena of persons and documents deemed relevant by the Commission.

d) To adopt rules and regulations and develop such procedures as may be necessary to implement this Article, to publish and file same with the Office of the City Clerk; and to do such other things not forbidden by law which are consistent with this Article.

In carrying out its objectives, the Commission shall receive prompt and full cooperation and assistance from all departments, officers and officials of the city at the behest of the City Council.

Section 9. STAFF

- a) The Commission shall hire and fire a Director. The Director shall hire and fire such other staff as may be necessary to perform its functions efficiently in order to fulfill the purposes of this Article. Staff may not be fired except for good cause.
- b) For the first two years of the Commission's existence, the staff shall include at least a Director, two investigators, and one secretary. At least one member of the staff shall be an attorney. The Director and investigators shall be in the Exempt Service. After two years, the Commission shall determine the appropriate staffing level.
- c) No staff member shall be a present or former employee, or the immediate family of a present or former employee, of the Cambridge or any other Police Department.
- d) The Director shall be compensated at the rate of the Lieutenant of the Internal Affairs Division, and the investigators shall be compensated at the rate of a Sergeant of the Internal Affairs Division.
- e) All members of the staff are under the direction of the Commission, and the Chief of Police shall have no authority over any member of the staff.

Section 10. COMPLAINTS

- a) Complaints filed with the Commission. Any person may make a complaint to the Commission against the Police Department and/or any of its officers or employees. Such complaints may be made orally (by dictation to Commission staff, and signed by the complainant) or in writing, and need not be under oath. Such complaints shall be made within 100 days of the incident which is the subject of the complaint. When a person has made a complaint with the Commission, an investigation must be initiated within ten days. The results of such a preliminary investigation will be forwarded to the complainant, the employee accused, the appropriate department director, and the Commission. If a complainant is dissatisfied with the disposition of the complaint, s/he may request, within 60 days of receipt of the results or 90 days of initiation of the complaint whichever is earlier, that the Commission review the case. The Commission may, in its discretion, accept or reject the request for review. The time deadlines in this section may be extended by the Commission for good cause.

b) Complaints Filed with Other Agencies. All such complaints against the Department and/or any of its officers, employees, or agents filed with other offices, boards, bureaus, and departments of the City, including the Police Department, shall be made available promptly to the Commission. A copy of the reports, including a list of all persons interviewed, and the findings and conclusions of any investigation of such complaints by Internal Affairs, shall be sent promptly to the Commission. The Commission may initiate an investigation of any such complaint, or any other past complaint, and may take appropriate action.

c) Upon receipt of the results of the preliminary investigation, the Commission shall make an initial recommendation for action on the complaint. The Director shall send to all parties a notice of the recommendations or actions that will be taken as a result of the meeting. This notice shall also inform all parties of their right to request a formal hearing before a hearing panel of the Commission, if they are dissatisfied with the actions or recommendations of the Director. Requests for a hearing must be in writing, and must be received by the Commission within ten days after the date of this notice.

d) Notice of Hearings. Upon receipt of a timely request for hearing, a hearing shall be scheduled as soon as possible. All parties to a complaint shall be given at least ten days' notice of the scheduling of the hearing. The notice shall explain the hearing procedures and rights of the parties.

e) Hearing Procedures. Hearings shall be conducted before a hearing panel composed of three Commission members, who will serve on a rotating basis. However, the full Commission may in its discretion decide to hear a complaint directly. All parties may be represented by counsel, and have the right to present witnesses and evidence, and the right to cross-examine adverse witnesses. All testimony relating to complaints shall be taken under oath, subject to perjury laws. All hearings shall be tape recorded by the Commission. The panel shall issue a written decision as soon as possible after the hearing, no later than thirty (30) days after the hearing. Copies of the decision shall be sent to all parties. All parties shall also be notified of their right to appeal the hearing decision, by written notice, which must be received by the Commission within ten days of the date of the notice.

f) Appeals. Appeals shall be heard by an appeals panel consisting of all the members of the Commission who did not sit on the hearing panel which heard the case. The appeals panel shall decide the appeal on the factual record of the hearing, plus written and/or oral argument, unless the panel finds that special circumstances justify taking new evidence on the appeal in a particular case. There shall be no further appeal if the full Board hears the complaint.

g) Reports. Regular quarterly reports relating to the number, kind and status of all such complaints and evaluating the effectiveness of the Commission shall be made to the City Council and City Manager by the Commission.

h) The Police Department is required to notify citizens of their rights under this section. This shall include but not be limited to the notification of all persons arrested by the Police Department.

Section 11 SEVERABILITY AND SUPERIORITY

a) Severability. If any provision of this Article or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Article which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence or word is declared to be severable.

b) Superiority. If any provision of this Article is in conflict with any other ordinance or regulation or code or policy of the City, the provision of this Article shall prevail.

c) Judicial Review. Any person aggrieved by any action or decision of the Commission may seek judicial review by appealing to the appropriate court within the jurisdiction.

AMENDMENTS AND CORRECTIONS TO
THE DRAFT ORDINANCE ON A POLICE REVIEW COMMISSION
SUBMITTED BY COMMUNITIES ACTING TOGETHER
Submitted by Communities Acting Together
CAMBRIDGE, MASS.

RECEIVED BY
OFFICE OF CITY CLERK
MAY 30 12 06 PM '84

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"... from an appropriate high school committee (designated by the City Council) a list of nominations..."

Correction (page 1, section 2, last sentence):

"... To the extent possible the commission shall the population...". Add "reflect" after "shall".

Amendment 2 (page 3, section 7):

Change the number of signatures required to 25.

Amendment 3 (page 3, section 7, bottom):

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Amendment 4 (pages 3-4, section 10a and b):

"... to recommend or mandate to the Chief of Police in consultation with the City Manager ..."

Amendment 5 (page 4, section 8c):

Use wording of City Ordinance (page 2, bottom):

"The Commission shall apply to the appropriate court to enforce the subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey subpoena or order."

Amendment 6 (page 5, section 10a):

"... s/he may request within 60 days of receipt of the results that the Commission review the case. If a complainant is dissatisfied with the progress of the investigation s/he may request within 90 days of the initiation of the complaint that the Commission review the case."

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May 30, 1984

To the City Clerk:

Enclosed is a set of amendments and corrections to the Draft Ordinance on a Police Review Commission submitted to the City Council May 21 by Communities Acting Together. We would like these amendments to be placed on file and incorporated into the draft to be discussed at the June 5 hearings of the Ordinance Committee. We have spoken with David Sullivan, and he suggested that we submit the material to your office.

Thank you for your time and attention to this matter.

Sincerely,

John Parsons

~~876-5664 (H)~~
576-0722 (H)
253-3763 (O)

Brenda Walcott

876-5664 (H)
232-1555 x318 (O)

for the Communities Acting
Together

A
June 5, 1984

Honorable Members
Cambridge City Council
Committee on Ordinances

The Cambridge Police Association wishes to record its objection to proposed Ordinances establishing a Police Review Commission and a Board of Police Commissioners.

We offer the following comments relative to the proposed Ordinance establishing a Police Review Commission, as submitted by Councillors Graham and Wolf, and highlight certain although not all of our objections.

First, addressing Section 10 of the proposed Ordinance, our rights as police officers, under the Constitution of the United States and under provisions of Massachusetts statutory law, are violated. Each police officer now can be required to respond to questions put to him concerning the conduct of his office, and failure to so respond may subject him to disciplinary action. However, any statements made by him, inclusive of written report to the Department, may not be used against him in any criminal proceeding. That is to say, such statements and report are held confidential, within the Police Department, and can only be utilized in administrative proceedings against him. Decisions of the United States Supreme Court in the GARRITY, BRODERICK and SANITATIONMEN'S cases have established these general principles.

Section 10(a) and (b) make clear that any complaint filed with the Commission by an individual will cause all reports, including a list of persons interviewed, and the findings of the Department's Internal Affairs Bureau, to be provided to the Commission. This thereby makes them public, which, indeed, we view as one purpose of this proposed Ordinance. Moreover, the structure of the Police Review Commission of necessity will find the rights of officers sacrificed to the broad purposes of the Commission as set forth in the Ordinance.

Secondly, the Commission, by a 3 member panel, shall hold hearings on complaints against police officers. This is violative of the Civil Service Statute, Chapter 31, Sections 41-45. By law, charges against police officers must be brought under Chapter 31, by the City Manager or the Chief of Police. Chapter 31 provides for no other forum to initially proceed against an officer and to hear the charges against an officer. Chapter 31 rights inure not only to members of the Police Department but to all City employees in the permanent civil service. The General Court makes no exception for police officers, as this Ordinance invalidly attempts to do.

In this regard, Section 10(f) provides for an appeal mechanism before members of the Commission who did not serve on the 3 member panel, with no further appeal if the full Commission hears the case, except, under Section 11(c) by way of judicial review to the courts.

Received at Postroom 6/6/84

Under Chapter 31, the Civil Service statute, an officer may appeal disciplinary action taken against him by the Chief or the City Manager to the Civil Service Commission, a statutory body of state appointed persons. Alternatively, as provided by Chapter 150E, Section 8 of the General Laws, a police officer may elect arbitration in lieu of a civil service appeal to resolve such disciplinary action. This is also spelled out in the collective bargaining agreement between the City of Cambridge and our Association, an agreement which, by law, can only be changed by the process of negotiations between the City and our Association.

Clearly, this Police Review Commission Ordinance violates not only our constitutional rights, but also our statutory Civil Service rights as well as the provisions of our collective bargaining agreement. Moreover, Section 7 of this proposed Ordinance provides that "all meetings (of the Commission) shall be open to the public, unless the Commission, in order to protect the rights and privacy of individuals, decides otherwise and if such closed meeting is not waived by the individual concerned". For the purposes of the Ordinance, an "individual" is one who brings complaints against the Cambridge Police Department (see Section 1). Chapter 31, Section 41 provides that any hearing pursuant to Section 41 "shall be public if either party to the hearing files a written request that it be public". As you can see, this proposed Ordinance deprives an officer of his right to determine whether he wishes a public hearing, and would supersede the right of the appointing authority, here the City Manager, to make a similar determination.

