



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:

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. Purpose.

The general purpose of this ordinance is to provide for citizen participation in reviewing police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

The City Manager shall choose a representative from each of the five sections of Cambridge known as:

- (a) Cambridgeport/Riverside Section;
- (b) Eastern Section;
- (c) Northern Section;
- (d) Mid-Cambridge Section; and
- (e) Western Section.

The above sections of the City for purposes of selection to the Board shall be defined by the City Council.

The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

2. 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. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to said Board. 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 as defined in the City Charter. All members of the Board shall be residents of the City of Cambridge (the "City").

The members of the Board and its staff shall not hold any other position for the city while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

No staff or member of the Board shall have been an employee of the City within two (2) years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

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. All meetings of the Board shall be conducted in accordance with the open meeting laws of this Commonwealth.

Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

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

The Board shall have the following duties:

- a. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department");
- b. The Board and the City Council shall review the Department budget before it is submitted to the City Manager;

- c. The Board shall receive and resolve, as provided in sections seven (7) and eight (8) of this ordinance, any complaint concerning the operation of the Department;
- d. The Board shall make recommendations to the Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;
- e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.
- 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 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.

4. Staff.

- a. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board. The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.
- b. Investigative Staff. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but the salary of said Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.

The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and

conditions of employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.

- c. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.

All members of the staff are under the direction of the Board.

5. Duties of the Chief of Police.

The Chief of Police shall administer the Department pursuant to existing laws, and the rules and regulations of the Department and the Massachusetts Civil Service Rules and Regulations.

6. Discipline.

- a. Manual. The 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.
- 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.

7. Complaints.

A complaint by a member of the public, hereinafter referred to as "a civilian complaint", or any police officer or civilian employee concerning the Department may be filed either with the Department or the Board. 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 Board Investigator, and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within thirty (30) days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board

shall immediately order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. Said preliminary investigation shall be completed within ten (10) days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty (30) days. After completion of said preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

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

The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

8. 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. A representative of the City Solicitor's Office shall be present at any hearing before the Board.

The fact finder shall be an attorney and, in the conduct of the hearing, may with the assistance and approval of the City Solicitor, 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, if any, 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.

9. 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 of the Department and 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.

10. Special Meetings.

Special Meetings may be called by the Executive Secretary or by three (3) members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight (48) hours prior to such meeting, unless such notice is waived by said members.

11. Hearing by Petition.

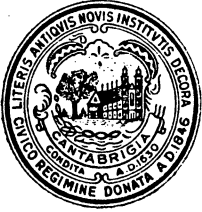
On the written petition of fifty (50) or more residents of the City of Cambridge, filed with the Board, the Board shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter of the petition within thirty (30) days of the filing of said petition with the Board.

In City Council November 5, 1984.

Passed to be ordained as amended by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



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In City Council November 5, 1984.

Passed to be ordained as amended by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

WITH AMENDMENTS OF OCTOBER 29, 1984 INCLUDED 10/19/84

CALENDAR ITEM NUMBER FIVE- OCT. 29, 1984

City of Cambridge Police Review and Advisory Board

Reminded

→ 10 Purpose:

The general purpose of this ordinance is to provide for citizen participation in reviewing [and setting] police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

JTW/GRH

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*Final Text with Amendments as
Noted on November 5, 1984-*

1.

2

City of Cambridge Police Review and Advisory Board

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*portion to STRIKE
 PINKED →
 4-50*

[The members of the Board and its staff shall not hold any other position for the City while he or she is a member of said Board or staff.]

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- b. The Board shall review the Department budget before it is submitted to the City Manager; *AND THE CITY COUNCIL*
- c. The Board shall receive and resolve, as provided in sections six ⁷ (~~6~~) and seven ⁸ (~~7~~) of this ordinance, any complaint concerning the operation of the Department;
- d. The Board shall make recommendations to the

Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;

- e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.
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a. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board.

The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.

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5.4. Duties of the Chief of Police.

The Chief of Police shall administer the Department pursuant to existing laws, and the rules and regulations of the Department *[and the Massachusetts Civil Service Rules and Regulations] added*

6.8. Discipline *The Chief of Police, in consultation with*

- 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.]

Stricken

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 [A disciplined employee may request the Board to set aside such discharge or indefinite suspension.]

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Referred to as

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In City Council October 29, 1984.

Passed to be ordained as amended by a yea and nay vote:-

Yeas 5; Nays 3; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

Reconsideration has been filed by Councillors Danehy, Clinton and Mayor Russell on this matter.

Motion So Reconsider

City of Cambridge

MASSACHUSETTS

In City Council

November 5 1984

	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	✓			
	5	2	0	1

Reconsideration carried

City of Cambridge

MASSACHUSETTS

In City Council November 5, 1984

Time 7:49 PM Motion by Councillor Vellucci

	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				

First Paragraph entitled Propose - to
 STRIKE OUT IN LINE TWO THE WORDS
 "AND SETTING"
 Carried on voice vote

Amendment to Page One

City of Cambridge

MASSACHUSETTS

In City Council *November 5, 1984*

*Amendment By Councilor David Sullivan
Carried on Voice Vote*

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

*Paragraph entitled Purpose now to
known and numbered as paragraph one
(1) and succeeding paragraphs to be
renumbered accordingly -
First page to be designated as 1*

