



# City of Cambridge

Comm. No. 5(A)

IN CITY COUNCIL

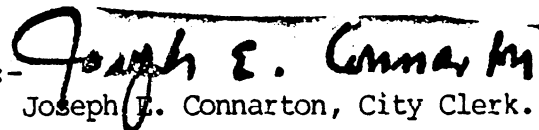
October 24, 1988

VICE-MAYOR WOLF

ORDERED: That the City Manager be and hereby is requested to review the feasibility of providing investigatory staff time to the Police Review and Advisory Board, based upon testimony this evening and prior budgetary discussions.

In City Council October 24, 1988.  
Adopted by the affirmative vote of 8 members.  
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-   
Joseph E. Connarton, City Clerk.

(ORDER ADOPTED IN PUBLIC SAFETY & PUBLIC SERVICE COMMITTEE ON 10/18/88).



# City of Cambridge

Comm. No. 5(B)

IN CITY COUNCIL

October 24, 1988

VICE-MAYOR WOLF

ORDERED: That the City Manager, in conjunction with the Chief of Police, review the current policy regarding violations of Chapter 111B and the placement of those individuals in protective custody in order to determine whether or not the individuals are properly informed of their rights.

In City Council October 24, 1988.

Adopted by the affirmative vote of 8 members.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

*Joseph E. Connarton*

Joseph E. Connarton, City Clerk.

(ORDER ADOPTED IN PUBLIC SAFETY & PUBLIC SERVICE COMMITTEE ON 10/18/88).



# City of Cambridge

Comm. No. 5(A)

IN CITY COUNCIL

October 24, 1988

VICE-MAYOR WOLF

ORDERED: That the City Manager be and hereby is requested to review the feasibility of providing investigatory staff time to the Police Review and Advisory Board, based upon testimony this evening and prior budgetary discussions.

In City Council October 24, 1988.  
Adopted by the affirmative vote of 8 members.  
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

*Joseph E. Connarton*  
Joseph E. Connarton, City Clerk.

(ORDER ADOPTED IN PUBLIC SAFETY & PUBLIC SERVICE COMMITTEE ON 10/18/88).



# City of Cambridge

Comm. No. 5(B)

IN CITY COUNCIL

October 24, 1988

VICE-MAYOR WOLF

ORDERED: That the City Manager, in conjunction with the Chief of Police, review the current policy regarding violations of Chapter 111B and the placement of those individuals in protective custody in order to determine whether or not the individuals are properly informed of their rights.

In City Council October 24, 1988.  
Adopted by the affirmative vote of 8 members.  
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in black ink, reading "Joseph E. Connarton".

Joseph E. Connarton, City Clerk.

(ORDER ADOPTED IN PUBLIC SAFETY & PUBLIC SERVICE COMMITTEE ON 10/18/88).

## CITY OF CAMBRIDGE

In City Council October 24, 1988

The Committee on Public Safety and Public Service conducted a public hearing on Tuesday, October 18, 1988 at 6:00 p.m. in the Sullivan Chamber, City Hall.

Councillor David Sullivan, Chairman of the Committee, opened the meeting by welcoming all present and outlining the agenda for the evening, as follows: to discuss the work of the Police Review and Advisory Board, with particular attention to the Board's role of assisting the Chief of Police in formulating policies, budgets and rules for the Police Department; the Board's record of resolving citizen complaints; the respective roles of the Board and of the Police Department's Internal Affairs unit; the Board's policy of deferring action on citizen complaints when related civil or criminal court proceedings are pending and the attendance of and testimony by Police Officers in Board proceedings, in light of the September 13, 1988 Superior Court decision, City of Cambridge v. Callinan.

At this time, the Committee heard from Mr. David Barry, Chairman of the Police Civilian Review and Advisory Board, who provided the Committee with the historical background of the Board, including its current composition. He further stated that although much has been done, it will probably be another two years before the Board is fully operational. He informed the Committee that they are in the process of developing what he believes to be a working relationship with the Police Officers, Superior Officers and the Chief; a relationship he said was vital in order for the Board to be successful.

At this time, the Committee heard from Francis McGrail, a Member of the Board, who stated he was very happy to be chosen to serve on the Board because he believes in what he's doing and believes the Board is a representative cross-section of Cambridge residents. He stated the Board is conducting fair and impartial hearings to the best of their ability.

At this time, William Golon, Executive Secretary of the Board, briefly outlined the number of complaints which have been filed, the process by which complaints are made and provided a history of the Court case centering around the Board's subpoena powers. He further stated that since April of 1988, thirteen citizen's complaints had been filed; five complaints are pending before the Board; three have been referred to the City Manager with recommendation and five have been dismissed.

Councillor David Sullivan questioned what involvement the Board has had to date with the development of policy in conjunction with the Chief of Police regarding Rules and Regulations of the Department and in the area of Departmental budget.

Mr. Golon responded by stating they have not yet reviewed the rules and regulations of the Department, nor have they been involved with policy development at this time. He further stated he believed this was due to pending litigation against the Department regarding discrimination.

Councillor David Sullivan stated he believed it was vitally important to ensure citizen participation takes place in the area of policy development through representatives of the Advisory Board. Furthermore, he questioned whether or not the final decisions of the Board are filed as public records.

Mr. Golon responded in the negative.

Mr. Barry stated that once the Board begins to deal with the Departmental Rules and Regulations, all appropriate individuals need to be involved, i.e., Chief, Patrolmen's Association, Superior Officers Association, etc.