As we view it, this proposed Police Review Commission Ordinance deprives our officers of their rights, both as "individuals" and as "police officers". The tone and tenor of this Ordinance does not convince us otherwise.

Section 8(b) of the proposed Ordinance informs that the Commission shall "establish and review all written and unwritten policies, practices and procedures of whatever kind and without limitation, in relation to the Cambridge Police Department" and "to recommend or mandate...appropriate changes in said policies, practices and procedures..." This language is so broad-brush, as obviously intended, as to cause the whole Ordinance to be constitutionally valid for vagueness and over-breadth, but it also intrudes upon our collective bargaining rights earlier referred to. Thus, the Ordinance violates the statutory policy of the Commonwealth that all matter of wages, hours of work and other conditions of employment be negotiated between a City, represented by its Chief Executive Officer, and collective bargaining representatives of employee groups (Chapter 150E).

There is no reason to treat the police officers we represent as "pariahs", different from all other City employees, but that is just what this proposed Ordinance does, in more ways than one.

One last comment about the Ordinance. Section 10(h) requires the Police Department to advise citizens arrested for violations of law of "their rights under Section 10 to file Complaints against police officers and to have them heard by the proposed 11 member (plus appointed sub-committee) Commission. This is not only an attempt to hang over the head of every police officer trying to do his duty under trying circumstances, the fact that his every action will now automatically be brought before this Commission, but it also interferes with the due process of law provided by our court system.

What is suggested by Section 10(h) is reversal of the historic role of the police and of the courts. Instead of trying out the innocence or guilt of an individual arrested by the police through a process enshrined in our Constitution and in the statutes of Massachusetts, indeed one running back to English law and the founding of our republic, this Ordinance will permit, indeed encourage individuals arrested to try their cases before the Commission. Each person charged with a crime has his legal and procedural rights to pre-trial discovery under the aegis of our courts, and that is where those rights should be focused and honored. Section 10(h) is attempt to impose undue sanctions on our police officers under the guise of providing, as Section 1 states, a "means for prompt, impartial and fair investigation of complaints brought by individuals against the Cambridge Police Department".

We welcome the opportunity to discuss this matter at greater length with members of the Council, in either open or Executive Sessions, and to indicate other concerns that we find in this proposed Ordinance.

Turning next to the draft of an Ordinance for a Civilian Review Board, submitted to the Council by the City Manager, it is an attempt to establish a Board of Police Commissioners to run the Police Department in derogation of the statutory duties and responsibilities, under law, of the office of Chief of Police. We oppose this proposed Ordinance. We can analogize our position in terms of the civil service status of a Chief of Police and of police officers. The purpose was to free these positions from politics. This proposed Ordinance would involve the Police Department in politics (as indeed would the first Ordinance we reviewed) by superimposing an appointed five (5) member Board of Police on the office of the Chief and to oversee the Department.

Paragraph 5, headed "Discipline", tells us the Board of Police shall adopt a manual of rules for the Department, and shall define categories of major and minor offenses by police officers, setting forth the maximum and minimum penalties for each offense. This is inconsistent with the Civil Service Statute, let alone with our bargaining rights relative to discipline of our members. It also permits the Chief of Police to "implement summary discipline" for a minor offense, which is contrary to our contract and our bargaining rights under Chapter 150E of the General Laws.

Paragraph 5 also states that all discipline recommended shall be referred to a trial board, whose proceedings shall be "public". Civil Service law does not permit hearings before a trial board; indeed, the trial board procedure formally used in the Department has been ended because of conflict with the law. Also, this Ordinance requires "public" proceedings in every instance, and, we say, runs afoul of the public/private hearing provisions of Chapter 31, Section 41.

The Board, further on in Paragraph 5, may appoint a "fact finder" to hear an appeal or may conduct the hearing itself. This is contrary to the Civil Service Statute, which mandates that all hearings must be conducted by the appointing authority, here the City Manager, or a hearing officer appointed by him.

In some additional comments on Paragraph 5, which are not intended to be all-inclusive, you will note at the bottom of page 8, that an employee "shall not forfeit any pay or seniority rights pending final action by the Board, except with the concurrence of four members of the Board". Again, this runs counter to civil service law which, if meriting change, can only be changed by resort to the Legislature of the Commonwealth, and not, as a law of general application, by home rule amendment. That same last paragraph at the bottom of page 8 also states that "all pleadings filed and all hearings before the Board and the fact finder which involve a civilian complaint shall be public". We have commented earlier about this concern on our part, in view of our statutory rights and the constitutional guarantees provided by the GARRITY line of cases. A police officer who is required to answer questions by a superior officer should not have his statements or written reports made public, unless statutory civil service proceedings involving the conduct inquired of are commenced against him. Otherwise, the Police Department, to assure his constitutional rights, as well as the rights of police officers set forth in the Bill of Rights referred to in our collective bargaining agreement with the City, should retain all such information within the Department, pending any civil service proceedings.

As to matters of hiring and promotion, referred to in Paragraph 8 of this proposed Ordinance, we acknowledge that entry into the Department is within the sole authority of the City Manager, subject to civil service law. We see no reason to overlay rigorous pre-hire procedures long the standard in our Department, with rules and regulations in such regard established by a Board of Police Commissioners. As to matters of promotion, that, too, is within the sole province of the City Manager. We see no need to provide the appointing authority with recommendations other than his own, akin to the City Charter provisions that members of the Council not interfere in the appointment process.

We seek to keep politics out of the Police Department. Accordingly we are not in favor of either of the proposed ordinances before you, and look forward to meeting with you to further spell out our position.

Respectfully,

Cambridge Police Association
by *Edward J. Loh*
its President

TESTIMONY

Ordinance Committee Hearing
Civilian Review Board
Cambridge City Council
June 5, 1984

My name is Mark D. Levine, I live at 154 Magazine Street, and I am testifying on behalf of Cambridgeport Residents Against Crime (CRAC), lower Cambridgeport branch, serving the area closest to Memorial Drive. In the Fall of 1981, CRAC was formed by residents to respond to a serious crime wave through increased citizen visibility and neighborhood networking. Initially, the response of the police was one of skepticism, but within six months, Chief Paolillo proposed the development of a working relationship between the Department and several crimewatch groups that were emerging. The Chief and the CPD Community Relations and Crime Analysis Units were extremely cooperative as we tried out our community development approaches. Subsequently, and until the present time, the Department has indicated to us and in the press that we seemed to contribute greatly to crime prevention in the Cambridgeport, Riverside and Central Square areas of the watches. Regular communication has occurred back and forth between the crime watch groups, the crimewatch liaison committee and the police department: the line has been open. Tangible results include: 1) an immediate decrease in response time to calls from this community for police assistance; 2) a continuous lowered neighborhood crime rate in all categories; and finally 3), consistently available advice on crime prevention when requested and follow-through on complaints.

One of these complaints, received by the Crimewatch Liaison Committee representing crimewatch groups in the three areas, is directly to the point of the present hearing. In early 1983, the Crimewatch Liaison Committee received two apparently similar reports by crimewatch members and their families who had been victims of street robberies. For each, we received allegations of police racism during the investigation. We brought these to the attention of the CPD Community Relations Officer and were pleased to hear shortly thereafter that, although such abuses might well have happened, they would not happen again. We have received no further reports of similar incidents and may assume that the problem was taken care of.

During our contact with the police, we have learned how behind-the-scenes, unchecked pressures from sectors of the community can become the source of troublesome department practices. We have been told that such pressures were partly responsible for the introduction of "threshold interviews" (ID checks without an actual criminal ID made). Threshold interviews are at issue in the January 1 roundup of teenagers which has precipitated the present hearing. Further, we have learned of occasional interferences with and pressure on the Department that has led to practices that demoralize officers or have led to apparent miscarriages of justice. We do

not believe that these practices occur everyday. Nor are we in any way suggesting that the Chief is responsible. We are impressed with his integrity, interpersonal sensitivity and openness to change suggested by others. We do know that pressures and interference occurring far from the public view are a problem.

We think that it is important that all possible analyses of problems be considered. One analysis that we would like to call to the attention of the Ordinance Committee is from Chief Paolillo and makes sense to us: a city gets the police department it deserves. If the mores of the community tolerate or encourage racism and/or uneven justice, the police will be permitted or encouraged to implement these.

Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants: electric light the most efficient policeman.

- Louis D. Brandeis, 1914

The more that behind-the-scenes pressures, breaches of justice, and possible racist incidents are brought into the light of day, the more will justice be served in our city. In conclusion, CRAC has worked with the police and the results have been favorable; an atmosphere of trust and openness seems to have led to review in both directions. We would therefore recommend increased citizen monitoring of police actions and citizen participation in policy development. Greater communication and feedback can only serve to eliminate the shortcomings of our criminal justice system.

To: Chief Paolillo
From: Crime Analysis



Over the past two years serious crime has declined 15% in Cambridge. The 11% reduction in 1983 represents the most significant crime decrease in our city since 1977.

This downward spiral of serious crime has continued during the first five months of 1984. Comparing the first quarter of 1983 with that of 1984, there has been an 18% reduction in the Part I Crime Index.

The last six months have been the quietest crime wise in our city in the past five years. For six consecutive months the Crime Index has fallen below 600 reported crimes. Only twice in the previous 60 months have we fallen below 600 crimes in a month.

Since 1981, the crime of burglary has decreased by 43%. There were over 1100 less burglaries in 1983 when compared with 1981. This reduction in breaks has been experienced throughout the city. The most dramatic reductions have been recorded in the Cambridgeport and Riverside neighborhoods. These two neighborhoods combined averaged 82 housebreaks per month during the first four months of 1981. For the first four months of 1984, that number has been reduced to 13 per month.