Amendment to Page 2

City of Cambridge

MASSACHUSETTS

In City Council

November 5 1984

Time 745

MOTION OF CONCURRENCE

	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 5 0

Amendment failed 4-5-0 To strike out paragraph 2 on Page 2

Amendment to Page 3

City of Cambridge

MASSACHUSETTS

In City Council *November 5* 1984

740PM Councilor *Danehy*

	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	✓			

7 2 0

Page 3 Paragraph 2 Subsection B - to insert after the word Board in the first line the words "and the City Council" carried on Roll Call 7-2-0

Amendment to Page 6

City of Cambridge

MASSACHUSETTS

In City Council *November 5* 198*4*

Motion to amend by Councilor Vellucci
carried 5-4-0-0

	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		✓		

5 4 0 0

*Page 6 Paragraph entitled Duties of the
Chief of Police - Amendment To read after
 The last word of the paragraph the
 following words "and the MASSACHUSETTS
 Civil Service Rules and Regulations"*

Amendment to Page 6

City of Cambridge

MASSACHUSETTS

In City Council *November 5* 1984

*Motion to Amend by Councilor Vellucci
Carroll 5-4-0-0*

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

5 4 0 0

*Amendment to Page 7A ^{now Page 6} This Par. entitled
 Discipline is amended in subsection A entitled
 Manual to read - as follows - The Chief of Police
 in consultation with the Board shall adopt
 a manual of rules, regulations etc.*

City of Cambridge

MASSACHUSETTS

In City Council *November 5* 1984

*Motion of Concetta Vellucci to amend
SUBSECTION B and E OF SECTION 6 ENTITLED
Discipline - carried on a roll call vote*

	YEA	NO	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Daney	✓			
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Russell	✓			

*Motion to amend by striking out in ~~part~~
or sentence
SUBSECTIONS B and E the last line of each
SUBSECTION which reads as follows - "A
Disciplined employee may request the Board
to set aside the summary discipline" and "A
Disciplined may request the Board to set aside etc.*

*APPROV
RECORDS*

Amendment to Page 7

City of Cambridge

MASSACHUSETTS

In City Council November 5 1984

TYPE 704 MOTION OF *COUNCILMAN VELLUCCI* TO
AMEND PARAGRAPH 7, FORMERLY PAGE 6
ENRIVED 5-4-0

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

5 4 0 0

To Amend Paragraph entitled COMPLAINTS to read as follows in the first line "A complaint by a member of the public, hereinafter referred to as petition complaint, or any Police Officer or civilian employee concerning the Department etc -"

City of Cambridge

MASSACHUSETTS

In City Council

November 5 1984

*Motion to Amend by Councilor David Sullivan
Carried on a voice vote*

	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				

*Amendment to 1st Para of Page 9 should
include sentence at the end thereof
which reads - A rep. of the City Solicitor's
Office shall be present at any hearing
before the Board -*

Amendment to Page 9

City of Cambridge

MASSACHUSETTS

In City Council *November 5* 1984

*Motion to amend by Councilman Vellucci
 2nd Paragraph of Page 9 - Second line
 Carried on a voice vote*

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

*Second line to read as follows:
 Conduct of the hearing, may [with the
 assistance and approval of the City
 Solicitor] subpoena witnesses etc*

950 PM vote of City Council on

Passing to be Ordained as amended

City of Cambridge

MASSACHUSETTS

In City Council

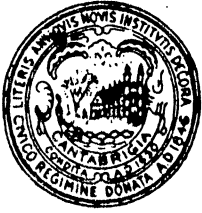
Police Review and Advisory Board - 11/5/84 1984

	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		✓		

Vote at 10:10
11/5/84

5 4 0

Passed to be Ordained as amended



OFFICE OF
THE CITY CLERK

CITY OF CAMBRIDGE

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

November 7, 1984

Russell B. Higley, Esquire
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the General Ordinances of the City of Cambridge in Chapter Fifteen entitled "Police Department" by adding at the end thereof a new Article IV entitled CITY OF CAMBRIDGE POLICE REVIEW AND ADVISORY BOARD which was passed to be ordained as amended at the City Council meeting held on November 5, 1984.

Would you kindly review this amendment 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/d1

Enc. Ordinance Number 1018.

c.c. Councillor David Sullivan, Chairman, Committee on Ordinances.
Mr. Cellucci, Inspectional Services
Chief Paollilo, Police Department.



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:

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. Purpose.

The general purpose of this ordinance is to provide for citizen participation in reviewing police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

The City Manager shall choose a representative from each of the five sections of Cambridge known as:

- (a) Cambridgeport/Riverside Section;
- (b) Eastern Section;
- (c) Northern Section;
- (d) Mid-Cambridge Section; and
- (e) Western Section.

The above sections of the City for purposes of selection to the Board shall be defined by the City Council.

The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

2. 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. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to said Board. 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 as defined in the City Charter. All members of the Board shall be residents of the City of Cambridge (the "City").

The members of the Board and its staff shall not hold any other position for the city while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

No staff or member of the Board shall have been an employee of the City within two (2) years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

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. All meetings of the Board shall be conducted in accordance with the open meeting laws of this Commonwealth.

Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

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

The Board shall have the following duties:

- a. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department");
- b. The Board and the City Council shall review the Department budget before it is submitted to the City Manager;

- c. The Board shall receive and resolve, as provided in sections seven (7) and eight (8) of this ordinance, any complaint concerning the operation of the Department;
- d. The Board shall make recommendations to the Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;
- e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.
- 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 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.

