

62 Little Pond County Road
Cumberland, RI 02864
8 August 1999

1999 AUG 10 A 11: 02

City of Cambridge
Police Review and Advisory Board
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Dear Members of the Board:

Submitted herewith is a petition signed by the required number of residents of Cambridge calling for a public hearing in accordance with the ordinance that established the Cambridge Police Review and Advisory Board.

I would like to emphasize my great respect for the good intentions of board members and that I undertook to implement the Hearing by Petition provision as a step in the direction of encouraging the board to become more effective in protecting the public from members of the Cambridge Police Department who engage in misconduct.

When I filed my complaint in early August 1996, I did so out of concern for potential future victims of the kind of abuses of civil rights, security of person and due process that led to my son's death. To date, the actions of the board have had no apparent result. Officers named in my complaint were not questioned under oath and are still on the same assignments, as far as I can determine. CPD complaint files were closed recently in violation of State and Federal laws regarding freedom of information and open records. Numerous subsequent episodes of police brutality have occurred without penalty or discipline or work reassignment for the perpetrators.

I believe that the board's failure to hold hearings may have emboldened rogue policemen and caused an escalation of stress among the majority of Cambridge police officers who strive to carry out their duties in a lawful and conscientious manner.

I hope that you accept the petition in the spirit of concern for public safety in which it is presented.

Very truly yours,



Nan McCowan Sumner-Mack

Copies:

Robert Healy, City Manager
City Clerk ✓
City Council

PETITION FOR A HEARING

BEFORE THE

CAMBRIDGE POLICE REVIEW AND ADVISORY BOARD

This is a request for a Hearing in Case No. 96-11, D. Sean Sumner, deceased, in accordance with Chapter 2.74 Section 110 of the Cambridge, MA, City Ordinance No. 1018.

Whereas a strong civilian police review board responsive to Cambridge residents, independent of City Hall, and committed to assuring compliance with Freedom of Information and civil rights laws at all levels of law enforcement is necessary for the safety of residents of Cambridge; and

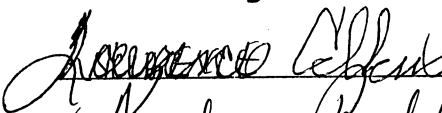
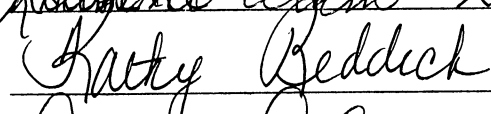
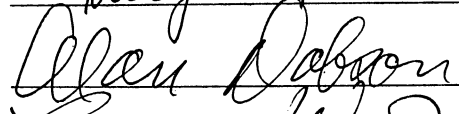
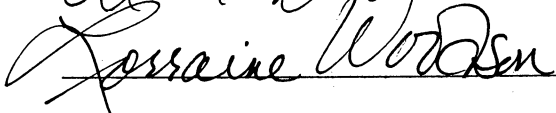
Whereas the victim in this case died 7/18/96 under suspicious circumstances two hours after being taken into custody by Cambridge police officers, beaten, pepper sprayed and denied medical treatment; and

Whereas a complaint filed in 8/96 resulted in no hearing, as provided for in the Ordinance that established the Cambridge Police Review and Advisory Board, no investigation of the arrest, no interviews with officers or EMTs involved in the arrest, incarceration, or medical treatment, and failure to view key evidence such as police photographs and 911 tapes; and

Whereas the Cambridge Police Review and Advisory Board reported findings in the case only after 2.5 years, some of said findings based on no investigation; and

Whereas the Cambridge Police Review and Advisory Board refused a request that they withdraw findings not justified by investigation,

We the undersigned residents of the City of Cambridge, Mass., request that a formal public hearing in the case of D. Sean Sumner be set up within three months of delivery of this petition, that the hearing adhere to the rules governing such hearings as described in the pertinent ordinance, and that all rules and policies of the City of Cambridge that were in effect at the time of the original filing of the Complaint in August 1996, including the rules governing release of complaint files regarding police officers and medical personnel, be adhered to:

Resident's Signature	Printed Name	Address	Telephone (optional)
	LAWRENCE ALLEN	75 HAYES ST.	
	Kathy Reddick	289 Broadway	
	ALAN DAWSON	19 WHITNEY AVE	
	Lorraine Woodson	19 Whitney Ave	

Petition for a Hearing before the Cambridge Police Review and Advisory Board in Case No. 96-11, D. Sean Sumner, deceased, in accordance with Chapter 2.74 Section 110 of Cambridge City Ordinance No. 1018:

Resident's Signature	Printed Name	Address	Telephone (optional)
Charles L. Stead S.	CHARLES L. STEAD	40 CLIFTON ST.	
Richard Murrell	Richard Murrell	21 Whitby Ave	
Brunette Murrell	Brunette Murrell	17 PERRY ST.	02139
James Maynard Williamson	JAMES MAYNARD WILLIAMSON		354-0479
Ethel Mitchell		Blackstone St	661-0267
Lucia Flannery		240 Franklin St #6	864-0570 661-9544
Guy Kevin Whitfield	Guy Kevin Whitfield	238 Putnam Ave	02139
Grace Golding Paschal	GRACE GOLDING-PASCHAL	170 SHERMAN ST	02140 661-3212
Helene Ford	Jacqueline	36 MARKET ST.	02139 499-7810
Jacqueline Carroll	CARROLL		
Emily Anderson	Emily Anderson	248 Putnam Ave	02139 354-9577
Judy J. Olson		79 Goodson Circle	Cambridge 02140
Barbara Perry		107 Maple St.	Cambridge, MA 02139
Lorraine Bates		49 Maple St.	Cambridge, MA 02139
Valerie	Valerie H. Constance	46 Jackson Circle	Cambridge 02140
George Anderson		23A Kelly Rd #2	Cambridge 02139
Nikita Williams	MAIL	208 Windsor St	Cambridge 02139
Tanya Brewer		84 Columbia Street	Cambridge MA 02139

Petition for a Hearing before the Cambridge Police Review and Advisory Board in Case No. 96-11, D. Sean Sumner, deceased, in accordance with Chapter 2.74 Section 110 of Cambridge City Ordinance No. 1018:

Resident's Signature Printed Name Address Telephone (optional)

Steve Iskovitz Steve Iskovitz 209 Green St.

Mary Platt MARY PLATT 77 Bishop Allen Dr. -

Joseph T. Fitzmaurice JOSEPH FITZMAURICE 179 PROSPECT

Meredith L. Knight Meredith Knight 42 Lopez Ave.

Erica B. L. Lindamood ERICA B. L. LINDAMOOD 26 Chatham St #1

~~XXXXXXXXXX~~

John R. Harbage JOHN R. HARBAGE 53 FAIRMONT ST

Joseph W. Teller Joseph W. Teller 266 Western Ave #1

Murvo Foster Murvo Foster 515 Mass Ave

Debra Wise Debra Wise 20 Worcester St. 491-5816

Helen Brady Helen Brady 1 Boardman Pl 547-1064.

Zak Sitter Zak Sitter 60 Bishop Allen #5

Vince Mattetola VINCE MATTEOLA 7 BROOKLINE ST #6

Steve Fawcett Steve Fawcett 132 1/2 Oxford #3

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Resident's Signature	Printed Name	Address	Telephone (optional)
<i>Nathan Camp</i>	Nathan Camp	309 Elm St., Cambridge	02139
<i>Susan Frey</i>	Susan Frey	1 Craige St #42	02138
<i>Barbara Scott Nelson</i>	Barbara Scott Nelson	992 Memorial Dr.	02138
<i>Scott W. Kosofsky</i>	SCOTT KOSOFSKY	70 POTNAM Ave	02139

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Resident's Signature	Printed Name	Address	Telephone (optional)
<i>Elizabeth Scott</i>	ELIZABETH SCOTT	PATNAM GARDENS	
<i>Tonia King</i>	Tonia King	Corcoran Park	
<i>Pamara Scott</i>	Pamara Scott	Newtown Ct.	
<i>Hatch Stennett</i>	HATCH STENNETT	333A Harvard St.	"14"