All crimes, except for Assault, have shown major reductions during the first quarter of 1984. Major declines were recorded in Robbery (-28%); Auto Theft (-27%); Rape (-23%); and Larceny (-19%).

As Chief of Police, one of my top priorities has been to intensify the enforcement of motor vehicle moving violations. The number of traffic citations and warnings has increased over 300% in the last 3 years. Moving vehicle citations have risen from 5300 in 1980 to 23,300 in 1983. Arrests for Driving Under the Influence of Alcohol have increased over 25% during this same period and the total number of arrests for traffic offenses has doubled since 1981.

In 1983 we had only one fatal accident, our lowest total in seven years. We have had a decrease in reportable accidents of over 500 in the past two years.

During the first five months of 1984, \$1,375,000 worth of stolen property has been recovered by our department. The greatest increase in this area has been by the Detective Unit which has tripled its recovery rate of previous years with close to \$160,000 in recovered property so far this year.

Over the past 5 years, the Cambridge Police Department has averaged 26 Citizen Complaints per year. The highest total for this 5 year period was in 1979 when 33 complaints were investigated. In the first five months of 1984, the Inspectional Services Section has received 9 Citizen Complaints.

From 1979 thru 1983, the Department averaged 40 Staff Inspections per year. Staff Inspections are investigations initiated by the Chief of Police concerning infractions of the rules and regulations of the Cambridge Police Department. There were more staff inspections initiated last year, a total of 89, than the three previous years combined.

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November 5, 1984

The issue of Civilian Review Boards is one of great concern to all police and law enforcement officers. In what is already perhaps the most stressful occupation an individual can choose now comes the "civilian review board".....just ~~one~~ more blow to the morale of the officers.

It seems that the "police" are looked at as being sinister types who need monitoring by the citizens. I never stop wondering why this only occurs with the Police Departments, where in almost every instance (particularly in major cities) there is already in effect a well organized structure to investigate the complaints of citizens, who feel they have a complaint against an individual officer. It's known as the Internal Affairs Division or Special Investigative Unit.

When a complaint is filed against an officer....it is the responsibility of the officer's commanding officer to first conduct an investigation. If the results of this investigation are unsatisfactory, or indicate the slightest possibility of guilt then the Internal Affairs Unit conducts their own investigation. In Boston this Unit is headed by a Deputy Superintendent who has under his command

3 Lieutenants
3 Sergeants
1 Police Officer

To say that this type Unit can not police it's own is to indict all members of the police department who would look into the facts of a particular case, beginning with the officer's immediate commanding officer. It says in essence that no police officer or

Received at the Hearing 11/5/84

commander is to be trusted when it comes to "investigating" it's own members. A careful review of Internal Affairs Records will prove this to be a fallacy. The Police are capable of handling would be violators.

Why is it that the police - who are a semi-military unit are thought to need outside help when it comes to policing their own. I don't see Civilian Review Boards being established to oversee the "Military" code of justice. Neither are their boards to oversee, physicians.....When charges are brought against a physician for unethical behavior or malpractice, the physicians are judged by their peers. The same with Attorneys.

Why only the police are so scrutinized and mistrusted? The Community as a whole already has several avenues of redress available to them. First, as previously stated through Internal Affairs Investigations. Secondly, through the local District Attorney (a civilian), through the Attorney General (a civilian) and through the court system. The police often face charges in the courts.....are we to preclude then that all judges who may, after circumstances are revealed in the court, find a police officer innocent of charges, are corrupt and tainted. It seems to me that Civilian Review Boards serve no purpose, in fact it's been proven they don't work. What they are is just another financial strain on the budget. Inexperienced individuals who know nothing of what happens on the street and what it is like for an officer during the course of his/her tour of duty.

The community wants their police department to protect them and instead of bolstering the morale of their officers they chose

to malign the departments, berate the officers, generally, and tell them.....you are not to be trusted, you need a watchdog and we are it.....however, inexperienced we may be, or untrained in the laws of the Commonwealth. You and your superiors are all suspect....not to be trusted, but get out there and do your job and do it well.

Well I personally think it's time that local politicians and community leaders exercised some restraints of their own and re-evaluated their motives when it comes to the creation of Civilian Review Boards. Before they spend any more taxpayers money to appease certain interest groups they should realize there is no earthly need for such a watchdog system....of police. Every police officer knows if he violates the Rules and Regulations of his/her Department he is going to face ultimately the I.A.D. the DA and so on right down the line.

What we need in the ranks is support from the community not harassment, or intimidation. The average police officer loves the job and lays his/her life on the line day in and day out to protect the citizens. What is difficult is that a police officer has to deal with the seamiest side of life and society sometimes loses sight of the fact that you are not necessarily going to "love" the officer who issues you a citation, stops you for speeding, pulls you from behind the wheel if you are driving under the influence, chases the kids from the corners, because neighbors are complaining. The police must meet with society under the most adverse of conditions and because, we too are human, we sometimes react with emotion and when we are wrong we are judged. I think it's the tools, if you would of the trade (the weapon, the stick, the mace, the cuffs)

even though they are necessary in today's society, and are seldom used,they become intimidating to society. Society wants us out there.....it's just that some people think the tools of the trade make us all "stormtroopers." We are not, we are just like everyone else, and most police officers over the course of their entire careers never fire their revolver, or use the baton or mace. These are only the components we need for the most extreme situations, and each time an officer uses his weapon or baton, or mace he must state it in his report of the incident and an investigation immediately takes place. We don't need a Civilian Review Board for this.....the mechanism for judging officers is already established.

Treat us as professionals, as society treats the Doctors, the Lawyers, the Firemen, the Armed Forces, our Representatives and Senators. Our Presidents. We are as professional as theywe are judged by our peers, as are they. We are monitored and penalized, when needed. Where will this nonsense end.....will we someday see a Civilian Review Board lined up in masks and smocks in an operating room.....to monitor the anesthesiologist, the surgeon; in the court rooms carrying volumes of the General Laws to make sure the Attorney's are doing their job; in the battlefield to monitor the military; in the air to monitor the pilots, to sniff their breath for alcohol, and obtain specimens for drugs, before they are permitted to be airborne.....absurd, you say.....no more absurd than a similar "Board" monitoring police. Our jobs are just as important to us as to these other professions. Society therefore

should understand our anger and contempt when we are told.....
we need monitoring.

WHAT WE NEED IN THIS FAST MOVING VIOLENT WORLD IS SUPPORT,
LOVE, AND UNDERSTANDING, NOT SUSPICION, MONITORING AND MONDAY MORNING
QUARTERBACKS.

DonaldMurray is the Vice-President of the Boston Police Patrolmen's
Association, Inc., Chairman of the Grievance Committee, a contributor
in columns in the Pax Centurion, the BPPA newspaper. A Boston Police
officer since October 30, 1957, many years spent in Area B -
District 2 - Roxbury, Ma.

Mr. Murray is an instructor at University of Mass. College of
Public & Community Service, currently teaching a course in
Moral Issues in Police Work.

RECEIVED BY
OFFICE OF CITY CLERK
MAY 30 12 06 PM '84
CAMBRIDGE, MASS.

May 30, 1984

To the City Clerk:

Enclosed is a set of Amendments and Corrections to the Draft Ordinance on a Police Review Commission submitted to the City Council May 21 by Communities Acting Together. We would like these amendments to be placed on file and incorporated into the draft to be discussed at the June 5 hearings of the Ordinance Committee. We have spoken with David Sullivan, and he suggested that we submit the material to your office.

Thank you for your time and attention to this matter.

Sincerely,

John Parsons

~~876-5664 (H)~~

576-0722 (H)

253-3763 (O)

Brenda Walcott

876-5664 (H)

232-1555 x318 (O)

for the Communities Acting
Together

AMENDMENTS AND CORRECTIONS RECEIVED BY
THE DRAFT ORDINANCE ON A POLICE REVIEW COMMISSION OFFICE OF CITY CLERK
SUBMITTED BY COMMUNITIES ACTING TOGETHER
MAY 30 12 06 PM '84
Submitted by Communities Acting Together
CAMBRIDGE, MASS.

Amendment 1 (page 1, section 2) should read:

"... from an appropriate high school committee (designated by the City Council) a list of nominations..."

Correction (page 1, section 2, last sentence):

"... To the extent possible the commission shall the population...". Add "reflect" after "shall".

Amendment 2 (page 3, section 7):

Change the number of signatures required to 25.

Amendment 3 (page 3, section 7, bottom):

"The right of citizens to petition for a meeting under this section does not limit the right of citizens to request a hearing as outlined in section 10e. Nor can the process of hearings and investigations described in section 10 compromise the right of citizens to petition for a commission meeting under this section."

Amendment 4 (pages 3-4, section 10a and b):

"... to recommend or mandate to the Chief of Police in consultation with the City Manager ..."

Amendment 5 (page 4, section 8c):

Use wording of City Ordinance (page 2, bottom):

"The Commission shall apply to the appropriate court to enforce the subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey subpoena or order."

Amendment 6 (page 5, section 10a):

"... s/he may request within 60 days of receipt of the results that the Commission review the case. If a complainant is dissatisfied with the progress of the investigation s/he may request within 90 days of the initiation of the complaint that the Commission review the case."

Comm. from John Parsons & Brenda Walcott, on behalf of Communities Acting Together, transmitting a set of amendments & corrections to the draft ordinance on a Police Review Commission as submitted by Council Order dated May 21, 1984 by Councillors Graham & Wolf & Communities Acting Together.

In City Council,

June 4, 1984

6/4/1984

*Prepared for the
Hearing June 5, 1984
Before
The Comm. on Ordinances*

City of Cambridge

In City Council June 11, 1984

The

Ordinance

Committee

comprised of the entire membership of the City Council

to which

was referred two proposed amendments to the General Ordinances of the City of Cambridge met on Tuesday, June 5, 1984 at five o'clock and forty-three minutes p. m. in the City Council Chamber.