4. Staff.

- a. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board. The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.
- b. Investigative Staff. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but the salary of said Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.

The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and

conditions of employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.

- c. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.

All members of the staff are under the direction of the Board.

5. Duties of the Chief of Police.

The Chief of Police shall administer the Department pursuant to existing laws, and the rules and regulations of the Department and the Massachusetts Civil Service Rules and Regulations.

6. Discipline.

- a. Manual. The 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.
- 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.

7. Complaints.

A complaint by a member of the public, hereinafter referred to as "a civilian complaint", or any police officer or civilian employee concerning the Department may be filed either with the Department or the Board. 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 Board Investigator, and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within thirty (30) days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board

shall immediately order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. Said preliminary investigation shall be completed within ten (10) days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty (30) days. After completion of said preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

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

The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

8. 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. A representative of the City Solicitor's Office shall be present at any hearing before the Board.

The fact finder shall be an attorney and, in the conduct of the hearing, may with the assistance and approval of the City Solicitor, 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, if any, 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.

9. 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 of the Department and 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.

10. Special Meetings.

Special Meetings may be called by the Executive Secretary or by three (3) members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight (48) hours prior to such meeting, unless such notice is waived by said members.

11. Hearing by Petition.

On the written petition of fifty (50) or more residents of the City of Cambridge, filed with the Board, the Board shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter of the petition within thirty (30) days of the filing of said petition with the Board.

In City Council November 5, 1984.

Passed to be ordained as amended by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



OFFICE OF
THE CITY CLERK

CITY OF CAMBRIDGE

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November 7, 1984

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PEH/d1

Enc. Ordinance Number 1018.

c.c. Councillor David Sullivan, Chairman, Committee on Ordinances.
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In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

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The fact finder shall be an attorney and, in the conduct of the hearing, may with the assistance and approval of the City Solicitor, 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, if any, 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.

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On the written petition of fifty (50) or more residents of the City of Cambridge, filed with the Board, the Board shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter of the petition within thirty (30) days of the filing of said petition with the Board.

In City Council November 5, 1984.

Passed to be ordained as amended by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

Unfinished Bus. #5-

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR _____

Date

Councillors Danehy and Clinton and Mayor Russell's intention to move reconsideration of the vote of the City Council passing to be ordained as amended the Police Review and Advisory Board.

Received at the Rostrum
October 29, 1984

Thomas W. Danehy

Signature
Daniel J. Clinton
[Signature]

#2

City of Cambridge

MASSACHUSETTS

In City Council

10/29/

198

4

Police Advisory

	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		✓		

5 3 1

Passed to be indrined
AS AMENDED

Amended #1

City of Cambridge

MASSACHUSETTS

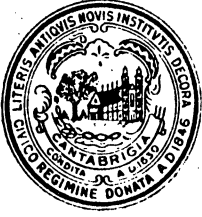
In City Council

10/29/ 198 *4*

	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		✓		

5 3 1

The salary if said Board Investigator shall be equivalent to the salaries received by investigators of similar Boards



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:

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

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The general purpose of this ordinance is to provide for citizen participation in reviewing police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

The City Manager shall choose a representative from each of the five sections of Cambridge known as:

- (a) Cambridgeport/Riverside Section;
- (b) Eastern Section;
- (c) Northern Section;
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The above sections of the City for purposes of selection to the Board shall be defined by the City Council.

The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

2. City of Cambridge Police Review and Advisory Board.

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The members of the Board and its staff shall not hold any other position for the city while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

No staff or member of the Board shall have been an employee of the City within two (2) years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

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. All meetings of the Board shall be conducted in accordance with the open meeting laws of this Commonwealth.

Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

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

The Board shall have the following duties:

- a. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department");
- b. The Board and the City Council shall review the Department budget before it is submitted to the City Manager;

- c. The Board shall receive and resolve, as provided in sections seven (7) and eight (8) of this ordinance, any complaint concerning the operation of the Department;
- d. The Board shall make recommendations to the Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;
- e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.
- 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 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.

4. Staff.

- a. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board. The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.
- b. Investigative Staff. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but the salary of said Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.

The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and

conditions of employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.

- c. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.

All members of the staff are under the direction of the Board.

5. Duties of the Chief of Police.

The Chief of Police shall administer the Department pursuant to existing laws, and the rules and regulations of the Department and the Massachusetts Civil Service Rules and Regulations.

6. Discipline.

- a. Manual. The 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.
- 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.

7. Complaints.

A complaint by a member of the public, hereinafter referred to as "a civilian complaint", or any police officer or civilian employee concerning the Department may be filed either with the Department or the Board. 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 Board Investigator, and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within thirty (30) days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board

shall immediately order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. Said preliminary investigation shall be completed within ten (10) days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty (30) days. After completion of said preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

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

The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

8. 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. A representative of the City Solicitor's Office shall be present at any hearing before the Board.

The fact finder shall be an attorney and, in the conduct of the hearing, may with the assistance and approval of the City Solicitor, 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, if any, 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.

9. 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 of the Department and 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.

10. Special Meetings.

Special Meetings may be called by the Executive Secretary or by three (3) members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight (48) hours prior to such meeting, unless such notice is waived by said members.