Petition for a Hearing before the Cambridge Police Review and Advisory Board in Case No. 96-11, D. Sean Sumner, deceased, in accordance with Chapter 2.74 Section 110 of Cambridge City Ordinance No. 1018:

Resident's Signature	Printed Name	Address	Telephone (optional)
<i>John P. Scheide</i>	JOHN SCHEIDE	287 Harvard St #42	661-2446
<i>Ellen C. Szymanski</i>	ELLEN MC-WEZAYAN	6 NEWTOWN COOM #166	868-7309
<i>Carol J. Guerin</i>	CAROL GUERIN	217 Auburn St #3	491-7473
<i>Shanti Renfrew</i>	SHANTI RENFREW	166 HAMPSHIRE ST Camb MA	(617) 468-6588
<i>Nancy L Messom</i>	Nancy L Messom	166 Hampshire St	
<i>Joyce P. Singer</i>	Joyce P. Singer	524 Franklin	
<i>William B. Cunningham</i>	WILLIAM B. CUNNINGHAM	6 NEWTOWN COOM #166	
<i>Rain House</i>	RAIN HOUSE	876 Commis Hwy #4 Mattapan 02126	
<i>William W. Clark</i>	William W. Clark	3 Pitman Gardens #22	
<i>David J. Tommen</i>	DAVID J. TOMMEN	14 Roswell Ave #14 02139	
<i>Julian Kelly</i>	Julian Kelly	620 Mass ave	617 868 2238
<i>Tracy Swan</i>	TRACY SWAN	175 Elm St #3	CAMB 02139
<i>Mia Z. Zumbel</i>	Mia Z. Zumbel	12 Upton St	Camb 02139
<i>Albert King</i>	Albert King	75 Dana St	Camb 02138
<i>Bill Lee</i>	Bill Lee	132 1/2 Oxford St	Camb. 02140-1564
<i>Lisa Schmeier</i>	Lisa Schmeier	97 Inman St.	Camb. 02139 661-8975

**Affidavit of Receipt for Petition for a Hearing
before the
Cambridge Police Review and Advisory Board**

Delivered by hand 10 August 1999

Received by *D. Margaret Drury* *D. Margaret Drury* *August 10, 1999*
Signature Printed Name Date

For the Cambridge City Clerk

1999 AUG 10 A 11: 02
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

*please place on agenda of
next City Council Meeting*

Thank you

Robert Dennis Maca

Consent Communication #15
A petitionw as received for a
hearing before the Cambridge
Police Review Board in the
Case No. 96-11, D Sean Sumner,
in accordance with Chapter 2.74
S3ection 110 of the Cambridge, MA
City ORdinance No. 1018.

In City Council September 13, 1999

*Referred to Ordinance #14
of 9/13/99*



City of Cambridge

O-14.

IN CITY COUNCIL

September 13, 1999

COUNCILLOR TRIANTAFILLOU
COUNCILLOR BORN
COUNCILLOR DAVIS
MAYOR DUEHAY
VICE MAYOR GALLUCCIO
COUNCILLOR REEVES

ORDERED: That the City Council go on record requesting the City Manager to convey to the Police Review and Advisory Board their desire for the Police Review and Advisory Board to take thorough and expeditious action on the petition for a special hearing on the D. Dean Sumner case in accord with Sec. 2.74.110 of the Cambridge Municipal Code.

In City Council September 13, 1999.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk

Order # 14

see at CC meeting

9/13/99

62 Little Pond County Road
Cumberland, RI 02864
13 September 1999

Alan Price, Chair, and Members of the Board
Cambridge Police Review and Advisory Board
631 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Price:

Your statements to the press regarding CPRAB's handling of my son Sean's case trouble me, especially statements that the board carried out a thorough investigation in accordance with "the spirit" of the ordinance that outlines its duties and that a number of public hearings were held on this case. What were the dates of those hearings?

I learned of the existence of CPRAB only through the telephone directory (not through publicity or information from the CPD), not informed of its lack of power or influence, not told about the IAD complaints process within CPD, and not given a copy of the rules and regulations and grounds for complaint within the scope of CPRAB's investigative function by CPRAB.