Councillor David Sullivan, Chairman, presided.

The Committee had before it two proposals for their consideration as follows:

Proposed amendment to the General Ordinances providing for the establishment of a Cambridge Civilian Policy Advisory Board to the Chief of Police, under the provisions of Chapter 43, Section 104 and Chapter 42, Section 105 of the Plan E Charter sponsored by Councillor Vellucci.

Proposed draft of an Ordinance for a Civilian Review Board as drawn up by the City Solicitor's Office in response to an order of the City Council.

At the request of the Chair Councillor Vellucci outlined his proposal which he described as an intelligent and gentle approach to deal with problems that may arise in the conduct of police community relations and in accordance with the divisions of powers under the City Charter. He stressed that his proposal was not an effort to interfere with the operation of the Police Department as to assignments, promotions and operating procedures rather that it was intended to have a group of people sitting down to deal with problems arising out of police activity, to seek solutions in a sensible manner as the problem arise. He further cautioned the Committee that a sensible solution to these problems could be achieved under his proposal and in the event that if it failed, it was possible that the Committee would not recommend any ordinance to the full Council. He urged the Committee to bring out amendments which would be acceptable to all concerned.

Councillor David Sullivan stated that the Committee has the power to report to the City Council with no final action on the proposals that in the last analysis, the Council has the final say.

The Committee then heard from City Manager, Robert Healy, who stated that the second proposal before the Committee was drafted by the Law Department at the request of the City Council and was the result of research and study of several review boards now in operation in several cities throughout the country. He introduced Attorney Severlin B. Singleton, III of the Law Department to summarize the proposal which called for a five member Board of Police Commissioners who would be residents of the City of Cambridge, who would meet in public session except in causes where executive sessions are required with membership prohibited to employees of the City elected or appointed officials of the City within three years of their appointment or election, and present and former police officers and members of their families. He outlined the duties of the Board to establish rules, policies and regulations of the department, reviewing budgets, receiving and resolving complaints, making recommendations to the City Manager regarding discipline, submitting annual reports to the City Manager, the Council and the public of the departments activities including the handling of crime, complaints, future plans and the power to subpoena witnesses and produce evidence and application to courts of law when required.

In answer to the Chairman, Attorney Singleton stated that this proposal was based on the Detroit Statute after a review of other boards now in operation.

In answer to an inquiry by Councillor Duehay, the City Manager stated that the Internal Affairs Department would be retained.

Chief of Police, Paolillo informed the City Council that twenty-six investigations was the average per year over the last five years, that thirty-three investigations was the high figure in 1974, that in 1984 the department had recorded nine in five months.

In answer to Councillor David Sullivan the City Manager stated that less than fifty percent of all complaints were initiated by citizens.

Councillor Duehay inquired as to whom would perform the investigations if the proposed ordinance was adopted and the Manager indicated that it would provide for a more detailed type of investigation and a change in the procedure previously followed.

Councillor David Sullivan stated that he would allow testimony to be heard relative to the Third proposal submitted by the Committees Acting Together.

The Committee heard from the following persons who recorded themselves in favor of the third proposal:

Brenda Walcott, 12 Prince Street, Cambridge
Mr. Rodman
Jim Packer, employee of the Rent Control Board

Sybil Hendrickson of the Women's Rights Commission
Howard Freedman of 110 Orchard Street
Dorothy Smith, 2 Woodrow Wilson Court
A spokesman from the CCA recorded that organization in favor.
Attorney Richard Clearly, practicing attorney in Boston
Larry Aronson, Rindge Avenue member of CRLS Faculty.

Brenda Walcott who served as the spokesman for the Committee stated that they had researched several proposals including the Berkeley, California ordinance that their proposal would make the police force answerable directly to the citizens and would show young people that it works, that their committee conducted an objective study and checked it with attorneys to insure it did not violate the City Charter. She further indicated that many complaints go unanswered and their proposal would provide an alternative for action, that the other two proposals had many good features but that their proposal would allow citizens to monitor actions and the Committee which serves them and introduced John Parsons of 15 Bishop Allen Drive outlined the differences in all the proposed drafts. He stressed that citizens from all neighborhoods of the City can call meetings to meet in the neighborhoods to address local problems and guarantee effective action to deal with the problem, propose solution and prevent problems from festering.

Brenda Walcott stated that the Committee studied Berkeley and Richmond and Washington, D. C. then came up with a new proposal which was in accordance with State Law.

Councillor Duehay inquired as to whether the Committee had considered the Civil Service appeal process and the manner in which the committees recommendations are handled.

Councillor Vellucci outlined the manner in which his proposed ordinance covered procedural questions and stressed the powers of the Police Chief under Chapter 42 of General Laws and stated that he should have an Advisory Board in the same manner as the other departments in the City.

The Committee heard from James Packer who outlined his personal problem with seeking redress from Internal Affairs and stressed the difficulty he experienced in getting witnesses to present his side of a dispute and that a Board would help in this situation.

Howard Freedman of Orchard Street expressed his frustration with the procedure used by Internal Affairs in handling complaints and the need for more ingestigative procedures.

The City Manager stated in answer to Councillor Duehay that he had submitted a proposal drafted by the City Solicitor pursuant to the request of the City Council, that he had no budget figures at this time, that less than one legal judgment per year was rendered against the Police Department which he considered minimal in a city the size of Cambridge, that the Chief had assigned one Lieutenant, one Sergeant, one detective and one female to the Juvenile Department as a result of the January 1st incident. The City Manager further stated that an additional seventeen Police Officers will be appointed.

In reference to one case the City Manager stated that his decision was overturned by an independent arbitrator, that the Internal Affairs review had resulted in charges against an officer which do not receive publicity.

Councillor David Sullivan at eight o'clock and two minutes p. m. called for the opposition to appear.

Reuben Dottin assigned to Internal Affairs recorded his opposition to any Review Board and outlined in great detail how complaints are handled and resolved and the record keeping involved.

Edward Loder, President of the Police Association recorded his opposition and presented David Betts, representing the 200 man department who read a prepared statement which is attached to this report and designated as Appendix A.

Lieutenant Harold Murphy of 102 Clay Street, appeared in opposition and cited instances where boards of review were instituted and failed, that the Internal Affairs System works, that the police officers do have Civil Rights that Civil Service Law protects all citizens.

Mark Levine of 154 Magaine Street of Cambridgeport Residents Against Crime (CRAC) submitted a two page document which is attached to the record and designated as Appendix B. His communication calls for increased monitoring of police action and citizen participation in police affairs.

Officer Glenn Marshall appeared in opposition and stated that he favored judgment by judges and jury.

Chief Paolillo submitted a crime analysis covering the period 1979 to 1983 which is attached to the record and designated as Appendix C. He stated that a fair conclusion was that Review Boards were not successful citing Washington, D. C., Rochester and Philadelphia, that New York voted two to one against, that the Los Angeles City Council were also against, that the Council as elected respected representatives can entertain complaints against the department.

At the request of the Chair, fifteen recorded themselves in favor of the proposals and thirty-five were recorded against.

Councillor Walter Sullivan recorded himself against the proposals.

Lieutenant Timothy Toomey recorded himself against and stated that Internal Affairs was a quality operation.

Henry Gallagher, Police Captain in charge CIP, recorded his opposition and stated that the majority of complaints were not sustained.

Also recorded in opposition were the following:

Lt. George Donahue
Capt. Patrick Corcoran
Detective Domenic Scalese
Lorraine Delaney of 523 Cambridge Street.

At nine o'clock and twenty-eight minutes p. m. the hearing was closed and the proposed ordinances were referred to the City Council, without recommendation for their consideration.

For the Committee,

Councillor David Sullivan,
Chairman.

Encs. PROPOSALS ONE, TWO AND THREE
APPENDIX A
APPENDIX B
APPENDIX C
APPENDIX D (list of amendments to Proposal # 3)



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

June 26, 1984

Russell B. Higley, Esquire
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find proposed amendments which were passed to be ordained at the City Council meeting of June 25, 1984 as follows:

1. Proposed amendment of the General Ordinances of the City of Cambridge in Chapter Two entitled "Administration", Article XVI entitled "Cambridge Historical Commission".
2. Proposed amendment to the General Ordinances of the City of Cambridge in Chapter Eight entitled "Civil Defense" by striking out the words "Civil Defense" and substituting in place thereof the words "Emergency Management Agency".
3. Proposed amendment to the General Ordinances of the City of Cambridge in Chapter Two entitled "Administration", Article XXII entitled "Officers Generally", section 2-191 entitled "List of Salaries in General" providing for a salary increase for the City Council and the Mayor.
4. Proposed amendment to the Zoning Ordinances of the City of Cambridge by inserting a new subsection 5.53 in the subsection entitled "Special Dimensional Regulation".

June 26, 1984

Also at the City Council meeting of June 25, 1984 the following two amendments to the General Ordinances of the City of Cambridge were passed to a second reading, as follows:

1. Chapter Fifteen entitled "Police Department" by adding a new Article IV entitled "City of Cambridge Police Review and Advisory Board".
2. Chapter Twenty-Four entitled "Employment" by adding a new article entitled "Implementation of the Cambridge Employment Plan by the Community Development Department and the Employment Resources, Inc.".