11. Hearing by Petition.

On the written petition of fifty (50) or more residents of the City of Cambridge, filed with the Board, the Board shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter of the petition within thirty (30) days of the filing of said petition with the Board.

In City Council November 5, 1984.

Passed to be ordained as amended by a yeas and nay vote:-
Yeas 5; Nays 4; 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

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The general purpose of this ordinance is to provide for citizen participation in reviewing police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

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2. City of Cambridge Police Review and Advisory Board.

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The members of the Board and its staff shall not hold any other position for the city while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

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In City Council November 5, 1984.

Passed to be ordained as amended by a yeas and nay vote:-
Yeas 5; Nays 4; 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

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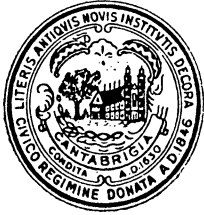
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ATTEST:- Paul E. Healy, City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinances as aforesaid, which exceeds in length eight octavo pages of ordinary book print may be examined at the office of the City Clerk in the form of a printed pamphlet during office hours on or after November 7, 1984.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

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- 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.

7. Complaints.

A complaint by a member of the public, hereinafter referred to as "a civilian complaint", or any police officer or civilian employee concerning the Department may be filed either with the Department or the Board. 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 Board Investigator, and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within thirty (30) days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board

shall immediately order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. Said preliminary investigation shall be completed within ten (10) days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty (30) days. After completion of said preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

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

The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

8. 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. A representative of the City Solicitor's Office shall be present at any hearing before the Board.

The fact finder shall be an attorney and, in the conduct of the hearing, may with the assistance and approval of the City Solicitor, 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, if any, 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.

9. 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 of the Department and 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.

10. Special Meetings.

Special Meetings may be called by the Executive Secretary or by three (3) members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight (48) hours prior to such meeting, unless such notice is waived by said members.

11. Hearing by Petition.

On the written petition of fifty (50) or more residents of the City of Cambridge, filed with the Board, the Board shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter of the petition within thirty (30) days of the filing of said petition with the Board.

In City Council November 5, 1984.

Passed to be ordained as amended by a yea and nay vote:-
Yeas 5; Nays 4; 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:

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. Purpose.

The general purpose of this ordinance is to provide for citizen participation in reviewing police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

The City Manager shall choose a representative from each of the five sections of Cambridge known as:

- (a) Cambridgeport/Riverside Section;
- (b) Eastern Section;
- (c) Northern Section;
- (d) Mid-Cambridge Section; and
- (e) Western Section.

The above sections of the City for purposes of selection to the Board shall be defined by the City Council.

The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

2. 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. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to said Board. 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 as defined in the City Charter. All members of the Board shall be residents of the City of Cambridge (the "City").

The members of the Board and its staff shall not hold any other position for the city while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

No staff or member of the Board shall have been an employee of the City within two (2) years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

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. All meetings of the Board shall be conducted in accordance with the open meeting laws of this Commonwealth.

Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

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

The Board shall have the following duties:

- a. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department");
- b. The Board and the City Council shall review the Department budget before it is submitted to the City Manager;

- c. The Board shall receive and resolve, as provided in sections seven (7) and eight (8) of this ordinance, any complaint concerning the operation of the Department;
- d. The Board shall make recommendations to the Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;
- e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.
- 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 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.

4. Staff.

- a. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board. The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.
- b. Investigative Staff. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but the salary of said Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.

The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and

conditions of employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.

- c. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.

All members of the staff are under the direction of the Board.

5. Duties of the Chief of Police.

The Chief of Police shall administer the Department pursuant to existing laws, and the rules and regulations of the Department and the Massachusetts Civil Service Rules and Regulations.

6. Discipline.

- a. Manual. The 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.
- 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.

7. Complaints.

A complaint by a member of the public, hereinafter referred to as "a civilian complaint", or any police officer or civilian employee concerning the Department may be filed either with the Department or the Board. 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 Board Investigator, and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within thirty (30) days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board

shall immediately order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. Said preliminary investigation shall be completed within ten (10) days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty (30) days. After completion of said preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

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

The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

8. 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. A representative of the City Solicitor's Office shall be present at any hearing before the Board.

The fact finder shall be an attorney and, in the conduct of the hearing, may with the assistance and approval of the City Solicitor, 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, if any, 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.

9. 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 of the Department and 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.

10. Special Meetings.

Special Meetings may be called by the Executive Secretary or by three (3) members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight (48) hours prior to such meeting, unless such notice is waived by said members.

11. Hearing by Petition.

On the written petition of fifty (50) or more residents of the City of Cambridge, filed with the Board, the Board shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter of the petition within thirty (30) days of the filing of said petition with the Board.

In City Council November 5, 1984.

Passed to be ordained as amended by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

City of Cambridge Police Review and Advisory Board

~~1. Purpose~~ ~~Purpose:~~ 1. Purpose (amendment # 2) 1. PURPOSE.

The general purpose of this ordinance is to provide for citizen participation in reviewing ~~and setting~~ police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

The City Manager shall choose a representative from each of the five sections of Cambridge known as:

- (a) Cambridgeport/Riverside Section;
- (b) Eastern Section;
- (c) Northern Section;
- (d) Mid-Cambridge Section; and
- (e) Western Section.

The above sections of the City for purposes of selection to the Board shall be defined by the City Council.

