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THE CITY OF SPRINGFIELD, MASSACHUSETTS CITY CLERK'S OFFICE
SPRINGFIELD, MA

September 10, 2007

Mr. Wayman Lee
Clerk of the City of Springfield

Dear Wayman,

I am pleased to file with your office the executive order which I promulgated effectively on September 10, 2007 relative to the creation of the Community Complaint Review Board for the Springfield Police Department.

Sincerely,

Charles V. Ryan

Charles V. Ryan
Mayor



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CITY CLERK'S OFFICE
SPRINGFIELD, MA

THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR CHARLES V. RYAN

EXECUTIVE ORDER

Community Complaint Review Board For Springfield Police Department

I, Charles V. Ryan, by authority vested in me as Mayor of the City of Springfield, Massachusetts, do hereby order that the City create a Community Complaint Review Board (CCRB) as follows:

1. Selection of Board Members

The Mayor shall appoint the members of the CCRB. In doing so he may give consideration to recommendations made from a broad array of groups across the City.

The Board shall consist of 9 members and three associate members. In addition, 3 Associate members shall participate in all training and preparatory meetings of the full Board but shall serve as alternate members, designated by the chairman of the Board to sit on the Board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the Board until said vacancy is filled.

The CCRB shall not be a Board of the City, but a Board of the Mayor.

Once convened, the 9 CCRB Board members will elect a chairperson from its membership for a one year term. The chairperson will lead quarterly full Board meetings and work with the CCRB Coordinator to determine the full Board meeting schedules and agendas.

The term of appointment of members shall be two years, however, the initial appointments shall include 3 members who shall serve an initial one year appointment, in order to stagger the terms for future appointments.

2. Qualifications for Board

The members of the CCRB do not need to have had investigatory experience; however, they must be persons of integrity with diverse backgrounds. Potential CCRB members should recognize the significant commitment of time that Board membership requires and be willing to

commit sufficient time to the effort. In addition to bi-weekly Board meetings, Board members will be occasionally asked to participate in community outreach and education activities.

The members of the CCRB in Springfield must agree to keep information on specific complaints or investigations confidential as is the present practice within the IIU. This is a fundamental responsibility and failure to keep private information confidential will be grounds for removal from the Board.

3. Thresholds for cases to be reviewed by the Board

The Board should review all civilian complaints involving allegations of improper use of force or violations of Departmental rules and regulations which have been recommended by IIU as non-sustained.

Additionally, the Board should review all investigations of police uses of force incidents, regardless of whether a complaint was filed, where a suspect was physically struck or wrestled to the ground in the process of arrest or cases where the officers used their baton, pepper spray or their firearm.

4. Training for Board Members

The Springfield Police department shall develop a training program for all new Board members. This training shall include discussions of:

- The current procedures for filing and investigating a complaint.
- The elements of a thorough investigation including a review of a number of actual case files from closed investigations.
- The Policies of the SPD regarding respectful treatment of civilians.
- The Policies of the SPD regarding appropriate use of force.
- The Role of Civilian Oversight Boards in other jurisdictions.
- Legal Requirements for protection and confidentiality of private governmental documents.

As part of this training a set of reference materials should be provided to each Board member. These materials should include copies of all relevant Massachusetts statutes, all SPD policies and procedures regarding officer misconduct and use of force, and a copy of this Executive Order. This training should be repeated annually or when new members are appointed to the Board

5. Removal from Board

The Mayor may remove a member from the Board, before their term expires, for cause. Reasons for removal include but are not limited to: consistent failure to attend Board meetings, public disclosure of any private or confidential information from investigative files, or failure to participate in Board training or outreach activities.

6. The Civilian Oversight Coordinator

The Mayor shall appoint a Civilian Oversight Coordinator (COC) responsible for all of the day-to-day administration of the Board, such as scheduling review groups, scheduling quarterly full Board meetings, following up on Board recommendations or requests, and assisting in drafting policy recommendations. The COC will be the primary administrative support for the Board, serving as the liaison between the Board and other officials such as the

Mayor or representatives from the Police Department. The Coordinator will schedule all meetings for the Board, review all files in preparation for meetings by the Board, coordinate outreach and education activities across the community of Springfield. The COC will be a mayoral appointee to serve as a member of the mayors staff and will serve as a liaison between the Board, the Police Commissioner and the Mayor on matters falling within the scope of CCRB responsibilities. The COC will be responsible for assisting the CCRB in preparing an annual report to the City of activities engaged in by the Board including recommendations of any policies of the SPD that might be changed to promote better performance by members of the SPD.

The qualifications for the coordinator position will include strong administration and communication skills, experience with neighborhood outreach activities, experience with formal municipal administrative operations and a willingness to participate in community outreach and education activities.

7. Annual Review Process

An independent annual review process shall occur to discuss any needed changes to the the CCRB. Some areas that might be reviewed annually are:

- Representativeness of Community Complaint Review Board
- The size of the Board
- The role of the Community Oversight Coordinator
- Additional resources that may be necessary to improve the functioning of the Board
- Other types of complaints (e.g. internal complaints, sustained complaints) that may need to be regularly reviewed.
- Are the recommendations of the CCRB being heeded by the department? What has been the department response to the policy recommendations made by the CCRB?
- The existing union requirement that complaint investigations and discipline decisions be completed within 90 days.
- Adequacy of the public information about the functioning of the Board that has been provided to the community to date.