Would you kindly review these proposed amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Encs. Ordinance No. 1009
Ordinance No. 1010
Ordinance No. 1011
Ordinance No. 1012
First Publication No. 2252
First Publication No. 2253



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

AN ORDINANCE

In amendment to an ordinance entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Two, entitled "Administration," Article XVI, entitled "Cambridge Historical Commission," Section 2-147, entitled "Powers and Duties of the Commission," is hereby amended as follows:

Section 2-147(J), entitled "Procedures for Demolition of a Significant Building as Determined by the Cambridge Historical Commission to be Historically or Architecturally Detrimental," sub-section 3.4 is hereby amended so that the first two sentences thereof read as follows:

3.4 If the Commission Staff shall have made an initial determination that a building which is the subject to the application is or may be a significant building, the Commission shall review the application and such initial determination at a public meeting of the Commission for which the Commission shall cause to be published in a newspaper of general circulation in Cambridge notice that such application will be considered. Such notice, which shall specify the address of the subject building, shall be published in an issue of such newspaper distributed in the week preceding the week in which such meeting is held, or in an earlier week....

Section 2-147(K), entitled "Establishment of Neighborhood Conservation Districts and Protected Landmarks," sub-section 4 (Designations) is hereby amended by striking out the words "the Cambridge Chronicle," as they appear in the fourth paragraph thereof, and substituting therefor the words "a newspaper of general circulation in Cambridge."

In City Council June 25, 1984.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0;
Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended as follows:

Amend Section 5.50, Special Dimensional Regulations, by inserting a new subsection 5.53 as follows:

5.53 In Residence A-1 and A-2 Districts only one structure containing a principal use shall be allowed on a lot.

Note: The purpose of this amendment is to ensure that all new construction of single-family detached dwellings in Residence A-1 and A-2 districts meet the intended lot and dimensional requirements for those districts. The ordinance currently allows more than one principal structure on a single lot. Therefore, as long as the minimum lot area per dwelling unit is met, it is possible to construct several single-family detached dwellings on a single lot through use of the condominium form of ownership. The proposed amendment requires that every new single-family dwelling in these districts meet all dimensional requirements including its own individual lot.

In City Council June 25, 1984.

Passed to be ordained by a yeas and nays vote: Yeas 6; Nays 3; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter Two entitled "Administration", Article XXII entitled "Officers Generally", Section 2-191 entitled "List of Salaries in General", is hereby amended by striking out the provisions of Ordinance Number 990 ordained by the City Council on December 27, 1982 providing for the salaries of the Mayor and the City Council Members and substituting in place thereof a new salary schedule which reads as follows:

Each member shall receive the following salaries and are to be paid montly or weekly, unless otherwise stated:

	<u>Minimum</u> Annual Salary	<u>Maximum</u> Annual Salary
Mayor		\$19,432
City Council Member		\$18,129

The effective date of the this ordinance shall be January 1, 1984.

In City Council June 25, 1984.

Passed to be ordained as amended by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Clerk.

ATTEST:- Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter Fifteen entitled "Police Department" is hereby amended by adding at the end thereof a new Article IV entitled "City of Cambridge Police Review and Advisory Board", which reads as follows:

ARTICLE IV. CITY OF CAMBRIDGE POLICE REVIEW AND ADVISORY BOARD.

1. City of Cambridge Police Review and Advisory Board

There shall be a five (5)-member City of Cambridge Police Review and Advisory Board (the "Board"). Members of the Board shall be appointed by the City Manager. The term of membership on the board is three (3) years. The City Manager may remove members of the Board only for cause. All members of the Board shall be residents of the City of Cambridge (the "City") for at least two (2) years prior to his or her appointment. As nearly as possible, the City Manager shall choose members of the Board so that the Board is representative of the various minority, ethnic and cultural groups within the City.

The Board shall elect a chairperson annually. The Board shall meet at the call of its chairperson, but shall meet at least once a month. Meetings of the Board shall be open to the public except when the Board, in its discretion, meets in executive session in private.

Members of the Board shall be compensated at a level established by the City Manager.

2. Duties of the City of Cambridge Police Review and Advisory Board

The Board shall have the following duties:

- a. In consultation with the Chief of Police and with the approval of the City Manager and Chief

of Police, there shall be established policies, rules and regulations for the Department;

- b. The Board shall review the Department budget before it is submitted to the City Manager;
- c. The Board shall receive and resolve, as provided in sections six (6) and seven (7) of this ordinance, any complaint concerning the operation of the Department;
- d. The Board and Chief of Police shall make recommendations to the City Manager in matters concerning the discipline of employees of the Department;
- e. The Board shall make an annual report to the City Manager, the mayor, city council, and to the public, of the Department's activities during the previous year, including the handling of crime and complaints, and of future plans;
- f. The Board, with the assistance and approval of the City Solicitor, shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The Board, through the Office of the City Solicitor, shall apply to the appropriate court to enforce a subpoena or order for

production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order. The Board may delegate in writing to a member of the Department or its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power by the Board.

3. Staff

- a. Secretary to the Board. The Board, with the approval of the City Manager, shall appoint a part-time secretary. The secretary shall attend Board meetings.
- b. Investigative Staff. The Board, with the approval of the City Manager, shall also appoint an investigator and such additional staff of investigators if it is necessary. The investigators shall not have been an employee or elective or appointive officer of the city within three (3) years prior to appointment. They must possess skills and experience necessary for investigative work.
- c. Other Staff. The Board, with the approval of the City Manager, may from time to time under

contract in accordance with existing regulations and law, such additional staff as is necessary to carry out its duties (and only after a showing need and good cause to the City Manager).

All members of the staff are under the direction of the Board and the Chief of Police.

4. Duties of the Chief of Police.

The Chief of Police shall administer the Department pursuant to existing, policies, rules and regulations.

The Chief of Police shall:

- a. Organize the Department with the recommendations and advice of the Board, and with the final approval of the City Manager;
- b. Recommend rules, regulations, and procedures to the Board for its review and recommendations;
- c. Recommend to the City Manager an annual budget for the Department after having submitted it to the Board for review;
- d. Recommend to the City Manager all hirings, promotions, commendations, transfers, and discipline of employees of the Department;
- e. Recommend to the City Manager suspensions and discharges of employees of the Department;

- f. File complaints against employees of the Department with the Board secretary;
- g. Direct employees of the Department in the performance of their duties;
- h. Except as otherwise advised by the Board or because of existing law, keep and control all property and equipment belonging to the Department or held by the Department as evidence;
- i. Submit to the Board an annual report of the operations of the Department for forwarding to the City Manager, the mayor, the city council, and the public; and
- j. Present annually to the Board, City Manager, the mayor, the city council, and the public, any recommendations he or she deems necessary.

5. Discipline

- a. Manual. Chief of Police, in consultation with the Board, shall adopt a manual of rules, regulations and procedures for the Department. The manual shall define categories of major and minor offenses and shall set forth the maximum and minimum penalties for each offense. Said

offenses and penalties shall not be defined in a manner that is inconsistent with existing Civil Service laws.

b. Summary Discipline. The Chief of Police may implement summary discipline for a minor offense. A disciplined employee may request the Board to set aside the summary discipline.

c. General Discipline. The Chief of Police shall recommend to the City Manager the discharge or indefinite suspension of any employee of the Department for a major offense.

When the Chief of Police has made a recommendation concerning discipline for a major offense and the employee contests the recommended discipline, the matter shall be referred to a trial board. The procedure for trial boards shall be established by the Department's rules and regulations. All trial board proceedings concerning civilian complaints shall be public. The decision of a trial board may be appealed to the Board.

Instead of hearing an appeal itself, the Board may appoint a fact finder as provided in section six (6). The fact finder shall conduct a hearing and report findings of fact to the Board. The Board shall then make its recommendation concerning the final disposition

of the matter to the City Manager.

6. Complaints

Complaints concerning the Department and filed with the Department shall be forwarded immediately to the Board secretary. Copies of the complaint shall be made available to each member of the Board, the chief investigator, and the Chief of Police. The Chief of Police shall investigate a complaint immediately and file a report of findings with the Board within 45 days. The Board shall also receive complaints concerning any violation of its rules and regulations. The Board may, in its discretion, at any time order an investigation by its own investigative staff of complaints concerning the Department or violations of the Board's rules and regulations.

The Board secretary shall keep a public docket of complaints and the disposition of each complaint after investigation.

7. Resolution of Complaints

If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent employee, or a member of the Board,

either the complainant, the respondent employee, or the Board member may request the full Board to hear or review the matter. The Board may, as its option, when it determines that a hearing or review is warranted by the evidence, hear or review the matter itself or refer the matter to a fact finder.

The fact finder shall be an attorney and, in the conduct of the hearing, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the fact finder shall, with the assistance and approval of the City Solicitor, apply to the appropriate court. The costs of the fact finder shall be borne by the City.

After a hearing, the fact finder shall, within thirty (30) days, submit findings of fact to the Board. The Board, upon receipt of the report of the fact finder, shall within thirty (30) days recommend to the City Manager any discipline to be imposed. Any report or action involving a civilian complaint shall be made public.

Any employee against whom a complaint is filed is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board, except with the concurrence of four members of the

Board. All pleadings filed and all hearings before the **Board** and the fact finder which involve a civilian **complaint** shall be public. The parties to any hearing **are the complainant** and the respondent employee. Each **has a right to counsel.** The complainant's case may be **presented** by the complainant or complainant's counsel. **Any probative evidence** may be admitted.

8. Hiring and Promotions.

Entry into employment with the Department as a police officer is by appointment of the City Manager, in accordance with the rules, regulations, and procedures established by this Commonwealth's Civil Service Laws.

Promotions shall be made on the basis of training, experience, education and competitive examinations, all in accordance with existing law. The City Manager shall make all promotions within the Department.

Passed to a second reading at the City Council meeting held on June 25, 1984 and on or after July 9, 1984 the question comes on passing to be ordained.

ATTEST;- Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge. "

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter Twenty-four entitled "Employment" is hereby amended by adding at the end thereof a new Article entitled "Implementation of the Cambridge Employment Plan by the Community Development Department and Employment Resources, Inc", which reads as follows:

IMPLEMENTATION OF THE CAMBRIDGE EMPLOYMENT PLAN BY THE COMMUNITY DEVELOPMENT DEPARTMENT AND THE EMPLOYMENT RESOURCES, INC.