The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

Amended version of amendments

made on November 5, 1984

Amendment #1 - C.V. strike words "and setting" VU

Amendment #2

Word "Purpose" Insert 1. Purpose and renumber all succeeding paragraphs (sections 1-11)

C.D.S.

2.1.

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. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to said Board. 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 as defined in the City Charter. All members of the Board shall be residents of the City of Cambridge (the "City").

The members of the Board and its staff shall not hold any other position for the City while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

No staff or member of the Board shall have been an employee of the City within two (2) years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

The Board shall elect a chairperson annually. The Board shall meet at the call of its chairperson, but

Amendment #3 by C. Clinton to strike Para 2 = failed on R-C - 4-50

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. All meetings of the Board shall be conducted in accordance with the open meeting laws of this Commonwealth.

Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

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

The Board shall have the following duties:

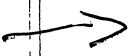
a. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department");

b. The Board *and the City Council* 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~~ ^{seven (7)} (6) and ~~seven~~ ^{eight (8)} (7) of this ordinance, any complaint concerning the operation of the Department;

d. The Board shall make recommendations to the

C. Danchy
motion to
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Amend
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Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;

- e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.
- 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 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.

4.
B. Staff

a. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board.

The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.

b. Investigative Staff. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but the salary of said Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.

The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and conditions of

employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.

- c. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.

All members of the staff are under the direction of the Board.

5. Duties of the Chief of Police.

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

and the Mass Civil Service Rules and Regulations

6. Discipline

The Chief of Police in consultation with the Board

- 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.

C.V. motion to amend 5-4-0

C.V. motion to amend 5-4-0

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. ~~A disciplined employee may request the Board to set aside such discharge or indefinite suspension.~~

7. Complaints

A complaint by a member of the public, ^{hereinafter} ~~and/or~~ ^{employee} ~~Police officer or civilian employ~~ referred to as "a civilian complaint" concerning the Department may be filed either with the Department or the Board. 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 Board Investigator, and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within 30 days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board shall immediately

C.V.
motion
to strike
second
sentence
from para.
B. & C.
Carried
R.C. 9-0-0

referred to as
C.V.
motion
Amendment
Carried
5-4-0

order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. Said preliminary investigation shall be completed within ten (10) days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty (30) days. After completion of said preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

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

The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

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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.

new at A representative of the City Sol's office shall be present at any hearing before the Board.

The fact finder shall be an attorney and, in the
conduct of the hearing, may subpoena witnesses, *with the assistance and approval of the City Solicitor*
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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, if any, 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

C. David Sullivan
to add new
sentence
Carried on
VV

C.V.
motion
to amend
to add after
the word "may"
the following
words
"with the
assistance
and approval
of the City Solicitor"
VV -
Carried

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.

9. 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 of the Department and this Commonwealth's Civil Service Laws.

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Special Meetings may be called by the Executive Secretary or by three (3) members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight (48) hours prior to such meeting, unless such notice is waived by said member.

~~11. 10.~~ Hearing by Petition.

On the written petition of fifty (50) or more residents of the City of Cambridge, filed with the Board, the Board shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter of the petition within thirty (30) days of the filing of said petition with the Board.

In City Council October 29, 1984.

Passed to be ordained as amended by a yea and nay vote:-

Yeas 5; Nays 3; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

Reconsideration has been filed by Councillors Danehy, Clinton and Mayor Russell on this matter.

11
Work Sheet 10/19/84 ✓

City of Cambridge Police Review and Advisory Board

Purpose:

The general purpose of this ordinance is to provide for citizen participation in reviewing [and setting] police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

The City Manager shall choose a representative from each of the five sections of Cambridge known as:

- (a) Cambridgeport/Riverside Section;
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- (c) Northern Section;
- (d) Mid-Cambridge Section; and
- (e) Western Section.

The above sections of the City for purposes of selection to the Board shall be defined by the City Council.

The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

See Final Text - 11/5/84

9. 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. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to said Board. 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 as defined in the City Charter. All members of the Board shall be residents of the City of Cambridge (the "City").

*Amendment
by E. Clinton
Filed*

The members of the Board and its staff shall not hold any other position for the City while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

No staff or member of the Board shall have been an employee of the City within two (2) years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

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. All meetings of the Board shall be conducted in accordance with the open meeting laws of this Commonwealth.

Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

3

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

The Board shall have the following duties:

- a. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department");
- b. The Board shall review the Department budget before it is submitted to the City Manager; *and the City Council*
- 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

*E. Donohue
Motion to
Strike Part
sec B on
Page 2
Carried
7/20*

Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;

e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.

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 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 4

a. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board.

The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.

b. Investigative Staff. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but the salary of said Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.

The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and conditions of

0

employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.

- c. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.

All members of the staff are under the direction of the Board,

5A

4. Duties of the Chief of Police.

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

and the Civil Service laws of the Commonwealth of Massachusetts

5

5. Discipline

The Chief of Police in consultation

6
1

- a. Manual. The Board, in consultation with the ~~Chief of Police~~ *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. [A disciplined/

employee may request the Board to set aside

such discharge or indefinite suspension.]

6. Complaints

A complaint by a member of the public (hereinafter "a civilian complaint") ^{OR ANY POLICE OFFICER OR EMPLOYEE} concerning the Department

may be filed either with the Department or the Board.