At this time, Councillor William Walsh stated he had some concern with the potential for duplication of effort and questioned whether or not a complaint against a Police Officer would be investigated simultaneously by the Board and the Internal Affairs Bureau of the Police Department. He stated that conceivably, separate investigations could bring separate results. He further stated that in one investigation an Officer may be found innocent, while in another he may be found guilty.

Mr. Golon responded by stating that could be the case.

At this time, City Solicitor Russell Higley stated that pursuant to Chapter 31, M.G.L.A. and Chapter 43, M.G.L.A., the City Manager, as the appointing authority, has sole discretion on the determination of disciplinary actions.

Councillor David Sullivan questioned whether or not the Board was receiving notification from the Internal Affairs Bureau regarding their investigations as required by Ordinance No. 1018.

Mr. Golon responded in the affirmative, but stated he may not be getting them within the exact time frame provided by the Ordinance.

Vice-Mayor Wolf questioned whether or not Mr. Golon has been able to determine why some complaints are filed with the Board and others through Internal Affairs, and further, has anyone determined how citizens find out about the complaint process.

Mr. Golon responded by stating that both options are available to the public and that he specifically asks people who file a complaint with the Board how they heard of its existence.

Councillor David Sullivan questioned whether or not the Board was, in fact, deferring hearing cases in which civil or criminal litigation is pending.

Mr. Golon responded in the affirmative.

Councillor Sullivan stated he believes the City may be at risk by taking such action, since one could argue that a person's civil rights could have been violated.

At this time, the Committee heard from Lieutenant Harold Murphy, 102 Clay St., President of the Superior Officers Association, who stated the Association has very strong concerns regarding the operation and function of the Review Board. He questioned their effectiveness and the lack of a professional investigator. Furthermore, he stated that he believes that in some instances, the Cory Act has been violated as has the Collective Bargaining Law, Chapter 150 E, M.G.L.A. He further stated that although he respects the Members of the Board, neither they nor its Executive Secretary understand the functions of Police Officers. He outlined to the Committee various events which have occurred relative to the most recent public hearing of several Police Officers. He further stated that as a taxpayer, he is very concerned with the expenditure of public funds for a Board to investigate Police Officers when there are Departmental Rules and Regulations and an Internal Affairs Bureau which address investigations and disciplinary matters. regarding the Department.

Councillor David Sullivan questioned whether or not Lieutenant Murphy would support the hiring of a professionally trained investigator, and would the Association support an appropriation to fund such a position.

Lieutenant Murphy responded by stating the Association would support a professional investigator but not an appropriation. Lieutenant Murphy further stated that it was a sad commentary that an Advisory Board for the Police Department has not yet seen its Rules and Regulations.

At this time, Councillor Walsh stated that given the testimony provided this evening, it appears that much too much time is wasted on trivia and on minor complaints against Police Officers and suggested that Ordinance No. 1018 should be amended.

The City Solicitor responded by stating he was looking into this matter in conjunction with the Members of the Board.

At this time, the Committee heard from Howard Freeman, Esq. of 84 Orchard St., Cambridge, who informed the Committee that as a practicing Attorney, he has represented victims of abuse by Police Officers and he has also observed the hearing process of the Board as an interested citizen. He stated he believed the hearing process was confusing and intimidating for witnesses, as well as victims. Furthermore, he stated his disagreement on the Board's discussion to defer action on cases invoking litigation.

Also speaking before the Committee was Ms. Brenda Walcott of 12 Prince St., a Member of Citizens Acting Together, who stated she believes more education is needed in order to inform all residents of the Board's existence. Furthermore, she expressed her concerns about the delays in investigations.

At this time, the Committee heard from John Parsons, 153 Hamilton St., who stated the Board should not serve solely as a court, but should be a place where citizens, Police and City officials work together. He further stated he would be opposed to the Board's reviewing all the Rules and Regulations of the Department, but believes they should review pertinent Rules and Regulations.

At this time, Vice-Mayor Wolf submitted the following order:

**ORDERED:** that the City Manager be and hereby is requested to review the feasibility of providing investigatory staff time to the Board, based upon testimony this evening and prior budgetary discussions.

The order was approved in Committee.

At this time, Vice-Mayor Wolf submitted the following order:

**ORDERED:** That the City Manager, in conjunction with the Chief of Police, review the current policy regarding violations of Chapter 111B and the placement of those individuals in protective custody in order to determine whether or not the individuals are properly informed of their rights.

The order was approved in Committee.

The hearing was adjourned at 8:06 p.m.

For the Committee,

Councillor David E. Sullivan  
Chairman.

5.

S-632

Comm. from Joseph E. Connarton, City Clerk, transmitting the report of Councillor David E. Sullivan, Chairman, Committee on Public Safety & Public Service Re: work of the Police Review & Advisory Board, its role in assisting the Chief of Police in formulating policies, budgets & rules; the Board's record of resolving citizen complaints; the respective roles of the Board & Police Dept.'s Internal Affairs unit; the Board's policy of deferring action on citizen complaints when related civil or criminal court proceedings are pending & attendance & testimony by Police officers in Board proceedings in light of the Sept. 13, 1988 Supreme Court decision, City of Cambridge v. Callinan.

In City Council,

October 24, 1988

10-24-88  
Orders Adopted.  $\frac{11}{8}$

Rept. placed on file.