SECTION 1 DEFINITIONS:

"Resident" is any person for whom the principal place where that person normally eats and sleeps is within the city limits of the City of Cambridge where that person maintains his or her domicile and that person is subject to a Massachusetts resident Income Tax and such a residency has occurred for at least six full months.

"Minority" person shall include those persons who are Black, Hispanic, Asian, or Native American, or Cape Verdean;

SECTION 2 POLICY:

- (a) on any construction project funded in whole or in part by City, State or Federal funds, or funds which in accordance with a Federal grant the city expends or administers or which the city is a signatory to the construction contract, the worker hours on a craft by craft basis shall be performed, in accordance with the contract documents provided for in section 3(b) below, as follows:
- (b) (a) no less than twenty-five percent of the total employee manhours in each trade shall be performed by bona fide Cambridge residents;
- (b) no less than twenty-five percent of those employee manhours described in section 2(b)a. shall be performed minorities;
- (c) no less than ten percent of those employee manhours described in section 2(b)a. shall be performed by women;
- (c) (a) such contracts with a value in excess of \$250,000.00 (two hundred and fifty thousand dollars) shall be performed only by contractors who are affiliated with bona fide apprenticeship programs approved by the Commonwealth of Massachusetts;
- (b) that all contractors bidding on such projects provide written commitment to employ a specific number of apprentices satisfactory to the City.

SECTION 3 COMPLIANCE, ENFORCEMENT, SANCTIONS

Employment Resources Incorporated as described above shall be designated as the agency responsible for the implementation of this ordinance.

Community Development as described above shall be responsible for compliance and enforcement of this ordinance.

PLANNING AND IMPLEMENTATION: Prior to the commencement of any construction project, capital works, or city economic development plan covered by this ordinance, both agencies described above shall

- jointly; (1) Review spending plans for such projects;
- (2) Identify the number of job positions in all categories that will be created by such projects;

Employment Resources Inc. shall establish a job screening and referral program that will assist contractors and subcontractors to enable them to comply with this ordinance.

The Offices of Community Development shall be responsible for enforcing and monitoring compliance with the provisions of this ordinance and the contract provisions established in accordance herewith shall have the following duties:

- (1) To require all contractors and subcontractors affected by this ordinance to submit weekly workforce charts listing workers by name, residential address, craft, job category, hours worked, sex and race and that these charts shall be public record;
- (2) To negotiate with all contractors/developers in order to identify and classify construction jobs by job titles, and duration.
- (3) To exercise the power, by means of the contract provision referred to above, to impose sanctions upon contractors and subcontractors found to be in non-compliance with this ordinance. Such sanctions shall include but not be limited to:
 - (i) suspension of payments
 - (ii) termination of any or all contracts,
 - (iii) recovery by the City of Cambridge of one percent (.01) of the contract award price as liquidated damages and
 - (iv) denial of any further participation in future contracts for no less than three years.

SECTION 5 REVIEW COMMITTEE

A subcommittee shall be established to review all reports made available semi-annually by both Employment Resources Inc. and Community Development and make recommendations to both entities concerning all aspects of this ordinance.

SECTION 6 INDEPENDENT AGENCIES

Any and all activities of any independent agency operating or acting on behalf of the City of Cambridge, including, but not limited to, the Cambridge Redevelopment Authority, shall comply with the provisions of this ordinance.

SECTION 7 FUNDING

Funding shall be provided to establish a position in Employment Resources Incorporated to enable the successful execution of this ordinance, and that such position should be filled by an individual that has a working rapport with local trade unions, experience and a working knowledge of the construction industry and its intricacies and shall have had prior experience working in a like capacity.

Passed to a second reading at the City Council meeting held on June 25, 1984 and on or after July 9, 1984 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

1. City of Cambridge Police Review and Advisory Board

There shall be a five (5)-member City of Cambridge Police Review and Advisory Board (the "Board"). Members of the Board shall be appointed by the City Manager. The term of membership on the board is three (3) years. The City Manager may remove members of the Board only for cause. All members of the Board shall be residents of the City of Cambridge (the "City") for at least two (2) years prior to his or her appointment. As nearly as possible, the City Manager shall choose members of the Board so that the Board is representative of the various minority, ethnic and cultural groups within the City.

The Board shall elect a chairperson annually. The Board shall meet at the call of its chairperson, but shall meet at least once a month. Meetings of the Board shall be open to the public except when the Board, in its discretion, meets in executive session in private.

Members of the Board shall be compensated at a level established by the City Manager.

2. Duties of the City of Cambridge Police Review and Advisory Board

The Board shall have the following duties:

- a. In consultation with the Chief of Police and with the approval of the City Manager and Chief

- of Police, there shall be established policies, rules and regulations for the Department;
- b. The Board shall review the Department budget before it is submitted to the City Manager;
 - c. The Board shall receive and resolve, as provided in sections six (6) and seven (7) of this ordinance, any complaint concerning the operation of the Department;
 - d. The Board and Chief of Police shall make recommendations to the City Manager in matters concerning the discipline of employees of the Department;
 - e. The Board shall make an annual report to the City Manager, the mayor, city council, and to the public, of the Department's activities during the previous year, including the handling of crime and complaints, and of future plans;
 - f. The Board, with the assistance and approval of the City Solicitor, shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The Board, through the Office of the City Solicitor, shall apply to the appropriate court to enforce a subpoena or order for

production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order. The Board may delegate in writing to a member of the Department or its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power by the Board.

3. Staff

- a. Secretary to the Board. The Board, with the approval of the City Manager, shall appoint a part-time secretary. The secretary shall attend Board meetings.
- b. Investigative Staff. The Board, with the approval of the City Manager, shall also appoint an investigator and such additional staff of investigators if it is necessary. The investigators shall not have been an employee or elective or appointive officer of the city within three (3) years prior to appointment. They must possess skills and experience necessary for investigative work.
- c. Other Staff. The Board, with the approval of the City Manager, from time to time under

contract in accordance with existing regulations and law, such additional staff as is necessary to carry out its duties (and only after a showing need and good cause to the City Manager).

All members of the staff are under the direction of the Board and the Chief of Police.

4. Duties of the Chief of Police.

The Chief of Police shall administer the Department pursuant to existing, policies, rules and regulations.

The Chief of Police shall:

- a. Organize the Department with the recommendations and advice of the Board, and with the final approval of the City Manager;
- b. Recommend rules, regulations, and procedures to the Board for its review and recommendations;
- c. Recommend to the City Manager an annual budget for the Department after having submitted it to the Board for review;
- d. Recommend to the City Manager all hirings, promotions, commendations, transfers, and discipline of employees of the Department;
- e. Recommend to the City Manager suspensions and discharges of employees of the Department;

- f. File complaints against employees of the Department with the Board secretary;
- g. Direct employees of the Department in the performance of their duties;
- h. Except as otherwise advised by the Board or because of existing law, keep and control all property and equipment belonging to the Department or held by the Department as evidence;
- i. Submit to the Board an annual report of the operations of the Department for forwarding to the City Manager, the mayor, the city council, and the public; and
- j. Present annually to the Board, City Manager, the mayor, the city council, and the public, any recommendations he or she deems necessary.

5. Discipline

- a. Manual. Chief of Police, in consultation with the Board, shall adopt a manual of rules, regulations and procedures for the Department. The manual shall define categories of major and minor offenses and shall set forth the maximum and minimum penalties for each offense. Said

offenses and penalties shall not be defined in a manner that is inconsistent with existing Civil Service laws.

- b. Summary Discipline. The Chief of Police may implement summary discipline for a minor offense. A disciplined employee may request the Board to set aside the summary discipline.

- c. General Discipline. The Chief of Police shall recommend to the City Manager the discharge or indefinite suspension of any employee of the Department for a major offense.

When the Chief of Police has made a recommendation concerning discipline for a major offense and the employee contests the recommended discipline, the matter shall be referred to a trial board. The procedure for trial boards shall be established by the Department's rules and regulations. All trial board proceedings concerning civilian complaints shall be public. The decision of a trial board may be appealed to the Board.

Instead of hearing an appeal itself, the Board may appoint a fact finder as provided in section six (6). The fact finder shall conduct a hearing and report findings of fact to the Board. The Board shall then make its recommendation concerning the final disposition

of the matter to the City Manager.

6. Complaints

Complaints concerning the Department and filed with the Department shall be forwarded immediately to the Board secretary. Copies of the complaint shall be made available to each member of the Board, the chief investigator, and the Chief of Police. The Chief of Police shall investigate a complaint immediately and file a report of findings with the Board within 45 days. The Board shall also receive complaints concerning any violation of its rules and regulations. The Board may, in its discretion, at any time order an investigation by its own investigative staff of complaints concerning the Department or violations of the Board's rules and regulations.

The Board secretary shall keep a public docket of complaints and the disposition of each complaint after investigation.

7. Resolution of Complaints

If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent employee, or a member of the Board,

either the complainant, the respondent employee, or the Board member may request the full Board to hear or review the matter. The Board may, as its option, when it determines that a hearing or review is warranted by the evidence, hear or review the matter itself or refer the matter to a fact finder.

The fact finder shall be an attorney and, in the conduct of the hearing, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the fact finder shall, with the assistance and approval of the City Solicitor, apply to the appropriate court. The costs of the fact finder shall be borne by the City.

After a hearing, the fact finder shall, within thirty (30) days, submit findings of fact to the Board. The Board, upon receipt of the report of the fact finder, shall within thirty (30) days recommend to the City Manager any discipline to be imposed. Any report or action involving a civilian complaint shall be made public.

Any employee against whom a complaint is filed is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board, except with the concurrence of four members of the

Board. All pleadings filed and all hearings before the **Board** and the fact finder which involve a civilian **complaint** shall be public. The parties to any hearing **are** the complainant and the respondent employee. Each **has** a right to counsel. The complainant's case may be **presented** by the complainant or complainant's counsel. **Any** probative evidence may be admitted.