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 Board

Investigator, and the Chief of Police. The Chief of

Police shall investigate such a complaint immediately

and file a report of findings with the Board within 30

days. Complaints concerning the Department and filed

with the Board shall be investigated immediately by the

Board. Copies of the complaint shall be made available

to the Chief of Police. The Board shall immediately

L. Vellozzi
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L. Vellozzi
DISCIPLINE

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order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. Said preliminary investigation shall be completed within ten (10) days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty (30) days. After completion of said preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

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

The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

8. 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 determine that a hearing or review is warranted by the
evidence, hear or review the matter itself or refer the
matter to a fact finder.

*A REPRESENTATIVE OF THE CITY SOLICITOR
SHALL BE PRESENT AT ALL HEARINGS OF THE BOARD*

The fact finder shall be an attorney and, in the
conduct of the hearing, may *WITH THE ASSISTANCE AND APPROVAL OF THE* subpoena witnesses, *CITY SOLICITOR*

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, if any, 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

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✓ OK

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Evansville
11/10/01
OK

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.

9 → 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 of the Department and 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.

10 → 9. Special Meetings.

Special Meetings may be called by the Executive Secretary or by three (3) members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight (48) hours prior to such meeting, unless such notice is waived by said member.

10. Hearing by Petition.

On the written petition of fifty (50) or more residents of the City of Cambridge, filed with the Board, the Board shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter of the petition within thirty (30) days of the filing of said petition with the Board.

- 11/5/1984 -

Recommend at 11:30 / 104

C. Vellucci - STRIKE OUT words and

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Page 9 - Part¹⁰⁴

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Page 9 - Part of end

EPS

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10 PM 5 minutes Review 2

100% Recommend of the Chair
→ Passed to be endorsed as provided

Comm List #1 Show #9

See Method Sheet

Order of 10:13 PM

#1 Show #5 04/10/9

#6 Show #10 04/10/9

#11 04/10

#12 DV and LA

#13 04/10/9

#14 VFW 1353 - 30th Anniversary CMTS

Set Mon 24th at Social - 12 and 3 on

Monday
reception

#15 LV Mandate

Ferraro

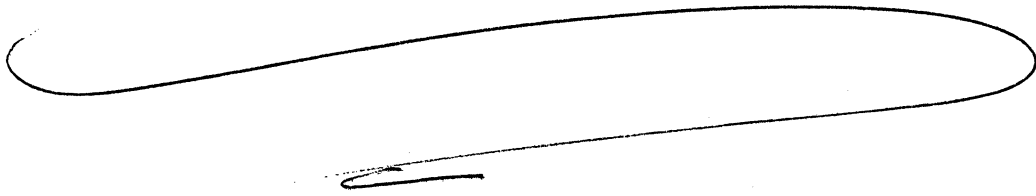
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City of Cambridge Police Review and Advisory Board

§ 1 Purpose:

11/5/84
Amend
C-Valley

The general purpose of this ordinance is to provide for citizen participation in reviewing ~~and setting~~ police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

The City Manager shall choose a representative from each of the five sections of Cambridge known as:

- (a) Cambridgeport/Riverside Section;
- (b) Eastern Section;
- (c) Northern Section;
- (d) Mid-Cambridge Section; and
- (e) Western Section.

The above sections of the City for purposes of selection to the Board shall be defined by the City Council.

The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

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. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to said Board. 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 as defined in the City Charter. All members of the Board shall be residents of the City of Cambridge (the "City").

The members of the Board and its staff shall not hold any other position for the City while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

No staff or member of the Board shall have been an employee of the City within two (2) years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

The Board shall elect a chairperson annually. The Board shall meet at the call of its chairperson, but

11/15/04
C. Clinton
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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. All meetings of the Board shall be conducted in accordance with the open meeting laws of this Commonwealth.

Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

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

The Board shall have the following duties:

- a. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department"); *and the City Council*
- 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

11/5/81
C. Daniels
Amendment
A-9-2

Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;

- e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.
- 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 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. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board.

The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.

- b. Investigative Staff. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but the salary of said Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.

The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and conditions of

employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.

- c. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.

All members of the staff are under the direction of the Board.

4. Duties of the Chief of Police.

The Chief of Police shall administer the Department pursuant to existing laws, and the rules and regulations of the Department. *and man. Civil Service & rules & regulations*

5. Discipline

- a. Manual. *The Chief of Police* [The Board] in consultation with the Board [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.

11/5/84
Amend. by
C. Villone
A-5-4

11/5/84
Amend. by
C. Villone
A-5-4

b. Summary Discipline. The Chief of Police may implement summary discipline for a minor offense. ^{out} [A disciplined employee may request *→ C. Wolf*

was drawn the Board to ~~set aside~~ the summary discipline.] *and*
make a recommendation to the Chief of Police

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. ^{out} [A disciplined employee may request the Board to set aside such discharge or indefinite suspension.]

6. Complaints

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11/5/84
Amend. by
C. Wallace

11/5/84
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it determine that a hearing or review is warranted by the
evidence, hear or review the matter itself or refer the
matter to a fact finder.

