

Chart Right #11
City of Cambridge

MASSACHUSETTS

In City Council

6/4

198*7*

| | YEA | NAY | ABSENT | PRESENT |
|------------------------|-----|-----|--------|---------|
| Mr. Daniel J. Clinton | | ✓ | | |
| Mr. Thomas W. Danehy | | | ✓ | |
| Mr. Francis H. Duehay | ✓ | | | |
| Ms. Sandra Graham | | | ✓ | |
| Mr. David E. Sullivan | ✓ | | | |
| Mr. Walter J. Sullivan | | ✓ | | |
| Mr. Alfred Vellucci | ✓ | ✓ | | |
| Ms. Alice K. Wolf | ✓ | | | |
| Mayor Russell | | ✓ | | |

4

3

2

*Motion to refer to Hearing
June 5, 1987 - Failed -*

#3 Proposal
Police ^{RE} Review
Charter
#11

6/4/04

MOTION
to

Defer

to

Hearing
6/5/04

Filed

4-3-2



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

5.

COUNCILLOR VELLUCCI

IN CITY COUNCIL
May 21, 1984

WHEREAS:

There are approximately 2,490 Americans still missing in Vietnam; and

WHEREAS:

These men have not has yet been accounted for by the North Vietnamese government; therefore be it

RESOLVED:

That this City Council joins with the Massachusetts Vietnam Veterans in their effort to know what happened to Americans still listed as missing in Southeast Asia; and be it further

RESOLVED:

That copies of this resolution be sent to Senators Tsongas and Kennedy, Speaker Thomas P. O'Neill, and other Massachusetts Congressional delegates.



City of Cambridge

6.

IN CITY COUNCIL

May 21, 1984

COUNCILLOR VELLUCCI

ORDERED:

That the officials of MBTA be requested to appear before City Council and present plans for the moving (construction) of Lechmere MBTA station and to discuss said plans in full City Council meeting. City Clerk Paul Healy to make all necessary arrangements.



City of Cambridge

7.

COUNCILLOR VELLUCCI

IN CITY COUNCIL

May 21, 1984

ORDERED:

That the City Manager render full report to City Council ref: the progress of the payment of 100% prevailing wages on the entire Bulfinch Square project in East Cambridge, now being developed by Graham Gund and Erland Construction Company - referring to a previous order passed unanimously by Cambridge City Council supporting 100% prevailing wages.



City of Cambridge

8.

COUNCILLOR VELLUCCI

IN CITY COUNCIL
May 21, 1984

ORDERED:

That the City Manager direct the City Solicitor to give opinion/and or decision as to the legality of the Ordinance requiring 25% residency/job title and minority/women requirements for all construction projects using public funds, etc., as submitted by Councillor Vellucci and referred to Ordinance Committee at Council meeting of May 14, 1984.



City of Cambridge

9.

IN CITY COUNCIL

May 21, 1984

COUNCILLOR WOLF

WHEREAS:

Boards, Commissions and Special Committees play an important role in many aspects of the Cambridge government; and

WHEREAS:

The decisions and recommendations of Boards, Commissions and Special Committees often have a major impact on Cambridge citizens; therefore be it

ORDERED:

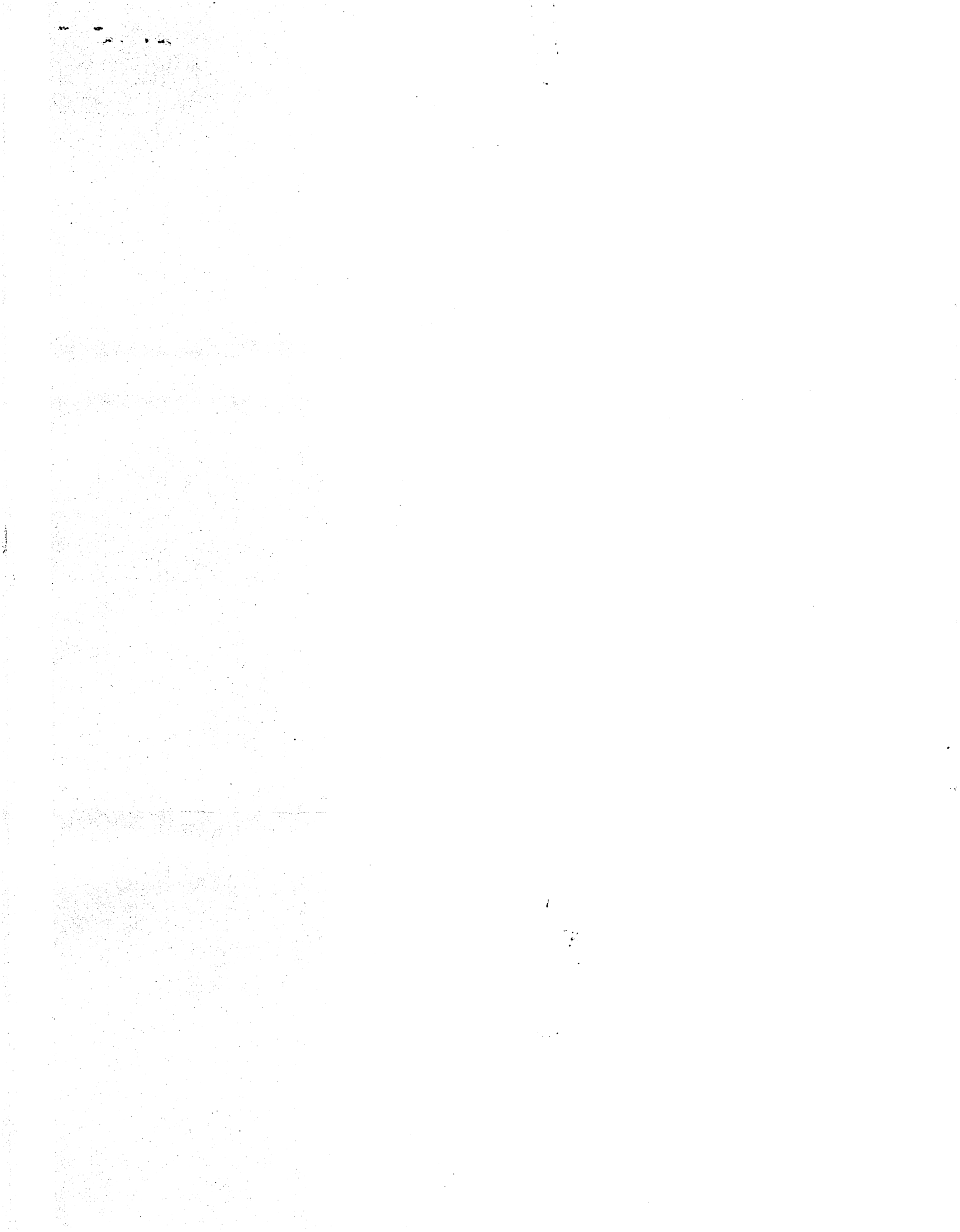
That it be the policy of the Cambridge City Council that, to the extent possible, all Boards, Commissions and Special Committees be composed of a membership that is reflective of the Cambridge population; and be it further

ORDERED:

That in making appointments to a new Board, Commission or Committee, the City Manager ensure that men and women are equally represented and that the membership reflect the composition of the Cambridge population in characteristics, such as but not limited to, its racial, ethnic, geographic age, and economic composition to the extent that such composition is not in conflict with the purpose of the Body; and be it further

ORDERED:

That in filling vacancies in an existing Board, Commission or Committee, the City Manager make each appointment move toward such representativeness.



Order #4

0-14

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

5/21/84

Order righted by C.
Clinton

In City Council,

May 21, 1984

6/4/84

Order to Refuse
to Hearing 6/5/84

Filed - 4-3-2

Placed on file under
Rule 19