8. Hiring and Promotions.

Entry into employment with the Department as a police officer is by appointment of the City Manager, in accordance with the rules, regulations, and procedures established by this Commonwealth's Civil Service Laws.

Promotions shall be made on the basis of training, experience, education and competitive examinations, all in accordance with existing law. The City Manager shall make all promotions within the Department.

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The Board shall elect a chairperson annually. The Board shall meet at the call of its chairperson, but shall meet at least once a month. Meetings of the Board shall be open to the public except when the Board, in its discretion, meets in executive session in private.

Members of the Board shall be compensated at a level established by the City Manager.

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The Board shall have the following duties:

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C. Walker

*And
Amend
Approved
Review
By*

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contract in accordance with existing regulations and law, such additional staff as is necessary to carry out its duties (and only after a showing need and good cause to the City Manager).

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City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter Fifteen entitled "Police Department" is hereby amended by adding at the end thereof a new Article IV entitled "City of Cambridge Police Review and Advisory Board", which reads as follows:

ARTICLE IV. CITY OF CAMBRIDGE POLICE REVIEW AND ADVISORY BOARD.

1. City of Cambridge Police Review and Advisory Board

There shall be a five (5)-member City of Cambridge Police Review and Advisory Board (the "Board"). Members of the Board shall be appointed by the City Manager.

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The City Manager may remove members of the Board only for cause. All members of the Board shall be residents of the City of Cambridge (the "City") for at least two (2) years prior to his or her appointment. As nearly as possible, the City Manager shall choose members of the Board so that the Board is representative of the various minority, ethnic and cultural groups within the City.

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- j. Present annually to the Board, City Manager, the mayor, the city council, and the public, any recommendations he or she deems necessary.

5. Discipline

- a. Manual. Chief of Police, in consultation with the Board, shall adopt a manual of rules, regulations and procedures for the Department. The manual shall define categories of major and minor offenses and shall set forth the maximum and minimum penalties for each offense. Said

offenses and penalties shall not be defined in a manner that is inconsistent with existing Civil Service laws.

- b. Summary Discipline. The Chief of Police may implement summary discipline for a minor offense. A disciplined employee may request the Board to set aside the summary discipline.
- c. General Discipline. The Chief of Police shall recommend to the City Manager the discharge or indefinite suspension of any employee of the Department for a major offense.

When the Chief of Police has made a recommendation concerning discipline for a major offense and the employee contests the recommended discipline, the matter shall be referred to a trial board. The procedure for trial boards shall be established by the Department's rules and regulations. All trial board proceedings concerning civilian complaints shall be public. The decision of a trial board may be appealed to the Board.

Instead of hearing an appeal itself, the Board may appoint a fact finder as provided in section six (6). The fact finder shall conduct a hearing and report findings of fact to the Board. The Board shall then make its recommendation concerning the final disposition

of the matter to the City Manager.

6. Complaints

Complaints concerning the Department and filed with the Department shall be forwarded immediately to the Board secretary. Copies of the complaint shall be made available to each member of the Board, the chief investigator, and the Chief of Police. The Chief of Police shall investigate a complaint immediately and file a report of findings with the Board within 45 days. The Board shall also receive complaints concerning any violation of its rules and regulations. The Board may, in its discretion, at any time order an investigation by its own investigative staff of complaints concerning the Department or violations of the Board's rules and regulations.

The Board secretary shall keep a public docket of complaints and the disposition of each complaint after investigation.

7. Resolution of Complaints

If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent employee, or a member of the Board,

either the complainant, the respondent employee, or the Board member may request the full Board to hear or review the matter. The Board may, as its option, when it determines that a hearing or review is warranted by the evidence, hear or review the matter itself or refer the matter to a fact finder.

The fact finder shall be an attorney and, in the conduct of the hearing, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the fact finder shall, with the assistance and approval of the City Solicitor, apply to the appropriate court. The costs of the fact finder shall be borne by the City.

After a hearing, the fact finder shall, within thirty (30) days, submit findings of fact to the Board. The Board, upon receipt of the report of the fact finder, shall within thirty (30) days recommend to the City Manager any discipline to be imposed. Any report or action involving a civilian complaint shall be made public.

Any employee against whom a complaint is filed is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board, except with the concurrence of four members of the

Board. All pleadings filed and all hearings before the Board and the fact finder which involve a civilian complaint shall be public. The parties to any hearing are the complainant and the respondent employee. Each has a right to counsel. The complainant's case may be presented by the complainant or complainant's counsel. Any probative evidence may be admitted.

8. Hiring and Promotions.

Entry into employment with the Department as a police officer is by appointment of the City Manager, in accordance with the rules, regulations, and procedures established by this Commonwealth's Civil Service Laws.

Promotions shall be made on the basis of training, experience, education and competitive examinations, all in accordance with existing law. The City Manager shall make all promotions within the Department.

AMENDMENTS AND CORRECTIONS RECEIVED BY
THE DRAFT ORDINANCE ON A POLICE REVIEW COMMISSION
SUBMITTED BY COMMUNITIES ACTING TOGETHER
MAY 30 12 06 PM '84
Submitted by Communities Acting Together
CAMBRIDGE, MASS.

Amendment 1 (page 1, section 2) should read:

"... from an appropriate high school committee (designated by the City Council) a list of nominations..."

Correction (page 1, section 2, last sentence):

"... To the extent possible the commission shall the population...". Add "reflect" after "shall".

Amendment 2 (page 3, section 7):

Change the number of signatures required to 25.

Amendment 3 (page 3, section 7, bottom):

"The right of citizens to petition for a meeting under this section does not limit the right of citizens to request a hearing as outlined in section 10e. Nor can the process of hearings and investigations described in section 10 compromise the right of citizens to petition for a commission meeting under this section."

Amendment 4 (pages 3-4, section 10a and b):

"... to recommend or mandate to the Chief of Police in consultation with the City Manager ..."

Amendment 5 (page 4, section 8c):

Use wording of City Ordinance (page 2, bottom):

"The Commission shall apply to the appropriate court to enforce the subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey subpoena or order."

Amendment 6 (page 5, section 10a):

"... s/he may request within 60 days of receipt of the results that the Commission review the case. If a complainant is dissatisfied with the progress of the investigation s/he may request within 90 days of the initiation of the complaint that the Commission review the case."



City of Cambridge

4.

COUNCILLOR GRAHAM
COUNCILLOR WOLF

IN CITY COUNCIL

May 21, 1984

ORDERED:

That the attached ordinance concerning the establishment of a Policy Review Commission be referred to the Ordinance Committee for review.

POLICE REVIEW COMMISSION

Submitted by Communities Acting Together

Section 1. The general purpose of this ordinance is to provide for community participation in setting and reviewing police department policies, practices, and to provide a means for prompt, impartial and fair investigation of complaints brought by individuals against the Cambridge Police Department.

Section 2. There is hereby established a Police Review Commission of the City of Cambridge. Said Commission shall consist of eleven (11) members. Each Councilmember shall submit to the City Manager one nomination for appointment to the Commission. The City Manager shall request from an appropriate high school committee a list of nominations of youths between the ages of sixteen to eighteen. The City Manager shall appoint the eleven (11) members to the Commission, of which two must be youths. All members shall be residents of the City of Cambridge.

No employee, or immediate family of any employee, of the City of Cambridge shall be appointed to the Commission. To the extent possible the membership of the commission shall reflect the population of the City of Cambridge in its racial, sexual, ethnic, and economic make up.

Section 3. The term of each member shall be two (2) years commencing on October 4 of each even numbered year and ending on October 3 of each succeeding even numbered year. Any vacancy occurring during the term of any member shall be filled by the City Manager upon receipt of a nomination made by the Councilmember whose nominee has ceased to serve, or, if such Councilmember is no longer a member of the Council, by the Councilmember who has no nominee then serving on the Commission, or, (i) if there be more than one, by such of said Councilmembers as shall be determined by lot, or, (ii) if there be none, by the Council. No member shall serve more than two (2) consecutive terms or portions thereof.

Section 4. Vacancies on said Commission, from whatever cause, except temporary vacancies as hereinafter provided, shall be filled for the unexpired term by the City Council member whose appointee has ceased to serve. The appointment of any member of the Commission who has been absent and not excused from three (3) consecutive regular or special meetings shall automatically expire effective on the date the fact of such absence is reported by the Commission to the City Clerk. The City Clerk shall notify any member whose appointment has

has automatically terminated and report to the City Council that a vacancy exists on said Commission and that an appointment should be made for the length of the unexpired term. A member of the Commission may be granted a leave of absence not to exceed three (3) months by the City Council, and a temporary vacancy shall thereupon exist for the period of such leave of absence. During the period of such temporary vacancy, the Council may fill such vacancy by a temporary appointment to said Commission; provided, however, that the period of such temporary appointment shall not exceed the period of the temporary vacancy. At the expiration of a leave of absence so granted, the member shall automatically resume full and permanent membership on said Commission.

Section 5. The Commission shall elect one of its members as Chairperson and one as Vice-Chairperson, who shall each hold office for one (1) year and until their successors are elected. No officer shall be eligible to succeed himself or herself in the same office. Officers shall be elected no later than the second meeting of the Commission following its appointment.

Section 6. The Commission shall establish a regular time and place of meeting and shall meet regularly at least once every two weeks or more frequently as workload requires. The regular place of meeting shall be in an appropriate central location in the City capable of accomodating at least 75 people, but shall not be held in the building in which the Police Department is located. At least once every three months, or more frequently if the Commission desires, the Commission shall meet in other places and locations throughout the City, on a rotating basis, for the purpose of encouraging interest and facilitating attendance by people in the various neighborhoods in the City at the meetings.

Special meetings may be called by the Chairperson or by three (3) members of the Commission, upon personal notice being given to all members or written notice being mailed to each member and received at least thirty-six (36) hours prior to such meetings, unless such notice is waived in writing.