If public hearings were held, why was I not notified? I was told repeatedly that I was not to attend your monthly meetings--that other cases would be on the agenda and that I was not to be there. I moved to Millville, Mass., from Hawaii in order to be close to and available to you and any other investigative effort, but I never was told that Sean's case would be discussed at any of your meetings. Are other complainants informed of the agenda of meetings and of their right to be present? How are members of the public informed of their right to attend? Do you place announcements in local papers? May I have transcripts of hearings on my case?

The only time I was notified of a meeting was last October, and I was told at that time that the purpose of the meeting was for the board to outline for me their findings in Sean's case. I was told NOT to bring anything or prepare, because the board had already made its decisions and I was just to listen. Why did you bring me to Cambridge totally unprepared with evidence or an outline of contradictions given me by CPD and declare the meeting to be an executive session? I would have welcomed the chance to present evidence.

Why did the board decide not to interview the officers about whom I complained? My original complaint focused on the arrest itself, the lack of grounds, the strange language in the police reports, the absence of warrant as first reported to me by Detective Dwyer. I gave the board all material that I gathered with difficulty from CPD and the State Police, but you never contacted or questioned any of those complained against. Why?

You did not tell me in advance that you were going to interview the junior medical examiner, Dr. Niels. Had I been present, I could have corrected some misinformation and facilitated your evaluation of his report. Why did you not interview both medical examiners? Do you have Dr. Niels' credentials? Is he qualified and experienced in forensic pathology? I wrote to Dr. Niels after I found out that he had met with you and after I asked for a transcript, but he did not answer my questions. I do not understand why you and the board failed to correct Dr.

Nields' information or to ask him how he might have acted differently had he been told about pepper spraying. The CPD had a duty to inform the medical examiners of all relevant circumstances prior to an in-custody death. They did not. Why do you not mention this failure in your findings? Why did you not recommend any discipline for police officers?

Other questions disturb me:

Why did it take over six months for the board to decide to investigate my case?
Why did you not ask the DA to hold an inquest in this death?
Why did you not hire an investigator as is in your power to do?
Why did you not look for witnesses to the arrest mentioned in police reports?
Why did you ask the Law Department's permission to request information from the DA?
Why did you not use subpoena power in Sean's case?
Why did you give Commissioner Watson 9 months to reply to questions prepared by me?
Why did you not send me a copy of replies to those questions?
Why did you not look at and hear all evidence offered to you, such as 911 tapes and photos?
Why did you not interview prisoners in the lockup with Sean?
Why was I not permitted to visit the cell block with you and not given a report?
Why did you not interview the State Police who did the so-called "investigation"?
Why did you refuse my request that you withdraw findings on matters that you did nothing to investigate?
Why did you not ask the CPD for correct information regarding the chain of custody of photos and other evidence after I told you that this evidence was not where you were told?
Did you do anything to verify information given to you by the police department?
Why did you refuse to reopen the case in June 1999 to protect key evidence?
Why did the board tell me in June that it was not "prudent" to reopen the case?
Why did you depend on me to provide the reports and documents relevant to the case?
Why did you not bother to obtain the rules and regulations of the CPD in effect in 1996?
Did you ask the CPD what kind of pepper spray they used on Sean and how much was used?
Did you interview the EMTs who came to the cell an hour before Sean's death to find out why they did not treat him or keep him under observation when he complained of difficulty breathing?

If you have held hearings without my knowledge and interviewed defendants or witnesses without my knowledge, I protest. Is this not a violation of state statutes regarding open meetings and similar legislation?

I was informed in April 1999 that all CPRAB and IAD complaint reports were in the CPRAB office and could be examined after a simple written request to the city manager. Were these files ever checked by CPRAB's staff in order to determine whether those about whom I complained had records of previous civilian complaints? Ms. Monteiro says that all files prior to 1996, the year of my son's death, were destroyed early this year, and I fear that perhaps the ONLY copy of complaints against Cambridge police and detectives is in the custody of CPD itself. Several civil liberties legal advocates have advised me that Cambridge police cannot be trusted with custody of documents and evidence--that such evidence often disappears before discovery can take place. What is CPRAB's duty in the preservation of critical evidence of misconduct allegations? In NYC and other cities, these records can be published in the newspaper. If the files were checked, why was I not given a report of the results?