Des. a representative of the City Sol. shall be present at the hearing before the board with the assistance and approval of City Sol. #111

*11/5/84
C. Vell
Amend*

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
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with the assistance and approval of City Sol. #111

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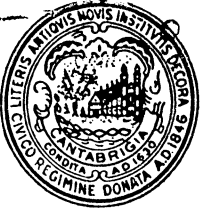
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CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

November 2, 1984

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
SUSAN HICKS SPURLOCK
LEGAL COUNSEL

Mr. Robert Healy
City Manager
City Hall
Cambridge, Massachusetts

CREATION OF NEW STAFF POSITIONS FOR HUMAN RIGHTS COMMISSION-POLICE CIVILIAN REVIEW & ADVISORY BOARD

Dear Mr. Healy:

You have requested my opinion as to the required votes of the City Council to establish the positions called for in the above ordinances by an interdepartmental transfer.

G.L.c.44, §33A states, in part, "NO new position shall be created...by ordinance...during the financial year subsequent to the submission of the annual budget unless provision therefor has been made by means of a supplemental appropriation." In my opinion, since the annual budget has been submitted, the Council cannot create this position until it has made a supplemental appropriation to fund it, which it has not done.

If a supplemental appropriation is to be made, it would have to be adopted in accordance with G.L.c.44, §33.

Regarding interdepartmental transfer, I note, that G.L.c.44 §33B states that no transfer of an appropriation from one department to another may be made except on recommendation of the City Manager, by

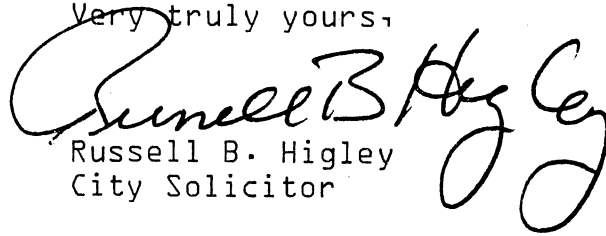
Mr. Robert Healy

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November 2, 1984

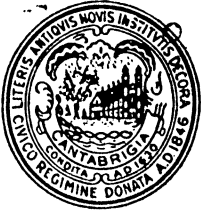
a two-thirds vote of the Council and with the written approval of the department having control of the appropriation from which the transfer is to be made.

Very truly yours,

A handwritten signature in cursive script, reading "Russell B. Higley". The signature is written in dark ink and is positioned above the typed name and title.

Russell B. Higley
City Solicitor

RBH:cp



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

November 21, 1984

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
SUSAN HICKS SPURLOCK
LEGAL COUNSEL

Mr. Robert Healy
City Manager
City Hall
Cambridge, Massachusetts

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If a supplemental appropriation is to be made, it would have to be adopted in accordance with G.L.c.44, §33.

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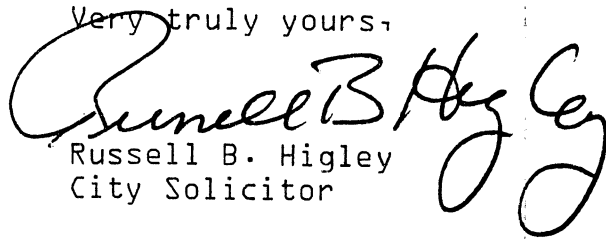
Mr. Robert Healy

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November 2, 1984

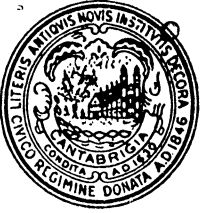
a two-thirds vote of the Council and with the written approval of the department having control of the appropriation from which the transfer is to be made.

Very truly yours,



Russell B. Higley
City Solicitor

RBH:cp



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

November 2, 1984

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
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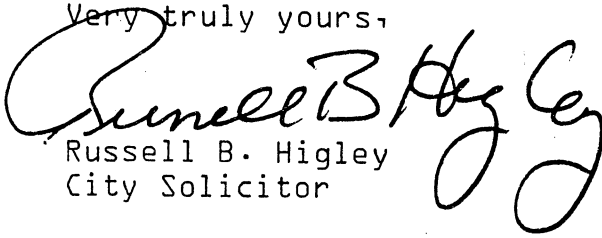
Mr. Robert Healy

-2-

November 2, 1984

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Very truly yours,

A handwritten signature in cursive script, appearing to read "Russell B. Higley". The signature is written in dark ink and is positioned above the typed name and title.

Russell B. Higley
City Solicitor

RBH:cp

PALMER & DODGE
ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
TELEPHONE (617) 227-4400
TELECOPIER (617) 227-4420
TELEX 951104

November 2, 1984

Robert W. Healy
City Manager
City Hall
Cambridge, Massachusetts

Dear Mr. Healy:

~~You have~~ requested our opinion on the question of whether a two-thirds vote of the City Council is required to transfer funds from the Employee Benefits account to provide FY1985 funding for staff and expenses of two new boards or commissions established by the Council. As I indicated to you, our conclusion is that the relevant statute, G.L. c.44, §33B, is totally unclear on this point, but as discussed below we think that the two-thirds vote requirement of that statute should be considered applicable.

The applicable provision is in the first sentence of G.L. c.44, §33B, which reads as follows:

On recommendation of the mayor, the city council may, by majority vote, transfer any amount appropriated for the use of any department to another appropriation for the same department, but no transfer shall be made of any amount appropriated for the use of any department to the appropriation for any other department except by a two thirds vote of the city council on recommendation of the mayor and with the written approval of the amount of such transfer by the department having control of the appropriation from which the transfer is proposed to be made.