All Commission meetings, and agendas for such meetings shall be publicized in advance by written notice given to newspapers, radio and television stations serving the City at least three (3) days prior to regular meetings, and at the same time as members are notified of special meetings. In addition, notice of meetings shall be posted regularly on such bulletin boards and at such locations throughout the City as are designated by the Commission.

All meetings shall be open to the public, unless the Commission, in order to protect the rights and privacy of individuals, decides otherwise and if such closed meeting is not waived by the individual concerned. The Commission shall cause to be kept a proper record of its proceedings. The records and files of the Commission and its officers shall include, but not be limited to, all official correspondence, or copies thereof, to and from the Commission and its members, gathered in their official capacities, and shall be kept and open for inspection by the public at reasonable times in the office of the secretary to the Commission.

A majority of the appointed Commissioners shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of those present is required to take any action.

The Commission may appoint such subcommittees as are deemed necessary or desirable for the purposes of this ordinance, provided that, membership on such subcommittees shall not be limited to the Commission members but may include members of the public who express an interest in the business of the subcommittees. The members of such subcommittees shall serve without compensation.

Section 7. On the petition of fifty (50) or more citizens in the City of Cambridge filed in the office of the Secretary of the Commission, the Commission shall hold a special meeting in an appropriate and convenient location for the individuals so petitioning for the purpose of responding to the petition and hearing and inquiring into matters identified therein as the concern of the petitioners. Copies of the petition shall be filed by the Commission with the City Clerk and the City Council. Notice of such meeting shall be given in the same manner as notice is given for other meetings of the commission. In no case shall the Commission meet later than five (5) working days following the date the petition is filed.

Section 8. POWERS AND DUTIES

The Commission established by this Article shall have the following powers and duties:

a) To receive complaints directed against the Police Department and/or any of its officers and employees, other law enforcement agencies and intelligence and military agencies operating within the City of Cambridge. To carefully and completely investigate said complaints, and make appropriate findings, and to

recommend or mandate (in the Commission's discretion) appropriate disciplinary or other action; all pursuant to Section 10 of this Article. Any disciplinary action mandated by the Police Review Commission shall be final, after any appeal (if any) pursuant to Section 10 (f).

b) To establish and review all written and unwritten policies, practices and procedures of whatever kind and without limitation, in relation to the Cambridge Police Department, other law enforcement agencies and intelligence and military agencies operating within the City of Cambridge, and law enforcement generally, and based upon such review and investigation, to recommend or mandate (in the Commission's discretion) appropriate changes in said policies, practices and procedures, including, but not limited to:

1. Screening out job applicants with violent tendencies, through appropriate methods including psychological testing;
2. Identifying violence-prone officers and rehabilitating them, or, if rehabilitation efforts are futile, removing them from the Department;
3. Police relationship with minority communities;
4. Use of weapons and equipment;
5. Hiring, promotion, and training;
6. Priorities for policing and patrolling;
7. Review the Police Department budget before it is submitted to the City Manager;
8. Other concerns as specified from time to time by the City Council.

c) To exercise the power of subpoena of persons and documents deemed relevant by the Commission.

d) To adopt rules and regulations and develop such procedures as may be necessary to implement this Article, to publish and file same with the Office of the City Clerk; and to do such other things not forbidden by law which are consistent with this Article.

In carrying out its objectives, the Commission shall receive prompt and full cooperation and assistance from all departments, officers and officials of the city at the behest of the City Council.

Section 9. STAFF

- a) The Commission shall hire and fire a Director. The Director shall hire and fire such other staff as may be necessary to perform its functions efficiently in order to fulfill the purposes of this Article. Staff may not be fired except for good cause.
- b) For the first two years of the Commission's existence, the staff shall include at least a Director, two investigators, and one secretary. At least one member of the staff shall be an attorney. The Director and investigators shall be in the Exempt Service. After two years, the Commission shall determine the appropriate staffing level.
- c) No staff member shall be a present or former employee, or the immediate family of a present or former employee, of the Cambridge or any other Police Department.
- d) The Director shall be compensated at the rate of the Lieutenant of the Internal Affairs Division, and the investigators shall be compensated at the rate of a Sergeant of the Internal Affairs Division.
- e) All members of the staff are under the direction of the Commission, and the Chief of Police shall have no authority over any member of the staff.

Section 10. COMPLAINTS

- a) Complaints filed with the Commission. Any person may make a complaint to the Commission against the Police Department and/or any of its officers or employees. Such complaints may be made orally (by dictation to Commission staff, and signed by the complainant) or in writing, and need not be under oath. Such complaints shall be made within 100 days of the incident which is the subject of the complaint. When a person has made a complaint with the Commission, an investigation must be initiated within ten days. The results of such a preliminary investigation will be forwarded to the complainant, the employee accused, the appropriate department director, and the Commission. If a complainant is dissatisfied with the disposition of the complaint, s/he may request, within 60 days of receipt of the results or 90 days of initiation of the complaint whichever is earlier, that the Commission review the case. The Commission may, in its discretion, accept or reject the request for review. The time deadlines in this section may be extended by the Commission for good cause.

b) Complaints Filed with Other Agencies. All such complaints against the Department and/or any of its officers, employees, or agents filed with other offices, boards, bureaus, and departments of the City, including the Police Department, shall be made available promptly to the Commission. A copy of the reports, including a list of all persons interviewed, and the findings and conclusions of any investigation of such complaints by Internal Affairs, shall be sent promptly to the Commission. The Commission may initiate an investigation of any such complaint, or any other past complaint, and may take appropriate action.

c) Upon receipt of the results of the preliminary investigation, the Commission shall make an initial recommendation for action on the complaint. The Director shall send to all parties a notice of the recommendations or actions that will be taken as a result of the meeting. This notice shall also inform all parties of their right to request a formal hearing before a hearing panel of the Commission, if they are dissatisfied with the actions or recommendations of the Director. Requests for a hearing must be in writing, and must be received by the Commission within ten days after the date of this notice.

d) Notice of Hearings. Upon receipt of a timely request for hearing, a hearing shall be scheduled as soon as possible. All parties to a complaint shall be given at least ten days' notice of the scheduling of the hearing. The notice shall explain the hearing procedures and rights of the parties.

e) Hearing Procedures. Hearings shall be conducted before a hearing panel composed of three Commission members, who will serve on a rotating basis. However, the full Commission may in its discretion decide to hear a complaint directly. All parties may be represented by counsel, and have the right to present witnesses and evidence, and the right to cross-examine adverse witnesses. All testimony relating to complaints shall be taken under oath, subject to perjury laws. All hearings shall be tape recorded by the Commission. The panel shall issue a written decision as soon as possible after the hearing, no later than thirty (30) days after the hearing. Copies of the decision shall be sent to all parties. All parties shall also be notified of their right to appeal the hearing decision, by written notice, which must be received by the Commission within ten days of the date of the notice.

f) Appeals. Appeals shall be heard by an appeals panel consisting of all the members of the Commission who did not sit on the hearing panel which heard the case. The appeals panel shall decide the appeal on the factual record of the hearing, plus written and/or oral argument, unless the panel finds that special circumstances justify taking new evidence on the appeal in a particular case. There shall be no further appeal if the full Board hears the complaint.

g) Reports. Regular quarterly reports relating to the number, kind and status of all such complaints and evaluating the effectiveness of the Commission shall be made to the City Council and City Manager by the Commission.

h) The Police Department is required to notify citizens of their rights under this section. This shall include but not be limited to the notification of all persons arrested by the Police Department.

Section 11 SEVERABILITY AND SUPERIORITY

a) Severability. If any provision of this Article or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Article which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence or word is declared to be severable.

b) Superiority. If any provision of this Article is in conflict with any other ordinance or regulation or code or policy of the City, the provision of this Article shall prevail.

c) Judicial Review. Any person aggrieved by any action or decision of the Commission may seek judicial review by appealing to the appropriate court within the jurisdiction.



City of Cambridge

4.

COUNCILLOR GRAHAM
COUNCILLOR WOLF

IN CITY COUNCIL

May 21, 1984

ORDERED:

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CHARTER RIGHTED BY COUNCILLOR CLINTON



City of Cambridge

4.

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COUNCILLOR WOLF

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Section 4. Vacancies on said Commission, from whatever cause, except temporary vacancies as hereinafter provided, shall be filled for the unexpired term by the City Council member whose appointee has ceased to serve. The appointment of any member of the Commission who has been absent and not excused from three (3) consecutive regular or special meetings shall automatically expire effective on the date the fact of such absence is reported by the Commission to the City Clerk. The City Clerk shall notify any member whose appointment has

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recommend or mandate (in the Commission's discretion) appropriate disciplinary or other action; all pursuant to Section 10 of this Article. Any disciplinary action mandated by the Police Review Commission shall be final, after any appeal (if any) pursuant to Section 10 (f).

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d) To adopt rules and regulations and develop such procedures as may be necessary to implement this Article, to publish and file same with the Office of the City Clerk; and to do such other things not forbidden by law which are consistent with this Article.

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- c) No staff member shall be a present or former employee, or the immediate family of a present or former employee, of the Cambridge or any other Police Department.
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c) Judicial Review. Any person aggrieved by any action or decision of the Commission may seek judicial review by appealing to the appropriate court within the jurisdiction.

Order # 4 *0-56*

C. Graham & C. Wolf order req. that the attached proposed ordinance concerning the establishment of a Policy Review Commission be referred to the Ordinance Committee for review.

*10/22/84 - Placed on file
see substituted version
6/5/84 of 10/22/84*

*- Hearing Held -
6/11/84*

Report to Council

- Tabled -

- 6/25/84 -

see substituted

*version by C
Vallroos - Passed*

In City Council, *to 2nd Reading*

May 21, 1984

5/21/84

Charter

Right

by

- C. Graham -