8. Three Stage Review Process of IIU reports

1st Tier: Internal Investigation

- Complaints from community members will come to the Springfield Police Department through the existing mechanisms, with one exception. The CCRB office will also be able to directly receive complaints from the public which will be forwarded to SPD for investigation.
- Once the complaint is received, Internal Investigation Unit (IIU) conducts an investigation on all civilian complaints and use of force reports through the normal investigative process.
- IIU will be encouraged to complete investigations within 60 days.
 - Pursuant to the collective bargaining agreement contractual requirements, complaint investigations and dispositions must be completed within 90 days.
- Complaints recommended by IIU as sustained and unjustified use of force incidents will be forwarded to the Police Commissioner through normal channels for final disposition.
- All complaints that were recommended by IIU as non-sustained and were above a threshold of severity set by the Board will be forwarded to the CCRB for review.

2nd Tier: Community Complaint Review Board

- Scope of Authority
 - The Community Complaints Review Board (CCRB) reporting to the Mayor reviews all complaints that were recommended by IIU as non-sustained and were above a threshold set by the Board and all justified use of force cases above a threshold to be determined by the Board.
 - In addition to those cases described above, the CCRB reviews a random set of all complaints (internal and external; sustained and non-sustained) to ensure integrity in the investigative process.
 - The CCRB must have the ability to directly receive complaints (which will be forwarded to SPD IAU) and conduct outreach to the community of Springfield about issues of citizen oversight and the complaint review process generally.
- Role and Activities of CCRB
 - The Board shall not conduct its own investigations; rather the Board will review the investigations and recommendations already completed by IIU. This review will focus on the question, "was this investigation complete and balanced?" The members of the Board will have the authority to send a case back to IIU for additional investigation and if after further investigation they do not agree with IIU they can forward to the commissioner a separate recommendation as to whether the complaint should be sustained.
 - The CCRB must have unfettered access to all investigative files and departmental information pertinent to review of the incident including tapes, transcripts, notes, and witness statements.
- Timing of Review and Meetings
 - Due to the time constraints placed on the process by the 90 day rule discussed above, review groups shall be made up of 3 Board members who will meet every two weeks to review new cases that meet the review criteria and are ready for review.

- CCRB must complete all reviews and forward final recommendations to the Police Commissioner within 14 days from the time they receive the investigation reports from IIU.
- The membership of the Board should be of staggered terms initially to allow for fresh ideas, while maintaining some institutional history about Board activities.

3rd Tier: Outcomes and Reporting:

- If the CCRB is unsatisfied with the completeness or accuracy of the investigation, the complaints or use of force incidents will be returned to the IIU for additional investigation.
- In cases where the CCRB disagrees with the conclusions of the IIU, after additional IIU investigation, it can provide a separate recommendation as to whether a complaint should be sustained to the Police Commissioner.
- The Board will not recommend discipline. That function remains the responsibility of the Police Commissioner.
- The role of the CCRB is to provide professional oversight of IIU helping to assure the community that all investigations are thorough and fair.
- On a quarterly basis all members of the Board will meet together to review of SPD Policy and Procedures which may contribute to police misconduct and recommendations for improvements. A quorum for the full Board meeting will be five members.
- The CCRB will provide regular, at least annual, public reports on the integrity of the department's complaint and use-of-force investigations.
- The CCRB shall not have subpoena power.

9. Public Outreach and Communication

To help increase the open access to the complaint process the department will need to educate the public about the complaint reporting process, including information about when and how to file a complaint. Presentations to community groups, schools, community organizations and religious groups about the complaint reporting process may be necessary as part of a broader effort to help people increase trust and confidence in the complaint investigation process.

This communication process should involve both members of the IIU and members of the new Community Complaints Review Board. Joint presentations will help reflect the openness of the department. Such presentations should be made in the neighborhoods of Springfield and should be done in conjunction with existing community organizations whenever possible.

In addition, to general education and outreach, the SPD needs to improve timely communication with complainants about the status of investigations. When funding permits, an enhanced computerized case tracking system should be put in place to help IIU generate automatic status reminders and allow for digital transfer of case files to the Community Complaint Review Board. Until an automated system is put in place the SPD should implement a paper-based communication system that sends regular updates to all individuals involved in a complaint.

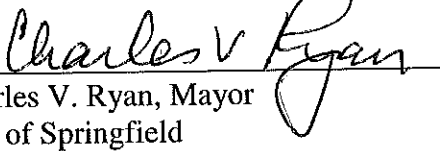
At the conclusion of the investigation the Department shall promptly notify the complainant and the officer about the finding in a correspondence that provides sufficient detail in non-technical language to allow all parties to fully understand the outcome of the complaint investigation. For the complainant, correspondence shall be sent by certified mail to help ensure they receive notice of the outcome. The Police department shall send satisfaction surveys, similar to those used by the Cambridge Police Department, to both complainant and officers when each complaint is closed.

10. Improving Civilian Complaint Processes through Mediation

The COC with the CCRB shall develop and recommend a plan for Voluntary Mediation as a tool for improving the civilian complaint process whereby the complainant and the officer have an opportunity to talk over their concerns and often come to an amicable solution.

Mediation sessions must be led by a formally trained mediator. I recommend that during the first year of Board operations, the Community Oversight Coordinator work with IIU and Police Patrolmen and Supervisor's Unions to develop a plan for the feasibility of offering mediation as an alternative to the formal complaint process that can be instituted and conform with collective bargaining requirements.

This Executive order shall take effect on the 10th day of September 2007



Charles V. Ryan, Mayor
City of Springfield

Figure 1.1.: Recommended Model for Springfield Police Department Complaint Review Process