On the basis of the literal language of the statute one could conclude that, since the employee benefits appropriation was not made for the benefit of only one specific department (even though a specific department may control it), the statute does not apply. On the other hand, the literal language is also consistent with the interpretation that an appropriation controlled by

any one department, even though benefitting and in that sense "for the use of" more than one department, cannot be transferred without complying with the two-thirds vote requirement. In such a case the presumed policy underlying the statute must be considered and on balance we think that the policy would seem better served by the second interpretation. Moreover, in such an uncertain situation, we would recommend the more conservative, clearly safe position, which is to require the two-thirds vote.

Please call me if you wish to discuss this matter further.

Yours truly,



John G. Faria

JGF/smw

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On the basis of the literal language of the statute one could conclude that, since the employee benefits appropriation was not made for the benefit of only one specific department (even though a specific department may control it), the statute does not apply. On the other hand, the literal language is also consistent with the interpretation that an appropriation controlled by

any one department, even though benefitting and in that sense "for the use of" more than one department, cannot be transferred without complying with the two-thirds vote requirement. In such a case the presumed policy underlying the statute must be considered and on balance we think that the policy would seem better served by the second interpretation. Moreover, in such an uncertain situation, we would recommend the more conservative, clearly safe position, which is to require the two-thirds vote.

Please call me if you wish to discuss this matter further.

Yours truly,



John G. Faria

JGF/smw

City of Cambridge Police Review and Advisory Board

Purpose:

The general purpose of this ordinance is to provide for citizen participation in reviewing and setting police department policies, practices, and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the police department.

The City Manager shall choose a representative from each of the five sections of Cambridge known as:

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The above sections of the City for purposes of selection to the Board shall be defined by the City Council.

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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. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to said Board. 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 as defined in the City Charter. All members of the Board shall be residents of the City of Cambridge (the "City").

The members of the Board and its staff shall not hold any other position for the City while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

No staff or member of the Board shall have been an employee of the City within two (2) years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

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. All meetings of the Board shall be conducted in accordance with the open meeting laws of this Commonwealth.

Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

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

The Board shall have the following duties:

- a. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (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

Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;

- e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.
- 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 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.

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The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.

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- 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.

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order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. Said preliminary investigation shall be completed within ten (10) days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty (30) days. After completion of said preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

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The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

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If a complaint is not resolved as a result of investigation to the satisfaction of the complainant,

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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.

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See Pages
5 + 9 for

Amendments of Ord. 29, 1984
10/19/84
Assisted

City of Cambridge Police Review and Advisory Board

Purpose:

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b. Investigative Staff. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but the salary of said Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation. The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and conditions of

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~~The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but in no event shall the salary of said Board Investigator be less than the pro rata salary of the chief investigative officer for the Internal Affairs Division of the Cambridge Police Department.~~

The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and conditions of

Salary shall be equivalent to that received by 11425190500 AH of Board INVESTIGATOR GFT

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END

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Check grant OK essential approval

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Copy before amendments

10/19/84

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- (e) Western Section.

The above sections of the City for purposes of selection to the Board shall be defined by the City Council.

The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

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. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to said Board. 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 as defined in the City Charter. All members of the Board shall be residents of the City of Cambridge (the "City").

The members of the Board and its staff shall not hold any other position for the City while he or she is a member of said Board or staff.

No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.

No staff or member of the Board shall have been an employee of the City within two (2) years of his or her appointment to, or hiring by the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.

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. All meetings of the Board shall be conducted in accordance with the open meeting laws of this Commonwealth.

Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

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

The Board shall have the following duties:

- a. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (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

Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;

- e. The Board shall make quarterly reports 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 complaints, and of future plans. The final disposition of complaints shall be made public.
- 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 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. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board.

The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.

b. Investigative Staff. The Board shall also appoint a Board Investigator and such additional staff of investigators as it deems necessary.

The terms and conditions of employment for said Board Investigator shall be fixed by the Board, but in no event shall the salary of said Board Investigator be less than the pro rata salary of the chief investigative officer for the Internal Affairs Division of the Cambridge Police Department.

The Board Investigator shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The terms and conditions of

employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.

- c. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.

All members of the staff are under the direction of the Board.

4. Duties of the Chief of Police.

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

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. A disciplined employee may request the Board to set aside such discharge or indefinite suspension.

6. Complaints

A complaint by a member of the public (hereinafter "a civilian complaint") concerning the Department may be filed either with the Department or the Board. 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 Board Investigator, and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within 30 days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board shall immediately

order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. Said preliminary investigation shall be completed within ten (10) days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty (30) days. After completion of said preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.

In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.

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

The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

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 of the Department and 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.

9. Special Meetings.

Special Meetings may be called by the Executive Secretary or by three (3) members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight (48) hours prior to such meeting, unless such notice is waived by said member.

10. Hearing by Petition.

On the written petition of fifty (50) or more residents of the City of Cambridge, filed with the Board, the Board shall hold a special hearing for the purpose of responding to said petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of said hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct said hearing upon the subject matter of the petition within thirty (30) days of the filing of said petition with the Board.

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CAMBRIDGE POLICE REVIEW AND ADVISORY
BOARD.

10/29/84 Passed to be ordained as
amended 5-3-1

Reconsideration filed by M. Russell,
Danehy.

11/5/84 REconsideration - carried.
Passed to be ordained 5-4-0