The law department of the City of Cambridge recently closed the complaint files, even to Freedom of Information Act applicants. You can verify this with the Cambridge Chronicle. This goes against the prevailing national trend toward more openness of public records, including police misconduct complaint records, and it violates the trust YOU, CPRAB, have placed in the CPD. Were you consulted on this change in policy? Did you "advise" the CPD and the law department on this action? Was Sean the first to suffer at the hands of certain Cambridge policemen? I have heard from outside sources that officers Townes and Brutley and Hussey had had earlier complaints filed against them. Surely your board ought to have checked whatever way you could to see if these individuals had prior records.

Your board was set up to guard public safety. The temptation to be guided by an authority figure who appoints you is immense, I realize. My husband serves on a state board in RI and has confronted the problem of the reluctance of fellow board members to advise against policies set by the appointing official. The influence is subtle. Are you being influenced by the city manager and others to protect the city from lawsuits rather than protect citizens from violent and dishonest police? How much has the City paid in settlements and legal expenses to protect rogue policemen in recent years? Do you or does anyone else know the cost to taxpayers of continued negligence regarding police brutality? Does the gag rule imposed in settlements prevent the City Council from knowing the actual financial figures?

Have you, Mr. Price and other members of the board, studied the recent complaint(s) filed with you by Jefferson Park defendants? Have you noted the reports that Cambridge police officers in that incident BRAGGED ABOUT HAVING KILLED A MAN AND GOTTEN AWAY WITH IT"? One of the Jefferson Park mothers said that when her child reported that to her, she thought at once, "Was that victim Sean Sumner?"

If that dead man was Sean, and if that police officer is bragging about his immunity from punishment or prosecution, I hold CPRAB directly responsible. Your handling of this case seems to have served to strengthen the code of silence that protects rogue officers from being identified, disciplined, reassigned or dismissed. Isn't this dangerous not only for citizens but also for honest police officers who constitute the majority on the force?

Does no one care about the safety of young people, teens, gays, music lovers, tourists, and children of residents, who currently are treated as prey by a few members of the CPD? How can one of the world's foremost centers of learning and rationality tolerate the kind of barbarity that many Cantabrigians worry about as a threat to civil liberties and personal safety?

I hope that you will consider it to be in the best interests of the citizens of Cambridge for you to hold a full-scale hearing on our case before 10 November, the date requested in our petition. I plan to ask the Cambridge City Council to request that you comply with this request and that you cooperate with me fully in making certain that the defendants in this complaint and all relevant witnesses will be present for questioning at that hearing.

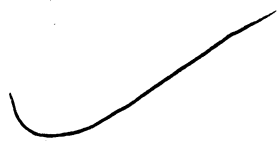
Sincerely,

Nan McCowan Sumner-Mack

Nan McCowan Sumner-Mack 401-333-4964 (h) 508-699-0122 (w) <rsm@loa.com> FAX 508-699-8075

KT

14



requesting the City Manager to convey to the Police Review and Advisory Board their desire for the City to convey to

Ordered:
~~Resolved:~~

That the City Council go on record ~~and~~ ~~requesting~~ the Police Review and Advisory to take through and expeditions action on the petition for a public special hearing on the D. Dean Summer case in accord with Sec. 2.24.110 of the Cambridge Municipal Code



City of Cambridge

O-14.

IN CITY COUNCIL

September 13, 1999

COUNCILLOR TRIANTAFILLOU

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D. Dean Summer case in accord with Sec. 2.74.110 of the Cambridge Municipal Code.

Order #14

CM 335

Councillor Triantafillou re: take thorough and expeditious action on the petition for a special hearing on the D. Dean Summer case in accord with Section 2.74.110 of the Cambridge Municipal Code.

In City Council September 13, 1999

ORDER ADOPTED